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EXAMINER HEARING

Application of Don Stuckey for com- pulsory pooling, Eddy County, New Mexico.	CASE 8194
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TRANSCRIPT OF HEARING

For the Oil Conservation Division:

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For the Applicant:

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A P P E A R A N C E S

For Yates Petroleum and
Chama Petroleum:

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CAMPBELL, BYRD & BLACK P.A.
P. O. Box 2208
Santa Fe, New Mexico 87501

I N D E X

STATEMENT BY MR. KELLAHIN

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DONALD P. STUCKEY

Direct Examination by Mr. Kellahin

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Cross Examination by Mr. Stogner

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MR. STOGNER: We'll call next
Case Number 8194.

MR. PEARCE: That case is on
the application of Don Stuckey for compulsory pooling, Eddy
County, New Mexico.

MR. KELLAHIN: Mr. Examiner, I
wonder if we might continue Mr. Stuckey's cases for just a
moment to see if Mr. Carr and I can't resolve some of our
problems, and if not, we'll present that case later.

MR. STOGNER: Okay, we're going
to at this time skip Cases 8194 and 8193.

(Thereupon later on the same docket
the following proceedings were had,
to-wit:)

MR. STOGNER: We will now call
Case Number 8194.

MR. PEARCE: That case is on
the application of Don Stuckey for compulsory pooling, Eddy
County, New Mexico.

MR. KELLAHIN: If the Examiner
please, I'm Tom Kellahin of Santa Fe, New Mexico, appearing
on behalf of the applicant and I have one witness to be
sworn.

MR. PEARCE: Are there other
appearances in this matter?

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2 MR. CARR: May it please the
3 Examiner, my name is William F. Carr, with the law firm
4 Campbell, Byrd & Black, P. A., of Santa Fe, appearing on be-
5 half of Yates Petroleum Corporation and Chama Petroleum Cor-
6 poration.

7 MR. KELLAHIN: Mr. Examiner, as
8 a preliminary matter I have some opening remarks to help ex-
9 plain what we propose to accomplish with this application.

10 I might direct your attention
11 to what we propose to use as Exhibit Number One, which is
12 the land plat.

13 The proposed 40-acre proration
14 and spacing unit that is the subject of this case is the
15 southwest quarter of the northeast quarter of Section 5. I
16 have outlined it in red on the Examiner's copy of Exhibit
17 One. It is the well location that intersects the two cross
18 section lines.

19 This is a re-entry of a Morrow
20 well, I believe. Mr. Stuckey will attempt to complete it in
21 the Upper Pennsylvanian.

22 If you'll note to the north and
23 to the west on the plat, the west half of Section 31, cor-
24 respondingly the north half of Section 1 in the adjoining
25 township to the east. I have drawn on your exhibit that
boundary. That boundary represents the closest limits of
the Dagger Draw Upper Pennsylvanian Pool.

The Dagger Draw Upper Pennsyl-

1
2 vanian Pool is spaced upon 160 acres. It is an oil pool.
3 You can see by taking a ruler or otherwise counting the
4 quarter sections that this 40-acre tract is a mile, more
5 than a mile, than the Dagger Draw Pool Boundary.

6 We therefore propose to re-
7 enter this well spaced upon 40 acres and do not believe that
8 we are subject to the Dagger Draw Pool rules because we are,
9 in fact, more than a mile away.

10 The re-entry of this well
11 involves a royalty ownership that Yates now has and Mr.
12 Stuckey will explain the Yates involvement in the case, but
13 in conclusion we want to identify for you and have you rule
14 on the proposition upon which the whole case is structured
15 and that is that we are not subject to the Dagger Draw Pool
16 rules. We have consulted with Mr. Carr, as attorney for
17 Chama, one of the parties that's entered an appearance in
18 this case, and I believe I am correct in saying that Mr.
19 Carr and I both agree that the 40-acre tract that's the
20 subject of this case is not subject to the pool rules in the
21 Dagger Draw.

22 MR. CARR: May it please the
23 Examiner, I have looked at the plats, the Commission plats,
24 to identify the present boundaries of the Upper Dagger Draw,
25 and we concur that this spacing unit, this 40-acre tract, is
more than a mile from the Dagger boundaries, and therefore
would not be governed by the pool rules.

MR. STOGNER: That should

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3 suffice. Mr. Kellahin, you may continue.

4 MR. KELLAHIN: Thank you, Mr.
5 Examiner.

6 DONALD P. STUCKEY,
7 being called as a witness and being duly sworn upon his
8 oath, testified as follows, to-wit:

9
10 DIRECT EXAMINATION

11 BY MR. KELLAHIN:

12 Q Mr. Stuckey, for the record would you
13 please state your name and state where you live, sir?

14 A My name is Donald P. Stuckey and I pre-
15 sently live in Mesquite, Texas.

16 Q Mr. Stuckey, have you previously testi-
17 fied before the Oil Conservation Division of New Mexico?

18 A No, I haven't.

19 Q Would you describe to the Examiner what,
20 if any, professional degrees that you have earned?

21 A I have a Bachelor of Science in chemical
22 engineering from Texas Tech in May or June of 1973.

23 Since that time I have been involved in
24 the oil industry in a professional capacity with a number of
25 major and independent oil companies and consulting firms.

Q Have you been employed in the capacity of
a petroleum engineer for various companies who have inter-

1
2 ests in southeastern New Mexico?

3 A Yes, I have.

4 Q Would you describe what those companies
5 -- name those companies for me?

6 A I will. Marathon Oil Company and MGF
7 Oil.

8 Q For Marathon and MGF Oil, Mr. Stuckey,
9 have you done typical petroleum engineer calculations on re-
10 serves estimates and other well data?

11 A I have. I've also served on secondary
12 and other engineering committees and also served on the
13 American Gas Association SubCommittee on Natural Gas
14 Reserves for Southeast New Mexico.

15 Q All right, sir, and you are the applicant
16 in this case and you are doing business as an individual?

17 A I am.

18 Q And the proration and spacing unit that
19 we have described earlier, being the southwest quarter of
20 the northeast quarter of Section 5 is acreage in which you
21 have a working interest.

22 A It is.

23 MR. KELLAHIN: We tender Mr.
24 Stuckey as an expert engineer.

25 MR. STOGNER: He is so quali-
26 fied.

27 Q Mr. Stuckey, let me direct your attention
28 to Exhibit Number One, which I discussed earlier, and have

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you generally identify that exhibit for us.

A Does that mean you want me to talk about it?

Q Yes, sir, I want you to tell me what it is.

A All right. This is a copy of a map of the area, indicating the -- the information here, unfortunately, is not always up to date, but it's the best that's available through subscription. It indicates the 40-acre tract that we're interested in re-entering the S. P. Johnson No. 1 wellbore.

Q All right, sir, and what is the source of the plat?

A The plat is from Midland Map.

Q All right. On that map you have drawn, I assume that's your work, that shows lines of different cross sections?

A It is.

Q All right, sir. Let me ask you some questions with regards to this exhibit, Mr. Stuckey.

The proposed well that is currently located on the southwest quarter of the northeast quarter of Section 5 is a well known by what name?

A It's known as the S. P. Johnson No. 1.

Q And what is the status of the S. P. Johnson No. 1 Well?

A It's been plugged and abandoned since

March of 1982.

Q Is that a well that was plugged and abandoned pursuant to a prior oil and gas lease on this acreage that has now expired?

A It was. And some of the leases have expired. Certain of the leases are still held by production on other tracts.

Q All right.

A On a base lease.

Q Let me refine my question to you. What was the proration and spacing unit that was assigned to the S. P. Johnson Well?

A The S. P. Johnson Well produced from perforations of 9276 to 9399, which were Morrow sand, Morrow sand interval, and it was depleted in that interval prior to being plugged.

Q All right, sir, and what was the spacing and proration unit dedicated to that well?

A 320 acres.

Q And that consisted of what portion of Section 5?

A The north half. The north half of Section 5.

Q Are any of the owners in the north half of Section 5, the former spacing unit, do any of those owners now claim an interest in the plugged and abandoned wellbore?

A No.

Q All right. You have obtained an interest in the 40-acre tract how?

A Okay. The 40-acre tract is 7/8ths minerals are owned by Superior Oil Company, who have farmed out to me.

The remaining five acres of the 40 are held by production from base lease originally granted to Northern Natural Gas Producing Company by Ruth Cobert and that's the way that the Yates have an interest. They bought that mineral interest from Ruth Cobert after the lease was signed and executed.

That five acres is held by production by another well on the base lease.

Q All right, let me ask you some questions with regards to the Yates interest.

Do the Yates currently have any working interest with regards to the 40-acre spacing unit?

A No, they don't.

Q They have a 1/8th royalty interest of 5 acres out of the 40 acres that they received from Mrs. Cobert.

A Right.

Q They received that by acquiring her mineral interest which were already subject to the lease pursuant to which you're attempting the re-entry.

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A Right.

Q All right. Yates does not have a working interest; they have a royalty interest. What is your position with regards to their royalty interest?

A We hope to make them some money.

Q All right, sir. Does your lease, pursuant to which you're re-entering the well have provisions in it that allow the working interest owners to commit this interest to a 40-acre spaced unit?

A I'm not sure I understand your question, but I think I can give you an answer.

Q All right, sir.

A All right. The former working interest owners in this well, the people that put the money up to drill the well, were Mewbourne Oil Company and their partners.

Mewbourne Oil Company and their partners had 98.4375 percent of that well. The remaining 1.5265 percent was the property of Tom L. Ingram, who participated in the well with the -- with the Mewbourne, et al.

Mewbourne, et al, was 25 percent either Mewbourne Oil or Curtis W. Mewbourne. 37.5 percent MGF Oil Corporation, through one of the drilling funds. 12.5 percent to Mr. D. A. Metz of Midland. 12.5 percent to Union Texas Petroleum; and another 12.5 percent to Florida Exploration.

Let me explain that Union Texas and Flor

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2 ida Exploration have -- have bought their way into this by
3 buying out Supron's interest, which originally was a quart-
4 er.

5 Did that answer the question?

6 Q No, sir, because I didn't make it clear
7 to you. Let me ask it a different way.

8 Does the lease provision pursuant to
9 which you are re-entering the well have provisions in it
10 that allow the lessee to determine that 40-acre oil prora-
11 tion unit is an acceptable number of acres to dedicate to an
12 oil well?

13 A They do.

14 Q All right. Let me turn your attention
15 now to Exhibit Number Two. You have identified for us the
16 various working interest owners that have interests in the
17 north half of Section 5. With regards to that ownership,
18 and directing your attention to the 40-acre tract, would you
19 identify for us which, if any, of these companies or indivi-
20 duals still have not committed their interest to the re-
21 entry of this well.

22 A The only one that hasn't is MGF Oil Cor-
23 poration.

24 Q All right, sir, let me direct your atten-
25 tion to Exhibit Number Three, and ask you to summarize for
us your efforts to get MGF Oil Corporation to voluntarily
participate in the re-entry of this well.

A Okay. Exhibit Number Three is a letter

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2 that I wrote to the working interest owners in the plugged
3 well because of their held by production status on acreage,
4 asking them to farm out to me so that we could get on with
5 this, and I had -- this was subsequent to numerous telephone
6 calls for a period of around May through November. This
7 letter is dated November the 16th. So they'd all been con-
8 tacted and had been advised of what I was trying to do and
9 why we didn't go into a lot of detail. This was a formality
at the time, at least I thought it was a formality.

10 Subsequent to this, everyone involved ex-
11 cept MGF has -- has done something, giving me the authority
12 and the power to re-enter the wellbore and test the zones
13 that we're talking about.

