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2005 MAY 24 PM 3 06

May 24, 2005

Florene Davidson
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Re: Case No. 13,486

Dear Florene:

Enclosed for filing, on behalf of Synergy Operating, LLC, are an original and one copy of an amended application for compulsory pooling, together with a proposed advertisement. The advertisement has also been e-mailed to the Division. Please re-set this matter for the June 16, 2005 hearing. Thanks.

Very truly yours,



James Bruce

Attorney for Synergy Operating, LLC

Parties Being Pooled

Margaret Hassleman Jones
Margaret M. Drabek
Egid Schmitt and wife Edith Schmitt
Eleanor Schmitt
Dorothy Schmitt
Mildred Schmitt
Alice Schmitt
Pauline Kellogg
(addresses unknown)

Earnest Smith and
Edwin Smith
40758 Jasper Drive
Kingsbury, California 93631

June Walmsley Estate
c/o Jerry T. Walmsley
801 West Paradise Road
Spokane, Washington 99224

June Walmsley Estate
c/o Jana Nelson
4003 East Broadway
Spokane, Washington 99202

Joseph C. Robbins
2136 Lakeshore Drive
Chapel Hill, North Carolina 27514

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

2005 MAY 24 PM 3 06

APPLICATION SYNERGY OPERATING,
LLC FOR COMPULSORY POOLING,
SAN JUAN COUNTY, NEW MEXICO.

Case No. 13,486

AMENDED APPLICATION

Synergy Operating, LLC applies for an order pooling all mineral interests from the surface to the base of the Basin-Fruitland Coal Gas Pool underlying the W $\frac{1}{2}$ of Section 8, Township 29 North, Range 11 West, N.M.P.M., San Juan County, New Mexico, and in support thereof, states:

1. Applicant is an interest owner in the W $\frac{1}{2}$ of Section 8, and has the right to drill a well or wells thereon.
2. Applicant proposes to drill its Duff 29-11-8 Well No. 104, at an orthodox location in the NW $\frac{1}{4}$ of Section 8, to a depth sufficient to test the Fruitland Coal formation, and seeks to dedicate the W $\frac{1}{2}$ of Section 8 to the well to form a standard 320 acre gas spacing and proration unit for any formations and/or pools developed on 320 acre spacing within that vertical extent, including the Basin-Fruitland Coal Gas Pool.
3. Applicant also proposes to drill its Duff 29-11-8 Well No. 105, at an orthodox location in the SW $\frac{1}{4}$ of Section 8, to a depth sufficient to test the Fruitland Coal formation, and seeks to dedicate the following acreage to the well:
 - (a) The W $\frac{1}{2}$ of Section 8 to form a standard 320 acre gas spacing and proration unit for any formations and/or pools developed on 320 acre spacing within that vertical extent, including the Basin-Fruitland Coal Gas Pool; and

(b) The SW¼ of Section 8 to form a standard 160 acre gas spacing and proration unit for any formations and/or pools developed on 160 acre spacing within that vertical extent, including the Undesignated Bloomfield-Farmington Pool.

4. Applicant has in good faith sought to obtain the voluntary joinder of all other mineral interest owners in the W½ of Section 8 for the purposes set forth herein.

5. Although applicant attempted to obtain voluntary agreements from all mineral interest owners to participate in the drilling of the well or to otherwise commit their interests to the well, 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 W½ of Section 8, pursuant to NMSA 1978 §70-2-17.

6. The pooling of all mineral interests underlying the W½ of Section 8 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. Pooling all mineral interests in the W½ of Section 8, from the surface to the base of the Basin-Fruitland Coal Gas Pool;
- B. Designating applicant as operator of the wells;
- C. Considering the cost of drilling and completing the wells, and allocating the cost among the wells' 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 wells in the event a working interest owner elects not to participate in the wells.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James Bruce", written over a horizontal line.

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

Attorney for Synergy Operating, LLC

PROPOSED ADVERTISEMENT

Case No. 13486 (continued and readvertised): Application of Synergy Operating, LLC for compulsory pooling, San Juan County, New Mexico. Applicant seeks an order pooling all mineral interests from the surface to the base of the Fruitland Coal formation underlying the following described acreage in Section 8, Township 29 North, Range 11 West, NMPM, and in the following manner: The W/2 to form a standard 320-acre gas spacing and proration for any pools or formations developed on 320-acre spacing within that vertical extent, including the Basin-Fruitland Coal Gas Pool; and the SW/4 to form a standard 160-acre gas spacing and proration for any pools or formations developed on 160-acre spacing within that vertical extent, including the Undesignated Bloomfield-Farmington Pool. The units are to be dedicated to the Duff 29-11-8 Well No. 104, to be drilled at an orthodox location in the NW/4 of Section 8, and the Duff 29-11-8 Well No. 105, to be drilled at an orthodox location in the SW/4 of Section 8. Also to be considered will be the cost of drilling and completing the wells and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of applicant as operator of the wells, and a 200% charge for the risk involved in drilling and completing the wells. The units are located approximately 6 miles south-southwest of Aztec, New Mexico.

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