

**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. 13353
ORDER NO. R-12234**

**APPLICATION OF SAMSON RESOURCES COMPANY FOR COMPULSORY
POOLING AND AN UNORTHODOX GAS WELL LOCATION, EDDY COUNTY,
NEW MEXICO**

ORDER OF THE DIVISION

BY THE DIVISION;

This case came on for hearing at 8:15 a.m. on November 4, 2004 before Examiner William V. Jones.

NOW, on this 15th day of November, 2004, the Division Director, having considered the testimony, the record and the recommendations of the Examiner,

FINDS THAT;

- (1) Due public notice has been given, and the Division has jurisdiction of this case and of the subject matter.
- (2) Applicant seeks an order pooling all uncommitted mineral interests from the top of the Bone Spring formation to the base of the Morrow formation, except the Strawn formation, underlying E/2 of Section 17, Township 18 South, Range 30 East, NMPM, Eddy County, New Mexico, forming a standard 320-acre, more or less, gas spacing and proration unit (the "Unit") for any and all formations **and/or** pools developed on 320-acre spacing within that vertical extent, including but not limited to the Undesignated Sand Tank-Morrow Gas Pool (84872).
- (3) Applicant proposes to dedicate this unit to its Sand Tank "17" Fed Com Well No. 1 (API No. 30-015-29623). This plugged and abandoned well will be re-entered to 12,000 feet with the Morrow formation gas as the primary target.
- (4) Applicant seeks an order designating itself as the operator of the proposed well.

(5) The applicant seeks exception to the location requirements of Division Rule 104.C (2) for any deep gas well completions within the proposed well. Rule 104 requires deep gas wells to be located at least 660 feet from the quarter-section boundary in which the well is located.

(6) This wellbore is located 2,310 feet from the North line and 660 feet from the East line (Unit H) of Section 17 and is therefore closer than 660 feet from the southern boundary of the NE quarter section. There are no revenue interests in offsetting spacing units affected by this location. All acreage within the proposed spacing unit is leased. All working interest owners within the proposed E/2 spacing unit were notified of the intended location of this well prior to the date of the hearing.

(7) Applicant presented land testimony and exhibits at the hearing.

(8) Yates Energy Corporation, Harvey E. Yates Company, Jalapeno Corporation, and Cibola Energy Corporation appeared at the hearing through counsel, but did not oppose or present testimony. No other parties entered an appearance in this case.

(9) Division records indicate the E/2 of Section 17 contains no producing wells and no production has been reported for the past 3 years.

(10) Two or more separately owned tracts are embraced within the unit, and/or there are royalty interests and/or undivided interests in oil and gas minerals in one or more tracts included in the unit that are separately owned.

(11) Applicant is an owner of an oil and gas working interest within this Unit. Applicant has the right to re-enter or drill and proposes to re-enter the proposed well and complete within a common source of supply within this unit.

(12) There are interest owners in this unit that have not agreed to pool their interests.

(13) Samson Resources Company should be designated as the operator of the proposed well and this unit.

(14) Reasonable charges for supervision (combined fixed rates) should be fixed at \$6,500 per month while re-entering and \$650 per month while producing, provided that these rates should be adjusted annually pursuant to Section III.1.A.3. of the COPAS form titled "*Accounting Procedure-Joint Operations*."

(15) To avoid the drilling of unnecessary wells, protect correlative rights, prevent waste and afford to the owner of each interest in this Unit the opportunity to recover or receive without unnecessary expense its just and fair share of hydrocarbons, this application should be approved by pooling all uncommitted mineral interests, whatever they may be, within this Unit.

(16) The applicant's request for an exception to the location requirements within Division Rule 104.C (2) for deep gas well completions within this proposed vertical interval should be approved.

IT IS THEREFORE ORDERED THAT;

(1) Pursuant to the application of Samson Resources Company ("applicant"), all uncommitted mineral interests from the top of the Bone Spring formation to the base of the Morrow formation, except the Strawn formation, underlying E/2 of Section 17, Township 18 South, Range 30 East, NMPM, Eddy County, New Mexico, are hereby pooled, forming a standard 320-acre, more or less, gas spacing and proration unit (the "Unit") for any and all formations **and/or** pools developed on 320-acre spacing within that vertical extent, including but not limited to the **Undesignated Sand Tank-Morrow Gas Pool (84872)**.

The Unit shall be dedicated to applicant's Sand Tank "17" Fed Com Well No. 1 (API No. 30-015-29623), to be re-entered and drilled to an unorthodox gas well location in the NE/4 of Section 17.

(2) The applicant is hereby granted an exception to the location requirements of Division Rule 104.C (2) for potential deep gas well completions within the proposed well.

(3) Samson Resources Company (OGRD 20165) is hereby designated as the operator of the proposed well and of the Unit.

