

# HINKLE, COX, EATON, COFFIELD & HENSLEY

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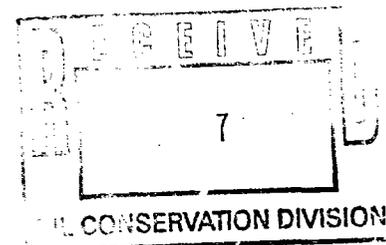
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†FORMERLY COMPRISING THE FIRM OF  
CULTON, MORGAN, BRITAIN & WHITE, P.C.

November 27, 1995

## HAND-DELIVERY

David R. Catanach  
Oil Conservation Division  
2040 South Pacheco Street  
Santa Fe, NM 87505



**Re: Case No. 11403, the Application of Pogo Producing Company for a Pilot Pressure Maintenance Project**

Dear Mr. Catanach:

This letter constitutes Pogo's response to IMC's submittal dated November 17, 1995.

1. IMC's lease map shows all of Section 23, the N $\frac{1}{2}$ N $\frac{1}{2}$  of Section 26, and additional acreage as being leased for potash. However, at the hearing, Mr. Morehouse admitted on the record that the acreage was unleased. (Please note that no lease number is given on the map for that acreage.)

2. IMC's map shows the line of an LMR, but there can be no LMR in an unleased area. Furthermore, the subject area is over 8 miles from IMC's current mine operations, and the WIPP site lies between IMC's mine and the Neff Fed. Well No. 3.

3. The Neff Fed. Well No. 3 is in an area barren of potash, and it has already been drilled. In addition, IMC's map fails to identify the large number of existing wells in this area. The cumulative result of these facts is that Pogo's well will not impede any future development of potash, if the potash is ever developed.

4. The Neff Fed. Well No. 3 was cased and cemented in accordance with Order No. R-111-P. Therefore, there will be no migration of fluids to potash zones. No evidence to the contrary has been presented to the Division.

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David Catanach  
Oil Conservation Division  
November 27, 1995  
Page 2

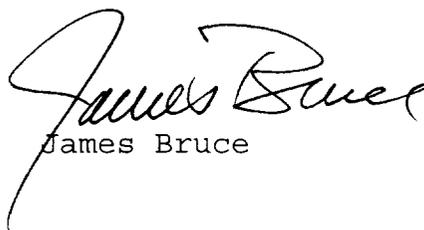
5. As Pogo's geologist testified, there are a number of impermeable zones between the injection zone and the potash zone. This, combined with the small amounts of water being injected for the pressure maintenance project, again leads to the conclusion that no fluid migration will occur as a result of this project, contrary to IMC's unsupported assertions.

IMC's objections are merely an attempt to delay proper and legal development of Pogo's lease.

Your consideration of this case is appreciated.

Very truly yours,

HINKLE, COX, EATON, COFFIELD  
& HENSLEY, P.L.L.C., Ltd., Co.



James Bruce

cc: Dan Morehouse  
IMC Global Operations Inc.  
1361 Potash Mines Road  
Carlsbad, New Mexico 88221

JB/sp  
ctnach22.ltr

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November 20, 1995

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David Catanach  
Oil Conservation Division  
2040 South Pacheco Street  
Santa Fe, NM 87505

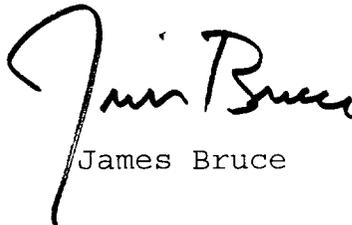
**Re: Case No. 11403**

Dear Mr. Catanach:

Enclosed, as you requested, is a copy of the 1986 Secretarial Order (Fed. Reg., Vol. 51, No. 208, pps. 39425-39427), regarding oil and gas development in potash areas.

Very truly yours,

HINKLE, COX, EATON, COFFIELD  
& HENSLEY, P.L.L.C., Ltd., Co.



James Bruce

JB/sp  
cc: Terry Gant (w/encl.)  
ctnach20.ltr

## DEPARTMENT OF THE INTERIOR

## Office of the Secretary

## Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

## Order

Section 1. *Purpose.* This Order revises the rules for concurrent operations in prospecting for, development and production of oil and gas and potash deposits owned by the United States within the designated Potash Area and for revising the designated Potash Area to which the provisions of this Order are applicable.

