

**BEFORE THE OIL CONSERVATION DIVISION  
EXAMINER HEARING FEBRUARY 15, 2024**

**CASE NO. 23917**

*EVIL OLIVE 26 35 FED COM #4H & #71H*

**EDDY COUNTY, NEW MEXICO**



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

**APPLICATION OF OXY USA INC.  
FOR APPROVAL OF AN  
OVERLAPPING 960-ACRE NON-  
STANDARD HORIZONTAL WELL  
SPACING UNIT AND COMPULSORY  
POOLING, EDDY COUNTY, NEW  
MEXICO.**

**CASE NO. 23917**

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

APPLICATION OF OXY USA INC.  
FOR APPROVAL OF AN  
OVERLAPPING 960-ACRE NON-  
STANDARD HORIZONTAL WELL  
SPACING UNIT AND COMPULSORY  
POOLING, EDDY COUNTY, NEW  
MEXICO.

CASE NO. 23917

APPLICATION

OXY USA Inc. (“OXY” or “Applicant”) (OGRID No. 16696) through its undersigned attorneys, files this application with the Oil Conservation Division for an order (a) approving an overlapping 960-acre, more or less, non-standard horizontal well spacing unit in the Bone Spring formation underlying Section 35 and the S/2 Section 26, Township 22 South, Range 31 East, NMPM, Eddy County, New Mexico, and (b) pooling all uncommitted mineral owners in this acreage. In support of this application, Oxy states:

1. OXY is a working interest owner in the subject acreage and has the right to drill thereon.
2. OXY is proposing a Joint Operating Agreement covering the subject area and seeks approval of this non-standard horizontal well spacing unit to match a corresponding Communitization Agreement for the federal leases within the subject area.
3. Due to the nature and configuration of the federal leases in the subject area, the Bureau of Land Management (“BLM”) will not approve the commingling of production at central facilities if the subject area is developed using standard horizontal well spacing units. *See, e.g.*, 43 CFR 3173.14 (addressing authorized commingling). However, if the proposed non-standard

69: CF9'H<9'C=@7CBG9FJ5HCB'8-J-G-CB'  
GubHJ: YZBYk'A YI Jw  
91 \ J]hBc"5  
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spacing unit is approved by the Division, the OXY understands that BLM will issue a corresponding Communitization Agreement for the federal leases within the subject area to allow commingling and the corresponding reduction of the necessary surface facilities.

4. OXY seeks to minimize cost and surface disturbance by consolidating facilities and commingling production from existing and future wells in the proposed non-standard spacing unit. To allow the proposed wells to be dedicated to a Communitization Agreement, OXY requires approval of a corresponding non-standard horizontal well spacing unit in the Bone Spring formation.

5. OXY seeks to initially dedicate the proposed non-standard horizontal well spacing unit and the corresponding Communitization Agreement to the following proposed wells:

- **Evil Olive 26 35 Fed Com 4H**, to be drilled from a surface location in the NE/4 SE/4 (Unit I) of Section 26 to a bottomhole location in the SE/4 SE/4 (Unit P) of Section 35; and
- **Evil Olive 26 35 Fed Com 71H**, to be drilled from a surface location in the NE/4 SW/4 (Unit K) of Section 26 to a bottomhole location in the SW/4 SW/4 (Unit M) of Section 35.

6. This 960-acre non-standard horizontal well spacing unit will overlap an existing 240-acre standard horizontal well spacing unit comprised of the E/2 SE/4 of Section 26 and the E/2 E/2 of Section 35, Township 22 South, Range 31 East, NMPM, Eddy County, New Mexico, which is operated by COG Operating LLC and dedicated to the Tankless Federal Com #2H well (API: 30-015-44434) within the Livingston Ridge; Bone Spring (Pool Code 39350).

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

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

9. Approval of this application will allow OXY to efficiently locate surface facilities, reduce surface disturbance, lower operating costs and facilitate effective well spacing.

10. Approval of this application is in the best interest of conservation, the prevention of waste and the protection of correlative rights.

WHEREFORE, Applicant requests that this matter be set for hearing on November 2, 2023, before an Examiner of the Oil Conservation Division, and, after notice and hearing as required by law, the Division enter an order:

- A. Approving the overlapping non-standard horizontal well spacing unit and pooling all uncommitted interests therein;
- B. Designating Applicant as operator of this overlapping horizontal well spacing unit and the horizontal wells to be drilled thereon;
- C. Authorizing Applicant to recover its costs of drilling, equipping, and completing the wells;
- 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 Applicant in drilling and completing the wells against any working interest owner who does not voluntarily participate in the drilling of the wells.

