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

IN THE MATTER OF THE APPLICATION OF HUNTINGTON ENERGY, L.L.C. FOR COMPULSORY POOLING, SAN JUAN COUNTY, NEW MEXICO.

CASE NO. 12842

#### **AFFIDAVIT**

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

William F. Carr, attorney in fact and authorized representative of Huntington Energy, L.L.C., 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 Exhibit "A" attached hereto.

William F. Garr

SUBSCRIBED AND SWORN to before this 28<sup>th</sup> day of February 2002 by William F. Carr.

Notary Public

My Commission Expires:

aug 23,2005

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Case No. 12842 Exhibit No. 5

Submitted by:

HUNTINGTON ENERGY, L.L.C.
Hearing Date: March 21, 2002

1

#### **EXHIBIT A**

### APPLICATION FOR COMPULSORY POOLING SAN JUAN COUNTY, NEW MEXICO

Mizel Resources, a trust, as amended and restated U/A/D January 30, 1992 Morris Mizel Trustee 3600 South Yosemite, #810 Denver, Colorado 80237

Robert Witten and Frederic S Nathan, Trustees U/W Barbara Witten F/B/O Andrew Witten, Elizabeth Witten and Judith Witten 535 East 86th Street New York, New York 10028

Samuel Mizel and Deanna Mizel, Trustees of the Samuel Mizel Irrevocable Trust Post Office Box 703 Broken Arrow, Oklahoma 74013

Judy G. Zweiback, as Trustee of the Judy G. Zweiback 1998 Revocable Trust 8914 Farnam Court Omaha, Nebraska 68114

Daniel Henry Raffkind and Myra Gimp Raffkind, as Trustees of the Raffkind Revocable Trust Created by Instrument Dated 6-1-89 3800 Danbury Amarillo, Texas 79701

Judy G. Zweiback, as Trustee of the Judy G. Zweiback 1998 Revocable Trust 8707 Woolworth Omaha, Nebraska 68124

as Trustees of the Raffkind Rev 2. Article Number (Copy from service label)  Trust 7001 1140 0002 5600 4335  Created by Instrument Dated 6-		an administrative designation.	
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Samuel Mizel and Deanna Mizel. Trustees of the Raffkind and Myr Gimp Raffkind, as Trustees of the Raffkind Revocable Trust		<ul> <li>item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece</li> </ul>	C. Signature
Trustees of the Samuel Mizel Irrevocable Trust Post Office Box 703 Broken Arrow, Oklahoma 74013    Samuel Mizel and Deanna Mizel, Trustees of the Samuel Mizel Irr Trust   Samuel Mizel and Deanna Mizel, Trustees of the Samuel Mizel Irr Trust   Post Office Box 703 Broken Arrow, Oklahoma 74013   Restricted Delivery? (Extra Fee)   Yes   Post Office Box 703 Broken Arrow, Oklahoma 74013   A flective of the Samuel Mizel Irr Trust   Post Office Box 703   A flective of the Samuel Mizel Irr Trust   Post Office Box 703   Post Office Box 703   Post Office Box 703   Post Office Box 703   A flective of the Samuel Mizel Irr Trust   Post Office Box 703   Post Office Box 703   A flective of the Samuel Mizel Irr   Post Office Box 703   A flective of the Samuel Mizel Irr   Post Office Box 703   A flective of the Samuel Mizel Irr   Post Office Box 703   Post Office Box 703   A flective of the Samuel Mizel Irr   Post Office Box 703   A flective of the Samuel Mizel Irr   Post Office Box 703   Domestic Fleturn Receipt To Merchandis   Post Office Box 703   A flective of the Raffkind Revocable   Post Office Box 703   A flective of the Raffkind Revocable   Post Office Box 703   Post Office Box 703   A flective of the Raffkind Revocable   Post Office Box 703   A flective of the Raffkind Revocable   Post Office Box 703   A flective of the Raffkind Revocable   Post Office Box 703   A flective of the Raffkind Revocable   Post Office Box 703   A flective of the Raffkind Revocable   Post Office Box 703   A flective of the Raffkind Revocable   Post Office Box 703   A flective of the Raffkind R	Carporta 2.10 ( 10 Page 1991)	Samuel Mizel and Deanna Mizel	D. is delivery address different from item 1? Yes If YES, enter delivery address below: No
Trust Post Office Box 703 Broken Arrow, Oklahoma 74013 Huntfluton  PS Form 3811, July 1999  Domestic Return Receipt  Complete items 1, 2, and 3. Also complete items 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:  Daniel Henry Raffkind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Daniel Henry Raffkind and Myra Gimp Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Daniel Henry Raffkind and Myra Gimp Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Daniel Henry Raffkind and Myra Gimp Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Daniel Henry Raffkind and Myra Gimp Agrikind, as Trustees of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Daniel Henry Raffkind and Myra Gimp Address Date of the Raffkind Revocable Trust  Created by Instrument Dated 6-1-89 3800 Danbury  Daniel Henry	Tradorsoment Forces of the trade of the trad	Trustees of the Samuel Mizel Irrevocable Trust Post Office Box 703 Broken Arrow, Oklahoma 74013	☐ Certified Mail ☐ Experimental ☐ Experimental ☐ Registered ☐ Return Receipt for Merchandis ☐ C.O.D.
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Judy C

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Judy G. Zweiback, as Trustee of the Judy G. Zweiback 1998 Revocable Trust 8707 Woolworth Omaha, Nebraska 68124 WFC Ituntington

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

William F. Carr

wcarr@hollandhart.com

February 28, 2002

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

Judy G. Zweiback, as Trustee of the Judy G. Zweiback 1998 Revocable Trust 8707 Woolworth Omaha, Nebraska 68124

Re: Application of Huntington Energy, L.L.C. for compulsory pooling, San

Juan County, New Mexico.

#### Ladies and Gentlemen:

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This application has been set for hearing before a Division Examiner on March 7, 2002. 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.

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Very truly yours,

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ATTORNEY FOR HUNTINGTON ENERGY,

### HOLLAND & HART LLP ATTORNEYS AT LAW

February 28, 2002 Page 2

#### Enclosures

Mr. Steven J. Goetzinger cc:

Huntington Energy, L.L.C. 6301 Waterford Boulevard, Suite 400 Oklahoma City, Oklahoma 73118

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February 28, 2002

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

Judy G. Zweiback, as Trustee of the Judy G. Zweiback 1998 Revocable Trust 8707 Woolworth Omaha, Nebraska 68124

Re: Application of Huntington Energy, L.L.C. for compulsory pooling, San Juan County, New Mexico.

#### Ladies and Gentlemen:

This letter is to advise you that Huntington Energy, L.L.C. has filed the enclosed application with the New Mexico Oil Conservation Division seeking the force pooling of all mineral interests from the base of the Dakota formation through the base of the Pennsylvanian formations in certain spacing and proration units in Section 15, Township 31 North, Range 11 West, N.M.P.M., San Juan County, New Mexico. Huntington proposes to dedicate the referenced pooled units to its Bandy Well No. 1 which will be drilled at a standard location 1750 feet from the South line and 1685 feet from the West line of said Section 15.

This application has been set for hearing before a Division Examiner on March 7, 2002. 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 names of the parties and their attorneys; 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

William F. Carr

ATTORNEY FOR HUNTINGTON ENERGY,

HOLLAND & HART LLP ATTORNEYS AT LAW

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#### Enclosures

cc:

Mr. Steven J. Goetzinger Huntington Energy, L.L.C. 6301 Waterford Boulevard, Suite 400 Oklahoma City, Oklahoma 73118