STATE OF NEW MEXICO



ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

BRUCE KING GOVERNOR January 18, 1991

POST OFFICE BOX 2088 STATE LAND OFFICE BUILDING SANTA FE, NEW MEXICO 87504 (505) 827-5800

Mr. James Bruce	Re:	CASE NO. 10214				
Hinkle, Cox, Eaton, Coffield & Hensley Attorneys at Law 500 Marquette, N.W.		ORDER NO. R-9414 Applicant:				
Suite 800 Albuquerque, New Mexico 87	7102-2121	Mewbourne Oil Company				
Dear Sir:						
Enclosed herewith are two copies of the above-referenced Division order recently entered in the subject case.						
Sincerely,						
Florene Glavidson						
FLORENE DAVIDSON OC Staff Specialist						
Copy of order also sent to):					
Hobbs OCD x Artesia OCD x Aztec OCD						
Other						

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. 10214 Order No. R-9414

APPLICATION OF MEWBOURNE OIL COMPANY FOR COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO.

ORDER OF THE DIVISION

BY THE DIVISION:

This cause came on for hearing at 8:15 a.m. on January 10, 1991, at Santa Fe, New Mexico, before Examiner David R. Catanach.

NOW, on this <u>17th</u> day of January, 1991, the Division Director, having considered the testimony, the record, and the recommendations of the Examiner, and being fully advised in the premises,

FINDS THAT:

- (1) Due public notice having been given as required by law, the Division has jurisdiction of this cause and the subject matter thereof.
- (2) The applicant, Mewbourne Oil Company, seeks an order pooling all mineral interests from the surface to the base of the Morrow formation underlying the following described acreage in Section 29, Township 20 South, Range 27 East, NMPM, Eddy County, New Mexico, and in the following manner:

CASE NO. 10214 Order No. R-9414 Page -2-

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 spacing within said vertical extent which presently includes but is not necessarily limited to the Undesignated Avalon-Upper Pennsylvanian Gas Pool, Undesignated Avalon-Strawn Gas Pool, and the Avalon-Morrow Gas Pool;

The NE/4 to form a 160-acre gas spacing and proration unit for any and all formations and/or pools developed on 160-acre spacing within said vertical extent which presently includes but is not necessarily limited to the Undesignated Avalon-Bone Spring Gas Pool;

The S/2 NE/4 to form an 80-acre oil spacing and proration unit for any and all formations and/or pools developed on 80-acre spacing within said vertical extent, and presently there are none;

The SE/4 NE/4 to form a 40-acre oil spacing and proration unit for any and all formations and/or pools developed on 40-acre spacing within said vertical extent which presently includes but is not necessarily limited to the Undesignated Penlon-Bone Spring and Undesignated Avalon-Wolfcamp Pools.

- (3) Said unit(s) are to be dedicated to the applicant's proposed Federal "Z" Well No. 1 to be drilled at a standard location in the SE/4 NE/4 of said Section 29.
- (4) The applicant has the right to drill and proposes to drill its Federal "Z" Well No. 1 at a standard location as described above.
- (5) There are interest owners in the proposed proration unit(s) who have not agreed to pool their interests.
- (6) Inasmuch as the subject well will not penetrate any oil pool currently spaced on 80 acres, the applicant's request for an order pooling the S/2 NE/4 of said Section 29 should be denied pursuant to Section 70-2-17 (C), NMSA 1978.

CASE NO. 10214 Order No. R-9414 Page -3-

- (7) In addition, the evidence indicates that the applicant owns 100% of the interest in the SE/4 NE/4 of said Section 29, and therefore, an order pooling this acreage is unnecessary, and should therefore be denied.
- (8) To avoid the drilling of unnecessary wells, to protect correlative rights, to avoid waste, and to afford to the owner of each interest in said unit(s) the opportunity to recover or receive without unnecessary expense his just and fair share of the production in any pool completion resulting from this order, the subject application should be approved by pooling all mineral interests, whatever they may be, within said unit(s).
- (9) The applicant should be designated the operator of the subject well and unit(s).
- (10) Any non-consenting working interest owner should be afforded the opportunity to pay his share of estimated well costs to the operator in lieu of paying his share of reasonable well costs out of production.
- (11) Any non-consenting working interest owner who does not pay his share of estimated well costs should have withheld from production his share of the reasonable well costs plus an additional 200 percent thereof as a reasonable charge for the risk involved in the drilling of the well.
- (12) Any non-consenting working interest owner should be afforded the opportunity to object to the actual well costs but actual well costs should be adopted as the reasonable well costs in the absence of such objection.
- (13) Following determination of reasonable well costs, any non-consenting working interest owner who has paid his share of estimated costs should pay to the operator any amount that reasonable well costs exceed estimated well costs and should receive from the operator any amount that paid estimated well costs exceed reasonable well costs.

