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8 **STATE OF CALIFORNIA**
9 **NATURAL RESOURCES AGENCY**
10 **DEPARTMENT OF CONSERVATION**
11 **GEOLOGIC ENERGY MANAGEMENT DIVISION**

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14 **ORDER TO PLUG AND ABANDON WELL,**
15 **DECOMMISSION ATTENDANT FACILITY, AND**
16 **RESTORE WELL SITE**
17 **NO. 1406**

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19 **Operator: Harris Rogalske (03826)**
20 **Field: Salt Lake**
21 **Southern District, Los Angeles County**
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1 I. Introduction

2 The State Oil and Gas Supervisor (**Supervisor**), acting through the Geologic Energy
3 Management Division (**CalGEM**), and under the authority of Division 3 of the Public Resources
4 Code (**PRC**; commencing with PRC section 3000) and California Code of Regulations, title 14
5 (**Regulations**), may order the plugging and abandonment of a well or the decommissioning of
6 a production facility that has been deserted, whether or not any damage is occurring, or
7 threatened, by reason of that deserted well. (PRC, § 3237, subd. (a).) An operator's failure to
8 timely pay required annual fees for any idle well is conclusive evidence of desertion. (PRC, §
9 3206, subds. (a) and (c).)

10 Based on CalGEM's limited records, Harris Rogalske (**Operator**) is the "operator" (as
11 defined in PRC section 3009) of the well identified on **Attachment A**, incorporated herein (**the**
12 **Well**), and is responsible (as specified in PRC section 3237, subdivision (c)(1)) for the plugging
13 and abandonment of the Well, the decommissioning of the production facility attendant to
14 the Well (**the Facility**), and the restoration of the well site for the Well. CalGEM records indicate
15 that, under applicable provisions of PRC section 3206, Operator was required to timely pay
16 idle well fees for the Well idle in for years 2020 through 2023, and that Operator has not done
17 so. This failure to timely pay idle well fees is conclusive evidence of desertion. In addition,
18 CalGEM limited records reflect that the Well appears to have been drilled before 1938 and
19 has remained non-operational since at least 1938. Based upon conclusive evidence of
20 desertion, rebuttable presumption of desertion, and credible evidence described below, the
21 Supervisor has determined that the Well and the Facility are deserted. Therefore, pursuant to
22 PRC sections 3106, 3206, 3224, 3226, and 3237, and as set forth below, the Supervisor is ordering
23 Operator to plug and abandon the Well, to decommission the Facility, and to restore the well
24 site for the Well, consistent with all applicable requirements, including PRC sections 3208, 3228,
25 3229, and 3230; Regulations sections 1722, 1723 through 1723.8, 1724 through 1724.1, 1760,
26 1775, and 1776; and the conditions included in any permit or approval CalGEM may issue
27 pursuant to PRC section 3229; and until that work is complete, perform remedial work and
28 testing as necessary to prevent damage to life, health, property, and natural resources.

1 **Attachment B**, incorporated herein, contains a list of definitions and authorities that are
2 applicable to this order.

3 **II. Conclusive Evidence of Desertion**

4 Based on CalGEM's records, at all times relevant to this order, Operator was the
5 "operator," as defined in PRC section 3009, of the Well. At all times relevant to this order, the
6 Well was an "idle well" as defined in PRC section 3008, subdivision (d).

7 As the operator of the Well, following the process for idle well management set forth in
8 PRC section 3206, subdivision (a), Operator did not submit an Idle Well Management Plan in
9 lieu of paying idle well fees. Operator was therefore required to pay an idle well fee for its idle
10 well that was idle in 2020 by May 1, 2021; idle in 2021 by May 1, 2022; idle in 2022 by May 1,
11 2023; and idle in 2023 by May 1, 2024. (PRC, § 3206, subds. (a) & (a)(2)(B)(v).) As of the date of
12 this order, Operator has not paid the annual fees required for the Well under PRC section 3206
13 (**Attachment C**; Declaration of James Donnelly). Operator's failure to pay the required idle well
14 fees for the Well is conclusive evidence of desertion. (PRC, § 3206, subd. (c).)

15 **III. Rebuttable Presumption of Desertion**

16 A rebuttable presumption of desertion arises if an operator fails to designate an agent
17 as required by PRC section 3200. (PRC, § 3237, subd. (a)(3)(D).) CalGEM does not have an
18 agent on file for Operator. Operator's failure to provide and maintain on file with CalGEM
19 accurate contact information for a designated person who resides in California to accept
20 service of notices, orders, and other important communications (i.e., an "agent"), as required
21 by PRC section 3200, creates a rebuttable presumption that the Wells are deserted.

22 **IV. Credible Evidence of Desertion**

23 Credible evidence of desertion includes, but is not limited to, the operational history of
24 the well or production facility, the response or lack of response of the operator to inquiries and
25 requests from the supervisor or district deputy, the extent of compliance by the operator with
26 the requirements of PRC and Regulations, and other actions of the operator with regard to the
27 well or production facility. (PRC, § 3237, subd. (a)(2).)

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1 CalGEM has limited records for the Well. CalGEM records reflect that the Well appears
2 to have been drilled before 1938 and has remained non-operational since at least 1938. The
3 operational history presents credible evidence that the Well is deserted.

4 **V. Operator's Required Actions**

5 For the reasons stated herein, CalGEM has determined that the Well and the Facility is
6 deserted. Therefore, pursuant to PRC sections 3106, 3206, 3224, 3226, and 3237, **IT IS HEREBY**
7 **ORDERED** that Operator plug and abandon the Well, decommission the Facility, and restore
8 the well site for the Well consistent with all applicable requirements of PRC sections 3208, 3224,
9 3228, 3229, and 3230; Regulations sections 1722, 1723 through 1723.8, 1724 through 1724.1,
10 1760, 1775, and 1776; and the conditions included in any permit CalGEM may issue pursuant
11 to PRC section 3229. Until that work is complete, Operator is ordered to perform remedial work
12 and testing on the Well and the Facility as necessary to prevent damage to life, health,
13 property, and natural resources.

14 **VI. Operator's Appeal Rights**

15 Operator may appeal this Order by filing a timely written notice of appeal with the
16 Director as described in Article 6 (Appeals and Review) of Division 3 of the PRC, commencing
17 with PRC section 3350. (PRC, §§ 3225, subd. (d); 3236.5, subd. (c); 3237, subd. (b).) If this Order
18 is mailed to you, the Director must receive the appeal within (15) days from the date the
19 Supervisor mails the Order. To file an appeal, a written notice of appeal may be sent via U.S.
20 mail to:

21 Department of Conservation
22 Director's Office of Appeals
23 715 P Street, MS 19-06 (Legal Office, Chief Counsel)
Sacramento, California 95814

24 Or via electronic mail:

25 CalGEMAppeals@conservation.ca.gov
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1 If Operator files a timely written notice of appeal, Operator will be informed of the
2 appeal hearing date, time, and place. Following the hearing, Operator will receive a written
3 decision that affirms, sets aside, or modifies the appealed order.

4 If Operator does not file a timely written notice of appeal, or if the order is affirmed
5 following an appeal, this order will become a final order and CalGEM may contract for
6 performance of the work, pursuant to PRC section 3226, if, within 30 days of this order,
7 Operator has not, in good faith, commenced the work ordered. Any costs incurred by
8 CalGEM to obtain compliance with this order (which may include penalties and interest) will
9 constitute a lien against Operator's real or personal property per PRC section 3423. (PRC, §
10 3356.)

11 **VII. Consequences of Non-Compliance**

12 Failure to comply with Section VII (Operator's Required Actions) of this order could
13 subject Operator to further enforcement action, including additional civil penalties, as
14 appropriate. PRC section 3236 makes it a misdemeanor for any person who violates, fails,
15 neglects, or refuses to comply with any of the provisions of the oil and gas conservation laws
16 commencing at PRC section 3000. PRC section 3359 makes it a misdemeanor to fail or
17 neglect to comply with an order of the Supervisor. Each day's further failure, refusal, or
18 neglect is a separate and distinct offense. (PRC, §3359).

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21 DATED: June 20, 2024

Douglas Ito

Doug Ito
State Oil and Gas Supervisor