

DOCKET: EXAMINER HEARING - THURSDAY - OCTOBER 2, 2008

8:15 A.M. - 1220 South St. Francis

Santa Fe, New Mexico

Docket Nos. 34-08 and 35-08 are tentatively set for October 16, 2008 and October 30, 2008. Applications for hearing must be filed at least 30 days in advance of hearing date. OCD Rule 1211.B requires parties who intend to present evidence at an adjudicatory hearing to file a pre-hearing statement no later than the Thursday before the hearing, and serve a copy on opposing counsel of record. If the OCD does not receive a pre-hearing statement from the applicant by the close of business on the Thursday before the hearing, the hearing may be continued at the applicant's request. The following cases will be heard by an Examiner.

Locator Key for Cases

Case 14107 - No. 1
 Case 14165 - No. 5
 Case 14168 - No. 6
 Case 14173 - No. 9
 Case 14179 - No. 8
 Case 14184 - No. 7
 Case 14186 - No. 2
 Case 14187 - No. 3
 Case 14188 - No. 4

1. **CASE 14107:** *(Continued from the September 4, 2008 Examiner Hearing.)*
Application of the New Mexico Oil Conservation Division for a Compliance Order against Xeric Oil & Gas Corporation ("Xeric"). The Applicant seeks an Order finding that Operator Xeric Oil & Gas Corporation ("Xeric") is in violation of Rule 19.15.2.50 NMAC and the terms of APD Permit No. 1237 with regard to the West Pearl Unit #301 well and requiring Operator Xeric to comply with both the terms of the referenced Rule and Permit, or alternatively authorizing the division to plug the well and forfeit any applicable/available security in the event that Xeric fails to comply, and assessing an appropriate civil penalty. The subject well is located approximately 16 miles Southwest of Hobbs in Lea County and is identified as follows:

West Pearl Queen Unit #301

30-025-36791

2. **CASE 14186:** **Application of the New Mexico Oil Conservation Division, through the Enforcement and Compliance Manager, for an Order against McELVAIN OIL & GAS PROPERTIES, INC [OGRID 22044],** finding that Operator knowingly and willfully violated Rule 50.F(1) [19.15.2.50(F)(1) NMAC] as to two wells and assessing monetary penalties for Those Violations Pursuant to NMSA §70-2-14(B), and further ordering that in the event McElvain fails to comply with the Division's Order, assessing additional penalties. The wells at issue in this Application is identified as follows:

- **Wiedemer #7,** Unit letter F, Section 34, Township 27 North, Range 10 West, API # 30-045-34056
- **Wiedemer #6,** Unit letter N, Section 34, Township 27 North, Range 10 West, API # 30-045-34059

The subject wells are located approximately 15 miles Southeast of Bloomfield, NM, approximately 4 miles to the East of State Route 550 in San Juan County, New Mexico.