CASE NO. 10214 Order No. R-9414 Page -4-

- (14) \$6540.00 per month while drilling and \$654.00 per month while producing should be fixed as reasonable charges for supervision (combined fixed rates); the operator should be authorized to withhold from production the proportionate share of such supervision charges attributable to each non-consenting working interest, and in addition thereto, the operator should be authorized to withhold from production the proportionate share of actual expenditures required for operating the subject well, not in excess of what are reasonable, attributable to each non-consenting working interest.
- (15) All proceeds from production from the subject well which are not disbursed for any reason should be placed in escrow to be paid to the true owner thereof upon demand and proof of ownership.
- (16) Upon the failure of the operator of said pooled unit(s) to commence the drilling of the well to which said unit is dedicated on or before April 15, 1991, the order pooling said unit(s) should become null and void and of no effect whatsoever.
- (17) Should all the parties to this forced pooling order reach voluntary agreement subsequent to entry of this order, this order shall thereafter be of no further effect.
- (18) The operator of the well and unit(s) shall notify the Director of the Division in writing of the subsequent voluntary agreement of all parties subject to the forced pooling provisions of this order.

IT IS THEREFORE ORDERED THAT:

(1) All mineral interests, whatever they may be, from the surface to the base of the Morrow formation underlying the following described acreage in Section 29, Township 20 South, Range 27 East, NMPM, Eddy County, New Mexico, are hereby pooled in the following manner:

CASE NO. 10214 Order No. R-9414 Page -5-

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 spacing within said vertical extent which presently includes but is not necessarily limited to the Undesignated Avalon-Upper Pennsylvanian Gas Pool, Undesignated Avalon-Strawn Gas Pool, and the Avalon-Morrow Gas Pool;

The NE/4 to form a 160-acre gas spacing and proration unit for any and all formations and/or pools developed on 160-acre spacing within said vertical extent which presently includes but is not necessarily limited to the Undesignated Avalon-Bone Spring Gas Pool.

(2) Said unit(s) shall be dedicated to the applicant's proposed Federal "Z" Well No. 1 to be drilled at a standard location in the SE/4 NE/4 of said Section 29.

PROVIDED HOWEVER THAT, the operator of said unit shall commence the drilling of said well on or before the 15th day of April, 1991, and shall thereafter continue the drilling of said well with due diligence to a depth sufficient to test the Morrow formation.

<u>PROVIDED FURTHER THAT</u>, in the event said operator does not commence the drilling of said well on or before the 15th day of April, 1991, Ordering Paragraph No. (1) of this order shall be null and void and of no effect whatsoever, unless said operator obtains a time extension from the Division Director for good cause shown.

PROVIDED FURTHER THAT, should said well not be drilled to completion, or abandonment, within 120 days after commencement thereof, said operator shall appear before the Division Director and show cause why Ordering Paragraph No. (1) of this order should not be rescinded.

(3) Mewbourne Oil Company is hereby designated the operator of the subject well and unit(s).

CASE NO. 10214 Order No. R-9414 Page -6-

- (4) After the effective date of this order and within 90 days prior to commencing said well, the operator shall furnish the Division and each known working interest owner in the subject unit(s) an itemized schedule of estimated well costs.
- (5) Within 30 days from the date the schedule of estimated well costs is furnished to him, any non-consenting working interest owner shall have the right to pay his share of estimated well costs to the operator in lieu of paying his share of reasonable well costs out of production, and any such owner who pays his share of estimated well costs as provided above shall remain liable for operating costs but shall not be liable for risk charges.
- (6) The operator shall furnish the Division and each known working interest owner an itemized schedule of actual well costs within 90 days following completion of the 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 said schedule, the actual well costs shall be the reasonable well costs; provided however, if there is objection to actual well costs within said 45-day period the Division will determine reasonable well costs after public notice and hearing.
- (7) Within 60 days following determination of reasonable well costs, any non-consenting working interest owner who has paid his share of estimated well costs in advance as provided above shall pay to the operator his pro rata share of the amount that reasonable well costs exceed estimated well costs and shall receive from the operator his pro rata share of the amount that estimated well costs exceed reasonable well costs.
- (8) The operator is hereby authorized to withhold the following costs and charges from production:
 - (A) The pro rata share of reasonable well costs attributable to each non-consenting working interest owner who has not paid his share of estimated well costs within 30 days from the date the schedule of estimated well costs is furnished to him.

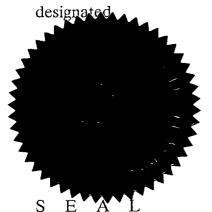
CASE NO. 10214 Order No. R-9414 Page -7-

- (B) As a charge for the risk involved in the drilling of the well, 200 percent of the pro rata share of reasonable well costs attributable to each non-consenting working interest owner who has not paid his share of estimated well costs within 30 days from the date the schedule of estimated well costs is furnished to him.
- (9) The operator shall distribute said costs and charges withheld from production to the parties who advanced the well costs.
- (10) \$6540.00 per month while drilling and \$654.00 per month while producing are hereby fixed as reasonable charges for supervision (combined fixed rates); the operator is hereby authorized to withhold from production the proportionate share of such supervision charges attributable to each non-consenting working interest, and in addition thereto, the operator is hereby authorized to withhold from production the proportionate share of actual expenditures required for operating such well, not in excess of what are reasonable, attributable to each non-consenting working interest.
- (11) 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 the terms of this order.
- (12) Any well costs or charges which are to be paid out of production shall be withheld only from the working interest's share of production, and no costs or charges shall be withheld from production attributable to royalty interests.
- (13) All proceeds from production from the subject well which are not disbursed for any reason shall immediately be placed in escrow in Eddy 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 said escrow agent within 30 days from the date of first deposit with said escrow agent.
- (14) Should all the parties to this forced pooling order reach voluntary agreement subsequent to entry of this order, this order shall thereafter be of no further effect.

CASE NO. 10214 Order No. R-9414 Page -8-

- (15) The operator of the well and unit(s) shall notify the Director of the Division in writing of the subsequent voluntary agreement of all parties subject to the forced pooling provisions of this order.
- (16) The portion of the application requesting the pooling of the S/2 NE/4 and the SE/4 NE/4 of said Section 29 forming, respectively, an 80-acre and a 40-acre proration unit is hereby <u>denied</u>.
- (17) Jurisdiction is hereby retained for the entry of such further orders as the Division may deem necessary.

