

# Berry Petroleum Company

Brundage Canyon Field

4000 South 4028 West  
Route 2 Box 7735  
Roosevelt, UT 84066

Ph. (435) 722-1325  
Fax: (435) 722-1321  
www.bry.com

October 3, 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

RECEIVED

NOV 17 2006

DIV. OF OIL, GAS & MINING

Re: Oil and Gas Conservation General Rules  
R649-3-3 Exception to Location and Siting of Wells.  
Ute Tribal No. 7-17-55

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. 7-17-55 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".

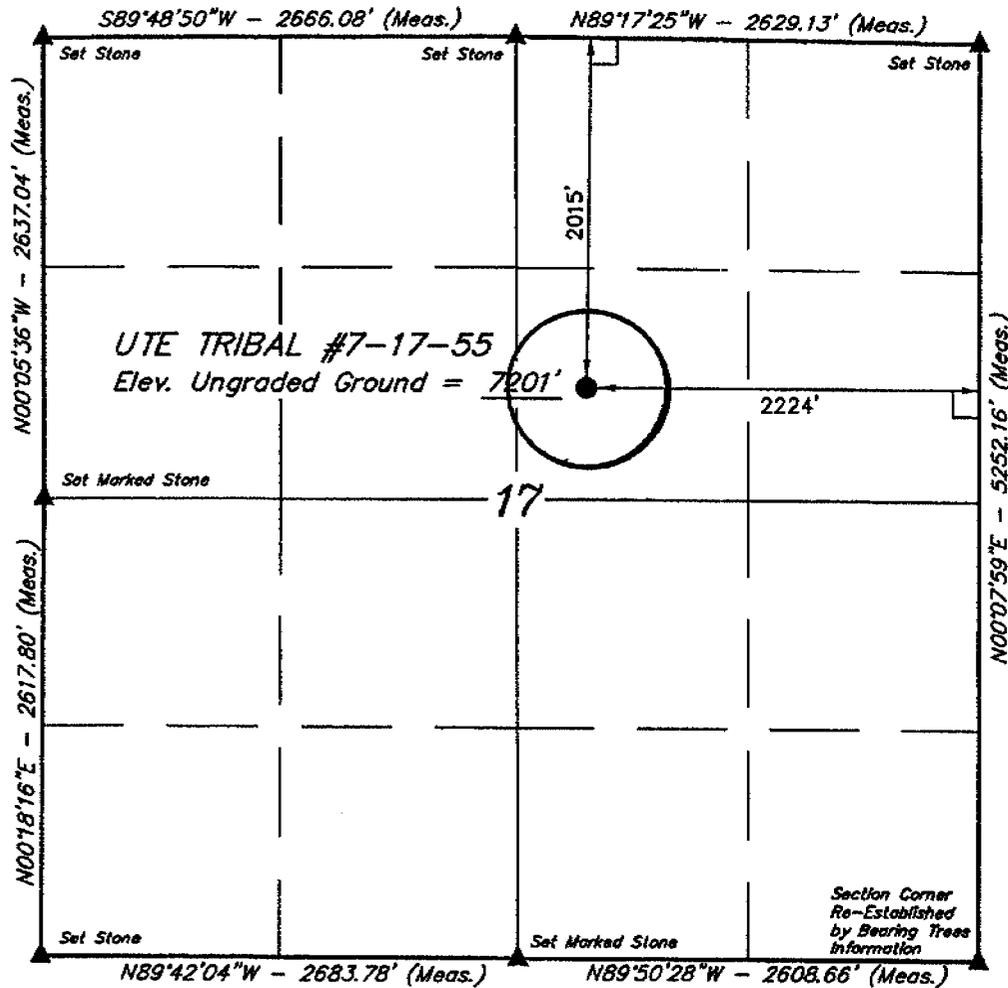
In accordance with R649-3-3, Berry is providing a copy of the staking plat showing the proposed location in relation to the allowed spacing "window" and all tracts contacted by a circle with a radius of 460'. A second plat is also attached showing the actual or recently proposed location for all direct or diagonal offsetting wells. As to the 460' radius circle, Berry is also the owner of the adjacent SE/4 NW/4 of Section 17.

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

Sincerely,

Shelley E. Crozier  
Regulatory & Permitting Assistant

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



**BERRY PETROLEUM COMPANY**

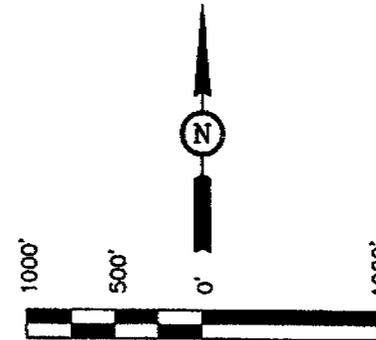
Well location, UTE TRIBAL #7-17-55, located as shown in the SW 1/4 NE 1/4 of Section 17, T5S, R5W, U.S.B.&M. Duchesne County, Utah.

**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.

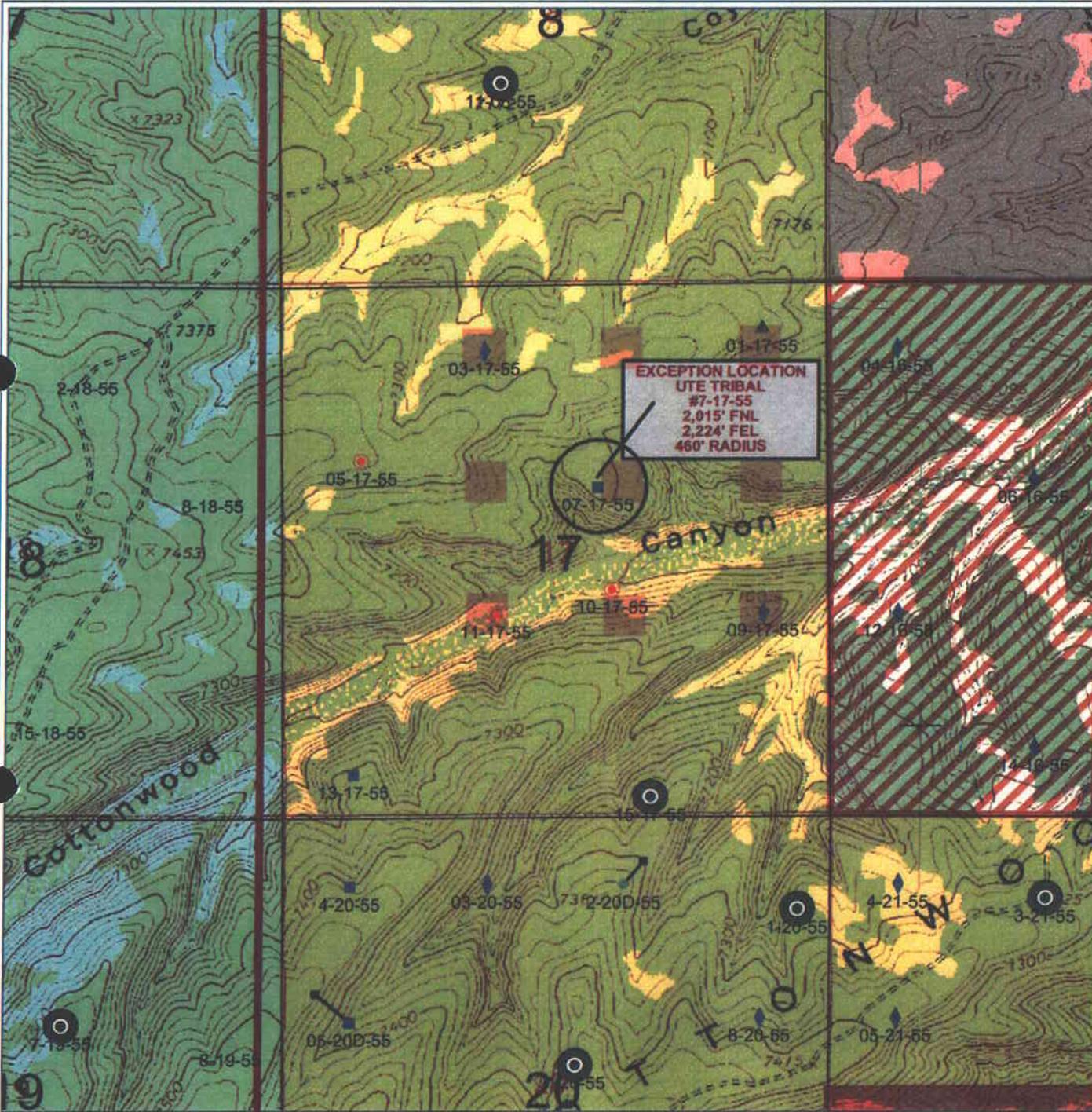
*Robert H. ...*  
REGISTERED LAND SURVEYOR  
REGISTRATION NO. 16318  
STATE OF UTAH

<b>UTAH ENGINEERING &amp; LAND SURVEYING</b> 85 SOUTH 200 EAST - VERNAL, UTAH 84078 (435) 789-1017		
SCALE 1" = 1000'	DATE SURVEYED: 01-05-06	DATE DRAWN: 03-29-06
PARTY A.F. L.G. D.R.B.	REFERENCES G.L.O. PLAT	
WEATHER COOL	FILE BERRY PETROLEUM COMPANY	

**LEGEND:**

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

(NAD 83)  
LATITUDE = 40°02'53.43" (40.048175)  
LONGITUDE = 110°28'10.65" (110.469625)  
(NAD 27)  
LATITUDE = 40°02'53.57" (40.048214)  
LONGITUDE = 110°28'08.09" (110.468914)



**EXCEPTION LOCATION**  
**UTE TRIBAL**  
**#7-17-55**  
**2,015' FNL**  
**2,224' FEL**  
**460' RADIUS**

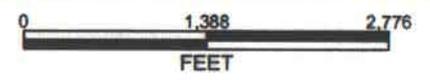
Berry Petroleum Company

**Brundage Canyon Project**

Ute Tribal #7-17-55

Exception Location Plat

Sec 17 T5S R5W - Duchesne Co, Utah



POSTED WELL DATA



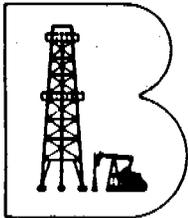
ATTRIBUTE MAP



WELL SYMBOLS

- ▲ Approved APD
- APD W/O Concurrence
- W/O Onsite
- APD - Released to Stake and Survey
- ◆ Geologic Prognosis Prepared
- Oil Well
- Location Only

October 3, 2006



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**NOV 17 2006**

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

Re: Application for Permit to Drill

Attached please find one (1) original and (1) copy of an *Application for Permit to Drill* on the following location which is fee surface and tribal minerals, and a copy of the APD was sent to Dennis Ingram.

UTE TRIBAL 7-17-55  
UTE TRIBAL 8-24-55  
UTE TRIBAL 5-25D-55

If you have any questions regarding these "APD's" please call me at (435) 722-1325.

Thank you,

Shelley E. Crozier  
Regulatory & Permitting Assistant  
[sec@bry.com](mailto:sec@bry.com)

cc: Bureau of Indian Affairs  
Ute Indian Tribe  
Bureau of Land Management

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 CITY ROOSEVELT STATE UTAH ZIP 84066</b>		PHONE NUMBER: <b>(435)722-1325</b>	9. WELL NAME and NUMBER: <b>UTE TRIBAL 7-17-55</b>
4. LOCATION OF WELL (FOOTAGES) AT SURFACE: <b>2015' FNL, 2224' FEL</b> AT PROPOSED PRODUCING ZONE: <b>SAME AS ABOVE</b>		10. FIELD AND POOL, OR WILDCAT: <b>BRUNDAJE CANYON</b> <i>Understrated</i>	
14. DISTANCE IN MILES AND DIRECTION FROM NEAREST TOWN OR POST OFFICE: <b>44.8 MILES FROM MYTON, UTAH</b>		11. QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: <b>(SW/NE) SEC. 17, T.5S., R.5W. U.S.B.&amp;M.</b>	
15. DISTANCE TO NEAREST PROPERTY OR LEASE LINE (FEET) <b>2015'</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>1500'</b>	19. PROPOSED DEPTH: <b>6120'</b>	20. BOND DESCRIPTION: <b>RLB0005651</b>	
21. ELEVATIONS (SHOW WHETHER DF, RT, GR, ETC.): <b>7199' 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>	

24. **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

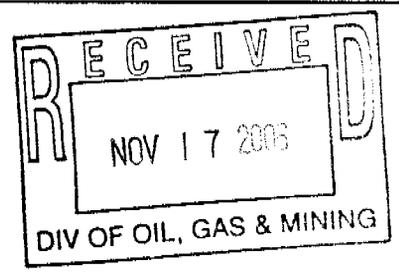
NAME (PLEASE PRINT) SHELLEY E. CROZIER TITLE REGULATORY & PERMITTING ASSISTANT

SIGNATURE *Shelley E. Crozier* DATE 11/16/06

(This space for State use only)

API NUMBER ASSIGNED: 43-01333419

Approved by the  
Utah Division of  
Oil, Gas and Mining

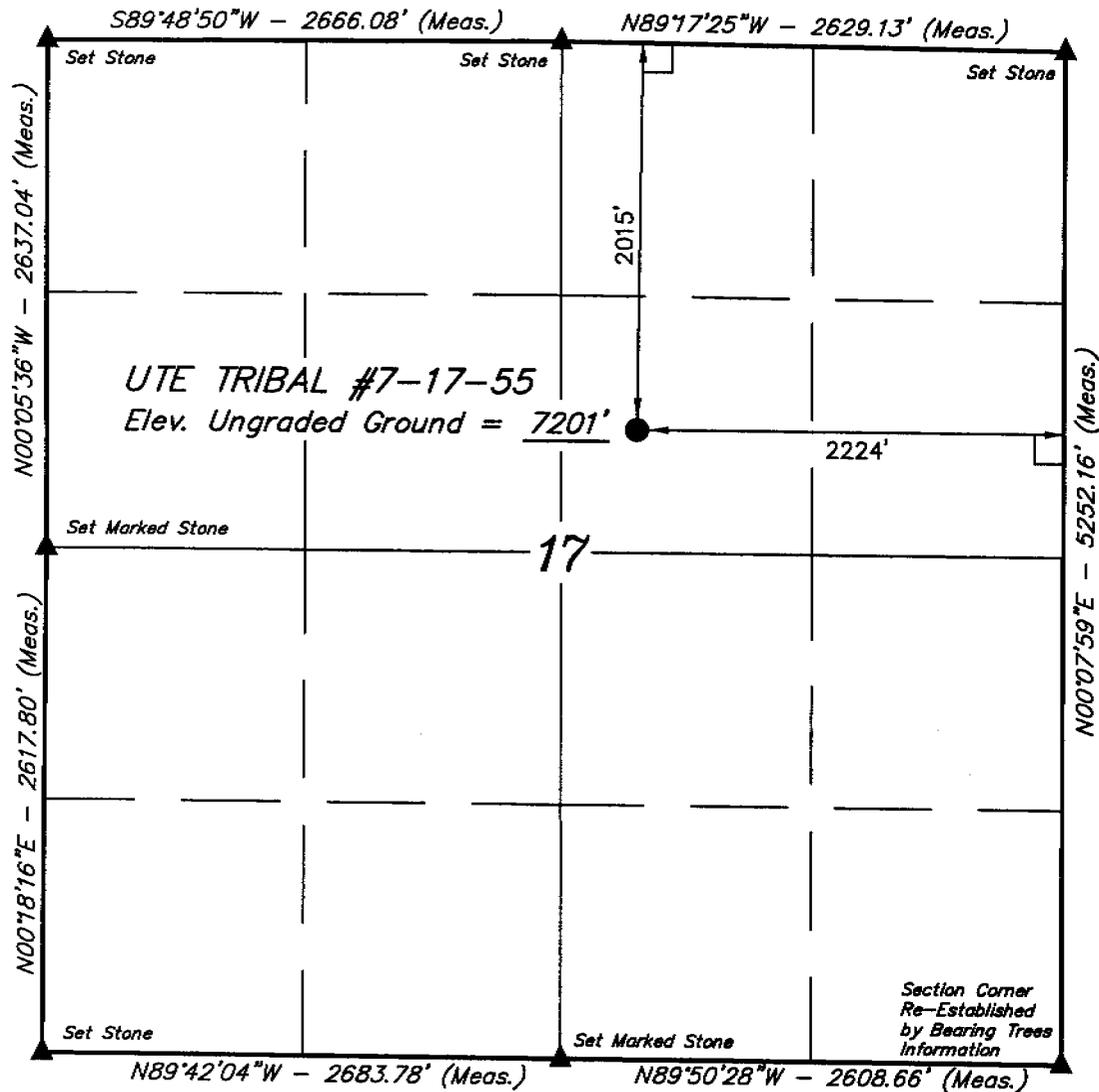


(11/2001)

Federal Approval of this Action is Necessary

Date: 11-17-06  
By: *[Signature]*

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



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**BERRY PETROLEUM COMPANY**

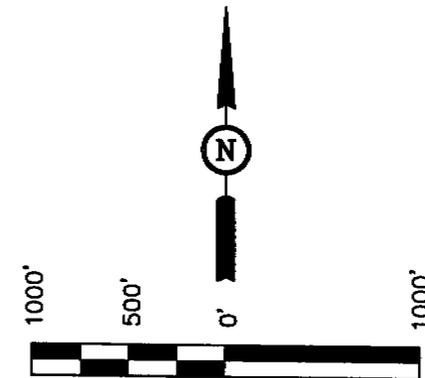
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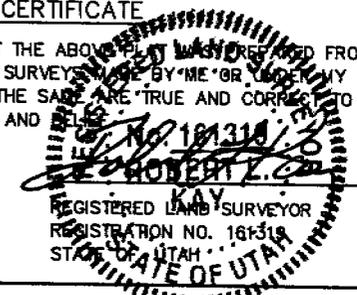
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**UNTAH ENGINEERING & LAND SURVEYING**  
 85 SOUTH 200 EAST - VERNAL, UTAH 84078  
 (435) 789-1017

SCALE 1" = 1000'	DATE SURVEYED: 01-05-06	DATE DRAWN: 03-29-06
PARTY A.F. L.G. D.R.B.	REFERENCES G.L.O. PLAT	
WEATHER COOL	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 7-17-55  
SW 1/4, NE 1/4, 2015' FNL 2224' 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.



Shelley E. Crozier  
Regulatory & Permitting Assistant  
Berry Petroleum Company  
4000 South 4028 West  
Route 2, Box 7735  
Roosevelt, Utah 84066  
435-722-1325

BERRY PETROLEUM COMPANY

Ute Tribal 7-17-55

Surface location SW 1/4, NE 1/4, 2015' FNL 2224' 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	1,495
Green River Upper Marker	2,069
Mahogany	2,665
Tgr3 Marker	3,713
Douglas Creek	4,486
*Black Shale	5,146
*Castle Peak	5,412
Uteland Butte Ls.	5,797
Wasatch	6,021
TD	6,120
Base of Moderately Saline Water (less than 10,000 ppm)	5,554

\*PROSPECTIVE PAY

**3 Pressure Control Equipment**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE (SOP VERSION: SEPTEMBER 21, 2006).

**4 Proposed Casing and Cementing Program**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE (SOP VERSION: SEPTEMBER 21, 2006).

**5 Drilling Fluids Program**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE (SOP VERSION: SEPTEMBER 21, 2006).

**6 Evaluation Program**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING  
PROCEDURE (SOP VERSION: SEPTEMBER 21, 2006).

Berry Petroleum Company  
Drilling Program  
Ute Tribal 7-17-55  
Duchesne County, Utah  
Page Two

**7 Abnormal Conditions**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: SEPTEMBER 21, 2006).

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

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: SEPTEMBER 21, 2006).

**9 Other information**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: SEPTEMBER 21, 2006).

**BERRY PETROLEUM COMPANY**

Ute Tribal 7-17-55

Surface location SW 1/4, NE 1/4, 2015' FNL 2224' 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 7-17-55 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 24.4 miles to the Cottonwood Canyon Road (Sec. 7 Compressor Site). Turn north onto CR-25 and proceed north 5.2 miles. Turn southwest off CR-25 and proceed southwest 6.0 miles. Turn east and proceed 0.3 miles past the Ute Tribal 5-17-55 access road. Turn northeast 0.1 miles to the Ute Tribal 7-17-55 access road. Turn South and proceed 0.25 miles to the Ute Tribal 7-17-55 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: SEPTEMBER 21, 2006).

**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: SEPTEMBER 21, 2006).

**7 Methods of Handling Waste Materials**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: SEPTEMBER 21, 2006).

**8 Ancillary Facilities**

PLEASE REFER TO BERRY PETROLEUM COMPANY STANDARD OPERATING PROCEDURE (SOP VERSION: SEPTEMBER 21, 2006).

**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: SEPTEMBER 21, 2006). If an Archaeological Study is performed, 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: SEPTEMBER 21, 2006).

**13 Operator's Representative and Certification**

A) Representative  
NAME: Shelley E. Crozier  
ADDRESS: Berry Petroleum Company  
4000 South 4028 West  
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.

November 16, 2006  
DATE

Shelley E. Crozier  
Shelley E. Crozier  
Regulatory & Permitting Assistant  
Berry Petroleum Company

APPLICATION FOR GRANT OF CORRIDOR RIGHT-OF-WAY

BERRY PETROLEUM COMPANY, having a resident or principal place of business at Route 2 Box 7735  
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 #7-17-55

Across the following described Indian Lands W ½ NE 1/4 OF SECTION 17, T5S, R5W, U.S.B.&M.

Drill Site = 1.993 Ac.

Corridor R-O-W = 0.859 Ac.  
(Access Road & Pipeline)

Total Acreage = 2.852 Acres

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

Said Right-of-Way to be approximately 1,247.90 feet in length, 30 feet in width, and 0.859 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 6 day of April, 2006.

Makenzie Hoopes  
WITNESS  
Jane M. Bartlett  
WITNESS

**BERRY PETROLEUM COMPANY**  
APPLICANT

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 #7-17-55**  
**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 1247.90' OR 0.236 MILES. WIDTH OF RIGHT-OF-WAY IS 30' (15' PERPENDICULAR ON EACH SIDE OF THE CENTERLINE). CONTAINS 0.859 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, 0.236 MILES IN LENGTH BEGINNING AND ENDING AS SHOWN ON THIS MAP IS ACCURATELY REPRESENTED.

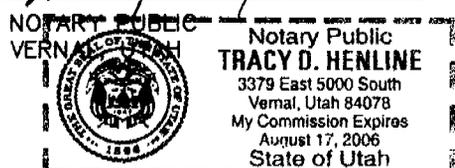


**ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 6 DAY OF April 2006.

MY COMMISSION EXPIRES Aug 17, 2006.

*[Handwritten signature]*

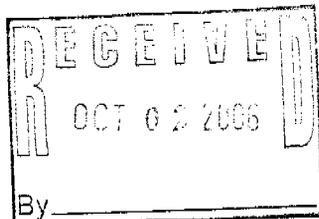


**APPLICANT'S CERTIFICATE**

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, 0.236 MILES IN LENGTH BEGINNING AT STA. 0+00 AND ENDING AT STA. 12+47.90, 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.

*[Handwritten signature: Ed Courtright]*  
APPLICANT

PRODUCTION SUPERVISOR  
TITLE



Berry Petroleum Company,  
Ute Tribal #7-17-55 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.  
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Route 2, Box 7735  
Roosevelt, Utah  
84066

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

Utah Project # U-06-AY-305(i)

September 28, 2006

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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 #7-17-55 well, its access and pipeline. The location of the project area is in the SW/NE 1/4 of Section 17, T5S, R5W, Duchesne County, Utah (Figure 1).

The proposed Ute Tribal #7-17-55 well's centerstake (Alternate #1) footage is 2015' FNL, 2224' FEL. The Universal Transverse Mercator (UTM) centroid coordinate for the proposed Ute Tribal #7-17-55 well centerstake is Zone 12, North American Datum (NAD) 83, 5/45/238.88 mE 44/33/238.64 mN +5m.

From an existing oil and gas field service road and pipeline, the proposed access and pipeline trends northwest 1000 feet (304.8 m) to the proposed 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 14.58 acres (10 block, 4.58 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 fieldwork was conducted on September 20, 2006 by AIA archaeologists James Truesdale and accompanied by Brad Pinnacoose (technician, Energy and Minerals Resource Division, Uintah-Ouray Ute tribe. 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 in February of 2006. In addition, AIA's USGS quadrangle Duchesne SW base map was updated from UDSH Records division Duchesne SW base map in November of 2003 and again on February 2, 2004. The UDSH SHPO GIS file search reported no previous projects had been conducted in the general area (Section 17, T5S R5W).

No additional projects and/or cultural materials (sites, isolates) have been previously recorded in the immediate project area.

## Environment

Physiographically, the project is located in the Uinta Basin, approximately 25 miles southwest of Myton, Utah. The Uinta Basin is structurally the lowest part of the Colorado Plateau

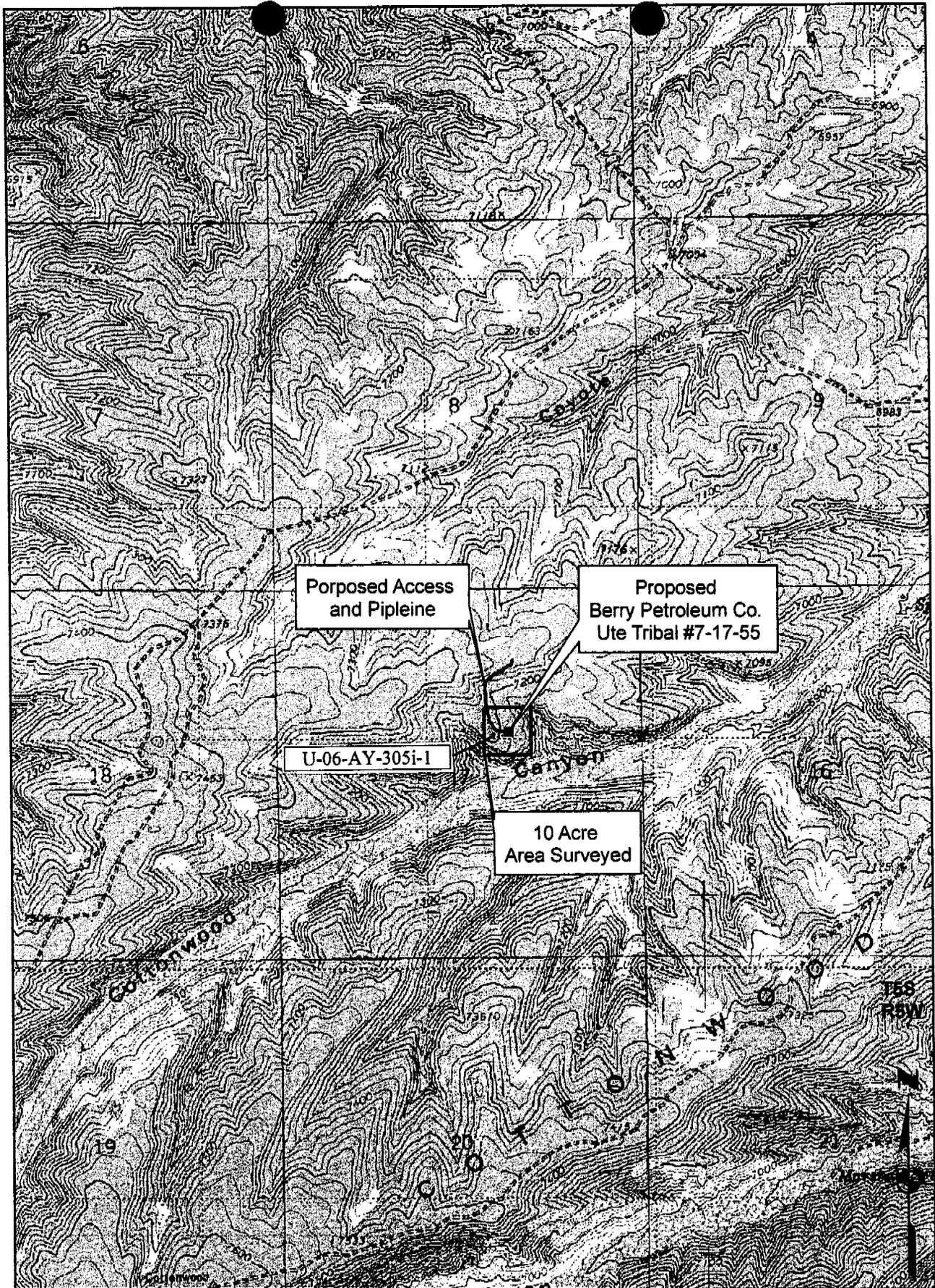


Figure 1. Location of the Berry Petroleum Co.'s proposed Ute Tribal #7-17-55 well, its access, pipeline and isolate U-06-AY-305(i)-1 on 7/5/1964 USGS Quadrangle map Duchesne SW, Duchesne County, Utah.

geographical province (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 that incline northward and are mainly dip slopes on the harder layers of Green River and Uinta Formations. The terrain is characterized as having steep ridges and/or buttes of Uintah Formation sandstones and clays dissected by seasonal drainages and washes with wide flat alluvial plains. 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, fluviatile, and deltaic continental deposits, most famous of which are the lacustrine Green River Beds.

The project area is located along a large broad southwest to northeast trending Cottonwood Ridge whose slopes are located west of Tabby Canyon. The large broad Cottonwood Ridge is a large ridge system that is located between the Tabby Canyon to the southeast and Cottonwood Canyon to the northwest. Portions of the desert hardpan and bedrock in the project area are covered with aeolian sand that may reach a depth of over 50 to 100 centimeters in areas. Brundage Canyon drainage trends northeast approximately 4 1/2 miles to Sowers Canyon, which trends northeast 3 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. 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), Tansy leaved evening primrose (Oenothera tanacetifolia), Rydberg's Penstemon (Penstemon rydbergi), Stemless Hymenoxys (Hymenoxys acaulis), Sego Lily (Calochortus nuttallii), peppergrass (Lepidium perfoliatum), Russian thistle (Salsola kali), Simpson's Hedgehog cactus (Pediocactus simpsonii) and prickly pear cactus (Opuntia spp.).

#### Ute Tribal #7-17-55

The immediate proposed Berry Petroleum Co. Ute Tribal #7-17-55 well is situated on the top and eastern slope of a small flat bench located on a north to south trending ridge (Figure 2 This ridge is part of the western drainage of the much larger Cottonwood Ridge system that is located adjacent immediately north

of Cottonwood Canyon. Vegetation is dominated by a Pinion/juniper



Figure 2. View to west at the proposed Ute Tribal #7-17-55 centerstake and well pad area.

forest with an understory of mountain mahogany, big sagebrush, budsage, buckwheat, yucca, prickly pear cactus and bunchgrasses (wheatgrass, Indian rice grass). A low sagebrush community consisting of sagebrush, saltbush, rabbitbrush, bunchgrasses and prickly pear cactus can be found in the open areas along the broad open flats on top of the ridge. Sediments are colluvial in nature. The colluvium consists of shallow (<10 cm), poorly sorted, loosely compacted, tan to light brown sandy clay loam mixed with small to medium sized flat angular pieces of sandstone. The elevation is 7189.76 feet (2192 m) AMSL.

From an existing oil and gas field service road and pipeline, the proposed access and pipeline trend 1000 feet (304.8 m) to the proposed Ute Tribal #7-17-55 well pad. From the existing oil and gas field service road, the proposed access and pipeline leave the existing road and trend south down the southern talus slope of a large southwest to northeast trending ridge, across a large buried pipeline corridor, onto a small bench and the proposed well location. Sediments along the access and pipeline consist of shallow (<5 to 10 cm), poorly sorted, loosely compacted, tan to

light brown, sandy clay loam, mixed with small to medium sized flat angular pieces of Uinta formation sandstone, clay and shale. Exposures of sandstone, clay and shale bedrock can be found eroding from the ridge's talus slopes. Vegetation along the access and pipeline is dominated by Pinion and juniper trees with an understory of mountain mahogany, low sage, yucca and prickly pear cactus.

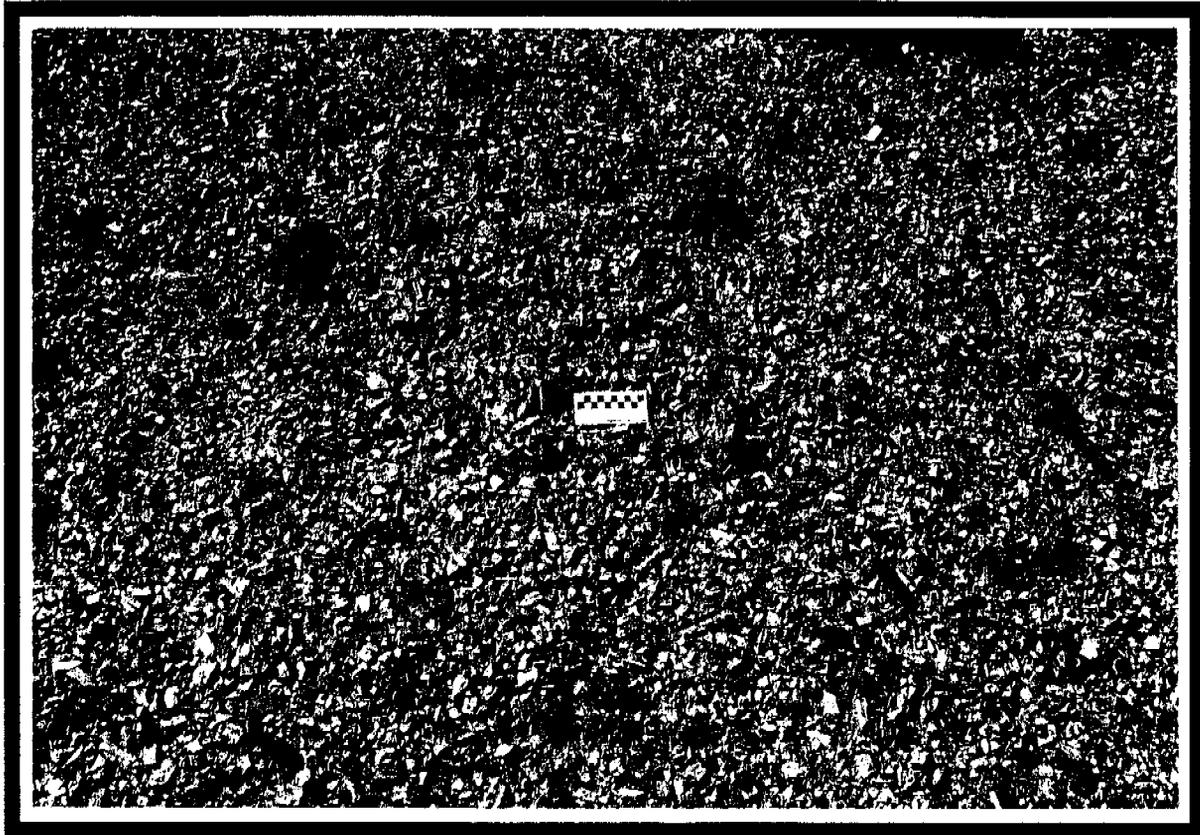


Figure 3. Oblique view of colluvial sediments located on and surrounding the proposed Ute Tribal #7-17-55 well centerstake and well pad area.

The surrounding landscape exhibits exposures relatively thick ledges of sandstone with thinner layers of clay and shale. The surrounding vegetation is dominated by a Pinion/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.

#### Field Methods

A total of 10 acres was surveyed around the centerstake of the proposed Ute Tribal #7-17-55 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 is 1000 feet (304.8 m) long and 100 feet (30.4 m) wide, 2.29 acres. Thus, 4.58 linear acres was surveyed.

Geologic landforms (rock shelters, alcoves, ridge tops and saddles) and areas of subsurface exposure (ant hills, blowouts, rodent holes and burrow, eroding slopes and cut banks) were examined with special care in order to locate 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 was 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 was 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 and UTM coordinates are recorded.

When sites are found an Intermountain Antiquities Computer System (IMACS) form was 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 were mapped with a Brunton compass 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 measured. All features (rock art 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) and/or an E-Trex GPS. Site elevation and Universal Transverse Mercator (UTM) grid data, its Estimated Position Error (EPE) and Dilution of Precision (DOP) were recorded. Using the GPS data, the site location was then placed on a USGS 7.5' quadrangle map.

## Results

A total of 14.58 acres (10 block, 4.58 linear) were surveyed for cultural resources within and around the proposed Berry Petroleum Co. Ute Tribal #7-17-55, and along its access and pipeline. One isolate (U-06-AY-305i-1), a black chert tertiary

flake, was recorded. The isolate is considered to be non-significant. No additional cultural resources (sites, isolates) were recorded during the survey.

Modern trash (plastic soda pop, oil and antifreeze bottles, clear, green, and brown bottle glass, foam insulation and sanitary food cans) can be found throughout the Cottonwood Ridge, Brundage Canyon, Nutters Canyon, Sowers Canyon and Antelope Canyon oil and gas fields, especially along the service roads.

### Isolate

Isolate: U-06-AY-305(i)-1

Location: C/S/SE/NW/SW/NE  $\frac{1}{4}$  of Section 17, T5S R5W (Figure 1)

UTM Coordinate: Zone 12, NAD 83, 5/45/116mE 44/33/362mN +5m

Setting: The isolate is situated on the top of a small bench located on a north to south trending ridge. Sediments consists of shallow (<5 cm), poorly sorted, loosely compacted, tan to light brown, sandy clay loam mixed with tiny to small angular pieces of sandstone, clay and shale. Vegetation consists of Pinion pine and juniper with a understory of mountain mahogany, sagebrush, bunchgrasses and prickly pear cactus. The elevation is 7189.76 feet (2192 m) AMSL.

Description: Isolate (U-06-AY-305i-1) is a black chert tertiary flake.

No additional artifacts (chipped and ground stone tools, chipped stone debitage) or features (fire pits, rock cairns) were recorded in association with the isolated flake. Sediments on and surrounding the isolate consist of shallow (<5 cm), tan to light brown, poorly sorted, loosely compacted, sandy clay loam mixed with small angular pieces of sandstone, clay and shale. Exposed and eroding sandstone, clay and shale bedrock can be found throughout the immediate area. The possibility of buried and intact cultural materials associated with the isolate is low. The isolate is considered to be non-significant.

### Recommendations

A total of 14.58 acres (10 block, 4.58 linear) were surveyed for cultural resources within and around the proposed Berry Petroleum Co. Ute Tribal #7-17-55 and along its access and pipeline. One isolate (U-06-AY-305i-1), a black chert tertiary flake, was recorded. The isolate is considered to be non-significant. No additional cultural resources (sites, isolates) were recorded during the survey.

The isolate is located over 50 feet (15 m) west of the

proposed well's access and pipeline corridor. Therefore, the isolate will not be impacted by subsequent construction of the proposed well, its access or pipeline.

Sediments on the proposed well pad and along its access and pipeline are shallow (<5 cm). Therefore, the possibility of buried and intact cultural materials located on the proposed well pad or along its, access and pipeline is low. Thus, no additional archaeological work is necessary and clearance is recommended for the construction of the proposed Ute Tribal #7-17-55 well pad, its access and pipeline.

## REFERENCES CITED

Childs, O.E.

1950 Geologic history of the Uinta Basin, Utah Geological and Mineralogical Survey. Guidebook to the Geology of Utah, No. 5:49-59.

Stokes, William Lee

1986 Geology of Utah. Contributions by Utah Museum of Natural History, and the Utah Geological and Mineral Survey Department of Natural Resources. Utah Museum of Natural History, Occasional Papers, Number 6.

Thornbury, William D.

1965 Regional Geomorphology of the United States. John Wiley & Sons, Inc.

Truesdale, James A., Kathleen E. Hiatt, and Clifford Duncan

1995 Cultural Resource Inventory of the Proposed Ouray Gravel Pit Location, Uintah-Ouray Ute Reservation, Uintah County, Utah. Report prepared for U & W Construction, Ft. Duchesne, Utah by AIA, Laramie, Wyoming.

# BERRY PETROLEUM COMPANY

UTE TRIBAL #7-17-55

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

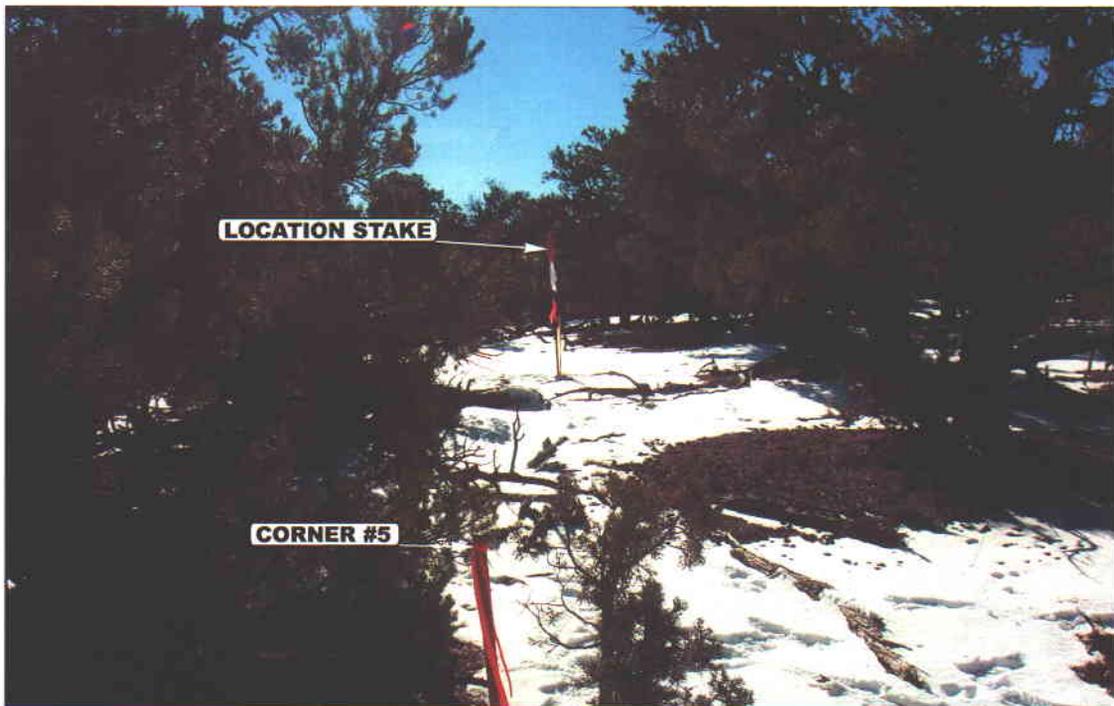


PHOTO: VIEW FROM CORNER #5 TO LOCATION STAKE

CAMERA ANGLE: SOUTHERLY



PHOTO: VIEW FROM BEGINNING OF PROPOSED ACCESS

CAMERA ANGLE: SOUTHERLY



- Since 1964 -

U  
E  
L  
S  
Uintah Engineering & Land Surveying  
85 South 200 East Vernal, Utah 84078  
435-789-1017 uels@uelsinc.com

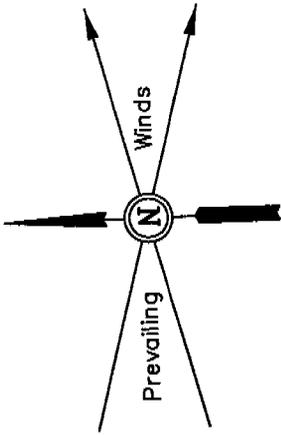
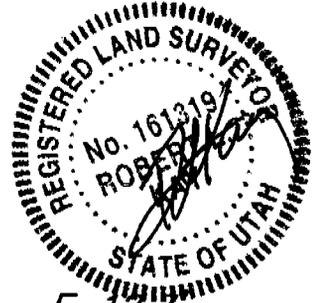
TOPOGRAPHIC 01 25 06  
MAP MONTH DAY YEAR  
TAKEN BY: A.F. | DRAWN BY: C.P. | REVISED: 00-00-00

PHOTO

# BERRY PETROLEUM COMPANY

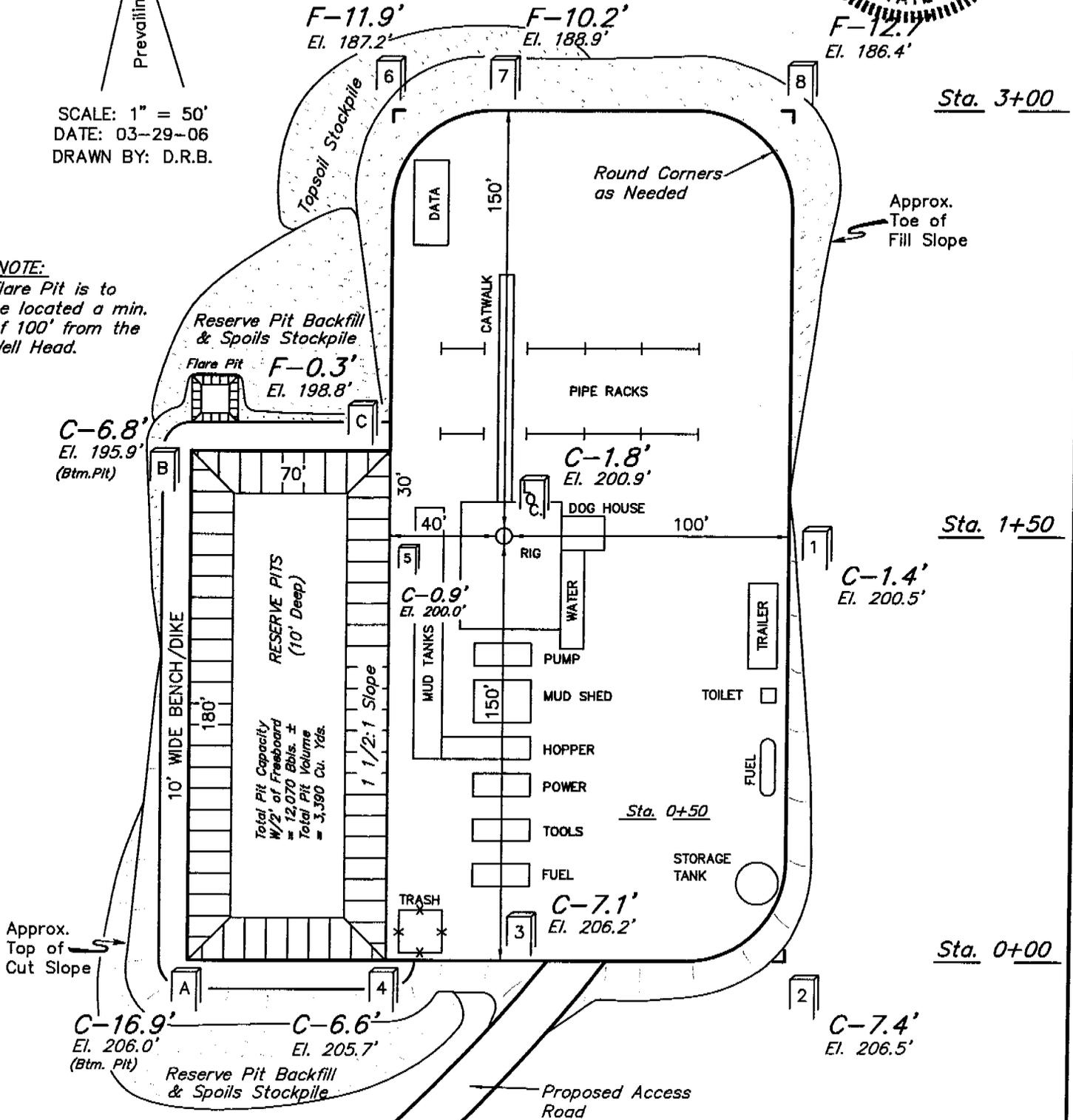
LOCATION LAYOUT FOR

UTE TRIBAL #7-17-55  
SECTION 17, T5S, R5W, U.S.B.&M.  
2015' FNL 2224' FEL



SCALE: 1" = 50'  
DATE: 03-29-06  
DRAWN BY: D.R.B.

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



Elev. Ungraded Ground at Location Stake = 7200.9'  
Elev. Graded Ground at Location Stake = 7199.1'

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

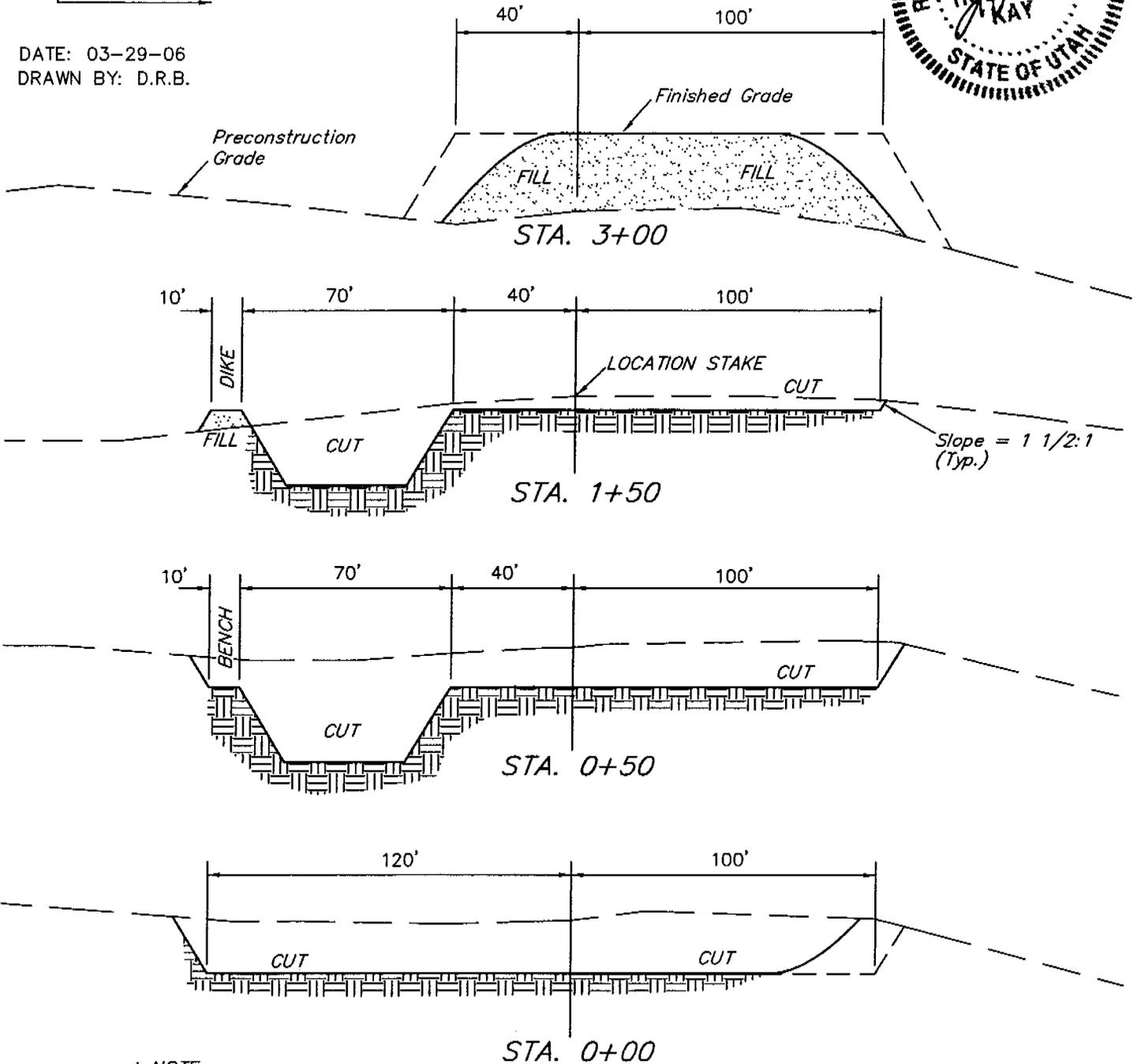
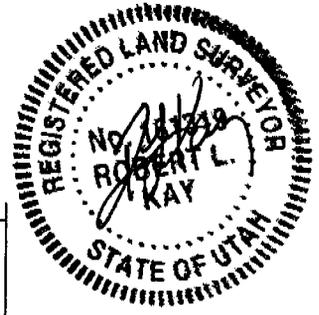
# BERRY PETROLEUM COMPANY

## TYPICAL CROSS SECTIONS FOR

UTE TRIBAL #7-17-55  
SECTION 17, T5S, R5W, U.S.B.&M.  
2015' FNL 2224' FEL

1" = 20'  
X-Section  
Scale  
1" = 50'

DATE: 03-29-06  
DRAWN BY: D.R.B.



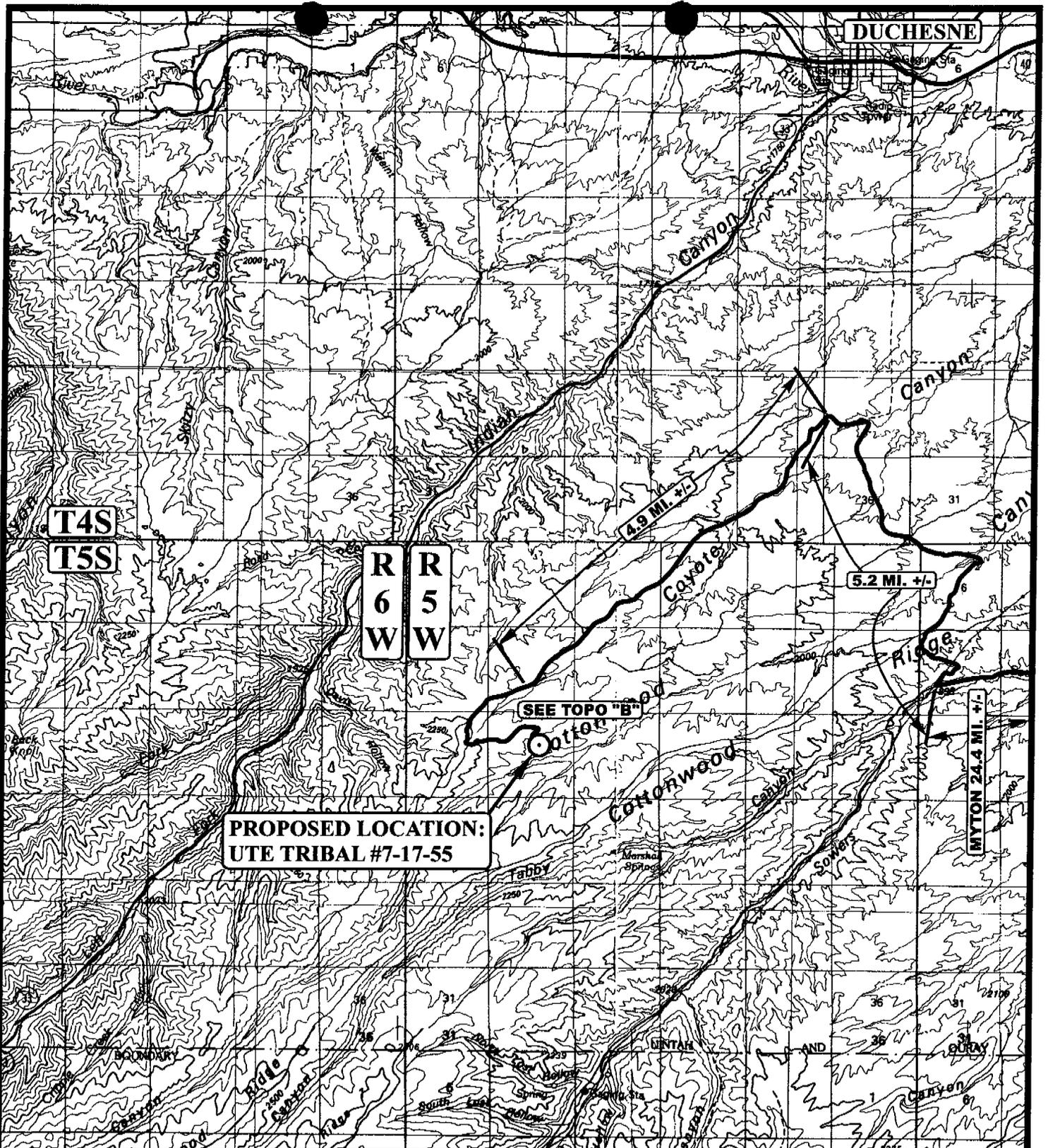
\* NOTE:  
FILL QUANTITY INCLUDES  
5% FOR COMPACTION

### APPROXIMATE YARDAGES

CUT		
(12") Topsoil Stripping	=	2,640 Cu. Yds.
Remaining Location	=	7,350 Cu. Yds.
<b>TOTAL CUT</b>	<b>=</b>	<b>9,990 CU.YDS.</b>
<b>FILL</b>	<b>=</b>	<b>5,650 CU.YDS.</b>

EXCESS MATERIAL	=	4,340 Cu. Yds.
Topsoil & Pit Backfill (1/2 Pit Vol.)	=	4,340 Cu. Yds.
EXCESS UNBALANCE (After Interim Rehabilitation)	=	0 Cu. Yds.

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**LEGEND:**

○ PROPOSED LOCATION



**BERRY PETROLEUM COMPANY**

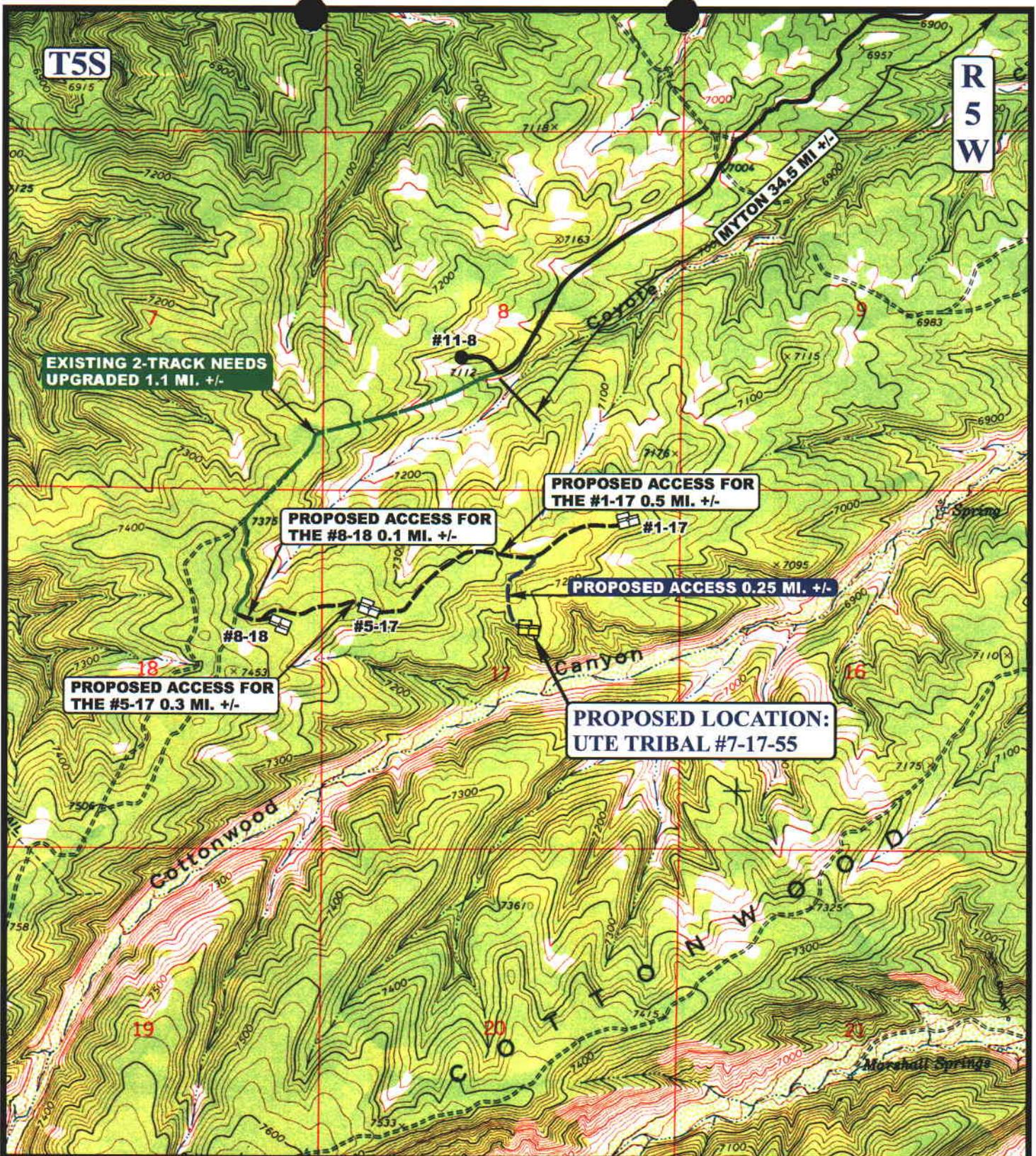
UTE TRIBAL #7-17-55  
SECTION 17, T5S, R5W, U.S.B.&M.  
2015' FNL 2224' FEL



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(435) 789-1017 \* FAX (435) 789-1813

**TOPOGRAPHIC** 01 25 06  
**MAP** MONTH DAY YEAR  
SCALE: 1:100,000 DRAWN BY: C.P. REVISED: 00-00-00





**LEGEND:**

-  EXISTING ROAD
-  PROPOSED ACCESS ROAD
-  EXISTING 2-TRACK NEEDS UPGRADED



**BERRY PETROLEUM COMPANY**

**UTE TRIBAL #7-17-55**  
**SECTION 17, T5S, R5W, U.S.B.&M.**  
**2015' FNL 2224' FEL**



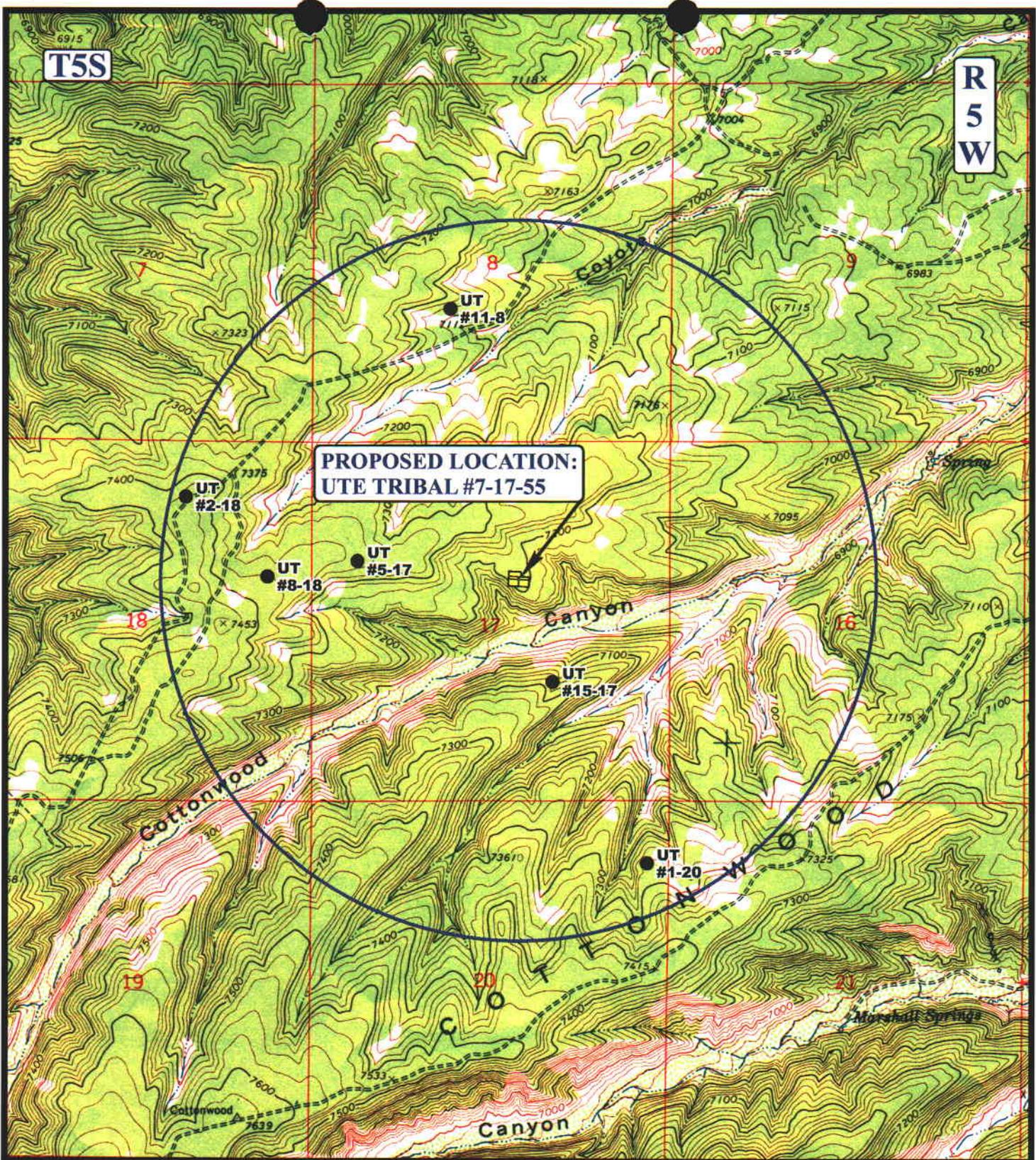
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 (435) 789-1017 \* FAX (435) 789-1813

**TOPOGRAPHIC**  
**MAP**

**01 25 06**  
 MONTH DAY YEAR

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





**LEGEND:**

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

**BERRY PETROLEUM COMPANY**

UTE TRIBAL #7-17-55  
 SECTION 17, T5S, R5W, U.S.B.&M.  
 2015' FNL 2224' FEL



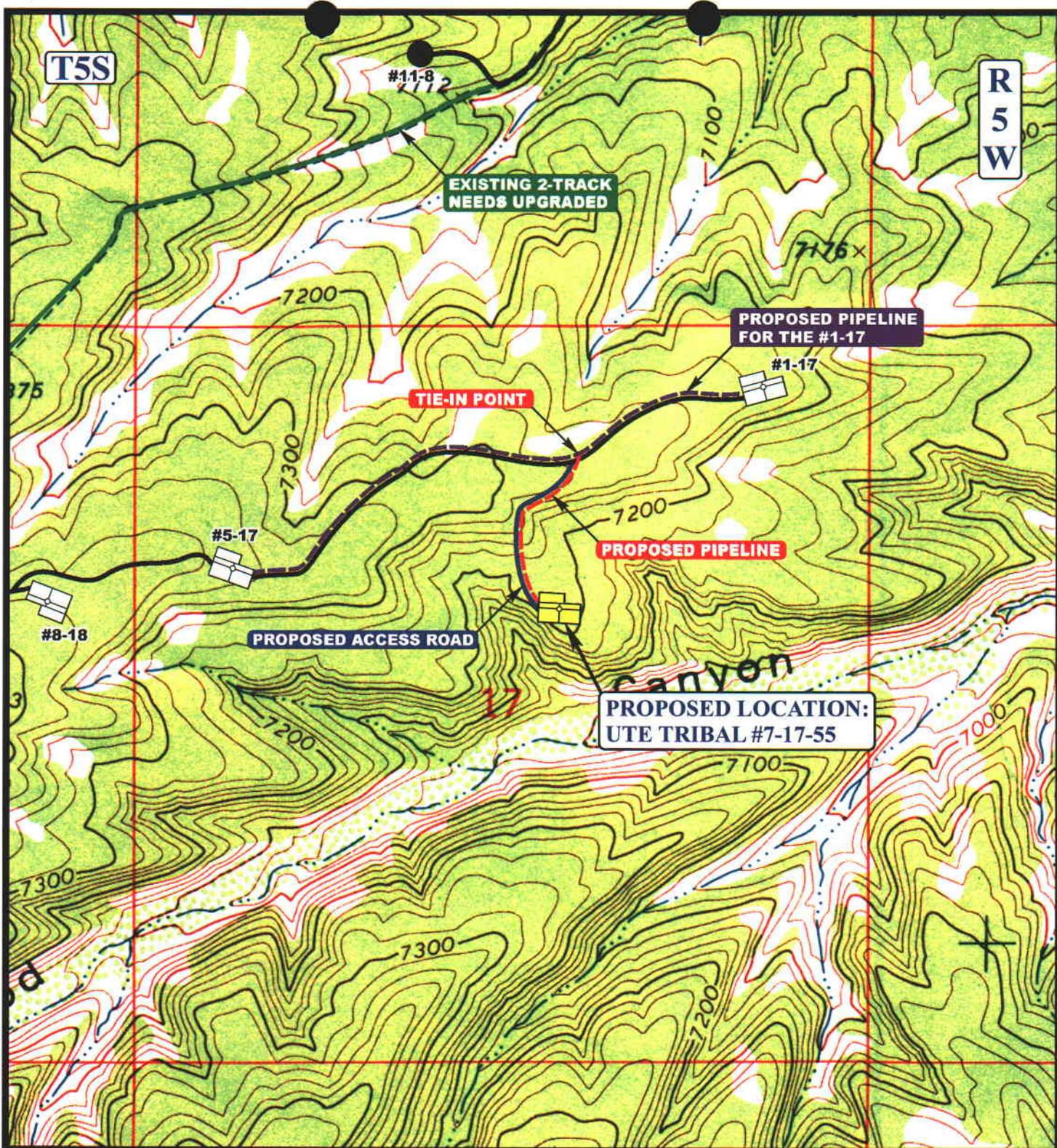
Uintah Engineering & Land Surveying  
 85 South 200 East Vernal, Utah 84078  
 (435) 789-1017 \* FAX (435) 789-1813



**TOPOGRAPHIC MAP** 01 25 06  
 MONTH DAY YEAR

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





**APPROXIMATE TOTAL PIPELINE DISTANCE = 1,247' +/-**

**LEGEND:**

- PROPOSED ACCESS ROAD
- EXISTING 2-TRACK NEEDS UPGRADED
- PROPOSED PIPELINE
- PROPOSED PIPELINE (SERVICING OTHER WELLS)



**BERRY PETROLEUM COMPANY**

UTE TRIBAL #7-17-55  
 SECTION 17, T5S, R5W, U.S.B.&M.  
 2015' FNL 2224' FEL



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

**TOPOGRAPHIC** 01 25 06  
**MAP** MONTH DAY YEAR

SCALE: 1" = 1000' DRAWN BY: C.P. REVISED: 00-00-00

**D**  
 TOPO

**WORKSHEET  
APPLICATION FOR PERMIT TO DRILL**

APD RECEIVED: 11/17/2006

API NO. ASSIGNED: 43-013-33419

WELL NAME: UTE TRIBAL 7-17-55  
 OPERATOR: BERRY PETROLEUM COMPANY ( N2480 )  
 CONTACT: SHELLY CROZIER

PHONE NUMBER: 435-722-1325

PROPOSED LOCATION:

SWNE 17 050S 050W  
 SURFACE: 2015 FNL 2224 FEL  
 BOTTOM: 2015 FNL 2224 FEL  
 COUNTY: DUCHESNE  
 LATITUDE: 40.04823 LONGITUDE: -110.4693  
 UTM SURF EASTINGS: 545269 NORTHINGS: 4433035  
 FIELD NAME: UNDESIGNATED ( 2 )

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

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- Codebook Approval  
2 Spacing Slip

T5S R5W

UTE TRIBAL  
1-18-55 ⊕

UTE TRIBAL  
1-17-55 ⊕

UTE TRIBAL  
8-18-55 ⊕

UTE TRIBAL  
5-17-55 ⊕

UTE TRIBAL  
7-17-55 ⊕

UTE TRIBAL  
9-18-55 ⊕

17

16

**BRUNDAGE  
CANYON FIELD**

UTE TRIBAL  
15-17-55 ●

UTE TRIBAL  
2-20D-55 ⊕  
BHL  
2-20D-55

UTE TRIBAL  
1-20-55 ●

UTE TRIBAL  
8-19-55 ●

OPERATOR: BERRY PETRO CO (N2480)

SEC: 17 T.5S R.5W

FIELD: UNDESIGNATED (001)

COUNTY: DUCHESNE

SPACING: R649-3-3 / EXCEPTION LOCATION

**Wells Status**

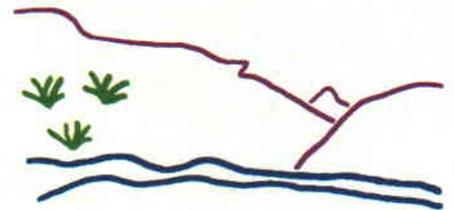
- ⊕ GAS INJECTION
- ⊗ GAS STORAGE
- ⊗ LOCATION ABANDONED
- ⊕ NEW LOCATION
- ⊕ PLUGGED & ABANDONED
- ⊗ PRODUCING GAS
- PRODUCING OIL
- ⊗ SHUT-IN GAS
- SHUT-IN OIL
- ⊗ TEMP. ABANDONED
- ⊗ TEST WELL
- △ WATER INJECTION
- ⊕ WATER SUPPLY
- ⊗ WATER DISPOSAL
- ⊗ DRILLING

**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



*Utah Oil Gas and Mining*



PREPARED BY: DIANA MASON  
DATE: 20-NOVEMBER-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*

November 17, 2006

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

Re: Ute Tribal 7-17-55 Well, 2015' FNL, 2224' FEL, SW NE, Sec. 17, T. 5 South,  
R. 5 West, Duchesne County, Utah

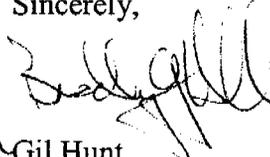
Gentlemen:

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 43-013-33419.

Sincerely,

  
for 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 7-17-55  
API Number: 43-013-33419  
Lease: 14-20-H62-5025

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

#### 5. 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.

RECEIVED

Form 3160-3  
(April 2004)

NOV 17 2006

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

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

BLM VERNAL, UTAH

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 4000 SOUTH 4028 WEST RT. 2 BOX 7735, ROOSEVELT, UT. 84066		8. Lease Name and Well No. UTE TRIBAL 7-17-55	
3b. Phone No. (include area code) (435) 722-1325		9. API Well No. 4301333419	
4. Location of Well (Report location clearly and in accordance with any State requirements.) At surface (SW/NE) 2015' FNL, 2224' FEL At proposed prod. zone SAME AS ABOVE		10. Field and Pool, or Exploratory BRUNDAGE CANYON	
14. Distance in miles and direction from nearest town or post office* 44.8 MILES FROM MYTON, UTAH		11. Sec., T. R. M. or BLK. and Survey or Area SEC. 17, T.5S., R.5W. U.S.B.&M.	
15. Distance from proposed* location to nearest property of lease line, ft. (Also to nearest drig. Unit line, if any) 2015'		12. County or Parrish DUCHESNE	
16. No. of acres in lease 640		13. State UTAH	
17. Spacing Unit dedicated to this well 40		18. Distance from proposed* to nearest well, drilling, completed, applied for, on this lease, ft. 1500'	
19. Proposed Depth 6120'		20. BLM/BIA Bond No. on file UTB000035 / RLB0005750	
21. Elevations (Show whether DF, KDB, RT, GR, etc.) 7199' GR		22. Approximate date work will start* REFER TO BPC SOP PLAN	
		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:

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

25. Signature <i>Shelley E. Crozier</i>	Name (Printed/Typed) SHELLEY E. CROZIER	Date 11/16/06
Title REGULATORY & PERMITTING ASSISTANT		
Approved by (Signature) <i>Jerry Kenccka</i>	Name (Printed/Typed) JERRY KENCCKA	Date 3-2-2007
Title 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.

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

CONDITIONS OF APPROVAL ATTACHED  
RECEIVED

MAR 09 2007

DIV. OF OIL, GAS & MINING

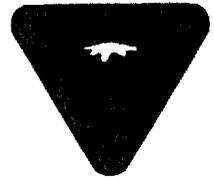


**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
VERNAL FIELD OFFICE**

170 South 500 East

VERNAL, UT 84078

(435) 781-4400



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

**Company:** Berry Petroleum Company  
**Well No:** Ute Tribal 7-17-55  
**API No:** 43-013-33419

**Location:** SWNE, Sec. 17, T5S, R5W  
**Lease No:** 14-20-H62-5025  
**Agreement:** N/A

Title	Name	Office Phone Number	Cell Phone Number
Petroleum Engineer:	Matt Baker	(435) 781-4490	(435) 828-4470
Petroleum Engineer:	Michael Lee	(435) 781-4432	(435) 828-7875
Petroleum Engineer:	James Ashley	(435) 781-4470	(435) 828-7874
Petroleum Engineer:	Ryan Angus	(435) 781-4430	(435) 828-7368
Supervisory Petroleum Technician:	Jamie Sparger	(435) 781-4502	(435) 828-3913
NRS/Enviro Scientist:	Paul Buhler	(435) 781-4475	(435) 828-4029
NRS/Enviro Scientist:	Karl Wright	(435) 781-4484	
NRS/Enviro Scientist:	Holly Villa	(435) 781-4404	
NRS/Enviro Scientist:	Melissa Hawk	(435) 781-4476	(435) 828-7381
NRS/Enviro Scientist:	Chuck MacDonald	(435) 781-4441	(435) 828-7481
NRS/Enviro Scientist:	Jannice Cutler	(435) 781-3400	
NRS/Enviro Scientist:	Michael Cutler	(435) 781-3401	
NRS/Enviro Scientist:	Anna Figueroa	(435) 781-3407	
NRS/Enviro Scientist:	Verlyn Pindell	(435) 781-3402	
NRS/Enviro Scientist:	Darren Williams	(435) 781-4447	
NRS/Enviro Scientist:	Nathan Packer	(435) 781-3405	

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**

Location Construction (Notify Environmental Scientist)	- Forty-Eight (48) hours prior to construction of location and access roads.
Location Completion (Notify Environmental Scientist)	- Prior to moving on the drilling rig.
Spud Notice (Notify Petroleum Engineer)	- Twenty-Four (24) hours prior to spudding the well.
Casing String & Cementing (Notify Supv. Petroleum Tech.)	- Twenty-Four (24) hours prior to running casing and cementing all casing strings.
BOP & Related Equipment Tests (Notify Supv. Petroleum Tech.)	- Twenty-Four (24) hours prior to initiating pressure tests.
First Production Notice (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:**

- Paint tanks tan.

**General Conditions of Approval**

- A 1,247.90 foot 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.
- A qualified Archaeologist accompanied by a Tribal Technician will monitor trenching construction of pipeline.
- The Ute Tribe Energy & Minerals Department is to be notified, in writing 48 hours prior to construction of pipeline.
- 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.
- The Company shall inform contractors to maintain construction of pipelines within the approved ROWs.
- 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.
- 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.
- 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.
- The Company will implement "Safety and Emergency Plan." The Company's safety director will ensure its compliance.
- All Company employees and/or authorized personnel (sub-contractors) in the field will have approved applicable APDs and/or ROW permits/authorizations on their person(s) during all phases of construction.
- All vehicular traffic, personnel movement, construction/restoration operations should be confined to the area examined and approved, and to the existing roadways and/or evaluated access routes.
- All personnel should refrain from collecting artifacts, any paleontological fossils, and from disturbing any significant cultural resources in the area.

- The personnel from the Ute Tribe Energy & Minerals Department should be notified should cultural remains from subsurface deposits be exposed or identified during construction. All construction will cease.
- All mitigative stipulations contained in the Bureau of Indian Affairs Site Specific Environmental Assessment (EA) will be strictly adhered.
- 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**

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

- Spacing exception required

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

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

- The spud date and time shall be reported orally to Vernal Field Office within 24 hours of spudding.
- Notify Vernal Field Office Supervisory Petroleum Engineering Technician at least 24 hours in advance of casing cementing operations and BOPE & casing pressure tests.
- Blowout prevention equipment (BOPE) shall remain in use until the well is completed or abandoned. Closing unit controls shall remain unobstructed and readily accessible at all times. Choke manifolds shall be located outside of the rig substructure.
- All BOPE components shall 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 shall be performed by a test pump with a chart recorder and **NOT** by the rig pumps. Test shall be reported in the driller's log.
- BOP drills shall 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.
- **Cement baskets shall not be run on surface casing.**
- The operator must report all shows of water or water-bearing sands to the BLM. If flowing water is encountered it must be sampled, analyzed, and a copy of the analyses submitted to the BLM Vernal Field Office.
- The operator must report encounters of all non oil & gas mineral resources (such as Gilsonite, tar sands, oil shale, trona, etc.) to the Vernal Field Office, in writing, within 5 working days of each encounter. Each report shall include the well name/number, well location, date and depth (from KB or GL) of encounter, vertical footage of the encounter and, the name of the person making the report (along with a telephone number) should the BLM need to obtain additional information.
- A complete set of angular deviation and directional surveys of a directional well will be submitted to the Vernal BLM office engineer within 30 days of the completion of the well.
- Chronologic drilling progress reports shall 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.

- A cement bond log (CBL) will be run from the production casing shoe to the top of cement and shall be utilized to determine the bond quality for the production casing. Submit a field copy of the CBL to this office.
- **Please submit an electronic copy of all other 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.**
- There shall be no deviation from the proposed drilling, completion, and/or workover program as approved. Safe drilling and operating practices must be observed. Any changes in operation must have prior approval from the BLM Vernal Field Office.

## **OPERATING REQUIREMENT REMINDERS:**

- 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.
- In accordance with 43 CFR 3162.4-3, this well shall 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.
- 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:
  - Operator name, address, and telephone number.
  - Well name and number.
  - Well location (¼, Sec., Twn, Rng, and P.M.).
  - Date well was placed in a producing status (date of first production for which royalty will be paid).
  - 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).
  - 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.
  - Unit agreement and/or participating area name and number, if applicable.
  - Communitization agreement number, if applicable.
- Any venting or flaring of gas shall be done in accordance with Notice to Lessees (NTL) 4A and needs prior approval from the BLM Vernal Field Office.
- 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, shall 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.
- Whether the well is completed as a dry hole or as a producer, "Well Completion and Recompletion Report and Log" (BLM Form 3160-4) shall 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, shall 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) shall be submitted only when requested by the BLM, Vernal Field Office.

- All off-lease storage, off-lease measurement, or commingling on-lease or off-lease, shall have prior written approval from the BLM Vernal Field Office.
- Oil and gas meters shall be calibrated in place prior to any deliveries. The BLM Vernal 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 shall 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. All measurement points shall be identified as the point of sale or allocation for royalty purposes.
- 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.
- Any additional construction, reconstruction, or alterations of facilities, including roads, gathering lines, batteries, etc., which will result in the disturbance of new ground, shall require the filing of a suitable plan and need prior approval of the BLM Vernal Field Office. Emergency approval may be obtained orally, but such approval does not waive the written report requirement.
- No location shall be constructed or moved, no well shall be plugged, and no drilling or workover equipment shall 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 shall be obtained and notification given before resumption of operations.
- 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.
- 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 7-17-55**

9. API Well Number:  
**43-013-33419**

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: **2015' FNL, 2224' FEL**  
County: **DUCHESNE**  
QQ, Sec., T., R., M.: **SW/NE SEC. 17, T5S, R5W USB&M**  
State: **UTAH**

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

NOTICE OF INTENT (Submit in Duplicate)		SUBSEQUENT REPORT (Submit Original Form Only)	
<input type="checkbox"/> Abandon	<input type="checkbox"/> New Construction	<input type="checkbox"/> Abandon	<input type="checkbox"/> New Construction
<input type="checkbox"/> Repair Casing	<input type="checkbox"/> Pull or Alter Casing	<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"/> Change of Plans	<input type="checkbox"/> Reperforate
<input type="checkbox"/> Convert to Injection	<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"/> Vent or Flare	<input type="checkbox"/> Fracture Treat or Acidize	<input type="checkbox"/> Water Shut-Off
<input type="checkbox"/> Multiple Completion	<input type="checkbox"/> Water Shut-Off	<input type="checkbox"/> Other _____	
<input checked="" type="checkbox"/> Other <b>ONE YEAR EXTENSION</b>			

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

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.**

STATE BOND #BLB0006651  
Approved by the  
Utah Division of  
Oil, Gas and Mining

Date: 12-18-07  
By: [Signature]

COPY SENT TO OPERATOR  
Date: 12-18-2007  
Initials: KS

13  
Name & Signature: **SHELLEY E. CROZIER** [Signature] Title: **REGULATORY & PERMITTING SPECIALIST** Date: **11/12/07**

(This space for Federal or State office use)

RECEIVED  
DEC 17 2007

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

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

API: 43-013-33419  
Well Name: UTE TRIBAL 7-17-55  
Location: (SW/NE) 2015' FNL, 2224' FEL, SEC. 17-T5S-R5W  
Company Permit Issued to: BERRY PETROLEUM COMPANY  
Date Original Permit Issued: 11/17/2006

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

11/12/2007  
Date

Title: Regulatory & Permitting Specialist

Representing: Berry Petroleum Company

RECEIVED  
DEC 17 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

**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

**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**

3. Address      **4000 SOUTH 4028 WEST, RT. 2 BOX 7735  
ROOSEVELT, UTAH 84066**      3b. Phone No. (include area code)      **(435) 722-1325**

4. Location of Well (Footage, Sec., T., R.M., or Survey Description)  
**2015' FNL, 2224' FEL  
SW/NE SEC. 17, T5S, R5W USB&M**

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

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

7. If Unit or CA. Agreement Designation

8. Well Name and No.  
**UTE TRIBAL 7-17-55**

9. API Well No.  
**43-013-33419**

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"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input checked="" type="checkbox"/> Other <b>ONE YEAR</b>	
	<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 : 11/17/2006  
BLM: 3/2/2007**

**RECEIVED  
MAR 24 2008**

DIV. OF OIL, GAS & MINING

RECEIVED  
BUREAU OF LAND MANAGEMENT  
MAR 28 PM 3:36

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>02/28/08</b>

Approved by <i>[Signature]</i>	Title <b>Petroleum Engineer</b>	Date <b>MAR 18 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)



CONDITIONS OF APPROVAL ATTACHED

# CONDITIONS OF APPROVAL

## Berry Petroleum Company

### Notice of Intent APD Extension

**Lease:** 14-20-H62-5025  
**Well:** Ute Tribal 7-17-55  
**Location:** SWNE Sec 17-T5S-R5W

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

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1. The extension and APD shall expire on 3/2/09.
2. No other extension shall be granted.

If you have any other questions concerning this matter, please contact Ryan Angus of this office at (435) 781-4430.

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 7-17-55**  
9. API Well Number:  
**43-013-33419**  
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: **2015' FNL, 2224' FEL** County: **DUCHESNE,**  
QQ, Sec., T., R., M.: **SW/NE SEC. 17, T5S, R5W USB&M** State: **UTAH**

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

NOTICE OF INTENT  
(Submit in Duplicate)  
 Abandon  New Construction  
 Repair Casing  Pull or Alter Casing  
 Change of Plans  Recomplete  
 Convert to Injection  Reperforate  
 Fracture Treat or Acidize  Vent or Flare  
 Multiple Completion  Water Shut-Off  
 Other **ONE YEAR EXTENSION**

SUBSEQUENT REPORT  
(Submit Original Form Only)  
 Abandon  New Construction  
 Repair Casing  Pull or Alter Casing  
 Change of Plans  Reperforate  
 Convert to Injection  Vent or Flare  
 Fracture Treat or Acidize  Water Shut-Off  
 Other \_\_\_\_\_

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

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.**

STATE BOND #RLB0005651

Approved by the  
Utah Division of  
Oil, Gas and Mining

Date: 12-22-08  
By: [Signature]

13 Name & Signature: SHELLEY E. CROZIER [Signature] Title: REGULATORY & PERMITTING SPECIALIST Date: 12/16/08

(This space for Federal or State office use)

COPY SENT TO OPERATOR

Date: 12-30-2008

Initials: KS

RECEIVED  
DEC 17 2008

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

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

**API:** 43-013-33419  
**Well Name:** UTE TRIBAL 7-17-55  
**Location:** (SW/NE) 2015' FNL, 2224' FEL, SEC. 17-T5S-R5W  
**Company Permit Issued to:** BERRY PETROLEUM COMPANY  
**Date Original Permit Issued:** 11/17/2006

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

12/16/2008  
Date

**Title:** Regulatory & Permitting Specialist

**Representing:** Berry Petroleum Company

**RECEIVED**

**DEC 17 2008**

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



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Green River District-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  
UTG011

July 31, 2009

43-013-33419

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

Re: Notice of Expiration  
Well No. Ute Tribal 7-17-55  
SWNE, Sec. 17, T5S, R5W  
Duchesne County, Utah  
Lease No. 14-20-H62-5025

Dear Ms. Crozier:

The Application for Permit to Drill (APD) for the above-referenced well was approved on March 2, 2007. A one (1) year extension of the original APD was requested. The request was reviewed and the extension approved until March 2, 2009. Another extension request was received on February 25, 2009 and this request was denied on May 7, 2009. 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  
Ute Tribe

RECEIVED

AUG 20 2009

DIV. OF OIL, GAS & MINING

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

FORM 9

**SUNDRY NOTICES AND REPORTS ON WELLS**

Do not use this form for proposals to drill new wells, significantly deepen existing wells below current bottom-hole depth, reenter plugged wells, or to drill horizontal laterals. Use APPLICATION FOR PERMIT TO DRILL form for such proposals.

1. TYPE OF WELL OIL WELL <input checked="" type="checkbox"/> GAS WELL <input type="checkbox"/> OTHER _____		5. LEASE DESIGNATION AND SERIAL NUMBER: 14-20-H62-5025
2. NAME OF OPERATOR: BERRY PETROLEUM COMPANY		6. IF INDIAN, ALLOTTEE OR TRIBE NAME: UTE TRIBE
3. ADDRESS OF OPERATOR: 4000 S. 4028 W. CITY Roosevelt STATE UT ZIP 84066		7. UNIT or CA AGREEMENT NAME: N/A
4. LOCATION OF WELL FOOTAGES AT SURFACE: 2015' FNL, 2224' FEL QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: SWNE 17 T5S R5W		8. WELL NAME and NUMBER: UTE TRIBAL 7-17-55
PHONE NUMBER: (435) 722-1325		9. API NUMBER: 4301333419
		10. FIELD AND POOL, OR WLDCAT: BRUNDAGE CANYON
		COUNTY: DUCHESNE
		STATE: UTAH

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

TYPE OF SUBMISSION	TYPE OF ACTION		
<input checked="" type="checkbox"/> NOTICE OF INTENT (Submit in Duplicate) Approximate date work will start: _____	<input type="checkbox"/> ACIDIZE	<input type="checkbox"/> DEEPEN	<input type="checkbox"/> REPERFORATE CURRENT FORMATION
<input type="checkbox"/> SUBSEQUENT REPORT (Submit Original Form Only) Date of work completion: _____	<input type="checkbox"/> ALTER CASING	<input type="checkbox"/> FRACTURE TREAT	<input type="checkbox"/> SIDETRACK TO REPAIR WELL
	<input type="checkbox"/> CASING REPAIR	<input type="checkbox"/> NEW CONSTRUCTION	<input type="checkbox"/> TEMPORARILY ABANDON
	<input type="checkbox"/> CHANGE TO PREVIOUS PLANS	<input type="checkbox"/> OPERATOR CHANGE	<input type="checkbox"/> TUBING REPAIR
	<input type="checkbox"/> CHANGE TUBING	<input type="checkbox"/> PLUG AND ABANDON	<input type="checkbox"/> VENT OR FLARE
	<input type="checkbox"/> CHANGE WELL NAME	<input type="checkbox"/> PLUG BACK	<input type="checkbox"/> WATER DISPOSAL
	<input type="checkbox"/> CHANGE WELL STATUS	<input type="checkbox"/> PRODUCTION (START/RESUME)	<input type="checkbox"/> WATER SHUT-OFF
	<input type="checkbox"/> COMMINGLE PRODUCING FORMATIONS	<input type="checkbox"/> RECLAMATION OF WELL SITE	<input checked="" type="checkbox"/> OTHER: <u>1 YR. EXTENSION</u>
	<input type="checkbox"/> CONVERT WELL TYPE	<input type="checkbox"/> RECOMPLETE - DIFFERENT FORMATION	

12. DESCRIBE PROPOSED OR COMPLETED OPERATIONS. Clearly show all pertinent details including dates, depths, volumes, etc.

BERRY PETROLEUM 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: 12-03-09  
By: [Signature]

COPY SENT TO OPERATOR

Date: 12.10.2009  
Initials: KS

NAME (PLEASE PRINT) <u>SHELLEY E. CROZIER</u>	TITLE <u>REGULATORY &amp; PERMITTING SPECIALIST</u>
SIGNATURE <u>[Signature]</u>	DATE <u>12/1/2009</u>

(This space for State use only)

RECEIVED  
DEC 02 2009

DIV. OF OIL, GAS & MINING

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

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

**API:** 43-013-33419  
**Well Name:** UTE TRIBAL 7-17-55  
**Location:** (SW/NE) 2015' FNL, 2224' FEL, SEC. 17-T5S-R5W  
**Company Permit Issued to:** BERRY PETROLEUM COMPANY  
**Date Original Permit Issued:** 11/17/2006

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

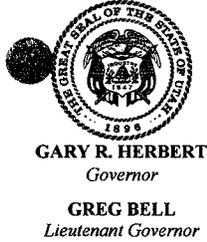
Shelley E. Crozier  
Signature

12/1/2009  
Date

Title: Regulatory & Permitting Specialist

Representing: Berry Petroleum Company

**RECEIVED  
DEC 02 2009  
DIV. OF OIL, GAS & MINING**



# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
*Executive Director*

### Division of Oil, Gas and Mining

JOHN R. BAZA  
*Division Director*

October 21, 2010

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

Re: APD Rescinded – Ute Tribal 7-17-55, Sec. 17, T. 5S, R. 5W  
Duchesne County, Utah API No. 43-013-33419

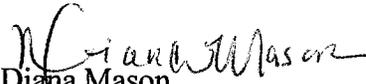
Dear Ms. Fieldsted:

The Application for Permit to Drill (APD) for the subject well was approved by the Division of Oil, Gas and Mining (Division) on November 17, 2006. On December 18, 2007, December 22, 2008, and December 3, 2009 the Division granted a one-year APD extension. On October 21, 2010, you requested that the division rescind the state approved APD. No drilling activity at this location has been reported to the division. Therefore, approval to drill the well is hereby rescinded, effective October 21, 2010.

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

