



August 16, 2005

~~Mr. J. Lanham Higginbotham III  
Attorney at Law  
4204 Purdue Ave  
Dallas TX 75225-6703~~

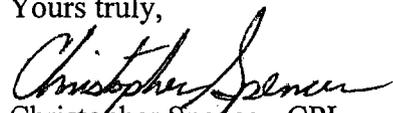
Re: Application to Surface Commingle Gas Production  
Basin Dakota and Otero Chacra  
Hare Gas Com D #1, #1E & J #1  
T29N, R11W, Sec. 14, San Juan County, New Mexico

Dear Mr. Higginbotham:

On June 1, 2005, you received a notice of application by XTO Energy Inc. to surface commingle gas production from the captioned wells and pools. By letter dated June 2, 2005, you notified XTO and the New Mexico Oil Conservation Division of your intention to protest the surface commingle application.

Please be advised that you have no interest in the subject wells, were notified in error, and accordingly have no right to object the Application to Surface Commingle Gas Production.

Yours truly,

  
Christopher Spencer, CPL  
Landman

/cks

~~cc: Mr. William Jones  
New Mexico Oil and Gas Conservation Division  
1220 S St Francis Drive  
Santa Fe NM 87505~~

Mr. James Bruce  
Attorney at Law  
P O Box 1056  
Sante Fe NM 87504

OIL CONSERVATION DIVISION

CASE NUMBER

EXHIBIT NUMBER 4