

KELLAHIN, KELLAHIN AND AUBREY

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

W. THOMAS KELLAHIN
KAREN AUBREY

CANDACE HAMANN CALLAHAN

JASON KELLAHIN
OF COUNSEL

TELEPHONE (505) 982-4285
TELEFAX (505) 982-2047

May 22, 1990

RECEIVED

MAY 22 1990

OIL CONSERVATION DIVISION

9960

Mr. William J. LeMay
Oil Conservation Division
P.O. Box 2088
Santa Fe, NM 87504

Re: Bird Creek Resources, Inc.
for Compulsory Pooling
NW/4NE/4, Section 15, T23S, R28E,
Eddy County, New Mexico

Dear Mr. LeMay:

Enclosed please find the original and one copy of an application by Bird Creek Resources, Inc. for Compulsory Pooling, Eddy County, New Mexico. Please set this application for hearing on the examiner docket now scheduled for June 13, 1990.

In accordance with N.M.O.C.C. Rule 1207, we are sending all working interest owners listed in this application a copy of this letter and a copy of the enclosed application, by certified mail, in order to notify them that they have the opportunity to appear in support of or in opposition to the enclosed application.

Sincerely,

Karen Aubrey

KA/tic

xc: Lawrence W. Robinette
Bird Creek Resources, Inc.
1412 S. Boston, Suite 550
Tulsa, Oklahoma 74119

Certified Return Receipt Requested
Working interest owners listed in
Paragraph 3 of application

STATE OF NEW MEXICO
DEPARTMENT OF ENERGY AND MINERALS
OIL CONSERVATION DIVISION

RECEIVED

MAY 22 1990

OIL CONSERVATION DIVISION

IN THE MATTER OF THE APPLICATION
OF BIRD CREEK RESOURCES, INC. FOR
COMPULSORY POOLING, EDDY COUNTY,
NEW MEXICO

9960

A P P L I C A T I O N

COMES NOW BIRD CREEK RESOURCES, INC., by and through its attorneys, KELLAHIN, KELLAHIN & AUBREY, and in accordance with Section 70-2-17(c) N.M.S.A. (1978 Comp.) applies to the New Mexico Oil Conservation Division for an order pooling all mineral interests from the surface to the bottom of the Delaware formation, East Loving Delaware Pool, or 6,300 feet, whichever is deeper, underlying the NW/4NE/4 Section 15, T. 23 S., R. 28 E., N.M.P.M, Eddy County, New Mexico. The above described acreage is to be dedicated to a well to be drilled at a standard location to a depth of approximately 6,300 feet. In support of this application, applicant would show:

1. Applicant has the right to drill and develop the NW/4NE/4 of Section 15, T. 23 S., R. 28 E., Eddy County, New Mexico.

2. Applicant desires to drill a well at a standard location in the NW/4NE/4 of said section.

3. Applicant has sought the voluntary agreement of the owners of the non-consenting working interests for the formation of appropriate spacing and proration units, but has been unable to obtain voluntary agreement. The non-consenting working interest owners and their percentage interests are:

Amoco Production Company P.O. Box 3092 Houston, TX 77253	18.87871%
A.W. Dugan 1415 Louisiana Suite 3100 Houston, TX 77002	9.05746%
James E. Kiehne 210 W. Wall Avenue Midland, TX 79701	15.26533%
Santa Fe Energy Operating Partners, L.P. 500 W. Illinois Fifth Floor Midland, TX 79702	15.10297%
Total	58.30447%

4. Pursuant to the Division's notice requirements, applicant has notified all working interest owners of this application for compulsory pooling and the applicant's request that this matter be set for hearing before the Division on June 13, 1990.

5. In order to obtain its just and equitable share of the hydrocarbons underlying the above tract(s), applicant needs an order pooling the mineral interests involved in order to protect applicant's correlative rights and prevent waste.

WHEREFORE, applicant prays that this application be set for hearing 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 interests described herein. Applicant further prays that it be named operator of the well, and that the order make provision for applicant to recover, out of production, its cost of drilling, completing and equipping the subject well, costs of operation, including costs of supervision, and a risk factor in the amount of 200% for the drilling and completing of the well, and for such other and further relief as may be proper.

Respectfully submitted,

KELLAHIN, KELLAHIN & AUBREY

By: 

Karen Aubrey

Post Office Box 2265

Santa Fe, New Mexico 87504

(505) 982-4285

KA/tic