

Entered September 1, 1960
A.F.D.

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION OF NEW MEXICO FOR
THE PURPOSE OF CONSIDERING:

CASE No. 2051
Order No. R-1766

APPLICATION OF AMANDA E. SIMS AND
GEORGE W. SIMS FOR AN ORDER VACATING
THE STANDARD 160-ACRE TUBB GAS UNITS
CREATED BY ORDER NO. R-1310, AND FOR
AN ORDER ESTABLISHING A 160-ACRE
NON-STANDARD GAS PRORATION UNIT IN
THE TUBB GAS POOL, LEA COUNTY,
NEW MEXICO.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 o'clock a.m. on August 17, 1960, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission."

NOW, on this 2nd day of September, 1960, the Commission, a quorum being present, having considered the testimony presented and the exhibits received at said hearing, and being fully advised in the premises,

FINDS:

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

(2) That an application was filed in Case No. 1567 by Olsen Oils, Inc., for a 160-acre non-standard gas proration unit in the Tubb Gas Pool comprising the N/2 NW/4, SW/4 NW/4 and the NW/4 SW/4 of Section 25, Township 22 South, Range 37 East, NMPM, Lea County, New Mexico, or, in the alternative, for an order force-pooling the NW/4 of said Section 25 as one standard Tubb gas proration unit and the SW/4 of said Section 25 as another standard Tubb gas proration unit.

(3) That Order No. R-1310 was entered in Case No. 1567 force-pooling all interests to form the aforesaid standard Tubb gas proration units.

(4) That applicants herein, Amanda E. Sims and George W. Sims, seek an order vacating the standard 160-acre Tubb gas proration units established by Order No. R-1310, and seek an

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order establishing a 160-acre non-standard gas proration unit in the Tubb Gas Pool comprising the SE/4 NW/4, E/2 SW/4 and SW/4 SW/4 of Section 25, Township 22 South, Range 37 East, NMPM, Lea County, New Mexico.

(5) That applicants allege the existence of a communitization agreement between themselves and Olsen Oils, Inc., pooling the SE/4 NW/4, E/2 SW/4 and SW/4 SW/4 of said Section 25 to form a non-standard Tubb gas proration unit, which agreement is alleged to have been executed prior to the application of Olsen Oils, Inc., in Case No. 1567.

(6) That the communitization agreement between the applicants herein and Olsen Oils, Inc., concerned only the non-standard unit comprising the SE/4 NW/4, E/2 SW/4 and SW/4 SW/4 of said Section 25, and did not result in an agreement to form standard units in either the NW/4 or SW/4 of said Section 25, although an unsuccessful attempt was made by Olsen Oils, Inc., to form standard 160-acre Tubb gas proration units in the NW/4 and SW/4 of said Section 25 prior to its application in Case No. 1567 for an order force-pooling all interests to form such standard units as an alternative to the proposed non-standard units.

(7) That since the parties had been unable to agree to the formation of two standard 160-acre Tubb gas proration units, one consisting of the NW/4 and the other consisting of the SW/4 of said Section 25, the Commission had jurisdiction to enter an order force-pooling all mineral interest owners to form said units.

(8) That applicants herein had both actual notice and constructive notice by publication of the hearing upon the application of Olsen Oils, Inc., in Case No. 1567, but failed to appear or protest said application.

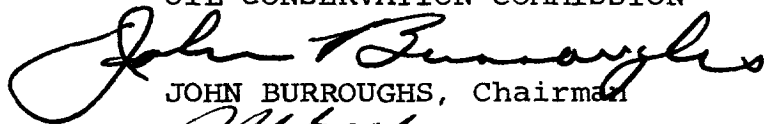
(9) That the applicants herein should seek relief, if any there be, in the state courts.

IT IS THEREFORE ORDERED:


That the subject application be and the same is hereby denied.

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

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION


JOHN BURROUGHS, Chairman


MURRAY E. MORGAN, Member


A. L. PORTER, Jr., Member & Secretary

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