

TABLE OF CONTENTS
OCD Cases 21904-21905
to re-open cases 21226-21227
Colgate Operating, LLC
Affidavit of
Mark Hadjik
EXHIBIT A

1) Affidavit	001-004
2) Ex#A1	
Application to Amend Order R-21354	005-006
3) Ex#A2	
Application to Amend Order R-21355	007-008
4) Ex#A3	
Order No. R-21354	009-015
Order No. R-21354-A	016-021
5) Ex#A4	
Order No. R-21355	022-028
Order No. R-21355-A	029-034

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

**APPLICATION OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING, AND NON-
STANDARD SPACING AND PRORATION UNIT IN
EDDY COUNTY, NEW MEXICO**

**Case No. 21904
Order Nos. R-21354 & R-21354-A
Previous Case No. 21226**

**APPLICATION OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING, AND NON-
STANDARD SPACING AND PRORATION UNIT IN
EDDY COUNTY, NEW MEXICO**

**Case No. 21905
Order Nos. R-21355 & R-21355-A
Previous Case No. 21227**

AFFIDAVIT

**STATE OF TEXAS)
) ss.
COUNTY OF MIDLAND)**

Mark Hadjik, being duly sworn, deposes and states:

1. I am over the age of 18, I am a landman for Colgate Operating, LLC (“Colgate”), and have personal knowledge of the matters stated herein. I have previously testified before the Oil Conservation Division (“Division”) and my credentials as an expert petroleum landman were accepted by the division as a matter of record.

2. I am familiar with the applications filed with by Colgate in the above-referenced cases and the land matters involved. Pursuant to NMAC 19.15.4.12.A(1), the following information is submitted in support of the above referenced compulsory pooling applications filed by Colgate, which are attached hereto as **Exhibits A-1 through A-2**.

3. In Case 21904, Colgate seeks an order from the Oil Conservation Division for the limited purpose of amending Order No. R-21354 (attached hereto as **Exhibit A-3**) to allow for an extension of time of one year for drilling the wells under the Order. The Division issued Order R-21354 on June 10, 2020, which designated Colgate as the operator of the unit and the Dawson 34 Fed State Com 123H, Dawson 34 Fed State Com 133H, Dawson 34 Fed State Com 124H and Dawson 34 Fed State Com 134H wells; and pooled uncommitted interest owners in a 240-acre, more or less, Winchester Bone Spring horizontal spacing unit comprised of the N/2 S/2 of Section 34 and N/2 S/2 of Section 33 and S/2 S/2 of Section 34 and S/2 S/2 of Section 33, Township 19 South, Range 28 East, NMPM, Eddy County New Mexico. The Order requires commencement of drilling the wells within one year of the date of the Order unless Colgate obtains an extension by an amendment of this Order for good cause shown. Good cause exists for Colgate's request for an extension of time due Colgate's drilling schedule due to the COVID-19 pandemic and current market conditions.

4. In Case 21905, Colgate seeks an order from the Oil Conservation Division for the limited purpose of amending Order No. R-21355 (attached hereto as **Exhibit A-4**) to allow for an extension of time of one year for drilling the wells under the Order. The Division issued Order R-21355 on June 10, 2020, which designated Colgate as the operator of the unit and the Shamrock 34 Fed State Com 121H, Shamrock 34 Fed State Com 131H, Shamrock 34 Fed State Com 122H and Shamrock 34 Fed State Com 132H wells, and pooled uncommitted interest owners in a 240-acre, more or less, Winchester Bone Spring horizontal spacing unit comprised of the N/2 N/2 of Section 34 and N/2 N/2 of Section 33 and S/2 N/2 of Section 34 and S/2 N/2 of Section 33, Township 19 South, Range 28 East, NMPM, Eddy County New Mexico. The Order requires commencement of drilling the

wells within one year of the date of the Order unless Colgate obtains an extension by an amendment of this Order for good cause shown. Good cause exists for Colgate's request for an extension of time due Colgate's drilling schedule due to the COVID-19 pandemic and current market conditions.

5. Good cause exists for Colgate's requests for extensions of time because, due to recent market conditions and limitations from the COVID-19 pandemic, Colgate has adjusted its drilling schedule for this development.

6. Colgate requests that the deadline to commence drilling the wells under the Orders be extended for a one year as follows:

Order R-21354 – from June 10, 2021 to June 10, 2022;

Order R-21355 – from June 10, 2021 to June 10, 2022.

7. No opposition is expected. Colgate, through its counsel, provided all working interest owners, any unleased mineral owners, and overriding royalty owners with notice of these applications. No parties have entered an appearance in opposition to these cases.

8. Colgate is in good standing under the statewide rules and regulations.

9. Based upon my knowledge of the land matters involved in these cases, education and training, it is my expert opinion that the granting of Colgate's applications in these cases is in the interests of conservation and the prevention of waste.

10. The attachments to my affidavit were prepared by me or compiled from company business records.

11. Pursuant to Rules 1-011 and 23-115 NMRA, I declare and affirm under penalty of perjury under the laws of the State of New Mexico that the foregoing statements are true and correct to the best of my knowledge and belief.

Dated: 5/26/2021



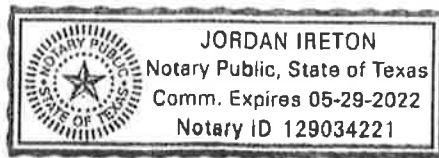
MARK HAJDIK

SUBSCRIBED AND SWORN to before me this 26th day of May, 2021, by MARK HAJDIK on behalf of Colgate Operating, LLC.



Notary Public

My Commission Expires:
5-29-2022



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

**APPLICATION OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING, AND NON-
STANDARD SPACING AND PRORATION UNIT IN
EDDY COUNTY, NEW MEXICO**

Case No. 21904
Order No. R-21354
Previous Case No. 21226

APPLICATION TO AMEND ORDER R-21354

COLGATE OPERATING, LLC, OGRID Number 371449, through its undersigned attorney, files this application with the Oil Conservation Division (“Division”) for the limited purpose of amending Order No. R-21354 (“the Order”) to allow for an extension of time for drilling the well under the Order. In support of this application, Colgate states as follows:

1. The Division heard Case No. 21226 on May 28, 2020 and entered the Order on June 10, 2020.
2. The Order designated Colgate as the operator of the unit and the four proposed wells.
3. Paragraph 20 of the Order states: “The Operator shall commence drilling the initial wells within one (1) year after the date of this Order; and (b) for an infill well, no later than thirty (30) days after completion of the wells”. Paragraph 21 of the Order states: “Operator shall comply with the infill well requirements in 19.15.13.9 NMAC through 19.15.13.12 NMAC”. Paragraph 22 of the Order states: “This Order shall terminate automatically if Operator fails to comply with Paragraphs 20 or 21”.
4. Under the Order, Colgate would be required to commence drilling the well by June 10, 2021.
5. Colgate requests that the Order be re-opened and amended to allow Colgate an



additional year to commence drilling the well under the Order.

6. Colgate requests this extension because there have been changes to Colgate's drilling schedule due to the COVID-19 pandemic and current market conditions.

7. Good cause exists for Colgate's request for an extension of time.

8. Colgate asks that the deadline to commence drilling the well be extended for a year from June 10, 2021 to June 10, 2022.

WHEREFORE, Colgate requests this application be set for hearing before and Examiner of the Oil Conservation Division on June 3, 2021, and after notice and hearing as required by law, the Division amend Order R-21354 to extend the time for Colgate to commence drilling the well under the Order for a year, through June 10, 2022.

PADILLA LAW FIRM, P.A.

