

**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 TO CONSIDER:**

**CASE NO. 15749  
ORDER NO. R-14434**

**APPLICATION OF MATADOR PRODUCTION COMPANY FOR  
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 July 20, 2017, at Santa Fe, New Mexico, before Examiner William V. Jones and again on August 3, 2017, before Examiner Phillip R. Goetze.

NOW, on this 5<sup>th</sup> day of September, 2017, the Division Director, having considered the testimony, the record and the recommendations of the Examiners,

**FINDS THAT:**

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

(2) Matador Production Company (the "Applicant") seeks to compulsory pool all uncommitted interests in a 311.12-acre, more or less, standard, gas spacing unit (the "Unit") for oil and gas production from the Wolfcamp formation, Burton Flat; Wolfcamp, East (Gas) Pool (Pool code 73480), comprising the S/2 of Section 19, Township 20 South, Range 29 East, NMPM, Eddy County, New Mexico.

(3) The Unit will be dedicated to Applicant's Stebbins 19 Federal Com Well No. 203H (the "proposed well"; API No. 30-015-44173), a horizontal well to be drilled from a surface location 2377 feet from the South line and 520 feet from the East line (Unit I), to a bottom-hole location 1870 feet from the South line and 240 feet from the West line (Lot 3, Unit L), both in Section 19, Township 20 South, Range 29 East, NMPM. The location of the completed interval will be non-standard for a gas well within the Unit.

(4) The proposed well is within the Burton Flat; Wolfcamp, East (Gas) Pool and is subject to Division Rule 19.15.15.10 NMAC, which provides for 660-foot setbacks from

the unit boundaries and standard 320-acre units each comprising a governmental half section. The proposed Unit consists of the S/2 of Section 19.

(5) Applicant appeared through counsel and presented the following land and geologic evidence:

- (a) the Wolfcamp formation in this area is suitable for development by horizontal drilling;
- (b) the proposed orientation of the horizontal well from east to west is appropriate for the Unit;
- (c) all separately owned tracts and leases included in the Unit are expected to be productive in the Wolfcamp formation, so that the proposed well and Unit will not impair correlative rights;
- (d) the pooled parties are various working interest owners, some of which could not be located;
- (e) Applicant will apply administratively for approval of the non-standard location;
- (f) the case was heard July 20<sup>th</sup> and then continued to August 3<sup>rd</sup> to correct the interest percentages for the owners listed in Exhibit No. 3;
- (g) notice by certified mail was provided to all uncommitted interest owners in the proposed Unit whose interests were evidenced by a conveyance instrument, either of record or known to Applicant when the Application was filed, and to heirs known to Applicant of deceased persons who appear as owners in such instruments, and whose whereabouts could be ascertained by exercise of reasonable diligence; and
- (h) those potentially affected parties whose whereabouts could not be ascertained were noticed by publication as provided in Rule 19.15.4.12.B NMAC.

(6) No other party appeared or otherwise opposed this application.

The Division concludes as follows:

(7) Two or more separately owned tracts are embraced within the Unit, and/or there are royalty interests and/or undivided interests in oil and gas minerals in one or more tracts included in the Unit that are separately owned.

(8) Applicant is owner of an oil and gas working interest within the Unit. Applicant has the right to drill and proposes to drill the proposed well to a common source of supply within the Unit at the proposed location.

(9) There are interest owners in the Unit that have not agreed to pool their interests.

(10) To avoid the drilling of unnecessary wells, protect correlative rights, prevent waste and afford to the owner of each interest in the Unit the opportunity to recover or receive without unnecessary expense a just and fair share of hydrocarbons, this application should be approved by pooling all uncommitted interests, whatever they may be, in the oil and gas within the Unit.

(11) Matador Production Company (OGRID 228937) should be designated the operator of the proposed well and the Unit.

(12) Any pooled working interest owner who does not pay its share of estimated well costs should have withheld from production its share of reasonable well costs plus an additional 200% thereof as a reasonable charge for the risk involved in drilling the proposed well.

(13) Reasonable charges for supervision (combined fixed rates) should be fixed at \$7000 per month per well while drilling and \$700 per month per well while producing, provided that these rates should be adjusted annually pursuant to the overhead adjustment provision of the COPAS form titled "*Accounting Procedure-Joint Operations*."

**IT IS THEREFORE ORDERED THAT:**

(1) Pursuant to the application of Matador Production Company ("Applicant"), all uncommitted interests are hereby pooled within a 311.12-acre, more or less, standard gas spacing unit (the "Unit") established for oil and gas production from the Wolfcamp formation, Burton Flat; Wolfcamp, East (Gas) Pool (Pool code 73480), comprising the S/2 of Section 19, Township 20 South, Range 29 East, NMPM, Eddy County, New Mexico.

