

HINKLE, COX, EATON, COFFIELD & HENSLEY

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AMY C. WRIGHT*

*NOT LICENSED IN NEW MEXICO
*FORMERLY COMPRISING THE FIRM OF
CULTON, MORGAN, BRITAIN & WHITE, P.C.

September 13, 1994

VIA HAND DELIVERY

Michael E. Stogner
Oil Conservation Division
State Land Office Building
Santa Fe, New Mexico

SEP 13 1994

Dear Mr. Stogner:

Enclosed is an application for administrative approval of an unorthodox oil well location filed on behalf of Devon Energy Corporation (Nevada). The only offset operator has waived objection to the location, and as a result Devon respectfully requests that the normal 20 day waiting period be waived, and if the application meets with your approval, an order be issued promptly. Please call me if you have any questions.

Very truly yours,

HINKLE, COX, EATON, COFFIELD
& HENSLEY



James Bruce

Attorneys for Devon Energy
Corporation (Nevada)

Enclosures

stogcov.ltr

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**FORMERLY COMPRISING THE FIRM OF
CULTON, MORGAN, BRITAIN & WHITE, P.C.

September 13, 1994

VIA HAND DELIVERY

Michael E. Stogner
Oil Conservation Division
State Land Office Building
Santa Fe, New Mexico

Dear Mr. Stogner:

Pursuant to Division Rule 104(F)(1) and Division Memorandum 1-90, Devon Energy Corporation (Nevada) hereby applies for administrative approval of an unorthodox oil well location for the following well:

Todd "26H" Fed. Well No. 6; 2470 feet FNL and 415 feet FEL (Unit H) of Section 23, Township 23 South, Range 31 East, N.M.P.M., Eddy County, New Mexico; Undesignated Ingle Wells-Delaware Pool.

The Ingle Wells-Delaware Pool is subject to statewide rules, with 40-acre spacing and wells to be located no closer than 330 feet to the boundary of the well unit. The well unit is federal land, and is in the oil-potash area. The Bureau of Land Management (BLM) informed Devon it will not approve any location north of a line drawn from the Devon "23J" Fed. Well No. 14, in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, to the Pogo Amax "24" Well No. 7 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, to protect potash resources. See Exhibit A (dashed yellow line). Devon originally applied to the BLM for an orthodox location 2310 feet FNL and 330 feet FEL of Section 23, which was the closest orthodox location to the BLM's line. However, that location was denied by the BLM. The BLM also denied a slightly revised location further west at 2310 feet FNL and 415 feet FEL Section 23. (Devon's well location is also affected by an Enron pipeline and Eddy County Road 798, marked on Exhibit A.)

¹ The nearest potash mining activity is over seven miles away.

Michael E. Stogner
September 13, 1994
Page 2

As a result, Devon has proposed the location given above, and has been verbally informed by the BLM that it is acceptable. The well location is marked in red on Exhibit A. An APD is being prepared for filing with the BLM.

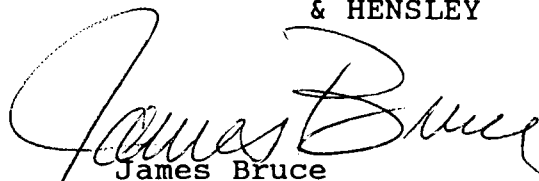
Exhibit A is also a land plat indicating offset leasehold ownership. Existing wells are marked by black dots. The information on the plat is current and correct. Devon is the operator of the acreage to the North, West, and South. Pogo Producing Company is the operator to the East. Notice of the proposed well location was given to Pogo, and Devon has obtained a waiver of the location from Pogo, attached as Exhibit B. As a result, Devon requests the Division to waive its normal 20 day waiting period for objections, and promptly approve the location. This will enable Devon to move a rig from a well currently drilling in the area to the new location.

Directional drilling to reach a standard bottom-hole location would increase the cost of the well by over \$50,000 and lead to substantially higher operating costs. Other operators who have drilled directional wells in the Delaware have experienced substantial cost overruns and operational difficulties. As a result, Devon does not desire to directionally drill the well.

This application is submitted in triplicate. Your attention to this matter is appreciated.

Very truly yours,

HINKLE, COX, EATON, COFFIELD
& HENSLEY



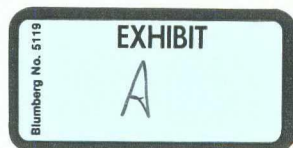
James Bruce
Attorneys for Devon Energy
Corporation (Nevada)

Enclosures
cc: Ken Gray (w/encl.)

Bureau of Land Management (w/encl.)
Attn: Richard Manus
Post Office Box 1778
Carlsbad, New Mexico 88221-1778

stogdev.ltr

R 31 E



| NO1511L



devon

TODD 23H FEB 6
EDDY COUNTY, NEW MEXICO

EDDY COUNTY, NEW MEXICO

Scale in Feet

CD McKINNEY

A/99.



ENERGY CORPORATION

20 North Broadway, Suite 1500
Oklahoma City, Oklahoma 73102-8260Telephone: 405/235-3611
FAX 405/552-4550

September 6, 1994

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**Pogo Producing Company
500 W. Illinois, Suite 600
Midland, Texas 79701

Attention: Scott McDaniel

Re: Todd "26H" Federal #6
2,470' FNL and 415' FEL
Section 23-T23S-R31E
Eddy County, New Mexico

Gentlemen:

Devon Energy Corporation (Nevada), as Operator, shall apply to the New Mexico Oil Conservation Division for administrative approval for the referenced unorthodox well location for the drilling of an approximate 8,400' Delaware test well.

Devon's original APD located 2,310' FNL and 660' FEL was denied by the BLM for potash reasons. Our records reflect that Pogo Producing Company is the only offset operator in the Ingle Well Delaware Field subject to this application. In that regard, Devon respectfully requests that Pogo grant a waiver to the proposed unorthodox location by signing and returning one copy of this letter to the undersigned as soon as possible.

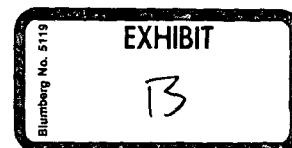
Yours very truly,

DEVON ENERGY CORPORATION (NEVADA)

Ken Gray
District LandmanKG:da
Enclosure
pogo.letAgreed to and Accepted this 7th day of September, 1994.

Pogo Producing Company

By:

Name: Jerry A. CooperTitle: Vice President

HINKLE, COX, EATON, COFFIELD & HENSLEY

ATTORNEYS AT LAW

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September 12, 1994

Mr. Richard L. Manus
 Carlsbad Resource Area Headquarters
 Bureau of Land Management
 P. O. Box 1778
 Carlsbad, NM 88221-1778

Re: *Devon Energy Corporation*
Todd Federal 23H No. 6 Well

Dear Dick:

Devon Energy Corporation was sorely disappointed that BLM would not approve the drilling of the captioned well at a location 2310 feet FNL and 330 feet FEL (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 23, Township 23 South, Range 31 East, N.M.P.M. As we stated previously, this location was the closest legal location that Devon could drill the well to the line that BLM drew between the most northern well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 to the Amax 24 No. 7 well located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24. We were further disappointed to learn that you would not approve a slightly revised location further west at 2310 feet FNL and 415 feet FEL Section 23 due to concerns over an Enron pipeline and Eddy County Road 798. Devon Energy Corporation has done everything within its power to address BLM's concerns regarding absolute protection of potential potash resources despite the fact that this proposed well is in a developed oil and gas field and the closest potash mining operation is well over 7 miles. Despite these facts, you have confirmed that BLM will not approve the drilling of any oil and gas wells lying North of the line between the above referenced wells.

