

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

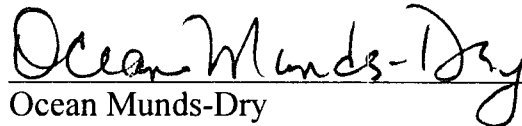
**IN THE MATTER OF THE APPLICATION
OF OGX RESOURCES LLC FOR
COMPULSORY POOLING, EDDY COUNTY,
NEW MEXICO.**

CASE NO. 14024


AFFIDAVIT

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

Ocean Munds-Dry, attorney in fact and authorized representative of OGX Resources, LLC., 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. 14024..... Exhibit No. 5
Submitted by:
OGX RESOURCES, L.L.C.
Hearing Date: January 10, 2008

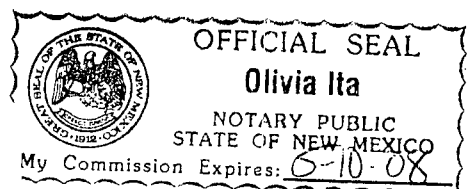


EXHIBIT A

**APPLICATION OF
OGX RESOURCES, L.L.C.
FOR COMPULSORY POOLING
E/2 OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST, N.M.P.M.
EDDY COUNTY, NEW MEXICO.**

Heirs of A.J. Crawford and Minnie May
Crawford:

Florence Chambers
Christine Day
Marie Dillion
Lillian Dickey
Nellie Fee
ADDRESSES UNKNOWN

Otis Farmers Gin Co., Inc.
ADDRESS UNKNOWN

Unknown Heirs of Kathleen O'Connor-
known heir Galindo
ADDRESS UNKNOWN

Elias H. Baiza and Marie T. Baiza
1413 E. Hermosa Drive
Tempe, Arizona 85282-5720

Danny D. Baiza and Nora D. Baiza
410 South Hemlock
Roswell, NM 88201

Tillman Wayne Taylor
5027 Grandi Road
Carlsbad, NM 88220-8924

Tillman Taylor Estate
c/o Tillman Wayne Taylor
5027 Grandi Road
Carlsbad, NM 88220-8924

Bureau of Reclamation
Albuquerque Area Office
555 Broadway NE, Suite 100
Albuquerque, NM 87102-2352

✓ Timothy J. Walterscheid
5107 Grandi Road
Carlsbad, NM 88220

David Mark Porter
203 East Russell St.
Carlsbad, NM 88220-6021

New Mexico Department of
Transportation
Property and Claims Bureau
P.O. Box 6850
Santa Fe, NM 87502

Phyllis K. Daniell, Executor of the Estate
of Kathleen ' . Connor and as Successor
Trustee of the Kathleen O'Connor Trust
4665 Pauling Avenue
San Diego, CA 92122

Michael W. O'Connor
P.O. Box 411
Marfa, TX 79843

✓ Ronal R. O'Connor
202 E. Orchard Ln.
Carlsbad, NM 88220

Devon Energy Production Co., L.P.
20 N. Broadway
Oklahoma City, OK 73102-8260

Affidavit of Publication

NO.

19993

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 week/days on the same

day as follows:

First Publication

December 5, 2007

Second Publication

Third Publication

Fourth Publication

Fifth Publication

Subscribed and sworn to before me this

30th Day

December

2007

Amanda K. Lamb

Notary Public, Eddy County, New Mexico

My Commission expires

April 5, 2011

Copy of Publication:

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 appoint 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: 14024

(Re-Advised) Application of OGX Resources, L.L.C. for compulsory pooling, Eddy County, New Mexico. Applicant in the above-styled cause seeks an order pooling all mineral interests from the surface to the base of the Morrow formation in the following described spacing and proration units located in the E/2 of Section 34, Township 22 South Range 27 East, N.M.P.M., Eddy County, New Mexico: the E/2 for all formations and/or pools developed on 320-acre spacing which includes but is not limited to the Undesignated Otis-Morrow Gas Pool, Undesignated Otis-Atoka Gas Pool, Undesignated Carlsbad-Strawn Gas and the Undesignated Cass Draw-Wolfcamp Gas Pool; the NE/4 for all formations and/or pools developed on 160-acre spacing; and

and/or pools developed on 40-acre spacing which includes but is not limited to the Undesignated North Cass Draw-Wolfcamp Pool. Said units are to be dedicated to its Weems Well No. 1 (API No. 30-015-35789) to be directionally drilled as a gas well from a standard surface location 1073 feet from the North line and 1501 feet from the East line (Unit B), to a standard bottom hole location 660 feet from the North and East lines (Unit A) of said Section 34 at an approximate depth of 12,401 feet to test any and all formations from the surface to the base of the Morrow formation. All costs 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 OG Resources, L.L.C. as operator of the well and a charge for risk involved in drilling said well. Said area is located approximately miles east of the Carlsbad, New Mexico Municipal Airport. Given under the Seal of the State of New Mexico, Oil Conservation Commission, Santa Fe, New Mexico on the 3rd day of December 2007.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION
Mark E. Fesmire, P.E., Director
Published in the Artesia Daily Press, Artesia, N.M. December 2007
Legal 19993

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Postage	\$.78
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	2.15
Total Postage & Fees	\$ 5.55

DEC 03 2007
Postmark Here

USPS

Elias H. Baiza and Marie T. Baiza	
1413 E. Hermosa Drive	
Tempe, Arizona -85282-5720	

See Instructions

HOLLAND & HART

110 North Guadalupe Santa Fe, NM 87501
PO Box 2208 Santa Fe, NM 87504-2208

7006 2760 0001 6391 9739

(2)

Elias H. Baiza and Marie T. Baiza
1413 E. Hermosa Drive
Tempe, AZ 85282-5720

12/5

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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For delivery information visit www.usps.com
OFFICIAL USE

Postage	6.75	Postmark Here
Certified Fee	2.15	2/23/03 2007
Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 3.25	

Danny D. Baiza and Nora D. Baiza
 410 South Hemlock
 Roswell, NM 88201

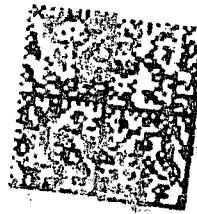
HOLLAND & HART

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

12-13

- ☐ Not Deliverable As Addressed
- ☐ Unable To Forward
- ☐ Insufficient Address
- ☐ Moved Left No Address
- ☐ Business Delivery Is Attempted
- ☐ No Return Address
- ☐ Vacant
- ☐ No Mail Receipts
- ☐ Box Closed-No Order
- ☐ Returned For Better Address
- ☐ Postage Due

Danny D. Baiza and Nora D. Baiza
 410 South Hemlock
 Roswell, NM 88201



Hasler

016H16505665
\$05.550
 12/03/2007
 Mailed From 87504
US POSTAGE

Handwritten:
 Add
 12-5

2226 16E9 1000 0922 9002

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)
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OFFICIAL RECEIPT

Postage \$ 7.81
 Certified Fee 2.65
 Return Receipt Fee (Endorsement Required) 2.15
 Restricted Delivery Fee (Endorsement Required) 0.30
 Total Postage & Fees \$ 5.55 **USPS**

Postmark Here
265 DEC 03 2007

Tillman Wayne Taylor
 5027 Grandi Road
 Carlsbad, NM 88220-8904

For Instructions

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL RECEIPT

Postage \$ 7.81
 Certified Fee 2.65
 Return Receipt Fee (Endorsement Required) 2.15
 Restricted Delivery Fee (Endorsement Required) 0.30
 Total Postage & Fees \$ 5.55 **USPS**

Postmark Here
265 DEC 03 2007

Tillman Wayne Taylor
 c/o Tillman Wayne Taylor
 5027 Grande Road
 Carlsbad, NM 88220-8924

For Instructions

SENDER'S COMPLETE MAIL RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

CERTIFIED MAIL

1. Article Addressed to:
 Tillman Wayne Taylor
 5027 Grandi Road
 Carlsbad, NM 88220-8904

2. Article Number
 (Transfer from service label) 7006 2760 0001 6391 9715
 PS Form 3811, February 2004 Domestic Return Receipt 102596-02-M-1540

