

August 19, 2009

## Affidavit of Publication

State of New Mexico,  
County of Eddy, ss.

**Kathy McCarroll**, being first duly sworn,  
on oath says:

That she is the Classified Supervisor 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:

August 19 \_\_\_\_\_ 2009

That the cost of publication is **\$44.00** and that payment thereof has been made and will be assessed as court costs.

*Kathy McCarroll*

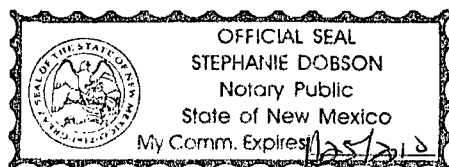
Subscribed and sworn to before me this

24<sup>th</sup> day of August, 2009

*Stephanie Dobson*

My commission Expires on 1/25/2010

Notary Public



BTA OIL PRODUCERS LLC, 104 S. Pecos, Midland, Texas 79701, has filed a form C-108 (Application for Authorization to Inject) with the New Mexico Oil Conservation Division seeking approval for a water flood project covering 80 acres located in Section 11, T23S, R28E, Eddy County, NM. Applicant seeks to utilize the 8808 JV-P, Pardue D #2, located 990' FNL & 660' FVL of Section 11 to inject water from area wells producing from the Brushy Canyon zone into the Lower Brushy Canyon member of the Delaware formation at a depth of 4,722' - 6,134'. BTA proposes to inject at a maximum surface pressure of 930 psi and an average rate of 550 BWPD. BTA also seeks to qualify said project for the Recovered Oil Tax Rate pursuant to the Enhanced Oil Recovery Act. Additional information can be obtained by contacting Thomas J. Williams, Production Engineer, at 104 S. Pecos, Midland, TX 79701, or (432) 682-3753.

BEFORE THE OIL CONSERVATION DIVISION

Santa Fe, New Mexico

Case No. 14385 Exhibit No. 5

Submitted by:

BTA OIL PRODUCERS

Hearing Date: April 24, 2009