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

PRE-HEARING STATEMENT IN RESPONSE TO THE NEW MEXICO OIL CONSERVATION DIVISION'S NOTICE OF VIOLATION TO PLUG AND ABANDON SAN SIMON STATE #6 WELL API 30-025-029839.

CASE NO. 1531

8 JUN 29 AM 10

PRE-HEARING STATEMENT FOR TRAVELER'S INDEMNITY COMPANY

Traveler's Indemnity Company (Travelers) hereby files its Pre-Hearing Statement.

I. Name of the Persons or Entities and the Persons' or Entities' Attorney:

Travelers Indemnity Company

Ann. M. Conway MILLER STRATVERT P.A. 500 Marquette NW, Suite 1100 PO Box 26587 Albuquerque, NM 87125-0687 (505) 842-1950

II. Concise Statement of the Case:

The New Mexico Oil Conservation Division (OCD) contacted Travelers, in its capacity as the surety bond issuer, and Tempo Energy, Inc. (Tempo) to notify Tempo to plug and abandon San Simon State #6 Well API 30-025-29839 in Lea County New Mexico. (Exhibit A) Tempo denies all claims made against it and denies any connection to the well. (Exhibits E, F, and G) Tempo never owned, drilled, or operated the well, nor has it ever had any interest in the well. (Exhibits E, F, and G). Tempo never drilled any well in the San Simon area. (Exhibits E, F, and

G). Tempo never allowed anyone to use its surety bond to drill any well in the San Simon area. (Exhibit G). Joe Peterson dba Peterson Petroleum Company (Peterson) mistakenly, wrongfully, or fraudulently obtained and used Tempo's bond information for drilling wells in New Mexico. (Exhibits B and H-N). All correspondence concerning the San Simon State #6 Well has either Tempo's name hand-printed in with no initials or is in conjunction with Peterson Petroleum. (Exhibits B and H-N). Peterson is the only signature on any correspondence with the OCD concerning the San Simon State #6 Well. (Exhibits B, H and J-N).

Peterson had been a drilling consultant for Tempo and was hired as an independent contractor. (Exhibit C, F and G). Tempo never gave Peterson access to any bond information, which it maintained in Midland, Texas. (Exhibits F and G). Tempo never authorized Peterson to drill a well in the San Simon area, expressly or implicitly. (Exhibits F and G). Peterson undertook all aspects of drilling and maintaining the San Simon State #6 Well on his own.

Peterson is solely responsible for plugging and abandoning the well. The San Simon State #6 Well is listed under OGRID 22212 and Tempo only operates wells in New Mexico under OGRID 22223. (Exhibits A and E). Phillips Petroleum, the designated transporter of the oil recovered from well, has no record showing Tempo as owner of the well. (Exhibits D and L). Tempo has never had an address in New Mexico and all correspondence from Tempo only comes out of Midland, Texas. (Exhibits E, F, and G).

III. Witnesses

1. Frank Pannell, VP Operations of Tempo Energy, Inc.

Mr. Pannell denies the claims and will testify that Tempo never authorized Peterson to drill any well using Tempo's surety bond in the San Simon area. Peterson was an independent contractor hired as a consultant and was never given access to any bond information pertaining

to Tempo. Tempo has never had an address in New Mexico. The operator of the San Simon State #6 Well has a different OGRID number than the one Tempo uses for all of its wells in New Mexico. Mr. Pannell sent a letter dated March 26, 2004 to Chris Williams at the OCD office in Hobbs, New Mexico, denying any connection to the San Simon State #6 Well. Tempo has never had an address in New Mexico. Phillips Petroleum, the designated transporter for the well, has no record of any well listed under API 30-025-29839 for Tempo.

IV. Approximate Time the Persons or Entities Will Need to Present Their Testimony:

45 minutes.

V. Procedural Matters:

Tempo will file a motion to dismiss.

VI. Exhibits:

- 1. Exhibit A: Copy of the Notice of Violation sent to Tempo dated March 9, 2004.
- 2. Exhibit B. Copy of the OCD Well Location and acreage Dedication Plat form for San Simon State #6 Well dated December 5, 1986.
- 3. Exhibit C: Copy of the letter sent to Chris Williams, OCD District 1 Supervisor, from Frank Pannell of Tempo dated March 26, 2004.
- 4. Exhibit D: Copy of a fax sent to Frank Pannell of Tempo from Phillips Petroleum's Title Advisor, David Eubank.
- 5. Exhibit E: Affidavit of Frank Pannell.
- 6. Exhibit F: Affidavit of Tom Garber.
- 7. Exhibit G: Affidavit of Earl Douglas.
- 8. Exhibit H: OCD Application for Permit to Drill, Deepen, or Plug Back for the San Simon State #6 Well dated January 13, 1987.

- 9. Exhibit I: Texas Oil and Gas Division Inclination Report for the San Simon State #6 Well dated January 28, 1987.
- 10. Exhibit J: OCD Sundry Notice for the San Simon State #6 Well dated February9, 1987.
- 11. Exhibit K: OCD Well Completion or Recompletion Report and Log for the San Simon State #6 Well dated July 13, 1987.
- 12. Exhibit L: OCD Request for Allowable and Authorization to Transport Oil and Natural Gas dated October 1, 1987.
- 13. Exhibit M: OCD Sundry Notice showing Peterson's intent to temporarily abandon the San Simon State #6 Well dated October 16, 1987.
- 14. Exhibit N: OCD Sundry Notice showing Peterson's intent to plug and abandon the San Simon State #6 Well dated September 24, 1990.

Respectfully submitted,

MILLER STRATVERT P.A.