Respectfully submitted,

HOLLAND & HART LLP

By: \_\_\_\_\_

Michael H. Feldewert  
Adam G. Rankin  
Paula Vance  
Post Office Box 2208  
Santa Fe, NM 87504  
505-988-4421  
505-983-6043 Facsimile  
mfeldewert@hollandhart.com  
agrarkin@hollandhart.com  
pmvance@hollandhart.com

**ATTORNEYS FOR OXY USA INC.**

**Application of OXY USA Inc. for Approval of an Overlapping 960-Acre Non-Standard Horizontal Well Spacing Unit and Compulsory Pooling, Eddy County, New Mexico.** Applicant seeks an order (a) approving an overlapping 960-acre, more or less, non-standard horizontal well spacing unit in the Bone Spring formation underlying Section 35 and the S/2 Section 26, Township 22 South, Range 31 East, NMPM, Eddy County, New Mexico, and (b) pooling all uncommitted mineral owners in this acreage. This spacing unit will be initially dedicated to the following proposed wells:

- **Evil Olive 26 35 Fed Com 4H**, to be drilled from a surface location in the NE/4 SE/4 (Unit I) of Section 26 to a bottomhole location in the SE/4 SE/4 (Unit P) of Section 35; and
- **Evil Olive 26 35 Fed Com 71H**, to be drilled from a surface location in the NE/4 SW/4 (Unit K) of Section 26 to a bottomhole location in the SW/4 SW/4 (Unit M) of Section 35.

This 960-acre non-standard horizontal well spacing unit will overlap an existing 240-acre standard horizontal well spacing unit comprised of the E/2 SE/4 of Section 26 and the E/2 E/2 of Section 35, Township 22 South, Range 31 East, NMPM, Eddy County, New Mexico, which is operated by COG Operating LLC and dedicated to the Tankless Federal Com #2H well (API: 30-015-44434) within the Livingston Ridge; Bone Spring (Pool Code 39350). Also, to be considered will be the cost of drilling and completing the wells and the allocation of the costs thereof, operating costs and charges for supervision, the designation of applicant as operator, and a 200% charge for risk involved in drilling and completing the wells. Said area is approximately 20 miles northeast of Loving, New Mexico.

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

**APPLICATION OF OXY USA INC.  
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STANDARD HORIZONTAL WELL  
SPACING UNIT AND COMPULSORY  
POOLING, EDDY COUNTY, NEW  
MEXICO.**

**CASE NO. 23917**

**SELF-AFFIRMED STATEMENT OF COURTNEY CARR**

1. My name is Courtney Carr. I work for OXY USA Inc. ("OXY") as a Senior Land Negotiator.

2. I have previously testified before the New Mexico Oil Conservation Division ("Division") as an expert witness in petroleum land matters. My credentials as a landman have been accepted by the Division and made a matter of record.

3. I am familiar with the application filed by OXY in this case, and I am familiar with the status of the lands in the subject area.

4. OXY was able to reach voluntary agreement with all interest owners and therefore no longer requires pooling of those interests. OXY still requires approval of the non-standard spacing unit.

5. Under **Case No. 23917**, OXY seeks approval of an overlapping 960-acre, more or less, non-standard horizontal well spacing unit in the Bone Spring formation underlying Section 35 and the S/2 of Section 26, Township 22 South, Range 31 East, NMPM, Eddy County, New Mexico.

**BEFORE THE OIL CONSERVATION DIVISION  
Santa Fe, New Mexico  
Exhibit No. B  
Submitted by: OXY USA Inc.  
Hearing Date: February 15, 2024  
Case No. 23917**

6. OXY is proposing a Joint Operating Agreement covering the subject area and seeks approval of this non-standard horizontal well spacing unit to match a corresponding Communitization Agreement for the federal leases within the subject area. Due to the nature and configuration of the federal leases in the subject area, the Bureau of Land Management (“BLM”) will not approve the commingling of production at central facilities if the subject area is developed using standard horizontal well spacing units. *See, e.g.*, 43 CFR 3173.14 (addressing authorized commingling). However, if the proposed non-standard spacing unit is approved by the Division, then OXY understands that BLM will issue a corresponding Communitization Agreement for the federal leases within the subject area to allow commingling and the corresponding reduction of the necessary surface facilities.

7. OXY seeks to minimize cost and surface disturbance by consolidating facilities and commingling production from existing and future wells in the proposed non-standard spacing unit. To allow the proposed wells to be dedicated to a Communitization Agreement, OXY requires approval of a corresponding non-standard horizontal well spacing unit in the Bone Spring formation.

8. OXY seeks to initially dedicate the proposed non-standard horizontal well spacing unit and the corresponding Communitization Agreement to the following proposed wells:

- **Evil Olive 26 35 Fed Com 4H**, to be drilled from a surface location in the NE/4 SE/4 (Unit I) of Section 26 to a bottomhole location in the SE/4 SE/4 (Unit P) of Section 35; and
- **Evil Olive 26 35 Fed Com 71H**, to be drilled from a surface location in the NE/4 SW/4 (Unit K) of Section 26 to a bottomhole location in the SW/4 SW/4 (Unit M) of Section 35.

9. This 960-acre non-standard horizontal well spacing unit will overlap an existing 240-acre standard horizontal well spacing unit comprised of the E/2 SE/4 of Section 26 and the

E/2 E/2 of Section 35, Township 22 South, Range 31 East, NMPM, Eddy County, New Mexico, which is operated by COG Operating LLC (“COG”) and dedicated to the Tankless Federal Com #2H well (API: 30-015-44434) within the Livingston Ridge; Bone Spring (Pool Code 39350). **OXY Exhibit B-1** includes a diagram depicting the newly proposed spacing unit in relation to the existing spacing unit. OXY provided notice to COG of the overlap and did not receive any objection during the 20-day objection period. *See OXY Exhibit C.*

10. **OXY Exhibit B-2** contains a draft Form C-102 for the wells. The exhibit shows that the wells will be assigned to the Bilbrey Basin, Bone Spring [5695].

