

# 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:

July 21, 2002  
\_\_\_\_\_, 2002  
\_\_\_\_\_, 2002  
\_\_\_\_\_, 2002  
\_\_\_\_\_, 2002  
\_\_\_\_\_, 2002

That the cost of publication is \$ 31.72  
and that payment thereof has been made and will be  
assessed as court costs.

Dawn Higgins

Subscribed and sworn to before me this

23 day of July, 2002  
de la reed

My commission expires 4/25/04  
Notary Public

July 21, 2002

## NOTICE

TO: Joan Hudson Moore,  
Jonel Susan Grasso,  
Jane Ann Hudson Davis,  
and James McLean. Chi  
Energy, Inc. has filed an  
application with the New  
Mexico Oil Conservation  
Division to force pool all  
overriding royalty inter-  
ests from the surface to  
the base of the Morrow  
formation underlying the  
N½ of Section 10, Town-  
ship 17 South, Range 28  
East, N.M.P.M., Eddy  
County, New Mexico. The  
hearing is scheduled for  
8:15 a.m. on Thursday,  
August 1, 2002 at the Di-  
visions offices at 1220  
South St. Francis Drive,  
Santa Fe, New Mexico  
87505. You have the right  
to appear at the hearing  
and present evidence.  
Failure to appear will pre-  
clude you from contesting  
this matter at a later date.  
The well unit is located  
approximately 13½ miles  
east-northeast of Artesia,  
New Mexico.

OIL CONSERVATION DIVISION

CASE NUMBER 12880

EXHIBIT 5