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CERTIFIED MAIL

January 2, 2009

RSC Resources, L.P.  
6824 Island Circle  
Midland, TX 79707

New Mexico Oil Conservation Division  
1220 South St Francis Dr  
Santa Fe, NM 87505

RE: Lucky Wolf 30 Fed Com No. 2H  
Section 30-16S-28E (N2/ S2)  
Eddy County, NM

Lucky Wolf 30 Fed Com. Well No.1  
Section 30-16S-28E  
Eddy County, NM (S/2 S/2)

Ladies and Gentlemen:

El Paso E&P Company, L.P. is in receipt of a letter dated 12-17-08 wherein RSC plans to drill a horizontal well in the above referenced location. Your letter requests an election to participate or elect non-consent.

The letter does not reflect the interest(s) owned by El Paso E&P Company, L.P. and without such an election can not be made. Please provide the following documentation:

1. Title information indicating El Paso's interest and the interest that will be included and any proposed unit and or well.
2. Plat of the proposed Unit and well(s) location and any permits.
3. Consideration being offered.
4. Financial Assurances as required under State codes.
5. Technical data in order to make any election.

Upon El Paso's receipt and review of the above requested information we will be able to continue discussions on operations on El Paso's interest. El Paso does not believe your letter meets all requirements under the State of New Mexico regulations and therefore you should not be able to proceed with any pooling application until all notice and information pertaining to your request be provided to an owner.

Additionally, El Paso noted that your company requested El Paso's interest be included in an application for compulsory pooling filed with the New Mexico Oil Conservation Division to be heard on December 4<sup>th</sup>, 2008 covering the S/2 S/2 of Section 30-16S-28E. To date El Paso has not received any of the technical data to support this application or any application pertaining to El Paso's oil and gas interests. In order to protect El Paso's correlative rights, El Paso hereby requests all information be provided to El Paso under New Mexico Oil Conservation Division's rules and regulations. El Paso requests that the State allow an orderly development be maintained and prior to any addition offsetting unit being formed, the initial well and unit should begin production and technical data received for this production may or may not justify further formation of units as proposed.

By a copy of this letter to the New Mexico Oil Conservation Division, El Paso does hereby object to granting ANY applications to develop El Paso's minerals without being provided any and all data as provided under the State's rules and regulations. A copy of an application for compulsory pooling with no case number or any reference of acceptance of said application by the State does not justify proceeding with any operations on El Paso's minerals.

We shall await your timely information.

Sincerely,



Martin E. Wirth

✓ Cc: New Mexico Oil Conservation Division  
1220 South St Francis Dr  
Santa Fe, NM 87505