

INTERIOR BOARD OF LAND APPEALS

Yates Petroleum Corp., et al.

131 IBLA 230 (November 18, 1994)

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Appeals from decisions of the New Mexico State Office, Bureau of Land Management, denying applications for permits to drill oil and gas wells within the Potash Area near Carlsbad, New Mexico. SDR 92-10; NM-65417, etc.

Set aside and referred for a hearing.

1. Administrative Procedure: Hearings--Hearings--Rules of Practice: Appeals: Hearings

BLM decisions denying applications for permits to drill oil and gas wells within the Potash Area established by the Secretary of the Interior will be set aside and the matters referred for a hearing where the record contains significant, unresolved factual issues concerning BLM's designation of the areas sought to be drilled as potash enclaves and BLM's determination that drilling the wells would make potash mining unsafe and ultimately uneconomic, thereby constituting an undue waste of the potash resource.

2. Administrative Procedure: Generally--Confidential Information--Rules of Practice: Generally--Rules of Practice: Evidence

Under 43 CFR 4.31, if a person submitting a document in a proceeding before the Department claims that some or all of the information contained in the document is confidential information the disclosure of which to another party in the proceeding is prohibited by law, notwithstanding that party's agreement to keep the information confidential, the submitter of the document has the burden of demonstrating why disclosure of the information is prohibited by law. That the information falls within an exemption from disclosure under the Freedom of Information Act, 5 U.S.C. § 552(b) (1988), does not suffice to establish that disclosure of the information is prohibited by law.

APPEARANCES: A. J. Losee, Esq., and Mary Lynn Bogle, Esq., Artesia, New Mexico, and Gregory J. Nibert, Esq., Roswell, New Mexico, for appellants; Margaret Miller Brown, Esq., Office of the Field Solicitor, U.S. Department of the Interior, Santa Fe, New Mexico, for the Bureau of Land Management; Dan Morehouse, Superintendent of Mine Engineering and Construction, Carlsbad, New Mexico, for intervenor IMC Fertilizer, Inc.

OPINION BY ADMINISTRATIVE JUDGE BURSKI

Yates Petroleum Corporation, Devon Energy Corporation, and Pogo Producing Company (referred to collectively as Yates) have appealed from numerous decisions of the State Director, New Mexico State Office, Bureau of Land Management (BLM), either affirming decisions of the Carlsbad Resource Area Manager, BLM, denying applications for permits to drill (APD's) or directly denying APD's for oil and gas wells within the Potash Area near Carlsbad, New Mexico. 1/ The State Director predicated the denial decisions on his conclusion that approval of the APD's would likely render the mining of potash unsafe and ultimately uneconomic, thereby constituting an undue waste of the potash resource and violating the rules for oil, gas, and potash leasing and development within the designated Potash Area established by an October 21, 1986, Order of the Secretary of the Interior, 51 FR 39425 (Oct. 28, 1986) (1986 Order).

Yates challenges the denial decisions, arguing, *inter alia*, that the proposed wells can be drilled and produced without causing undue waste of potash or creating a safety hazard to potash miners, that BLM failed to follow the 1986 Order and earlier 1983 directive in processing the APD's, and that the interests of the United States are best served by the establishment of oil production in the Potash Area. Yates also asks that the cases be referred to an Administrative Law Judge for a hearing under 43 CFR 4.415. 2/ Although both BLM and intervenor IMC Fertilizer, Inc. (IMC), maintain that no hearing is necessary, our review of the records in these cases, including the submissions filed on appeal, demonstrate that a hearing in these matters is clearly warranted.

The lands embraced by the denied APD's are located in Eddy and Lea Counties, New Mexico, within the Potash Area delineated in the 1986 Order. The provisions of that Order establish the parameters for concurrent operations in the prospecting for and the development and production of oil and gas and potash deposits owned by the United States within that defined area. Because the terms of the 1986 Order govern both the factual and legal issues raised by these appeals and circumscribe the scope of the hearing to be held in these cases, we set out the relevant portions in detail. 3/

1/ Appendix A lists the appeals which are hereby consolidated for purposes of this decision and the hearing ordered herein.

