

**DOCKET: EXAMINER HEARING - THURSDAY - FEBRUARY 3, 2000****8:15 A.M. - 2040 South Pacheco  
Santa Fe, New Mexico**

Dockets Nos. 5-00 and 6-00 are tentatively set for February 17 and March 2, 2000. Applications for hearing must be filed at least 23 days in advance of hearing date. The following cases will be heard by an Examiner:

**CASE 12287:** Continued from January 6, 2000, Examiner Hearing. This case will be dismissed.

**Application of Nearburg Exploration Company, L.L.C. for Compulsory Pooling, Eddy County, New Mexico.** Applicant seeks an order pooling all mineral interests from the surface to the base of the Morrow formation underlying the following described acreage in Section 7, Township 22 South, Range 26 East, in the following manner: the W/2 to form a standard 320-acre gas spacing and proration unit for any formations and/or pools developed on 320-acre spacing within that vertical extent, including the Undesignated Hackberry Hills-Canyon Gas Pool, Undesignated Happy Valley-Strawn Gas Pool, Undesignated Hackberry Hills-Atoka Gas Pool, and Happy Valley-Morrow Gas Pool; the SW/4 to form a standard 160-acre gas spacing and proration unit for any formations and/or pools developed on 160-acre spacing within that vertical extent; and the NE/4 SW/4 for form a standard 40-acre oil spacing and proration unit for any formations and/or pools developed on 40-acre spacing within that vertical extent, including the Undesignated Filaree Dome-Delaware Pool and Undesignated Happy Valley-Bone Spring Pool. The units are to be dedicated to its White Tip "7" Fed. Well No. 2 to be located 1500 feet from the South line and 1980 feet from the East line (Unit K) of Section 7. Also to be considered will be the cost of drilling and completing the well and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of Nearburg Producing Company as the operator of the well, and a charge for risk involved in drilling and completing the well. These units are located approximately 6.5 miles west-southwest of Carlsbad, New Mexico.

**CASE 12257:** Continued from January 20, 2000, Examiner Hearing.

**Application of E.G.L. Resources, Inc. for Compulsory Pooling, Eddy County, New Mexico.** Applicant seeks an order pooling all mineral interests from the surface to the base of the Yates formation underlying the NW/4 of Section 23, Township 20 South, Range 28 East to form a standard 160-acre gas spacing and proration unit for any formations and/or pools developed on 160-acre spacing within that vertical extent, including the Russell-Lower Yates Gas Pool. This unit is to be dedicated to a well to be drilled at a standard gas well location thereon. Also to be considered will be the cost of drilling and completing the well and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of applicant as the operator of the well, and a charge for risk involved in drilling and completing the well. The unit is located approximately 11 miles north-northeast of Carlsbad, New Mexico.

**CASE 12308:** Continued from January 20, 2000, Examiner Hearing.

**Application of Pogo Producing Company for compulsory pooling, Eddy County, New Mexico.** Applicant seeks an order pooling all mineral interests from the surface to the base of the Cisco Canyon formation underlying the following described acreage in Section 18, Township 20 South, Range 25 East, in the following manner: (a) Lots 3 and 4, the E/2 SW/4, and the SE/4 (S/2 equivalent) to form a standard 319.20-acre spacing and proration unit for any formations and/or pools developed on 320-acre spacing within this vertical extent, including the Undesignated South Dagger Draw-Upper Pennsylvanian Associated Pool; and (b) the SE/4 to form a standard 160-acre gas spacing and proration unit for any formations and/or pools developed on 160-acre spacing within this vertical extent. Both units are to be dedicated to its plugged and abandoned W. W. Buchanan Osage Com. Well No. 1 (API No. 30-015-21451), located 1830 feet from the South line and 1980 feet from the East line (Unit J) of Section 18. Also to be considered will be the cost of re-entry, completing, and equipping the well as well as actual operating costs and charges for supervision, designation of applicant as the operator of the well, and a charge for risk involved in the re-entry of this wellbore. The units are located approximately 6 miles west-southwest of Seven Rivers, New Mexico.