By: /s/ Ernest L. Padilla
Ernest L. Padilla
P.O. Box 2523
Santa Fe, New Mexico 87504
(505) 988-7577
padillalaw@qwestoffice.net

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

**APPLICATION OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING, AND NON-
STANDARD SPACING AND PRORATION UNIT IN
EDDY COUNTY, NEW MEXICO**

Case No. 71905
Order No. R-21355
Previous Case No. 21227

APPLICATION TO AMEND ORDER R-21355

COLGATE OPERATING, LLC, OGRID Number 371449, through its undersigned attorney, files this application with the Oil Conservation Division (“Division”) for the limited purpose of amending Order No. R-21355 (“the Order”) to allow for an extension of time for drilling the well under the Order. In support of this application, Colgate states as follows:

1. The Division heard Case No. 21227 on May 28, 2020 and entered the Order on June 10, 2020.
2. The Order designated Colgate as the operator of the unit and the four proposed wells.
3. Paragraph 20 of the Order states: “The Operator shall commence drilling the initial wells within one (1) year after the date of this Order; and (b) for an infill well, no later than thirty (30) days after completion of the wells”. Paragraph 21 of the Order states: “Operator shall comply with the infill well requirements in 19.15.13.9 NMAC through 19.15.13.12 NMAC”. Paragraph 22 of the Order states: “This Order shall terminate automatically if Operator fails to comply with Paragraphs 20 or 21”.
4. Under the Order, Colgate would be required to commence drilling the well by June 10, 2021.
5. Colgate requests that the Order be re-opened and amended to allow Colgate an



Ex.A2-007

additional year to commence drilling the well under the Order.

6. Colgate requests this extension because there have been changes to Colgate's drilling schedule due to the COVID-19 pandemic and current market conditions.

7. Good cause exists for Colgate's request for an extension of time.

8. Colgate asks that the deadline to commence drilling the well be extended for a year from June 10, 2021 to June 10, 2022.

WHEREFORE, Colgate requests this application be set for hearing before and Examiner of the Oil Conservation Division on June 3, 2021, and after notice and hearing as required by law, the Division amend Order R-21355 to extend the time for Colgate to commence drilling the well under the Order for a year, through June 10, 2022.

PADILLA LAW FIRM, P.A.

By: /s/ Ernest L. Padilla
Ernest L. Padilla
P.O. Box 2523
Santa Fe, New Mexico 87504
(505) 988-7577
padillalaw@qwestoffice.net

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

**IN THE MATTER OF APPLICATION FOR
COMPULSORY POOLING SUBMITTED BY
COLGATE OPERATING, LLC**

**CASE NO. 21226
ORDER NO. R-21354**

ORDER

The Director of the New Mexico Oil Conservation Division (“OCD”), having heard this matter through a Hearing Examiner on May 28, 2020, and after considering the testimony, evidence, and recommendation of the Hearing Examiner, issues the following Order.

FINDINGS OF FACT

1. Colgate Operating, LLC (“Operator”) submitted an application (“Application”) to compulsory pool the uncommitted oil and gas interests within the spacing unit (“Unit”) described in Exhibit A. The Unit is expected to be a standard horizontal spacing unit. 19.15.16.15(B) NMAC. Operator seeks to be designated the operator of the Unit.
2. Operator will dedicate the well(s) described in Exhibit A (“Well(s)”) to the Unit.
3. Operator proposes the supervision and risk charges for the Well(s) described in Exhibit A.
4. Operator identified the owners of uncommitted interests in oil and gas minerals in the Unit and provided evidence that notice was given.
5. The Application was heard by the Hearing Examiner on the date specified above, during which Operator presented evidence through affidavits in support of the Application. No other party presented evidence at the hearing.



CONCLUSIONS OF LAW

6. OCD has jurisdiction to issue this Order pursuant to NMSA 1978, Section 70-2-17.
7. Operator is the owner of an oil and gas working interest within the Unit.
8. Operator satisfied the notice requirements for the Application and the hearing as required by 19.15.4.12 NMAC.
9. OCD satisfied the notice requirements for the hearing as required by 19.15.4.9 NMAC.
10. Operator has the right to drill the Well(s) to a common source of supply at the described depth(s) and location(s) in the Unit.
11. The Unit contains separately owned uncommitted interests in oil and gas minerals.
12. Some of the owners of the uncommitted interests have not agreed to commit their interests to the Unit.
13. The pooling of uncommitted interests in the Unit will prevent waste and protect correlative rights, including the drilling of unnecessary wells.
14. This Order affords to the owner of an uncommitted interest the opportunity to produce his just and equitable share of the oil or gas in the pool.

ORDER

15. The uncommitted interests in the Unit are pooled as set forth in Exhibit A.
16. The Unit shall be dedicated to the Well(s) set forth in Exhibit A.
17. Operator is designated as operator of the Unit and the Well(s).
18. If the Surface Location or Bottom Hole Location of a well is changed from the location described in Exhibit A, Operator shall submit an amended Exhibit A, which the Division shall append to this Order.
19. If the location of a well will be unorthodox under the spacing rules in effect at the time of completion, Operator shall obtain the OCD's approval for a non-standard location before commencing production of the well.

20. The Operator shall commence drilling the initial well within one (1) year after the date of this Order; and (b) for an infill well, no later than thirty (30) days after completion of the well.
21. Operator shall comply with the infill well requirements in 19.15.13.9 NMAC through 19.15.13.12 NMAC.
22. This Order shall terminate automatically if Operator fails to comply with Paragraphs 20 or 21.
23. Operator shall submit to OCD and each owner of a working interest in the pool ("Pooled Working Interest") an itemized schedule of estimated costs to drill, complete, and equip the well ("Estimated Well Costs") no later than: (a) for an initial well, no later than thirty (30) days after the date of this Order; (b) for an infill well proposed by Operator, no later than (30) days after the later of the initial notice period pursuant to 19.15.13.10(B) NMAC or the extension granted by the OCD Director pursuant 19.15.13.10(D) NMAC; or (c) for an infill well proposed by an owner of a Pooled Working Interest, no later than thirty (30) days after expiration of the last action required by 19.15.13.11 NMAC.
24. No later than thirty (30) days after Operator submits the Estimated Well Costs , the owner of a Pooled Working Interest shall elect whether to pay its share of the Estimated Well Costs or its share of the actual costs to drill, complete and equip the well ("Actual Well Costs") out of production from the well. An owner of a Pooled Working Interest who elects to pay its share of the Estimated Well Costs shall render payment to Operator no later than thirty (30) days after the expiration of the election period, and shall be liable for operating costs, but not risk charges, for the well. An owner of a Pooled Working Interest who fails to pay its share of the Estimated Well Costs or who elects to pay its share of the Actual Well Costs out of production from the well shall be considered to be a "Non-Consenting Pooled Working Interest."
25. No later than within one hundred eighty (180) days after Operator submits a Form C-105 for a well, Operator shall submit to OCD and each owner of a Pooled Working Interest an itemized schedule of the Actual Well Costs. The Actual Well Costs shall be considered to be the Reasonable Well Costs unless OCD or an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If OCD or an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Reasonable Well Costs after public notice and hearing.
26. No later than sixty (60) days after the later of the expiration of the period to file a written objection to the Actual Well Costs or OCD's order determining the Reasonable Well Costs, each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs shall pay to Operator its share of the Reasonable Well

Costs that exceed the Estimated Well Costs, or Operator shall pay to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs its share of the Estimated Well Costs that exceed the Reasonable Well Costs.

27. The reasonable charges for supervision to drill and produce a well ("Supervision Charges") shall not exceed the rates specified in Exhibit A, provided however that the rates shall be adjusted annually pursuant to the COPAS form entitled "Accounting Procedure-Joint Operations."
28. No later than within ninety (90) days after Operator submits a Form C-105 for a well, Operator shall submit to OCD and each owner of a Pooled Working Interest an itemized schedule of the reasonable charges for operating and maintaining the well ("Operating Charges"), provided however that Operating Charges shall not include the Reasonable Well Costs or Supervision Charges. The Operating Charges shall be considered final unless OCD or an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If OCD or an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Operating Charges after public notice and hearing.
29. Operator may withhold the following costs and charges from the share of production due to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs: (a) the proportionate share of the Supervision Charges; and (b) the proportionate share of the Operating Charges.
30. Operator may withhold the following costs and charges from the share of production due to each owner of a Non-Consenting Pooled Working Interest: (a) the proportionate share of the Reasonable Well Costs; (b) the proportionate share of the Supervision and Operating Charges; and (c) the percentage of the Reasonable Well Costs specified as the charge for risk described in Exhibit A.
31. Each year on the anniversary of this Order, and no later than ninety (90) days after each payout, Operator shall provide to OCD and each owner of a Non-Consenting Pooled Working Interest a schedule of the revenue attributable to a well and the Supervision and Operating Costs charged against that revenue.
32. Any cost or charge that is paid out of production shall be withheld only from the share due to an owner of a Pooled Working Interest. No cost or charge shall be withheld from the share due to an owner of a royalty interests. For the purpose of this Order, an unleased mineral interest shall consist of a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest.
33. Except as provided above, Operator shall hold the revenue attributable to a well that is not disbursed for any reason for the account of the person(s) entitled to the

revenue as provided in the Oil and Gas Proceeds Payment Act, NMSA 1978, Sections 70-10-1 *et seq.*, and relinquish such revenue as provided in the Uniform Unclaimed Property Act, NMSA 1978, Sections 7-8A-1 *et seq.*

34. The Unit shall terminate if (a) the owners of all Pooled Working Interests reach a voluntary agreement; or (b) the well(s) drilled on the Unit are plugged and abandoned in accordance with the applicable rules. Operator shall inform OCD no later than thirty (30) days after such occurrence.
35. OCD retains jurisdiction of this matter for the entry of such orders as may be deemed necessary.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**



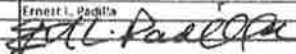
ADRIENNE SANDOVAL
DIRECTOR
AS/tgw

Date: 6/10/2020

Exhibit A

COMPULSORY POOLING APPLICATION CHECKLIST	
ALL INFORMATION IN THE APPLICATION MUST BE SUPPORTED BY SIGNED AFFIDAVITS	
Case: 21226	Applicant's Response
Date May 28, 2020	371449
Applicant	Colgate Operating, LLC
Designated Operator & OGRID (affiliation if applicable)	371449
Applicant's Counsel	Ernest I. Padilla
Case Title:	Application of Colgate Operating, LLC, Case No. 21226 for compulsory pooling, and non-standard spacing and proration unit, Eddy County, New Mexico
Entries of Appearance/Intervenor	Modrall-Lance D. Hough for FOG & James Bruce for Mewbourne
Well Family	Dawson 34 Fed State Com
Formation/Pool	
Formation Name(s) or Verticle Extent	Winchester, Bone Spring
Primary Product (Oil or Gas)	oil
Pooling this verticle extent	Bone Spring Formation
Pool Name and Pool Code	Winchester, Bone Spring (Pool code 65010)
Well Location Setback Rules	Standard
Spacing Unit Size	320 ac
Spacing Unit	
Type (Horizontal/Verticle)	Horizontal
Size (acres)	320
Building Blocks	quarter-quarter sections
Orientation	East to West
Description: TRS/County	N/2 S/2 of Sections 33 & 34 T9S, 28E, Eddy County, NM
Description: TRS/County	1/2 S/2 of Sections 33 & 34 19S, 28E, Eddy County, NM
Standard Horizontal Well Spacing Unit	Yes
Other Situations	
Depth Severance: No	No
Proximity Tracts: If yes, description	No
Proximity Defining Well: If yes, description	No
Applicant's Ownership in Each Tract	Ex. 1 105 through 108
Well(s)	
Name & API (if assigned), surface and bottom hole location footages, completion target, orientation, completion status (standard or non-standard)	<p>Dawson 34 Fed State Com 123H SHL: 1505 feet from the South line and 715 feet from the East line, (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM. BHL: 1650 feet from the South line and 10 feet from the West line (Unit I) of Section 33, Township 19 South, Range 28 East, NMPM. Completion Target: Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD Well Orientation: East to West Completion Location: standard</p> <p>Dawson 34 Fed State Com 133H SHL: 1505 feet from the South line and 760 feet from the East line, (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM. BHL: 1750 feet from the South line and 10 feet from the West line (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM. Completion Target: 3rd Bone Spring Sand at approx 8600 feet TVD. Well Orientation: East to West Completion Location: standard</p> <p>Dawson 34 Fed State Com 124H SHL: 295 feet from the South line and 560 feet from the East line, (Unit P) of Section 34, Township 19 South, Range 28 East, NMPM. BHL: 330 feet from the South line and 10 feet from the West line, (Unit M) of Section 33, Township 19 South, Range 28 East, NMPM. Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD Well Orientation: East to West Completion Location: standard</p> <p>Dawson 34 Fed State Com 134H SHL: 340 feet from the South line and 560 feet from the East line (Unit P) of Section 34, Township 19 South, Range 28 East, NMPM. BHL: 430 feet from the South line and 10 feet from the West line (Unit M) of Section 33, Township 19 South, Range 28 East, NMPM. Completion Target: 3rd Bone Spring Sand at approx 8600 feet TVD Well Orientation: East to West Completion Location: standard</p>
Horizontal Well First and Last Take Points	Exhibit 1 pages 006, 018, 030, 042
Completion Target (Formation, TVD and MD)	Exhibit 1 AFE's pages 120, 123, 124, 125, 126 and also listed above with each well.
	Identify the Exhibit and Page for Information below this line
AFE Capex and Operating Costs	
Drilling Supervision/Month \$	\$8000/\$800
Production Supervision/Month \$	Exhibit 1 pages 123 through 126 for AFE's

CASE NO. 21226
 ORDER NO. R-21354

Justification for Supervision Costs	Exhibit 1, pages 123 through 126 for AFE's
Request Risk Charge	200K please see Exhibit 1, pages 123 through 126 for AFE's
Notice of Hearing	
Proposed Notice of Hearing	Exhibit 3, pages 004-012 (Affidavit of Ernest L. Padilla)
Proof of Mailed Notice of Hearing (20 days before hearing)	Exhibit 3, pages 013 through 025 (Affidavit of Ernest L. Padilla)
Proof of Published Notice of Hearing (10 days before hearing)	Exhibit 3, pages 078-083
Ownership Determination	
Land Ownership Schematic of the Spacing Unit	Exhibit 1, pages 105-108
Tract List (including lease numbers and owners)	Exhibit 1, pages 105-108
Pooled Parties (including ownership type)	Exhibit 1, pages 105-108
Unlocatable Parties to be Pooled	Exhibit 3, pages 021 through 025, pages 078-081
Ownership Depth Severance (including percentage above & below)	None
Joiner	
Sample Copy of Proposed Letter	Exhibit 1, pages 118-119
List of Interest Owners (ie Exhibit A of IOA)	Exhibit 1, pages 105-108
Chronology of Contact with Non-joined Working Interests	Exhibit 1, page 117
Overhead Rates in Proposal Letter	Exhibit 1, pages 118-119
Cost Estimates to Drill and Complete	Exhibit 1, pages 123-126 of AFE's
Cost Estimate to Equip Well	Exhibit 1, pages 123-126 of AFE's
Cost Estimate for Production Facilities	Exhibit 1, pages 123-126 of AFE's
Geology	
Summary (including special considerations)	Exhibit 2, pages 001-002
Spacing Unit Schematic	None
Gunbarrel/Lateral Trajectory Schematic	Exhibit 2, page 005
Well Orientation (with rationale)	none
Target Formation	Exhibit 2, pages 012, 013 & 014
HSU Cross Section	Exhibit 2, pages 012, 013 & 014
Depth Severance Discussion	none
Forms, Figures and Tables	none
C-102	see above
Tracts	Exhibit 2, page 009, 010, 011
Summary of Interests, Unit Recapitulation (Tracts)	none
General Location Map (including basin)	Exhibit 2, page 006
Well Orientation (with rationale)	Exhibit 2, page 009
Structure Contour Map - Subsea Depth	Exhibit 2, page 008 & 010
Cross Section Location Map (including wells)	Exhibit 2, page 012
Cross Section (including Landing Zone)	Exhibit 2, page 013, 014
Additional Information	
CERTIFICATION: I hereby certify that the information provided in this checklist is complete and accurate.	
Printed Name: (Attorney or Party Representative):	Ernest L. Padilla
Signed Name: (Attorney or Party Representative):	
Date: June 4, 2020	

CASE NO. 21226
ORDER NO. R-21354

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

**IN THE MATTER OF APPLICATION FOR
COMPULSORY POOLING SUBMITTED BY
COLGATE OPERATING, LLC**

**CASE NO. 21226
ORDER NO. R-21354-A**

ORDER

The Director of the New Mexico Oil Conservation Division (“OCD”), having heard this matter through a Hearing Examiner on May 28, 2020, and after considering the testimony, evidence, and recommendation of the Hearing Examiner, issues the following Order.

FINDINGS OF FACT

1. Colgate Operating, LLC (“Operator”) submitted an application (“Application”) to compulsory pool the uncommitted oil and gas interests within the spacing unit (“Unit”) described in Exhibit A. The Unit is expected to be a standard horizontal spacing unit. 19.15.16.15(B) NMAC. Operator seeks to be designated the operator of the Unit.
2. Operator will dedicate the well(s) described in Exhibit A (“Well(s)”) to the Unit.
3. Operator proposes the supervision and risk charges for the Well(s) described in Exhibit A.
4. Operator identified the owners of uncommitted interests in oil and gas minerals in the Unit and provided evidence that notice was given.
5. The Application was heard by the Hearing Examiner on the date specified above, during which Operator presented evidence through affidavits in support of the Application. No other party presented evidence at the hearing.

CONCLUSIONS OF LAW

6. OCD has jurisdiction to issue this Order pursuant to NMSA 1978, Section 70-2-17.
7. Operator is the owner of an oil and gas working interest within the Unit.
8. Operator satisfied the notice requirements for the Application and the hearing as required by 19.15.4.12 NMAC.



9. OCD satisfied the notice requirements for the hearing as required by 19.15.4.9 NMAC.
10. Operator has the right to drill the Well(s) to a common source of supply at the depth(s) and location(s) in the Unit described in Exhibit A.
11. The Unit contains separately owned uncommitted interests in oil and gas minerals.
12. Some of the owners of the uncommitted interests have not agreed to commit their interests to the Unit.
13. The pooling of uncommitted interests in the Unit will prevent waste and protect correlative rights, including the drilling of unnecessary wells.
14. This Order affords to the owner of an uncommitted interest the opportunity to produce his just and equitable share of the oil or gas in the pool.

ORDER

15. The uncommitted interests in the Unit are pooled as set forth in Exhibit A.
16. The Unit shall be dedicated to the Well(s) set forth in Exhibit A.
17. Operator is designated as operator of the Unit and the Well(s).
18. If the location of a well will be unorthodox under the spacing rules in effect at the time of completion, Operator shall obtain the OCD's approval for a non-standard location in accordance with 19.15.16.15(C) NMAC.
19. The Operator shall commence drilling the Well(s) within one year after the date of this Order, and complete each Well no later than one (1) year after the commencement of drilling the Well.
20. This Order shall terminate automatically if Operator fails to comply with Paragraph 19 unless Operator obtains an extension by amending this Order for good cause shown.
21. The infill well requirements in 19.15.13.9 NMAC through 19.15.13.12 NMAC shall be applicable.
22. Operator shall submit each owner of an uncommitted working interest in the pool ("Pooled Working Interest") an itemized schedule of estimated costs to drill, complete, and equip the well ("Estimated Well Costs").
23. No later than thirty (30) days after Operator submits the Estimated Well Costs, the owner of a Pooled Working Interest shall elect whether to pay its share of the Estimated Well Costs or its share of the actual costs to drill, complete and equip the

well ("Actual Well Costs") out of production from the well. An owner of a Pooled Working Interest who elects to pay its share of the Estimated Well Costs shall render payment to Operator no later than thirty (30) days after the expiration of the election period, and shall be liable for operating costs, but not risk charges, for the well. An owner of a Pooled Working Interest who fails to pay its share of the Estimated Well Costs or who elects to pay its share of the Actual Well Costs out of production from the well shall be considered to be a "Non-Consenting Pooled Working Interest."

24. No later than one hundred eighty (180) days after Operator submits a Form C-105 for a well, Operator shall submit to each owner of a Pooled Working Interest an itemized schedule of the Actual Well Costs. The Actual Well Costs shall be considered to be the Reasonable Well Costs unless an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Reasonable Well Costs after public notice and hearing.
25. No later than sixty (60) days after the expiration of the period to file a written objection to the Actual Well Costs or OCD's order determining the Reasonable Well Costs, whichever is later, each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs shall pay to Operator its share of the Reasonable Well Costs that exceed the Estimated Well Costs, or Operator shall pay to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs its share of the Estimated Well Costs that exceed the Reasonable Well Costs.
26. The reasonable charges for supervision to drill and produce a well ("Supervision Charges") shall not exceed the rates specified in Exhibit A, provided however that the rates shall be adjusted annually pursuant to the COPAS form entitled "Accounting Procedure-Joint Operations."
27. No later than within ninety (90) days after Operator submits a Form C-105 for a well, Operator shall submit to each owner of a Pooled Working Interest an itemized schedule of the reasonable charges for operating and maintaining the well ("Operating Charges"), provided however that Operating Charges shall not include the Reasonable Well Costs or Supervision Charges. The Operating Charges shall be considered final unless an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Operating Charges after public notice and hearing.
28. Operator may withhold the following costs and charges from the share of production due to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs: (a) the proportionate share of the Supervision Charges; and (b) the proportionate share of the Operating Charges.

29. Operator may withhold the following costs and charges from the share of production due to each owner of a Non-Consenting Pooled Working Interest: (a) the proportionate share of the Reasonable Well Costs; (b) the proportionate share of the Supervision and Operating Charges; and (c) the percentage of the Reasonable Well Costs specified as the charge for risk described in Exhibit A.
30. Operator shall distribute a proportionate share of the costs and charges withheld pursuant to paragraph 29 to each Pooled Working Interest that paid its share of the Estimated Well Costs.
31. Each year on the anniversary of this Order, and no later than ninety (90) days after each payout, Operator shall provide to each owner of a Non-Consenting Pooled Working Interest a schedule of the revenue attributable to a well and the Supervision and Operating Costs charged against that revenue.
32. Any cost or charge that is paid out of production shall be withheld only from the share due to an owner of a Pooled Working Interest. No cost or charge shall be withheld from the share due to an owner of a royalty interests. For the purpose of this Order, an unleased mineral interest shall consist of a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest.
33. Except as provided above, Operator shall hold the revenue attributable to a well that is not disbursed for any reason for the account of the person(s) entitled to the revenue as provided in the Oil and Gas Proceeds Payment Act, NMSA 1978, Sections 70-10-1 *et seq.*, and relinquish such revenue as provided in the Uniform Unclaimed Property Act, NMSA 1978, Sections 7-8A-1 *et seq.*
34. The Unit shall terminate if (a) the owners of all Pooled Working Interests reach a voluntary agreement; or (b) the well(s) drilled on the Unit are plugged and abandoned in accordance with the applicable rules. Operator shall inform OCD no later than thirty (30) days after such occurrence.
35. OCD retains jurisdiction of this matter for the entry of such orders as may be deemed necessary.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION



ADRIENNE SANDOVAL
DIRECTOR
AES/jag

Date: 9/25/2020

Exhibit A

COMPULSORY POOLING APPLICATION CHECKLIST	
ALL INFORMATION IN THE APPLICATION MUST BE SUPPORTED BY SIGNED AFFIDAVITS	
Case: 21226	Applicant's Response
Date: May 28, 2020	3/14/49
Applicant	Colgate Operating, LLC
Designated Operator & OGRID (affiliation if applicable)	3/14/49
Applicant's Counsel	Ernest L. Padilla
Case Title:	Application of Colgate Operating, LLC, Case No. 21226 for compulsory pooling, and non-standard spacing and proration unit, Eddy County, New Mexico
Entries of Appearance/Intervenor	Modrall-Lance D. Hough for EOG & James Bruce for Mewbourne
Well Family	Dawson 34 Fed State Com
Formation/Pool	
Formation Name(s) or Verticle Extent	Winchester, Bone Spring
Primary Product (Oil or Gas)	oil
Pooling this verticle extent	Bone Spring Formation
Pool Name and Pool Code	Winchester, Bone Spring (Pool code 85010)
Well Location Setback Rules	Standard
Spacing Unit Size	320 ac
Spacing Unit	
Type (Horizontal/Verticle)	Horizontal
Size (acres)	320
Building Blocks	quarter-quarter sections
Orientation	East to West
Description: TRS/County	N/2 S/2 of Sections 33 & 34 19S, 28E, Eddy County, NM
Description: TRS/County	S/2 S/2 of Sections 33 & 34 19S, 28E, Eddy County, NM
Standard Horizontal Well Spacing Unit	Yes
Other Situations	
Depth Severance: No	No
Proximity Tracts: if yes, description	No
Proximity Defining Well: if yes, description	No
Applicant's Ownership in Each Tract	Ex. 1 10S through 10B
Well(s)	
Name & API (if assigned), surface and bottom hole location	
Footages, completion target, orientation, completion status (standard or non-standard)	<p>Dawson 34 Fed State Com 123H SHL: 1505 feet from the South line and 715 feet from the East line, (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM. BHL: 1650 feet from the South line and 10 feet from the West line (Unit L) of Section 33, Township 19 South, Range 28 East, NMPM. Completion Target: Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD Well Orientation: East to West Completion Location: standard</p> <p>Dawson 34 Fed State Com 133H SHL: 1505 feet from the South line and 760 feet from the East line, (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM. BHL: 1750 feet from the South line and 10 feet from the West line (Unit L) of Section 34, Township 19 South, Range 28 East, NMPM. Completion Target: 3rd Bone Spring Sand at approx 8600 feet TVD. Well Orientation: East to West Completion Location: standard</p> <p>Dawson 34 Fed State Com 124H SHL: 295 feet from the South line and 560 feet from the East line, (Unit P) of Section 34, Township 19 South, Range 28 East, NMPM. BHL: 330 feet from the South line and 10 feet from the West line, (Unit M) of Section 33, Township 19 South, Range 28 East, NMPM. Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD Well Orientation: East to West Completion Location: standard</p> <p>Dawson 34 Fed State Com 134H SHL: 340 feet from the South line and 560 feet from the East line (Unit P) of Section 34, Township 19 South, Range 28 East, NMPM. BHL: 430 feet from the South line and 10 feet from the West line (Unit M) of Section 33, Township 19 South, Range 28 East, NMPM. Completion Target: 3rd Bone Spring Sand at approx 8600 feet TVD Well Orientation: East to West Completion Location: standard</p>
Horizontal Well First and Last Take Points	Exhibit 1 pages 006, 018, 030, 042
Completion Target (Formation, TVD and MD)	Exhibit 1 AFF's pages 120, 123, 124, 125, 126 and also listed above with each well.
	Identify the Exhibit and Page for Information below this line
AFF Capex and Operating Costs	
Drilling Supervision/Month \$	58000/5800
Production Supervision/Month \$	Exhibit 1 pages 123 through 126 for AFF's

CASE NO. 21226
 ORDER NO. R-21354-A

Justification for Supervision Costs	Exhibit 1 pages 123 through 126 for AFE's
Request Risk Charge	200% please see Exhibit 1 pages 123 through 126 for AFE's
Notice of Hearing	
Proposed Notice of Hearing	Exhibit 3 pages 094-012 (Affidavit of Ernest L. Padilla)
Proof of Mailed Notice of Hearing (20 days before hearing)	Exhibit 3 pages 013 through 025 (Affidavit of Ernest L. Padilla)
Proof of Published Notice of Hearing (10 days before hearing)	Exhibit 3 pages 078-083
Ownership Determination	
Land Ownership Schematic of the Spacing Unit	Exhibit 1, pages 105-108
Tract List (including lease numbers and owners)	Exhibit 1, pages 105-108
Pooled Parties (including ownership type)	Exhibit 1, pages 105-108
Unlocatable Parties to be Pooled	Exhibit 1, pages 021 through 025 pages 078-083
Ownership Depth Severance (including percentage above & below)	None
Folder	
Sample Copy of Proposed Letter	Exhibit 1, pages 118-119
List of Interest Owners (ie Exhibit A of IOA)	Exhibit 1, pages 105-108
Chronology of Contact with Non-joined Working Interests	Exhibit 1, page 117
Overhead Rates in Proposal Letter	Exhibit 1, pages 118-119
Cost Estimates to Drill and Complete	Exhibit 1, pages 123-126 of AFE's
Cost Estimate to Equip Well	Exhibit 1, pages 123-126 of AFE's
Cost Estimate for Production Facilities	Exhibit 1, pages 123-126 of AFE's
Geology	
Summary (including special considerations)	Exhibit 2, pages 001-002
Spacing Unit Schematic	None
Gunbarrel/Lateral Trajectory Schematic	Exhibit 2, page 005
Well Orientation (with rationale)	none
Target Formation	Exhibit 2, pages 012, 013 & 014
HISU Cross Section	Exhibit 2, pages 012, 013 & 014
Depth Severance Discussion	none
Forms, Figures and Tables	none
C-102	see above
Tracts	Exhibit 2, page 009, 010, 011
Summary of Interests, Unit Recapitulation (Tracts)	none
General Location Map (including basin)	Exhibit 2, page 006
Well Orientation (with rationale)	Exhibit 2, page 009
Structure Contour Map - Subsea Depth	Exhibit 2, page 008 & 010
Cross Section Location Map (including wells)	Exhibit 2, page 012
Cross Section (including Landing Zone)	Exhibit 2, page 013, 014
Additional Information	
CERTIFICATION: I hereby certify that the information provided in this checklist is complete and accurate.	
Printed Name: (Attorney or Party Representative):	Ernest L. Padilla
Signed Name: (Attorney or Party Representative):	<i>Ernest L. Padilla</i>
Date: June 4, 2020	

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

**IN THE MATTER OF APPLICATION FOR
COMPULSORY POOLING SUBMITTED BY
COLGATE OPERATING, LLC**

**CASE NO. 21227
ORDER NO. R-21355**

ORDER

The Director of the New Mexico Oil Conservation Division (“OCD”), having heard this matter through a Hearing Examiner on May 28, 2020, and after considering the testimony, evidence, and recommendation of the Hearing Examiner, issues the following Order.

FINDINGS OF FACT

1. Colgate Operating, LLC (“Operator”) submitted an application (“Application”) to compulsory pool the uncommitted oil and gas interests within the spacing unit (“Unit”) described in Exhibit A. The Unit is expected to be a standard horizontal spacing unit. 19.15.16.15(B) NMAC. Operator seeks to be designated the operator of the Unit.
2. Operator will dedicate the well(s) described in Exhibit A (“Well(s)”) to the Unit.
3. Operator proposes the supervision and risk charges for the Well(s) described in Exhibit A.
4. Operator identified the owners of uncommitted interests in oil and gas minerals in the Unit and provided evidence that notice was given.
5. The Application was heard by the Hearing Examiner on the date specified above, during which Operator presented evidence through affidavits in support of the Application. No other party presented evidence at the hearing.



CONCLUSIONS OF LAW

6. OCD has jurisdiction to issue this Order pursuant to NMSA 1978, Section 70-2-17.
7. Operator is the owner of an oil and gas working interest within the Unit.
8. Operator satisfied the notice requirements for the Application and the hearing as required by 19.15.4.12 NMAC.
9. OCD satisfied the notice requirements for the hearing as required by 19.15.4.9 NMAC.
10. Operator has the right to drill the Well(s) to a common source of supply at the described depth(s) and location(s) in the Unit.
11. The Unit contains separately owned uncommitted interests in oil and gas minerals.
12. Some of the owners of the uncommitted interests have not agreed to commit their interests to the Unit.
13. The pooling of uncommitted interests in the Unit will prevent waste and protect correlative rights, including the drilling of unnecessary wells.
14. This Order affords to the owner of an uncommitted interest the opportunity to produce his just and equitable share of the oil or gas in the pool.

ORDER

15. The uncommitted interests in the Unit are pooled as set forth in Exhibit A.
16. The Unit shall be dedicated to the Well(s) set forth in Exhibit A.
17. Operator is designated as operator of the Unit and the Well(s).
18. If the Surface Location or Bottom Hole Location of a well is changed from the location described in Exhibit A, Operator shall submit an amended Exhibit A, which the Division shall append to this Order.
19. If the location of a well will be unorthodox under the spacing rules in effect at the time of completion, Operator shall obtain the OCD's approval for a non-standard location before commencing production of the well.

