KELLAHIN AND KELLAHIN

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

April 19, 1995

TELEPHONE (505) 982-4285 TELEFAX (505) 982-2047

JASON KELLAHIN (RETIRED 1991)

*NEW MEXICO BOARD OF LEGAL SPECIALIZATION RECOGNIZED SPECIALIST IN THE AREA OF NATURAL RESOURCES-OIL AND GAS LAW

W. THOMAS KELLAHIN*

HAND DELIVERED

Mr. David R. Catanach Hearing Examiner Oil Conservation Division 2040 South Pacheco Santa Fe, New Mexico 87505

Re: NMOCD Case 11240: Application of Conoco Inc. to Amend Order R-9673-B and to create two 80-acre non-standard units with assignment of appropriate allowables Eddy County, New Mexico

Dear Mr. Catanach:

On behalf of Conoco Inc., please find enclosed our proposed order for your consideration in this case which was presented to you at the hearing held on April 6, 1995.

Mr. Cooter, on behalf of Southwest Royalty Inc. has reviewed and approved this proposed order.

In addition, please find enclosed the requested completion and production data from Southwest as supplied to me by Mr. Cooter along with similar data from Conoco.

Very truly yours.

W. Thomas Kellahin

cc: Paul Cooter, Esq.

Attorney for Southwest Royalty Inc.

cc: Conoco Inc.

Attn: Jerry Hoover

STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION DIVISION FOR THE PURPOSE OF CONSIDERING:

APPLICATION OF CONOCO INC. TO REOPEN CASE NOS 10471 AND 10560 TO VACATE THE COMPULSORY POOLING PROVISIONS OF ORDER NO. R-9673-A AND FOR THE CREATON OF TWO NON-STANDARD 80-ACRE SPACING AND PRORATION UNITS INCLUDING THE ASSIGNMENT OF APPROPRIATE ALLOWABLES, EDDY COUNTY, NEW MEXICO.

CASE NO. 11240 ORDER NO. R-9673-B

CONOCO INC.'S PROPOSED ORDER OF THE DIVISION

BY THE DIVISION:

This cause came on for hearing at 8:15 a.m. on April 6, 1995 at Santa Fe, New Mexico, before Examiner David R. Catanach.

NOW, on this ____ day of April, 1995, the Division Director, having considered the testimony, the recorded and the recommendations of the Examiner, and being fully advised in the premises,

FINDS THAT:

(1) Due public notice having been given as required by law, the Division has jurisdiction of this cause and the subject matter thereof.

Case No. 11240 Order No. R-9673-B Page 2

- (2) Case 10471 is a compulsory pooling application filed by Southwest Royalty Inc. ("Southwest") for which the Division entered Order R-9763 pooled all mineral interests in the Canyon Formation of the North Dagger Draw-Upper Pennsylvanian Pool underlying a spacing and proration unit containing 160 acres, more or less, and consisting of the NE/4 of Section 17, T19S, R25E, NMPM, Eddy County, New Mexico, and named Southwest as operator for purposes of drilling and completing a well to be located in the SW/4NE/4 (Unit G) of said Section 17.
- (3) Conoco objected to the relocation of the well from Unit G to Unit B and filed a competing compulsory pooling application (NMOCD Case 10560) for the dedication of the same spacing unit for the well drilled in Unit B and sought, among other things to be designated the operator.
- (4) On August 14, 1992, Southwest filed an application before the Division to reopen Case 10471 so that Order R-9673 could be amended to change the well location from Unit G to Unit B.
- (5) By stipulation of Southwest and Conoco, both Case 10471 (Reopened) and Case 10560 were consolidated and as a result of a settlement with Southwest Order R-9673-A was issued by the Division and Case 10560 was dismissed by Conoco.
- (6) On September 25, 1992, Southwest and Conoco signed a written settlement of the matters in dispute, which among other things, authorized Conoco to assume operations of the Southwest Dagger Draw #1 Well in Unit B which was renamed by Conoco to the Julie Com Well No 2 and to proceed with its completion and further authorized Southwest to commence the drilling of the Southwest Dagger Draw Well "A" No. 1 in Unit G.
- (7) The Settlement between Southwest and Conoco contemplated joint operators of the spacing unit with Conoco developing the N/2 of the spacing unit and Southwest operating the S/2 of the spacing unit.
- (8) The Division held such a settlement would be inconsistent with the established practice of the Division to not have joint operators within a single spacing unit. Both Southwest and Conoco agreed that a satisfactory

Case No. 11240 Order No. R-9673-B Page 3

resolution of that issue could be postponed until both wells were drilled, completed and producing capabilities established for each well.

