

1 IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

2
3 ROBERT G. COX,

4 Petitioner-Appellant,

5 vs,

No. 11,618

6 NEW MEXICO OIL CONSERVATION
7 COMMISSION, ATLANTIC
8 RICHFIELD COMPANY, and
9 AMOCO PRODUCTION COMPANY,

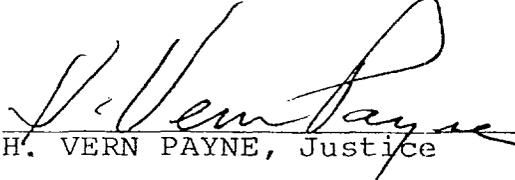
10 Respondents-Appellees.

11
12
13
14 APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY

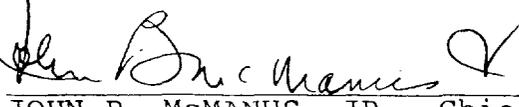
15
16
17 DECISION

18 The judgment of the District Court for the County of Eddy
19 is hereby affirmed. We are of the opinion that there was sub-
20 stantial evidence to support the trial court's decision.

21 IT IS SO ORDERED.

22
23 
24 H. VERN PAYNE, Justice

25 WE CONCUR:

26 
27 JOHN B. McMANUS, JR., Chief Justice

28 
29 WILLIAM R. FEDERICI, Justice

30
31 MAY - 4 1978
32

1 IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

2 MANDATE

NO. 11,618

3 THE STATE OF NEW MEXICO TO THE DISTRICT COURT sitting within
4 and for the County of Eddy, GREETING:

5 WHEREAS, in a certain cause lately pending before you,
6 numbered 31,508 on your Civil Docket, wherein Robert G. Cox was
7 Petitioner and New Mexico Oil Conservation Commission, et al were
8 Respondents, by your consideration in that behalf judgment was
9 entered against said Petitioner; and

10 WHEREAS, said cause and judgment were afterwards brought into
11 our Supreme Court for review by Petitioner by appeal, whereupon
12 such proceedings were had that on May 4, 1978, a Decision was
13 handed down by said Supreme Court affirming your judgment aforesaid
14 and remanding said cause to you.

15 NOW, THEREFORE, this cause is hereby remanded to you for such
16 further proceedings therein as may be proper, if any, consistent
17 and in conformity with said Decision of this Court.

18 WITNESS, The Honorable John B. McManus, Jr.,
19 Chief Justice of the Supreme Court
20 of the State of New Mexico, and
the seal of said Court this 16th
day of May, 1978.

21 
22 Clerk of the Supreme Court
of the State of New Mexico

23
24
25
26
27
28
29
30
31
32

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

LAW OFFICES OF
HUNKER-FEDRIC, P.A.
210 HINKLE BUILDING
POST OFFICE BOX 1837
ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

March 17, 1978

Mrs. Rose Marie Alderete
New Mexico Supreme Court Clerk
P.O. Box 848
Santa Fe, New Mexico 87501

Re: Cox v. NMOCC et al
No. 11618
New Mexico Supreme Court

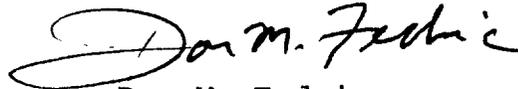
Dear Mrs. Alderete:

We enclose herewith the original and 10 copies of the Appellant's Reply Brief to be filed in the above case. Copies are also being sent to opposing counsel of record.

Thank you.

Yours very sincerely,

HUNKER-FEDRIC, P.A.


Don M. Fedric

DMF:dd
Encls.

xc: Ms. Lynn Teschendorf
New Mexico Oil Conservation Comm., w/enc. ✓
xc: Mr. Clarence Hinkle, w/enc.
xc: Mr. James E. Day, Jr., w/enc.
xc: Mr. Robert G. Cox, w/enc.

NOTICE OF SETTING FOR ORAL ARGUMENT UNLESS OTHERWISE INDICATED

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO
Cases to be Submitted
Monday
May 1, 1978

THE CALL OF THE DOCKET FOR THE FOLLOWING CASES WILL BE AT 9:00 A.M.:

NO. 11,651

John N. Eddy, Appellee

Catron, Catron & Sawtell
Thomas B. Catron III

vs.

Mary Ann C. Eddy, Appellant

Marchiondo & Berry
Zenon F. Myszkowski

NO. 11,646

Sanford H. Cole, et ux, Appellees

Bruce C. Redd

vs.

Harlow L. Jones, et ux, Appellants

Malcolm G. Colberg

NO. 11,630

Frank Martinez, et ux, Appellees
& Cross-Appellants

Stephen L. Natelson

vs.

Celso Ortiz and Eloy Ortiz,
Appellants & Cross-Appellees

Solomon, Roth & VanAmberg
F. Joel Roth
Michael P. Gross

NO. 11,597

Karl Vonder Linden, et ux,
Appellees

Hannett, Hannett, Cornish & Barnhart
Charles E. Barnhart

vs.

United Van Lines, Inc., et al.,
Appellants

Zeikus & Reichert
James P. Reichert

THE CALL OF THE DOCKET FOR THE FOLLOWING CASES WILL BE AT 1:30 P.M. AND
COUNSEL NEED NOT BE PRESENT UNTIL THAT TIME:

NO. 11,711

Samuel S. Spencer, Appellant

Hinkle, Cox, Eaton, Coffield &
Hensley
Paul M. Bohannon

vs.

J. P. White Building, et al.,
Appellees

Sanders, Bruin, Baldock & Coll
Charles H. Coll

NO. 11,709 - TO BE SUBMITTED ON BRIEFS ONLY-ORAL ARGUMENT NOT REQUESTED

Ernest Eugene Leist, Appellant

Neumeyer & Hill
Glenn B. Neumeyer

vs.

Harriet C. Leist, Appellee

T. K. Campbell
Barney James Reeves

NOTICE OF SETTING FOR ORAL ARGUMENT UNLESS OTHERWISE INDICATED

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO
Cases to be Submitted
Tuesday
May 2, 1978

THE CALL OF THE DOCKET FOR THE FOLLOWING CASES WILL BE AT 9:00 A.M.:

NO. 11,775

United Nuclear Corporation, Appellee

vs.

Bigbee, Stephenson, Carpenter & Crout
Hon. Harry L. Bigbee
Hon. Donnan Stephenson
Johnson, Paulantis & Lanphere
James T. Paulantis
Simpson, Thacher & Bartlett
Rogers M. Doering

vs.

General Atomic Company, Appellant

Rodey, Dickason, Sloan, Akin & Robb
John D. Robb
Montgomery, Andrews & Hannahs
Seth D. Montgomery
Howrey & Simon

Indiana and Michigan Electric
Company, Appellee

NO. 11,649

Belva C. Smith, Appellee

vs.

Charles T. Hooker

American Bank of Commerce, et al.,
Appellants

McCulloch, Grisham & Lawless
Thomas L. Grisham
Hunter L. Geer
Kenneth A. Hunt

and

CHARLIE WILSON HOUCK, et al.,
Appellees

NO. 11,674-TO BE SUBMITTED ON BRIEFS ONLY-ORAL ARGUMENT NOT REQUESTED

Sisters of Charity of Cincinnati,
Ohio, Appellee

Johnson, Paulantis & Lanphere
John M. Kirk, Jr.

vs.

County of Bernalillo, Appellant

Hunter L. Geer

Property Tax Department, Appellant

Toney Anaya, Attorney General
John C. Cook
Arthur Encinias, Asst Attys Gen

Cases set for Oral Argument, or to be Submitted on Briefs, Tuesday,
May 2, 1978 - Page 2

Docket for 9:00 A.M. continued:

NO. 11,619

State of New Mexico, Appellee

vs.

Patricio Esquibel, Appellant

Toney Anaya, Attorney General
Paquin M. Terrazas, Asst Atty Gen

John B. Bigelow, Chief Public Defender
Martha Daly, Asst. Appellate Def.

THE CALL OF THE DOCKET FOR THE FOLLOWING CASES WILL BE AT 1:30 P.M. AND
COUNSEL NEED NOT BE PRESENT UNTIL THAT TIME:

NO. 11,618

Robert G. Cox, Appellant

✓
vs.

New Mexico Oil Conservation
Commission, et al., Appellees

Hunker & Fedric
Don M. Fedric

Lynn Teschendorf
Hinkle, Cox, Eaton, Coffield &
Hensley
Clarence Hinkle

NO. 11,728

George Gremer, et al., Appellees

vs.

Nathan L. Dougherty, Appellant

T. K. Campbell
Barney James Reeves

Anthony F. Avallone
Paul "Pablo" Marshall

NOTICE OF SETTING FOR ORAL ARGUMENT UNLESS OTHERWISE INDICATED

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO
Cases to be Submitted
Wednesday
May 3, 1978

THE CALL OF THE DOCKET FOR THE FOLLOWING CASES WILL BE AT 9:00 A.M.:

NO. 11,675 & NO. 11,676 CONSOLIDATED

S. J. Sachs, Appellant

Rodey, Dickason, Sloan, Akin & Robb
Victor R. Marshall

vs.

Board of Trustees of the Town
of Cebolleta Land Grant, et al.,
Appellees

Edward J. Apodaca
Marchiondo & Berry
Zenon F. Myszkowski
Robert H. McBride

Kerr-McGee Corporation, et al.,
Appellants

vs.

Bokum Resources Corp., et al.
(Not involved per stipulation
of counsel)

NO. 11,742

State, ex rel State Labor
Commission, Appellee

Eloy Martinez, D.A.
Thomas J. Cruse, Asst. D.A.

vs.

Santa Fe Chamber of Commerce,
Appellant

Kellahin & Fox
W. Thomas Kellahin

NO. 11,673

State, ex rel Bruce G. Stringer,
Appellant

Michael M. Rueckhaus

vs.

City of Albuquerque, et al.,
Appellees

Malcolm W. DeVesty

Cases set for Oral Argument, or to be Submitted on Briefs, Wednesday,
May 3, 1978 - Page 2

Docket for 9:00 A.M. continued:

NO. 11,684

Valeria C. Barela, Appellant

James R. Beam

vs.

Ernesto Orlando Barela, Appellee

Richard J. Grodner

NO. 11,748-TO BE SUBMITTED ON BRIEFS ONLY-ORAL ARGUMENT NOT REQUESTED

McCasland Services, Inc., Appellee

Glen L. Houston

vs.

Doyle Hartman, Appellant

Hinkle, Cox, Eaton, Coffield &
Hensley
Paul M. Bohannon

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

March 15, 1978

Mr. Don M. Fedric
Hunker & Fedric
P. O. Box 1837
Roswell, New Mexico 88201

Re: Cox v. New Mexico Oil Conservation
Commission, Cause No. 11618,
New Mexico Supreme Court

Dear Mr. Fedric:

Enclosed is a copy of the Answer Brief I have
filed on behalf of the Oil Conservation Commission.

Very truly yours,

LYNN TESCHENDORF
General Counsel

LT/dr

C
O
P
Y

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

March 15, 1978

Mr. Clarence E. Hinkle
Hinkle, Cox, Eaton, Coffield
and Hensley
P. O. Box 10
Roswell, New Mexico 88201

Re: Cox v. New Mexico Oil
Conservation Commission,
Cause No. 11618, New Mexico
Supreme Court

Dear Mr. Hinkle:

Enclosed is a copy of the Answer Brief I have
filed on behalf of the Oil Conservation Commission.

Very truly yours,

LYNN TESCHENDORF
General Counsel

LT/dr

LAW OFFICES

HINKLE, COX, EATON, COFFIELD & HENSLEY

LEWIS C. COX, JR.
PAUL W. EATON, JR.
CONRAD E. COFFIELD
HAROLD L. HENSLEY, JR.
STUART D. SHANOR
C. D. MARTIN
PAUL J. KELLY, JR.
JAMES H. BOZARTH

DOUGLAS L. LUNSFORD
PAUL M. BOHANNON
J. DOUGLAS FOSTER
K. DOUGLAS PERRIN
C. RAY ALLEN

600 HINKLE BUILDING

POST OFFICE BOX 10

ROSWELL, NEW MEXICO 88201

(505) 622-6510

March 10, 1978

OF COUNSEL
CLARENCE E. HINKLE

W. E. BONDURANT, JR. (1914-1973)

MIDLAND, TEXAS OFFICE
521 MIDLAND TOWER
(915) 683-4691

C. RAY ALLEN LICENSED
IN TEXAS ONLY

Lynn Teschendorf
General Counsel
Oil Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico 87501

Re: Cox v. New Mexico OCC, et al
No. 11618, N.M. Supreme Court

Dear Lynn:

We enclose copy of Answer Brief we are filing on behalf of the Appellees, Atlantic Richfield and Amoco, in the captioned case. I would appreciate your sending me a copy of your Brief so that when it comes to oral argument we can perhaps arrange to split the argument so there will be the least duplication possible.

With best regards, I am

Yours sincerely,

HINKLE, COX, EATON, COFFIELD & HENSLEY



Clarence E. Hinkle

CEH:cs
Enc.

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

February 27, 1978

Mr. Clarence Hinkle
Hinkle, Cox, Eaton, Coffield
& Hensley
P. O. Box 10
Roswell, New Mexico 88201

Re: Cox vs. New Mexico Oil
Conservation Commission,
Cause No. 11618,
New Mexico Supreme Court

Dear Mr. Hinkle:

Regarding your suggestion that we join in writing an Answer Brief in the above-captioned cause, I believe it would be better if I declined. I would prefer doing my own brief so that I will be prepared on all issues raised.

However, dividing up the oral argument might be very appropriate in order to avoid duplication. Would this meet with your approval?

Very truly yours,

LYNN TESCHENDORF
General Counsel

LT/dr

C
O
P
Y

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

LAW OFFICES OF
HUNKER-FEDRIC, P.A.
210 HINKLE BUILDING
POST OFFICE BOX 1837
ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

February 14, 1978

Mrs. Rose Marie Alderete
New Mexico Supreme Court Clerk
P.O. Box 848
Santa Fe, New Mexico 87501

Re: Cox v. NMOCC et al
No. 11618, N.M. Supreme Court

Dear Mrs. Alderete:

We enclose herewith the original and 10 copies of the Appellant's Brief in Chief to be filed in the above captioned matter. Thank you.

Yours very sincerely,

HUNKER - FEDRIC, P.A.



Don M. Fedric

DMF:dd
Encls.

xc: Ms. Lynn Teschendorf, NMOCC, w/enc.
xc: Mr. Clarence Hinkle, w/enc.
xc: Mr. Guy Buell, w/enc.
xc: Mr. James E. Day, Jr., w/enc.
xc: Mr. Robert G. Cox, w/enc.

rec'd
2-15-77
RJ

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

ROBERT G. COX,

Petitioner-Appellant,

vs.

NO. 11618

NEW MEXICO OIL CONSERVATION
COMMISSION, ATLANTIC RICHFIELD
COMPANY, and AMOCO PRODUCTION
COMPANY,

Respondents-Appellees.

NOTICE

TO: Hunker and Fedric
Don M. Fedric
P. O. Box 1837
Roswell, New Mexico 88201

Lynn Teschendorf
New Mexico Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico 87503

Hinkle, Cox, Eaton, Coffield & Hensley
Clarence Hinkle
P. O. Box 10
Roswell, New Mexico 88201

You are hereby notified that Transcript on Appeal & Original Exhibits

were

~~xxx~~ filed in the above entitled cause this 23rd day of

January, 1978.

ROSE MARIE ALDERETE
Clerk of the Supreme Court
of the State of New Mexico

BY

Jane Gurule
Deputy

IN THE DISTRICT COURT OF EDDY COUNTY, STATE OF NEW MEXICO

IN RE: NO. 31508

Robert G. Cox . VS. N.M. Oil Conservation
Commission, et al

TO: Hon. Hazel Davis, P.O. Box 2008, Santa Fe, N.M. 87501
Hon. Don M. Fedric, P.O. Box 1837, Roswell, N.M. 88201
Hon. Lynn Teschendorf, P.O. Box 2088, Santa Fe, N.M. 87501
Hon. Clarence Hinkle, P.O. Box 10, Roswell, N.M. 88201

YOU ARE HEREBY NOTIFIED THAT:

- NOTICE OF APPEAL FILED _____ (COPY ATTACHED)
- FREE PROCESS ORDER FILED _____ (COPY ATTACHED)
- TRANSCRIPT DESIGNATION CONFERENCE SET FOR _____
BEFORE THE HON. _____, DISTRICT JUDGE.
- TRANSCRIPT ON APPEAL FILED IN DISTRICT COURT CLERKS OFFICE
BEFORE _____ . OBJECTIONS MUST BE FILED
(10 DAYS OF DATE OF FILING).
CLERK WILL FORWARD TRANSCRIPT TO COURT OF APPEALS ON
_____ IF NO OBJECTIONS FILED.

ENCLOSED PLEASE FIND:

- DISTRICT COURT FILED NO. _____
- TRANSCRIPT ON APPEAL (3 Copies)
- EXHIBITS:

- OTHER

DATED: 1/20/78

FRANCES M. WILCOX
CLERK, DISTRICT COURT

BY _____
DEPUTY

IN THE DISTRICT COURT OF EDDY COUNTY, STATE OF NEW MEXICO

IN RE: NO. 11618

ROBERT G. COX

VS. N.M. OIL CONSERVATION COMMISSION
ATLANTIC RICHFIELD COMPANY and
AMOCO PRODUCTION COMPANY

TO: ROSEMARIE ALDERETE, N.M. SUPREME COURT, P.O. BOX 848, SANTA FE, N.M. 87501
MR. DON M. FEDRIC, P. O. Box 1837, Roswell, New Mexico 88201
✓ MS. LYNN TESCHENDORF, NMOCC, P. O. BOX 2088, Santa Fe, New Mexico 87501
MR. CLARENCE HINKLE, P. O. Box 10, Roswell, N.M. 88201
MR. LLOYD CLEM, COURT REPORTER, Carlsbad, N.M.

YOU ARE HEREBY NOTIFIED THAT:

- NOTICE OF APPEAL FILED _____ (COPY ATTACHED)
- FREE PROCESS ORDER FILED _____ (COPY ATTACHED)
- TRANSCRIPT DESIGNATION CONFERENCE SET FOR _____
BEFORE THE HON. _____, DISTRICT JUDGE.
- TRANSCRIPT ON APPEAL FILED IN DISTRICT COURT CLERKS OFFICE
January 9, 1978. OBJECTIONS MUST BE FILED
BEFORE JANUARY 19, 1978 (10 DAYS OF DATE OF FILING).
CLERK WILL FORWARD TRANSCRIPT TO COURT OF APPEALS ON
January 20, 1978 IF NO OBJECTIONS FILED.

ENCLOSED PLEASE FIND:

- DISTRICT COURT FILED NO. _____
- TRANSCRIPT ON APPEAL
- EXHIBITS:

- OTHER

DATED: 1/9/78

District Court No. 31508

FRANCES M. WILCOX
CLERK, DISTRICT COURT

BY Gay B. Chinn
DEPUTY

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

ROBERT G. COX,

Petitioner-Appellant

vs.

Supreme Court Cause No. 11618;
Eddy County District Court
Cause No. 31508

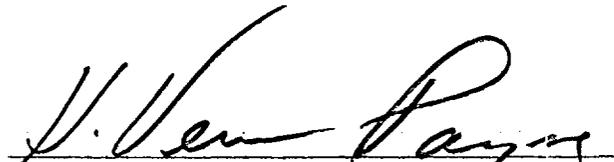
NEW MEXICO OIL CONSERVATION
COMMISSION,
ATLANTIC RICHFIELD COMPANY, and
AMOCO PRODUCTION COMPANY,

Respondents-Appellees

ORDER EXTENDING TIME

For good cause shown, the time for filing the transcript on appeal in the Supreme Court for the State of New Mexico in the above entitled and numbered cause is hereby extended to January 27, 1978.

DATED this 6th day of January, 1978.


~~MAC~~ CASLEY, Justice
New Mexico Supreme Court

JAN 6 1978

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

LAW OFFICES OF
HUNKER-FEDRIC, P.A.
210 HINKLE BUILDING
POST OFFICE BOX 1837
ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

January 6, 1978

Ms. Lynn Teschendorf —
General Counsel
New Mexico Oil Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico 87501

Mr. Clarence Hinkle
Hinkle, Cox, Eaton, Coffield & Hensley
P.O. Box 10
Roswell, New Mexico 88201

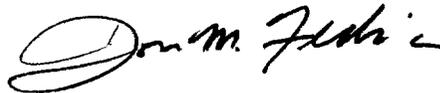
Re: Cox vs. N.M. Oil Conservation
Commission, et al
Supreme Court Cause No. 11618
Eddy County District Court
Cause No. 31508

Dear Ms. Teschendorf and Mr. Hinkle:

Please find enclosed a copy of the Order Extending Time in
the captioned matter, signed this date by Justice H. Vern Payne.

Yours very sincerely,

HUNKER-FEDRIC, P.A.



Don M. Fedric

DMF/rp
Enc.

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

ROBERT G. COX,

Petitioner-Appellant

vs.

Supreme Court Cause No. 11618;
Eddy County District Court
Cause No. 31508

NEW MEXICO OIL CONSERVATION
COMMISSION,
ATLANTIC RICHFIELD COMPANY, and
AMOCO PRODUCTION COMPANY,

Respondents-Appellees

ORDER EXTENDING TIME

For good cause shown, the time for filing the transcript on appeal in the Supreme Court for the State of New Mexico in the above entitled and numbered cause is hereby extended to January 27, 1978.

DATED this 6th day of January, 1978.

s/H. Vern Payne
~~MAK EASTBY~~, Justice
New Mexico Supreme Court

Received 1-11-78

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

ROBERT G. COX,

Petitioner-Appellant

vs.

Supreme Court Cause No. 11618
Eddy County District Court
Cause No. 31508

NEW MEXICO OIL CONSERVATION
COMMISSION,
ATLANTIC RICHFIELD COMPANY, and
AMACO PRODUCTION COMPANY,

Respondents-Appellees

M O T I O N

COMES NOW the Appellant, Robert G. Cox, and requests of this Court, an extension to January 27, 1978, for filing the Transcript of this matter in this Court. As grounds for this Motion, Appellant states:

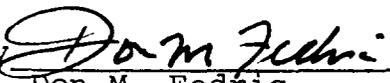
1. The Notice of Appeal for this matter was filed September 9, 1977.
2. Appellant's request for the record on appeal was filed September 9, 1977.
3. A Certificate of Satisfactory Arrangements was filed September 13, 1977.
4. The Court Reporter preparing the Transcript, Lloyd B. Clem, advises Appellant that due to his workload, particularly the press of preparation of several criminal case transcripts, he has been unable to complete the transcript within the available time, so as to allow the Appellant to comply with Rule 7(b), New Mexico Rules of Appellate Procedure, which Rule requires the transcript to first be filed in the District Court, with other counsel being allowed a period of 10 days after service of the Notice of Filing to object to the transcript of proceedings so filed.
5. It is estimated that the transcript can be completed and filed in District Court, allowing the Appellant to comply with Rule 7(b), New Mexico Rules of Appellate Procedure, if this Court will

grant an extension for the filing of the transcript in this Court to January 27, 1978.

6. A 30-day extension for filing the transcript herein to January 7, 1978, was previously granted by the District Court of Eddy County.

WHEREFORE, the Appellant requests that for good cause shown, the time for filing the transcript on appeal in this Court for the above entitled and numbered cause be extended to January 27, 1978.

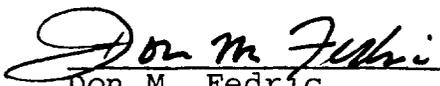
HUNKER - FEDRIC, P.A.

