BEFORE THE OIL CONSERVATION DIVISION NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

APPLICATION OF KOCH EXPLORATION COMPANY, LLC, FOR AN ORDER AUTHORIZING INCREASED WELL DENSITY AND SIMULTANEOUS DEDICATION ON CERTAIN NON-STANDARD SPACING UNITS IN THE BASIN-FRUITLAND COAL GAS POOL, SAN JUAN **COUNTY, NEW MEXICO**

CASE NO. 13841

AFFIDAVIT

STATE OF NEW MEXICO) ss. COUNTY OF SANTA FE

William F. Carr, attorney in fact and authorized representative of Koch Exploration Company, LLC, the Applicant herein, states that notice of the above-referenced Application was mailed to the interested parties shown on Exhibit "A" attached hereto in accordance with Oil Conservation Division Rules, and that true and correct copies of the notice letter and proof of notice are attached hereto.

SUBSCRIBED AND SWORN to before me this

2006.

My Commission Expires:

NMOCD CASE NO. 13841 **JANUARY 18, 2007** KEC, LLC EXHIBIT NO. 10

3633574 1.DOC

HOLLAND&HART.

William F. Carr wcarr@hollandhart.com

<u>CERTIFIED MAIL</u> <u>RETURN RECEIPT REQUESTED</u>

AFFECTED INTEREST OWNERS

Re: Application of Koch Exploration Company, LLC for an order authorizing increased well density and simultaneous dedication on certain non-standard spacing units in the Basin-Fruitland Coal Gas Pool, San Juan County, New Mexico.

Ladies and Gentlemen:

This letter is to advise you that Koch Exploration Company, LLC has filed the enclosed application with the New Mexico Oil Conservation Division seeking authorization for increased well density and simultaneous dedication on certain non-standard spacing units in the Basin-Fruitland Coal Gas Pool. Koch seeks authorization to drill an additional coal gas well in each of three existing non-standard gas spacing units that comprise the following acreage located in the narrow sections along the west side of Township 31 North, Range 8 West:

- A. W/2 equivalent of Section 6 and the NW/4 equivalent of Section 7 (The additional well is proposed at a standard location in the NW/4 of Section 6);
- B. SW/4 equivalent of Section 7 and W/2 equivalent of Section 18 (the additional well is proposed at a standard location in the NW/4 of Section 18); and
- C. W/2 equivalent of Section 19 and the NW/4 equivalent of Section 30 (the additional well is proposed at a standard location in the NW/4 of Section 19).

Koch also seeks authorization to simultaneously dedicated each of these units to the three coal gas wells located thereon

This application has been set for hearing before a Division Examiner at 8:15 a. m. on December 13, 2006 at Porter Hall located at 1220 South Saint Francis Drive, Santa Fe, New Mexico. You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B to file a Pre-Hearing Statement with the Oil Conservation Division's Santa Fe office located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505, four days in advance of a scheduled hearing, but at least on the Thursday preceding the hearing. This statement must include: the names of the parties and their

110 North Guadalupe Suite 1 Santa Fe, NM 87501 Mailing Address P.O. Box 2208 Santa Fe, NM 87504-2208

Aspen Billings Boise Boulder Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Salt Lake City Santa Fe Washington, D.C. 🙃

Phone [505] 988-4421 Fax [505] 983-6043 www.hollandhart.com

November 15, 2006 Page 2

HOLLAND&HART.

attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

Sincerely.

William F. Carr Attorney for Koch Exploration Company, L.L.C.

Enclosure

1

Q.,

cc: Mr. Morgan J. Connor Land Manager Koch Exploration Company, LLC

EXHIBIT A

NOTIFICATION LIST

IN THE MATTER OF THE APPLICATION OF KOCH EXPLORATION COMPANY, LLC FOR AN ORDER AUTHORIZING INCREASED WELL DENSITY AND SIMULTANEOUS DEDICATION IN THE BASIN FRUITLAND COAL GAS POOL, SAN JUAN COUNTY, NEW MEXICO.

BP America Production Company Regulatory Affairs 1660 Lincoln Street, suite 3000 Denver, Colorado 80264 Attention: Bill Hawkins

Burlington Resources Oil and Gas Company 3401 East 30th Street Farmington, New Mexico 87402 Attn: Alan Alexander

ConocoPhillips Company 3401 East 30th Street Farmington, New Mexico 87402 Attn: Alan Alexander

Chevron Texaco 11111South Wilcrest Houston, Texas 77099 Attention: Paul R. Owen, Esq.

Four Star Oil & Gas 11111 South Wilcrest Houston, Texas 77099 Attention: Stacey Saunders

ţ,

Peoples Energy 1301 McKinney, Suite 3200 Houston, Texas 77010 Attention: Diane Sumrall

Williams Production Company One Williams Center, Suite 2500 Tulsa, Oklahoma 74172 Attention: Barbara Burnett

Williams Production Company 999 Godard Ave. Ignascio, Colorado 81137 Bureau of Land Management Farmington District Office 1235 La Plata Highway Suite A Farmington, New Mexico 87401-8731

Commissioner of Public Lands 310 Old Santa Fe Trail Post Office Box 1148 Santa Fe, New Mexico 87504-1148

Morgan Connor Land Manager Koch Exploration Company, LLC 9777 Pyramid Court Englewood, Colorado 80112

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

IN THE MATTER OF THE APPLICATION OF KOCH EXPLORATION COMPANY, LLC FOR AN ORDER AUTHORIZING INCREASED WELL DENSITY AND SIMULTANEOUS DEDICATION ON CERTAIN NON-STANDARD SPACING UNITS IN THE BASIN-FRUITLAND COAL GAS POOL, SAN JUAN COUNTY, NEW MEXICO.

CASE NO.

APPLICATION

KOCH EXPLORATION COMPANY, LLC ("Koch") through its undersigned attorneys, hereby makes application to the Oil Conservation Division for an order authorizing the drilling of an additional well on each of three irregular spacing and proration units located in portions of Sections 6, 7, 18, 19 and 30 of Township 31 North, Range 8 West, NMPM, San Juan County, New Mexico, and in support of its application states:

1. Koch Exploration Company, LLC, is the operator of the Fruitland Coal formation, Basin-Fruitland Coal Gas Pool, in the following three irregular spacing units located along the western boundary of Township 31 North, Range 8 West:

A. W/2 equivalent of Section 6 and the NW/4 equivalent of Section 7;

B. SW/4 equivalent of Section 7 and W/2 equivalent of Section 18; and

C. W/2 equivalent of Section 19 and the NW/4 equivalent of Section 30.

2. These non-standard spacing units were approved in the Mesaverde formation by Division Order No. R-392, dated November 24, 1953. Non-standard spacing units comprised of the same acreage were also approved in the Dakota formation, Basin Dakota-Gas Pool, by Order No. R-12521. Division Order No. R-8768-A, dated July 16, 1991 amended Rule 5 of the Special Pool Rules and Regulations for Basin-Fruitland Coal Gas Pool to provide for administrative approval of non-standard spacing units in the Basin- Fruitland Coal Gas Pool if the non-standard spacing unit already existed in the Mesaverde or Dakota formation. Such approval consisted of acceptance by the District Supervisor of the Division's Aztec District Office of Division Form C- 102 showing the proposed non-standard unit and the acreage contained therein. Therefore these non-standard units were approved at the time the Acreage Dedication Plat (Form C-102) was filed for the original coal gas well on each of these spacing units.

3. These spacing units are located in the "High Productivity Area" of the Basin-Fruitland Coal Gas Pool as established by Order No. R-8768-F dated July 17, 2003.

4. The spacing and well location requirements of the Special Rules for the Basin Fruitland Coal Gas Pool for the High Productivity Area, provide for no more than two (2) wells per standard 320-acre gas spacing unit provided that prior to drilling a second well on a standard 320-acre gas spacing unit in the High Productivity Area notice and an opportunity to object must be provided to affected offset operators. Rule 7(d)(2) Since the subject spacing units are nonstandard units, they do not fall under the provisions of the Special Pool Rules and Regulations for the Basin-Fruitland Coal Gas Pool

5. The subject non-standard spacing units were proposed and approved to keep the ownership common in these tracts for all formations.

6. Due to the irregular shape of these non-standard units, there is acreage that cannot be drained by the existing wells thereon and the reserves under these tracts are being drained by wells on offsetting spacing units in this pool.

7. Koch seeks authorization to drill an additional well in the NW/4 of Section 6, the NW/4 of Section 18 and the NW/4 of Section 19, of Township 31 North, Range 8 West and simultaneously dedicate three wells in the Basin-Fruitland Coal Gas Pool to each of these non-standard spacing units.

8. The Oil and Gas Act charges the Division with the protection of the correlative rights of each owner in a spacing or proration unit.

