

**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:**


CASE NO. 12602

**APPLICATION OF DAVID H. ARRINGTON OIL &
GAS, INC. FOR COMPULSORY POOLING, UNORTHODOX
WELL LOCATION AND DIRECTIONAL DRILLING,
LEA COUNTY, NEW MEXICO.**

AFFIDAVIT

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

Michael H. Feldewert, attorney in fact and authorized representative of David H. Arrington Oil & Gas, Inc., the applicant herein, being first duly sworn, upon oath, states that notice of the above-referenced application was mailed to the addresses shown on Exhibit "A" attached hereto and that true and correct copies of the notice letters and proof of receipt are attached hereto.


Michael H. Feldewert

SUBSCRIBED AND SWORN to before this 21st day of February, 2001, by
Michael H. Feldewert.


Notary Public

My Commission Expires:

Aug. 21, 2001

BEFORE THE OIL CONSERVATION DIVISION
SANTA FE, NEW MEXICO
Case No. 12602 Exhibit No. 5

Submitted by:
David H. Arrington Oil & Gas, Inc.
Hearing Date: February 22, 2001

CASE NO. 12602

**APPLICATION OF DAVID H. ARRINGTON OIL & GAS INC.
FOR COMPULSORY POOLING, UNORTHODOX WELL LOCATIONS
AND DIRECTIONAL DRILLING,
LEA COUNTY, NEW MEXICO.**

EXHIBIT A

BP Amoco Exploration and Production, Inc.
BP Permian Business Unit
501 WestLake Park Boulevard
Houston, Texas 77079

Attention: Lee Scarborough

Energen Resources Corporation
3300 North "A" Street
Building 4, Suite 100
Midland, Texas 79705

HOLLAND & HART ^{LLP}
AND
CAMPBELL & CARR
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
SALT LAKE CITY • SANTA FE
WASHINGTON, D.C.

SUITE 1
110 NORTH GUADALUPE
SANTA FE, NEW MEXICO 87501-6525
MAILING ADDRESS
P.O. BOX 2208
SANTA FE, NEW MEXICO 87504-2208

TELEPHONE (505) 988-4421
FACSIMILE (505) 983-6043
www.hollandhart.com

February 1, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

BP Amoco Exploration and Production, Inc.
BP Permian Business Unit
501 WestLake Park Boulevard
Houston, Texas 77079

Attention: Lee Scarborough

Re: Application of David H. Arrington Oil & Gas, Inc. for compulsory pooling,
unorthodox well locations and directional drilling, Lea County, New Mexico.

Dear Mr. Scarborough:

This letter is to advise you that David H. Arrington Oil & Gas, Inc. filed the enclosed application with the New Mexico Oil Conservation Division seeking the force pooling of all mineral interests from the surface to the base of the Mississippian formation in certain spacing and proration units, in the W/2 of Section 35, Township 15 South, Range 35 East, NMPM., Lea County, New Mexico. Arrington proposes to dedicate the referenced pooled unit to its proposed Disco Midge Well No. 1 to be directionally drilled from an unorthodox surface location in the NW/4 of said Section 35. The well will also be at an unorthodox location in the Strawn formation.

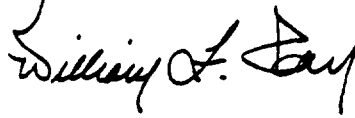
This application has been set for hearing before a Division Examiner on February 22, 2001. You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B to file a Prehearing Statement three days in advance of a scheduled hearing. This statement must include: the names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify

BP Amoco Exploration and Production, Inc.
Attention: Lee Scarborough
February 1, 2001
Page 2

at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

Very truly yours,



William F. Carr
ATTORNEY FOR DAVID H. ARRINGTON OIL
& GAS, INC.

Enclosure

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

UFC 484

Postage	
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	58 01/28/01
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	87.94

Re: BP Amoco Exploration & Production, Inc.
BP Permian Business Unit
501 WestLake Park Boulevard
Houston, Texas 77079
Attn: Lee Scarborough

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

BP Amoco Exploration & Production, Inc.
BP Permian Business Unit
501 WestLake Park Boulevard
Houston, Texas 77079
Attention: Lee Scarborough

2. Article Number (Copy from service label)

7000 0600 0024 3129 9835

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

- | | |
|---|--|
| A. Received by (Please Print Clearly) | B. Date of Delivery |
| C. Signature | 2-6 |
| X | <input type="checkbox"/> Agent
<input type="checkbox"/> Addressee |
| D. Is delivery address different from item 1? If YES, enter delivery address below: | <input type="checkbox"/> Yes
<input type="checkbox"/> No |

3. Service Type
- | | |
|--|--|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

102595-99-M-1789

HOLLAND & HART ^{LLP}
AND
CAMPBELL & CARR
ATTORNEYS AT LAW

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February 1, 2001

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RETURN RECEIPT REQUESTED

Energen Resources Corporation
3300 North "A" Street
Building 4, Suite 100
Midland, Texas 79705

Re: Application of David H. Arrington Oil & Gas, Inc. for compulsory pooling,
unorthodox well locations and directional drilling, Lea County, New Mexico.

Ladies and Gentlemen:

This letter is to advise you that David H. Arrington Oil & Gas, Inc. filed the enclosed application with the New Mexico Oil Conservation Division seeking the force pooling of all mineral interests from the surface to the base of the Mississippian formation in certain spacing and proration units, in the W/2 of Section 35, Township 15 South, Range 35 East, NMPM., Lea County, New Mexico. Arrington proposes to dedicate the referenced pooled unit to its proposed Disco Midge Well No. 1 to be directionally drilled from an unorthodox surface location in the NW/4 of said Section 35. The well will also be at an unorthodox location in the Strawn formation.

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Energen Resources Corporation
February 1, 2001
Page 2

at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

Very truly yours,

William F. Carr

William F. Carr
ATTORNEY FOR DAVID H. ARRINGTON OIL
& GAS, INC.

Enclosure

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Paid)

WFC 484

Postage	\$ 3.75
Certified Fee	1.50
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	5.25
Recd	Energen Resources Corporation
Street	3300 North "A" Street
City	Building 4, Suite 100 Midland, Texas 79705

Postmark: SANTA FE, NM FEB 1 2001

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Post H. Energen Resources Corporation
3300 North "A" Street
Building 4, Suite 100
Midland, Texas 79705

2. Article Number (Copy from service label)

7000 0600 0024 3628 9828

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Tanya Clements* B. Date of Delivery *2-5-01*
C. Signature *Tanya Clements* ☒ Agent ☐ Addressee
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes