

State of New Mexico  
Energy, Minerals and Natural Resources Department

**Michelle Lujan Grisham**  
Governor

**Erin Taylor**  
Acting Cabinet Secretary

**Ben Shelton**  
Deputy Secretary

**Albert C.S. Chang**  
Division Director  
Oil Conservation Division



Jacob L. Everhart  
[jeverhart@bwenergy.com](mailto:jeverhart@bwenergy.com)

**ADMINISTRATIVE NON-STANDARD LOCATION**

**Administrative Order NSL – 9238**

**XTO Permian Operating, LLC [OGRID 373075]  
Poker Lake Unit 13 01 PC Well No. 165H  
API No. 30-015-54013**

Reference is made to your application received on January 9<sup>th</sup>, 2026.

**Proposed Location**

	<b>Footages</b>	<b>Unit/Lot</b>	<b>Sec.</b>	<b>Twsp</b>	<b>Range</b>	<b>County</b>
Surface	2270 FNL & 1625 FEL	G	13	24S	29E	Eddy
First Take Point	2076 FNL & 2097 FEL	G	13	24S	29E	Eddy
Last Take Point	110 FSL & 2154 FEL	O	24	24S	29E	Eddy
Terminus	13 FSL & 2155 FEL	O	24	24S	29E	Eddy

**Proposed Horizontal Units**

<b>Description</b>	<b>Acres</b>	<b>Pool</b>	<b>Pool Code</b>
E/2 Section 13	640	Purple Sage; Wolfcamp	98220
E/2 Section 24			

You have requested to complete this horizontal well described above in the referenced pool or formation. This well is governed by special rules R-14262, for the Purple Sage; Wolfcamp (Gas) Pool and governs wells to be located at least 330 feet from the unit outer boundary of a spacing unit and no closer than 10 feet to any quarter – quarter section line. The completed intervals of horizontal wells are to be located no closer than 330 feet to the exterior boundary of a standard 320 - acre spacing unit.

Administrative Order NSL – 9238  
XTO Permian Operating, LLC  
Page 2 of 2

---

The request to deviate from an orthodox location has met all requirements of 19.15.16.15 (C)(5)(a) NMAC. It is understood that you are seeking this exception in order to create a non-standard location, comprised of First and Last Take Points referenced above within the described Horizontal Spacing Unit.

The request to deviate from an orthodox location has met all requirements of 19.15.16.15 (C)(5)(a) NMAC. It is understood that you are seeking this exception in order to create a non-standard location, comprised of Take Points referenced above, within the described Horizontal Spacing Unit.

This well's completed interval is as close as 110 feet to the southern edge of the horizontal spacing unit. The location is exterior to the Poker Lake Unit and is subjected to non-standard location notice. Encroachment will impact the following tracts.

Section 25, encroachment to the NE/4

The Division understands you have given notice of this application to all operators or owners who are "affected persons," as defined in 19.15.2.7(A)(8) NMAC, in all adjoining units towards which the proposed location encroaches.

The Division understands you are seeking this unorthodox location as a preferred well spacing plan for horizontal wells and to maximize production laterals within the Wolfcamp formation underlying the E/2 Section 13 and the E/2 Section 24, thereby maximizing recovery of resources and preventing waste.

Your application has been filed under 19.15.16.15(C)(6) NMAC, 19.15.15.13 NMAC and 19.15.4.12 (A)(2) NMAC.

Per 19.15.15.13 (B) NMAC, **Division approves this unorthodox location.**

Reference this NSL order number on the As Drilled C-102 submitted with the Authorization to Transport, to place this well into production.

The above approvals are subject to your following all other applicable Division rules.

Jurisdiction of this case is retained for the entry of further orders as the Division deems necessary.



---

Albert C.S. Chang  
Division Director  
AC/lrl

Date: 2/6/26

ID NO. 541824

NSL - 9238

Revised March 23, 2017

RECEIVED: <b>01/09/26</b>	REVIEWER:	TYPE:	APP NO:
---------------------------	-----------	-------	---------

ABOVE THIS TABLE FOR OCD DIVISION USE ONLY

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



**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

**Applicant:** XTO Permian Operating, LLC **OGRID Number:** 373075  
**Well Name:** Poker Lake Unit 13-1 PC 165H **API:** 30-015-54013  
**Pool:** Purple Sage; Wolfcamp **Pool Code:** 98220

**SUBMIT ACCURATE AND COMPLETE INFORMATION REQUIRED TO PROCESS THE TYPE OF APPLICATION INDICATED BELOW**

- 1) **TYPE OF APPLICATION:** Check those which apply for [A]  
 A. Location – Spacing Unit – Simultaneous Dedication  
 NSL       NSP (PROJECT AREA)       NSP (PRORATION UNIT)       SD
- B. Check one only for [ I ] or [ II ]  
 [ I ] Commingling – Storage – Measurement  
 DHC    CTB    PLC    PC    OLS    OLM  
 [ II ] Injection – Disposal – Pressure Increase – Enhanced Oil Recovery  
 WFX    PMX    SWD    IPI    EOR    PPR

- 2) **NOTIFICATION REQUIRED TO:** Check those which apply.  
 A.  Offset operators or lease holders  
 B.  Royalty, overriding royalty owners, revenue owners  
 C.  Application requires published notice  
 D.  Notification and/or concurrent approval by SLO  
 E.  Notification and/or concurrent approval by BLM  
 F.  Surface owner  
 G.  For all of the above, proof of notification or publication is attached, and/or,  
 H.  No notice required

<b>FOR OCD ONLY</b>
<input type="checkbox"/> Notice Complete
<input type="checkbox"/> Application Content Complete

3) **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.**

Jacob L. Everhart

Print or Type Name

Signature

1/9/2026  
Date

(505) 999 - 0401  
Phone Number

jeverhart@bwnenergy.com  
e-mail Address

**BEATTY & WOZNIAK, P.C.**

ATTORNEYS AT LAW

1675 BROADWAY, SUITE 600  
DENVER, COLORADO 80202  
TELEPHONE 303-407-4499  
FAX 1-800-886-6566  
www.bwenergylaw.com

OFFICE LOCATIONS

COLORADO

NEW MEXICO

WYOMING

MIGUEL A. SUAZO  
ALSO ADMITTED IN TX, CO

JACOB L. EVERHART  
ALSO ADMITTED IN CO, ND, & UT

January 9, 2026

**VIA ONLINE FILING**

Albert Chang  
Division Director  
Oil Conservation Division  
Energy, Minerals and Natural Resource Department  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

ATTN: Leonard Lowe

**RE: Application of XTO Permian Operating, LLC, for Administrative Approval of Unorthodox Well Location (NSL)**

Poker Lake Unit (PLU) 13-1 PC 165H (API No. 30-015-54013)  
SHL – 2,270’ FNL, 1,625’ FEL, Unit G, Section 13, T24S, R29E  
BHL – 13’ FSL, 2,155’ FEL, Unit O, Section 24, T24S, R29E  
FTP – 2,076’ FNL, 2,097’ FEL, Unit G, Section 13, T24S, R29E  
LTP – 110’ FSL, 2,154’ FEL, Unit O, Section 24, T24S, R29E  
Purple Sage; Wolfcamp (Gas) [Pool Code: 98220]  
Eddy County, New Mexico

Dear Mr. Chang,

XTO Permian Operating, LLC (“XTO”), (OGRID No. 373075), pursuant to Division rules 19.15.16.15(C)(6), 19.15.15.13, and 19.15.4.12(A)(2) NMAC and special pool rules R-14262, seeks administrative approval of an unorthodox well location (“NSL”) for its Poker Lake Unit 13-1 PC 165H well.

**Reason for the Request:** The 165H well is completed in the Purple Sage; Wolfcamp pool [Pool Code: 98220] which has special pool rules specifying the completed interval must be located 330 feet from the exterior boundary of the applicable spacing unit. The as-drilled completed intervals are as follows:

SHL – 2,270' FNL, 1,625' FEL, Unit G, Section 13, T24S, R29E  
BHL – 13' FSL, 2,155' FEL, Unit O, Section 24, T24S, R29E  
FTP – 2,076' FNL, 2,097' FEL, Unit G, Section 13, T24S, R29E  
LTP – 110' FSL, 2,154' FEL, Unit O, Section 24, T24S, R29E

The horizontal spacing unit is 640-acres and is comprised of the E/2 Sections 13 and 24, Township 24 South, Range 29 East, N.M.P.M., Eddy County, NM. The unorthodox well location encroaches on the adjoining unit to the south located in Section 25, R24S, R29E, which shows Oxy USA ("OXY") as the interest owners. OXY has previously agreed to waive any objection to the unorthodox location of the 165H well so long as the LTP is not located closer than 100' FSL of Section 24, T24S, R29E, Eddy County, NM.

Approval of the unorthodox location will allow XTO to use its preferred well spacing plan for horizontal wells and to maximize the productive laterals, which will prevent waste and protect correlative rights.

Notice is provided under 19.15.15.13(C) and 19.15.4.12.A.(2)(a) NMAC to affected persons *in each adjoining spacing unit in the same pool or formation located closer to the unorthodox well location than the minimum distance prescribed by the applicable rule or order.*

The acreage included in the NSL will be subject to the following leases:

- NMNM0005912 & NMLC0069005

XTO seeks administrative approval of an NSL to develop the acreage as a single development area and to maximize the productive lateral. Doing so allows XTO to efficiently locate surface facilities, such as well pad locations and centralized tank batteries, reduce disturbance impacts, reduce emissions and leak points, consolidate roadways, reduce traffic, consolidate pipeline(s), and promotes effective well spacing, thereby ensuring the promotion of conservation, the prevention of waste, and the protection of correlative rights. Division rules 19.15.16.7.P and 19.15.16.15.B(8) NMAC encourage oil and gas development, where possible, in enlarged areas of common ownership to minimize surface disturbance and to promote efficient well spacing. Further, Division rule 19.15.16.15.C.(6) NMAC authorizes administrative approval of such a request.

Please find the below listed Exhibits included in this application:

**Exhibit 1** is a statement from XTO Commercial & Land Advisor, Corie Mathews, CPL.

**Exhibit 2** is the Well Location and Acreage Dedication Plat (C-102) for the well within the proposed NSL application and includes the SHL, FTP, LTP, and BHL.

**Exhibit 3** includes: (1) a lease map showing the proposed Non-Standard Location and the adjoining tracts identifying the notification area, and (2) a map showing the entirety of the Poker Lake Unit and the wells approximate location in relation to the federal unit.

**Exhibit 4** includes the Letter Agreement(s) between XTO and OXY regarding each entity's waiver of objection for the non-standard well location.

**Exhibit 5** includes a list of affected persons under 19.15.15.13(B) and 19.15.4.12.A.(2)(a) who were sent a copy of this application, proof of publication, and attachments by certified mail advising that any objections must be filed in writing with the Division within 20 days from the date the Division receives the application.

Thank you for your time and attention to this matter. Please let me know if you require additional information.

Very truly yours,

BEATTY & WOZNIAK, P.C.



Miguel Suazo

[msuazo@bwenergylaw.com](mailto:msuazo@bwenergylaw.com)

Jacob L. Everhart

[jeverhart@bwenergylaw.com](mailto:jeverhart@bwenergylaw.com)

*Attorney(s) for XTO Permian Operating,  
LLC*

# Exhibit 1



Land Dept. Loc. 115  
22777 Springwoods Village Pkwy  
Spring TX 77389-1425  
346-335-5864 - Direct Phone  
corie.a.mathews@ExxonMobil.com

January 9, 2026

### Landman Statement

I have reviewed the ownership of the oil and gas leasehold in the proposed Non-Standard well Location ("NSL") underlying the E/2 Sections 13 and 24, Township 24 South, Range 29 East, N.M.P.M., Eddy County, NM, for purposes of the administrative approval for XTO's **Poker Lake Unit 13-1 PC 165H well**. As of the date of this letter, the affected parties are:

### See Attached EXHIBIT "5"

XTO is seeking approval of the non-standard location to allow XTO to use its preferred well spacing plan for horizontal wells and to maximize the productive laterals, which will prevent waste and protect correlative rights. These measures support effective well spacing, conservation of the resource, enhanced recoveries and economics, and waste prevention, while also helping to minimize environmental impacts. The Oil Conservation Division's rules encourage such developments to maximize efficiency and reduce surface and mineral disturbance in areas of common ownership.

Sincerely,

**XTO Permian Operating, LLC.**

*Corie A Mathews*

Corie Mathews, CPL  
Commercial & Land Advisor – Delaware NM

# Exhibit 2

<b>C-102</b>  Submit Electronically Via OCD Permitting	State of New Mexico <b>Energy, Minerals &amp; Natural Resources Department</b> <b>OIL CONSERVATION DIVISION</b>	Revised July 9, 2024  Submittal Type: <input type="checkbox"/> Initial Submittal <input type="checkbox"/> Amended Report <input checked="" type="checkbox"/> As Drilled							
<b>WELL LOCATION INFORMATION</b>									
API Number 30-015-54013	Pool Code 98220	Pool Name PURPLE SAGE; WOLFCAMP							
Property Code 333843	Property Name POKER LAKE UNIT 13-1 PC	Well Number 165H							
ORGID No. 373075	Operator Name XTO PERMIAN OPERATING, LLC.	Ground Level Elevation 3,106'							
Surface Owner: <input type="checkbox"/> State <input type="checkbox"/> Fee <input type="checkbox"/> Tribal <input checked="" type="checkbox"/> Federal		Mineral Owner: <input type="checkbox"/> State <input type="checkbox"/> Fee <input type="checkbox"/> Tribal <input checked="" type="checkbox"/> Federal							
<b>Surface Location</b>									
UL G	Section 13	Township 24 S	Range 29 E	Lot	Ft. from N/S 2,270' FNL	Ft. from E/W 1,625' FEL	Latitude 32.218568	Longitude -103.934754	County EDDY
<b>Bottom Hole Location</b>									
UL O	Section 24	Township 24 S	Range 29 E	Lot	Ft. from N/S 13' FSL	Ft. from E/W 2,155' FEL	Latitude 32.195692	Longitude -103.936442	County EDDY
Dedicated Acres 640	Infill or Defining Well INFILL	Defining Well API 3001554014	Overlapping Spacing Unit (Y/N) Y	Consolidation Code U					
Order Numbers.			Well setbacks are under Common Ownership: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
<b>Kick Off Point (KOP)</b>									
UL B	Section 13	Township 24 S	Range 29 E	Lot	Ft. from N/S 1,182' FNL	Ft. from E/W 1,821' FEL	Latitude 32.221562	Longitude -103.935382	County EDDY
<b>First Take Point (FTP)</b>									
UL G	Section 13	Township 24 S	Range 29 E	Lot	Ft. from N/S 2,076' FNL	Ft. from E/W 2,097' FEL	Latitude 32.219106	Longitude -103.936278	County EDDY
<b>Last Take Point (LTP)</b>									
UL O	Section 24	Township 24 S	Range 29 E	Lot	Ft. from N/S 110' FSL	Ft. from E/W 2,154' FEL	Latitude 32.195958	Longitude -103.936437	County EDDY
Unitized Area or Area of Uniform Interest NMNM105422429		Spacing Unit Type <input checked="" type="checkbox"/> Horizontal <input type="checkbox"/> Vertical			Ground Floor Elevation: 3,106'				
<b>OPERATOR CERTIFICATIONS</b>					<b>SURVEYOR CERTIFICATIONS</b>				
<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 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><i>If this well is a horizontal well, I further certify that this organization has received the consent of at least one lessee or owner of a working interest or unleased mineral interest in each tract (in the target pool or formation) in which any part of the well's completed interval will be located or obtained a compulsory pooling form the division.</i></p>					<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>I, TIM C. PAPPAS, NEW MEXICO PROFESSIONAL SURVEYOR NO. 21209, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, AND THAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p> <p style="text-align: center;"><i>Tim</i> 16 Sept 2024</p>				
Signature Amanda Thames		Date 9/16/2024			Signature and Seal of Professional Surveyor				
Printed Name amanda.thames@exxonmobil.com		Email Address			Certificate Number TIM C. PAPPAS 21209		Date of Survey 9/16/2024		
<p><i>Note: 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.</i></p>									



2821 West 7th Street., Ste 200 - Fort Worth, TX 76107  
 Ph: 817.349.9800 - Fax: 979.732.5271  
 TBPE Firm 17957 | TBPLS Firm 10193887  
 www.fscinc.net

DATE: 9-16-2024 PROJECT NO: 2023060326  
 DRAWN BY: LM SCALE:  
 CHECKED BY: CH SHEET: 1 OF 2  
 FIELD CREW: IR REVISION: NO

ACREAGE DEDICATION PLATS

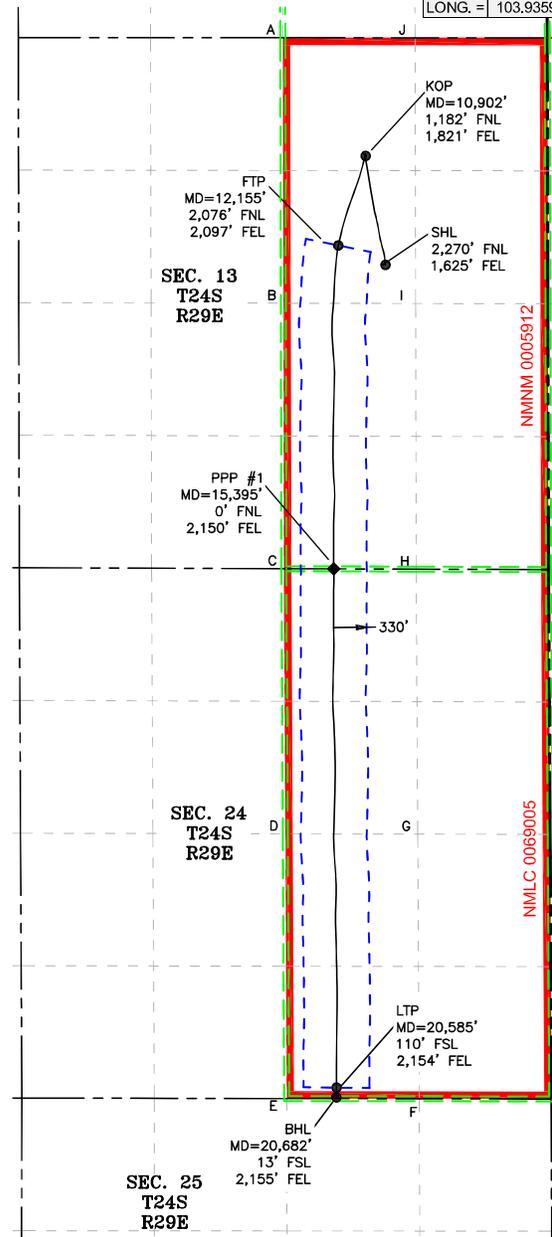
This grid represents a standard section. You may superimpose a non-standard section, or a larger area, over this grid. Operators must outline the dedicated acreage in a red box, clearly show the well surface location and bottom hole location, if it is directionally drilled, with the dimensions from the section lines in the cardinal directions. If this is a horizontal wellbore show on this plat the location of the First Take Point and Last Take Point, and the point within the Completed interval (other than the First Take Point or Last Take Point) that is the closest to any outer boundary of the tract.

