

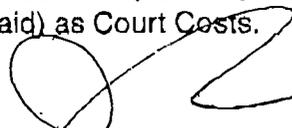
**Affidavit of Publication**

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF LEA )

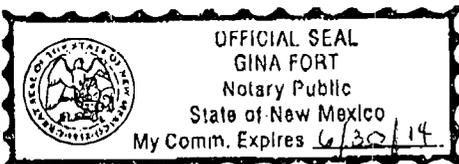
John Graham being first duly sworn on oath deposes and says that he is Publisher of THE LOVINGTON LEADER, a thrice a week newspaper of general paid circulation published in the English language at Lovington, Lea County, New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in excess of Twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as hereinafter shown; and that said newspaper is in all things duly qualified to publish legal notices within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico.

That the notice which is hereto attached, entitled Legal Notice was published in a regular and entire issue of THE LOVINGTON LEADER and not in any supplement thereof, for one (1) day(s), beginning with the issue of January 12, 2013 and ending with the issue of January 12, 2013.

And that the cost of publishing said notice is the sum of \$ 247.78 which sum has been (Paid) as Court Costs.

  
\_\_\_\_\_  
John Graham, Publisher  
Subscribed and sworn to before me this 23rd day of January, 2013.

  
\_\_\_\_\_  
Gina Fort  
Notary Public, Lea County, New Mexico  
My Commission Expires June 30, 2014



**LEGAL NOTICE**  
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 24, 2013, 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 505-478-3458 or through the New Mexico Relay Network, 1-800-659-779 by January 21, 2013. 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 item descriptions herein refer to the New Mexico Principal Merit(s) whether or not so stated.)

To: Westway Petro Two, a Texas Joint Venture; Betty Read Young; Elda Ga Group, LLC; Carolyn R. Beall; Calvin C. Desmond Trust; V.C. Desmond Trust; Ralph E. Peacock; Marvin V. Turner, Trustee; Burke Royalty Co., Ltd. or their successors heirs and devisees.

Case No. 14940: Application of Nearburg Exploration Company, LLC for a non-standard spacing and proration unit and compulsory pooling, Lea County, New Mexico. Applicant in the above-styled cause seeks an order (1) creating a non-standard 160-acre spacing and proration unit comprised of the E/2 W/2 of Section 2; Township 20 South, Range 34 East, NMPM, and (2) pooling all mineral interests in producing reservoirs within the Bone Spring formation underlying this acreage. Sa non-standard unit is to be dedicated to applicant's proposed Laguna 23 Fed Com Well No. 1H, to be horizontally drilled from a surface location 330 feet from the South line and 1980 feet from the West line (Unit N) to a bottom hole location 330 feet from the North line and 1980 feet from the West line (Unit C) of Section 23. 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. Nearburg Exploration Company, LLC as operator of the well and unit and a 200 charge for risk involved in drilling said well. Said area is approximately 30 miles south west of Hobbs, New Mexico.

Given under the Seal of the State of New Mexico Oil Conservation Division at Santa Fe, New Mexico on this 10th day of January 2013.

STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION

Jami Bailey, Division Director  
Published in the Lovington Leader January 12, 2013.

BEFORE THE OIL CONSERVATION DIVISION  
Santa Fe, New Mexico  
Exhibit No. 5  
Submitted by:  
**NEARBURG EXPLORATION COMPANY, LLC**  
Hearing Date: January 24, 2013