

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

AMENDED APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER, FOR A COMPLIANCE ORDER UNDER NMSA 1978, SECTION 70-2-14(B) AGAINST PLATINUM EXPLORATION INC. AND/OR DEVONIAN PARTNERS, LLC, FINDING THAT THE OPERATOR IS IN VIOLATION OF 19.15.25 NMAC OR 19.15.7.24 NMAC, 19.15.8.9 NMAC, 19.15.29.11 NMAC, 19.15.16.8 NMAC AND 19.15.9.8-9 NMAC, REQUIRING OPERATOR TO RETURN ITS WELLS TO COMPLIANCE OR PROPERLY PLUG AND ABANDON ALL ITS WELLS BY A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE AUTHORIZING THE DIVISION TO PLUG AND ABANDON THE WELLS AND FORFEIT THE APPLICABLE FINANCIAL ASSURANCE, LEA COUNTY, NEW MEXICO.

CASE NO. 14380

AFFIDAVIT OF NOTICE AND PUBLICATION

In accordance with Oil Conservation Division (OCD) rule 19.15.4.12.C NMAC, I hereby provide the following information on notice and publication for Case No. 14380.

1. Case No. 14380 seeks a compliance order against Platinum Exploration Inc. and/or Devonian Partners, LLC requiring the operator or operators to plug wells by a date certain, and authorizing the OCD to plug the wells and forfeit the applicable financial assurances if that deadline is not met.

2. According to OCD records, the address of record for Platinum Exploration Inc. is 550 West Texas Avenue, Suite 500, Midland, TX 79701. This is the address that appears on the regulatory filings by Platinun Exploration Inc.

3. According to the corporate inquiry screen posted on the website for the Public Regulation Commission, Platinum Exploration Inc. is an active corporation with the following registered agent: CT Corporation System, 123 East Marcy, Santa Fe, New Mexico 87501. A copy of the corporate inquiry screen is attached as Exhibit A.

4. Devonian Partners LLC is not registered with the OCD as a well operator.

5. According to the corporate inquiry screen posted on the website for the Public Regulation Commission, Devonian Partners, LLC is an active limited liability company with a mailing address of 4711 W. Golf Rd., Suite 915, Skokie, Illinois 60076. Its registered agent is CT Corporation System, 123 East Marcy, Santa Fe, New Mexico 87501. A copy of the corporate inquiry screen is attached as Exhibit B.

6. Amended notice of the October 15, 2009 hearing setting in the above-captioned case was mailed on September 8, 2009 to Platinum Exploration Inc. and Devonian Partners LLC, and to their registered agents, at the addresses identified above, by certified mail, return receipt requested, with a copy of the application. A copy of the notice, with the attachments, is attached as Exhibit C.

7. The OCD received signed return receipt cards from Devonian Partners LLC, and from CT Corporation System as their registered agent. The OCD did not receive a signed return receipt card from Platinum Exploration Inc. However, it did receive a signed return receipt card from CT Corporation System as the registered agent for Platinum Exploration Inc. Copies of the cards are attached as Exhibit D.

8. The wells at issue in Case 14380 are located in Lea County.

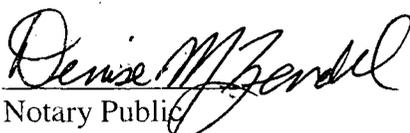
9. Notice of the original September 17, 2009 hearing on the amended application in Case 14380 was published on August 22, 2009 in the Lovington Leader, a newspaper of general circulation in Lea County, New Mexico. A copy of the Affidavit of Publication is attached to this affidavit as Exhibit E.

I, Gail MacQuesten, swear that the foregoing is true and correct.



Gail MacQuesten
Oil Conservation Division

Subscribed and sworn to before me this 14th day of October 2009 by Gail MacQuesten.


Notary Public

My commission expires:

01-09-2010

[New Search](#)

PLATINUM EXPLORATION INC.

