

Affidavit of Publication

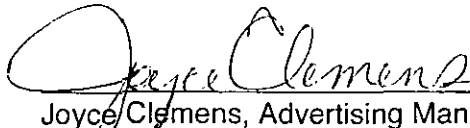
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STATE OF NEW MEXICO)
) ss.
COUNTY OF LEA)

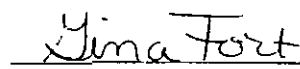
Joyce Clemens being first duly sworn on oath deposes and says that she is Advertising Manager of THE LOVINGTON LEADER, a thrice a week newspaper of general paid circulation published in the English language at Lovington, Lea County, New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in excess of Twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as hereinafter shown; and that said newspaper is in all things duly qualified to publish legal notices within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico.

That the notice which is hereto attached, entitled Legal Notice was published in a regular and entire issue of THE LOVINGTON LEADER and not in any supplement thereof, for one (1) day(s), beginning with the issue of May 3, 2014 and ending with the issue of May 3, 2014.

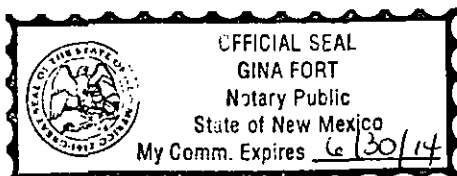
And that the cost of publishing said notice is the sum of \$ 83.16 which sum has been (Paid) as Court Costs.



Joyce Clemens, Advertising Manager
Subscribed and sworn to before me this 8th day of May, 2014.



Gina Fort
Notary Public, Lea County, New Mexico
My Commission Expires June 30, 2014



LEGAL NOTICE the following cases and Published in the
NOTICE OF HEARING (NOTE: All land descrip- Lovington Leader, May
STATE OF NEW MEXICO tions herein refer to the 2014, 2014, 2014, 2014
ENERGY, MINERAL, AND NATURAL New Mexico Principal Meridian whether or not
RESOURCES DEPART- so stated. CASE 15138
MENTS, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 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OIL CONSERVATION DIVISION
ENERGY MINERALS AND
NATURAL RESOURCES DEPARTMENT
1220 SOUTH SAINT FRANCIS DRIVE
SANTA FE, NEW MEXICO 87505

REC'D
2014 MAY 16 P 1:59

CERTIFIED MAIL™



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Hasler

04/29/2014

US POSTAGE

\$06.69



ZIP 87505
011D116337

1/1
Kirby Exploration Company of Texas
1717 St. James Place
Houston, TX 77001

NIXIE 773 DE 1009 0005/11/14

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

770563404 C049
87505 04225

BC: 87505422599 *1133-01207-02-35

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CT Corporation System
123 E. Marcy Street
Santa Fe, NM 87501

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Roland Atencio*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Roland Atencio

C. Date of Delivery

4-30-14

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

USP ☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Enter Yes)

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

David Martin
Cabinet Secretary

Brett F. Woods, Ph.D.
Deputy Cabinet Secretary

Jami Bailey, Division Director
Oil Conservation Division



April 30, 2014

Via email: leader@leaco.net

Lovington Daily Leader
P.O. Drawer 1717
Lovington, New Mexico 88260

Attention: Legal Department

Re: Notice of Publication - Case Nos. 15138 and 15139

Dear Legal Department:

Please publish the attached notice one time immediately on receipt of this request. Please proofread carefully, as any error in a land description or in a key word or phrase can invalidate the entire notice.

Immediately upon completion of publication, please send the following to this office:

- 1. Publisher's affidavit in duplicate.**
- 2. Statement of cost (also in duplicate).**
- 3. Certified invoices for prompt payment.**

We should have these immediately after publication in order that the legal notice will be available for the hearing which it advertises, and also so that there will be no delay in your receiving payment.

Please publish the notice as soon as possible.

Sincerely,

Theresa Duran-Saenz

Attachment

**NOTICE OF HEARING
STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION
SANTA FE, NEW MEXICO**

The State of New Mexico through its Oil Conservation Division hereby gives notice pursuant to law and the Rules and Regulations of the Division of the following public hearing to be held at 8:15 A.M. on **May 29, 2014**, in the Oil Conservation Division Hearing Room at 1220 South St. Francis Drive, Santa Fe, New Mexico, before an examiner duly appointed for the hearing. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Florene Davidson at 505-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by **May 19, 2014**. Public documents, including the agenda and minutes, can be provided in various accessible forms. Please contact Florene Davidson if a summary or other type of accessible form is needed. A party who plans on using projection equipment at a hearing must contact Florene Davidson seven (7) business days prior to the hearing requesting the use of the projection equipment. Wireless internet is available; however, the party must provide its own laptop computer. **STATE OF NEW MEXICO TO: All named parties and persons having any right, title, interest or claim in the following cases and notice to the public.** (NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.) **CASE 15138: Application of the New Mexico Oil Conservation Division for a Compliance Order against Platinum Exploration, Inc.** The Applicant seeks an Order finding that Operator is in violation of Division Rule 19.15.25.8 NMAC as to one well, requiring operator to bring the well into compliance with Division Rule 19.15.25.8 NMAC by a date certain, and authorizing the Division to plug said well in the event of non-compliance. The affected well is Rose Eaves #1, located in Lea County, New Mexico, section, township and range, N-35-16S-38E, API No. 30-025-07290. **CASE 15139: Application of the New Mexico Oil Conservation Division for a Compliance Order against Kirby Exploration Co. of Texas.** The Applicant seeks an Order finding that Operator is in violation of Division Rule 19.15.25.8 NMAC as to one well, requiring operator to bring the well into compliance with Division Rule 19.15.25.8 NMAC by a date certain, and authorizing the Division to plug said well in the event of non-compliance. The affected well is GG Travis #1, located in Lea County, New Mexico, section, township and range, I-21-23S-37E, API No. 30-025-10820. Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 30th of April, 2014.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION
Jami Bailey, Division Director
S E A L



May 01, 2014

Keith W. Herrmann
State of Mexico Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive,
Santa Fe, NM 87505

Re: State of Mexico Energy, Minerals and Natural Resources Department // To: Kirby Exploration Company of Texas

Case No. 15139

Dear Sir/Madam:

We are herewith returning the enclosed documents which we received regarding the above captioned matter.

KIRBY EXPLORATION COMPANY OF TEXAS withdrew to do business in the State of NM on 12/14/1988. When an entity withdraws, the designation of the registered agent is revoked. Service can no longer be taken on behalf of this entity.

Very truly yours,

C T Corporation System

Log# 524868738

Sent By Regular Mail

cc: State of Mexico Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive,
Santa Fe, NM 87505

(Returned To)

Keith W. Herrmann
State of Mexico Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive,
Santa Fe, NM 87505

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

David Martin
Cabinet Secretary

Brett F. Woods, Ph.D.
Deputy Cabinet Secretary

Jami Bailey, Division Director
Oil Conservation Division



April 29, 2014

Kirby Exploration Company of Texas
1717 St. James Place
Houston, TX 77001

VIA CERTIFIED MAIL, RETURN RECEIPT: 7009 1680 0002 3341 2417

CT Corporation System
123 E. Marcy Street
Santa Fe, NM 87501

VIA CERTIFIED MAIL, RETURN RECEIPT: 7009 1680 0002 3341 2424

Re: Case No. 15139 Application of the New Mexico Oil Conservation Division, through the Enforcement and Compliance Manager for a compliance order against Kirby Exploration Co. of Texas finding that the operator is in violation of 19.15.25.8 NMAC as to one well, requiring operator to bring said well into compliance with 19.15.25.8 NMAC by a date certain, and in the event of non-compliance, declaring the well abandoned and authorizing the division to plug the well in Lea County, New Mexico.

Ladies and Gentlemen:

You are hereby notified that on May 29, 2014, the New Mexico Oil Conservation Division will hold a hearing directing you to bring your well into compliance with NMAC 19.15.25.8 by properly plugging your well in Lea County, New Mexico by a date certain.

In the event of non-compliance, the wells will be declared abandoned and the Oil Conservation Division will be authorized to plug and abandon the well in accordance with NMAC 19.15.25.8.

If you have any questions regarding the hearing process, please contact me at (505) 476-3463 or Keith.Herrmann@state.nm.us.

Best regards

Keith W. Herrmann
Assistant General Counsel

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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER FOR A COMPLIANCE ORDER AGAINST KIRBY EXPLORATION CO. OF TEXAS, FINDING THAT THE OPERATOR IS IN VIOLATION OF 19.15.25.8 NMAC AS TO ONE WELL, REQUIRING OPERATOR TO BRING SAID WELL INTO COMPLIANCE WITH 19.15.25.8 NMAC BY A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE, DECLARING THE WELL ABANDONED AND AUTHORIZING THE DIVISION TO PLUG THE WELL IN LEA COUNTY, NEW MEXICO.

CASE NO. 15139

APPLICATION FOR COMPLIANCE ORDER
KIRBY EXPLORATION CO. OF TEXAS

1. Kirby Exploration Company of Texas ("Operator") is a sole proprietor and is operating the following well ("subject well") in Lea County, New Mexico, under OGRID No. 12757:

- GG Travis #1, I-21-23S-37E, API No. 30-025-10820

Exhibit 1, Affidavit of Maxey Brown.

2. Operator has not posted financial assurances to secure its obligation to plug and abandon the well. *Exhibit 1, Affidavit of Maxey Brown.*

4. Division Rule 19.15.25.8 NMAC requires an operator to plug and abandon or temporarily abandon a well in accordance with Division rules within 90 days after a period of one year of continuous inactivity.

5. The subject well operated by Operator in New Mexico has been inactive for a continuous period exceeding one year plus 90 days, and is neither plugged and

abandoned in accord with Division Rules 19.15.25.9 to -11 NMAC nor on approved temporary abandonment status in accord with Division Rule 19.15.25.12 NMAC. *Exhibit 1, Affidavit of Maxey Brown.*

6. The Secretary of State list Operator's New Mexico Corporate status as "Revoked and Beyond Appeal Period." *Exhibit 1, Affidavit of Maxey Brown.*

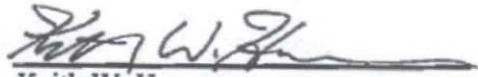
7. Division Rule 19.15.8.13 NMAC authorizes the Director to order the Operator to plug and abandon any well not in compliance with 19.15.25.8 NMAC and restore and remediate the location by a date certain.

8. NMSA 1978, Section 70-2-12 and NMSA 1978, Section 70-2-38 authorize the Division to plug and abandon wells, and restore and remediate the location of abandoned wells.

WHEREFORE, Daniel Sanchez, Enforcement and Compliance Manager of the Division, hereby applies to the Director to enter an Order:

- A. Determining that the subject well is not in compliance with Division Rule 19.15.25.8 NMAC;
- B. Requiring Operator to plug and abandon the subject well by a date certain;
- C. If the subject well is not brought into compliance with 19.15.25.8 NMAC by the date set in the Order, declaring the well abandoned and authorizing the Division to plug the subject well in accordance with a Division-approved plugging program and restore and remediate the location;
- D. For such other and further relief as the Director deems just and proper under the circumstances.

RESPECTFULLY SUBMITTED,
this 29th day of April, 2014 by



Keith W. Herrmann
Assistant General Counsel
Energy, Minerals and Natural
Resources Department of the State of
New Mexico
1220 S. St. Francis Drive
Santa Fe, NM 87505
(505) 476-3463

Attorney for The New Mexico Oil
Conservation Division

Case No. 15139. Application of the New Mexico Oil Conservation Division for a Compliance Order against Kirby Exploration Co. of Texas. The Applicant seeks an Order finding that Operator is in violation of Division Rule 19.15.25.8 NMAC as to one well, requiring operator to bring the well into compliance with Division Rule 19.15.25.8 NMAC by a date certain, and authorizing the Division to plug said well in the event of non-compliance. The affected well is GG Travis #1, located in Lea County, New Mexico, section, township and range, I-21-23S-37E, API No. 30-025-10820.

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER FOR A COMPLIANCE ORDER AGAINST KIRBY EXPLORATION CO. OF TEXAS, FINDING THAT THE OPERATOR IS IN VIOLATION OF 19.15.25.8 NMAC AS TO ONE WELL, REQUIRING OPERATOR TO BRING SAID WELL INTO COMPLIANCE WITH 19.15.25.8 NMAC BY A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE, DECLARING THE WELL ABANDONED AND AUTHORIZING THE DIVISION TO PLUG THE WELL IN LEA COUNTY, NEW MEXICO.

Affidavit of Maxey Brown

I, Maxey Brown, being first duly sworn on oath, upon information and belief, states as follows:

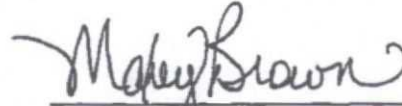
- Affidavit of Maxey Brown
Kirby Exploration Company of Texas
Page 1 of 2

6. I have researched the ONGARD records for production and injection information regarding well GG Travis #1, located in Lea County, New Mexico, section, township and range, 1-21-23S-37E, API No. 30-025-10820. ONGARD contains no production or injection records for these wells since June 2006.

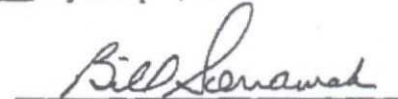
7. Operator, Kirby Exploration Company of Texas, is operating under OGRID #12757; Operator has not posted financial assurances to secure its obligation to plug and abandon the well.

8. The Secretary of State list Operator's New Mexico Corporate status as "Revoked and Beyond Appeal Period"

9. The subject well operated by Operator in New Mexico has been inactive for a continuous period exceeding one year plus 90 days, and is neither plugged and abandoned in accord with Division Rules 19.15.25.9 to -11 NMAC nor on approved temporary abandonment status in accord with Division Rule 19.15.25.12 NMAC.


Maxey Brown

SUBSCRIBED AND SWORN before me this 28th day of April, 2014.


Notary Public

My Commission Expires:

Feb 17, 2016



Patch 2

OIL CONSERVATION DIVISION
ENERGY MINERALS AND
NATURAL RESOURCES DEPARTMENT
1220 SOUTH SAINT FRANCIS DRIVE
SANTA FE, NEW MEXICO 87505

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