BY 
Don M. Fedric
Attorneys for Appellant
P.O. Box 1837
Roswell, New Mexico 88201

I hereby certify that on this 6th day of January, 1978, I mailed true copies of the foregoing document to:

Ms. Lynn Teschendorf
General Counsel
New Mexico Oil Conservation Comm.
P.O. Box 2088
Santa Fe, New Mexico 87501, and

Mr. Clarence Hinkle
Hinkle, Cox, Eaton, Coffield & Hensley
Attorneys for Atlantic Richfield Co.
and Amoco Production Company
P.O. Box 10
Roswell, New Mexico 88201.


Don M. Fedric

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE DISTRICT COURT OF EDDY COUNTY

STATE OF NEW MEXICO

FIFTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF EDDY
3:50 p.m.
FILED DEC 1 1977 IN MY OFFICE
FRANCES M. WILCOX
Clerk of the District Court

ROBERT G. COX,)
)
Petitioner,)
)
vs.)
)
NEW MEXICO OIL CONSERVATION)
COMMISSION, ATLANTIC)
RICHFIELD COMPANY and AMOCO)
PRODUCTION COMPANY,)
)
Respondents.)
)
_____)

NO. 31508

ORDER EXTENDING TIME

For good cause shown, the time for filing the Transcript on Appeal in the above-entitled and numbered cause is hereby extended to the 7th day of January, 1978.

W. J. Archer
DISTRICT JUDGE

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

LAW OFFICES OF
HUNKER-FEDRIC, P.A.
210 HINKLE BUILDING
POST OFFICE BOX 1837
ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

October 3, 1977

Lynn Teschendorf
General Counsel
New Mexico Oil Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico 87501

Clarence Hinkle
Hinkle, Cox, Eaton, Coffield & Hensley
P.O. Box 10
Roswell, New Mexico 88201

Re: Cox vs. New Mexico Oil Conservation
Commission et al

Dear Ms. Teschendorf and Mr. Hinkle:

Please find enclosed a copy of my Request for Oral Argument
in the above captioned matter.

Yours very sincerely,

HUNKER-FEDRIC, P.A.



Don M. Fedric

DMF/rp
Enc.

LAW OFFICES OF
HUNKER-FEDRIC, P.A.
210 HINKLE BUILDING
POST OFFICE BOX 1837
ROS WELL, NEW MEXICO 88201

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

TELEPHONE 622-2700
AREA CODE 505

October 3, 1977

Mrs. Rose Marie Alderete
Clerk
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87501

Re: Cox vs. NMOCC, et al
(Appeal)

Dear Mrs. Alderete:

Please file the enclosed Request For Oral Argument in the
above captioned matter.

Thank you for your kind assistance.

Yours very sincerely,

HUNKER-FEDRIC, P.A.

Don M. Fedric

DMF/rp
Enc.
cc: Lynn Teschendorf
Clarence Hinkle

In the Supreme Court of the State of New Mexico

REQUEST FOR ORAL ARGUMENT

ROBERT G. COX

v.

NEW MEXICO OIL CONSERVATION
COMMISSION, ATLANTIC RICHFIELD
COMPANY, and AMOCO PRODUCTION
COMPANY

No.

11618

The undersigned counsel for Appellant

in the above entitled cause hereby requests that the same be set down for oral argument


Don M. Fedric

Counsel for Appellant Robert G. Cox

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

ROBERT G. COX,

Petitioner-Appellant,

NO. 11618

vs.

NEW MEXICO OIL CONSERVATION
COMMISSION, ATLANTIC RICHFIELD
COMPANY, and AMOCO PRODUCTION
COMPANY,

Respondents-Appellees.

NOTICE

TO: Hunker-Fedric
Don M. Fedric
P. O. Box 1837
Roswell, New Mexico 88201

Lynn Teschendorf
General Counsel
New Mexico Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico 87501

Hinkle, Cox, Eaton, Coffield & Hensley
Clarence Hinkle
P. O. Box 10
Roswell, New Mexico 88201

You are hereby notified that Skeleton Transcript

was filed in the above entitled cause this 21st day of
September, 1977.

ROSE MARIE ALDERETE
Clerk of the Supreme Court
of the State of New Mexico

By L. A. Oss
Deputy

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

LAW OFFICES OF
HUNKER-FEDRIC, P.A.
210 HINKLE BUILDING
POST OFFICE BOX 1837
ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

September 20, 1977

Mrs. Rose Marie Alderete
Clerk
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87501

Re: Cox vs. NMOCC, et al
(Appeal)

Dear Mrs. Alderete:

Enclosed is the original Skeleton Transcript for an appeal to the Supreme Court from the decision of the District Court in Eddy County Cause #31,508. The Skeleton Transcript has been certified by the District Court Clerk of Eddy County.

We further enclose the \$20.00 docketing fee and would appreciate your advising us of the Supreme Court Docket number for this case.

Thank you for your kind assistance.

Yours very sincerely,

HUNKER-FEDRIC, P.A.


Don M. Fedric

DMF/rp

cc: Lynn Teschendorf, w/enc. ✓
Clarence Hinkle, w/enc.

Enc,

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

ROBERT G. COX,

Petitioner-Appellant

vs.

No. _____

NEW MEXICO OIL CONSERVATION
COMMISSION, ATLANTIC RICHFIELD
COMPANY, and AMOCO PRODUCTION
COMPANY,

Respondents-Appellees

COUNTY OF EDDY

D.D. ARCHER, JUDGE

APPEAL OF PETITIONER-APPELLANT,

ROBERT G. COX

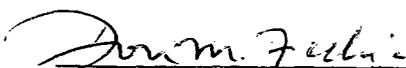
I hereby certify that on
this 10th day of September,
1977, true copies of the
foregoing document were
mailed to:

Ms. Lynn Teschendorf
General Counsel
New Mexico Oil Conservation Comm.
P.O. Box 2088
Santa Fe, New Mexico 87501, and

Mr. Clarence Hinkle
Hinkle, Cox, Eaton, Coffield
& Hensley
Attorneys for Respondents,
Atlantic Richfield Company and
Amoco Production Company
P.O. Box 10
Roswell, New Mexico 88201.

Don M. Fedric
HUNKER - FEDRIC, P.A.
P.O. Box 1837
Roswell, New Mexico 88201

Attorneys for Appellant



Don M. Fedric

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

ROBERT G. COX,)
)
 Appellant)
)
 vs.) No. _____)
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION, ATLANTIC RICHFIELD)
 COMPANY, and AMOCO PRODUCTION)
 COMPANY,)
)
 Appellees)

SKELETON TRANSCRIPT

1. Title Page: See Exhibit "A" attached.
2. Judgment Appealed: See Exhibit "B" attached.
3. Notice of Appeal: See Exhibit "C" attached.
4. Proof of Service-Notice of Appeal: See Exhibit "C" attached.
5. Satisfactory Arrangements: See Exhibit "D" attached.
6. Jurisdiction: This is a civil action; Petitioner's Petition for Review sought review of a New Mexico Oil Conservation Commission Order; Appeal to the Supreme Court of the State of New Mexico is provided by Section 65-3-22, N.M.S.A., 1953 Comp.

HUNKER - FEDRIC, P.A.

By Don M. Fedric
Don M. Fedric
Attorneys for Appellant
P.O. Box 1837
Roswell, New Mexico 88201
Telephone (505) 622-2700

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
 Petitioner)
)
 vs.)
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION, ATLANTIC RICHFIELD)
 COMPANY, and AMOCO PRODUCTION)
 COMPANY,)
)
 Respondents)

No. 31,508

Don M. Fedric
HUNKER - FEDRIC, P.A.
P.O. Box 1837
Roswell, New Mexico 88201
Attorneys for Petitioner

Ms. Lynn Teschendorf
General Counsel
New Mexico Oil Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico 87501
Attorney for Respondent,
New Mexico Oil Conservation Commission

Mr. Clarence Hinkle
Hinkle, Cox, Eaton, Coffield & Hensley
P.O. Box 10
Roswell, New Mexico 88201
Attorneys for Respondents,
Atlantic Richfield Company and
Amoco Production Company

FIFTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
IN THE DISTRICT COURT OF EDDY COUNTY COUNTY OF EDDY

STATE OF NEW MEXICO

FILED AUG 15 1977 IN MY
2:10 PM OFFICE
FRANCES M. WILCOX
Clerk of the District Court

ROBERT G. COX,)
)
Petitioner,)
v.) No. 31,508
)
NEW MEXICO OIL CONSERVATION)
COMMISSION, ATLANTIC RICHFIELD)
COMPANY and AMOCO PRODUCTION)
COMPANY,)
)
Respondents.)

ORDER AFFIRMING DECISION OF
OIL CONSERVATION COMMISSION

THIS MATTER came on for hearing before the Court on June 14, 1977, Robert G. Cox appearing by his attorney, Don M. Fedric of the firm of Hunker-Fedric, P.A., the New Mexico Oil Conservation Commission appearing by its attorney, Lynn Teschendorf, and Atlantic Richfield Company and Amoco Production Company appearing by their attorney, Clarence E. Hinkle of the firm of Hinkle, Cox, Eaton, Coffield & Hensley, and the Court having considered the Petition for Review, the transcripts of the hearings before the Oil Conservation Commission and all exhibits introduced in evidence during those hearings, all of which have been filed in this action, and having heard arguments of counsel for the respective parties and being fully advised in the premises, finds that Order R-5139-A entered by the Commission on March 10, 1976 in Case No. 5571 should be affirmed.

IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Order R-5139-A issued by the Commission on March 10, 1976 in Oil Conservation Commission Case No. 5571 is hereby affirmed.

DATED this 15 day of ^{August}~~July~~ 1977.

R. D. Treker
District Judge

APPROVED AS TO FORM:

HUNKER-FEDRIC, P.A.

By *Don M. Fedric*
Attorneys for Petitioner,
Robert G. Cox

Lynn Jeschke
Attorney for Oil Conservation
Commission, Respondent

HINKLE, COX, EATON, COFFIELD & HENSLEY

By *James Hinkle*
Attorneys for Respondents,
Atlantic Richfield Company
and Amoco Production Company

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

FIFTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF EDDY

FILED SEP - 9 1977 IN MY
OFFICE

ROBERT G. COX,)
)
Petitioner)
)
vs.) No. 31,508
)
NEW MEXICO OIL CONSERVATION)
COMMISSION, ATLANTIC RICHFIELD)
COMPANY, and AMOCO PRODUCTION)
COMPANY,)
)
Respondents)

FRANCES M. WILCOX
Clerk of the District Court

NOTICE OF APPEAL

Notice is hereby given that the Petitioner, Robert G. Cox, appeals to the New Mexico Supreme Court from the Judgment of the District Court dated August 15, 1977.

HUNKER - FEDRIC, P.A.

By Don M. Fedric
Don M. Fedric
Attorneys for Petitioner
P.O. Box 1837
Roswell, New Mexico 88201

Telephone (505) 622-2700

I hereby certify that on this 8th day of September, 1977, true copies of the foregoing document were mailed to:

Ms. Lynn Teschendorf
General Counsel
New Mexico Oil Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico 87501, and

Mr. Clarence Hinkle
Hinkle, Cox, Eaton, Coffield & Hensley
Attorneys for Respondents,
Atlantic Richfield Company and
Amoco Production Company
P.O. Box 10
Roswell, New Mexico 88201.

Don M. Fedric
Don M. Fedric

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
Petitioner)
)
vs.)
)
NEW MEXICO OIL CONSERVATION)
COMMISSION, ATLANTIC RICHFIELD)
COMPANY, and AMOCO PRODUCTION)
COMPANY,)
)
Respondents)

SEP 11 1977
FRANCES M. WILCOX
Clerk of the District Court

No. 31,508

CERTIFICATE OF SATISFACTORY ARRANGEMENTS

This is to certify that the Appellant has made satisfactory arrangements for the payment of the costs of the Record on Appeal.

Lloyd B. Clem

LLOYD B. CLEM
Court Reporter

Frances M. Wilcox

FRANCES M. WILCOX
Clerk of the District Court

By: *Ray G. Christian*

CLERK'S CERTIFICATE

STATE OF NEW MEXICO }
County of Eddy } ss.

I, FRANCES M. WILCOX, Clerk of the

DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT, within and for the County of Eddy, State of NEW MEXICO, DO HEREBY CERTIFY that the attached is a full, true and correct copy of the original

TITLE PAGE,

ORDER AFFIRMING DECISION OF OIL CONSERVATION COMMISSION,
filed and docketed August 15, 1977;

NOTICE OF APPEAL WITH CERTIFICATE OF SERVICE THEREON,
filed and docketed September 9, 1977;

CERTIFICATE OF SATISFACTORY ARRANGEMENTS,
filed and docketed September 13, 1977;

in cause numbered 31508 on the Civil Docket
of said court, wherein ROBERT G. COX

is Plaintiff, and NEW MEXICO OIL CONSERVATION COMMISSION, ATLANTIC
are RICHFIELD COMPANY and AMOCO PRODUCTION COMPANY,
Defendants, all as shown from the files and records of my said office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of said Court at Carlsbad, New Mexico,
this 16th day of September, A. D. 1977.

FRANCES M. WILCOX
Clerk of the District Court

By: *Gay B. Chismon*
Deputy

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

LAW OFFICES OF
HUNKER-FEDRIC, P.A.
210 HINKLE BUILDING
POST OFFICE BOX 1837
ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

September 8, 1977

Mrs. Frances M. Wilcox
District Court Clerk
P.O. Box 98
Carlsbad, New Mexico 88220

Re: Eddy County
District Court Cause No. 31,508
(Cox v. NMOCC)

Dear Mrs. Wilcox:

Enclosed for filing in the captioned matter are:

- (1) Notice of Appeal by Petitioner, Robert G. Cox;
- (2) Appellant's Request for Record on Appeal.

Please file these instruments in this matter. We also enclose a copy of our letter to Mr. Clem requesting execution by him and you of our "Certificate of Satisfactory Arrangements". If there is any problem in the certificate being executed within the time limitation, please call me collect.

Yours very sincerely,

HUNKER - FEDRIC, P.A.

Don M. Fedric

DMF:dd
Encls.

cc: Ms. Lynn Teschendorf, NMOCC, w/encls.
cc: Mr. Clarence Hinkle, w/encls.

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

August 2, 1977

C
O
P
Y

Mr. Clarence Hinkle
Hinkle, Cox, Eaton, Coffield
& Hensley
P. O. Box 10
Roswell, New Mexico 88201

Re: Cox v. Oil Conservation
Commission, Eddy County
Cause No. 31,508

Dear Mr. Hinkle:

I enclose your proposed Order in the Cox case
with my approval for presentation to Judge Archer.
Thank you for your help in this matter.

Very truly yours,

LYNN TESCHENDORF
General Counsel

LT/dr
enc.

Case Transcript 1-21-76

p. 16: Case 4970 incorporated into record

Cox

p. 25: Exhibit DN1 - Articles on fire of 1-11-75

p. 29: Only contact with Coats was to set up deviation program.

Knew it would migrate to NW

p. 31: Cox re-entered an Aztec well. No target set. Just head N
(Cactus - drilling contractor)

p. 35: Well drifted to NW

p. 36: Told Ratts to go NE - back towards target area

p. 37: Bottomed at 6200 *They could have known it.*

p. 40: Exhibit DN2+3 cost estimate of Eastman

p. 42: DN4 Cactus day work sheet to show Dyna tools used - Withdrawn

p. 45: Ran single shot survey, though knew multi-shot was required
(qualified p. 46)

p. 48: Drilled 2nd well 125' to the E. When wells shut in for
completion, was flooded out *in 1972*

p. 51: Re-entered Aztec well in October, 1968, and TAed in January,
1972

p. 52: EA No. 2 spudded 11-71, shut in 9-72

p. 53: Ran directional surveys on both wells

p. 62: Wanted daily reports from Ratts *Ratts on well 7-1-75*

p. 64: Ratts expressed concern about direction around 4400 feet

p. 66: Cox said he'd heard from Cactus that well was out of control
and going over lease line *in*

p. 69: Eastman selected bottom-hole target, Coats selected it } *meeting*

p. 71: Told Coats to go N

p. 72: Received plat from Eastman showing bottom hole target 50' FN_L
and 50' FW_L in 100' square

p. 75: Changed original intent (go N and bottom 100' from take-off
point) in letter to Ratts, changing location *"old hole"*

p. 78: Original intent never changed

p. 79-80: Real intent to go N-NE ^{from ROP} bottoming 150' N of surface location
and 80' ^{-100'} W

p. 84: Ratts was on well from July 7-31 *Ratts going out till end of week.*
p. 85 *Order was letter to well, but didn't think Ratts going out till end of week.* 7-6-75

p. 88: Sent Ratts a new target location. But letter was sent to
Ratts' home and he didn't get it till after well drilled

p. 91: Old target (NW corner) suggested by Ratts and Coats

p. 95, 96: "J" well to W was cutting water. That's why Cox didn't
want to go NW

p. 98: Had a T/C from Ratts during July and didn't tell him to
change to N

p. 101: By his 7-6 letter and plat, Cox no longer wanted to follow
Eastman's deviation plan *DN-3*

p. 103: Even if well had followed 7-6 instructions, still would not
have complied with OCC's order. But followed Eastman plat and also
didn't comply

p. 108: Cox knew he had permission to deviate (i.e. after the fire)
but never called Santa Fe attorney or OCC to get copy of order

p. 111: Filed USGS forms in July, 1975 - referred to Order No.
R-4561 and that Cox should run a multi-shot deviation survey

Currens (Amoco)

p. 119: DN1 orientation plat

p. 121: DN2

p. 122: Exhibit 2 shows 40 Ac. unit, surface location of well, 100'
radius circle tolerance. Blue line shows 2 directional surveys

p. 126: Well violates correlative rights of offset operators
(whether bottomed on 9' lease or across)

p. 127: DN3 (see also pp. 100 et seq.) Plat Cox sent to Ratts
showing new target. Red circle is 100' area. Shows even Cox's new
orders would've violated Order.

p. 128: Short dark line = Cox's target

p. 129: Target still outside 100' area

p. 130: If Cox had kicked off at 4200, as he swore he intended, he would've been within 100' area

p. 135: Same as p. 126

p. 138: To protect correlative rights, offsetting wells would have to be drilled

p. 139: But these wouldn't recover a significant amount of additional oil = economic waste

Vickers (engineer - Eastman Whipstock)

p. 143: Handled the directional drilling and control

p. 144: DN4 = plat of proposed well drawn by Eastman office

p. 145: DN4 is the working plat showing the proposed target point

p. 147: Traced line is plot of the survey pictures.

p. 149: Followed instructions on plat - kick well off to NW. No one connected with Cox ever told him to change target

p. 151: Made recommendations and no one from Cox ever countermanded

p. 154: Drilling was only 35-40 feet off center of target

Coats (salesman, Eastman Whipstock)

p. 160: DN-4 Plat was sent to Cox. Target was 50' FNL, 50' FWL. ←

p. 161: Coats did not pick bottom hole target *Cox picked target*

p. 162: May have suggested a 100' square target area

p. 177: 35 barrel allowable

Case Transcript 2-24-76

Christianson (ARCO engineer)

p. 20: Unit operating by gas injection

p. 21: ARCO and Amoco own about 34% each

Noell (Vice President for Gruy & Associates, for Cox)

p. 25: Cox's DN-4 (1973) and DN-5 (1975) water production and oil rates

p. 26: Exhibits show oil rate increase and water production increase. Also gas cap coming down

p. 27: Water will overtake the Cox well

- p. 28: Represented Yates during the unit negotiations
- p. 29: Cox well is completed in Empire-Abo Pool, but in a different stringer
- p. 32: Gas cap is driving oil down onto Cox's lease, but water production will flood well out before oil recovery affected
- p. 34: Unit assigned 14 acres to the lease. (i.e. productive acreage under the lease) *is probably limited area offset under the Cox lease* (Never did give answer as to his opinion of acreage)
- p. 43: Cox's DN-6 - Shows fairly level production rate of oil except when well shut in (i.e., well not watering out)
- p. 44: Water production increasing on all offset wells
- p. 45: Water migrating N and will prevent Cox from getting Empire-Abo Unit oil
- p. 46: Poor communication from well to well
- p. 47: Cox well is not connected with Empire-Abo Unit
- p. 48: In some places it is
- p. 58: Disagrees that unitization committee was extremely liberal in assigning acreage to Cox lease
- pp. 59-62: No evidence to confirm 14 acre assignment
- p. 64: Cox completion stringer extends under offset wells' proration units
- p. 65: Well's production comes partly from tracts to the west and north
- Rehkemper (geologist, Gruy & Associates)
- p. 73: Cox's DN-9 - Structural cross section. Porosity developed in Amoco well (M-16 to W) was not present in Cox well (bottom = DN-7)
- p. 74: Producing zone of Cox not in communication with W well, but same zone is productive in well to N. Not necessarily communication
- p. 75: Cox's DN-8
- p. 76: Exhibits show permeability barriers within reef through same correlative zone. No communication between M-16 and Cox wells
- p. 77: Cox zone present in M-16, but not completed. Can't assume communication

p. 78: DN-9 see p. 73

p. 89: DN-10 *log of Amoco's Diamond Fed. No. 1*

p. 98: Amoco's DN-5, 6 and 7 Logs on original well, No. 2, directionally deviated well. Purpose is to show that neither Cox well penetrated the vertical section that includes the Cox zone

p. 107: Doubts there is communication between zones in the 2 wells

p. 110: M-16 is producing from different zone than Cox well

Christianson (engineer from ARCO)

p. 119: ARCO DN-1 - map of Empire-Abo pool showing outline of original proposed unit

p. 121: 80 acres of the Cox lease were in unit as having some portion of the productive reef *80 Ac. • 1800 • 1400 1800*

p. 122: Cox didn't participate in unit

ARCO DN-2 Comparison of producing characteristics of Cox and offset wells

p. 125: GOR's so similar, indicate communication

p. 128: Comparison of API oil gravities - excellent correlation, indicating communication

p. 129: DN-3 - logs showing development of reef

p. 130: Engineering committee for unit thought reservoir communication excellent. Evidence - already a secondary gas cap developing

p. 131: Well-to-well pressure data showed very little difference

p. 132: Easy to pick top of base in logs → excellent vertical communication

p. 135: DN-4 logs showing E/W cross section. Shows perforated intervals and production data on each well → oil-water transition zone

p. 137: Wells have been producing water for a long time → transition zone. Water not moving in as severely as Noell suggests

p. 140: GOR's compare well between wells → connection between Cox well and Abo reef

p. 141: Gas injection +... = oil will move down in direction of low structure wells (i.e., Cox)

p. 143: Pressure maintenance project (gas injection) gave uniform

drop in pressure → all wells in communication

p. 144: Cox's well violates correlative rights

p. 145: Productive acreage is much less than 14

Unit assigned 33, 390 bbls under lease, but based on 7 4' pay

p. 150: Disagrees with Rehkemper that production zones are not correlative

p. 152: Definite communication between M-16 and Cox, between their productive zones.

p. 153: Evidence = GOR, oil gravity, oil and water producing characteristics

p. 154: Also logs (DN-4) Wells are all completed and producing below top of Abo reef.

p. 162: Unit committee and Christianson reached same conclusion as to vertical and horizontal communication

p. 169: In some local areas there is poor communication

p. 171: Concurs with Currens' opinion that offset operators would have to drill additional wells and that would result in economic waste and waste of oil

p. 176: Cox's DN-7 is inaccurate

Currens

p. 181: Amoco DN-2 - redescription

p. 187: Productive acreage only 2½ acres

p. 189: 1,808 bbls. per acre in reservoir. ^{p 188} 4' of pay 6.4% porosity 4520 bbls. = original oil in place. Cox has produced 4,008 bbls. up to 1-1-76

p. 190: As of 3-1-76, production is 6,108 bbls.. Cox has depleted all original oil. Oil now produced comes from the unit.

