

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


APPLICATION OF DEVON ENERGY PRODUCTION
COMPANY, L.P. FOR APPROVAL OF AN
UNORTHODOX WELL LOCATION AND
AUTHORIZATION TO DRILL A WELL IN THE
POTASH AREA, EDDY COUNTY, NEW MEXICO.

CASE NO. 13372

AFFIDAVIT

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

William F. Carr, attorney in fact and authorized representative of Devon Energy
Production Company, 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.



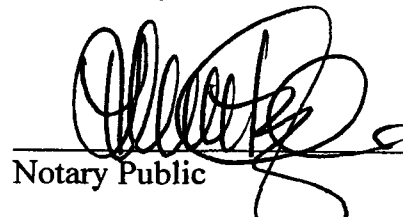
William F. Carr

SUBSCRIBED AND SWORN to before me this 20th day of October 2004 by

William F. Carr.



OFFICIAL SEAL
LISAMARIE ORTIZ
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires 1/14/07



Notary Public

My Commission Expires: January 14, 2007

3292460_1.DOC

**APPLICATION OF
DEVON ENERGY PRODUCTION COMPANY, L.P.
FOR APPROVAL OF AN UNORTHODOX WELL LOCATION
AND AUTHORIZATION TO
DRILL A WELL IN THE POTASH AREA,
EDDY COUNTY, NEW MEXICO**

EXHIBIT A

NOTICE LIST

**Mr. Dan Morehouse
Mine Engineering Superintendent
IMC Potash Carlsbad, Inc.
Post Office Box 71
Carlsbad, New Mexico 88221-0071**

**New Mexico State Land Office
Attention: Mr. Jeff Albers
Oil, Gas and Minerals Division
Post Office Box 1148
Santa Fe, New Mexico 87504-1148**

**Bureau of Land Management
Attention: Craig Cranston
620 East Green Street
Carlsbad, New Mexico 88220-0071**

HOLLAND & HART



William F. Carr
wcarr@hollandhart.com

October 14, 2004

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Mr. Dan Morehead, Superintendent
Mine Engineering and Construction
IMC Potash Carlsbad Inc.
Post Office Box 71
Carlsbad, New Mexico 88221-0071

New Mexico State Land Office
Oil, Gas and Minerals Division
Post Office Box 1148
Santa Fe, New Mexico 87504-1148
Attention: Mr. Jeff Albers

Bureau of Land Management
620 East Green Street
Carlsbad, New Mexico 88220-6292
Attention: Craig Cranston

Re: Application of Devon Energy Production Company, L.P. for approval of an unorthodox well location and authorization to drill a well in the Potash Area, Eddy County, New Mexico.

Gentlemen:

This letter is to advise you that Devon Energy Production Company, L.P. has filed the enclosed application with the New Mexico Oil Conservation Division seeking approval of an unorthodox well location and an order approving the drilling of its Apache 24 Fee Well No. 7A at an unorthodox gas well location 1460 feet from the North line and 1150 feet from the West line (Unit E) of Section 24, Township 22 South, Range 30 East, NMPM, Eddy County, New Mexico. the well will be drilled as a wildcat well to test the Devonian formation. This acreage is located in the Potash Area as defined by Division Order No. R-111-P.

This application has been set for hearing before a Division Examiner on November 4, 2004. The hearing will be held in Porter Hall in the Division's Santa Fe office. 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 at the Santa Fe Office of the Oil Conservation Division located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505, three days in advance of a scheduled

Holland & Hart LLP

Phone (505) 988-4421 Fax (505) 983-6043 www.hollandhart.com

110 North Guadalupe Suite 1 Santa Fe, NM 87501 Mailing Address P.O. Box 2208 Santa Fe, NM 87504-2208

Aspen Billings Boise Boulder Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Salt Lake City Santa Fe Washington, D.C. ☺

HOLLAND & HART



hearing. 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 DEVON ENERGY
PRODUCTION COMPANY, L.P.

Enclosure

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

OFFICIAL

Apache
24-7A

Postage	\$.83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

Sent To Mr. Dan Morehouse
Mine Engineering Superint.
IMC Potash Carlsbad Inc.
Post Office Box 71
Carlsbad, NM 88221-0071

PS Form 3800

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

Apache
24-7A

Postage	\$.83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

Sent To New Mexico State Land Office
Attn: Mr. Jeff Albers
Oil, Gas and Minerals Division
Post Office Box 1148
Santa Fe, NM 87504-1148

PS Form 3800, January 2001

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

Apache
24-7A

Postage	\$.83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

Sent To Bureau of Land Management
Attn: Craig Cranston
620 East Green Street
Carlsbad, NM 88220-0071

PS Form 3800, January 2001

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:

Mr. Dan Morehouse
Mine Engineering Superintendent
IMC Potash Carlsbad Inc.
Post Office Box 71
Carlsbad, NM 88221-0071

2. Article Number (Copy 1)

7001 1140 0002 5602 6559

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-095

- 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:

New Mexico State Land Office
Attn: Mr. Jeff Albers
Oil, Gas and Minerals Division
Post Office Box 1148
Santa Fe, NM 87504-1148

2. Article Number (Copy 1)

7001 1140 0002 5602 6566

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-095

- 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:

Bureau of Land Management
Attn: Craig Cranston
620 East Green Street
Carlsbad, NM 88220-0071

2. Article Number (Copy from)

7001 1140 0002 5602 6573

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
10-18-00

C. Signature
X Linda Batzler ☐ Agent ☐ Addressee

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

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature
X [Signature] ☐ Agent ☐ Addressee

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

A. Received by (Please Print Clearly) B. Date of Delivery
10-18-00

C. Signature
X [Signature] ☐ Agent ☐ Addressee

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

Affidavit of Publication

NO. 18643

STATE OF NEW MEXICO

County of Eddy:

Gary D. Scott being duly

sworn, says: That he is the Publisher of The
Artesia Daily Press, a daily newspaper of general
circulation, published in English at Artesia, said county
and county and state, and that the here to attached

Legal Notice

was published in a regular and entire issue of the said
Artesia Daily Press, a daily newspaper duly qualified
for that purpose within the meaning of Chapter 167 of
the 1937 Session Laws of the state of New Mexico for

1 consecutive weeks/days on the same

day as follows:

First Publication October 19 2004

Second Publication _____

Third Publication _____

Fourth Publication _____

Subscribed and sworn to before me this

19th Day October 2004

Barbara Ann Brass
Notary Public, Eddy County, New Mexico

My Commission expires September :23, 2007

Copy of F

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 November 4, 2004, 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, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact: Florence Davidson at 505-476-3458 or through the New Mexico Relay Network at 1-800-659-1779 by October 26, 2004. Public documents including the agenda and minutes, can be provided in various accessible forms. Please contact Florence 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 13372:

Application of Devon Energy Production Company, L.P. for approval of an unorthodox well location and authorization to drill a well in the Potash Area, Eddy County, New Mexico. Applicant seeks an order approving the drilling of its proposed Apache 24 Fee Well No. 7A within the Potash Area at an

unorthodox well location 1460 feet from the North line and 1150 feet from the West line (Unit E) of Section 24, Township 22 South, Range 30 East, NMPM, Eddy County, New Mexico. This well will be drilled to an approximate depth of 15,500 to as a wildcat well to test the Devonian formation. Said location is within the Potash Area and located approximately 8 miles east of Carlsbad, New Mexico. Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 15th day of October 2004.

STATE OF NEW MEXICO OIL CONSERVATION DIVISION

Mark E. Fesmire, P.E.
Director

Published in the Artesia Daily Press, Artesia, N.M. October 19, 2004.

Legal 18643