

**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. 12692**

**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 11 day of July, 2001.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

April 26, 2002

BEFORE THE OIL CONSERVATION DIVISION  
Santa Fe, New Mexico  
Case No. 12692 Exhibit No. 5  
Submitted by:  
McElvain Oil & Gas Properties, Inc.  
Hearing Date: July 12, 2001  
BEFORE THE OIL CONSERVATION DIVISION

**EXHIBIT A**

**NOTICE LIST**

**McELVAIN OIL & GAS PROPERTIES, INC.  
FOR COMPULSORY POOLING  
N/2 OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 2 WEST, N.M.P.M.  
RIO ARriba COUNTY, NEW MEXICO**

Rio Chama Petroleum, Inc.  
P.O. Box 3027  
Pagosa Springs, CO 81147

Hooper, Kimball  
5550 S. Lewis, Suite 301  
Tulsa, OK 74105

Dugan Production  
709 East Murry Drive  
Farmington, NM 87499

HOLLAND & HART <sup>LLP</sup>  
and  
CAMPBELL & CARR  
ATTORNEYS AT LAW

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

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

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

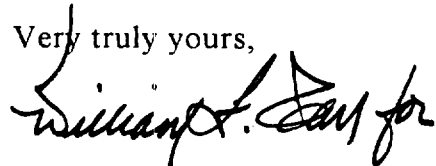
**TO: AFFECTED INTEREST OWNERS**

**Re: Application of McElvain Oil & Gas Properties, Inc. for  
Compulsory Pooling, Rio Arriba County, New Mexico.  
Bear Com #29-2**

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.

Very truly yours,  
  
Michael H. Feldewert

MHF/ras  
Enc.

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

7000 0600 0024 3128 2287

**MHF/MCE/Bear Comp**

Postage	\$ .55
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.95</b>

SANTA FE JUN 2

Dugan Production  
709 East Murry Drive  
Farmington, NM 87499

**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:

Dugan Production  
709 East Murry Drive  
Farmington, NM 87499

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS FOLD AT DOTTED LINE

A. Received by (Please Print Clearly) B. Date of Delivery  
C. Signature  
D. Is delivery address different from item 1? If YES, enter delivery address below:

3. Service Type  
4. Restricted Delivery? (Extra Fee)

2. Article Number (Copy from service label)

7000 0600 0024 3128 2287

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-178

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

7000 0600 0024 3128 2294

**MHF/MCE/Bear Comp**

Postage	\$ .55
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.95</b>

JUN 1

Hooper, Kimball  
5550 S. Lewis, Suite 301  
Tulsa, OK 74105

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7000 0600 0024 3128 2294

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-17

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

7000 0600 0024 3128 2300

**MHF/MCE/Bear Comp**

Postage	\$ .55
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.95</b>

JUN 21

Rio Chama Petroleum, Inc.  
P.O. Box 3027  
Pagosa Springs, CO 81147

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102595-99-M-17