

AFFIDAVIT OF PUBLICATION

State of New Mexico,
County of Lea.

I, KATHI BEARDEN

Publisher

of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, do solemnly swear that the clipping attached hereto was published once a week in the regular and entire issue of said paper, and not a supplement thereof for a period.

of 1 weeks.

Beginning with the issue dated November 29 2006

and ending with the issue dated November 29 2006

Kathi Bearden

Publisher

Sworn and subscribed to before

me this 29th day of

November 2006
[Signature]

Notary Public.

My Commission expires February 07, 2009 (Seal)



OFFICIAL SEAL
DORA MONTZ
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: _____

This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937, and payment of fees for said publication has been made.

LEGAL NOTICE
November 29, 2006

To: Judith A. Bench a/k/a Judith A. Moseley Bench and Deborah Bench a/k/a Deborah Smith. Pride Energy Company has filed an application with the New Mexico Oil Conservation Division (Case No. 13,825), seeking an order pooling all mineral interests from the surface to the base of the Permian Pennsylvanian formation underlying the following described acreage in Section 9, Township 14 South, Range 33 East, NMPM, Lea County, New Mexico: The N/2NE/4 to form a standard 80 acre oil spacing and proration unit for all formations developed on 80 acre spacing within that vertical extent, including the North Bagley-Permian Pennsylvanian Pool; and the NE/4NE/4 to form a standard 40-acre oil spacing and proration unit for all formations developed on 40 acre spacing within that vertical extent. The units will be dedicated to the plugged and abandoned Bagley Well No. 1, located 560 feet from the north and east lines of Section 9, which will be re-entered to test the North Bagley-Permian Pennsylvanian Pool. In the event the re-entry of the Bagley Well No. 1 is not successful, the units will be dedicated to the Bagley Well No. 3, to be drilled at an orthodox location in the N₂NE₄ of Section 9 to test the North Bagley-Permian Pennsylvanian Pool. Also to be considered will be the cost of re-entering or drilling and completing the well and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of applicant as operator of the well, and a 200% charge for the risk involved in re-entering or drilling and completing the well. The application is scheduled to be heard at 8:15 a.m. on Wednesday, December 13, 2006 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 enter an appearance and participate in the case. Failure to appear will preclude you from contesting this matter at a later date. The units are located approximately 5-1/2 miles east-southeast of Caprock, New Mexico. #22805

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JAMES BRUCE
P.O. BOX 1056
SANTA FE, NM 87504

Oil Conservation Division
Case No. 13,824+13,825
Exhibit No. 5