BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

APPLICATION OF NADEL AND GUSSMAN PERMIAN, L.L.C. FOR COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO. **Case No. 13043 (Reopened)**

AFFIDAVIT REGARDING NOTICE

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

James Bruce, being duly sworn upon his oath, deposes and states:

1. I am over the age of 18, and have personal knowledge of the matters set forth herein.

2. I am an attorney for Applicant.

3. Applicant has conducted a good faith, diligent effort to find the names and correct addresses of the interest owners entitled to receive notice of the Application filed herein.

4. Notice of the Application was provided to the interest owners at their correct addresses by certified mail. Copies of the notice letter and certified return receipts are attached hereto as Exhibit A.

5. Applicant has complied with the notice provisions of Division Rule 1207.

James Bruce

SUBSCRIBED AND SWORN TO before me this 8th day of October, 2003, by James Bruce.

Notary Public

My Commission Expires:
3/14/05

OIL CONSERVATION DIVISION
CASE NUMBER
EXHIBIT 5

JAMES BRUCE
ATTORNEY AT LAW

POST OFFICE BOX 1056
SANTA FE, NEW MEXICO 87504

369 MONTEZUMA, NO. 213
SANTA FE, NEW MEXICO 87501

(505) 982-2043 (PHONE)
(505) 982-2151 (FAX)

jamesbruc@aol.com

September 18, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

To: Persons on Exhibit A

Ladies and gentlemen:

Enclosed is a copy of an application for compulsory pooling, filed with the New Mexico Oil Conservation Division by Nadel and Gussman Permian, L.L.C., regarding the E½ of Section 28, Township 21 South, Range 27 East, N.M.P.M., Eddy County, New Mexico. This application is scheduled to be heard at 8:15 a.m. on Thursday, October 9, 2003 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 appear at the hearing and present evidence. Failure to appear at the hearing will preclude you from contesting this matter at a later date.

You are required to notify the Division, and the undersigned, by Friday, October 3, 2003, if you intend to enter an appearance and participate in the case.

Very truly yours,

James Bruce

Attorney for Nadel and Gussman Permian, L.L.C.

EXHIBIT A

EXHIBIT A

Exco Resources, Inc.
Suite 600
6500 Greenville Avenue
Dallas, Texas 75206

RKC, Inc.
Suite 2650
1775 Sherman Street
Denver, Colorado 80203

Texas Independent Exploration, Inc.
and Rick Zimmerman
Suite 600
1600 Smith Street
Houston, Texas 77002

Robert St. John
4647 West Ponds Circle
Littleton, Colorado 80123

David V. DeMarco
Suite 502
3050 Post Oak Boulevard
Houston, Texas 77056

Lowell Todd Armstrong
850 Azalea
Houston, Texas 77018

Matador E&P Company, Inc.
Suite 150, Pecan Creek
8340 Meadow Road
Dallas, Texas 75231-3751

J.M. Huber Corporation
Suite 400
11451 Katy Freeway
Houston, Texas 77079

James L. Pierce
2607 Ward
Midland, Texas 79705

J.C. Davis, Jr.
4703 Boulder
Midland, Texas 79707

J. Hiram Moore *et al.*, Trustees
Suite 404
310 West Wall
Midland, Texas 79701

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Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $
Postmark Here
Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4
J. Hiram Moore et al., Trustees
Suite 404
310 West Wall
Midland, Texas 79701
PS Form 3800, June 2002
See Reverse for Instructions
7002 2030 0007 1225 3529

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:
J.M. Huber Corporation
Suite 400
11451 Katy Freeway
Houston, Texas 77079

COMPLETE THIS SECTION ON DELIVERY
A. Signature
X Bill Conner
☐ Agent ☐ Addressee
B. Received by (Printed Name) Bill Conner
C. Date of Delivery 9/22
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No
SEP 23 2003

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service lab) 7002 2030 0007 1225 3550
PS Form 3811, August 2001 Domestic Return Receipt NG-D 102595-02-M-1540

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:
J. Hiram Moore et al., Trustees
Suite 404
310 West Wall
Midland, Texas 79701

