

OIL CONSERVATION COMMISSION

P. O. BOX 871

SANTA FE, NEW MEXICO

December 1, 1952

C
O
P
Y

Mr. J. P. Cusack
3724 Country Club Circle
Fort Worth, Texas

Dear Mr. Cusack:

We are sending you herewith a signed copy of ~~Order No. R-231~~ which was signed on November 28, 1952, in Case 404, which was heard on September 16, 1952, before the New Mexico Oil Conservation Commission.

Yours very truly,

W. B. Macey
Chief Engineer

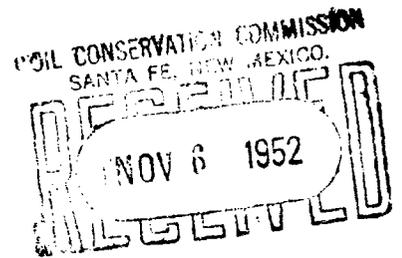
WBM:nr

cc: Frazier, Quantius and Cusack
P. O. Box 942
Roswell, New Mexico

GILBERT, WHITE AND GILBERT
ATTORNEYS AND COUNSELORS AT LAW
BISHOP BUILDING
SANTA FE, NEW MEXICO

CARL H. GILBERT
L. C. WHITE
WILLIAM W. GILBERT
SUMNER S. KOCH

November 5, 1952



Case 407 404

Mr. Dick Spurrier
Oil Conservation Commission
Santa Fe, New Mexico

Dear Mr. Spurrier:

Enclosed herewith please find Order which I have prepared in the John P. Cusack matter.

Very truly yours,

L. C. White
L. C. WHITE

LCW-c
enclosure

LAKE J. FRAZIER
LELAND M. QUANTIUS
JOHN P. CUSACK

Frazier, Quantius and Cusack

ATTORNEYS AT LAW
P. O. BOX 942
123 WEST FOURTH STREET
Roswell, New Mexico

August 25, 1952



The Oil and Gas Conservation Commission
Santa Fe
New Mexico

ATTENTION: Mr. Macey

Dear Sir:

Enclosed you will find original and two copies of an amended application in regard to the original application made for John P. Cusack on August 16, 1952.

If this is sufficient please notify us.

Sincerely yours,

FRAZIER, QUANTIUS AND CUSACK

BY

John P. Cusack

JPC:abf

OIL CONSERVATION COMMISSION

P. O. BOX 871

SANTA FE, NEW MEXICO

August 4, 1952

Handwritten note: Held for replication

C
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P
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**Mr. John P. Cusack
Frazier, Quantius and Cusack
Roswell, New Mexico**

Dear Jack:

This Commission respectfully suggests that you make application for open hearing to determine how the matter of back allowable shall be handled. We feel it would be well to get the views of other operators, and we also feel that the intelligence of the operators will be necessary to the Commission to determine a method for allocation and book-keeping.

Our next regular hearing is called for August 19. There is no time for advertising proper notice for that hearing, so we suggest that you apply for the September 16 hearing.

Very truly yours,

RRS:W

Secretary and Director

KS

Frazier, Quantius and Cusack

ATTORNEYS AT LAW

P. O. BOX 942

123 WEST FOURTH STREET

Roswell, New Mexico

LAKE J. FRAZIER
LELAND M. QUANTIUS
JOHN P. CUSACK

July 31, 1952

Oil and Gas Conservation Commission
Santa Fe
New Mexico

Attention: Dick Spurrier

Dear Dick:

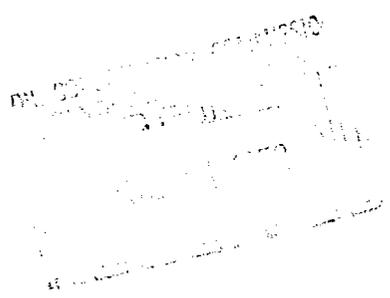
Enclosed you will find a clipping which indicates that the State of Oklahoma is allowing the operators to run the lowest allowables which occurred in the general strike of May, 1952.

Sincerely yours,

FRAZIER, QUANTIUS AND CUSACK

BY John P. Cusack

JPC:abf



LAKE J. FRAZIER
LELAND M. QUANTIUS
JOHN P. CUSACK

Frazier, Quantius and Cusack
ATTORNEYS AT LAW
P. O. BOX 942
123 WEST FOURTH STREET
Roswell, New Mexico

2-500B

August 16, 1952

Oil hearing

The Oil Conservation Commission
Santa Fe
New Mexico

Attention: R. R. Spurrier, Secretary

Dear Dick:

Enclosed you will find original and two copies of Application in regard to the allocation of the back allowables. We presume that this application may be heard on September 16, 1952.

Sincerely yours,

FRAZIER, QUANTIUS AND CUSACK

BY John P. Cusack

JPC:abf

*See letter to
Mr. Spurrier
8/18/52*

OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO.
AUG 18 1952

LAKE J. FRAZIER
LELAND M. QUANTIUS
JOHN P. CUSACK

Frazier, Quantius and Cusack

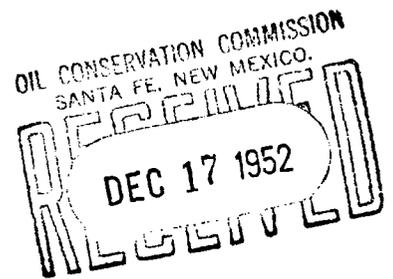
ATTORNEYS AT LAW

P. O. BOX 942

123 WEST FOURTH STREET

Roswell, New Mexico

December 16, 1952



New Mexico Oil Conservation Commission
P. O. Box 871
Santa Fe, New Mexico

ATTENTION: R. R. Spurrier, Secretary

Re: Case No. 404
Order No. R-231

Dear Sir:

Enclosed you will find an original and two copies of a Motion for a Re-Hearing, in the above styled cause.

We would appreciate knowing within the ten-day period whether you grant or deny said Motion, so that we may gauge our actions accordingly.

Sincerely yours,

FRAZIER, QUANTIUS & CUSACK

By *John P. Cusack*

JPC: smr
Enc.

BEST AVAILABLE COPY

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950 LBS**

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Seminole Infantryman Promoted To Private First Class In Korea

SEMINOLE, July 29. (Special)—
John M. Ancell of Seminole recently was promoted to private first class while serving with the 25th Infantry Division in Eastern Korea.

The 25th, approaching its third year on the peninsula, held off the Reds at Pusan in the summer of 1950. Now the senior unit in Korea, its patrols are harassing enemy positions northwest of the Punch-bowl.

Ancell, an automatic rifleman in the 35th Regiment's Company K, was engaged in farming in civilian life.

Oklahoma Crude Allowables Hiked For Months Of August, September

OKLAHOMA CITY, July 29 (AP)—
The State Corporation Commission, answering a demand for more crude oil, today set a production allowable of 499,921 barrels daily for August and September.

This is an increase of 10,400 barrels daily over the July allowable and compared with present production of 521,000 barrels daily. Present production is exceeding the allowable since permits have been granted operators to run "under-production" created by the general strike in May.

Lubbock, (Tex.).

4-H Camp Plainview

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LEWIS' FEATURI ADVERTISED

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Case 404

Hobbs Pool Well Prod. & Runs
(Offset Wells To BYERS Lease & Turnee)