Section 2. *Authority.* This order is issued in accordance with the authority vested in the Secretary of the Interior in the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*) and the Mineral Leasing Act for Acquired Land of 1947, as amended (43 U.S.C. 351-359).

Section 3. Restatement of Rules for Concurrent Operations in Prospecting for, Development and Production of Oil and Gas and Potash Deposits Owned by the United States within the Designated Potash Area and to Revise the Designated Potash Area as follows:

## I

The Order of the Secretary of the Interior dated February 6, 1939 (4 FR 1012), withholding certain lands in New Mexico from application or lease under the provisions of the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*), which Order was revoked by Order of the Secretary of the Interior dated October 16, 1951 (16 FR 10669), shall continue to be revoked. The lands described in the Order of February 6, 1939 (except the E1/2E1/2, W1/2SE1/4, sec. 25, T. 20 S., R. 20E, New Mexico Principal Meridian, which were withdrawn from all forms of entry by Public Land Order No. 569 (14 FR 1086)), which were opened for oil and gas leasing by the Order of October 16, 1951, shall continue to be open for oil and gas leasing. This Order shall not affect the current status of lands with respect to their being withdrawn from, or open for, entry or leasing.

## II

Subject to the provisions of I above, the provisions of the Order of the Secretary of the Interior dated November 5, 1975 (40 FR 51486), are revised to change the Potash Area Designated therein as specified in this Order.

E 1/2 SE 1/4, sec 24  
and the E 1/2 E 1/2, W 1/2 SE 1/4,  
S 1/2 SW 1/4, sec. 25, T. 20 S., R. 20E

## III. General Provisions

## A. Issuance of Oil and Gas Leases

The Department of the Interior reaffirms its position that the lease stipulations contained in the Order of November 5, 1975, adequately protect the rights of the oil and gas and potash lessees and operators. Therefore, each successful applicant for a noncompetitive oil and gas lease, and any party awarded a competitive lease, for lands included in the designated Potash Area is required, as a condition to the issuance of such lease, to execute a stipulation to the lease as follows:

1. Drilling for oil and gas shall be permitted only in the event that the lessee establishes to the satisfaction of the authorized officer, Bureau of Land Management, that such drilling will not interfere with the mining and recovery of potash deposits, or the interest of the United States will best be served by permitting such drilling.

2. No wells shall be drilled for oil or gas at a location which, in the opinion of the authorized officer, would result in undue waste of potash deposits or constitute a hazard to or unduly interfere with mining operations being conducted for the extraction of potash deposits.

3. When the authorized officer determines that unitization is necessary for orderly oil and gas development and proper protection of potash deposits, no well shall be drilled for oil or gas except pursuant to a unit plan approved by the authorized officer.

4. The drilling or the abandonment of any well on said lease shall be done in accordance with applicable oil and gas operating regulations (43 CFR 3160), including such requirements as the authorized officer may prescribe as necessary to prevent the infiltration of oil, gas or water into formations containing potash deposits or into mines or workings being utilized in the extraction of such deposits.

In taking any action under Part A, Items 1, 2, 3 and 4 of this Order, the authorized officer shall take into consideration the applicable rules and regulations of the Oil Conservation Division of the State of New Mexico.

## B. Renewal or Extension of Oil and Gas Leases

As a condition to the granting of any discretionary renewal or extension of any existing lease embracing lands included in the designated Potash Area, the lessee shall execute a stipulation identical to that specified in Part A, Items 1, 2, 3 and 4 of this Order.

## C. Potash Leases

All potash permits and leases hereafter issued or existing potash leases hereafter renewed for Federal lands within the designated Potash Area, shall be subject to a requirement either to be included in the lease or permit or imposed as a stipulation, to the effect that no mining or exploration operations shall be conducted that, in the opinion of the authorized officer, will constitute a hazard to oil or gas production, or that will unreasonably interfere with orderly development and production under any oil or gas lease issued for the same lands.

## D. Mineable Reserves

1. Each potash lessee shall file annually by January 1, with the District Manager, Bureau of Land Management, a map(s) on which has been delineated the following information with respect to the Federal Potash leases which are then held:

a. The areas where active mining operations are currently in progress in one or more ore zones;

b. The area where operations have been completed in one or more ore zones;

c. Those areas that are not presently being mined which are considered to contain a mineable reserve in one or more ore zone, i.e., those areas <sup>KNOWN</sup> (enclaves) where potash ore is known to exist in sufficient thickness and quality to be mineable under existing technology and economics; and

d. The areas within these enclaves which are believed to be barren of commercial ore.

