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

APPLICATION OF ELIZABETH KAYE DILLARD TO REOPEN CASE NO. 21226 (ORDER R-21354), EDDY COUNTY, NEW MEXICO.

Case No. 22323

<u>PRE-HEARING STATEMENT</u> OF ELIZABETH KAYE DILLARD.

Applicant Elizabeth Kay Dillard ("Ms. Dillard"), by and through her undersigned attorneys, submits this pre-hearing statement as required by the rules of the Oil Conservation Division (the "OCD").

STATEMENT OF THE CASE

Ms. Dillard has brought this action to reopen Case No. 21226 regarding the Application of Colgate Operating, LLC ("Colgate") for Compulsory Pooling and Non-Standard Spacing and Proration Unit in Eddy County, New Mexico. In Case No. 21226, Colgate sought an order pooling all mineral interests in the Winchester Bone Spring Pool underlying Sections 33 and 34, Township 19 South, Range 38 East, N.M.P.M., Eddy County, New Mexico (the "Subject Lands"). The purpose of pooling the Subject Lands was to drill the Dawson 34 Fed State Com 123H well, the Dawson 34 Fed State Com 133H well, the Dawson 34 Fed State Com 134H well (collectively, the "Dawson Wells").

Ms. Dillard is an affected interest owner in the Subject Lands. The OCD entered Order No. R-21354-A in Case No. 21226 pooling the Subject Lands for the Dawson Wells. The sole issue before the OCD is: "did the compulsory pooling order apply to [Ms. Dillard]..., or did it not apply... because there was not proper notice to" Ms. Dillard. *See* Transcript of OCD Hearing dated

December 2, 2021, attached hereto as **Exhibit D**. Ms. Dillard did not receive notice, actual or constructive, of Case No. 21226 and is, therefore, not bound by the terms of Order No. R-21354-A.

As the Applicant in Case No. 21226, Colgate has the burden of proving that it satisfied the statutory, constitutional, and regulatory notice requirements prior to the entry of Order No. R-21354-A. *See* NMAC 19.15.4.12(C). Notice and an opportunity to defend is a fundamental requirement of law. *See, e.g. Santa Fe. Exploration Co. v. Oil Conservation Comm'n*, 114 N.M. 103, 1992-NMSC-044, ¶14 (holding that, "At a minimum, procedural due process requires that before being deprived of life, liberty, or property, a person or entity be given notice of the possible deprivation and an opportunity to defend.").

NMAC 19.15.4.12(A)(1) dictates how notice must be given in compulsory pooling cases. This rule specifies that notice must be given to "each owner of an interest in the mineral estate of any portion of the lands the applicant proposes to be pooled." It is undisputed that Ms. Dillard owns an interest in the Subject Lands and the Dawson Wells. The Affidavit of Ernest L. Padilla, dated May 26, 2020 and filed in Case No. 21226 (the "Padilla Affidavit") lists "Elizabeth Kaye Dillard" as a "WI Owner (Dawson Wells)". *See* Affidavit of Ernest Padilla, attached hereto as **Exhibit A**, pages 5, 8.

Because Ms. Dillard was an interest owner as defined by the NMAC, she was constitutionally entitled to notice and entitled to notice in the manner outlined in NMAC 19.15.4.12(A)(1). In order to comply with this code section, an Applicant for compulsory pooling must show that it satisfied three separate requirements: (1) an Applicant must send notice via certified mail to the last known address of the interested owner; *see* NMAC 19.15.4.12(B); (2) an Applicant must conduct a good-faith, diligent search to find the correct address of an interested

owner; *see* 19.15.4.12(C)(2); and (3) if an Applicant is unable to locate persons entitled to notice, the applicant shall provide notice by publication and submit proof of publication at the hearing. 19.15.4.12(B). In Case No. 21226, Colgate failed to satisfy any of these three elements.

I. Colgate did not send notice via certified mail to Ms. Dillard's last known address and did not conduct a good faith, diligent search to find Ms. Dillard's correct address.

In Case No. 21226, Colgate did not send notice via certified mail to Ms. Dillard's last known address or, in the alternative, did not conduct a good faith, diligent search to find Ms. Dillard's correct address. The Padilla Affidavit reflects that Colgate sent Ms. Dillard a letter referencing Case No. 21226, as well as the associated Case No. 21227 to the following address:

Elizabeth Kaye Tullis Dillard, SSP 3208 Wellshire Court Plano Texas 75093

See Padilla Affidavit, pages 8, 31, 71. Specifically, page 71 of the Padilla Affidavit contains a photocopy of an envelope, postmarked March 5, 2020, and sent by certified mail receipt requested to Ms. Dillard at the above-identified address. This envelope reflects that it was returned to Colgate and marked "Return to Sender Not Deliverable as Addressed Unable to Forward". The address for Ms. Dillard used by Colgate to send her notice is an address that Ms. Dillard moved from in 2016. See Affidavit of Elizabeth Kaye Dillard (the "Dillard Affidavit"), attached as Exhibit C.

Colgate sent the Case No. 21226 notice letter to this old address even though it had an updated address for Ms. Dillard. On February 11, 2020, nearly a month before it sent out the Notice Letter, Colgate, acting through a Landman, Shaw Interests, Inc., as its agent, sent Ms. Dillard a Leasehold Purchase Proposal (attached hereto as **Exhibit B**) offering to purchase her interests in the Subject Lands; this Proposal was sent to the following address for Ms. Dillard:

Elizabeth Kaye Tullis Dillard 1307 Hodges Avenue

Ruston, LA 71270

The Proposal contained a proposed Assignment, Conveyance and Bill of Sale, which listed Ms.

Dillard as the Assignor and Colgate Production, LLC as Assignee, and included the above-

described Ruston, LA address.

Ms. Dillard received the Proposal and, had Colgate sent notice of Case No. 21226 to the

Ruston, LA address, she would have received notice of that case. See Dillard Affidavit. However,

Colgate did not send Ms. Dillard notice of Case No. 21226 to her last known address and, as a

result, did not comply with the notice requirements of the NMAC. At a minimum, even if the

Plano, TX address constituted Ms. Dillard's last known address from Colgate's perspective,

Colgate was obligated by law to conduct a good faith, diligent search for Ms. Dillard's address

upon receiving the notice letter back as "Not Deliverable as Addressed".

It is undisputed that Shaw Interests, Inc. was acting on behalf of Colgate. See, generally

Exhibit B, page 1. Under New Mexico law, the knowledge of an agent is, generally, imputed to

the principal. Morrison v. First National Bank of Taos, 28 N.M. 129, 1922-NMSC-016, ¶ 6. As a

result, knowledge of the Ruston, LA address is imputed to Colgate. If Colgate had conducted such

a search, Colgate certainly would have learned of the Ruston, LA address for Ms. Dillard. The

NMAC states that it is Colgate's burden to prove that they conducted a diligent search, in good

faith to find Ms. Dillard's correct address. NMAC 19.15.4.12(C)(2). It is Colgate's burden to prove

that a diligent search, made in good faith, would not have resulted in them finding the Ruston, LA

address for Ms. Dillard.

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II. Colgate did not provide notice by publication to Ms. Dillard.

Even if Colgate conducted a diligent search in good faith and that search did not result in

finding Ms. Dillard's address, Colgate still failed in its duty to provide her notice because it failed

to publish notice as required by the NMAC. NMAC 19.15.4.12(B) provides that if an Applicant is

unable to locate persons entitled to notice, the applicant "shall" provide notice by publication and

submit proof of publication at the hearing. Pages 78 through 80 of the Padilla Affidavit reflect an

Affidavit of Publication prepared by the Carlsbad Current Argus regarding the notice of

publication published with regards to Case No. 21226. The Affidavit of Publication lists 10

different defendants in the "TO:" section who are given notice, but does not include Ms. Dillard.

Listing the name of the defendant against whom service by publication is sought is required

by the New Mexico Rules. See NMRA 1-004(K)(2)(b). By failing to include Ms. Dillard's name

on the Notice of Publication, Colgate failed to serve her with notice of Case No. 21226 by

publication. Ms. Dillard did not receive notice of Case No. 21226. See Dillard Affidavit. Colgate

failed to give Ms. Dillard notice of Case No. 21226 and failed to satisfy statutory, constitutional,

and regulatory notice requirements. As a result, Order No. R-21354-A entered in Case No. 21226

is not binding on Ms. Dillard.

PARTIES

APPLICANT:

APPLICANT'S ATTORNEY

Elizabeth Kaye Dillard

Scott S. Morgan Brandon D. Hajny Cavin & Ingram, P.A.

P. O. Box 1216

Albuquerque, New Mexico 87103-1216

Telephone: (505) 243-5400 Facsimile: (505) 243-1700 smorgan@cilawnm.com

bhajny@cilawnm.com

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RESPONDENT

RESPONDENT'S ATTORNEY

Colgate Operating, LLC

Dana S. Hardy P.O. Box 2068 Santa Fe, NM 87504-2068 dhardy@hinklelawfirm.com

OTHER INTERESTED PARTIES

None.

APPLICANT'S PROPOSED EVIDENCE

WITNESSES ESTIMATED TIME EXHIBITS

Elizabeth Kaye Dillard 15 minutes Approx. 5-10

APPLICANT'S POSITION ON RELIEF SOUGHT

Ms. Dillard requests that the OCD reopen Case No. 21226 due to a lack of notice as allowed by NMAC 19.15.4.12(D) to give Ms. Dillard an opportunity to be heard, to challenge the well costs, administrative charges, and risk penalty approved in the case, and to elect to participate in the Dawson Wells.

RESPECTFULLY SUBMITTED,

CAVIN & INGRAM, P.A.

Scott S. Morgan Brandon D. Hajny

P. O. Box 1216

Albuquerque, NM 87103

(505) 243-5400

smorgan@cilawnm.com bhajny@cilawnm.com

Attorneys Applicant Elizabeth Kaye Dillard

I hereby certify that a true and correct copy of the foregoing was served via e-mail on May 12, 2022 to the following:

Dana S. Hardy PO Box 2068 Santa Fe, New Mexico 87504 dhardy@hinklelawfirm.com

Attorneys for Colgate Operating, LLC

CAVIN & INGRAM, P.A.

By: <u>/s/ Brandon D. Hajny</u>
Brandon D. Hajny

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

APPLICATION OF COLGATE OPERATING, LLC FOR COMPULSORY POOLING, AND NON-STANDARD SPACING AND PRORATION UNIT IN EDDY COUNTY, NEW MEXICO

CASE NO. 21226

APPLICATION OF COLGATE OPERATING, LLC FOR COMPULSORY POOLING, AND NON-STANDARD SPACING AND PRORATION UNIT IN EDDY COUNTY, NEW MEXICO

CASE NO. 21227

AFFIDAVIT

STATE OF NEW MEXICO }
s
COUNTY OF SANTA FE }

AFFIANT, ERNEST L. PADILLA, first being duly sworn on oath states:

Ernest L. Padilla, attorney for COLGATE OPERATING, LLC, the Applicant herein, states that notice of the above-referenced Application was mailed to the interested parties shown on Exhibit "A" attached hereto in accordance with Oil Conservation Division Rules, and that true and correct copies of the notice letter and proof of notice are attached hereto.

EKNEST L. PADILLA

SWORN TO AND SUBCRIBED to before me this 26^{th} day of May, 2020, by

Ernest L. Padilla.

Notary Public







EXHIBIT A

Ernest L. Padilla

Affidavit

OCD Cases 21226 and 21227
Application of Colgate Operating, LLC
for compulsory pooling, and non-standard
spacing and proration unit in
Eddy County, New Mexico

OCD CASE 21226

In the Matter of the Application of Colgate Operating, LLC for compulsory pooling, non-standard spacing and proration unit in Eddy County, New Mexico

PADILLA LAW FIRM, P.A.

TELEPHONE 505-988-7577 STREET ADDRESS
1512 S. ST. FRANCIS DRIVE
SANTA FE, NM 87505
MAILING ADDRESS
P.O. BOX 2523
SANTA FE, NEW MEXICO 87504-2523
EMAIL ADDRESS
padillalaw@qwestoffice.net

FACSIMILE 505-988-7592

March 5, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

TO: ALL INTEREST OWNERS

Re: NMOCD Case Number#21226, In the Matter of the Application of Colgate Operating, LLC, for compulsory pooling, non-standard spacing and proration unit in Eddy County, New Mexico.

Ladies and Gentlemen:

This letter will advise that Colgate Operating, LLC has filed an application with the New Mexico Oil Conservation Division seeking an order for compulsory pooling, non-standard spacing and proration unit in Eddy County, New Mexico as referenced above. Copy of the application is enclosed.

This application will be set for hearing before a Division Examiner on April 2, 2020 at 8:15 a.m. at the New Mexico Oil Conservation Division, 1220 South St. Francis Drive, Santa Fe, New Mexico. You are not required to attend these hearings, but as an owner of an interest or offset operator that may be affected, you may appear and present testimony. Failure to appear at the time and become a party of record will preclude you from challenging these applications at a later time. If you intend to attend the hearing and present testimony or evidence, you must enter your appearance and serve the Division, counsel for the Applicant, and other parties with a pre-hearing statement at least four business days before the scheduled hearing date in accordance with Division Rule 1211.

71110

ERNEST L. PADILLA

ELP:jbg

cc: Colgate Operating, LLC

WI OWNED (B. H.)
WI OWNER (Dawson wells)
Colgate Production, LLC
OXY USA WTP Limited Partnership
5 Greenway Plaza, Suite 110
Houston, Texas 77046
•
Crown Oil Partners VI, LLC
P.O. Box 50820
Midland, Texas 79710
Magnum Hunter Production, Inc.,
600 North Marienfeld, Suite 600
Midland, Texas 79701
Secretaria de la compansión de la compan
Myrlene Mannschreck Dillon, SSP
1383 County Road 141
Coleman, Texas 76834-8159
1940 0 1930 0 4930 4950 4 0 - 10 10 10 17 19 19 19 19 19 19 19 19 19 19 19 19 19
Intrepid Energy, LLC
PO Box 711
Yankton, South Dakota 57078
Crump Energy Partners VI, LLC
P.O. Box 50820
Midland, Texas 79701
,
Pamela A. Davis, Trustee Under Declaration of
Trust, dated August 28, 1992, Executed by Alice G
Davis
299 West 31st Street, Cottage 473
Sea Island, Georgia 31561
J.W. Davis, SSP (1995)
299 West 31st Street, Cottage 473
Sea Island, Georgia 31561

Paul Umbarger and wife, Zofia Umbarger 3804 Brandon Avenue, SW, Apt. No. 342 Roanoke, Virginia 24018 Timothy S. Ferguson and Patricia C. Ferguson 1710 W Parkside Drive Hoffman Estates, IL 60192-1540 Galkay, a Joint Venture P.O. Box 4109 Winston-Salem, North Carolina 27105 Patrick D. & Gail Lynn Ferguson 2021 West Dickens Ave Chicago, IL 60647 Wildcat Energy, LLC, a Texas corporation P.O. Box 13323 Odessa, Texas 79768 John G. Rocovich, Jr. P.O. Box 13606 Roanoke, Virginia 24035 J. Darlene Kline 5045 East St. Andrews Drive Tucson, Arizona 85718 Robert H. Krieble, c/o Larry A. Evans CPA Inc. 210 Park Avenue, Suite 2300 Oklahoma City, Oklahoma 73102 Olin Garrett P.O. Box 1489 Roanoke, Virginia 24007 Gerald L. Michaud

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Los	Angeles, California 90064

Sombrero Associates 1 Chase Manhattan Plaza New York, New York 10005

Nelson & Company f/b/o John D. Wile Marital Trust P.O. Box 259 Willman, Connecticut 06226

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Hodge Natural Gas Gathering, LLC 1013 Centre Road, Suite 403S Wilimington, DE 19805

> Douglas C. Cranmer 202 North Gateway Circle Wichita, KS 67230

Russell B. Cranmer 200 W. Douglas, Suite 100 Wichita, KS 67202

Douglas C. Cranmer and Russell E. Cranmer, Trustees of the Russell E. Cranmer Irrevocable Trust 200 W. Douglas, Suite 100 Wichita, KS 67202

> Robert A Weil 416 Sheridan Road Highland Park, Il 60035

Mary L. Kline 3451 Eastern NE Grand Rapids, Michigan 49505

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Tiousion, Texas 77003	
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Plano, Texas 75093	
Catherin Huffman	
P.O. Box 100429	
Fort Worth, Texas 76185	
Polt worth, Texas 70183	
HCH Investments, LLC	
P.O. Box 3097	
Albany, Texas 76430	
C5 Capital Management	
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Duer Wagner, III	
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wallace, WI 47073-7780	
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Heidi Umbarger Perez	
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Hilton Head Island, South Carolina 29928	
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Wichita, KS 67218	
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ACCESSOS CONTROL ACCESS ACCESSOS DAS	
403 New England Road Guildford, CT 06437-1876	

	Cameron Michaud-Drumright
	300 N Mead Street, Suite 200
	Wichita, KS 67202-2722
	J4C Royalties, Ltd.
	PO Box 1058
	Albany, TX 76430
	Clint R. Werts
	855 N Sagebrush Street
	Wichita, KS 67230-7057
Tim	othy S. Ferguson and Patricia C. Ferguson
	1710 W Parkside Dri
	Hoffman Estates, IL 60192-1540
	Aimee Leann Michaud
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	McPherson, KS 67460-1950
	Patrick J. Michaud
	7307 N Hamilton St
	Spokane WA 99208-5255
	Patrick D. Ferguson
	229 Bee Tree Ridge Lane
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	Gail Lynn Ferguson
	403 Pearson Dr
	Asheville, NC 28001-1021
	- U ~ -1
	Randi S. Firestone
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	Playa Vista, CA 90094
	Nancy S. Holceker
	399 Fullerton Parkway
	Chicago, IL 60614-2876

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William Ettelson	
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Austin, Texas 78734	
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210 Park Avenu, Suite 2300	
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PO Box 1287	
Artesia, NM 88211	
Shirley Anne Egbert	
PO Box 36	
Los Gatos, CA 95031	
Silverhair, LLC	
1301 Lewis Road	
Artesia, NM 88210	
Sombrero Associates	
1 Chase Manhattan Plaza	
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110W 10IK, IV I 10003	
Ted Werts	
8220 Oxford Circle	
Wichita, KS 67226	

Teryl D. Meyers, Trustee of the Teryl D. Me	yers
Separate Property Trust	
1943 Yajome Street	
Napa, CA 94559	
Thomas F. Meaders	
4417 Normandy	
Dallas, TX 75205	
Thomas A. Crow, Trustee of the Mark E. Bo	ling
Revocable Trust	J
8210 Louisiana Blvd. NE Suite B	
Albuquerque, NM 87113	
Tularosa Oil Company	
PO Box 471349	
Fort Worth, TX 76147	
Tott Worth, 171 / OT 17	
V. Burfiend, p/k/a Vernon Burfiend	
PO Box 1526	
Brenham, TX 77833	
Bielilani, 1X 77833	_
Virgina B. Dean, Et al	
4212 O'Keefe	
El Paso, TX 79902	
E11 aso, 1X 79902	
Virginia D. Kriz-Neesen	505
Lombardy	505
F-000 WWW	
El Paso, Texas 7992	
Wildcat Energy, LLC	
PO Box 13323	
Odessa, TX 79768	
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William Hilliard	
2900 Club Drive	
Los Angeles, CA 90064	
ZPZ Delaware I, LLC	

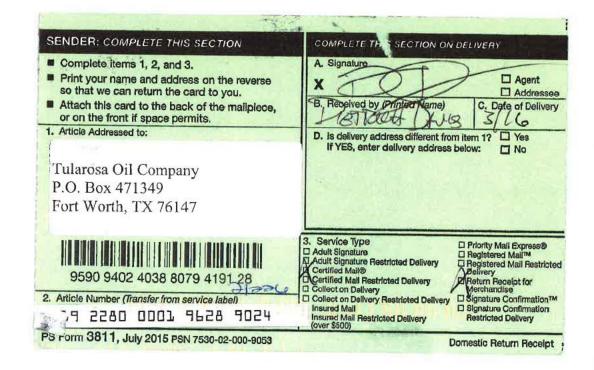
L & J Cohen, Inc. 770 Tamalpais Drive, Suite 318 Corte Madera, CA 94925

