

FEB 2 5 1966

NO. 9, ORIGINAL

JOHN F. DAVIS, CLERK

**In the
Supreme Court of the United States**

OCTOBER TERM, 1965

UNITED STATES OF AMERICA,
Plaintiff,
v.
STATE OF LOUISIANA, ET AL,
Defendant.

**ACCOUNTING OF THE STATE OF LOUISIANA
PURSUANT TO THE SUPPLEMENTAL DECREE
RENDERED DECEMBER 13, 1965**

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STATE OF LOUISIANA, ET AL,
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**ACCOUNTING OF THE STATE OF LOUISIANA
PURSUANT TO THE SUPPLEMENTAL DECREE
RENDERED DECEMBER 13, 1965**

The State of Louisiana, through the Attorney General of Louisiana, and other undersigned counsel, pursuant to the Decree of this Honorable Court rendered December 13, 1965, renders its account of sums derived by the State since June 5, 1950 from or on account of lands described in Paragraph 1 of the Decree, as follows:

1.

No funds derived from lands described in Paragraph 1 of the Decree have been impounded pursuant to the Interim Agreement of October 12, 1956, as amended. Four leases then thought to be within Zone 1, which was considered Louisiana territory, embrace lands some part of which are now included in the description of Paragraph 1 of the Decree. As there was no impoundment pursuant to the Interim Agreement no payment is now due under Paragraph 7 (a)

of the Decree but accounting is due under Paragraph 7 (b) of the Decree:

The four leases are:

Main Pass Area

State Lease No. 3771
Block 6

State Lease No. 3772
Block 91

State Lease No. 3773
Block 7

Chandeleur Area

State Lease No. 4595
Block 16.

The sums received therefor subsequent to June 5, 1950 amount to \$82,314.87 as shown in detail on Exhibit A attached hereto; \$42.85 represents royalty received by Louisiana and is to be included in determining the net balance as provided by Paragraph 8 of the Decree. Although Louisiana's leases were made without warranty, Louisiana is agreeable to including the remaining \$82,272.02 in determining the net balance between the United States and Louisiana as provided by Paragraph 8 of the Decree if the United States validates the leases to which Louisiana refers. If the United States does not validate and proposes to grant its own leases, the United States will not be entitled to double payment for the same area.

2.

There have been no sales made by Louisiana since

June 5, 1950 of lands lying within the area described in Paragraph 1 of the Decree. The sums received by Louisiana, excluding severance tax, subsequent to June 5, 1950 relating to such lands in whole or in part are shown in Exhibit B which gives the State Lease Number, the OCS lease number, the location and Block number, the period covered and whether the receipts are to defer drilling or for royalty, and the portion of such receipts related to that area if less than the whole of the receipt is applicable thereto. The total applicable to the area described in Paragraph 1 of the Decree is \$430,370.54 and this sum is to be included in determining the net balance as provided by Paragraph 8 of the Decree.

3.

Sums received by the State of Louisiana for severance taxes subsequent to June 5, 1950 attributable to the areas described in Paragraph 1 of the Decree are shown on Exhibit C. This severance tax is not due to the United States but may be due, if not otherwise offset, to those who paid the tax. The amount is \$23,840.99 including the tax applicable to a well on State Lease No. 1428, OCS No. 037, which is bottomed on land included in the area described in Paragraph 1 of the Decree though the surface location is beyond that area. This sum is not to be included in determining the net balance between the United States and Louisiana as provided in Paragraph 8 of the Decree.

4.

Louisiana is not required to account for money

received prior to June 5, 1950. See paragraph 7(b) of the Decree. Louisiana's oil and gas leases require a cash consideration and the lessee acquires the right to drill the area within one year of the date of the lease. No part of the cash consideration is returnable because of earlier drilling. The leases also provide that if drilling is not commenced within the year the lease shall terminate as to both parties unless on or before the anniversary date the lessee makes another payment of half the original consideration which will cover the privilege of deferring commencement of a well for a period of twelve months. No part of this payment is refundable for earlier drilling. Louisiana received a number of such payments before June 5, 1950 though the twelve months following did not expire until after June 5, 1950. For the purpose of making a full disclosure to the Court Louisiana has prepared by exhibit designated as Exhibit D and the total which the United States could claim if such payments were allocable by the day is there shown to be \$621,009.71. This exhibit is furnished and filed for information only and not as representing any sums due by Louisiana to the United States of America or any lessee, and is not to be included in determining the net balance as provided by Paragraph 8 of the Decree.

