

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

NMOCD ACOI 213-A

IN THE MATTER OF XTO ENERGY, INC.,

Respondent.

**AMENDED
AGREED COMPLIANCE ORDER**

Pursuant to Ordering Paragraph 3 of Agreed Compliance Order 213, the Director of the Oil Conservation Division (“OCD”) hereby amends that order as follows:

FINDINGS

1. Agreed Compliance Order 213 (“ACOI 213” or “Order”) requires XTO Energy, Inc. (“Operator”) to return to compliance with OCD Rule 19.15.25.8 NMAC at least six of the wells identified in the Order by February 5, 2010 and file a compliance report by that date.

2. ACOI 213 further provides that if Operator returns to compliance with OCD Rule 19.15.25.8 NMAC at least six of the wells identified in the Order by February 5, 2010 and files a timely compliance report, the OCD shall issue an amendment extending the terms of ACOI 213 for a second six-month period, requiring Operator to return an additional six wells identified in the Order to compliance by that deadline.

3. ACOI 213 provides that if, in any six-month period, Operator returns more wells to compliance than the number required under the Order for that six-month period, the wells in excess of the number required will count towards the Operator requirements for the next six-month period.

4. Operator filed a timely compliance report, and the OCD has verified that OCD records indicate that Operator has returned the following seven wells identified in the Order to compliance:

- | | |
|------------------------------|--------------|
| • A L CHRISTMAS NCT C #017 | 30-025-30649 |
| • NW CHA CHA UNIT #039 | 30-045-07920 |
| • NW CHA CHA UNIT #050 | 30-045-07837 |
| • PENNZOIL MERIT STATE #001 | 30-025-25256 |
| • UTE MOUNTAIN TRIBAL D #001 | 30-045-10918 |
| • UTE MOUNTAIN TRIBAL J #001 | 30-045-21011 |
| • UTE MOUNTAIN TRIBAL J #002 | 30-045-21104 |

CONCLUSIONS

1. Operator has returned seven wells to compliance, exceeding its goal of returning six of the wells identified in the Order to compliance by February 5, 2010, by one well.

2. The OCD should amend ACOI 213 to extend its terms through August 5, 2010 and require Operator to return to compliance by that date at least five additional wells from the Order not identified in Findings Paragraph 4, above, to complete its goal of returning six wells to compliance in that period.


ORDER

1. Operator shall return to compliance by August 5, 2010 at least five wells identified in the Order that are not identified in Findings Paragraph 4, above.

2. Operator shall file a written compliance report by August 5, 2010 identifying the well(s) it returned to compliance in the second period, stating the date the well(s) were returned to compliance, and stating how the well(s) were returned to compliance (returned to production or other beneficial use; wellbore plugged; or placed on approved temporary abandonment status). The report must be mailed or e-mailed to the OCD's Enforcement and Compliance Manager (email: daniel.sanchez@state.nm.us) and Assistant General Counsel (email: sonny.swazo@state.nm.us) so that it is received by compliance deadline of August 5, 2010.

3. The terms of ACOI 213 otherwise remain in effect.

Done at Santa Fe, New Mexico this 5th day of February, 2010

By: 
Mark Fesmire, P.E.
Director, Oil Conservation Division