**CASE 12334:** **Application of Manzano Oil Corporation for Compulsory Pooling, Lea County, New Mexico.** Applicant seeks an order pooling all mineral interests from the surface to the base of the Strawn formation underlying Lots 12 and 13 of irregular Section 1, Township 16 South, Range 36 East to form a standard 80-acre oil spacing and proration unit for any formations and/or pools developed on 80 acre spacing within that vertical extent, including the Northeast Lovington-Pennsylvanian Pool. The unit is to be dedicated to its Cayuma Well No. 1-A, located at an unorthodox oil well location 3580 feet from the South line and 990 feet from the West line (Unit M) of Section 1. Also to be considered will be the cost of drilling and completing the well and the actual operating costs thereof, as well as actual operating costs and charges for supervision, designation of applicant as the operator of the well and a charge for risk involved in drilling the well. The unit is located approximately 2 miles northeast of Lovington, New Mexico.

**CASE 12335:** **Application of Penwell Energy, Inc. for an Unorthodox Well Location, Sandoval County, New Mexico.** Applicant seeks authorization to drill its Eagle Springs "8" Federal Well No. 1 as a wildcat well to the Entrada formation, at an unorthodox well location 263 feet from the North line and 2548 feet from the East line of Section 8, Township 19 North, Range 4 West. The NW/4 NE/4 of Section 8 is to be dedicated to the well. The unit is located approximately 7 miles north-northwest of Torreon, New Mexico.

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**CASE 12313: (Reopened)**

**Application of David H. Arrington Oil & Gas, Inc. for Compulsory Pooling, Directional Drilling of a Horizontal Well and a Non-Standard Spacing Unit, Lea County, New Mexico.** Applicant seeks an order pooling all mineral interests from the surface to the base of the Strawn formation, Northeast Lovington-Pennsylvanian Pool, underlying the following described acreage in Section 10, Township 16 South, Range 37 East in the following manner: (a) the NW/4 SW/4 for any formations and/or pools developed on 40-acre spacing and (b) the SW/4 to form a 160-acre Project Area, as defined by Division Rule 111.A(7), by combining two standard 80-acre oil spacing and proration units in order to accommodate a horizontally drilled wellbore. The applicant proposes to vertically drill its H & L Variance "10" Well No. 1 at a surface location 2130 feet from the South line and 330 feet from the West line (Unit L) of Section 10 to an approximate depth of 11,600 feet, kick-off, and then drill horizontally in an easterly direction a lateral distance of 1400 feet through the Strawn formation. The applicable drilling window or producing area [See Division Rule 111.A(7)] for the proposed wellbore is to be standard for any 40-acre unit and 80-acre units per the outer setback requirements for 80-acre units in the subject pool. Also to be considered will be the cost of drilling and completing this wellbore and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of applicant as the operator of the well and a charge for risk involved in drilling and completing the well. The location of the proposed well is approximately six miles east of Lovington, New Mexico.

**CASE 12320: Continued from January 6, 2000, Examiner Hearing.**

Application of Chevron U.S.A. Production Co. for Approval to convert the EMSU Wells No. 210, 212, 222, 252 and 258 to Injection in the Eunice Monument South Unit, Lea County, New Mexico. Applicant seeks approval to convert its EMSU Wells No. 210, 212, 222, 252 and 258 to injection in the Eunice Monument South Unit (EMSU). These wells are designed to improve recovery efficiency of the waterflood patterns and enhance production of the EMSU secondary recovery project. The wells are located in the following locations: No. 210 - Section 4, Unit K, Township 21 South, Range 36 East; No. 252 - Section 5, Unit I, Township 21 South, Range 36 East; No. 222 - Section 6, Unit O, Township 21 South, Range 36 East; No. 252 - Section 6, Unit W, Township 21 South, Range 36 East; No. 258 - Section 4, Unit U, Township 21 South, Range 36 East. Water will be injected into the unitized interval of the Eunice Monument Grayburg-San Andres Pool which has an upper limit of 100 feet below mean sea level or the top of the Grayburg formation, whichever is higher, to a lower limit of the base of the San Andres formation. Injection will occur at an expected maximum pressure rate of 1500 barrels of water per day and an expected maximum pressure of 750 pounds per square inch. This area is approximately one mile west-southwest of Oil Center, New Mexico.

**CASE 12336: Application of Yates Petroleum Corporation for approval of a Unit Agreement, Lea New Mexico.** Applicant seeks approval of the Shinnery State Unit for an area comprising 2360 acres of State lands in Section 32, Township 9 South, Range 34 East, and Sections 4, 5, 8 and 9, Township 10 South, Range 34 East, which is located approximately 5 miles southwest of Crossroads, New Mexico.

**CASE 12337: Application of Yates Petroleum Corporation for an Unorthodox Well Location, Chaves County, New Mexico.** Applicant seeks authorization to drills its Harvest "ABR" State Well No. 2 to the Abo formation, Pecos Slope-Abo Gas Pool, at an unorthodox well location 660 feet from the North line and 2139 feet from the West line of Section 36, Township 9 South, Range 24 East. The NW/4 of Section 36 is to be dedicated to the well. The unit is located approximately 6 miles north-northwest of Roswell, New Mexico. *In The Absence of Objection, This Application Will Be Taken Under Advisement.*

**CASE 12338: Application of Yates Drilling Company for Compulsory Pooling, Eddy County, New Mexico.** Applicant seeks an order pooling all mineral interests from the surface to the base of the Morrow formation, Undesignated Empire-Pennsylvanian Pool, underlying the following described acreage in Section 15, Township 17 South, Range 28 East in the following manner: (a) the W/2 for any formations and/or pools developed on 320-acre spacing, (b) the NW/4 for any formations and/or pools developed on 160-acre spacing, (c) the N/2 NW/4 for any formations and/or pools developed on 80-acre spacing, and (d) the NW/4 NW/4 for any formations and/or pools developed on 40-acre spacing. These units are to be dedicated to its Spurck "15" State Corn Well No. 1 to be drilled at a standard location 660 feet from the North and West lines (Unit D) of Section 15. Also to be considered will be the cost of drilling and completing the well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of applicant as the operator of the well and a charge for risk involved in drilling the well. The area is located approximately 11 miles west of Loco Hills, New Mexico.

**CASE 12319 Continued from January 20, 2000, Examiner Hearing.**

**Application of Nearburg Exploration Company, L.L.C. for Compulsory Pooling, Eddy County, New Mexico.** Applicant seeks an order pooling all mineral interests from the surface to the base of the Morrow formation in the following manner: the N/2 for all formations/pools developed on 320-acre spacing including the Logan Draw Morrow Gas Pool, the NE/4 for all formations/pools developed on 160-acre spacing, the S/2 NE/4 for all formations/pools developed on 80-acre spacing, and the SE/4 NE/4 for all formations/pools developed on 40-acre spacing, all in Section 30, Township 17 South, Range 27 East. Applicant proposes to dedicate these pooled units to a well to be drilled at a standard gas well location in the SE/4 NE/4 of Section 30. Also to be considered will be the cost of drilling and completing the well and the actual operating costs and charges for supervision, designation of applicant as the operator of the well and a charge for risk involved in drilling the well. The area is located approximately 4 miles southeast of Artesia, New Mexico.

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**CASE 12285:** Continued from January 20, 2000, Examiner Hearing.

**Application of Nearburg Exploration, Company, LLC. for Compulsory Pooling, Lea County, New Mexico.** Applicant seeks an order pooling all mineral interests from the surface to the base of the Morrow formation underlying the N/2 for all formations developed on 320-acre spacing including but not limited to the Undesignated San Simon Wolfcamp Gas Pool, the NW/4 for all formations developed on 160-acre spacing, the N/2 NW/4 for all formations developed on 80-acre spacing, and the NW/4 NW/4 for all formations developed on 40-acre spacing, all in Section 17, Township 22 South, Range 35 East. Applicant proposes to dedicate these pooled units to a well to be drilled at a standard gas well in the NW/4 NW/4 of Section 17. Also to be considered will be the cost of drilling and completing the well and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of Nearburg Producing Company as operator of the well, and a charge for risk involved in drilling and completing the well. The area is located approximately 10.5 miles southwest of Oil Center, New Mexico.

