### BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

APPLICATION OF CONCHO OIL & GAS CORP. AND NEARBURG PRODUCING COMPANY FOR APPROVAL OF SURFACE COMMINGLING OF PRODUCTION FROM WELLS OPERATED BY TWO DIFFERENT OPERATORS, EDDY COUNTY, NEW MEXICO.

Case No. 12874

AFFIDAVIT	' REGARDING	NOTICE

STATE OF NEW MEXICO	) )
COUNTY OF SANTA FE	) ss. }
Michael M. Gray, bei states:	ng duly sworn upon his oath, deposes and
1. I am over the a the matters set forth her	ge of 18, and have personal knowledge of ein.
2. I am a landman	for Concho Oil & Gas Corp.
diligent effort to find	Gas Corp. has conducted a good faith, the names and correct addresses of the corrective notice of the Application filed
owners at their correct ac	Application was provided to the interest ddresses by certified mail. Copies of the ed return receipts are attached hereto as
5. Applicants have Division Rule 1207.	complied with the notice provisions of
	Michael M. Gray
SUBSCRIBED AND SWORN June, 2002, by Michael M.	TO before me this day of Gray.
	Notary Public
My Commission Expires:	OIL CONSERVATION DIVISION
5/24/05	CASE NUMBER /2874
	EXHIBIT 5

# CONCHO OIL & GAS CORP.

Suite 410 110 W. Louisiana Midland, Texas 79701

(915) 683-7443 Fax 683-7441

Certified/Return Receipt Mail

May 17, 2002

To the Working Interest Owners shown on the attached Exhibit "A"

Application to Commingle
Crowflats "3" Federal #1
Crowflats "10" Federal #1
Crowflats "11" Federal #1
Township 16 South, Range 28 East
Eddy County, New Mexico

#### Ladies and Gentlemen:

Enclosed is a copy of an application for commingling of production, filed with the New Mexico Oil Conservation Division by Concho Oil & Gas Corp., regarding three wells in Sections 3, 10 and 11, Township 16 South, Range 28 East, N.M.P.M., Eddy County, New Mexico. This application is set to be heard at 8:15 a.m. on Thursday, July 13, 2002, at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. As an interest owner in the wells, you have the right to appear at the hearing and present evidence. Failure to appear at the hearing will preclude you from contesting this matter at a later date.

You are required to notify the Division, and the undersigned, in writing by Friday, June 7, 2002, if you intend to enter an appearance and participate in the case.

Much

Yours truly,

Michael M. Gray Senior Landman

## Exhibit "A"

Application to Commingle Crowflats "3" Federal #1 Crowflats "10" Federal #1 Crowflats "11" Federal #1 Township 16 South, Range 28 East Eddy County, New Mexico

Devon Energy Production Company, L.P. P. O. Box 108838
Oklahoma City, Oklahoma 73101-8838
Attention: Meg Muhlinghause

Tim McDonald 23 Graham Lane Lucas, Texas 75002

 Bureau of Land Management 2909 West 2<sup>nd</sup> Street Roswell, New Mexico 88201

Eland Energy Inc. 8150 N. Central Expressway, Suite 400 Dallas, Texas 75206

Providence Energy Corp.
 8150 N. Center Expressway, Suite 400
 Dallas, Texas 75206

Penrock Oil Corporation P. O. Box 5970 Hobbs, New Mexico 88241

Orion Properties, Inc. 11776 S. 76<sup>th</sup> East Avenue Bixby, Oklahoma 74008

King Properties, Inc.P. O. Box 10Bixby, Oklahoma 74008

John E. Casey
P. O. Box 10533
Midland, Texas 79702-7533

Otto E. Green Living Trust Craig E. Malmgren, Trustee 24470 Hidden Court Hayward, California 94541

Nex/George S. Mennen Revocable Trust P. O. Box 823085 Dallas, Texas 75382-3085

EXCO Resources, Inc. 6500 Greenville Avenue Suite 600, LB 17 Dallas, Texas 75206

PHog Partnership LP
P. O. Box 35287
Dallas, Texas 75235-0287

Jerry Elger P. O. Box 2623 Midland, Texas 79702

AAR Limited Partnership
Attention: Anna Reischman
c/o Nearburg Exploration Co.
3300 North "A" Street
Building 2, Suite 120
Midland, Texas 79705

