

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

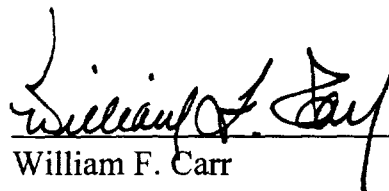
IN THE MATTER OF THE APPLICATION
OF MCELVAIN OIL AND GAS, INC.
FOR COMPULSORY POOLING AND AN UNORTHODOX WELL LOCATION,
RIO ARriba COUNTY, NEW MEXICO

CASE NO. 12284

AFFIDAVIT

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

William F. Carr, attorney in fact and authorized representative of McElvain Oil & Gas, Inc., the applicant herein, being first duly sworn, upon oath, states that notice has been given to all interested parties entitled to receive notice of this application under Oil Conservation Division rules, and that notice has been given at the addresses shown on Exhibit "A" attached hereto.


William F. Carr

SUBSCRIBED AND SWORN to before this 16th day of November, 1999
by William F. Carr.


Mara Dalton, Notary Public

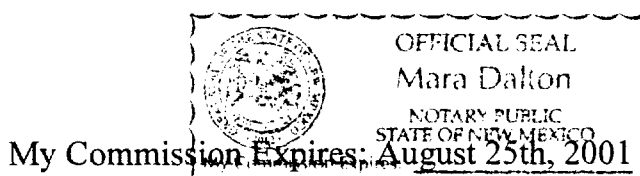


EXHIBIT A
NOTICE AFFIDAVIT

McELVAIN OIL & GAS PROPERTIES, INC.
FOR COMPULSORY POOLING
S/2 OF SECTION 33, TOWNSHIP 26 NORTH, RANGE 2 WEST, N.M.P.M.
RIO ARRIBA COUNTY, NEW MEXICO

Energyn Resources Corporation
605 21st Street North
Birmingham, Alabama 35203-2707

Neumann Family Trust
c/o Peter C. Neumann
Post Office Box 1170
Reno, Nevada 89504

Gavilan Dome Properties
1180 Cedarwood Drive
Moraga, California 94556

Mesa Grande Resources, Inc.
1200 Philtower Building
Tulsa, Oklahoma 74103

NM&O Operating Company
6 East 5th Street, Suite 200
Tulsa, Oklahoma 74103

Johansen Energy Partnership
Post Office Box 1773
Whitefish, Montana 59937

Williams Production Company
Attn: Mr. M. Vern Hansen
Post Office Box 3102
Tulsa, Oklahoma 74101

Dugan Production Corporation
Post Office Box 420
Farmington, New Mexico 87499-0420

CAMPBELL, CARR, BERGE
& SHERIDAN, P.A.
LAWYERS

MICHAEL B. CAMPBELL
WILLIAM F. CARR
BRADFORD C. BERGE
MARK F. SHERIDAN
MICHAEL H. FELDEWERT
PAUL R. OWEN
ANTHONY F. MEDEIROS

JACK M. CAMPBELL
916-1999

FILE COPY

JEFFERSON PLACE
SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
FACSIMILE: (505) 983-6043
E-MAIL: ccbspa@ix.netcom.com

October 25, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Energyn Resources Corporation
605 21st Street North
Birmingham, Alabama 35203-2707

Re: Application of McElvain Oil & Gas, Inc. for Compulsory Pooling, Rio
Arriba County, New Mexico

Gentlemen:

This letter is to advise you that McElvain Oil & Gas Properties, Inc. has filed the enclosed application with the New Mexico Oil Conservation Division seeking the force pooling of all mineral interests from the base of the Pictured Cliffs formation to the base of the Mesaverde formation in certain spacing and proration units in the S/2 of Section 33, Township 26 North, Range 2 West, N.M.P.M., Rio Arriba County, New Mexico. McElvain proposes to dedicate the referenced pooled unit to its Cougar Com 33 Well No. 1 which it proposes to drill to a depth sufficient to test all pooled formations to the base of the Dakota formation, Basin-Dakota Gas Pool, at a standard location in the NW/4 SE/4 of said Section 33.

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Parties appearing in cases have been requested by the Division (Memorandum 2-90) to file a Prehearing Statement substantially in the form prescribed by the Division. Prehearing statements should be filed by 4:00 o'clock p.m. on the Friday before a scheduled hearing.

Very truly yours,

William F. Carr

WILLIAM F. CARR
Attorney for McElvain Oil & Gas
Properties, Inc.

Enclosures

cc: Mr. Steve Jordan, Land Manager
McElvain Oil & Gas Properties, Inc.

Fold at line over top of envelope to
the right of the return address

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Energyn Resources Corporation
605 21st Street North
Birmingham, Alabama 35203-2707

4a. Article Number

2 181 567 422

4b. Service Type

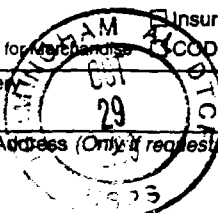
- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☒ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By (Print Name)

6. Signature (Addressee or Agent)



Z 181 567 422

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

(Sent to)

Energyn Resources Corporation
605 21st Street North
Birmingham, Alabama 35203-2707

Postage	\$.55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	800
TOTAL Postage & Fees	\$3.20
Postmark or Date	

PS Form 3800, April 1995

CAMPBELL, CARR, BERGE
& SHERIDAN, P.A.
LAWYERS

MICHAEL B. CAMPBELL
WILLIAM F. CARR
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1916-1999

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October 25, 1999

CERTIFIED MAIL
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Neumann Family Trust
c/o Peter C. Neumann
Post Office Box 1170
Reno, Nevada 89504

Re: Application of McElvain Oil & Gas, Inc. for Compulsory Pooling, Rio
Arriba County, New Mexico

Gentlemen:

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William F. Carr

WILLIAM F. CARR
Attorney for McElvain Oil & Gas
Properties, Inc.

Enclosures

cc: Mr. Steve Jordan, Land Manager
McElvain Oil & Gas Properties, Inc.

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4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

8. Address on Address (Only) requested at fee is paid

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Rec

Z 181 567 421

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Neumann Family Trust
c/o Peter C. Neumann
P.O. Box 1170
Reno, Nevada 89504

Postage	\$ 1.55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	999
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

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& SHERIDAN, P.A.
LAWYERS

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BRADFORD C. BERGE
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FILE 10-25-99

JEFFERSON PLACE
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SANTA FE, NEW MEXICO 87504-2208
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October 25, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gavilan Dome Properties
1180 Cedarwood Drive
Moraga, California 94556

Re: Application of McElvain Oil & Gas, Inc. for Compulsory Pooling, Rio
Arriba County, New Mexico

Gentlemen:

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William F. Carr

WILLIAM F. CARR
Attorney for McElvain Oil & Gas
Properties, Inc.

Enclosures

cc: Mr. Steve Jordan, Land Manager
McElvain Oil & Gas Properties, Inc.

Fold at line over top of envelope to

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- 1. ☐ Addressee's Address
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3. Article Addressed to:

Gavilan Dome Properties
1180 Cedarwood Drive
Moraga, California 94556

4a. Article Number

Z 559 571 506

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

10-29-99

5. Received By (Print Name)

6. Signature (Addressee or Agent)

8. Addressee's Address (Only if requested at fee is paid)

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

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Sent to

Gavilan Dome Properties
1180 Cedarwood Drive
Moraga, California 94556

Postage	\$.55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$3.20
Postmark or Date	25 1999

PS Form 3800, April 1995

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& SHERIDAN, P.A.
LAWYERS

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E-MAIL: ccbspa@ix.netcom.com

October 25, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mesa Grande Resources, Inc.
1200 Philtower Building
Tulsa, Oklahoma 74103

Re: Application of McElvain Oil & Gas, Inc. for Compulsory Pooling, Rio
Arriba County, New Mexico

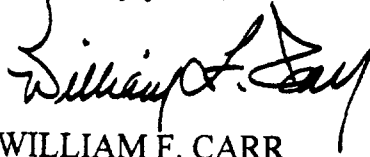
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Very truly yours,



WILLIAM F. CARR
Attorney for McElvain Oil & Gas
Properties, Inc.

Enclosures

cc: Mr. Steve Jordan, Land Manager
McElvain Oil & Gas Properties, Inc.

Z 559 571 507

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Can't fit

Mesa Grande Resources, Inc.
1200 Philtower Building
Tulsa, Oklahoma 74103

Postage	\$.55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	APR 26 1999

PS Form 3800, April 1995

CAMPBELL, CARR, BERGE
& SHERIDAN, P.A.
LAWYERS

MICHAEL B. CAMPBELL
WILLIAM F. CARR
BRADFORD C. BERGE
MARK F. SHERIDAN
MICHAEL H. FEDEWERT
PAUL R. OWEN
ANTHONY F. MEDEIROS

JACK M. CAMPBELL
1916-1999

JEFFERSON PLACE
SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
FACSIMILE: (505) 983-6043
E-MAIL: ccbspa@ix.netcom.com

FILE COPY

October 25, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NM&O Operating Company
6 East 5th Street, Suite 200
Tulsa, Oklahoma 74103

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Arriba County, New Mexico

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Attorney for McElvain Oil & Gas
Properties, Inc.

Enclosures

cc: Mr. Steve Jordan, Land Manager
McElvain Oil & Gas Properties, Inc.

Z 559 571 508

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
Complete items 3, 4a, and 4b.
☐ Print your name and address on the reverse of this form so that we can return this card to you.
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee)

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

3. Article Addressed to:

NM&O Operating Company
6 East 5th Street, Suite 200
Tulsa, Oklahoma 74103

4a. Article Number

Z 559 571 508

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

11-2-99

5. Received By: (Print Name)

Steve Jordan

8. Addressee's Address (Only if requested at fee is paid)

6. Signature (Addressee or Agent)

US Postal Service

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NM&O Operating Company
6 East 5th Street, Suite 200
Tulsa, Oklahoma 74103

Postage	\$.55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Shipping Fee	\$1.25
Return Receipt Shipping to Whom & Date Delivered	
Return Receipt Shipping to Whom Date, & Addressee's Address	
TOTAL Postage & Fees	\$3.20
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

CAMPBELL, CARR, BERGE
& SHERIDAN, P.A.
LAWYERS

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WILLIAM F. CARR
BRADFORD C. BERGE
MARK F. SHERIDAN
MICHAEL H. FELDEWERT
PAUL R. OWEN
ANTHONY F. MEDEIROS

JACK M. CAMPBELL
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SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
FACSIMILE: (505) 983-6043
E-MAIL: ccbspa@ix.netcom.com

October 25, 1999

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Johansen Energy Partnership
Post Office Box 1773
Whitefish, Montana 59937

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SENDER: [Redacted]

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3. Article Addressed to:

Johansen Energy Partnership
Post Office Box 1773
Whitefish, Montana 59937

4a. Article Number
Z 559 571 509

4b. Service Type
☐ Registered
☐ Express Mail
☒ Return Receipt for Merchandise
☐ Insured
☐ COD

7. Date of Delivery
10-29-94

8. Addressee's Address (Only if requested & fee is paid)

5. Received By: (Print Name)
Steve Jordan

6. Signature (Addressee or Agent)
[Signature]

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Rec

Z 559 571 509

US Postal Service

Receipt for Certified Mail

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Postage	\$ 1.55
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Restricted Delivery Fee	
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TOTAL Postage & Fees	3.20
Postmark or Date	

PS Form 3800, April 1995

FILE COPY

**CAMPBELL, CARR, BERGE
& SHERIDAN, P.A.
LAWYERS**

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BRADFORD C. BERGE
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Williams Production Company
Attn: Mr. M. Vern Hansen
Post Office Box 3102
Tulsa, Oklahoma 74101

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This application has been set for hearing before a Division Examiner on November 18, 1999. 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 have been requested by the Division (Memorandum 2-90) to file a Prehearing Statement substantially in the form prescribed by the Division.

Prehearing statements should be filed by 4:00 o'clock p.m. on the Friday before a scheduled hearing.

Very truly yours,

William F. Carr

WILLIAM F. CARR
Attorney for McElvain Oil & Gas
Properties, Inc.

Enclosures

cc: Mr. Steve Jordan, Land Manager
McElvain Oil & Gas Properties, Inc.

Fold at line over top of envelope

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

PS 1

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- 2. ☐ Restricted Delivery

3. Article Addressed to:

Williams Production Company
Attn: Mr. M. Vern Hansen
Post Office Box 3102
Tulsa, Oklahoma 74101

4a. Article Number

2 559 571 510

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

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5. Received By (Print Name)

6. Signature (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-8-0223

Domestic Return Receipt

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Williams Production Company
Attn: Mr. M. Vern Hansen
Post Office Box 3102
Tulsa, Oklahoma 74101

Postage	\$.55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom & Addressee's Address	1.25
TOTAL Postage & Fees	\$3.20
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Thank you for using Return Receipt Service.

CAMPBELL, CARR, BERGE
& SHERIDAN, P.A.
LAWYERS

MICHAEL B. CAMPBELL
WILLIAM F. CARR
BRADFORD C. BERGE
MARK F. SHERIDAN
MICHAEL H. FELDEWERT
PAUL R. OWEN
ANTHONY F. MEDEIROS

JACK M. CAMPBELL
1916-1999

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JEFFERSON PLACE
SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
FACSIMILE: (505) 983-6043
E-MAIL: ccbspa@ix.netcom.com

October 25, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dugan Production Corporation
Post Office Box 420
Farmington, New Mexico 87499-0420

Re: Application of McElvain Oil & Gas, Inc. for Compulsory Pooling, Rio
Arriba County, New Mexico

Gentlemen:

This letter is to advise you that McElvain Oil & Gas Properties, Inc. has filed the enclosed application with the New Mexico Oil Conservation Division seeking the force pooling of all mineral interests from the base of the Pictured Cliffs formation to the base of the Mesaverde formation in certain spacing and proration units in the S/2 of Section 33, Township 26 North, Range 2 West, N.M.P.M., Rio Arriba County, New Mexico. McElvain proposes to dedicate the referenced pooled unit to its Cougar Com 33 Well No. 1 which it proposes to drill to a depth sufficient to test all pooled formations to the base of the Dakota formation, Basin-Dakota Gas Pool, at a standard location in the NW/4 SE/4 of said Section 33.

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Very truly yours,

William F. Carr

WILLIAM F. CARR

Attorney for McElvain Oil & Gas
Properties, Inc.

Enclosures

cc: Mr. Steve Jordan, Land Manager
McElvain Oil & Gas Properties, Inc.

Z 559 571 475

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See instructions)

Dugan Production Corporation

Post Office Box 420

Farmington, New Mexico 87499-0420

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the right of the return address

SENDER:

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- 2. ☐ Restricted Delivery

3. Article Addressed to:

Dugan Production Corporation
Post Office Box 420
Farmington, New Mexico 87499-0420

4a. Article Number

Z 559 571 475

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

10-27-99

5. Received By: (Print Name)

Sonja Clark

6. Signature (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3800 April 1995

Postage	\$ 1.55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom & Date Delivered	
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	OCT 25 1999