

**BEFORE THE OIL CONSERVATION DIVISION
EXAMINER HEARING DECEMBER 21, 2017**

CASE No. 15781

TURKEY TRACK 9-10 STATE NO. 24H WELL

EDDY COUNTY, NEW MEXICO



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

APPLICATION OF OXY USA WTP LIMITED PARTNERSHIP
TO RE-OPEN CASE NO. 15781 TO POOL THE INTERESTS OF RECORD TITLE
OWNERS UNDER THE TERMS OF COMPULSORY POOLING ORDER R-14472,
EDDY COUNTY, NEW MEXICO.

CASE NO. 15781 (re-opened)

AFFIDAVIT OF INDIA ISBELL

STATE OF TEXAS)
) ss.
COUNTY OF HARRIS)

India Isbell, being first duly sworn on oath, states as follows:

1. My name is India Isbell. I reside in Harris County, Texas. I am a Landman employed by OXY USA WTP Limited Partnership ("OXY"). I am familiar with the status of the lands in Sections 9 and 10, Township 19 South, Range 29 East, NMPM, Eddy County, New Mexico. I have previously been qualified as an expert witness in petroleum land matters in front of the Oil Conservation Division.
2. Division Order R-14472, entered on October 5, 2017, created a 320-acre non-standard spacing and proration unit consisting of the S/2 S/2 of Section 9 and the S/2 S/2 of Section 10 Township 19 South, Range 29 East, NMPM, in Eddy County, New Mexico. This order further pooled the uncommitted interests in the Bone Spring (Turkey Track; Bone Spring Pool (60660)) in this spacing and proration unit (the "Unit") and dedicated the Unit to Turkey Track 9 10 State Com Well No. 24H (API No. 30-015-44156), a horizontal well that has been drilled from a surface location 1165 feet from the South line and 220 feet from the East line (Unit P) of Section 8 to a bottom hole location 380 feet from the South line and 180 feet from the East line (Unit P) of Section 10. Attachment A to this affidavit is a copy of Order R-14472.
3. Since the entry of Order R-14472, OXY has been unable to obtain the signatures of the record title owners on the state communization agreements. The record title owners are either 1) deceased, their estates are in various stages of probate, and the interest predecessors in interest have not yet signed a communization agreement; or 2) unresponsive and has not signed a communization agreement. Attachment B lists the status of the estates of the record title owners and to whom notice has been provided.
4. OXY has undertaken good faith efforts to locate and obtain the signatures of the record title owners.

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Exhibit No. 1

Submitted by: OXY USA WTP LIMITED PARTNERSHIP LLC
Hearing Date: December 21, 2017

A. OXY sent a letter to EOG M Resources, Inc., on November 2, 2017, attempting to obtain signatures on the communitization agreement. See Attachment C. OXY has contacted EOG M Resources a numerous times, but EOG has not executed the communitization agreement.

B. R. D. Collier and Harold Kersey, the record title owner, are deceased. Kathryn Griggs Alexander, Marie Elizabeth Wade, James Ray Collier have been identified in the Eddy County records as possible heirs. Each heir was sent a letter on November 15, 2017, attempting to obtain signatures on the communitization agreement. See Attachment C. OXY has received no response from one of the possible heirs and has not received executed communitization agreements from any of the heirs.

C. OXY has conducted a diligent search of the county records of Eddy County, as well as conducting searches and computer searches of phone directories. OXY has spoken with two of the three heirs to answer questions and/or provide documentation (title opinions) evidencing ownership of the record title interest.

D. Notice of this application and hearing has been provided to the record title owners, to their estates, and to any heirs identified by OXY, in compliance with Division rules.

7. Attachment E is an affidavit and letter from my attorney at Holland & Hart providing notice of this hearing to the record title owners whom OXY seeks to pool.

8. Attachment F is an affidavit of publication in Eddy County directed to the record title owners.

9. For these reasons, OXY respectfully requests that the record title owners be pooled pursuant to the terms of Order R-14472.

