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

APPLICATION OF MCELVAIN OIL & GAS PROPERTIES, INC. FOR COMPULSORY POOLING, RIO ARRIBA COUNTY, NEW MEXICO

CASE NO. 12690

AFFIDAVIT

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

Michael H. Feldewert, attorney in fact and authorized representative of McElvain Oil & Gas Properties, 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 *L* day of July, 2001.

Notary Public

My Commission Expires:

4.6

BEFORE THE OIL CONSERVATION DIVISION Santa Fe, New Mexico Case No. <u>12690</u> Exhibit No. 5 Submitted by: <u>McElvain Oil & Gas Properties, Inc.</u> Hearing Date: <u>July 12, 2001</u>

NOTICE LIST

Cynthia Anne Adams 11023 Taylor Circle Wichita, KS 67212

Ken Altschuld 5870 Granite Way Castle Rock, CO 80104

The Ames Company 1250 NE Loop 410, #1000 San Antonio Texas 78209

R. F. Beauchamp 300 Plaza Alicante, #800 Garden Grove, CA 92840

Brooks J. Boedecker P. O. Box 3383 Billings MT 59103

H. B. Brown 1710 South Bay Front Balboa Island, CA 92662

M. S. Brooks Jr. Estate Martha Lanham, Ind Ex Post Office Box 1154 Fredericksburg, Texas 78624

Ruth Burrows 47 Stoneridge Ponca City, OK 74604

Gladys H. Campbell Revocable Trust 117 S. Los Robles Avenue Pasadena, California 91101

Marcheta Colson P. O. Box 475 Templeman, CA 93465 E. Corrin Cooper 1136 N. Richman Fullerton, CA 92635

Harold W. Cooper, Jr. 8601 Park Lane #512 Dallas TX 75231

Estelle Cooper Cory 4733 Creighton Drive Dallas, TX 75214

Davis Family LLC 3930 Brushy Wood Drive Loganville, GA 30052

C. Morgan Epes, Jr. c/o Armstrong-Roth-Cady 120 Delaware Avenue Buffalo, NY 14207

David Eslick c/o Armstrong-Roth-Cady 120 Delaware Avenue Buffalo, NY 14202

James B. Fullerton and Barbara A. Fullerton 1645 Court Place #406 Denver, CO 80202

C. J. Gallant 274 Del Mesa Carmel Carmel, CA 93921

James H. Gardner, Jr. 6018 S. 92nd East Avenue Tulsa, OK 74145

Nona A. Gardner 6018 S. 92nd East Avenue Tulsa, OK 74145 Dorothy E. Weaver 285 Riverside Drive, Apt. 13C New York, NY 10025

Cynthia Anne Adams 11023 Taylor Circle Wichita, KS 67212

Horace H. Gibson, Jr. and Kathleen M. 7089 N. 24th Street St. Paul, MN 55128

Maxine G. Brown 3601 Connecticut Avenue, N.W. Washington, D.C. 20008

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Will & Florence Gleason 473 3rd Avenue Fox Island, WA 98333

Lillian Habeeb 100 Marine Avenue Brooklyn, NY 11209

Mary Beth Harkins 5826 Hefner Village Ct. Oklahoma City, OK 73132

Mercedes B. Hawkins Trust 2525 South Delaware Place Tulsa, OK 74114

Gregory David Heuston 1865 HCR 74 Box 43 Lindrith, NM 87029

Leota Jones Revocable Trust 2400 Dustin, No. 117 Farmington, NM 87401-2170 Robert E. Levy & Wells Fargo Bank Texas NA/Oil, Gas and Mineral Administration P. O. Box 5383 MAC C 7324-038 Denver, CO 80217

David S. Lobdell Dallas, TX

Elisabeth B. Loring 230 Congress Street Boston, MA 02110

Estate of Herbert B. Luria HermineF.Luria & Mortimer F. Luria, Trustees C/o David J. Kaufman 1200 Packard Building Philadelphia, PA 19102

M.A.P., Inc. P. O. Box 686 Solana Beach, CA 90075

Mesa Grande Resources, Inc. 1318 Philtower Building Tulsa, OK 74103

Virginia Ekstrom Black 4671 E. 55th Street Tulsa, OK 74135

George Mourry and Theodora Mourry 9281 Shord Road Brooklyn, NY 11209

NM&O Operating Company 6 East 5th, Suite 200 Tulsa, OK 74103

Helen B. Reton Estate c/o M. Zajac 1827 Laurel Lane Lake Clark Shore, FL 33406

James F. Rosborough 14429 Pettit Way Potomac, MD 20854 Joan Sanger 3600 MacArthur Drive Waco TX 76705

San Juan Basin Properties LLC 1499 Blake Street, #7K Denver, CO 80202

Louis Roddy Sanger 5424 Edinburgh Waco, TX 76710

Phillip Sanger c/o Rody Sanger 5424 Edinburgh Waco, TX 76710

Schaefer Family Trust dtd 5/28/90 C/o Erin White Schaefer 5835 Stadium Street San Diego, CA 92122