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

5. Signature
☒ Agent ☐ Addressee
☒ Addressee

6. Received by (Printed Name) Wayne Taylor C. Date of Delivery 12-5-07
 Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

SENDER'S COMPLETE MAIL RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

CERTIFIED MAIL

1. Article Addressed to:
 Tillman Taylor Estate
 c/o Tillman Wayne Taylor
 5027 Grande Road
 Carlsbad, NM 88220-8924

2. Article Number
 (Transfer from service label) 7006 2760 0001 6391 9708
 PS Form 3811, February 2004 Domestic Return Receipt 102596-02-M-1540

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

5. Signature
☒ Agent ☐ Addressee
☒ Addressee

6. Received by (Printed Name) Wayne Taylor C. Date of Delivery 12-5-07
 Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS

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

For delivery information visit our website at www.usps.com

OFFICIAL USE	
Postage	\$ 7.75
Certified Fee	2.45 DEC 03 2007
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	5.55
Total Postage & Fees	\$ 15.90

Bureau of Reclamation
Albuquerque Area Office
555 Broadway NE, Suite 100
Albuquerque, NM 87102-2352

PS Form 3811, February 2004

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

For delivery information visit our website at www.usps.com

OFFICIAL USE	
Postage	\$ 7.75
Certified Fee	2.45 DEC 03 2007
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	5.55
Total Postage & Fees	\$ 15.90

Timothy J. Walterscheid
5107 Grandi Road
Carlsbad, NM 88220

PS Form 3811, February 2004

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:

Bureau of Reclamation
Albuquerque Area Office
555 Broadway NE, Suite 100
Albuquerque, NM 87102-2352

2. Article Number
(Transfer from service label)

7006 2760 0001 6391 9692

PS Form 3811, February 2004

Domestic Return Receipt

102586-02-44-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) Charlie C. Date of Delivery 12/4/07

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

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

- 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:

Timothy J. Walterscheid
5107 Grandi Road
Carlsbad, NM 88220

2. Article Number
(Transfer from service label)

7006 2760 0001 6391 9685

PS Form 3811, February 2004

Domestic Return Receipt

102586-02-44-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) Shana Walterscheid C. Date of Delivery 12/3

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered ☒ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service[™]
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Postage	\$ 1.75
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	1007 80 377
Total Postage & Fees	\$ 5.55

Postmark Here
 SANTA FE NM 87501

David Mark Porter
 203 East Russell St.
 Carlsbad, NM 88220-6021

Instructions

7000 9002 0922 1000 3929 9672

U.S. Postal Service[™]
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OFFICIAL USE

Postage	\$ 1.75
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	DEC 03 2007
Total Postage & Fees	\$ 5.55

Postmark Here
 SANTA FE NM 87501

New Mexico Department of
 Transportation
 Property and Claims Bureau
 P.O. Box 6850
 Santa Fe, NM 87502

Instructions

7000 9002 0922 1000 3929 9672

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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 For delivery information visit our Web Site at usps.com

OFFICIAL USE

Postage \$ 7.75 DEC 03 2007
 Certified Fee 2.65
 Return Receipt Fee (Endorsement Required) 2.55
 Restricted Delivery Fee (Endorsement Required) 3.55
 Total Postage & Fees 16.50

Phyllis K. Daniel, Executor of the Estate of
 Kathleen "Connor and as Successor Trustee
 of the Kathleen O" Connor Trust
 4665 Pauling Avenue
 San Diego, CA 92122

Postmark Here

PS F

SENDER: COMPLETE THIS SECTION
 (STICKER AT TOP OF ENVELOPE TO THE RIGHT)
 (RETURN ADDRESS, FOLD DOTTED LINE)

1. Article Addressed to:
 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.

Phyllis K. Daniel, Executor of the Estate of
 Kathleen "Connor and as Successor Trustee
 of the Kathleen O" Connor Trust
 4665 Pauling Avenue
 San Diego, CA 92122

2. Article Number
 (Transfer from service label)
 7006 2760 0001 6391 9654

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
☐ Restricted Delivery? (Extra Fee) ☐ Yes

4. Signature
 Donna Deane Agent
☐ Addressed ☐ Date of Delivery
 DONNA DEANE 12-12-07

5. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below.

