

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

**IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:**

**APPLICATION OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING
EDDY COUNTY, NEW MEXICO.**

**Commission Case No. 21744
Case Nos. 21629
Order No. R-21575
Order No. R-21575-A
Order No. R-21575-B**

MOTION TO DISMISS CIMAREX APPLICATIONS

Colgate Operating, LLC ("Colgate"), by and through its undersigned attorney, moves the Oil Conservation Commission ("Commission") for dismissal of the competing applications which undoubtedly will be filed concurrently with this motion by Cimarex Energy Co. ("Cimarex") in accordance with its well proposals. As grounds for dismissal, Colgate, states:

A. Introduction.

Attached hereto as Exhibit A is a map showing Cimarex's proposed competing three-mile spacing unit for three-mile laterals which cover the N/2 of Sections 1 and 2, Township 20 South, Range 29 East, and the N/2 of Section 6, Township 20 South, Range 30 East, Eddy County, New Mexico. The Cimarex proposals are stretched to overlap the spacing units approved in Colgate's Division Order R-21575 which covers in part the N/2N/2 of Section 2. Clearly, Cimarex's well proposals, shown by the bold black outline on Exhibit A, are designed simply to cloud the Colgate spacing units comprised of the N/2N/2 of Sections 2 and 3, Township 20 South, Range 29 East and are thinly veiled attempts as competing proposals and applications.

The Cimarex spacing unit is at least partially if not fully out of compliance with BLM potash requirements. The green shading on Exhibit A represents approved Development Areas. The orange outline is the primary boundary for the potash area also clearly within the potash area in Section 1 and 6, set under Commission Order R-111(P) which the BLM follows. A copy of Commission Order R-111-P is attached hereto as Exhibit B. Exhibit A of Order R-111-P shows that the SE/4NE/4 and the E/2SE/4 of Section 1 are within the Potash Area as described in the Order. Attached as Exhibit C attached hereto is a copy of an email from James Rutley of the BLM District Office in Carlsbad indicating that if the surface or bottom hole traverses the State Potash Boundary (the Orange colored boundary line) a development area designation is required. Colgate's spacing unit in Section 2 and 3 do not need a development area designation by the BLM.

Cimarex has not even attempted to begin the development area process, Cimarex cannot get approved APDs on at least a portion of their counter proposed acreage and maybe not all of it without first applying for a development area designation. At this point, without any pending application to the BLM for a development area and a drilling island, it is unknown what drilling restrictions the BLM will adopt for oil and gas development. For example, given that there are sub-surface mines shown in blue, the BLM may require that part of Section 1, and all of Sections 5 and 6 be developed together. Section 2 is the only state tract in the Cimarex proposal. It is likely under the Cimarex proposals that Section 5, shown in red on Exhibit A, will be stranded.

The lands covered by the proposals of Cimarex are within the Designated Potash Area as governed by Oil Conservation Commission Order R-111-P and Department of Interior Order No. 3324 ("Order No. 3324").

Blue shading represents pending Development Area applications.

B. The applications are premature until such time as the BLM approves a potash development area.

As a preliminary matter the BLM is the lead agency in determining and approving the potash area developing area. Order R-111-P issued rules for drilling well within the Potash Area. Rule G (Designation of Drillable Location for Wells) (e)(3) states in part: “[d]rilling applications on federal lands will be processed for approval by the BLM.” Colgate does not question that the Division and the Commission set spacing and compulsory pooling requirements, but within the Potash Area as established in Order R-111-P, the BLM, on federal lands, must first establish a Development Area and drilling island.

Obviously, the development area process is a condition precedent to compulsory pooling or approval of APDs.

Order No. 3324 defines a Development Area as follows:

Development Area. An area established by the BLM with the Designated Potash Area in consideration of appropriate oil and gas technology such that wells can be drilled from a Drilling Island capable of effectively extracting oil and gas resources while managing the impact on potash resources. Each Development Area will typically have only one Drilling Island, subject to narrow exceptions based on specific facts and circumstances. All new oil and gas that penetrate the potash formations within the Development Area will be drilled from the Drilling Island(s) associated with the Development Area. The boundaries of each Development Area will be determined in conformity with Section 6.e.(2).

Section 6.e.(2)(a)states:

When processing an application for permit to drill (APD) an oil or gas well in the Designated Potash area that complies with regulatory requirements, the Authorized Officer will determine whether to establish a Development Area in connection with the application, and if so, will determine the boundaries of the Development area and the location within the Development Area of one or more Drilling Islands from which drilling will be permitted. The BLM may also designate a Development Area outside of the APD process based on information in its possession, and may modify the boundaries of a Development Area. Existing wells may be included within the boundaries of a

Development Area. A Development Area may include Federal oil and gas leases and other Federal and non-Federal lands.

Until a Development Area and a Drilling Island is established by the BLM, compulsory pooling and designation of spacing units as requested in the Cimarex proposals by the Commission may be rendered meaningless. Holding a hearing on Cimarex's competing proposals are clearly premature at this time and a waste of time for the Commission. There simply are too many variables that affect a Division determination. It is not inconceivable that the ultimate Development Area designated by the BLM could have the effect of negating all or portions of the Cimarex proposals before the BLM submitted by Ascent and Apache.

For the Commission to now proceed with hearing the applications to be filed by Cimarex based on its well proposals and for the Commission to issue orders would be putting the cart before the horse. Potash Assn. of New Mexico v. U.S. Dept. of the Int., CV 06-1190 MCA/ACT, 2008 WL 11359154, at *2 (D.N.M. Aug. 29, 2008) illustrates the BLM's determination process as follows:

The IBLA defined the principal issue to be addressed at the hearing as "whether BLM's denial of the APD's accords with the provisions of the 1986 Order." Id. at 235. In particular, the IBLA directed that there be further inquiry on:

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, 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 deposits.

Id. at 235-36 (footnote and quotation marks omitted).

C. Conclusion.

It is not the province of the Commission in these cases for the Commission to determine the Development Area which may or may not ultimately coincide with a future Development

Area or APDs filed by Cimarex. While the Commission may have authority over compulsory pooling, it is illusory at this time for the Commission to proceed and issue orders on the proposals and applications filed by Cimarex before a BLM determination on a Development Area and Drill Island and later issuance of federal APDs.

WHEREFORE, for the foregoing reasons the Cimarex proposals and applications should be dismissed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading was electronically mailed to the following:

Darin C. Savage

darin@abadieschill.com

on this 2nd day of June, 2021.

