

Liz Harkins

Nov 21, 2025, 12:08 PM (4 days ago)

to me, jeremy.ferrin@state.co.us, enforcement@state.co, Jim

Meredith,

I have reviewed the ECMC Warning Letter #404425033 for the MESSER WELL 1 (API# 043-40051) SESE, Sec 33, 19S, 69W, Fremont County, CO, Oper. 40051 (David Messer).

This letter serves as a corrective action to alleged violation of Rule 434.a.(5) for not complying with the required timeline between placing the surface plug and capping the well.

In June 2024, Scott Schultz (Scott.Schultz@coag.gov), Senior.Assistant.Attorney.General? Resource.Conservation.Unit.Natural.Resources.and.Environment.Section\Counsel.to.the.Office.of.the.Colorado.State.Public.Defender.and.Alternate.Defense.Counsel, contacted Jim Javernick of Javernick Oil LLC regarding the Messer Well #1. Mr. Schultz conveyed to Mr. Javernick that he had tried contacting Operator 400051 to inquire about the Messer lease and found out that Mr. Messer had passed away. Mrs. Messer stated that the well had been sold to Javernick Oil LLC and that she did not want anything to do with the well. Javernick explained to Schultz that this was not the case, that he had only purchased mineral rights in that section. Mr. Schultz indicated that the well needed to be P&A'd and that Mrs. Messer was not in a financial position to do so and did not fully understand what she was being asked to do. Scott Schultz asked if Javernick could plug the well. Javernick, showing goodwill toward the widow, volunteered to P&A the well at no cost to Mrs. Messer. PLEASE NOTE that the Form 6 and Form 6SRA were filed as if Javernick Oil LLC, Operator 44390, was the operator and not David Messer, Operator 40051. These forms will be resubmitted showing the correct Operator and Operator Number.

The alleged violation, Pursuant to Rule 434.a.(5), indicates that the Operator did not wait 5 days to cap and seal the well after placing the last plug. Javernick Oil (Oper 44390) and Florence Oilwell Services had been plugging wells in Fremont County, Colorado since 2008 for various operators, including the COGCC who requested services to P&A abandoned

wells. Javernick and Florence Oilwell Services used approved and acceptable methods by the former COGCC, now ECMC, in which the surface pipe was filled with 10-grout cement mix to surface, waiting a minimum of 8 hours to cut pipe 4' below ground level, and then followed by AVO monitoring (audio, visual and olifactory) for a day or two to confirm total isolation before capping with a steel I.D. plate. The subject condition of approval to wait 5 days and conduct a bubble test was simply overlooked, based on previous acceptable methods. Furthermore, the approved Form 6 intent and subsequent plugging reports were approved by respective permit specialist and area engineer, and thus, Operator assumed everything was OK. This will not be overlooked in the future.

Jim Javernick

Javernick Oil LLC

javernick1@gmail.com