

EXHIBIT 5

Affidavit

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

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: *1-9-94*

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 87499

Certified Mail
P 863 188 200

Re: 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
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George F. Sharpe
Manager - Oil & Gas Investments

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PS Form 3811, December 1991 U.S. GPO: 1993-352-714

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