

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

**CASE NO. 12861
ORDER NO. R-11782**

IN THE MATTER OF THE HEARING CALLED BY THE NEW MEXICO OIL CONSERVATION DIVISION ("DIVISION") THROUGH THE SUPERVISOR OF DIVISION DISTRICT I OFFICE IN HOBBS, NEW MEXICO ON ITS OWN MOTION FOR AN ORDER: (I) REQUIRING CHARLES E. YANCURA TO PROPERLY PLUG AND ABANDON ONE WELL IN LEA COUNTY, NEW MEXICO; (II) IMPOSING CIVIL PENALTIES IN THE EVENT OF FAILURE TO COMPLY; (III) ORDERING A FORFEITURE OF APPLICABLE PLUGGING BOND; AND (IV) AUTHORIZING THE DIVISION TO PLUG AND ABANDON THIS WELL.

ORDER OF THE DIVISION

BY THE DIVISION:

This case came on for hearing at 8:15 a.m. on May 16, 2002, at Santa Fe, New Mexico, before Examiner David R. Catanach.

NOW, on this 7th day of June, 2002, the Division Director, having considered the testimony, the record, and the recommendations of the Examiner,

FINDS THAT:

(1) Due public notice has been given and the Division has jurisdiction of this case and its subject matter.

(2) Charles E. Yancura ("Mr. Yancura") is the current owner and operator of the State 43-35 Well No. 1 (**API** No. 30-025-02810) located 1980 feet from the South line and 660 feet from the East line (Unit I) of Section 35, Township 16 South, Range 35 East, NMPM, Lea County, New Mexico.

(3) At this time, the Division seeks an order directing the operator to plug the above-described well in accordance with a Division-approved plugging program and, if the operator fails to do so, authorizing the Division to proceed to plug and abandon this well, order the forfeiture of the plugging bond for this well, and impose a civil penalty on the operator for failure to comply with this order.

(4) A representative of the Division's Hobbs District Office appeared at the hearing via conference phone and presented evidence to support the Division's position that the State 43-35 Well No. 1 should be plugged and abandoned.

(5) Mr. Yancura did not appear at the hearing.

(6) This well has not produced hydrocarbons and has been inactive for more than one year, and no permit for temporary abandonment has been requested by the operator or approved by the Division.

(7) By virtue of the failure to use the well for beneficial purposes or to have an approved temporary abandonment permit, the subject well is presumed to have been abandoned by Mr. Yancura.

(8) The current condition of the well is such that if action is not taken to properly plug and abandon the well, waste will probably occur, correlative rights will also be violated, livestock and wildlife may be subject to harmful contaminants, and fresh waters may be in danger of contamination.

(9) The Division, on at least two separate occasions, has attempted to contact Mr. Yancura at his last known address in Garland, Texas. The Division has thus far been unable to contact Mr. Yancura.

(10) The State 43-35 Well No. 1 is currently covered by a \$10,000 single-well cash bond held by Bank of America.

(11) In order to prevent waste and to adequately protect correlative rights and the environment, the State 43-35 Well No. 1 should be plugged and abandoned by Mr. Yancura in accordance with a plugging program approved by the supervisor of the Division's Hobbs District Office on or before July 15, 2002.

(12) Should Mr. Yancura not meet this July 15, 2002 plugging obligation, the Division Director should then be authorized to take such action as is deemed necessary to properly plug and abandon this well, forfeit the plugging bond for this well, and recover from the operator additional costs the Division may incur to properly plug and abandon this well.

IT IS THEREFORE ORDERED THAT:

(1) Charles E. Yancura of Garland, Texas, is hereby ordered to plug and abandon, including remediating the site in accordance with Division rules the State 43-35 Well No. 1 (**API** No. 30-025-02810) located 1980 feet from the South line and 660 feet from the East line (Unit I) of Section 35, Township 16 South, Range 35 East, NMPM, Lea County, New Mexico, on or before July 15, 2002.

(2) Charles E. Yancura, prior to plugging and abandoning the above-described well, shall obtain from the supervisor of the Division's district office in Hobbs, an approved plugging program and shall notify the Hobbs District Office of the date and time this work is to commence, whereupon the Division may witness such work.

(3) Should Charles E. Yancura fail or refuse to carry out such provisions in accordance with the terms of this order, the Division shall then take such actions as are necessary to: (i) have this well properly plugged and abandoned, including remediating the site in accordance with Division rules; (ii) forfeit the plugging bond for this well and utilize these funds to plug and abandon the well; and (iii) recover from the operator additional costs the Division may incur to properly plug and abandon this well and remediate the site.

(4) Failure to comply with the provisions of this order shall subject Charles E. Yancura to a fine of \$1,000.00 per day per well until such work is completed (see Section 70-2-31, NMSA 1978).

(5) Jurisdiction of this cause is retained for the entry of such further orders as the Division may deem necessary.

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

LORI WROTENBERY
Director

SEAL