F. P. Schonwald Co. 16 N.W. 63rd Street, Suite 302 Oklahoma, OK 73116-9115

Hazel F. Schemedes 2679 Hope Lane W. Palm Beach Gardens, FL 33410-1231

Jake R. Schwartz P. O. Box 7960 Waco, TX 76714

Shear Inc. P. O. Box 2665 Grand Junction, CO 81502

Sophie H. Spellman P. O. Box 368 Colfax, WI 54730

Tri-Star Minerals, a partnership P. O. Box 520 Minot, ND58702 William E. Trumbell and Elizabeth L. 333 Tigertail Road Los Angeles, CA 90049

Huntington T. Walker and Carol N. Walker 1580 Lincoln Street, Suite 635 Denver, CO 80203

Mary M. Waugh Post Office Box 5240 Austin, TX 78763-5240

Mary M. Waugh Post Office Box 5240 Austin, TX 78763-5240

Patricia Ruth Wilbur P. O. Box 225 Noank, CT 06340

Katherine V. Winter P. O. Box 520 Shelter Island, NY 11954

George Zarou 8423 Ridge Boulevard Brooklyn, NY 11209

Floyd Oil Company 879-B Washington Street Raleigh, NC 27605

Cheyenne Partners V, Ltd. C/o Bank of America 901 Main Street, 17th Floor Dallas, TX 75202

Helmerich & Payne, Inc. 1579 East 21st Street Tulsa, OK 74114 Attn: Ken Fox Lewis C. Beach 2530 East 71st Street, Suite H Tulsa, OK 74170

Petroleum International, Inc. 1840 East 15th Street Tulsa, OK 74104 Attn: John McMann

3TEC 777 Walker Street, Suite 2400 Houston, TX 77002 Attn: Kurt Schwagart

Fraser R. and Helen MacVicar Brentwood Long Island, New York

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DENVER • ASPEN BOULDER • COLORADO SPRINGS DENVER TECH CENTER BILLINGS • BOISE • CASPER CHEYENNE • JACKSON HOLE SALT LAKE CITY • SANTA FE WASHINGTON, D.C. ATTORNEYS AT LAW P.O. BOX 2208 SANTA FE, NEW MEXICO 87504-2208 110 NORTH GUADALUPE, SUITE 1 SANTA FE, NEW MEXICO 87501-6525

TELEPHONE (505) 988-4421 FACSIMILE (505) 983-6043

Michael H. Feldewert

mfeldewert@hollandhart.com

June 21, 2001

<u>CERTIFIED MAIL</u> <u>RETURN RECEIPT REQUESTED</u>

TO: AFFECTED INTEREST OWNERS

Re: Application of McElvain Oil & Gas Properties, Inc. for Compulsory Pooling, Rio Arriba County, New Mexico. Badger Com #11-1

Ladies and Gentlemen:

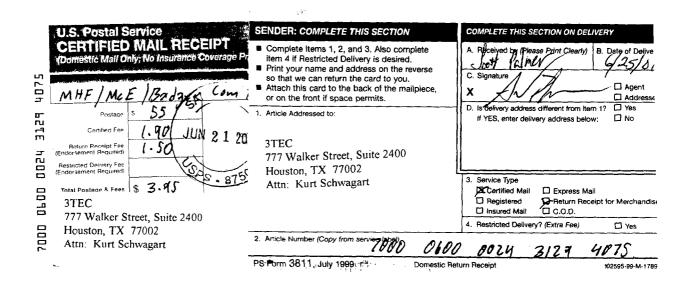
This letter is to advise you that McElvain Oil & Gas Properties, Inc. has filed the enclosed application with the New Mexico Oil Conservation Division. This application has been set for hearing before a Division Examiner on July 12, 2001. You are not required to attend this hearing, but as an owner of 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.

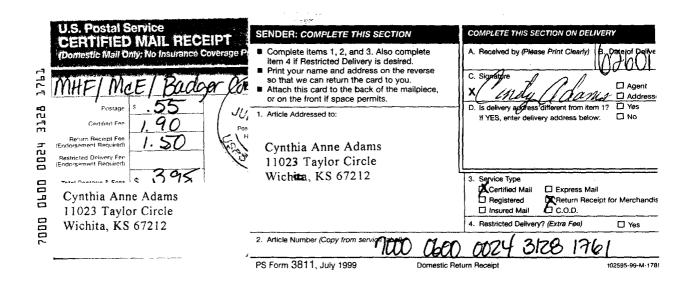
Parties appearing in cases are required by Division Rule 1208.B to file a Prehearing Statement three days in advance of a scheduled hearing. This statement must include: the name of the party and its attorney; a concise statement of the case; the names of all witnesses the party will call to testify 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.

