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LAWYERS

JACK M. CAMPBELL BRUCE D. BLACK MICHAEL B. CAMPBELL WILLIAM F. CARR BRADFORD C. BERGE MARK F. SHERIDAN WILLIAM P. SLATTERY PATRICIA A. MATTHEWS JEFFERSON PLACE SUITE I - 110 NORTH GUADALUPE POST OFFICE BOX 2208 SANTA FE, NEW MEXICO 87504-2208 TELEPHONE: (505) 988-4421 TELECOPIER: (505) 983-6043

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August 24, 1990

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HAND-DELIVERED

William J. LeMay, Director
Oil Conservation Division
New Mexico Department of Energy, Minerals and Natural Resources
State Land Office Building
Santa Fe, New Mexico 87503 RECEIVED AUG 2 9 1990

OIL CONSERVATION DIVISION

10093

Re: In the Matter of the Application of Nearburg Producing Company for Compulsory Pooling, Lea County, New Mexico

Dear Mr. LeMay:

Enclosed in triplicate is an application of Nearburg Producing Company in the abovereferenced case. Nearburg Producing Company respectfully requests that this matter be placed on the docket for the September 19, 1990 Examiner hearings.

Very truly yours, enan V WILLIAM F. CARR

WFC:mlh Enclosures cc w/enclosure:

Mr. Mark K. Nearburg Nearburg Producing Company 401 E. Illinois, Suite 300 Midland, Texas 79701

BEFORE THE

OIL CONSERVATION DIVISION

NEW MEXICO DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF NEARBURG PRODUCING COMPANY FOR COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.

APPLICATION

COMES NOW NEARBURG PRODUCING COMPANY, by and through its undersigned attorneys, and as provided by Section 70-2-17, N.M.S.A. (1978), hereby makes application to the Oil Conservation Division for an Order pooling all of the mineral interests in the Morrow formation, North Osudo-Morrow Gas Pool, in and under Section 31, Township 19 South, Range 36 East, N.M.P.M., Lea County, New Mexico, and in support thereof would show the Division:

1. Applicant owns or represents approximately 86% of the working interest in and under Section 31, and Applicant has the right to drill thereon.

2. Applicant proposes to dedicate the above-referenced pooled unit to a well to be drilled at a standard location in Section 31, to a depth sufficient to test all formations to the base of the Morrow formation.

3. Applicant has sought and obtained either voluntary agreement for pooling or farmout from all other interest owners in Section 31, except for the following working interest owners:

Kenneth G. Cone Post Office Box 11310 Midland, Texas 79702	4.5% WI
Clifford Cone Post Office Box 6010 Lubbock, Texas 79413	4.5% WI
Douglas L. Cone Post Office Box 6217 Lubbock, Texas 79413	4.5% WI
Ruth Elaine Welch, Trustee Ruth Elaine Welch Trust 22719 Stagg Street Canoga Park, CA 91304	.01% WI

4. Said pooling of interests will avoid the drilling of unnecessary wells, will prevent waste and will protect correlative rights.

5. In order to permit the Applicant to obtain its just and fair share of the oil and gas underlying the subject lands, the mineral interests should be pooled, and Applicant should be designated the operator of the well to be drilled.

WHEREFORE, Applicant prays that this application be set for hearing before a duly appointed Examiner of the Oil Conservation Division on September 19, 1990, and that after notice and hearing as required by law, the Division enter its order pooling the lands, including provisions for Applicant to recover its costs of drilling, equipping and completing the well, its costs of supervision while drilling and after completion, including overhead charges, and imposing a risk factor for the risk assumed by the Applicant in drilling, completing and equipping the well, and making such other and further provisions as may be proper in the premises.

Respectfully submitted,

CAMPBELL & BLACK, P.A.

