

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION**

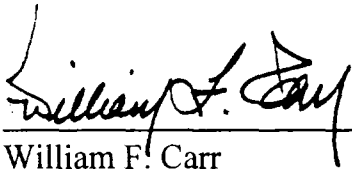
**IN THE MATTER OF THE APPLICATION
OF HARVEY E. YATES COMPANY
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.**

CASE NO. 12545

AFFIDAVIT

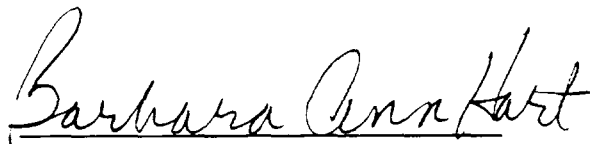
STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

William F. Carr, attorney in fact and authorized representative of Harvey E. Yates Company, the applicant herein, being first duly sworn, upon oath, states that notice has been given to all interested parties entitled to receive notice of this application under Oil Conservation Division rules, and that notice has been given at the addresses shown on Exhibit "A" attached hereto.



William F. Carr

SUBSCRIBED AND SWORN to before this 15th day of November, 2000 by William F. Carr.



Notary Public

My Commission Expires: 3/28/04

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 12545 Exhibit No. 5
Submitted by:
Harvey E. Yates Company
Hearing Date: November 16, 2000

EXHIBIT A

Jalapeno Corporation
Post Office Box 1608
Albuquerque, New Mexico 87108

John R. Lucas Agency
C/O Bank of America N.A.
Post Office Box 2546
Fort Worth, Texas 76113-2546
Attention: Deborah Coughlin

Tom P. Stephens Trust
c/o Bank of America N.A.
Post Office Box 2546
Fort Worth, Texas 76113-2546
Attention: Deborah Coughlin

Grant M. Smith
1112 Rancho Road
Roswell, New Mexico 88201

**CAMPBELL, CARR, BERGE
& SHERIDAN, P.A.
LAWYERS**

MICHAEL B. CAMPBELL
WILLIAM F. CARR
BRADFORD C. BERGE
MARK F. SHERIDAN
MICHAEL H. FELDEWERT
TANYA M. TRUJILLO
ROBERT J. SUTPHIN, JR.

JACK M. CAMPBELL
1916-1999

JEFFERSON PLACE
SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
FACSIMILE: (505) 983-6043
E-MAIL: law@westofpecos.com

October 26, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tom P. Stephens Trust
c/o Bank of America NA
Post Office Box 2546
Fort Worth, Texas 76113-2546

Attention: Deborah Coughlin

Re: Application of Harvey E. Yates Company for compulsory pooling, Eddy
County, New Mexico.

Gentlemen:

This letter is to advise you that Harvey E. Yates Company has filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of certain spacing and proration units in the N/2 of Section 7, Township 20 South, Range 27 East, NMPM, Eddy County, New Mexico. Said units will be dedicated to Harvey E. Yates' Turner 7 Federal Deep Well No. 1 located 1980 feet from the North line and 660 feet from the West line of said Section 7 to test all formations from the surface to the base of the Morrow formation.

This application has been set for hearing before a Division Examiner on November 16, 2000. 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 Prehearing Statement three days in advance of a scheduled hearing. This statement must include: the

Harvey E. Yates Company
Notification Letter
October 26, 2000
Page 2

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.

Very truly yours,

William F. Carr
ATTORNEY FOR HARVEY E. YATES
COMPANY

Enc.

SENDE

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

SECTION ON DELIVERY

- 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:

GALEDENO CORPORATION
P.O. BOX 1608
Albuquerque, N.M.
87108

A. Received by (Please Print Clearly) B. Date of Delivery

Anne Riggs

C. Signature

X [Signature]

☐ Agent
☐ Addressee

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 (Copy from service label)

7000.0600.0024.3127.7405

PS Form 3811, July 1999

Domestic Return Receipt

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Postage

\$ 1.55

Certified Fee

1.40

Return Receipt Fee (Endorsement Required)

1.25

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees

\$ 3.20

Recipient's Name (Please Print Clearly) (to be completed by mailer)

GALEDENO CORP.

Street, Apt. No., or PO Box No.

P.O. BOX 1608

City, State, ZIP+4

Albuquerque, N.M. 87108

PS Form 3800, February 2000

See Reverse for Instructions

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Postage

\$ 1.55

Certified Fee

1.40

Return Receipt Fee (Endorsement Required)

1.25

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees

\$ 3.20

Recipient's Name (Please Print Clearly) (to be completed by mailer)

JOHN R. LUCAS, C/O BANK OF AME.

Street, Apt. No., or PO Box No.

P.O. BOX 2540

City, State, ZIP+4

FORT WORTH, TEXAS 76113-2546

PS Form 3800, February 2000

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:

JOHN R. LUCAS
C/O BANK OF AMERICA
P.O. BOX 2540
FORT WORTH, TEXAS
76113-2546

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

J. PERSON

OCT 30 2000

C. Signature

X [Signature]

☐ Agent
☐ Addressee

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 (Copy from service label)

7000.0600.0024.3127.7375

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

SENDER

ACTION ON DELIVERY

- 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:

MR. GRANT M. SMITH
1112 RANCHO ROAD
ROSUELL, NEW MEXICO
88201

2. Article Number (Copy from service label)

7000.0000.0024.3127.7382

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Postage \$ 1.55

Certified Fee 1.40

Return Receipt Fee (Endorsement Required) 1.25

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$ 3.20

Postmark OCT 26 2000

SANTA FE NM

USPS - 87501

Recipient's Name (Please Print Clearly; to be completed by mailer)

GRANT M. SMITH
1112 RANCHO ROAD
ROSUELL, NEW MEXICO 88201

PS Form 3800, February 2000

See Reverse for Instructions

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Postage \$ 1.55

Certified Fee 1.40

Return Receipt Fee (Endorsement Required) 1.25

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$ 3.20

Postmark OCT 26 2000

SANTA FE NM

USPS - 87501

Recipient's Name (Please Print Clearly; to be completed by mailer)

TAM P. STEPHENS TRUST COUGHLIN
P.O. BOX 2546
FORT WORTH, TEXAS 76113-2546

PS Form 3800, February 2000

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:

DEBORAH COUGHLIN
TOM P. STEPHENS TRUST
C/O BANK OF AMERICA
P.O. BOX 2546
FORT WORTH, TEXAS
76113-2546

2. Article Number (Copy from service label)

7000.0000.0024.3127.7283

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) B. Date of Delivery
- C. Signature
- D. Is delivery address different from item 1? If YES, enter delivery address below:
- Yes No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes