EXHIBIT 5

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

APPLICATION OF PRESTON EXPLORATION COMPANY, L.P. FOR COMPULSORY POOLING AND APPROVAL OF A NON-STANDARD OIL SPACING AND PRORATION UNIT, LEA COUNTY, NEW MEXICO.

Case No. 12780

AFFIDAVIT REGARDING NOTICE

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

James Bruce, being duly sworn upon his oath, deposes and states:

- 1. I am over the age of 18, and have personal knowledge of the matters set forth herein.
 - 2. I am an attorney for Applicant.
- 3. Applicant has conducted a good faith, diligent effort to find the names and correct addresses of the interest owners entitled to receive notice of the Application filed herein.
- 4. Notice of the Application was provided to the interest owners at their correct addresses by certified mail. Copies of the notice letter and certified return receipts are attached hereto as Exhibit A.
- 5. Applicant has complied with the notice provisions of Division Rule 1207.

James Bruce

SUBSCRIBED AND SWORN TO before me this 28th day of November, 2001, by James Bruce.

Notary Public

My Commission Expires:

3/14/2001

JAMES BRUCE ATTORNEY AT LAW

POST OFFICE BOX 1056 SANTA FE, NEW MEXICO 87504

3304 CAMINO LISA HYDE PARK ESTATES SANTA FE, NEW MEXICO 87501

(505) 982-2043 (505) 982-2151 (FAX)

November 15, 2001

CERTIFIED MAIL RETURN RECEIPT REQUESTED

To: Interest Owners

Ladies and Gentlemen:

Enclosed is a copy of an application for compulsory pooling, filed with the New Mexico Oil Conservation Division by Preston Exploration Company, L.P. regarding Lot 3 of Section 4, Township 17 South, Range 38 East, NMPM, Lea County, New Mexico. This matter will be heard at 8:15 a.m. on Thursday, December 6, 2001 at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. As an interest owner in the well unit, you have the right to appear at the hearing and participate in the case. Failure to appear at the hearing will preclude you from contesting this matter at a later date.

You are requested to notify in writing the Division, and the undersigned, by Friday, November 30, 2001, if you intend to enter an appearance and participate in the case. If you have leased your interest or agreed to participate by December 6th, your interest will not be pooled.

Very truly yours,

James Bruce

Attorney for Preston Exploration Company, L.P.



INTEREST OWNERS

Joseph K. Morgan and Madge B. Morgan Suite 545 518 17th Street Denver, Colorado 80202

Lyle B. Gallivan and Mary Boxell Gallivan 8270 West 4th Avenue Lakewood, Colorado 80226

Boatmen's First National
Bank of Oklahoma, Trustee
of the Louise Snow Randolph
Irrevocable Trust
P.O. Box 25189
Oklahoma City, Oklahoma 73125

Aline P. Sims, individually and as personal representative of the Estate of G.P. Sims P.O. Box 1046
Eunice, New Mexico 88231

Glena Lu Miller, Guardian of the Estate of Etoile M. Bennett 512 Ross Boulevard Pecos, Texas 79772

Dannie A. Carter P.O. Box 2604 Harlingen, Texas 78551

Nell B. Kimball 2317 Haynes Drive Midland, Texas 79705

Barbara Sue Beller 920 Las Cruces Ventura, California 93003

David Thomas Ingram
P.O. Box 1116
Shawnee, Oklahoma 76802

Rollin M. Koppell and Amalie Koppell P.O. Box 2878 Harlingen, Texas 78550 E. Lila Snow 4223 South Darlington Avenue Tulsa, Oklahoma 74135

Mary E. Roelke P.O. Box 440 Palm City, Florida 34991

Jack Daniels P.O. Box 1258 Hobbs, New Mexico 88241

Mike Tinley P.O. Box 1258 Hobbs, New Mexico 88241

Madd Ranch, Inc. P.O. Box 536 Hobbs, New Mexico 88241

Sam H. Seed and Lisa J. Seed 13207 Calle Alto Hobbs, New Mexico 88240

Alan R. Hannifin Suite 540 518 17th Street Denver, Colorado 80202

Shawn P. Hannifin Suite 540 518 17th Street Denver, Colorado 80202

F. Ferrell Davis P.O. Box 3061 Midland, Texas 79702

Paul Davis, Ltd. P.O. Box 871 Midland, Texas 79702

Collins Partners, Ltd. 5000 Burnett Road Austin, Texas 78765

Clark Phipps, Trustee of the Kent C. Phipps Trust Suite 1500 525 South Main Tulsa, Oklahoma 74103 Darcy Coale 42400 Soda Creek Lane Steamboat Springs, Colorado 80487

Philip Tabor Bennett and Charlene Mayberry Bennett, Trustees of the Bennett Family Trust 431 St. Andrew's Drive Aptos, California 95003

Bank of Oklahoma, Trustee of the Laura Bennett Trust P.O. Box 2300 Tulsa, Oklahoma 74192

Sempra Energy Production Co. Suite 525 8235 Douglas Avenue Dallas, Texas 75225

Ronald J. Beyers 2902 Stratford Drive Austin, Texas 78746

1114 3400 0020 7069 1421 SENDER: COMPLE PS Form 3811, July 1999 Article Addressed to: Complete items 1, 2, 3. Also complete item 4 if Restricted Delivery is desired. Attach this card to the back of the mailpiece, or on the front it space permits. Print your name and address on the reverse so that we can return the card to you. City, State, ZIP+4 Street, Apt. No., or PO Bo. Recipient's Name (Please Print Clearly) (to be completed by mailer) Restricted Delivery Fee (Endorsement Required) Return Receipt Fee (Endorsement Required) CERTIFIED MAIL RECEIPT U.S. Postal Service Total Postage & Fees Domestic Mail Only; No Insurance Coverage Provided) Lyle B. Gallivan and 8270 West 4th Avenue Lakewood, Colorado 80226 Mary Boxell Gallivan Certified Fee Postage TE THIS SECTION 69 Lyle B. Gallivan and 8270 West 4th Avenue Also complete Lakewood, Colorado 80226 Mary Boxell Gallivan 45 10 SA Domestic Return Receipt USPS See Reverse for Instructions Ö A. Received by (Please Prik COMPLETE THIS SECTION ON DELIVERY × D. Is delivery addr Service Type
Certified Mail Restricted Delivery? (Extra Fee) ☐ Registered If YES, enter délivery address below: Signature ☐ Insured Mail 8666 se-different from item 1? Return Receipt for Merchandise
C.O.D. Express Mail PS Form 3811, July 1999 Article Addressed to: SENDER: COMPLETE THIS SECTION Print your name and address on the reverse Complete items 1, 2, Attach this card to the back of the mailpiece or on the front if space permits. so that we can return the card to you. item 4 if Restricted Delivery is desired. arty) B. Date of De 512 Ross Boulevard Glena Lu Miller, Guardian of the Phos, Texas 79772 Estate of Etoile M. Bennett ☐ Agent
☐ Addressee 02595-00-M-0952 □ □ ₹ ૹૢૼ □ \& Also complete 1069 1452 7099 3400 0020 CAR Domestic Return Receipt Street, Apt. No.; or PC Restricted Delivery Fee (Endorsement Required) Return Receipt Fee (Endorsement Required) City, State, ZIP+4 Recipient's Name (Please Print (Domestic Mail Only; No Insurance Coverage Provided) CERTIFIED MAIL RECEIPT **U.S. Postal Service** Total Postage & Fees 111 Certified Fee Postage C. Signature Restricted Delivery? (Extra Fee) D. Is delivery address different from item 1? Glena × ☐ Registered ☐ Insured Mail Received by (Please Prin Certified Mail Service Type If YES, enter delivery address below: Gleva Glena Lu Miller, Guardian of the \$12 Ross Boulevard ₩ Estate of Etoile M. Bennett 1.10 NCE STICKER AT TOP OF ENVE THE RIGHT OF RETURN Y 0 ☐ Return Receipt for Merchandise ☐ C.O.D. Express Mail 6 yarly) 7501-900 B. Date of Delivery Postmark Here 102595-00-M-0952 ☐ Agent☐ Addressee☐ Yes☐ No □ Yes .. ~.

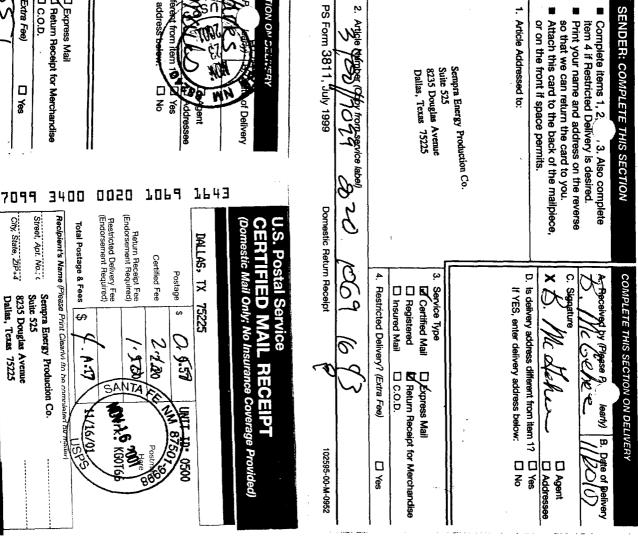
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City State, ZIP+4 MINIMAN, 1 CASS PS Form 3800, February 2000	as \$\frac{1}{\infty}\left(\limits) (io be complete case Print Clearly) (to be case Print Clearl	U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) Postage \$ 0.5	COMPLETE THIS SECTION ON DELIVERY 3. Also complete by is desired. The reverse card to you. Ck of the mailpiece, ck of the mailpiece, ck of the mailpiece, armits. D. Is delivery address different from item 17

SENDER: COMPLETE THIS SECTION PS Form 3811, July 1999 Article Addressed to: ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 7099 3400 0020 1069 1582 so that we can return the card to you.

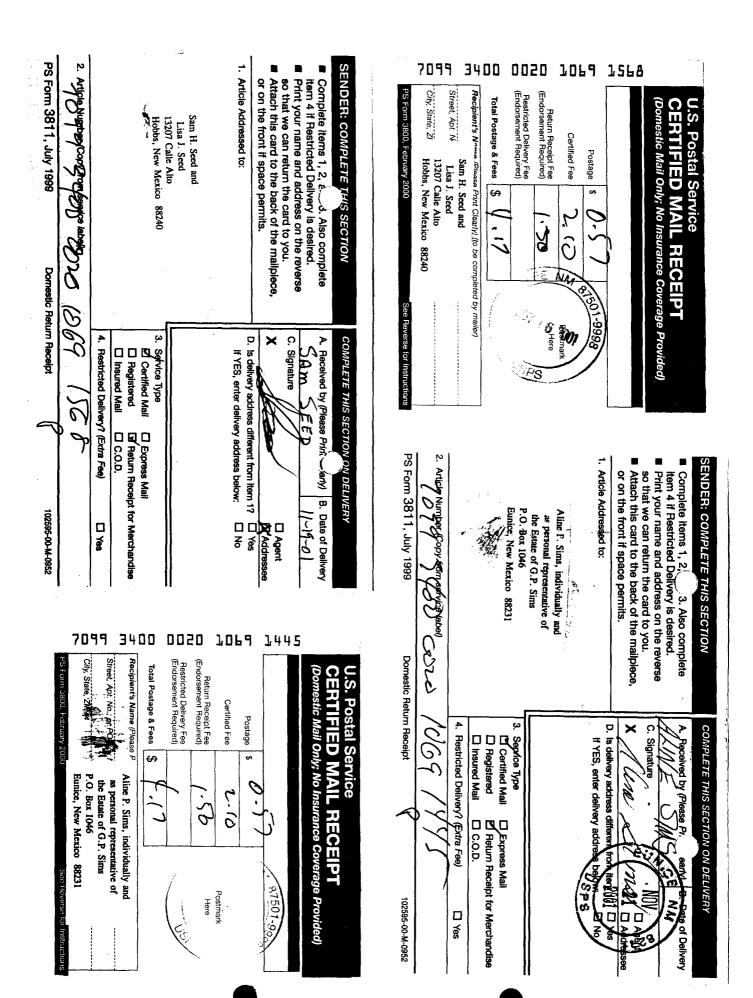
Attach this card to the back of the mailpiece. Print your name and address on the reverse Article Number Good By Carolina Carolina Con Control Con Control Contr or on the front if space permits. Street, Apt. No.; o. Return Receipt Fee (Endorsement Required) Recipient's Name City, State, ZIP+4 Restricted Delivery Fee (Endorsement Required) 2S Form 3800, February 2000 (Domestic Mail Only; No Insurance Coverage Provided) CERTIFIED MAIL RECEIPT U.S. Postal Service Total Postage & Fees Denver, Colorado 80202 518 17th Street Shawn P. Hannifin Certified Fee Postage Denver, Colorado 80202 518 17th Street Suite 540 Shawn P. Hannifin 'n completed by mailer) Domestic Heturn Heceipt NAT £ 501-9996 690 D. Is delivery address different from item 1? Yes COMPLETE THIS SECTION ON DELIVERY Restricted Delivery? (Extra Fee) ☐ insured Mail Certified Mail Received by (Please Print Clearly) | B. Date of Delivery ☐ Registered Service Type If YES, enter delivery address below: Signature 1/2 □ C.O.D. Return Receipt for Merchandise 2. Article Number PS Form 3811, July 1999 SENDER: COMPLETE THIS SECTION Article Addressed to: ■ Complete items 1, 2, Attach this card to the back of the mailpiece Print your name and address on the reverse or on the front if space permits. so that we can return the card to you. item 4 if Restricted Delivery is desired. P.O. Box 25189 102595-00-M-0952 ☐ Agent
☐ Addressee □ Vo □ ‱ Oklahoma City, Oklahoma 73125 Boatmen's First National 10-01 of the Louise Snow Randolph Bank of Oklahoma, Trustee Işrevocable Trust J 3. Also complete 7099 3400 0020 1069 1438 Domestic Return Receipt Street, Apt. Not. Recipient's Name Restricted Delivery Fee (Endorsement Required) Return Receipt Fee (Endorsement Required) City, State, ZIP+4 CERTIFIED MAIL RECEIPT Total Postage & Fees U.S. Postal Service (Domestic Mail Only; No Insurance Coverage Provided) Certified Fee μ D. Is delivery address difficult to If YES, enter tellvery address. Postage Restricted Delivery? (Extra Fee) A. Received by (Please Pr. 90 COMPLETE THIS SECTION ON DELIVERY ☐ Certified Mai ☐ Insured Mail Service Ty Oklahoma City, Oklahoma 73125 P.O. Box 25189 Boatmen's First National Irrevocable Trust of the Louise Snow Randolph Bank of Oklahoma, Trustee ↔ MOHA 150 M Supress Mail O ☐ C.O.D. Aeturn Receipt for Merchandise ilearly) B. Date of Delivery 87501 02595-00-M-0952 □ V □ Yes ☐ Addressee D Agent rse for Instruct