Company & Lease	WELL NO.	UNIT	S-T-R	P	April		MAY		June		July	
					L	P	R	P	R	P	R	P
J. P. Cusack												
BYERS	1	B	3-19-38	A	1537	1586	463	352	1463	-		
	2	G	"	"	1537	1586	463	352	1463	-		
	3	A	"	"	1538	1587	463	352	1463	-		
	4	H	"	"	1538	1587	464	352	1463	-		
Lease Total					6150	6346	1853	1408	5852	5853		
Aug/well					1537.5	1586.5	463.25	352	1463	1463.25		
Allowable					6360		6200		5760			
J. P. Cusack												
Turner	1	I	34-18-38	A	1622	1646	859	316	1877			
	2	P	"	A	1621	1587	781	309	1823			
Lease Total					3243	3235	1640	625	3700	3265		
Aug/well					1621.5	1617.5	820	312.5	1850	1632.5		
TOTAL BOTH LEASES												
Aug/well Both Leases												
Allowable					3180		3100		2880			
J. P. Cusack												
Moon	1	G	28-18-38	S	1680	1599	743	745	1282			
	2	B	"	S	1680	1600	744	746	1282			
Lease Total					3360	3199	1487	1491	2564	2566		
Aug/well					1680	1599.5	743.5	745.5	1282	1408		
Allowable					3180		3100		2880			
Moon	1	H	28-18-38	S	1556	1587	689	548	1282			
"	2	A	"	S	1555	1588	689	548	1282			
Lease Total					3101	3175	1378	1096	2564	2672		
Aug/well					1555.5	1587.5	689	548	1282	1336		
Allowable					3180		3100		2880			
TOTAL (All Leases)					15854	15955	6358	4620	14680	14606		
Aug/well					1585.4	1595.5	635.8	462	1468	1460.6		
Allowable (Total)					15900		15500		14400			
% all Prod					99.71		41.02		101.94			
" " Run						100.35		29.81		101.43		
TOTAL Allowable (cont)					368040		358484		333870			
% all Prod					357849		218742		314348			
" " Run					358824		193565		330927			
% all Prod					97.23		61.02		94.12			
" " Run					97.50		58.00		99.12			

1950. Standard Oil Corporation. Report 1-B 3-19-38

1950, 1951, 1952. Allow. N. S. Allow. N. S. Allow. N. S.

1-1-50
to each area

Jan	1302	1304	1488	2433	1581	1585
Feb	1260	1218	1400	1456	1537	1535
March	1302	1351	1612	2036	1643	1640
April	1260	1246	1560	1580	1590	1586
May	1302	1311	1612	1588		
June	1350	1338	1560	1556		
July	1457	1435	1612	1611		
Aug	1519	1348	1612	1640		
Sept.	1500	446	1590	1233		
Oct.	1488	-	1643	1979		
Nov	1440	354	1530	1533		
Dec.	1488	2518	1581	1569		
Total	1668	13869	18800	20214	6351	6346

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1950 Allow. N. S. 41819
 " " 40429
1390
 + 10
1380

1950 - Standard Oil Corp. 2.6. 3-19-38
1951/1952

Allowed Runs Allowed Next Allowed Next

Sum 1-1-50

11 Allowed

Jan	1302	1304	1488	1488	1581	1585
Feb	1260	1217	1400	1400	1537	1535
March	1302	1350	1612	1612	1643	1640
April	1260	1246	1560	1580	1590	1587
May	1350	1311	1612	1589		
June	1457	1338	1560	1576		
July	1519	1435	1612	1611		
Aug	1500	1348	1612	1639		
Sept	1488	1500	1590	1734		
Oct	1440	1583	1643	1979		
Nov	1488	1440	1530	1533		
Dec	16668	1576	1581	1569		
		16668	18800	18190	6351	6347

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Total Allowed 41819
 " " 41805
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195 D Standard Oil Corp. Billed 3-A 3-19-38
1952

Account	1-1-37	1-1-37	1-1-37	1-1-37
John	1301	1301	1488	1581
Frank	1260	1217	1400	1537
Frank	1301	1350	1612	1643
Frank	1230	1216	1560	1590
Frank	1271	1280	1612	
Frank	1320	1309	1560	
Frank	1426	1404	1612	
Frank	1488	1317	1612	
Frank	1470	1470	1590	
Frank	1457	1453	1643	
Frank	1410	1410	1530	
Frank	1457	1463	1581	
Frank	1493	16393	18800	
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Account	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960
Jan	1302	1303	1488	1498	1581	1585					
Feb	1260	1217	1400	1400	1537	1535					
March	1302	1350	1612	1612	1643	1641					
April	1230	1215	1560	1580	1589	1587					
May	1271	1280	1612	1589							
June	1320	1309	1560	1556							
July	1426	1402	1612	1612							
Aug	1488	1317	1612	1639							
Sept	1470	1420	1590	1233							
Oct	1457	1552	1643	1978							
Nov	1410	1410	1530	1532							
Dec	1457	1566	1581	1568							
Total	16393	16393	1880	18787	6351	6348					

