

**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 FOR THE PURPOSE OF  
CONSIDERING:**

**CASE NO. 15373 (Reopened)  
ORDER NO. R-14054-A**

**APPLICATION OF COG OPERATING LLC TO RE-OPEN CASE NO. 15373 TO  
AMEND ORDER NO. R-14054, LEA COUNTY, NEW MEXICO**

**ORDER OF THE DIVISION**

**BY THE DIVISION:**

This case came on for hearing at 8:15 a.m. on November 17, 2016, at Santa Fe, New Mexico, before Examiner Michael A. McMillan.

NOW, on this 16<sup>th</sup> day of December, 2016, the Division Director, having considered the testimony, the record and the recommendations of the Examiner.

**FINDS THAT:**

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

(2) Pursuant to the application of COG Operating LLC ("COG" or "Applicant", OGRID 229137), in Case No. 15373, the Division issued Order No. R-14054 on October 7, 2015, creating a 240-acre non-standard oil spacing and proration unit and project area in the WC-025 G-09 S243532M; Lower Bone Spring Pool (Pool Code 98098) consisting of the E/2 E/2 of Section 29, and the E/2 NE/4 of Section 32, Township 24 South, Range 35 East, NMPM, Lea County, New Mexico, and pooling uncommitted interests in this spacing unit ("the Unit").

(3) Applicant now seeks to re-open Case No. 15373 and amend Order No. R-14054 to change the pool name to WC-025 G-09 S243532M; Wolfbone Pool (Pool code 98098); reflect the revised vertical boundaries of the pool and Unit, which as now defined comprise portions of the Wolfcamp and Bone Spring formations; and pool all uncommitted interests in the Unit as to all depths included within the revised vertical pool boundaries.

(4) COG is operator of the Viking Helmet State Com. Well No. 1H (the "proposed well"; API No. 30-025-42782), a horizontal well to be drilled from a surface location 190 feet from the North line and 380 feet from the East line (Unit A) of Section 29 to a terminus or bottom-hole location 2310 feet from the North line and 380 feet from the East line (Unit H) of Section 32. The completed interval will be orthodox. Applicant further seeks the pooling of all uncommitted interests in the Unit.

(5) The proposed well has been placed within the WC-025 G-09 S243532M; Wolfbone Pool. Spacing in this pool is governed by Division Rule 19.15.15.9(A) NMAC, which provides for standard 40-acre units, each comprising a governmental quarter-quarter section, and 330-foot setbacks from the unit boundaries. The proposed Unit and project area consists of six (6) adjacent quarter-quarter sections.

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

- (a) the surface location and bottom-hole location of the proposed well has not changed;
- (b) the dedicated acreage in the Unit has not changed;
- (c) Applicant is seeking to pool uncommitted interests in the Unit as to *additional depths included within the Wolfbone interval*.
- (d) the WC-025 G-09 S243532M; Wolfbone Pool's vertical extent is from the top of the Third Bone Spring Carbonate to the Wolfcamp\_B Marker as shown on the logs of the HNG Oil Company Madera 19 Com Well No. 1 (API 30-025-28762); located 660 feet from the South line and 1980 feet from the East line (Unit O), of Section 19, Township 24 South, Range 35 East, NMPM, Lea County, New Mexico;
- (e) all quarter-quarter sections to be included in the Unit are expected to be productive in the Bone Spring and Wolfcamp formations within the pool, so that the Unit as requested will not impair correlative rights;
- (f) notice was provided to lessees or operators of surrounding tracts as affected parties of the proposed non-standard spacing unit; and
- (g) notice was provided to all uncommitted interest owners subject to pooling proceedings as affected parties of the proposed compulsory pooling within the Unit in both the Bone Spring and Wolfcamp formations.

(7) No one else entered an appearance or otherwise opposed this application.

The Division concludes as follows:

(8) The original pool name for the depth interval in which the proposed well will be completed has been changed by the Oil Conservation Division to be WC-025 G-09 S243532M; Wolfbone Pool (pool code 98098). This pool consists of portions of the Bone Spring and Wolfcamp formations.

(9) The request by the Applicant to amend Order No. R-14054 to reflect the revised pool designation by the Division from WC-025 G-09 S243532M; Lower Bone Spring Pool (Pool Code 98098) to WC-025 G-09 S243532M; Wolfbone Pool (Pool Code 98098) should be granted.

