

**APPLICATION TO APPROPRIATE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES**

1. Name and mailing address of applicant:

File No. CP-815

Daniel C. Berry

RECEIVED: August 10, 1993

Box 160

Eunice, NM 88231

2. Describe well location under one of the following subheadings:

a. SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26 Twp. 20-S Rge. 34-E NMPH,
in Lea County.

b. X = _____ feet, Y = _____ feet, New Mexico Coordinate System
Zone in the _____ Grant.

3. Approximate depth (if known) 288 feet; outside diameter of casing 20 inches.

Name of driller (if known) Existing well - Nearburg Producing Company

4. Use of water (check use applied for):

_____ One household, non-commercial trees, lawn and garden not to exceed one acre.

X Livestock watering.

_____ More than one household, non-commercial trees, lawns and gardens not to exceed a total of one acre.

_____ Drill and test a well intended to be used for domestic, drinking and sanitary or stock water purposes in conjunction with the building or dwelling unit.

_____ Drinking and sanitary purposes and the irrigation of non-commercial trees, shrubs and lawns in conjunction with a commercial operation.

_____ Prospecting, mining or drilling operations to discover or develop natural resources.

_____ Construction of public works, highways and roads.

If any of the last three items were marked, give name and nature of business under Remarks (Item 5).

5. Remarks: This application is made to record and authorize the use of an existing well. Nearburg filed intent to drill for oil and did not complete. Drilled to 228 feet and set 20" casing and then turned well over to me. A release agreement is enclosed. I intend to use well for stock watering.

I, Daniel C. Berry, affirm that the foregoing statements are true to the best of my knowledge and belief and that development shall not commence until approval of the permit has been obtained.

Daniel C. Berry, Applicant

By: _____

Date: 8-9-93

ACTION OF STATE ENGINEER

This application is approved for the use indicated, subject to all general conditions and to specific conditions numbered 1 & 4 on the reverse side hereof. This permit will automatically expire unless this well is drilled or driven and the well record filed on or before EXISTING WELL.

Eluid L. Martinez, State Engineer

By: _____

Johnny R. Hernandez

Basin Supervisor

Date: August 12, 1993

NEW MEXICO
OIL CONSERVATION DIVISION

EXHIBIT 4C

CASE NO. 10985

File No. CP-815

3160-4 - CONVERSION TO WATER WELL

Format for a Release Agreement--Patented Surface

RELEASE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that I Berry Ranches
of the County of Lea in the State of New Mexico
am the surface owner of the hereinafter described land upon which a well for
oil or gas was drilled, to wit:

Operator Nearburg Producing Company

Lease Number Rettster #1

Lessee _____

Well No. 1 (NE1/4NE1/4) Sec. 26, Twp. 20S, Rge. 34E.

The well is located 660 from the North line and
660 feet from the East line of Sec. 26.

I do hereby notify the Bureau of Land Management of my desire to utilize said
well as a water supply well and I do hereby release and discharge the
operator, lessee, and the Bureau of Land Management from any further work or
responsibility in relation to the plugging of said well.

WITNESS by hand and seal this 4 day of August, 1993

BERRY RANCHES

By: D. C. Berry
Surface Owner

P.O. Box 1106
Eunice, New Mexico 88231
Address

IN THE PRESENCE OF:

Delbert Carmack Address 6211 Harris Lane

Address _____