/s/ Ernest L. Padilla

Ernest L. Padilla

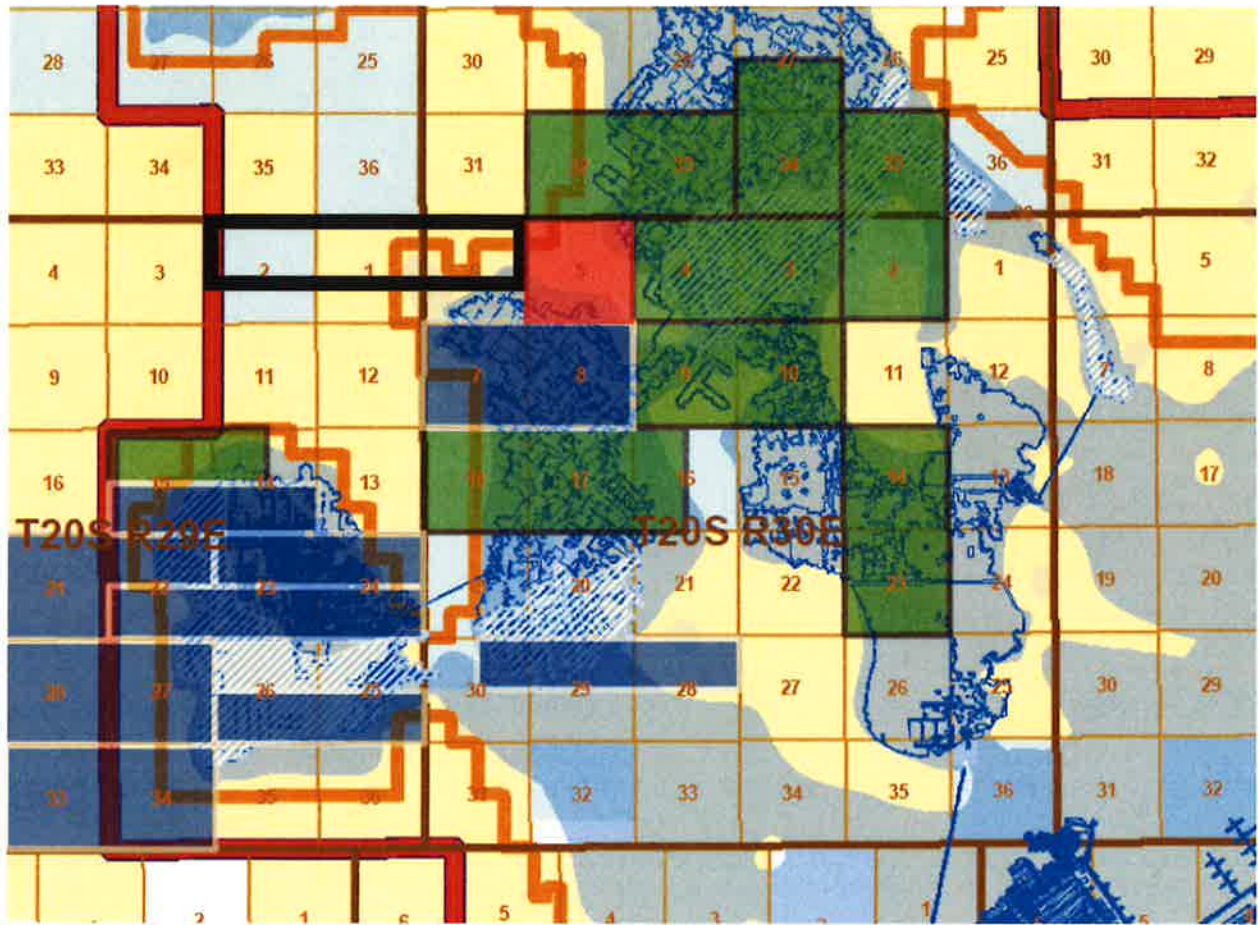


EXHIBIT
A

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPT.
OIL CONSERVATION COMMISSION

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION OF NEW MEXICO FOR
THE PURPOSE OF CONSIDERING:

CASE NO. 9316
Order No. R-111-P

APPLICATION OF THE OIL CONSERVATION
DIVISION UPON ITS OWN MOTION TO
REVISE ORDER R-111, AS AMENDED, PERTAINING
TO THE POTASH AREAS OF EDDY AND LEA
COUNTIES, NEW MEXICO.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9:00 a.m. on
February 18, 1988, at Santa Fe, New Mexico, before the Oil
Conservation Commission of New Mexico, hereinafter referred to
as the "Commission."

NOW, on this 21st day of April, 1988, the Commission,
a quorum **being present**, having considered the testimony
presented and the exhibits received at said hearing, and **being**
fully advised in the premises,

FINDS THAT:

(1) Due **public** notice having been given as required by
law, the Commission has jurisdiction of this cause and the
subject matter thereof.

(2) Order R-111-A was entered July 14, 1955, and since
that time no amendments have been entered, except amendments
to Exhibit "A" attached thereto, despite significant advances
in drilling technology and practices.

(3) Operation under Order **R-111-A** has become **virtually**
unworkable because of 1) the lack of tolerance on the part of
both oil/gas and potash industries in regarding the activities
of the other industry in areas where leasehold interests are
overlapping and 2) confusion recording the boundaries of the
known Potash Leasing Area (**KPLA**) established by the U.S.
Bureau of Land Management (**BLM**) and the **R-111-A** area as
amended by Orders **R-111-B** through O.

EXHIBIT
B

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CO The then Director of the **Oil** Conservation Division (OCD) by memorandum dated March **21**, 1986 convened a study committee of volunteer **representatives** from the oil and potash industries and other interested parties.

(5) The committee met May 29, September 25-26, and November **13-14** (field trip) in 1986 and on March 19, 1987.

(6) By committee agreement a work committee was formed from the larger committee consisting of three members and one alternate from each industry and this work committee was **chaired** by the OCD Chief Petroleum Engineer and charged with the **responsibility** to develop proposed amendments to Order **R-111-A**. It met on **April 30**, May **1**, July 23-24 and November 23, 1987.

(7) Each meeting of the work committee was held in the presence of **representatives** of both **BLM** and OCD; and at its final meeting November 23, 1987 an agreement was reached and signed by the committee members present, which agreement is attached hereto as Exhibit **"B"**, for the purpose of providing background information and **acknowledging** the concensus reached by **representatives** of the **Oil** and Gas and Potash industries relating to the multiple use of resources in the potash area.

(8) Exhibit **"B"** is regarded by the Commission as a report of both the work committee and the **full** study committee since a draft copy of a nearly identical agreement was furnished to each member of the study **committee** for **comment**, and comments received thereon were addressed at the final **meeting**.

(9) The agreement represents a compromise by both **industries**, the potash operators **relinquishing** lower grade marginal or uneconomic ore deposits in order to more **fully** protect their higher grade ore deposits; and the oil/gas operators receiving such lands containing sub-economic ore deposits as prospective **drill-sites**.

(10) The **Oil** and Gas Act, 70-2-3 F **NMSA** 1978, declares as waste **"drilling** or producing operations for **oil** or gas within any area containing commercial deposits of potash where such operations would have the effect unduly to reduce the total quantity of such commercial deposits of potash which may reasonably be recovered -- or where such operations would interfere unduly **with** the orderly commercial development of such potash **deposits"**.

(11) The **Oil** and Gas Act in 70-2-12 B(17) empowers the Division "to regulate and, where necessary, prohibit **drilling**

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or producing operations for oil and gas" in areas which would cause waste as described in 70-2-3 F.

(12) The report of the work committee presents a reasonable process for determining where **wells** for oil and gas would cause waste of potash and the pertinent portions of said report should be contained in the order as a reasonable process for prohibiting oil and gas drilling in such areas in the absence of substantial evidence that waste of potash as described by the statute would not result.

(13) Release of methane into potash mine workings would endanger the **lives** of miners and would render further mining activities uneconomic because of the additional, and more expensive safety requirements which would be imposed by the Mine Safety and Health **Administration (MSHA)** of the U.S. Department of Labor.

(14) **Salt** and potash deposits are **essentially** non-porous and impermeable but are inter-bedded with clay seams which, in an undisturbed state are porous but of extremely low **permeability**.

(15) Primary mining activity creates minor localized disturbance but secondary mining causes subsidence of the overburden the effects of which tend to expand beyond the mined out area a distance **approximately equal** to the depth of the mined area.

(16) During the drilling of **wells** for oil and gas, measures should be taken to protect the **salt-protection** casing from internal pressures greater than the designed burst resistance plus a safety factor so as to prevent any possible entry of methane into the salt and potash interval.

(17) A proposed revision of Order R-111-A was presented at the hearing and comments were received thereon both orally at the hearing and in writing subsequent to the hearing, the record **being** held open for two weeks subsequent to the hearing, as announced by the Chairman.

(18) Testimony and comments both in support and in **opposition** to the proposed revision of the order were received at the hearing and subsequent thereto, some pointing out that the number of **oil** or gas **wells** which could be **drilled** under the terms of the committee report would be reduced but no comments addressed the possible waste of potash as a result of **additional** drilling.

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(19) One member of the work committee from the potash industry testified the proposed revision of Order R-111-A failed to prohibit drilling in the commercial ore areas and was therefore contrary to the work committee report and the **Oil and Gas Act**.

(20) The Commission cannot abdicate its discretion to consider applications to drill as exceptions to **its** rules and orders but in the interest of preventing waste of potash should deny any application to drill in commercial potash areas as recommended in the work committee report, unless a clear **demonstration** is made that commercial potash **will** not be **wasted unduly** as a result of the **drilling** of the well.

(21) Confusion can be reduced and efficiencies can be obtained by making the area covered by Order **R-111** coterminous with the KPLA as determined by the **BLM**, and the area should be expanded and contracted by the regular **pool** nomenclature procedure rather than by separate hearings and further revisions of Order R-111.

(22) Expansion of the R-111 area to coincide with the KPLA **will** bring under the purview of this order areas where potash is either absent or **non-commercial** and such areas should be granted less stringent casing, cementing and plugging **requirements**, at the discretion of the OGD district supervisor.

(23) The proposed revision of Order R-111-A **will** permit the **drilling** of **wells** for oil or gas in areas previously not **available** for such drilling and **will** prevent waste of potash, and further, **will** serve to reduce confusion and uncertainty in the conduct of operations by both the potash and **oil/gas** industries, all to the benefit of the state and **its** citizens.

IT IS THEREFORE ORDERED THAT:

This order **shall** be known as The Rules and Regulations Governing the Exploration and Development of **Oil** and Gas in Certain Areas Herein Defined, Which Are Known To Contain Potash Reserves.

A. OBJECTIVE

The objective of these **Rules** and Regulations is to prevent waste, protect correlative rights, assure maximum conservation of the oil, gas and potash resources of New **Mexico**, and permit the economic recovery of **oil**, gas and potash minerals in the area hereinafter defined.

B. THE POTASH AREA

(1) The Potash **Area**, as described in Exhibit A attached hereto and made a part hereof, represents the area in various parts of which potash mining operations are now in progress, or in which core tests indicate commercial potash reserves. Such area is coterminous with the Known Potash Leasing Area (KPLA) as determined by the U.S. Bureau of Land Management (**BLM**).

(2) The Potash **Area**, as described in Exhibit "A" may be revised by the Division after due notice and hearing at the regular pool nomenclature hearings, to reflect changes made by BLM in its KPLA.

C. DRILLING IN THE POTASH AREA

(1) **All** drilling of oil and gas **wells** in the Potash Area **shall** be subject to these Rules and Regulations.

(2) No **wells shall** be drilled for **oil** or gas at a location which, in the opinion of the Division or its duly authorized **representative**, would result in undue waste of potash deposits or constitute a hazard to or interfere unduly with mining of potash deposits.

No mining operations **shall** be conducted in the Potash Area that would, in the opinion of the Division or its duly authorized **representative**, constitute a hazard to oil or gas production, or that would unreasonably interfere with the orderly development and production from any **oil** or gas **pool**.

(3) Upon discovery of oil or gas in the Potash **Area**, the **Oil** Conservation Division may promulgate pool rules for the affected area after due notice and hearing in order to address conditions not **fully** covered by these rules and the general rules.

(4) The **Division's** District **Supervisor** may **waive** the requirements of Sections D and F which are more rigorous than the general rules upon satisfactory showing that a location is outside the Life of Mine Reserves (**LMR**) and surrounding buffer zone as defined hereinbelow and that no commercial potash resources **will** be unduly diminished.

(5) **AM** encounters with flammable gas, including hydrogen sulfide, during drilling operations **shall** be reported immediately to the appropriate **OCD** District office followed by a written report of same.

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D. DRILLING AND CASING PROGRAM

(1) For the purpose of the regulations and the **drilling of wells for oil and gas, shallow and deep zones** are defined as follows:

(a) The **shallow zone shall include all** formations above the base of the Delaware Mountain Group **or,** above a depth of 5,000 feet, whichever is lesser.

(b) The deep zone shall include all formations **below** the base of the Delaware Mountain Group **or,** below a depth of 5,000 feet, whichever is lesser.

(c) For the purpose of **identification,** the base of the Delaware Mountain Group is hereby identified as the geophysical **log** marker found at a depth of 7485 feet in the Richardson and Bass No. 1 Rodke **well** in Section 27, Township 20 South, Range 31 **East,** NMPM, Eddy County, New Mexico.

(2) Surface Casing String:

(a) A surface casing string of new or used oil field casing in good condition **shall** be set in the "Red Bed" section of the basal Rustler formation immediately above the **salt** section, or in the anhydrite at the top of the **salt** section, as determined necessary by the regulatory **representative** approving the drilling operations, and the cement **shall** be circulated to the surface.

(b) Cement **shall** be **allowed** to stand a minimum of twelve (12) hours under pressure and a total of twenty-four (24) hours before drilling the plug or initiating tests.

(c) Casing and **water-shut-off** tests **shall** be made both before and after drilling the plug and **below** the casing seat as follows:

(i) If rotary tools are used, the mud **shall** be displaced with water and a hydraulic pressure of six hundred (600) pounds per square **inch shall** be applied. If a drop of one hundred (100) pounds per square inch or more should occur within thirty (30) minutes, corrective measures **shall** be **applied.**

(ii) **If** cable tools are used, the mud **shall** be **bailed** from the hole, and **if** the

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hole does not remain dry for a period of one hour, corrective measures **shall** be **applied**.

(d) The above requirements for the surface casing string **shall** be applicable to both the shallow and deep zones.

(3) Salt Protection String:

(a) A **salt** protection string of new or used oil field casing in good condition **shall** be set not less than one hundred (100) feet nor more than six hundred (600) feet **below** the base of the **salt** section; provided that such string **shall** not be set **below** the top of the highest known oil or gas zone. **With** prior **approval** of the OCD District Supervisor the wellbore may be deviated from the vertical after completely penetrating Marker Bed No. 126 (USGS) but that section of the casing set in the deviated portion of the **wellbore** shall be centralized at each joint.

(b) The **salt** protection string **shall** be cemented, as follows:

(i) For **wells drilled** to the **shallow** zone, the string may be cemented with a nominal volume of cement for testing purposes only. If the exploratory test **well** is completed as a productive **well**, the string **shall** be re-cemented with sufficient cement to fill the annular space back of the pipe from the top of the first cementing to the surface or to the bottom of the **cellar**, or may be cut and **pulled** if the production string is cemented to the surface as provided in sub-section D (5)(a)(i) below.

(ii) For **wells drilled** to the deep zone, the string must be cemented **with** sufficient cement to fill the annular space back of the pipe from the casing seat to the surface or to the bottom of the **cellar**.

(c) If the cement **fails** to reach the surface or the bottom of the cellar, where required, the top of the cement **shall** be located by a temperature, gamma ray or other survey and additional cementing **shall** be done **until** the cement is brought to the point required.

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(d) The fluid used to mix with the cement **shall** be saturated **with** the salts common to the zones penetrated and with suitable proportions but not less than 1% of calcium chloride by weight of **cement**.

(e) Cement **shall** be **allowed** to stand a minimum of twelve (12) hours under pressure and a total of twenty-four (24) hours before drilling the **plug** or initiating tests.

(f) Casing tests **shall** be made both before and after drilling the **plug** and below the casing seat, as follows:

(i) If rotary tools are used, the mud **shall** be displaced with water and a hydraulic pressure of one thousand (1000) pounds per square inch **shall** be applied. **If** a drop of one hundred (100) pounds per square inch or more should occur within thirty (30) minutes, corrective measures **shall** be **applied**.

(ii) If cable tools are used, the mud **shall** be **bailed** from the **hole** and if the **hole** does not remain dry for a period of one **hour**, corrective measures **shall** be **applied**.

(g) The Division, or its duly authorized **representative**, may require the use of **centralizers** on the salt protection string when in their judgment the use of such **centralizers** would offer further protection to the **salt** section.

(h) Before **drilling** the plug a drilling spool installed **below** the bottom blowout preventer or the **wellhead** casing outlet **shall** be equipped with a rupture disc or other automatic **pressure-relief** device set at 80% of the API-rated burst pressure of new casing or 60% of the API-rated burst pressure of used casing. The disc or relief device should be connected to the rig choke manifold system so that any **flow** can be **controlled** away from the rig. The disc or **relief** device **shall** remain installed as long as drilling activities continue in the **well** until the intermediate or production casing is run and cemented.

(i) The above requirements for the **salt** protection string **shall** be **applicable** to both the **shallow** and deep zones except for sub-section D (3) (b) (i) and (ii) **above**.

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(4) Intermediate String:

(a) In drilling **wells** to the deep zone for oil or gas, the operator **shall** have the option of running an intermediate **string** of pipe, unless the Division requires an intermediate string be run.

(b) Cementing procedures and casing tests for the intermediate string **shall** be the same as provided under sub-sections D (3) (c), (e) and (f) for the salt protection **string**.

(5) Production String:

(a) A production string **shall** be set on top or through the **oil** or gas pay zone and **shall** be cemented as follows:

(i) For **wells drilled** to the **shallow** zone the production string **shall** be cemented to the surface if the salt protection string was cemented only with a nominal **volume** for testing purposes, in which case the **salt** protection string can be cut and **pulled** before the production string is cemented; provided, that if the salt protection string was cemented to the **surface**, the production string **shall** be cemented **with a volume** adequate to protect the pay zone and the casing above such zone.

(ii) For **wells drilled** to the deep zone, the production string **shall** be cemented with a volume adequate to protect the pay zone and the casing above such zone; provided, that if no intermediate string **shall** have been run and cemented to the surface, the production string shall be cemented to the surface.

(b) Cementing procedures and casing tests for the production string **shall** be the same as provided under sub-section D (3) (c), (e) and (f) for the **salt** protection string; however if high pressure oil or gas **production** is discovered in an area, the Division may promulgate the necessary rules to prevent the charging of the **salt** section.

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E. DRILLING FLUID FOR SALT SECTION

The fluid used **while** drilling the **salt** section shall consist of water, to which has been added sufficient salts of a character common to the zone penetrated to completely saturate the mixture. Other admixtures may be added to the fluid by the operator in overcoming any specific problem. **This** requirement is specifically intended to prevent enlarged **drill holes**.

F. PLUGGING AND ABANDONMENT OF WELLS

(1) **All wells** heretofore and hereafter **drilled** within the Potash Area shall be plugged in a manner and in accordance **with** the general rules or field rules established by the Division that **will** provide a solid cement plug through the **salt** section and any **water-bearing** horizon and prevent liquids or gases from entering the hole above or below the **salt** section.

(2) The fluid used to mix the cement shall be saturated with the salts common to the **salt** section penetrated and **with** suitable proportions but not more than three (3) percent of calcium chloride by weight of cement **being** considered the desired mixture whenever possible.

G. DESIGNATION OF DRILLABLE LOCATION FOR WELLS

(a) Within ninety (90) days following effective date of this Order and annually thereafter by January 31 if revised, each potash lessee, without regard to whether the lease covers State or Federal lands, **shall** file with the District Manager, BLM, and the State Land Office (SLO), a designation of the potash deposits considered by the potash lessee to be its **life-of-mine** reserves ("**LMR**"). For purposes of this Agreement, "**life-of-mine** reserves" means those potash deposits within the Potash Area reasonably **believed** by the potash lessee to contain potash ore in sufficient thickness and grade to be mineable using current day mining methods, equipment and technology. Information used by the potash lessee in identifying its **LMR shall** be filed with the BLM and SLO but **will** be considered privileged and confidential "trade secrets and **commercial . . . information**" within the meaning of 43 C.F.R. 52.13(c) (4) (1986), Section 19-1-2.1 NMSA 1978, and not subject to **public disclosure**.

(b) Authorized officers of the BLM and SLO shall review the information submitted by each potash lessee

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in support of **its** LMR designation on their respective lands and verify upon request, that the data used by the potash lessee in establishing the boundaries of **its** LMR is consistent with data **available** to the BLM and SLO. Any disputes between the BLM and potash lessee concerning the boundary of a designated LMR **shall** be resolved in accordance with the Department of **Interior's** Hearings and **Appeals** Procedures, 43 C.F.R. Part 4 (1986) .

(c) A potash lessee may amend its designated LMR by **filing** a revised **designation with** the BLM and SLO accompanied by the information referred to in Section A above. Such amendments must be **filed** by January 31 next following the date the **additional** data becomes **available**.

(d) Authorized officers of the BLM and SLO **shall** commit the designated LMR of each potash lessee to a **map(s)** of **suitable** scale and thereafter revise the **map(s)** as necessary to reflect the latest amendments to any designated **LMRs**. These maps **shall** be considered privileged and confidential and exempt from disclosure under 43 C.F.R. Part 2 and §19-1-2.1 **NMSA** 1978, and **will** be used only for the purposes set forth in this Order.

(e) The foregoing procedure can be modified by **policy** changes within the BLM and State Land Office.

(2) Before commencing drilling operations for oil or gas on any lands within the Potash Area, the **well** operator **shall** prepare a map or plat showing the location of the proposed **well**, said map or plat to accompany each copy of the Notice of Intention to Drill. In addition to the number of copies required by the Division, the **well** operator **shall** send one copy by registered **mail** to each potash operator holding potash leases within a radius of one **mile** of the proposed **well**, as reflected by the plats submitted under paragraph I (2). The **well** operator **shall** furnish proof of the fact that said potash operators were notified by registered **mail** of his intent by attaching return receipt to the copies of the Notice of Intention to **Drill** and plats furnished the Division.

(3) Drilling applications on federal lands **will** be processed for approval by BLM. Applications on state or patented lands **will** be processed by the Division and, in the case of state **lands**, in **collaboration** with the SLO. The Division **will** first ascertain from the BLM or SLO that the location is not within the LMR area. Active mine workings and **mined-out** areas **shall** also be **treated** as LMR. Any application to **drill** in the LMR area, **including** buffer zones, may be approved only by mutual agreement of lessor and lessees of

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both potash and oil and gas interests. Applications to **drill** outside the LMR **will** be approved as indicated below; provided there is no protest from potash lessee within 20 days of his receipt of a copy of the notice:

- (a) a **shallow well shall be drilled no closer** to the LMR than one-fourth (1/4) mile or 110% of the depth of the ore, whichever is greater.
- (b) A **deep well shall be drilled no closer than one-half (1/2) mile** from the LMR.

H. INSPECTION OF DRILLING AND MINING OPERATIONS

A **representative** of any potash lessee within a radius of one **mile** from the **well** location may be present during **drilling**, cementing, casing, and plugging of any **oil** or **gas wells** to observe conformance with these regulations. Likewise, a **representative** of the oil and gas lessee may inspect mine workings on his lease to observe conformance with these regulations.

I. FILING OF WELL SURVEYS, MINE SURVEYS AND POTASH DEVELOPMENT PLANS

(1) Directional Surveys:

The Division may require an operator to file a certified directional survey from the surface to a point below the lowest known **potash-bearing** horizon on any **well drilled** within the Potash **Area**.

(2) Mine Surveys:

Within 30 days after the adoption of this order and thereafter on or before January 31st of each year, each potash operator **shall** furnish the Division two copies of a plat of a survey of the location of his **leaseholdings** and all of his open mine workings, which plat **shall be available** for **public** inspection and on a scale acceptable to the Division.

J. APPLICABILITY OF STATEWIDE RULES AND REGULATIONS

All general statewide rules and regulations of the **Oil** Conservation Division governing the development, operation, and production of **oil** and gas in the State of New

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Case No. 9316
Order No. R-111-P

Mexico not inconsistent or in **conflict** herewith, are hereby adopted and made **applicable** to the areas described herein.

IT IS FURTHER ORDERED THAT:

(1) Order R-111 and amendments through **R-111-O** are hereby rescinded.

(2) Jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

Done at Santa Fe, New Mexico on the day and year **hereinabove** designated.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

W.R.L.

