



December 5, 2009

Before the Oil Conservation Division  
Case 14395  
Hearing December 17, 2009  
XTO Energy, Inc.  
Exhibit No. 1

Office of the Director  
New Mexico Oil Conservation Division  
Santa Fe, New Mexico 87505

**Re: NMOCD Case 14395 APPLICATION OF XTO ENERGY INC.  
TO TERMINATE THE SOUTH BLANCO-TOCITO OIL POOL, INCLUDING  
ITS SPECIAL RULES AND REGULATIONS AND TO EXPAND THE  
BASIN-MANCOS GAS POOL AND FOR AN EXCEPTION TO  
RULE 19.15.12.9 NMAC TO PERMIT DOWNHOLE COMMINGLING OF PRODUCTION FROM  
THE TOCITO FORMATION, NOW MANCOS FORMATION,  
WITH DAKOTA FORMATION PRODUCTION, RIO ARriba COUNTY, NEW MEXICO**

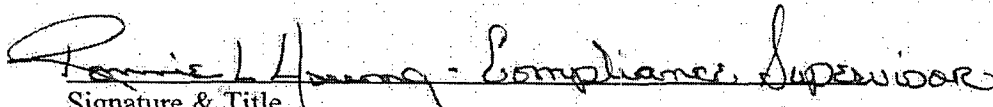
Dear Mr. Fesmire:

By change of operator form filed with the OCD and approved on September 10, 2009 Enervest Operating L.L.C. ("Enervest") replaced CDX RIO, LLC as the current operator of the Jicarilla "A" Well No. 2E (API #30-039-22581) located in Unit 0 of Section 18, T-26 North, R-5 West, a downhole commingled wellbore with an E/2 of Section 18 dedication to the Tapacito-Gallup Pool and the Basin-Dakota Gas Pool.

Enervest was aware that the Oil Conservation Division conducted a hearing on December 3, 2009 for the referenced application. Although we did not receive XTO's notice of hearing, our representative attended this hearing and was provided both a copy of the application and a set of XTO's exhibits. We are also aware that this case has been continued to the December 17<sup>th</sup> OCD docket.

Enervest has no objection to the application and hereby waives any formal notice of this case.

Very truly yours,

  
Signature & Title

cc: W. Thomas Kellahin