

SURFACE OWNER RESPONSE
TO COLORADO DEPARTMENT OF WILDLIFE
CONDITIONS OF APPROVAL

Hockers consent
to conditions 2-5

**C. R.S. 34-60-128(3)(b) provides for surface owner consent of certain pe
conditions of wildlife habitat protection.**

Jess Leroy Hocker and Glenda E. Hocker as record title Surface Owner of a tract of land in the East ½ of Section 35, Township 33 North, Range 07 West, N.M.P.M., being more particularly described under that certain Quit Claim Deed dated May 6, 2010, recorded May 7, 2010, Reception No.1013836, La Plata County, Colorado are aware of the following Colorado Department of Wildlife's recommended Conditions of Approval ("COA") for XTO Energy Inc. Application for Permit to Drill the Hocker #4-35 Well:

No.

1. All fired vessel and heat transfer stacks, vents, or other openings shall be equipped with screens or other appropriate equipment to prevent entry by wildlife, including migratory birds.

The above Condition of Approval is currently addressed by existing rule604.b.(7) and Migratory Bird Policy of the Colorado Oil and Gas Conservation Commission and is not open for discussion by the Operator or the Surface Owner.

2. Do not place staging, refueling, or chemical storage areas within riparian zones and floodplains.
3. Use wildlife-appropriate fencing at this facility if acceptable to Surface Owner.
4. Use wildlife-appropriate seed mixes at this facility if acceptable to Surface Owner.
5. Gate the access road to this facility and limit public access if acceptable to Surface Owner.

Surface Owner does hereby:

CONSENT to the implementation of the following COA's: JESS LEROY & GLENDA E. HOCKER

DOES NOT CONSENT to the implementation of the following COA's: _____

Propose(s) the attached alternative(s) to the following COA(s): _____

Surface Owner:

Dated: Nov. 9, 2011

By: Jess Leroy Hocker
Jess Leroy Hocker

By: Glenda E. Hocker
Glenda E. Hocker