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

CASE NO. 12922

IN THE MATTER OF THE APPLICATION OF DAVID H. ARRINGTON OIL AND GAS, INC. FOR COMPULSORY POOLING, LEA COUNTY, NEW MEXICO

AFFIDAVIT

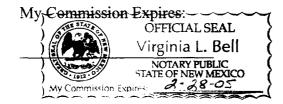
STATE OF NEW MEXICO)) ss. COUNTY OF SANTA FE)

J. SCOTT HALL, attorney in fact and authorized representative of David H. Arrington Oil and Gas, Inc., the Applicant herein, being first duly sworn, upon oath, states that the notice provisions of Rule 1207 of the New Mexico Oil Conservation Division have been complied with, that Applicant has caused to be conducted a good faith diligent effort to find the correct addresses of all interested persons entitled to receive notice, as shown by Exhibit "A" attached hereto. and that pursuant to Rule 1207. notice has been given at the correct addresses provided by such rule.

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SUBSCRIBED AND SWORN to before me this 4th day of September, 2002.

Virginia L. Bell



NMOCD CASE NO. 12922 SEPTEMBER 5, 2002 DAVID H. ARRINGTON OIL & GAS, INC. **EXHIBIT NO. 9**

	Address
.~~.	Great Western Drilling Company
	Post Office Box 1659
	Midland, Texas 79701
	Davoil, Inc.
	Post Office Box 122269
	Ft. Worth, Texas 76121
ĺ	Tom Brown, Inc.
	Post Office Box 2608
	Midland, Texas
	David Petroleum Company
	116 West First Street
	Roswell, New Mexico 88210
	McMillan Production Company, Inc.
	116 West First Street
	Roswell, New Mexico 88210
	Permian Exploration Corporation
	116 West First Street
	Roswell, New Mexico 88201
	Yates Petroleum Corporation
	105 South 4 th Street
	Artesia, New Mexico 88210
	Yates Petroleum Corporation
	105 South 4 th Street
	Artesia, New Mexico 88210
	Abo Petroleum Corporation
	105 South 4 th Street
	Artesia, New Mexico 88210
	Myco Industries, Inc.
	105 South 4 th Street
	Artesia, New Mexico 88210
	McMillan Production Company, Inc.
	116 West First Street
	Roswell, New Mexico 88201
	McMillan Ventures, L.L.C.
	116 West First Street
Į	Roswell, New Mexico 88201
	Mr. Michael A. McMillan
	116 West First Street
	Roswell, New Mexico 88201
	Mr. Edward N. David
	116 West First Street
ļ	Roswell, New Mexico 88201
	Mr. William G. Owen
	116 West First Street
	Roswell, New Mexico 88201

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Mr. Keith E. McKarney 116 West First Street Roswell, New Mexico 88201

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JAMES R. WOOD KIRK R. ALLEN KYLE M. FINCH H. BROOK LASKEY KATHER NE W. HALL PAULA G. MAYNES CHABL C. ROSS CARLA MANDO THERINE N. BLACKETT DYLAN O'N BLLY JENNIFER D. HALL R L. OLSON TODD A. SCHWARZ ULIE A. COLEMAN -TIMOTHY L. BUTLER MICHELLE K. OSTRYE***

ROBIN A. GOBLE

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COUNSEL ROSS B. PERKAL JAMES J. WIDLAND BRADLEY D. TEPPER** EFY GARY R NELL GRAHAM SALE

OF COUNSEL

WILLIAM K. STRATVERT JAMES B. COLLINS ;;

500 MARQUETTE NW, SUITE 1100 P.O. BOX 25687 (87125-0687) ALBUQUERQUE, NM 87102

ALBUQUERQUE, NM

TELEPHONE: (505) 842-1950 (800) 424-7585 FACSIMILE: (505) 243-4408

FARMINGTON, NM

300 WEST ARRINGTON, SUITE 300 P.O. BOX 869 (87499-0869) FARMINGTON, NM 87401 TELEPHONE: (505) 326-4521 FACSIMILE: (505) 325-5474

