STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES 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, EDDY COUNTY, NEW MEXICO.

CASE NO. 14794

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 14th day of March 2012 by

Michael H. Feldewert.



Notary Public

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Exhibit No. 5A
Submitted by:
COG OPERATING LLC
Hearing Date: March 15, 2012



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 27, 2011

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

AFFECTED INTEREST OWNERS:

Re: Application of COG OPERATING, LLC for A Non-Standard Spacing and

Proration Unit and Compulsory Pooling, Eddy County, New Mexico.

Falabella "31" Fee Well No. 1H

Ladies and Gentlemen:

This letter is to advise you that COG Operating, LLC, has filed the enclosed application with the New Mexico Oil Conservation Division. This application will be set for hearing before a Division Examiner at 8:15 a.m. on January 19, 2012. 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.

Sincerely,

Michael H. Feldewert

MHF Enclosure

EXHIBIT A FALABELLA "31" FEE WELL NO. 1H

POOLED PARTIES:

Cimarex 600 North Marienfeld Street Suite 600

Midland, Texas 79701

Oxy Y-1 6 Desta Drive Midland, Texas 79705

Tex Zia Properties P.O. Box 261427 Plano, Texas 75026

John A. Yates 105 S. Fourth Street Artesia, N.M. 88210 Abo Petroleum Corporation 105 S. 4th Street Artesia, New Mexico 88210

National Bank of Commerce Trust; David E. Asche, Trustee and Blanch Widaman Trust Post Office Box 82408 Lincoln, NE 68501

Yates Petroleum Company 105 S Fourth Street Artesia, N.M. 88210

Oxy Y-1 5 Greenway Plaza, Suite 110 Houston, Texas 77046-0521

Myco Industries 425 West Main Street Artesia, New Mexico 88210

Elk Oil Company Box 310 Roswell, New Mexico 88202

Sharbro Oil Ltd. Co. Post Office Box 840 Artesia, N.M. 88210

ADDITIONAL OFFSETTING LESSEES:

Yates Petroleum Co. 105 South Fourth Street Artesia, New Mexico 88210

Sharbro Oil Ltd. Co. Post Office Box 840 Artesia, New Mexico 88210 John A. Yates 105 South Fourth Street Artesia, New Mexico 88210

Oxy Y-1 5 Greenway Plaza, Suite 110 Houston, Texas 77046

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PS Form 3811, February 2004 (Transfer from service label)

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If YES, enter delivery address below:

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Lincoln, NE:68501 Post Office Box 82408

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turn Receipt 102595-02-M-1540	7006, 2760, 10001, 16379, 8969	4. Restricted Delivery? (Extra Fee)	3. Service Type Contified Mall Registered Registered C.O.D.		If YES, enter delivery address below:	A. Signature B. Received by (Printed Name) B. Received by (Printed Name) C. Date of Delivery (2/50/20) (1/50/20) (2/50/20)

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PS Form 3811, February 2004

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PS Form 3811, February 2004

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PS Form 3811, February 2004

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FALABELLA "31" FEE COG OPERATING LL #1H & 4H HEARING

Lakewood Area - Eddy County, New Mexico

