

12-13-12 SUSPENSE ENGINEER DB LOGGED IN 12-17 TYPE NSL PDKB 1235240175

ABOVE THIS LINE FOR DIVISION USE ONLY

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



Burnett Oil Co., Inc.  
Waller Fed #3

## 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

6758

### 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.

Leslie M. Garvis

Print or Type Name

Signature

Title

Date

e-mail Address

**Brooks, David K., EMNRD**

---

**From:** Leslie Garvis <lgarvis@burnettoil.com>  
**Sent:** Thursday, December 13, 2012 4:41 PM  
**To:** Brooks, David K., EMNRD  
**Subject:** NSL Approval Request for Nosler Federal 3  
**Attachments:** 12.12.13NF3\_NSL.pdf; NF3 Lease Map.pdf; 12.03.29 NOSLER 3-26479.pdf

David,

Attached is the request letter for the NSL approval and supporting documents.  
Please let me know if you have any questions or need any additional information.

Thank you,

*Leslie M. Garvis*  
*Regulatory Coordinator*  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
Email: [lgarvis@burnettoil.com](mailto:lgarvis@burnettoil.com)



BURNETT OIL CO., INC.

13 December 2012

Mr. David Brooks  
New Mexico Oil Conservation Division  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87504

Re: Nosler Federal #3 | Federal Lease #NMLC029415(b) | NSL Approval Request  
Unit P, 25' FSL, 380' FEL  
SEC. 24, T17S, R31E – Eddy County, New Mexico  
API # 30-015-38636

Mr. Brooks:

Burnett Oil Co., Inc. respectfully requests an exception without notice and hearing to NMOCD Rule 104 for the Nosler Federal #3 (Fren Glorieta Yeso).

This location is 305' feet unorthodox at the surface and only affects Burnett and no other lease holders. The working interests of Unit A, Section 25 is the same as Unit P Section 24. I have attached a map showing the Burnett leases in this area as well as a copy of our C-102.

Please contact me if you have any questions or need any additional information.

Thank you,

Leslie M. Garvis  
Regulatory Coordinator

DISTRICT I  
1625 N. French Dr., Hobbs, NM 88240  
Phone (575) 393-6161 Fax: (575) 393-0720

DISTRICT II  
811 S. First St., Artesia, NM 88210  
Phone (575) 748-1283 Fax: (575) 748-0720

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) 476-3460 Fax: (505) 476-3462

State of New Mexico  
Energy, Minerals and Natural Resources Department

Form C-102  
Revised August 1, 2011  
Submit one copy to appropriate  
District Office

**OIL CONSERVATION DIVISION**  
1220 South St. Francis Dr.  
Santa Fe, New Mexico 87505

WELL LOCATION AND ACREAGE DEDICATION PLAT

☐ AMENDED REPORT

API Number <b>30-019-38635</b>		Pool Code <b>26770</b>	Pool Name <i>Fren Howard Jones</i>
Property Code <b>38562</b>	Property Name <b>NOSLER</b> <i>Fed</i>		Well Number <b>3</b>
OGRID No.	Operator Name <b>BURNETT OIL COMPANY, INC.</b>		Elevation <b>3900'</b>

Surface Location

UL or lot No.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
P	24	17 S	31 E		25	SOUTH	380	EAST	EDDY

Bottom Hole Location If Different From Surface

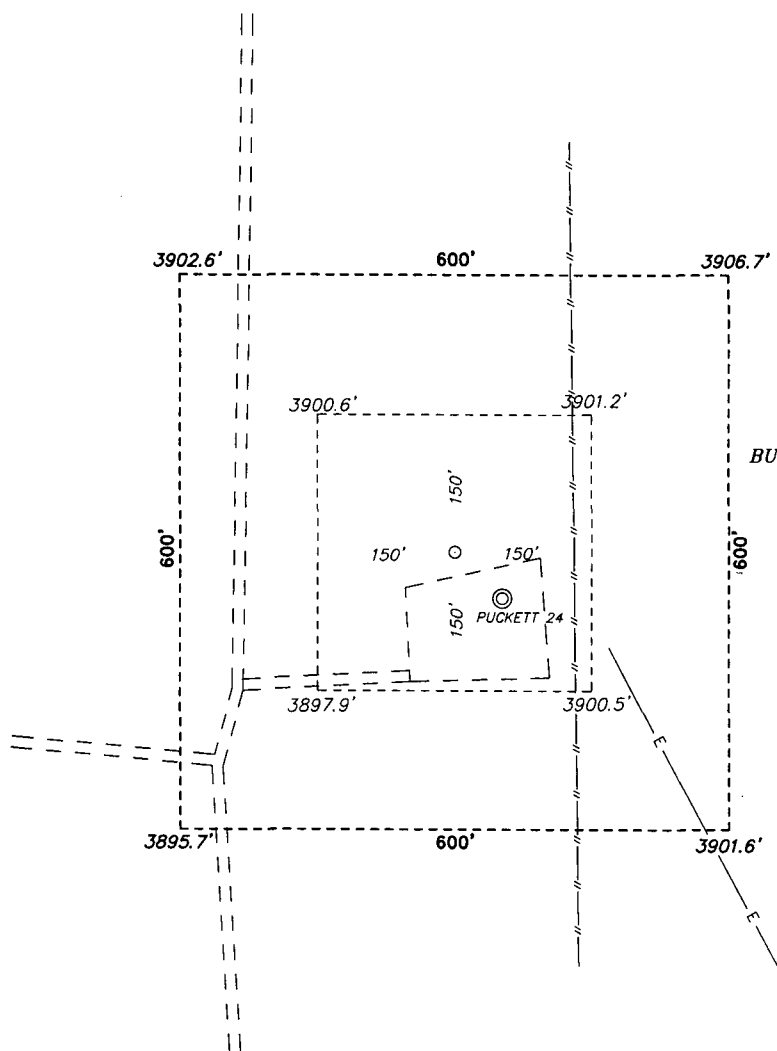
UL or lot No.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
Dedicated Acres		Joint or Infill		Consolidation Code		Order No.			

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

<div style="border: 1px dashed black; width: 100%; height: 100%; position: relative;"> <div style="position: absolute; bottom: 10px; right: 10px;"> <p><b>SURFACE LOCATION</b>            Lat - N 32.812863408°            Long - W 103.815210416°            NMSPC- N 659820.800            E 659183.188            (NAD-27)</p> </div> </div>	<p><b>OPERATOR CERTIFICATION</b></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 to a voluntary pooling agreement or a compulsory pooling order heretofore entered by the division.</p> <p>Signature _____ Date _____</p> <p>Printed Name _____</p> <p>Email Address _____</p>
	<p><b>SURVEYOR CERTIFICATION</b></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>Date Surveyed <b>JAN 14 2012</b></p> <p>Signature &amp; Seal of Professional Surveyor <b>7977</b></p>
	<p>Certificate No. <b>Gary L. Jones 7977</b></p> <p><b>BASIN SURVEYS 26479</b></p>

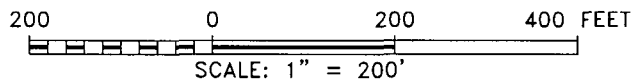


SECTION 24, TOWNSHIP 17 SOUTH, RANGE 31 EAST, N.M.P.M.,  
EDDY COUNTY, NEW MEXICO.



