

**BEFORE THE OIL CONSERVATION DIVISION
EXAMINER HEARING APRIL 4, 2024**

**APPLICATION OF SILVERBACK OPERATING II, LLC, TO AMEND
ORDER NO. R-22655 FOR AN EXTENSION OF THE
WELL COMMENCEMENT DATE, EDDY COUNTY, NEW MEXICO**

Case No. 24281:

**Krauss 22 C #103H Well
Krauss 22 C #203H Well
Krauss 22 C #102H Well
Krauss 22 C #204H Well**

SILVERBACK OPERATING II, LLC

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TAB 1

Reference for Case No. 24281

Application Case No. 24281: **Krauss 22 C #103H Well**

Krauss 22 C #203H Well

Krauss 22 C #102H Well

Krauss 22 C #204H Well

Copy of Order No. R-22655 with Pooling Checklist Attached

Copy of Order No. R-22655-A

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

**APPLICATION OF SILVERBACK OPERATING II, LLC,
TO AMEND ORDER NO. R-22655 FOR AN EXTENSION OF
THE WELL COMMENCEMENT DATE, EDDY COUNTY, NEW MEXICO**

Case No. 24281

APPLICATION

Silverback Operating II, LLC (“Silverback” or “Applicant”), OGRID No. 330968, through its undersigned attorneys, hereby files this Application with the Oil Conservation Division (“Division”) pursuant to the provisions of NMSA 1978, Section 70-2-17, seeking to reopen Case No. 23315 and amend Order No. R-22655 to allow a one-year extension of the well drilling commencement deadline. Order No. R-22655 pooled uncommitted owners in the Yeso formation (Atoka: Glorieta-Yeso [Pool Code 3250]), an oil pool, underlying the standard 160-acre, more or less, spacing unit comprised of the N/2 S/2 of Section 22, Township 18 South, Range 26 East, NMPM, Eddy County, New Mexico. Paragraph 21 of the Order allows for an extension by amendment for good cause shown. In support of its application to extend the commencement date of the wells in the unit, Silverback states the following:

Silverback is in good standing under state-wide rules and regulations with respect to Order No. R-22655 and in good-faith has made progress toward the development of the unit since the issuance of the Order by pursuing due diligence regarding owners and accounting for newly discovered owners in Case No. 24082 while working to schedule a drilling rig, among other efforts. There is good cause for Silverback’s request for an extension of time: while facing the fast approaching one-year deadline, Silverback has experienced unanticipated delays in securing a rig

for the commencement of drilling. Furthermore, an extension would also allow Silverback to receive the amendment to the Order from Case No. 24082, a case which has been taken under advisement to secure the pooling of subsequent owners recently discovered and pooled.

WHEREFORE, Silverback respectfully requests that this Application be set for hearing before an Examiner of the Oil Conservation Division on April 4, 2024, and after notice and hearing as required by law, that the Division amend Order No. R-22655 in a manner that provides for a one-year extension of the well commencement deadline.

Under the original Order, Silverback would be required to commence drilling of the wells (Krauss 22 C #103H, Krauss 22 C #203H, Krauss 22 C #102H, and the Krauss 22 C #204H) by April 29, 2024; and therefore, asks that the deadline for the commencement drilling date be extended one year, to April 29, 2025, thereby, affording Silverback the opportunity to continue its development of the unit without interruption.

Respectfully submitted,

ABADIE & SCHILL, PC

/s/ Darin C. Savage

Darin C. Savage

Andrew D. Schill
William E. Zimsky
214 McKenzie Street
Santa Fe, New Mexico 87501
Telephone: 970.385.4401
Facsimile: 970.385.4901
darin@abadieschill.com
andrew@abadieschill.com
bill@abadieschill.com

Attorneys for Silverback Operating II, LLC

Application of Silverback Operating II, LLC, to Amend Order No. R-22655 for an Extension of the Commencement Date, Eddy County, New Mexico. Applicant in the above-styled cause seeks to re-open Case No. 23315 and amend Division Order No. R-22655 in order to obtain, based on good cause shown, a one-year extension of the well commencement deadline, such that the drilling deadline would be extended to April 29, 2025. Order No. R-22655 pooled uncommitted interest owners and granted Applicant operating rights for wells (Krauss 22 C #103H, Krauss 22 C #203H, Krauss 22 C #102H, and the Krauss 22 C #204H) to be drilled in a standard 160-acre, more or less, spacing unit comprised of the N/2 S/2 of Section 22, Township 18 South, Range 26 East, NMPM, Eddy County, New Mexico. The wells and lands are located approximately 7.8 miles south, southeast, of Artesia, New Mexico.

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

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

**CASE NO. 23315
ORDER NO. R-22655**

ORDER

The Director of the New Mexico Oil Conservation Division (“OCD”), having heard this matter through a Hearing Examiner on March 02, 2023, and after considering the testimony, evidence, and recommendation of the Hearing Examiner, issues the following Order.

FINDINGS OF FACT

1. Silverback Operating II, LLC (“Operator”) submitted an application (“Application”) to compulsory pool the uncommitted oil and gas interests within the spacing unit (“Unit”) described in Exhibit A. 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. If the Unit is a non-standard horizontal spacing unit which has not been approved under this Order, Operator shall obtain the OCD's approval for a non-standard horizontal spacing unit in accordance with 19.15.16.15(B)(5) NMAC.
20. 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.
21. This Order shall terminate automatically if Operator fails to comply with Paragraph 20 unless Operator obtains an extension by amending this Order for good cause shown.
22. The infill well requirements in 19.15.13.9 NMAC through 19.15.13.12 NMAC shall be applicable.
23. 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").
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

CASE NO. 23315
ORDER NO. R-22655

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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 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.
26. 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.
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 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.
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. 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.
32. 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.
33. 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.
34. 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.*
35. 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.
36. OCD retains jurisdiction of this matter for the entry of such orders as may be deemed necessary.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**



DYLAN MEUGE
DIRECTOR (ACTING)
DMF/hat

Date: 4/30/2023

CASE NO. 23315
ORDER NO. R-22655

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Exhibit A

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COMPULSORY POOLING APPLICATION CHECKLIST	
ALL INFORMATION IN THE APPLICATION MUST BE SUPPORTED BY SIGNED AFFIDAVITS	
Case: 23315	APPLICANT'S RESPONSE
Date of hearing:	February 16, 2023
Applicant:	Silverback Operating II, LLC
Designated Operator & OGRID (affiliation if applicable)	330968
Applicant's Counsel:	Darin C. Savage - Abadie & Schill, PC
Case Title:	Application of Silverback Operating II, LLC, for a Horizontal Spacing Unit and Compulsory Pooling, Eddy County, New Mexico
Entries of Appearance/Intervenor:	COG Operating LLC and Concho Oil & Gas LLC
Well Family	Krauss
Formation/Pool	
Formation Name(s) or Vertical Extent:	Yeso
Primary Product (Oil or Gas):	Oil
Pooling this vertical extent:	Ex. A, Para. 7, 8, 9, 10; 103H Well: TVD approx. 3000'; 203H Well: TVD approx. 3600'; 102H Well: TVD approx. 3000'; 204H Well: TVD approx. 3600'
Pool Name and Pool Code:	Yeso (Atoka; Gorieta-Yeso [Pool Code 3250])
Well Location Setback Rules:	NMAC Statewide Rules
Spacing Unit Size:	160.00 acres, more or less
Spacing Unit	
Type (Horizontal/Vertical)	Horizontal
Size (Acres)	160.00 acres, more or less
Building Blocks:	quarter-quarter sections (40 ac tracts)
Orientation:	East-West
Description: TRS/County	N/2 S/2 of Section 22, Township 18 South, Range 26 East, NMPM, Eddy County, New Mexico
Standard Horizontal Well Spacing Unit (Y/N). If No, describe and is approval of non-standard unit requested in this application?	Yes, this is a standard horizontal spacing unit. No NSP request.
Other Situations	
Depth Severance: Y/N. If yes, description	No
Proximity Tracts: If yes, description	No
Proximity Defining Well: If yes, description	N/A
Applicant's Ownership in Each Tract	See Landman Exhibit A-2
Well(s)	
Name & API (if assigned), surface and bottom hole location, footages, completion target, orientation, completion status (standard or non-standard)	
Well #1	Krauss 22 #103H Well, (API No. 30-015-53283), SHL: Unit J, 2146' FSL, 158' FEL, Section 22, T18S-R26E, NMPM; BHL: Unit L, 2174' FSL, 100' FWL, Section 22, T18S-R26E, laydown, standard location
Horizontal Well First and Last Take Points	Krauss 22 #103H Well: FTP 2174' FSL, 100' FEL, Section 22; LTP 2174' FSL, 100' FWL, Section 22
Completion Target (Formation, TVD and MD)	Krauss 22 #103 Well: TVD approx. 3000', TMD 8600'; Yeso Formation, See Exhibit B-3 and B-4
Well #2	Krauss 22 #203H Well, (API No. 30-015-53333), SHL: Unit P, 1145' FSL, 178' FEL, Section 22, T18S-R26E, NMPM; BHL: Unit L, 1679' FSL, 100' FWL, Section 22, T18S-R26E, laydown, standard location
Horizontal Well First and Last Take Points	Krauss 22 #203H Well: FTP 1679' FSL, 100' FEL, Section 22; LTP 1679' FSL, 100' FWL, Section 22
Completion Target (Formation, TVD and MD)	Krauss 22 #203 Well: TVD approx. 3600', TMD 8600'; Yeso Formation, See Exhibit B-3 and B-4
Well #3	Krauss 22 #102H Well, (API No. 30-015-53330), SHL: Unit P, 1125' FSL, 178' FEL, Section 22, T18S-R26E, NMPM; BHL: Unit L, 1513' FSL, 100' FWL, Section 22, T18S-R26E, laydown, nonstandard location
Horizontal Well First and Last Take Points	Krauss 22 #102H Well: FTP 1513' FSL, 100' FEL, Section 22; LTP 1513' FSL, 100' FWL, Section 22

