

Entered June 10, 1975  
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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. 5494  
Order No. R-5040

APPLICATION OF BURLESON AND HUFF  
FOR COMPULSORY POOLING, A NON-  
STANDARD GAS PRORATION UNIT, AND  
AN UNORTHODOX LOCATION, LEA COUNTY,  
NEW MEXICO.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 a.m. on May 28, 1975,  
at Santa Fe, New Mexico, before Examiner Richard L. Stamets.

NOW, on this 10th day of June, 1975, 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 the applicant, Burleson and Huff, seeks an order  
pooling all mineral interests in the Jalmat Gas Pool underlying  
the NW/4 of Section 35, Township 25 South, Range 37 East, Lea  
County, New Mexico, and in the Langlie Mattix Pool underlying  
the NW/4 NW/4 of said Section 35 to form a non-standard 160-  
acre Jalmat gas proration unit and a standard 40-acre Langlie  
Mattix oil proration unit, respectively, each to be dedicated  
to applicant's Dabbs Well No. 2, located at an unorthodox Jalmat  
gas well location 330 feet from the North line and 990 feet from  
the West line of said Section 35.
- (3) That the ownership under the NW/4 of said Section 35  
is identical for both zones.
- (4) That the applicant has the right to and proposes to  
re-enter and re-drill said Dabbs Well No. 2 at the above-described  
location.
- (5) That there are interest owners in the proposed proration  
units who have not agreed to pool their interests.

(6) That to avoid the drilling of unnecessary wells, to protect correlative rights, 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 gas and oil in said pools, the subject application should be approved by pooling all mineral interests, whatever they may be, within said units.

(7) That the applicant should be designated the operator of the subject well and units.

(8) 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.

(9) That any non-consenting working interest owner that does not pay his share of estimated well costs should have withheld from production his share of the reasonable well costs plus an additional 150 percent thereof as a reasonable charge for the risk involved in the drilling of the well.

(10) 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.

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

(12) That \$600.00 per month should be fixed as a reasonable charge for supervision (combined fixed rates) while drilling, and that \$100.00 per month should be fixed as a reasonable charge for supervision while producing; that the operator should be authorized to withhold from production the proportionate share of such supervision charge 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.

(13) That all proceeds from production from the subject well 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.

(14) That upon the failure of the operator of said pooled unit to commence re-drilling of the well to which said units are dedicated on or before September 15, 1975, the order pooling said units should become null and void and of no effect whatsoever.

IT IS THEREFORE ORDERED:

(1) That all mineral interests, whatever they may be, in the Yates formation underlying the NW/4 of Section 35, Township 25 South, Range 37 East, NMPM, Jalmat Gas Pool, Lea County, New Mexico, are hereby pooled to form a non-standard 160-acre gas spacing and proration unit to be dedicated to applicant's Dabbs Well No. 2 at an unorthodox gas well location 330 feet from the North line and 990 feet from the West line of said Section 35.

(2) That all mineral interests, whatever they may be in the Queen formation underlying the NW/4 NW/4 of said Section 35, Langlie Mattix Pool, Lea County, New Mexico, are hereby pooled to form a standard 40-acre oil spacing and proration unit to be dedicated to said Dabbs Well No. 2.

PROVIDED HOWEVER, that the operator of said units shall commence the re-drilling of said well on or before the 15th day of September, 1975, and shall thereafter continue the re-drilling of said well with due diligence to an extent sufficient to test the Queen formation;

PROVIDED FURTHER, that in the event said operator does not commence the re-drilling of said well on or before the 15th day of September, 1975, Order (1) of this order shall be null and void and of no effect whatsoever;

PROVIDED FURTHER, that should said well not be drilled to completion, or abandonment, within 120 days after commencement thereof, said operator shall appear before the Commission and show cause why Orders (1) and (2) of this order should not be rescinded.

PROVIDED FURTHER, that should the well be completed as a single producer only, the Secretary-Director of the Commission may rescind that portion of this order affecting the uncompleted zone upon a showing of good cause by any of the affected parties.

(3) That Burleson and Huff is hereby designated the operator of the subject well and unit.

(4) That after the effective date of this order and within 30 days prior to commencing re-drilling said well, the operator shall furnish the Commission and each known working interest owner in the subject unit an itemized schedule of estimated well costs.

(5) That within 30 days from the date the 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.

(6) That the operator shall furnish the Commission and each known working interest owner an itemized schedule of actual well costs within 90 days following completion of the well; that if no objection to the actual well costs is received by the Commission and the Commission 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 Commission will determine reasonable well costs after public notice and hearing.

(7) That within 60 days following determination of reasonable well costs, any non-consenting working interest owner that 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.

(8) That the operator is hereby authorized to withhold the following costs and charges from production:

- (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 re-drilling of the well, 150 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.

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

(10) That \$600.00 per month is hereby fixed as a reasonable charge for supervision (combined fixed rates) while drilling, and that \$100.00 per month is hereby fixed as a reasonable charge for supervision while producing; that the operator is hereby authorized to withhold from production the proportionate share of such supervision charge 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 such well, not in excess of what are reasonable, attributable to each non-consenting working interest.

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(11) 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.

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

(13) That all proceeds from production from the subject well which are not disbursed for any reason shall be placed in escrow in Lea County, New Mexico, to be paid to the true owner thereof upon demand and proof of ownership; that the operator shall notify the Commission of the name and address of said escrow agent within 90 days from the date of this order.

(14) 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

I. R. TRUJILLO, Chairman



PHIL R. LUCERO, Member



JOE D. RAMEY, Member & Secretary

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