

**KELLAHIN AND KELLAHIN**

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

TELEPHONE (505) 982-4285

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W. THOMAS KELLAHIN\*

\*NEW MEXICO BOARD OF LEGAL SPECIALIZATION  
RECOGNIZED SPECIALIST IN THE AREA OF  
NATURAL RESOURCES-OIL AND GAS LAW

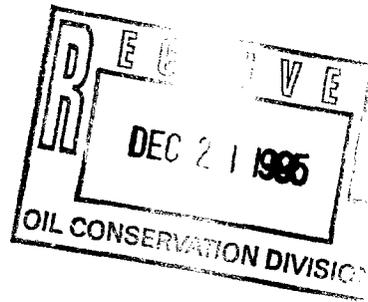
JASON KELLAHIN (RETIRED 1991)

December 21, 1995

**HAND DELIVERED**

Mr. Michael E. Stogner  
Mr. David R. Catanach  
Hearing Examiner  
Oil Conservation Division  
2040 South Pacheco  
Santa Fe, New Mexico 87505

*Re: NMOCD Case 11433  
Application of Oryx Energy Company  
for an unorthodox infill gas well location  
Indian Basin-Upper Penn Gas Pool  
Lea County, New Mexico*



Gentlemen:

On behalf of Oryx Energy Company, I presented the technical portion of this case to Examiner Stogner on December 7, 1995 after which it was continued to the December 21, 1995 to provide for supplemental notices which were submitted to Examiner Catanach at today's hearing.

Please find enclosed our proposed order (included on computer diskette) for your consideration in this matter.

Very truly yours,

W. Thomas Kellahin

cc: Oryx Energy Company  
Attn: Mike Malone

**KELLAHIN AND KELLAHIN**

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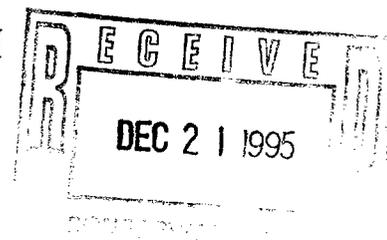
**STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION**

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

**CASE NO. 11433  
Order No. R-**

**APPLICATION OF ORYX ENERGY COMPANY  
FOR AN UNORTHODOX INFILL GAS WELL  
LOCATION AND FOR SIMULTANEOUS DEDICATION,  
EDDY COUNTY, NEW MEXICO**

**ORYX ENERGY COMPANY'S  
PROPOSED ORDER OF THE DIVISION**



**BY THE DIVISION:**

This cause came on for hearing at 8:15 a.m. on December 7, 1995, and December 21, 1995 at Santa Fe, New Mexico, before Examiner Michael E. Stogner and David R. Catanach, respectively.

NOW, on this \_\_\_ day of December, 1995, the Division Director, having considered the testimony, the record, and the recommendations of the Examiner, and being fully advised in the premises,

**FINDS THAT:**

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

(2) The applicant, Oryx Energy Company ("ORYX"), by amended application seeks approval to drill its Bogel Flats Well No. 13 (API No. \_\_\_\_\_) at an unorthodox infill gas well location 1020 feet from the North line and 750 feet from the East line (Unit A) Section 17, Township 22 South, Range 23 East, NMPM, Indian Basin-Upper Pennsylvanian Gas Pool, Eddy County, New Mexico. Applicant further proposes to simultaneously dedicate all of said Section 17 to the above described well and to its currently producing Bogel Flats Unit Well No. 9, (API No. \_\_\_\_\_) located 2035 feet from the North line and 1650 feet from the East line (Unit G) to form a standard 640-acre gas spacing and proration unit.

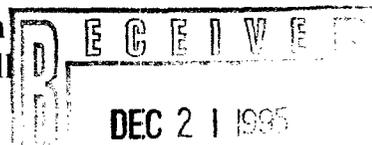
(3) All of said Section 17 is located within the Indian Basin-Upper Pennsylvanian (Prorated) Gas Pool and is therefore subject to the *"General Rules and Regulations For the Prorated Gas Pools of New Mexico/Special Rules and Regulations For the Indian Basin-Upper Pennsylvanian Gas Pool"*, as promulgated by Division Order R-8170, as amended, which require standard 640-acre proration units with wells to be located no closer than 1650 feet from the outer boundary of the section nor closer than 330 feet from any internal governmental quarter-quarter section line or subdivision inner boundary.

