

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

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

**CASE NO. 13281
ORDER NO. R-12173**

**APPLICATION OF SAMSON RESOURCES COMPANY FOR COMPULSORY
POOLING AND APPROVAL OF AN UNORTHODOX GAS WELL LOCATION,
LEA COUNTY, NEW MEXICO.**

ORDER OF THE DIVISION

BY THE DIVISION:

This case came on for hearing at 8:15 a.m. on June 24, 2004, at Santa Fe, New Mexico, before Examiner David R. Catanach.

NOW, on this 22nd day of July, 2004, the Division Director, having considered the testimony, the record and the recommendations of the Examiner,

FINDS THAT:

- (1) Due public notice has been given, and the Division has jurisdiction of this case and of the subject matter.
- (2) The applicant, Samson Resources Company ("Applicant"), seeks an order pooling all uncommitted mineral interests from the surface to the base of the Morrow formation underlying the S/2 of Section 14, Township 20 South, Range 33 East, NMPM, Lea County, New Mexico, to form a standard 320-acre spacing and proration unit for any formations **and/or** pools spaced on 320 acres within this vertical extent which presently include but are not necessarily limited to the **Undesignated Quail Ridge-Morrow and Undesignated Teas-Pennsylvanian Gas Pools**.
- (3) The above-described unit ("the Unit") is to be dedicated to the applicant's Maverick "14" Federal Well No. 1 which is proposed to be drilled at an unorthodox gas well location 1980 feet from the South line and 1830 feet from the West line (Unit K) of Section 14.

(4) Pure Resources, L.P., Edward R. Hudson Trusts No. 1, 2 and 3, Edward R. Hudson, Jr., Lindy's Living Trust and **Delmar** Hudson Lewis Living Trust, all interest owners in the proposed Unit, appeared at the hearing but presented no evidence or testimony.

(5) Two or more separately owned tracts are embraced within the Unit, **and/or** there are royalty interests **and/or** undivided interests in oil and gas minerals in one or more tracts included in the Unit that are separately owned.

(6) Applicant is an owner of an oil and gas working interest within the Unit. Applicant has the right to drill and proposes to drill its Maverick "14" Federal Well No. 1 to a common source of supply at an unorthodox gas well location within the NE/4 SW/4 of Section 14.

(7) There are interest owners in the proposed Unit that have not agreed to pool their interests.

(8) To avoid the drilling of unnecessary wells, protect correlative rights, prevent waste and afford to the owner of each interest in the Unit the opportunity to recover or receive without unnecessary expense its just and fair share of hydrocarbons, this application should be approved by pooling all uncommitted interests, whatever they may be, in the oil and gas within the Unit.

(9) The applicant should be designated the operator of the subject well and of the Unit.

(10) The proposed well is located within one mile of the **Teas-Pennsylvanian** Pool which is currently governed by the "*Special Rules and Regulations for the Teas-Pennsylvanian Pool*" as established by Division Order No. R-2627 dated December 27, 1963. The pool rules require standard 320-acre gas spacing and proration units with wells to be located no closer than 990 feet to the outer boundary of a quarter section and no closer than 330 feet to any governmental quarter-quarter section or subdivision inner boundary.

(11) The proposed well is also located within one mile of the Quail Ridge-Morrow Pool which is currently governed by the "*Special Rules and Regulations for the Quail Ridge-Morrow Gas Pool*" as established by Division Order No. R-3890 dated December 3, 1969. The pool rules require standard 320-acre gas spacing and proration units with wells to be located no closer than 660 feet to the nearest side boundary of the tract nor closer than 1980 feet to the nearest end boundary of the tract nor closer than 330 feet to any governmental quarter-quarter section line or subdivision inner boundary.

(12) The proposed well location is unorthodox for both the Quail Ridge-Morrow and Teas-Pennsylvanian Gas Pools.

(13) The proposed well is also located within the "*Potash Area*" as defined by Division Order No. R-111-P dated April 21, 1988.

(14) The applicant presented evidence that demonstrates that:

- (a) the proposed unorthodox location is necessitated by a number of factors including restrictions imposed by the United States Bureau of Land Management ("BLM"), topographic considerations, and geologic considerations;
- (b) there are no active potash leases in Section 14 at the current time;
- (c) the interest ownership is common between the S/2 of Section 14 and the N/2 of Section 14, being the affected offset acreage; and
- (d) no offset operator and/or interest owner appeared at the hearing in opposition to the proposed unorthodox gas well location.

(15) The proposed unorthodox gas well location should be approved.

(16) Any pooled working interest owner who does not pay its share of estimated well costs should have withheld from production its share of reasonable well costs plus an additional 200% thereof as a reasonable charge for the risk involved in drilling the well.

(17) Reasonable charges for supervision (combined fixed rates) should be fixed at \$6,500.00 per month while drilling and \$650.00 per month while producing, provided that these rates should be adjusted annually pursuant to Section III.1.A.3. of the COPAS form titled "*Accounting Procedure-Joint Operations*."

IT IS THEREFORE ORDERED THAT:

(1) Pursuant to the application of Samson Resources Company, all uncommitted mineral interests from the surface to the base of the Morrow formation underlying the S/2 of Section 14, Township 20 South, Range 33 East, NMPM, Lea County, New Mexico, are hereby pooled to form a standard 320-acre spacing and proration unit for any formations **and/or** pools spaced on 320 acres within this vertical extent which presently include but are not necessarily limited to the Undesignated Quail Ridge-Morrow and Undesignated Teas-Pennsylvanian Gas Pools.

The above-described Unit shall be dedicated to the applicant's Maverick "14" Federal Well No. 1 which is to be drilled at an unorthodox gas well location (also hereby approved) 1980 feet from the South line and 1830 feet from the West line (Unit K) of Section 14.

(2) The operator of the Unit shall commence drilling the proposed well on or before November 1, 2004 and shall thereafter continue drilling the well with due diligence to test the Morrow formation.

(3) In the event the operator does not commence drilling the proposed well on or before November 1, 2004, Ordering Paragraph (1) shall be of no effect, unless the operator obtains a time extension from the Division Director for good cause.

(4) Should the subject well not be drilled and completed within 120 days after commencement thereof, Ordering Paragraph (1) shall be of no further effect, and the unit created by this Order shall terminate unless the operator appears before the Division Director and obtains an extension of time to complete the well for good cause demonstrated by satisfactory evidence.

(5) Upon final plugging and abandonment of the subject well, the pooled unit created by this Order shall terminate, unless this order has been amended to authorize further operations.

(6) Samson Resources Company is hereby designated the operator of the subject well and of the Unit.

(7) After pooling, uncommitted working interest owners are referred to as pooled working interest owners. ("Pooled working interest owners" are owners of working interests in the Unit, including **unleased** mineral interests, who are not parties to an operating agreement governing the Unit.) After the effective date of this order, the operator shall furnish the Division and each known pooled working interest owner in the Unit an itemized schedule of estimated costs of drilling, completing and equipping the subject well ("well costs").

(8) Within 30 days from the date the schedule of estimated well costs is furnished, any pooled working interest owner shall have the right to pay its share of estimated well costs to the operator in lieu of paying its share of reasonable well costs out of production as hereinafter provided, and any such owner who pays its share of estimated well costs as provided above shall remain liable for operating costs but shall not be liable for risk charges. Pooled working interest owners who elect not to pay their share of estimated well costs as provided in this paragraph shall thereafter be referred to as "non-consenting working interest owners."

(9) The operator shall furnish the Division and each known pooled working interest owner (including non-consenting working interest owners) an itemized schedule of actual well costs within 90 days following completion of the proposed well. If no objection to the actual well costs is received by the Division, and the Division has not objected within 45 days following receipt of the schedule, the actual well costs shall be deemed to be the reasonable well costs. If there is an objection to actual well costs within the 45-day period, the Division will determine reasonable well costs after public notice and hearing.

(10) Within 60 days following determination of reasonable well costs, any pooled working interest owner who has paid its share of estimated costs in advance as provided above shall pay to the operator its share of the amount that reasonable well costs exceed estimated well costs and shall receive from the operator the amount, if any, that the estimated well costs it has paid exceed its share of reasonable well costs.

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

- (a) the proportionate share of reasonable well costs attributable to each non-consenting working interest owner; and
- (b) as a charge for the risk involved in drilling the well, 200% of the above costs.

(12) The operator shall distribute the costs and charges withheld from production, proportionately, to the parties who advanced the well costs.

(13) Reasonable charges for supervision (combined fixed rates) are hereby fixed at \$6500.00 per month while drilling and \$650.00 per month while producing, provided that these rates shall be adjusted annually pursuant to Section III.1.A.3. of the COPAS form titled "*Accounting Procedure-Joint Operations*." The operator is authorized to withhold from production the proportionate share of both the supervision charges and the actual expenditures required for operating the well, not in excess of what are reasonable, attributable to pooled working interest owners.

(14) Except as provided in Ordering Paragraphs (11) and (13) above, all proceeds from production from the well that are not disbursed for any reason shall be placed in escrow in Lea County, New Mexico, to be paid to the true owner thereof upon demand and proof of ownership. The operator shall notify the Division of the name and address of the escrow agent within 30 days from the date of first deposit with the escrow agent.

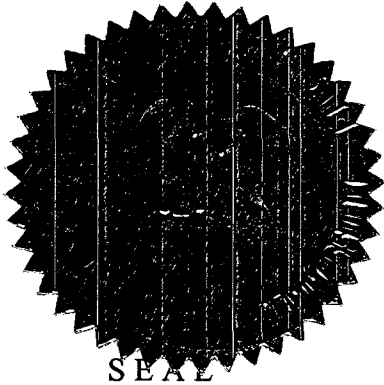
(15) Any unleased mineral interest shall be considered a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest for the purpose of allocating costs and charges under this order. Any well costs or charges that are to be paid out of production shall be withheld only from the working interests' share of production, and no costs or charges shall be withheld from production attributable to royalty interests.

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

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

(18) Jurisdiction of this case is retained for the entry of such further orders as the Division may deem necessary.

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



STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

MARK E. FESMIRE, PE
Director