By: Th

WILLIAM F. CARR Post Office Box 2208 Santa Fe, New Mexico 87504 Telephone: (505) 988-4421

ATTORNEYS FOR NEARBURG PRODUCING COMPANY R. W. Byram & Co., - Nov., 1968

(SOUTH PRAIRIE-DEVONIAN POOL - Cont'd.)

operator has entered an objection to the formation of the nonstandard unit within 30 days after the Secretary-Director has received the application.

RULE 4. Each well shall be located within 150 feet of the center of a governmental quarter-quarter section or lot.

RULE 5. The Secretary-Director may grant an exception to the requirements of Rule 4 without notice and hearing when an application has been filed for an unorthodox location necessitated by topographical conditions including an existing well on the quarter-quarter section or lot or the recompletion of a well previously drilled to another horizon. All operators offsetting the proposed location shall be notified of the application by registered or certified mail, and the application shall state that such notice has been furnished. The Secretary-Director may approve the application upon receipt of written waivers from all operators offsetting the proposed location or if no objection to the unorthodox location has been entered within 20 days after the Secretary-Director has received the application.

RULE 6. A standard proration unit (79 through 81 acres) shall be assigned an 80-acre proportional factor of 7.75 for allowable purposes, and in the event there is more than one well on an 80-acre proration unit, the operator may produce the allowable assigned to the unit from the wells on the unit in any proportion.

The allowable assigned to a non-standard proration unit shall bear the same ratio to a standard allowable as the acreage in such non-standard unit bears to 80 acres.

IT IS FURTHER ORDERED:

(1) That the locations of all wells presently drilling to or completed in the South Prairie-Devonian Pool or in the Devonian formation within one mile thereof are hereby approved; that the operator of any well having an unorthodox location shall notify the Hobbs District Office of the Commission in writing of the name and location of the well on or before November 15, 1968.

(2) That each well presently drilling to or completed in the South Prairie-Devonian Pool or in the Devonian formation within one mile thereof shall receive a 40-acre allowable until a Form C-102 dedicating 80 acres to the well has been filed with the Commission.

(3) That this case shall be reopened at an examiner hearing in October, 1969, at which time the operators in the subject pool may appear and show cause why the South Prairie-Devonian Pool should not be developed on 40-acre spacing units.

(4) 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.

NORTH OSUDO-MORROW GAS POOL Lea County, New Mexico

Order No. R-3305, Adopting Temporary Operating Rules for the North Osudo-Morrow Gas Pool, Lea County, New Mexico, August 29, 1967.

Order No. R-3305-A, August 13, 1968, makes permanent the rules adopted in Order No. R-3305.

Application of Pan American Petroleum Corporation for Special Pool Rules, Lea County, New Mexico.

> CASE NO. 3642 Order No. R-3305

ORDER OF THE COMMISSION

BY THE COMMISSION: This cause came on for hearing at 9 a.m. on August 23, 1967, at Santa Fe, New Mexico, before Examiner Elvis A. Utz.

NOW, on this 29th day of August, 1967, 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, Pan American Petroleum Corporation, seeks the promulgation of special rules and regulations for the North Osudo-Morrow Gas Pool, Lea County, New Mexico, including a provision for 640-acre spacing units and specified well locations.

(3) That in order to prevent the economic loss caused by the drilling of unnecessary wells, to avoid the augmentation of risk arising from the drilling of an excessive number of wells, to prevent reduced recovery which might result from the drilling of too few wells, and to otherwise prevent waste and protect correlative rights, temporary special rules and regulations providing for 640-acre spacing units should be promulgated for the North Osudo-Morrow Gas Pool.

(4) That the temporary special rules and regulations should provide for limited well locations in order to assure orderly development of the pool and protect correlative rights.

(5) That the temporary special rules and regulations should be established for a one-year period in order to allow the operators in the subject pool to gather reservoir information to establish the area that can be efficiently and economically drained and developed by one well.

Page 286 New Mexico

(NORTH OSUDO - MORROW GAS POOL - Cont⁴d.)

