

20 March 07

D. Brooks

21 March 07

NSL

PCLP0708624215

ABOVE THIS LINE FOR DIVISION USE ONLY

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



XTO
Ute Indians A# 39
5603

ADMINISTRATIVE APPLICATION CHECKLIST

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

Application Acronyms:

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

[1] TYPE OF APPLICATION - Check Those Which Apply for [A]

[A] ☒ Location - Spacing Unit - Simultaneous Dedication

☐ NSL ☐ NSP ☐ SD

Check One Only for [B] or [C]

[B] ☐ Commingling - Storage - Measurement

☐ DHC ☐ CTB ☐ PLC ☐ PC ☐ OLS ☐ OLM

[C] ☐ Injection - Disposal - Pressure Increase - Enhanced Oil Recovery

☐ WFX ☐ PMX ☐ SWD ☐ IPI ☐ EOR ☐ PPR

[D] ☐ Other: Specify _____

[2] NOTIFICATION REQUIRED TO: - Check Those Which Apply, or Does Not Apply

[A] ☐ Working, Royalty or Overriding Royalty Interest Owners

[B] ☐ Offset Operators, Leaseholders or Surface Owner

[C] ☐ Application is One Which Requires Published Legal Notice

[D] ☐ Notification and/or Concurrent Approval by BLM or SLO
U.S. Bureau of Land Management - Commissioner of Public Lands, State Land Office

[E] ☐ For all of the above, Proof of Notification or Publication is Attached, and/or,

[F] ☐ Waivers are Attached

[3] SUBMIT ACCURATE AND COMPLETE INFORMATION REQUIRED TO PROCESS THE TYPE OF APPLICATION INDICATED ABOVE.

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

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

Signature _____

Title _____

Date _____

email Address _____



March 19, 2007

2007 MAR 20 AM 8 08

VIA FEDEX OVERNIGHT

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

505-476-3440

Application for Administrative Approval of Unorthodox Location
XTO Energy Inc.'s Ute Indians A No. 39
1,580' FNL and 925' FEL, Section 27, T32N, R14W
San Juan County, New Mexico
Barker Dome Paradox Formation

Dear Mr. Fesmire:

XTO Energy Inc. hereby requests administrative approval for an unorthodox location for the above referenced well. Attached for your reference are the following exhibits:

1. Well location plat (NMOCD Form C-102)
2. Topographic map
3. Aerial photograph
4. Ownership map
5. Production map showing Paradox Formation Gas Production

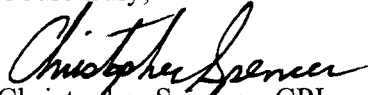
The well was drilled at the proposed location in 2006 due to surrounding topography. The rugged terrain in the area prohibited a feasible legal location. XTO intends to downhole commingle the Barker Dome Paradox Formation with Barker Dome Ismay, Desert Creek, and Akah/Upper Barker Creek Formations. Producing the Barker Dome Paradox from the above referenced well at the chosen location will best preserve the surrounding surface while effectively and efficiently producing gas from the commingled formations. The existing Ute Indians A No. 36 no longer produces from the Barker Dome Paradox.

All of the offset operators have been notified of this application by certified mail as have the Ute Mountain Ute Tribe and Bureau of Indian Affairs, and copies of the letters and receipts are enclosed.

*Mr. MarkE. Fesmire
New Mexico Oil Conservation Division
Ute Indians A #39
March 19, 2007
Page Two*

Should you need any additional information, please contact me at (817) 885-2540.

Yours truly,


Christopher Spencer, CPL
Senior Landman

/cks

Enclosures

cc: Mr. Dan Rabinowitz
Bureau of Land Management
San Juan Resource Area
701 Camino Del Rio
Durango CO 81301

Bureau of Indian Affairs
Ute Mountain Ute Agency
P O Box KK
Towaoc CO 81334

Mr. Gordon Hammond
Ute Mountain Ute Tribe
P O Box 248
Towaoc CO 81334

Car Office Number

XTO ENERGY INC.