Noell

p. 193: GOR alone will not confirm communication

194 Don't know the size of Cox zone in communication of EA

p. 195: "To a certain extent" Cox's DN-4 and 5 show Cox zone in Cox well in communication with Empire-Abo Pool

p. 196: Cannot reach judgment as to whether Cox zone in communication

Rehkemper

p. 197: ARCO DN-3 Indications of shaley and tight zones → poor vertical communications

p. 199: Disagrees with Christianson that any well producing in the reef is in communication with the whole reef

p. 203 M-16 and Cox not in communication

p. 205: In local areas of reef, poor communication. Cannot say whether Cox zone is in communication

Christianson

p. 208: Re: Rehkemper's testimony. There is shale, but because of the fracture-vug system, there is still vertical and horizontal communication

p. 209: Local areas where communication is poor

Day's summation † Geo. Hunker, Roswell
(Cox's attorney from Dallas)

p. 211: N. M. has followed ownership in place theory, and there is oil below the lease. Well will flood out and waste oil

p. 212: Stuart case where intentional deviation but it still held for operator (Tex) 3 cases, all were given an allowable.

Buell's summation (Amoco's attorney from Houston)

p. 215: Only Currens made a reservoir limit study and found 2½ acres

Hinkle's summation (Arco's attorney, Roswell)

p. 217 Wants Cox well shut in

Day's case citations:

Oklahoma Sup. Ct. 1957
Sohio Petroleum Co. v. Parker p. 212

Texas Sup. Ct. 1964
Stuart et al v. Humble Oil Refining Co.

1951 Oklahoma 241 P 2d 363, 342 ^{U.S.} 938
1953 Oklahoma 252 P 2d 450

Anderson Pritchard Oil Corp. v. Corp. Commission

FIFTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
IN THE DISTRICT COURT OF EDDY COUNTY COUNTY OF EDDY

STATE OF NEW MEXICO

FILED AUG 15 1977 IN MY
2:10 pm OFFICE
FRANCES M. WILCOX
Clerk of the District Court

ROBERT G. COX,

Petitioner,

v.

NEW MEXICO OIL CONSERVATION
COMMISSION, ATLANTIC RICHFIELD
COMPANY and AMOCO PRODUCTION
COMPANY,

Respondents.

No. 31,508

ORDER AFFIRMING DECISION OF
OIL CONSERVATION COMMISSION

THIS MATTER came on for hearing before the Court on June 14, 1977, Robert G. Cox appearing by his attorney, Don M. Fedric of the firm of Hunker-Fedric, P.A., the New Mexico Oil Conservation Commission appearing by its attorney, Lynn Teschendorf, and Atlantic Richfield Company and Amoco Production Company appearing by their attorney, Clarence E. Hinkle of the firm of Hinkle, Cox, Eaton, Coffield & Hensley, and the Court having considered the Petition for Review, the transcripts of the hearings before the Oil Conservation Commission and all exhibits introduced in evidence during those hearings, all of which have been filed in this action, and having heard arguments of counsel for the respective parties and being fully advised in the premises, finds that Order R-5139-A entered by the Commission on March 10, 1976 in Case No. 5571 should be affirmed.

IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Order R-5139-A issued by the Commission on March 10, 1976 in Oil Conservation Commission Case No. 5571 is hereby affirmed.

DATED this 15 day of ^{August}~~July~~, 1977.

W.D. Treher
District Judge

APPROVED AS TO FORM:

HUNKER-FEDRIC, P.A.

By Don M. Fedric
Attorneys for Petitioner,
Robert G. Cox

Lynn Jeschke
Attorney for Oil Conservation
Commission, Respondent

HINKIS, COX, EATON, COFFIELD & HENSLEY

By James Hinkle
Attorneys for Respondents,
Atlantic Richfield Company
and Amoco Production Company

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
Petitioner)
)
vs.) No. 31,508
)
NEW MEXICO OIL CONSERVATION)
COMMISSION, ATLANTIC RICHFIELD)
COMPANY, and AMOCO PRODUCTION)
COMPANY,)
)
Respondents)

NOTICE OF APPEAL

Notice is hereby given that the Petitioner, Robert G. Cox, appeals to the New Mexico Supreme Court from the Judgment of the District Court dated August 15, 1977.

HUNKER - FEDRIC, P.A.

By Don M. Fedric
Don M. Fedric
Attorneys for Petitioner
P.O. Box 1837
Roswell, New Mexico 88201
Telephone (505) 622-2700

I hereby certify that on this 8th day of September, 1977, true copies of the foregoing document were mailed to:

Ms. Lynn Teschendorf
General Counsel
New Mexico Oil Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico 87501, and

Mr. Clarence Hinkle
Hinkle, Cox, Eaton, Coffield & Hensley
Attorneys for Respondents,
Atlantic Richfield Company and
Amoco Production Company
P.O. Box 10
Roswell, New Mexico 88201.

Don M. Fedric
Don M. Fedric

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,

Petitioner-Appellant

vs.

No. 31,508

NEW MEXICO OIL CONSERVATION
COMMISSION, ATLANTIC RICHFIELD
COMPANY, and AMOCO PRODUCTION
COMPANY,

Respondents-Appellees

APPELLANT'S REQUEST FOR
RECORD ON APPEAL

TO: FRANCES M. WILCOX
District Court Clerk
P.O. Box 98
Carlsbad, New Mexico 88220
and
LLOYD B. CLEM
Court Reporter
P.O. Box 98
Carlsbad, New Mexico 88220

Please prepare a record proper for the appeal of this matter,
including all papers and pleadings filed in District Court, all
exhibits and the transcript of proceedings.

DATED this 8th day of September, 1977.

HUNKER - FEDRIC, P.A.

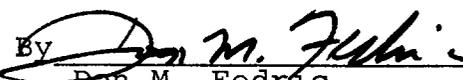
I hereby certify that on
this 8th day of September,
1977, true copies of the
foregoing document were
mailed to:

Ms. Lynn Teschendorf
General Counsel
N.M. Oil Conservation Comm.
P.O. Box 2088
Santa Fe, New Mexico 87501,

Mr. Clarence Hinkle
Hinkle, Cox, Eaton, Coffield & Hensley
Attorneys for Appellees,
Atlantic Richfield Company and
Amoco Production Company
P.O. Box 10
Roswell, New Mexico 88201, and

Lloyd B. Clem, Court Reporter
P.O. Box 98, Carlsbad, N.M.

By


Don M. Fedric

Attorneys for Appellant
P.O. Box 1837
Roswell, New Mexico 88201

Telephone (505) 622-2700


Don M. Fedric

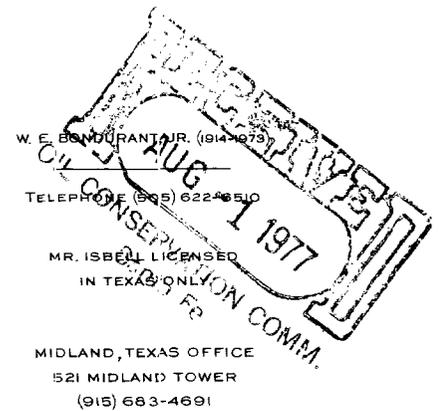
LAW OFFICES
HINKLE, COX, EATON, COFFIELD & HENSLEY

600 HINKLE BUILDING
POST OFFICE BOX 10
ROSWELL, NEW MEXICO 88201

July 29, 1977

CLARENCE E. HINKLE
LEWIS C. COX, JR.
PAUL W. EATON, JR.
CONRAD E. COFFIELD
HAROLD L. HENSLEY, JR.
STUART D. SHANOR
C. D. MARTIN
PAUL J. KELLY, JR.

JAMES H. BOZARTH
JAMES H. ISBELL
DOUGLAS L. LUNSFORD
PAUL M. BOHANNON



Lynn Teschendorf, Attorney
Oil Conservation Commission
Box 2088
Santa Fe, New Mexico 87501

Re: Cox v. Oil Conservation Commission
et al, No. 31508, Eddy County

Dear Lynn:

We enclose an original and copy of proposed Order affirming the decision of the Oil Conservation Commission in the captioned case. I prepared this Order on July 14 and requested Don Fedric to approve the same. He delayed approval as he wanted to get in touch with Cox and find out whether Cox wanted to appeal the case and also whether he would want to request findings of fact. He finally approved the order and said he had determined that findings of fact would not be necessary if the case were appealed and that Cox had not yet decided whether he would appeal. However, he did not think there was much possibility that he would.

If the form meets with your approval, please so indicate on the original and return to us for presentation to Judge Archer.

Yours sincerely,

HINKLE, COX, EATON, COFFIELD & HENSLEY

BY

CEH:cs
Enc.

LAW OFFICES OF
HUNKER-FEDRIC, P.A.

210 HINKLE BUILDING
POST OFFICE BOX 1837

ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

GEORGE H. HUNKER, JR.
DON M. FEDRIC

ROBERT I. WALDMAN

June 7, 1977

Ms. Lynn Teschendorf
General Counsel
New Mexico Oil Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico 87501

Re: Cox v. NMOCC et al
No. 31508, District Court
Eddy County, New Mexico

Dear Ms. Teschendorf:

As you are aware, the captioned matter is set for hearing before the District Court in Eddy County on June 14.

With the Court's review being limited to a review of the record of the administrative hearing in Case 5571, we have obtained and will provide the Court with certified copies of the hearing transcripts. However, we do not have the exhibits, and I feel they should also be made available to the Court. Also, I assume that the Commission and the other Respondents would desire for the Court to be able to review the exhibits.

I would appreciate your advising me if you can bring the exhibits with you to the hearing, or if I can pick them up before the week is out, so that they will be before the Court on Tuesday.

Please call me with your response. Thank you for your kind professional cooperation.

Yours very sincerely,

HUNKER - FEDRIC, P.A.



Don M. Fedric

DMF:dd

xc: Mr. Clarence E. Hinkle

xc: Mr. Guy Buell

LAW OFFICES

HINKLE, COX, EATON, COFFIELD & HENSLEY

CLARENCE E. HINKLE
LEWIS C. COX, JR.
PAUL W. EATON, JR.
CONRAD E. COFFIELD
HAROLD L. HENSLEY, JR.
STUART D. SHANOR
C. D. MARTIN
PAUL J. KELLY, JR.

JAMES H. BOZARTH
JAMES H. ISBELL
DOUGLAS L. LUNSFORD
PAUL M. BOHANNON

600 HINKLE BUILDING
POST OFFICE BOX 10

ROSWELL, NEW MEXICO 88201

June 2, 1977

W. E. BONDURANT, JR. (914-1973)

TELEPHONE (505) 622-6510

MR. ISBELL LICENSED
IN TEXAS ONLY

MIDLAND, TEXAS OFFICE
521 MIDLAND TOWER
(915) 683-4691

Ms. Lynn Teschendorf
General Counsel
Oil Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico 87501

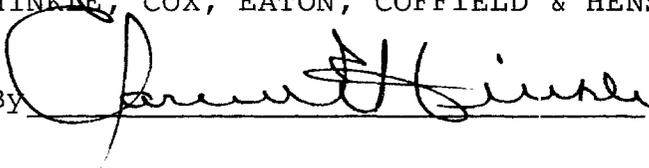
Re: Cox v. OCC, No. 31508 Eddy County

Dear Lynn:

I talked with George Hunker, attorney for Cox, and he advises that he intends to go ahead with the case which, as you know, is set for June 14. I thought I should advise you of this due to the fact that every time the case has been set previously George has asked for a continuance. I believe the case is set for 9:30 a.m. and it might be well for us to meet in the courtroom around 9:00 a.m. to briefly discuss the argument to be presented on behalf of the Commission.

Yours sincerely,

HINKLE, COX, EATON, COFFIELD & HENSLEY

By 

CEH:cs

MAR 21 1977

FIFTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

CIVIL NON-JURY NOTICE

TO: ALL ATTORNEYS of record in the hereinafter styled and numbered cases.

You and each of you are hereby notified that the following styled and numbered CIVIL NON-JURY cases have been set for trial before the HONORABLE D. D. ARCHER, JOHN B. WALKER, and C. FINCHER NEAL at Carlsbad, New Mexico, at the time shown opposite the respective Judges on the dates set out below:

N. Randolph Reese
Presiding Judge

Pauline Daugherty
Secretary

HON. JOHN B. WALKER WEDNESDAY - MARCH 30, 1977 9:00 A. M.

Joe Gillespie
vs.
International Minerals

Settled

30472

Pro se
William C. Primm
Jerome D. Matkins

FRIDAY - APRIL 1, 1977

Farmers Insurance Group
vs.
Betty A. Hernandez, et al.

31092

John W. Fisk
Charles A. Feezer

WEDNESDAY - APRIL 6, 1977

Mary Frances Santana
vs.
Commerce Bank & Trust

31364

Harvey W. Fort
Chad D. Dickerson
Jay W. Forbes
John W. Fisk

HON. D. D. ARCHER THURSDAY - APRIL 7, 1977 9:30 A. M.

City of Carlsbad
vs.
Robert D. Beaver

31615

George L. Watkins
Lon P. Watkins

City of Carlsbad
vs.
Marie Burke

CV-77-46

George L. Watkins
Tom Cherryhomes

HON. JOHN B. WALKER TUESDAY - APRIL 12, 1977 9:00 A. M.

Robert A. Gorrell
vs.
Janet C. Arnold, et al.

31512

Roger E. Yarbro
Ralph D. Shamas
Douglas L. Lunsford

HON. JOHN B. WALKERWEDNESDAY - APRIL 13, 19779:00 A. M.Ray Valenzuela
vs.
City of Carlsbad

31257

Dick A. Blenden

George L. Watkins

Clay W. Thompson
vs.
Dixie Insulation Co., et al.

31894

Bill G. Payne

R. E. Richards

FRIDAY - APRIL 22, 1977Allen T. Drake
vs.
Foundation Reserve Ins. Co.

31672

Dick A. Blenden

Thomas L. Marek

Patricia L. Plank
vs.
United Bankers Life Ins.

31733

Joel M. Carson

Thomas L. Marek

TUESDAY - APRIL 26, 1977Jim Ganett, et al.
vs.
Richard Kelley, et al.

31821

Roger E. Yarbrow

Dick A. Blenden

Allen Hill
vs.
Charles Wayne Kelly, et al.

31962

Lon P. Watkins

John W. Fisk

HON. D. D. ARCHERTUESDAY - APRIL 26, 19779:30 A. M.Gas Company of New Mexico
vs.
Theodore Van Allen, et al.

31806

Thomas L. Marek

Pro se

W. T. Parker
vs.
John S. Frintz, et al.

31936

Thomas L. Marek

Edward R. Pearson
Chad D. DickersonTUESDAY - MAY 17, 1977George Brantley
vs.
Supplement Surface Waters

31201

Pro se

Jay W. Forbes

Charley Richard Barley
vs.
In re Miscellaneous

31407

Paul W. Eaton, Jr.

Jay W. Forbes

WEDNESDAY - MAY 18, 1977Martin Villa
vs.
In re Guardianship

31463

Charles A. Feezer

Harvey W. Fort

Letcher William Whitead
vs.
Wallach Concrete Products

32008

Charles A. Feezer

Lowell Stout

HON. D. D. ARCHERTHURSDAY - MAY 19, 19779:30 A. M.

City of Carlsbad
vs.
John D. Helmstetler

30357

George L. Watkins
Thomas L. Marek

City of Carlsbad
vs.
Gregory C. Graham

30918

George L. Watkins
John W. Fisk

City of Artesia
vs.
Mary O. Hernandez

31011

Fred A. Watson
Dick A. Blenden

City of Artesia
vs.
Bill D. Williamson

31157

Fred A. Watson
Dick A. Blenden

State of New Mexico
vs.
Alonzo Munoz

31603

Asst. Dist. Attorney
Joe Gant, III

City of Carlsbad
vs.
Johnny Marrs

31924

George L. Watkins
Joe Gant, III

City of Carlsbad
vs.
Billy Wayne Gaston

32076

George L. Watkins
Lon P. Watkins

HON. JOHN B. WALKERTUESDAY - MAY 24, 19779:00 A. M.

Eva G. Garcia
vs.
Edwa Miller

31497

Felix Briones, Jr.
Richard L. Gerding

WEDNESDAY - MAY 25, 1977

Flora Jane Hopkins
vs.
Amoco Production Co., et al.

31008

Arthur H. Coleman
Saul Cohen
James R. Crouch
Jerald A. Valentine

HON. C. FINCHER NEALMONDAY - JUNE 13, 19779:00 A. M.Delmar, Inc.
vs.
Eliseo O. De Porto

32020

Louis J. Vener
James W. CatronPamela K. Swisher Guye
vs.
Joe Monroe Hood

32069

John W. Fisk
Lon P. WatkinsConquistador Council BSA
vs.
I.M.C.C.

32143

Sim B. Christy, IV
Jerome D. MatkinsJames J. Evans et ux.
vs.
G. Guillermo Chavez

32163

Roger E. Yarbro
Charles A. FeezerTUESDAY - JUNE 14, 1977W. E. Walling
vs.
El Paso Natural Gas Co.

32078

Don G. McCormick
W. T. Martin, Jr.
Farrell Lines
*Wm. J. Mounce*Virgil A. Hundtofte, et al.
vs.
Michael B. Oden, et al.

32089

Jay W. Forbes
Harvey W. FortHON. D. D. ARCHERTUESDAY - JUNE 14, 19779:30 A. M.Robert G. Cox
vs.
New Mexico Oil Conservation Comm.

31508

George H. Hunker, Jr.
Clarence E. Hinkle
Lynn H. TeschendorfJewelean Williams
vs.
Carlsbad Irrigation Dist.

32098

Stephen Durkovich
James ReichertM. W. Mayfield
vs.
Warton Drilling Co., et al.

32070

Dick A. Blenden
J. W. Neal

HON. D. D. ARCHERTUESDAY - JUNE 14, 1977 (Cont'd.)9:30 A. M.William R. Jacks
vs.
Marie Anita Jacks

31593

Roger E. Yarbrow

Dick A. Blenden

WEDNESDAY - JUNE 15, 1977Don Ray
vs.
Luther Investment Co., et al.

32162

Edward R. Pearson

Joel M. Carson

Richard G. Garner
vs.
Valley Savings & Loan

32164

Harvey W. Fort

Chad D. Dickerson

HON. C. FINCHER NEALWEDNESDAY - JUNE 15, 19779:00 A. M.Ken Marsh
vs.
James R. Coleman, et al.

32183

Warren F. Reynolds

Jeffrey B. Diamond

Dorothy W. Croley
vs.
Pete Gomez

32196

Buford L. Norrid

Dick A. Blenden

Hubert Romero
vs.
Amax Chemical Corporation

32214

Lon P. Watkins

Charles A. Feezer

Gerald & Earl Williams
vs.
Billie Mae Williams

32245

Lon P. Watkins

Dick A. Blenden

THURSDAY - JUNE 16, 1977Zosia Wurtz
vs.
Henry Frederick Wurtz

31614

William M. Siegenthaler

Edward R. Pearson

Angelia Raylene Evans
vs.
Eddy Howard Evans

32007

Buford L. Norrid

James E. Templeman

HON. C. FINCHER NEALTHURSDAY - JUNE 16, 1977 (Cont'd.)9:00 A. M.Anne Maxwell Allman
vs.
Robert R. Allman

32079

W. T. Martin, Jr.
Harvey W. FortDonald Edward Densford
vs.
Patricia W. Densford

32108

William M. Siegenthaler
Edward R. PearsonConnie Baldwin
vs.
John Baldwin

32180

Dick A. Blenden
Jerome D. MatkinsCharles Wayne Harris
vs.
Connie Marie Harris

32181

Dick A. Blenden
Joe Gant, IIIFRIDAY - JUNE 17, 1977Diane H. Stevens, et al.
vs.
Danny H. Fowler, et al.

32033

John W. Fisk
R. E. ThompsonDavid F. Barrett
vs.
Roy Browning

30766

Joel M. Carson
Jay W. ForbesA. Dairl Lundie
vs.
Construction Enterprises

32093

R. E. Richards
Dick A. Blenden

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

LAW OFFICES OF
HUNKER-FEDRIC, P.A.
210 HINKLE BUILDING
POST OFFICE BOX 1837
ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

March 2, 1977

District Judge D.D. Archer
P.O. Box 98
Carlsbad, New Mexico 88220

Re: Cox v. NMOCC, et al
#31,508, Eddy County D.C.

Dear Judge Archer:

Pursuant to our telephone discussion of this date, we hand you herewith our Motion to vacate the trial setting of the above matter which had been set for March 8, 1977. Also enclosed is the Order vacating the setting. Will you please have the Clerk send us a conformed copy of the Order, an extra copy being enclosed for this purpose.

Thank you sincerely for your help and consideration.

Sincerely yours,

HUNKER - FEDRIC, P.A.



George H. Hunker, Jr.

GHH:dd
Encls.

cc: Mr. Clarence E. Hinkle, w/enc.
cc: Mr. Guy Busell, w/encls.
cc: Mr. James E. Day, Jr., w/enc.
cc: Ms. Lynn Teschendorf, w/enc. ✓

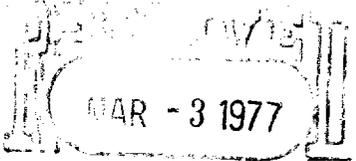
LAW OFFICES OF
HUNKER-FEDRIC, P.A.

210 HINKLE BUILDING
POST OFFICE BOX 1837

ROSWELL, NEW MEXICO 88201

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

TELEPHONE 622-2700
AREA CODE 505



March 1, 1977

OIL CONSERVATION COMM.
Santa Fe

Mr. Clarence E. Hinkle
Hinkle Law Firm
P.O. Box 10
Roswell, New Mexico 88201

Re: Cox v. NMOCC, et al

Dear Clarence:

In connection with the setting of the above described case for trial on March 8, 1977, we find that Mr. Cox and his engineer who is making a study, will be unable to complete the work that is required to be done, and we would like to ask for a continuance of the case. A copy of Ralph H. Viney's letter to us dated February 28, 1977, is attached. It seems to be self-explanatory. If you can see fit to permit us to obtain a continuance, we would appreciate it.

Sincerely yours,

HUNKER - FEDRIC, P.A.

George H. Hunker, Jr.

GHH:dd
Enc.

cc: Mr. James E. Day, Jr. ✓
cc: Ms. Lynn Teschendorf, NMOCC

RALPH H. VINEY & ASSOCIATES, INC.
ENGINEERING CONSULTANTS

511 North Main Place
MIDLAND, TEXAS 79701
Telephone: 915-682-5346
February 28, 1977

Mr. George Hunker
Federick, Hunker and Higgenbotham
Post Office Box 1837
Roswell, New Mexico 88201

Dear George:

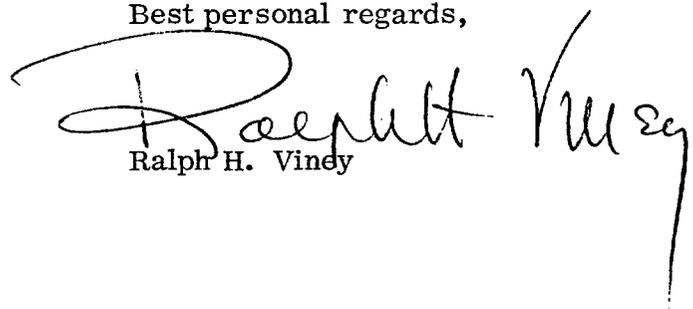
R. G. Cox
Empire Abo Well
Eddy County, New Mexico

You are aware that Mr. Cox has requested engineering reservoir support data pertinent to a contested drainage area assigned his well. We are unable, due to scheduling problems, to timely obtain well service units, wire line and pressure recording instruments and personnel to conduct and adequately analyze well and/or reservoir pressure performance data by March 8, 1977.

It is our opinion a minimum of thirty days, once equipment is scheduled, will be required to conduct field survey, investigate, analyze and submit our findings and opinions to you and Mr. Cox.