7099 3400 0020 1069 PS Form 3811, July 1999 1810 SENDER: COMPLETE THIS SECTION ■ Complete items 1, 2, 3. Also complete items 1, 2, 3. Also complete item 4 if Restricted Delivery is desired. Article Nymber depoty from Special Colors Attach this card to the back of the mailpiece, Article Addressed to: or on the front if space permits. Print your name and address on the reverse so that we can return the card to you. Street, Apt. No.: c City, State, ZIP+4 Recipient's Name (Please Print Clearly) (to be completed by mailer) PS Form 3800, February 2000 Restricted Delivery Fee (Endorsement Required) Return Receipt Fee (Endorsement Required) Total Postage & Fees CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) U.S. Postal Service Austin, Texas 78765 5000 Burnett Road Collins Partners, Ltd. Certified Fee Postage Austin, Texas 78765 5000 Burnett Road Collins Partners, Ltd. ↔ 3. Also complete t \hat{c} Domestic Return Receipt See Reverse for Instructions 1069 Restricted Delivery? (Extra Fee) D. Is delivery address different from item 1? A. Received by (Please Pri © Certified Mail
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☐ Insured Mail × COMPLETE THIS SECTION ON DELIVERY Service Type If YES, enter delivery address below: Express Mall
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S Form 3811, July 1999 Domestic Return Receipt	2. Article Number (Copy refreely leaded) 020 (Steamboat Springs, Colorado 80487	1. Article Addressed to: Darcy Coale Darcy Coale The Coale of the C	 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. 	PS Form 3800, February 2000		Total Postage & Fees \$ 4.1	Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required)	Postage \$ ///	1612	(Domestic Mail Only; No Insurance Coverage Provided)	rvice
n Réceipt 102595-00-M-0952	069 1612	3. Service Type Certified Mail □ Express Mail □ Registered □ Return Receipt for Merchandise □ Insured Mail □ C.O.D. 4. Restricted Delivery? (Extra Fee) □ Yes	If YES, enter delivery address below:		See Reverse for Instructions PS Form 3811, July 1999	2. Article Number (Copy from Sanda k	JCRS 518 17th Street Denver, Colorado 80202	Hare AND OF	1. 0. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	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.		SENDER: COMPLETE THIS SECTION
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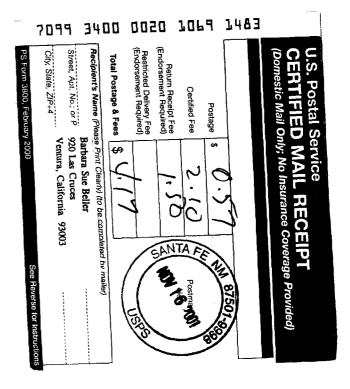
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turn Receipt 102595-00-M-0952	1,7516901	3. Service Type Certified Mail			A. Acceived by (Please Print Clearly) B. Date of Delivery	See Reverse to Instructions PS Form 3811, July 1999	2. Article Number (Copy from @phop.teb)	Palm City, Florida 34991		1. Article Addressed to:		SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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PS Form 3811, July 1999 2. Article Number (Coop in The Spring labelle 20 SENDER: COMPLETE THIS SECTION Print your name and address on the reverse Article Addressed to: so that we can return the card to you.

Attach this card to the back of the mailpiece, Complete items 1, 2, and 3. Also complete or on the front if space permits. item 4 if Restricted Delivery is desired. P.O. Box 2878 Harlingen, Texas 78550 Rollin M. Koppell and 340**0** 0050 1069 1506 7099 Amalie Koppell Restricted Delivery Fee (Endorsement Required) City, State, ZIP+4 Street, Apt. No.; or PO Recipient's Name (Plea Return Receipt Fee (Endorsement Required) CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) U.S. Postal Service Total Postage & Fees Certified Fee Postage Harlingen, Texas 78550 P.O. Box 2878 Rollin M. Koppell and \$ Amalie Koppell FUNGENT 0:7 Domestic Return Receipt SOO 9 290 NM A. Received by (Please Print Clearly) | B. Date of Delivery C. Signatury COMPLETE THIS SECTION ON DELIVERY Restricted Delivery? (Extra Fee) is delivery address different from item 17 ☐ Insured Mail ☐ Registered M Certified Mail Sprvice Type ε XYES, enter delivery address below: See Reverse for Instructions PLACE STICKER AT TOP OF FAUNTIONE 1700 ☐ Return Receipt for Merchandise
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