

KELLAHIN, KELLAHIN AND AUBREY

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

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TELEPHONE (505) 982-4285
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W. THOMAS KELLAHIN*
KAREN AUBREY†

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

SANTA FE, NEW MEXICO 87504-2265

JASON KELLAHIN (RETIRED 1991)

May 4, 1992

Case 10479

Mr. William J. LeMay
Oil Conservation Division
State Land Office Building
310 Old Santa Fe Trail, 2nd Floor
Santa Fe, New Mexico 87501

HAND DELIVERED

RECEIVED

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

MAY 04 1992

OIL CONSERVATION DIV.
SANTA FE

Dear Mr. LeMay:

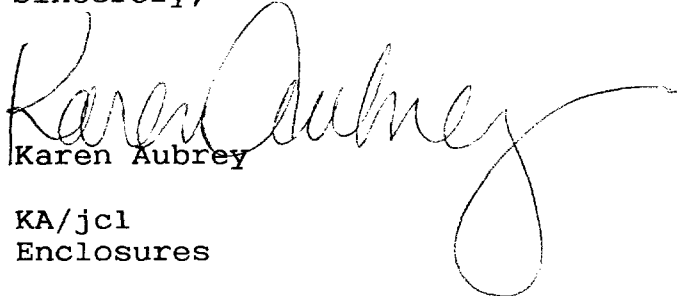
On behalf of Bird Creek Resources, Inc., we would appreciate you setting the enclosed Application for a public hearing on the Division's Examiner's docket now scheduled for May 28, 1992.

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 May 22, 1992.

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.

Mr. William J. LeMay
May 4, 1992
Page 2

Sincerely,


Karen Aubrey

KA/jcl
Enclosures

xc: Lawrence W. Robinette (w/encl.)
Bird Creek Resources, Inc.
1412 South Boston, Suite 550
Tulsa, Oklahoma 74119

Certified mail return receipt
Amoco Oil Company (w/encl.)
ATTN: Tim Custer
P.O. Box 3092
Houston, Texas 77253

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MAY 04 1992

STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES

OIL CONSERVATION DIV.
SANTA FE

OIL CONSERVATION DIVISION

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

NO. 10479

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 interests from the surface to the base of the Delaware formation or 6350 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/4NE/4 of Section 22. In support thereof, Applicant states:

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

2. Applicant desires to drill its Purdy #1 well at a standard location and to dedicate the NW/4NE/4 (40 acres) to said well.

3. Applicant is informed and believes that Amoco Oil Company is a 25% working interest/mineral owner in the NW/4NE/4 of Section 22, T23S, R28E.

4. Applicant has sought the voluntary agreement with Amoco Oil Company 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 Amoco Oil Company, ATTN: Tim Custer, Post Office Box 3092, Houston, Texas 77253 of this application for compulsory pooling and its request for a hearing on May 28, 1992 by sending them a copy of this application and cover letter by certified mail, return receipt requested.

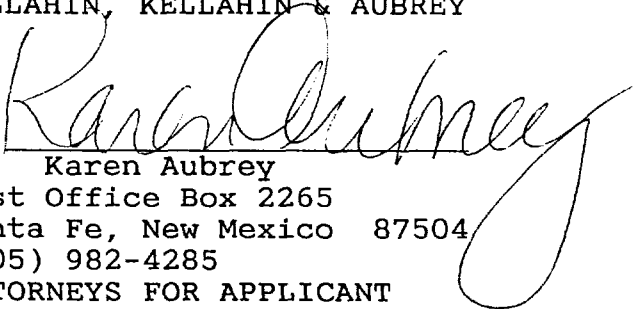
6. In order to obtain its just and equitable share of the potential production underlying the above tract, applicant needs an order pooling the mineral interest involved in order to protect applicant's correlative rights and prevent waste.

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 the well, 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
ATTORNEYS FOR APPLICANT

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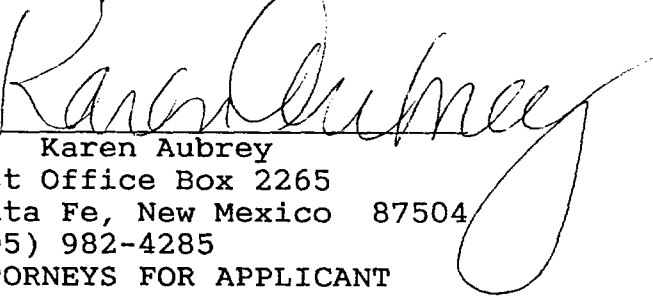
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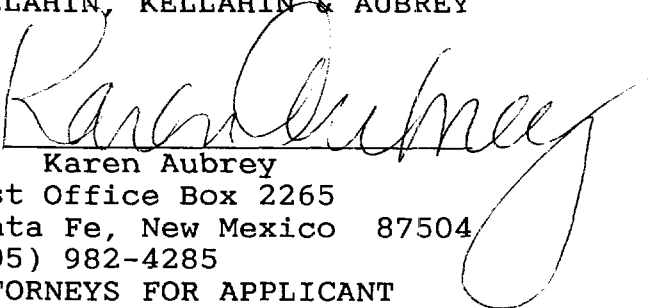
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JASON KELLAHIN (RETIRED 1991)

DATE:

5/4/92

To Pigeon Express:

Enclosed in the attached envelope are the original and three copies
of an APPLICATION that needs to be delivered to the:

Oil Conservation Division
2nd Floor
State Land Office
310 Old Santa Fe Trail
Santa Fe, NM 87501

Have one copy stamped "Received" and return it to our office.

Thank you.

Jay Laubscher



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