We are definitely unable to meet any March 8 deadline and seek your assistance to possibly reschedule the trial date.

Best personal regards,


Ralph H. Viney

RHV:j

IN THE DISTRICT COURT OF EDDY COUNTY

STATE OF NEW MEXICO

ROBERT G. COX,)	
)	
Petitioner,)	
v.)	No. 31,508
)	
NEW MEXICO OIL CONSERVATION)	
COMMISSION, ATLANTIC RICHFIELD)	
COMPANY and AMOCO PRODUCTION)	
COMPANY,)	
)	
Respondents.)	

ORDER AFFIRMING DECISION OF
OIL CONSERVATION COMMISSION

THIS MATTER came on for hearing before the Court on June 14, 1977, Robert G. Cox appearing by his attorney, Don M. Fedric of the firm of Hunker-Fedric, P.A., the New Mexico Oil Conservation Commission appearing by its attorney, Lynn Teschendorf, and Atlantic Richfield Company and Amoco Production Company appearing by their attorney, Clarence E. Hinkle of the firm of Hinkle, Cox, Eaton, Coffield & Hensley, and the Court having considered the Petition for Review, the transcripts of the hearings before the Oil Conservation Commission and all exhibits introduced in evidence during those hearings, all of which have been filed in this action, and having heard arguments of counsel for the respective parties and being fully advised in the premises, finds that Order R-5139-A entered by the Commission on March 10, 1976 in Case No. 5571 should be affirmed.

IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Order R-5139-A issued by the Commission on March 10, 1976 in Oil Conservation Commission Case No. 5571 is hereby affirmed.

DATED this ____ day of July, 1977.

District Judge

APPROVED AS TO FORM:

HUNKER-FEDRIC, P.A.

BY Don M. Fedric
Attorneys for Petitioner,
Robert G. Cox

Attorney for Oil Conservation
Commission, Respondent

HINKLE, COX, EATON, COFFIELD & HENSLEY

BY James Hinkle
Attorneys for Respondents,
Atlantic Richfield Company
and Amoco Production Company

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
Petitioner)
)
vs.) No. 31,508
)
NEW MEXICO OIL CONSERVATION)
COMMISSION, ATLANTIC RICHFIELD)
COMPANY and AMOCO PRODUCTION)
COMPANY,)
)
Respondents)

M O T I O N

COMES NOW the Petitioner by and through counsel of record and moves the Court to enter an Order vacating the trial setting of March 8, 1977, for this matter. In support of the Petitioner's Motion, Petitioner states that he will require additional time for the preparation of the matter than is allowed by the present setting; and opposing counsel of record have indicated to Petitioner's counsel in New Mexico that they will not oppose this Motion and a resetting of this matter.

WHEREFORE, Petitioner prays that the Court enter its Order vacating the setting of March 8, 1977, for this matter and for a resetting of the same at the convenience of the Court.

DATED this 1st day of March, 1977.

HUNKER - FEDRIC, P.A.

I hereby certify that on this 2nd day of March, 1977, I mailed a true copy of the foregoing document to opposing counsel of record.

By George H. Hunker, Jr.
George H. Hunker, Jr.
Attorneys for Petitioner
P.O. Box 1837
Roswell, New Mexico 88201
Telephone (505) 622-2700

George H. Hunker, Jr.
George H. Hunker, Jr.

TUESDAY - MARCH 1, 1977 (Cont'd.)

Robert A. Gorrell
vs.
Janet C. Arnold, et al.

31512
Property Damage

Roger E. Yarbrow

Ralph D. Shamas

TUESDAY - MARCH 8, 1977

9:30

Eva G. Garcia
vs.
Edwa Miller

31497
Personal Injury
Property Damage

Felix Briones, Jr.

Richard L. Gerding

Robert G. Cox
vs.
New Mexico Oil Conservation

31508
Petition for Review

George H. Hunker, Jr.

Clarence E. Hinkle
Lynn H. Teschendorf

HON. PAUL SNEAD

Claremont Corporation
vs.
Southern Union Gas Co.

30169
Damages

Harold L. Hensley

James L. Bruin

WEDNESDAY - MARCH 9, 1977HON. D. D. ARCHER

Alfredo Hinojos
vs.
Kerr-McGee Chemical

31572
Workmen's Compensation

M. Rosenberg

Lowell Stout

Damacio Fuentes, et al.
vs.
Valley Ins. Agency, et al.

31855
Insurance Claim

Harvey W. Fort

Juan G. Burciaga
Jay W. Forbes

HON. PAUL SNEAD

B. F. Basham
vs.
Jimmie Lynn Basham

31922
Dissolution of Marriage

Jay W. Forbes

W. T. Martin, Jr.

THURSDAY - MARCH 10, 1977HON. D. D. ARCHER

Herman Carroll Ansley
vs.
Coralea Ansley Davis, et al.

32012
Quiet Title

Harvey W. Fort

Chad D. Dickerson
John W. Fisk
Douglas L. Lunsford

IN THE DISTRICT COURT OF EDDY COUNTY

STATE OF NEW MEXICO

FIFTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF EDDY

DEC 27 1976
CLERK'S OFFICE

FRANCIS M. WILCOX
Clerk of the District Court

ROBERT G. COX,)
)
Petitioner)
)
vs.)
)
NEW MEXICO OIL CONSERVATION)
COMMISSION, ATLANTIC RICHFIELD)
COMPANY and AMOCO PRODUCTION)
COMPANY,)
)
Respondents)

No. 31,508

O R D E R

THIS MATTER came before the Court upon Petitioner's Motion to vacate the trial setting of January 11, 1977, and the Court being fully advised in the premises, finds that said Motion should be granted.

IT IS THEREFORE ORDERED that the trial setting of January 11, 1977, for this matter be, and the same hereby is, vacated, to be reset at the convenience of the Court.

DATED this 27 day of December, 197~~7~~⁶.

W. J. Arden
District Judge

IN THE DISTRICT COURT OF EDDY COUNTY

STATE OF NEW MEXICO

EDDY COUNTY DISTRICT COURT
STATE OF NEW MEXICO
EDDY COUNTY

CLERK OF DISTRICT COURT
EDDY COUNTY

IRVING L. COOK
Clerk of the District Court

ROBERT G. COX,)
)
Petitioner)
)
vs.)
)
NEW MEXICO OIL CONSERVATION)
COMMISSION, ATLANTIC RICHFIELD)
COMPANY and AMOCO PRODUCTION)
COMPANY,)
)
Respondents)

No. 31,508

O R D E R

THIS MATTER came before the Court upon Petitioner's Motion to vacate the trial setting of January 11, 1977, and the Court being fully advised in the premises, finds that said Motion should be granted.

IT IS THEREFORE ORDERED that the trial setting of January 11, 1977, for this matter be, and the same hereby is, vacated, to be reset at the convenience of the Court.

DATED this 27 day of December, 1977.

Irving L. Cook
District Judge

IN THE DISTRICT COURT OF EDDY COUNTY

STATE OF NEW MEXICO

ROBERT G. COX,)
)
 Petitioner)
)
 vs.) No. 31,508
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION, ATLANTIC RICHFIELD)
 COMPANY and AMOCO PRODUCTION)
 COMPANY,)
)
 Respondents)

M O T I O N

COMES NOW the Petitioner by and through counsel of record and moves the Court to enter an Order vacating the trial setting of January 11, 1977, for this matter. In support of the Petitioner's Motion, Petitioner states that Petitioner's co-counsel, a Dallas attorney, has conflicting settings of cases and requires additional time for the preparation of the matter than is allowed by the present setting; and opposing counsel of record have indicated to Petitioner's counsel in New Mexico that they will not oppose this Motion and a resetting of this matter during the early part of 1977.

WHEREFORE, Petitioner prays that the Court enter its Order vacating the setting of January 11, 1977, for this matter and for a resetting of the same at the convenience of the Court.

DATED this 22nd day of December, 1976.

HUNKER - FEDRIC, P.A.

I hereby certify that I mailed a true copy of the foregoing document this 22nd day of December, 1976, to opposing counsel of record.

By s/
George H. Hunker, Jr.
Attorneys for Petitioner
P.O. Box 1837
Roswell, New Mexico 88201

s/
George H. Hunker, Jr.

FIFTH JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF EDDY

FILED OCT 25 1976 IN MR
9:00 AM OFFICE
FRANCES M. WILCOX
Clerk of the District Court

FIFTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

CIVIL NON-JURY NOTICE

TO: ALL ATTORNEYS of record in the hereinafter styled and numbered cases.

You and each of you are hereby notified that the following styled and numbered CIVIL NON-JURY cases have been set for trial before the HONORABLE D. D. ARCHER, N. RANDOLPH REESE, PAUL SNEAD, and C. FINCHER NEAL at Carlsbad, New Mexico, at 9:30 o'clock A. M., on the respective dates as follows:

N. Randolph Reese
Presiding Judge

Pauline Daugherty
Secretary

WEDNESDAY - DECEMBER 1, 1976

HON. C. FINCHER NEAL

Effie E. Francis
vs. 31658
1776 Inc. & R. C. Beveridge

Paul A. Cooter
Sim B. Christy, IV

R. C. Beveridge
vs. 31605
Max & Francis E. Wilson

Sim B. Christy, IV
Paul A. Cooter

(The above cases are to be tried in Roswell.)

THURSDAY - DECEMBER 9, 1976

HON. PAUL SNEAD

Grover Norris
vs. 30533
Bruce & Roy Angel

Richard E. Ransom
Neil B. Watson

TUESDAY - DECEMBER 21, 1976

HON. D. D. ARCHER

Abel Castillo
vs. 30348
R. Goins & Firemans Fund

Jerome D. Matkins
Roger E. Yarbrow

George Price
vs. 30463
Hondo Drilling Co.

Joel M. Carson
J. W. Neal

Frankie Lee Monteith
vs. 30897
Abe Ribble & W. Burress

Edward L. Yudin
Glenn G. Stiff

Dorothy Price
vs. 31149
Artesia General Hospital et al

Charles A. Feezer
R. E. Richards

THURSDAY - JANUARY 6, 1977 (Cont'd.)HON. C. FINCHER NEAL

Chemical Supply, Inc.		Jerome D. Matkins
v.	30741	
Mud Supply, Inc.		Tom Bius

Lelan Mermis		Joel M. Carson
vs.	30860	
New Mexico Oil Conservation Commission		William F. Carr Bob F. Turner John P. Cusack, Jr.

TUESDAY - JANUARY 11, 1977HON. D. D. ARCHER

Robert G. Cox		George H. Hunker, Jr.
vs.	31508	
New Mexico Oil Conservation Commission		William F. Carr Clarence E. Hinkle

William Holder, Jr. et al		Roger E. Yarbro
vs.	31511	
Helen F. Sherman		Jerome D. Matkins

State Farm Mutual Ins.		Ralph D. Shamas
vs.	31566	
Ysmel Mata		Harvey W. Fort

WEDNESDAY - JANUARY 12, 1977

State of New Mexico		Ass't. District Attorney
vs.	31173	
David Mendez Carrasco		Dick A. Blenden

City of Carlsbad		Michael F. McCormick
vs.	31203	
Paul P. Hargrove		Roger E. Yarbro

City of Carlsbad		Michael F. McCormick
vs.	31214	
Eliseo Rojas		Pro se

City of Artesia		Fred A. Watson
vs.	31218	
James B. Carrett		Samuel H. Loeffler

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
 Petitioner,)
)
 vs.) No. 31508
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION, ATLANTIC RICHFIELD)
 COMPANY AND AMOCO PRODUCTION)
 COMPANY,)
)
 Respondents.)

ENTRY OF APPEARANCE

Comes now the undersigned attorney and hereby enters her appearance on behalf of Defendant New Mexico Oil Conservation Commission.

TONEY ANAYA
Attorney General

By *sf* Lynn Teschendorf
LYNN TESCHENDORF
Assistant Attorney General
New Mexico Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

I hereby certify that on the
. *21st* day of *Oct*,
19 . *76* . a copy of the fore-
going pleading was mailed to
opposing counsel of record.
sf Lynn Teschendorf
.....

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
 Petitioner,)
)
 vs.) No. 31508
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION, ATLANTIC RICHFIELD)
 COMPANY AND AMOCO PRODUCTION)
 COMPANY,)
)
 Respondents.)

ENTRY OF APPEARANCE

Comes now the undersigned attorney and hereby enters her appearance on behalf of Defendant New Mexico Oil Conservation Commission.

TONEY ANAYA
Attorney General

By Lynn Teschendorf
LYNN TESCHENDORF
Assistant Attorney General
New Mexico Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

I hereby certify that on the
. 21st day of . Oct ,
19 . . 76 . . a copy of the fore-
going pleading was mailed to
opposing counsel of record.
Lynn Teschendorf
.....

IN THE DISTRICT COURT OF EDDY COUNTY

STATE OF NEW MEXICO

ROBERT G. COX,

Petitioner

vs.

No. 31508

NEW MEXICO OIL CONSERVATION
COMMISSION, ATLANTIC RICHFIELD
COMPANY and AMOCO PRODUCTION
COMPANY,

Respondents

O R D E R

THIS MATTER came before the Court upon Petitioner's Motion to vacate the trial setting of November 5, 1976, and the Court being fully advised in the premises, finds that said Motion should be granted.

IT IS THEREFORE ORDERED, that the trial setting of November 5, 1976, for this matter be, and the same hereby is, vacated, to be reset at the convenience of the Court.

DATED THIS 27th day of September, 1976.


District Judge

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
 Petitioner)
)
 vs.) No. 31508
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION, ATLANTIC RICHFIELD)
 COMPANY and AMOCO PRODUCTION)
 COMPANY,)
)
 Respondents)

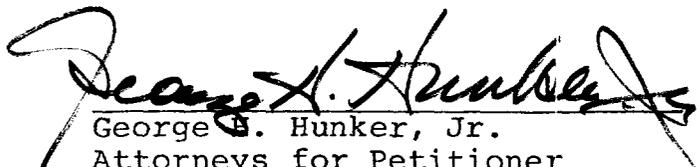
M O T I O N

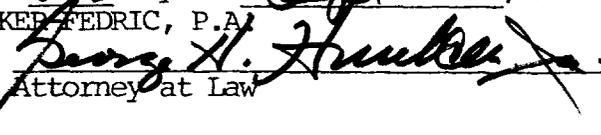
COMES NOW the Petitioner, by and through counsel of record, and moves the Court to enter an order vacating the trial setting of November 5, 1976, for this matter. In support of the Petitioner's motion, Petitioner states that Petitioner requires more time for trial preparation than is allowed by the present setting; and opposing counsel of record have indicated to Petitioner's counsel that they will not oppose this motion and a resetting of this matter during the first quarter of 1977.

WHEREFORE, Petitioner prays that the Court enter its order vacating the time setting of November 5, 1976, for this matter, and for a resetting of the same at the convenience of the Court during the first quarter of 1977.

DATED this 22nd day of Sept, 1976.

HUNKER-FEDRIC, P.A.


George G. Hunker, Jr.
Attorneys for Petitioner
P.O. Box 1837
Roswell, New Mexico 88201

I hereby certify that a copy of the foregoing instrument was mailed to opposing counsel of record William F. Carr, P.O. Box 2088, Santa Fe, New Mexico and Clarence E. Hinkle, P.O. Box 10, Roswell, New Mexico
This 22nd day of Sept, 1976
HUNKER-FEDRIC, P.A.
By: 
Attorney at Law

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)	
)	
Petitioner)	
)	
vs.)	No. <u>31508</u>
)	
NEW MEXICO OIL CONSERVATION)	
COMMISSION, ATLANTIC RICHFIELD)	
COMPANY and AMOCO PRODUCTION)	
COMPANY,)	
)	
Respondents)	

O R D E R

THIS MATTER came before the Court upon Petitioner's Motion to vacate the trial setting of November 5, 1976, and the Court being fully advised in the premises, finds that said Motion should be granted.

IT IS THEREFORE ORDERED, that the trial setting of November 5, 1976, for this matter be, and the same hereby is, vacated, to be reset at the convenience of the Court.

DATED THIS _____ day of _____, 1976.

District Judge

FIFTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

CIVIL NON-JURY NOTICE

TO: ALL ATTORNEYS of record in the hereinafter styled and numbered cases.

You and each of you are hereby notified that the following styled and numbered CIVIL NON-JURY cases have been set for trial before the HONORABLE D. D. ARCHER, N. RANDOLPH REESE, and C. FINCHER NEAL at Carlsbad, New Mexico, at 9:30 o'clock A. M., on the respective dates as follows:

N. Randolph Reese
Presiding Judge

Pauline Daugherty
Secretary

WEDNESDAY - SEPTEMBER 1, 1976

HON. D. D. ARCHER

Carlsbad Urban Dev. Agcy.
vs.
Bernarda Martinez

29000

Buford L. Norrid
W. T. Martin, Jr.

TUESDAY - SEPTEMBER 7, 1976

HON. N. RANDOLPH REESE

Seven Rivers Farms, Inc.
vs.
Harry Kinsfather, Inc. et al

30019

Thomas L. Marek
Robert A. Johnson
Lorna M. Shipley

WEDNESDAY - SEPTEMBER 8, 1976

John C. Allison et al
vs.
Charles E. Tidwell

29197

Lon P. Watkins
William M. Siegenthaler

THURSDAY - SEPTEMBER 9, 1976

HON. D. D. ARCHER

Ronald H. Geckler, III
vs.
Dennis R. Dorris

31252

Harvey W. Fort
Stuart D. Shanor
Michael F. McCormick

Samuel H. Loeffler
vs.
City of Artesia

31253

Samuel H. Loeffler
Fred A. Watson

Texas Oil & Gas Corp. et al
vs.
M. P. Grace, II & Corrine Grace

31309

A. J. Losee
Cameron R. Graham

FRIDAY - SEPTEMBER 10, 1976HON. D. D. ARCHER

Brant L. Woolf
vs.
International Min. & Chem. 31358
M. Rosenberg
Jerome D. Matkins

Ted R. Williams
vs.
International Min. & Chem. 31359
M. Rosenberg
Jerome D. Matkins

Mary Frances Santana
vs.
Felice Santana et al 31364
Harvey W. Fort
Chad D. Dickerson
Jay W. Forbes
C. Neal Johnson
John W. Fish

TUESDAY - SEPTEMBER 14, 1976

Constructors, Inc.
vs.
Jack Garrett 31434
W. T. Martin, Jr.
Edward R. Pearson

J. C. Evans
vs.
Ideal Basic Industries 31437
Jay W. Forbes
Roy H. Blackman, Jr.

In re Guardianship of
Martin Villa 31463
Charles A. Feezer
Harvey W. Fort

MONDAY - NOVEMBER 1, 1976HON. N. RANDOLPH REESE

Carlsbad Urban Dev. Agcy.
vs.
Michael P. Grace et al 29001
Buford L. Norrid
Harold N. Olive

Goodyear Serv. of Artesia
vs.
L. S. Hand 29983
W. T. Martin, Jr.
Edward R. Pearson

Henry T. Schulte
vs.
American General Life Ins. Co. 31017
Charles Feezer
Roger Yarbrow

Llano, Inc.
vs.
W. E. Paslay et al 31588
Don Maddox
Jerome D. Matkins

WEDNESDAY - NOVEMBER 3, 1976HON. N. RANDOLPH REESE

State of New Mexico
vs.
Jesus Valencia

30178

David Hogleund
Michael F. McCormick

Southwest Eng. & Mach.
vs.
Brown & Root, Inc.

30308

Jay W. Forbes
J. W. Neal

Brown & Root, Inc.
vs.
Southwest Eng. & Mach.

30481

J. W. Neal
Jay W. Forbes

Dale Burgett
vs.
W. T. Parker

30618

Ron Higgenbotham
Jay W. Forbes

THURSDAY - NOVEMBER 4, 1976

Gary J. Allison
vs.
Kelly Construction

30092

Harvey W. Fort
James L. Bruin

Jimmie Clarkston
vs.
Kelly Construction

31282

Jimmie Clarkston
B. R. Baldock

Pervies Price, Jr.
vs.
Flint Engineering et al

31244

Charles A. Feezer
Lowell Stout

Beneficial Finance-Amarillo
vs.
Roy Hood

31494

John W. Fisk
Buford L. Norrid

FRIDAY - NOVEMBER 5, 1976

Eva G. Garcia
vs.
Edwa Miller

31497

Felix Briones, Jr.
Richard L. Gerding

Robert G. Cox
vs.
New Mexico Oil Conservation

31508

George H. Hunker, Jr.
William F. Carr
Clarence E. Hinkle

Robert A. Gorrell
vs.
Janet C. Arnold et al

31512

Roger Yarbro
Ralph D. Shamas
Douglas L. Lunsford

MONDAY - NOVEMBER 8, 1976HON. C. FINCHER NEAL

City of Artesia
vs.
Elvis E. Reiser

31560

Fred A. Watson
Samuel H. Loeffler

City of Artesia
vs.
William Frank Sparks

31561

Fred A. Watson
Samuel H. Loeffler

State of New Mexico
vs.
Robert H. Dillard

31567

David Hogleund
W. T. Martin, Jr.

State of New Mexico
vs.
Billy Joe Romero

31568

David Hogleund
W. T. Martin, Jr.

TUESDAY - NOVEMBER 9, 1976

Alfredo Hinojos
vs.
Kerr-McGee Chemical

31572

M. Rosenberg
Lowell Stout

Effie E. Francis
vs.
1776 Inc. and R. C. Beveridge

31658

Paul A. Cooter
Sim B. Christy, IV

R. C. Beveridge
vs.
Max Wilson and Francis E. Wilson

31605

Sim B. Christy, IV
Paul A. Cooter

WEDNESDAY - NOVEMBER 10, 1976

Lola Lavon Kelly
vs.
Charles Wayne Kelly

30852

Lon P. Watkins
John W. Fisk

Diane Williams
vs.
Raymond Williams

31302

Dick Blenden
Harvey W. Fort

Soledad Lehman
vs.
Frederick Lehman

31487

John W. Fisk
Harold N. Olive

Clementa Bustamante
vs.
Fidencio Bustamante

31521

James W. Catron
Edward R. Pearson

FRIDAY - NOVEMBER 12, 1976HON. C. FINCHER NEAL

Lydia Sing
vs.
Carlos C. Sing

31586

Jerome D. Matkins
Charles A. Feezer

Terry Lee Peek
vs.
Richard Derrell Peek

31620

M. Rosenberg
Harold N. Olive

Jessie L. McCullough
vs.
Arvil McCullough

31649

Harvey W. Fort
Joe Gant, III

TUESDAY - NOVEMBER 23, 1976HON. D. D. ARCHER

John Williams, Inc.
vs.
Paul Gentry et al

31559

James L. Dow
Jay W. Forbes

Cruz Villa et al
vs.
Jose Villa

31584

Charles A. Feezer
Don G. McCormick

Dorothy May Atkinson
vs.
Donald M. Atkinson

31513

Jay W. Forbes
W. T. Martin, Jr.

WEDNESDAY - NOVEMBER 24, 1976

Navajo Refining Co.
vs.
Southern Union Gas Co.

