

**STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION**

NMOCD – ACOI- 104

**IN THE MATTER OF XTO ENERGY, INC.,**

**Respondent.**

**AGREED COMPLIANCE ORDER**

Pursuant to the New Mexico Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, as amended ("Act"), the Director of the Oil Conservation Division ("OCD") and XTO ENERGY, INC. ("Operator") enter into this Agreed Compliance Order ("Order") under which Operator agrees to bring wells identified herein into compliance with the Act and OCD Rule 201 [19.15.4.201 NMAC] in accordance with the following agreed schedule and procedures, and agrees to pay penalties as set out below if it fails to meet the schedule set out in this Order.

**FINDINGS**

1. The OCD is the state division charged with administration and enforcement of the Act, and rules and orders adopted pursuant to the Act.
2. Operator is a corporation doing business in the state of New Mexico.
3. Operator is the operator of record under OGRID 5380 for the wells identified in Exhibit "A," attached. Operator also operates wells under OGRID 167067.
4. The wells identified in Exhibit "A":
  - a. have been continuously inactive for a period of several months;
  - b. are not properly plugged and abandoned under OCD Rule 202 [19.15.4.202 NMAC]; and
  - c. have not been placed on approved temporary abandonment status under OCD Rule 203 [19.15.4.203 NMAC].
5. OCD Rule 201 [19.15.4.201 NMAC] states, in relevant part:

"A. The operator of any well drilled for oil, gas or injection; for seismic, core or other exploration, or for a service well, whether cased or uncased, shall be responsible for the plugging thereof.

B. A well shall be either properly plugged and abandoned or temporarily abandoned in accordance with these rules within ninety (90) days after:

....

....

(3) a period of one (1) year in which a well has been continuously inactive.”

6. NMSA 1978, Section 70-2-31(A) authorizes the assessment of civil penalties of up to one thousand dollars per day per violation against any person who knowingly or willfully violates any provision of the Oil and Gas Act or any rule or order adopted pursuant to the Act.
7. NMSA 1978, Section 70-2-3(A) defines “person” in relevant part as  
“any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity...”

### **CONCLUSIONS**

1. The OCD has jurisdiction over the parties and subject matter in this proceeding.
2. The wells identified in Exhibit “A” are either out of compliance with Rule 201 or will fall out of compliance with Rule 201 in the next several months if they are not returned to production or other beneficial use, plugged and abandoned, or placed on approved temporary abandonment status.
3. As operator of the wells identified in Exhibit “A,” Operator is responsible for bringing those wells into compliance with Rule 201.
4. Operator is a “person” as defined by OCD Rule 7.P(2) and may be subject to civil penalties for knowing and willful violations of the Oil and Gas Act or rules or orders adopted pursuant to the Act.

### **ORDER**

1. Operator agrees to bring at least 6 of the wells identified in Exhibit “A” into compliance with OCD Rule 201 by July 31, 2006 by
  - (a) restoring the well to production or other OCD-approved beneficial use and filing a C-115 documenting such production or use;
  - (b) causing the wellbore to be plugged in accordance with OCD Rule 202 and filing a C-103 describing the completed work;
  - (c) placing the well on approved temporary abandonment status pursuant to OCD Rule 203.

Transfer of a well identified on Exhibit “A” to another operator does not constitute bringing the well into compliance.

2. Operator shall file a compliance report by July 31, 2006 using the OCD's web-based on-line application, identifying each well returned to compliance, stating the date it was returned to compliance, and describing how the well was returned to compliance (restored to production or other approved beneficial use, plugged wellbore, approved temporary abandonment status).
3. When the OCD receives a timely compliance report indicating that Operator has returned at least 6 wells to compliance and verifies the accuracy of that report, the OCD shall issue an amendment to this Order extending its terms for an additional six-month period. OCD shall provide a copy of that amendment to Operator at Operator's address of record provided pursuant to OCD Rule 100.C. If, in any six-month period, Operator returns more than 6 wells to compliance, the wells in excess of the number required will count towards the Operator's requirements for the next six-month period.
4. If Operator continues to return wells to compliance at a rate of at least 6 wells each six-month period, OCD shall continue to issue amendments to this Order extending its term for an additional six-month period. The total length of this Agreed Compliance Order, including the initial six-month period and any amendments, shall not exceed two years. At the end of two years, Operator and the OCD may negotiate a new agreed compliance order.
5. If Operator fails to bring at least 6 wells into compliance in any six-month period covered by this Order or amendments issued to this Order, Operator agrees to pay a penalty of \$1000 times the number of wells it failed to bring into compliance under its schedule during the applicable six month period. In the event the Operator encounters unanticipated circumstances that prevent it from meeting its 6 well goal, Operator may file an administrative application to seek a waiver or reduction of the penalty. The Operator shall serve the Division's Compliance and Enforcement Manager with a copy of the application. If the Compliance and Enforcement Manager concurs with the request made in the application, the application may be granted administratively. If the Compliance and Enforcement Manager does not concur with the request made in the application, the matter shall be set for hearing. Once Operator pays the penalty or files an administrative application to waive or reduce the penalty, the OCD may, in its discretion, issue an amendment to this Order extending its terms for an additional six-month period.