(2) The Unit shall be dedicated to Applicant's Stebbins 19 Federal Com Well No. 203H (the "proposed well"; API No. 30-015-44173), a horizontal well to be drilled from a surface location 2377 feet from the South line and 520 feet from the East line (Unit I) to a bottom-hole location 1870 feet from the South line and 240 feet from the West line (Lot 3, Unit L), both in Section 19, Township 20 South, Range 29 East, NMPM. The location of the completed interval will be non-standard for a gas well within the Unit and Applicant will apply for the location exception administratively.

(3) The operator of the Unit shall commence drilling the proposed well on or before September 30, 2018, and shall thereafter continue drilling the proposed well with due diligence to test the Wolfcamp formation.

(4) In the event the operator does not commence drilling the proposed well on or before September 30, 2018, Ordering Paragraph (1) shall be of no effect, unless the operator obtains a time extension from the Division Director for good cause demonstrated by satisfactory evidence.

(5) Should the proposed well not be drilled and completed within 120 days after commencement thereof, then Ordering Paragraph (1) shall be of no further effect, and the Unit shall terminate, unless operator appears before the Division Director and obtains an extension of the time for completion of the proposed well for good cause shown by satisfactory evidence.

(6) Upon final plugging and abandonment of the proposed well and any other well drilled on the Unit pursuant to Division Rule 19.15.13.9 NMAC, the pooled Unit shall terminate, unless this Order has been amended to authorize further operations.

(7) Matador Production Company (OGRID 228937) is hereby designated the operator of the well and the Unit.

(8) After pooling, uncommitted working interest owners are referred to as pooled working interest owners. ("Pooled working interest owners" are owners of working interests in the Unit, including unleased mineral interests, who are not parties to an operating agreement governing the Unit.) After the effective date of this order, the operator shall furnish the Division and each known pooled working interest owner in the Unit an itemized schedule of estimated costs of drilling, completing and equipping the proposed well ("well costs").

(9) Within 30 days from the date the schedule of estimated well costs is furnished, any pooled working interest owner shall have the right to pay its share of estimated well costs to the operator in lieu of paying its share of reasonable well costs out of production as hereinafter provided, and any such owner who pays its share of estimated well costs as provided above shall remain liable for operating costs but shall not be liable for risk charges. Pooled working interest owners who elect not to pay their share of estimated well costs as provided in this paragraph shall thereafter be referred to as "non-consenting working interest owners."

(10) The operator shall furnish the Division and each known pooled working interest owner (including non-consenting working interest owners) an itemized schedule of actual well costs within 90 days following completion of the proposed well. If no objection to the actual well costs is received by the Division, and the Division has not objected, within 45 days following receipt of the schedule, the actual well costs shall be deemed to be the reasonable well costs. If there is an objection to actual well costs within the 45-day period, the Division will determine reasonable well costs after public notice and hearing.

(11) Within 60 days following determination of reasonable well costs, any pooled working interest owner who has paid its share of estimated costs in advance as

provided above shall pay to the operator its share of the amount that reasonable well costs exceed estimated well costs and shall receive from the operator the amount, if any, that the estimated well costs it has paid exceed its share of reasonable well costs.

(12) The operator is hereby authorized to withhold the following costs and charges from each non-consenting owner's share of production from each well:

- (a) The proportionate share of reasonable well costs attributable to such interest; and
- (b) As a charge for the risk involved in drilling the well, 200% of the above costs.

(13) The operator shall distribute the costs and charges withheld from production, proportionately, to the parties who advanced the well costs.

(14) Reasonable charges for supervision (combined fixed rates) are hereby fixed at \$7000 per month per well while drilling and \$700 per month per well while producing, provided that these rates may, at the election of the operator, be adjusted annually pursuant to the overhead adjustment provision of the COPAS form titled "*Accounting Procedure-Joint Operations*." The operator is authorized to withhold from production the proportionate share of both the supervision charges and the actual expenditures required for operating the well(s), not more than what are reasonable, attributable to each pooled working interest owner.

(15) Except as provided above, all proceeds from production from the proposed well that are not disbursed for any reason shall be held for the account of the person or persons entitled thereto pursuant to the Oil and Gas Proceeds Payment Act (NMSA 1978 Sections 70-10-1 through 70-10-6, as amended). If not disbursed, such proceeds shall be turned over to the appropriate authority as and when required by the Uniform Unclaimed Property Act (NMSA 1978 Sections 7-8A-1 through 7-8A-31, as amended).

(16) Any unleased mineral interest shall be considered a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest for allocating costs and charges under this Order. Any well costs or charges that are to be paid out of production shall be withheld only from the working interests' share of production, and no costs or charges shall be withheld from production attributable to royalty interests.

(17) Should all the parties to this compulsory pooling order reach voluntary agreement after entry of this order, this order shall thereafter be of no further effect.

(18) The operator of the well and the Unit shall notify the Division in writing of the subsequent voluntary agreement of parties subject to the compulsory pooling provisions of this order.

(19) 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