- (9) Therefore, Order R-9673-A issued on May 6, 1992, superseded Order R-9673 and then provided in Decretory Paragraph (16) that the following issues should be held in abeyance pending the completion and establishment of accurate producing rates for both wells:
 - (a) The assignment of an appropriate allowable to both the Julie Well No 2 Dagger Draw "A" Well No. 1;
 - (b) A determination of whether the spacing unit should be subdivided into two 80-acre non-standard spacing and proration units consisting of the N/2 and S/2 of the NE/4 of Section 17 and the appropriate allocation of the allowable;
 - (c) The rights, remedies and obligations to and from Scarlett Nunes;
 - (d) Designation of an operator and/or sub-operator(s) for the spacing unit and the subject wells;
 - (e) Appropriate amendments to the subject order to accommodate Conoco's operation of the spacing unit for the Unit B well; and
 - (f) If necessary, appropriate amendments to the subject order to modify the pooling to create two non-standard 80-acre spacing and proration units.
- (10) Order R-9673-A further provided in Finding Paragraph (18) that "Case No. 10471 should be reopened and heard in conjunction with Case No. 10560 at such time as both wells in the NE/4 of Section 17 are completed and have been tested. The issues to be considered at such hearing should include those issues set forth....." [see Finding Paragraph 14 of Order R-9673-A].
- (11) Conoco and Southwest have each drilled, completed and produced their respective wells for sufficient period of time to now resolve the issues held in abeyance by Order R-9673-A.

- (12) In response to the issues held in abeyance by Order R-9673-A Conoco, with the concurrence of Southwest, appeared at the hearing to provide evidence and to request the following:
 - (a) resolution of the rights, remedies and obligations to and from Martha L. ("Scarlett") has been accomplished since Conoco has acquired all of her interest in the 160-acre spacing unit.
 - (b) the approval of a non-standard 80-acre spacing and proration unit ("NSP") consisting of the N/2NE/4 of said Section 17 retroactive to the date of its first production to be dedicated to its Julie Com Well No 2 (API No. 30-015-27047) (formerly known as the Dagger Draw Well No. 1) located at a standard oil well location 660 feet from the North line and 1980 feet from the East line (Unit B) of said Section 17:
 - (c) the approval of a non-standard 80-acre spacing and proration unit ("NSP") consisting of the S/2NE/4 of said Section 17 retroactive to the date of its first production dedicated to Southwest's Dagger Draw "A" Well No. 1 (API No. 30-015-27159) located at a standard oil well location 1650 feet from the North line and 1880 feet from the East line (Unit G) of said Section 17; and
 - (d) the assignment of an allowable as described in Exhibit "A" attached; and
 - (e) the continuation of the compulsory pooling provisions of Order R-9673-A in so far it pools all mineral interest from the surface to the base of the Canyon formation underlying a non-standard 80-acre spacing and proration unit consisting of the S/2NE/4 of said Section 17.
- (13) Southwest appeared at the hearing through counsel and concurred with the Conoco request.

- (14) Subsequent to the hearing Southwest provided evidence that its Dagger Draw A Well No 1 in (Unit G) of said Section 17, was completed on January 1, 1993 with an initial rate of 30 BOPD and as of February 1, 1995 had produced a total of 73,431 BOPD for an average daily rate of 24 BOPD.
- (15) Subsequent to the hearing Conoco provided evidence that its Julie Com Well No. 2 in (Unit B) of said Section 17, was completed on January 1, 1993 with an initial rate of 369 BOPD and as of February 1, 1995 had produced a total of 104,331 BOPD for an average daily rate of 143 BOPD.
- (16) Neither well has been capable of producing more than 50% of the 700 BOPD standard 160-acre oil allowable.
- (17) That in the interest of prevention of waste and protection of correlative rights, Conoco's requests as set forth in Finding Paragraph (12) above should be approved.

IT IS THEREFORE ORDERED THAT:

- (1) Division Order R-9673-A is hereby amended to be consistent with this order.
- (2) All mineral interests, whatever they may be, within the vertical limits of the North Dagger-Draw Upper Pennsylvanian Pool underlying the S2/2NE/4 of Section 17, Township 19 South, Range 25 East, NMPM, Eddy County, New Mexico, are pooled to form an 80-acre non-standard oil spacing and proration unit to be dedicated to the Southwest Dagger Draw "A" Well No. 1 drilled at a standard oil well location 1650 feet from the North line and 1880 feet from the East line (Unit G) of said Section 17.
- (3) A non-standard 80-acre spacing and proration unit ("NSP") consisting of the N/2NE/4 of said Section 17 retroactive to the date of its first production to be dedicated to its Julie Com Well No 2 (API No. 30-

Case No. 11240 Order No. R-9673-B Page 6

- 015-27047) (formerly known as the Dagger Draw Well No. 1) located at a standard oil well location 660 feet from the North line and 1980 feet from the East line (Unit B) of said Section 17 is hereby **APPROVED** effective from the first day of said production.
- (4) A non-standard 80-acre spacing and proration unit ("NSP") consisting of the S/2NE/4 of said Section 17 retroactive to the date of its first production dedicated to Southwest's Dagger Draw "A" Well No. 1 (API No. 30-015-27159) located at a standard oil well location 1650 feet from the North line and 1880 feet from the East line (Unit G) of said Section 17 is hereby **APPROVED** effective from the first day of production.
- (5) That each said 80-acre non-standard spacing and proration unit shall be assigned an allowable as described in Exhibit "A" attached
- (6) That for purposes of reporting said allowable, each said 80-acre non-standard spacing and proration unit shall be assigned a maximum daily oil allowable 350 BOPD and that any over/underproduction shall be approved by the OCD District Supervisor-Hobbs in accordance with the provisions of Exhibit "A" attached and further provided that the cumulative total of said production from both non-standard proration and spacing units does not exceed 700 BOPD.
- (7) Jurisdiction of this cause is retained for the entry of such further orders as the Division may deem necessary.

DONE, at Santa Fe, New Mexico, on the day and year hereinabove designated.

STATE OF NEW MEXICO OIL CONSERVATION DIVISION

WILLIAM J. LEMAY, Director

PROPOSED ASSIGNMENT OF ALLOWABLE

FOR THE

NE/4, Section 17, T-19S, R-25E

Eddy County, New Mexico

BASED UPON "North Dagger Draw Upper Penn" POOL RULES:

- (a) 160-Acre standard proration unit
- (b) 700 BOPD allowable for a standard proration unit

ASSUMED:

Formation of two 80-acre non-standard proration units consisting of the N/2 and S/2 of Section 17, T-19S, R-25E

PROPOSED SPLIT OF 700 BOPD ALLOWABLE BETWEEN THESE TWO NSPU'S BASED UPON THE FOLLOWING FOUR (4) POTENTIAL SCENARIOS:

- As long as <u>BOTH</u> 80-acre NSPU's <u>ARE NOT</u> capable of producing and reporting production in excess of 350 BOPD, each NSPU shall be assigned an oil allowable of 350 BOPD.
- 2. As long as <u>BOTH</u> 80-acre NSPU's <u>ARE</u> capable of producing and reporting production in excess of 350 BOPD, each NSPU shall be assigned an oil allowable of 350 BOPD.
- 3. If normal daily production for either NSPU naturally declines to the point that it is not capable of producing its 350 BOPD allowable, the other NSPU will have the option of increasing its producing rate to take advantage of the unused portion of the total standard allowable of 700 BOPD for 160 acres.
- 4. If (following the occurrence of scenario No. 3) operational problems are solved, and/or remedial work on the well is conducted, and/or more efficient artificial lift equipment is installed, and/or additional wells are drilled which increases production, then the NSPU conducting such work will be allowed to maximize its production
 - (a) <u>UP TO</u> its <u>ONE-HALF</u> (1/2) share of the total allowable, if the other NSPU can produce in excess of its one-half (1/2) share of the total allowable, or
 - (b) IN EXCESS OF its ONE-HALF (1/2) share of the total allowable, if the other NSPU cannot produce its one-half (1/2) share of the total allowable and has unused allowable such that the combined production from both NSPU's does not exceed the total allowable for a standard 160-acre proration unit.

The current producing scenario is described by No. 1 above and is the most likely scenario to continue throughout the lives of these two 80-acre proration units. However, should the drilling of additional wells or the workovers of existing wells significantly change the producing capability of either or both of these NSPU's, the other three scenarios will provide a means of ensuring fair and efficient recovery for both units.

Submat to Appropriate
District Office
State Lease — 6 copies
For Lease — 5 copies
DISTRICT!
P.O. Box 1980, Hobbs, NM \$8240

State of New Mexico Energy, Minerals and Natural Resources Department

Form C-105

OIL CONSERVATION DIVISION P.O. Box 2088 Santa Fe, New Mexico 87504-2088

·	Review	1-1-89
30-0	15-3	7047

WELL API NO.

5. Indicate Type of Lease

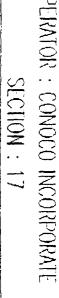
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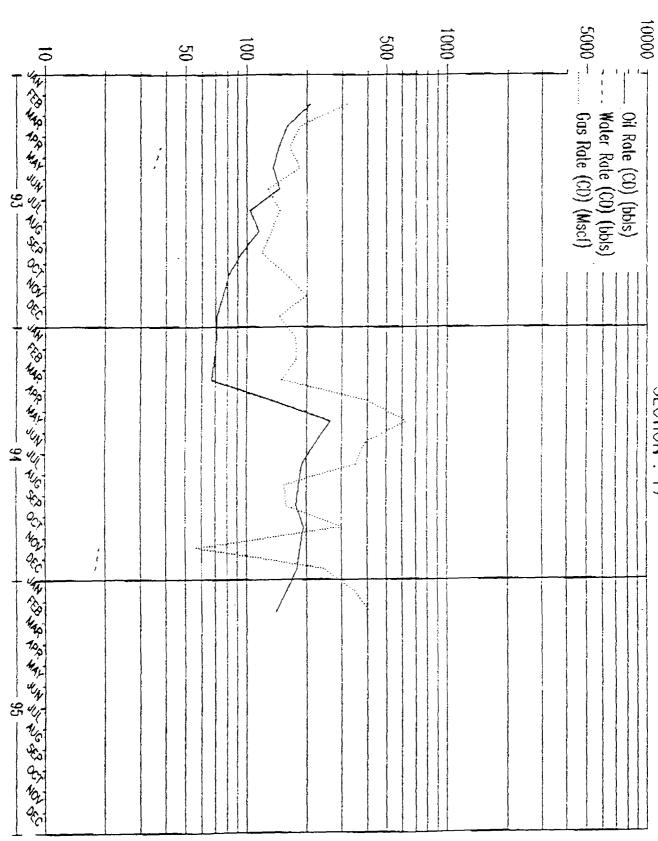
PRODUCTION HISTORY OF THE JULIE COM NO. 2

(formerly the Dagger Draw No. 1)

DATE (Month)	BBLS. of OIL
2/93	5,831
3/93	4,963
4/93	4,342
5/93	4,183
6/93	4,378
7/93	3,216
8/93	3,538
9/93	2,820
10/93	2,527
11/93	2,284
12/93	2,201
subtotal	40,283
1/94	2,193
2/94	1,925
3/94	2,074
4/94	3,991
5/94	8,191
6/94	6,689
7/94	5,904
8/94	5,693
9/94	5,323
10/94	6,006 5,504
11/94	5,584
12/94	5,528
subtotal	59,101
1/95	4,947
TOTAL	104,331

OPERATOR: CONOCO INCORPORATE





Substat to Appropriate Distract Office Scale Learn - 5 expens DISTRICT!		•	State of New Mei als and Natural Re SERVATIO	N DIVISIO		WELL AH NO.		Forte C/105 Review (-(-00
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PRODUCTION HISTORY OF THE DAGGER DRAW A #1 WELL (oil only)

<u>Date</u>	Amount (barrels)
2/93	182.14
3/93	1,094.39
4/93	3,606.07
5/93	1,433.23
6/93	3,240.76
7/93	3,887.14
8/93	3,469.15
9/93	1,968.72
10/93	3,570.51
11/93	2,542.53
12/93	2,989.38
SUBTOTAL	27,984.02
1/94	3,276.91
2/94	2,361.68
3/94	4,018.70
4/94	3,277.60
5/94	5,010.16
6/94	3,855.44
7/94	4,250.67
8/94	3,787.04
9/94	3,634.76
10/94	3,175.16
11/94	2,839.16
12/94	3,151.20
SUBTOTAL	42,638.48
1/95	2,808.46
SUBTOTAL	2,808.46
TOTAL	73,430.96

STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION DIVISION FOR THE PURPOSE OF CONSIDERING:

CASE NO. 11240

Application of CONOCO Inc. to reopen Case No. 10471 and 10560 to vacate compulsory pooling provisions No. R-9673-A and for the creation of two non-standard units, Eddy County, New Mexico.

