Affidavit of Publication

State of New Mexico,
County of Eddy, ss.

April Hernandez, being first duly sworn, on oath says:

That she is HR/Administrative Assistant of the Carlsbad Current-Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

October 13 2006

2006

2006

2006

That the cost of publication is $44.02 and that payment Thereof has been made and will be assessed as court costs.

April Hernandez

Subscribed and sworn to before me this

13 day of October, 2006

Stephanie Dobson

My commission Expires on 1/25/2010

Notary Public

OFFICIAL SEAL
STEPHANIE DOBSON
Notary Public
State of New Mexico
My Comm. Expires 1/25/2010

Oil Conservation Division
Case No. 13,778
Exhibit No. 3

October 13, 2006

NOTICE

To: Sam J. Elliott, Mildred E. Elliott, William B. Dunn, William Harvey Jones, Frances Carol Jones, John Brazeal, Patricia N. Brazeal, Curtis Baker, Deanna Baker, Albert R. Rust, Geneva Rust, Paul A. Sneed, Doris A. Sneed, Fred Ward, Marilyn Brazeal, James Henry Dowley, Wilson Brazeal, Rosezell Brazeal, and K.D. McPeters, or their heirs or devisees: Hayes Land & Production, LP has filed an application with the New Mexico Oil Conservation Division (Case No. 13778) seeking an order establishing an 80-acre non-standard oil spacing and proration unit as an exception to Division Rule 104(B), or an 80-acre project area under Division Rule 111, in the Delaware and Bone Spring formations, comprised of the SW¼NW¼ and NW¼SW¼ of Section 11, Township 22 South, Range 26 East, N.M.P.M., to be dedicated to the Mesa Grande "11" Well No. 2, located at an unorthodox location 2661 feet from the south line and 660 feet from the west line of Section 11. In the alternative, applicant requests that Division Order No. R-12459, granting said unorthodox location, be rescinded and the well shut-in. The application is scheduled to be heard at 8:15 a.m. on Thursday, October 26, 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 attorney for applicant is James Bruce, P.O. Box 1056, Santa Fe, New Mexico 87504. The proposed unit is located approximately 2-1/2 miles west of Carlsbad, New Mexico.