

Exh. 5



MODRALL SPERLING

LAWYERS

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

**TO: NOTICE OF THE HEARING OF THE FOLLOWING
NEW MEXICO OIL CONSERVATION DIVISION CASE:**

**RE: Application of Apache Corporation for approval, retroactively, for surface
commingling and an exception to the metering requirements of Division
Rule 19.15.12.10(C)(1) NMAC, Lea County, New Mexico.**

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Dear Interest Owner:

In accordance with a request by Apache Corporation, I am assisting with their efforts to obtain approval from the New Mexico Oil Conversation Division ("Division") for referenced case as set forth on the enclosed application. If you have any questions, please call Michelle Hansen, Apache Corporation, Midland Texas (432) 818-1093. It is Apache's belief that the application will allow these wells to produce longer and that the methods of allocation are fair and accurate.

As part of that approval process, I am required to send this notice to all interest owners. You are not required to attend this hearing, but failure to appear at the hearing and become a party of record will preclude you from challenging the matter at a later date. This referenced application will be heard by a Division Examiner on a docket scheduled to start at 8:15 am on January 24, 2013. The hearing will be held at the Division hearing room located in the Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe. New Mexico, 87505, (505) 476-3458.

As an interest owner who may be affected by this application, we are notifying you of your right to appear at the hearing and participate in this case, including the right to present evidence either in support of or in opposition to the application. Pursuant to Division Rule 1208.B, you are further notified that if you desire to appear in this case, then you are required to file a Pre-Hearing Statement with the Division not later than 5:00 PM on Thursday, January 17, 2013, with a copy delivered to the undersigned. This statement must include: the names of the parties and attorneys; a concise statement of your position in this case; the names of all witnesses you will call to testify at the hearing, the approximate time you will need to present your case and identification of any procedural matters that area to be resolve prior to the hearing.

Very truly yours,

Earl E. DeBrine, Jr.

Modrall Sperling
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