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

IN THE MATTER OF THE APPLICATION OF SEELY OIL COMPANY FOR APPROVAL OF A WATERFLOOD PROJECT AND OUALIFICATION OF THE PROJECT AREA FOR THE RECOVERED OIL TAX RATE PURSUANT TO THE ENHANCED OIL RECOVERY ACT, LEA COUNTY, NEW MEXICO.

CASE NO. 12964

AFFIDAVIT

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

William F. Carr, attorney in fact and authorized representative of Seely Oil Company, 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.

SUBSCRIBED AND SWORN to before this 7th day of January 2003 by William F. Carr.

My Commission Expires: (23, 200

3031713_1.DOC

BEFORE THE OIL CONSERVATION DIVISION Santa Fe, New Mexico

Case Nos. 12964/12983 Exhibit No. 6 Submitted by:

Seely Oil Company Hearing Date: January 9, 2003

HOLLAND & HART LLP

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
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

William F. Carr

wcarr@hollandhart.com

October 24, 2002

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

TO: SURFACE OWNERS AND LEASEHOLD OPERATORS WITHIN 1/2 MILE OF EACH PROPOSED INJECTION WELL IN THE EK PENROSE SAND UNIT AREA.

Re:

Application of Seely Oil Company for approval of a waterflood project, and for qualification of the project for the Recovered Oil Tax Rate pursuant to the Enhanced Oil Recovery Act, Lea County, New Mexico.

Ladies and Gentlemen:

Enclosed is a copy of the application of Seely Oil Company (Oil Conservation Division Form C-108) in the above-referenced case for approval of a waterflood project in the proposed EK Penrose Sand Unit Area. Water will be injected into the unitized interval of the Penrose formation and the proposed waterflood project is fully described in the application.

This application has been set for hearing before a Division Examiner on November 14, 2002. You are not required to attend this hearing, but as an owner of the surface of the land upon which the injection well will be located, 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.

Vęry truly yours,

William F. Carr

Attorney for Seely oil Company

Enclosure

REVISED NOTICE LIST

Application of Seely Oil Company
For Certification of the Waterflood Project
For the Incentive Tax Rate Pursuant to the
Enhanced Oil Recovery Act
E-K Penrose Sand Unit, Lea County, New Mexico

BP America 501 Westlake Park Blvd. Houston, Texas 77253

Devon SFS Operating, Inc. P. O. Box 730292 Dallas, Texas 75373-0292

Concho Oil & Gas Corp. 110 West Louisiana, Suite 420 Midland, Texas 79701

C. W. Trainer P. O. Box 754 Midland, Texas 79702

BTA Oil Producers 104 S. Pecos Midland, Texas 79701

Rhombus Energy 200 N. Lorraine, Suite 1270 Midland, Texas 79701

Yates Petroleum Corporation 105 S. Fourth Street Artesia, New Mexico 88210 Kaiser Francis Box 21468 Tulsa, Oklahoma 74121-1468

McElvain Oil & Gas Ltd. 1050 7th Street, Suite 1800 Denver, Colorado 80265

Ralph C. McElvain, Jr. 5318 S. Cottonwood Club Drive Salt Lake City, Utah 84117

Jacquelin M. Withers 11578 Lost Tree Way North Palm Beach, FL 33408

McElvain Oil Company Attn: David P. McElvain 14828 Pellbrook Addison, Texas 75240

Roberta M. Regan Trust Bank of America NA, Trustee P. O. Box 830308 Dallas, Texas 75283-0308

Kenneth Smith 267 Smith Ranch Road Hobbs, NM 88240-8514

Commissioner of Public Lands New Mexico State Land Office Attention: Pete Martinez Post Office Box 1148 Santa Fe, NM 87504-1148

Bureau of Land Management Attention: Armando Lopez 2909 W. 2nd Street Roswell, New Mexico 88201



U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage F	SENDED COMPLETE THE SECTION	COMPLETE THIS SECTION ON DELIVERY
Seely WFP s 485 WFC Certified Fee 2.30	 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. 	A. Received by Please Print Clearly) B. Date of Delivery C. Signature Agent Addressee
Return Receipt Fee (Endorsemert Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees Sent To Commissioner of Public Lar New Mexico State Land Off	1. Article Addressed to: Commissioner of Public Lands New Mexico State Land Office Attention: Pete Martinez Post Office Box 1148	D. Is carried validess interent from item 1? Yes If the senter delivery address below: No OCT 2 5 2002
Street, Apt. No. or PO Box No. City, State, ZIP+ PS Form 3\$00 Attention: Pete Martinez Post Office Box 1148 Santa Fe, NM 87504-1148	Santa Fe, NM 87504-1148	3. Service Type Registered Return Receipt for Merchandise Insured Mail C.O.D. 4. Restricted Delivery? (Extra Fee) Yes
U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage P	PS Form 3811, July 1999 Domestic Re	eturn Receipt 102595-00-M-0952
Seelywfp Postage WFC Certified Fee 2.30 Post. Return Receipt Fee (Endorsement Required) Post. He	 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. Article Addressed to: 	C. Signature Agent Addressee
Return Receipt Fee (Endorsement Required) Restricted Del very Fee (Endorsement Required) Total Postage & Fees \$ 8	Concho Oil & Gas Corp. 110 West Louisiana, Suite 420 Midland, Texas 79701	3. Service Type Certified Mail
PS Form 3800. J	2. Article Number (Copy frc 7001 1140 00	02 5600 5707
U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage P. Seely WFP Postage \$ 3.05	PS Form 3811, July 1999 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:	C. Signatule C. Signatule D. Is delivery address different from from 1? Yes If YES, enter delivery address below:
Postage \$ 3.05 Certified Fee 2.30 Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$ 9.00	Devon SFS Operating, Inc. P. O. Box 730292 Dallas, Texas 75373-0292	3. Service Type X Certified Mail
Devon SFS Operating, Inc-	2. Article Number (Copy from senting 1-1-1-7) 7001 1140	4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ 1 ☐ Yes
D 11 TO 750 700 000	20.5	eturn Receipt 102595-00-M-0952

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U.S. Postal Service		
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7,7	Print your name and address on the reverse so that we can return the card to you.	C. Signature
Seely WFP BBC	 Attach this card to the back of the mailpiece, or on the front if space permits. 	X Janley allon Addressee
WFC Postage \$ 3.00	1. Article Addressed to:	D. 1s delivery address different from item 1? If YES, enter delivery address below: No
n Certified Fee 2.30	<u> </u>	
Return Receipt Fee (Endorsement Required)	Kaiser Francis	
Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$ \$.60	Box 21468	3. Service Type
#	Tulsa, Oklahoma 74121-1468	Certified Mail
Kaiser Francis Box 21468		☐ Insured Mail ☐ C.O.D.
Tulsa Oklahoma 74121-	1	4. Restricted Delivery? (Extra Fee)
City, State, ZIP PS Form 3800.	2. Article Number (Copy from service	0 0002 5600 5752
	PS Form 3811, July 1999 Domestic Re	eturn Receipt 102595-00-M-0952
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Certified Fee 2.30	2	
Return Receiot Fee (Endorsement Required)	stmark	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees \$ 8,60		
McElvain Oil Company Street, Apt. No. Attn: David P. McElvain		
or PO Box No 14828 Pellbrook		
Addison, Texas 75240		
7 5 1 0111 3200,	SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
U.S. Postal Service CERTIFIED MAIL RECEIPT	■ Complete items 1, 2, and 3. Also complete	A. Received by (Please Print Clearly) B. Date of Delivery
(Domestic Mail Only; No Insurance Coverage	item 4 if Restricted Delivery is desired. Print your name and address on the reverse	10/28/02
	so that we can return the card to you. Attach this card to the back of the mailpiece,	C. Signafure
	or on the front if space permits.	D. Is delivery address different from item 1?
Seek WPP Stage \$ 4.65	Article Addressed to:	If YES, enter delivery address below: No
Certified Fee Z.30	M.El. i ou	l
Return Fece pt Fee (Endorsement Required)	McElvain Oil & Gas Ltd. 1050 7 th Street, Suite 1800	
(Endorsement Required)	Denver, Colorado 80265	3. Service Type S Certified Mail □ Express Mail
Total Postage & Fees \$3,000 SPS		Registered Return Receipt for Merchandise
McElvain Oil & Gas Ltd.		☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
or PO Box No. 1050 7 th Street, Suite 180		02 5601 1098
Denver, Colorado 80265 PS Form 3800,	PS Form 3811, July 1999 Domestic Ret	
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U.S. Postal Service CERTIFIED MAIL RECEIPT	SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Certified Fee Candidate Salt Lake City, Utah 84117		A. Received by (Please Print Clearly) B. Date of Delivery
PS Form 38 begreening.	2. Article Number (Copy frc 7001 1140 000	12 5601 1104
U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Pl Seely WFP Postage \$ 2.30 Return Fece pt Fee (Endorsement Required) Total Postage & Fees \$ 8.60 Sent To Roberta M. Regan Trust Street, Apt. Nor PO Box	Roberta M. Regan Trust Bank of America NA, Trustee P. O. Box 830308 Dallas, Texas 75283-0308	A. Received by (Please Print Clearly) B. Date of Delivery C. Signature X Addressee D. Is delivery address different from item 1?
U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage F See WFP Postage \$ 3.05 Certified Fee 2.30 Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$ 9.00 Sent To Rhombus Energy Street, Apt. No or PO Box No. City, State, ZIF PS Form 3804	 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: Rhombus Energy 200 N. Lorraine, Suite 1270 Midland, Texas 79701 2. Article Number (Copy from s 7001 1140 0 PS Form 3811, July 1999 Domestic Ret 	A. Received by (Please Print Clearly) C. Signature X

U.S. Postal Service	SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage	 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. 	A. Received by (Please Print Clearly) B. Date of Delivery 10 20 22 C. Signature X Muy Muu Addressee
See WEP Stage \$ 3.05 Return Raceist Fee (Endorsement Required) Return Raceist Fee (Endorsement Required)	1. Article Addressed to: Kenneth Smith 267 Smith Ranch Road	D. Is delivery addyless different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
Total Postage & Fees \$ 8.00 Sent To Kenneth Smith	Hobbs, NM 88240-8514	3. Service Type Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.
Street, Apt. No. or PO Box No. 267 Smith Ranch Road City, State, ZIP, Hobbs, NM 88240-8514	2. Article Number (Copy from sei 7001 1140	4. Restricted Delivery? (Extra Fee)
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