

Affidavit of Publication

State of New Mexico,
County of Eddy, ss.

Dawn Higgins, being first duly sworn, on oath says:

That she is Business Manager of the Carlsbad Current-Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

February 1, 2005

2005

2005

2005

That the cost of publication is \$ 58.41

and that payment thereof has been made and will be assessed as court costs.

Dawn Higgins

Subscribed and sworn to before me this

1 day of February, 2005
Stephanie Dobson

My commission expires 12-13-05

Notary Public

February 1, 2005

NOTICE

To: Alan D. Tuck, Jr., Evelyn Tuck, John McIsaac, Larry Turner, Sande Wische, and Chester J. Steubben, or their successors-in-interest: Nadel and Gussman Permian, L.L.C. has filed an 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 underlying the S1/2 of Section 32, Township 22 South, Range 28 East, N.M.P.M., Eddy County, New Mexico, to form a standard 320-acre gas spacing and proration unit for any and all formations or pools developed on 320-acre spacing within that vertical extent. The unit is dedicated to the Brutus Well No. 1, located in the SW1/4SW1/4 of the section, and the Grizzly Well No. 1, located in the NE1/4SE1/4 of the section. Also to be considered will be the cost of drilling and completing the wells and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of applicant as operator of the well, and a 200% charge for the risk involved in drilling and completing the wells. This matter will be heard at 8:15 a.m. on Thursday, February 17, 2005 at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. As interest owners in the well unit, you have the right to enter an appearance and participate in the case. Failure to appear will preclude you from contesting this matter at a later date. The units are located approximately 4 miles north-northwest of Loving, New Mexico.

OIL CONSERVATION DIVISION

CASE NUMBER

EXHIBIT NUMBER 3