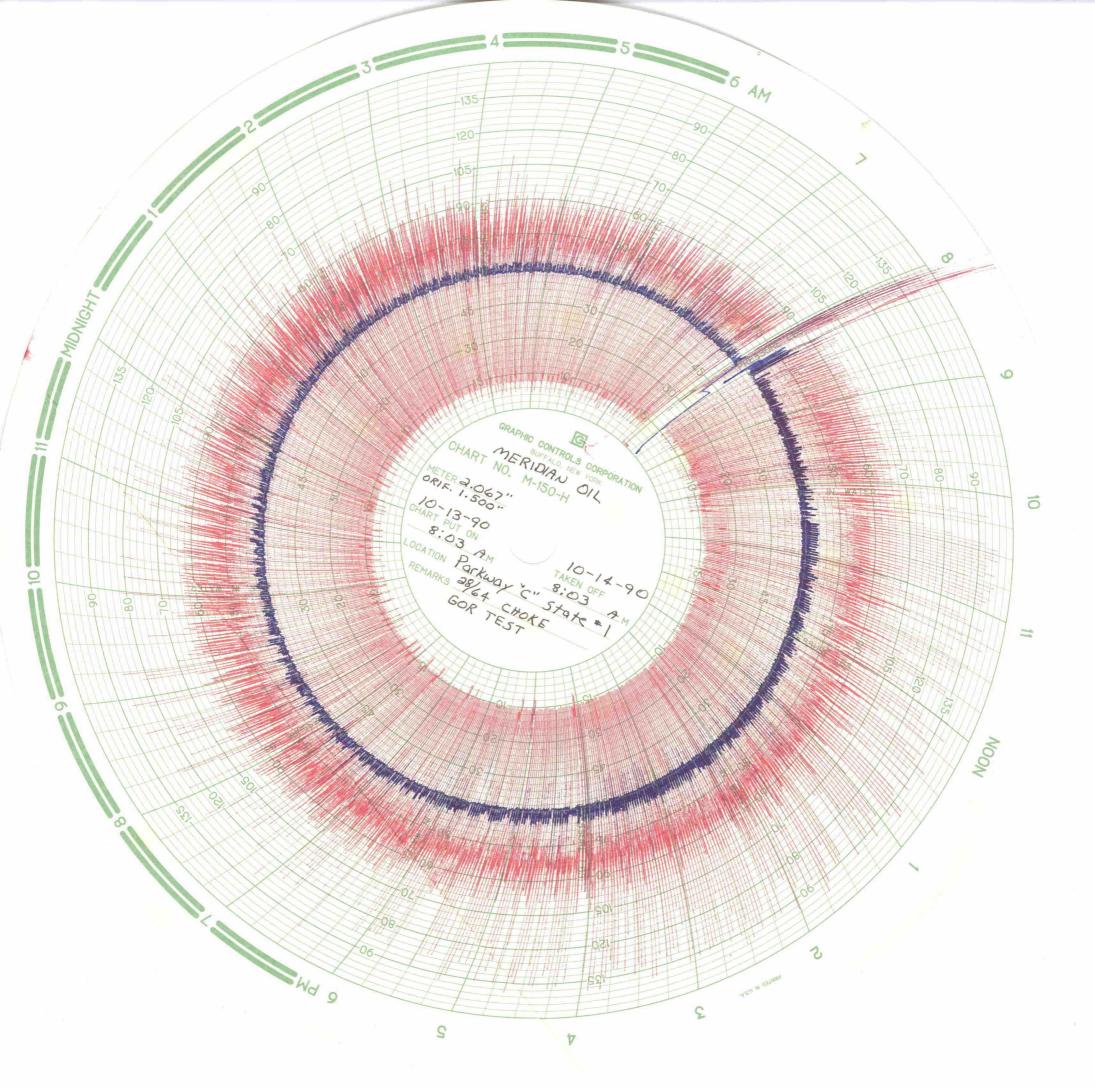
DONE at Santa Fe, New Mexico, on the day and year hereinabove

