

ABOVE THIS LINE FOR DIVISION USE ONLY

NEW MEXICO OIL CONSERVATION DIVISION
 - Engineering Bureau -
 1220 South St. Francis Drive, Santa Fe, NM 87505



XTO Energy
Plumty Fed #12F
amended
5678-A

ADMINISTRATIVE APPLICATION CHECKLIST

THIS CHECKLIST IS MANDATORY FOR ALL ADMINISTRATIVE APPLICATIONS FOR EXCEPTIONS TO DIVISION RULES AND REGULATIONS WHICH REQUIRE PROCESSING AT THE DIVISION LEVEL IN SANTA FE

Application Acronyms:

- [NSL-Non-Standard Location] [NSP-Non-Standard Proration Unit] [SD-Simultaneous Dedication]
- [DHC-Downhole Commingling] [CTB-Lease Commingling] [PLC-Pool/Lease Commingling]
- [PC-Pool Commingling] [OLS - Off-Lease Storage] [OLM-Off-Lease Measurement]
- [WFX-Waterflood Expansion] [PMX-Pressure Maintenance Expansion]
- [SWD-Salt Water Disposal] [IPI-Injection Pressure Increase]
- [EOR-Qualified Enhanced Oil Recovery Certification] [PPR-Positive Production Response]

- [1] TYPE OF APPLICATION - Check Those Which Apply for [A]
- [A] Location - Spacing Unit - Simultaneous Dedication
 NSL NSP SD
 - Check One Only for [B] or [C]
 - [B] Commingling - Storage - Measurement
 DHC CTB PLC PC OLS OLM
 - [C] Injection - Disposal - Pressure Increase - Enhanced Oil Recovery
 WFX PMX SWD IPI EOR PPR
 - [D] Other: Specify _____
- [2] NOTIFICATION REQUIRED TO: - Check Those Which Apply, or Does Not Apply
- [A] Working, Royalty or Overriding Royalty Interest Owners
 - [B] Offset Operators, Leaseholders or Surface Owner
 - [C] Application is One Which Requires Published Legal Notice
 - [D] Notification and/or Concurrent Approval by BLM or SLO
U.S. Bureau of Land Management - Commissioner of Public Lands, State Land Office
 - [E] For all of the above, Proof of Notification or Publication is Attached, and/or,
 - [F] Waivers are Attached
- [3] SUBMIT ACCURATE AND COMPLETE INFORMATION REQUIRED TO PROCESS THE TYPE OF APPLICATION INDICATED ABOVE.

[4] CERTIFICATION: I hereby certify that the information submitted with this application for administrative approval is accurate and complete to the best of my knowledge. I also understand that no action will be taken on this application until the required information and notifications are submitted to the Division.

Note: Statement must be completed by an individual with managerial and/or supervisory capacity.

Applicant Name	Signature	Title	Date
e-mail Address			



August 9, 2007

RECEIVED
2007 AUG 13 AM 9 44

FEDERAL EXPRESS

Mr. Mark Fesmire
New Mexico Oil Conservation Division
1220 S St Francis Dr
Santa Fe NM 87504

Re: Amendment to Application for Administrative Approval of Unorthodox Location
XTO Energy Inc.'s Kutz Federal No. 12F
1,220' FSL and 2,525' FWL, Section 21, T28N, R10W
San Juan County, New Mexico
Dakota, Chacra, and Mancos formations

Dear Mr. Fesmire:

XTO Energy Inc. (XTO) requested administrative approval for an unorthodox location for the above referenced well as to the Dakota and Chacra formations in a letter dated July 19, 2007. After further review, XTO would like to amend the original application to include the Mancos formation. Attached for your reference are the following exhibits:

1. Well location plat (NMOCD Form C-102)
2. Topographic Map
3. Aerial Photograph
4. Dakota, Chacra, & Mancos formation Ownership Map
5. Dakota, Chacra, & Mancos formation Production Map

At the proposed location of 1,220' FSL and 2,525' FWL, the above captioned well is at a non-standard location to the east by 545' for the Dakota, Chacra, and Mancos formations. The well was placed at this location due to topographic issues and to obtain the greatest distance from the Kutz Federal No. 12 well (existing Dakota formation producing well located in the same quarter location). In addition, drilling this well as a directional well, in order to make the location standard, would not be economical for this area according to XTO's economics. The Dakota formation is spaced on a 320-acre W/2 stand-up unit and both the Chacra and Mancos formations are spaced on a 160-acre SW/4 unit.

In addition to XTO, the offsetting Dakota, Chacra, and Mancos operating rights to the east of the proposed location are owned by ConocoPhillips Company, who has been notified via Federal Express. In addition, all Dakota, Chacra, and Mancos operating rights owners in the W/2 of the section have been notified via either Federal Express or Express Mail.

*Mr. Mark Fesmire
New Mexico Oil Conservation Division
Kutz Federal No. 12F
August 9, 2007
Page Two*

XTO Energy Inc. requests your administrative approval for the unorthodox location based on the above information. Should you need any additional information, please contact me at (817) 885-3091.

Yours truly,

A handwritten signature in black ink, appearing to read "Ryan O'Kelley", with a long horizontal flourish extending to the right.