11. **OXY Exhibit B-3** is a plat showing the proposed non-standard spacing unit, including the subject Federal leases. This exhibit also shows the affected offset acreage, and identifies the respective affected parties, for the proposed non-standard spacing unit. The affected offset acreage compromises the S/2 N/2 of Section 26, T22S-R31E, SW/4 NW/4 and the W/2 SW/4 of Section 25, T22S-R31E, the W/2 W/2 of Section 36, T22S-R31E, Lot 4 of Section 1, T23S-R31E, Lots 1-4 of Section 2, T23S-R31E, Lot 1 of Section 3, T23S-R31E, the E/2 E/2 of Section 34, T22S-R31E, E/2 SE/4 and the SE/4 NE/4 of Section 27, T22S-R31E.

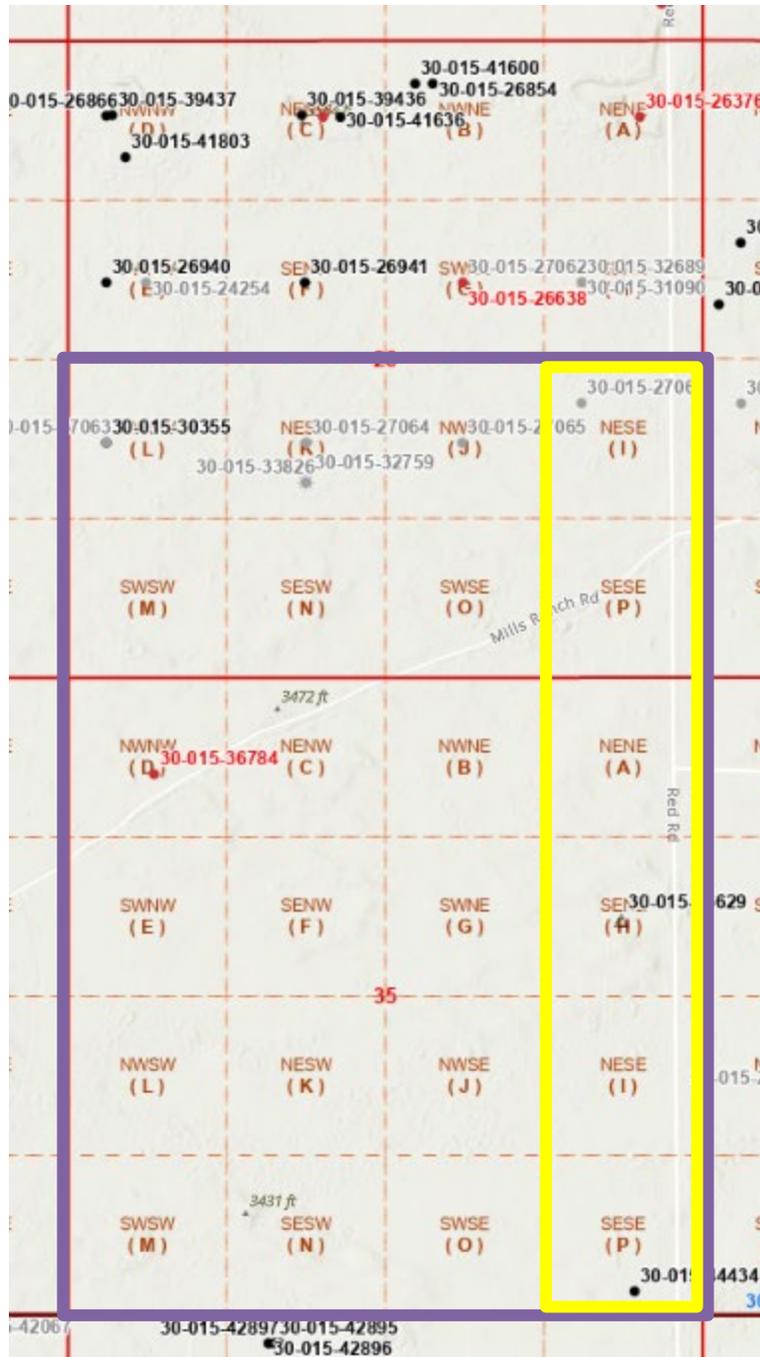
12. OXY has provided the law firm of Holland & Hart LLP with the names and addresses of the affected parties in this case and instructed that they be notified of this hearing. *See OXY Exhibit C and D.* OXY has conducted a diligent search of all public records in the county where the property is located, reviewed telephone directories, and conducted computer searches to locate contact information for each interest owner.

13. **OXY Exhibits B-1 through B-3** were either prepared by me or compiled under my direction and supervision.

14. I affirm under penalty of perjury under the laws of the State of New Mexico that the foregoing statements are true and correct. I understand that this self-affirmed statement will be used as written testimony in this case. This statement is made on the date next to my signature below.