FURTHER AFFIANT SAYETH NOT.

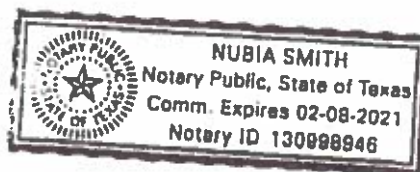

India Isbell

SUBSCRIBED AND SWORN before me on this 20th day of DECEMBER, 2017.


Notary Public

My Commission Expires:

02-08-2021



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

**IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:**

**CASE NO. 15781
ORDER NO. R-14472**

**APPLICATION OF OXY USA WTP LIMITED PARTNERSHIP FOR A NON-
STANDARD SPACING AND PRORATION UNIT AND COMPULSORY
POOLING, EDDY COUNTY, NEW MEXICO**

ORDER OF THE DIVISION

BY THE DIVISION:

This case came on for hearing at 8:15 a.m. on September 14, 2017, before Examiner Michael A. McMillan.

NOW, on this 5th day of October, 2017, the Division Director, having considered the testimony, the record and the recommendations of the Examiner,

FINDS THAT:

- (1) Due public notice has been given, and the Division has jurisdiction of this case and of the subject matter.
- (2) Cases No. 15781 and 15780 were consolidated at the hearing for the purpose of testimony; however, separate orders will be issued for each case.
- (3) In Case No. 15781, OXY USA WTP Limited Partnership ("Applicant" or "OXY"), seeks approval of a 320-acre non-standard oil spacing and proration unit and project area (the "Unit") for oil and gas production from the Bone Spring formation, Turkey Track; Bone Spring Pool (Pool code: 60660), comprising the S/2 S/2 of Section 9, and the S/2 S/2 of Section 10, all in Township 19 South, Range 29 East, NMPM, Eddy County. Applicant further seeks an order pooling all uncommitted interests in the Unit for the Bone Spring formation.
- (4) The Unit will be dedicated to the Applicant's Turkey Track 9 10 State Com Well No. 24H (the "proposed well"; API No. 30-015-44156), a horizontal well to be drilled from a surface location 1165 feet from the South line and 220 feet from the East

EXHIBIT

A

line (Unit P) of Section 8, to a terminus or bottom hole location 380 feet from the South line and 180 feet from the East line (Unit P) of Section 10, all in Township 19 South, Range 29 East. The location of the completed interval of the subject well will be orthodox within the Unit.

(5) The proposed well is within the Turkey Track; Bone Spring Pool (Pool code 60660), and is subject to Division Rule 19.15.15.9(A) NMAC, which provides for 330-foot setbacks from the unit boundaries and standard 40-acre units each comprising a governmental quarter-quarter section. The proposed Unit and project area consists of eight adjacent quarter-quarter sections oriented east to west.

(6) Applicant appeared at the hearing through counsel and presented land and geologic evidence to the effect that:

- (a) the Bone Spring formation in this area is suitable for development by horizontal drilling;
- (b) the proposed orientation of the horizontal well from East to West or West to East is appropriate for the proposed Unit;
- (c) each quarter-quarter section in the proposed unit can be expected to contribute more or less equally to production from the Bone Spring formation;
- (d) Applicant stated that Snow Oil and Gas Inc. and the Nona L. Snow Estate reached voluntary agreement prior to the hearing; therefore, these parties would not be subject to the compulsory pooling; and
- (e) notice by certified mail was provided to all uncommitted interest owners in the proposed Unit whose interests were evidenced by a conveyance instrument, either of record or known to Applicant when the Application was filed, and to heirs known to Applicant of deceased persons who appear as owners in such instruments, and whose whereabouts could be ascertained by exercise of reasonable diligence.

(7) Snow Oil and Gas Inc. and the Nona L. Snow Estate made an entry of appearance prior to the hearing; however, neither party made an appearance at the hearing. No other party appeared at the hearing, or otherwise opposed the granting of this application.

The Division concludes that:

(8) The proposed non-standard unit should be approved to enable Applicant to drill a horizontal well that will efficiently produce the reserves underlying the Unit, thereby preventing waste and protecting correlative rights.

(9) Two or more separately owned tracts are embraced within the Unit, and/or there are royalty interests and/or undivided interests in oil and gas minerals in one or more tracts included in the Unit that are separately owned.

(10) Applicant is owner of an oil and gas working interest within the Unit. Applicant has the right to drill and proposes to drill the subject well to a common source of supply within the Unit at the proposed location.

(11) There are interest owners in the Unit that have not agreed to pool their interests.

(12) To avoid the drilling of unnecessary wells, protect correlative rights, prevent waste and afford to the owner of each interest in the Unit the opportunity to recover or receive without unnecessary expense its just and fair share of hydrocarbons, this application should be approved by pooling all uncommitted interests, whatever they may be, in the oil and gas within the Unit.

(13) OXY should be designated the operator of the subject well and the Unit.

(14) Any pooled working interest owner who does not pay its share of estimated well costs should have withheld from production its share of reasonable well costs plus an additional 200% thereof as a reasonable charge for the risk involved in drilling the subject well.

(15) Reasonable charges for supervision (combined fixed rates) should be fixed at \$7,000 per month while drilling and \$700 per month while producing, provided that these rates should be adjusted annually pursuant to Section III.1.A.3. of the COPAS form titled "Accounting Procedure-Joint Operations."

IT IS THEREFORE ORDERED THAT:

(1) Pursuant to the application of OXY USA WTP Limited Partnership, a 320-acre non-standard oil spacing and proration unit and project area (the "Unit") is hereby established for oil and gas production from the Bone Spring formation, Turkey Track; Bone Spring Pool (Pool code 60660), comprising the S/2 S/2 of Section 9, and the S/2 S/2 of Section 10, all in Township 19 South, Range 29 East, NMPM, Eddy County, New Mexico.

(2) All uncommitted interests, whatever they may be, in the oil and gas in the Bone Spring formation underlying the Unit, are hereby pooled.

(3) The Unit shall be dedicated to the Applicant's Turkey Track 9 10 State Com Well No. 24H (the "proposed well"; API No. 30-015-44156), a horizontal well to be drilled from a surface location 1165 feet from the South line and 220 feet from the East line, (Unit P) of Section 8, to a terminus or bottom hole location 380 feet from the South

line and 180 feet from the East line (Unit P) of Section 10, both in Township 19 South, Range 29 East. The completed interval of the subject well within the Unit is orthodox.

(4) The operator of the Unit shall commence drilling the proposed well on or before October 31, 2018, and shall thereafter continue drilling the proposed well with due diligence to test the Bone Spring formation.

(5) In the event the operator does not commence drilling the proposed well on or before October 31, 2018, Ordering Paragraphs (1) and (2) shall be of no effect, unless the operator obtains a time extension from the Division Director for good cause demonstrated by satisfactory evidence.

(6) Should the proposed well not be drilled and completed within 120 days after commencement thereof, then Ordering Paragraphs (1) and (2) shall be of no further effect, and the Unit and project area created by this order shall terminate, unless operator appears before the Division Director and obtains an extension of the time for completion of the proposed well for good cause shown by satisfactory evidence. If the proposed well is not completed in all of the standard spacing units included in the proposed project area (or Unit) then the operator shall apply to the Division for an amendment to this Order to contract the Unit so that it includes only those standard spacing units in which the well is completed.

(7) Upon final plugging and abandonment of the proposed well and any other well drilled on that Unit pursuant to Division Rule 19.15.13.9 NMAC, the Unit created by this Order shall terminate, unless this Order has been amended to authorize further operations.

(8) OXY USA WTP Limited Partnership (OGRID 192463) is hereby designated the operator of the well and the Unit.