SANTA FE, NM

150 WASHINGTON AVE., SUITE 300 P.O. BOX 1986 (87504-1986) SANTA FE, MM 87501 TELEPHONE: (505) 989-9814 FACSIMILE: (505) 989-9857

LAS CRUCES, NM

1125 SOUTH MAIN ST., SUITE B P.O. BOX 1209 (88004-1209) LAS CRUCES, NM 88005 TELEPHONE: (505) 523-2481 FACSIMILE: (505) 528-2215

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NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN NATURAL RESOURCES - OIL & GAS LAW ** NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN REAL ESTATE LAW

August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Keith E. McKamey 116 West First Street Roswell, New Mexico 88201

> Re: NMOCD Case No. ; Application of David H. Arrington Oil and Gas, Inc. Compulsory Pooling, Lea County, New Mexico

Dear Mr. McKamey:

This will advise that David H. Arrington Oil and Gas, Inc. has filed an Application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests underlying the E.2 of Section 34, Township 15 South, Range 34 East, NMPM, Lea County, New Mexico. Said lands are to be dedicated to Applicant's Huma Huma 34 Well No. 1 to be drilled at a standard location in the SE/4 of Section 34. Also to be considered will be the cost of drilling and completing said well and the allocation of the costs thereof, as well as actual operating costs and charges for supervision, designation of Applicant as operator and a charge for the risk in drilling the well. A copy of the application is enclosed.

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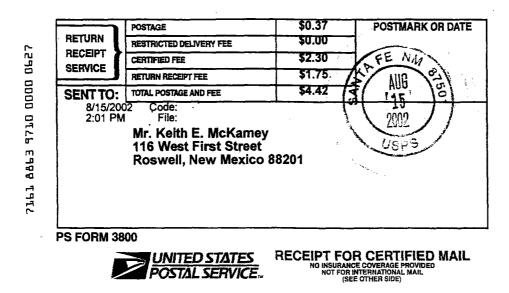
Very truly yours,

MILLER, STRATVERT & TORGERSON, P.A.

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ROSS B. PERKAL JAMES J. WIDLAND BRADLEY D. TEPPER** GARY RISLEY NELL GRAHAM SALE

OF COUNSEL

COUNSEL

WILLIAM K. STRATVERT JAMES B. COLLINS ALBUQUERQUE, NM 500 MARQUETTE NW, SUITE 1100 P.O. BOX 25687 (87125-0687) AUBUOUERQUE NM 87102

P.O. BOX 25687 (87125-0687) ALBUQUEROUE, NM 87102 TELEPHONE: (505) 842-1950 (800) 424-7585 FACSIMILE: (505) 243-4408

FARMINGTON, NM

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August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Davoil, Inc.

Post Office Box 122269 Ft. Worth, Texas 76121

.

Re: NMOCD Case No. ____; Application of David H. Arrington Oil and Gas, Inc. Compulsory Pooling, Lea County, New Mexico

Dear Sir or Madam:

This will advise that David H. Arrington Oil and Gas, Inc. has filed an Application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests underlying the E.2 of Section 34. Township 15 South, Range 34 East, NMPM, Lea County, New Mexico. Said lands are to be dedicated to Applicant's Huma Huma 34 Well No. 1 to be drilled at a standard location in the SE/4 of Section 34. Also to be considered will be the cost of drilling and completing said well and the allocation of the costs thereof, as well as actual operating costs and charges for supervision, designation of Applicant as operator and a charge for the risk in drilling the well. A copy of the application is enclosed.

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Very truly yours.

MILLER, STRATVERT & TORGERSON, P.A.

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J. Scott Hall

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COUNSEL ROSS 8. PERKAL JAMES J. WIDLAND BRADLEY D. TEPPER** NELL GRAHAM SALE

WILLIAM K. STRATVERT

JAMES 8. COLLINS

OF COUNSEL

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FACSIMILE: (505) 243-4408

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TODD A. SCHWARZ JULIE A. COLEMAN TIMOTHY L. BUTLER

MICHELLE K. OSTRYE***

NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN NATURAL RESOURCES - OIL & GAS LAW
 NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN REAL ESTATE LAW

August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

David Petroleum Company 116 West First Street Roswell, New Mexico 88210

> NMOCD Case No. ; Application of David H. Arrington Oil and Gas, Inc. Re: Compulsory Pooling, Lea County, New Mexico

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Very truly yours.

