STATE OF NEW MEXICO EIVED OCD ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION COMMISSION P 1:17

In the Matter of the Application of Approach Operating, LLC for Approval of Fourteen Applications for Permits to Drill, Rio Arriba County, New Mexico

Case 14278

AMENDED NOTICE OF INTERVENTION

Pursuant to NMAC 19.15.4.11(A), the Rice Family Living Trust ("the Trust") hereby

provides its Notice of Intervention in the above captioned proceeding. The Trust will be

represented in this proceeding by:

Steven Sugarman 1210 Luisa Street, Suite 2 Santa Fe, NM 87505 phone: (505)672-5082 e-mail: stevensugarman@hotmail.com fax: (302) 689-0819

The Trust has two interests in this proceeding. First, the Trust is the surface owner of the

land where the Applicant has proposed to drill two of the wells which are the subject of this

proceeding. Specifically, the Trust owns the surface where the following two wells have been

proposed:

<u>Rice Well No. 1</u> T28N R5E NMPM Lat. 36°38'23.46" N (36.63985 N) Long. 106°27'4.32" W (-106.45120 W)

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<u>Rice Well No. 2</u> T28N R5E NMPM Lat. 36°38'8.3394" N (36.635650 N) Long. 106°26'57.5406" W (-106.4493166 W)

In a letter of September 17, 2009 to OCD District Supervisor Charlie Perrin, the Applicant purported to withdraw the Applications for Permits to Drill ("APDs") at the above two locations but noted that "a Rice No. 3 APD will soon be filed once surveying and staking activities have occurred." <u>See</u> Exhibit 1 hereto. Likewise in a letter of September 15, 2009 to the undersigned, Scott Hall – counsel for the Applicant – stated that a new APD for the Rice No. 3 will soon be filed "in the same general vicinity as the Rice No. 1 and Rice No. 2, but approximately 700 feet +/- South of the old ranch house." Thus, even if the Applicant formally dismisses the Rice No. 1 and Rice No. 2 from this case, the Trust will still have an interest in this matter in the protection of its surface as the Applicant has clearly signaled its intention to pursue APDs on Trust property "once surveying and staking activities have occurred."

Second, the Trust intervenes in this matter to protect its interests in the protection and preservation of surface water and groundwater quality in the Rito de Tierra Amarilla watershed generally. The Trust's interests in the protection and preservation of surface water and groundwater quality in the Rito de Tierra Amarilla watershed are subject to injury if the Oil Conservation Commission approves <u>any</u> of Applicant's APDs in the Rito de Tierra Amarilla watershed, wherever those proposed well locations might be situated in the watershed.

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Respectfully submitted,

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/s/ Steven Sugarman

Steven Sugarman 1210 Luisa Street, Suite 2 Santa Fe, NM 87505 (505) 672-5082

I hereby certify that a true and correct copy of the foregoing was sent by e-mail to Ms. Cheryl Bada (attorney for the Commission) at cbada@state.nm.us, by e-mail to Mr. J. Scott Hall (attorney for the Applicant) at shall@montand.com, and by e-mail to Mr. Adan Trujillo (attorney for Rio Arriba County) at adantrujillo@gmail.com on this 30th day of September, 2009.

> /s/ Steven Sugarman Steven Sugarman

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One Ridgmar Centre 6500 Wast Freeway, Suite 900 Fort Worth, Texas 76116 Phone: 617.989.9000 Fax: 617.989.9001

September 17, 2009

Via Federal Express

Charlie Perrin, District Supervisor New Mexico Oil Conservation Division 1000 Rio Brazos Road Aztec, NM 87410

Re: Withdrawal of the Rice No. 1 and Rice No. 2 APD's Rio Arriba County, New Mexico

Dear Mr. Perrin,

On January 27, 2009, Approach Operating, LLC submitted several APD's for OCD administrative approval including the Rice No. 1 and the Rice No. 2 locations. Approach now wishes to withdraw the Rice No. 1 and Rice No. 2 APD's from OCD consideration. Copies of the C-101 and C-102 for the Rice Locations have been enclosed.

Please be advised a Rice No. 3 APD will soon be filed once surveying and staking activities have occurred.

Very truly yours, HH Brice A. Morgan Landman

Enclosures

District I 1625 N. French Dr., Hobbs, NM 88240 <u>District II</u> 1301 W. Grand Avenue, Artesia, NM 88210 <u>District III</u> 1000 Rio Bražos Road, Aztec, NM 87410 <u>District IV</u> 1220 S. St. Francis Dr., Santa Fe, NM 87505

