

Entered April 20, 1984
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STATE OF NEW MEXICO
ENERGY AND MINERALS DEPARTMENT
OIL CONSERVATION DIVISION

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

CASE NO. 8142
Order No. R-7499

APPLICATION OF W. B. MARTIN & ASSOCIATES,
INC. FOR COMPULSORY POOLING, RIO ARRIBA
COUNTY, NEW MEXICO.

ORDER OF THE DIVISION

BY THE DIVISION:

This cause came on for hearing at 8 a.m. on April 11, 1984, at Santa Fe, New Mexico, before Examiner Richard L. Stamets.

NOW, on this 20th day of April, 1984, the Division Director, having considered the testimony, the record, and the recommendations of the Examiner, and being fully advised in the premises,

FINDS:

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

(2) That the applicant, W. B. Martin & Associates, Inc., seeks an order pooling all mineral interests from the base of the Pictured Cliffs formation down to and including the base of the Dakota formation under the various proration units described below, each to be dedicated to a well to be drilled on its Martin-Whittacker Lease at standard locations, all in Township 23 North, Range 4 West, NMPM, Rio Arriba County, New Mexico:

Well No. 35 - NE/4 in the Mesaverde and NE/4 NE/4 in the South Lindrith Gallup-Dakota, Section 15;

Well No. 28 - NW/4 in the Mesaverde and NE/4 NW/4 in the South Lindrith Gallup-Dakota, Section 15;

Well No. 29 - SW/4 in the Mesaverde and SW/4 SW/4 in the South Lindrith Gallup-Dakota, Section 15;

Well No. 30 - SE/4 in the Mesaverde and SW/4 SE/4 in the South Lindrith Gallup-Dakota, Section 15;

Well No. 31 - NE/4 in the Mesaverde and NE/4 NE/4 in the South Lindrith Gallup-Dakota, Section 16;

Well No. 32 - NW/4 in the Mesaverde and NE/4 NW/4 in the South Lindrith Gallup-Dakota, Section 16;

Well No. 33 - SW/4 in the Mesaverde and SW/4 SW/4 in the South Lindrith Gallup-Dakota, Section 16;

Well No. 34 - SE/4 in the Mesaverde and SW/4 SE/4 in the South Lindrith Gallup-Dakota, Section 16.

(3) That there are interest owners in the proposed proration units who have not agreed to pool their interests.

(4) That to avoid the drilling of unnecessary wells, to protect correlative rights, to prevent waste, and to afford to the owner of each interest in said units the opportunity to recover or receive without unnecessary expense his just and fair share of the hydrocarbons in said pools, the subject application should be approved by pooling all mineral interests, whatever they may be, within said units.

(6) That the applicant should be designated the operator of the subject wells and units.

(7) That any non-consenting working interest owner should be afforded the opportunity to pay his share of estimated well costs to the operator in lieu of paying his share of reasonable well costs out of production.

(8) That any non-consenting working interest owner who does not pay his share of estimated well costs should have withheld from production his share of the reasonable well costs plus an additional 200 percent thereof as a reasonable charge for the risk involved in the drilling of the well.

(9) That any non-consenting interest owner should be afforded the opportunity to object to the actual well costs but that actual well costs should be adopted as the reasonable well costs in the absence of such objection.

(10) That following determination of reasonable well costs, any non-consenting working interest owner who has paid his share of estimated costs should pay to the operator any amount that reasonable well costs exceed estimated well costs

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and should receive from the operator any amount that paid estimated well costs exceed reasonable well costs.

(11) That \$2500.00 per month while drilling and \$500.00 per month while producing should be fixed as reasonable charges for supervision (combined fixed rates); that the operator should be authorized to withhold from production the proportionate share of such supervision charges attributable to each non-consenting working interest, and in addition thereto, the operator should be authorized to withhold from production the proportionate share of actual expenditures required for operating the subject well, not in excess of what are reasonable, attributable to each non-consenting working interest.

(12) That all proceeds from production from any of the subject wells which are not disbursed for any reason should be placed in escrow to be paid to the true owner thereof upon demand and proof of ownership.

(13) That upon the failure of the operator of said pooled unit to commence drilling of any of the wells to which said units are dedicated on or before November 1, 1984, the order pooling said unit should become null and void and of no effect whatsoever.

