



MAIN OFFICE OCC

BEFORE THE OIL CONSERVATION COMMISSION

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STATE OF NEW MEXICO

IN THE MATTER OF THE APPLICATION OF  
 M. A. ROMERO AND ROBERT CRITCHFIELD  
 REQUESTING THE OIL CONSERVATION COM-  
 MISSION TO INVESTIGATE THE OPERATION  
 OF GAS PRORATIONING IN THE BLANCO  
 MESAVERDE POOL IN RIO ARRIBA COUNTY,  
 NEW MEXICO, AND THE CHOZA MESA  
 PICTURED CLIFFS POOL IN RIO ARRIBA  
 COUNTY, NEW MEXICO, AND TO ENTER SUCH  
 ORDERS AS IT DEEMS NECESSARY, AFTER  
 HEARING, TO REQUIRE RATABLE TAKING OF  
 GAS FROM SAID POOLS AND TO OTHERWISE  
 PROTECT CORRELATIVE RIGHTS OF OWNERS  
 OF INTEREST IN SUCH POOLS.

CASE NO. 1600

MOTION TO STRIKE

Come now EL PASO NATURAL GAS COMPANY and PACIFIC NORTHWEST PIPELINE CORPORATION (hereinafter termed "Movants"), owners of leasehold interests in and purchasers of gas production from lands included within the San Juan 28-4 Unit and the 29-4 Unit, and PACIFIC NORTHWEST PIPELINE CORPORATION as the designated Unit Operator of each of said units, and move the Commission to strike from the Application and Bill of Particulars filed by Applicants the portions hereinafter enumerated because the matters complained of are not within the power of the Commission to hear and to determine for the reasons herein specified, and further move the Commission to limit the scope of the hearing to matters within the jurisdiction of the Commission:

1. Movants move to strike paragraph 6 of the Application and paragraphs 10 and 11 of the Bill of Particulars. The Applicants in these paragraphs seek to have this Commission take jurisdiction of the manner in which an operator completes a well.

2. Movants move to strike paragraph 7 of the Application and paragraph 12 of the Bill of Particulars. The Applicants in these paragraphs seek to have the Commission take jurisdiction of the connection of gas transportation facilities to gas wells.

3. Movants move to strike paragraph 5 of the Application and paragraph 13 of the Bill of Particulars. In these paragraphs Applicants seek to have the Commission exercise control over the pressures at which operators of natural gas pipe lines shall operate the pipe lines.

4. Movants move to strike paragraphs 2, 3, 4 and 5 of the Application and paragraphs 6, 7, 8 and 9 of the Bill of Particulars. In these paragraphs Applicants complain of the prorationing of gas in the Blanco Mesaverde Gas Pool and the Choza Mesa Pictured Cliffs Gas Pool. Movants are advised that Applicants have withdrawn complaint as to operations within the Choza Mesa Pictured Cliffs Gas Pool and hence limit this motion to allegations concerning the Blanco Mesaverde Gas Pool.

In support of this motion Movants would show as grounds for striking the designated portions of the Application and Bill of Particulars the following reasons:

(a) That the Oil Conservation Commission of the State of New Mexico is without jurisdiction or statutory authority to grant the relief sought in said Application;

(b) That the Applicants and Movants and other owners of leasehold and royalty interests have entered into the San Juan 28-4 Unit Agreement and the San Juan 29-4 Unit Agreement and into the unit operating agreements applicable thereto and thereby have prescribed the manner for conducting operations for drilling and completing wells upon leases committed to said units;

(c) That the interests of the Applicants arise out of United States Oil and Gas Leases and that the terms and provisions of said leases, regulations of the United States, the unit agreements and unit operating agreements which Applicants have entered into, govern the development and operation of said units under plans of development approved by the United States Geological Survey and such interests are subject to the continued operation and development

pursuant to such applicable regulations, leases and agreements and the conduct of operations on Federal lands is under the control of the Department of the Interior;

(d) That the relief sought by the Applicants involves matters of private contract between parties which are not within the power of this Commission to determine or adjudicate;

(e) That by issuing orders for the prorationing of gas in the Blanco Mesaverde Gas Pool the Commission has determined the basis required for ratable taking of gas in that pool. The Application made by Applicants is not sufficiently specific to form the basis of a review of any prior order or rule of the Commission. In the absence of reviewing a prior order or rule of the Commission there is no issue to be determined by the Commission regarding ratable take of gas within the Blanco Mesaverde Gas Pool; and

(f) That the Applicants have failed to specify any violation of any applicable regulation or rule of this Commission.

WHEREFORE, Movants respectfully move the Commission to strike from the Application and Bill of Particulars the matters which are not proper for hearing and determination by this Commission as above specified.

Respectfully submitted,

EL PASO NATURAL GAS COMPANY

By

*Alvin Smith*  
*and B. R. Howell*

PACIFIC NORTHWEST PIPELINE CORPORATION

By

*James E. Sperry*