ANN M. CONWAY

Attorney for Travelers Indemnity Company

P.O. Box 25687

Albuquerque, New Mexico 87125

(505) 842-1950

(505) 243-4408 Fax



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON Governor

Joanna Prukop Cabinet Secretary Lori Wrotenbery
Director
Oil Conservation Division

3/9/04

Tempo Energy POB 1034 Midland, Texas 79701

Ref: San Simon State #6, API 30-025-29839

Notice of Violation

To Whom It May Concern:

It has come to my attention that this well is seriously out of compliance. The well has intent to plug dated 9/24/90 submitted by Tempo Energy. The well has not been plugged. Buddy Hill has made several attempts to reconcile this problem with your company. Tempo Energy has had three letters sent about this well. Tempo Energy has 30 days to plug and abandon this well. If it is not plugged, Tempo Energy will be scheduled for hearing to show cause why Tempo Energy has not completed the work needed. This well is under OGRID 22212, but the bond on this well is under OGRID 22223. It is Tempo Energy responsibility to bring this well into compliance.

Tempo Energy can be subject to penalties up to \$1000.00/day per violation/well from the date of this letter.

Sincerely

NMOCD District 1 Supervisor

NEW MEXICO OIL CONSURVATION COMMISSION WELL LOCATION AND ACREAGE DEDICATION PLAT

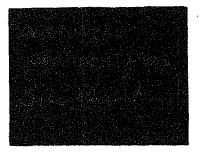
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Tempo Energy, Inc.

PO Box 1034 Midland TX 79702

(432) 689-2951



March 26, 2004



Chris Williams
NMOCD District I Supervisor
Oil Conservation Division
1625 N. French Drive
Hobbs, NM 88240

Re: San Simon State # 6 API 30-025-29839

Mr. Williams:

Tempo Energy, Inc. of Midland, Texas does not own, operate, have any interest in, nor did we drill the above mentioned well.

At this time we have concluded that the driller of the well, Joe Peterson dba Peterson Petroleum Company, fraudulently used Tempo Energy, Inc.'s surety bond to drill the above referenced well as evidenced by documents retrieved from your website. Mr. Peterson had access to the bond information due to the fact that he did work as a consultant to Tempo Energy, Inc. on drilling wells in New Mexico and Texas from 1983 until 1986 when he was terminated for cause.

In looking at the documents retrieved from your website we found the following irregularities (each number signifies corresponding document):

- 1) On well location and acreage dedication plot in the name of Peterson Petroleum, a certified document, the typed name of Peterson Petroleum is marked through and Tempo Energy Inc is hand written beside it, no initial of change by anyone.
- 2) On the Application to Drill, filed under Tempo energy, Inc/ Poterson Petroleum Company (with the latter lined out with no initials) the malling address is listed as PO Box 5509 Hobbs, NM 88241-5509. Tempo energy, Inc. has never and an office in the State of New Mexico, and all correspondence would have originated from the Midland, TX office. This document was submitted by Joe D, Petereson.
- 3) On the Inclination report submitted by James Brazeal dba Capstar Drilling, another notarized document, the operator typed onto the form is Peterson Petroleum Company, which is again lined out and has handwritten Tempo Energy, Inc. This change also is not initialized by anyone on the notarized document.
- 4) The OCD Sundry Notice form is filled out and signed by Joe D. Peterson with a return address of Hobbs, NM.
- 5) The OCD Well Completion Report shows Tempo Energy, Inc./Peterson Petroleum Company, with the latter lined out and the Hobbs, NM mailing address. The form is again signed by Joe D. Peterson.
- 6) WRS Completion report shows Tempo Energy.
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10) A fax received from Mr. David Eubank, Tille Advisor for Conoco/Phillips showing they have no record of a property under this API number operated by Tempo Energy, Inc.

Tempo Energy, Inc. contacted Mr. Guy Baber, Sr. (80 years old) who stated that he may have filed the paperwork but had no recollection of the document and did not know who Tempo Energy, Inc. was. I described to him the conditions of the well site as told to me by Mr. Buddy Hill about 2 years ago. Mr. Baber stated that someone should prosecute Mr. Peterson for leaving a well in that condition.

Tempo Energy also contacted Mr. James Brazeal, dba Capstar Drilling, who stated that the well was drilled for Joe D. Peterson of Peterson Petroleum Company and that Mr. Peterson had not paid them for their services.

In addition, Tempo Energy also contacted Mr. David Eubank with Conoco/Phillips in Oklahoma and he could find no record of the API number for the well, nor any listing for the well under either Peterson or Tempo per attached copy of fax.

Tempo Energy, Inc. has never had an office in New Mexico, did not drill, operate, or have any financial interest in the referenced well and feel that this was a case of identity theft. Whereas, Joe Petereson used the system to drill a well by taking Tempo Energy, Inc.'s name and bond number and used them to file and get approval to drill this well without Tempo's knowledge or approval. Obviously this fell through the cracks early on as Tempo was not contacted regarding use of the bond or the abnormal use of its name in conjunction with another operator. All the forms that were filed were done so with the Hobbs, NM return address, to which Tempo would have no knowledge of any correspondence sent to that address. Tempo Energy, Inc. has always contacted the OCD by phone and in writing when this matter has arisen. Tempo has always maintained that The San Simon State # 6 was not drilled, operated, or even co-drilled by Tempo. Tempo Energy's name got put on the well fraudulently and the well carries a different OGRID number than the one that Tempo operates every one of our wells under.

In summation, it appears that nearly every document associated with this well has originated in Hobbs, NM with Tempo Energy's name either penciled in or co-listed with Peterson Petroleum Company. Seeing as how Tempo Energy, Inc. has never had an office or even a PO Box in New Mexico, I think it is clear that this is a case of corporate identity theft, in that Joe Peterson illegally obtained and used Tempo Energy's name and surety bond to avoid liability for his own company to drill this well.

Sincerely,

Frank Pannell VP Operations, Tempo Energy, Inc.

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

CASE NO. 13711

AFFIDAVIT OF FRANK PANNELL

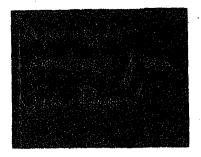
- I, FRANK PANNELL, hereby swear and affirm that:
- 1. I am over the age of eighteen (18) and competent to give this affidavit.
- 2. I am a party-in-interest in this matter.
- 3. I am currently the Vice President of Operations at Tempo Energy, Inc., which is located in Midland, Texas.
- 4. Tempo has never had an address in New Mexico.
- 5. All the addresses listed on the forms filed for the San Simon State #6 Well, API 30-025-029839 state a Hobbs, New Mexico return address.
- 6. Tempo did and does not own, operate, have any interest in, nor did it drill the above mentioned well.
- 7. The above mentioned well is listed under OGRID 22212 but Tempo only operates wells in New Mexico under OGRID 22223.
- 8. The New Mexico Oil Conservation Division (OCD) sent Tempo a Notice of Violation dated March 9, 2004.
- 9. The violation was in reference to the San Simon State #6 Well.
- 10. I sent a letter dated March 26, 2004 to Chris Williams, OCD District 1 Supervisor, at 1625 N. French Drive Hobbs, New Mexico 88240 disputing Tempo's connection to the well.

11.	A true and correct copy of this letter	er with attachments (10) is attached as exhibit
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		FRANK PANNELL
PANI	SUBSCRIBED AND SWORN TO NELL.	before me this day of June, 2006, by FRANK
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Tempo Energy, Inc.

PO Box 1034 Midland TX 79702

(432) 689-2951



March 26, 2004



Chris Williams NMOCD District I Supervisor Oil Conservation Division 1625 N. French Drive Hobbs; NM 88240

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Frank Pannell VP Operations, Tempo Energy, Inc.

NEW MEXICO OIL CONSERVATION COMMISSION WELL LOCATION AND ACREAGE DEDICATION PLAT

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SWA, NEX, S	ec. 4, T-22-8,	R-35-E			Lea
11		RECORD OF	INCLINATIO	Υ.	
* Measwed Depth (feet)	12. Course Length (Hundreds of feet)	*13, Angle of Institution (Degrees)	14. Dispisesment per fundred Feet (Bine of Angle X100)	15. Course Displacement (feat)	15. Accumulative Dispinesment (feet)
357	357		1.75	6.25	6.25
890	533		1.75	9.33	15.58
1314	1 424		1.75	7.42	23,00
1808	494	3/4	1.31	6.47	29.47
2266	458	1_3/4	3.06	14.01	A3_A9
2766	500	1 1/2	2.63	13.15	56.63
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4104	493 358	+ 175	1.75 2.63	8.63 . 9.42	75.93
7407	399		4.93		85.35
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5 P				THE PERSON NAMED ASSOCIATION OF THE PERSON	·
			-	**************************************	
17. Is any informat 18. Accumulative t *19. Inclination mes 20. Distance from 1 21. Minimum distar 22. Was the subject	ion shown on the rove otal displacement of v surements were made surface location of we use to lease line as pi it well at any time into	vall bore at total depth of	4104 Casing Costing the vertical in any mar	Cont = 85.35 COpen hole	Delli Pipe
Bidnejdre ef Authoric Jayles L. Br in-me ef Person and Brazen I. Inc. Keme al Comman.	populites prescribed in it i am authorized to ma leigh of the inclination of the inclinat	r Drilling	Bignature of Author	PICATION penalties preserted in het I am authorised to a vieuge of all information of the of the penalties of the information of the of the information of the information of the information of the fenalties of	Hee, 91,143, Texas Nake this earlification, presented in this sepon is for the sepon as derilligation covers a limited data as indicating
Ralicad Commissio			Telephone; Area	Ondo	
Approved By 1	4	The state of the s	itle :	ti Çiri.	•

STATE OF TEXAS }

	nt was acknowledged before me on the
2827 day of JA	1987 by James L. Brazeal as
President of BRAZEAL, INC.	- d/b/a CAPSTAR DRILLING.
PAULA CARLISLE NOTARY PUDLIC STATE OF TEXAS	Parla Carlilo
COMMISSION EXPIRES 1-11-89	Notary Public
My commission expires:	

