STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RÉSOURCES DEPARTMENT OIL CONSERVATION DIVISION

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION DIVISION FOR THE PURPOSE OF CONSIDERING:

APPLICATION OF COG OPERATING LLC FOR A NON-STANDARD SPACING AND PRORATION UNIT AND COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.

CASE NO. 14945

AFFIDAVIT

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

Michael H. Feldewert, attorney in fact and authorized representative of COG Operating LLC, the Applicant herein, being first duly sworn, upon oath, states that the above-referenced Application was provided under the notice letter and proof of receipt attached hereto.

Michael H. Feldewert

SUBSCRIBED AND SWORN to before me this 23rd day of January 2013 by Michael H.

Feldewert.

OFFICIAL SEAL
LISAMARIE ORTIZ
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires

Notary Public

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Exhibit No. 5
Submitted by:
COG OPERATING LLC
Hearing Date: January 24, 2013

OFFSETS:

Chevron U.S.A. Post Office Box 1635 Houston, Texas 77251 Harvey E. Yates Co. Post Office Box 1933 Roswell, New Mexico 88202 Explorers Petro Corp. Post Office Box 1933 Roswell, New Mexico 88202

Nadel & Gussman Capitan LLC 15 E. 5th Street, Suite 3200 Tulsa, Oklahoma 74103 Spiral Inc.
Post Office Box 1933
Roswell, New Mexico 88202

Mobil Prod TX & NM 12450 Greenspoint Drive Houston, Texas 77060

Saber Oil & Gas Ventures, LLC 400 W. Illinois, Suite 950 Midland, Texas 79701 Merit Energy Partners, LP 13727 Noel Road, #500 Dallas, Texas 75240 Merit Energy Partners III, LP 13727 Noel Road, #500 Dallas, Texas 75240

Merit Energy Partners VIII, LP 13727 Noel Road, #500 Dallas, Texas 75240 Merit Partners, LP 13727 Noel Road, #500 Dallas, Texas 75240 Chevron U.S.A. Inc. Post Office Box 2100 Houston, Texas 77252

Judah Oil LLC Post Office Box 568 Artesia, New Mexico 88210

GVC Ventures Post Office Box 1273 Lovington, New Mexico 88260 Tandem Energy Corporation 2700 Post Oak Blvd., Suite 1000 Houston, Texas 77056

Snow Oil & Gas, Inc. Post Office Box 1277 Andrews, Texas 79714

POOLED PARTIES:

Norton, LLC 60 Beach Avenue South Dartmouth, MA 02748

Larry Newell, Individually and as Executor of the Estate of Clay Newell 1401 Thomas Place Forth Worth, Texas 76107 Helen G. Newell 2202 Boyd Street Midland, Texas 79701

Yates Petroleum Corporation 105 South Fourth Street Artesia, New Mexico 88210 Larry Newell 1401 Thomas Place Fort Worth, Texas 76107

Kenneth L. Hewitt 127 Peachtree Street 14th Floor Candler Building Atlanta, Georgia 30303 S&C Construction, Inc. Post Office Box 1509 Whitefish, Montana 59937

SheerFive, LP 18822 Autumn Breeze Drive Spring, Texas 77379 Read & Stevens, Inc. Post Office Box 1518 Roswell, New Mexico 88202

James C. Johnson 9720-B Candelaria NE Albuquerque, N.M. 87112

Jack G. Roberts 5300 Hill N. Dale Drive Farmington, N.M. 87401 Prospector LLC Post Office Box 647 Artesia, New Mexico 88221

William C. Johns, M.D. and James S. Shortle, M.D. 717 Encino Place, NE, Suite 35 Albuquerque, N.M. 88221

Schultz Properties, LLC 100 N. Pennsylvania Roswell, New Mexico 88203 Tritex Energy A, LP 15455 Dallas Parkway, Suite 600 Addison, Texas 75001

NOTICE TO POOLED PARTIES ON 01/03/13:

Martha L. Roberts Revocable Trust, dated August 9, 2011, Martha L. Roberts, Trustee 3101 Castlerock Road, Villa 58 Oklahoma City, OK 73120-1861

Ann Johnson 13408 Summit Hills Place Albuquerque, N.M. 87112 Carol Johnson 1617 Valdez, N.E. Albuquerque, N.M. 87112



Michael H. Feldewert
Recognized Specialist in the Area of
Natural Resources - oil and gas law New Mexico Board of Legal Specialization
mfeldewert@hollandhart.com

January 3, 2013

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

TO: AFFECTED INTEREST OWNERS

Re: Application of COG Operating LLC for non-standard spacing and proration unit and compulsory pooling; Lea County, New Mexico - Warhawk 3 Federal Com #1H well (API #30-025-40635)

This letter is to advise you that COG Operating LLC has filed the enclosed application with the New Mexico Oil Conservation Division. As an interest owner subject to this pooling application, you are entitled to notice of this application.

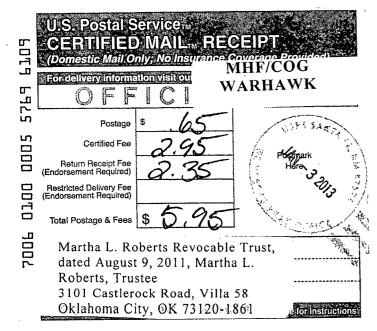
This application has been set for hearing before a Division Examiner at 8:15 a.m. on January 24, 2013. The hearing will be held in Porter Hall in the Oil Conservation Division's Santa Fe Offices located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. You are not required to attend this 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 four days in advance of a scheduled hearing. This statement must be filed at the Division's Santa Fe office at the above specified address and should 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.

Questions concerning this application should be directed to Caleb Hopson, Landman, at (432) 683-7443.

Sincerery

Michael H. Feldewert



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Roberts, Trustee 3101 Castlerock Road, Villa 58 Oklahoma City, OK 73120-1861	3. Service Type Certified Mail Registered Return Rec	ail eipt for Merchandise
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Ann Johnson 13408 Summit Hills Place	
Albuquerque, N.M. 87112	3. Service Type Certified Mail Registered Insured Mail C.O.D.
	4. Restricted Delivery? (Extra Fee)
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U.S. Postal Servicena CERTIFIED MAIL™ RECEIPT: 6123 (Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit of MHF/COG WARHAWK 5769 Postage 2000 Certified Fee Return Receipt Fee (Endorsement Required) 0700 Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$ 700F Carol Johnson 1617 Valdez, N.E. Albuquerque, N.M. 87112

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Carol Johnson 1617 Valdez, N.E.	D. Is delivery address different from item 1? Li Yes If YES, enter delivery address below: D No
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Michael H. Feldewert
Recognized Specialist in the Area of
Natural Resources - oil and gas law New Mexico Board of Legal Specialization
mfeldewert@hollandhart.com

December 28, 2012

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

TO: AFFECTED INTEREST OWNERS

Re: Application of COG Operating LLC for non-standard spacing and proration unit and compulsory pooling; Lea County, New Mexico - Warhawk 3 Federal Com #1H well (API #30-025-40635)

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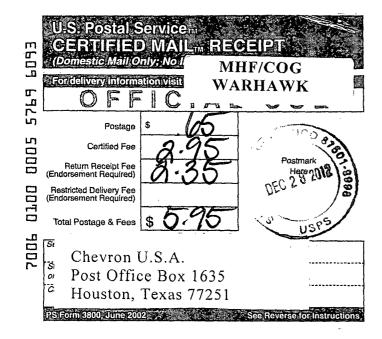
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Sincerely

