

**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. 11770
Order No. R-10812**

**APPLICATION OF ENRON OIL & GAS
COMPANY FOR COMPULSORY POOLING
AND SIMULTANEOUS DEDICATION, EDDY
COUNTY, NEW MEXICO.**

ORDER OF THE DIVISION

BY THE DIVISION:

This cause came on for hearing at 8:15 a.m. on May 15, 1997, at Santa Fe, New Mexico, before Examiner David R. Catanach.

NOW, on this 3rd day of June, 1997, 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, Enron Oil & Gas Company (Enron), seeks an order pooling all mineral interests from the surface to the base of the Morrow formation underlying the following described acreage in Section 32, Township 17 South, Range 30 East, NMPM, Eddy County, New Mexico, and in the following manner:

the S/2 forming a standard 320-acre gas spacing and proration unit for any and all formations and/or pools spaced on 320 acres within said vertical extent, which presently includes but is not necessarily limited to the Sand Tank-Morrow Gas Pool and the Undesignated Sand Tank-Strawn Gas Pool;

the SE/4 forming a standard 160-acre spacing and proration unit for any and all formations and/or pools spaced on 160 acres within said vertical extent;

the N/2 SE/4 forming a standard 80-acre spacing and proration unit for any and all formations and/or pools spaced on 80 acres within said vertical extent; and,

the NW/4 SE/4 forming a standard 40-acre oil spacing and proration unit for any and all formations and/or pools spaced on 40 acres within said vertical extent.

Said units are to be dedicated to the applicant's proposed Sand Tank "32" State Com Well No. 2 to be drilled at a standard location 1650 feet from the South and East lines (Unit J) of Section 32.

(3) Subsequent to the hearing, it was determined that neither the proposed Sand Tank "32" State Com Well No. 2 nor the proposed 80-acre proration unit comprising the N/2 SE/4 of Section 32 are located within one mile of a Division designated pool spaced on 80 acres. Pursuant to Section 70-2-17, NMSA, (1978), the N/2 SE/4 of Section 32 does not constitute a standard spacing and proration unit and therefore should not be pooled.

(4) The portion of the application requesting the pooling of the N/2 SE/4 of Section 32, thereby forming a standard 80-acre spacing and proration unit, should be denied.

(5) The applicant further seeks an exception to Division Rule No. 104.D.(3) to authorize the simultaneous dedication of the S/2 of Section 32 in the Sand Tank-Morrow Gas Pool to the aforesaid Sand Tank "32" State Com Well No. 2 and to its existing Sand Tank "32" State Com Well No. 1 located at a standard gas well location 660 feet from the South line and 1980 feet from the West line (Unit N) of Section 32.

(6) The Sand Tank "32" State Com Well No. 1 was the subject of compulsory pooling Case No. 11578, heard by the Division on July 25 and September 5, 1996, which case resulted in the issuance of Division Order No. R-10669 on September 16, 1996. This order pooled all mineral interests from the surface to the base of the Morrow formation underlying the S/2 and SW/4 of Section 32, thereby forming standard 320-acre and 160-acre spacing and proration units.

(7) According to applicant's evidence and testimony, the Sand Tank "32" State Com Well No. 1 has been drilled pursuant to Order No. R-10669 and has been completed as a producing Morrow well in the Sand Tank-Morrow Gas Pool. This well has cumulatively produced 89 MMCFG and is currently producing at a rate of approximately 20 MCF per day.

(8) Applicant testified that the proposed simultaneous dedication is necessary only for a short period of time, inasmuch as the Sand Tank "32" State Com Well No. 1 should be depleted in the Sand Tank-Morrow Gas Pool within the next three to six months.

(9) Enron is the current operator of the Sand Tank "6" Federal Well No. 1, being the only offset Morrow well currently producing.

(10) No offset operator and/or interest owner appeared at the hearing in opposition to the proposed simultaneous dedication.

(11) Applicant hopes to encounter more prolific Middle and Lower Morrow producing intervals in its proposed Sand Tank "32" State Com Well No. 2 than were encountered in its Sand Tank "32" State Com Well No. 1.

(12) The applicant has the right to drill and proposes to drill its Sand Tank "32" State Com Well No. 2 at the standard location described above.