(9) After pooling, uncommitted working interest owners are referred to as pooled working interest owners. ("Pooled working interest owners" are owners of working interests in the Unit, including unleased mineral interests, who are not parties to an operating agreement governing the Unit.) After the effective date of this order, the operator shall furnish the Division and each known pooled working interest owner in the Unit an itemized schedule of estimated costs of drilling, completing and equipping the proposed well ("well costs").

(10) Within 30 days from the date the schedule of estimated well costs is furnished, any pooled working interest owner shall have the right to pay its share of estimated well costs to the operator in lieu of paying its share of reasonable well costs out of production as hereinafter provided, and any such owner who pays its share of estimated well costs as provided above shall remain liable for operating costs but shall not be liable for risk charges. Pooled working interest owners who elect not to pay their share of estimated well costs as provided in this paragraph shall thereafter be referred to as "non-consenting working interest owners."

(11) The operator shall furnish the Division and each known pooled working interest owner (including non-consenting working interest owners) an itemized schedule of actual well costs within 90 days following completion of the subject well. If no objection to the actual well costs is received by the Division, and the Division has not objected, within 45 days following receipt of the schedule, the actual well costs shall be deemed to be the reasonable well costs. If there is an objection to actual well costs within the 45-day period, the Division will determine reasonable well costs after public notice and hearing.

(12) Within 60 days following determination of reasonable well costs, any pooled working interest owner who has paid its share of estimated costs in advance as provided above shall pay to the operator its share of the amount that reasonable well costs exceed estimated well costs and shall receive from the operator the amount, if any, that the estimated well costs it has paid exceed its share of reasonable well costs.

(13) The operator is hereby authorized to withhold the following costs and charges from production from each well:

- (a) the proportionate share of reasonable well costs attributable to each such owner; and
- (b) as a charge for the risk involved in drilling the well, 200% of the above costs.

(14) The operator shall distribute the costs and charges withheld from production, proportionately, to the parties who advanced the well costs.

(15) Reasonable charges for supervision (combined fixed rates) for the well are hereby fixed at \$7,000 per month while drilling and \$700 per month while producing, provided that these rates may be adjusted annually pursuant to Section III.1.A.3. of the COPAS form titled "Accounting Procedure-Joint Operations." The operator is authorized to withhold from production the proportionate share of both the supervision charges and the actual expenditures required for operating the well, not in excess of what are reasonable, attributable to pooled working interest owners.

(16) Except as provided above, all proceeds from production from the proposed well that are not disbursed for any reason shall be held for the account of the person or persons entitled thereto pursuant to the Oil and Gas Proceeds Payment Act (NMSA 1978 Sections 70-10-1 through 70-10-6, as amended). If not disbursed, such proceeds shall be turned over to the appropriate authority as and when required by the Uniform Unclaimed Property Act (NMSA 1978 Sections 7-8A-1 through 7-8A-31, as amended).

(17) Any unleased mineral interests shall be considered a seven-eighths (7/8) working interest and a one-eighth (1/8) royalty interest for the purpose of allocating costs and charges under this order. Any well costs or charges that are to be paid out of

production shall be withheld only from the working interests' share of production, and no costs or charges shall be withheld from production attributable to royalty interests.

(18) Should all the parties to this compulsory pooling order reach voluntary agreement subsequent to entry of this Order, this Order shall thereafter be of no further effect.

(19) The operator of the well and Unit shall notify the Division in writing of the subsequent voluntary agreement of all parties subject to the compulsory pooling provisions of this Order.

(20) Jurisdiction of this case is retained for the entry of such further orders as the Division may deem necessary.

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.

SEAL



STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

David R. Catanach

DAVID R. CATANACH
Director

Exhibit "B"

Record Title Owner- Deceased and estate not yet probated

James Ray Collier
955 Pine Street, Apt. 35
San Francisco, CA 94108

Record Title Owner- Deceased, probated, but not yet filed paperwork with BLM

Kathryn Griggs Alexander
37 Saint Francis Dr.
N. Miramar Beach, Florida 32550

Marie Elizabeth Wade
2970 Scenic Highway 98
Destin, Florida 32541

Unresponsive and have not signed the Communitization Agreement

EOG M Resources, Inc.
5509 Champions Dr.
Midland, Texas 79706





OXY USA WTP L.P.

5 Greenway Plaza, Suite 110, Houston TX 77046
PO Box 27757, Houston TX 77227-7757

India Isbell, Land Negotiator Advisor
Office: 713.366.5161
Fax: 713.985.8895
E-mail: India_Isbell@oxy.com

November 2, 2017

EOG M Resources, Inc.
Attn: Brian Levea
5509 Champions Dr.
Midland, Texas 79706

Re: **Turkey Track Area State Communitization Agreements**
Sections 9 & 10, Township 19 South, Range 29 East,
Eddy County, New Mexico

Dear Mr. Levea,

OXY USA WTP, L.P. ("Oxy") respectfully requests EOG M Resources, Inc.'s ("EOG") execution and notarization of the enclosed State of New Mexico Communitization Agreements. EOG holds a record title interest in one of the State of New Mexico lease being communitized as referenced on Exhibit A of the Agreements. As record title owner, the State of New Mexico requires EOG's execution. Please sign, notarize and return three originals to my attention in the enclosed prepaid envelope at your earliest convenience.

If you have any questions or need additional information, please do not hesitate to call or email me at the contact information shown above. Thank you.

Best regards,
OXY USA WTP, L.P.


India Isbell
Land Negotiator Advisor

Enclosures

EXHIBIT

C



Shipment Receipt

Address Information

Ship to:
 Brian Levea
 EOG Resources
 5509 Champions Dr

Ship from:
 Ginger Garcia
 Oxy Inc
 5 Greenway Plaza Ste 110

MIDLAND, TX
 79706
 US
 4326863684

Houston, TX
 77046
 US
 7132157109

Shipment Information:

Tracking no: 770663229766

Ship date: 11/03/2017

Estimated shipping charges: 13.57 USD

Package Information

Pricing option: FedEx Standard Rate

Service type: Standard Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 0.50 LBS

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Houston Greenway-678

Your reference:

P.O. no:

Invoice no:

Department no:

Thank you for shipping online with FedEx ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misrouting, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including return value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the commercial declared value. Recovery covered is based on actual documented loss. Maximum for forms of extraordinary value is \$1000, e.g. priority, precious metals, negotiable instruments and other items listed in our Service Guide. Valued claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheet for details on how shipping charges are calculated.



OXY USA WTP L.P.

5 Greenway Plaza, Suite 110, Houston TX 77046
PO Box 27757, Houston TX 77227-7757

India Isbell, Land Negotiator Advisor
Office: 713.366.5161
Fax: 713.985.8896
E-mail: India_Isbell@oxy.com

November 15, 2017

James R. Collier
955 Pine St., Apt. 35
San Francisco, CA 94108

Re: **Turkey Track Area State Communitization Agreements**
Sections 9 & 10, Township 19 South, Range 29 East
Eddy County, New Mexico

Dear Mr. Collier,

OXY USA WTP, L.P. ("Oxy") respectfully requests your execution and notarization of the enclosed State of New Mexico Communitization Agreements. The State of New Mexico records indicate Harold Kersey and R.D. Collier own record title to State Lease B-8096-10. Harold Kersey and R. D. Collier's ownership in this lease is limited to record title only; all working interest rights in and to the lease were sold several decades ago. Oxy recently drilled two wells, the Turkey Track 9-10 State Com #23H and #24H traversing the lands referenced above. Because the well traverses State Lease B-8096-10 and other state leases, the State of New Mexico requires each record title owners' execution of Communitization Agreements. Oxy's research indicates you may be the successor to the interest of R.D. Collier.