BURNETT OIL COMPANY, INC.  
NOSLER #3  
ELEV. - 3900'

Lat - N 32.812863408°  
Long - W 103.815210416°  
NMSPCE- N 659820.800  
E 659183.188  
(NAD-27)



Directions to Location:

FROM THE JUNCTION OF HWY 82 AND RIPLEY, GO  
SOUTHWEST 0.9 MILES VEERING SOUTH 0.3 MILES TO  
LEASE ROAD, ON LEASE ROAD GO WEST 0.1 MILES  
TURNING SOUTH 0.6 MILES TO PROPOSED LOCATION.

**BASIN SURVEYS** P.O. BOX 1786-HOBBS, NEW MEXICO

W.O. Number: 26479 Drawn By: J. SMALL

Date: 03-29-2012 Disk: JMS 26479

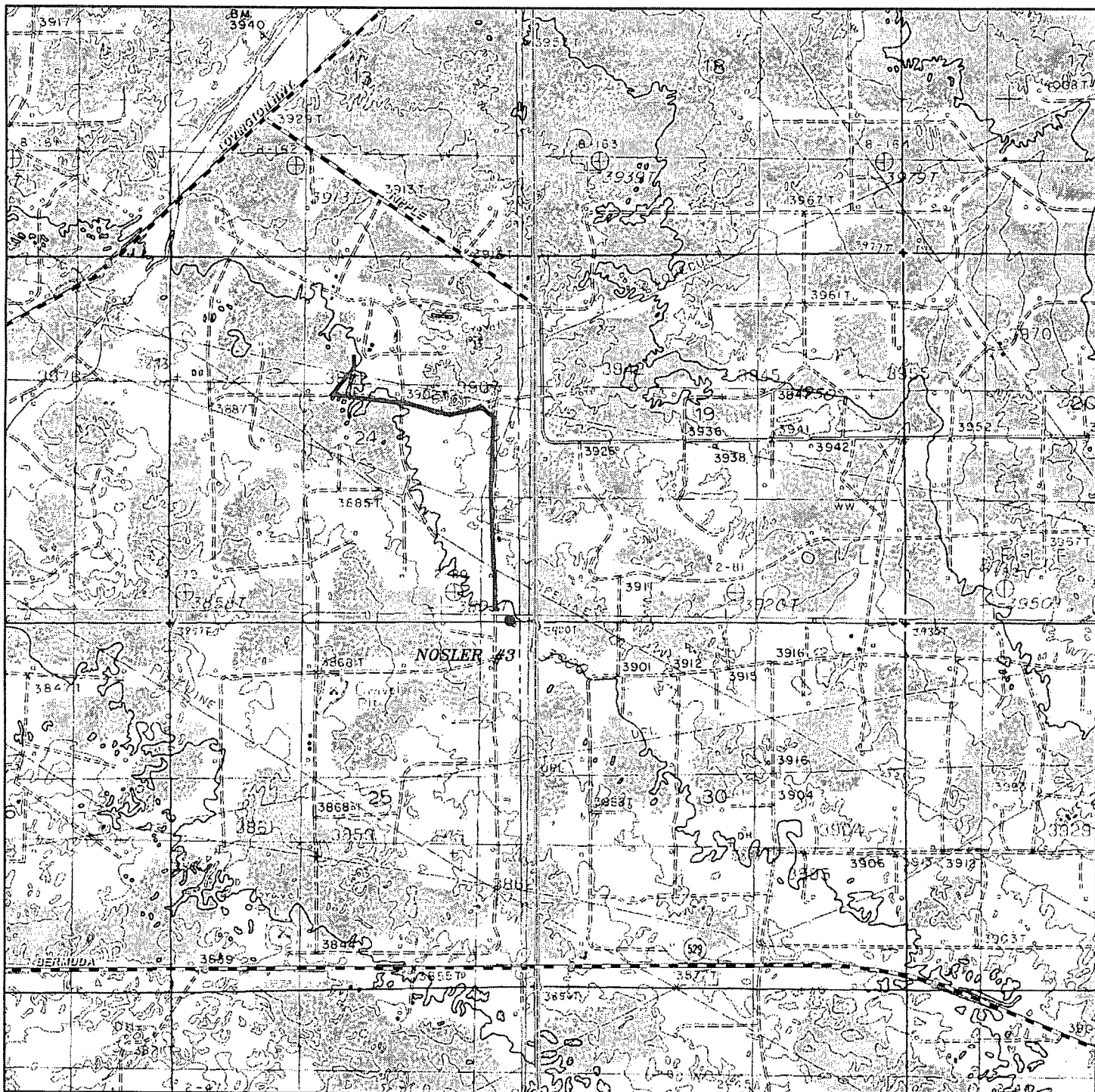
**BURNETT OIL COMPANY, INC.**

REF: NOSLER #3 / WELL PAD TOPO

THE NOSLER #3 LOCATED 25'

FROM THE SOUTH LINE AND 380' FROM THE EAST LINE OF  
SECTION 24, TOWNSHIP 17 SOUTH, RANGE 31 EAST,  
N.M.P.M., EDDY COUNTY, NEW MEXICO.

Survey Date: 03-28-2012 Sheet 1 of 1 Sheets



### NOSLER #3

Located 25' FSL and 380' FEL

Section 24, Township 17 South, Range 31 East,  
N.M.P.M., Eddy County, New Mexico.



P.O. Box 1786  
1120 N. West County Rd.  
Hobbs, New Mexico 88241  
(575) 393-7316 - Office  
(575) 392-2206 - Fax  
basinsurveys.com

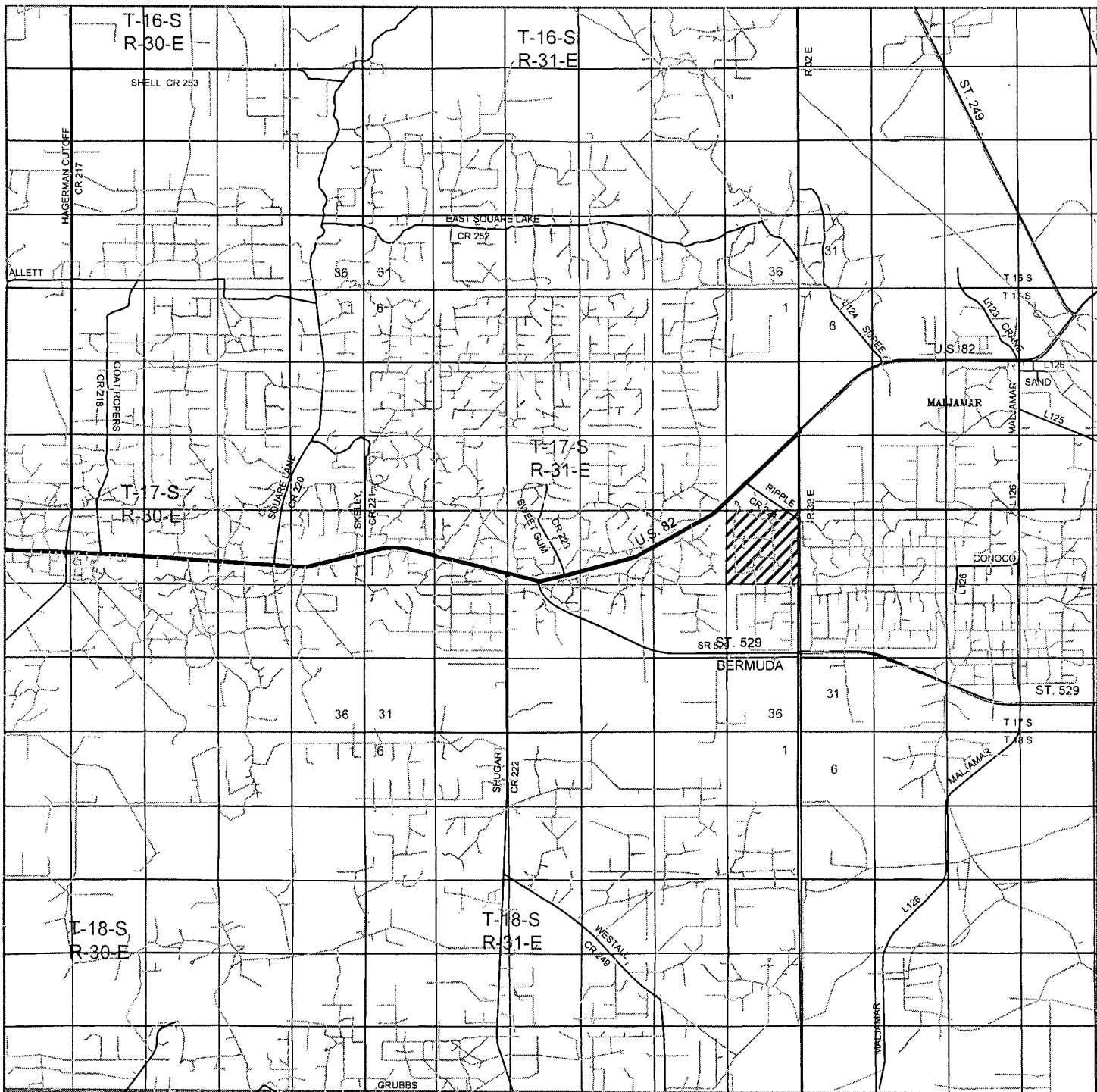
W.O. Number: JMS 26479

Survey Date: 03-28-2012

Scale: 1" = 2000'

Date: 03-29-2012

**BURNETT OIL  
COMPANY, INC.**



**NOSLER #3**

Located 25' FSL and 380' FEL

Section 24, Township 17 South, Range 31 East,  
N.M.P.M., Eddy County, New Mexico.



focused on excellence  
in the oilfield

P.O. Box 1786  
1120 N. West County Rd.  
Hobbs, New Mexico 88241  
(575) 393-7316 - Office  
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basinsurveys.com

W.O. Number: JMS 26479

Survey Date: 03-28-2012

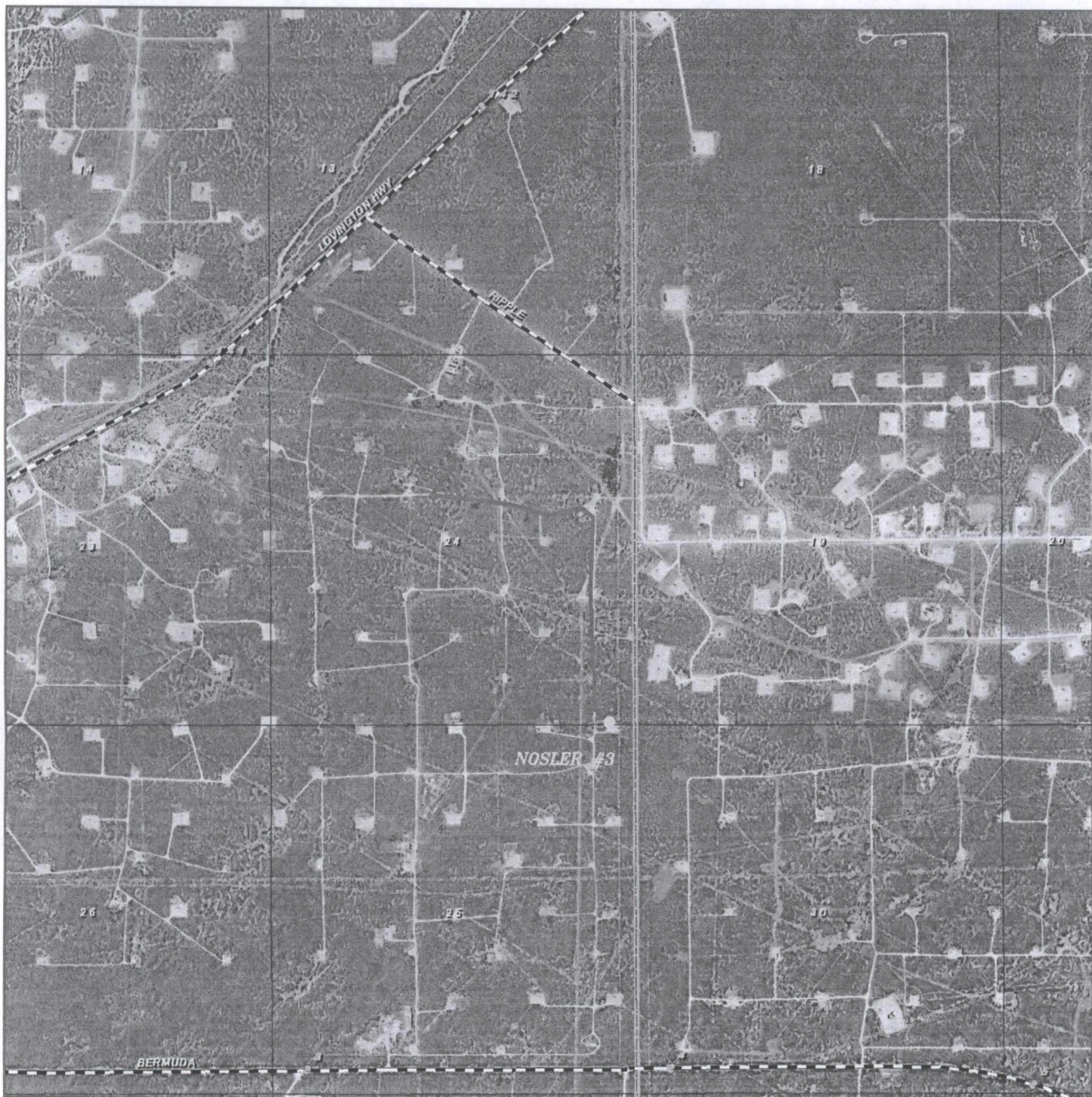
Scale: 1" = 2 Miles

Date: 03-29-2012



**BURNETT OIL  
COMPANY, INC.**





### NOSLER #3

Located 25' FSL and 380' FEL

Section 24, Township 17 South, Range 31 East,  
N.M.P.M., Eddy County, New Mexico.

**basin**  
**surveys**

focused on excellence  
in the oilfield

P.O. Box 1786  
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W.O. Number: JMS 26479

Scale: 1" = 2000'

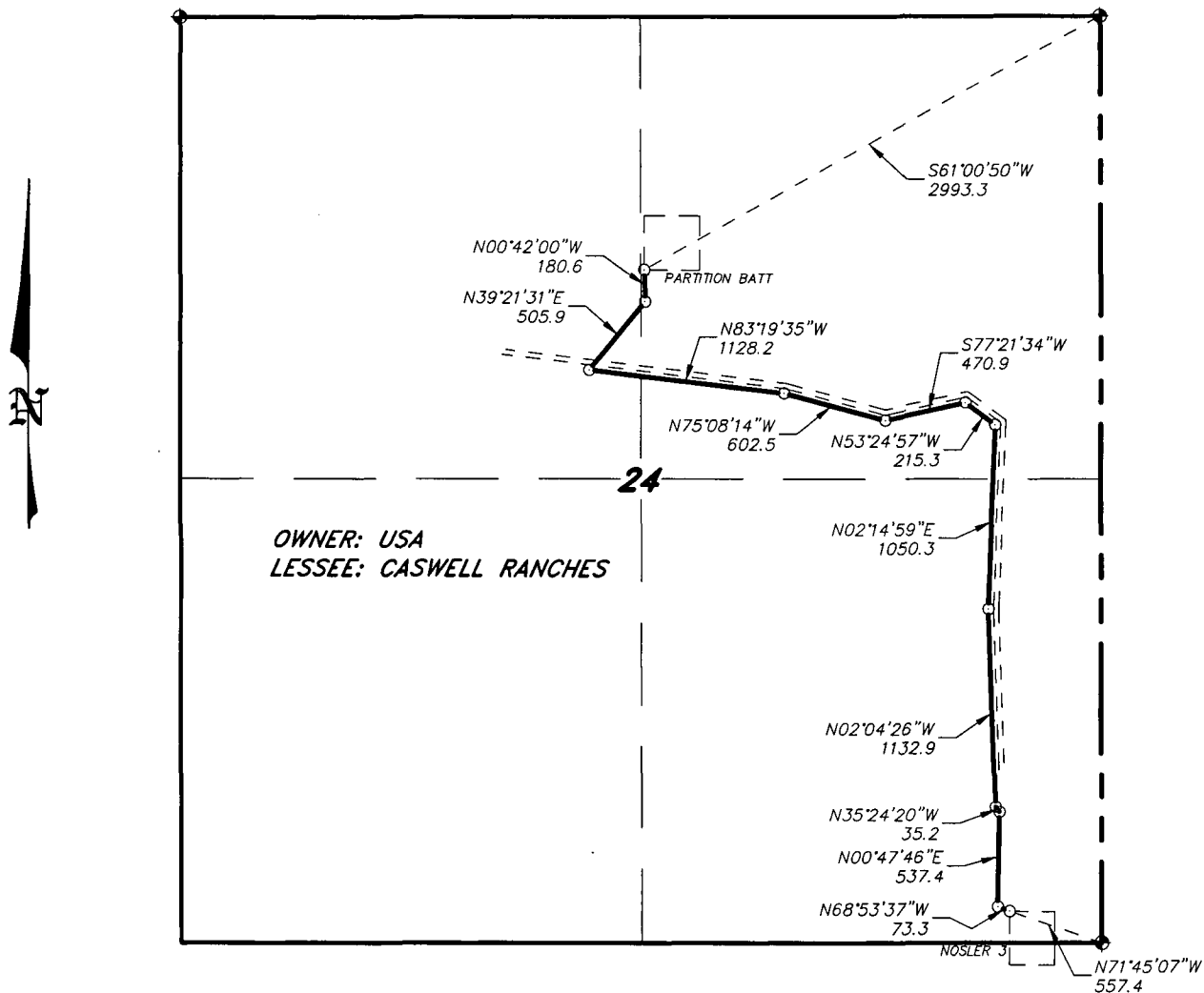
YELLOW TINT - USA LAND  
BLUE TINT - STATE LAND  
NATURAL COLOR - FEE LAND



*BURNETT OIL  
COMPANY, INC.*



SECTION 24, TOWNSHIP 17 SOUTH, RANGE 31 EAST, N.M.P.M.,  
EDDY COUNTY, NEW MEXICO.



LEGAL DESCRIPTION

A STRIP OF LAND 30.0 FEET WIDE, LOCATED IN SECTION 24, TOWNSHIP 17 SOUTH, RANGE 31 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO AND BEING 15.0 FEET LEFT AND RIGHT OF THE ABOVE PLATTED CENTERLINE SURVEY.

SECTION 24 = 5932.5 FEET = 359.55 RODS = 1.12 MILES = 4.09 ACRES

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY AND MEETS OR EXCEEDS ALL REQUIREMENTS FOR LAND SURVEYS AS SPECIFIED BY THIS STATE.

**GARY L. JONES**  
PROFESSORIAL LAND SURVEYOR  
No. 7977  
No. 5074

1000 0 1000 2000 FEET

**BURNETT OIL COMPANY, INC.**

REF: PROPOSED FLOWLINE TO THE NOSLER #3

A FLOWLINE CROSSING USA LAND IN  
SECTION 24, TOWNSHIP 17 SOUTH, RANGE 31 EAST,  
N.M.P.M., EDDY COUNTY, NEW MEXICO.

**BASIN SURVEYS** P.O. BOX 1786—HOBBS, NEW MEXICO

W.O. Number: 26479 Drawn By: J. M. SMALL

Date: 03-29-2012 Disk: JMS 26479

Survey Date: 03-28-2012 Sheet 1 of 1 Sheets

**Brooks, David K., EMNRD**

---

**From:** Brooks, David K., EMNRD  
**Sent:** Monday, December 17, 2012 11:22 AM  
**To:** lgarvis@burnettoil.com  
**Subject:** Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Dear Ms. Garvis

You have advised us in your referenced application that working interest ownership is identical between the well unit (Unit P of Section 24) and the adjoining unit to the south (Unit A of Section 25).

However, due to the proximity of the proposed location to the southeast corner of Section 25, we also need to be concerned about the ownership of the adjoining unit to the southeast (presumably Unit D of Section 30-17S-32E). Is the working interest ownership in that unit also identical with ownership of the well unit? If not notice to affected persons in the unit to the southeast is required.

Please advise.

Sincerely

David K. Brooks

**Brooks, David K., EMNRD**

---

**From:** Brooks, David K., EMNRD  
**Sent:** Monday, December 17, 2012 2:02 PM  
**To:** 'Leslie Garvis'  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Dear Ms. Garvis

The answer to your question is "yes."

OCD's interpretation of "spacing units towards which the unorthodox location encroaches" in 19.15.4.12.A.(2)(c), in the context of a diagonally adjoining unit, is that a location encroaches toward the diagonally offsetting unit is closer to the common corner that the nearest standard location would be. Where the setback is 330 feet, the nearest standard location would be a distance equal to the square root of twice the square of 330, or approximately 467 feet. The reasoning supporting this interpretation is that if the owner of the diagonally adjoining tract wanted to drill a protective well the same distance from the corner as the unorthodox well, that owner would have to obtain an NSL exception.

Sincerely

David Brooks

---

**From:** Leslie Garvis [<mailto:lgarvis@burnettoil.com>]  
**Sent:** Monday, December 17, 2012 11:35 AM  
**To:** Brooks, David K., EMNRD  
**Cc:** Deb Brown; Mark Jacoby  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

David,

Section 30 that you referenced is not part of Burnett's Lease. We do not know who the owner is. Do we need to notify the operator even though the location is not Non-Standard to the East?

Thank you,

*Leslie M. Garvis*  
*Regulatory Coordinator*  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
Email: [lgarvis@burnettoil.com](mailto:lgarvis@burnettoil.com)

---

**From:** Brooks, David K., EMNRD [<mailto:david.brooks@state.nm.us>]  
**Sent:** Monday, December 17, 2012 12:22 PM  
**To:** Leslie Garvis  
**Subject:** Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application



Dear Ms. Garvis

You have advised us in your referenced application that working interest ownership is identical between the well unit (Unit P of Section 24) and the adjoining unit to the south (Unit A of Section 25).

However, due to the proximity of the proposed location to the southeast corner of Section 25, we also need to be concerned about the ownership of the adjoining unit to the southeast (presumably Unit D of Section 30-17S-32E). Is the working interest ownership in that unit also identical with ownership of the well unit? If not notice to affected persons in the unit to the southeast is required.

Please advise.

Sincerely

David K. Brooks

 **Brooks, David K., EMNRD**

---

**From:** Brooks, David K., EMNRD  
**Sent:** Monday, December 17, 2012 2:13 PM  
**To:** 'Leslie Garvis'  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Dear Ms. Garvis

Notification should be sent to the affected persons by certified mail. The contents of the notification should conform to Rule 19.15.15.13.D.

Sincerely

David K. Brooks

---

**From:** Leslie Garvis [<mailto:lgarvis@burnettoil.com>]  
**Sent:** Monday, December 17, 2012 2:06 PM  
**To:** Brooks, David K., EMNRD  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Thanks David. I understand. I don't believe we have had this situation since I have been here. Can you please tell me the process for this? Do I need to just notify them by registered mail or is there a form? And do I need to wait for a reply?

Thank you,

*Leslie M. Garvis*  
*Regulatory Coordinator*  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
Email: [lgarvis@burnettoil.com](mailto:lgarvis@burnettoil.com)

---

**From:** Brooks, David K., EMNRD [<mailto:david.brooks@state.nm.us>]  
**Sent:** Monday, December 17, 2012 3:02 PM  
**To:** Leslie Garvis  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Dear Ms. Garvis

The answer to your question is "yes."

OCD's interpretation of "spacing units towards which the unorthodox location encroaches" in 19.15.4.12.A.(2)(c), in the context of a diagonally adjoining unit, is that a location encroaches toward the diagonally offsetting unit is closer to the common corner that the nearest standard location would be. Where the setback is 330 feet, the nearest standard location would be a distance equal to the square root of twice the square of 330, or approximately 467 feet. The

reasoning supporting this interpretation is that if the owner of the diagonally adjoining tract wanted to drill a protective well the same distance from the corner as the unorthodox well, that owner would have to obtain an NSL exception.

Sincerely

David Brooks

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**Sent:** Monday, December 17, 2012 11:35 AM  
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**Cc:** Deb Brown; Mark Jacoby  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

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Thank you,

*Leslie M. Garvis*  
*Regulatory Coordinator*  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
Email: [lgarvis@burnettoil.com](mailto:lgarvis@burnettoil.com)

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**Sent:** Monday, December 17, 2012 12:22 PM  
**To:** Leslie Garvis  
**Subject:** Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Dear Ms. Garvis

You have advised us in your referenced application that working interest ownership is identical between the well unit (Unit P of Section 24) and the adjoining unit to the south (Unit A of Section 25).

However, due to the proximity of the proposed location to the southeast corner of Section 25, we also need to be concerned about the ownership of the adjoining unit to the southeast (presumably Unit D of Section 30-17S-32E). Is the working interest ownership in that unit also identical with ownership of the well unit? If not notice to affected persons in the unit to the southeast is required.

Please advise.

Sincerely

**Brooks, David K., EMNRD**

---

**From:** Brooks, David K., EMNRD  
**Sent:** Friday, January 04, 2013 9:51 AM  
**To:** 'Leslie Garvis'  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Dear Ms. Garvis

We only need a letter to the effect that you have notified everyone, together with a specimen copy of your notice letter to show that the notice conformed to the requirements of the Rule.

Sincerely

David K. Brooks

---

**From:** Leslie Garvis [<mailto:lgarvis@burnettoil.com>]  
**Sent:** Friday, January 04, 2013 9:10 AM  
**To:** Brooks, David K., EMNRD  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Hi David,

Hope you had a nice holiday.

I wanted to follow up on this with you and let you know that notification letters were sent to the operators of the surrounding units on 12/20. Do I need to resubmit the request to you or just send a statement that we notified everyone?

Thanks,

*Leslie M. Garvis*  
*Regulatory Coordinator*  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
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Please advise.

Sincerely

David K. Brooks



**BURNETT OIL CO., INC.**

20 December, 2012

Sent via Certified Mail

Mr. Mark Hoskins  
Glen Plemons  
1301 W. Grand Avenue  
Artesia, New Mexico 88210

Re: Non Standard Location Request Notice | Nosler Federal 3, Federal Lease 29415B  
Unit P, 25' FSL, 380' FEL  
SEC. 24, T17S, R31E- Eddy County, New Mexico  
API # 30-015-38636

Dear Mark,

Burnett Oil Company has submitted a request approval of a Non-Standard Location on the above referenced well. This letter is to notify you of this request as per OCD Rule 19.15.15.13. According to the OCD rules, you have twenty (20) days to respond to the OCD regarding this request.

Enclosed you will find a copy of our request, a plat showing the spacing unit and proposed location and the adjoining spacing unit. A non-standard location was necessary in order to avoid sand dune lizard habitat in the area.

If you have any questions or need any additional information, please do not hesitate to contact me or Mark Jacoby.

Regards,

Leslie M. Garvis  
Regulatory Coordinator

cc: BOCI - Jacoby

enclosures (3)



**BURNETT OIL CO., INC.**

15 January, 2013

Sent via Certified Mail

Ms. Jalyn Fiske  
Regulatory Specialist  
Conoco Phillips Company  
3300 N."A" Street, Bldg 6  
Midland, Texas 79705

Re: Non Standard Location Request Notice  
Nosler Federal 3, Federal Lease 29415B  
Unit P, 25' FSL, 380' FEL  
SEC. 24, T17S, R31E- Eddy County, New Mexico  
API # 30-015-38636

Dear Jalyn,

Burnett Oil Company has submitted a request approval of a Non-Standard Location on the above referenced well. This letter is to notify you of this request as per OCD Rule 19.15.15.13. According to the OCD rules, you have twenty (20) days to respond to the OCD regarding this request.

Enclosed you will find a copy of our request, a plat showing the spacing unit and proposed location and the adjoining spacing unit. A non-standard location was necessary in order to avoid sand dune lizard habitat in the area.

If you have any questions or need any additional information, please do not hesitate to contact me or Mark Jacoby.