(4) ORYX presented land, geologic and reservoir engineer data which demonstrates that:

(a) water encroachment is adversely affecting production from its existing well in Section 17, the Bogel Flats Well No. 9;

(b) the proposed Bogel Flats Unit Well No. 13 ultimately will be a "replacement" well and will be drilled at an unorthodox location in order to gain sufficient structural position in its spacing unit to attempt to recover any remaining recoverable gas reserves underlying Section 17 and thereby protect correlative rights;

(c) the proposed well is immediately needed to protect this spacing unit from further offset drainage occurring from the north in Sections 8 and 9;



(d) the Bureau of Land Management ("BLM") as the federal agency responsible for the surface use for this section, has required the subject well to be located as proposed in order to minimize surface disturbance and to conform to BLM topographical requirements;

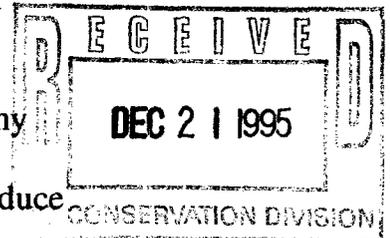
(e) Oryx, based upon its geologic interpretation of the location of a "sealing fault" along the western boundary of this section, concluded there were 617 productive acres in this spacing unit; and

(f) that the Oryx and has entered into a production limitation agreement with Chevron USA Inc. as the offset operator and Marathon Oil Company as an offsetting working interest owner towards whom the subject well encroaches.

(5) Oryx proposes at this time that it be authorized to:

(a) to drill its Bogel Flats Unit Well No. 13 at an unorthodox gas well location 1020 feet from the North line and 750 feet from the East line of Section 17;

(b) until such time as the existing Bogel Flats Unit Well No. 9 has "watered out", Oryx seeks approval to drill, operate and produce the gas allowable assigned to this spacing unit from either or both of these two wells in any combination. Once the Bogel Flats Unit Well No. 9 is completely watered out, the Oryx seeks approval to produce the spacing and proration unit's gas allowable from the Bogel Flats Unit Well No. 13; and



(c) that as part of a settlement with Chevron and Marathon, Oryx has agreed to reduce is proposed 0.750 acreage factor to an acreage factor of 0.695 (being a 30.5% penalty).

(6) Because gas allowables in the Indian Basin-Upper Pennsylvanian Gas Pool are established on a 640-acre spacing unit basis and not on an individual well basis, it is not possible under the Division's rules and regulations to implement and monitor an effective penalty against the production from a single well within a multiple well

spacing unit.

(7) Accordingly, ORYX, Chevron and Marathon agreed that in this case it would be appropriate to apply the penalty formula method commonly utilized in this pool against the spacing unit allowable so that the total penalized allowable may be produced from either or both wells in the spacing unit in any combination.

(8) Oryx, based upon its geologic interpretation of the location of a "sealing fault" along the western boundary of this section, concluded there were 617 productive acres in this spacing unit, and calculated a 0.75 acreage factor based upon the following penalty method which consistent with the method used in penalizing other unorthodox well locations in this pool and which is calculated by averaging the following two factors:

(a) Productive Acreage Factor for Section 17:  
617 acres of 640 acre = 96.4% of allowable; and

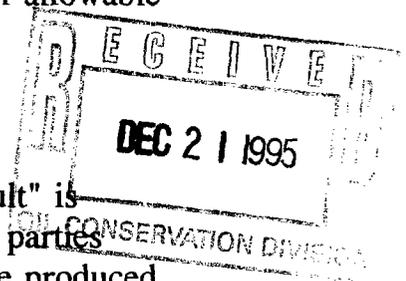
(b) Distance Ratio Factor:  
750 feet / 1650 feet = .455  
1020 feet / 1650 feet = .618

53.7% of allowable

-----  
96.4 + 53.7 divided by 2 = 75%

(8) Chevron and Marathon contend that the "sealing fault" is located farther into Section 17 than interpreted by Oryx. The parties have resolved this matter by agreeing to allow both wells to be produced concurrently in any combination provided the proration unit is assigned a 0.695 acreage factor.

(9) The above penalty formula method, simultaneous dedication and the stipulated 0.695 acreage factor are appropriate in this case and will provide a reasonable restriction to protect correlative rights of offsetting operators but is sufficient to afford the applicant the opportunity to protect its correlative right to recover its share of remaining recoverable gas underlying its spacing unit before that gas is swept from its unit.



(10) Approval of the application will afford the applicant the opportunity to produce its just and equitable share of the gas in the Devonian formation, will prevent the economic loss caused by the drilling of unnecessary wells, avoid the augmentation of risk arising from the drilling of an excessive number of wells and will otherwise prevent waste and protect correlative rights.

**IT IS THEREFORE ORDERED THAT:**

(1) The applicant, Oryx Energy Company ("Oryx"), is hereby authorized to drill its Bogel Flats Unit Well No. 13 at an unorthodox infill gas well location in the Indian Basin-Upper Pennsylvanian Gas Pool 1020 feet from the North line and 750 feet from the East line (Unit A) Section 17, Township 22 South, Range 23 East, NMPM, Eddy County, New Mexico.

(2) Said well shall be simultaneously dedicated to an existing 640-acre gas spacing and proration unit comprising all of said Section 17, which is presently dedicated to its Bogel Flats Unit Well No 9 (API \_\_\_\_\_) located as a standard gas well location 2035 feet from the North line and 1650 feet from the East line (Unit G) of said Section 17.

(3) Oryx shall have the option to produce both wells continuously and concurrently, or in the alternative, to produce said wells alternately.

**PROVIDED HOWEVER THAT:**

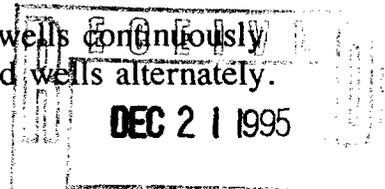
(4) Said proration/spacing unit shall be assigned, for gas allowable purposes, an acreage factor of 0.695 in the Indian Basin-Upper Pennsylvanian Gas Pool.

(5) Jurisdiction is hereby retained for the entry of such further orders as the Division may deem necessary.

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

STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION

WILLIAM J. LEMAY  
Director



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

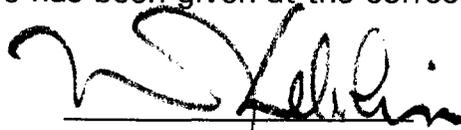
IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION  
FOR THE PURPOSE OF CONSIDERING:

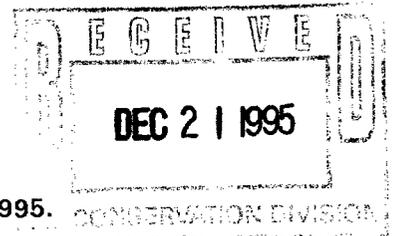
**CASE NO. 11433**

Application of ORYX Energy  
Company for an Unorthodox Gas  
Well location and Simultaneous  
Dedication, Eddy County, New Mexico.

**CERTIFICATE OF MAILING AND COMPLIANCE WITH ORDER R-8054**

W. THOMAS KELLAHIN, attorney in fact and authorized representative of ORYX Energy Company, states that the notice provisions of Division Rule 1207 (Order R-8054) have been complied with, that Applicant has caused to be conducted a good faith diligent effort to find the correct addresses of all interested parties entitled to receive notice, that on the 27th day of November, 1995 I caused to be sent, by certified mail return receipt requested, notice of this hearing and a copy of the application for the referenced case along with the cover letter, at least twenty days prior to the hearing set for December 21, 1995, to the parties shown in the application as evidenced by the attached copies of receipt cards, and that pursuant to Division Rule 1207, notice has been given at the correct addresses provided by such rule.

  
W. Thomas Kellahin



SUBSCRIBED AND SWORN to before me on this 20th day of December, 1995.

  
Notary Public

My Commission Expires: June 15th, 1998

*[Handwritten mark]*

**SENDER:**  
 • Complete items 1 and/or 2 for additional services.  
 • Complete items 3, and 4a & b.  
 • Print your name and address on the reverse of this form so that we can return this card to you.  
 • Attach this form to the front of the mailpiece, or on the back if space  
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Oryx/Bogel(12/21/95)  
 November 27, 1995

Article number and the date delivered.

I also wish to receive the following services (for an extra fee):  
 1.  Addressee's Address  
 2.  Restricted Delivery  
 Consult postmaster for fee.

3. Article Addressed to:  
 Chevron USA Producing Company  
 15 Smith Road  
 Midland, Texas 79705

4a. Article Number  
 424 287 477

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
 11-30-95

5. Signature (Addressee)  
*Beth L. Zucker*

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 U.S. GPO: 1993-352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Z 424 287 477

**Receipt for Certified Mail**  
 No Insurance Coverage Provided  
 Do not use for International Mail  
 (See Reverse)

Sent to  
 Chevron USA Producing Company  
 15 Smith Road  
 Midland, Texas 79705

PS Form 3811, December 1991 U.S. GPO: 1993-352-714

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing Whom & Date Delivered	

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I also wish to receive the following services (for an extra fee):  
 1.  Addressee's Address  
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 Consult postmaster for fee.

