

**Jones, William V**

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**From:** Thomas Kellahin [kellahin@earthlink.net]  
**Sent:** Friday, April 08, 2005 9:47 AM  
**To:** Will Jones  
**Cc:** Tommy Robbins; Anne Jones  
**Subject:** NMOCD Case 13437

Dear Mr. Jones:

I have contracted Lance concerning Mr. Robbins' statement at the hearing yesterday that he thinks that Lance failed to notice two mineral interest owners within this spacing unit.

It is Lance's belief that all unlease mineral owners were notified--As always, there is the possibility that after the well is drilled, the division order title work will identify additional parties.

In this case if the two parties referenced by Mr. Robbins were omitted, then Lance can add them along with any others after the well has been drilled by supplemented the order.

I have advised Lance to proceed with their plans to drill this well.

Regards, Tom Kellahin

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4/22/2005

**Jones, William V**

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**From:** Heather Robbins [bullitt9@earthlink.net]  
**Sent:** Friday, April 08, 2005 10:59 AM  
**To:** Thomas Kellahin; Will Jones  
**Cc:** Tommy Robbins; Anne Jones  
**Subject:** Re: NMOCD Case 13437

Mr. Jones,

My point about failing to notify at least two of the mineral interest owners was twofold:

Mr. David Brooks assured me " that company must give notice by certified mail, return receipt requested, of the date and time of the matter that will be heard before a division examiner, if they have your address. In order to obtain an order from us, they must demonstrate to the hearing examiner that they have given you that notice."

I talked to two of the owners 6Apr05 and neither knew about the hearing. One expressed an interest in attending the hearing and objecting to Lance, but couldn't attend on such short notice. I also find it a bit unusual that Lance buried these two owners mail receipt cards on the last page, without the signed return card, next to my receipt (which had a return card that for some reason, Lance choose not to use).

Obviously, the first did not happen. At least one interested party did not get to attend because of non-verified notification.

I would also like to point out that, although I disapprove of Lance's tactics, I am willing to try to negotiate with them, if they negotiate in good faith—not just the same inadequate line they've been pitching.

Tommy Robbins

-----Original Message-----

**From:** Thomas Kellahin  
**Sent:** Apr 8, 2005 9:46 AM  
**To:** Will Jones  
**Cc:** Tommy Robbins , Anne Jones  
**Subject:** NMOCD Case 13437

Dear Mr. Jones:

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In this case if the two parties referenced by

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**Jones, William V**

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**From:** Thomas Kellahin [kellahin@earthlink.net]  
**Sent:** Friday, April 08, 2005 12:10 PM  
**To:** Will Jones  
**Cc:** Tommy Robbins; Anne Jones  
**Subject:** NMOCD Case 3437

Dear Mr. Jones:

Mr. Robbins E-mail to you this morning clarifies and demonstrates that Lance have complied with Division procedures and is now entitled to a compulsory pooling order:

The two "missing" owners are in fact set forth on Lance Exhibit 5 as being Lobato and Youts.

In fact, each is not "missing. Each was send a well proposal letter dated January 10 with the AFE. In addition, each was sent the notice of hearing as shown on Lance Exhibit 20, the last page. As you know, the practice is to attached copies of the Certified Mail green cards and if a green card is not yet returned, then the white copy of proof of sending is attached. I have reviewed my file and find that Mr. and Mrs. Youts refused to accept service and the letter was returned to me marked by the post office as "refused". The notice to Mr. and Mrs. Labato was returned to me by the Post office marked as "unclaimed". In additional, Mr. Robbins told at least one of these parties about this hearing. Dispute having actual notice, that party failed to contact either me or the Division. I have done exactly what the Division requires and the fact that they either refuse or do not claim the notice is their problem. Finally all of this has nothing to do with Mr. Robbins.

Lastly, at the hearing Mr. Lerhman testified that Lance offered a lease to Mr. Robbins that was consistent with industry practice and that had been accepted by other owners in this spacing unit. It was Mr. Robbins' burden at the hearing to demonstrate that Lance's offer was unreasonable, but instead, all he did was demand to be excluded. His failed to demonstrate that his lease proposal was reasonable. See Lance Exhibit 18

I suggest that you read Lance's Exhibits 7 through 18, and judge for yourself the kind of attitude that Mr. Robbins has displayed in this matter, the manner in which Lance has dealt with Mr. Robbins and whether they have not be fair or not.

Regards, Tom Kellahin

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**Jones, William V**


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**From:** Heather Robbins [bullitt9@earthlink.net]  
**Sent:** Friday, April 08, 2005 2:41 PM  
**To:** Thomas Kellahin; Will Jones  
**Cc:** Tommy Robbins; Anne Jones  
**Subject:** Re: NMOCD Case 3437

Mr. Jones

I'm not sure how Mr.Kellahan determines that my e-mail"clarifies and demonstrates that Lance have complied with procedures".If he actually paid attention,he would see that what Mr. Brooks wrote me was "THAT COMPANY (Mr.Brooks' caps) must give notice... and must demonstrate to the hearing examiner that they have given that notice..".Clearly,Lance has not.Again,I talked to the other parties the day before the hearing.Contrary to what Mr.Kellahan now says,it does have something to do with me.In his exhibit 16,Mr.Kellahan writes"It appears that Mr. Robbins is the only interest owner that desires to appear"trying to make me sound as the only dissenting voice.That is not true if all interest owners had been notified in the manner that Mr. Brooks outlined.

As for not accepting"industry practice"lease terms,the mineral rights,after all,belong to me.Lance is actively trying to acquire them,I am not trying to sell or lease them.I am not here to see that Lance gets the best deal to lease my mineral rights,just as they are not willing to pay me what I want for my mineral rights.Lance failed to demonstrate that their offer was reasonable,even Mr.Lehrman,at the hearing said that Lance never expected anyone to accept their offer to sell mineral rights,in fact,he advised mineral rights holders to not accept that proposal from the company he works for!I would call that an unreasonable proposal, if your own employee,an expert in the field according to Mr.Kellahan and the OCD, thinks it is not acceptable.In fact,Mr.Lehrman said that some interest owners on the same section got different compensation.

At the meeting with Mr.Lehrman,noted on exhibit 7,item 12,I offered Lance my mineral rights for free,if I could have final say on well location.I think that offer was more than generous,but Lance turned it down.It seems Lance will try to push over me,thinking the OCD will award Lance my mineral rights to Lance at Lance's terms.I would urge you not to issue a compulsory pooling order until Lance has tried to negotiate, in good faith,lease terms that are more acceptable to me,who owns the mineral rights.

Thank you,  
Tommy Robbins

-----Original Message-----

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**Cc:** Tommy Robbins , Anne Jones  
**Subject:** NMOCD Case 3437

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