Page 3 of 6

CASE 13202: Application of Kerr-McGee Oil & Gas Onshore LLC for an exception to the Special Rules and Regulations of the Indian Basin-Upper Pennsylvanian Associated Pool and for simultaneous dedication. Eddy County, New Mexico. Applicant seeks an exception to the Special Rules and Regulations of the Indian Basin-Upper Pennsylvanian Associated Pool to allow both its existing Lowe State Gas Com Well No. 5 and its proposed Lowe State Gas Com Well No. 6 to be located in the SW/4 of Section 36, Township 21 South, Range 23 East. Applicant further seeks approval of the simultaneous dedication of both wells to a standard well unit comprised of the W/2 of Section 36, and that the wells be allowed to produce concurrently. The well unit is located approximately 191/2 miles west of Carlsbad, New Mexico,

CASE 13158: Reopened

Application of Mewbourne Oil Company for compulsory pooling, Eddy County, New Mexico. Applicant seeks an order pooling all mineral interests from the top of the Cisco formation to the base of the Morrow formation underlying the S/2 of Section 30, Township 21 South, Range 27 Bast, to form a standard 320-acre gas spacing and proration unit for any and all formations and/or pools developed on 320-acre spacing within that vertical extent, including the Burton Flat-Morrow Gas Pool. The unit is to be dedicated to applicant's La Huerta "30" Well No. 1Y, to be drilled from a surface location 800 feet from the North line and 880 feet from the West line (Unit D) of Section 29, Township 21 South, Range 27 Bast, to an orthodox bottomhole location in the SE/4 SE/4 (Unit P) of Section 30. Also to be considered will be the cost of drilling and completing the 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 the risk involved in drilling and completing the well. The unit is located approximately 2 miles north of Carlsbad, New Mexico.

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CASE 13203: Application of John R. Stearns d/b/a Stearns for an Unorthodox Gas Well Location, Lea County, New Mexico. Applicant seeks an exception to Division Rule 104.C (2) (a) for the existing State "16" Well No. 1-Y (API No. 30-025-34070) to be recompleted into the Undesignated West Sawyer-Morrow Gas Pool (97103) at an unorthodox deep gas well location 330 feet from the South line and 940 feet from the East line (Unit P) of Section 16, Township 9 South Range 37 Bast. The E/2 of Section 16 is to be dedicated to this well in order to form a standard 320-acre stand-up gas spacing unit for the Morrow formation. This unit is located approximately 11 miles east by north of Crossroads, New Mexico

CASE 13204: In the matter of the hearing called by the Oil Conservation Division for an order creating, abolishing. and extending certain pools in Chaves and Eddy Counties, New Mexico.

(a) CREATE a new pool in Chaves County, New Mexico classified as a gas pool for Siluro-Devonian production and designated as the Bosque-Siluro-Devonian Gas Pool (Pool Code 97318). The discovery well is the Yates Petroleum Corporation Aikman "BDK" State Com. Well No. 1 (API No. 30-005-61804) located in Unit P of Section 36, Township 6 South, Range 26 East, NMPM. Said pool would comprise:

TOWNSHIP 6 SOUTH, RANGE 26 EAST, NMPM

Section 36: S/2

CREATE a new pool in Eddy County, New Mexico classified as a gas pool for Strawn production and designated as the West McKittrick Hills-Strawn Gas Pool (Pool Code 97315). The discovery well is the Yates Petroleum Corporation McKittrick "ATS" State Well No. 1 (API No. 30-015-29105) located in Unit D of Section 16, Township 22 South, Range 24 East, NMPM. Said pool would comprise:

> TOWNSHIP 22 SOUTH, RANGE 24 EAST, NMPM Section 16: W/2

(c) CREATE a new pool in Eddy County, New Mexico classified as a gas pool for Bone Spring production and designated as the McMillan Escarpment-Bone Spring Gas Pool (Pool Code 97316). The discovery well is the Pogo Producing Company State "19" Com Well No. 2 (API No. 30-015-32612) located in Unit L of Section 19, Township 20 South, Range 27 East, NMPM. Said pool would comprise:

> TOWNSHIP 20 SOUTH, RANGE 27 EAST, NMPM Section 19: SW/4

JAMES BRUCE Attorncy at Law Post Office Box 1056 Santa Fe, New Mexico 87504 Telephone: (505) 982-2043

Fax: (505) 982-2151

FAX COVER SHEET

DELIVER TO: David Catanach COMPANY: Oil Conservation Division CITY: Santa Fe, New Mexico FAX NUMBER: (505) 476-3462 NUMBER OF PAGES: 3 (Including Cover Sheet) DATE SENT: 1/5/04 MEMO:

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:

APPLICATION OF JOHN R. STEARNS FOR AN UNORTHODOX GAS WELL LOCATION, LEA COUNTY, NEW MEXICO.

Case No. 13203

PRE-HEARING STATEMENT

This pre-hearing statement is submitted by applicant as requested by the Oil Conservation Division.

APPEARANCE OF PARTIES

Applicant John R. Stearns HC 65 Box 988 Crossroads, New Mexico 88114-(505) 675-2339 Attorney James Bruce Post Office Box 1056 Santa Fe, New Mexico 87504 (505) 982-2043

Opponent

Opponent's Attorney

STATEMENT OF CASE

Applicant

Applicant seeks approval of an unorthodox gas well location in the Morrow formation underlying the E% of Section 16, Township 9 South, Range 37 East, NMPM. The unit will be dedicated to the existing State 16 Well No. 1Y, which will be <u>re</u>-completed in the Morrow formation.

Opponent

PROPOSED EVIDENCE

Applicant

<u>Witnesses</u>

Est. Time

Exhibita

Opposition or Other Party

<u>Witnesses</u>

Est. Time

Exhibits

PROCEDURAL MATTERS

00/2004 12.00

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This application was submitted administratively, and was placed on the hearing docket due to the objection of one offsetting unleased mineral owner. If there are no objections at hearing, applicant requests that this matter be returned to the administrative docket.

Respectfully submitted,

James Bruce Fost Office Box 1056 Santa Fe, New Mexico 87504 (505) 982-2043

Attorney John R. Stearns

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:

APPLICATION OF JOHN R. STEARNS, d/b/a STEARNS, FOR AN UNORTHODOX GAS WELL LOCATION, LEA COUNTY, NEW MEXICO

JAN 22 2004

CASE NO.

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Oil Conservation Division 1220 S. St. Francis Drive Santa Fe, NM 87505

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: DAVID R. CATANACH, Hearing Examiner

January 8th, 2004

Santa Fe, New Mexico

This matter came on for hearing before the New Mexico Oil Conservation Division, DAVID R. CATANACH, Hearing Examiner, on Thursday, January 8th, 2004, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South Saint Francis Drive, Room 102, Santa Fe, New Mexico, Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

* * *

13,203

2 INDEX January 8th, 2004 Examiner Hearing CASE NO. 13,203 PAGE STATEMENT BY MR. BRUCE 3 **REPORTER'S CERTIFICATE** 6 * * * EXHIBIT Applicant's Identified Admitted Exhibit 1 4 4 * * * APPEARANCES FOR THE APPLICANT: JAMES G. BRUCE Attorney at Law P.O. Box 1056 Santa Fe, New Mexico 87504 * * *

WHEREUPON, the following proceedings were had at 1 2 9:59 a.m.: EXAMINER CATANACH: At this time I will call Case 3 13,203, which is the Application of John R. Stearns, d/b/a 4 Stearns, for an unorthodox gas well location, Lea County, 5 New Mexico. 6 Call for appearances in this case. 7 MR. BRUCE: Mr. Examiner, Jim Bruce of Santa Fe, 8 representing the Applicant. I just have a short statement. 9 EXAMINER CATANACH: Okay, Mr. Bruce, you may 10 proceed. 11 MR. BRUCE: Mr. Examiner, this concerns an 12 unorthodox gas well location. The well unit is the east 13 half of Section 16, Township 9 South, Range 37 East, in Lea 14 County. I believe the well, the State 16 Well Number 1 Y, 15 was originally drilled down to the Devonian. 16 Mr. Stearns proposes to recomplete the well in 17 the Morrow formation. The east half would be dedicated to 18 the well. 19 It is at an unorthodox location, 330 feet from 20 the south line and 940 feet from the east line. 21 The Application was originally filed administratively, and 22 notice was given to the affected offsets in the north half 23 of Section 21, who are all unleased mineral owners. 24 25 One of them objected, a Mr. Richard Donald Jones,

Jr. As a result, Mr. Stogner set this matter for hearing. 1 2 Notice has been given again to all of the offsets, and that is reflected in Exhibit 1, the notice 3 affidavit. I'd ask that that be accepted into evidence. 4 No one has shown up at the hearing other than me, 5 and I would request that since there is apparently no 6 objection at this time, that this matter be referred back 7 to the administrative docket and an unorthodox location 8 order issued. 9 EXAMINER CATANACH: Okay, Exhibit 1 will be 10 admitted in this case. 11 Mr. Bruce, shall we leave the case -- How should 12 we dispense with the case? 13 MR. BRUCE: I would request that the case not be 14 finally dismissed until an administrative order is issued. 15 EXAMINER CATANACH: So you would request, 16 therefore, a continuance? 17 MR. BRUCE: A continuance, why not for four 18 weeks? 19 EXAMINER CATANACH: Which would be to February --20 MR. BRUCE: -- 5th, I believe. 21 EXAMINER CATANACH: Okay, and is Mr. Stogner 22 aware of this situation? 23 MR. BRUCE: I will --24 25 EXAMINER CATANACH: Okay, so you'll discuss that

1	with him and explain it to him?					
2	MR. BRUCE: Yes, sir.					
3	EXAMINER CATANACH: Okay. I don't think we need					
4	to do anything else.					
5	This case, Case 13,203, will be continued to					
6	February 5th, and the Application will be referred back to					
7	the Division for administrative approval.					
8	(Thereupon, these proceedings were concluded at					
9	10:02 a.m.)					
10	* * *					
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14	I wo react a first that the foregoing is • The second s					
15	the war ver hearing of Case No. 13203. heard by ne on Paguard 2007.					
16	Deud Z. Cil, Examiner					
17	Oil Conservation Division					
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CERTIFICATE OF REPORTER

STATE OF NEW MEXICO)) ss. COUNTY OF SANTA FE)

I, Steven T. Brenner, Certified Court Reporter and Notary Public, HEREBY CERTIFY that the foregoing transcript of proceedings before the Oil Conservation Division was reported by me; that I transcribed my notes; and that the foregoing is a true and accurate record of the proceedings.

I FURTHER CERTIFY that I am not a relative or employee of any of the parties or attorneys involved in this matter and that I have no personal interest in the final disposition of this matter.

WITNESS MY HAND AND SEAL January 9th, 2004.

eme

STEVEN T. BRENNER CCR No. 7

My commission expires: October 16th, 2006

STEVEN T. BRENNER, CCR (505) 989-9317 6

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

APPLICATION OF JOHN R. STEARNS FOR AN UNORTHODOX GAS WELL LOCATION, LEA COUNTY, NEW MEXICO.

Case No. 13203

AFFIDAVIT REGARDING NOTICE

ss.

STATE OF NEW MEXICO

COUNTY OF SANTA FE

James Bruce, being duly sworn upon his oath, deposes and states:

1. I am over the age of 18, and have personal knowledge of the matters set forth herein.

2. I am an attorney for Applicant.

3. Applicant has conducted a good faith, diligent effort to find the names and correct addresses of the interest owners entitled to receive notice of the Application filed herein.

4. Notice of the Application was provided to the interest owners at their correct addresses by certified mail. Copies of the notice letter and certified return receipts are attached hereto as Exhibit A.

5. Applicant has complied with the notice provisions of Division Rule 1207.

Ames Bruce

SUBSCRIBED AND SWORN TO before me this _____ day of January, 2004, by James Bruce.

Notary Public

My Commission Expires: 3/14/05

OIL CONSERVATION DIVISION CASE NUMBER

EXHIBIT NUMBER 1

JAMES BRUCE

ATTORNEY AT LAW

POST OFFICE BOX 1056 SANTA FE, NEW MEXICO 87504

369 MONTEZUMA, NO. 213 SANTA FE, NEW MEXICO 87501

(505) 982-2043 (PHONE) (505) 982-2151 (FAX)

jamesbruc@aol.com

December 18, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

To: Mineral Owners in the N½ of Section 21, Township 9 South, Range 37 East, N.M.P.M., Lea County, New Mexico

Ladies and gentlemen:

John R. Stearns has filed an application with the New Mexico Oil Conservation Division requesting administrative approval of an unorthodox gas well location in the E½ of Section 16, Township 9 South, Range 37 East, NMPM, Lea County, New Mexico. The existing State 16 Well No. 1Y, to be re-completed in the Morrow formation, is located at an unorthodox location 330 feet from the south line and 940 feet from the east line of Section 16. This application is scheduled to be heard at 8:15 a.m. on Thursday, January 8, 2004 at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. You own a mineral interest in the offsetting acreage (the N½ of Section 21). As an offset owner, you have the right to appear at the hearing and present evidence. Failure to appear at the hearing will preclude you from contesting this matter at a later date.

You are required to notify the Division, and the undersigned, by Friday, January 2, 2004, if you intend to enter an appearance and participate in the case.

Very truly yours,

Attorney for John R. Stearns





NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON Governor Joanna Prukop Cabinet Secretary

December 15, 2003

Lori Wrotenbery Director Oil Conservation Division

John R. Stearns d/b/a Stearns c/o James Bruce P. O. Box 1056 Santa Fe, New Mexico 87504

Re: Administrative application (application reference Nos. pMES0-325255283 and pLR0-333627423) for an exception to Division Rule 104.C (2) (a), revised by Division Order No. R-11231, issued by the New Mexico Oil Conservation Commission in Case No. 12119 on August 12, 1999, for John R. Stearns d/b/a Stearns existing State "16" Well No. 1-Y (API No. 30-025-34070) to be recompleted into the Undesignated West Sawyer-Morrow Gas Pool (97103) at an unorthodox deep gas well location 330 feet from the South line and 940 feet from the East line (Unit P) of Section 16, Township 9 South, Range 37 East, NMPM, Lea County, New Mexico, within a standard 320-acre stand-up gas spacing unit comprising the E/2 of Section 16.

Dear Mr. Bruce:

The Division is in receipt of an objection filed in a timely manner by Richard Donald Jones, Jr. to the subject application; see copy of letter dated December 11, 2003 attached.

This application will be set for hearing before a Division Hearing Examiner on the next available docket scheduled for January 8, 2004. I have prepared the following advertisement in this matter:

"Application of John R. Stearns d/b/a Stearns for an unorthodox gas well location, Lea County, New Mexico. Applicant seeks an exception to Division Rule 104.C (2) (a) for the existing State "16" Well No. 1-Y (API No. 30-025-34070) to be recompleted into the Undesignated West Sawyer-Morrow Gas Pool (97103) at an unorthodox deep gas well location 330 feet from the South line and 940 feet from the East line (Unit P) of Section 16, Township 9 South, Range 37 East. The E/2 of Section 16 is to be dedicated to this well in order to form a standard 320-acre stand-up gas spacing unit for the Morrow formation. This unit is located approximately 11 miles east by north of Crossroads, New Mexico".

Should you have any questions concerning this matter, please contact me in Santa Fe by phone at (505) 476-3465 or by e-mail at <u>mstogner@state.nm.us</u>.

Sincerely Michael E. Stogner

Hearing Officer/Engineer

cc: New Mexico Oil Conservation Division - Hobbs New Mexico State Land Office – Santa Fe Richard Donald Jones, Jr. – Cedar Creek, TX

OFFSET OWNERS

Marilyn B. Salter 20031 82nd Avenue Edmonds, Washington 98020

Beverly B. Strohl 4353 Brownfield Avenue San Diego, California 92122

Patricia Boyle Young P.O. Box 1639 Solana Beach, California 90806

J.L. Burke III 8428 Meadowknoll Dallas, Texas 75243

Bill C. Cotner P.O. Box 2236 Midland, Texas 79702

William J. Hill 1613 Winfield Midland, Texas 79705

College of the Southwest 6610 Lovington Highway Hobbs, New Mexico 88240

Texas Tech University P.O. Box 41081 Lubbock, Texas 79409

W.L. Pevey, Jr. P.O. Box 295 Hobbs, New Mexico 88241

Gary Don Reagan P.O. Box 780 Hobbs, New Mexico 88241

Richard L. Westlake P.O. Box 647 Salado, Texas 76571

Osler C. Hutson P.O. Box 550 Gladewater, Texas 75647 Richard D. Jones, Jr. 200 North Gaines Road Cedar Creek, Texas 78612

Wells Fargo Bank Texas, NA, Trustee U/W/O Mary Catherine Jones FBO Angela Leigh Simpson Starrett 3301 North Big Spring Midland, Texas 79705

Kingdon R. Hughes P.O. Box 2424 Midland, Texas 79702

Roy G. Barton, Individually and as Trustee P.O. Box 978 Hobbs, New Mexico 88241

Nancy B. Farmer 5136 East 35th Street Tulsa, Oklahoma 74135

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2. Article Number [Thansfer (port)serv/pollage/ 11/11/1 7003 1010 00 PS Foorth 38/11/August 20011 11/10 2003 1010 00	Richard L. Westlake P.O. Box 647 Salado, Texas 76571	 Frint your name and accurses on the reverse so that we can return the cart to you. Attach this card to the back of the mailplece, or on the front if space permits. Article Addressed to: 	SENDER: COMPLETE THIS SECTION Complete Items 1, 2, and 3. Also complete Item 4 If Restricted Delivery is desired.	Sont Richard L. Westlake STER P.O. Box 647 OW, Salado, Texas 76571 PS Form 3800, June 2002 See Reverse	Image: Control of the state	U.S. Postal Servicem U.S. Postal Servicem CERTIFIED MAILT RECEIPT (Domestic Mail Only: No Insurance Coverage Provided) For delivery information visit our website at www.usps.com OFFICIAL USE
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 C.O.D. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Attach this card to the back of the mailpiece, Print your name and address on the reverse (Transfer from service label) so that we can return the card to you. or on the front if space permits. P DLANO TX DOWN C. Date of Delivery でして Hughes N N N D Agent Addressee 102595-02-M-1540 □ § 79702 6980 5346 70 7003 10 0003 EDDZ Street Apr. No.; Kingdon R. Hughes or PO Box No. P.O. Box 2424 CNr, Shame, ZIP+4 Midland, Texas 7 **Domestic Return Receipt** City, State, ZIP+4 Restricted Delivery Fee (Endorsement Required) PS Form 3800, June 2002 Sent To Røtum Reclept Fee (Endorsement Required) For delivery information visit our website at www.usps.com U.S. Postal Service (Domestic Mail Only; No Insurance Coverage Provided) CERTIFIED MAIL RECEIPT **Total Postage & Fees** EDDD DTDT **Certified Fee** Postage ω œ A. Signature D. Is delivery address different from Item 1? 4. Restricted Delivery? (Extra Fee) × COMPLETE THIS SECTION ON DELIVERY Insured Mail C Registered **12** Certified Mail Service Type If YES, enter delivery address below: Radeiver by (Printed Name) S DAT \mathbf{O} 0963 D C.O.D. Express Mall Return Receipt for Merchandlse 5346 10 M B TA FE NO Postmark See Reverse for Instructions 79702 何の計 C. Date of Delivery 102595-02-M-1540 ₽ Ż 124 D Agent Addressee

0003 6980 5469 7003 1010 PS Form 38111, August 2001 2. Article Number SENDER: COMPLETE THIS SECTION Patricia Boyle Young P.O. Box 1639 Restricted Delivery Fee (Endorsement Required) Solana Beach, or POB P.O. Box 1639 Sent To Return Reciept Fee (Endorsement Required) Chy. Sm Solana Beach, California ²S Form 3800, June 2002 Show, Patricia Boyle Young Article Addressed to: Attach this card to the back of the mailplece Print your name and address on the reverse Complete items 1, 2, and 3. Also complete item 4 If Restricted Delivery is desired. For delivery information visit our website at www.usps.com or on the front if space permits. Transfer from service label) so that we can return the card to you. Total Postage & Fees (Domestic Mail Only; No Insurance Coverage Provided) CERTIFIED MAIL RECEIPT **U.S. Postal Service Certified** Fee T Postage T 69 \$ California 0 Þ ******** ***** Dorubsfic-Return-Receipt 90806 See Reverse for Instructions OCCUPANDA DES E002 4 90806 ANTA 7 1010 Proceived by (Printed Warme) ω Wathicipyon COMPLETE THIS SECTION ON DELIVERY A. Signature Service Type Certified Mail Is delivery address different from item 1? Restricted Delivery? (Extra Fee) If YES, enter delivery address below: Insured Mail Registered E000 Express Mall
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 C.O.D. 0969 Indiatallandandlandlar SENDER: COMPLETE THIS SECTION 2. Article Number Print your name and address on the reverse ²S Form 3811, August 2001 Texas Tech University P.O. Box 41081 so that we can return the card to you. Attach this card to the back of the mallplece Complete Items 1, 2, and 3. Also complete Lubbock, Texas Article Addressed to: (Transfer from service label) or on the front if space permits. Item 4 If Restricted Delivery is desired. 5469 ຸດ 7123 102595-02-M-1540 No No ⊡ ≶ [¶ Yes Addressee Nev Vev 6980.5414 0003 1010 2003 0T01 E002 **Domestic Return Receipt** Return Reciept Fee (Endorsement Required) Street, Apt or PO Box For delivery information visit our website at www.usps.com U.S. Postal Service Restricted Delivery Fee (Endorsement Required) (Domestic Mail Only; No Insurance Coverage Provided) CERTIFIED MAIL RECEIP! City, State Sent To S Form 3800, June 2002 Total Postage & Fees 「王のよくそのなどへ Certified Fee Lubbock, P.O. Box 41081 Texas_Tech University Postage T) Ti B. Received by (Printer COMPLETE THIS SECTION ON DELIVERY D. Is delivery address different from its × A Signa 4. Restricted Delivery? (Extra Fee) 3. Septice Type Certified Mail D Insured Mail EDDD TYES (Party of May a 2003 balo ur Gonias (and the second 6A 69 0 Texas 0969 D Þ Express Mail
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Sent To Roy G. Barton, Individually and as Trustee Street Apr No. P.O. Box 978 or PO Box No. Hobbs, New Mexico 88241 Total Postage & Fees ATAFE NU ©moo. SPS 81 0EC 1 8 vided) m

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