

**BEFORE THE
OIL CONSERVATION DIVISION
NEW MEXICO ENERGY, MINERALS AND
NATURAL RESOURCES DEPARTMENT**

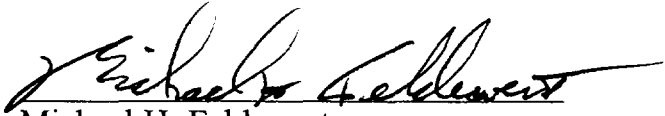
**IN THE MATTER OF THE APPLICATION
OF DAVID H. ARRINGTON OIL & GAS INC.
APPROVAL OF AN UNORTHODOX OIL
WELL LOCATION AND SIMULTANEOUS
DEDICATION, LEA COUNTY, NEW MEXICO**

CASE NO. 12,663

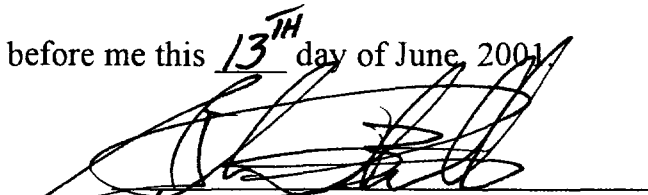
AFFIDAVIT

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

Michael H. Feldewert, attorney in fact and authorized representative of David H. Arrington Oil & Gas, Inc., the Applicant herein, being first duly sworn, upon oath, states that notice of the above-referenced Application was mailed to the addresses shown on Exhibit "A" attached hereto and that true and correct copies of the notice letter and proof of receipt are attached hereto.


Michael H. Feldewert

SUBSCRIBED AND SWORN to before me this 13TH day of June, 2001


Notary Public

My Commission Expires:

April 26, 2003

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 12663 Exhibit No. 5
Submitted by:
David H. Arrington Oil & Gas, Inc.
Hearing Date: June 14, 2001

EXHIBIT A

**IN THE MATTER OF THE APPLICATION OF DAVID H. ARRINGTON OIL & GAS, INC.
FOR APPROVAL OF AN UNORTHODOX OILWELL LOCATION AND SIMULTANEOUS
DEDICATION, LEA COUNTY, NEW MEXICO.**

Yates Petroleum
105 South Fourth Street
Artesia, New Mexico 88210-2118

Permian Resources, Inc.
Post Office Box 590
608 North Main
Midland, Texas 79701

HOLLAND & HART ^{LLP}
AND
CAMPBELL & CARR
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
SALT LAKE CITY • SANTA FE
WASHINGTON, D.C.

SUITE 1
110 NORTH GUADALUPE
SANTA FE, NEW MEXICO 87501-6525
MAILING ADDRESS
P.O. BOX 2208
SANTA FE, NEW MEXICO 87504-2208

TELEPHONE (505) 988-4421
FACSIMILE (505) 983-6043
www.hollandhart.com

April 26, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TO: AFFECTED INTEREST OWNERS

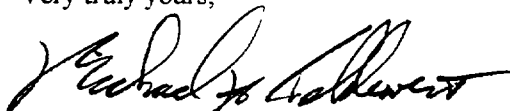
Re: Application of David H. Arrington Oil & Gas, Inc. for Approval of an Unorthodox Oil Well Location and Simultaneous Dedication, Lea County, New Mexico.

Ladies and Gentlemen:

This letter is to advise you that David H. Arrington Oil & Gas, Inc. has filed the enclosed application with the New Mexico Oil Conservation Division. This application has been set for hearing before a Division Examiner on May 17, 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.

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 name of the party and its attorney; 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,



Michael H. Feldewert
ATTORNEY FOR DAVID H. ARRINGTON
OIL & GAS, INC.

Enc.

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

Postage \$ 55
Certified Fee \$ 1.90
Return Receipt Fee (Endorsement Required) \$ 1.50
Restricted Delivery Fee (Endorsement Required) \$ 3.95
Total Postage & Fees \$ 3.95

Recip: Yates Petroleum
Street: 105 South Fourth Street
City: Artesia, New Mexico 88210-211

PS Form 3811, July 1999

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 Petroleum
105 South Fourth Street
Artesia, New Mexico 88210-2118

2. Article Number (Copy from service label)

7000 0600 0024 3127 8600

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **PATTI CARLILE**
B. Date of Delivery **APR 26 2001**
C. Signature *Patti Carlile*
☒ 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

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

Postage \$ 1.90
Certified Fee \$ 1.90
Return Receipt Fee (Endorsement Required) \$ 1.50
Restricted Delivery Fee (Endorsement Required) \$ 3.60
Total Postage & Fees \$ 3.60

Recip: Permian Resources, Inc.
Street: Post Office Box 590
City: 608 North Main
Midland, Texas 79701

PS Form 3811, July 1999

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:

Permian Resources, Inc.
Post Office Box 590
608 North Main
Midland, Texas 79701

2. Article Number (Copy from service label)

7000 0600 0024 3127 8594

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **Brook Nalley**
B. Date of Delivery **MAY 04 2001**
C. Signature *Brook Nalley*
☐ 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