

AFFIDAVIT OF PUBLICATION

Ad No. 52132

**STATE OF NEW MEXICO
County of San Juan:**

CONNIE PRUITT, being duly sworn says:
That she is the ADVERTISING MANAGER of
THE DAILY TIMES, a daily newspaper of
general circulation published in English at
Farmington, said county and state, and that
the hereto attached Legal Notice was
published in a regular and entire issue of the
said DAILY TIMES, a daily newspaper duly
qualified for the purpose within the meaning of
Chapter 167 of the 1937 Session Laws of the
State of New Mexico for publication and
appeared in the Internet at The Daily Times
web site on the following day(s):

Wednesday, August 17, 2005.

And the cost of the publication is \$52.97.

Connie Pruitt

ON 8/17/05 CONNIE PRUITT
appeared before me, whom I know personally
to be the person who signed the above
document.

Wynell Corey
My Commission Expires November 17, 2006.

COPY OF PUBLICATION

918 Legals

NOTICE

TO: R.V. Rush, Philip James Hornby, Albert E. Hornby, North American Energy Investors, Inc., Michael Robert Aho, Darrell Hornby, Darrel B. Johnson, Egbert F. Hornby, Terry Allen Hornby Estate, Don Carlos Richardson, Dell B. Johnson, Gladys Murphy, and all other mineral interest owners in the lands described below: XTO Energy Inc. has filed an application with the New Mexico Oil Conservation Division requesting approval of surface commingling of (i) Basin-Dakota Gas Pool production from the Hare Gas Com. D Well No. 1, located in Unit Letter I of Section 14, and the Hare Gas Com. D Well No. 1E, located in Unit Letter G of Section 14, both of which are dedicated to the E/2 of Section 14, with (ii) Otero-Chacra Gas Pool production from the Hare Gas Com. J Well No. 1, located in Unit Letter J of Section 14, which is dedicated to the SE/4 of section 14, all located in Township 29 North, Range 11 West, NMPM. Gas produced from each well will be separately metered before commingling, and the commingled gas will use a shared compressor at the Hare Gas Com. D Well No. 1 location. The application is scheduled to be heard at 8:15 a.m. on Thursday, August 25, 2005 at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. As an interest owner in the wells, 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 unit is located approximately 2 miles northeast of Bloomington, New Mexico.

Legal No. 52132 published in The Daily Times, Farmington, New Mexico on Wednesday, August 17, 2005.

OIL CONSERVATION DIVISION

CASE NUMBER

EXHIBIT NUMBER 3