

McElvain Oil & Gas Properties, Inc.

1050 17TH STREET, SUITE 1800
DENVER, COLORADO 80265

JANET L. JOHNSON
OFFICE MANAGER

TELEPHONE 303-893-0933 EXT.300
FAX 303-893-0914
E-mail JanetJ@McElvainOilandGas.com

February 23, 2001

JoAnn Lee Rasmussen
557 Stagecoach Road
Grand Island, NE 68801

Re: Badger #10-1 Well
Proposed Dakota Test
S/2 Section 10, T25N-R2W
Rio Arriba County, NM

Dear Joann:

Please find enclosed an AFE for the Badger #10-1 for your execution, if you chose not to participate please execute the Amendment to Operating Agreement and we will count you as a nonconsent, same as the first election on the original drill.

We originally sent this packet to you via certified mail on January 18th, 2001 but it was never delivered or picked up. We have received all elections back but yours and are currently waiting for your response to move on location. Please return your response to us as soon as possible.

Thank you in advance for you quick response.

If you should have any questions please contact Mona Binion at 303-893-0933 ext. 306.

Very truly yours,

Janet L. Johnson
Office Manager

/idi

Enclosure

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 12634 Exhibit No. 5
Submitted by:
McElvain Oil & Gas Properties, Inc.
Hearing Date: April 5, 2001

FedEx USA Airbill
Express

FedEx
Tracking
Number

8254 7832 4812

1 From Please print and press hard.

Date 2/23/01 Sender's FedEx Account Number 1112-8470-9

Sender's Name SANCT JOHNSON Phone (303) 893-0933

Company MC ELVAIN OIL & GAS PROP INC

Address 1050 17TH ST STE 1800

City DENVER State CO ZIP 80265

2 Your Internal Billing Reference OPTIONAL

3 To

Recipient's Name JOANN LEE RASMUSSEN Phone ()

Company

Address 557 STAGE COACH RD

To "HOLD" at FedEx location, print FedEx address.

City GRAND ISLAND State NE ZIP 68801

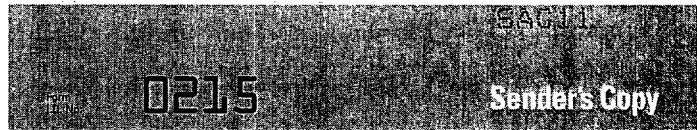
See back for application instructions.

Questions? Visit our Web site at www.fedex.com

or call 1-800-Go-FedEx® (800)463-3339.

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

0166680371



4a Express Package Service

☐ FedEx Priority Overnight Next business morning

☒ FedEx Standard Overnight Next business afternoon

☐ FedEx First Overnight Earliest next business morning delivery to select locations

☐ FedEx 2Day* Second business day

☐ FedEx Express Saver* Third business day

4b Express Freight Service

☐ FedEx 1Day Freight* Next business day

☐ FedEx 2Day Freight Second business day

☐ FedEx 3Day Freight Third business day

* Call for Confirmation.

5 Packaging

☒ FedEx Envelope/Letter* ☐ FedEx Pak* ☐ Other Pkg.

6 Special Handling

☐ SATURDAY Delivery RESTRICTIONS: Available only for FedEx Priority Overnight and FedEx 2Day to select ZIP codes.

☐ SUNDAY Delivery RESTRICTIONS: Available only for FedEx Priority Overnight to select ZIP codes.

☐ HOLD Weekday at FedEx Location RESTRICTIONS: Not available with FedEx First Overnight.

☐ HOLD Saturday at FedEx Location RESTRICTIONS: Available only for FedEx Priority Overnight and FedEx 2Day to select locations.

Does this shipment contain dangerous goods?

☐ No ☐ Yes As per attached Shipper's Declaration

☐ Yes Shipper's Declaration not required

☐ Dry Ice Dry Ice, S, UN 1845 x kg

☐ Cargo Aircraft Only

7 Payment Bill to:

☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

FedEx Acct. No. Exp. Date

Total Packages Total Weight Total Declared Value*

*Our liability is limited to \$100 unless you declare a higher value. See back for details.

8 Release Signature

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

402