

AFFIDAVIT OF NOTICE

Before me, the undersigned authority, on this day personally appeared DAVID K. BROOKS, well known to me to be a credible person, and after being duly sworn, did solemnly declare upon his oath as follows:

“My name is David K. Brooks. I am employed by the Energy, Minerals and Natural Resources Department of the State of New Mexico as Assistant General Counsel.

“I am attorney of record for the New Mexico Oil Conservation Division, as Applicant, in Case No. 12758, Application of the New Mexico Oil Conservation Division for an Order Requiring Operators to Bring One Hundred Forty-Seven (147) Wells into Compliance with Rule 201.B, and Assessing Appropriate Civil Penalties; Lea, Roosevelt and Chaves Counties, New Mexico.

“On October 11, 2001, I prepared a letter to all of the operators named as respondents in the Application filed in Case No. 12758. Attachment A to this Affidavit is a true copy of the letter that I prepared. I then caused a copy of Attachment A to be mailed to each of the operators named on the second page of Attachment A, by Certified Mail, Return Receipt Requested. A copy of the Application filed with the Division is Case No. 12758 was enclosed with each letter.

“A copy of the notification letter (Attachment A) was sent to Erwin Oil & Gas Ltd. Co. by Certified Mail, Return Receipt Requested, and received by Erwin Oil & Gas, Ltd. Co., as evidenced by receipt for certified mail and postal return receipt true copies whereof are attached hereto as Attachment B.

“A copy of the notification letter (Attachment A) was sent to Fi-Ro Corp. by Certified Mail, Return Receipt Requested, as evidenced by receipt for certified mail a true copy whereof is attached hereto as Attachment C. Such notification letter was not returned to the Division, nor has a return receipt been received by the Division as of this date.

“A copy of the notification letter (Attachment A) was sent to by Certified Mail, Return Receipt Requested, and received by Happy Oil Co. Inc., as evidenced by receipt for certified mail and postal return receipt true copies whereof are attached hereto as Attachment D.

“A copy of the notification letter (Attachment A) was sent to by Certified Mail, Return Receipt Requested, and received by Kersey & Co., as evidenced by receipt for certified mail and postal return receipt true copies whereof are attached hereto as Attachment E.

BEFORE THE	
OIL CONSERVATION DIVISION	
Case No.	12758
Exhibit No.	2
Filed	OCD
Heard	3/26/02

BEFORE EXAMINER CANTARON	
OIL CONSERVATION DIVISION	
Exhibit No.	OCD 2
Case No.	12758

“Personnel of the Division acting under my direction caused notice of the hearing scheduled for November 1, 2001 in this Case No. 12758 to be published in the Lovington Daily Leader, a newspaper of general circulation in Lea County, New Mexico, on October 17, 2001. A true copy of the notice published in the Lovington Daily Leader is attached hereto as Attachment F.”

“Personnel of the Division acting under my direction caused notice of the hearing scheduled for November 1, 2001 in this Case No. 12758 to be published in the Roswell Daily Record, a newspaper of general circulation in Chaves County, New Mexico, on October 17, 2001. A true copy of the notice published in the Roswell Daily Record is attached hereto as Attachment G.”

Further Affiant sayeth not.



David K. Brooks

Subscribed and sworn to in the City of Santa Fe, County of Santa Fe, State of New Mexico, this 18th day of October, 2001. Witness my hand and seal of office.



Notary Public
State of New Mexico

[SEAL]

My commission expires 2/15, 2003



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON
Governor
Jennifer A. Salisbury
Cabinet Secretary

October 11, 2001

Lori Wrotenbery
Director
Oil Conservation Division

ADDRESS LIST

VIA: CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Re: Case No. 12758: Application of the New Mexico Oil Conservation Division for an Order Requiring Operators to Bring One Hundred Forty-Seven (147) Wells into Compliance with Rule 201.B, and Assessing Appropriate Civil Penalties; Lea, Roosevelt and Chaves Counties, New Mexico.

Ladies and Gentlemen:

You are hereby notified that the New Mexico Oil Conservation Division has filed the referenced Application, a copy of which is enclosed herewith, seeking an Order requiring you to bring specified inactive wells in Lea, Roosevelt and Chaves Counties, New Mexico into compliance with Division Rule 201.B, by either restoring such wells to production or beneficial use, permanently abandoning or temporarily abandoning them. In addition, the Division seeks assessment of civil penalties for your failure to comply with previous administrative notices to bring these wells into compliance.

A hearing on this Application will take place before a Division hearing officer on Thursday, November 1, 2001, at 8:15 a.m., in the Division Hearing Room, First Floor, 1220 South St. Francis Drive in Santa Fe, New Mexico. At that hearing you will have an opportunity to show cause, if any there be, why an order should not be entered as requested in the Application.

Operational inquiries concerning the subject of this hearing should be directed to Mr. Chris Williams, District Supervisor, Oil Conservation Division, 1625 French Drive, Hobbs, NM 88240; phone (505)-393-6161. Counsel may contact the undersigned in the Santa Fe office at (505)-476-3450.

Very truly yours,

David K. Brooks
Assistant General Counsel

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0021 3771 6531

o c d

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Recipient's Name (Please Print Clearly) (To be completed by mailer)
 Kersey & Co.

Street, Apt. No.; or PO Box No. PO Box 1248

City, State, ZIP+4 Fredericksburg, TX 78624

PS Form 3800, February 2000 See Reverse for Instructions

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:
 Kersey & Co.
 PO Box 1248
 Fredericksburgh, TX 78624

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)	B. Date of Delivery 10-15-01
C. Signature <i>X M. Kersey</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label) 7000 0520 0021 3771 6531

Attachment E