KELLAHIN, KELLAHIN AND AUBREY

ATTORNEYS AT LAW

EL PATIO BUILDING
117 NORTH GUADALUPE
POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

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

JASON KELLAHIN OF COUNSEL

KAREN AUBREY

W. THOMAS KELLAHIN

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

10360

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,

Karén 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

JU 1991

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

OIL CONSERVATION DIVISION
NO. 10360

APPLICATION

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:

 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

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

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

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

JASON KELLAHIN OF COUNSEL

KAREN AUBREY

W. THOMAS KELLAHIN

June 26, 1991

RECEIVED

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

1 2 S 1991

OIL CUNSERVATION DIVISION

Case 10360

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 Aubrev

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

JUN 2 : 1991

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

OIL CONSERVATION DIVISION

NO. 10360

APPLICATION

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

87504

Karen Aubrey

Post Office Box 2265

Santa Fe, New Mexico

(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%

TOWNSHIP &	23 3	SOUT	r RA	NGE	3	8 8	EAS	T		NM	PM		100	el se Am			نسط ب	
													- 40					
						10 mg							2					
6	30	5			4													
						勝									糖			
F 数 图 图				計劃			截	柳計						7				城
7		8 -			 9 —		· 中国	- 1			1000					-1	2	
									環									
							糖		71.5					量				1.88
						110 de 11							1	權		100		100
		17		1-1	6 -			=	5				4	Trible to		-1	3—	
F-60									100									
	1987 (1)						Mai		を開発	· 通過	e dake		建				湖麓	THE REAL PROPERTY.
							•		施	· 建铁矿			新教		響			
19		20		+2	1-			-2	,			=0	3		4種	-2	4-	() (機)
	種類								翻				機能			神響		一項語
						160% 160%		(486) (486)	- AND		160		400		200	機能		- 機能
					100		機						編					
30		29		+2	8 –		/編飾	-2			480	=2	6-			- 2	5	1000
					78.32	· 课篇:	7.460 7.180 2.180 2.180		慧									1 600
						THE REAL PROPERTY.									輸			14
				48	· · · · · · · · · · · · · · · · · · ·	48			1			骥						
31		32 —		 3	3 –			- 6	1		. 144	-3 	5	辦		-3	6-	
							100		16			1			基			
ESCRIPTION.	SWY		- /	0	13	13/11	100	EV	7	KE!	11 5		10	Ale	=/4	500	27	Maria Trac

<u>ESCRIPTION</u>: SW, SEC. 23 (R-8362 (7487) EXT. SE/4 Sec. 28, NE/4 Sec. 27 (R-8945, 5-3/-89)

<u>EXT</u>: SE/4 Sec. 87 (R-8969, 8-1-89) EXT: SW/4 SEC. 14, NW/4 SEC. 23, NW/4 Sec. 26

(R-9096, 14-90) EXT: NW/4 SEC. 14 (R-9171, 6-1-90)

<u>Ext: SW/4 Sec. 11, N/4 Sec. 14, N/4 Sec. 23 (R-9241, 7-31-90)</u>

<u>Ext: SW/4 Sec. 10, N/2 Sec. 11, SE/4 Sec. 14, F/2 Sec. 15, SE/4 Sec. 23, NW/4 Sec. 24, NE/4 Sec. 34, CR-9326, 1[-7-90] EXT: NE/4 Sec. 10, SE/4 Sec. 11, NE/4 Sec. 22 (R-9418, 2-1-91)

<u>EXT: SW/4 Sec. 13, NW/4 Sec. 22 (R-9473, 4-1-91) Ext: W/2 Sec. 10, SW/4 Sec. 15 (R-9545, 7-1-91)</u>

