

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

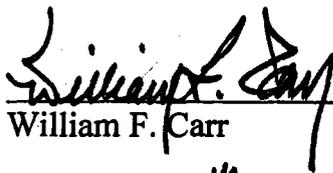
APPLICATION OF DEVON ENERGY PRODUCTION  
COMPANY, L.P. FOR APPROVAL OF AN  
UNORTHODOX WELL LOCATION AND  
AUTHORIZATION TO DRILL A WELL IN THE  
POTASH AREA, EDDY COUNTY, NEW MEXICO.

CASE NO. 13372

AFFIDAVIT

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

William F. Carr, attorney in fact and authorized representative of Devon Energy Production Company, 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.

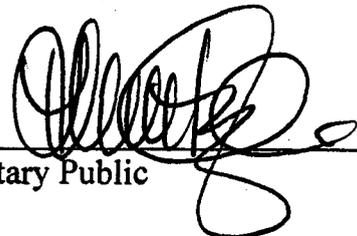
  
\_\_\_\_\_  
William F. Carr

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of October 2004 by

William F. Carr.



OFFICIAL SEAL  
LISAMARIE ORTIZ  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires 1/14/07

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

My Commission Expires: January 14, 2007

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**APPLICATION OF  
DEVON ENERGY PRODUCTION COMPANY, L.P.  
FOR APPROVAL OF AN UNORTHODOX WELL LOCATION  
AND AUTHORIZATION TO  
DRILL A WELL IN THE POTASH AREA,  
EDDY COUNTY, NEW MEXICO**

**EXHIBIT A**

**NOTICE LIST**

**Mr. Dan Morehouse  
Mine Engineering Superintendent  
IMC Potash Carlsbad, Inc.  
Post Office Box 71  
Carlsbad, New Mexico 88221-0071**

**New Mexico State Land Office  
Attention: Mr. Jeff Albers  
Oil, Gas and Minerals Division  
Post Office Box 1148  
Santa Fe, New Mexico 87504-1148**

**Bureau of Land Management  
Attention: Craig Cranston  
620 East Green Street  
Carlsbad, New Mexico 88220-0071**

October 14, 2004

**CERTIFIED MAIL -- RETURN RECEIPT REQUESTED**

Mr. Dan Morehead, Superintendent  
Mine Engineering and Construction  
IMC Potash Carlsbad Inc.  
Post Office Box 71  
Carlsbad, New Mexico 88221-0071

New Mexico State Land Office  
Oil, Gas and Minerals Division  
Post Office Box 1148  
Santa Fe, New Mexico 87504-1148  
Attention: Mr. Jeff Albers

Bureau of Land Management  
620 East Green Street  
Carlsbad, New Mexico 88220-6292  
Attention: Craig Cranston

Re: Application of Devon Energy Production Company, L.P. for approval of an unorthodox well location and authorization to drill a well in the Potash Area, Eddy County, New Mexico.

Gentlemen:

This letter is to advise you that Devon Energy Production Company, L.P. has filed the enclosed application with the New Mexico Oil Conservation Division seeking approval of an unorthodox well location and an order approving the drilling of its Apache 24 Fee Well No. 7A at an unorthodox gas well location 1460 feet from the North line and 1150 feet from the West line (Unit E) of Section 24, Township 22 South, Range 30 East, NMPM, Eddy County, New Mexico. the well will be drilled as a wildcat well to test the Devonian formation. This acreage is located in the Potash Area as defined by Division Order No. R-111-P.

This application has been set for hearing before a Division Examiner on November 4, 2004. The hearing will be held in Porter Hall in the Division's Santa Fe office. 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 at the Santa Fe Office of the Oil Conservation Division located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505, three days in advance of a scheduled

**Holland & Hart LLP**

Phone [505] 988-4421 Fax [505] 983-6043 [www.hollandhart.com](http://www.hollandhart.com)

110 North Guadalupe Suite 1 Santa Fe, NM 87501 Mailing Address P.O. Box 2208 Santa Fe, NM 87504-2208

Aspen Billings Boise Boulder Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Salt Lake City Santa Fe Washington, D.C. 



hearing. This statement must 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,

A handwritten signature in black ink, appearing to read "William F. Carr".

William F. Carr

ATTORNEY FOR DEVON ENERGY  
PRODUCTION COMPANY, L.P.

Enclosure

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

**OFFICIAL**

Apache Postage 24-7A	\$ .83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.88</b>

**Sent To** Mr. Dan Morehouse  
 Mine Engineering Superint.  
 IMC Potash Carlsbad Inc.  
 Post Office Box 71  
 Carlsbad, NM 88221-0071

PS Form 3800, January 2001

**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:

Mr. Dan Morehouse  
 Mine Engineering Superintendent  
 IMC Potash Carlsbad Inc.  
 Post Office Box 71  
 Carlsbad, NM 88221-0071

2. Article Number (Copy 1)

7001 1140 0002 5602 6559

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

**COMPLETE THIS SECTION ON DELIVERY**

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

C. Signature X Linda Batzels  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**

Apache Postage 24-7A	\$ .83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.88</b>

**Sent To** New Mexico State Land Office  
 Attn: Mr. Jeff Albers  
 Oil, Gas and Minerals Division  
 Post Office Box 1148  
 Santa Fe, NM 87504-1148

PS Form 3800, January 2001

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1. Article Addressed to:

New Mexico State Land Office  
 Attn: Mr. Jeff Albers  
 Oil, Gas and Minerals Division  
 Post Office Box 1148  
 Santa Fe, NM 87504-1148

2. Article Number (Copy)

7001 1140 0002 5602 6566

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

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

C. Signature X [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**  
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**OFFICIAL**

Apache Postage 24-7A	\$ .83
Certified Fee	2.30
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<b>Total Postage &amp; Fees</b>	<b>\$ 4.88</b>

**Sent To** Bureau of Land Management  
 Attn: Craig Cranston  
 620 East Green Street  
 Carlsbad, NM 88220-0071

PS Form 3800, January 2001

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bureau of Land Management  
 Attn: Craig Cranston  
 620 East Green Street  
 Carlsbad, NM 88220-0071

2. Article Number (Copy from)

7001 1140 0002 5602 6573

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

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

C. Signature X [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

# Affidavit of Publication

NO. 18643

Copy of F

STATE OF NEW MEXICO

County of Eddy:

Gary D. Scott being duly

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

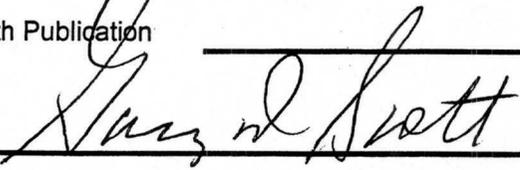
day as follows:

First Publication October 19 2004

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

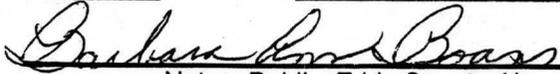
Third Publication \_\_\_\_\_

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



Subscribed and sworn to before me this

19th Day October 2004



Notary Public, Eddy County, New Mexico

My Commission expires September 23, 2007

NOTICE OF APPLICATION  
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 November 4, 2004, in the Oil Conservation Division Hearing Room at 1220 South St. Francis, Santa Fe, New Mexico, before an examiner duly appointed 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 Davidson at 505-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by October 26, 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 13372:**  
Application of Devon Energy Production Company, L.P. for approval of an unorthodox well location and authorization to drill a well in the Potash Area, Eddy County, New Mexico. Applicant seeks an order approving the drilling of its proposed Apache 24 Fee Well No. 7A within the Potash Area at an

unorthodox well location 1460 feet from the North line and 1150 feet from the West line (Unit E) of Section 24, Township 22 South, Range 30 East, NMPM, Eddy County, New Mexico. This well will be drilled to an approximate depth of 15,500 to as a wildcat well to test the Devonian formation. Said location is within the Potash Area and located approximately 8 miles east of Carlsbad, New Mexico.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 15th day of October 2004.

STATE OF NEW MEXICO

OIL CONSERVATION DIVISION

Mark E. Fesmire, P.E.  
Director

Published in the Artesia Daily Press, Artesia, N.M. October 19, 2004.

Legal 18643