

BEFORE THE

OIL CONSERVATION DIVISION

NEW MEXICO DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF
NEARBURG PRODUCING COMPANY FOR
COMPULSORY POOLING AND A NON-
STANDARD GAS PRORATION UNIT,
LEA COUNTY, NEW MEXICO.

CASE NO. 10093

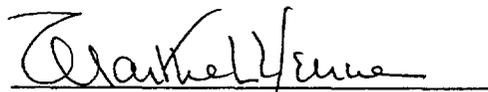
AFFIDAVIT

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

WILLIAM F. CARR, attorney in fact and authorized representative of Nearburg Producing Company, the Applicant herein, being first duly sworn, upon oath, states that the notice provisions of Rule 1207 of the New Mexico Oil Conservation Division have been complied with, that Applicant has caused to be conducted a good faith diligent effort to find the correct addresses of all interested persons entitled to receive notice as shown by Exhibit "A" attached hereto, and that pursuant to Rule 1207, notice has been given at the correct addresses provided by such rule.


WILLIAM F. CARR

SUBSCRIBED AND SWORN to before me this 18th day of September, 1990.


Notary Public

My Commission Expires:

August 19, 1991

BEFORE EXAMINER CATANACH
OIL CONSERVATION DIVISION
NEARBURG EXHIBIT NO. 3
CASE NO. 10093

EXHIBIT A

Kenneth G. Cone
Post Office Box 11310
Midland, Texas 79702

Clifford Cone
Post Office Box 6010
Lubbock, Texas 79413

Douglas L. Cone
Post Office Box 6217
Lubbock, Texas 79413

Ruth Elaine Welch, Trustee
Ruth Elaine Welch Trust
22719 Stagg Street
Canoga Park, CA 91304

CAMPBELL & BLACK, P.A.
LAWYERS

JACK M. CAMPBELL
BRUCE D. BLACK
MICHAEL B. CAMPBELL
WILLIAM F. CARR
BRADFORD C. BERGE
MARK F. SHERIDAN
WILLIAM P. SLATTERY
PATRICIA A. MATTHEWS

JEFFERSON PLACE
SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
TELECOPIER: (505) 983-6043

August 24, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kenneth G. Cone
Post Office Box 11310
Midland, Texas 79702

Re: Application of Nearburg Producing Company for Compulsory Pooling, Lea
County, New Mexico

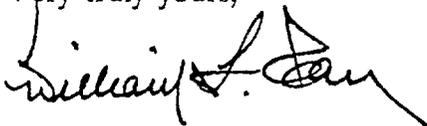
Dear Mr. Cone:

This letter is to advise you that Nearburg Producing Company has filed an application with the New Mexico Oil Conservation Division seeking an order force pooling of all mineral interests to the base of the Morrow formation for any and all formations and/or pools developed on 640-acre spacing, in and under Section 31, Township 19 South, Range 36 East, N.M.P.M., Lea County, New Mexico. Nearburg Producing Company proposes to dedicate the referenced pooled unit to a well to be located at a standard location in said Section 31.

This application has been set for hearing before a Division Examiner on September 19, 1990. You are not required to attend this hearing, but as an owner of an interest that may be subject to pooling, 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 have been requested by the Division (Memorandum 2-90) to file a Prehearing Statement substantially in the form prescribed by the Division. Prehearing statements should be filed by 4:00 o'clock p.m. on the Friday before a scheduled hearing.

Very truly yours,



WILLIAM F. CARR
ATTORNEY FOR NEARBURG PRODUCING COMPANY
WFC:mlh

P-106 679 954

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	Kenneth G. Cone
Street and No	Post Office Box 11310
P.O. State and ZIP Code	Midland, TX 79702
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	AUG 24 1990

PS Form 3800, June 1985

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional services requested.

1. Show to whom delivered, date, and address of addressee. **2.** Restricted Delivery (Extra charge)

3. Article Addressed to: Kenneth G. Cone
Post Office Box 11310
Midland, TX 79702

4. Article Number: P 106 679 954

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address: *Kenneth G. Cone*

6. Signature - Agent: *Kenneth G. Cone*

7. Date of Delivery: *FEL 24*

8. Addressee's Address (ONLY if requested and fee paid):

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

CAMPBELL & BLACK, P.A.

