

**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 KERSEY AND COMPANY, FOR A WELL OPERATED IN EDDY  
COUNTY, NEW MEXICO**

**CASE NO 15649**

**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 party(ies) by certified mail return receipt requested at least 20 days prior to the hearing date with a copy of the application


Kersey and Company  
808 W Grand  
Artesia NM 88210

VIA CERTIFIED MAIL, RETURN RECEIPT 7013 0600 0001 8698 1251

A copy of this 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 W Herrmann

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

  
\_\_\_\_\_  
Notary Public

My Commission Expires  
12/13/2018



Case 15649  
Exhibit 3

***Exhibit 3 A – Direct Notice to Operator***

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

 COPY

Kersey and Company  
808 W Grand  
Artesia, NM 88210

**VIA CERTIFIED MAIL, RETURN RECEIPT 7013 0600 0001 8698 1251**

Re **OCD Case No 15649 for a Compliance Order against Kersey and Company**

Dear Operator

Pursuant to the notice provisions contained in 19 15 4 NMAC, you are hereby notified that at 8 15 AM on March 30, 2017, the New Mexico Oil Conservation Division ( OCD ) will hold a hearing in front of a Division Examiner seeking an order determining that Kersey and Company ( "Operator " ) (1) is out of compliance with OCD rules 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. 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

Page 2

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 15649 Compliance and Enforcement Bureau Application for Hearing

# USPS Tracking® Results

[FAQs > \(http://faq.usps.com/?articleid=220900\)](http://faq.usps.com/?articleid=220900)
[Track Another Package +](#)
[Remove X](#)

Tracking Number 70130600000186981251

In Transit

## Product & Tracking Information

[See Available Actions](#)

## Postal Product:

**Features:**  
 Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
March 28, 2017 10:01 pm	Departed USPS Facility	NORTH TEXAS PROCESSING AND DISTRIBUTION CENTER,
March 28, 2017 1:34 pm	Arrived at USPS Facility	NORTH TEXAS PROCESSING AND DISTRIBUTION CENTER,
March 25, 2017 11 10 am	Unclaimed/Max Hold Time Expired	ARTESIA, NM 88211
March 6 2017 1 52 pm	Notice Left (No Authorized Recipient Available)	ARTESIA, NM 88210

Your item departed our USPS facility in NORTH TEXAS PROCESSING AND DISTRIBUTION CENTER on March 28, 2017 at 10:01 pm. The item is currently in transit to the destination.

[See More v](#)

## Available Actions

[Text Updates](#)
[Email Updates](#)

U.S. Postal Service™	
<b>CERTIFIED MAIL™ RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
<b>Kersey and Company</b> Sent To <b>808 W. Grand</b> Street, Apt. No., or PO Box No. <b>Artesia, NM 88210</b> City State ZIP+4	
PS Form 3800, August 2006 See Reverse for Instructions	

*Exhibit 3 B – Affidavit of Publication*



# Affidavit of Publication

No. 24218

State of New Mexico

County of Eddy:

Manney 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

th 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 19.15.5.2, 19.15.8, and 19.15.25.8 NMAC; (2) requiring Operator to return to compliance with 19.15.5.2, 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

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.

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**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 NMAG and NMSA 1978, §§ 70-2-12(B)(1) and 70-2-14; (2) requiring Operator to return to compliance with 19.15.8 NMAG; 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 NMAG; (2) requiring Operator to return to compliance with 19.15.5.9, 19.15.8, and 19.15.25.8 NMAG; 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 NMAG, and seek indemnification as permitted by NMSA 1978, § 70-2-14(E).

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. Gatmache

Director, Oil Conservation Division

S E A L

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