

**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
ENERGYPRO, INC. TO PROPERLY PLUG ONE WELL, ASSESSING AN
APPROPRIATE CIVIL PENALTY IN EVENT OF OPERATOR'S FAILURE TO
COMPLY, AUTHORIZING THE DIVISION TO PLUG SAID WELL AND
ORDERING A FORFEITURE OF APPLICABLE PLUGGING BOND; LEA
COUNTY, NEW MEXICO.**

RECEIVED
MAY 20 2004 CASE NO. 13165


MOTION TO DISMISS
Oil Conservation Division
1330 S. Francis Drive
Santa Fe, NM 87505
1330

The New Mexico Oil Conservation Division ("Division") moves for dismissal of Case No. 13165 on the following grounds:

1. In Case No. 13165 the Division requested an order requiring EnergyPro, Inc. to plug the Huber State #1, API #30-025-27290, located at Lot 1, Section 5, Township 16 South, Range 38 East, in Lea County, New Mexico (hereinafter "well"), assessing an appropriate penalty in the event of the operator's failure to comply, and ordering forfeiture of the applicable plugging bond.
2. EnergyPro, Inc. has since sold its interest in the well to Platinum Exploration, Inc. ("Platinum"). Platinum has become the operator of record for the well, and has filed an application to convert the well into a saltwater disposal well.

For the foregoing reasons the Division requests that the hearing examiner dismiss case number 13165 against EnergyPro, Inc.

Respectfully submitted by


Gail MacQuesten
Assistant General Counsel

Energy, Minerals and Natural
Resources Department
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, NM 87505

Certificate of Service

I certify that a copy of this motion was mailed by first class mail, postage prepaid, to:

Mr. Don Pfieter
EnergyPro, Inc.
500 South Hanger Drive
Georgetown, TX 78628

Mr. Ron King
Platinum Exploration, Inc.
550 West Texas Avenue, Suite 200
Midland, TX 79701

this 20th day of May, 2004.


Gail MacQuesten