

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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION FOR AN ORDER REQUIRING FRANK O. COX TO PROPERLY PLUG ITS MCCLAIN RANCH WELL NO. 1 LOCATED IN UNIT M OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 28 EAST, DE BACA COUNTY, NEW MEXICO, AUTHORIZING THE DIVISION TO PLUG SAID WELL, AND ORDERING A FORFEITURE OF THE PLUGGING BOND, IF ANY.

*Case No. 11943
Order No. R-10970*

ORDER OF THE DIVISION

BY THE DIVISION:

This cause came on for hearing at 8:15 a.m. on March 5, 1998, at Santa Fe, New Mexico, before Examiner David R. Catanach.

NOW, on this 3rd day of April, 1998, the Division Director, having considered the record and the recommendations of the Examiner, and being fully advised,

FINDS THAT:

- (1) Due public notice having been given as required by law, the Division has jurisdiction of this cause and the subject matter thereof.
- (2) Frank O. Cox is the last known owner and operator of the McClain Ranch Well No. 1 located in Unit M of Section 15, Township 2 South, Range 28 East, NMPM, De Baca County, New Mexico.
- (3) In compliance with Division Rules and Regulations, the operator of said well posted a cash plugging bond in the amount of \$7,500.00 with United New Mexico Bank-Artesia.
- (4) The purpose of said bond is to assure the Division that the subject well will be properly plugged and abandoned when not capable of commercial production.
- (5) Neither the operator, the surety, nor any other interested party appeared at the hearing or introduced any evidence indicating that this well was not in need of plugging. The record contains uncontroverted evidence that the well is in need of plugging.
- (6) The subject well has not produced hydrocarbon substances or has otherwise been inactive for more than one year, and no permit for temporary abandonment has been requested by the operator or approved by the Division.

(7) By virtue of the operator's failure to use the subject well for a beneficial purpose or to have an approved current temporary abandonment permit, the well is presumed to have been abandoned.

(8) The current condition of the subject well is such that waste may occur, correlative rights may be violated or fresh waters may be contaminated if action is not taken to properly plug and abandon the well.

(9) In order to prevent waste, to protect correlative rights, and to protect fresh waters, the well should be plugged and abandoned in accordance with a program approved by the supervisor of the Artesia District Office of the New Mexico Oil Conservation Division.

(10) At this time, the Division seeks an order directing the operator to plug the well and, if the operator fails to do so, authorizing the Division to plug the well, make demand upon United New Mexico Bank-Artesia to pay the Division so much of the bond amount (up to amount of the bond) as is necessary to pay the costs of plugging the well, and pursue the operator for any costs incurred in excess of the bond amount.

IT IS THEREFORE ORDERED THAT:

(1) The operator is hereby ordered to plug and abandon the subject well.

(2) The operator, prior to plugging and abandoning the well, shall obtain from the supervisor of the Division Artesia District Office an approved program for said plugging and abandoning and shall notify said Artesia Office of the date and time said work is to commence whereupon the Division may, at its option, witness such work.

(3) Should the operator either fail or refuse to carry out the provisions of this order within 30 days of the entry of this order, the Division shall then take such action as is deemed necessary to have the well properly plugged and abandoned at which time the Division shall make demand upon United New Mexico Bank-Artesia to pay so much of the bond amount as is necessary to pay the costs of plugging said well.

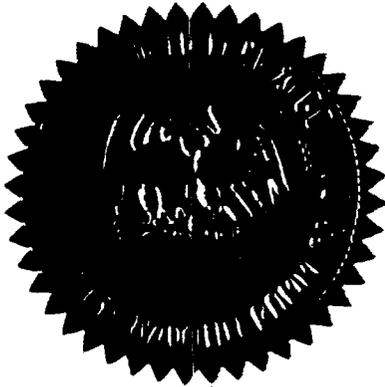
(4) Jurisdiction of this cause is retained for the entry of such further orders as the Division may deem necessary.

CASE NO. 11943
Order No. R-10970
Page -3-

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

Lori Wrotenbery
LORI WROTENBERY
Director



S E A L