

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

APPLICATION OF MATADOR
PRODUCTION COMPANY
TO RE-OPEN CASE NO. 15245 FOR
COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.

CASE NO. 15245 (re-opened)

AFFIDAVIT

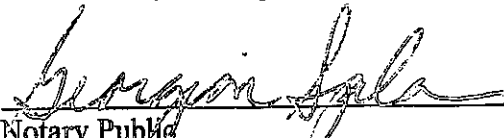
STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

Jennifer L. Bradfute, attorney in fact and authorized representative of Matador Production Company, the Applicant herein, being first duly sworn, upon oath, states that the above-referenced Application was provided under the notice letter and proof of receipt attached hereto.

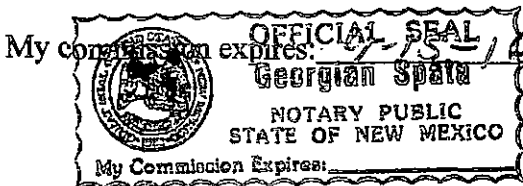


Jennifer L. Bradfute

SUBSCRIBED AND SWORN to before me this 18th day of, August 2015 by Jennifer L. Bradfute.



Notary Public



Y:\dox\client\85889\0006\PLEADING\W2513514.DOCX

Case No. 15245 (re-opened)





MODRALL SPERLING

L A W Y E R S

July 20, 2015

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Jennifer L. Bradfute
505.848.1845
Fax: 505.848.1882
jlb@modrall.com

**Re: In The Matter of the Application of Matador Production
Company to Re-open Case No. 15245 for Compulsory
Pooling in Eddy County, New Mexico.**

TO: POOLED PARTIES LISTED ON EXHIBIT A

This letter is to advise you that Matador Production Company has filed the enclosed application with the New Mexico Oil Conservation Division seeking to re-open Case No. 15245 and seek compulsory pooling in Eddy County, New Mexico.

This application has been set for hearing before a Division Examiner at 8:15 a.m. on August 20, 2015. The hearing will be held in Porter Hall in the Oil Conservation Division's Santa Fe Office located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. As a party who may be affected by this application, we are notifying you of your right to appear at the hearing and participate in this case, including the right to present evidence either in support of or in opposition to the application. Failure to appear at the hearing may preclude you from any involvement in this case at a later date.

Pursuant to Division Rule 1208.B, you are further notified that if you desire to appear in this case, then you are requested to file a Pre-Hearing Statement with the Division not later than 5:00 PM on Thursday, August 13, 2015, with a copy delivered to the undersigned.

Sincerely,

Jennifer L. Bradfute
**Attorney for Matador Production
Company**

Modrall Sperling
Roehl Harris & Sisk P.A.

Bank of America Centre
500 Fourth Street NW
Suite 1000
Albuquerque,
New Mexico 87102

PO Box 2168
Albuquerque,
New Mexico 87103-2168

Tel: 505.848.1800
www.modrall.com

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

**APPLICATION OF MATADOR
PRODUCTON COMPANY
TO RE-OPEN CASE NO. 15245 FOR
COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.**

CASE NO. 15245 (re-opened)

APPLICATION

Matador Production Company ("Matador"), OGRID Number 228937, through its undersigned attorneys, hereby requests the Oil Conservation Division to reopen Case No. 15245, in order to pool additional mineral interests in the Wolfcamp formation underlying the S/2 of Section 12, Township 23 South, Range 27 East, NMPM, Eddy County, New Mexico, pursuant to the provisions of NMSA (1978), § 70-2-17. In support of this application, Matador states as follows:

1. In Order No. R-13970, the Division approved a standard 320-acre, more or less, gas spacing and proration unit in the Wolfcamp formation, comprised of the S/2 of Section 12, Township 23 South, Range 27 East, NMPM, Eddy County, New Mexico, and an unorthodox location within the project area for Matador's proposed well -- the Tom Walters 12-23-27E RB Well No. 203H.

2. The Tom Walters 12-23-27E RB 203H well is a horizontal well to be drilled from a surface location 2262 feet from the South line, and 250 feet from the West line (Unit letter L) of Section 12, to a terminus 2263 feet from the South line and 240 feet from the East line (Unit letter D) of Section 12, Township 23 South Range 27 East, NMPM) for the production of gas from the Wolfcamp formation from the Cass Draw-Wolfcamp (Gas) Pool (Pool code 74270).

3. Matador believed it would be able to reach an agreement with mineral interest owners in a portion of the lands located in the S/2 of Section 12 to participate in the drilling of the well, or to otherwise commit their interests to the well. As a result, Matador requested that its request to compulsory pool the uncommitted interests in the S/2 of Section 12 be dismissed, and Order No. R-13970 dismissed Matador's request for compulsory pooling.

4. These uncommitted interest owners subsequently refused to commit their interest in the project area, and it is necessary to obtain an order pooling all mineral interest owners in the S/2 of Section 12, pursuant to NMSA (1978), § 70-2-17.

5. Matador owns an interest in each tract (in the target pool or formation) where part of the well's completed interval will be located.

6. Pooling of all interests in the Wolfcamp formation underlying the proposed project area will prevent the drilling of unnecessary wells, prevent waste and protect correlative rights.

7. Notice of this application has been given in accordance with Division rules as shown on Exhibit A.

WHEREFORE, Matador Production Company requests this application be set for hearing before an Examiner of the Oil Conservation Division on August 20, 2015, and after notice and hearing as required by law, the Division enter its order:

- A. Pooling all mineral interests in the Wolfcamp formation underlying this non-standard spacing and proration unit/project area;
- B. Designating Matador as operator of this unit and the well to be drilled thereon;
- C. Authorizing Matador to recover its costs of drilling, equipping and completing this well;
- D. Approving actual operating charges and costs charged for supervision,

together with a provision adjusting the rates pursuant to the COPAS accounting procedure; and

E. Setting a 200% charge for the risk involved in drilling and completing the well in the event a working interest owner elects not to participate in the well.

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: 

Karl E. DeBrine, Jr.

Jennifer Bradfute

Post Office Box 2168

Bank of America Centre

500 Fourth Street NW, Suite 1000

Albuquerque, New Mexico 87103-2168

Telephone: 505.848.1800

Attorneys for Applicant

CASE NO. 15245 (re-opened): Application of Matador Production Company for compulsory pooling, Eddy County, New Mexico. Applicant seeks an order from the Division pooling all mineral interests in the Wolfcamp formation underlying a standard spacing and proration unit comprised of the S/2 of Section 12, Township 23 South, Range 27 East, NMPM, Eddy County, New Mexico for the Tom Walters 12-23-27E RB Well No. 203H well, to be horizontally drilled. The producing area for this well will be unorthodox, located less than 330 feet from the project area boundary. Also to be considered will be the cost of drilling and completing said well, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Matador Production Company as operator of the well, and a 200% charge for risk involved in drilling said well. The Tom Walters 12-23-27E RB Well No. 203H well is located approximately 3 miles northwest of Loving, New Mexico.