Example A: Operator X enters into an agreed compliance order under which it agrees to bring 5 wells into compliance in a six-month period. At the end of the six-month period, Operator X has brought only 3 wells into compliance. Operator X pays the \$2000 penalty. The OCD exercises its discretion to issue an amendment extending the term of the agreed compliance order for an additional six-month period, again requiring Operator X to bring at least 5 wells into compliance. During this additional six-month period, Operator brings only one

well into compliance. Operator X pays a \$4000 penalty. Although Operator X pays the \$4000 penalty, the OCD exercises its discretion and declines to issue an amendment to extend the terms of the agreed compliance order for an additional six-month period.

Example B: Operator Y enters into an agreed compliance order under which it agrees to bring 10 wells into compliance in a six-month period. Although Y has made arrangements for plugging the 10 wells, due to adverse weather conditions and mechanical difficulties with the available plugging rig, Y is able to plug only 3 wells. Y files an administrative application seeking a waiver or reduction of the \$7000 penalty. The OCD exercises its discretion and issues an amendment to extend the terms of the agreed compliance order for an additional six-month period.

6. Thirty days after the expiration of the term of this Order and any amendments to this Order, any wells on Exhibit "A" not in compliance with OCD Rule 201 will appear on the inactive well list kept pursuant to OCD Rule 40.F.
7. Operator agreed to transfer all wells operated under OGRID 167067 to OGRID 5380 by July 31, 2006, and to operate all its wells under OGRID 5380.
8. By signing this Order, Operator expressly:
  - (a) acknowledges the correctness of the Findings and Conclusions set forth in this Order;
  - (b) agrees to return to compliance 6 of the wells identified in Exhibit "A" by July 31, 2006, and agrees to comply with the compliance deadlines set by any amendments to this Order;
  - (c) agrees to submit a compliance report as required in Ordering Paragraph 2 and the deadline set by any amendments to this Order;
  - (d) agrees to pay penalties as set out in Ordering Paragraph 5 if it fails to return 6 wells to compliance under the deadlines set by this Order or any amendments to this Order;
  - (e) agrees to transfer all wells operated under OGRID 167067 to OGRID 5380 by July 31, 2006, and to operate all its wells under OGRID 5380;
  - (f) waives any right, pursuant to the Oil and Gas Act or otherwise, to a hearing either prior or subsequent to the entry of this Order or to an appeal from this Order; and
  - (g) agrees that the Order and amendments to the Order may be enforced by Division or Oil Conservation Commission Order, by suit or otherwise to the same extent and with the same effect as a final Order of the Division or Oil Conservation Commission entered after notice and hearing in accordance with all terms and provisions of the Oil and Gas Act.

9. This Order applies only to those wells identified in Exhibit "A." Other wells operated by Operator out of compliance with Rule 201 may be subject to immediate enforcement action under the Oil and Gas Act.
10. The Oil Conservation Division reserves the right to file an application for hearing to obtain authority to plug any well identified in Exhibit "A" and forfeit the applicable financial assurance if the well poses an immediate environmental threat.
11. This Order is effective February 1, 2006.

Done at Santa Fe, New Mexico this 30<sup>th</sup> day of Jan, 2006

By: 

Mark Fesmire, P.E.

Director, Oil Conservation Division

#### ACCEPTANCE

XTO Energy, Inc. hereby accepts the foregoing Order, and agrees to all of the terms and provisions set forth in that Order.

XTO Energy, Inc.