LAWYERS

JACK M. CAMPBELL
BRUCE D. BLACK
MICHAEL B. CAMPBELL
WILLIAM F. CARR
BRADFORD C. BERGE
MARK F. SHERIDAN
WILLIAM P. SLATTERY
PATRICIA A. MATTHEWS

JEFFERSON PLACE
SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
TELECOPIER: (505) 983-6043

August 24, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Douglas L. Cone
Post Office Box 6217
Lubbock, Texas 79413

Re: Application of Nearburg Producing Company for Compulsory Pooling, Lea County, New Mexico

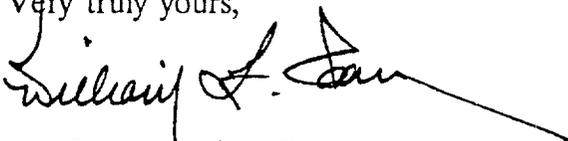
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Very truly yours,



WILLIAM F. CARR
ATTORNEY FOR NEARBURG PRODUCING COMPANY
WFC:mlh

CAMPBELL & BLACK, P.A.
 LAWYERS
 POST OFFICE BOX 2208
 SANTA FE, NEW MEXICO 87504-2208

CERTIFIED MAIL
 P-106 679 956

UNDELIVERABLE AS ADDRESSED
 FORWARDING ORDER MARKED
 Douglas L. Cone
 Post Office Box 6217
 Lubbock, TX 79413

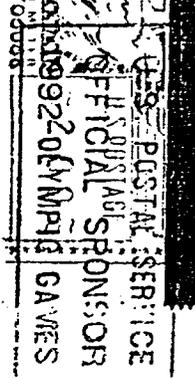
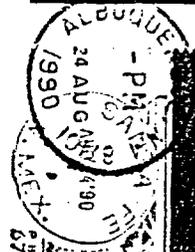
NAME DL Cone
 1st Notice 9/16/90
 2nd Notice 9/16/90
 Return 9/16/90

P-106 679 956

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to Douglas L. Cone	
Street and No. P. O. Box 6217	
P.O., State and ZIP Code Lubbock, TX 79413	
Postage	S
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	S
Postmark or Date AUG 24 1990	

PS Form 3800, June 1985



2ND NOTICE
 RETURN

CAMPBELL & BLACK, P.A.

LAWYERS

JACK M. CAMPBELL
BRUCE D. BLACK
MICHAEL B. CAMPBELL
WILLIAM F. CARR
BRADFORD C. BERGE
MARK F. SHERIDAN
WILLIAM P. SLATTERY
PATRICIA A. MATTHEWS

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SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
TELECOPIER: (505) 983-6043

August 24, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Clifford Cone
Post Office Box 6010
Lubbock, Texas 79413

Re: Application of Nearburg Producing Company for Compulsory Pooling, Lea
County, New Mexico

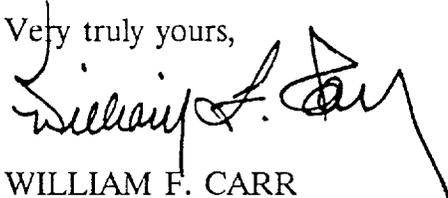
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Very truly yours,



WILLIAM F. CARR
ATTORNEY FOR NEARBURG PRODUCING COMPANY
WFC:mlh

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 1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:

Clifford Cone
 Post Office Box 6010
 Lubbock, TX 79413

4. Article Number

P 106 679 955

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

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

5. Signature of Addressee
 X *Clifford Cone*

6. Signature of Agent
 X *D. Aguirre*

7. Date of Delivery
 X *8-31-90*

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

P-106 679 955

POSTAGE AND FEES PAID
 THIS SPACE COVERED BY POSTAGE
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to Clifford Cone	
Street and No. P. O. Box 6010	
P.O., State and ZIP Code Lubbock, TX 79413	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date AUG 24 1990	

PS Form 3800, June 1985

CAMPBELL & BLACK, P.A.

