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

# APPLICATION OF NADEL AND GUSSMAN PERMIAN, L.L.C. FOR COMPULSORY POOLING AND A NON-STANDARD SPACING AND PRORATION UNIT, EDDY COUNTY, NEW MEXICO.

#### **CASE NO. 14624**

# CERTIFICATE OF MAILING AND COMPLIANCE WITH ORDER R-8054

) SS.

# STATE OF NEW MEXICO

#### COUNTY OF SANTA FE

W. Thomas Kellahin, being first duly sworn, hereby certifies that he is an attorney for the Applicant and is responsible for notification in this matter and that the notice provisions of Division Rule 1207 (Order R-8054) have been complied with, that Applicant has caused to be conducted a good faith diligent effort to find the correct addresses of all interested parties entitled to receive notice, that on October 19, 2011 he caused to be send first by certified mail return-receipt requested the attached notice of this hearing and a copy of the amended application for the above referenced case, at least twenty days prior to the hearing of this case scheduled for November 10, 2011, to the parties shown in said application and as evidenced by the attached copies of return receipt cards and/or receipts of certified mailing and that pursuant to Division Rule 1207 notice has been given at the correct addresses provided by such rule.

Thomas Kellahin

SUBSCRIBED AND SWORN to before me this 3rd day of November 2011, by W. Thomas Kellahin

Lynda Kellahin, Notary Public My Commission Expires:



Before the Oil Conservation Division Case 14624 Hearing November 10, 2011 Nadel and Gussman Permian Exhibit No.

# **KELLAHIN & KELLAHIN** ATTORNEY AT LAW

W. Thomas Kellahin 706 Gonzales Road Santa Fe, New Mexico 87501 phone 505.982.4285 Facsimile 505.216.2780 tkellahin@comcast.net

October 19, 2011

#### CERTIFIED MAIL-RETURNED RECEIPT REQUESTED

#### TO: NOTICE OF THE HEARING OF THE FOLLOWING NEW MEXICO OIL CONSERVATION DIVISION CASE:

Re: Case 14624: Application of Nadel and Gussman Permian, L.L.C. for Designation of A Non-Standard Spacing and Proration Unit and for Compulsory Pooling, Eddy County, New Mexico

On behalf of Nadel and Gussman Permian, L.L.C. ("NGP"), please find enclosed our application for a compulsory pooling order for the E/2W/2 of Section 7, T19S, R26E, NMPM to be dedicated to its Long Branch Well No. 2-H that has been continued for hearing on the New Mexico Oil Conservation Division Examiner's docket now scheduled for 8:15 am on November 10, 2011. The hearing will be held at the Division hearing room located at 1220 South Saint Francis Drive, Santa Fe, New Mexico, 87505. (Phone 505-476-3458, Fax 505-476-3462)

There are two reasons that you have received this notice: either you are (a) a party to be pooled or (b) you are an operator or mineral working interest owner who has in interest in a tract that adjoins the E/2W/2 of this Section 7.

You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, we are notifying you of your right to appear at the hearing and participate in this case, including the right to present evidence either in support of or in opposition to the application. Failure to appear at the hearing may preclude you from any involvement in this case at a later date.

Pursuant Division Rule 1208.B, parties appearing in cases are required to file a Pre-Hearing Statement with the Division not later than 5:00 PM on Thursday, November 3, 2011, with a copy delivered to the undersigned. This statement must include: the names of all witnesses the party will call to testify at the hearing; the approximate time of the party will need to present its case, and identification of any procedural matters that are to be resolved prior the hearing. In addition, if you are a party to be pooled, the Division will impose a 200% risk charge unless you declare in this Pre-Hearing Statement you intention to oppose it. Please note that the burden of proof as to this issue will be yours. Please direct any questions to Emerald Johnson at Nadel and Gussman Permian 432-682-4429

Very truly νόπ homas Kellahin

#### **BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION**

# APPLICATION OF NADEL AND GUSSMAN PERMIAN, L.L.C. FOR A NON-STANDARD OIL SPACING AND PRORATION UNIT AND COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO.

Case No.