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41544
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Jenssen Oil Corp. 1950
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Account	1-1-50	12-31-50	12-31-51	12-31-52	12-31-53	12-31-54	12-31-55
Oil	1333	1340	1488	1488	1581	1519	
Gas	1260	1264	1400	1356	1537	1549	
Electric	1302	1307	1612	1659	1643	1631	
Phone	1290	1286	1500	1488	1590	1599	
Travel	1333	1321	1612	1542			
Auto	1380	1325	1500	1569			
Supplies	1488	1487	1570	1534			
Repairs	1570	1573	1570	1566			
Insurance	1530	1528	1590	1579			
Depreciation	1519	1562	1643	1653			
Interest	1470	1389	1530	1543			
Other	1519	1579	1581	1592			
	16974	16991	18556	18570	6351	6338	

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Total Depreciation
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	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960
Decem. 1-1-10											
15th											
1302	1310	1488	1487	1581	1560						
1260	1364	1400	1355	1537	1541						
1302	1399	1612	1662	1643	1631						
1260	1351	1500	1487	1590	1600						
1302	1391	1612	1542								
1320	1346	1500	1570								
1457	1457	1550	1534								
1519	1523	1350	1366								
1500	1500	1591	1579								
1455	1530	1643	1633								
1440	1359	1530	1542								
1488	1549	1581	1595								
1668	16665	13556	13570	6351	6340						

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2000 (1950-1960)
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Samuelson Oil Corp. Mason B. 1-N. 28-18-38
 1950
 1951
 1952

	1950	1951	1952
Nov	1302	1488	1495
Dec	1360	1400	1361
Jan	1302	1612	1634
Feb	1360	1560	1568
Mar	1372	1612	1618
Apr	1350	1560	1572
May	1457	1612	1585
June	1519	1612	1608
July	1560	1590	1592
Aug	1488	1615	1655
Sept	1444	1530	1584
Oct	1488	1581	1582
Nov	16668	18810	18852
		6351	6354

BEST AVAILABLE COPY

2000 Mason B.
 1950

41819
 41892
 73
 - 42
 29

1920 *Samuel Oil Corp. Moon B. 2. A 28.18.38*

Alfred Bond Alfred Bond Alfred Bond

*Normal 1.1.50
158 omms*

<i>June</i>	1302	1308	1488	1493	1581	1581
<i>July</i>	1260	1266	1400	1367	1537	1541
<i>Aug</i>	1302	1304	1612	1654	1643	1649
<i>Sept</i>	1260	1259	1560	1569	1590	1588
<i>Oct</i>	1302	1297	1612	1608		
<i>Nov</i>	1350	1350	1560	1571		
<i>Dec</i>	1457	1434	1612	1585		
	1519	1552	1612	1608		
	1500	1493	1590	1592		
	1488	1546	1643	1654		
	1440	1374	1530	1588		
	1488	1478	1581	1582	6351	6359
	16668	16681	18808	18851		

BEST AVAILABLE COPY

John Oliver

41819
- 158
158 omms

Hamden Oil Corp. TORRER B. L. I. 34-18-38
 1950 1951 1952

Journal 1-1-50
 170 over

	1950	1951	1952
Jan	1302	1488	1581
Feb	1360	1400	1402
Mar	1302	1612	1562
Apr	1260	1560	1460
May	1302	1612	1762
June	1350	1560	1561
July	1457	1612	1612
Aug	1519	1612	1628
Sept	1500	1590	1587
Oct	1488	1643	1645
Nov	1446	1530	1539
Dec	1488	1581	1528
Over	16668	18800	18818
		2351	2368

BEST AVAILABLE COPY

John C. Anderson
 11/1/50

41819
41859
 40 over
150
 180

Shawdon Oil Camp. Turner B-2-P 34-18-38

Room 1.50
63 over

	1950	1951	1952
Jan	1302	1488	1581
Feb	1360	1400	1537
Mar	1302	1612	1643
Apr	1260	1560	1590
May	1302	1612	
June	1358	1560	
July	1457	1612	
Aug	1519	1612	
Sept	1500	1598	
Oct	1488	1643	
Nov	1440	1530	
Dec	1488	1581	
	16668	18900	6351
		18957	6361

Total Depreciation

41819
41790
29
- 63
34 over

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Finds:

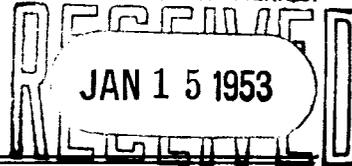
1. That the Comm. lacks jurisdiction over applicants proposal to "cut all other wells in Hobbs pool back until applicants wells have produced an equal amount since the beginning of the 'strike' in May, 1952; and,
2. That petitioner has failed to establish upon the facts and the law that he is entitled to relief (more oil?)

It is therefore ordered that the amended petition herein be and the same ~~is~~ hereby is dismissed.

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James P. [unclear] [unclear]

James P. [unclear] [unclear]



SUMMONS

315

In the District Court, County of ^{Lea} ~~Chaves~~, State of New Mexico

_____, Plaintiff

vs.

IN THE MATTER OF THE PETITION
OF JOHN P. CUSACK FOR REVIEW
AND APPEAL OF PROCEEDINGS
BEFORE THE OIL CONSERVATION
COMMISSION OF THE STATE OF NEW
MEXICO IN CASE NO. 404, AND FROM
ORDER NO. R-231, ENTERED
THEREIN. _____, Defendant

No. 10516

The State of New Mexico

To OIL CONSERVATION COMMISSION OF THE STATE OF NEW MEXICO

_____, Defendant

DEFENDANT—GREETING:

You are hereby commanded to appear before the Fifth Judicial District Court of the State of New Mexico, sitting within and for the County of ^{Lea} ~~Chaves~~, that being the county in which the complaint herein is filed, within thirty days after the service of this summons, then and there to answer the complaint of the above named Plaintiff in the above cause.

You are notified that unless you so appear and answer, the Plaintiff will apply to the Court for the relief demanded in the complaint together with the costs of suit.

WITNESS the Honorable C. ROY ANDERSON, District Judge of the Fifth Judicial District Court of the State of New Mexico, and the seal of the District Court of ^{Lea} ~~Chaves~~ County, this 12th day of JANUARY, 1953

W. M. Beauchamp _____ Clerk

By Lucille B. Lister, Deputy

ENDORSEMENT

The number and style of this case is as stated above.

A statement of the nature of the action in general terms is Petition for Review and Appeal of Proceedings

as per copy of complaint hereto attached

FRAZIER AND CUSACK, P. O. Box 942, Roswell, New Mexico

Attorney or Attorneys for Plaintiff. Office and Post Office Address, Roswell, New Mexico.

(Sheriff's return when service is made personally on defendants.)

STATE OF NEW MEXICO,

} ss.
County of _____

I, _____ Sheriff of _____ County,
State of New Mexico, do hereby certify, that I served the within summons by delivering a copy thereof,
with copy of complaint attached, in the county aforesaid, in person to _____

Dated: _____, Sheriff
Fees: By _____, Deputy

(Sheriff's return when service is made on defendants by leaving copy at usual place of abode.)

STATE OF NEW MEXICO,

} ss.
County of _____

I, _____ Sheriff of _____ County,
State of New Mexico, do hereby certify, that I served the within summons _____

by delivering a copy thereof, with copy of complaint attached, in the county aforesaid, to _____
Date _____
a person over fifteen years of age, residing at
the usual place of abode of defendant _____
_____, who at the time of such service was absent therefrom.

Dated: _____, Sheriff
Fees: By _____, Deputy

(Return when service is made personally on defendants by other than Sheriff.)

STATE OF NEW MEXICO,

} ss.
County of _____

_____ being duly sworn, upon his oath, says, I am over the age of
eighteen years, I served the within summons by delivering a copy thereof, with copy of complaint at-
tached, in the county aforesaid, in person to _____

Fees: _____
Subscribed and sworn to before me this _____ day of _____, 19_____.

(Return when service is made on defendants by other than Sheriff by serving some one residing at usual
place of abode of defendant who is then absent.)