Duane A. Davis c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

# <u>Exhibit "A"(Continued)</u> Application to Commingle/Crowflats Wells

Holsum, Inc. c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

Dean A. Horning c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

LJR Resources Ltd. Co. c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

Leesburg Investments, Ltd. Attention: Mr. Lee Fikes c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

Timothy R. MacDonald c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

Maverick Oil & Gas Corp. c/o Kimbrough Engineering Co. Attention: Mr. Scott Kimbrough c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

Menpart Associates
Attention: Mr. William C. Scalia
c/o Nearburg Exploration Co.
3300 North "A" Street
Building 2, Suite 120
Midland, Texas 79705

Gretchen Nearburg c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

Roy G. Niederhoffer c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

R-N Limited Partnership c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

Gene Reischman c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

Robert G. Shelton
c/o Nearburg Exploration Co.
3300 North "A" Street
Building 2, Suite 120
Midland, Texas 79705

J. Kenneth Smith c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

Wright Family Living Trust Attention: Mr. Joe R. Wright c/o Nearburg Exploration Co. 3300 North "A" Street Building 2, Suite 120 Midland, Texas 79705

End of Exhibit "A"

#### BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

APPLICATION OF CONCHO OIL & GAS CORP. AND NEARBURG PRODUCING COMPANY FOR APPROVAL OF SURFACE COMMINGLING OF PRODUCTION FROM WELLS OPERATED BY TWO DIFFERENT OPERATORS, EDDY COUNTY, NEW MEXICO.

UU; 1: 1 2002 - 17.0.

No		
No		

#### APPLICATION

Concho Oil & Gas Corp. ("Concho") and Nearburg Producing Company ("Nearburg") apply for an order approving surface commingling of gas production from three wells, as an exception to Division Rules, and in support thereof, state:

- Concho is the operator of the Crow Flats 11 Fed. Well No.
   which has the following acreage dedicated to it:
  - Township 16 South, Range 28 East, N.M.P.M. Section 11: W%
- 2. Concho is also the operator of the Crow Flats 3 Fed. Well No. 1, which has the following acreage dedicated to it:

Township 16 South, Range 28 East, N.M.P.M. Section 3: S%

3. Nearburg is the operator of the Crow Flats 10 Fed. Well No. 1, which has the following acreage dedicated to it:

Township 16 South, Range 28 East, N.M.P.M. Section 10: E½

- 4. All three wells are producing from the Diamond Mound-Morrow Gas Pool.
- 5. Concho has recently purchased the interests of Nearburg and its affiliates in the Crow Flats 11 Fed. Well No. 1 and Crow Flats 3 Fed. Well No. 1, and has become operator of those wells.

Nearburg has retained ownership and operation of the Crow Flats 10 Fed. Well No. 1.

J. #11. 12.1.1

- 6. Nearburg is the owner and operator of a gas pipeline servicing the three wells. Nearburg has been surface commingling gas produced from the three wells. All three wells measure production through separate check meters on each of the wellsites, and the gas is then transported through Nearburg's pipeline, to a single sales meter, to a pipeline owned by Duke Energy Field Services LP ("Duke").
- 7. Applicants request that the Division allow Concho and Nearburg to continue to measure the gas through the check meters as described above and report it to the Division on that basis, to commingle the gas in Nearburg's pipeline, and to sell the gas though the existing sales meter at Duke's pipeline.
- 8. The Crow Flats 11 Fed. Well No. 1 and Crow Flats 3 Fed. Well No. 1 produce at low rates, and without an exception to Division Rules would be shut-in.
- 9. Interest ownership among the wells is not common, and notice of this application has been given to all interest owners in three wells.
- 10. The granting of this application is in the interests of conservation, the prevention of waste, and the protection of correlative rights.

WHEREFORE, applicant requests that, after notice and hearing, the relief requested above be granted.

Respectfully submitted,

James Bruce Post Office Box 1056

Santa Fe, New Mexico 87504 (505) 982-2043

Attorney for Applicants,

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