

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

**APPLICATION FOR SURFACE COMMINGLING  
SUBMITTED BY XTO ENERGY, INC.**

**ORDER NO. PLC-949**

**ORDER**

The Director of the New Mexico Oil Conservation Division (“OCD”), having considered the application and the recommendation of the OCD Engineering Bureau, issues the following Order.

**FINDINGS OF FACT**

1. XTO Energy, Inc. (“Applicant”) submitted a complete application to surface commingle the oil and gas production from the pools, leases, and wells as described in Exhibit A (“Application”).
2. Applicant proposed a method to allocate the oil and gas production to the pools, leases, and wells to be commingled.
3. Applicant provided notice of the Application to all persons owning an interest in the oil and gas production to be commingled, including the owners of royalty and overriding royalty interests, regardless of whether they have a right or option to take their interests in kind, and those persons either submitted a written waiver or did not file an objection to the Application.
4. Applicant provided notice of the Application to the Bureau of Land Management (“BLM”) or New Mexico State Land Office (“NMSLO”), as applicable.
5. Applicant certified the commingling of oil and gas production from the pools, leases, and wells will not in reasonable probability reduce the value of the oil and gas production to less than if it had remained segregated.
6. Applicant in the notice for the Application stated that it sought authorization to prospectively include additional pools, leases, and wells in accordance with 19.15.12.10 C.(4)(g) NMAC.
7. Applicant stated that it sought authorization to surface commingle and off-lease measure, as applicable, oil and gas production from wells which have not yet been approved to be drilled, but will produce from a pool and lease as described in Exhibit A.
8. Applicant submitted or intends to submit one or more proposed communitization agreement(s) (“Proposed Agreement(s)”) to the BLM or NMSLO, as applicable, identifying the acreage of each lease to be consolidated into a single pooled area (“CA Pooled Area”), as described in Exhibit A.

### **CONCLUSIONS OF LAW**

9. OCD has jurisdiction to issue this Order pursuant to the Oil and Gas Act, NMSA 1978, §§ 70-2-6, 70-2-11, 70-2-12, 70-2-16, and 70-2-17, 19.15.12. NMAC, and 19.15.23. NMAC.
10. Applicant satisfied the notice requirements for the Application in accordance with 19.15.12.10 A.(2) NMAC, 19.15.12.10 C.(4)(c) NMAC, and 19.15.12.10 C.(4)(e) NMAC, as applicable.
11. Applicant satisfied the notice requirements for the Application in accordance with 19.15.23.9 A.(5) NMAC and 19.15.23.9 A.(6) NMAC, as applicable.
12. Applicant's proposed method of allocation, as modified herein, complies with 19.15.12.10 B.(1) NMAC or 19.15.12.10 C.(1) NMAC, as applicable.
13. Commingling of oil and gas production from state, federal, or tribal leases shall not commence until approved by the BLM or NMSLO, as applicable, in accordance with 19.15.12.10 B.(3) NMAC and 19.15.12.10 C.(4)(h) NMAC.
14. Applicant satisfied the notice requirements for the subsequent addition of pools, leases, and wells in the notice for the Application, in accordance with 19.15.12.10 C.(4)(g) NMAC. Subsequent additions of pools, leases, and wells within Applicant's defined parameters, as modified herein, will not, in reasonable probability, reduce the commingled production's value or otherwise adversely affect the interest owners in the production to be added.
15. By granting the Application with the conditions specified below, this Order prevents waste and protects correlative rights, public health, and the environment.

### **ORDER**

1. Applicant is authorized to surface commingle oil and gas production from the pools, leases, and wells as described in Exhibit A.

Applicant is authorized to store and measure oil and gas production off-lease from the pools, leases, and wells as described in Exhibit A at a central tank battery or gas title transfer meter described in Exhibit A.

Applicant is authorized to surface commingle oil and gas production from wells not included in Exhibit A but that produce from a pool and lease as described in Exhibit A.

Applicant is authorized to store and measure oil and gas production off-lease from wells not included in Exhibit A but that produce from a pool and lease as described in Exhibit A at a central tank battery or gas title transfer meter described in Exhibit A.

2. For each CA Pooled Area described in Exhibit A, Applicant shall submit a Proposed Agreement to the BLM or NMSLO, as applicable, prior to commencing oil and gas production. If Applicant fails to submit the Proposed Agreement, this Order shall terminate on the following day.

No later than sixty (60) days after the BLM or NMSLO approves or denies a Proposed Agreement, Applicant shall submit a Form C-103 to OCD with a copy of the decision and a description of the approved lands, as applicable. If Applicant withdraws or the BLM or NMSLO denies a Proposed Agreement, this Order shall terminate on the date of such action, and Applicant shall cease commingling the production from the CA Pooled Area. If the BLM or NMSLO approves but modifies the Proposed Agreement(s), Applicant shall comply with the approved Agreement(s), and no later than sixty (60) days after such decision, Applicant shall submit a new surface commingling application to OCD to conform this Order with the approved Agreement(s) if the formation or dedicated lands are modified or if a modification is made that will affect this Order. If Applicant fails to submit the new surface commingling application or OCD denies the new surface commingling application, this Order shall terminate on the date of such action.

Applicant shall allocate the oil and gas production to each lease within a CA Pooled Area in proportion to the acreage that each lease bears to the entire acreage of the CA Pooled Area until the Proposed Agreement which includes the CA Pooled Area is approved. After the Proposed Agreement is approved, the oil and gas production from the CA Pooled Area shall be allocated as required by the BLM's or NMSLO's, as applicable, approval of the Agreement, including any production that had been allocated previously in accordance with this Order.

3. The allocation of oil and gas production to wells not included in Exhibit A but that produce from a pool and lease as described in Exhibit A shall be determined in the same manner as to wells identified in Exhibit A that produce from that pool and lease, provided that if more than one allocation method is being used or if there are no wells identified in Exhibit A that produce from the pool and lease, then allocation of oil and gas production to each well not included in Exhibit A shall be determined by OCD prior to commingling production from it with the production from another well.
4. The allocation of oil and gas production shall be based on the production life of each well as measured for three periods: (a) the initial production period shall be measured from the first production until the earlier of either the peak production rate or thirty (30) days after the first production; (b) the plateau period shall be measured from the end of the initial production period to the peak decline rate; and (c) the decline period shall be measured from the end of the plateau period until the well is plugged and abandoned.

During the initial production period, the oil and gas production for each well identified in Exhibit A shall be allocated using a production curve calculated from a minimum of ten (10) well tests per month, except that any day in which a well test cannot achieve an accurate result due to a temporary change in oil and gas production shall not be included in the computation of time determining the well test schedule. The production curve shall be calculated by interpolating daily production for each day using the known daily production obtained by well tests and shall use a method of interpolation that is at minimum as accurate as maintaining a constant rate of change for each day's production between the known daily production values.

During the plateau period, the oil and gas production for each well identified in Exhibit A shall be allocated using a minimum of three (3) well tests per month.

During the decline period, the oil and gas production for each well identified in Exhibit A shall be allocated as follows: (a) a minimum of three (3) well tests per month when the decline rate is greater than twenty-two percent (22%) per month; (b) a minimum of two (2) well tests per month when the decline rate is between twenty-two percent (22%) and ten percent (10%) per month; and (c) a minimum of one (1) well test per month when the decline rate is less than ten percent (10%) per month.

Upon OCD's request, Applicant shall submit a Form C-103 to the OCD Engineering Bureau that contains the decline rate curve and other relevant information demonstrating the production life of a well.

Applicant shall conduct a well test by separating and metering the oil and gas production from that well for either (a) a minimum of twenty-four (24) consecutive hours; or (b) a combination of nonconsecutive periods that meet the following conditions: (i) each period shall be a minimum of six (6) hours; and (ii) the total duration of the nonconsecutive periods shall be a minimum of eighteen (18) hours.

The well test requirements of this Order shall be suspended for any well shut-in for a period that continues for more than fifteen (15) days until the well commences production.

5. Applicant shall measure and market the commingled oil at a central tank battery described in Exhibit A in accordance with this Order and 19.15.18.15. NMAC or 19.15.23.8. NMAC.
6. Applicant shall measure and market the commingled gas at a well pad, central delivery point, central tank battery, or gas title transfer meter described in Exhibit A in accordance with this Order and 19.15.19.9. NMAC, provided however that if the gas is vented or flared, and regardless of the reason or authorization pursuant to 19.15.28.8 B. NMAC for such venting or flaring, Applicant shall measure or estimate the gas in accordance with 19.15.28.8 E. NMAC.
7. Applicant shall calibrate the meters used to measure or allocate oil and gas production in accordance with 19.15.12.10 C.(2) NMAC.
8. If the commingling of oil and gas production from any pool, lease, or well reduces the value of the commingled oil and gas production to less than if it had remained segregated, no later than sixty (60) days after the decrease in value has occurred Applicant shall submit a new surface commingling application to OCD to amend this Order to remove the pool, lease, or well whose oil and gas production caused the decrease in value. If Applicant fails to submit a new application, this Order shall terminate on the following day, and if OCD denies the application, this Order shall terminate on the date of such action.
9. Applicant may submit an application to amend this Order to add pools, leases, and subsequently drilled wells with spacing units adjacent to or within the tracts commingled by this Order by submitting a Form C-107-B in accordance with 19.15.12.10 C.(4)(g) NMAC,

provided the pools, leases, and subsequently drilled wells are within the identified parameters included in the Application.

10. If a well is not included in Exhibit A but produces from a pool and lease as described in Exhibit A, then Applicant shall submit Forms C-102 and C-103 to the OCD Engineering Bureau after the well has been approved to be drilled and prior to off-lease measuring or commingling oil or gas production from it with the production from another well. The Form C-103 shall reference this Order and identify the well, proposed method to determine the allocation of oil and gas production to it, and the location(s) that commingling of its production will occur.
11. Applicant shall not commence commingling oil or gas production from state, federal, or tribal leases until approved by the BLM or NMSLO, as applicable.
12. If OCD determines that Applicant has failed to comply with any provision of this Order, OCD may take any action authorized by the Oil and Gas Act or the New Mexico Administrative Code (NMAC).
13. OCD retains jurisdiction of this matter and reserves the right to modify or revoke this Order as it deems necessary.

**STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION**



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**GERASIMOS RAZATOS  
DIRECTOR (ACTING)**

**DATE:** 1/15/2025

State of New Mexico  
Energy, Minerals and Natural Resources Department

## Exhibit A

Order: **PLC-949**

Operator: **XTO Energy, Inc. (5380)**

Central Tank Battery: **Outrider 28 Federal Central Vessel Battery**

Central Tank Battery Location: **UL J, Section 28, Township 24 South, Range 32 East**

Gas Title Transfer Meter Location: **UL J, Section 28, Township 24 South, Range 32 East**

### Pools

Pool Name	Pool Code
TRISTE DRAW; BONE SPRING	96603
WC-025 G-06 S253206M; BONE SPRING	97899
WC-025 G-08 S243217P; UPR WOLFCAMP	98248

### Leases as defined in 19.15.12.7(C) NMAC

Lease	UL or Q/Q	S-T-R
NMNM 105557826 (016353)	W/2	21-24S-32E
	W/2	28-24S-32E
	E/2 W/2	27-24S-32E
CA Bone Spring NMNM 105779130	E/2	21-24S-32E
	E/2	28-24S-32E
CA Wolfcamp NMNM 105779131	E/2	21-24S-32E
	E/2	28-24S-32E
PROPOSED CA Bone Spring BLM	SW/4 SW/4	15-24S-32E
	W/2 W/2	22-24S-32E
	W/2 W/2	27-24S-32E
CA Wolfcamp NMNM 105786384	SW/4 SW/4	15-24S-32E
	W/2 W/2	22-24S-32E
	W/2 W/2	27-24S-32E

### Wells

Well API	Well Name	UL or Q/Q	S-T-R	Pool
30-025-51977	Outrider 28 Federal #401H	W/2 W/2	21-24S-32E	97899
		W/2 W/2	28-24S-32E	
30-025-51978	Outrider 28 Federal #402H	W/2 W/2	21-24S-32E	97899
		W/2 W/2	28-24S-32E	
30-025-51980	Outrider 28 Federal Com #404H	E/2 W/2	21-24S-32E	97899
		E/2 W/2	28-24S-32E	
30-025-51709	Outrider 28 Federal #405H	E/2 W/2	21-24S-32E	97899
		E/2 W/2	28-24S-32E	
30-025-51979	Outrider 28 Federal #403H	W/2	21-24S-32E	97899
		W/2	28-24S-32E	
30-025-50154	Outrider 28 Federal #501H	W/2 W/2	21-24S-32E	98248
		W/2 W/2	28-24S-32E	

