

**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 15690
ORDER NO R 14349**

**APPLICATION OF ONEENERGY PARTNERS OPERATING, LLC FOR A NON
STANDARD SPACING AND PRORATION UNIT AND COMPULSORY
POOLING, LEA COUNTY, NEW MEXICO**

ORDER OF THE DIVISION

BY THE DIVISION

This case came on for hearing at 8 15 a m on May 11 2017, at Santa Fe New Mexico, before Examiner Michael A McMillan

NOW on this 15th day of May 2017, the Division Director having considered the testimony the record and the recommendations of the Examiner

FINDS THAT

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

(2) Cases No 15690 and 15691 were consolidated at the hearing for the purpose of testimony however separate orders will be issued for each case

(3) OneEnergy Partners Operating LLC (Applicant or "OneEnergy) seeks an order pooling all uncommitted interests in the Wolfcamp formation WC-025 G-09 S263620C Wolfcamp Pool (Pool code 98230) underlying the E/2 W/2 of Section 20 Township 26 South, Range 36 East NMPM Lea County New Mexico to form a standard 160 acre oil spacing and proration unit (the "Unit")

(4) The Unit will be dedicated to the Applicant s Wildhog BWX State Com Well No 1H (the subject well API No 30-025-42733) a horizontal well drilled from a surface location 199 feet from the North line and 1979 feet from the West line (Unit C) of Section 20, to a terminus or bottom hole location 330 feet from the South line and 1980 feet from the West line (Unit N) of Section 20 both in Township 26 South Range 36

East The location of the completed interval of the subject well will be orthodox within the Unit

(5) The subject well is within the WC 025 G-09 S263620C Wolfcamp Pool (Pool code 98230) and is subject to Division Rule 19 15 15 9(A) NMAC which provides for 330-foot setbacks from the unit boundaries and standard 40 acre units each comprising a governmental quarter-quarter section The proposed Unit and project area consists of four adjacent quarter-quarter sections oriented north to south

(6) Applicant appeared at the hearing through counsel and presented land and geologic evidence to the effect that

- (a) The Wolfcamp formation in this area is suitable for development by horizontal drilling
- (b) the subject well has been spud but not completed
- (c) the proposed orientation of the horizontal well from North to South or South to North is appropriate for the proposed Unit
- (d) Each quarter-quarter section in the proposed unit can be expected to contribute more or less equally to production from the Wolfcamp formation
- (e) no depth severances exist within the Bone Spring and Wolfcamp formations
- (f) the target interval is near the top of the Wolfcamp formation,
- (g) notice was provided to all interest owners subject to pooling proceedings as affected parties of the proposed compulsory pooling within the Unit and
- (h) notice was provided for formation of the non standard spacing unit to lessees or operators of surrounding tracts

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

The Division concludes that

(8) 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

(9) Applicant is owner of an oil and gas working interest within the Unit Applicant has the right to drill and proposes to drill the subject well to a common source of supply within the Unit at the proposed location

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

(11) 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

(12) Based on testimony by the Applicant the target interval in the future could be reassigned to a Wolf Bone Pool If this occurs the land and geologic testimony from this Application would be accepted as part of the record in an amended application as long as the affected parties have not changed Applicant would be required to submit an Affidavit that there was no change in affected parties

(13) OneEnergy should be designated the operator of the subject well and the Unit

(14) 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 subject well

(15) Reasonable charges for supervision (combined fixed rates) should be fixed at \$7 000 per month while drilling and \$700 per month while producing provided that these rates should be adjusted annually pursuant to Section III 1 A 3 of the COPAS form titled *Accounting Procedure Joint Operations* "

IT IS THEREFORE ORDERED THAT

(1) Pursuant to the application of OneEnergy Partners Operating LLC all uncommitted interests whatever they may be in the oil and gas in the Wolfcamp formation WC 025 G-09 S263620C Wolfcamp Pool (Pool code 98230) underlying the E/2 W/2 of Section 20 Township 26 South Range 36 East NMPM Lea County New Mexico (the Unit) are hereby pooled

(2) The Unit shall be dedicated to the Applicant s Wildhog BWX State Com Well No 1H (the subject well API No 30-025-42733) a horizontal well drilled from a surface location 199 feet from the North line and 1979 feet from the West line (Unit C) of Section 20, to a terminus or bottom hole location 330 feet from the South line and 1980 feet from the West line (Unit N) of Section 20 both in Township 26 South Range 36 East The completed interval of the subject well within the Unit is orthodox

(3) Should the subject well not be drilled and completed within 120 days after commencement thereof then Ordering Paragraph (1) shall be of no further effect and the unit created by this order shall terminate, unless operator appears before the Division Director and obtains an extension of the time for completion of the subject well for good cause shown by satisfactory evidence

(4) Upon final plugging and abandonment of the subject well and any other well drilled on the Unit pursuant to Division Rule 19 15 13 9 NMAC, the Unit created by this Order shall terminate unless this Order has been amended to authorize further operations

(5) OneEnergy Partners Operating, LLC (OGRID 372031) is hereby designated the operator of the well and the Unit

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

(7) Within 30 days from the date the schedule of actual well costs is furnished any pooled working interest owner shall have the right to pay its share of actual 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 '

(8) 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 subject 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

(9) Within 60 days following determination of reasonable well costs, any pooled working interest owner who has paid its share of actual 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 actual well costs it has paid exceed its share of reasonable well costs

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

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

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

(12) Reasonable charges for supervision (combined fixed rates) for the well are hereby fixed at \$7,000 per month while drilling and \$700 per month while producing, provided that these rates shall be adjusted annually pursuant to Section III 1 A 3 of the COPAS form titled *Accounting Procedure Joint Operations*. The operator is authorized to withhold from production the proportionate share of both the supervision charges and the actual expenditures required for operating the well not in excess of what are reasonable, attributable to pooled working interest owners

(13) If the Oil Conservation Division reclassifies the pool the Applicant shall file an amended application with the required affidavit

(14) Except as provided in Paragraphs (10) and (12) above all proceeds from production from the subject well that are not disbursed for any reason shall be held for the account of the person or persons entitled thereto pursuant to the Oil and Gas Proceeds Payment Act (NMSA 1978 Sections 70-10-1 through 70-10-6 as amended). If not disbursed such proceeds shall be turned over to the appropriate authority as and when required by the Uniform Unclaimed Property Act (NMSA 1978 Sections 7-8A-1 through 7-8A-31 as amended)

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

(16) 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

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

(18) 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



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STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

A handwritten signature in cursive script, reading "David R. Catanach".

DAVID R. CATANACH
Director