

BEFORE THE OIL CONSERVATION DIVISION  
NEW MEXICO ENERGY, MINERALS AND  
NATURAL RESOURCES DEPARTMENT

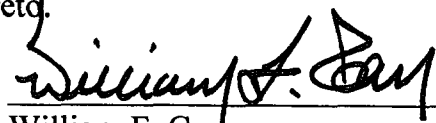
APPLICATION OF OXY USA INC. FOR  
COMPULSORY POOLING, HARDING COUNTY,  
NEW MEXICO.

CASE NO. 13520

AFFIDAVIT

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

William F. Carr, attorney in fact and authorized representative of OXY USA Inc., the  
Applicant herein, being first duly sworn, upon oath, states that notice of the above-referenced  
Application was mailed to the interested parties shown on Exhibit "A" attached hereto in  
accordance with Oil Conservation Division Rules, and that true and correct copies of the  
notice letter and proof of notice are attached hereto.

  
William F. Carr

SUBSCRIBED AND SWORN to before me this 22nd day of June 2005.



OFFICIAL SEAL  
LISAMARIE ORTIZ  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires 1/14/07

  
Notary Public

My Commission Expires:

January 14, 2007

BEFORE THE OIL CONSERVATION DIVISION  
Santa Fe, New Mexico  
Case No. 13520 Exhibit No. 6  
Submitted by:  
OXY USA INC.  
Hearing Date: July 14, 2005

**EXHIBIT A**

**APPLICATION OF  
OXY USA INC.  
FOR COMPULSORY POOLING  
SECTION 19, TOWNSHIP 19 NORTH, RANGE 33 EAST, N.M.P.M.  
HARDING COUNTY, NEW MEXICO.**

Walter P. Billau  
Post Office Box 608  
Dalhart, Texas 79002

Francis Thomas  
506 Olive  
Lamar, Colorado 81052

Grace L Bayles  
1442 South Clarkson  
Denver, Colorado 80210-2237

Lynn C. Billau  
5248 East Funston  
Wichita, Kansas 67218-4422



June 23, 2005

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**ALL AFFECTED INTEREST OWNERS:**

Re: Application of OXY USA Inc. for compulsory pooling, Harding County, New Mexico.

Ladies and Gentlemen:

This letter is to advise you that OXY USA Inc. has filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of the standard 640-acre spacing and proration unit comprised of all of Section 19, Township 19 North, Range 33 East, NMPM, Harding County, New Mexico. Said unit will be dedicated to OXY USA Inc.'s proposed Bravo Dome Well No. 1933-191G which it proposes to drill at a standard gas well location 1980 feet from the North line and 1718 feet from the East line of said Section 19 to test all formations from the surface to the top of the Pecambrian Basement.

This application has been set for hearing before a Division Examiner on July 14, 2005, at the Oil Conservation Division's Santa Fe office located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B to file a Pre-Hearing Statement with the Division at its Santa Fe Office four days in advance of a scheduled hearing, but in no event later than the Friday preceding the scheduled hearing. This statement must include: the names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

Very truly yours,

William F. Carr

cc: Mr. Rick Foppiano, P. E.  
OXY USA Inc.

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

**IN THE MATTER OF THE APPLICATION  
OF OXY USA INC. FOR COMPULSORY  
POOLING, HARDING COUNTY, NEW MEXICO.**

**CASE NO. \_\_\_\_\_**

**APPLICATION**

OXY USA INC., ("OXY") through its undersigned attorneys, hereby makes application pursuant to the provisions of NMSA 1978, §70-2-17, for an order pooling all mineral interests in all formations from the surface to the top of the Precambrian Basement in the following described 640-acre spacing and proration unit comprised of all of Section 19, Township 19 North, Range 33 East, N.M.P.M., Harding County, New Mexico, which includes but is not necessarily limited to the Tubb formation (from the base of the Cimarron Anhydrite to the top of the Granite), in the Bravo Dome Carbon Dioxide Gas Pool. In support of its application, OXY states:

1. OXY is the operator of the Bravo Dome Carbon Dioxide Gas Unit and a working interest owner in said Section 19 and has the right to drill thereon.
2. OXY proposes to dedicate the above-referenced spacing or proration unit to its Bravo Dome Well No. 1933-191G to be drilled at a standard gas well location 1980 feet from the North line and 1718 feet from the East line (Unit G) of said Section 19, to an approximate depth of 2,600 feet to test any and all formations from the surface to the base of the Tubb formation. All of Section 19 will be dedicated to the well pursuant to the provisions of the Special Pool Rules and Regulations for the Bravo Dome 640-acre Area adopted by Division Order No. R-7556 dated June 19, 1984.
3. OXY has sought and been unable to obtain a voluntary agreement for the development of these lands from certain interest owners in the subject spacing unit who are identified on Exhibit A to this application.

4. Said pooling of interests will avoid the drilling of unnecessary wells, will prevent waste and will protect correlative rights.

5. In order to permit the OXY to obtain its just and fair share of the oil and gas underlying the subject lands, all mineral interests should be pooled, and OXY USA Inc. should be designated the operator of the well to be drilled.

WHEREFORE, OXY USA Inc. requests that this application be set for hearing before an Examiner of the Oil Conservation Division on July 14, 2005 and, after notice and hearing as required by law, the Division enter its order:

- A. pooling all mineral interests in the subject spacing and proration units,
- B. designating OXY USA Inc. operator of this unit and the well to be drilled thereon,
- C. authorizing OXY USA Inc. to recover its costs of drilling, equipping and completing the well,
- D. approving the actual operating charges and costs of supervision while drilling and after completion, together with a provision adjusting the rates pursuant to the COPAS accounting procedures, and
- E. imposing a penalty for the risk assumed by OXY USA Inc. in drilling and completing the well against any working interest owner who does not voluntarily participate in the drilling of the well.

Respectfully submitted,  
HOLLAND & HART LLP

By: 

WILLIAM F. CARR  
Post Office Box 2208  
Santa Fe, New Mexico 87504  
Telephone: (505) 988-4421

ATTORNEYS FOR OXY USA INC.

CASE \_\_\_\_\_: **Application of OXY USA Inc. for compulsory pooling, Harding County, New Mexico.** Applicant in the above-styled cause seeks an order pooling all mineral interests in all formations from the surface to the top of the Precambrian Basement in the following described standard 640-acre spacing and proration unit comprised of all of Section 19, Township 19 North, Range 33 East, N.M.P.M., Harding County, New Mexico, which includes but is not necessarily limited to the Tubb formation (from the base of the Cimarron Anhydrite to the top of the Granite), in the Bravo Dome Carbon Dioxide Gas Pool. OXY proposes to dedicate the above-referenced spacing or proration unit to its Bravo Dome Well No. 1933-191G to be drilled at a standard gas well location 1980 feet from the North line and 1718 feet from the East line (Unit G) of said Section 19, to an approximate depth of 2,600 feet to test any and all formations from the surface to the base of the Tubb formation. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of OXY USA Inc. as operator of the well and a charge for risk involved in drilling said well. Said area is located approximately 3 miles northwest of Rosebud, New Mexico.

7001 1140 0002 9557 8583

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only. No Insurance Coverage Provided)

**OFFICIAL USE**

WFC OXY BD	Postage	\$ .60
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	
	<b>Total Postage &amp; Fees</b>	<b>\$ 4.65</b>

SANTA FE NM 87501  
JUN 23 2005  
Postmark Here  
USPS

**Sent To**  
Grace L. Bayles  
1442 South Clarkson  
Denver, Colorado 80210-2237

PS Form 3800

MAIL  
RETURNED

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U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only. No Insurance Coverage Provided)

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WFC OXY BD	Postage	\$ .60
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	
	<b>Total Postage &amp; Fees</b>	<b>\$ 4.65</b>

SANTA FE NM 87501  
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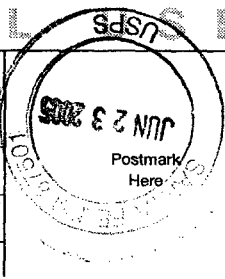
PS Form 3800

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only, No Insurance Coverage Provided)

OFFICIAL USE

WFC  
OXY  
BD

Postage	\$ .60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



MAIL  
RETURNED

Sent To  
Walter P. Billau  
Post Office Box 608  
Dalhart, Texas 79002

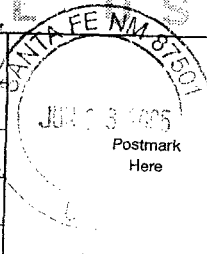
PS Form 3800

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OFFICIAL USE

WFC  
OXY  
BD

Postage	\$ .60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



Sent To  
Francis Thomas  
506 Olive  
Lamar, Colorado 81052

PS Form 3800



HOLLAND & HART

110 North Guadalupe Suite 1 Santa Fe, NM 87501  
P.O. Box 2208 Santa Fe, NM 87504-2208

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL

7001 1140 0002 9557 8583

7/6/05

1ST NOTICE  
2ND NOTICE  
RETURN

Walter P. Billau  
Post Office Box 608  
Dalhart, Texas 79002

☐ Not Deliverable As Addressed  
☐ Unable To Forward  
☐ Insufficient Address  
☐ Moved, Left No Address  
☐ Unclaimed ☐ Refused  
☒ Attempted-Not Known  
☐ No Such Street ☐ Number  
☐ Vacant ☐ Inhabitable  
☐ No Mail Receipts  
☐ Box Closed-No Order  
☐ Returned For Better Address  
☐ Postage Due

FIRST NOTICE  
SECOND NOTICE  
RETURN

RETURN RECEIPT

HOLLAND & HART

110 North Guadalupe Suite 1 Santa Fe, NM 87501  
P.O. Box 2208 Santa Fe, NM 87504-2208

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OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL

7001 1140 0002 9557 8583

Grace L. Bayles  
1442 South Clarkson  
Denver, Colorado 80210-2237

1st Notice

2nd Notice

Return

RETURN RECEIPT

# **AFFIDAVIT OF PUBLICATION**

State of New Mexico  
County of Union

SS.

The undersigned, being first duly sworn according to law, on her oath deposes and says that she is the reporter of the newspaper named the *Union County Leader* and that she has personal knowledge of the facts stated herein: That the said *Union County Leader* is a weekly newspaper of general paid circulation in Union and Harding Counties published in the County of Union and State of New Mexico; entered under the second class privilege at the U.S. Post Office at Clayton, Union County, New Mexico, and having been uninterruptedly and continuously so printed and published during a period of more than six months next to the date of the printing of the first publication concerning which this affidavit is made and a copy of which is hereto attached; that the said publication, a printed copy of which is hereto attached and made a part of this affidavit, was published in said newspaper once each week for            successive weeks, and that payment for said publication has been made or assessed as part of the court costs to which it relates; said publications having been made on the following dates, to wit:

1st publication: the 27<sup>th</sup> day of June, 2005  
2nd publication: the    day of   , 2005  
3rd publication: the    day of   , 2005  
4th publication: the    day of   , 2005

Union County Leader

Jessica Smith, reporter

Subscribed and sworn to before me this 30<sup>th</sup> day of June, 2005

Mary Sue "Brandy" Payton  
Mary Sue "Brandy" Payton  
Notary Public, Union County, New Mexico  
My commission expires December 13, 2007

## **Publisher's Bill:**

156 lines, ONE time \$ 68.64  
inches, display    times \$     
Tax \$ 5.02  
Total \$ 73.66

Received payment:

RE: Attorney's 5101  
2005-11-13-2005

## **NOTICE OF PUBLICATION STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION SANTA FE, NEW MEXICO**

The State of New Mexico through its Oil Conservation Division hereby gives notice pursuant to law and the Rules and Regulations of the Division of the following public hearing to be held at 8:15 A.M. on July 14, 2005, in the Oil Conservation Division Hearing Room at 1220 South St. Francis, Santa Fe, New Mexico, before an examiner duly appoint for the hearing. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact: Florene Davidson at 505-476-3458 or through the New Mexico Relay

Network, 1-800-659-1779 by July 4, 2005. Public documents including the agenda and minutes, can be provided in various accessible forms. Please contact Florene Davidson if a summary or other type of accessible form is needed.

## **STATE OF NEW MEXICO TO:**

All named parties and persons having any right, title, interest or claim in the following cases and notice to the public.

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

## **CASE 13520:**

**Application of  
OXY USA, Inc. for  
compulsory pooling,  
Harding  
County, New  
Mexico.** Applicant in the above-styled cause seeks an order pooling all mineral interests in all formations from

the surface to the top of the Precambrian Basement in the following described standard 640-acre spacing and proration unit comprised of all of Section 19, Township 19 North, Range 33 East, N.M.P.M., Harding County, New Mexico, which includes but is not necessarily limited to the Tubbs formation (from the base of the Cimarron Anhydrite to the top of the Granite), in the Bravo Dome Carbon Dioxide Gas Pool. OXY proposes to dedicate the above-referenced spacing or proration unit to its Bravo Dome Well No. 1933-191G to be drilled at a standard gas well location 1980 feet from the North line and 1718 feet from the East line (Unit G) of said Section 19, to an approximate depth

of 2,600 feet to test any and all formations from the surface to the base of the Tubbs formation. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of OXY USA, Inc. as operator of the well and a charge for risk involved in drilling said well. Said area is located approximately 3 miles northwest of Rosebud, New Mexico.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 22nd day of June 2005.

STATE OF  
NEW MEXICO  
OIL CONSERVATION  
DIVISION  
Mark E. Fesmire,  
P.E., Director