

AFFIDAVIT OF PUBLICATION

State of New Mexico,  
County of Lea.

I, KATHI BEARDEN

Publisher

of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, do solemnly swear that the clipping attached hereto was published once a week in the regular and entire issue of said paper, and not a supplement thereof for a period.

of 1 weeks.

Beginning with the issue dated September 15 2006 and ending with the issue dated September 15 2006

*Kathi Bearden*

Publisher

Sworn and subscribed to before

me this 15th day of

September 2006  
*Dora Montz*  
Notary Public.

My Commission expires February 07, 2009 (Seal)



OFFICIAL SEAL  
DORA MONTZ  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires: \_\_\_\_\_

This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937, and payment of fees for said publication has been made.

LEGAL LEGAL

LEGAL NOTICE  
September 15, 2006

To: Ann Childers, Bud and Mary Lou Flocchini Family Partnership, CarKel Energy, LLC, Dial C. West Limited Partnership, Enertree, LLC, Frank Dale, H.W. Allen Company, Jonathan S. and Carol Roederick, Kalkman Habeck Company, LaWayne E. Jones, M.W. Oil Investment Co., Inc., and Ronald C. Agel, or their successors, heirs, or devisees: Cimarex Energy Co. has filed an application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests from the surface to the base of the Mississippian formation underlying the following described acreage in Section 17, Township 15 South, Range 36 East, NMPM, and in the following manner: The N/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 Undesignated Caudill-Atoka Gas Pool and Undesignated Caudill-Mississippian 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 NE/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 Caudill-Permo Upper Penn. Pool. The units are to be dedicated to the Caudill West 17 Fee Well No. 1, to be drilled at an orthodox location in the NE/4NE/4 Section 17. 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 application is scheduled to be heard at 8:15 a.m. on Thursday, September 28, 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 applicant is James Bruce, P.O. Box 1056, Santa Fe, New Mexico 87504. The unit is located approximately 5-1/2 miles north-northeast of Lovington, New Mexico.  
#22649

01101711000 02588396  
JAMES BRUCE  
P.O. BOX 1056  
SANTA FE, NM 87504

Oil Conservation Division  
Case No. 13,786  
Exhibit No. 3