Courtney Carr  
Courtney Carr

February 13, 2024  
Date



OXY – EVIL OLIVE BS  
Proposed Spacing Unit

COG – Tankless Federal  
Com #2H Existing Spacing  
Unit

69: CF9 'H<9' C=@7 CBG9 FJ5 HCB'8 =J=C CB'  
GubHJ: YZBYk 'A YI ]Wt  
91 \ ]]hBc"6!%  
Gi Va ]hYX'Vm'CLMI G5 'bW  
<YUF]b[ '8 UNY.: YVfi Ufm% Z&&\$(  
7 UgYBc"'&' - %&

District I
1625 N. French Dr., Hobbs, NM 88240
Phone: (575) 393-6161 Fax: (575) 393-0720
District II
811 S. First St., Artesia, NM 88210
Phone: (575) 748-1283 Fax: (575) 748-9720
District III
1000 Rio Brazos Road, Aztec, NM 87410
Phone: (505) 334-6178 Fax: (505) 334-6170
District IV
1220 S. St. Francis Dr., Santa Fe, NM 87505
Phone: (505) 476-3460 Fax: (505) 476-3462

State of New Mexico
Energy, Minerals & Natural Resources Department
OIL CONSERVATION DIVISION
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-102 Revised August 1, 2011
Submit one copy to appropriate
District Office

AMENDED REPORT

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Exhibit No. B-2
Submitted by: OXY USA Inc.
Hearing Date: February 15, 2024
Case No. 23917

WELL LOCATION AND ACREAGE DEDICATION PLAT

Table with 3 columns: API Number, Pool Code, Pool Name, Property Code, Property Name, Well Number, OGRID No., Operator Name, Elevation.

Surface Location

Table with 10 columns: UL or lot no., Section, Township, Range, Lot Idn, Feet from the, North/South line, Feet from the, East/West line, County.

Bottom Hole Location If Different From Surface

Table with 10 columns: UL or lot no., Section, Township, Range, Lot Idn, Feet from the, North/South line, Feet from the, East/West line, County. Includes Dedicated Acres and Joint or Infill.

No allowable will be assigned to this completion until all interests have been consolidated or a non-standard unit has been approved by the division.

Main plat diagram showing well location, section boundaries (Sec. 26, Sec. 35), corner coordinates, and operator/surveyor certifications. Includes a table for Federal Lease ID and Length, and a table for Production Line bearings/lengths.

District I  
1625 N. French Dr., Hobbs, NM 88240  
Phone: (575) 393-6161 Fax: (575) 393-0720  
District II  
811 S. First St., Artesia, NM 88210  
Phone: (575) 748-1283 Fax: (575) 748-9720  
District III  
1000 Rio Brazos Road, Aztec, NM 87410  
Phone: (505) 334-6178 Fax: (505) 334-6170  
District IV  
1220 S. St. Francis Dr., Santa Fe, NM 87505  
Phone: (505) 476-3460 Fax: (505) 476-3462

State of New Mexico  
Energy, Minerals & Natural Resources Department  
OIL CONSERVATION DIVISION  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

Form C-102 Revised August 1, 2011  
Submit one copy to appropriate  
District Office

AMENDED REPORT

WELL LOCATION AND ACREAGE DEDICATION PLAT

<sup>1</sup> API Number 30-015-	<sup>2</sup> Pool Code 5695	<sup>3</sup> Pool Name BILBREY BASIN, BONE SPRING
<sup>4</sup> Property Code	<sup>5</sup> Property Name EVIL OLIVE 26 35 FED COM	
<sup>7</sup> OGRID No. 16696	<sup>8</sup> Operator Name OXY USA INC.	<sup>6</sup> Well Number 71H <sup>9</sup> Elevation 3517'