UTE INDIANS A No. 39

SEC. 27, T-32-N, R-14-W, N.M.P.M.
SAN JUAN COUNTY, NEW MEXICO



Legend



UTE INDIANS A No. 39



0 25 50 100
Feet



Daggett Enterprises, Inc.
Surveying and Oil Field Services
P. O. Box 15088 Farmington, NM 87401
Phone (505) 326-1772 Fax (505) 326-6019

PAGE 1 OF 1

CADFILE: CR252AM1

DRAWN BY: A.G.

ROW#CR252

DATE: 02/27/07



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

March 23, 2007

Mr. Christopher Spencer, CPL
XTO Energy
810 Houston St
Fort Worth, TX 76102-6298
FAX No. 817-885-1854

Re: Ute Indians A Well No. 39
API No. 30-045-34155
H-27-32N-14W
San Juan County

Dear Mr. Spencer:

I have before me your application for NSL approval for the referenced well.

It appears from the materials attached to your application that XTO is the owner of the offsetting unit to the east (Section 26-32N-14W). However, unless either XTO is owner of 100% of the working interest in Section 27, or working interest ownership in Section 27 is identical to that in Section 26, OCD Rule 1210 would require notice of this application to working interest owners in Section 27.

If XTO is owner of 100% of the working interest in Section 27, or if working interest ownership in Section 27 is identical to that in Section 26, please specifically confirm that such is the case.

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

Very truly yours,

David K. Brooks,
Assistant General Counsel

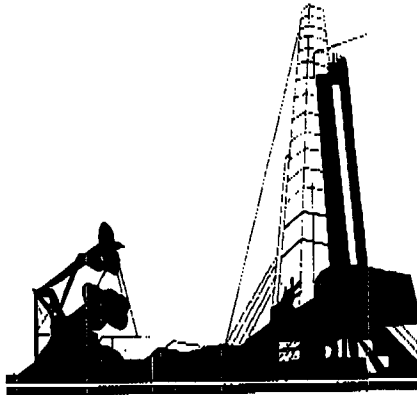
TRANSACTION REPORT

P. 01

MAR-23-2007 FRI 03:37 PM

FOR:

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAR-23	03:32 PM	918178851854	1' 25"	2	SEND	COM. E-4	749	
	03:36 PM		47"	1	SEND	OK	749	
TOTAL :						2M 12S	PAGES:	3



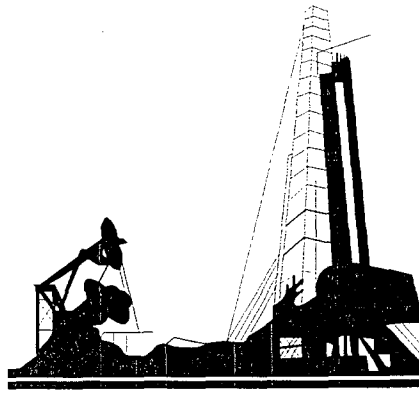
TRANSMITTAL COVER SHEET

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

PLEASE DELIVER THIS FAX:

TO: Christopher Spencer - XTO 817-885-1854

FROM: David Brooks



TRANSMITTAL COVER SHEET

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

PLEASE DELIVER THIS FAX:

TO: Christopher Spencer - XTO 817-885-1854

FROM: David Brooks

DATE: 3/23/07

PAGES: 2

SUBJECT: Ute Indians A #39
San Juan County, NM

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



FAX TRANSMISSION

XTO Energy Inc.

810 Houston Street
Ft. Worth, Texas 76102
(817) 885-2800
Fax: (817) 885-1854

To: David Brooks Date: 03/27/2007

Fax #: 505-476-3462 Pages 2 including cover sheet

From: Christopher Spencer

Subject: Ute Indians A#39

CONFIDENTIALITY NOTE: The documents accompanying this telefax transmission contain information belonging to XTO Energy Inc. and its affiliates that is confidential and legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any examination, disclosure, copying or distribution of the contents of this telecopied information is strictly prohibited. If you have received this telefax in error, please immediately notify the person identified above by collect telephone call to arrange for return of the original documents at our expense.