Oxy requests you sign, notarize and return three originals to my attention in the enclosed prepaid envelope at your earliest convenience. If you have any questions or need additional information, please do not hesitate to call or email me at the contact information shown above. Thank you.

Best regards,
OXY USA WTP, L.P.

A handwritten signature in dark ink, appearing to read "India Isbell", written over a horizontal line.

India Isbell
Land Negotiator Advisor

Enclosures

SENDER, COMPLETE THIS SECTION

- 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.

James R. Collier
955 Pine St. Apt. 35
San Francisco, CA 94108

9590 9402 3347 7227 5318 26

Article Number (Transfer from service label)

7017 0660 0000 3802 0358

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

<input checked="" type="checkbox"/> Received <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
B. Received by (Printed Name) J R COLLIER	C. Date of Delivery 12/2/17
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	

3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Mail Restricted Delivery		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
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Domestic Return Receipt



OXY USA WTP L.P.

5 Greenway Plaza, Suite 110, Houston TX 77046
PO Box 27757, Houston TX 77227-7757

India Isbell, Land Negotiator Advisor
Office: 713.366.5161
Fax: 713.985.8896
E-mail: India_Isbell@oxy.com

November 15, 2017

Kathryn Griggs Alexander
37 Saint Francis Dr.
N. Miramar Beach, Florida 32550

Re: **Turkey Track Area State Communitization Agreements**
Sections 9 & 10, Township 19 South, Range 29 East
Eddy County, New Mexico

Dear Ms. Alexander,

OXY USA WTP, L.P. ("Oxy") respectfully requests your execution and notarization of the enclosed State of New Mexico Communitization Agreements. The State of New Mexico records indicate Harold Kersey and R.D. Collier own record title to State Lease B-8096-10. Harold Kersey and R. D. Collier's ownership in this lease is limited to record title only; all working interest rights in and to the lease were sold several decades ago. Oxy recently drilled two wells, the Turkey Track 9-10 State Com #23H and #24H traversing the lands referenced above. Because the well traverses State Lease B-8096-10 and other state leases, the State of New Mexico requires each record title owners' execution of Communitization Agreements. Oxy's research indicates you may be the successor to the interest of Harold Kersey.

Oxy requests you sign, notarize and return three originals to my attention in the enclosed prepaid envelope at your earliest convenience. If you have any questions or need additional information, please do not hesitate to call or email me at the contact information shown above. Thank you.

Best regards,
OXY USA WTP, L.P.

A handwritten signature in black ink, appearing to read "India Isbell", is written over the typed name.

India Isbell
Land Negotiator Advisor

Enclosures

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FAQs > (<http://faq.usps.com/?articleId=220900>)

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Tracking Number: 70170660000038020341

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For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total F	\$
Sent To	Kathryn Griggs Alexander
	37 Saint Francis Dr
Street	N. Miramar Beach, FL 32550
City, St	
PS Form 3800, April 2015 PSN 7510-02-000-1017 See Reverse for Instructions	

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OXY USA WTP L.P.

5 Greenway Plaza, Suite 110, Houston TX 77046
PO Box 27757, Houston TX 77227-7757

India Isbell, Land Negotiator Advisor
Office: 713.366.5161
Fax: 713.985.8896
E-mail: India_Isbell@oxy.com

November 15, 2017

Marie Elizabeth Wade
2970 Scenic Highway 98
Destin, Florida 32541

Re: Turkey Track Area State Communitization Agreements
Sections 9 & 10, Township 19 South, Range 29 East
Eddy County, New Mexico

Dear Ms. Wade,

OXY USA WTP, L.P. ("Oxy") respectfully requests your execution and notarization of the enclosed State of New Mexico Communitization Agreements. The State of New Mexico records indicate Harold Kersey and R.D. Collier own record title to State Lease B-8096-10. Harold Kersey and R. D. Collier's ownership in this lease is limited to record title only; all working interest rights in and to the lease were sold several decades ago. Oxy recently drilled two wells, the Turkey Track 9-10 State Com #23H and #24H traversing the lands referenced above. Because the well traverses State Lease B-8096-10 and other state leases, the State of New Mexico requires each record title owners' execution of Communitization Agreements. Oxy's research indicates you may be the successor to the interest of Harold Kersey.

