

**BEFORE THE
OIL CONSERVATION DIVISION
NEW MEXICO ENERGY, MINERALS AND
NATURAL RESOURCES DEPARTMENT**

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

CASE NO. 14058

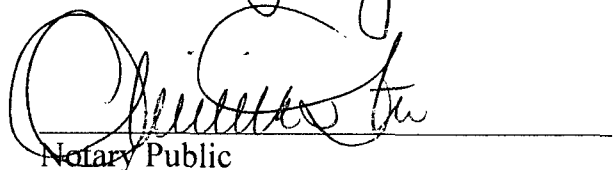
AFFIDAVIT

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.

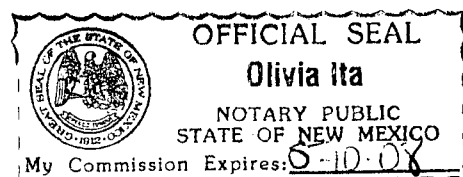

Ocean Munds-Dry

SUBSCRIBED AND SWORN to before me this 9th day of January 2008 by Ocean Munds-Dry.


Notary Public

My Commission Expires: 5-10-08

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 14058.... Exhibit No. 5
Submitted by:
YATES PETROLEUM INCORPORATED
Hearing Date: January 10, 2008



Affidavit of Publication

STATE OF NEW MEXICO

)

) ss.

COUNTY OF LEA

)

Joyce Clemens being first duly sworn on oath deposes and says that she is Advertising Director of **THE LOVINGTON LEADER**, a daily newspaper of general paid circulation published in the English language at Lovington, Lea County, New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in excess of Twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as hereinafter shown; and that said newspaper is in all things duly qualified to publish legal notices within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico.

That the notice which is hereto attached, entitled

Legal Notice

was published in a regular and entire issue of **THE LOVINGTON LEADER** and not in any supplement thereof, for one (1) day, beginning with the issue of December 15, 2007 and ending with the issue of December 15, 2007.

And that the cost of publishing said notice is the sum of \$ 85.98 which sum has been (Paid) as Court Costs.

Joyce Clemens
Subscribed and sworn to before me this 19th day of December 2007

Debbie Schilling
Debbie Schilling

Notary Public, Lea County, New Mexico
My Commission Expires June 22, 2010

LEGAL NOTICE 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 January 10, 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, amplifier, 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 December 31, 2007. 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: 14058:

Application of Yates Petroleum Corporation for compulsory pooling, Lea County, New Mexico. Applicant in the above-styled cause seeks an order pooling all mineral interests from the surface to the base of the Mississippian formation in the following described spacing and proration units located in the SE 1/4 SE 1/4 of Section 3 Township 22 South, Range 32 East, N.M.P.M.; Lea County, New Mexico: the SE 1/4 SE 1/4 for all formations and/or pools developed on 40-acre spacing within this vertical extent including the Undesignated East Livingston Ridge-Delaware Pool and the Undesignated Southeast Livingston Ridge-Delaware Pool. Said unit is to be dedicated to its Amazing BAZ Federal Well No. 3 to be drilled at a location 330 feet from the South and East lines of Section 30, Township 22 South, Range 32 East, N.M.P.M. Lea County, New Mexico to an approximate depth of 8,600 feet to test any and all formations from the surface to the base of the Bone Spring 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, design and construction of Yates Petroleum Corporation as operator of the well and a charge for its involvement in drilling said well. Said area is located 25 miles west of Eunice, New Mexico.

Given under the Seal of the State of New Mexico Oil Conservation Commission, Santa Fe, New Mexico on this 12th day December 2007.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

Mark E. Fesmire, P.E., Director
Published in the Lovington Leader December 15, 2007

HOLLAND & HART^{LLP}



Ocean Munds-Dry
omundsdry@hollandhart.com

December 11, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

**Re: Application of Yates Petroleum Corporation for compulsory pooling,
Lea 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 Wolfcamp formation in certain spacing and proration units in the SE/4 SE/4 of Section 30, Township 22 South, Range 32 East, N.M.P.M., Lea County, New Mexico. Said pooled units are to be dedicated to Yates's Amazing BAZ Federal Well No. 3 to be drilled at a location 330 feet from the South and East lines of Section 30, Township 22 South, Range 32 East, NMPM, Lea County, New Mexico to an approximate depth of 8,600 feet to test any and all formations from the surface to the base of the Bone Spring formation.

This application has been set for hearing before a Division Examiner at 8:15 a.m. on January 10, 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
Ocean Munds-Dry

**ATTORNEYS FOR
YATES PETROLEUM CORPORATION**

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

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Restricted Delivery Fee (Endorsement Required)	5.38
Total Postage & Fees	\$ 15.76

Texas Independent Exploration Inc.
1600 Smith, Suite 3800
Houston, TX 77002

Instructions

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Postage	\$ 5.58
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	5.38
Total Postage & Fees	\$ 15.76

OXY USA WTP Limited Partnership
6 Desta Drive, Suite 600
Midland, TX 79705

Instructions

2006 2769 1000 0922 9002

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
OXY USA WTP Limited Partnership
6 Desta Drive, Suite 600
Midland, TX 79705

2. Article Number
(Transfer from service label)
7006 2760 0001 6391 9913

3. Service Type
☐ Certified Mail
☐ Registered
☐ Insured Mail
☐ Express Mail
☒ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)
☐ Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [Signature]

B. Received by (Printed Name)
Michelle [Signature]

C. Date of Delivery
12/13/07

D. Is delivery address different from item? ☒ Yes
If YES, enter delivery address below:
Box 50250
79710

PS Form 3811, February 2004
102595-02-M-1540