

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

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION  
COMPLIANCE AND ENFORCEMENT BUREAU FOR A COMPLIANCE  
ORDER AGAINST ELMIRA T WELCH FOR WELLS OPERATED IN EDDY  
COUNTY, NEW MEXICO**

**CASE NO 15653**

**AFFIDAVIT OF SERVICE**


In accordance with 19 15 4 9 and 19 15 4 12 NMAC I hereby certify that notice of the March 30, 2017 hearing in the above captioned case was mailed to the following by certified mail return receipt requested at least 20 days prior to the hearing date with a copy of the application

Elmira T Welch  
3501 146<sup>th</sup> St.  
Lubbock, TX 79423

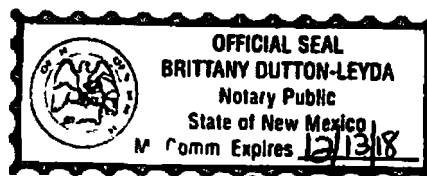
A copy of the notice is attached as *Exhibit 3 A* to this affidavit The notice was also published in the Artesia Daily Press, a newspaper of general circulation in Eddy County An affidavit of publication is provided in *Exhibit 3 B*

  
Keith Herrmann

SUBSCRIBED AND SWORN before me on this 29 day of March 2017

  
Notary Public

My Commission Expires  
12/13/2018



***Exhibit 3 A – Direct Notice***

U.S. Postal Service  
**CERTIFIED MAIL... RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To	Elmira T Welch
Street, Apt. No., or PO Box No.	3501-146th St.
City, State, ZIP+4	Lubbock, TX 79423

7012 0470 0000 0861 0389

State of New Mexico  
Energy, Minerals and Natural Resources Department

Susana Martinez  
Governor

Ken McQueen  
Cabinet Secretary Designate

Matthias Sayer  
Deputy Cabinet Secretary

David Catanach Division Director  
Oil Conservation Division



March 3, 2017



Elmira T Welch  
3501 146<sup>th</sup> St  
Lubbock, TX 79423

**VIA CERTIFIED MAIL, RETURN RECEIPT 7012 0470 0000 0881 0389**

**Re    OCD Case No 15653 for a Compliance Order against the Elmira T Welch**

**Dear Operator**

Pursuant to the notice provisions contained in 19 15 4 NMAC, you are hereby notified that at 8 15 AM on February 2, 2017, the New Mexico Oil Conservation Division ("OCD") will hold a hearing in front of a Division Examiner seeking an order determining that the Elmira T Welch ("Operator") (1) is out of compliance with 19 15 5 9, 19 15 8, and 19 15 25 8 NMAC, (2) requiring Operator to return to compliance with 19 15 5 9, 19 15 8, and 19 15 25 8 NMAC, and (3) in the event of non-compliance, finding the Operator in violation of a Division Order for each day after the deadline established in the sought order to obtain compliance, declaring the well abandoned, and authorizing the OCD to plug the violating well in accordance with a Division-approved plugging program and restore and remediate the location, recover costs from the Operator's financial assurance as permitted by 19 15 8 13 NMAC, and seek indemnification as permitted by NMSA 1978, § 70-2-14(E). The hearing will be held in Porter Hall at 1220 South St Francis Dr, Santa Fe, New Mexico.

Please review 19 15 4 NMAC to see applicable rules for division hearings. A person entitled to notice may enter an appearance at any time by filing a written notice of appearance with the division or the commission clerk, as applicable, or, subject to the provisions in Subsection C of 19 15 4 10 NMAC, by oral appearance on the record at the hearing. A party who has not entered an appearance at least one business day prior to the pre-hearing statement filing date provided in Paragraph (1) of Subsection B of 19 15 4 13 NMAC shall not be allowed to present technical evidence at the hearing unless the commission chairman or the division examiner, for good cause, otherwise directs.

