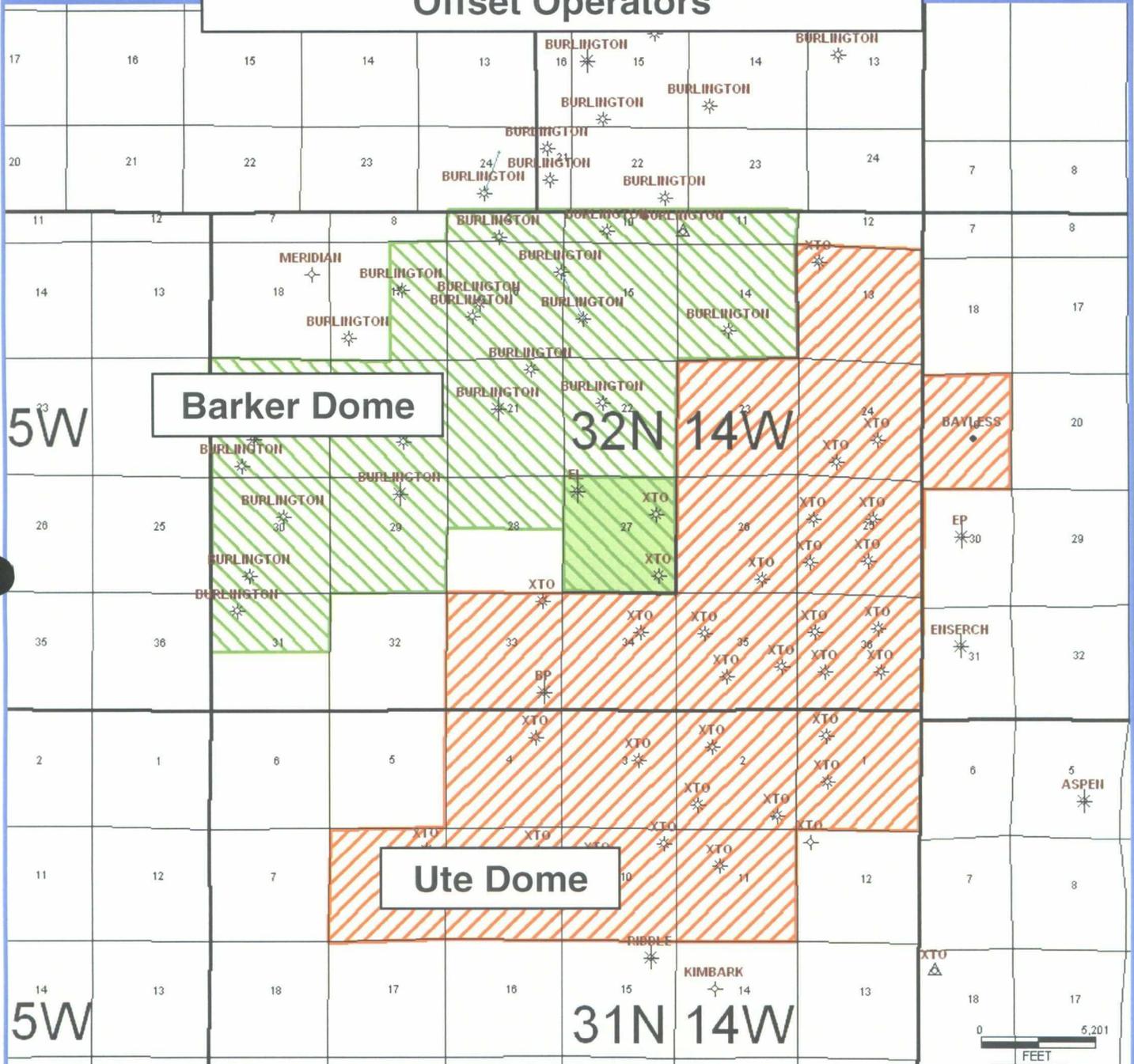


# Ute Dome – Barker Dome Fields Offset Operators





**KELLAHIN & KELLAHIN**  
**Attorney at Law**

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

**TELEPHONE 505-982-4285**  
**FACSIMILE 505-216-2780**  
**TKELLAHIN@COMCAST.NET**

January 27, 2010

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

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

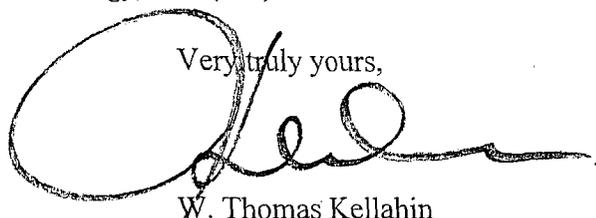
*RE: Application of XTO Energy, Inc. to expand the Horizontal Limits of the Ute Dome-Paradox Gas Pool to include all of Section 27, T32N, R14W and The Concomitant contraction of the Barker Dome-Paradox Pool, the Barker Dome-Akah/Upper Barker Creek Pool, the Barker Dome-Desert Creek Pool and the Barker Dome-Ismay Pool, San Juan County, New Mexico,*

Dear Interest Owner, Offsetting Operators or Affected Party:

In accordance with a request by Range Operating New Mexico, Inc., I am assisting with their efforts to obtain approval from the New Mexico Oil Conversation Division ("Division") for referenced case as set forth on the enclosed application. As part of that approval process, I am required to send this notice to all interest owners, offsetting operators and other affected parties.. You are not required to attend this hearing, but failure to appear at the hearing and become a party of record will preclude you from challenging the matter at a later date. This referenced application will be heard by a Division Examiner on a docket scheduled to start at 8:15 am on March 4, 2010. The hearing will be held at the Division hearing room located in the Pinon Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87502 (phone 505-472-3458).

