

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

APPLICATION OF YATES PETROLEUM
CORPORATION FOR STATUTORY
UNITIZATION OF THE NORTH DAGGER
DRAW-UPPER PENNSYLVANIAN UNIT AREA,
EDDY COUNTY, NEW MEXICO.

CASE NO. 13227

AFFIDAVIT

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

William F. Carr, attorney in fact and authorized representative of Yates Petroleum Corporation, the Applicant herein, being first duly sworn, upon oath, states that notice of the above-referenced Application was mailed to the interested parties shown on Exhibit "A" attached hereto in accordance with Oil Conservation Division Rules, and that true and correct copies of the notice letter and proof of notice are attached hereto.

William F. Carr
William F. Carr

SUBSCRIBED AND SWORN to before me this 27 day of February 2004 by William F.

Carr.



OFFICIAL SEAL
LISAMARIE ORTIZ
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires 01/14/07

[Signature]
Notary Public

My Commission Expires:

01/14/07

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February 12, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

**TO: ALL AFFECTED INTEREST OWNERS IN THE NORTH DAGGER DRAW-
UPPER PENNSYLVANIAN UNIT AREA.**

**Re: Application of Yates Petroleum Corporation for statutory unitization, of the
North Dagger Draw-Upper Pennsylvanian Unit Area, Eddy County, New
Mexico.**

Ladies and Gentlemen:

This letter is to advise you that Yates Petroleum Corporation has filed the enclosed application with the New Mexico Oil Conservation Division seeking an order statutorily unitizing for the purpose of establishing a secondary recovery project, and at a later date a tertiary recovery project, all mineral interests from the top of the Canyon Carbonate formation to the base of the Upper Canyon pay at a depth of 8,076 feet as shown on the GR/CNL/LDT/ PEF and GR/DUAL LATEROLOG in the Yates Petroleum Corporation Vann "APD" # 1 well located 660 feet from the North line and 660 feet from the West line of Section 21, Township 19 South, Range 25 East, NMPM, Eddy County, New Mexico, in the North Dagger Draw-Upper Pennsylvanian Pool, underlying 5612.95 acres, more or less, of Federal, State of New Mexico and Fee lands comprised of the following described acreage:

TOWNSHIP 19 SOUTH, RANGE 25 EAST, NMPM

Sections 16 and 17:	All
Section 18:	S/2, S/2 NE/4, SE/4 NW/4, NE/4 NE/4
Sections 19 through 21:	All
Sections 28 through 30:	All

A copy of the proposed Unit Agreement and Unit Operating Agreement have previously been provided to you by Yates Petroleum Corporation. Said unit is to be designated the North Dagger Draw-Upper Pennsylvanian Unit.

Among the matters to be considered at the hearing on this application will be the necessity of unit operations; the designation of a unit operator; the determination of the horizontal and vertical limits of the unit area; the determination of the fair, reasonable and equitable allocation of production and costs of production, including capital investment, to each of the various tracts in the unit area; the determination of credits and charges to be made among the various owners in the unit area for their investments in wells and equipment; a non-consent

HOLLAND & HART



penalty for risk to be charged against carried working interest owners within the unit area upon such terms and conditions to be determined by the Division as just and reasonable; and such other matters as may be necessary and appropriate for carrying on efficient unit operations; including, but not limited to, unit voting procedures, selection, removal or substitution of unit operator, and time of commencement and termination of unit operations.

This application has been set for hearing before a Division Examiner on March 4, 2004, at the Oil Conservation Division Hearing Room in its Santa Fe office located at 1220 South Saint Francis Drive, Santa Fe, NM 87505. You are not required to attend this hearing but, as the owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging this matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B to file a Pre-hearing Statement three days in advance of a scheduled hearing at the Division's Santa Fe Office. This statement must include: the names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

Very truly yours,

William F. Carr
Attorney for Yates Petroleum Corporation

Enclosure

cc: Mr. Randy Patterson
Yates Petroleum Corporation

Application of Yates Petroleum Corporation
for Statutory Unitization of the
North Dagger Draw-Upper Pennsylvanian Unit Area
Eddy County, New Mexico

EXHIBIT A

NOTICE LIST

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