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

APPLICATION OF MEWBOURNE OIL COMPANY FOR COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO.

CASE NO. 14,465

AFFIDAVIT OF COREY MITCHELL

STATE OF TEXAS)	
) ss.	
COUNTY OF MIDLAND)	

- I, Corey Mitchell, being first duly sworn on oath, states as follows:
- 1. My name is Corey Mitchell. I reside in Midland, Texas. I am the Landman employed by Mewbourne Oil Company ("Mewbourne") who is familiar with the status of the lands in the NW/4 NE/4 of Section 7, Township 20 South, Range 25 East, NMPM, Eddy County, New Mexico. I am a Landman with over 2 1/2 years experience in the Permian Basin. I received my Petroleum Land Management degree from Texas Tech University in 2007.
- 2. Mewbourne seeks an order pooling all mineral interests from the surface to the base of the Yeso formation in all formations and pools in the NW/4 NE/4 of Section 7, Township 20 South, Range 25 East, NMPM, Eddy County, New Mexico.
- 3. Mewbourne owns working interest in the NW/4 NE/4 of said Section 7 and proposes to dedicate the above-referenced spacing and proration unit to its West Draw "7" B Well No. 1 to be drilled as a wildcat oil well at a standard location 330 feet from the North Line and 1650 feet from the East Line (Unit B) of said Section 7 to a depth sufficient to evaluate all formations from the surface through the Yeso formation. **Attachment A** is a plat of the subject lands showing the proposed spacing unit and the well location.
- 4. The proposed spacing unit consists of nine (9) Fee Leases. <u>Attachment B</u> lists the nature and percentage of the ownership interests in the subject spacing unit.
- 5. This application has been instituted solely to pool the interests of a working interest owner who do not oppose the application.
- 6. Mewbourne has made a good faith effort to locate and gain the voluntary participation of all working interest owners in the proposed spacing unit.
 - A. In an attempt to locate the working interest owners, Mewbourne examined the Eddy County records, telephone directories and internet directories.

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 14465 Exhibit No. 1
Submitted by:
MEWBOURNE OIL COMPANY
Hearing Date: April 29, 2010

- B. Notice of this application has been provided to all interest owners subject to pooling unless there whereabouts cannot be determined and notice in these cases has been provided by publication in accordance with Division Rules.
- C. None of these owners has voluntarily committed their interest to the proposed well.
- D. A copy of the well proposal letter and relevant correspondence is included as **Attachment C.**
- 7. Mewbourne requests that this interest owners be pooled and Mewbourne Oil Company be designated operator of the wells and the spacing unit.
- 8. Mewbourne proposes overhead charges (combined fixed rates) of \$4,000 per month while drilling and \$400 per month while producing. These rates are fair and reasonable, and are in line with rates charged by other operators in this area for wells of this depth. Applicant also requests that the order contain a provision adjusting the rates pursuant to the COPAS accounting procedure.
- 9. <u>Attachment D</u> is a copy of the authorization for the expenditure (AFE) for the well which estimates costs to easing point to be \$342,100 and a completed cost of \$752,500.
 - 10. Mewbourne plans to drill the West Draw "7" B Well No. 1 by June 1, 2010.
- 11. <u>Attachment E</u> consists of copies of the letters sent to those interest owners Mewbourne seeks to pool and an affidavit of publication given pursuant to Division rules.
- 12. Approval of this application will avoid the drilling of unnecessary wells, will prevent waste, will protect correlative rights, and allow Mewbourne and the other interest owners in the NW/4 NE/4 of Section 7 an opportunity to obtain their just and fair share of the oil and gas under the subject lands.

FURTHER AFFIANT SAYETH NOT.

Corey Mitchell

SUBSCRIBED AND SWORN before me this 26th day of April, 2010 by Corey Mitchell.

My Commission Expires:

GLENDA BARNETT
MY COMMISSION EXPIRES
January 19, 2012

Notary Public

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TRACT OWNERHSIP NW/4NE/4 Section 7, T20S, R25E Eddy County, New Mexico

NW/4NE/4:	Surface to	4500 1	feet beneath	the surface:

% Leasehold Interest

Mewbourne Oil Company 500 West Texas, Ste. 1020

Midland, Texas 79701

18.655297%

52.083334%

Kaiser-Francis Oil Company

P.O. Box 21468

Tulsa, Oklahoma 74121-1468

Attn: Mr. Wayne Fields

12.500000%

Michael T. Garrett 920 N. Main St.

Clovis, NM 88101-5931

Malcolm G. Garrett, Deceased

and his unknown heirs or devisees

P.O. Box 219

Clovis, New Mexico 88210-0219

12.500000%

Xc:

D' Aun Owen

4718 Mill Creek Road

Dallas, Texas 75244

Skip Garrett P.O. Box 781

Clovis, NM 88102

David A. Metts

2609 Hodges Street

Midland, Texas 79705

2.083333%

Langdale Corporation

P.O. Box 3189

Palos Verdes, CA 90274-3189

Attn: Ian Hunter

1.041667%

~ . .

Ruthea, Inc. 590 Cricketfield Court

Thousand Oaks, CA 91361

Attn: Gordon Anderson

1.041667%

*Phillip E. Albertson and Mona L. Albertson,

Trustees of the Albertson Living Trust dated 2/20/1998

0.047676%

P.O. Box 484

Perry, OK 73077

Tract Ownership West Draw 7 B #1 Page 2 of 2

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*The W.K. Stephan Family Trust dated 6/24/1970 2104 Bay Tree Drive Las Vegas, Nevada 89134 0.023513%

*Carl S. Werner, M.D. 112 Samoset Ave. Hull, MA 02045-2358 0.023513% 100.000000%

^{*} Total interest being pooled: 0.094702%

Summary of Communications West Draw "7" B No. 1

Phil E. Albertson and Mona L. Albertson,

Trustees of the Albertson Living Trust dated 2-20-1998

- 1) Mailed well proposal letter with AFE via certified mail dated 3-1-2010.
- 2) Received green card signed by Sarah Wilcox.
- Talked with Mona Albertson 2-25-2010. She stated she had no knowledge of the industry and was on a limited income. She said she was going to talk with her daughter and get back with me if they objected to pooling or wanted to participate. (I did not hear back from her)

W.K. Stephan Family Trust dated 6-24-1970

- 1) Mailed well proposal letter with AFE via certified mail dated 3-1-2010.
- 2) Received green card signed by W.K. Stephan.
- 3) Received phone call from Dr. W.K. Stephan 2-18-2010. He was informed of his options to participate or go non-consent by virtue of being force pooled. He stated he did not want to participate due to his interest being too small.

Carl S. Werner

- 1) Mailed well proposal letter with AFE via certified mail dated 3-1-2010.
- 2) Received green card signed by Werner.
- 3) Received phone call from Dr. Carl S. Werner 4-6-2010. He stated to me that he is in his 80s and he doesn't want anything to do with Oil and Gas operations. He said he was ok with being force pooled.

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	(いり16 SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
	 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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) ARAH WILCOX 3 9 10
	Article Addressed to:	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
	Phil E. Albertson and Mona L. Albertson	
	329 Veit Street Wapakoneta, OH 45895	3. Service Type Certified Mail
		4. Restricted Delivery? (Extra Fee) ☐ Yes
	2. Article Number (Transfer from service label)	1 2250 0000 0616 6875

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500 W. TEXAS, SUITE 1020 MIDLAND, TEXAS 79701

> (432) 682-3715 FAX (432) 685-4170

March 1, 2010

Certified Mail-Return Receipt No. 6875

Phil E. Albertson and Mona L. Albertson, Trustees of the Albertson Living Trust dated 2-20-1998 329 Veit Street Wapakoneta, OH 45895

Re:

MOC's West Draw 7 B #1 330' FNL & 1650' FEL Section 7, T20S, R25E Eddy County, New Mexico

Dear Mr. & Ms. Albertson:

Mewbourne Oil Company (Mewbourne) as Operator hereby proposes to drill the captioned well at the referenced location to a depth sufficient to adequately evaluate the Yeso formation, estimated total depth being 4,000 feet beneath the surface. The NW/4NE/4 of the captioned Section 7 will be dedicated to the well.

According to public records, you own a 0.047677% WI in the NW/4NE/4 of the captioned Section 7.

Regarding the above, enclosed for your further handling is our AFE dated February 2, 2010 for the captioned well. In the event you elect to participate in the captioned proposed well, please sign the enclosed AFE and return to me within thirty (30) days. Upon receipt of same, I'll forward you our proposed Operating Agreement for signature.

Should you have any questions regarding the above, please email me at cmitchell@mewbourne.com or call me at (432) 682-3715.

