

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 21	2006
_____	2006
_____	2006
_____	2006

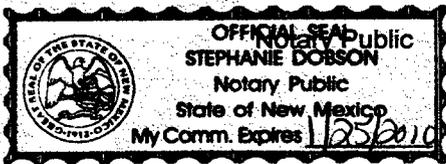
That the cost of publication is \$77.75 and that payment thereof has been made and will be assessed as court costs.

Dawn Higgins

Subscribed and sworn to before me this

21 day of February, 2006
Stephanie Dobson

My commission Expires on _____



February 21, 2006

NOTICE

To: James Edwin Brown; Nadel and Gussman Permian, L.L.C. seeks an order pooling all mineral interests from the surface to the base of the Morrow formation underlying the following described acreage in Section 30, Township 23 South, Range 28 East, NMPM, and in the following morning. The E/2 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, including the North Loving-Morrow Gas Pool; the NE/4 to form a standard 160-acre gas spacing and proration unit for any and all formations or pools developed on 160-acre spacing within that vertical extent; and the NW/4NE/4 to form a standard 40-acre oil spacing and proration unit for any and all formations or pools developed on 40-acre spacing within that vertical extent, including the Undesignated South Loving-Delaware Pool. The units are to be designated to the Hermes Fee Well No. 1, to be located at an orthodox location in the NW/4NE/4 of Section 30. Also to be considered will be the cost of drilling and completing the well 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 well. The units are located approximately 1-1/2 miles southwest of Loving, New Mexico. The application is scheduled to be heard at 8:15 a.m. on Thursday, March 2, 2006 at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. As an interest owner 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 attorney for Nadel and Gussman Permian, L.L.C. is James Bruce, PO Box 1056, Santa Fe, New Mexico 87505.

OIL CONSERVATION DIVISION

CASE NUMBER 13649

EXHIBIT NUMBER 3