29632

Joel M. Carson
Don G. McCormick

Transito Ybarra
vs.
Connie Ybarra

29913

Jerome D. Matkins
Lon P. Watkins

Lynn A. Calicoat
vs.
Richard J. Calicoat

31625

C. Neal Johnson
Jerome D. Matkins

Josie Lopez Weldy
vs.
Herman Weldy

31643

Dick A. Blenden
Thomas L. Marek

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
 Petitioner,)
 v.) No. 31508
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION, ATLANTIC RICHFIELD)
 COMPANY and AMOCO PRODUCTION)
 COMPANY,)
)
 Respondents.)
)

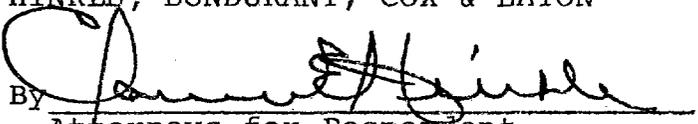
RESPONSE TO PETITION FOR REVIEW

COMES Amoco Production Company, one of the Respondents in the above cause, acting by and through the undersigned attorneys, and in response to the Petition for Review states:

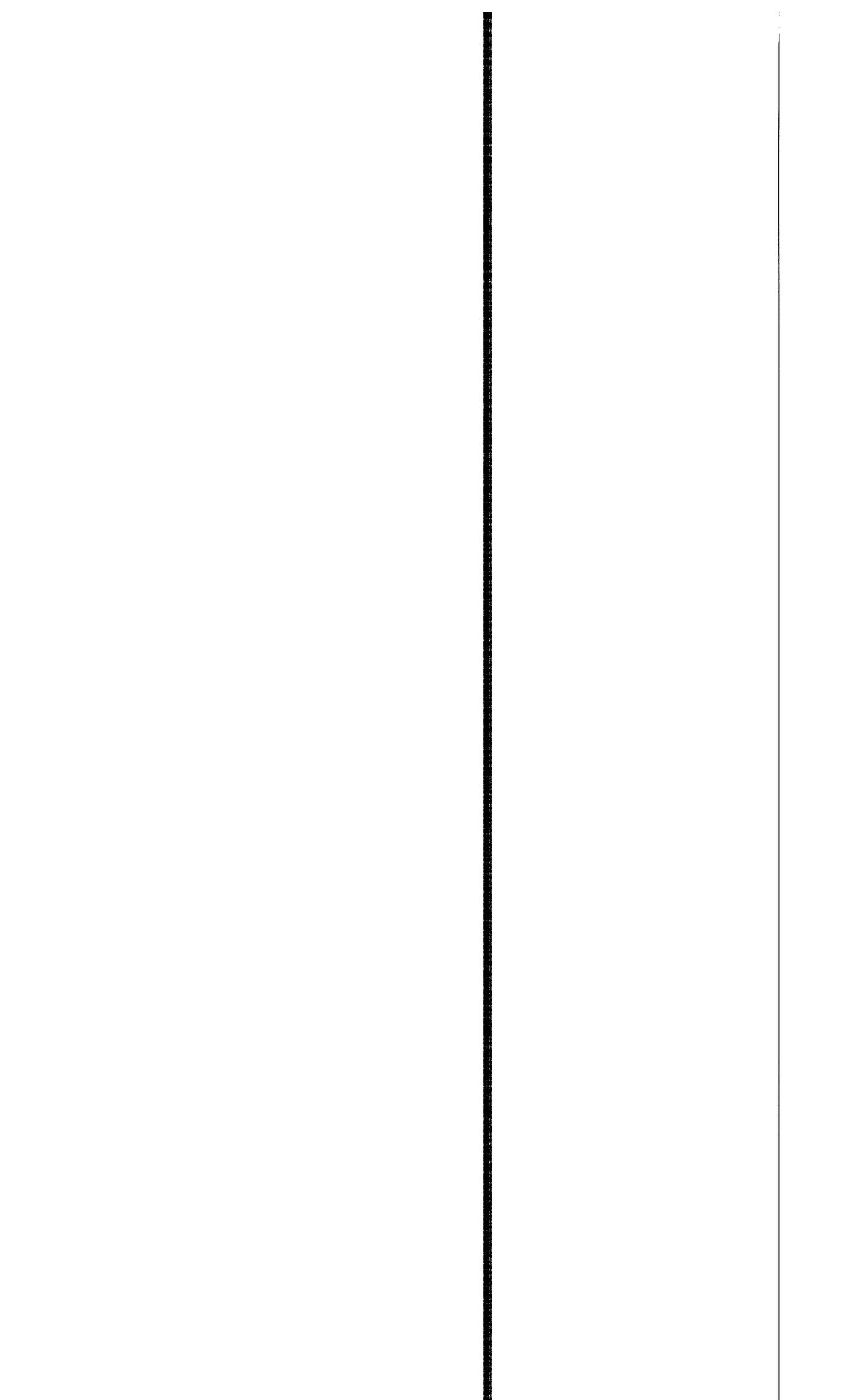
1. Respondent admits the allegations contained in Paragraphs 1 through 8.
2. Respondent denies the allegations contained in Paragraph 9 and each subdivision thereof, including (a) through (e).

WHEREFORE, Respondent having fully responded to the Petition for Review, requests that Order R-5139-A of the Oil Conservation Commission be affirmed.

HINKLE, BONDURANT, COX & EATON

By 
Attorneys for Respondent,
Amoco Production Company
P.O. Box 10
Roswell, New Mexico 88201

WE HEREBY CERTIFY THAT WE HAVE MAILED
A COPY OF THE FOREGOING PLEADING TO
ALL OPPOSING COUNSEL OF RECORD THIS
5/21/76
Hinkle, Bondurant, Cox & Eaton
P.O. Box 10 Attorneys Roswell, N.M 88201



IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
 Petitioner,)
)
 vs.) No. 31508
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION, ATLANTIC RICHFIELD)
 COMPANY and AMOCO PRODUCTION)
 COMPANY,)
)
 Respondents.)

ANSWER TO PETITION FOR REVIEW

COMES NOW The Oil Conservation Commission of the State of New Mexico, acting by and through its attorney of record, William F. Carr, Assistant Attorney General, and for its Answer to the Petition for Review states:

FIRST DEFENSE

1. Respondent admits the allegations contained in Paragraph 1 of the Petition for Review.
2. Respondent admits the allegations contained in Paragraph 2 of the Petition for Review, except Respondent states that Petitioner's application in Case 4970 to directionally drill its Federal EA Well No. 1 was an application to re-enter a previously drilled crooked hole and "...drill so as to return the well hole to approximately vertical." A copy of the application in Case 4970 is attached hereto as Exhibit I.
3. Respondent admits the allegations contained in Paragraph 3 of the Petition for Review and further states that the terms and conditions set forth in Order No. R-4561 (Case 4970) with which Petitioner failed to comply in drilling its Federal EA Well No. 1 included requirements that Petitioner bottom the well

"at a point within 100 feet of the surface location," that a continuous multi-shot directional survey be made of the well bore from total depth to the whipstock point with shot points not more than 100 feet apart, that said survey report should be filed with the Commission and that the operator notify the Commission of the date and time said survey was to be commenced. A copy of Order No. R-4561 is attached hereto as Exhibit II.

4. Respondent admits the allegations contained in Paragraph 4 of the Petition for Review but states that said application for the amendment of Order No. R-4561 was filed after the subject well had been drilled and the conditions of Order No. R-4561 violated.

5. Respondent admits the allegations contained in Paragraph 5 of the Petition for Review, except Respondent states that this paragraph is in reference to Order No. R-5139.

6. Respondent admits the allegations contained in Paragraphs 6, 7, and 8 of the Petition for Review.

7. Respondent admits the allegation contained in the first sentence of Paragraph 9 that it is under a statutory duty to afford, to the extent it is practicable to do so, to the owner of each property in a pool the opportunity to produce without waste his just and equitable share of the hydrocarbons in the pool, but denies each and every other allegation contained in Paragraph 9 and sub-Paragraphs (a), (b), (c), (d), and (e) of Paragraph 9.

SECOND DEFENSE

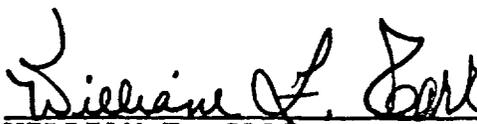
1. That Petitioner was afforded the opportunity, so far as practicable, to produce his just and equitable share of the oil and gas in the pool by the Commission's granting of temporary allowables, and Petitioner therefore fails to state a claim upon which relief can be granted.

THIRD DEFENSE

1. That the court lacks jurisdiction to grant the relief prayed for by the Petitioner herein and the Petition for Review should be dismissed.

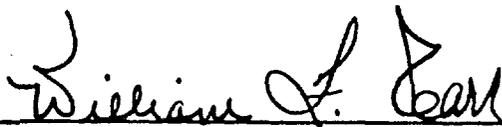
WHEREFORE, Respondent, having fully answered the Petition for Review, prays:

- a. That the Petition for Review be dismissed.
- b. That Oil Conservation Commission Order No. R-5139 be affirmed.
- c. For such other relief as may be just in the premises.



WILLIAM F. CARR
Assistant Attorney General
representing The Oil Conservation
Commission of the State of New Mexico,
P. O. Box 2088, Santa Fe, New Mexico
87501

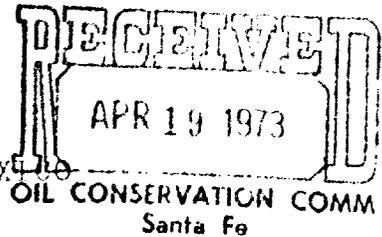
I hereby certify that on the 21st day of May, 1976, a true and correct copy of the foregoing Answer to Petition for Review was mailed to James E. Day, Jr., and George H. Hunker, Jr., opposing counsel of record.



WILLIAM F. CARR

Case 4970

BEFORE THE
OIL CONSERVATION COMMISSION OF NEW MEXICO



IN THE MATTER OF THE APPLICATION
OF ROBERT G. COX FOR PERMISSION
TO DEVIATE A WELL, EDDY COUNTY,
NEW MEXICO.

A P P L I C A T I O N

COMES NOW Robert G. Cox and applies to the Oil Conservation Commission of New Mexico for authority to intentionally deviate a well located 330 feet from the North line and 330 feet from the West line of Section 12, Township 18 South, Range 27 East, N.M.P.M., Eddy County, New Mexico, and in support thereof would show the Commission:

1. Applicant is the owner of the right to drill and develop the oil and gas minerals in the area involved in this application.

2. There presently exists a well located 330 feet from the North Line and 330 feet from the West line of Section 12, Township 18 South, Range 27 East, N.M.P.M., Eddy County, New Mexico. Said well has deviated 172 feet to the West and 33 feet to the South of the surface location and has been drilled to a depth of 6,200 feet into the Empire-Abo Pool.

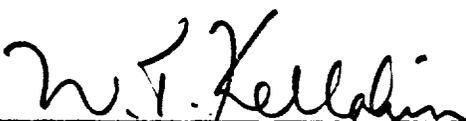
3. Because of mechanical difficulties, applicant was unable to complete well at this present location and therefore proposes to set a whip stock or motor drill at a depth of 4,200 feet and to drill so as to return the well hole to approximately vertical and bottom the well at a depth of 6,200 feet in the Empire-Abo pool, Eddy County, New Mexico.

EXHIBIT I

WHEREFORE, applicant respectfully requests that this application be set for hearing before the Commission's duly appointed Examiner and that upon hearing, an order be entered authorizing the intentional deviation of subject well as described above.

Respectfully submitted,

ROBERT G. COX

BY 

KELLAHIN & FOX
P. O. Box 1769
Santa Fe, New Mexico 87501
ATTORNEYS FOR APPLICANT

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION OF NEW MEXICO FOR
THE PURPOSE OF CONSIDERING:

CASE NO. 4970
Order No. R-4561

APPLICATION OF ROBERT G. COX
FOR DIRECTIONAL DRILLING,
EDDY COUNTY, NEW MEXICO.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 a.m. on May 23, 1973,
at Santa Fe, New Mexico, before Examiner Elvis A. Utz.

NOW, on this 25th day of June, 1973, the Commission, a
quorum being present, having considered the testimony, the
record, and the recommendations of the Examiner, and being
fully advised in the premises,

FINDS:

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

(2) That the applicant, Robert G. Cox, is the owner and
operator of the Federal "EA" Well No. 1, a crooked hole, the
surface location of which is 330 feet from the North line and
330 feet from the West line of Section 12, Township 18 South,
Range 27 East, NMPM, Empire-Abo Pool, Eddy County, New Mexico.

(3) That the subject well has deviated 23 feet to the
South and 172 feet to the West of the surface location at a
measured depth of 6050 feet (true vertical depth 6046 feet)
in the Empire-Abo Pool.

(4) That because of mechanical difficulties applicant
has been unable to complete said well to produce from the
Empire-Abo Pool at the aforesaid bottom-hole location.

(5) That the applicant proposes to set a whipstock at
approximately 4,200 feet and to directionally drill in such a
manner as to return the hole to the vertical, and to bottom said
well at a depth of 6,200 feet approximately beneath the surface
location in the Empire-Abo Pool.

EXHIBIT II

-2-

Case No. 4970
Order No. R-4561

(6) That the applicant should be required to determine the subsurface location of the bottom of the hole by means of a continuous multi-shot directional survey conducted subsequent to said directional drilling, if said well is to be completed as a producing well.

(7) That approval of the subject application will prevent the drilling of unnecessary wells, avoid the augmentation of risk arising from the drilling of an excessive number of wells, and otherwise prevent waste and protect correlative rights.

IT IS THEREFORE ORDERED:

(1) That the applicant, Robert G. Cox, is hereby authorized to reenter his Federal "EA" Well No. 1, the surface location of which is 330 feet from the North line and 330 feet from the West line of Section 12, Township 18 South, Range 27 East, NMPM, Empire-Abo Pool, Eddy County, New Mexico, and to set a whipstock at approximately 4,200 feet and to directionally drill said well to a depth of approximately 6,200 feet, bottoming the well in the Empire-Abo Pool at a point within 100 feet of the surface location.

PROVIDED HOWEVER, that subsequent to the above-described directional drilling should said well be a producer, a continuous multi-shot directional survey shall be made of the well bore from total depth to the whipstock point with shot points not more than 100 feet apart; that the operator shall cause the surveying company to forward a copy of the survey report directly to the Santa Fe Office of the Commission, Box 2088, Santa Fe, New Mexico, and that the operator shall notify the Commission's Artesia District Office of the date and time said survey is to be commenced.

(2) That Form C-105 shall be filed in accordance with Commission Rule 1108 and the operator shall indicate thereon true vertical depths in addition to measured depths.

(3) That the NW/4 NW/4 of said Section 12 shall be dedicated to the subject well.

(4) That jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

-3-

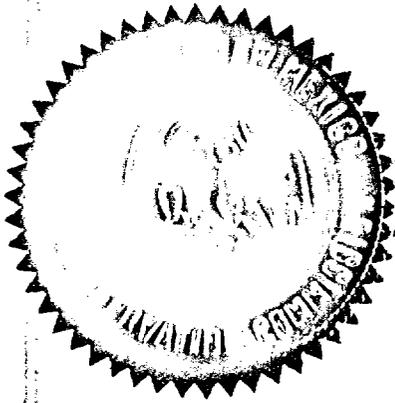
Case No. 4970
Order No. R-4561

DONE at Santa Fe, New Mexico, on the day and year herein-
above designated.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION



I. R. TRUJILLO, Chairman



ALEX J. ARMIJO, Member

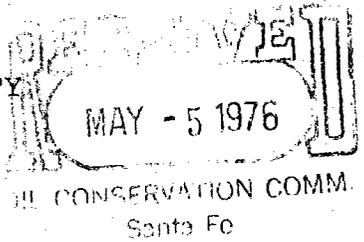


A. L. PORTER, Jr., Member & Secretary

S E A L

dr/

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO



ROBERT G. COX,)
)
 Petitioner,)
)
 v.) No. 31508
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION, ATLANTIC RICHFIELD)
 COMPANY and AMOCO PRODUCTION)
 COMPANY,)
)
 Respondents.)

RESPONSE TO PETITION FOR REVIEW

COMES Atlantic Richfield Company, one of the Respondents in the above cause, acting by and through the undersigned attorneys, and in response to the Petition for Review states:

1. Respondent admits the allegations contained in Paragraphs 1 through 8.
2. Respondent denies the allegations contained in Paragraph 9 and each subdivision thereof, including (a) through (e).

WHEREFORE, Respondent having fully responded to the Petition for Review, requests that Order R-5139-A of the Oil Conservation Commission be affirmed.

HINKLE, BONDURANT, COX & EATON

By *James Hinkle*
Attorneys for Respondent,
Atlantic Richfield Company
P.O. Box 10
Roswell, New Mexico 88201

WE HEREBY CERTIFY THAT WE HAVE MAILED
A COPY OF THE FOREGOING PLEADING TO
ALL OPPOSING COUNSEL OF RECORD THIS
5/4/76
Hinkle, Bondurant, Cox & Eaton
P.O. Box 10 Attorneys Roswell, N.M. 88201

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
 Plaintiff)
)
 vs.)
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION,)
 ATLANTIC RICHFIELD COMPANY and)
 AMOCO PRODUCTION COMPANY,)
)
 Defendants)

No. 31508

ENTRY OF APPEARANCE AND ACCEPTANCE OF SERVICE

COMES NOW the undersigned attorney, enters his general appearance herein and accepts service of process on behalf of Defendant Atlantic Richfield Company.

DATED this 28th day of April, 1976.

HINKLE, BONDURANT, COX & EATON

By Clarence E. Hinkle
Clarence E. Hinkle
Attorneys for Defendant
Atlantic Richfield Company
P.O. Box 10
Roswell, New Mexico 88201

WE HEREBY CERTIFY THAT WE HAVE MAILED
A COPY OF THE FOREGOING PLEADING TO
ALL OPPOSING COUNSEL OF RECORD THIS
4/28/76
Hinkle, Bondurant, Cox & Eaton
P.O. Box 10 Attorneys Roswell, N.M. 88201

IN THE DISTRICT COURT OF EDDY COUNTY

STATE OF NEW MEXICO

ROBERT G. COX,

Petitioner

vs.

No. 31508

NEW MEXICO OIL CONSERVATION
COMMISSION, ATLANTIC RICHFIELD
COMPANY and AMOCO PRODUCTION
COMPANY,

Respondents.

ACCEPTANCE OF SERVICE
and ENTRY OF APPEARANCE

The undersigned hereby accepts service of the Petition for Review in the above styled cause and hereby enters his appearance as Attorney for the Respondent Oil Conservation Commission of the State of New Mexico in this cause.

Dated this 27th day of April, 1976.

15/ William F. Carr
WILLIAM F. CARR
Assistant Attorney General
Representing the Oil Conservation
Commission of the State of
New Mexico

For Court Use Only
Do Not Write In This Space

IN THE FIFTH JUDICIAL DISTRICT COURT,
DIVISION II, COUNTY OF ~~CHAVES~~ EDDY
STATE OF NEW MEXICO

ROBERT G. COX,
PLAINTIFF(S)

NO. 31508

VS.

SUMMONS

NEW MEXICO OIL CONSERVATION COMMISSION,
ATLANTIC RICHFIELD COMPANY and
AMOCO PRODUCTION COMPANY,
DEFENDANT(S)

THE STATE OF NEW MEXICO

TO WILLIAM F. CARR, GENERAL COUNSEL
NEW MEXICO OIL CONSERVATION COMMISSION
P.O. Box 2088
Santa Fe, New Mexico 87501

DEFENDANT(S)

GREETING:

YOU ARE HEREBY DIRECTED to serve a pleading or motion in response to the complaint within 30 days after service of this summons, and file the same, all as provided by law.

YOU ARE NOTIFIED that, unless you so serve and file a responsive pleading or motion, the plaintiff will apply to the court for the relief demanded in the complaint.

HUNKER - FEDRIC, P.A. P.O. Box 1837, Roswell, New Mexico 98201
ADDRESS OF ATTORNEYS FOR PLAINTIFF (OR OF PLAINTIFF, IF NO ATTORNEY)

WITNESS THE HONORABLE D. D. ARCHER
DISTRICT JUDGE OF THE FIFTH JUDICIAL DISTRICT COURT, DIVISION II, OF THE STATE
OF NEW MEXICO, AND THE SEAL OF THE DISTRICT COURT OF ~~CHAVES~~ EDDY

27th DAY OF April, 1976.

FRANCES M. WILCOX
~~FRANCES M. WILCOX~~ CLERK

BY: Gay G. Chisman
DEPUTY

(SEAL)

NOTE

This summons does not require you to see, telephone or write to the District Judge of the Court at this time.

It does require you or your Attorney to file your legal defense to this case in writing with the Clerk of the District Court within 30 days after the summons is legally served on you. If you do not do this, the party suing may get a Court judgment by default against you.

IN THE DISTRICT COURT OF EDDY COUNTY
STATE OF NEW MEXICO

ROBERT G. COX,)
)
 Petitioner)
)
 vs.) No. 31508
)
 NEW MEXICO OIL CONSERVATION)
 COMMISSION, ATLANTIC RICHFIELD)
 COMPANY and AMOCO PRODUCTION)
 COMPANY,)
)
 Respondents.)

ACCEPTANCE OF SERVICE
and ENTRY OF APPEARANCE

The undersigned hereby accepts service of the Petition for Review in the above styled cause and hereby enters his appearance as Attorney for the Respondent Oil Conservation Commission of the State of New Mexico in this cause.

Dated this 27th day of April, 1976.


WILLIAM F. CARR
Assistant Attorney General
Representing the Oil Conservation
Commission of the State of
New Mexico

REPORT OF THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION OF NEW MEXICO FOR
THE PURPOSE OF CONSIDERING:

CASE NO. 5571 DE NOVO
Order No. R-5139-A

APPLICATION OF ROBERT G. COX
FOR AMENDMENT OF ORDER NO.
R-4561, EDDY COUNTY, NEW MEXICO.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 a.m. on January 21, 1976, and February 24, 1976, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission."

NOW, on this 10th day of March, 1976, the Commission, a quorum being present, having considered the testimony presented and the exhibits received at said hearing, and being fully advised in the premises,

FINDS:

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

(2) That the applicant, Robert G. Cox, is the owner and operator of the Federal "EA" Well No. 1, the surface location of which is reported as being 330 feet from the North line and 330 feet from the West line of Section 12, Township 18 South, Range 27 East, NMPM, Empire-Abo Pool, Eddy County, New Mexico.

(3) That when originally drilled, the subject well deviated 23 feet to the South and 172 feet to the West of the surface location at a measured depth of 6050 feet (true vertical depth 6046 feet) in the Empire-Abo Pool.

(4) That on June 25, 1973, the Commission entered Order No. R-4561 which authorized the applicant to re-enter said well, set a whipstock at approximately 4,200 feet and directionally drill said well to a depth of approximately 6,200 feet, bottoming the well in the Empire-Abo Pool at a point within 100 feet of the surface location.

EXHIBIT "A"

(5) That Order No. R-4561 also required that the applicant make a continuous multi-shot directional survey of said well from total depth to the whipstock point with shot points not more than 100 feet apart and provide a copy of the survey to the Commission.

(6) That in July and August, 1975, the applicant herein, Robert G. Cox, re-entered said well and directionally drilled the same in a northwesterly direction to a depth of approximately 6220 feet at a bottom-hole location approximately 269 feet north and 321 feet west of the surface location.

(7) That said well was completed in August, 1975, capable of production from the Abo formation through perforations from 6212 feet to 6216 feet.

(8) That the applicant seeks amendment of Commission Order No. R-4561 to permit bottoming of the subject well at approximately 58 feet from the North line and approximately 8 feet from the West line of Section 12, Township 18 South, Range 27 East, NMPM, Eddy County, New Mexico, and to eliminate the requirement of a continuous multi-shot survey of the well.

(9) That this matter came on for hearing before Examiner Richard L. Stamets on October 8, 1975, and November 19, 1975, and pursuant to this hearing, Order No. R-5139 was issued in Case No. 5571 on December 16, 1975, which order denied the application of Robert G. Cox for the amendment of Order No. R-4561.

(10) That on January 7, 1976, applicant Robert G. Cox filed application for hearing De Novo of Case No. 5571, and the matter was set for hearing before a quorum of the Commission.

(11) That this matter came on for hearing De Novo on January 21, 1976, and February 24, 1976.

(12) That the evidence adduced at said hearing clearly establishes that the applicant made no effort to comply with the provisions of Order No. R-4561 which required that the well be bottomed within 100 feet of the surface location.

