

KELLAHIN, KELLAHIN AND AUBREY

ATTORNEYS AT LAW
EL PATIO BUILDING
117 NORTH GUADALUPE
POST OFFICE BOX 2265

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

W. THOMAS KELLAHIN
KAREN AUBREY

JASON KELLAHIN
OF COUNSEL

SANTA FE, NEW MEXICO 87504-2265

September 9, 1991

Mr. William J. LeMay
Oil Conservation Division
310 Old Santa Fe Trail, #206
State Land Office
Santa Fe, New Mexico 87504

RECEIVED

SEP 09 1991

OIL CONSERVATION DIVISION

10391

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 October 3, 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 September 27, 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.

Mr. William J. LeMay
September 9, 1991
Page 2

Sincerely,


Karen Aubrey

KA/jcl
Enclosures

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

Certified mail return receipt requested (w/encl.)
Party listed on Exhibit "A"
of application

2054/appk909.465

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

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OIL CONSERVATION DIVISION

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

NO. 10391

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 Bone Spring formation or 8300 feet, whichever is deeper, underlying the following described acreage in Section 21, Township 23 South, Range 28 East, N.M.P.M., Eddy County, New Mexico in the following manner:

To form a standard 80-acre oil spacing and proration unit consisting of the N/2NE/4 of Section 21. In support thereof, Applicant states:

1. Applicant has the right to drill and develop in the N/2NE/4 of Section 21, T23S, R28E, N.M.P.M., Eddy County, New Mexico.

2. Applicant desires to drill its Barkham #3 well at a standard location 810 FNL from the North line and 510 from the East line of said Section 21 and dedicate the N/2NE/4 (80 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.

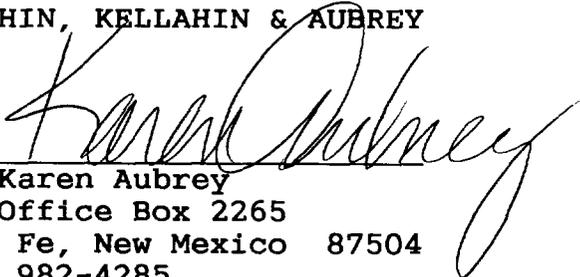
5. Pursuant to the Division notice requirements, applicant has notified all those parties shown on Exhibit "A" of this application for compulsory pooling and its request for a hearing on October 3, 1991, by sending those parties a copy of this application and cover letter.

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"

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

25%

TOTAL

25%

KELLAHIN, KELLAHIN AND AUBREY

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EL PATIO BUILDING
117 NORTH GUADALUPE
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Case 10391

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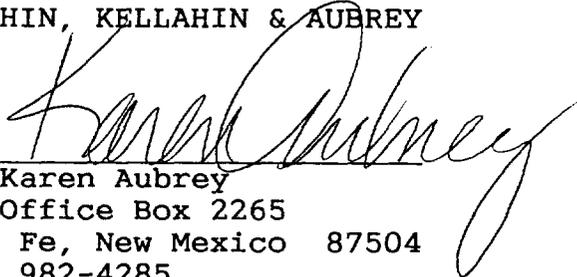
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