2/ By order dated Jan. 26, 1993, the Board took Yates' hearing request under advisement. We find the request now ripe for determination.

3/ Although a proposed order revoking the 1986 Order and all previous orders concerning the Potash Area and adopting a new order in lieu thereof was published in the Federal Register on Feb. 12, 1991 (56 FR 5697), that proposed order has not been adopted and, therefore, has no bearing on the issues raised by these appeals.

Section 3.III of the 1986 Order contains the general provisions governing oil and gas and potash leasing and development. Subsection 3.III.A. enumerates the potash protection stipulations required to be incorporated into all Federal oil and gas leases in the Potash Area. These stipulations, which are included in most of the leases subject to these appeals, state:

1. Drilling for oil and gas shall be permitted only in the event that the lessee establishes to the satisfaction of the authorized officer, Bureau of Land Management, that such drilling will not interfere with the mining and recovery of potash deposits, or the interest of the United States will best be served by permitting such drilling.

2. No wells shall be drilled for oil or gas at a location which, in the opinion of the authorized officer, would result in undue waste of potash deposits or constitute a hazard to or unduly interfere with mining operations being conducted for the extraction of potash deposits.

3. When the authorized officer determines that unitization is necessary for orderly oil and gas development and proper protection of potash deposits, no well shall be drilled for oil and gas except pursuant to a unit plan approved by the authorized officer.

4. The drilling or the abandonment of any well on said lease shall be done in accordance with applicable oil and gas operating regulations (43 CFR 3160), including such requirements as the authorized officer may prescribe as necessary to prevent the infiltration of oil, gas or water into formations containing potash deposits or into mines or workings being utilized in the extraction of such deposits.

51 FR 39425 (Oct. 28, 1986). Reciprocally, subsection 3.III.C. man-dates that all new and renewed potash leases for Federal lands contain a stipulation

to the effect that no mining or exploration operations shall be conducted that, in the opinion of the authorized officer, will constitute a hazard to oil or gas production, or that will unreasonably interfere with orderly development and production under any oil or gas lease issued for the same lands.

Id.

Subsection 3.III.D.1. of the 1986 Order requires potash lessees to file annually maps delineating various information "with respect to the Federal Potash leases which are then held." Id. The requested data includes:

a. The areas where active mining operations are currently in progress in one or more ore zones;

- b. The area where operations have been completed in one or more ore zones;
- c. Those areas that are not presently being mined which are considered to contain a mineable reserve in one or more ore zone, i.e., those areas (enclaves) where potash ore is known to exist in sufficient thickness and quality to be mineable under existing technology and economics; and
- d. The areas within these enclaves which are believed to be barren of commercial ore.

Id. This subsection further directs the authorized officer to review the submitted information, to revise the boundaries of proposed mineable reserves (potash enclaves) consistent with the data available at the time of the analyses, to commit the initial findings to a map of suitable scale, and to revise the map as necessary to reflect the latest available information. Id.

As set out in subsection 3.III.E.1., "[i]t is the policy of the Department of the Interior to deny approval of most applications for permits to drill oil and gas test wells from surface locations within the potash enclaves established in accordance with Part D, item 1 of this Order." Id. Nevertheless, the Order creates two exceptions to this policy:

- a. Drilling of vertical or directional holes shall be allowed from barren areas within potash enclaves when the authorized officer determines that such operations will not adversely affect active or planned mining operations in the immediate vicinity of the proposed drillsite; [and]
- b. Drilling of vertical or directional holes shall be permitted from a drilling island located within a potash enclave when: (1) There are no barren areas within the enclave or drilling is not permitted on the established barren area(s) within the enclave because of interference with mining operations; (2) the objective oil and gas formation beneath the lease cannot be reached by a well which is vertically or directionally drilled from a permitted location within the barren area(s); or (3) in the opinion of the authorized officer, the target formation beneath a remote interior lease cannot be reached by a well directionally drilled from a surface location outside the potash enclave. Under these circumstances, the authorized officer shall establish an island within the potash enclave from which the drilling of that well and subsequent wells will be permitted. The authorized officer, in establishing any such island, will, consistent with present directional capabilities, select a site which shall minimize the loss of potash ore. No island shall be established within one mile of any area where approved mining operations will be conducted within three years. To assist the

authorized officer in this regard, he/she may require affected potash mining operators to furnish a three-year mining plan.