STATE OF NEW MEXICO,

} ss.
County of _____

_____ being duly sworn, upon his oath says, I am over the age of
eighteen years, I served the within summons _____
by delivering a copy thereof, with copy of complaint attached, in the county aforesaid to _____

_____ a person over fifteen years of age, residing at the
usual place of abode of defendant _____
_____ who at the time of such service was absent therefrom.

Fees: _____
Subscribed and sworn to before me this _____ day of _____, 19_____.

Finds:

1. That the com lacks jurisdiction over essential & necessary parties to this cause; and,

2. That petitioner has failed to establish ~~either~~ upon the facts and the law that he is entitled to ~~the~~ relief.

It is therefore ordered, adjudged, & heard that the amended petition herein be, and the same hereby is ~~dismissed~~ dismissed.

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IN THE DISTRICT COURT OF LEA COUNTY
STATE OF NEW MEXICO

IN THE MATTER OF THE PETITION
OF JOHN P. CUSACK FOR REVIEW
AND APPEAL OF PROCEEDINGS
BEFORE THE OIL CONSERVATION
COMMISSION OF THE STATE OF NEW MEXICO IN CASE NO. 404, AND
FROM ORDER NO. R-231, ENTERED
THEREIN. No. 10516

GILBERT. WHITE AND GILBERT
ATTORNEYS AT LAW
SANTA FE, NEW MEXICO

Comes now Oil Conservation Commission of the State of New Mexico, and for its response to the Petition for Review in the above styled and numbered cause states:

- 1. That it admits the allegations contained in paragraphs numbered 1, 2, 3, 4 and 5 of the Petition for Review.
- 2. That it denies each and every allegation set forth in paragraph numbered 6 of said Petition for Review.

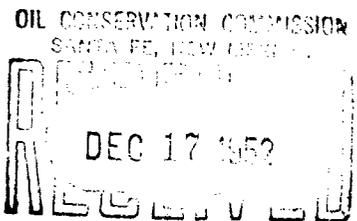
WHEREFORE, Oil Conservation Commission of the State of New Mexico prays that its Order No. R-231 be affirmed by this Honorable Court all at the costs of the petitioner herein.

OIL CONSERVATION COMMISSION OF THE
STATE OF NEW MEXICO

By Richard R. Spurrier
Secretary and Member

I hereby certify that I have this 13th day of February, 1953, mailed a copy of the foregoing to Frazier and Cusack, P. O. Box 942, Roswell, New Mexico, they being the attorneys of record for the Petitioner herein.

[Signature]



1 BEFORE THE OIL CONSERVATION COMMISSION
2 OF THE STATE OF NEW MEXICO

3
4 IN THE MATTER OF THE HEARING
5 CALLED BY THE OIL CONSERVATION
6 COMMISSION OF NEW MEXICO FOR
7 THE PURPOSE OF CONSIDERING:

CASE NO. 404
ORDER NO. R-231

8 THE APPLICATION OF JOHN P. CUSACK
9 FOR AN ORDER GRANTING PERMISSION
10 TO RECOVER BACK ALLOWABLE FROM
11 THE BYERS LEASE IN NE/4 SECTION 3,
12 TOWNSHIP 19 SOUTH, RANGE 38 EAST:
13 THE MOON ('A' AND 'B') LEASE, NE/4
14 SECTION 28, TOWNSHIP 18 SOUTH, RANGE
15 38 EAST: AND THE TURNER 'B' LEASE,
16 E/2 SE/4, SECTION 34, TOWNSHIP 18
17 SOUTH, RANGE 38 EAST, SAID LEASES
18 BEING IN THE HOBBS POOL, LEA COUNTY,
19 NEW MEXICO, AND PRESENTLY BEING
20 OPERATED BY SAMEDAN OIL CORPORATION.

21 MOTION FOR A RE-HEARING

22 COMES NOW, John P. Cusack, an individual operating
23 in the State of New Mexico, and in particular, Hobos, New
24 Mexico, and respectfully shows to the Oil Conservation Com-
25 mission of the State of New Mexico, the following:

26 1. That paragraph six (6) of the findings of the
27 Commission is not based upon substantial evidence presented
28 to the Commission at the time of the original hearing.

