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

#### APPLICATION OF XTO ENERGY, INC. FOR COMPULSORY POOING AND DOWNHOLE COMMINGLING SAN JUAN COUNTY, NEW MEXICO.

CASE NO. 14331

#### CERTIFICATE OF MAILING AND COMPLIANCE WITH DIVISION RULE 19.15.4.9 NMAC

STATE OF NEW MEXICO )

) SS.

#### COUNTY OF SANTA FE )

W. Thomas Kellahin, being first duly sworn, hereby certifies that he is an attorney for the Applicant and responsible for notification in this matter and that the notice provisions of Division Rule 19.15.4.9. NMAC have been complied with, that Applicant has caused to be conducted a good faith diligent effort to find the correct addresses of all interested parties entitled to receive notice, that on July 14, 2009, he caused to be mailed by certified mail return-receipt requested the attached notice of this hearing (attached as Exhibit "A") and a copy of the application for the above referenced case, at least twenty days prior to the hearing of this case set for August 20, 2009 to the parties shown in the attached Exhibit "B" and as evidenced by the attached copies of return receipt cards and/or receipts of certified mailing, and that pursuant to Division Rule 1207, notice has been given at the correct addresses provided by such rule.

Thomas Kellahin

SUBSCRIBED AND SWORN to before me this 17th day of August 2009, by W. Thomas Kellahin

OFFICIAL SEAL Lynda Kellahin NOTARY PUBLIC Lynda Kellahin, Notary Public STATE OF NEW MEXICO Commission Expires My Commission Expires:

## KELLAHIN & KELLAHIN Attorney at Law

#### W. THOMAS KELLAHIN 706 GONZALES ROAD SANTA FE, NEW MEXICO 87501

#### TELEPHONE 505-982-4285 FACSIMILE 505-982-2047 TKELLAHIN@COMCAST.NET

July 14, 2009

# TO: NOTICE OF THE HEARING OF THE FOLLOWING NEW MEXICO OIL CONSERVATION DIVISION CASE:

Re: Case 14331: First Amended Application of XTO Energy, Inc., for Compulsory Pooling and Downhole Commingling, San Juan County, New Mexico

On behalf of XTO Energy, Inc., please find enclosed our first amended application for downhole commingling and compulsory pooling orders for the NE/4 of Section 24, 29N, R10W to be dedicated to its Martinez Gas Com D Well No. 001R. This application was originally set to be heard on June 25, 2009, continued to July 9, 2009and now rescheduled for August 6, 2009 before the New Mexico Oil Conservation Division Examiner's docket scheduled for 8:15 am. The hearing will be held at the Division hearing room located at 1220 South Saint Francis Drive, Santa Fe, New Mexico, 87505.

As an interest owner who may be affected by this application, we are notifying you of your right to appear at the hearing and participate in this case, including the right to present evidence either in support of or in opposition to the application. Failure to appear at the hearing may preclude you from any involvement in this case at a later date.

Pursuant to the Division's Rule 1208, you are further notified that if you desire to appear in this case or to oppose the proposed risk charge (See Order R-11992), then you are required to file a Pre-Hearing Statement with the Division not later than 5:00 PM on Thursday, July 30, 2009, with a copy delivered to the undersigned.

truk vours. Thomas Kellahin



cc: BY CERTIFIED MAIL-RETURN RECEIPT REQUESTED

#### EXHIBIT "B"

## (1) In the Pictured Cliffs Formation:

Frederick L. Lilly, Jr. (1.25% WIO) 2895 Brighton Rd Shaker Heights, OH 44120

S. G. Methane Company, Inc. (13.75% WIO) 811 Dallas, Suite 1501 Houston, TX 77010-1009

### (2) In the Charca Formation:

Candace L. Kelton Cox 17 South Meadow Ridge Concord, MA 01742

(3.90625% WIO)

Georgia Lee Kelton 5500 Old Clarksville Rd. Paris, TX 75462

(3.90625% WIO)

AVPLER 40/Wate at a full state of the malphece, or on the front if space permits.	A Signature A Sig	SIANDER COMPARENTIS SECTION 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 malipiece, or on the front if space permits. 1. Artiale Addressed to:	Contrare in this spontant of the angle of the addresse B. Received by (Printed Name) C. Date of Deliver.
S. G. Methane Company, Inc. Attn. Robbie Guinn 100 Waugh Dr. Ste 400 Houston, TX 77007	3: Service Type       3: Certified Mail       5: Pagistered       6: Return Receipt for Merchandise       6: Insured Mail	Georgia Lee Kelton 5500 Old Clarksville Rd. Paris, TX 75462	t for
Article Number - 7008	4. Restricted Delivery? (Extra Fee)     D Yes       1.140     0002     1.503     5281	2 Atticle Number (Transfer from service (abe))	L et
Form 38111, February 2004	102555-02-M-1540	PS: Form 3811, February 2004	102595-02
NDIE EK GONNEREITE UNIS SEGUION	comptete this section on bentlear	SENDER <i>complete this</i> section	COMPLETE THIS SECTIONON DETWEEN
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.		<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the malpiece, or on the font if space permits.</li> </ul>	
Article Addressed to Erederick L. Lilly, Jr. 2895 Brighton Rd	D. is delivery address different from item 1? □ Tes If YES, enter delivery address below. □ No	Candace L. Kelton Cox 7 South Meadow Ridge	If YES, enter delivery address below: ET No
Shaker Heights, OH 44120	3. Service Type       3. Service Type       Certified Mail       Certified Mail       Prepared       Prepared       Insured Mail       A Dominion College	74/10 444 (510)	
Article Number Transfer from service label)		2008	
Form 3811, February 2004 Domestic Return Receipt	102595,02-M-1640	PS Form 38111, February 2004	im Receipt 102595-02-M-1540

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