

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

**APPLICATION OF GOODNIGHT
MIDSTREAM PERMIAN, LLC TO AMEND
ORDER NO. R-7765, AS AMENDED, TO
EXCLUDE THE SAN ANDRES FORMATION
FROM THE UNITIZED INTERVAL OF THE
EUNICE MONUMENT SOUTH UNIT,
LEA COUNTY, NEW MEXICO.**

CASE NO. _____

APPLICATION

Goodnight Midstream Permian, LLC (“Goodnight Midstream”) (OGRID No. 372311), through its undersigned attorneys, hereby files this application with the Oil Conservation Commission pursuant to the provisions of NMSA 1978, Sections 70-7-1 through 70-7-21, to amend Commission Order No. R-7765, as amended, (the “Order”), attached as **Exhibit A**, to modify the definition of the unitized interval within the Eunice Monument South Unit (“EMSU” or the “Unit”) to exclude the San Andres formation. This application is being filed in conjunction with a separate application to amend Commission Order No. R-7767 to vertically contract the Eunice Monument Oil Pool within the area designated as the EMSU Unit Area (the “Unit Area”) by excluding the San Andres formation. In support of this application, Goodnight Midstream states the following:

1. In 1984, Gulf Oil Corporation (“Gulf”) filed three related applications that were consolidated for hearing before the Commission.
2. In Case No. 8397, Gulf sought approval of the Eunice Monument South Unit (“EMSU”) as a statutory waterflood unit pursuant to NMSA 1978, Sections 70-7-1 through 70-7-21 (the “Statutory Unitization Act”).

3. In Case No. 8398, Gulf sought approval for waterflood injection for purposes of secondary recovery in the Grayburg and Lower Penrose formations within the proposed Unit Area.

4. And in Case No. 8399, Gulf sought to expand the vertical limits of the Eunice Monument Oil Pool upward only within the Unit Area to include the top of the Grayburg formation or to a subsea datum of -100 feet, whichever is higher. *See* Case No. 8399, Application, filed 10/3/1984. At the same time, Gulf also sought to vertically contract the overlying Eumont Gas Pool upward within the same area to prevent Unit Area wells from having completion intervals overlapping the two pools. *Id.*

5. After public notice and hearing in Case Nos. 8397-8399, the Commission entered Order No. R-7765 approving the EMSU as a statutory waterflood in the Eunice Monument Oil Pool, as amended by Order No. R-7767, and establishing a unitized interval from 100 feet below mean sea level or at the top of the Grayburg formation, whichever is higher, to a lower limit at the base of the San Andres formation. *See* Order No. R-7767, decretal ¶ 3.

6. The unitized interval mirrors the vertical and horizontal extent of the Eunice Monument Oil Pool within the Unit Area, as amended by Order No. R-7767.

7. The Commission amended Order No. R-7765 through a nunc pro tunc order to correct the Unit Area description. *See* Order No. R-7765-A, attached as **Exhibit B**. No other changes were made to the order.

8. Under the Oil and Gas Act, a “pool” is “an underground reservoir containing a common accumulation of crude petroleum oil or natural gas or both.” NMSA 1978, § 70-2-33(B) (emphasis added). It also is a “zone of a general structure, which zone is completely separate from any other zone in the structure[.]” *Id.* (emphasis added); *see also* 19.15.2.7.P(5) NMAC.

9. The Statutory Unitization Act incorporates the same definition for a “pool.” *See* NMSA 1978, § 70-7-4(A).

10. The Statutory Unitization Act authorizes orders “providing for the unitization and unitized operation of the pool or portion thereof described in the order[.]” *See* § 70-7-6(C). Accordingly, the Statutory Unitization Act authorizes unitization of a pool or a portion of a pool as defined under the Statutory Unitization Act.

11. The San Andres formation within and around the Unit Area is geologically a completely separate zone from the overlying Grayburg and Lower Penrose formations and does not share a common accumulation of crude petroleum oil or natural gas or both with either the Grayburg or Lower Penrose formations.

12. At the hearing in Case Nos. 8397-8399, Gulf presented testimony and exhibits demonstrating that the targeted, continuous oil column reasonably defined by development was limited to the Grayburg and Lower Penrose formations and not extend into the San Andres.

13. At the hearing in Case Nos. 8397-8399, Gulf also presented evidence and testimony that the oil-water contact around and within the Unit Area is at a depth of approximately -325 feet subsea, well above the top of the San Andres formation.

14. No hydrocarbons have been reported in public records as having been produced from the San Andres formation within or around the Unit Area either before or after creation of the EMSU.

15. At the hearing in Case Nos. 8397-8399, Gulf presented evidence and testimony that the proposed waterflood operations within the EMSU target the oil column and, therefore, would be limited to the Grayburg and Lower Penrose formations and expressly excluded the San Andres from its proposed waterflood operations.

16. At the hearing in Case Nos. 8397-8399, Gulf presented evidence and testimony that the San Andres formation would be used to provide the massive quantities of water required in the waterflood zone in the Grayburg and Lower Penrose formations for the initial fill-up period and, if needed, for makeup water in the future.

17. Withdrawal of more than 340 million barrels of water from the San Andres within the Unit Area beginning in 1986 has resulted in a substantial and sustained pressure differential between the San Andres and overlying Grayburg and Lower Penrose formations across a broad geographic area, including the EMSU. That pressure differential has been maintained through an effective geologic seal at the top of the San Andres formation.

18. The Division has separately concluded there are geologic seals separating the San Andres disposal zone from the overlying producing Grayburg formation within the EMSU that prevents the vertical migration of fluids. *See* Order No. R-21190 ¶ 10.

19. The confirmed pressure differential, the fact that the oil column does not extend into the San Andres aquifer, and the presence of geologic seals, establish that the San Andres formation is geologically a completely separate zone from the overlying Grayburg and Lower Penrose formations within the EMSU.

20. The San Andres aquifer was improperly included within the unitized interval under Order No. R-7765 because it does not meet the statutory definition of a pool or portion of a pool that is subject to statutory unitization orders. It does not contain a common accumulation of oil or gas and is geologically completely separate from the overlying reservoir that does contain a continuous oil and gas column.

21. Upon information and belief, the San Andres was included in the unitized interval as a source of water supply for the planned waterflood. The Commission has no authority to unitize

non-hydrocarbon-bearing formations that do not meet the statutory definition of a pool or a portion of a pool. The Commission acted without authority to include the San Andres formation within the unitized interval and Order No. R-7765 is therefore void ab initio.

22. The San Andres is not a hydrocarbon source; it is a water source. The New Mexico Office of the State Engineer (“OSE”) declared the San Andres as a groundwater source within the Capitan Ground Underground Water Basin on September 27, 1965. *See* 19.27.26.8A NMAC (State Engineer declaring Basin). By declaring the Capitan Basin, the OSE has expressly identified the San Andres as a water source subject to appropriation and beneficial use, and asserted jurisdiction over all waters within the Basin, including those within the San Andreas formation. *See* NMSA 1978, § 72-12-1.

23. Orders purporting to unitize unappropriated waters of the state under authority of the Statutory Unitization Act conflict with Article XVI of the New Mexico Constitution and the statutory provisions governing New Mexico water law generally and are void.

24. In addition to being limited to a pool or a portion of a pool, statutory units are limited to pools or portions of pools that have “been reasonably defined by development[.]” § 70-7-5(B).

25. Applications must establish that the targeted pool or portion of a pool has been defined by development because the Statutory Unitization Act authorizes unitization only for “operation[s] that will substantially increase the recovery of oil above the amount that would be recovered by primary recovery alone and not to what the industry understands as exploratory units.” § 70-7-1 (emphasis added).

26. At the time of the hearing in Case Nos. 8397-8399, only the Grayburg and Lower Penrose formations were reasonably defined by development within the boundaries of the

proposed Unit Area. In contrast, the San Andres formation had no existing oil and gas development within or around the Unit Area at the time of the hearing in these cases. In addition, no hydrocarbons have been reported as having been produced from the San Andres formation within or around the Unit Area after creation of the EMSU.

27. The Commission is without authority to unitize pools or portions of pools that have not been reasonably defined by development. The Commission therefore acted without authority to include the San Andres formation within the EMSU's unitized interval and Order No. R-7765 is void ab initio for this reason, as well.

28. To rectify these errors the unitized interval of the EMSU should be amended to be defined from an upper limit described as 100 feet below mean sea level or at the top of the Grayburg formation, whichever is higher, to a lower limit 540 feet below mean sea level or the base of the Grayburg, whichever is higher. For purposes of defining the Eunice Monument Oil Pool within the EMSU, the base of the Grayburg formation is found at the stratigraphic equivalent of 4,150 feet as found in Empire New Mexico LLC's¹ EMSU #1 SWD (API No. 30-025-04484), as recorded on the Welex Acoustic Velocity Log taken on October 30, 1962, said log being measured from a kelly bushing elevation of 3,595 feet above sea level. **Exhibit C** is a type log of the EMSU #1 SWD. It depicts the proposed new Unitized Interval for the EMSU.

29. The proposed amended unitized interval for the EMSU will mirror the proposed new vertical limits definition of the Eunice Monument Oil Pool within the EMSU, Lea County, New Mexico, requested in a separate application to amend Commission Order No. R-7767.

¹ Formerly Continental Oil Company's No. 23 Meyer B-4 well.

30. The proposed amended unitized interval complies with the requirements of the Oil and Gas Act, the Statutory Unitization Act, and the Commission's regulations and will not impede unit operations within the EMSU.

31. Approving this application will avoid the drilling of unnecessary wells, prevent waste, and protect correlative rights.

32. The application in this case relates to Goodnight Midstream Division Case Nos. 23614-23617, 23775, and Commission Case No. 24123 (de novo), and Empire New Mexico, LLC's Division Case Nos. 24018-24020 and 24025, which all involve a dispute over produced water disposal in the San Andres formation within the EMSU. Applicant therefore requests that this application be consolidated with the foregoing referenced cases for hearing before the full Commission.

WHEREFORE, Goodnight Midstream Permian, LLC requests that this application be set for hearing before the Oil Conservation Commission after an initial status conference on March 14, 2024, and, after notice and hearing as required by law, the Commission enter an order approving this application.

Respectfully submitted,

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**ATTORNEYS FOR GOODNIGHT MIDSTREAM
PERMIAN, LLC**

CASE _____ :

Application of Goodnight Midstream Permian, LLC to Amend Order No. R-7765, As Amended, to Exclude the San Andres Formation from the Unitized Interval of the Eunice Monument South Unit, Lea County, New Mexico. Applicant in the above-styled cause seeks to amend Commission Order No. R-7765, as amended (the "Order"), to modify the definition of the unitized interval within the Eunice Monument South Unit ("EMSU" or the "Unit") to exclude the San Andres formation. The unitized interval of the EMSU should be amended to be from an upper limit described as 100 feet below mean sea level or at the top of the Grayburg formation, whichever is higher, to a lower limit 540 feet below mean sea level or the base of the Grayburg, whichever is higher. For purposes of defining the Eunice Monument Oil Pool within the EMSU, the base of the Grayburg formation is found at the stratigraphic equivalent of 4,150 feet as found in Empire New Mexico LLC's EMSU #1 SWD (API No. 30-025-04484), as recorded on the Welex Acoustic Velocity Log taken on October 30, 1962, said log being measured from a Kelly bushing elevation of 3,595 feet above sea level. This application is being filed in conjunction with a separate application to amend Commission Order No. R-7767 to vertically contract the Eunice Monument Oil Pool within the area designated as the EMSU Unit Area (the "Unit Area") by excluding the San Andres formation. The subject area is located approximately 7 miles west of Eunice, N.M.

EXHIBIT A

STATE OF NEW MEXICO
DEPARTMENT OF ENERGY AND MINERALS
OIL CONSERVATION COMMISSION

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

CASE No. 8397
Order No. R-7765

APPLICATION OF GULF OIL CORPORATION
FOR STATUTORY UNITIZATION, EUNICE
MONUMENT SOUTH UNIT, LEA COUNTY,
NEW MEXICO.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This case came on for hearing at 9:00 A.M. on November 7, 1984, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission".

NOW, on this 27th day of December, 1984, the Commission, a quorum having been present, having considered the testimony and the record and being otherwise fully advised in the premises:

FINDS THAT:

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

(2) The applicant, Gulf Oil Corporation (hereinafter called Gulf), seeks the statutory unitization, pursuant to the "Statutory Unitization Act," Sections 70-7-1 through 70-7-21, NMSA-1978, of 14,189.84 acres, more or less, being a portion of the Eunice Monument Pool, Lea County, New Mexico, as more specifically defined in Commission Case 8397, said portion to be known as the Eunice Monument South Unit; that applicant further seeks approval of the Unit Agreement and the Unit Operating Agreement which were submitted in evidence as Gulf's Exhibits Nos. 3 and 4.

EXHIBIT A

-2-

Case No. 8397
Order No. R-7765

(3) The proposed unit area should be designated the Eunice Monument South Unit Area, (hereinafter called unit) and the horizontal limits of said unit area should be comprised of the following described lands:

TOWNSHIP 20 SOUTH, RANGE 36 EAST, NMPM

Section 25: All
Section 36: All

TOWNSHIP 20 SOUTH, RANGE 37 EAST, NMPM

Section 30: S/2, S/2 N/2, NE/4 NW/4 and NW/4
NE/4
Section 31: All
Section 32: All

TOWNSHIP 21 SOUTH, RANGE 36 EAST, NMPM

Section 2: S/2 S/2
Section 3: Lots 3, 4, 5, 6, 11, 12, 13, and 14
and S/2
Section 4 through 11: All
Section 12: W/2 SW/4
Section 13: NW/4 NW/4
Section 14 through 18: All
Section 21: N/2 and N/2 S/2
Section 22: N/2 and N/2 S/2

(4) The subject Commission Case 8397 was consolidated for hearing with Commission Cases 8398 and 8399.

(5) Said unit has been approved by the Bureau of Land Management and the Commissioner of Public Lands of the State of New Mexico subject to the approval of statutory unitization by the Oil Conservation Commission.

(6) No interested party has opposed the horizontal limits of the said unit.

(7) The horizontal limits of said unit are reasonably defined by development and have a reasonable geologic relationship to the proposed unitized formations.

(8) The vertical limits of said unit should comprise that interval underlying the unit area, the vertical limits of which extend from an upper limit described at 100 feet below mean sea level or at the top of the Grayburg formation, whichever is higher, to a lower limit at the base of the San Andres formation; the geologic markers

EXHIBIT A

-3-

Case No. 8397
Order No. R-7765

having been previously found to occur at 3,666 feet and 5,283 feet, respectively, in Continental Oil Company's Meyer B-4 Well No. 23 (located at 660 feet from the South line and 1,980 feet from the East line of Section 4, Township 21 South, Range 36 East, Lea County, New Mexico) and as recorded on the Welex Acoustic Velocity Log taken on October 30, 1962, said log being measured from a Kelly drive bushing elevation of 3,595 feet above sea level.

(9) The establishment of said vertical limits requires the amendment of the vertical limits of the Eumont Gas Pool and the Eunice Monument Pool under the unit area as is the subject of Commission Case 8399 and Order No. R-7767.

(10) The "unitized formation" will include the entire oil column under the unit area permitting the efficient and effective recovery of secondary oil therefrom.

(11) No interested party has objected to the vertical interval proposed to be unitized.

(12) The unit area contains 101 separate tracts owned by 41 different working interests.

(13) As of the date of the hearing, over 90 percent of working interest owners and royalty interest owners were effectively committed to the unit.

(14) Gulf proposes to institute a waterflood project for the secondary recovery of oil and associated gas, condensate, and all associated liquifiable hydrocarbons within and to be produced from the proposed unit area, all as shown in Commission Case 8398.

(15) A technical committee was formed by the owners within the proposed unit to evaluate aspects of unitization and operation of the proposed secondary recovery operation (waterflood).

(16) The technical committee concluded that the probable range of recovery from the proposed waterflood is from 25 percent to 100 percent of ultimate primary production.

(17) Said committee further concluded that based upon response to waterflooding in similar reservoirs, 48 percent of ultimate primary or 64.2 million barrels of additional (secondary) oil would be recovered by institution of the proposed waterflood.

EXHIBIT A

-4-

Case No. 8397
Order No. R-7765

(18) The unitized management, operation, and further development of the unit, as proposed, is reasonable and necessary to effectively and efficiently carry on secondary recovery operations and will substantially increase the ultimate recovery of oil and gas from the unitized formations.

(19) The proposed unitized method of operation as applied to the Unit Area is feasible and will result with reasonable probability in the increased recovery of substantially more oil from the unitized portion of the pool than would otherwise be recovered without unitization.

(20) The estimated additional investment costs of the proposed supplemental recovery operations are \$60.6 million.

(21) The additional recovery to be derived from the proposed supplemental recovery operations will have a resultant net profitability over the aforesaid additional costs and after taxes of \$1.186 billion with unitized water flooding versus \$226.7 million without unitized waterflooding.

(22) The estimated additional costs of the proposed operations (as described in Finding No. (18) above) will not exceed the estimated value of the additional oil and gas (as described in Finding No. (19) above) plus a reasonable profit.

(23) The applicant, the designated unit operator, pursuant to the Unit Agreement and the Unit Operating Agreement, has made a good faith effort to secure voluntary unitization within the unit area.

(24) Bruce Wilbanks and other interest owners in Unit Tract 55, have declined to voluntarily join the unit.

(25) Exxon Company, USA, (hereinafter "Exxon") has declined to voluntarily join the unit and has opposed the application of Gulf in this case on the basis that the participation formula contained in the Unit Agreement fails to give sufficient weight to the cumulative oil production and further that the method of providing a wellbore contribution incentive is not to Exxon's economic advantage.

(26) Exxon has a working interest of 4.86% of the unit which consists of 100% working interest in Unit Tracts 12, 37, 88, 90 and a 50% working interest in Unit Tract 89.

EXHIBIT A

-5-

Case No. 8397
Order No. R-7765

(27) The participation formula proposed allocates unit production to the various tracts in accordance with the following:

Tract Participation = 50% A/B + 40% C/D + 10% E/F

Where:

A = the tract cumulative oil production from the unitized formation as of September 30, 1982.

B = the unit total cumulative oil production from the unitized formation as of September 30, 1982.

C = the remaining primary oil reserves from the unitized formation for the tract, beginning October 1, 1982, as determined by the Technical Committee on February 25, 1983.

D = the remaining primary oil reserves from the unitized formation for all unit tracts, beginning October 1, 1982, as determined by the Technical Committee on February 25, 1983.

E = the amount of oil produced from the unitized formation by the tract from January 1, 1982, through September 30, 1982.

F = the amount of oil produced from the unitized formation by all unit tracts from January 1, 1982, through September 30, 1982.

(28) The proposed formula does not take into account calculations of estimated secondary production from each tract in that insufficient cores, well logs, and reservoir data are not available to make such calculations.

(29) The proposed formula does give substantial weight to remaining primary reserves in that such reserves can be measured, that the owners of such reserves have agreed to the terms and conditions of the unit and will be deferring income therefrom to support the costs and risks of implementing secondary recovery operations in the unit.

(30) The proposed allocation formula does give owners without remaining primary reserves or with very low volumes of remaining primary reserves, such as Exxon, a disproportionately large share of the income from the production of remaining primary production during the early life of the project.

EXHIBIT A

-6-

Case No. 8397
Order No. R-7765

(31) During unit negotiations, a cutoff date must be established in order to make necessary calculations of the allocation of unit costs and benefits.

(32) The adoption of the September 30, 1982, date in the subject case was necessary for such calculations and is not unreasonable.

(33) Giving consideration to the lack of technical data for estimates of secondary recovery, the reallocation of primary production in the early life of the unit, the greater risk being accepted by the owners of remaining primary reserves and the reasonableness of the September 30, 1982, cutoff date; the proposed participation formula will allocate unit production on a fair, reasonable, and equitable basis during the period that the estimated 64.2 million barrels of secondary oil is produced.

(34) During said period, it is expected that the unit operator will develop reservoir data from cores, well logs, tests and production which might be used to better allocate production to the unit during any period of recovery of secondary and tertiary oil in excess of 64.2 million barrels.

(35) The proposed formula should not apply to the allocation of secondary or tertiary oil production in excess of a total of 64.2 million barrels.

(36) Before distributing the proceeds from production of such oil in excess of 64.2 million barrels, the unit operator should be required to appear and demonstrate that the formula approved by this order continues to allocate proceeds from unit operations in a fair and equitable manner or, in the alternative, present a new allocation formula prepared on the basis of new and/or enhanced reservoir data which new formula better allocates said proceeds.

(37) Gulf proposed a Wellbore Assessment Method in the Unit Operating Agreement as an incentive to encourage the working interest owners in the unit to contribute the maximum number of existing useable wellbores to the unit.

(38) This assessment method, though not common, is used in other unit agreements.

(39) Any proration unit within the unit which is to participate in the proposed waterflood operation must have a wellbore useable for production or injection in the unitized interval.

EXHIBIT A

-7-

Case No. 8397

Order No. R-7765

(40) It is not unreasonable to penalize the owners of proration units upon which there is no such wellbore and upon which the unit operator must drill a well.

(41) The proposed method of wellbore assessment is fair and reasonable.

(42) Exxon admits that each of its tracts is still reasonably profitable should the Commission approve the participation formula and the wellbore assessment method proposed by Gulf as unit operator.

(43) Unitization and the adoption of the proposed unitized method of operation will benefit the working interest owners and royalty owners of the oil and gas rights within the unit area.

(44) The Eunice Monument South Unit Agreement and Unit Operating Agreement provide for unitization and unit operation of the unit area upon terms and conditions that are fair, reasonable and equitable and which include:

(a) an allocation to the separately owned tracts in the unit area of all oil and gas that is produced from the unit area and which is saved, being the production that is not used in the conduct of unit operations or not unavoidably lost;

(b) a provision for the credits and charges to be made in the adjustment among the owners in the unit area for their respective investments in wells, tanks, pumps, machinery, materials and equipment contributed to the unit operations;

(c) a provision governing how the costs of unit operations, including capital investments, shall be determined and charged to the separately owned tracts and how said costs shall be paid, including a provision providing when, how, and by whom, the unit production allocated to an owner who does not pay his share of the costs of unit operations shall be charged to such owners, of the interest of such owners, and how his interest may be sold and the proceeds applied to the payment of his costs;

(d) a provision for carrying any working interest owner on a limited, carried or net-profits basis, payable out of production, upon such terms and conditions which are just and reasonable, and which allow an appropriate charge for interest for such service payable out of production, upon such terms and conditions

EXHIBIT A

-8-

Case No. 8397
Order No. R-7765

determined by the Commission to be just and reasonable, and allowing an appropriate charge for interest for such service payable out of such owner's share of production, providing that any nonconsenting working interest owner being so carried shall be deemed to have relinquished to the unit operator all of his operating rights and working interests in and to the unit until his share of the costs, service charge and interest are repaid to the Unit Operator;

