

**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:**

**THE APPLICATION OF EL PASO
NATURAL GAS COMPANY FOR
COMPULSORY COMMUNITIZATION
OF E/2 OF SECTION 27, TOWNSHIP
31 NORTH, RANGE 11 WEST, NMPM,
SAN JUAN COUNTY, NEW MEXICO.**

**CASE NO. 709) Consolidated
CASE NO. 849)
Order No. R-548-B**

**THE APPLICATION OF EL PASO
NATURAL GAS COMPANY FOR
DETERMINATION AND RATIFICATION
OF COMMUNITIZATION OF E/2 OF
SECTION 27, TOWNSHIP 31 NORTH,
RANGE 11 WEST, NMPM, SAN JUAN
COUNTY, NEW MEXICO, CONTAINING
320 ACRES.**

ORDER OF THE COMMISSION

BY THE COMMISSION:

Case No. 709 came on for hearing originally on May 19, 1954 before this Commission, at which time testimony and evidence offered by the interested parties was received by the Commission, and after which time written briefs were submitted by said parties and considered by the Commission.

Thereafter, the Commission signed Order No. R-548 in Case No. 709, on December 16, 1954 (the order being entered in the Commission records on December 17, 1954,) declaring that E/2 of Section 27, Township 31 North, Range 11 West, NMPM, was recognized as a communitized or pooled tract from June 29, 1953.

Thereafter, and on January 6, 1955, Saul A. Yager, Marian Yager, M. E. Gimp, Morris Mizel, Flora Mizel, and Sam Mizel, the 'Yager Group' filed their application for rehearing, pursuant to which the Commission entered its Order No. R-548-A, on January 14, 1955, setting Case No. 709 for rehearing.

Thereafter, on February 2, 1955 El Paso Natural Gas Company filed its application for hearing in Case No. 849.

Thereafter, on March 17, 1955, at 9:00 a. m., Case No. 709 came on for rehearing and Case No. 849 came on for regular hearing, at which time the two cases were consolidated for hearing, it being understood that the entire record on Case No. 709 should be considered applicable to Case No. 849.

NOW, on this 12th day of January, 1956, the Commission, a quorum being present, having considered all the evidence, testimony, exhibits and legal arguments and briefs adduced and presented during the course of these two cases, 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 these cases, and the subject matter covered by the order for rehearing in Case No. 709.
2. That in making these findings and issuing this order, the Commission recognizes that there is a dispute as to whether certain leases involved in these cases remained in force and effect during all times relevant hereto; that the Commission cannot, and will not, attempt in this order to adjudicate the title to any such lease.
3. That by its order No. R-110 this Commission established a uniform spacing plan for the Blanco-Mesaverde Gas Pool, said plan providing for drilling units of not less than 320 acres of land in the shape of a rectangle, and provided further that "the pooling of properties or parts thereof shall be permitted, and if not agreed upon may be required in any case when and to the extent that the smallness or shape of a separately owned tract would, under the enforcement of the uniform spacing plan of proration units, otherwise deprive or tend to deprive the owner of such tract of the opportunity to recover his just and equitable share of the crude petroleum oil and natural gas in the pool .
4. That by its Order R-110, the Commission provided that "no well shall be drilled, completed and recompleted, and no Notice of Intention to Drill or drilling permit shall be approved, unless such well be located on a designated drilling unit of not less than three hundred twenty (320) acres of land, more or less, according to legal subdivision of the United States Land Surveys, in which unit all the interests are consolidated by pooling agreement or otherwise and on which no other well is completed, or approved for completion, in the pool .
5. That in order for a drilling unit to be established under the terms of Order R-110, it was necessary not only that the Commission approve a Notice of Intention to Drill a well properly located on a designated tract of land, all as required by said order, but also that the leases of the working interest owners first be pooled or integrated before such drilling unit could be so established.
6. That the E/2 of said Section 27, Township 31 North, Range 11 West, NMPM, is situated within the Blanco-Mesaverde Gas Pool as designated by the Commission.

7. That applicant, El Paso Natural Gas Company, Delhi Oil Corporation, Western Natural Gas Company, Three States Natural Gas Company and San Jacinto Petroleum Corporation, were, on June 29, 1953, the owners of the entire working interest under oil and gas leases covering the E/2 of said Section 27, Township 31 North, Range 11 West, NMPM, San Juan County, New Mexico, containing 320 acres of land, more or less.

8. That on June 29, 1953, a Notice of Intention to Drill (Form C-101) was approved by the Commission oil and gas inspector, said Notice of Intention to Drill having been previously filed by the Applicant, El Paso Natural Gas Company; that permission was granted to drill a well to be known as the Calloway Pool Unit Well No. 1, and to be located 990 feet from the North line and 1750 feet from the East line of said Section 27, Township 31 North, Range 11 West, NMPM, San Juan County, New Mexico, said well to be drilled to the Mesaverde formation; that said Notice of Intention to Drill designated the E/2 of said Section 27, Township 31 North, Range 11 West, NMPM, as the drilling unit; that drilling operations were commenced in said well on July 12, 1953, and the well completed on July 30, 1953 in the Mesaverde formation with an initial potential of 1,250,000 cubic feet of gas per day.

9. That the said working interest owners agreed to communitize their leases; that the evidence before the Commission is that such agreement had been made by May 19, 1954, the date of the first hearing in Case No. 709, no other competent evidence whatsoever being before the Commission as to when communitization was agreed upon and the consolidation of all interests therefore effected; that the Commission therefore finds that the date El Paso Natural Gas Company, Delhi Oil Corporation, Western Natural Gas Company, Three States Natural Gas Company and San Jacinto Petroleum Company consolidated their leases was May 19, 1954.

10. That the said agreement of the working interest owners to communitize their lease complied with the provisions of Order R-110, and that the unit selected as a drilling unit likewise complied with Order R-110.

11. That the approval of the Notice of Intention to Drill by the Commission's inspector, the designation of E/2 of said Section 27 as a drilling unit, and the agreement entered into by said working interest owners to pool their oil and gas leases covering said acreage, which agreement consolidated all interests therein, effectively established and created said drilling unit on May 19, 1954; that E/2 of said Section 27 has been, and is, an approved drilling unit containing 320 acres at all times thereafter.

12. That the drilling of an additional well or wells lying within the E/2 of said Section 27, Township 31 North, Range 11 West, NMPM, would be wasteful.

IT IS THEREFORE ORDERED:

1. The E/2 of Section 27, Township 31 North, Range 11 West, be and is hereby recognized as a pooled and communitized tract and a duly formed and established drilling unit, effective May 19, 1954.

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Order No. R-548-E

2. IN THE ALTERNATIVE, and in the event that subsequent adjudication as to the title of the leases herein involved renders the foregoing paragraph null, void, and inoperative from May 19, 1954, it is ordered that in any event all the interests in the E/2 of Section 27, Township 31 North, Range 11 West be, and they are hereby, consolidated, and that the said acreage be, and the same is hereby established as a drilling unit, effective the date of this order.

IT IS FURTHER ORDERED: That Order No. R-548 in Case 709 be, and the same is, hereby superseded by this order.

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

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

JOHN F. SIMMS, Chairman

E. S. WALKER, Member

W. E. MACAY, Member and Secretary

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31 NORTH, RANGE 11 WEST, NMPM,
SAN JUAN COUNTY, NEW MEXICO.**

**CASE NO. 789) Consolidated
CASE NO. 819)
Order No. R-548-C**

**THE APPLICATION OF EL PASO
NATURAL GAS COMPANY FOR
DETERMINATION AND RATIFICATION
OF COMMUNITIZATION OF E/2 OF
SECTION 27, TOWNSHIP 31 NORTH,
RANGE 11 WEST, NMPM, SAN JUAN
COUNTY, NEW MEXICO, CONTAINING
320 ACRES.**

ORDER OF THE COMMISSION FOR REHEARING

BY THE COMMISSION:

These cases came on for consideration upon the application of Saul A. Yager, Marian Yager, M. E. Gimp, Morris Mizel, Flora Mizel, and Sam Mizel, the "Yager Group", through their attorney Jack M. Campbell and upon the application of El Paso Natural Gas Company through its attorney Ben R. Howell, for rehearing on Order Number R-548-B heretofore entered by the Commission.

NOW, on this 10th day of February, 1956, the Commission, a quorum being present, having fully considered said applications for rehearing,

IT IS HEREBY ORDERED:

That a rehearing in said causes be held March 16, 1956, at 9:00 o'clock a.m. on said day at Santa Fe, New Mexico.

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

JOHN F. SIMMS, Chairman

E. S. WALKER, Member

W. B. MACIY, Member and Secretary

S E A L

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Saul A. Yager, 613 Oil Capital Bldg., Tulsa, Oklahoma

Marian Yager, c/o C. H. Rosenstein, McBirney Building,
Tulsa, Oklahoma

M. E. Gimp, c/o Zale's Jewelry, 1606 Main Street,
Dallas, Texas

Morris Mizel and wife, Flora Mizel, 101 We. Cameron Street,
Tulsa, Oklahoma

Sam Mizel, 101 W. Cameron Street, Tulsa, Oklahoma

and that your Applicant has forwarded to Jack M. Campbell, Attorney
for the above named persons, copies of this application.

Your Applicant represents that El Paso Natural Gas Company ~~and~~
Western Natural Gas Company, Three States Natural Gas Company, San
Jacinto Petroleum Corporation and Delhi Oil Corporation on June 29,
1953,

and at all times thereafter were and are the owners of the entire
working interest and operating rights under the above described
oil and gas leases covering the E/2 of said Section 27
Township 31 North, Range 11 West, N.M.P.M. containing 320
acres of land in the shape of a rectangle, and that the E/2
of said Section 27, Township 31 North, Range 11 West, N.M.P.M.
was on June 29, 1953 and at all times thereafter located
within the boundary of the Blanco-Mesaverde Gas Pool as designated
by the Commission.

Your Applicant further represents that by its Order No. R-110
the Commission established a uniform spacing plan for the Blanco-
Mesaverde Gas Pool which said plan provided for drilling units of
not less than 320 acres of land in the shape of a rectangle, and
provided further that "the pooling of properties or parts thereof
shall be permitted, and if not agreed upon may be required in any
case when and to the extent that the smallness or shape of a
separately owned tract would, under the enforcement of the uniform
spacing plan of proration units, otherwise deprive or tend to
deprive the owner of such tract of the opportunity to recover his
just and equitable share of the crude petroleum oil and natural
gas in the pool".

Your Applicant further represents that by its Order No. R-110,
the Commission provided that "no well shall be drilled, completed
or recompleted, and no Notice of Intention to Drill or drilling

permit shall be approved unless such well be located on a designated drilling unit of not less than three hundred twenty (320) acres of land, more or less, according to legal subdivision of the United States Land Surveys, in which unit all the interests are consolidated by pooling agreement or otherwise and on which no other well is completed or approved for completion in the pool".

Your Applicant represents that all the working interest owners agreed to communitize and pool their working interests to form a drilling unit as prescribed by Order R-110 and Applicant filed with the Commission a Notice of Intention to Drill asking permission to drill a well to the Mesaverde Formation to be located 990 feet from the north line and 1750 feet from the east line of said Section 27; that a duly authorized Commission Oil and Gas Inspector, on June 29, 1953, approved said Notice and granted Applicant permission to drill said well designated as Calloway Pool Unit No. 1, on the drilling unit designated in said Notice, which was the E/2 of said Section 27; and that drilling operations were commenced on July 12, 1953, and said well was completed in the Mesaverde Formation on July 29, 1953, with an initial potential of 1,280,000 cubic feet of gas per day.

Your Applicant further represents that at all times material Western Natural Gas Company, Three States Natural Gas Company, San Jacinto Petroleum Corporation, Delhi Oil Corporation and your Applicant were the only persons who had the right to drill

into the Mesaverde Gas Pool and to appropriate the production for themselves and that all of said working interest owners agreed to pool or communitize their separate oil and gas leases into the above described drilling unit containing 320 acres, and that said Agreement in all things complied with the provisions of Order No. R-110, and the unit selected by the owners as a drilling unit complied with Order No. R-110 and that the rules and regulations of the Commission made no additional requirements for the working interest owners to obtain approval of the creation of a drilling unit.

Your Applicant further represents that the Agreement entered into by said owners to pool or communitize the oil and gas leases covering the E/2 of said Section 27, and the filing by the owners of Notice of Intention to Drill and approval of such Notice by the Commission on June 29, 1953, constituted an effective approval of such communitized or pooled tract, and that the E/2 of said Section 27 has been and is an approved drilling unit containing 320 acres at all times thereafter.

Your Applicant represents that the drilling of an additional well or wells lying within the E/2 of said Section 27, Township 31 North, Range West, N.M.P.M. would be wasteful.

WHEREFORE, Your Applicant prays that the Commission determine by appropriate Order that the E/2 of said Section 27, Township 31 North, Range 11 West, N.M.P.M., be recognized as a communitized or pooled tract effective June 29, 1953, and at all times thereafter, and that such pooling or communitization accomplished by the working interest owners having the right to drill into and produce from the Mesaverde Gas Pool be confirmed and ratified.

Respectfully submitted,

EL PASO NATURAL GAS COMPANY

By Bm S. Howell
Attorney