

EAGLE RESOURCES, LP

P.O. Box 3900
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Rory McMinn
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Re: **Waiver of Objection to Application of Eagle Resources, L.P. for Compulsory Pooling and an Unorthodox Gas Well Location, Roosevelt County, New Mexico. (Cook Well No. 1)**

Dear Mr. Tracy P. Clark,

As we discussed, Eagle Resources seeks an order from the New Mexico Oil Conservation Division pooling all mineral interests in the following described spacing and proration units in Section 34, Township 2 South, Range 29 East as follows:

The N/2 for all formations and/or pools developed on 320-acre spacing, which includes but is not limited to the Undesignated Tule-Pennsylvanian Gas Pool, Undesignated Tule-Montoya Gas Pool;

The NE/4 for all formations and/or pools developed on 160-acre spacing;

The N/2 NE/4 for all formations and/or pools developed on 80-acre spacing; and

The NW/4 NE/4 for all formations and/or pools developed on 40-acre spacing.

In addition, Eagle Resource seeks approval to dedicate these spacing units to its proposed Cook Well No. 1 to be located at an unorthodox gas well location 330 feet from the North line and 1980 feet from the East line of said Section 34.

As an interest owner affected by this application, Eagle Resources requests your concurrence in this effort. Please sign where indicated below and return a signed copy of this waiver to my office so that your concurrence can be noted to the Division's Examiner at the scheduled hearing in this matter.

Eagle Resources appreciates your cooperation in this matter.

Sincerely,

Yates Petroleum Corp. HEREBY WAIVES OBJECTION TO THE
ABOVE REFERENCED APPLICATION

BY: _____

DATE: _____

10/22/03

BEFORE THE COMMISSION
Santa Fe, New Mexico
Case No. 13176 Exhibit No. 5
Submitted by:
EAGLE RESOURCES, L.P.
Hearing Date: October 23, 2003