

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

**APPLICATION OF XTO ENERGY INC.
FOR APPROVAL OF A NON-STANDARD
WELL LOCATION, LEA COUNTY, NEW MEXICO.**

CASE NO. 23425

APACHE CORPORATION'S RESPONSE TO MOTION TO DISMISS

Apache Corporation ("Apache") hereby withdraws its opposition to XTO Energy Inc.'s ("XTO") Motion to Dismiss based upon XTO's agreement to provide Apache with its C-105 well completion report together with the as-drilled C-102 with the locations of the perforations for the well that is the subject of XTO's NSL application.

This withdrawal of opposition is without prejudice to Apache's right to seek appropriate relief with the Division should XTO's well impair Apache's correlative rights.

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: /s/ Earl E. DeBrine, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following
counsel of record by electronic mail on April 12, 2023:

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