

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

JAN 08 2019 PM03:42

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

CASE NO. 20191

AMENDED APPLICATION

Percussion Petroleum Operating, LLC ("Percussion") through its undersigned attorneys, hereby files this application with the Oil Conservation Division pursuant to the provisions of N.M. Stat. Ann. § 70-2-17, for an order pooling all uncommitted interests from the top of the Yeso formation to a depth of 3200 feet in the Penasco Draw; San Andres Yeso Pool (50270) underlying the S/2 S/2 of Section 28, and the SE/4 SE/4 of Section 29, Township 18 South, Range 26 East, NMPM, Eddy County, New Mexico. In support of its application, Percussion states:

1. Percussion Petroleum Operating, LLC (OGRID No. 371755) is a working interest owner in the proposed horizontal spacing unit and has the right to drill thereon.
2. Percussion proposes to dedicate the above-referenced spacing unit to its proposed **Nirvana No. 1H Well**, which will be horizontally drilled from a surface location in the SW/4SW/4 (Unit M) of Section 27 to a standard bottom hole location in the SE/4 SE/4 (Unit P) of Section 29.
3. The completed interval for the proposed well will be at an orthodox location pursuant to Statewide rules for oil wells.
4. A depth severance exists in the Yeso formation in the horizontal spacing unit. Accordingly, Percussion seeks to pool only a portion of the Penasco Draw; San Andres Yeso Pool from the top of the Yeso, at a stratigraphic equivalent of 2,279 feet, as defined in the Gamma Ray-

Neutron Log from the Len Mayer 1 Well (API No. 30-015-05926), to a depth of 3200 feet in the Penasco Draw; San Andres Yeso Pool (50270) underlying the S/2 S/2 of Section 28, and the SE/4 SE/4 of Section 29, Township 18 South, Range 26 East, NMPM, Eddy County, New Mexico. to a depth of 3200 feet. Percussion will provide notice of this hearing to the vertical offset parties within the pool who are not subject to this pooling application.

5. Percussion has sought and been unable to obtain voluntary agreement for the development of these lands from all of the working interest owners in the subject spacing unit.

6. The pooling of interests will avoid the drilling of unnecessary wells, will prevent waste and will protect correlative rights.

7. In order to permit Percussion to obtain its just and fair share of the oil and gas underlying the subject lands, all uncommitted interests in this proposed unit should be pooled and Percussion Petroleum Operating, LLC should be designated the operator of the proposed horizontal wells and spacing unit.

WHEREFORE, Percussion requests that this application be set for hearing before an Examiner of the Oil Conservation Division on February 7, 2019, and, after notice and hearing as required by law, the Division enter an order:

- A. Pooling all uncommitted interests in the spacing unit;
- B. Designating Percussion Petroleum Operating, LLC operator of the horizontal spacing unit and the horizontal well to be drilled thereon;
- C. Authorizing Percussion to recover its costs of drilling, equipping and completing the well;
- D. Approving the actual operating charges and costs of supervision while drilling and after completion, together with a provision adjusting the rates pursuant to the COPAS accounting procedures; and

- E. Imposing a 200% charge for the risk assumed by Percussion in drilling and completing the well against any working interest owner who does not voluntarily participate in the drilling of the well.

Respectfully submitted,

HOLLAND & HART LLP

By: 

Michael H. Feldewert

Jordan L. Kessler

Adam G. Rankin

Post Office Box 2208

Santa Fe, New Mexico 87504-2208

(505) 988-4421

(505) 983-6043 Facsimile

mfeldewert@hollandhart.com

jlkeslser@hollandhart.com

agrankin@hollandhart.com

**ATTORNEYS FOR PERCUSSION PETROLEUM
OPERATING, LLC**

CASE _____:

Amended application of Percussion Petroleum Operating, LLC for compulsory pooling, Eddy County, New Mexico. Applicant in the above-styled cause seeks an order pooling all uncommitted interests from the top of the Yeso to a depth of 3200 feet in the Penasco Draw; San Andres Yeso Pool (50270) underlying the S/2 S/2 of Section 28, and the SE/4 SE/4 of Section 29, Township 18 South, Range 26 East, NMPM, Eddy County, New Mexico. Said horizontal spacing unit is to be dedicated to applicant's proposed **Nirvana No. 1H Well**, which will be horizontally drilled from a surface location in the SW/4 SW/4 (Unit M) of Section 27 to a standard bottom hole location in the SE/4 SE/4 (Unit P) of Section 29. The well will be at an orthodox location pursuant to Statewide rules for oil wells. Also, to be considered will be the cost of drilling and completing said wells and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of Percussion Petroleum Operating, LLC as operator of the wells and a 200% charge for risk involved in drilling said wells. Said area is located approximately 8.5 miles southeast of Artesia, New Mexico.