

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:

IN THE MATTER OF MESQUITE SWD, INC.'S APPLICATION NO. PKVR0817936301
TO AMEND PERMIT SWD-180

Case No. 14178
Order No. R-13043

MESQUITE SWD, INC.'S MOTION TO ALLOW TEMPORARY INJECTION

Pursuant to the New Mexico Oil Conservation Division's authority under NMSA 1978 Section 70-2-5 and 70-2-6, Mesquite SWD, Inc. ("Mesquite") moves the New Mexico Oil Conservation Division ("NMOCD") to allow Mesquite to inject produced water into the Exxon State No. 8 disposal well pending the outcome of the Rehearing on Order No. 14178, scheduled for the December 18, 2008 docket. As grounds for this Motion, Mesquite states:

1. The Exxon State No. 8, operated by Mesquite, has been shut-in for seven months, since May 9, 2008, pending hearing on and resolution of Mesquite's Application to Amend Order No. SWD-180 to Inject Salt Water.
2. On October 15, 2008, Division Examiners David Brooks, Richard Ezeanyim, and Terry Warnell held a hearing on Mesquite's Application.
3. On November 7, 2008, the NMOCD issued Order No. R-13043 approving Mesquite's Application subject to the conditions set forth in the Order.
4. The Order requires Mesquite to plug four wells before Mesquite commences injection

into the Exxon State No. 8.

5. The NMOCD has previously approved the plugging of two of these wells, the Magnolia State No. 3 and the Pure State No. 6. **Exhibit 1, Scout Report, Magnolia State No. 3, dated September 29, 1953; Exhibit 2, Miscellaneous Reports on Wells, Magnolia State No. 3, dated September 30, 1953; Exhibit 3, Form C-102, Pure State No. 6, Dated July 3, 1957; Exhibit 4, Miscellaneous Report, Pure State No. 6, dated July 11, 1957.** The Magnolia State No. 3 was plugged and abandoned on September 29, 1953, and the NMOCD approved the plugging on September 30, 1953. **Ex. 1; Ex. 2.** Similarly, the NMOCD records demonstrate that the operator of the Pure State No. 6 well filed a Form C-102 to plug and abandon this well on July 3, 1957, which the NMOCD approved on the same day. **Ex. 3.** On July 11, 1957, a Miscellaneous Report, again approved by the NMOCD, detailed the plugging of the Pure State No. 6 well. **Ex. 4.**

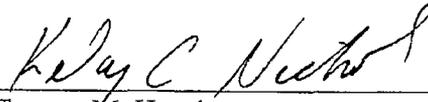
6. The other two wells, the Exxon State Nos. 2 and 7, are active producing wells operated by Mesquite SWD, Inc. **Exhibit 5, Production Data for the Exxon State No. 2; Exhibit 6, Production Data for the Exxon State No. 7; Hearing Tr., p. 23, l. 17-18.**

7. Mesquite will present evidence regarding the previous, approved plugging of the Magnolia State No. 3 and the Pure State No. 6 at the Rehearing on December 18, 2008. Mesquite will also present evidence showing that the Exxon State Nos. 2 and 7 are active producing wells.

WHEREFORE Mesquite requests that the NMOCD allow it to temporally inject produced water into the Exxon State No. 8 pending the resolution of these matters in the Rehearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this on this 8th day of December 2008, I hand-delivered and sent via electronic mail a copy of the foregoing and *Mesquite SWD, Inc.'s Motion to Allow Temporary Injection* to:

Mr. Sonny Swazo, Esq.
Oil Conservation Division
1220 South St. Francis Drive
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Kelcey C. Nichols