

Affidavit of Publication

NO. 18556

STATE OF NEW MEXICO

County of Eddy:

Gary D. Scott being duly

sworn, says: That he is the Publisher of The Artesia Daily Press, a daily newspaper of general circulation, published in English at Artesia, said county and county and state, and that the here to attached

Legal Notice

was published in a regular and entire issue of the said Artesia Daily Press, a daily newspaper duly qualified for that purpose within the meaning of Chapter 167 of the 1937 Session Laws of the state of New Mexico for

1 consecutive weeks/days on the same

day as follows:

First Publication	<u>August 1 2004</u>
Second Publication	_____
Third Publication	_____
Fourth Publication	_____

Gary D. Scott

Subscribed and sworn to before me this

4th Day August 2004

Notary Public, Eddy County, New Mexico

My Commission expires September 23, 2007

Copy of Publ

BEFORE THE OIL CONSERVATION DIVISION

Santa Fe, New Mexico

Case No. 13325 Exhibit No. 12

Submitted by:

Mycos Industries, Inc.

Hearing Date: September 2, 2004

**NOTICE OF PUBLICATION
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 August 19, 2004, in the Oil Conservation Division Hearing Room at 1220 South St. Francis, 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 any other 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, 1-800-659-1779 by August 13, 2004. 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 13325:
In the Matter of the Application of Myco Industries, Inc. for Compulsory Pooling and Non-Standard Atoka Spacing Unit, Eddy County, New Mexico.**

Applicant in the above-styled cause seeks an order pooling all mineral interests from the surface to the base of the Morrow formation under the following acreage in Section 14, Township 21 South, Range 27 East, NMPM, Eddy County, New Mexico: the E/2 to form a standard 320-acre gas spacing and proration unit for all formations or pools spaced on 320 acres within this vertical extent, which presently include but are not necessarily limited to the Undesignated East Carlsbad-Wolfcamp, Undesignated Cedar Hills-Upper Pennsylvanian, Undesignated Burton Flat-Strawn, and the Burton Flat-Morrow Gas Pools; the SE/4 to form a standard 160-acre spacing and proration unit for all formations or pools spaced on 160 acres within this vertical extent, which presently includes but is not necessarily limited to the East Avalon-Bone Spring Gas Pool; and the SW/4 SE/4 to form a standard 40-acre spacing and proration unit for all formations or pools spaced on 40 acres within this vertical extent. Myco also seeks the formation of a 160-acre non-standard gas spacing and proration unit for the Atoka formation comprised of the SE/4 of Section 14, which presently includes but is not necessarily limited to the South Burton Flat - Atoka Pool. These spacing and proration units are to be dedicated to the existing Lonetree

"14" State Corn Well located 660 feet from the South line and 15 feet from the East (Unit O) of Section which Myco proposes re-enter and initiate re-complete at a standard location in the Morrow formation. All to be considered will be cost of re-entry at re-completion of said well and the allocation the cost thereof, the actual operating costs and charges for supervision designation of applicant as operator of the well and a charge for risk involved in re-completing said well. Said area located approximately 1 miles northeast of Carlsbad, New Mexico. In accordance with Oil Conservation Division Rules, notice of the above-referenced Application was mailed to the interested parties listed below:
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Midland, TX 79701
Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 28th day of July 2004.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**
Mark E. Fesmire, P.E.,
Director
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