MILLER, STRATVERT & TORGERSON, P.A.

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J. Scott Hall



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 NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN REAL ESTATE LAW

August 15, 2002

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McMillan Production Company, Inc.

116 West First Street

Roswell, New Mexico 88210

Re: NMOCD Case No. ____; Application of David H. Arrington Oil and Gas, Inc. Compulsory Pooling, Lea County, New Mexico

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MILLER, STRATVERT & TORGERSON, P.A.

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J. Scott Hall

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OF COUNSEL

WILLIAM K. STRATVERT JAMES B. COLLINS FARMINGTON, NM

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PLEASE REPLY TO SANTA FE

August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Permian Exploration Corporation 116 West First Street Roswell, New Mexico 88201

Re: NMOCD Case No. ____; Application of David H. Arrington Oil and Gas, Inc. Compulsory Pooling, Lea County, New Mexico

Dear Sir or Madam:

This will advise that David H. Arrington Oil and Gas, Inc. has filed an Application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests underlying the E/2 of Section 34. Township 15 South, Range 34 East, NMPM, Lea County, New Mexico. Said lands are to be dedicated to Applicant's Huma Huma 34 Well No. 1 to be drilled at a standard location in the SE/4 of Section 34. Also to be considered will be the cost of drilling and completing said well and the allocation of the costs thereof, as well as actual operating costs and charges for supervision, designation of Applicant as operator and a charge for the risk in drilling the well. A copy of the application is enclosed.

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Very truly yours,

MILLER, STRATVERT & TORGERSON, P.A.

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August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Great Western Drilling Company Post Office Box 1659 Midland, Texas 79701

Re: NMOCD Case No. ____; Application of David H. Arrington Oil and Gas, Inc. Compulsory Pooling, Lea County, New Mexico

Dear Sir or Madam:

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Very truly yours.

MILLER, STRATVERT & TORGERSON, P.A.

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OF COUNSEL

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 NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN REAL ESTATE LAW

August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Yates Petroleum Corporation 105 South 4th Street Artesia, New Mexico 88210

Re: NMOCD Case No. ____; Application of David H. Arrington Oil and Gas, Inc. Compulsory Pooling, Lea County, New Mexico

Dear Sir or Madam:

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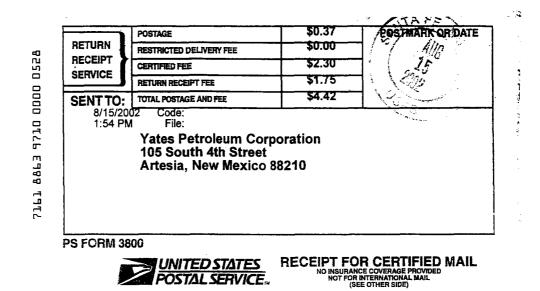
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Very truly yours.

MILLER, STRATVERT & TORGERSON, P.A.

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COUNSEL

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COUNSEL ROSS B. PERKAL JAMES J. WIDLAND BRADLEY D. TEPPER** GARY RISLEY NELL GRAHAM SALE

OF COUNSEL

WILLIAM K. STRATVERT JAMES B. COLLINS (800) 424-7585 FACSIMILE: (505) 243-4408

ALBUQUERQUE, NM

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NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN NATURAL RESOURCES - OIL & GAS LAW
 NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN REAL ESTATE LAW

August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Abo Petroleum Corporation 105 South 4th Street Artesia, New Mexico 88210

Re: NMOCD Case No. ____; Application of David H. Arrington Oil and Gas, Inc. Compulsory Pooling, Lea County, New Mexico

Dear Sir or Madam:

This will advise that David H. Arrington Oil and Gas, Inc. has filed an Application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests underlying the E.2 of Section 34, Township 15 South, Range 34 East, NMPM. Lea County, New Mexico. Said lands are to be dedicated to Applicant's Huma Huma 34 Well No. 1 to be drilled at a standard location in the SE/4 of Section 34. Also to be considered will be the cost of drilling and completing said well and the allocation of the costs thereof, as well as actual operating costs and charges for supervision, designation of Applicant as operator and a charge for the risk in drilling the well. A copy of the application is enclosed.

