

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

**CASE NO. 13348
ORDER NO. R-12275-B**

**APPLICATION OF MARBOB ENERGY CORPORATION FOR COMPULSORY
POOLING, EDDY COUNTY, NEW MEXICO.**

ORDER OF THE DIVISION

BY THE DIVISION:

The motion of respondents Mary T. **Ard**, *et al.*, for a stay of Division Order No. 12275, heretofore entered in this case, came on for hearing before the Division Director on the 28th day of February, 2005.

Now on this 2nd day of March, 2005, the Division Director, after reviewing the papers filed in the matter, and hearing the arguments of counsel,

FINDS THAT:

(1) This Motion for Stay of an order of the Division pending *de novo* review by the Oil Conservation Commission is governed by Rule 1220 [19.15.14.1220 NMAC].

(2) **Movant** did not demonstrate that denial of the stay would entail gross negative consequences for any affected party, or would result in waste or impairment of correlative rights.

(3) A temporary stay of Order **R-12275** was granted by Order R-12275-A, issued in this case on February 16, 2005, and such temporary stay remains in effect pending conclusion of this hearing.

(4) The time for respondent to elect whether or not to participate in the drilling of the well described in Order R-12275-A elapsed while the temporary stay was in effect. It is accordingly necessary that a new time for such election now be fixed

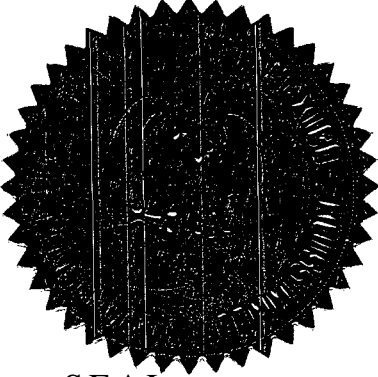
IT IS THEREFORE ORDERED THAT:

(1) Pursuant to the authority vested in the Director of the Division by Rule 1220, **respondents'** Motion to Stay Order No. 12275 is denied except as herein specifically provided.

(2) The time for respondent to elect whether or not to participate in the well described in Order No. R-12275, as provided in Ordering Paragraph 8 of Order No. R-12275, is hereby extended to March 8, 2005, at 9:00 a.m., Mountain Standard Time.

(3) Jurisdiction of this case is retained for the entry of such further orders as the Division may deem necessary.

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.



SEAL

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

A handwritten signature in black ink, appearing to read "Mark E. Fesmire".

MARK E. FESMIRE, P.E.
Director