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Completion Target (Formation, TVD and MD)	Krauss 22 #102 Well: TVD approx. 3000', TMD 8600'; Yeso Formation, See Exhibit B-3 and B-4
Well #4	Krauss 22 #204H Well, (API No. 30-015-53284), SHU: Unit J, 2166' FSL, 158' FEL, Section 22, T185-R26E, NMPM; 8HL: Unit L, 2298' FSL, 100' FWL, Section 22, T185-R26E, laydown, standard location
Horizontal Well First and Last Take Points	Krauss 22 #204H Well: FTP 2303' FSL, 100' FEL, Section 22; LTP 2298' FSL, 100' FWL, Section 22
Completion Target (Formation, TVD and MD)	Krauss 22 #204 Well: TVD approx. 3600', TMD 8600'; Yeso Formation, See Exhibit B-3 and B-4
AFE Capex and Operating Costs	
Drilling Supervision/Month \$	\$8,000, Exhibit A
Production Supervision/Month \$	\$800, Exhibit A
Justification for Supervision Costs	Exhibit A
Requested Risk Charge	200%, Exhibit A
Notice of Hearing	
Proposed Notice of Hearing	Exhibit C, C-1
Proof of Mailed Notice of Hearing (20 days before hearing)	Exhibit C-2
Proof of Published Notice of Hearing (10 days before hearing)	Exhibit C-3
Ownership Determination	
Land Ownership Schematic of the Spacing Unit	Exhibit A-2
Tract List (including lease numbers and owners)	Exhibit A-2
Pooled Parties (including ownership type)	Exhibit A-2
Unlocatable Parties to be Pooled	Exhibit A, Para. 15
Ownership Depth Severance (including percentage above & below)	N/A
Joinder	
Sample Copy of Proposal Letter	Exhibit A-3
List of Interest Owners (ie Exhibit A of JOA)	Exhibit A-2
Chronology of Contact with Non-Joined Working Interests	Exhibit A-4
Overhead Rates in Proposal Letter	Exhibit A-3
Cost Estimate to Drill and Complete	Exhibit A-3
Cost Estimate to Equip Well	Exhibit A-3
Cost Estimate for Production Facilities	Exhibit A-3
Geology	
Summary (including special considerations)	Exhibit B
Spacing Unit Schematic	Exhibits B-1, B-2, B-3
Gunbarrel/Lateral Trajectory Schematic	Exhibit B-4, B-5
Well Orientation (with rationale)	Exhibits B, B-1, B-2
Target Formation	Exhibits B, B-3, B-4, B-5
HSD Cross Section	Exhibit B-3, B-4, B-5
Depth Severance Discussion	
Forms, Figures and Tables	
C-102	Exhibit A-1
Tracts	Exhibits A-1, A-2, B-1
Summary of Interests, Unit Recapitulation (Tracts)	Exhibit A-2
General Location Map (including basin)	Exhibit A-2
Well Bore Location Map	Exhibits A-1, B-1, B-4, B-5
Structure Contour Map -Subsea Depth	Exhibit B-2
Cross Section Location Map (including wells)	Exhibits B-3, B-4, B-5
Cross Section (including Landing Zone)	Exhibit B-4, B-5
Additional Information	
Special Provisions/Stipulations	None
CERTIFICATION: I hereby certify that the information provided in this checklist is complete and accurate.	
Printed Name (Attorney or Party Representative):	Darin C. Savage
Signed Name (Attorney or Party Representative):	/s/ Darin C. Savage
Date:	02.14.2023

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CASE NO. 23315
ORDER NO. R-22655

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

**APPLICATION OF SILVERBACK OPERATING II, LLC,
TO POOL AN ADDITIONAL WORKING INTEREST
OWNER UNDER THE TERMS OF ORDER NO. R-22655,
EDDY COUNTY, NEW MEXICO.**

**CASE NO. 24082
ORDER NO. R-22655-A**

ORDER

The Director of the New Mexico Oil Conservation Division (“OCD”), having heard this matter through a Hearing Examiner on January 4, 2024, and after considering the testimony, evidence, and recommendation of the Hearing Examiner, issues the following Order.

FINDINGS OF FACT

1. On April 30, 2023, OCD issued Order R-22655 to Silverback Operating II, LLC (“Operator”) to pool the uncommitted oil and gas interests within the specified spacing unit (“Unit”).
2. Subsequent to the issuance of Order R-22655, Operator discovered previously unidentified interest owner(s) in the Unit.
3. Operator provided evidence that it gave notice of the Application and the hearing to the previously unidentified interest owner(s).
4. Operator presented evidence through affidavits in support of the Application.
5. 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. The previously unidentified interest owner(s) has not agreed to commit its interest to the Unit.
11. The pooling of the previously unidentified uncommitted interest in the Unit will prevent waste and protect correlative rights, including the drilling of unnecessary wells.

12. This Order affords the previously unidentified interest owner(s) the opportunity to produce its just and equitable share of the oil or gas in the pool.

ORDER

13. The previously unidentified uncommitted interest in the Unit is hereby pooled in the Unit.
14. Order R-22655 shall remain in full force and effect.
15. OCD retains jurisdiction of this matter for the entry of such orders as may be deemed necessary.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**



DYLAN M FUGE
DIRECTOR (ACTING)
DMF/hat

Date: 2/28/2024

CASE NO. 24082
ORDER NO. R-22655-A

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TAB 2

Exhibit A: Self-Affirmed Statement of Jake Bebermeyer, Landman

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

**APPLICATION OF SILVERBACK OPERATING II, LLC.
TO AMEND ORDER NO. R-22655,
EDDY COUNTY, NEW MEXICO.**

**Case No. 24281
Reopen Case No. 23315 and
Amend Order No. R-22655**

SELF-AFFIRMED STATEMENT OF JAKE BEBERMEYER

I, Jake Bebermeyer, state and affirm the following:

1. I am over the age of eighteen years and have the capacity to execute this Affidavit, which is based on my personal knowledge.
2. I am a Landman with Silverback Operating II, LLC (“Silverback”), and I am familiar with the subject application and the lands involved.
3. I graduated in 2014 from the University of Tulsa with a bachelor’s degree in Energy Management. I have worked at Silverback Exploration for approximately 4 months and have been working as a Landman for 9 years. I have previously testified before the Oil Conservation Division (“Division”), and my credentials as an expert witness in petroleum land matters have been accepted of record.
4. This Self-affirmed Statement is submitted in connection with the filing by Silverback of the above-referenced application to reopen Case No. 23315 and amend Order No. R-22655 in order to allow a one-year extension of the well commencement deadline. Order No. R-22655 pooled uncommitted owners in the Yeso formation, an oil pool, underlying the standard



160-acre, more or less, spacing unit comprised of the N/2 S/2 of Section 22, Township 18 South, Range 26 East, NMPM, Eddy County, New Mexico.

5. The Pooling Order allows for an extension for good cause, and in accordance with this requirement, Silverback states the following: (1) Silverback is in good standing under state-wide rules and regulations with respect to Order No. R-22655; (2) Silverback in good-faith has made substantial progress toward the development of the unit since issuance of the Order by pursuing due diligence regarding owners and accounting for newly discovered owners in Case No. 24082 while working to schedule a drilling rig, among other efforts; and (3) while facing the approaching one-year deadline, Silverback has experienced unanticipated delays in securing a rig for the commencement of drilling. As a result, Silverback respectfully requests that an extension of time for the drilling commencement date be granted to ensure that a rig can be safely moved into place without unnecessary rush to meet the impending deadline.

6. Under the original Order, Silverback would be required to commence drilling by April 29, 2024; and therefore, Silverback asks for the deadline to commence drilling be extended for a year, to April 29, 2025, thereby affording Silverback the opportunity to continue its development of the unit without interruption.

7. Silverback, through its counsel, timely notified all pooled parties of Silverback's request to re-open the Case and amend the Order for the purpose of extending the well commencement deadline, as shown in Exhibit B and its sub-exhibits herein. Notice for two interest owners, Cliff G. Currier and Missi Currier Barton, are listed as still in transit. Silverback has also timely published notice in the Carlsbad Current Argus, a newspaper of general circulation for Eddy County, New Mexico, to account for any contingencies regarding notice.

8. The granting of this Application is in the best interests of conservation, the prevention

of waste, and the protection of correlative rights, and will avoid the drilling of unnecessary wells.