5.

Dual payments are shown on Exhibit E. Such payments to Louisiana amount to \$73,804.00. This exhibit is furnished and filed for information only and not as representing any sums due by Louisiana to the

United States of America or any lessee, and is not to be included in determining the net balance as provided by paragraph 8 of the Decree.

6.

Payments for rights of way have been received by the State totaling \$50,955.60 applicable to lands described in Paragraph 1 of the Decree. Of this sum \$3,472.69 has been deposited in escrow by the Register of the State Land Office, Escrow Agent, pursuant to Act 29 of 1964, La. R.S. 41:1174. None of this sum is impounded under the Interim Agreement. The United States of America has collected fees for the same rights of way. None of such fees were required to be impounded under the Interim Agreement and none have been so impounded. Such receipts are not governed by the Interim Agreement nor by the Decree, but details thereof are shown on Exhibit F for information only and not as representing any sums due by Louisiana to the United States of America or any lessee, and is not to be included in determining the net balance as provided by Paragraph 8 of the Decree.

7.

For the Court's information, we note that by tacit agreement between the State and the United States, and pursuant to authority contained in the Outer Continental Shelf Lands Act, Public Law 212, 83rd Congress, 1st Sess., 67 Stat. 462, Section 5, the Commissioner of Conservation of the State of Louisiana has regulated drilling operations throughout all areas de-

financed in the Interim Agreement of October 12, 1956 and has charged various fees which do not become a part of the general treasury of the State but which are dedicated by law to the Department to defray administrative expenses incident to regulation. Louisiana has never considered this as revenue attributable to land but as charges attributable to regulatory services and has not maintained detailed records such as those pertaining to bonus, so called delay rental and royalty. We understand the Government's position to be in accord with that of the State that accounting is not due for such fees.

Respectfully submitted,

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Attorney General,
State of Louisiana.

JOHN L. MADDEN,
Assistant Attorney General,
State of Louisiana.

PROOF OF SERVICE

The undersigned, being one of the attorneys for the State of Louisiana, defendant herein, certifies that copies of the foregoing accounting have been properly served on the _____ day of February, 1966, by leaving copies thereof at the offices of the Attorney General and of the Solicitor General of the United States, respectively, in the Department of Justice Building, Washington, D. C.

EXHIBIT A

Sums Received From Lands In The Zone I Area As Described In The Interim Agreement of October 12, 1956, Subsequent To June 5, 1950

Area Described in Paragraph 1 of The U. S. Supreme Court Supplemental Decree Rendered December 13, 1965

State Lease No.	Location		Total Received		Applicable To Area Described In Paragraph 1 of Decree				
	Area	Block	Bonus	Subsequent Payment	Per cent	Bonus	Subsequent Payment	Royalty	Total
3771	Main Pass	6	\$ 426,320.00		1.64	\$ 6,991.65			\$ 6,991.65
3772	Main Pass	91	29,415.00	\$ 44,122.50 ⁽¹⁾	31.22	9,183.36		\$ 42.85 ⁽²⁾	23,001.25
3773	Main Pass	7	441,192.00		8.13	35,868.91			35,868.91
4595	Chandeleur	16	256,678.00		6.41	16,453.06			16,453.06
						\$ 68,496.98	\$ 13,775.04	\$ 42.85	\$ 82,314.87

⁽¹⁾ State oil and gas leases require a bonus. The lessee acquires the right to commence actual drilling within twelve (12) months. The leases in effect contain an option to defer the drilling by another twelve (12) months by paying a sum equal to half of the first consideration or bonus. Such subsequent payments are often called "delay rentals."

⁽²⁾ The amount as shown represents the calculation of royalty based on a gross value and would therefore include sums received by the State as royalty and severance tax.

Sums Received By The State of Louisiana Excluding Severance Tax Subsequent to June 5, 1950
Area Described in Paragraph 1 of The U. S. Supreme Court Supplemental Decree Rendered December 13, 1965

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EXHIBIT C

Sums Received By The State of Louisiana For Severance Tax Subsequent to June 5, 1950
Area Described in Paragraph 1 of the U. S. Supreme Court Supplemental Decree Rendered December 13, 1965

Lease Number		Location		Period Covered	Total Received
State	OCS	Area	Block		
693	051	Eugene Island.....	125	11/ 1/50 to 12/11/50	\$ 5,216.86
694	052	Eugene Island.....	126	6/ 5/50 to 12/11/50	11,675.63
1428	037	South Timbalier.....	52	9/ 1/50 to 3/31/53	6,948.50 ⁽¹⁾
					\$ 23,840.99

⁽¹⁾ Bottom location of State Lease 1428 Well No. A-3, which was the only well on this lease that produced, was located in the area described in Paragraph 1 of the Decree, however, the surface location was in the area which remains in dispute.

EXHIBIT D

Sums Received Prior to June 5, 1950, For Option. To Delay Operations For A One Year Period of Which a Part Extended Beyond June 5, 1950

Area Described in Paragraph 1 of the U. S. Supreme Court Supplemental Decree Rendered December 13, 1965

Lease Number		Location		Period Commencing	Total Payment	A (1)	B (2)
State	OCS	Area	Block				
1192	154	E. Cameron	49	7/17/49	5,800.00	56.86	379.59
1193	155	E. Cameron	50	7/17/49	5,800.00	10.46	69.83
1196	157	E. Cameron	58	7/17/49	5,800.00	13.49	90.06
1197	158	E. Cameron	59	7/17/49	5,800.00	49.14	328.05
1198		E. Cameron	60	7/17/49	5,800.00	69.90	466.64
1199		E. Cameron	61	7/17/49	5,800.00	100.00	667.58
1200	159	E. Cameron	62	7/17/49	5,800.00	100.00	667.58
1201	160	E. Cameron	63	7/17/49	5,800.00	100.00	667.58
1202	089	E. Cameron	64	6/10/49	6,250.00	100.00	85.63
1203	090	E. Cameron	66	6/10/49	3,125.00	100.00	42.81
1204	161	E. Cameron	67	7/17/49	5,800.00	100.00	667.58
1207	162	E. Cameron	68	7/17/49	5,800.00	100.00	667.58
1208	163	E. Cameron	69	7/17/49	5,800.00	100.00	667.58
1625	184	E. Cameron	72	11/19/49	125,625.00	77.26	44,403.98
1626	185	E. Cameron	73	11/19/49	7,200.00	50.40	1,600.18
1627	186	E. Cameron	74	11/19/49	3,600.00	100.00	1,647.00
1629	231	E. Cameron	75	11/19/49	50,500.00	100.00	23,103.75
1630	402	E. Cameron	76	11/19/49	52,775.00	100.00	24,144.56
1631		E. Cameron	81	11/19/49	13,887.50	100.00	6,353.53
1632	187	E. Cameron	82	11/19/49	67,650.00	100.00	30,949.88
1633	212	E. Cameron	83	11/19/49	7,575.00	100.00	3,465.56
1634	213	E. Cameron	88	11/19/49	15,050.00	100.00	6,885.38
1635	214	E. Cameron	89	11/19/49	17,550.00	100.00	8,029.13
1636	215	E. Cameron	89	11/19/49	12,250.00	100.00	5,604.38
684	045	Eugene Island	94	8/28/49	5,050.00	100.00	2,310.38
					12,800.00	51.13	1,505.92

EXHIBIT D (Continued)

