

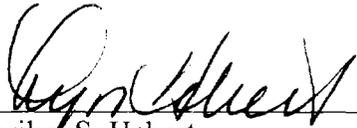
**STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION**

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION THROUGH THE SUPERVISOR OF DISTRICT I FOR AN ORDER REQUIRING POE PROPERTIES, INC. TO PROPERLY PLUG ONE WELL IN ROOSEVELT COUNTY, NEW MEXICO, AUTHORIZING THE DIVISION TO PLUG SAID WELL, AND ORDERING A FORFEITURE OF THE PLUGGING BOND, IF ANY.**

**CASE NO. 12530**

**AFFIDAVIT REGARDING NOTICE**

1. I am over the age of eighteen and have personal knowledge of the matters stated herein.
2. I am the attorney of record for the Applicant.
3. Applicant has conducted a good faith, diligent effort to find the correct addresses of interest owners entitled to receive notice of the Application herein.
4. Notice of the Application was provided to the interest owners at their correct addresses by mailing them, by certified mail, a copy of the Application. Copies of the notice letter and certified return receipts are attached hereto.
5. Applicant has complied with the notice provisions of Rule 1207.

  
\_\_\_\_\_  
Marilyn S. Hebert

SUBSCRIBED AND SWORN TO before me this 2nd day of November 2000.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:

2/18/2003

BEFORE EXAMINER STOGNER
OIL CONSERVATION DIVISION
OCD EXHIBIT NO. <u>2</u>
CASE NO. <u>12530</u>

State of New Mexico  
**ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT**

2040 South Pacheco  
P.O. Box 6429  
Santa Fe, New Mexico 87505-5472



*O.C.D.*

Fold at line over top of envelope to the right of the return address

**CERTIFIED**

Z 559 573 745

**MAIL**

*Handwritten:* ~~POE Properties, Inc.~~  
~~P.O. Box 9769~~  
~~Ft. Worth, TX 76107~~  
~~NO ADDRESS~~  
*Stamp:* MOVE TO NEW ADDRESS  
*Postmark:* OCT 12 8  
*Handwritten:* 7

Is your **RETURN ADDRESS** completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address

2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

POE PROPERTIES INC  
 P.O. Box 769  
 Ft Worth, TX 76107



4a. Article Number

Z 559 573 245

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Date of Delivery
- Certified
- Insured
- COD

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1984

102595-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**GARY E. JOHNSON**  
Governor  
**Jennifer A. Salisbury**  
Cabinet Secretary

**Lori Wrotenbery**  
Director  
Oil Conservation Division

October 11, 2000

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Poe Properties, Inc.  
Post Office Box 9769  
Ft. Worth, TX 76107

**Re: Case No. 1253D**

Application of the New Mexico Oil Conservation Division for an order requiring  
Poe Properties to plug one well in Roosevelt County, New Mexico

This letter is to advise you that the New Mexico Oil Conservation Division has filed the enclosed application for a hearing requiring Poe Properties, Inc. and other interested parties to appear and show cause why certain wells should not be ordered plugged and abandoned.

This application has been set for hearing before an Examiner of the Oil Conservation Division on November 2, 2000. You are not required to attend this hearing, but as owner of an interest that may be affected by an order issued in this case, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B, enclosed, to file a Prehearing Statement three days in advance of the hearing.

Best regards,

Marilyn S. Hebert  
Attorney

c: Chris Williams, District Supervisor  
Gary Wink, OCD Hobbs

OIL CONSERVATION DIV.

STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION

60 OCT 10 AM 3:45

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION THROUGH THE SUPERVISOR OF DISTRICT I FOR AN ORDER REQUIRING TO PROPERLY PLUG ONE WELL IN ROOSEVELT COUNTY, NEW MEXICO, AUTHORIZING THE DIVISION TO PLUG SAID WELL, AND ORDERING A FORFEITURE OF THE PLUGGING BOND, IF ANY.**

CASE NO. 12530

**APPLICATION FOR PLUGGING AND FORFEITURE OF BOND**

1. Poe Properties, Inc. ("Operator") is the operator of the Ivey Well No. 1, API # 30-041-20723, located in Unit J of Section 29, Township 4 South, Range 33 East in Roosevelt County, New Mexico.