EXHIBIT A

Party	Address	City, State Zip	Net Acres	WI
Sally Guitar	10 Woodhaven Circle	Abilene, TX 79605	4	0.0125
Judy Guitar Uhey	P.O. Box 632	Elizabethtown, KY 42702	2	0.00625
Sharon Guitar Ellis	P.O. Box 105	Snoqualmie Pass, WA 98068	2	0.00625
Melissa McGee	P.O. Box 334	Buffalo Gap, TX 79508	2	0.00625
Pressley Hudson Guitar	3175 Curry Ln.	Abilene, TX 79605	2.5	0.0078125
Lesli Guitar Nichols	P.O. Box 327	Big Spring, TX 79721	1.25	0.00390625
John Kelly Guitar	P.O. Box 1628	Big Spring, TX 79721	1.25	0.00390625
Guy Pittman Witherspoon, III	308 Hazelwood Dr.	Fort Worth, TX 76107	2.5	0.0078125
John Guitar Witherspoon, Jr.	7404 Lemonwood Ln.	Fort Worth, TX 76133	1.25	0.00390625
Whitten Guitar Witherspoon	7524 Pear Tree Ln.	Fort Worth, TX 76133	1.25	0.00390625
Brett Guitar Witherspoon	PO Box 100635	Fort Worth, TX 76185	1.25	0.00390625
Wende Witherspoon Morgan	1720 Southwicke Dr.	Flower Mound, TX 75022	1.25	0.00390625
Gayle N. Nicolay, Trustee of the Gayle N. Nicolay Revocable Trust	5528 Tahoe Lane	Fairway, KS 66205	1.25	0.00390625
Virginia Nevill Hoff, as Trustee of the Virginia Nevill Hoff Management Trust	2601 Lakewood Circle	Tuscaloosa, AL 35405	1.25	0.00390625
			25	0.078125

Matador Application Notices – Tom Walker, Case 15245
Sent July 20, 2015

Party	Article Number	Returned
Sally Guitar 10 Woodhaven Circle Abilene, TX 79605	7014 3490 0001 8089 5351	July 27, 2015
Judy Guitar Uhey P.O. Box 632 Elizabethtown, KY 42702	7014 3490 0001 8089 5368	July 30, 2015
Sharon Guitar Ellis P.O. Box 105 Snoqualmie Pass, WA 98068	7014 3490 0001 8089 5375	July 29, 2015
Melissa McGee P.O. Box 334 Buffalo Gap, TX 79508	7014 3490 0001 8089 5382	August 3, 2015
Pressley Hudson Guitar 3175 Curry Ln. Abilene, TX 79605	7014 3490 0001 8089 5429	July 27, 2015
Lesli Guitar Nichols P.O. Box 327 Big Spring, TX 79721	7014 3490 0001 8089 5214	July 30, 2015
John Kelly Guitar P.O. Box 1628 Big Spring, TX 79721	7014 3490 0001 8089 5207	
Guy Pittman Witherspoon, III 308 Hazlewood Dr. Fort Worth TX 76107	7014 3490 0001 8089 5153	July 27, 2015
John Guitar Witherspoon, Jr. 7404 Lemonwood Ln. Fort Worth, TX 76133	7014 3490 0001 8089 3685	July 27, 2015
Whitten Guitar Witherspoon 7524 Pear Tree Ln. Fort Worth, TX 76133	7014 3490 0001 8089 3678	August 17, 2015 – RETURN to sender, unable to forward
Brett Guitar Witherspoon P.O. Box 100635 Fort Worth, TX 76185	7014 3490 0001 8089 4958	August 19, 2015 RETURN to sender, unable to forward
Wende Witherspoon Morgan 1720 Southwicke Dr. Flower Mound, TX 75022	7014 3490 0001 8089 2510	July 30, 2015

Matador Application Notices – Tom Walker, Case 15245
Sent July 20, 2015

Nicolay Revocable Trust 5528 Tahoe Lane Fairway, KS 66205	7014 3490 0001 8089 5009	July 28, 2015
Virginia Nevill Hoff, as Trustee of the Virginia Nevill Hoff Management Trust 2601 Lakewood Circle Tuscaloosa, AL 35405	7014 3490 0001 8089 4996	August 4, 2015

**C:\Users\sandih\AppData\Local\Microsoft\Windows\Temporary Internet
Files\Content.Outlook\MRH87ZGA\Matador Application Chart (Tom Walters)
(W2491416).DOCX**

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Pressley Hudson Guitart
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 Abilene, TX 79605

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Lesli Guitart Nichols
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Sharon Guitart Ellis
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Melissa McGee
 P.O. Box 334
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John Kelly Guitart
 P.O. Box 1628
 Big Spring, TX 79721

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John Guitar Witherspoon, Jr.
7404 Lemonwood Ln.
Fort Worth, TX 76133

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City _____

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Guy Pittman Witherspoon, Jr.
308 Hazelwood Dr.
Fort Worth, TX 76107

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or PO _____
City _____

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7524 Pear Tree Ln.
Fort Worth, TX 76133

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1720 Southwicke Dr.
Flower Mound, TX 75022

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Tuscaloosa, AL 35405

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Fairway, KS 66205

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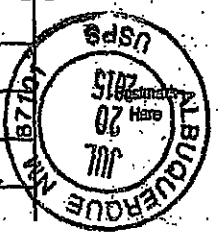
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Brent Guitar Witherspoon
P.O. Box 100635
Fort Worth, TX 76185

Instructions

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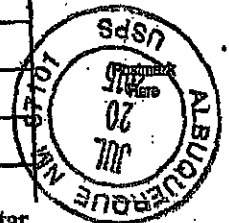
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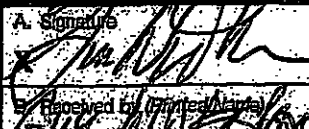
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Sally Guitar
10 Woodhaven Circle
Abilene, TX 79605

Instructions

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1. Article Addressed to: Guy Pittman Witherspoon, III 308 Hazelwood Dr. Fort Worth, TX 76107		D. Is delivery address different from item B? ☐ Yes ☐ No If YES, enter delivery address below	
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1. Article Addressed to: John Guitar Witherspoon, Jr. 7404 Lemonwood Ln. Fort Worth, TX 76133		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery	
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1. Article Addressed to: Sally Guitar 10 Woodhaven Circle Albuquerque, TX 70605		B. Received by (Printed Name): <i>[Signature]</i> C. Date of Delivery: 7-23	
2. Article Number: <i>[Barcode]</i> (Transfer from service label)		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
3. Service Type: ☒ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery		4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No	
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<i>[Barcode]</i> 85889-0006 TW	

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1. Article Addressed to: Pressley Hudson Guitar 3175 Curry Ln Abilene, TX 79605		B. Received by (Printed Name) <i>Pressley H. Guita</i> C. Date of Delivery <i>7-28-16</i>	
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below.	
3. Service Type ☒ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery		4. Restricted Delivery? (Extra Fee) ☐ Yes	
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1. Article Addressed to: Wende Witherspoon Morgan 1720 Southwicke Dr. Flower Mound, TX 75022		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
		3. Service Type ☒ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery	
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85889-0006 TW			

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■ 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. Signature <i>Wayle N. Nicolay</i> B. Received by (Printed Name) <i>Wayle N. Nicolay</i> C. Date of Delivery <i>JUL 24 2013</i> D. Is delivery address different from item 1? ☐ Yes ☒ No If yes, enter delivery address below:	
1. Article Addressed to: Wayle N. Nicolay, Trustee of the Wayle N. Nicolay Revocable Trust 5528 Tahoe Lane Fairway, KS 66205		3. Service Type USPS ☒ Certified Mail ☐ Priority Mail Express ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) ☒ Yes	
		7014 3490 0001 8089 5009	
PS Form 3811, July 2013		Domestic Return Receipt	

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■ 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. Signature <i>[Signature]</i> Agent ☒ Addressee ☐ B. Redelivered by (Printed Name) <i>S. Hill</i> C. Date of Delivery <i>7-24-15</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
1. Article Addressed to: Wende Witherspoon Morgan 1720 Southwicke Dr. Flower Mound, TX 75022		3. Service Type ☒ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) ☐ Yes	
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1. Article Addressed to:

Lesli Guitar Nichols
P.O. Box 327
Big Spring, TX 79721

2. Article Number
(Transfer from service label)

7014 3490 0003 8089 5214

PS Form 3811, July 2013

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Lesli Guitar Nichols* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

Lesli Guitar Nichols

C. Date of Delivery

7/27/15

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail® ☐ Priority Mail Express®
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