Comments: _____



March 27, 2007

VIA FAX 505-476-3462

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


Re: Ute Indians A Well No. 39
API No. 30-045-34155
H-27-32N-14W
San Juan County

Dear Mr. Brooks:

In response to your letter dated March 23, 2007, regarding XTO Energy Inc.'s NSL Application for the captioned well, please be advised that XTO and Burlington Resources Oil and Gas Company LP or the only two working interest owners in Sec. 27, T32N, R14W.

Please let me know if you should need anything further from me.

Yours truly,


Christopher Spencer, CPL
Senior Landman

/cks



March 28, 2007

VIA FAX 505-476-3462

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

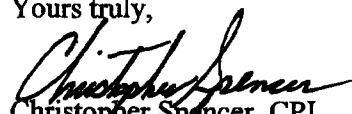
Re: Ute Indians A Well No. 39
API No. 30-045-34155
H-27-32N-14W
San Juan County

Dear Mr. Brooks:

In response to your letter dated March 23, 2007, regarding XTO Energy Inc.'s NSL Application for the captioned well, this letter is to confirm that XTO owns 100% of the leasehold estate and working interest in Sec. 26, T32N, R14W.

Please let me know if you should need anything further from me.

Yours truly,



Christopher Spencer, CPL
Senior Landman

/cks



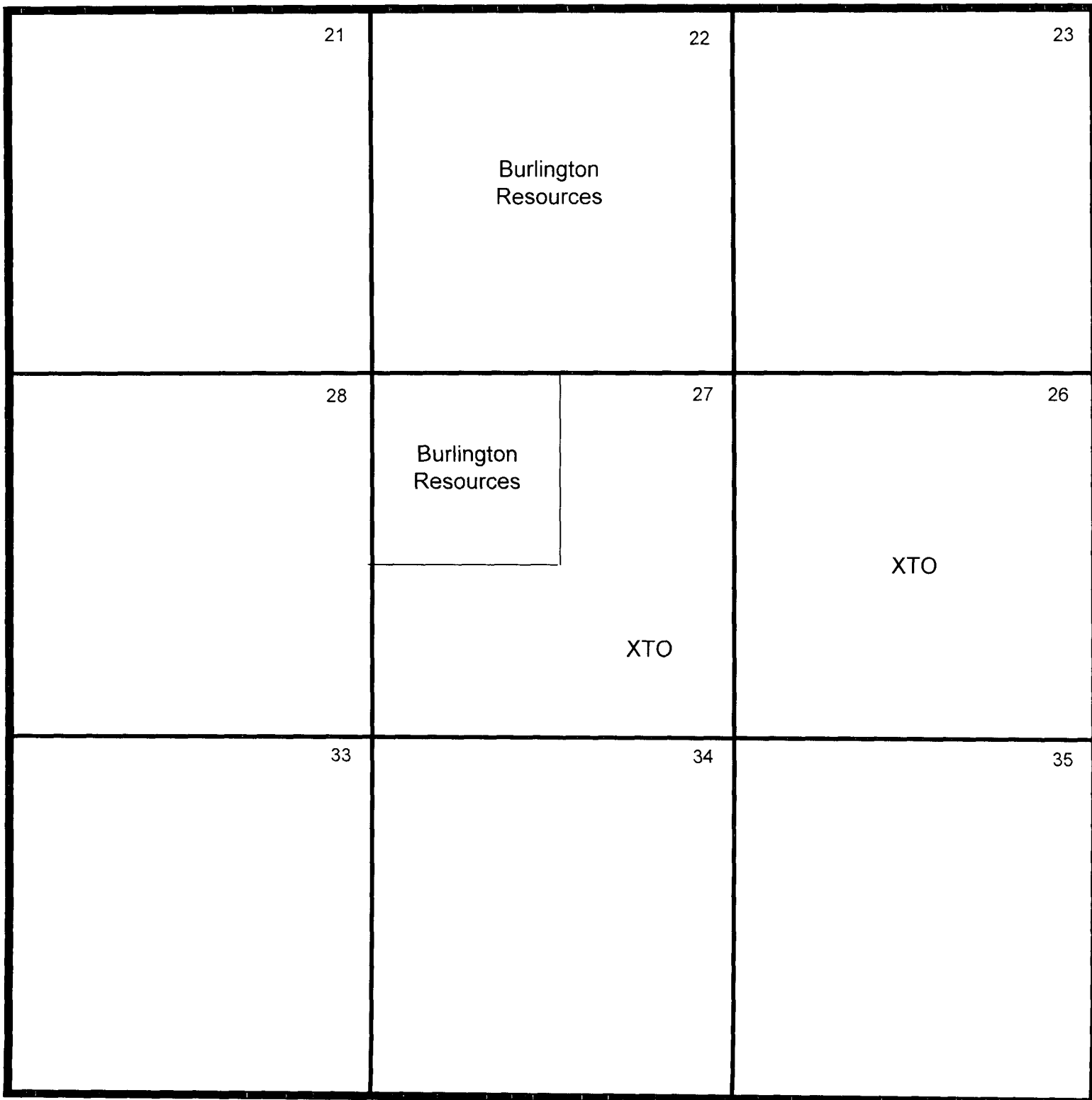
SECTION PLAT OF 9 SQUARE MILES

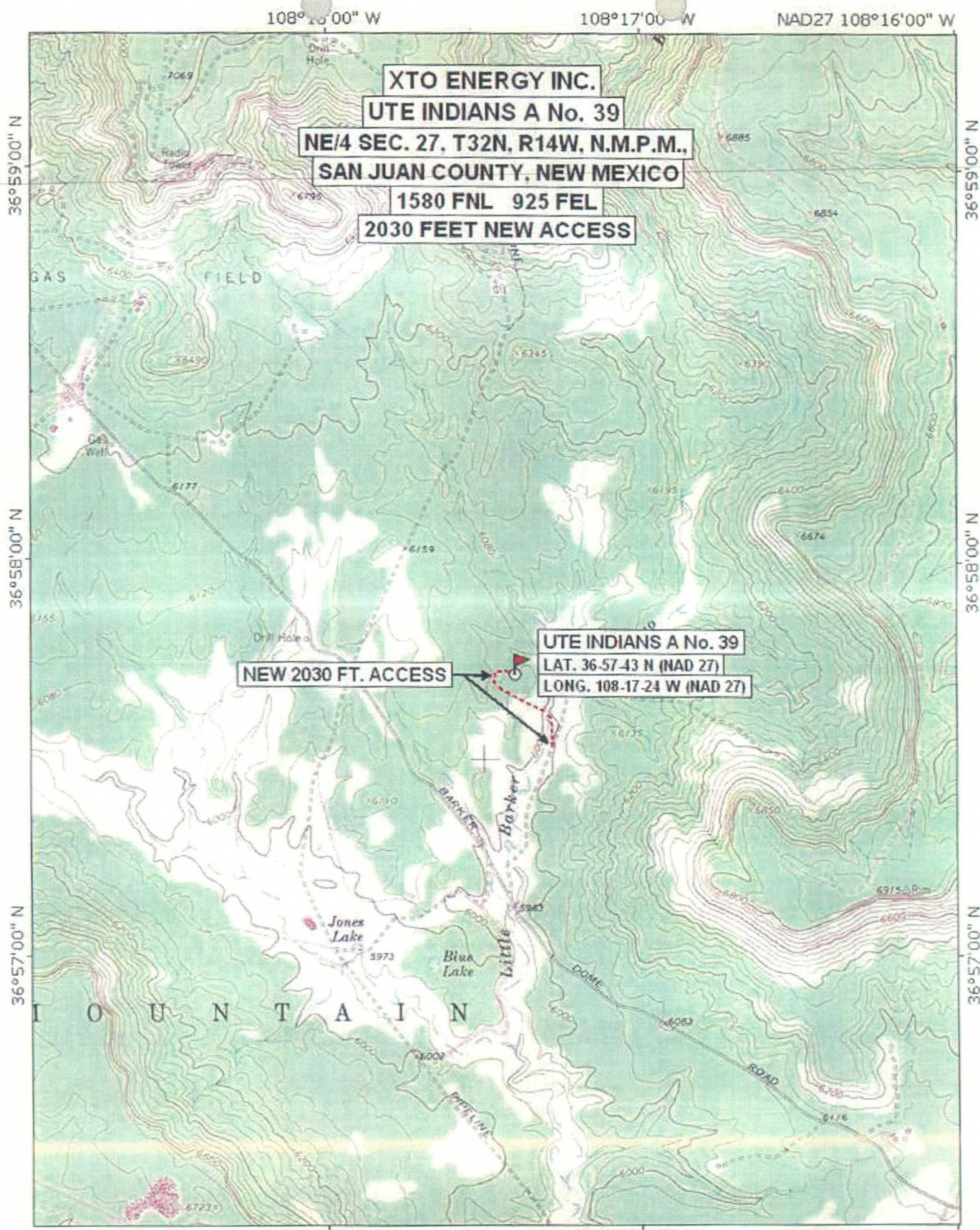
STATE: New Mexico COUNTY: San Juan

