

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

**IN THE MATTER OF THE HEARING CALLED BY
THE OIL CONSERVATION DIVISION FOR THE
PURPOSE OF CONSIDERING:**

**CASE NO. 15315
ORDER NO. R-14048**

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION ("OCD") COMPLIANCE AND ENFORCEMENT MANAGER FOR A COMPLIANCE ORDER AGAINST GLEN A. DEVILBISS, FINDING THAT THE OPERATOR IS IN VIOLATION OF THE OIL AND GAS ACT, NMSA 1978, SECTIONS 70-2-1 *et seq.* AND OCD RULES, NMAC 19.15.2 *et seq.*, REQUIRING OPERATOR TO RETURN TO COMPLIANCE WITH DIVISION RULES BY A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE, REQUEST FOR ADDITIONAL SANCTIONS.

ORDER OF THE DIVISION

BY THE DIVISION:

This case came on for hearing at 8:15 a.m. on June 11, 2015, at Santa Fe, New Mexico, before Examiner Phillip Goetze.

NOW, on this 26th day of August, 2015, 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 of the subject matter

(2) The Division seeks a compliance order against Mr. Glen A. Devilbiss ("Devilbiss" or "Operator") finding the Operator is in violation of Division Rules 19.15.25.8 and 19.15.8.9 NMAC, as to one well, requiring the shut-in of the subject well until the responsible operator plugs and abandons the well within thirty (30) days of the issuance of this order. The subject well is identified as the Wild Swede Well No. 1 (API No. 30-045-27007) located 1780 feet from the North line and 600 feet from the East line, Unit letter H, Section 6, Township 30 North, Range 15 West, NMPM in San Juan County, New Mexico.

(3) The Division further seeks authorization to plug and abandon the subject well if the Operator fails to meet that deadline and forfeit the applicable financial

assurances and recover costs from the Operator in accordance with Division Rule 19.15.8.13 NMAC.

(4) The Division appeared at the hearing through legal counsel and presented the following testimony:

- (a) the Operator is registered under OGRID No. 9098;
- (b) the Division identified Mr. Glen A. Devilbiss as the responsible party for financial assurance for the subject well;
- (c) Devilbiss had a single-well bond on file with the Division which was canceled on February 6, 2002, when the bonding company was placed in receivership;
- (d) following the cancellation of the bond in 2002, Devilbiss did not submit a replacement bond required for financial assurance under Division Rule 19.15.8.9 NMAC;
- (e) that Devilbiss had passed away in 2010 without any indication of delegation of responsibility for the subject well;
- (f) Division provided notice of this application to the last known address of Devilbiss by certified mail, return receipt requested, and by publication in a local newspaper;
- (g) the subject well has been inactive in excess of a period of one (1) year plus 90 days, and is not plugged or abandoned, nor placed in temporary abandonment status in violation of Division Rule 19.15.25.8 NMAC; and
- (h) the current condition of the subject well and associated area represent a danger to the environment and the general public.

(5) No other party appeared at the hearing, or otherwise opposed the granting of this application.

The Division concludes as follows:

(6) Devilbiss is the operator of record for the subject well and is responsible for compliance with the Oil and Gas Act and Division Rules.

(7) NMSA 1978, Section 70-2-14(B) provides, in relevant part, "*If any of the requirements of the Oil and Gas Act [70-2-1 NMSA 1978] or the rules promulgated pursuant to that act have not been complied with, the oil conservation division, after notice and hearing, may order any well plugged and abandoned by the operator or surety or both in accordance with division rules.*"

(8) Division Rule 19.15.5.10(B) authorizes the Division to commence compliance proceedings for violation of a provision of the Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38 or a provision of a rule or order issued pursuant to the act.

(9) As established by the evidence provided at hearing, the Operator is in violation of Division Rule 19.15.8.9 NMAC (the financial assurance rule) and Rule 19.15.5.9 NMAC (the compliance rule).

IT IS THEREFORE ORDERED THAT:

(1) The Wild Swede Well No. 1 (API No. 30-045-27007, the "subject well"), located 1780 feet from the North line and 600 feet from the East line, Unit letter H, Section 6, Township 30 North, Range 15 West, NMPM, operated by Mr. Glen A. Devilbiss ("Devilbiss" or "Operator") is hereby ordered to be immediately shut-in.

(2) The Operator shall plug and abandon the subject well within thirty (30) days of the issuance date of this order.

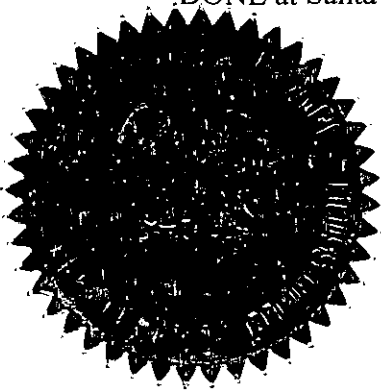
(3) If Devilbiss fails to comply, the Operator shall be found in violation of this order pursuant to Division Rule 19.15.5.11 NMAC.

(4) If after thirty (30) days the Operator has not commenced the work described in Ordering Paragraph (2), the Operator shall be in violation of this order and the Division shall be authorized:

- (a) to plug and abandon the subject well;
- (b) to restore and remediate the well location;
- (c) to forfeit the applicable financial assurance, if any;
- (d) to recover costs from the Operator in accordance with Division Rule 19.15.8.13 NMAC; and
- (e) to have opportunity to seek indemnification from the Operator as provided in NMSA 1978, Section 70-2-14(E) if there are not sufficient funds to cover all costs the Division incurs plugging and abandoning the well and restoring and remediating the well locations.

(5) Jurisdiction of this case 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.



SEAL

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

David R. Catanach

DAVID R. CATANACH
Director