LAWYERS

JACK M. CAMPBELL
BRUCE D. BLACK
MICHAEL B. CAMPBELL
WILLIAM F. CARR
BRADFORD C. BERGE
MARK F. SHERIDAN
WILLIAM P. SLATTERY
PATRICIA A. MATTHEWS

JEFFERSON PLACE
SUITE 1110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
TELECOPIER: (505) 983-6043

August 27, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ruth Elaine Welch, Trustee
Ruth Elaine Welch Trust
22719 Stagg Street
Canoga Park, CA 91304

Re: Application of Nearburg Producing Company for Compulsory Pooling, Lea
County, New Mexico

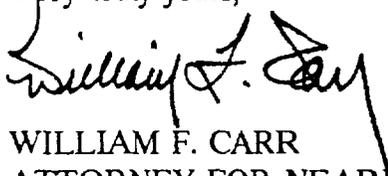
Dear Ms Welch:

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Very truly yours,



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ATTORNEY FOR NEARBURG PRODUCING COMPANY
WFC:mlh

CAMPBELL & BLACK, P.A.
 LAWYERS
 POST OFFICE BOX 2208
 SANTA FE, NEW MEXICO 87504-2208

CERTIFIED
 P-106 679 071
MAIL

ALBUQUERQUE, N.M. 87101
 P.M. 28 AUG 1990

Return *ok.* 9/18/90

RETURNED TO SENDER
 NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD

Ruth Elaine Welch Trustee
 Ruth Elaine Welch Trust
 22719 Stagg Street
 Canoga Park, CA 91304

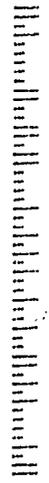
fund exp
9-5-90
 412

P-106 679 071

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to Ruth Elaine Welch Trust Ruth Elaine Welch, Trustee	
Street and No. 22719 Stagg Street	
P.O., State and ZIP Code Canoga Park, CA 91304	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date <i>August 28, 1990</i>	

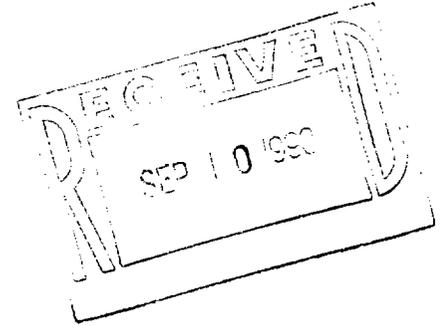
PS Form 3800, June 1985



Douglas L. Cone

P.O. Box 64244
Lubbock, Texas 79464
(806) 795-8827

September 7, 1990



Mark Nearburg
Nearburg Production
401 E. Illinois, Ste. 300
Midland, Texas 79701

Re: Morrow Test Well; 19S-36E Sec 31. LEA Co. NEW MEXICO

Dear Mark:

As per our conversation yesterday, I am choosing to go non-consent on the captioned well. Furthermore, prior to making any deals on my interest in the NW quarter, I have agreed to give you the first right of refusal. I apologize, it has been hectic, but I have enjoyed doing business with you.

Yours truly,

A handwritten signature in cursive script that reads "Doug Cone".

