

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

**APPLICATION FOR SURFACE COMMINGLING
SUBMITTED BY OXY USA, INC.**

ORDER NO. PLC-797

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. Oxy USA, Inc. (“Applicant”) submitted a complete application to surface commingle the oil and gas production from the pools, leases, and wells identified in Exhibit A (“Application”).
2. Applicant proposed a method to allocate the oil and gas production to the pools, leases, and wells to be commingled.
3. Applicant stated that it intends to keep the gas production from one or more group(s) of wells identified in Exhibit B segregated from the gas production from all other wells prior to measuring that production with an allocation meter.
4. 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.
5. To the extent that ownership is diverse, Applicant provided notice of the Application to all persons owning an interest in the oil and 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.
6. Applicant provided notice of the Application to the Bureau of Land Management (“BLM”) or New Mexico State Land Office (“NMSLO”), as applicable.
7. Applicant certified the commingling of oil and gas production from the pools, leases, and wells will not in reasonable probability reduce the value of the oil and gas production to less than if it had remained segregated.
8. Applicant in the notice for the Application stated that it sought authorization to add additional pools, leases, and wells and identified the parameters to make such additions.
9. Applicant stated that it sought authorization to surface commingle and off-lease measure, as applicable, oil and gas production from wells which have not yet been approved to be drilled, but will produce from a pool and lease identified in Exhibit A.

CONCLUSIONS OF LAW

10. 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.
11. 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.
12. 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.
13. 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.
14. Commingling of oil and 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.
15. Applicant satisfied the notice requirements for the subsequent addition of pools, leases, and wells in the notice for the Application, in accordance with 19.15.12.10.C.(4)(g) NMAC. Subsequent additions of pools, leases, and wells within Applicant's defined parameters, as modified herein, will not, in reasonable probability, reduce the commingled production's value or otherwise adversely affect the interest owners in the production to be added.
16. 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 oil and gas production from the pools, leases, and wells identified in Exhibit A.

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

Applicant is authorized to surface commingle oil and gas production from wells not included in Exhibit A but that produce from a pool and lease identified in Exhibit A.

Applicant is authorized to store and measure oil and gas production off-lease from wells not included in Exhibit A but that produce from a pool and lease identified in Exhibit A at a central tank battery described in Exhibit A.

2. This Order supersedes Orders PC-1305-A, PLC-291, and PLC-557.
3. The allocation of oil and gas production to wells not included in Exhibit A but that produce from a pool and lease identified in Exhibit A shall be determined in the same manner as to wells identified in Exhibit A that produce from that pool and lease, provided that if more than one allocation method is being used or if there are no wells identified in Exhibit A that produce from the pool and lease, then allocation of oil and gas production to each well not

included in Exhibit A shall be determined by OCD prior to commingling production from it with the production from another well.

4. The allocation of gas production to each group of wells identified in Exhibit B shall be determined by separating and metering the gas production from each group as described by Train in Exhibit B prior to commingling that gas production with gas production from any other well.
5. The allocation of oil and gas production shall be based on the production life of each well as measured for three periods: (a) the initial production period shall be measured from the first production until the earlier of either the peak production rate or thirty (30) days after the first production; (b) the plateau period shall be measured from the end of the initial production period to the peak decline rate; and (c) the decline period shall be measured from the end of the plateau period until the well is plugged and abandoned.

During the initial production period, the oil and gas production for each well identified in Exhibit A shall be allocated using a production curve calculated from a minimum of ten (10) well tests per month, except that any day in which a well test cannot achieve an accurate result due to a temporary change in oil and gas production shall not be included in the computation of time determining the well test schedule. The production curve shall be calculated by interpolating daily production for each day using the known daily production obtained by well tests and shall use a method of interpolation that is at minimum as accurate as maintaining a constant rate of change for each day's production between the known daily production values.

During the plateau period, the oil and gas production for each well identified in Exhibit A shall be allocated using a minimum of three (3) well tests per month.

During the decline period, the oil and gas production for each well identified in Exhibit A shall be allocated as follows: (a) a minimum of three (3) well tests per month when the decline rate is greater than twenty-two percent (22%) per month; (b) a minimum of two (2) well tests per month when the decline rate is between twenty-two percent (22%) and ten percent (10%) per month; and (c) a minimum of one (1) well test per month when the decline rate is less than ten percent (10%) per month.

Upon OCD's request, Applicant shall submit a Form C-103 to the OCD Engineering Bureau that contains the decline rate curve and other relevant information demonstrating the production life of a well.

Applicant shall conduct a well test by separating and metering the oil and gas production from that well for either (a) a minimum of twenty-four (24) consecutive hours; or (b) a combination of nonconsecutive periods that meet the following conditions: (i) each period shall be a minimum of six (6) hours; and (ii) the total duration of the nonconsecutive periods shall be a minimum of eighteen (18) hours.

The well test requirements of this Order shall be suspended for any well shut-in for a period that continues for more than fifteen (15) days until the well commences production.