(6) That this case should be reopened at an examiner hearing in August, 1968, at which time the operators in the subject pool should be prepared to appear and show cause why the North Osudo-Morrow Gas Pool should not be developed on 320-acre spacing units.

(7) That the horizontal limits of the subject pool, as heretofore classified, defined, and described, should be extended to include therein:

> TOWNSHIP 20 SOUTH, RANGE 36 EAST, NMPM Section 17: N/2 Section 20: S/2 Section 30: W/2

IT IS THEREFORE ORDERED:

(1) That the horizontal limits of the North Osudo-Morrow Gas Pool in Lea County, New Mexico, as heretofore classified, defined, and described, are hereby extended to include therein:

> TOWNSHIP 20 SOUTH, RANGE 36 EAST, NMPM Section 17: N/2 Section 20: S/2 Section 30: W/2

(2) That temporary Special Rules and Regulations for the North Osudo-Morrow Gas Pool are hereby promulgated as follows:

SPECIAL RULES AND REGULATIONS FOR THE NORTH OSUDO-MORROW GAS POOL

RULE 1. Each well completed or recompleted in the North Osudo-Morrow Gas Pool or in the Morrow formation within one mile thereof, and not nearer to or within the limits of another designated Morrow gas pool, shall be spaced, drilled, operated, and produced in accordance with the Special Rules and Regulations hereinafter set forth.

RULE 2. Each well shall be located on a standard unit containing 640 acres, more or less, consisting of a governmental section.

RULE 3. The Secretary-Director of the Commission may grant an exception to the requirements of Rule 2 without notice and hearing when an application has been filed for a non-standard unit and the unorthodox size or shape of the unit is necessitated by a variation in the legal subdivision of the United States Public Land Surveys, or the following facts exist and the following provisions are complied with:

(a) The non-standard unit consists of quarter-quarter sections or lots that are contiguous by a common bordering side.

(b) The non-standard unit lies wholly within a governmental section and contains less acreage than a standard unit.

(c) The applicant presents written consent in the form of waivers from all offset operators and from all operators owning interests in the section in which the non-standard unit is situated and which acreage is not included in said non-standard unit.

(d) In lieu of paragraph (c) of this rule, the applicant may furnish proof of the fact that all of the aforesaid operators were notified by registered or certified mail of his intent to form such non-standard unit. The Secretary-Director may approve the application if no such operator has entered an objection to the formation of such non-standard unit within 30 days after the Secretary-Director has received the application.

RULE 4. Each well shall be located no nearer than 1650 feet to the outer boundary of the section and no nearer than 330 feet to any governmental quarter-quarter section line.

RULE 5. The Secretary-Director may grant an exception to the requirements of Rule 4 without notice and hearing when an application has been filed for an unorthodox location necessitated by topographical conditions or the recompletion of a well previously drilled to another horizon. All operators offsetting the proposed location shall be notified of the application by registered or certified mail, and the application shall state that such notice has been furnished. The Secretary-Director may approve the application upon receipt of written waivers from all operators offsetting the proposed location or if no objection to the unorthodox location has been entered within 20 days after the Secretary-Director has received the application.

IT IS FURTHER ORDERED:

(1) That the locations of all wells presently drilling to or completed in the North Osudo-Morrow Gas Pool or in the Morrow formation within one mile thereof are hereby approved; that the operator of any well having an unorthodox location shall notify the Hobbs District Office of the Commission in writing of the name and location of the well on or before September 15, 1967.

(2) That any operator desiring to dedicate acreage pursuant to Rule 2 to a well presently drilling to or completed in the North Osudo-Morrow Gas Pool shall file a new Form C-102 with the Commission on or before September 15, 1967.

(3) That this case shall be reopened at an examiner hearing in August, 1968, at which time the operators in the subject pool may appear and show cause why the North Osudo-Morrow Gas Pool should not be developed on 320 acre spacing units.

(4) 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.