Yours truly,

Leslie M. Garvis  
Regulatory Coordinator

cc: BOCI -

enclosures (3)



BURNETT OIL CO., INC.

16 January 2013

Mr. David Brooks  
New Mexico Oil Conservation Division  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87504

Re: Nosler Federal #3 | Federal Lease #NMLC029415(b) | NSL Approval Request  
Unit P, 25' FSL, 380' FEL  
Sec 24, T17S, R31E – Eddy County, New Mexico  
API # 30-015-38636

Dear David:

As required, Burnett Oil has notified the operators of Unit D of Section 30-17S-32E via certified mail on 20 December 2013. We did however discover that we had missed four (4) operators of this section and they were notified via certified mail on 15 January 2013. Attached you will find a copies of the letter and documents that were sent on both occasions.

Please contact me if you have any questions or need any additional information.

Thank you,

Leslie M. Garvis  
Regulatory Coordinator

cc: BOCI – Jacoby

Enclosures (2)



**BURNETT OIL Co., INC.**

13 December 2012

Mr. David Brooks  
New Mexico Oil Conservation Division  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87504

Re: Nosler Federal #3 | Federal Lease #NMLC029415(b) | NSL Approval Request  
Unit P, 25' FSL, 380' FEL  
SEC. 24, T17S, R31E – Eddy County, New Mexico  
API # 30-015-38636

Mr. Brooks:

Burnett Oil Co., Inc. respectfully requests an exception without notice and hearing to NMOCD Rule 104 for the Nosler Federal #3 (Fren Glorieta Yeso).

This location is 305' feet unorthodox at the surface and only affects Burnett and no other lease holders. The working interests of Unit A, Section 25 is the same as Unit P Section 24. I have attached a map showing the Burnett leases in this area as well as a copy of our C-102.

Please contact me if you have any questions or need any additional information.

Thank you,

Leslie M. Garvis  
Regulatory Coordinator

DISTRICT I  
1805 N. French Dr., Hobbs, NM 88240  
Phone (505) 283-0141 Fax (505) 283-0780

DISTRICT II  
811 S. First St., Artesia, NM 88210  
Phone (505) 746-1883 Fax (505) 746-0780

DISTRICT III  
1000 Rio Grande Rd., Aztec, NM 87410  
Phone (505) 836-4179 Fax (505) 836-4179

DISTRICT IV  
1200 S. St. Francis Dr., Santa Fe, NM 87505  
Phone (505) 476-5480 Fax (505) 476-5480

State of New Mexico  
Energy, Minerals and Natural Resources Department

Form C-102  
Revised August 1, 2011

Submit one copy to appropriate  
District Office

OIL CONSERVATION DIVISION  
1220 South St. Francis Dr.  
Santa Fe, New Mexico 87505

WELL LOCATION AND ACREAGE DEDICATION PLAT

☐ AMENDED REPORT

API Number 30-015-38636	Pool Code 26770	Pool Name FREN GLORIA 4 ESO
Property Code 38634	Property Name NOSLER	Well Number 3
OGED No. 03080	Operator Name BURNETT OIL COMPANY, INC.	Elevation 3900'

Surface Location

UL or lot No.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
P	24	17 S	31 E		25	SOUTH	380	EAST	EDDY

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
Dedicated Acres	Joint or Infill	Consolidation Code	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><b>SURFACE LOCATION</b>          Lat - N 32.812863408          Long - W 103.815210418          NMSPCE - N 859820.800          E 859183.188          (NAD-27)</p>	<p>3902.6' 3906.7' 3901' 3905.7' 3901.6'</p>	<p><b>OPERATOR CERTIFICATION</b>          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.</p> <p>Signature: <i>Leslie E. Jones</i> Date: 3/20/12</p> <p>Printed Name: <i>LESIE E. JONES</i></p> <p>Email Address: <i>ljones@burnett.com</i></p>
		<p><b>SURVEYOR CERTIFICATION</b>          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>Date: 3/20/12</p> <p>Signature: <i>[Signature]</i> Seal of Professional Surveyor</p> <p>3/20/12</p>
		<p>Certificate No. Gary L. Jones 7977</p>
		<p>BASIN SURVEYS 26479</p>





## Brooks, David K., EMNRD

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**From:** Leslie Garvis <lgarvis@burnettoil.com>  
**Sent:** Wednesday, January 16, 2013 10:50 AM  
**To:** Brooks, David K., EMNRD  
**Cc:** Mark Jacoby  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application | Compliance Letter  
**Attachments:** 13.01.16NF3Compliance Letter.pdf; 12.12.20NF#NSL Letter.pdf; 13.01.15NF3NSL Letter.pdf

Good Morning David,

Attached you will find our letter of compliance with the notification process as well as samples of the documents that we sent out on 20 December 2012 and 15 January 2013.

Please let me know if you have any questions or need any additional information.

Thank you

*Leslie M. Garvis*  
*Regulatory Coordinator*  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
Email: lgarvis@burnettoil.com

---

**From:** Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]  
**Sent:** Friday, January 04, 2013 10:51 AM  
**To:** Leslie Garvis  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Dear Ms. Garvis

We only need a letter to the effect that you have notified everyone, together with a specimen copy of your notice letter to show that the notice conformed to the requirements of the Rule.

Sincerely

David K. Brooks

---

**From:** Leslie Garvis [mailto:lgarvis@burnettoil.com]  
**Sent:** Friday, January 04, 2013 9:10 AM  
**To:** Brooks, David K., EMNRD  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Hi David,

Hope you had a nice holiday.

I wanted to follow up on this with you and let you know that notification letters were sent to the operators of the surrounding units on 12/20. Do I need to resubmit the request to you or just send a statement that we notified everyone?

Thanks,

*Leslie M. Garvis*  
**Regulatory Coordinator**  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
Email: [lgarvis@burnettoil.com](mailto:lgarvis@burnettoil.com)

---

**From:** Brooks, David K., EMNRD [<mailto:david.brooks@state.nm.us>]  
**Sent:** Monday, December 17, 2012 3:13 PM  
**To:** Leslie Garvis  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Dear Ms. Garvis

Notification should be sent to the affected persons by certified mail. The contents of the notification should conform to Rule 19.15.15.13.D.

Sincerely

David K. Brooks

---

**From:** Leslie Garvis [<mailto:lgarvis@burnettoil.com>]  
**Sent:** Monday, December 17, 2012 2:06 PM  
**To:** Brooks, David K., EMNRD  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Thanks David. I understand. I don't believe we have had this situation since I have been here. Can you please tell me the process for this? Do I need to just notify them by registered mail or is there a form? And do I need to wait for a reply ?

Thank you,

*Leslie M. Garvis*  
**Regulatory Coordinator**  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
Email: [lgarvis@burnettoil.com](mailto:lgarvis@burnettoil.com)

---

**From:** Brooks, David K., EMNRD [<mailto:david.brooks@state.nm.us>]  
**Sent:** Monday, December 17, 2012 3:02 PM  
**To:** Leslie Garvis  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Dear Ms. Garvis

The answer to your question is "yes."

OCD's interpretation of "spacing units towards which the unorthodox location encroaches" in 19.15.4.12.A.(2)(c), in the context of a diagonally adjoining unit, is that a location encroaches toward the diagonally offsetting unit is closer to the common corner that the nearest standard location would be. Where the setback is 330 feet, the nearest standard location would be a distance equal to the square root of twice the square of 330, or approximately 467 feet. The reasoning supporting this interpretation is that if the owner of the diagonally adjoining tract wanted to drill a protective well the same distance from the corner as the unorthodox well, that owner would have to obtain an NSL exception.

Sincerely

David Brooks

---

**From:** Leslie Garvis [<mailto:lgarvis@burnettoil.com>]  
**Sent:** Monday, December 17, 2012 11:35 AM  
**To:** Brooks, David K., EMNRD  
**Cc:** Deb Brown; Mark Jacoby  
**Subject:** RE: Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

David,

Section 30 that you referenced is not part of Burnett's Lease. We do not know who the owner is. Do we need to notify the operator even though the location is not Non-Standard to the East?

Thank you,

*Leslie M. Garvis*  
*Regulatory Coordinator*  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
Email: [lgarvis@burnettoil.com](mailto:lgarvis@burnettoil.com)

---

**From:** Brooks, David K., EMNRD [<mailto:david.brooks@state.nm.us>]  
**Sent:** Monday, December 17, 2012 12:22 PM  
**To:** Leslie Garvis  
**Subject:** Burnett Oil Co., Inc. - Nosler Federal #3; NSL Application

Dear Ms. Garvis

You have advised us in your referenced application that working interest ownership is identical between the well unit (Unit P of Section 24) and the adjoining unit to the south (Unit A of Section 25).

However, due to the proximity of the proposed location to the southeast corner of Section 25, we also need to be concerned about the ownership of the adjoining unit to the southeast (presumably Unit D of Section 30-17S-32E). Is the working interest ownership in that unit also identical with ownership of the well unit? If not notice to affected persons in the unit to the southeast is required.

Please advise.

Sincerely

David K. Brooks

**Davidson, Florene, EMNRD**

---

**From:** Leslie Garvis <lgarvis@burnettoil.com>  
**Sent:** Wednesday, February 06, 2013 1:47 PM  
**To:** Davidson, Florene, EMNRD  
**Cc:** Mark Jacoby; David Rhodes  
**Subject:** RE: NSL Application

Florene,

I have forwarded your email to Mark Jacoby (copied on this email). He is handling this and will be in contact with you soon regarding scheduling this.

Thank you,

**Leslie M. Garvis**  
**Regulatory Coordinator**  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
Email: [lgarvis@burnettoil.com](mailto:lgarvis@burnettoil.com)

---

**From:** Davidson, Florene, EMNRD [<mailto:florene.davidson@state.nm.us>]  
**Sent:** Thursday, January 31, 2013 3:48 PM  
**To:** Leslie Garvis  
**Subject:** NSL Application

Ms. Garvis, David Brooks has advised me that an objection has been received from COG Operating LLC to your administrative application for an unorthodox location for the Nosler Federal Well No. 3-P in Section 24, Township 17 South, Range 31 East in Eddy County, New Mexico. He has asked me to set it for hearing. The next available examiner hearing date is March 7, 2013. Would that date be acceptable to you or would you prefer a later date?

Thank you.

Florene Davidson  
Staff Specialist



RECEIVED OOD

2013 JAN 30 P 1:49

January 30, 2013

**HAND-DELIVERY**

Ms. Jami Bailey, Director  
Oil Conservation Division  
New Mexico Department of Energy, Minerals and Natural Resources  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

Re:

*Florino*

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Oil Co., Inc.  
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for hearing. Ocean can  
prepare the notice.*

*[Signature]*

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Sincerely,

*Ocean Munds-Dry*  
Ocean Munds-Dry  
Senior Attorney

OCD: mho  
Enclosures

cc: David Rhodes, Burnett Oil Co., Inc.



**BURNETT OIL CO., INC.**

15 January, 2013

Sent via Certified Mail

Robyn Odom  
COG Operating LLC  
550 West Texas Avenue, Suite 100  
Midland, Texas 79701

Re: Non Standard Location Request Notice  
Nosler Federal 3, Federal Lease 29415B  
Unit P, 25' FSL, 380' FEL  
SEC. 24, T17S, R31E- Eddy County, New Mexico  
API # 30-015-38636

Dear Robyn,

Burnett Oil Company has submitted a request approval of a Non-Standard Location on the above referenced well. This letter is to notify you of this request as per OCD Rule 19.15.15.13. According to the OCD rules, you have twenty (20) days to respond to the OCD regarding this request.

Enclosed you will find a copy of our request, a plat showing the spacing unit and proposed location and the adjoining spacing unit. A non-standard location was necessary in order to avoid sand dune lizard habitat in the area.

If you have any questions or need any additional information, please do not hesitate to contact me or Mark Jacoby.

Yours truly,

Leslie M. Garvis  
Regulatory Coordinator

cc: BOCI -

enclosures (3)

**DISTRICT I**  
1835 N. French Dr., Hobbs, NM 88240  
Phone (505) 382-0141 Fax (505) 382-0225

**DISTRICT II**  
811 S. First St., Artesia, NM 86210  
Phone (505) 475-1225 Fax (505) 475-0755

**DISTRICT III**  
1050 E. Briscoe Rd., Aztec, NM 87410  
Phone (505) 834-4174 Fax (505) 834-0370

**DISTRICT IV**  
1830 S. St. Francis Dr., Santa Fe, NM 87505  
Phone (505) 474-0000 Fax (505) 474-0000

State of New Mexico  
Energy, Minerals and Natural Resources Department

Form C-102  
Revised August 1, 2011

Submit one copy to appropriate  
District Office

**OIL CONSERVATION DIVISION**  
1820 South St. Francis Dr.  
Santa Fe, New Mexico 87505

**WELL LOCATION AND ACREAGE DEDICATION PLAT**

☐ AMENDED REPORT

API Number <b>30-015-38636</b>	Pool Code <b>26770</b>	Pool Name <b>FREN GLORIETA YESO</b>
Property Code <b>38634</b>	Property Name <b>NOSLER</b>	Well Number <b>3</b>
OGUID No. <b>03080</b>	Operator Name <b>BURNETT OIL COMPANY, INC.</b>	Elevation <b>3900'</b>

**Surface Location**

UL or lot No.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
<b>P</b>	<b>24</b>	<b>17 S</b>	<b>31 E</b>		<b>25</b>	<b>SOUTH</b>	<b>380</b>	<b>EAST</b>	<b>EDDY</b>