This application will be set for hearing before a Division Examiner on September 5, 2002, at the New Mexico Oil Conservation Division, 1220 South St. Francis Dr., Santa Fe, New Mexico. You are not required to attend this hearing, but as an owner of an interest that may be affected, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging this application at a later time.

Very truly yours,

MILLER, STRATVERT & TORGERSON, P.A.

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J. Scott Hall

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August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Myco Industries, Inc. 105 South 4th Street Artesia, New Mexico 88210

> NMOCD Case No. ; Application of David H. Arrington Oil and Gas, Inc. Re: Compulsory Pooling, Lea County, New Mexico

Dear Sir or Madam:

This will advise that David H. Arrington Oil and Gas, Inc. has filed an Application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests underlying the E/2 of Section 34. Township 15 South, Range 34 East, NMPM, Lea County, New Mexico. Said lands are to be dedicated to Applicant's Huma Huma 34 Well No. 1 to be drilled at a standard location in the SE/4 of Section 34. Also to be considered will be the cost of drilling and completing said well and the allocation of the costs thereof, as well as actual operating costs and charges for supervision, designation of Applicant as operator and a charge for the risk in drilling the well. A copy of the application is enclosed.

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Very truly yours.

MILLER, STRATVERT & TORGERSON, P.A.

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August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

McMillan Production Company, Inc. 116 West First Street

Roswell, New Mexico 88201

Re: NMOCD Case No. ; Application of David H. Arrington Oil and Gas, Inc. Compulsory Pooling, Lea County, New Mexico

Dear Sir or Madam:

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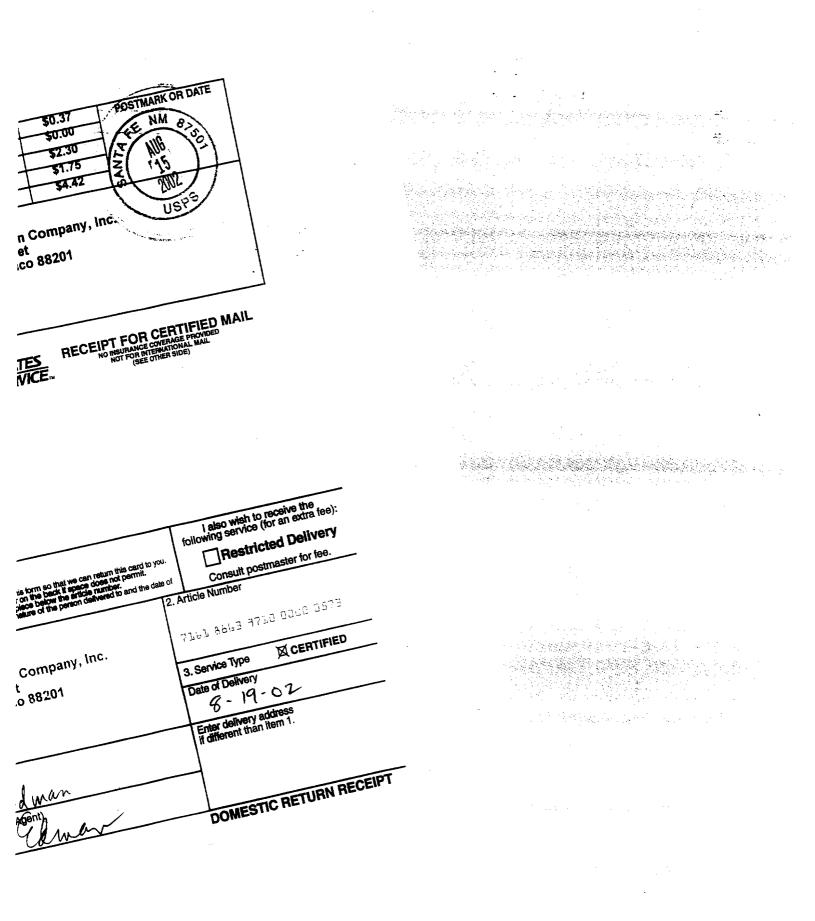
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MILLER, STRATVERT & TORGERSON, P.A.

