



MODRALL SPERLING

L A W Y E R S

November 6, 2018

Florene Davidson  
NM Oil Conservation Division  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

Deana M. Bennett  
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*Case 20128*

Re: **APPLICATION OF MARATHON  
OIL PERMIAN LLC FOR APPROVAL  
OF A SPACING UNIT AND COMPULSORY  
POOLING, LEA COUNTY, NEW MEXICO**

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POOLING, LEA COUNTY, NEW MEXICO.**

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**APPLICATION OF MARATHON  
OIL PERMIAN LLC FOR APPROVAL OF  
A SPACING UNIT, UNORTHODOX WELL  
LOCATION AND  
COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.**

**APPLICATION OF MARATHON  
OIL PERMIAN LLC FOR APPROVAL  
OF A SPACING UNIT AND COMPULSORY  
POOLING, LEA COUNTY, NEW MEXICO**

Dear Ms. Davidson:

Enclosed please find three copies of the following:

1. No. \_\_\_\_ Marathon's Application / Battle Fee 21-33-34 WC 13H
2. No. \_\_\_\_ Marathon's Application / Battle Fee 21-33-34 SB 15H
3. No. \_\_\_\_ Marathon's Application / Battle Fee 21-33-34 TB 17H

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4. No. \_\_\_\_ Marathon's Application / Battle Fee 21-33-34 WD 19H
5. No. \_\_\_\_ Marathon's Application / Battle Fee 21-33-34 WC 20H

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Karlene Schuman". The signature is written in a cursive style with a long horizontal flourish at the end.

Karlene Schuman  
Legal Assistant to  
Deana M. Bennett

Enclosures

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

**APPLICATION OF MARATHON  
OIL PERMIAN LLC FOR APPROVAL  
OF A SPACING UNIT AND COMPULSORY  
POOLING, LEA COUNTY, NEW MEXICO.**

CASE NO. 20128

**APPLICATION**

Marathon Oil Permian LLC ("Marathon"), OGRID Number 372098, through its undersigned attorneys, hereby makes an application to the Oil Conservation Division pursuant to the provisions of NMSA (1978), Section 70-2-17, for an order: (1) to the extent necessary, approving the creation of a 160-acre, more or less, spacing unit covering the W/2 E/2 of Section 34, Township 21 South, Range 33 East, NMPM, Lea County, New Mexico; and (2) pooling all uncommitted mineral interests in the Bone Spring formation underlying this spacing unit. In support of this application, Marathon states as follows:

1. Marathon is an interest owner in the subject lands and has a right to drill a well thereon.
2. Marathon seeks to dedicate the W/2 E/2 of Section 34, Township 21 South, Range 33 East, NMPM, Lea County, New Mexico to form a 160-acre, more or less, spacing unit.
3. Marathon plans to drill the **Battle Fee 21-33-34 SB 15H** well to a depth sufficient to test the Bone Spring formation. This well will be horizontally drilled.
4. This well will comply with the Division's setback requirements.

5. Marathon sought, but has been unable to obtain a voluntary agreement from all interest owners in the Bone Spring formation underlying the proposed spacing unit to participate in the drilling of the well or to otherwise commit their interests to the well.

6. The creation of a spacing unit and pooling of all interests in the Bone Spring formation underlying the proposed unit will prevent the drilling of unnecessary wells, prevent waste and protect correlative rights.

7. Marathon further requests that it be allowed one (1) year between the time the well is drilled and completion of the well.

WHEREFORE, Marathon requests this application be set for hearing before an Examiner of the Oil Conservation Division on December 6, 2018, and after notice and hearing as required by law, the Division enter its order:

A. To the extent necessary, approving the creation of a 160-acre, more or less, spacing unit covering the W/2 E/2 of Section 34, Township 21 South, Range 33 East, NMPM, Lea County, New Mexico

B. Pooling all mineral interests in the Bone Spring formation underlying this spacing unit;

C. Designating Marathon as operator of this unit and the well to be drilled thereon;

D. Authorizing Marathon to recover its costs of drilling, equipping and completing this well;

E. Approving actual operating charges and costs charged for supervision, together with a provision adjusting the rates pursuant to the COPAS accounting procedure;

F. Setting a 200% charge for the risk involved in drilling and completing the well in the event a working interest owner elects not to participate in the well.

G. Allowing a period of one (1) year between when the well is drilled and when the well is completed under the order.

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.

By: Deana M. Bennett

Jennifer Bradfute

Deana M. Bennett

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Albuquerque, New Mexico 87103-2168

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*Attorneys for Applicant*

**CASE NO. \_\_\_\_\_: Application of Marathon Oil Permian LLC for a spacing unit and compulsory pooling, Lea County, New Mexico.** Applicant seeks an order from the Division: (1) to the extent necessary, approving the creation of a 160-acre, more or less, spacing unit covering the W/2 E/2 of Section 34, Township 21 South, Range 33 East, NMPM, Lea County, New Mexico; and (2) pooling all mineral interests in the Bone Spring formation underlying this spacing unit. This proposed spacing unit will be dedicated to the **Battle Fee 21-33-34 SB 15H** well, to be horizontally drilled. The producing area for this well will be orthodox. Also to be considered will be the cost of drilling and completing said well, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Marathon as operator of the well, and a 200% charge for risk involved in drilling said well, and allowing a one year period between when the well is drilled and when the well is completed. Said area is located approximately 23 miles west of Eunice, New Mexico.