6. Applicant shall measure and market the commingled oil at a central tank battery described in Exhibit A in accordance with this Order and 19.15.18.15. NMAC or 19.15.23.8. NMAC.
7. 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.
8. Applicant shall calibrate the meters used to measure or allocate oil and gas production in accordance with 19.15.12.10.C.(2) NMAC.
9. If the commingling of oil and gas production from any pool, lease, or well reduces the value of the commingled oil and 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 oil and 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.
10. Applicant may submit an application to amend this Order to add pools, leases, and subsequently drilled wells with spacing units adjacent to or within the tracts commingled by this Order by submitting a Form C-107-B in accordance with 19.15.12.10.C.(4)(g) NMAC.
11. If a well is not included in Exhibit A but produces from a pool or lease identified in Exhibit A, then Applicant shall submit Forms C-102 and C-103 to the OCD Engineering Bureau after the well has been approved to be drilled and prior to off-lease measuring or commingling oil or gas production from it with the production from another well. The Form C-103 shall reference this Order and identify the well and proposed method to determine the allocation of oil and gas production to it.
12. Applicant shall not commence commingling oil or gas production from state, federal, or tribal leases until approved by the BLM or NMSLO, as applicable.
13. 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).
14. 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**

A handwritten signature in black ink, appearing to read 'Adrienne', written over a horizontal line.

**ADRIENNE SANDOVAL
DIRECTOR**

DATE: 12/22/2021

State of New Mexico
Energy, Minerals and Natural Resources Department

Exhibit A

Order: **PLC-797**

Operator: **Oxy USA, Inc. (16696)**

Central Tank Battery: **Goodnight 27 Federal 4 Battery**

Central Tank Battery Location: **Unit N, Section 27, Township 23 South, Range 29 East**

Central Tank Battery: **Cypress 33 Federal 1 Battery**

Central Tank Battery Location: **Unit P, Section 33, Township 23 South, Range 29 East**

Central Tank Battery: **Cypress 34 Federal 1 Battery**

Central Tank Battery Location: **Unit P, Section 34, Township 23 South, Range 29 East**

Gas Title Transfer Meter Location: **Unit N, Section 27, Township 23 South, Range 29 East**

Gas Title Transfer Meter Location: **Unit P, Section 33, Township 23 South, Range 29 East**

Gas Title Transfer Meter Location: **Unit P, Section 34, Township 23 South, Range 29 East**

Gas Title Transfer Meter Location: **Unit M, Section 28, Township 23 South, Range 29 East**

Gas Title Transfer Meter Location: **Unit D, Section 28, Township 23 South, Range 29 East**

Pools

Pool Name	Pool Code
CEDAR CANYON; BONE SPRING	11520
LAGUNA SALADO; BONE SPRING	96721
LAGUNA SALADO; BONE SPRING,SOUTH	96857
HARROUN RANCH; DELAWARE, NE	96878
NASH DRAW; DELAWARE, SW	97148
PURPLE SAGE; WOLFCAMP (GAS)	98220

Leases as defined in 19.15.12.7(C) NMAC

Lease	UL or Q/Q	S-T-R
NMNM 103603	All	23-23S-29E
	All	26-23S-29E
NMNM 105557	All	27-23S-29E
NMNM 086024	W/2, W/2 E/2	28-23S-29E
	N/2	33-23S-29E
	All	34-23S-29E
NMNM 019848	All	29-23S-29E
	S/2	33-23S-29E
CA Bone Spring NMNM 135945	All	33-23S-29E

Wells

Well API	Well Name	UL or Q/Q	S-T-R	Pool
30-015-37249	Cypress 28 Federal #1H	M N O	28-23S-29E	96857
30-015-37331	Cypress 28 Federal #2H	J K L	28-23S-29E	96857
30-015-38287	Cypress 28 Federal #3H	B C D	28-23S-29E	96857
30-015-39330	Cypress 28 Federal #4H	E F G	28-23S-29E	96857
30-015-41138	Cypress 28 Federal #6H	E/2 W/2	28-23S-29E	96878
30-015-36321	Cypress 33 Federal #1H	S/2 S/2	33-23S-29E	11520
30-015-37308	Cypress 33 Federal #2H	N/2 N/2	33-23S-29E	11520