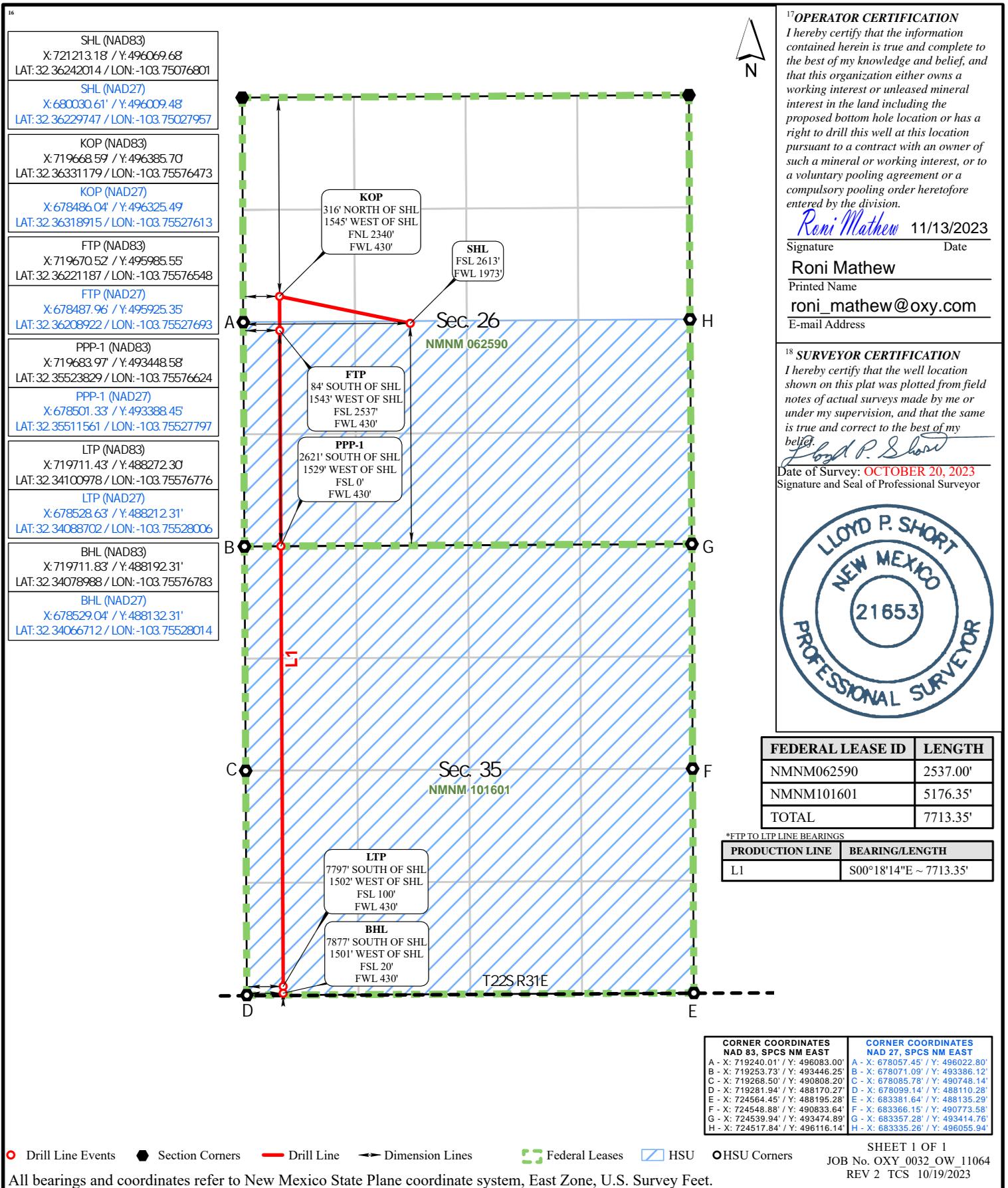
<sup>10</sup> Surface Location

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
K	26	22S	31E		2613'	SOUTH	1973'	WEST	EDDY

<sup>11</sup> Bottom Hole Location If Different From Surface

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
M	35	22S	31E		20'	SOUTH	430'	WEST	EDDY
<sup>12</sup> Dedicated Acres 960.00		<sup>13</sup> Joint or Infill		<sup>14</sup> Consolidation Code		<sup>15</sup> Order No.			

No allowable will be assigned to this completion until all interests have been consolidated or a non-standard unit has been approved by the division.



<sup>17</sup> OPERATOR CERTIFICATION  
I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or unleased mineral interest in the land including the proposed bottom hole location or has a right to drill this well at this location pursuant to a contract with an owner of such a mineral or working interest, or to a voluntary pooling agreement or a compulsory pooling order heretofore entered by the division.

*Roni Mathew* 11/13/2023  
Signature Date  
Roni Mathew  
Printed Name  
roni\_mathew@oxy.com  
E-mail Address

<sup>18</sup> SURVEYOR CERTIFICATION  
I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.  
*Lloyd P. Short*  
Date of Survey: OCTOBER 20, 2023  
Signature and Seal of Professional Surveyor



FEDERAL LEASE ID	LENGTH
NMNM062590	2537.00'
NMNM101601	5176.35'
TOTAL	7713.35'