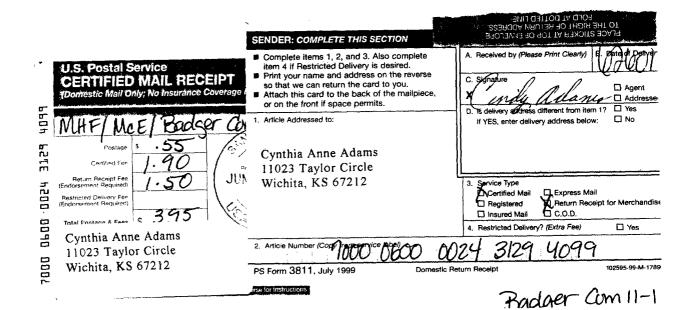
Verly truly yours.

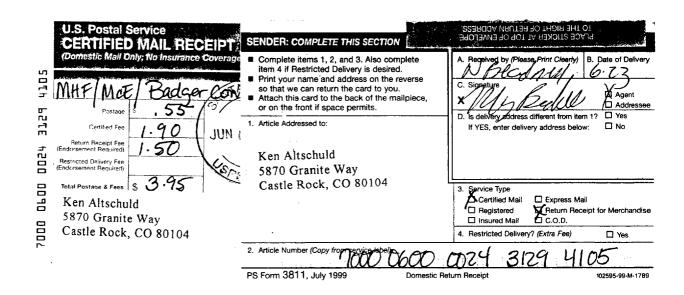
Michael H. Feldewert

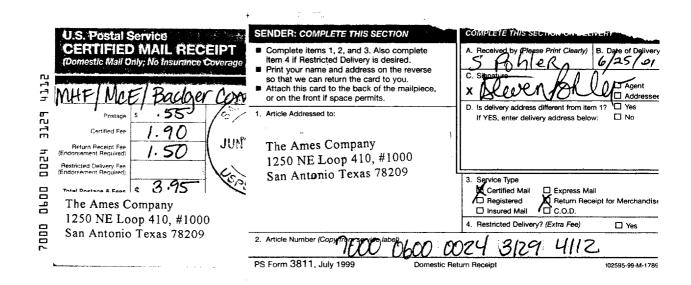
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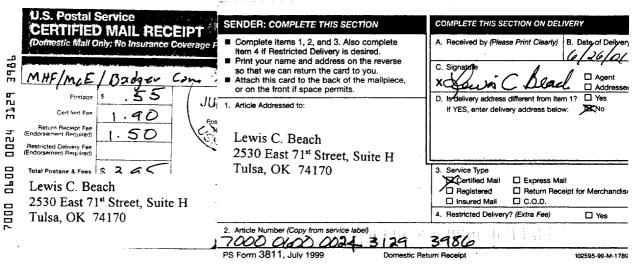










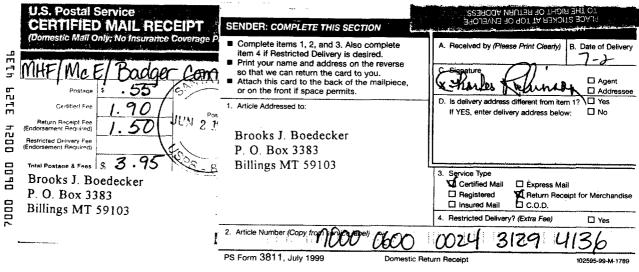


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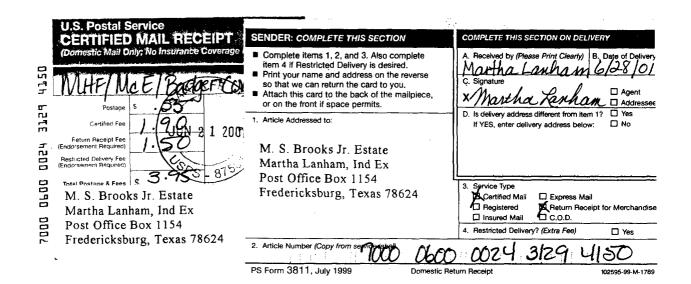
STICKER AT TOR OF ENVELOPE BREAD AND THOMESON. **FIH 01** U.S. Postal Service CERTIFIED MAIL RECEIPT SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete Rec Clearly) B. Date of Delivery ved by (Domestic Mail Only; No Insurance Coverage item 4 if Restricted Delivery is desired. Bill UN 2 7 2001 Print your name and address on the reverse C. Signature so that we can return the card to you. X Agent Badger Com MHF/MCE Ę Attach this card to the back of the mailpiece, . Х \supset_{ll} Addressee or on the front if space permits. K Yes 91,29 D. Is delivery address different from item 1? 55 Postao Article Addressed to: 🗆 No YES, enter delivery address below: .90 Certified Fee PO BOX 3260 JUN Return Receipt Fee orsement Required) 50 R. F. Beauchamp 0024 (End 6.6.6 92842 300 Plaza Alicante, #800 Restricted Delivery Fee (Endorsement Required) Garden Grove, CA 92840 Service Type Certified Mail .3.95 0090 ¢ Total Postane & Fees Express Mail R. F. Beauchamp Return Receipt for Merchandise Registered Insured Mail 300 Plaza Alicante, #800 7000 Restricted Delivery? (Extra Feel □ Yes Garden Grove, CA 92840 2. Article Number (C 19600 3129 129 L PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789 Sec. 1

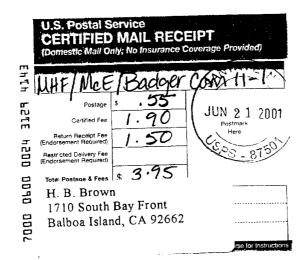


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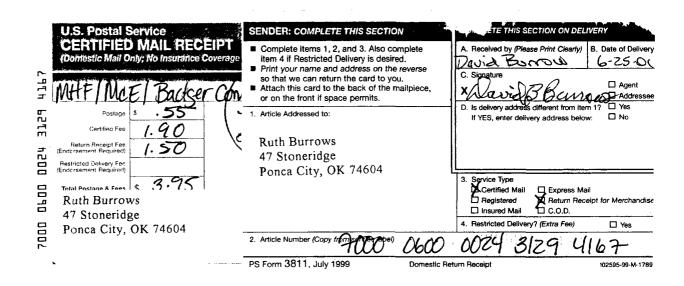


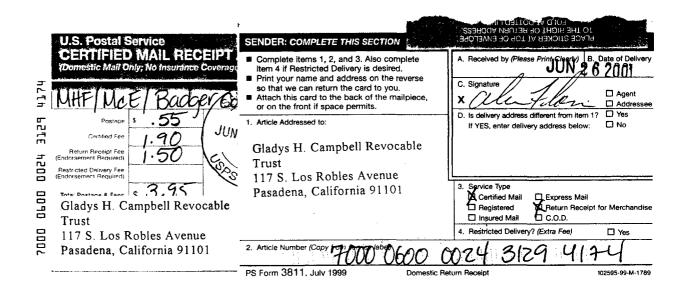


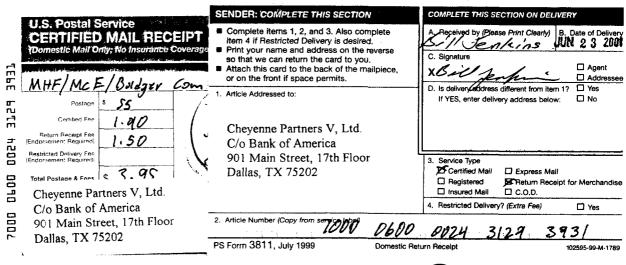
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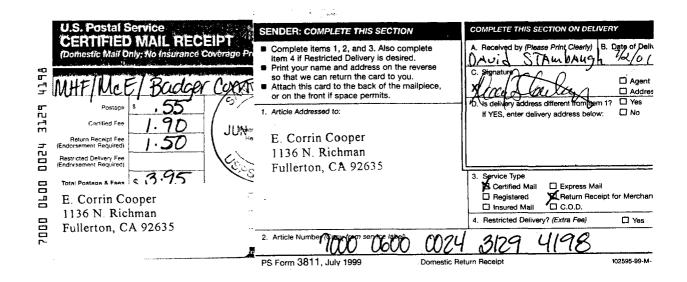