Sincerely,

MEWBOURNE OIL COMPANY

Cney Mitchell

Corey Mitchell Landman

2-25-10: Mona Albertson (419)604-9065
She said her husband Phil just
passed away and she was on
limited income > had no know-
ledge of the industry. She
didn't know what to do.
Would talk to nev daughter
and get back with me.
- Never heard back as of
4-210-2010.
The state is because the state of the state

	SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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. COMPLETE THIS SECTION ON DELIVERY A. Signature X
	1. Article Addressed to: W.K. Stephan Family Trust 2104 Bay Tree Drive Las Vegas, Nevada 89134 3. Service Type Pertified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D. 4. Restricted Delivery? (Extra Fee) Pes
•	2. Article Number 7009 2250 0000 0616 7100 (Transfer from service label)
	PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

500 W. TEXAS, SUITE 1020 MIDLAND, TEXAS 79701

> · (432) 682-3715 FAX (432) 685-4170

March 1, 2010

Certified Mail-Return Receipt No. 7100

W.K. Stephan Family Trust dated 6-24-1970 2104 Bay Tree Drive Las Vegas, Nevada 89134

Re:

MOC's West Draw 7 B #1 330' FNL & 1650' FEL Section 7, T20S, R25E Eddy County, New Mexico

Dear Dr. Stephan:

Mewbourne Oil Company (Mewbourne) as Operator hereby proposes to drill the captioned well at the referenced location to a depth sufficient to adequately evaluate the Yeso formation, estimated total depth being 4,000 feet beneath the surface. The NW/4NE/4 of the captioned Section 7 will be dedicated to the well.

According to public records, you own a 0.023513% WI in the NW/4NE/4 of the captioned Section 7.

Regarding the above, enclosed for your further handling is our AFE dated February 2, 2010 for the captioned well. In the event you elect to participate in the captioned proposed well, please sign the enclosed AFE and return to me within thirty (30) days. Upon receipt of same, I'll forward you our proposed Operating Agreement for signature.

Should you have any questions regarding the above, please email me at <u>cmitchell@mewbourne.com</u> or call me at (432) 682-3715.

Sincerely,

MEWBOURNE OIL COMPANY

Mtchell

Corey Mitchell Landman

	2-18-10: Talked with WM. Stephan. I
	told him he could participate or
	go non-consent (force pooling) in
	the well. He said he was not
	interested in participating due
	to small interest.
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	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
	Carl S. Werner 112 Samoset Ave
	Hull, MA 02045-2358 3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise
	☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
	2. Article Number 7009 2250 0000 0616 6882
	PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

500 W. TEXAS, SUITE 1020 MIDLAND, TEXAS 79701

> (432) 682-3715 FAX (432) 685-4170

March 1, 2010

Certified Mail-Return Receipt No. 6882

Carl S. Werner 112 Samoset Ave Hull, MA 02045-2358

Re:

MOC's West Draw 7 B #1 330' FNL & 1650' FEL Section 7, T20S, R25E Eddy County, New Mexico

Dear Dr. Werner:

Mewbourne Oil Company (Mewbourne) as Operator hereby proposes to drill the captioned well at the referenced location to a depth sufficient to adequately evaluate the Yeso formation, estimated total depth being 4,000 feet beneath the surface. The NW/4NE/4 of the captioned Section 7 will be dedicated to the well.

According to public records, you own a 0.023513% WI in the NW/4NE/4 of the captioned Section 7.

Regarding the above, enclosed for your further handling is our AFE dated February 2, 2010 for the captioned well. In the event you elect to participate in the captioned proposed well, please sign the enclosed AFE and return to me within thirty (30) days. Upon receipt of same, I'll forward you our proposed Operating Agreement for signature.

Should you have any questions regarding the above, please email me at cmitchell@mewbourne.com or call me at (432) 682-3715.

Sincerely,

MEWBOURNE OIL COMPANY

Coney mitchell

Corey Mitchell Landman

	THE PROPERTY OF THE PROPERTY O
	4-6-10: Carl S. Werner (561)988-0598
	Doesn't want any part or well.
	wants to finish his life out
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AUTHORIZATION FOR EXPENDITURE