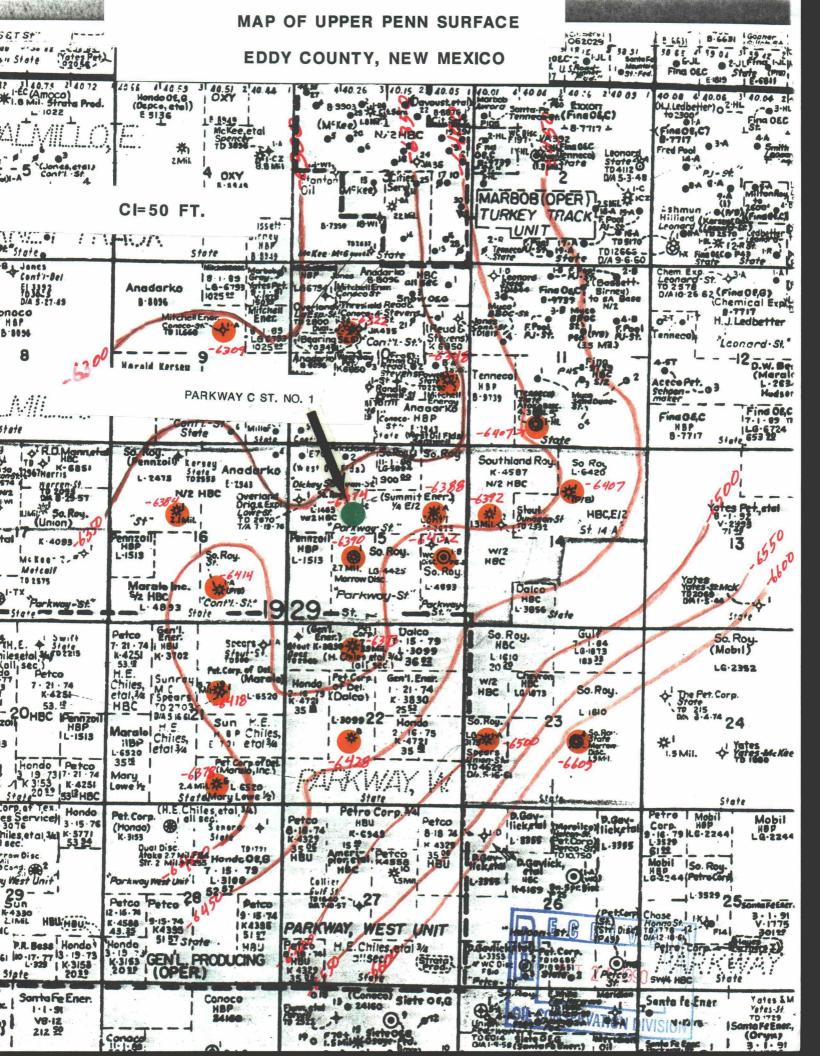


STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

WILLIAM J. LEMAY

Director





PARKWAY C ST. NO. 1

MAP SHOWING ONE MILE RADIUS						
T St" ""	Jan. 19 38.50 31 35 78 11 36.08	DE34 4 36 65, 1 45 4 17 70)	1 3747 4 37 46 51 18 18 5 3 3 3 1 18 18 18 18 18 5 5 3 3 1	18 62 of 19 04 31 39 62 2K102		
State (Votes Per)	vide 25 52	1003 10000 Arginard U.S	DIA12 10-48 010907	E-681 E-6811 8-6		
EC (Amoco) B Mil. Strate Pred.	10 16 11 10 19 31 48.51 2 48 44 Hondo OE, 6 OXY (Depce, etc.) E 5136	8 9903 Pales Devoust, etc	Average Some Per (Fine OSC)	OLJ.Ledbetter) 02.HL -03.HL		
<u>iwilo</u>	McKee, et al Science 1 to 3035 - 1 to 3035	(McKee) regular	1 DE UC 197 - 1932	(Fine06,C7 4A 4A 5-14 61		
5 (Jones, eral)	ZMIL BENIL	Stanton is Ciffer 25 7 10 Cil Makes Isareli	OSE 15M Commerce Leonard Stores Commerce 179412 OF 17941	"P1-94"		
(CO)	8:8949 HBP "Turkey SP" HBC	1 1 1 1 3 1 3 1 3 1 3 1 3 1 3 1 3 1 3 1	MANDOB (OPEN / SEEL A	shmun alarek		
2.7	Bessett Sirney	T02437 . 1 0 28 . 28.	TURKEY TRACK	Leonard (Leonard St) U D.E.C.		
State	State B 8749	McKee Mr6 pares State	Store D/A 9-6-60	Chem. Exp 3.A IIA		
Cont'-Bel El 3322 TO 3828 DIA 5-27-49	Anadarko 8 6 6 6 6 6 6 6 6 6	5-8036 AH ##	2 Design	Leonard ST. (Fine DA10-25 62 (Fine DA10-25 62 (Fine DE6)) (Chemical Explication Party 26 6-7717		
0C0 87 1036	Mitchell Ener. Ener.	TO 2000 15t 21 10000 5	Muco sh - 3-8 Myee N2 masoc sh - 3-8 Mye N2 masoc sh - 3-8 Myee N2 masoc sh - 3-8 Myee N2 masoc sh - 3-8 Myee N2 masoc sh - 3-8 Mye N2 masoc sh - 3	Tennecol (Connect St		
8	Hereld Kersey			4-ST 12 D.W. Serry		
A 411	H B P P P P P P P P P P P P P P P P P P	Anagario Mariana (Proposition of Anagario Mariana of Anagario Mari	Tenneco 1950 2 2	maker Hudson, et		
te.	"ContylSt" Miller	102928 Conce HBP	State	Fine D&C Find D&C 17-1-09-19264 HBP LG-6724 B-7717 State 653 28		
O'RD Manueles	Sd. Rog.	The state of the s	Inland Roy. So Roy	37070		
1367Merris	L- 2478 TO	PARKWAY C ST. NO. 1	4587 L-6420	L		
