

ABOVE THIS LINE FOR DIVISION USE ONLY

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



Burlington Resources
 O:1 3 Gas CO. LP
 Bandy Com #100

ADMINISTRATIVE APPLICATION CHECKLIST

5974

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]

RECEIVED
 2008 OCT 15 PM 3 35

- [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.

Patsy Clugston		Sr. Regulatory Specialist	10/14/08
Print or Type Name	Signature	Title	Date

clugspl@conocophillips.com
 e-mail Address

Burlington Resources Oil & Gas, LP

3401 E. 30th Street
Farmington, NM 87401

October 14, 2008
Sent Overnight UPS

New Mexico Oil Conservation Division
NSL Examiner
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Re: Bandy Com #100
Unit L (NWSW), 2090' FSL & 1010' FWL, Sec. 3, T30N, R11W
San Juan Co, New Mexico
API - 30-045-34715

Dear Sir:

This is a request for administrative approval for a non-standard gas well location in the Basin Fruitland Coal and Farmer Fruitland Sands pools.

The proposed Bandy Com #100 was staked as commingle Fruitland Coal / Fruitland Sands well. The placement of this drill block well is non-standard for the Fruitland Coal as per Order 8768-F and Fruitland Sands per Rule 104.

The primary reason for staking a non-standard location for the proposed well is the "legal drilling window" is right in the middle of the surface owner's field, so the well was placed in its current location at the surface owner's request. See the attached topo and aerial map for further clarification.

Production from the Basin Fruitland Coal is included in the 319.14 acre gas proration unit on the S/2 of Section 3. The production from the Farmers Fruitland Sands is included in the 160.0 acres gas proration unit on the SW/4 of Section 3. To comply with the New Mexico Oil Conservation Division rules, we are submitting the following for your approval of this non-standard location:

1. Approved APD cover page and C102 plat showing location of the well
2. 9 Section Plan showing wells in the area
3. Offset Operator Plat for Section 3 and WIO narrative
4. Topo and aerial maps showing the location of the well

ConocoPhillips Company is the Operator of the proration units being encroached by the proposed well in N/2 of Section 3, T30N, R11W of which Burlington Resources Oil & Gas, LP is a wholly owner subsidiary of ConocoPhillips Company, therefore notification is being sent to the WIO for the N/2. Please let me know if you have any questions about this application at 505-326-9518.

Sincerely,



Patsy Clugston
Sr. Regulatory Specialist

State of New Mexico
Energy, Minerals and Natural Resources

Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

APPLICATION FOR PERMIT TO DRILL, RE-ENTER, DEEPEN, PLUGBACK, OR ADD A ZONE

1. Operator Name and Address BURLINGTON RESOURCES OIL & GAS COMPANY LP 3401 E. 30TH STREET FARMINGTON, NM 87402		2. OGRID Number 14538
		3. API Number 30-045-34715
4. Property Code 36822	5. Property Name BANDY COM	6. Well No. 100

7. Surface Location

UL - Lot	Section	Township	Range	Lot Idn	Feet From	N/S Line	Feet From	E/W Line	County
L	3	30N	11W	L	2090	S	1010	W	SAN JUAN

8. Pool Information

BASIN FRUITLAND COAL (GAS)	71629
FARMER FRUITLAND SAND (GAS)	76570

Additional Well Information

9. Work Type New Well	10. Well Type GAS	11. Cable/Rotary	12. Lease Type Private	13. Ground Level Elevation 5634
14. Multiple Y	15. Proposed Depth	16. Formation Fruitland Coal	17. Contractor	18. Spud Date
Depth to Ground water 10		Distance from nearest fresh water well		Distance to nearest surface water
Pit: Liner: Synthetic <input type="checkbox"/> mls thick Clay <input type="checkbox"/> Pit Volume: bbls Drilling Method: Closed Loop System <input checked="" type="checkbox"/> Fresh Water <input type="checkbox"/> Brine <input type="checkbox"/> Diesel/Oil-based <input type="checkbox"/> Gas/Air <input type="checkbox"/>				

19. Proposed Casing and Cement Program

Type	Hole Size	Casing Type	Casing Weight/ft	Setting Depth	Sacks of Cement	Estimated TOC
Surf	8.75	7	20	120	50	0
Prod	6.25	4.5	10.5	2334	359	0

Casing/Cement Program: Additional Comments

This is a Type 2 well as indicated in the BR/COPC Master Drilling Plan. Cement volumes are indicated in cubic feet instead of sacks of cement to be used. The pit sundry will be submitted after the APD is approved.

Proposed Blowout Prevention Program

Type	Working Pressure	Test Pressure	Manufacturer
DoubleRam	2000	2000	Schaffer

I hereby certify that the information given above is true and complete to the best of my knowledge and belief. I further certify that the drilling pit will be constructed according to NMOCD guidelines <input type="checkbox"/> a general permit <input type="checkbox"/> or an (attached) alternative OCD-approved plan <input type="checkbox"/> .	OIL CONSERVATION DIVISION	
	Approved By: Charlie Perrin	
	Title: District Supervisor	
	Approved Date: 5/19/2008	Expiration Date: 5/19/2010
	Printed Name: Electronically filed by Philana Thompson	
	Title: Regulatory Technician	
Email Address: thomppp@conocophillips.com		
Date: 5/14/2008	Phone: 505-326-9530	Conditions of Approval Attached

District I

1625 N. French Dr., Hobbs, NM 88240
Phone:(505) 393-6161 Fax:(505) 393-0720

District II

1301 W. Grand Ave., Artesia, NM 88210
Phone:(505) 748-1283 Fax:(505) 748-9720

District III

1000 Rio Brazos Rd., Aztec, NM 87410
Phone:(505) 334-6178 Fax:(505) 334-6170

District IV

1220 S. St Francis Dr., Santa Fe, NM 87505
Phone:(505) 476-3470 Fax:(505) 476-3462

State of New Mexico
Energy, Minerals and Natural Resources

Form C-102
Permit 75019

Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

WELL LOCATION AND ACREAGE DEDICATION PLAT

1. API Number 30-045-34715	2. Pool Code 71629	3. Pool Name BASIN FRUITLAND COAL (GAS)
4. Property Code 36822	5. Property Name BANDY COM	6. Well No. 100
7. OGRID No. 14538	8. Operator Name BURLINGTON RESOURCES OIL & GAS COMPANY LP	9. Elevation 5634

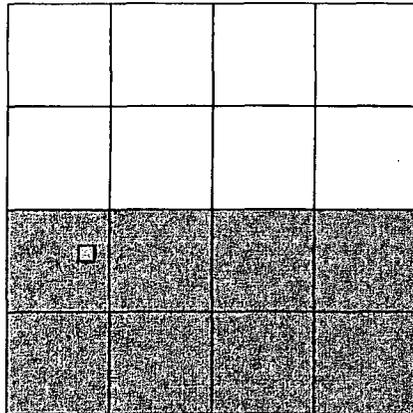
10. Surface Location

UL - Lot	Section	Township	Range	Lot Idn	Feet From	N/S Line	Feet From	E/W Line	County
L	3	30N	11W		2090	S	1010	W	SAN JUAN

11. Bottom Hole Location If Different From Surface

UL - Lot	Section	Township	Range	Lot Idn	Feet From	N/S Line	Feet From	E/W Line	County
12. Dedicated Acres 319.14		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



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(s) 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.

E-Signed By: Philana Thompson
Title: Regulatory Technician
Date: 5/14/2008

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.

Surveyed By: Ron Walsh
Date of Survey: 1/23/2008
Certificate Number: 8894

District I

1625 N. French Dr., Hobbs, NM 88240
Phone:(505) 393-6161 Fax:(505) 393-0720

District II

1301 W. Grand Ave., Artesia, NM 88210
Phone:(505) 748-1283 Fax:(505) 748-9720

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1000 Rio Brazos Rd., Aztec, NM 87410
Phone:(505) 334-6178 Fax:(505) 334-6170

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1220 S. St Francis Dr., Santa Fe, NM 87505
Phone:(505) 476-3470 Fax:(505) 476-3462

State of New Mexico
Energy, Minerals and Natural Resources

Form C-102
Permit 75019

Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

WELL LOCATION AND ACREAGE DEDICATION PLAT

1. API Number 30-045-34715	2. Pool Code 76570	3. Pool Name FARMER FRUITLAND SAND (GAS)
4. Property Code 36822	5. Property Name BANDY COM	6. Well No. 100
7. OGRD No. 14538	8. Operator Name BURLINGTON RESOURCES OIL & GAS COMPANY LP	9. Elevation 5634

10. Surface Location

UL - Lot L	Section 3	Township 30N	Range 11W	Lot Ltn	Feet From 2090	N/S Line S	Feet From 1010	E/W Line W	County SAN JUAN
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11. Bottom Hole Location If Different From Surface

UL - Lot	Section	Township	Range	Lot Ltn	Feet From	N/S Line	Feet From	E/W Line	County
12. Dedicated Acres 160.00		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

	OPERATOR CERTIFICATION		
	<p><i>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(s) 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.</i></p>		
	<p>E-Signed By: Philana Thompson Title: Regulatory Technician Date: 5/14/2008</p>		
	SURVEYOR CERTIFICATION		
<p><i>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.</i></p>			
<p>Surveyed By: Ron Walsh Date of Survey: 1/23/2008 Certificate Number: 8894</p>			



MEMO FOR NSL DRILLS

DATE: October 10, 2008

OFFSET SECTIONS: (None)

PROPERTY CODES: See Remarks for Working Interest Owners

WELL NAME(S): Bandy Com 100

LEGAL DESCRIPTION: Sec. 3, T30N, R11W

ZONES: Fruitland Coal

FOOTAGE: 2090 FSL, 1010 FWL (Surface)

TYPE OF DRILL: Straight Hole

COUNTY: San Juan

STATE: New Mexico

SETBACK FOR WELL: 660 Foot setback for this well

Remarks: Currently there is no Fruitland Coal wells in the N/2 of Section 3, but the Lester 100 is a scheduled Fruitland Coal well in the N/2 of this section. Because of this we don't have a property code setup for a N/2 Fruitland Coal well. However thru a DOTO we know the working interest owners. Carr has 42.5% WI interest in the RR Lease (6.38 acres) which translates to a .834734375% WI. 3% is owned by Southland, whereas the remaining 96.165265625% is owned by Burlington through the Unicon acquisition (Meridian Oil Inc.). All of these #s are based upon a 320.00 acre unit.

*We just need to notify the Carr group in this case.

WPC Oil & Gas LP
Ste 125
8100 Lomo Alto
Dallas, TX 75225

Legend

FRUITLAND COAL



1:33,819 - 1" equals 2,818'
GCS North American 1927

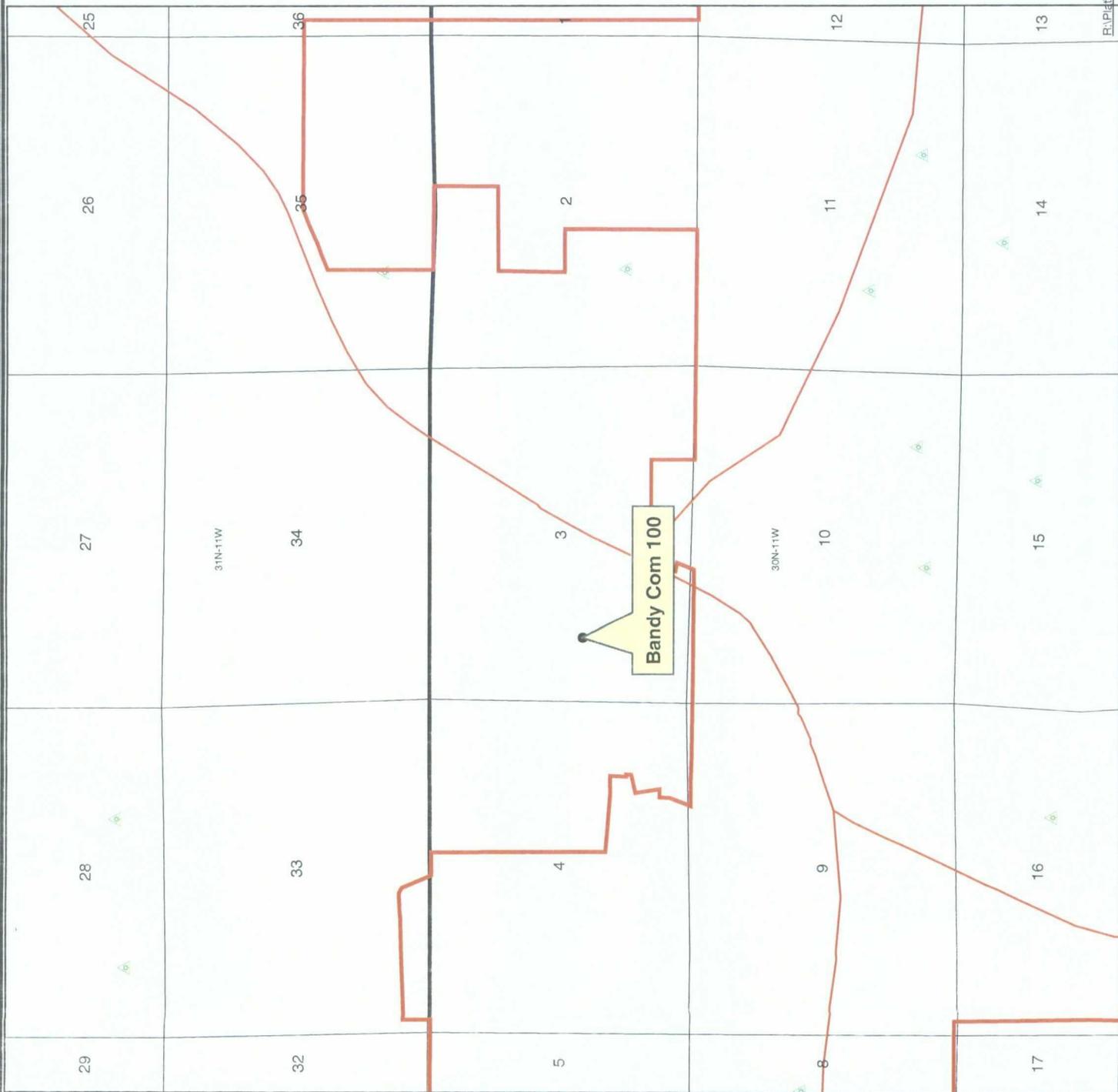


ConocoPhillips
© Unpublished Work, ConocoPhillips

Bandy Com 100
Sec. 3, T30N, R11W
Nine Section Plat

Author:
Date: 2/6/2008
Compiled by:
Scale: <Scale>

Project: Projects\San Juan Basin Template.mxd



FRUITLAND COAL

Legend



Operator:
ConocoPhillips Company
Working Interest Owners:
See Attached List



1:12,071
1" equals 1,006'
GCS North American 1927



ConocoPhillips
© Unpublished Work, ConocoPhillips

Bandy Com 100
Sec. 3, T30N, R11W
Offset Operator

Author: 2/6/2008

Date: 2/6/2008

Compiled by:

Scale: <Scale>

Project: Projects\San Juan Basin Template.mxd

R:\Plan

35

3431N-11W

33

2

3

4

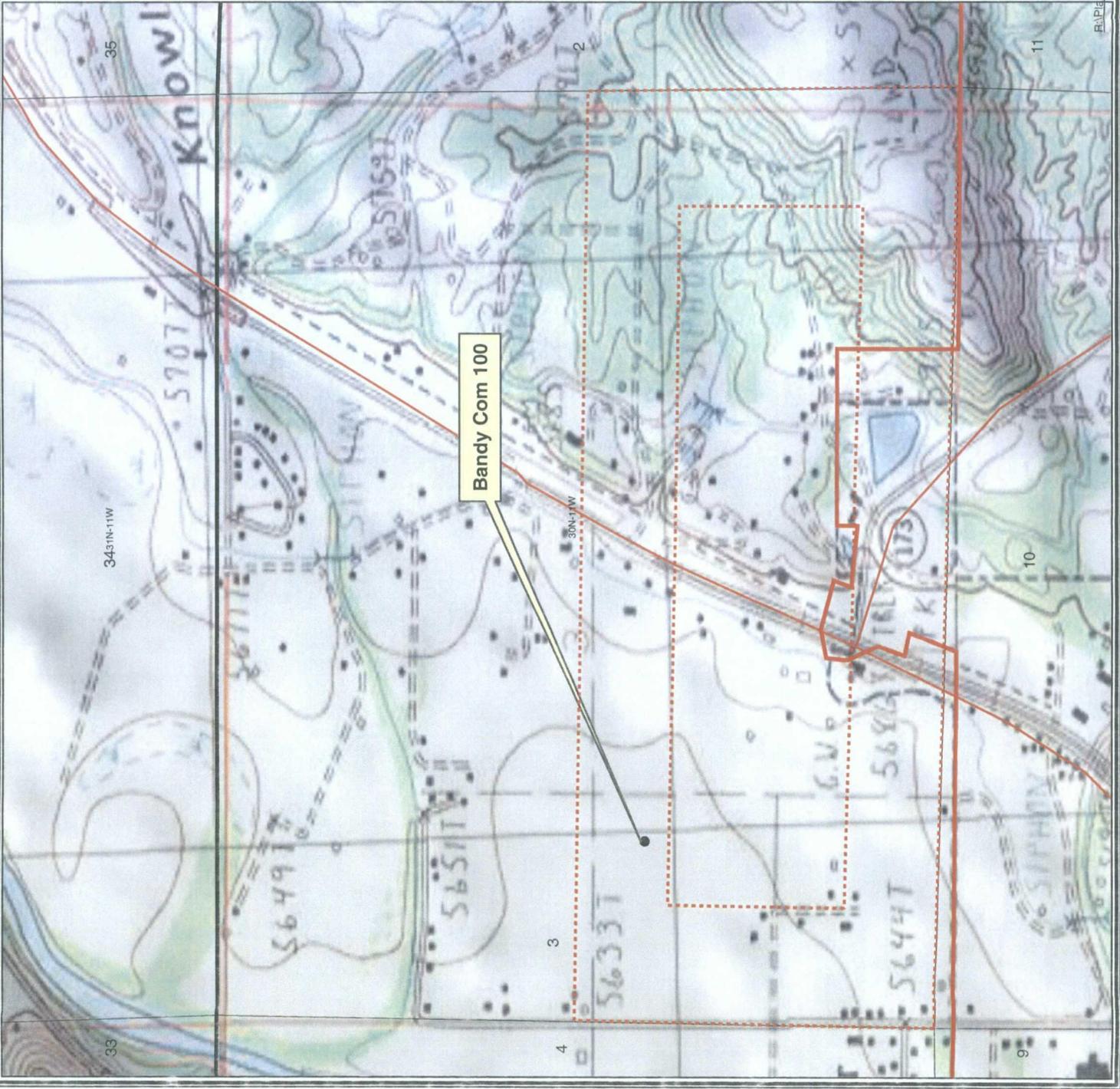
30N-11W

Bandy Com 100

11

10

9



Legend

FRUITLAND COAL



ConocoPhillips
© Unpublished Work, ConocoPhillips

Bandy Com 100
Sec. 3, T30N, R11W
2090' FSL, 1010' FWL
Topographical Map

Author:	Date:
Compiled by:	Scale:
Project\Projects\San Juan Basin Template.mxd	



Legend

FRUITLAND COAL



Setback 660'



1:12,071
1" equals 1,006'
GCS North American 1927



ConocoPhillips
© Unpublished Work, ConocoPhillips

Bandy Com 100
Sec. 3, T30N, R11W
2090' FSL, 1010' FWL
Aerial Map

Author:	Date:	2/6/2008
Compiled by:	Scale:	<Scale>
Subject: Projects\San Juan Basin Template.mxd		

E:\Plat\...

Brooks, David K., EMNRD

From: Clugston, Patricia L [Patsy.L.Clugston@conocophillips.com]
Sent: Tuesday, December 09, 2008 7:22 AM
To: Brooks, David K., EMNRD
Subject: RE: Bandy Com No. 100 - NSL Application
Attachments: Bandy Com 100 NSL waiver.tif

I guess we should of done this in the first place. Please let me know if you are able to approve. Thanks. Patsy

From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Monday, December 08, 2008 5:09 PM
To: Clugston, Patricia L
Subject: RE: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

I have still not received a fax from you. There are no faxes in the received box at the central fax machine, and no one around here admits having seen one from you this afternoon. I do not know what the problem is, but if you have the capability to scan the waiver and email it to me, that would probably expedite things at this point.

Sincerely

David K. Brooks

From: Clugston, Patricia L [mailto:Patsy.L.Clugston@conocophillips.com]
Sent: Friday, December 05, 2008 9:06 AM
To: Brooks, David K., EMNRD
Subject: FW: Bandy Com No. 100 - NSL Application

Hi David,

I was out Monday and we had Crystal fax you a copy of he waiver received from WPC, did your receive this? If so can you approve the NSL soon. Thanks. Patsy

From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Friday, November 14, 2008 9:01 AM
To: Clugston, Patricia L
Subject: RE: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

Thanks for your prompt responses to my messages concerning this application.

Unfortunately, it appears that there has not bee compliance with Rule 104.F(4). Doubtless I am partly responsible for this in that I have likely overlooked this issue in reviewing some past applications. However, there is, in my judgment, no room for doubt regarding the rule's requirement. The rule says:

The applicant shall submit a statement attesting that the applicant . . . sent notification to the affected persons . . . advising them that if they have an objection it must be filed in writing within 20 days from the date the division received the application.

It would seem that WPC will have to be re-noticed. Since they will receive the new notice more than 20 days after the filing of the application, it would make little sense to inform them of that deadline at this point. Accordingly, to achieve the

rule's purpose, the new notice should inform them that any protest must be filed with the Division within 20 days after the date the new notice is mailed.

Of course, an alternative would be for you to obtain a waiver from WPC, which would make a new notice and 20-day waiting period unnecessary.

Sincerely,

David K. Brooks
Legal Examiner

From: Clugston, Patricia L [mailto:Patsy.L.Clugston@conocophillips.com]
Sent: Thursday, November 13, 2008 5:07 PM
To: Brooks, David K., EMNRD
Subject: RE: Bandy Com No. 100 - NSL Application
Importance: High

I hope this is what you are looking for. It is a copy of the cover letter and copy of the certified letter receipt signed by Betty Bennett on 10/20/08 and shows WPC Oil & Gas LP address. Let me know if this is okay or not. Thanks. Patsy

From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Thursday, November 13, 2008 4:49 PM
To: Clugston, Patricia L
Subject: RE: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

I respectfully call your attention to the requirements of Rule 104.E(4) regarding what notices of non-standard locations must contain. We need to have a copy of the notice letter that was sent in order to verify that the noticed parties were duly advised of their right to protest and of the twenty-day time for filing protests.

Sincerely

David K. Brooks
Legal Examiner

From: Clugston, Patricia L [mailto:Patsy.L.Clugston@conocophillips.com]
Sent: Thursday, November 13, 2008 4:41 PM
To: Brooks, David K., EMNRD
Subject: RE: Bandy Com No. 100 - NSL Application

We send the same NSL application to anyone that needs notification certified.

From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Thursday, November 13, 2008 2:26 PM
To: Clugston, Patricia L
Subject: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

To complete this application, please send us a copy of your notice letter to WPC Oil & Gas LP.

Brooks, David K., EMNRD

From: Brooks, David K., EMNRD
Sent: Thursday, November 13, 2008 2:26 PM
To: 'Clugston, Patricia L'
Subject: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

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Thanks
David K. Brooks
Legal Examiner

11/13/2008

Brooks, David K., EMNRD

From: Brooks, David K., EMNRD
Sent: Friday, November 14, 2008 9:01 AM
To: 'Clugston, Patricia L'
Subject: RE: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

Thanks for your prompt responses to my messages concerning this application.

Unfortunately, it appears that there has not been compliance with Rule 104.F(4). Doubtless I am partly responsible for this in that I have likely overlooked this issue in reviewing some past applications. However, there is, in my judgment, no room for doubt regarding the rule's requirement. The rule says:

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Of course, an alternative would be for you to obtain a waiver from WPC, which would make a new notice and 20-day waiting period unnecessary.

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David K. Brooks
Legal Examiner

From: Clugston, Patricia L [mailto:Patsy.L.Clugston@conocophillips.com]
Sent: Thursday, November 13, 2008 5:07 PM
To: Brooks, David K., EMNRD
Subject: RE: Bandy Com No. 100 - NSL Application
Importance: High

I hope this is what you are looking for. It is a copy of the cover letter and copy of the certified letter receipt signed by Betty Bennett on 10/20/08 and shows WPC Oil & Gas LP address. Let me know if this is okay or not.
Thanks. Patsy

From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Thursday, November 13, 2008 4:49 PM
To: Clugston, Patricia L
Subject: RE: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

I respectfully call your attention to the requirements of Rule 104.E(4) regarding what notices of non-standard locations must contain. We need to have a copy of the notice letter that was sent in order to verify that the noticed parties were duly advised of their right to protest and of the twenty-day time for filing protests.

11/14/2008

Sincerely

David K. Brooks
Legal Examiner

From: Clugston, Patricia L [mailto:Patsy.L.Clugston@conocophillips.com]
Sent: Thursday, November 13, 2008 4:41 PM
To: Brooks, David K., EMNRD
Subject: RE: Bandy Com No. 100 - NSL Application

We send the same NSL application to anyone that needs notification certified.

From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Thursday, November 13, 2008 2:26 PM
To: Clugston, Patricia L
Subject: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

To complete this application, please send us a copy of your notice letter to WPC Oil & Gas LP.

Thanks
David K. Brooks
Legal Examiner

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11/14/2008

Brooks, David K., EMNRD

From: Brooks, David K., EMNRD
Sent: Thursday, November 13, 2008 4:49 PM
To: 'Clugston, Patricia L'
Subject: RE: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

I respectfully call your attention to the requirements of Rule 104.E(4) regarding what notices of non-standard locations must contain. We need to have a copy of the notice letter that was sent in order to verify that the noticed parties were duly advised of their right to protest and of the twenty-day time for filing protests.

Sincerely

David K. Brooks
Legal Examiner

From: Clugston, Patricia L [mailto:Patsy.L.Clugston@conocophillips.com]
Sent: Thursday, November 13, 2008 4:41 PM
To: Brooks, David K., EMNRD
Subject: RE: Bandy Com No. 100 - NSL Application

We send the same NSL application to anyone that needs notification certified.

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Sent: Thursday, November 13, 2008 2:26 PM
To: Clugston, Patricia L
Subject: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

To complete this application, please send us a copy of your notice letter to WPC Oil & Gas LP.

Thanks
David K. Brooks
Legal Examiner

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This inbound email has been scanned by the MessageLabs Email Security System.

11/13/2008

Burlington Resources Oil & Gas, LP

3401 E. 30th Street
Farmington, NM 87401

November 17, 2008

WPC Oil & Gas LP
8100 Lomo Alto
Suite 125
Dallas, TX 75225

Re: Bandy Com #100 - NSL application
Unit L (NWSM/), 2090' FSL & 1010' FWL, Sec. 3, T30N, R11W
San Juan Co, New Mexico
API - 30-045-34715

Dear Sir:

On October 14, 2008 a copy of an NSL application was submitted to WPC Oil & Gas LP on the reference well. According to Mr. David Brooks with the NMOCD in Santa Fe, I inadvertently miss advising all parties of their right to protest this NSL application according to NMOCD Rule 104.E(4) and only a copy of the application was mailed to WPC. Please be advised the WPC has a 20 day time frame from the date this notice is received to let the NMOCD know that you object to the Bandy Com #100 being drilled in the currently staked location.

Attached is a copy of the NSL application that was originally submitted to the NMOCD in October of which a copy was also mailed to WPC. If you are so inclined, please sign the attached waiver and return it to my attention or you can wait the 20 day period if you prefer. If you do have objection to the staked location on this well, please advise the NMOCD and us as soon as possible. If you should have questions concerning this application please feel free to call me at 505-326-9518.

Sincerely,



Patsy Clugston
Sr. Regulatory Specialist
ConocoPhillips Company

Waiver to NEL - Bandy Com #100

WPC Oil & Gas LP does not object to Burlington Resources Oil & Gas, LP's drilling the Bandy Com #100 at the current non-standard location Unit L (NWSW) 2090' FSL & 1010' FWL, Sec. 3, T30N, R11W, in San Juan County, New Mexico. API #: 30-045-34715.

WPC OIL & GAS L.P.

By:

M. W. Carr
M. W. Carr, Vice President
W. Plack Carr Company, General Partner

Dated November 19, 2008

Attn: David Brooks

Fax: 505-776-3462

From: Crystal Tafoya

326-9837

Brooks, David K., EMNRD

From: Clugston, Patricia L [Patsy.L.Clugston@conocophillips.com]
Sent: Friday, December 05, 2008 9:06 AM
To: Brooks, David K., EMNRD
Subject: FW: Bandy Com No. 100 - NSL Application

Hi David,

I was out Monday and we had Crystal fax you a copy of the waiver received from WPC, did you receive this? If so can you approve the NSL soon. Thanks. Patsy

From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Friday, November 14, 2008 9:01 AM
To: Clugston, Patricia L
Subject: RE: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

Thanks for your prompt responses to my messages concerning this application.

Unfortunately, it appears that there has not been compliance with Rule 104.F(4). Doubtless I am partly responsible for this in that I have likely overlooked this issue in reviewing some past applications. However, there is, in my judgment, no room for doubt regarding the rule's requirement. The rule says:

The applicant shall submit a statement attesting that the applicant . . . sent notification to the affected persons . . . advising them that if they have an objection it must be filed in writing within 20 days from the date the division received the application.

It would seem that WPC will have to be re-noticed. Since they will receive the new notice more than 20 days after the filing of the application, it would make little sense to inform them of that deadline at this point. Accordingly, to achieve the rule's purpose, the new notice should inform them that any protest must be filed with the Division within 20 days after the date the new notice is mailed.

Of course, an alternative would be for you to obtain a waiver from WPC, which would make a new notice and 20-day waiting period unnecessary.

Sincerely,

David K. Brooks
Legal Examiner

From: Clugston, Patricia L [mailto:Patsy.L.Clugston@conocophillips.com]
Sent: Thursday, November 13, 2008 5:07 PM
To: Brooks, David K., EMNRD
Subject: RE: Bandy Com No. 100 - NSL Application
Importance: High

I hope this is what you are looking for. It is a copy of the cover letter and copy of the certified letter receipt signed by Betty Bennett on 10/20/08 and shows WPC Oil & Gas LP address. Let me know if this is okay or not. Thanks. Patsy

From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Thursday, November 13, 2008 4:49 PM

To: Clugston, Patricia L
Subject: RE: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

I respectfully call your attention to the requirements of Rule 104.E(4) regarding what notices of non-standard locations must contain. We need to have a copy of the notice letter that was sent in order to verify that the noticed parties were duly advised of their right to protest and of the twenty-day time for filing protests.

Sincerely

David K. Brooks
Legal Examiner

From: Clugston, Patricia L [mailto:Patsy.L.Clugston@conocophillips.com]
Sent: Thursday, November 13, 2008 4:41 PM
To: Brooks, David K., EMNRD
Subject: RE: Bandy Com No. 100 - NSL Application

We send the same NSL application to anyone that needs notification certified.

From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Thursday, November 13, 2008 2:26 PM
To: Clugston, Patricia L
Subject: Bandy Com No. 100 - NSL Application

Dear Ms. Clugston

To complete this application, please send us a copy of your notice letter to WPC Oil & Gas LP.

Thanks
David K. Brooks
Legal Examiner

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