

**BEFORE THE
OIL CONSERVATION DIVISION
NEW MEXICO ENERGY, MINERALS AND
NATURAL RESOURCES DEPARTMENT**


**APPLICATION OF McELVAIN OIL & GAS
PROPERTIES, INC. FOR COMPULSORY POOLING,
RIO ARriba COUNTY, NEW MEXICO**

CASE NO. 12691

AFFIDAVIT

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

Michael H. Feldewert, attorney in fact and authorized representative of McElvain Oil & Gas Properties, Inc., the Applicant herein, being first duly sworn, upon oath, states that notice of the above-referenced Application was mailed to the addresses shown on Exhibit "A" attached hereto and that true and correct copies of the notice letter and proof of receipt are attached hereto.



Michael H. Feldewert

SUBSCRIBED AND SWORN to before me this 11 day of July, 2001.



Notary Public

My Commission Expires:

June 12, 2002

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 12691 Exhibit No. 5
Submitted by:
McElvain Oil & Gas Properties, Inc.
Hearing Date: July 12, 2001

EXHIBIT A

NOTICE LIST

**McELVAIN OIL & GAS PROPERTIES, INC.
FOR COMPULSORY POOLING
S/2 OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 2 WEST, N.M.P.M.
RIO ARriba COUNTY, NEW MEXICO**

Names and addresses of Parties to be pooled

Noseco Corporation
7400 Lakeside Drive
Reno, NV 89511

Peter C. Neumann, Trustee
Neumann Family Trust
One Elm Court Street
Reno, NV 89501

Mesa Grande
1318 Philtower Bldg
Tulsa, OK 74103

Gavilan Dome Properties
1800 Cedarwood Drive
Moraga, CA 94556

Johansen Energy Partnership
P.O. Box 1773
Witfish, MT 59937

Dugan Production Corporation
709 East Murray Drive
Farmington, NM 87499

Williams Production Company
P.O. Box 3102
Tulsa, OK 74101

HOLLAND & HART^{LLP}
and
CAMPBELL & CARR
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE • CASPER
CHEYENNE • JACKSON HOLE
SALT LAKE CITY • SANTA FE
WASHINGTON, D.C.

P. O. BOX 2208
SANTA FE, NEW MEXICO 87504-2208
110 NORTH GUADALUPE, SUITE 1
SANTA FE, NEW MEXICO 87501-6525

TELEPHONE (505) 988-4421
FACSIMILE (505) 983-6043

Michael H. Feldewert

mfeldewert@hollandhart.com

June 21, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TO: AFFECTED INTEREST OWNERS

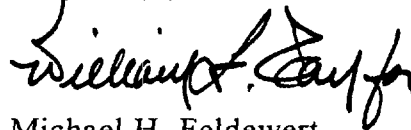
**Re: Application of McElvain Oil & Gas Properties, Inc. for
Compulsory Pooling, Rio Arriba County, New Mexico.
Cougar Com #32-2**

Ladies and Gentlemen:

This letter is to advise you that McElvain Oil & Gas Properties, Inc. has filed the enclosed application with the New Mexico Oil Conservation Division. This application has been set for hearing before a Division Examiner on July 12, 2001. 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 Prehearing Statement three days in advance of a scheduled hearing. This statement must include: the name of the party and its attorney; 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,



Michael H. Feldewert

MHF/ras
Enc.

HOLLAND & HART^{LLP}
and
CAMPBELL & CARR
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE • CASPER
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Michael H. Feldewert
mfeldewert@hollandhart.com

June 21, 2001

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Noseco Corporation
7400 East Murray Drive
Reno NV 89511

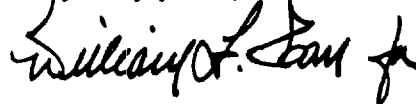
Re: Application of McElvain Oil & Gas Properties, Inc. for Compulsory
Pooling, Rio Arriba County New Mexico. Cougar Com #32-2

Dear Interest Owners:

Since you now dispute the Farmout Agreement executed by your representatives on February 15, 2001, McElvain has included your working interests in pending pooling applications with the New Mexico Oil Conservation Division. This letter is to advise you that the enclosed pooling application for McElvain's proposed Cougar Com 32 Well No. 1 has been set for hearing before an Examiner for the New Mexico Oil Conservation Division on July 12, 2001. 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.

