

Davidson, Florene, EMNRD

9

From: shenan.atcity@hklaw.com
Sent: Wednesday, May 25, 2011 9:43 PM
To: Davidson, Florene, EMNRD; shall@montand.com; Sherryl.Vigil@bia.gov; dixonssandoval@jicarillaoga.com
Cc: shenan.atcity@hklaw.com; sjgunn37@gmail.com; Herb.Becker@jaassociatesnm.com; steve.mchugh@hklaw.com; gigi.modrich@hklaw.com; KWilliams@montand.com
Subject: Case No. 14629; filing of NOTICE OF CORRECTION
Attachments: JAN Notice of Correction - May 25 2011.pdf

Good Evening,

On behalf of the Jicarilla Apache Nation, please find attached for filing the "NOTICE OF CORRECTION" in Case No. 14629:

Please be advised that we intend to bring paper copies to the hearing tomorrow.

Thank you.

Shenan Atcity | Holland & Knight

Partner
2099 Pennsylvania Avenue, N.W., Suite 100 | Washington DC 20006
Phone 202.457.7128 | Fax 202.955.5564
shenan.atcity@hklaw.com | www.hklaw.com

[Add to address book](#) | [View professional biography](#)

RECEIVED OGD
2011 MAY 26 A 1 58

To ensure compliance with Treasury Regulations (31 CFR Part 10, Sec. 10.35), we inform you that any tax advice contained in this correspondence was not intended or written by us to be used, and cannot be used by you or anyone else, for the purpose of avoiding penalties imposed by the Internal Revenue Code.

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

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

IN THE MATTER OF THE APPLICATION OF
BLUE DOLPHIN PRODUCTION, LLC FOR
COMPULSORY POOLING, RIO ARRIBA
COUNTY, NEW MEXICO

Case No. 14629

NOTICE OF CORRECTION

COMES NOW the Jicarilla Apache Nation ("Nation") and files this Notice of Correction to the Memorandum of Law in Support of the Jicarilla Apache Nation's Motion to Dismiss and in Reply to Applicant's Response to the Nation's Special Appearance ("Memorandum"). By this Notice, the Nation seeks to clarify and correct certain references to the lands and mineral interests at issue in this matter. In particular, the Nation seeks to clarify that, of the 40 acre parcel identified in the Memorandum as the "Subject Parcel," only the 21.0 ± acres comprising the approximate east half of the Subject Parcel are within the property known as the "Theis Ranch property." The corrections to the Memorandum are as follows, with additions underlined and in bold and deletions in strikethrough:

1. On page 2, the first sentence of the second paragraph under Part I of the Argument is corrected to read as follows:

The 21.0 +/- acres constituting the approximate east half of the Subject Parcel is part of, and wholly included within, the property known as the "Theis Ranch property."

2. On page 4, the first full sentence on the page is corrected to read as follows:

Applicant further represented that: the proposed 21.0 ± acre unit consists of "unsurveyed lands bordering the Jicarilla Apache reservation," *id.*, at 5:17-18; *see also, id.*, at 6:23-24; the Reservation is "to the west" of the proposed 21.0 ± acre unit, *id.*, at 5:21-6:3; *see also, id.*, at 9:3-6; and the proposed nonstandard well location ~~21.0 ± acre unit is~~ "335 ~~355~~-feet off of the Jicarilla

boundary," *id.*, at 7:13-14. *See also*, Hearing Exhibits 1-5 (attached hereto as Exhibit D).

3. On page 4, the last sentence of the first full paragraph is corrected to read as follows:

Further, an undivided fractional interest in the mineral estate underlying **the 21.0 +/- acre nonstandard spacing and proration unit within** the entire Subject Parcel is also held in trust for the Nation and included within the Reservation.

4. On page 11, the second and third sentences of the second full paragraph are corrected to read as follows:

That includes **the 21.0 +/- acre nonstandard spacing and proration unit within** the Subject Parcel. The entire surface estate of the **said unit** Subject Parcel is held in trust by the United States for the Nation, and the Nation's undivided fractional interest in the mineral estate **underlying the said unit** is also held in trust.

5. On page 17, the first sentence of the second full paragraph is corrected to read as follows:

The instant proceeding clearly affects the Nation's property interests in **the 21.0 +/- acre nonstandard spacing and proration unit within** the Subject Parcel.

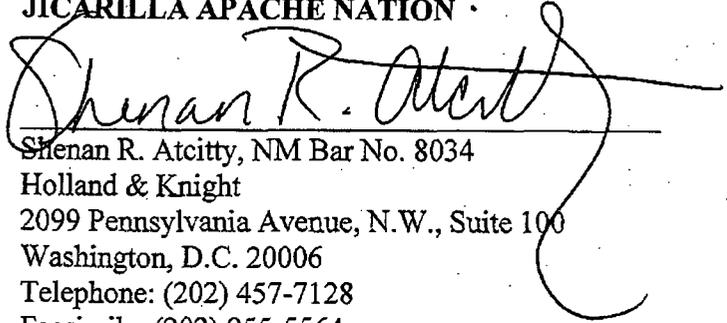
6. These corrections are intended for clarification purposes only and are not intended to change the substance of, or add new arguments to, the Nation's Memorandum filed with the Division on May 19, 2011.

Dated: May 25, 2011

Respectfully submitted,

JICARILLA APACHE NATION

By:



Shenan R. Atcitty, NM Bar No. 8034
Holland & Knight
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
Telephone: (202) 457-7128
Facsimile: (202) 955-5564
Email: shenan.atcitty@hkclaw.com

Herbert A. Becker, NM Bar No. 3292
JA Associates
2309 Renard Place, S.E., Suite 200
Albuquerque, NM 87106
Telephone: (505) 242-2214
Facsimile: (505) 242-2236
Email: herb.becker@jaassociatesnm.com

Steven J. Gunn, NM Bar No. 141821
1301 Hollins Street
St. Louis, MO 63135
Telephone: (314) 920-9129
Facsimile: (314) 880-2027
Email: sjgunn@wulaw.wustl.edu

Attorneys for the Jicarilla Apache Nation