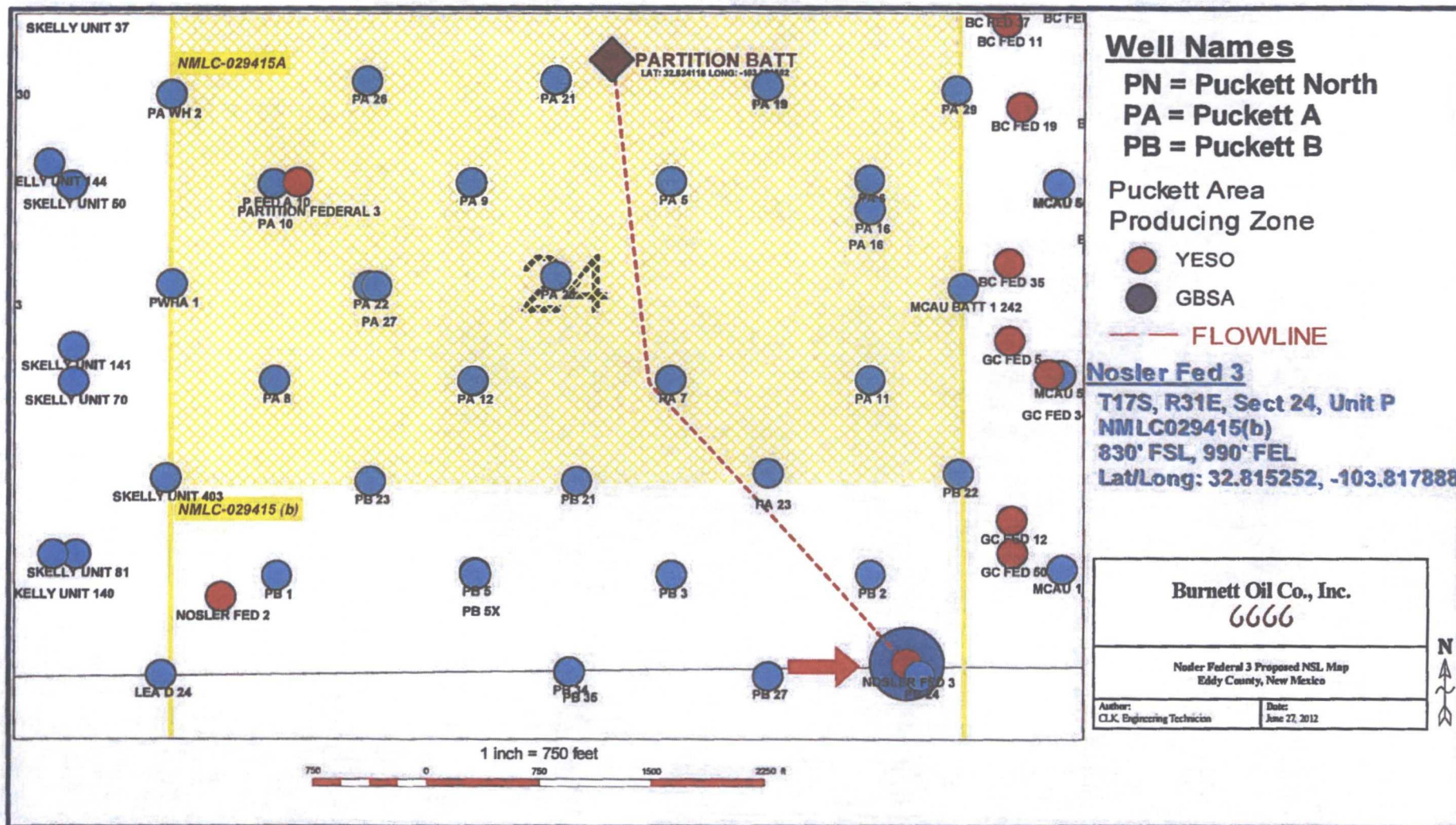
**Bottom Hole Location If Different From Surface**

UL or lot No.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
Dedicated Acres		Joint or Infill		Consolidation Code		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><b>SURFACE LOCATION</b> Lat - N 32.812863408 Long - W 103.815210415 NMSPCE - N 659520.800 E 659183.188 (NAD-27)</p> <p>3902.6' 3908.7' 3801' 3805.7' 3801.0'</p>	<p><b>OPERATOR CERTIFICATION</b> 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 undivided 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.</p> <p>Signature <i>Leslie E. Jones</i> Date <i>3/26/12</i> Printed Name <b>LESLIE E. JONES</b> Email Address <i>ljones@burnett1.com</i></p>
	<p><b>SURVEYOR CERTIFICATION</b> 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>Date <i>3/26/12</i> Signature <i>Gary L. Jones</i> Printed Name <b>GARY L. JONES</b> Professional Surveyor <b>7977</b></p>
	<p>Certificate No. <b>Gary L. Jones 7977</b></p>
	<p><b>BASIN SURVEYS 26479</b></p>







**BURNETT OIL CO., INC.**

13 December 2012

Mr. David Brooks  
New Mexico Oil Conservation Division  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87504

Re: Nosler Federal #3 | Federal Lease #NMLC029415(b) | NSL Approval Request  
Unit P, 25' FSL, 380' FEL  
SEC. 24, T17S, R31E – Eddy County, New Mexico  
API # 30-015-38636

Mr. Brooks:

Burnett Oil Co., Inc. respectfully requests an exception without notice and hearing to NMOCD Rule 104 for the Nosler Federal #3 (Fren Glorieta Yeso).

This location is 305' feet unorthodox at the surface and only affects Burnett and no other lease holders. The working interests of Unit A, Section 25 is the same as Unit P Section 24. I have attached a map showing the Burnett leases in this area as well as a copy of our C-102.

Please contact me if you have any questions or need any additional information.

Thank you,

Leslie M. Garvis  
Regulatory Coordinator

**Ms. Gayle Burleson**

**VP – New Mexico**

**COG Operating LLC**

**Artesia, NM**

**RE: Nosler Federal No. 3 NSL**

**February 15, 2013**

**Gayle,**

**This is to summarize our conversation yesterday outlining the issues and details of the drilling of Nosler 3 as a non-standard location. The well has produced 2805 BO since completion and is currently shut-in pending approval by OCD of the non-standard location (NSL). Burnett will not produce any more oil and/or gas from the vertical portion of this well bore even if the NSL is approved.**

**COG agrees to withdraw protest of this non-standard location (NSL). Burnett and COG will work together on a development plan for Section 25 pending additional evaluation of these Nosler completions. You were informed of our plan to cut windows and drill laterals out of Nosler Federal 5, Nosler Federal 2 and Nosler Federal 3, in this order, doing one per quarter.**


**Sincerely,**



**Mark A. Jacoby**

**VP Production Permian Basin**

**Gayle Burleson**



**3/4/13**  
VP of New Mexico  
Concho Resources - COG Operating LLC

**Brooks, David K., EMNRD**

---

**From:** Leslie Garvis <lgarvis@burnettoil.com>  
**Sent:** Tuesday, March 05, 2013 1:51 PM  
**To:** Brooks, David K., EMNRD  
**Cc:** Davidson, Florene, EMNRD; Mark Jacoby; David Rhodes  
**Subject:** Nosler Federal 3 NSL Request  
**Attachments:** 2013.03.05 Nosler Federal 3 Signed.pdf

David,

As per recent discussions between COG and BOCI, COG has agreed to withdraw their objection to our NSL request on Nosler Federal 3.

Attached is the signed letter from COG outlining our discussion and the agreement that was reached.

Please let me know if you have any questions or need any additional information.

Thank you,

*Leslie M. Garvis*  
*Regulatory Coordinator*  
Burnett Oil Co., Inc.  
Burnett Plaza-Suite 1500  
801 Cherry Street - Unit #9  
Fort Worth, TX 76102  
Office: 817.332.5108 ext 6326  
Fax: 817.332.2438  
Email: [lgarvis@burnettoil.com](mailto:lgarvis@burnettoil.com)