Ryan O'Kelley
Associate Landman

Enclosures

TRANSACTION REPORT

P. 01

SEP-11-2007 TUE 02:59 PM

FOR:

RECEIVE

DATE	START	SENDER	RX TIME	PAGES	TYPE	NOTE	M#	DP
SEP-11	02:58 PM	817 885 1854	36"	2	RECEIVE	OK		

DISTRICT I
1625 N. French Dr., Hobbs, N.M. 88240

DISTRICT II
1301 W. Grand Ave., Artesia, N.M. 88210

DISTRICT III
1000 Rio Brazos Rd., Aztec, N.M. 87410

DISTRICT IV
1220 South St 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

¹ API Number		¹ Pool Code	¹ Pool Name
⁴ Property Code	³ Property Name KUTZ FEDERAL		⁴ Well Number 12F
⁷ GRID No.	⁸ Operator Name XTO ENERGY INC.		⁹ Elevation 6047

¹⁰ Surface Location

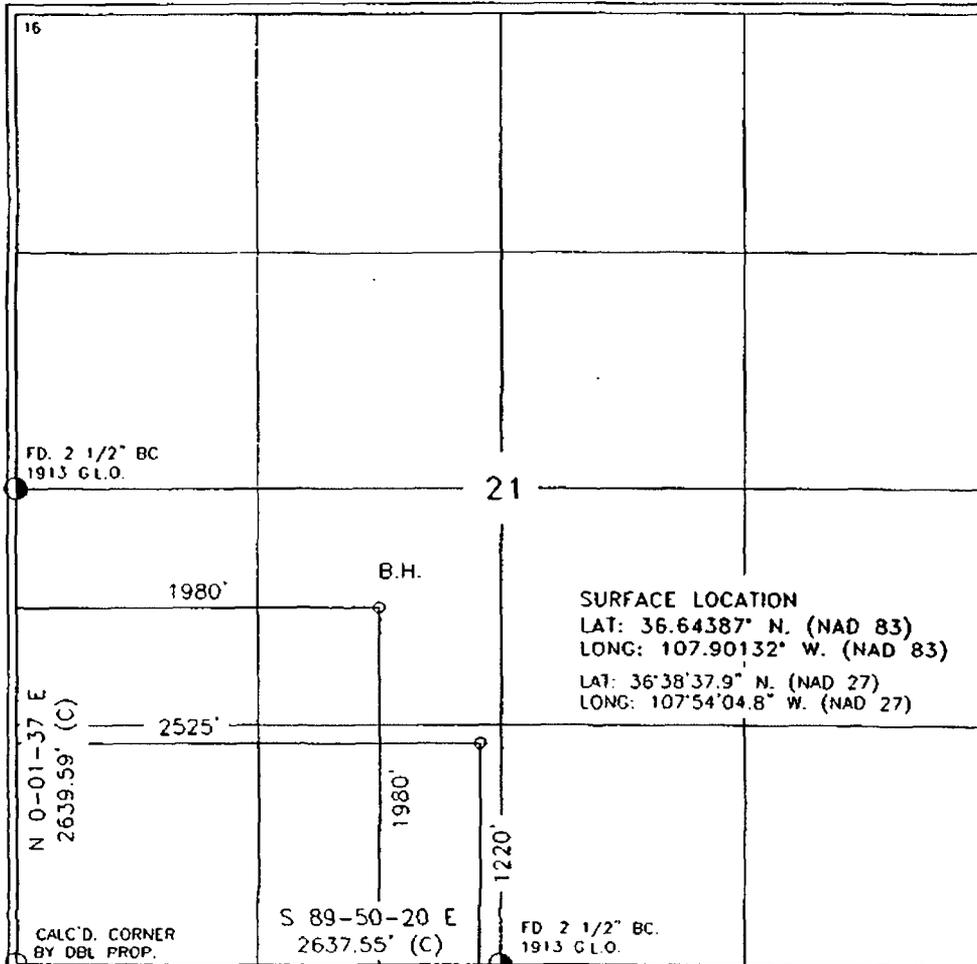
UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
N	21	28-N	10-W		1220	SOUTH	2525	WEST	SAN JUAN

¹¹ Bottom Hole Location If Different From Surface

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
K	21	28-N	10-W		1980	SOUTH	1980	WEST	SAN JUAN

¹² Dedicated Acres	¹³ Joint or Infill	¹⁴ Consolidation Code	¹⁵ Order No.
-------------------------------	-------------------------------	----------------------------------	-------------------------

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



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 owns a working interest or unleased mineral interest in the land including the proposed bottom hole location or has a right to drill this well at this location pursuant to a contract with an owner of such a mineral or working interest, or to a voluntary pooling agreement or a compulsory pooling order heretofore entered by the division.

Signature _____ Date _____

Printed Name _____

18 SURVEYOR CERTIFICATION

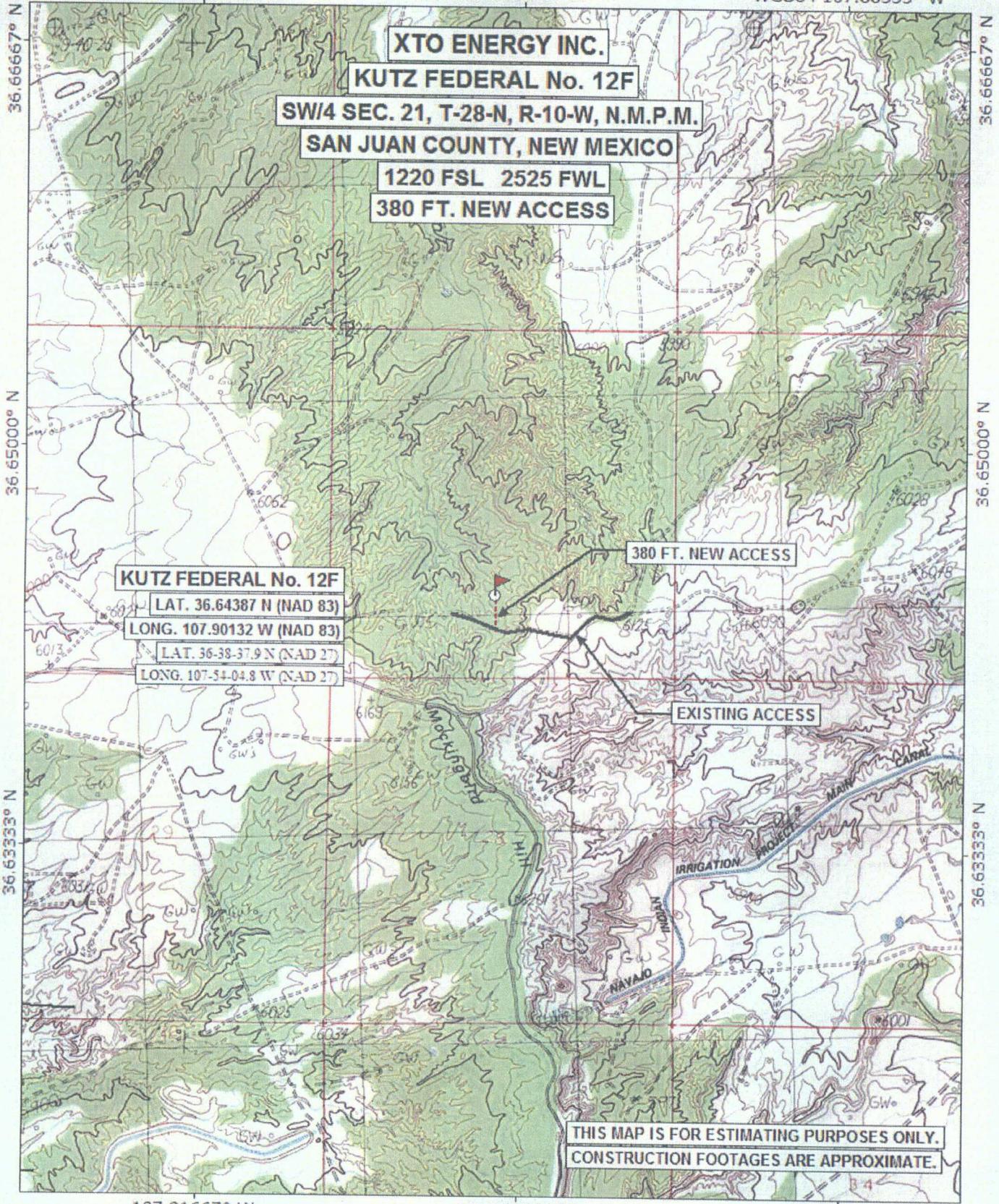
I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.

Date of Survey: DECEMBER 15, 2006

Signature and Seal of Professional Surveyor: [Signature]

NEW MEXICO
PROFESSIONAL LAND SURVEYOR
No. 8892

Certificate Number _____



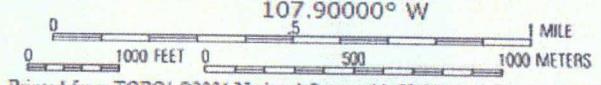
KUTZ FEDERAL No. 12F
LAT. 36.64387 N (NAD 83)
LONG. 107.90132 W (NAD 83)
LAT. 36-38-37.9 N (NAD 27)
LONG. 107-54-04.8 W (NAD 27)

XTO ENERGY INC.
KUTZ FEDERAL No. 12F
SW/4 SEC. 21, T-28-N, R-10-W, N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO
1220 FSL 2525 FWL
380 FT. NEW ACCESS

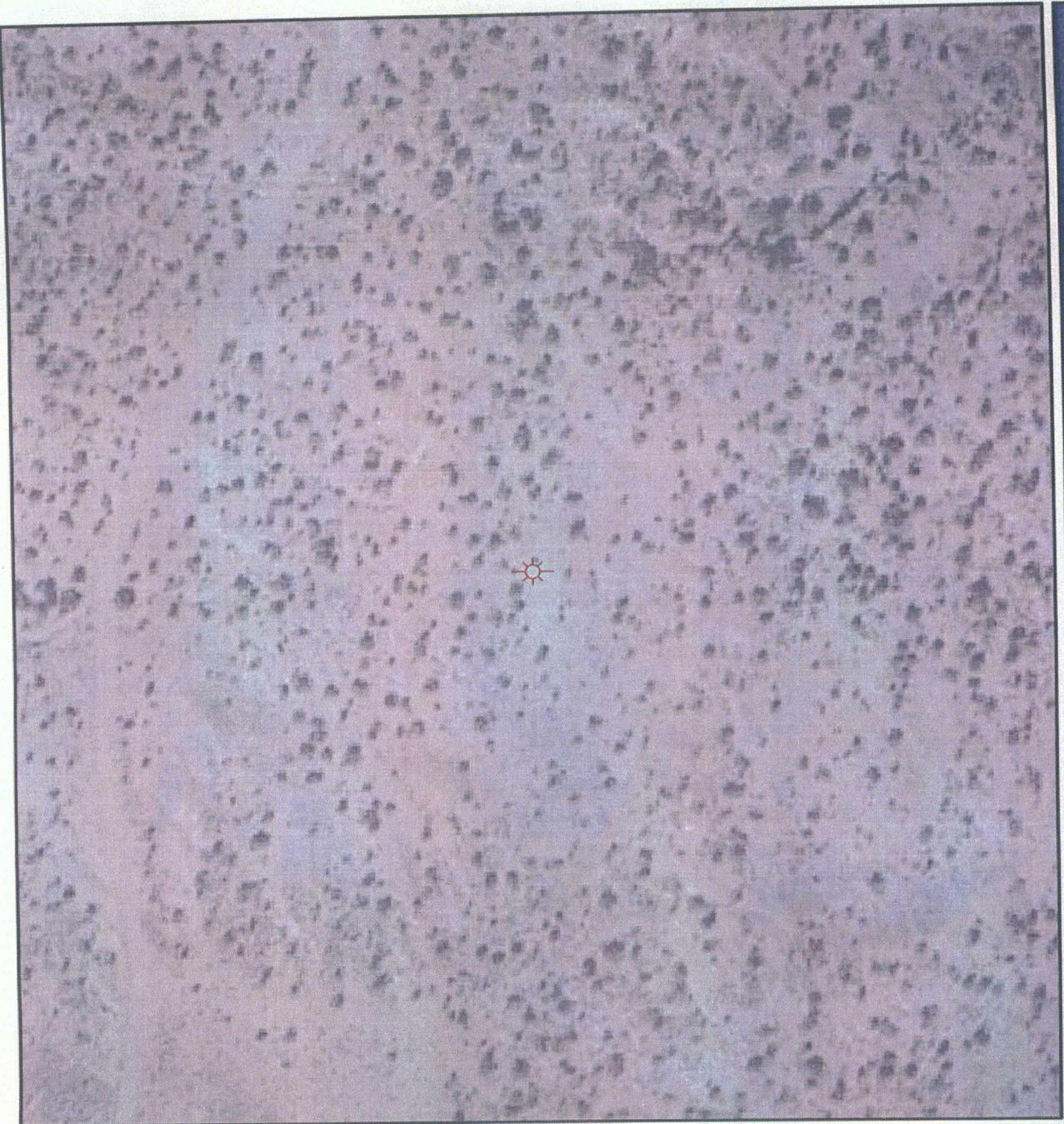
380 FT. NEW ACCESS

EXISTING ACCESS

THIS MAP IS FOR ESTIMATING PURPOSES ONLY.
CONSTRUCTION FOOTAGES ARE APPROXIMATE.



XTO ENERGY INC.
KUTZ FEDERAL No. 12F
SEC. 21, T-28-N, R-10-W, N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO



Legend



KUTZ FEDERAL No. 12F



Daggett Enterprises, Inc.
Surveying and Oil Field Services
P. O. Box 15068 Farmington, NM 87401
Phone (505) 326-1772 Fax (505) 326-6019



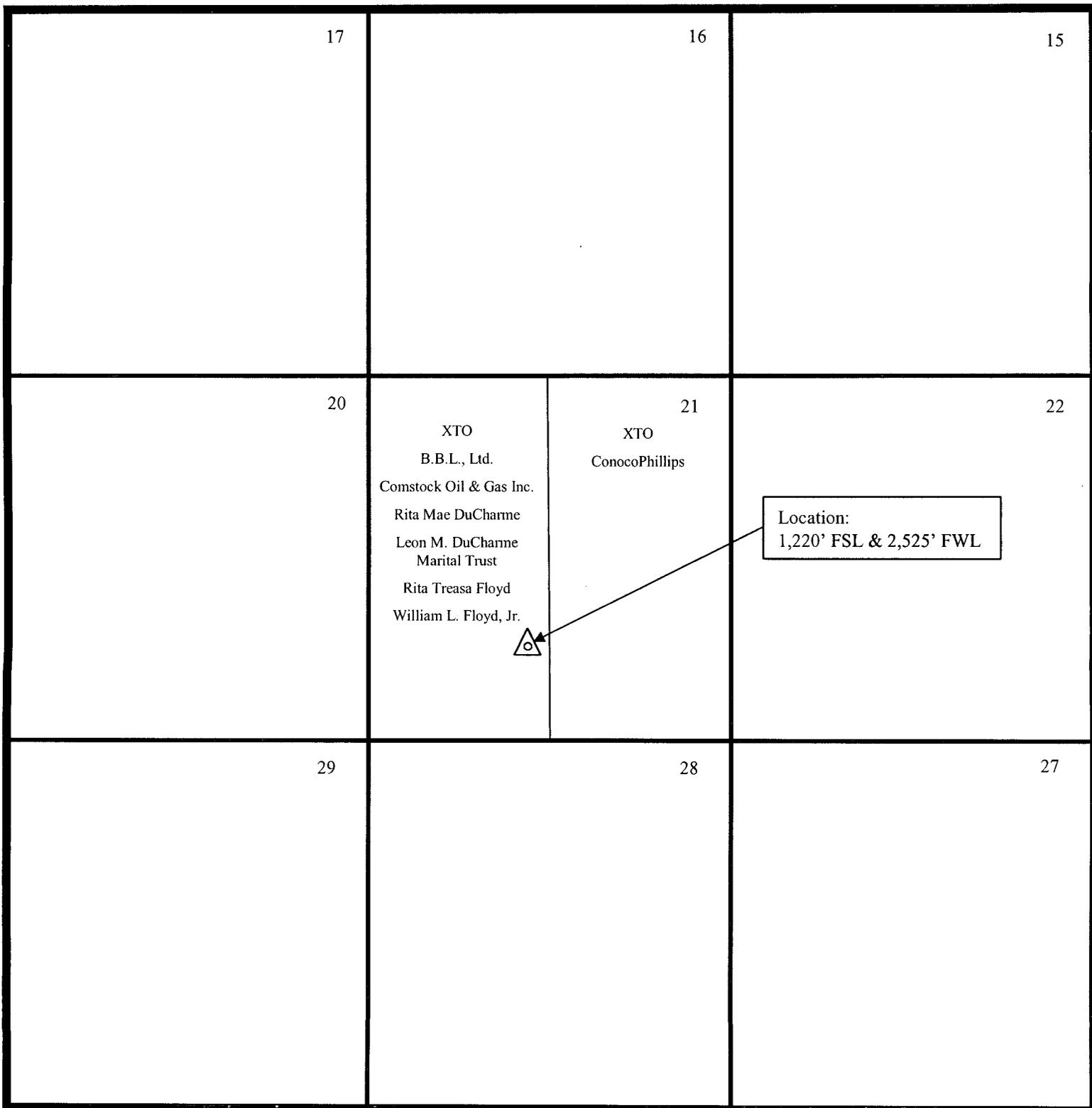
SECTION PLAT OF 9 SQUARE MILES

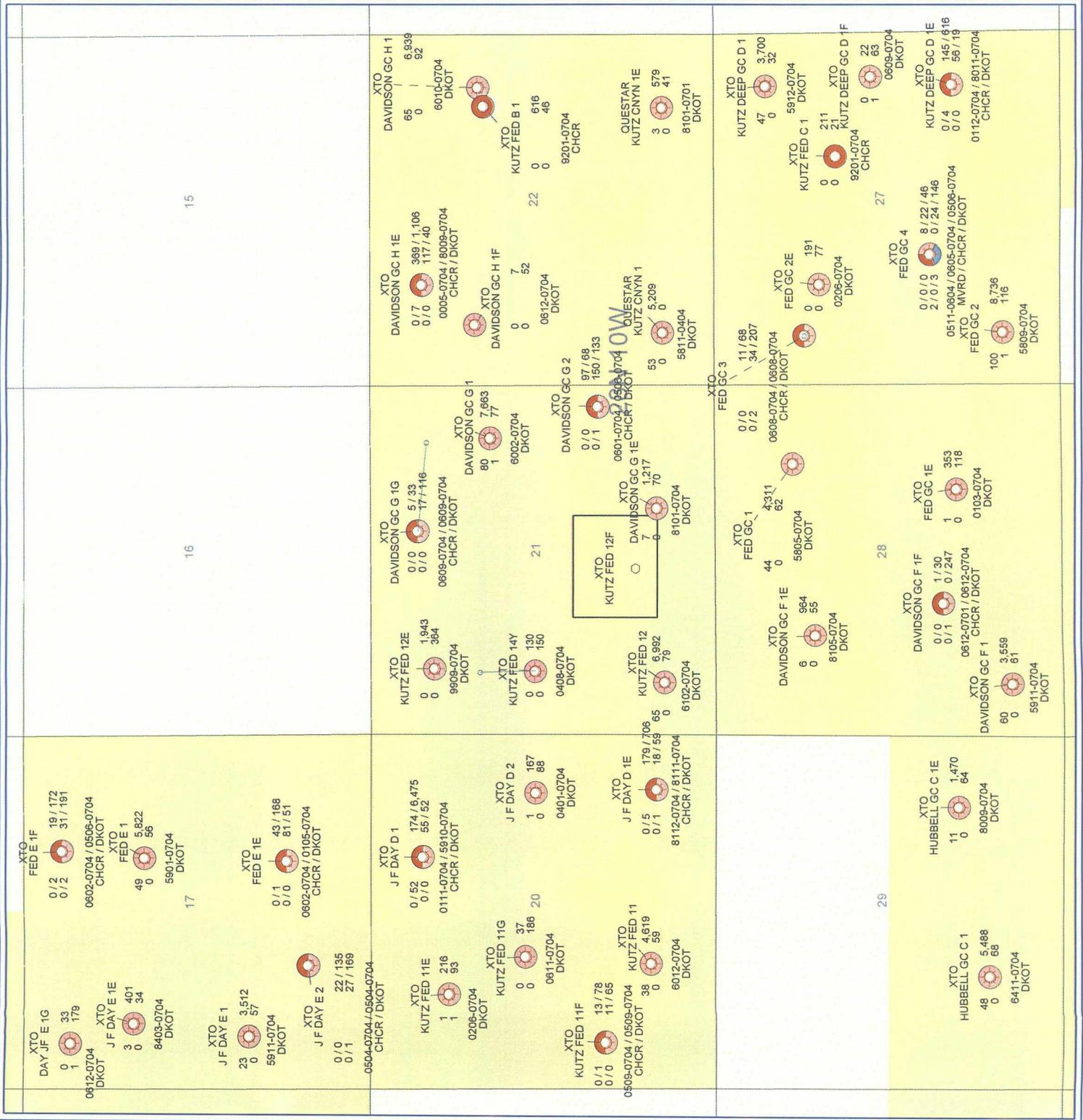
STATE: New Mexico COUNTY: San Juan

PROSPECT: Kutz Federal No. 12F DATE: July 19, 2007

SECTION: 21 TOWNSHIP: 28 North RANGE: 10 West

SCALE: 1'=2000'





SAN JUAN BASIN

SEC 21 T28N R10W

CUM PROD THRU 4/2007

San Juan County, NM.

Ratio Scale = 1 : 24,000

0 2,000

FEET

POSTED WELL DATA

Operator
Well Label

PICum - CUMUL. NBALS
PICum - CUMUL. YTD. BELD

PICum - CUMUL. DATE TO DATE
PICum - CUMUL. YTD. MCFD

PICum - RNAME

ATTRIBUTE MAP

- Shallow
- Farmington
- Fruitland Sand
- Fruitland Coal
- Colored Chills
- Mesaverde
- Gallup
- Dakota
- Morrison
- Deep

WELL SYMBOLS

- Gas Well
- Location

REMARKS

Dakota/Chacra/Mancos Producers

By: Jane Foster

August 6, 2007



August 9, 2007

FEDERAL EXPRESS

ConocoPhillips Company
Attn: Rob Helton, Jr.
3401 East 30th St.
Farmington, New Mexico 87499-4289

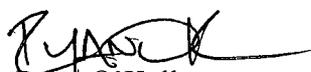
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1,220' FSL and 2,525' FWL, Section 21, T28N, R10W
San Juan County, New Mexico
Dakota, Chacra, and Mancos formations

Dear Working Interest Owner:

Enclosed is a copy of an Amendment to the Application for Administrative Approval of Unorthodox Location for the Kutz Federal No. 12F Well that has been sent to the New Mexico Oil Conservation Commission for administrative approval. If you have no objection to the proposed non-standard location, please so indicate by signing and returning one copy of this letter to me at the address on shown at the bottom of this letter as soon as possible.

Should you have any questions or need more information, please contact me at (817) 885-3091. Your prompt attention to this matter will be very much appreciated.

Yours truly,


Ryan O'Kelley
Associate Landman

Enclosures

cc: Mr. Mark Fesmire, NMOCD

_____ hereby waives notice of hearing and objection to the application by XTO Energy Inc. for the non-standard location for the Kutz Federal No. 12F Well, as depicted on the enclosed plat.

By: _____

Printed Name: _____

Date: _____



August 9, 2007

FEDERAL EXPRESS

William L. Floyd, Jr.
P.O. Box 1628
New York, NY 10021-0044

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July 19, 2007

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William L. Floyd, Jr.
P.O. Box 1628
New York, NY 10021-0044

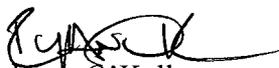
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August 9, 2007

FEDERAL EXPRESS

Leon M. DuCharme Marital Trust
2617 South Wadsworth Circle
Lakewood, CO 80277-3220

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August 9, 2007

EXPRESS MAIL

Rita Treasa Floyd
C/o Comercia Bank, Trustee
Attn: John W. Lowrie
P.O. Box 4761 (Mail Code 6605)
Houston, TX 77210-4167

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August 9, 2007

EXPRESS MAIL

B.B.L., Ltd.
P.O. Box 911
Breckenridge, TX 76424-0911

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August 9, 2007

FEDERAL EXPRESS

Comstock Oil & Gas Inc.
5300 Town & Country Blvd. #500
Frisco, TX 75034

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August 9, 2007

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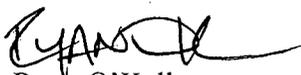
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By: _____
Printed Name: _____
Date: _____

EB 207679645 US

EXPRESS MAIL



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			
Delivery Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT
 Express Mail Corporate Acct. No. **WAIVER OF SIGNATURE (Domestic Mail Only)**
 Additional merchandise insurance is void if customer requests waiver of signature.
 I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee is authorized to obtain signature on behalf of addressee) and authorize that delivery employee's signature constitutes valid proof of delivery.

Federal Agency Acct. No. or Postal Service Acct. No. _____

NO DELIVERY Weekend Holiday Mailer Signature

TO: (PLEASE PRINT) PHONE ()

William L. Floyd, Jr.
 P.O. Box 1428
 New York, NY 10021-0044

ZIP 4-4 (U.S. ADDRESSES ONLY, DO NOT USE FOR FOREIGN POSTAL CODES.)

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code	Day of Delivery	Postage
	<input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Bst Day	\$
Date Accepted	Scheduled Date of Delivery	Return Receipt Fee
	Month Day	\$
Mo. Day Year	Scheduled Time of Delivery	COD Fee
	<input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	\$
Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	Military	Insurance Fee
	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	\$
Flat Rate <input type="checkbox"/> or Weight	Int'l Alpha Country Code	Total Postage & Fees
lbs. ozs.	Acceptance Emp. Initials	\$

FROM: (PLEASE PRINT) PHONE 817 885-3091

XTO ENERGY INC.
 810 Houston St.
 Fort Worth, TX 76102
 Attn: Land Dept.

FOR PICKUP OR TRACKING
 Visit www.usps.com
 Call 1-800-222-1811

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Mailing Label
Label 11-B, March 2004

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

EB 207679676 US

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PO ZIP Code _____

Day of Delivery
 Next 2nd 2nd Del. Day

Scheduled Date of Delivery \$ _____

Postage \$ _____

Return Receipt Fee \$ _____

Month _____ Day _____

Scheduled Time of Delivery
 Noon 3 PM

Insurance Fee \$ _____

Mo. _____ Day _____

Time Accepted AM PM

Military _____

Total Postage & Fees \$ _____

Flat Rate or Weight _____

Int'l Alpha Country Code _____

Acceptance Emp. Initials _____

lbs. _____ ozs. _____

FROM: (PLEASE PRINT) PHONE (817) 885-3091

XTO Energy Inc.
 810 Houston St.
 Ft. Worth, Tx 76102

FOR PICKUP OR TRACKING
 Visit www.usps.com
 Call 1-800-222-1811

DELIVERY (POSTAL SERVICE ONLY)

Delivery Attempt Time AM PM Employee Signature _____

Mo. _____ Day _____

Delivery Attempt Time AM PM Employee Signature _____

Mo. _____ Day _____

Delivery Date Time AM PM Employee Signature _____

Mo. _____ Day _____

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT
 Express Mail Corporate Acct. No. _____

Federal Agency Acct. No. or Postal Service Acct. No. _____

WAIVER OF SIGNATURE (Domestic Mail Only)
 Additional merchandise insurance is void if customer requests waiver of signature.
 I wish delivery to be made without obtaining signature of addressee or addressee's agent. (If delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY
 Weekend Holiday Mailer Signature _____

TO: (PLEASE PRINT) PHONE () _____

B.B.L., Ltd.
 P.O. Box 911
 Breckenridge Tx. 76024-0911

ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)
 _____ + _____

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

PRESS HARD, YOU ARE MAKING 3 COPIES.



- Ship
- Track/History
- Address/Book
- Preferences
- Fast Ship
- Reports
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<< Log out Home



Your Shipment Details:

<p>Ship to:</p> <p>Comstock Oil & Gas Inc. 5300 Town & Country Blvd. #500 Frisco, TX 75034 US 817-885-3091</p>	<p>Package type: FedEx Envelope</p> <p>Pickup/Drop Off: give to scheduled courier at my local</p> <p>Weight: 1 LBS</p> <p>Dimensions: 0 x 0 x 0 in</p> <p>Declared value: 0 USD</p> <p>Shipper account number: 104873456</p> <p>Bill transportation to: 104873456</p>
<p>From:</p> <p>Elesha Denison</p> <p>810 Houston St Fort Worth, TX 76102 US 8178852891</p>	<p>Courtesy rate quote:* 6.68</p> <p>Discounted variable %</p> <p>Cod amount</p> <p>Special services:</p> <p>Shipment Purpose:</p> <p>Shipment type: Express</p> <p>Commercial/Residential Status: Commercial</p>
<p>Tracking no: 790803541220</p> <p>Ship date: Aug 10 2007</p> <p>Service type: FedEx Express Saver</p>	

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<p>Ship to:</p> <p>Rita Mae DuCharme</p> <p>2617 South Wadsworth Cir. Lakewood, CO 802773220 US 817-885-3091</p>	<p>Package type: FedEx Envelope</p> <p>Pickup/Drop Off: give to scheduled courier at my local</p> <p>Weight: 1 LBS</p> <p>Dimensions: 0 x 0 x 0 in</p> <p>Declared value: 0 USD</p> <p>Shipper account number: 104873456</p>
<p>From:</p> <p>Elesha Denison</p> <p>810 Houston St Fort Worth, TX 76102 US 8178852891</p>	<p>Bill transportation to: 104873456</p> <p>Courtesy rate quote:* 9.36</p> <p>Discounted variable %</p> <p>Cod amount</p> <p>Special services: Residential delivery</p> <p>Shipment Purpose:</p>
<p>Tracking no: 799191425408</p> <p>Ship date: Aug 10 2007</p> <p>Service type: FedEx Express Saver</p>	<p>Shipment type: Express</p> <p>Commercial/Residential Status: Residential</p>

