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. 14880

AFFIDAVIT

) ss.

STATE OF NEW MEXICO COUNTY OF SANTA FE

Adam G. Rankin, 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.

Adam G. Rankin

SUBSCRIBED AND SWORN to before this 25th day of July 2012 by Adam G.

Notary Public

My Commission Expires

BEFORE THE OIL CONSERVATION DIVISION Santa Fe, New Mexico Exhibit No. 5 Submitted by: <u>COG OPERATING LLC</u> Hearing Date: July 25, 2012 HOLLAND&HART.

Adam G. Rankin arankin@hollandhart.com

June 22, 2012

<u>VIA CERTIFIED MAIL</u> Return Receipt Requested

TO: AFFECTED INTEREST OWNERS

Re: Application of COG Operating LLC for a non-standard spacing and proration unit and compulsory pooling, Eddy County, New Mexico. Falcon 28 1H Well

This letter is to advise you that COG Operating LLC has filed the enclosed application with the New Mexico Oil Conservation Division. This application has been set for hearing before a Division Examiner at 8:15 a.m. on July 12, 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.

Questions concerning this application should be directed to Lisa Eggemeyer at (432) 686-3011.

Adam G. Rankin ATTORNEY FOR COG OPERATING LLC Ram Energy, Inc. 5100 East Skelly Drive, Suite 650 Tulsa, OK 742135

Lew Ann Ltd. P.O. Box 700270 Tulsa, OK 74152-1057

BK Exploration Corporation 10159 East 11th Street, Suite 401 Tulsa, OK 74128-3028

Milton Wessels P.O. Box 90717 Houston, Texas 77090

Maurice F. Nutt P.O. Box 669 Fulton, Texas 78358

Joyce Jeragin 228 Beth Lane Channelview, Texas 77530

Carol J. McGlothing 15745 Lakeway Drive Willis, Texas 77318

Milton Wessels PO Box 90717 Houston, Texas 77090

Maurice F. Nutt PO Box 669 Fulton, Texas 78358

EXHIBIT A COG OPERATING LLC FALCON 28 1H WELL

Vicki Jo Cox, Trustee of the Vicki J. Cox Revocable Trust 3205 West Atlanta Court Broken Arrow, OK 74102

Parthenon Trading Company P.O. Box 521057 Tulsa, OK 74170-0270

Chevron USA Inc. PO Box 4538 Houston, Texas 77210

Ruth Wessels 4641 Hakel Corpus Christi, Texas 78415

Marilyn J. Nicholson 9603 Jan Glen Lane Spring, Texas 77379

Ronald A. Carroll P.O. Box 218449 Houston, Texas 77218

Oil and Water Donditioners, Inc. 505 North Big Spring, Suite 502 Midland, Texas 79702

Ruth Wessels 4641 Hakel Corpus Christi, Texas 78415

Marilyn J. Nicholson 9603 Jan Glen Lane Spring, Texas 77379 Jones County Minerals, Inc. 1924 South Utica, Suite 1010 Tulsa, OK 74104

Southwest Petroleum Corporation PO Box 25623 Overland Park, KS 66225-5623

Energrowth 505 North Big Spring Street, Suite 502 Midland, Texas 79701

C.L. Wes Wessels P.O. Box 2299 Conroe, Texas 77305

Herman J. Knodel 9906 Mountain Quail Austin, Texas 78758

John R. Bryant 911 West Silver Hobbs, NM 88240

Energrowth 505 North Big Spring Street, Suite 502 Midland, Texas 79701

Victor F. Onsurez 531 South 2nd Street Loving, NM 88256

John Morris PO Box 2136 Carlsbad, NM 88220

Michael Markl 701 Live Oak Cedar Park, Texas 78613

Joyce Jeragin 228 Beth Lane Channelview, Texas 77530

Energrowth 505 North Big Spring Street, Suite 502 Midland, Texas 79701

C.L. Wes Wessels PO Box 2299 Conroe, Texas 77305

Marilyn J. Nicholson 9603 Jan Glen Lane Spring, Texas 77379

L&M Enterprises 206 Atlantic St. Roseville, CA 95678

Ronald A. Carroll PO Box 218449 Houston, Texas 77218

Oil and Water Donditioners, Inc. 505 North Big Spring, Suite 502 Midland, Texas 79702

Estate of Robert J. Jones, Dec'd Larry A. Jones, Executor of Estate Route 1, Box 29 Central City, NE 68826

EXHIBIT A COG OPERATING LLC FALCON 28 1H WELL

L&M Enterprises 206 Atlantic St. Roseville, CA 95678

John R. Bryant 911 West Silver Hobbs, NM 88240

Milton Wessels PO Box 90717 Houston, Texas 77090

Victor F. Onsurez 531 South 2nd Street Loving, NM 88256

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Herman J. Knodel 9906 Mountain Quail Austin, Texas 78758

Carol J. McGlothing 15745 Lakeway Drive Willis, Texas 77318

BTA Oil Producers LLC 104 South Pecos Midland, Texas 79701 Herman J. Knodel 9906 Mountain Quail Austin, Texas 78758

Oil and Water Donditioners, Inc. 505 North Big Spring, Suite 502 Midland, Texas 79702