PS Form 3811, February 2004
 Domestic Return Receipt
 102595-02-14-1640

4596 16E9 1000 0922 9002

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OFFICIAL USE

Postage	\$ 2.15	DEC 03 2007	Postmark Here
Certified Fee	2.65		
Return Receipt Fee (Endorsement Required)	2.15		
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$ 5.55		

Michael W. O'Connor
P.O. Box 411
Marfa, TX 79843

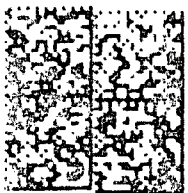


HOLLAND & HART

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

Handwritten signature

12-14
2007
12-14



0161 116565566
\$05.55
12/03/2007
Mailed From 75304
US POSTAGE

Holler

7006 2760 0001 6391 9647

Michael W. O'Connor
P.O. Box 411
Marfa, TX 79843

NIXIE 799 50 1 75 12/11/07
**RETURN TO SENDER
REFUSED
UNABLE TO FORWARD**
BC: 07504220800 *0693-09770-10-47
0750402208

2496 1669 1000 0922 9002

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

OFFICIAL MAILING

Postage	\$ 1.75
Certified Fee	2.60
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	5.55
Total Postage & Fees	\$ 10.05

Ronal R. O'Connor
202 E. Orchard Ln.
Carlsbad, NM 88220

USPS

DEC 03 2007

102595-02-M-1540

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

OFFICIAL MAILING

Postage	\$ 1.75
Certified Fee	2.60
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	5.55
Total Postage & Fees	\$ 10.05

Devon Energy Production Co., L.P.
20 N. Broadway
Oklahoma City, OK 73102-8260

USPS

DEC 03 2007

102595-02-M-1540

SENDER COMPLETE THIS SECTION

1. Article Addressed to:

Ronal R. O'Connor
202 E. Orchard Ln.
Carlsbad, NM 88220

2. Article Number
(Transfer from service label) 7006 2760 0001 6391 9784

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

COMPLETE THIS SECTION FOR DELIVERY

A. Signature ☒ Agent
Ronal R. O'Connor ☐ Addressee

B. Received by (Printed Name) *RONAL R. O'CONNOR* C. Date of Delivery *12-5-07*

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:

Devon Energy Production Co., L.P.
20 N. Broadway
Oklahoma City, OK 73102-8260

2. Article Number
(Transfer from service label) 7006 2760 0001 6391 9791

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

COMPLETE THIS SECTION FOR DELIVERY

A. Signature ☒ Agent
[Signature] ☐ Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *[Signature]*

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

HOLLAND & HART^{LLP}



Ocean Munds-Dry
omundsdry@hollandhart.com

December 3, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

**Re: Amended Application of OGX Resources, LLC for compulsory pooling,
Eddy County, New Mexico.**

Ladies and Gentlemen:

This letter is to advise you that OGX Resources, LLC 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 Morrow formation in certain spacing and proration units in the E/2 of Section 34, Township 22 South, Range 27 East, N.M.P.M., Eddy County, New Mexico. Said pooled units are to be dedicated to OGX's Weems Well No. 1 from a standard surface location 1073 feet from the North line and 1501 feet from the East line (Unit B), to a standard bottom hole location 660 feet from the North and East lines (Unit A) of said Section 34 at an approximate depth of 12,400 feet to test any and all formations from the surface to the base of the Morrow 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
ATTORNEYS FOR
OGX RESOURCES LLC

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

Offices: Albuquerque, Boulder, Cheyenne, Colorado Springs, Denver, Denver Tech Center, Indian Wells, Salt Lake City, Santa Fe, Washington, D.C.