FILED
FEB 28 2011
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 SUMMIT OPERATING, LLC FOR AN ORDER ESTABLISHING A 320-ACRE DRILLING AND SPACING UNIT FOR A HORIZONTAL WELL IN AND THE PRODUCTION OF OIL, GAS, AND OTHER HYDROCARBONS FROM THE GREEN RIVER FORMATION IN THE WEST HALF OF SECTION 16, TOWNSHIP 7 SOUTH, RANGE 21 EAST,	**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER** Docket No. 2011-003 Cause No. 270-01

This Cause came on regularly for hearing before the Utah Board of Oil, Gas and Mining (the "Board") on Thursday, February 24, 2011, at the hour of 9:00 a.m. in the Auditorium of the Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah. The following Board members were present and participated at the hearing: Douglas E. Johnson, Chairman, Ruland J. Gill, James T. Jensen, Kelly L. Payne, and Jean Semborski. John R. Baza, Director, was present at the hearing for the Utah Division of Oil, Gas and Mining (the "Division"). The Board was represented by Michael S. Johnson, Assistant Attorney General.

The Petitioner, Summit Operating, LLC ("Summit"), was represented at the hearing by attorney Jeremy C. Schwendiman. Ellis Peterson, Petroleum Engineer, and Carl F. Kendell, Geologist, testified on behalf of Summit at the February 24, 2011 hearing.

The Division was represented by Emily E. Lewis, Assistant Attorney General. The Division filed its Staff Memorandum to the Board on February 15, 2011. Brad Hill, Permitting Manager, Dustin Doucet, Petroleum Engineer, and Clinton Dworshak, Compliance Manager, participated on behalf of the Division at the hearings. At the February 24, 2011 hearing, the Division stated that the concerns raised in the Staff Memorandum had been resolved and that it had no objection to the Board's approval of Summit's requested spacing.

No other person or party filed a response to the Request for Agency Action; however, Lavonne Garrison, Assistant Director, Oil and Gas, of the State of Utah School and Institutional Trust Lands Administration ("SITLA"), appeared at the hearing and gave approval by SITLA for Summit's requested spacing.

The Board, having fully considered the testimony adduced and the exhibits received into evidence at the February 24, 2011 hearing, being fully advised, and good cause appearing, hereby makes the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Notice of the time, place, and purposes of the Board's regularly scheduled February 24, 2011 hearing was mailed to all interested parties by first-class mail, postage prepaid, and was duly published in the Salt Lake Tribune, Deseret Morning News, and the Vernal Express pursuant to the requirements of the Utah Administrative Code ("U.A.C.") Rule 641-106-100. Copies of the Request for Agency Action were mailed to all interested parties pursuant to U.A.C. Rule 641-104-135.

2. Summit's Request for Agency Action seeks an order establishing a 320-acre drilling and spacing unit for a horizontal well in and the production of oil, gas and other hydrocarbons from the Green River Formation underlying the following described lands in Uintah County, Utah (the "Subject Lands"):

Township 7 South, Range 21 East, S.L.M.

Section 16: W½

(containing 320.00 acres, more or less).

3. The formation to be unitized for drilling and spacing purposes is the Douglas Creek Member of the Green River Formation as defined from depths of 6160' to 6800' in the Summit Operating LLC, State 14-16 (API #43047312170000) well located in the SW1/4SW1/4 of Section 16, T7S, R21E, SLM, Uintah County, Utah.

4. Summit is a Utah limited liability company in good standing, having its principal place of business in Salt Lake City, Utah. Summit is qualified to and is doing business in Utah.

5. Summit operates the State 14-16 well which is located on the Subject Lands.

6. The minerals in the Subject Lands are owned by the State of Utah and are subject to Utah Oil and Gas Lease No. ML 40904 (the "Subject Lease"). The surface of the Subject Lands is owned by the State of Utah. SITLA administers the state-owned minerals and lands.

7. Summit owns the operating rights in the Subject Lease beneath the Subject Lands.

8. The lands and minerals within the west half of Section 16 are subject to the State of Utah's general horizontal well location rules established and set forth in U.A.C. Rule R649-3-2(1) which dictates that one well is to be drilled for the production of oil or gas in the center of

every public land survey quarter-quarter section or equivalent lot, and U.A.C. Rule R649-3-2(6) which created a "temporary six hundred and forty (640) acre spacing unit, consisting of the governmental section in which the horizontal well is located".

9. Summit desires to drill a horizontal well on the lease in compliance with all location and siting requirements as forth in U.A.C. Rule R649-3-2 but seeks a special 320-acre drilling and spacing unit.

10. The Douglas Creek Member of the Green River Formation underlies the Subject Lands and is composed of about 640 feet of shales, sandstones and limestones. The primary objectives are two thin (2 to 8 feet thick) limestones imbedded in the Douglas Creek and are known as the G1 and H4a respectively. These zones are comprised of oolithic ostracodal limestones which were deposited as thin shoals in shallow waters. These limestones are porous, permeable, and form a stratigraphic trap for hydrocarbons in this local area. Both the G1 and H4a are oil bearing in this area and produce wells offsetting the Subject Lease in several directions. Production from the existing vertical well within the Subject Lands is also associated with these stratigraphic traps.

11. The following wells have been drilled within Section 16:

a. Brennan Federal #4 (API# 43-047-10447) located in the SE1/4NE1/4 of Section 16. This well was operated by Gulf Oil Corporation but is currently plugged and abandoned.

b. BBE 15G-16-7-21 (API# 43-047-35408) located in the SW1/4SE1/4 of Section 16. This well is operated by QEP Energy Company and is currently a producing well.

c. State 14-16 (API# 43-047-31417) located in the SW1/4SW1/4 of Section 16. This well is operated by Summit and is currently a producing well.

12. Summit intends to drill a new horizontal well on the Subject Lands. The planned surface location of the well is 603 feet from the north section line but the horizontal portion of the wellbore begins 500 feet south of the surface location which complies with U.A.C. Rule R649-3-2 which requires that no portion of a horizontal section be closer than 660 feet to a drilling or spacing unit boundary and no closer than 1320 feet to any existing vertical well producing from the same formation.

13. Volumetric drainage estimates based on the best available data support the conclusion that 320 acres is not smaller than the maximum area that can be efficiently and economically drained by a horizontal well completed and producing from the Subject Lands.

14. The testimony and evidence submitted at the hearing also support that the horizontal interval in the well planned to be drilled on the Subject Lands will comply with set-backs established by U.A.C. Rule R649-3-2(3-5) and will not be closer than 1,320 feet to other wells completed in and producing from the spaced intervals within the Subject Lands, nor closer than 660 feet to the outer boundary of the 320-acre drilling and spacing unit.

15. The participating Board Members voted unanimously to approve Summit's Request for Agency Action,

CONCLUSIONS OF LAW

1. Due and regular notice of the time, place, and purposes of the Board's regularly scheduled February 24, 2011 hearing was given to all interested parties in the form and manner

and within the time required by law and the rules and regulations of the Board. Due and regular notice of the filing of the Request for Agency Action was given to all interested parties in the form and manner required by law and the rules and regulations of the Board.

2. Pursuant to Sections 40-6-5 and 40-6-6 of the Utah Code Annotated, the Board has jurisdiction over all of the interested parties and the subject matter of the Request for Agency Action, and has the power and authority to make and issue the order herein set forth.

3. Good cause appears to grant the Request for Agency Action regarding establishing a 320-acre drilling and spacing unit for the spaced interval within the Green River Formation beneath the Subject Lands.

4. Establishing a 320-acre drilling and spacing unit within the Subject Lands as provided in the Request for Agency Action is just and reasonable and will allow for the orderly development of the spaced interval within the Subject Lands, prevent waste, adequately protect the correlative rights of all affected parties, promote the public interest, and increase the ultimate recovery of hydrocarbons from the Subject Lands.

5. The existing set-back limitations of 1,320 feet from a well completed and producing from the spaced interval within the Subject Lands and 660 feet from the drilling unit boundary are just and reasonable under the circumstances and will protect correlative rights.