By: 

Kyle Hammond

Title: Vice President of Operations/

Permian Division

Date: January 24, 2006

**XTO ENERGY INC.**  
**AGREED COMPLIANCE ORDER**  
**EXHIBIT "A" LIST**

| <b><u>API NUMBER</u></b> |       | <b><u>WELL NAME</u></b>             | <b><u>WELL<br/>NUMBER</u></b> |
|--------------------------|-------|-------------------------------------|-------------------------------|
| 30-025-                  | 04887 | ARNOTT RAMSAY NCT D                 | 006                           |
| 30-025-                  | 04890 | ARNOTT RAMSAY NCT D                 | 009                           |
| 30-025-                  | 24189 | ARROWHEAD GRAYBURG UNIT             | 114                           |
| 30-025-                  | 23939 | ARROWHEAD GRAYBURG UNIT             | 115                           |
| 30-025-                  | 23995 | ARROWHEAD GRAYBURG UNIT             | 116                           |
| 30-025-                  | 31247 | ARROWHEAD GRAYBURG UNIT             | 131                           |
| 30-025-                  | 31633 | ARROWHEAD GRAYBURG UNIT             | 144                           |
| 30-025-                  | 08735 | ARROWHEAD GRAYBURG UNIT             | 172                           |
| 30-025-                  | 31559 | ARROWHEAD GRAYBURG UNIT             | 178                           |
| 30-025-                  | 31710 | ARROWHEAD GRAYBURG UNIT             | 239                           |
| 30-025-                  | 31535 | ARROWHEAD GRAYBURG UNIT             | 241                           |
| 30-025-                  | 10358 | ARROWHEAD GRAYBURG UNIT             | 246                           |
| 30-025-                  | 35543 | ARROWHEAD GRAYBURG UNIT             | 337Y                          |
| 30-015                   | 25748 | BAR 4 FEDERAL                       | 001                           |
| 30-025-                  | 06274 | BELL RAMSAY NCT B                   | 003                           |
| 30-025-                  | 02035 | BRIDGES STATE                       | 060                           |
| 30-025-                  | 22526 | BRIDGES STATE                       | 126                           |
| 30-025-                  | 30320 | DAURON                              | 004                           |
| 30-025-                  | 10912 | E E BLINEBRY A FEDERAL NCT-1 COM CT | 002                           |
| 30-025-                  | 10909 | E E BLINEBRY A FEDERAL NCT-1 COM CT | 003                           |
| 30-025-                  | 05578 | ELBERT SHIPP NCT B COM              | 002                           |
| 30-025-                  | 09508 | EUGENE COATES                       | 004                           |
| 30-025-                  | 09511 | EUGENE COATES                       | 007                           |
| 30-025-                  | 33024 | EUMONT 16 STATE COM                 | 001                           |
| 30-025-                  | 04331 | EUNICE MONUMENT SOUTH UNIT          | 103                           |
| 30-025-                  | 04320 | EUNICE MONUMENT SOUTH UNIT          | 107                           |
| 30-025-                  | 06284 | EUNICE MONUMENT SOUTH UNIT          | 110                           |
| 30-025-                  | 06283 | EUNICE MONUMENT SOUTH UNIT          | 111                           |
| 30-025-                  | 06282 | EUNICE MONUMENT SOUTH UNIT          | 112                           |
| 30-025-                  | 06295 | EUNICE MONUMENT SOUTH UNIT          | 115                           |
| 30-025-                  | 04327 | EUNICE MONUMENT SOUTH UNIT          | 119                           |
| 30-025-                  | 29957 | EUNICE MONUMENT SOUTH UNIT          | 123                           |
| 30-025-                  | 29819 | EUNICE MONUMENT SOUTH UNIT          | 127                           |
| 30-025-                  | 29397 | EUNICE MONUMENT SOUTH UNIT          | 129                           |