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. Pursuant to Division Rule 1208.B, you are further notified that if you desire to appear in this case, then you are required to file a Pre-Hearing Statement with the Division not later than 5:00 PM on Thursday, February 25, 2010, with a copy delivered to the undersigned. This statement must include: the names of the parties and attorneys; a concise statement of your position in this case; the names of all witnesses you will call to testify at the hearing, the approximate time you will need to present your case and identification of any procedural matters that area to be resolve prior to the hearing. If you have any questions please call Bradley Jameson, XTO Energy, Inc. (817) 885-3156

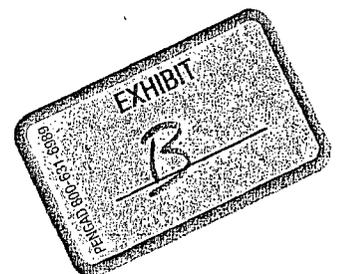
Very truly yours,



W. Thomas Kellahin

NOTICE LIST FOR XTO ENERGY CASE

- ✓ Steve Hayden, geologist  
Oil Conservation Division  
1000 Rio Brazos Road  
Aztec, New Mexico 87410
- Charlie Perrin, Supervisor  
Oil Conservation Division  
1000 Rio Brazos Road  
Aztec, New Mexico 87410
- ✓ Gordon Hammond  
Ute Mountain Ute Tribe  
Tribal Energy and Tax Administration  
P.O. Box 42  
Towaoc, CO 81334
- ✓ Helen Mary Johnson  
Dan Rabinowitz  
BLM, San Juan Public Lands Center  
15 Burnett Court  
Durango, CO 81301
- Dave Swanson  
BLM, San Juan Public Lands Center  
15 Burnett Court  
Durango, CO 81301
- ✓ George Tetreault  
Bureau of Indian Affairs Southwest  
Regional Office P.O. Box 26567  
Albuquerque, NM 871256567
- G.D. Simon  
Ute Mountain Ute Tribe  
P.O. Box 14749  
Albuquerque, NM 87191
- Priscilla Bancroft  
Bureau of Indian Affairs  
Ute Mountain Ute Agency  
P.O. Box KK  
Towaoc, CO 81334
- Burlington/ ConocoPhillips  
Company  
Attn: Terry Ruby  
3535 East 30th Street  
Farmington, NM 87401
- Robert L. Bayless  
Producers, LLC  
621 17<sup>th</sup> Street Suite 2300  
Denver, CO 80293



SPIRO RESOURCES LTD.  
PO BOX 6387  
SAN ANTONIO, TX 78209-0000

✓ MAX HOUCK MATTHES LLC  
PO BOX 479  
TERRA CEIA ISLAND, FL 34250-0000

✓ HARRISON WILEY LLC  
4388 WAXWING CT  
BOYNTON BEACH, FL 33436-0000

✓ HARRISON, MATTHES & EAGAN LLC  
16359 LAUDER LANE  
DALLAS, TX 75248-2348

✓ MMS-BUREAU OF INDIAN AFFAIRS  
UTE MOUNTAIN UTE TRIBE  
810 HOUSTON ST, STE 2000  
FORT WORTH, TX 76102-6298

XTO ENERGY INC.  
810 HOUSTON STREET  
FORT WORTH, TX 76102-6298

✓ HARRISON FAMILY DECEDENT'S TRS  
BETTY HARRISON & KATHLEEN  
KILLELEA, CO-TRUSTEES  
1837 PACIFIC COAST HIGHWAY

✓ HERMOSA BEACH, CA 90254-0000  
HARRISON FAMILY SURVIVOR'S TRS  
BETTY HARRISON & KATHLEEN  
KILLELEA, CO-TRUSTEES  
1837 PACIFIC COAST HIGHWAY  
HERMOSA BEACH, CA 90254-0000

✓ CHRISTINE HARRISON OIEN  
P O BOX 3025  
CLACKAMAS, OR 97015-8817

✓ THOMAS S HARRISON, IV  
15011 S FORSYTHE RD  
OREGON CITY, OR 97045-9463

✓ HELEN K & ARTHUR E  
JOHNSON FNDN  
1700 BROADWAY STE 1100  
DENVER, CO 80290-1718

✓ ELISA WILEY HARRISON  
BRUNA R FINNIE ATTY IN FACT  
1582 LEWISTON DR  
SUNNYVALE, CA 94087-4148

✓ JOHNNY RUTH HARRISON  
FAM TRST  
DTD 8/21/1992  
PO BOX 16159  
ENCINO, CA 91416-7258

✓ LESLIE HARRISON  
MONTECUCCO  
6948 44TH AVE NE  
OLYMPIA, WA 98516-0000

✓ DOROTHY OSBORNE MULLER  
PO BOX 422  
KINGSLAND, TX 78639-0000



COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to:  
HARRISON, MATTHES & EAGAN LLC  
16359 LAUDER LANE DALLAS, TX  
75248-2348

2. Article Number  
(Transfer from service label) 7008 1140 0002 1503 5847  
PS Form 3811, February 2004 102595-02-M-1540

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

1. Article Addressed to:  
HARRISON FAMILY DECEDENT'S TRS  
Betty HARRISON & KATHLEEN  
KILLELEA, CO-TRUSTEES  
1837 PACIFIC COAST HIGHWAY  
HERMOSA BEACH, CA 90254-0000

2. Article Number  
(Transfer from service label) 7008 1140 0002 1503 5847  
PS Form 3811, February 2004 102595-02-M-1540

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to:  
THOMAS S HARRISON, IV  
15011 S FORSYTHE RD  
OREGON CITY, OR 97045-9463

2. Article Number  
(Transfer from service label) 7008 1140 0002 1503 5939  
PS Form 3811, February 2004 102595-02-M-1540

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

1. Article Addressed to:  
CHRISTINE HARRISON OIEN  
P O BOX 3025  
CLACKAMAS, OR 97015-8817

2. Article Number  
(Transfer from service label) 7008 1140 0002 1503 5915  
PS Form 3811, February 2004 102595-02-M-1540

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

1. Article Addressed to:  
HARRISON, MATTHES & EAGAN LLC  
16359 LAUDER LANE DALLAS, TX  
75248-2348

2. Article Number  
(Transfer from service label) 7008 1140 0002 1503 5823  
PS Form 3811, February 2004 102595-02-M-1540

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to:  
HARRISON, MATTHES & EAGAN LLC  
16359 LAUDER LANE DALLAS, TX  
75248-2348

2. Article Number  
(Transfer from service label) 7008 1140 0002 1503 5823  
PS Form 3811, February 2004 102595-02-M-1540

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

1. Article Addressed to:  
HARRISON, MATTHES & EAGAN LLC  
16359 LAUDER LANE DALLAS, TX  
75248-2348

2. Article Number  
(Transfer from service label) 7008 1140 0002 1503 5823  
PS Form 3811, February 2004 102595-02-M-1540

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to:  
THOMAS S HARRISON, IV  
15011 S FORSYTHE RD  
OREGON CITY, OR 97045-9463

2. Article Number  
(Transfer from service label) 7008 1140 0002 1503 5939  
PS Form 3811, February 2004 102595-02-M-1540

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

1. Article Addressed to:  
CHRISTINE HARRISON OIEN  
P O BOX 3025  
CLACKAMAS, OR 97015-8817

2. Article Number  
(Transfer from service label) 7008 1140 0002 1503 5915  
PS Form 3811, February 2004 102595-02-M-1540

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to:  
HARRISON, MATTHES & EAGAN LLC  
16359 LAUDER LANE DALLAS, TX  
75248-2348

2. Article Number  
(Transfer from service label) 7008 1140 0002 1503 5823  
PS Form 3811, February 2004 102595-02-M-1540

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

Article Addressed to:

ELISA WILEY HARRISON  
BRUNA R FINNIE ATTY IN FACT  
1582 LEWISTON DR  
SUNNYVALE, CA 94087-4148

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*Elisa Wiley Harrison*

B. Received by (Printed Name)  
C. Date of Delivery  
2/11/04

D. Is delivery address different from item 1?  Yes  
if YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

Article Number  
(Transfer from service label) 7008 1140 0002 1503 5892

Domestic Return Receipt  
PS Form 3811, February 2004 102595-02-M-1540

**SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

1. Article Addressed to:

Priscilla Bancroft  
Bureau of Indian Affairs  
Ute Mountain Ute Agency  
P.O. Box KK  
TOWAOC, CO 81334

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*Priscilla Bancroft*

B. Received by (Printed Name)  
C. Date of Delivery  
2/12/04

D. Is delivery address different from item 1?  Yes  
if YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

Article Number  
(Transfer from service label) 7008 1140 0002 1503 6004

Domestic Return Receipt  
PS Form 3811, February 2004 102595-02-M-1540

**SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

Article Addressed to:

HARRISON WILEY LLC  
4388 WAXWING CT  
BOYNTON BEACH, FL 33436-0000

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*Elisa Wiley Harrison*

B. Received by (Printed Name)  
C. Date of Delivery  
2/12

D. Is delivery address different from item 1?  Yes  
if YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

Article Number  
(Transfer from service label) 7008 1140 0002 1503 5816

Domestic Return Receipt  
PS Form 3811, February 2004 102595-02-M-1540

**SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

1. Article Addressed to:

Gordon Hammond  
Ute Mountain Ute Tribe  
Tribal Energy and Tax Administration  
P.O. Box 42  
TOWAOC, CO 81334

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*Gordon Hammond*

B. Received by (Printed Name)  
C. Date of Delivery  
2/12/04

D. Is delivery address different from item 1?  Yes  
if YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

Article Number  
(Transfer from service label) 7008 1140 0002 1503 6028

Domestic Return Receipt  
PS Form 3811, February 2004 102595-02-M-1540

**SENDER - COMPLETE THIS 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 mailpiece, or on the front if space permits.

Article Addressed to:  
  
HELEN K & ARTHUR E  
JOHNSON FNDN  
1700 BROADWAY STE 1100  
DENVER, CO 80290-1718

Article Number  
(Transfer from service label) 7008 1140 0002 1503 5922

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *G. Simon*  
B. Received by (Printed Name): *G. SIMON*  
C. Date of Delivery: *2-1-10*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER - COMPLETE THIS 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 mailpiece, or on the front if space permits.