\*FTP TO LTP LINE BEARINGS

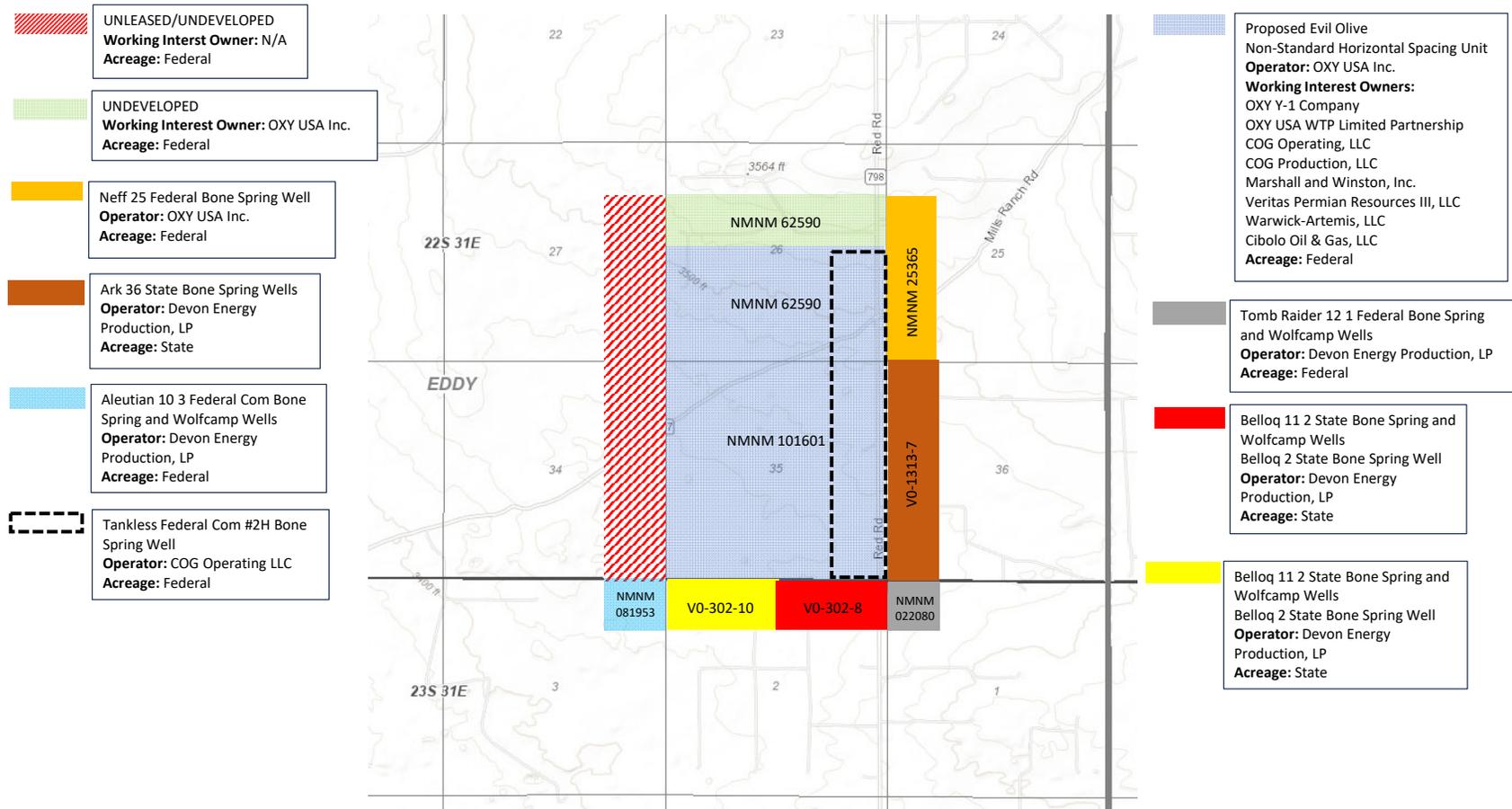
PRODUCTION LINE	BEARING/LENGTH
L1	S00°18'14"E ~ 7713.35'

CORNER COORDINATES NAD 83, SPCS NM EAST		CORNER COORDINATES NAD 27, SPCS NM EAST	
A - X: 719240.01' / Y: 496083.00'	B - X: 719253.73' / Y: 493446.25'	A - X: 678057.45' / Y: 496022.80'	B - X: 678071.09' / Y: 493386.12'
C - X: 719268.50' / Y: 490808.20'	D - X: 719281.94' / Y: 488170.27'	C - X: 678085.78' / Y: 490748.14'	D - X: 678099.14' / Y: 488110.28'
E - X: 724564.45' / Y: 488195.28'	F - X: 724548.88' / Y: 490833.64'	E - X: 683381.64' / Y: 488135.29'	F - X: 683366.15' / Y: 490773.58'
G - X: 724539.94' / Y: 493474.89'	H - X: 724517.84' / Y: 496116.14'	G - X: 683357.28' / Y: 493414.76'	H - X: 683335.26' / Y: 496055.94'

Drill Line Events    Section Corners    Drill Line    Dimension Lines    Federal Leases    HSU    HSU Corners

All bearings and coordinates refer to New Mexico State Plane coordinate system, East Zone, U.S. Survey Feet.

SHEET 1 OF 1  
JOB No. OXY\_0032\_OW\_11064  
REV 2 TCS 10/19/2023



69 : CF9 'H<9 'C=@7 CBG9FJ5 HCB'8 =J-G-CB'  
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**STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION**

**APPLICATION OF OXY USA INC.  
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POOLING, EDDY COUNTY, NEW  
MEXICO.**

**CASE NO. 23917**

**SELF-AFFIRMED STATEMENT OF  
PAULA M. VANCE**

1. I am attorney in fact and authorized representative of OXY USA Inc. (“Oxy”), the Applicant herein. I have personal knowledge of the matter addressed herein and am competent to provide this self-affirmed statement.

2. The above-referenced application and notice of the hearing on this application was sent by certified mail to the affected parties on the date set forth in the letter attached hereto.

3. The spreadsheet attached hereto contains the names of the parties to whom notice was provided.

4. The spreadsheet attached hereto contains the information provided by the United States Postal Service on the status of the delivery of this notice as of January 12, 2024.

5. I caused a notice to be published to all affected parties subject to this proceeding. An affidavit of publication from the publication’s legal clerk with a copy of the notice publication is attached herein.

6. I affirm under penalty of perjury under the laws of the State of New Mexico that the foregoing statements are true and correct. I understand that this self-affirmed statement will be used as written testimony in this case. This statement is made on the date next to my signature below.