**XTO ENERGY INC.**  
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| <b><u>API NUMBER</u></b> |       | <b><u>WELL NAME</u></b>    | <b><u>WELL NUMBER</u></b> |
|--------------------------|-------|----------------------------|---------------------------|
| 30-025-                  | 06314 | EUNICE MONUMENT SOUTH UNIT | 133                       |
| 30-025-                  | 29910 | EUNICE MONUMENT SOUTH UNIT | 135                       |
| 30-025-                  | 29913 | EUNICE MONUMENT SOUTH UNIT | 147                       |
| 30-025-                  | 29394 | EUNICE MONUMENT SOUTH UNIT | 149                       |
| 30-025-                  | 06317 | EUNICE MONUMENT SOUTH UNIT | 151                       |
| 30-025-                  | 06311 | EUNICE MONUMENT SOUTH UNIT | 158                       |
| 30-025-                  | 06310 | EUNICE MONUMENT SOUTH UNIT | 159                       |
| 30-025-                  | 29395 | EUNICE MONUMENT SOUTH UNIT | 173                       |
| 30-025-                  | 06321 | EUNICE MONUMENT SOUTH UNIT | 175                       |
| 30-025-                  | 06323 | EUNICE MONUMENT SOUTH UNIT | 177                       |
| 30-025-                  | 04447 | EUNICE MONUMENT SOUTH UNIT | 179                       |
| 30-025-                  | 29866 | EUNICE MONUMENT SOUTH UNIT | 202                       |
| 30-025-                  | 04453 | EUNICE MONUMENT SOUTH UNIT | 204                       |
| 30-025-                  | 04469 | EUNICE MONUMENT SOUTH UNIT | 210                       |
| 30-025-                  | 04657 | EUNICE MONUMENT SOUTH UNIT | 218                       |
| 30-025-                  | 30225 | EUNICE MONUMENT SOUTH UNIT | 219                       |
| 30-025-                  | 04467 | EUNICE MONUMENT SOUTH UNIT | 229                       |
| 30-025-                  | 04458 | EUNICE MONUMENT SOUTH UNIT | 236                       |
| 30-025-                  | 04489 | EUNICE MONUMENT SOUTH UNIT | 241                       |
| 30-025-                  | 04519 | EUNICE MONUMENT SOUTH UNIT | 242                       |
| 30-025-                  | 04518 | EUNICE MONUMENT SOUTH UNIT | 243                       |
| 30-025-                  | 04521 | EUNICE MONUMENT SOUTH UNIT | 248                       |
| 30-025-                  | 04526 | EUNICE MONUMENT SOUTH UNIT | 250                       |
| 30-025-                  | 04496 | EUNICE MONUMENT SOUTH UNIT | 257                       |
| 30-025-                  | 04462 | EUNICE MONUMENT SOUTH UNIT | 259                       |
| 30-025-                  | 04459 | EUNICE MONUMENT SOUTH UNIT | 265                       |
| 30-025-                  | 04440 | EUNICE MONUMENT SOUTH UNIT | 267                       |
| 30-025-                  | 04610 | EUNICE MONUMENT SOUTH UNIT | 272                       |
| 30-025-                  | 04552 | EUNICE MONUMENT SOUTH UNIT | 288                       |
| 30-025-                  | 04542 | EUNICE MONUMENT SOUTH UNIT | 292                       |
| 30-025-                  | 08708 | EUNICE MONUMENT SOUTH UNIT | 307                       |
| 30-025-                  | 04617 | EUNICE MONUMENT SOUTH UNIT | 309                       |
| 30-025-                  | 04554 | EUNICE MONUMENT SOUTH UNIT | 324                       |
| 30-025-                  | 04546 | EUNICE MONUMENT SOUTH UNIT | 327                       |