Ruth Wessels 4641 Hakel Corpus Christi, Texas 78415

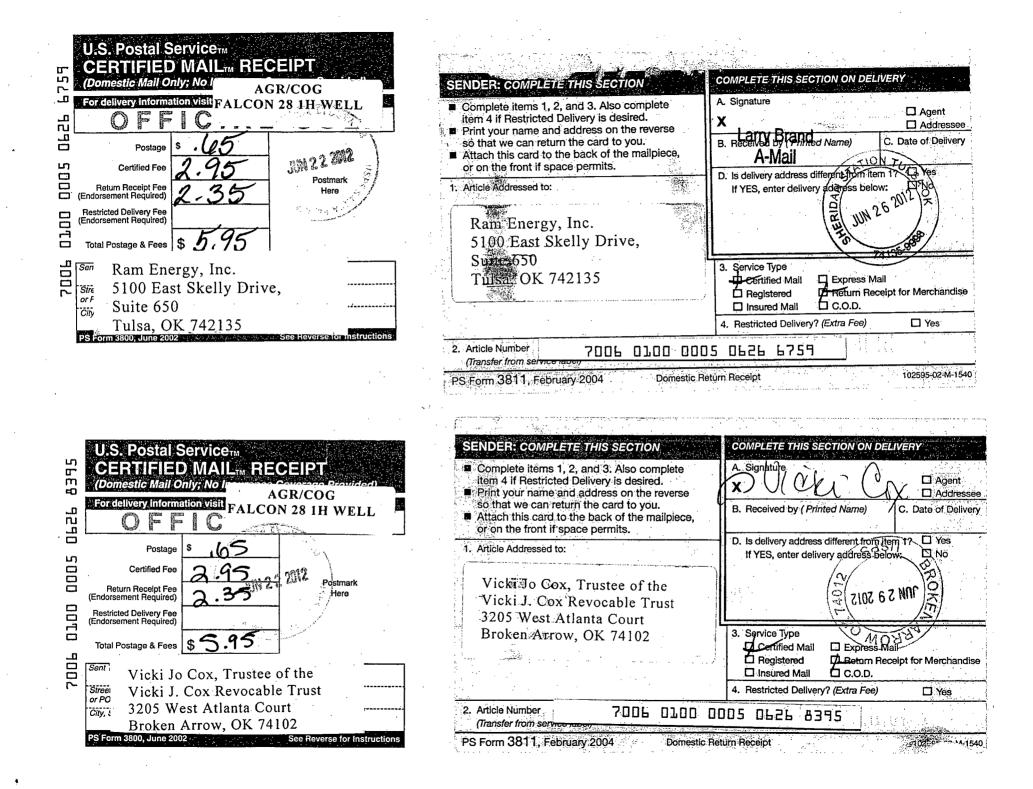
Maurice F. Nutt PO Box 669 Fulton, Texas 78358

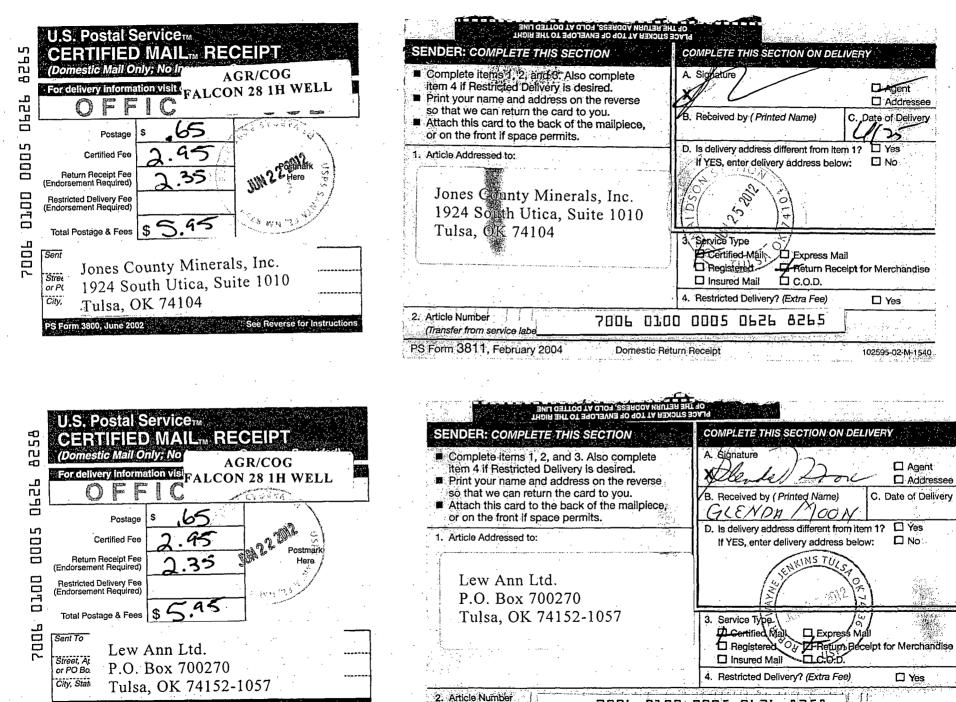
Michael Markl 701 Live Oak Cedar Park, Texas 78613

Joyce Jeragin 228 Beth Lane Channelview, Texas 77530

John R. Bryant 911 West Silver Hobbs, NM 88240

BTA Oil Producers LLC 104 South Pecos Midland, Texas 79701





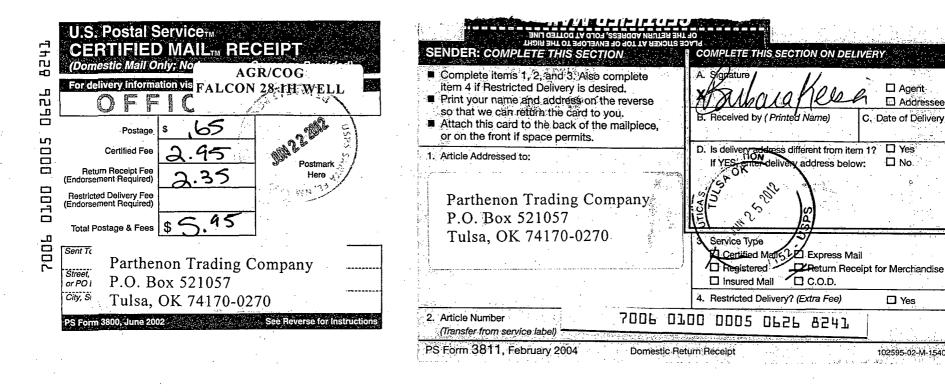
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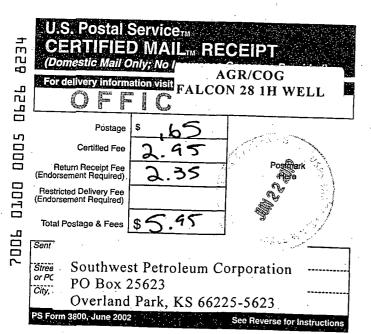
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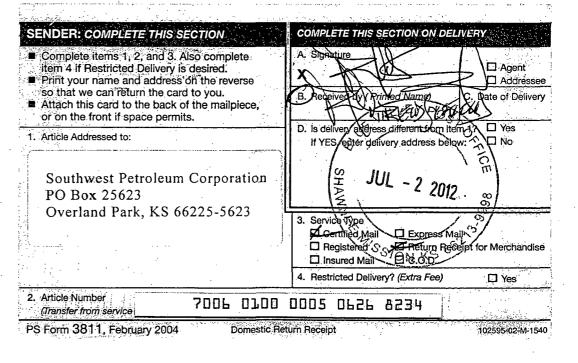
Domestic Return Receipt

PS Form 3800, June 2002 See Reverse for Instructions

102595-02-M-1540







C Agent

Date of Delivery

□ Yes

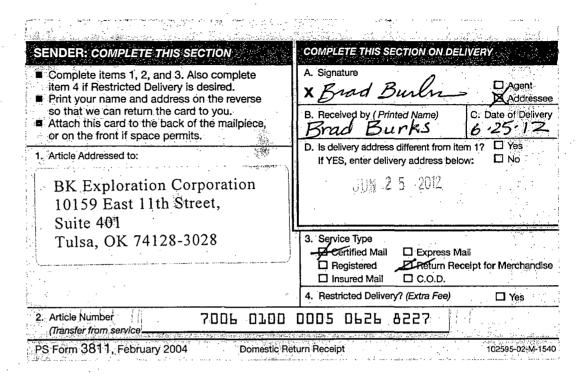
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Addressee

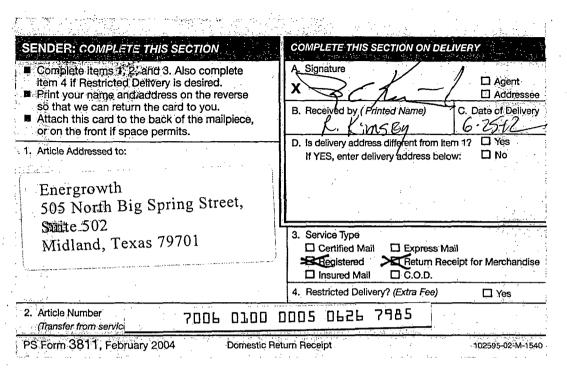


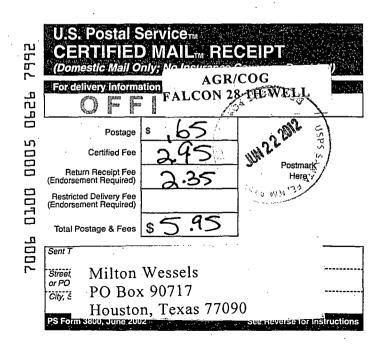




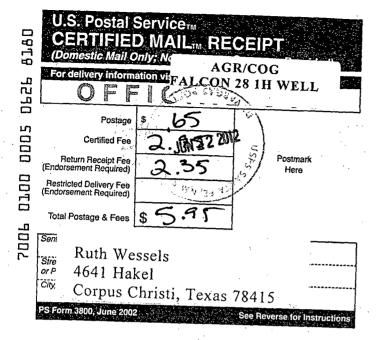
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Chevron USA Inc. PO Box 4538	
Houston, Texas 77210	3. Service Type 4 Oertified Mail. C.O.D.
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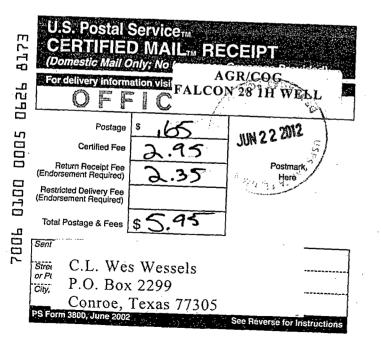


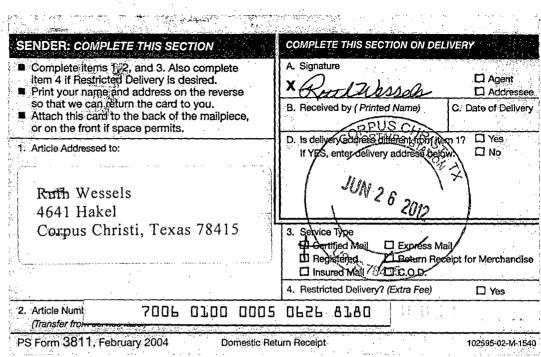


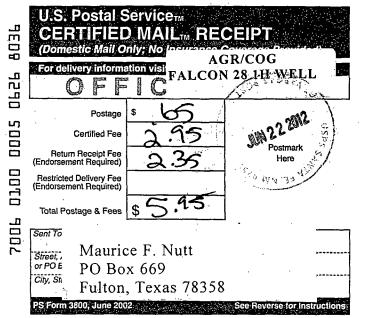










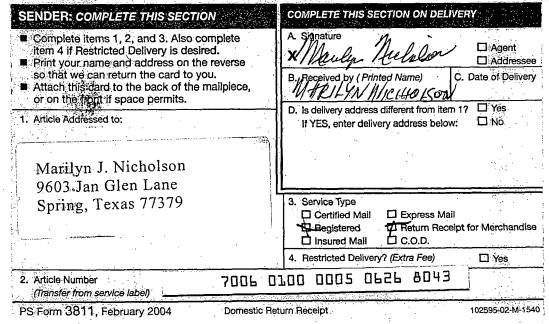


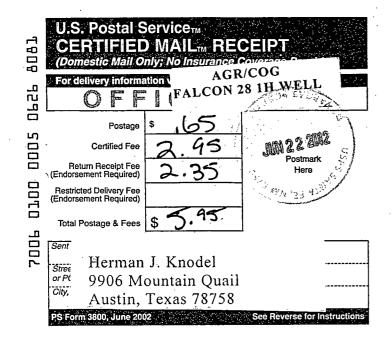
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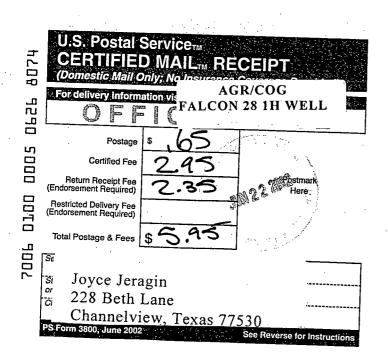
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See Reverse for Instructions

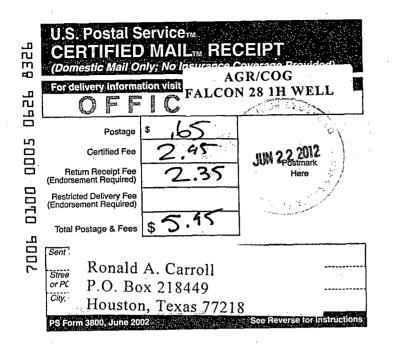
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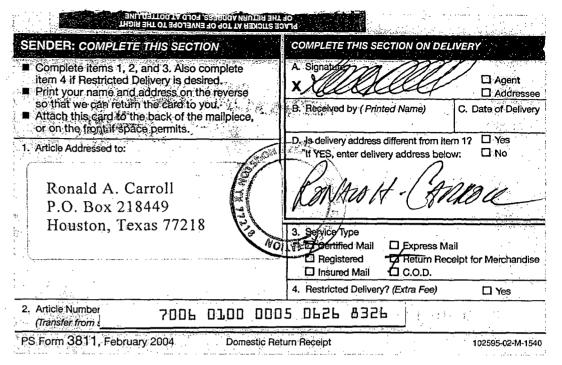


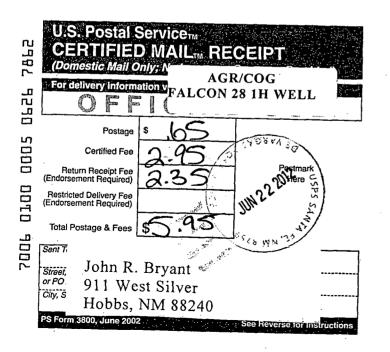




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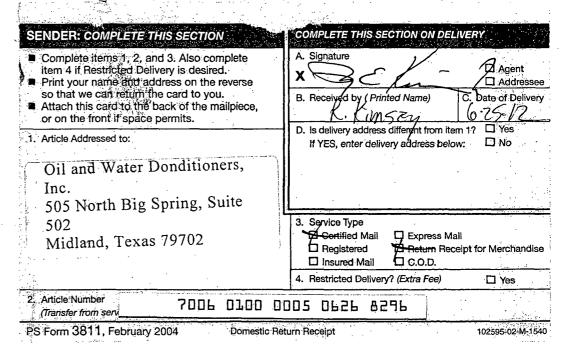


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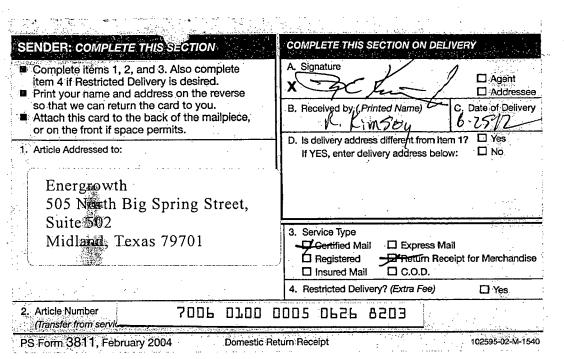


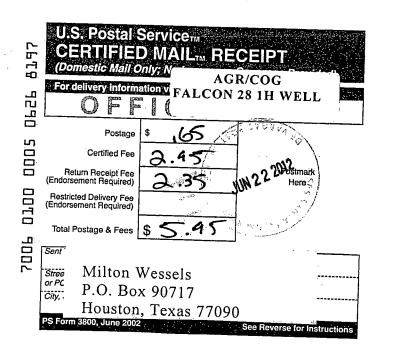




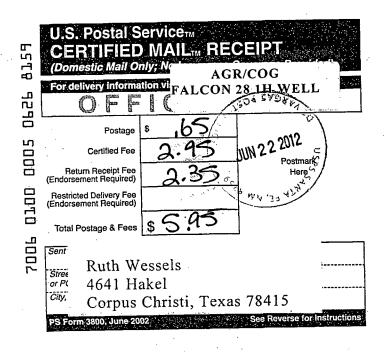


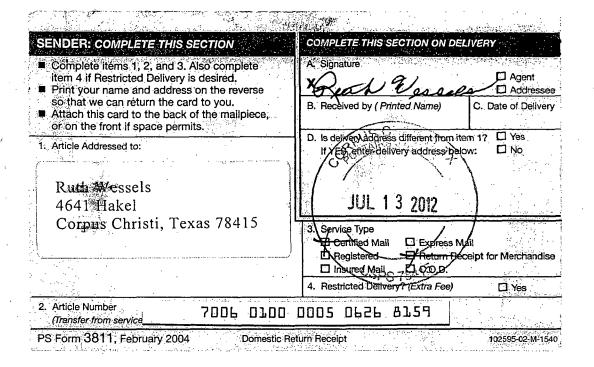






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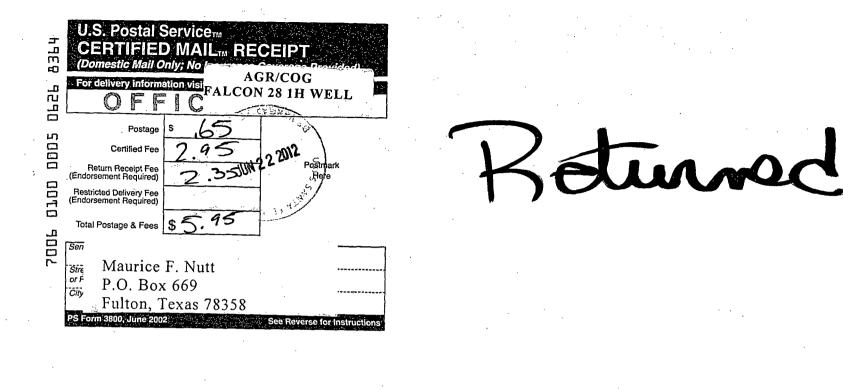


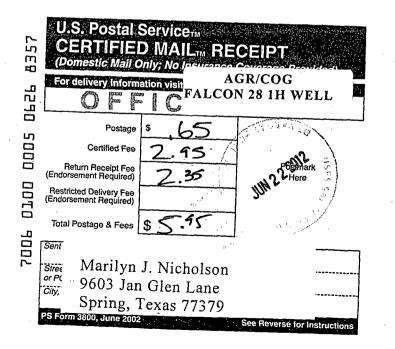




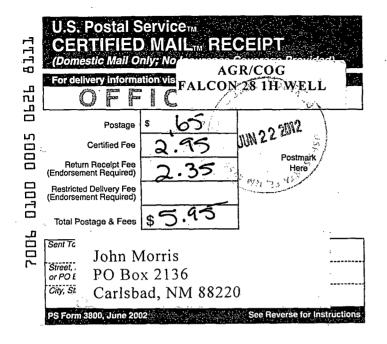
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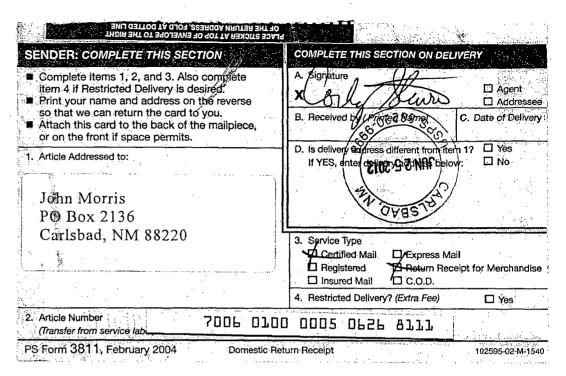
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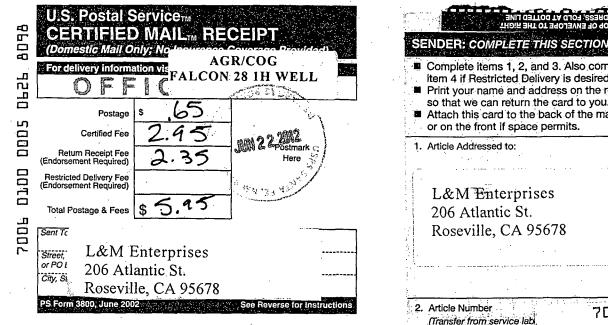


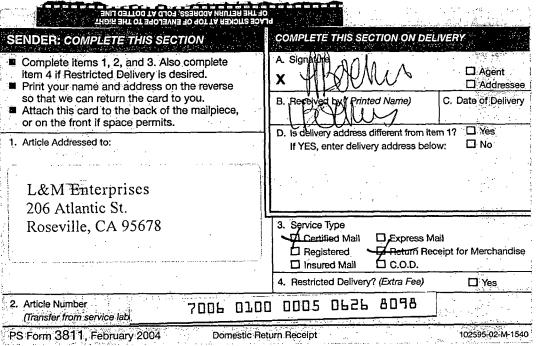
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Marilyn J. Nicholson 9603 Jan Glen Lane	
Spring, Texas 77379	Service Type Certified Mail Registered Insured Mail C.O.D.
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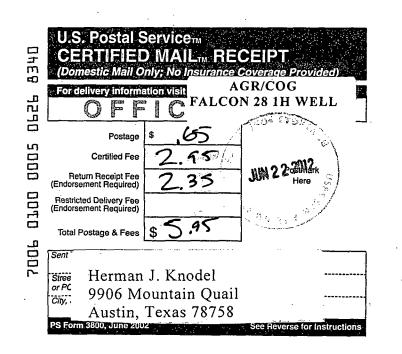






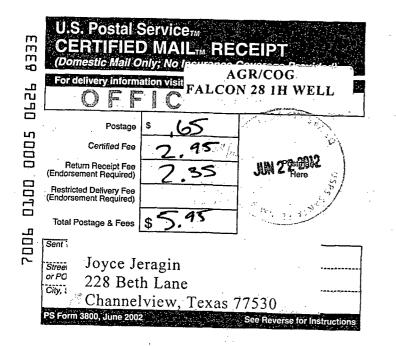


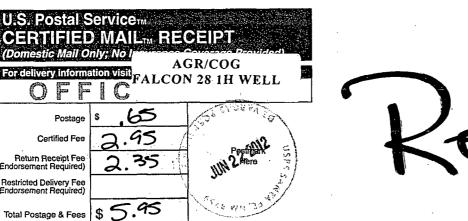




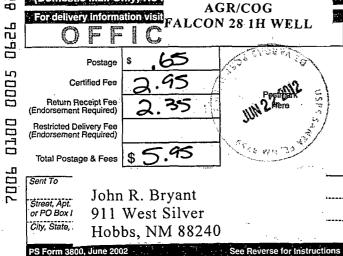


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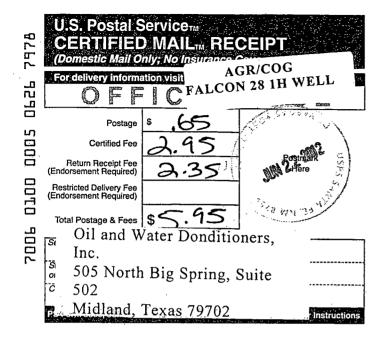


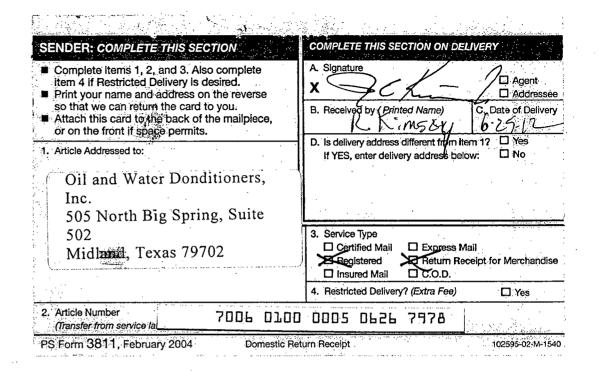
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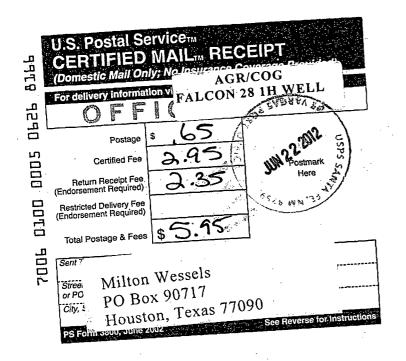
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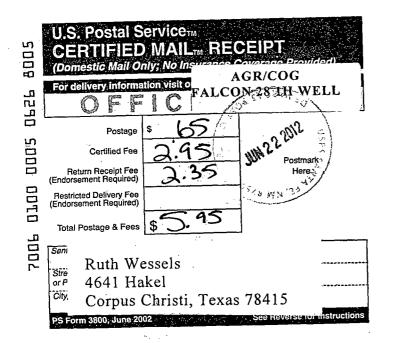


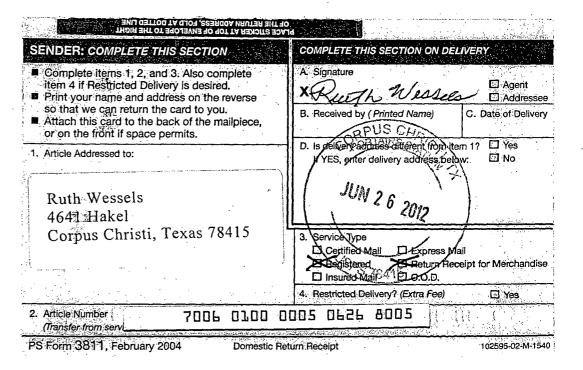


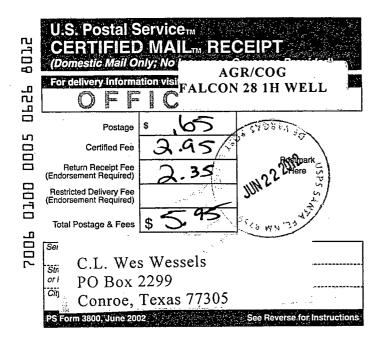


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Energrowth	
505 North Big Spring Street, Suite 502	
Midland, Texas 79701	3. Service Type
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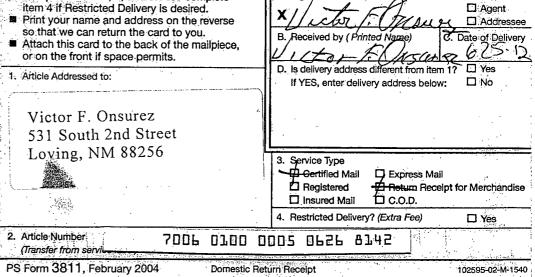


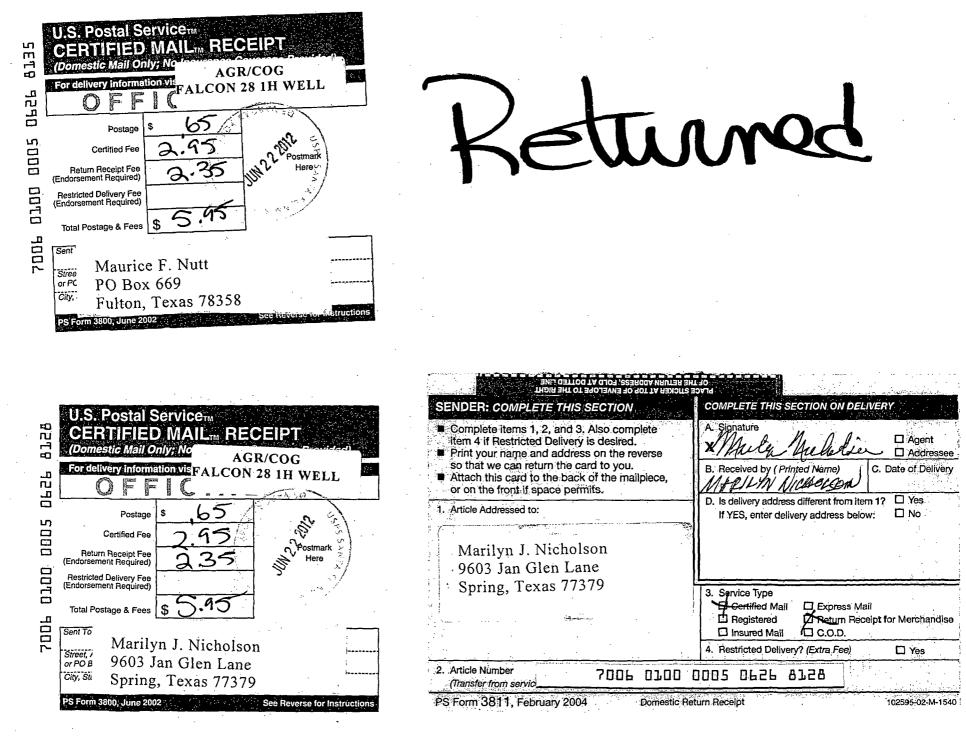


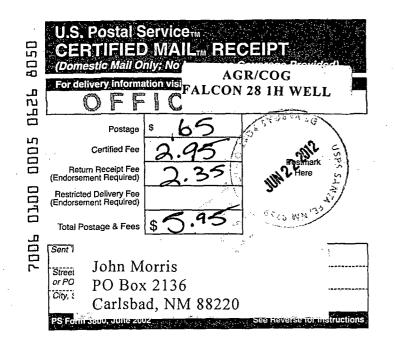


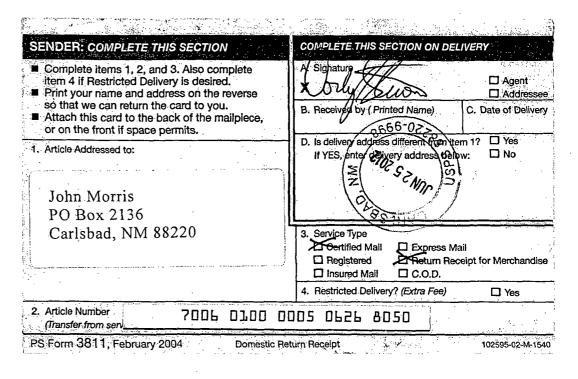
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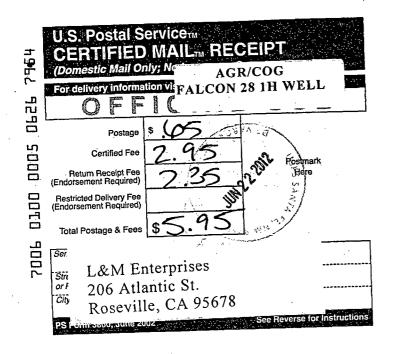






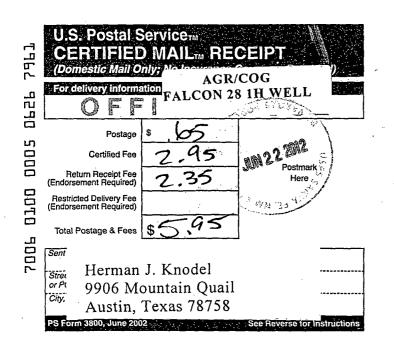


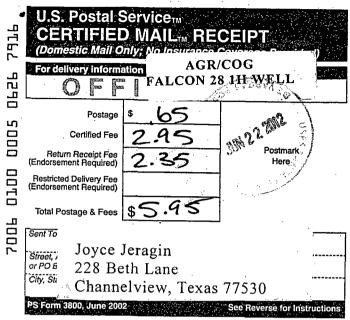
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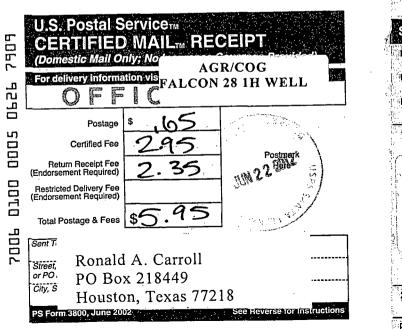


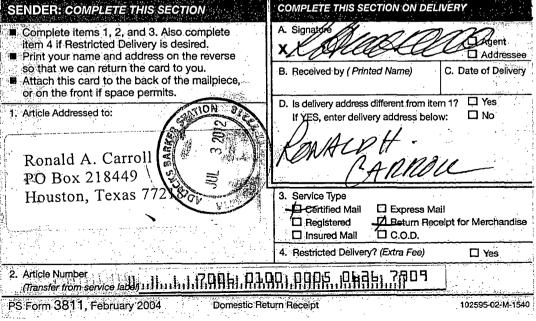
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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 Complete Items 1; 2; and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X JACOL Agent B. Received by Printed Name) C. Date of Delivery
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L&M Enterprises 206 Atlantic St.	
Roseville, CA 95678	3. Service Type Certified Mail Registered Insured Mail C.O.D.
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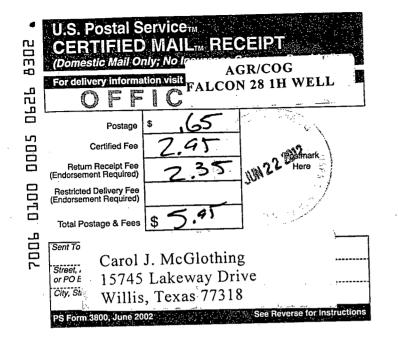
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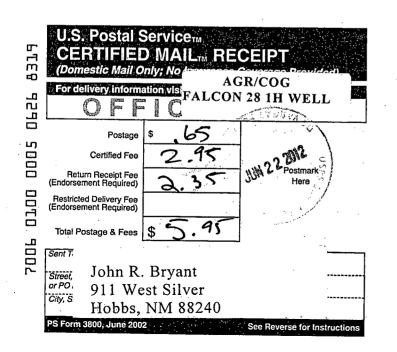








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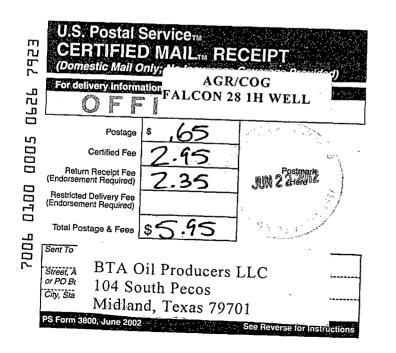


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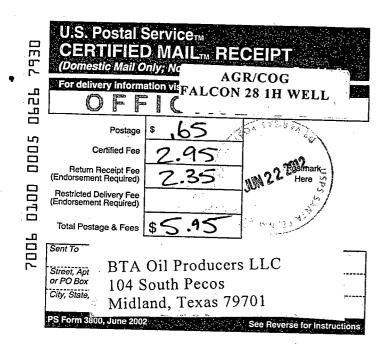
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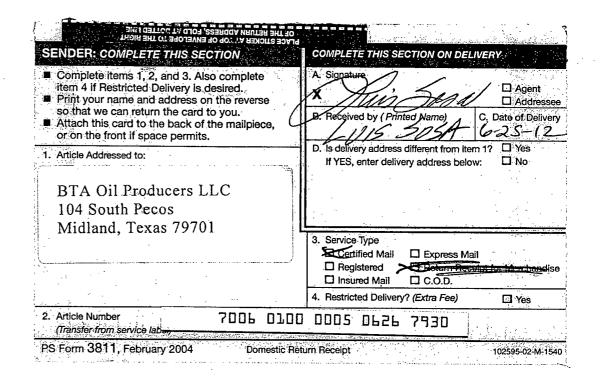


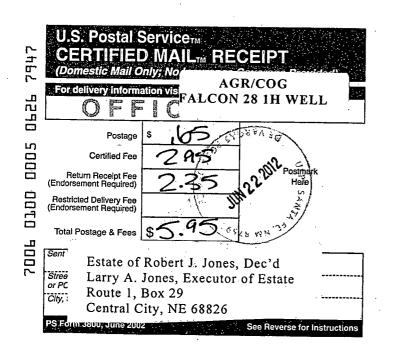
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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVER	
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1. Article Addressed to:	D. Is delivery address different from item 1? If YES, enter delivery address below:	☐ Yes □ No
Oil and Water Donditioners, Inc. 505 North Big Spring, Suite 502 Midland, Texas 79702		
	3. Service Type Cartified Mail Express Mail Registered Seturn Receipt for Insured Mail C.O.D.	or Merchandise
	4. Restricted Delivery? (Extra Fee)	D Yes
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or on the front if space permits. 1. Article Addressed to:	D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No
BTA Oil Producers LLC 104 South Pecos	
Midland, Texas 79701	Service Type Certified Mail Express Mail Registered C.O.D.
	4. Restricted Delivery? (Extra Fee)
2. Article Number (Transfer from service) 7006 0100 PS Form 3811, February 2004 Domestic Ret	0005 0626 7923







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