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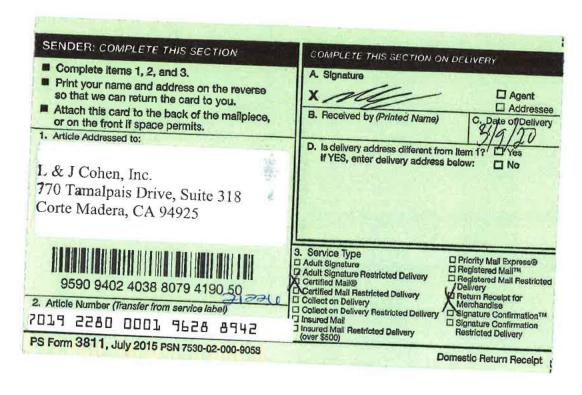
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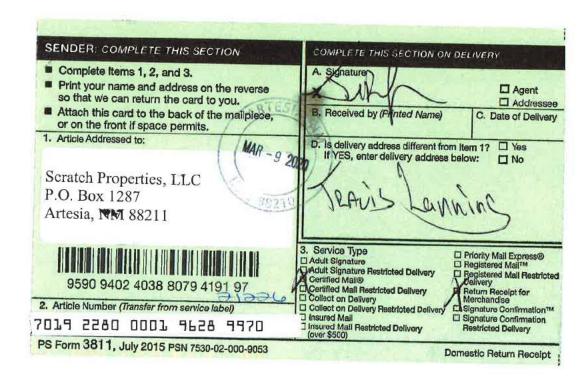




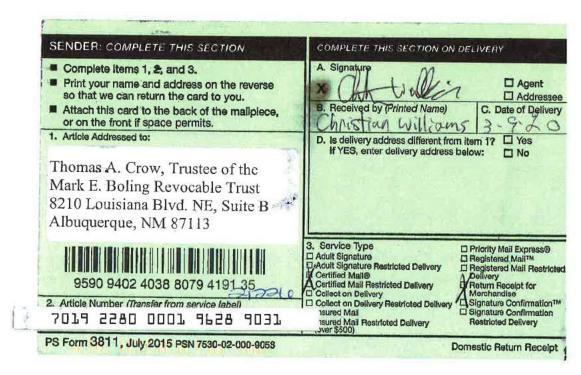
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 Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature Agent Addressee B. Received by (Printed Name) C. Date of Delivery
1. Article Addressed to:	D. Is delivery address different from Item 1? ☐ Yes If YES, enter delivery address below: ☐ No
Silverhair, LLC	
1301 Lewis Road	
Artesia, NM 88210	
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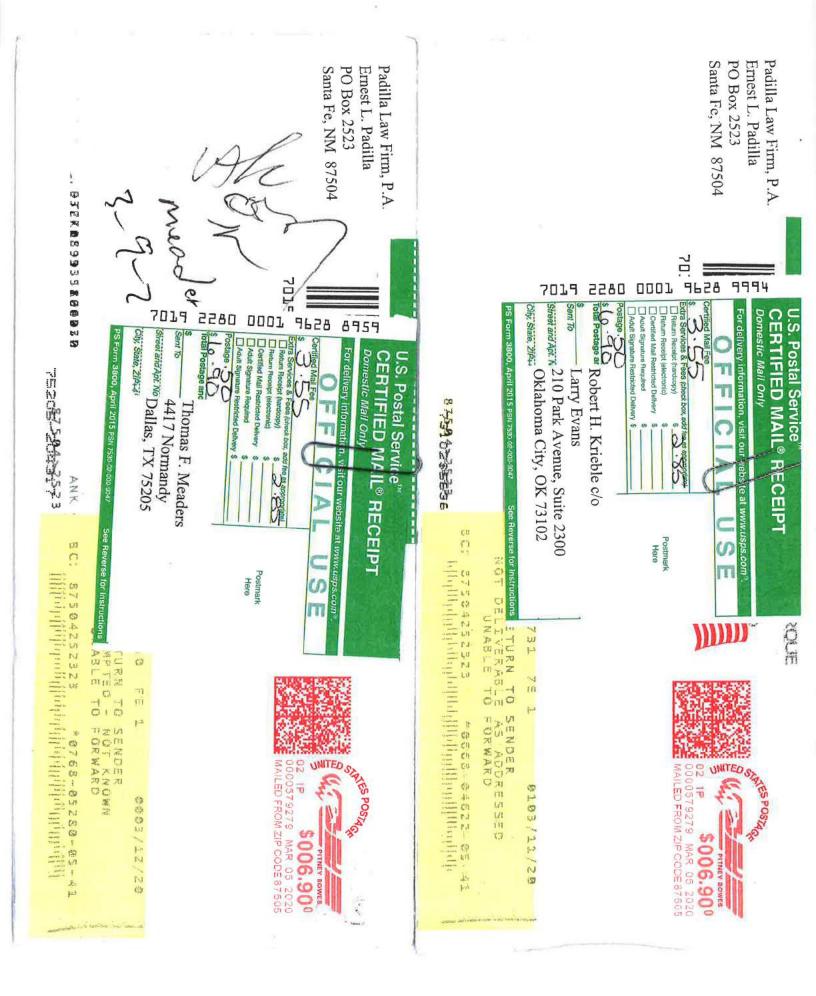
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OCD CASE 21226 & 21227

In the Matter of the Application of Colgate Operating, LLC for compulsory pooling, non-standard spacing and proration unit in Eddy County, New Mexico

PADILLA LAW FIRM, P.A.

STREET ADDRESS

TELEPHONE 505-988-7577 1512 S. ST. FRANCIS DRIVE SANTA FE, NM 87505 MAILING ADDRESS P.O. BOX 2523 SANTA FE, NEW MEXICO 87504-2523 EMAIL ADDRESS padillalaw@qwestoffice.net

FACSIMILE 505-988-7592

March 5, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

TO: ALL INTEREST OWNERS

Re: NMOCD Case Numbers#21226 and 21227, In the Matter of the Application of Colgate Operating, LLC, for compulsory pooling, non-standard spacing and proration unit in Eddy County, New Mexico.

Ladies and Gentlemen:

This letter will advise that Colgate Operating, LLC has filed an application with the New Mexico Oil Conservation Division seeking an order for compulsory pooling, non-standard spacing and proration unit in Eddy County, New Mexico as referenced above. Copy of the application is enclosed.

This application will be set for hearing before a Division Examiner on April 2, 2020 at 8:15 a.m. at the New Mexico Oil Conservation Division, 1220 South St. Francis Drive, Santa Fe, New Mexico. You are not required to attend these hearings, but as an owner of an interest or offset operator that may be affected, you may appear and present testimony. Failure to appear at the time and become a party of record will preclude you from challenging these applications at a later time. If you intend to attend the hearing and present testimony or evidence, you must enter your appearance and serve the Division, counsel for the Applicant, and other parties with a pre-hearing statement at least four business days before the scheduled hearing date in accordance with Division Rule 1211.

ERNEST L. PADILLA

ELP:jbg

cc: Colgate Operating, LLC

WI OWNER (Shamrock wells)
Colgate Production, LLC
EOG Resources, Inc.
5509 Champions Dr.
Midland, Texas 79706
OXY USA WTP Limited Partnership
5 Greenway Plaza, Suite 110
Houston, Texas 77046
Crown Oil Partners VI, LLC
P.O. Box 50820
Midland, Texas 79710
Magnum Hunter Production, Inc.,
600 North Marienfeld, Suite 600
Midland, Texas 79701
Myrlene Mannschreck Dillon, SSP
1383 County Road 141
Coleman, Texas 76834-8159
Intrepid Energy, LLC
PO Box 711
Yankton, South Dakota 57078
Crump Energy Partners VI, LLC
P.O. Box 50820
Midland, Texas 79701
Pamela A. Davis, Trustee Under Declaration of
Trust, dated August 28, 1992, Executed by Alice G.
Davis
299 West 31st Street, Cottage 473
Sea Island, Georgia 31561

J.W. Davis, SSP (1995) 299 West 31st Street, Cottage 473 Sea Island, Georgia 31561

Paul Umbarger and wife, Zofia Umbarger 3804 Brandon Avenue, SW, Apt. No. 342 Roanoke, Virginia 24018

Timothy S. Ferguson and Patricia C. Ferguson 1710 W Parkside Drive Hoffman Estates, IL 60192-1540

Galkay, a Joint Venture
P.O. Box 4109
Winston-Salem, North Carolina 27105

Patrick D. & Gail Lynn Ferguson 2021 West Dickens Ave Chicago, IL 60647

Wildcat Energy, LLC, a Texas corporation P.O. Box 13323 Odessa, Texas 79768

> John G. Rocovich, Jr. P.O. Box 13606 Roanoke, Virginia 24035

J. Darlene Kline 5045 East St. Andrews Drive Tucson, Arizona 85718

Robert H. Krieble, c/o Larry A. Evans CPA Inc. 210 Park Avenue, Suite 2300 Oklahoma City, Oklahoma 73102

> Olin Garrett P.O. Box 1489 Roanoke, Virginia 24007

Gerald L. Michaud
11015 East 63rd Street South
Derby, Kansas 67037
2 4103, 1241040 0 1021
William L. Hilliard
2900 Club Drive
Los Angeles, California 90064
Dos i ingoles, Camorna 7000 i
Sombrero Associates
1 Chase Manhattan Plaza
New York, New York 10005
new folk, new folk 10003
Nelson & Company f/b/o John D. Wile Marital Trust
P.O. Box 259
Willman, Connecticut 06226
Ted J. Werts
8220 Oxford Cir
Wichita, Kansas 67226
W. I. W I.G. G. I I.I.G.
Hodge Natural Gas Gathering, LLC
1013 Centre Road, Suite 403S
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Davida C. Common
Douglas C. Cranmer
202 North Gateway Circle
Wichita, KS 67230
n un c
Russell B. Cranmer
200 W. Douglas, Suite 100
Wichita, KS 67202
Douglas C. Cranmer and Russell E. Cranmer,
Trustees of the Russell E. Cranmer Irrevocable Trust
Trustees of the Russell E. Craimer interocable frust

200 W. Douglas, Suite 100 Wichita, KS 67202

Robert A Weil	
416 Sheridan Road	
Highland Park, Il 60035	
Mary L. Kline	
3451 Eastern NE	
Grand Rapids, Michigan 4950)5
Geoffrey Lanceley, MSU	
4226 Oberlin Street	
Houston, Texas 77005	
Elizabeth Kaye Tullis Dillard, S	SSP
3208 Wellshire Court	
Plano, Texas 75093	
Catherin Huffman	
P.O. Box 100429	
Fort Worth, Texas 76185	
HCH Investments, LLC	
P.O. Box 3097	
Albany, Texas 76430	
C5 Capital Management	
P.O. Box 2218	
Albany, Texas 76430	
Duer Wagner, III	
PO Box 101265	
Fort Worth, Texas 76185	
Kenneth Walter Kline	
N4158 US Highway 41	
Wallace, MI 49893-9780	
Amy Umbarger	
322 Eagle Drive	
Jupiter, Florida 33477-4066	

