

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

**IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:**

**CASE NO. 15223
ORDER NO. R-13924**

**APPLICATION OF CIMAREX ENERGY COMPANY OF COLORADO FOR
COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO.**

ORDER OF THE DIVISION

BY THE DIVISION:

This case came on for hearing at 8:15 a.m. on October 16, 2014, at Santa Fe, New Mexico, before Examiner Michael McMillan, and October 30, 2014, before Examiner Phillip R. Goetze.

NOW, on this 4th day of November, 2014, the Division Director, having considered the testimony, the record and the recommendations of Examiner Michael McMillan,

FINDS THAT:

- (1) Due public notice has been given, and the Division has jurisdiction of this case and of the subject matter.
- (2) Cimarex Energy Company of Colorado ("Cimarex" or "Applicant"), seeks an order pooling all uncommitted interests in the Strawn formation, underlying the West Burton Flat-Strawn (Gas) Pool (pool code 73440), comprised of Lot 1, Lot 2, E/2 NW/4, and NE/4 (the N/2 equivalent) of Section 7, Township 21 South, Range 27 East, NMPM, in Eddy County to form a standard 314.16-acre gas spacing and proration unit.
- (3) The Unit will be dedicated to the Applicant's Colton 7 Federal Well No. 1 (API No. 30-015-33101), a directional well to be re-entered from a surface location 1250 feet from the North line and 2170 feet from the West line (Unit C) of Section 7, to a standard terminus or bottomhole location 1245 feet from the North line and 1681 feet from the West line (Unit C) of Section 7. The top of the perforations in the Strawn formation will be 10,014 feet subsurface, at a location 1250 feet from the North line and 1943 feet from the West line of Section 7.

(4) Spacing in the West Burton Flat-Strawn (Gas) Pool is governed by statewide Rule 19.15.15.10B NMAC, which provides for standard 320-acre units, each comprising any two contiguous quarter sections of a single section, with wells to be located no closer than 660 feet to the outer boundary of the section on which the well is located, and no closer than 10 feet to a quarter-quarter section line or subdivision boundary

(5) Applicant appeared at the hearing through counsel with affidavits that presented land evidence to the effect that:

- (a) The Colton Federal Well No. 1 is an existing well, and has previously produced from the Morrow, Wolfcamp, and the Bone Spring formations;
- (b) The Well has ceased producing from these formations, and Cimarex would like to re-enter and recomplete the well in the Strawn formation;
- (c) The top perforations of the well in the Strawn formation will be 1250 feet from the North line and 1943 feet from the West line, which is orthodox in the Strawn formation.
- (d) Notice of this application was provided to all interest owners in the spacing unit.

(6) No other party appeared at the hearing, or otherwise opposed the granting of this application.

The Division concludes that:

(7) Two or more separately owned tracts are embraced within the Unit, and/or there are royalty interests and/or undivided interests in oil and gas minerals in one or more tracts included in the Unit that are separately owned.

(8) Applicant is an owner of an oil and gas working interest within the Unit. Applicant has the right to re-enter and proposes to recomplete the well to a common source of supply within the Unit at the proposed location.

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

(10) To avoid the drilling of unnecessary wells, protect correlative rights, prevent waste and afford to the owner of each interest in the Unit the opportunity to recover or receive without unnecessary expense its just and fair share of hydrocarbons, this application should be approved by pooling all uncommitted interests, whatever they may be, in the oil and gas within the Unit.

(11) Cimarex Energy Company of Colorado should be designated the operator of the proposed well and of the Unit.

(12) Any pooled working interest owner who does not pay its share of estimated well costs should have withheld from production its share of reasonable well costs plus an additional 200% thereof as a reasonable charge for the risk involved in drilling the well.

(13) Reasonable charges for supervision (combined fixed rates) should be fixed at \$6,500 per month while drilling and \$650 per month while producing, provided that these rates should be adjusted annually pursuant to Section III.1.A.3. of the COPAS form titled "*Accounting Procedure-Joint Operations*."

IT IS THEREFORE ORDERED THAT:

(1) Pursuant to the application of Cimarex Energy Company of Colorado all uncommitted interests, whatever they may be, in the oil and gas in the Strawn formation, West Burton Flat-Strawn (Gas) Pool (pool code 73440) underlying Lot 1, Lot 2, E/2 NW/4, and NE/4 (the N/2 equivalent) of Section 7, Township 21 South, Range 27 East, NMPM, in Eddy County, New Mexico, are hereby pooled.

(2) The Unit shall be dedicated to the Applicant's Colton 7 Federal Well No. 1 (API No. 30-015-33101), a directional well to be re-entered from a surface location 1250 feet from the North line and 2170 feet from the West line (Unit C) of Section 7, to a bottomhole location 1245 feet from the North line and 1681 feet from the West line (Unit C) of Section 7. The top of the perforations in the Strawn formation will be 10,014 feet subsurface at a location 1250 feet from the North line and 1943 feet from the West line of Section 7.

