

**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 II FOR AN ORDER REQUIRING MERIT ENERGY COMPANY TO PROPERLY PLUG THREE WELLS LOCATED IN UNITS J, O AND P IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 27 EAST, EDDY COUNTY, NEW MEXICO, AUTHORIZING THE DIVISION TO PLUG THESE WELLS, AND ORDERING A FORFEITURE OF THE PLUGGING BOND.**

CASE NO. \_\_\_\_\_

19279

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OIL CONSERVATION DIV.

**APPLICATION FOR PLUGGING AND FORFEITURE OF BOND**

1. Merit Energy Company (the "Operator") is the operator of three wells, the Burton Flat Wells No. 1 (API No. 30-015-24960), 2 (API No. 30-015-24959), and 3 (API No. 30-015-25555), located in Units J, O and P, respectively, in Section 1, Township 21 South, Range 27 East, Eddy County, New Mexico.
2. Operator has posted a surety bond in the amount of \$50,000 for these wells in compliance with Section 70-2-14, NMSA 1978, and Division Rule 101, which bond is conditioned upon compliance with New Mexico statutes and Division Rules with respect to the proper plugging and abandonment of the wells operated by Operator. Aetna Casualty and Surety Company is surety on the bond, Bond No. 71S100832237BCA.
3. These wells (i) have not produced hydrocarbon or carbon dioxide substance or have otherwise been inactive for more than one year, or (ii) are no longer usable for beneficial

purposes, and no permit for temporary abandonment has been requested by the Operator and approved by the Division.

4. By virtue of the failure to use the wells for beneficial purposes or to have approved current temporary abandonment permits, these wells are presumed to have been abandoned and are required to be plugged.

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

6. Demand has been made or attempted to be made upon the Operator to either place the wells to beneficial use, obtain approval for temporary abandonment or properly plug and abandon the wells and the Operator has failed to do so.

WHEREFORE, the Division District II Supervisor applies to the Director to enter an order:

A. Requiring the Operator to plug the wells in accordance with a Division-approved plugging program.

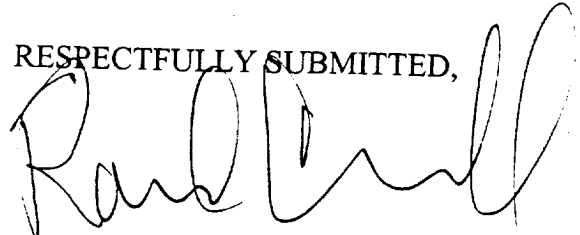
B. If the Operator fails to plug and abandon the wells as ordered by the Director, authorizing the Director:

- i. to plug the wells;
- ii. to declare forfeiture of 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 wells in excess

of the amount of the bond, if any.

D. For such other relief as the Division deems just and proper.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Rand Carroll", written over the typed name.

RAND CARROLL

Legal Counsel

New Mexico Oil Conservation Division

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Santa Fe, NM 87505

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(9) This paragraph has been moved and renumbered to 19 NMAC 15.N.1207.A.(6).  
[1-1-86...2-1-96; A, 7-15-99]

(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]