

UTE MOUNTAIN UTE INDIAN TRIBE

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To: Mark Fesmire

From: Peter Ortego, General Counsel

Date: October 27, 2009

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CONFIDENTIAL COMMUNICATION

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Ute Mountain Ute Tribe

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October 27, 2009

VIA FAX (505) 982-2047

W. Thomas Kellahin
Kellahin & Kellahin
706 Gonzales Road
Santa Fe, NM 87501

Re: Scheduled October 29, 2009 Hearing Related to Proposed Changes to Spacing and
Drilling on Portions of the Ute Mountain Ute Reservation

Dear Mr. Kellahin:

The purpose of this letter is to notify you that on October 2, 2009 United States District Judge James Parker issued findings of fact and conclusions of law which confirm that the New Mexico Oil Conservation Division does not have regulatory authority over oil and gas production on Ute Mountain Ute lands. Rather, the request sought by ConocoPhillips should be made to the Bureau of Land Management office in Durango and to the Tribe. If you would like me to email you a copy of the decision please contact my office at (970) 564-5641, and provide your email address to my office manager, Betty Goodall.

Sincerely,

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Peter Ortego
General Counsel

Cc: Dan Rabinowitz, Petroleum Engineer, Bureau of Land Management, San Juan Public
Lands Center
Mark Fesmire, Director, New Mexico Oil Conservation Division

Chief Jack House, Last Traditional Chief 1886-1972