IT IS THEREFORE ORDERED:

(1) That all mineral interests, whatever they may be from the base of the Pictured Cliffs formation down to and including the base of the Dakota formation are hereby pooled to form the various 160-acre gas and 40-acre oil proration units described below each to be dedicated to a well to be drilled at a standard location on the Martin-Whittacker Lease, all in Township 23 North, Range 4 West, NMPM, Rio Arriba County, New Mexico:

Well No. 35 - NE/4 in the Mesaverde and NE/4 NE/4 in the South Lindrith Gallup-Dakota, Section 15;

Well No. 28 - NW/4 in the Mesaverde and NE/4 NW/4 in the South Lindrith Gallup-Dakota, Section 15;

Well No. 29 - SW/4 in the Mesaverde and SW/4 SW/4 in the South Lindrith Gallup-Dakota, Section 15;

Well No. 30 - SE/4 in the Mesaverde and SW/4 SE/4 in the South Lindrith Gallup-Dakota, Section 15;

Well No. 31 - NE/4 in the Mesaverde and NE/4 NE/4 in the

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South Lindrith Gallup-Dakota, Section 16;

Well No. 32 - NW/4 in the Mesaverde and NE/4 NW/4 in the
South Lindrith Gallup-Dakota, Section 16;

Well No. 33 - SW/4 in the Mesaverde and SW/4 SW/4 in the
South Lindrith Gallup-Dakota, Section 16;

Well No. 34 - SE/4 in the Mesaverde and SW/4 SE/4 in the
South Lindrith Gallup-Dakota, Section 16.

PROVIDED HOWEVER, that the operator of said units shall commence the drilling of each of said wells on or before the 1st day of November, 1984, and shall thereafter continue the drilling of said wells with due diligence to a depth sufficient to test the Mesaverde and Gallup-Dakota formations;

PROVIDED FURTHER, that in the event said operator does not commence the drilling of any one or more of said wells on or before the 1st day of November, 1984, Order (1) of this order shall be null and void and of no effect whatsoever as to such well(s) or unit(s), unless said operator obtains a time extension from the Division for good cause shown.

PROVIDED FURTHER, that should any said wells not be drilled to completion, or abandonment, within 120 days after commencement thereof, said operator shall appear before the Division Director and show cause why Order (1) of this order should not be rescinded as to such well and units.

(2) That W. B. Martin & Associates, Inc. is hereby designated the operator of the subject wells and units.

(3) That after the effective date of this order and within 90 days prior to commencing each of said wells, the operator shall furnish the Division and each known working interest owner in the subject unit an itemized schedule of estimated well costs.

(4) That within 30 days from the date each schedule of estimated well costs is furnished to him, any non-consenting working interest owner shall have the right to pay his share of estimated well costs to the operator in lieu of paying his share of reasonable well costs out of production, and that any such owner who pays his share of estimated well costs as provided above shall remain liable for operating costs but shall not be liable for risk charges.

(5) That the operator shall furnish the Division and each known working interest owner an itemized schedule of actual

well costs within 90 days following completion of each of said wells; that if no objection to the actual well costs is received by the Division and the Division has not objected within 45 days following receipt of said schedule, the actual well costs shall be the reasonable well costs; provided however, that if there is an objection to actual well costs within said 45-day period the Division will determine reasonable well costs after public notice and hearing.

(6) That within 60 days following determination of reasonable well costs, any non-consenting working interest owner who has paid his share of estimated costs in advance as provided above shall pay to the operator his pro rata share of the amount that reasonable well costs exceed estimated well costs and shall receive from the operator his pro rata share of the amount that estimated well costs exceed reasonable well costs.

(7) That the operator is hereby authorized to withhold the following costs and charges from production from the individual wells pooled under this order:

- (A) The pro rata share of reasonable well costs attributable to each non-consenting working interest owner who has not paid his share of estimated well costs within 30 days from the date the schedule of estimated well costs is furnished to him.
- (B) As a charge for the risk involved in the drilling of the well, 200 percent of the pro rata share of reasonable well costs attributable to each non-consenting working interest owner who has not paid his share of estimated well costs within 30 days from the date the schedule of estimated well costs is furnished to him.

(8) That the operator shall distribute said costs and charges withheld from production to the parties who advanced the well costs.

(9) That \$2500.00 per month while drilling and \$500.00 per month while producing are hereby fixed as reasonable charges for supervision (combined fixed rates); that the operator is hereby authorized to withhold from production the proportionate share of such supervision charges attributable to each non-consenting working interest, and in addition thereto, the operator is hereby authorized to withhold from production the proportionate

share of actual expenditures required for operating any such well, not in excess of what are reasonable, attributable to each non-consenting working interest.

(10) That any unsevered mineral interest shall be considered a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest for the purpose of allocating costs and charges under the terms of this order.

(11) That any well costs or charges which are to be paid out of production shall be withheld only from the working interest's share of production, and no costs or charges shall be withheld from production attributable to royalty interests.

(12) That all proceeds from production from any of the subject wells which are not disbursed for any reason shall immediately be placed in escrow in Rio Arriba County, New Mexico, to be paid to the true owner thereof upon demand and proof of ownership; that the operator shall notify the Division of the name and address of said escrow agent within 30 days from the date of first deposit with said escrow agent.

(13) That 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


JOE D. RAMEY,
Director

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