**XTO ENERGY INC.**

**AGREED COMPLIANCE ORDER**

**EXHIBIT "A" LIST**

| <b><u>API NUMBER</u></b> |            | <b><u>WELL NAME</u></b>      | <b><u>WELL<br/>NUMBER</u></b> |
|--------------------------|------------|------------------------------|-------------------------------|
| 30-025-                  | 29576      | EUNICE MONUMENT SOUTH UNIT   | 329                           |
| 30-025-                  | 04550      | EUNICE MONUMENT SOUTH UNIT   | 331                           |
| 30-025-                  | 04547      | EUNICE MONUMENT SOUTH UNIT   | 333                           |
| 30-025-                  | 04558      | EUNICE MONUMENT SOUTH UNIT   | 335                           |
| 30-025-                  | 04565      | EUNICE MONUMENT SOUTH UNIT   | 337                           |
| 30-025-                  | 04576      | EUNICE MONUMENT SOUTH UNIT   | 339                           |
| 30-025-                  | 04580      | EUNICE MONUMENT SOUTH UNIT   | 341                           |
| 30-025-                  | 04661      | EUNICE MONUMENT SOUTH UNIT   | 363                           |
| 30-025-                  | 29966      | EUNICE MONUMENT SOUTH UNIT   | 371                           |
| 30-025-                  | 04682      | EUNICE MONUMENT SOUTH UNIT   | 372                           |
| 30-025-                  | 29837      | EUNICE MONUMENT SOUTH UNIT   | 375                           |
| 30-025-                  | 04631      | EUNICE MONUMENT SOUTH UNIT   | 389                           |
| 30-025-                  | 04692      | EUNICE MONUMENT SOUTH UNIT   | 408                           |
| 30-025-                  | 30281      | EUNICE MONUMENT SOUTH UNIT   | 410                           |
| 30-025-                  | 04671      | EUNICE MONUMENT SOUTH UNIT   | 415                           |
| 30-025-                  | 04691      | EUNICE MONUMENT SOUTH UNIT   | 418                           |
| 30-025-                  | 04695      | EUNICE MONUMENT SOUTH UNIT   | 419                           |
| 30-025-                  | 04666      | EUNICE MONUMENT SOUTH UNIT   | 423                           |
| 30-025-                  | 30452      | EUNICE MONUMENT SOUTH UNIT   | 425                           |
| 30-025-                  | 04735      | EUNICE MONUMENT SOUTH UNIT   | 440                           |
| 30-025-                  | 04752      | EUNICE MONUMENT SOUTH UNIT   | 445                           |
| 30-025-                  | 29149      | EUNICE MONUMENT SOUTH UNIT   | 457                           |
| 30-025-                  | 29622      | EUNICE MONUMENT SOUTH UNIT   | 462                           |
| * 30-025-                | 34824      | EUNICE MONUMENT SOUTH UNIT   | 560 575                       |
| * 30-025-                | 3546 33597 | EUNICE MONUMENT SOUTH UNIT   | 575 560                       |
| 30-025-                  | 31465      | EUNICE MONUMENT SOUTH UNIT   | 626                           |
| 30-025-                  | 34212      | EUNICE MONUMENT SOUTH UNIT   | 640                           |
| 30-025-                  | 34825      | EUNICE MONUMENT SOUTH UNIT   | 710                           |
| 30-025-                  | 34850      | EUNICE MONUMENT SOUTH UNIT   | 711                           |
| 30-025-                  | 30512      | EUNICE MONUMENT SOUTH UNIT   | 643                           |
| 30-025-                  | 04204      | EUNICE MONUMENT SOUTH UNIT B | 854                           |
| 30-025-                  | 04256      | EUNICE MONUMENT SOUTH UNIT B | 869                           |
| 30-025-                  | 04276      | EUNICE MONUMENT SOUTH UNIT B | 873                           |
| 30-025-                  | 04269      | EUNICE MONUMENT SOUTH UNIT B | 876                           |



**XTO ENERGY INC.**

**AGREED COMPLIANCE ORDER**


**EXHIBIT "A" LIST**

| <b><u>API NUMBER</u></b> |       | <b><u>WELL NAME</u></b>      | <b><u>WELL<br/>NUMBER</u></b> |
|--------------------------|-------|------------------------------|-------------------------------|
| 30-025-                  | 04263 | EUNICE MONUMENT SOUTH UNIT B | 878                           |
| 30-025-                  | 04275 | EUNICE MONUMENT SOUTH UNIT B | 886                           |
| 30-025-                  | 04273 | EUNICE MONUMENT SOUTH UNIT B | 888                           |
| 30-025-                  | 26076 | EUNICE MONUMENT SOUTH UNIT B | 896                           |
| 30-025-                  | 04315 | EUNICE MONUMENT SOUTH UNIT B | 898                           |
| 30-025-                  | 04311 | EUNICE MONUMENT SOUTH UNIT B | 911                           |
| 30-025-                  | 04305 | EUNICE MONUMENT SOUTH UNIT B | 912                           |
| 30-025-                  | 04293 | EUNICE MONUMENT SOUTH UNIT B | 917                           |
| 30-025-                  | 31119 | EUNICE MONUMENT SOUTH UNIT B | 924                           |
| 30-025-                  | 32122 | EUNICE MONUMENT SOUTH UNIT B | 925                           |
| 30-025-                  | 06923 | H T MATTERN NCT B            | 012                           |
| 30-025-                  | 10080 | H T MATTERN NCT D            | 006                           |
| 30-025-                  | 25104 | H T MATTERN NCT D            | 016                           |
| 30-025-                  | 08880 | H T MATTERN NCT E            | 003                           |
| 30-025-                  | 08752 | HARRY LEONARD NCT D          | 001                           |
| 30-025-                  | 08753 | HARRY LEONARD NCT D          | 002                           |
| 30-025-                  | 08762 | HARRY LEONARD NCT D          | 005                           |
| 30-025-                  | 08758 | HARRY LEONARD NCT D          | 008                           |
| 30-025-                  | 08767 | HARRY LEONARD NCT D          | 016                           |
| 30-025-                  | 04716 | MEREDITH COM                 | 003                           |
| 30-025-                  | 30063 | MONSTATE                     | 006                           |
| 30-025-                  | 34560 | MONUMENT 36 STATE            | 001                           |
| 30-025-                  | 02319 | NEW MEXICO BO STATE          | 002                           |
| 30-025-                  | 20176 | NEW MEXICO BO STATE          | 007                           |
| 30-025-                  | 20530 | NEW MEXICO BO STATE          | 008                           |
| 30-025-                  | 29386 | NORTH VACUUM ABO EAST UNIT   | 015                           |
| 30-025-                  | 29391 | NORTH VACUUM ABO EAST UNIT   | 020                           |
| 30-025-                  | 22942 | NORTH VACUUM ABO UNIT        | 128                           |
| 30-025-                  | 23527 | NORTH VACUUM ABO UNIT        | 137                           |
| 30-025-                  | 23720 | NORTH VACUUM ABO UNIT        | 216                           |
| 30-025-                  | 28466 | NORTH VACUUM ABO UNIT        | 238Y                          |
| 30-015                   | 28901 | REMUDA BASIN 19 FED          | 002                           |
| 30-015                   | 31402 | REMUDA BASIN STATE           | 013                           |
| 30-025-                  | 32908 | SDE 19 FEDERAL               | 003                           |

**XTO ENERGY INC.**  
**AGREED COMPLIANCE ORDER**  
**EXHIBIT "A" LIST**

| <b><u>API NUMBER</u></b> |       | <b><u>WELL NAME</u></b>              | <b><u>WELL<br/>NUMBER</u></b> |
|--------------------------|-------|--------------------------------------|-------------------------------|
| 30-025-                  | 32909 | SDE 19 FEDERAL                       | 004                           |
| 30-025-                  | 32868 | SDE 31 FED                           | 009                           |
| 30-025-                  | 08775 | SEVEN RIVERS QUEEN WATERFLOOD, NORTH | 001                           |
| 30-025-                  | 01545 | SOUTHEAST MALJAMAR GB/SA UNIT        | 403                           |
| 30-025-                  | 26026 | SOUTHEAST MALJAMAR GB/SA UNIT        | 410                           |
| 30-025-                  | 01550 | SOUTHEAST MALJAMAR GB/SA UNIT        | 704                           |
| 30-025-                  | 31445 | SOUTHEAST MALJAMAR GB/SA UNIT        | 907                           |
| 30-025-                  | 06133 | STATE 1 COM                          | 002                           |
| 30-025-                  | 01340 | STATE BY                             | 003                           |
| 30-025-                  | 26555 | STATE BY                             | 007                           |
| 30-025-                  | 30932 | STATE H                              | 003                           |
| 30-025-                  | 02066 | STATE J                              | 001                           |
| 30-025-                  | 02068 | STATE J                              | 003                           |
| 30-025-                  | 02069 | STATE J                              | 004                           |
| 30-025-                  | 23875 | STATE J                              | 006                           |
| 30-025-                  | 04260 | STATE K COM                          | 001                           |
| 30-025-                  | 30538 | STATE SEC 17 COM                     | 003                           |
| 30-025-                  | 25409 | STATE XX COM                         | 001                           |
| 30-025-                  | 35110 | TEXMACK 5 STATE                      | 002                           |
| 30-025-                  | 04915 | W A RAMSAY NCT A                     | 010                           |
| 30-025-                  | 04902 | W A RAMSAY NCT A                     | 038                           |
| 30-025-                  | 04772 | W A RAMSAY NCT B                     | 001                           |
|                          |       | <b><u>TOTAL NUMBER OF WELLS</u></b>  | <b><u>158</u></b>             |

**XTO Energy, Inc.**

By: 

Date: January 24, 2006

Title: Kyle Hammond, Vice President of Operations/Permian Division