

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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:

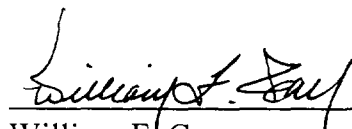
CASE NO. 12570

APPLICATION OF HARVEY E. YATES COMPANY
FOR COMPULSORY POOLING
EDDY COUNTY, NEW MEXICO.

AFFIDAVIT

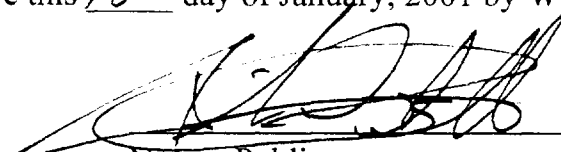
STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

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 10 day of January, 2001 by William F. Carr.



Notary Public

My Commission Expires:

April 26, 2003

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 12570 Exhibit 5

Submitted by:
Harvey E. Yates Company
Hearing Date: January 11, 2001

EXHIBIT A

APPLICATION OF HARVEY E. YATES COMPANY
FOR COMPULSORY POOLING
S/2, Section 31, Township 17 South, Range 31 East, NMPM
Eddy County, New Mexico.

Burlington Resources Oil & Gas Co.
3300 North "A" Street, Building 6
Midland, Texas 79705-5406
Attn: Bob Kay

Devon Energy Production Co., L.P.
20 North Broadway, Suite 1500
Oklahoma City, Oklahoma 73102-8260
Attn: Ken Gray

EOG Resources, Inc.
Post Office Box 2267
Midland, Texas 79702

OXY USA, Inc.
Post Office Box 50250
Midland, Texas 79710

Yates Energy Corporation
Post Office Box 2323
Roswell, New Mexico 88202

Yates-McMinn, Ltd.
Post Office Box 1608
Albuquerque, New Mexico 87103

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

December 21, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Burlington Resources Oil & Gas Co.
3300 North "A" Street, Building 6
Midland, Texas 79705-5406

Attention: Bob Kay

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

Dear Mr. Kay:

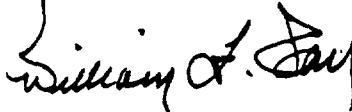
This letter is to advise you that Harvey E. Yates Company has filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of certain spacing and proration units in the S/2 of Section 31, Township 17 South, Range 31 East, NMPM, Eddy County, New Mexico. Said units will be dedicated to Harvey E. Yates' Power Deep "31" Federal Com Well No. 1 located 660 feet from the South and East lines of said Section 31 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 January 11, 2001. 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.

Harvey E. Yates Company
Notification Letter
December 21, 2000
Page 2

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 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,

A handwritten signature in black ink, appearing to read "William F. Carr". The signature is fluid and cursive, with a large initial "W" and a stylized "C".

William F. Carr
ATTORNEY FOR HARVEY E. YATES COMPANY

Enc.

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
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TELEPHONE: (505) 988-4421
FACSIMILE: (505) 983-6043
E-MAIL: law@westofpecos.com

December 21, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Devon Energy Production Co., L.P.
20 North Broadway, Suite 1500
Oklahoma City, Oklahoma 73102-8260

Attention: Ken Gray

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

Dear Mr. Gray:

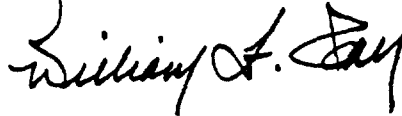
This letter is to advise you that Harvey E. Yates Company has filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of certain spacing and proration units in the S/2 of Section 31, Township 17 South, Range 31 East, NMPM, Eddy County, New Mexico. Said units will be dedicated to Harvey E. Yates' Power Deep "31" Federal Com Well No. 1 located 660 feet from the South and East lines of said Section 31 to test all formations from the surface to the base of the Morrow formation.

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William F. Carr
ATTORNEY FOR HARVEY E. YATES COMPANY

Enc.

**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
1918-1999

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TELEPHONE: (505) 988-4421
FACSIMILE: (505) 983-6043
E-MAIL: law@westofpecos.com

December 21, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

EOG Resources, Inc.
Post Office Box 2267
Midland, Texas 79702

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

Ladies and Gentlemen:

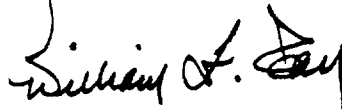
This letter is to advise you that Harvey E. Yates Company has filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of certain spacing and proration units in the S/2 of Section 31, Township 17 South, Range 31 East, NMPM, Eddy County, New Mexico. Said units will be dedicated to Harvey E. Yates' Power Deep "31" Federal Com Well No. 1 located 660 feet from the South and East lines of said Section 31 to test all formations from the surface to the base of the Morrow formation.

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William F. Carr

ATTORNEY FOR HARVEY E. YATES COMPANY

Enc.

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

MICHAEL S. 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) 968-4421
FACSIMILE: (505) 983-6043
E-MAIL: law@westofpecos.com

December 21, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OXY USA, Inc.
Post Office Box 50250
Midland, Texas 79710

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

Ladies and 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 S/2 of Section 31, Township 17 South, Range 31 East, NMPM, Eddy County, New Mexico. Said units will be dedicated to Harvey E. Yates' Power Deep "31" Federal Com Well No. 1 located 660 feet from the South and East lines of said Section 31 to test all formations from the surface to the base of the Morrow formation.

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Very truly yours,

A handwritten signature in black ink, appearing to read "William F. Carr". The signature is stylized with a large, sweeping initial "W" and a long, horizontal stroke extending to the right.

