

STATE OF COLORADO
OIL & GAS CONSERVATION COMMISSION1120 Lincoln Street, Suite 801
Denver, CO 80203
303-894-2100 fax: 303-894-2109

*** NOTICE OF ALLEGED VIOLATION ***

Operator Name & Mailing Address / Company Representative:

DECLAR OIL AND GAS
P.O. BOX 1455
FORT MORGAN, CO 80701

Date Notice Issued:

April 23, 1999

23320

Well/Site/Facility: CLINGSMITH #1	Legal Description (1/4 1/4, Section, Township, Range, P.M.): SE SE 21 12N 56W	County: WELD
Lease Number:	API Number: 5 123 08073-1	
COGCC Representative: Ed Binkley	Phone Number: 970-380-2683	Date of Alleged Violation: 12/01/1998
		Approx. Time of Violation:

THE FOLLOWING ALLEGED VIOLATION WAS FOUND BY THE COGCC REPRESENTATIVE FOR THE SITE LISTED

Describe Alleged Violation:

PLUGGING ORDERS DATED 05/09/96, WELL NOT PLUGGED.

SHUT-IN 5 1/2" CASING AND SMALL PIT FOUND AT SITE IN CRP-CRASS FIELD.

Act, Order, Regulation, Permit Conditions Cited:

RULE 319, RULE 326 b.

Abatement or Corrective Action to be Completed by:

JUNE 30, 1999

Abatement or Corrective Action Required to be Performed by Operator *:

PLUG WELL AND RESTORE SURFACE.

* Proper and timely abatement does not necessarily preclude the assessment of penalties and an order finding violation.

TO BE COMPLETED BY OPERATOR: When alleged violation is corrected, sign this notice and return to above address

Print Company Representative Name & Title:

Signature:

Date:

Company Comments:

*** This Notice constitutes a separate notice of alleged violation for each violation listed ***

WARNING

Abatement and reporting time frames for Notices of Alleged Violation begin upon receipt of the Notice or 5 days after the date it is mailed, whichever is earlier. Each violation must be abated within the prescribed time upon receipt of this Notice, reported to the Colorado Oil and Gas Conservation Commission at the address shown above, and postmarked no later than the next business day after the prescribed time for abatement. Should abatement or corrective action fail to occur, the Director may make application to the Commission for an Order Finding Violation. Proper and timely abatement does not necessarily preclude the assessment of penalties and an Order Finding Violation.

PENALTY PROPOSED BY THE DIRECTOR PER RULE 523

The Director may propose a penalty as listed in the table below, not to exceed a maximum of \$1000.00 per day per violation. Such proposed penalty amount will be limited to \$10,000.00 per violation if the violation does not result in significant waste of oil and gas resources, damage to correlative rights, or a significant adverse impact on public health, safety, or welfare. Such proposed penalty amount may be increased if aggravating factors indicate the violation was intentional or reckless, had, or threatened to have, a significant negative impact on public health, safety, or welfare; resulted in significant waste of oil and gas resources; had a significant negative impact on correlative rights of other parties; resulted in, or threatened to result in, significant loss of damage to public or private property; involved recalcitrance or recidivism upon the part of the violator; involved intentional false reporting or record keeping; resulted in economic benefit to the violator. Such proposed penalty amount may be decreased if mitigating factors indicate the violator: self-reported, promptly, effectively, and prudently responded to the violation, cooperated with the Commission or other agencies with respect to the violation, could not reasonably control, or be responsible for, the cause of the violation; made a good faith effort to comply with applicable requirements prior to the Commission learning of the violation, had any economic benefit reduced or eliminated due to the cost of correcting the violation; has demonstrated a history of compliance with Commission rules, regulations, and orders. The Commission has final authority over the penalty amount assessed.

BASE FINE \$250.00 PER DAY PER VIOLATION: RULES 210, 307, 311, 312, 313, 314A, 315, 403, 405, 603, 804

BASE FINE \$500.00 PER DAY PER VIOLATION: RULES 205, 206, 207, 208, 302, 308, 309, 310, 316A, 321, 322, 328, 329, 330, 331, 332, 401

BASE FINE \$750.00 PER DAY PER VIOLATION: RULES 605, 606A, 606B, 607

BASE FINE \$1000.00 PER DAY PER VIOLATION: RULES 208, 301, 303, 305, 306, 316B, 317, 317A, 318, 319, 320, 323, 324, 325, 326, 327, 333, 404, 602, 603, 604, 703, 704, 705, 706, 707, 708, 709, 711, 802, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 1002, 1003, 1004, 1101, 1102, 1103

In accordance with Rule 523.5.(4), fines for violations for which no base fine is listed shall be determined by the Commission at its discretion.

Signature of COGCC Representative:

Date:

Time:

04/23/99

11:00 AM

Resolution Approved by:

Date:

Resolution Action:

FOR OFFICE USE ONLY