Douglas L. Cone

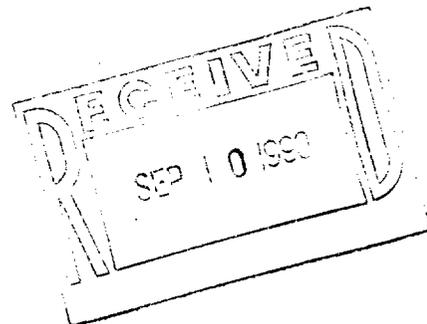
cd/DLC

BEFORE EXAMINER CATANACH	
OIL CONSERVATION DIVISION	
NEARBURG	EXHIBIT NO. <u>4</u>
CASE NO.	<u>10093</u>

Douglas L. Cone

P.O. Box 64244
Lubbock, Texas 79464
(806) 795-8827

September 7, 1990



Mark Nearburg
Nearburg Production
401 E. Illinois, Ste. 300
Midland, Texas 79701

Re: Morrow Test Well; 19S-36E Sec 31, LEA Co, NEW MEXICO

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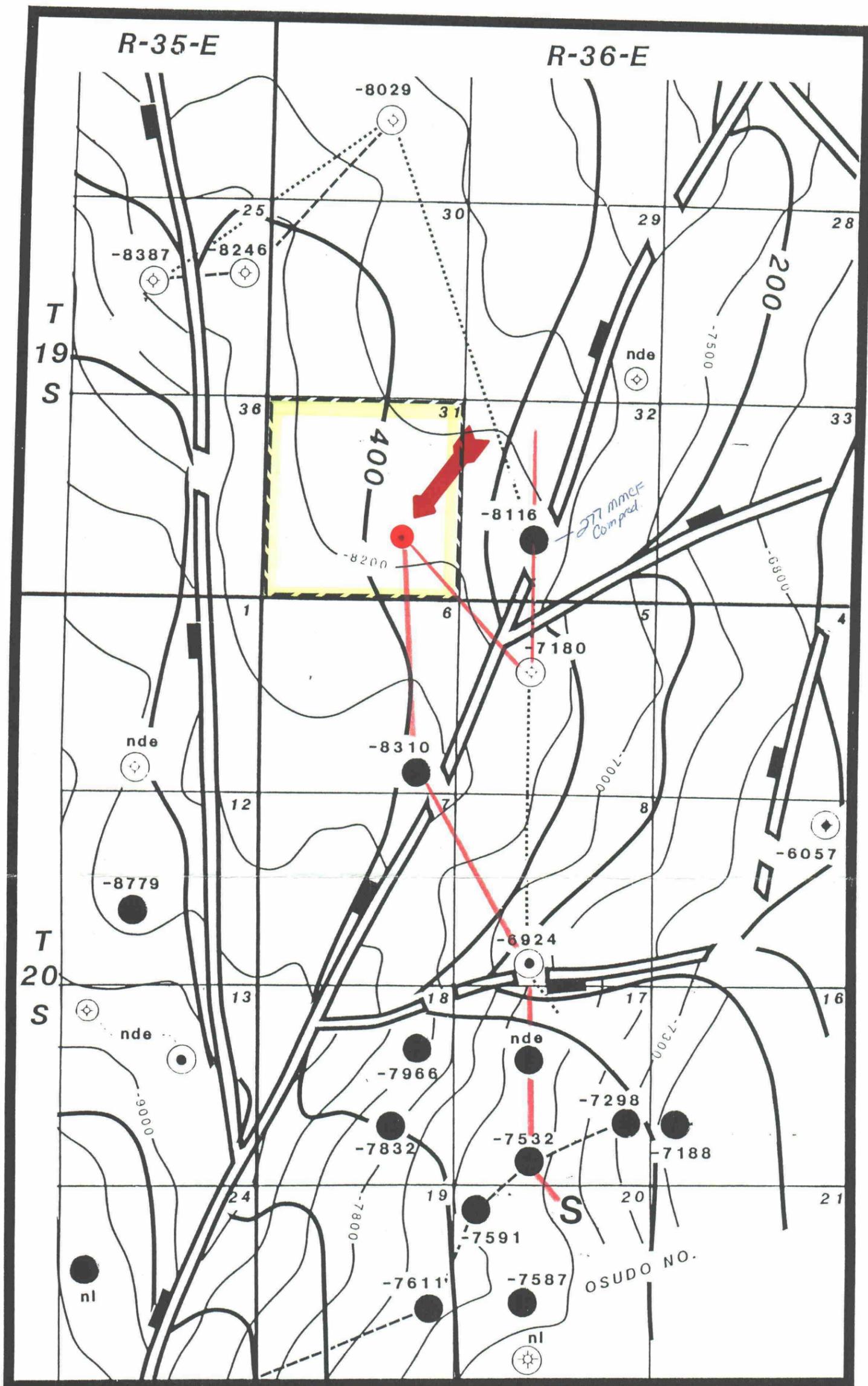
Yours truly,

A handwritten signature in cursive script that reads "Douglas L. Cone".

Douglas L. Cone

cd/DLC

BEFORE EXAMINER CATANACH	
OIL CONSERVATION DIVISION	
<u>Nearburg</u>	EXHIBIT NO. <u>4</u>
CASE NO.	<u>10093</u>



EAST PEARL PROSPECT Lea County, New Mexico

STRUCTURE, T/MIDDLE MORROW
(BOLD LINES SHOW THICKNESS OF MIDDLE AND
LOWER MORROW)

C.I.: 100 FT.

● Morrow wells

GEOLOGY BY: Louis J. Mazzullo
7/24/90

BEFORE EXAMINER CATANACH
OIL CONSERVATION DIVISION
NEARBURG EXHIBIT NO. 5
CASE NO: 10093