Surveyors shall use the latest United States government survey or dependent resurvey. Well locations will be in reference to the New Mexico Principal Meridian. If the land is not surveyed, contact the OCD Engineering Bureau. Independent subdivision surveys will not be acceptable.

**LEGEND**

- SECTION LINE
- WELLBORE
- NEW MEXICO MINERAL LEASE LINE
- 330' BUFFER
- DEDICATED ACREAGE

COORDINATE TABLE											
SHL (NAD 83 NME)				KOP (NAD 83 NME)				FTP (NAD 83 NME)			
Y =	443,477.5	N		Y =	444,565.9	N		Y =	443,671.6	N	
X =	664,598.6	E		X =	664,400.4	E		X =	664,126.7	E	
LAT. =	32.218568	°N		LAT. =	32.221562	°N		LAT. =	32.219106	°N	
LONG. =	103.934754	°W		LONG. =	103.935382	°W		LONG. =	103.936278	°W	
LTP (NAD 83 NME)				BHL (NAD 83 NME)				PPP #1 (NAD 83 NME)			
Y =	435,250.6	N		Y =	435,153.6	N		Y =	440,437.7	N	
X =	664,108.6	E		X =	664,107.5	E		X =	664,080.8	E	
LAT. =	32.195958	°N		LAT. =	32.195692	°N		LAT. =	32.210217	°N	
LONG. =	103.936437	°W		LONG. =	103.936442	°W		LONG. =	103.936465	°W	
SHL (NAD 27 NME)				KOP (NAD 27 NME)				FTP (NAD 27 NME)			
Y =	443,418.2	N		Y =	444,506.5	N		Y =	443,612.2	N	
X =	623,415.1	E		X =	623,216.9	E		X =	622,943.2	E	
LAT. =	32.218444	°N		LAT. =	32.221437	°N		LAT. =	32.218982	°N	
LONG. =	103.934266	°W		LONG. =	103.934893	°W		LONG. =	103.935789	°W	
LTP (NAD 27 NME)				BHL (NAD 27 NME)				PPP #1 (NAD 27 NME)			
Y =	435,191.4	N		Y =	435,094.4	N		Y =	440,378.4	N	
X =	622,924.9	E		X =	622,923.8	E		X =	622,897.2	E	
LAT. =	32.195834	°N		LAT. =	32.195567	°N		LAT. =	32.210093	°N	
LONG. =	103.935949	°W		LONG. =	103.935954	°W		LONG. =	103.935977	°W	



CORNER COORDINATES (NAD83 NME)					
A - Y =	445,748.2	N	A - X =	663,570.2	E
B - Y =	443,093.9	N	B - X =	663,576.0	E
C - Y =	440,439.6	N	C - X =	663,581.8	E
D - Y =	437,788.4	N	D - X =	663,595.7	E
E - Y =	435,141.5	N	E - X =	663,609.5	E
F - Y =	435,139.5	N	F - X =	664,936.2	E
G - Y =	437,785.4	N	G - X =	664,921.5	E
H - Y =	440,434.7	N	H - X =	664,906.3	E
I - Y =	443,091.0	N	I - X =	664,900.3	E
J - Y =	445,747.4	N	J - X =	664,894.3	E
CORNER COORDINATES (NAD27 NME)					
A - Y =	445,688.8	N	A - X =	622,386.8	E
B - Y =	443,034.6	N	B - X =	622,392.5	E
C - Y =	440,380.3	N	C - X =	622,398.2	E
D - Y =	437,729.1	N	D - X =	622,412.0	E
E - Y =	435,082.3	N	E - X =	622,425.8	E
F - Y =	435,080.4	N	F - X =	623,752.4	E
G - Y =	437,726.2	N	G - X =	623,737.8	E
H - Y =	440,375.4	N	H - X =	623,722.7	E
I - Y =	443,031.7	N	I - X =	623,716.8	E
J - Y =	445,687.9	N	J - X =	623,710.9	E



2821 West 7th Street, Suite 200  
 Fort Worth, TX 76107  
 Ph: 817.349.9800 - Fax: 979.732.5271  
 TBPE Firm 17957 | TRPLS Firm 10193887  
 www.fscinc.net  
 © COPYRIGHT 2024 - ALL RIGHTS RESERVED

DATE: 9-16-2024 PROJECT NO: 2023060326  
 DRAWN BY: LM SCALE: 1" = 1,500'  
 CHECKED BY: CH SHEET: 2 OF 2  
 FIELD CREW: IR REVISION: NO

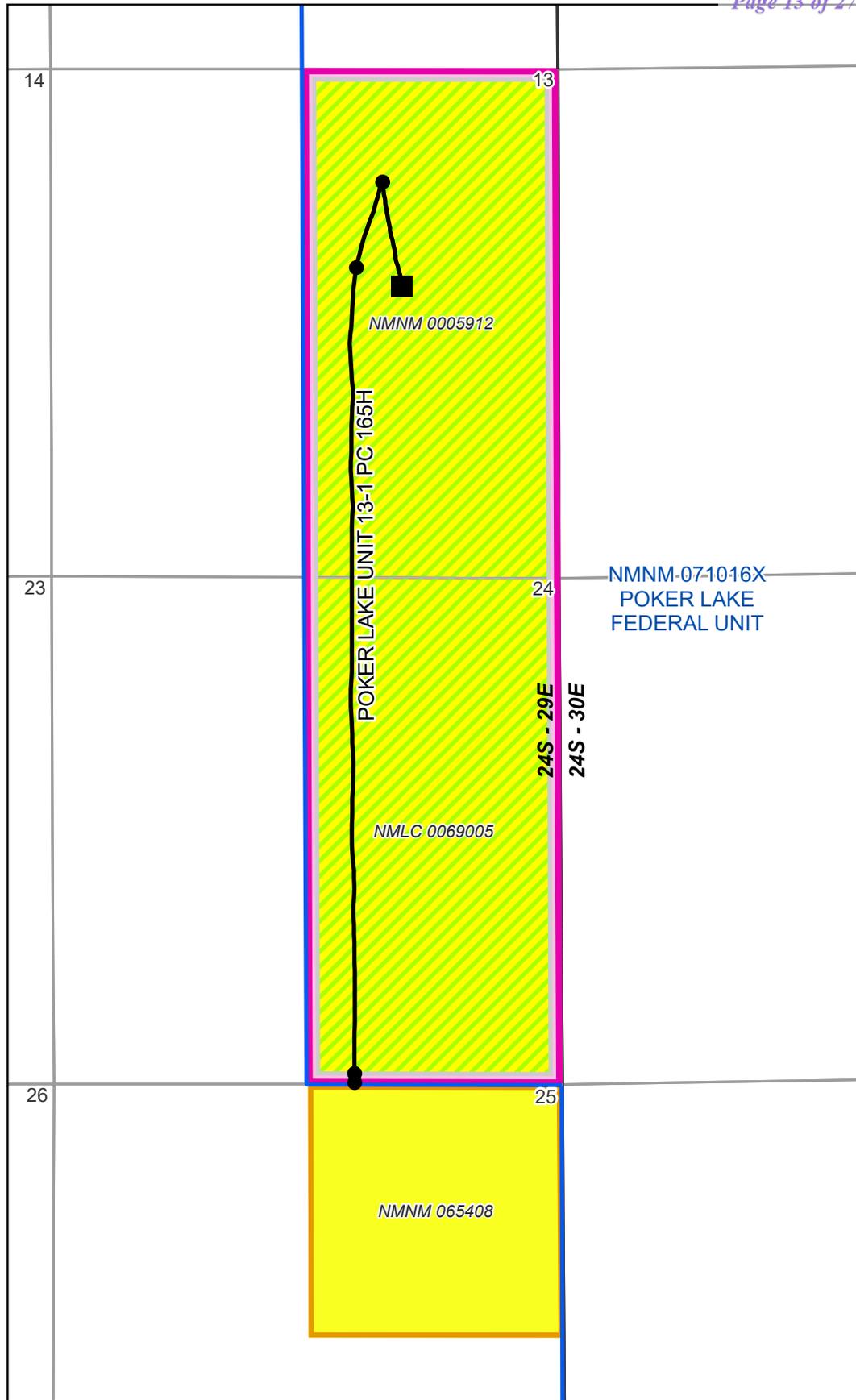
# Exhibit 3



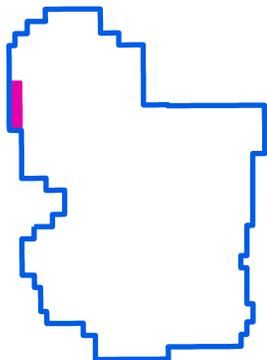
# Poker Lake Unit 13-1 PC 165H NSL Exhibit Purple Sage Wolfcamp Pool

Notification Area:  
T24S - R29E Sec. 25: NE  
160 Acres

- Takepoints
- Surface Hole
- Poker Lake Unit 13-1 PC 165H
- ▭ Poker Lake Federal Unit
- ▭ Notification Area
- ▭ Horizontal Spacing Unit
- ▨ XTO Private Lease
- ▭ Federal Acreage