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Very truly yours,



Michael H. Feldewert

MHF/ras
Enclosure
cc. Mary E. Walta, Esq

HOLLAND & HART^{LLP}
and
CAMPBELL & CARR
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE • CASPER
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SALT LAKE CITY • SANTA FE
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SANTA FE, NEW MEXICO 87501-6525

TELEPHONE (505) 988-4421
FACSIMILE (505) 983-6043

Michael H. Feldewert

mfeldewert@hollandhart.com

June 21, 2001

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Peter C. Neumann, Trustee
Neumann Family Trust
One Elm Court Street
Reno NV 89501

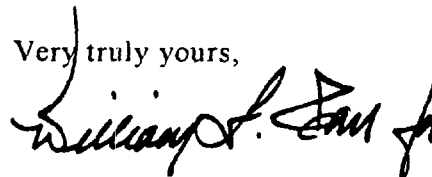
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Pooling, Rio Arriba County New Mexico. Cougar Com #32-2

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Very truly yours,



Michael H. Feldewert

MHF/ras
Enclosure
cc. Mary E. Walta, Esq.

7000 0600 0024 3128 2201

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

MHF/McE/CougarCom

Postage \$.55
Certified Fee 1.90
Return Receipt Fee (Endorsement Required) 1.50
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$ 3.95

Dugan Production Corporation
709 East Murray Drive
Farmington, NM 87499

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:

Dugan Production Corporation
709 East Murray Drive
Farmington, NM 87499

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS

A. Received by (Please Print Clearly) B. Date of Delivery 6-22-01

C. Signature X Jimmy Abey Agent Addressee

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number (Copy from service label) 7000 0600 0024 3128 2201

7000 0600 0024 3128 218A

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

MHF/McE/CougarCom 32-2

Postage \$.55
Certified Fee 1.90
Return Receipt Fee (Endorsement Required) 1.50
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$ 2.95

Gavilan Dome Properties
1800 Cedarwood Drive
Moraga, CA 94556

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:

Johansen Energy Partnership
P.O. Box 1773
Witfish, MT 59937

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS

A. Received by (Please Print Clearly) B. Date of Delivery 6-28-01

C. Signature X Scott C. Johnson Agent Addressee

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number (Copy from service label) 7000 0600 0024 3128 2195

7000 0600 0024 3128 2195

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

MHF/McE/CougarCom

Postage \$.55
Certified Fee 1.90
Return Receipt Fee (Endorsement Required) 1.50
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$ 3.95

Johansen Energy Partnership
P.O. Box 1773
Witfish, MT 59937

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

MHF/McE/Cougar Com 32-2

Postage \$ 55
 Certified Fee 1.90
 Return Receipt Fee (Endorsement Required) 1.50
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$ 3.95

Mesa Grande
 1318 Philtower Bldg
 Tulsa, OK 74103

Use for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

MHF/McE/Cougar Com 32-2

Postage \$ 55
 Certified Fee 1.90
 Return Receipt Fee (Endorsement Required) 1.50
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$ 3.95

Peter C. Neumann, Trustee
 Neumann Family Trust
 One Elm Court Street
 Reno, NV 89501

Use for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

MHF/McE/Cougar Com

Postage \$ 55
 Certified Fee 1.90
 Return Receipt Fee (Endorsement Required) 1.50
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$ 3.95

Noseco Corporation
 7400 Lakeside Drive
 Reno, NV 89511

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:

Noseco Corporation
 7400 Lakeside Drive
 Reno, NV 89511

2. Article Number (Copy from service label)

A. Received by (Please Print Clearly) Hansen B. Date of Delivery 6-26
 C. Signature Hansen ☐ Agent ☒ Addressee
 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0024 3128 2218

MHF/McE/Caugar Com 32-2

Postage \$.55
 Certified Fee 1.90
 Return Receipt Fee (Endorsement Required) 1.50
 Restricted Delivery Fee (Endorsement Required) 2.00
 Total Postage & Fees 5.95

Williams Production Company
 P.O. Box 3102
 Tulsa, OK 74101

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:

Williams Production Company
 P.O. Box 3102
 Tulsa, OK 74101

2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Stawell B. Date of Delivery JUN 26 2001
 C. Signature [Signature] ☒ Agent ☐ Addressee
 D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

7000 0600 0024 3128 2218

MHF/McE/Caugar Com 32-2