

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

IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION COMMISSION FOR  
THE PURPOSE OF CONSIDERING:

APPLICATION OF THE NEW MEXICO OIL  
CONSERVATION DIVISION FOR A COMPLIANCE  
ORDER AGAINST NORTHSTAR OIL & GAS  
CORPORATION, SAN JUAN COUNTY, NEW MEXICO.

CASE NO. 13920 (*de novo*)  
Order No. R-12779-A

**ORDER OF THE COMMISSION**

THIS MATTER, having come before the New Mexico Oil Conservation Commission (Commission) on October 11, 2007 at Santa Fe, New Mexico, on application of the New Mexico Oil Conservation Division (Division) for a compliance order against Northstar Oil and Gas Corporation, and the Commission, having carefully considered the evidence and other materials the parties submitted, now, on this 8th day of November, 2007,

**FINDS THAT:**

1. Due public notice has been given, and the Commission has jurisdiction of this case and the subject matter.

2. Northstar Oil and Gas Corporation of Farmington, New Mexico is the operator of the following oil or gas wells in San Juan County, New Mexico (the wells):

<u>Name</u>	<u>Location</u>	<u>API No.</u>
Barbara #1	P-12-29N-15W	30-045-24263
Davie #1	M-2-29N-15W	30-045-25092

3. Each of the wells have been inactive for a continuous period since on or about 1991, which is far in excess of the one year plus 90 days allowed under 19.15.4.201 NMAC.

4. On or about March 31, 1999 (as to both wells); December 17, 1999 and February 25, 2000 (as to the Barbara #1); and October 31, 2000, April 11, 2002, May 13, 2005, and September 26, 2006 (as to both wells) the Division mailed to Northstar Oil and

Gas Corporation notices specifically informing it that the wells were and remained out of compliance with 19.15.4.201 NMAC.

5. Northstar Oil and Gas Corporation has furnished financial assurance to the Division to secure its obligation to properly plug and abandon wells that it operates as required by NMSA 1978, Section 70-2-14 and by 19.15.3.101 NMAC. Northstar Oil and Gas Corporation's financial assurance consists of an Assignment of Cash Collateral Deposit pledging funds in the amount of \$50,000 on deposit with Wells Fargo New Mexico, N.A., Account No. 068754554.

6. Subsection H of 19.15.3.101 NMAC authorizes the Division Director to order an operator to plug and abandon any well not in compliance with 19.15.4.201 NMAC, and to restore the well's location, by a date certain, and further authorizes the Division Director to forfeit the operator's financial assurance upon the operator's or its surety's refusal or failure to comply.

7. NMSA 1978, Section 70-2-31(A) provides that any person who knowingly and willfully violates any provision of the Oil and Gas Act or any provision of any rule or order issued pursuant to that act shall be subject to a civil penalty of not more than \$1,000 for each violation, and that, in the case of a continuing violation, each day of violation shall constitute a separate violation.

8. On April 24, 2007, the Division filed an application seeking an order pursuant to NMSA 1978, Section 70-2-14 and Subsection H of 19.15.3.101 NMAC directing Northstar Oil and Gas Corporation to properly plug and abandon the wells, or otherwise bring them into compliance with 19.15.4.201 NMAC, by a date certain, and, in event of Northstar Oil and Gas Corporation's failure to comply with such order, forfeiting its financial assurance. The Division also sought assessment of civil penalties because of Northstar Oil and Gas Corporation's failure to bring the wells into compliance with 19.15.4.201 NMAC.

9. As of the date of the hearing before the Division's hearing examiners on June 21, 2007, the wells remained out of compliance.

10. On July 5, 2007, the Division entered Order No. R-12779, which directed Northstar Oil and Gas Corporation, in accordance with 19.15.4.202 NMAC, and a plugging procedure approved by the Division's Aztec District Office to bring the wells into compliance with 19.15.4.201 NMAC on or before September 5, 2007, and restore the well sites associated with the wells in the manner and within the time provided in Paragraph (3) of Subsection B of 19.15.4.202 NMAC.

11. In addition, Order No. R-12779 assessed a \$10,000 civil penalty against Northstar Oil and Gas Corporation for its knowing and willful failure to return the wells to compliance with 19.15.4.201 NMAC for the period from March 31, 1999 to June 21, 2007.

12. Northstar Oil and Gas Corporation timely filed a request for de novo review of the application with the Commission and asked that the Commission reduce the civil penalty or assess no penalty.

13. Northstar Oil and Gas Corporation plugged the Davie #1 on September 6, 2007 and the Barbara #1 on October 9, 2007. The locations of the well sites still need to be restored.

14. The evidence in this case demonstrates that Northstar Oil and Gas Corporation's failure to bring the wells into compliance with 19.15.4.201 NMAC during the time period from March 31, 1999 to June 21, 2007 was a knowing and willful violation of that rule.

15. A civil penalty, pursuant to NMSA 1978, Section 70-2-31(A) should be assessed against Northstar Oil and Gas Corporation for its knowing and willful failure to bring the wells into compliance with 19.15.4.201 NMAC during the period of time from March 31, 1999 to June 21, 2007, in the amount of \$10,000.

16. However, because Northstar Oil and Gas Corporation operates no other wells, is defunct and planning to dissolve as a corporation once it restores the well sites, and its sole owner is not planning to return to the oil and gas industry, it may reduce the civil penalty by the amount of its actual expenditures for restoration of the well sites if it completes the restoration and seeds the well sites with seed of plants native to the area by December 15, 2007.

**IT IS THEREFORE ORDERED THAT:**

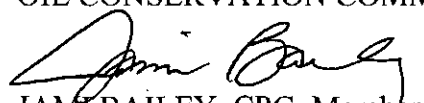
1. A civil penalty is assessed against Northstar Oil and Gas Corporation in the amount of \$10,000 because of its knowing and willful failure to return the wells to compliance with 19.15.4.201 NMAC for the period from March 31, 1999 to June 21, 2007.

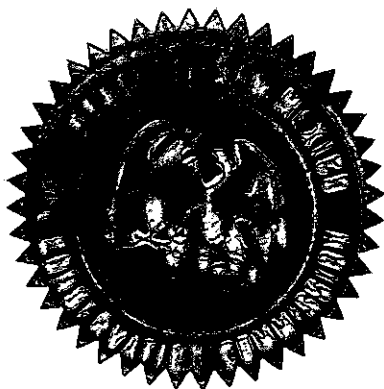
2. Northstar Oil and Gas Corporation shall restore the well sites associated with the wells in the manner provided in Subsection B of 19.15.4.202 NMAC and seed the well sites with seed of plants native to the area by December 15, 2007.

3. If Northstar Oil and Gas Corporation restores the well sites and seeds the well sites with seed of plants native to the area by December 15, 2007, it may reduce the civil penalty by its actual expenditures for restoring the well sites. The Division shall not release Northstar Oil and Gas Corporation's financial assurance until Northstar Oil and Gas Corporation restores the well sites, seeds the well sites with seed of plants native to the area and provides invoices and proof of payment for the restoration costs.

DONE at Santa Fe, New Mexico on the 8th of November 2007.

STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION

  
JAMI BAILEY, CPG, Member



WILLIAM OLSON, Member

  
MARK E. FESMIRE, P.E., Chair

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