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<p>Ship to:</p> <p>Leon M. DuCharme Marital Trust</p> <p>2617 South Wadsworth Cir. Lakewood, CO 802773220 US 817-885-3091</p>	<p>Package type: FedEx Envelope</p> <p>Pickup/Drop Off: give to scheduled courier at my local</p> <p>Weight: 1 LBS</p> <p>Dimensions: 0 x 0 x 0 in</p> <p>Declared value: 0 USD</p> <p>Shipper account number: 104873456</p> <p>Bill transportation to: 104873456</p>
<p>From:</p> <p>Elesha Denison</p> <p>810 Houston St Fort Worth, TX 76102 US 8178852891</p>	<p>Courtesy rate quote:* 6.85</p> <p>Discounted variable %</p> <p>Cod amount</p> <p>Special services:</p> <p>Shipment Purpose:</p> <p>Shipment type: Express</p> <p>Commercial/Residential Status: Commercial</p>
<p>Tracking no: 799691211189</p> <p>Ship date: Aug 10 2007</p> <p>Service type: FedEx Express Saver</p>	<p>Previous</p>

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Your Shipment Details:

<p>Ship to:</p> <p>Rob Helton, Jr. ConocoPhillips Company 3401 E. 30th St. Farmington, NM 874994289 US 817-885-3091</p>	<p>Package type: FedEx Envelope</p> <p>Pickup/Drop Off: give to scheduled courier at my local</p> <p>Weight: 1 LBS</p> <p>Dimensions: 0 x 0 x 0 in</p> <p>Declared value: 0 USD</p> <p>Shipper account number: 104873456</p> <p>Bill transportation to: 104873456</p>
<p>From:</p> <p>Elesha Denison</p> <p>810 Houston St Fort Worth, TX 76102 US 8178852891</p>	<p>Courtesy rate quote:* 6.85</p> <p>Discounted variable %</p> <p>Cod amount</p> <p>Special services:</p> <p>Shipment Purpose:</p> <p>Shipment type: Express</p> <p>Commercial/Residential Status: Commercial</p>
<p>Tracking no: 791738889687</p> <p>Ship date: Aug 10 2007</p> <p>Service type: FedEx Express Saver</p>	

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NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

August 29, 2007

XTO Energy, Inc.
810 Houston Street
Fort Worth, Texas 76102-6298

Attention: Mr. Ryan O'Kelley

Re: **Kutz Federal Well No. 12F**
API No. N/A
1220' FSL & 2525' FWL (Unit N)
Section 21, T-28 North, R-10 West, NMPM,
San Juan County, New Mexico

Administrative Order NSL-5678

Dear Mr. O'Kelley:

Reference is made to the following:

- (a) XTO Energy, Inc.'s ("XTO" or "applicant") application for a non-standard well location (*administrative application reference No. pCLP0720627605*) for the Kutz Federal Well No. 12F that was submitted to the New Mexico Oil Conservation Division ("Division") in Santa Fe, New Mexico on July 20, 2007; and
- (b) the Division's records pertinent to your request.

XTO requests approval of an unorthodox well location for its proposed Kutz Federal Well No. 12F in the Basin-Dakota Gas Pool (Prorated Gas – 71599) and the Otero-Chacra Pool (Gas – 82329) to be drilled 1220 feet from the South line and 2525 feet from the West line (Unit N) of Section 21, Township 28 North, Range 10 West, NMPM, San Juan County, New Mexico. The SW/4 of Section 21 is to be dedicated to the well in the Otero-Chacra Pool forming a standard 160-acre spacing and proration unit. The well is also to be dedicated to an existing 320-acre gas spacing and proration unit in the Basin-Dakota Gas Pool comprising the W/2 of Section 21.

The Otero-Chacra Pool is currently governed by Division Rule 19.15.3.104(C)(3) which requires standard 160-acre spacing and proration units with wells to be located no closer than 660 feet to the outer boundary of the unit nor closer than 10 feet to any quarter-quarter section line or subdivision inner boundary.

The Basin-Dakota Gas Pool is currently governed by special pool rules established by Division Order No. R-10987, as amended, which require standard 320-acre gas spacing and proration units with initial and infill wells to be located no closer than 660 feet to the outer boundary of the gas proration unit and no closer than 10 feet to any quarter-quarter section line or subdivision inner boundary.

The applicant presented evidence to demonstrate that the proposed unorthodox location is necessitated by topographic considerations within the SW/4 of Section 21, as well as engineering considerations, namely XTO's desire to maximize the distance between the proposed well and the XTO Kutz Federal Well No. 12, an existing Basin-Dakota Gas Pool producing well located within the SW/4 of Section 21.

The applicant provided notice of its application to the owners of operating rights within the E/2 of Section 21, Township 28 North, Range 10 West, NMPM, being the affected offset acreage. The applicant also provided notice to the owners of operating rights within the Chacra and Dakota formations within the W/2 of Section 21. No party objected to the application within the 20-day waiting period prescribed by Division Rule 19.15.3.104(F).

Division records show that the Kutz Federal Well No. 12F will be the only producing well from the Otero-Chacra Pool within the SW/4 of Section 21, and the fourth well producing from the Basin-Dakota Gas Pool within the W/2 of Section 21.

Pursuant to the authority granted under the provisions of Division Rule 19.15.3.104.F(2), the above-described unorthodox gas well location in the Basin-Dakota Gas Pool and Otero-Chacra Pool is hereby approved.

