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

APPLICATION OF DAVID H. ARRINGTON OIL & GAS INC. FOR COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.

))ss.

CASE NO. 14497

AFFIDAVIT

STATE OF NEW MEXICO COUNTY OF SANTA FE

William F. Carr, attorney in fact and authorized representative of David H. Arrington Oil & Gas, Inc, the Applicant herein, states that notice of the above-referenced 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

letter and proof of notice are attached hereto.

SUBCRIBED AND SWORN to before me this <u>1st</u> day of <u>September</u> 2010 by William F. Carr.

My Commission Expires: 3-10-12

BEFORE THE OIL CONSERVATION COMMISSION Santa Fe, New Mexico Consolidated Case No.'s 14497 & 14538 **Exhibit No. 4** Submitted by: <u>DAVID H. ARRINGTON OIL & GAS, INC.</u> Hearing Date: <u>December 8, 2011</u> HOLLAND&HART.

Ocean Munds-Dry omundsdry@hollandhart.com

May 25, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

TO AFFECTED INTEREST OWNERS

Re: Application of David H. Arrington Oil & Gas, Inc. for compulsory pooling, Lea County, New Mexico.

This letter is to advise you that David H. Arrington Oil & Gas, 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 S/2 of Section 26, Township 15 South, Range 34 East, N.M.P.M., Lea County, New Mexico. Said pooled unit is to be dedicated to Arrington's Green Eyed Squealy Worm Well No. 1 to be re-entered 1974 feet from the South line and 1129 feet from the East line of said Section 26.

This application has been set for hearing before a Division Examiner at 8:15 a.m. on June 24, 2010. 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.

Sincerely.

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Ocean Munds-Dry ATTORNEY DAVID H. ARRINGTON OIL & GAS, INC.

Holland & Hart up

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. 🙃

<u>EXHIBIT A</u>

APPLICATION OF DAVID H. ARRINGTON OIL & GAS, INC. FOR COMPULSORY POOLING S/2 SECTION 26, TOWNSHIP 15 SOUTH, RANGE 34 EAST, N.M.P.M. LEA COUNTY, NEW MEXICO.

Bank of America, N.A. Trustee of the Gay Crabb Karger Trust PO Box 830308 Dallas, Texas 75283

Bank of America, N.A. Trustee of the Lawrence E. Karger A Trust PO Box 830308 Dallas, Texas 75283

Bank of America, N.A. Trustee of the Billy Easley Trust PO Box 830308 Dallas, Texas 75283

H-D Mineral Properties, a Partnership PO Box 3061 Midland, Texas 79702

Don C. Dennis, Trustee of the J.M. Dennis Trust PO Box 1738 Lubbock, Texas 79408

Don C. Dennis, as his separate property PO Box 1738 Lubbock, Texas 79408

Heirs or devisees of Baron Duff Dennis (Jessie A. Dennis, sole heir) 231 Middlebury San Antonio, Texas 78127

JoAnn DeNitto, as her separate property 30 Crockett Circle Levelland, Texas 79336 Angela McAlpin, Personal Representative of the Estate of G.T. McAlpin, deceased 665 Lincoln Court Grand Junction, CO 81503

Lora McAlpin Trust c/o Robert McAlpin 1405 E. Washington Ave Navasota, Texas 77868-3240

Sandra Lee Ponder Joy, as her sole and separate property 17421 E. State Highway 22 Cranfills Gap, Texas 76637

Western Commerce Bank Trustee of the Frances J Freeman Revocable Living Trust u/t/a dated 9/1/92 PO Box 1627 Lovington, NM 88260

The Sewand Family Trust c/o Legal Awareness New Mexico 3901 George NE Suite G-1 Albuquerque, NM 87110

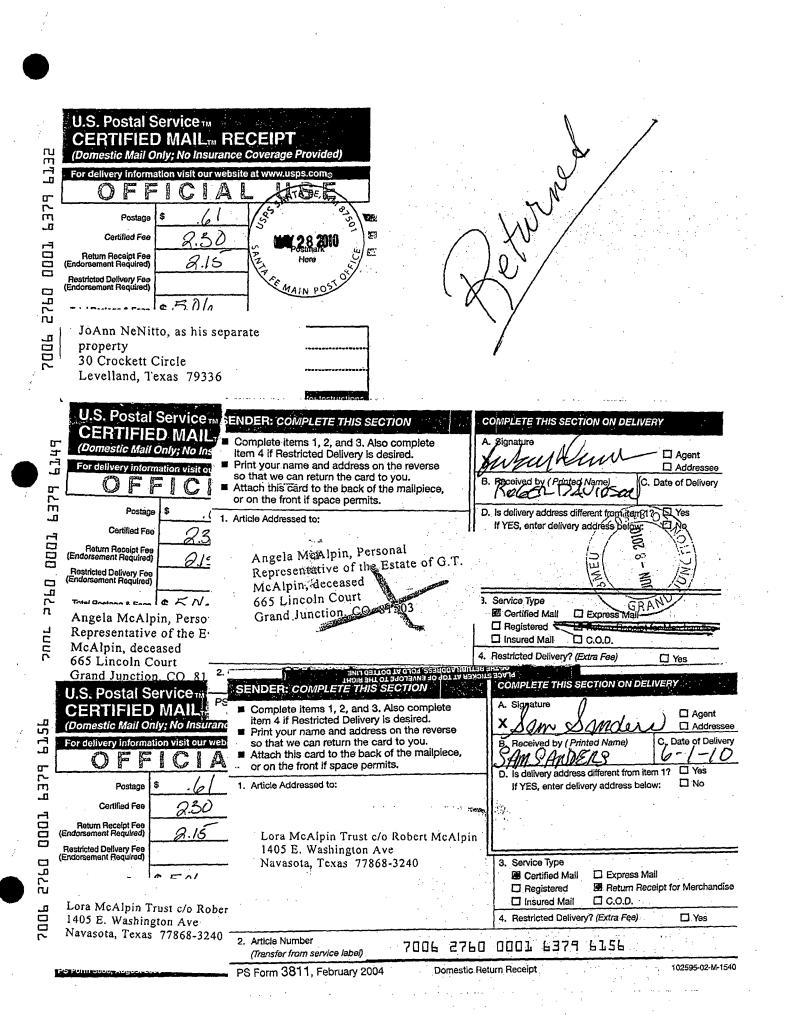
Winston Partners, LTD c/o Sargent Management 4800 First Bank Place Minneapolis, Minnesota 55402

Marshall & Winston, Inc. PO Box 50880 Midland, Texas 79710

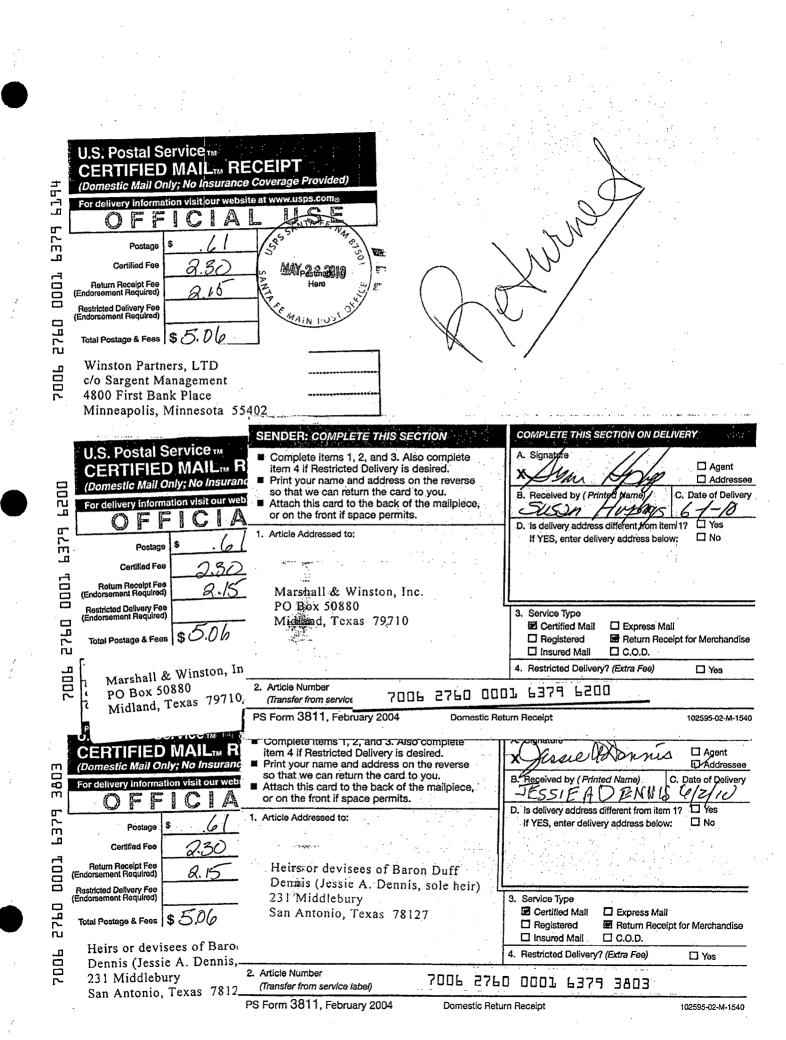
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Affidavit of Publication

) ss.

STATE OF NEW MEXICO

COUNTY OF LEA

Joyce Clemens being first duly sworn on oath deposes and says that she is Advertisting Director of **THE LOVINGTON LEADER**, a daily newspaper of general paid circulation published in the English language at Lovington, Lea County, New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in excess of Twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as hereinafter shown; and that said newspaper is in all things duly qualified to publish legal notices within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico.

That the notice which is hereto attached, entitled

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was published in a regular and entire issue of THE LOV-INGTON LEADER and not in any supplement thereof, for $\underline{One(1)day}_{}$, beginning with the issue of $\underline{Qune 3}_{}$, 2010 and ending with the issue of $\underline{Qune 3}_{}$, 2010.

And that the cost of publishing said notice is the sum of $\frac{92.70}{2}$ which sum has been (Paid) as Court Costs.

Subscribed and sworn to before me this 3rd days

Deblie Schilling

Notary Public, Lea County, New Mexico My Commission Expires June 22, 2010

LEGAL NOTICE 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 notic pursuant to law and the Rules and Regulations of the Division of the following pub hearing to be held at 8:15 A.M. on June 24, 2010 in the Oil Conservation Division Hearing Room at 1220 South St. Francis, Santa Fe, New Mexico, before an examier duly appoint for the hearing. If you are an individual with a disability who is in net of a reader, amplifier, qualified sign language interpreter, or any other form of auxilia aid or service to attend or participate in the hearing, please contact: Florene Davidst at 505-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by Jun 14, 2010. Public documents including the agenda and minutes, can be provided various accessible forms. Please contact: Florene Davidson if a summary or oth 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 14497:

Application of David H. Arrington Oil & Gas Inc. for compulsory pooling, Lea Coun New Mexico. Applicant in the above-styled cause seeks an order pooling all miner interests from the surface to the base of the Morrow formation in the following described spacing unit located in the S/2 of Section 26, Township 15 South, Range (East, N.M.P.M., Lea County, New Mexico: the S/2 for all formations and/or poc developed on 320-acre spacing within this vertical extent including the North Eidsr Morrow Gas Pool, the Undesignated North Hume Morrow Gas Pool and th Undesignated Grassland Austin Gas Pool; and the SE/4 for all formations and/or poc developed on 160-acre spacing within this vertical extent. Said unit is to be dedicate to its Green Eyed Squealy Worm Well No. 1 to be re-entered 1974 feet from the Sou line and 1129 feet from the East line of said Section 26. Also to be considered will I the cost of drilling and completing said well and the allocation of the cost thereof : well as actual operating costs and charges for supervision, designation of David Arrington Oil & Gas Inc. as operator of the well and a 200% charge for risk involve in drilling said well. Said area is located approximately 3 miles west of Lovington, Ne Mexico.

Given under the Seal of the State of New Mexico Oil Conservation Division at Sar Fe, New Mexico on this 27th day of May 2010.

STATE OF NEW MEXICO OIL CONSERVATION DIVISION

Mark E. Fesmire, P.E., Director Published in the Lovington Leader June 3,2010.