Heidi Umbarger Perez	
10 Woodstock Court	
Hilton Head Island, South Carol	ina 29928
Cheryl D Cordry	
115 S Rutan Avenue	
Wichita, KS 67218	
John W Burress III	
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Cameron Michaud-Drumr	ight
300 N Mead Street, Suite	
Wichita, KS 67202-272	
J4C Royalties, Ltd.	
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Albany, TX 76430	
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Wichita, KS 67230-705	/
Timothy S. Ferguson and Patricia	C. Ferguson
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555 E. Northview Ave, A	ot 4
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Patrick D. Ferguson	
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229 Bee Tree Ridge Lan	

Gail Lynn Ferguson 403 Pearson Dr Asheville, NC 28001-1021

Randi S. Firestone 12760 Millennium, Apt. 403 Playa Vista, CA 90094

Nancy S. Holceker 399 Fullerton Parkway Chicago, IL 60614-2876

John Ettelson 2350 N Lincoln Ave., Apt. 3N Chicago, IL 60614-3442

William Ettelson 589 Sheridan Road Glencoe, IL 60022-1764

ORRI OWNER (Shamrock wells)
Colgate Production, LLC
Charles F. Keller by AIF, Carol Sue Mhoon
85 Lonesome Pine Drive
Antonito, Colorado 81120
Doris Jean Barnes Turner by AIF, Roger Emerson
Barnes
1308 Godfrey Street
Midland, Texas 79703-5036
Sharon Ross Jackson and Noell Ross Jackson, Co-
Trustees of the Ross Family Trust
PO Box 86
Midland, Texas 79702
D. Havd Handaman and wife Jam E. Handaman
D. Lloyd Henderson and wife, Jean E. Henderson 332 San Saba Street
Meadowlakes, Texas 78654-7009
Marathon Oil Permian, LLC
5555 San Felipe Street
Houston, Texas 77056
110 000011, 1 01000
Platform Energy III, LLC
PO Box 2078
Abilene, Texas 79604
,
Thomas A. Crow, Trustee of the Mark E. Boling
Revocable Trust
8210 Louisiana Boulevard NE
Suite B
Albuquerque, New Mexico 87113
Abuelo, LLC
21 Cook Drive
Artesia, New Mexico 88210
Ergodic Resources, LLC, a New Mexico limited
liability company
P.O. Box 2021
D 11 N 14 ' 00000

Roswell, New Mexico 88202

Silverhair, LLC	
1301 Lewis Road	
Artesia, New Mexico 88210	
Loco Hills Production Company LLC	_
P.O. Box 779	
Artesia, New Mexico 88211	
Artesia, New Mexico 88211	_
Marshall & Winston, Inc.	
PO Box 50880	
Midland, Texas 79710-0880	
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Greenville Partners	
PO Box 50612	
Midland, Texas 79710	
7 7 7	
Lawrence R. Andersen	
6337 Foote Road, Apt. A	
Ceres, California 95307-6645	
Frank Jordan Pisor III	_
6319 N 8th Street	
Fresno, California 93710	
Tiesno, Camornia 93710	_
Kevin Hammit and wife, Christine Hammit	_
PO Box 50880	
Midland, Texas 79710-0880	
James A. Lawson, MSU	
PO Box 10017	
Midland, Texas 79705	_
Barry Don Oldham	_
330 Rocky Land Drive	
Midland, Texas 79703	_
Larry C. Oldham	
908 Country Club Drive	
Midland, Texas 79701	
Cheryl Dianne Etheredge, as sole Trustee of the	;
CDE 2015 Revocable Trust	
4352 Westwood Drive	
Dallas, TX 75209	

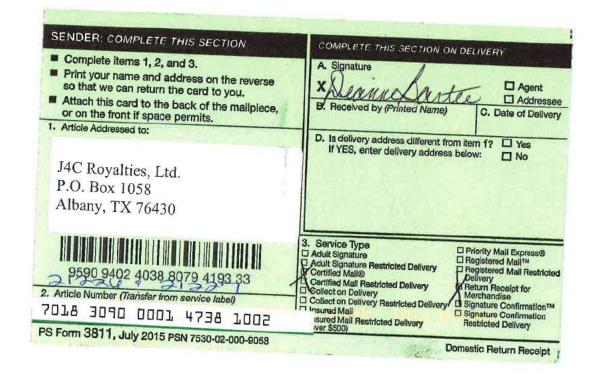
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	3rd Street, Suite 316
	, New Mexico 88202
Roswell,	, New Mexico 88202
Mark McClellar	and wife, Paula McClellan
	3rd Street, Suite 316
	New Mexico 88202



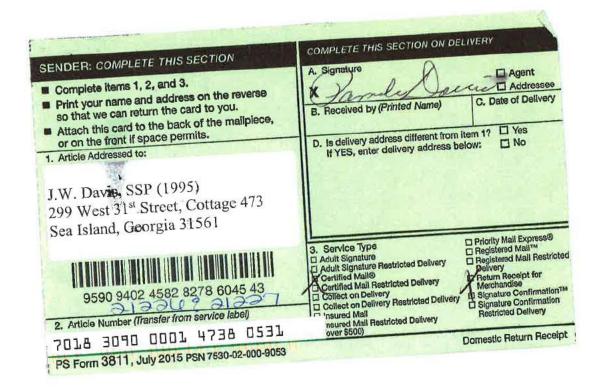




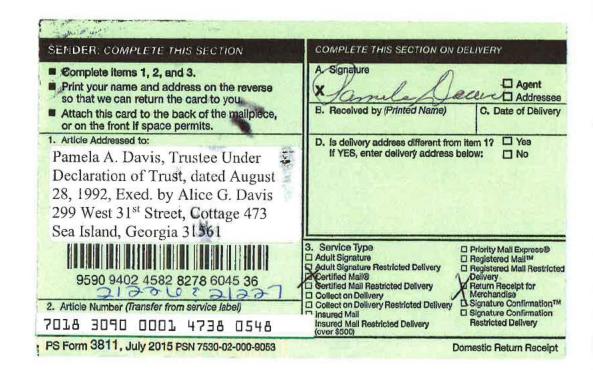
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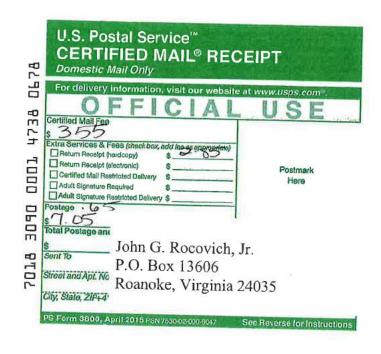


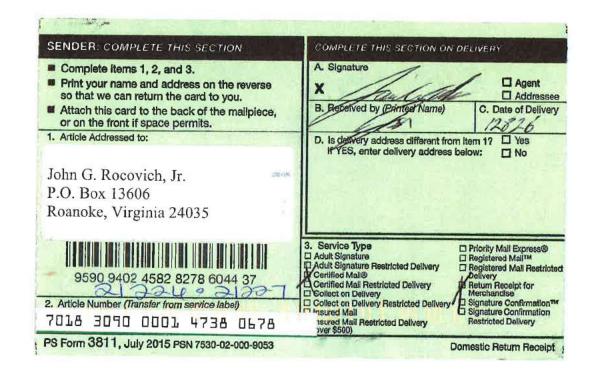




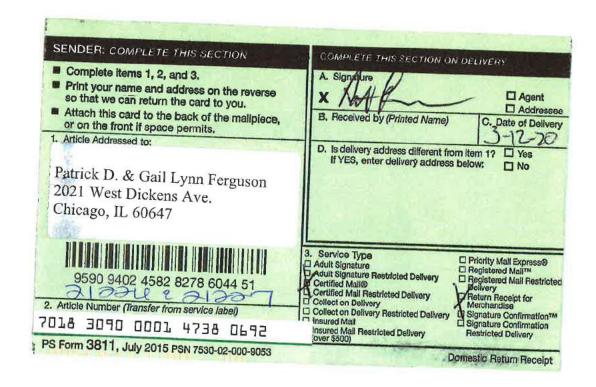
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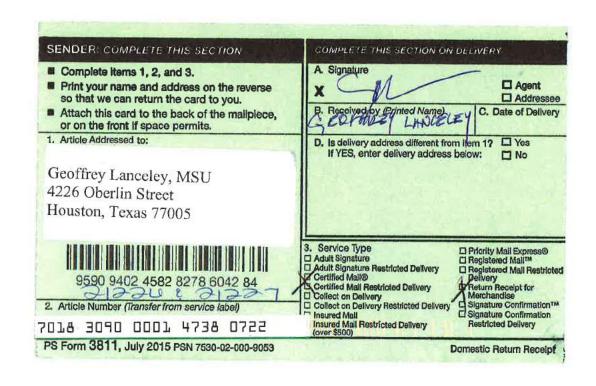