20. The Operator shall commence drilling the initial well within one (1) year after the date of this Order; and (b) for an infill well, no later than thirty (30) days after completion of the well.
21. Operator shall comply with the infill well requirements in 19.15.13.9 NMAC through 19.15.13.12 NMAC.
22. This Order shall terminate automatically if Operator fails to comply with Paragraphs 20 or 21.
23. Operator shall submit to OCD and each owner of a working interest in the pool ("Pooled Working Interest") an itemized schedule of estimated costs to drill, complete, and equip the well ("Estimated Well Costs") no later than: (a) for an initial well, no later than thirty (30) days after the date of this Order; (b) for an infill well proposed by Operator, no later than (30) days after the later of the initial notice period pursuant to 19.15.13.10(B) NMAC or the extension granted by the OCD Director pursuant 19.15.13.10(D) NMAC; or (c) for an infill well proposed by an owner of a Pooled Working Interest, no later than thirty (30) days after expiration of the last action required by 19.15.13.11 NMAC.
24. No later than thirty (30) days after Operator submits the Estimated Well Costs , the owner of a Pooled Working Interest shall elect whether to pay its share of the Estimated Well Costs or its share of the actual costs to drill, complete and equip the well ("Actual Well Costs") out of production from the well. An owner of a Pooled Working Interest who elects to pay its share of the Estimated Well Costs shall render payment to Operator no later than thirty (30) days after the expiration of the election period, and shall be liable for operating costs, but not risk charges, for the well. An owner of a Pooled Working Interest who fails to pay its share of the Estimated Well Costs or who elects to pay its share of the Actual Well Costs out of production from the well shall be considered to be a "Non-Consenting Pooled Working Interest."
25. No later than within one hundred eighty (180) days after Operator submits a Form C-105 for a well, Operator shall submit to OCD and each owner of a Pooled Working Interest an itemized schedule of the Actual Well Costs. The Actual Well Costs shall be considered to be the Reasonable Well Costs unless OCD or an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If OCD or an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Reasonable Well Costs after public notice and hearing.
26. No later than sixty (60) days after the later of the expiration of the period to file a written objection to the Actual Well Costs or OCD's order determining the Reasonable Well Costs, each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs shall pay to Operator its share of the Reasonable Well

Costs that exceed the Estimated Well Costs, or Operator shall pay to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs its share of the Estimated Well Costs that exceed the Reasonable Well Costs.

27. The reasonable charges for supervision to drill and produce a well ("Supervision Charges") shall not exceed the rates specified in Exhibit A, provided however that the rates shall be adjusted annually pursuant to the COPAS form entitled "Accounting Procedure-Joint Operations."
28. No later than within ninety (90) days after Operator submits a Form C-105 for a well, Operator shall submit to OCD and each owner of a Pooled Working Interest an itemized schedule of the reasonable charges for operating and maintaining the well ("Operating Charges"), provided however that Operating Charges shall not include the Reasonable Well Costs or Supervision Charges. The Operating Charges shall be considered final unless OCD or an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If OCD or an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Operating Charges after public notice and hearing.
29. Operator may withhold the following costs and charges from the share of production due to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs: (a) the proportionate share of the Supervision Charges; and (b) the proportionate share of the Operating Charges.
30. Operator may withhold the following costs and charges from the share of production due to each owner of a Non-Consenting Pooled Working Interest: (a) the proportionate share of the Reasonable Well Costs; (b) the proportionate share of the Supervision and Operating Charges; and (c) the percentage of the Reasonable Well Costs specified as the charge for risk described in Exhibit A.
31. Each year on the anniversary of this Order, and no later than ninety (90) days after each payout, Operator shall provide to OCD and each owner of a Non-Consenting Pooled Working Interest a schedule of the revenue attributable to a well and the Supervision and Operating Costs charged against that revenue.
32. Any cost or charge that is paid out of production shall be withheld only from the share due to an owner of a Pooled Working Interest. No cost or charge shall be withheld from the share due to an owner of a royalty interests. For the purpose of this Order, an unleased mineral interest shall consist of a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest.
33. Except as provided above, Operator shall hold the revenue attributable to a well that is not disbursed for any reason for the account of the person(s) entitled to the

revenue as provided in the Oil and Gas Proceeds Payment Act, NMSA 1978, Sections 70-10-1 *et seq.*, and relinquish such revenue as provided in the Uniform Unclaimed Property Act, NMSA 1978, Sections 7-8A-1 *et seq.*

34. The Unit shall terminate if (a) the owners of all Pooled Working Interests reach a voluntary agreement; or (b) the well(s) drilled on the Unit are plugged and abandoned in accordance with the applicable rules. Operator shall inform OCD no later than thirty (30) days after such occurrence.
35. OCD retains jurisdiction of this matter for the entry of such orders as may be deemed necessary.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**



**ADRIENNE SANDOVAL
DIRECTOR**

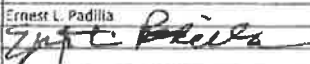
AS/tgw

Date: 6/10/2020

Exhibit A

COMPULSORY POOLING APPLICATION CHECKLIST	
ALL INFORMATION IN THE APPLICATION MUST BE SUPPORTED BY SIGNED AFFIDAVITS	
Case: 21227	Applicant's Response
Date	
Applicant	Colgate Operating, LLC
Designated Operator & OGRID (affiliation if applicable)	371449
Applicant's Counsel	Ernest L. Padilla
Case Title:	Application of Colgate Operating, LLC, Case No. 21227 for compulsory pooling, and non-standard spacing and proration unit, Eddy County, New Mexico
Entries of Appearance/Intervenors	Madraill-Lanre O. Hough for EOG James Bruce for Mewbourne
Well Family	Shamrock 34 Fed State Com
Formation/Pool	
Formation Name(s) or Verticle Extent	Winchester, Bone Spring
Primary Product (Oil or Gas)	oil
Pooling this verticle extent	Bone Spring Formation
Pool Name and Pool Code	Winchester, Bone Spring (Pool code 65010)
Well Location Setback Rules	Standard
Spacing Unit Size	320 ac
Spacing Unit	
Type (Horizontal/Verticle)	Horizontal
Size (acres)	320
Building Blocks	quarter-quarter sections
Orientation	East to West
Description: TRS/County	N/2 N/2 of Sections 33 & 34, 19S, 28E, Eddy County, NM
Description: TRS/County	S/2 S/2 of Sections 33 & 34, 19S, 28E, Eddy County, NM
Standard Horizontal Well Spacing Unit	Yes
Other Situations	
Depth Severance: No	No
Proximity Tracts: If yes, description	No
Proximity Defining Well: If yes, description	No
Applicant's Ownership in Each Tract	Exhibit 1 109 through 116
Well(s)	
Name & API (if assigned), surface and bottom hole location footages, completion target, orientation, completion status (standard or non-standard)	<p>Shamrock 34 Fed State Com 121H SHL: 700 feet from the North line and 330 feet from the West line (Unit D) of Section 35, Township 19 South, Range 28 East, NMPM. BHL: 990 feet from the North line and 10 feet from the West line (Unit D) of Section 33, Township 19 South, Range 28 East, NMPM Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD Well Orientation: East to West Completion Location: standard</p> <p>Shamrock 34 Fed State Com 131H SHL: 655 feet from the North line and 330 feet from the West line (Unit D) of Section 35, Township 19 South, Range 28 East, NMPM. BHL: 890 feet from the North line and 10 feet from the West line (Unit D) of Section 33, Township 19 South, Range 28 East, NMPM Completion Target: 3rd Bone Spring Sand at approx 8600 feet TVD Well Orientation: East to West Completion Location: standard</p> <p>Shamrock 34 Fed State Com 122H SHL: 2610 feet from the South line and 295 feet from the East line, (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM. BHL: 2310 feet from the North line and 10 feet from the West line, (Unit F) of Section 33, Township 19 South, Range 28 East, NMPM Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD Well Orientation: East to West Completion Location: standard</p> <p>Shamrock 34 Fed State Com 132H SHL: 2610 feet from the South line and 340 feet from the East line (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM</p>

CASE NO. 21227
 ORDER NO. R-21355

	BHL 2210 feet from the North line and 10 feet from the West line (Unit E) of Section 33, Township 19 South, Range 28 East, NMMP Completion Target: 3rd Bone Spring Sand at approx 8600 feet TVD Well Orientation: East to West Completion Location: standard
Horizontal Well First and Last Take Points	Exhibit 1 pages 054, 067, 081, 093
Completion Target (Formation, TVD and MD)	Exhibit 1 AFE's pgs. 120 - 122 pgs. 127 - 130 and also listed above with each well.
	Identify the Exhibit and Page for information below this line
AFE Capex and Operating Costs	
Drilling Supervision/Month \$	\$8000/\$800
Production Supervision/Month \$	Exhibit 1 pages 127 through 130 AFE's
Justification for Supervision Costs	Exhibit 1 pages 127 through 130 AFE's
Request Risk Charge	200% Exhibit 1 pages 127 through 130 AFE's
Notice of Hearing	
Proposed Notice of Hearing	Exhibit 3 pages 027-036 (Affidavit of Ernest L. Padilla)
Proof of Mailed Notice of Hearing (20 days before hearing)	Exhibit 3 pages 037 through 066 (Affidavit of Ernest L. Padilla)
Proof of Published Notice of Hearing (10 days before hearing)	Exhibit 3 pages 078-083
Ownership Determination	
Land Ownership Schematic of the Spacing Unit	Exhibit 1 pages 109 through 116
Tract List (including lease numbers and owners)	Exhibit 1 pages 109 through 116
Pooled Parties (including ownership type)	Exhibit 1 pages 109 through 116
Unlocatable Parties to be Pooled	Exhibit 3 pages 067 through 077 (returns) pages 078-083 (publication notice)
Ownership Depth Severance (Including percentage above & below)	None
Joinder	
Sample Copy of Proposed Letter	Exhibit 1 pages 120 through 122
List of Interest Owners (ie Exhibit A of JOA)	Exhibit 1 pages 109 through 116
Chronology of Contact with Non-Joined Working Interests	Exhibit 1 page 117
Overhead Rates in Proposal Letter	Exhibit 1 pages 120 through 122
Cost Estimates to Drill and Complete	Exhibit 1 pages 127 through 130 AFE's
Cost Estimate to Equip Well	Exhibit 1 pages 127 through 130 AFE's
Cost Estimate for Production Facilities	Exhibit 1 pages 127 through 130 AFE's
Geology	
Summary (including special considerations)	Exhibit 2 pages 001 through 002
Spacing Unit Schematic	None
Gunbarrel/Lateral Trajectory Schematic	Exhibit 2 page 016
Well Orientation (with rationale)	None
Target Formation	Exhibit 2 pages 023, 024 & 025
HSU Cross Section	Exhibit 2 pages 024, 024 & 025
Depth Severance Discussion	None
Forms, Figures and Tables	None
C-102	See Above
Tracts	Exhibit 2 pages 016, 018, 019, 020, 021
Summary of Interests, Unit Recapitulation (Tracts)	None
General Location Map (Including basin)	Exhibit 2 page 017
Well Orientation (with rationale)	Exhibit 2 page 018
Structure Contour Map - Subsea Depth	Exhibit 2 page 019
Cross Section Location Map (Including wells)	Exhibit 2 page 018
Cross Section (Including Landing Zone)	Exhibit 2 pages 023, 024 & 025
Additional Information	
CERTIFICATION: I hereby certify that the information provided in this checklist is complete and accurate.	
Printed Name: (Attorney or Party Representative):	Ernest L. Padilla
Signed Name: (Attorney or Party Representative):	
Date: June 4, 2020	

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

**IN THE MATTER OF APPLICATION FOR
COMPULSORY POOLING SUBMITTED BY
COLGATE OPERATING, LLC**

**CASE NO. 21227
ORDER NO. R-21355-A**

ORDER

The Director of the New Mexico Oil Conservation Division (“OCD”), having heard this matter through a Hearing Examiner on May 28, 2020, and after considering the testimony, evidence, and recommendation of the Hearing Examiner, issues the following Order.

FINDINGS OF FACT

1. Colgate Operating, LLC (“Operator”) submitted an application (“Application”) to compulsory pool the uncommitted oil and gas interests within the spacing unit (“Unit”) described in Exhibit A. The Unit is expected to be a standard horizontal spacing unit. 19.15.16.15(B) NMAC. Operator seeks to be designated the operator of the Unit.
2. Operator will dedicate the well(s) described in Exhibit A (“Well(s)”) to the Unit.
3. Operator proposes the supervision and risk charges for the Well(s) described in Exhibit A.
4. Operator identified the owners of uncommitted interests in oil and gas minerals in the Unit and provided evidence that notice was given.
5. The Application was heard by the Hearing Examiner on the date specified above, during which Operator presented evidence through affidavits in support of the Application. No other party presented evidence at the hearing.

CONCLUSIONS OF LAW

6. OCD has jurisdiction to issue this Order pursuant to NMSA 1978, Section 70-2-17.
7. Operator is the owner of an oil and gas working interest within the Unit.
8. Operator satisfied the notice requirements for the Application and the hearing as required by 19.15.4.12 NMAC.



9. OCD satisfied the notice requirements for the hearing as required by 19.15.4.9 NMAC.
10. Operator has the right to drill the Well(s) to a common source of supply at the depth(s) and location(s) in the Unit described in Exhibit A.
11. The Unit contains separately owned uncommitted interests in oil and gas minerals.
12. Some of the owners of the uncommitted interests have not agreed to commit their interests to the Unit.
13. The pooling of uncommitted interests in the Unit will prevent waste and protect correlative rights, including the drilling of unnecessary wells.
14. This Order affords to the owner of an uncommitted interest the opportunity to produce his just and equitable share of the oil or gas in the pool.

ORDER

15. The uncommitted interests in the Unit are pooled as set forth in Exhibit A.
16. The Unit shall be dedicated to the Well(s) set forth in Exhibit A.
17. Operator is designated as operator of the Unit and the Well(s).
18. If the location of a well will be unorthodox under the spacing rules in effect at the time of completion, Operator shall obtain the OCD's approval for a non-standard location in accordance with 19.15.16.15(C) NMAC.
19. The Operator shall commence drilling the Well(s) within one year after the date of this Order, and complete each Well no later than one (1) year after the commencement of drilling the Well.
20. This Order shall terminate automatically if Operator fails to comply with Paragraph 19 unless Operator obtains an extension by amending this Order for good cause shown.
21. The infill well requirements in 19.15.13.9 NMAC through 19.15.13.12 NMAC shall be applicable.
22. Operator shall submit each owner of an uncommitted working interest in the pool ("Pooled Working Interest") an itemized schedule of estimated costs to drill, complete, and equip the well ("Estimated Well Costs").
23. No later than thirty (30) days after Operator submits the Estimated Well Costs, the owner of a Pooled Working Interest shall elect whether to pay its share of the Estimated Well Costs or its share of the actual costs to drill, complete and equip the

well ("Actual Well Costs") out of production from the well. An owner of a Pooled Working Interest who elects to pay its share of the Estimated Well Costs shall render payment to Operator no later than thirty (30) days after the expiration of the election period, and shall be liable for operating costs, but not risk charges, for the well. An owner of a Pooled Working Interest who fails to pay its share of the Estimated Well Costs or who elects to pay its share of the Actual Well Costs out of production from the well shall be considered to be a "Non-Consenting Pooled Working Interest."

24. No later than one hundred eighty (180) days after Operator submits a Form C-105 for a well, Operator shall submit to each owner of a Pooled Working Interest an itemized schedule of the Actual Well Costs. The Actual Well Costs shall be considered to be the Reasonable Well Costs unless an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Reasonable Well Costs after public notice and hearing.
25. No later than sixty (60) days after the expiration of the period to file a written objection to the Actual Well Costs or OCD's order determining the Reasonable Well Costs, whichever is later, each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs shall pay to Operator its share of the Reasonable Well Costs that exceed the Estimated Well Costs, or Operator shall pay to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs its share of the Estimated Well Costs that exceed the Reasonable Well Costs.
26. The reasonable charges for supervision to drill and produce a well ("Supervision Charges") shall not exceed the rates specified in Exhibit A, provided however that the rates shall be adjusted annually pursuant to the COPAS form entitled "Accounting Procedure-Joint Operations."
27. No later than within ninety (90) days after Operator submits a Form C-105 for a well, Operator shall submit to each owner of a Pooled Working Interest an itemized schedule of the reasonable charges for operating and maintaining the well ("Operating Charges"), provided however that Operating Charges shall not include the Reasonable Well Costs or Supervision Charges. The Operating Charges shall be considered final unless an owner of a Pooled Working Interest files a written objection no later than forty-five (45) days after receipt of the schedule. If an owner of a Pooled Working Interest files a timely written objection, OCD shall determine the Operating Charges after public notice and hearing.
28. Operator may withhold the following costs and charges from the share of production due to each owner of a Pooled Working Interest who paid its share of the Estimated Well Costs: (a) the proportionate share of the Supervision Charges; and (b) the proportionate share of the Operating Charges.

29. Operator may withhold the following costs and charges from the share of production due to each owner of a Non-Consenting Pooled Working Interest: (a) the proportionate share of the Reasonable Well Costs; (b) the proportionate share of the Supervision and Operating Charges; and (c) the percentage of the Reasonable Well Costs specified as the charge for risk described in Exhibit A.
30. Operator shall distribute a proportionate share of the costs and charges withheld pursuant to paragraph 29 to each Pooled Working Interest that paid its share of the Estimated Well Costs.
31. Each year on the anniversary of this Order, and no later than ninety (90) days after each payout, Operator shall provide to each owner of a Non-Consenting Pooled Working Interest a schedule of the revenue attributable to a well and the Supervision and Operating Costs charged against that revenue.
32. Any cost or charge that is paid out of production shall be withheld only from the share due to an owner of a Pooled Working Interest. No cost or charge shall be withheld from the share due to an owner of a royalty interests. For the purpose of this Order, an unleased mineral interest shall consist of a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest.
33. Except as provided above, Operator shall hold the revenue attributable to a well that is not disbursed for any reason for the account of the person(s) entitled to the revenue as provided in the Oil and Gas Proceeds Payment Act, NMSA 1978, Sections 70-10-1 *et seq.*, and relinquish such revenue as provided in the Uniform Unclaimed Property Act, NMSA 1978, Sections 7-8A-1 *et seq.*
34. The Unit shall terminate if (a) the owners of all Pooled Working Interests reach a voluntary agreement; or (b) the well(s) drilled on the Unit are plugged and abandoned in accordance with the applicable rules. Operator shall inform OCD no later than thirty (30) days after such occurrence.
35. OCD retains jurisdiction of this matter for the entry of such orders as may be deemed necessary.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION



ADRIENNE SANDOVAL
DIRECTOR


AES/jag

Date: 9/25/2020

Exhibit A

COMPULSORY POOLING APPLICATION CHECKLIST	
ALL INFORMATION IN THE APPLICATION MUST BE SUPPORTED BY SIGNED AFFIDAVITS	
Case: 21227	Applicant's Response
Date	
Applicant	Colgate Operating, LLC
Designated Operator & OGRID (affiliation if applicable)	371449
Applicant's Counsel	Ernest L. Padilla
Case Title:	Application of Colgate Operating, LLC, Case No. 21227 for compulsory pooling, and non-standard spacing and proration unit, Eddy County, New Mexico
Entries of Appearance/Intervenor	Modrall-Lance D. Hough for EOG James Bruce for Mewbourne
Well Family	Shamrock 34 Fed State Com
Formation/Pool	
Formation Name(s) or Verticle Extent	Winchester, Bone Spring
Primary Product (Oil or Gas)	oil
Pooling this verticle extent	Bone Spring Formation
Pool Name and Pool Code	Winchester, Bone Spring (Pool code 65010)
Well Location Setback Rules	Standard
Spacing Unit Size	320 ac
Spacing Unit	
Type (Horizontal/Verticle)	Horizontal
Size (acres)	320
Building Blocks	quarter-quarter sections
Orientation	East to West
Description: TRS/County	N/2 N/2 of Sections 33 & 34, 19S, 28E, Eddy County, NM
Description: TRS/County	S/2 S/2 of Sections 33 & 34, 19S, 28E, Eddy County, NM
Standard Horizontal Well Spacing Unit	Yes
Other Situations	
Depth Severance: No	No
Proximity Tracts: if yes, description	No
Proximity Defining Well: if yes, description	No
Applicant's Ownership in Each Tract	Exhibit 1 109 through 116
Well(s)	
Name & API (if assigned), surface and bottom hole location footages, completion target, orientation, completion status (standard or non-standard)	<p>Shamrock 34 Fed State Com 121H SHL: 700 feet from the North line and 330 feet from the West line (Unit D) of Section 35, Township 19 South, Range 28 East, NMPM. BHL: 990 feet from the North line and 10 feet from the West line (Unit D) of Section 33, Township 19 South, Range 28 East, NMPM Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD Well Orientation: East to West Completion Location: standard</p> <p>Shamrock 34 Fed State Com 131H SHL: 655 feet from the North line and 330 feet from the West line (Unit D) of Section 35, Township 19 South, Range 28 East, NMPM. BHL: 890 feet from the North line and 10 feet from the West line (Unit D) of Section 33, Township 19 South, Range 28 East, NMPM Completion Target: 3rd Bone Spring Sand at apurox 8600 feet TVD Well Orientation: East to West Completion Location: standard</p> <p>Shamrock 34 Fed State Com 122H SHL: 2610 feet from the South line and 295 feet from the East line, (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM. BHL: 2310 feet from the North line and 10 feet from the West line, (Unit E) of Section 33, Township 19 South, Range 28 East, NMPM Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD Well Orientation: East to West Completion Location: standard</p> <p>Shamrock 34 Fed State Com 132H SHL: 2610 feet from the South line and 340 feet from the East line (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM</p>

CASE NO. 21227
 ORDER NO. R-21355-A

	BHL: 2210 feet from the North line and 10 feet from the West line (Unit E) of Section 33, Township 19 South, Range 28 East, NMPM Completion Target: 3rd Bone Spring Sand at approx 8600 feet TVD Well Orientation: East to West Completion Location: standard
Horizontal Well First and Last Take Points	Exhibit 1 pages 054, 067, 081, 093
Completion Target (Formation, TVD and MD)	Exhibit 1 AFE's pgs. 120 - 122 pgs. 127 - 130 and also listed above with each well.
	Identify the Exhibit and Page for Information below this line
AFE Capex and Operating Costs	
Drilling Supervision/Month \$	\$8000/\$800
Production Supervision/Month \$	Exhibit 1 pages 127 through 130 AFE's
Justification for Supervision Costs	Exhibit 1 pages 127 through 130 AFE's
Request Risk Charge	200% Exhibit 1 pages 127 through 130 AFE's
Notice of Hearing	
Proposed Notice of Hearing	Exhibit 3 pages 027-036 (Affidavit of Ernest L. Padilla)
Proof of Mailed Notice of Hearing (20 days before hearing)	Exhibit 3 pages 037 through 066 (Affidavit of Ernest L. Padilla)
Proof of Published Notice of Hearing (10 days before hearing)	Exhibit 3 pages 078-083
Ownership Determination	
Land Ownership Schematic of the Spacing Unit	Exhibit 1 pages 109 through 116
Tract List (including lease numbers and owners)	Exhibit 1 pages 109 through 116
Pooled Partles (Including ownership type)	Exhibit 1 pages 109 through 116
Unlocatable Partles to be Pooled	Exhibit 3 pages 067 through 077 (returns) pages 078-083 (publication notice)
Ownership Depth Severance (including percentage above & below)	None
Joinder	
Sample Copy of Proposed Letter	Exhibit 1 pages 120 through 122
List of Interest Owners (In Exhibit A of JOA)	Exhibit 1 pages 109 through 116
Chronology of Contact with Non-Joined Working Interests	Exhibit 1 page 117
Overhead Rates in Proposal Letter	Exhibit 1 pages 120 through 122
Cost Estimates to Drill and Complete	Exhibit 1 pages 127 through 130 AFE's
Cost Estimate to Equip Well	Exhibit 1 pages 127 through 130 AFE's
Cost Estimate for Production Facilities	Exhibit 1 pages 127 through 130 AFE's
Geology	
Summary (including special considerations)	Exhibit 2 pages 001 through 002
Spacing Unit Schematic	None
Gunbarrel/Lateral Trajectory Schematic	Exhibit 2 page 016
Well Orientation (with rationale)	None
Target Formation	Exhibit 2 pages 023, 024 & 025
HSU Cross Section	Exhibit 2 pages 023, 024 & 025
Depth Severance Discussion	None
Forms, Figures and Tables	None
C-102	See Above
Tracts	Exhibit 2 pages 016, 018, 019, 020, 021
Summary of Interests, Unit Recapitulation (Tracts)	None
General Location Map (including basin)	Exhibit 2 page 017
Well Orientation (with rationale)	Exhibit 2 page 018
Structure Contour Map - Subsea Depth	Exhibit 2 page 019
Cross Section Location Map (including wells)	Exhibit 2 page 018
Cross Section (including Landing Zone)	Exhibit 2 pages 023, 024 & 025
Additional Information	
CERTIFICATION: I hereby certify that the information provided in this checklist is complete and accurate.	
Printed Name: (Attorney or Party Representative):	Ernest L. Padilla
Signed Name: (Attorney or Party Representative):	
Date: June 4, 2020	