6. Summit has sustained its burden of proof, demonstrated good cause, and satisfied all legal requirements for the granting of the Request for Agency Action.

ORDER

Based upon the Request for Agency Action, the testimony and evidence submitted and entered at the February 24, 2011 hearing and the findings of fact and conclusions of law as stated above, it is therefore ordered that:

1. The Request for Agency Action in this Cause is granted.

2. A 320-acre drilling and spacing unit for the production of oil, gas, and other hydrocarbons from the spaced interval defined as follows:

> The Douglas Creek Member of the Green River Formation as defined from depths of 6160' to 6800' in the Summit Operating LLC, State 14-16 (API #43047312170000) well located in the SWSW of Section 16, T7S, R21E, SLM, Uintah County, Utah.

for the following described lands:

Township 7 South, Range 21 East, S.L.M.

Section 16: W½

(containing 320.00 acres, more or less).

is hereby established.

3. The drilling and spacing unit shall be comprised of the Subject Lands and the horizontal lateral within the spacing interval shall be no closer than 1,320 feet to other wells completed in and producing from the spaced interval, and no closer than 660 feet to the outer boundary of the 320-acre drilling and spacing unit, unless otherwise permitted by administrative action approved by the Division according to U.A.C. Rule R649-3-3.

4. Pursuant to U.A.C. Rule R641 and Utah Code Ann. § 63G-4-204 to 208 (1953, as amended), the Board has considered and decided this matter as a formal adjudication.

5. This Findings of Fact, Conclusions 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 Utah Administrative Procedures Act, Utah Code Ann. § 63G-4-208 and U.A.C. Rule R641-109.

6. Notice re Right to Seek Judicial Review by the Utah Supreme Court or to Request Board Reconsideration: As required by Utah Code Ann. § 63G-4-208(1)(e) to 208(1)(g)(1953, as amended), 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 thirty (30) days after the date that this order is issued. Utah Code Ann. § 63G-4-401(3)(a) and -403(1953, as amended).

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 the Board to reconsider this Order, which constitutes a final agency action of the Board. Utah Code Ann. § 63G-4-302, 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 63G-4-301 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 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 sent by mail 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 filing of the request, the request for reconsideration shall be considered to be denied.

Id. The Board also hereby notifies the parties that Utah Administrative Code 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 party to the proceeding no later than the 15th day of that month.

Id. See Utah Administrative Code R641-110-200 for the required contents of a petition for rehearing. If there is any conflict between the deadline in Utah Code Ann. § 63G-4-302 (1952, as amended) and the deadline in Utah Administrative Code 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 thirty (30) days thereafter.

7. 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.

8. 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 28 day of FEBRUARY, 2011.

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 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER for Docket No. 2011-003, Cause No.270-01 to be mailed with postage prepaid, this 1st day of March, 2011, to the following:

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Stringham Sheep LLC
867 Lizzie Ln
Saint George, UT 84790

Stephen B. Stringham Family Trust
269 West 300 South
Vernal, UT 84078

Stringham, Lottie W.
1031 East 5625 South
Ogden, UT 84405-7077

Stringham, Stephen B., as Trustee of the
Loma Stringham Family Trust
6315 Mardean Circle #221
Hurricane, UT 84737
[UNDELIVERABLE]

Stringham, Verlie A.
191 North 200 West
Vernal, UT 84078
[UNDELIVERABLE]

Three Atkins Energy LLC
PO Box 4217
Shreveport, LA 71134

Termo Company, The
PO Box 2767
Long Beach, CA 90807

Turner Petroleum Land Services Inc.
7026 S 900 E, STE B
MIDVALE, UT 84047

Ute Indian Tribe of the Uintah and Ouray Reservation
P.O. Box 190
Fort Duchesne, UT 84026

Transfuel Resources
P.O. Box 771089
Houston, TX 77215-1089
[UNDELIVERABLE]

Utana Basins Oil Co.
4571 S. Holladay Blvd
Holladay, UT 84117

Viking Resources
1675 Broadway #2750
Denver, CO 80202

Wagstaff, Marjorie Morgan
2139 East 1300 South
Salt Lake City, UT 84108
[UNDELIVERABLE]

