

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. 2752
Order No. R-2442

IN THE MATTER OF THE HEARING CALLED BY THE COMMISSION UPON
ITS OWN MOTION TO ALLOW ALL INTERESTED PARTIES TO APPEAR
AND PRESENT EVIDENCE TO DETERMINE THE PROPER LOCATION OF THE
SURVEY LINE DIVIDING SECTIONS 3, 10, 15, 22, 27, AND 34 FROM
SECTIONS 2, 11, 14, 23, 26, AND 35, RESPECTIVELY, TOWNSHIP
10 SOUTH, RANGE 32 EAST, NMPM, LEA COUNTY, NEW MEXICO, AND TO
CONSIDER APPROVAL OF NON-STANDARD LOCATIONS RESULTING FROM
SUCH DETERMINATION.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 o'clock a.m. on
February 6, 1963, at Santa Fe, New Mexico, before Daniel S. Nutter,
Examiner duly appointed by the Oil Conservation Commission of New
Mexico, hereinafter referred to as the "Commission," in accordance
with Rule 1214 of the Commission Rules and Regulations.

NOW, on this 6th day of March, 1963, the Commission,
a quorum being present, having considered the application, the
evidence adduced, and the recommendations of the Examiner,
Daniel S. Nutter, 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 a discrepancy exists as to the proper location of
the survey line dividing Sections 3, 10, 15, 22, 27, and 34 from
Sections 2, 11, 14, 23, 26, and 35, respectively, Township 10
South, Range 32 East, NMPM, Lea County, New Mexico.

(3) That the Commission should determine the proper loca-
tion of said survey line in order to establish the correct loca-
tions of wells presently completed in this area, and in order to
provide a standard survey line to assure uniform well locations
in the future.

(4) That several surveys have been conducted by registered
land surveyors in attempting to determine the proper location of
the survey line in question.

(5) That all surveyors presenting testimony at the hearing agreed that the survey line dividing Sections 3, 10, 15, 22, 27, and 34 from Sections 2, 11, 14, 23, 26, and 35, respectively, Township 10 South, Range 32 East, NMPM, Lea County, New Mexico, should be established as follows:

Commencing at the standard GLO brass-cap corner marker at the southwest corner of Section 35, Township 10 South, Range 32 East, NMPM, Lea County, New Mexico; thence due north a distance of five miles; thence north two degrees two minutes east to the standard GLO brass-cap corner marker at the northwest corner of Section 2, Township 10 South, Range 32 East, NMPM, Lea County, New Mexico.

(6) That the Commission should adopt the survey line set out in Paragraph (5) above.

(7) That 11 wells will not comply with the well location requirements of the Commission Rules and Regulations upon adoption of the above-described survey line; that the 11 wells will then be located as follows:

TOWNSHIP 10 SOUTH, RANGE 32 EAST, NMPM, LEA COUNTY, NEW MEXICO

OPERATOR	LEASE	WELL NO.	LOCATION	SECTION
Sunray DX	State "K"	1	2105 feet from the South line, 1604 feet from the West line	11
Cabeen	Sunray-State "K"	1	761 feet from the South line, 2957 feet from the West line	11
Cities Service	Lane L	1	651 feet from the North line, 1621 feet from the West line	14
Cities Service	State "BL"	1	2006 feet from the North line, 300 feet from the West line	14
Cities Service	State "AD"	3	366 feet from the South line, 991 feet from the East line	22
Cities Service	State "AD"	4	329 feet from the South line, 2315 feet from the East line	22

Socony Mobil	New Mexico "B"	2	331 feet from the North line, 994 feet from the East line	27
Socony Mobil	New Mexico "B"	3	334 feet from the North line, 2327 feet from the East line	27
Socony Mobil	New Mexico "B"	5	1982 feet from the North line, 1014 feet from the East line	27
Humble	NM State "AF"	1	2336 feet from the South line, 1922 feet from the East line	27
Humble	NM State "AF"	2	2335 feet from the South line, 1005 feet from the East line	27

(8) That all of the above wells were drilled in good faith with reliance upon reasonable surveys and that non-standard locations should be approved for all of the above wells.

IT IS THEREFORE ORDERED:

(1) That the survey line for establishing well locations in Sections 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, and 35, Township 10 South, Range 32 East, NMPM, Lea County, New Mexico, shall be determined as follows:

Commencing at the standard GLO brass-cap corner marker at the southwest corner of Section 35, Township 10 South, Range 32 East, NMPM, Lea County, New Mexico; thence due north a distance of five miles; thence north two degrees two minutes east to the standard GLO brass-cap corner marker at the northwest corner of Section 2, Township 10 South, Range 32 East, NMPM, Lea County, New Mexico.

(2) That the non-standard locations set out below are hereby approved for the following-described wells:

TOWNSHIP 10 SOUTH, RANGE 32 EAST, NMPM, LEA COUNTY, NEW MEXICO

OPERATOR	LEASE	WELL NO.	LOCATION	SECTION
Sunray DX	State "K"	1	2105 feet from the South line, 1604 feet from the West line	11

Cabeen	Sunray-State "K"	1	761 feet from the South line, 2957 feet from the West line	11
Cities Service	Lane I,	1	651 feet from the North line, 1621 feet from the West line	14
Cities Service	State "BL"	1	2006 feet from the North line, 300 feet from the West line	14
Cities Service	State "AD"	3	366 feet from the South line, 991 feet from the East line	22
Cities Service	State "AD"	4	329 feet from the South line, 2315 feet from the East line	22
Socony Mobil	New Mexico "B"	2	331 feet from the North line, 994 feet from the East line	27
Socony Mobil	New Mexico "B"	3	334 feet from the North line, 2327 feet from the East line	27
Socony Mobil	New Mexico "B"	5	1982 feet from the North line, 1014 feet from the East line	27
Humble	NM State "AF"	1	2336 feet from the South line, 1922 feet from the East line	27
Humble	NM State "AF"	2	2335 feet from the South line, 1005 feet from the East line	27

(3) That the Secretary-Director is hereby authorized to approve any other non-standard location in this area upon proper showing by the operator thereof that said well was drilled or was drilling on the date this order was entered, and that said non-standard location results from the determination of the survey line set forth in Paragraph (1) above.