2. The subject well has not produced hydrocarbon or carbon dioxide substance or has otherwise been inactive for more than one year or are no longer usable for beneficial purposes and no permit for temporary abandonment has been requested by the Operator or approved by the Division.

3. By virtue of the failure to use the well for beneficial purposes or to have approved a current temporary abandonment permit, the well is presumed to have been abandoned and is required to be plugged.

4. By authority of NMSA 1978, § 70-2-14 the Rules of the Division require wells that are inactive for more than one year or are no longer usable for beneficial purposes to be properly plugged.

5. Demand has been made or attempted to be made upon the Operator either to place the subject well to beneficial use, obtain approval for temporary abandonment or properly plug and

abandon the same, and the Operator has failed to do so.

WHEREFORE, the Supervisor of District I of the Oil Conservation Division applies to the Director to enter an order:

A. Determining whether the well should be plugged in accordance with a Division-approved plugging program.

B. Upon a determination that the well should be plugged, directing Operator to plug the wells.

C. Further ordering that if Operator fails to plug and abandon the well as ordered by the Director, that the Division be authorized: i. to plug the well; ii. to declare forfeit on the bond, if any, and to take such action to foreclose on the bond; and iii. to recover from the Operator any costs of plugging the well in excess of the amount of the bond, if any.

D. For such other and further relief as the Division deems just and proper, including the assessment of fines.

RESPECTFULLY SUBMITTED,



Marilyn S. Hebert, Attorney  
New Mexico Oil Conservation Division  
2040 South Pacheco  
Santa Fe, NM 87505  
(505) 827-8156

(10) This paragraph has been moved and renumbered to 19 NMAC 15.N.1207.A.(7). [1-1-86...2-1-96; A, 7-15-99]

(11) This paragraph has been moved and renumbered to 19 NMAC 15.N.1207.A.(8). [1-1-86...2-1-96; A, 7-15-99]

**1207.B. Type and Content of Notice.** Any notice required by this rule shall be sent by certified mail, return receipt requested, to the last known address of the person to whom notice is to be given at least 20 days prior to the date of hearing of the application and shall include: a copy of the application; the date, time and place of the hearing; and the means by which protests may be made. [1-1-86...2-1-96; A, 7-15-99]

**1207.C.** At the hearing, the applicant shall make a record, either by testimony or affidavit signed by the applicant or its authorized representative, that: (a) the notice provisions of this rule have been complied with; (b) the applicant has conducted a good-faith diligent effort to find the correct address of all persons entitled to notice; and (c) pursuant to this rule, notice has been given at that correct address as required by this rule. In addition, the record shall contain the name and address of each person to whom notice was sent and, where proof of receipt is available, a copy of the proof. [1-1-86...2-1-96; A, 7-15-99]

**1207.D.** Evidence of failure to provide notice as required in this rule may, upon proper showing, be considered cause for reopening the case. [1-1-86...2-1-96; A, 7-15-99]

**1207.E.** In the case of an administrative application where the required notice was sent and a timely filed protest was made, the Division shall notify the applicant and the protesting party in writing that the case has been set for hearing and the date of the hearing. No further notice is required. [7-15-99]

## **1208 PLEADINGS: COPIES [9-15-55...2-1-96; A, 7-15-99]**

**1208.A.** For pleadings and correspondence filed in cases pending before a Division Examiner, two copies must be filed with the Division. For pleadings and correspondence filed in cases pending before the Commission, five copies must be filed with the Division. The Division will disseminate copies to the members of the Commission. The party filing the pleading or correspondence shall at the same time either hand deliver or transmit by facsimile or electronic mail to any party who has entered an appearance therein or the attorneys of record, a copy of the pleading or correspondence. An appearance of any interested party shall be made either by letter addressed to the Division or in person at any proceeding before the Commission or before a Division Examiner, with notice of such appearance to the parties of record. [9-15-55...2-1-96; A, 7-15-99]