Operator Name and Address

State of New Mexico Energy Minerals and Natural Resources

Oil Conservation Division

1220 South St. Francis Dr.

Santa Fe, NM 87505

APPLICATION FOR PERMIT TO DRILL, RE-ENTER, DEEPEN, PLUGBACK, OR ADD A ZONE

Form C-101 June 16, 2008

Submit to appropriate District Office

AMENDED REPORT

		e	Approach Open 500 West Freewa	ting, LLC y, Suite 800		248343 3 API Number					
			Fort Worth, T.	X 76116			30 -				
Рюре	rty Code		÷		Property Name Rice			Well	No.	_	
			roposed Pool 1 WC; Mancos				¹⁰ Prog	posed Pool 2			
					⁷ Surface Lo	cation					
UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County	-	
м	19	28N	05E		368	SOUTH	1121	WEST	RIO ARRIBA		
· · · · · · · · · · · · · · · · · · ·		<u>.</u>	⁸ Proj	oosed Bottom	Hole Location	If Different From	n Surface	······			
UL or lot no.	Section	Township	Range	Lot ida	Fect from the	North/South line	Feet from the	East/West line	County		
	L	I		Addi	tional Well I	nformation		.L			

¹¹ Work Type Code	¹² Well Type Code	¹³ Cable/Rotary	¹⁴ Lease Type Code	¹³ Ground Level Elevation							
N	O	ROTARY	P	8268.47'							
¹⁶ Multiple	¹⁷ Proposed Depth	¹⁸ Formation	¹⁹ Contractor	²⁹ Spud Date							
	2000*	GRANEROS	Chihuahua Drilling	Upoa Approval							

²¹ Proposed Casing and Cement Program

Hole Size	Casing Size	Casing weight/foot	Sctting Depth	Sacks of Cement	Estimated TOC
12 1/2"	9 5/8"	36.0#	350'	210	Surface
<u>8 ¾"</u>	4 1/3"	· 10.5.#	2000*	500	Surface
		. <u>.</u>			

²² Describe the proposed program. If this application is to DEEPEN or PLUG BACK, give the data on the present productive zone and proposed new productive zone. Describe the blowout prevention program, if any. Use additional sheets if necessary.

(1) Shafco 11" Double Ram 3000# LWS

(1) Grant 11" rotating head, 3000#

(1) 5000# choke manifold

(1) Koomey 3 station 3000# w/air hydraulic pump

(4) 10 gallon bottles

²³ I hereby certify that the information g best of my knowledge and belief.	iven above is true and complete to the	OIL CONSERVATION DIVISION					
Signature:	w had	Approved by:					
Printed name: Glenn W. Reed, P.E.	• 1	Title:					
Title: Executive Vice President - Engin	eering and Operations	Approval Date: Expiration Date:					
E-mail Address: gwreed@appmachresc	ources.com						
Date:	Phone: 817-989-9000	Conditions of Approval Attached					

District 1 1625 N. French Dr., Hobbs, NM 88240 <u>District II</u> 1301 W. Grand Avenue, Artesia, NM 88210 <u>District III</u> 1000 Rio Brazos Kd., Aziae, NM 87416 <u>District IV</u> 1220 S. S. Francis Dr., Santa Fe, NM 87505

State of New Mexico Energy, Minerals & Natural Resources Department OIL CONSERVATION DIVISION 1220 South St. Francis Dr.

Santa Fe, NM 87505

Form C-102 Revised October 12, 2005 Submit to Appropriate District Office State Lease - 4 Copies Fee Lease - 3 Copies

AMENDED REPORT

WELL LOCATION AND ACREAGE DEDICATION PLAT

,	API	Numbe	r		- Pool Case							
⁴ Property	Cod					* Well Number						
						Rice	Rice #1					
'OGRID	No.					⁸ Operator Na	me			" Elevation		
248343					Appro	8268.47						
						¹⁰ Surface L	ocation					
UL or lot no.	10. S		Township Rang			Feet from the	North/South line	Feet from the	East/West line	County		
M	*	*19	**28N	**05E		368	South	1121	WEST	Rio Arriba		
			I	¹¹ Bot	ttom Hole	Location If	Different From	Surface				
UL or lot no.		Section	Township	Range	Lot Ida	Feet from the	North/South line	Feet from the	East/West line	County		
1				1								
¹³ Dedicated Acre	s T	Joint of	r lafili 14 C	Consolidation C	ode 15 Orde	r No.						
					1							

No allowable will be assigned to this completion until all interests have been consolidated or a non-standard unit has been approved by the division.

16 ¹⁷ OPERATOR CERTIFICATION I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either orking buterest or unleased mineral buterest in the land including d bottom hole location or hat a right to drill this well at this ith an au ver of sich a m ¹⁸SURVEYOR CERTIFICATION I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief. Rice #1 1121' 368 Certificate DFROFE

Latitude - 36.63985 North Longitude - -106.45100 West

** Projection within the Tierra Amarilla Land Grant

District I 1625 N. French Dr., Hobbs, NM 88240 District II 1301 W. Grand Avenue, Artesia, NM 88210 District III 1000 Rio Brazos Road, Aztec, NM 87410 District IV 1220 S. St. Francis Dr., Santa Fe, NM 87505

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State of New Mexico Energy Minerals and Natural Resources

Oil Conservation Division

1220 South St. Francis Dr.

Santa Fe, NM 87505

Form C-101 June 16, 2008

Submit to appropriate District Office

AMENDED REPORT

** Operator Numer and Address of Property Code 248.14 ************************************	AP	PLICA	<u>rion f</u>				E-ENTEI	R, DEEP	EN, PLUGE			DD A ZONE	
*Property Code *Property Name Wall No. **Proposed Pool 1 **Proposed Pool 2 Web Mancos **Strface Location UL or lot so. Section **Units **Proposed Pool 2 **Units **Proposed Pool 2 **Units Proposed Pool 2 **Units Proposed Pool 2 **Units Proposed Pool 2 **Units Proposed Pool 1 **Units Proposed Pool 2 **Units Proposed Pool 1 **Units Proposed Pool 1 **Units Proposed Pool 2 **Units Proposed Pool 2 **Units Proposed Pool 2 **Units Proposed Pool 2 **Weil Type Code **Weil Type Code **Weil Type Code **Weil Type Code </td <td></td> <td></td> <td></td> <td>⁴ Operator Name Approach Ope</td> <td>and Addre</td> <td>ss 00</td> <td></td> <td></td> <td>248343</td> <td></td> <td></td> <td></td>				⁴ Operator Name Approach Ope	and Addre	ss 00			248343				
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WC, Mancos 7 Surface Location UL or lot no. 30. 28% 0.5% Lot do NorthSouth ins Fees from the NorthSouth ins	' Prope	rty Code				Property Rice	y Name ce 2						
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best of my knowledge and belief. OIL CONSERVATION DIVISION Signature: Approved by: Printed name: Glenn W. Reed, P.E. Title: Title: Executive Vice President – Engineering and Operations Approval Date: E-mail Address: gwreed@approachresources.com Expiration Date:	(1) Grant 11" (1) 5000# cho (1) Koomey 3	rotating he oke manifol station 300	ad, 3000# d		· · · · ·								
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Title: Executive Vice President – Engineering and Operations Approval Date: Expiration Date: E-mail Address: gwreed@approachresources.com Image: Comparison of	Signature: Heren Whil							Approved by:					
E-mail Address: gwreed@approachresources.com	Printed name	Printed name: Glenn W. Reed, P.E.							Title:				
	Title: Executi	ve Vice Pre	sident – En	gineering and Op	erations	ng allachaire <u>na stain</u> agairte	Approval D	Approval Date: Expiration Date:					
Date: Phone: 817-989-9000 Conditions of Approval Attached	E-mail Addre	ss: gwreed(@approach	esources.com								····································	
	Dato:			Phone: 817-	989-9000	<u>.</u>	Conditions	of Approval A	ttached				

District I 1625 N. French Dr., Hobbs, NM 88240 <u>District II</u> 1301 W. Grand Avenue, Artesia, NM 88219 <u>District III</u> 1000 Rio Brazos Rd., Aztec, NM 87410 <u>District IV</u> 1220 S. S. Francis Dr., Santa Fe, NM 87505

State of New Mexico Energy, Minerals & Natural Resources Department OIL CONSERVATION DIVISION 1220 South St. Francis Dr. Santa Fe, NM 87505

Form C-102 Revised October 12, 2005 Submit to Appropriate District Office State Lease - 4 Copies Fee Lease - 3 Copies

AMENDED REPORT

WELL LOCATION AND ACREAGE DEDICATION PLAT

	API Numbe	Г		" Pool Code		,	WC28N5E30;		011				
Property	Code			Property Name						⁶ Well Number			
1					Rice Pro	Rice Property				Rice #2			
OGRID				^B Operator l	Name			Elevation					
2483	43			Approach Operating LLC						8306.79			
					¹⁰ Surface	Location							
UL or let no.	Section	Township	Range	Let Idn		m the North/South line Feet from the			est line	County			
C	**30	**28N	**05E		1155	NORTH	1673	WEST	:	Rio	Arriba		
¹¹ Bottom Hole Location If Different From Surface													
UL or lot no. Section Townshi		Township	Range	Lot Ida	Feet from the	North/South line	Feet from the	the East/West line		County			
" Dedicated Acre	Joint of	r Infill 14 C	onsolidation	Code 15 Or	der No.		and the second		h				

No allowable will be assigned to this completion until all interests have been consolidated or a non-standard unit has been approved by the division.

16 **OPERATOR CERTIFICATION** I hereby certify that the information contained herein is true and complete 1559 to the best of my knowledge and belief, and that this organization either ns a working interest or unleased inhieral interest in the land including d bottom hole location or has a right to drill this well at this 100 10 raci with an owner of such a m 1673 Rice #2 ¹⁸SURVEYOR CERTIFICATION I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision; and that the same is true and correct to the best of my belief. Certificate N

Latitude - 36.635650 North Longitude - -106.449316 West

** Projection within the Tierra Amarilla Land Grant