9. The foregoing is correct and complete to the best of my knowledge and belief.

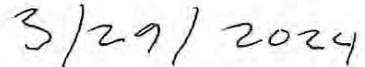
[Signature page follows]

Signature page of Self-Affirmed Statement of Jake Bebermeyer:

I understand that this Self-Affirmed Statement will be used as written testimony before the Division in Case No. 24281 and affirm that my testimony herein is true and correct, to the best of my knowledge and belief and made under penalty of perjury under the laws of the State of New Mexico.



Jake Bebermeyer



Date Signed

TAB 3

Exhibit B: Self-Affirmed Statement of Notice, Darin C. Savage
Exhibit B-1: Notice Letter
Exhibit B-2: Mailing List
Exhibit B-3: Affidavit of Publication

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

**APPLICATION OF SILVERBACK OPERATING II, LLC,
TO AMEND ORDER NO. R-22655 FOR AN EXTENSION OF
THE WELL COMMENCEMENT DATE, EDDY COUNTY, NEW MEXICO**

Case No. 24281

SELF-AFFIRMED STATEMENT OF NOTICE

I, Darin C. Savage, attorney and authorized representative of Silverback Operating II, LLC (“Silverback”), the Applicant herein, states and affirms the following:

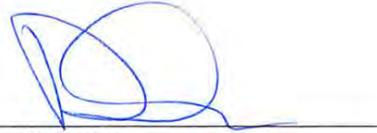
1. Notice of the applications and hearing in the above-reference cases was timely sent by certified mail, return receipt requested, through the United States Postal Service on March 14, 2024, to all uncommitted interest owners sought to be pooled in this proceeding. *See* Exhibit B-2, attached hereto. Copies of notice letters and evidence of mailing to parties are attached hereto as Exhibits B-1 and B-2.

2. Notice was sent to the Carlsbad Current Argus, a newspaper of general circulation in Eddy County, New Mexico, and timely published in said newspaper on March 17, 2024. *See* Exhibit B-3.

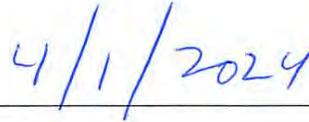
**EXHIBIT
B**

Signature page of Self-Affirmed Statement of Darin C. Savage:

I understand that this Self-Affirmed Statement will be used as written testimony before the Division in Case No. 24281 and affirm that my testimony herein is true and correct, to the best of my knowledge and belief and made under penalty of perjury under the laws of the State of New Mexico.



Darin Savage



Date Signed



For the Pursuit of Energy

ABADIE | SCHILL PC

Colorado	New Mexico
Louisiana	Texas
Nebraska	Kansas
Montana	Wyoming
Oklahoma	California
	North Dakota

March 14, 2024

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TO: ALL INTEREST OWNERS SUBJECT TO POOLING PROCEEDINGS

Re: Application of Silverback Operating II, LLC, to Reopen Case No. 23315 and Amend Order No. R-22655 for an Extension of the Well Commencement Deadline, for the following Wells:
 Krauss 22 C #102H Well (Case No. 24281)
 Krauss 22 C #103H Well (Case No. 24281)
 Krauss 22 C #203H Well (Case No. 24281)
 Krauss 22 C #204H Well (Case No. 24281)

Case No. 24281:

Dear Interest Owners:

This letter is to advise you that Silverback Operating II, LLC (“Silverback”) has filed the enclosed application in Case No. 24281 with the New Mexico Oil Conservation Division (“Division”) in order to reopen Case No. 23315 and amend Order No. R-22655 for a one-year extension of the well commencement deadline. This Order pooled all uncommitted interests in the Yeso formation underlying a standard 160-acre, more or less, spacing unit comprised of the N/2 S/2 of Section 22, Township 18 South, Range 26 East, NMPM, Eddy County, New Mexico

A hearing has been requested before the Division Examiner on April 4, 2024. The status of the hearing can be monitored through the Division’s website. Division hearings will commence at 8:15 a.m., traditionally in Pecos Hall at the Oil Conservation Division’s Santa Fe Offices located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. If so desired, you can attend the hearing in person, or you can attend virtually through remote online access. For information about attending by remote access and reviewing the status of the case, you can visit the Division’s website at: <https://www.emnrd.nm.gov/ocd/hearing-info/> or call (505) 476-3441.

abadieschill.com

214 McKenzie Street, Santa Fe, New Mexico, 87501

O : 970.385.4401 • F : 970.385.4901

**EXHIBIT
B-1**

You are being notified as an interest owner (subject to title examination) and are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 19.15.4.13.B NMAC to file a Pre-hearing Statement at least four business days in advance of a scheduled hearing, but in no event later than 5 p.m. mountain time on the Thursday preceding the scheduled hearing date. This statement must be filed at the Division's Santa Fe office at the above specified address and should include: The names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

If you have any questions about this matter, please contact Jake Bebermeyer at (210) 920-0221 or at jbebermeyer@silverbackexp.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darin C. Savage', written over a horizontal line.