<u>Ext: W/2 Sec. 10, SW/4 Sec. 15 (R-9545, 7-1-91)</u></u>

T	OWNS	HIP		23	3 50	0	th	R	and	ge	2	8	Eq.	s t		NM	PM		a de la constantina	Name of Street		. Italia	£ 1
2837	一颗		搬	继	*																		
1	Spage	Yes		1		J.	THE PARTY NAMED IN		110		100 PM	纖											
墓		100			-5	*	1			988		慷		3		100							
福		100	1000 1000	3	#B)																		
	1997	水	100 m	. 5%	200		-50	-5.62 1,875	-3.578. -360.		100									1			## T
	福	1/2	10	150					100 S														
		T de	100	de la Julio	— 8 1	4							1	.o – I			-1				-1	2 —	
101 201	受益	100	標	10			塘	100	16	4	400												
	120	100		2	1	激			y)	2165						1	4.0		(180°) (180°)				
				1111				446. 488.	-1	6			,	5 –	1			4 –			-1	2	
- Sep	-1	8	Sept.		17 	藩			Sec.	0					/		-					3	
100	12/2			1 (48) 2 (4) 1 (2) 1 (2)		楊		* No.	1110	18				1						2/6			10 L
*	150	Tiện:	100 m					*		-070	1	/	1										
0	-1	a_			- 20	ing.			- 2	1		1		2			_ 2	3			- 2	4 —	
		常	- 35	Sile.						1											-	24	
		1	36 0.5	16			4.			A sept					**		×						1992
Page	- 15.4°			Table Subse			16.				28.0									发展的			10.4
3		3 -			_ 29				- 2	8 –			_2	7 —			– 2	6 —			- 2	5 —	
		Printer.	140 140	-		基																	
123	100						墨								tre								
M	-08	ăe.			200000	1									ALC: N						400		
	- 3 :	1-	100		_ 32			1000	_ 3	3 —			- 3	4-			- 3	5 –		100	- 3	6 —	
	10		7 187	100		***		246															1986 1871
	10	4	1200	*	100	A.	- Table	All Indian	180			· #											数使
0	050	, .	1 5	SE	4 3	50		9	1	P-	68	76	447	-2	2-5	21	- 1988						100

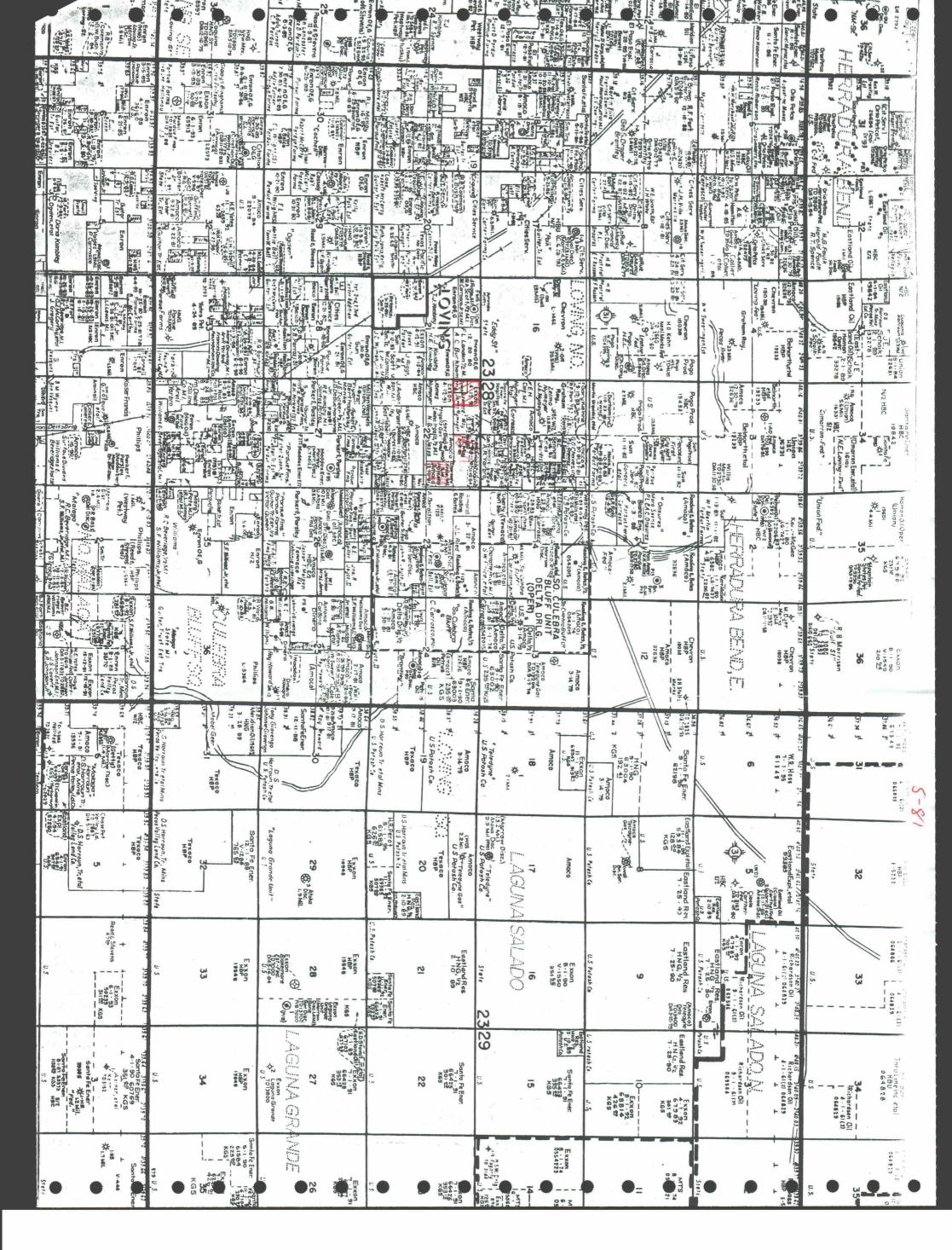
TI	DWNSHIP	2	3	50	ut	4	R	lan	ge	28	9 4	E a	5+	Const.	NM	IPM	o per			Marie Cont	Sec. 20	
15	W. W	obs.	18	357	1	1	(I)												A			
1		100 to 10		· 279		1	780	1		100											場為	
	6	1	- 50			27	0.00	1000 1000 1000 1000	THE.								2				1	
	可是	4		_J05 2*=	1	-	47.	100	44									100			灣	· (1)
	A 3	1		-			1/2		影	撒	180		100					- M/C - 1864	(in)		966 27 27 27 27	W.
-94	2, 1	4			- 2	1	1												ilina)		- 56kg	
1,		87	- 20	— 8 I	3	12.	-43) — 	-1107 -12 No.			0 -		1	1		水塘	196	-1	2 -	
	2 5	187-	11			-	3/1	1701											着		- CVIVI No. 15	
âr E l		180		ed)			100	- 46				1						15-Ba			ᇔ	
			13		ah K.		1	100			1	/						。				100
27	-18 <i>-</i>	- 31	18	-1	ni)	165	199	7					5 – I				4-	繼	劃		3— 	
1900		- John -		28			3	續		1								糖				
*	# 4	*	72	1 (A)	- 75		類	-	1													
4	-19-	1.89 204	17-07			199	1	1					2 -				3-					
61	-19-	SI.	100	-2			1					_ 2				_ 2	3			- 2	4-	
1/2			100		. 4	1										4000					1946) 1888	
ig.			該		/		THE REAL PROPERTY.				1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -		/								100	1
19.	30		1/81 1/47	-2		0.2			0			3	7 -				6-			2	5 –	
44	—30 —			1					8 –							- 4	0	of the second		7 2	5	
3,5	- 连 - 英		/	1976	1	1	100															
an,		100	1 77	195	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	- Si	家	243 243 243 243														1
		. jii.	10°	3	,	100	*0	3	3 -				4 –	機			5 -			2	6 —	
~	-31-	· 旅	9	- 3.	2 -	Ť,	7. 10.	3				3	4							3		No.
	1	190	1			Lin.	₹a(1000 1000 1000									A Substitute		196		100	164

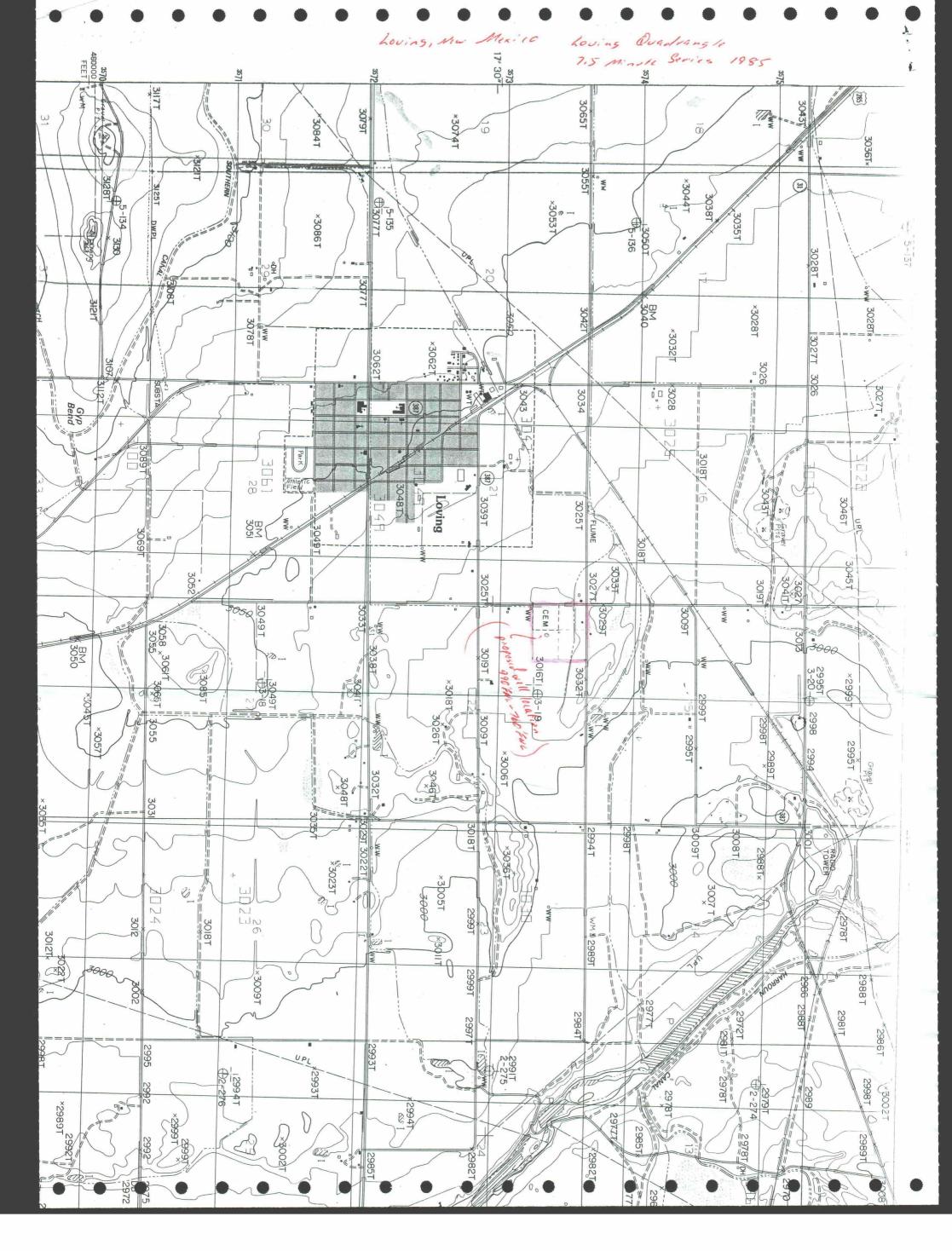
Description: NWA Sec. 21 (R-7437, 2-6-84)

Ext: N/2 Sec. 20(R-8317, 10-9-86) Ext: E/2 Sec. 1> (R-9326, 11-7-90)

EXT: SWH SEC 20, NWH4 SEC 29 (R-9418, 2-1-91) Ext: 5/2 Sec. 16 (R-9545, >-1-91)

		Non-Francisco		
	The state of the s	1 + 2 :=	т.,	
-	-=		11 to	
_	- 4			
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
_				
	¥			
			*	
_				and the state of t





. ــــر	TAPE RECORD COUNT	= 00000		
<i>,</i> ,				
				•
•				77 J
				-
			·	
	•			
	•			

 er :	• •	

			-	
				=
jan.				

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:

CASE NO. 10360 Order No. R-958

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

SEAL