COMPLETE THIS SECTION ON DELIVERY
A. Signature
X Julie Larson
☐ Agent ☐ Addressee
B. Received by (Printed Name) Julie Larson
C. Date of Delivery 9-22
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
2. Article Number (Transfer from service label) 7002 2030 0007 1225 3529
PS Form 3811, August 2001 Domestic Return Receipt NG-D 102595-02-M-1540

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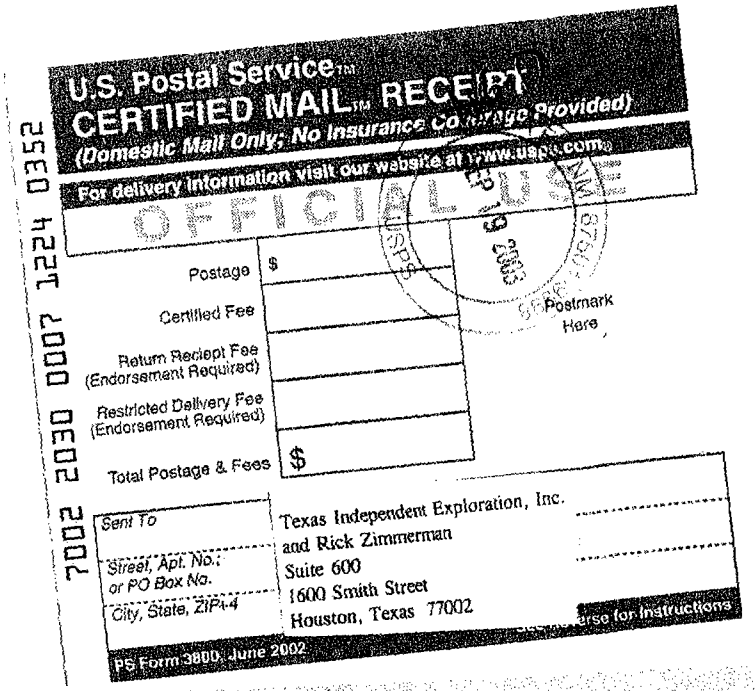
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $
SANTA FE
Postmark Here
Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4
J.M. Huber Corporation
Suite 400
11451 Katy Freeway
Houston, Texas 77079
PS Form 3800, June 2002
See Reverse for Instructions
7002 2030 0007 1225 3550



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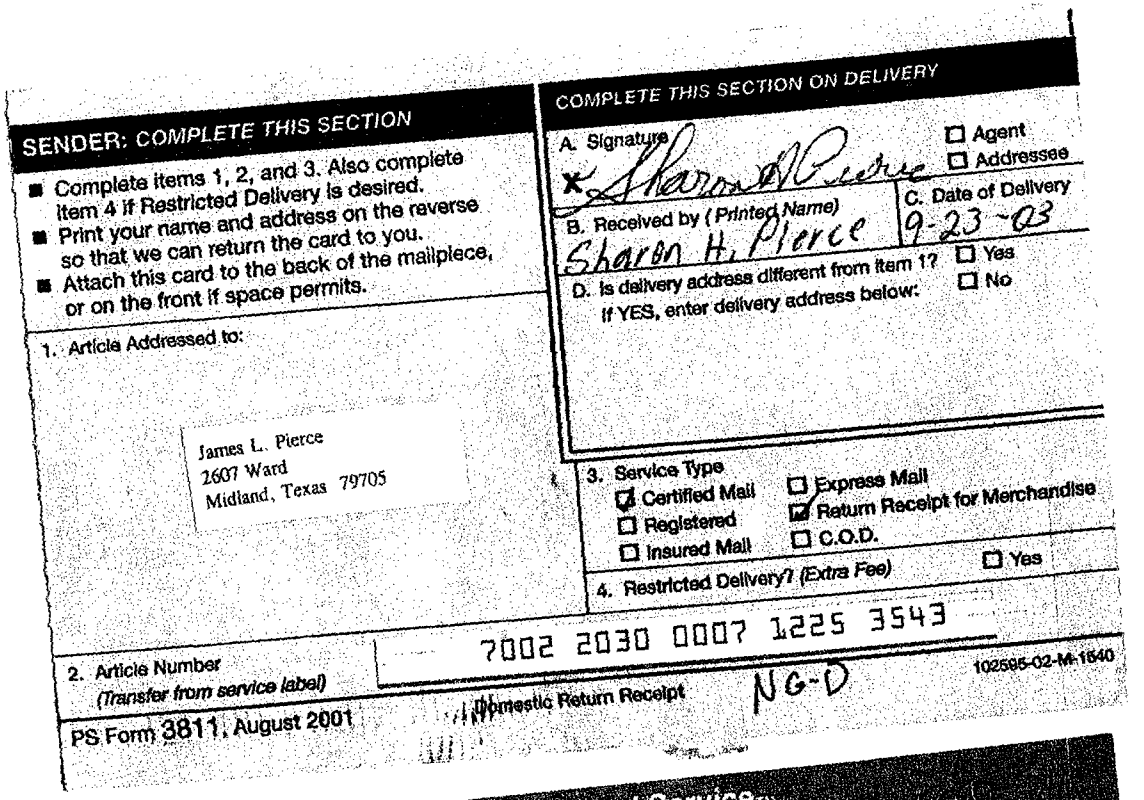
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

