

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

**APPLICATION OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NO. _____

APPLICATION

Colgate Operating, LLC ("Colgate"), OGRID Number 14744, through its undersigned attorneys, hereby makes an application to the Oil Conservation Division pursuant to the provisions of NMSA (1978), Section 70-2-17, for an order pooling all uncommitted mineral interests within a Bone Spring horizontal spacing unit underlying the S/2 S/2 of Section 34, and the S/2 S/2 of the E/2 of Section 33, Township 19 South, Range 29 East, NMPM, Eddy County, New Mexico. In support of this application, Colgate states as follows:

1. Colgate is an interest owner in the subject lands and has a right to drill a well thereon.
2. Colgate seeks to dedicate the S/2 S/2 of Section 34, and the S/2 S/2 of the E/2 of Section 33, Township 19 South, Range 29 East, NMPM, Eddy County, New Mexico to form a 240-acre, more or less, Bone Spring horizontal spacing unit.
3. Colgate plans to drill the **Black Diamond 34 Fed Com 134H** well to a depth sufficient to test the Bone Spring formation. This is a horizontal well with a surface location in the SE/4 SE/4 (Unit P) of Section 34, Township 19 South, Range 29 East, NMPM, Eddy County, and an intended bottom hole location in the SW/4 SE/4 (Unit 0) of Section 33, Township 19 South, Range 29 East, NMPM, Eddy County.

4. This well is proposed to be drilled vertically to a depth of approximately 9,200' to the Bone Spring formation and laterally in a westerly direction within the formation to the referenced bottom hole location.

5. This well will be located within the Parkway; Bone Spring Pool (Pool code 49622) and will comply with the Division's setback requirements.

6. Colgate sought, but has been unable to obtain, a voluntary agreement from all interest owners in the Bone Spring formation underlying the proposed spacing unit to participate in the drilling of the well or to otherwise commit their interests to the well.

7. The creation of a horizontal spacing unit and the pooling of all interests in the Bone Spring formation underlying the proposed unit will prevent the drilling of unnecessary wells, prevent waste and protect correlative rights.

WHEREFORE, Colgate requests that this case is set for hearing before an Examiner of the Oil Conservation Division on April 2, 2020, and after notice and hearing as required by law, the Division enter its order:

A. Creating an approximately 240-acre horizontal spacing unit in the Bone Spring formation comprised of S/2 S/2 of Section 34, and the S/2 S/2 of the E/2 of Section 33, Township 19 South, Range 29 East, NMPM, Eddy County, New Mexico;

B. Pooling all mineral interests in the Bone Spring formation underlying a horizontal spacing unit within the S/2 S/2 of Section 34, and the S/2 S/2 of the E/2 of Section 33, Township 19 South, Range 29 East, NMPM, Eddy County, New Mexico;

C. Designating Colgate as operator of this unit and the well to be drilled thereon;

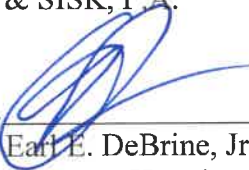
D. Authorizing Colgate to recover its costs of drilling, completing and equipping the well;

E. Approving actual operating charges and costs charged for supervision, together with a provision adjusting the rates pursuant to the COPAS accounting procedure;

F. Setting a 200% charge for the risk involved in drilling and completing the well in the event a working interest owner elects not to participate in the well.

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: 

Earl E. DeBrine, Jr.
Lance D. Hough
Post Office Box 2168
500 Fourth Street NW, Suite 1000
Albuquerque, New Mexico 87103-2168
Telephone: 505.848.1800
edebrine@modrall.com
ldh@modrall.com
Attorneys for Applicant

W3698838.DOCX

Application of Colgate Corporation for compulsory pooling, Eddy County, New Mexico.

Applicant seeks an order from the Division: (1) to the extent necessary, approving the creation of a 240-acre, more or less, Bone Spring horizontal spacing unit; and, (2) pooling all uncommitted mineral interests within a Bone Spring horizontal spacing unit underlying the S/2 S/2 of Section 34, and the S/2 S/2 of the E/2 of Section 33, Township 19 South, Range 29 East, NMPM, Eddy County, New Mexico. This spacing unit will be dedicated to the **Black Diamond 34 Fed Com 134H** well, to be horizontally drilled. The producing interval for this well will be orthodox. Also to be considered will be the cost of drilling, completing and equipping said well, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Colgate as operator of the well, and a 200% charge for risk involved in drilling said well. Said area is located approximately 14 miles northeast of Carlsbad, New Mexico.