March 3 2017

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If you have any questions regarding the hearing process, please contact me at (505) 476 3463 or [keith.herrmann@state.nm.us](mailto:keith.herrmann@state.nm.us)

Sincerely



Keith Herrmann  
Attorney for the New Mexico Oil Conservation Division  
Compliance and Enforcement Bureau

Encl   OCD Case No 15653 Compliance and Enforcement Bureau Application for Hearing

***Exhibit 3 B – Affidavit of Publication***



# Affidavit of Publication

No. 24218

State of New Mexico

County of Eddy:

Danny Scott

being duly sworn says that she is the

Publisher

of the Artesia Daily Press, a daily newspaper of General circulation, published in English at Artesia, said county and state, and that the hereto attached

## Legal Ad

was published in a regular and entire issue of the said Artesia Daily Press, a daily newspaper duly qualified for that purpose within the meaning of Chapter 167 of the 1937 Session Laws of the state of New Mexico for 1 Consecutive weeks/day on the same

day as follows:

First Publication March 7, 2017

Second Publication

Third Publication

Fourth Publication

Fifth Publication

Sixth Publication

Subscribed and sworn before me this

8th day of March 2017



OFFICIAL SEAL  
Latisha Romine  
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: 5/12/2019

*Latisha Romine*

Latisha Romine

Notary Public, Eddy County, New Mexico

# Copy of Publication:

## Legal Notice

### 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 March 30, 2017, 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 March 20, 2017. 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:

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 No. 15649: Application of The New Mexico Oil Conservation Division Compliance and Enforcement Bureau for a Compliance Order against Kersey and Company, for Wells Operated in Eddy County, New Mexico.** The New Mexico Oil Conservation Division Compliance and Enforcement Bureau, ("Bureau") through its undersigned attorney, hereby files this application with the Oil Conservation Division ("OCD or Division") pursuant to the provisions of NMSA 1978, §70-2-12 for a compliance order (1) determining operator Kersey and Company ("Operator") is out of compliance with 19.15.8 NMAC and NMSA 1978, §§ 70-2-12(B)(1) and 70-2-14; (2) requiring Operator to return to compliance with 19.15.8 NMAC; and (3) in the event of non-compliance, finding the Operator in violation of a Division order for each day after the deadline established in the sought order to obtain acceptable financial assurance.

**Case No. 15653: Application of The New Mexico Oil Conservation Division Compliance and Enforcement Bureau for a Compliance Order against Elmira T Welch, for a Well Operated in Eddy County, New Mexico.** The New Mexico Oil Conservation Division Compliance and Enforcement Bureau ("Bureau"), hereby files this application with the Oil Conservation Division ("OCD or Division") pursuant to the provisions of NMSA 1978, §70-2-12 for a compliance order (1) determining operator Elmira T Welch ("Operator") is out of compliance with 19.15.5.9, 19.15.8, and 19.15.25.8 NMAC; (2) requiring Operator to return to compliance with 19.15.5.9, 19.15.8, and 19.15.25.8 NMAC; and (3) in the event of non-compliance, finding the Operator in violation of a Division Order for each day after the deadline established in the sought order to obtain compliance, declaring the well abandoned and authorizing the OCD to plug the violating well in accordance with a Division-approved plugging program



was published in a regular and entire issue of the said  
Artesia Daily Press, a daily newspaper duly qualified  
for that purpose within the meaning of Chapter 167 of  
the 1937 Session Laws of the state of New Mexico for

1 Consecutive weeks/day on the same  
day as follows:

First Publication March 7, 2017

Second Publication \_\_\_\_\_

Third Publication \_\_\_\_\_

Fourth Publication \_\_\_\_\_

Fifth Publication \_\_\_\_\_

Sixth Publication \_\_\_\_\_

Subscribed and sworn before me this

8th day of March 2017



OFFICIAL SEAL  
Latisha Romine  
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: 5/12/2019

*Latisha Romine*

Latisha Romine

Notary Public, Eddy County, New Mexico

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Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 3rd day of March, 2017.

STATE OF NEW MEXICO

OIL CONSERVATION DIVISION

David R. Catanach

Director, Oil Conservation Division

S E A L

Published in the Artesia Daily Press, Artesia, N.M., March 7  
2017 Legal No. 24218