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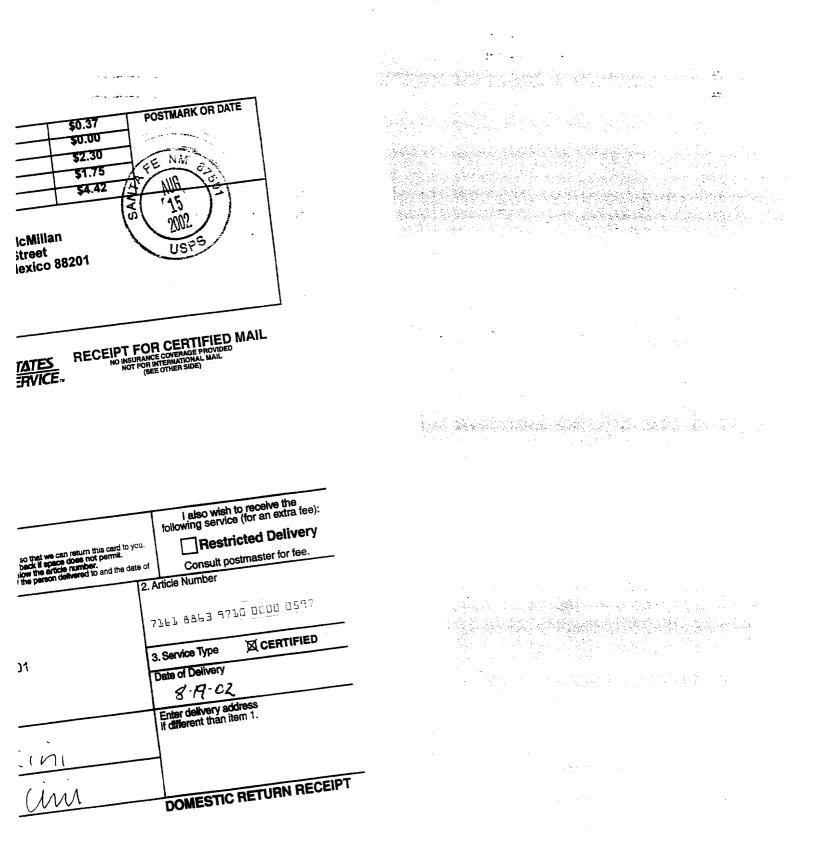
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FARMINGTON, NM

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NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN NATURAL RESOURCES - OIL & GAS LAW
 NEW MEXICO BOARD OF SPECIALIZATION RECOGNIZED SPECIALIST IN REAL ESTATE LAW

August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Edward N. David 116 West First Street Roswell, New Mexico 88201

Re: NMOCD Case No. ____; Application of David H. Arrington Oil and Gas, Inc. Compulsory Pooling, Lea County, New Mexico

Dear Mr. David:

This will advise that David H. Arrington Oil and Gas, Inc. has filed an Application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests underlying the E.2 of Section 34. Township 15 South. Range 34 East, NMPM. Lea County, New Mexico. Said lands are to be dedicated to Applicant's Huma Huma 34 Well No. 1 to be drilled at a standard location in the SE/4 of Section 34. Also to be considered will be the cost of drilling and completing said well and the allocation of the costs thereof, as well as actual operating costs and charges for supervision, designation of Applicant as operator and a charge for the risk in drilling the well. A copy of the application is enclosed.

This application will be set for hearing before a Division Examiner on September 5, 2002, at the New Mexico Oil Conservation Division, 1220 South St. Francis Dr., Santa Fe, New Mexico. You are not required to attend this hearing, but as an owner of an interest that may be affected, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging this application at a later time.

