B&A Buys & Associates, Inc.
Environmental Consultants

2580 Creekview Road
Moab, Utah 84532
435/719-2018 435/719-2019 Fax

June 26, 2007

Fluid Minerals Group
Bureau of Land Management
Vernal Field Office
170 South 500 East
Vernal, Utah 84078

RE: Application for Permit to Drill—Dominion Exploration & Production, Inc.
WHB 12-5H; 1,570' FSL & 371' FWL, NW/4 SW/4,
Section 5, T11S, R20E, SLB&M, Uintah County, Utah

Dear Fluid Minerals Group:

On behalf of Dominion Exploration & Production, Inc. (Dominion), Buys & Associates, Inc. respectfully submits the enclosed original and three copies of the Application for Permit to Drill (APD) for the above referenced Tribal Surface / BLM Mineral vertical well. A request for exception to spacing (R649-3-2) is hereby requested based on topography since the well is located within 460' of the drilling unit boundary. Dominion Exploration & Production, Inc. is the only owner and operator within 460' of the proposed well and all points along the intended well bore path. Included with the APD is the following supplemental information:

Exhibit "A" - Survey plats, layouts and photos of the proposed well site;

Exhibit "B" - Proposed location maps with access and pipeline corridors;

Exhibit "C" - Production site layout;

Exhibit "D" - Drilling Plan;

Exhibit "E" - Surface Use Plan;

Exhibit "F" - Typical BOP and Choke Manifold diagram;

Exhibit "G" - Paleontological and Cultural Clearance Reports.

Please accept this letter as Dominion's, written request for confidential treatment of all information contained in and pertaining to this application.

Thank you very much for your timely consideration of this application. Please feel free to contact myself or Barbara Lester of Dominion at 405-749-5237 if you have any questions or need additional information.

Sincerely,

Don Hamilton

Don Hamilton
Agent for Dominion

cc: Diana Mason, Division of Oil, Gas and Mining
Sam Kuntz - Ute Indian Tribe - Energy & Minerals
Barbara Lester, Dominion
Ken Secrest, Dominion

Form 3160-3
(February 2005)

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

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

APPLICATION FOR PERMIT TO DRILL OR REENTER

5. Lease Serial No.
UTU-39223

6. If Indian, Allotee or Tribe Name
Ute Indian Tribe

7. If Unit or CA Agreement, Name and No.
N/A

8. Lease Name and Well No.
WHB 12-5H

9. API Well No.
43-047-39416

10. Field and Pool, or Exploratory
undesignated

11. Sec., T. R. M. or Blk. and Survey or Area
Section 5, T11S, R20E, SLB&M

12. County or Parish
Uintah

13. State
UT

1a. Type of work: ☑ DRILL ☐ REENTER

1b. Type of Well: ☐ Oil Well ☑ Gas Well ☐ Other ☐ Single Zone ☑ Multiple Zone

2. Name of Operator
Dominion Exploration & Production, Inc.

3a. Address **14000 Quail Springs Parkway, Suite 600**
Oklahoma City, OK 73134

3b. Phone No. *(include area code)*
405-749-5237

4. Location of Well *(Report location clearly and in accordance with any State requirements.*)*
At surface 610307Y **1,570' FSL & 371' FWL, NW/4 SW/4,**
At proposed prod. zone 4415746Y 39.886491 -109.709926

14. Distance in miles and direction from nearest town or post office*
14.08 miles southwest of Ouray, Utah

15. Distance from proposed* location to nearest property or lease line, ft. (Also to nearest drig. unit line, if any) **2,292'**

16. No. of acres in lease
715.864 acres

17. Spacing Unit dedicated to this well
40 acres

18. Distance from proposed location* to nearest well, drilling, completed, applied for, on this lease, ft. **1,500'**

19. Proposed Depth
9,650'

20. BLM/BIA Bond No. on file
WY 3322

21. Elevations (Show whether DF, KDB, RT, GL, etc.)
5,513' GR

22. Approximate date work will start*
10/21/2007

23. Estimated duration
14 days

24. Attachments

The following, completed in accordance with the requirements of Onshore Oil and Gas Order No.1, must 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 must 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 BLM.

25. Signature Don Hamilton — Name *(Printed/Typed)* **Don Hamilton** — Date **06/26/2007**

Title **Agent for Dominion**

Approved by *(Signature)* — Name *(Printed/Typed)* **BRADLEY G. HILL** — Date 06-28-07

Title — Office **ENVIRONMENTAL MANAGER**

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)

RECEIVED
JUN 27 2007
DIV. OF OIL, GAS & MINING

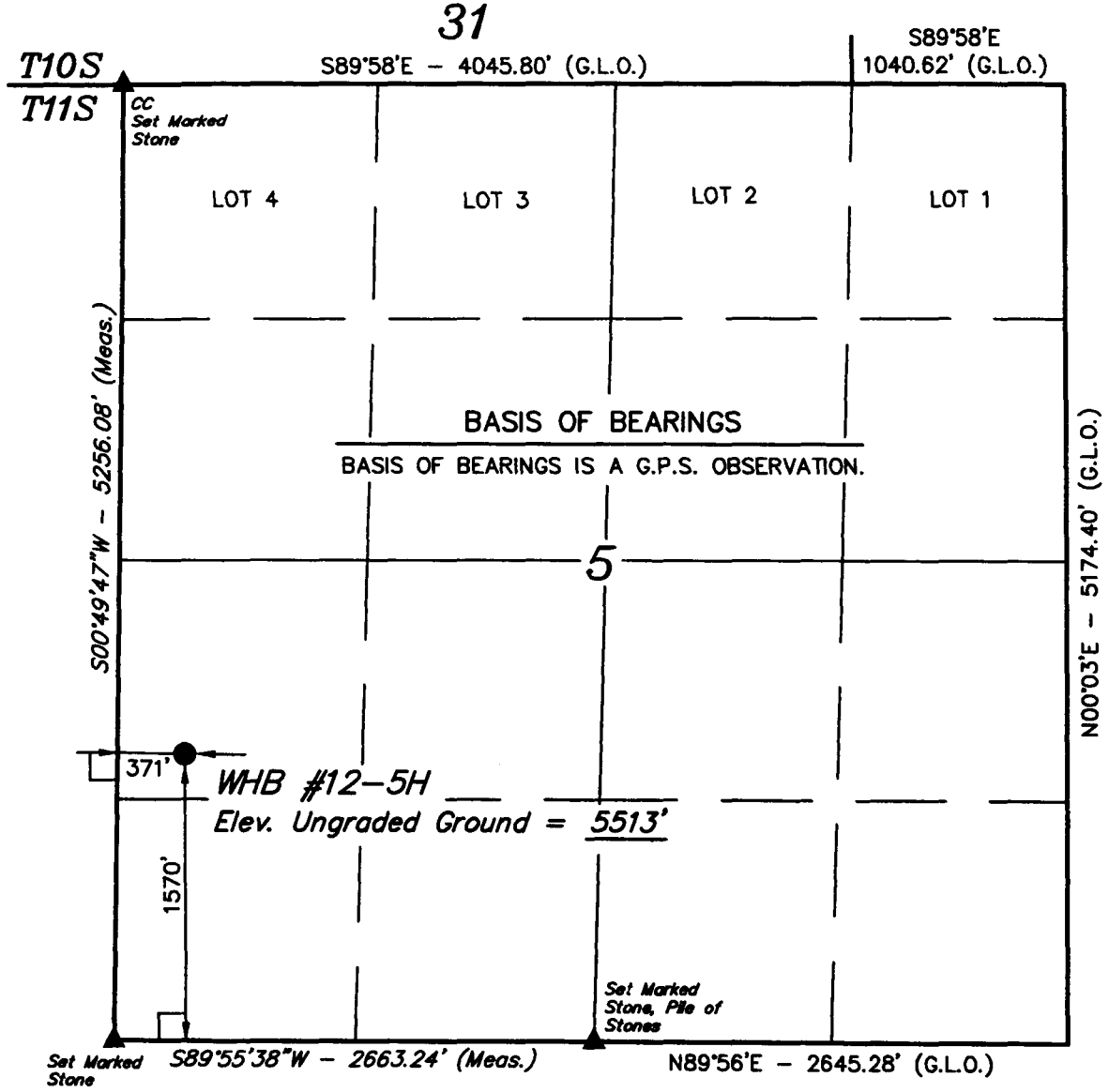
Federal Approval of this Action is Necessary

CONFIDENTIAL

T11S, R20E, S.L.B.&M.

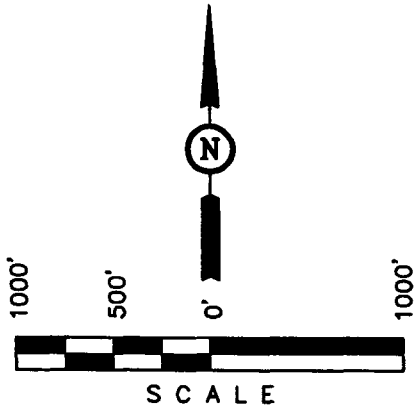
DOMINION EXPLR. & PROD., INC.

Well location, WHB #12-5H, located as shown in the NW 1/4 SW 1/4 of Section 5, T11S, R20E, S.L.B.&M., Uintah County, Utah.



BASIS OF ELEVATION

SPOT ELEVATION AT THE SOUTHWEST CORNER OF SECTION 20, T10S, R20E, S.L.B.&M., TAKEN FROM THE BIG PACK MTN. NW QUADRANGLE, UTAH, UINTAH COUNTY, 7.5 MINUTE QUAD. (TOPOGRAPHIC MAP) PUBLISHED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY. SAID ELEVATION IS MARKED AS BEING 5251 FEET.



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.

REGISTERED LAND SURVEYOR
REGISTRATION NO. 161319
STATE OF UTAH

LEGEND:

- ∟ = 90° SYMBOL
- ● = PROPOSED WELL HEAD.
- ▲ = SECTION CORNERS LOCATED.
- △ = SECTION CORNERS RE-ESTABLISHED. (Not Set On Ground)

(NAD 83)
LATITUDE = 39°53'10.63" (39.886286)
LONGITUDE = 109°42'38.74" (109.710761)
(NAD 27)
LATITUDE = 39°53'10.76" (39.886322)
LONGITUDE = 109°42'36.24" (109.710067)

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

SCALE: 1" = 1000'	DATE SURVEYED: 04-02-07	DATE DRAWN: 04-06-07
PARTY: D.S. MB. S.L.	REFERENCES: G.L.O. PLAT	
WEATHER: WARM	FILE: DOMINION EXPLR. & PROD., INC.	

DRILLING PLAN

APPROVAL OF OPERATIONS

Attachment for Permit to Drill

Name of Operator:	**Dominion Exploration & Production**
Address:	**14000 Quail Springs Parkway, Suite 600**
	Oklahoma City, OK 73134
Well Location:	WHB 12-5H
	1,570' FSL & 371' FWL, NW/4 SW/4,
	Section 5-11S-20E
	Uintah County, UT

1. GEOLOGIC SURFACE FORMATION — Uintah

2. ESTIMATED DEPTHS OF IMPORTANT GEOLOGIC MARKERS

Formation	Depth
Wasatch Tongue	3,765'
Green River Tongue	4,115'
Wasatch	4,260'
Chapita Wells	5,105'
Uteland Buttes	6,285'
Mesaverde	7,120'

3. ESTIMATED DEPTHS OF ANTICIPATED WATER, OIL, GAS OR MINERALS

Formation	Depth	Type
Wasatch Tongue	3,765'	Oil
Green River Tongue	4,115'	Oil
Wasatch	4,260'	Gas
Chapita Wells	5,105'	Gas
Uteland Buttes	6,285'	Gas
Mesaverde	7,120'	Gas

4. PROPOSED CASING PROGRAM

All casing used to drill this well will be new casing.

Type	Size	Weight	Grade	Conn.	Top	Bottom	Hole
Surface	8-5/8"	32.0 ppf	J-55	STC	0'	2,000'	12-1/4"
Production	5-1/2"	17.0 ppf	MAV-80	LTC	0'	9,650'	7-7/8"

Note: The drilled depth of the surface hole and the setting depth of the surface casing may vary from 1,700' to 2,000'. Should a lost circulation zone be encountered while drilling, casing will be set approximately 300' below the lost circulation zone. If no lost circulation zone is encountered, casing to be set at 2,000'±.

5. OPERATOR'S MINIMUM SPECIFICATIONS FOR PRESSURE CONTROL

Surface hole: No BOPE will be utilized. Air foam mist, rotating head and diverter system will be utilized.
Production hole: Prior to drilling out the surface casing shoe, 3,000 psi or greater BOP equipment will be installed. The pipe rams will be operated at least once per day from surface to total depth. The blind rams will be tested once per day from surface to total depth if operations permit.

DRILLING PLAN

APPROVAL OF OPERATIONS

A diagram of the planned BOP equipment for normal drilling operations in this area is attached. As denoted there will be two valves and one check valve on the kill line, two valves on the choke line, and two adjustable chokes on the manifold system. The BOP "stack" will consist of two BOP rams (1 pipe, 1 blind) and one annular type preventer, all rated to a minimum of 3,000 psi working pressure.

The BOP equipment will be pressure tested prior to drilling out surface casing shoe and anytime a new casing string is set. All test pressures will be maintained for fifteen (15) minutes without any significant pressure decrease. Clear water will be circulated into the BOP stack and lines prior to pressure testing. The following test pressures will be used as a minimum for various equipment items.

1.	Annular BOP	1,500 psi
2.	Ram type BOP	3,000 psi
3.	Kill line valves	3,000 psi
4.	Choke line valves and choke manifold valves	3,000 psi
5.	Chokes	3,000 psi
6.	Casing, casinghead & weld	1,500 psi
7.	Upper kelly cock and safety valve	3,000 psi
8.	Dart valve	3,000 psi

6. MUD SYSTEMS
   - An air or an air/mist system may be used to drill to drill the surface hole until water influx becomes too great.
   - KCL mud system will be used to drill well.
   - The mud system will be monitored manually/visually.

Depths	Mud Weight (ppg)	Mud System
0' – 2,000'	8.4	Air foam mist, rotating head and diverter
2,000' – 9,650'	8.6	Fresh water/2% KCL/KCL mud system

7. BLOOIE LINE
   - An automatic igniter will not be installed on blooie line. The blooie will have a constant ignition source.
   - A "target tee" connection will be installed on blooie line for 90° change of directions for abrasion resistance.
   - "Target tee" connections will be a minimum of 50' from wellhead.
   - The blooie line discharge will be a minimum of 80' from the wellhead.

8. AUXILIARY EQUIPMENT TO BE USED
   a. Kelly cock.
   b. Full opening valve with drill pipe connection will be kept on floor. Valve will be used when the kelly is not in string.

9. TESTING, LOGGING, AND CORING PROGRAMS TO BE FOLLOWED
   - A drillstem test in the Wasatch Tongue is possible.
   - One electric line wire-log will be run from total depth to surface casing.
   - The gamma ray will be left on to record from total depth to surface casing.
   - Other log curves (resistivities, porosity, and caliper) will record from total depth to surface casing.
   - A dipmeter, percussion cores, or rotary cores may be run over selected intervals.

10. ANTICIPATED ABNORMAL PRESSURES OR TEMPERATURES EXPECTED
    - Expected BHP 1,500–2,000 psi (lower than normal pressure gradient).
    - No abnormal temperature or pressures are anticipated.
    - The formations to be penetrated do not contain known H2S gas.

11. WATER SUPPLY
    - No water pipelines will be laid for this well.
    - No water well will be drilled for this well.
    - Drilling water for this will be hauled on the road(s) shown in Attachment No. 3.
    - Water will be hauled from: Water Permit # 43-10447 Section 9, Township 8 South, Range 20 East

DRILLING PLAN

APPROVAL OF OPERATIONS

12. CEMENT SYSTEMS

a. Surface Cement:

- Drill 12-1/4" hole to 2,000'±, run and cement 8-5/8" to surface (depth to vary based on depth of lost circulation zone).
- Pump 20 bbls lightly weighted water spacer followed by 5 bbls fresh water. Displace with any available water.
- Casing to be run with: a) guide shoe b) insert float c) three (3) centralizers, one on each of first 3 joints d) stop ring for plug one joint off bottom e) bottom three joints thread locked f) pump job with bottom plug only. Casing to be centralized with a total of 8 centralizers.
- Cement the casing annulus to surface. Top out jobs to be performed if needed. Depending to depth of top of cement in the annulus, a 1" tubing string may or may not be utilized.

Type	Sacks	Interval	Density	Yield	Hole Volume	Cement Volume
Lead	219	0'–1,500'	11.0 ppg	3.82 CFS	619 CF	836 CF
Tail	236	1,500'–2,000'	15.6 ppg	1.18 CFS	206 CF	279 CF
Top Out	100	0'-200'	15.6 ppg	1.18 CFS	87 CF	118 CF

Surface design volumes based on 35% excess of gauge hole.

Lead Mix: Halliburton Premium Plus V blend. Blend includes Class "G" cement, gel, salt, gilsonite.
Slurry yield: 3.82 cf/sack Slurry weight: 11.00 #/gal.
Water requirement: 22.95 gal/sack

Tail Mix: Class "G" Cement, 1/4 lb/sk Cellophane Flakes + 2% bwoc Calcium Chloride + 44.3% fresh water.
Slurry yield: 1.18 cf/sack Slurry weight: 15.60 #/gal.
Water requirement: 5.2 gal/sack

Top Out: Class "G" Cement, 1/4 lb/sk Cellophane Flakes + 2% bwoc Calcium Chloride + 44.3% fresh water.
Slurry yield: 1.18 cf/sack Slurry weight: 15.60 #/gal.
Water requirement: 5.2 gal/sack

c. Production Casing Cement:

- Drill 7-7/8" hole to 9,650'±, run and cement 5 1/2".
- Pump 20 bbl Mud Clean II unweighted spacer, followed by 20 Bbls fresh H20 spacer.
- Displace with 2% KCL.
- Production casing to be centralized with 30 centralizers.

Type	Sacks	Interval	Density	Yield	Hole Volume	Cement Volume
Lead	90	3,460'–4,260'	11.5 ppg	3.12 CFS	139 CF	277 CF
Tail	1070	4,260'–9,650'	13.0 ppg	1.75 CFS	934 CF	1868 CF

Production design volumes are estimates based on 35% excess of gauge hole. Actual volumes will be calculated from caliper log to bring lead cement to 800' above top of Wasatch + 15% excess, and tail cement to top of Wasatch + 15% excess.

Lead Mix: Halliburton Prem Plus V blend. Blend includes Class "G" cement, gel, salt, gilsonite, EX-1 and HR-7.
Slurry yield: 3.12 cf/sack Slurry weight: 11.60 #/gal.
Water requirement: 17.71 gal/sack
Compressives @ 130°F: 157 psi after 24 hours

Tail Mix: Halliburton HLC blend (Prem Plus V/JB flyash). Blend includes Class "G" cement, KCl, EX-1, Halad 322, & HR-5.
Slurry yield: 1.75 cf/sack Slurry weight: 13.00 #/gal.
Water requirement: 9.09 gal/sack
Compressives @ 165°F: 905 psi after 24 hours

13. ANTICIPATED STARTING DATE AND DURATION OF THE OPERATIONS

Starting Date: October 21, 2007
Duration: 14 Days

SURFACE USE PLAN

CONDITIONS OF APPROVAL

Attachment for Permit to Drill

Name of Operator:	Dominion Exploration & Production
Address:	14000 Quail Springs Parkway, Suite 600 Oklahoma City, OK 73134
Well Location:	WHB 12-5H 1,570' FSL & 371' FWL, NW/4 SW/4, Section 5-11S-20E Uintah County, UT

The dirt contractor will be provided with an approved copy of the surface use plan of operations before initiating construction.

The BLM onsite inspection for the referenced well was conducted on Wednesday, June 6, 2007 at approximately 12:45 pm. In attendance at the onsite inspection were the following individuals:

Bruce Pargeets	Tribal Technician	Ute Indian Tribe – Energy & Minerals
Shawnee Guzman	BIA Technician	Bureau of Indian Affairs – U & O Agency
Karl Wright	Nat. Res. Prot. Spec.	Bureau of Land Management – Vernal
Ken Secrest	Field Foreman	Dominion E & P, Inc.
Danny Rasmussen	Surveyor	Uintah Engineering & Land Surveying
Randy Jackson	Onwer	Jackson Construction
Billy McClure	Foreman	LaRose Construction
Don Hamilton	Agent	Buys & Associates, Inc.

1. Existing Roads:

   a. The proposed well site is located approximately 14.08 miles southwest of Ouray, UT.

   b. Directions to the proposed well site have been attached at the end of Exhibit B.

   c. The use of roads under State and County Road Department maintenance are necessary to access the Wild Horse Bench area. However, an encroachment permit is not anticipated since no upgrades to the State or County Road system are proposed at this time.

   d. All existing roads will be maintained and kept in good repair during all phases of operation.

   e. Vehicle operators will obey posted speed restrictions and observe safe speeds commensurate with road and weather conditions.

   f. Since no improvements are anticipated to existing State, County, Tribal or BLM access roads no topsoil striping will occur.

   g. A tribal right-of-way has been applied for and is pending approval at this time.

   h. An off-lease federal right-of-way is not anticipated for the access road or utility corridor since both are located on tribal surface.

2. Planned Access Roads:

a. From the existing Wild Horse Ranch access road an access is proposed trending east approximately 1.9 miles along existing disturbance then north approximately 0.5 miles along new disturbance to the proposed well site. The access crosses no significant drainages.

b. A road design plan is not anticipated at this time.

c. The proposed access road will consist of a 24' travel surface within a 30' disturbed area across Ute Indian Tribe lands.

d. BLM approval to construct and utilize the proposed access road is requested with this application.

e. A maximum grade of 10% will be maintained throughout the project.

f. No turnouts are proposed since adequate site distance exists in all directions.

g. No low water crossings and no culverts are anticipated. Adequate drainage structures will be incorporated into the road.

h. No surfacing material will come from federal or Indian lands.

i. No gates or cattle guards are anticipated at this time.

j. Surface disturbance and vehicular travel will be limited to the approved location access road.

k. All access roads and surface disturbing activities will conform to the standards outlined in the Bureau of Land Management and Forest Service publication: Surface Operating Standards for Oil and Gas Exploration and Development, (1989).

l. The operator will be responsible for all maintenance of the access road including drainage structures.

3. Location of Existing Wells:

a. Exhibit B has a map reflecting these wells within a one mile radius of the proposed well.

4. Location of Production Facilities:

a. All permanent structures will be painted a flat, non-reflective Desert Brown or Carlsbad Canyon to match the standard environmental colors. All facilities will be painted within six months of installation. Facilities required to comply with the Occupational Safety and Health Act (OSHA) may be excluded.

b. Site security guidelines identified in 43 CFR 3163.7-5 and Onshore Oil and Gas Order No. 3 will be adhered to.

c. A gas meter run will be constructed and located on lease within 500 feet of the wellhead. Meter runs will be housed and/or fenced. All gas production and measurement shall comply with the provisions of 43 CFR 3162. 7-3, Onshore Oil and Gas Order No. 5, and American Gas Association (AGA) Report No. 3.

d. A tank battery will be constructed on this lease, it will be surrounded by a dike of sufficient

capacity to contain the storage capacity of the largest tank. All loading lines and valves will be placed inside the berm surrounding the tank battery. All liquid hydrocarbons production and measurement shall conform to the provisions of 43 CFR 3162.7-3 and Onshore Oil and Gas Order No. 4 and Onshore Oil and Gas Order No. 5 for natural gas production and measurement.

e. Any necessary pits will be properly fenced to prevent any wildlife and livestock entry.

f. All access roads will be maintained as necessary to prevent erosion and accommodate year-round traffic. The road will be maintained in a safe useable condition.

g. The site will require periodic maintenance to ensure that drainages are kept open and free of debris, ice, and snow, and that surfaces are properly treated to reduce erosion, fugitive dust, and impacts to adjacent areas.

h. A gas pipeline is associated with this application and is being applied for at this time. The proposed gas pipeline corridor will leave the southwest side of the well site and traverse 2,400' south to the proposed WHB 11-5H / WHB 15-5H proposed pipeline corridor then continue west 1.9 miles to the WHB Compressor suction pipeline corridor entirely across Ute Indian Tribe surface.

i. The new gas pipeline will be a 12" or less steel surface line within a 20' wide utility corridor. The use of the proposed well site and access roads will facilitate the staging of the pipeline construction. A new pipeline length of approximately 2.4 miles is associated with this well.

j. Dominion intends on installing the pipeline on the surface by welding many joints into long lengths, dragging the long lengths into position and then completing a final welding pass to join the long lengths together. Dominion intends on connecting the pipeline together utilizing conventional welding technology.

5. Location and Type of Water Supply:

a. The location and type of water supply has been addressed as number 11 within the previous drilling plan information.

6. Source of Construction Material:

a. The use of materials will conform to 43 CFR 3610.2-3.

b. No construction materials will be removed from Ute Tribal or BLM lands.

c. If any gravel is used, it will be obtained from a state approved gravel pit.

7. Methods of Handling Waste Disposal:

a. All wastes associated with this application will be contained and disposed of utilizing approved facilities.

b. Drill cuttings will be contained and buried on site.

c. The reserve pit will be located outboard of the location and along the southeast side of the pad.

d. The reserve pit will be constructed so as not to leak, break, or allow any discharge.

e. The reserve pit will be lined with 16 mil minimum thickness plastic nylon reinforced liner material. The liner will overlay a felt liner pad only if rock is encountered during excavation. The pit liner will overlap the pit walls and be covered with dirt and/or rocks to hold it in place. No trash, scrap pipe, etc., that could puncture the liner will be disposed of in the pit. Pit walls will be sloped no greater than 2:1. A minimum 2-foot freeboard will be maintained in the pit at all times during the drilling and completion operation.

f. The reserve pit has been located in cut material. Three sides of the reserve pit will be fenced before drilling starts. The fourth side will be fenced as soon as drilling is completed, and shall remain until the pit is dry. After the reserve pit has dried, all areas not needed for production will be rehabilitated.

g. No chemicals subject to reporting under SARA Title III (hazardous materials) in an amount greater than 10,000 pounds will be used, produced, stored, transported, or disposed of annually in association with the drilling, testing, or completion of the well. Furthermore, no extremely hazardous substances, as defined in 40 CFR 355, in threshold planning quantities, will be used, produced, stored, transported, or disposed of in association with the drilling, testing, or completion of the well.

h. Trash will be contained in a trash cage and hauled away to an approved disposal site as necessary but no later than at the completion of drilling operations. The contents of the trash container will be hauled off periodically to the approved Uintah County Landfill near Vernal, Utah.

i. Produced fluids from the well other than water will be produced into a test tank until such time as construction of production facilities is completed. Any spills of oil, gas, salt water or other produced fluids will be cleaned up and removed.

j. After initial clean-up, a 400 bbl tank will be installed to contain produced waste water. This water will be transported from the tank to an approved Dominion disposal well for disposal.

k. Produced water from the production well will be disposed of at the RBU 13-11F or RBU 16-19F disposal wells in accordance with Onshore Order #7.

l. Any salts and/or chemicals, which are an integral part of the drilling system, will be disposed of in the same manner as the drilling fluid.

m. Sanitary facilities will be on site at all times during operations. Sewage will be placed in a portable chemical toilet and the toilet replaced periodically utilizing a licensed contractor to transport by truck the portable chemical toilet so that its contents can be delivered to the Vernal Wastewater Treatment Facility in accordance with state and county regulations.

8. Ancillary Facilities:

a. Garbage Containers and Portable Toilets are the only ancillary facilities proposed in this application.

9. Well Site Layout: (See Exhibit B)

a. The well will be properly identified in accordance with 43 CFR 3162.6.

b. Access to the well pad will be from the southwest.

c. The pad and road designs are consistent with Ute Indian Tribe and BLM specifications.

d. A pre-construction meeting with responsible company representative, contractors and the BLM will be conducted at the project site prior to commencement of surface-disturbing activities. The pad and road will be construction-staked prior to this meeting.

e. The pad has been staked at its maximum size; however it will be constructed smaller if possible, depending upon rig availability. Should the layout change, this application will be amended and approved utilizing a sundry notice.

f. All surface disturbing activities, will be supervised by a qualified, responsible company representative who is aware of the terms and conditions of the APD and specifications in the approved plans.

g. All cut and fill slopes will be such that stability can be maintained for the life of the activity.

h. Diversion ditches will be constructed as shown around the well site to prevent surface waters form entering the well site area.

i. The site surface will be graded to drain away from the pit to avoid pit spillage during large storm events.

j. The stockpiled topsoil (first 6 inches or maximum available) will be stored in a windrow on the uphill side of the location to prevent any possible contamination. All topsoil will be stockpiled for reclamation in such a way as to prevent soil loss and contamination.

k. Pits will remain fenced until site cleanup.

l. The blooie line will be located at least 100 feet from the well head.

m. Water injection may be implemented if necessary to minimize the amount of fugitive dust.

10. Plans for Restoration of the Surface (Interim Reclamation and Final Reclamation):

a. Site reclamation for a producing well will be accomplished for portions of the site not required for the continued operation of the well.

b. Upon well completion, any hydrocarbons in the pit shall be removed in accordance with 43 CFR 3162.7-1.Once the reserve pit is dry, the plastic nylon reinforced liner shall be torn and perforated before backfilling of the reserve pit. The reserve pit and that portion of the location not needed for production facilities/operations will be re-contoured to the approximate natural contours.

c. Following BLM published Best Management Practices the interim reclamation will be completed within 90 days of completion of the well to reestablish vegetation, reduce dust and erosion and compliment the visual resources of the area.
   a. All equipment and debris will be removed from the area proposed for interim reclamation and the pit area will be backfilled and re-contoured.
   b. The area outside of the rig anchors and other disturbed areas not needed for the operation of the well will be re-contoured to blend with the surrounding area and reseeded at 12 lbs /acre with the following native grass seeds:
      1. Crested Wheat Grass (4 lbs / acre)
      2. Needle and Thread Grass (4 lbs / acre)
      3. Rice Grass (4 lbs / acre)
   c. Reclaimed areas receiving incidental disturbance during the life of the producing well will be re-contoured and reseeded as soon as practical.

d. The Operator will control noxious weeds along access road use authorizations, pipeline route authorizations, well sites, or other applicable facilities by spraying or mechanical removal. A list of noxious weeds may be obtained from the BLM or the appropriate County Extension Office. On BLM administered land, it is required that a Pesticide Use Proposal be submitted and approved prior to the application of herbicides, pesticides or possibly hazardous chemicals.

e. Prior to final abandonment of the site, all disturbed areas, including the access road, will be scarified and left with a rough surface. The site will then be seeded and/or planted as prescribed by the Ute Indian Tribe. The Ute Indian Tribe recommended seed mix will be detailed within their approval documents.

11. Surface and Mineral Ownership:

a. Surface Ownership – Ute Indian Tribe under the management of the Energy & Minerals Department, P.O. Box 190, Fort Duchesne, Utah 84026; 435-725-4950

b. Mineral Ownership – Federal under the management of the Bureau of Land Management - Vernal Field Office, 170 South 500 East, Vernal, Utah 84078; 435-781-4400.

12. Other Information:

a. Buys & Associates, Inc. has conducted a Class III archeological survey. A copy of the report has been submitted under separate cover to the appropriate agencies by Buys & Associates, Inc. as report number U-07-322-42-0004 and -0006 that has also been attached to this APD as Exhibit "G".

b. Alden Hamblin has conducted a paleontological survey. A copy of the report has been submitted under separate cover to the appropriate agencies by Alden Hamblin that has also been attached to this APD as Exhibit "G".

c. Our understanding of the results of the onsite inspection are:

a. No drainage crossings that require additional State or Federal approval are being crossed.

b. No Threatened and Endangered flora and fauna species were found during the onsite inspection.

c. The known arch site along the existing road is being avoided through a minor road re-route approved by the Ute Indian Tribe and the consulting archaeologist.

d. The pit will be lined with a double-felt liner and all four corners will be rounded as much as possible to reduce the amount of fill placed along the slope.

13. Operator's Representative and Certification

Title	Name	Office Phone
Company Representative (Roosevelt)	Ken Secrest	1-435-722-4521
Company Representative (Oklahoma)	Barbara Lester	1-405-749-5237
Agent for Dominion	Don Hamilton	1-435-719-2018

Certification:

I hereby certify that I, or persons under my direct supervision, have inspected the proposed drill site and access route; that I am familiar with the conditions which currently exists; that the statements made in this APD package are, to the best of my knowledge, true and correct; and that the work associated with the operations proposed herein will be performed by Dominion Exploration & Production, Inc. and its contractors and subcontractors in conformity with this APD package and the terms and conditions under which it is approved. I also certify responsibility for the operations conducted on that portion of the leased lands associated with this application, with bond coverage being provided under Dominion's BLM bond. This statement is subject to the provisions of 18 U.S.C. 1001 for the filing of a false statement.

Signature: Don Hamilton Date: 6-26-2007

BOP Equipment

3000psi WP

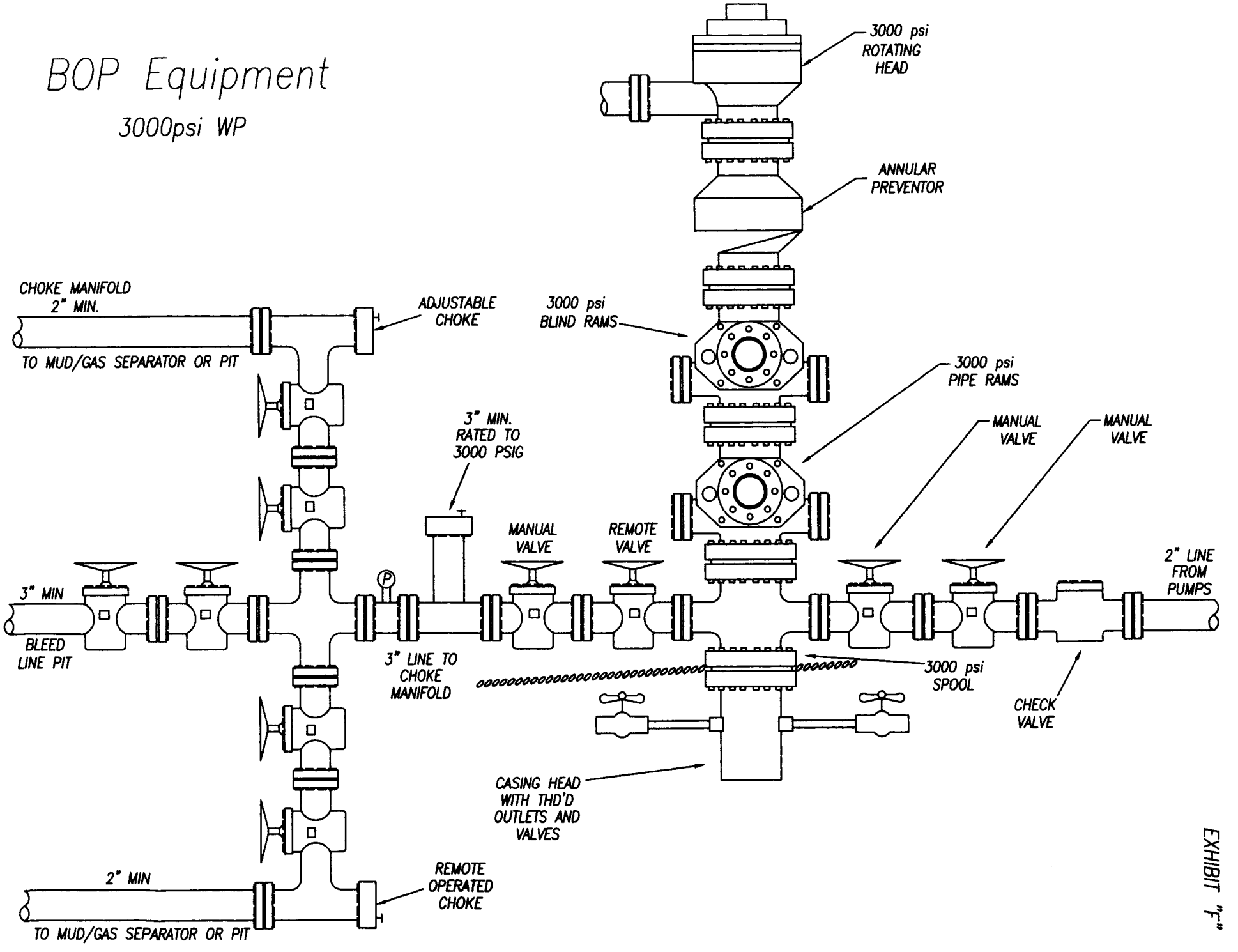


EXHIBIT "F"

PALEONTOLOGY EVALUATION SHEET

PROJECT: Dominion Exploration Well WHB #12-5H
Survey included proposed road and pipeline to well pad to WHB#11-5H & 15-5H.

LOCATION: Fourteen miles south of Ouray, Utah. Section 5, 1570' FSL 371' FWL, T11S, R20E, S.L.B.&M.

OWNERSHIP: PRIV[ ] STATE[ ] BLM[ ] USFS[ ] NPS[ ] IND[X] MIL[ ] OTHER[ ]

DATE: May 8, 2007

GEOLOGY/TOPOGRAPHY: Uinta Formation, lower part, Eocene Age. Location sits on a flat ridge, part of Wild Horse Bench, south of Browns Canyon. There is a lot of bench top cover of silty sand and weathering rock fragments. The road and pipeline come in from the south across a narrow bench. Also, there are Uinta Formation exposures near and along the canyon walls.

PALEONTOLOGY SURVEY: YES [X] NO Survey [ ] PARTIAL Survey [ ]
Performed a pedestrian survey of the road, pipeline and well location.

SURVEY RESULTS: Invertebrate [ ] Plant [ ] Vertebrate [ ] Trace [ ] No Fossils Found [X]

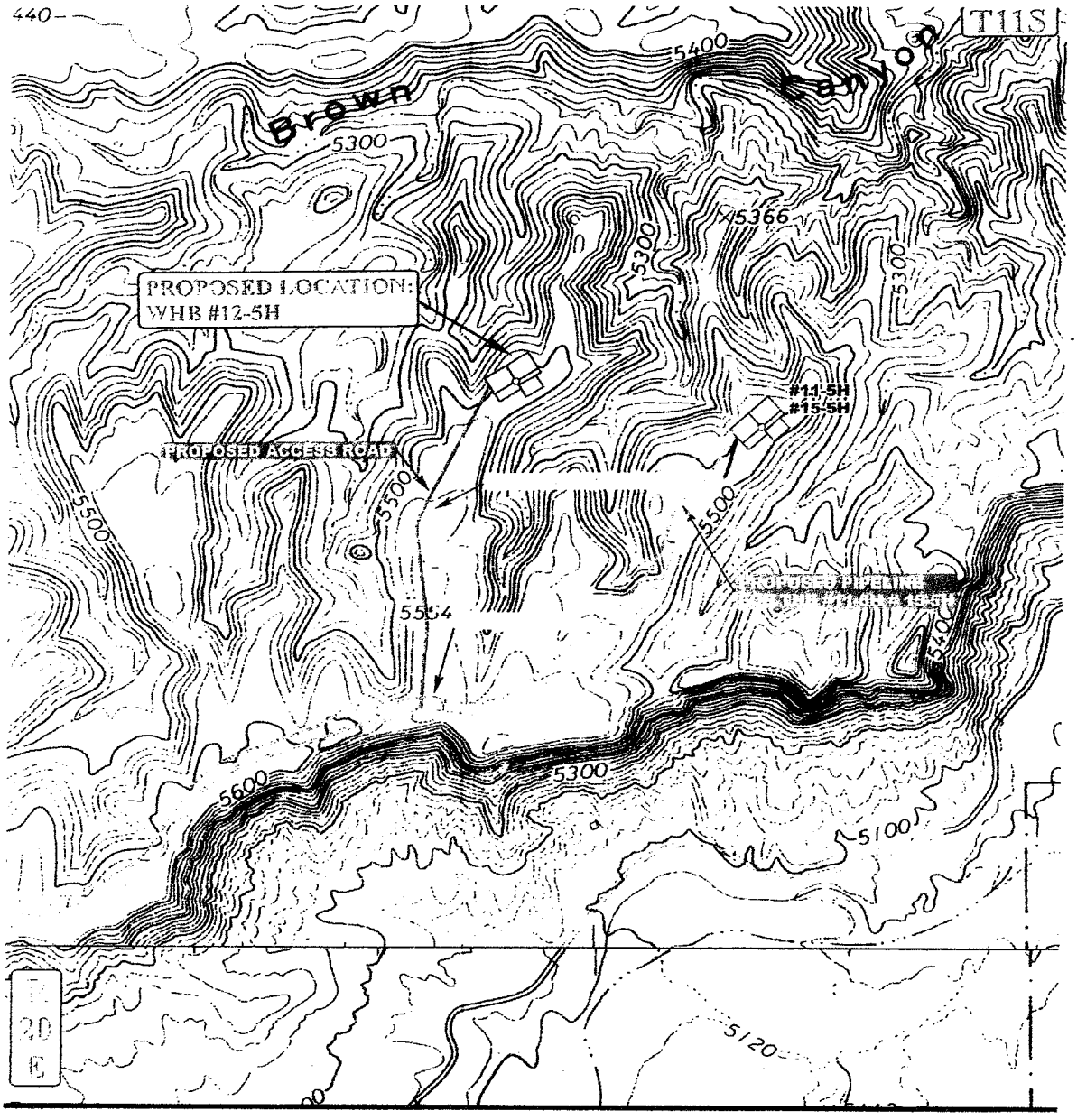
PALEONTOLOGY SENSITIVITY: HIGH [ ] MEDIUM [x] LOW [X] (PROJECT SPECIFIC)

MITGATION RECOMMENDATIONS: NONE [X] OTHER [ ] (SEE BELOW)

No recommendations are being made for this well location.

There is always some potential for discovery of significant paleontological resources in the Uinta Formation. If significant vertebrate fossils (mammals, crocodiles, complete turtle shells, etc.) are encountered during construction, work should stop in that area and a paleontologist should be contacted to evaluate the material discovered.

PALEONTOLOGIST: Alden H. Hamblin
A.H. Hamblin Paleontological Consulting, 3793 N. Minersville Highway, Cedar City, Utah 84720 (435) 867-8355
Utah State Paleontological Permit # 04-339, BLM paleontological Resources Permit # UT-S-05-02,
Ute Tribe Access Permits – 09/30/06 & 03/31/07. Utah Professional Geologist License – 5223011-2250.



LEGEND:

PROPOSED ACCESS ROAD

EXISTING PIPELINE

PROPOSED PIPELINE (SERVICING OTHER WELLS)

N

DOMINION EXPLR. & PROD., INC.

WHB #12-5H

SECTION 5, T11S, R20E, S.L.B.&M.

1370' FSL 371' FWL

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

	MONTH	DAY	YEAR
SCALE: 1" = 1000'	DRAWN BY: L.K.	REVISED:	00-00-00

TOPO

CLASS III CULTURAL RESOURCE INVENTORY OF DOMINION'S PROPOSED WILD HORSE BENCH LOCATION #12-5H, ASSOCIATED ACCESS ROAD, AND PIPELINE

UINTAH COUNTY, UTAH

Author:

Shina duVall, Cultural Resource Specialist

Prepared for:
Dominion Exploration & Production, Inc.
1400 North State Street; PO Box 1360
Roosevelt, UT 84066

Prepared by:
Buys & Associates, Inc. Environmental Consultants
300 E. Mineral Avenue, Suite 10
Littleton, CO 80122-2655

Principal Investigator: Jonathan D. Kent, Ph.D

Buys & Associates, Inc. Report No.: U-07-322-42-0004
State of Utah Project No.: U-07-UY-0543i

May 21, 2007

Utah State Archaeological Survey Permit No.: 85
United States Department of the Interior Federal Land Policy and Management Act (FLPMA) Permit No.: *Pending*

CONFIDENTIALITY NOTICE:

Section 304 of the National Historic Preservation Act (16 U.S.C. 470w-3[a]) and Section 9 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hh) establish regulations regarding the confidentiality of information concerning the nature and location of archaeological resources. Therein is stated that information concerning the nature and location of any archaeological resource may not be made available to the public unless the Federal land manager concerned determines that such disclosure would not create a risk of harm to such resources or to the site at which such resources are located, or impede the use of a traditional religious site by practitioners.

As such, to the extent permitted by law, all information on archaeological resources and their locations gathered and presented with regard to the proposed project will be treated as confidential. All parties associated with the proposed project will ensure (1) that all information regarding specific site locations is kept confidential except for disclosures required by law or necessary to carry-out protection of sites; (2) that specific site locations are not included in any document made available to the general public; and (3) this information shall not be utilized by the requestor to destroy, excavate, or vandalize resources.

ABSTRACT

A Class III cultural resource inventory was conducted by Buys & Associates, Inc. in May 2007 for Dominion Exploration & Production, Inc.'s proposed location #12-5H as well as 0.5 miles of associated access road and pipeline. The Project Area is located east of the Green River, just southwest of the confluence of Hill Creek, Willow Creek, and Pariette Draw in the general area of Wild Horse Bench and Brown Canyon in the Uinta Basin, Uintah County, Utah. The legal location of the Project Area is Sections 5, 6, and 7, Township 11S, Range 20E. The total area of survey included 16.0 acres on land administered by the Ute Indian Tribe on the Uintah and Ouray Indian Reservation.

This Class III inventory resulted in the identification of five previous cultural resource inventories that were conducted within 1 mile of the Project Area. These previous inventories resulted in the identification of two archaeological sites (**42Un5237** and **42Un5238**), one of which (**42Un5237**) was determined to be eligible for listing on the National Register of Historic Places. However, neither of these previously recorded sites are located in the present area of potential effect. No new cultural resources were recorded as a result of this inventory.

No avoidance or mitigation measures are recommended for the proposed project as there will be no effects to any historic properties as a result of the undertaking. Therefore, a determination of "no historic properties affected" is proposed for the project pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800).

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1. INTRODUCTION

Buys & Associates, Inc. (B&A) conducted this Class III cultural resource inventory of Dominion Exploration & Production, Inc.'s (Dominion) proposed well location #12-5, as well as 0.5 miles of associated access road and pipeline. The Project Area is located east of the Green River, just southwest of the confluence of Hill Creek, Willow Creek, and Pariette Draw in the general area of Wild Horse Bench and Brown Canyon in the Uinta Basin, Uintah County, Utah. The legal location of the Project Area is in Sections 5, 6, and 7, Township 11S, Range 20E (**Figure 1.1**). The total area of survey included 16.0 acres on land administered by the Ute Indian Tribe on the Uintah and Ouray Indian Reservation.

This cultural resource inventory was conducted in compliance with Federal and State legislation including Section 106 of the National Historic Preservation Act of 1966 (as amended) (NHPA), the National Environmental Policy Act of 1969, the Archaeological and Historic Preservation Act of 1974, the Archaeological Resources Protection Act of 1979 (ARPA), and the American Indian Religious Freedom Act of 1978. The NHPA sets forth national policy and procedures regarding "historic properties"—that is, regions, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places (NRHP). Section 106 of the NHPA requires Federal agencies to consider the effects of their undertakings on such properties, following regulations issued by the Advisory Council on Historic Preservation (ACHP) (36 CFR 800).

Criteria for evaluating the significance of resources for listing on the NRHP are outlined in 36 CFR 800.10, "National Register Criteria." The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and,

a) That are associated with events that have made a significant contribution to the broad patterns of our history.

b) That are associated with the lives of persons significant in our past.

c) That embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, and,

d) That have yielded, or may be likely to yield, information important in prehistory or history.

This Class III cultural resource inventory was conducted by Shina duVall and Jenny Lange of B&A during the week of May 7-11, 2007. The archaeologists were accompanied in the field by personnel from the Ute Tribe Energy and Minerals Department. The records search was conducted by Marty Thomas at the Division of State History, Salt Lake City, Utah on April 28, 2007. Jonathan D. Kent, Ph.D served as the principal investigator. All field notes and photographs are on file at B&A's office in Littleton, Colorado under project number U-07-322-42-0004.

This Class III inventory resulted in the identification of five previous cultural resource inventories that were conducted within 1 mile of the Project Area. These previous inventories resulted in the identification of two archaeological sites (**42Un5237** and **42Un5238**), one of which (**42Un5237**) was determined to be eligible for listing on the NRHP. However, neither of these previously recorded sites are located in the present area of potential effect. No new cultural resources were recorded as a result of this inventory.

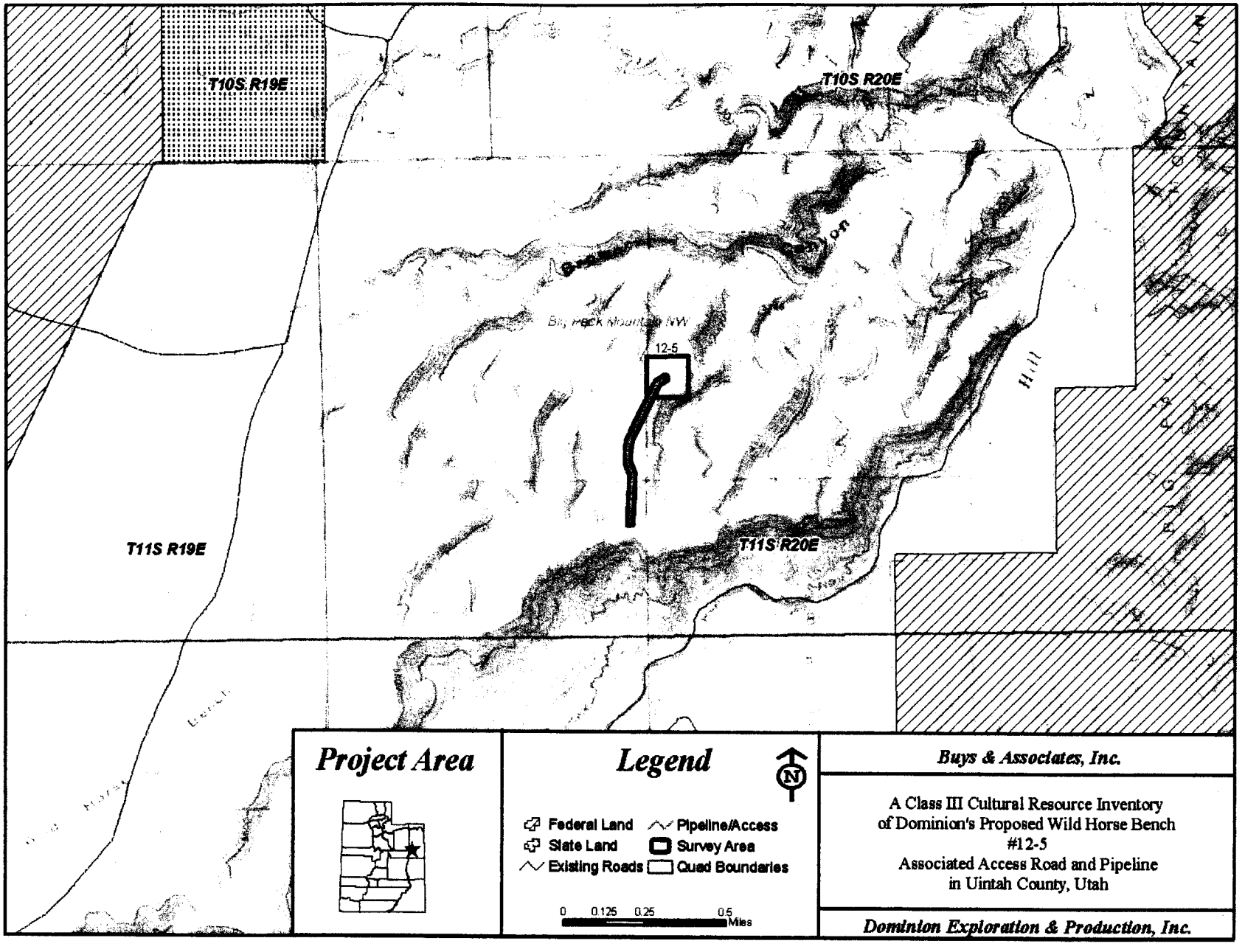

Figure 1.1 Location of Dominion's Proposed Wild Horse Bench #12-5H, Associated Access Road and Pipeline

2. ENVIRONMENT

The Uinta Basin and Mountains are located in the northeast corner of the state of Utah and are part of a larger physiographic area known as the Colorado Plateau. The Project Area is located east of the Green River, just west of the confluence of Hill Creek, Willow Creek, and Pariette Draw in the general area of Wild Horse Bench and Brown Canyon in the Uinta Basin, Uintah County, Utah. The elevation of the Project Area ranges from approximately 5,300 to 5,600 feet. The topography consists of flat rocky ridges dissected by deep narrow canyons. It is characterized by raised, sloping benches or rides, incised ephemeral draws, and washes. Soils in the Project Area are shallow and consist of clay loams. Colluvium with some bedrock sandstone is also present. Drainage in the area is to the north with the Alger Pass drainages associated with Kings Canyon and the Willow Creek Unit drainages connected to Brown Canyon. Vegetation in the area includes Utah juniper, pinyon pine, black sagebrush, shadscale, galleta grass, Gardner's saltbush, prickly phlox, horsebrush, bud sage, American kochia, and cheat grass, with either pinyon and juniper trees and sagebrush as the dominant vegetation type. The Project Area and the Green River to the north and west provide habitat for numerous species of birds, mammals, reptiles, amphibians, fish, and invertebrates. Modern disturbances include oil and gas facilities and various roads.

3. CULTURE HISTORY

The prehistory of the Uinta Basin is complex and poorly understood because of its location at the intersection of the Great Basin, Colorado Plateau, and Northern Plains cultures. The cultural trajectory of change in the Uinta Basin has been generally categorized into five cultural-chronological periods, defined by Jennings (1986). These are the Paleoindian, Archaic, Formative (Fremont), Post Formative (Protohistoric), and Contact periods. The earliest evidence of a human presence in the area (during the Paleoindian period) dates back to approximately 12,000 years before present (B.P) during the terminal Pleistocene. This period is characterized by specialized hunting of big game animals, including the now-extinct species of mammoth and bison. Evidence for the Paleoindian presence in the Uinta Basin region comes from a few Clovis and Folsom projectile points and some Plano Complex lanceolate projectile points (Hauck 1998). However, these sparse isolated finds define the extent of the Paleoindian presence in the area, as few sites associated with the period have been sufficiently documented (Spangler 1995:332).

The Archaic stage, which dates from approximately 8000 B.P. to 1500 B.P., is better represented in the archaeological record of the area. This period is further subdivided into the Early Archaic phase, which dates from approximately 8000 to 5000 B.P.; the Middle Archaic, which dates to approximately 5000 B.P. to 2500 B.P.; and the Late Archaic, which dates from approximately 2500 B.P. to 1450 B.P. In the Uinta Basin, there are few artifacts or sites dating to the Early Archaic, but the Middle and Late Archaic phases are better represented in the archaeological record (Holmer 1986). In comparison to the Paleoindian period, the Archaic period is characterized by increased foraging subsistence strategy. Archaic peoples exploited a wide variety of floral resources, and began hunting an array of smaller to medium-sized game animals such as cottontail rabbits, muskrats, birds, beavers, prairies dogs, deer, antelope, mule, and

bighorn sheep. Archaic period cultural material includes an elaboration and expansion of the lithic toolkit with the introduction of new types of projectile points and the atlatl. Site types associated with the Archaic period include rock shelters, open-air campsites, plant gathering areas, and processing sites (Spangler 1995). The archaeological record indicates that the population in the Uinta Basin increased during the Middle Archaic period and continued to increase into the Late Archaic period. The first evidence of the construction of formal architectural features, such as semi-subterranean residential structures, and the beginnings of maize horticulture begin during the Late Archaic period.

The Formative period (Fremont) dates to approximately 2500 B.P. to annos domini (A.D.) 1400. During this period, the populations living in the Uinta Basin became more dependent on cultivated crops including corn, beans, and squash (Marwitt 1970). The Formative period is also marked by increased sedentism and the introduction of more elaborate and formal architectural features, such as shallow pithouse structures. Larger groups began occupying more permanent villages and some habitation sites appear to be positioned in strategic locations, such as atop buttes (Shields 1970). In addition, the Formative period, known in this area as the Uinta Fremont, witnessed the introduction of additional specialized technologies such as ceramics and the bow and arrow. The archaeology of Uinta Fremont architectural features has revealed evidence of postholes, hearths, two-handled wide-mouth vessels, and metates (Shields 1970).

The archaeological record indicates that the Formative period overlaps with the Post-Formative (Protohistoric) period as evidence suggests the arrival of Numic peoples in the area before the disappearance of Formative-period peoples (Reed 1994). Evidence of Numic (Ute and Shoshonean) artifacts and sites appears around approximately A.D. 1100. This transition from the Formative to the Post-Formative (Protohistoric) periods is characterized by a return to subsistence and settlement patterns that resembled the Archaic period trends, including more nomadic and semi-sedentary lifeways, and increased hunting and gathering. The exact nature, timing, and reasons for this transition and the apparent replacement of the rich and extensive Fremont culture and subsequent return to a more nomadic, hunting and gathering lifeway is unknown. Floral and faunal resources exploited by Numic-speaking peoples appear to have included goosefoot, grass seeds, pinyon nuts, juniper berries, squawbush berries and leaves, hackberry seeds, saltbush seeds, knotweed, chokecherry, chickweed, various small game, and deer, elk, pronghorn, and bison (Reed 1994:191). The habitation features of the Numic-speaking peoples consist primarily of wickiups, which are frame huts covered with matting made from bark or brush. It appears that the seasonal movement of small groups during this period was necessary to utilize these various resources. Cultural material in the archaeological record that is associated with Numic-speaking peoples include lithic stone tool scatters, brown ware pottery, "Shoshonean knives" (Janetski 1994), and rock art.

Euro-American activity in the Uinta Basin began with an initial interest in trapping and mineral and petroleum development and is generally defined by periods of Exploration, Trapping and Trading (1776-1852); Early Settlement (1853-1861); Reservation (1862-1868); Secondary Settlement and Early Irrigation (1869-1885); Mineral Development (1886-1904); Land Rush and Water Development (1905-1927); Drought, Depression, and World War II (1928-1945); and Post-War (1946-present).

The Dominguez and Escalante expedition of 1776 marks the beginning of the historic period in this area. In his diary, Escalante called the basin "a fine plain abounding in pasturage and fertile, arable land, provided it were irrigated." These explorers opened the basin to Spanish, Mexican, American, and British fur-trappers, traders, and settlers. Over the next 100 years, early trappers, Mormon settlers, surveyors, and military expeditions passed through or settled in the area. Historic resource exploitation in this area includes mining, logging, and oil and gas extraction. The early historic periods were often marked by conflict between the original inhabitants of the region and Euro-American groups.

Between the late 1820s and the 1840s, the basin and mountains were visited by such prominent historical figures as William H. Ashley, Etienne Provost, Antoine Robidoux, and Kit Carson. At least two semi-permanent trading posts were established in the basin. These included Fort Robidoux (Fort Uintah or Winty) and Fort Kit Carson. Furthermore, several expeditions visited the area, including the Captain John C. Fremont expedition during the 1840s, and that of Major John Wesley Powell who floated the Green River in 1869 and 1871. The area was not initially identified as an area to be settled by Mormon leaders. In the early 1860s, Brigham Young sent a small expedition to the area to determine its suitability for settlement, but the expedition reported that "all that section of country lying between the Wasatch Mountains and the eastern boundary of the territory, and south of Green River country, was one vast contiguity of waste and measurably valueless...excepting for nomadic purposes, hunting grounds for Indians and to hold the world together."

The Uintah Reservation was established in 1861. Several Ute groups, including the Uinta-ats (Tavaputs), PahVant, Tumpanawach, Cumumba, and Sheberetch formed the Uintah Band during the late 1860s to early 1870 (Burton 1996). The Uintah Reservation was established to include Utes who had previously lived in central Utah and Ute groups from Colorado, specifically the White River Utes who had participated in the Meeker Massacre of September 29, 1879, were added to the Utah reservation in 1882 (Burton 1996; Callaway, Janetski, and Stewart 1986). The establishment of the reservation and subsequent inclusion of Ute groups from Colorado required that the Utes living in central Utah and the White River Utes of Colorado give up their residence there, and move to the Uintah Reservation, which is located in the northeast portion of the state of Utah. In addition, the Ouray Reservation, which bordered the southern boundary of the Uintah Reservation, was established during this time. This reservation was set up to include a band of Uncompahgre Utes. The Utes that were forced to move into these reservations were forced to sell their lands, and in many cases were not compensated for any resulting loss of land or independence. Furthermore, their relocation, residence, and containment on the two reservations was enforced militarily by the infantry stationed at the Department of War at Fort Thornburgh, which was established in 1881 (Burton 1996). Originally, the Uintah-Ouray Reservation encompassed over 3.5 million acres. However, today, the Uintah Utes, White River Utes, and Uncompahgre Utes occupy only a small fraction of their former reservation lands. Between 1890 and 1933, over 500,000 acres of the Uintah-Ouray Reservation were taken for homesteading, and in 1906, over 900,000 additional acres were taken from the reservation and added to the National Forests (Clemmer 1986).

Thomas Smart was one of the first white settlers to inhabit the area east of Ouray in 1878. This was followed by additional settlement in the area of the White River in the late 1870s to early 1880s. In 1888, gilsonite and other asphaltum minerals were

discovered in various parts of the basin, which included eastern portions of the Uintah-Ouray Reservation. Miners convinced the Federal government to withdraw 7,000 acres from the reservation so that they could legally proceed with gilsonite mining activities. This area was called "the Strip." Between the late 1880s and early 1900s, the Dawes Act of 1887 and other mining and development campaigns succeeded in opening the Uinta Basin Indian Reservations, including the Uintah, the Ouray, and the Uncompahgre, to homesteading, development, and mining activities. The Mormon presence and increased settlement in the area grew after Thomas Smart's brother, William H. Smart, organized several expeditions into the Ouray Valley and the newly opened Ute Reservation. William H. Smart also became the president of the Wasatch Latter Day Saints (LDS) State in 1901 (Burton 1998). Several LDS families relocated to this area following Smart's initial exploration.

Early settlers in the region depended on livestock as the primary industry. Ranching and livestock make up an important part of the history of the Uinta Basin. Cattle were brought in from Brown's Park in Texas and other eastern areas since the early 1850s, and they were brought up to the Green River and surrounding mountain areas. The area offered an abundance of grass and water appropriate for livestock management. In 1912, the Uintah Cattle and Horse Growers Association was established. This group served to organize and issue brands to ranchers and to curtail rampant cattle rustling, which was becoming a significant problem as existing ranches grew in size and new ranches were established in the area (Burton 1996). Following the development of the cattle ranching industry, the sheep industry and the production of wool became an important industry in the Uinta Basin and its introduction coincided and possibly played a part in the waning of the cattle ranching industry. Sheep were desirable because of their heartiness and ability to survive the difficult basin winters better than cattle. Robert Bodily introduced the region to sheep in 1879 when he introduced a herd of 60. Following this introduction, the number of sheep being ranched in the region grew to approximately 50,000 head by the mid 1890s. Large-scale shearing corrals were built by C.S. Carter, and later by the Uintah Railway Company, and in 1899, the Uinta Basin sheep ranching industry was shipping 500,000 pounds of wool out of the area. The enormous growth of the wool industry in the region resulted in the passing of the Taylor Grazing Act in 1934, which designated certain areas as "districts" to stockmen, and required permits for livestock grazing. This act and acts like it led in part to the development of the Bureau of Land Management in 1946 (Burton 1996).

Uintah County is recognized for its various natural resources. These include coal, copper, iron, asphalt, shale, and as aforementioned, gilsonite. Commercial oil production began in 1948, but was not fully exploited until the 1970s, when the price of crude oil increased. The region has since experienced a boom and bust economic climate that is highly dependent on the price of and demand for oil and gas. Most recently the economic stability of the Uinta Basin is increasingly dependent on world energy prices and demand.

4. CLASS I INVENTORY

A file search for previous projects and documented cultural resources was conducted at the Division of State History – Utah State Historic Preservation Office (USHPO) on April 28, 2007. The purpose of the file search was to identify the previous cultural resource inventories conducted within the Project Area and the number, type, and eligibility

recommendations made for all of the archaeological sites previously documented. The NRHP National Register Information System (NRIS) online database was also consulted to determine if there are any NRHP-listed sites within the Project Area.

The results of the Class I inventory indicated that five cultural resource inventories had been conducted within 1 mile of the Project Area. These previous inventories resulted in the identification of two archaeological sites (**42Un5237** and **42Un5238**), one of which (**42Un5237**) was determined to be eligible for listing on the NRHP. However, neither of these previously recorded sites are located in the present area of potential effect. These inventories and their findings are summarized in **Table 4.1**.

Table 4.1 Previous Cultural Resource Inventories Conducted in the Vicinity of the Project Area and Applicable Findings

Project No.	Company Name	Project Name	Findings
U-87-AF-636s,i	Archeological-Environmental Research Corporation	Cultural Resource Evaluation of Two Proposed Well Locations in the Hill Creek Locality of Uintah County, Utah	No Cultural Resources
U-04-AY-993b	An Independent Archaeologist	Dominion Exploration & Production: Little Canyon Unit #11-17H; A Cultural Resource Inventory for a well pad, its access, and flowline, Uintah County, Utah	No Cultural Resources
U-05-MQ-1010b,s	Montgomery Archaeological Consultants, Inc.	Cultural Resource Inventory of EOG Resources, Inc.'s Five Proposed Wells: Wild Horse Divide #1-3, 3-3, 5-3, 10-4, and 11-4 in Uintah County, Utah	No Cultural Resources
U-06-MQ-0504b,i	Montgomery Archaeological Consultants, Inc.	Cultural Resource Inventory of Questar Gas Management's Proposed Mak-J Pipeline Uintah County, Utah	42Un5237 42Un5238
U-06-MQ-533b,s	Montgomery Archaeological Consultants, Inc.	Cultural Resource Inventory of EOG Resources, Inc.'s Proposed: Wild Horse Divide #13-1 Well Location in Uintah County, Utah	No Cultural Resources

5. FIELD SURVEY

The objective of the field inventory is to identify and document all eligible prehistoric and historic archaeological sites, as well as areas that may have a high probability of significant subsurface materials that may be impacted by the proposed undertaking. During the survey, the ground surface is examined for archaeological artifacts, features, or other evidence of human presence including charcoal-stained sediments or rock surface oxidation indicating the presence of fire. Particular consideration is given to

areas of existing surface disturbance, including areas of erosion, cutbanks, animal burrows, anthills, roads, and other areas of construction activities as these areas provide indications of the potential for subsurface deposits of cultural material.

The Class III field inventory was conducted on all areas proposed for surface disturbance. At each proposed well location, a 10-acre square parcel is defined, centered on the well pad center stake. The survey area width for the access road and pipeline routes is 30 meters (100 feet) to either side of the centerline. A 100 percent pedestrian coverage survey is then conducted on the entire 10-acre area with archaeologists walking parallel transects spaced at 15 meters (45 feet) apart.

6. SUMMARY OF THE KNOWN CULTURAL RESOURCES

This Class III inventory resulted in the identification of five previous cultural resource inventories that were conducted within 1 mile of the Project Area. These previous inventories resulted in the identification of two archaeological sites (**42Un5237** and **42Un5238**), one of which (**42Un5237**) was determined to be eligible for listing on the NRHP. However, neither of these previously recorded sites are located in the present area of potential effect.

No new cultural resources were recorded during the survey of 16.0 acres for Dominion's Proposed Wild Horse Bench locations #12-5, associated access road, and pipeline.

7. EVALUATION AND RECOMMENDATIONS

No avoidance or mitigation measures are recommended for the proposed project as there will be no effects to any historic properties as a result of the undertaking. Therefore, a determination of "*no historic properties affected*" is proposed for the project pursuant to Section 106 of the NHPA (36 CFR 800).

To minimize any potential damage to or destruction of cultural resources and to maintain compliance with Federal and State cultural resource legislation, the following stipulations should be adhered to by all project personnel:

- The operator and its contractors would inform their employees about Federal regulations intended to protect cultural resources. All personnel would be informed that collecting artifacts, including arrowheads, is a violation of Federal law.
- If cultural resources are uncovered during surface-disturbing activities, the operator and its contractors would suspend all operations at the site and the discovery would be immediately reported to the Authorized Officer, who would arrange for a determination of significance in consultation with the SHPO, and if necessary, recommend a recovery or avoidance plan.
- All vehicular traffic, personnel and equipment movement, and construction activities should be confined to the locations surveyed for cultural resources as referenced in this report, and to the existing roadways and/or inventoried access routes.

8. REFERENCES

Burton, D.K. 1996. *A History of Uintah County. Scratching the Surface.* Utah Centennial County History Series. Utah State Historical Society and Uintah County Commission, Salt Lake City, Utah.

Burton, D.K. 1998. *Settlements of Uintah County, Digging Deeper.* Utah Centennial County History Series. Utah State Historical Society and Uintah County Commission, Salt Lake City, Utah.

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PALEONTOLOGY EVALUATION SHEET

PROJECT: Dominion Exploration Well WHB #11-5H & #15-5H
Survey included proposed road and pipeline to well pad.

LOCATION: Fourteen miles south of Ouray, Utah. SW Section 5, T11S, R20E, S.L.B.&M.

OWNERSHIP: PRIV[ ] STATE[ ] BLM[ ] USFS[ ] NPS[ ] IND[X] MIL[ ] OTHER[ ]

DATE: May 8, 2007

GEOLOGY/TOPOGRAPHY: Uinta Formation, lower part, Eocene Age. Location sits on a narrow ridge, part of Wild Horse Bench, south of Browns Canyon. There is a lot of bench top cover of silty sand and weathering rock fragments. The road and pipeline come in from the west across the bench through several small saddles with Uinta Formation exposures. Also, there are Uinta Formation exposures near and along the canyon walls.

PALEONTOLOGY SURVEY: YES [X] NO Survey [ ] PARTIAL Survey [ ]
Performed a pedestrian survey of the road, pipeline and well location.

SURVEY RESULTS: Invertebrate [ ] Plant [ ] Vertebrate [ ] Trace [ ] No Fossils Found [X]

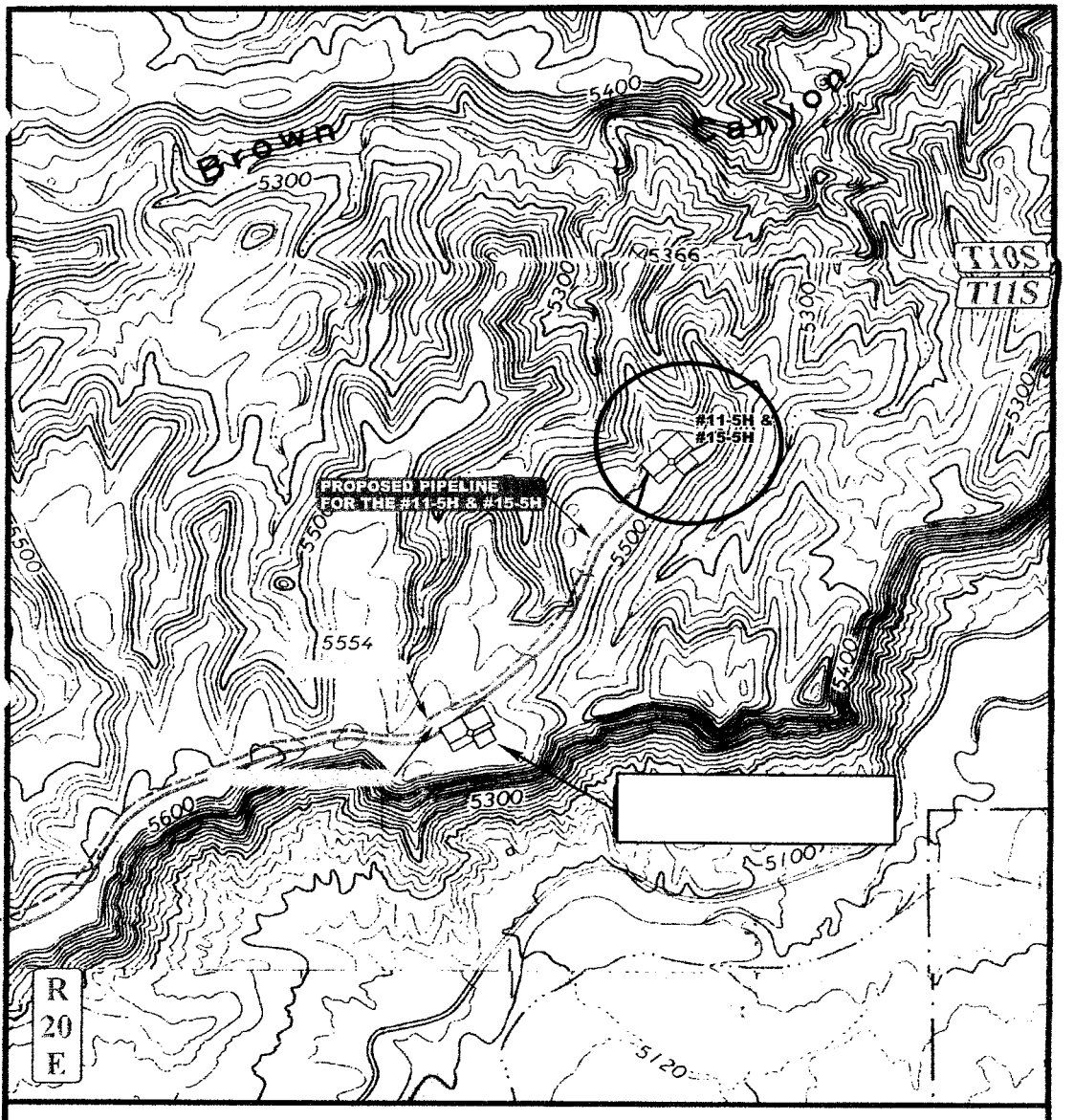
PALEONTOLOGY SENSITIVITY: HIGH [ ] MEDIUM [x] LOW [X] (PROJECT SPECIFIC)

MITGATION RECOMMENDATIONS: NONE [X] OTHER [ ] (SEE BELOW)

No recommendations are being made for this well location.

There is always some potential for discovery of significant paleontological resources in the Uinta Formation. If significant vertebrate fossils (mammals, crocodiles, complete turtle shells, etc.) are encountered during construction, work should stop in that area and a paleontologist should be contacted to evaluate the material discovered.

PALEONTOLOGIST: Alden H. Hamblin
A.H. Hamblin Paleontological Consulting, 3793 N. Minersville Highway, Cedar City, Utah 84720 (435) 867-8355
Utah State Paleontological Permit # 04-339, BLM paleontological Resources Permit # UT-S-05-02,
Ute Tribe Access Permits – 09/30/06 & 03/31/07. Utah Professional Geologist License – 5223011-2250.



LEGEND:

PROPOSED ACCESS ROAD

EXISTING PIPELINE

PROPOSED PIPELINE (SERVICING OTHER WELLS)

N

DOMINION EXPLR. & PROD., INC.

WHB #11-5H & 15-5H
SW Section 5, T11S, R20E,SL.B.&M.

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

	MONTH	DAY	YEAR
SCALE: 1" = 1000'	DRAWN BY: L.K.	REVISED: 00-00-00	D TOPO

CLASS III CULTURAL RESOURCE INVENTORY OF DOMINION'S PROPOSED WILD HORSE BENCH LOCATION #11-5H and #15-5H, ASSOCIATED ACCESS ROAD AND PIPELINE

UINTAH COUNTY, UTAH

Author:

Shina duVall, Cultural Resource Specialist

Prepared for:
Dominion Exploration & Production, Inc.
1400 North State Street; PO Box 1360
Roosevelt, UT 84066

Prepared by:
Buys & Associates, Inc. Environmental Consultants
300 E. Mineral Avenue, Suite 10
Littleton, CO 80122-2655

Principal Investigator: Jonathan D. Kent, Ph.D

Buys & Associates, Inc. Report No.: U-07-322-42-0006
State of Utah Project No.: U-07-UY-0542i

June 4, 2007

Utah State Archaeological Survey Permit No.: 85
United States Department of the Interior Federal Land Policy and Management Act (FLPMA) Permit No.: *Pending*

CONFIDENTIALITY NOTICE:

Section 304 of the National Historic Preservation Act (16 U.S.C. 470w-3[a]) and Section 9 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hh) establish regulations regarding the confidentiality of information concerning the nature and location of archaeological resources. Therein is stated that information concerning the nature and location of any archaeological resource may not be made available to the public unless the Federal land manager concerned determines that such disclosure would not create a risk of harm to such resources or to the site at which such resources are located, or impede the use of a traditional religious site by practitioners.

As such, to the extent permitted by law, all information on archaeological resources and their locations gathered and presented with regard to the proposed project will be treated as confidential. All parties associated with the proposed project will ensure (1) that all information regarding specific site locations is kept confidential except for disclosures required by law or necessary to carry-out protection of sites; (2) that specific site locations are not included in any document made available to the general public; and (3) this information shall not be utilized by the requestor to destroy, excavate, or vandalize resources.

ABSTRACT

A Class III cultural resource inventory was conducted by Buys & Associates, Inc. in May 2007 for Dominion Exploration & Production, Inc.'s proposed locations #11-5H and #15-5H as well as 4.20 miles of associated access road and pipeline. The Project Area is located east of the Green River, just southwest of the confluence of Hill Creek, Willow Creek, and Pariette Draw in the general area of Wild Horse Bench and Brown Canyon in the Uinta Basin, Uintah County, Utah. The legal location of the Project Area is Section 5, 7, and 8, Township 11S, Range 20E; and Sections 1, 12, and 13, Township 11S, Range 19E. The total area of survey included 58.46 acres on land administered by the Ute Indian Tribe on the Uintah and Ouray Indian Reservation.

This Class III inventory resulted in the identification of six previous cultural resource inventories that were conducted within 1 mile of the Project Area. These previous inventories resulted in the identification of 27 archaeological sites. Only two of these previously documented sites (**42Un4566** and **42Un5237**) are located in the present area of potential effect. Of the two previously documented sites, **42Un5237** was originally recorded as eligible for listing on the National Register of Historic Places. Ten Isolated Finds were documented during the current inventory. No new archaeological sites were recorded as a result of this inventory.

It is recommended that Site **42Un5237** identified during this inventory be avoided by the proposed undertaking. Adherence to the recommended avoidance/mitigation measures will result in a finding of no effects to any historic properties as a result of the undertaking. Therefore, a determination of "no historic properties affected" is proposed for the project pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800).

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1. INTRODUCTION

Buys & Associates, Inc. (B&A) conducted this Class III cultural resource inventory of Dominion Exploration & Production, Inc.'s (Dominion) proposed well locations #11-5 and #15-5, as well as 4.20 miles of associated access road and pipeline. The Project Area is located east of the Green River, just southwest of the confluence of Hill Creek, Willow Creek, and Pariette Draw in the general area of Wild Horse Bench and Brown Canyon in the Uinta Basin, Uintah County, Utah. The legal location of the Project Area is Section 5, 7, and 8, Township 11S, Range 20E; and Section 1, 12, and 13, Township 11S, Range 19E (**Figure 1.1**). The total area of survey included 58.46 acres on land administered by the Ute Indian Tribe on the Uintah and Ouray Indian Reservation.

This cultural resource inventory was conducted in compliance with Federal and State legislation including Section 106 of the National Historic Preservation Act of 1966 (as amended) (NHPA), the National Environmental Policy Act of 1969, the Archaeological and Historic Preservation Act of 1974, the Archaeological Resources Protection Act of 1979, and the American Indian Religious Freedom Act of 1978. The NHPA sets forth national policy and procedures regarding "historic properties"—that is, regions, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places (NRHP). Section 106 of the NHPA requires Federal agencies to consider the effects of their undertakings on such properties, following regulations issued by the Advisory Council on Historic Preservation (ACHP) (36 CFR 800).

Criteria for evaluating the significance of resources for listing on the NRHP are outlined in 36 CFR 800.10, "National Register Criteria." The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and,

a) That are associated with events that have made a significant contribution to the broad patterns of our history.

b) That are associated with the lives of persons significant in our past.

c) That embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, and,

d) That have yielded, or may be likely to yield, information important in prehistory or history.

This Class III cultural resource inventory was conducted by Shina duVall and Jenny Lange of B&A during the week of May 7-11, 2007. The archaeologists were accompanied in the field by personnel from the Ute Tribe Energy and Minerals Department. The records search was conducted by Marty Thomas at the Division of State History, Salt Lake City, Utah on April 28, 2007. Jonathan D. Kent, Ph.D served as the principal investigator. All field notes and photographs are on file at B&A's office in Littleton, Colorado under project number U-07-322-42-0006.

This Class III inventory resulted in the identification of six previous cultural resource inventories that were conducted within 1 mile of the Project Area. These previous inventories resulted in the identification of 27 archaeological sites. Only two of these previously documented sites (**42Un4566** and **42Un5237**) are located in the present area of potential effect. Of the two previously documented sites, **42Un5237** was originally recorded as eligible for listing on the National Register of Historic Places. Ten Isolated Finds (IFs) were documented during the current inventory. No new archaeological sites were recorded as a result of this inventory.

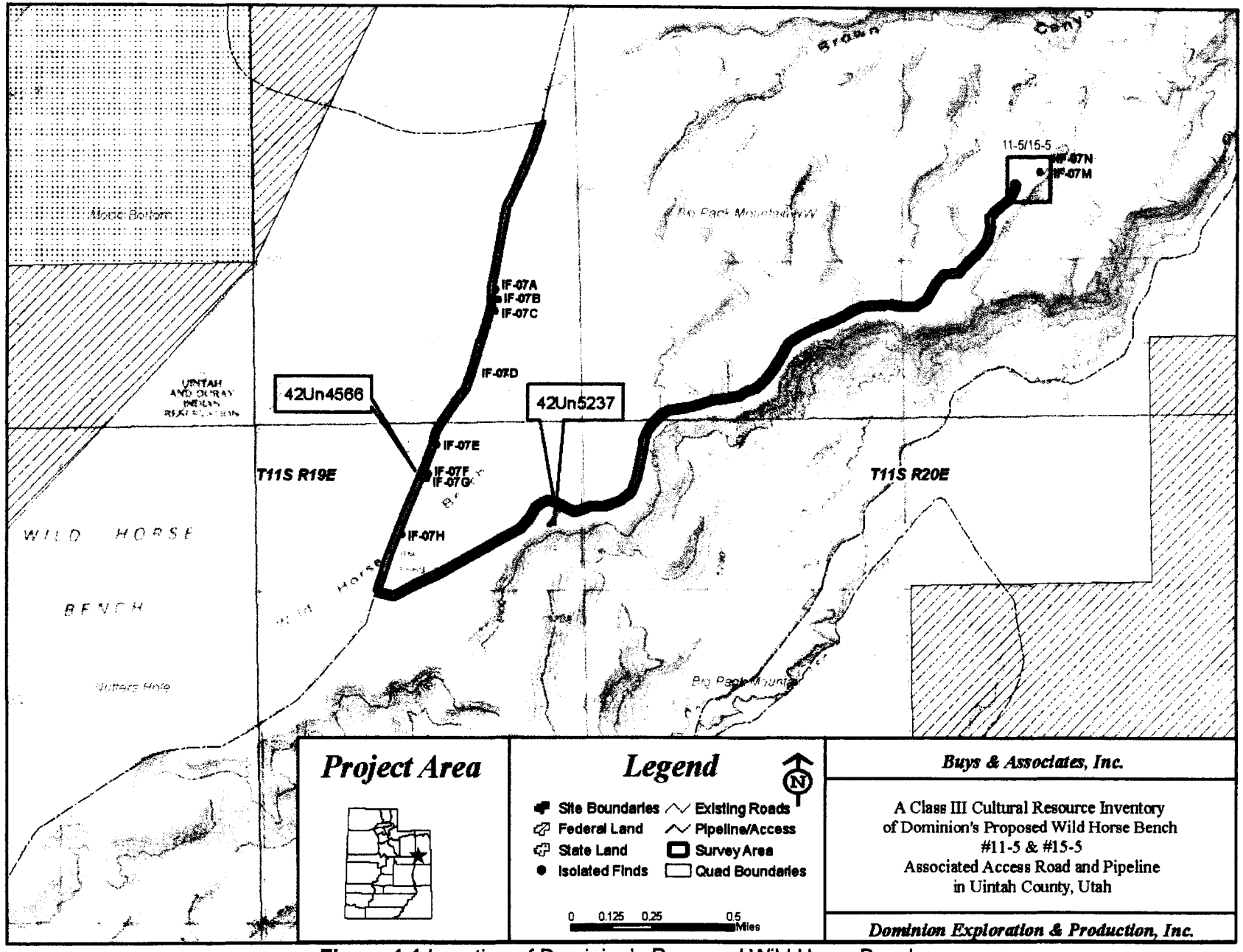

Figure 1.1 Location of Dominion's Proposed Wild Horse Bench
#11-5H and #15-5H, Associated Access Road, and Pipeline Showing Re-Route to Avoid 42Un5237

2. ENVIRONMENT

The Uinta Basin and Mountains are located in the northeast corner of the state of Utah and are part of a larger physiographic area known as the Colorado Plateau. The Project Area is located east of the Green River, just west of the confluence of Hill Creek, Willow Creek, and Pariette Draw in the general area of Wild Horse Bench and Brown Canyon in the Uinta Basin, Uintah County, Utah. The elevation of the Project Area ranges from approximately 5,300 to 5,600 feet. The topography consists of flat rocky ridges dissected by deep narrow canyons. It is characterized by raised, sloping benches or rides, incised ephemeral draws, and washes. Soils in the Project Area are shallow and consist of clay loams. Colluvium with some bedrock sandstone is also present. Drainage in the area is to the north with the Alger Pass drainages associated with Kings Canyon and the Willow Creek Unit drainages connected to Brown Canyon. Vegetation in the area includes Utah juniper, pinyon pine, black sagebrush, shadscale, galleta grass, Gardner's saltbush, prickly phlox, horsebrush, bud sage, American kochia, and cheat grass, with either pinyon and juniper trees and sagebrush as the dominant vegetation type. The Project Area and the Green River to the north and west provide habitat for numerous species of birds, mammals, reptiles, amphibians, fish, and invertebrates. Modern disturbances include oil and gas facilities and various roads.

3. CULTURE HISTORY

The prehistory of the Uinta Basin is complex and poorly understood because of its location at the intersection of the Great Basin, Colorado Plateau, and Northern Plains cultures. The cultural trajectory of change in the Uinta Basin has been generally categorized into five cultural-chronological periods, defined by Jennings (1986). These are the Paleoindian, Archaic, Formative (Fremont), Post Formative (Protohistoric), and Contact periods. The earliest evidence of a human presence in the area (during the Paleoindian period) dates back to approximately 12,000 years before present (B.P) during the terminal Pleistocene. This period is characterized by specialized hunting of big game animals, including the now-extinct species of mammoth and bison. Evidence for the Paleoindian presence in the Uinta Basin region comes from a few Clovis and Folsom projectile points and some Plano Complex lanceolate projectile points (Hauck 1998). However, these sparse isolated finds define the extent of the Paleoindian presence in the area, as few sites associated with the period have been sufficiently documented (Spangler 1995:332).

The Archaic stage, which dates from approximately 8000 B.P. to 1500 B.P., is better represented in the archaeological record of the area. This period is further subdivided into the Early Archaic phase, which dates from approximately 8000 to 5000 B.P.; the Middle Archaic, which dates to approximately 5000 B.P. to 2500 B.P.; and the Late Archaic, which dates from approximately 2500 B.P. to 1450 B.P. In the Uinta Basin, there are few artifacts or sites dating to the Early Archaic, but the Middle and Late Archaic phases are better represented in the archaeological record (Holmer 1986). In comparison to the Paleoindian period, the Archaic period is characterized by increased foraging subsistence strategy. Archaic peoples exploited a wide variety of floral resources, and began hunting an array of smaller to medium-sized game animals such as cottontail rabbits, muskrats, birds, beavers, prairies dogs, deer, antelope, mule, and

bighorn sheep. Archaic period cultural material includes an elaboration and expansion of the lithic toolkit with the introduction of new types of projectile points and the atlatl. Site types associated with the Archaic period include rock shelters, open-air campsites, plant gathering areas, and processing sites (Spangler 1995). The archaeological record indicates that the population in the Uinta Basin increased during the Middle Archaic period and continued to increase into the Late Archaic period. The first evidence of the construction of formal architectural features, such as semi-subterranean residential structures, and the beginnings of maize horticulture begin during the Late Archaic period.

The Formative period (Fremont) dates to approximately 2500 B.P. to annos domini (A.D.) 1400. During this period, the populations living in the Uinta Basin became more dependent on cultivated crops including corn, beans, and squash (Marwitt 1970). The Formative period is also marked by increased sedentism and the introduction of more elaborate and formal architectural features, such as shallow pithouse structures. Larger groups began occupying more permanent villages and some habitation sites appear to be positioned in strategic locations, such as atop buttes (Shields 1970). In addition, the Formative period, known in this area as the Uinta Fremont period, witnessed the introduction of additional specialized technologies such as ceramics and the bow and arrow. The archaeology of Uinta Fremont period architectural features has revealed evidence of postholes, hearths, two-handled wide-mouth vessels, and metates (Shields 1970).

The archaeological record indicates that the Formative period overlaps with the Post-Formative (Protohistoric) period as evidence suggests the arrival of Numic peoples in the area before the disappearance of Formative-period peoples (Reed 1994). Evidence of Numic (Ute and Shoshonean) artifacts and sites appears around approximately A.D. 1100. This transition from the Formative to the Post-Formative (Protohistoric) periods is characterized by a return to subsistence and settlement patterns that resembled the Archaic period trends, including more nomadic and semi-sedentary lifeways, and increased hunting and gathering. The exact nature, timing, and reasons for this transition and the apparent replacement of the rich and extensive Fremont culture and subsequent return to a more nomadic, hunting and gathering lifeway is unknown. Floral and faunal resources exploited by Numic-speaking peoples appear to have included goosefoot, grass seeds, pinyon nuts, juniper berries, squawbush berries and leaves, hackberry seeds, saltbush seeds, knotweed, chokecherry, chickweed, various small game, and deer, elk, pronghorn, and bison (Reed 1994:191). The habitation features of the Numic-speaking peoples consist primarily of wickiups, which are frame huts covered with matting made from bark or brush. It appears that the seasonal movement of small groups during this period was necessary to utilize these various resources. Cultural material in the archaeological record that is associated with Numic-speaking peoples include lithic stone tool scatters, brown ware pottery, "Shoshonean knives" (Janetski 1994), and rock art.

Euro-American activity in the Uinta Basin began with an initial interest in trapping and mineral and petroleum development and is generally defined by periods of Exploration, Trapping and Trading (1776-1852); Early Settlement (1853-1861); Reservation (1862-1868); Secondary Settlement and Early Irrigation (1869-1885); Mineral Development (1886-1904); Land Rush and Water Development (1905-1927); Drought, Depression, and World War II (1928-1945); and Post-War (1946-present).

The Dominguez and Escalante expedition of 1776 marks the beginning of the historic period in this area. In his diary, Escalante called the basin "a fine plain abounding in pasturage and fertile, arable land, provided it were irrigated." These explorers opened the basin to Spanish, Mexican, American, and British fur-trappers, traders, and settlers. Over the next 100 years, early trappers, Mormon settlers, surveyors, and military expeditions passed through or settled in the area. Historic resource exploitation in this area includes mining, logging, and oil and gas extraction. The early historic periods were often marked by conflict between the original inhabitants of the region and Euro-American groups.

Between the late 1820s and the 1840s, the basin and mountains were visited by such prominent historical figures as William H. Ashley, Etienne Provost, Antoine Robidoux, and Kit Carson. At least two semi-permanent trading posts were established in the basin. These included Fort Robidoux (Fort Uintah or Winty) and Fort Kit Carson. Furthermore, several expeditions visited the area, including the Captain John C. Fremont expedition during the 1840s, and that of Major John Wesley Powell who floated the Green River in 1869 and 1871. The area was not initially identified as an area to be settled by Mormon leaders. In the early 1860s, Brigham Young sent a small expedition to the area to determine its suitability for settlement, but the expedition reported that "all that section of country lying between the Wasatch Mountains and the eastern boundary of the territory, and south of Green River country, was one vast contiguity of waste and measurably valueless...excepting for nomadic purposes, hunting grounds for Indians and to hold the world together."

The Uintah Reservation was established in 1861. Several Ute groups, including the Uinta-ats (Tavaputs), PahVant, Tumpanawach, Cumumba, and Sheberetch formed the Uintah Band during the late 1860s to early 1870 (Burton 1996). The Uintah Reservation was established to include Utes who had previously lived in central Utah and Ute groups from Colorado, specifically the White River Utes who had participated in the Meeker Massacre of September 29, 1879, were added to the Utah reservation in 1882 (Burton 1996; Callaway, Janetski, and Stewart 1986). The establishment of the reservation and subsequent inclusion of Ute groups from Colorado required that the Utes living in central Utah and the White River Utes of Colorado give up their residence there, and move to the Uintah Reservation, which is located in the northeast portion of the state of Utah. In addition, the Ouray Reservation, which bordered the southern boundary of the Uintah Reservation, was established during this time. This reservation was set up to include a band of Uncompahgre Utes. The Utes that were forced to move into these reservations were forced to sell their lands, and in many cases were not compensated for any resulting loss of land or independence. Furthermore, their relocation, residence, and containment on the two reservations was enforced militarily by the infantry stationed at the Department of War at Fort Thornburgh, which was established in 1881 (Burton 1996). Originally, the Uintah-Ouray Reservation encompassed over 3.5 million acres. However today, the Uintah Utes, White River Utes, and Uncompahgre Utes occupy only a small fraction of their former reservation lands. Between 1890 and 1933, over 500,000 acres of the Uintah-Ouray Reservation were taken for homesteading, and in 1906, over 900,000 additional acres were taken from the reservation and added to the National Forests (Clemmer 1986).

Thomas Smart was one of the first white settlers to inhabit the area east of Ouray in 1878. This was followed by additional settlement in the area of the White River in the late 1870s to early 1880s. In 1888, gilsonite and other asphaltum minerals were

discovered in various parts of the basin, which included eastern portions of the Uintah-Ouray Reservation. Miners convinced the Federal government to withdraw 7,000 acres from the reservation so that they could legally proceed with gilsonite mining activities. This area was called "the Strip." Between the late 1880s and early 1900s, the Dawes Act of 1887 and other mining and development campaigns succeeded in opening the Uinta Basin Indian Reservations, including the Uintah, the Ouray, and the Uncompahgre, to homesteading, development, and mining activities. The Mormon presence and increased settlement in the area grew after Thomas Smart's brother, William H. Smart, organized several expeditions into the Ouray Valley and the newly opened Ute Reservation. William H. Smart also became the president of the Wasatch Latter Day Saints (LDS) State in 1901 (Burton 1998). Several LDS families relocated to this area following Smart's initial exploration.

Early settlers in the region depended on livestock as the primary industry. Ranching and livestock make up an important part of the history of the Uinta Basin. Cattle were brought in from Brown's Park in Texas and other eastern areas since the early 1850s, and they were brought up to the Green River and surrounding mountain areas. The area offered an abundance of grass and water appropriate for livestock management. In 1912, the Uintah Cattle and Horse Growers Association was established. This group served to organize and issue brands to ranchers and to curtail rampant cattle rustling, which was becoming a significant problem as existing ranches grew in size and new ranches were established in the area (Burton 1996). Following the development of the cattle ranching industry, the sheep industry and the production of wool became an important industry in the Uinta Basin and its introduction coincided and possibly played a part in the waning of the cattle ranching industry. Sheep were desirable because of their heartiness and ability to survive the difficult basin winters better than cattle. Robert Bodily introduced the region to sheep in 1879 when he introduced a herd of 60. Following this introduction, the number of sheep being ranched in the region grew to approximately 50,000 head by the mid 1890s. Large-scale shearing corrals were built by C.S. Carter, and later by the Uintah Railway Company, and in 1899, the Uinta Basin sheep ranching industry was shipping 500,000 pounds of wool out of the area. The enormous growth of the wool industry in the region resulted in the passing of the Taylor Grazing Act in 1934, which designated certain areas as "districts" to stockmen, and required permits for livestock grazing. This act and acts like it led in part to the development of the Bureau of Land Management in 1946 (Burton 1996).

Uintah County is recognized for its various natural resources. These include coal, copper, iron, asphalt, shale, and as aforementioned, gilsonite. Commercial oil production began in 1948, but was not fully exploited until the 1970s, when the price of crude oil increased. The region has since experienced a boom and bust economic climate that is highly dependent on the price of and demand for oil and gas. Most recently the economic stability of the Uinta Basin is increasingly dependent on world energy prices and demand.

4. CLASS I INVENTORY

A file search for previous projects and documented cultural resources was conducted at the Division of State History – Utah State Historic Preservation Office (SHPO) on April 28, 2007. The purpose of the file search was to identify the previous cultural resource inventories conducted within the Project Area and the number, type, and eligibility

recommendations made for all of the archaeological sites previously documented. The NRHP National Register Information System (NRIS) online database was also consulted to determine if there are any NRHP-listed sites within the Project Area.

The results of the Class I inventory indicated that six cultural resource inventories had been conducted within 1 mile of the Project Area. These previous inventories resulted in the identification of 27 archaeological sites. Only two of these previously documented sites (**42Un4566** and **42Un5237**) are located in the present area of potential effect. The inventories and their findings are summarized in **Table 4.1**.

Table 4.1 Previous Cultural Resource Inventories Conducted in the Vicinity of the Project Area and Applicable Findings

Project No.	Company Name	Project Name	Findings
U-81-PA-0664b	Powers Elevation	Cultural Resource Management Report Kings Canyon Unit 1-12	No Cultural Resources
U-87-AF-636s,i	Archeological-Environmental Research Corporation	Cultural Resource Evaluation of Two Proposed Well Locations in the Hill Creek Locality of Uintah County, Utah	No Cultural Resources
U-04-AY-993b	An Independent Archaeologist	Dominion Exploration & Production: Little Canyon Unit #11-17H; A Cultural Resource Inventory for a well pad, its access, and flowline, Uintah County, Utah	No Cultural Resources
U-04-MQ-1424b,i	Montgomery Archaeological Consultants, Inc.	Cultural Resource Inventory of Ute/FNR LLC's Wild Horse Bench Proposed Pipeline, Uintah County, Utah	42Un4557 through 42Un4580 42Un4593
U-05-MQ-1010b,s	Montgomery Archaeological Consultants, Inc.	Cultural Resource Inventory of EOG Resources, Inc.'s Five Proposed Wells: Wild Horse Divide #1-3, 3-3, 5-3, 10-4, and 11-4 in Uintah County, Utah	No Cultural Resources
U-06-MQ-0504b,i	Montgomery Archaeological Consultants, Inc.	Cultural Resource Inventory of Questar Gas Management's Proposed Mak-J Pipeline Uintah County, Utah	42Un5237 42Un5238

5. FIELD SURVEY

The objective of the field inventory is to identify and document all eligible prehistoric and historic archaeological sites, as well as areas that may have a high probability of significant subsurface materials that may be impacted by the proposed undertaking. During the survey, the ground surface is examined for archaeological artifacts, features, or other evidence of human presence including charcoal-stained sediments or rock surface oxidation indicating the presence of fire. Particular consideration is given to areas of existing surface disturbance, including areas of erosion, cutbanks, animal

burrows, anthills, roads, and other areas of construction activities as these areas provide indications of the potential for subsurface deposits of cultural material.

The Class III field inventory was conducted on all areas proposed for surface disturbance. At each proposed well location, a 10-acre square parcel is defined, centered on the well pad center stake. The survey area width for the access road and pipeline routes is 30 meters (100 feet) to either side of the centerline. A 100 percent pedestrian coverage survey is then conducted on the entire 10-acre area with archaeologists walking parallel transects spaced at 15 meters (45 feet) apart.

6. SUMMARY OF THE KNOWN CULTURAL RESOURCES

This Class III inventory resulted in the identification of six previous cultural resource inventories that were conducted within 1 mile of the Project Area. These previous inventories resulted in the identification of 27 archaeological sites. Only two of these previously documented sites (**42Un4566** and **42Un5237**) are located in the present area of potential effect. In addition, 10 IFs were documented during the current inventory.

No new sites were recorded during the survey of 58.46 acres for Dominion's Proposed Wild Horse Bench locations #11-5 and #15-5, associated access road, and pipeline. Sites **42Un4566** and **42Un5237** and the 10 IFs documented during the current inventory are summarized below.

42Un4566
Site Type: Historic Temporary Camp
Cultural Affiliation: Euro-American
Eligibility Recommendation: Not Eligible

Site **42Un4566** was originally recorded by Montgomery Archaeological Consultants in 2004 (Lower-Eskelson and Montgomery 2004). At that time, the site was described as consisting of a low density tin can and glass scatter with two features: a wood chip scatter and a rock alignment. Feature A is a rock alignment which is constructed of two tan, tabular, unmodified sandstone slabs, one of which sits in an upright position. The upright slab measures 16" x 3" x 4 ¼" above MGS. This feature does not exhibit oxidation and no charcoal or soil staining are visible. Feature B is a wood chip scatter comprised of approximately 50 juniper wood chips situated 16 feet south of Feature A. The scatter forms an oblong shape which measures 9' x 5'. The larger pieces in the scatter are visibly axe-cut. The artifact assemblage consists of six Hole-in-Top cans, 13 sanitary cans, and two sanitary lids. Four of the Hole-in-Top cans date from 1930-1975. Additionally, two glass jars are located on the site. One of the jars features an "Anchor Hocking" trademark dating from 1920-1964, and the other features a "Latchford Marble Glass Co." trademark dating from 1939-1957.

The condition of the site at original recording was listed as good, however, it was determined to be ineligible for listing on the NRHP. The justification for this determination was that this site type is common and well-documented for this area. Furthermore, it was described as lacking in potential depth. B&A archaeologists revisited this site for the current project. Although some isolated Hole-in-Top cans and a scarce scattering of glass was located in the general vicinity of the original recording, the features and other components of the originally recorded artifact assemblage were not

located. It is believed that the recent installation (2005-2006) of an underground pipeline that runs along the east side of the existing road at this location resulted in the destruction of the majority of this site.

42Un5237
Site Type: Temporary Camp
Cultural Affiliation: Euro-American
Eligibility Recommendation: Eligible

Site **42Un5237** was originally recorded by Montgomery Archaeological Consultants in 2006 (Lower-Eskelson 2006). At that time, the site was described as a historic temporary sheep herding camp situated on the east edge of Wild Horse Bench. The site is dissected by a bladed road. One feature, a depression which probably represents a dismantled tent platform, was located at the site. Cultural materials include tin cans, glass, enamel ware, and miscellaneous artifacts. Tin cans include 18 hole-in-top cans (date range: 1930-1975, 1915-1925, and 1935-1945), 11 sanitary food containers of which four are embossed with "Sanitary" (1904-1908), 20 tobacco tins (pre-1948), and a can fragment. Glass items consist of a light green soda (crown top) bottle and an aqua paneled medicine container (1880-1910) along with 70 clear, aqua, and light green fragments. Two rifle cartridges were found, one embossed with "Peters" (1887-1934) and the other with W.R.A. Co. (1866-1932). Miscellaneous items include a Granite Ware enamel bowl, a piece of baling wire, and a complete pair of sheep shears. The artifacts were located in two distinct areas; one north of the road which bisects the site, and one south of it. The feature and several milk cans are located in the northern portion while the glass, ammunition cartridges, and sheep shears are located in the south. Based on the temporal indicators, there appears to be three more or less discrete occupational periods at the site. The earliest dates between 1904 and 1908 based on the milk cans labeled with "Sanitary." The next period is represented by the milk cans dating 1915 to 1925, and the latest is 1935-1945 as shown by a single milk can embossed with "PUNCH HERE."

The condition of the site at original recording was listed as good and it was determined to be eligible for listing on the NRHP. The justification for this determination was that the site is a historic temporary camp with several pre-Depression Era occupations related to sheepherding on the Ouray and Uintah Indian Reservation. The site exhibits several classes of artifacts (notably the sheep shears) which could shed light on the range of activities in the area. Although many range camps have been documented on this reservation, very few exhibit artifacts delineating the function of the campsite. Cultural materials also indicate that several types of activities were conducted at this location, including sheep maintenance, hunting, consumption, and perhaps sleeping. Therefore, the site was recommended as eligible to be listed on the NRHP under Criterion D because it is likely to provide important information about land use patterns, livelihood, foodways, and spatial organization on the reservation.

B&A archaeologists revisited this site for the current project. Most of the component artifacts, including the hole-in-top cans, sanitary cans, tobacco tins, baling wire, sheep shears (**Figure 6.1**), and glass shards (**Figure 6.2**) were relocated during the present survey. The Granite Ware enamel bowl, rifle cartridges, and intact bottles were not located (the remains of one broken bottle was located [see **Figure 6.3**]). In addition to the artifacts described in the original recording of site **42Un5237**, B&A archaeologists also identified a variety of wood debris (**Figures 6.4**, **6.5**, and **6.6**), a baking powder tin

embossed with "Clabber Girl Baking Powder" on the lid (**Figure 6.7** and **6.8**), one piece of charcoal chalk (**Figure 6.9**), and one intact jar with lid with an "AHK" punt mark, which is believed to be associated with Alexander H. Kerr & Company (1909-1992) (**Figure 6.10** and **6.11**). Based on the site's continued integrity, it is recommended that the original eligibility determination remain unchanged.

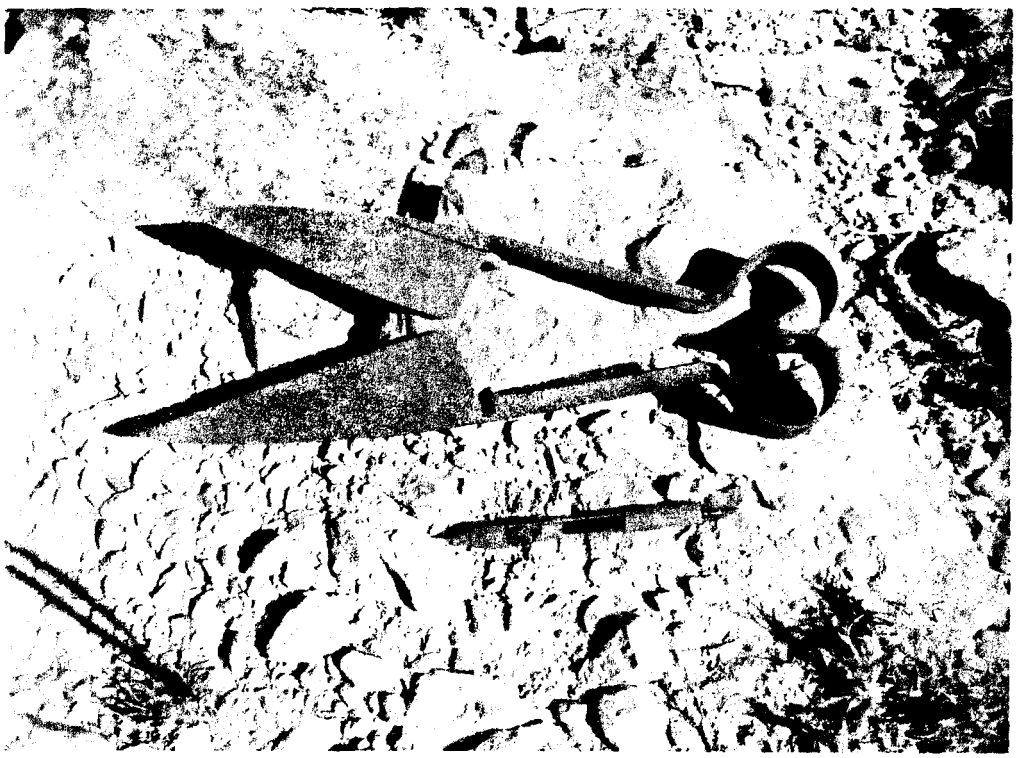

Figure 6.1 Sheep Shears at Site 42Un5237

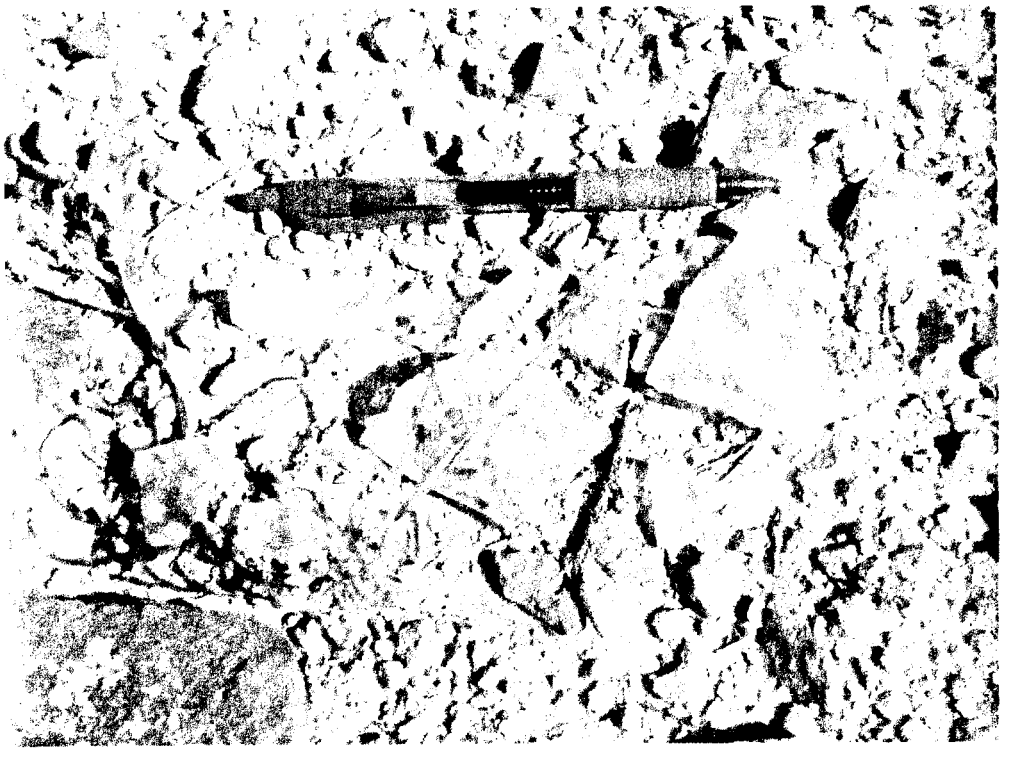

Figure 6.2 Aqua Glass Shards at Site 42Un5237

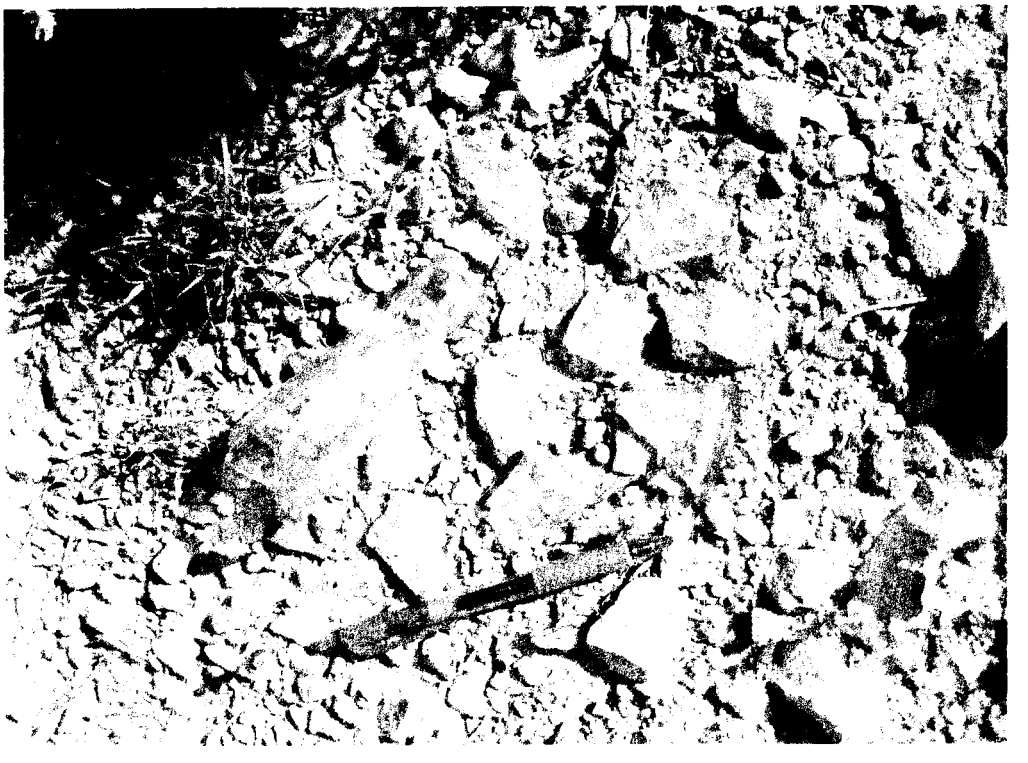

Figure 6.3 Broken Clear Glass Bottle at Site 42Un5237

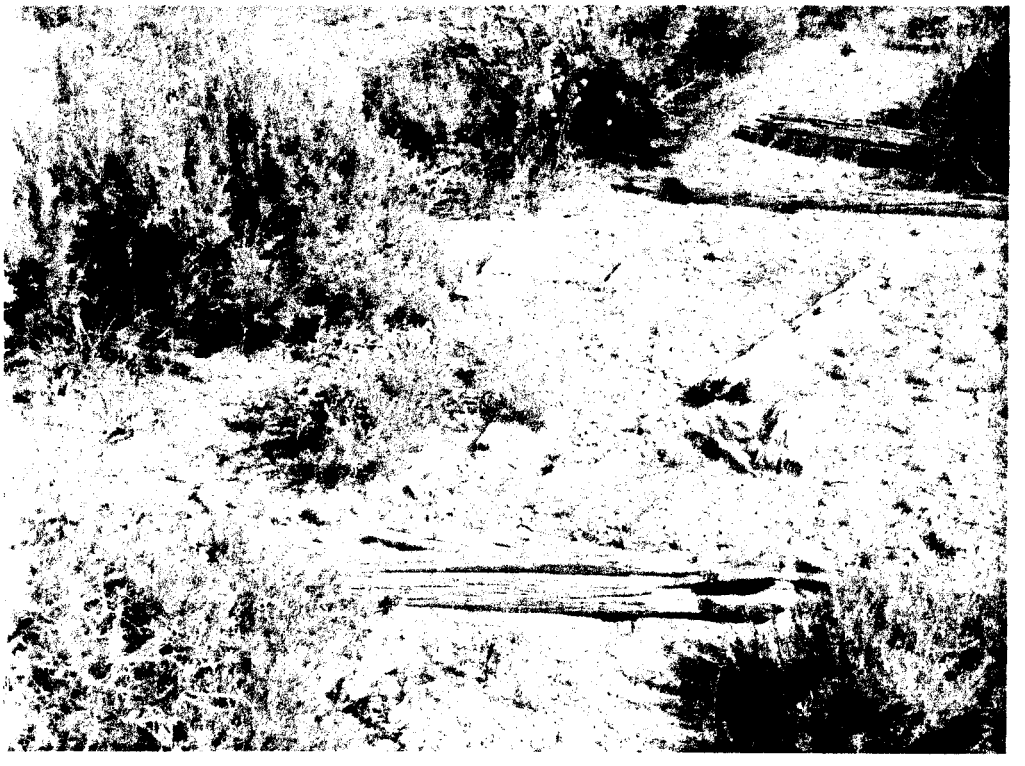

Figure 6.4 Wood Debris at Site 42Un5237

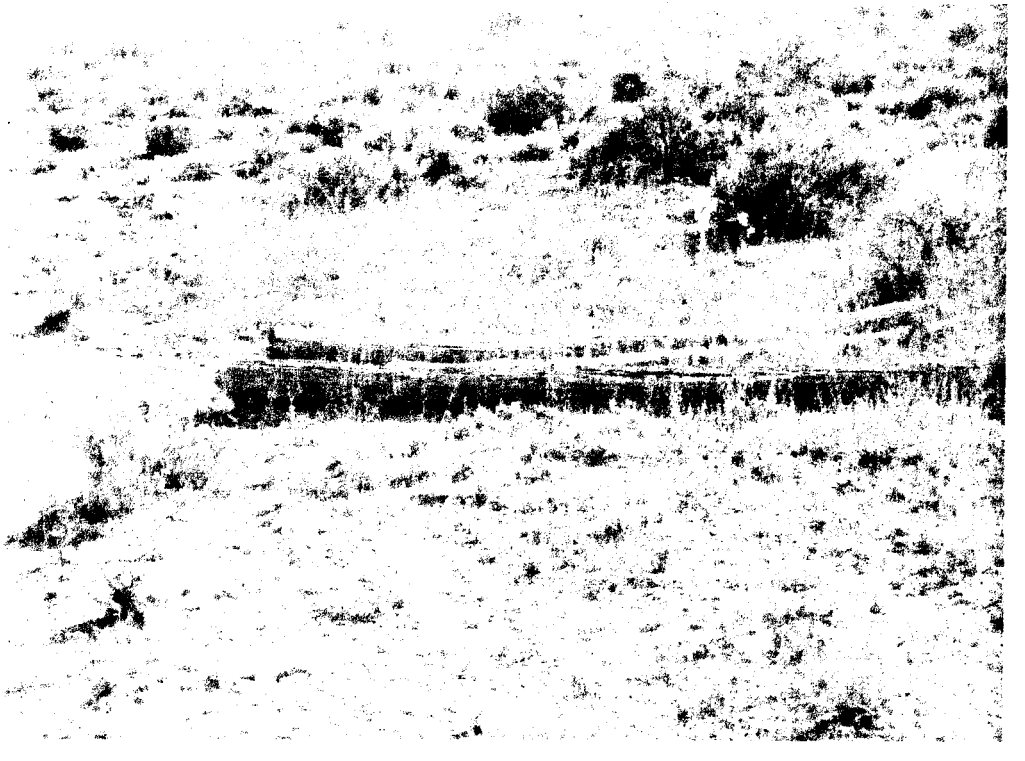

Figure 6.5 Wood Debris at Site 42Un5237

Figure 6.6 Wood Debris at Site 42Un5237

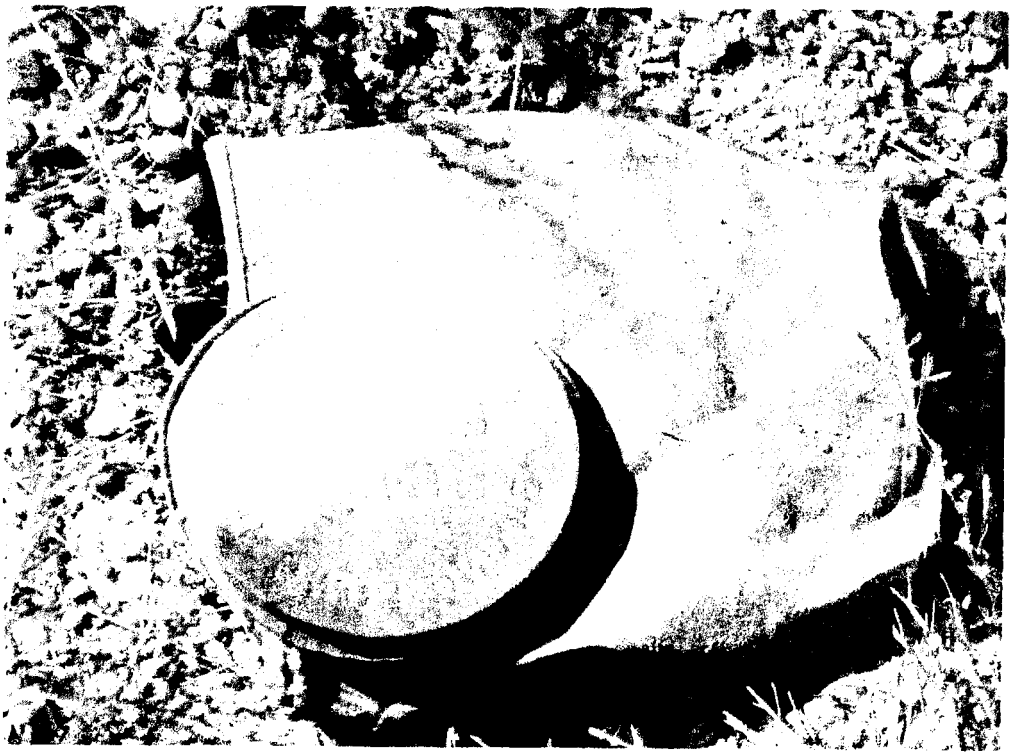

Figure 6.7 Clabber Girl Baking Powder Tin at Site 42Un5237

Figure 6.8 Clabber Girl Baking Powder Tin at Site 42Un5237

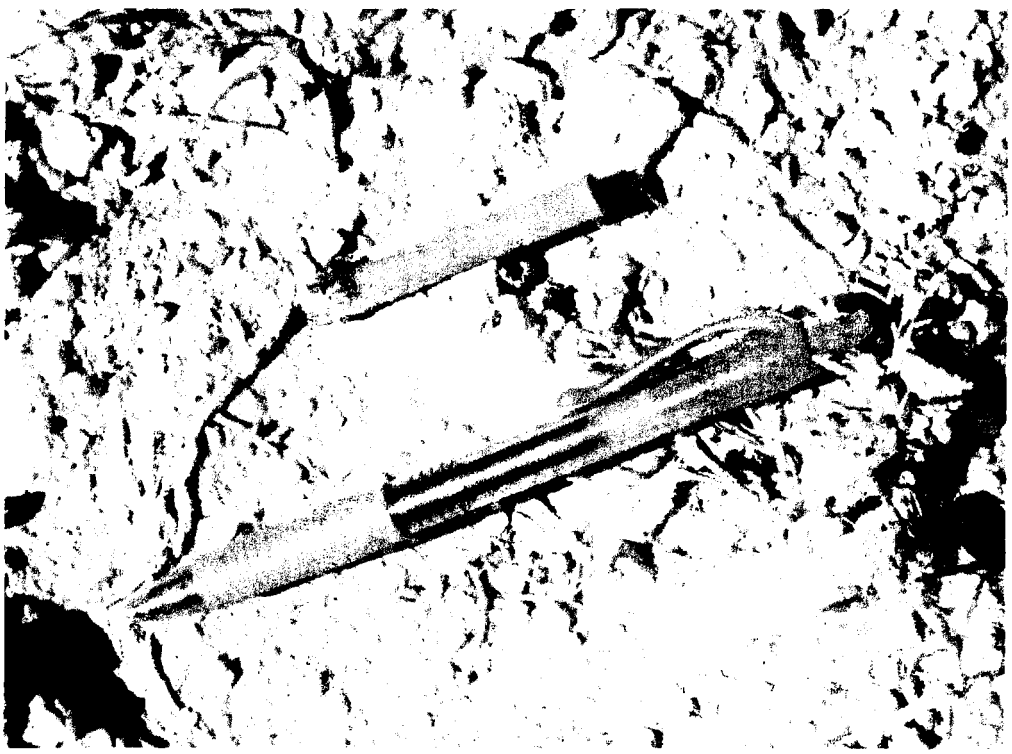

Figure 6.9 Charcoal Chalk at Site 42Un5237

Figure 6.10 Intact Jar with Lid at Site 42Un5237

Figure 6.11 "AHK" Makers Mark on Intact Jar with Lid at Site 42Un5237

Table 6.1 Isolated Finds

IF-07A	Pull-top beer can
IF-07B	Pull-top beer can
IF-07C	Hole-in-cap can
IF-07D	Pull-top beer can
IF-07E	Hole-in-cap can
IF-07F	Hole-in-cap can
IF-07G	Coors Banquet pull-top beer can
IF-07H	Coca-Cola bottle (intact)
IF-07M	Hole-in-cap can
IF-07N	Rock cairn (outside of APE)

7. EVALUATION AND RECOMMENDATIONS

It is recommended that Site **42Un5237** originally recorded in 2006 and revisited during this inventory be avoided by the proposed undertaking. If the recommended avoidance measures are implemented, as shown in **Figure 1.1**, there will be no effects to any historic properties as a result of the undertaking. Therefore, a determination of "*no historic properties affected*" is proposed for the project pursuant to Section 106 of the NHPA (36 CFR 800).

To minimize any potential damage to or destruction of cultural resources and to maintain compliance with Federal and State cultural resource legislation, the following stipulations should be adhered to by all project personnel:

- The operator and its contractors would inform their employees about Federal regulations intended to protect cultural resources. All personnel would be informed that collecting artifacts, including arrowheads, is a violation of Federal law.
- If cultural resources are uncovered during surface-disturbing activities, the operator and its contractors would suspend all operations at the site and the discovery would be immediately reported to the authorized officer, who would arrange for a determination of significance in consultation with the SHPO, and if necessary, recommend a recovery or avoidance plan.
- All vehicular traffic, personnel and equipment movement, and construction activities should be confined to the locations surveyed for cultural resources as referenced in this report, and to the existing roadways and/or inventoried access routes.

8. REFERENCES

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DOMINION EXPLR. & PROD., INC.
WHB #12-5H
SECTION 5, T11S, R20E, S.L.B.&M.

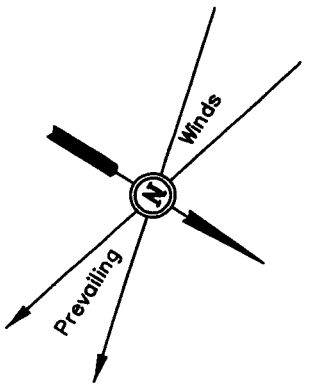
PROCEED IN A WESTERLY DIRECTION FROM VERNAL, UTAH ALONG U.S. HIGHWAY 40 APPROXIMATELY 14.0 MILES TO THE JUNCTION OF STATE HIGHWAY 88; EXIT LEFT AND PROCEED IN A SOUTHERLY DIRECTION APPROXIMATELY 17.0 MILES TO OURAY, UTAH; PROCEED IN A SOUTHERLY, THEN SOUTHEASTERLY DIRECTION APPROXIMATELY 9.1 MILES ON THE SEEP RIDGE ROAD TO THE JUNCTION OF THIS ROAD AND AN EXISTING ROAD TO THE SOUTH; TURN RIGHT AND PROCEED IN A SOUTHERLY DIRECTION APPROXIMATELY 2.8 MILES TO THE JUNCTION OF THIS ROAD AND AN EXISTING ROAD TO THE WEST; TURN RIGHT AND PROCEED IN A WESTERLY, THEN SOUTHWESTERLY DIRECTION APPROXIMATELY 0.5 MILES TO THE JUNCTION OF THIS ROAD AND AN EXISTING ROAD TO THE NORTH; TURN RIGHT AND PROCEED IN A NORTHERLY, THEN SOUTHWESTERLY DIRECTION APPROXIMATELY 2.8 MILES TO THE JUNCTION OF THIS ROAD AND AN EXISTING ROAD TO THE SOUTHWEST; PROCEED IN A SOUTHWESTERLY DIRECTION APPROXIMATELY 2.8 MILES TO THE JUNCTION OF THIS ROAD AND AN EXISTING ROAD TO THE SOUTHWEST; TURN LEFT AND PROCEED IN A SOUTHWESTERLY DIRECTION APPROXIMATELY 5.4 MILES TO THE JUNCTION OF THIS ROAD AND AN EXISTING ROAD TO THE NORTHEAST; TURN LEFT AND PROCEED IN A NORTHEASTERLY DIRECTION APPROXIMATELY 1.9 MILES TO THE BEGINNING OF THE PROPOSED ACCESS TO THE NORTH; FOLLOW ROAD FLAGS IN A NORTHERLY, THEN NORTHEASTERLY DIRECTION APPROXIMATELY 0.5 MILES TO THE PROPOSED LOCATION.

TOTAL DISTANCE FROM VERNAL, UTAH TO THE PROPOSED WELL LOCATION IS APPROXIMATELY 56.8 MILES.

DOMINION EXPLR. & PROD., INC.

LOCATION LAYOUT FOR

WHB #12-5H
SECTION 5, T11S, R20E, S.L.B.&M.
1570' FSL 371' FWL



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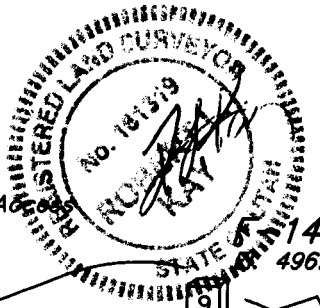
DATE: 04-06-07
Drawn By: S.L.
REVISED: 06-06-07 S.L.



Proposed Access Road

C-6.5'
El. 517.4'

C-3.4'
El. 514.3'

14.9'
496.0'

Sta. 3+55

Round Corners as Needed

DATA

Reserve Pit Backfill & Spoils Stockpile

65'

175'

166'

CATWALK

Approx. Top of Cut Slope

Approx. Toe of Fill Slope

PIPE RACKS

FLARE PIT

El. 516.3'
C-5.4'

El. 514.8'
C-3.9'

C-2.3'
El. 513.2'

Total Pit Capacity W/2' of Freeboard = 11,060 Bbls. ±
Total Pit Volume = 3,100 Cu. Yds.

27'

9'

RIG

DOG HOUSE

135'

Sta. 1+80

65'

38'

El. 517.7'
C-16.8'
(btm. pit)

El. 514.9'
C-4.0'

F-4.7'
El. 506.2'

WATER

TRAILER

PUMP

TOILET

MUD SHED

MUD TANKS

Slope = 1-1/2:1

HOPPER

FUEL

189'

180'

10' WIDE BENCH

POWER

TOOLS

FUEL

RESERVE PITS
(10' Deep)

Sta. 0+50

Existing Drainage

TRASH

STORAGE TANK

Sta. 0+00

El. 513.5'
C-12.6'
(btm. pit)

10' WIDE BENCH

Topsoil Stockpile

C-2.6'
El. 513.5'

F-0.1'
El. 511.0'

F-14.0'
El. 496.9'

Elev. Ungraded Ground at Location Stake = 5513.2'
Elev. Graded Ground at Location Stake = 5510.9'

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

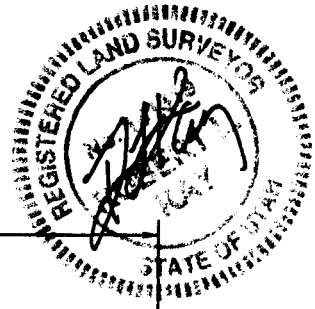
DOMINION EXPLR. & PROD., INC.

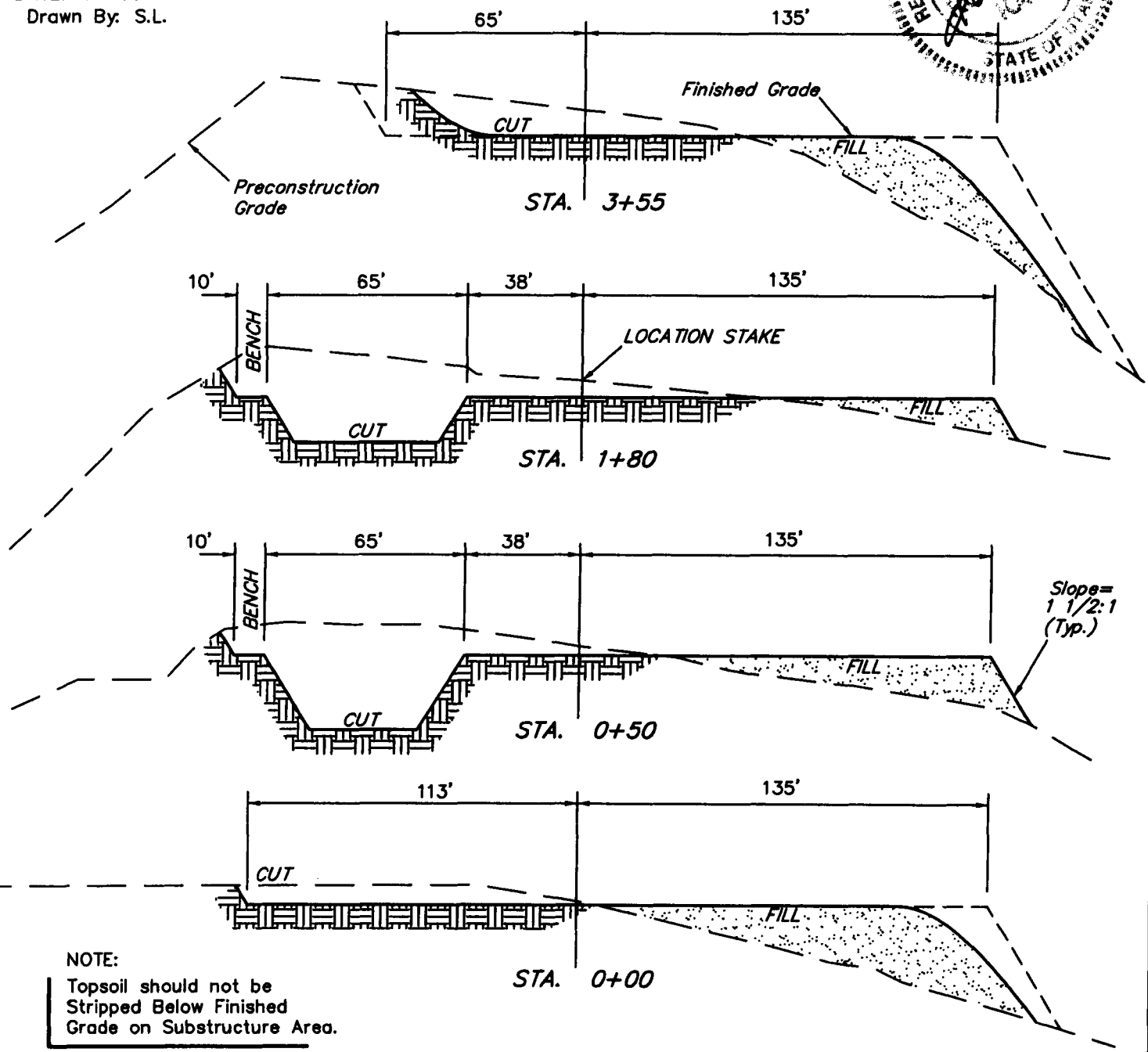
TYPICAL CROSS SECTIONS FOR

WHB #12-5H
SECTION 5, T11S, R20E, S.L.B.&M.
1570' FSL 371' FWL

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

DATE: 04-06-07
Drawn By: S.L.





NOTE:
Topsoil should not be Stripped Below Finished Grade on Substructure Area.

* NOTE:
FILL QUANTITY INCLUDES 5% FOR COMPACTION

APPROXIMATE YARDAGES

CUT

(12") Topsoil Stripping = 3,580 Cu. Yds.

Remaining Location = 7,530 Cu. Yds.

TOTAL CUT = 11,110 CU.YDS.

FILL = 5,980 CU.YDS.

EXCESS MATERIAL = 5,130 Cu. Yds.

Topsoil & Pit Backfill (1/2 Pit Vol.) = 5,130 Cu. Yds.

EXCESS UNBALANCE (After Interim Rehabilitation) = 0 Cu. Yds.

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WHB #12-5H

LOCATED IN UINTAH COUNTY, UTAH
SECTION 5, T11S, R20E, S.L.B.&M.

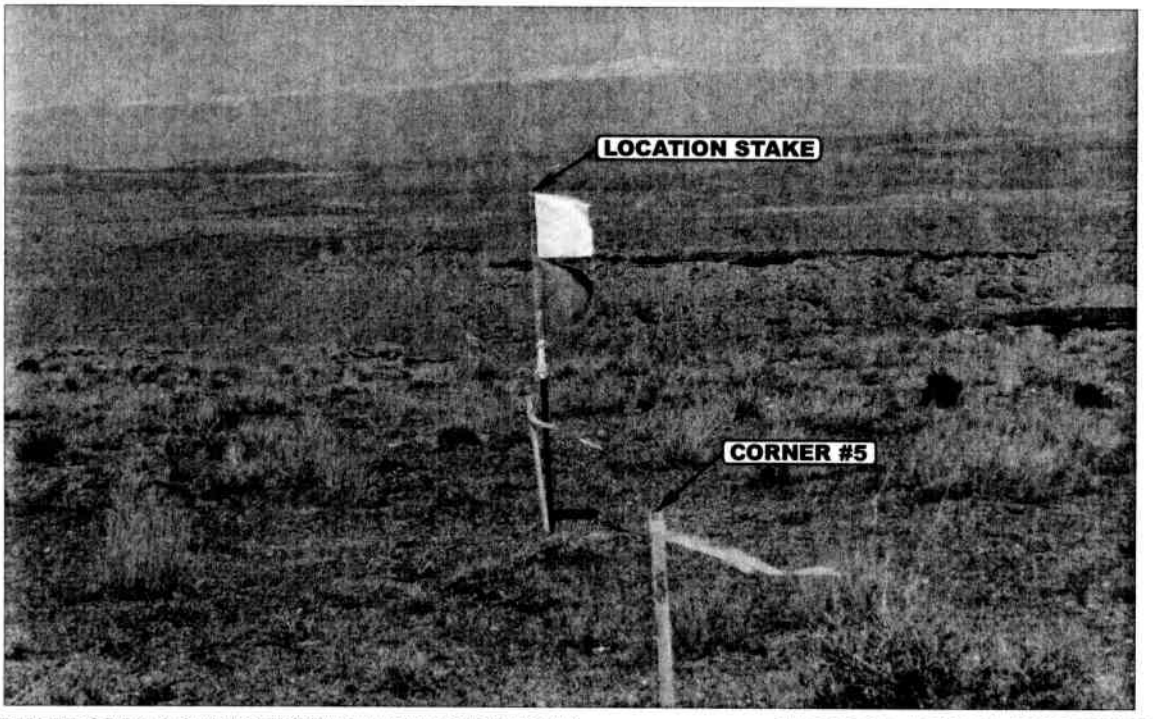


PHOTO: VIEW FROM LOCATION STAKE TO CORNER #5 **CAMERA ANGLE: NORTHWESTERLY**

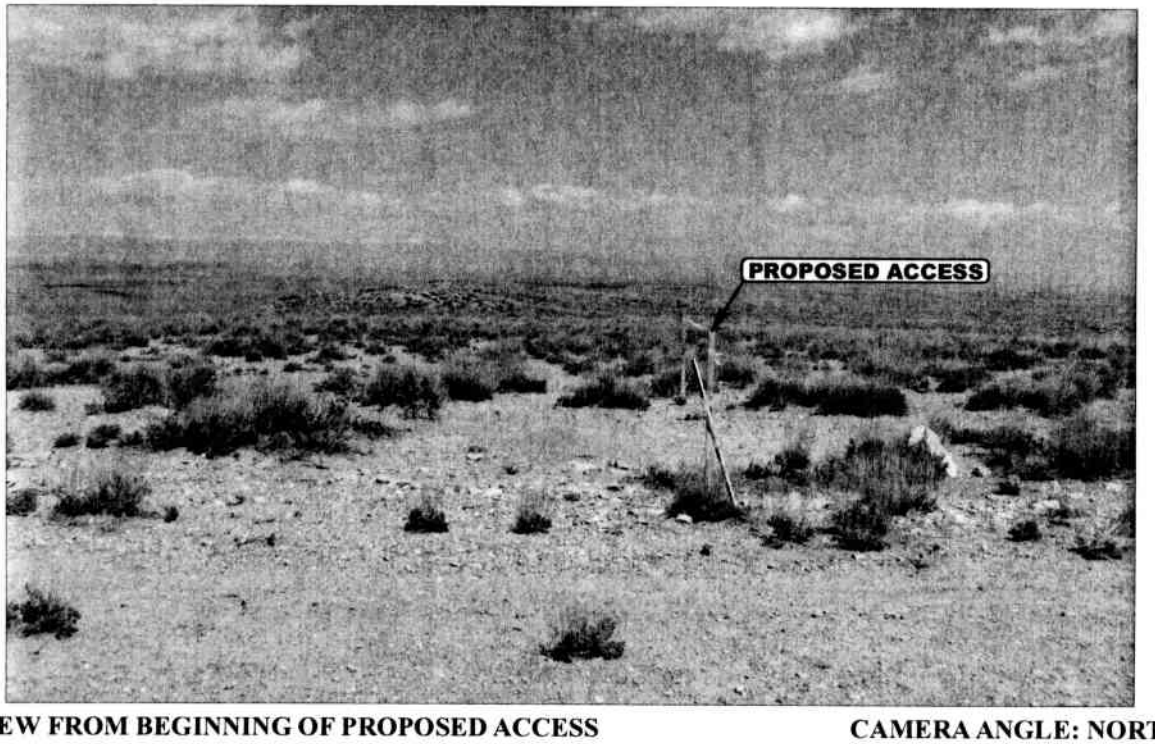
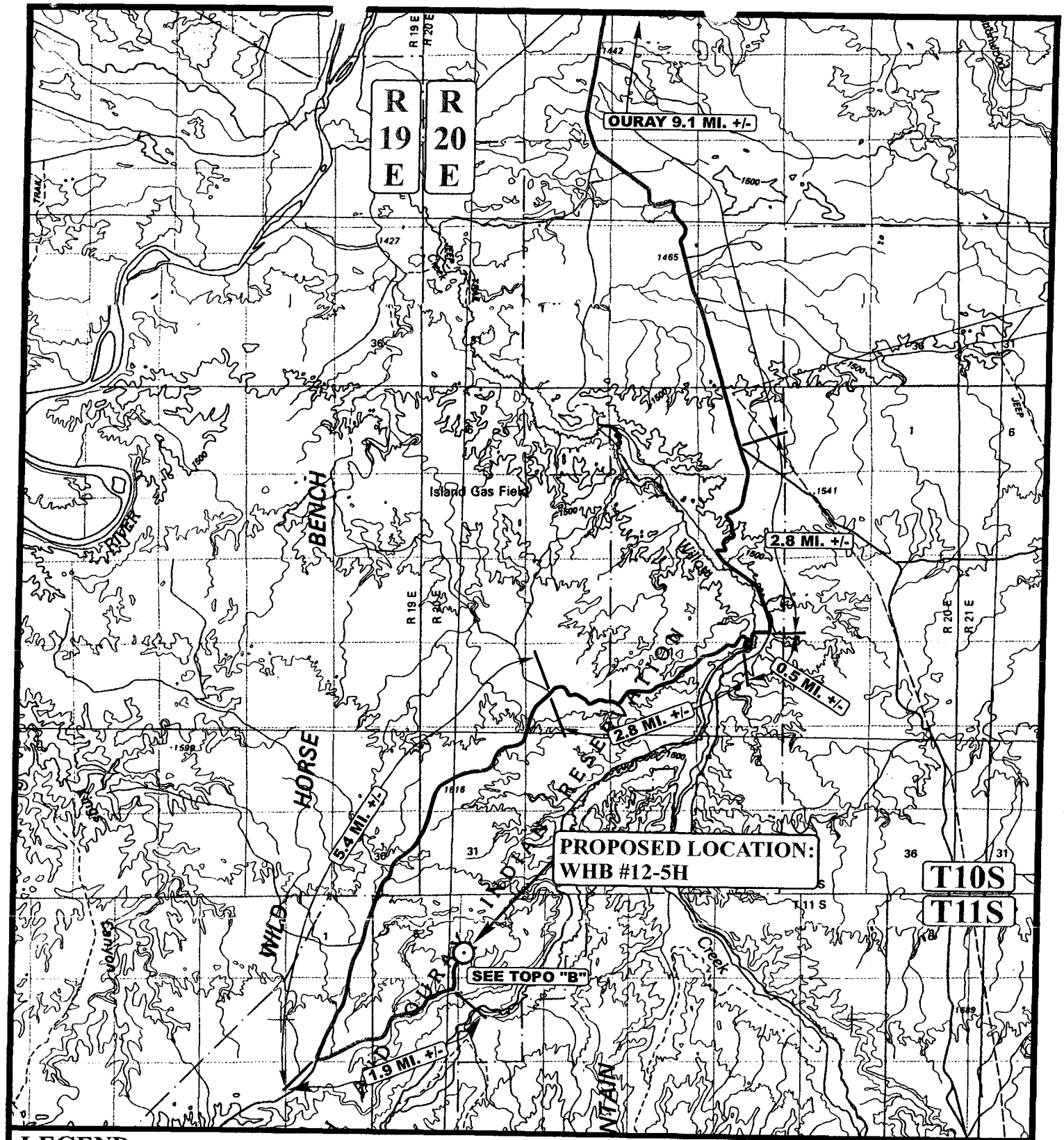


PHOTO: VIEW FROM BEGINNING OF PROPOSED ACCESS **CAMERA ANGLE: NORTHERLY**

- Since 1964 -
Uintah Engineering & Land Surveying
85 South 200 East Vernal, Utah 84078
435-789-1017 uels@uelsinc.com

LOCATION PHOTOS	04 MONTH	04 DAY	07 YEAR	PHOTO
TAKEN BY: D.S.	DRAWN BY: L.K.	REVISED: 00-00-00		



LEGEND:

⊙ PROPOSED LOCATION

N

DOMINION EXPLR. & PROD., INC.

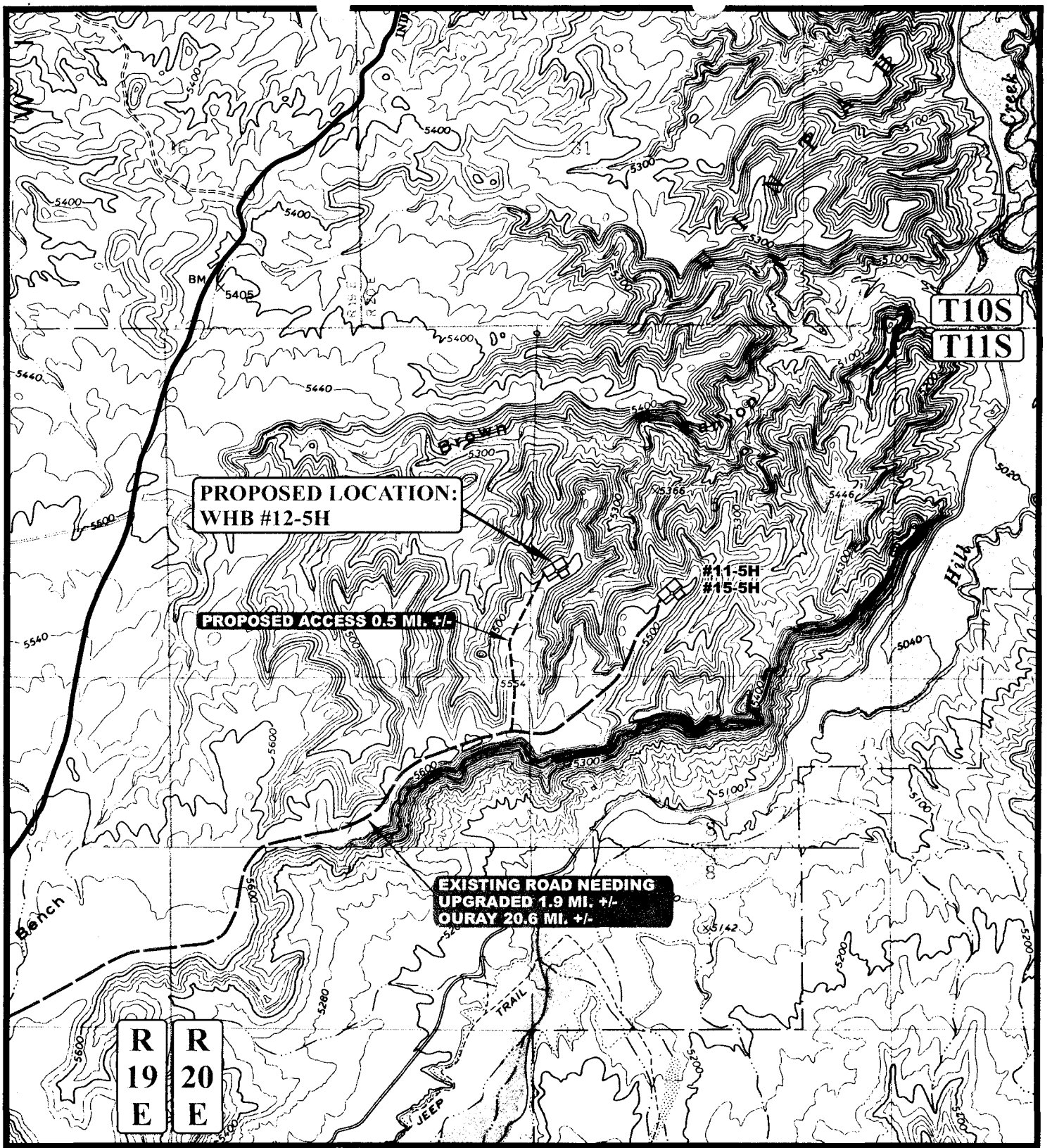
WHB #12-5H

SECTION 5, T11S, R20E, S.L.B.&M.

1570' FSL 371' FWL

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

TOPOGRAPHIC MAP	04 MONTH	04 DAY	07 YEAR	A TOPO
SCALE: 1:100,000	DRAWN BY: L.K.	REVISED: 00-00-00		



LEGEND:

EXISTING ROAD

PROPOSED ACCESS ROAD

N

DOMINION EXPLR. & PROD., INC.

WHB #12-5H

SECTION 5, T11S, R20E, S.L.B.&M.

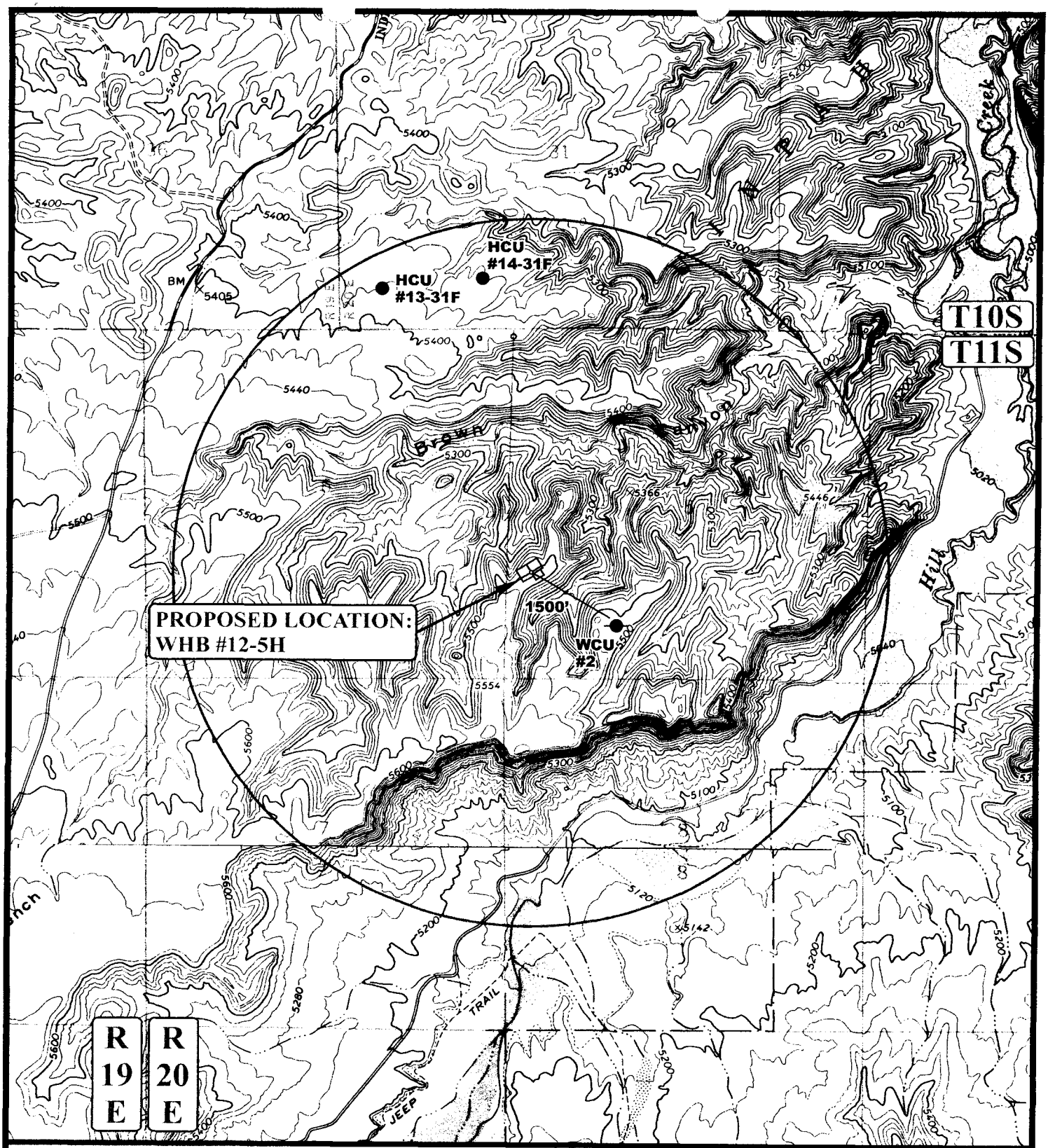
1570' FSL 371' FWL

Uintah Engineering & Land Surveying

85 South 200 East Vernal, Utah 84078

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

TOPOGRAPHIC MAP	04 MONTH	04 DAY	07 YEAR	B TOPO
SCALE: 1" = 2000'	DRAWN BY: L.K.	REVISED: 00-00-00		



LEGEND:

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

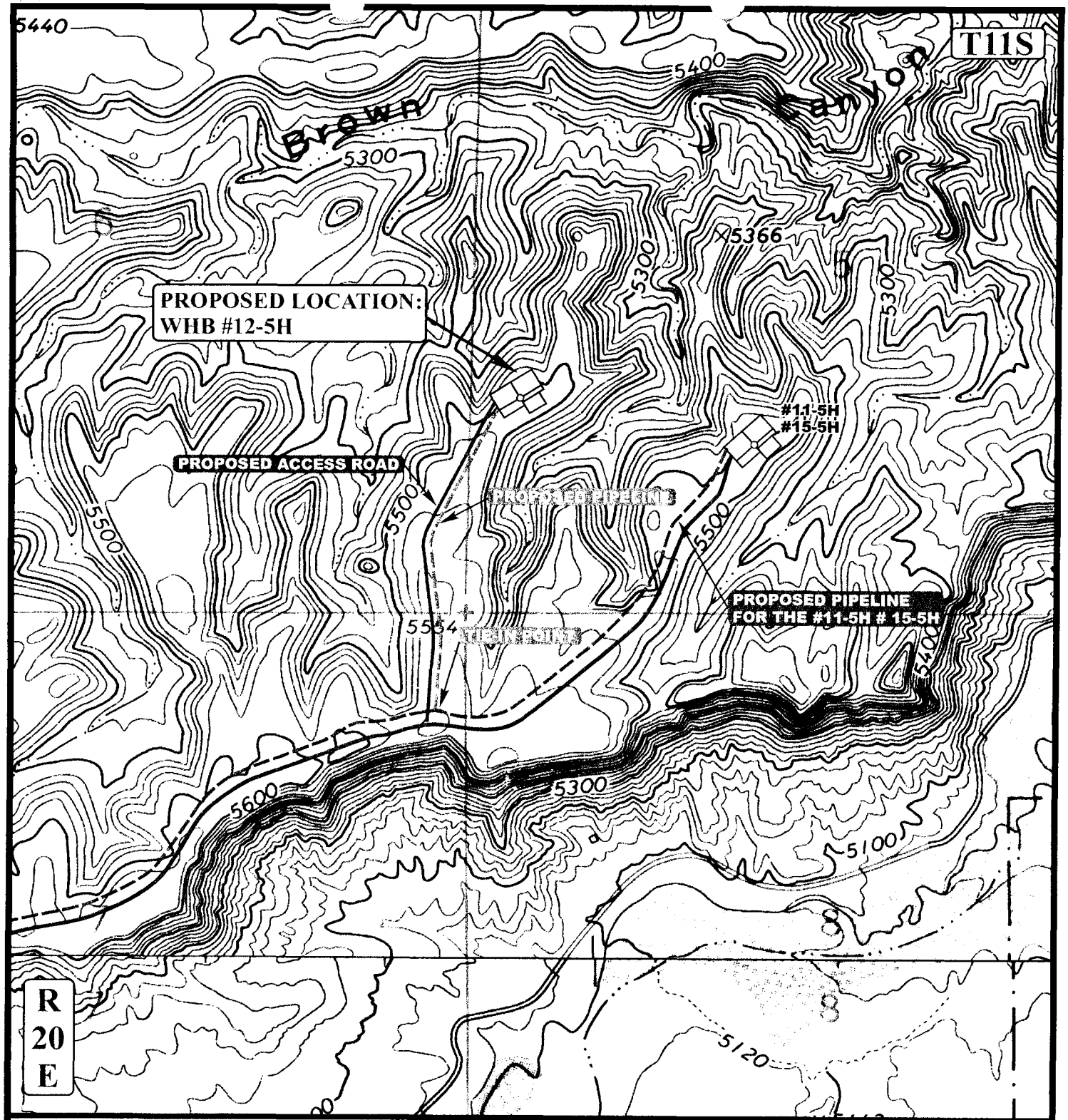
N

DOMINION EXPLR. & PROD., INC.

WHB #12-5H
SECTION 5, T11S, R20E, S.L.B.&M.
1570' FSL 371' FWL

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

TOPOGRAPHIC MAP	04 MONTH	07 DAY	07 YEAR
SCALE: 1" = 2000'	DRAWN BY: L.K.	REVISED: 00-00-00	C TOPO



APPROXIMATE TOTAL PIPELINE DISTANCE = 2,400' +/-

LEGEND:

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

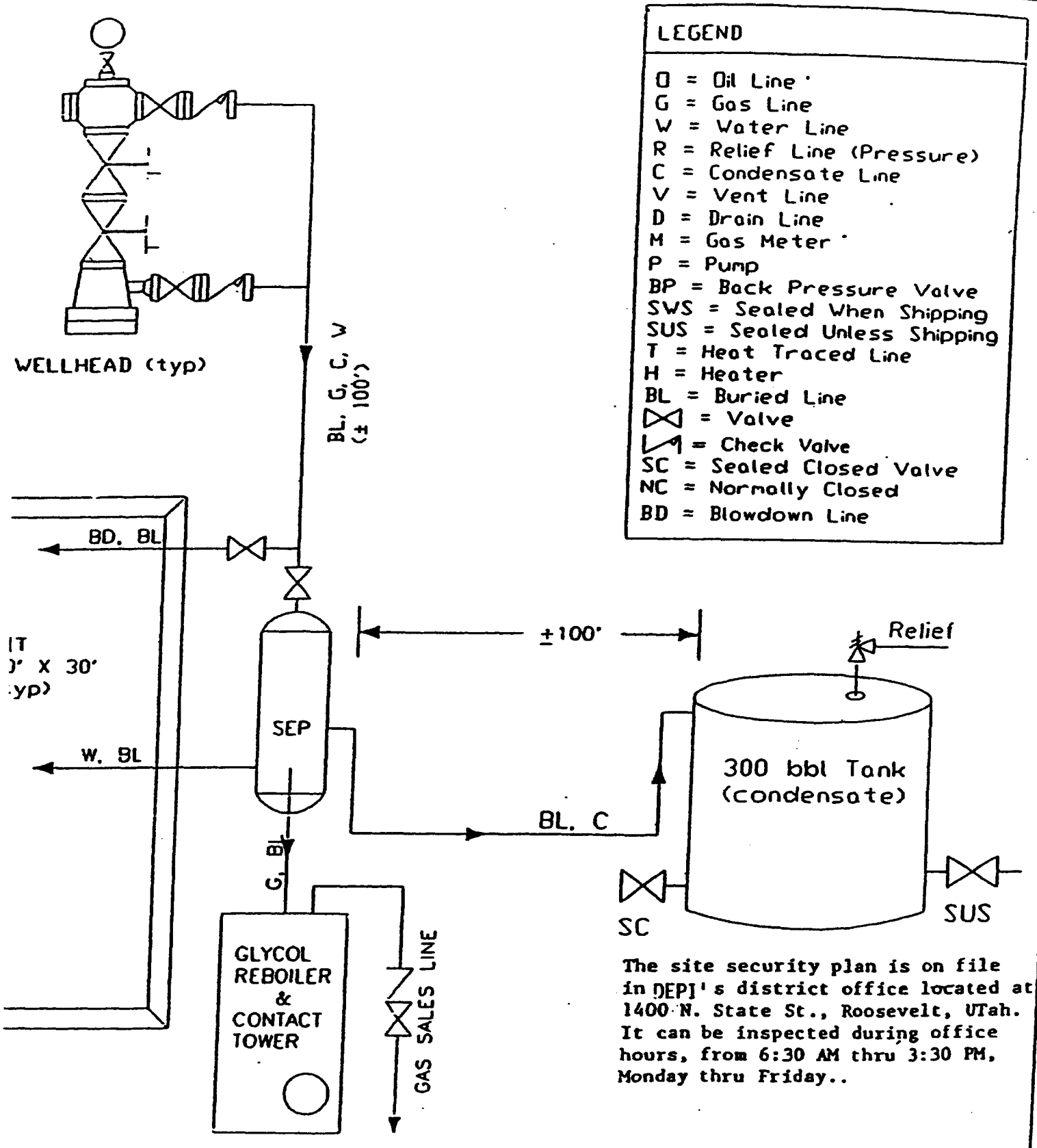
N

DOMINION EXPLR. & PROD., INC.

WHB #12-5H
SECTION 5, T11S, R20E, S.L.B.&M.
1570' FSL 371' FWL

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

TOPOGRAPHIC MAP	04 MONTH	04 DAY	07 YEAR	D TOPO
SCALE: 1" = 1000'	DRAWN BY: L.K.	REVISED: 00-00-00		



The site security plan is on file in DEPT's district office located at 1400 N. State St., Roosevelt, UTah. It can be inspected during office hours, from 6:30 AM thru 3:30 PM, Monday thru Friday..

WORKSHEET
APPLICATION FOR PERMIT TO DRILL

APD RECEIVED: 06/27/2007

API NO. ASSIGNED: 43-047-39416

WELL NAME: WHB 12-5H
OPERATOR: DOMINION EXPL & PROD (N1095)
CONTACT: DON HAMILTON

PHONE NUMBER: 405-749-5237

PROPOSED LOCATION:
NWSW 05 110S 200E
SURFACE: 1570 FSL 0371 FWL
BOTTOM: 1570 FSL 0371 FWL
COUNTY: UINTAH
LATITUDE: 39.88649 LONGITUDE: -109.7099
UTM SURF EASTINGS: 610307 NORTHINGS: 4415746
FIELD NAME: UNDESIGNATED (2)

INSPECT LOCATN BY: / /

Tech Review	Initials	Date
Engineering		
Geology		
Surface		

LEASE TYPE: 1 - Federal
LEASE NUMBER: UTU-39223
SURFACE OWNER: 2 - Indian

PROPOSED FORMATION: MVRD
COALBED METHANE WELL? NO

RECEIVED AND/OR REVIEWED:

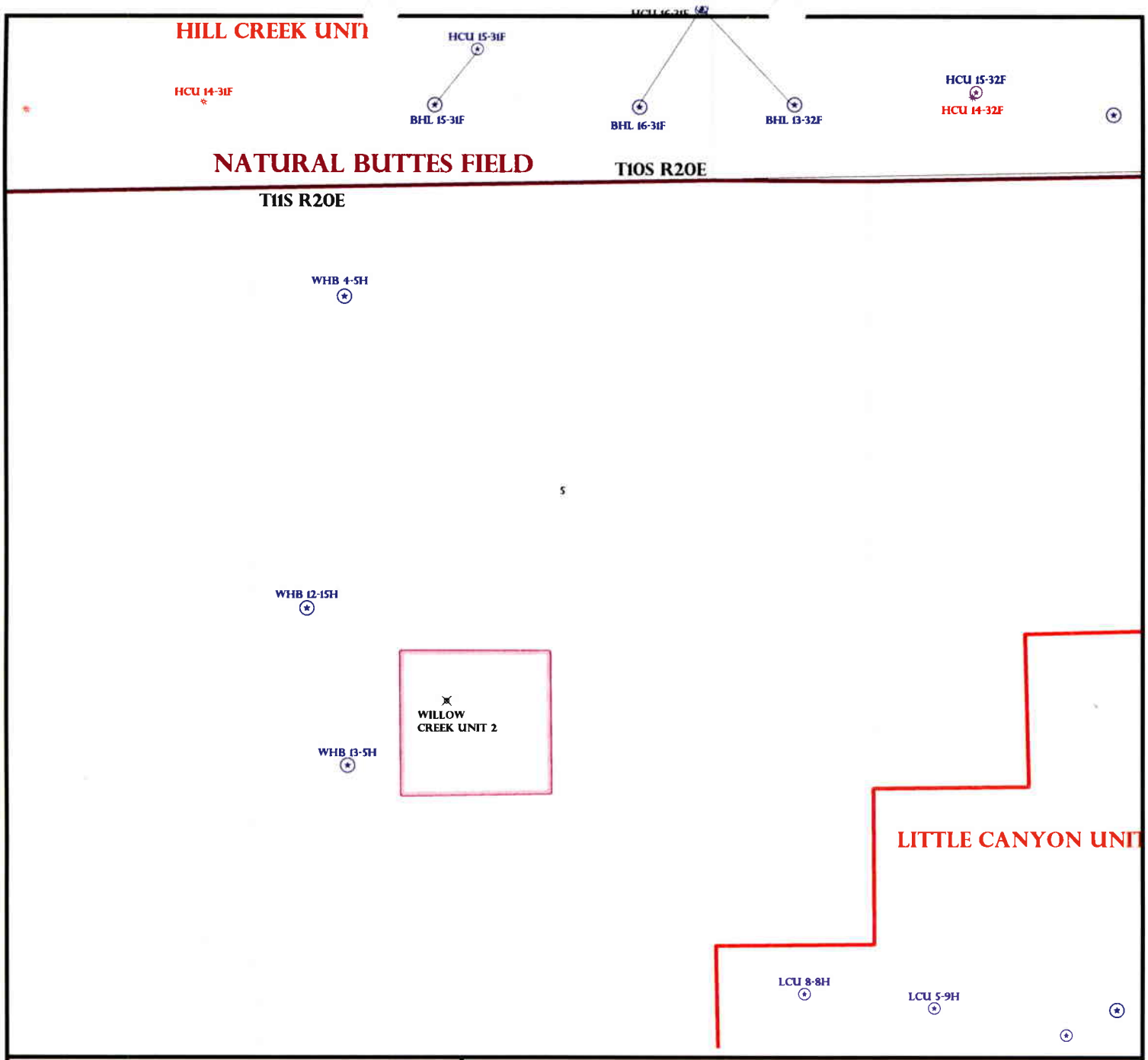
✓ Plat
✓ Bond: Fed[1] Ind[] Sta[] Fee[]
(No. WY 3322)
N Potash (Y/N)
N Oil Shale 190-5 (B) or 190-3 or 190-13
✓ Water Permit
(No. 43-10447)
N RDCC Review (Y/N)
(Date:)
N/A Fee Surf Agreement (Y/N)
N/A Intent to Commingle (Y/N)

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:

STIPULATIONS: 1- Federal Approval
2- Spacing Stip



OPERATOR: DOMINION EXPL & PROD (N1095)

SEC: 5 T.11S R. 20E

FIELD: UNDESIGNATED (002)

COUNTY: UINTAH

SPACING: R649-3-3 / EXCEPTION LOCATION

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

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

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

Utah Oil Gas and Mining

N
W E
S

PREPARED BY: DIANA MASON

DATE: 27-JUNE-2007

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil Gas and Mining

JOHN R. BAZA
Division Director

June 28, 2007

Dominion Exploration & Production, Inc.
14000 Quail Springs, Parkway, Suite 600
Oklahoma City, OK 73134

Re: WHB 12-5H Well, 1570' FSL, 371' FWL, NW SW, Sec. 5, T. 11 South, R. 20 East, Uintah 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 43-047-39416.

Sincerely,

Gil Hunt
Associate Director

pab
Enclosures

cc: Uintah County Assessor
Bureau of Land Management, Vernal Office

1594 West North Temple, Suite 1210, PO Box 145801, Salt Lake City, UT 84114-5801
telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • *www.ogm.utah.gov*

UTAH DNR OIL, GAS & MINING

Operator: Dominion Exploration & Production, Inc.

Well Name & Number WHB 12-5H

API Number: 43-047-39416

Lease: UTU-39223

Location: NW SW **Sec.** 5 **T.** 11 South **R.** 20 East

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 Dustin Doucet at (801) 538-5281 (801) 733-0983 home

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.

Division of Oil, Gas and Mining

OPERATOR CHANGE WORKSHEET

ROUTING
1. DJJ
2. CDW

X - Change of Operator (Well Sold) Operator Name Change/Merger

The operator of the well(s) listed below has changed, effective: **7/1/2007**

FROM: (Old Operator):	**TO:** (New Operator):
N1095-Dominion Exploration & Production, Inc	N2615-XTO Energy Inc
14000 Quail Springs Parkway, Suite 600	810 Houston St
Oklahoma City, OK 73134	Fort Worth, TX 76102
Phone: 1 (405) 749-1300	Phone: 1 (817) 870-2800

CA No. **Unit:**

WELL NAME	SEC	TWN	RNG	API NO	ENTITY NO	LEASE TYPE	WELL TYPE	WELL STATUS
SEE ATTACHED LIST								

OPERATOR CHANGES DOCUMENTATION

Enter date after each listed item is completed

1. (R649-8-10) Sundry or legal documentation was received from the **FORMER** operator on: 8/6/2007
2. (R649-8-10) Sundry or legal documentation was received from the **NEW** operator on: 8/6/2007
3. The new company was checked on the **Department of Commerce, Division of Corporations Database on:** 8/6/2007
4a. Is the new operator registered in the State of Utah: _____ Business Number: 5655506-0143
4b. If **NO**, the operator was contacted contacted on:
5a. (R649-9-2)Waste Management Plan has been received on: IN PLACE
5b. Inspections of LA PA state/fee well sites complete on: n/a
5c. Reports current for Production/Disposition & Sundries on: ok
6. **Federal and Indian Lease Wells:** The BLM and or the BIA has approved the merger, name change, or operator change for all wells listed on Federal or Indian leases on: BLM _____ BIA _____
7. **Federal and Indian Units:**
   The BLM or BIA has approved the successor of unit operator for wells listed on: _____
8. **Federal and Indian Communization Agreements ("CA"):**
   The BLM or BIA has approved the operator for all wells listed within a CA on: _____
9. **Underground Injection Control ("UIC")** The Division has approved UIC Form 5, **Transfer of Authority to Inject,** for the enhanced/secondary recovery unit/project for the water disposal well(s) listed on: _____

DATA ENTRY:

1. Changes entered in the **Oil and Gas Database on:** 9/27/2007
2. Changes have been entered on the **Monthly Operator Change Spread Sheet on:** 9/27/2007
3. Bond information entered in RBDMS on: 9/27/2007
4. Fee/State wells attached to bond in RBDMS on: 9/27/2007
5. Injection Projects to new operator in RBDMS on: 9/27/2007
6. Receipt of Acceptance of Drilling Procedures for APD/New on: 9/27/2007

BOND VERIFICATION:

1. Federal well(s) covered by Bond Number: UTB000138
2. Indian well(s) covered by Bond Number: n/a
3a. (R649-3-1) The **NEW** operator of any state/fee well(s) listed covered by Bond Number 104312762
3b. The **FORMER** operator has requested a release of liability from their bond on: 1/23/2008
   The Division sent response by letter on:

LEASE INTEREST OWNER NOTIFICATION:

4. (R649-2-10) The **NEW** operator of the fee wells has been contacted and informed by a letter from the Division of their responsibility to notify all interest owners of this change on:

COMMENTS:

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

FORM 9

5. LEASE DESIGNATION AND SERIAL NUMBER:

SUNDRY NOTICES AND REPORTS ON WELLS

6. IF INDIAN, ALLOTTEE OR TRIBE NAME:

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.

7. UNIT or CA AGREEMENT NAME:

1. TYPE OF WELL: OIL WELL ☐ GAS WELL ☑ OTHER

8. WELL NAME and NUMBER: SEE ATTACHED

2. NAME OF OPERATOR: XTO Energy Inc. N2615

9. API NUMBER: SEE ATTACHED

3. ADDRESS OF OPERATOR: 810 Houston Street CITY Fort Worth STATE TX ZIP 76102 PHONE NUMBER: (817) 870-2800

10. FIELD AND POOL, OR WILDCAT: Natural Buttes

4. LOCATION OF WELL

FOOTAGES AT SURFACE: SEE ATTACHED

COUNTY: Uintah

QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN:

STATE: UTAH

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

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

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

Effective July 1, 2007, XTO Energy Inc. has purchased the wells listed on the attachment from:

Dominion Exploration & Production, Inc.
14000 Quail Springs Parkway, Suite 600
Oklahoma City, OK 73134
N1095

James D Abercrombie (405) 749-1300
James D. Abercrombie
Sr. Vice President, General Manager - Western Business Unit

Please be advised that XTO Energy Inc. is considered to be the operator on the attached list and is responsible under the terms and conditions of the lease for the operations conducted upon the lease lands. Bond coverage is provided by Nationwide BLM Bond #104312750 and Department of Natural Resources Bond #104312762.

NAME (PLEASE PRINT) Edwin S. Ryan, Jr. TITLE Sr. Vice President - Land Administration

SIGNATURE Edwin S Ryan, Jr DATE 7/31/2007

(This space for State use only)

APPROVED 9/27/07
Earlene Russell
Division of Oil, Gas and Mining
Earlene Russell, Engineering Technician

RECEIVED
AUG 06 2007
DIV. OF OIL, GAS & MINING

(5/2000) (See Instructions on Reverse Side)

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

Request to Transfer Application or Permit to Drill

(This form should accompany a Sundry Notice, Form 9, requesting APD transfer)

Well name:	SEE ATTACHED LIST
API number:	
Location:	Qtr-Qtr: Section: Township: Range:
Company that filed original application:	DOMINION E&P
Date original permit was issued:	
Company that permit was issued to:	DOMINION E&P

Check one	Desired Action:
	Transfer pending (unapproved) Application for Permit to Drill to new operator
	The undersigned as owner with legal rights to drill on the property, hereby verifies that the information as submitted in the pending Application for Permit to Drill, remains valid and does not require revision. The new owner of the application accepts and agrees to the information and procedures as stated in the application.
✓	**Transfer approved Application for Permit to Drill to new operator**
	The undersigned as owner with legal rights to drill on the property as permitted, 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.	Yes	No
If located on private land, has the ownership changed?		✓
If so, has the surface agreement been updated?		
Have any wells been drilled in the vicinity of the proposed well which would affect the spacing or siting requirements for this location?		✓
Have there been any unit or other agreements put in place that could affect the permitting or operation of this proposed well?		✓
Have there been any changes to the access route including ownership or right-of-way, which could affect the proposed location?		✓
Has the approved source of water for drilling changed?		✓
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?		✓
Is bonding still in place, which covers this proposed well? Bond No. 104312762	✓	

Any desired or necessary changes to either a pending or approved Application for Permit to Drill that is being transferred, should be filed on a Sundry Notice, Form 9, or amended Application for Permit to Drill, Form 3, as appropriate, with necessary supporting information as required.

Name (please print) HOLLY C. PERKINS Title REGULATORY COMPLIANCE TECH

Signature Holly C. Perkins Date 08/27/2007

Representing (company name) XTO ENERGY INC.

The person signing this form must have legal authority to represent the company or individual(s) to be listed as the new operator on the Application for Permit to Drill.

AUG 3 0 2007

(3/2004)

N1095 DOMINION E and P, INC. to N2615 XTO ENERGY, INC.

api	well_name	qtr_qtr	sec	twp	rng	lease_num	entity	Lease	well	stat
4303930028	SKYLINE U 14-28	SESW	28	140S	060E	UTU-77262		Federal	GW	APD
4303930029	SKYLINE U 8-7	SENE	07	150S	060E	UTU-78415		Federal	GW	APD
4304737195	KC 6-33E	SENW	33	100S	190E	UTU-49522		Federal	OW	APD
4304737196	KC 9-33E	NESE	33	100S	190E	UTU-49522		Federal	OW	APD
4304737197	KC 11-33E	NESW	33	100S	190E	UTU-49522		Federal	OW	APD
4304738075	LCU 7-9H	NWSE	09	110S	200E	UTU-76265		Federal	GW	APD
4304738689	RBU 15-8E	NENE	17	100S	190E	U-013766		Federal	GW	APD
4304738783	KC 14-33E	SESW	33	100S	190E	UTU-49522		Federal	GW	APD
4304738868	LOVE 12-20G	NWSW	20	110S	210E	UTU-076040		Federal	GW	APD
4304738889	KC 9-31E	NESE	31	100S	190E	UTU-81719		Federal	GW	APD
4304738890	KC 13-31E	SWSW	31	100S	190E	UTU-81719		Federal	GW	APD
4304738891	KC 12-33E	NWSW	33	100S	190E	UTU-49522		Federal	GW	APD
4304738948	KC 14-31E	SESW	31	100S	190E	UTU-081719		Federal	GW	APD
4304738949	KC 3-33E	NENW	33	100S	190E	UTU-49522		Federal	GW	APD
4304739051	KC 15-31E	SWSE	31	100S	190E	UTU-81719		Federal	GW	APD
4304739068	KC 7-33E	SWNE	33	100S	190E	UTU-49522		Federal	GW	APD
4304739069	KC 13-33E	SWSW	33	100S	190E	UTU-49522		Federal	GW	APD
4304739070	KC 15-33E	SWSE	33	100S	190E	UTU-49522		Federal	GW	APD
4304739415	WHB 4-5H	NWNW	05	110S	200E	UTU-39223		Federal	GW	APD
4304739416	WHB 12-5H	NWSW	05	110S	200E	UTU-39223		Federal	GW	APD
4304739417	WHB 13-5H	SWSW	05	110S	200E	UTU-39223		Federal	GW	APD
4304739440	WHB 4-8H	NWNW	08	110S	200E	UTU-39223		Federal	GW	APD
4304739441	WHB 5-5H	NWNW	05	110S	200E	UTU-39223		Federal	GW	APD
4304738262	KINGS CYN 9-32E	NESE	32	100S	190E	ML-047059		State	GW	APD
4304738342	LCU 12-12H	NWSW	12	110S	200E	FEE		Fee	GW	APD
4304738378	KINGS CYN 11-32E	NESW	32	100S	190E	ML-047059		State	GW	APD
4304738690	KINGS CYN 11-36D	NESW	36	100S	180E	ML-47058		State	GW	NEW
4304738779	KC 5-36D	SWNW	36	100S	180E	ML-47058		State	GW	APD
4304738781	KC 6-32E	SENW	32	100S	190E	ML-47059		State	GW	APD
4304738782	KC 15-32E	NWSE	32	100S	190E	ML-047059		State	GW	APD
4304738786	AP 11-2J	NESW	02	110S	190E	ML-36213		State	GW	APD
4304738787	AP 13-2J	SWSW	02	110S	190E	ML-36213		State	GW	APD
4304738950	KC 13-32E	SESW	32	100S	190E	ML-047059		State	GW	APD
4304739218	KC 14-32E	SESW	32	100S	190E	ML-047059		State	GW	APD
4304739219	KC 16-32E	SESE	32	100S	190E	ML-047059		State	GW	APD
4304739222	LCU 14-12H	SESW	12	110S	200E	FEE		Fee	GW	APD
4304739315	AP 12-2J	NWSW	02	110S	190E	ML-36213		State	GW	NEW

Form 3160-3
(February 2005)

RECEIVED
VERNAL FIELD OFFICE
2007 JUN 28 PM 1:53
DEPT. OF THE INTERIOR
BUREAU OF LAND MGMT

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

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

APPLICATION FOR PERMIT TO DRILL OR REENTER

5. Lease Serial No.
UTU-39223

6. If Indian, Allotee or Tribe Name
Ute Indian Tribe

1a. Type of work: ☑ DRILL ☐ REENTER

7. If Unit or CA Agreement, Name and No.
N/A

1b. Type of Well: ☐ Oil Well ☑ Gas Well ☐ Other ☐ Single Zone ☑ Multiple Zone

8. Lease Name and Well No.
WHB 12-5H

2. Name of Operator
Dominion Exploration & Production, Inc.

9. API Well No.
43-047-39416

3a. Address **14000 Quail Springs Parkway, Suite 600**
Oklahoma City, OK 73134

3b. Phone No. *(include area code)*
405-749-5237

10. Field and Pool, or Exploratory
undesignated

4. Location of Well *(Report location clearly and in accordance with any State requirements.*)*
At surface **1,570' FSL & 371' FWL, NW/4 SW/4,**
At proposed prod. zone

11. Sec., T. R. M. or Blk. and Survey or Area
Section 5, T11S, R20E, SLB&M

14. Distance in miles and direction from nearest town or post office*
14.08 miles southwest of Ouray, Utah

12. County or Parish
Uintah

13. State
UT

15. Distance from proposed* location to nearest property or lease line, ft. (Also to nearest drig. unit line, if any) **2,292'**	16. No. of acres in lease **715.864 acres**	17. Spacing Unit dedicated to this well **40 acres**
18. Distance from proposed location* to nearest well, drilling, completed, applied for, on this lease, ft. **1,500'**	19. Proposed Depth **9,650'**	20. BLM/BIA Bond No. on file **WY 3322**
21. Elevations (Show whether DF, KDB, RT, GL, etc.) **5,513' GR**	22. Approximate date work will start* **10/21/2007**	23. Estimated duration **14 days**

24. Attachments

The following, completed in accordance with the requirements of Onshore Oil and Gas Order No.1, must 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 must 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 BLM.

25. Signature Don Hamilton	Name *(Printed/Typed)* **Don Hamilton**	Date **06/26/2007**
Title **Agent for Dominion**		

Approved by *(Signature)*	Name *(Printed/Typed)* Jerry Kenczka	Date 12-10-2007
Title Assistant Field Manager Lands & Mineral Resources	Office **VERNAL FIELD 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
DEC 18 2007
DIV. OF OIL, GAS & MINING

ORIGINAL

CONFIDENTIAL

NOS 5/10/07
07PP2037A

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:	**XTO Energy**	**Location:**	**NWSW, Sec 5, T11S, R20E**
Well No:	**WHB 12-5H**	**Lease No:**	**UTU-39223**
API No:	**43-047-39416**	**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	(435) 828-7381
NRS/Enviro Scientist:	Holly Villa	(435) 781-4404	
NRS/Enviro Scientist:		(435) 781-4476	
NRS/Enviro Scientist:	Chuck MacDonald	(435) 781-4441	(435) 828-7481
NRS/Enviro Scientist:	Jannice Cutler	(435) 781-3400	(435) 828-3544
NRS/Enviro Scientist:	Michael Cutler	(435) 781-3401	(435) 828-3546
NRS/Enviro Scientist:	Anna Figueroa	(435) 781-3407	(435) 828-3548
NRS/Enviro Scientist:	Verlyn Pindell	(435) 781-3402	(435) 828-3547
NRS/Enviro Scientist:	Darren Williams	(435) 781-4447	
NRS/Enviro Scientist:	Nathan Packer	(435) 781-3405	(435) 828-3545
		Fax: (435) 781-3420	

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 two (2) year period, or until lease expiration, whichever occurs first. An additional extension, up to two (2) years, may be applied for by sundry notice prior to expiration.**

NOTIFICATION REQUIREMENTS

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

General Surface COAs

- If there is an active Gilsonite mining operation within 2 miles of the well location, operator shall notify the Gilsonite operator at least 48 hours prior to any blasting during construction.

- If paleontological materials are uncovered during construction, the operator is to immediately stop work and contact the Authorized Officer AO. A report will be prepared by a BLM permitted paleontologist and submitted to the AO at the completion of surface disturbing activities.

Specific Surface COAs

Well Site Specific Stipulations:

- Paint the facilities Carlsbad.

- Double felt pit liner.

Mitigation Stipulations

Vegetation/Landscape

- Before the site is abandoned the company will be required to restore the right-of –way to near its original state. The disturbed area will be reseeded with desirable perennial vegetation.

- Noxious weeds will be controlled on all rights-of –way. If noxious weeds spread from the rights-of-way onto adjoining land, the company will also be responsible for their control.

Soils/Range/Watershed

- Soil erosion will be mitigated by reseeding all disturbed areas.

- The pipelines are constructed to lie on the soil surface, and the right-of-way will not be bladed or cleared of vegetation.

- Where pipelines are constructed parallel to toads they may be welded on the road and then lifted from the road onto the right-of-way.

- Where pipelines do not parallel roads but cross country between stations, they shall be welded in place at well sites or on access roads and then pulled between stations with a suitable piece of equipment. Traffic will be restricted along these areas so that the pipeline right–of–way will not be used as an access road.

Wildlife/Vegetation/Threatened & Endangered Species

- No threatened & Endangered species have been identified associated with this project. Therefore, no stipulations have been developed for their protection.

Ute Tribal Regulations

- Prior to commencing surveys or construction on the U&O Indian Reservation the operator, and any of its subcontractors, shall acquire access permits and business permits for the Ute Indian Tribe Department of Energy and Minerals.

- Prior to the commencement of construction, the operator shall notify the Ute Tribal Department of Energy and Minerals of the date construction shall begin.

General Conditions of Approval

- A 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

- The top of the production casing cement shall extend a minimum of 200 feet above the surface casing shoe.
- Variance granted: Eighty foot long blooie line approved.

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.

- While actively drilling, 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 (¼¼, 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
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.

5. LEASE DESIGNATION AND SERIAL NUMBER:	UTU-39223
6. IF INDIAN, ALLOTTEE OR TRIBE NAME:	Ute Indian Tribe
7. UNIT or CA AGREEMENT NAME:	Undesignated
1. TYPE OF WELL: OIL WELL ☐ GAS WELL ☑ OTHER	8. WELL NAME and NUMBER: WHB 12-5H
2. NAME OF OPERATOR: XTO Energy, Inc.	9. API NUMBER: 4304739416
3. ADDRESS OF OPERATOR: P.O. Box 1360 CITY Roosevelt STATE UT ZIP 84066 PHONE NUMBER: (435) 722-4521	10. FIELD AND POOL, OR WILDCAT: Undesignated
4. LOCATION OF WELL FOOTAGES AT SURFACE: 1,570' FSL & 371' FWL	COUNTY: Uintah
QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: NWSW 5 11S 20E S	STATE: UTAH

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

TYPE OF SUBMISSION	TYPE OF ACTION		
☐ NOTICE OF INTENT (Submit In Duplicate)	☐ ACIDIZE	☐ DEEPEN	☐ REPERFORATE CURRENT FORMATION
Approximate date work will start:	☐ ALTER CASING	☐ FRACTURE TREAT	☐ SIDETRACK TO REPAIR WELL
	☐ CASING REPAIR	☐ NEW CONSTRUCTION	☐ TEMPORARILY ABANDON
	☐ CHANGE TO PREVIOUS PLANS	☐ OPERATOR CHANGE	☐ TUBING REPAIR
	☐ CHANGE TUBING	☐ PLUG AND ABANDON	☐ VENT OR FLARE
☑ SUBSEQUENT REPORT (Submit Original Form Only)	☐ CHANGE WELL NAME	☐ PLUG BACK	☐ WATER DISPOSAL
Date of work completion:	☐ CHANGE WELL STATUS	☐ PRODUCTION (START/RESUME)	☐ WATER SHUT-OFF
	☐ COMMINGLE PRODUCING FORMATIONS	☐ RECLAMATION OF WELL SITE	☑ OTHER: Permit Extension
	☐ CONVERT WELL TYPE	☐ RECOMPLETE - DIFFERENT FORMATION	

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

XTO Energy, Inc. hereby requests a one year extension of the state permit for the referenced well.

This is the first extension that has been requested.

Approved by the
Utah Division of
Oil, Gas and Mining

COPY SENT TO OPERATOR
Date: 5·20·2008
Initials: KS

Date: 05-14-08
By:

NAME (PLEASE PRINT) Kendell Johnson TITLE Agent for XTO Energy, Inc.

SIGNATURE Kendell Johnson DATE 5/9/2008

(This space for State use only)

[redacted]

Application for Permit to Drill
Request for Permit Extension
Validation
(this form should accompany the Sundry Notice requesting permit extension)

API: 4304739416
Well Name: WHB 12-5H
Location: 1,570' FSL & 371' FWL, NW SW, Sec. 5, 11S-20E
Company Permit Issued to: XTO Energy, Inc.
Date Original Permit Issued: 6/28/2007

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☐

Kendell Johnson
Signature

5/9/2008
Date

Title: Kendell Johnson

Representing: XTO Energy, Inc.

FORM 9

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

5. LEASE DESIGNATION AND SERIAL NUMBER: UTU-39223

SUNDRY NOTICES AND REPORTS ON WELLS

6. IF INDIAN, ALLOTTEE OR TRIBE NAME: Ute Indian Tribe

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.

7. UNIT or CA AGREEMENT NAME: Undesignated

1. TYPE OF WELL: OIL WELL ☐ GAS WELL ☑ OTHER

8. WELL NAME and NUMBER: WHB 12-5H

2. NAME OF OPERATOR: XTO ENERGY INC.

9. API NUMBER: 4304739416

3. ADDRESS OF OPERATOR: 382 CR 3100 AZTEC NM 87410

PHONE NUMBER: (505) 333-3100

10. FIELD AND POOL, OR WILDCAT: Undesignated

4. LOCATION OF WELL

FOOTAGES AT SURFACE: 1570' FSL x 371' FWL

COUNTY: Uintah

QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: NWSW 5 11S 20E S

STATE: UTAH

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

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

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

XTO Energy Inc. herby requests a one year extension of the state permit for the referenced well.

Approved by the
Utah Division of
Oil, Gas and Mining

Date: 05-27-09

By:

RECEIVED
MAY 27 2009
DIV OF OIL, GAS & MINING

NAME (PLEASE PRINT): Eden Fine TITLE: Regulatory Clerk

SIGNATURE: DATE: 5/26/2009

(This space for State use only)

COPY SENT TO OPERATOR
Date: 6.3.2009
Initials: KS

(5/2000) (See Instructions on Reverse Side)

RESET

Application for Permit to Drill
Request for Permit Extension
Validation
(this form should accompany the Sundry Notice requesting permit extension)

API: 4304739416
Well Name: WHB 12-5H
Location: 1570' FSL x 371' FWL NWSW 5-11S-20E
Company Permit Issued to: XTO Energy
Date Original Permit Issued: 6/28/2007

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☐

Signature

5/26/2009
Date

Title: Regulatory Clerk

Representing: XTO Energy

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
3160
UTG011

March 18, 2010

43-047-39416

Ken Secrest
XTO Energy, Inc.
PO Box 1360
Roosevelt, UT 84066

Re: Notice of Expiration
Well No. WHB 12-5H
NWSW, Sec. 5, T11S, R20E
Uintah County, Utah
Lease No. UTU-39223

Dear Ken:

The Application for Permit to Drill (APD) for the above-referenced well was approved on December 10, 2007. A two (2) year extension of the original APD was requested on September 16, 2008. The request was reviewed and the extension request was "Returned to Operator" unapproved on September 24, 2008 due to the APD not expiring until December 10, 2009, so the Sundry Notice was not needed at this time. 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

RECEIVED
APR 01 2010
DIV. OF OIL, GAS & MINING

cc: UDOGM

API Well No: 43047394160000

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

FORM 9

5.LEASE DESIGNATION AND SERIAL NUMBER: UTU-39223

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.

6. IF INDIAN, ALLOTTEE OR TRIBE NAME: UTE

7.UNIT or CA AGREEMENT NAME:

1. TYPE OF WELL Gas Well

8. WELL NAME and NUMBER: WHB 12-5H

2. NAME OF OPERATOR: XTO ENERGY INC

9. API NUMBER: 43047394160000

3. ADDRESS OF OPERATOR: 382 Road 3100 , Aztec, NM, 87410

PHONE NUMBER: 505 333-3159 Ext

9. FIELD and POOL or WILDCAT: UNDESIGNATED

4. LOCATION OF WELL
FOOTAGES AT SURFACE: 1570 FSL 0371 FWL
QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: Qtr/Qtr: NWSW Section: 05 Township: 11.0S Range: 20.0E Meridian: S

COUNTY: UINTAH

STATE: UTAH

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

TYPE OF SUBMISSION	TYPE OF ACTION		
✓ NOTICE OF INTENT Approximate date work will start: 6/28/2011	☐ ACIDIZE	☐ ALTER CASING	☐ CASING REPAIR
☐ SUBSEQUENT REPORT Date of Work Completion:	☐ CHANGE TO PREVIOUS PLANS	☐ CHANGE TUBING	☐ CHANGE WELL NAME
☐ SPUD REPORT Date of Spud:	☐ CHANGE WELL STATUS	☐ COMMINGLE PRODUCING FORMATIONS	☐ CONVERT WELL TYPE
☐ DRILLING REPORT Report Date:	☐ DEEPEN	☐ FRACTURE TREAT	☐ NEW CONSTRUCTION
	☐ OPERATOR CHANGE	☐ PLUG AND ABANDON	☐ PLUG BACK
	☐ PRODUCTION START OR RESUME	☐ RECLAMATION OF WELL SITE	☐ RECOMPLETE DIFFERENT FORMATION
	☐ REPERFORATE CURRENT FORMATION	☐ SIDETRACK TO REPAIR WELL	☐ TEMPORARY ABANDON
	☐ TUBING REPAIR	☐ VENT OR FLARE	☐ WATER DISPOSAL
	☐ WATER SHUTOFF	☐ SI TA STATUS EXTENSION	✓ APD EXTENSION
	☐ WILDCAT WELL DETERMINATION	☐ OTHER	OTHER:

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

XTO hereby requests a one year extension on the State permit for the referenced well.

Approved by the Utah Division of Oil, Gas and Mining

Date: June 30, 2010

By: Dustin Doucet

NAME (PLEASE PRINT)	PHONE NUMBER	TITLE
Eden Fine	505 333-3664	Permitting Clerk
SIGNATURE N/A		**DATE** 6/28/2010

RECEIVED June 28, 2010

The Utah Division of Oil, Gas, and Mining

- State of Utah
- Department of Natural Resources

Electronic Permitting System - Sundry Notices

Request for Permit Extension Validation Well Number 43047394160000

API: 43047394160000
Well Name: WHB 12-5H
Location: 1570 FSL 0371 FWL QTR NWSW SEC 05 TWNP 110S RNG 200E MER S
Company Permit Issued to: XTO ENERGY INC
Date Original Permit Issued: 6/28/2007

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 rightof- 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**

Approved by the Utah Division of Oil, Gas and Mining

Signature: Eden Fine **Date:** 6/28/2010
Title: Permitting Clerk **Representing:** XTO ENERGY INC

Date: June 30, 2010
By: Dustin Doucet

RECEIVED June 28, 2010

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.

5.LEASE DESIGNATION AND SERIAL NUMBER: UTU-39223

6. IF INDIAN, ALLOTTEE OR TRIBE NAME: UTE

7.UNIT or CA AGREEMENT NAME:

1. TYPE OF WELL Gas Well

8. WELL NAME and NUMBER: WHB 12-5H

2. NAME OF OPERATOR: XTO ENERGY INC

9. API NUMBER: 43047394160000

3. ADDRESS OF OPERATOR: 382 Road 3100 , Aztec, NM, 87410

PHONE NUMBER: 505 333-3159 Ext

9. FIELD and POOL or WILDCAT: UNDESIGNATED

4. LOCATION OF WELL
FOOTAGES AT SURFACE: 1570 FSL 0371 FWL
QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: Qtr/Qtr: NWSW Section: 05 Township: 11.0S Range: 20.0E Meridian: S

COUNTY: UINTAH

STATE: UTAH

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

TYPE OF SUBMISSION	TYPE OF ACTION		
✓ NOTICE OF INTENT Approximate date work will start: 6/1/2012	☐ ACIDIZE	☐ ALTER CASING	☐ CASING REPAIR
☐ SUBSEQUENT REPORT Date of Work Completion:	☐ CHANGE TO PREVIOUS PLANS	☐ CHANGE TUBING	☐ CHANGE WELL NAME
☐ SPUD REPORT Date of Spud:	☐ CHANGE WELL STATUS	☐ COMMINGLE PRODUCING FORMATIONS	☐ CONVERT WELL TYPE
☐ DRILLING REPORT Report Date:	☐ DEEPEN	☐ FRACTURE TREAT	☐ NEW CONSTRUCTION
	☐ OPERATOR CHANGE	☐ PLUG AND ABANDON	☐ PLUG BACK
	☐ PRODUCTION START OR RESUME	☐ RECLAMATION OF WELL SITE	☐ RECOMPLETE DIFFERENT FORMATION
	☐ REPERFORATE CURRENT FORMATION	☐ SIDETRACK TO REPAIR WELL	☐ TEMPORARY ABANDON
	☐ TUBING REPAIR	☐ VENT OR FLARE	☐ WATER DISPOSAL
	☐ WATER SHUTOFF	☐ SI TA STATUS EXTENSION	✓ APD EXTENSION
	☐ WILDCAT WELL DETERMINATION	☐ OTHER	OTHER:

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

XTO Energy hereby requests a one (1) year extension of the State APD for the referenced well.

Approved by the Utah Division of Oil, Gas and Mining

Date: 06/06/2011

By: 

NAME (PLEASE PRINT)	PHONE NUMBER	TITLE
Krista Wilson	505 333-3647	Permitting Tech

SIGNATURE	DATE
N/A	6/1/2011

RECEIVED Jun. 01, 2011

The Utah Division of Oil, Gas, and Mining

- State of Utah
- Department of Natural Resources

Electronic Permitting System - Sundry Notices

Request for Permit Extension Validation Well Number 43047394160000

API: 43047394160000
Well Name: WHB 12-5H
Location: 1570 FSL 0371 FWL QTR NWSW SEC 05 TWNP 110S RNG 200E MER S
Company Permit Issued to: XTO ENERGY INC
Date Original Permit Issued: 6/28/2007

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 rightof- 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**

Signature: Krista Wilson **Date:** 6/1/2011
Title: Permitting Tech **Representing:** XTO ENERGY INC

RECEIVED Jun. 01, 2011

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.

5.LEASE DESIGNATION AND SERIAL NUMBER: UTU-39223

6. IF INDIAN, ALLOTTEE OR TRIBE NAME: UTE

7.UNIT or CA AGREEMENT NAME:

1. TYPE OF WELL Gas Well

8. WELL NAME and NUMBER: WHB 12-5H

2. NAME OF OPERATOR: XTO ENERGY INC

9. API NUMBER: 43047394160000

3. ADDRESS OF OPERATOR: 382 Road 3100 , Aztec, NM, 87410

PHONE NUMBER: 505 333-3145 Ext

9. FIELD and POOL or WILDCAT: HILL CREEK

4. LOCATION OF WELL
FOOTAGES AT SURFACE: 1570 FSL 0371 FWL
QTR/QTR, SECTION, TOWNSHIP, RANGE, MERIDIAN: Qtr/Qtr: NWSW Section: 05 Township: 11.0S Range: 20.0E Meridian: S

COUNTY: UINTAH

STATE: UTAH

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

TYPE OF SUBMISSION	TYPE OF ACTION		
✓ NOTICE OF INTENT Approximate date work will start: 4/30/2013	☐ ACIDIZE	☐ ALTER CASING	☐ CASING REPAIR
☐ SUBSEQUENT REPORT Date of Work Completion:	☐ CHANGE TO PREVIOUS PLANS	☐ CHANGE TUBING	☐ CHANGE WELL NAME
	☐ CHANGE WELL STATUS	☐ COMMINGLE PRODUCING FORMATIONS	☐ CONVERT WELL TYPE
	☐ DEEPEN	☐ FRACTURE TREAT	☐ NEW CONSTRUCTION
	☐ OPERATOR CHANGE	☐ PLUG AND ABANDON	☐ PLUG BACK
☐ SPUD REPORT Date of Spud:	☐ PRODUCTION START OR RESUME	☐ RECLAMATION OF WELL SITE	☐ RECOMPLETE DIFFERENT FORMATION
	☐ REPERFORATE CURRENT FORMATION	☐ SIDETRACK TO REPAIR WELL	☐ TEMPORARY ABANDON
	☐ TUBING REPAIR	☐ VENT OR FLARE	☐ WATER DISPOSAL
☐ DRILLING REPORT Report Date:	☐ WATER SHUTOFF	☐ SI TA STATUS EXTENSION	✓ APD EXTENSION
	☐ WILDCAT WELL DETERMINATION	☐ OTHER	OTHER:

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

XTO Energy requests a one (1) year extension of the State APD for the referenced well.

Approved by the Utah Division of Oil, Gas and Mining

Date: June 18, 2012

By:

NAME (PLEASE PRINT)	PHONE NUMBER	TITLE
Richard L. Redus	303 397-3712	Regulatory
SIGNATURE N/A		**DATE** 6/14/2012

RECEIVED: Jun. 14, 2012

The Utah Division of Oil, Gas, and Mining

- State of Utah
- Department of Natural Resources

Electronic Permitting System - Sundry Notices

Request for Permit Extension Validation Well Number 43047394160000

API: 43047394160000
Well Name: WHB 12-5H
Location: 1570 FSL 0371 FWL QTR NWSW SEC 05 TWNP 110S RNG 200E MER S
Company Permit Issued to: XTO ENERGY INC
Date Original Permit Issued: 6/28/2007

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.

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- **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**

Signature: Richard L. Redus **Date:** 6/14/2012
Title: Regulatory **Representing:** XTO ENERGY INC

RECEIVED: Jun. 14, 2012

GARY R. HERBERT
Governor
GREGORY S. BELL
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
MICHAEL R. STYLER
Executive Director
Division of Oil, Gas and Mining
JOHN R. BAZA
Division Director

September 12, 2013

XTO Energy Inc.
382 Road 3100
Aztec, NM 87410

Re: APD Rescinded – WHB 12-5H, Sec. 5, T. 11S, R. 20E
Uintah County, Utah API No. 43-047-39416

Ladies and Gentlemen:

The Application for Permit to Drill (APD) for the subject well was approved by the Division of Oil, Gas and Mining (Division) on June 28, 2007. On May 14, 2008, May 27, 2009, June 30, 2010, June 6, 2011 and June 17, 2012 the Division granted a one-year APD extension. No drilling activity at this location has been reported to the division. Therefore, approval to drill the well is hereby rescinded, effective September 12, 2013.

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

1594 West North Temple, Suite 1210, PO Box 145801, Salt Lake City, UT 84114 -5801
telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • *www.ogm.utah.gov*

UTAH DNR
OIL, GAS & MINING