Lease Number		Location		Period Commencing	Total Payment	A ⁽¹⁾	B ⁽²⁾
State	OCS	Area	Block				
685	046	Eugene Island.....	95	8/28/49	\$ 12,800.00	\$ 14.19	\$ 417.94
686	047	Eugene Island.....	110	8/28/49	12,800.00	99.70	2,936.44
687	048	Eugene Island.....	111	8/28/49	12,800.00	100.00	2,945.28
691	049	Eugene Island.....	119	8/28/49	12,800.00	64.94	1,912.66
692	050	Eugene Island.....	120	8/28/49	12,800.00	27.70	815.84
693	051	Eugene Island.....	125	8/28/49	12,800.00	100.00	2,945.28
694	052	Eugene Island.....	126	8/28/49	12,800.00	100.00	2,945.28
695	053	Eugene Island.....	128	8/28/49	3,772.35	100.00	2,018.52
696	054	Eugene Island.....	129	8/28/49	3,008.72	100.00	692.31
1663	228	Eugene Island.....	93	11/19/49	25,500.00	79.06	9,223.34
1664	230	Eugene Island.....	112	11/19/49	7,750.00	100.00	3,545.63
1262	373	Main Pass.....	40	8/ 5/49	3,750.00	12.48	78.20
771	...	Ship Shoal.....	100	9/12/49	10,000.00	28.31	767.77
773	...	Ship Shoal.....	106	9/12/49	10,000.00	100.00	2,712.00
774	070	Ship Shoal.....	107	9/12/49	18,750.00	100.00	5,085.00
775	...	Ship Shoal.....	108	9/12/49	5,000.00	100.00	1,356.00
776	066	Ship Shoal.....	112	9/12/49	10,000.00	95.45	2,588.60
777	067	Ship Shoal.....	113	9/12/49	7,500.00	93.61	1,904.03
778	064	Ship Shoal.....	114	9/12/49	7,500.00	91.77	1,866.60
779	065	Ship Shoal.....	117	9/12/49	3,750.00	100.00	1,017.00
780	068	Ship Shoal.....	118	9/12/49	3,750.00	100.00	1,017.00
781	069	Ship Shoal.....	119	9/12/49	5,000.00	100.00	1,356.00
782	...	Ship Shoal.....	124	9/12/49	5,000.00	100.00	1,356.00
1404	...	Ship Shoal.....	108	5/10/50	6,312.50	100.00	5,880.09
1405	...	Ship Shoal.....	109	5/10/50	3,787.50	100.00	3,528.06
1407	388	Ship Shoal.....	117	5/10/50	2,375.00	100.00	2,212.31
1408	389	Ship Shoal.....	118	5/10/50	5,025.00	100.00	4,680.78
1409	040	Ship Shoal.....	119	5/10/50	4,062.50	100.00	3,784.22
1410	038	Ship Shoal.....	120	5/10/50	4,062.50	100.00	3,784.22

1516	255	South Pelto.....	23	8/11/49	7,500.00	84.51	1,163.70
1518		South Pelto.....	25	7/17/49	90,600.00	80.93	8,429.00
1035	019	S. Timbalier.....	54	4/25/50	9,612.50	6.38	544.41
1036	028	S. Timbalier.....	55	4/25/50	9,612.50	3.15	268.76
1037	018	S. Timbalier.....	66	4/25/50	46,325.00	100.00	41,122.70
1038	020	S. Timbalier.....	67	4/25/50	46,325.00	100.00	41,122.70
1043	017	S. Timbalier.....	82	4/25/50	9,612.50	100.00	8,533.02
1044	022	S. Timbalier.....	83	4/25/50	9,612.50	100.00	8,533.02
1428	037	S. Timbalier.....	52	5/10/50	79,215.99	36.27	26,685.95
1550	015	S. Timbalier.....	53	7/17/49	20,130.00	54.87	1,271.32
1551		S. Timbalier.....	63	7/17/49	100,000.00	100.00	11,510.00
1552		S. Timbalier.....	64	7/17/49	12,500.00	100.00	1,438.75
1555		S. Timbalier.....	86	7/17/49	50,000.00	100.00	5,755.00
1098	152	Vermilion.....	61	6/19/49	5,500.00	14.08	29.74
1099	153	Vermilion.....	62	6/19/49	5,500.00	99.96	211.16
1102		Vermilion.....	65	6/19/49	5,550.00	19.70	41.98
1371	167	Vermilion.....	95	3/15/50	19,375.00	100.00	15,021.44
1372	169	Vermilion.....	96	3/15/50	7,500.00	100.00	5,814.75
1373	168	Vermilion.....	108	3/15/50	7,500.00	100.00	5,814.75
1443	170	Vermilion.....	75	5/10/50	19,050.00	6.56	1,160.70
1444	171	Vermilion.....	78	5/10/50	7,550.00	97.57	6,842.04
1446	172	Vermilion.....	86	5/10/50	12,550.00	100.00	11,656.44
1447	173	Vermilion.....	87	5/10/50	5,050.00	100.00	4,690.44
1152	080	W. Cameron.....	109	6/10/49	1,562.50	77.12	16.51
1153	081	W. Cameron.....	110	6/10/49	37,500.00	99.91	513.66
1154	082	W. Cameron.....	111	6/10/49	1,562.50	100.00	21.41
1157	250	W. Cameron.....	131	6/10/49	1,562.50	100.00	21.41
1158	251	W. Cameron.....	132	6/10/49	41,750.00	100.00	571.98
1159	083	W. Cameron.....	134	6/10/49	1,562.50	100.00	21.41
1160	252	W. Cameron.....	135	6/10/49	6,500.00	100.00	89.05
1165	254	W. Cameron.....	150	6/10/49	28,875.00	100.00	395.59
1166		W. Cameron.....	151	6/10/49	1,562.50	100.00	21.41
1167		W. Cameron.....	152	6/10/49	1,562.50	100.00	21.41
1168		W. Cameron.....	165	6/10/49	1,562.50	100.00	21.41
1169		W. Cameron.....	166	6/10/49	1,562.50	100.00	21.41

EXHIBIT D (Continued)

Lease Number		Location		Period Commencing	Total Payment	A (1)	B (2)
State	OCS	Area	Block				
1437	039	W. Cameron.....	98	5/10/50	\$ 11,362.50	\$ 92.41	\$ 9,743.48
1438	220	W. Cameron.....	99	5/10/50	21,050.00	31.19	6,098.03
1439	041	W. Cameron.....	111	5/10/50	32,687.50	100.00	30,360.15
1442		W. Cameron.....	133	5/10/50	1,875.00	100.00	1,741.50
1557		W. Cameron.....	172	8/11/49	16,250.00	100.00	2,983.50
1558		W. Cameron.....	173	8/11/49	120,000.00	100.00	22,032.00
1559		W. Cameron.....	174	7/17/49	2,630.00	100.00	302.71
1560		W. Cameron.....	175	7/17/49	7,750.00	100.00	892.03
1561		W. Cameron.....	176	7/17/49	7,750.00	100.00	892.03
1564		W. Cameron.....	179	8/11/49	53,125.00	100.00	9,753.75
1566		W. Cameron.....	181	8/11/49	16,250.00	100.00	2,983.50
1567		W. Cameron.....	189	8/11/49	8,750.00	100.00	1,606.50
1568		W. Cameron.....	190	8/11/49	4,375.00	100.00	803.25
1550		W. Cameron.....	167	11/19/49	3,193.75	100.00	1,461.14
1551		W. Cameron.....	168	11/19/49	18,887.50	100.00	8,641.03
1554	188	W. Cameron.....	191	11/19/49	10,150.00	100.00	4,643.63
1555	189	W. Cameron.....	192	11/19/49	3,750.00	100.00	1,715.63
1556	190	W. Cameron.....	192	11/19/49	75,550.00	100.00	34,564.13
1557	191	W. Cameron.....	193	11/19/49	50,550.00	100.00	23,126.63
1558	192	W. Cameron.....	193	11/19/49	3,758.00	100.00	1,719.29
1559	193	W. Cameron.....	194	11/19/49	10,150.00	100.00	4,643.25
					\$	\$	\$ 621,009.71

This Exhibit is for information only. This sum is not to be included in determining the net balance pursuant to Paragraph 8 of the Decree as it was fully received before June 5, 1950 and is not allocable.

(1) Per cent of land lying in area described in paragraph 1 of Decree.

(2) Amount which would be due if payment were allocable on a day by day basis.