STATE OF NEW MEXICO NERGY AND MINEFIALS DEPARTMENT OIL CONSERVATION DIVISION P. O. BOX 2088 SANTA FE, NEW MEXICO 87801	Form C-10; Revised 10
LANG OFFICE **	State (A) Fee
OPERATOR CONTROL CONTR	5, State Oil & Gas Lease No. LG-4234
SUNDRY NOTICES AND REPORTS ON WELLS 100 007 005 THIS PORTS PRINCIPLE OF THE PROPERTY RESERVOIRS. 11 THE PROPERTY OF THE PRINCIPLE OF THE PROPERTY OF THE PRO	7. Unit Agreement Hame
NGMA OF CONTROL	8. Form of Lange Hame
TEMPO ENERGY, INC. / c/o PETERSON PETROLEUM COMPANY	SAN SIMON STATE
P.O. BOX 5509 HOBBS, N.M. 88241-5509 Location of Well 2310 rest room the North 1990 rest	16. Field and Pool, or Wildred Undersignated
THE BABE LINE, SECTION A TOWNSHIP 22-8 NAMES 35-E	ET FROM
15, Elevation (Show whether DF, RT, GR, etc.) 3610.5 GL	IR. County Les
Check Appropriate Box To Indicate Nature of Notice, Report	
	QUENT REPORT OF
AFORM REMEDIAL WORE PLUE AND ADAMDON REMEDIAL WORK MPORARILY ABANDON LL OR ALVER GABINS SHANGE PLANS CABING YEST AND SEMENT JOS	ALTERING CABING PLUS AND ASSARDONMEN
OTHER .	opper men sekte men en forske klade y første kreiser kreist å minner, fram melle het mellem skyrrepen. I
Describe Proposed of Completed Operations (Clearly state all pertinent details, and give pertinent dates, work) SEE RULE 1980.	nelading essimated date of starting any pro-
Spudded 1-19-87, drilled 12½" hole to 352', ran 95/8" 40# casing cemented w/110 sx Class "C" and 2% cacl and circulated 38 sx center of the control of the c	g to 352', ment.
Drilled 7 7/8" hole to 4103', ran Spectral Density Dual Spaced I with GammaRay & Caliper Log. (attached)	Neutron Log
Ran 54" 17# casing to 4103' w/latch-down plug in guideshoe, ceme sx filler and 200 sx Class "C" w/2% cacl.	ented w/1000
WOC 18 hrs. on surface, tested 1500#, held for 30 mins. no pres resume drilling.	sure drop,
·	
I hereby certify that the information above to true and complete to the best of my knowledge and bettef.	3
CONSULANT/AGENT	2-9-87

ORIGINAL SIGNED BY JERRY SEXTON

:3:

STATE OF NEW	3.3										
STATE OF NEW	4. /					•			1	fa	c 105
INERGY MIO MINURALB		7/									C-105 ed 19-1-78
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OPERATOR **					*************************************		u i (.), 151 ()	(altitululujus järtä aja			uoui Nome
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Tempo Energy	. Inc.	/·Ped	erron P	trole	um-Go	mpany			6	, 1147	
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5. Date Spudded	15, Dote T.	3. Reach	ed 17, Dale Co	empl. (Kear	y in Fran				RT, GR, etc.	/ 18. E	ev. Cushinghaud
1-19-87	*1-27-	Plug Bac	7-13-	22,11	duli Iple C	empl., Ho	615 KI	alervale .	Rolary Tools		3612 Cable Tools
4103	4	100		Ma	ny ,			offiled by	XXX		
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CASING SIZE	THOISW	LB./FT.	## # 15 (15 # ****** ** ** ** ** ** ** ** ** ** ** *	G RECOR	HOLE	THE PERSON NAMED IN	14 49 74 47 A A A A A A A A A A A A A A A A A	EMENTING	RECORD	** *****	AMOUNT PULL
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:» ₁ .			***************************************	at a fact a fact of the	9 Carra.		1980 P. S.	***************************************			
29.		-	RECORD				30,		TUBING	arrier.	
BIZE ·	TOP		BOTTOM	SACKS GEI	M P2 PN 1	SCREEN		SIZE	DEPTH &	F. 1	PACKER BET
31. Performien Regard (1 3892-3906	ly hold	e and will	**************************************	22 5 1	iolea iolea	12. Werth	ACID, SH		URE, CEME		HAZE, BTC. D MATERIAL USED
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3958 ~3964	7 ."			,		3892-	4068		.000#12	/20-	32000gal f
33.	المارية المستحدد		n Malliad (l'Iaw	1//	PRODUC				d Na	1 Status	(Prod. or Shut-in)
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1-TO-01	Howe Test	ed	Choka Siza	Prod'n. f	or Q	1 Bb), 8	Gqs	- мсг 25	Weter BI 80	bl,	Qua → OII Ralio
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Date of Test	Quality Pro	en We	Colaulated 24- How Hate	01 = na 8	le 	Gon	25	Water -	26	Wil /	38
Play Tubing Press.	Graind Pro		How Hate	011 = 11h	it Senson dinama	SAR PA		water -	26 That William		······································

REPORT SEC 4 TWP 228 RGE 358 30-025-29839-0000 PAGE 1 NMEX LEA * 2310PNL 990PEL SEC SE NE D DO GLASS INIT FREE IN ANSWER 10 MI SW EUNICE, NM CASING/LINER DATA CBG 9 5/8 @ 352 W/ 100 SACKS CBG 5 1/2 @ 4103 W/ 1200 SACKS TUBING DATA 3989 TBG 2 3/8 AT INITIAL POTENTIAL 24hrs 11T 3892- 4065 Gross 1938- 3942 3947- 3952 4034- 4068 8BOPD PERF 3822~ 3806 MCFD 80BW W/ 52/ 3928- 3931 4020- 4022 IPP YATES PERF PERF 55000LBS SAND ADDTYNTGN 12/20 GTY 38.0 GOR (NR) FORMATION LTH TOP DEPTH/SUB BSK DEPTH/BUB TYPE SALT YATÉS 3620 -5

