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

IN THE MATTER OF THE APPLICATION
OF COG OPERATING LLC FOR A NON-STANDARD
SPACING AND PRORATION UNIT, A NON-STANDARD
120-ACRE PROJECT AREA, AND COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO

CASE NO. 14998

AFFIDAVIT

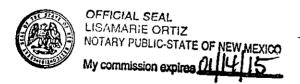
STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

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 21Sst day of August 2013 by Michael

H. Feldewert.



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

Hearing Date: August 22, 2013

AMENDED NOTICE LIST Dogfish Head State #4H 08/02/13

POOLED PARTIES:

La Palma Associates, LLC 7500 Viscount Suite #108, El Paso, TX 79925

Clifford Morris Randel Post Office Box 821011 North Richland Hills, TX 76182 JPMorgan Chase & Co., Successor to Texas Commerce Bank N.A., Trustee of the Wilma Donohue Moleen Foundation P.O. Drawer 140 El Paso, TX 79980

OFFSETS:

J. Cleo Thompson and James Cleo Thompson, Jr. LP 325 N. St. Paul, Ste. 4300 Dallas, TX 75201

Cross Border Resources, Inc. c/o Red Mountain Resources, Inc. 2515 McKinney Avenue Suite 900 Dallas, TX 75201 Attn: Robert Wilson

Anne B. Windfohr 801 Cherry Street, #1500 Ft Worth, TX 76102

ABO Petroleum Corporation 105 S. 4th Street Artesia, NM 88210 Apache Corp.
303 Veterans Airpark Ln #600,
Midland, Texas 79705
Attn: Chris Lanning

EOG Resources, Inc. P. O. Box 2267 Midland, TX 79702

MYCO Industries Inc. 423 W Main St. Artesia, NM 88210

New Mexico State Land Office Post Office Box 1148 Santa Fe, New Mexico 87504 Chisos, Ltd. 670 Dona Ana Rd. SW Deming, NM 88030

Anne Burnett Tandy Estate 801 Cherry Street, #1500 Ft Worth, TX 76102

OXY Y-1 Company 105 S. Fourth Artesia, NM 88210



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

August 1, 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; Eddy County, New Mexico Dogfish Head State 3H Well

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 August 22, 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 Brandon Gaynor at Concho Resources, Inc. (432) 221-0308.

Sincerely

Michael H. Feldewer



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

August 1, 2013

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

TO: OFFSET OWNERS

Re: Application of COG Operating LLC for non-standard spacing and proration

unit and compulsory pooling; Eddy County, New Mexico

Dogfish Head State 3H Well

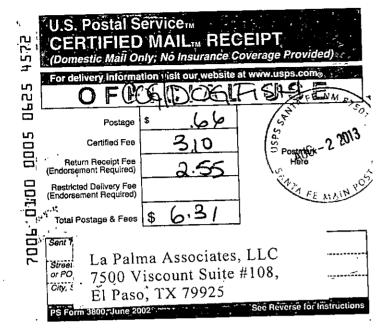
This letter is to advise you that COG Operating LLC has filed the enclosed application with the New Mexico Oil Conservation Division seeking an order creating a non-standard spacing unit comprised of the S/2 N/2 of Section 2, Township 17 South, Range 30 East, NMPM, Eddy County, New Mexico. As a mineral 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 August 22, 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.

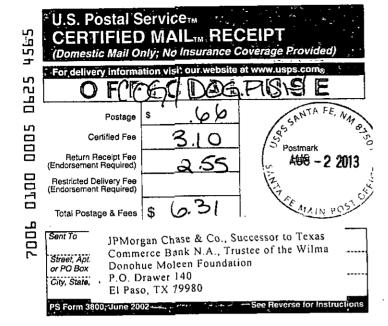
Questions concerning this application should be directed to Katie Mohebkhosravi, at Concho Resources, Inc. (432) 221-0333.

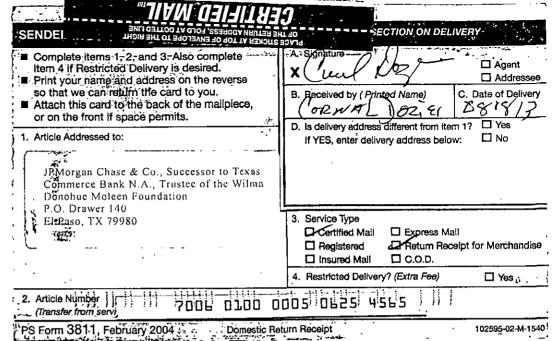
Michael H. Feldewert



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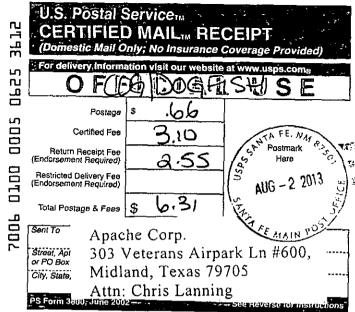
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☐ Agent

C. Date of Delivery

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- □ Addressee

A. Signature

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For delivery information visit our website at www.usps.coms O COS DOGATE SHIPS E Postage \$ 3.10 Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$ 3.31 Sent To EOG Resources, Inc. Street, or PO: P. O. Box 2267 City, S. Midland, TX 79702	4 5 8 FJ	U.S. Postal Service _{TM} CERTIFIED MAIL _{TM} REC (Domestic Mail Only; No Insurance Co	verage Provided)
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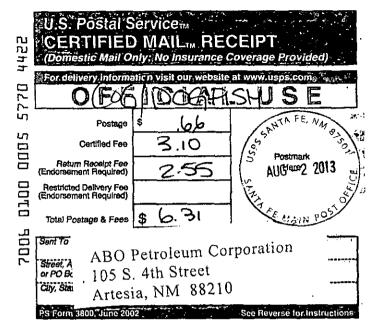
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