

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

**APPLICATION OF NEARBURG EXPLORATION
COMPANY, L.L.C. FOR COMPULSORY
POOLING, LEA COUNTY, NEW MEXICO.**

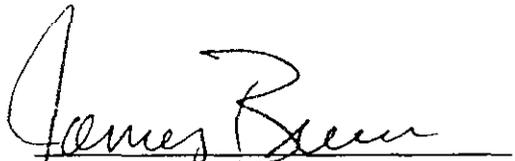
Case No. 14,995

AFFIDAVIT OF NOTICE

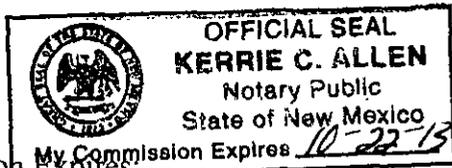
COUNTY OF SANTA FE)
) ss.
STATE OF NEW MEXICO)

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 stated herein.
2. I am an attorney for Nearburg Exploration Company, L.L.C.
3. Nearburg Exploration Company, L.L.C. 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 1.
5. Applicant has complied with the notice provisions of Division Rules NMAC 19.15.4.9 and 19.15.4.12.C.


James Bruce

SUBSCRIBED AND SWORN TO before me this 26th day of June, 2013 by James Bruce.



My Commission Expires


Notary Public

Oil Conservation Division
Case No. 514995
Exhibit No. 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 21, 2013

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

To: Persons on Exhibit A

Enclosed is a copy of an application for compulsory pooling, filed with the New Mexico Oil Conservation Division by Nearburg Exploration Company, L.L.C., regarding the NW¼NW¼ of Section 20, Township 17 South, Range 37 East, N.M.P.M., Lea County, New Mexico.

This matter is scheduled for hearing at 8:15 a.m. on Thursday, June 13, 2013, in Porter Hall at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. You are not required to attend this hearing, but as an 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 contesting the matter at a later date.

A party appearing in a Division case is required to file a Pre-Hearing Statement no later than Thursday, June 6, 2013. This statement must be filed with the Division's Santa Fe office at the above address, and should include: The names of the party and its attorney; a concise statement of the case; the names of the 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 need to be resolved prior to the hearing. The Pre-Hearing Statement must also be provided to the undersigned.

Very truly yours,


James Bruce

Attorney for Nearburg Exploration Company, L.L.C.

EXHIBIT A

EXHIBIT A

OXY USA WTP, LP
Attn: Patrick Sparks
P. O. Box 4294
Houston, TX 77210-4294

XTO Energy Inc.
Attn: Dylan Boyer, Landman
810 Houston Street
Fort Worth, TX 76102-6298

Zia Royalty
c/o Chuck Moran
310 W. Wall Street, Suite 300
Midland, TX 79701

Beveridge Company
c/o Bob Elliott
310 W. Wall Street, Suite 300
Midland, TX 79701

Realeza Del Spear
c/o Spear Brothers Group
Attn: Shane Spear
P. O. Box 1684
Midland, TX 79702

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:

XTO Energy Inc.
Attn: Dylan Boyer, Landman
810 Houston Street
Fort Worth, TX 76102-6298

2. Article Number
(Transfer from service label) **7012 0470 0001 5975 3535**

PS Form 3811, February 2004 Domestic Return Receipt NPC 20-1 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery **MAY 23 2013**

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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

For delivery information visit our website at www.usps.com

MIDLAND, TX 79702 SPECIAL USE

Postage	\$ 0.46	0500
Certified Fee	\$3.10	03
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	

Total Postage & Fees **\$6.11** 05/21/2013

Sent To: **Realeza Del Spear**
c/o Spear Brothers Group
Attn: Shane Spear
P. O. Box 1684
Midland, TX 79702

Street, Apt. No., or PO Box No. _____
City, State, ZIP+4 _____

PS Form 3800, August 2006 See Reverse for Instructions

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

For delivery information visit our website at www.usps.com

FORT WORTH, TX 76102 SPECIAL USE

Postage	\$ 0.46	0500
Certified Fee	\$3.10	03
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	

Total Postage & Fees **\$6.11** 05/21/2013

Sent To: **XTO Energy Inc.**
Attn: Dylan Boyer, Landman
810 Houston Street
Fort Worth, TX 76102-6298

Street, Apt. No., or PO Box No. _____
City, State, ZIP+4 _____

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Realeza Del Spear
c/o Spear Brothers Group
Attn: Shane Spear
P. O. Box 1684
Midland, TX 79702

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee

B. Received by (Printed Name) **C. Bostick** C. Date of Delivery **5/21/13**

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

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
(Transfer from service label) **7012 0470 0001 5975 3504**

PS Form 3811, February 2004 Domestic Return Receipt NPC 20-1 102595-02-M-1540

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:

OXY USA WTP, LP
Attn: Patrick Sparks
P. O. Box 4294
Houston, TX 77210-4294

2. Article Number

(Transfer from service label)

7012 0470 0001 5975 3542

PS Form 3811, February 2004

Domestic Return Receipt

NPC 20-1

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

- Agent
 Addressee

B. Received by (Printed Name):

C. Date of Delivery

5-22-13

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

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

HOUSTON, TX 77210

OFFICIAL USE

Postage	\$ 0.46	0500
Certified Fee	\$3.10	03
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fe	\$6.11	05/21/2013

Postmark
Here

05/21/2013

Sent To: OXY USA WTP, LP
Attn: Patrick Sparks
P. O. Box 4294
Houston, TX 77210-4294

PS Form 3800, August 2006

See Reverse for Instructions

7012 0470 0001 5975 3542