

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

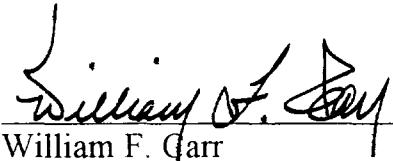
**IN THE MATTER OF THE APPLICATION OF  
HUNTINGTON ENERGY, L.L.C. FOR  
COMPULSORY POOLING, SAN JUAN  
COUNTY, NEW MEXICO.**

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. Carr

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

**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

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

Postage: .80  
Certification Fee: 2.10  
Restrictive Delivery Fee: 1.50  
Total Postage & Fees: 4.40

**SANTA FE**  
FEB 28 2002  
USPS

1. Article Addressed to:  
Mizel Resources, a trust, as amended  
and restated U/A/D January 30, 1992  
Morris Mizel Trustee  
3600 South Yosemite, #810  
Denver, Colorado 80237  
WFC Huntington

**SENDER: COMPLETE THIS SECTION**

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

2. Article Number (Copy from service label)  
7001 1140 0002 5600 4298

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)  
B. Date of Delivery  
C. Signature  
X  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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**CERTIFIED MAIL RECEIPT**  
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1. Article Addressed to:  
Samuel Mizel and Deanna Mizel,  
Trustees of the Samuel Mizel Irrevocable  
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Post Office Box 703  
Broken Arrow, Oklahoma 74013  
WFC Huntington

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

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Trust  
Post Office Box 703  
Broken Arrow, Oklahoma 74013

2. Article Number (Copy from service label)  
7001 1140 0002 5600 4311

A. Received by (Please Print Clearly)  
B. Date of Delivery  
C. Signature  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
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☐ Registered ☒ Return Receipt for Merchandise  
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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

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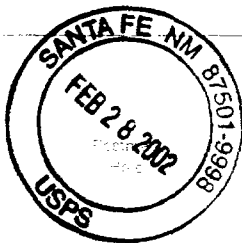
2. Article Number (Copy from service label)  
7001 1140 0002 5600 4335

A. Received by (Please Print Clearly)  
B. Date of Delivery  
C. Signature  
X  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

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Postage .80  
 Certified Mail 2.10  
 Return Receipt Fee 1.50

Total Postage & Fees 4.40

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

PS Form 3800

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
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Postage .80  
 Certified Mail 2.10  
 Return Receipt Fee 1.50

Total Postage & Fees 4.40

Sent To: Judy G. Zweiback, as Trustee of the  
 Judy G. Zweiback 1998 Revocable Trust  
 8914 Farnam Court  
 Omaha, Nebraska 68114  
*WFC Huntington*

PS Form 3800

**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:

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

2. Article Number (Copy from service label)

**COMPLETE THIS SECTION ON DELIVERY**

- A. Received by (Please Print Clearly) *Charlene Blair* 3/4/02  
 B. Date of Delivery  
 C. Signature *Charlene Blair* ☐ Agent ☐ Addressee  
 X ☒ *Charlene Blair*  
 D. Is delivery address different from item 1? ☐ Yes ☒ No  
 If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 1140 0002 5600 4328

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

**U.S. Postal Service**  
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110 NORTH GUADALUPE, SUITE 1  
SANTA FE, NEW MEXICO 87501-6525

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

William F. Carr

wcarr@hollandhart.com

February 28, 2002

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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.

Parties appearing in cases are required by Division Rule 1208.B to file a Pre-hearing 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,  
L.L.C.

HOLLAND & HART<sup>LLP</sup>  
ATTORNEYS AT LAW

February 28, 2002

Page 2

Enclosures

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

HOLLAND & HART<sup>LLP</sup>  
ATTORNEYS AT LAW

DENVER • ASPEN  
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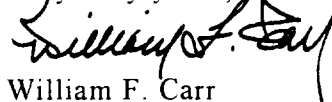
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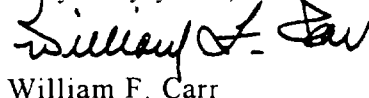
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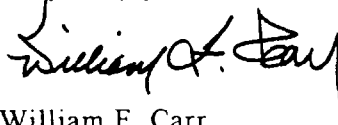
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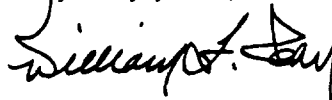
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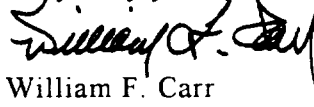
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8707 Woolworth  
Omaha, Nebraska 68124

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

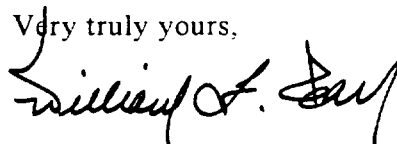
Ladies and Gentlemen:

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 Pre-hearing 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,  
L.L.C.

HOLLAND & HART<sup>LLP</sup>  
ATTORNEYS AT LAW

February 28, 2002  
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Enclosures

cc: Mr. Steven J. Goetzinger  
Huntington Energy, L.L.C.  
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Oklahoma City, Oklahoma 73118