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OIL CONSERVATION DIV.
SANTA FE

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. 10384

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

PRE-HEARING STATEMENT

This pre-hearing statement is submitted by BIRD CREEK RESOURCES, INC. as required by the Oil Conservation Division.

APPEARANCE OF PARTIES

APPLICANT
(name, address, phone
and contact person)

Bird Creek Resources, Inc.
1412 South Boston, Ste. 550
Tulsa, Oklahoma 74119
Attn: Lawrence W. Robinette
(918) 582-4242

ATTORNEY

Karen Aubrey
KELLAHIN, KELLAHIN & AUBREY
P.O. Box 2265
Santa Fe, New Mexico 87504
(505) 982-4285

STATEMENT OF CASE

APPLICANT

(Please make a concise statement of what is being sought with this application and the reasons therefore.)

Bird Creek Resources, Inc. seeks an order pooling all mineral interests from the surface to the base of the Delaware formation or to a depth of 6300 feet, whichever is deeper, underlying the SE/4NE/4 (Unit H) of Section 22, T23S, R28E, forming a standard 40-acre oil spacing and proration unit for any and all formations and/or pools developed on 40-acre oil spacing within said vertical extent, which presently includes but is not necessarily limited to the East Loving-Delaware Pool. Said unit is to be dedicated to a well to be drilled at a standard oil well location thereon. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of applicant as operator of the well and a charge for risk involved in drilling said well.

Bird Creek has sought the voluntary agreement of the owners of the non-consenting working interests and has been unable to obtain voluntary agreement.

PROPOSED EVIDENCE

APPLICANT

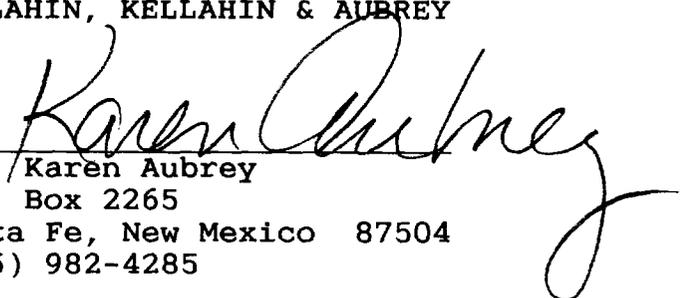
WITNESSES (name and expertise)	EST. TIME	EXHIBITS
Lawrence W. Robinette (Landman)	30 Min.	Correspondence showing effort to form volun- tary unit
Brad Burks (PE)	20 Min.	AFE Joint Operating Agreement 3 Production plots of nearby wells Structure map 2 log cross-sections Net pay isopach Ownership map Production map

PROCEDURAL MATTERS

(Please identify any procedural matters which need to be resolved prior to the hearing)

NONE

KELLAHIN, KELLAHIN & AUBREY

By: 

Karen Aubrey

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