UNA So Roy.	Origa Expl.	WZHEC CORY!	1.3Mil. LTU 2332 St. 14 A	Yates Pet, etal 8 - 1 - 92 9 - 2993 71 - 29		
K-4093	Pennzoil 16 Her L-1513 So.Roy.	Pennzoil 15 J.A. Help So Roy. Inc Ores	HBC I	13		
Metcalf To 2575	Marate Inc.	Morrow Olse.	Dalco	Yorkes Yorkes Be Mack TO 2000		
Parkway-5t."	Charles and the second	29-51.		State		
E. + State esetal Aufozzis il, sec.)	Perco Gen'l. Ener. 7. 21. 74 MBU Shears of A Shears	(Gert). Corp. Doico + Ener.) Corp. T · 15 · 79 Hout K-2030 - T · 15 · 79 House (H. Chies etal 342 36 22 (O) (Sec.) 36 22	So Roy. Gulf HBC 1-1-84 Ligio 1832	Sc. Roy.		
Sec Petco 7 · 21 · 74	H.E. Supravi	Pet. Corp. Gen'l Brier.	W/2 HBC LG-973 So.Roy.	LG-2352		
20HBC Pennzoil	HBC 702703	2: 16 729 (Dolco) 21 · 74 K: 4721 (Dolco) K: 3830 35	50. Roul - 23	The Per. Corp. Store TO 215 00. 8-4-74 24		
H8P	Marulol HE H & P Chiles, 1889 Chiles, 1889 Leszo letal 34		LONG SAME	1.5 Mil. + Vates McKee		
Landa Patra	Mory Pet Corp. of Del. (Marsio, Inc.)	19419K 1144Y, 141	Speers Dec. 13M+1. 17 46/22 D/s. 5-16-61	75 1655		
3 19 7317 21 74 1 K 3:53 K-4251 191220 20 S3IBHBC	SteteMary Lowe 12) (H.E.Chiles et al 34)	Petro Corp. 34	P.Gov-	State Petro Mobil Mobil		
Service) 3.15.76 esetal 342 K-5771 ec. 53.24	(Hondo) Stenere +	Petco HBU Petco 8-18-74 K-6349 8-18-74 K-4329 K-4329	9. Gay- lick, rel 1. 1995 (21. Corp) 1. 1995 1. 1995 (21. Corp) 1. 1995	Corp. Hep 9-16-79 L6-2244 LG-2244 L3529		
m Disc.	Duel Disc. 18:77: Afoke 2.7 Mil.FS4 Honds 08.6 Str. 2 Mil.FS45 Honds 08.6 T9 7: 15 - 79	HEC AIO	Heketes D.goylick,	Mobil So. Roy. H & P LG-2344 (PetroCorp)		
9'	Petco Petco 28 52 57 Petco Petco 12-16-78	Collect LSMM	11-12-12-12-12-12-12-12-12-12-12-12-12-1	25sonteFetaerasi		
MEL HOU HOU	E-4586 9-15-74 43.85 K4395 K439E	PARKWAY, WEST UNIT	"Haloen- St." (ST. Disc)	Honno St. V-1775		
	Wanda Jivie	Petco H.E. Chiles, et al 3/4 1. 10 10 21 Sec. (Strate) 1. 10 10 21 Sec. (Strate) 1. 10 21 Sec. (Strate) 1. 10 21 State	L-3355 WC Disc @ P13555			
ate 2019	(OFER)	35 El State	Price St.	SWI4 HBC State		