Poker Lake Unit



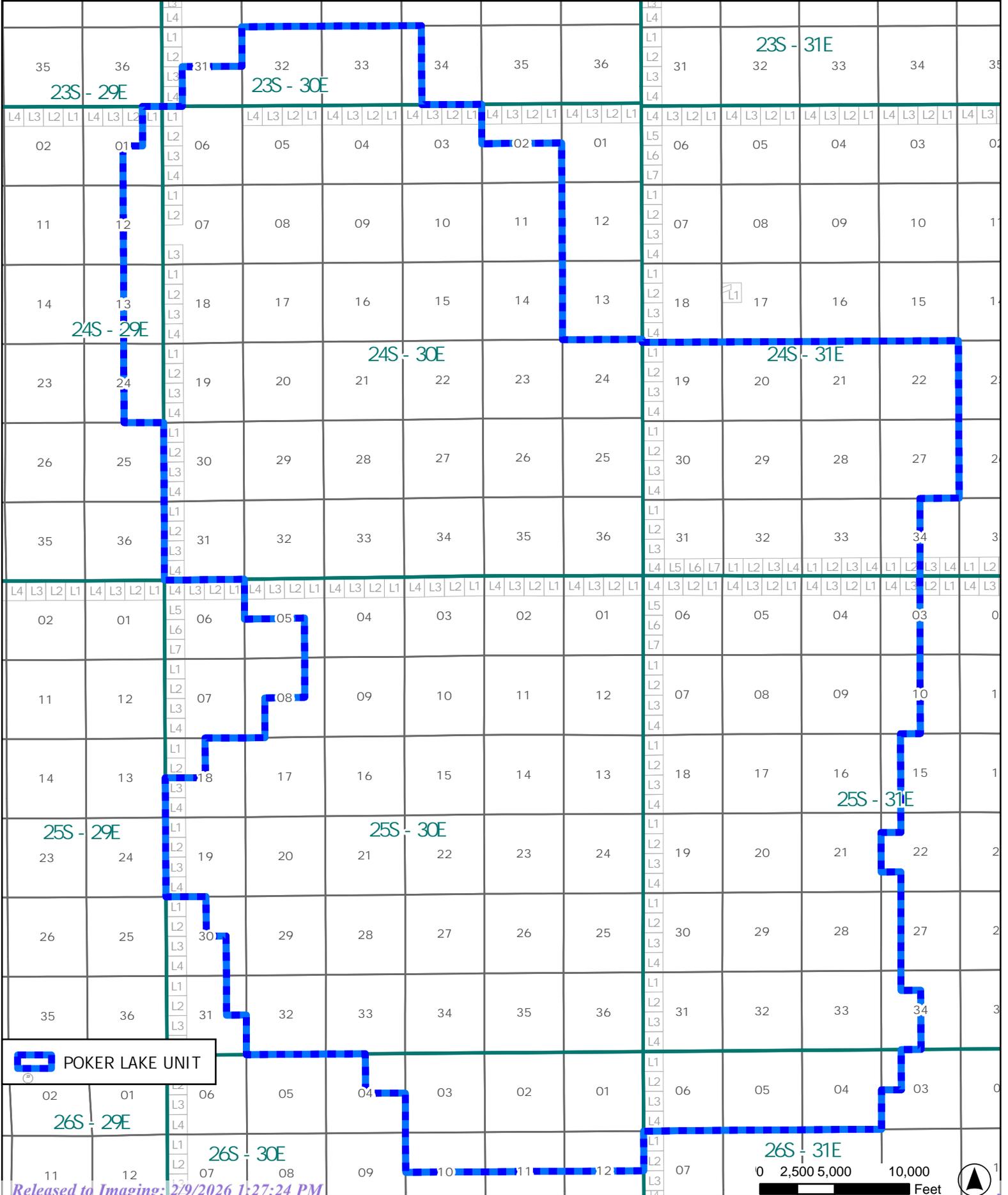
## Poker Lake UNIT



# POKER LAKE UNIT EDDY COUNTY, NEW MEXICO

Land GIS Dept. O:\rcview\Projects\Kellin\_Project\_APRX\Delaware Federal Unit\PODs\Delaware Federal Unit\PODs.aprx Layout PLU LEASES

Date: 5/22/2025



# Exhibit 4



XTO Energy Inc.  
EMHC.W4.AA.288  
22777 Springwoods Village Pkwy  
Spring TX 77389-1425  
346-566-9631 - Direct Phone  
carlos.salinas@exxonmobil.com

February 8, 2023

Occidental Petroleum Corporation  
Attn: Matt Cole  
5 Greenway Plaza, Suite 110  
Houston, TX 77046

**Re: Letter Agreement**  
Waiver of Objection: Non-Standard Location  
XTO Permian Operating LLC  
OXY USA Inc  
Eddy County, NM

Dear Mr. Cole:

This letter shall set forth our agreement regarding the non-standard locations of certain wells described below (the "Waiver Wells") operated by XTO Permian Operating LLC ("XTO") and OXY USA Inc ("OXY") collectively referred to as the "Parties". XTO and OXY agree as follows:

1. OXY is the operator of six (6) Waiver Wells located in Sections 1, 12, and 13, Township 24 South, Range 30 East, Eddy County, New Mexico. XTO hereby waives, and agrees to formally waive, any objection to the location of OXY's Waiver Wells further described on **Exhibit "A"** so long as OXY's Waiver Wells maintain a First Take Point no closer than 100' FSL of Section 13, and a Last Take Point no closer than 100' FNL of Section 1, Township 24 South, Range 30 East, Eddy County, New Mexico.
2. XTO is the operator of nine (9) Waiver Wells located in the SE/4 of Section 13 and the E/2 of Section 24, Township 24 South, Range 29 East, Eddy County, New Mexico. OXY hereby waives, and agrees to formally waive, any objection to the location of XTO's Waiver Wells further described on **Exhibit "B"** so long as XTO's Waiver Wells maintain a Last Take Point no closer than 100' FSL of Section 24, Township 24 South, Range 29 East, Eddy County, New Mexico.
3. The Parties hereby agree to promptly furnish "as-drilled" plats to the counterparts within 90 days of the drilling rig moving off location for the Waiver Wells. Copies of "as-drilled" plats shall be delivered via electronic mail to the following:

OXY representative: Matt Cole ([Matthew\\_Cole@oxy.com](mailto:Matthew_Cole@oxy.com))

XTO representative: C.R. Salinas ([Carlos.Salinas@exxonmobil.com](mailto:Carlos.Salinas@exxonmobil.com))

The agreement set forth herein shall be binding on XTO's and OXY's successors, affiliates and assigns, and constitutes a covenant running with the lands described herein. If the foregoing correctly reflects the understanding of OXY related to our agreement, please so indicate by signing below and returning a copy of this letter to the undersigned by email to [Carlos.Salinas@exxonmobil.com](mailto:Carlos.Salinas@exxonmobil.com).

Should you have any questions, please do not hesitate to contact me directly at 346-566-9631.

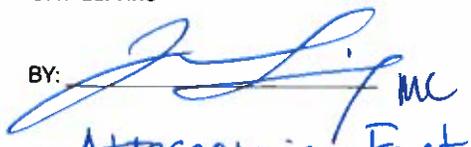
Thank you in advance for your prompt attention to this matter.

Sincerely,

C.R. Salinas  
Sr. Landman  
XTO Energy Inc.

AGREED TO AND ACCEPTED THIS 21 DAY OF FEBRUARY, 2023

OXY USA Inc

BY:  MC

ITS: Attorney-in-Fact

DATE: 2/21/23

The rest of this page is intentionally left blank.

**EXHIBIT "A"**

**OXY Waiver Wells**

Attached to and made part of that certain Letter Agreement dated February 8th, 2023.

<b>Well Name</b>	<b>API No.</b>	<b>FTP</b>	<b>LTP</b>
Nimitz MDP1 13-1 Federal Com 1H	3001548588	100' FSL, 1668' FEL, SEC 13, T24S-R30E	100' FNL, 1666' FEL, SEC 1, T24S-R30E
Nimitz MDP1 13-1 Federal Com 171H	3001548578	100' FSL, 330' FWL, SEC 13, T24S-R30E	100' FNL, 330' FWL, SEC 1, T24S-R30E
Nimitz MDP1 13-1 Federal Com 172H	3001548613	100' FSL, 1670' FWL, SEC 13, T24S-R30E	100' FNL, 1670' FWL, SEC 1, T24S-R30E
Nimitz MDP1 13-1 Federal Com 173H	3001548589	100' FSL, 2336' FEL, SEC 13, T24S-R30E	100' FNL, 2336' FEL, SEC 1, T24S-R30E
Nimitz MDP1 13-1 Federal Com 311H	3001548586	100' FSL, 1000' FWL, SEC 13, T24S-R30E	100' FNL, 1000' FWL, SEC 1, T24S-R30E
Nimitz MDP1 13-1 Federal Com 312H	3001548590	100' FSL, 2340' FWL, SEC 13, T24S-R30E	100' FNL, 2340' FWL, SEC 1, T24S-R30E
Nimitz MDP1 13_1 Fed Com 174H	TBA	100' FSL, 1600' FEL, SEC 13, T24S-R30E	100' FNL, 1600' FEL, SEC 1, T24S-R30E
Nimitz MDP1 13_1 Fed Com 175H	TBA	100' FSL, 600' FEL, SEC 13, T24S-R30E	100' FNL, 600' FEL, SEC 1, T24S-R30E

The rest of this page is intentionally left blank.

<b>EXHIBIT "B"</b>			
XTO Waiver Wells			
Attached to and made part of that certain Letter Agreement dated February 8th, 2023.			
Well Name	API No.	FTP	LTP
Poker Lake Unit 13-24 PC 105H	TBA	2740' FNL, 2310' FEL, SEC 13, T24S-R29E	100' FSL, 2310' FEL, SEC 24, T24S-R29E
Poker Lake Unit 13-24 PC 107H	TBA	2740' FNL, 990' FEL, SEC 13, T24S-R29E	100' FSL, 990' FEL, SEC 24, T24S-R29E
Poker Lake Unit 13-24 PC 125H	TBA	2740' FNL, 2310' FEL, SEC 13, T24S-R29E	100' FSL, 2310' FEL, SEC 24, T24S-R29E
Poker Lake Unit 13-24 PC 165H	TBA	2740' FNL, 2310' FEL, SEC 13, T24S-R29E	100' FSL, 2310' FEL, SEC 24, T24S-R29E
Poker Lake Unit 13-24 PC 127H	TBA	2740' FNL, 990' FEL, SEC 13, T24S-R29E	100' FSL, 990' FEL, SEC 24, T24S-R29E
Poker Lake Unit 13-24 PC 116H	TBA	2740' FNL, 1650' FEL, SEC 13, T24S-R29E	100' FSL, 1650' FEL, SEC 24, T24S-R29E
Poker Lake Unit 13-24 PC 167H	TBA	2740' FNL, 990' FEL, SEC 13, T24S-R29E	100' FSL, 990' FEL, SEC 24, T24S-R29E
Poker Lake Unit 13-24 PC 118H	TBA	2740' FNL, 330' FEL, SEC 13, T24S-R29E	100' FSL, 330' FEL, SEC 24, T24S-R29E
Poker Lake Unit 13-24 PC 158H	TBA	2740' FNL, 330' FEL, SEC 13, T24S-R29E	100' FSL, 330' FEL, SEC 24, T24S-R29E

The rest of this page is intentionally left blank.



XTO Energy Inc.  
EMHC.W4.4A  
22777 Springwoods Village Pkwy  
Spring TX 77389-1425  
346-998-2538 - Direct Phone  
William.davis@exxonmobil.com

January 25, 2024

Occidental Petroleum Corporation  
Attn: Matthew Cole  
5 Greenway Plaza, Suite 110  
Houston, TX 77046

Re: Amendment to Letter Agreement dated February 8, 2023  
Waiver of Objection: Non-Standard Locations  
Eddy County, New Mexico

Dear Mr. Cole:

Reference is made to that certain Letter Agreement dated February 8, 2023, between XTO Permian Operating, LLC ("XTO") and OXY ("Oxy") hereinafter referred to as the "Letter Agreement", regarding the terms under which XTO waived objection to six (6) Oxy Non-Standard Locations in Sections 1, 12 and 13, T24S-R30E, Eddy County, New Mexico, as described on Exhibit "A" to the Letter Agreement, and Oxy waived objection to nine (9) XTO Non-Standard Locations in the SE/4 of Section 13 and the E/2 of Section 24, T24S-R29E, Eddy County, New Mexico, as described on Exhibit "B" to the Letter Agreement. XTO and Oxy are each sometimes referred individually as a ("Party") or collectively as ("Parties").

The Parties desire to amend, reform and correct the Letter Agreement as follow:

1. Exhibit 'B' is deleted in its entirety and Exhibit "B" attached hereto is hereby substituted therefore.
2. The following paragraphs are added to the Letter Agreement:
  4. XTO, as owner of leasehold interest and operator of wells located in Section 24, T24S-R30E, hereby waives any objection to the subsurface penetration of the wellbores of the Oxy Nimitz MDP1 13 1 Fed Com 171H, Nimitz MDP1 13 1 Fed Com 172H and Nimitz MDP1 13 1 Fed Com 311H wells into Section 24, T24S-R30E, being Unit Tract 36 of the Poker Lake Unit. Oxy agrees to promptly provide XTO with all information concerning the location of the wells, including directional surveys along with the "as-drilled" plat and the "as-drilled" final survey file, including 6-axis raw data for the purpose of anti-collision issues.
  5. Oxy, as owner of leasehold interest and operator of wells located in Section 13, T24S-R30E, hereby waives any objection to the subsurface penetration of the wellbores of the Poker Lake Unit 13 DTD 114H (API # 3001554466), Poker Lake Unit 13 DTD 115H (API # 3001554467) and Poker Lake Unit 13 DTD 116H (API # 3001554468) wells into Section 13, T24S-R30E, provided no well shall back build more than 200' from the south line of Section 13, T24S-R30E. XTO agrees to promptly provide Oxy with all information concerning the location of the wells, including directional surveys along with the "as-drilled" plat and the "as-drilled" final survey file, including 6-axis raw data for the purpose of anti-collision issues.

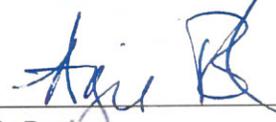
An ExxonMobil Subsidiary

6. The "take points" and perforations for all wells drilled pursuant to this letter agreement will comply with all applicable rules of the New Mexico Oil Conservation Division, and each Party's waiver is conditioned upon this compliance.

Except as herein expressly modified, changed and amended, the Letter Agreement and all of the terms, provisions, covenants and conditions therein remain in full force and effect.

If the foregoing terms are agreeable to Oxy, please so indicate by signing below and returning a copy of this letter by email to the [william.davis@exxonmobil.com](mailto:william.davis@exxonmobil.com). If you have any questions, please feel free to call Greg Davis at 346-998-2538.

**XTO Permian Operating, LLC**

By:  \_\_\_\_\_   
Angie Repka  
Commercial and Land Manager  
Title: Agent & Attorney-in-Fact

AGREED TO AND ACCEPTED THIS 25 DAY OF JANUARY 2024.

OXY USA INC.

By:  \_\_\_\_\_  
James Laning  
Title: Attorney-in-Fact

Exhibit "B"

Attached to and made a part of Amendment to Letter Agreement dated January 24, 2024

EXHIBIT "B"			
XTO WAIVER WELLS			
Attached to and made a part of that certain Letter Agreement dated February 8th, 2023			
Well Name	API #	FTP	LTP
Poker Lake Unit 13-1 PC 105H	3001554010	2059' FNL & 1989' FEL, Sec. 13, T24S-R29E	100' FSL & 1989' FEL, Sec. 24, T24S-R29E
Poker Lake Unit 13-1 PC 167H	3001554014	2059' FNL & 1274' FEL, Sec. 13, T24S-R29E	100' FSL & 1274' FEL, Sec. 24, T24S-R29E
Poker Lake Unit 13-1 PC 125H	3001553562	2059' FNL & 2319' FEL, Sec. 13, T24S-R29E	100' FSL & 2319' FEL, Sec. 24, T24S-R29E
Poker Lake Unit 13-1 PC 116H	3001554012	2059' FNL & 1659' FEL, Sec. 13, T24S-R29E	100' FSL & 1659' FEL, Sec. 24, T24S-R29E
Poker Lake Unit 13-1 PC 165H	3001554013	2059' FNL & 2154' FEL, Sec. 13, T24S-R29E	100' FSL & 2154' FEL, Sec. 24, T24S-R29E
Poker Lake Unit 13-1 PC 107H	3001553565	2020' FNL & 669' FEL, Sec. 13, T24S-R29E	100' FSL & 669' FEL, Sec. 24, T24S-R29E
Poker Lake Unit 13-1 PC 127H	3001553554	2020' FNL & 999' FEL, Sec. 13, T24S-R29E	100' FSL & 999' FEL, Sec. 24, T24S-R29E
Poker Lake Unit 13-1 PC 158H	3001553560	2020' FNL & 394' FEL, Sec. 13, T24S-R29E	100' FSL & 394' FEL, Sec. 24, T24S-R29E
Poker Lake Unit 13-1 PC 118H	3001553563	2020' FNL & 339' FEL, Sec. 13, T24S-R29E	100' FSL & 339' FEL, Sec. 24, T24S-R29E

The rest of this page is intentionally left blank

# Exhibit 5

Affected Person(s)				
Acreage Description	Operator	WI Owners	Acreage Type	Certified Tracking Number
NE/4 of Section 25, T24S, R29E, NMPM, Eddy County, NM	<b>XTO Delaware Basin, LLC</b> 6401 Holiday Hill Rd Bldg 5 Midland, TX 79707	<b>Occidental Petroleum Corporation</b>  ATTN: Land Dept., 5 Greenway Plaza, Suite 110 Houston, TX 77046	WI	9589 0710 5270 2981 1384 96
		<b>Bureau of Land Management</b>  620 E Green St. Carlsbad, NM 88220  301 Dinosaur Trail Santa Fe, NM 87508	Federal	9589 0710 5270 2981 1384 89

**BEATTY & WOZNIAK, P.C.**

ATTORNEYS AT LAW  
1675 BROADWAY, SUITE 600  
DENVER, COLORADO 80202  
TELEPHONE 303-407-4499  
FAX 1-800-886-6566  
www.bwenergylaw.com

OFFICE LOCATIONS

COLORADO  
NEW MEXICO  
WYOMING

MIGUEL A. SUAZO  
ALSO ADMITTED IN TX, CO

JACOB L. EVERHART  
ALSO ADMITTED IN CO, ND, & UT

January 9, 2026

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

TO: ALL AFFECTED PERSONS

RE: **Application of XTO Permian Operating, LLC, for Administrative Approval of Unorthodox Well Location (NSL)**

Poker Lake Unit (PLU) 13-1 PC 165H (API No. 30-015-54013)  
SHL – 2,270’ FNL, 1,625’ FEL, Unit G, Section 13, T24S, R29E  
BHL – 13’ FSL, 2,155’ FEL, Unit O, Section 24, T24S, R29E  
FTP – 2,076’ FNL, 2,097’ FEL, Unit G, Section 13, T24S, R29E  
LTP – 110’ FSL, 2,154’ FEL, Unit O, Section 24, T24S, R29E  
Purple Sage; Wolfcamp (Gas) [Pool Code: 98220]  
Eddy County, New Mexico

To Whom It May Concern,

Enclosed is a copy of the above-referenced application filed with the New Mexico Oil Conservation Division (the “Division”) on this date. Any objections that you have to these applications must be filed in writing with the New Mexico Oil Conservation Division, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, within twenty (20) days from the date the Division receives the above-referenced applications. If no objection is received within the twenty-day period, the application may be approved administratively by the Division.

This Application would have been filed with, and received by, the Division either on the date of this letter as referenced above, or no later than two (2) days after the date referenced above. Email correspondence for this matter can be sent to the Division at [OCD.Engineer@emnrd.nm.gov](mailto:OCD.Engineer@emnrd.nm.gov). If you have any questions about this application, please contact the following:

Corie Mathews, CPL, Commercial & Land Advisor – Delaware Basin NM  
ExxonMobil  
(346) 335-5864  
[Corie.a.mathews@exxonmobil.com](mailto:Corie.a.mathews@exxonmobil.com)

Very truly yours,  
BEATTY & WOZNIAK, P.C.



Miguel A. Suazo  
[msuazo@bwenergylaw.com](mailto:msuazo@bwenergylaw.com)

Jacob L. Everhart  
[jeverhart@bwenergylaw.com](mailto:jeverhart@bwenergylaw.com)

*Attorney(s) for XTO Permian Operating,  
LLC*

Sante Fe Main Office  
Phone: (505) 476-3441

General Information  
Phone: (505) 629-6116

Online Phone Directory  
<https://www.emnrd.nm.gov/ocd/contact-us>

**State of New Mexico**  
**Energy, Minerals and Natural Resources**  
**Oil Conservation Division**  
**1220 S. St Francis Dr.**  
**Santa Fe, NM 87505**

CONDITIONS

Action 541824

**CONDITIONS**

Operator: XTO PERMIAN OPERATING LLC. 3617 Big Spring St. MIDLAND, TX 79705	OGRID: 373075
	Action Number: 541824
	Action Type: [UF-NSL] Non-Standard Location (NSL)

**CONDITIONS**

Created By	Condition	Condition Date
llowe	None	1/15/2026