

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

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

CASE NO. 13692

AFFIDAVIT

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

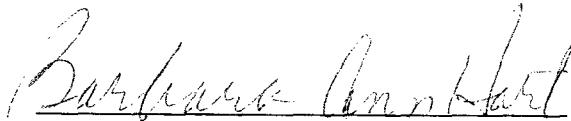
William F. Carr, attorney in fact and authorized representative of Marbob Energy Corporation, the Applicant herein, being first duly sworn, upon oath, states that notice of the above-referenced Amended Application was mailed to the interested parties shown on Exhibit "A" attached hereto in accordance 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 28th day of March 2006 by William F.

Carr.



Notary Public

My Commission Expires:

3/28/06

3529895_1.DOC

BEFORE THE OIL CONSERVATION COMMISSION
Santa Fe, New Mexico
Case Nos. 13692 Exhibit No. 6
Submitted by:
Marbob Energy Corporation
Hearing Date: May 11, 2006

EXHIBIT A

**APPLICATION OF
MARBOB ENERGY CORPORATION
FOR COMPULSORY POOLING
E/2 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 26 EAST, N.M.P.M.
EDDY COUNTY, NEW MEXICO.**

Ruth Monk
Landsund Health Service Center
1900 Westridge
Carlsbad, New Mexico 88220

Larry Gene Davis
1620 Pine Bluff Ave
Orlando, Florida 32806

Donald Davis
2719 Rochell Point
Irving, Texas 75062

Gerald Adkins
Address Unknown

Rudolfo Valenzuela
Address Unknown

Martin Fickel
Address Unknown

M. H. Holley
Address Unknown

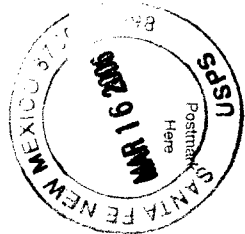
U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only - No Insurance Coverage Provided)

WFD
 Postage \$ 1.87
 Certified Fee 2.40
 Return Receipt Fee (Endorsement Required) 1.85
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$ 5.12

Sent To
 Donald Davis

Street, Apt. No. 2719 Rochell Point
 or PO Box No.
 City, State, ZIP Irving, Texas 75062

PS Form 3811



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

WFD
 Postage \$ 1.87
 Certified Fee 2.40
 Return Receipt Fee (Endorsement Required) 1.85
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$ 5.12

Sent To
 Larry Gene Davis

Street, Apt. No. 1620 Pine Bluff Ave
 or PO Box No.
 City, State, ZIP Orlando, Florida 32806

PS Form 3811



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Donald Davis
 2719 Rochell Point
 Irving, Texas 75062

2. Article Number (Copy to PS Form 3811, July 1999) 7001 1140 0002 9557 9276

PS Form 3811, July 1999 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) B. Date of Delivery
- C. Signature
- D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

- 3. Service Type
 - ☒ Certified Mail
 - ☐ Express Mail
 - ☐ Registered
 - ☒ Return Receipt for Merchandise
 - ☐ Insured Mail
 - ☐ C.O.D.
- 4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Larry Gene Davis
 1620 Pine Bluff Ave
 Orlando, Florida 32806

2. Article Number (Copy to PS Form 3811, July 1999) 7001 1140 0002 9557 9269

PS Form 3811, July 1999 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) B. Date of Delivery
- C. Signature
- D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

- 3. Service Type
 - ☒ Certified Mail
 - ☐ Express Mail
 - ☐ Registered
 - ☒ Return Receipt for Merchandise
 - ☐ Insured Mail
 - ☐ C.O.D.
- 4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 1140 0002 9557 9269

7001 1140 0002 9557 9276

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

44503 ac02
 WTC
 Certified Fee \$ 1.87
 Return Receipt Fee (Endorsement Required) 2.40
 Restricted Delivery Fee (Endorsement Required) 1.85
 Total Postage & Fees \$ 5.12

Postmark
 NEW MEXICO
 JUL 19 1999

Sent To **Ruth Monk**
 Street, Apt. No., Landsund Health Service Center
 or PO Box No. 1900 Westridge
 City, State, Zip+4 Carlsbad, New Mexico 88220

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ruth Monk
Landsund Health Service Center
1900 Westridge
Carlsbad, New Mexico 88220

2. Article Number (Copy from

7001 1140 0002 9557 9252

PS Form 3811, July 1999

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **MARSHA DRAPPA** B. Date of Delivery **3-22-06**

C. Signature

X. Marsha Drappa ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

March 16, 2006

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

TO ALL AFFECTED INTEREST OWNERS

Re: Application of Marbob Energy Corporation for compulsory pooling, Eddy County, New Mexico.

