

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

IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION FOR  
THE PURPOSE OF CONSIDERING:

APPLICATION OF NEARBURG EXPLORATION  
COMPANY, L.L.C. FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.

Case No. 13,967 (reopened)

AFFIDAVIT OF LINDA H. HICKS

Linda H. Hicks, being duly sworn upon her oath, deposes and states:

1. I am the Land Manager for Nearburg Exploration Company, L.L.C., and have personal knowledge of the matters stated herein.

2. The Cone 30 Fee Well No. 1 was originally proposed as an 8700 foot Garrett/Drinkard test in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30, Township 16 South, Range 39 East, NMPM, Eddy County, New Mexico, forming a standard 40 acre oil and spacing and proration unit for all pools or formations developed on 40-acre spacing within that vertical extent.

3. The actual deepest formation to be tested by the well is the Abo formation. The top of the Abo is approximately 8530 feet.

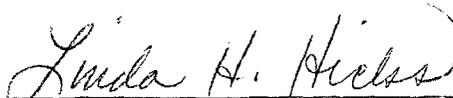
4. The party being pooled, his working interest in the well unit, and his address, are as follows:

Kenneth Cone  
P.O. Box 11310  
Midland, Texas 79702

2.8125 %

The address is current and correct.

5. Copies of the re-proposal letter sent to the uncommitted working interest owner is attached hereto as Exhibit A.

  
Linda H. Hicks

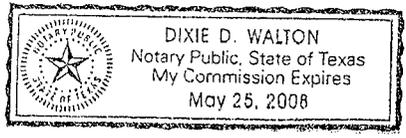
Oil Conservation Division  
Case No. \_\_\_\_\_  
Exhibit No. 1

STATE OF TEXAS            )  
  ) ss.  
COUNTY OF MIDLAND    )

SUBSCRIBED AND SWORN TO before me this 20<sup>th</sup> day of September, 2007 by  
Linda H. Hicks.

My Commission Expires: 5-25-08

Dixie D. Walton  
Notary Public



**Nearburg Exploration Company, L.L.C.**

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Exploration and Production  
3300 North "A" Street  
Building 2, Suite 120  
Midland, Texas 79705  
432/686-8235  
FAX: 432/686-7806

August 28, 2007

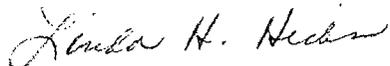
Mr. Kenneth Cone  
P.O. Box 11310  
Midland, Texas 79702

Re: Cone 30 Fee Well #1  
SW/4SW/4 Section 30  
Township-16-South, Range-39-East  
Lea County, New Mexico

Dear Mr. Cone:

An AFE was previously sent to you via letter dated June 6, 2007. Enclosed is a revised AFE with the well test changed from a Garrett Drinkard test to an Abo test. Other than that, the AFE remains unchanged.

Sincerely yours,  
Nearburg Exploration Company, L.L.C.



Linda H. Hicks  
Land Manager  
Lhh/s  
Enclosure

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EXHIBIT

A