The authorized officer shall review the information submitted in this regard and make any revisions in the boundaries of the proposed mineable reserves (potash enclaves) which are consistent with the data available at the time of such analyses. The authorized officer shall commit the initial findings to a map(s) of suitable scale and shall thereafter revise that map(s) as necessary to reflect the latest available information.

## E. Oil and Gas Drilling

1. It is the policy of the Department of the Interior to deny approval of most applications for permits to drill oil and gas test wells from surface locations within the potash enclaves established in accordance with Part D, Item 1 of this Order. Two exceptions to this policy shall be permitted under the following conditions.

a. Drilling of vertical or directional holes shall be allowed from barren areas within the potash enclaves when

the authorized officer determines that such operations will not adversely affect active or planned mining operations in immediate vicinity of the proposed site:

b. Drilling of vertical or directional holes shall be permitted from a drilling island located within a potash enclave when: (1) There are no barren areas within the enclave or drilling is not permitted on the established barren area(s) within the enclave because of interference with mining operations; (2) the objective oil and gas formation beneath the lease cannot be reached by a well which is vertically or directionally drilled from a permitted location within the barren area(s); or (3) in the opinion of the authorized officer, the target formation beneath a remote interior lease cannot be reached by a well directionally drilled from a surface location outside the potash enclave. Under these circumstances, the authorized officer shall establish an island within the potash enclave from which the drilling of that well and subsequent wells will be permitted. The authorized officer, in establishing any such island, will, consistent with present directional drilling capabilities, select a site which shall minimize the loss of potash ore. No island shall be established within one mile of any area where approved mining operations will be conducted within three years. To the extent the authorized officer in this regard, he/she may require affected potash mining operators to furnish a three-year mining plan.

2. In order to protect the equities between oil and gas lessees, while at the same time reducing the number of oil and gas wells which operators propose to drill in the Potash Area, the authorized officer shall make greater use of his/her prerogative to require unitization pursuant to the regulations in 43 CFR 3180. Unitization shall be mandatory in those cases where completion of the proposed well as a producer might result in the drainage of oil and gas from beneath other Federal lands within a potash enclave. This unitization will be a prerequisite to the approval of any well which is: (1) Located adjacent to a potash enclave (within one-quarter of a mile if an oil test well or one-half mile if a gas test well) and which is to be drilled vertically to the prospective formation; (2) to be directionally drilled from an adjacent surface location to bottom in a formation beneath an enclave; or (3) to be vertically or directionally drilled from a barren area or island within an enclave. Any unit plan hereafter approved or prescribed that includes oil

and gas leases covered by this Order shall include a provision embodying in substance the requirements set forth in Part A, items, 1, 2, 3 and 4 of this Order.

3. The Department of the Interior shall cooperate with the New Mexico Oil Conservation Division in the implementation of that agency's rules and regulations. In that regard, the Federal potash lessees shall continue to have the right to protest to the New Mexico Oil Conservation Division the drilling of a proposed oil and gas test on Federal lands provided that the location of said well is within the State of New Mexico's "Oil-Potash Area" as that area is delineated by New Mexico Oil Conservation Division Order No. R-111, as amended. However, the Department shall exercise its prerogative to make the final decision of whether to approve the drilling of any proposed well on a Federal oil and gas lease within the Potash Area.

4. Applications for permits to drill vertical test wells for oil and gas at locations that are in the Potash Area but outside the State of New Mexico's "Oil-Potash Area" and which do not directly offset an enclave (within one-quarter mile if an oil test well or one-half mile if a gas test well) shall be routinely processed by the authorized officer.

#### F. Access to Maps and Surveys

1. Well records and survey plats that an oil and gas lessee is required to file pursuant to applicable operating regulations (43 CFR 3160), shall be available for inspection at the Roswell District Office, Bureau of Land Management, by any party holding a potash permit or lease on the lands on which the well is situated insofar as such records are pertinent to the mining and protection of potash deposits.