CERTIFICATE OF MAILING AND COMPLIANCE WITH ORDER R-8054

W. THOMAS KELLAHIN, attorney in fact and authorized representative of CONOCO Inc., states that the notice provisions of Division Rule 1207 (Order R-8054) have been complied with, that Applicant has caused to be conducted a good faith diligent effort to find the correct addresses of all interested parties entitled to receive notice, that on the 22nd day of February, 1995 I caused to be sent, by certified mail return receipt requested, notice of this hearing and a copy of the application for the referenced case along with the cover letter, at least twenty days prior to the hearing set for April 6, 1995, to the parties shown in the application as evidenced by the attached copies of receipt cards, and that pursuant to Division Rule 1207, notice has been given at the correct addresses provided by such rule.

W. Thomas Kellahin

SUBSCRIBED AND SWORN to before me on this 5th day of April, 1995.

Notary Public

My Commission Expires: June 15th, 1998

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so return this card to you. • Attar conoco/10560(04/06/95) • Writ March 15, 1995 • The	that we can pace 1. Addressee's Address number and the date 1. Restricted Delivery	Receipt for Certified Mail No Insurance Coverage Provided to not use for International MacKee Reverse;
delivered. 3. Article Addressed to: Unit Petroleum POB 702500 Tulsa, OK 74170-2500	4a. Article Number 4b. Service Type Registered Insured Certified COD Express Mail Return Receipt for Merchandise 7. Date of Delivery 8. Addressee's Address (Only if requested A	Unit Petroleum POB 702500 Tulsa, OK 74170-2500
5. Signature (Addressee) 6. Signature (Agent) 6. Signature (Agent) 7. P8 Form 3811, December 1991 ×U.S. GPO: 1993-	and fee is paid) 352-714 DOMESTIC RETURN RECEIPT	P 135 851 313 Receipt for Certified Mail No Insurance Coverage Provide Do not use for International Mail
SENDER: Complete items 1 and/or 2 for additional services. Complete items 3, and 4a & b. Pr CONOCO/10506 At March 15, 1995 W The delivered.	I also wish to receive the following services (for an extra fee): 1. Addressee's Address 2. Restricted Delivery Consult postmaster for fee.	Faskin Oil & Ranch Interests 303 West Wall Street Ste. 1900 Midland, TX 79701-5116
3. Article Addressed to: Faskin Oil & Ranch Interes: 303 West Wall Street Ste. 1900 Midland, TX 79701-5116	4a. Article Number 35 3 3 4b. Service Type Registered Insured Certified COD Express Mail Return Receipt for Merchandise 7. Date of Delivery	Destroyed Convertible Section Select Stopping Convertible Selection For Animal Steel Selection For Animal Selection Swing to Animal Selection For Animal Selection Selection For Animal Selection Swing to Animal Selection For Animal Selection Selection Selection For Animal Selection Selection Selection For Animal Selection Selection Selection Selection For Animal Selection Sele
5. Signature (Addressee) 6. Signature (Agent) PS Form 3811, December 1991 ±U.S. GPO: 1993—	8. Addressee's Address (Only if requested and fee is paid) S22-714 DOMESTIC RETURN RECEIPT	P 135 851 314 Receipt for
SENDER: Complete items 1 and/or 2 for additional services. Complete items 3, and 4a & b.	I also wish to receive the following services (for an extra	Certified Mail No Insurance Coverage Provided Do not use for International Mail (See Reverse)
return th CONOCO/10506 Attacl des Anno Write The Ru delivered.	ice 1. Addressee's Address umber. 2. Restricted Delivery Consult postmaster for fee.	BHP Petroleum Inc. 1360 Post Oak Blvd. Ste. 500 Houston, TX 77056-3020
BHP Petroleum Inc. 1360 Post Oak Blvd. Ste. 500 Houston, TX 77056-3020	4b. Service Type Registered Insured Certified COD Express Mail Return Receipt for Merchandise 7. Date of Delivery	Test the content with the content of the west of the content of the west of the content of the c
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