#### <u>APPLICATION</u>

Nadel and Gussman Permian L.L.C. applies for an order (i) approving a non-standard oil spacing and proration unit in the Glorieta-Yeso formation in the E<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub> of Section 7, Township 19 South, Range 26 East, N.M.P.M., Eddy County, New Mexico, and (ii) pooling all mineral interests from the surface to the top of the Glorieta-Yeso formation in the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 7, and in the Glorieta-Yeso formation underlying the non-standard unit, and in support thereof, states:

1. Applicant is an interest owner in Section 7, and has the right to drill a well thereon.

2. Applicant proposes to drill the Long Branch Well No. 2 to a depth sufficient to test the Glorieta-Yeso formation. Applicant seeks to dedicate (i) the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 7 to the well to form a standard 40 acre oil spacing and proration unit, and (ii) the E<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub> of Section 7 to the well to form a non-standard 160 acre oil spacing and proration unit (project area), for any formations and/or pools developed on 40 acre spacing within that vertical extent. The well is a horizontal well with a surface location in the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and a terminus in the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, of Section 7.

3. Applicant has in good faith sought to obtain the voluntary joinder of all other mineral interest owners in the  $E\frac{1}{2}W\frac{1}{2}$  of Section 7 for the purposes set forth herein.

4. Although applicant attempted to obtain voluntary agreements from all mineral interest owners to participate in the drilling of the wells or to otherwise commit their interests to the wells, certain interest owners have failed or refused to join in dedicating their interests. Therefore, applicant seeks an order pooling all mineral interest owners in the  $E^{1/2}W^{1/2}$  of Section 7, pursuant to NMSA 1978 §§70-2-17, 18.

5. Approval of the non-standard unit and the pooling of all mineral interests underlying the E½W½ of Section 7 will prevent the drilling of unnecessary wells, prevent waste, and protect correlative rights.

WHEREFORE, applicant requests that, after notice and hearing, the Division enter its order:

A. Approving a non-standard oil spacing and proration unit (project area) in the Glorieta-Yeso formation in the E½W½ of Section 7;

B. Pooling all mineral interests (i) in the NE<sup>4</sup>NW<sup>4</sup> of Section 7, and (ii) the E<sup>1/2</sup>W<sup>1/2</sup> of Section 7, from the surface to the base of the Glorieta-Yeso formation;

C. Designating applicant as operator of the well;

E. Considering the cost of drilling and completing the well, and allocating the costs among the well's working interest owners;

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

E. 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.

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Respectfully submitted,

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James Bruce Post Office Box 1056 Santa Fe, New Mexico 87504 (505) 982-2043

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Attorney for Nadel and Gussman Permian, L.L.C.

# PARTios To be pooled

NEARBURG EXPLORATION COMPANY, LLC P.O. Box 823085 Dallas, Texas 75382

YATES PETROLEUM CORPORATION 105 S. 4th Street Artesia, NM 88210

CIMAREX ENERGY CO. 600 N. Marienfeld, Ste. 600 Midland, Texas 79701

PATSY MADDEN CARMONEY (Returned to sender) 7411 16<sup>TH</sup> MNR VERO BEACH, FL 32966

MARVIN J. BOHANNON (Returned to sender) 4857 DEL AIRE DRIVE DEL CITY, OK 93115

FRED BOHANNON ROYALTY COMPANY (Returned to sender) P.O. BOX 521125 TULSA, OK 74152

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MARY LOUISE HUBBART (Returned to sender) 840 CLEVELAND ROAD BOGAR GEORGIA 30622

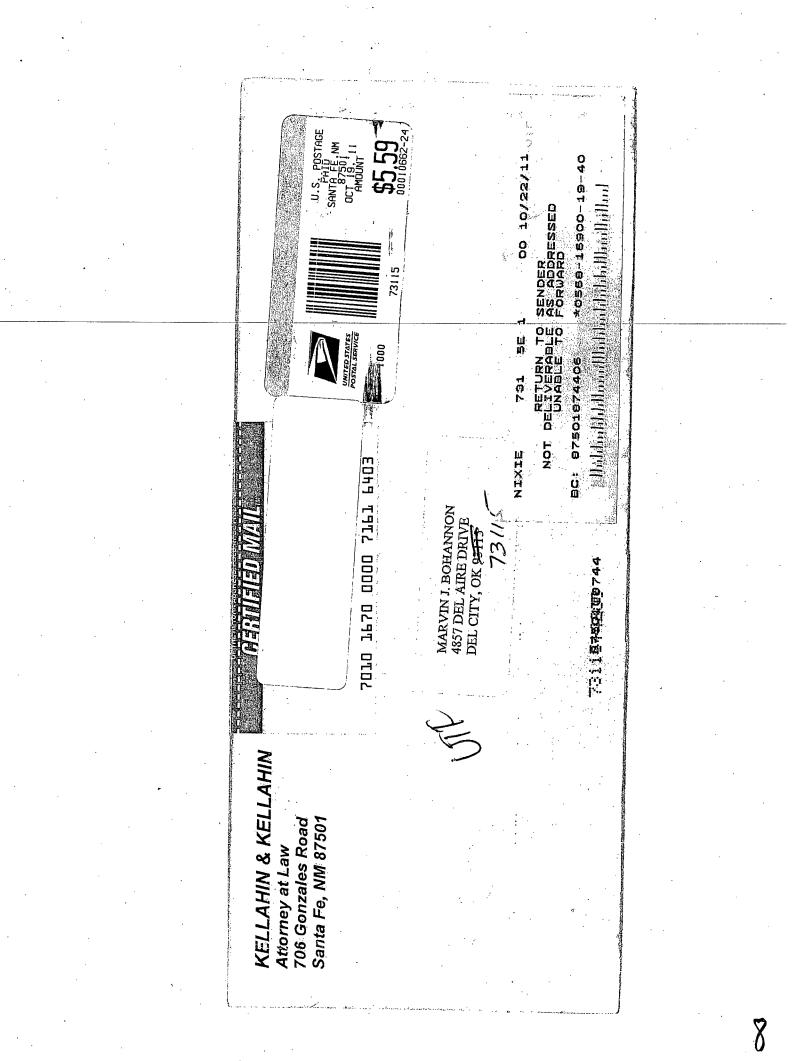
BRIAN SCOTT MANNING (\*\*\* P.O. BOX 52012 IRVINE, CA 92619

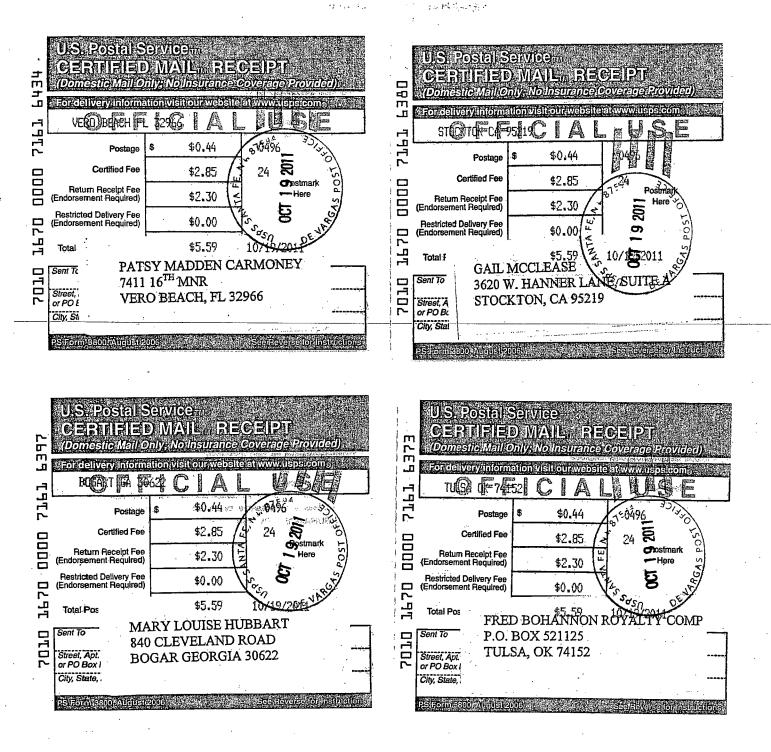
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 OKLAHOMA CITY, OK 73120

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DHA, Inc.
 214 W. Texas, Suite 400
 Midland, TX 79701

OXY USA, INC 5 Greenway Plaza Houston, TX 77046-0526

MYCO INDUSTRIES, INC. 105 S. 4TH STREET ARTESIA, NM 88210

ABO PETROLEUM CORPORATION 105 S. 4TH STREET ARTESIA, NM 88210

CONCHO.OIL & GAS, LLC 550 W. TEXAS, SUITE 100 MIDLAND, TX 79701

COG OPERATING, LLC 550 W. TEXAS, SUITE 100 MIDLAND, TX 79701

SHARBRO P.O. BOX 840 ARTESIA, NM 88210

EXXONMOBIL CORPORATION P.O. BOX 4610 HOUSTON, TX 77210

CACTUS ENERGY, INC P.O. BOX 2412 MIDLAND, TX 79702

E3 ENERGY, LTD P.O. BOX 205 MIDLAND, TX 79702

SAGUARO RESOURCES, INC. 1409 S. COUNTY ROAD 1130 MIDLAND, TX 79706

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