(4) The operator of the Unit shall commence re-entering the well on or before March 1, 2005, and shall thereafter continue drilling the well with due diligence to test prospective formations including the Morrow formation.

(5) In the event the operator does not commence re-entering the well on or before March 1, 2005, Ordering Paragraph (1) shall be of no effect, unless the operator obtains a time extension from the Division Director for good cause.

(6) Should the subject well not be drilled and completed within 120 days after commencement thereof, Ordering Paragraph (1) shall be of no further effect, and the unit created by this Order shall terminate unless the operator appears before the Division Director and obtains an extension of time to complete the well for good cause demonstrated by satisfactory evidence.

(7) Upon final plugging and abandonment of the Sand Tank "17" Fed Com Well No. 1, the pooled Unit created by this Order shall terminate, unless this order has been amended to authorize further operations.

(8) After pooling, uncommitted working interest owners are referred to as pooled working interest owners. ("Pooled working interest owners" are owners of working interests in the Unit, including **unleased** mineral interests, who are not parties to an operating agreement governing the Unit.)

(9) After the effective date of this order, the operator shall furnish the Division and each known pooled working interest owner in the Unit an itemized schedule of estimated costs of drilling, completing and equipping the proposed well ("well costs").

(10) Within 30 days from the date the schedule of estimated well costs is furnished, any pooled working interest owner shall have the right to pay its share of estimated well costs to the operator in lieu of paying its share of reasonable well costs out of production as hereinafter provided, and any such owner who pays its share of estimated well costs as provided above shall remain liable for operating costs but shall not be liable for risk charges. Pooled working interest owners who elect not to pay their share of estimated well costs as provided in this paragraph shall thereafter be referred to as "non-consenting working interest owners."

(11) The operator shall furnish the Division and each known pooled working interest owner (including non-consenting working interest owners) an itemized schedule of actual well costs within 90 days following completion of the proposed 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 the schedule, the actual well costs shall be deemed to be the reasonable well costs. If there is an objection to actual well costs within the 45-day period, the Division will determine reasonable well costs after public notice and hearing.

(12) Within 60 days following determination of reasonable well costs, any pooled working interest owner who has paid its share of estimated well costs in advance as provided above shall pay to the operator its share of the amount that reasonable well costs exceed estimated well costs and shall receive from the operator its share of the amount that estimated well costs exceed reasonable well costs.

(13) The operator is hereby authorized to withhold the following costs and charges from production:

(a) the proportionate share of reasonable well costs attributable to each non-consenting working interest owner who has not paid its share of estimated well costs within 30 days from the date the schedule of estimated well costs is furnished; and

(b) as a charge for the risk involved in drilling the well, 200 percent of the above costs.

(14) The operator shall distribute the costs and charges withheld from production, proportionately, to the parties who advanced the well costs.

(15) Reasonable charges for supervision (combined fixed rates) are hereby fixed at \$6,500 per month while drilling and \$650 per month while producing, provided that these rates shall be adjusted annually pursuant to Section III.1.A.3. of the COP AS form titled "*Accounting Procedure-Joint Operations*." The operator is authorized to withhold from production the proportionate share of both the supervision charges and the actual expenditures required for operating the well, not in excess of what is reasonable, attributable to pooled working interest owners.

(16) Except as provided above, all proceeds from production from the proposed well that are not disbursed for any reason shall 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 the escrow agent within 30 days from the date of first deposit with the escrow agent.

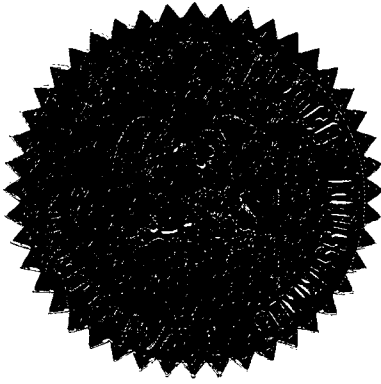
(17) Any unleased mineral interest shall be considered a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest for the purpose of allocating costs and charges under this order. Any well costs or charges that are to be paid out of production shall be withheld only from the working interests' share of production, and no costs or charges shall be withheld from production attributable to royalty interests.

(18) Should all the parties to this compulsory pooling order reach voluntary agreement subsequent to entry of this order, the forced pooling provisions of this order shall thereafter be of no further effect.

(19) The operator of the well and Unit shall notify the Division in writing of the subsequent voluntary agreement of all parties subject to the forced pooling provisions of this order.

(20) Jurisdiction of this case is 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 designated.



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STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

A handwritten signature in black ink, appearing to read "Marke E. Fesmire". The signature is fluid and cursive, with a long horizontal stroke at the end.

MARKE. FESMIRE, P.E.
Director