

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

APPLICATION OF YATES PETROLEUM CORPORATION  
FOR COMPULSORY POOLING, EDDY COUNTY, NEW  
MEXICO.

CASE NO. 13398

AFFIDAVIT

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

William F. Carr, attorney in fact and authorized representative of Yates Petroleum Corporation, the Applicant herein, being first duly sworn, upon oath, states that notice of the above-referenced Application was mailed to the interested parties shown on Exhibit "A" attached hereto in accordance with Oil Conservation Division Rules, and that true and correct copies of the notice letter and proof of notice are attached hereto.

  
\_\_\_\_\_  
William F. Carr

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of December 2004 by

William F. Carr.



OFFICIAL SEAL  
LISAMARIE ORTIZ  
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires 01/14/07

  
\_\_\_\_\_  
Notary Public

My Commission Expires: January 14, 2007

# Affidavit of Publication

# Copy of Publication:

NO. 18715

STATE OF NEW MEXICO

County of Eddy:

Gary D. Scott being d

sworn, says: That he is the Publisher of The

Artesia Daily Press, a daily newspaper of general circulation, published in English at Artesia, said county and county and state, and that the here to attached

### Legal Notice

was published in a regular and entire issue of the said Artesia Daily Press, a daily newspaper duly qualified for that purpose within the meaning of Chapter 167 of the 1937 Session Laws of the state of New Mexico for 1 consecutive weeks/days on the same

day as follows:

First Publication December 21 2004

Second Publication \_\_\_\_\_

Third Publication \_\_\_\_\_

Fourth Publication \_\_\_\_\_

Subscribed and sworn to before me this

21 Day December 2004

Barbara Ann Beans  
Notary Public, Eddy County, New Mexico

My Commission expires September 23, 2007

### LEGAL NOTICE

**NOTICE OF PUBLICATION**  
**STATE OF NEW MEXICO**  
**ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**  
**OIL CONSERVATION DIVISION**  
**SANTA FE, NEW MEXICO**

The State of New Mexico through its Oil Conservation Division hereby gives notice pursuant to law and the Rules and Regulations of the Division of the following public hearing to be held at 8:15 A.M. on January 6, 2005, in the Oil Conservation Division Hearing Room at 1220 South St. Francis, Santa Fe, New Mexico, before an examiner duly appoint for the hearing. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact: Florene

### LEGAL NOTICE

proximate depth of 12,000 feet. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of Yates Petroleum Corporation as operator of the well and a 200% charge for risk involved in drilling said well. Said area is located approximately 14.5 miles southwest of Carlsbad, New Mexico. Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 17th day of December 2004.

### LEGAL NOTICE

Davidson at 505-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by December 27, 2004. Public documents including the agenda and minutes, can be provided in various accessible forms. Please contact Florene Davidson if a summary or other type of accessible form is needed.

### STATE OF NEW MEXICO TO:

**All named parties and persons having any right, title, interest or claim in the following cases and notice to the public.**

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

**CASE 13398:**  
**Application of Yates Petroleum Corporation for Compulsory Pooling, Eddy County, New Mexico.** Applicant in the above-styled cause seeks an order pooling all mineral interests from

### LEGAL NOTICE

the surface through the base of the Morrow formation in the following described acreage in Section 17, Township 25 South, Range 26 East, NMPM: N/2 to form a standard 320-acre spacing and proration unit for all formations developed on a 320-acre spacing within that vertical extent which includes but is not necessarily limited to the Chosa Draw-Morrow Gas Pool, Undesignated Sage Draw-Atoka Gas Pool and the Undesignated Sage Draw-Wolfcamp Pool, NE/4 to form a standard spacing and proration unit for all formations developed on 160-acre spacing within that vertical extent; and NW/4 NE/4 to form a standard spacing and proration unit for all formations developed on 40-acre spacing within that vertical extent. Said units are to be dedicated to its Guitar "BFL" Com Well No. 1 to be drilled 990 feet from the North line and 1980 feet from the East line of said Section 17 to an ap-

**STATE OF NEW MEXICO**  
**OIL CONSERVATION DIVISION**  
**Mark E. Fesmire, P.E.,**  
**Director**

Published in the Artesia Daily Press, Artesia, N.M. December 21, 2004.

Legal 18715

**Exhibit A**

**Application of Yates Petroleum Corporation  
for compulsory pooling  
Eddy County, New Mexico**

**(Guitar BFL Com #1)**

**Section 17:Unit Letter B**

**Township 25 South, Range 25 East, NMPM  
Eddy County, New Mexico**

1. James Kelly Polk  
12 August  
Abilene, TX 79606
2. Marilyn Guitar Galusha Trust  
Marilyn Guitar Galusha, Trustee  
P O Box 1438  
Abilene, TX 79604
3. Pressley H. Guitar  
P O Box 5383  
Abilene, TX 79608
4. Brett Guitar Witherspoon  
P O Box 100635  
Fort Worth, TX 76185
5. Whitten Guitar Witherspoon  
4508 Tall Meadow Lane  
Forth Worth, TX 76133
6. Wende Witherspoon Morgan  
1720 Southwicke  
Flower Mount, TX 75022
7. John Guitar Witherspoon, Jr.  
Lemonwood Drive  
Forth Worth, TX 76133-7012
8. Jeri Alexander Lott  
9102 Vicksburg Ave. #17  
Lubbock, TX 79424
9. James M. Alexander  
P O Box 58  
Abilene, TX 79604
10. Martha Jane Rhodes  
P O Box 58  
Abilene, TX 79604

CASE 13398:

**Application of Yates petroleum corporation for compulsory pooling, Eddy County, New Mexico.** Applicant in the above-styled cause seeks an order pooling all mineral interests from the surface through the base of the Morrow formation in the following described acreage in Section 17, Township 25 South, Range 26 East, NMPM: N/2 to form a standard 320-acre spacing and proration unit for all formations developed on a 320-acre spacing within that vertical extent which includes but is not necessarily limited to the Chosa Draw-Morrow Gas Pool, Undesignated Sage Draw-atoka Gas Pool and the Undesignated Sage Draw-Wolfcamp Pool; NE/4 to form a standard spacing and proration unit for all formations developed on 160-acre spacing within that vertical extent; and NW/4 NE/4 to form a standard spacing and proration unit for all formations developed on 40-acre spacing within that vertical extent. Said units are to be dedicated to its Guitar "BFL" Com Well No. 1 to be drilled 990 feet from the North line and 1980 feet from the East line of said Section 17 to an approximate depth of 12,000 feet. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of Yates Petroleum Corporation as operator of the well and a 200% charge for risk involved in drilling said well. Said area is located approximately 14.5 miles southwest of Carlsbad, New Mexico.



December 16, 2004

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

TO: ALL AFFECTED PARTIES

Re: Application of Yates Petroleum Corporation for compulsory pooling, Eddy County, New Mexico.

Ladies and Gentlemen:

This letter is to advise you that Yates Petroleum Corporation has filed the enclosed application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests from the surface to the base of the Morrow formation in the following described acreage in irregular Section 17, Township 25 South, Range 26 East, NMPM: the N/2 to form a standard 320-acre spacing and proration unit for all formations developed on a 320-acre spacing within that vertical extent which includes but is not necessarily limited to the Chosa Draw-Morrow Gas Pool; the NE/4 to form a standard spacing and proration unit for all formations developed on 160-acre spacing within that vertical extent; and the NW/4 NE/4 to form a standard spacing and proration unit for all formations developed on 40-acre spacing within that vertical extent. Said units are to be dedicated to Yates Guitar "BFL" Com Well No. 1 to be drilled 990 feet from the North line and 1980 feet from the East line of said Section 17 to a depth sufficient to test all formations from the surface through the base of the Morrow formation.

This application has been set for hearing before a Division Examiner on January 6, 2005. 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 three days in advance of a scheduled hearing. This statement must be filed at the Division's Santa Fe office at the above specified address and should 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. Carr  
ATTORNEY FOR YATES PETROLEUM CORPORATION

cc: Susan Vierra  
Yates Petroleum Corporation

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

SENT BY COMPLETE THE FOLLOWING INFORMATION ON DELIVERY

RECEIVED BY (PLEASE PRINT CLEARLY) DATE OF DELIVERY

**OFFICIAL**

Guitar	Postage	\$ .60
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees		\$ 4.65

- 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. Received by (Please Print Clearly) B. Date

Ida Hernandez DEC 21 2004

C. Signature  Agent  Addressee

X Ida Hernandez

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

**DEC 21 2004**

1. Article Addressed to:

James M. Alexander  
P. O. Box 58  
Abilene, TX 79604

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 (Copy from serial number) 7001 1140 0002 9557 7364

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

Sent To  
James M. Alexander  
Street, Apt. No., or PO Box No. P. O. Box 58  
City, State, ZIP+ Abilene, TX 79604

PS Form 3800

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

**OFFICIAL**

Guitar	Postage	\$ .60
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees		\$ 4.65

- 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. Received by (Please Print Clearly) B. Date of Delivery

BILL GALUSHA DEC 21 2004

C. Signature  Agent  Addressee

X Bill Galusha

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

1. Article Addressed to:

Marilyn Guitar Galusha Trust  
Marilyn Guitar Galusha, Trustee  
P. O. Box 1438  
Abilene, TX 79604

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 (Copy from serial number) 7001 1140 0002 9557 7296

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

Sent To  
Marilyn Guitar Galusha  
Street, Apt. No., or PO Box No. Marilyn Guitar Galusha, P. O. Box 1438  
City, State, ZIP+ Abilene, TX 79604

PS Form 3800

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

**OFFICIAL**

Guitar	Postage	\$ .60
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees		\$ 4.65

- 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. Received by (Please Print Clearly) B. Date of Delivery

Pressley H. Guitar 12/20/04

C. Signature  Agent  Addressee

X Pressley H. Guitar

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

1. Article Addressed to:

Pressley H. Guitar  
P. O. Box 5383  
Abilene, TX 79608

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 (Copy from serial number) 7001 1140 0002 9557 7302

Sent To  
Pressley H. Guitar  
Street, Apt. No., or PO Box No. P. O. Box 5383  
City, State, ZIP+ Abilene, TX 79608

PS Form 3800

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

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

OFFICIAL

Postage	\$ .60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.65</b>

Sent To  
 Jeri Alexander Lott  
 9102 Vicksburg Avenue  
 Lubbock, Texas 79424

PS Form 3800

**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:  
  
 Jeri Alexander Lott  
 9102 Vicksburg Avenue #17  
 Lubbock, Texas 79424

2. Article Number (Copy from s) 7001 1140 0002 9557 7357

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) *Jeri Alexander Lott* B. Date of Delivery *12/20/99*  
 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

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

OFFICIAL

Postage	\$ .60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.35</b>

Sent To  
 Wende Witherspoon Morgan  
 1720 Southwicke  
 Flower Mount, Texas 75022

PS Form 3800

- 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:  
  
 Wende Witherspoon Morgan  
 1720 Southwicke  
 Flower Mount, Texas 75022

2. Article Number (Copy from 7001 1140 0002 9557 7333

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

A. Received by (Please Print Clearly) *WENDE W. MORGAN* B. Date of Delivery *12-21-99*  
 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

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

OFFICIAL

Postage	\$ .60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.65</b>

Sent To  
 James Kelly Polk  
 12 August  
 Abilene, TX 79606

PS Form 3800

- 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:  
  
 James Kelly Polk  
 12 August  
 Abilene, TX 79606

2. Article Number (Copy from 7001 1140 0002 9557 7289

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

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

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

OFFICIAL

Postage	\$ .60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.65</b>

Sent To  
**Martha Jane Rhodes**  
P. O. Box 58  
Abilene, TX 79604

PS Form 3800, July 1999

and 3. Also complete  
Delivery is desired.  
name and address on the reverse  
that we can return the card to you.  
Attach this card to the back of the mailpiece,  
or on the front if space permits.

Article Addressed to:  
**Martha Jane Rhodes**  
P. O. Box 58  
Abilene, TX 79604

A. Received by (Please Print Clearly) **Ida Hernandez** B. Date of Delivery **DEC 21 2004**

C. 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

2. Article Number (Copy from serial number) **701 1140 0002**

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

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:  
**Brett Guitar Witherspoon**  
P. O. Box 100635  
Fort Worth, Texas 76185

C. Signature **Brett Witherspoon**  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

2. Article Number (Copy from serial number) **7001 1140 0002 9557 7319**

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

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

OFFICIAL

Postage	\$ .60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.65</b>

Sent To  
**Brett Guitar Witherspoon**  
P. O. Box 100635  
Fort Worth, Texas 76185

PS Form 3800, July 1999

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

OFFICIAL USE

Postage	\$ .80
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.65</b>



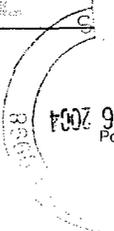
Sent To: **John Guitar Witherspoon, Jr.**  
 Street, Apt. No., or PO Box No.: **Lemonwood Drive**  
 City, State, ZIP+: **Fort Worth, Texas 76133-7012**

PS Form 3800

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

OFFICIAL USE

Postage	\$ 1.60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.65</b>



Sent To: **Whitten Guitar Witherspoon**  
 Street, Apt. No., or PO Box No.: **4508 Tall Meadow Lane**  
 City, State, ZIP+: **Fort Worth, Texas 76133**

PS Form 3800

**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:  
  
**Whitten Guitar Witherspoon**  
**4508 Tall Meadow Lane**  
**Fort Worth, Texas 76133**

2. Article Number (Copy from envelope)  
**7001 1140 0002 9557 7326**

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) **WHITTEN GUITAR WITHERSPOON**  
 B. Date of Delivery **12-20-97**  
 C. Signature **[Signature]**  
 Agent  
 Addressee  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

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

4. Restricted Delivery? (Extra Fee)  Yes