



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON
Governor
Joanna Prukop
Cabinet Secretary

Lori Wrotenbery
Director
Oil Conservation Division

November 20, 2003

Gordon M. Cone
P.O. Box 597
Lovington, NM 88260

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Re: CASE NO. 13190: APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE SUPERVISOR OF DISTRICT I, FOR AN ORDER REQUIRING GORDON M. CONE TO PLUG ONE WELL, AND AUTHORIZING THE DIVISION TO PLUG SAID WELL, LEA COUNTY, NEW MEXICO.

Dear Mr. Cone:

You are hereby notified that the New Mexico Oil Conservation Division has filed the referenced Application, a copy of which is enclosed herewith, seeking an Order requiring you to properly plug and abandon one well located in Lea County, New Mexico, specifically identified in said application.

A hearing on this application will take place before a Division hearing officer on Thursday, December 4, 2003, at 8:15 a.m., in Porter Hall, First Floor, 1220 South St. Francis Drive in Santa Fe, New Mexico. At that hearing you will have an opportunity to show cause why an order should not be entered as requested in the Application.

Inquiries concerning this application may be directed to the undersigned in the Santa Fe office of the Division at (505)-476-3451.

Very truly yours,

Gail MacQuesten
Assistant General Counsel

cc: Chris Williams, District Supervisor, District 1
Billy Prichard

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 Street, Apt. No., or PO Box No. **PO Box 597**
 City, State, ZIP+4 **Lovington, NM 88260**

PS Form 3800, May 2000

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1. Article Addressed to:
Gordon M Cone
P.O. Box 597
Lovington, NM 88260

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

RECEIVED
NOV 7 2003
Oil Conservation Division

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION,
THROUGH THE SUPERVISOR OF DISTRICT I, FOR AN ORDER REQUIRING
GORDON M. CONE TO PLUG ONE WELL, AND AUTHORIZING THE
DIVISION TO PLUG SAID WELL, LEA COUNTY, NEW MEXICO.**

CASE NO. 13190

APPLICATION FOR PLUGGING

1. Gordon M. Cone ("Operator") is the operator of record for the Beery-State #1 well, API #30-025-05514, located at Lot 3, Section 30, Township 18 South, Range 37 East, in Lea County, New Mexico. The said well is hereinafter called the "subject well."
2. Operator filed the "Notice of Intention to Drill" the subject well in October 1943, and filed reports regarding work on the well in 1943 and 1944. The Operator has not filed reports on the well since 1944.
3. The subject well has neither produced any hydrocarbon or carbon dioxide substance nor been used for injection for more than one year and is no longer usable for beneficial purposes.
4. The Oil Conservation Division ("Division") has not approved temporary abandonment of the subject well.
5. The Division's well file for the subject well does not show that the well was properly plugged and abandoned. A recent inspection of the well indicates that it has not been plugged.

6. The Operator does not have a bond with the Division to secure its obligation to properly plug the subject well

7. The Division is authorized to plug all abandoned wells and restore and remediate abandoned well sites and associated production facilities in accordance with the provisions of the Oil and Gas Act, Chapter 70, Article 2 NMSA 1978, and the rules and regulations promulgated pursuant to that act. NMSA 1978, section 70-2-38(B).

8. The subject well is presumed abandoned by virtue of Operator's failure to use the subject well for production or other beneficial purposes or to secure a current temporary abandonment permit. 19.15.4.201 NMAC.

9. Division regulation 19.15.101(M) NMAC authorizes the Division, after notice and hearing, to order the operator to plug and abandon any well or wells not in compliance with Rule 201, and to direct the Division to cause such well or wells to be plugged in accordance with a Division approved plugging program if, after the time provided in such order, the operator and its surety, if any, have failed to do so.

WHEREFORE, the Supervisor of District I of the Division hereby applies to the Director to enter an order:

- A. Determining whether the subject well should be plugged and abandoned in accordance with a Division-approved plugging program.
- B. Upon a determination that the subject well should be plugged, directing the Operator to plug the well by a date certain.

- C. Further ordering that if the Operator fails to plug and abandon the subject well as ordered by the Director, the Division be authorized to plug the subject well in accordance with a division-approved plugging program.
- D. For such other and further relief as the Director deems just and proper under the circumstances.

RESPECTFULLY SUBMITTED,
this 7th day of November, 2003 by



Gail MacQuesten
Assistant General Counsel
Energy, Minerals and Natural
Resources Department of the State of
New Mexico
1220 S. St. Francis Drive
Santa Fe, NM 87505
(505)-476-3451

Attorney for The New Mexico Oil
Conservation Division