(13) That the evidence further establishes that the applicant intentionally deviated the well toward the northwest corner of said well's spacing and proration unit, being the NW/4 NW/4 of Section 12, Township 18 South, Range 27 East, NMPM, well beyond the 100-foot target area described in Finding No. (4) above, and that he in fact did bottom said well at a point 62 feet from the North line and 9 feet from the West line of said Section 12.

(14) That the owners of interest in acreage offsetting said well appeared at the hearing on January 21, 1976, and February 24, 1976, and objected to the production of the well at the aforesaid bottom-hole location.

(15) That the evidence indicates that the productive interval in the subject well, i.e., the perforated interval from approximately 6212 feet to approximately 6216 feet, is correlative to, and in communication with, the Abo producing interval in wells to the north and west of said well.

(16) That the evidence indicates that there are probably no more than two and one-half acres underlying applicant's lease in the NW/4 NW/4 of Section 12, Township 18 South, Range 27 East, NMPM, which are productive of hydrocarbons from the Abo formation.

(17) That the evidence indicates that the above-described two and one-half acres would have a reservoir hydrocarbon pore volume of approximately 4520 barrels.

(18) That due to the reservoir volume factor, there actually would be produced at the surface somewhat less than 4520 barrels of stock tank oil in voiding the aforesaid 4520 barrels of reservoir hydrocarbon pore space, because of shrinkage of the oil as the dissolved gas is released at the surface.

(19) That subsequent to its August, 1975, completion at the bottom-hole location described in Finding No. (13) above, and through December 31, 1975, the subject well produced 4008 barrels of stock tank oil, representing more than 4008 barrels of reservoir hydrocarbon pore space because of the reservoir volume factor described above.

(20) That at the time of the hearing of Case No. 5571 De Novo, no records were yet available to indicate the volume of stock tank oil produced from the subject well in January, 1976, and February, 1976.

(21) That said well produced an average of approximately 35 barrels of oil per day during November, 1975, and December, 1975, and was assigned an allowable of 35 barrels of oil per day for January, 1976, and February, 1976.

(22) That assuming said well continued to produce 35 barrels of oil per day in January, 1976, and February, 1976, its cumulative production from its August, 1975, completion at the bottom-hole location described in Finding No. (13) above through February, 1976, would be 6108 barrels of stock tank oil.

(23) That even disregarding the reservoir volume factor, the aforesaid 6108 barrels of oil would be in excess of the original oil in place in the Abo formation under the Robert G. Cox Federal "EA" Lease in the NW/4 NW/4 of Section 12, Township 18 South, Range 27 East, NMPM.

(24) That the production of oil in excess of the original oil in place under said lease would of necessity be the production of oil migrating to applicant's lease from offsetting properties.

(25) That the production of oil in excess of the original oil in place under said lease would cause drainage across lease lines which would not be equalized by counter-drainage.

(26) That Section 65-3-11, Subsection 7, NMSA 1953 Comp. authorizes and empowers the Commission "To require wells to be drilled, operated and produced in such manner as to prevent injury to neighboring leases or properties."

(27) That to permit the subject well to produce, after more than the original oil in place has been produced, would result in injury to neighboring leases or properties.

(28) That Section 65-3-10 NMSA 1953 Comp. places upon the Commission the duty to protect the correlative rights of owners of mineral interests in oil and gas pools in New Mexico.

(29) That the granting of the application in this case would impair the correlative rights of the owners of interest in the acreage offsetting the Robert G. Cox Federal "EA" Well No. 1.

(30) That to permit the continued production of the subject well at its present bottom-hole location would impose upon the operators of the acreage offsetting said well the obligation to drill additional wells on their own property at the same approximate distance from the lease line as the subject well, if they would protect their leases from drainage.

(31) That wells drilled under the conditions set out in Finding No. (30) above would not significantly add to the total ultimate production from the Empire-Abo Pool and would not be necessary for the efficient and economic production of the Empire-Abo Pool, and would, therefore, constitute economic waste.

(32) That wells producing under the conditions set out in Finding No. (30) above would not produce the oil and gas from said pool as efficiently as wells more distantly spaced from one another, and could result in underground waste.

(33) That to protect correlative rights, to prevent economic waste, and to prevent underground waste, the application should be denied.

IT IS THEREFORE ORDERED:

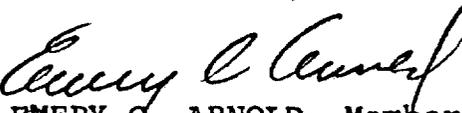
(1) That the application of Robert G. Cox for the amendment of Order No. R-4561 is hereby denied.

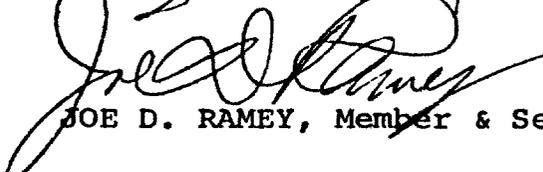
(2) That jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

DONE at Santa Fe, New Mexico, on the day and year herein-
above designated.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION


PHIL R. LUCERO, Chairman


EMERY C. ARNOLD, Member


JOE D. RAMEY, Member & Secretary

S E A L

dr/

RECEIVED
APR 23 1976

LAW OFFICES

FREEDMAN, DAY & IVY

SUITE 200 ADOLPHUS TOWER

1412 MAIN STREET

DALLAS, TEXAS 75202

(214) 748-9801

MEXICO, D. F., MEXICO OFFICE
LIC. MANUEL FUENTES OGARRIO

HARRY I. FREEDMAN
JAMES F. DAY, JR.
JIMMY D. IVY
RICHARD ELLIOTT

March 25, 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

COPY

Oil Conservation Commission
State of New Mexico
P. O. Box 2088
Santa Fe, New Mexico 87501

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION OF NEW MEXICO FOR
THE PURPOSE OF CONSIDERING:

CASE NO. 5571 DE NOVO
Order No. R-5139-A

APPLICATION OF ROBERT G. COX
FOR AMENDMENT OF ORDER NO.
R-4561, EDDY COUNTY, NEW MEXICO

TO THE COMMISSION:

Applicant, Robert G. Cox, et al, requests a rehearing on the above matter.

1. Applicant would show the Commission that:
 - a) the preponderance of evidence adduced at the hearing heretofore held on January 21, 1976, and February 24, 1976, establishes that Applicant did not intentionally deviate the subject well in violation of the drilling permit R-4561 granted Applicant by the Commission.
 - b) the preponderance of evidence adduced at said hearings clearly shows that the subject well is not correlative to and there is no communication with the adjoining well to the West and at best poor or little correlation to and poor or little communication with the adjoining well to the North.
 - c) any evidence at such hearings indicating probably no more than two and one-half acres underlying Applicant's lease in the NW/4 NW/4 of Section 12, T18S, R27E, NMPM, being productive of hydrocarbons from the Abo formation having a reservoir hydrocarbon pool volume of approximately 4520 barrels is not substantive and without corroboration.
 - d) there was no substantial evidence introduced at said hearings substantiating the quantity of original oil in place.
 - e) that denying the application in this case deprives Applicant of his right to enjoy his property in face of the great weight of the law in other jurisdictions allowing production in similar cases.

Please advise of your decision for rehearing.

Respectfully submitted,

ORIGINAL SIGNED
JAMES B. DAY, JR.

James B. Day, Jr.
Attorney for Applicant

JEDj/tmc

IN THE DISTRICT COURT OF EDDY COUNTY

STATE OF NEW MEXICO

ROBERT G. COX,)	
)	
Petitioner)	
)	
vs.)	No. _____
)	
NEW MEXICO OIL CONSERVATION)	
COMMISSION,)	
ATLANTIC RICHFIELD COMPANY and)	
AMOCO PRODUCTION COMPANY,)	
)	
Respondents)	

PETITION FOR REVIEW

COMES NOW the Petitioner and states:

1. That Petitioner Robert G. Cox is a resident of Dallas County, Texas. Respondents Atlantic Richfield Company and Amoco Production Company, as adverse parties, are engaged in the transaction of business within the State of New Mexico and, therefore, are subject to service of process within or without the State of New Mexico pursuant to Section 21-3-16, NMSA, 1953 comp. The New Mexico Oil Conservation Commission is an administrative agency of the State Government of New Mexico and is subject to service of process in the manner provided in Section 65-3-22(b), NMSA (1953). The property involved in this matter is located in Eddy County, New Mexico, and said county is the proper county wherein this action must be brought pursuant to Section 65-3-22(b), New Mexico Statutes Annotated (1953).

2. Petitioner is the owner and operator of certain oil and gas leasehold operating rights under an oil and gas lease made by the United States of America as lessor, situated and being within the Empire-Abo Pool, Eddy County, New Mexico. That Petitioner made application to the Respondent Oil Conservation Commission for authorization to directionally drill a well known as the Federal EA Well No. 1, at a surface location of 330' from the North line and 330' from the West line

of Section 12, Township 18 South, Range 27 East, which said well is hereinafter referred to as the "subject well".

3. That the Respondent Oil Conservation Commission approved Petitioner's Application on June 25, 1973, by Order R-4561, subject to certain terms and conditions.

4. That the Petitioner thereafter and in September 1975, filed an Application seeking an amendment of Commission Order R-4561 to permit the bottoming of the subject well at a point 58' from the North line and 8' from the West line of Section 12, Township 18 South, Range 27 East, and for the elimination of other conditions imposed by the Commission Order.

5. That Examiner hearings were held by the Respondent Commission on October 8 and November 19, 1975, and Order R-5159 was issued in Case No. 5571 on December 16, 1975, denying Petitioner's Application for Relief.

6. Upon Application timely made, Petitioner requested a De Novo hearing before the Commission. The hearing was held in the offices of the Respondent Oil Conservation Commission on January 21 and February 24, 1976. As a result of said hearing, Respondent Oil Conservation Commission issued its Order R-5139-A (Case No. 5571 De Novo). Order No. R-5139-A is attached as Exhibit "A".

7. Petitioner filed an Application for Rehearing with Respondent Oil Conservation Commission on March 29, 1976, pursuant to Section 65-3-22, NMSA (1953). A copy of said Application is attached as Exhibit "B".

8. Respondent Oil Conservation Commission took no action on said Application within 10 days of filing and, therefore, pursuant to Section 65-3-22(a), Petitioner's Application for Rehearing was deemed to have been denied effective at 5:00 P.M., April 9, 1976.

9. That Respondent Oil Conservation Commission is under a statutory duty by its Orders to afford the owner of each

property in a pool the opportunity to produce his just and equitable share of the oil or gas or both, from the pool, being an amount substantially in the proportion that the quantity of the recoverable oil or gas, or both, under such property bears to the total recoverable oil or gas, or both, in the pool. The Order of the Respondent Commission denies Petitioner this statutory opportunity and is, therefore, invalid; as stated in Petitioner's Motion for Rehearing, the Order is invalid and erroneous in the following respects:

(a) The preponderance of evidence adduced at the hearing heretofore held on January 21, 1976, and February 24, 1976, establishes that Petitioner did not intentionally deviate the subject well in violation of the Drilling Permit R-4561 granted Petitioner by the Commission.

(b) The preponderance of evidence adduced at said hearings clearly shows that the subject well is not correlative to and there is no communication with the adjoining well to the West and at best, poor or little correlation to and poor or little communication with the adjoining well to the North.

(c) Any evidence at such hearings indicating probably no more than 2-1/2 acres underlying Petitioner's lease in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 18 S., R. 27 E., N.M.P.M., being productive of hydrocarbons from the Abo formation having a reservoir hydrocarbon pool volume of approximately 4520 barrels is not substantive and without corroboration.

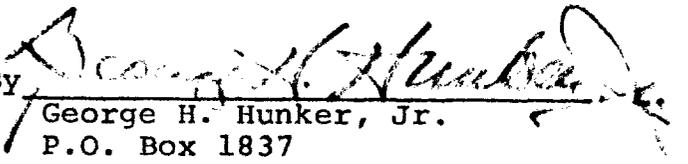
(d) There was no substantial evidence introduced at said hearings substantiating the quantity of original oil in place.

(e) That denying the Application in this case deprives Petitioner of his right to enjoy his property in face of the great weight of the law in other jurisdictions allowing production in similar cases.

WHEREFORE, Petitioner prays that the Court determine Commission Order R-5139-A to be invalid and proceed to adjudicate Petitioner's rights to produce the subject well with respect to property interests held by Petitioner, and for all further proper relief herein.

DATED at Roswell, New Mexico, this 23rd day of April, 1976.

HUNKER - FEDRIC, P.A.

By 
George H. Hunker, Jr.
P.O. Box 1837
Roswell, New Mexico 88201

Attorneys for Robert G. Cox,
Petitioner

I hereby certify that on this 26th day of April, 1976, I mailed true copies of the foregoing document to opposing counsel of record.


George H. Hunker, Jr.

IN THE DISTRICT COURT OF EDDY COUNTY

STATE OF NEW MEXICO

ROBERT G. COX,)	
)	
Petitioner)	
)	
vs.)	No. _____
)	
NEW MEXICO OIL CONSERVATION)	
COMMISSION,)	
ATLANTIC RICHFIELD COMPANY and)	
AMOCO PRODUCTION COMPANY,)	
)	
Respondents)	

PETITION FOR REVIEW

COMES NOW the Petitioner and states:

1. That Petitioner Robert G. Cox is a resident of Dallas County, Texas. Respondents Atlantic Richfield Company and Amoco Production Company, as adverse parties, are engaged in the transaction of business within the State of New Mexico and, therefore, are subject to service of process within or without the State of New Mexico pursuant to Section 21-3-16, NMSA, 1953 comp. The New Mexico Oil Conservation Commission is an administrative agency of the State Government of New Mexico and is subject to service of process in the manner provided in Section 65-3-22(b), NMSA (1953). The property involved in this matter is located in Eddy County, New Mexico, and said county is the proper county wherein this action must be brought pursuant to Section 65-3-22(b), New Mexico Statutes Annotated (1953).

2. Petitioner is the owner and operator of certain oil and gas leasehold operating rights under an oil and gas lease made by the United States of America as lessor, situated and being within the Empire-Abo Pool, Eddy County, New Mexico. That Petitioner made application to the Respondent Oil Conservation Commission for authorization to directionally drill a well known as the Federal EA Well No. 1, at a surface location of 330' from the North line and 330' from the West line

of Section 12, Township 18 South, Range 27 East, which said well is hereinafter referred to as the "subject well".

3. That the Respondent Oil Conservation Commission approved Petitioner's Application on June 25, 1973, by Order R-4561, subject to certain terms and conditions.

4. That the Petitioner thereafter and in September 1975, filed an Application seeking an amendment of Commission Order R-4561 to permit the bottoming of the subject well at a point 58' from the North line and 8' from the West line of Section 12, Township 18 South, Range 27 East, and for the elimination of other conditions imposed by the Commission Order.

5. That Examiner hearings were held by the Respondent Commission on October 8 and November 19, 1975, and Order R-5159 was issued in Case No. 5571 on December 16, 1975, denying Petitioner's Application for Relief.

6. Upon Application timely made, Petitioner requested a De Novo hearing before the Commission. The hearing was held in the offices of the Respondent Oil Conservation Commission on January 21 and February 24, 1976. As a result of said hearing, Respondent Oil Conservation Commission issued its Order R-5139-A (Case No. 5571 De Novo). Order No. R-5139-A is attached as Exhibit "A".

7. Petitioner filed an Application for Rehearing with Respondent Oil Conservation Commission on March 29, 1976, pursuant to Section 65-3-22, NMSA (1953). A copy of said Application is attached as Exhibit "B".

8. Respondent Oil Conservation Commission took no action on said Application within 10 days of filing and, therefore, pursuant to Section 65-3-22(a), Petitioner's Application for Rehearing was deemed to have been denied effective at 5:00 P.M., April 9, 1976.

9. That Respondent Oil Conservation Commission is under a statutory duty by its Orders to afford the owner of each

property in a pool the opportunity to produce his just and equitable share of the oil or gas or both, from the pool, being an amount substantially in the proportion that the quantity of the recoverable oil or gas, or both, under such property bears to the total recoverable oil or gas, or both, in the pool. The Order of the Respondent Commission denies Petitioner this statutory opportunity and is, therefore, invalid; as stated in Petitioner's Motion for Rehearing, the Order is invalid and erroneous in the following respects:

(a) The preponderance of evidence adduced at the hearing heretofore held on January 21, 1976, and February 24, 1976, establishes that Petitioner did not intentionally deviate the subject well in violation of the Drilling Permit R-4561 granted Petitioner by the Commission.

(b) The preponderance of evidence adduced at said hearings clearly shows that the subject well is not correlative to and there is no communication with the adjoining well to the West and at best, poor or little correlation to and poor or little communication with the adjoining well to the North.

(c) Any evidence at such hearings indicating probably no more than 2-1/2 acres underlying Petitioner's lease in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 18 S., R. 27 E., N.M.P.M., being productive of hydrocarbons from the Abo formation having a reservoir hydrocarbon pool volume of approximately 4520 barrels is not substantive and without corroboration.

(d) There was no substantial evidence introduced at said hearings substantiating the quantity of original oil in place. *more definite statement — prob. a ton (or so)*

(e) That denying the Application in this case deprives Petitioner of his right to enjoy his property in face of the great weight of the law in other jurisdictions allowing production in similar cases.

WHEREFORE, Petitioner prays that the Court determine Commission Order R-5139-A to be invalid and proceed to adjudicate Petitioner's rights to produce the subject well with respect to property interests held by Petitioner, and for all further proper relief herein.

DATED at Roswell, New Mexico, this 23rd day of April, 1976.

HUNKER - FEDRIC, P.A.

By *George H. Hunker, Jr.*
George H. Hunker, Jr.
P.O. Box 1837
Roswell, New Mexico 88201

Attorneys for Robert G. Cox,
Petitioner

I hereby certify that on this 26th day of April, 1976, I mailed true copies of the foregoing document to opposing counsel of record.

George H. Hunker, Jr.
George H. Hunker, Jr.

*dismissed
failure to file a claim
subject matter which it cannot grant
license
9.5 not raised by app in rehearing*

BEFORE THE OIL CONSERVATION COMMISSION OF NEW MEXICO

IN THE MATTER OF THE
APPLICATION OF ROBERT G. COX
FOR AMENDMENT OF ORDER NO. R-4561,
EDDY COUNTY, NEW MEXICO.

CASE NO. 5571

WITHDRAWAL

COMES NOW MONTGOMERY, FEDERICI, ANDREWS, HANNAHS & BUELL,
and withdraws as attorneys in the above-styled matter on behalf
of the Applicant.

MONTGOMERY, FEDERICI, ANDREWS, HANNAHS
& BUELL

By

A handwritten signature in cursive script, appearing to read "Edwin Buell", is written over a horizontal line.

CLARENCE E. HINKLE
W. E. BONDURANT, JR. (914-1273)
LEWIS C. COX, JR.
PAUL W. EATON, JR.
CONRAD E. COFFIELD
HAROLD L. HENSLEY, JR.
STUART D. SHANOR
C. D. MARTIN
PAUL J. KELLY, JR.

JAMES H. BOZARTH
RONALD G. HARRIS
JAMES H. ISBELL
DOUGLAS L. LUNSFORD
PAUL M. BOHANNON

LAW OFFICES
HINKLE, BONDURANT, COX & EATON

600 HINKLE BUILDING
POST OFFICE BOX 10
ROSWELL, NEW MEXICO 88201

December 29, 1976

TELEPHONE (505) 622-6810

MR. ISBELL LICENSED
IN TEXAS ONLY

MIDLAND, TEXAS OFFICE
521 MIDLAND TOWER
(915) 683-4691

Mr. Hugh Christianson
Atlantic Richfield Company
P. O. Box 1610
Midland, Texas 79701

Re: Cox v. New Mexico OCC
No. 31508, Eddy County, N.M.

Dear Mr. Christianson:

There is enclosed a copy of an Order issued by the District Court in the above case on December 27, vacating the setting of January 11, and the case is to be reset at the convenience of the Court. As previously indicated, I rather think that Cox will eventually abandon this appeal.

Yours sincerely,

HINKLE, BONDURANT, COX & EATON



Clarence E. Hinkle

CEH:er
Enc.

cc: Jerry Tweed
Horace Burton
Lynn Teschendorf
(w/enc. to each)

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

LAW OFFICES OF
HUNKER-FEDRIC, P.A.
210 HINKLE BUILDING
POST OFFICE BOX 1837
ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

December 28, 1976

Clarence E. Hinkle, Esquire
P.O. Box 10
Roswell, New Mexico 88201

Re: Cox v. NMOCC, et al
#31,508, Eddy County D.C.

Dear Mr. Hinkle:

An Order was entered on December 27, 1976, vacating the setting for trial in the above matter, and a copy of this Order is enclosed for your file.

We appreciate your courtesy in extending the time for the trial of this case.

Sincerely yours,

HUNKER - FEDRIC, P.A.



George H. Hunker, Jr.

GHH:dd
Enc.

cc: Mr. James E. Day, Jr., w/enc.
cc: Ms. Lynn Teschendorf, w/enc. ✓
cc: Mr. Guy Buell, w/enc.

LAW OFFICES

HINKLE, BONDURANT, COX & EATON

TELEPHONE (505) 622-6510

CLARENCE E. HINKLE
W. E. BONDURANT, JR. (1914-1973)
LEWIS C. COX, JR.
PAUL W. EATON, JR.
CONRAD E. COFFIELD
HAROLD L. HENSLEY, JR.
STUART D. SHANOR
C. D. MARTIN
PAUL J. KELLY, JR.

600 HINKLE BUILDING

POST OFFICE BOX 10

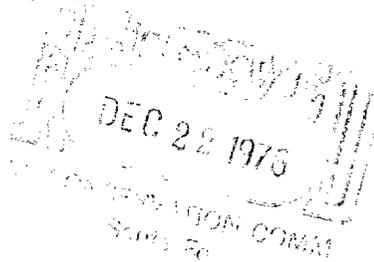
ROSWELL, NEW MEXICO 88201

MR. ISBELL LICENSED
IN TEXAS ONLY

MIDLAND, TEXAS OFFICE
521 MIDLAND TOWER
(915) 683-4691

December 21, 1976

JAMES H. EOZARTH
RONALD G. HARRIS
JAMES H. ISBELL
DOUGLAS L. LUNSFORD
PAUL M. BOHANNON



Mr. Hugh Christianson
Atlantic Richfield Company
P.O. Box 1610
Midland, Texas 79701

Re: Cox v. New Mexico OCC
No. 31508, Eddy County, N.M.

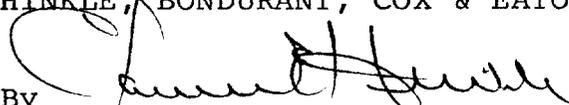
Dear Mr. Christianson:

You will recall that we have heretofore advised you that the above case has been set for hearing in Carlsbad on Tuesday, January 11. I have discussed this matter with Mr. George Hunker, attorney for Cox, and he indicated that the Dallas attorney associated with him would like to have the setting vacated and the case set for a later date. I advised that we had no objections. I surmise that Hunker feels that he has very little hope of accomplishing anything through the hearing and that the appeal will eventually be dismissed.

I will advise you just as soon as we hear whether or not Hunker is successful in getting the setting vacated.

Yours sincerely,

HINKLE, BONDURANT, COX & EATON

By 

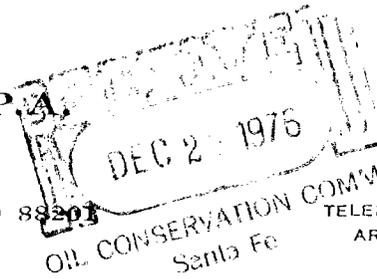
CEH:cs

cc: Jerry Tweed
cc: Horace Burton
cc: Lynn Teschendorf

LAW OFFICES OF
HUNKER-FEDRIC, P.A.