Darin C. Savage

Attorney for Silverback Operating II,
LLC

Mail Activity Report - CertifiedPro.net
Mailed from 3/13/2024 to 3/16/2024
User Name: abadieschill
Generated: 3/29/2024 4:06:27 PM

USPS Article Number	Date Mailed	Name 1	Name 2	Address 1	Address 2	City	State	Zip	Mailing Status	Service Options
9314869904300118605498	03/14/2024	COG OPERATING LLC		600 W. Illinois Ave		Midland	TX	79701	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605504	03/14/2024	CONCHOIL & GAS LLC		600 W. Illinois Ave		Midland	TX	79701	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605511	03/14/2024	OXY Y-1 COMPANY		5 Greenway Plaza	Suite 110	Houston	TX	77046	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605603	03/14/2024	JOAN T. GARLAND		3997 Old Columbia Pike		Ellicott City	MD	21043	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605627	03/14/2024	KEITH U. MCCRARY		716 Holopuni Rd		Kula	HI	96790	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605634	03/14/2024	GREGORY SCOTTODELL		5466 N Foster Pl		Prescott Valley	AZ	86314	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605641	03/14/2024	SHERRI ODELL LEGERE		286 Hayes Rd		Schuylerville	NY	12871	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605658	03/14/2024	DEBBIE LEHEAD		1115 Ocote Rd	#5	Santa Fe	NM	87507	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605665	03/14/2024	KAREN DUNNING		9334 W Mission Ln		Peoria	AZ	85345	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605672	03/14/2024	BARBARA SCHAFFER		416 Morningside Dr SE		Albuquerque	NM	87108	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605689	03/14/2024	CHESTER RUSSELL		PO Box 1363		Mount Pleasant	SC	29465-1363	Forwarded	Return Receipt - Electronic, Certified Mail
9314869904300118605696	03/14/2024	CLIFF G. CURRIER		289 N Lake Rd		Artesia	NM	88210	Undelivered	Return Receipt - Electronic, Certified Mail
9314869904300118605702	03/14/2024	Michael C. Currier		1517 Vineyard Court		Carlsbad	NM	88220	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605719	03/14/2024	Missi Currier Barton		1204 S Country Club Circle		Carlsbad	NM	88220	Undelivered	Return Receipt - Electronic, Certified Mail
9314869904300118605726	03/14/2024	AmeriPermian Holdings, LLC		1733 Woodstead Court	Suite 206	The Woodlands	TX	77380	Delivered	Return Receipt - Electronic, Certified Mail
9314869904300118605740	03/14/2024	SILVERBACK NEW MEXICO LLC		55 OLD SANTA FETRAIL	2ND FL	Santa Fe	NM	87501	Delivered	Return Receipt - Electronic, Certified Mail





March 19, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6057 40.**

Item Details

Status: Delivered, Left with Individual
Status Date / Time: March 18, 2024, 10:43 a.m.
Location: SANTA FE, NM 87501
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
 Return Receipt Electronic
Recipient Name: SILVERBACK NEW MEXICO LLC

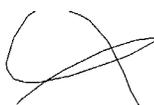
Shipment Details

Weight: 2.0oz

Destination Delivery Address

Street Address: 55 OLD SANTA FE TRL
City, State ZIP Code: SANTA FE, NM 87501-2009

Recipient Signature

<p>Signature of Recipient: </p> <p>Address of Recipient: </p>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

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Information in this section provided by Covius Document Services, LLC.

Reference Number: 4220.1.2



March 27, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6057 26.**

Item Details

Status: Delivered, Left with Individual
Status Date / Time: March 18, 2024, 12:07 p.m.
Location: SPRING, TX 77380
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
 Return Receipt Electronic
Recipient Name: AmeriPermian Holdings LLC

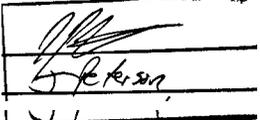
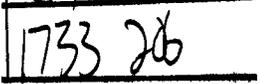
Shipment Details

Weight: 3.0oz

Destination Delivery Address

Street Address: 1733 WOODSTEAD CT STE 206
City, State ZIP Code: SPRING, TX 77380-3401

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

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Information in this section provided by Covius Document Services, LLC.

Reference Number: 4220.1.2



March 27, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6056 72.**

Item Details

Status: Delivered, Left with Individual
Status Date / Time: March 16, 2024, 09:36 a.m.
Location: ALBUQUERQUE, NM 87108
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
 Return Receipt Electronic
Recipient Name: BARBARA SCHAFFER

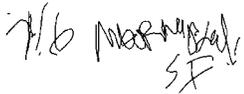
Shipment Details

Weight: 3.0oz

Destination Delivery Address

Street Address: 416 MORNINGSIDE DR SE
City, State ZIP Code: ALBUQUERQUE, NM 87108-2654

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

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Reference Number: 4220.1.2



March 19, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6056 65.**

Item Details

Status: Delivered, Left with Individual
Status Date / Time: March 18, 2024, 03:47 p.m.
Location: PEORIA, AZ 85345
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
 Return Receipt Electronic
Recipient Name: KAREN DUNNING

Shipment Details

Weight: 3.0oz

Destination Delivery Address

Street Address: 9334 W MISSION LN
City, State ZIP Code: PEORIA, AZ 85345-6333

Recipient Signature

Signature of Recipient:	<i>Patricia A. Franco</i>
Address of Recipient:	<i>9334 W Mission LN</i>

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Information in this section provided by Covius Document Services, LLC.

Reference Number: 4220.1.2



March 19, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6056 58.**

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 18, 2024, 11:35 a.m.
Location:	SANTA FE, NM 87507
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	DEBBIE LEITHEAD

Shipment Details

Weight:	3.0oz
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Destination Delivery Address

Street Address:	1115 OCATE RD
City, State ZIP Code:	SANTA FE, NM 87507-0478

Recipient Signature

Signature of Recipient:	
Address of Recipient:	1115 RD OCate

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Reference Number: 4220.1.2



March 20, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6056 41**.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: March 19, 2024, 12:37 p.m.
Location: SCHUYLERVILLE, NY 12871
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
 Return Receipt Electronic
Recipient Name: SHERRI ODELL LEGERE

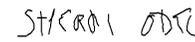
Shipment Details

Weight: 3.0oz

Destination Delivery Address

Street Address: HAYES RD
City, State ZIP Code: SCHUYLERVILLE, NY 12871-1840

Recipient Signature

Signature of Recipient:	 
Address of Recipient:	286 HAYES RD, SCHUYLERVILLE, NY 12871

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Information in this section provided by Covius Document Services, LLC.

Reference Number: 4220.1.2



March 19, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6056 34.**

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 18, 2024, 02:19 p.m.
Location:	PRESCOTT VALLEY, AZ 86314
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	GREGORY SCOTT ODELL

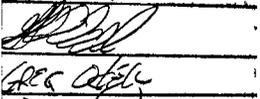
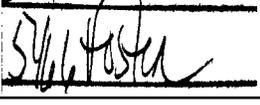
Shipment Details

Weight:	3.0oz
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Destination Delivery Address

Street Address:	5466 N FOSTER PL
City, State ZIP Code:	PRESCOTT VALLEY, AZ 86314-6808

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

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Information in this section provided by Covius Document Services, LLC.

Reference Number: 4220.1.2



March 27, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6056 27.**

Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	March 20, 2024, 11:04 a.m.
Location:	KULA, HI 96790
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	KEITH U MCCRARY

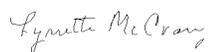
Shipment Details

Weight:	3.0oz
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Destination Delivery Address

Street Address:	716 HOLOPUNI RD
City, State ZIP Code:	KULA, HI 96790-8334

Recipient Signature

Signature of Recipient: (Authorized Agent)	  <small>716 HOLOPUNI RD KULA, HI 96790-8334</small>
Address of Recipient:	

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Information in this section provided by Covius Document Services, LLC.

Reference Number: 4220.1.2



March 19, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6055 11**.

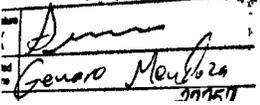
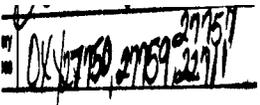
Item Details

Status: Delivered to Agent for Final Delivery
Status Date / Time: March 18, 2024, 01:57 p.m.
Location: HOUSTON, TX 77046
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
 Return Receipt Electronic
Recipient Name: OXY Y 1 COMPANY

Shipment Details

Weight: 3.0oz

Recipient Signature

Signature of Recipient: (Authorized Agent)	
Address of Recipient:	

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Reference Number: 4220.1.2



March 20, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6055 04.**

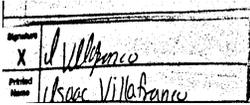
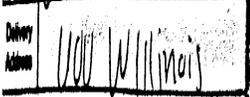
Item Details

Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	March 19, 2024, 07:43 a.m.
Location:	MIDLAND, TX 79702
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	CONCHO OIL GAS LLC

Shipment Details

Weight: 3.0oz

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

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Information in this section provided by Covius Document Services, LLC.

