BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

APPLICATION OF MEWBOURNE OIL COMPANY FOR COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO. Case No. 13276

AFFIDAVIT REGARDING NOTICE

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

James Bruce, being duly sworn upon his oath, deposes and states:

1. I am over the age of 18, and have personal knowledge of the matters set forth herein.

2. I am an attorney for Applicant.

3. Applicant has conducted a good faith, diligent effort to find the names and correct addresses of the interest owners entitled to receive notice of the Application filed herein.

4. Notice of the Application was provided to the interest owners at their correct addresses by certified mail. Copies of the notice letter and certified return receipts are attached hereto as Exhibit A.

5. Applicant has complied with the notice provisions of Division Rule 1207.

James Bruce

SUBSCRIBED AND SWORN TO before me this 26th day of May, 2004, by James Bruce.

Notary Public

My Commission Expires:
3/14/05

OIL CONSERVATION DIVISION
CASE NUMBER
EXHIBIT NUMBER 5

JAMES BRUCE
ATTORNEY AT LAW

POST OFFICE BOX 1056
SANTA FE, NEW MEXICO 87504

369 MONTEZUMA, NO. 213
SANTA FE, NEW MEXICO 87501

(505) 982-2043 (Phone)
(505) 660-6612 (Cell)
(505) 982-2151 (Fax)

jamesbruc@aol.com

May 5, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

To: Persons on attached list

Ladies and gentlemen:

Enclosed is a copy of an application for compulsory pooling, filed with the New Mexico Oil Conservation Division by Mewbourne Oil Company, regarding the S½ of Section 32, Township 20 South, Range 28 East, N.M.P.M., Eddy County, New Mexico. This application is scheduled to be heard at 8:15 a.m. on Thursday, May 27, 2004 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 appear at the hearing and present evidence. Failure to appear at the hearing will preclude you from contesting this matter at a later date.

You are required to notify the Division, and the undersigned, by Friday, May 21, 2004, if you intend to enter an appearance and participate in the case.

Very truly yours,

James Bruce

Attorney for Mewbourne Oil Company

PARTIES BEING POOLED

William R. Bergman
P.O. Box 1799
Midland, Texas 79702

Charles Cline Moore
138 Harvard Ave.
Mill Valley, CA 94941

Estate of Helen G. Harrison
Foy W. Harrison, Administrator
P.O. Box 11636
Spring, TX 77391-1636

Dolores C. McCall
P.O. Box 2206
Midland, TX 79702

Axis Energy Corporation
P.O. Box 219303
Houston, TX 77218-9303
Attn: Mr. Gary Giles

Bilberry Exploration, Inc.
10120 N.W. Freeway, Suite 231
Houston, TX 77092
Attn: Mr. Michael C. Bilberry

Rock Eagle Ranch Corporation
P.O. Box 458
Bellaire, TX 77402
Attn: Mr. Richard E. Weinberg

Lowe Partners, L.P.
P.O. Box 832
Midland, TX 79702
Attn: Mr. Joe C. Pulido

OXY USA WTP Limited Partnership
6 Desta Drive, Suite 6000
Midland, TX 79710-0250
Attn: Mr. David R. Evans

Davis Bros., L.L.C.
320 So. Boston Ave., Suite 1000
Tulsa, OK 74103-3703

Desert States Energy, Inc.
125 E. Baja Drive
Hobbs, NM 88240
Attn: Mr. Mark D. Clarke

7003 1010 0002 5585 5868

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OFFICIAL USE

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

SANTA FE NM MAY 2004 Postmark Here

Sent To: Davis Bros., L.L.C.
Street, Apt. No.; or PO Box No.: 320 So. Boston Ave., Suite 1000
City, State, ZIP+4: Tulsa, OK 74103-3703

PS Form 3800, June 2002 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, 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:

Charles Cline Moore
138 Harvard Ave.
Mill Valley, CA 94941

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please P[illegible]early) — B. Date of Delivery: Tony Foster

C. Signature: X Tony Foster ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

MAY 11 2004 USPS MILL VALLEY CA 94941

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 *(Copy from [illegible])* 7003 1010 0002 5585 5783

PS Form 3811, July 1999 — Domestic Return Receipt — 102595-00-M-0952

MOC-532

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, 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:

Davis Bros., L.L.C.
320 So. Boston Ave., Suite 1000
Tulsa, OK 74103-3703

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Pri[illegible]arly) — B. Date of Delivery: 5-10-04

C. Signature: X Kath Miller ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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 *(Copy from service l)* 7003 1010 0002 5585 5868

PS Form 3811, July 1999 — Domestic Return Receipt — 102595-00-M-0952

MOC-532

7003 1010 0002 5585 5783

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

SANTA FE NM MAY 5 2004 Postmark Here USPS 87501

Sent To: Charles Cline Moore
Street, Apt. No.; or PO Box No.: 138 Harvard Ave.
City, State, ZIP+4: Mill Valley, CA 94941

PS Form 3800, June 2002 — See Reverse for Instructions

7003 1010 0002 5585 5837

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BELLAIRE, TX 77402

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0500

SANTA FE NM Postmark Here Clerk: 5K JJ 05/05/2004 USPS 87501

Sent To
Rock Eagle Ranch Corporation
Street, Apt. No.; or PO Box No. P.O. Box 458
City, State, ZIP+4 Bellaire, TX 77402

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, 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:

William R. Bergman
P.O. Box 1799
Midland, Texas 79702

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please P. [illegible]early) Carrie Mills — B. Date of Delivery

C. Signature
x Carrie Mills ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

MIDLAND TX DOWNTOWN STA. MAY 11 2004 USPS

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 (Copy from service lab) 7004 0750 0000 9048 6428

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

MOC-592

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, 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:

Rock Eagle Ranch Corporation
P.O. Box 458
Bellaire, TX 77402

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please P[illegible]early) Richard E Wooley — B. Date of Delivery

C. Signature
X [signature] ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

BELLAIRE TX 77401 MAY 07 2004

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 (Copy from servi) 7003 1010 0002 5585 5837

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

MOC-532

7004 0750 0000 9048 6428

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

SANTA FE, NM Postmark Here MAY 5 2004 USPS 87501

Sent To
P.O. Box 1799
Midland, Texas 79702
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

7003 1010 0002 5585 5820

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

SANTA FE NM Postmark Here MAY 5 2004 USPS 87501

Sent To: Bilberry Exploration, Inc.
Street, Apt. No.; or PO Box No.: 10120 N.W. Freeway, Suite 231
City, State, ZIP+4: Houston, TX 77092
Attn: Mr. Michael C. Bilberry

PS Form 3800, June 2002 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, 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:

Lowe Partners, L.P.
P.O. Box 832
Midland, TX 79702

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) S. Guzman — B. Date of Delivery MAY 10 2004

C. Signature X D. Guzman — ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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 (Copy from service label) 7003 1010 0002 5585 5844

PS Form 3811, July 1999 — Domestic Return Receipt — MOC 532 — 102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, 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:

Bilberry Exploration, Inc.
10120 N.W. Freeway, Suite 231
Houston, TX 77092

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) — B. Date of Delivery

C. Signature X — ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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 (Copy from service label) 7003 1010 0002 5585 5820

PS Form 3811, July 1999 — Domestic Return Receipt — MOC-532 — 102595-00-M-0952

7003 1010 0002 5585 5844

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Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0500

SANTA FE NM Postmark Here Clerk: MAY 05/05/04 USPS 87501

Sent To: Lowe Partners, L.P.
Street, Apt. No.; or PO Box No.: P.O. Box 832
City, State, ZIP+4: Midland, TX 79702

PS Form 3800, June 2002 — See Reverse for Instructions

7003 1010 0002 5585 5851

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

SANTA FE NM — Postmark Here — MAY 2004 — USPS 87501

Sent To

Street, Apt. No.; or PO Box No.: OXY USA WTP Limited Partnership
6 Desta Drive, Suite 6000
City, State, ZIP+4: Midland, TX 79710-0250

PS Form 3800, June 2002 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, 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:

Dolores C. McCall
P.O. Box 2206
Midland, TX 79702

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) — B. Date of Delivery

C. Signature: Melinda Brown — ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

MIDLAND, TX DOWNTOWN STA — MAY 23 2004 — USPS

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 (Copy from service label) 7003 1010 0002 5585 5806

PS Form 3811, July 1999 — Domestic Return Receipt — 102595-00-M-0952

MOC-532

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, 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:

OXY USA WTP Limited Partnership
6 Desta Drive, Suite 6000
Midland, TX 79710-0250

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly): Ron Pierson — B. Date of Delivery: 5/9/04

C. Signature: X — ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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 (Copy from service label) 7003 1010 0002 5585 5851

PS Form 3811, July 1999 — Domestic Return Receipt — 102595-00-M-0952

MOC-532

7003 1010 0002 5585 5806

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

SANTA FE NM — Postmark Here — MAY 5 2004 — USPS 87501

Sent To

Street, Apt. No.; or PO Box No.: Dolores C. McCall
P.O. Box 2206
City, State, ZIP+4: Midland, TX 79702

PS Form 3800, June 2002 — 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:

Estate of Helen G. Harrison
Foy W. Harrison, Administrator
P.O. Box 11636
Spring, TX 77391-1636

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)*: DIANE HARRISON — B. Date of Delivery:

C. Signature: X Diane Harrison ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

USPS SPRING TX 77379 MAY 19 2004

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 *(Copy from service label)* 7003 1010 0002 5585 5790

PS Form 3811, July 1999 Domestic Return Receipt MOL-537 102595-00-M-0952

7003 1010 0002 5585 5790

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

SANTA FE NM MAY 5 2004 Postmark Here USPS 87501

Sent To: Estate of Helen G. Harrison
Street, Apt. No.; or PO Box No.: Foy W. Harrison, Administrator
City, State, ZIP+4: P.O. Box 11636, Spring, TX 77391-1636

PS Form 3800, June 2002 See Reverse for Instructions

7004 0250 0000 9048 4411

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

SANTA FE NM
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USPS

Sent To
Desert States Energy, Inc.
Street, Apt. No.; or PO Box No. 125 E. Baja Drive
City, State, ZIP+4 Hobbs, NM 88240

PS Form 3800, June 2002 See Reverse for Instructions

7003 1010 0002 5585 5813

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

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Postmark Here
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USPS

Sent To
Axis Energy Corporation
Street, Apt. No.; or PO Box No. P.O. Box 219303
City, State, ZIP+4 Houston, TX 77218-9303

PS Form 3800, June 2002 See Reverse for Instructions