

KELLAHIN AND KELLAHIN

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

W THOMAS KELLAHIN*

*NEW MEXICO BOARD OF LEGAL SPECIALIZATION
RECOGNIZED SPECIALIST IN THE AREA OF
NATURAL RESOURCES-OIL AND GAS LAW

JASON KELLAHIN (RETIRED 1991)

TELEPHONE (505) 982-4285
TELEFAX (505) 982-2047

September 11, 1995

RECEIVED

SEP 11 1995

HAND DELIVERED

Oil Conservation Division

Mr. Michael E. Stogner
Chief Hearing Examiner
Oil Conservation Division
2040 South Pacheco
Santa Fe, New Mexico 87504

Re: NMOCD CASE 11360 (READVERTISE)
MW "33" Federal Com Well No. 1
W/2 Section 33, T17S, R27E, NMPM
Application of Nearburg Exploration
Company for Compulsory Pooling,
Eddy County, New Mexico

Case 11360

Dear Mr. Stogner:

On behalf of Nearburg Exploration Company, please find enclosed our application **First Amended Application** for compulsory pooling which amends Case 11360 now appearing on the September 24, 1995 docket which we request be readvertised and continued for hearing on the Examiner's docket now scheduled for October 5, 1995. Also enclosed is our proposed notice of publication for this case.

The original application incorrectly described the location to be in the SW/4 when in fact the applicant seeks a location in the NW/4 of said Section 33.

Oil Conservation Division

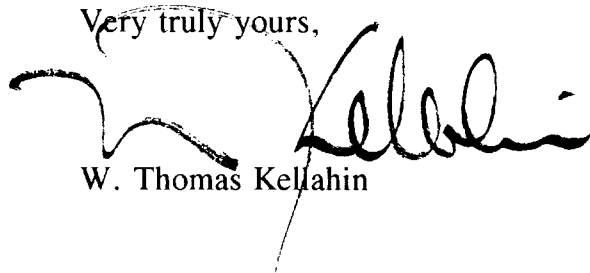
September 11, 1995

Page 2.

By copy of this letter, including the application, to all affected parties, we are notifying them by certified mail-return receipt requested, that they have the right to appear at the hearing, to make a statement to the Division, to present evidence and cross-examine witnesses either in support of or in opposition to the application.

Pursuant to the Division's Memorandum 2-90, all interested parties are hereby informed that if they appear in the case, then they are requested to file a Pre-Hearing Statement with the Division not later than 4:00 pm on Friday, September 29, 1995, with a copy delivered to the undersigned.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'W. Thomas Kellahin', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

W. Thomas Kellahin

Enclosure

cc: Nearburg Producing Company

cc: BY CERTIFIED MAIL-RETURN RECEIPT REQUESTED
to all parties listed in application

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

IN THE MATTER OF THE APPLICATION
OF NEARBURG EXPLORATION COMPANY
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.

RECEIVED

SEP 11 1995

CASE NO. Oil Conservation Division
77360

A P P L I C A T I O N

Comes now NEARBURG EXPLORATION COMPANY, by its attorneys, Kellahin & Kellahin, and in accordance with Section 70-2-17(c) (1978) applies to the New Mexico Oil Conservation Division for an order pooling all mineral interests from the surface to the base of the Morrow formation within a portion of Section 33, T17S, R27E, NMPM, Eddy County, New Mexico, in the following manner:

the W/2 forming a standard 320-acre spacing and proration unit for any and all formations and/or pools developed on 320-acre spacing within said vertical extent, which presently may include but is not necessarily limited to the Undesignated Jennings Spring-Wolfcamp Gas Pool, the Undesignated Red Lake-Pennsylvanian Gas Pool, Undesignated Logan Draw-Cisco/Canyon Gas Pool, Undesignated Scoggin Draw-Atoka Gas Pool, Undesignated Logan Draw-Morrow Gas Pool, Undesignated West Logan Draw-Morrow Gas Pool, and Undesignated Scoggin Draw-Morrow Gas Pool; and the NW/4 forming a standard 160-acre spacing and proration unit for any and all formations and/or pools developed on 160-acre spacing within said vertical extent.

Said unit(s) are to be dedicated to applicant's MW "33" Federal Com Well No. 1 to be drilled and completed at a standard well location in the NW/4 said Section 29. Also to be considered will be the costs of drilling and completing said well and the allocation of the costs thereof as well as actual operating costs and charges for supervision, designation of Nearburg Producing Company as the operator of the well and a charge for risk involved in said well.

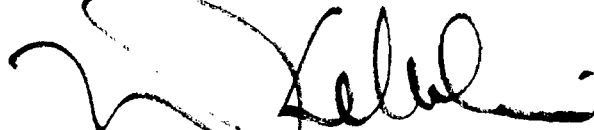
In support of its application, Nearburg Exploration Company, ("Nearburg") states:

1. Nearburg has a working interest ownership in the oil and gas minerals from the surface to the base of the Morrow formation underlying the W/2 of Section 33, T17S, R27E, NMPM, Eddy County, New Mexico.
2. The subject well is to be drilled at a standard well location in the NW/4 of Section 33 to test any and all formations in the pooled interval from the surface to the base of the Morrow formation and to be dedicated to the appropriate sized spacing unit for the appropriate pool consisting of either the W/2 or the NW/4 of said Section 33 as the case may be.
3. Nearburg has the voluntary agreement of certain of the working interest ownership of the oil & gas minerals from the surface to the base of the Morrow formation underlying the W/2 of Section 33.
4. Nearburg has proposed the subject well and its appropriate spacing unit to the remaining working interest owners in the spacing unit as identified on Exhibit "A."
5. Despite its good faith efforts, Nearburg has been unable to obtain a written voluntary agreement from all of the parties listed on Exhibit "A."
6. Pursuant to Section 70-2-17(c) NMSA (1978) and in order to obtain its just and equitable share of potential production underlying this spacing unit, Nearburg needs an order of the Division pooling the identified and described mineral interests involved in order to protect correlative rights and prevent waste.
7. In accordance with the Division's notice requirements, a copy of this application has been sent to the parties whose interest is to be pooled as listed on Exhibit "A" notifying each of this case and of the applicant's request for a hearing of this matter before the Division on the next available Examiner's docket now scheduled for August 10, 1995.

WHEREFORE, Nearburg, as applicant, requests that this application be set for hearing on October 5, 1995 before the Division's duly appointed examiner, and that after notice and hearing as required by law, the Division enter its order pooling the mineral interest described in the appropriate spacing unit for the drilling of the subject well at a standard well location upon terms and conditions which include:

- (1) Nearburg Producing Company be named operator;
- (2) Provisions for applicant and all working interest owners to participate in the costs of drilling, completing, equipping and operating the well;
- (3) In the event a working interest owner fails to elect to participate, then provision be made to recover out of production, the costs of the drilling, completing, equipping and operating the well, including a risk factor penalty of 200 %;
- (4) Provision for overhead rates per month drilling and per month operating and a provision providing for an adjustment method of the overhead rates as provided by COPAS;
- (5) Provisions pooling any non-participating royalty interests owners; and
- (6) For such other and further relief as may be proper.

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink, appearing to read 'W. Thomas Kellahin', is written over the typed name.

W. THOMAS/KELLAHIN
KELLAHIN & KELLAHIN
P. O. Box 2265
Santa Fe, New Mexico 87501
(505) 982-4285

NMOCD Application
Nearburg Exploration Company
Page 4

EXHIBIT "A"
NEARBURG APPLICATION

MW Petroleum Corporation
Apache Corporation
2000 Post Oak Blvd, Ste 100
Houston, Texas 77056-4400
Attn: Mr. Scott Spence

Amoco Production Company
P. O. Box 3092
Houston, Texas 77253
Attn: Jerry D. West