14 Q Have certain of those companies entered
15 into a joint operating agreement with you?

16 A Not yet, because we're still trying to
17 get MGF involved and we were trying to pursue in a uniform
manner.

18 Q All right, sir, what is the last corre-
19 spondence or conversations you've had with the principals of
20 MGF Oil Corporation to find out what they propose to do in
21 terms of their voluntary participation in this well?

22 A In my last contact with them was in early
23 April and I went to their offices in Midland, Texas, which
24 was my second visit in about a month, to go and assure them
that they did have this interest.

25 Their present operating configuration

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2 staffwise is pretty slim and being a former employee of
3 theirs, I was aware of that and spent some time with them to
4 try to demonstrate to them that they do hold the interest
5 and have the right to farm it out.

6 Q Did you talk with individuals at MGF Oil
7 Corporation that were in a position to make a decision with
8 regards to their interest in this well?

9 A I did. I talked to one of their land
10 analysts, a lady named -- okay, let me go -- let me -- Pat
11 Francis at length, and I've been talking with her for a num-
12 ber of months.

13 I also had an opportunity to, along with
14 talking with her, to talk to Mr. Rick Miller, who is the
15 manager of their land department. Mr. Miller was convinced
16 from our conversations that what I went to demonstrate was
17 demonstrated. He assured me that the only way they would be
18 able to do anything in a timely fashion was if I would come
19 here and try to force pool their interest, because of staf-
20 fing problems they didn't feel like they could do anything
21 and get it approved within their own organization.

22 So it's really at their request that I'm
23 here.

24 Q Mr. Stuckey, let me direct your attention
25 to what I have marked as Exhibit Number Four, which is the
26 schematic of the wellbore, and ask you to describe that for
27 us.

28 A Yes. The prime importance of the schema-

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2 tic is it shows where the casing strings were set. It shows
3 the shoe and each one of the three casing strings that were
4 set in the well when it was originally completed.

5 Those are 12-3/4 inch casing, 30 pound
6 weight, set at 305 feet, circulated with cement. It doesn't
7 indicate on here it was circulated but it was.

8 I hope that -- the schematic also shows
9 that cement was circulated around the 8-5/8ths, 25 pound
10 string, which has a shoe at 1250 feet.

11 Looking further down the hole you'll
12 notice that there's a 4-1/2 inch casing stub at
13 approximately 6600 feet and I didn't show the location of
14 the cement plugs but the cement plugs are a matter of
15 record.

16 Going on down the schematic I notice --
17 all right, I note that there is a top of cement by
18 temperature survey at 7174 and below the top of the cement
19 there are two zones that are target intervals for the re-
20 entry. The upper one I designated Yeso zone, 7292 to 7298.
21 The other zone is slightly below it, which is definitely an
22 Upper Penn, 7717 to 7734, and further down the hole I've
23 shown in the schematic a bridge plug, cast iron bridge plug,
24 with cement on top of it and below that the schematic
25 indicates Morrow perms and the shoe of the 4-1/2.

Q All right, sir, I want you to describe
for us whether or not you have reached an opinion with
regards to the risk involved in the re-entry of this well.

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2 A I have -- I have a decided opinion that
3 it is a well that can be re-entered but there is -- in fact
4 there's probably more risk involved in attempting a comple-
5 tion than there is in the re-entry.

6 The risk in attempting the completion is
7 primarily from the fact that there was no water saturation
8 log, no resistivity log, run when the well was drilled.
9 They ran one log and that was an acoustic neutron log.
10 That's the only open hole log that was run in the -- in the
11 wellbore. So that it is impossible to determine even an es-
timate of water saturation.

12 Q Have you examined the logs of the offset-
13 ting wells, Mr. Stuckey, to also assess the risk involved in
14 testing the Upper Pennsylvanian for productivity?

15 A I have.

16 Q Let me return to Exhibit Number One and
17 in connection with that exhibit have you approach the cross
18 section, Exhibit Number Five, that we've placed on the wall,
19 and have you describe for us what you have discovered in
examining those logs.

20 A On the cross section the well designated
21 Number Two is the log section from the well we propose to
22 re-enter. The zone that we're -- that we designated on our
23 schematic as the Upper -- as the Upper Penn is right here
and it has some porosity.

24 MR. STOGNER: Excuse me,
25 where's "right here"? What depth?

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2 And what well are you speaking
3 of?

4 A All right, I'll mark this one with red on
5 the cross section.

6 The schematic of the wellbore shows the
7 perforated interval Upper Penn and the exact depths that
8 we're picking for that interval and this interval right
9 here, this is the perforations (not understood.)

10 MR. STOGNER: That depth is
11 7717 to 7734 --

12 A Yes, it is.

13 MR. STOGNER: -- that is marked
14 on the cross section?

15 A That's what I've marked on the cross sec-
16 tion.

17 MR. STOGNER: Thank you.

18 A Okay, and this zone does not correlate
19 porosity in any of the other wells on this B-B' cross sec-
20 tion.

21 Now, one thing that I will point out, I
22 did not make this cross section myself. For those of us who
23 have made cross sections, it's a little odd in that north is
24 on the right and south is on the left, and when you look at
25 the map you would expect to see two wells to the left of the
well I'm proposing. In fact, those wells are on the right.

These wells on the right of the cross
section are the wells that separate the proposed re-entry

from the oil --

MR. KELLAHIN: The Dagger Draw?

A The Dagger Draw.

Q All right, let me direct your attention to those two wells, Mr. Stuckey, and have you describe to us what is your opinion with regards to the separation of your 40 acres from the production that takes place in the Dagger Draw Upper Pennsylvanian Pool to the northwest?

A There's just simply no porosity in there. It's tight, which would give us every expectation that if in fact this is a commercial reservoir, it will be a separate and distinct reservoir with its own pressure history.

Q All right, sir, you may return to your seat.

Mr. Stuckey, in terms of assessing a percentage to the re-entry and completion of an economically producing well in the Upper Pennsylvanian or in, as you have identified, a Yeso zone, do you have such an opinion as to such a percentage?

A Okay, I believe the percentage should be the maximum allowable, or the maximum allowed, which is 200 percent above the original payout.

Q All right, sir. Let me direct your attention to the proposed AFE for the re-entry and completion of the well. I think you still have that, Don.

A All right. Okay, I have it.

Q All right, sir, do you have some extra

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copies of that?

A I do.

Q Mr. Stuckey, I show you what we've marked as the application Exhibit Number Six and ask you to identify that.

A It's an AFE, or Authorization for Expenditure, to do the work that we're proposing, that is re-entering the S. P. Johnson Well, tying back into the 4-1/2 inch casing string in the stub looking up at 6600 feet, and subsequently running tubing and packer through that and attempting a completion in the Upper Penn.

It covers hardware as well as labor and intangibles and there's also \$4750 included at the bottom of the sheet for downhole and surface pumping equipment if we're successful and require pumping equipment, and that includes another \$35,000 for an attempted completion if we're not successful in the Upper Penn, to test the shallower zone, which we've designated the Yeso zone, 7292 to 7298.

Q Is this an Authorization for Expenditure that you have compiled yourself?

A No, sir, it is -- this was prepared by a man that has more experience in the area of preparing drilling costs than I have, and for that reason I have more confidence in it than if I'd done it myself.

Q All right, sir. Have you independently reviewed this information and satisfied yourself that these are fair and reasonable numbers?

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A I have.

Q And what interest do you have with regards to the percentage of this expenditure?

A I will have an interest in the thing after it pays out.

Q Let me direct your attention to the anticipated overhead charges that you would propose to include in a pooling order and have you give us your opinion with regards to what you think is a fair and reasonable overhead charge for the drilling well rate and then the producing well rate.

What is that first number, Mr. Stuckey?

A Well, the drilling well rate, I think a fair charge would be \$7500 a month and an excess of five days, and that would be proratable by days.

And for an operating well, because I don't operate any other wells in the area, I'm proposing \$600 per month and if I am able to operate another well in the area that will fall to \$400.