30-015-36987	Cypress 33 Federal #3H	N/2 S/2	33-23S-29E	11520
30-015-37368	Cypress 33 Federal #4H	S/2 N/2	33-23S-29E	11520
30-015-40768	Cypress 33 Federal Com #5H	E/2 E/2	33-23S-29E	11520
30-015-41557	Cypress 33 Federal Com #6H	W/2 E/2	33-23S-29E	11520
30-015-42616	Cypress 33 Federal Com #7H	E/2 W/2	33-23S-29E	11520
30-015-44096	Cypress 33 Federal Com #10H	W/2 W/2	33-23S-29E	11520
30-015-35053	Cypress 34 Federal #1	S/2 S/2	34-23S-29E	11520
30-015-35413	Cypress 34 Federal #2H	F G H	34-23S-29E	11520
30-015-35692	Cypress 34 Federal #3H	I J K	34-23S-29E	11520
30-015-35742	Cypress 34 Federal #4H	D E L	34-23S-29E	11520
30-015-35693	Cypress 34 Federal #5	A B C	34-23S-29E	11520
30-015-39430	Cypress 34 Federal #8H	W/2 E/2	34-23S-29E	11520
30-015-42088	Cypress 34 Federal #9H	E/2 E/2	34-23S-29E	11520
30-015-38366	Cypress 34 Federal #6H	W/2 W/2	34-23S-29E	97148
30-015-39219	Cypress 34 Federal #7H	E/2 W/2	34-23S-29E	97148
30-015-22157	Goodnight 27 Federal #1	N	27-23S-29E	96857
30-015-36137	Goodnight 27 Federal #2H	I J K	27-23S-29E	96857
30-015-39220	Goodnight 27 Federal #3H	W/2 W/2	27-23S-29E	96857
30-015-40007	Goodnight 26 Federal #1H	All	26-23S-29E	96721
30-015-39142	Goodnight 27 Federal #4H	E/2 W/2	27-23S-29E	96878
30-015-39431	Goodnight 27 Federal #5H	W/2 W/2	27-23S-29E	96878
30-015-43076	Cypress 34 Federal #10H	W/2 W/2	34-23S-29E	11520
30-015-42920	Cypress 34 Federal #11H	E/2 W/2	34-23S-29E	11520
30-015-43075	Cypress 33 Federal Com #8H	W/2 W/2	33-23S-29E	11520
30-015-43751	Cypress 33 Federal Com #9H	E/2 W/2	33-23S-29E	11520
30-015-43849	Cypress 34 Federal #12H	W/2 E/2	34-23S-29E	98220

State of New Mexico
Energy, Minerals and Natural Resources Department

Exhibit B

Order: PLC-797
Operator: Oxy USA, Inc. (16696)

Wells

Well API	Well Name	UL or Q/Q	S-T-R	Train
30-015-22157	Goodnight 27 Federal #1	N	27-23S-29E	A1
30-015-36137	Goodnight 27 Federal #2H	I J K	27-23S-29E	A1
30-015-39220	Goodnight 27 Federal #3H	W/2 W/2	27-23S-29E	A1
30-015-40007	Goodnight 26 Federal #1H	All	26-23S-29E	A1
30-015-39142	Goodnight 27 Federal #4H	E/2 W/2	27-23S-29E	A1
30-015-39431	Goodnight 27 Federal #5H	W/2 W/2	27-23S-29E	A1
30-015-43076	Cypress 34 Federal #10H	W/2 W/2	34-23S-29E	A1
30-015-42920	Cypress 34 Federal #11H	E/2 W/2	34-23S-29E	A1
30-015-43075	Cypress 33 Federal Com #8H	W/2 W/2	33-23S-29E	A1
30-015-43751	Cypress 33 Federal Com #9H	E/2 W/2	33-23S-29E	A1
30-015-43849	Cypress 34 Federal #12H	W/2 E/2	34-23S-29E	A1
30-015-37249	Cypress 28 Federal #1H	M N O	28-23S-29E	B1
30-015-37331	Cypress 28 Federal #2H	J K L	28-23S-29E	B1
30-015-38287	Cypress 28 Federal #3H	B C D	28-23S-29E	B1
30-015-39330	Cypress 28 Federal #4H	E F G	28-23S-29E	B1
30-015-41138	Cypress 28 Federal #6H	E/2 W/2	28-23S-29E	B1
30-015-36321	Cypress 33 Federal #1H	S/2 S/2	33-23S-29E	B1
30-015-37308	Cypress 33 Federal #2H	N/2 N/2	33-23S-29E	B1
30-015-36987	Cypress 33 Federal #3H	N/2 S/2	33-23S-29E	B1
30-015-37368	Cypress 33 Federal #4H	S/2 N/2	33-23S-29E	B1
30-015-40768	Cypress 33 Federal Com #5H	E/2 E/2	33-23S-29E	B1
30-015-41557	Cypress 33 Federal Com #6H	W/2 E/2	33-23S-29E	B1
30-015-42616	Cypress 33 Federal Com #7H	E/2 W/2	33-23S-29E	B1
30-015-44096	Cypress 33 Federal Com #10H	W/2 W/2	33-23S-29E	B1
30-015-35053	Cypress 34 Federal #1	S/2 S/2	34-23S-29E	C1
30-015-35413	Cypress 34 Federal #2H	F G H	34-23S-29E	C1
30-015-35692	Cypress 34 Federal #3H	I J K	34-23S-29E	C1
30-015-35742	Cypress 34 Federal #4H	D E L	34-23S-29E	C1
30-015-35693	Cypress 34 Federal #5	A B C	34-23S-29E	C1
30-015-39430	Cypress 34 Federal #8H	W/2 E/2	34-23S-29E	C1
30-015-42088	Cypress 34 Federal #9H	E/2 E/2	34-23S-29E	C1
30-015-38366	Cypress 34 Federal #6H	W/2 W/2	34-23S-29E	C1
30-015-39219	Cypress 34 Federal #7H	E/2 W/2	34-23S-29E	C1