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

APPLICATION OF DAVID H. ARRINGTON OIL & GAS INC. FOR COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.

**CASE NO. 14497** 

<u>AFFIDAVIT</u>
STATE OF NEW MEXICO
COUNTY OF SANTA FE )
William F. Carr, attorney in fact and authorized representative of David H.
Arrington Oil & Gas, Inc, 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.  William F. Carr
SUBCRIBED AND SWORN to before me this 1st day of September 2010 by William F. Carr.  Notary Public
My Commission Expires: 3-10-12
OFFICIAL SEAL  Olivia Ita  NOTARY PUBLIC STATE OF NEW MEXICO  My Commission Lxpires: 3-0-12

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 14497 Exhibit No. 6
Submitted by:
DAVID H. ARRINGTON OIL & GAS INC.
Hearing Date: September 2, 2010





May 25, 2010

### CERTIFIED MAIL-RETURN RECEIPT REQUESTED

### TO AFFECTED INTEREST OWNERS

Re: Application of David H. Arrington Oil & Gas, Inc. for compulsory pooling, Lea County, New Mexico.

This letter is to advise you that David H. Arrington Oil & Gas, Inc. has filed the enclosed application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests from the surface to the base of the Morrow formation in certain spacing and proration units in the S/2 of Section 26, Township 15 South, Range 34 East, N.M.P.M., Lea County, New Mexico. Said pooled unit is to be dedicated to Arrington's Green Eyed Squealy Worm Well No. 1 to be re-entered 1974 feet from the South line and 1129 feet from the East line of said Section 26.

This application has been set for hearing before a Division Examiner at 8:15 a.m. on June 24, 2010. The hearing will be held in Porter Hall in the Oil Conservation Division's Santa Fe Offices located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. 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 Pre-hearing Statement four days in advance of a scheduled hearing. This statement must be filed at the Division's Santa Fe office at the above specified address and should 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 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.

Sincerely,

Ocean Munds-Dry

ATTORNEY DAVID H. ARRINGTON

OIL & GAS, INC.

### EXHIBIT A

# APPLICATION OF DAVID H. ARRINGTON OIL & GAS, INC. FOR COMPULSORY POOLING S/2 SECTION 26, TOWNSHIP 15 SOUTH, RANGE 34 EAST, N.M.P.M. LEA COUNTY, NEW MEXICO.

Bank of America, N.A. Trustee of the Gay Crabb Karger Trust PO Box 830308 Dallas, Texas 75283

Bank of America, N.A. Trustee of the Lawrence E. Karger A Trust PO Box 830308 Dallas, Texas 75283

Bank of America, N.A. Trustee of the Billy Easley Trust PO Box 830308 Dallas, Texas 75283

H-D Mineral Properties, a Partnership PO Box 3061 Midland, Texas 79702

Don C. Dennis, Trustee of the J.M. Dennis Trust PO Box 1738 Lubbock, Texas 79408

Don C. Dennis, as his separate property PO Box 1738 Lubbock, Texas 79408

Heirs or devisees of Baron Duff Dennis (Jessie A. Dennis, sole heir) 231 Middlebury San Antonio, Texas 78127

JoAnn DeNitto, as her separate property 30 Crockett Circle Levelland, Texas 79336 Angela McAlpin, Personal Representative of the Estate of G.T. McAlpin, deceased 665 Lincoln Court Grand Junction, CO 81503

Lora McAlpin Trust c/o Robert McAlpin 1405 E. Washington Ave Navasota, Texas 77868-3240

Sandra Lee Ponder Joy, as her sole and separate property 17421 E. State Highway 22 Cranfills Gap, Texas 76637

Western Commerce Bank Trustee of the Frances J Freeman Revocable Living Trust u/t/a dated 9/1/92 PO Box 1627 Lovington, NM 88260

The Sewand Family Trust c/o Legal Awareness New Mexico 3901 George NE Suite G-1 Albuquerque, NM 87110

Winston Partners, LTD c/o Sargent Management 4800 First Bank Place Minneapolis, Minnesota 55402

Marshall & Winston, Inc. PO Box 50880 Midland, Texas 79710

PS Form 3811, February 2004

Domestic Return Receipt

PS Form 3811, February 2004

Domestic Return Receipt

Ш 무 Ф H Z Postage ם Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) 2760 1 c 5.11/1 JoAnn NeNitto, as his separate property 30 Crockett Circle Levelland, Texas 79336 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ☐ Agent Print your name and address on the reverse ☐ Addressee so that we can return the card to you. C. Date of Delivery **E379** Attach this card to the back of the mailpiece, or on the front if space permits. Postage 1. Article Addressed to: If YES, enter delivery address below 0001 Certified Fee Return Receipt Fee (Endorsement Required) Angela McAlpin, Personal Representative of the Estate of G.T. Restricted Delivery Fee (Endorsement Required) 7760 McAlpin, deceased 665 Lincoln Court Service Type Grand Junction Certified Mail ☐ Express Angela McAlpin, Perso ☐ Registered ₹ Representative of the E ☐ Insured Mail 🗖 C.O.D. McAlpin, deceased Restricted Delivery? (Extra Fee) 665 Lincoln Court ☐ Yes Complete items 1, 2, and 3. Also complete ☐ Agent item 4 if Restricted Delivery is desired. ☐ Addressee Print your name and address on the reverse Date of Delivery so that we can return the card to you. Received by (Printed Name) Attach this card to the back of the mailpiece, or on the front if space permits. 0 ☐ Yes Is delivery address different from item 1? HZ-Article Addressed to: Postage If YES, enter delivery address below: ۰ Certified Fee 0007 Return Receipt Fee (Endorsement Required) Lora McAlpin Trust c/o Robert McAlpin Restricted Delivery Fee (Endorsement Required) 1405 E. Washington Ave 2760 Navasota, Texas 77868-3240 3. Service Type Certified Mail ☐ Express Mail Return Receipt for Merchandise □ Registered ☐ Insured Mail ☐ C.O.D. Lora McAlpin Trust c/o Rober 4. Restricted Delivery? (Extra Fee) 1405 E. Washington Ave ☐ Yes Navasota, Texas 77868-3240 2. Article Number 7006 2760 0001 6379 6156 (Transfer from service label)

PS Form 3811, February 2004

PS Form Store, Lagr

Domestic Return Receipt

o August 2000 y

6379 Certified Fee 1000 Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Regulred) \$5.06 Total Postage & Fees Winston Partners, LTD c/o Sargent Management 4800 First Bank Place Minneapolis, Minnesota 55402 SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete ☐ Agent item 4 if Restricted Delivery is desired. Print your name and address on the reverse ☐ Addressee so that we can return the card to you. C. Date of Delivery Attach this card to the back of the mailpiece, or on the front if space permits. D. Is delivery address different from item 1? п. Article Addressed to: 137 If YES, enter delivery address below: Postage Certified Fee 1000 Return Receipt Fee (Endorsement Required) Marshall & Winston, Inc. PO Box 50880 Restricted Delivery Fee (Endorsement Required) 3. Service Type 2760 Middand, Texas 79710 Certified Mail ☐ Express Mail Total Postage & Fees ☐ Registered Return Receipt for Merchandise ☐ Insured Mail □ C.O.D. Marshall & Winston, In 7006 4. Restricted Delivery? (Extra Fee) ☐ Yes PO Box 50880 2. Article Number 7006 2760 0001 6379 6200 Midland, Texas 79710, (Transfer from service PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ☐ Agent Addressee Print your name and address on the reverse 3803 so that we can return the card to you. B. Received by (Printed Name) C. Date of Delivery Attach this card to the back of the mailpiece, or on the front if space permits. 6379 D. Is delivery address different from item 1? 1. Article Addressed to: If YES, enter delivery address below: Postage Certified Fee 1000 Return Receipt Fee (Endorsement Required) Heirstor devisees of Baron Duff Dennis (Jessie A. Dennis, sole heir) Restricted Delivery Fee (Endorsement Required) 231 Middlebury 3. Service Type San Antonio, Texas 78127 Certified Mail ☐ Express Mail Total Postage & Fees | \$ 5,06 □ Registered Return Receipt for Merchandise ☐ Insured Mail □ C.O.D. Heirs or devisees of Baro 7006 4. Restricted Delivery? (Extra Fee) Dennis (Jessie A. Dennis, ☐ Yes 2. Article Number 231 Middlebury 7006 2760 0001 6379 3803 (Transfer from service label) San Antonio, Texas 7812 PS Form 3811, February 2004

Domestic Return Receipt

## Affidavit of Publication

) \$5.

ATE OF NEW MEXICO

oyce Clemens being first duly sworn of out.  Says that she is Advertisting Director of THE LOVINGTON  LEADER, a daily newspaper of general paid circulation published in the English language at Lovington, Lea County, lished in the English language at Lovington, Lea County, lished in the English language at Lovington, Lea County, lished in New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in such county continuously and uninterruptedly for a period in excess of Twenty-six (26) consecutive weeks next prior to excess of Twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as here the first publication of the notice hereto attached as here inafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and that said newspaper is in all things dulinafter shown; and the said newspaper is in all things dulinafter shown; and the said newspaper is in all things dulinafter shown; and the said newspaper is in all things dulinafter shown.	ly of ew (NOT
Chapter 1997	CASE
Mexico.  That the notice which is hereto attached, entitled	Applic New M
Regal 1 occurred and entire issue of THE	describer descri
was published in a regular and entire isomewas published in a regular and entire isome in any supplement therecan supplement there supplement the supplement there supplement there supplement there supplement there supplement there supplement the supplement there supplement there supplement there supplement there supplement there supplement the supplement there supplement the supplement there supplement the supplement the supplement the supplement there supplement the supplement the supplement there supplement the supplement there supplement the supplement the supplement the su	
Que 3 2010 and enter 2010.	w A ir
of June 3, 2010.  of June 3, 2010.  And that the cost of publishing said notice is the sum has been (2007, 70).	um of (Paid) as
8 9211	
Subscribed and sworn to before me this 3 rd	dayof
De Olie Schilling	
Debbie Schilling  Notary Public, Lea County, New Mexico	· · · · · · · · · · · · · · · · · · ·

LEGAL NOTICE NOTICE OF PUBLICATION

ENERGY MINERALS AND NATURAL RESOURCES DEPARTMENT

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 pub pursuant to law and the nules and Hegulations of the Division of the following publicating to be held at 8.15 A.M. on June 24: 2010 in the Division nearing to be neighbors at 8.15 A.M. on June 24 20.10 in the Un Conservation Division Hearing Room at 1220 South St. Francis, Santa Fe, New Mexico, before an examination of the control o y appoint for the hearing. If you are an individual with a disability who is in new y appoint to the nearing in you are an individual with a disability who is in net sader, amplifier, qualified sign language interpreter, or any other form of auxilia eader, amoinier, quaimed sign language interpreter, or any other form of auxilia service to attend or participate in the hearing please contact. Florene Davidso r service to attend or participate in the hearing please contact: Florene Davidst 5-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by July 5-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by July 5-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by July 5-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by July 5-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by July 5-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by July 5-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by July 5-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by July 5-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by July 5-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by July 5-476-3458 or through the New Mexico Relay Network in the New 2010. Public documents including the agenda and minutes, can be provided to ro. Fubilic documents including the agenda and minutes, can be provided to summary or other summary or ot of accessible form is needed. STATE OF NEW MEXICO TO

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

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian

Application of David H. Arrington Oil & Gas Inc. for compulsory pooling. Lea Coun upplication of David H. Antington Office data inc. for compulsory pooling all miner view Mexico. Applicant in the above styled cause seeks an order pooling all miner New Mexico. Applicant in the above styled cause seeks an order pooling all miner interests from the surface to the base of the Morrow formation in the following control of the base of of the described spacing unit located in the S/2: of Section 26, Township 16. South Range described spacing unit located in the S/2 of Section 26, Township 15 South, Range (

East, N.M.P.M., Lea County, New Mexico, the S/2 for all formations and/or pot 

developed on 320-acre spacing within this vertical extent including the North Eider East, N.M.F.M., Lea County, New Mexico: the S/Z for all formations and/or poc developed on 320-acre spacing within this vertical extent including the North Edge Morrow Gas Pool the Understand North developed on 320 acre spacing within this vertical extent including the North Flume Morrow Gas Pool, and I Morrow Gas Pool, the Unicesignated North Hume Morrow Gas Pool, and II Unicesignated Grassland Austin Gas Pool; and the SE/A for all formations and/or pool developed on 160-acre spacing within this vertical extent. Said unit is to be dedicated to be developed on 160-acre spacing within this vertical extent. developed on Tou-acre spacing within this vertical extent. Said unit is to be desired 1974 feet from the South of the God 1100 feet from the To its Green Eyed Squeary worm welling, 1 to be re-entered 19/4 teet from the 500 line and 1129 feet from the East line of said Section 26. Also to be considered will the said the sai the cost of drilling and completing said well and the allocation of the cost thereof me cost of artilling and completing saig well and the anotation of the cost interest well as actual operating costs and charges for supervision designation of David well as actual operating costs and charges for supervision, designation of David Armgon Oil & Gas Inc. as operator of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and a 200% charge for risk involving the supervision of the well and the supervision of the well and the supervision of the sup Arringion on & Gas inc. as operator of the well and a Zuu on charge for risk involving ton, Ne in drilling said well. Said area is located approximately 3 miles west of Lovington, Ne

Given under the Seal of the State of New Mexico Oil Conservation Division at Sat Mexico. Given unuer the Sear of the Sear of May 2010.

STATE OF NEW MEXICO OIL CONSERVATION DIVISION

Published in the Lovington Leader June 3,2010.