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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION THROUGH THE SUPERVISOR OF DISTRICT II FOR AN ORDER REQUIRING JACK J. GRYNBERG TO PROPERLY PLUG FIVE WELLS IN CHAVES COUNTY, NEW MEXICO, AUTHORIZING THE DIVISION TO PLUG SAID WELLS, AND ORDERING A FORFEITURE OF THE PLUGGING BOND, IF ANY.

CASE NO. 12457

AFFIDAVIT REGARDING NOTICE

- 1. I am over the age of eighteen and have personal knowledge of the matters stated herein.
- 2. I am the attorney of record for the Applicant.
- 3. Applicant has conducted a good faith, diligent effort to find the correct addresses of interest owners entitled to receive notice of the Application herein.
- 4. Notice of the Application was provided to the interest owners at their correct addresses by mailing them, by certified mail, a copy of the Application. Copies of the notice letter and certified return receipts are attached hereto.
- 5. Applicant has complied with the notice provisions of Rule 1207.

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SUBSCRIBED AND SWORN TO before me this day of July 2000.

NOTARY PUBLIC	~
BEFORE EXAMINER CATAMAOH	
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CASE NO: 12457	

My commission expires: 2/1F/2003

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NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

July 5, 2000

Lori Wrotenbery Director Oil Conservation Division

GARY E. JOHNSON Governor Jennifer A. Salisbury Cabinet Sected RTIFIED MAIL RETURN RECEIPT REQUESTED

> Mr. Jack J. Grynberg 5000 S. Quebec, Ste 500 Denver, CO 80237

> Wells Fargo 1602 St. Michael's Drive Santa Fe, NM 87505

Re: Case No. 12457

Application of the New Mexico Oil Conservation Division for an order requiring Jack J. Grynberg to plug five wells in Chaves County, New Mexico

Dear Mr. Grynberg:

This letter is to advise you that the New Mexico Oil Conservation Division has filed the enclosed application for a hearing requiring Jack J. Grynberg to appear and show cause why certain wells should not be ordered plugged and abandoned.

This application has been set for hearing before an Examiner of the Oil Conservation Division on July 27, 2000. You are not required to attend this hearing, but as owner of an interest that may be affected by an order issued in this case, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B, enclosed, to file a Prehearing Statement three days in advance of the hearing.

Best regards. Marilyn S. Hebert

Marifyn S. Heb Attorney

c: Tim Gum, District Supervisor Mike Stubblefield, OCD Artesia

Phillips, Dorothy

From:	Stubblefield, Mike
Sent:	Friday, June 30, 2000 10:47 AM
То:	Phillips, Dorothy
Subject:	ADDRESS FOR JACK J. GRYNBERG

6/30/2000

DOROTHY,

I HAVE AND ADDRESS FOR JACK J. GRYNBERG.

5000 S. QUEBEC STE 500 DENVER, CO 80237

OCD HAS MAILED FORMS TO THIS ADDRESS AND HAS HAD RETURN MAIL.

MIKE S.



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

June 21, 2000

GARY E. JOHNSON Governor Jennifer A. SAESATJFIED MAIL Cabinet SecRETURN RECEIPT REQUESTED Lori Wrotenbery Director Oil Conservation Division

Mr. Jack J. Grynberg 1050 17 Street, Suite 1950 Denver, CO 80265

First Interstate Bank of Santa Fe Post Office Box 969 Santa Fe, NM 87504

Wells Fargo 1602 St. Michael's Drive Santa Fe, NM 87505

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This application has been set for hearing before an Examiner of the Oil Conservation Division on July 13, 2000. You are not required to attend this hearing, but as owner of an interest that may be affected by an order issued in this case, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

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Best regardş, Marilyn S. Hebert

Attorney

c: Tim Gum, District Supervisor Mike Stubblefield, OCD Artesia (10) This paragraph has been moved and renumbered to 19 NMAC 15.N.1207.A.(7). [1-1-86...2-1-96; A, 7-15-99]

(11) This paragraph has been moved and renumbered to 19 NMAC 15.N.1207.A.(8). [1-1-86...2-1-96; A, 7-15-99]