210 HINKLE BUILDING
POST OFFICE BOX 1837

ROSWELL, NEW MEXICO 88201



TELEPHONE 622-2700
AREA CODE 505

GEORGE H. HUNKER JR.
DON M. FEDRIC
ROBERT I. WALDMAN

December 22, 1976

District Judge D.D. Archer
P.O. Box 98
Carlsbad, New Mexico 88220

Re: Cox v. NMOCC, et al
#31,508, Eddy County D.C.

Dear Judge Archer:

In connection with the above matter, we hand you herewith our Motion to vacate the trial setting of the above matter which has been set for January 11, 1977. Our co-counsel, an attorney from Dallas, Texas, finds that he has been forced to trial on other matters early in January and has asked us to have the setting vacated. An Order vacating the setting is also enclosed. We have conferred with the attorneys representing the Defendants and they have all concurred that they would have no opposition to the Motion to have the setting vacated. Will you please have the Clerk send us a conformed copy of the Order, an extra copy being enclosed for this purpose.

Thank you sincerely for your help and consideration.

Sincerely yours,

HUNKER - FEDRIC, P.A.

A handwritten signature in black ink, appearing to read "GHH".

George H. Hunker, Jr.

GHH:dd
Encls.

cc: Mr. James E. Day, Jr., w/enc.
xc: Ms. Lynn Teschendorf, w/enc. ✓
xc: Mr. Clarence E. Hinkle, w/enc.

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

November 3, 1976

Mr. Guy Buell
Amoco Production Co.
P. O. Box 3092
Houston, Texas 77001

Re: Cox v. New Mexico Oil
Conservation Commission,
Eddy County Cause No. 31508

Dear Mr. Buell:

The Commission has received notification that arguments in this case will be heard January 11, 1977. I intend to file a brief on behalf of the Oil Conservation Commission and may need to consult you on a few matters. I look forward to working with you.

Very truly yours,

LYNN TESCHENDORF
General Counsel

LT/dr

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

October 21, 1976

Eddy County District Court
Clerk
P. O. Box 98
Carlsbad, New Mexico 88220

Re: Cox v. New Mexico Oil
Conservation Commission, et al.
Cause No. 31508

Dear Madam:

Enclosed is the original of my Entry of Appearance
which I request you file in the above-captioned matter.

Thank you for your assistance.

Very truly yours,

LYNN TESCHENDORF
General Counsel

LT/dr
enc.

cc: Clarence Hinkle
James Day
George Hunker
Guy Buell

COPY

LAW OFFICES OF
HUNKER-FEDRIC, P.A.

210 HINKLE BUILDING
POST OFFICE BOX 1837

ROSWELL, NEW MEXICO 88201

SEP 29 1976

CONSERVATION COMM.
Santa Fe

TELEPHONE 622-2700
AREA CODE 505

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

September 28, 1976

Eddy County District Court Clerk
P.O. Box 98
Carlsbad, New Mexico 88220

Re: Cox v. NMOCC, et al
Eddy County Cause No. 31508

Dear Madam:

We enclose herewith to be filed in the above captioned case, an original of an Order signed by Judge Reese on September 27, 1976. We are also sending copies of this document to opposing counsel.

Thank you for your assistance.

Yours very sincerely,

HUNKER - FEDRIC, P.A.

Don M. Fedric

DMF:dd
Enc.

cc: Mr. William F. Carr, w/enc.
cc: Mr. Clarence E. Hinkle, w/enc.
cc: Mr. James E. Day, Jr., w/enc.

LAW OFFICES OF

HUNKER-FEDRIC, P.A.

210 HINKLE BUILDING
POST OFFICE BOX 1837

ROSWELL, NEW MEXICO 88201

TELEPHONE 622-2700
AREA CODE 505

GEORGE H. HUNKER, JR.
DON M. FEDRIC
ROBERT I. WALDMAN

SEP 23 1976
NEW MEXICO
NATURAL CONSERVATION COMM.
Santa Fe

September 22, 1976

Eddy County District Court Clerk
P.O. Box 98
Carlsbad, New Mexico 88220

Re: Robert Cox vs. NMOCC, et al
Eddy County Cause No. 31508

Dear Madam:

Enclosed is an original of a Motion which we request you
file on the captioned matter.

Sincerely yours,

HUNKER-FEDRIC, P.A.



George H. Hunker, Jr.

GHH/rp
Enc.

cc: William F. Carr
Clarence E. Hinkle
James E. Day, Jr.

LAW OFFICES OF

HUNKER-FEDRIC, P.A.

210 HINKLE BUILDING

POST OFFICE BOX 1837

ROSWELL, NEW MEXICO 88201

GEORGE H. HUNKER, JR.

DON M. FEDRIC

ROBERT I. WALDMAN

TELEPHONE 622-2700

AREA CODE 505

September 22, 1976

Hon. Randolph Reese
P.O. Box 1619
Hobbs, New Mexico 88240

Re: Robert Cox vs. NMOCC, et al
Eddy County Cause No. 31508

Dear Judge Reese:

Enclosed in connection with the captioned matter is a copy of a Motion to vacate the trial setting in the captioned matter, pursuant to our recent telephone discussion. The original of the Motion has been filed with the Court, and we enclosed the copy for your convenience, along with the original of the proposed Order. We would appreciate your execution of the Order and transmittal by your office to the Clerk of the Court for filing. We would also appreciate your office having the Clerk of the Court advise all counsel involved of the date the Order is entered.

Thank you for your kind assistance.

Sincerely yours,

HUNKER-FEDRIC, P.A.



George H. Hunker, Jr.

GHH/rp

Enc.

cc: William F. Carr
Clarence E. Hinkle
James E. Day, Jr.



OIL CONSERVATION COMMISSION

STATE OF NEW MEXICO
P. O. BOX 2088 - SANTA FE
87501



DIRECTOR
JOE D. RAMEY

LAND COMMISSIONER
PHIL R. LUCERO

STATE GEOLOGIST
EMERY C. ARNOLD

May 21, 1976

FILED
STATE OF NEW MEXICO
COUNTY OF EDDY

FILED JUN 12 1976 IN MY OFFICE

FRANCIS M. WILCOX
Clerk of the District Court

Ms. Frances M. Wilcox
Clerk of the District
Court
P. O. Box 98
Carlsbad, New Mexico 88220

Re: Robert G. Cox v. Oil Conservation
Commission, et al, Eddy County
District Court Cause No. 31508

Dear Ms. Wilcox:

Please file the enclosed Answer to Petition
for Review in the above-captioned cause.

Very truly yours,

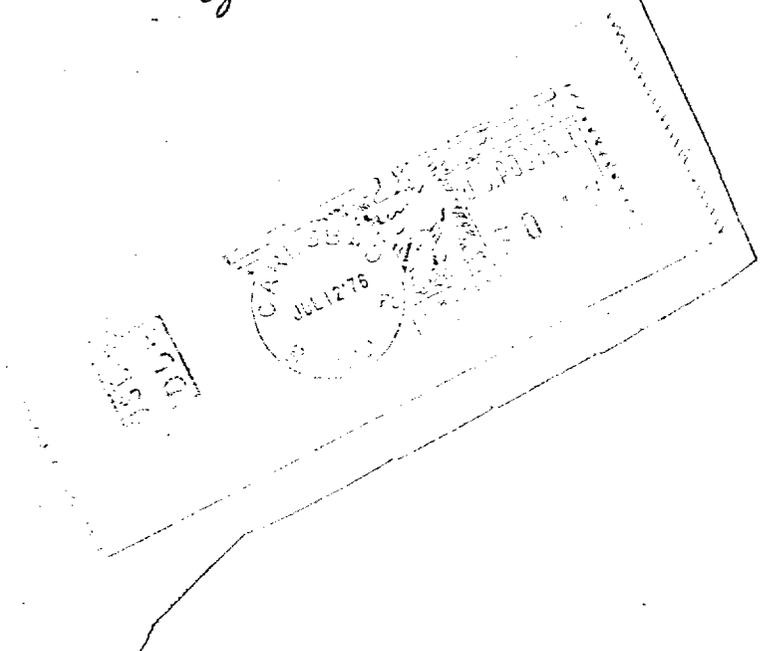
William F. Carr
WILLIAM F. CARR
Assistant Attorney General

WFC/dr
enc.

cc: George H. Hunker, Jr.
James E. Day
Clarence E. Hinkle
Guy Buell

*Please see ^{attached} copies of ~~attached~~ envelope
for reason in delay of filing*

OPENED IN THE DEAD LETTER OFFICE
SAN FRANCISCO, CA 94101
CONTAINED NO RETURN ADDRESS
FORWARDED POSTAGE DUE 20¢
35 (12¢ POSTAGE + 13¢ HANDLING FEE)
POSTAGE DUE 20¢



JUN 27 1976

Returned for Postage

Ms. Frances M. Wilcox
Clerk of the District Court
P. O. Box 98
Carlsbad, New Mexico 88220

49¢ Postage Due

IN THE DEAD LETTER OFFICE
SAN FRANCISCO, CA 94101
IF YOU HAVE A RETURN ADDRESS
PLEASE PRINT IT
NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

MAY 20 1976

LAW OFFICES
HINKLE, BONDURANT, COX & EATON

TELEPHONE (505) 622-6310

CLARENCE E. HINKLE
W. E. BONDURANT, JR. (914-1973)
LEWIS C. COX, JR.
PAUL W. EATON, JR.
CONRAD E. COFFIELD
HAROLD L. HENSLEY, JR.
STUART D. SHANOR
C. D. MARTIN
PAUL J. KELLY, JR.

600 HINKLE BUILDING
POST OFFICE BOX 10

MR. ISBELL LICENSED
IN TEXAS ONLY

ROSWELL, NEW MEXICO 88201

MIDLAND, TEXAS OFFICE
521 MIDLAND TOWER
(915) 683-4691

May 21, 1976

JAMES H. BOZARTH
RONALD G. HARRIS
JAMES H. ISBELL
DOUGLAS L. LUNSFORD

Frances M. Wilcox
District Court Clerk
Eddy County
Carlsbad, New Mexico 88220

Re: Cox v. New Mexico Oil Conserva-
tion Commission, et al
No. 31508

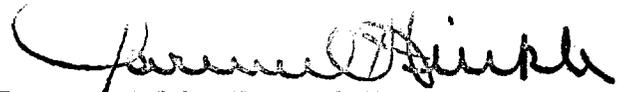
Dear Mrs. Wilcox:

We enclose herewith Response to Petition for Review
on behalf of Amoco Production Company which we would appre-
ciate your filing in the captioned case.

Yours very truly,

HINKLE, BONDURANT, COX & EATON

By



CEH:cs

Enc.

cc: Mr. D. J. Capp
cc: Mr. R. H. Frick
cc: Mr. G. T. Buell
cc: Mr. William F. Carr



OIL CONSERVATION COMMISSION

STATE OF NEW MEXICO
P. O. BOX 2088 - SANTA FE
87501



DIRECTOR
JOE D. RAMEY

LAND COMMISSIONER
PHIL R. LUCERO

STATE GEOLOGIST
EMERY C. ARNOLD

May 21, 1976

Ms. Frances M. Wilcox
Clerk of the District
Court
P. O. Box 98
Carlsbad, New Mexico 88220

Re: Robert G. Cox v. Oil Conservation
Commission, et al, Eddy County
District Court Cause No. 31508

Dear Ms. Wilcox:

Please file the enclosed Answer to Petition
for Review in the above-captioned cause.

Very truly yours,

WILLIAM F. CARR
Assistant Attorney General

WFC/dr
enc.

cc: George H. Hunker, Jr.
James E. Day
Clarence E. Hinkle
Guy Buell

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE NEW MEXICO 87501

May 21, 1976

C
Ms. Frances M. Wilcox
Clerk of the District Court
P. O. Box 98
Carlsbad, New Mexico 88220

Re: Case Status Report, May 24, 1976

Dear Ms. Wilcox:

O
The Oil Conservation Commission is a party in three cases in the above-captioned matter. The status of each of these cases is as follows:

1. Oil Conservation Commission v. Tom Schneider

P
Eddy County District Court Cause No. 30114. After more than a year, the Commission was finally able to serve Mr. Schneider on March 29, 1976. We are presently in discussions about a proper fine for settling this case. I hope to have a Stipulation of Facts and Order for Judge Archer's review within a month.

2. Lelan Mermis v. Oil Conservation Commission

Y
Eddy County District Court Cause No. 30860 This workman's compensation case is being handled by Mr. Bob Turner of Atwood, Balone, Mann and Cooter for our insurance carrier. Mr. Turner will be able to advise as to the status of this case.

3. Robert G. Cox v. Oil Conservation Commission

Eddy County District Court Cause No. 31508. The Commission accepted service of the Petition for Review in this case on April 27, 1976.

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

Ms. Frances M. Wilcox

-2-

May 21, 1976

An answer to this petition was mailed to your office for filing on this date.

Very truly yours,

WILLIAM F. CARR
Assistant Attorney General

WFC/dr

C
O
P
Y

CLERK OF THE DISTRICT COURT
EDDY COUNTY, NEW MEXICO
FRANCES M. WILCOX, CLERK
P. O. Box 98
CARLSBAD, NEW MEXICO 83220

May 14, 1976

Gentlemen:

Would you please complete the enclosed Case Status Report and return it to us by May 24, 1976, so that we may start setting the cases which are ready for trial.

Also, a mistake was made at the Data Processing Center as to the column headed, "Docket # and Assigned Judge." Judge Easley's name appears on practically all the cases. Judge Archer's name should have been shown in this column, instead.

Sincerely,

Frances M. Wilcox
Clerk of the District Court

Enc.

DOCKET # AND ASSIGNED JUDGE	STYLE OF CASE	DISCOVERY STATUS							ATTORNEYS OF RECORD	ATTORNEY'S COMMENTS (PARTY REPRESENTED)
		COMPLETE	INCOMPLETE	JURY	NON-JURY	PRETRIAL REQUESTED	PRETRIAL NOT REQUESTED	ESTIMATE OF TRIAL TIME		
024/31507 CV 04 EASLEY	DEVONIAN WELL SERV.-TEXAS VERSUS GRACE, MICHAEL P.&COPRINE								OUT OF DISTRICT # 990 Walter E. Wilson 507 N. Lee Odena 79761 HINKLE, BONDURANT, COX & EATON # 130 P. O. BOX 10 ROSWELL, N. M. 88201 OUT OF DISTRICT # 990 Wm. F. Carr Box 2088 S # 87501 HUNKER & FEDRIC # 140 P. O. BOX 1837 ROSWELL, N. M. 88201	
024/31508 CV 06 EASLEY	COX, RUDERT G. VERSUS NEW MEX. OIL CONSERVATION									

* IF CASE MAY BE DISMISSED, ATTACH ORDER OF DISMISSAL

ATTORNEYS' SIGNATURE

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

May 10, 1976

**Mr. Guy Buell
Amoco Production Co.
P. O. Box 3092
Houston, Texas 77001**

**Re: Robert G. Cox vs. Oil
Conservation Commission, et al
Eddy County Cause No. 31508**

Dear Guy:

**Enclosed are copies of two letters which I think
will be of interest to you. As things develop, I will
keep you advised.**

Very truly yours,

**WILLIAM F. CARR
General Counsel**

**WFC/dr
enc.**

Case 5571

ROBERT G. COX

CERTIFIED PROFESSIONAL GEOLOGIST

Petroleum Consultant

4230 LBJ Freeway

Suite 409

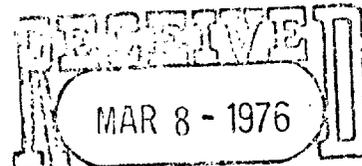
PHONE: 214-387-3385

DALLAS, TEXAS 75234

EXPLORATION
EVALUATION

PRODUCTION
APPRAISALS

March 4, 1976



OIL CONSERVATION COMM.
Santa Fe

Joe Ramey, Commissioner
New Mexico Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico 87501

Re: R. G. Cox, et al
#1 Federal "EA" Well
Sec. 12, T-18-S, R-27-E
Eddy County, New Mexico

Dear Mr. Ramey:

This is to advise you that the subject well has been shut-in due to the absence of an authorized allowable from the New Mexico Oil Conservation Commission.

Since October 8, 1975, I have been accused of many violations by the opposition to my application for relief from the 1973 New Mexico Oil Conservation Commission Order. I don't want the stigma of running "hot oil" to be an issue in future deliberations and/or litigation.

According to our pumper, we have approximately 365-400 bbls. in storage. As this oil is highly corrosive, we would like to move it to minimize the possibility of deterioration of our limited storage facilities and forestall a tank leak, which could cause pollution. We would appreciate permission to move this oil.

With kindest personal regards.

Sincerely yours,

Robert G. Cox
Designated Operator NM 6852

cc: Applicants
U.S.G.S., Artesia, New Mexico
Department of the Interior, Washington, D.C.

Bill:

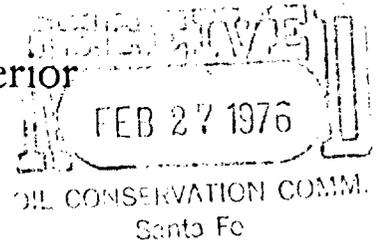
*Issue one more
testing allowable for
this well for 400 bbls.*



United States Department of the Interior

GEOLOGICAL SURVEY

Drawer 1857
Roswell, New Mexico 88201



February 26, 1976

Mr. Joe Ramey, Director
New Mexico Oil Conservation Commission
P. O. Box 1148
Santa Fe, New Mexico 87501

Dear Mr. Ramey:

- This is to confirm our telephone conversation of February 25, 1976, to the extent that if the Commission decides to withhold an allowable allocation for Robert G. Cox's Federal EA well No. 1 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 12, T. 18 S., R. 27 E., Eddy County, New Mexico (case 5571), such action will not cause the Federal lease (NM 6852) on which the well is located, to expire. Title 43 of the Code of Federal Regulations, Part 3107.3-2 provides "No lease for lands on which there is a well capable of producing oil or gas in paying quantities shall expire because the lessee fails to produce the same, unless the lessee fails to place the well on a producing status within 60 days after receipt of notice by registered mail from the Regional Oil and Gas Supervisor to do so: Provided, that after such status is established production shall continue on the leased premises unless and until suspension of production is allowed by the Secretary of the Interior under the provisions of the act."

We appreciate your concern and cooperation in this matter.

Sincerely yours,

CARL C. TRAYWICK
Acting Area Oil and Gas Supervisor



OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

April 30, 1976

Guy Buell, Esq.
Amoco Production
P. O. Box 3092
Houston, Texas 77001

Mr. Carr

Dear Mr. Buell:

Enclosed is the Acceptance of Service and Entry of Appearance that was filed for the Oil Conservation Commission with the Clerk of the District Court on April 29, 1976.

Very truly yours,

WILLIAM F. CARR
General Counsel

WFC/dr

enc.

C
O
P
Y

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

April 30, 1976

Mr. James E. Day, Jr.
Freedman, Day & Ivy
Attorneys at Law
Suite 200 Adolphus Tower
1412 Main Street
Dallas, Texas 75202

Re: Robert G. Cox vs. Oil
Conservation Commission, et al
Eddy County Cause No. 31508

Dear Mr. Day:

Enclosed is the Acceptance of Service and
Entry of Appearance that was filed for the Oil
Conservation Commission with the Clerk of the
District Court on April 29, 1976.

Very truly yours,

WILLIAM F. CARR
General Counsel

WFC/dr

enc.

C
O
P
Y

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

April 30, 1976

Clarence Hinkle, Esq.
Hinkle, Cox, Bondurant & Eaton
Box 10
Roswell, New Mexico 88201

W. Carr v. CDE

Dear Mr. Hinkle:

Enclosed is the Acceptance of Service and
Entry of Appearance that was filed for the Oil
Conservation Commission with the Clerk of the
District Court on April 29, 1976.

Very truly yours,

WILLIAM F. CARR
General Counsel

WFC/dr

enc.

C
O
P
Y

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

April 30, 1976

George Hunker, Esq.
P. O. Box 1837
Roswell, New Mexico 88201

Mr. Carr v. O.C.C.

Dear Mr. Hunker:

Enclosed is the Acceptance of Service and Entry of Appearance that was filed for the Oil Conservation Commission with the Clerk of the District Court on April 29, 1976.

Very truly yours,

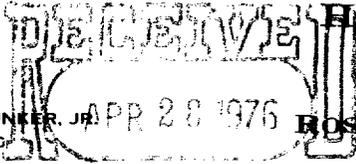
WILLIAM F. CARR
General Counsel

WFC/dr

enc.

C
O
P
Y

LAW OFFICES OF



HUNKER-FEDRIC, P.A.

210 HINKLE BUILDING
POST OFFICE BOX 1837

GEORGE H. HUNKER, JR. ROSWELL, NEW MEXICO 88201

DON M. FEDRIC

ROBERT I. WALDMAN CONSERVATION COMM

TELEPHONE 622-2700
AREA CODE 505

April 27, 1976

Mrs. Frances M. Wilcox
District Court Clerk
P.O. Box 98
Carlsbad, New Mexico 88220

Re: Cox vs. New Mexico Oil
Conservation Commission, et al

Dear Mrs. Wilcox:

When transmitting the "Petition for Review" yesterday to you for filing, we inadvertently neglected to attach Exhibits "A" and "B" thereto. Please attach the enclosed exhibits to the Petition, and we apologize for the oversight.

Sincerely yours,

HUNKER - FEDRIC, P.A.

George H. Hunker, Jr.

GHH:dd
Encls.

cc: Mr. William F. Carr, N.M.O.C.C., w/encls.
cc: Mr. Guy Duell, Amoco Production Co., w/encls.
cc: Mr. Clarence E. Hinkle, w/encls.
cc: Mr. James E. Day, Jr., w/encls.

LAW OFFICES OF

HUNKER-FEDRIC, P.A.

210 HINKLE BUILDING

POST OFFICE BOX 1837

ROSWELL, NEW MEXICO 88201

GEORGE H. HUNKER, JR.

DON M. FEDRIC

ROBERT I. WALDMAN

TELEPHONE 622-2700

AREA CODE 505

April 26, 1976

Mrs. Frances M. Wilcox
District Court Clerk
P.O. Box 98
Carlsbad, New Mexico 88220

Re: Cox vs. New Mexico Oil
Conservation Commission, et al

Dear Mrs. Wilcox:

In connection with the above matter, we hand you herewith the original of a "Petition for Review" of a New Mexico Oil Conservation Commission Order, together with our check in the amount of \$20.00. Will you please docket the case and send us your receipt.

We are sending copies of the Petition to the adverse counsel listed on the bottom of this letter.

We will prepare the Summons and send them down to you in the next day or two.

Sincerely yours,

HUNKER - FEDRIC, P.A.



George H. Hunker, Jr.

GHH:dd
Encls.

cc: Mr. William F. Carr, General Counsel ✓
New Mexico Oil Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico 87501, w/enc.

cc: Mr. Guy Buell
Amoco Production Company
P.O. Box 3092
Houston, Texas 77001, w/enc.

cc: Mr. Clarence E. Hinkle
Hinkle, Bondurant, Cox & Eaton
P.O. Box 10
Roswell, New Mexico 88201, w/enc.

LAW OFFICES
FREEDMAN, DAY & IVY
SUITE 200 ADOLPHUS TOWER
1412 MAIN STREET
DALLAS, TEXAS 75202



HARRY I. FREEDMAN
JAMES E. DAY, JR.
JIMMY D. IVY
RICHARD ELLIOTT

(214) 748-9601

MEXICO, D. F., MEXICO OFFICE
LIC. MANUEL FUENTES OGARRIO

April 20, 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe D. Ramey
Oil Conservation Commission
State of New Mexico
P. O. Box 2088
Santa Fe, New Mexico 87501

Re: CASE NO. 5571 DE NOVO
Order No. R-5139-A
Application of Robert G. Cox
for Amendment of Order No. R-4561,
Eddy County, New Mexico

Dear Mr. Ramey:

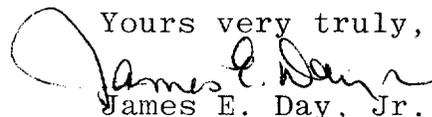
Attached is copy of letter of notice for rehearing in the above matter. To this date I have not had any reply from the Commission as to its action or inaction upon such notice.

Please advise me of the following:

- 1) Whether or not the Commission denied the request for rehearing.
- 2) Whether or not the Commission failed to take any action on the request.
- 3) The date upon which Paragraph 1) above occurred.
- 4) The date upon which the expiration for action by the Commission occurred.
- 5) If no decision was made by the Commission on the notice for rehearing, then whether or not this is tantamount to a denial of the request for rehearing.

Please reply by return mail.

Thanking you for your past courtesies, I am

Yours very truly,

James E. Day, Jr.

JEDj/tmc
Enclosure

Mr. Joe D. Ramey
Oil Conservation Commission

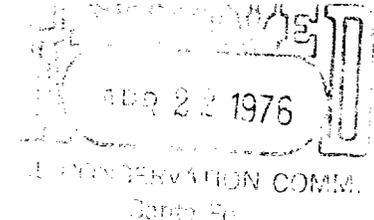
-2-

April 20, 1976

cc: Mr. George H. Hunker, Jr.
Hunker, Fedric & Higginbotham, P.A.
Suite 210, Hinkle Building
P. O. Box 1837
Roswell, New Mexico

Mr. Robert G. Cox
Geo-Tech Petroleum Management Corporation
4230 LBJ Freeway, Suite 409
Dallas, Texas 75234

LAW OFFICES
FREEDMAN, DAY & IVY
SUITE 200 ADOLPHUS TOWER
1412 MAIN STREET
DALLAS, TEXAS 75202



HARRY I. FREEDMAN
JAMES E. DAY, JR.
JIMMY D. IVY
RICHARD ELLIOTT

(214) 748-9601

MEXICO, D. F., MEXICO OFFICE
LIC. MANUEL FUENTES OGARRIO

March 25, 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Oil Conservation Commission
State of New Mexico
P. O. Box 2088
Santa Fe, New Mexico 87501

FILE

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION OF NEW MEXICO FOR
THE PURPOSE OF CONSIDERING:

CASE NO. 5571 DE NOVO
Order No. R-5139-A

APPLICATION OF ROBERT G. COX
FOR AMENDMENT OF ORDER NO.
R-4561, EDDY COUNTY, NEW MEXICO

TO THE COMMISSION:

Applicant, Robert G. Cox, et al, requests a rehearing on the above matter.

1. Applicant would show the Commission that:

- a) the preponderance of evidence adduced at the hearing heretofore held on January 21, 1976, and February 24, 1976, establishes that Applicant did not intentionally deviate the subject well in violation of the drilling permit R-4561 granted Applicant by the Commission.
- b) the preponderance of evidence adduced at said hearings clearly shows that the subject well is not correlative to and there is no communication with the adjoining well to the West and at best poor or little correlation to and poor or little communication with the adjoining well to the North.
- c) any evidence at such hearings indicating probably no more than two and one-half acres underlying Applicant's lease in the NW/4 NW/4 of Section 12, T18S, R27E, NMPM, being productive of hydrocarbons from the Abo formation having a reservoir hydrocarbon pool volume of approximately 4520 barrels is not substantive and

March 25, 1976

without corroboration.

d) there was no substantial evidence introduced at said hearings substantiating the quantity of original oil in place.

e) that denying the application in this case deprives Applicant of his right to enjoy his property in face of the great weight of the law in other jurisdictions allowing production in similar cases.

Please advise of your decision for rehearing.

Respectfully submitted,

James E. Day, Jr.
Attorney for Applicant

JEDj/tmc

cc: Mr. George H. Hunker, Jr.
Hunker, Fedric, & Higginbotham, P.A.
Suite 210, Hinkle Building
P. O. Box 1837
Roswell, New Mexico 88201

Mr. Robert G. Cox
Geo-Tech Petroleum Management Corporation
4230 LBJ Freeway, Suite 409
Dallas, Texas 75234

SENDER: Complete items 1, 2, and 3. "RETURN TO" space on reverse.
Add your address in the "RETURN TO" space on reverse.

- 1. The following service is requested (check one).
 - Show to whom and date delivered..... 15¢
 - Show to whom, date, & address of delivery.. 35¢
 - RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
 - RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
 Oil Conservation Commission
 State of New Mexico
 Santa Fe, New Mexico 87501

3. ARTICLE DESCRIPTION:
 REGISTERED NO. 353961 CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY
 [Signature] POSTMARK
 SEP 11 1975

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:
 CLERK'S INITIALS



OIL CONSERVATION COMMISSION

STATE OF NEW MEXICO
P. O. BOX 2088 - SANTA FE
87501



DIRECTOR
JOE D. RAMEY

LAND COMMISSIONER
PHIL R. LUCERO

STATE GEOLOGIST
EMERY C. ARNOLD

April 23, 1976

Mr. James E. Day, Jr.
Freedman, Day & Ivy
Suite 200 Adolphus Tower
1412 Main Street
Dallas, Texas 75202

Re: Case No. 5571 De Novo
Order No. R-5139-A
Application of Robert G.
Cox for Amendment of Order
No. R-4561, Eddy County,
New Mexico

Dear Mr. Day:

Your letter of April 20, 1976, to Mr. Ramey concerning the above captioned matter has been referred to me for reply.

The Application for Rehearing of the Commission's decision in this case, dated March 25, 1976, was received by the Commission on March 29, 1976. On April 6, 1976, the Commission reviewed each point in this Application for Rehearing and decided to take no action on it; thereby refusing it as of April 9, 1976. (Rule 1222, Section 65-3-22(a) N.M.S.A., 1953 Compilation). On April 9, 1976, I advised Mr. George Hunker, Mr. Cox's New Mexico Counsel in this case, of the Commission's decision not to grant the Application for Rehearing and was informed by him on the following day that your office had been contacted relative to this matter.

Section 65-3-22(b) N.M.S.A., 1953, Comp. provides that:

"Any party to such rehearing proceeding, dissatisfied with the disposition of the application for rehearing, may appeal therefrom to the District Court of the county wherein is located any property of such party affected by the decision, by filing a petition for the review of the action of the Commission within twenty (20) days after the entry of the order following rehearing or after the refusal or rehearing as the case may be."

-2-

Mr. James E. Day, Jr.
April 23, 1976

According to my calculations, Mr. Cox has until Thursday,
April 29, 1976 to file an appeal should he desire to do so.

I trust this answers all questions raised by your letter
of April 20.

Best regards.

Very truly yours,

A handwritten signature in black ink, appearing to read "William F. Carr". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

WILLIAM F. CARR
General Counsel

WFC/jr

cc: Joe Ramey
George Hunker

CERTIFIED
RETURN RECEIPT REQUESTED

LAW OFFICES
FREEDMAN, DAY & IVY
SUITE 200 ADOLPHUS TOWER
1412 MAIN STREET
DALLAS, TEXAS 75202

HARRY I. FREEDMAN
JAMES E. DAY, JR.
JIMMY D. IVY
RICHARD ELLIOTT

(214) 748-9601

March 25, 1976

MEXICO, D. F., MEXICO OFFICE
LIC. MANUEL FUENTES OGARRIO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Oil Conservation Commission
State of New Mexico
P. O. Box 2088
Santa Fe, New Mexico 87501

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION OF NEW MEXICO FOR
THE PURPOSE OF CONSIDERING:

CASE NO. 5571 DE NOVO
Order No. R-5139-A

APPLICATION OF ROBERT G. COX
FOR AMENDMENT OF ORDER NO.
R-4561, EDDY COUNTY, NEW MEXICO

TO THE COMMISSION:

Applicant, Robert G. Cox, et al, requests a rehearing on the above matter.

1. Applicant would show the Commission that:

- a) the preponderance of evidence adduced at the hearing heretofore held on January 21, 1976, and February 24, 1976, establishes that Applicant did not intentionally deviate the subject well in violation of the drilling permit R-4561 granted Applicant by the Commission.
- b) the preponderance of evidence adduced at said hearings clearly shows that the subject well is not correlative to and there is no communication with the adjoining well to the West and at best poor or little correlation to and poor or little communication with the adjoining well to the North.
- c) any evidence at such hearings indicating probably no more than two and one-half acres underlying Applicant's lease in the NW/4 NW/4 of Section 12, T18S, R27E, NMPM, being productive of hydrocarbons from the Abo formation having a reservoir hydrocarbon pool volume of approximately 4520 barrels is not substantive and

March 25, 1976

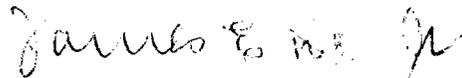
without corroboration.

d) there was no substantial evidence introduced at said hearings substantiating the quantity of original oil in place.

e) that denying the application in this case deprives Applicant of his right to enjoy his property in face of the great weight of the law in other jurisdictions allowing production in similar cases.

Please advise of your decision for rehearing.

Respectfully submitted,



James E. Day, Jr.
Attorney for Applicant

JEDj/tmc

cc: Mr. George H. Hunker, Jr.
Hunker, Fedric, & Higginbotham, P.A.
Suite 210, Hinkle Building
P. O. Box 1837
Roswell, New Mexico 88201

Mr. Robert G. Cox
Geo-Tech Petroleum Management Corporation
4230 LBJ Freeway, Suite 409
Dallas, Texas 75234

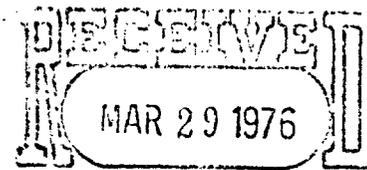
241 P.2d 363
342 U.S. 938
252 P.2d 450

LAW OFFICES
FREEDMAN, DAY & IVY
SUITE 200 ADOLPHUS TOWER
1412 MAIN STREET
DALLAS, TEXAS 75202

HARRY I. FREEDMAN
JAMES E. DAY, JR.
JIMMY D. IVY
RICHARD ELLIOTT

(214) 748-9601

March 25, 1976



OIL CONSERVATION COMM.
Santa Fe
MEXICO, D. F., MEXICO OFFICE
LIC. MANUEL FUENTES OGARRIO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Oil Conservation Commission
State of New Mexico
P. O. Box 2088
Santa Fe, New Mexico 87501

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION OF NEW MEXICO FOR
THE PURPOSE OF CONSIDERING:

CASE NO. 5571 DE NOVO
Order No. R-5139-A

APPLICATION OF ROBERT G. COX
FOR AMENDMENT OF ORDER NO.
R-4561, EDDY COUNTY, NEW MEXICO

TO THE COMMISSION:

Applicant, Robert G. Cox, et al, requests a rehearing on the above matter.

1. Applicant would show the Commission that:

- a) the preponderance of evidence adduced at the hearing heretofore held on January 21, 1976, and February 24, 1976, establishes that Applicant did not intentionally deviate the subject well in violation of the drilling permit R-4561 granted Applicant by the Commission.
- b) the preponderance of evidence adduced at said hearings clearly shows that the subject well is not correlative to and there is no communication with the adjoining well to the West and at best poor or little correlation to and poor or little communication with the adjoining well to the North.
- c) any evidence at such hearings indicating probably no more than two and one-half acres underlying Applicant's lease in the NW/4 NW/4 of Section 12, T18S, R27E, NMPM, being productive of hydrocarbons from the Abo formation having a reservoir hydrocarbon pool volume of approximately 4520 barrels is not substantive and

March 25, 1976

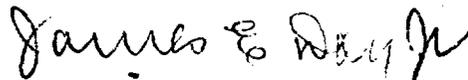
without corroboration.

d) there was no substantial evidence introduced at said hearings substantiating the quantity of original oil in place.

e) that denying the application in this case deprives Applicant of his right to enjoy his property in face of the great weight of the law in other jurisdictions allowing production in similar cases.

Please advise of your decision for rehearing.

Respectfully submitted,



James E. Day, Jr.
Attorney for Applicant

JEDj/tmc

cc: Mr. George H. Hunker, Jr.
Hunker, Fedric, & Higginbotham, P.A.
Suite 210, Hinkle Building
P. O. Box 1837
Roswell, New Mexico 88201

Mr. Robert G. Cox
Geo-Tech Petroleum Management Corporation
4230 LBJ Freeway, Suite 409
Dallas, Texas 75234



OIL CONSERVATION COMMISSION

STATE OF NEW MEXICO
P. O. BOX 2088 - SANTA FE
87501



DIRECTOR
JOE D. RAMEY

LAND COMMISSIONER
PHIL R. LUCERO
March 11, 1976

STATE GEOLOGIST
EMERY C. ARNOLD

Mr. James E. Day, Jr.
Freedman, Day & Ivy
Attorneys at Law
Suite 200 Adolphus Tower
1412 Main Street
Dallas, Texas 75202

Re: CASE NO. 5571
ORDER NO. R-5139-A

Applicant:

Robert G. Cox

Dear Sir:

Enclosed herewith are two copies of the above-referenced Commission order recently entered in the subject case.

Yours very truly,


JOE D. RAMEY
Director

JDR/fd

Copy of order also sent to:

Hobbs OCC x
Artesia OCC x
Aztec OCC

Other Clarence Hinkle, Guy Buell, U.S.G.S. - Roswell

ROBERT G. COX

CERTIFIED PROFESSIONAL GEOLOGIST

Petroleum Consultant

4230 LBJ Freeway

Suite 409

PHONE: 214-387-3385

DALLAS, TEXAS 75234

EXPLORATION
EVALUATION

PRODUCTION
APPRAISALS

February 16, 1976

Mr. J. L. Tweed
Atlantic Richfield Company
Permian District
P. O. Box 1610
Midland, Texas 79701

Dear Mr. Tweed:

Enclosed are copies of certain logs you requested through Mr. Hinkle. Unfortunately, Mr. Day's office did not receive the request until February 10th, with copy forwarded to our office on February 12th. I have been out of the office with the flu since the 11th; so that is the reason for the delay in getting these logs forwarded.

We had sent an identical set to Amoco sometime prior to the 10th. I'm sending these direct to you instead of to Mr. Day to forward to Mr. Hinkle, as it would again cause a considerable delay.

Very truly yours,



Robert G. Cox

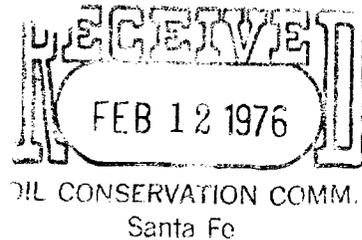
RGC:pm

Enclosures

cc: James Day, Jr., Attorney, Dallas, Texas
Guy Buell, Attorney, Amoco Production Co., Houston, Texas
Mr. Joe Ramey, NMOCC, Santa Fe, New Mexico
Mr. Clarence Hinkle, Attorney, Roswell, New Mexico

EXPLORATION
EVALUATION

ROBERT G. COX
CERTIFIED PROFESSIONAL GEOLOGIST
Petroleum Consultant
4230 LBJ Freeway
Suite 409
PHONE: 214-387-3385
DALLAS, TEXAS 75234



PRODUCTION
APPRAISALS

Case 5571
↗

February 9, 1976

Mr. Guy Buell
Amoco Production Company
P. O. Box 3092
Houston, Texas 77001

Re: Requested Logs
R. G. Cox Federal "EA" Lease
NM 6852
Eddy County, New Mexico

Dear Mr. Buell:

Am in receipt of your letter dated February 2, 1976,
addressed to Mr. James Day, Jr., requesting certain logs
from our files.

As Mr. Day is presently out of town on business, I have
taken the liberty to forward the logs direct without going
through the normal legal channels. These are the only scales
we have available at the present time.

Very truly yours,

A handwritten signature in cursive script that reads "Robert G. Cox".

Robert G. Cox

RGC:pm
Enclosures

cc: James Day, Attorney
✓ NMOCC, Santa Fe, N.M. - Case No. 5571 (De Nova)
Clarence Hinkle, Attorney



Amoco Production Company

500 Jefferson Building
P.O. Box 3092
Houston, Texas 77001

Guy Buell
Attorney

February 2, 1976

Case 55-41

Mr. James E. Day, Jr.
Freedman, Day & Ivy
Suite 200 Adolphus Tower
1412 Main Street
Dallas, Texas 75202

Re: Cox, et al/Federal EA Lease
Sec. 12, T18S, R27E
Eddy County, New Mexico

Dear Jim:

Reference is made to your letter of January 26, 1976, in which you requested all directional surveys on several Empire-Abo Pool wells near Mr. Cox's Federal "E.A." Lease. Among the Amoco wells from which you desired these data was the Diamond Federal #1. The only directional survey run on this well was a "TOTCO" and a tabulation of these data was furnished Mr. Cox on November 19, 1975, in Santa Fe. If that tabulation has been lost let me know and another will be sent you immediately.

The other Amoco wells on your list are the M-16, L-17 and L-18. Arco has custody of the files on these wells and we have authorized Arco to furnish you all the directional data in the files.

Reports filed with the U.S.G.S. by Mr. Cox show that on the Federal "E.A." #1 (deviated hole) IES, compensated density and gamma ray-neutron logs were run and on the Federal "EA" #2 a gamma ray-neutron log was run. We have been unable to obtain these logs from the commercial log service companies. We would sincerely appreciate a copy of each of the above logs. A scale of 2-1/2" : 100' would be preferable if available or a scale of 5" : 100' if this is all Mr. Cox has.

We would sincerely appreciate your early response to our log requests.

Very truly yours,

Original signed by
Guy T. Buell

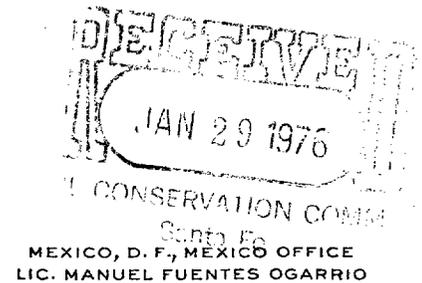
GTB:rh

LAW OFFICES
FREEDMAN, DAY & IVY
SUITE 200 ADOLPHUS TOWER
1412 MAIN STREET
DALLAS, TEXAS 75202

(214) 748-9601

HARRY I. FREEDMAN
JAMES E. DAY, JR.
JIMMY D. IVY
RICHARD ELLIOTT

January 26, 1976



Case 55711

COPY

Mr. Guy Buell, Esq.
Attorney at Law
Amoco Production Company
P. O. Box 3092
Houston, Texas

Mr. Clarence Hinkle, Esq.
Hinkle, Bondurant, Cox & Eaton
Attorneys at Law
Hinkle Building
Roswell, New Mexico

Re: Cox, et al./Federal EA Lease
Sec. 12, T18S, R27E, Eddy County, New Mexico

Dear Guy and Clarence:

Would you please furnish me with directional surveys of the true vertical deviation in degrees and footage of the following unit wells in the Empire Abo Unit, Eddy County, New Mexico, to-wit:

M-16; L-16; L-17; L-18; L-19; L-20; Amoco, Diamond
Federal Well.

Should your clients not have these directional surveys or any surveys that would show the true vertical depths and deviations of these wells, I would appreciate any partial information your clients files may contain, and if none, please advise that they have none.

Your early response would be appreciated inasmuch as we have the next hearing coming up very shortly.

Yours very truly,

ORIGINAL SIGNED
JAMES E. DAY, JR.
James E. Day, Jr.

JEDj/tmc

cc: Mr. Robert G. Cox
Oil Conservation Commission, Santa Fe, New Mexico
Mr. Sumner G. Buell

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO 87501

file case 55-11

January 13, 1976

Mr. Guy Buell
Amoco Production Co.
P. O. Box 3092
Houston, Texas 77001

Dear Guy:

Enclosed is the production data you have requested for the 40-acre tract on which the Robert G. Cox Federal EA Well No. 1 is located. Though incomplete in some respects, I believe the data is self-explanatory and the totals accurate.

If you have any questions, give me a call. See you next week.

Very truly yours,

WILLIAM F. CARR
General Counsel

WFC/dr
enc.

COPY

Production Data in Barrels - Aztec "EA" Federal #1 Well
 located in Unit D, Section 12, Township 18 South, Range 27
 East, Eddy County, New Mexico

	1959	1960	1961	1962
Jan.	0	127	118	99
Feb.	0	168	119	117
March	0	136	79	102
April	0	66	81	110
May	0	116	94	161
June	279	68	40	136
July	63	123	199	77
Aug.	42	110	142	23
Sept.	67	119	155	0
Oct.	72	112	124	0
Nov.	69	112	61	0
Dec.	<u>182</u>	<u>116</u>	<u>113</u>	<u>0</u>
Total	774	1373	1325	825

Total production through August 1962 - 4297 bbls. The well
 was plugged in August 1962.

Production Data in Barrels - Robert G. Cox "EA" Federal Well
No. 1 located in Unit D, Section 12, Township 18 South, Range
27 East, Eddy County, New Mexico:

April	1970	99 Bbls.
May	1970	<u>28 Bbls.</u>
	Total	127 Bbls.

May	1971	<u>94 Bbls.</u>
	Total	94 Bbls.

March	1972	<u>11 Bbls.</u>
	Total	11 Bbls.

Although no production other than the above was reported to
the Oil Conservation Commission, the Commission's records
show the total production to date for the life of the tract
through 1974 to be 5,454 bbls.

1975 Production: (Form C-115)

September	700 Bbls.
October	1195 Bbls.
November	1040 Bbls.
	<hr/>
Total	2935 Bbls.

J. O. SETH (1883-1963)

MONTGOMERY, FEDERICI, ANDREWS, HANNAHS & BUELL

ATTORNEYS AND COUNSELORS AT LAW

350 EAST PALACE AVENUE

SANTA FE, NEW MEXICO 87501

POST OFFICE BOX 2307

AREA CODE 505

TELEPHONE 982-3875

December 19, 1975

A. K. MONTGOMERY
WM. R. FEDERICI
FRANK ANDREWS
FRED C. HANNAHS
SUMNER G. BUELL
SETH D. MONTGOMERY
FRANK ANDREWS III
OWEN M. LOPEZ

JEFFREY R. BRANNEN
JOHN BENNETT POUND
GARY R. KILPATRICK
THOMAS W. OLSON

New Mexico Oil Conservation Commission
State Land Office Building
Santa Fe, New Mexico 87503

Re: Application of Robert G. Cox
Case No. 5571; Order No. R-5139

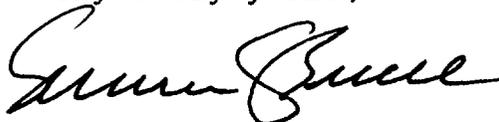
Gentlemen:

As you know, the Commission by its Order of December 16, 1975, denied the application of Robert G. Cox to amend Order No. R-4561. The case involved a crooked well designated the Federal EA No. 1, in Section 12, Township 18 South, Range 27 East, N.M.P.M., Eddy County, New Mexico. This well, after its completion and until the entry of Order No. R-5139, was producing approximately 35 barrels of oil per day under a temporary testing allowable. With the entry of Order No. R-5139, the well is without an allowable.

Robert G. Cox will apply to the Commission for a de novo hearing on this application. Pending that hearing, however, it is imperative that the well continue to be produced. Previous experience with another well on this lease has shown that when a well is shut in for an extended period of time, it will water out and production cannot be re-established. In fact, at the present time the Federal EA No. 1 is producing in excess of 100 barrels of water per day along with the meager oil production. To avoid completely watering out the well, we respectfully request that the temporary testing allowable be continued until a final determination is made in this case by the Commission.

If I can supply you with any additional information or expand on the above, please feel free to call on me.

Very truly yours,



SGB:RB
5086-75-7

c.c. Mr. Richard L. Stamets
William S. Carr, Esq.