

AFFIDAVIT

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF LEA )

KNOW ALL MEN BY THESE PRESENTS:

That, I Michael Stewart, a resident of Midland County, Texas,  
after first being duly sworn do state as follows:

1. I am a professional engineer with a Bachelor of Science degree in Petroleum Engineering and I am employed in that capacity by Doyle Hartman, Oil Operator.

2. In the course of my employment, I have become familiar with the rules and regulations of the New Mexico Oil Conservation Division, ("NMOCD"), the history of prorationing of the natural gas pools in the State of New Mexico and the operation of the NMOCD proration system throughout the state. I am also familiar with the development, drilling, recovery, gathering and transportation of natural gas relative to the pools of New Mexico, specifically the Jalmat and Eumont Pools.

3. The Eumont Gas Pool was created by NMOCD Order No. R-264 effective February 17, 1953 as amended and prorationing of the pool was established by Order No. R-520 effective September 1, 1954. The Eumont Gas Pool now includes portions of the acreage once included in the Jalco and Langmat Pools (Now Jalmat) and all of the acreage formerly in the Arrow and Hardy Pools.

4. The Jalmat Gas Pool was created by NMOCD Order No. R-520 effective September 1, 1954 as amended, from a consolidation of the

Jalco and Langmat Pools with prorationing of the pool being established simultaneously under Order No. R-520 concurrent with the prorationing of the Eumont Pool. The Jalmat Gas Pool now includes acreage that was formerly included in the Jal, Cooper Jal, Eaves, Falby-Yates, Jalco and Langmat Pools.

5. The Eumont and Jalmat Gas Pools are essentially the same geologic reservoir producing from a common source of supply but which have been separated by an arbitrary boundary line resulting from the combination of several pre-existing pools as a matter of convenience and historical happenstance.

6. The Jalmat and Eumont Gas Pools are highly permeable reservoirs with excellent pressure communication between the wells within the reservoir.

7. The Jalmat and Eumont Gas Pools are serviced by common gathering and transportation facilities.

8. Approval of a minimum allowable for the Eumont Gas Pool without the simultaneous approval of the minimum allowable for the Jalmat Gas Pool, may result in:

- (a) denial of equal access to existing common gathering and transportation facilities,
- (b) the continuation of unjust restrictions to the further development of the Jalmat Gas Pool, resulting in a reduction in the total gas ultimately produced from the pool, thereby causing waste,

(c) the impairment of Doyle Hartman's correlative rights  
by denying him the opportunity to produce his fair  
share of gas in the Jalmat Gas Pool.

Further Affiant Sayeth Naught.

  
MICHAEL STEWART

SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of August, 1990.

  
Notary Public

My Commission Expires:

