



WARNING LETTER # 401158993

01/12/2017

MESSER* DAVID (# 57005)
DAVID MESSER
martha.ramos@state.co.us

6703 HWY 67
FLORENCE, CO 81226

MESSER WELL 1 (API# 043-40051)
SESE, 33, 19S, 69W, FREMONT

This Warning Letter is to inform you that MESSER* DAVID (“Operator”) may be in violation of the rules and regulations of the Colorado Oil and Gas Conservation Commission (“COGCC”) and corrective action is required.

The COGCC has reasonable cause to believe that the Operator has committed one or more violations of the Oil and Gas Conservation Act, or of a rule, regulation, or order of the Commission, or of a permit issued by the Commission. The Operator is required to comply with this Warning Letter by the **Corrective Action Deadline Date(s)** to resolve the alleged violation(s). Failure to do so will result in the issuance of a Notice of Alleged Violation and initiation of enforcement proceedings in which COGCC will seek monetary penalties for the alleged violations pursuant to § 34-60-121, C.R.S. and Rule 523, COGCC Rules of Practice and Procedure, 2 CCR 404-1.

Alleged Violation(s) and Required Corrective Action(s):

706 Soil Protection & Plugging and Abandonment

Description of Alleged Violation: The COGCC requires every operator to provide assurance that it is financially capable of fulfilling certain obligations under the Colorado Oil and Gas Conservation Act §34-60-101 et seq., C.R.S. In the matter of financial assurance requirements of COGCC rules and regulations for Messer* David (Operator) heard by the Commission on December 2, 1999, Order 1-85 (Document 848744), a Commission motion amended Order 1V-176 to allow Marilyn Messer to sign a guarantee of performance as financial assurance for the domestic gas well registered to Messer* David (Operator) located in the S½ of Section 33, Township 19 South, Range 69 West known as the Messer Well #1 (API 043-40051).

Operator has been using a Guarantee of Performance to fulfill its financial assurance obligations under Rule 706 by demonstrating a net worth equal to the estimated cost to plug, abandon and reclaim all of its active wells. The last Guarantee of Performance was submitted to COGCC on August 14, 2015 (see attached Document #2559341), and a current acceptable financial assurance is necessary to demonstrate compliance with the statutory requirements regarding the Operator’s ability to satisfactory ensure the





protection of soil, the proper plugging and abandonment of the well, and site reclamation. Operators who are unable to meet the requirements described above shall no longer be allowed to use Guarantees of Performance, and shall be required to submit another form of acceptable financial assurance.

Pursuant to Rule 706.c. and Rule 502.b.(1), Operator may seek a variance from these financial assurance requirements under appropriate circumstances.

Required Corrective Action: Operator shall annually submit a Guarantee of Performance, a notarized document demonstrating that Operator has sufficient net worth to comply with all statutory obligations for Rule 706.a. The currently due Guarantee of Performance shall be submitted by February 13, 2017. If the Operator has any problem verifying the financial assurance collateral is still in place or has any other questions, please contact Martha Ramos at 303-894-2100 x5123 in advance of the Corrective Action Due Date.

Corrective Action Deadline Date: 02/13/2017

How to Comply with Warning Letter:

Operator shall complete the Required Corrective Action(s) above within the deadline(s) provided. Upon completion of the Corrective Action(s), Operator shall provide notice and evidence of completion to the COGCC staff identified below by the Corrective Action Deadline Date(s):

COGCC Enforcement: Steven Mah
Email: Steven.Mah@state.co.us

Title: NOAV Specialist
Phone Num: (303) 894-2100 x5159

COGCC Representative: Martha Ramos
Email: martha.ramos@state.co.us

Title: Financial Assurance Super
Phone Num: (303)894-2100x5123

If you have any procedural questions about this Warning Letter, please contact Steven Mah.

If you have any technical questions about this Warning Letter, please contact the COGCC Representative identified above.

Failure to Comply with Warning Letter:

If the Operator fails to perform Required Corrective Action(s) on or before the Corrective Action Deadline Date(s) stated above the COGCC will issue a Notice of Alleged Violation and seek penalties pursuant to § 34-60-121, C.R.S. and Rule 523, COGCC Rules of Practice and Procedure, 2 CCR 404-1.

All well data, rules and forms are available on our website at www.colorado.gov/cogcc.





Sincerely,

Martha Ramos
Financial Assurance Super
(303)894-2100x5123
martha.amos@state.co.us

Attachments

View Attachments in Imaged Documents on COGCC website <http://ogccweblink.state.co.us/> Search by Document Number.

Document Number Description

401173096	WARNING LETTER DOCUMENTATION
401182975	WARNING LETTER CERTIFIED MAIL RECEIPT
401183736	WARNING LETTER ISSUED

Total Attach: 3 Files