(3) The operator of the Unit shall commence re-entering the well on or before November 30, 2015, and shall thereafter continue re-entering the well with due diligence to test the Strawn formation.

(4) In the event the operator does not commence re-entering the proposed well on or before November 30, 2015, Ordering Paragraph (1) shall be of no effect, unless the operator obtains a time extension from the Division Director for good cause demonstrated by satisfactory evidence.

(5) Should the proposed well not be re-entered and recompleted within 120 days after commencement thereof, then Ordering Paragraph (1) shall be of no further effect, and the Unit created by this Order shall terminate, unless operator appears before the Division Director and obtains an extension of the time for recompletion of the well for good cause shown by satisfactory evidence.

(6) Upon final plugging and abandonment of the proposed well and any other well drilled on the Unit pursuant to Division Rule 19.15.13.9 NMAC, the pooled unit

created by this Order shall terminate, unless this order has been amended to authorize further operations.

(7) Cimarex Energy Company of Colorado (OGRID 162683) is hereby designated the operator of the proposed well and of the Unit.

(8) After pooling, uncommitted working interest owners are referred to as pooled working interest owners. ("Pooled working interest owners" are owners of working interests in the Unit, including unleased mineral interests, who are not parties to an operating agreement governing the Unit.) After the effective date of this order, the operator shall furnish the Division and each known pooled working interest owner in the Unit an itemized schedule of estimated costs of re-entering, recompleting and equipping the well ("well costs").

(9) Within 30 days from the date the schedule of estimated well costs is furnished, any pooled working interest owner shall have the right to pay its share of estimated well costs to the operator in lieu of paying its share of reasonable well costs out of production as hereinafter provided, and any such owner who pays its share of estimated well costs as provided above shall remain liable for operating costs but shall not be liable for risk charges. Pooled working interest owners who elect not to pay their share of estimated well costs as provided in this paragraph shall thereafter be referred to as "non-consenting working interest owners."

(10) The operator shall furnish the Division and each known pooled working interest owner (including non-consenting working interest owners) an itemized schedule of actual well costs within 90 days following completion of the proposed well. If no objection to the actual well costs is received by the Division, and the Division has not objected, within 45 days following receipt of the schedule, the actual well costs shall be deemed to be the reasonable well costs. If there is an objection to actual well costs within the 45-day period, the Division will determine reasonable well costs after public notice and hearing.

(11) Within 60 days following determination of reasonable well costs, any pooled working interest owner who has paid its share of estimated costs in advance as provided above shall pay to the operator its share of the amount that reasonable well costs exceed estimated well costs and shall receive from the operator the amount, if any, that the estimated well costs it has paid exceed its share of reasonable well costs.

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

- (a) the proportionate share of reasonable well costs attributable to each non-consenting working interest owner; and

- (b) as a charge for the risk involved in re-entering and recompleting the well, 200% of the above costs.

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

(14) Reasonable charges for supervision (combined fixed rates) are hereby fixed at \$6,500 per month while re-entering and \$650 per month while producing, provided that these rates shall be adjusted annually pursuant to Section III.1.A.3. of the COPAS form titled "*Accounting Procedure-Joint Operations*." The operator is authorized to withhold from production the proportionate share of both the supervision charges and the actual expenditures required for operating the well, not in excess of what are reasonable, attributable to pooled working interest owners.

(15) Except as provided in Paragraphs (12) and (14) above, all proceeds from production from the well that are not disbursed for any reason shall be held for the account of the person or persons entitled thereto pursuant to the Oil and Gas Proceeds Payment Act (NMSA 1978 Sections 70-10-1 through 70-10-6, as amended). If not disbursed, such proceeds shall be turned over to the appropriate authority as and when required by the Uniform Unclaimed Property Act (NMSA 1978 Sections 7-8A-1 through 7-8A-28, as amended).

(16) Any unleased mineral interest shall be considered a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest for the purpose of allocating costs and charges under this order. Any well costs or charges that are to be paid out of production shall be withheld only from the working interests' share of production, and no costs or charges shall be withheld from production attributable to royalty interests.

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

(18) The operator of the well and Unit shall notify the Division in writing of the subsequent voluntary agreement of all parties subject to the forced pooling provisions of this Order.

(19) This Order is subject to approval of compulsory pooling of federal lands by the United States Bureau of Land Management.

(20) Jurisdiction of this case is retained for the entry of such further orders as the Division may deem necessary.

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.



STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

A handwritten signature in cursive script, appearing to read "Jami Bailey".

JAMI BAILEY
Director