

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

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

**CASE NO. 15281  
ORDER NO. R-14004**

**APPLICATION OF COG OPERATING, LLC, FOR A NON-STANDARD  
SPACING AND PRORATION UNIT AND COMPULSORY POOLING, EDDY  
COUNTY, NEW MEXICO.**

**ORDER OF THE DIVISION**

**BY THE DIVISION:**

This case came on for hearing at 8:15 a.m. on April 2, 2015, at Santa Fe, New Mexico, before Examiner Michael McMillan, and on April 16, 2015, before Examiner William V. Jones.

NOW, on this 14<sup>th</sup> day of July, 2015, the Division Director, having considered the testimony, the record and the recommendations of Examiner McMillan,

**FINDS THAT:**

(1) Due public notice has been given, and the Division has jurisdiction of this case and of the subject matter.

(2) COG Operating, LLC ("COG" or "Applicant") seeks approval of a non-standard 160-acre, more or less, oil spacing and proration unit (the "Unit") in the Yeso formation from the top of the Yeso formation to 3200 feet below surface, Atoka; Glorieta-Yeso Pool (pool code 3250), comprised of the N/2 S/2 of Section 15, Township 18 South, Range 26 East, NMPM, in Eddy County, New Mexico. Applicant further seeks an order pooling all uncommitted interests in the Unit.

(3) The Unit will be dedicated to the Applicant's Pilum 15 Fee Well No. 1H (the "proposed well"; API No. 30-015-42643), a horizontal well to be drilled from a surface location 2485 feet from the South line and 425 feet from the East line (Unit I) of Section 16, to a terminus 2310 feet from the South line and 330 feet from the East line (Unit I) of Section 15. The completed interval of the proposed well in the Yeso formation will be orthodox.

(4) The proposed well is within the Atoka; Glorieta-Yeso Pool (pool code 3250). Spacing in this pool is governed by statewide Rule 19.15.15:9A. NMAC, which provides for standard 40-acre units, each comprising a governmental quarter-quarter section. The proposed Unit and project area consists of four adjacent quarter-quarter sections.

(5) Applicant appeared at the hearing through counsel and presented land and geologic evidence to the effect that:

- (a) The Yeso formation in this area is suitable for development by horizontal drilling;
- (b) the proposed orientation of the horizontal well East to West or West to East is appropriate for the proposed Unit; and
- (c) Applicant stated, as displayed in Exhibit 10, the top of the Paddock formation is equivalent to the top of the Yeso formation.
- (d) Certain leases within the Unit contain depth severances from the surface to 3200 feet below surface, and surface to 4000 feet below surface.
- (e) Applicant requested compulsory pooling from the top of the Yeso formation to 3200 feet below surface.
- (f) All quarter-quarter sections to be included in the Unit are expected to be productive in the Yeso formation, so that formation of the Unit as requested will not impair correlative rights.
- (g) At the request of the Division, Applicant identified and provided notice to all owners in this Unit within the vertical depths of the Yeso formation that were not owners of this well from the top of the Yeso formation to 3200 feet subsurface.
- (h) Applicant provided notice of publication before hearing in a newspaper of general circulation in Eddy County, New Mexico, the county in which the property is located for the unlocatable interests.

(6) No other party appeared at the hearing, or otherwise opposed the granting of this application.

The Division concludes that:

(7) Applicant in this case has asked to dedicate this well to a vertical subset of the Atoka; Glorieta-Yeso Pool and to ask only those owners from the top of the Yeso formation to 3200 feet subsurface to pay for, and benefit from, this well.

(8) The Division has defined the Atoka; Glorieta-Yeso Pool as a single common source of supply with vertical depths from the top of the Glorieta formation to the bottom of the Yeso formation. The Division has Rule 19.15.15.11B NMAC allowing approval of non-standard spacing units which consist of a horizontal subdivision, or contraction of a standard sized Spacing Unit but there is no Division Rule allowing the vertical subdivision or contraction of a Spacing Unit.

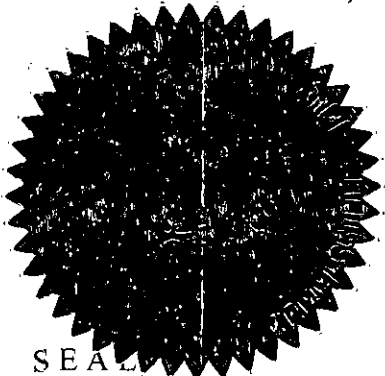
(9) This application should be denied without prejudice to the case being re-opened once again to list and ask for compulsory pooling of unsigned owners within the entire vertical limits of the Atoka; Glorieta-Yeso Pool.

**IT IS THEREFORE ORDERED THAT:**

(1) The application of COG Operating, LLC for approval of a non-standard 160-acre, more or less, oil spacing and proration Unit in the Yeso formation from the top of the Yeso formation to 3200 feet below surface, Atoka; Glorieta-Yeso Pool (pool code 3250) comprising the N/2 of the S/2 of Section 15, Township 18 South, Range 26 East, NMPM, Eddy County, New Mexico, said Unit to be dedicated to Applicant's Pium 15 Fee Well No. 1H to be drilled from a surface location 2485 feet from the South line and 425 feet from the East Line (Unit I) of Section 16, to a terminus 2310 feet from the South line and 330 feet from the East line (Unit I) of Section 15, and for the compulsory pooling of all uncommitted interests in the Unit is hereby denied without prejudice.

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

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



STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION

*David R. Catanach*

DAVID R. CATANACH  
Director