**CASE 12339:** **Application of Texaco Exploration and Production Inc. for Compulsory Pooling, Eddy County, New Mexico.** Applicant seeks an order pooling all mineral interests from a depth of 4346 feet to the base of the Morrow formation, underlying the following described acreage in Section 24, Township 16 South, Range 31 East, in the following: (a) the S/2 to form a standard 320-acre spacing and proration unit for any and all formations and/or pools developed on 320-acre spacing, (b) the SE/4 to form a standard 160-acre spacing and proration unit for any and all formations and/or pools developed on 160-acre spacing, (c) the N/2 SE/4 to form a standard 80-acre spacing and proration unit for any and all formations and/or pools developed on 80-acre spacing, (d) and the NW/4 SE/4 to form a standard 40-acre spacing and proration unit for any and all formations and/or pools developed on 40-acre spacing. These units are to be dedicated to a single well, the proposed Texmack "24" State Com Well No. 1 to be drilled as a wildcat well at a standard location in the SE/4 of Section 24. Also to be considered will be the cost of drilling and completing the well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of applicant as the operator of the well and a charge for risk involved in drilling the well. The proposed well location is approximately 5 miles northwest of Maljamar, New Mexico.

**CASE 12340:** **Application of David Petroleum Corp. for an unorthodox oil well location, Lea County, New Mexico.** Applicant seeks either: (i) an exception to Division Rule 104.B (1), revised by Division Order No. R-11231, issued by the New Mexico Oil Conservation Commission in Case No. 12119 on August 12, 1999; or (ii) an exception to Rule 4 of the "Special Rules and Regulations for the South Big Dog-Strawn Pool", as promulgated by Division Order No. R-9722-D, as amended: for the proposed C. O. Jones "ATK" State Com. Well No. 1 (API No. 30-025-34714) to be drilled at an unorthodox Strawn oil well location 1330 feet from the South line and 1150 feet from the West line (Unit L) of Section 11, Township 16 South, Range 35 East. This well is to be dedicated to either: (i) the NW/4 SW/4 of Section 11 in order to form a standard 40-acre oil spacing and proration unit for the Undesignated Northwest Shoe Bar-Strawn Pool, or (ii) the N/2 SW/4 of Section 11 in order to form a standard 80-acre oil spacing and proration unit for the Undesignated South Big Dog-Strawn Pool. The proposed well location is approximately five miles west by south of Lovington, New Mexico.

**CASE 12326:** Continued from January 20, 2000, Examiner Hearing.

**Application of Chesapeake Operating Inc. for Compulsory Pooling, Lea County, New Mexico.** Applicant seeks an order pooling all mineral interests from the surface to the base of the Morrow formation underlying the following described acreage in Section 15, Township 16 South, Range 35 East, in the following manner: the E/2 to form a standard 320-acre gas spacing and proration unit for any and all formations and/or pools developed on 320-acre gas spacing within that vertical extent, including the Townsend-Morrow Gas Pool, and North Shoe Bar-Atoka Gas Pool; the NE/4 for form a standard 160-acre gas spacing and proration unit for any and all formations and/or pools developed on 160-acre gas spacing within that vertical extent, including the North Shoe Bar-Wolfcamp Gas Pool; the E/2 NE/4 to form a standard 80-acre oil spacing and proration unit for any and all formations and/or pools developed on 80-acre oil spacing within that vertical extent; and the NE/4 NE/4 to form a standard 40-acre oil spacing and proration unit for any and all formations and/or pools developed on 40-acre oil spacing within that vertical extent including the Townsend Permo Upper Pennsylvanian Pool. This unit(s) is to be dedicated to its Boyce "15" Well No. 1 which will be located at a standard location within Unit A of this section. Also to be considered will be the costs of drilling and completing the well and the actual operating costs thereof as well as actual operating costs and charges for supervision, designation of applicant as the operator of the well and a charge for risk involved in drilling the well. The unit is located approximately 5 1/2 miles southwest of the center of the City of Lovington, New Mexico.

**CASE 12327:** Continued from January 20, 2000, Examiner Hearing.

Application of OXY USA, Inc. to Rescind Division Order No. R-4638 which adopted the Special Pool Rules for the West Parkway-Strawn Gas Pool and the West Parkway-Atoka Gas Pool, or in the alternative, for an Unorthodox Gas Well Location, Eddy County, New Mexico. Applicant seeks an order rescinding the special pool order for the West Parkway-Atoka Gas Pool and the West Parkway-Strawn Gas Pool so that all existing and future wells and their respective spacing and proration units which are now subject to this order will be governed by the provisions of Division General Rules including Rule 104. In the alternative, applicant seeks an unorthodox well location in both of these pools for its Pearl Well No. 2 (API No. 30-015-30851), which is a well being drilled to the Morrow formation at a standard gas well location 860 feet from the North line and 660 feet from the East line of Section 32, Township 19 South, Range 29 East, and to be dedicated to the E/2 of this section. The current boundaries of these pools includes all or portions of Sections 21, 27, 28 29, 30 and 34, Township 19 South, Range 29 East. These pools are located approximately 7 miles north from the intersection of State Highway No. 31 and US Highway No. 180, New Mexico.

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**CASE 12279:** Continued from November 18, 1999, Examiner Hearing.

**Application of Oil Conservation Division for an order requiring Merit Energy Company to plug three (3) wells in Eddy County, New Mexico.** In the matter of the hearing called by the Oil Conservation Division to permit the operator, Merit Energy Company and all other interested parties to appear and show cause why three (3) wells located in Section 1, Township 21 South, Range 27 East, Eddy County, New Mexico (the Burton Flat Wells No. 1, 2 and 3 located in Units J, O and P, respectively), should not be plugged and abandoned in accordance with a Division-approved plugging program. Further, should the operator fail to properly plug these wells, the Division seeks an order (i) requiring operator to properly plug these wells; (ii) authorizing the Division to plug these wells; (iii) ordering a forfeiture of the plugging bond, and (iv) assessing fines for failure to comply with the order. These wells are located approximately 12 miles southeast of Lakewood, New Mexico.

**CASE 12276:** Continued from January 20, 2000, Examiner Hearing.

**Application of Burlington Resources Oil & Gas Company for Compulsory Pooling, San Juan County, New Mexico.** Applicant seeks an order pooling all mineral interests in the Mesaverde formation and the Chacra formation underlying the following described acreage within Section 36, Township 27 North, Range 8 West, in the following manner: (i) a 320-acre gas spacing unit consisting of the W/2 of this section for gas production from the Blanco-Mesaverde Gas Pool to be dedicated to the proposed Brookhaven Com Well No. 8 to be located in the NW/4 and to the Brookhaven Com Well No. 8-A to be located in the SW/4 of this section; (ii) for a standard 160-acre gas spacing unit consisting of the NW/4 of this section for gas production from the Otero-Chacra Gas Pool to be dedicated to the Brookhaven Com Well No. 8; and (iii) for a standard 160-acre gas spacing unit consisting of the SW/4 of this section for gas production from the Otero-Chacra Gas Pool to be dedicated to the Brookhaven Com Well No. 8-A. The units are to be dedicated to Burlington Resources Oil & Gas Company's Brookhaven Com Wells No. 8 and 8-A which are to be drilled as dual completions at standard gas well locations within these quarter sections. Also to be considered will be the costs of drilling and completing the wells and the allocation of the costs thereof, as well as actual operating costs and charges for supervision, designation of applicant as the operator of the wells, and a charge for risk involved in drilling and completing the wells. The wells are located approximately 15 miles northeast of the El Huerfano Trading Post on New Mexico State Highway 44.

**CASE 12277:** Continued from January 20, 2000, Examiner Hearing.

**Application of Burlington Resources Oil & Gas Company for Compulsory Pooling, San Juan County, New Mexico.** Applicant seeks an order pooling all mineral interests in the Mesaverde formation within the E/2 of Section 16, Township 31 North, Range 11 West for a 320-acre gas spacing unit consisting of the E/2 of this section for gas production from the Blanco-Mesaverde Gas Pool to be dedicated to the proposed Brookhaven Com B Well No. 3B to be located in the NE/4 SE/4 of Section 16. Also to be considered will be the cost of drilling and completing the well and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of applicant as the operator of the well, and a charge for risk involved in drilling and completing the well. The unit is located approximately 5 miles north of Aztec, New Mexico.