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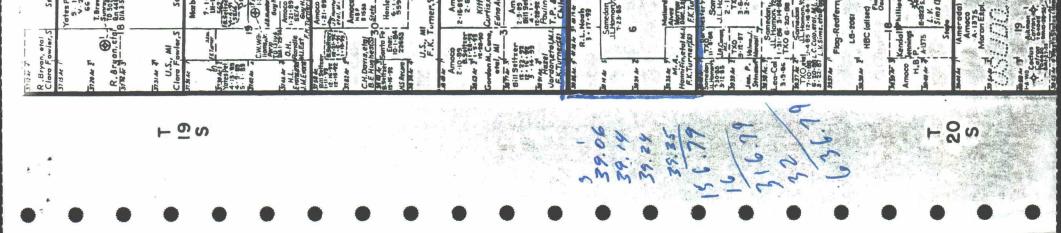
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LAWYERS

JACK M. CAMPBELL BRUCE D. BLACK MICHAEL B. CAMPBELL WILLIAM F. CARR BRADFORD C. BERGE MARK F. SHERIDAN WILLIAM P. SLATTERY PATRICIA A. MATTHEWS JEFFERSON PLACE SUITE I - 110 NORTH GUADALUPE POST OFFICE BOX 2208 SANTA FE, NEW MEXICO 87504-2208 TELEPHONE: (505) 988-4421 TELECOPIER: (505) 983-6043

August 24, 1990

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Kenneth G. Cone Post Office Box 11310 Midland, Texas 79702

Re: Application of Nearburg Producing Company for Compulsory Pooling, Lea County, New Mexico

Dear Mr. Cone:

This letter is to advise you that Nearburg Producing Company has filed an application with the New Mexico Oil Conservation Division seeking an order force pooling of all mineral interests to the base of the Morrow formation for any and all formations and/or pools developed on 640-acre spacing, in and under Section 31, Township 19 South, Range 36 East, N.M.P.M., Lea County, New Mexico. Nearburg Producing Company proposes to dedicate the referenced pooled unit to a well to be located at a standard location in said Section 31.

This application has been set for hearing before a Division Examiner on September 19, 1990. You are not required to attend this hearing, but as an owner of an interest that may be subject to pooling, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases have been requested by the Division (Memorandum 2-90) to file a Prehearing Statement substantially in the form prescribed by the Division. Prehearing statements should be filed by 4:00 o'clock p.m. on the Friday before a scheduled hearing.

Very truly yours,

WILLIAM F. CARR ATTORNEY FOR NEARBURG PRODUCING COMPANY WFC:mlh

P-106 679 954

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	Sent to Kenneth G. Cone	
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-865 DOMESTIC RETURN RECEIPT	Form 3811, Mar. 1988 + U.S.G.P.O. 1988-212-865
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ice:	Kenneth G. Cone
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se side. Failure to do this will prevent this rovide you the name of the person delivered services are available. Consult postmaster	Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster
services are desired, and complete items	SENDER: Complete items 1 and 2 when additional services are desired, and complete items

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LAWYERS

JACK M. CAMPBELL BRUCE D. BLACK MICHAEL B. CAMPBELL WILLIAM F. CARR BRADFORD C. BERGE MARK F. SHERIDAN WILLIAM P. SLATTERY PATRICIA A. MATTHEWS JEFFERSON PLACE SUITE I - 110 NORTH GUADALUPE POST OFFICE BOX 2208 SANTA FE, NEW MEXICO 87504-2208 TELEPHONE: (505) 988-4421 TELECOPIER: (505) 983-6043

August 24, 1990

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Douglas L. Cone Post Office Box 6217 Lubbock, Texas 79413

Re: Application of Nearburg Producing Company for Compulsory Pooling, Lea County, New Mexico

Dear Mr. Cone:

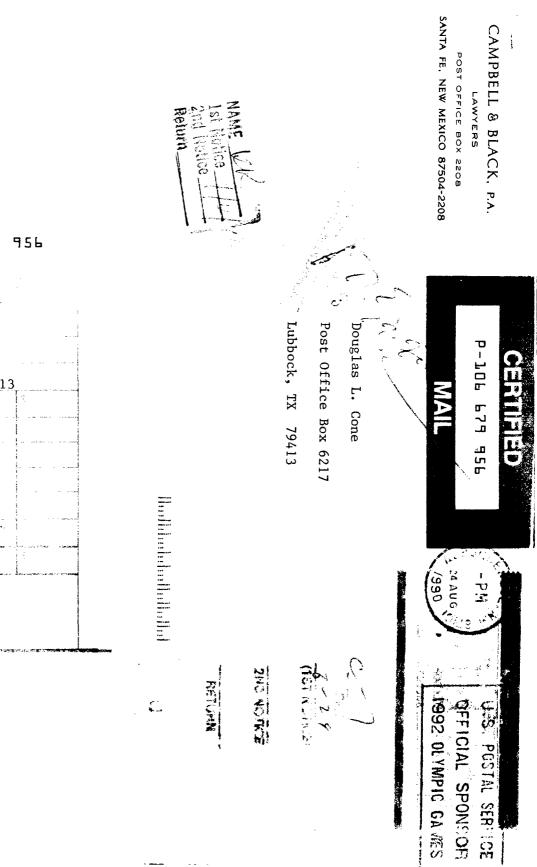
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This application has been set for hearing before a Division Examiner on September 19, 1990. You are not required to attend this hearing, but as an owner of an interest that may be subject to pooling, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases have been requested by the Division (Memorandum 2-90) to file a Prehearing Statement substantially in the form prescribed by the Division. Prehearing statements should be filed by 4:00 o'clock p.m. on the Friday before a scheduled hearing.

V¢ry truly yours,

WILLIAM F. CARR ATTORNEY FOR NEARBURG PRODUCING COMPANY WFC:mlh



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August 24, 1990

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WILLIAM F. CARR

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THE OT FOR CERTIFIC VE NEOBANGE OF VERAGE PRO NOT FOR INTERNAL ONAL M (See Reverse) Clifford Cone Street and No P. O. Box 6010 P.O. State and ZIP Code Lubbock, TX 7941 Postage Certified Fee Special Delivery Fee Restricted Delivery Fee Return Receipt showing to whom and Date Delivered Return Receipt showing to whom Date, and Address of Delivery TOTAL Postage and Fees PS Form 3800, Postmark or Date AUG 2 4 1990

June 1985

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LAWYERS

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August 27, 1990

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ruth Elaine Welch, Trustee Ruth Elaine Welch Trust 22719 Stagg Street Canoga Park, CA 91304

Re: Application of Nearburg Producing Company for Compulsory Pooling, Lea County, New Mexico

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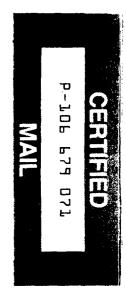
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SANTA FE, NEW MEXICO 87504-2208 CAMPBELL & BLACK, P.A. POST OFFICE BOX 2208 LAWYERS

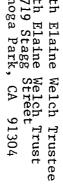


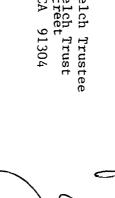


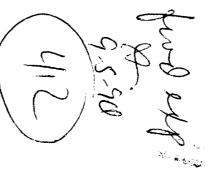




Ruth Elaine Welch Trustee Ruth Elaine Welch Trust 22719 Stagg Street Canoga Park, CA 91304







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CAMPBELL & BLACK, P.A. LAWYERS

JACK M. CAMPBELL BRUCE D. BLACK MICHAEL B. CAMPBELL WILLIAM F. CARR BRADFORD C. BERGE MARK F. SHERIDAN WILLIAM P. SLATTERY PATRICIA A. MATTHEWS

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