

EXHIBIT 5

Case #10969
NMOCD Examiner Hearing
May 12, 1994
Merrion Oil & Gas

Affidavit

This application has been sent by certified mail to the following parties:

- 1.) Meridian Oil, Inc.
P. O. Box 4289
Farmington, NM 87499-4289
- 2.) Cinco General Partnership
P. O. Box 451
Albuquerque, NM 87103

Signed: *George F. Sharpe*

Date: 5-9-94

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
 §
COUNTY OF SAN JUAN)

The foregoing instrument was acknowledged before me this 9th of April, 1994, by George F. Sharpe.

My commission expires:
July 22 1995

Pamela L. Mason
Notary Public

MERRION OIL & GAS CORPORATION

610 REILLY AVE. • P. O. Box 840
FARMINGTON, NEW MEXICO 87499

April 18, 1994

Meridian Oil, Inc.
P. O. Box 4289
Farmington, New Mexico 87499Certified Mail
P 863 188 200Re: Application for Unorthodox Gas Well Location
Gerber #2, Basin Fruitland Coal Pool
W/2 Sec. 32, T30N, R7W
Rio Arriba County, New Mexico

Dear Sirs:

Merrion is proposing to drill a Basin Fruitland Coal well on a standup 320 in the W/2 of Sec. 32, T30N, R7W. For geologic reasons, we are asking the state to approve an unorthodox location in the northwest quarter of the section. Enclosed is a copy of the application. This matter has been placed on the Examiner Hearing Docket for May 12, 1994 in Santa Fe.

You have been identified as a party entitled to receive actual written notification of the filing of this application and the date set for its hearing before the New Mexico Oil Conservation Division. In accordance with the rules and regulations of the New Mexico Oil Conservation Division you are entitled to appear at the hearing to present testimony and submit evidence in support of your position regarding the merits of the application. In the event you desire to appear at the hearing to present testimony and evidence, please be advised that the New Mexico Oil Conservation Division requires that you file a Pre-Hearing Statement by 4:00 p.m. on the Friday preceding the hearing date.

Please give me a call at (505) 327-9801 with any questions.

Sincerely,

MERRION OIL & GAS CORPORATION

George F. Sharpe
Manager - Oil & Gas Investments

xc: Well File, Tommy Roberts, Cinco General Partnership

MERRION OIL & GAS CORPORATION

610 REILLY AVE. • P. O. Box 840
FARMINGTON, NEW MEXICO 87499

April 18, 1994

Cinco General Partnership
P. O. Box 451
Albuquerque, New Mexico 87103

Certified Mail
P 863 188 201

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W/2 Sec. 32, T30N, R7W
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George F. Sharpe
Manager - Oil & Gas Investments

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<p>Additional services:</p> <p>Reverse of this form so that we can return the article to you on the mailpiece, or on the back if space is available.</p> <p>When "insured" is requested on the mailpiece below the article number, the carrier will insure the article to whom the article was delivered and the date delivered.</p>		<p>Additional services (also check if you receive the following services as an extra fee):</p> <p>2. <input checked="" type="checkbox"/> Restricted Delivery Consult postmaster for fee.</p>	
<p>3a. Article Addressed to:</p> <p><i>William C. Cul</i> <i>P.O. Box 4289</i> <i>Clarmington NM 87499</i></p>		<p>4a. Article Number <i>P 803 188 200</i></p>	
<p>5. Signature (Addressee)</p>		<p>4b. Service Type</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured</p> <p><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD</p> <p><input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p>	
<p>6. Signature (Agent)</p>		<p>7. Date of Delivery <i>4-20-94</i></p>	
<p>8. Addressee's Address (Only if requested and fee is paid)</p>		<p>8. Addressee's Address (Only if requested and fee is paid)</p> <p><i>Harber 2</i></p>	

PS Form 3811, December 1991 U.S. GPO: 1993-362-714 **DOMESTIC RETURN RECEIPT**

<p>Additional services:</p> <p>Reverse of this form so that we can return the article to you on the mailpiece, or on the back if space is available.</p> <p>When "insured" is requested on the mailpiece below the article number, the carrier will insure the article to whom the article was delivered and the date delivered.</p>		<p>Additional services (also check if you receive the following services as an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address</p> <p>2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.</p>	
<p>3a. Article Addressed to:</p> <p><i>Cinco General Partnership</i> <i>P.O. Box 451</i> <i>Albuquerque, NM 87103</i></p>		<p>4a. Article Number <i>P 863 188 201</i></p>	
<p>5. Signature (Addressee)</p>		<p>4b. Service Type</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured</p> <p><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD</p> <p><input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p>	
<p>6. Signature (Agent)</p>		<p>7. Date of Delivery</p>	
<p>8. Addressee's Address (Only if requested and fee is paid)</p>		<p>8. Addressee's Address (Only if requested and fee is paid)</p> <p><i>Harber 2</i></p>	

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