**CASE 12341:** In the matter of the hearing called by the Oil Conservation Division for an order creating and extending certain pools in Chaves and Eddy Counties, New Mexico.

- (a) CREATE a new pool in Eddy County, New Mexico, classified as an oil pool for Upper Pennsylvanian production and designated as the East Red Lake-Upper Pennsylvanian Pool. The discovery well is the Enron Oil and Gas Company Conoco "8" State Com Well No. 1 located in Unit J of Section 8, Township 17 South, Range 29 East, NMPM. Said pool would comprise:

TOWNSHIP 17 SOUTH, RANGE 29 EAST, NMPM  
Section 8: SE/4

- (b) CREATE a new pool in Eddy County, New Mexico, classified as an oil pool for Wolfcamp production and designated as the Sand Dunes-Wolfcamp Pool. The discovery well is the Devon Energy Corporation (Nevada) Todd "14K" Federal Well No. 1 located in Unit K of Section 14, Township 23 South, Range 31 East, NMPM. Said pool would comprise:

TOWNSHIP 23 SOUTH, RANGE 31 EAST, NMPM  
Section 14: SW/4

- (c) EXTEND the East Avalon-Bone Spring Pool in Eddy County, New Mexico, to include:

TOWNSHIP 21 SOUTH, RANGE 27 EAST, NMPM  
Section 4: Lots 1, 2, 7 and 8

- (d) EXTEND the South Burton-Yates Gas Pool in Eddy County, New Mexico, to include:

TOWNSHIP 20 SOUTH, RANGE 28 EAST, NMPM  
Section 27: NW/4

(e) EXTEND the Crow Flats-Morrow Gas Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 17 SOUTH, RANGE 27 EAST, NMPM**

Section 3: NW/4

(f) EXTEND the South Empire-Morrow Gas Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 18 SOUTH, RANGE 29 EAST, NMPM**

Section 3: SW/4

Section 10: W/2

(g) EXTEND the Empire-Pennsylvanian Gas Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 17 SOUTH, RANGE 28 EAST, NMPM**

Section 16: N/2

(h) EXTEND the South Empire-Wolfcamp Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 18 SOUTH, RANGE 29 EAST, NMPM**

Section 7: N/2

Section 8: NW/4

(i) EXTEND the Empire-Yeso Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 17 SOUTH, RANGE 29 EAST, NMPM**

Section 19: SE/4

(j) EXTEND the Logan Draw-Morrow Gas Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 17 SOUTH, RANGE 27 EAST, NMPM**

Section 11: S/2

(k) EXTEND the West Lusk-Bone Spring Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 19 SOUTH, RANGE 31 EAST, NMPM**

Section 23: N/2

Section 24: NW/4

(l) EXTEND the Many Gates-San Andres Pool in Chaves County, New Mexico, to include:

**TOWNSHIP 9 SOUTH, RANGE 29 EAST, NMPM**

Section 12: W/2 NE/4 and NE/4 NE/4

(m) EXTEND the Palmillo Draw-Atoka Gas Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 18 SOUTH, RANGE 28 EAST, NMPM**

Section 24: W/2

(n) EXTEND the Northeast Red Lake-Glorieta-Yeso Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 18 SOUTH, RANGE 27 EAST, NMPM**

Section 2: NW/4

(o) EXTEND the North Shugart-Bone Spring Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 18 SOUTH, RANGE 31 EAST, NMPM**

Section 19: NE/4

Section 30: NW/4

(p) EXTEND the West Shugart-Wolfcamp Pool in Eddy County, New Mexico, to include:

**TOWNSHIP 18 SOUTH, RANGE 31 EAST, NMPM**

Section 30: NE/4

IN THE ABSENCE OF OBJECTION, THIS CASE WILL BE TAKEN UNDER ADVISEMENT.