29 2. There is no finding of the Commission, nor is
30 there any evidence upon which to base a finding, that to allow
31 your Petitioner his back allowable would constitute waste as
32 that term is defined by the laws of the State of New Mexico.

33 3. That to refuse to allow your Petitioner to make
34 up the back allowables lost through no fault of his own,
35 would be to directly violate the laws of the State of New
36 Mexico, as set out in the 1949 Statutes, Chapter 168, Section
37 13 (a), in that the Commission would deprive the Petitioner

1 of his just and equitable share of the oil in the Hobbs
2 Pool; that in refusing to allow your Petitioner to make up
3 his back allowables lost through no fault of his own, the
4 Commission would violate the doctrine of correlative rights,
5 as they are defined in the 1949 Session Laws, Chapter 168
6 Section 26, Sub-section (h).

7 4. That at the time of the oil refinery strike in
8 May of 1952, during which time your Petitioner under-produced
9 a total of 8,414 barrels, your Petitioner was operating under
10 and complying with the rules of the Commission to-wit:
11 Rule 503; that your Petitioner complied with Section (f), of
12 Rule 503, and requested this Commission to allow him to make
13 up the back allowables under 503 (f), Sub-section 1, "failure
14 of producer or transporter to run assigned oil allowable,"
15 and that said application was filed within 90 days from the
16 occurrence of the shortage; that for this Commission to
17 attempt to apply Order No. R-98A, which was to take effect
18 the First day of July, 1952, and by Order No. R-98A, deprive
19 your applicant of his right to make up legal back allowable
20 oil would be to deprive him of property without due process
21 of law, which would be contrary to the Constitution of the
22 State of New Mexico, and the Constitution of the United States
23 of America.

24 5. That in refusing to allow your Petitioner to
25 make up his back allowable of legal oil by means of
26 administrative order, No. R-98A, would be an invalid act on
27 the part of this Commission because it would not be in con-
28 formity with the Session Laws of 1949, Chapter 168, Section
29 13, Sub-section (a).

30 6. To refuse your Petitioner the right to make up
31 the back allowable of legal oil, would be to violate the
32 Session Laws of 1949, Chapter 168, Section 13 (a) and the

1 Session Laws of 1949, Chapter 168, Section 12, Sections (b),
2 for in refusing to allow him to make up his back allowable,
3 the Commission would condone by an order of this Commission,
4 an act of waste, as set out in the Session Laws, of 1949,
5 Chapter 168, Section 2, Sub-Section (d), in that the Commission
6 would permit the non-ratable purchase or taking of crude
7 petroleum oil from the Hobos Pool, by the pipe lines.

8 7. Your Petitioner points out that finding No. 7 of
9 the Commission's order in regard to the alternate proposal, in
10 regard to cut back of allowables, was within the application
11 filed herein and if the Oil Conservation Commission failed, in
12 its advertisement, to bring said proposal within the call of a
13 hearing, your Petitioner should not be penalized for the fail-
14 ure of the Oil Conservation Commission to properly advertise
15 the hearing.

16 WHEREFORE, Your Petitioner prays:

- 17 1. That a Re-Hearing be granted
- 18 2. That upon said re-hearing, the Commission con-
19 sider the question of granting the back allowable to your
20 Petitioner, and consider the alternate proposal to cut back
21 allowables for wells in the Hobbs Pool, which, during the May
22 1952 refinery strike, produced 100% of allowables assigned for
23 that month
- 24 3. That said re-hearing be properly advertised
- 25 4. That your Petitioner be allowed to make up his
26 back allowable, so that he may have the opportunity to make up
27 the legal oil allocated to him, and so that he may have his just
28 and equitable share of the oil in the Hobbs Pool, and his just
29 and equitable share of the reservoir energy in said Hobbs Pool.

30 Respectfully submitted,

31 FRAZIER, QUANEIUS & CUSACK

32 By John P. Cusack
Attorneys for Petitioner
Roswell, New Mexico

IN THE DISTRICT COURT OF LEA COUNTY

STATE OF NEW MEXICO

IN THE MATTER OF THE PETITION)
OF JOHN P. CUSACK FOR REVIEW)
AND APPEAL OF PROCEEDINGS)
BEFORE THE OIL CONSERVATION)
COMMISSION OF THE STATE OF NEW)
MEXICO IN CASE NO. 404, AND)
FROM ORDER NO. R-231, ENTERED)
THEREIN.)

NO. 10516

COMES NOW, John P. Cusack, and for his Petition for Review of the Action of the Oil Conservation Commission of the State of New Mexico, in the above-styled and numbered case, alleges and states:

1. That your Petitioner on or about the 18th day of August, 1952, filed in the office of the Oil Conservation Commission, an Application which is marked "Exhibit A" appended hereto, and made a part hereof, as if set out in full.

2. That your Petitioner amended said Application and filed his Amended Application in the Office of the Oil Conservation Commission on or about August 27, 1952. A copy of said Amended Application is marked "Exhibit B", appended hereto and made a part hereof, as if set out in full. Said Application briefly stated that your Petitioner owns oil and gas producing property in the Hobbs Pool, Lea County, New Mexico. Your Petitioner, in said Application pointed out to the Commission that during the month of May, 1952, through no fault of his, a national oil refinery strike prevented him from running through the pipe lines, the oil allocated by the Commission to be run by him. That during this same period, other producers in the Hobbs Pool, not affected by the oil refinery strike, ran 100 percent of their allowables, reducing and draining the reservoir of oil belonging to your Petitioner

and his royalty holders. Your Petitioner asked the Commission to **consider** means and methods by which the back-allowables lost through the result of strike action could be made up equitably by himself and other operators similarly situated.

3. That said Amended Application was given the case number of 404, and was heard at 9:00 o'clock A. M. on September 16th, 1952, at Santa Fe, New Mexico.

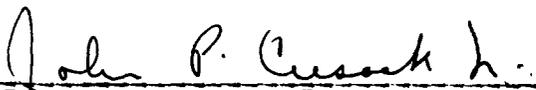
4. That on the 28th day of November, 1952, the Commission entered its order No. R-231, denying and dismissing the Amended Petition marked "Exhibit B". A copy of the said Order of the Commission is marked "Exhibit C", appended hereto, and made a part hereof, as if set out in full.

5. Within the statutory time allowed, your Petitioner, filed an application for a re-hearing in Case No. 404. This re-hearing was neither granted nor denied, but allowed to lapse according to the statutes so made and provided. A copy of the Motion for a Re-hearing is attached hereto, as "Exhibit D", and made a part hereof, as if set out in full.

6. Your Petitioner alleges that the Commission erred in issuing Order No. R-231, for the reasons set out in the Motion for the Re-hearing, which has been appended hereto and made a part of this Petition as "Exhibit D". Your Petitioner, in order to avoid redundancy will not repeat in this Petition the errors as pointed out in the Motion for a Re-hearing.

WHEREFORE, your Petitioner respectfully prays the Court, as authorized by Section 19B, Chapter 163 of the Laws of the State of New Mexico, 1949, that notice of this Petition for review be served in the manner provided for the service of

Summons in Civil Proceedings, upon the Oil Conservation Commission of New Mexico, by service upon R. R. Spurrier, Secretary and member of the Oil Conservation Commission, who resides and has his office in Santa Fe, New Mexico, and that this Petition be set for trial and upon the hearing thereof, that this Court review the action of the Oil Conservation Commission, herein complained of, and to enter its order vacating the order of the Commission, hereinabove referred to, and to enter its order in lieu thereof, allowing your Petitioner to make up the back-allowable oil lost by him in the national oil refinery strike, which occurred during the month of May, 1952.



John P. Cusack, Jr.
PHAZIER AND CUSACK
P. O. Box 942
Roswell, New Mexico

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Reviewed file 8/13/54.
Recommended action - sit on it.
Case is at issue, and may be well let
petitioners press for setting -
WJK

FEDERAL POWER COMMISSION

Washington 25, D. C.

Jan. 28, 1953

Subject: Docket No. G-1429
Pacific Northwest Pipeline Corp.

Dear Sir:

Receipt is hereby acknowledged of your
telegram dated January 28 relative to the above-entitled
matter.

Very truly yours,

Alon M. Fuquay

Secretary.

RS

3-13118-45