

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. 4099
Order No. R-3746

APPLICATION OF JOSEPH L. DUNIGAN
FOR AN EXCEPTION TO ORDER NO. R-3221,
AS AMENDED, EDDY COUNTY, NEW MEXICO.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 a.m. on April 16, 1969, at Hobbs, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission."

NOW, on this 5th day of May, 1969, 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, Joseph L. Dunigan, is the owner and operator of the Sudderth and Hicks Vickers Well No. 1, located in Unit A of Section 23, Township 20 South, Range 28 East, NMPM, Russell (Yates) Pool, Eddy County, New Mexico.

(3) That effective January 1, 1969, Order (3) of Commission Order No. R-3221, as amended, prohibits in that area encompassed by Lea, Eddy, Chaves, and Roosevelt Counties, New Mexico, the disposal, subject to minor exceptions, of water produced in conjunction with the production of oil or gas, or both, on the surface of the ground, or in any pit, pond, lake, depression, draw, streambed, or arroyo, or in any watercourse, or in any

-2-

CASE No. 4099

Order No. R-3746

other place or in any manner which would constitute a hazard to any fresh water supplies and said disposal has not previously been prohibited.

(4) That the aforesaid Order No. R-3221 was issued in order to afford reasonable protection against contamination of fresh water supplies designated by the State Engineer through disposal of water produced in conjunction with the production of oil or gas, or both, in unlined surface pits.

(5) That the State Engineer has designated, pursuant to Section 65-3-11 (15) N.M.S.A., 1953 Compilation, all underground water in the State of New Mexico containing 10,000 parts per million or less of dissolved solids as fresh water supplies to be afforded reasonable protection against contamination; except that said designation does not include any water for which there is no present or reasonably foreseeable beneficial use that would be impaired by contamination.

(6) That the applicant seeks an exception to the provisions of the aforesaid Order (3) to permit the continued disposal of salt water produced by applicant's Sudderth and Hicks Vickers Well No. 1 in an unlined surface pit located near said well.

(7) That the applicant is presently disposing of approximately 60 barrels of water per day in the subject pit.

(8) That there is a shallow water well approximately 1 1/2 miles southwest of the subject pit.

(9) That the surface and subsurface drainage appears to be from the subject pit toward the Pecos River in a southwesterly direction.

(10) That fresh water supplies as designated by the State Engineer exist within a radius of 1 1/2 miles from the subject pit.

(11) That the applicant has failed to establish that continued disposal of water produced in conjunction with the production of oil or gas, or both, by his Sudderth and Hicks Vickers Well No. 1 in the subject unlined surface pit would not constitute an additional threat of contamination of fresh water supplies existing in the vicinity of said pit.

(12) That the subject application should be denied.

-3-

CASE No. 4099

Order No. R-3746

IT IS THEREFORE ORDERED:

- (1) That the subject application 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 hereinabove designated.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

DAVID F. CARGO, Chairman

Alex J. Armijo
ALEX J. ARMIGO, Member

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

