

HOLLAND & HART^{LLP}



Ocean Munds-Dry

Associate

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August 30, 2005

HAND-DELIVERED

Mark E. Fesmire, P.E.
Director
Oil Conservation Division
New Mexico Energy, Minerals and
Natural Resources Department
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Case 13560

Re: Application of Myco Industries, Inc. for compulsory pooling,
Eddy County, New Mexico.

Dear Mr. Fesmire:

Enclosed is the application of Myco Industries, Inc. in the above-referenced case as well as a copy of a legal advertisement. Myco requests that this matter be placed on the docket for the September 22, 2005 Examiner hearings.

Very truly yours,

Ocean Munds-Dry
Ocean Munds-Dry

Enclosures

cc: Ms. Shari Darr Hodges
Myco Industries, Inc.

Holland & Hart LLP

Phone [505] 988-4421 Fax [505] 983-6043 www.hollandhart.com

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

Aspen Billings Boise Boulder Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Salt Lake City Santa Fe Washington, D.C.

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

**IN THE MATTER OF THE APPLICATION
OF MYCO INDUSTRIES, INC.
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.**

CASE NO. 13560

APPLICATION

MYCO INDUSTRIES, INC. ("Myco"), through its undersigned attorneys, hereby makes application pursuant to the provisions of NMSA 1978, Section 70-2-17, for an order pooling all uncommitted mineral interests in all formations from the surface to the base of the Morrow formation underlying the E/2 of Section 32, Township 19 South, Range 26 East, N.M.P.M., Eddy County, New Mexico, to form a standard 320-acre spacing and proration unit for all formations and/or pools developed on 320-acre spacing; the SE/4 to form a standard 160-acre spacing and proration unit for all formations and/or pools developed on 160-acre spacing; and the NE/4 SE/4 to form a standard 40-acre spacing and proration unit for all formations and/or pools developed on 40-acre spacing. In support of this application Myco states:

1. Myco is a working interest owner in the E/2 of Section 32 and has a right to drill thereon.
2. Myco proposes to dedicate the above-referenced spacing or proration unit to its Elizabeth 32 Fee #1 Well, to be drilled as a wildcat well, at a standard location 1980 feet from the South line and 660 from the East line in the NE/4 SE/4 (Unit I) of Section 32 to test the Morrow formation at a depth of approximately 10,100 feet.
3. Myco has sought and been unable to obtain a voluntary agreement for the development of these lands from the interest owners 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 Myco the opportunity to obtain its just and fair share of the oil and gas underlying the subject lands, all mineral interests should be pooled, and Myco should be designated the operator of the well.

WHEREFORE, Myco requests that this application be set for hearing before an Examiner of the Oil Conservation Division on September 22, 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 unit;
- B. designating Myco operator of the unit and the well to be drilled thereon;
- C. authorizing Myco to recover its costs of deepening, equipping and re-completing the well;
- D. approving the actual operating charges and costs of supervision while drilling and after completion, together with a provision to adjust the rates pursuant to the COPAS accounting procedures; and
- E. imposing the 200% risk penalty provided by Division Rule 19.15.1.35 against any working interest owner who does not voluntarily participate in the drilling of this well.

Respectfully submitted,

HOLLAND & HART, LLP

By: *Ocean Munds-Dry*

Michael H. Feldewert
Ocean Munds-Dry
P.O. Box 2208
Santa Fe, NM 87504
Telephone: (505) 988-4421

ATTORNEYS FOR MYCO
INDUSTRIES, INC.

EXHIBIT A

**APPLICATION OF MYCO INDUSTRIES, INC.
FOR COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO**

Elizabeth 33 Fee #1 Well

Tierra Exploration
P.O. Box 56
Midland, TX 79702

Trinity Resources
Mr. Jim Pierce
200 West First Street, Suite 859
Roswell, New Mexico 88201

Suzanne A. Ball & Emmett B. Ball, Jr., Trustees
Suzanne A. Ball & Emmett B. Ball, Jr. 1998 Revocable Trust
1349 Carter Drive
Redding, CA 96002

Marjorie E. Williams
1026 Alcade Way
Glendale, CA

Heirs of Iva Dickenson
Jean A. Culp
1717 Utah, N.E.
Albuquerque, NM 87110

Mary Elizabeth Gillette
102 Brown Road
Las Cruces, NM 88005

Nell Mirise
245 Virginia N.E., Apt #8
Albuquerque, NM 87108

Sandra Thompson
999 N. Pacific
Oceanside, CA 92054

Heirs of George H. Dixon
Philip Dixon
825 East Church Street

Ridgecrest, CA 93555

Terri Kathleen Klaus
4254 Roma N.E.
Albuquerque, NM 87109

Heirs of Lelia Garvin
Thelma Sigler
315 S. Bedford Road
Orange, CA 92868

Robert L. Garvin
22052 Elsberry Way
Lake Forest, CA 92630

Charles Willis Garvin, Jr.
5456 W. 119th Street
Inglewood, CA 90304

Patsy L. Hall
1839 Green Briar Road
Long Beach, CA 90815



September 1, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Re: Application of Myco Industries, Inc. for compulsory
pooling, Eddy County, New Mexico.

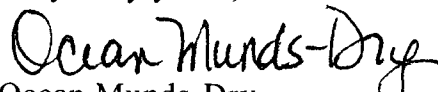
Ladies and Gentlemen:

This letter is to advise you that Myco Industries, Inc. has filed the enclosed application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests from the surface to the base of the Morrow formation in certain spacing and proration units in the E/2 of Section 32, Township 19 South, Range 26 East, N.M.P.M., Eddy County, New Mexico. Said pooled units are to be dedicated to Myco's Elizabeth 32 Fee #1 Well to be drilled at a standard location 1980 feet from the South line and 660 feet from the East line to a depth of approximately 10,100 feet to test the Morrow formation.

This application has been set for hearing before a Division Examiner on September 22, 2005. The hearing will be held in Porter Hall in the Oil Conservation Division's Santa Fe Offices 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 four days in advance of a scheduled hearing. This statement must be filed at the Division's Santa Fe office at the above specified address and should 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,


Ocean Munds-Dry
ATTORNEY FOR MYCO INDUSTRIES
INC.