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. 14972

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 3rd day of April 2013 by Michael H.

Feldewert.



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

Hearing Date: April 4, 2013



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

March 1, 2013

VIA CERTIFIED MAIL 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

Bradley 8 Fee #1H 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 W/2 W/2 of Section 8, Township 19 South, Range 26 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 March 21, 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.

Sincerely.

Michael H. Feldewert



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

March 1, 2013

<u>VIA CERTIFIED MAIL</u> 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

Bradley 8 Fee #1H 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 March 21, 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 Katie Mohebkhosravi, at Concho Resources, Inc. (432) 221-0333.

Sincerely,

Michael H. Feldewert

NOTICE LIST COG OPERATING LLC BRADLEY 8 FEE #1H WELL

OFFSETS

Yates Petroleum Corporation 105 South 4th Street Artesia, NM 88210

Nadel and Gussman Permian, LLC 601 N. Marienfield, Suite 508 Midland, Texas 79701 William Anderson P.O. Box 1616 Roswell, NM 88201

DHA, LLC 500 W. Wall St, Suite 300 Midland, TX 79701

Chi Energy 212 N. Main Street #212 Midland, TX 79701 Principle Properties 4425 South MOPAC Austin, TX 78735

Michael Acquisition, Inc. P.O. Box 863266 Plano, TX 75074 Mewbourne Oil Company 500 W. Texas Ave. Midland, TX 79701 Cimarex Energy Company 600 North Marienfield Street Midland, Texas 79701

POOLED PARTIES

Bernard Darvin Heer 1909 North Louisa Shawnee, OK 74801

Brian Scott Manning Trustee Post Office Box 52012 Irvine, CA 92619 Fred Bohannon 5242 S. Columbia Place Tulsa, OK 74101

Heather J. Fry Sanford
1103 North Guadalupe Street
Carlsbad, New Mexico 88220

Jeannie Giraudo Basta Post Office Box 2718 Reno, Nevada 89505 Joe Marion Bohannon 5949 East 55th Street Tulsa, OK 74135

John Edmond Heer 1909 North Louisa Shawnee, OK 74801 Jonell J. Howell 11602 Rustic Rock Drive Apartment A Austin, Texas 78750

Leslie M. Butts 605 South 14th Street Artesia, New Mexico 88210

Lynette W. Layton
2305 Estaview Circle
Corvallis, Oregon 97330

Marianne Bohannon Williams Route 2 Cookson, OK 74427 Marion Halene Hidom 8 Haig Drive Sunrise Country Club Rancho Mirage, CA 92270

NOTICE LIST COG OPERATING LLC BRADLEY 8 FEE #1H WELL

Marion M. Sessions
1618 Sunnycrest Drive
Fullerton, CA 92835

Marvin J. Bohannon 4857 Del Aire Drive Del City, OK 73115 Mary Louise Hubbartt Rt 2 Box 2517B Hartwell, CA 30643

" rut

Monica H. Dempsey 15226 Rockland Road Libertyville, IL 60048 Nancy C. Baglione 3324 Vaillar Court Tallahassee, Florida 32312

U.S. Postal Service M. CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) ËJ. Postage Certified Fee 1000 Postmark Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) 2760 Total Postage & Fees \$ Sent, 7006 Yates Petroleum Corporation Stree 105 South 4th Street or PC City, Artesia, NM 88210

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Artesia, NM 88210 3. Service Type Certified Mail		
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DHA, LLC 500 W. Wall St, Suite 300 Midland, TX.79701 3. Service Type Certified Mail Express Mail Registered Return Receipt for Merchand	ADDRESS FOLD AT DOTTED LINE	A. Signature X. J.
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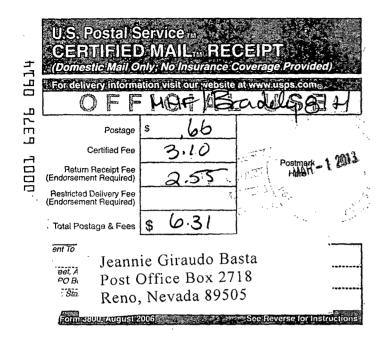
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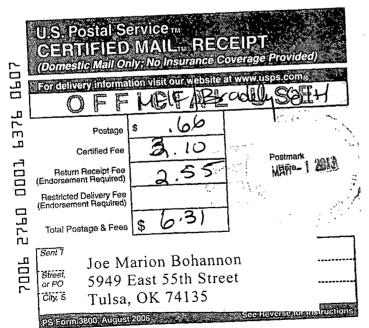


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