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

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CASE No. 2752

Order No. R-2442

DONE at Santa Fe, New Mexico, on the day and year herein-
above designated.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

JACK M. CAMPBELL, Chairman

E. S. WALKER, Member

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

S E A L

esr/

DOCKET: EXAMINER HEARING - WEDNESDAY - FEBRUARY 6, 1963

9 A.M. - OIL CONSERVATION COMMISSION CONFERENCE ROOM,
STATE LAND OFFICE BUILDING, SANTA FE, NEW MEXICO

The following cases will be heard before Daniel S. Nutter, Examiner, or Elvis A. Utz, as alternate examiner:

- CASE 2746: In the matter of the hearing called by the Oil Conservation Commission on its own motion to permit Continental National Insurance Group and all other interested parties to appear and show cause why the Kenneth V. Barbee Well No. 1, located 1980 feet from the South line and 660 feet from the East line of Section 9, Township 11 South, Range 25 East, NMPM, Chaves County, New Mexico, should not be plugged in accordance with a Commission-approved plugging program.
- CASE 2747: Application of El Paso Natural Gas Company for cancellation of a non-standard gas proration unit, San Juan County, New Mexico. Applicant, in the above-styled cause, seeks cancellation of a non-standard gas proration unit comprising the SW/4 of Section 23 and the NW/4 of Section 26, Township 31 North, Range 7 West, Blanco-Mesaverde Gas Pool, San Juan County, New Mexico, said unit having been established and designated Block "N" by Order No. R-1066.
- CASE 2480: (Reopened)
In the matter of Case 2480 being reopened pursuant to the provisions of Order No. R-2182, which order established temporary 80-acre proration units for the Henshaw-Wolfcamp Pool, Eddy County, New Mexico, for a period of one year. All interested parties may appear and show cause why said pool should not be developed on 40-acre proration units.
- CASE 2748: Application of Ralph Lowe for approval of a unit agreement, Eddy County, New Mexico. Applicant, in the above-styled cause, seeks approval of the Indian Hills Unit Area, comprising 4,480 acres of Federal and State lands in Township 21 South, Range 24 East, Eddy County, New Mexico.
- CASE 2749: Application of Ralph Lowe to create a new pool for Upper Pennsylvanian gas production, and for special pool rules, Eddy County, New Mexico. Applicant, in the above-styled cause, seeks the creation of a new gas pool for Upper Pennsylvanian gas production in Sections 22 and 23, Township 21 South, Range 23 East and the establishment of temporary pool rules therefor, including a provision for 640-acre spacing units.

CASE 2750: Application of Ralph Lowe to create a new pool for Morrow gas production, and for special pool rules, Eddy County, New Mexico. Applicant, in the above-styled cause, seeks the creation of a new gas pool for Morrow production in Sections 22 and 23, Township 21 South, Range 23 East, and the establishment of temporary pool rules therefor, including a provision for 640-acre spacing units.

CASE 2751: Application of Gulf Oil Corporation for a triple completion, Lea County, New Mexico. Applicant, in the above-styled cause, seeks approval of its W. A. Ramsay (NCT-C) Well No. 4, located in Unit M of Section 36, Township 24 South, Range 37 East, as a triple completion (conventional) to produce oil from the Fusselman, Montoya, and Waddell Pools, North-Justis Field, Lea County, New Mexico.

CASE 2752: In the matter of the hearing called by the Commission upon its own motion to allow all interested parties to appear and present evidence to determine the proper location of the survey line dividing Sections 3, 10, 15, 22, 27 and 34 from Sections 2, 11, 14, 23, 26, and 35, respectively, Township 10 South, Range 32 East, NMPM, Lea County, New Mexico. The Commission also will consider the approval of any non-standard location which might result from such determination.

LAW OFFICES OF
MODRALL, SEYMOUR, SPERLING, ROEHL & HARRIS

SIMMS BUILDING

P. O. BOX 486

ALBUQUERQUE, NEW MEXICO

TELEPHONE CHAPEL 3-4511

February 1, 1963

J. R. MODRALL
AUGUSTUS T. SEYMOUR
JAMES E. SPERLING
JOSEPH E. ROEHL
GEORGE T. HARRIS
DANIEL A. SISK
LELAND S. SEDBERRY
ALLEN C. DEWEY
FRANK H. ALLEN
JAMES A. BORLAND
JAMES P. SAUNDERS

JOHN F. SIMMS (1885-1954)

New Mexico Oil Conservation Commission
State Land Office Building
P. O. Box 871
Santa Fe, New Mexico

Re: Case No. 2752 - Hearing called by
the OCC to determine Survey Line

Gentlemen:

This letter will serve to advise you that Mobil Oil Company may desire to enter its appearance in the captioned matter at the Examiners Hearing to be held February 6, 1963, and that although our office may not make a personal appearance, we will be associated with Mr. Jack T. Akin, Attorney for the office of the General Counsel of Mobil Oil Company, Midland, Texas.