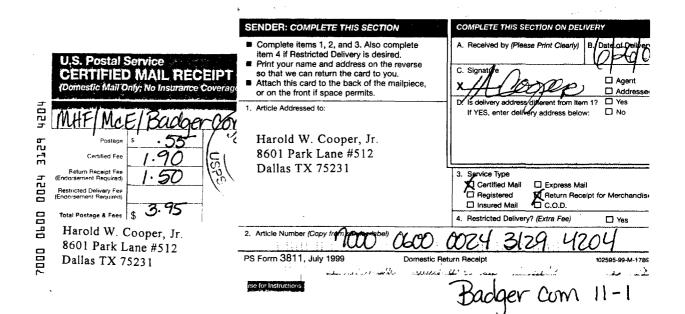


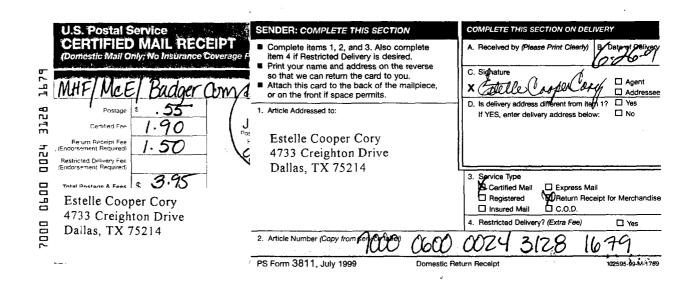
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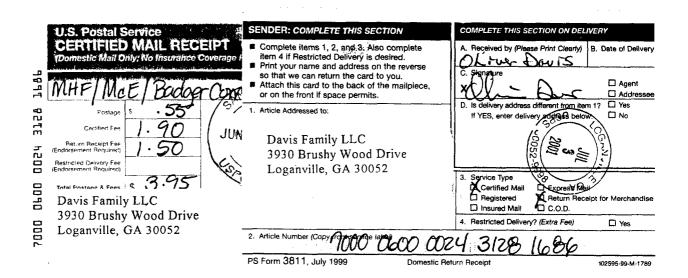
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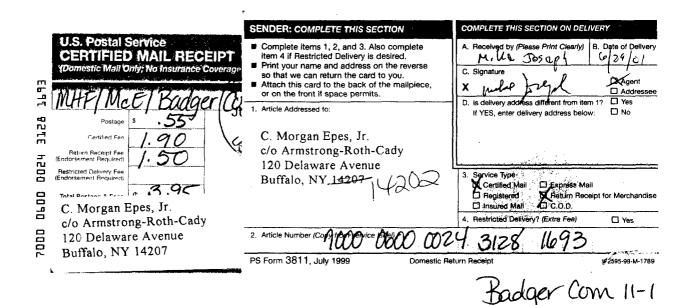
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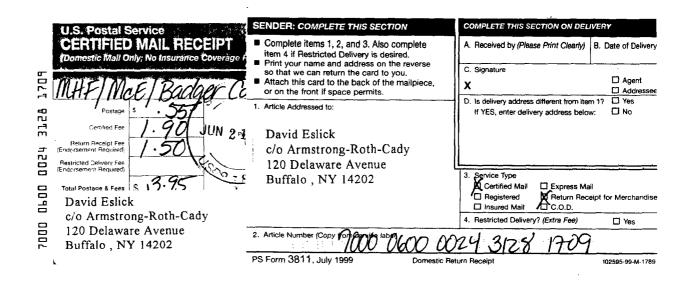


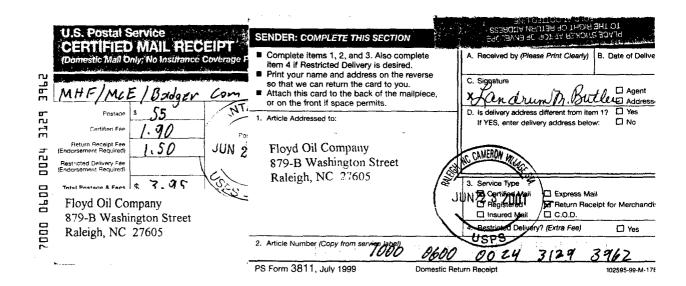








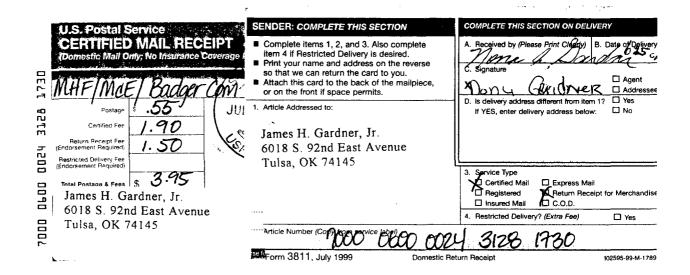


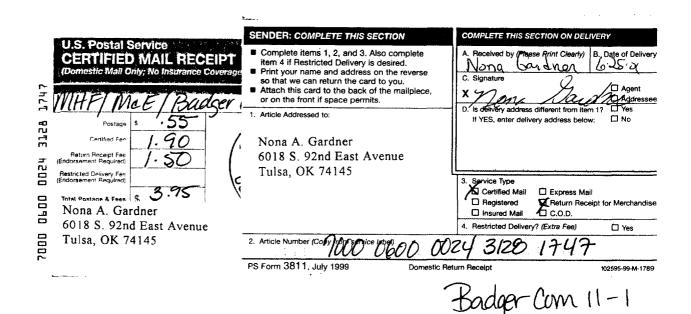


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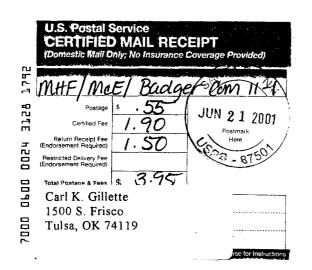
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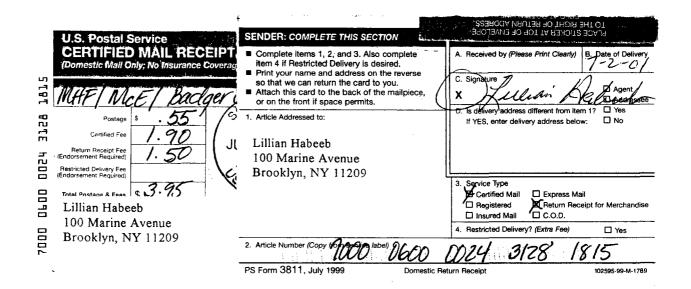
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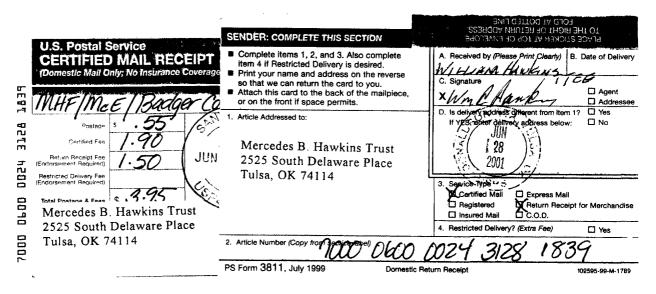
U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) 1.808 MHF Con HE McE Kadga JUN 21 2007 3128 53 Postage .90 Certified Fee Return Receipt Fee forsement Required) 50 0024 . (Endo Restricted Delivery Fee (Endorsement Required) 8750 Tatal Bustans & Enne @ 3.95 0290 Will & Florence Gleason 473 3rd Avenue 7000 Fox Island, WA 98333 rse for instructions

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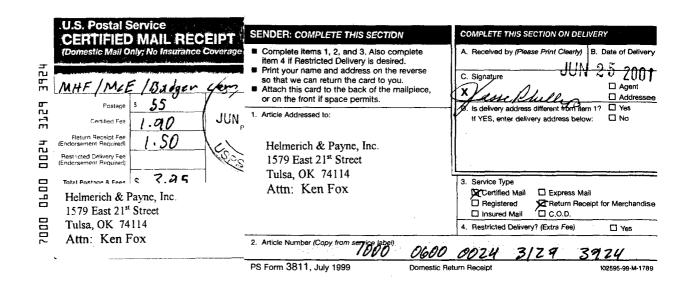
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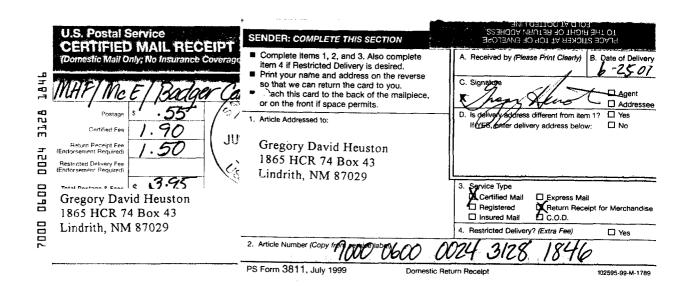


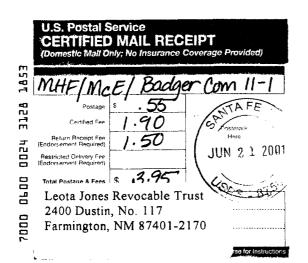




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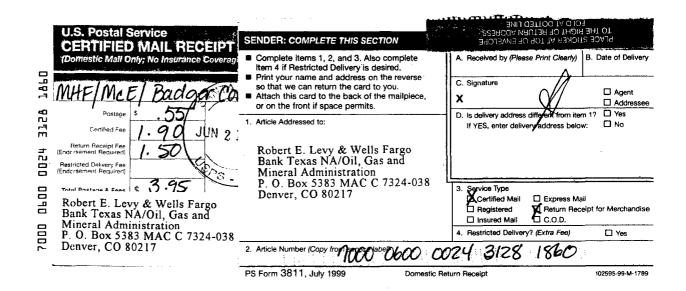






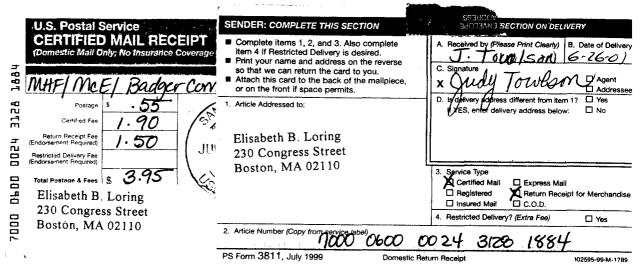
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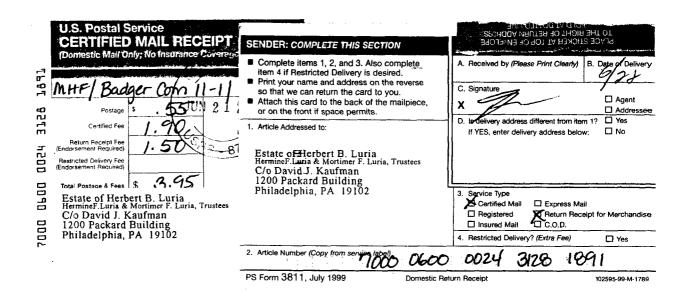




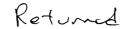


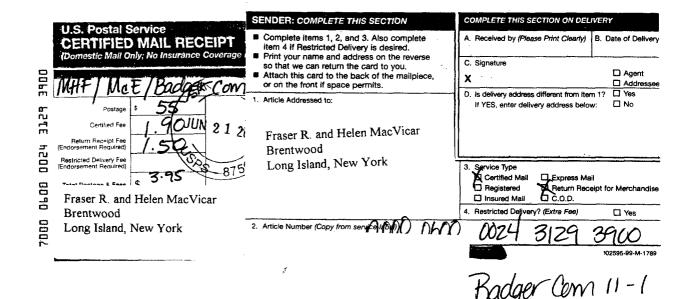


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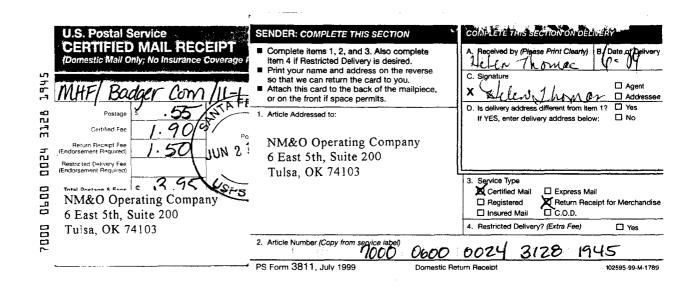


