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LEA COUNTY, NEW MEXICO

4/16/90

BEFORE EXAMINER STOGNER Oil Conservation Division <u>SJT</u>Exhibit No.\_\_/ Case No.\_\_<u>99/7</u>\_\_\_ STEVENS & TULL, INC.

P. O. Box 11005

MIDLAND, TEXAS 79702

915/699-1410

		a na tali - Anna-Pi	BEFORE EXAMINER STOGNER
April	17,	1990	Oil Conservation Division
			SJT Exhibit No. 2
			Case No 9917

Concord Oil Company 1500 Alamo Building San Antonio, Texas 78205 Attn: Mr. R. S. McCoy

> Re: Oil & Gas Lease N/2 SE/4 & NE/4 Section 23, T-20-S, R-38-E, Lea County, New Mexico Carter "23" Prospect

Gentlemen:

We are in receipt of the Oil, Gas and Mineral Lease prepared by your company covering your 1/720ths mineral interest under the captioned lands. After reviewing same, we find it unacceptable as to the numerous additional provisions attached to said lease.

As discussed in our notice letter dated March 29, 1990, we are desirous of acquiring a lease on your minerals; however, such a lease must be in line with those leases taken from larger mineral owners. We are agreeable in deleting the warranty and pooling language. However, as stated above, your proposed lease would create undue hardships in the administration of this property since your mineral interest is so small.

It is our intention to pursue the compulsory pooling of your mineral interest before the New Mexico Oil Conservation Commission on April 18, 1990. Should you have any questions, please contact our office.

Yours Very Truly,

STEVENS & TULL, VINC.

Jerry A. Weant, CPL

jw3.cz.ss

915/699-1410

April 17, 1990

Koch Exploration Company P.O. Box 2256 Wichita, Kansas 67201-2256 Attn: Mr. Randolph B. Whipple

> Re: Oil & Gas Lease NE/4 & N/2 SE/4 Section 23, T-22-S, R-38-E, Lea County, New Mexico Carter "23" Prospect

Gentlemen:

We are in receipt of your April 16, 1990, letter wherein Koch Exploration Company returned our proposed Oil & Gas Lease dated May 1, 1990, subject to changes made by Koch. You have advised us that this amended lease will be recommended to your Vice-President, R. Walton, for his execution.

Stevens & Tull, Inc. accepts your proposed changes and agrees to release Koch Exploration Company from any Compulsory Pooling Order granted to us by the New Mexico Oil Conservation Commission upon the receipt of an executed and properly acknowledged Oil & Gas Lease from Koch Exploration Company.

Thank you for your cooperation in this manner.

Yours Very Truly,

STEVENS & TULL, INC.

Jerry A. Weant, CPL

JW/ss

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KOCH EXPLORATION COMPANY April 16, 1990

Stevens & Tull, Inc. PO Box 11005 Midland, TX 79702

Attn: Jerry A. Weant

Re: Oil and Gas Lease Proposal T20S, R38E, NMPM Section 23: N/2SE/4, NE/4 Lea County, New Mexico NMM-3

Dear Jerry:

The oil and gas lease, as amended, has been reviewed and found acceptable as to its content. The same form shall be recommended to R. Walton for execution, however, he will not return to this office until the morning of April 20, 1990.

Therefore, I request this amended oil and gas lease serve as approval, subject to execution, for Stevens & Tull to omit Koch Industries, Inc. from the proceedings scheduled April 18, 1990, before the State of New Mexico Oil Conservation Division for the purpose of "force pooling" the interest applicable to the lands described on the subject oil and gas lease dated May 1, 1990.

Respectfully. mdol

Randolph B. Whipple District Landman-Special Projects

Accepted and Agreed to this 16th day of April, 1990.

STEVENS & TULL, INC.

By:

Title:

1

STEVENS & TULL, INC. MIDLAND, TEXAS 79702

915/699-1410

April 3, 1990

Dr. Ralph E. Duncan, III 25 Monument Road York, Penn 17403

> Re: Oil & Gas Lease N/2 SE/4 & NE/4 Section 23, T-20-S, R-38-E, Lea County, New Mexico Carter "23" Prospect

Dear Dr. Duncan:

We received your executed Oil & Gas Lease dated April 1, 1990; however, we discovered that said lease had not been acknowledged. Therefore, we are returning the lease to you and requesting that you have same properly acknowledged on the form we have completed on the back of the lease form.

After you have done this, please return it to our office, and we will forward our check for \$11.11 to you. Should you have any questions, please contact our office.

Yours Very Truly,

STEVENS & TULL, INC.

Jerry A. Weant, CPL

STEVENS & TULL, INC. MIDLAND, TEXAS 79702

915/699-1410

March 16, 1990

Dr. Ralph E. Duncan, III 25 Monument Road York, PA 17403

> Re: Oil & Gas Lease N/2 SE/4 and NE/4 Sec. 23 T-20-S, R-38-E, Lea County, New Mexico Carter "23" Prospect

Dear Mr. Duncan:

I have recently spoken to your brother, Robert, regarding your mineral interest under the captioned lands. You inherited a 1/1080 mineral interest through your grandfather, Ralph E. Duncan. My company has leased all the other minerals under said lands to date including the interest held under trust for you by Merchants Bank in Kansas City, MO. I have enclosed a draft for \$11.11, being your 0.222216 net acres times \$50.00 per net acre. The enclosed lease is for a two (2) year primary term and 3/16 royalty.

Please deposit the executed and acknowledged lease in your bank for collection purposes. Also, please furnish your bank name in paragraph no. 4. As an alternative, you can return the executed lease to our office, and we will mail a check to you direct. The bank will charge a \$10.00 fee for handling this transaction.

Should you have any questions, please contact me.

Yours Very Truly,

STEVENS & TULL, INC

Jerry A. Weant, CPL

jw3.as.ss Enclosure

STEVENS & TULL, INC. MIDLAND, TEXAS 79702

915/699-1410

March 13, 1990

Concord Oil Company 1500 Alamo National Building San Antonio, Texas 78205 Attn: Mr. R. S. McCoy

> Re: Mineral Interest N/2 SE/4 & NE/4 Section 23, T-20-S, R-38-E, Lea County, New Mexico Carter "23" Prospect

Gentlemen:

As per our recent conversation regarding your company's 1/720ths mineral interest under the captioned lands, we are now furnishing you with a plat of said acreage and a copy of our proposed AFE. The AFE is drafted on five (5) pages, due to the five (5) potential pays we expect to encounter.

As you can see from the plat, only one (1) well has been drilled on the subject lands. Said well was abandoned as a dry hole in 1953. Therefore as we discussed, this property has never been productive and should not have been included in your conveyance dated February 4, 1983, to Enex Oil & Gas Income Programs II-5, II-6, II-7, II-8, II-9, II-10, III-1 and III-2. You advised us that you would obtain a correction agreement from Enex thus reconveying all of this acreage to Concord. Additionally, this acreage is subject to a mortgage agreement dated January 1, 1987. This will also need to be corrected. We have enclosed the title requirements for our Title Opinion for your review.

I have enclosed a copy of the Oil & Gas Lease that we are leasing on for your review. I have left the date open on the lease so that if Concord decides to lease, your lease can be dated after the conveyance from Enex back to Concord. We intend to proceed with force pooling hearings with the New Mexico Oil Conservation Commission due to some small interests we have been unable to contact. As a precautionary measure, we will include all uncommitted or unleased interest in our request. Please notify us of your decision as soon as possible.

Yours Very Truly,

STEVENS & TULL, INC.

Jerry K. Weant, CPL

jw3.am.ss Enclosures 3-20-90 - Kragen McCay advised That if They Lease, of would probably Want 50% royalty. He said They would not sell Their interest because they want To know what is going on in the area. They do not want to join in on the well. He said to carry them if we don't want to pay 30% royalty.

## STEVENS & TULL, INC. MIDLAND, TEXAS 79702

915/699-1410

## February 1, 1990

Trust Company of OKLahoma of Tulsa

Utica National Bank and Trust Company of Tulsa, Oklahoma P.O. Box 3688 Tulsa, Oklahoma 74101 Attn: Trust Department

William G. Bates Revocable Trust Re: N/2 SE/4 and NE/4 Section 23, T-20-S, R-38-E, N.M.P.M. Lea County, New Mexico Carter "23" Prospect

Gentlemen:

A search of the Lea County Records reflects that William G. Bates conveyed all his undivided 1/128 mineral interest to Utica National Bank and Trust Company, as Trustee of the William G. Bates Revocable Trust u/a/d March 11, 1986. Stevens & Tull, Inc. has currently leased over 75.00% of the mineral estate under the captioned lands, and we would now like to extend our offer to you to lease the subject mineral interest. We are currently offering to lease the subject lands for \$50.00 per net mineral acre, 3/16 royalty and a two (2) year primary term.

We have enclosed our lease form for your review and execution, as well as a draft for \$93.75, being your net 1.875 acres time \$50.00. We request that you complete paragraph no. 4 of the lease prior to submitting same for collection purposes. As an additional alternative, we are prepared to purchase the subject mineral interest for \$200.00 per net acre, being a total cash consideration of \$375.00 We have also enclosed a Mineral Deed and draft for this proposal.

In reviewing the title, our title attorney has made two requirements regarding this interest. One of the requirements is that we obtain a copy of the Trust Agreement dated March 11, 1986. The second requirement pertains to the marital status of William G. Bates. Neither the deed wherein Mr. Bates acquired the subject interest nor the deed conveying said interest to Utica references Mr. Bates' marital status. This is critical in New Mexico. Under New Mexico law, if a Grantee acquires a mineral interest and the deed does not specifically state that it is for his sole and separate property or that he was a single man such interest is presumed to be community property if said Grantee was married at the time of such deed. Additionally, under New Mexico law, any conveyance of community property must be executed by both husband and wife. Failure of either spouses to join in the execution of an instrument renders that

FOM Tulsa

Trust Company of OKLahama 918/744-1330 918/744-0553-918/745-2400 Bill Meyer Cindy Baber gut

Utica National Bank and Trust Company of Tulsa, Oklahoma William G. Bates Revocable Trust Carter "23" Prospect

instrument null and void. Therefore, it is important that we obtain an Affidavit of Marital History for William G. Bates to determine if the referenced conveyance to Utica is a valid instrument under New Mexico law.

We request that you furnish us a copy of the Trust Agreement and an Affidavit of Marital History for William G. Bates at your earliest convenience. Should you desire to discuss any of the enclosed, please contact me. I look forward to working with you in this endeavor.

1

Yours Very Truly,

STEVENS & TULL, INC.

Jerry A. Weant, CPL

jw2.db.sl

1.00

STEVENS & TULL, INC. MIDLAND, TEXAS 79702

915/699-1410

January 25, 1990

Koch Industries, Inc. P.O. Box 2256 Wichita, Kansas 67201 Attn: Land Department

> Re: Mineral Interest N/2 SE/4 and NE/4 Section 23, T-20-S, R-38-E, N.M.P.M. Lea County, New Mexico Carter "23" Prospect

Gentlemen:

O. Box 11005

A search of the Lea County records reflects that Koch Industries, Inc. owns an undivided 1029/12800 mineral interest or 19.293744 net acres under the captioned lands. Stevens & Tull, Inc. has currently leased 70.00% plus of the minerals under said acreage. We now would like to propose that Koch Industries lease its minerals on the enclosed lease form for a 6 month primary term and 1/4royalty.

We request that you review the enclosed form and if same meets with your approval, return same to our office fully executed and properly acknowledged. Should you have any questions, please contact our office.

Yours Very Truly,

STEVENS & TULL, INC.

Jerry A. Weant, CPL

Enclosure iw2.cm.sl

316/832-5500 Janat Kruse Randy Whipple Lance Harmon 316/832-5345

Box 11005

Union Texas Petroleum Corp. P.O. Box 2120 Houston, Texas 77252-2120 Attn: Mr. Rod Cranford

713/968-3824

Re: Mineral Interest N/2 SE/4 and NE/4 Section 23, T-20-S, R-38-E Lea County, New Mexico Carter "23" Prospect

January 4, 1990

915/699-1410

Gentlemen:

As per our recent conversation regarding Union Texas Petroleum's 5/64 mineral interest under the captioned lands, Stevens & Tull, Inc. now requests that you deliver us a six month lease covering same and reserving a 1/4 royalty for Union Texas. As an alternative, we would be interested in acquiring your mineral interest under said lands based on an offer of \$200.00 per net mineral acre times your 18.75 net mineral acres for a total cash consideration of \$3,750.00.

Stevens & Tull, Inc. MIDLAND, TEXAS 79702

Stevens & Tull, Inc. has currently leased a majority of the mineral owners under this acreage, and we plan to spud a 7,900' Abo test at a legal location in the NW/4 SE/4 of Section 23, T-20-S, R-38-E, Lea County, New Mexico on or before February 20, 1990. Therefore we request that you give this request your prompt attention and respond to our office at your earliest possible chance. We have enclosed a Mineral Deed and draft for your review.

Thank you for your prompt response.

Yours Very Truly, STEVENS & TULL, INC/. Jerry A. Weant, CPL

Enclosure jw2.bh.sl

1/25/90 - Spoke with Rod. Union is NOT proposed To act on This INTERPST ST TH.S TIMP. He said if we are in churry for on onswer, we should just Force Pool. I Told him I would Check Dack with him in 30 to 45 days. He said That would help. He said Union does not want to hold us up and that They are Looking To dispose of fall their Small Mineral interests in This area. They just don't want to pincemed at this time.

3/16/90 - OCC., 1t 5,00000 3/19/90-No Answer 3/28/90-No Answer Union is not prepared To act on any offer.

## AUTHORITY FOR EXPENDITURE

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C

		DATE 1/9/90
LEASE NAMEKyte Zone: ABO		WELL NO. 190
WELL LOCATION Sec. 23, T-20-S, R-38-E	COUNTY	
WELL LOCATION		SIRIE
	DRY HOLE	COMPLETED WELL
DRILLING INTANGIBLES:		
LAND DAMAGES	5,000 15,000 85,000 7,000	5,000
LOCATION, ROADS, PITS, CLEANUP FOOTAGE 7,900' @ \$ <u>10.75</u> /FT	<u> </u>	15,000 85,000
DAYWORK S 3 500 / DAY 12.00	7,000	7,000
SURF. CSG. 1600 ' OF 9 5/8 " @ \$ 12.00 FT INT. CSG ' OF " @ \$ /FT.	19,200	19,200
INT. CSG' OF' @ \$/FT. CEMENTING	9,710	9,710
MUD & CHEMICALS	5,500	5,500
WATER	7,000	7,000
LOGGING	7,000 9,505	9,505
TESTING & CORING		1 500
TECHNICAL & LEGAL SERVICES	1,500 5,500	1,500 5,500
EQUIPMENT RENTAL/TRUCKING	2,000	2,000
DRILLING OVERHEAD	3,000	3,000
TOTAL DRILLING INTANGIBLES	174,920	174,920
COMPLETION INTANGIBLES:		
COMPLETION UNIT 10 DAYS @ \$ 1,000 / DAY		10,000
CEMENTING, PIPE PREPARATION		24,454
LOGGING & PERFORATING		8,000
ACID		7,000
		45,000
WATER		8,000
		8,000
SUPERVISION & LABOR EQUIPMENT RENTAL/TRUCKING		15,000
ELECTRICAL HOOKUP		10,000
TOTAL COMPLETION INTANGIBLES	\$	<u>\$ 138,450</u>
COMPLETION TANGIBLES:		
PROD. CSG. 7900 · OF 7 · · @ \$ 8.00 /FT		63,200
PROD. TBG. 7900 ' 0) 2 3/8' @ \$ 1.38/FT		10,900
RODS 7 <u>900.</u> ' OF 3 <u>/4&amp;7/8</u> "@ <u>1.15</u> /FT		9,000
WELLHEAD		5,000
ELECTRICAL EQUIPMENT BOTTOM HOLE ASSEMBLY		10,000 3,500
TANK BATTERY AND TREATER W/CONNECTIONS		25,000
PUMPING UNIT W/POWER		28,000
TOTAL COMPLETION TANGIBLES	ş	s 154,600
TOTAL DRY HOLE COST	, 174,920	467,970
TOTAL COMPLETED WELL COST	<u>v</u>	<u>\$</u>
	Moduly 2 STEVENS AND T	Seale ULL, INC.
AGREED TO and ACCEPTED this No NONO	ote: 7" Produc	tion casing. EXAMINER STOGNER
	OI (	Conservation Division
	5.7	T_Exhibit No3_
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	Cas	se No. <u>77/7</u>

	BEFORE EXAMINER STOGNER
an ar a charachtean an a	Cil Conservation Division
Carl Landson of Street	<u>587</u> Exhibit No. <u>4</u> Case No. <u>9917</u>

March 29, 1990

Re: Compulsory Pooling Hearing N/2 SE/4 & NE/4 Section 23, T-20-S, R-38-E, Lea County, New Mexico Carter "23" Prospect

To Unleased or Uncommitted Mineral Owner:

Reference is made to our March 21, 1990, letter to the New Mexico Oil Conservation Commission, a copy which is attached, pertaining to Stevens & Tull, Inc.'s request for a hearing for Compulsory Pooling proceedings on the captioned lands. Please be advised, a hearing will be held on April 18, 1990, at 8:15 A.M. at the Oil Conservation Division, located in the State Land Office Building, 310 Old Santa Fe Trail, Santa Fe, New Mexico.

Stevens & Tull, Inc. has filed its official application with the New Mexico Oil Conservation Division to subject your uncommitted mineral interest to compulsory pooling. Your failure to appear at the above time and place will result in the loss of your right to object to our application.

Our current offer to acquire and commit your interest is still open, and we can withdraw our application at any time before said hearing. Should you have any questions pertaining to the enclosed, please contact me at 915/699-4916.

Yours Very Truly,

STEVENS & TULL, INC.

Jerry A. Weant, CPL

jw3.cn.ss

STEVENS & TULL, INC. MIDLAND, TEXAS 79702

P. O. Box 11005

915/699-1410

March 21, 1990

New Mexico Oil Conservation Commission P.O. Box 2088 Santa Fe, New Mexico 87504 Attn: Mr. Michael Stogner

> Re: Force Pooling Hearing NW/4 SE/4 Section 23, T-20-S, R-38-E, Lea County, New Mexico Carter "23" Prospect

Gentlemen:

Stevens & Tull, Inc. is proposing to drill a 7900' Abo test in the NW/4 SE/4 of Section 23, T-20-S, R-38-E, N.M. P.M., Lea County, New Mexico. The projected spacing unit for this well will be 40 acres.

We anticipate the pay zones in our well from the deepest to the shallowest are as follows: Abo, Drinkard, Tubb, Blinberry, San Andres and Yates/Seven Rivers. We request that Stevens & Tull, Inc. be placed on your April 18, 1990, docket in order that we may proceed with the pooling of all uncommitted interest under the subject lands. Thank you for your cooperation in this matter.

Yours Very Truly,

STEVENS & TULL, INC.

Jerry A. Weant, CPL

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SENDER: Complete items 1 and 2 when additional 3 and 4. Put your address in the "RETURN TO" Space on the rever card from being returned to you. The return receipt fee will p to and the date of delivery. For additional fees the following for fees and check box(es) for additional service(s) reques 1. Show to whom delivered, date, and addressee's ad (Extra charge)	se side. Failure to do this will prevent this rovide you the name of the person delivered services are available. Consult postmaster ted.
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P.D. Box 2120	Registered Insured
Houston, Texas 77252-2120	Certified COD
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ATTN: Rod Cranford	Always obtain signature of addressee
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