

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

**CASE NO: 14472**

**EXHIBIT**

**5**



April 5, 2010

New Mexico Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, NM 87505  
Attention: Daniel Sanchez

**Re: Dow "B" 28 Federal #1  
API No. 3001528676  
Section 28, T17S-R31E  
Eddy County, New Mexico**

Dear Mr. Sanchez:

Per our discussions concerning the above captioned well, please be advised that COG Operating LLC will be filing an application with the NMOCD to assume operatorship of said well and convert the well to Salt Water Disposal status. We had discussions with David Brooks and Gail Macquesten last week regarding this well and our intentions to assume operatorship. Mr. Brooks advised that we should file an application for a hearing to attempt to accomplish this. We will simultaneously file an application for a SWD easement with the BLM for the well.

As we have discussed, the captioned well is on a list of wells to be plugged and abandoned by the Division as a result of Yeso Energy's failure to comply with certain orders issued by the Division. Given the circumstances, COG Operating LLC requests the plugging and abandonment of the captioned well be suspended until such time that our application may be heard by the Division.

If you have any questions, please advise.

Sincerley,  
COG Operating LLC

Brent Robertson  
Senior Landman  
CPL

Br/  
Cc: Scott Hall

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