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

IN THE MATTER OF THE APPLICATION OF PATTERSON PETROLEUM, LP FOR COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.

CASE 12668

AFFIDAVIT

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

Paul R. Owen, attorney in fact and authorized representative of Patterson Petroleum,

L.P., 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 the letters attached

hereto.

Paul R. Owen

SUBSCRIBED AND SWORN to before this 30th day of May, 2001, by Paul R. Owen

oberson

My Commission Expires: <u>April 1, 2000</u> My Commission Expires: <u>April 1, 2000</u>

BEFORE THE OIL CONSERVATION DIVISION Santa Fe, New Mexico Case No. <u>12668</u> Exhibit No. 5 Submitted by: Patterson Petroleum, LP Hearing Date: May 31, 2001

Paul R. Owen Direct Dial: (505) 986-2538 powen@montand.com Post Office Box 2307 Santa Fe, New Mexico 87504-2307 325 Paseo de Peralta Telephone (505) 982-3873 Fax (505) 982-4289 www.montand.com

May 9, 2001

<u>VIA CERTIFIED U.S. MAIL.</u> RETURN RECEIPT REQUESTED

Mr. S.Rhett Gist 301 North Colorado, Suite 217 Midland, Texas 79701

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

Dear Mr. Gist:

This letter is to advise you that Patterson Petroleum LP filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of all mineral interests from the surface to the base of the Morrow formation, in certain spacing and proration units in the S/2 of Section 31, Township 17 South, Range 34 East, NMPM. Patterson proposes to dedicate these pooled units to its proposed Gach "31" State Well No. 2, to be drilled at a standard gas well location in the SW/4 SE/4 of said Section 31.

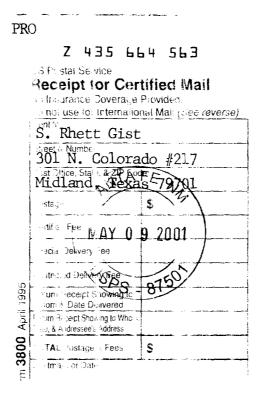
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Parties appearing in cases have been requested by the Division (Memorandum 2-90) to file a Prehearing Statement substantially in the form prescribed by the Division. Prehearing statements should be filed by 4:00 o'clock p.m. on the Friday before a scheduled hearing.

Very truly yours,

Paul R. Owen

Attorney for Patterson Petroleum LP



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May 9, 2001

<u>VIA CERTIFIED U.S. MAIL,</u> <u>RETURN RECEIPT REQUESTED</u>

Mr. Arden R. Grover 505 N. Big Spring Midland, Texas 79701

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

Dear Mr. Grover:

This letter is to advise you that Patterson Petroleum LP filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of all mineral interests from the surface to the base of the Morrow formation, in certain spacing and proration units in the S/2 of Section 31, Township 17 South, Range 34 East, NMPM. Patterson proposes to dedicate these pooled units to its proposed Gach "31" State Well No. 2, to be drilled at a standard gas well location in the SW/4 SE/4 of said Section 31.

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Very truly yours,

Paul R. Owen Attorney for Patterson Petroleum LP

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May 9, 2001

VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED

Grover Brothers, Ltd. 505 North Texas Midland, Texas 79701

Attention: Mr. Arden R. Grover

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

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Paul R. Owen C Attorney for Patterson Petroleum LP

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May 9, 2001

VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED

KNW Oil & Gas, Inc. 401 West Texas, Suite 1005 Midland, Texas 79701

Attention: Mr. Ben Taylor

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

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Paul R. Owen Direct Dial: (505) 986-2538 powen@montand.com Post Office Box 2307 Santa Fe, New Mexico 87504-2307 325 Paseo de Peralta Telephone (505) 982-3873 Fax (505) 982-4289 www.montand.com

May 9, 2001

VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED

The Ninety-Six Corporation 550 West Texas, Suite 1225 Midland, Texas 79701

Attention: Mr. W. D. Kennedy

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

Gentlemen:

This letter is to advise you that Patterson Petroleum LP filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of all mineral interests from the surface to the base of the Morrow formation, in certain spacing and proration units in the S/2 of Section 31, Township 17 South, Range 34 East, NMPM. Patterson proposes to dedicate these pooled units to its proposed Gach "31" State Well No. 2, to be drilled at a standard gas well location in the SW/4 SE/4 of said Section 31.