Edwin C. Byrson

William J. Lemay
WILLIAM J. LEMAY, Chairman
and Sec

EXHIBIT "A"
CASE 9316
ORDER R-111-P

CONSOLIDATED LAND DESCRIPTION OF THE KNOWN POTASH
LEASING AREA, AS OF FEBRUARY 3, 1988

EDDY COUNTY, NEW MEXICO

TOWNSHIP 18 SOUTH, RANGE 30 EAST, NMPM

Section 10: SE/4 SE/4
Section 11: S/2 SW/4
Section 13: W/2 SW/4 and SE/4 SW/4
Section 14: W/2 NE/4, NW/4 and S/2
Section 15: E/2 NE/4, SE/4 SW/4 and SE/4
Section 22: N/2, N/2 SW/4, SE/4 SW/4 and SE/4
Section 23: All
Section 24: N/2 NW/4, SW/4 NW/4 and NW/4 SW/4
Section 26: NE/4, N/2 NW/4 and SE/4 NW/4
Section 27: N/2 NE/4 and NE/4 NW/4

TOWNSHIP 19 SOUTH, RANGE 29 EAST, NMPM

Section 11: SE/4 SE/4
Section 12: SE/4 NE/4 and S/2
Section 13: All
Section 14: NE/4, SE/4 NW/4 and S/2
Section 15: SE/4 SE/4
Section 22: NE/4, E/2 W/2 and SE/4
Section 23: All
Section 24: All
Section 25: NW/4 NW/4
Section 26: N/2 NE/4 and NW/4
Section 27: NE/4 and E/2 NW/4

TOWNSHIP 19 SOUTH RANGE 30 EAST, NMPM

Section 2: SW/4
Section 3: W/2 SW/4, SE/4 SW/4, S/2 SE/4 and NE/4 SE/4
Section 4: Lots 3 and 4. SW/4 NE/4, S/2 NW/4 and S/2
Section 5: Lots 1, 2, and 3, S/2 NE/4. S/2 NW/4 and S/2
Section 6: S/2 SE/4 and NE/4 SE/4
Sections 7 to 10 inclusive
Section 11: S/2 NE/4, NW/4 NW/4 and S/2
Section 12: NE/4, S/2 NW/4 and S/2
Section 13: NE/4, W/2, N/2 SE/4 and SW/4 SE/4
Sections 14 to 18 inclusive
Section 19: Lots 1, 2, and 3, NE/4, E/2 NW/4, NE/4 SW/4, E/2 SE/4 and NW/4 SE/4
Sections 20 to 23 inclusive
Section 24: NW/4. NW/4 SW/4 and S/2 SW/4

EXHIBIT "A" con'd

Section 25: NW/4 NW/4
Section 26: NE/4 NE/4, W/2 NE/4, W/2, W/2 SE/4
and SE/4 SE/4
Section 27: Al I
Section 28: Al I
Section 29: E/2, E/2 NW/4 and NW/4 NW/4
Section 32: E/2 and SE/4 SW/4
Section 33 to 35 inclusive
Section 36: NW/4 NW/4, S/2 NW/4 and S/2

TOWNSHIP 19 SOUTH, RANGE 31 EAST, NMPM

Section 7: Lots 1, 2, and 3 and E/2 NW/4
Section 18: Lots 1, 2, and 3 and SW/4 NE/4,
E/2 NW/4 and NE/4 SW/4
Section 31: Lot 4
Section 34: SE/4 SE/4
Section 35: S/2 SW/4 and SW/4 SE/4
Section 36: S/2 SE/4

LEA COUNTY, NEW MEXICO

TOWNSHIP 19 SOUTH, RANGE 32 EAST, NMPM

Section 31: Lot 4
Section 33: Lots 1 to 4 inclusive and N/2 S/2
Section 34: Lots 1 to 4 inclusive and N/2 S/2
Section 35: Lots 1 to 4 inclusive and N/2 S/2
Section 36: Lots 1 to 4 inclusive, SE/4 NE/4,
NW/4 SW/4 and NE/4 SE/4

TOWNSHIP 19 SOUTH, RANGE 33 EAST, NMPM

Section 22: SE/4 NE/4, E/2 SW/4 and SE/4
Section 23: S/2 NW/4, SW/4, W/2 SE/4 and
SE/4 SE/4
Section 25: SW/4 NW/4, W/2 SW/4 and SE/4 SW/4
Section 26: Al I
Section 27: Al I
Section 28: S/2 SE/4 and NE/4 SE/4
Section 30: Lots 2 to 4 inclusive, S/2 NE/4,
SE/4 NW/4, E/2 SW/4 and SE/4
Section 31: Al I
Section 32: NE/4, S/2 NW/4 and S/2
Sections 33 to 35 inclusive
Section 36: W/2 NE/4, SE/4 NE/4, NW/4 and S/2

TOWNSHIP 19 SOUTH, RANGE 34 EAST, NMPM

Section 31: Lots 3 and 4

EXHIBIT "A" con'd

EDDY COUNTY. NEW MEXICO

TOWNSHIP 20 SOUTH, RANGE 29 EAST, NMPM

Section 1: SE/4 NE/4 and E/2 SE/4
Section 13: SW/4 NW/4, W/2 SW/4 and SE/4 SW/4
Section 14: NW/4 NE/4, S/2 NE/4, NW/4 and S/2
Section 15: E/2 E/2, SE/4 SW/4 and W/2 SE/4
Section 22: E/2 and E/2 NW/4
Section 23: All
Section 24: SW/4 NE/4, W/2, W/2 SE/4 and
SE/4 SE/4
Section 25: N/2, SW/4, W/2 SE/4 and NE/4 SE/4
Section 26: All
Section 27: E/2
Section 34: NE/4
Section 35: N/2
Section 36: W/2 NE/4 and NW/4

TOWNSHIP 20 SOUTH, RANGE 30 EAST, NMPM

Sections 1 to 4 inclusive
Section 5: Lots 1 to 3 inclusive, S/2 N/2
and S/2
Section 6: Lots 5, 6, and 7, S/2 NE/4, E/2 SW/4
and SE/4
Section 7: Lots 1 and 2. E/2 and E/2 NW/4
Sections 8 to 17 inclusive
Section 18: E/2
Section 19: E/2 and SE/4 SW/4
Sections 20 to 29 inclusive
Section 30: Lots 1 to 3 inclusive, E/2 and
E/2 W/2
Section 31: NE/4 and E/2 SE/4
Sections 32 to 36 inclusive

TOWNSHIP 20 SOUTH, RANGE 31 EAST, NMPM

Section 1: Lots 1 to 3 inclusive, S/2 N/2
and S/2
Section 2: All
Section 3: Lots 1 and 2, S/2 NE/4 and SE/4
Section 6: Lots 4 to 7 inclusive, SE/4 NW/4,
E/2 SW/4, W/2 SE/4 and
SE/4 SE/4
Section 7: All
Section 8: S/2 N/2 and S/2
Section 9: S/2 NW/4, SW/4, W/2 SE/4 and
SE/4 SE/4
Section 10: E/2 and SW/4
Sections 11 to 36 inclusive

EXHIBIT "A" con'd

LEA COUNTY, NEW MEXICO

TOWNSHIP 20 SOUTH, RANGE 32 EAST, NMPM

Sections 1 to 4 inclusive

Section 5: S/2 SE/4

Section 6: Lots 4 to 7 inclusive, SE/4 NW/4,
E/2 SW/4 and SW/4 SE/4

Sections 7 to 36 inclusive

TOWNSHIP 20 SOUTH, RANGE 33 EAST, NMPM

Sections 1 to 36 inclusive

TOWNSHIP 20 SOUTH, RANGE 34 EAST, NMPM

Section 6: Lots 3 to 7 inclusive, SE/4 NW/4,
E/2 SW/4, W/2 SE/4 and
SE/4 SE/4

Section 7: All

Section 8: SW/4, S/2 NW/4, W/2 SE/4 and
SE/4 SE/4

Section 16: W/2 NW/4, SE/4 NW/4, SW/4 and
S/2 SE/4

Sections 17 to 21 inclusive

Section 22: N/2 NW/4, SW/4 NW/4, SW/4, W/2 SE/4,
and SE/4 SE/4

Section 26: SW/4, W/2 SE/4 and SE/4 SE/4

Sections 27 to 35 inclusive

Section 36: SW/4 NW/4 and W/2 SW/4

EDDY COUNTY, NEW MEXICO

TOWNSHIP 21 SOUTH, RANGE 29 EAST, NMPM

Sections 1 to 3 inclusive

Section 4: Lots 1 through 16, NE/4 SW/4 and
SE/4

Section 5: Lot 1

Section 10: N/2 NE/4, SE/4 NE/4 and SE/4 SE/4

Sections 11 to 14 inclusive

Section 15: E/2 NE/4 and NE/4 SE/4

Section 23: N/2 NE/4

Section 24: E/2, N/2 NW/4 and SE/4 NW/4

Section 25: NE/4 NE/4 and S/2 SE/4

Section 35: Lots 2 to 4 inclusive, S/2 NE/4,
NE/4 SW/4 and N/2 SE/4

Section 36: Lots 1 to 4 inclusive, NE/4,
E/2 NW/4 and N/2 S/2

TOWNSHIP 21 SOUTH, RANGE 30 EAST, NMPM

Sections 1 to 36 inclusive

EXHIBIT "A" con'd

TOWNSHIP 21 SOUTH, RANGE 31 EAST, NMPM
Sections 1 to 36 inclusive

LEA COUNTY, NEW MEXICO

TOWNSHIP 21 SOUTH, RANGE 32 EAST, NMPM

Sections 1 to 27 inclusive
Section 28: N/2 and N/2 S/2
Sections 29 to 31 inclusive
Section 32: NW/4 NE/4, NW/4 and NW/4 SW/4
Section 34: N/2 NE/4
Section 35: N/2 N/2
Section 36: E/2. N/2 NW/4, SE/4 NW/4 and
NE/4 SW/4

TOWNSHIP 21 SOUTH, RANGE 33 EAST, NMPM

Section 1: Lots 2 to 7 inclusive, Lots 10 to
14 inclusive. N/2 SW/4 and
SW/4 SW/4
Sections 2 to 11 inclusive
Section 12: NW/4 NW/4 and SW/4 SW/4
Section 13: N/2 NW/4, S/2 N/2 and S/2
Sections 14 to 24 inclusive
Section 25: N/2. SW/4 and W/2 SE/4
Sections 26 to 30 inclusive
Section 31: Lots 1 to 4 inclusive, NE/4,
E/2 W/2, N/2 SE/4 and
SW/4 SE/4
Section 32: N/2 and NW/4 SW/4
Section 33: N/2
Section 34: NE/4, N/2 NW/4 and E/2 SE/4
Section 35: All
Section 36: W/2 NE/4, NW/4 and S/2

TOWNSHIP 21 SOUTH, RANGE 34 EAST, NMPM

Section 17: W/2
Section 18: All
Section 19: Lots 1 to 4 inclusive, NE/4,
E/2 W/2. N/2 SE/4 and
SW/4 SE/4
Section 20: NW/4 NW/4
Section 30: Lots 1 and 2 and NE/4 NW/4
Section 31: Lots 3 and 4

EDDY COUNTY, NEW MEXICO

TOWNSHIP 22 SOUTH, RANGE 28 EAST, NMPM

Section 36: E/2 E/2

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EXHIBIT "A" con'd

TOWNSHIP 22 SOUTH, RANGE 29 EAST, NMPM

Sections 1 and 2 inclusive
Section 3 SE/4 SW/4 and SE/4
Section 9 S/2 NE/4 and S/2
Sections 10 to 16 inclusive
Section 17 S/2 SE/4
Section 19 SE/4 NE/4 and E/2 SE/4
Sections 20 to 28 inclusive
Section 29 N/2 N/2, S/2 NE/4 and SE/4
Section 30 NE/4 NE/4
Section 31 Lots 1 to 4 inclusive, S/2 NE/4,
E/2 W/2 and SE/4
Sections 32 to 36 inclusive

TOWNSHIP 22 SOUTH, RANGE 30 EAST, NMPM

Sections 1 to 36 inclusive

TOWNSHIP 22 SOUTH, RANGE 31 EAST, NMPM

Sections 1 to 11 inclusive
Section 12: NW/4 NE/4, NW/4 and NW/4 SW/4
Section 13: S/2 NW/4 and SW/4
Sections 14 to 23 inclusive
Section 24: W/2
Section 25: NW/4
Section 26: NE/4 and N/2 NW/4
Sections 27 to 34 inclusive

LEA COUNTY, NEW MEXICO

TOWNSHIP 22 SOUTH, RANGE 32 EAST, NMPM

Section 1: Lot 1
Section 6: Lots 2 to 7 inclusive and SE/4 NW/4

TOWNSHIP 22 SOUTH, RANGE 33 EAST, NMPM

Section 1: Lots 1 to 4 inclusive, S/2 N/2 and
N/2 S/2
Section 2: All
Section 3: Lot 1, SE/4 NE/4 and SE/4
Section 6: Lot 4
Section 10: NE/4
Section 11: NW/4 NE/4 and NW/4