9. "Correlative Rights" is "the opportunity afforded, as far as it is practicable to do so, to the owner of each property in a pool to produce without waste his just and equitable share of the oil or gas, or both, in the pool, being an amount, so far as can be practicably determined, **APPLICATION FOR INCREASED WELL DENSITY AND SIMULTANEOUS DEDICATION PAGE 2** and so far as can be practicably obtained without waste, substantially in the proportion that the quantity of recoverable oil or gas, or both, under such property bears to the total recoverable oil or gas, or both, in the pool"

10 The approval of this application and the drilling of an additional Fruitland Coal Gas well on each of these three spacing units is necessary to enable the owners therein to produce their just and equitable share of the reserves from this pool.

11. Notice of this application has been provided as required by Division Rules to each affected persons as defined by Division Rules 1207(a)(2) [19.15.14.1207(1)(2) NMAC] in each spacing unit that adjoins the spacing unit on which a proposed additional well is proposed.

12. Approval of this application will be in the best interest of conservation, the prevention of waste and the protection of correlative rights.

WHEREFORE, Koch Exploration Company, LLC request that this application be set for hearing before an examiner of the Oil Conservation Division on December 13, 2006, and that after notice and hearing as required by law, the Division enter its order granting this application.

> Respectfully submitted, Holland & Hart, LLP

Bv: William F. Carr

ATTORNEYS FOR KOCH EXPLORATION COMPANY, LLC

Ad No. 54247

STATE OF NEW MEXICO County of San Juan:

ROBIN ALLISON, being duly sworn says: That she is the CLASSIFIED MANAGER of THE DAILY TIMES, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the hereto attached Legal Notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico for publication and appeared in the Internet at The Daily Times web site on the following day(s):

Sunday, November 19, 2006.

And the cost of the publication is \$144.46

ROBIN ALLISON ON appeared before me, whom I know personally to be the person who signed the above document.

<u>COUEY</u> Nov. 12 2008 hission Expires

COPY OF PUBLICATION

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

SANIA FE, NEW MEXICO The State of New Mexico through its Oil Conservation Division hereby gives notice pursuant to law and the Rules and Regulations of the Division of the following public hearing: to be held at 8:15 A.M. on December 13, 2006, in the Oil Conservation Division Hearing Room at 1220 South St. Francis, Santa Fe, New Mexico, before an examiner duly appoint for the hearing. If you are an individual with a disability who is in need of a reader, amplifier quiftied sign language inter preter, or any other form of auxiliary aid or serv ice to attend or participate in the hearing, please contact: Florene Davidson at 505-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by December 3, 2006. Public docu ments including the agenda and minutes, can be provided in various accessible forms. Please con tact Florene Davidson if a summary or other type of accessible form is needed.

STATE OF NEW MEXICO TO: All named parties and persons having any right, title, interest or claim in the following cases and notice to the public.

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

CASE 13841:

Application of Koch Exploration Company, LLC for an order authorizing increased well density and si multaneous dedication on certain non-standard spacing units in the Basin-Fruitland Coal Gas Pool, San Juan County, New Mexico. Applicant seeks authorization to drill an additional coal gas well at a standard location in each of three existing non-standard gas spacing units in the Basin-Fruit land Coal Gas Pool. These three GPU's comprise the following acreage located in the narrow sec tions along the west side of Township 31 North, Range 8 West:

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Applicant also seeks authorization to simulta neously dedicated each of these units to the three coal gas wells located thereon. This area is lo cated approximately 6.5 miles west of the Los Pinos arm of the Navajo Reservoir approximately 30.66 miles north of Aztec, New Mexico.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 16th day of November 2006.

STATE OF NEW MEXICO OIL CONSERVATION DIVISION

Mark E. Fesmire, P.E., Director

Legal No. 54247, published in The Daily Times, Farmington, New Mexico on Sunday, November 19, 2006

AFFIDAVIT OF PUBLICATION

Ad No. 54247

STATE OF NEW MEXICO County of San Juan:

ROBIN ALLISON, being duly sworn says: That she is the CLASSIFIED MANAGER of THE DAILY TIMES, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the hereto attached Legal Notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico for publication and appeared in the Internet at The Daily Times web site on the following day(s):

Sunday, November 19, 2006.

And the cost of the publication is \$144.46

ALLISON ON ROBIN appeared before me, whom I know personally to be the person who signed the above document.

Mmr. 17 2008 hission Expires

COPY OF PUBLICATION

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