Very truly yours.

MILLER, STRATVERT & TORGERSON, P.A.

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J. Scott Hall

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ROSS B. PERKAL JAMES J. WIDLAND BRADLEY D. TEPPER** GARY RISLEY NELL GRAHAM SALE

OF COUNSEL

COUNSEL

WILLIAM K. STRATVERT JAMES B. COLLINS FARMINGTON, NM 300 WEST ARRINGTON, SUITE 300 P.O. BOX 869 (87499-0869) FARMINGTON, NM 87401 TELEPHONE: (505) 326-4521 FACSIMILE: (505) 325-5474

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August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. William G. Owen 116 West First Street Roswell, New Mexico 88201

Re: NMOCD Case No. ____; Application of David H. Arrington Oil and Gas, Inc. Compulsory Pooling, Lea County, New Mexico

Dear Mr. Owen:

This will advise that David H. Arrington Oil and Gas, Inc. has filed an Application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests underlying the E/2 of Section 34, Township 15 South, Range 34 East, NMPM, Lea County, New Mexico. Said lands are to be dedicated to Applicant's Huma Huma 34 Well No. 1 to be drilled at a standard location in the SE/4 of Section 34. Also to be considered will be the cost of drilling and completing said well and the allocation of the costs thereof, as well as actual operating costs and charges for supervision, designation of Applicant as operator and a charge for the risk in drilling the well. A copy of the application is enclosed.

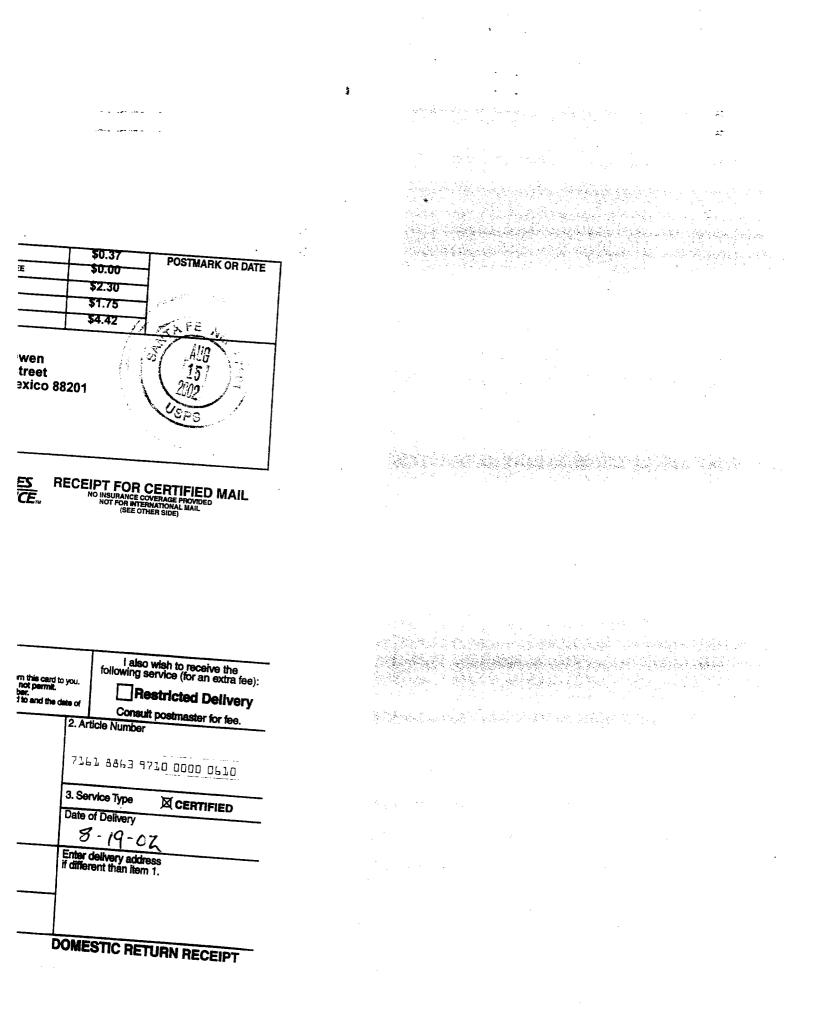
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Very truly yours.

MILLER, STRATVERT & TORGERSON, P.A.

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J. Scott Hall



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COUNSEL ROBIN A. GOBLE JAMES R. WOOD DANA M. KYLE ROSS & PERKAL KIRK R. ALLEN RUTH FLIESS 1 C H. BROOK LASKEY KATHERINE W. HALL PAULA G. MAYNES ICHAEL C. ROSS CARLA PRANDO KATHERINE N. BLACKETT JENNIFER L. STONE M. DYLAN O'REILLY

JAMES J. WIDLAND BRADLEY D. TEPPER** GARY RISLEY NELL GRAHAM SALE

OF COUNSEL

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August 15, 2002

CERTIFIED MAIL/RETURN RECEIPT REOUESTED

Tom Brown, Inc.

Post Office Box 2608 Midland, Texas 79702

> NMOCD Case No. ; Application of David H. Arrington Oil and Gas, Inc. Re: Compulsory Pooling, Lea County, New Mexico

Dear Sir or Madam:

This will advise that David H. Arrington Oil and Gas, Inc. has filed an Application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests underlying the E/2 of Section 34. Township 15 South, Range 34 East, NMPM, Lea County, New Mexico. Said lands are to be dedicated to Applicant's Huma Huma 34 Well No. 1 to be drilled at a standard location in the SE/4 of Section 34. Also to be considered will be the cost of drilling and completing said well and the allocation of the costs thereof, as well as actual operating costs and charges for supervision, designation of Applicant as operator and a charge for the risk in drilling the well. A copy of the application is enclosed.

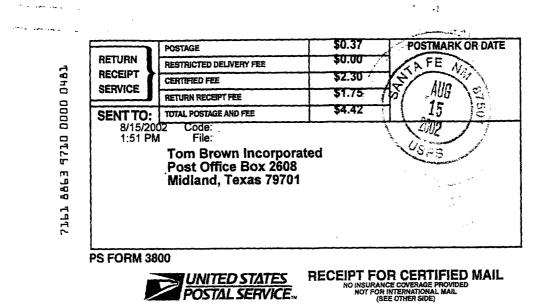
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Very truly yours,

MILLER, STRATVERT & TORGERSON, P.A.

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DALE DOUGLAS Oil & Gas Projecties Area Code: 915 Phone : 682-5565 Fax: 682-4498 Email:ddrdmidland@aol.com

September 4, 2002

Mr. Bill Baker David H. Arrington Oil & Gas, Inc. PO Box 2071 Midland, TX 79702

Re. Huma Huma 34 #1 Well 1700' FSL and 950'' FEL Section 34, T15S, R34E Lea Co, NM Bulldog Prospect

Dear Bill

Reference is herein made to your letter which was dated June 27, 2002 proposing the drilling of the captioned well. This letter was mailed out to the parties having the right to participate in same, according to the official public records.

As of 5:00 P M central time, this date, I have received only two responses to this proposal, as follows:

- I received a phone call from Mr. Ken Smith with Davoil on July 23, 2002 He requested that we furnish him with a copy of our proposed Joint Operating Agreement for this proposed well. I asked Mr. Smith whether or not they were going to participate in the well and he said that depended upon his review of the Joint Operating Agreement. This Joint Operating Agreement was forwarded to him under cover letter dated July 25, 2002. I have had no other conversation with Mr. Smith about Davoil's position regarding this proposal.
- I have reached an agreement with Tom Brown, Inc. regarding their interest in the proposed well

Subsequent to the mailing of the June 27, 2002 proposal letter. I have not received word from any of the other parties regarding the well proposal.

Should you need anything further please let me know.

Yours very truly.

Dale Douglas. CPL

DD/trd

NMOCD CASE NO. 12922 SEPTEMBER 5, 2002 DAVID H. ARRINGTON OIL & GAS, INC. EXHIBIT NO. 10