(10) The proposed non-standard unit should be approved in order to enable Applicant to complete its horizontal well to efficiently produce the reserves underlying the Unit, thereby preventing waste and protecting correlative rights.

(11) 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.

(12) 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.

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

(14) 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.

(15) COG Operating LLC should be designated the operator of the proposed well and the Unit.

(16) 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.

(17) Reasonable charges for supervision (combined fixed rates) should be fixed at \$7000 per month while drilling and \$700 per month while producing, provided that these rates should be adjusted annually pursuant to Section III.1.A.3. of the COPAS form titled "Accounting Procedure-Joint Operations."

(18) In order to protect correlative rights and prevent waste, COG's request for a different pool name than specified in original Order No. R-14054, and compulsory pooling of uncommitted interests within the revised depth interval, should be approved.

**IT IS THEREFORE ORDERED THAT:**

(1) Pursuant to the application of COG Operating LLC, a 240-acre non-standard oil spacing and proration unit (the "Unit") is hereby established for oil and gas production from the Wolfbone formation, WC-025 G-09 S243532M; Wolfbone Pool (Pool code 98098), comprising the E/2 E/2 of Section 29 and the E/2 NE/4 of Section 32, all in Township 24 South, Range 35 East, NMPM, Lea County, New Mexico.

(2) All uncommitted interests, whatever they may be, in the oil and gas in the Wolfbone formation underlying the Unit, are hereby pooled. The Wolfbone formation is hereby defined for the purposes of this case as extending from the top of the third Bone Spring Carbonate down to the top of the Wolfcamp\_B Marker, as shown on the logs of the HNG Oil Company Madera 19 Com Well No. 1 (API 30-025-28762); located 660 feet from the South line and 1980 feet from the East line (Unit O) of Section 19, Township 24 South, Range 35 East, NMPM, Lea County, New Mexico;

(3) The Unit shall be dedicated to Applicant's Viking Helmet State Com Well No. 1H (the "proposed well"; API No. 30-025-42782), a horizontal well to be drilled from a surface location 190 feet from the North line and 380 feet from the East line (Unit A) of Section 29 to a bottom-hole location 2310 feet from the North line and 380 feet from the East line (Unit H) of Section 32. The location of the completed interval will be standard for oil production within the Unit.

(4) The operator of the Unit shall commence drilling the proposed well on or before December 31, 2017, and shall thereafter continue drilling the proposed well with due diligence to test the Wolfcamp formation.

(5) In the event the operator does not commence drilling the proposed well on or before December 31, 2017, 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.

(6) 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 and project area created by this order 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.

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

(8) COG Operating LLC (OGRID 229137) is hereby designated the operator of the well and the Unit.

(9) 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").

(10) Within 30 days from the date the schedule of estimated well costs is furnished or within 30 days after the issuance of this order if such schedule has been previously 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."

(11) 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.

(12) 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.

(13) The operator is hereby authorized to withhold the following costs and charges from production from each well:

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

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

(15) Reasonable charges for supervision (combined fixed rates) for the well are hereby fixed at \$7000 per month while drilling and \$700 per month while producing, provided that these rates shall be adjusted annually pursuant to Section III.1.A.3. 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, not in excess of what are reasonable, attributable to pooled working interest owners.

(16) Except as provided in Paragraphs (13) and (15) 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).

(17) Any unleased mineral interests shall be considered a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest for the purpose of 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.

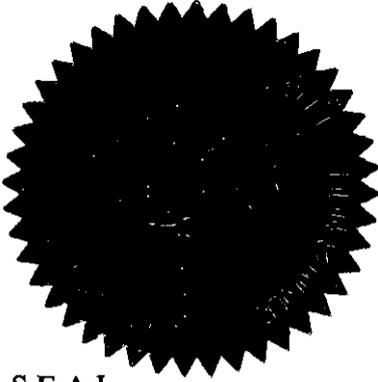
(18) Should all the parties to this compulsory pooling order reach voluntary agreement subsequent to entry of this order, this order shall thereafter be of no further effect.

(19) The operator of the well and the Unit shall notify the Division in writing of the subsequent voluntary agreement of any party subject to the compulsory pooling provisions of this Order.

(20) This order shall supersede Division Order No. R-14054 issued on October 7, 2015, in its entirety.

(21) 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.



SEAL

STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION

DAVID R. CATANACH  
Director