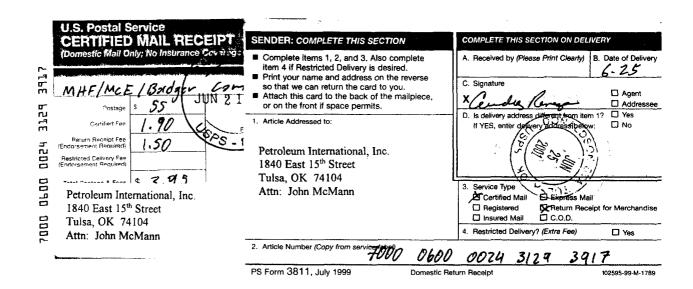




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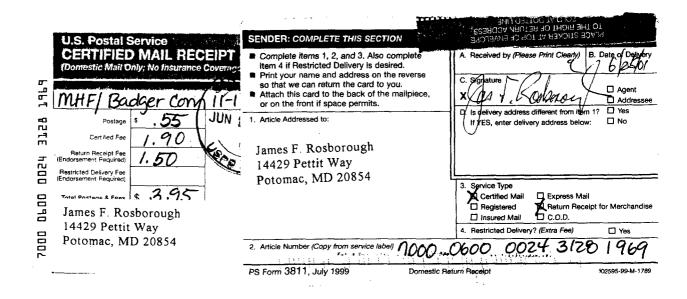


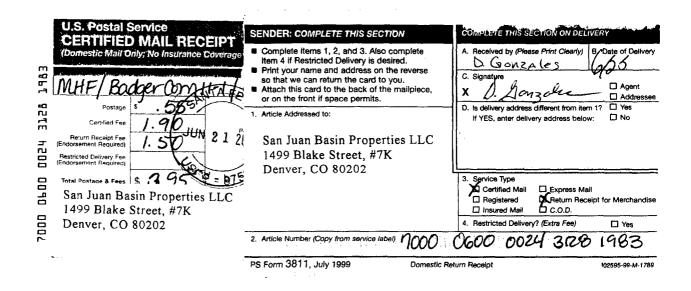


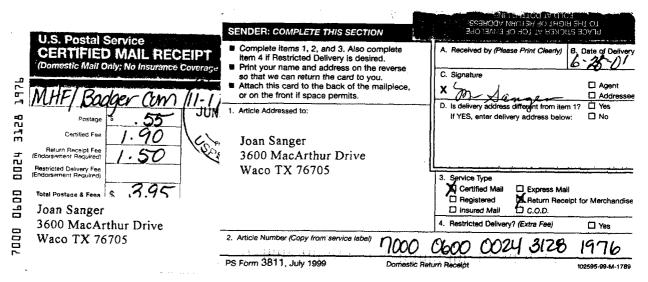
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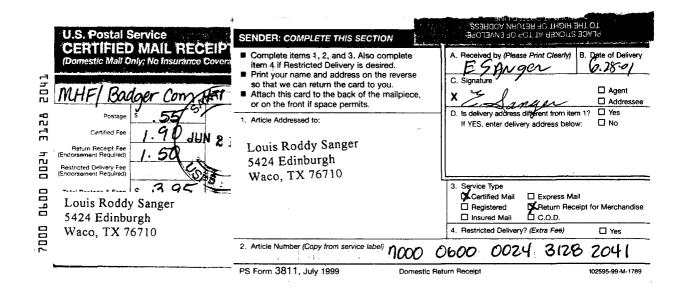
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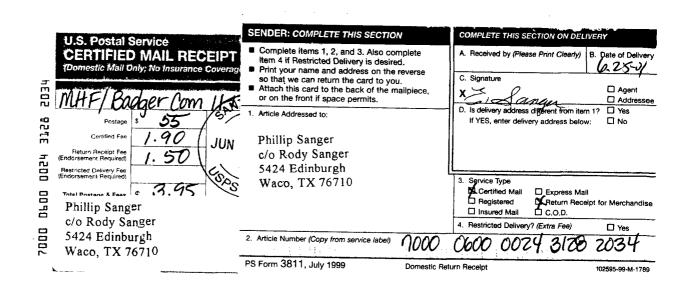