Due to this fact, and to make an effort to protect Devon's correlative rights in oil and gas that are subject to drainage from Pogo's wells in Section 24, Devon is seeking approval from the New Mexico Oil Conservation Division approval to drill a well at an unorthodox location. The well is proposed to be moved to 2470 feet FNL and 415 feet FEL Section 23, which Devon believes to be on BLM's line. Barry Hunt has apparently reviewed this proposed location and sees no further surface concerns. Devon has further been advised by you (Scott Powers) that this location is, in fact, on the BLM's line and that BLM will

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Page -2- Mr. Richard L. Manus


September 12, 1994

approve the drilling of this well at the unorthodox location. Devon has submitted a sundry notice to your office with a revised archeological survey. We request that your office contact the Solicitor in Santa Fe (Margaret Brown or Arthur Arguedas) and advise them that you are willing to approve the APD for the above captioned well and have the IBLA matter (Docket No. IBLA No. 93-32, remanded. As soon as you have contacted the Solicitor, I will contact the Solicitor and follow up with a Motion to Remand. IBLA will then remand the denied APD to the New Mexico State Office for further review at which time your office should be in a position to expedite the approval of the APD at the alternate location.

These extraordinary actions are required as a result of BLM's improper implementation of the 1986 Secretarial Order. The drilling of the well at this alternate location will not adequately protect the correlative rights of Devon Energy Corporation and a significant portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23 will continue to be subject to drainage from the Pogo wells in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24. The requested location is in an effort to mitigate Devon's loss and to minimize the economic impact. However, this action shall not be deemed to be a waiver of any rights against the United States of America for the taking of its real property interests by failing to properly implement the 1986 Order and abide by the contractual provisions of Devon's oil and gas lease.

Very truly yours,

HINKLE, COX, EATON, COFFIELD & HENSLEY


Gregory J. Nibert

GJN/jw

cc: Mr. Ken Gray
Ms. Margaret Brown

HINKLE, COX, EATON, COFFIELD & HENSLEY

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September 14, 1994

FEDERAL EXPRESS

Mr. James Roberts, Docketing Attorney
Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203


Dear Mr. Roberts:

Enclosed for presentation to Judge Burski is a Joint Motion to Remand IBLA No. 93-32 which is jointly submitted by Devon Energy Corporation and the Bureau of Land Management. Since the acreage under consideration is currently subject to drainage and a rig is available for the drilling of the well at the present time, we request that you advise Judge Burski that his immediate consideration and entry of an Order would be greatly appreciated. To further expedite the processing of the APD and the reconsideration of the previously denied APD, we are requesting that you return the case file directly to the Carlsbad Resource Area of the Bureau of Land Management, 620 East Greene Street, P.O. Box 1778, Carlsbad, New Mexico 88221 by overnight mail or other expedited service. We realize that generally you resubmit the matters directly to the New Mexico State Office, however, I have been advised by Department Counsel that it would further expedite this matter if the case file were returned directly to Carlsbad for their consideration.

Thank you for your prompt attention to this matter.

Very truly yours,

HINKLE, COX, EATON, COFFIELD & HENSLEY


 Gregory J. Nibert

GJN/jw

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(512) 476-7137
FAX (512) 476-5431

Page -2- Mr. James Roberts

September 14, 1994

- cc: Margaret M. Brown, Esq.
Department Counsel
Office of the Field Solicitor
- cc: Mr. William Caulkins
State Director
Bureau of Land Management
Santa Fe, NM
- cc: Mr. Tim O'Brien
Bureau of Land Management
Carlsbad, NM
- cc: Mr. Dan Morehouse
IMC Fertilizer
- cc: Ms. Mary Lynn Bogle
Mr. Ken Gray

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARING AND APPEALS
INTERIOR BOARD OF LAND APPEALS
4015 Wilson Boulevard
Arlington, VA 22203

DEVON ENERGY CORPORATION,)	United States of America Oil
)	and Gas Lease NM-0405444
Appellant.)	
)	Todd "23H" Fed. No. 6 Well
)	SE¼NE¼ Section 23, T23S, R31E,
)	N.M.P.M., Eddy County, New Mexico
)	
)	Case No. IBLA No. 93-32

JOINT MOTION FOR REMAND


Devon Energy Corporation, Appellant, by and through its attorneys, Hinkle, Cox, Eaton, Coffield & Hensley, and the Bureau of Land Management, by and through the Office of the Field Solicitor, Margaret M. Brown, join in the filing of this Motion for Remand for further consideration of Devon Energy Corporation's Application for Permit to Drill its Todd Federal "23H" No. 6 Well in the SE¼NE¼ Section 23, Township 23 South, Range 31 East, N.M.P.M. BLM and Appellant have reached an agreement to allow the drilling of the captioned well at an unorthodox location 2470 feet FNL and 415 feet FEL of Section 23. As a result of this agreement to move the proposed location to this unorthodox location, there is no further need to prosecute this appeal.