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Paul R. Owen / Attorney for Patterson Petroleum LP

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Paul R. Owen Direct Dial: (505) 986-2538 powen@montand.com Post Office Box 2307 Santa Fe, New Mexico 87504-2307 325 Paseo de Peralta Telephone (505) 982-3873 Fax (505) 982-4289 www.montand.com

May 9, 2001

<u>VIA CERTIFIED U.S. MAIL,</u> RETURN RECEIPT REQUESTED

Mr. Jay Pulte 8729 Glencrest Lane Dallas, Texas 75209

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

Dear Mr. Pulte:

This letter is to advise you that Patterson Petroleum LP filed the enclosed application with the New Mexico Oil Conservation Division seeking the compulsory pooling of all mineral interests from the surface to the base of the Morrow formation, in certain spacing and proration units in the S/2 of Section 31, Township 17 South, Range 34 East, NMPM. Patterson proposes to dedicate these pooled units to its proposed Gach "31" State Well No. 2, to be drilled at a standard gas well location in the SW/4 SE/4 of said Section 31.

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Paul R. Owen

Attorney for Patterson Petroleum LP

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Paul R. Owen Direct Dial: (505) 986-2538 powen@montand.com Post Office Box 2307 Santa Fe, New Mexico 87504-2307 325 Paseo de Peralta Telephone (505) 982-3873 Fax (505) 982-4289 www.montand.com

May 9, 2001

VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED

RRS Oil, Inc. 401 West Texas, Suite 1003 Midland, Texas 79701

Attention: Mr. Robert Statton

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

Gentlemen:

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Paul R. Owen Attorney for Patterson Petroleum LP

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May 9, 2001

VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED

Mr. L. Chuck Sammons 401 West Texas, Suite 1003 Midland, Texas 79701

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

Dear Mr. Sammons:

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Paul R. Owen (Attorney for Patterson Petroleum LP

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May 9, 2001

<u>VIA CERTIFIED U.S. MAIL,</u> RETURN RECEIPT REQUESTED

Mr. J. Chris Statton 401 West Texas, Suite 1003 Midland, Texas 79701

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

Dear Mr. Statton:

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Paul R. Owen Attorney for Patterson Petroleum LP

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Paul R. Owen

Attorney for Patterson Petroleum LP

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VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED

Mr. Ben D. Taylor 401 West Texas, Suite 1225 Midland, Texas 79701

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

Dear Mr. Taylor:

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Paul R. Owen (Attorney for Patterson Petroleum LP

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May 9, 2001

VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED

Mr. Arthur R. Wilson Mrs. Deborah Wilson 2340 Carefree Circle Flagstaff, Arizona 86004

Re: Application of Patterson Petroleum LP for Compulsory Pooling, Lea County, New Mexico

Dear Mr. and Mrs. Wilson:

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Very truly yours,

Paul R. Owen ⁽ Attorney for Patterson Petroleum LP

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

IN THE MATTER OF THE APPLICATION OF PATTERSON PETROLEUM, LP FOR COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.

CASE NO.

CI HAY - 3

PN 1:42

APPLICATION

PATTERSON PETROLEUM, LP ("Patterson"), through its undersigned attorneys, hereby makes application pursuant to the provisions of N.M.S.A. 1978, Section 70-2-17, for an order pooling all mineral interests from the surface to the base of the Morrow formation, under the following acreage in Section 31, Township 17 South, Range 34 East, NMPM, Lea County, New Mexico:

- A. the S/2 to form a standard gas spacing and proration unit comprised of 310.69 acres (due to irregular lots 3 and 4) for formations and/or pools developed on 320-acre spacing within that vertical extent, including but not necessarily limited to the undesignated Vacuum Morrow Gas Pool;
- B. the SE/4 to form a standard 160-acre spacing and proration unit for formations developed on 160-acre spacing within that vertical extent; and,
- D. the SW/4 SE/4 to form a standard 40-acre gas spacing and proration unit for formations and/or pools developed on 40-acre spacing within that vertical extent, including but not necessarily limited to the undesignated East Corbin-Wolfcamp, the undesignated EK Yates-Seven Rivers Queen, the undesignated Corbin-Abo, the undesignated North Vacuum-Abo, and the undesignated Vacuum Grayburg San Andres Oil Pools.