**1208.B.** Parties to an adjudicatory proceeding must file a prehearing statement three days in advance of a scheduled hearing before the Division or the Commission. The statement must include: the names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing. [7-15-99]

Z 559 573 245

US Postal Service

### Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to		Poe Properties Inc.	
Street & Number		P.O. Box 9769	
Post Office, State, & ZIP Code		Ft Worth, TX 76107	
Postage	\$		
Certified Fee			
Special Delivery Fee			
Restricted Delivery Fee			
Return Receipt Showing to Whom & Date Delivered			
Return Receipt Showing to Whom, Date, & Addressee's Address			
TOTAL Postage & Fees	\$		
Postmark or Date			

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address

**CERTIFIED**

Z 559 573 245

**MAIL**

Is your RETURN ADDRESS completed on the reverse side?

PS Form 3811, December 1994

102595-97-8-0179

Domestic Return Receipt

5. Signature: (Addressee or Agent) **X**

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

POE PROPERTIES INC.  
P.O. Box 9769  
Ft Worth, TX 76107

4a. Article Number  
2 559 573 245

4b. Service Type  
 Registered  
 Express Mail  
 Return Receipt for Merchandise  
 COD  
 Certified  
 Insured

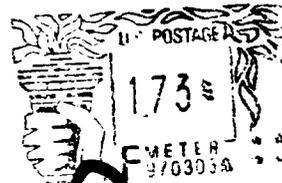
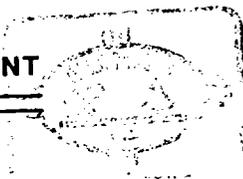
3. Article Addressed to:

**SENDER:**  
 a Complete items 1 and/or 2 for additional services.  
 b Complete items 3, 4a, and 4b.  
 c Print your name and address on the reverse of this form so that we can return the card to you.  
 d Attach this form to the front of the multipiece, or on the back if space does not permit.  
 e Write "Return Receipt Requested" on the multipiece below the article number.  
 f The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):  
 1.  Addressee's Address  
 2.  Restricted Delivery  
 Consult postmaster for fee.

Thank you for using Return Receipt Service.

and NATURAL RESOURCES DEPARTMENT



O.C.D.

5-5472  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
Zip \_\_\_\_\_

*Don't know*

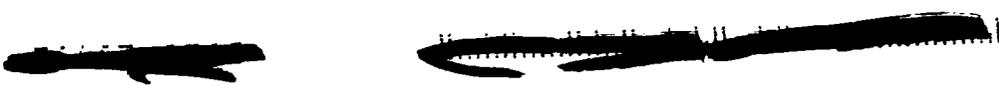
Top of envelope  
return address

POE Properties, Inc.  
P.O. Box 9769  
Ft. Worth, TX 76107

*Order*

NO ADDRESS

45



Z 559 573 245

US Postal Service

**Receipt for Certified Mail**

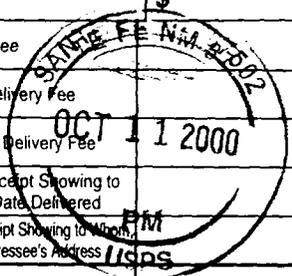
No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

BB

Sent to		Poe Properties Inc.
Street & Number		P.O. Box 9769
Post Office, State, & ZIP Code		Ft Worth, TX 76107
Postage		\$
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
<b>TOTAL Postage &amp; Fees</b>		<b>\$</b>
Postmark or Date		

PS Form 3800 April 1995



Z 559 573 245



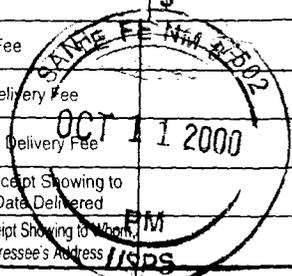
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<b>TOTAL Postage &amp; Fees</b>		<b>\$</b>
Postmark or Date		



S Form 3800 April 1995