(TEXAS Corporation)

SCC Number: **2440733**
Tax & Revenue Number:
Qualification Date: **APRIL 11, 2004, in NEW MEXICO**
Corporation Type: **FOREIGN PROFIT**
Corporation Status: **ACTIVE**
Good Standing: **In GOOD STANDING through 3/15/2010**
Purpose: **DEVELOP GAS PROPERTIES IN NM**

CORPORATION DATES

Taxable Year End Date: 12/31/07
Filing Date: 02/26/08
Expiration Date:

SUPPLEMENTAL POST MARK DATES

Supplemental:
Name Change:
Purpose Change:
Agent Resigned:

MAILING ADDRESS

550 WEST TEXAS AVE STE 200 MIDLAND , TEXAS 79701

PRINCIPAL ADDRESS

PRINCIPAL ADDRESS (Outside New Mexico)

REGISTERED AGENT

C T CORPORATION SYSTEM

Exhibit A

123 EAST MARCY SANTA FE NEW MEXICO 87501

Agent Designated:

COOP LICENSE INFORMATION

Number:

Type:

Expiration Year:

OFFICERS

President: **RASMUSSEN, HAROLD JAMES**

Vice President: **RASMUSSEN, GREGORY J.**

Secretary:

Treasurer:

DIRECTORS

Date of Election of Directors:

New Search

DEVONIAN PARTNERS, LLC

(DELAWARE Corporation)

SCC Number: **2925121**
Tax & Revenue Number:
Organization Date: **AUGUST 15, 2007, in NEW MEXICO**
Organization Type: **FOREIGN LIMITED LIABILITY**
Organization Status: **EXEMPT**
Good Standing:
Purpose: **NOT REQUIRED**

ORGANIZATION DATES

Taxable Year End Date:
Filing Date:
Expiration Date:

SUPPLEMENTAL POST MARK DATES

Supplemental:
Name Change:
Purpose Change:
Agent Resigned:

MAILING ADDRESS

4711 W. GOLF RD. STE. 915 SKOKIE , ILLINOIS 60076

PRINCIPAL ADDRESS

PRINCIPAL ADDRESS (Outside New Mexico)

4711 W. GOLF RD. STE. 915 SKOKIE ILLINOIS 60076

Exhibit B

REGISTERED AGENT

C T CORPORATION SYSTEM

123 EAST MARCY SANTA FE NEW MEXICO 87501

Agent Designated:

COOP LICENSE INFORMATION

Number:

Type:

Expiration Year:

ORGANIZERS

MAHONEY, BRIAN W.

DIRECTORS

Date of Election of Directors:

New Mexico Energy, Minerals and Natural Resources Department

Bill Richardson
Governor

Joanna Prukop
Cabinet Secretary

Mark Fesmire
Division Director
Oil Conservation Division



September 8, 2009

AMENDED **NOTICE OF HEARING**

Hearing re-scheduled for October 15, 2009

Platinum Exploration, Inc.
550 West Texas Avenue, Suite 500
Midland, TX 79701

Certified Mail No. 7002 0510 0003 5125 1808

CT Corporation System
123 East Marcy
Santa Fe, NM 87501
Registered Agent for Platinum Exploration, Inc.

Certified Mail No. 7002 0510 0003 5125 1792

Devonian Partners, LLC
4711 W. Golf Rd., Ste. 915
Skokie, IL 60076

Certified Mail No. 7002 0510 0003 5125 1785

CT Corporation System
123 East Marcy
Santa Fe, NM 87501
Registered Agent for Devonian Partners, LLC.

Certified Mail No. 7002 0510 0003 5125 1778

CASE 14380: AMENDED APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER, FOR A COMPLIANCE ORDER UNDER NMSA 1978, SECTION 70-2-14(B) AGAINST PLATINUM EXPLORATION INC. AND/OR DEVONIAN PARTNERS, LLC, FINDING THAT THE OPERATOR IS IN VIOLATION OF 19.15.25 NMAC OR 19.15.7.24 NMAC, 19.15.8.9 NMAC, 19.15.29.11 NMAC, 19.15.16.8 NMAC AND 19.15.9.8-9 NMAC, REQUIRING OPERATOR TO RETURN ITS WELLS TO COMPLIANCE OR PROPERLY PLUG AND ABANDON ALL ITS WELLS BY A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE AUTHORIZING THE DIVISION TO PLUG AND ABANDON THE WELLS AND FORFEIT THE APPLICABLE FINANCIAL ASSURANCE, LEA COUNTY, NEW MEXICO.

Ladies and Gentlemen,

You are hereby notified that the New Mexico Oil Conservation Division (OCD) has filed the above-captioned case seeking a compliance order against Platinum Exploration,

Exhibit C

September 8, 2009

Page 2

Inc. (Platinum) and/or Devonian Partners, LLC. A copy of the amended application is enclosed.

The hearing in this matter was originally scheduled for September 17, 2009. The hearing has been re-scheduled for Thursday, October 15, 2009 at 8:15 a.m. in Porter Hall, First Floor, 1220 South St. Francis Drive in Santa Fe, New Mexico. At that hearing you will have an opportunity to oppose the entry of the order. **If you intend to present evidence at the hearing, you should file a pre-hearing statement at least four business days in advance of the hearing and serve copies on the other parties or their attorneys, as required by 19.15.4.13.B NMAC.** A copy of that rule is enclosed. I have also enclosed a copy of 19.15.4.14 NMAC, which addresses representation at administrative hearings before the OCD.

If you have questions about the application, you may call me at (505) 476-3451. If you have questions about hearing procedures or scheduling, please call OCD Hearing Clerk Florene Davidson at (505) 476-3458.

Sincerely,



Gail MacQuesten
Assistant General Counsel
Gail.macquesten@state.nm.us

Encl: Amended Application in Case No. 14380
Rule 19.15.4.13.B NMAC
Rule 19.15.4.14 NMAC

EC: Daniel Sanchez, Compliance and Enforcement Manager
Larry "Buddy" Hill, Supervisor, District 1
Maxey Brown, District 1

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

AMENDED APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER, FOR A COMPLIANCE ORDER UNDER NMSA 1978, SECTION 70-2-14(B) AGAINST PLATINUM EXPLORATION INC. AND/OR DEVONIAN PARTNERS, LLC, FINDING THAT THE OPERATOR IS IN VIOLATION OF 19.15.25 NMAC OR 19.15.7.24 NMAC, 19.15.8.9 NMAC, 19.15.29.11 NMAC, 19.15.16.8 NMAC AND 19.15.9.8-9 NMAC, REQUIRING OPERATOR TO RETURN ITS WELLS TO COMPLIANCE OR PROPERLY PLUG AND ABANDON ALL ITS WELLS BY A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE AUTHORIZING THE DIVISION TO PLUG AND ABANDON THE WELLS AND FORFEIT THE APPLICABLE FINANCIAL ASSURANCE, LEA COUNTY, NEW MEXICO.

CASE NO. 4380

RECEIVED OGD
AUG 17 10:49

AMENDED
APPLICATION FOR COMPLIANCE ORDER
AGAINST PLATINUM EXPLORATION, INC.
AND/OR DEVONIAN PARTNERS, LLC

1. According to the records of the Oil Conservation Division (OCD) Platinum Exploration, Inc. (Platinum) is the operator of the following wells (wells) in Lea County, New Mexico under OGRID 227103:

Barnhill #001, L-1-14S-37E, 30-025-28198
Cooper #001, 3-2-17S-38E, 30-025-28166
Gulf State #003, 3-4-16S-38E, 30-025-07270
O A Woody #001, E-35-16S-38E, 30-025-26361
Post #001, N-1-14S-37E, 30-025-27984
Post #002, M-1-14S-37E, 30-025-28295
Post #3, D-12-14S-37E, 30-025-28576
Rose Eaves #002, P-35-16S-38E, 30-025-07291
Smith #001, F-13-14S-37E, 30-025-28478
Warren State #001, P-35-15S-37E, 30-025-34034

2. According to information posted on the website of the New Mexico Public Regulation Commission, Platinum Exploration, Inc. is a foreign profit corporation in good standing, with the following corporate officers: Harold James Rasmussen and Gregory J. Rasmussen. Its registered agent is CT Corporation System, 123 East Marcy, Santa Fe, NM 87501.

3. According to the records of the Oil Conservation Division (OCD), the address of record for Platinum is 550 West Texas Avenue, Suite 500, Midland, TX, 79701. This address is consistent with the address that appears on Platinum's recent regulatory filings with the OCD.

4. According to OCD records, Platinum has posted a \$50,000 blanket letter of credit to secure the plugging and abandonment of its wells. Platinum has not posted any single well financial assurances.

5. Upon information and belief, Devonian Partners, LLC (Devonian) is the operator of some or all of the wells, and has assumed responsibility for remediation for the surface at the Barnhill #001, Post #001, Post #002, and Post #003.

