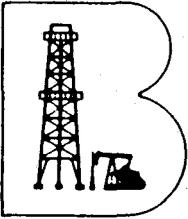


# Berry Petroleum Company



## Brundage Canyon Field

1614 South 2000 West  
Rt. 3 Box 3020  
Roosevelt, UT 84066

Ph. (435) 722-1325

Fax: (435) 722-1321

www.bry.com

January 23, 2006

State of Utah  
Department Of Natural Resources  
Division of Oil, Gas, and Mining  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

Re: Oil and Gas Conservation General Rules  
R649-3-3 Exception to Location and Siting of Wells.  
Ute Tribal No. 1-17-55

Gentlemen:

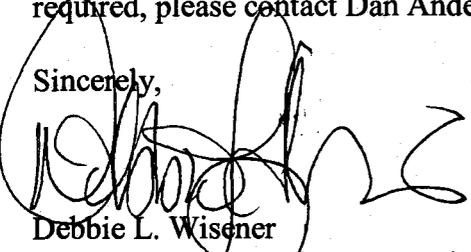
Berry Petroleum Company is proposing to drill a development well in the Brundage Canyon Field, Duchesne County, Utah. The well is located on lands within the Uintah and Ouray Ute Indian Reservation. A copy of the Federal Application for Permit to Drill (APD) is attached for your review. This APD has been submitted to the Bureau of Land Management (BLM) in Vernal and the Bureau of Indian Affairs (BIA) at Ft. Duchesne.

As shown on the attached staking plat, the proposed location for the Ute Tribal No. 1-17-55 falls outside of the allowed standard well spacing (R649-3-2). Berry is requesting an exception to the spacing requirement per regulation R649-3-3 since Berry was unable to locate the proposed well within the allowed spacing "window" due to topographic constraints. The staked footages represent the closest accessible location to the spacing "window".

In accordance with R649-3-3, Berry is providing a copy of the staking plat showing the proposed location in relation to the allowed spacing "window" and all tracts contacted by a circle with a radius of 460'. A second plat is also attached showing the actual or recently proposed location for all direct or diagonal offsetting wells. As to the 460' radius circle, Berry is also the owner of the adjacent SE/4 SE/4 of Section 8.

Berry is requesting approval of this excepted location as proposed. If additional information is required, please contact Dan Anderson at (303) 825-3344.

Sincerely,



Debbie L. Wisener

Operations, Accounting & Regulatory Supervisor

RECEIVED

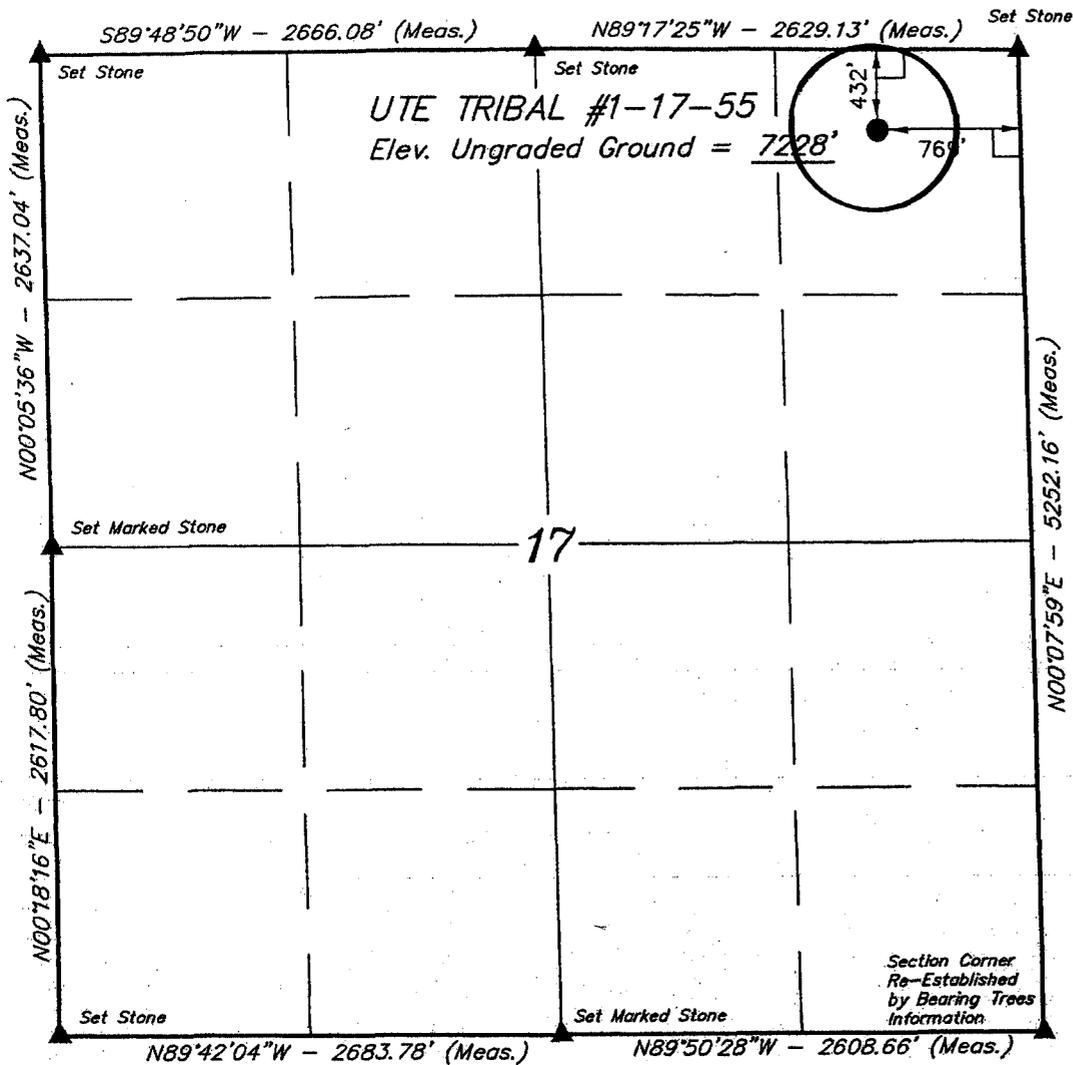
FEB 03 2006

DIV. OF OIL, GAS & MINING

enclosures

Corporate Headquarters - 5201 Truxtun Ave., Ste. 300 • Bakersfield, CA 93309-0640 661-616-3900

T5S, R5W, U.S.B.&M.



**BERRY PETROLEUM COMPANY**

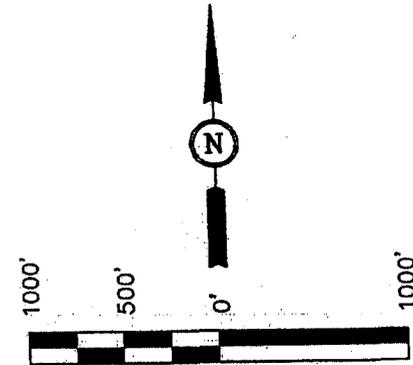
Well location, UTE TRIBAL #1-17-55, located as shown in the NE 1/4 NE 1/4 of Section 17, T5S, R5W, U.S.B.&M. Duchesne County, Utah.

**BASIS OF ELEVATION**

BENCH MARK (M67) LOCATED IN THE SW 1/4 OF SECTION 9, T5S, R4W, U.S.B.&M. TAKEN FROM THE DUCHESNE SE QUADRANGLE, UTAH, DUCHESNE COUNTY, 7.5 MINUTE QUAD. (TOPOGRAPHIC MAP) PUBLISHED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY. SAID ELEVATION IS MARKED ON CAP AS BEING 6097 FEET.

**BASIS OF BEARINGS**

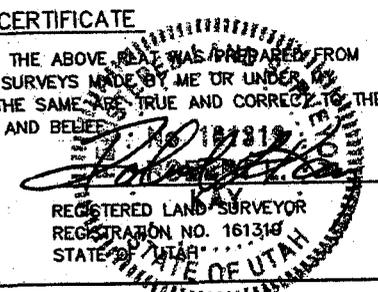
BASIS OF BEARINGS IS A G.P.S. OBSERVATION.



SCALE

**CERTIFICATE**

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



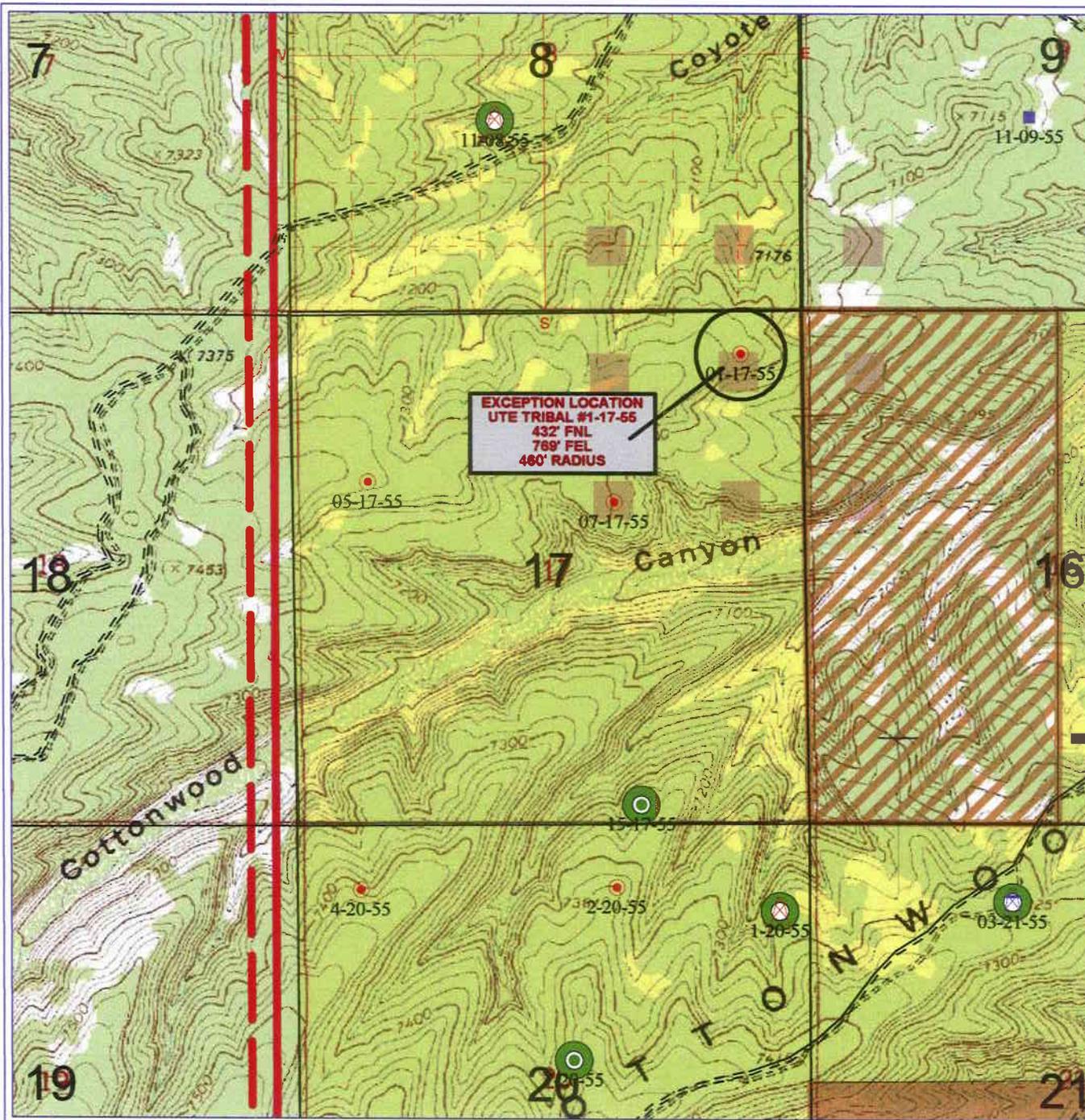
**UINTAH ENGINEERING & LAND SURVEYING**  
85 SOUTH 200 EAST - VERNAL, UTAH 84078  
(435) 789-1017

**LEGEND:**

- └─┘ = 90° SYMBOL
- = PROPOSED WELL HEAD.
- ▲ = SECTION CORNERS LOCATED.

(NAD 83)  
LATITUDE = 40°03'08.90" (40.052472)  
LONGITUDE = 110°27'51.92" (110.464422)  
(NAD 27)  
LATITUDE = 40°03'09.04" (40.052511)  
LONGITUDE = 110°27'49.36" (110.463711)

SCALE 1" = 1000'	DATE SURVEYED: 09-06-05	DATE DRAWN: 10-20-05
PARTY B.H. J.T. D.R.B.	REFERENCES G.L.O. PLAT	
WEATHER WARM	FILE BERRY PETROLEUM COMPANY	



**EXCEPTION LOCATION**  
**UTE TRIBAL #1-17-55**  
 432' FNL  
 789' FEL  
 480' RADIUS

Berry Petroleum Company

Brundage Canyon Project

Ute Tribal #1-17-55

Exception Location Plat

Sec. 17 T5S R5W - Duchesne Co, Utah



POSTED WELL DATA

● Well Label

ATTRIBUTE MAP

- Any Raster Log IS PRESENT
- Any Digital Log IS PRESENT

WELL SYMBOLS

- Drill 2005
- WELLS DRILLED IN 2006
- W/O Onsite
- Released to Stake and Survey
- Oil Well

January 23, 2006

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

FORM 3

AMENDED REPORT   
(highlight changes)

**APPLICATION FOR PERMIT TO DRILL**

1A. TYPE OF WORK: DRILL <input checked="" type="checkbox"/> REENTER <input type="checkbox"/> DEEPEN <input type="checkbox"/>		5. MINERAL LEASE NO: <b>14-20-H62-5025</b>	6. SURFACE: <b>INDIAN</b>
B. TYPE OF WELL: OIL <input checked="" type="checkbox"/> GAS <input type="checkbox"/> OTHER _____ SINGLE ZONE <input checked="" type="checkbox"/> MULTIPLE ZONE <input type="checkbox"/>		7. IF INDIAN, ALLOTTEE OR TRIBE NAME: <b>UTE</b>	
2. NAME OF OPERATOR: <b>BERRY PETROLEUM COMPANY</b>		8. UNIT or CA AGREEMENT NAME:	
3. ADDRESS OF OPERATOR: <b>RT. 2 BOX 7735</b> CITY <b>ROOSEVELT</b> STATE <b>UTAH</b> ZIP <b>84066</b>		PHONE NUMBER: <b>(435)722-1325</b>	10. FIELD AND POOL, OR WILDCAT: <del>BRUNDAGE CANYON</del> <i>Underground</i>
4. LOCATION OF WELL (FOOTAGES) AT SURFACE: <b>432' FNL, 769' FEL</b> <i>545709X 40.052567</i> <i>4433519Y -110.44119NAD 27</i> AT PROPOSED PRODUCING ZONE: <b>SAME AS ABOVE</b> <i>40.052511 LAT 110.463711 LONG</i>		11. QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: <b>(NE/NE) SEC. 17, T.5S., R.5W. U.S.B.&amp;M.</b>	
14. DISTANCE IN MILES AND DIRECTION FROM NEAREST TOWN OR POST OFFICE: <b>43.8 MILES FROM MYTON, UTAH</b>		12. COUNTY: <b>DUCHESNE</b>	13. STATE: <b>UTAH</b>
15. DISTANCE TO NEAREST PROPERTY OR LEASE LINE (FEET) <b>432'</b>	16. NUMBER OF ACRES IN LEASE: <b>640</b>	17. NUMBER OF ACRES ASSIGNED TO THIS WELL: <b>40</b>	
18. DISTANCE TO NEAREST WELL (DRILLING, COMPLETED, OR APPLIED FOR) ON THIS LEASE (FEET) <b>3300'</b>	19. PROPOSED DEPTH: <b>6260'</b>	20. BOND DESCRIPTION: <b>RLB0005651</b>	
21. ELEVATIONS (SHOW WHETHER DF, RT, GR, ETC.): <b>7226' GR</b>	22. APPROXIMATE DATE WORK WILL START: <b>REFER TO BPC SOP PLAN</b>	23. ESTIMATED DURATION: <b>REFER TO BPC SOP PLAN</b>	

**PROPOSED CASING AND CEMENTING PROGRAM**

SIZE OF HOLE	CASING SIZE, GRADE, AND WEIGHT PER FOOT	SETTING DEPTH	CEMENT TYPE, QUANTITY, YIELD, AND SLURRY WEIGHT
<b>REFER TO BERRY PETROLEUM COMPANY SOP'S DRILLING PROGRAM/CASING DESIGN</b>			

25. **ATTACHMENTS**

VERIFY THE FOLLOWING ARE ATTACHED IN ACCORDANCE WITH THE UTAH OIL AND GAS CONSERVATION GENERAL RULES:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> WELL PLAT OR MAP PREPARED BY LICENSED SURVEYOR OR ENGINEER     | <input checked="" type="checkbox"/> COMPLETE DRILLING PLAN (BPC SOP ON FILE WITH STATE)      |
| <input checked="" type="checkbox"/> EVIDENCE OF DIVISION OF WATER RIGHTS APPROVAL FOR USE OF WATER | <input type="checkbox"/> FORM 5, IF OPERATOR IS PERSON OR COMPANY OTHER THAN THE LEASE OWNER |

NAME (PLEASE PRINT) DEBBIE L. WISENER TITLE OPS., ACCT. & REGULATORY SUPERVISOR

SIGNATURE *[Signature]* DATE 01/26/06

(This space for State use only)

API NUMBER ASSIGNED: 43-013-33043

Approved by the  
Utah Division of  
Oil, Gas and Mining

Date: 02-09-06  
(See Instructions on Reverse Side)  
By: *[Signature]*

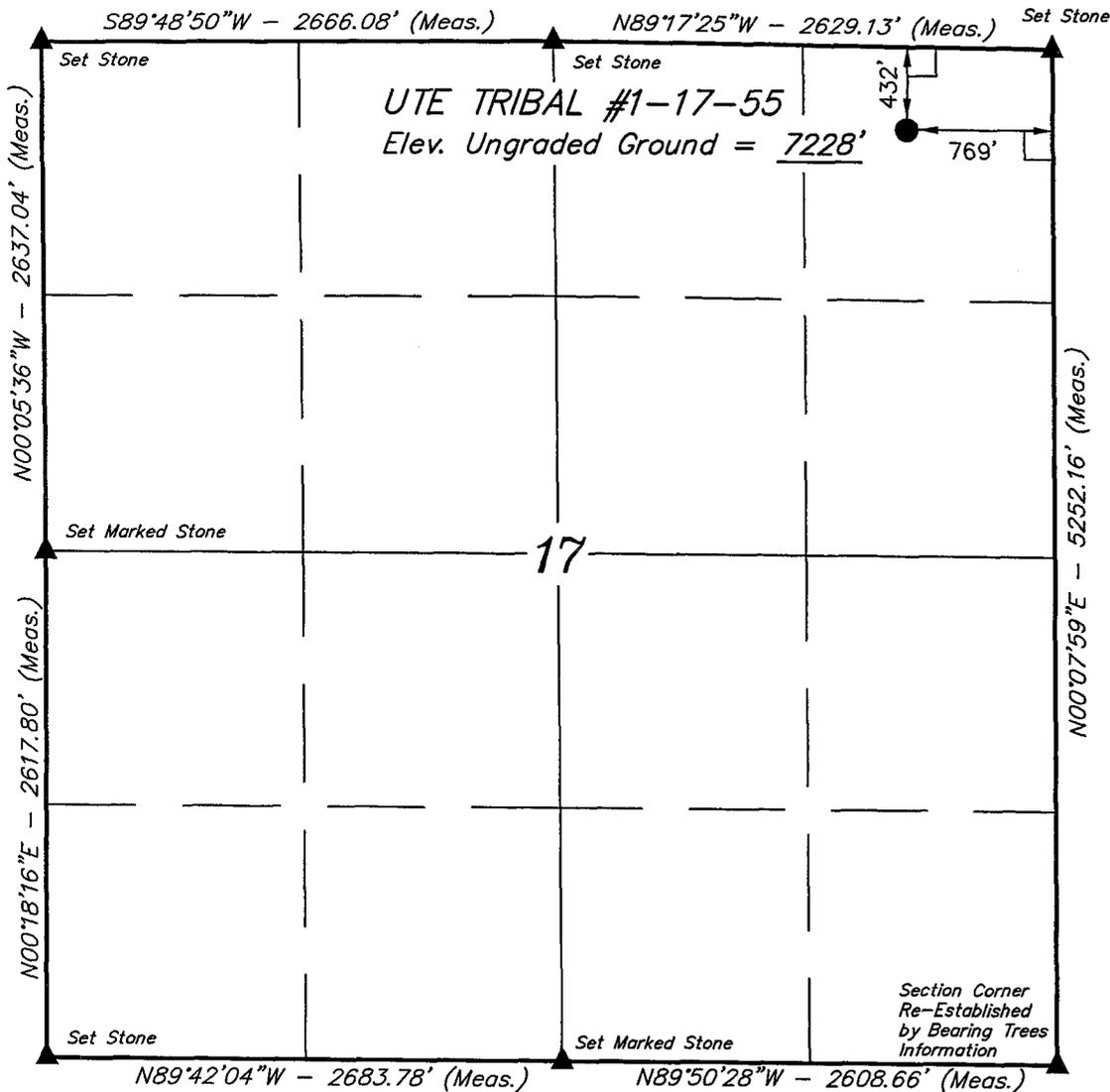
RECEIVED  
FEB 03 2006

DIV. OF OIL, GAS & MINING

(11/2001)

Federal Approval of this  
Application Mandatory

T5S, R5W, U.S.B.&M.



**LEGEND:**

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- = PROPOSED WELL HEAD.
- ▲ = SECTION CORNERS LOCATED.

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**BERRY PETROLEUM COMPANY**

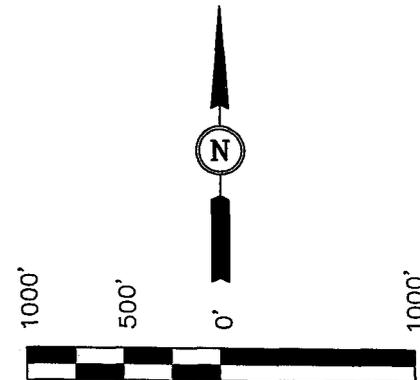
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SCALE

CERTIFICATE

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*[Signature]*  
 REGISTERED LAND SURVEYOR  
 REGISTRATION NO. 161319  
 STATE OF UTAH

**UINTAH ENGINEERING & LAND SURVEYING**  
 85 SOUTH 200 EAST - VERNAL, UTAH 84078  
 (435) 789-1017

SCALE 1" = 1000'	DATE SURVEYED: 09-06-05	DATE DRAWN: 10-20-05
PARTY B.H. J.T. D.R.B.	REFERENCES G.L.O. PLAT	
WEATHER WARM	FILE BERRY PETROLEUM COMPANY	

SELF-CERTIFICATION STATEMENT

The following self -certification statement is provided per federal requirements dated June 15, 1988.

Please be advised that Berry Petroleum Company is considered to be the operator of the following well.

Ute Tribal 1-17-55  
NE 1/4, NE 1/4, 432' FNL 769' FEL, Section 17, T. 5 S., R. 5 W., U.S.B.& M.  
Lease BIA 14-20-H62-5025  
Duchesne, County, Utah

Berry Petroleum Company is responsible under the terms of the lease for the operations conducted upon the lease lands.



Debbie L. Wisener  
Operations, Accounting & Regulatory Superv.  
Berry Petroleum Company  
3846 South HWY 40  
Route 2, Box 7735  
Roosevelt, Utah 84066  
435-722-1325

BERRY PETROLEUM COMPANY

Ute Tribal 1-17-55

Surface location NE 1/4, NE 1/4, 432' FNL 769' FEL, Section 17, T. 5 S., R. 5 W., U.S.B.& M.  
Duchesne County, Utah

ONSHORE ORDER NO. 1

DRILLING PROGRAM

**1,2 Estimated Tops of Geological Markers and Formations Expected to Contain Water, Oil and Gas and Other Minerals**

<u>Formation</u>	<u>Depth</u>
Uinta	Surface
Green River	1,602'
Green River Upper Marker	2,186'
Mahogany	2,789'
Tgr3 Marker	3,828'
*Douglas Creek	4,617'
*Castle Peak	5,539'
Uteland Butte Ls.	5,932'
Wasatch	6,158'
TD	6,260'
Base of Moderately Saline Water (less than 10,000 ppm)	5,144'

\*PROSPECTIVE PAY

**3 Pressure Control Equipment**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

**4 Proposed Casing and Cementing Program**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

**5 Drilling Fluids Program**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

**6 Evaluation Program**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

Berry Petroleum Company  
Drilling Program  
Ute Tribal 1-17-55  
Duchesne County, Utah  
Page Two

**7 Abnormal Conditions**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE (SOP VERSION: MARCH 7, 2005).

**8 Anticipated Starting Dates and Notification of Operations**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE (SOP VERSION: MARCH 7, 2005).

**9 Other information**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE (SOP VERSION: MARCH 7, 2005).

**BERRY PETROLEUM COMPANY**

Ute Tribal 1-17-55

Surface location NE 1/4, NE 1/4, 432' FNL 769' FEL, Section 17, T. 5 S., R. 5 W., U.S.B. & M.  
Duchesne County, Utah

ONSHORE ORDER NO. 1

**MULTI POINT SURFACE USE & OPERATIONS PLAN**

**1 Existing Roads**

To reach the Berry Petroleum Company well, Ute Tribal 1-17-55 location, in Section 17-T5S-R5W:

Start in Myton, Utah. Proceed west on US Highway 40, 8.6 miles to the Antelope Creek/Sowers Canyon Road at the Bridgeland turnoff. Turn south and proceed southwest 22.7 miles to the Cottonwood Canyon Road (Sec. 7 Compressor Site). Turn north onto CR-25 and proceed north 5.2 miles. Turn south off CR-25 and proceed southwest 6.0 miles. Turn east and proceed 0.1 miles past the Ute Tribal 5-17-55 access road. Continue northeast 1.2 miles along the Ute Tribal 1-17-55 access road to the Ute Tribal 1-17-55 location.

The existing oilfield service road may need some surface material to prevent or repair holes in the road due to heavy truck traffic during the drilling and completion operation. If repairs are made the operator will secure material from private sources.

Please see the attached map for additional details.

**2 Planned Access Road**

See Topographic Map "B" for the location of the proposed access road.

**3 Location of Existing Wells**

See Topographic Map "C" for the location of existing wells within a 1 mile radius.

**4 Location of Tank Batteries, Production Facilities and Production Gathering and Service Lines**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

**5 Location and Type of Water Supply**

Water for the drilling and completion will be pumped or trucked from the Berry source wells located in Sec. 23, T5S, R5W or Sec. 24, T5S, R5W, permit # 43-11041, or from Duchesne City Culinary Water Dock located in Sec. 1, T4S, R5W or from East Duchesne Water, Arcadia Feedlot, Sec. 28, T3S, R3W or Myton (Moon) Pit, SE/NE Sec. 27, T3S, R2W or from Petroglyph Operating Company 08-04 Waterplant, Sec. 8, T5S, R3W or from Kenneth V. & Barbara U. Richens source well located in Sec. 34, T3S, R2W, permit # 43-1723 or Brundage Canyon Field produced water or Leo Foy source well located in Sec. 34, T5S, R5W, permit # 43-11324. A water use agreement is also in place with the Ute Tribe.

**6 Source of Construction Materials**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

**7 Methods of Handling Waste Materials**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

**8 Ancillary Facilities**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

**9 Wellsite Layout**

The attached Location Layout diagram describes drill pad cross-sections, cuts and fills, and locations of the mud tanks, reserve pit, pipe racks, trailer parking, spoil dirt stockpile(s) and surface material stockpile(s)

**10 Plans for Restoration of the Surface**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005). If an Archaeological Study is preformed, all seed mixture will match Archaeological recommendation.

**11 Surface Ownership**

Ute Indian Tribe

**12 Other information**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: MARCH 7, 2005).

**13 Operator's Representative and Certification**

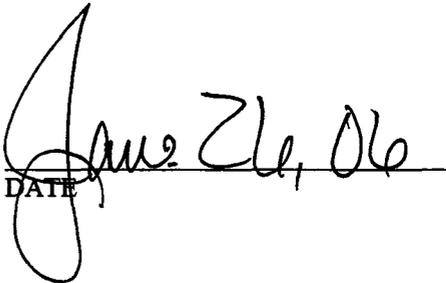
A) Representative  
NAME: Debbie L. Wisener  
ADDRESS: Berry Petroleum Company  
3846 South HWY 40  
Route 2, Box 7735  
Roosevelt, Utah 84066  
PHONE: 435-722-1325

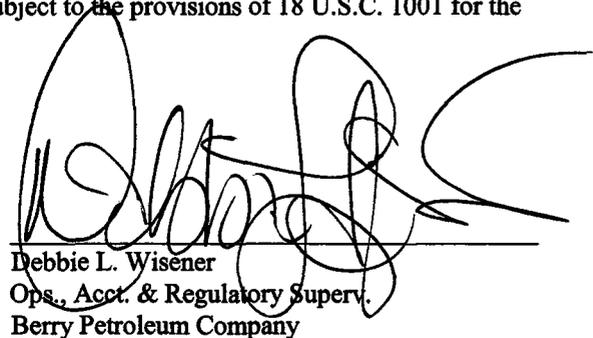
All lease and/or unit operations will be conducted in such a manner that full compliance is made with all applicable laws, regulations and onshore oil and gas orders. The operator is fully responsible for the actions of its subcontractors. A copy of these conditions will be furnished to the field representative to ensure compliance.

The drilling permit will be valid for a period of one year from the date of approval. After permit termination, a new application will be filed for approval for any future operations.

B) Certification:

I hereby certify that I, or persons under my direct supervision, have inspected the proposed drillsite and access route; that I am familiar with the conditions which presently exist; that the statements made in this plan are, to the best of my knowledge and belief, true and correct; and that the work associated with the operations proposed herein will be performed by Berry Petroleum Company and its contractors and subcontractors in conformity with this plan and the terms and conditions under which it is approved. This statement is subject to the provisions of 18 U.S.C. 1001 for the filing of a false statement.

  
DATE

  
Debbie L. Wisener  
Ops., Acct. & Regulatory Superv.  
Berry Petroleum Company

APPLICATION FOR GRANT OF CORRIDOR RIGHT-OF-WAY

BERRY PETROLEUM COMPANY, having a resident or principal place of business at Route 3 Box 3020, Roosevelt, Utah, 84066, hereby files an application with the Bureau of Indian Affairs, pursuant to the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323), and to the regulations of the Department of the Interior contained in Title 25, Code of Federal Regulations, Part 169, for the grant of a Right-of-Way for the following purposes and reasons:

To construct a Corridor Right-of-Way for the UTE TRIBAL #1-17-55

Across the following described Indian Lands SW 1/4 NW 1/4, E 1/2 NW 1/4 & N 1/2 NE 1/4 OF SECTION 17, T5S, R5W,

U.S.B.&M.

Drill Site = 1.993 Ac.

Corridor R-O-W = 2.771 Ac.  
(Access Road & Pipeline)

Total Acreage = 4.764 Acres

**4" to 6" SDR-11 POLY PIPELINE**

Said Right-of-Way to be approximately 4,023.77' feet in length, 30 feet in width, and 2.771 Acres, and more particularly described and shown on the map of definite location to be attached and made a part hereof.

The applicant understands and hereby expressly agrees to the following stipulations:

- (a) To construct and maintain the Right-of-Way in a workmanlike manner.
- (b) To pay promptly all damages and compensation, in addition to the deposit made pursuant to 169.4 determined by the Secretary to be due the landowners and authorized users and occupants of the land on account of the survey, granting, construction and maintenance of the Right-of-Way.
- (c) To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees or subcontractors and their employees.
- (d) To restore the lands as nearly as may be possible to their original condition upon the completion of the construction to the extent compatible with the purpose for which the Right-of-Way was granted.
- (e) To clear and keep clear the lands within the Right-of-Way to the extent compatible with the purpose of the Right-of-Way; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project.
- (f) To take soil and resource conservation and protection measures, including weed control, on the land covered by the Right-of-Way.

- (g) To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the Right-of-Way.
- (h) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the Right-of-Way.
- (I) That upon revocation or termination of the Right-of-Way, the applicant shall, so far as is reasonably possible, restore the land to its original condition.
- (j) To at all times keep the Secretary informed of its address, and in case of corporations of the address of its principal officers.
- (k) That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the Right-of-Way is granted.

IN WITNESS THEREOF, BERRY PETROLEUM COMPANY. has caused this instrument to be executed this 9 day of Nov., 2005.

Dane M. Bennett  
WITNESS

**BERRY PETROLEUM COMPANY**  
APPLICANT

[Signature]  
WITNESS

Ed Courtright  
Ed Courtright/Production Foreman  
Route 3 Box 3020  
Roosevelt, Utah 84066  
Phone:(435)722-1325

SUPPORTING DOCUMENTS:

- ( ) Written consent of the landowners.
- ( ) Evidence of good faith and financial responsibility.
- (x) \$0 as per the terms of the Exploration and Development Agreement (14-20-H62-4728)
- ( ) State certified copy of corporate charter or articles of corporation.
- ( ) Certified copy of resolution or bylaws of the corporation authorizing the filing of the stipulation
- ( ) State certification that the applicant is authorized to do business in the State where the land is located.
- ( ) Certified copy of the articles of partnership or association.
- (x) Map of definite location.
- ( ) Other:

BERRY PETROLEUM COMPANY  
UTE TRIBAL #1-17-55  
DAMAGE AREA & CORRIDOR RIGHT-OF-WAY  
SECTION 17, T5S, R5W, U.S.B.&M.

TOTAL CORRIDOR RIGHT-OF-WAY ON UTE TRIBAL LANDS

TOTAL LENGTH OF RIGHT-OF-WAY IS 4023.77' OR 0.762 MILES. WIDTH OF  
RIGHT-OF-WAY IS 30' (15' PERPENDICULAR ON EACH SIDE OF THE CENTERLINE).  
CONTAINS 2.771 ACRES MORE OR LESS.

ENGINEER'S AFFIDAVIT

STATE OF UTAH        }  
COUNTY OF UINTAH } SS

ROBERT L. KAY, BEING FIRST DULY SWORN DEPOSES AND STATES THAT HE IS THE REGISTERED LAND SURVEYOR, FOR BERRY PETROLEUM COMPANY, THAT THESE SURVEYS WERE MADE BY HIM (OR UNDER HIS SUPERVISION): THAT HE HAS EXAMINED THE FIELD NOTES OF THE SURVEYS OF THE DAMAGE AREA AND CORRIDOR RIGHT-OF-WAY AS DESCRIBED AND SHOWN ON THIS MAP, THAT THIS MAP WAS PREPARED UNDER HIS DIRECTION FROM SAID FIELD NOTES; AND THAT SAID RIGHT-OF-WAY, 0.762 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN ON THIS MAP IS ACCURATELY REPRESENTED.

*Robert L. Kay*  
REGISTERED LAND SURVEYOR  
REGISTRATION NO. 161319  
STATE OF UTAH

ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 8 DAY OF Nov 2005.

MY COMMISSION EXPIRES Aug 17, 2006.

*Tracy D. Henline*  
NOTARY PUBLIC  
VERNAL, UTAH  
2078 East 5700 South  
Vernal, Utah 84058  
My Commission Expires  
Aug 17, 2006  
Tracy D. Henline

APPLICANT'S CERTIFICATE

I, ED COURTRIGHT, DO HEREBY CERTIFY THAT I AM THE AGENT FOR BERRY PETROLEUM COMPANY, HEREINAFTER DESIGNATED THE APPLICANT; THAT ROBERT L. KAY WHO SUBSCRIBED TO THE FOREGOING AFFIDAVIT, IS EMPLOYED BY THE APPLICANT AS A LAND SURVEYOR AND THAT HE WAS DIRECTED BY THE APPLICANT TO SURVEY THE LOCATION OF THIS DAMAGE AREA AND CORRIDOR RIGHT-OF-WAY, 0.762 MILES IN LENGTH BEGINNING AT STA. 0+00 AND ENDING AT STA. 40+23.77, THAT SAID DAMAGE AREA AND CORRIDOR RIGHT-OF-WAY ARE ACCURATELY REPRESENTED ON THIS MAP; THAT SUCH SURVEY AS REPRESENTED ON THIS MAP HAS BEEN ADOPTED BY THE APPLICANT AS THE DEFINITE LOCATION OF THE RIGHT-OF-WAY THEREBY SHOWN; AND THAT THE MAP HAS BEEN PREPARED TO BE FILED WITH THE SECRETARY OF THE INTERIOR OR HIS DULY AUTHORIZED REPRESENTATIVE AS PART OF THE APPLICATION FOR SAID RIGHT-OF-WAY TO BE GRANTED THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, WITH THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR IMPROVEMENTS, THEREON AND THEREOVER, FOR SUCH PURPOSES, AND WITH THE FURTHER RIGHT IN THE APPLICANT, ITS SUCCESSORS AND ASSIGNS TO TRANSFER THIS RIGHT-OF-WAY BY ASSIGNMENT, GRANT, OR OTHERWISE.

*Ed Courtright*  
APPLICANT

PRODUCTION SUPERVISOR  
TITLE

S89°48'50"W - 2668.00' (Meas.)

N89°17'25"W - 2629.13' (Meas.)

BERRY PETROLEUM COMPANY

# LOCATION DAMAGE AREA & CORRIDOR RIGHT-OF-WAY ON UTE TRIBAL LANDS

(For UTE TRIBAL #1-17-55)  
LOCATED IN  
SECTION 17, T5S, R5W, U.S.B.&M.  
DUCHESE COUNTY, UTAH

RIGHT-OF-WAY LENGTHS			
PROPERTY OWNER	FEET	ACRES	RODS
UTE TRIBAL	4023.77'	2.771	243.86

Centerline of Proposed Corridor Right-of-Way

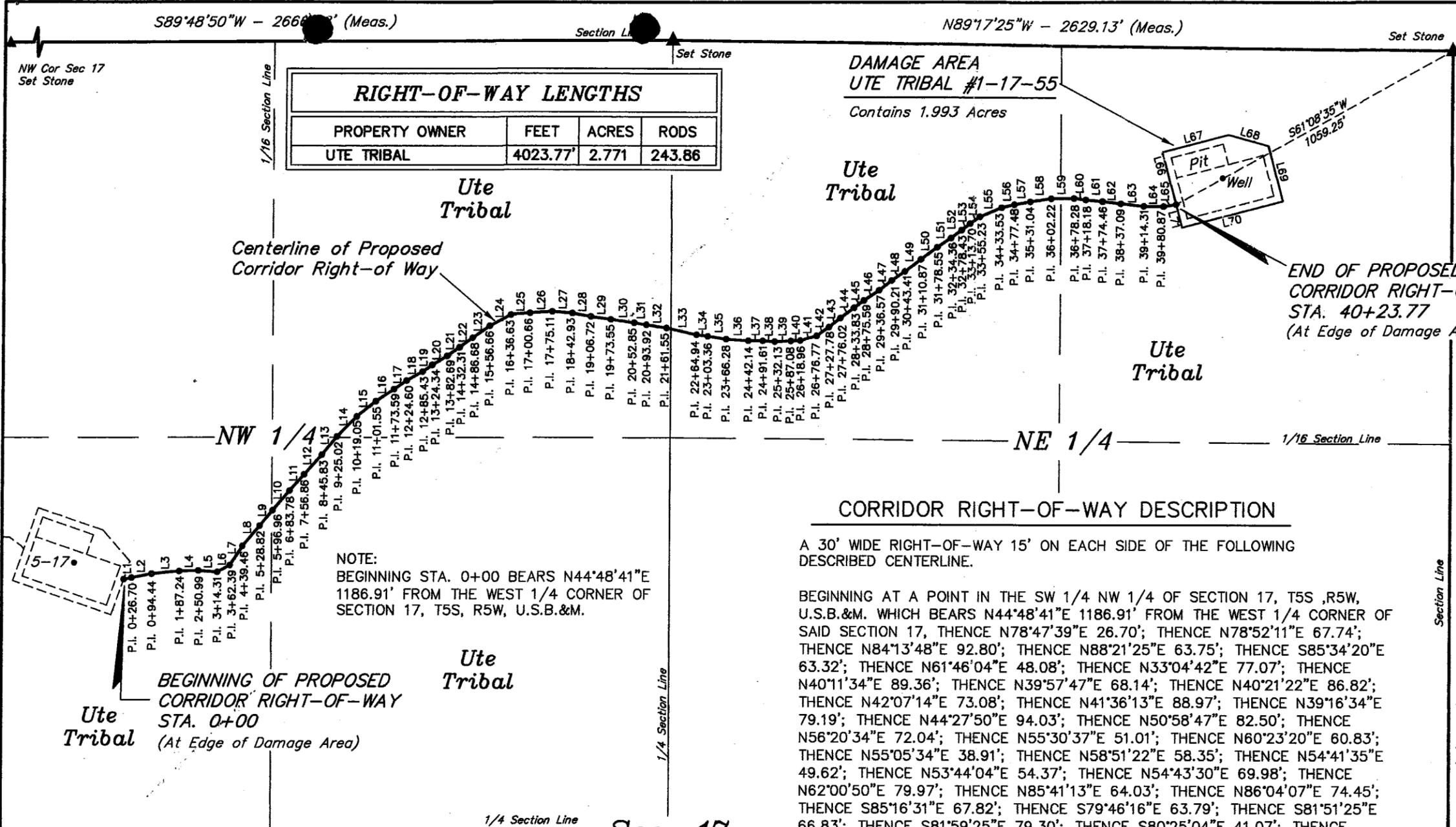
DAMAGE AREA  
UTE TRIBAL #1-17-55  
Contains 1.993 Acres

END OF PROPOSED CORRIDOR RIGHT-OF-WAY  
STA. 40+23.77  
(At Edge of Damage Area)

NW Cor Sec 17  
Set Stone

Section Line  
Set Stone

Set Stone



### CORRIDOR RIGHT-OF-WAY DESCRIPTION

A 30' WIDE RIGHT-OF-WAY 15' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

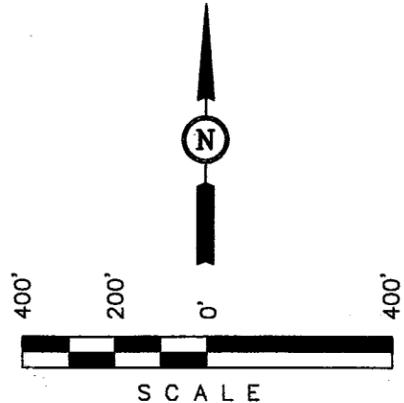
BEGINNING AT A POINT IN THE SW 1/4 NW 1/4 OF SECTION 17, T5S, R5W, U.S.B.&M. WHICH BEARS N44°48'41"E 1186.91' FROM THE WEST 1/4 CORNER OF SAID SECTION 17, THENCE N78°47'39"E 26.70'; THENCE N78°52'11"E 67.74'; THENCE N84°13'48"E 92.80'; THENCE N88°21'25"E 63.75'; THENCE S85°34'20"E 63.32'; THENCE N61°46'04"E 48.08'; THENCE N33°04'42"E 77.07'; THENCE N40°11'34"E 89.36'; THENCE N39°57'47"E 68.14'; THENCE N40°21'22"E 86.82'; THENCE N42°07'14"E 73.08'; THENCE N41°36'13"E 88.97'; THENCE N39°16'34"E 79.19'; THENCE N44°27'50"E 94.03'; THENCE N50°58'47"E 82.50'; THENCE N56°20'34"E 72.04'; THENCE N55°30'37"E 51.01'; THENCE N60°23'20"E 60.83'; THENCE N55°05'34"E 38.91'; THENCE N58°51'22"E 58.35'; THENCE N54°41'35"E 49.62'; THENCE N53°44'04"E 54.37'; THENCE N54°43'30"E 69.98'; THENCE N62°00'50"E 79.97'; THENCE N85°41'13"E 64.03'; THENCE N86°04'07"E 74.45'; THENCE S85°16'31"E 67.82'; THENCE S79°46'16"E 63.79'; THENCE S81°51'25"E 66.83'; THENCE S81°59'25"E 79.30'; THENCE S80°25'04"E 41.07'; THENCE S81°19'39"E 67.63'; THENCE S77°28'28"E 103.39'; THENCE S82°31'14"E 38.42'; THENCE S81°09'16"E 62.92'; THENCE S86°03'35"E 75.86'; THENCE S89°44'14"E 49.47'; THENCE S86°22'43"E 40.52'; THENCE N87°39'36"E 54.95'; THENCE N87°01'30"E 31.88'; THENCE N74°15'18"E 57.81'; THENCE N54°51'44"E 51.01'; THENCE N51°29'57"E 48.24'; THENCE N53°37'22"E 57.81'; THENCE N53°23'51"E 41.76'; THENCE N56°18'54"E 60.98'; THENCE N51°55'27"E 53.64'; THENCE N55°25'34"E 53.20'; THENCE N53°08'07"E 67.46'; THENCE N53°13'59"E 67.68'; THENCE N56°34'35"E 55.81'; THENCE N52°59'36"E 44.07'; THENCE N51°57'45"E 35.27'; THENCE N55°24'59"E 41.53'; THENCE N67°23'37"E 78.30'; THENCE N76°22'24"E 43.95'; THENCE N79°29'15"E 53.56'; THENCE N81°32'41"E 71.18'; THENCE N89°24'41"E 76.06'; THENCE S82°56'27"E 39.90'; THENCE S84°39'12"E 56.28'; THENCE S82°52'38"E 62.63'; THENCE S83°41'11"E 77.22'; THENCE S89°22'52"E 66.56'; THENCE N81°02'00"E 42.90' TO A POINT IN THE NE 1/4 NE 1/4 OF SAID SECTION 17, WHICH BEARS S61°08'35"W 1059.25' FROM THE NORTHEAST CORNER OF SAID SECTION 17. THE SIDE LINES OF SAID DESCRIBED RIGHT-OF-WAY BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 2.771 ACRES MORE OR LESS.

### BASIS OF BEARINGS

BASIS OF BEARINGS IS A G.P.S. OBSERVATION.

▲ = SECTION CORNERS LOCATED.

Section Corner  
Re-Established  
by Bearing Trees  
Information



### DAMAGE AREA DESCRIPTION

BEGINNING AT A POINT IN THE NE 1/4 NE 1/4 OF SECTION 17, T5S, R5W, U.S.B.&M. WHICH BEARS S61°08'35"W 1059.25' FROM THE NORTHEAST CORNER OF SAID SECTION 17, THENCE N14°42'05"W 180.44'; THENCE N75°17'55"E 230.00'; THENCE S74°26'42"E 138.92'; THENCE S14°42'05"E 190.00'; THENCE S75°17'55"W 350.00'; THENCE N14°42'05"W 79.56' TO THE POINT OF BEGINNING. BASIS OF BEARINGS IS A G.P.S. OBSERVATION. CONTAINS 1.993 ACRES MORE OR LESS.

### CERTIFICATE

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Robert Hay*  
REGISTERED LAND SURVEYOR  
REGISTRATION NO. 161319  
STATE OF UTAH

N00°07'59"E - 5252.16' (Meas.)

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N78°47'39"E	26.70'	L25	N85°41'13"E	64.03'	L49	N53°08'07"E	67.46'
L2	N78°52'11"E	67.74'	L26	N86°04'07"E	74.45'	L50	N53°13'59"E	67.68'
L3	N84°13'48"E	92.80'	L27	S85°16'31"E	67.82'	L51	N56°34'35"E	55.81'
L4	N88°21'25"E	63.75'	L28	S79°46'16"E	63.79'	L52	N52°59'36"E	44.07'
L5	S85°34'20"E	63.32'	L29	S81°51'25"E	66.83'	L53	N51°57'45"E	35.27'
L6	N61°46'04"E	48.08'	L30	S81°59'25"E	79.30'	L54	N55°24'59"E	41.53'
L7	N33°04'42"E	77.07'	L31	S80°25'04"E	41.07'	L55	N67°23'37"E	78.30'
L8	N40°11'34"E	89.36'	L32	S81°19'39"E	67.63'	L56	N76°22'24"E	43.95'
L9	N39°57'47"E	68.14'	L33	S77°28'28"E	103.39'	L57	N79°29'15"E	53.56'
L10	N40°21'22"E	86.82'	L34	S82°31'14"E	38.42'	L58	N81°32'41"E	71.18'
L11	N42°07'14"E	73.08'	L35	S81°09'16"E	62.92'	L59	N89°24'41"E	76.06'
L12	N41°36'13"E	88.97'	L36	S86°03'35"E	75.86'	L60	S82°56'27"E	39.90'
L13	N39°16'34"E	79.19'	L37	S89°44'14"E	49.47'	L61	S84°39'12"E	56.28'
L14	N44°27'50"E	94.03'	L38	S86°22'43"E	40.52'	L62	S82°52'38"E	62.63'
L15	N50°58'47"E	82.50'	L39	N87°39'36"E	54.95'	L63	S83°41'11"E	77.22'
L16	N56°20'34"E	72.04'	L40	N87°01'30"E	31.88'	L64	S89°22'52"E	66.56'
L17	N55°30'37"E	51.01'	L41	N74°15'18"E	57.81'	L65	N81°02'00"E	42.90'
L18	N60°23'20"E	60.83'	L42	N54°51'44"E	51.01'	L66	N14°42'05"W	180.44'
L19	N55°05'34"E	38.91'	L43	N51°29'57"E	48.24'	L67	N75°17'55"E	230.00'
L20	N58°51'22"E	58.35'	L44	N53°37'22"E	57.81'	L68	S74°26'42"E	138.92'
L21	N54°41'35"E	49.62'	L45	N53°23'51"E	41.76'	L69	S14°42'05"E	190.00'
L22	N53°44'04"E	54.37'	L46	N56°18'54"E	60.98'	L70	S75°17'55"W	350.00'
L23	N54°43'30"E	69.98'	L47	N51°55'27"E	53.64'	L71	N14°42'05"W	79.56'
L24	N62°00'50"E	79.97'	L48	N55°25'34"E	53.20'			

<b>UINTAH ENGINEERING &amp; LAND SURVEYING</b> 85 SOUTH - 200 EAST • (435) 789-1017 VERNAL, UTAH - 84078	
SCALE 1" = 400'	DATE 10-22-05
PARTY B.H. J.T. D.R.B.	REFERENCES G.L.O. PLAT
WEATHER WARM	FILE 4 4 1 8 0

Berry Petroleum Company,  
Ute Tribal #1-17-55 well:  
A Cultural Resource Inventory for a well pad,  
its access and pipeline,  
Uintah-Ouray Ute Reservation,  
Duchesne County, Utah

By  
James A. Truesdale

James A. Truesdale  
Principle Investigator

Prepared For  
Berry Petroleum Co.  
1614 South 2000 West  
Roosevelt, Utah  
84066

Prepared By  
AN INDEPENDENT ARCHAEOLOGIST  
P.O.Box 153  
Laramie, Wyoming  
82073

Utah Project # U-05-AY-1070(i)

October 17, 2005

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## Introduction

An Independent Archaeologist (AIA) was contacted by a representative of Berry Petroleum Co., to conduct a cultural resources investigation of the proposed Ute Tribal well #1-17-55 its access and pipeline. The location of the project area is in the NE/NE 1/4 of Section 17, T5S, R5W, Duchesne County, Utah (Figure 1).

The proposed Ute Tribal #1-17-55 well's centerstake Alternate #1 footage is 432' FNL and 769' FEL. The UTM coordinate for the proposed Ute Tribal #1-17-55 well centerstake is Zone 12, North American Datum (NAD) 83, 05/44/684.32 mE 44/33/720.16 mN  $\pm$ 5m.

From the Ute Tribal #5-17-55 well and its associated oil and gas field service road (access) and pipeline, the proposed access and pipeline trends east-northeast 3600 feet (1097.56 m) to the proposed Ute Tribal #1-17-55 well pad.

The land surface is administered by the United States, Bureau of Indian Affairs, Phoenix Area Office, Uintah-Ouray Agency, and the Uintah-Ouray Ute tribe, Fort Duchesne, Utah. A total of 26.4 acres (10 block, 16.4 linear) was surveyed. Fieldwork was authorized through an access permit issued by the Energy and Minerals Resource Division of the Uintah-Ouray Ute tribe. The field work was conducted on September 20 and 21, 2005 by AIA archaeologist James Truesdale. No technicians from the Energy and Minerals Resource Division of the Uintah-Ouray Ute tribe were able to accompany AIA during the investigations. All the field notes and maps are located in the AIA office in Laramie, Wyoming.

## File Search

A GIS file search was conducted at the Utah Division of State History (UDSH), Antiquities Section, Records Division on September 12, 2005. In addition, AIA's USGS quadrangle Duchesne SE and Duchesne SW base maps were updated from UDSH Records division Duchesne SE and Duchesne SW base maps on February 2, 2004. The Utah SHPO GIS files search indicates that no new projects had been previously recorded in the project area. In addition, no cultural sites and/or isolates have been previously recorded in the general project area. According to AIA records and maps, no additional projects and/or cultural resources have been previously recorded in or adjacent to the project area.

## Environment

Physiographically, the project is located in Sowers Canyon Brundage Canyon area of the Uinta Basin, approximately 25 miles southwest of Myton, Utah. The Uinta Basin is structurally the lowest part of the Colorado Plateau geographical province

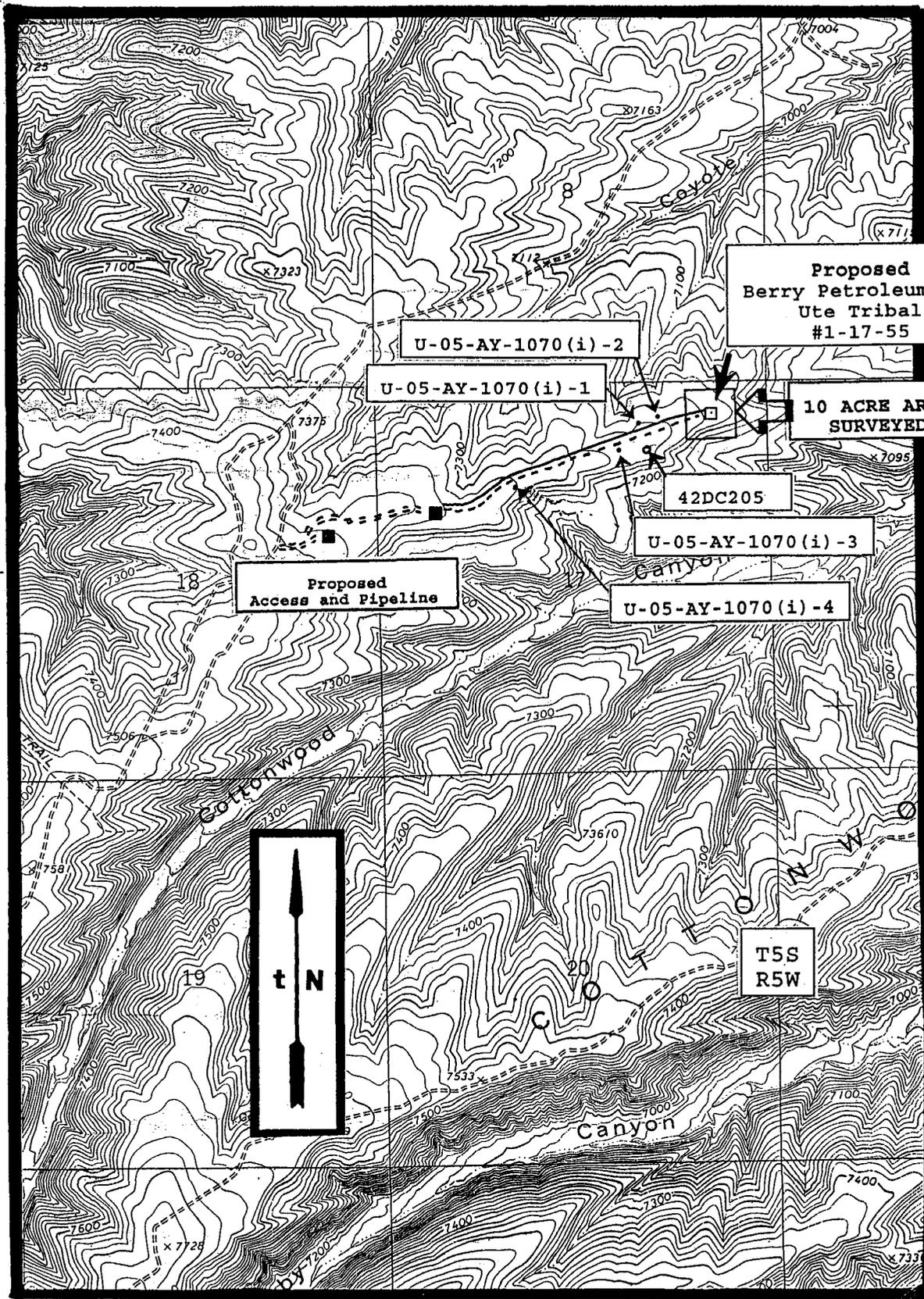


Figure 1. Location of the Berry Petroleum Co. proposed Ute Tribal #1-17-55 well, its access, pipeline, isolates U-05-AT-1070(i)-1 through 4 and site 42DC2059 on 7.5'/1964 USGS quadrangle map Duchesne SW, Duchesne County, Utah.

(Thornbury 1965:425). The Uinta Basin is a large, relatively flat, bowl shaped, east-west asymmetrical syncline near the base of the Uinta Mountains (Stokes 1986:231). The topography is characteristic of sloping surfaces which incline northward and are mainly dip slopes on the harder layers of Green River and Uinta Formations. The basin contains a thick section of more than 9000 feet (2743.9 m) of early Tertiary rocks (Childs 1950). These rocks are mainly Paleocene and Eocene in age and consist of sandstone, clay and shale lacustrine, fluvial, and deltaic continental deposits, most famous of which are the lacustrine Green River Beds.

The project area is situated on the top and northern drainage slopes of Cottonwood Ridge. Cottonwood Ridge is a large southwest-northeast trending ridge north of Tabby Canyon. The Tabby Canyon drainage trends northeast approximately 8 miles to Antelope Creek and then 10 miles north to the Duchesne River.

Vegetation in the project area is characteristic of a Pinon/Juniper community. Vegetation was identified by using several references (Hitchcock 1950; University of Wyoming 1970; Cronquist et al 1977; Goodrich and Neese 1986). Species observed in the project area include; Pinyon pine (Pinus Edulis), juniper (Juniperus Osteosperma), curl-leaf mountain mahogany (Cercocarpus ledifolius), shadscale (Atriplex confertifolia), sand sage, (Artemesia filifolia), saltbush (Atriplex nuttallii), rabbitbrush (Chrysothamnus viscidiflorus), winterfat (Eurotia lanata), greasewood (Sarcobatus baileyi), Indian ricegrass (Oryzopsis hymenoides), desert needlegrass (Stipa speciosa), wild buckwheat, (Eriogonum ovalifolium), silky lupine (Lupinus sericeus), desert globemallow (Bromus tectorum), sky rocket (Gilia aggregata), peppergrass (Lepidium perfoliatum), Russian thistle (Salsola kali), and prickly pear cactus (Opuntia spp.).

#### Ute Tribal #1-17-55

The immediate proposed Berry Petroleum Co. Ute Tribal #1-17-55 well is situated on the top of a large, broad west to east trending ridge (Figure 2). This ridge is located 2000 feet (609.7 m) north of Cottonwood Canyon. The top of the ridge is flat with gentle northern and southern slopes.

Sediments on the ridge top, surrounding the well pad, consist of shallow (<5 cm), poorly sorted, loosely compacted, white to grayish brown and tan to light brown, silty sandy loam mixed with small to medium sized, flat, angular pieces of sandstone (Figure 3). Vegetation on the well location is dominated by thick Pinyon/juniper with a understory of mountain mahogany, low sage, yucca, bunchgrasses, and prickly pear cactus. The proposed well location is located at an elevation of 7235.68 feet (2206 m) AMSL.

From the existing Ute Tribal #5-17-55 well and its associated

oil and gas field service road (access) and pipeline, the proposed access and pipeline trends east-northeast to the Ute Tribal #1-17-55 well pad. The access and pipeline follow a faint two track road that crosses a seismic line and continues along the top (crest) of a large broad ridge, through thick pinyon pine and juniper forests to the proposed well pad. The ridge exhibits exposed and eroding ledges of sandstone and gentle talus slopes with shallow (<5 cm) poorly sorted, loosely compacted silty sandy colluvium mixed with small to large sized angular pieces of sandstone. Vegetation along the ridge slope consists of Pinyon and juniper with a understory of mountain mahogany, low sage, yucca and bunchgrasses.



Figure 2. View to north at the proposed Ute Tribal #1-17-55 well centerstake and well pad area.

The surrounding Cottonwood Ridge and Tabby Canyon area ridge surfaces are dominated by residual angular pieces of Uinta formation sandstone that exhibit a extremely dark desert varnish (patination). Exposures of sandstone can be found along the crest of the ridges. The surrounding area vegetation is characteristic of a Pinyon/juniper community with a understory of mountain mahogany, low sagebrush, yucca, bunchgrasses along the hill and ridge slopes, and low sagebrush community in the ridge top flats and open parks.



Figure 3. Overhead view of the colluvial sediments on and surrounding the proposed Ute Tribal #1-17-55 well centerstake and well pad area.

#### Field Methods

A total of 10 acres was surveyed around the centerstake of the proposed Ute Tribal #1-17-55 well location to allow for relocation of the pad if necessary. The survey was accomplished by walking transects spaced no more than 15 meters apart. The proposed access and pipeline parallel each other. Each of these linear corridors surveyed are 3600 feet (1097.36 m) long and 100 feet (30.4 m) wide, 8.2 acres. Thus, 16.4 linear acres was surveyed.

Geologic landforms (rockshelters, alcoves, ridge tops and saddles) and areas of subsurface exposure (ant hills, blowouts, rodent holes and burrow, eroding slopes and cutbanks) were examined with special care in order to located cultural resources (sites, isolates) and possibly help assess a site's sedimentary integrity and potential for the presence and/or absence of buried intact cultural deposits. The entire surface area of ridge tops were covered. All exposures of sandstone cliff faces, alcoves or rockshelter, and talus slopes were surveyed.

When cultural materials are discovered, a more thorough survey of the immediate vicinity is conducted in order to locate any associated artifacts and to determine the horizontal extent

(surface area) of the site. If no other artifacts are located during the search then the initial artifact is recorded as an isolated find. At times, isolated formal tools (typical end scrapers, projectile points) were drawn and measured. The isolate was then described and its location plotted on a U.S.G.S. topographic map using UTM coordinates.

When sites are found an Intermountain Antiquities Computer System (IMACS) form is used to record the site. At all sites, selected topographic features, site boundaries, stone tools and cultural features (hearths, foundations, trash dumps and trails) are mapped. Sites are mapped onto a 1:10 cm K&E grid paper using a Brunton compass, UTM coordinates, and pacing off distances from a mapping station (datum). All debitage is inventoried using standard recording techniques (Truesdale *et al* 1995:7) according to material type, basic flake type, and so on. Selected (mostly complete) stone tools and projectile points are drawn and/or measured. All features (rockart panel(s), hearths, foundations, trash dumps and trails), are measured and described, while selected features are either drawn or photographed.

Site location data is recorded by a GARMIN Global Positioning System (GPS III Plus or E-Trex Legend). Universal Transverse Mercator (UTM) grid data is recorded in an obvious way (ie. UTM Zone 12; NAD 83; centroid coordinate: 06/15/927 mE 44/17/443 mN), along with its Estimated Position Error (EPE) and Dilution of Precision (DOP). Site elevations are taken along with each UTM coordinate. Using the GPS data, the site location was then placed on a USGS 7.5' quadrangle map.

### Results

A total of 26.4 acres (10 block, 16.4 linear) were surveyed for cultural resources within and around the proposed Berry Petroleum Co. Ute Tribal #1-17-55 and along its access and pipeline. One site 42DC2059 and four isolates (U-05-AY-1070(i)-1 through 4) were recorded. No additional cultural resources (sites, isolates) were recorded during the survey.

A moderate scatter of modern trash (plastic soda pop, oil bottles and antifreeze jugs, green, brown and clear bottle glass, sanitary food cans and modern condensed milk cans, wire, and foam insulation) can be found on and surrounding the existing wells in the Cottonwood Ridge area and along the access roads.

### Sites

Site: 42DC2059

Location: C/SE/NW/NE 1/4 of Section 17, T5S R5W (Figure 1)

UTM Coordinate: Zone 12, NAD 83, 5/45/409mE 44/33/613mN  $\pm$ 5m  
5/45/414mE 44/33/594mN

5/45/408mE 44/33/591mN  
 5/45/404mE 44/33/587mN  
 5/45/397mE 44/33/602mN

Setting: The site is located on the top and southern side and edge of a large broad west to east trending ridge (Figure 1). Sediments on the ridge top, on the well pad, consist of shallow (<10 cm), poorly sorted, loosely compacted, white to grayish brown and tan to light brown, silty sandy loam mixed with small to medium sized, flat, angular pieces of sandstone. Vegetation on the well location is dominated by thick Pinyon/juniper with a understory of mountain mahogany, low sage, yucca, bunchgrasses, and prickly pear cactus. The proposed well location is located at an elevation of 7265.2 feet (2215 m) AMSL.

Description: Site 42DC2059 is a small low density scatter of chipped stone tools and chipped stone debitage. The site measures 17 m (E-W) by 26 m (N-S), 442 sq m.

The chipped stone tools consisted of two biface fragments and two projectile point fragments. The first biface is a blade fragment made from a black (oogalitic) chert .751 cm in width and .2085 cm in thickness. The second biface is a blade fragment made from a tan chert and measures 1.042 cm in length, .812 cm in width, and .2125 cm in thickness. The first projectile point is a base fragment made from a clear to milky white chert, that is broken cross-wise and exhibits shallow wide side notches. This first projectile point measures .5831 cm in width and .1665 cm in thickness. The second projectile point is a base fragment made from a gray chert.

A total of ninety-four (n=94) pieces of chipped stone debitage were inventoried at 42DC2059. A breakdown of the chipped stone debitage by material type can be found in Table 1. The high percentage (45.9%) of primary and secondary flakes suggests that primary and secondary reduction of local chipped stone tool material took place at the site. The percentage (24.4%) of

Table 1. Breakdown of chipped stone debitage by material type inventoried at 42DC2059.

Material Type	PRI	SEC	TER	BTH	Shatter	TOTAL	%
Tan/light Brown (banded)	5	17	10	7	5	44	46.8
Gray	3	15	5	9	4	36	38.2
Black	1	2	8	2	1	14	15.0
TOTAL	9	34	23	18	10	94	100.0
PERCENTAGE	9.8	36.1	24.4	19.1	10.6	100.0	

tertiary flakes suggests that tool manufacturing and maintenance activities also took place at the site.

Sediments on the site are shallow (<10 cm). Observation of eroding slopes and rodent burrow hole indicate that the possibility of buried and intact cultural materials is possible. The type of chipped stone tools (bifaces, projectile points) and number of chipped stone debitage (N=94) within a small area (442 sq m) inventoried suggest that the possibility of a diagnostic projectile point at the site is good. The age of the site is unknown.

National Register Status: Site 42DC2059 has been adequately recorded, mapped, but not tested. The site is a small low density scatter of chipped stone tools and debitage. The age of the site is unknown. Sediments on the site are shallow (<10 cm). Observation of eroding slopes and rodent burrow hole indicate that the possibility of buried and intact cultural materials is good. In addition, the type of chipped stone tools (bifaces, projectile points) and number of chipped stone debitage (N=94) within a small area (442 sq m) inventoried suggest that the possibility of a diagnostic projectile point at the site is good. Therefore, site 42DC2059 is considered to be eligible for nomination and inclusion to the National Register of Historic Places (NRHP).

#### Isolates

Isolate: U-05-AY-1070(i)-1

Location: C/S/SW/NE/NW/NE 1/4 of Section 17, T5S R5W (Figure 1)

UTM Coordinate: Zone 12, NAD 83, 5/44/861.92mE 44/33/516.18mN  $\pm$ 5m

Setting: The isolate (U-05-AY-1070i-1) is located on the top of a large broad west to east trending ridge. Sediments on the ridge top, surrounding the well pad, consist of shallow (<5 cm), poorly sorted, loosely compacted, white to grayish brown and tan to light brown, silty sandy loam mixed with small to medium sized, flat, angular pieces of sandstone. Vegetation surrounding the isolate is dominated by thick Pinyon/juniper with a understory of mountain mahogany, low sage, yucca, bunchgrasses, and prickly pear cactus. The proposed well location is located at an elevation of 7307.84 feet (2228 m) AMSL.

Description: The isolate (U-05-AY-1070i-1) is a projectile point fragment. The projectile point is made from a gray chert and is broken cross-wise and length-wise, and exhibits a small notch and measures .175 cm in thickness.

No additional artifacts (chipped and ground stone tools, chipped stone debitage) or features (firepits, rock cairns) were recorded in association with the isolate. Observation of eroding slopes and rodent burrow holes indicate that the colluvial sandy clay loam sediments surrounding the isolate are shallow (<5 cm).

The possibility of buried and intact cultural materials surrounding the isolate is low. The isolate is considered to be non-significant.

Isolate: U-05-AY-1070(i)-2

Location: C/SE/NE/NW/NE 1/4 of Section 17, T5S R5W (Figure 1)

UTM Coordinate: Zone 12, NAD 83, 5/44/479.11mE 44/33/678.24mN ±5m

Setting: The isolate (U-05-AY-1070i-2) is located on the top of a large broad west to east trending ridge. Sediments on the ridge top, surrounding the well pad, consist of shallow (<5 cm), poorly sorted, loosely compacted, white to grayish brown and tan to light brown, silty sandy loam mixed with small to medium sized, flat, angular pieces of sandstone. Vegetation surrounding the isolate is dominated by thick Pinyon/juniper with a understory of mountain mahogany, low sage, yucca, bunchgrasses, and prickly pear cactus. The proposed well location is located at an elevation of 7248.8 feet (2210 m) AMSL.

Description: The isolate (U-05-AY-1070i-2) consists of two pieces of milky white chert chipped shatter.

No additional artifacts (chipped and ground stone tools, chipped stone debitage) or features (firepits, rock cairns) were recorded in association with the isolate. Observation of eroding slopes and rodent burrow holes indicate that the colluvial sandy clay loam sediments surrounding the isolate are shallow (<5 cm). The possibility of buried and intact cultural materials surrounding the isolate is low. The isolate is considered to be non-significant.

Isolate: U-05-AY-1070(i)-3

Location: C/E/SW/NW/NE 1/4 of Section 17, T5S R5W (Figure 1)

UTM Coordinate: Zone 12, NAD 83, 5/44/387.17mE 44/33/613.62mN ±5m

Setting: The isolate (U-05-AY-1070i-3) is located on the top of a large broad west to east trending ridge. Sediments on the ridge top, surrounding the well pad, consist of shallow (<5 cm), poorly sorted, loosely compacted, white to grayish brown and tan to light brown, silty sandy loam mixed with small to medium sized, flat, angular pieces of sandstone. Vegetation surrounding the isolate is dominated by thick Pinyon/juniper with a understory of mountain mahogany, low sage, yucca, bunchgrasses, and prickly pear cactus. The proposed well location is located at an elevation of 7265.2 feet (2215 m) AMSL.

Description: The isolate (U-05-AY-1070i-3) is a gray chert tertiary flake.

No additional artifacts (chipped and ground stone tools, chipped stone debitage) or features (firepits, rock cairns) were

recorded in association with the isolate. Observation of eroding slopes and rodent burrow holes indicate that the colluvial sandy clay loam sediments surrounding the isolate are shallow (<5 cm). The possibility of buried and intact cultural materials surrounding the isolate is low. The isolate is considered to be non-significant.

Isolate: U-05-AY-1070(i)-4

Location: C/N/NE/NW/SE/NW 1/4 of Section 17, T5S R5W (Figure 1)

UTM Coordinate: Zone 12, NAD 83, 5/44/383.02mE 44/33/658.72mN ±5m

Setting: The isolate (U-05-AY-1070i-4) is located on the top of a large broad west to east trending ridge. Sediments on the ridge top, surrounding the well pad, consist of shallow (<5 cm), poorly sorted, loosely compacted, white to grayish brown and tan to light brown, silty sandy loam mixed with small to medium sized, flat, angular pieces of sandstone. Vegetation surrounding the isolate is dominated by thick Pinyon/juniper with a understory of mountain mahogany, low sage, yucca, bunchgrasses, and prickly pear cactus. The proposed well location is located at an elevation of 7235.68 feet (2206 m) AMSL.

Description: The isolate U-05-AY-1070i-4 is a collectors pile that consists of three (n=3) primary, three (n=3) secondary and one (n=1) tertiary flake. The chipped stone debitage is made from a tan, light to dark brown (banded) chert.

No additional artifacts (chipped and ground stone tools, chipped stone debitage) or features (firepits, rock cairns) were recorded in association with the isolate. Observation of eroding slopes and rodent burrow holes indicate that the colluvial sandy clay loam sediments surrounding the isolate are shallow (<5 cm). The possibility of buried and intact cultural materials surrounding the isolate is low. The isolate is considered to be non-significant.

### Recommendations

A total of 26.4 acres (10 block, 16.4 linear) were surveyed for cultural resources within and around the proposed Berry Petroleum Co. Ute Tribal #1-17-55 well location, its access and pipeline. One site (42DC2059) and four isolates (U-05-AY-1070i-1 through 4) were recorded. No additional cultural resources were recorded.

A moderate scatter of modern trash (plastic soda pop, oil and antifreeze bottles, green, brown and clear bottle glass, sanitary food cans and modern condensed milk cans, wire, and foam insulation) can be found on and surrounding the existing wells in the Cottonwood Ridge area and along the access roads.

Site 42DC2059 is located over 80 feet (24.4 m) south of the proposed access and pipeline corridor. Each of the isolates is located along, but outside of, the access and pipeline corridor. Therefore, site 42DC2059 and the four isolates (U-05-AY-1070i-1 through 4) will not be impacted by subsequent construction to the proposed Ute Tribal #1-17-55 well, its access and pipeline.

No further archaeological work is necessary and clearance for construction of the proposed Berry Petroleum Co. Ute Tribal #1-17-55 well location, its access and pipeline is recommended.

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- 1986 Uintah Basin Flora. USDA Forest Service Intermountain Region in cooperation with the US, DOA Forest Service Ashley National Forest and the US, DOI, Utah Bureau of Land Management, Vernal District Office. US,DOA Forest Service - Intermountain Region, Salt lake City.

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University of Wyoming

- 1970 Recommended Plant Names. University of Wyoming, Agricultural Experiment Station, Research Journal, No. 31. University of Wyoming Press, Laramie.

# BERRY PETROLEUM COMPANY

## UTE TRIBAL #1-17-55

LOCATED IN DUCHESNE COUNTY, UTAH  
SECTION 17, T5S, R5W, U.S.B.&M.



PHOTO: VIEW OF LOCATION STAKE

CAMERA ANGLE: SOUTHEASTERLY



PHOTO: VIEW FROM BEGINNING OF PROPOSED ACCESS

CAMERA ANGLE: NORTHEASTERLY



- Since 1964 -

**UELS** Uintah Engineering & Land Surveying  
85 South 200 East Vernal, Utah 84078  
435-789-1017 uels@uelsinc.com

LOCATION PHOTOS

10 13 05  
MONTH DAY YEAR

PHOTO

TAKEN BY: B.H.

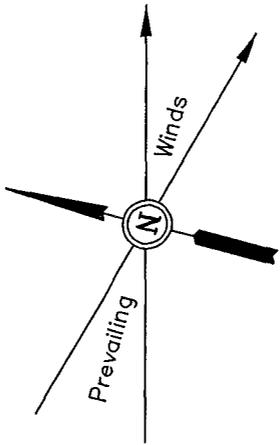
DRAWN BY: C.H.

REVISED: 00-00-00

# BERRY PETROLEUM COMPANY

## LOCATION LAYOUT FOR

UTE TRIBAL #1-17-55  
SECTION 17, T5S, R5W, U.S.B.&M.  
432' FNL 769' FEL



SCALE: 1" = 50'  
DATE: 10-23-05  
DRAWN BY: D.R.B.

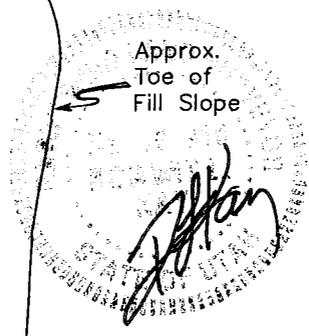
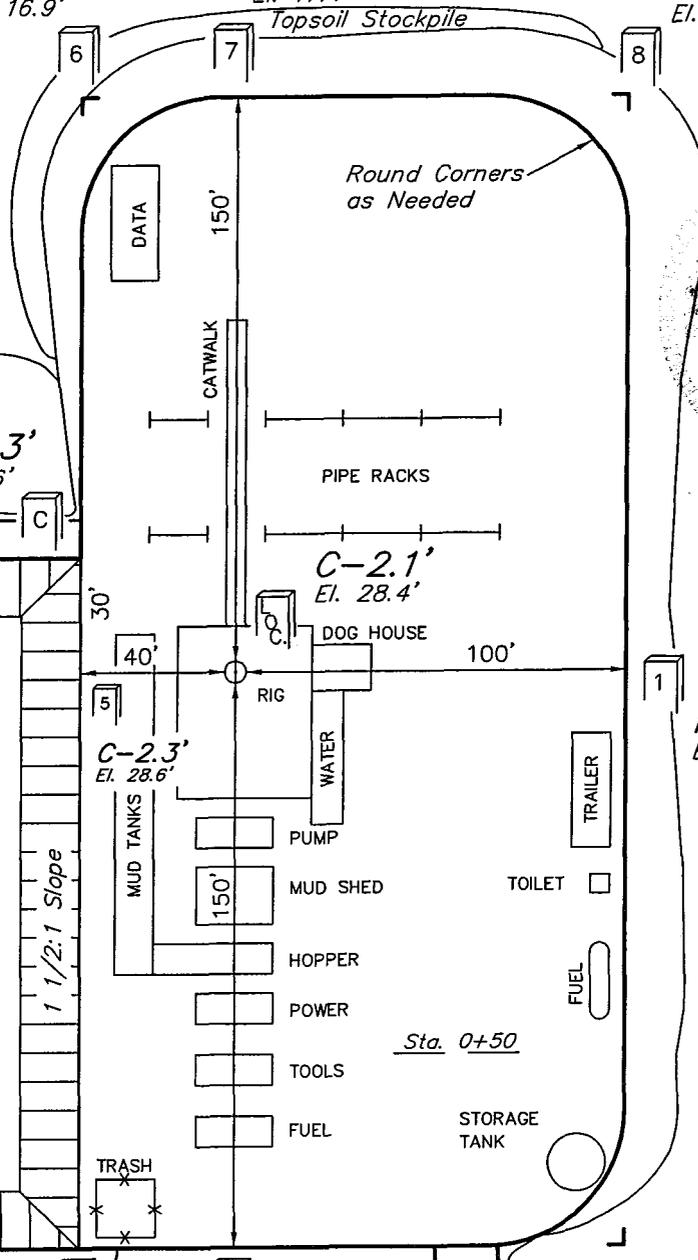
**NOTE:**  
Flare Pit is to be located a min. of 100' from the Well Head.

F-9.4'  
El. 16.9'

F-8.9'  
El. 17.4'

F-12.6'  
El. 13.7'

Sta. 3+00



Sta. 1+50

F-5.2'  
El. 21.1'

Sta. 0+50

Sta. 0+00

Approx. Top of Cut Slope

C-19.5'  
El. 35.8'  
(Btm. Pit)

C-10.4'  
El. 36.7'

C-9.4'  
El. 35.7'

F-4.9'  
El. 21.4'

Proposed Access Road

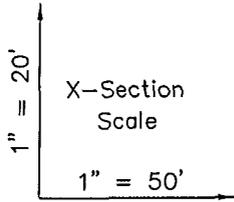
Elev. Ungraded Ground at Location Stake = 7228.4'  
Elev. Graded Ground at Location Stake = 7226.3'

UINTAH ENGINEERING & LAND SURVEYING  
85 So. 200 East \* Vernal, Utah 84078 \* (435) 789-1017

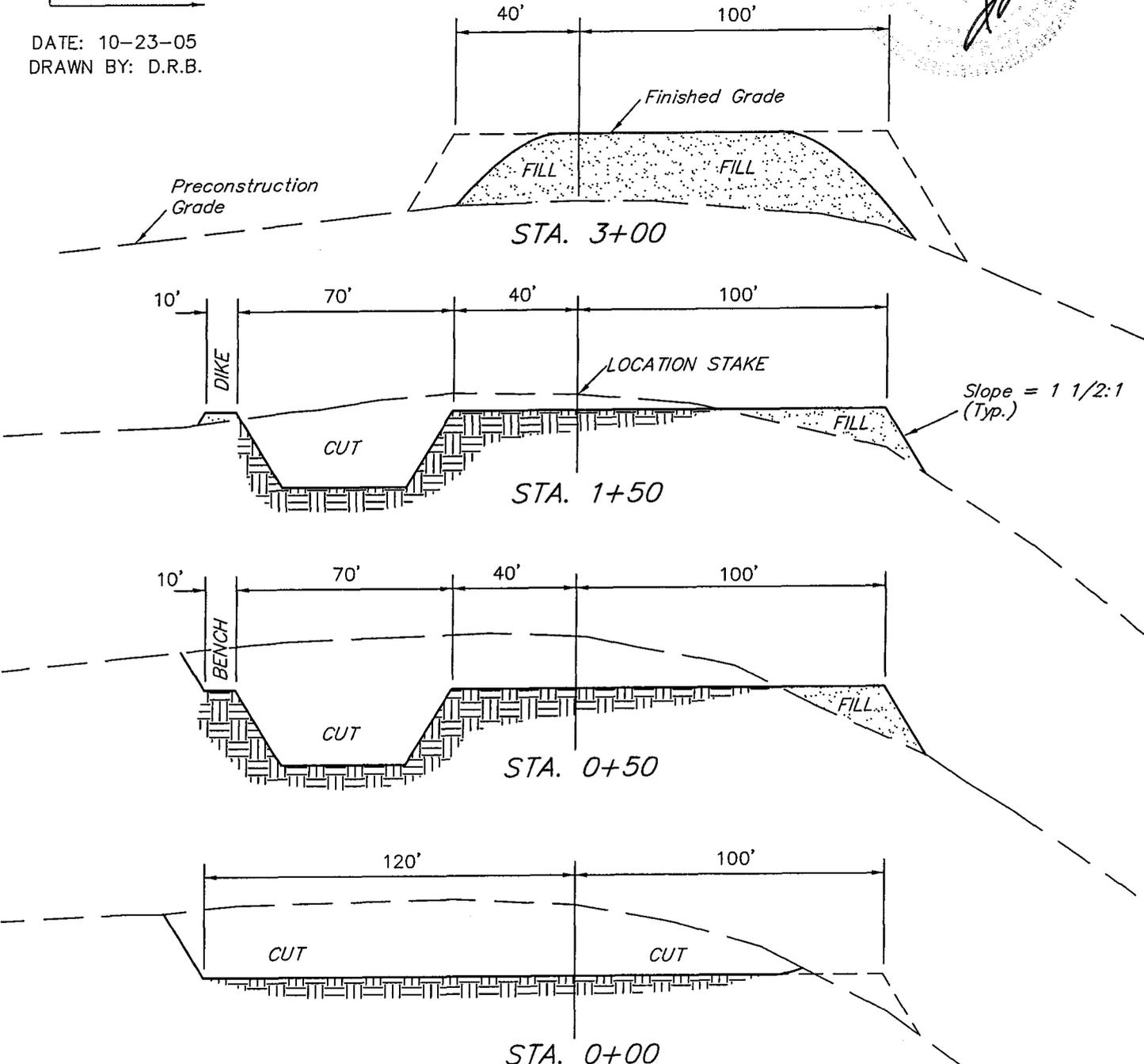
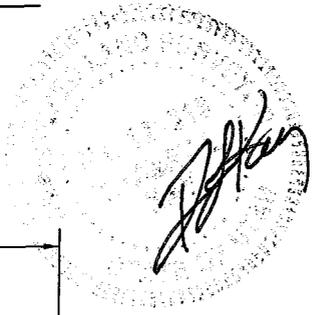
# BERRY PETROLEUM COMPANY

## TYPICAL CROSS SECTIONS FOR

UTE TRIBAL #1-17-55  
SECTION 17, T5S, R5W, U.S.B.&M.  
432' FNL 769' FEL



DATE: 10-23-05  
DRAWN BY: D.R.B.



\* NOTE:  
FILL QUANTITY INCLUDES  
5% FOR COMPACTION

### APPROXIMATE YARDAGES

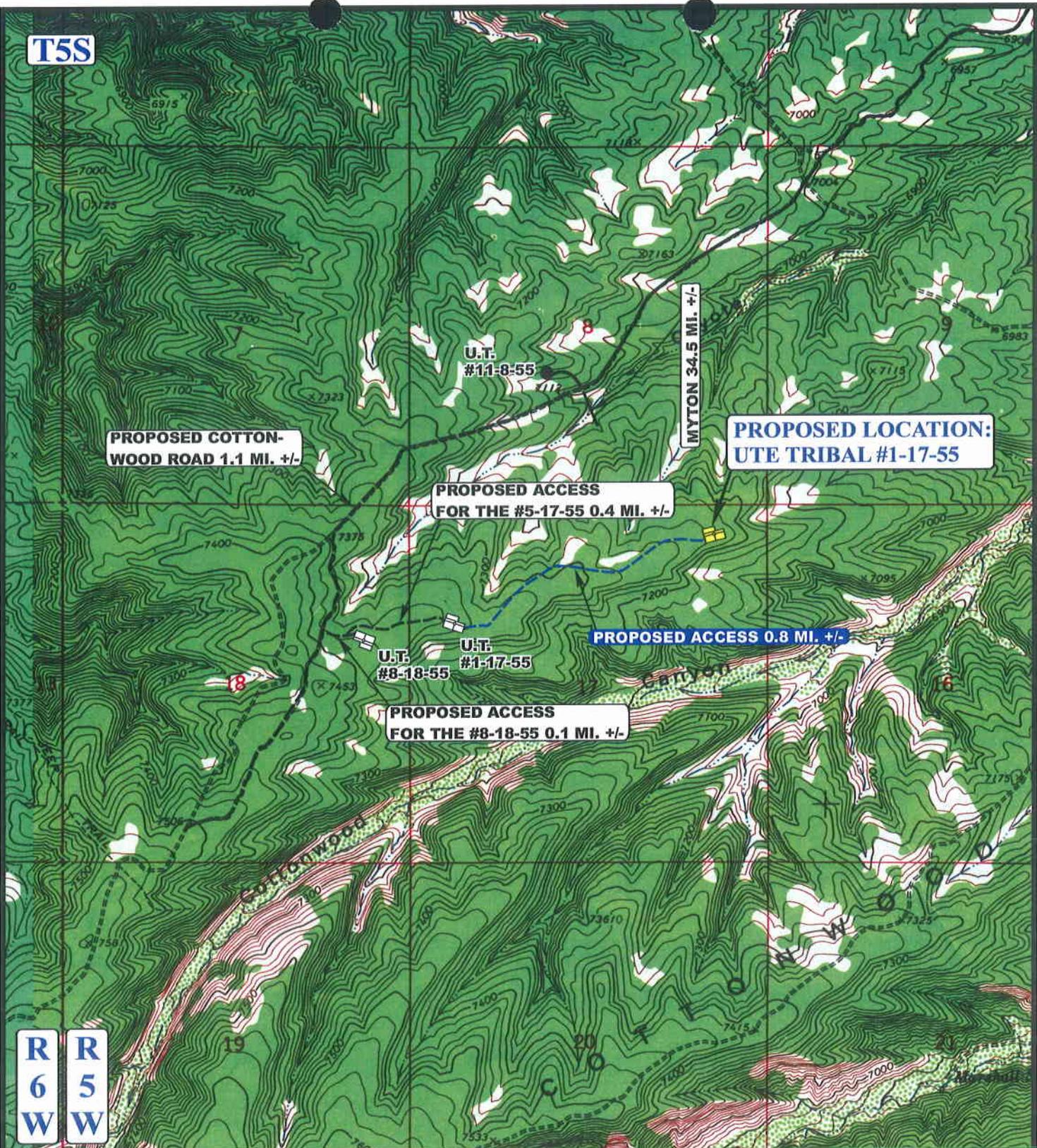
CUT		
(12") Topsoil Stripping	= 2,740	Cu. Yds.
Remaining Location	= 7,970	Cu. Yds.
<b>TOTAL CUT</b>	<b>= 10,710</b>	<b>CU.YDS.</b>
<b>FILL</b>	<b>= 6,270</b>	<b>CU.YDS.</b>

EXCESS MATERIAL	= 4,440	Cu. Yds.
Topsoil & Pit Backfill (1/2 Pit Vol.)	= 4,440	Cu. Yds.
EXCESS UNBALANCE (After Rehabilitation)	= 0	Cu. Yds.

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85 So. 200 East \* Vernal, Utah 84078 \* (435) 789-1017



T5S



R	R
6	5
W	W

**LEGEND:**

- PROPOSED ACCESS ROAD
- EXISTING ROAD



**BERRY PETROLEUM COMPANY**

UTE TRIBAL #1-17-55  
 SECTION 17, T5S, R5W, U.S.B.&M.  
 432' FNL 769' FEL



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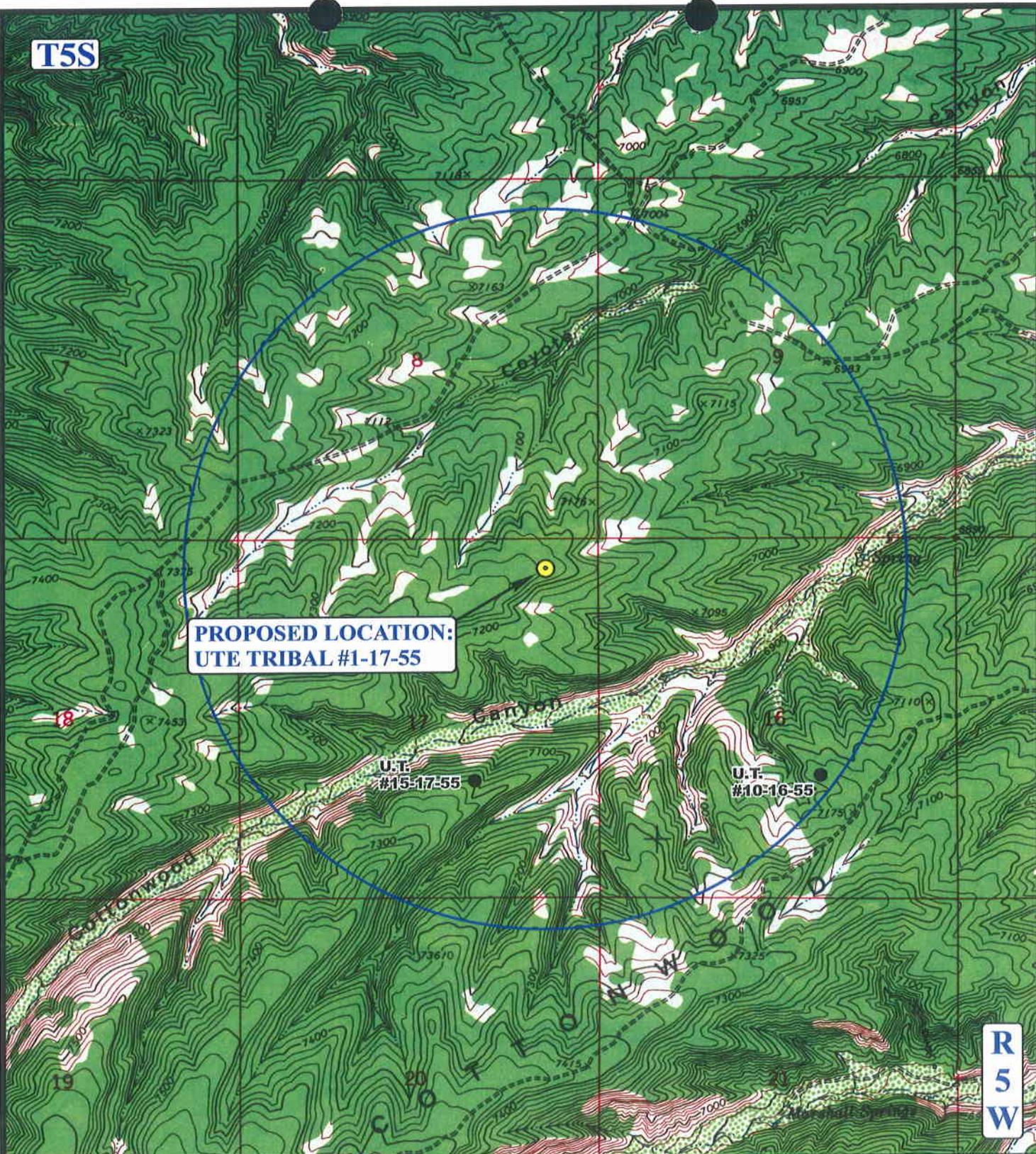
**TOPOGRAPHIC  
 MAP**

**10 13 05**  
 MONTH DAY YEAR

SCALE: 1" = 2000' DRAWN BY: C.H. REVISED: 00-00-00



T5S



**PROPOSED LOCATION:  
UTE TRIBAL #1-17-55**

U.T.  
#15-17-55

U.T.  
#10-16-55

R  
5  
W

**LEGEND:**

- ∅ DISPOSAL WELLS
- PRODUCING WELLS
- SHUT IN WELLS
- ∅ WATER WELLS
- ABANDONED WELLS
- TEMPORARILY ABANDONED



**BERRY PETROLEUM COMPANY**

**UTE TRIBAL #1-17-55**  
**SECTION 17, T5S, R5W, U.S.B.&M.**  
**432' FNL 769' FEL**



**Uintah Engineering & Land Surveying**  
 85 South 200 East Vernal, Utah 84078  
 (435) 789-1017 \* FAX (435) 789-1813

**TOPOGRAPHIC  
MAP**

**10 13 05**  
 MONTH DAY YEAR

SCALE: 1" = 2000' DRAWN BY: C.H. REVISED: 00-00-00





**APPROXIMATE TOTAL PIPELINE DISTANCE = 4075' +/-**

**LEGEND:**

- PROPOSED ACCESS ROAD
- EXISTING PIPELINE
- - - PROPOSED PIPELINE
- - - PROPOSED PIPELINE (SERVICING OTHER WELLS)



**BERRY PETROLEUM COMPANY**

UTE TRIBAL #1-17-55  
 SECTION 17, T5S, R5W, U.S.B.&M.  
 432' FNL 769' FEL



**Uintah Engineering & Land Surveying**  
 85 South 200 East Vernal, Utah 84078  
 (435) 789-1017 \* FAX (435) 789-1813

**TOPOGRAPHIC MAP**  
 10 13 05  
 MONTH DAY YEAR  
 SCALE: 1" = 1000' DRAWN BY: C.H. REVISED: 00-00-00



**WORKSHEET  
APPLICATION FOR PERMIT TO DRILL**

APD RECEIVED: 02/03/2006

API NO. ASSIGNED: 43-013-33043

WELL NAME: UTE TRIBAL 1-17-55  
 OPERATOR: BERRY PETROLEUM COMPANY ( N2480 )  
 CONTACT: DEBBIE WISENER

PHONE NUMBER: 435-722-1325

PROPOSED LOCATION:

INSPECT LOCATN BY: / /		
<b>Tech Review</b>	<b>Initials</b>	<b>Date</b>
Engineering		
Geology		
Surface		

NENE 17 050S 050W  
 SURFACE: 0432 FNL 0769 FEL  
 BOTTOM: 0432 FNL 0769 FEL  
 COUNTY: DUCHESNE  
 LATITUDE: 40.05257 LONGITUDE: -110.4641  
 UTM SURF EASTINGS: 545709 NORTHINGS: 4433519  
 FIELD NAME: UNDESIGNATED ( 2 )

LEASE TYPE: 2 - Indian  
 LEASE NUMBER: 14-20-H62-5025  
 SURFACE OWNER: 2 - Indian

PROPOSED FORMATION: GRRV  
 COALBED METHANE WELL? NO

RECEIVED AND/OR REVIEWED:

- Plat
- Bond: Fed[] Ind[2] Sta[] Fee[]  
(No. RLB0005651 )
- Potash (Y/N)
- Oil Shale 190-5 (B) or 190-3 or 190-13
- Water Permit  
(No. 43-11041 )
- RDCC Review (Y/N)  
(Date: \_\_\_\_\_ )
- Fee Surf Agreement (Y/N)
- Intent to Commingle (Y/N)

LOCATION AND SITING:

- \_\_\_ R649-2-3.
- Unit: \_\_\_\_\_
- \_\_\_ R649-3-2. General
- Siting: 460 From Qtr/Qtr & 920' Between Wells
- R649-3-3. Exception
- \_\_\_ Drilling Unit
- Board Cause No: \_\_\_\_\_
- Eff Date: \_\_\_\_\_
- Siting: \_\_\_\_\_
- \_\_\_ R649-3-11. Directional Drill

COMMENTS: See Separate File

STIPULATIONS: 1- Federal Approval  
2- Spacing Strip

T5S R5W

UTE TRIBAL 1-17-55

UTE TRIBAL 8-18-55

UTE TRIBAL 5-17-55

17

### BRUNDAGE CANYON FIELD

UTE TRIBAL 15-17-55

UTE TRIBAL 1-20-55

OPERATOR: BERRY PETRO CO (N2480)

SEC: 17 T. 5S R. 5W

FIELD: UNDESIGNATED (002)

COUNTY: DUCHESNE

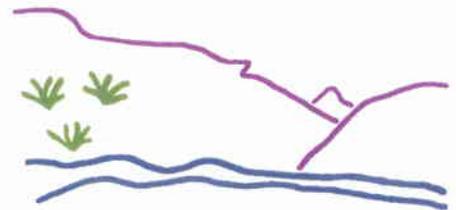
SPACING: R649-3-3 / EXCEPTION LOCATION

- Field Status**
- ABANDONED
  - ACTIVE
  - COMBINED
  - INACTIVE
  - PROPOSED
  - STORAGE
  - TERMINATED

- Unit Status**
- EXPLORATORY
  - GAS STORAGE
  - NF PP OIL
  - NF SECONDARY
  - PENDING
  - PI OIL
  - PP GAS
  - PP GEOTHERML
  - PP OIL
  - SECONDARY
  - TERMINATED

**Wells Status**

- GAS INJECTION
- GAS STORAGE
- LOCATION ABANDONED
- NEW LOCATION
- PLUGGED & ABANDONED
- PRODUCING GAS
- PRODUCING OIL
- SHUT-IN GAS
- SHUT-IN OIL
- TEMP. ABANDONED
- TEST WELL
- WATER INJECTION
- WATER SUPPLY
- WATER DISPOSAL
- DRILLING



Utah Oil Gas and Mining



PREPARED BY: DIANA WHITNEY  
DATE: 8-FEBRUARY-2006



**State of Utah**

**Department of  
Natural Resources**

MICHAEL R. STYLER  
*Executive Director*

**Division of  
Oil, Gas & Mining**

JOHN R. BAZA  
*Division Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

February 9, 2006

Berry Petroleum Company  
Rt. 2, Box 7735  
Roosevelt, UT 84066

Re: Ute Tribal 1-17-55 Well, 432' FNL, 769' FEL, NE NE, Sec. 17, T. 5 South,  
R. 5 West, Duchesne County, Utah

Gentlemen:

Pursuant to the provisions and requirements of Utah Code Ann. § 40-6-1 *et seq.*, Utah Administrative Code R649-3-1 *et seq.*, and the attached Conditions of Approval, approval to drill the referenced well is granted.

Appropriate information has been submitted to DOGM and administrative approval of the requested exception location is hereby granted.

This approval shall expire one year from the above date unless substantial and continuous operation is underway, or a request for extension is made prior to the expiration date. The API identification number assigned to this well is 43-013-33043.

Sincerely,

Gil Hunt  
Associate Director

pab  
Enclosures

cc: Duchesne County Assessor  
Bureau of Land Management, Vernal District Office

**Operator:** Berry Petroleum Company  
**Well Name & Number** Ute Tribal 1-17-55  
**API Number:** 43-013-33043  
**Lease:** 14-20-H62-5025

**Location:** NE NE                      Sec. 17                      T. 5 South                      R. 5 West

### Conditions of Approval

1. General

Compliance with the requirements of Utah Admin. R. 649-1 *et seq.*, the Oil and Gas Conservation General Rules, and the applicable terms and provisions of the approved Application for permit to drill.

2. Notification Requirements

Notify the Division within 24 hours of spudding the well.

- Contact Carol Daniels at (801) 538-5284.

Notify the Division prior to commencing operations to plug and abandon the well.

- Contact Dan Jarvis at (801) 538-5338

3. Reporting Requirements

All required reports, forms and submittals will be promptly filed with the Division, including but not limited to the Entity Action Form (Form 6), Report of Water Encountered During Drilling (Form 7), Weekly Progress Reports for drilling and completion operations, and Sundry Notices and Reports on Wells requesting approval of change of plans or other operational actions.

4. This proposed well is located in an area for which drilling units (well spacing patterns) have not been established through an order of the Board of Oil, Gas and Mining (the "Board"). In order to avoid the possibility of waste or injury to correlative rights, the operator is requested, once the well has been drilled, completed, and has produced, to analyze geological and engineering data generated therefrom, as well as any similar data from surrounding areas if available. As soon as is practicable after completion of its analysis, and if the analysis suggests an area larger than the quarter-quarter section upon which the well is located is being drained, the operator is requested to seek an appropriate order from the Board establishing drilling and spacing units in conformance with such analysis by filing a Request for Agency Action with the Board.

5. State approval of this well does not supersede the required federal approval, which must be obtained prior to drilling.

RECEIVED

Form 3160-3  
(April 2004)

FORM APPROVED  
OMB No. 1004-0137  
Expires March 31, 2007

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

APPLICATION FOR PERMIT TO DRILL OR REENTER

1a. TYPE OF WORK <input checked="" type="checkbox"/> DRILL <input type="checkbox"/> REENTER		5. Lease Serial No. 14-20-H62-5025
1b. Type of Well: <input checked="" type="checkbox"/> Oil well <input type="checkbox"/> Gas well <input type="checkbox"/> Other <input checked="" type="checkbox"/> Single zone <input type="checkbox"/> Multiple zone		6. If Indian, Allottee or Tribe Name UTE
2. Name of Operator BERRY PETROLEUM COMPANY		7. Unit or CA Agreement, Name and No.
3a. Address 3846 SOUTH HWY 40 RT. 2 BOX 7735, ROOSEVELT, UT. 84066	3b. Phone No. (include area code) (435) 722-1325	8. Lease Name and Well No. UTE TRIBAL 1-17-55
4. Location of Well (Report location clearly and in accordance with any State requirements.) At surface (NE/NE) 432' FNL, 769' FEL At proposed prod. zone SAME AS ABOVE		9. API Well No. 43.013.33043
14. Distance in miles and direction from nearest town or post office* 43.8 MILES FROM MYTON, UTAH		10. Field and Pool, or Exploratory BRUNDAGE CANYON
15. Distance from proposed* location to nearest property of lease line, ft. (Also to nearest drig. Unit line, if any) 432'	16. No. of acres in lease 640	11. Sec., T. R. M. or BLK. and Survey or Area SEC. 17, T.5S., R.5W. U.S.B.&M.
18. Distance from proposed* to nearest well, drilling, completed, applied for, on this lease, ft. 3300'	19. Proposed Depth 6260'	12. County or Parish DUCHESNE
21. Elevations (Show whether DF, KDB, RT, GR, etc.) 7226' GR	22. Approximate date work will start* REFER TO BPC SOP PLAN	13. State UTAH
17. Spacing Unit dedicated to this well 40		
20. BLM/BIA Bond No. on file UTB000035 / RLB0005750		
23. Estimated duration REFER TO BPC SOP PLAN		

24. Attachments

The following, completed in accordance with the requirements of Onshore Oil and Gas Order No. 1, shall be attached to this form:

- Well plat certified by a registered surveyor.
- A Drilling Plan.
- A Surface Use Plan (If the location is on National Forest System Lands, the SUPO shall be filed with the appropriate Forest Service Office).
- Bond to cover the operations unless covered by an existing bond on file (see item 20 above).
- Operator certification.
- Such other site specific information and/or plans as may be required by the authorized officer.

25. Signature 	Name (Printed/Typed) DEBBIE L. WISENER	Date 01/26/06
Title OPERATIONS, ACCOUNTING & REGULATORY SUPERVISOR		
Approved by (Signature) 	Name (Printed/Typed)	Date 03/31/2006
Title Assistant Field Manager Mineral Resources	Office	

Application approval does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Conditions of approval, if any, are attached.

CONDITIONS OF APPROVAL ATTACHED

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Instructions on page 2)

NOTICE OF APPROVAL

Accepted by the  
Utah Division of  
Oil, Gas and Mining  
FOR RECORD ONLY

RECEIVED

APR 06 2006

DIV. OF OIL, GAS & MINING

UDOGM



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
VERNAL FIELD OFFICE

170 South 500 East VERNAL, UT 84078 (435) 781-4400



**CONDITIONS OF APPROVAL FOR APPLICATION FOR PERMIT TO DRILL**

Company: **Berry Petroleum Company** Location: **NENE, Sec 17, T5S, R5W**  
Well No: **Ute Tribal 1-17-55** Lease No: **14-20-H62-5025**  
API No: **43-013-33043** Agreement: **N/A**

Petroleum Engineer:	Matt Baker	Office: 435-781-4490	Cell: 435-828-4470
Petroleum Engineer:	Michael Lee	Office: 435-781-4432	Cell: 435-828-7875
Supervisory Petroleum Technician:	Jamie Sparger	Office: 435-781-4502	Cell: 435-828-3913
Environmental Scientist:	Paul Buhler	Office: 435-781-4475	Cell: 435-828-4029
Environmental Scientist:	Karl Wright	Office: 435-781-4484	
Natural Resource Specialist:	Holly Villa	Office: 435-781-4404	
Natural Resource Specialist:	Melissa Hawk	Office: 435-781-4476	
After Hours Contact Number:	<b>435-781-4513</b>	Fax: 435-781-4410	

**A COPY OF THESE CONDITIONS SHALL BE FURNISHED TO YOUR  
FIELD REPRESENTATIVE TO INSURE COMPLIANCE**

All lease and/or unit operations are to be conducted in such a manner that full compliance is made with the applicable laws, regulations (43 CFR Part 3160), and this approved Application for Permit to Drill including Surface and Downhole Conditions of Approval. The operator is considered fully responsible for the actions of his subcontractors. A copy of the approved APD must be on location during construction, drilling, and completion operations. **This permit is approved for a one-year period. An additional year extension may be applied for by sundry notice prior to expiration.**

**NOTIFICATION REQUIREMENTS**

- |   |   |   |
|---|---|---|
| Construction Activity                                   | - | The Ute Tribe Energy & Minerals Dept. shall be notified in writing 48 hours in advance of any construction activity. The Ute Tribal office is open Monday through Thursday. |
| Construction Completion                                 | - | Upon completion of the pertinent APD and ROWs construction, notify the Ute Tribe Energy & Minerals Dept. for a Tribal Technician to verify the Affidavit of Completion.     |
| Spud Notice<br>(Notify Petroleum Engineer)              | - | Twenty-Four (24) hours prior to spudding the well.  |
| Casing String & Cementing<br>(Notify Jamie Sparger)     | - | Twenty-Four (24) hours prior to running casing and cementing all casing strings.  |
| BOP & Related Equipment Tests<br>(Notify Jamie Sparger) | - | Twenty-Four (24) hours prior to initiating pressure tests.  |
| First Production Notice<br>(Notify Petroleum Engineer)  | - | Within Five (5) business days after new well begins or production resumes after well has been off production for more than ninety (90) days.                                |

***SURFACE USE PROGRAM  
CONDITIONS OF APPROVAL (COAs)***

Additional Stipulations:

1. Paint all tanks and equipment dark green.

General Conditions of Approval

1. A 4,023.77 by 30' foot corridor right-of-way shall be approved. Upon completion of each pipeline in corridor, they shall be identified and filed with the Ute Tribe.
2. A qualified Archaeologist accompanied by a Tribal Technician will monitor trenching construction of pipeline.
3. The Ute Tribe Energy & Minerals Department is to be notified, in writing 48 hours prior to construction of pipeline.
4. Construction Notice shall be given to the department on the Ute Tribe workdays, which are Monday through Thursday. The Company understands that they may be responsible for costs incurred by the Ute Tribe after hours.
5. The Company shall inform contractors to maintain construction of pipelines within the approved ROW's.
6. The Company shall assure the Ute Tribe that "ALL CONTRACTORS, INCLUDING SUB-CONTRACTORS, LEASING CONTRACTORS, AND ETC." have acquired a current and valid Ute Tribal Business License and have "Access Permits" prior to construction, and will have these permits in all vehicles at all times.
7. You are hereby notified that working under the "umbrella" of a company does not allow you to be in the field, and can be subject to those fines of the Ute Tribe Severance Tax Ordinance.
8. Any deviation of submitted APD's and ROW applications the Companies will notify the Ute Tribe and BIA in writing and will receive written authorization of any such change with appropriate authorization.
9. The Company will implement "Safety and Emergency Plan." The Company's safety director will ensure its compliance.
10. All Company employees and/or authorized personnel (sub-contractors) in the field will have approved applicable APD's and/or ROW permits/authorizations on their person(s) during all phases of construction.
11. All vehicular traffic, personnel movement, construction/restoration operations shall be confined to the area examined and approved, and to the existing roadways and/or evaluated access routes.
12. All personnel shall refrain from collecting artifacts, any paleontological fossils, and from disturbing any significant cultural resources in the area.

13. The personnel from the Ute Tribe Energy & Minerals Department shall be notified should cultural remains from subsurface deposits be exposed or identified during construction. All construction will cease.
14. All mitigative stipulations contained in the Bureau of Indian Affairs Site Specific Environmental Assessment (EA) will be strictly adhered.
15. Upon completion of Application for Corridor Right-Way, the company will notify the Ute Tribe Energy & Minerals Department, so that a Tribal Technician can verify Affidavit of Completion.

### ***DOWNHOLE CONDITIONS OF APPROVAL***

**All provisions outlined in Onshore Oil & Gas Order #2 Drilling Operations shall be strictly adhered to.** The following items are emphasized:

#### **SITE SPECIFIC DOWNHOLE CONDITIONS OF APPROVAL**

1. NONE.

#### **DRILLING/COMPLETION/PRODUCING OPERATING STANDARDS**

1. There shall be no deviation from the proposed drilling, completion, and/or workover program as approved. Safe drilling and operating practices must be observed. All wells, whether drilling, producing, suspended, or abandoned, shall be identified in accordance with 43 CFR 3162.6. There shall be a sign or marker with the name of the operator, lease serial number, well number, and surveyed description of the well. Any changes in operation must have prior approval from the BLM, Vernal Field Office Petroleum Engineers.
2. The spud date and time shall be reported orally to Vernal Field Office within 24 hours of spudding.
3. **Notify Vernal Field Office Supervisory Petroleum Engineering Technician at least 24 hours in advance of casing cementing operations and BOPE & casing pressure tests.**
4. Blowout prevention equipment (BOPE) will remain in use until the well is completed or abandoned. Closing unit controls must remain unobstructed and readily accessible at all times. Choke manifolds must be located outside of the rig substructure.

All BOPE components will be inspected daily and those inspections shall be recorded in the daily drilling report. Components shall be operated and tested as required by Onshore Oil & Gas Order No. 2 to insure good mechanical working order. All BOPE pressure tests must be performed by a test pump with a chart recorder and **NOT** by the rig pumps. Test must be reported in the driller's log.

BOP drills must be initially conducted by each drilling crew within 24 hours of drilling out from under the surface casing and weekly thereafter as specified in Onshore Oil & Gas Order No. 2.

Casing pressure tests are required before drilling out from under all casing strings set and cemented in place.

No aggressive/fresh hard-banded drill pipe shall be used within casing.

5. All shows of fresh water and minerals will be reported and protected. A sample will be taken of any water flows and a water analysis furnished the BLM, Vernal Field Office. All oil and gas shows will be adequately tested for commercial possibilities, reported, and protected.
6. No location will be constructed or moved, no well will be plugged, and no drilling or workover equipment will be removed from a well to be placed in a suspended status without prior approval of the BLM, Vernal Field Office. If operations are to be suspended for more than 30 days, prior

approval of the BLM, Vernal Field Office must be obtained and notification given before resumption of operations.

7. Chronologic drilling progress reports must be filed directly with the BLM, Vernal Field Office on a weekly basis in sundry, letter format or e-mail to the Petroleum Engineers until the well is completed.

Any change in the program must be approved by the BLM, Vernal Field Office. "Sundry Notices and Reports on Wells" (Form BLM 3160-5) must be filed for all changes of plans and other operations in accordance with 43 CFR 3162.3-2.

Emergency approval may be obtained orally, but such approval does not waive the written report requirement. Any additional construction, reconstruction, or alterations of facilities, including roads, gathering lines, batteries, etc., which will result in the disturbance of new ground, will require the filing of a suitable plan pursuant to Onshore Oil & Gas Order No. 1 of 43 CFR 3164.1 and prior approval by the BLM, Vernal Field Office.

In accordance with 43 CFR 3162.4-3, this well must be reported on the "Monthly Report of Operations" (Oil and Gas Operations Report ((OGOR)) starting with the month in which operations commence and continue each month until the well is physically plugged and abandoned. This report shall be filed in duplicate, directly with the Minerals Management Service, P.O. Box 17110, Denver, Colorado 80217-0110, or call 1-800-525-7922 (303) 231-3650 for reporting information.

8. Whether the well is completed as a dry hole or as a producer, "Well Completion and Recompletion Report and Log" (BLM Form 3160-4) will be submitted not later than 30 days after completion of the well or after completion of operations being performed, in accordance with 43 CFR 3162.4-1. Two copies of all logs run, core descriptions, and all other surveys or data obtained and compiled during the drilling, workover, and/or completion operations, will be filed on BLM Form 3160-4. Submit with the well completion report a geologic report including, at a minimum, formation tops, and a summary and conclusions. Also include deviation surveys, sample descriptions, strip logs, core data, drill stem test data, and results of production tests if performed. Samples (cuttings, fluid, and/or gas) will be submitted only when requested by the BLM, Vernal Field Office.

**Please submit an electronic copy of all logs run on this well in LAS format to UT\_VN\_Welllogs@BLM.gov. This submission will supersede the requirement for submittal of paper logs to the BLM. The cement bond log must be submitted in raster format (TIF, PDF other).**

9. All off-lease storage, off-lease measurement, or commingling on-lease or off-lease will have prior written approval from the BLM, Vernal Field Office.

All measurement points shall be identified as point of sales or allocation for royalty determination prior to the installation of facilities.

10. Oil and gas meters will be calibrated in place prior to any deliveries. The Field Office Petroleum Engineers will be provided with a date and time for the initial meter calibration and all future

meter proving schedules. A copy of the meter calibration reports will be submitted to the BLM, Vernal Field Office. All measurement facilities will conform to the API standards for liquid hydrocarbons and the AGA standards for natural gas measurement.

11. A schematic facilities diagram as required by Onshore Oil & Gas Order No. 3 shall be submitted to the BLM, Vernal Field Office within 30 days of installation or first production, whichever occurs first. All site security regulations as specified in Onshore Oil & Gas Order No. 3 shall be adhered to. All product lines entering and leaving hydrocarbon storage tanks will be effectively sealed in accordance with Onshore Oil & Gas Order No. 3.
12. This APD is approved subject to the requirement that, should the well be successfully completed for production, the BLM, Vernal Field office must be notified when it is placed in a producing status. Such notification will be by written communication and must be received in this office by not later than the fifth business day following the date on which the well is placed on production. The notification shall provide, as a minimum, the following informational items:
  - a. Operator name, address, and telephone number.
  - b. Well name and number.
  - c. Well location ( $\frac{1}{4}$  Sec., Twn, Rng, and P.M.).
  - d. Date well was placed in a producing status (date of first production for which royalty will be paid).
  - e. The nature of the well's production, (i.e., crude oil, or crude oil and casing head gas, or natural gas and entrained liquid hydrocarbons).
  - f. The Federal or Indian lease prefix and number on which the well is located; otherwise the non-Federal or non-Indian land category, i.e., State or private.
  - g. Unit agreement and / or participating area name and number, if applicable.
  - h. Communitization agreement number, if applicable.
13. Any venting or flaring of gas will be done in accordance with Notice to Lessees (NTL) 4A and needs prior approval from Field Office Petroleum Engineers.
14. All undesirable events (fires, accidents, blowouts, spills, discharges) as specified in NTL 3A will be reported to the BLM, Vernal Field Office. Major events as defined in NTL3A, will be reported verbally within 24 hours, followed by a written report within 15 days. "Other than Major Events" will be reported in writing within 15 days. "Minor Events" will be reported on the Monthly Report of Operations and Production
15. Pursuant to Onshore Oil & Gas Order No. 7, this is authorization for pit disposal of water produced from this well for a period of 90 days from the date of initial production. A permanent disposal method must be approved by this office and in operation prior to the end of this 90-day

period. In order to meet this deadline, an application for the proposed permanent disposal method shall be submitted along with any necessary water analyses, as soon as possible, but no later than 45 days after the date of first production. Any method of disposal which has not been approved prior to the end of the authorized 90-day period will be considered as an Incident of Noncompliance and will be grounds for issuing a shut-in order until an acceptable manner for disposing of said water is provided and approved by this office.

16. Unless the plugging is to take place immediately upon receipt of oral approval, the Field Office Petroleum Engineers must be notified at least 24 hours in advance of the plugging of the well, in order that a representative may witness plugging operations. If a well is suspended or abandoned, all pits must be fenced immediately until they are backfilled. The "Subsequent Report of Abandonment" (Form BLM 3160-5) must be submitted within 30 days after the actual plugging of the well bore, showing location of plugs, amount of cement in each, and amount of casing left in hole, and the current status of the surface restoration.

STATE OF UTAH  
DIVISION OF OIL, GAS, AND MINING

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill new wells, deepen existing wells, or to re-enter plugged and abandoned wells.  
Use APPLICATION FOR PERMIT TO DRILL OR DEEPEN form for such proposals.

5. Lease Designation and Serial Number:

14-20-H62-5025

6. If Indian, Allottee or Tribe Name:

UTE TRIBE

7. Unit Agreement Name:

8. Well Name and Number:

UTE TRIBAL 1-17-55

9. API Well Number:

43-013-33043

10. Field and Pool, or Wildcat:

BRUNDAGE CANYON

1. Type of Well: OIL  GAS  OTHER:

2. Name of Operator:

BERRY PETROLEUM COMPANY

3. Address and Telephone Number:

4000 SOUTH 4028 WEST, RT. 2 BOX 7735 ROOSEVELT, UTAH 84066 (435) 722-1325

4. Location of Well:

Footages: 432' FNL, 769' FEL

QQ, Sec., T., R., M.: NE/NE SEC. 17, T6S, R5W USB&M

County: DUCHESNE,

State: UTAH

11. CHECK APPROPRIATE BOXES TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

NOTICE OF INTENT

(Submit in Duplicate)

- Abandon
- Repair Casing
- Change of Plans
- Convert to Injection
- Fracture Treat or Acidize
- Multiple Completion
- Other ONE YEAR EXTENSION
- New Construction
- Pull or Alter Casing
- Recomplete
- Reperforate
- Vent or Flare
- Water Shut-Off

Approximate date work will start \_\_\_\_\_

SUBSEQUENT REPORT

(Submit Original Form Only)

- Abandon
- Repair Casing
- Change of Plans
- Convert to Injection
- Fracture Treat or Acidize
- Other \_\_\_\_\_
- New Construction
- Pull or Alter Casing
- Reperforate
- Vent or Flare
- Water Shut-Off

Date of work completion \_\_\_\_\_

Report results of Multiple Completions and Recompletions to different reservoirs on WELL COMPLETION OR RECOMPLETION REPORT AND LOG form.

\* Must be accompanied by a cement verification report.

12. DESCRIBE PROPOSED OR COMPLETED OPERATIONS (Clearly state all pertinent details, and give pertinent dates. If well is directionally drilled, give subsurface locations and measured and true vertical depths for all markers and zones pertinent to this work.)

BERRY PETROEUM COMPANY RESPECTFULLY REQUESTS THAT THE APPROVED APPLICATION TO DRILL FOR THE ABOVE SUBJECT WELL BE EXTENDED FOR A PERIOD OF ONE (1) YEAR.

Approved by the  
Utah Division of  
Oil, Gas and Mining

STATE BOND #RLB0005651

Date: 02-01-07  
By: [Signature]

COPY SENT TO OPERATOR  
Date: 2-2-07  
Time: pm

Name & Signature:

SHELLEY E. CROZIER

[Signature]

Title:

REGULATORY & PERMITTING ASSISTANT

Date:

02/01/07

(This space for Federal or State office use)

RECEIVED  
FEB 01 2007

**Application for Permit to Drill  
Request for Permit Extension  
Validation**

(this form should accompany the Sundry Notice requesting permit extension)

**API:** 43-013-33043  
**Well Name:** UTE TRIBAL 1-17-55  
**Location:** (NE/NE) 432' FNL, 769' FEL SEC. 17-T5S-R5W  
**Company Permit Issued to:** BERRY PETROLEUM COMPANY  
**Date Original Permit Issued:** 2/9/2006

The undersigned as owner with legal rights to drill on the property as permitted above, hereby verifies that the information as submitted in the previously approved application to drill, remains valid and does not require revision.

Following is a checklist of some items related to the application, which should be verified.

If located on private land, has the ownership changed, if so, has the surface agreement been updated? Yes  No

Have any wells been drilled in the vicinity of the proposed well which would affect the spacing or siting requirements for this location? Yes  No

Has there been any unit or other agreements put in place that could affect the permitting or operation of this proposed well? Yes  No

Have there been any changes to the access route including ownership, or right-of-way, which could affect the proposed location? Yes  No

Has the approved source of water for drilling changed? Yes  No

Have there been any physical changes to the surface location or access route which will require a change in plans from what was discussed at the onsite evaluation? Yes  No

Is bonding still in place, which covers this proposed well? Yes  No

Shelley E. Crozier  
Signature

2/9/2006  
Date

**Title:** REG. & PERMITTING ASSISTANT

**Representing:** BERRY PETROLEUM COMPANY

RECEIVED  
FEB 01 2007  
DIV. OF OIL, GAS & MINING

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

FORM APPROVED

OMB No. 1004-0135  
Expires: July 31, 1996

RECEIVED  
VERNAL FIELD OFFICE

**SUNDRY NOTICES AND REPORTS ON WELLS**

Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals

2007 JAN 31 PM 12:40  
162-5025

5. Lease Serial No.

6. If Indian, Allottee, or Tribe Name

UTE TRIBE

7. BLM/A. Agreement Designation

**SUBMIT IN TRIPLICATE-Other Instructions on the reverse side**

1. Type of Well

Oil Well  Gas Well  Other \_\_\_\_\_

8. Well Name and No.

UTE TRIBAL 1-17-55

2. Name of Operator

Berry Petroleum Company

9. API Well No.

43-013-33043

3. Address 4000 SOUTH 4028 WEST, RT. 2 BOX 7735  
ROOSEVELT, UTAH 84066

3b. Phone No. (include area code)  
(435) 722-1325

10. Field and Pool, or Exploratory Area

BRUNDAGE CANYON

4. Location of Well (Footage, Sec., T., R., M., or Survey Description)

432' FNL, 769' FEL  
NE/NE SEC. 17, T5S, R5W USB&M

11. County or Parish, State

DUCHESNE, UTAH

12. CHECK APPROPRIATE BOX(S) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION	TYPE OF ACTION			
<input checked="" type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-off
<input type="checkbox"/> Subsequent Report	<input type="checkbox"/> Altering Casing	<input type="checkbox"/> Fracture Test	<input type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/>	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input checked="" type="checkbox"/> Other <b>ONE YEAR EXTENSION</b>
<input type="checkbox"/>	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
<input type="checkbox"/>	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13. Describe Proposed or Completed Operation (clearly state all pertinent details including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recomplete horizontally, give subsurface locations and measured and true vertical depths or pertinent markers and sands. Attach the Bond under which the work will be performed or provide the Bond No. on file with the BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompletion in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final abandonment Notice shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

**BERRY PETROEUM COMPANY RESPECTFULLY REQUESTS THAT THE APPROVED APPLICATION TO DRILL FOR THE ABOVE SUBJECT WELL BE EXTENDED FOR A PERIOD OF ONE (1) YEAR.**

**ORIGINAL APPROVAL DATES  
STATE : 2/09/2006**

RECEIVED  
MAR 05 2007

DIV. OF OIL, GAS & MINING

14. I hereby certify that the foregoing is true and correct.

Name (Printed/ Typed)

SHELLEY E. CROZIER

Title

REGULATORY & PERMITTING ASSISTANT

Signature

*Shelley E. Crozier*

Date

02/01/07

Approved by

*[Signature]*

Title

Petroleum Engineer

Date

FEB 12 2007

Conditions of approval, if any are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Office

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make any department or agency of the United States any false, fictitious fraudulent statements or representations as to any matter within its jurisdiction.

(Instructions on reverse)

CONDITIONS OF APPROVAL ATTACHED



# CONDITIONS OF APPROVAL

## Berry Petroleum Company

### Notice of Intent APD Extension

**Lease:** 14-20-H62-5025  
**Well:** Ute Tribal 1-17-55  
**Location:** NENE Sec 17-T5S-R5W

An extension for the referenced APD is granted with the following conditions:

---

1. The extension and APD shall expire on 3/31/08.
2. No other extension shall be granted.

If you have any other questions concerning this matter, please contact Matt Baker of this office at (435) 781-4490

RECEIVED

MAR 05 2007

DIV. OF OIL, GAS & MINING

STATE OF UTAH  
DIVISION OF OIL, GAS, AND MINING

**SUNDRY NOTICES AND REPORTS ON WELLS**

Do not use this form for proposals to drill new wells, deepen existing wells, or to re-enter plugged and abandoned wells.  
Use APPLICATION FOR PERMIT TO DRILL OR DEEPEN form for such proposals.

5. Lease Designation and Serial Number:

14-20-H62-5025

6. If Indian, Allottee or Tribe Name:

UTE TRIBE

7. Unit Agreement Name:

8. Well Name and Number:

UTE TRIBAL 1-17-55

9. API Well Number:

43-013-33043

10. Field and Pool, or Wildcat:

BRUNDAGE CANYON

1. Type of Well: OIL  GAS  OTHER:

2. Name of Operator:

BERRY PETROLEUM COMPANY

3. Address and Telephone Number:

4000 SOUTH 4028 WEST, RT. 2 BOX 7735 ROOSEVELT, UTAH 84066 (435) 722-1325

4. Location of Well:

Footages: 432' FNL, 769' FEL

QQ, Sec., T., R., M.: NE/NE SEC. 17, T5S, R5W USB&M

County: DUCHESNE,

State: UTAH

11. CHECK APPROPRIATE BOXES TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

NOTICE OF INTENT

(Submit in Duplicate)

- |   |   |
|---|---|
| <input type="checkbox"/> Abandon                                    | <input type="checkbox"/> New Construction     |
| <input type="checkbox"/> Repair Casing                              | <input type="checkbox"/> Pull or Alter Casing |
| <input type="checkbox"/> Change of Plans                            | <input type="checkbox"/> Recomplete           |
| <input type="checkbox"/> Convert to Injection                       | <input type="checkbox"/> Reperforate          |
| <input type="checkbox"/> Fracture Treat or Acidize                  | <input type="checkbox"/> Vent or Flare        |
| <input type="checkbox"/> Multiple Completion                        | <input type="checkbox"/> Water Shut-Off       |
| <input checked="" type="checkbox"/> Other <u>ONE YEAR EXTENSION</u> |   |

Approximate date work will start \_\_\_\_\_

SUBSEQUENT REPORT

(Submit Original Form Only)

- |  |   |
|--|---|
| <input type="checkbox"/> Abandon                   | <input type="checkbox"/> New Construction     |
| <input type="checkbox"/> Repair Casing             | <input type="checkbox"/> Pull or Alter Casing |
| <input type="checkbox"/> Change of Plans           | <input type="checkbox"/> Reperforate          |
| <input type="checkbox"/> Convert to Injection      | <input type="checkbox"/> Vent or Flare        |
| <input type="checkbox"/> Fracture Treat or Acidize | <input type="checkbox"/> Water Shut-Off       |
| <input type="checkbox"/> Other _____               |   |

Date of work completion \_\_\_\_\_

Report results of Multiple Completions and Recompletions to different reservoirs on WELL COMPLETION OR RECOMPLETION REPORT AND LOG form.

\* Must be accompanied by a cement verification report.

12. DESCRIBE PROPOSED OR COMPLETED OPERATIONS (Clearly state all pertinent details, and give pertinent dates. If well is directionally drilled, give subsurface locations and measured and true vertical depths for all markers and zones pertinent to this work.)

BERRY PETROEUM COMPANY RESPECTFULLY REQUESTS THAT THE APPROVED APPLICATION TO DRILL FOR THE ABOVE SUBJECT WELL BE EXTENDED FOR A PERIOD OF ONE (1) YEAR.

Approved by the  
Utah Division of  
Oil, Gas and Mining

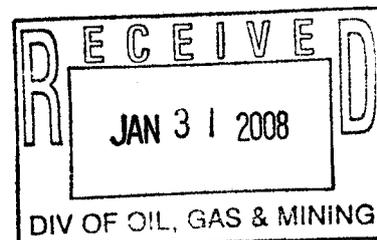
STATE BOND #RLB0005651

Date: 02-04-08  
By: [Signature]

COPY SENT TO OPERATOR

Date: 2-5-2008

Initials: KS



13

Name & Signature: SHELLEY E. CROZIER [Signature] Title: REGULATORY & PERMITTING SPECIALIST Date: 02/01/08

(This space for Federal or State office use)

**Application for Permit to Drill  
Request for Permit Extension  
Validation**

(this form should accompany the Sundry Notice requesting permit extension)

**API:** 43-013-33043  
**Well Name:** UTE TRIBAL 1-17-55  
**Location:** (NE/NE) 432' FNL, 769' FEL, SEC. 17-T5S-R5W  
**Company Permit Issued to:** BERRY PETROLEUM COMPANY  
**Date Original Permit Issued:** 2/9/2006

The undersigned as owner with legal rights to drill on the property as permitted above, hereby verifies that the information as submitted in the previously approved application to drill, remains valid and does not require revision.

Following is a checklist of some items related to the application, which should be verified.

If located on private land, has the ownership changed, if so, has the surface agreement been updated? Yes  No

Have any wells been drilled in the vicinity of the proposed well which would affect the spacing or siting requirements for this location? Yes  No

Has there been any unit or other agreements put in place that could affect the permitting or operation of this proposed well? Yes  No

Have there been any changes to the access route including ownership, or right-of-way, which could affect the proposed location? Yes  No

Has the approved source of water for drilling changed? Yes  No

Have there been any physical changes to the surface location or access route which will require a change in plans from what was discussed at the onsite evaluation? Yes  No

Is bonding still in place, which covers this proposed well? Yes  No

Shelley E. Crozier  
Signature

2/1/2008  
Date

**Title:** Regulatory & Permitting Specialist

**Representing:** Berry Petroleum Company

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**SUNDRY NOTICES AND REPORTS ON WELLS**  
Do not use this form for proposals to drill or to re-enter an  
abandoned well. Use Form 3160-3 (APD) for such proposals

FORM APPROVED  
OMB No. 1004-0135  
Expires: July 31, 1996

5. Lease Serial No.  
**14-20-H62-5025**

6. If Indian, Allottee, or Tribe Name  
**UTE TRIBE**

7. If Unit or CA. Agreement Designation

**SUBMIT IN TRIPLICATE-Other Instructions on the reverse side**

1. Type of Well  
 Oil Well     Gas Well     Other \_\_\_\_\_

2. Name of Operator  
**Berry Petroleum Company**

8. Well Name and No.  
**UTE TRIBAL 1-17-55**

3. Address **4000 SOUTH 4028 WEST, RT. 2 BOX 7735  
ROOSEVELT, UTAH 84066**

3b. Phone No. (include area code)  
**(435) 722-1325**

9. API Well No.  
**43-013-33043**

4. Location of Well (Footage, Sec., T., R., M., or Survey Description)  
**432' FNL, 769' FEL  
NE/NE SEC. 17, T5S, R5W USB&M**

10. Field and Pool, or Exploratory Area

**BRUNDAGE CANYON**

11. County or Parish, State

**DUCHESNE, UTAH**

**12. CHECK APPROPRIATE BOX(S) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA**

TYPE OF SUBMISSION	TYPE OF ACTION			
<input checked="" type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-off
<input type="checkbox"/> Subsequent Report	<input type="checkbox"/> Altering Casing	<input type="checkbox"/> Fracture Test	<input type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/>	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input checked="" type="checkbox"/> Other <b>ONE YEAR</b>
<input type="checkbox"/>	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	<b>EXTENSION</b>
<input type="checkbox"/>	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13. Describe Proposed or Completed Operation (clearly state all pertinent details including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recomplete horizontally, give subsurface locations and measured and true vertical depths or pertinent markers and sands. Attach the Bond under which the work will be performed or provide the Bond No. on file with the BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompletion in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final abandonment Notice shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

**BERRY PETROEUM COMPANY RESPECTFULLY REQUESTS THAT THE APPROVED APPLICATION TO DRILL FOR THE ABOVE SUBJECT WELL BE EXTENDED FOR A PERIOD OF ONE (1) YEAR.**

**ORIGINAL APPROVAL DATES  
STATE : 2/9/2006 & 2/1/2007  
BLM: 3/31/2006**

*EXPIRES 3/31/08*

RECEIVED  
 VERNAL FIELD OFFICE  
 2008 JAN 31 PM 12:51  
 BUREAU OF LAND MANAGEMENT

14. I hereby certify that the foregoing is true and correct.

Name (Printed/ Typed) <b>SHELLEY E. CROZIER</b>	Title <b>REGULATORY &amp; PERMITTING SPECIALIST</b>
Signature <i>Shelley E. Crozier</i>	Date <b>02/01/08</b>

Approved by <b>DENIED</b>	Title	Date <b>FEB 12 2008</b>
Conditions of approval, if any are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.	Office	

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make any department or agency of the United States any false, fictitious fraudulent statements or representations as to any matter within its jurisdiction.

(Instructions on reverse)

**RECEIVED**

**FEB 28 2008**

**DIV. OF OIL, GAS & MINING**





# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Vernal Field Office

170 South 500 East

Vernal, UT 84078

(435) 781-4400 Fax: (435) 781-4410

<http://www.blm.gov/ut/st/en/fo/vernal/html>



IN REPLY REFER TO:

3160

UT08300

June 3, 2008

Shelley E. Croizer  
Berry Petroleum Company  
Route 2, Box 7735  
Roosevelt, UT 84066

43-013-33043

Re: Notice of Expiration  
Well No. Ute Tribal 1-17-55  
NENE, Sec. 17, T5S, R5W  
Duchesne County, Utah  
Lease No. 14-20-H62-5025

Dear Ms. Corzier:

The Application for Permit to Drill the above-referenced well was approved on March 31, 2006. A one (1) year extension of the original APD was requested. The request was reviewed and the extension approved until March 31, 2008. Another extension request was received on January 31, 2008 and this request was denied on February 12, 2008. According to our records, no known activity has transpired at the approved location. In view of the foregoing, this office is notifying you that the approval of the referenced application has expired. If you intend to drill at this location in the future, a new Application for Permit to Drill must be submitted.

This office requires a letter confirming that no surface disturbance has been made for this drill site. Any surface disturbance associated with the approved location of this well is to be rehabilitated. A schedule for this rehabilitation must be submitted to this office. Your cooperation in this matter is appreciated.

If you have any questions regarding this matter, please contact me at (435) 781-4455.

Sincerely,

*Cindy Severson*

Cindy Severson  
Land Law Examiner

cc: UDOGM  
BIA

RECEIVED

JUN 06 2008

DIV. OF OIL, GAS & MINING



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

February 10, 2009

Berry Petroleum Company  
Rt. 2 Box 7735  
Roosevelt, Utah 84066

Re: APD Rescinded – Ute Tribal 1-17-55, Sec.17, T.5S, R.5W  
Duchesne County, Utah API No. 43-013-33043

Gentlemen:

The Application for Permit to Drill (APD) for the subject well was approved by the Division of Oil, Gas and Mining (Division) on February 9, 2006. On February 1, 2007 and on February 4, 2008 the Division granted a one-year APD extension. No drilling activity at this location has been reported to the division. Therefore, approval to drill the well is hereby rescinded, effective February 10, 2009.

A new APD must be filed with this office for approval prior to the commencement of any future work on the subject location.

If any previously unreported operations have been performed on this well location, it is imperative that you notify the Division immediately.

Sincerely,

  
Diana Mason  
Environmental Scientist

cc: Well File  
Bureau of Land Management, Vernal