Reference Number: 4220.1.2



March 20, 2024

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8699 0430 0118 6054 98**.

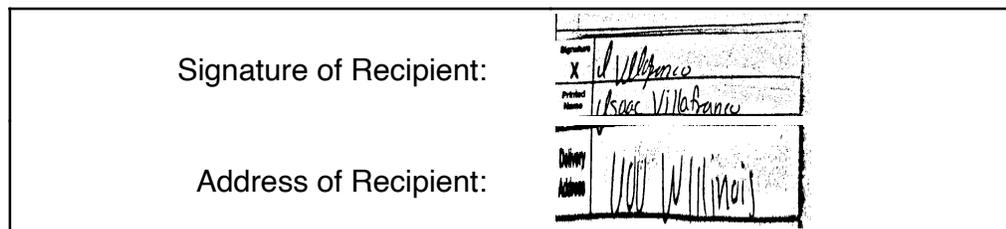
Item Details

Status: Delivered, Individual Picked Up at Postal Facility
Status Date / Time: March 19, 2024, 07:43 a.m.
Location: MIDLAND, TX 79702
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
 Return Receipt Electronic
Recipient Name: COG OPERATING LLC

Shipment Details

Weight: 3.0oz

Recipient Signature



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Washington, D.C. 20260-0004

Information in this section provided by Covius Document Services, LLC.

Reference Number: 4220.1.2



PO Box 631667 Cincinnati, OH 45263-1667

PROOF OF PUBLICATION

DAVE SESSIONS
Lesley Forrest
Abadie Schill P.C.
555 Rivergate # B 4-180
Durango CO 81301-7485

STATE OF WISCONSIN, COUNTY OF BROWN

The Carlsbad Current Argus, a newspaper published in the city of Carlsbad, Eddy County, State of New Mexico, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

03/17/2024

and that the fees charged are legal.
Sworn to and subscribed before on 03/17/2024

CASE No. 24281: Notice -- to all parties and persons having any right, title, interest or claim in this case, including owners of working interest, overriding royalty interest, and record title, among others, whether such parties or persons are listed herein or not, as well as notice to all known and unknown heirs, devisees, assigns and successors of such affected parties and persons, which based on reasonable diligence include COG OPERATING LLC; CONCHO OIL & GAS LLC; JOAN T. GARLAND, AS SEPARATE PROPERTY; OXY Y-1 COMPANY; SILVERBACK NEW MEXICO LLC; CHESTER RUSSELL; CLIFF G. CURRIER; MICHAEL C. CURRIER; MISSI CURRIER; BARTON; AMERIPERMIAN HOLDINGS, LLC; KEITH U. MCCRARY; GREGORY SCOTT ODELL; SHERRI ODELL LEGERE; DEBBIE LEITHEAD; KAREN DUNNING; BARBARA SCHAFFER -- of Silverback Operating II, LLC's application for approval to amend Order No. R-22655 for an Extension of the Well Commencement Date, Eddy County, New Mexico. The State of New Mexico, through its Oil Conservation Division, hereby gives notice that the Division Examiner will conduct a public hearing at 8:15 a.m. on April 4, 2024, in Pecos Hall at the Wendall Chino Building, 1st Floor, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. You can attend the hearing in person, or you can attend virtually through remote online access. For information about attending by remote access and reviewing the status of the case, you can visit the Division's website at: <https://www.emnrd.nm.gov/ocd/hearing-info/> or call (505) 476-3441. Silverback Operating II, LLC ("Silverback") at 19707 West IH 10, Suite 201, San Antonio, TX 78257 (Main Office), seeks to re-open Case No. 23315 and amend Division Order No. R-22655 in order to obtain, based on good cause shown, a one-year extension of the well commencement deadline, such that the drilling deadline would be extended to April 29, 2025. Order No. R-22655 pooled uncommitted interest owners and granted Applicant operating rights for wells (Krauss 22 C #103H, Krauss 22 C #203H, Krauss 22 C #102H, and the Krauss 22 C #204H) to be drilled in a standard 160-acre, more or less, spacing unit comprised of the N/2 S/2 of Section 22, Township 18 South, Range 26 East, NMPM, Eddy County, New Mexico. The wells and lands are located approximately 7.8 miles south, southeast, of Artesia, New Mexico

03/17/2024; #9961223

River Jacobs

Legal Clerk

Kathleen Allen

Notary, State of WI, County of Brown

1-7-25

My commission expires
Publication Cost: \$84.00
Order No: 9961223 # of Copies:
Customer No: 1360500 1
PO #: Case 24281

THIS IS NOT AN INVOICE!
Please do not use this form for payment remittance.

