

KELLAHIN, KELLAHIN AND AUBREY

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

W. THOMAS KELLAHIN  
KAREN AUBREY

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

JASON KELLAHIN  
OF COUNSEL

June 26, 1991

RECEIVED

Mr. William J. LeMay  
Oil Conservation Division  
State Land Office  
Santa Fe, New Mexico 87504

JUN 28 1991  
OIL CONSERVATION DIVISION

10366

HAND DELIVERED

Re: Application of Bird Creek Resources, Inc.  
for Compulsory Pooling,  
Eddy County, New Mexico

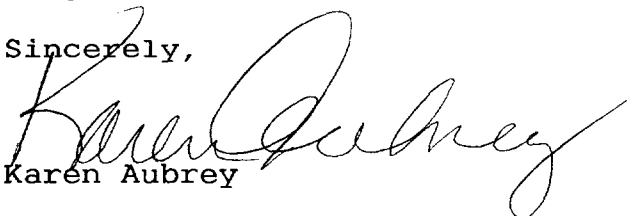
Dear Mr. LeMay:

On behalf of Bird Creek Resources, Inc., we would appreciate you setting the enclosed Application for a public hearing on the Division's Examiner's docket now scheduled for August 8, 1991.

By copy of this letter to all parties to be pooled, we are notifying them by certified mail-return receipt, 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. Those parties are directed to file a pre-hearing statement with the Division and send a copy to the undersigned not later than 4:00 PM on August 2, 1991.

In addition, these potential parties are advised that the entry of a compulsory pooling order will affect their rights to share in the production from the subject well.

Sincerely,

  
Karen Aubrey

Mr. William J. LeMay  
June 26, 1991  
Page 2

KA/tic  
Enclosures

cc: Lawrence W. Robinette  
Bird Creek Resources, Inc.  
1412 South Boston, Suite 550  
Tulsa, Oklahoma 74119

Certified mail return receipt  
All parties listed on Exhibit "A"  
of application

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

RECEIVED

JUL 11 1991

IN THE MATTER OF THE APPLICATION  
OF BIRD CREEK RESOURCES, INC. FOR  
COMPULSORY POOLING, EDDY COUNTY,  
NEW MEXICO

OIL CONSERVATION DIVISION

NO. 10360

A P P L I C A T I O N

COMES NOW BIRD CREEK RESOURCES, INC., by and through its attorneys, KELLAHIN, KELLAHIN & AUBREY, and applies to the New Mexico Oil Conservation Division for an order pooling all mineral interest from the surface to the base of the Delaware formation or 6300 feet, whichever is deeper, underlying the following described acreage in Section 22, Township 23 South, Range 28 East, N.M.P.M., Eddy County, New Mexico in the following manner:

To form a standard 40-acre oil spacing and proration unit consisting of the NW/4NW/4. In support thereof, Applicant states:

1. Applicant is the operator of and has the right to drill in the NW/4NW/4 of Section 22, T23S, R28E, N.M.P.M., Eddy County, New Mexico.

2. Applicant desires to drill a well at a standard location 990 feet from the North line and 760 from the West line of said Section 22 and dedicate the NW/4NW/4 (40 acres) to the well.

3. Applicant is informed and believes that the working interest/mineral owners entitled to participate in and pay for the costs of the subject well are as shown on Exhibit "A" attached hereto.

4. Applicant has sought the voluntary agreement of all those parties shown on Exhibit "A" for the formation of the appropriate spacing and proration unit for the drilling of the subject well, but has been unable to obtain a voluntary agreement.

5. Pursuant to the Division notice requirements, applicant has notified all those parties shown on Exhibit "A" of this application for compulsory pooling and its request for a hearing on August 8, 1991, by sending those parties a copy of this application and cover letter.

6. In order to obtain its just and equitable share of the potential production underlying the above tract, applicant needs an order pooling the mineral interest involved in order to protect applicant's correlative rights and prevent waste.

WHEREFORE, applicant prays that this application be set for hearing 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 herein. Applicant further prays that it be named operator of the well, that the order make provisions for applicant to recover out of production its costs of drilling, completing and equipping it, and costs of operation, including costs of supervision and a risk factor in the amount of 200% for the drilling and completion of the well and for such other and further relief as may be proper.

Respectfully submitted,

KELLAHIN, KELLAHIN & AUBREY

By: 

Karen Aubrey

Post Office Box 2265

Santa Fe, New Mexico 87504

(505) 982-4285

EXHIBIT "A"

Exxon Company U.S.A. P.O. Box 1600 Midland, Texas 79709 Attn: William T. Duncan	37.5%
Sylvite Corp. P.O. Box 394 Broken Arrow, Oklahoma 74013	5.20833%
	-----
TOTAL	42.70833%

KELLAHIN, KELLAHIN AND AUBREY

ATTORNEYS AT LAW

EL PATIO BUILDING

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JASON KELLAHIN  
OF COUNSEL

June 26, 1991

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JUN 28 1991

OIL CONSERVATION DIVISION

Case 90360

Mr. William J. LeMay  
Oil Conservation Division  
State Land Office  
Santa Fe, New Mexico 87504

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for Compulsory Pooling,  
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STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES  
OIL CONSERVATION DIVISION

RECEIVED

JUN 22 1991

IN THE MATTER OF THE APPLICATION  
OF BIRD CREEK RESOURCES, INC. FOR  
COMPULSORY POOLING, EDDY COUNTY,  
NEW MEXICO

OIL CONSERVATION DIVISION

NO. 10360

A P P L I C A T I O N

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P.O. Box 1600  
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Attn: William T. Duncan

37.5%

Sylvite Corp.  
P.O. Box 394  
Broken Arrow, Oklahoma 74013

5.20833%

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TOTAL

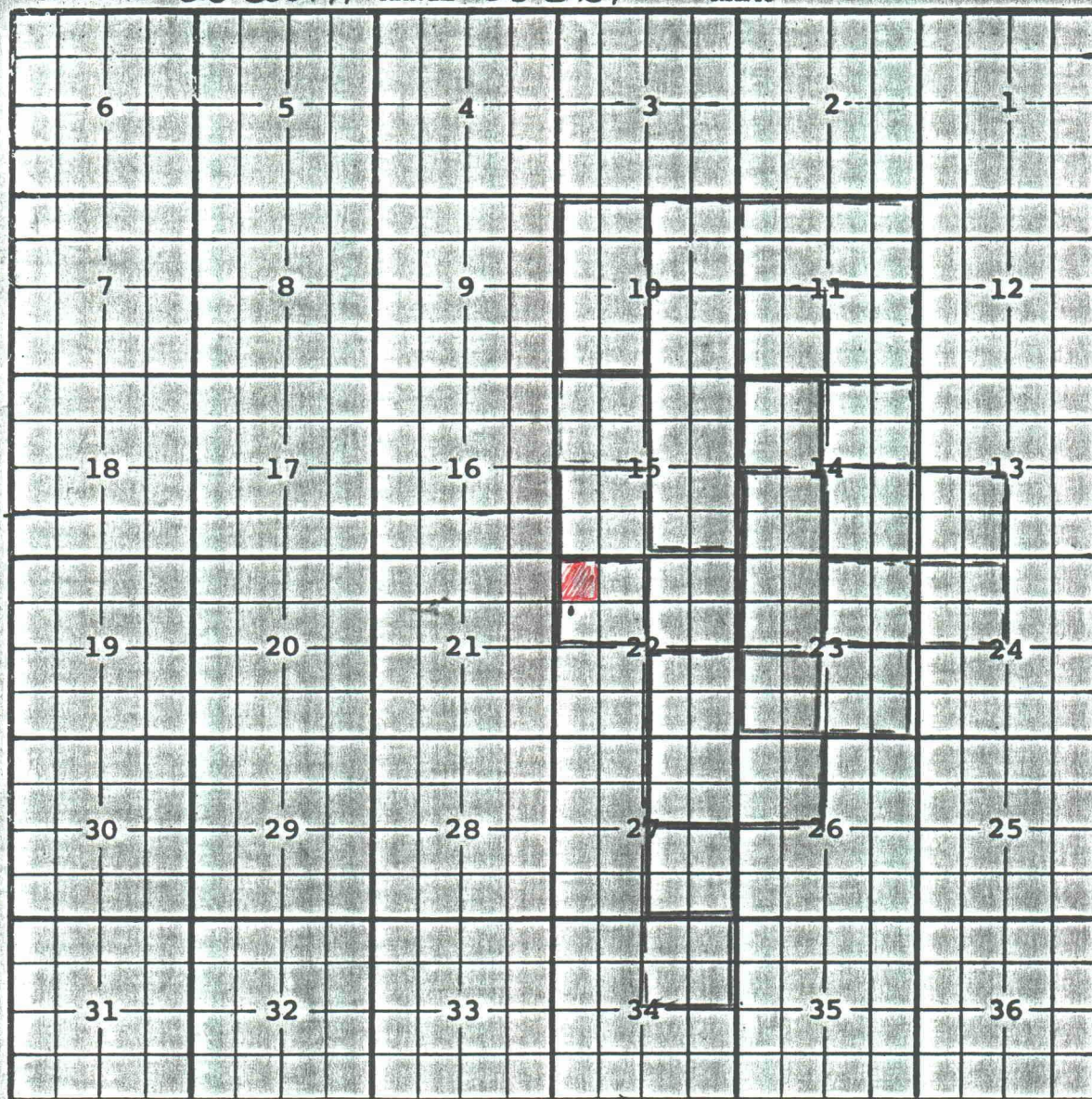
42.70833%

COUNTY EDDY

POOL EAST LOVING - DELAWARE

TOWNSHIP 23 SOUTH RANGE 28 EAST

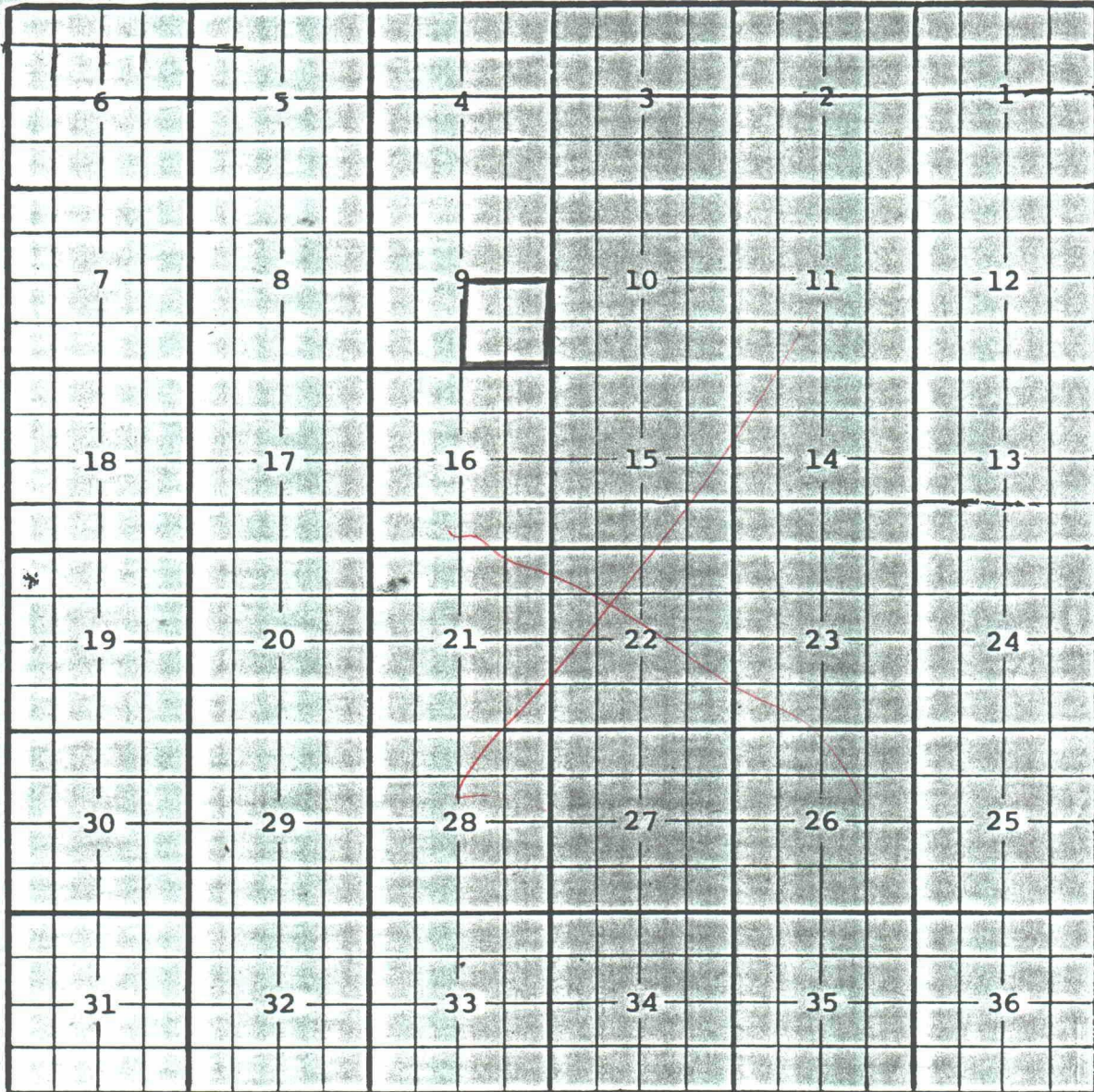
NMPM



DESCRIPTION: SW/4 SEC. 23 (R-8562 12/4/87) EXT: SE/4 sec 22, NE/4 sec 27 (R-8945, 5-31-89)  
EXT: SE/4 sec 27 (R-8969, 8-1-89) EXT: SW/4 SEC 14, NW/4 SEC 23, NW/4 SEC 26  
(R-9096, 1-1-90) EXT: NW/4 SEC 14 (R-9171, 6-1-90)  
Ext: SW/4 Sec. 11, NE/4 Sec. 14, NE/4 Sec. 23 (A-9241, 7-31-90)  
Ext: SE/4 Sec. 10, N/2 Sec. 11, SE/4 Sec. 14, E/2 Sec. 15, SE/4 Sec. 23, NW/4 Sec. 24, NE/4 Sec. 34  
(A-9326, 11-7-90) EXT: NE/4 SEC 10, SE/4 SEC 11, NE/4 sec 22 (R-9418, 2-1-91)  
EXT: SW/4 SEC 13, NW/4 SEC 22 (R-9473, 4-1-91) Ext: W/2 Sec. 10, SW/4 Sec. 15 (A-9545, 7-1-91)  
Ext: W/2 Sec. 10, SW/4 Sec. 15 (R-9545, 7-1-91)

County Eddy Pool Living - Cherry Canyon

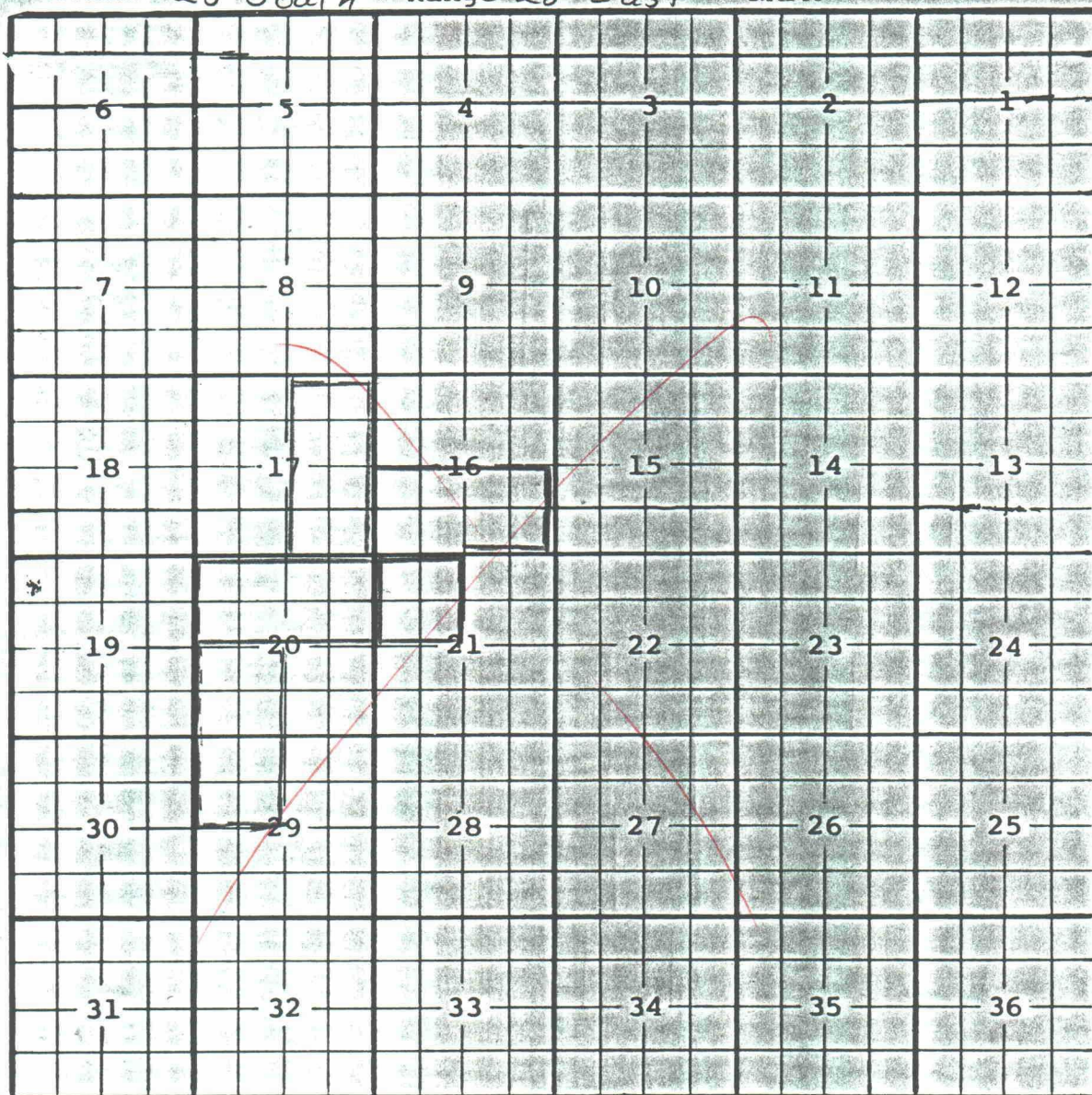
TOWNSHIP 23 South Range 28 East NMPM



Desc: SE/4 sec. 9 (R-6876, 1-22-82)

County Eddy Pool South Loving - Delaware

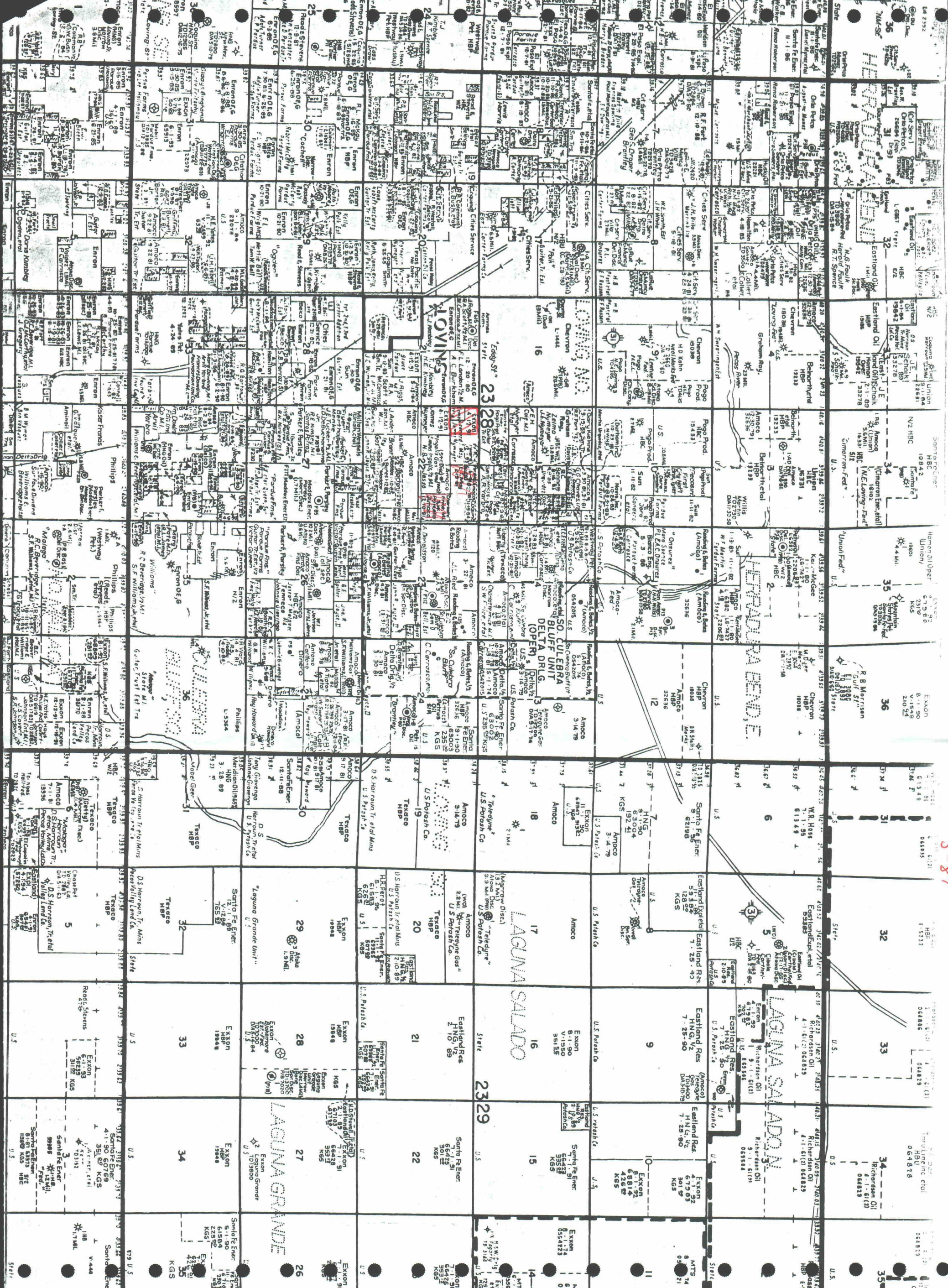
TOWNSHIP 23 South Range 28 East NMPM



Description: NW/4 Sec. 21 (R-7437, 2-6-84)

Ext: N/2 Sec. 20 (R-8317, 10-9-86) Ext: E/2 Sec. 17 (R-9326, 11-7-90)

EXT: SW/4 SEC 20, NW/4 SEC 29 (R-9418, 2-1-91) Ext: 5/2 Sec. 16 (R-9545, 7-1-91)



S-81

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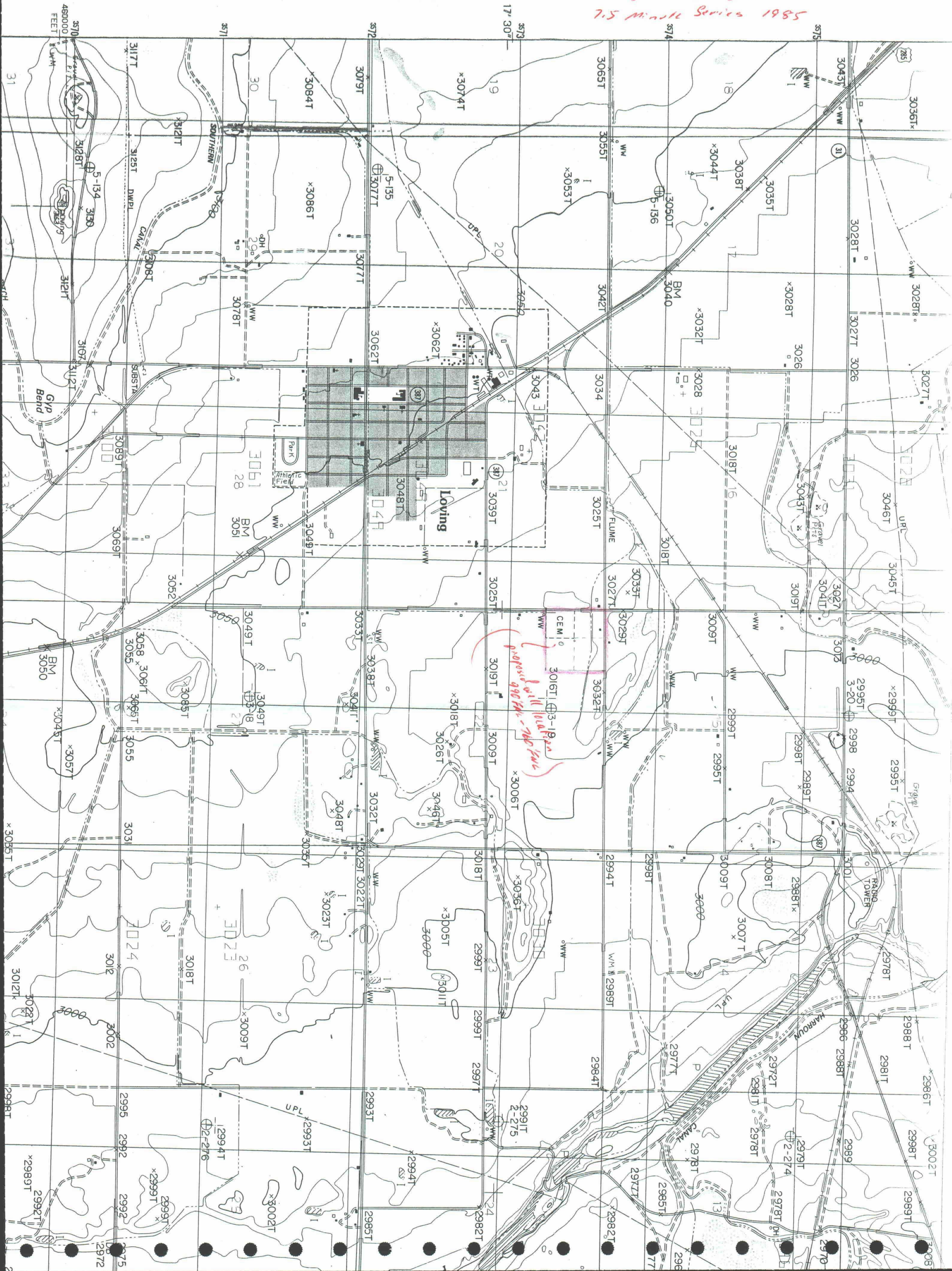
DATE 07/12/91,CLOCK 12/43/22,DURATION

00/10/22

Loving, New Mexico

Loving Quadrangle

7.5 Minute Series 1985



TAPE RECORD COUNT = 00000

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

IN THE MATTER OF THE HEARING  
CALLED BY THE OIL CONSERVATION  
DIVISION FOR THE PURPOSE OF  
CONSIDERING:

*DUC 9-20-91 7-20-91*  
CASE NO. 10360  
Order No. R-9587  
*WJS*

APPLICATION OF BIRD CREEK  
RESOURCES, INC. FOR COMPULSORY  
POOLING, EDDY COUNTY, NEW MEXICO.

ORDER OF THE DIVISION

BY THE DIVISION:

This cause came on for hearing at 8:15 a.m. on September 19, 1991, at Santa Fe, New Mexico, before Examiner David R. Catanach.

NOW, on this \_\_\_\_\_ day of September, 1991, the Division Director, having considered the record and the recommendations of the Examiner, and being fully advised in the premises,

FINDS THAT:

The applicant's request for dismissal should be granted.

IT IS THEREFORE ORDERED THAT:

Case No. 10360 is hereby dismissed.

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.

STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION

WILLIAM J. LEMAY  
Director

S E A L