



## OUTCOME NOTICE for WARNING LETTER # 401158993

01/12/2017

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

6703 HWY 67  
FLORENCE, CO 81226

Re: Warning Letter # 401158993  
Date Issued 01/12/2017

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

**This Outcome Notice is to inform you of the status of the violation(s) alleged in the above referenced Warning Letter.**

### **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

Corrective Action Performed by Operator

Description: COGCC received the Guarantee of Performance statement for the subject Operator.

Completion Date: 01/24/2017

### **Outcome of Warning Letter # 401158993: No Further Action Required**

COGCC received the Guarantee of Performance statement for the subject Operator. No further action is required.

### **Other Violations:**

If COGCC has reasonable cause to believe that MESSER\* DAVID has additional violations not addressed through the above referenced Warning Letter, the COGCC may 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. COGCC may or may not elect to issue Warning Letters for additional instances of non-compliance based on the guidance of the COGCC Enforcement Guidance and Penalty Policy (Corrected 4/8/2015) and COGCC Rules.

Sincerely,

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

### **Attachments**

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





**COLORADO**  
Oil & Gas Conservation  
Commission

Department of Natural Resources

1120 Lincoln Street, Suite 801  
Denver, CO 80203

**Document Number**   **Description**

401173096	WARNING LETTER DOCUMENTATION
401182975	WARNING LETTER CERTIFIED MAIL RECEIPT
401183736	WARNING LETTER ISSUED
401183737	WARNING LETTER IN PROCESS

Total Attach: 4 Files