30-025-50152	Outrider 28 Federal #502H	W/2 W/2 W/2 W/2	21-24S-32E 28-24S-32E	98248
30-025-50155	Outrider 28 Federal #601H	W/2 W/2 W/2 W/2	21-24S-32E 28-24S-32E	98248
30-025-50153	Outrider 28 Federal #503H	E/2 W/2 E/2 W/2	21-24S-32E 28-24S-32E	98248
30-025-50246	Outrider 28 Federal #504H	E/2 W/2 E/2 W/2	21-24S-32E 28-24S-32E	98248
30-025-50249	Outrider 28 Federal #602H	E/2 W/2 E/2 W/2	21-24S-32E 28-24S-32E	98248
30-025-50256	Outrider 28 Federal Com #407H	E/2 E/2	21-24S-32E 28-24S-32E	97899
30-025-51981	Outrider 28 Federal Com #408H	E/2 E/2	21-24S-32E 28-24S-32E	97899
30-025-51982	Outrider 28 Federal Com #409H	E/2 E/2	21-24S-32E 28-24S-32E	97899
30-025-51983	Outrider 28 Federal Com #410H	E/2 E/2	21-24S-32E 28-24S-32E	97899
30-025-50257	Outrider 27 Federal Com #701H	E/2 E/2	21-24S-32E 28-24S-32E	97899
30-025-50244	Outrider 28 Federal Com #505H	E/2 E/2	21-24S-32E 28-24S-32E	98248
30-025-50247	Outrider 28 Federal Com #506H	E/2 E/2	21-24S-32E 28-24S-32E	98248
30-025-50248	Outrider 28 Federal Com #507H	E/2 E/2	21-24S-32E 28-24S-32E	98248
30-025-50319	Outrider 28 Federal Com #508H	E/2 E/2	21-24S-32E 28-24S-32E	98248
30-025-50245	Outrider 28 Federal Com #603H	E/2 E/2	21-24S-32E 28-24S-32E	98248
30-025-50250	Outrider 28 Federal Com #604H	E/2 E/2	21-24S-32E 28-24S-32E	98248
30-025-50234	Outrider 27 Federal Com #103H	SW/4 SW/4 W/2 W/2 W/2 W/2	15-24S-32E 22-24S-32E 27-24S-32E	96603 97899
30-025-50236	Outrider 27 Federal Com #114H	SW/4 SW/4 W/2 W/2 W/2 W/2	15-24S-32E 22-24S-32E 27-24S-32E	96603 97899
30-025-50237	Outrider 27 Federal Com #509H	SW/4 SW/4 W/2 W/2 W/2 W/2	15-24S-32E 22-24S-32E 27-24S-32E	98248
30-025-50233	Outrider 27 Federal Com #510H	SW/4 SW/4 W/2 W/2 W/2 W/2	15-24S-32E 22-24S-32E 27-24S-32E	98248
30-025-50287	Outrider 27 Federal Com #605H	SW/4 SW/4 W/2 W/2 W/2 W/2	15-24S-32E 22-24S-32E 27-24S-32E	98248
30-025-50235	Outrider 27 Federal #511H	E/2 W/2	27-24S-32E	98248

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30-025-50255	Outrider 27 Federal #512H	E/2 W/2	27-24S-32E	98248
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Sante Fe Main Office  
Phone: (505) 476-3441

General Information  
Phone: (505) 629-6116

Online Phone Directory  
<https://www.emnrd.nm.gov/ocd/contact-us>

State of New Mexico  
Energy, Minerals and Natural Resources  
Oil Conservation Division  
1220 S. St Francis Dr.  
Santa Fe, NM 87505

CONDITIONS

Action 422039

CONDITIONS

Operator:  XTO ENERGY, INC 6401 Holiday Hill Road Midland, TX 79707	OGRID:  5380
	Action Number:  422039
	Action Type:  [IM-SD] Admin Order Support Doc (ENG) (IM-AAO)

CONDITIONS

Created By	Condition	Condition Date
dmcclure	Please review the content of the order to ensure you are familiar with the authorities granted and any conditions of approval. If you have any questions regarding this matter, please contact me.	1/17/2025