Oxy requests you sign, notarize and return three originals to my attention in the enclosed prepaid envelope at your earliest convenience. If you have any questions or need additional information, please do not hesitate to call or email me at the contact information shown above. Thank you.

Best regards,
OXY USA WTP, L.P.

A handwritten signature in black ink, appearing to read "India Isbell", written over the printed name.

India Isbell
Land Negotiator Advisor

Enclosures

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Tracking Number: 70171450000228310650

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Your item was delivered at 3:45 pm on November 27, 2017 in DESTIN, FL 32541.

✓ Delivered

November 27, 2017 at 3:45 pm
DELIVERED
DESTIN, FL 32541

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\$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$

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Marie Elizabeth Wade
2970 Scenic Highway 98
Destin, FL 32541

City, State, ZIP+4

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

[See Less ^](#)

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


**APPLICATION OF OXY USA WTP LIMITED PARTNERSHIP TO
RE-OPEN CASE NO. 15781 TO POOL RECORD TITLE
OWNERS UNDER THE TERMS OF COMPULSORY POOLING
ORDER NO. 14472, EDDY COUNTY, NEW MEXICO.**

CASE NO. 15781 (re-opened)

AFFIDAVIT

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


Jordan L. Kessler, attorney in fact and authorized representative of OXY USA WTP Limited Partnership, the Applicant herein, being first duly sworn, upon oath, states that the above-referenced Application has been provided under the notice letters and proof of receipts attached hereto.



Jordan L. Kessler

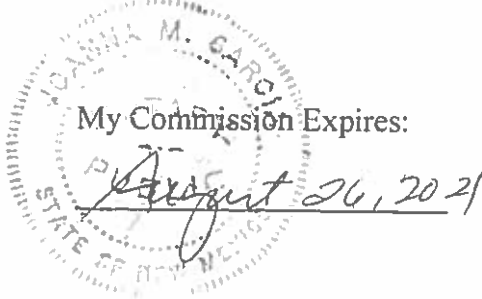
SUBSCRIBED AND SWORN to before me this 20th day of December, 2017 by Jordan L.

Kessler.



Notary Public

My Commission Expires:



EXHIBIT

D

HOLLAND & HART



Jordan L. Kessler
Associate
Phone (505) 988-4421
Fax (505) 983-6043
JLKessler@hollandhart.com

December 1, 2017

VIA CERTIFIED MAIL
CERTIFIED RECEIPT REQUESTED

TO: ALL INTEREST OWNERS SUBJECT TO POOLING PROCEEDINGS

**Re: Application of OXY USA WTP Limited Partnership to Re-Open Case No. 15781 To Pool The Interests Of Record Title Owners Under The Terms Of Compulsory Pooling Order R-14472, Eddy County, New Mexico.
Turkey Track 9 10 State Com Well No. 24H**

Ladies & Gentlemen:

This letter is to advise you that OXY USA WTP Limited Partnership has filed the enclosed application with the New Mexico Oil Conservation Division. This application will be set for hearing before a Division Examiner at 8:15 a.m. on December 21, 2017. 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 19.15.4.13.B to file a Pre-hearing Statement four business 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.

If you have any questions about this matter please contact India Isbell, at (713) 366-5161 or India_Isbell@oxy.com.