TOWNSHIP 22 SOUTH, RANGE 34 EAST, NMPM

Section 6: Lots 4 to 6 inclusive

EDDY COUNTY, NEW MEXICO

TOWNSHIP 23 SOUTH, RANGE 28 EAST, NMPM

Section 1: Lot 1

TOWNSHIP 23 SOUTH, RANGE 29 EAST, NMPM

Sections 1 to 5 inclusive

Section 6: Lots 1 to 6 inclusive, S/2 NE/4,
SE/4 NW/4, E/2 SW/4 and SE/4

Section 7: NE/4 and NE/4 NW/4

Section 8: N/2, N/2 SW/4, SE/4 SW/4 and SE/4

Sections 9 to 16 inclusive

Section 17: NE/4 and E/2 SE/4

Sections 21 to 23 inclusive

Section 24: N/2, SW/4 and N/2 SE/4

Section 25: W/2 NW/4 and NW/4 SW/4

Section 26: All

Section 27: All

Section 28: N/2, N/2 SW/4, SE/4 SW/4 and SE/4

Section 33: N/2 NE/4 and NE/4 NW/4

Section 34: NE/4, E/2 NW/4, NW/4 NW/4,
NE/4 SW/4 and SE/4

Section 35: All

Section 36: W/2 NE/4, NW/4 and N/2 SW/4

TOWNSHIP 23 SOUTH, RANGE 30 EAST, NMPM

Sections 1 to 18 inclusive

Section 19: N/2, N/2 SW/4, SE/4 SW/4 and SE/4

Section 20: All

Section 21: All

Section 22: N/2, S/2 SW/4, N/2 S/2 and SE/4 SE/4

Sections 23 to 25 inclusive

Section 26: E/2, SE/4 NW/4 and SW/4

Section 27: N/2 NW/4, SW/4 NW/4, SE/4 SW/4,
S/2 SE/4 and NE/4 SE/4

Section 28: N/2 and SW/4

Section 29: N/2 and SE/4

Section 30: N/2 NE/4

Section 32: N/2 NE/4

Section 33: SE/4 NE/4, N/2 NW/4, NE/4 SE/4
and S/2 SE/4

Sections 34 to 36 inclusive

TOWNSHIP 23 SOUTH, RANGE 31 EAST, NMPM

Section 2: Lot 4, SW/4 NW/4 and W/2 SE/4

Sections 3 to 7 inclusive

Section 8: NE/4 NE/4, W/2 NE/4 and W/2

Section 9: N/2 N/2

Section 10: NW/4 NW/4 and SE/4 SE/4

Section 11: S/2 NE/4, S/2 SW/4 and SE/4

EXHIBIT "A" con'd

Section 12: SW/4 NW/4 and SW/4
Section 13: SW/4 NE/4, W/2 and W/2 SE/4
Section 14: All
Section 15: E/2, SE/4 NW/4 and SW/4
Section 16: SW/4 and S/2 SE/4
Section 17: NW/4 and S/2
Sections 18 to 23 inclusive
Section 24: W/2 NE/4 and W/2
Section 25: W/2 NE/4, NW/4, N/2 SW/4 and
NW/4 SE/4
Sections 26 to 34 inclusive
Section 35: N/2 NW/4 and SW/4 NW/4

TOWNSHIP 24 SOUTH, RANGE 29 EAST, NMPM

Section 2: Lots 2 to 4 inclusive
Section 3: Lot 1

TOWNSHIP 24 SOUTH, RANGE 30 EAST, NMPM

Section 1: Lots 1 to 4 inclusive, S/2 N/2,
SW/4 and NW/4 SE/4
Section 2: All
Section 3: All
Section 4: Lots 1 and 2, S/2 NE/4, SE/4 NW/4,
SW/4 SW/4. E/2 SW/4 and SE/4
Section 9: N/2, N/2 SW/4, SE/4 SW/4 and SE/4
Section 10: All
Section 11: All
Section 12: W/2 NW/4 and NW/4 SW/4
Section 14: W/2 NE/4 and NW/4
Section 15: NE/4 and N/2 NW/4

TOWNSHIP 24 SOUTH, RANGE 31 EAST, NMPM

Section 3: Lots 2 to 4 inclusive, SW/4 NE/4,
S/2 NW/4, SW/4 and W/2 SE/4
Section 4: All
Section 5: Lots 1 to 4 inclusive, S/2 N/2,
N/2 S/2 and SE/4 SE/4
Section 6: Lots 1 to 6 inclusive, S/2 NE/4,
SE/4 NW/4, NE/4 SW/4 and
N/2 SE/4
Section 9: E/2 and NW/4
Section 10: W/2 NE/4 and W/2
Section 35: Lots 1 to 4 inclusive, S/2 N/2 and
N/2 S/2
Section 36: Lots 1 and 2, SW/4 NW/4 and N/2 SW/4

TOWNSHIP 25 SOUTH, RANGE 31 EAST, NMPM

Section 1: Lots 3 and 4 and S/2 NW/4
Section 2: Lots 1 to 4 inclusive and S/2 N/2

From: Mark Hajdik <MHajdik@colgateenergy.com>
Sent: Wednesday, June 2, 2021 9:59 AM
To: Ernest Padilla
Subject: FW: [EXTERNAL] Potash Boundary Ques

Mark Hajdik | Colgate Energy | Senior Landman
300 N. Marienfeld St. | Suite 1000 | Midland, TX 79701
O: (432) 257-3886 | C: (832) 904-6006
Email: mhajdik@colgateenergy.com

From: Rutley, James S <JRutley@blm.gov>
Sent: Wednesday, June 2, 2021 8:52 AM
To: Mark Hajdik <MHajdik@colgateenergy.com>
Subject: Re: [EXTERNAL] Potash Boundary Ques

***** Attention: This is an external email, use caution. *****

Good Morning Mark,

If your surface or bottom hole traverses the orange line (State's Potash Boundary), we require development area notification. In your case here, a development area notice is not required.

Best,

Jim

From: Mark Hajdik <MHajdik@colgateenergy.com>
Sent: Wednesday, June 2, 2021 7:42 AM
To: Rutley, James S <JRutley@blm.gov>
Subject: [EXTERNAL] Potash Boundary Ques



This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Jim, could you provide me a quick refresher on the difference between the red and the orange boundary lines. For example if I have development that crosses the red line but does not traverse the orange line will I need a Dev Area?