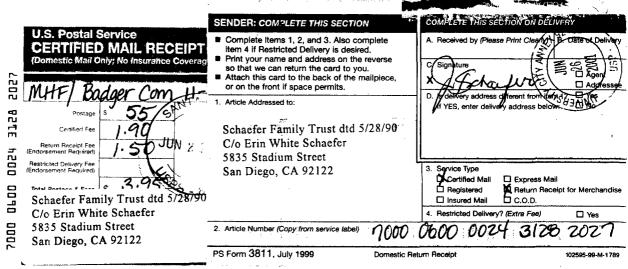




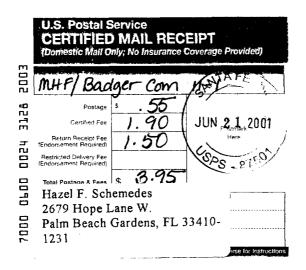
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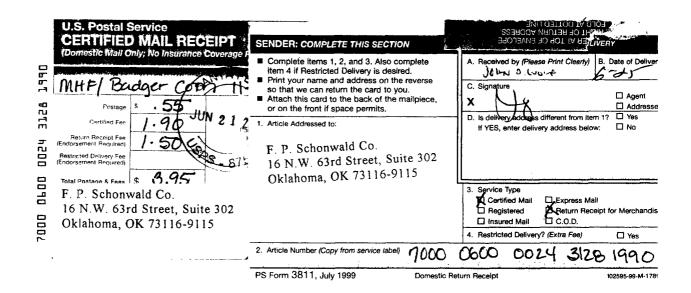






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	U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)			
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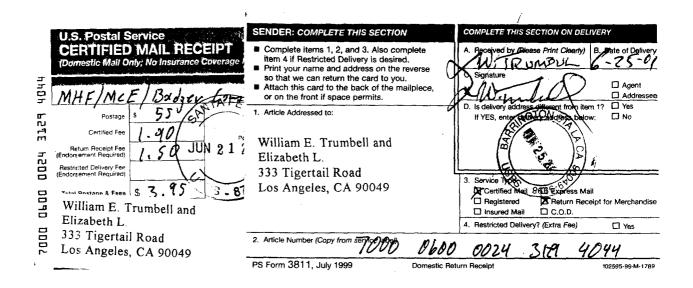


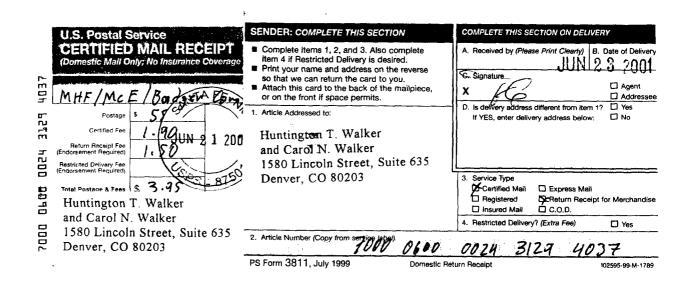


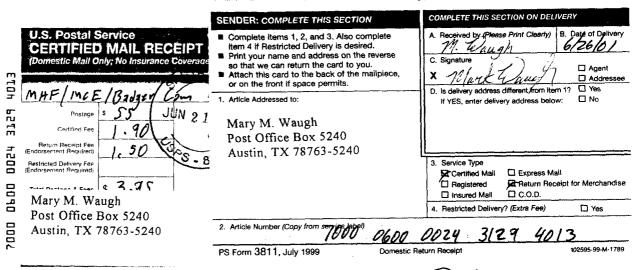
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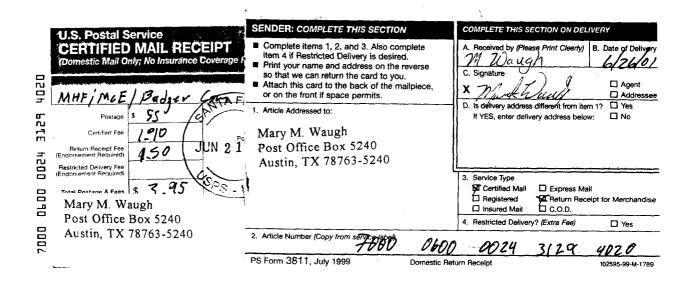
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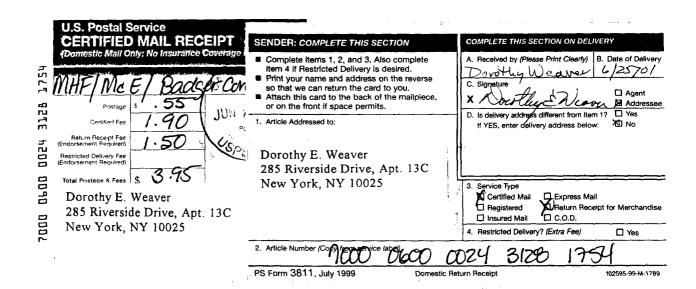






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U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) EPPE Brdges Com HA MHF/MCE 3129 55 Postage JUN 2 1 2001 .90 Certified Fee Return Receipt Fee (Endorsement Required) 50 0024 Restricted Delivery Fee (Endorsement Required) - 875 S Total Postana & Fees C 7.7C 0090 Katherine V. Winter P. O. Box 520 7000 Shelter Island, NY 11954 rse for Instructions

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