

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

**CASE NO. 13504
ORDER NO. R-12395-A**

**APPLICATION OF APACHE CORPORATION FOR STATUTORY
UNITIZATION, LEA COUNTY, NEW MEXICO.**

NUNC PRO TUNC ORDER

BY THE DIVISION:

It appearing to the Oil Conservation Division that Order No. R-12395, dated July 22, 2005, does not correctly state the intended order of the Division,

IT IS THEREFORE ORDERED THAT:

(1) Finding (3) is hereby amended to read in its entirety as follows:

(3) The applicant, Apache Corporation ("Apache" or "applicant"), seeks: (i) the statutory unitization, pursuant to the Statutory Unitization Act, sections 70-7-1 through 70-7-21, NMSA 1978, of 2,080 acres, more or less, of all mineral interests in the Blinebry, Tubb and Drinkard formations, Lea County, New Mexico, and to be known as the East Blinebry-Drinkard Unit Area, hereinafter referred to as the "Unit Area"; and (ii) approval of the Unit Agreement and the Unit Operating Agreement, which were submitted in evidence as applicant's Exhibits No. 3 and No. 5, respectfully, as revised by Apache's Exhibit No. 17 in this case entitled "Revisions to Agreements."

(2) Finding (23) is hereby amended to read in its entirety as follows:

(23) The Unit Agreement as revised and the Unit Operating Agreement as revised, applicant's Exhibits No. 3 and No. 5, as revised by applicant's Exhibit No. 17, should be incorporated by reference into this order.

(3) Finding (26) is hereby amended to read in its entirety as follows:

(26) The applicant's Exhibit No. 5, East Blinebry-Drinkard Unit Operating Agreement, as revised, contains a provision whereby any working interest owner who elects not to

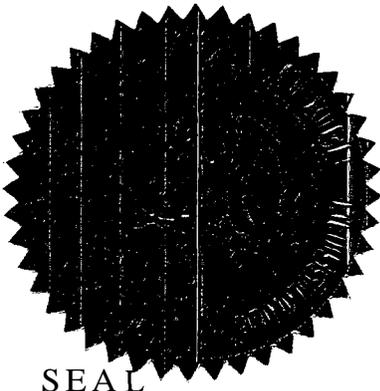
pay its share of unit expense shall be liable for its share of such unit expense plus an additional 200 percent thereof as a non-consent penalty, and that such costs and non-consent penalty may be recovered from each non-consenting working interest owner's share of unit production.

(4) Order paragraph (4) is hereby amended to read in its entirety as follows:

(4) The East Blinebry-Drinkard Unit Agreement and the East Blinebry-Drinkard Unit Operating Agreement, which were submitted to the Division at the time of the hearing as Exhibits No. 3 and 5, respectively, as revised by Apache's Exhibit 17, are hereby incorporated by reference into this order.

(5) The corrections set forth in this order shall be entered retroactively as of July 22, 2005.

DONE at Santa Fe, New Mexico, on this 31st day of August, 2005.



STATE OF NEW MEXICO
OIL CONSERVATION DIVISION



MARK E. FESMIRE, P. E.
Director