3. Article Addressed to:  
 Enervest Operating LLC  
 1001 Fannin, ste 900  
 Houston, Texas 77002

4a. Article Number  
 424 287 478

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
 30 NOV 1995

5. Signature (Addressee)  
*Selena Stuchly*

6. Signature (Agent)

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3. Article Addressed to:  
 Yates Petroleum Corporation  
 105 South Fourth Street  
 Artesia, New Mexico 88210

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 424 287 476

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
 NOV 29 1995

5. Signature (Addressee)  
*Gregg*

6. Signature (Agent)  
*J. GRIFFES*

8. Addressee's Address (Only if requested and fee is paid)

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Return Receipt Showing to Whom Date, and Addressee's Address	
TOTAL Postage & Fees	\$

DEC 21 1995

Oryx/Bogel(12/21/95)  
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**STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION**

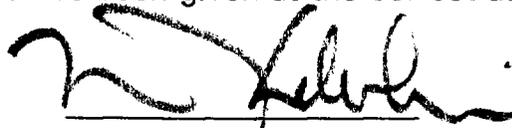
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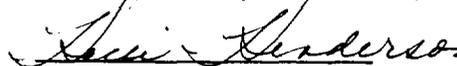
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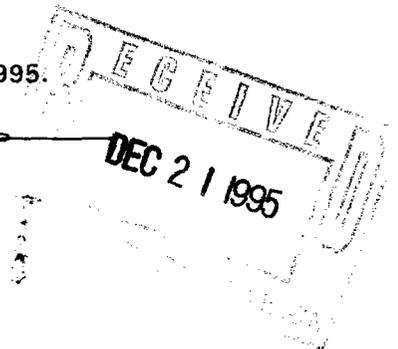
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W. Thomas Kellahin

SUBSCRIBED AND SWORN to before me on this 20th day of December, 1995.

  
Notary Public

My Commission Expires: June 15th, 1998



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Sent to  
**Chevron USA Producing Company**  
15 Smith Road  
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Return Receipt Showing to Whom & Date Delivered	

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Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$

Oryx/Bogel(12/21/95)  
November 27, 1995

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Oryx/Bogel(12/21/95)  
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3. Article Addressed to:  
Chevron USA Producing Company  
15 Smith Road  
Midland, Texas 79705

4a. Article Number  
424 287 477

4b. Service Type  
 Registered  Insured  
 Certified  COD  
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7. Date of Delivery  
11-30-95

5. Signature (Addressee)  
*Beth L. Zucker*

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):  
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PS Form 3811, December 1991 \*U.S. GPO: 1993-352-714 DOMESTIC RETURN RECEIPT

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*Greg*

6. Signature (Agent)  
*GRIGGS*

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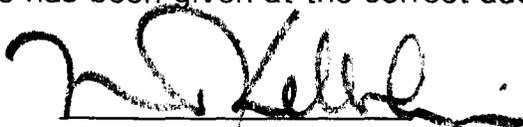
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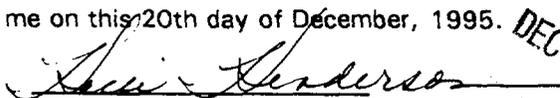
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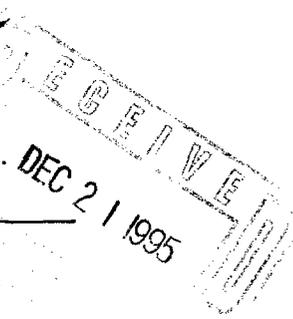


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Notary Public



My Commission Expires: June 15th, 1998

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 1001 Fannin, ste 900  
 Houston, Texas 77002

4a. Article Number  
 424 287 478

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
 30 NOV 1995

5. Signature (Addressee)  
*Selena Stucky*

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 U.S. GPO: 1993-352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Z 424 287 478

**Receipt for Certified Mail**  
 No Insurance Coverage Provided  
 Do not use for International Mail  
 (See Reverse)

Sent to  
 Enervest Operating LLC  
 1001 Fannin, ste 900  
 Houston, Texas 77002

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	

**SENDER:**  
 • Complete items 1 and/or 2 for additional services.  
 • Complete items 3, and 4a & b.  
 • Print your name and address on the reverse of this form so that we can return this card to you.  
 • Attach this form to the front of the mailpiece, or on the back if space permits.  
 • Complete items 5 and 6.

Oryx/Bogel(12/21/95)  
 November 27, 1995

3. Article Addressed to:  
 Yates Petroleum Corporation  
 105 South Fourth Street  
 Artesia, New Mexico 88210

4a. Article Number  
 424 287 476

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
 NOV 29 1995

5. Signature (Addressee)  
*D. Drago*

6. Signature (Agent)  
*J. GRIGGS*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 U.S. GPO: 1993-352-714 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Z 424 287 476

**Receipt for Certified Mail**  
 No Insurance Coverage Provided  
 Do not use for International Mail  
 (See Reverse)

Sent to  
 Yates Petroleum Corporation  
 105 South Fourth Street  
 Artesia, New Mexico 88210

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date and Addressee's Address	
TOTAL Postage & Fees	\$

Oryx/Bogel(12/21/95)  
 November 27, 1995