

Alberto A. Gutiérrez, C.P.G.

December 20, 2010

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

State of New Mexico State Land Office 310 Old Santa Fe Trail P. O. Box 1148 Santa Fe, NM 87504

RE: Agave Energy Company Application

This letter is to advise you that Agave Energy Company ("Agave") filed the enclosed application on December 20, 2010 with the New Mexico Oil Conservation Division ("NMOCD" or "the Division"). The application requests authority to inject acid gas and carbon dioxide (CO<sub>2</sub>) into Agave's existing Metropolis Disposal #1 Well (API No. 30-015-31905). The well is located approximately 8 miles southwest of Artesia. New Mexico, between the Rio Peñasco and Four Mile Draw. More specifically, it is located 1,650 feet from the West line and 1,650 feet from the South line of Section 36, Township 18 South, Range 25 East, in Eddy County, roughly one mile south of Agave's Dagger Draw Processing Plant.

Agave proposes to recomplete and modify the Metropolis Disposal #1 Well in a manner that will ensure safe injection. The proposed injection would be into the basal Devonian, the Fusselman and the Montoya Formations through an injection interval from 9,930 to 10.500 feet. Agave proposes a maximum injection pressure of 3,300 psi and a maximum daily injection rate of 205 barrels. The recompleted well will serve as the disposal well for acid gas currently being flared at the Dagger Draw Processing Plant.

This application has been set for hearing before a Division Examiner at 8:15 am on Thursday, January 20, 2011 in Porter Hall at the NMOCD'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 Agave's 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 application at a later date.

A party appearing at the hearing is required by the Division's rules to file a Pre-Hearing Statement with the NMOCD's Santa Fe office no later than January 13, 2011. This statement must be served on counsel for Agave and on all other parties and should include: your name and the name of your attorney, if any; a concise statement of the case; the names of all witnesses you will call to testify at the hearing; the approximate time you will need to present your case; and an identification of any procedural matters that need to be resolved prior to the hearing.

OCD Case No. 14601

AGAVE ENERGY

Exhibit # 4

phone: 505-842-8000 fax: 505-842-7380 500 Marquette Avenue NW, Suite 1350 Albuquerque, New Mexico 87102 email: aag@geolex.com web: www.geolex.com State of New Mexico State Land Office December 20, 2010 Page 2

If you have any questions concerning this application, you may contact Mr. Alberto Gutiérrez at (505) 842-8000 at Geolex, Inc. 500 Marquette Avenue NW. Suite 1350, Albuquerque, New Mexico 87102 or Agave's counsel, Mr. Thomas Hnasko, at (505) 982-4554 at Hinkle, Hensley, Shanor & Martin, LLP, 218 Montezuma, Santa Fe, NM 87504.

Sincerely, Geolex, Inc.

Alberto A. Gutiérrez, C.P.G.

President

Consultant to Agave Energy Company

Enclosure

AAG/lh

1910-009/Reports/C-108/Notices/Individual Notice Letters & Mail Receipts/State of NM Land Office .doc

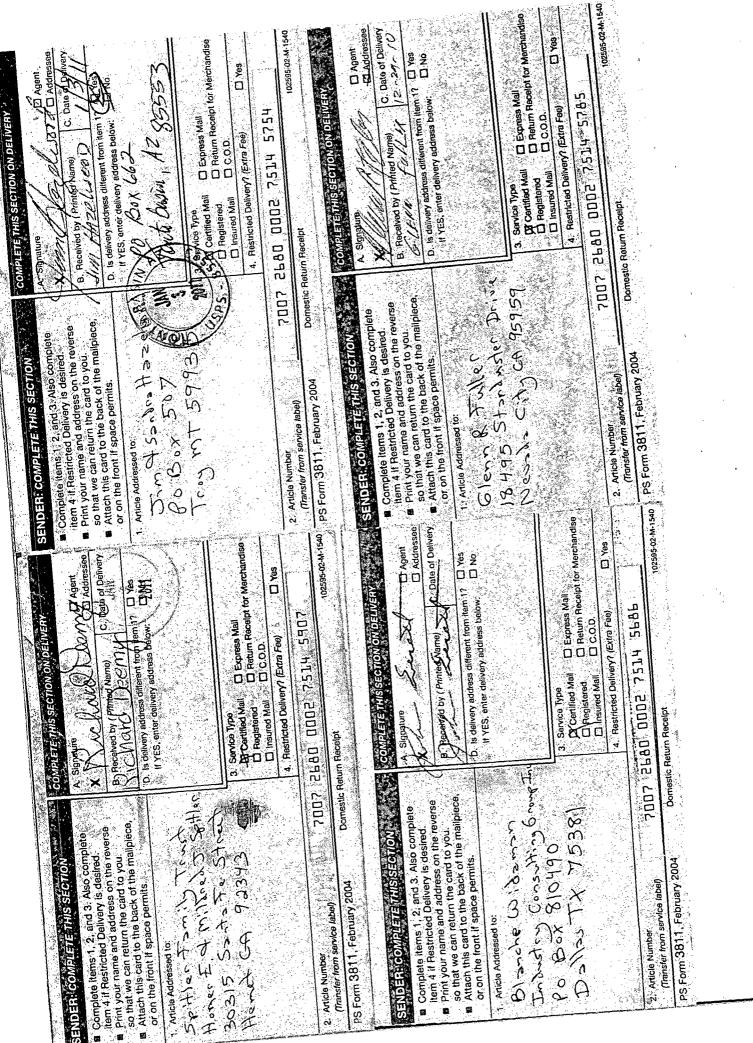
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