7002 2030 0007 1224 0352

Sent To: Texas Independent Exploration, Inc. and Rick Zimmerman
Street, Apt. No.; or PO Box No.: Suite 600, 1600 Smith Street
City, State, ZIP+4: Houston, Texas 77002

PS Form 3800, June 2002 — See Reverse for Instructions



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:
James L. Pierce
2607 Ward
Midland, Texas 79705

COMPLETE THIS SECTION ON DELIVERY

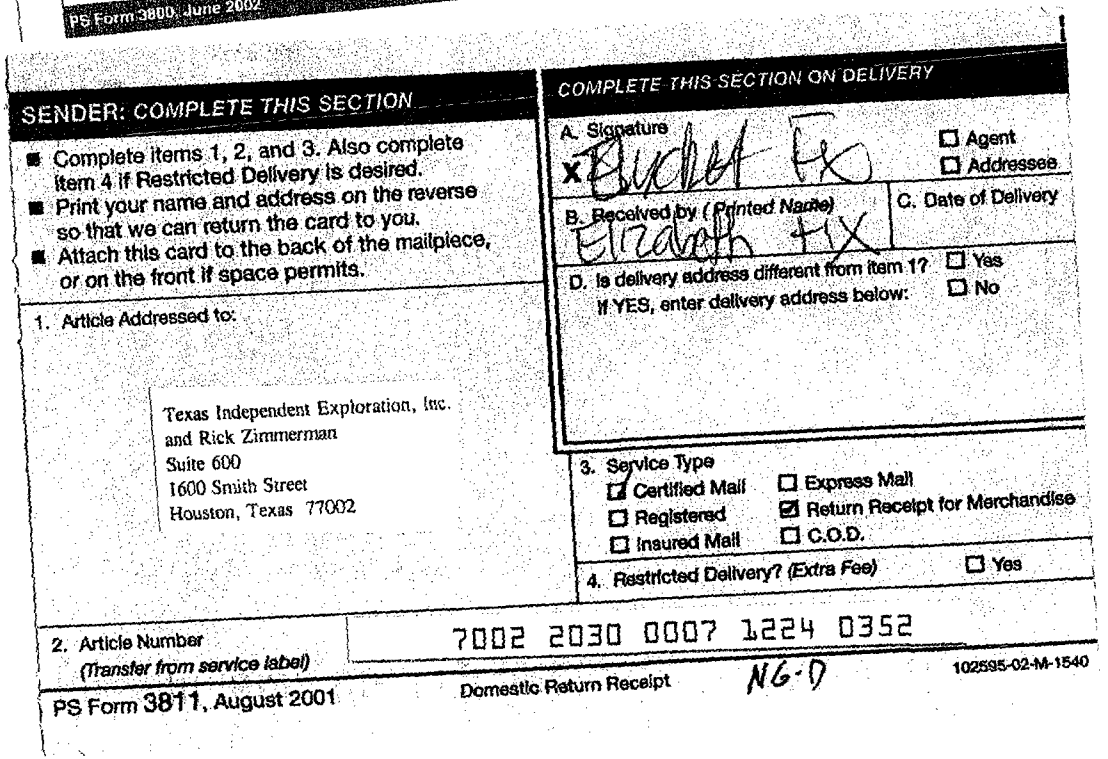
A. Signature: X Sharon H Pierce ☐ Agent ☐ Addressee
B. Received by (Printed Name): Sharon H. Pierce
C. Date of Delivery: 9-23-03
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label): 7002 2030 0007 1225 3543