EXHIBIT E

Sums Received By The State of Louisiana and The United States of America Subsequent to June 5, 1950
Area Described in Paragraph 1 of The U. S. Supreme Court Supplemental Decree Rendered December 13, 1965

Lease Number		Location		Period Covered	Total Received ⁽¹⁾	Applicable To Area Described In Paragraph 1 of Decree	
State	OCS	Area	Block			Per cent	Amount
1633	212	East Cameron.....	88	11/19/50 to 11/19/51	\$ 15,050.00	100.00	\$ 15,050.00
1634	213	East Cameron.....	89	11/19/50 to 11/19/51	17,550.00	100.00	17,550.00
1635	214	East Cameron.....	89	11/19/50 to 11/19/51	12,550.00	100.00	12,550.00
1636	215	East Cameron.....	89	11/19/50 to 11/19/51	5,050.00	100.00	5,050.00
1407	388	Ship Shoal.....	117	5/10/51 to 5/10/54	7,125.00 ⁽²⁾	100.00	7,125.00 ⁽²⁾
1408	389	Ship Shoal.....	118	5/10/51 to 5/10/54	15,075.00 ⁽²⁾	100.00	15,075.00 ⁽²⁾
1262	373	Main Pass.....	40	8/ 5/51 to 8/ 5/54	11,250.00 ⁽²⁾	12.48	1,404.00 ⁽²⁾
							\$ 73,804.00

⁽¹⁾ State oil and gas leases require a bonus. The lessee acquires the right to commence actual drilling within twelve (12) months. The leases in effect contain an option to defer the drilling by another twelve (12) months by paying a sum equal to half of the first consideration or bonus. Such subsequent payments are often called "delay rentals". Like sums were received by the United States of America.

⁽²⁾ The amounts shown represent payments for a three year period as indicated.

EXHIBIT F

Sums Received From Pipe Line Rights of Way Subsequent To June 5, 1950

Area Described in Paragraph 1 of The U. S. Supreme Court Supplemental Decree Rendered December 13, 1965

Date	Grantee	Number	Description-Area	Total		Applicable to Area Described in Paragraph 1 of Decree		Funds Impounded (1)
				Rods	Consideration	Rods	Amount	
4/ 9/57	Tennessee Gas Transmission Co.	.....	To Blks. 49, 59, 60, 61, 62, 63, 64, 65, 66, 67, 70, and 71-E. Cameron Area.	16,195.21	\$15,000.00	9,863.32	\$ 9,135.41	.....
4/ 8/58	Transcontinental Gas Pipe Line Co.	.....	To Blk. 110-W. Cameron Area.	7,049.30	21,147.90	796.48	2,389.44	.....
5/25/59	Transcontinental Gas Pipe Line Co.	.....	To Blk. 116, 117, 118, 119, 129, 139, 150, 161, 172, and 184-Eugene Island Area.	13,907.50	41,722.50	8,257.12	24,771.36	.....
7/ 8/59	Transcontinental Gas Pipe Line Co.	.....	To Blks. 77 and 88-Vermilion Area.	1,554.88	4,664.64	1,233.30	3,699.90	.....
7/17/61	Tennessee Gas Transmission Co.	115	To Blks. 55 and 56-S. Timbalier Area.	5,854.84	17,565.00	539.39	1,618.17	.....
9/21/61	Tennessee Gas Transmission Co.	126	Blk. 49 to Blk. 48, E. Cameron Area.	1,245.59	3,738.00	1,245.59	3,738.00	.....
6/25/62	Tennessee Gas Transmission Co.	195	Blk. 49 to Blk. 48, E. Cameron Area.	710.21	2,130.63	710.21	2,130.63	.....
2/15/65	Tennessee Gas Transmission Co.	487E	Blk. 71 E. Cameron to Blk. 47 Vermilion.	6,128.13	24,000.96	348.48	1,393.92(2)	\$ 1,393.92
3/31/65	Superior Oil Co.	500E	To Blk. 109-West Cameron.	6,690.14	26,760.56	115.15	460.60(2)	460.60
5/ 7/65	Shell Pipe Line Corporation.	524E	To Blk. 103-West Delta.	9,155.65	36,623.24	45.45	181.80(2)	181.80
5/ 7/65	Gulf Oil Corporation.	525E	To Blk. 99-West Delta.	11,640.00	40,428.00	478.79	1,436.37(2)	1,436.37
							\$50,955.60	\$ 3,472.69

(1) Impounded in accordance with Act 29 of 1964 Louisiana Revised Statutes 41:1174.

(2) Plat attached to right of way grant showed the right of way to a line 3 miles seaward of Louisiana's claimed coast line; however, this line is inaccurately placed on the plat resulting in what appears to be grants of rights of way in lands described in Paragraph 1 of the Decree.