William F. Carr
ATTORNEY FOR HARVEY E. YATES COMPANY

Enc.

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.

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SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
FACSIMILE: (505) 983-6043
E-MAIL: law@westofpecos.com

December 21, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Yates Energy Corporation
Post Office Box 2323
Roswell, New Mexico 88202

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

Ladies and Gentlemen:

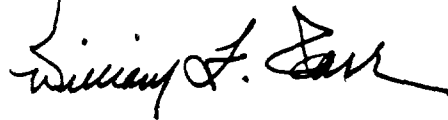
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ATTORNEY FOR HARVEY E. YATES COMPANY

Enc.

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MARK F. SHERIDAN
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JEFFERSON PLACE
SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 968-4421
FACSIMILE: (505) 963-6043
E-MAIL: law@westofpecos.com

December 21, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Yates-McMinn, Ltd.
Post Office Box 1608
Albuquerque, New Mexico 87103

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

Ladies and 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 S/2 of Section 31, Township 17 South, Range 31 East, NMPM, Eddy County, New Mexico. Said units will be dedicated to Harvey E. Yates' Power Deep "31" Federal Com Well No. 1 located 660 feet from the South and East lines of said Section 31 to test all formations from the surface to the base of the Morrow formation.

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Very truly yours,

A handwritten signature in black ink, appearing to read "William F. Carr". The signature is written in a cursive, slightly stylized font.

William F. Carr

ATTORNEY FOR HARVEY E. YATES COMPANY

Enc.

7000 0600 0024 3129 2248

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

WFC 38,151

Postage	\$.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)
 Burlington Resources Oil & Gas Co.
 Street, Apt. No., or PO Box No.
 3300 North "A" Street Building 6
 City, State, ZIP+4
 Midland, Texas 79705-5406 Attn
 PS Form 3800, February 2000 See Reverse

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:

Burlington Resources Oil & Gas Co.
 3300 North "A" Street
 Building 6
 Midland, Texas 79705-5406
 ATTENTION: Bob Kay

2. Article Number (Copy from service label)

1000 0600 0024 3129 2248

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Jesse Reynolds	B. Date of Delivery 12/27/00
C. Signature X Jesse Reynolds	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

7000 0600 0024 3129 2231

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

WFC 38,151

Postage	\$.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)
 Devon Energy Production Co.
 Street, Apt. No., or PO Box No.
 20 North Broadway, Suite 1500
 City, State, ZIP+4
 Oklahoma City, Oklahoma 73102-8260
 PS Form 3800, February 2000 See Reverse

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:

Devon Energy Prod. Co.
 20 North Broadway, Suite 1500
 Oklahoma City, Oklahoma
 73102-8260
 ATTENTION: Ken Gray

2. Article Number (Copy from service label)

1000 0600 0024 3129 2231

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Ken Gray	B. Date of Delivery 12/27/00
C. Signature X Ken Gray	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

7000 0600 0024 3129 2224

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

WFC 38,151

Postage	\$.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)
 EOG Resources, Inc.
 Street, Apt. No., or PO Box No.
 Post Office Box 2267
 City, State, ZIP+4
 Midland, Texas 79702
 PS Form 3800, February 2000 See Reverse

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:

EOG Resources, Inc.
 Post Office Box 2267
 Midland, Texas 79702

2. Article Number (Copy from service label)

1000 0600 0024 3129 2224

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Ken Gray	B. Date of Delivery DEC 26 2000
C. Signature X Ken Gray	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

7000 0600 0024 3129 2217

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

WFC 38,151

Postage	\$.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)
OXY USA, INC.
 Street, Apt. No., or PO Box No.
POST OFFICE BOX 50250
 City, State, ZIP+4
MIDLAND TEXAS 79710

PS Form 3800, February 2000

See Reverse

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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1. Article Addressed to:

OXY USA, Inc.
Post Office Box 50250
Midland, Texas 79710

2. Article Number (Copy from service label)

7000 0600 0024 3129 2217

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

x *Christina H...*☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

DEC 27 2000

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered ☒ Return Receipt for Merchandise☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

7000 0600 0024 3129 2200

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

WFC 38,151

Postage	\$.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)
YATES ENERGY CORPORATION
 Street, Apt. No., or PO Box No.
POST OFFICE BOX 2323
 City, State, ZIP+4
ROSWELL NEW MEXICO 88202

PS Form 3800, February 2000

See Reverse

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:

Yates Energy Corporation
Post Office Box 2323
Roswell, New Mexico 88202

2. Article Number (Copy from service label)

7000 0600 0024 3129 2200

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:

Yates-McMinn, Ltd.
Post Office Box 1608
Albuquerque, New Mexico 87103

2. Article Number (Copy from service label)

7000 0600 0024 3129 2124

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

x *Grady...*☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

2-27-00

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered ☒ Return Receipt for Merchandise☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

7000 0600 0024 3129 2194

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

WFC 38,151

Postage	\$.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)
YATES-McMINN, LTD.
 Street, Apt. No., or PO Box No.
POST OFFICE BOX 1608
 City, State, ZIP+4
ALBUQUERQUE, NEW MEXICO 87103

PS Form 3800, February 2000

See Reverse

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:

Yates-McMinn, Ltd.
Post Office Box 1608
Albuquerque, New Mexico 87103

2. Article Number (Copy from service label)

7000 0600 0024 3129 2124

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

x *Anne Riggs*☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

JUN 22 2000

3. Service Type

☒ Certified Mail ☐ Express Mail☐ Registered ☒ Return Receipt for Merchandise☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes