

BEFORE THE OIL & GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF )	
XTO ENERGY INC. FOR AN ORDER )	
ALLOWING OPTIONAL THIRD AND FOURTH )	
WELLS IN ESTABLISHED DRILLING AND )	CAUSE NO. 112
SPACING UNITS COVERING THE FRUITLAND )	
COAL SEAM FORMATION, IGNACIO-BLANCO )	Docket No. _____
FIELD, LA PLATA COUNTY, COLORADO )	
)	

APPLICATION

COMES NOW XTO Energy Inc. (referred to herein as “Applicant”), by and through its undersigned attorneys, makes application to the Oil and Gas Conservation Commission of the State of Colorado, for an order to permit an optional third and fourth well in the established drilling and spacing units for the Fruitland Coal Seam formation. In support thereof, the Applicant states and alleges as follows:

1. That the Applicant is the owner of numerous leasehold interests in La Plata County, Colorado, located within the area requested for spacing.
2. That the Applicant is requesting that two (2) option wells be permitted in the existing drilling and spacing units of 320 acres for the Fruitland Coal Seam formation covering the lands in La Plata County, Colorado, as described on Exhibit A attached hereto and incorporated by reference.
3. That insofar as this Application concerns lands within the jurisdiction of the Southern Ute Indian Tribe, it is submitted to this Commission in accordance with the terms of the Memorandum of Understanding dated August 22, 1991 between the Bureau of Land Management (“BLM”) and this Commission and separate Memorandum of Understanding dated August 22, 1991 between the Bureau of Indian Affairs, the BLM and the Southern Ute Indian Tribe. In certain of the lands described on Exhibit A, the Southern Ute Indian Tribe owns surface interests and mineral interests underlying such lands.
4. In support of the requested order, Applicant asserts that two wells will not efficiently and economically drain each of the 320-acre drilling and spacing units contained in Exhibit A, and that additional wells are necessary to prevent waste, protect correlative rights and to recover gas and associated hydrocarbons from the Fruitland coal formation all in accordance with the Colorado statutes, the rules and regulations of this Commission and, with respect to Tribal lands, applicable rules and regulations of the BLM.
5. On June 15, 1988, the Commission issued Order No. 112-60 which established 320-acre drilling and spacing units for production of gas from the Fruitland Coal Seam formations. Said units shall remain as previously established. Moreover, on May 15, 2000 the Commission issued Order No. 112-157 which permitted a second Fruitland Coal Seam Formation well in each 320-acre drilling and spacing unit with such additional wells being located no closer than 990 feet to any outer boundary of the unit, nor closer than 130 feet to any interior quarter section line. Applicant proposes that an optional third and fourth well in each 320-acre unit be drilled, completed or recompleted in the operator's discretion no closer than 660 feet to any outer boundary of the unit with no setback required to any interior quarter section line.
6. That the surface location of each of the optional wells shall be located on a common or expanded pad with the existing well such that a total of four Fruitland coal well pads shall be authorized in each governmental section.
7. That the Director may after notice and hearing approve exceptions to permitted well locations due to topography or surface hazards or the recompletion of wells previously drilled at

permitted locations, provided that appropriate notice of such exception location is afforded to offset owners as required by Commission rules.

8. Applicant further states that the requested additional wells can be developed in a manner consistent with protection of public health, safety and welfare. To this end, while not required by the Commission's Rules, Applicant is in the process of negotiation of a Memorandum of Understanding with the County of La Plata ("MOU"). Applicant intends that portions of such MOU shall constitute a Health, Safety and Welfare Plan ("HS&W Plan") which shall apply to operations on lands not within the jurisdiction of the Southern Ute Indian Tribe. The Applicant requests a finding by the Commission that the HS&W Plan adequately addresses concerns related to the environment and public health, safety and welfare not otherwise addressed by Commission Rule on such non-tribal lands. Moreover, Applicant will commit to the Southern Ute Indian Tribe that new compressor installations shall use the best available emission control technology and shall also provide a plan to the Tribe to evaluate the modification of older compression installation emission technology in the Application area over the next five (5) years.

9. Exhibit B attached hereto and made part hereof is the list of the names of "Owners" required to be notified in accord with Commission Rule 508(a), including within the areas covered by this Application. To the best of Applicant's knowledge and belief, Exhibit B contains the names of all such owners.

WHEREFORE, Applicant respectfully requests that this matter be set for hearing, that notice thereof be given as required by law and that upon such hearing this Commission enter its order:

A. Establishing that up to four (4) Fruitland Coal wells may be completed in each 320-acre drilling and spacing unit for gas and associated hydrocarbons from the Fruitland Coal Seam formation underlying the lands set forth on Exhibit A with the third and fourth wells being optional wells in the discretion of the operator located as provided in paragraph 5 and 6 subject to the Director approving exceptions for the permitted well locations as provided in paragraph 7 above.

B. That Applicant's HS&W Plan shall be incorporated as part of the Commission Order concerning non-tribal operations on lands outside of the jurisdiction of the Southern Ute Indian Tribe.

C. For such other findings and orders as the Commission may deem proper or advisable in the premises.

DATED this 21<sup>st</sup> day of November, 2005.

Respectfully submitted,

XTO ENERGY INC.

By: \_\_\_\_\_  
Michael J. Wozniak  
BEATTY & WOZNIAK, P.C.  
Attorneys for Applicant  
216 16<sup>th</sup> Street, Suite 1100  
Denver, Colorado 80202  
(303) 407-4499

Applicant's Address:

810 Houston Street, Suite 2000  
Forth Worth, TX 76102

VERIFICATION

STATE OF COLORADO                    )  
  ) ss:  
CITY AND COUNTY OF DENVER )

Michael J. Wozniak, of lawful age and being first duly sworn upon oath, states and declares that he is the attorney for XTO Energy Inc., Applicant herein; that he has read the above and foregoing Application, knows the contents thereof, and that the allegations and matters therein stated are true and correct to the best of his knowledge.

\_\_\_\_\_  
Michael J. Wozniak  
Attorney for XTO Energy Inc.

Subscribed and sworn to before me this 21<sup>st</sup> day of November, 2005, by Michael J. Wozniak.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

EXHIBIT A

Legal Description  
80-acre Infill Application Area

Township 32 North, Range 6 West, 6<sup>th</sup> P.M.

Section 6: N/2, S/2

Section 7: W/2

Section 17: W/2

Section 18: N/2, S/2

Township 32 North, Range 7 West, 6<sup>th</sup> P.M.

Section 1: E/2, W2

Section 2: E/2, W/2

Section 12: N/2, S/2

Township 33 North, Range 7 West, 6<sup>th</sup> P.M.

Section 26: E/2

Section 35: E/2

Section 36: N/2, S/2

## EXHIBIT B

### Interested Parties

Adelante Oil and Gas LLC  
P.O. Box 2471  
Durango, CO 81302-2471

Kristin Dawn Baker Ashton  
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Clancy, MT 59634

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J.G. Balle  
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Barbara M. Inc  
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Roy G. Barton and Opal Barton  
Rev. Trust  
1919 N. Turner Street  
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BP America Production Company  
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Durango, CO 81303

Castle Inc.  
502 Keystone Dr  
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CDX Rockies, LLC  
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Clint S. Inc  
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Kelly Cox Testamentary Trust  
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Bank One Trust Co. NA, Agent  
Mineral Management Agency  
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Fort Worth, TX 76199-0084

Maydell Miller Mast. Trust  
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