Article Addressed to:  
  
George Tetreault  
Bureau of Indian Affairs Southwest  
Regional Office P.O. Box 26567  
Albuquerque, NM 871256567

Article Number  
(Transfer from service label) 7008 1140 0002 1503 5984

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *G. Simon*  
B. Received by (Printed Name): *G. SIMON*  
C. Date of Delivery: *2-1-10*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER - COMPLETE THIS 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 mailpiece, or on the front if space permits.

Article Addressed to:  
  
Burlington/ ConocoPhillips  
Company  
Attn: Terry Ruby  
3535 East 30th Street  
Farmington, NM 87401

Article Number  
(Transfer from service label) 7008 1140 0002 1503 5960

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *Danna Lee*  
B. Received by (Printed Name): *Danna Lee*  
C. Date of Delivery: *2-1-10*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No  
*3401 E. 30th St  
Farmington, NM 87402*

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER - COMPLETE THIS 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 mailpiece, or on the front if space permits.

Article Addressed to:  
  
G.D. Simon  
Ute Mountain Ute Tribe  
P.O. Box 14749  
Albuquerque, NM 87191

Article Number  
(Transfer from service label) 7008 1140 0002 1503 5953

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *G.D. Simon*  
B. Received by (Printed Name): *G.D. Simon*  
C. Date of Delivery: *2-1-10*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

Article Addressed to:

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

Article Number  
(Transfer from service label)  
7008 1140 0002 1503 6035

PS Form 3811, February 2004  
Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*[Signature]*  
B. Received by (Printed Name)  
*[Signature]*  
C. Date of Delivery  
*2/11/04*  
D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

1. Article Addressed to:

MMS-BUREAU OF INDIAN AFFAIRS  
UTE MOUNTAIN UTE TRIBE  
810 HOUSTON ST, STE 2000  
FORT WORTH, TX 76102-6298

Article Number  
(Transfer from service label)  
7008 1140 0002 1503 5830

PS Form 3811, February 2004  
Domestic Return Receipt

102595-02-M-154

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*[Signature]*  
B. Received by (Printed Name)  
*[Signature]*  
C. Date of Delivery  
*2/11/04*  
D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

Article Addressed to:

Dave Swanson  
BLM, San Juan Public Lands Cen  
15 Burnett Court  
Durango, CO 81301

Article Number  
(Transfer from service label)  
7008 1140 0002 1503 9517

PS Form 3811, February 2004  
Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*[Signature]*  
B. Received by (Printed Name)  
*[Signature]*  
C. Date of Delivery  
*2/11/04*  
D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

1. Article Addressed to:

Robert L. Bayless  
Producers, LLC  
621 17<sup>th</sup> Street Suite 2300  
Denver, CO 80293

Article Number  
(Transfer from service label)  
7008 1140 0002 1503 5946

PS Form 3811, February 2004  
Domestic Return Receipt

102595-02-M-154

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*[Signature]*  
B. Received by (Printed Name)  
*[Signature]*  
C. Date of Delivery  
*2/11/04*  
D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

**ENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

Article Addressed to:  
Helen Mary Johnson  
Dana Rabinowitz  
BLM, San Juan Public Lands Cen  
15 Burnett Court  
Durango, CO 81301

Article Number  
(Transfer from service label) 7008 1140 0002 1503 6011

Domestic Return Receipt  
Form 3811, February 2004

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
B. Received by (Printed Name)  Addressee  
C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

**ENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

1. Article Addressed to:  
MAX HOUCK MATTHES LLC  
PO BOX 479  
TERRA CEIA ISLAND, FL 34250-01

Article Number  
(Transfer from service label) 7008 1140 0002 1503 5786

Domestic Return Receipt  
Form 3811, February 2004

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
B. Received by (Printed Name)  Addressee  
C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

**ENDER: COMPLETE THIS 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 mailpiece, or on the front if space permits.

