STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION COMMISSION

APPLICATION OF ENCANA OIL & GAS (USA) INC. FOR APPROVAL OF A UNIT AGREEMENT AND AN EXCEPTION TO THE WELL LOCATION REQUIREMENTS SET FORTH IN THE SPECIAL RULES FOR THE COUNSELORS GALLUP-DAKOTA AND BASIN MANCOS GAS POOLS, SANDOVAL COUNTY, NEW MEXICO.

CASE NO.14987

AFFIDAVIT

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

Michael H. Feldewert, attorney in fact and authorized representative of Encana Oil & Gas (USA) Inc., the Applicant herein, being first duly sworn, upon oath, states that the abovereferenced Application was provided under the notice letter and proof-of receipt attached hereto.

Michael H. Feldewert

SUBSCRIBED AND SWORN to before me this 15th day of May 2013 by Michael H.

Feldewert.



OFFICIAL SEAL LISAMARIE ORTIZ NOTARY PUBLIC-STATE OF NEW MEXICO My commission expires 01/14/15

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BEFORE THE OIL CONSERVATION DIVISION Santa Fe, New Mexico Exhibit No. 5 Submitted by: <u>ENCANA OIL & GAS (USA) INC.</u> Hearing Date: <u>May 16, 2013</u>



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

April 26, 2013

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

TO AFFECTED PARTIES

Re: APPLICATION OF ENCANA OIL & GAS (USA) INC. FOR APPROVAL OF A UNIT AGREEMENT AND AN EXCEPTION TO THE WELL LOCATION REQUIREMENTS SET FORTH IN THE SPECIAL RULES FOR THE COUNSELORS GALLUP-DAKOTA AND BASIN MANCOS GAS POOLS, SANDOVAL COUNTY, NEW MEXICO.

Ladies and Gentlemen:

This letter is to advise you that Encana Oil & Gas (USA) Inc. has filed the enclosed application with the New Mexico Oil Conservation Division and requested that this matter be scheduled for hearing before an Examiner on May 16, 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 desiring to appear in this case are required by Division Rule 19.15.4.13 NMAC to file a pre-hearing statement on or before 5 p.m. on the Thursday preceding the scheduled hearing date. The prehearing statement must be filed at the Division's Santa Fe office at the above specified address and an additional copy provided to my office. The prehearing statement must include: the names of the party and its attorneys; a concise statement of the party's position in the matter; 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.

Holland & Hart LLP Phone (505) 988-4421 Fax (505) 983-6043 www.hollandhart.com T10 North Guadalupe Suite 1 Santa Fe, NM 87501 Mailling Address PO.Box 2208 Santa Fe, NM 87504-2208 Aspen Billings Boise Boulder Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Salt Lake City Santa Fe Washington, D.C.



If you have any questions about this matter, please contact the following Encana representative: B. Wade McCool, Land Negotiator, San Juan Basin, Encana Oil & Gas (USA) Inc., 370 17th Street, Suite 1700, Denver, Colorado 80202, (720) 876-5965, Cell: (918) 521-6654, Fax: (720) 876-6965, Billy.McCool@encana.com.

Sincerely,



Michael H. Feldewert ATTORNEY FOR ENCANA OIL & GAS USA, INC. Notice List QEP Energy Company Independence Plaza 1050 17th Street, Suite 500 Denver, CO 80265

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Dugan Production Corporation 709 East Murray Drive Farmington, NM 87401

James Fullerton 1468 South Macon Street Aurora, CO 80012

EOG Resources Inc. 333 Clay St. #4200 Houston, TX 77002

Westway Petro 500 North Akard Street Dallas, TX 75201-3394

Logos Resources, LLC 919 Milam, Suite 2300 Houston, TX 77002

Logos Resources, LLC c/o Consolidated Asset Management Services 1100 Louisiana Streer, Suite 5050 Houston, TX 77002 Herman M. Walters 2507 Schofield Lane Farmington, NM 87401

Joan Ellsaessor Personal Representive of the Estate of Merle Ellsaesser 2100 E. Blanco Blvd. #86 Bloomfield, NM 87413

Lorna Harvey PO Box 968 or 1690 Ruby Lee Drive Fruita, CO 81521

Elm Ridge Exploration Company, LLC 12225 Greenville Avenue, Suite 950 Dallas, TX 75243-9362

WPX Energy Production, LLC One Williams Center Suite 4400 Tulsa, OK 74172

JMJ Land and Minerals Company 2204 North Santiago Avenue Farmington, NM 87401

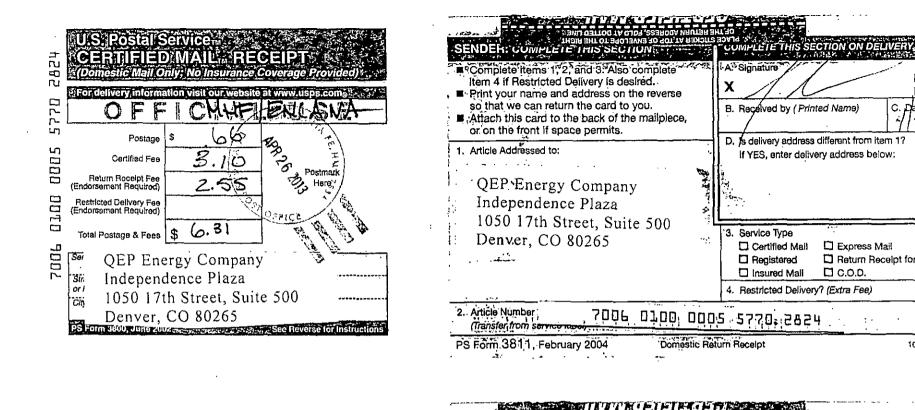
Jicarilla Oil & Gas Administration Attn: Isaac Julian Sr. P.O. Box 146 Dulce, NM 87528 Bannon Energy Inc. 3934 FM 1960 West, Suite 200 Houston, TX 77068

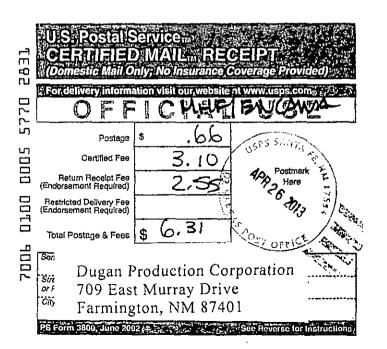
Stevens & Co Inc. P.O. Box 278 Roswell, NM 88201

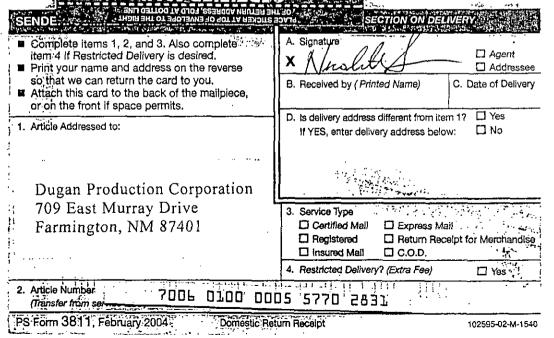
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Read & Stevens Inc. P.O. Box 1518 Roswell, NM 88202







