

*Entered August 1, 1969*  
*A.P.P.*

BEFORE THE OIL CONSERVATION COMMISSION  
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION  
COMMISSION ON ITS OWN MOTION TO CONSIDER EXCEPTING FROM THE  
PROVISIONS OF ORDER NO. R-3221, AS AMENDED, CERTAIN WELLS  
IN EDDY COUNTY, NEW MEXICO.

CASE No. 4176  
Order No. R-3804

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 a.m. on July 23, 1969,  
at Santa Fe, New Mexico, before Examiner Elvis A. Utz.

NOW, on this 1st day of August, 1969, the Commission, a  
quorum being present, 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 Commission has jurisdiction of this cause and the subject  
matter thereof.

(2) That Order (3) of Commission Order No. R-3221, as  
amended, prohibits in that area encompassed by Lea, Eddy, Chaves,  
and Roosevelt Counties, New Mexico, the disposal, subject to minor  
exceptions, of water produced in conjunction with the production  
of oil or gas, or both, on the surface of the ground, or in any  
pit, pond, lake, depression, draw, streambed, or arroyo, or in  
any watercourse, or in any other place or in any manner which  
would constitute a hazard to any fresh water supplies and said  
disposal has not previously been prohibited.

(3) That the aforesaid Order No. R-3221 was issued in order  
to afford reasonable protection against contamination of fresh  
water supplies designated by the State Engineer through disposal  
of water produced in conjunction with the production of oil or  
gas, or both, in unlined surface pits.

(4) That the State Engineer has designated, pursuant to  
Section 65-3-11 (15), N.M.S.A., 1953 Compilation, all underground

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water in the State of New Mexico containing 10,000 parts per million or less of dissolved solids as fresh water supplies to be afforded reasonable protection against contamination; except that said designation does not include any water for which there is no present or reasonably foreseeable beneficial use that would be impaired by contamination.

(5) That Order No. R-3684, dated February 28, 1969, granted Ralph Lowe an exception to said Order (3) of Commission Order No. R-3221, as amended, to continue to dispose of water produced in conjunction with the production of oil or gas, or both, by his wells located in Sections 8, 17, and 18, Township 25 South, Range 30 East, NMPM, Corral Canyon-Delaware Pool, Eddy County, New Mexico, in certain unlined surface pits until further order of the Commission.

(6) That Order No. R-3685, dated February 28, 1969, granted the Fred Pool Drilling Company an exception to said Order (3) of Commission Order No. R-3221, as amended, to continue to dispose of water produced in conjunction with the production of oil or gas, or both, by its wells located in Sections 8 and 9, Township 25 South, Range 30 East, NMPM, Corral Canyon-Delaware Pool, Eddy County, New Mexico, in certain unlined surface pits until further order of the Commission.

(7) That there is presently only one producing well in the Corral Canyon-Delaware Pool that is not excepted from the provisions of said Order (3) of Commission Order No. R-3221, as amended.

(8) That there are no shallow fresh water wells in the vicinity of the subject pool.

(9) That there appears to be no shallow fresh water in the vicinity of the subject pool for which a present or reasonably foreseeable beneficial use is or will be made that would be impaired by contamination.

(10) That all operators of oil and/or gas wells, both existing and prospective, producing from the Corral Canyon-Delaware Pool should be granted an exception to said Order (3) of Commission Order No. R-3221, as amended, to dispose of water produced in conjunction with the production of oil or gas, or both, by said wells in unlined surface pits serving said wells.

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IT IS THEREFORE ORDERED:

(1) That the operators of oil and/or gas wells, both existing and prospective, producing from the Corral Canyon-Delaware Pool, Eddy County, New Mexico, are hereby granted an exception to Order (3) of Commission Order No. R-3221, as amended, to dispose of water produced in conjunction with the production of oil or gas, or both, by said wells in unlined surface pits serving said wells until further order of the Commission.

(2) That the Commission may by administrative order rescind such authority whenever it reasonably appears to the Commission that such rescission would serve to protect fresh water supplies from contamination.

(3) That Commission Orders Nos. R-3684 and R-3685, which granted an exception to Order (3) of Commission Order No. R-3221 for certain wells in the Corral Canyon-Delaware Pool, are hereby superseded.

(4) That jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

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

STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION

DAVID F. CARGO, Chairman

  
ALEX J. ARMIJO, Member

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

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