#### BEFORE THE

#### OIL CONSERVATION DIVISION

### NEW MEXICO DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF McELVAIN OIL & GAS PROPERTIES, INC. FOR COMPULSORY POOLING, RIO ARRIBA COUNTY, NEW MEXICO.

CASE NO. 12172

#### AFFIDAVIT

STATE OF NEW MEXICO ) ss. COUNTY OF SANTA FE

William F. Carr, authorized representative of McElvain Oil & Gas Properties, Inc., the Applicant herein, being first duly sworn, upon oath, states that in accordance with the notice provisions of Division rules, the Applicant has attempted to find the correct addresses of all interested persons entitled to receive notice of this application and that notice has been given at the addresses shown on Exhibit "A" attached hereto.

SUBSCRIBED AND SWORN to before me this  $\mathcal{N}^{\mathcal{H}}$ day of April, 1999 by William F. Carr.

Notary Public

My Commission Expires:

#### EXHIBIT A

Dennis Hopper, as his sole property c/o Grove Burnett, Attorney at Law Post Office Box 368 Taos, New Mexico 87571

Peter C. Newmann, Esq. Post Office Box 1170 Reno, Nevada 89504 James B. Fullerton, et ux. 1645 Court Place, Suite 406 Denver, Colorado 80202

Huntington T. Walker, et ux. 2961 South Fillmore Way Denver, Colorado 80210

Johansen Energy Partnership

Whitefish. Montana 59937

Post Office Box 1773

Richard L. Harris, Trustee of the Neumann Family Trust 1924 South Utica, Suite 700 Tulsa, Oklahoma 74104

Gavilan Dome Properties, a California Limited Partnership 1180 Cedarwood Drive Moraga, California 94556

Mesa Grande Resources, Inc. an Oklahoma corporation 1200 Philtower Building Tulsa, Oklahoma 74103

NM&O Operating Company 6 East 5<sup>th</sup> Street, Suite 200 Tulsa, Oklahoma 74103 Williams Production Company Attn: Mr. M. Vern Hansen Post Office Box 3102 Tulsa, Oklahoma 74101

Dugan Production Corporation Post Office Box 420 Farmington, NM 87499-0420

BEFORE THE OIL CONSERVATION DIVISION Santa Fe, New Mexico

Case No. <u>12172</u> Exhibit No. <u>5</u>

Submitted by: McElvain Oil & Gas Properties, Inc.

Hearing Date: April 29, 1999

AFFIDAVIT Page 2

### & SHERIDAN, P.A.

LAWYERS

MICHAEL B CAMPBELL WILLIAM F CARR BRADFORD C BERGE MARK F SHERIDAN MICHAEL H FELDEWERT ANTHONY F MEDEIRO'S PAUL R OWEN KATHERINE M MOSS JACK M CAMPBELL JEFFERSON PLACE SUITE I - 110 NORTH GUADALUPE POST OFFICE BOX 2208 SANTA FE, NEW MEXICO 87504-2208 TELEPHONE: (SOS) 988-4421 FACSIMILE: (SOS) 983-6043 E-MAIL: ccbspa@ix.netcom.com

April 7, 1999

# CERTIFIED MAIL RETURN RECEIPT REOUESTED

Dennis Hopper, as his sole property c/o Grove Burnett, Attorney at Law Post Office Box 368 Taos, New Mexico 87571

#### Re: Application of McElvain Oil & Gas, Inc. for Compulsory Pooling, Rio Arriba County, New Mexico

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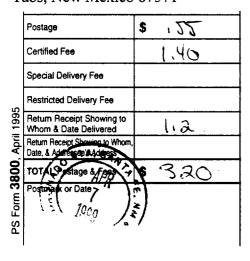
Very truly yours,

WILLIAM F. CARR ATTORNEY FOR MCELVAIN OIL & GAS PROPERTIES, INC. Enc. cc: Mr. Steve Jordan, Land Manager

cc: Mr. Steve Jordan, Land Manager McElvain Oil & Gas Properties, Inc.



Dennis Hopper, as his sole property c/o Grove Burnett, Attorney at Law Post Office Box 368 Taos, New Mexico 87571



is your <u>RETURN ADDRESS</u> completed on the reverse side? PS Form 3811, December 1994 3. Article Addressed to: Post Office Box 368 c/o Grove Burnett, Attorney at Law Write "*Return Receipt Requested*" on the mailplece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered. ENDER: Dennis Hopper, as his sole property Complete items 1 and/or 2 for additional services. Complete items 3. 4a, and 4b. Print your name and address on the reverse of this form so that we can return this trach this form to the front of the mailplece, or on the back if space does not aos, New Mexico 87571 int Name 5 Suc Ż 102595-98-8-0229 Domestic Return Receipt 4b. Service Type 8. Addressed's Address (Only if requested A Return Receipt for Mer Express Mail <sup>4a.</sup> Article Number Z 559 541 869 Date of Deliv and fee is paid) Consult postmaster for fee. extra fee): I also wish to receive the following services (for an 2. 
Restricted Delivery 1. Addressee's Address BSIDL Certified Insured 

# CAMPBELL, CARR, BERGE 8 SHERIDAN, P.A.

MICHAEL & CAMPBELL WILLIAM F CARR BRADFORD C BERGE MARK F SHERIDAN MICHAEL H FELDEWERT ANTHONY F MEDEIROS PAUL R OWEN KATHERINE M MOSS JACK M. CAMPBELL OF COUNSEL JEFFERSON PLACE SUITE I - 110 NORTH GUADALUPE POST OFFICE BOX 2208 SANTA FE, NEW MEXICO 87504-2208 TELEPHONE: (SOS) 983-6043 FACSIMILE: (SOS) 983-6043 E-MAIL: ccbspa@ix.netcom.com

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Richard L. Harris, Trustee of the Neumann Family Trust 1924 South Utica, Suite 700 Tulsa, Oklahoma 74104

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Very truly yours,

WILLIAM F. CARR ATTORNEY FOR MCELVAIN OIL & GAS PROPERTIES, INC. Enc.

cc: Mr. Steve Jordan, Land Manager McElvain Oil & Gas Properties, Inc.



Richard L. Harris, Trustee of the Neumann Family Trust 1924 South Utica, Suite 700 Tulsa, Oklahoma 74104

	Postage	\$ 155
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6. Signature: (Addresse or Agent) X / ( , , , , , , , , , , , , , , , , , ,	5. Received By: (Print Name)	Tulsa, Oklahoma 74104	1924 South Utica, Suite 700	tee of the	3. Article Addressed to:	<ul> <li>write "Receipt Requested" on the mailpiece below the article number</li> <li>Write "Return Receipt will show to whom the article was delivered and the date delivered.</li> </ul>	<ul> <li>Attach this form to the front of the mailpiece, or on the back if space does not</li> </ul>	SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, 4a, and 4b. • Print your name and address on the reverse of this form so that we can return this
102595-99-B-0229 Domestic Return Receipt	8. Addressee's Address (Only if requested and fee is paid)	7. Date of Delivery	Express Mail       Insured         Image: State of the second	4b. Service Type	4a. Article Number Z 559 541 870	e number. 2. Restricted Delivery Set the date Consult postmaster for fee.	1. Addressee's Address	t also wish to receive the following services (for an extra fee):

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LAWYERS

MICHAEL B CAMPBELL WILLIAM F CARR BRADFORD C BERGE MARK F SHERIDAN MICHAEL H FELDEWERT ANTHONY F MEDEIROS PAUL R OWEN KATHERINE M MOSS

JACK M CAMPBELL

JEFFERSON PLACE SUITE I - 110 NORTH GUADALUPE POST OFFICE BOX 2208 SANTA FE, NEW MEXICO 87504-2208 TELEPHONE: (505) 983-4421 FACSIMILE: (505) 983-6043 E-MAIL. CCDSPa@ix.netcom.com

April 7, 1999

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Peter C. Newmann, Esq. Post Office Box 1170 Reno, Nevada 89504

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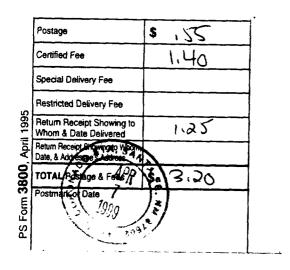
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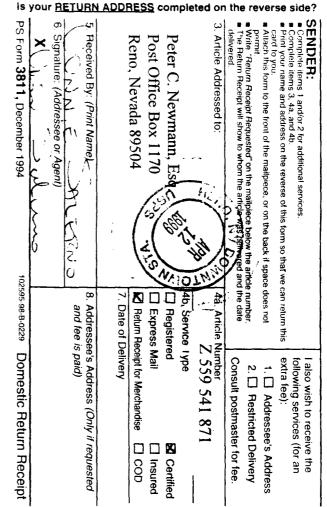
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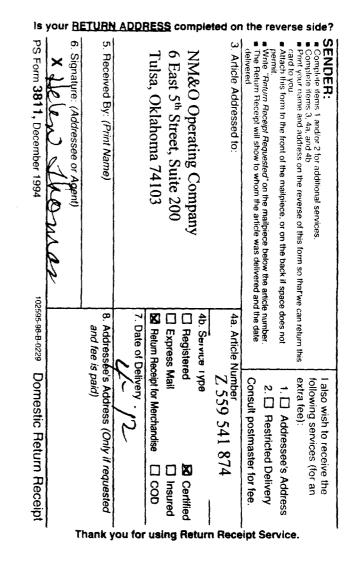
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OF COUNSEL

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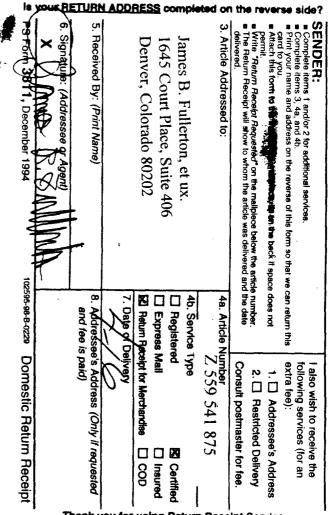
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KATHERINE M MOSS

JACK M. CAMPBELL OF COUNSEL JEFFERSON PLACE SUITE 1 - 110 NORTH GUADALUPE POST OFFICE BOX 2208 SANTA FE, NEW MEXICO 87504-2208 TELEPHONE: (505) 988-4421 FACSIMILE. (505) 983-8043 E-MAIL: ccbspa@ix.netcom.com

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Huntington T. Walker, et ux. 2961 South Fillmore Way Denver, Colorado 80210

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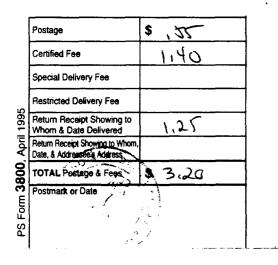
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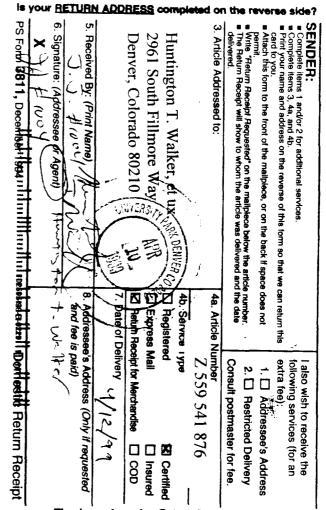
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Enc.
cc: Mr. Steve Jordan, Land Manager
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Huntington T. Walker, et ux. 2961 South Fillmore Way Denver, Colorado 80210





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LAWYERS

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Johansen Energy Partnership Post Office Box 1773 Whitefish, Montana 59937

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This letter is to advise you that McElvain Oil & Gas Properties, Inc. has filed the enclosed application with the New Mexico Oil Conservation Division seeking the force pooling of all mineral interests from the base of the Pictured Cliffs formation to the base of the Mesaverde formation in Lots 1, 2 S/2 NE/4, SE/4 (E/2 equivalent) of Section 4, Township 25 North, Range 2 West, N.M.P.M., Rio Arriba County, New Mexico. McElvain proposes to dedicate the referenced pooled unit to its Elk Com Well No. 4-7 which it proposes to drill to a depth sufficient to test all formations to the base of the Mesaverde formation, Blanco-Mesaverde Gas Pool, at a standard location in the NE/4 of said Section 4.

This application has been set for hearing before a Division Examiner on April 29, 1999. 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 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.

Verytruly yours,

WILLIAM F. CARR ATTORNEY FOR MCELVAIN OIL & GAS PROPERTIES, INC. Enc. cc: Mr. Steve Jordan, Land Manager



Johansen Energy Partnership Post Office Box 1773 Whitefish, Montana 59937

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#### & SHERIDAN, P.A.

LAWYERS

MICHAEL B CAMPBELL WILLIAM F CARR BRADFORD C BERGE MARK F SHERIDAN MICHAEL H FELDEWERT ANTHONY F MEDEIROS PAUL R OWEN KATHERINE M MOSS JACK M CAMPBELL OF COUNSEL JEFFERSON PLACE SUITE I - 110 NORTH GUADALUPE POST OFFICE BOX 2208 SANTA FE, NEW MEXICO 87504-2208 TELEPHONE: (505) 988-4421 FACSIMILE: (505) 983-6043 E-MAIL: ccbspa@ix.netcom.com

April 7, 1999

#### CERTIFIED MAIL RETURN RECEIPT REQUESTED

Williams Production Company Attn: Mr. M. Vern Hansen Post Office Box 3102 Tulsa, Oklahoma 74101

### Re: Application of McElvain Oil & Gas, Inc. for Compulsory Pooling, Rio Arriba County, New Mexico

Dear Mr. Hansen:

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#### US Postal Service Receipt for Certified Mail

Williams Production Company Attn: Mr. M. Vern Hansen Post Office Box 3102 Tulsa, Oklahoma 74101

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CAMPBELL, CARR, BERGE		
& SHERIDAN, P.A.		
LAWYERS		
MICHAEL B CAMPBELL		JEFFERSON PLACE
WILLIAM F CARR		SUITE I - 110 NORTH GUADALUPE
BRADFORD C BERGE		POST OFFICE BOX 2208
MARK F SHERIDAN		
MICHAEL H FELDEWERT		SANTA FE, NEW MEXICO 87504-2208
ANTHONY & MEDEIROS		TELEPHONE: (505) 988-4421
PAUL R OWEN		FACSIMILE: (505) 983-6043
KATHERINE M MOSS	April 7, 1999	
		E-MAIL: ccbspa@ix.netcom.com
JACK M CAMPBELL		
OF COUNSEL		

#### **CERTIFIED MAIL RETURN RECEIPT REOUESTED**

**Dugan Production Corporation** Post Office Box 420 Farmington, New Mexico 87499-0420

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# Z 539 541 879

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