Q All right, sir, how many days do you anticipate you will use in the actual re-entry and completion of the well?

A As noted on the AFE, ten days of rig time; probably another ten days of completion time.

Q All right, sir. So if the Commission plugged into its order formula the \$7500 a month drilling well rate and a \$600 per month producing well rate, that is

1 a number that you think is fair and reasonable?

2 A Right.

3 Q Do you propose to make any adjustments to
4 the producing well rate over the life of the well?

5 A Well, unfortunately sometimes we see some
6 inflation. I'd like to have those figures adjusted by COPAS
7 standards.

8 MR. KELLAHIN: Mr. Examiner, we
9 would propose to provide you with a draft order included in
10 which there would be a paragraph that ties this into the
11 COPAS adjustments.

12 I know the Commission in the
13 past has entered such orders. Sometimes they have this pro-
14 vision in it; sometimes they do not, and if you will allow
15 me, I'll be happy to prepare such an order for you.

16 MR. STOGNER: I will allow you
17 and I appreciate it, Mr. Kellahin.

18 Q All right, Mr. Stuckey, in your opinion
19 will approval of this application be in the best interests
20 of conservation the prevention of waste and the protection
21 of correlative rights?

22 A I believe it will.

23 MR. KELLAHIN: We'd move the
24 introduction of Exhibits One through Six.

25 MR. STOGNER: With no objec-
tions, Exhibits One through Six will be admitted into evi-
dence.

Mr. Carr, your witness.

MR. CARR: I have no questions.

CROSS EXAMINATION

BY MR. STOGNER:

Q Mr. Stuckey, --

MR. PEARCE: Mr. Kellahin?

MR. KELLAHIN: Yes, sir.

MR. PEARCE: Could you or Mr. Stuckey give me some indication of whether the Yeso is considered a member of the Upper Pennsylvanian?

A I believe that technically it is considered a member of the Upper Pennsylvanian, and it may be within the regulations of the State to attempt to commingle those two, but I think from an engineering standpoint, I would never feel comfortable trying it.

MR. PEARCE: My concern, Mr. Kellahin, is we advertised the pooling case to pool the Upper Pennsylvanian and if there's a possibility of failing that and going back and completing in the Yeso, I'm not sure that we've advertised the case in which we can pool the Yeso.

MR. KELLAHIN: Mr. Examiner, Mr. Pearce, it is my understanding that the proposed application, although Mr. Stuckey has attempted to define what he calls a Yeso zone, is in fact a portion or a zone in the Upper Pennsylvanian, and as used by the Commission would in-

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clude the Upper Pennsylvanian for both of those intervals, but we will contact the District Supervisor, indicate to him a type log, in fact a log of the well where we propose the perforations, and if the District does not agree with that opinion, we will come back and readvertise our case.

MR. PEARCE: If you can just let us know prior to submitted the draft we will appreciate it.

MR. KELLAHIN: All right, sir.

MR. PEARCE: Thank you, sir.

MR. STOGNER: I have no further questions of Mr. Stuckey.

Are there any other questions of this witness? If not, he may be excused.

Mr. Carr, do you have anything further in this case?

MR. CARR: No, sir.

MR. STOGNER: Mr. Kellahin, do you have anything further?

MR. KELLAHIN: No, Mr. Examiner.

MR. STOGNER: Does anybody else have anything further in Case Number 8194?

If not, this case will be taken under advisement.

(Hearing concluded.)

C E R T I F I C A T E

I, SALLY W. BOYD, C.S.R., DO HEREBY CERTIFY that the foregoing Transcript of Hearing before the Oil Conservation Division was reported by me; that the said transcript is a full, true, and correct record of the hearing, prepared by me to the best of my ability.

Sally W. Boyd CSR

I do hereby certify that the foregoing is
a complete record of the proceedings in
the Examiner hearing of Case No. 8194
heard by me on May 23 1984.
M. L. Slagter Examiner
Oil Conservation Division