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Petroleum Information

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BTATE OF NEW MEXICO ENERGY MIN MINERALE DEPARTMENT

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OIL CONSERVATION DIVISION P. O. BOX 2088 SANTA FE, NEW MEXICO 87501

Form 0-104 Nevised 10-01-78 Formal 06-01-63 Page 1

LAMP OFFICE TO THE PROPERTY OF	
TRANSPORTER BILL PECULIST FOR	ALL AWARI C
OPERATOR REQUEST FOR	
PRODATION OFFICE	ORT OIL AND NATURAL GAS
1. 38.4. 38.4.	
Opening	_
Tempo Energy, Inc./ Peterson Petroleum	Company
N 0 P 5500 W-bb- N W 900/1 5500	
P.O. Box 5509 Hobbs, N.M. 88241-5509 Receptal for liling (Check proper box)	Other (Please explain)
Y New Well Change in Transporter of:	CASINGHEAD GAS MUST NOT IN
	Y Gas FLAGED AFTER 10-1-87
Change In Ownership Casinghead Gas Co	ndensete UNLESS AN EXCEPTION SO R-407
THIS WELL HAS BEEN PLACED IN	THE POUL OF UNITALITY OF
If change of ownership give name DESIGNATED BELOW. IF YOU DO and address of previous owner	NOT CONCOR
A a superior	
II. DESCRIPTION OF WELL AND LEASE R-85/3	inglion Kind of Lease Lea
Lease Name Well No. Pool Name, including Fo	**** A - A
San Simon State 6 Undereigned	(Yates) State, Federal or Fee State LG-
Location	000 East
Unit Letter H 2310 Feet From The North Line	e and 990 Feet From The East
Line of Section 4 Township 22-S Ronge	35-E Nupu Lea c
Calle of Bridge	
III. DESIGNATION OF TRANSPORTER OF OIL AND NATURAL	, GAS
Range of Authorized Transporter of Oil (A) or Condensate	Address (Give address to which approved copy of this form is to be sen
Phillips Peteroleum Company (Trucks)	
Hame of Authorized Transporter of Cananahand Gas 10 or Dry Gas	Address (Give address to which approved copy of this form is to be sen
Phillips Natural Gas Company	
if well produces off or liquids, Unit , Sec. Twp. Rgs.	la gas actually connected? When
give location of tents. H 14 22-S 35-E	
If this production is commingled with that from any other lease or pool,	give commingling order number:
NOTE: Complete Parts IV and V on reverse side if necessary.	
TACTOR Charlies and the same and the same of the same	t I
VI. CERTIFICATE OF COMPLIANCE	OIL CONSERVATION DIVISION
I hereby certify that the rules and regulations of the Oil Conservation Division have	APPROVED 1987 1987
been complied with and that the information given is true and complete to the best of	Mrrnoven
my knowledge and belief.	BYORIGINAL SIGNED BY JERRY SEXTON
0.1	TITLE DISTRICT I SUPERVISOR
	lí 🔗 .
ball Valley	This form is the filed in compliance with nume 1104.
fice to the sale	If this is a raquest for Blowable for a newly drilled or de
(Signature)	well, this form mile be eccompenied by a tabulation of the de tests taken an die well in assipliative with AULE 111.
CONSULTANT/AGENT	All seations of this form misself this out completely for
(Tule)	able on new and rengalifeted Fraise.
AUGUST 4. 1987	Fill out only Sections I. At III, and VI for changes of
(Date)	well name or number, or transpetter, or other such shange of con

ENERGY AND MINERAL'S DEPARTMENT	ONSERVA	ATION DIVISION	
DISTRIBUTION	О ∫	X 2088	Form C+10 Revised 1
FILE	SANTA PE, NEV	V MEXICO 87501	5a. Indicate Type of Lease
LAND OFFICE			State KX Foo
DPRRATOR			5, State OH & Gas Leane No.
(RO NOT USE THIS FRANCE TRACES	OTICES AND REPORTS ON	I WELLS BACK TO A DIFFERENT RESERVOIM. CH PROPOSALS.I	
WELL KIN WELL C	er hen•	•	7, Unit Agreement Name
Name of Operator			8. Farm or Lease Name
TEMPO ENERGY, INC./PE	TERSON PETROLEUM	COMPANY	SAN SIMON STAT
P.O. BOX 5509 HOBBS,	N.M. 88241-5509	•	9. Well No.
Location of Well			10. Field and Poul, or Wildcat
UNIT LETTER	O PEET FROM THE NOTE	h LINE AND 990 PE	SAN SIMON YATE
THE EBBL LINE, SECTION	4 vowessip 22	-S NANGE 35-E	_ нырм.
	15. Elavation (Show whethe	DF, RT, GR, etc.)	12. County
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Сheck Арр нотісе от інте	ropriate Box To Indicate : NTION TO:	•	or Other Data QUENT REPORT OF:
PERFORM REMEDIAL WORK	PLUG AND ABANDON	REMEDIAL WORK	ALTERSIG CASING
PULL OR ALTER CABING THE	CHANGE PLANS	COMMENCE DRILLING OPHS. CASHE TEST AND CEMENT JOB OTHER	PLUE AND ABANDOHME
			· · · · · · · · · · · · · · · · · · ·
OTHER		 	•
7. Describe Proposed of Completed Operat	iona (Clearly state all pertinent de	tails, and give pertinent dotes, i	ncluding estimated date of starting any p
7. Describe Proposed of Completed Operat work) see Rule 1703.	iona (Clearly state all pertinent de	sails, and give pertinent dates, i	ncluding estimated date of starting any p
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Submit 3 Copies	State of New Mex Minerals and Natural Res			Form C-10) Revised 1-1-69
P.O. Box 1980, Hobbs, NM \$8240 OIL	CONSERVATION		WELL APLNO.	
	P.O. Box 2088 Santa Pe, New Mexico	7504-2088	3(1)-07	5-24839
DISTRICTIN		SEP 26 '90	5. Indicate Type of 1	STATE X PER
1000 Rio Breson Md., Amer., Nid. 87410		O. C. D.	6. State Oil & Ges L	anne No.
SUNDRY NOTICES AN (DO NOT USE THIS FORM FOR PROPOSALS DIFFERENT RESERVOIR. US (FORM 0-101) FOR	TO DRILL OR TO DEEPEN (OR PLUG BACK TO A	7. Lesse Name or U	nit Agraement Name
1. Type of Well; GAS WILL W	on-es.]	am, ma the
2. Name of Operator	OHEA		SAN SIMON	STATE 94
TEMPO ENERGY	<u>~</u>		9. Pool same or Wil	deel
3. Address of Operator	HOBBS. NEW I	MEXICO 88240	SAN SIMON	CCI
Well Logation H 2310	M	99	20	E
Unk Letter : Peak	From The	Line and	Post From 7	•
Section 4 Town	table 225 Rad 10. Elevation (Show whether I		NMPM	LEA County
	36	60 GL.		
	riate Box to Indicate I			
NOTICE OF INTENTIO		308	SEQUENT RE	<u></u>
PERFORM REMEDIAL WORK L	JG AND ABANDON X	REMEDIAL WORK		LITERING CASING L
TEMPORARILY ABANDON CH	ANGE PLANS	COMMENCE DRILLIN	GOPNS. L.J. I	PLUG AND ABANDONMENT L_
PULL OR ALTER CASING		CASING TEST AND C	EMENT JOB	
OTHER:		OTHER:		<u> </u>
12. Describe Proposed or Completed Operations (Clear work) SEE RULE 1103.	orly state all pertinent details, ex	s nd give persinant dates, incl	uding estimated date of	starting any proposed
1. M.I.R.U., Set 54 B 2. Run Bailer Dump 5 3. P.U. 2 3/8 tbg. an 4. Set 20 sk. plug @	sk. cement. d circulate hole 400'.	w/mud @ 3800'.		·
5. Set 5 sk. plug @ s 6. Install dry hole u		,		
	J			
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7				
I hereby cartify that the information above in true and occur	plate to the best of my knowledge en	•	•	0.47.00
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	•		TOTAL P.01	

Ex. 10

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

CASE NO. 13711

AFFIDAVIT OF TOM GARBER

- I, TOM GARBER hereby swear and affirm that:
- 1. I am over the age of eighteen (18) and competent to give this affidavit.
- 2. I was the former President of Tempo Energy, Inc. (Tempo) from its inception until the early 1990s.
- 3. Tempo did not own, drill, operate or have any interest in the San Simon State #6 Well, API 30-025-029839 in Hobbs, New Mexico.
- 4. Tempo never had an address in New Mexico.
- 5. Joe Peterson (Peterson) was an independent contractor that worked as a drilling consultant. He was never an employee of Tempo's.
- 6. Peterson was never authorized to drill a well in the San Simon area using any surety bond secured by Tempo.
- 7. Peterson was never given any indication, implicit or explicit, that he was authorized to use a surety bond secured by Tempo to dig a well in the San Simon area.

Further Affiant sayeth not.

	TOM GARBER	
SUBSCRIBED AND SWOR TOM GARBER.	N TO before me this	day of June, 2006, by
My Commission Expires:	Notary Public	

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

CASE NO. 13711

AFFIDAVIT OF EARL DOUGLAS

- I, EARL DOUGLAS, hereby swear and affirm that:
- 1. I am over the age of eighteen (18) and competent to give this affidavit.
- 2. I was the former Vice President and Treasurer of Tempo Energy, Inc. (Tempo) from its inception until the early 1990s.
- Tempo did not own, drill, operate or have any interest in the San Simon State #6
 Well, API 30-025-029839 in Hobbs, New Mexico.
- 4. Tempo never had an address in New Mexico.
- All correspondence with Tempo would have originated and been returned to Midland,
 Texas.
- 6. Joe Peterson (Peterson) was an independent contractor that worked as a drilling consultant. He was never an employee of Tempo's.
- 7. Peterson was never authorized to drill a well in the San Simon area using any surety bond secured by Tempo.
- 8. Peterson was never given any indication, implicit or explicit, that he was authorized to use a surety bond secured by Tempo to dig a well in the San Simon area.
- Peterson had a history of doing jobs independent of Tempo where he charged materials to Tempo's account(s) with the material suppliers.
- 10. Peterson was never authorized to purchase materials on Tempo's credit from suppliers when he did jobs independent of Tempo.

Further	Affiant	sayeth	not.
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	EARL DOUGLAS	
SUBSCRIBED AND SWOR EARL DOUGLAS.	N TO before me this	day of June, 2006, by
My Commission Expires:	Notary Public	

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MAIN WHY MEXIC PARTHIN COM YER!	ATMENT	, ,	VRBERV° B, o, q.	OITA'		101	ı	form 6-161 Revised 10-	75-29 <i>8.</i> 1-11
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* Designates items estilled by company that conducted the inclination aureops.

STATE OF TEXAS

The attached instrument was acknowledged before me on the 2820 day of 100. - 1987 by James L. Brazeal as President of BRAZEAL, INC. - d/b/a CAPSTAR DRILLING.



PAULA CARLISLE
NOTARY PUDLIC STATE OF TEXAS
COMMISSION EXPIRES 1-11-89

Notary Public

My commission expires:

1-11-89

STATE OF NEW MEXICO

:3

OLL CONSERVATION DIVISION BISTRIBUTION F. O. BOX 2085 BANTA FE, NEW MEXICO 87501	form C-103 Revised 10
Vidio in I	ha, Indicate Type of Lease State XX Fee 5. State Oll & Gas Lease No.
CHANGE CONTRACTOR	LG-4234
CAN THE CANDRY NOTICES AND REPORTS ON WELLS THE CANDRESS OF THE PROPERTY HERENVOID.	
OLL SEE SALL O STREET	7. Unit Agreement Name
Neme of Capitalian Annual Annu	SAN SIMON STATE
TRMPO ENERGY. INC./ c/o PETERSON PETROLEUM COMPANY	5, Well No.
P.O. BOX 5509 HOBBS, N.M. 88241-5509	6
Sull LETTER NOTED LINE AND 990 PERT FROM THE NOTED LINE AND 990	In Field and Pool, or Wildon Undersignated
THE ERSE LINE, SECTION 4 TOWNSHIP 22-8 NAMES 35-E	RMPM.
16. Elevation (Show whether DF, RT, GR, etc.) 3610.5 GL	ir, County Lea
Check Appropriate Box To Indicate Nature of Notice, Report NOTICE OF INTENTION TO:	or Other Data QUENT REPORT OF:
PLUE AND ADAMDON REMEDIAL WORK MPORARILY ABANDON LL OR ALTER GABIRS ENAMEE PLANS ENAMEE PLANS OTHER OTHER	ALTERING EARING DLUR AND ABANDOHMEN
CTHTS	·
Describe Proposed or Completed Operations (Clearly state all persinent details, and give pertinent dates, impra) SEE RULE 1900;	including estimated date of starting any pro
Spudded 1-19-87, drilled 12½" hole to 352', ran 95/8" 40# casing cemented w/110 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and 2% cacl and circulated 38 sx cemented w/10 sx Class "C" and circulated 38 sx cemented w/10 sx Class "C" and circulated 38 sx cemented w/10 sx Class "C" and circulated w/10 sx Class "C"	g to 352', ment.

Drilled 7 7/8" hole to 4103', ran Spectral Density Dual Spaced Neutron Log with GammaRay & Caliper Log. (attached)

Ran 5½" 17# casing to 4103' w/latch-down plug in guideshoe, cemented w/1000 sx filler and 200 sx Class "C" w/2% cacl.

WOC 18 hrs. on surface, tested 1500#, held for 30 mins. no pressure drop, resume drilling.

I hereby certify that the information above is true and complete to the best of my knowledge	te aug periot.
CONSULANT	!/AGENT 2-9-87

STATE OF NEW	MEXICO												C-105 led 19-1-78
we. of faside office		/ (). - }-	OIL C	ONS	ERVA	TIC	N DI	visi	ON		Sa. Ind	1551- 1	ype of Leune
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OPERATOR .	- U'				-			ire francisco e	ens lagerate bases and state			IIII	
a. TYPE OF WELL		-									7, Unit	Vatina	mont Name
			MEFF		ARY [PTHER						
N TYPE OF COMPLET		Pency	anne f		[*****		·				raso Name
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là, Total Depih		ug Back	ή,D,	92.	Multip	e Con	pl., How	23.	Intervals	Rolar	y Tools	J	Cable Tools
4103	41	00			Many			-	Drilled By	χX	ζX		į
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28,				NO RECO						Abrahaleti,			
CASING SIZE	WEIGHT LI	B./FT.	DEPTH	tradition and district	<u>। विकास कर्मा कर्माः</u>	LE 517	· revenies a	*****	CEMENTIN	GREC	ORD	•	AMOUNT PULL
9 578"	40//		352			24"		10	Osx .	#12 X2 TAPES	THE REAL PROPERTY.	17-17-18-17-7-7-7-1-1-1-1-1-1-1-1-1-1-1-	None
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29,	1	LINER	RECORD		NAME OF TAXABLE	NORTH TREE		30,		1	TUBING	RECO	RD
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STATE OF NEW MEXICO ENERGY AND MINERALS DEPARTMENT

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DISTRIBUTE	N .		
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LAND OFFICE	4	-	
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OPERATOR	TAS	-	+
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PROBATION OF	108		

OIL CONSERVATION DIVISION P. O. BOX 2088 SANTA FE, NEW MEXICO 87501

Form 0-104 Sevised 10-01-78 Formal 06-01-63 Page 1

REQUEST FOR ALLOWABLE	
AND	
AUTHORIZATION TO TRANSPORT OIL AND NATURA	L GAS

OPERATOR TO THE STATE OF THE ST	AND		
AUTHORIZATION TO TRAN	SPORT OIL AND NATURAL GAS		
Opening			
Tempo Energy, Inc./ Peterson Petroleum	-Company		
P.O. Box 5509 Hobbs, N.M. 88241-5509			
Hoston(s) for filing (Check proper box)	Other (Please explain)		
New Well Change in Transporter of	CASINGHEAD GAS MUST NOT 19		
paral () and	FLARED AFTER 10-1-27 UNLESS AN EXCEPTION SO R-600		
THIS WELL HAS BEEN PLACED	IN THE POUL BOUNDARY OF REAL PROPERTY OF THE POUL BOUNDARY OF THE POUR B		
If change of ownership give name DESIGNATED BELOW. IF YOU DO and address of previous owner) NOT CONCUR		
A 0-10	in It In at		
II. DESCRIPTION OF WELL AND LEASE 8-85/3 Lease Name Well No. Pool Name, including	10/1/87 Formation Kind of Lease Lea		
San Simon State 6 Understand	d (Yates) State LG-		
Location			
Unit Letter H : 2310 Feat From The North L	ine and 990 Feet From The EAST		
Line of Section 4 Township 22-S Range	35-E NMPM, Lea c		
Called the Processing			
III. DESIGNATION OF TRANSPORTER OF OIL AND NATURAL Masse of Authorized Treumporter of Cil (2) or Condensate	L GAS [Address (Give address to which approved copy of this form is to be sen		
Phillips Peteroleum Company (Trucks)	Vaddana (Drak monters on moters officeas cold of sure than on in ac act		
Name of Authorized Transporter of Cananahand Gas 1 or Dry Gas	Address (Give address to which approved copy of this form to be sen		
Phillips Natural Gas Company			
if well produces off or liquids, Unit Sec. Twp. Rge.	is gon detucity connected? When		
give location of tents. H 4 22-S 35-I			
If this preduction is commingied with that from any other lease or poo-	* Give comminging order number:		
NOTE: Complete Parts IV and V on reverse side if necessary.			
VI. CERTIFICATE OF COMPLIANCE	OIL CONSERVATION DIVISION		
I hereby certify that the sules and regulations of the Oil Conservation Division hav	APPROVED 1987 19		
been complied with and that the information given is true and complete to the best of my knowledge and belief.			
mit wateredly and kernel	DISTRICT I SUPERVISOR		
1 1/1	TITLE		
les Ob Villes	This form to to be filed in compliance with nume 1104.		
(Signature)	If this is a region tor diswable for a newly drilled or de wall, this form girls be souppenied by a tabulation of the de		
CONSULTANT/AGENT	teate taken on the well to accombange with AULE 111.		
(Title)	All sections of this form missible filled out completely for able on new and reaggiffeted traits.		
AUGUST 4. 1987	Fill out only Sections L. A. III. and VI for changes of		
(Date)	wall name or number, or transporter or other such shange of con		