Walton, Paul T.
1102 Walker Bank Building
Salt Lake City, UT 84111
[UNDELIVERABLE]

Walton Oil Company, LLC
575 E. 4500 S., Ste B-260
Salt Lake City, UT 84107

Westport Oil and Gas, LP
1670 Broadway, Suite 2800
Denver, Colorado 80202
[UNDELIVERABLE]

Wilson, Sarnia Bradshaw
The Old Vicarage, Charlton
Malmesbury Wiltshire, England

Wood, Alexander
47 Cricklewood Crescent
Thornhill, Ontario
Canada L3T 4T8

Young, Margot Ingram
Newton's Rubec, Beech Drive
Kingswood Surrey, England RT2 6PS

State of Utah School and
Institutional Trust Lands Admin.
Attn: LaVonne Garrison
675 E. 500 S., Ste 500
Salt Lake City, UT 84102

Stoddard, Lynn
793 S. 200 E.
Farmington, UT 84025

Realza Del Spear LP
PO Box 1684
Midland, TX 79702

Osmond, John
400 S. Steele St.
Denver, CO 80209

Wade, Christine
16653 Calle Brittany
Pacific Palisade, CA 90272
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Lomax, John D.
PO Box 1446
Roosevelt, UT 84066
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Jackson, Edwin
2835 E 3300 S
Salt Lake City, UT 84109

Hullinger, Dennis
1285 E 335 S
Vernal, UT 84078
[UNDELIVERABLE]

Carter Oil Co.
160 E 300 S 2ND FLOOR
BOX 146705
SLC, UT 84114

Pecos Bend Royalties
PO Box 2802
Midland, TX 79702

Bailey, Rebecca L.
PO Box 3365
Midland, TX 79702

Murchison, Cynthia
5839 Willow Wood Ln
Dallas, TX 75252

Odell, Lemoyne
802 Rivercrest Dr.
Abilene, TX 79605

Covey, Noel
1308 3rd Ave
Salt Lake City, UT 84103

Dorothy M Henderson TR.
1150 W 80 S, Lot 19
Hurricane, UT 84737

Hanes, Helen
3068 Marie Cir
Salt Lake City, UT 84109

Scott Family Trust
47-955 Prado Way
Indio, CA 92201

Nancy Hargrove
(No address of Record)

Senior, Richard
2 Santa Yorma CT
Novato, CA 94945

Commercial National Bank in Shreveport and Martha Delany, Trustee and Co-Trustee of three separate Trusts provided and established in the Will of John B. Atkins Jr. one each for the Benefit of 1) John Baxter Atkins, III, 2) Martha Elizabeth Atkins Gaker and 3) Deborah Tomlinson Atkins
PO Box 21119
Trust Department
Shreveport, LA 71152
[UNDELIVERABLE]

Commercial National Bank in Shreveport and Martha Delany, Trustee and Co-Trustee of three separate Trusts provided and established in the Will of John B. Atkins Jr. one each for the Benefit of 1) Lila Lorayn Atkins Mulkey, 2) Caroline Calder Atkins Coutret and 3) Gordon Edward Atkins
PO Box 21119
Trust Department
Shreveport, LA 71152
[UNDELIVERABLE]

Hatch, Catherine
PO Box 592
Panguitch, UT 84759
[UNDELIVERABLE]

Jackson, Laura
2300 E 5000 S
Vernal, UT 84078-9342

Stringham, Paul
831 Clubhouse Way
St. George, UT 84770
[UNDELIVERABLE]

Fraser, E.W.
2809 Walnut St.
Bellingham, WA 98225

Rodman, Julianne S.
2425 Sheron Oaks Dr.
Menlo Park, CA 94025

Nadine S. Jacobsen Family Trust
PO Box 751
Clearfield, UT 84015
[UNDELIVERABLE]

Murph, John H.
4942 Tilbury
Houston, TX 77056

Bettey M. Garff Trst.
3000 Connor St.
Unit 13
Salt Lake City, UT 84109

Lindhal, George III
27 Wedgewood Forest Dr.
The Woodlands, TX 77380
[UNDELIVERABLE]

Julie Ann Carter