Article Addressed to:  
Steve Hayden, geologist  
Oil Conservation Division  
1000 Rio Brazos Road  
Aztec, New Mexico 87410

Article Number  
(Transfer from service label) 7008 1140 0002 1503 5991

Domestic Return Receipt  
Form 3811, February 2004

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
B. Received by (Printed Name)  Addressee  
C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

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Postage	\$
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark  
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Total Post

Sent To  
Street, Apt.  
or PO Box  
City, State,

SPIRO RESOURCES LTD.  
PO BOX 6387  
SAN ANTONIO, TX 78209-0000

PS Form 3800, August 2005

5

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

IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION FOR  
THE PURPOSE OF HEARING:

APPLICATION OF XTO ENERGY, INC. TO EXPAND CASE 14430  
THE HORIZONTAL LIMITS OF THE UTE DOME-PARADOX  
GAS POOL IN INCLUDE ALL OF SECTION 27, T32N, R14W  
AND THE CONCOMITANT CONTRACTIONS OF THE BARKER  
DOME-PARADOX, THE BARKER DOME-AKAH/UPPER BARKER  
CREEK POOL, THE BARKER DOME-DESERT CREEK POOL AND  
THE BARKER DOME-ISMAI POOL, SAN JUAN COUNTY, NEW MEXICO

PRE-HEARING STATEMENT

XTO Energy Inc. submits its pre-hearing statement as required by the New Mexico Oil Conservation Division.

APPEARANCES OF THE PARTIES

APPLICANT

XTO Energy, Inc.  
810 Houston Street  
Houston, TX 76102

Attn: Bradley Jameson  
(817) 885-3156

ATTORNEY

Thomas Kellahin, Esq.  
706 Gonzales Road  
Santa Fe, NM 87501

Fax 505-982-2047  
Ph 505-982-4285

OTHER PARTIES

None

ATTORNEY

## STATEMENT OF THE CASE

### APPLICANT

- (1) XTO is a working interest owner and the operator of Section 27, T32N, R14W, San Juan County, New Mexico.
- (2) Within this section, is one abandoned paradox well and two active wells operated by XTO as follows:
  - a. the Ute Indian "A" Well No. 036, (API#30-045-31604) located in Unit P subject to OCD Order NSL-4877, dated May 7, 2003, dedicating 320 acres to the Barker Dome-Akah/Upper Barker Creek Pool, 320 acres to the Barker Dome-Desert Creek Pool and 160-acres to the Barker Dome-Ismay Pool;
  - b. the Ute Indian "A" Well No. 39 (API 30-045-33284) in Unit H subject to OCD Order NSL-5603, dated April 19, 2007, dedicating all of Sec 27 as a 640-acre unit for Barker Dome-Paradox Pool production, 320 acres to the Barker Dome-Akah/Upper Barker Creek Pool, 320 acres to the Barker Dome-Desert Creek Pool and 160 acres to the Barker Dome-Ismay Pool; and
  - c. the Ute Indian "A" Well No. 57 (API 30-045-342155) in Unit N approved as a 160-acre SW/4 spacing unit for Barker Dome-Ismay Pool but undrilled.
- (3) Geologically, the vertical interval from the top of the Paradox to the base of the Alkali Gulch constitutes the Pennsylvanian formations.
- (4) By Division Order R-46, dated December 29, 1950, the NW/4 of Section 27, T32N, R14W, along with other acreage, was subject to Barker Creek-Paradox (Pennsylvanian) Gas Pool with rules that included 640-acre gas spacing units.
- (5) By Order R-46-A, dated February 13, 1995, the Division subdivided the Barker Creek-Paradox Gas Pool and limited the Paradox to only the Lower Barker Creek and Alkali Gulch portions of the Pennsylvanian formations and created three additional pools such that the NW/4 of Section 27 is now subject to the following pools:
  - a. Barker Dome-Ismay Pool = 160-acre spacing
  - b. Barker Dome-Desert Creek Pool = 320-acre spacing
  - c. Barker Dome-Akah-Upper Barker Creek Pool = 320-acre spacing
  - d. Barker Dome-Paradox Pool = 640-acre spacing

- (6) The eastern and southern boundaries of Section 27 are contiguous to the boundary of Ute Dome-Paradox Gas Pool. **See Division Order R-12444**, dated October 17, 2005. The special rules and regulations for the Ute Dome-Paradox Gas Pool:
  - a. consolidated all of the Pennsylvanian formations including those from above the top of the Ismay to the base of the Alkali Gulch into a single pool, and
  - b. provided for 640-acre gas spacing for all of the Pennsylvanian formations with the option to drill one well per quarter section and relaxed well location rules that allow a well to be not closer than 660 feet to the outer boundary of the 640-acre spacing unit and not closer than 330 feet to an interior quarter section line or 10 feet to any quarter-quarter section line.
- (7) These special rules for the Ute Dome-Paradox Gas Pool are needed for this very complex stratigraphic reservoir with highly variable porosity in order to attempt to recovery gas that might not otherwise be recovered.
- (8) There is no significant geologic difference between Section 27 and the acreage within the Ute-Dome Paradox Gas Pool that should cause these two areas to be regulated with different Division rules. **See Order R-12444-C, dated February 16, that moved Sec 23 into the Ute-Dome Paradox Gas Pool**
- (9) At present, the Barker Dome-Paradox rules limits XTO in Section 27 to a single wellbore in the Lower Barker Creek-Alkali Gulch Interval while that same section if dedicated Ute Dome-Paradox Pool could be perforated in all of the intervals of the Pennsylvanian formations and infill drill to a density of 4 wellbores.
- (10) If all of Section 27 is made subject to the rules for the Ute Dome-Paradox Gas Pool rather than to the four pools identified in paragraph (4) above, XTO will have an opportunity to attempt recovery of gas that might not otherwise be recovered from Section 27 without the OCD and XTO having to process multiple application for unorthodox well locations ("NSLs") or increased density wells.
- (11) XTO would like to have the option to recomplete existing wells or additional wells within Section 27 provided this section can be developed pursuant to the rules for the Ute Dome- Paradox Gas Pool
- (12) XTO needs an order of the Division in order to protect correlative rights and prevent waste.
- (13) In accordance with the Division's notice requirements, a copy of this application has been sent to the parties listed on Exhibit "B" notifying each of this case and of the applicant's request for a hearing of this matter before the Division on the next available Examiner's docket now scheduled for March 4, 2010.

**PROPOSED EVIDENCE**

**APPLICANT**

<b>WITNESSES</b>	<b>EST. TIME</b>	<b>EST. EXHIBITS</b>
<b>Bradley Jameson, Landman</b>	<b>15-min</b>	<b>@ 6</b>
<b>Reed K. Meek, Geologist</b>	<b>15-min</b>	<b>@ 4</b>
<b>Mary Flynn, Petroleum Engineer</b>	<b>20-min</b>	<b>@ 8</b>

**PROCEDURAL MATTERS**

**None anticipated at this time.**

**KELLAHIN & KELLAHIN**

**W. Thomas Kellahin  
706 Gonzales Road  
Santa Fe, New Mexico 87501  
Phone 505-982-4285  
Fax 505-982-2047  
E-mail: tkellahin@comcast.net.**

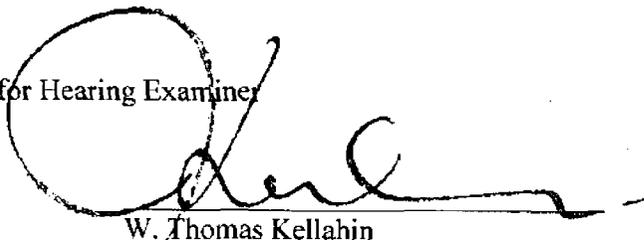
**CERTIFICATE OF SERVICE**

I certify that on the 25th day of February 2010, I served a copy of the foregoing documents by:

- US Mail, postage prepaid
- Hand Delivery
- Facsimile
- Email

to the following:

David K. Brooks,  
NMOCD Attorney for Hearing Examiner



W. Thomas Kellahin