Sincerely,



Mark E. Fesmire, P.E.
Division Director

MEF/drc

cc: New Mexico Oil Conservation Division – Aztec
Bureau of Land Management-Farmington



September 11, 2007

FEDERAL EXPRESS

Mr. David Brooks
New Mexico Oil Conservation Division
1220 S St Francis Dr
Santa Fe NM 87504

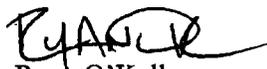
Re: **Amendment** to Application for Administrative Approval of Unorthodox Location
XTO Energy Inc.'s Kutz Federal No. 12F
1,220' FSL and 2,525' FWL, Section 21, T28N, R10W
San Juan County, New Mexico
Dakota, Chacra, and Mancos formations

Dear Mr. Brooks:

XTO Energy Inc. (XTO) is in receipt of your letter dated September 11, 2007, regarding the above captioned Amendment. In my letter dated August 9, 2007, I enclosed the wrong form C-102. I apologize for the oversight. Please find enclosed the most recent and correct form C-102 for the above captioned well. XTO desires to drill a vertical well to the Dakota, Chacra, and Mancos formations with a bottom-hole location of 1,220' FSL and 2,525' FWL.

XTO Energy Inc. requests your administrative approval to amend administrative order NSL-5678 to include the Mancos formation based on the submitted information. Should you need any additional information, please contact me at (817) 885-3091.

Yours truly,


Ryan O'Kelley
Associate Landman

Enclosures

DISTRICT I
1625 N. French Dr., Hobbs, N.M. 88240

DISTRICT II
1301 W. Grand Ave., Artesia, N.M. 88210

DISTRICT III
1000 Rio Brazos Rd., Aztec, N.M. 87410

DISTRICT IV
1220 South St. 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

¹ API Number		² Pool Code		³ Pool Name	
⁴ Property Code		⁵ Property Name KUTZ FEDERAL			⁶ Well Number 12F
⁷ DQRID No.		⁸ Operator Name XTO ENERGY INC.			⁹ Elevation 6047

¹⁰ Surface Location

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
N	21	28-N	10-W		1220	SOUTH	2525	WEST	SAN JUAN

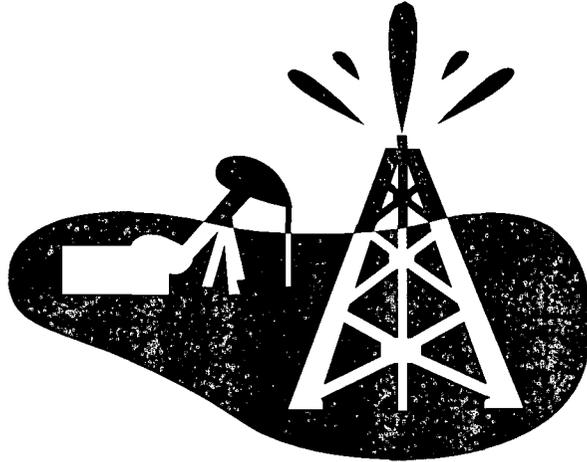
¹¹ Bottom Hole Location If Different From Surface

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County

¹² Dedicated Acres	¹³ Joint or MWB	¹⁴ Consolidation Code	¹⁵ Order No.

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

<p>16</p> <p>FD. 2 1/2" BC. 1913 G.L.O.</p> <p>21</p> <p>2639.59' (C)</p> <p>N 0-01-37 E</p> <p>2639.59' (C)</p> <p>2525'</p> <p>1220'</p> <p>S 89-50-20 E 2637.55' (C)</p> <p>FD. 2 1/2" BC. 1913 G.L.O.</p> <p>17</p>	<p>OPERATOR CERTIFICATION</p> <p>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 owns a working interest or unleased mineral interest in the land including the proposed bottom hole location or has a right to drill this well at this location pursuant to a contract with an owner of such a mineral or working interest, or is a voluntary pooling agreement or a compulsory pooling order heretofore entered by the division.</p> <p>Signature _____ Date _____</p> <p>Printed Name _____</p>
	<p>18 SURVEYOR CERTIFICATION</p> <p>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.</p> <p>DECEMBER 27, 2006</p> <p>Date of cert.</p> <p><i>ROY A. RUSH</i> Registered Professional Surveyor</p> <p>NEW MEXICO REGISTERED PROFESSIONAL LAND SURVEYOR 8894</p>



TRANSMITTAL COVER SHEET

OIL CONSERVATION DIVISION
1220 S. ST. FRANCIS DRIVE
SANTA FE, NM 87505
(505) 476-3440
(505)476-3462 (Fax)

PLEASE DELIVER THIS FAX:

TO: Ryan O'Kelly XTO

FROM: David Brooks

DATE: 9/11/07

PAGES: 2

SUBJECT: Kuntz Fed #12F

IF YOU HAVE TROUBLE RECEIVING THIS FAX, PLEASE CALL THE OFFICE NUMBER ABOVE.



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON
Governor
Joanna Prukop
Cabinet Secretary

Mark E. Fesmire, P.E.
Director
Oil Conservation Division

September 11, 2007

XTO Energy, Inc.
Attn: Mr. Ryan O'Kelley
810 Houston Street
Ft. Worth, TX 76102-6298

FAX No. 817-885-1854

**Re: NSL Application
Kuntz Fed Well No. 12F
K-21-28N-10W**

Dear Mr. O'Kelley:

I have before me your amendment, dated August 9, 2007, of the above application to include the Mancos formation.

The form C-102 attached to your letter indicates that this will be a directional well, with a stated bottom-hole location 1980 FSL and 1980 FWL, an orthodox location, though it does not indicate where the well will penetrate the Mancos. The permit previously granted for this well for the Dakota and Chacra formations by Order NSL-5678, and your August 9 letter, both suggest that you contemplate a vertical well at the stated unorthodox surface location, 1220 FSL and 2525 FWL.

Please clarify your intentions, so we can process this amended application.

Should you have questions, please feel free to call the undersigned at (505)-476-3450.

Very truly yours,

A handwritten signature in cursive script that reads "David K. Brooks".

David K. Brooks,
Assistant General Counsel