2. Maps of mine workings and surface installations and records of core analyses that a potash lessee is required to file pursuant to applicable operating regulations (43 CFR 3570), shall be available for inspection at the Roswell District Office, Bureau of Land Management, by any party holding an oil and gas lease on the same lands insofar as such records are pertinent to the development and protection of oil and gas deposits.

3. Maps of potash enclaves shall be available for inspection in the Roswell District Office and Carlsbad Resource Area, Bureau of Land Management. Copies of such maps shall be available at the same offices.

#### G. Definition

The term "potash" as used in this Order shall be deemed to embrace potassium and associated minerals as

specified in the Act of February 27, 1927 (30 U.S.C. 281-287).

#### IV

The lessee of any existing lease in the designated Potash Area may make such lands subject to the rules and regulations of Part III of this Order by filing an election to do so, in duplicate, with the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico. Except to the extent modified by this Order, the general regulations contained in 43 CFR Parts 3100, 3160 and 3180 (governing the leasing and development of potash deposits) and 43 CFR Group 3500 (governing the leasing and development of potash deposits), shall be applicable to the lands covered by this Order.

V. The designated Potash Area is as follows

#### New Mexico Principal Meridian

T. 22 S., R. 28 E.,  
Secs. 25 and 36.  
T. 23 S., R. 28 E.,  
Sec. 1.  
T. 19 S., R. 29 E.,  
Secs. 1 and 2;  
Secs. 11 to 15 inclusive;  
Secs. 22 to 27 inclusive;  
Secs. 34 and 36.  
T. 20 S., R. 29 E.,  
Secs. 1 and 2;  
Secs. 11 to 15 inclusive;  
Secs. 22 to 27 inclusive;  
Secs. 34 and 36 inclusive.  
T. 21 S., R. 29 E.,  
Secs. 1 to 5 inclusive;  
Secs. 10 to 15 inclusive;  
Secs. 22 to 27 inclusive;  
Secs. 34 and 36 inclusive.  
T. 22 S., R. 29 E.,  
Secs. 1 to 5 inclusive;  
Secs. 8 to 17 inclusive;  
Secs. 19 to 36 inclusive.  
T. 23 S., R. 29 E.,  
Secs. 1 to 17 inclusive;  
Secs. 21 to 28 inclusive;  
Secs. 33 to 36 inclusive.  
T. 24 S., R. 29 E.,  
Secs. 1 to 4 inclusive.  
T. 18 S., R. 30 E.,  
Secs. 8 to 17 inclusive;  
Secs. 20 to 29 inclusive;  
Secs. 32 to 36 inclusive.  
T. 19 S., R. 30 E.,  
T. 20 S., R. 30 E.,  
T. 21 S., R. 30 E.,  
T. 22 S., R. 30 E.,  
T. 23 S., R. 30 E.,  
T. 24 S., R. 30 E.,  
Secs. 1 to 18 inclusive.  
T. 19 S., R. 31 E.,  
Secs. 7, 18;  
Secs. 31 to 36 inclusive.  
T. 20 S., R. 31 E.,  
T. 21 S., R. 31 E.,  
T. 22 S., R. 31 E.,  
T. 24 S., R. 31 E.,  
Secs. 1 to 18 inclusive;  
Secs. 35 and 36.

T. 25 S., R. 31 E.,  
Secs. 1 and 2.  
T. 19 S., R. 32 E.,  
Secs. 25 to 28 inclusive;  
Secs. 31 to 38 inclusive.  
T. 20 S., R. 32 E.,  
T. 21 S., R. 32 E.,  
T. 22 S., R. 32 E.,  
Secs. 1 to 12 inclusive.  
T. 19 S., R. 33 E.,  
Secs. 21 and 38 inclusive.  
T. 20 S., R. 33 E.,  
T. 21 S., R. 33 E.,  
T. 22 S., R. 33 E.,  
Secs. 1 to 12 inclusive.  
T. 19 S., R. 34 E.,  
Secs. 19 and 20;  
Secs. 29 to 32 inclusive.  
T. 20 S., R. 34 E.,  
Secs. 3 and 10 inclusive;  
Secs. 15 and 38 inclusive.  
T. 21 S., R. 34 E.,  
Secs. 5 to 8 inclusive;  
Secs. 17 to 20 inclusive;  
Secs. 29 to 32 inclusive.  
T. 22 S., R. 34 E.,  
Sec. 8.