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1. Article Addressed to: Judy Guitar Uhey P.O. Box 632 Elizabethtown, KY 42702		☐ Agent ☐ Addressee B. Received by (Printed Name) JUDY UHEY C. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
2. Article Number (Transfer from service label)		3. Service Type ☐ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collection Delivery	
4. Restricted Delivery? (Extra Fee) ☐ Yes		7014 3490 0001 8089 5368	
PS Form 3811, July 2013 Domestic Return Receipt			

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1. Article Addressed to: Sharon Guitar Ellis P.O. Box 105 Snoqualmie Pass, WA 98068		☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Sharon Guitar Ellis</i>	
		C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		E. Service Type ☒ Certified Mail® ☐ Priority Mail Express® ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery	
		F. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7014 3490 0001 8089 5375	
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1. Article Addressed to: Melissa McGee P.O. Box 334 Buffalo Gap, TX 79508		B. Received by (Printed Name) <i>MELISSA MCGEE</i> C. Date of Delivery <i>7-29-15</i>	
2. Article Number (Transfer from service label) 7014 3490 0001 8089 5382		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
PS Form 3811, July 2013		3. Service Type ☒ Certified Mail® ☐ Priority Mail Express® ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery 4. Restricted Delivery? (Extra Fee) ☒ Yes	
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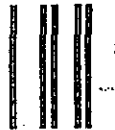
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■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>[Signature]</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: Will Hoff, as Trustee of the Hoff Management Trust 1 Circle Tuscaloosa, AL 35405		B. Received by (Printed Name)	C. Date of Delivery 7-28-15
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
3. Service Type ☒ Certified Mail® ☐ Priority Mail Express® ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery		4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No	
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P.O. Box 2168
Albuquerque NM 87103-2168

Written Guitar Witherspoon
7524 Pear Tree Ln.

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P.O. Box 2168
Albuquerque NM 87103-2168

Brent Guitar Witherspoon
P.O. Box 100635

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Affidavit of Publication

State of New Mexico,
County of Eddy, ss.

Rynni Henderson, being first duly
sworn, on oath says:

That she is the Publisher 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:

August 5 2015

That the cost of publication is **\$84.06**
and that payment thereof has been
made and will be assessed as court
costs.

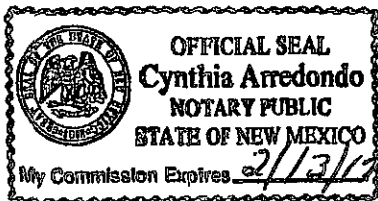
Rynni Henderson

Subscribed and sworn to before me
this 7 day of August,
2015

Cynthia Arredondo

My commission Expires
2/13/17

Notary Public



August 5, 2015
CASE No. 15245 (re-opened). Notice to all affected parties, heirs and devisees, including: Melissa McGee; John Kelly; Guitar Whitten; Guitar Witherspoon; Brett Guitar; Witherspoon; and Virginia Nevill Hoff as Trustee of the Virginia Nevill Hoff Management Trust. The Application of Matador Production Company, The State of New Mexico, through its Oil Conservation Division, hereby gives you notice that the Division will conduct a public hearing at 8:15 a.m. on August 20, 2015, to consider this application. Applicant in the above-styled cause seeks an order from the Division pooling all mineral interests in the Wolfcamp formation underlying a standard spacing and proration unit comprised of the S/2 of Section 12, Township 23 South, Range 27 East, NMPM, Eddy County, New Mexico for the Tom Walters 12-23-27E RB Well No. 203H well to be horizontally drilled. The producing area for this well will be unorthodox, located less than 330 feet from the project area boundary. Also to be considered will be the cost of drilling and completing said well, the allocation of these costs as well as the actual operating costs and charges for supervision, designation of Matador Production Company as operator of the well, and a 200% charge for risk involved in drilling said well. The Tom Walters 12-23-27E RB Well No. 203H well is located approximately 3 miles northwest of Loving, New Mexico.