(e) a provision designating the unit operator and providing for the supervision and conduct of the unit operations, including the selection, removal or substitution of an operator from among the working interest owners to conduct the unit operations;

(f) a provision for a voting procedure for the decision of matters to be decided by the working interest owners in respect to which each working interest owner shall have a voting interest equal to his unit participation; and

(g) the time when the unit operation shall commence and the manner in which, and the circumstances under which, the operations shall terminate and for the settlement of accounts upon such termination;

(45) The statutory unitization of the Eunice Monument South Unit Area is in conformity with the above findings, and will prevent waste and protect the correlative rights of all owners of interest within the proposed unit area, and should be approved.

IT IS THEREFORE ORDERED THAT:

(1) The Eunice Monument South Unit Area, comprising 14, 189.84 acres, more or less, in the Eunice Monument Oil Pool, as amended by Order R-7767, Lea County, New Mexico, is hereby approved effective December 1, 1984, for statutory unitization pursuant to the Statutory Unitization Act, Sections 70-7-1 through 70-7-21 NMSA 1978.

(2) The lands included within the Eunice Monument South Unit Area shall comprise:

TOWNSHIP 20 SOUTH, RANGE 26 EAST, NMPM

Section 25: All
Section 36: All

EXHIBIT A

-9-

Case No. 8397
Order No. R-7765

TOWNSHIP 20 SOUTH, RANGE 37 EAST, NMPM

Section 30: S/2, S/2 N/2, NE/4 NW/4, and NW/4
NE/4
Section 31: All
Section 32: All

TOWNSHIP 21 SOUTH, RANGE 36 EAST, NMPM

Section 2: S/2 S/2
Section 3: Lots 3, 4, 5, 6, 11, 12, 13, and 14
and S/2
Section 4 through 11: All
Section 12: W/2 SW/4
Section 13: NW/4 NW/4
Sections 14 through 18: All
Section 21: N/2 and N/2 S/2
Section 22: N/2 and N/2 S/2

and that the above described lands shall be designated as the Eunice Monument South Unit Area.

(3) The vertical limits of said unit shall comprise that interval underlying the unit area, the vertical limits of which extend from an upper limit described as 100 feet below mean sea level or at the top of the Grayburg formation, whichever is higher, to a lower limit at the base of the San Andres formation; the geologic markers having been previously found to occur at 3,666 feet and 5,283 feet, respectively, in Continental Oil Company's Meyer B-4 Well No. 23 (located at 660 feet from the South line and 1,980 feet from the East line of Section 4, Township 21 South, Range 36 East, Lea County, New Mexico) and as recorded on the Welex Acoustic Velocity Log taken on October 30, 1962, said log being measured from a kelly drive bushing elevation of 3,595 feet above sea level.

(4) The applicant is hereby authorized to institute a secondary recovery project for the recovery of oil and all associated and constituent liquid or liquified hydrocarbons within the unit area, pursuant to the provisions set forth in Commission Order No. R-7766.

(5) The Eunice Monument South Unit Agreement and the Eunice Monument South Unit Operating Agreement presented by the applicant as Exhibits 3 and 4, respectively, in this case are hereby incorporated by reference into this order.

(6) The Eunice Monument South Unit Agreement and the Eunice Monument Unit Operating Agreement provide for

EXHIBIT A

-10-

Case No. 8397
Order No. R-7765

unitization and unit operation of the subject portion of the Eunice Monument Pool upon terms and conditions that are fair, reasonable and equitable and include:

an allocation to the separately owned tracts in the unit area of all the oil and gas that is produced from the unit area and is saved, being the production that is not used in the conduct of operations on the unit area or not unavoidably lost;

a provision for the credits and charges to be made in the adjustment among the owners in the unit area for their respective investments in wells, tanks, pumps, machinery, materials and equipment contributed to the unit operations;

a provision for governing how the costs of unit operations including capital investments shall be determined and charged to the separately owned tracts and how said costs shall be paid including a provision providing when, how, and by whom the unit production allocated to an owner who does not pay the share of the costs of unit operations charged to such owner, or in the interest of such owner, may be sold and the proceeds applied to the payment of such costs;

a provision for carrying any working interest owner on a limited, carried or net-profits basis, payable out of production, upon such terms and conditions determined by the Commission to be just and reasonable, and allowing an appropriate charge for interest for such service payable out of such owner's share of production, provided that any non-consenting working interest owner being so carried shall be deemed to have relinquished to the unit operator all of its operating rights and working interest in and to the unit until his share of the costs, service charge and interest are repaid to the unit operator;

a provision designating the unit operator and providing for the supervision and conduct of the unit operations, including the selection, removal or substitution of an operator from among the working interest owners to conduct the unit operations;

a provision for voting procedure for the decision of matters to be decided by the working interest owners in respect to which each working interest owner shall have a voting interest equal to its unit participation; and

EXHIBIT A

-11-

Case No. 8397

Order No. R-7765

the time when the unit operation shall commence and the manner in which, and the circumstances under which, the operations shall terminate and for the settlement of accounts upon such termination;

and are therefore hereby adopted.