The area described, including public and non-public lands, aggregates 497,002.03 acres, more or less.

Section 4. *Administrative Provisions.* The Director, Bureau of Land Management, is authorized to delegate responsibilities herein as are determined appropriate.

Section 5. *Effective Date.* This Order is effective immediately.

Dated: October 21, 1986.

Donald Paul Hodel,

Secretary of the Interior.

[FR Doc. 86-24314 Filed 10-27-86; 8:45 am]

BILLING CODE 4310-10-M

### Bureau of Land Management

[I-21104]

#### Idaho; Realty Action, Sale of Public Land in Power County

**AGENCY:** Bureau of Land Management, Idaho, Interior.

**ACTION:** Notice of Realty Action, Sale of Public Land in Power County, Idaho.

**DATE AND ADDRESS:** The sale offering will be held on Wednesday, January 14, 1987, at 2:00 p.m. at Deep Creek Resource Area Office, 138 South Main, Malad City, Idaho 83252.

**SUMMARY:** The following described land has been examined and through the public-supported land use planning process have been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, at no less than fair market value as determined by an appraisal:

Parcel	Legal description	Fair market value	Sale type
I-21104	T. 10 S., R. 33 E., B.M.: Sec. 17, NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ (10 acres).	\$2,000	Direct.

When patented, the lands will be subject to the following reservations:

Parcel	Reservations
I-21104	Ditches and canals, oil and gas to U.S.

Continued use of the land by valid right-of-way holders is proper subject to the terms and conditions of the grant. Administrative responsibility previously held by the United States will be assumed by the patentee.

The previously described lands are hereby segregated from appropriation under the public land laws including the mining laws for a period of 270 days or until patent is issued, whichever comes first.

#### Sale Procedures

Sale parcel I-21104 is being offered directly to Luther Estep because of his past inadvertent use of the parcel.

Fair market value must be submitted and will constitute an application to purchase that portion of the mineral estate of no known value for the parcel. A thirty percent (30%) deposit must be submitted and an additional \$50,000 non-returnable mineral conveyance processing fee is required. The filing fee and deposit must be paid by certified check, money order, bank draft, or cashiers check. Submittal will be rejected if accompanied by a personal check.

**SUPPLEMENTARY INFORMATION:** Detailed information concerning the conditions of the sale can be obtained by contacting Wes Duggan at (208) 766-4766 or Karl Simonson at (208) 678-5514.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the District Manager, Bureau of Land Management, Rt. 3, Box 1, Burley, Idaho 83318. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

Dated: October 20, 1986.

John Davis,

District Manager, Burley.

[FR Doc. 86-24263 Filed 10-27-86; 8:45 am]

BILLING CODE 4310-CG-M

[NM-060-07-4322-02]

#### Roswell District Grazing Advisory Board; Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Roswell District Grazing Advisory Council Meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Grazing Advisory Board.

**DATE:** Tuesday, November 25, 1986, beginning at 10 a.m. A public comment period will be held following the last agenda item.

Location: BLM Roswell District Office, 1717 West Second St., Roswell, NM 88201.

**FOR FURTHER INFORMATION CONTACT:** David L. Mari, Associate District Manager, or Guadalupe Martinez, Public Affairs Specialist, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201, (505) 622-9042.

**SUPPLEMENTARY INFORMATION:** The proposed agenda will include: (1) Carlsbad RMP Completion; (2) Statewide Road Policy; (3) BLM/FS Land Exchange; (4) Status of FY 86 Range Improvement Projects; (5) Status of FY Range Improvement Projects; (6) Range Improvement Task Force (expenditure of 8100 funds); (7) Operation Respect; (8) Animal Damage Control Plan. The meeting is open to the public. Interested persons may make oral statements to the Council during the public comment period or may file written statements. Anyone wishing to make an oral statement should notify the Associate District Manager by November 14, 1986. Summary minutes will be maintained in the District Office and will be available for public inspection during regular business hours within 30 days following the meeting. Copies will be available for the cost of duplication.

Francis R. Cherry, Jr.,

District Manager.

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BILLING CODE 4310-FB-M

[Alaska AA-48414-CG]

#### Alaska; Proposed Reinstatement of a Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease AA-48414-CG has been received covering the following lands: