

CASE 1327: Application of Texas Pacific Coal and Oil Company for an order immediately terminating gas prorationing in the Jalmat Gas Pool; or in the alternative, revising the Special Pool Rules for the Jalmat Gas Pool in Lea County, New Mexico. Applicant, in the above-styled cause, seeks an order immediately terminating gas prorationing in the Jalmat Gas Pool, or in the alternative, an order immediately cancelling all accumulated underproduction and redistributing such underproduction to overproduced wells in the Jalmat Gas Pool, and requiring gas purchasers to nominate a sufficient amount of gas from the pool to permit wells from which purchasers are able to take gas to have an allowable equal to their actual production, and upon this basis to thereafter balance the pool production at the end of each proration period, and establishing deliverability of gas wells as a factor in the proration formula for the pool, and establishing a maximum amount of gas which may be taken from any well in the pool during a specified period of time. Applicant further requests the Commission to issue such further order or orders as will bring the pool immediately into balance and maintain such balance without waste and without abuse of applicant's or others' correlative rights.

ir/

IN THE DISTRICT COURT OF LEA COUNTY  
STATE OF NEW MEXICO

CONTINENTAL OIL COMPANY, et al.	}	
Petitioners,		
vs.		Nos. 16213 thru 16220,
		inclusive; consolidated
OIL CONSERVATION COMMISSION, et al.		under No. 16213
Respondent.		

JUDGMENT UPON MANDATE

THIS CAUSE came on for consideration by the Court on this day on the Mandate issued by the Supreme Court of New Mexico on August 20, 1962, in the appeal from the judgment in this cause, said appeal being cause No. 6830 on the docket of the Supreme Court of New Mexico. The Court having considered the mandate of the Supreme Court, in accordance therewith,

IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT that Petitioners' appeal in this consolidated cause is hereby sustained and that the Judgment entered herein on the 17th day of February, 1960, be and the same hereby is vacated, set aside and held for naught.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that Orders R-1092-A and R-1092-C of the Oil

Conservation Commission of New Mexico, entered in cause No. 1327 on the docket of said Commission, be and they hereby are declared to be invalid and void.

DONE at Lovington, New Mexico, this 26 day of September, 1962.

s/ John R. Brand

DISTRICT JUDGE

APPROVED AS TO FORM:

*James W. Russell*  
*Attorney for the Conservation Commission*

CAMPBELL & RUSSELL

By-John F. Russell for T.P. Coal & Oil Co

Ross L. Malone, for Petitioners

Howard C. Bratton," " by(illegible)

Robert W. Ward for Permian

*James W. Kellah* for petitioners

IN THE DISTRICT COURT OF LEA COUNTY  
STATE OF NEW MEXICO

CONTINENTAL OIL COMPANY, et al

Plaintiff

vs.

No. 16213 thru 16220  
inclusive; consolidated  
under 16213

OIL CONSERVATION COMMISSION, et al

Defendant

CLERK'S CERTIFICATE

STATE OF NEW MEXICO  
COUNTY OF LEA

} ss.

I, W. M. Beauchamp, the duly appointed, qualified and acting; Clerk of the District Court of the Fifth Judicial District of the State of New Mexico, within and for the County of Lea, DO HEREBY CERTIFY that the within and foregoing instrument of writing is a full, true and correct copy of the original \_\_\_\_\_

**JUDGMENT UPON MANDATE**

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\_\_\_\_\_  
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in the above styled and numbered cause which was filed in my office on the 27  
day of SEPTEMBER, 1962

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court this the .....  
4 day of OCTOBER, A. D., 1962

W. M. BEAUCHAMP

Clerk of the District Court

By

*Louella B. Lister*

Deputy

COPY

ATWOOD & MALONE  
LAWYERS

P. O. DRAWER 700  
TELEPHONE 505 622-6221  
SECURITY NATIONAL BANK BUILDING  
ROSWELL, NEW MEXICO

JEFF D. ATWOOD (1883-1960)  
ROSS L. MALONE  
CHARLES F. MALONE  
RUSSELL D. MANN  
PAUL A. COOTER  
—  
BOB F. TURNER  
ROBERT A. JOHNSON

September 24, 1962

Robert W. Ward, Esquire  
Attorney at Law  
201 North Love  
Lovington, New Mexico

Re: Jalmat Appeal

Dear Bob:

In accordance with our telephone conversation of today, I am transmitting herewith the original and one copy of a proposed Judgment Upon Mandate to be submitted to Judge Brand for his approval and signing in accordance with the Mandate of the Supreme Court in this case.

The Judgment Upon Mandate has been approved as to form by Mr. Durett for the Oil Conservation Commission and Mr. Russell for Texas Pacific Coal and Oil Company and by Jason Kellahin, Howard Bratten and me. The remaining blank is for your approval on behalf of your client.

It is my understanding on the basis of our telephone conversation that you will immediately upon receipt of the Judgment Upon Mandate submit it to Judge Brand for his signature, and file it with the Clerk of the Court. Will you then please have the enclosed blank copy of the Judgment Upon Mandate certified by the Clerk of the Court and return it directly to me. I am enclosing, in addition to the blank copy for certification, our check in the sum of \$.50 payable to the clerk of the District Court of Lea County covering the cost of certification.

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Robert W. Ward, Esquire  
September 24, 1962

As you know, the Oil Conservation Commission is proceeding with the preparation of the October proration schedule on the basis that this Judgment Upon Mandate will be signed and filed prior to October 1, 1962 and I am counting on you to accomplish this and advise me and Mr. Durett of the Oil Conservation Commission as soon as it has been accomplished.

With best personal regards and my thanks for your assistance in this connection, I am,

Very truly yours,

  
for ATWOOD & MALONE

RLM:ps  
encl.

cc: James M. Durett, Jr., Esquire ✓  
Assistant Attorney General  
Oil Conservation Commission  
Santa Fe, New Mexico

Campbell & Russell  
P. O. Box 640  
Roswell, New Mexico

Jason W. Kellahin, Esquire  
P. O. Box 1713  
Santa Fe, New Mexico

Howard C. Bratten, Esquire  
Hervey, Dow & Hinkle  
P. O. Box 10  
Roswell, New Mexico