Very truly yours,

James E. Sperling

JES:nb

CC: Mr. Jack T. Akin

OIL CONSERVATION COMMISSION

P. O. BOX 871

SANTA FE, NEW MEXICO

OK
2752

November 30, 1962

Mr. Joe D. Ramey
District Supervisor
Oil Conservation Commission
P. O. Box 2045
Hobbs, New Mexico

Dear Joe:

This letter will confirm our telephone conversation concerning the boundary dispute in Township 10 South, Range 32 East, Lea County, New Mexico. It is my understanding that several wells belonging to Cities Service may have been drilled on unorthodox locations according to a recent survey. It is also my understanding that these wells are on orthodox locations according to a resurvey prepared by John W. West Engineering Company and dated November 19, 1962.

As an unorthodox location will have to be approved for any well that does not comply with the Commission's standard well location requirements, it is my opinion that this matter should be determined by a hearing before the Commission or a duly appointed examiner. It would seem that the only actual dispute involved in this situation will be between offset operators concerning their correlative rights. As Section 65-3-11 (7) New Mexico Statutes Annotated (1953 Compilation) specifically confers upon the Commission jurisdiction "To require wells to be drilled, operated and produced in such manner as to prevent injury to neighboring leases or properties" it is doubtful if a District Court would assume jurisdiction over a suit to determine the boundary line until all administrative remedies have been exhausted.

I therefore suggest that Cities Service Company should file an application to have the Commission determine that the wells in question are on orthodox locations or, in the alternative, requesting the Commission to approve unorthodox

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OIL CONSERVATION COMMISSION

P. O. BOX 871

SANTA FE, NEW MEXICO

-2-

November 30, 1962

Mr. Joe D. Raney
District Supervisor
Oil Conservation Commission
Hobbs, New Mexico

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locations for the same. If Cities Service Company does not desire to file such an application, the Commission should call the case on its own motion. Any party dissatisfied with the Commission's ruling would then have the statutory right to appeal to the courts.

Please discuss this matter with the various parties involved and advise me of their desires.

Very truly yours,

JAMES M. DURRETT, Jr.,
Attorney

JMD/esr

BEFORE THE
OIL CONSERVATION COMMISSION
Santa Fe, New Mexico
February 6, 1963

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In the matter of the hearing called by the)
Commission upon its own motion to allow all)
interested parties to appear and present)
evidence to determine the proper location)
of the survey line dividing Sections 3, 10,)
15, 22, 27 and 34 from Sections 2, 11, 14,)
23, 26, and 35, respectively, Township 10)
South, Range 32 East, NMPM, Lea County, New)
Mexico. The Commission also will consider)
the approval of any non-standard location)
which might result from such determination.)
-----)

CASE 2752

BEFORE: Daniel S. Nutter, Examiner

TRANSCRIPT OF HEARING

MR. NUTTER: We will take Case 2752.

MR. DURRETT: In the matter of the hearing called by
the Commission upon its own motion to allow all interested parties
to appear and present evidence to determine the proper
location of the survey line dividing Sections 3, 10, 15, 22, 27
and 34 from Sections 2, 11, 14, 23, 26, and 35, respectively,
Township 10 South, Range 32 East, NMPM, Lea County, New Mexico.

MR. NUTTER: We'll call for appearances in Case 2752.

MR. AKIN: I'm Jack Akin representing Mobile Oil,
and I have a witness, Mr. J. F. Godfrey.

MR. KELLAHIN: Jason Kellahin, representing Cities
Service Petroleum Company.

MR. NUTTER: Are there any other appearances?

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MR. KELLAHIN: We will have a witness.

MR. NUTTER: Any other appearances?

MR. BRATTON: Howard Bratton, Humble Oil and Refining Company.

MR. NUTTER: Will you have any witnesses, Mr. Bratton?

MR. BRATTON: I doubt it.

MR. DURRETT: Let the record show that Mr. Akin is non-resident counsel, and that Mr. Jim Sperling, Attorney at Law, Albuquerque, New Mexico, has entered an appearance on his behalf by written appearance.

MR. KELLAHIN: We have one witness we would like to have sworn, please.

(Witness sworn.)

(Whereupon, Cities Service Exhibit No. 1 marked for identification.)

JOHN SHERMAN

called as a witness, having been first duly sworn on oath, testified as follows:

DIRECT EXAMINATION

BY MR. KELLAHIN:

Q Would you state your name, please?

A John Sherman.

Q How do you spell that?

A S-h-e-r-m-a-n.

Q What business are you engaged in?

A I'm an independent surveyor.



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Q Where are you located?

A In Lovington, New Mexico.

Q Are you a registered land surveyor with the Office of the State Engineer, State of New Mexico?

A I am, 1959.

Q Have you had any training as a surveyor?

A Yes.

Q Where did you get your training?

A I attended the University of New Mexico, and then practical experience.

Q How long have you been a registered land surveyor?

A Fourteen years, I think; thirteen years.

Q Has all of your time been confined to practice in the State of New Mexico?

A It has primarily, State of New Mexico.

Q And in what area of the State of New Mexico?

A Principally in southeastern quarter of the State.

MR. KELLAHIN: Are the witness' qualifications acceptable?

MR..NUTTER: Yes, sir, they are.

Q (By Mr. Kellahin) Mr. Sherman, have you had any occasion to make a personal check into the situation as it affects the survey of Township 10 South, Range 32 East, New Mexico Principal Meridian in Lea County, New Mexico?

A Yes. I ran some surveys in October and November in



that township.

Q Would you describe what occurred in connection with your surveys in October and November?

A Well, at the time I was staking some well locations for Wilmac Oil Company, and in the process of setting their locations and prior to that, I had worked north of the township there and identified some existing corners. I found that my control, as re-established from existing corners, differed somewhat from existing locations and apparent control of existing wells in the area.

Q What was your control in that survey?

A On that survey, my control was based on the standard G.L.O. Brass Cap corner at the southwest corner of Section 35 and the same type corner at the northwest corner of Section 2, which is a line between 2, 3, 10, 11, so on.

MR. NUTTER: That would be a six-mile line?

A Six-mile line, yes, sir, approximately.

Q (By Mr. Kellahin) What did you do after you discovered there was a variation from the apparent location of the other wells?

A I re-established a direct line between those, and then computed a reasonable location for an oil well, and consulted with the Hobbs Office of the Oil Conservation Commission. We had a hearing there and I staked these oil wells in a position that the location would be compatible with either survey within the spacing requirements.

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Q Did you make any investigation into the official governmental surveys in connection with this township?

A Yes, sir. I had a copy of the original survey plat in 1882, a copy of their re-survey of the south line of the township in 1911, and a copy of the re-survey of the west and north lines in 1939, and also a partial copy of the notes of the area that was involved in the survey.

Q Did you, utilizing the notes, attempt to establish any of the markers on the ground within the interior boundaries of the township?

A I spent considerable time trying to identify corners that would correspond to the notes, and I found no evidence at all that was even close to corresponding with the notes, or any evidence of the existence of corners set in the interior in the particular area that I investigated there.

Q Now the re-surveys, as you referred to them, of 1911 and 1939, were they actual re-surveys or were they attempts to locate on the ground the corners as established by the 1882 survey?

A The survey of 1911, of course, was the south line of the township in question. It was an attempt to re-establish the line common to Township 10 South, 32, and 11 South, 32 East, and was done in the process of surveying the township south and it was apparently an attempt to establish the south line of the township.

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The other surveys in 1939 were strictly for the west line and north line of Township 10, 32, and indicated on the notes and their plat, they did find two recognizable corners which they based their survey on and were accepted by them as corners of the township.

Q Then basically there is no change from the 1882 survey, assuming it can be established on the ground, is that correct?

A Basically it's reestablishment of what the original survey was, probably, on the ground.

Q Now, have you made a survey or a plat showing your interpretation, based upon the corners as established by the surveys of 1911 and 1939?

A Yes. I have a plat prepared here, I believe you numbered it Exhibit No. 1.

Q Yes. Will you refer to Exhibit No. 1 and discuss what you have done in connection with that exhibit, and why you took that approach.

A This plat shows a location of the section lines, principally the ones that are affected by this one line between 2 and 3 and 34 and 35 we discussed a while ago, and it's based on a practical solution of accepting a true north bearing for the line and the distance of 80 chain, which is a standard mile, for the north-south distance, and running that line approximately five miles north, at which time the line will of course vary and tie into the established north section corners as set in 1939.



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Q You would start from a section corner at the south boundary set in 1911?

A That is correct.

Q Is it your recommendation that a true north course be utilized by the Commission in determining the well locations in the area involved here?

A I would recommend this as the most practical solution to it.

Q Would you recommend a uniform 80 chain distance for each section until you get to the north tier of sections?

A I believe this would be more satisfactory under the condition that there is absolutely no evidence of any interior corners; in my opinion, the fellow probably didn't even go out there to make the survey.

Q Did you,utilizing his notes, attempt to locate corners which he listed?

A I made several attempts to locate corners, roads, bluffs, and the bluffs described on the notes -- the land is sort of like this table.

Q Did you find any bluffs in the township?

A I found nothing that I would call a bluff, no, sir.

Q Assuming that the Commission approves your recommendation of using a true north course for the line dividing Sections 3, 10, 15, 22, and 27 and 34, from 2, 11, 14, 23, 26 and 35, on that assumption would there be some unorthodox well locations



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which have already been staked and drilled?

A There would be some in the area.

Q Would you list those and give the footage on the basis of your interpretation of the survey?

A The footage I will give here is computed from a variety of three surveys, and there's a possibility that an exact check at the time this line would be re-established would vary somewhat. This wouldn't be an exact figure.

Q Would the variation be of any magnitude?

A It probably would be very small variation.

Q What do you mean, "small"?

A Oh, within -- I'd say outside, it wouldn't vary over 15 to 20 feet.

Q On that basis, would you go ahead and give your interpretation of the well locations as they would appear under your recommendation?

A There's Sunray State "K" located in the Northeast of the Southwest of Section 11. It would be in violation. It would fall 2105 from the south line and 1604 from the west line of the section.

There would be a violation of Sunray State "K" Cabean, I believe, in the Southwest of the Southeast of Section 11. It would be 761 from the south line and 2957 from the west line. All of these will be shown from the base line entirely.

There would be a violation of Cities Service State "BL"



Lease Lane 1 in the Northeast of the Northwest of Section 14; 651 from the north line, 1621 from the west line.

There would be another violation in the same lease, Well No. 1 in the Southwest of the Northwest of Section 14; 2,006 feet from the north line, 300 feet from the west line.

There would be violations, Socony Mobile New Mexico "BN" Well No. 2 in the Northeast of the Northwest of Section 27 would be 331 from the north line and 994 from the east line. The same lease, Well No. 3 in the Northwest of the Northeast of Section 27 would be 334 from the north line, 2327 from the east line. Well No. 5 of the same lease, the Southeast of the Northeast of 27, would be 1982 from the north line, 1,014 from the east line.