6. Devonian is not registered as an operator in New Mexico. According to information posted on the website of the New Mexico Public Regulation Commission, Devonian is a foreign limited liability company with a mailing and principal address of 4711 W. Golf Rd., Ste. 915, Skokie, Illinois 60076. Its organizer is listed as Brian W. Mahoney. It has the following registered agent: CT Corporation System, 123 East Marcy, Santa Fe, NM 87501.

7. OCD rules define “operator” as “a person who, duly authorized, is in charge of a lease’s development or a producing property’s operation, and who is in charge of a facility’s operation or management.”

8. NMSA 1978, Section 70-2-14(B) provides, in relevant part,

“If any of the requirements of the Oil and Gas Act [70-2-1 NMSA 1978] or the rules promulgated pursuant to that act have not been complied with, the oil conservation division, after notice and hearing, may order any well plugged and abandoned by the operator or surety or both in accordance with division rules.”

Violation of 19.15.25 NMAC (inactive well requirements), or in the alternative, Violation of 19.15.7.24 NMAC (monthly reporting requirements):

9. Rule 19.15.25.8 NMAC requires an operator to plug and abandon or temporarily abandon a well in accordance with Division rules within 90 days after a period of one year of continuous inactivity.

10. Rule 19.15.25.10.D NMAC provides that, as soon as practical, but not later than one year after the completion of plugging operations, the operator shall level the location, remove deadmen and other junk, and take other measures necessary or required by the OCD to restore the location to a safe and clean condition. In addition, the operator is required to close all pits and below-grade tanks. See 19.15.25.10.E NMAC.

11. Rule 19.15.25.11 NMAC provides that within 30 days after completing all restoration work the operator shall file with the OCD a record of the work done. The OCD shall not approve the record of plugging or release a bond until the operator has filed the necessary reports and the OCD has inspected and approved the location.

12. The wells have not reported production or injection for a continuous period in excess of one year plus 90 days, and are neither plugged and abandoned in accord with 19.15.25.10 NMAC nor on approved temporary abandonment status in accord with 19.15.25.13 NMAC.

13. Rule 19.15.8.13 NMAC authorizes the Director to order the operator to plug and abandon any well not in compliance with 19.15.25.8 NMAC and restore and remediate the location by a date certain.

14. NMSA 1978, Section 70-2-12(B)(18) and NMSA 1978, Section 70-2-38 authorize the OCD to plug and abandon wells, and restore and remediate the location of abandoned wells.

15. Platinum is filing monthly C-115s, which should indicate any production or injection. If its wells are producing or injecting, and the operator is failing to report that production or injection on its C-115s, it is in violation of the reporting requirements of 19.15.7.24 NMAC:

“An operator shall file a form C-115 for each non-plugged well completion for which the division has approved a form C-104 and for each secondary or other enhanced recovery project or pressure maintenance project injection well or other injection well within the state, setting forth complete information and data indicated on the forms in the order, format and style the director prescribes.”

Violation of 19.15.8.9 NMAC (financial assurance requirements):

16. Rule 19.15.8.9 NMAC requires operators to post financial assurances for wells on privately owned or state owned lands in New Mexico that have not been plugged and released, conditioned that the well will be plugged and abandoned and the location restored and remediated in compliance with OCD rules.

17. Effective January 1, 2008, the operator of a state or fee well that has been inactive for a period of more than two years must post a one-well financial assurance for the well, even if the well is also covered by a blanket financial assurance. See Rule 19.15.8.9.C NMAC.

18. Effective January 1, 2008, the amounts required under Rule 19.15.8.9.D NMAC for single well financial assurances increased. The current amount required for a well in Lea County is \$5,000 plus \$1 per foot of measured depth. See 19.15.8.9.D(2) NMAC.

19. All ten of the wells are state or fee wells that have been inactive for more than two years; therefore they all require single well financial assurances under 19.15.8.9 NMAC. The operator has not posted single well financial assurances for any of its wells.

Violation of 19.15.29.11 NMAC (corrective action for releases)

20. Rule 19.15.29.11 NMAC requires the responsible person to complete division-approved corrective action for releases that endanger public health or the environment.

21. The OCD conducted inspections of the Post lease on June 24, 2009 and July 27, 2009. During both inspections, the OCD found releases, including oil leaking from the wellhead of the Post #003. The OCD sent two letters to Platinum notifying operator of the leak and requiring Platinum to take corrective action. As of this writing, the site has not been cleaned up.

Violation of 19.15.16.8 NMAC (well sign requirements)

22. Rule 19.15.16.8 NMAC requires operators to identify wells and related facilities by signs.

23. The operator has not posted well signs identifying it as the operator of at least three of its wells: the Barnhill #001, the Post #002, and the Post #003.

Violation of 19.15.9.8-9 NMAC (operator registration and change requirements)

24. 19.15.9.8 NMAC requires an operator of wells in New Mexico to register with the OCD as an operator prior to commencing operations. The operator must post financial assurances and provide a current address of record and emergency contact information.

25. When the entity responsible for a well or group of wells changes, the operator of record with the OCD and the new operator shall file a change of operator application, and “the new operator shall not commence operations until the division approves the application for change of operator.” 19.15.9.9 NMAC.

26. Upon information and belief, Devonian has been the operator of all or some of the wells, without registering as an operator, providing financial assurances, or providing a current address and contact information.

WHEREFORE, the Enforcement and Compliance Manager of the Division hereby applies to the Director to enter an order:

- A. Determining the operator or operators responsible for returning the wells to compliance;
- B. Determining that the operator or operators are in violation of 19.15.25 NMAC or 19.15.7.24 NMAC, 19.15.8.9 NMAC, 19.15.29.11 NMAC, 19.15.16.8 NMAC, and 19.15.9.8-9 NMAC;

- C. Requiring the operator or operators to return all the wells to compliance with 19.15.25 NMAC or 19.15.7.24 NMAC, 19.15.8.9 NMAC, 19.15.29.11 NMAC, 19.15.16.8, and 19.15.9.8-9 NMAC or plug the wells by a date certain, pursuant to NMSA 1978, Section 70-2-14(B);
- D. Authorizing the OCD to properly plug and abandon all wells and forfeit the applicable financial assurances if the operator or operators fail to return the wells to compliance or plug the wells by the deadline set in the order; and
- E. For such other and further relief as the Director deems just and proper under the circumstances.

RESPECTFULLY SUBMITTED,
this 17th day of August 2009 by



Gail MacQuesten
Assistant General Counsel
Energy, Minerals and Natural
Resources Department of the State of
New Mexico
1220 S. St. Francis Drive
Santa Fe, NM 87505
(505) 476-3451

Attorney for The New Mexico Oil
Conservation Division

Case No. _____. Amended application of the New Mexico Oil Conservation Division for a Compliance Order against Platinum Exploration, Inc. and/or Devonian Partners, LLC. The Applicant seeks an order under NMSA 1978, Section 70-2-14(B) finding that the operator is in violation of 19.15.25 NMAC or 19.15.7.24 NMAC, 19.15.8.9 NMAC, 19.15.29.11 NMAC, 19.15.16.8 NMAC, and 19.15.9.8-9 NMAC, requiring operator to return its wells to compliance or properly plug and abandon all the wells it operates in New Mexico by a date certain, and in the event of non-compliance authorizing the division to plug and abandon the wells and forfeit the applicable financial

assurance. The affected wells are: Barnhill #001, L-1-14S-37E, 30-025-28198; Cooper #001, 3-2-17S-38E, 30-025-28166; Gulf State #003, 3-4-16S-38E, 30-025-07270; O A Woody #001, E-35-16S-38E, 30-025-26361; Post #001, N-1-14S-37E, 30-025-27984; Post #002, M-1-14S-37E, 30-025-28295; Post #003, D-12-14S-37E, 30-025-28576; Rose Eaves #002, P-35-16S-38E, 30-025-07291; Smith #001, F-13-14S-37E, 30-025-28478; Warren State #001, P-35-15S-37E, 30-025-34034. The Barnhill #001 and the Post #001, #002 and #003 are located approximately 12 miles northeast of Lovington. The Cooper #001 is located approximately 10 miles north of Hobbs. The remaining wells are located approximately 10 miles east of Lovington. All of the wells are located in Lea County, New Mexico.

19.15.4.13 PLEADINGS, COPIES, PRE-HEARING STATEMENTS, EXHIBITS AND MOTIONS FOR CONTINUANCE:

A. Pleadings. Applicants shall file two sets of pleadings and correspondence in cases pending before a division examiner with the division clerk and six sets of pleadings and correspondence in cases pending before the commission with the commission clerk. For cases pending before the commission, the commission clerk shall disseminate copies of pleadings and correspondence to the commission members. The party filing the pleading or correspondence shall at the same time serve a copy of the pleading or correspondence upon each party who has entered an appearance in the case on or prior to the business day immediately preceding the date when the party files the pleading or correspondence with the division or the commission clerk, as applicable. Parties shall accomplish service by hand delivery or transmission by facsimile or electronic mail to a party who has entered an appearance or, if the party is represented, the party's attorney of record. Service upon a party who has not filed a pleading containing a facsimile number or e-mail address may be made by ordinary first class mail. Parties shall be deemed to have made an appearance when they have either sent a letter regarding the case to the division or commission clerk or made an in person appearance at a hearing before the commission or before a division examiner. A written appearance, however, shall not be complete until the appearing party has provided notice to other parties of record. An initial pleading or written entry of appearance a party other than the applicant files shall include the party's address or the address of the party's attorney and an e-mail and facsimile number if available.

B. Pre-hearing statements.

(1) A party to an adjudicatory proceeding who intends to present evidence at the hearing shall file a pre-hearing statement, and serve copies on other parties or, for parties that are represented, their attorneys in the manner Subsection A of 19.15.4.13 NMAC provides, at least four business days in advance of a scheduled hearing before the division or the commission, but in no event later than 5:00 p.m. mountain time, on the Thursday preceding the scheduled hearing date. The statement shall include:

- (a) the names of the party and the party's attorney;
- (b) a concise statement of the case;
- (c) the names of witnesses the party will call to testify at the hearing, and in the case of expert witnesses, their fields of expertise;
- (d) the approximate time the party will need to present its case; and
- (e) identification of any procedural matters that are to be resolved prior to the hearing.

(2) A party other than the applicant shall include in its pre-hearing statement a statement of the extent to which the party supports or opposes the issuance of the order the applicant seeks and the reasons for such support or opposition. In cases to be heard by the commission, each party shall include copies of exhibits that it proposes to offer in evidence at the hearing with the pre-hearing statement. The commission may exclude witnesses the party did not identify in the pre-hearing statement, or exhibits the party did not file and serve with the pre-hearing statement, unless the party offers such evidence solely for rebuttal or makes a satisfactory showing of good cause for failure to disclose the witness or exhibit.

(3) A pre-hearing statement filed by a corporation or other entity not represented by an attorney shall identify the person who will conduct the party's presentation at the hearing and include a sworn and notarized statement attesting that the corporation's or entity's governing body or chief executive officer authorizes the person to present the corporation or entity in the matter.

(4) For cases pending before the commission, the commission clerk shall disseminate copies of pre-hearing statements and exhibits to the commission members.

C. Motions for continuance. Parties shall file and serve motions for continuance no later than 48 hours prior to time the hearing is set to begin, unless the reasons for requesting a continuance arise after the deadline, in which case the party shall file the motion as expeditiously as possible after becoming aware of the need for a continuance.

[19.15.4.13 NMAC - Rp, 19.15.14.1211 NMAC, 12/1/08]

19.15.4.14 CONDUCT OF ADJUDICATORY HEARINGS:

A. Testimony. Hearings before the commission or a division examiner shall be conducted without rigid formality. The division or commission shall take or have someone take a transcript of testimony and preserve the transcript as a part of the division's permanent records. A person testifying shall do so under oath. The division examiner or commission shall designate whether or not an interested party's un-sworn comments and observations are relevant and, if relevant, include the comments and

observations in the record.

B. Pre-filed testimony. The director may order the parties to file prepared written testimony in advance of the hearing for cases pending before the commission. The witness shall be present at the hearing and shall adopt, under oath, the prepared written testimony, subject to cross-examination and motions to strike unless the witness' presence at hearing is waived upon notice to other parties and without their objection. The parties shall number pages of the prepared written testimony, which shall contain line numbers on the left-hand side.

C. Appearances pro se or through an attorney. Parties may appear and participate in hearings either pro se (on their own behalf) or through an attorney. Corporations, partnerships, governmental entities, political subdivisions, unincorporated associations and other collective entities may appear only through an attorney or through a duly authorized officer or member. Participation in adjudicatory hearings shall be limited to parties, as defined in 19.15.4.10 NMAC, except that a representative of a federal, state or tribal governmental agency or political subdivision may make a statement on the agency's or political subdivision's behalf. The commission or division examiner shall have the discretion to allow other persons present at the hearing to make a relevant statement, but not to present evidence or cross-examine witnesses. A person making a statement at an adjudicatory hearing shall be subject to cross-examination by the parties or their attorneys.
[19.15.4.14 NMAC - Rp, 19.15.14.1212 NMAC, 12/1/08]

SENDER: COMPLETE THIS SECTION

- 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.

Article Addressed to:

Devonian Partners, LLC
 4711 W. GOLF Rd., Ste. 915
 Skokie, IL 60076

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
- B. Received by (Printed Name) Agent
 Addressee
- C. Date of Delivery 9-11-09
- D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

Article Number (Transfer from service label) 7002 0510 0003 5125 1785
 S Form 3811, August 2001 Domestic Return Receipt 102595-02-M-103E

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number 70020510000351251792

4b. Service Type Registered

CT Corporation System
 123 East Marcy
 Santa Fe, NM 87501

Registered Agent **USPS** Platinum
 Received By: (Print Name) Exploration Inc.
 Signature: (Address of Agent) *Ms. [Signature]*

7. Date of Delivery 9/10/09

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

CT Corporation System
 123 East Marcy
 Santa Fe, NM 87501
 Agent for Devonian Partners, LLC

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
- B. Received by (Printed Name) Agent
 Addressee
- C. Date of Delivery 9/10/09
- D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7002 0510 0003 5125 1778

Exhibit D

Oath and Affidavit of Publication

STATE OF NEW MEXICO)

) ss.)

COUNTY OF LEA)

OK
sd

Joyce Clemens being first duly sworn on oath deposes and says that she is Advertising Director of **THE LOVINGTON LEADER**, a daily 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, beginning with the issue of August 22, 2009 and ending with the issue of August 22, 2009.

And that the cost of publishing said notice is the sum of \$ 96.39 which sum has been (Paid) as Court Costs.

Joyce Clemens

Subscribed and sworn to before me this 10th day of September 2009

Debbie Schilling
Debbie Schilling

Notary Public, Lea County, New Mexico

My Commission Expires June 22, 2010

Legal Notices

NOTICE OF HEARING
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 September 17, 2009 in the Oil Conservation Division Hearing Room at 1220 South St. Francis Drive, 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 another form of auxiliary aid or service to attend or participate in the hearing, please contact Florene Davidson at 505-476-3458 or through the New Mexico Relay Network, 800-659-1779 by September 7, 2009. 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 land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

CASE 14380:

Amended Application of the New Mexico Oil Conservation Division for a Compliance Order against Platinum Exploration, Inc. and/or Devonian Partners, LLC. The Applicant seeks an order under NMSA 1978, Section 70-2-14(B) finding that the operator is in violation of 19.15.25 NMAC or 19.15.7.24 NMAC, 19.15.8.9 NMAC, 19.15.29.11 NMAC, 19.15.16.8 NMAC, and 19.15.9.8-9 NMAC, requiring operator to return its wells to compliance or properly plug and abandon all the wells it operates in New Mexico by a date certain, and in the event of non-compliance authorizing the division to plug and abandon the wells and forfeit the applicable financial assurance. The affected wells are: Barnhill #001, L-1-14S-37E, 30-025-28198; Cooper #001, 3-2-17S-38E, 30-025-28166; Gulf State #003, 3-4-16S-38E, 30-025-07270; O A Woody #001, E-35-16S-38E, 30-025-26361; Post #001, N-1-14S-37E, 30-025-27984; Post #002, M-1-14S-37E, 30-025-28295; Post #003, D-12-14S-37E, 30-025-28576; Rose Eave #002, P-35-16S-38E, 30-025-07291; Smith #001, F-13-14S-37E, 30-025-28471; Warren State #001, P-35-15S-37E, 30-025-34034. The Barnhill #001 and the Post #001, #002 and #003 are located approximately 12 miles northeast of Lovington. The Cooper #001 is located approximately 10 miles North of Hobbs. The remaining wells are located approximately 10 miles East of Lovington. All of the wells are located in Lea County, New Mexico.

Given under the Seal of the State of New Mexico Oil Conservation Commission in Santa Fe, New Mexico on this 20th day of August 2009.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

Mark E. Fesmire, P. E.
Division Director
S E A L

Published in the Lovington Leader August 22, 2009.

Exhibit E