Said spacing and proration units are to be dedicated to Patterson's proposed Gach "31" State Well No. 1, to be drilled at standard location in the SW/4 SE/4 of said Section 31, and in support of its application states:

1. Patterson is a working interest owner in said Section 31 and has the right to drill thereon.

2. Patterson proposes to dedicate the above-referenced spacing or proration units to a well to be drilled at a standard location in the SE/4 of said Section 31, to a depth sufficient to test any and all formations to the base of the Morrow formation.

3. Patterson has sought and been unable to obtain voluntary agreement for the development of these spacing and proration units from certain individuals or entities owning an interest in the minerals underlying the subject acreage.

4. Said pooling of interests will avoid the drilling of unnecessary wells, will prevent waste and will protect correlative rights.

5. In order to permit the Applicant to obtain its just and fair share of the oil and gas underlying the subject lands, all mineral interests should be pooled, and Patterson Petroleum, LP should be designated the operator of the well to be drilled.

WHEREFORE, Patterson Petroleum, LP requests that this application be set for hearing before an Examiner of the Oil Conservation Division on May 31, 2001, and, after notice and hearing as required by law, the Division enter its order pooling the lands, including provisions designating Patterson operator of these spacing and proration units, and authorizing Patterson to recover its costs of drilling, equipping and completing the well, its costs of supervision while drilling and after completion, including overhead charges, imposing a risk factor for the risk assumed by Patterson in drilling, completing and equipping the well.

APPLICATION Page 3 Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: PAUL R. OWEN

Post Office Box 2307 Santa Fe, New Mexico 87504-2307 Telephone: (505) 982-3873

ATTORNEYS FOR PATTERSON PETROLEUM LP

APPLICATION Page 4 CASE : Application of Patterson Petroleum, LP for compulsory pooling, Lea County, New Mexico. Applicant in the above-styled cause seeks an order pooling all mineral interests from the surface to the base of the Morrow formation in the following manner: the S/2 for all formations developed on 320-acre spacing, including but not necessarily limited to the undesignated Vacuum Morrow Gas Pool; the SE/4 for all formations developed on 160-acre spacing; and the SW/4 SE/4 for all formations developed on 40-acre spacing, including but not necessarily limited to the undesignated East Corbin-Wolfcamp, the undesignated EK Yates-Seven Rivers Queen, the undesignated Corbin-Abo, the undesignated North Vacuum-Abo, and the undesignated Vacuum Grayburg San Andres Oil Pools, all in Section 31, Township 17 South, Range 34 East, NMPM. Applicant proposes to dedicate these pooled units to its proposed Gach "31" State Well No. 2, to be drilled at a standard gas well location in the SW/4 SE/4 of said Section 31. Also to be considered will the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of applicant as operator of the well and a charge for risk involved in drilling said well. Said area is located approximately 4.5 miles southwest of Buckeye, New Mexico.

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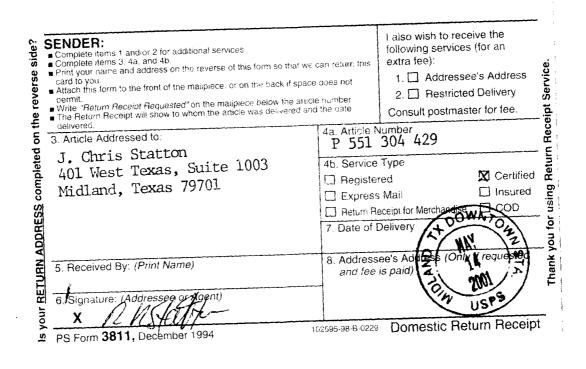
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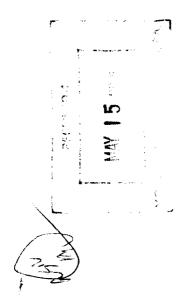






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Grover Brothers, Ltd. Attention: Arden R. Grover 505 North Texas Midland, Texas 79701



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