ue, eritorità attrività DISTRIBUTION		P. O. BOX			Form C-103 Revised 10
rive	SANI	A FE, NEW	MEXICO 87501	Fee Indian	35
U.S.Q.S.			,	State	o Type of Leuse
DPERATOR					I 6 Gas Lease No.
	erel — erel				
F-370	UNDRY NOTICES AND F	EPORTS ON	VELLS	IIII	THITTITI
(89 NOT USE THIS FORM FOR PROPOSALS TO BRILL OR TO DETPEN OR FLUG SALE TO A DIFFERENT RESERVOIR.					
	"		•	7, Unit Ag	reement Name
MELL TY MERT	DYNEM+			A Form of	Lease Name
TEMPO PREDCY THE APPRECIAL DEPROTETING COMPANY					
TEMPO ENERGY, INC. / PETERSON PETROLEUM COMPANY				9. Well No	SIMON STAT
	HOBBS, N.M. 8824	1-5509	•	6	
Location of Well	ACT TRANSPORT	4			and Paul, or Wildcat
ONLY PEAKER IIIIII	2310 PEET FROM Y	Me North	LINE AND 990	SAN	SIMON YATE
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OIL CONSERVATION DEVISION P.O. Box 1981 SARIA Fe, New Mexico \$7504-2088 SARIA Fe, New Mexico \$7504-2088 SARIA Fe, New Mexico \$7504-2088 SEP 26 '90 SEP 26	District Office	State of New Mexico Energy, Minerals and Natural Resources Department		Form C-103 Revised 1-1-69		
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Addition of Operator TEMPO ENERGY HORRS, NEW MEXICO 88240 2. Pool same or Wildcall SAN SIMON Well Lorenton List Letter Township 225 Range 35E NAFPM LEA County 10. Beavalore (Save weather DF, REAR, RT, GR, stc.) 360 GL. 11. Check Appropriate Box to Indicate Nature of Notice, Report, or Other Data NOTICE OF INTENTION TO: PERFORM REMEDIAL WORK PLUG AND ABANDON CHANGE PLANS COMMENCE DRILLING CRNS. PLUG AND ABANDON CHANGE PLANS CASING TEST AND CEMENT JOB OTHER: 12. Describe Proposed or Completed Operations (Clearly state all pertinent details, and give pertinent dates, including animated date of starting any proposed vorth SEE BULLS 1109. 1. M. I. R. U., Set. 5½ B. P. @ 3800'. 2. Run Bailer Dump 5 ak. cement. 3. P. U., 2 3/8 tbg. and circulate hole w/mud @ 3800'. 4. Set 20 sk. plug @ 400'. 5. Set 5 sk. plug @ surface. 6. Install dry hole marker. Rig down. 1beauty south year the internation above is two and complise to the best of my boowrings and bailet. AGENT 10. AGENT	1. Type of Well:			,	SAN SIMON	STATE 45
A defence of Operator B. Pool same or Widden SAN. SIMON Well Lorselos H. 2310 Pool From The N Line and 990 Nost From The E Line Section Township 22S Range 35E NOFM LEA County 10. Substantian DP, RES, RT, GR, stc.) 3660 GL. 11. Check Appropriate Box to Indicate Nature of Notice, Report, or Other Data NOTICE OF INTENTION TO: SUBSEQUENT REPORT OF: PERFORM REMEDIAL WORK PLUG AND ABANDON REMEDIAL WORK ALTERING CASING COMMENCE DRILLING OPNS. PLUG AND ABANDONMENT TEMPORARILY ABANDON CHANGE PLANS COMMENCE DRILLING OPNS. PLUG AND ABANDONMENT 12. Describe Proposed or Completed Operations (Clearly state all pertinent details, and give pertinent dates, including animated date of starting any proposed worth) SEE BULE 1103. 1. M. I.R.U., Set, 54 B.P. @ 3800'. 2. Run Bailer Dump 5 sk. cement. 3. P.U. 2. 3/8 t bg. and circulate hole w/mud @ 3800'. 4. Set 20 sk. plug @ 400'. 5. Set, 5 sk. plug @ 400'. 5. Set, 5 sk. plug @ surface. 6. Install dry hole marker. Rig down. AGENT 9-24-90 BORD SECOND SEA Second Sec	2. Name of Operator	. Can			& Well No.	
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Socilor Township 22S Range 35E NAMPM LEA County 10. Bisvalion (Show whather DP, REB, RT, CR, stc.) 3660 CL. 11. Check Appropriate Box to Indicate Nature of Notice, Report, or Other Data NOTICE OF INTENTION TO: SUBSEQUENT REPORT OF: PERFORM REMEDIAL WORK						
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