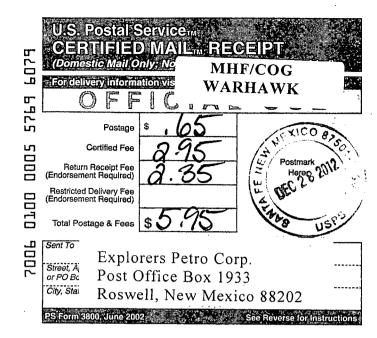
Michael H. Feldewert



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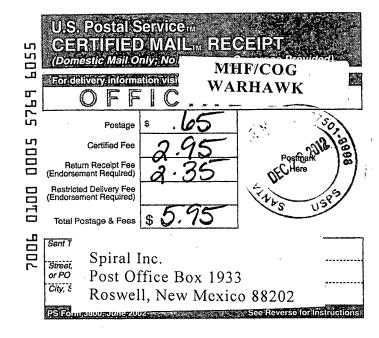
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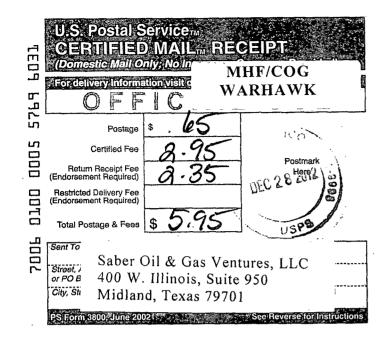
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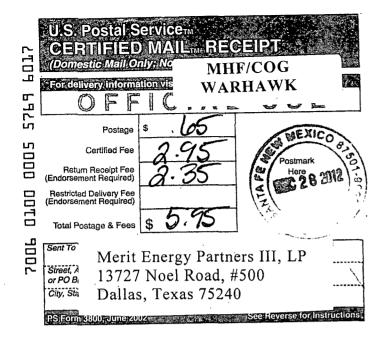
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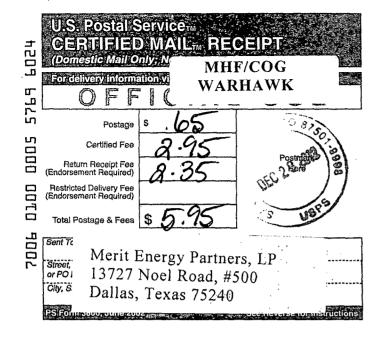
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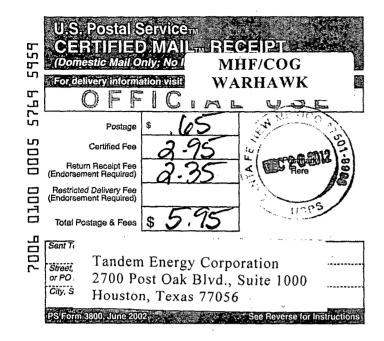
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Tandem Energy Corporation 2700 Post Oak Blvd., Suite 1000 Houston, Texas 77056		t for Merchandise
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Andrews, Texas 79714	3. Service Type Certified Mail Registered C.O.D. Service Type Express Mall C.O.D.		
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Michael H. Feldewert Recognized Specialist in the Area of Natural Resources - oil and gas law -New Mexico Board of Legal Specialization mfeldewert@hollandhart.com

December 28, 2012

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

TO: OFFSET OWNERS

Re: Application of COG Operating LLC for non-standard spacing and proration unit and compulsory pooling; Lea County, New Mexico - Warhawk 3 Federal Com #1H well (API #30-025-40635)

This letter is to advise you that COG Operating LLC has filed the enclosed application with the New Mexico Oil Conservation Division seeking an order creating a non-standard spacing unit comprised of the N/2 N/2 of Section 3, Township 19 South, Range 32 East, NMPM, Lea County, New Mexico. As a mineral lessee or operator in the offsetting properties, you are entitled to notice of this application.

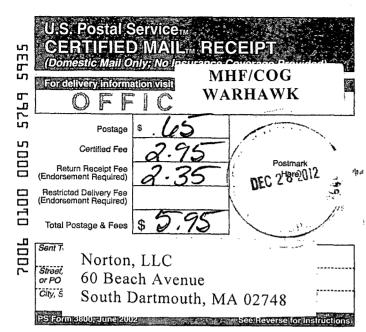
This application has been set for hearing before a Division Examiner at 8:15 AM on January 24, 2013. The hearing will be held in Porter Hall in the Oil Conservation Division's Santa Fe Offices located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. You are not required to attend this hearing, 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 with the Oil Conservation Division's Santa Fe office, four days in advance of a scheduled hearing, but at least on the Thursday preceding the 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.

Questions concerning this application should be directed to Caleb Hopson, Landman, at (432) 683-7443.

Sincerely.

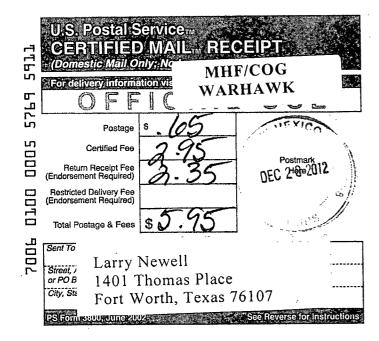
Michael H. Feldewert



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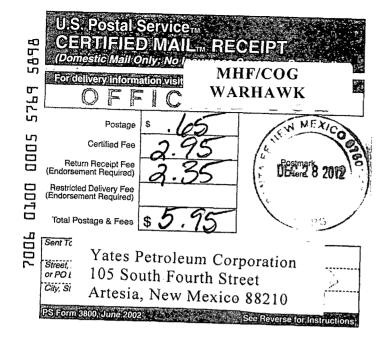




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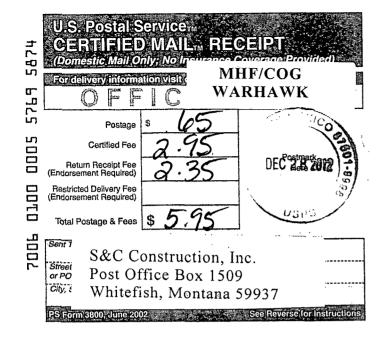
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Larry Newell 1401 Thomas Place Fort Worth, Texas 76107	3. Service Type Certified Mail
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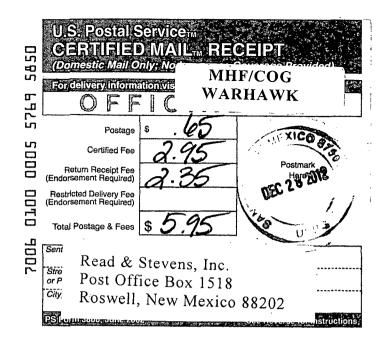
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S&C Construction, Inc. Post Office Box 1509 Whitefish, Montana 59937	3. Service Type Certified Mail Registered Return Receipt for Merchandise C.O.D.
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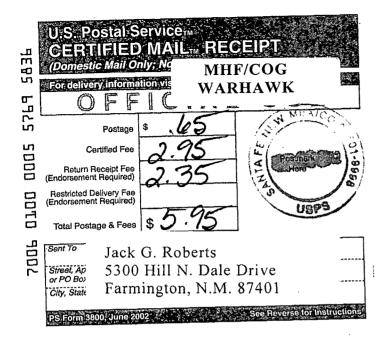
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18822 Autumn Breeze Drive Spring, Texas 77379	
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read & Stevens, Inc. Post Office Box 1518	D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No
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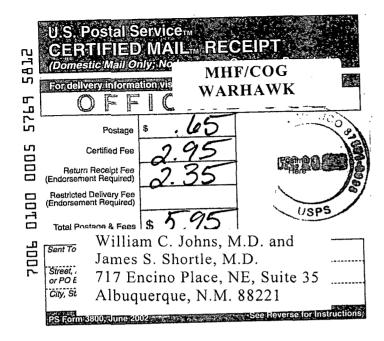




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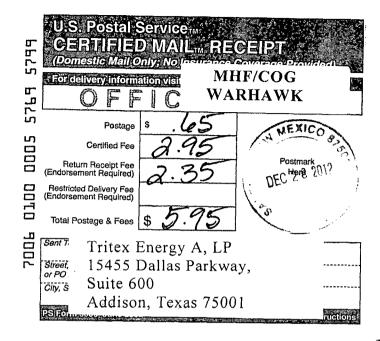
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Toolin, and Moxico Gozog	3. Service Type Certified Mail Registered Insured Mail C.O.D.	
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Tritex Energy A, LP 15455 Dallas Parkway, Suite 600	
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