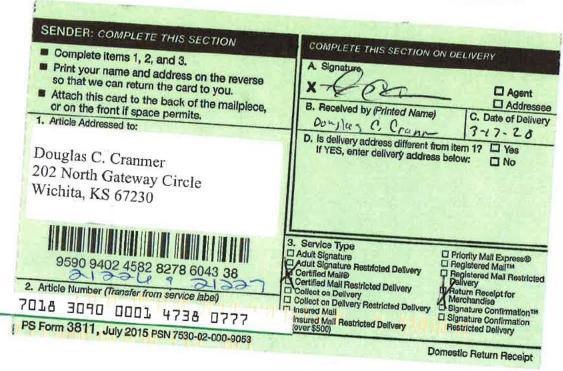
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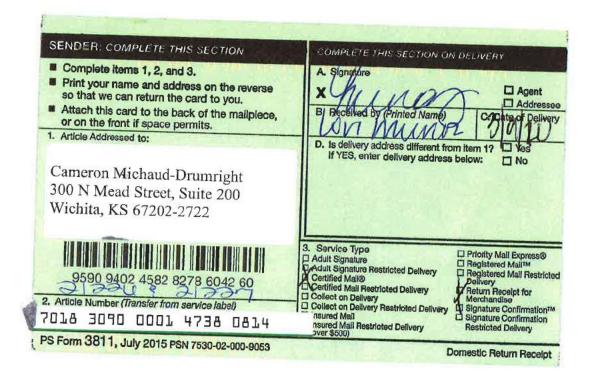
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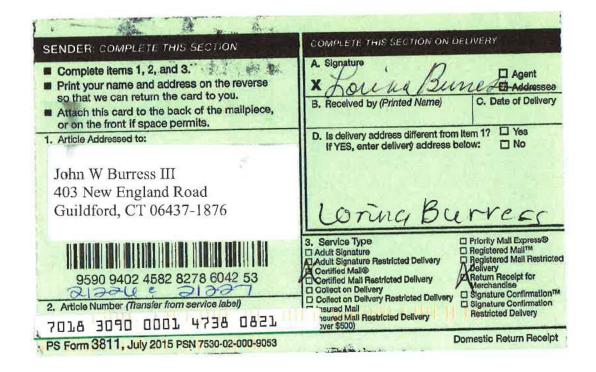
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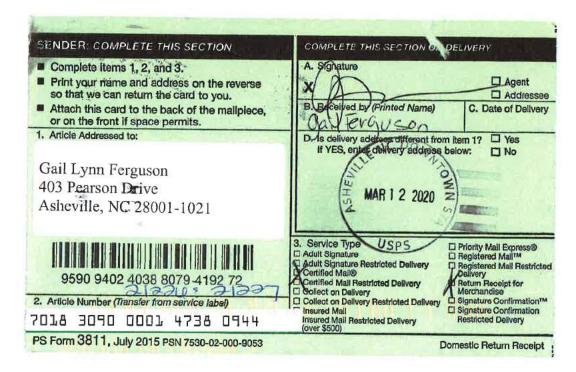
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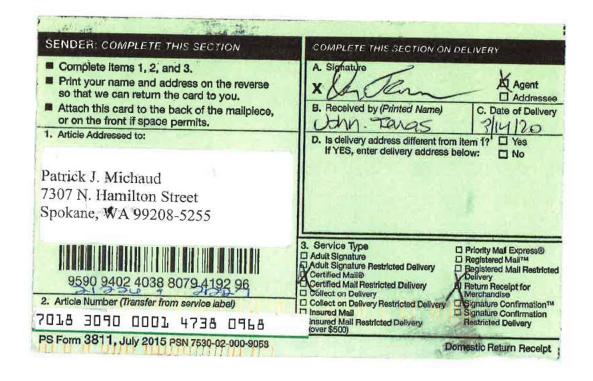
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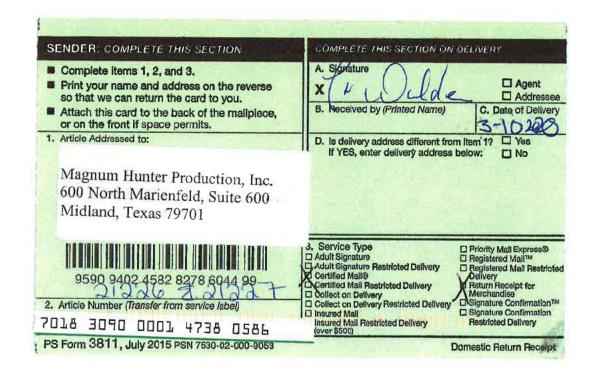
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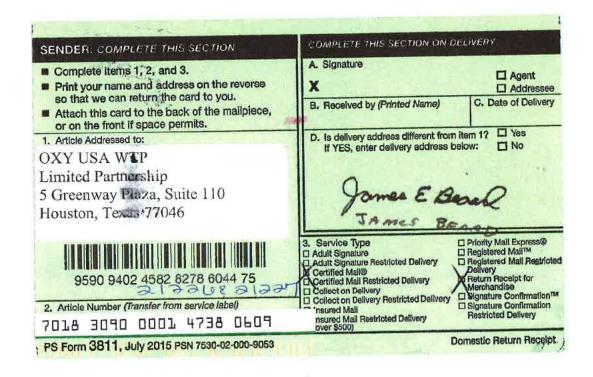
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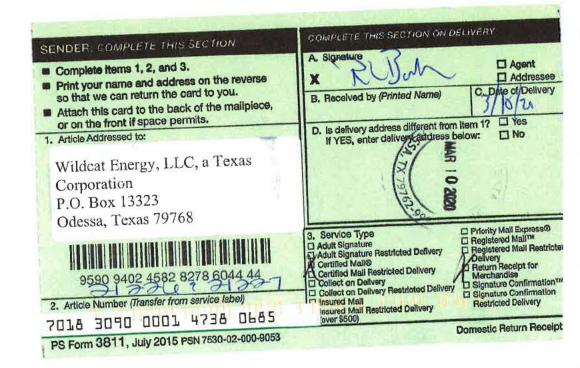




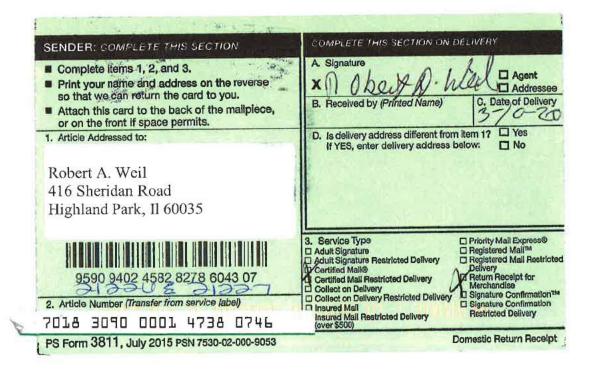
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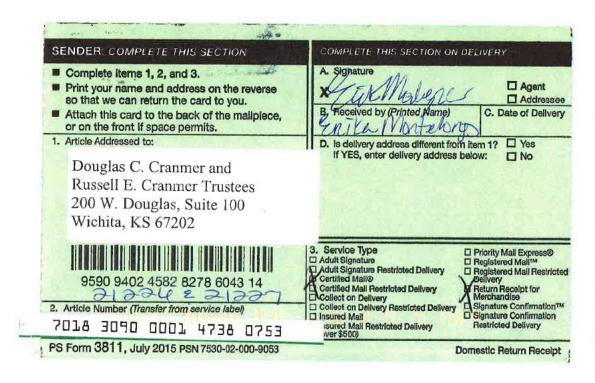
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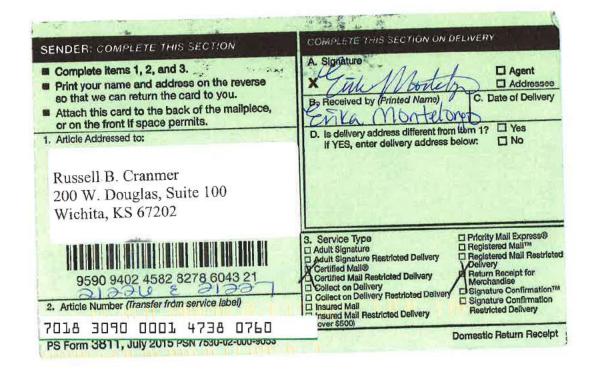
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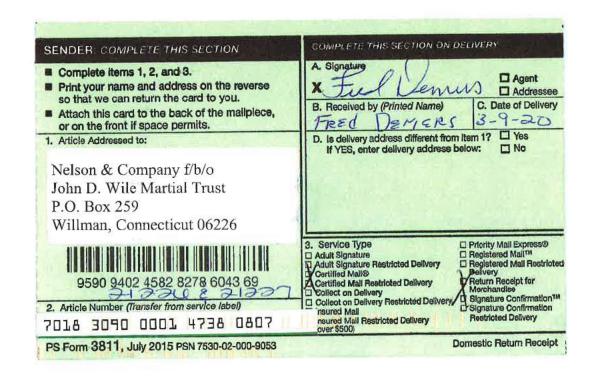
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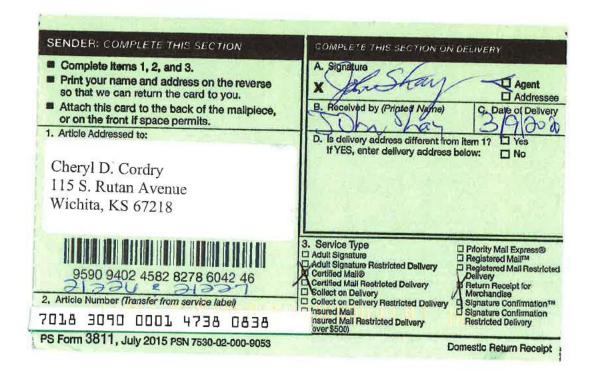
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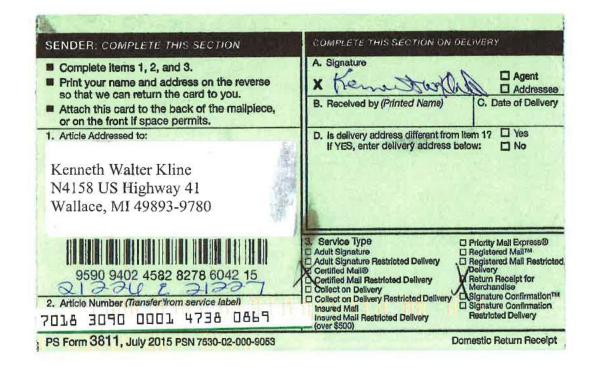
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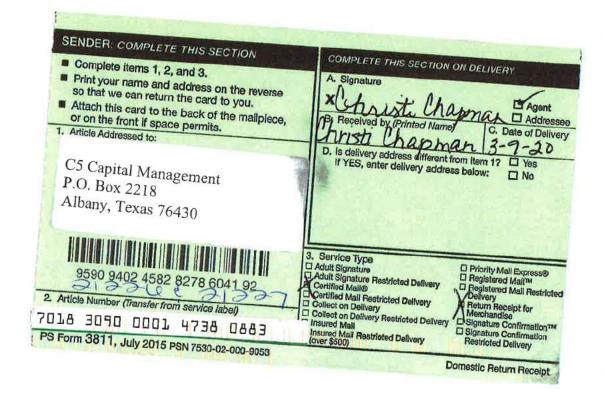