Ralph Lowe State 1-A in the Northeast of the Northwest of 27 would be 1,002 feet from the north line, 3,006 feet from the east line.

Humble State 1 in the Northwest of the Southeast of 27 would be 2336 from the south line and 1922 from the east line. The same lease, Well No. 2 in the Northeast of the Southeast of 27 would be 2335 from the south line, 1,005 from the east line.

The rest of the wells in the area are within the spacing requirements.

Q Would the recommendation you have made result in any well being located on a quarter quarter section other than that to which it is presently dedicated?

A No, it would be in the quarter quarter section it is

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dedicated, and the actual violations are small.

Q It would just be a matter of a few feet, relatively speaking?

A A few feet, around 20 feet is the maximum violation.

Q Was Exhibit No. 1 prepared by you or under your supervision?

A Yes.

MR. KELLAHIN: At this time we would like to offer in evidence Exhibit No. 1.

MR. NUTTER: Cities Service Exhibit No. 1 will be admitted in evidence.

((Whereupon, Cities Service Exhibit No. 1 admitted in evidence.))

CROSS EXAMINATION

BY MR. PORTER:

Q Before we leave this exhibit, to clarify a well number here, you read the Cities Service State B. L. Lane No. 1 in the Northeast of the Northwest.

A That should be the Northeast, Lane "L" No. 1. That is not State "BL", I'm sorry.

MR. KELLAHIN: That's a fee lease.

Q (By Mr. Porter) Cities Service Lane No. 1?

A No. 1.

Q What's the next one?

A State "BL" No. 1.

Q State "BL" No. 1. What would be the situation in regard



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to Cities Service State "AD" No. 4 Well?

A State "AD" No. 4 would be 329 from the south line, 2313 from the east line of Section 22. That section is almost three feet wide east and west, and if there's any violation there, it probably would be within the casing.

Q You mean three feet wider than a normal section?

A Than a normal section, 2622.8, I believe, is the width.

MR. PORTER: That's all the questions I have of the witness.

MR. NUTTER: Any questions of Mr. Sherman?

BY MR. NUTTER:

Q As I understand it, there is an existent corner at the southwest corner of Section 35, there's a monument there or a marker?

A That is correct.

Q Is that monument or marker on the original government survey line?

A That has been on a re-survey line in 1911.

Q That marker was placed there on the survey of 1911?

A 1911, which was re-surveyed for the purpose of surveying the township to the south.

Q Now there is a marker at the northwest corner of Section 2?

A Yes, sir.

Q And that marker was placed there in 1939 or 1882?



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A 1939, based on corners found from the 1882 survey, according to their notes.

Q From the outside corners of the township?

A I believe the corners found were the northeast of Section 1 and the southwest of Section 18, were the two corners that were found to base that 1939 survey on.

Q The northeast of Section 1 of this township, and the southwest of Section 18 of this township --

A That is correct.

Q -- were found in 1939?

A According to their notes.

Q So they re-established the west line of this township and the north line, --

A On the basis of those two corners.

Q -- based on those two corners. In preparing this plat, you took a composite of three different surveys, you say?

A Yes, there's three groups that have done surveys in there, and there's a composite of different information from all three of them.

Q Were all three of these groups starting at the southwest corner of Section 35 and driving a line straight north?

A They were all starting from the corner at the southwest of 35. We were all in variance as to the line north from there.

Q Well, was the line being drawn towards the North Pole by all of the parties?



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A I believe it would be better if I explained how I did mine.

Q I would like how you did yours.

A My survey was based on a line projected from the southwest of 35 to the corner at the northwest of 2. Then I computed and prorated the distance, and the line didn't end up, my line didn't end up a straight line; it ended up a variable line, according to the adjustment of the distance shown to the original survey.

Q So you weren't attempting to go straight north on yours; you were going from the southwest of 35 to the northwest of 2?

A That's correct. That would be a method used on the basis that the interior of this, one of the methods that could be used, the basis that the interior of this had been surveyed; and there was some evidence that there had been survey in there, but there's several other ways.

Q You say that this composite here indicates a line going from -- just for simplicity's sake, Mr. Sherman, if on your exhibit there, if you would mark the southwest corner of Section 35 as Point "A".

A (Witness complies.)

Q And the northwest corner of Section 11 as Point "B".

A (Witness complies.)

Q And the northwest corner of Section 2 as Point "C".



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A Yes, sir.

Q You say that this composite represents a true north line from "A" to "B"?

A From "A" to "B".

Q And then with a correction from "B" up to "C" to tie into "C"?

A To tie into the 1939 corners.

Q What would be the bearing of "B"- "C" then?

A It would be, it would vary from east to west. The east side would be north two degrees and approximately two minutes east. On the line between Sections 5 and 6, it would get down slightly below two degrees and one minute north.

Q Between 5 and 6?

A Yes. It would become less the farther west you go, the angle would be less.

Q "B" to "C" is two degrees and two minutes east?

A Roughly two degrees and two minutes east.

MR. NUTTER: Are there any other questions of Mr. Sherman?

MR. KELLAHIN: I would like to clarify that one point.

REDIRECT EXAMINATION

BY MR. KELLAHIN:

Q Perhaps I misunderstood you, Mr. Sherman, but in referring to the direct north line from "A" to "B" which you have just been discussing, that line is not based on any composite of any



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surveys, is it?

A No. This line has actually not been staked on the ground at the present time.

Q That's a calculated line?

A It's a calculated line as a practical solution to the establishment of that section line.

MR. NUTTER: But it is calculated from a composite of surveys?

MR. KELLAHIN: Let me finish.

Q (By Mr. Kellahin) Now when you referred to a composite survey, was that utilized in locating the wells in relation to the line that you have thus established?

A That is correct. It was a composite of two different surveys, or three, that we spotted the wells in relation to this computed line.

Q In computing the line, you took a direct north course from the monument located at point marked "A"?

A Yes.

MR. NUTTER: To Point "B"?

MR. KELLAHIN: Yes.

MR. NUTTER: A computed north line?

MR. KELLAHIN: Yes.

MR. PORTER: Mr. Sherman, you say this whole area is level?

A It is level up to a point there.



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MR. PORTER: Was there a draw shown on the original survey there?

A There is a draw shown with the direction of drainage to the southwest.

MR. PORTER: Is that the way it actually is?

A No, the drainage in the area is primarily to the south-east, and the draw fits real well, if you hold the original plat up and look at it from the back like a mirror; if you hold it in front as a mirror.

MR. PORTER: In other words, the draw exists in exactly the opposite direction than what it's shown to the original survey?

A Almost opposite, and it's not on the notes as indicated at all.

MR. PORTER: It's very shallow?

A It's very shallow and a break-off from sandy land, and a drainage more than a draw.

MR. NUTTER: Any other questions of Mr. Sherman? He may be excused.

(Witness excused.)

MR. KELLAHIN: That's all we have.

MR. AKIN: In view of the testimony offered by Mr. Sherman, I believe we'll not offer any evidence; but I would like to introduce a statement that we concur with Cities Service as to their recommendations, and we adopt their method and manner



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of construction as shown and reflected on the plat introduced in evidence.

MR. NUTTER: Mr. Akin, Mr. Sherman stated that his -- he explained how he arrived at his line. Has your company drawn a line which entered into the composite that was entered into by Mr. Sherman?

MR. AKIN: We have done some surveying out there, and if you like, I could qualify our surveyor.

MR. NUTTER: I would like to hear from him, please.

MR. AKIN: I ask that Mr. Godfrey be sworn in.

(Witness sworn.)

J. F. GODFREY

called as a witness, having been first duly sworn on oath, testified as follows:

DIRECT EXAMINATION

BY MR. AKIN:

Q Mr. Godfrey, have you ever testified before this Commission before as to your qualifications?

A No, I have not.

Q Would you give us a brief resume of your background; for instance, what school did you attend and what year?

A Texas A & M, graduated in 1947, B.S. in Civil Engineering.

Q How many years of experience have you had as a professional engineer and surveyor?



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A Fifteen.

Q Are you a registered surveyor and have done surveying work in the State of New Mexico?

A Yes.

Q Are you familiar with this area in question, being this Township 10?

A I am.

Q Have you done some surveying out on the ground with respect to establishing well locations for Mobile Oil Company?

A Yes, in 1952.

MR. AKIN: Is the witness qualified, Mr. Examiner?

MR. NUTTER: Yes, sir.

Q (By Mr. Akin) Would you briefly explain to the Commission what work you have done out in this area, what it consisted of, and what well locations you were attempting to establish?

A In staking the No. 1 New Mexico "B" Mobile Well, the lease lines were established on the intention of being on a meridian that is due north from the south boundary of the township. The meridian is slightly in error, due to the fact they didn't stay out after dark and shoot flares. We turned an angle off the correction line. It's perpendicular to the south boundary of the township, which is five or six minutes in error in bearing. That would throw our well approximately fifteen feet west in relation to the boundary as set up by Cities Service.

Q Was the method of surveying that you did out there,



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and the construction that you used in establishing your lines, and other work that you did out there, substantially in accord with that presented by Cities Service, insofar as it's reflected on this plat introduced in evidence?

A Yes.

MR. AKIN: No more questions.

A I would like to enter one thing. I believe in mentioning the east-west excess that Mr. Sherman gave that figure as three feet. I believe that on his plat it's a little more than that, possibly twelve or thirteen feet.

CROSS EXAMINATION

BY MR. NUTTER:

Q That's within the width of the section?

A Approximately twenty-five feet within the section, twelve or thirteen in a half mile.

Q As I understand it, you drew a perpendicular line to the south boundary of the township?

A Yes, sir.

Q The south boundary is six minutes off?

A Yes, east-west.

Q So if you drew a perpendicular you would be six minutes off on your south line?

A Yes.

Q Which was the first well you staked?

A No. 1 New Mexico "B".



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Q That would be in the Northwest Northeast of 27?

A Yes, sir.

Q So you came up this section line and then turned a lateral directly west?

A Well, actually parallel to the south boundary of the township, which is approximately six minutes off east-west.

Q Was your survey used in drawing this composite north-south line from "A" to "B"?

A No, sir.

MR. NUTTER: Are there any other questions of this witness? He may be excused.

(Witness excused)

MR. KELLAHIN: We do have present another surveyor who has done a considerable amount of work in connection with this, if you would like to hear him.

MR. NUTTER: Since this line has not actually been drawn on the ground but drawn on paper, I would like to establish farther the method of drawing this line on paper.

MR. KELLAHIN: I would like to call Mr. West, please.

(Witness sworn.)

JOHN W. WEST

called as a witness, having been first duly sworn on oath, testified as follows:

DIRECT EXAMINATION

BY MR. KELLAHIN:



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Q State your name, please.

A John W. West.

Q By whom are you employed and in what position?

A I'm a consulting engineer and surveyor in Hobbs, New Mexico.

Q How long have you been engaged in the business of consulting engineer and surveyor in Hobbs?

A Since 1946. I have appeared before this Commission.

MR. KELLAHIN: Are the witness' qualifications acceptable?

MR. NUTTER: Yes, they are.

Q (By Mr. Kellahin) Have you made any surveys in connection with the location of wells for Cities Service in the area that is the subject of this hearing?

A Yes, sir, I have.

Q Would you describe to the Commission what was done in connection with those wells?

A The surveying in that area has been very difficult ever since we first started up there. There are no corners within the interior of the township; and unfortunately my book that I used, the field book that I used to survey originally in 1952 or '3, I don't have, and don't have those exact notes; and I'm quoting from memory on that but I am of the opinion from what recent surveys have shown that I did very similar to what the surveyor with Mobile said, that I turned 90 degrees off of the



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south line and worked north and staked them. Now at later days, we made a little bit farther search in the area and we run onto some people that had been in the area for years and years and years; and they told me, they said, "Now my father was Mr. Hedgcoxe, that the fence up that line or that approaches that line, it starts from the southeast corner of Section 34, the southwest of 35" -- which you a while ago referred to as Point "A". It starts from that point and it goes in a northerly direction, and that fence was rebuilt by Mr. Lane and Mr. Hedgcoxe as a common boundary between their ranches to separate the sections. The State land on the west belonged to Mr. Hedgcoxe and the State land on the east, that is, the lease of such belonged to Mr. Lane so they had a surveyor come out and establish this line for them and they built that fence and it has been used as a fence, as a section line under the theory that it is a section line and the fence coincided, from 1931.

In 1939, the survey by the Government was put along the top line, which the surveyor in 1931 didn't have to go to like Mr. Sherman said that he did when he first started out here. As a result, the surveyor in 1931, working for the two ranchers, got this fence considerably to the west as he went north, but used the theory that that fence was on a common boundary between the two ranches and could be used; and in later days, I staked the wells for Sunray in Section 11 and the wells to the north there, I believe, in Section 14, for Cities Service, using this map. Then at the time that Mr. Sherman got out and worked



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his line between the two corners which you called "A" and "C" a while ago, and found out there was a difference, we all got together and presented our information to Mr. Ramey, and Mr. Porter was down there at the time, so we had an informal meeting and agreed, to keep anybody from getting into serious trouble, that for the time being they would let Mr. Sherman stake a location in Section 15, which we haven't even shown on here because it was a dry hole, using the fence method and making a 320 location; and then if he'd used the method that he started from, it would be very close to 660 location and we would be legal in either event; and at the time we proposed to have this hearing and see if we couldn't get some sort, something worked out that everybody would use so that there wouldn't be a half dozen different theories about the way the darn thing should be worked up there.

So we tied in all the locations that we had -- I mean the wells that were drilled, to our survey, which was the fence line. We tied them in. Then after consulting and quite a bit of conversation about the thing, we finally agreed that if we would use this system of a true north line it would get away from our fence a little bit. It would not exactly follow the line that Mr. Sherman had originally worked, but it would let everybody's wells be within a maximum of 30 feet. I believe the State "BL" Well of Cities Service, which is 330 feet from a line which in all due faith was staked in good faith to be the proper distance. We thought that maybe we could get all of these wells shown to



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you folks, that they were done in good faith; but if we accept this policy they will be slight encroachments, but since they were done in good faith, that we wouldn't have to be penalized for their being slightly out of this system; and then in our hopes that you would put out some sort of an order that all future locations in that area be staked on this method and we would all be using the same exact method and there will not be any argument as to, "Well, you are too close," or "I'm too close." If you use this system I'm not, but if you use this system, you are.

We would have something very definite to go on and we would all use it by virtue of the fact that when -- well, most of the people that are in the area will know about this, and Mr. Sherman and I did most of the work except possibly Mobile and Humble which have their own engineers and surveyors, and when an application is brought in to the Hobbs District Office to drill, Mr. Ramey can ask them, "What system did you use," and if they used this then we are all on the same footing and you and all of the operators know exactly where we're going, and we'll keep from having any irregular locations. That is the history, as I see it, of this entire thing.

Q Well, now, Mr. West, if you go from Point "A" to Point "C" and stake a well like down in Section 15, if you go by the fence you'll be 330 feet?

A No, sir, you will be 660 feet.

Q 660 feet?



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A Yes, right in there.

Q If you go from the fence, you'll be 660?

A Yes.

Q If you go from the projected line from "A" to "C", you will be 330?

A No, sir. I don't know exactly what you would be. It would be possibly 315 or something like that. The exact relationship between those lines I can't tell you, but the straight line from "A" to "C" will be slightly west of the true north line.

Q If you went from "A" to "C" you would be approximately 300 feet. If you projected a well 660 feet --

A No, we would possibly be a little less than 300, very slightly, but a little bit.

Q Well, I'll give or take 15 or 20 feet.

A Yes, sir. But we are not talking about any more than that.

Q If you go off the fence line, you would be approximately 600 feet off?

A Yes.

Q If you went from the line "A" to "C", you would be approximately 300 feet off?

A That is correct.

Q If you go ahead and draw a straight line from "A" to "B", being a true north line --

A Yes.



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Q -- and then make the correction from "B" to "C", then you'd be just a matter of a few feet off that line?

A That's correct.

Q In staking a well, if you wanted a 660-foot location, you might come up with close to 660 then if you were going from that line?

A That's correct. Our reason for stating that we would take the north line up five miles and then tie back into their corner, this is the method that the United States General Land Office would do if they were staking this out the original time. In other words, the General Land Office, the general procedure on new land is to survey the outside boundaries and then start at the bottom sections and go north on a bearing five miles, and then correct in to the north line and that is what we are doing here.

Q That's what I wanted to establish.

A But there's nothing inside there; in other words, if we could find some good corners inside there, even though just two of them, we would have to go to them and accept them and prorate out any error that we find on the ground between the 1882 and our survey. That would be prorated out, but since we find nothing inside this interior that we think -- our expression is, we think the surveyor in 1882 went around the outside possibly or did a little bit of work, and then went to the Green Lantern in Roswell and wrote up his notes. That's about what



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happened on the inside, that's our opinion; but the General Land Office accepted it and it is official notes so far as the Government's concerned. But if it were a new survey, they would do the method that we have outlined for you here.

Q Was the Green Lantern in existence in 1882?

A That's what I've been told. I wasn't there.

Q In other words, you are attempting here on paper to draw a true north-south line for five miles and reserve all the correction for the sixth mile?

A Yes, sir.

Q Is there any plan to set any kind of markers on the ground for this line "A"-"B"?

A Our plan is this: The surveyors that are involved here, that any of us have any work to be done out there, we will set these corners as we need them. No company that I know of is planning on having us go and re-survey the whole area. But if a plan is derived for any location that I'm asked -- in other words, if we adopt this plan, you fellows adopt this plan and put it out in the order so that Mr. Ramey can say, "Did you follow this plan?", whether it's I, Mobile, Humble, or Mr. Sherman with some of the different companies that he represents, we all would follow this plan and would come out the same way, give or take two or three feet, which is the human error of surveying a mile, and two or three feet in bearing, which is the difference, we might take the Polaris at the particular time of day and correct



for it.

Q But Point "B", which is one of the points you depend on for staking a new location, does not exist anywhere except on this plat?

A That's absolutely correct. And these well locations that we have shown on here were tied to a different line and computed to fit this, so you would see how if this plan is adopted, how the wells on the ground would be, how no one would be in too bad a shape.

MR. NUTTER: Any further questions of Mr. West?

MR. UTZ: Yes, I would like to clarify one point.

BY MR. UTZ:

Q I believe you stated that if the G.L.O. were to run this survey, they would run this line from "A" to "B" directly north, as you have?

A Yes, sir.

Q And they would ignore the bearings of the west side of the section and the east side of the section?

MR. NUTTER: Township, you mean.

Q (By Mr. Utz) Or township?

A Yes, sir.

MR. UTZ: That's all I have.

MR. NUTTER: If no further questions of Mr. West, he may be excused.

(Witness excused.)

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MR. NUTTER: Does that conclude your part of the case, Mr. Kellahin?

MR. KELLAHIN: It does.

MR. NUTTER: Does anyone have anything to offer in this case?

MR. BRATTON: If the Commission please, we have Mr. Westfield, a surveyor for Humble, present here. I don't believe we propose to offer anything additional. We would concur in the proposed solution to the problem as suggested by Mr. Sherman. I believe in surveying our locations we used the same method described by Mobile. We don't necessarily concur with the exact footages as shown on Mr. Sherman's map here, but we would concur this is a reasonable solution to the problem and we have no objection to it.

MR. NUTTER: Thank you. Does anyone have anything further they wish to offer in Case 2752? If nothing further, we will take the case under advisement.

* * * *



STATE OF NEW MEXICO)
) ss
 COUNTY OF BERNALILLO)

I, ADA DEARNLEY, Notary Public in and for the County of Bernalillo, State of New Mexico, do hereby certify that the foregoing and attached Transcript of Hearing before the New Mexico Oil Conservation Commission was reported by me, and that the same is a true and correct record of said proceedings to the best of my knowledge, skill and ability.

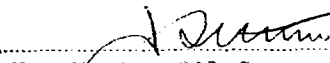
WITNESS my Hand and Seal this 13th day of February, 1963.


 NOTARY PUBLIC

My Commission Expires:

June 19, 1963.

I do hereby certify that the foregoing is a complete record of the proceedings in the Examiner hearing of Case No. 2762, heard by me on 2/6, 1963.

 , Examiner
 New Mexico Oil Conservation Commission

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CERTIFICATE OF
SURVEY DATA

The attached plat of Township 10 South, Range 32 East, is made to be used in re-establishing section corners along the east boundary and interior section corners which by long and exhaustive search have not been located from the original survey by Geo. Brown in 1882. The north and west boundaries of the Township have well monumented corners set by the USBLM in 1939.

The south boundary of the township has well monumented corners set by the USGLO in 1911. The method used on this plat for the east boundary markers is to start at the southeast corner of Sec. 36, thence N. 0° 20' E., setting a section corner monument at every 80.00 chains for 5 miles, thence continuing the same bearing to the northeast corner of Section 1.

All interior corners are set by starting at the southeast corners of Sections 31, 32, 33, 34, and 35, and traversing true North setting interior corners at 80.00 chains for 5 miles to the southeast corners of Sections 6, 5, 4, 3 and 2. The North-South distances and bearings of Sections 6, 5, 4, 3 and 2 are the distances and bearings required to tie in to the monuments on the North boundary set by the USBLM in 1939.

All distances and bearings from the U. S. Government plats of 1911 and 1939 are the criteria for this reconstruction of this township.

BEFORE EXAMINER NUTTER	
OIL CONSERVATION COMMISSION	
<i>Christensen</i>	EXHIBIT NO. <u>1</u>
CASE NO. <u>2752</u>	

John W. West
JOHN W. WEST

John W. Shearman
JOHN W. SHEARMAN

CERTIFICATE OF
SURVEY DATA

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JOHN W. SHEARMAN