51 FR 39425-26 (Oct. 28, 1986).

The 1986 Order, at subsection 3.III.F., also mandates reciprocal access to information provided by potash permittees and lessees and oil and gas lessees:

1. Well records and survey plats that an oil and gas lessee is required to file pursuant to applicable operating regulations (43 CFR 3160), shall be available for inspection at the Roswell District Office, [BLM], by any party holding a potash permit or lease on the lands on which the well is situated insofar as such records are pertinent to the mining and protection of potash deposits.

2. Maps of mine workings and surface installations and records of core analyses that a potash lessee is required to file pursuant to applicable operating regulations (43 CFR 3570) shall be available for inspection at the Roswell District Office, [BLM], by any party holding an oil and gas lease on the same lands insofar as such records are pertinent to the development and protection of oil and gas deposits.

3. Maps of potash enclaves shall be available for inspection in the Roswell District Office and Carlsbad Resource Area, [BLM]. Copies of such maps shall be available at the same offices.

51 FR 39426 (Oct. 28, 1986).

In its hearing request, Yates identifies the crucial unresolved factual issue as whether the drilling of the proposed wells in the Potash Area will result in an undue waste of potash and contends that numerous subsidiary and extremely complex factual issues directly affect the resolution of this primary issue. According to Yates, these questions, which demand intricate economic, engineering, and geological proof relating to mining and oil and gas operations in the Potash Area, include whether BLM used invalid economics and cutoff grades of potash in designating potash enclaves, whether the proposed drilling will interfere with current mining operations, whether the proposed drilling will constitute a hazard to mining operations, whether BLM correctly followed the 1986 Order and pertinent directives in processing the APD's, whether BLM improperly failed to establish drilling islands within the enclaves, whether directional drilling is a generally viable alternative, and whether the interests of the United States are best served by the establishment of oil production in the Potash Area.

BLM objects to the request for a hearing, asserting that it would be a waste of public funds and energy to spend weeks in fact-finding hearings when the parties have already had significant time to prepare detailed reports for submission to the Board, especially since, according to BLM,

it enjoys broad discretion under the 1986 Order to deny APD's in the Potash Area. IMC insists that the issues raised by Yates warrant neither a hearing nor reversal of BLM's denial of the APD's.

[1] Under 43 CFR 4.415, the Board has discretionary authority to refer a case to an Administrative Law Judge for a hearing on an issue of fact and, where there are significant unresolved factual or legal issues which cannot be resolved based on the record without a hearing, the Board will exercise its discretion and refer the case to the Hearings Division, Office of Hearings and Appeals, for a hearing on those questions. See Jerome P. McHugh & Associates (On Reconsideration), 117 IBLA 303, 307 (1991); Norman G. Lavery, 96 IBLA 294, 299 (1987); Woods Petroleum Co., 86 IBLA 46, 55 (1985). The factual questions raised by Yates in these appeals unequivocally necessitate referring these cases for a hearing.

Although BLM and IMC maintain that no hearing is necessary, their appeal submissions are replete with factual assertions directly contradicting virtually all of the facts alleged by Yates. The record as presently constituted affords the Board no means for evaluating these conflicting factual contentions. Furthermore, the 1986 Order does not grant BLM unfettered discretion to deny APD's in the Potash Area; rather, that discretion must be exercised within the parameters established by that Order. For example, BLM's authority to deny APD's within a potash enclave pursuant to the policy announced in the 1986 Order is predicated on the area's proper designation as an enclave in accordance with the requirements of the Order. Thus, if an area has not been correctly identified as a potash enclave, BLM cannot base its denial of an APD for a well in that area on the policy established in section 3.III.E.1. of the 1986 Order. Since Yates contends that virtually none of the denied APD's embraces lands within properly designated potash enclaves, resolution of the factual dispute as to whether the areas subject to the denied APD's qualify as potash enclaves under the 1986 Order is critical to the disposition of the issues raised in these appeals. Accordingly, we grant Yates' request for referral of these cases to an Administrative Law Judge for a hearing.