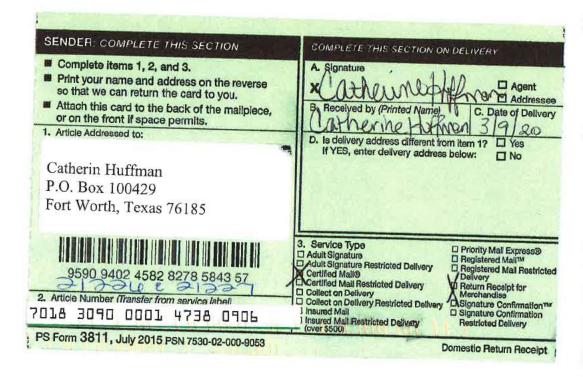




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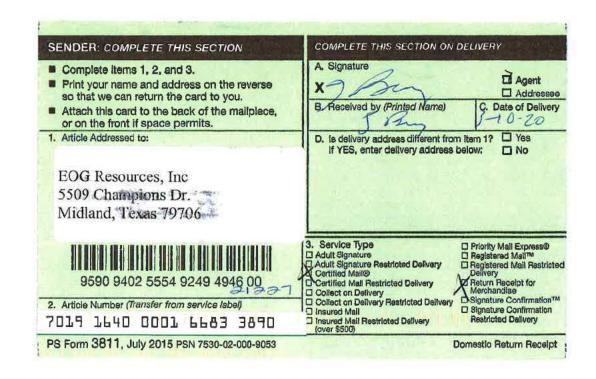




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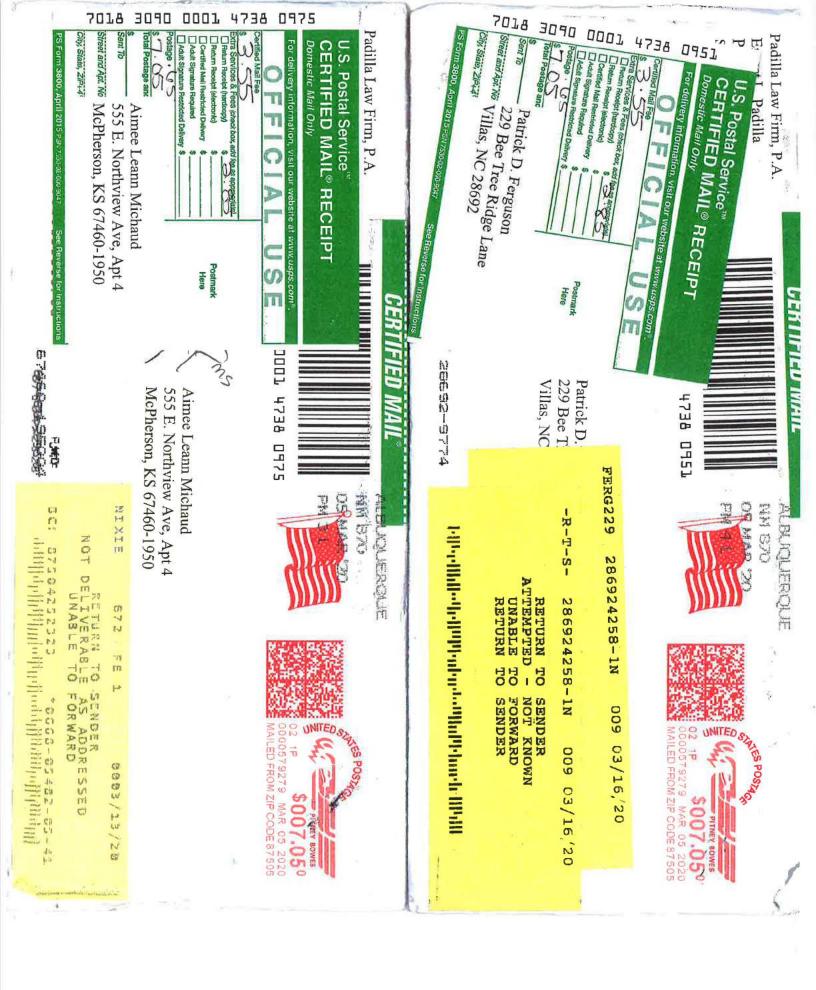






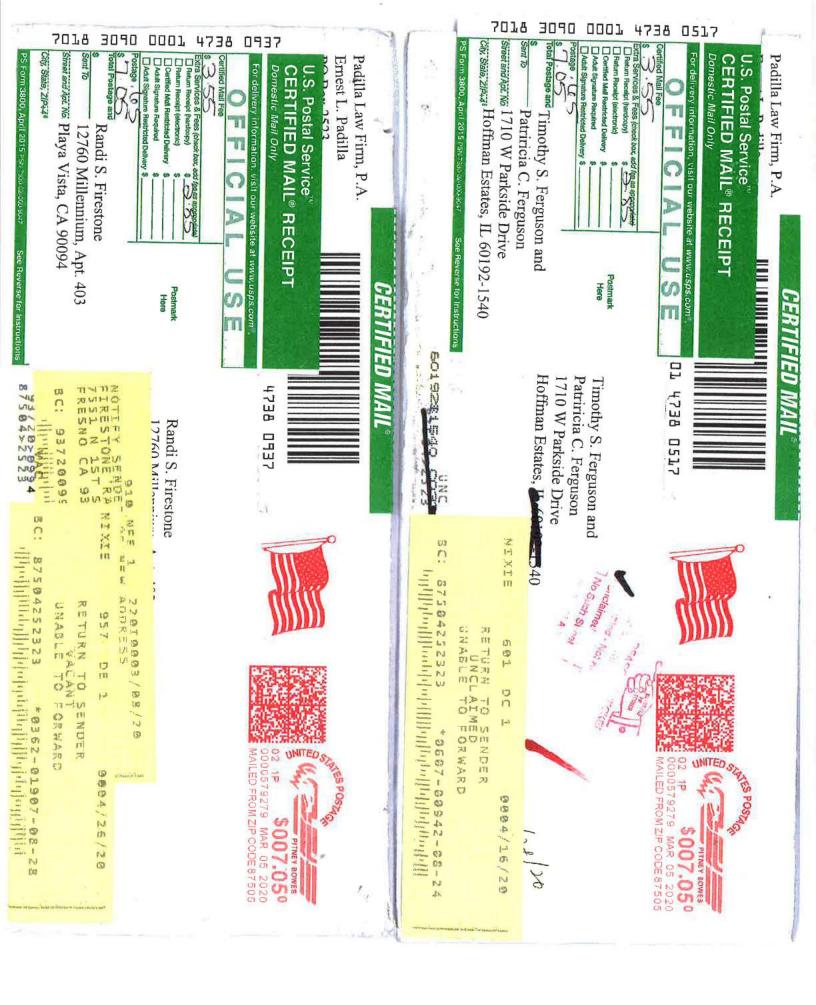












Carlsbad Current Argus.

Affidavit of Publication Ad # 0004204327 This is not an invoice

PADILLA LAW FIRM POBOX 2523

SANTA FE, NM 87504

I, a legal clerk of the Carlsbad Current Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

05/22/2020

Legal Clerk

Subscribed and sworn before me this May 26, 2020:

of WI, County of Brown

NOTARY PUBLIC

My commission expires

SHELLY HORA Notary Public State of Wisconsin

Ad # 0004204327 PO #: No. 21227 # of Affidavits: 1

This is not an invoice

STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION SANTA FE, NEW MEXICO

The State of New Mexico through its Oil Conservation Division hereby gives notice pursuant to law and the Rules and ready gives notice pursuant to law and the Rules and Regulations of the Division of the following public hearing to be held at 8:15 A.M. on May 28, 2020, in the Oil Conservation Division Hearing Room at 1220 South Saint Francis Drive, Santa Fe, New Mexico, before an examiner duly appointed for the hearing. To participate in the electronic hearing, see the instructions posted on the OCD Hearings website: http://www.emnrd.state.nm.us/OCD/announcement s.html. Nonetheless, to stay informed as to any changes for hearing procedures you should consult the OCD website for further instructions.

STATE OF NEW MEXICO:

All named parties and persons having any right, title, interest or claim in the following case and notice to the public.

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

TO: Russell Cranmer, Robert K. Hillin, Jr., MSU, Robert H. Kreible do Larry Evans, Thomas F. Meaders, William Hilliard, Virginia D. Kriz-Neesen, Virginia B. Dean, V. Burfiend, p/k/a Vernon Burfiend, Ted Werts, Shirley Anne Egbert.

Case No. 21226: Application of Colgate Operating, LLC for an order pooling all mineral interests within the Winchester Bone Spring Pool (Pool Code 65010), underlying Sections 34 and 33, Township 19 South, Range 28 East, NMPM, Eddy County, New Mexico. These wells are located approximately 12 miles NE of Carlsbad, New Mexico. Applicant seeks to dedicate the above referenced horizontal spacing unit to the following four initial wells: the following four initial wells:

A. Dawson 34 Fed State Com 123H

SHL: 1505 feet from the South line and 715 feet from the East line, (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM.

BHL: 1650 feet from the South line and 10 feet from the West line,

(Unit L) of Section 33, Township 19 South, Range 28 East, NMPM.

Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD.

Well Orientation: East to West

Completion Location: standard Spacing Unit: N/2 S/2 of Section 34 and N/2 S/2 of Section 33

B. Dawson 34 Fed State Com 133H

SHL: 1505 feet from the South line and 760 feet from the East line, (Unit I) of Section 34, Township 19 South, Range

28 East, NMPM. BHL: 1750 feet from the South line and 10 feet from the West line, (Unit L) of Section 34, Township 19 South, Range 28 East, NMPM.

Completion Target: 3rd Bone Spring Sand at approx 8600 feet TVD.

Well Orientation: East to West Completion Location: standard

Spacing Unit: N/2 S/2 of Section 34 and N/2 S/2 of Section 33

C. Dawson 34 Fed State Com 124H

SHL: 295 feet from the South line and 560 feet from the East line, (Unit P) of Section 34, Township 19 South, Range 28 East, NMPM.
BHL: 330 feet from the South line and 10 feet from the West line, (Unit M) of Section 33, Township 19 South, Range 28 East, NMPM. Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD. Well Orientation: East to West Completion Location: standard Spacing Unit: S/2 S/2 of Section 34 and S/2 S/2 of Section 33

D. Dawson 34 Fed State Com 134H

D. Dawson 34 Fed State Com 134H
SHL: 340 feet from the South line and 560 feet from the East line, (Unit P) of Section 34, Township 19 South, Range 28 East, NMPM.
BHL: 430 feet from the South line and 10 feet from the West line, (Unit M) of Section 33, Township 19 South, Range 28 East, NMPM.
Completion Target: 3rd Bone Spring Sand at approx 8600 feet TVD.
Well Orientation: East to West Completion Location: standard Spacing Unit: S/2 S/2 of Section 34 and S/2 S/2 of Section 33 #4204195, Current Argus, May 22, 2020

STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION SANTA FE, NEW MEXICO

The State of New Mexico through its Oil Conservation Division hereby gives notice pursuant to law and the Rules and Regulations of the Division of the following public hearing to be held at 8:15 A.M. on May 28, 2020, in the Oil Conservation Division Hearing Room at 1220 South Saint Francis Drive, Santa Fe, New Mexico, before an examiner duly appointed for the hearing. To participate in the electronic hearing, see the instructions posted on the OCD Hearings website: http://www.emnrd.state.nm.us/OCD/announcement s.html. Nonetheless, to stay informed as to any changes for hearing procedures you should consult the OCD website for further instructions

STATE OF NEW MEXICO:

All named parties and persons having any right, title, interest or claim in the following case and notice to the public.