PROSPECT: UTE INDIANS A NO. 39 DATE: 03/19/2007

SECTION: 29 TOWNSHIP: 32 North RANGE: 14 West

SCALE: 1"=2000'





XTO ENERGY INC.
UTE INDIANS A No. 39
NE/4 SEC. 27, T32N, R14W, N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO
1580 FNL 925 FEL
2030 FEET NEW ACCESS

NEW 2030 FT. ACCESS → **UTE INDIANS A No. 39**
LAT. 36.57-43 N (NAD 27)
LONG. 108.17-24 W (NAD 27)

0 1000 FEET 0 500 1000 METERS
Map created with TOPO!® ©2002 National Geographic (www.nationalgeographic.com/topo)



March 19, 2007

VIA U. S. CERTIFIED MAIL

Ms. Linda Dean
Burlington Resources Oil and Gas Company, LP
3401 East 30th Street
Farmington NM 87499

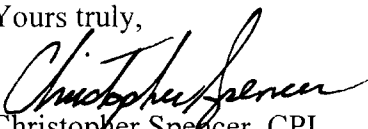
Re: Application for Administrative Approval of Unorthodox Location
XTO Energy Inc.'s Ute Indians A No. 39
1,580' FNL and 925' FEL, Section 27, T32N, R14W
San Juan County, New Mexico
Barker Dome Paradox Formation

Dear Ms. Dean:

Enclosed is a copy of an Application for Administrative Approval of Unorthodox Location for the Ute Indians A No. 39 Well that has been sent to the New Mexico Oil Conservation Commission for administrative approval. If you have no objection to the proposed non-standard location, please so indicate by signing and returning one copy of this letter to me at the address on shown at the bottom of this letter as soon as possible.

Should you have any questions or need more information, please contact me at (817) 885-2540. Your prompt attention to this matter will be very much appreciated.

Yours truly,


Christopher Spencer, CPL
Landman

/cks
Enclosures

cc: Mr. Mark E. Fesmire, NMOCD

Burlington Resources Oil and Gas Company LP does hereby waive notice of hearing and objection to the application by XTO Energy Inc. for the non-standard location for the Ute Indians A No. 39, as depicted on the enclosed plat.

By: _____
Printed Name: _____
Date: _____

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Mr. Dan Rabinowitz
Bureau of Land Management
San Juan Resource Area
701 Camino Del Rio
Durango CO 81301

PS Form 3800, August 2006 See Reverse for Instructions

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Bureau of Indian Affairs
Ute Mountain Ute Agency
P O Box KK
Towaoc CO 81334

PS Form 3800, August 2006 See Reverse for Instructions

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Ms. Linda Dean
Burlington Resources Oil and Gas
Company, LP
3401 East 30th Street
Farmington NM 87499

PS Form 3800, August 2006 See Reverse for Instructions

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Mr. Gordon Hammond
Ute Mountain Ute Tribe
P O Box 248
Towaoc CO 81334

PS Form 3800, August 2006 See Reverse for Instructions