(7) This order shall not become effective unless and until the appropriate ratification provisions of Section 70-7-8 NMSA, 1978 Compilation, are complied with.

(8) If the persons owning the required percentage of interest in the unit area as set out in Section 70-7-8 NMSA, 1978 Compilation, do not approve the plan for unit operations within a period of six months from the date of entry of this order, this order shall cease to be of further force and effect and shall be revoked by the Commission, unless the Commission shall extend the time for ratification for good cause shown.

(9) When the persons owning the required percentage of interest in the unit area have approved the plan for unit operations, the interests of all persons in the unit are unitized whether or not such persons have approved the plan of unitization in writing.

(10) Prior to distribution of the proceeds from secondary and tertiary production in excess of 64.2 million barrels, the operator shall appear at a hearing and demonstrate that the formula approved by this order continues to allocate the proceeds from unit production in a fair and equitable manner or, in the alternative, present for approval a new formula prepared on the basis of new or enhanced reservoir data which new formula better allocates said proceeds.

(11) Jurisdiction of cause is retained for the entry of such further orders as the Commission may deem necessary.

EXHIBIT A

-12-
Case No. 8397
Order No. R-7765

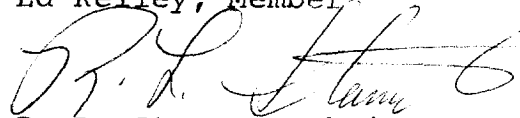
DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Jim Baca, Member



Ed Kelley, Member



R. L. Stamets, Chairman
and Secretary

S E A L

EXHIBIT B

STATE OF NEW MEXICO
DEPARTMENT OF ENERGY AND MINERALS
OIL CONSERVATION COMMISSION

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

CASE NO. 8397
Order No. R-7765-A

APPLICATION OF GULF OIL CORPORATION
FOR STATUTORY UNITIZATION, EUNICE
MONUMENT SOUTH UNIT, LEA COUNTY,
NEW MEXICO.

NUNC PRO TUNC

BY THE COMMISSION:

It appearing to the Commission that Order No. R-7765,
dated December 27, 1984, does not correctly state the intended
order of the Commission due to error,

IT IS THEREFORE ORDERED THAT:

(1) Ordering Paragraph (2) on Pages 8 and 9 of Commission
Order No. R-7765, Case No. 8397, be and the same is hereby
corrected to read in its entirety as follows:

"(2) The lands included within the Eunice Monument
South Unit Area shall comprise:

TOWNSHIP 20 SOUTH, RANGE 36 EAST, NMPM
Section 25: All
Section 36: All

TOWNSHIP 20 SOUTH, RANGE 37 EAST, NMPM
Section 30: S/2, S/2 N/2, NE/4 NW/4, and
NW/4 NE/4
Section 31: All
Section 32: All

TOWNSHIP 21 SOUTH, RANGE 36 EAST, NMPM
Section 2: S/2 S/2
Section 3: Lots 3, 4, 5, 6, 11, 12, 13,
and 14 and S/2
Section 4 through 11: All
Section 12: W/2 SW/4
Section 13: NW/4 NW/4
Sections 14 through 18: All
Section 21: N/2 and N/2 S/2
Section 22: N/2 and N/2 S/2

EXHIBIT B

-2-
Case No. 8397
Order No. R-7765-A

and that the above described lands shall be designated as the Eunice Monument South Unit Area."

(2) The corrections set forth in this order be entered nunc pro tunc as of December 27, 1984.

DONE at Santa Fe, New Mexico, on this 28th day of December, 1984.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

JIM BACA, Member



ED KELLEY, Member



R. L. STAMETS, Chairman
and Secretary

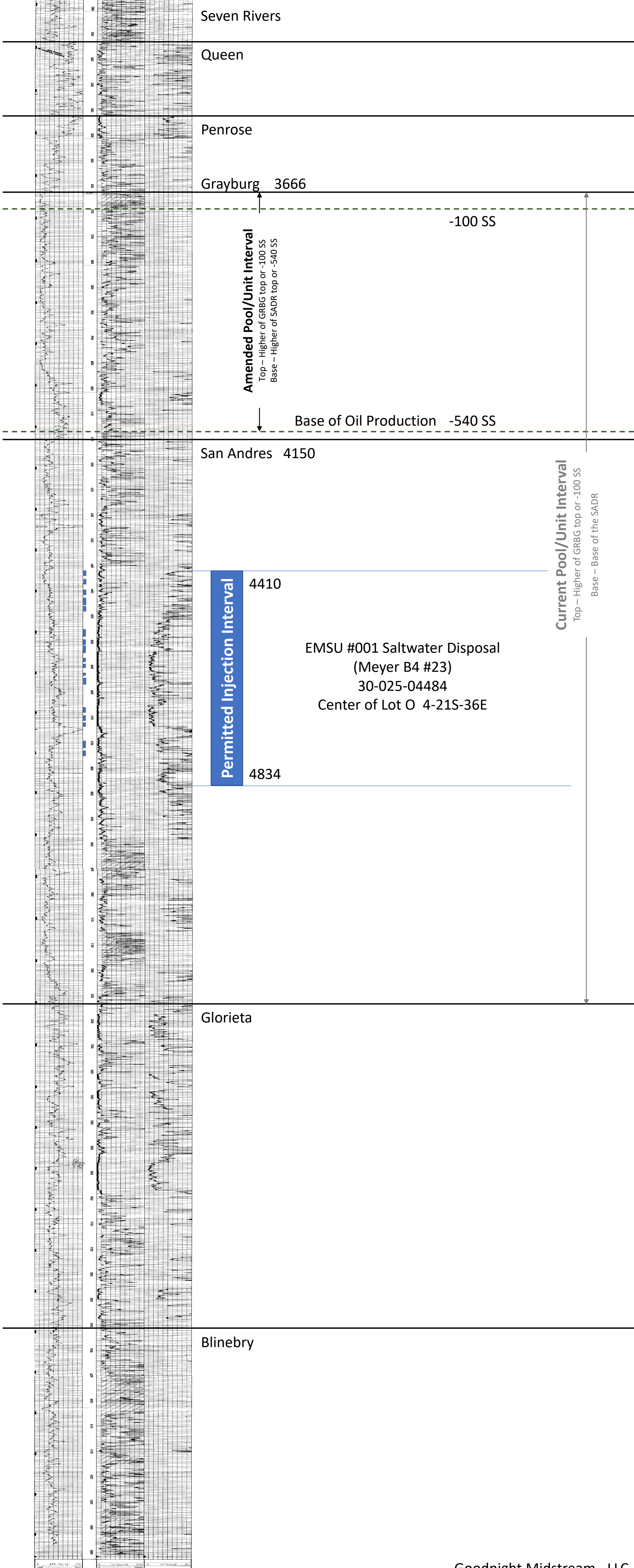
S E A L

dr/

LEX **GUARD LOG**
 COMPANY CONTINENTAL OIL COMPANY
 WELL MEYER B-4 # 23
 FIELD OIL CENTER-BLINEBRY
 COUNTY LEA STATE NEW MEXICO
 Location 660'FSL 1980'FEL
 Sec 4 Twp 21-S Rge 36-E
 Permanent Datum Brudenhead Fig. 3584 Elev. K.A. 3595
 Log Measured From Kelly Bushing Above Perm. Datum D.F. 3594
 Drilling Measured From Kelly Bushing G.I.
 Date 10-30-62
 Run No. 096
 Depth-Driller 6882
 Depth-Worker 6882
 Top Log Int. 3000
 Casing-Driller 8-5/8 @ 1305
 Casing-Worker 7-7/8
 Bit Size 7-7/8
 Type Fluid in Hole 600
 Dist. - Wire 2-2 @ 10
 Dist. - Fluid Line 10 @ 10
 Source of Sample Circulated
 K. @ Home Temp. 15 @ 300' 7
 K. @ Home Temp. 15 @ 70' 7
 K. @ Home Temp. 15 @ 300' 7
 Source R. R. Measured
 Time Since C. 119 @ 12' 7
 Max. Rec. Temp. 112 @ 630
 Depth Location 600
 Recorded By J.G. Greer
 Witnessed By M.L. Vibe

WELEX **ACOUSTIC VELOCITY LOG**
 COMPANY CONTINENTAL OIL COMPANY
 WELL MEYER B-4 # 23
 FIELD OIL CENTER-BLINEBRY
 COUNTY LEA STATE NEW MEXICO
 Location 660'FSL 1980'FEL
 Other Services Guard
 Sec 4 Twp 21-S Rge 36-E
 Permanent Datum Brudenhead Fig. 3584 Elev. K.A. 3595
 Log Measured From Kelly Bushing Above Perm. Datum D.F. 3594
 Drilling Measured From Kelly Bushing G.I.
 Date 10-30-62

Sonic log has not been located.



Goodnight Midstream., LLC