(13) There are interest owners in the proposed proration units who have not agreed to pool their interests.

(14) To avoid the drilling of unnecessary wells, to protect correlative rights, to avoid waste, and to afford to the owner of each interest in said units the opportunity to recover or receive without unnecessary expense his just and fair share of the production in any pool completion resulting from this order, the subject application should be approved by pooling all mineral interests, whatever they may be, within the S/2, SE/4 and NW/4 SE/4 of Section 32.

(15) The applicant should be designated the operator of the subject well and units.

(16) Any non-consenting working interest owner should be afforded the opportunity to pay his share of estimated well costs to the operator in lieu of paying his share of reasonable well costs out of production.

(17) Any non-consenting working interest owner who does not pay his share of estimated well costs should have withheld from production his share of the reasonable well costs plus an additional 200 percent thereof as a reasonable charge for the risk involved in the drilling of the well.

(18) Any non-consenting working interest owner should be afforded the opportunity to object to the actual well costs but actual well costs should be adopted as the reasonable well costs in the absence of such objection.

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

(20) \$5800.00 per month while drilling and \$580.00 per month while producing should be fixed as reasonable charges for supervision (combined fixed rates); the operator should be authorized to withhold from production the proportionate share of such supervision charges attributable to each non-consenting working interest, and in addition thereto, the operator should be authorized to withhold from production the proportionate share of actual expenditures required for operating the subject well, not in excess of what are reasonable, attributable to each non-consenting working interest.

(21) All proceeds from production from the subject well which are not disbursed for any reason should be placed in escrow to be paid to the true owner thereof upon demand and proof of ownership.

(22) Upon the failure of the operator of said pooled units to commence the drilling of the well to which said units are dedicated on or before September 15, 1997, the order pooling said units should become null and void and of no effect whatsoever.

(23) Should all the parties to this forced pooling order reach voluntary agreement subsequent to entry of this order, this order shall thereafter be of no further effect.

(24) The operator of the well and units shall notify the Director of the Division in writing of the subsequent voluntary agreement of all parties subject to the forced pooling provisions of this order.

(25) The applicant should be authorized to simultaneously dedicate the S/2 of Section 32 in the Sand Tank-Morrow Gas Pool to the proposed Sand Tank "32" State Com Well No. 2 and to its existing Sand Tank "32" State Com Well No. 1, provided however, such authorization should be for a temporary period of six months from the date of this order, at which time authority to produce both wells concurrently should expire. In addition, such authority should terminate in the event the Sand Tank "32" State Com Well No. 1's ability to produce from the Morrow formation increases or alters from the decline analysis as presented as applicant's Exhibit No. (11).

IT IS THEREFORE ORDERED THAT:

(1) All mineral interests, whatever they may be, from the surface to the base of the Morrow formation underlying the following described acreage in Section 32, Township 17 South, Range 30 East, NMPM, Eddy County, New Mexico, are hereby pooled in the following manner:

the S/2 forming a standard 320-acre gas spacing and proration unit for any and all formations and/or pools spaced on 320 acres within said vertical extent, which presently includes but is not necessarily limited to the Sand Tank-Morrow Gas Pool and the Undesignated Sand Tank-Strawn Gas Pool;

the SE/4 forming a standard 160-acre spacing and proration unit for any and all formations and/or pools spaced on 160 acres within said vertical extent; and,

the NW/4 SE/4 forming a standard 40-acre oil spacing and proration unit for any and all formations and/or pools spaced on 40 acres within said vertical extent.

Said units shall be dedicated to the applicant's Sand Tank "32" State Com Well No. 2 to be drilled at a standard location 1650 feet from the South and East lines (Unit J) of Section 32.

PROVIDED HOWEVER THAT, the operator of said units shall commence the drilling of said well on or before the 15th day of September, 1997, and shall thereafter continue the drilling of said well with due diligence to a depth sufficient to test the Morrow formation.

PROVIDED FURTHER THAT, in the event said operator does not commence the drilling of said well on or before the 15th day of September, 1997, Ordering Paragraph No. (1) of this order shall be null and void and of no effect whatsoever, unless said operator obtains a time extension from the Division Director for good cause shown.

PROVIDED FURTHER THAT, should said well not be drilled to completion, or abandonment, within 120 days after commencement thereof, said operator shall appear before the Division Director and show cause why Ordering Paragraph No. (1) of this order should not be rescinded.

(2) Enron Oil & Gas Company is hereby designated the operator of the subject well and units.

(3) After the effective date of this order and within 90 days prior to commencing said well, the operator shall furnish the Division and each known working interest owner in the subject units an itemized schedule of estimated well costs.

(4) Within 30 days from the date the schedule of estimated well costs is furnished to him, any non-consenting working interest owner shall have the right to pay his share of estimated well costs to the operator in lieu of paying his share of reasonable well costs out of production, and any such owner who pays his share of estimated well costs as provided above shall remain liable for operating costs but shall not be liable for risk charges.

(5) The operator shall furnish the Division and each known working interest owner an itemized schedule of actual well costs within 90 days following completion of the well; if no objection to the actual well costs is received by the Division and the Division has not objected within 45 days following receipt of said schedule, the actual well costs shall be the reasonable well costs; provided however, if there is objection to actual well costs within said 45-day period the Division will determine reasonable well costs after public notice and hearing.

(6) Within 60 days following determination of reasonable well costs, any non-consenting working interest owner who has paid his share of estimated well costs in advance as provided above shall pay to the operator his pro rata share of the amount that reasonable well costs exceed estimated well costs and shall receive from the operator his pro rata share of the amount that estimated well costs exceed reasonable well costs.

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

- (A) The pro rata share of reasonable well costs attributable to each non-consenting working interest owner who has not paid his share of estimated well costs within 30 days from the date the schedule of estimated well costs is furnished to him.
- (B) As a charge for the risk involved in the drilling of the well, 200 percent of the pro rata share of reasonable well costs attributable to each non-consenting working interest owner who has not paid his share of estimated well costs within 30 days from the date the schedule of estimated well costs is furnished to him.

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

(9) \$5800.00 per month while drilling and \$580.00 per month while producing are hereby fixed as reasonable charges for supervision (combined fixed rates); the operator is hereby authorized to withhold from production the proportionate share of such supervision charges attributable to each non-consenting working interest, and in addition thereto, the operator is hereby authorized to withhold from production the proportionate share of actual expenditures required for operating such well, not in excess of what are reasonable, attributable to each non-consenting working interest.

(10) Any unleased mineral interest shall be considered a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest for the purpose of allocating costs and charges under the terms of this order.

(11) Any well costs or charges which are to be paid out of production shall be withheld only from the working interest's share of production, and no costs or charges shall be withheld from production attributable to royalty interests.

(12) All proceeds from production from the subject well which are not disbursed for any reason shall immediately be placed in escrow in Eddy County, New Mexico, to be paid to the true owner thereof upon demand and proof of ownership; the operator shall notify the Division of the name and address of said escrow agent within 30 days from the date of first deposit with said escrow agent.

(13) Should all the parties to this forced pooling order reach voluntary agreement subsequent to entry of this order, this order shall thereafter be of no further effect.

(14) The operator of the well and units shall notify the Director of the Division in writing of the subsequent voluntary agreement of all parties subject to the forced pooling provisions of this order.

(15) The applicant is hereby authorized to simultaneously dedicate the S/2 of Section 32 in the Sand Tank-Morrow Gas Pool to the proposed Sand Tank "32" State Com Well No. 2 and to its existing Sand Tank "32" State Com Well No. 1, provided however, such authorization shall be for a temporary period of six months from the date of this order, at which time authority to produce both wells concurrently shall expire. In addition, such authority shall terminate in the event the Sand Tank "32" State Com Well No. 1's ability to produce from the Morrow formation increases or alters from the decline analysis as presented as applicant's Exhibit No. (11).

(16) The portion of the application requesting the pooling of the N/2 SE/4 of Section 32, thereby forming a standard 80-acre spacing and proration unit, is hereby denied.

(17) 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

A handwritten signature in black ink, appearing to read "William J. Lemay", written over the typed name and title.

WILLIAM J. LEMAY
Director