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SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF CONOCOPHILLIPS COMPANY FOR AN ORDER ESTABLISHING 160 ACRE DRILLING AND SPACING UNITS FOR THE PRODUCTION OF GAS (INCLUDING COALBED METHANE) FROM THE FERRON FORMATION IN PORTIONS OF SECTIONS 1 AND 12, TOWNSHIP 14 SOUTH, RANGE 9 EAST, SLM, AND SECTIONS 27, 28 AND 34, TOWNSHIP 14 SOUTH, RANGE 10 EAST, SLM, CARBON COUNTY, UTAH

**FINDINGS OF FACTS,
CONCLUSIONS OF LAW AND
ORDER**

Docket No. 2007-020

Cause No. 243-11

This cause came on for hearing before the Utah Board of Oil, Gas and Mining (the "Board") on Wednesday, October 24, 2007, at the hour of 10:00 a.m. The following Board members were present and participated at the hearing: Chairman Douglas E. Johnson, Robert J. Bayer, Samuel C. Quigley, Jake Y. Harouny and Ruland A. Gill. Board Member Jean Semborski, citing a conflict of interest, recused herself. Attending and participating on behalf of the Division of Oil, Gas and Mining (the "Division") was Michael Hebertson, Hearings and Enforcement Manager. The Board and the Division were represented by Michael S. Johnson, Esq., and Steven F. Alder, Esq., Assistant Attorneys General, respectively.

Testifying on behalf of Petitioner ConocoPhillips Company (“ConocoPhillips”) were William W. Franklin, Landman, and John E. McCarty, Geological and Reservoir Advisor. ConocoPhillips was represented by Relma M. Miller, Esq., of Pruitt Gushee.

The Division expressed its support of the Request for Agency Action. Mr. Michael Coulthard, on behalf of the Bureau of Land Management (the “BLM”), expressed his support of the Request for Agency Action, with an effective date of November 1, 2007, as to the lands in Township 14 South, Range 9 East. No statements were made in opposition to the Request for Agency Action and no other parties appeared or participated at the hearing.

The Board, having considered the testimony presented and the exhibits received into evidence at the hearing, being fully advised, and for good cause appearing, hereby makes and enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The following described lands located in Carbon County (hereinafter the “Subject Lands”) were, as of the date of the hearing, not subject to any order of the Board:

Township 14 South, Range 9 East, SLM

Section 1: SW $\frac{1}{4}$
Section 12: SW $\frac{1}{4}$

Township 14 South, Range 10 East, SLM

Section 27: E $\frac{1}{2}$, NW $\frac{1}{4}$
Section 28: N $\frac{1}{2}$
Section 34: NE $\frac{1}{4}$

2. ConocoPhillips is a Delaware corporation, having its principal place of business in Houston, Texas. ConocoPhillips is duly qualified to conduct business in the State of Utah and is fully and appropriately bonded with all relevant Federal and State of Utah agencies.

3. ConocoPhillips is the operator of the Drunkards Wash Federal Exploratory Unit which borders the Subject Lands to the west. In such capacity, ConocoPhillips has drilled and operates over 500 wells which produce coalbed methane from the Ferron formation, defined for purposes of this cause as:

the stratigraphic equivalent of the interval between 1,175 feet and 1,400 feet as shown on the Dual Induction Guard/Gamma Ray and Compensated Density-Neutron/Gamma Ray logs of the Cotner 29-549 well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 14 South, Range 10 East, SLM.

4. Data generated from ConocoPhillips' wells suggest one well efficiently and economically drains approximately 160 acres of gas produced from the Ferron formation. ConocoPhillips has, based on that data, generated, submitted and received BLM approval of, with respect to the Drunkards Wash Unit, plans of Unit development in accordance with that well density pattern.

5. The Board, through orders entered in the series of Cause Nos. 137, 241, 243 and 245, has uniformly established 160 acre (or substantial equivalent thereof) drilling and spacing units for gas (including coalbed methane) production from the Ferron formation throughout Carbon and Emery Counties, including lands adjacent to the Subject Lands.

6. Evidence presented established that the coals within the Ferron formation underlying the Subject Lands are of uniform content and rank with those underlying the lands within the Drunkards Wash Unit; the Ferron formation, including all coal and surrounding sands, generally constitutes one pool for gas in the Subject Lands and correlates with said formation as underlying the lands within the Drunkards Wash Unit and lands which are the subject of the Orders in the series of Cause Nos. 137, 241, 243 and 245; and one well will efficiently and economically drain approximately 160 acres in that pool.

7. The establishment of 160 acre (or substantial equivalent thereof) drilling and spacing units for the Ferron formation underlying the Subject Lands will allow for the orderly development of the Subject Lands, will prevent waste in the drilling of unnecessary wells, will adequately protect the correlative rights of all affected parties, will result in the greatest recovery of the resource and is just and reasonable.

8. Each such unit should be comprised of the governmental quarter section (*e.g.*, NE $\frac{1}{4}$) or equivalent lots, and the permitted well for each such unit should be drilled no closer than 460 feet from the outer boundary of said unit and no closer than 920 feet from any other well drilling to or capable of producing gas from the Ferron formation as so defined, except as may otherwise be permitted by administrative action for topographic, cultural, archaeological, environmental or geologic reasons or other good cause shown in accordance with Utah Admin. Code Rule R649-3-3.

9. The BLM requests that, for reporting purposes, any Order of the Board be made effective as of November 1, 2007, as to the lands in Township 14 South, Range 9 East.

10. A copy of the Request for Agency Action was mailed to all owners within the Subject Lands as disclosed by the appropriate Federal, State and County realty records.

11. Notice was duly published as required by Utah Admin. Code Rule R641-106-100.

12. The vote of the Board members present and participating in the hearing was unanimous in favor of granting the Request for Agency Action.

CONCLUSIONS OF LAW

1. Due and regular notice of the time, place and purpose of the hearing was properly given to all interested parties in the form and manner as required by law and the rules and regulations of the Board and Division.

2. The Board has jurisdiction over all matters covered by the Request for Agency Action and all interested parties therein, and has the power and authority to render the order herein set forth pursuant to Utah Code Ann. § 40-6-5(3)(b) and Utah Admin. Code Rule R649-2-3.

3. The Request for Agency Action satisfies all statutory and regulatory requirements for the relief sought therein and should be granted.

ORDER

Based upon the Request for Agency Action, testimony and evidence submitted and the findings of fact and conclusions of law stated above, the Board hereby orders:

1. The Request for Agency Action in this cause is granted.
2. 160 acre (or substantial equivalent thereof) drilling and spacing units are hereby established for the Subject Lands for the production of gas (including Coalbed Methane) from the Ferron formation as defined herein.
3. Each such unit shall be comprised of the governmental quarter section (*e.g.*, NE¼) or lots and quarter-quarter sections substantially comprising the same.
4. The permitted well for each such unit shall be located no closer than 460 feet from the outer boundary of said unit and no closer than 920 feet from any other well drilling to or capable of producing gas from the Ferron formation as so defined, except as may otherwise be permitted by administrative action for topographic, cultural, archaeological, environmental or geologic reasons or other good cause shown in accordance with Utah Admin. Code Rule R649-3-3.
5. This Order shall be effective November 1, 2007, as to those Subject Lands in Township 14 South, Range 9 East, SLM.
6. Pursuant to Utah Admin. Code Rule R641 and Utah Code Ann. § 63-46b-6 to -10, the Board has considered and decided this matter as a formal adjudication.
7. This Findings of Fact, Conclusion of Law and Order ("Order") is based exclusively on evidence of record in the adjudicative proceeding or on facts officially noted, and constitutes the signed written order stating the Board's decision and the reasons for the

decision, all as required by the Administrative Procedures Act, Utah Code Ann. § 63-46b-10 and Utah Admin. Code Rule R641-109.

8. Notice re: Right to Seek Judicial Review by the Utah Supreme Court or to Request Board Reconsideration: As required by Utah Code Ann. § 63-46b-10(1)(e) to -10(1)(g), the Board hereby notifies all parties in interest that they have the right to seek judicial review of this final Board Order in this formal adjudication by filing a timely appeal with the Utah Supreme Court within 30 days after the date that this Order issued. Utah Code Ann. § 63-46b-14(3)(a) and -16. As an alternative to seeking immediate judicial review, and not as a prerequisite to seeking judicial review, the Board also hereby notifies parties that they may elect to request that the Board reconsider this Order, which constitutes a final agency action of the Board. Utah Code Ann. 63-46b-13, entitled, "Agency review - Reconsideration," states:

(1)(a) Within 20 days after the date that an order is issued for which review by the agency or by a superior agency under Section 63-46b-12 is unavailable, and if the order would otherwise constitute final agency action, any party may file a written request for reconsideration with the agency, stating the specific grounds upon which relief is requested.

(b) Unless otherwise provided by statute, the filing of the request is not a prerequisite for seeking judicial review of the order.

(2) The request for reconsideration shall be filed with the agency and one copy shall be mailed to each party by the person making the request.

(3)(a) The agency head, or a person designated for that purpose, shall issue a written order granting the request or denying the request.

(b) If the agency head or the person designated for that purpose does not issue an order within 20 days after the filing of the request, the request for reconsideration shall be considered to be denied.

Id. The Board also hereby notifies the parties that Utah Admin. Code Rule R641-110-100, which is part of a group of Board rules entitled, "Rehearing and Modification of Existing Orders," states:

Any person affected by a final order or decision of the Board may file a petition for rehearing. Unless otherwise provided, a petition for rehearing must be filed no later than the 10th day of the month following the date of signing of the final order or decision for which the rehearing is sought. A copy of such petition will be served on each other party to the proceeding no later than the 15th day of that month.

Id. See Utah Admin. Code Rule R641-110-200 for the required contents of a petition for Rehearing. If there is any conflict between the deadline in Utah Code Ann. § 63-46b-13 and the deadline in Utah Admin. Code Rule R641-110-100 for moving to rehear this matter, the Board hereby rules that the later of the two deadlines shall be available to any party moving to rehear this matter. If the Board later denies a timely petition for rehearing, the party may still seek judicial review of the Order by perfecting a timely appeal with the Utah Supreme Court within 30 days thereafter.

9. The Board retains continuing jurisdiction over all the parties and over the subject matter of this cause, except to the extent said jurisdiction may be divested by the filing of a timely appeal to seek judicial review of this order by the Utah Supreme Court.

10. For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ISSUED this 15 day of NOVEMBER, 2007.

**STATE OF UTAH
BOARD OF OIL, GAS AND MINING**

By: 
Douglas E. Johnson, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing "Findings of Fact, Conclusions of Law and Order" for Docket No. 2007-020, Cause No. 243-11 to be mailed, postage prepaid, on this 29th day of November, 2007, to those as listed on this page and on the following attachment:

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BARBARA CLYDE FORMERLY KNOWN AS
BARBARA SANFELICE
1973 EAST 1700 SOUTH
PRICE UT 84501

GEORGIA JEAN MOTTE A/K/A
GEORGIA J MOTT
1676 EAST OLD WELLINGTON ROAD
PRICE UT 84501

CLAY L CLOWARD AND
KATHY P CLOWARD
PO BOX 2311
ROCK SPRINGS WY 82902

CLYDE S LARSEN AND BILL H LARSEN
1677 SOUTH HIGHWAY 6
PRICE UT 84501

CLINTON D SANDERSON AND
AUTUMN L SANDERSON
1675 SOUTH 1930 EAST
PRICE UT 84501

CLYDE S LARSEN AND
SHEILA S LARSEN
1677 SOUTH HIGHWAY 6
PRICE UT 84501

A & T MANUFACTURED HOUSING
ASSOCIATES A JOINT VENTURE COMPRISED
OF HAL W TIMMONS GARY S ANDERSON
AND BRUCE B ANDERSON AND/OR
ANDERSON BROTHERS
A UTAH GENERAL PARTNERSHIP
(NO ADDRESS OF RECORD)

BILL H LARSEN AND PAULA F LARSEN
1623 SOUTH HIGHWAY 6
PRICE UT 84501

JOHNNY D'AMBROSIO
1110 SOUTH 800 EAST
PRICE UT 84501

MARY GERMAN TRUSTEE OF THE
MARY GERMAN FAMILY TRUST
1601 SOUTH HIGHWAY 6
PRICE UT 84501

DANNY D'AMBROSIO
1833 OLD WELLINGTON ROAD
PRICE UT 84501

(UNDELIVERABLE)
DENVER & RIO GRANDE RAILROAD
ONE MARKET PLAZA SP BUILDING
PROPERTY TAX DEPARTMENT
SAN FRANCISCO CA 94105

RIBAIL MOTTE A/K/A
REBAIL MOTTE
1676 EAST OLD WELLINGTON ROAD
PRICE UT 84501

RUBY GREER AND NELDA DAVIES
SUCCESSOR TRUSTEES OF THE
FLOYD BROTHESON TRUST
424 NORWOOD LANE
GRANTS PASS OR 97527

MARK MINCHEY AND
LYNN MINCHEY
PO 3463
LAKE HAVASU CITY AZ 86405

LEE P MOYNIER
55 WEST 200 SOUTH #A
PRICE UT 84501

MILDRED CAVE AS TRUSTEE OF THE
CAVE FAMILY IRREVOCABLE TRUST
1220 SOUTH 530 WEST
PRICE UT 84501

JUDI D MOYNIER
748 NORTH 400 EAST
PRICE UT 84501

CHERIE CRITCHLOW AS TRUSTEE OF THE
CRITCHLOW FAMILY IRREVOCABLE TRUST
1220 SOUTH 530 WEST
PRICE UT 84501

JAYLENE MAHLERES
PO BOX 562
PRICE UT 84501

LEON MAURICE MOYNIER
637 NORTH 200 EAST
PRICE UT 84501

FLUID MINERALS BRANCH
BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE
PO BOX 45155
SALT LAKE CITY UT 84145-0155

AMANDA A MOYNIER
242 SOUTH 300 WEST
PRICE UT 84501

UNITED STATES OF AMERICA
BUREAU OF LAND MANAGEMENT
MOAB FIELD OFFICE
82 EAST DOGWOOD
MOAB UT 84532

FILED

OCT 18 2007

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF CONOCOPHILLIPS COMPANY FOR AN ORDER ESTABLISHING 160 ACRE DRILLING AND SPACING UNITS FOR THE PRODUCTION OF GAS (INCLUDING COALBED METHANE) FROM THE FERRON FORMATION IN PORTIONS OF SECTIONS 1 AND 12, TOWNSHIP 14 SOUTH, RANGE 9 EAST, SLM, AND SECTIONS 27, 28 AND 34, TOWNSHIP 14 SOUTH, RANGE 10 EAST, SLM, CARBON COUNTY, UTAH

**ORDER GRANTING LEAVE TO
FILE ADDITIONAL EXHIBITS**

Docket No. 2007-020

Cause No. 243-11

The Board of Oil, Gas and Mining, having fully considered ConocoPhillips Company's ("CPC's") Motion for Leave to File Additional Exhibit filed October 16, 2007, and finding good cause therefore, hereby grants said Motion and authorizes the filing and acceptance of Exhibit "M" attached to CPC's Motion.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

DATED this 18 day of October, 2007.

**STATE OF UTAH
BOARD OF OIL, GAS AND MINING**

By: _____

Douglas E. Johnson
Douglas E. Johnson
Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing "Order Granting Leave to File Additional Exhibits" for this cause to be mailed, postage prepaid, on this 18th day of October, 2007, to the following:

Relma M. Miller
PRUITT GUSHEE
48 West Market Street, Suite 300
Salt Lake City, UT 84101

Michael S. Johnson
Assistant Attorney General
Utah Board of Oil, Gas & Mining
1594 West North Temple, Suite 300
Salt Lake City, UT 84116
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