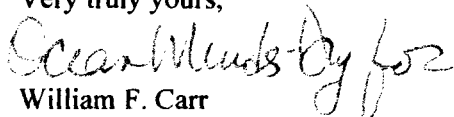
Ladies and Gentlemen:

This letter is to advise you that Marbob Energy Corporation has filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of certain spacing and proration units in the E/2 of Section 14, Township 22 South, Range 26 East, N.M.P.M., Eddy County, New Mexico. Said units are to be dedicated to dedicate its Whiskey Girl Fee Well No. 1 (API No. 30-015-34631) to be drilled as a deviated well from an unorthodox surface location 464 feet from the South line and 1119 from the East line to a bottomhole location 660 feet from the South line and 990 feet from the East line (Unit P) of said Section 14, to an approximate depth of 11,800 feet to test any and all formations from surface to the base of the Morrow formation.

This application has been set for hearing before a Division Examiner on April 13, 2006. 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 Oil Conservation Division's Santa Fe office located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505, four days in advance of a scheduled hearing but in no event later than 5:00 pm Mountain Time on the Thursday preceding the scheduled hearing date. 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: Ross Duncan
Raye Miller
Marbob Energy Corporation

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

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

CASE NO. _____

APPLICATION

MARBOB ENERGY CORPORATION ("Marbob"), through its undersigned attorneys, hereby makes application pursuant to the provisions of N.M.Stat. Ann. 70-2-17, (1978), for an order pooling all mineral interests from surface to the base of the Morrow formation in the following described spacing and proration units located in the E/2 of Section 14, Township 22 South, Range 26 East, N.M.P.M., Eddy County, New Mexico: the E/2 for all formations and/or pools developed on 320-acre spacing which includes but is not limited to the Undesignated South Carlsbad-Morrow Gas Pool, Undesignated South Carlsbad-Atoka Gas Pool, South Carlsbad-Wolfcamp Pool, Undesignated South Carlsbad Strawn; the SE/4 for all formations and/or pools developed on 160-acre spacing; and the SE/4 SE/4 for all formations and/or pools developed on 40-acre spacing which includes but is not necessarily limited to the Undesignated South Carlsbad Delaware Pool, and in support of its application states:

1. Marbob Energy Corporation is a working interest owner in the E/2 of said Section 14 and has the right to drill thereon.
2. Marbob proposes to dedicate the above-referenced spacing or proration units to its Whiskey Girl Fee Well No. 1 (API No. 30-015-34631) to be drilled as a deviated well from an unorthodox surface location 464 feet from the South line and 1119 from the East line to a bottomhole location 660 feet from the South line and 990 feet from the East line (Unit P) of said Section 14, to an approximate depth of 11,800 feet to test any and all formations from surface to the base of the Morrow formation.

3. Marbob has sought and been unable to obtain a voluntary agreement for the development of these lands from certain interest owners in the subject spacing units 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 Marbob to obtain its just and fair share of the oil and gas underlying the subject lands, all mineral interests should be pooled, and Marbob Energy Company should be designated the operator of the well to be drilled.

WHEREFORE, Marbob Energy Corporation requests that this application be set for hearing before an Examiner of the Oil Conservation Division on April 13, 2006 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 Marbob Energy Corporation operator of these units and the well to be drilled thereon,
- C. authorizing Marbob Energy Corporation 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 Marbob Energy Corporation 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 MARBOB ENERGY
CORPORATION

CASE _____:

Application of Marbob Energy Corporation for compulsory pooling, Eddy County, New Mexico. Applicant in the above-styled cause seeks an order for an order pooling all mineral interests from surface to the base of the Morrow formation in the following described spacing and proration units located in the E/2 of Section 14, Township 22 South, Range 26 East, N.M.P.M., Eddy County, New Mexico: the E/2 for all formations and/or pools developed on 320-acre spacing which includes but is not limited to the Undesignated South Carlsbad-Morrow Gas Pool, Undesignated South Carlsbad-Atoka Gas Pool, South Carlsbad-Wolfcamp Pool, Undesignated South Carlsbad Strawn; the SE/4 for all formations and/or pools developed on 160-acre spacing; and the SE/4 SE/4 for all formations and/or pools developed on 40-acre spacing which includes but is not necessarily limited to the Undesignated South Carlsbad Delaware Pool. Said units are to be dedicated to dedicate its Whiskey Girl Fee Well No. 1 (**API No. 30-015-34631**) to be drilled as a deviated well from an unorthodox surface location 464 feet from the South line and 1119 from the East line to a bottomhole location 660 feet from the South line and 990 feet from the East line (Unit P) of said Section 14, to an approximate depth of 11,800 feet to test any and all formations from surface to the base of the Morrow 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 Marbob Energy Corporation as operator of the well and a charge for risk involved in drilling said well. Said area is located approximately 2 miles north of the Carlsbad Airport.

Affidavit of Publication

NO. 19202

STATE OF NEW MEXICO

County of Eddy:

Gary D. Scott being duly

sworn, says: That he is the Publisher of The

Artesia Daily Press, a daily newspaper of general

circulation, published in English at Artesia, said county

and county and state, and that the here to attached

Legal Notice

was published in a regular and entire issue of the said

Artesia Daily Press, a daily newspaper duly qualified

for that purpose within the meaning of Chapter 167 of

the 1937 Session Laws of the state of New Mexico for

1 Consecutiv week/days on the same

day as follows:

First Publication March 19 2006

Second Publication _____

Third Publication _____

Fourth Publication _____

Subscribed and sworn to before me this

20th Day March 2006

Notary Public, Eddy County, New Mexico

My Commission expires September : 23, 2007

Copy of Publica

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 April 13, 2006, 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 505-478-3458 or through the New Mexico Relay Network, 1-800-658-1779 by April 3, 2006. 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 13682:
Application of Marbob Energy Corporation for compulsory pooling, Eddy County, New Mexico. Applicant in the above-styled cause

sueks an order for an order pooling all mineral interests from surface to the base of the Morrow formation in the following described spacing and poration units located in the E22 of Section 14, Township 22 South, Range 26 East, N.M.P.M., Eddy County, New Mexico; the E22 for all formations and/or pools developed on 20-acre spacing which includes but is not limited to the Undesignated South Carlsbad-Morrow

LEGAL NOTICE

Gas Pool, Undesignated South Carlsbad-Morrow Gas Pool, South Carlsbad-Wolfcamp Pool, Undesignated South Carlsbad Strawn, the SE1/4 for all formations and/or pools developed on 160-acre spacing; and the SE1/4 SE1/4 for all formations and/or pools developed on 40-acre spacing which includes but is not necessarily limited to the Undesignated South Carlsbad Delaware Pool.

Said units are to be dedicated to dedicate its Whiskey Girl Fee Well No. 1 (API No. 30-015-34631) to be drilled as a deviated well from an unorthodox surface location 434 feet from the South line and 1119 from the East line to a bottomhole location 560 feet from the South line and 940 feet from the East line (Unit #) of said Section 14, to an approximate depth of 11,800 feet to test any and all formations from surface to the base of the Morrow 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 Marbob Energy Corporation as operator of the well and a charge for risk involved in drilling said well. Said area is located approximately 2 miles north of the Carlsbad Airport.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 16th day of March 2006.

STATE OF NEW

MEXICO

OIL CONSERVATION
DIVISION

Mark E. Fesmire, P.E.,
Director

Published in the Artesia
Daily Press, Artesia,
N.M. March 19, 2006
Legal 19202