1207.B. Type and Content of Notice. Any notice required by this rule shall be sent by certified mail, return receipt requested, to the last known address of the person to whom notice is to be given at least 20 days prior to the date of hearing of the application and shall include: a copy of the application; the date, time and place of the hearing; and the means by which protests may be made. [1-1-86...2-1-96; A, 7-15-99]

1207.C. At the hearing, the applicant shall make a record, either by testimony or affidavit signed by the applicant or its authorized representative, that: (a) the notice provisions of this rule have been complied with; (b) the applicant has conducted a good-faith diligent effort to find the correct address of all persons entitled to notice; and (c) pursuant to this rule, notice has been given at that correct address as required by this rule. In addition, the record shall contain the name and address of each person to whom notice was sent and, where proof of receipt is available, a copy of the proof. [1-1-86...2-1-96; A, 7-15-99]

1207.D. Evidence of failure to provide notice as required in this rule may, upon proper showing, be considered cause for reopening the case. [1-1-86...2-1-96; A, 7-15-99]

1207.E. In the case of an administrative application where the required notice was sent and a timely filed protest was made, the Division shall notify the applicant and the protesting party in writing that the case has been set for hearing and the date of the hearing. No further notice is required. [7-15-99]

1208 PLEADINGS: COPIES [9-15-55...2-1-96; A, 7-15-99]

1208.A. For pleadings and correspondence filed in cases pending before a Division Examiner, two copies must be filed with the Division. For pleadings and correspondence filed in cases pending before the Commission, five copies must be filed with the Division. The Division will disseminate copies to the members of the Commission. The party filing the pleading or correspondence shall at the same time either hand deliver or transmit by facsimile or electronic mail to any party who has entered an appearance therein or the attorneys of record, a copy of the pleading or correspondence. An appearance of any interested party shall be made either by letter addressed to the Division or in person at any proceeding before the Commission or before a Division Examiner, with notice of such appearance to the parties of record. [9-15-55...2-1-96; A, 7-15-99]

1208.B2 Parties to an adjudicatory proceeding must file a prehearing statement three days in advance of a scheduled hearing before the Division or the Commission. The statement must include: the names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing. [7-15-99]

19 NMAC 15.N

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STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENTUN 20 AT 7: 33 OIL CONSERVATION DIVISION

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION THROUGH THE SUPERVISOR OF DISTRICT II FOR AN ORDER REQUIRING JACK J. GRYNBERG TO PROPERLY PLUG FIVE WELLS IN CHAVES COUNTY, NEW MEXICO, AUTHORIZING THE DIVISION TO PLUG SAID WELLS, AND ORDERING A FORFEITURE OF THE PLUGGING BOND, IF ANY.

CASE NO. 12457

APPLICATION FOR PLUGGING AND FORFEITURE OF BOND

1. Jack J. Grynberg ("Operator") is the operator of the following five wells in Chaves

County, New Mexico:

- a. Grynberg 16 State No. 1 located 660' FSL and 660' FEL in Section 16, Township 5 South, Range 24 East (Unit P);
- b. Grynberg 16 State No. 3 located 1980' FNL and 660' FWL in Section 16, Township 5 South, Range 24 East (Unit E);
- c. Grynberg 16 State No. 4 located 1980' FNL and 1980' FEL in Section 16, Township 5 South, Range 24 East (Unit G);
- d. Grynberg 32 State No. 3 located 660' FSL and 1980' FWL in Section 32, Township 5 South, Range 24 East (Unit N); and
- e. Grynberg 32 State No. 4 located 1980' FNL and 1980' FWL in Section 32, Township 5 South, Range 24 East (Unit F).

2. The subject wells have not produced hydrocarbon or carbon dioxide substance or have otherwise been inactive for more than one year or are no longer usable for beneficial purposes and no permit for temporary abandonment has been requested by the Operator or approved by the Division. 3. By virtue of the failure to use the wells for beneficial purposes or to have approved a current temporary abandonment permit, the wells are presumed to have been abandoned and are required to be plugged.

4. By authority of NMSA 1978, § 70-2-14 the Rules of the Division require wells that are inactive for more than one year or are no longer usable for beneficial purposes to be properly plugged.

5. Demand has been made or attempted to be made upon the Operator either to place the subject wells to beneficial use, obtain approval for temporary abandonment or properly plug and abandon the same, and the Operator has failed to do so.

WHEREFORE, the Supervisor of District II of the Oil Conservation Division applies to the Director to enter an order:

A. Determining whether the wells should be plugged in accordance with a Division-approved plugging program.

B. Upon a determination that the wells should be plugged, directing Operator to plug the wells.

C. Further ordering that if Operator fails to plug and abandon the wells as ordered by the Director, that the Division be authorized: i. to plug the wells; ii. to declare forfeit on the bond, if any, and to take such action to foreclose on the bond; and iii. to recover from the Operator any costs of plugging the wells in excess of the amount of the bond, if any.

D. For such other and further relief as the Division deems just and proper, including the assessment of fines.

RESPECTFULLY SUBMITTED,

Marilyn S. Hebert, Attorney New Mexico Oil Conservation Division 2040 South Pacheco Santa Fe, NM 87505 (505) 827-8156

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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION THROUGH THE SUPERVISOR OF DISTRICT II FOR AN ORDER REQUIRING JACK J. GRYNBERG TO PROPERLY PLUG FIVE WELLS IN CHAVES COUNTY, NEW MEXICO, AUTHORIZING THE DIVISION TO PLUG SAID WELLS, AND ORDERING A FORFEITURE OF THE PLUGGING BONDS, IF ANY.

CASE NO. 12457

PERSONS TO BE NOTIFIED

The following are the persons to be notified in this matter:

Mr. Jack J. Grynberg 1050 17th Street, Suite 1950 Denver, CO 80265

First Interstate Bank of Santa Fe Post Office Box 969 Santa Fe, NM 87504

Wells Fargo 1602 St Michael's Drive Santa Fe, NM 87505

RESPECTFULLY SUBMITTED,

Marilyn S. Hebert, Attorney

New Mexico Oil Conservation Division 2040 South Pacheco Santa Fe, NM 87505 (505) 827-8156

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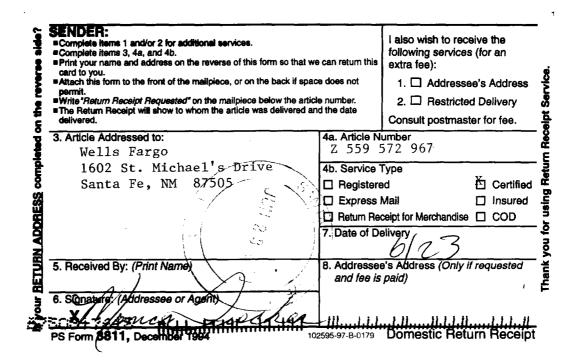
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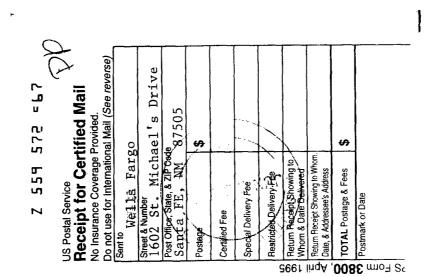
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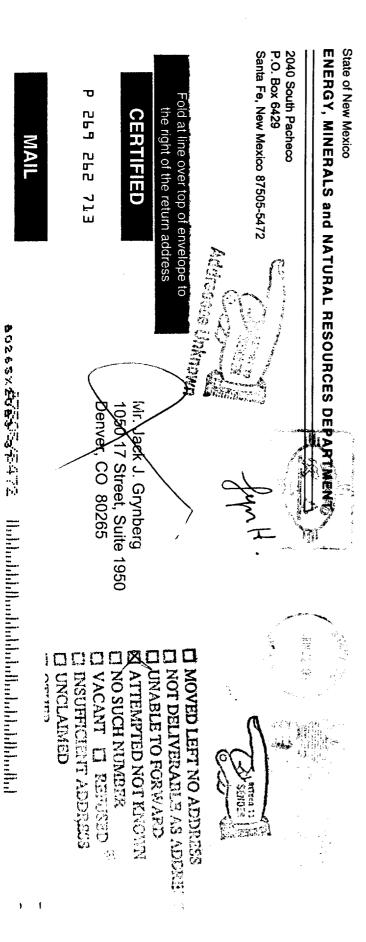
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