

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

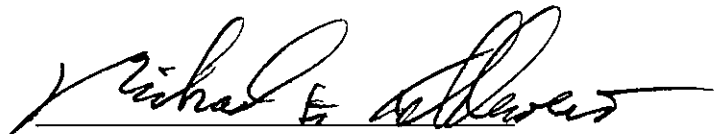
**APPLICATION RKI EXPLORATION AND PRODUCTION, LLC FOR COMPULSORY  
POOLING, EDDY COUNTY, NEW MEXICO.**

**CASE NO. 15216**

**AFFIDAVIT**

STATE OF NEW MEXICO   )  
  ) ss.  
COUNTY OF SANTA FE   )

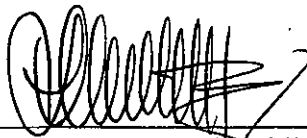
Michael H. Feldewert, attorney in fact and authorized representative of RKI Exploration and Production, LLC the Applicant herein, being first duly sworn, upon oath, states that the above-referenced Application has been provided under the notice letters and proof of receipts attached hereto.

  
Michael H. Feldewert

SUBSCRIBED AND SWORN to before me this 15th day of October 2014 by Michael H. Feldewert.



OFFICIAL SEAL  
LISAMARIE ORTIZ  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires 01/14/15

  
\_\_\_\_\_  
Notary Public

**BEFORE THE OIL CONSERVATION  
DIVISION  
Santa Fe, New Mexico  
Exhibit No. 5  
Submitted by: RKI EXPLORATION &  
PRODUCTION  
Hearing Date: October 16, 2014**

HOLLAND & HART <sup>LLP</sup>



**Michael H. Feldewert**  
Recognized Specialist in the Area of Natural  
Resources - Oil and Gas Law - New Mexico  
Board of Legal Specialization

[mfeldewert@hollandhart.com](mailto:mfeldewert@hollandhart.com)

September 25, 2014

**VIA CERTIFIED MAIL**  
**CERTIFIED RECEIPT REQUESTED**

XTO Energy, Inc.  
Attn.: Angie Repka  
810 Houston Street  
Fort Worth, Texas 76102

**Re: Application of RKI Exploration and Production for Compulsory Pooling,  
Eddy County, New Mexico.  
North Brushy Draw Federal Com 35 #4H Well**

Dear Sir or Madam:

This letter is to advise you that RKI Exploration and Production, 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 October 16, 2014. 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 19.15.4.13.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.

If you have any questions about this matter please contact Sam McCurdy, at (405) 987-2226 or [smccurdy@rkixp.com](mailto:smccurdy@rkixp.com).

Sincerely,

Michael H. Feldewert  
**ATTORNEY FOR**  
**RKI EXPLORATION AND PRODUCTION, LLC**

**Holland & Hart LLP**

Phone [505] 988-4421 Fax [505] 983-6043 [www.hollandhart.com](http://www.hollandhart.com)

110 North Guadalupe Suite 1 Santa Fe, NM 87501 Mailing Address P.O. Box 2208 Santa Fe, NM 87504-2208

Albuquerque Billings Boise Boulder Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Salt Lake City Santa Fe Washington, D.C. ☻

7006 2760 0001 6378 3493

U.S. Postal Service™

## CERTIFIED MAIL™ RECEIPT

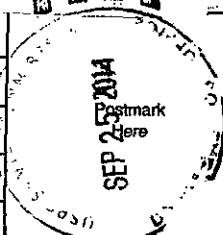
(Domestic Mail Only; No Insurance Coverage Provided)

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BRUSHY CANYON

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 Certified Fee 330  
 Return Receipt Fee (Endorsement Required) 270  
 Restricted Delivery Fee (Endorsement Required) 669  
 Total Postage & Fees \$



Sent To  
 Street, Ap  
 or PO Box  
 City, State

XTO Energy, Inc.  
 810 Houston St.  
 Fort Worth, TX 76102  
 Attn: Angie Repka

PS Form

tions

SENDER

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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.

1. Article Addressed to:

XTO Energy, Inc.  
 810 Houston St.  
 Fort Worth, TX 76102  
 Attn: Angie Repka

2. Article Number  
 (Transfer from service label)

7006 2760 0001 6378 3493

A. Signature

X

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

If YES, enter delivery address below:

☐ Yes  
☐ No

3. Service Type

☒ Certified Mail® ☐ Priority Mail Express™  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, July 2013

Domestic Return Receipt