Sincerely,

Jordan L. Kessler
ATTORNEY FOR OXY USA WTP LIMITED PARTNERSHIP

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For delivery information, call 1-800-235-8747 or visit us online at usps.com

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Kathryn Griggs Alexander, aka
 Kathryn Kersey Alexander
 37 St. Francis Dr.
 N. Miramar Beach, FL 32550

PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for instructions

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Marie Elizabeth Wade, aka
 Marie Elizabeth Kersey
 2970 Scenic Highway 98
 Destin, FL 32541

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 Marie Elizabeth Kersey
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Case No. 15781 (4)

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| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

James Ray Collier
955 Pine St., Apt. 35
San Francisco, CA 94108

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Case No. 15781 (4)

OFFICIAL
Certified Mail Fee \$3.30

- Extra Services & Fees (check box, add fee as appropriate)
- | | |
|--|--------|
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| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

EOGM Resources, Inc.
Attn: Sherman Young
5509 Champions Dr.
Midland, TX 79706

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PS Form 3800, April 2015 PSN 7530-02-000-9053

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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.

James Ray Collier
955 Pine St., Apt. 35
San Francisco, CA 94108



9590 3402 2949 7094 5854 39

2. Article Number (transfer from service label)

7017 1450 0002 1697 6981

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

☐ Agent
☐ Addressee

C. Date of Delivery

B. Received by (Printed Name)

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express [®] |
| <input type="checkbox"/> Certified Mail [®] | <input type="checkbox"/> Registered Mail TM |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation TM |
| <input type="checkbox"/> Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

USPS Tracking®

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 70171450000216976974

Remove X

Your item was picked up at a postal facility at 7:34 am on December 5, 2017 in MIDLAND, TX 79702.

✓ Delivered

December 5, 2017 at 7:34 am
DELIVERED, INDIVIDUAL PICKED UP AT POSTAL FACILITY
MIDLAND, TX 79702

Get Updates ✓

Text & Email Updates	✓
Tracking History	✓
Product Information	✓

See Less ^

Can't find what you're looking for?

Go to our **FAQs** (<http://faq.usps.com/?articleId=220900>) section to find answers to your tracking questions.

Affidavit of Publication

State of New Mexico,
County of Eddy, ss.

Danny Fletcher, being first duly
sworn, on oath says:

That he is the Publisher 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:

December 5 2017

That the cost of publication is
\$130.17 and that payment thereof
has been made and will be
assessed as court costs.

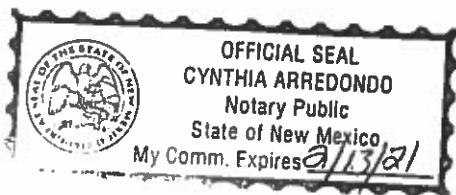
[Signature]

Subscribed and sworn to before me
this 6 day of December, 2017

Cynthia Arredondo

My commission Expires 2/13/21

Notary Public



December 5, 2017 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 December 21, 2017, in the Oil Conservation Division Hearing Room at 1220 South St. Francis, Santa Fe, New Mexico, before an examiner duly appointed for the hearing. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact: Florene Davidson at 505-476-3488 or through the New Mexico Relay

Network, 1-800-659-1779 by December 11, 2017. Public documents, including the agenda and minutes, can be provided in various accessible forms. Please contact Florene Davidson if a summary or other type 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 whether or not so stated.)

To: All offset owners and pooled parties, including: Kathryn Griggs Alexander, aka Kathryn Kersey Alexander, her heirs and devisees; Marie Elizabeth Wade, aka Marie Elizabeth Kersey, her heirs and devisees; James Ray Collier, his heirs and devisees; EOG M Resources, Inc.

Case No. 15781 (re-opened): Application of OXY USA WTP Limited Partnership to Re-Open Case No. 15781 To Pool The Interests Of Record Title Owners Under The Terms Of Compulsory Pooling Order R-14472, Eddy County, New Mexico. Appli-

cant in the above-styled cause seeks to amend Division Order R-15781 to include the pooling of record title owners in the Edge Spring formation underlying the S/2 S/2 of Section 9, and the S/2 S/2 of Section 10 Township 19N South, Range 29 East, NMPM, in Eddy County, New Mexico. Said unit is dedicated to the Turkey Track 9.10 State Com Well No. 24H and is located 25 miles north of Malaga, New Mexico.

EXHIBIT

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