

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

**IN THE MATTER OF THE APPLICATION OF
YATES PETROLEUM CORPORATION FOR
COMPULSORY POOLING, CHAVES COUNTY,
NEW MEXICO.**

CASE NO. 14060

AFFIDAVIT

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

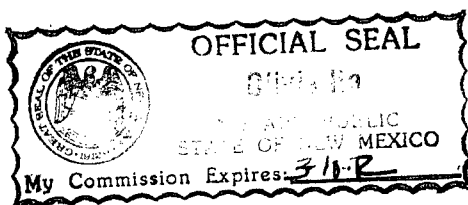
Ocean Munds-Dry, attorney in fact and authorized representative of Yates Petroleum Corporation., the Applicant herein, states that notice of the above-referenced Application was mailed to the interested parties shown on Exhibit "A" attached hereto in accordance with Oil Conservation Division Rules, and that true and correct copies of the notice letter and proof of notice are attached hereto.

David B. Wingard
for Ocean Munds-Dry

SUBSCRIBED AND SWORN to before me this 5th day of March 2008 by Ocean Munds-Dry.

[Signature]
Notary Public

My Commission Expires: 3-10-12



BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 14060..... Exhibit No. 5
Submitted by:
YATES PETROLEUM CORPORATION
Hearing Date: March 6, 2008

AFFIDAVIT OF PUBLICATION
STATE OF NEW MEXICO

I, Fran Saunders
Legals Clerk

Of the Roswell Daily Record, a daily newspaper published at Roswell, New Mexico do solemnly swear that the clipping hereto attached was published in the regular and entire issue of said paper and not in a supplement thereof for a period of:

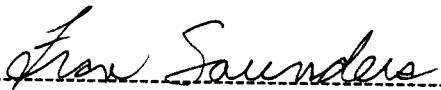
one time

beginning with the issue dated

February 10th 2008

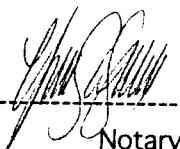
and ending with the issue dated

February 10th 2008


Clerk

Sworn and subscribed to before me

this 11th day of February 2008


Notary Public

My Commission expires
June 13, 2010

(SEAL)

Publish February 10, 2008

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 March 6, 2008, 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, interpreter, 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 February 25, 2008. 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 14060:

(Re-advised) Application of Yates Petroleum Corporation for compulsory pooling, Chaves County, New Mexico. Applicant in the above-styled cause seeks an order pooling all mineral interests from the surface to the base of the Siluro-Devonian formation in the following described spacing and proration units located in the E/2 of Section 2, Township 8 South, Range 26 East, N.M.P.M., Chaves County, New Mexico: the E/2 for all formations and/or pools developed on 320-acre spacing within this vertical extent including the North Four Ranch-Pre-Permian Gas Pool and the Undesignated South Leslie Spring-Wolfcamp Gas Pool; the NE/4 for all formations and/or pools developed on 160-acre spacing within this vertical extent including the Pecos Slope-Abo Gas Pool; and the NW/4 NE/4 for all formations and/or pools developed on 40-acre spacing within this vertical extent. Said unit is to be dedicated to its Value BC / State Com Well No. 2 which has been drilled at a location 660 feet from the North line and 1980 feet from the East line of Section 2, Township 8 South, Range 26 East, N.M.P.M., Chaves County, New Mexico to an approximate depth of 5,875 feet to test any and all formations from the surface to the base of the Siluro-Devonian formation. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of Yates Petroleum Corporation as operator of the well and a charge for risk involved in casing said well. Said area is located 23 miles east of Roswell, New Mexico.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 7th day January 2008.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

Mark E. Fesmire, P.E., Director

HOLLAND & HART^{LLP}



Ocean Munds-Dry
omundsdry@hollandhart.com

January 10, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

**Re: Application of Yates Petroleum Corporation for compulsory pooling,
Chaves 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 pooling all mineral interests from the surface to the base of the Siluro-Devonian formation in certain spacing and proration units in the E/2 of Section 2, Township 8 South, Range 26 East, N.M.P.M., Chaves County, New Mexico. Said pooled units are to be dedicated to Yates's Value BCV State Com Well No. 2 which has been drilled at a location 660 feet from the North line and 1980 feet from the East line of Section 2, Township 8 South, Range 26 East, NMPM, Chaves County, New Mexico to an approximate depth of 5,675 feet to test any and all formations from the surface to the base of the Siluro-Devonian formation.

This application has been set for hearing before a Division Examiner at 8:15 a.m. on February 7, 2008. The hearing will be held in Porter Hall in the Oil Conservation Division's Santa Fe Offices located at 1220 South Saint 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 challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B to file a Pre-hearing Statement four days in advance of a scheduled hearing. This statement must be filed at the Division's Santa Fe office at the above specified address and should 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.

Sincerely,

Ocean Munds-Dry

ATTORNEYS FOR

YATES PETROLEUM CORPORATION

U.S. Postal ServiceTM
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Total Postage & Fees	\$ 5.58

John Cadigan and the Estate of
 Linda Cadigan
 Drawer F
 Cashmere, WA 98815

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Total Postage & Fees	\$ 5.58

Greg Vujovich
 100 Mt. Highway 287
 Ennis, MT 57929

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 John Cadigan and the Estate of
 Linda Cadigan
 Drawer F
 Cashmere, WA 98815

2. Article Number
 (Transfer from service label) 7006 2760 0001 6392 8076

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

SECTION ON DELIVERY

A. Signature ☒ Agent
 X *Linda Cadigan* ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
 1-15-08

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

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 Greg Vujovich
 100 Mt. Highway 287
 Ennis, MT 57929

2. Article Number
 (Transfer from service label) 7006 2760 0001 6392 8069

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
 X *Greg Vujovich* ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
 1-17-08

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