Well Name: West Draw 7B #1	rospect		st Draw 7		
Location: 330' FNL & 1650' FEL	Count	y: Edd	ly		ST: NM
Section: 7 Blk: Survey:	TNP:	20S R	NG: 25E Pro	op. Dpth:	4000'
INTANGIBLE COSTS 180		ODE	TCP	CODE	сс
Permits and Surveys Location: Roads, Pits & Site Preparation (Includes conductor)		100 105	\$2,000 \$25,000	200 205	\$1,000 \$2,000
Location: Excavation & Other		106	\$50,000	200	\$2,000
Day Work, Footage, Turnkey Drilling 7 days D & 1.5 day C @ \$10,000/day + GRT		110	\$74,200	210	\$15,900
Fuel		114	\$11,000		
Mud Chemicals and Additives	-	120 121	\$15,000	221	<u> </u>
Cementing		125	\$7,500	225	\$15,000
Logging, Wireline & Coring Services		130	\$15,000	230	\$17,500
Casing, Tubing & Snubbing Services		134	\$3,500	234	\$5,000
Mud Logging Stimulation	-	137	\$3,500	241	\$100,000
Stimulation Rentals & Other				242	\$15,000
Water & Other		145	\$5,000		\$10,000
Bits 2 Paratic Services		148	\$7,000	248	\$1,000
Inspection & Repair Services Misc. Air & Pumping Services		150 154	\$1,000	250 254	
Testing		158		258	\$2,000
Completion / Workover Rig				260	\$10,000
Rig Mobilization	(164	\$28,000	005	
Transportation Welding and Construction		165 168	\$2,500 \$1,500	265 268	\$1,000
Engineering & Contract Supervision		170	\$1,500	270	
Directional Services		175			
Equipment Rental		180	\$15,000	280	
Well / Lease Legal		184	\$3,000	284	
Well / Lease Insurance Intangible Supplies		185 188	\$1,200 \$500	285 288	\$500
Damages		190	\$8,000	290	
Pipeline, Road, Electrical ROW & Easements		192		292	
Pipeline Interconnect	_ _			293	
Company Supervision Overhead Fixed Rate		195	\$10,000	295	\$6,000
Well Abandonment		196 198	\$10,000	296 298	-\$10,000
Contingencies 10% (TCP) 5% (CC)		199	\$29,900	299	\$9,600
TOT	AL		\$329,300		\$201,500
TANGIBLE COSTS 181	\neg				
Casing (19.1" - 30")		793			
Casing (10.1" - 19.0")		794	044.500		
Casing (8.1" - 10.0") 850' 8 5/8" 24# J55 STC @ \$13.50/ft Casing (6.1" - 8.0")		795 796	\$11,500		
Casing (4.1" - 6.0") 4000' 4 1/2" 11.6# J55 LTC @ \$7.00/ft	\dashv			797	\$28,000
Tubing (2" - 4") 3800' 2 3/8" 4.7# J55 EUE 8rd @ \$3.25/ft				798	\$12,400
Drilling Head		860	\$1,300	005	
Tubing Head & Upper Section Sucker Rods				865 875	\$1,500 \$14,000
Packer Pump & Subsurface Equipment	-			880	\$10,000
Artificial Lift Systems				884	
Pumping Unit	_			885	\$32,000
Surface Pumps & Prime Movers Tanks - Steel				886 890	\$3,000 \$22,000
Tanks - Others	\dashv			891	\$22,000
Separation Equipment				895	
Gas Treating Equipment				896	\$5,000
Heater Treaters, Line Heaters Meterine Equipment	——			897	\$12,000
Metering Equipment Line Pipe - Gas Gathering and Transportation	\dashv			900	\$7,500 \$4,000
Misc. Fittings, Valves, Line Pipe and Accessories	\dashv			906	\$10,000
Cathodic Protection				908	
Electrical Installations	-			909	\$20,000
Production Equipment Installation Pipeline Construction	$-\parallel$			910 920	\$20,000
TOTA	ᆔ	<u>_</u>	\$12,800	020	\$208,900
SUBTOT.	TiT		\$342,100		\$410,400
TOTAL WELL COST	, <u>Г</u>	-	\$/5	2,500	
Prepared by: M. Young Date: 2/2/2010	0				
Co. Approval: Date: 2/2/2011	0				
Joint Owner Interest: Amount:					
Joint Owner:					
Operator has secured Operator's Extra Expense Insurance covering costs of well control, clean up NOT to be covered by this Operator's Extra Expense Insurance only by signing below. The understosurance for thier well.					

Name: _

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

APPLICATION OF MEWBOURNE OIL COMPANY FOR COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO.

CASE NO. 14465

	<u>AFFIDA</u>	VIT			
STATE OF NEW MEXICO)				
COUNTY OF SANTA FE)ss.)				
William F. Carr, attorney	in fact and autho	rized represe	ntative of N	Mewbourn	ıe
Oil Company, the Applicant here	in, states that not	ice of the abo	ove-referen	ced Appli	cation
was mailed to the interested partic	es shown on Exh	ibit "A" attac	ched hereto	in	
accordance with Oil Conservation	n Division Rules	and that true	e and correc	t copies	
of the notice letter and proof of no	- w	hereto	Lay		_
SUBCRIBED AND SWORN to I William F. Carr.	before me this	28th	_ day of	April	_2010 by
My Commission Expires: 3-10	1-12-	Notary Pu	blic	TAL SEA	
		Mu Compa	6/	via Ita	}

ATTACHMENT E



William F. Carr
wcarr@hollandhart.com

March 26, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

TO ALL AFFECTED INTEREST OWNERS:

Re: Application of Mewbourne Oil Company for compulsory pooling, Eddy County, New Mexico.

Ladies and Gentlemen:

This letter is to advise you that Mewbourne Oil Company has filed the enclosed application with the New Mexico Oil Conservation Division seeking the force pooling of all mineral interests from the surface to the base of the Yeso formation in all formations and pools in the NW/4 NE/4 of Section 7, Township 20 South, Range 25 East, NMPM, Eddy County, New Mexico. Applicant proposes to dedicate the pooled units to its West Draw "7" B Well No. 1. to be drilled as a wildcat oil well at a standard location 300 feet from the North Line and 1650 feet from the East Line (Unit B) of said Section 7.

This application has been set for hearing before a Division Examiner at 8:15 AM on April 29, 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 with the Oil Conservation Division's Santa Fe office, four days in advance of a scheduled hearing, but at least on the Thursday preceding the hearing. This statement must 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.

very truly yours,

William F. Cart

ATTORNEY FOR MEWBOURNE OIL COMPANY

Enclosure

EXHIBIT A

APPLICATION OF MEWBOURNE OIL COMPANY FOR COMPULSORY POOLING EDDY COUNTY, NEW MEXICO.

NW/4 NE/4 of Section 7, Township 20 South, Range 25 East,

NOTICE LIST

Carl S. Werner 112 Samoset Ave. Hull, MA 02045-2358

David A. Metts 2609 Hodges Street Midland, Texas 79705

Phil E. Albertson and Mona L Albertson Trustees of the Albertson Living Trust dated 2-20-1998 Post Office Box 484 Perry, Oklahoma 73077

W.K. Stephan Family Trust dated 6-24-1970 2104 Bay Tree Drive Las Vegas, Nevada 89134

Michael T. Garrett 1119 Fairway Terrace Clovis, New Mexico 88101-2807

Malcolm G. Garrett, Deceased and his unknown heirs or devisees Post office Box 219 Clovis New Mexico 88210-0219

Xc: D' Aun Owen

4718 Mill Creek Road Dallas, Texas 75244

Skip Garrett Post Office Box 781 Clovis, New Mexico 88102

(Transfer from service label)

DC Earm 3811 February 2004

Domestic Return Receipt

102595-02-M-1540

Postage \$ 11 Certified Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) D'Aun Owen 4718 Mill Creek Road	SENDER COMPLETE THIS SECTION. SENDER COMPLETE THIS SECTION. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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. 1. Article Addressed to: D' Aun Owen 4718 Mill Creek Road	A. Signature A. Signature A. Signature C. Date of Deliver C. Date of Deliver D. Is delivery address different from item 1? Yes If YES, enter delivery address below:
Dallas, Texas 75244	Dallas, Texas 75244	3. Service Type Certified Mail Registered Insured Mail C.O.D.
U.S. Postal Service, CERTIFIED MAIL. GOMESTIC MELLOSOF, NO INSUITATION VISIONAL FORCESTIVEN INTO MELLOUAN	R COLL	4. Restricted Delivery? (Extra Fee) Yes L379 3551 eturn Receipt 102595-02-M-154
Postage \$	Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you	A. Signature A. Signature A. Signature Addressee B. Becgived by printed Name) C. Date of Delivery

Total Postage & Fees | \$ Skip Garrett P.O. Box 781 Clovis, New Mexico 881

Restricted Delivery Fee (Endorsement Required)

Skip Garrett P.O. Box 781 Clovis, NM 88102

1. Article Addressed to:

or on the front if space permits.

Service Type Certified Mail

Registered ☐ Express Mail... Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) 🗆 Yes

D. Is delivery address different from item 17 Yes

If YES, enter delivery address below: -- In No

2. Article Number (Transfer from service label)

7006 2760 0001 6379 3568

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Date of Delivery