

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

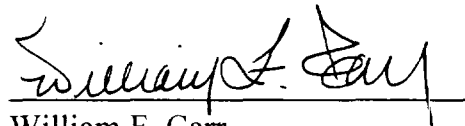
**IN THE MATTER OF THE APPLICATION
OF MCELVAIN OIL AND GAS PROPERTIES, INC.
FOR COMPULSORY POOLING,
RIO ARRIBA COUNTY, NEW MEXICO.**

CASE NO. 12350

AFFIDAVIT


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


William F. Carr, attorney in fact and authorized representative of McElvain Oil & Gas Properties, 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 29th day of February, 2000 by
William F. Carr.

 OFFICIAL SEAL
Mara Dalton
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 8/25/01



Mara Dalton, Notary Public

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 12320 Exhibit No. 5
Submitted by: McElvain Oil & Gas, Inc.
Hearing Date: March 2, 2000

EXHIBIT A

Noseco Corporation
7400 Lakeside Drive
Reno, NV 89511
Neumann Family Trust

c/o Peter Neumann
P.O. Box 1170
Reno, NV 89504
Gavilan Dome Properties

c/o Skredynski & Co.
1180 Cedarwood Drive
Moraga, CA 94556
Mesa Grande Resources, Inc.

1200 Philtower Bldg.
Tulsa, OK 94556
NM&O Operating Company
6 East 5th Street, Suite 200

Tulsa, OK 74103
Johansen Energy Partnership
P.O. Box 1773
Whitefish, MT 59937

Williams Production Company
Attn: Mr. M. Vern Hansen
P.O. Box 3102
Tulsa, OK 74101

Dugan Production Company
P.O. Box 420
Farmington, NM 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
1918-1999

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: ccbsps@ix.netcom.com

February 10, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Noseco Corporation
7400 Lakeside Drive
Reno, NV 89511

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

Ladies and 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 Lots 3, 4 S/2 NW/4, SW/4 (W/2 equivalent) of Section 3, Township 25 North, Range 2 West, N.M.P.M., Rio Arriba County, New Mexico. McElvain proposes to dedicate the referenced pooled unit to its Elk Com "3" Well No. 1A which it proposes to drill to a depth sufficient to test all formations to the base of the Mesaverde formation, Blanco-Mesaverde Gas Pool, at a standard location in the SW/4 of said Section 3.

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February 10, 2000
Page 2

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 / md

William F. Carr
ATTORNEY FOR McELVAIN OIL & GAS
PROPERTIES, INC.

WFC/md

Enclosures

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

Z 191 937 563

WFC
694
MCE

US Postal Service

Receipt for Certified Mail

Noseco Corporation
7400 Lakeside Drive
Reno, NV 89511

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	

Is your RETURN ADDRESS completed on the reverse side?

SENDER: <input type="checkbox"/> Complete items 1 and/or 2 for additional services. <input type="checkbox"/> Complete items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number. <input type="checkbox"/> 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. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery	
3. Article Addressed to: Noseco Corporation 7400 Lakeside Drive Reno, NV 89511		4a. Article Number 2191 937 563	
4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD		7. Date of Delivery 2-12-00	
5. Received By: (Print Name) Mona Jordan		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Addressee or Agent)			

PS Form 3811, December 1994

102595-99-8-0223 Domestic Return Receipt

PS Form 3800 April 1995

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

JEFFERSON PLACE
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FACSIMILE: (505) 963-6043
E-MAIL: ccbspa@ix.netcom.com

February 10, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

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Very truly yours,

William F. Carr / ms

William F. Carr
ATTORNEY FOR McELVAIN OIL & GAS
PROPERTIES, INC.

WFC/md

Enclosures

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

Z 191 937 564

WFC
W94
MCE

US Postal Service
Receipt for Certified Mail

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

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	

SENDER:

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

3. Article Addressed to:

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

4a. Article # Z 191 937 564

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

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

6. Signature (Addressee or Agent)

PS Form 38TT, December 1994

102595-99-8-0223 Domestic Return Receipt

PS Form 3800, April 1995

Thank you for using Return Receipt Service.

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

MICHAEL B. CAMPBELL
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BRADFORD C. BERGE
MARK F. SHERIDAN
MICHAEL H. FELDEWERT
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FACSIMILE: (505) 963-6043
E-MAIL: ccbspa@x.netcom.com

February 10, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gavilan Dome Properties
c/o Skredynski & Co.
1180 Cedarwood Drive
Moraga, CA 94556

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

Ladies and Gentlemen:

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William F. Carr / md

William F. Carr
ATTORNEY FOR McELVAIN OIL & GAS
PROPERTIES, INC.

WFC/md

Enclosures

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

Z 191 937 565

WFC
MDA
MCE

US Postal Service
Receipt for Certified Mail

Gavilan Dome Properties
c/o Skredynski & Co.
1180 Cedarwood Drive
Moraga, CA 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	1.25
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	FEB 10 2000

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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c/o Skredynski & Co.
1180 Cedarwood Drive
Moraga, CA 94556

4a. Article Number
Z 191 937 565

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

7. Date of Delivery

2-15-00

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

PS Form 3800 April 1995

Thank you for using Return Receipt Service.

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

MICHAEL B. CAMPBELL
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BRADFORD C. BERGE
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PAUL R. OWEN
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1916-1999

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TELEPHONE: (505) 988-4421
FACSIMILE: (505) 983-6043
E-MAIL: ccbspa@ix.netcom.com

February 10, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mesa Grande Resources, Inc.
1200 Philtower Bldg.
Tulsa, OK 94556

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Arriba County, New Mexico

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William F. Carr /md

William F. Carr
ATTORNEY FOR McELVAIN OIL & GAS
PROPERTIES, INC.

WFC/md

Enclosures

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

Z 191 937 566

WFC
MDA
MCE

US Postal Service

Receipt for Certified Mail

Mesa Grande Resources, Inc.
1200 Philtower Bldg.
Tulsa, OK 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	

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. FELDEWERT
PAUL R. OWEN
ANTHONY F. MEDEIROS

JACK M. CAMPBELL
(916-1999)

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

February 10, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

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William F. Carr / mcf

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ATTORNEY FOR McELVAIN OIL & GAS
PROPERTIES, INC.

WFC/md

Enclosures

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

Z 191 937 567

WFC
W94
MCE

US Postal Service
Receipt for Certified Mail

NM&O Operating Company
6 East 5th Street, Suite 200
Tulsa, OK 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	2000

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

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

4a. Article Number
Z 191 937 567

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

7. Date of Delivery
2-14

5. Received By: (Print Name)

Steven Thomas

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

Thank you for using Return Receipt Service.

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

MICHAEL B. CAMPBELL
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BRADFORD C. BERGE
MARK F. SHERIDAN
MICHAEL H. FELDEWERT
PAUL R. OWEN
ANTHONY F. MEDEIROS
—
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1916-1999

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Johansen Energy Partnership
P.O. Box 1773
Whitefish, MT 59937

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WFC/md

Enclosures

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McElvain Oil & Gas Properties, Inc.

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US Postal Service
Receipt for Certified Mail

Johansen Energy Partnership
P.O. Box 1773
Whitefish, MT 59937

Postage	\$.55
Certified Fee	1.40
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3. Article Addressed to:

Johansen Energy Partnership
P.O. Box 1773
Whitefish, MT 59937

4a. Article Number

Z 191 937 568

4b. Service Type

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

7. Date of Delivery

2-14-00

5. Received By: (Print Name)

John Johansen

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

6. Signature (Addressee or Agent)

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
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Tulsa, OK 74101

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Arriba County, New Mexico

Ladies and 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 Lots 3, 4 S/2 NW/4, SW/4 (W/2 equivalent) of Section 3, Township 25 North, Range 2 West, N.M.P.M., Rio Arriba County, New Mexico. McElvain proposes to dedicate the referenced pooled unit to its Elk Com "3" Well No. 1A which it proposes to drill to a depth sufficient to test all formations to the base of the Mesaverde formation, Blanco-Mesaverde Gas Pool, at a standard location in the SW/4 of said Section 3.

This application has been set for hearing before a Division Examiner on March 2, 2000. 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.

February 10, 2000
Page 2

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 /md

William F. Carr
ATTORNEY FOR McELVAIN OIL & GAS
PROPERTIES, INC.

WFC/md

Enclosures

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

Z 191 937 569

WFC
W94
MCE

US Postal Service
Receipt for Certified Mail

Williams Production Company
Attn: Mr. M. Vern Hansen
P.O. Box 3102
Tulsa, OK 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, Date, & Addressee's Address	
TOTAL Postage & Fees	3.20
Postmark on Date	FEB 10 2000

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:

Williams Production Company
Attn: Mr. M. Vern Hansen
P.O. Box 3102
Tulsa, OK 74101

4a. Article Number

Z 191 937 569

4b. Service Type

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

7. Date of Delivery

FEB 14 2000

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

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

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

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: ccbpsa@ix.netcom.com

February 10, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dugan Production Company
P.O. Box 420
Farmington, NM 87499-0420

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

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William F. Carr / ms

William F. Carr
ATTORNEY FOR McELVAIN OIL & GAS
PROPERTIES, INC.

WFC/md

Enclosures

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

Z 191 937 570

WFC
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US Postal Service

Receipt for Certified Mail

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Farmington, NM 87499-0420

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	

SENDER:

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

7. Date of Delivery

5. Received By: (Print Name)

Tom Dugan

6. Signature (Addressee or Agent)

Tom Dugan

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

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

PS Form 3800, April 1995