The primary focus of the hearing will be on whether BLM's denial of the APD's accords with the provisions of the 1986 Order. Resolution of that question hinges on numerous subsidiary determinations. Principal among those ancillary issues are whether the APD's encompass lands within areas qualifying as potash enclaves under the parameters established by section 3.III.D.1.c. of the Order, i.e., whether the lands are currently unmined areas within Federal potash leases "where potash ore is known to exist in sufficient thickness and quality to be mineable under existing technology and economics," ^{4/} and whether approving the APD's would result in undue waste of potash deposits or constitute a hazard to or unduly interfere with mining operations being conducted for the extraction of potash

^{4/} None of the parties contends that active mining operations are currently being conducted or have been completed in any of the areas subject to these appeals. Thus, subsections a and b of section 3.III.D.1. of the 1986 Order are not at issue in these cases.

deposits. Should the evidence show that the denied APD's seek to drill wells within properly established enclaves, ^{5/} the applicability of the two exceptions to the 1986 Order's stated policy of denying approval of APD's within such enclaves should also be explored. Our delineation of these specific unresolved issues, however, does not preclude the assigned Administrative Law Judge from receiving evidence on and considering all relevant matters arising during the course of the proceedings before him. See Nielson v. BLM, 125 IBLA 353, 361-62 (1993), and cases cited; see also United States v. Feezor, 130 IBLA 146, 188-89 (1994). The decision of the Administrative Law Judge shall constitute the final Departmental decision in these matters unless an appeal to the Board is filed within 30 days from receipt of the decision. Yates shall have the ultimate burden of establishing error in the decisions under review.

We believe it appropriate to address one other motion filed by Yates since it will have a direct and immediate impact on the hearing we are ordering. The administrative record filed by BLM as justification for its denial decisions contains numerous documents identified as confidential which were not disclosed to Yates. These documents consist of monthly production reports, ore zone maps, life of mine reserves, potash statistics, yearly progress maps, and income tax returns. Yates has requested that it be afforded the opportunity to examine the entire administrative record, including the claimed confidential information, asserting that the withheld documents are directly relevant to the issues raised by these appeals. Yates contends that, in accordance with 43 CFR 4.31, information which might otherwise be exempt from public disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b) (1988), must be divulged to parties in pending appeals unless such release is prohibited by law. Yates maintains that not only is disclosure of the information it seeks not prohibited by law, but, to the contrary, section 3.III.F.2. of the 1986 Order expressly requires that the requested information be available for inspection by affected oil and gas lessees. Yates insists that unauthorized release of the assertedly confidential information can be prevented by its agreement under oath in writing not to disclose any of the data except in the context of these appeals and to return all copies of the documents at the conclusion of the proceedings.

BLM and IMC both object to the release of the requested information. BLM claims that the information is proprietary/confidential information falling within the exceptions to the FOIA regulations found at 43 CFR 2.13(c)(4) and (9) and that release of the information would grant Yates an unfair competitive advantage in light of Yates' bids for competitive potash leases in the Potash Area. BLM asks that the Board consider the

^{5/} We note that appellants argue that some of the denied APD's sought to drill wells on lands unleased for potash at the time the APD was filed and that some of the appealed decisions suggest that BLM equated potash enclaves with life of mine reserves submitted by potash lessees, which submissions identified both leased and unleased potash deposits. To the extent that the evidence establishes either of these assertions, the Administrative Law Judge should explore the propriety of BLM's actions under the 1986 Order.

confidential information without releasing it to Yates. IMC asserts that release of the information is prohibited by law since 43 CFR 3590.1(a) specifically provides that information obtained by BLM from potash lessees which the lessees have designated as confidential will only be disclosed in accordance with FOIA and the requested information falls with the FOIA exemption for trade secrets and privileged and confidential commercial or financial information. IMC avers that release of the information would do substantial harm to its competitive position and would give Yates an unfair competitive advantage in future potash lease acquisitions. IMC also submits that the corehole information sought by Yates is considered real property by the potash industry, the disclosure of which would constitute a taking of private property without compensation, and that dissemination of the information could expose the potash industry to antitrust investigations.

To the extent that BLM may rely on assertedly confidential information in justifying its delineation of potash enclaves, we deem it appropriate to clarify the applicable procedures for limiting disclosure of claimed confidential information when parties to proceedings before the Department request access to that information.

[2] The provisions of 43 CFR 4.31 establish procedures enabling a party to an administrative proceeding to submit privileged or confidential information as evidence and to request limitation on the disclosure of that evidence:

(a) If any person submitting a document in a proceeding under this part claims that some or all of the information contained in that document is exempt from the mandatory public disclosure requirements of the [FOIA] (5 U.S.C. 552 [(1988)]), is information referred to in section 1905 of title 18 of the United States Code (disclosure of confidential information), or is otherwise exempt by law from public disclosure, the person:

(1) Must indicate in the document that it is exempt, or contains information which is exempt, from disclosure;

(2) Must request the presiding officer or appeals board not to disclose such information except to the parties to the proceeding under the conditions provided in paragraphs (b) and (c) of this section, and must serve the request upon the parties to the proceeding. The request shall include the following items:

(i) A copy of the document from which has been deleted the information for which the person requests nondisclosure; if it is not practicable to submit such a copy of the document because deletion of the information would render the document unintelligible, a description of the document may be substituted;

(ii) A statement specifying why the information is confidential, if the information for which nondisclosure is

requested is claimed to come within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information;

(iii) A statement specifying the justification for nondisclosure, if the information for which nondisclosure is requested is not within the exception in 5 U.S.C. 552(b)(4).

(b) If information is submitted in accordance with paragraph (a) of this section, the information will not be disclosed except as provided in the [FOIA], in accordance with part 2 of this title, or upon request from a party to the proceeding under the restrictions stated in paragraph (c) of this section.

(c) At any time, a party may request the presiding officer or appeals board to direct a person submitting information under paragraph (a) of this section to provide that information to the party. The presiding officer or board will so direct, unless paragraph (d) of this section is applicable, if the party requesting the information agrees under oath in writing:

(1) Not to use or disclose the information except in the context of the proceeding conducted pursuant to this part; and

(2) To return all copies of the information at the conclusion of the proceeding to the person submitting the information under paragraph (a) of this section.

(d) If any person submitting a document in a proceeding under this Part other than a hearing conducted pursuant to 5 U.S.C. 554 claims that a disclosure of information in that document to another party to the proceeding is prohibited by law, notwithstanding the protection provided under paragraph (c) of this section, such person:

(1) Must indicate in the original document that it contains information of which disclosure is prohibited;

(2) Must request that the presiding officer or appeals board review such evidence as a basis for its decision without disclosing it to the other party or parties, and serve the request upon the parties to the proceeding. The request shall include a copy of the document or description as required by paragraph (a)(2)(i) of this section and state why disclosure is prohibited, citing pertinent statutory or regulatory authority. If the prohibition on disclosure is intended to protect the interest of a person who is not a party to the proceeding, the party making the request must demonstrate that such person refused to consent to the disclosure of the evidence to other parties to the proceeding.

(3) If the presiding officer or an appeals board denies the request, the person who made the request shall be given an

opportunity to withdraw the evidence before it is considered by the presiding official or board unless a [FOIA] request, administrative appeal from the denial of a request, or lawsuit seeking release of the information is pending.

(e) If the person submitting a document does not submit the copy of the document or description required by paragraph (a)(2)(i) or (d)(2) of this section, the presiding officer or appeals board may assume that there is no objection to public disclosure of the document in its entirety.

(f) Where a decision by a presiding officer or appeals board is based in whole or in part on evidence not included in the public record or disclosed to all parties, the decision shall so state, specifying the nature of the evidence and the provision of law under which disclosure was denied, and the evidence so considered shall be retained under seal as part of the official record.

Thus, the guiding regulations differentiate between disclosure of claimed confidential information to the general public and release of such information to the parties in a proceeding before the Department and require that a person requesting nondisclosure to a party establish that disclosure of the material is prohibited by law.

In this regard, we note that, since exemptions under FOIA are permissive and not mandatory, those exemptions do not forbid disclosure of information. Thus, the fact that the claimed confidential information falls within a FOIA exemption does not suffice to establish that disclosure of the information is prohibited by law. See B. A. Wilford, 110 IBLA 154, 165 n.1 (1989); Craig Folson, 82 IBLA 294, 297 n.1 (1984); Southern Union Exploration Co., 51 IBLA 89, 94-95 (1980); see also 53 FR 49658, 49659 (Dec. 9, 1988) ("Under subsection (d) [of 43 CFR 4.31] an FOIA exemption does not provide a sufficient basis for withholding information from a party who agrees to keep the information confidential; rather the party requesting nondisclosure must demonstrate that disclosure is prohibited by law.").

Furthermore, although 43 CFR 3590.1 allows a potash lessee to request that certain information be kept confidential, section 3.III.F.2. of the 1986 Order specifically mandates that some of that information be available to affected oil and gas lessees. To the extent that 43 CFR 3590.1 and section 3.III.F.2. of the 1986 order may conflict, the provisions of the Order control. See section 3.IV of the 1986 Order ("Except to the extent modified by this Order, the general regulations contained in * * * 43 CFR Group 3500 (governing the leasing and development of potash deposits) shall be applicable to the lands covered by this Order" (emphasis added)). Therefore, the provisions of 43 CFR 3590.1 do not, of themselves, provide an adequate basis for refusing to release information to a party who agrees to keep it confidential. Rather, consistent with the provisions of 43 CFR 4.31(d), any party which seeks to prevent the release of proffered documents to another

party at the hearing must establish to the Administrative Law Judge's satisfaction that release of such information to the other party is "prohibited by law."

Finally, we wish to address IMC's request for an investigation of alleged ex parte communications. IMC contends that the testimony of an employee of appellant Pogo Producing Company in a proceeding before the New Mexico Oil Conservation Division raises the possibility that appellants have engaged in ex parte oral communications with members of the Board in violation of 43 CFR 4.27(b)(1). Yates expressly denies that any appellant has had prohibited contact with any Judge on the Board and explains that the cited testimony simply reflects the employee's interpretation of an order issued by the Board and his opinion that a recent trip to Washington, D.C., had been successful. IMC has proffered no further evidence contradicting the explanation offered by Yates which we find adequately clarifies the employee's statements. In any event, since none of the parties to these appeals or their representatives has discussed the cases with either of the signatories to this decision, we see no need to order the requested investigation.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are set aside and the cases referred for hearing and decision by an Administrative Law Judge.

James L. Burski
Administrative Judge

I concur:

Franklin D. Arness
Administrative Judge

APPENDIX A

<u>IBLA</u>	<u>APPELLANT</u>	<u>LEASE NO.</u>	<u>WELL/APD</u>
92-612	Yates Petroleum Corp.	NM-65417 NM-65418	Dolores "AIL" Fed. No. 4 Martha "AIK" Fed. No. 7,8,9
92-614	Pogo Producing Co.	NM-0281482-A	Fed. Mobil No. 2,3
92-615	Pogo Producing Co.	NM-62589	Fed. 23 Nos. 4,6-16
92-622	Yates Petroleum Corp.	NM-59392	Lusk AHB Fed. No. 8
92-623	Yates Petroleum Corp.	NM-63016	Belco AIA Fed. No. 9
92-624	Yates Petroleum Corp.	NM-63016	Belco AIA Fed. Nos. 2,3,4
93-31	Devon Energy Corp.	NM-0405444	Todd 23 Fed. No. 5
93-33	Devon Energy Corp.	NM-0405444	Todd 23 Fed. No. 7
93-34	Yates Petroleum Corp.	NM-63016	Belco AIA Fed. No. 8
93-44	Yates Petroleum Corp.	NM-65417	Martha "AIK" Fed. No. 10
93-51	Yates Petroleum Corp.	NM-61358	Wolf "AJA" 24 No. 3
93-52	Yates Petroleum Corp.	NM-61358	Wolf "AJA" 24 No. 10
93-53	Yates Petroleum Corp.	NM-65417	Martha "AIK" 11 Fed. No. 11
93-89	Yates Petroleum Corp.	NM-61358	Wolf "AJA" Fed. No. 8
93-90	Yates Petroleum Corp.	NM-65417	Martha "AIK" 11 Fed. No. 12
93-91	Yates Petroleum Corp.	NM-61358	Wolf "AJA" 25 Fed. No. 1
93-92	Yates Petroleum Corp.	NM-65417	Martha "AIK" 11 Fed. No. 14
93-93	Yates Petroleum Corp.	NM-61358	Wolf "AJA" Fed. No. 2
93-94	Yates Petroleum Corp.	NM-65417	Martha "AIK" 11 Fed. No. 13
93-163	Pogo Producing Co.	NM-40655	Fed. Amax No. 4
93-221	Devon Energy Corp.	NM-0405444	Todd "23F" Fed. Well 13
93-237	Devon Energy Corp.	NM-0405444	Todd "23K" Well No. 12
93-238	Devon Energy Corp.	NM-0405444	Todd "23N" Fed. Well No. 11

IBLA 92-612

93-244	Devon Energy Corp.	NM-0418220-A	Todd "26C" Well No. 13
93-272	Devon Energy Corp.	NM-0405444	Todd "23B" Fed. Well No. 10
93-273	Pogo Producing Co.	NM-40659	Pure Gold "D" Fed. Well 10
93-274	Devon Energy Corp.	NM-0405444	Todd "23A" Fed. Well 9
93-275	Devon Energy Corp.	NM-040441	Todd "13M" Fed. Well 1
93-317	Devon Energy Corp.	NM-0404441	Todd "14P" Fed. Well 2
93-318	Devon Energy Corp.	NM-0404441	Todd "13N" Fed. Well 2
93-333	Pogo Producing Co.	NM-40659	Pure Gold "D" Fed. Well 9
93-432	Pogo Producing Co.	NM-40659	Pure Gold "D" Fed. Well 13
93-465	Pogo Producing Co.	NM-40659	Pure Gold "D" Fed. Well 14
93-488	Pogo Producing Co.	NM-545035	Federal 29 Well No. 1
93-489	Pogo Producing Co.	NM-545035	Federal 29 Well No. 5
93-534	Pogo Producing Co.	NM-281482-A	Mobil Fed. Well No. 5
93-535	Pogo Producing Co.	NM-545035	Federal 29 Well No. 2
93-536	Pogo Producing Co.	NM-545035	Federal 29 Well No. 7
93-537	Pogo Producing Co.	NM-545035	Federal 29 Well No. 3
93-538	Pogo Producing Co.	NM-545035	Federal 29 Well No. 6
93-568	Yates Petroleum Corp.	NM-63016	Belco "AIA" Fed. Well No. 6
93-569	Yates Petroleum Corp.	NM-81952	Llama "ALL" Fed. Well No. 8
93-570	Yates Petroleum Corp.	NM-70334	Jasmine "AJI" Fed. Well 6
93-571	Yates Petroleum Corp.	NM-59392	Lusk "AHB" Fed. Well No. 15
93-572	Yates Petroleum Corp.	NM-59392	Lusk "AHB" Fed. Well No. 16
93-573	Yates Petroleum Corp.	NM-59392	Lusk "AHB" Fed. Well No. 17
93-574	Yates Petroleum Corp.	NM-61358	Wolf "AJA" Fed. Well No. 11
93-575	Yates Petroleum Corp.	NM-51358	Wolf "AJA"-25- Fed. Well 16
93-576	Yates Petroleum Corp.	NM-61358	Wolf "AJA" Fed. Well No. 14

IBLA 92-612

93-577	Yates Petroleum Corp.	NM-61358	Wolf "AJA" Fed. Well No. 15
93-578	Yates Petroleum Corp.	NM-61358	Wolf "AJA" Fed. Well No. 17
93-579	Yates Petroleum Corp.	NM-61358	Wolf "AJA" Fed. Well No. 18
93-580	Yates Petroleum Corp.	NM-61358	Wolf "AJA" Fed. Well No. 19
93-581	Yates Petroleum Corp.	NM-61358	Wolf "AJA" Fed. Well No. 20
93-594	Yates Petroleum Corp.	NM-77054	Anise "ANI" Fed. Well No. 2
93-595	Yates Petroleum Corp.	NM-63016	Belco "AIA" 14 Fed. Well 5
93-596	Yates Petroleum Corp.	NM-59392	Lusk "AHB" Fed. Well No. 12
93-597	Yates Petroleum Corp.	NM-64505	Okerlund "ALI" Fed. Well 1
93-598	Yates Petroleum Corp.	NM-64505	Okerlund "ALI" Fed. Well 2
93-599	Yates Petroleum Corp.	NM-64505	Okerlund "ALI" Fed. Well 3
93-600	Yates Petroleum Corp.	NM-64505	Okerlund "ALI" Fed. Well 4
93-601	Yates Petroleum Corp.	NM-61358	Wolf "AJA" Fed. Well No. 6
93-602	Yates Petroleum Corp.	NM-61358	Wolf "AJA" -24- Fed. Well 9
93-603	Yates Petroleum Corp.	NM-61358	Wolf "AJA"-24- Fed. Well 12
93-604	Yates Petroleum Corp.	NM-61358	Wolf "AJA"-24- Fed. Well 13
93-617	Pogo Producing Co.	NM-40659	Pure Gold "D" Fed. Well 15
93-631	Yates Petroleum Corp.	NM-81953	Glow Worm "ALX" Fed. Well 3
93-662	Yates Petroleum Corp.	NM-77054	Anise "ANI" Fed. Well No. 1
93-680	Yates Petroleum Corp.	NM-88158	Nancy "ALH" Fed. Well No. 1
93-685	Devon Energy Corp.	NM-0405444	Todd "15M" Fed. Well No. 13
93-686	Devon Energy Corp.	NM-0405444A	Todd "22D" Fed. Well No. 4
93-687	Devon Energy Corp.	NM-0405444A	Todd "22E" Fed. Well No. 5
93-688	Devon Energy Corp.	NM-0405444A	Todd "22L" Fed. Well No. 12
93-689	Devon Energy Corp.	NM-0405444A	Todd "22M" Fed. Well No. 13
93-690	Devon Energy Corp.	NM-0418220A	Todd "27D" Fed. Well No. 4

IBLA 92-612

93-691 Devon Energy Corp. NM-0418220A Todd "27E" Fed. Well No. 5
93-692 Devon Energy Corp. NM-0418220A Todd "27L" Fed. Well No. 12
94-137 Yates Petroleum Corp. NMNM-06783 "ANX" Fed. Well No. 1
94-250 Yates Petroleum Corp. NMNM-883068 Zinnia "AMZ" Fed. Well 1
94-748 Yates Petroleum Corp. NMNM-81852 Llama "ALL" Fed. Well 3
94-749 Yates Petroleum Corp. NMNM-81953 GlowWorm "ALX" Fed. Well 6
94-750 Yates Petroleum Corp. NMNM-81942 Llama "ALL" Fed. Well 2
94-751 Yates Petroleum Corp. NMNM-81953 GlowWorm "ALX" Fed. Well 5