

State of New Mexico
Energy, Minerals and Natural Resources Department

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Notice: Procedure for Deviation from Orders

DATE: November 1, 2025

OCD hereby provides the following guidance on the process for uncontested applications for minor deviations from development plans associated with compulsory pooling orders, without a hearing. It aligns with historical practices where amendments did not require a hearing unless protested, while ensuring transparency and opportunity for input from affected parties.

This guidance is limited to uncontested applications where an operator needs to deviate from the development plan to accommodate scheduling issues with well(s) drilling or completion schedule, or to remove less than 20% of the proposed wells from the development plan.

Operators seeking these qualifying minor deviations may proceed without a hearing by following these steps:

1. Provide Notice to Affected Parties and OCD pursuant to 19.15.4 NMAC.
2. Monitor for Objections that might arise under 19.15.4.12.B NMAC.
3. Submit the Application for Deviation to OCD Permitting with all required Documentation.

OCD may issue an amended order without a hearing if OCD determines that the application is proper and may be granted without a hearing.

This notice clarifies OCD's July 12, 2024, Notice titled "OCD Clarification of Compulsory Pooling Processes Updates". That Notice stated:

In connection with its allowance for submission of a multi-year development plan, the OCD recognizes that circumstances may arise where deviations from the development plan may be necessary. In recognition of that reality, it will allow operators the ability to request minor deviations to the development plan that was associated with an order through simple notice to the affected interests and the OCD. Minor deviations to development plans will not automatically trigger a subsequent hearing to amend the compulsory pooling order.

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Specifically, Operators may need to reasonably deviate from the submitted development plan to:

- accommodate scheduling issues with a well(s) drilling or completion schedule,
- or
- remove less than 20% of the proposed wells from the development plan.

If an operator needs to deviate from the development plan for one of these reasons, they need only provide notice to the OCD and all parties that required notice of the original compulsory pooling application in accordance with 19.15.4.12.B and 19.15.4.12.C NMAC. In the event of objections to noticed deviations, the Operator must request a hearing and amendment of the Order. Modifications beyond those contemplated above will require a hearing and amendment. OCD also reserves the right to request the operator to file for a hearing amendment if conditions merit.

For further inquiries, contact OCD.Engineer@emnrd.nm.gov.



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