NOW, THEREFORE, Appellant and BLM move this Board to order a remand of IBLA 93-32 to the Bureau of Land Management New Mexico State Office for further consideration and review. Since this location is suffering drainage and a rig is currently available for the drilling of this well, Appellant requests that the Order be entered as soon

as possible and upon entry that the file be returned to Carlsbad Resource Area, Bureau of Land Management, 620 East Greene Street, P. O. Box 1778, Carlsbad, NM 88221, by expedited means.

Respectfully submitted,

HINKLE, COX, EATON, COFFIELD & HENSLEY

By 
Gregory J. Nibert
P.O. Box 10
Roswell, NM 88202
(505) 622-6510

Attorneys for Devon Energy Corporation

BUREAU OF LAND MANAGEMENT

By _____
Margaret M. Brown
Department Counsel
Office of the Field Solicitor
U. S. Department of Interior
P. O. Box 1042
Santa Fe, NM 87504

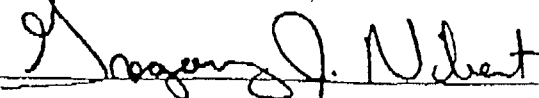
CERTIFICATE OF SERVICE

GREGORY J. NIBERT, one of the attorneys for Appellant herein, certifies that on September 14, 1994, a copy of the above Joint Motion for Remand was mailed in a properly addressed and stamped envelope, as follows:

Mary Lynn Bogle
Losee, Carson, Haas & Carroll
P. O. Drawer 239
Artesia, NM 88211-0239

Mr. Dan Morehouse
IMC Fertilizer, Inc.
P. O. Box 71
Carlsbad, NM 88220

HINKLE, COX, EATON, COFFIELD & HENSLEY


By 

as possible and upon entry that the file be returned to Carlsbad Resource Area, Bureau of Land Management, 620 East Greene Street, P. O. Box 1778, Carlsbad, NM 88221, by expedited means.

Respectfully submitted,

HINKLE, COX, EATON, COFFIELD & HENSLEY


By


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(505) 622-6510

Attorneys for Devon Energy Corporation

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By


Margaret M. Brown
Department Counsel
Office of the Field Solicitor
U. S. Department of Interior
P. O. Box 1042
Santa Fe, NM 87504

CERTIFICATE OF SERVICE

GREGORY J. NIBERT, one of the attorneys for Appellant herein, certifies that on September 14, 1994, a copy of the above Joint Motion for Remand was mailed in a properly addressed and stamped envelope, as follows:

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** TOTAL PAGE.002 **

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REBECCA NICHOLS JOHNSON

September 16, 1994

HAND-DELIVERED

Michael E. Stogner
Oil Conservation Division
Santa Fe, New Mexico

SEP 16 1994

**Re: Administrative Application of Devon Energy Corporation
(Nevada) for an Unorthodox Oil Well Location, 2470 feet
from the North Line and 415 feet from the East Line of
Section 23, Township 23 South, Range 31 East, N.M.P.M.**

Dear Mike:

With respect to the above application, which we submitted to you a few days ago, enclosed is some related correspondence between our firm and the BLM which you might find interesting. Please note that the BLM has agreed to the proposed well location as indicated by the IBLA pleading attached to the back of the letter.

Again, Devon is anxious for approval of this well and any attention you can give to this matter will be appreciated. Thank you.

Very truly yours,

HINKLE, COX, EATON, COFFIELD
& HENSLEY


James Bruce

Enclosures
JGB/sp
stognr.ltr

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