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March 15, 2005

Via Fax

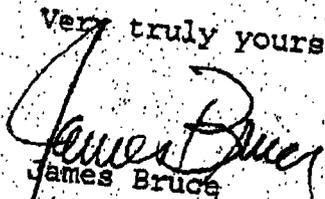
David Catanach
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Re: Case No. 13083/Roca Production, Inc.

Dear Mr. Catanach:

Pursuant to your letter of February 15, 2005, applicant submits the enclosed affidavit. Please be advised that I am obtaining a signed copy of the affidavit for your file.

Very truly yours,



James Bruce

Attorney for Roca Production, Inc.

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

APPLICATION OF ROCA PRODUCTION,
INC. FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO.

Case No. 13,083

AFFIDAVIT OF JAMES C. BROWN

STATE OF TEXAS)
)
COUNTY OF MIDLAND)

James C. Brown, 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 a consultant for the owners of approximately 69% of the mineral interest in the well unit, and am familiar with the land matters involved in this case.

3. I have reviewed the files regarding the subject lands which are in my clients' possession, and have determined as follows:

(a) Although there are references in the files to an operating agreement which was in effect in the 1950s and 1960s, I was unable to locate a copy of any such operating agreement. Therefore, if the Division finds that there is an operating agreement in place, no one will be able to determine its terms and provisions;

(b) During the late 1980s and the 1990s the Esmond A Well No. 2 was operated by contract operators, who did not use an operating agreement; and

(c) Based on the course of dealing among the mineral interest owners during the last 15 years, there is no operating agreement in effect covering the NE $\frac{1}{4}$ of Section 33, Township 22 South, Range 36 East, N.M.P.M., as to the Jalmat Gas Pool.

4. Evelyn O'Hara, who appeared at the hearing in opposition to the pooling application, was unable to provide a copy of the prior operating agreement, and has yet to agree to the proposed re-entry of the well.

James C. Brown

SUBSCRIBED AND SWORN TO this _____ day of March, 2005 by James C. Brown.

Notary Public

My Commission expires:
