



**STATE OF COLORADO
OIL & GAS CONSERVATION COMMISSION**

1120 Lincoln Street, Suite 801
Denver, CO 80203
303-894-2100 fax: 303-894-2109

***** NOTICE OF ALLEGED VIOLATION *****

Operator Name & Mailing Address / Company Representative:

**WESTERN OPERATING
ATTN: DAVID JAMES
518 17th STREET, SUITE 1680
DENVER, CO 80202**

Date Notice Issued:

June 27, 1996

Well/Site/Facility: N.W. Brandon Unit #4	Legal Description (1/4 1/4, Section, Township, Range, P.M.): SWNW S4 T19S R45W 6 P.M.	County: Kiowa
Lease Number: 13851	API Number: 05-061-6018	
COGCC Representative: Julie McDaniel Branting	Phone Number: 894-2100 ext 117	Date of Alleged Violation: 6-1-96
		Approx Time of Violation:

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

Describe Alleged Violation: Did not perform Mechanical Integrity Test as ordered six months ago (notice dated 11-14-95), per COGCC Rule 326b. Shut in wells are required to pass a Mechanical Integrity Test within 2 years of shut in and on five year intervals from the date the initial test was performed. Additionally, have not filed a COGCC Form 10 as required by COGCC Rule 312a.

Act, Order, Regulation, Permit Conditions Cited: COGCC Rule 326b & 312a

Abatement or Corrective Action to be Completed by: 12-27-96

Abatement or Corrective Action Required to be Performed by Operator *: Run and submit results of Mechanical Integrity Test per Rule 326b, put back on production (and submit form 10), or initiate plugging procedures. Submit COGCC Form 10 Change of Operator.

*** 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 the above address

Print Company Representative Name & Title:	Signature:	Date:
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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 or 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, 802, 803, 804
- BASE FINE \$500.00 PER DAY PER VIOLATION: RULES 205, 206, 207, 208, 302, 308, 309, 310, 316A, 317, 321, 322, 328, 329, 330, 331, 332, 401
- BASE FINE \$750.00 PER DAY PER VIOLATION: RULES 605, 606A, 606B, 607, 902, 903, 904, 905, 906, 907, 908, 909
- BASE FINE \$1000.00 PER DAY PER VIOLATION: RULES 209, 301, 303, 304, 305, 306, 316B, 317A, 318, 319, 320, 323, 324, 325, 326, 327, 333, 404, 602, 603, 604, 1002, 1003, 1004, 1101, 1102, 1103

In accordance with Rule 523.a.(4), fines for violations for which no base fine is listed shall be determined by the Commission at its discretion.

Signature of COGCC Representative: <i>Julie McDaniel Branting</i>	Date: <i>6-27-96</i>	Time: <i>9:20 am</i>
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FOR OFFICE USE ONLY

Resolution Approved by:	Date:	Resolution Action:
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