PS Form 3811, August 2001 — Domestic Return Receipt — NG-D — 102595-02-M-1540



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:
Texas Independent Exploration, Inc.
and Rick Zimmerman
Suite 600
1600 Smith Street
Houston, Texas 77002

COMPLETE THIS SECTION ON DELIVERY

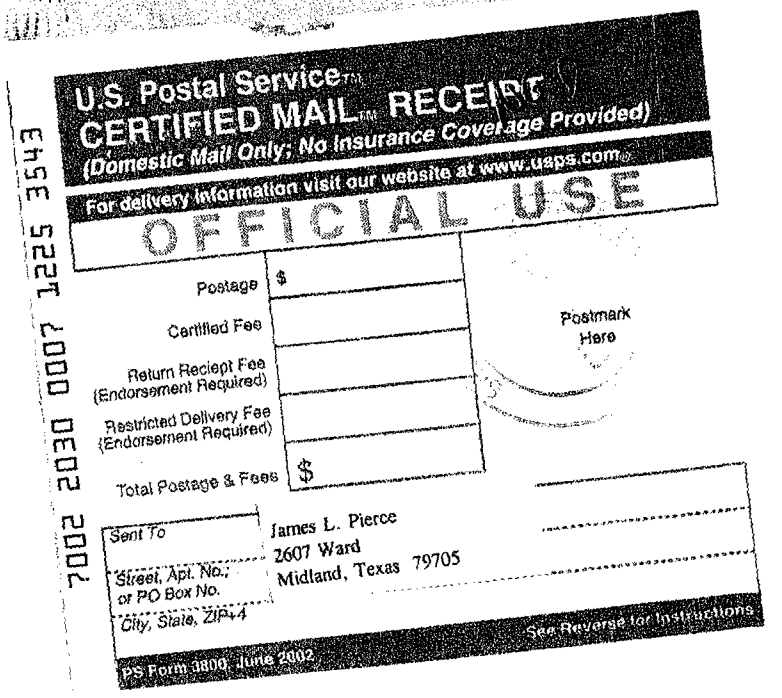
A. Signature: X Elizabeth Fx ☐ Agent ☐ Addressee
B. Received by (Printed Name): Elizabeth Fx
C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label): 7002 2030 0007 1224 0352

PS Form 3811, August 2001 — Domestic Return Receipt — NG-D — 102595-02-M-1540



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

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7002 2030 0007 1225 3543

Sent To: James L. Pierce
Street, Apt. No.; or PO Box No.: 2607 Ward
City, State, ZIP+4: Midland, Texas 79705

PS Form 3800, June 2002 — See Reverse for Instructions

7002 2030 0007 1224 0376

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

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SEP 19 2003

Sent To	Exco Resources, Inc.
Street, Apt. No.; or PO Box No.	Suite 600 6500 Greenville Avenue
City, State, ZIP+4	Dallas, Texas 75206

PS Form 3800, June 2002 — See Reverse for Instructions

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:

J.C. Davis, Jr.
4703 Boulder
Midland, Texas 79707

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) J.C. Davis Jr. C. Date of Delivery 9-24-03

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

2. Article Number (Transfer from service label) 7002 2030 0007 1225 3536

PS Form 3811, August 2001 — Domestic Return Receipt NG-D — 102595-02-M-1640

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:

Exco Resources, Inc.
Suite 600
6500 Greenville Avenue
Dallas, Texas 75206

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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

2. Article Number (Transfer from service label) 7002 2030 0007 1224 0376

PS Form 3811, August 2001 — Domestic Return Receipt NG-D — 102595-02-M-1540

7002 2030 0007 1225 3536

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To	J.C. Davis, Jr.
Street, Apt. No.; or PO Box No.	4703 Boulder Midland, Texas 79707
City, State, ZIP+4	

PS Form 3800, June 2002 — See Reverse for Instructions

7002 2030 0007 1225 3598

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

SEP 19 2003 Postmark Here

FE NM 87028

Sent To
Robert St. John
Street, Apt. No.; or PO Box No. 4647 West Ponds Circle
City, State, ZIP+4 Littleton, Colorado 80123

PS Form 3800, June 2002 See Reverse for Instructions

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:

Lowell Todd Armstrong
850 Azalea
Houston, Texas 77018

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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

2. Article Number (Transfer from service label) 7002 2030 0007 1225 3574

PS Form 3811, August 2001 Domestic Return Receipt NG-D 102595-02-M-1540

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:

Robert St. John
4647 West Ponds Circle
Littleton, Colorado 80123

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Robert St. John ☐ Agent ☑ Addressee

B. Received by (Printed Name) C. Date of Delivery

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

SEP 19 2003 USPS

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7002 2030 0007 1225 3598

PS Form 3811, August 2001 Domestic Return Receipt NG-D 102595-02-M-1540

7002 2030 0007 1225 3574

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

SEP 19 2003 Postmark Here

FE NM 87028

Sent To
Lowell Todd Armstrong
Street, Apt. No.; or PO Box No. 850 Azalea
City, State, ZIP+4 Houston, Texas 77018

PS Form 3800, June 2002 See Reverse for Instructions

7002 2030 0007 1224 0369

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Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

SEP 19 2003 Postmark Here

Sent To	RKC, Inc.
Street, Apt. No.; or PO Box No.	Suite 2650 1775 Sherman Street
City, State, ZIP+4	Denver, Colorado 80203

PS Form 3800, June 2002 — See Reverse for Instructions

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:

Matador E&P Company, Inc.
Suite 150, Pecan Creek
8340 Meadow Road
Dallas, Texas 75231-3751

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X D Mitchell ☐ Agent ☐ Addressee

B. Received by (Printed Name) D Mitchell
C. Date of Delivery 9-22

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

2. Article Number (Transfer from service label) 7002 2030 0007 1225 3567

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7002 2030 0007 1225 3567

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

SEP 19 2003 Postmark Here

Sent To	Matador E&P Company, Inc.
Street, Apt. No.; or PO Box No.	Suite 150, Pecan Creek 8340 Meadow Road
City, State, ZIP+4	Dallas, Texas 75231-3751

PS Form 3800, June 2002 — See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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:

David V. DeMarco
Suite 502
3050 Post Oak Boulevard
Houston, Texas 77056

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

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

2. Article Number (Transfer from service label) 7002 2030 0007 1225 3581

PS Form 3811, August 2001 Domestic Return Receipt NG-D 102595-02-M-1540

7002 2030 0007 1225 3581

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

SEP 19 2002 Postmark Here

Sent To David V. DeMarco
Street, Apt. No., or PO Box No. Suite 502
City, State, ZIP+4 3050 Post Oak Boulevard
Houston, Texas 77056

PS Form 3800, June 2002 See Reverse for Instructions

JAMES BRUCE
ATTORNEY AT LAW

POST OFFICE BOX 1056
SANTA FE, NEW MEXICO 87504

369 MONTEZUMA, NO. 213
SANTA FE, NEW MEXICO 87501

(505) 982-2043 (PHONE)
(505) 982-2151 (FAX)

jamesbruc@aol.com

September 18, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

D. Paul Haden
Mewbourne Oil Company
Suite 1020
500 West Texas
Midland, Texas 79701

Ladies and gentlemen:

Enclosed is a copy of an application for compulsory pooling, filed with the New Mexico Oil Conservation Division by Nadel and Gussman Permian, L.L.C., regarding the E½ of Section 28, Township 21 South, Range 27 East, N.M.P.M., Eddy County, New Mexico. This application is scheduled to be heard at 8:15 a.m. on Thursday, October 9, 2003 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 appear at the hearing and present evidence. Failure to appear at the hearing will preclude you from contesting this matter at a later date.

You are required to notify the Division, and the undersigned, by Friday, October 3, 2003, if you intend to enter an appearance and participate in the case.

Very truly yours,

James Bruce

Attorney for Nadel and Gussman Permian, L.L.C.

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:

D. Paul Haden
Mewbourne Oil Company
Suite 1020
500 West Texas
Midland, Texas 79701

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery
C Barnett 9/25/03

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

2. Article Number
(Transfer from service la 7003 1010 0003 6980 6176

PS Form 3811, August 2001 Domestic Return Receipt NG-D 102595-02-M-1540