**BEFORE THE OIL CONSERVATION DIVISION  
Santa Fe, New Mexico  
Exhibit No. C  
Submitted by: OXY USA Inc.  
Hearing Date: February 15, 2024  
Case No. 23917**



\_\_\_\_\_  
Paula M. Vance

2/13/2024

\_\_\_\_\_  
Date



**Adam G. Rankin**  
**Partner**  
**Phone** (505) 988-4421  
agrarkin@hollandhart.com

October 13, 2023

**VIA CERTIFIED MAIL**  
**CERTIFIED RECEIPT REQUESTED**

**TO: ALL INTEREST OWNERS SUBJECT TO POOLING PROCEEDINGS AND ALL WORKING INTEREST OWNERS AFFECTED BY THE PROPOSED OVERLAPPING SPACING UNIT**

**Re: Application of OXY USA Inc. for Approval of an Overlapping 960-Acre Non-Standard Horizontal Well Spacing Unit and Compulsory Pooling, Eddy County, New Mexico: *Evil Olive 26 35 Fed Com 4H and 71H wells***

Ladies & Gentlemen:

This letter is to advise you that Oxy USA Inc. has filed the enclosed application with the New Mexico Oil Conservation Division. A hearing has been requested before a Division Examiner on November 2, 2023, and the status of the hearing can be monitored through the Division’s website at <http://www.emnrd.state.nm.us/ocd/>.

**Due to the remodeling of the state building where the New Mexico Oil Conservation Division is located, hearings will be conducted remotely beginning at 8:15 a.m. To participate in the electronic hearing, see the instructions posted on the OCD Hearings website: <https://www.emnrd.nm.gov/ocd/hearing-info/>.**

You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date. Parties appearing in cases are required to file a Pre-hearing Statement four business days in advance of a scheduled hearing that complies with the provisions of NMAC 19.15.4.13.B.

If you have any questions about this matter, please contact Courtney Carr at (713) 599-4116 or at [Courtney\\_Carr@oxy.com](mailto:Courtney_Carr@oxy.com).

Sincerely,

Adam G. Rankin  
**ATTORNEY FOR OXY USA INC.**

**Location**  
110 North Guadalupe, Suite 1  
Santa Fe, NM 87501-1849

**Mailing Address**  
P.O. Box 2208  
Santa Fe, NM 87504-2208

**Contact**  
p: 505.988.4421 | f: 505.983.6043  
[www.hollandhart.com](http://www.hollandhart.com)

Holland & Hart LLP Anchorage Aspen Billings Boise Boulder Cheyenne Denver Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C.

OXY - Evil Olive 4H and 71H wells - Case no. 23917  
Postal Delivery Report

9414811898765492624257	COG Operating, LLC	600 W Illinois Ave	Midland	TX	79701-4882	Your item was delivered to the front desk, reception area, or mail room at 8:02 am on October 17, 2023 in MIDLAND, TX 79701.
9414811898765492624264	COG Production, LLC	600 W Illinois Ave	Midland	TX	79701-4882	Your item was delivered to the front desk, reception area, or mail room at 8:02 am on October 17, 2023 in MIDLAND, TX 79701.
9414811898765492624226	Marshall and Winston, Inc.	PO Box 50880	Midland	TX	79710-0880	Your item was delivered at 12:20 pm on October 16, 2023 in MIDLAND, TX 79705.
9414811898765492624202	Warwick-Artemis, LLC	6608 N. Western Avenue Box 417	Oklahoma City	OK	73117	Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.
9414811898765492624295	O&G Equity Holding LLC	777 N Eldridge Pkwy Ste 270	Houston	TX	77079-4500	Your item was delivered to an individual at the address at 10:43 am on October 17, 2023 in HOUSTON, TX 77079.
9414811898765492624240	O&G Equity Holding LLC	2700 Post Oak Blvd Ste 1400	Houston	TX	77056-5708	Your item has been delivered to the original sender at 10:09 am on November 2, 2023 in SANTA FE, NM 87501.
9414811898765492624288	McCombs Energy Ltd.	5599 San Felipe St Ste 1200	Houston	TX	77056-2728	Your item was delivered to an individual at the address at 2:50 pm on October 17, 2023 in HOUSTON, TX 77056.
9414811898765492624233	Chevron USA, Inc.	1400 Smith St Unit 41094	Houston	TX	77002-7327	Your item has been delivered to an agent for final delivery in HOUSTON, TX 77002 on October 19, 2023 at 10:43 am.
9414811898765492624271	Chevron USA, Inc.	6301 Deauville Attn Land Department	Midland	TX	79706-2964	Your item was delivered to an individual at the address at 12:47 pm on October 16, 2023 in MIDLAND, TX 79706.

OXY - Evil Olive 4H and 71H wells - Case no. 23917  
 Postal Delivery Report

9414811898765492624813	BLM	301 Dinosaur Trl	Santa Fe	NM	87508-1560	Your item was delivered to the front desk, reception area, or mail room at 12:19 pm on October 16, 2023 in SANTA FE, NM 87508.
9414811898765492624851	Devon Energy Production Company, LP	333 W Sheridan Ave	Oklahoma City	OK	73102-5010	Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.
9414811898765492624868	Penroc Oil Corp.	PO Box 2769	Hobbs	NM	88241-2769	Your item was picked up at the post office at 1:13 pm on October 20, 2023 in HOBBS, NM 88240.
9414811898765492624820	COG Production, LLC	600 W Illinois Ave	Midland	TX	79701-4882	Your item was delivered to the front desk, reception area, or mail room at 8:02 am on October 17, 2023 in MIDLAND, TX 79701.

OXY - Evil Olive 4H and 71H wells - Case no. 23917  
Postal Delivery Report

9214 8901 9403 8337 4477 30	Cibolo Oil & Gas LLC 3600 Bee Cave Road Suite #102 West Lake Hills TX 78746	Delivered Signature Received
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# Carlsbad Current Argus.

PART OF THE USA TODAY NETWORK

## Affidavit of Publication

Ad # 0005844965

This is not an invoice

HOLLAND AND HART  
PO BOX 2208

SANTA FE, NM 87504-2208

I, a legal clerk of the **Carlsbad Current Argus**, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof in editions dated as follows:

10/17/2023



Legal Clerk

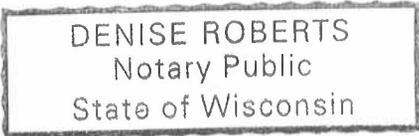
Subscribed and sworn before me this October 17, 2023:



State of WI, County of Brown  
NOTARY PUBLIC

4-6-27

My commission expires



Ad # 0005844965

PO #: 23917

# of Affidavits 1

This is not an invoice

BEFORE THE OIL CONSERVATION DIVISION

Santa Fe, New Mexico

Exhibit No. D

Submitted by: OXY USA Inc.

Hearing Date: February 15, 2024

Case No. 23917

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

The State of New Mexico, Energy Minerals and Natural Resources Department, Oil Conservation Division ("Division") hereby gives notice that the Division will hold public hearings before a hearing examiner on the following cases. The hearings will be conducted remotely on Thursday, November 2, 2023, beginning at 8:15 a.m. To participate in the hearings, see the instructions posted below. The docket may be viewed at <https://www.emnrd.nm.gov/ocd/hearing-info/> or obtained from Marlene Salvidrez, at [Marlene.Salvidrez@emnrd.nm.gov](mailto:Marlene.Salvidrez@emnrd.nm.gov). Documents filed in these cases may be viewed at <https://ocdimage.emnrd.nm.gov/Imaging/Default.aspx>. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in a hearing, contact Marlene Salvidrez at [Marlene.Salvidrez@emnrd.nm.gov](mailto:Marlene.Salvidrez@emnrd.nm.gov), or the New Mexico Relay Network at 1-800-659-1779, no later than October 22, 2023.

Persons may view and participate in the following hearings through the following link: <https://nmemnrd.webex.com/nmemnrd/j.php?MTID=m2782857f226867528004f8664692193a>

Webinar number: 2480 928 8744

Join by video system: 24809288744@nmemnrd.webex.com  
You can also dial 173.243.2.68 and enter your webinar number

Join by phone: 1-844-992-4726 United States Toll Free  
+1-408-418-9388 United States Toll

Access code: 2480 928 8744  
Panelist password: gVU2PbUBJ68 (48827282 from phones and video systems)

**STATE OF NEW MEXICO TO:  
All named parties and persons  
having any right, title, interest  
or claim in the following case  
and notice to the public .**

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

**To: All affected interest owners, including: COG Operating, LLC; COG Production, LLC; Marshall and Winston, Inc.; Warwick-Artemis, LLC; O&G Equity Holding LLC; McCombs Energy Ltd.; Chevron USA, Inc.; Bureau of Land Management; Devon Energy Production Company, LP; Penroc Oil Corp.; and COG Production, LLC.**

**Case No. 23917: Application of OXY USA Inc. for Approval of an Overlapping 960-Acre Non-Standard Horizontal Well Spacing Unit and Compulsory Pooling, Eddy County, New Mexico.** Applicant seeks an order (a) approving an overlapping 960-acre, more or less, non-standard horizontal well spacing unit in the Bone Spring formation underlying Section 35 and the S/2 Section 26, Township 22 South, Range 31 East, NMPM, Eddy County, New Mexico, and (b) pooling all uncommitted mineral owners in this acreage. This spacing unit will be initially dedicated to the following proposed wells:

- **Evil Olive 26 35 Fed Com 4H**, to be drilled from a surface location in the NE/4 SE/4 (Unit I) of Section 26 to a bottomhole location in the SE/4 SE/4 (Unit P) of Section 35; sand

- **Evil Olive 26 35 Fed Com 71H**, to be drilled from a surface location in the NE/4 SW/4 (Unit K) of Section 26 to a bottomhole location in the SW/4 SW/4 (Unit M) of Section 35.

This 960-acre non-standard horizontal well spacing unit will overlap an existing 240-acre standard horizontal well spacing unit comprised of the E/2 SE/4 of Section 26 and the E/2 E/2 of Section 35, Township 22 South, Range 31 East, NMPM, Eddy County, New Mexico, which is operated by COG Operating LLC and dedicated to the Tankless Federal Com #2H well (API: 30-015-44434) within the Livingston Ridge; Bone Spring (Pool Code 39350). Also, to be considered will be the cost of drilling and completing the wells and the allocation of the costs thereof, operating costs and charges for supervision, the designation of applicant as operator, and a 200% charge for risk involved in drilling and completing the wells. Said area is approximately 20 miles northeast of Loving, New Mexico.

#5844965 , Current Argus, October 17, 2023