🗖 Agent

Date of Delivery

29113

T Yes

🖾 No

□ Yes

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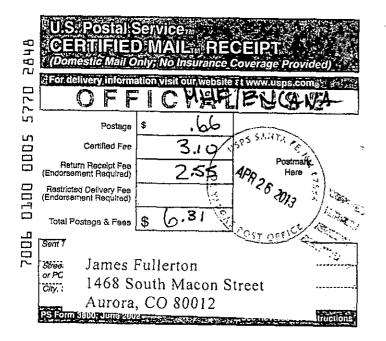
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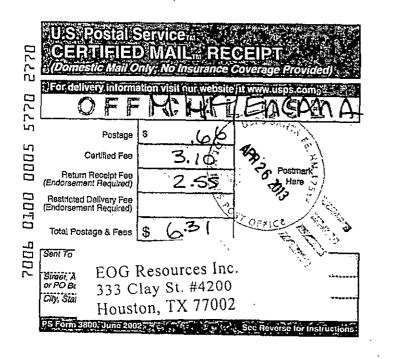
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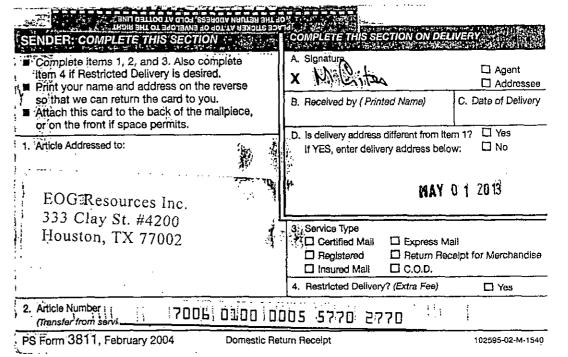
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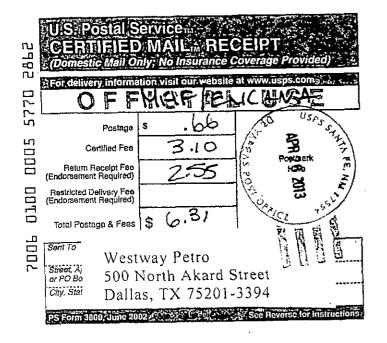
C.O.D.

Addressee

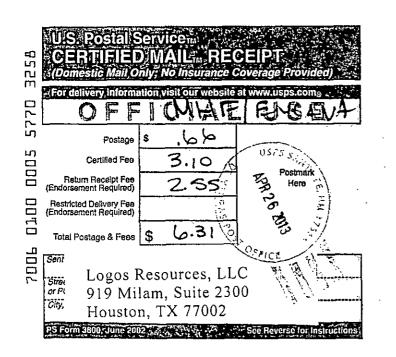


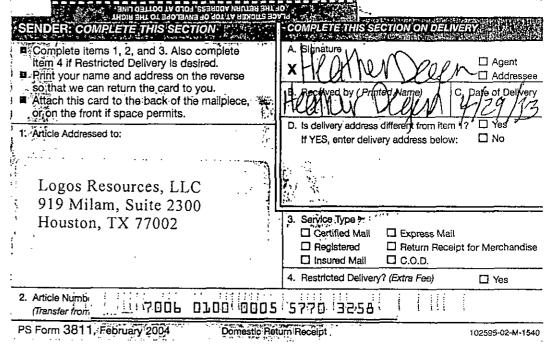




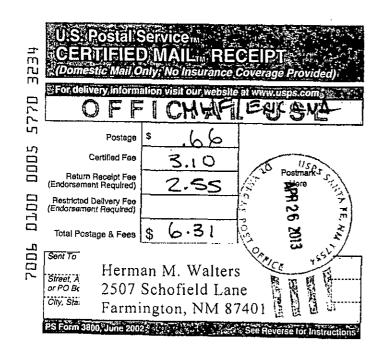


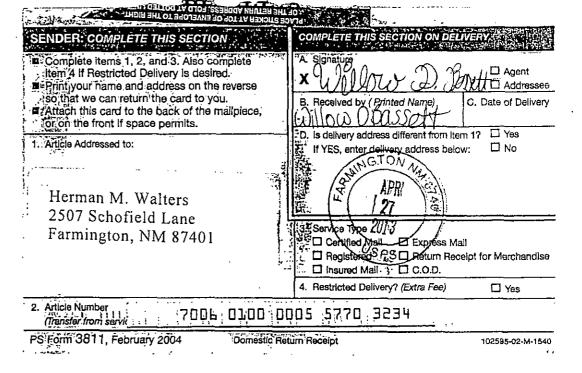












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