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

TO: Paul Umbarger & Zofia Umbarger, Intrepid Energy, LLC, Myrlene Mannschreck Dillon, SSP, Sombrero Associates, William L. Hilliard, Gerald L. Michaud, Robert H. Krieble, c/o Larry A. Evans CPA Inc., Galkay, a Joint Venture, Elizabeth Kaye Tullis Dillard, SSP, Hodge Natural Gas Gathering, LLC, Ted J. Werts, Heidi Umbarger Perez, Amy Umbarger, John Ettelson, Patrick D. Ferguson, Aimee Leann Michaud, William Ettelson, Mary L. Kline, Timothy S. Ferguson & Patricia C. Ferguson, Randi S. Firestone,

Case No. 21227: Application of Colgate Operating, LLC for an order pooling all mineral interests within the Winchester Bone Spring Pool (Pool Code 65010), underlying Sections 34 and 33, Township 19 South, Range 28 East, NMPM, Eddy County, New Mexico. These wells are located approximately 12 miles NE of Carlsbad, New Mexico. Applicant seeks to dedicate the above referenced horizontal spacing unit to the following four initial wells:

A. Shamrock 34 Fed State Com 121H

SHL: 700 feet from the North line and 330 feet from the West line, (Unit D) of Section 35, Township 19 South, Range 28 East, NMPM.

BHL: 990 feet from the North line and 10 feet from the West line, (Unit D) of Section 33, Township 19 South, Range 28 East, NMPM.

Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD.

Well Orientation: East to West

Completion Location: standard Spacing Unit: N/2 N/2 of Section 34 and N/2 N/2 of Section 33

B. Shamrock 34 Fed State Com 131H

SHL: 655 feet from the North line and 330 feet from the West line, (Unit D) of Section 35, Township 19 South, Range 28 East, NMPM.

BHL: 890 feet from the North line and 10 feet from the West line, (Unit D) of Section 33, Township 19 South, Range 28 East, NMPM.

Completion Target: 3rd Bone Spring Sand at approx 8600 feet TVD.

Well Orientation: East to West Completion Location: standard

Spacing Unit: N/2 N/2 of Section 34 and N/2 N/2 of Section 33

C. Shamrock 34 Fed State Com 122H
SHL: 2610 feet from the South line and 295 feet from the East line, (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM.
BHL: 2310 feet from the North line and 10 feet from the West line, (Unit E) of Section 33, Township 19 South, Range 28 East, NMPM.

Completion Target: 2nd Bone Spring Sand at approx 7500 feet TVD.

Well Orientation: East to West

Completion Location: standard Spacing Unit: S/2 N/2 of Section 34 and S/2 N/2 of Section 33

D. Shamrock 34 Fed State Com 132H

SHL: 2610 feet from the South line and 340 feet from the East line, (Unit I) of Section 34, Township 19 South, Range 28 East, NMPM.

BHL: 2210 feet from the North line and 10 feet from the West line, (Unit E) of Section 33, Township 19 South, Range 28 East, NMPM.

Completion Target: 3rd Bone Spring Sand at approx 8600

Well Orientation: East to West Completion Location: standard Spacing Unit: S/2 N/2 of Section 34 and S/2 N/2 of Section 33 #4204327, Current Argus, May 22, 2020

CURRENT-ARGUS

AFFIDAVIT OF PUBLICATION

Ad No. 0004204195

PADILLA LAW FIRM PO BOX 2523 SANTA FE, NM 87504

I, a legal clerk of the Carlsbad Current-Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

05/22/2020

Legal Clerk

Subscribed and sworn before me this 26th of May 2020.

State of WI, County of Brown

NOTARY PUBLIC

1-25-23

My Commission Expires

Ad#:0004204195 PO:

of Affidavits:0.00

SHELLY HORA Notary Public State of Wisconsin

SHAW INTERESTS, INC.

OIL & GAS PROPERTIES

310 W. WALL, SUITE 305

MIDLAND, TX 79701

(432) 685-1404

February 11, 2020

Elizabeth Kaye Tullis Dillard 1307 Hodges Avenue Ruston, LA 71270

(214) 704-9248

Re:

Leasehold Purchase Proposal

Township 19 South, Range 28 East
Section 34: NE/4, E/2SE/4 and SW/4SE/4
Containing 280.00 acres, more or less
From the Surface down to 11,345'

Dear Mrs. Dillard,

According to our research, you own an undivided 17.5 net acres (6.25% Working Interest) in the above described tract of land and specified depth interval as to the leasehold operating rights. Our client, Colgate Production, LLC, ("Colgate") desires to purchase all of your leasehold operating rights in said land for the price of \$6,000.00 per net acre, subject to approval of title and Colgate management. Please find the enclosed Assignment, Conveyance, and Bill of Sale ("Assignment").

If the above terms and Assignment meet with your approval, please sign the enclosed Assignment in the presence of a Notary Public and thereafter return the Assignment along with a completed W9 form to me in Midland, TX at the above letterhead address. Upon receipt, subject to verification of title and approval of Colgate management, we will process the Assignment and forward you a check in the amount of \$105,000.00 within thirty (30) business days.

Thank you very much for your attention to this matter. Please contact me on my cell at (432) 853-1106 to discuss this proposal.

Sincerely,

SHAW INTERESTS

Brad Carter, CPL

bcarter@shawinterests.com



ASSIGNMENT, CONVEYANCE AND BILL OF SALE

STATE OF NEW MEXICO

COUNTY OF EDDY

KNOW ALL MEN BY THESE PRESENTS THAT:

THIS ASSIGNMENT, CONVEYANCE AND BILL OF SALE (this "Assignment") is made between Elizabeth Kaye Tullis Dillard, herein dealing in her sole and separate property, having an address of 1307 Hodges Avenue, Ruston, LA 71270, hereinafter called "Assignor", and Colgate Production, LLC, a Delaware limited liability company having an address of 303 West Wall Street, Suite 700, Midland, Texas 79701, hereinafter called "Assignee".

S

IN CONSIDERATION of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and the mutual promises made between Assignor and Assignee, Assigner hereby grants, sells, assigns, bargains, transfers and conveys to Assignee, Assignee's heirs, successors and assigns, subject to the terms and conditions contained herein, all of Assignor's right, title and interest in and to the following properties and interests (collectively, the "Properties"):

- (a) The oil and gas leases more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "Leases");
- (b) All oil, gas, water, disposal and injection wells located on the lands covered by the Leases or included in pooled acreage or units with which any Lease may have been pooled or unitized (the "Wells"), including the Wells listed on Exhibit "B", and all oil, gas and other hydrocarbons produced from or attributable to the Wells at and after the Effective Date; and
- (c) All other real and personal property, and any and all other property rights relating to the Leases or Wells, the leasehold estates created by the Leases, or the lands covered by the Leases or included in pooled acreage or units with which any Lease may have been pooled or unitized, including, but not limited to, all easements, rights-of-way, servitudes, contracts, contract rights, operating rights, water rights, lease, title and other files, geophysical and seismic data, well equipment, pipelines, gathering systems, processing facilities, storage facilities, drillsite pads, imbalances, liens and security interests securing payment for the sale of oil, gas or other hydrocarbons, and any overriding royalty interest, mineral interest, fee interest, net profits interest, production payments, reversionary interests and other interests in the oil and gas in place or the production thereof from the lands covered by the Leases or included in pooled acreage or units with which any Leases may have been pooled or unitized.

TO HAVE AND TO HOLD unto Assignee and its successors and assigns forever, subject to the following terms, representations, warranties, conditions, limitations and exceptions:

- ASSIGNOR WARRANTS TITLE TO THE PROPERTIES FROM AND AGAINST ALL PERSONS CLAIMING BY, THROUGH OR UNDER ASSIGNOR, BUT NOT OTHERWISE.
- This Assignment shall be effective as of February 11, 2020 at 7:00 a.m., local time where the Properties are located (the "Effective Date").
- 3. It is agreed that Assignor will be responsible for the payment of any and all production and severance taxes due or payable prior to the Effective Date. Ad valorem taxes shall be prorated between Assignor and Assignee as of the Effective Date. With respect to proceeds held in suspense for production attributable to the Properties prior to the Effective Date, Assignee shall be responsible for the payment or distribution of such amounts held in suspense only to the extent such amounts are transferred to Assignee by Assignor on or after the Effective Date.
- 4. The terms, conditions or exceptions contained herein shall constitute covenants running with the land, and shall be binding upon, and for the benefit of, the respective successors and assigns of Assignor and Assignce. This Assignment and the other documents delivered pursuant hereto shall be governed and construed in accordance with the laws of the State of New Mexico, without giving effect to principles of conflicts of laws that would result in the application of the laws of another jurisdiction.
- Assignor agrees to execute and deliver such other instruments and documents and take such other
 actions as may be reasonably necessary to evidence and effectuate the transactions contemplated

by this Assignment, including but not limited to delivering additional and/or corrective assignments to transfer properties and interest that are improperly described herein or inadvertently omitted from this Assignment (including the exhibits attached hereto). In addition to filing this Assignment of record in Eddy County, New Mexico, the parties shall execute and file with the appropriate authorities, whether state, federal or local, all forms or instruments required by applicable law or regulation to effectuate the conveyance contemplated hereby. Said instruments shall be deemed to contain all of the exceptions, reservations, rights, titles and privileges set forth herein as fully as though the same were set forth in each such instrument. The interests conveyed by such separate assignments are the same, and not in addition to, the Properties conveyed herein.

- 6. To the extent permitted by law, Assignee shall be subrogated to Assignor's rights in and to representations, warranties and covenants given with respect to the Properties. Assignor hereby grants and transfers to Assignee, its successors and assigns, to the extent so transferable and permitted by law, the benefit of and the right to enforce the covenants, representations and warranties, if any, which Assignor is entitled to enforce with respect to the Properties, but only to the extent not enforced by Assignor.
- Assignor represents and warrants to Assignee that:
- (A) Assignor is a limited partnership organized and in good standing under the laws of the state of Wisconsin and is qualified to do business in the state of New Mexico.
- (B) Assignor has full power to enter into and perform its obligations under this Assignment and has taken all proper action to authorize entering into this Assignment and performance of its obligations hereunder.
- (C) Neither the execution and delivery of this Assignment, nor the consummation of the transactions contemplated hereby, nor the compliance with the terms hereof, will result in any default under any agreement or instrument to which Assignor is a party or by which the Leases are bound, or violate any order, writ, injunction, decree, statute, rule or regulation applicable to Assignor or to the Leases.
- (D) This Assignment constitutes the legal, valid and binding obligation of Assignor, enforceable in accordance with its terms, except as limited by bankruptcy or other laws applicable generally to ereditor's rights and as limited by general equitable principles.
- (E) There are no pending suits, actions, or other proceedings in which Assignor is a party (or to Assignor's knowledge, based upon a reasonable investigation with its officers and employees, which have been threatened to be instituted) which affect the Leases (including, without limitation, any actions challenging or pertaining to Assignor's title to any of the Leases), or affect the execution and delivery of this Assignment or the consummation of the transactions contemplated hereby.
- (F) Except for approvals required to be obtained from governmental entities who are lessors under leases forming a part of the Leases (or who administer such leases on behalf of such lessors) which are customarily obtained post-closing, none of the Leases is subject to the terms of any preferential right for a third party to purchase such Property, a right of first refusal, any area of mutual interest agreement, or requires the consent of any third party to the valid assignment of such Property to Assignee.
- (G) All taxes related to taxable periods or portions thereof ending prior to or on the Effective Date have been accurately recorded and duly paid, collected or withheld and remitted to the appropriate governmental agency, except for current taxes not due and payable prior to or on the Effective Date.
- (H) There are no outstanding authorities for expenditures as of the Effective Date with respect to the Leases. There are no authorities for expenditure with respect to the Leases which Assignor has not consented to.
- Assignor is not a foreign person within the meaning of Section 1445 of the United States Internal Revenue Code of 1986, as amended.
- (J) There exist no material agreements or arrangements for the sale of production from the Properties (including calls on, or other rights to purchase, production, whether or not the same are currently

being exercised) other than production sales contracts or arrangements that are cancellable on 90 days notice or less without penalty or detriment and, other than the agreements mentioned in this subparagraph, there are no other material contracts that will be binding on Assignee or the Properties upon or after delivery of this Assignment from Assignor to Assignee.

(K)	There exist no material defaults under the Leases.
(L)	There are no bankruptcy, reorganization or arrangement proceedings pending, being contemplated by or threatened against Assignor.
indefin	regoing representations and warranties shall survive execution and delivery of this Assignment itely and Assignor agrees to indemnify Assignee for all losses suffered by and expenses incurred action with any misrepresentation or breach of warranty.
EXEC purpos	UTED AND DELIVERED this day of, 2020, but to be effective for all ses as of the Effective Date.
ASSIC	SNOR:
	lizabeth Kaye Tullis Dillard, dealing in her ole and separate property
	GNEE: nte Production, LLC
Name	e: Brandon Gaynor Senior Vice President of Land and Legal
	ACKNOWLEDGMENTS
07744940000	TE OF LOUISIANA § \$ ISH OF LINCOLN §
This Eliza	instrument was acknowledged before me on this day of, 2020, by theth Kaye Tullis Dillard.
	Notary Public, State of Louisiana
	TE OF TEXAS §
This Bran	INTY OF MIDLAND instrument was acknowledged before me on this day of, 2020, by don Gaynor, Senior Vice President of Land and Legal of Colgate Production, LLC, a Delaware ed liability company, on behalf of said company.
	Notary Public, State of Texas

Exhibit "A"

Attached to and made a part of that certain Assignment, Conveyance and Bill of Sale dated effective February 11, 2020 by and between Elizabeth Kaye Tullis Dillard, as Assigner, and Colgate Production, LLC, as Assignee.

1) Lease Serial No.:

NM-0473362

Lessor: Lessee: United States of America

Geo. A. Lauck

Date: Lands: January 1, 1964

INSOFAR AND ONLY INSOFAR AS SAID LEASE COVERS:

Township 19 South, Range 28 East, N.M.P.M. Section 34: NE/4, E/2SE/4 and SW/4SE/4

As to those depths from the Surface down to 11,345'

Eddy County, New Mexico

Exhibit "B"

Attached to and made a part of that certain Assignment, Conveyance and Bill of Sale dated effective February 11, 2020 by and between Elizabeth Kaye Tullis Dillard, as Assignor, and Colgate Production, LLC, as Assignee.

Well Name	API Number	Location
DWU Federal No. 4	30-015-23078	SW/4SE/4 of Section 34, T19S-R28E
DWU Federal No. 6	30-015-28803	NE/4SE/4 of Section 34, T19S-R28E

SHAW INTERESTS, INC. DIL & GAS PROPERTIES 310 W. WALL ST., SUITE 305 MIDLAND, TEXAS 79701



February 11, 2020

Elizabeth Kaye Tullis Dillard 1307 Hodges Avenue Ruston, LA 71270

71270\$5507 0008

հոհի-Պոկակայիցիանումի վերի*նդի հ*ղինային

AFFIDAVIT OF ELIZABETH KAYE DILLARD IN SUPPORT OF APPLICATION TO REOPEN

BEFORE ME, the undersigned authority, on this day personally appeared ELIZABETH KAYE DILLARD, who, after being sworn, deposed and stated as follows:

- 1. My name is ELIZABETH KAYE DILLARD. I presently own working interests in and to the following wells producing from the Bone Spring formation in Sections 33 and 34, Township 19 South, Range 38 East, N.M.P.M., Eddy County, New Mexico, namely: the Dawson 34 Fed State Com 123H well; the Dawson 34 Fed State Com 133H well; the Dawson 34 Fed State Com 124H well; and the Dawson 34 Fed State Com 134H well (collectively the "Dawson Wells").
- 2. I never received notice of Case No. 21226 regarding the Application of Colgate Operating, LLC ("Colgate") for Compulsory Pooling for the Dawson Wells.
 - 3. I was never given an opportunity to participate in the Dawson Wells.
- 4. I have reviewed the affidavit of Mr. Ernest L. Padilla, counsel for Colgate in Case No. 21226, dated May 26, 2020, containing a photocopy of an envelope postmarked March 5, 2020 and sent by certified mail to:

Elizabeth Kaye Tullis Dillard, SSP 3208 Wellshire Court Plano, Texas 75093

- 5. I moved from 3208 Wellshire Court in 2016. As of the date of undelivered letter sent by Colgate in Case No. 21226, I had not been at that address for approximately 4 years.
- 6. On February 11, 2020 Colgate sent me a purchase offer letter (the "Offer Letter") to the following address:

Elizabeth Kaye Tullis Dillard 1307 Hodges Avenue Ruston, LA 71270

- 7. The Offer Letter was delivered to me.
- 8. In the normal course of events, had Colgate sent notice of Case No. 21226 to 1307 Hodges Ave., I would have received said notice.

FURTHER AFFIANT SAYETH NOT.

ELIZABETH KAYE DILLARI

STATE OF TEXAS-Lauisiana) ss. Pagish county of Lincoln)

SUBSCRIBED AND SWORN before me by ELIZABETH KAYE DILLARD, on this the day of May, 2022.

EXHIBIT C

Moreil

Notary Public



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 NOS: 22323

APPLICATION OF ELIZABETH KAYE DILLARD TO REOPEN CASE NO. 21226 REGARDING THE APPLICATION OF COLGATE OPERATING FOR COMPULSORY POOLING AND NON-STANDARD SPACING AND PRORATION UNIT, EDDY COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS

EXAMINER HEARING

DECEMBER 2, 2021

SANTA FE, NEW MEXICO

This matter came on for virtual hearing before the New Mexico Oil Conservation Division, HEARING OFFICER WILLIAM BRANCARD and TECHNICAL EXAMINERS DEAN McCLURE and DYLAN ROSE-COSS on Thursday, December 2, 2021, through the Webex Platform.

Reported by:

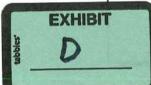
Irene Delgado, NMCCR 253

PAUL BACA PROFESSIONAL COURT REPORTERS

500 Fourth Street, NW, Suite 105

Albuquerque, NM 87102

505-843-9241



		Page 2
1	APPEARANCES	
2	For the Applicant:	:
3	SCOTT MORGAN CAVIN & INGRAM	
4	P.O. Box 1216 Albuquerque, NM 87103	
5		
6	For Colgate Operating LLC:	
7	PADILLA LAW FIRM ERNEST PADILLA	
8	1512 S. St. Francis Drive	
9	Santa Fe, NM 87505	1
10	CASE CALLED	
11	STATUS CONFERENCE	03
12	REPORTER CERTIFICATE	09
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Page 7

- 1 notice.
- Less than a month later, Colgate ultimately used
- 3 an address that didn't give her notice of the proceedings.
- 4 She has notice of the proceedings now after the fact, but
- 5 she didn't have an opportunity to participate.
- 6 HEARING EXAMINER BRANCARD: All right. So I see
- 7 us having a brief evidentiary hearing on the facts that you
- 8 have alleged, Mr. Morgan, where you can put them forward
- 9 however you would like, through affidavits, through
- 10 testimony, and Colgate can challenge or present its own
- 11 evidence about what happened with that particular hearing
- 12 and whether proper notice was given, and that would be the
- issue, did the compulsory pooling order apply to this party,
- 14 or did it not apply, essentially, because there was not
- 15 proper notice to the party.
- MR. MORGAN: I appreciate that, Mr. Examiner.
- 17 HEARING EXAMINER BRANCARD: So we just need to
- 18 come up with a date for this hearing.
- 19 MR. MORGAN: I was hoping that January 20 would
- 20 be --
- 21 HEARING EXAMINER BRANCARD: Yeah. Do you want to
- 22 try for February 3? I don't see this as being a terribly
- 23 detailed hearing. It's a pretty narrow issue.
- MR. MORGAN: Mr. Examiner, February 3 works for
- 25 my client.