

**RAILROAD COMMISSION OF TEXAS  
OIL AND GAS DIVISION**

**RULE 37 CASE NO. 0203681  
DISTRICT 10**

**APPLICATION OF PHILLIPS  
PETROLEUM COMPANY FOR AN  
EXCEPTION TO STATEWIDE  
RULE 37 FOR ITS LINA C  
LEASE, WELL NO. 5,  
WOLFCREEK (DOUGLAS) OR  
WILDCAT AND PSHIGODA  
(DOUGLAS) FIELDS,  
OCHILTREE COUNTY, TEXAS**

**FINAL ORDER**

The Commission finds that, after statutory notice in the above-numbered docket, heard on December 6, 1993, the presiding examiners have made and filed a report and proposal for decision containing findings of fact and conclusions of law, which was served on all parties of record, and that this proceeding was duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas.

The Commission, after review and due consideration of the proposal for decision, the findings of fact and conclusions of law contained therein, and any exceptions and replies thereto, hereby adopts as its own the findings of fact and conclusions of law contained in the proposal for decision, and incorporates said findings of fact and conclusions of law as if fully set out and separately stated herein, except for Finding of Fact No. 7 and Conclusion of Law No. 5. The Commission adopts Additional Findings of Fact Nos. 12 and 13 and Substitute Conclusion of Law No. 5 as follows:

**Additional Finding of Fact No. 12:**

12. The proposed well would be a regular location if Phillips Petroleum Company shuts in its Lina C Well No. 3.

**Additional Finding of Fact No. 13:**

13. Phillips Petroleum Company has a regular location available on its tract 267 feet from the Lina C Well No. 3 if the No. 3 is not produced from the subject field. Phillips did not show that a well at this location, in conjunction with the proposed well, will fail to provide Phillips with a reasonable opportunity to recover its fair share of hydrocarbons under its tract.

**Substitute Conclusion of Law No. 5:**

5. The applicant has not met its burden of proof to show that the applied for exception is

reasonable and necessary to afford it an opportunity to recover its share of hydrocarbons underlying its tract to prevent confiscation.

Therefore, it is **ORDERED** by the Railroad Commission of Texas that the application of Phillips Petroleum Company for a spacing exception permit under the provisions of Statewide Rule 37 and a permit to drill Well No. 5, Lina C Lease, containing 665 acres of land in the C. W. Van Ness Survey, Abstract No. 718, for the Wolfcreek (Douglas) or Wildcat and Pshigoda (Douglas) Fields, Ochiltree County, being 11 miles south from Perryton, Texas, as shown by plat submitted be and is hereby **DENIED**.

Each exception to the examiners' proposal for decision not expressly granted herein is overruled. All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

Done this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

**RAILROAD COMMISSION OF TEXAS**

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**CHAIRMAN**

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**COMMISSIONER**

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**COMMISSIONER**

**ATTEST:**

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**SECRETARY**