

KELLAHIN & KELLAHIN
Attorney at Law

W. THOMAS KELLAHIN
706 GONZALES ROAD
SANTA FE, NEW MEXICO 87501

TELEPHONE 505-982-4285
FACSIMILE 505-982-2047
KELLAHIN@EARTHLINK.NET

October 23, 2006

HAND DELIVERED

Mr. Mark E. Fesmire, Director
Oil Conservation Division
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Case 13822

2006 OCT 23 AM 11 09

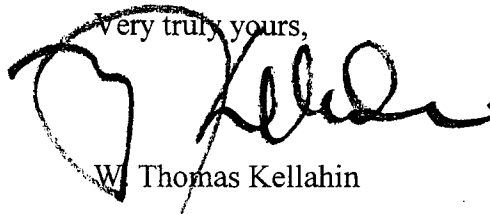
Re: Application of OGX Resources LLC
for compulsory pooling,
Eddy County, New Mexico

Blue Cat Fee Well No. 1
Unit G (SW/4NE/4) of Section 3, T19S R26E
API#30-015-34608
Dedication: N/2
Eddy County, New Mexico

Dear Mr. Fesmire:

On behalf of OXG Resources LLC, find enclosed our referenced application which we request be set for hearing on the Examiner's docket now scheduled for November 30, 2006. Also enclosed is our proposed advertisement of this case for the NMOCD docket.

Very truly yours,



W. Thomas Kellahin

cc: OCX Resources LLC
Attn: Wendell W. Iverson, Jr., CPL

CASE 13822: Application of OGX Resources LLC for compulsory pooling, Eddy County, New Mexico. Applicant seeks an order pooling all mineral interests from the surface to the base of the Morrow formation underlying the N/2 of Section 3, T19S, R26E, NMPM, Eddy County, New Mexico, forming a standard 320-acre gas spacing and proration unit for production from any and all formation or pools developed on 320-acre spacing including but not limited to the Four Mile Draw-Morrow Gas Pool. This unit is to be dedicated its Blue Cat Fee Well No. 1 (API# 30-015-34608) to be drilled at a standard gas well location in Unit G of this section. Also to be considered will be the costs of drilling and completion this well and the allocation of the costs thereof as well as actual operating costs and charges for supervision, designation of OGX Resources LLC as the operator of the well and a 200% charge for risk involved in this well. This unit is located approximately 7 miles northeast from Lakewood, New Mexico.

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

**IN THE MATTER OF THE APPLICATION
OF OGX RESOURCES LLC
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.**

2008 OCT 23 AM 11 09
CASE NO. 13822

APPLICATION

OGX Resources LLC ("OGX") by its attorneys, Kellahin & Kellahin, and in accordance with Section 70-2-17.C NMSA (1978) seeks compulsory pooling within Eddy County, New Mexico. Applicant seeks an order pooling all mineral interests from the surface to the base of the Morrow formation underlying the N/2 of Section 3, T19S, R26E, NMPM, Eddy County, New Mexico, forming a standard 320-acre gas spacing and proration unit for production from any and all formation or pools developed on 320-acre spacing including but not limited to the Four Mile Draw-Morrow Gas Pool. This unit is to be dedicated its Blue Cat Fee Well No. 1 (API# 30-015-33608) to be drilled at a standard gas well location in Unit G of this section. Also to be considered will be the costs of drilling and completion this well and the allocation of the costs thereof as well as actual operating costs and charges for supervision, designation of OGX Resources LLC as the operator of the well and a 200% charge for risk involved in this well.

In support of its application, OGX Resources LLC ("OGX") states:

1. OGX has a working interest ownership in the oil and gas minerals from the surface to the base of the Morrow formation underlying the N/2 of Section 3, T19E, R26E, NMPM, Eddy County, New Mexico.

2. This gas spacing unit is located within the boundaries of the Four Mile Draw-Morrow Gas Pool.

3. By letter dated May 13, 2005 and again on August 29, 2006, OGX proposed to the uncommitted working interest and mineral interest owners that its Blue Cat Fee Well No. 1 to be located and drilled within Unit G of this section and dedicated to a standard 320-acre gas spacing and proration unit consisting of the N/2 of Section 3.

4. Despite its reasonable efforts, applicant has been unable to obtain a written voluntary agreement from the mineral interest owners set forth on Exhibit A. (Attached)

5. Pursuant to Section 70-2-17.C NMSA (1978) and in order to obtain its just and equitable share of potential production underlying this spacing unit, OGX needs an order of the Division pooling the interest identified above in order to protect correlative rights and prevent waste.

6. Applicant, in the absence of timely objection, will present its evidence by affidavit as provided by Division Rule 1207.A (1) and request the 200% risk charge in accordance with Commission Order R-11992, effective August 15, 2003.

7. In accordance with the Division's notice requirements, a copy of this application has been sent to the parties whose interest is to be pooled as listed on Exhibit "A" notifying each of this case and of the applicant's request for a hearing of this matter before the Division on the next available Examiner's docket now scheduled for November 30, 2006.

WHEREFORE, OGX Resources LLC, as applicant, requests that this application be set for hearing on November 30, 2006 before the Division's duly appointed examiner, and that after notice and hearing as required by law, the Division enter its order pooling the mineral interest described in the appropriate spacing unit for this well at a standard well location upon terms and conditions which include:

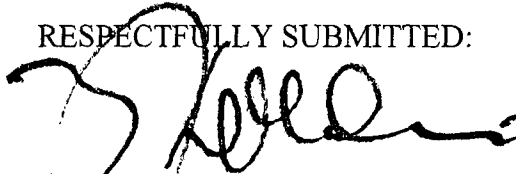
- (1) OXG Resources LLC be named operator.
- (2) Provisions for applicant and all working interest owners to participate in the costs of drilling, completing, equipping and operating these wells;
- (3) In the event a mineral interest or working interest owner fails to elect to participate, then provision be made to recover out of production, the costs of the drilling, completing, equipping and operating the well, including a risk factor penalty of 200%;

(4) Provision for overhead rates per month drilling and per month operating and a provision providing for an adjustment method of the overhead rates as provided by COPAS;

(5) Provision for an optional infill well to be drilled in accordance with Division Rule 104.C(2)(a) and (b)

(6) For such other and further relief as may be proper.

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink, appearing to read 'W. Thomas Kellahin', is written over the typed name and address.

W. THOMAS KELLAHIN
KELLAHIN & KELLAHIN

P. O. Box 2265

Santa Fe, New Mexico 87504

Telephone: (505) 982-4285

Fax: (505) 982-2047

Email: kellahin@earthlink.net

OGX Resources LLC N/2 of Sec. 3

Blue Cat

19-26

<u>Owner</u>		<u>1st Attempt</u>		<u>State &</u>
<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>City</u>	<u>Zip</u>
Uncommitted Mineral Owner				
Timothy	Leahy	P.O. Box 1046	Londonberry	NH 03053
Stephen	Terrell	800 Harvard Dr.	Pflugerville	TX 78660
Michele	Shillito	P.O. Box 1635	Oakview	CA 93022
Pearl	Persinger			
John & Audrey	Holt		Cass Co.	TX
James & Linda	Holt	13319 Lakeshore Dr.	Clearlake	CA 95422
Robert & Leslie	Holt	719 Spring Street	Sausalito	CA 94965
John	Blair			
Corinne	Grace			
Total				

