

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION**

**APPLICATION FOR SURFACE COMMINGLING
SUBMITTED BY FORTY ACRES ENERGY, LLC**

ORDER NO. CTB-1041

ORDER

The Director of the New Mexico Oil Conservation Division (“OCD”), having considered the application and the recommendation of the OCD Engineering Bureau, issues the following Order.

FINDINGS OF FACT

1. Forty Acres Energy, LLC (“Applicant”) submitted a complete application to surface commingle the gas production from the pools, leases, and wells identified in Exhibit A (“Application”).
2. Applicant proposed a method to allocate the gas production to the pools, leases, and wells to be commingled.
3. To the extent that ownership is identical, Applicant submitted a certification by a licensed attorney or qualified petroleum landman that the ownership in the pools, leases, and wells to be commingled is identical as defined in 19.15.12.7.B. NMAC.
4. To the extent that ownership is diverse, Applicant provided notice of the Application to all persons owning an interest in the gas production to be commingled, including the owners of royalty and overriding royalty interests, regardless of whether they have a right or option to take their interests in kind, and those persons either submitted a written waiver or did not file an objection to the Application.
5. Applicant provided notice of the Application to the Bureau of Land Management (“BLM”) or New Mexico State Land Office (“NMSLO”), as applicable.

CONCLUSIONS OF LAW

6. OCD has jurisdiction to issue this Order pursuant to the Oil and Gas Act, NMSA 1978, §§ 70-2-6, 70-2-11, 70-2-12, 70-2-16, and 70-2-17, 19.15.12. NMAC, and 19.15.23. NMAC.
7. Applicant satisfied the notice requirements for the Application in accordance with 19.15.12.10.A.(2) NMAC, 19.15.12.10.C.(4)(c) NMAC, and 19.15.12.10.C.(4)(e) NMAC, as applicable.
8. Applicant satisfied the notice requirements for the Application in accordance with 19.15.23.9.A.(5) NMAC and 19.15.23.9.A.(6) NMAC, as applicable.
9. Applicant’s proposed method of allocation, as modified herein, complies with 19.15.12.10.B.(1) NMAC or 19.15.12.10.C.(1) NMAC, as applicable.

10. Commingling of gas production from state, federal, or tribal leases shall not commence until approved by the BLM or NMSLO, as applicable, in accordance with 19.15.12.10.B.(3) NMAC and 19.15.12.10.C.(4)(h) NMAC.
11. By granting the Application with the conditions specified below, this Order prevents waste and protects correlative rights, public health, and the environment.

ORDER

1. Applicant is authorized to surface commingle gas production from the pools, leases, and wells identified in Exhibit A.

Applicant is authorized to store and measure gas production off-lease from the pools, leases, and wells identified in Exhibit A at a central tank battery or gas title transfer meter described in Exhibit A.

2. The gas production for the LANGLIE MATTIX; 7 RVRS-Q-GRAYBURG (Pool Code 37240) from Elliott B 20 No. 1 (API No. 30-025-10372), Elliott B 20 No. 2 (API No. 30-025-24059), and Elliott B 20 No. 3 (API No. 30-025-24157) shall be measured prior to commingling it with production from any other pool or lease.

The gas production allocated to Clower State No. 1 (API No. 30-025-23536) shall be equal to the total commingled gas production minus the gas production allocated to Elliott B 20 No. 1 (API No. 30-025-10372), Elliott B 20 No. 2 (API No. 30-025-24059), and Elliott B 20 No. 3 (API No. 30-025-24157).

3. Applicant shall measure and market the commingled gas at a well pad, central delivery point, central tank battery, or gas title transfer meter described in Exhibit A in accordance with this Order and 19.15.19.9. NMAC, provided however that if the gas is vented or flared, and regardless of the reason or authorization pursuant to 19.15.28.8.B. NMAC for such venting or flaring, Applicant shall measure or estimate the gas in accordance with 19.15.28.8.E. NMAC.
4. Applicant shall calibrate the meters used to measure or allocate gas production in accordance with 19.15.12.10.C.(2) NMAC.
5. If the commingling of gas production from any pool, lease, or well reduces the value of the commingled gas production to less than if it had remained segregated, no later than sixty (60) days after the decrease in value has occurred Applicant shall submit a new surface commingling application to OCD to amend this Order to remove the pool, lease, or well whose gas production caused the decrease in value. If Applicant fails to submit a new application, this Order shall terminate on the following day, and if OCD denies the application, this Order shall terminate on the date of such action.
6. Applicant shall not commence commingling oil or gas production from state, federal, or tribal leases until approved by the BLM or NMSLO, as applicable.

7. If OCD determines that Applicant has failed to comply with any provision of this Order, OCD may take any action authorized by the Oil and Gas Act or the New Mexico Administrative Code (NMAC).
8. OCD retains jurisdiction of this matter and reserves the right to modify or revoke this Order as it deems necessary.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**



**ADRIENNE E. SANDOVAL
DIRECTOR**

DATE: 11/14/2022

State of New Mexico
Energy, Minerals and Natural Resources Department

Exhibit A

Order: **CTB-1041**

Operator: **Forty Acres Energy, LLC (371416)**

Central Tank Battery: **Elliot B 20 2 Central Tank Battery**

Central Tank Battery Location: **UL G, Section 20, Township 22 South, Range 37 East**

Gas Title Transfer Meter Location: **UL G, Section 20, Township 22 South, Range 37 East**

Pools

| Pool Name | Pool Code |
|--|--------------|
| LANGLIE MATTIX; 7 RVRS-Q-GRAYBURG | 37240 |

Leases as defined in 19.15.12.7(C) NMAC

| Lease | UL or Q/Q | S-T-R |
|---------------------|--------------|-------------------|
| B0 09340025 | I | 20-22S-37E |
| NMNM 0557256 | E F G | 20-22S-37E |

Wells

| Well API | Well Name | UL or Q/Q | S-T-R | Pool |
|---------------------|------------------------|-----------|-------------------|--------------|
| 30-025-23536 | Clower State #1 | I | 20-22S-37E | 37240 |
| 30-025-10372 | Elliott B 20 #1 | E | 20-22S-37E | 37240 |
| 30-025-24059 | Elliott B 20 #2 | G | 20-22S-37E | 37240 |
| 30-025-24157 | Elliott B 20 #3 | F | 20-22S-37E | 37240 |

District I
1625 N. French Dr., Hobbs, NM 88240
Phone:(575) 393-6161 Fax:(575) 393-0720
District II
811 S. First St., Artesia, NM 88210
Phone:(575) 748-1283 Fax:(575) 748-9720
District III
1000 Rio Brazos Rd., Aztec, NM 87410
Phone:(505) 334-6178 Fax:(505) 334-6170
District IV
1220 S. St Francis Dr., Santa Fe, NM 87505
Phone:(505) 476-3470 Fax:(505) 476-3462

State of New Mexico
Energy, Minerals and Natural Resources
Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

COMMENTS

Action 159079

COMMENTS

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| Operator: FORTY ACRES ENERGY, LLC 11757 KATY FWY HOUSTON, TX 77079173 | OGRID: 371416 |
| | Action Number: 159079 |
| | Action Type: [IM-SD] Admin Order Support Doc (ENG) (IM-AAO) |

COMMENTS

| Created By | Comment | Comment Date |
|------------|---------------------------------|--------------|
| dmcclure | Approved under Action ID: 54082 | 11/15/2022 |

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CONDITIONS

| Created By | Condition | Condition Date |
|------------|-----------|----------------|
| dmcclure | None | 11/15/2022 |