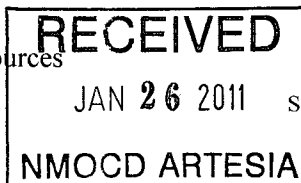


District I
1625 N. French Dr., Hobbs, NM 88240
District II
1301 W. Grand Avenue, Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico
Energy Minerals and Natural Resources

Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505



Form C-141
Revised October 10, 2003

Submit 2 Copies to appropriate
District Office in accordance
with Rule 116 on back
side of form

Release Notification and Corrective Action

OPERATOR

X Initial Report

Final Report

nMLB1111631331

Name of Company: Marshall & Winston, Inc. <i>14/87</i>	Contact: Tom Brandt	
Address: PO Box 50880, Midland, TX 79710-0880	Telephone No.: 432-684-6373	
Facility Name: DUBLIN 23 FEDERAL NO. 1	Facility Type: Oil & Gas Wellsite NMOCD 2RP No.: <i>754</i>	
Surface Owner: Federal	Mineral Owner: Federal	LEASE NO.: LC-069157 API No.: 30-015-34879

LOCATION OF RELEASE

Unit Letter O	Section 23	Township 22S	Range 28E	Feet from the 660	North/South Line South	Feet from the 1980	East/West Line East	County Eddy
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Latitude ___ Longitude ___

NATURE OF RELEASE

Type of Release: Produced water from accidental truck discharge	Volume of Release: Unauthorized Discharge - Unknown	Volume Recovered: None (sandy/rocky area quickly absorbed)
Source of Release: Leaking valve on the southern most load line while VMJ transport truck was loading out.	Date and Hour of Occurrence: Unknown	Date and Hour of Discovery: BLM NWO 1 December 2010
Was Immediate Notice Given? ASAP due to documentation issues. Operator not aware that this discharge was reportable until recent field work began. Thus changed status from an NR. Yes X No <input type="checkbox"/> Not Required	If YES, To Whom? NMOCD (Mike Bratcher) 7 December 2010 via letter as an NR at that time	
By Whom? BLM	Date and Hour: Unknown based on issuance of NWO on 11/28/2010	
Was a Watercourse Reached? <input type="checkbox"/> Yes X No	If YES, Volume Impacting the Watercourse. N/A	

If a Watercourse was Impacted, Describe Fully.*
N/A

Describe Cause of Problem and Remedial Action Taken.*
Since the produced water discharge had occurred at an unknown time, all discharged liquid had soaked into the impacted areas both offsite and into the side of the pad adjacent to the southern most water tank. A backhoe was contracted to begin removing the contaminated soils and haul these to disposal as soon as possible to prevent further vertical and horizontal absorption. Samples were taken to establish the discharge baseline for excavation purposes.

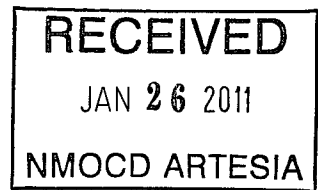
Describe Area Affected and Cleanup Action Taken.*
Cleanup is being conducted as delineated in the attached Corrective Action Plan (CAP) pursuant to NMOCD regulatory mandates. Sampling defined the extent of the spill area and remediation will be conducted accordingly. **SEE ATTACHED LABORATORY DOCUMENTS FOR DETAILS.**

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment.

Signature: <i>Tom M Brandt</i>	OIL CONSERVATION DIVISION	
Printed Name: Tom M. Brandt	Approved by District Supervisor: <i>Mike Bratcher</i>	
Title: President	Approval Date: <i>4/26/2011</i>	Expiration Date:
E-mail Address: <i>tbrandt@mar-win.com</i>	Conditions of Approval: <i>Remediation per NMOCD Rules & Guidelines</i>	Attached <input type="checkbox"/>
Date: 25 January 2011	Phone: 432-684-6373	

* Attach Additional Sheets If Necessary

2RP-754



Mr. Tom Brandt
President
MARSHALL & WINSTON, INC.
PO Box 50880
Midland, TX 79710-0880

25 January 2011

Mr. Mike Bratcher
OIL CONSERVATION DIVISION
1301 West Grand Avenue
Artesia, NM 88210

Re: Dublin 23 Federal No. 1 Corrective Action Plan (CAP) Produced Water Discharge
U/L O Sec 23 T22S R28E 660' FSL 1980' FEL

API No.: 30-015-34879 / Federal Lease No.: LC-069157 / **NMOCD 2RP No.: 754**

Dear Mr. Bratcher:

Marshall & Winston, Inc. (Marshall & Winston) herewith notifies the State of New Mexico, Oil Conservation Division (NMOCD) that it received a Notice of Written Order (NWO) No. 11-JA-037W from the Bureau of Land Management (BLM) on a produced water discharge caused by a leaking valve on the southern most load line of said battery as cited above. Marshall & Winston proceeded with cleanup as is warranted by the extremely rocky and thin sandy soil conditions to prevent further vertical and horizontal absorption, especially given the time of year and the onset of inclement, wintry conditions.

Samples were taken to ascertain soil chloride values and delineate the produced water discharge impact. Laboratory analyticals verified a beginning discharge baseline of 80,000 mg/K of soil chlorides with no hydrocarbons present. Excavation operations defined the presence of cap rock on 24 January 2011 at approximately 10" to 14" posing severe limitations on further excavation without danger of violating the integrity of this impermeable barrier, which had prevented further vertical transport of the contaminant. Following removal of approximately 60 yards of contaminated material to disposal (90% of which was rock) and an additional sampling investigation to re-verify the infield conditions, Marshall & Winston notified the NMOCD and the BLM that traditional cleanup methods should be re-evaluated predicated on the following dynamics which are substantiated by laboratory results after even further excavation efforts were engaged, as follows below:

19 JANUARY 2011 SAMPLING EVENT

1. Tank battery area -3,640 mg/K
2. Middle area discharge - 5,450 mg/K
3. Discharge at end of spill - 4,540 mg/K
4. SE Leg area - 1,640 mg/K

24 JANUARY 2011 SAMPLING EVENT

- 5,210 mg/K
- 4,260 mg/K
- 3,700 mg/K
- 2,370 mg/K

When one compares these analytical results, they are basically identical even though more

material has been removed. This phenomenon is occurring because the surface area ratios (90% rock / 10% soil) are completely skewed to favor the contaminant values which can only be derived from two sources (1) minute amounts of loose soil which continue to mix with (2) minor amounts of soil attached to rocks constantly being moved during remediation activities within the surrounding environment. Unless all loose rock is removed and the cap rock swept clean, it is doubtful soil chloride values will decrease enough to be significantly different from the data we now have.

Further, such an aggressive/radical action forebears common sense applications of environmental assuredness. It is very important to remember that the contaminant levels began with 80,000 mg/K on the surface, which for all practical and measurable options has basically been removed.

What does make sense is to consider that the remaining sodium chloride levels are trapped by the cap rock and will not penetrate into groundwater, which in this area lies at approximately 70'. Further delineation is also not possible due to the potential threat of violating the cap rock and soil chloride values are not significant when held in context with the actual infield situation. The excavated material will be replaced with clean soil, fertilized (calcium sulfate) and seeded pursuant to BLM seed mixes for this area. Thus restoring the natural habitat.

Should you have questions, please call 432-684-6373 (office) or 432-553-9747 (cell).

Sincerely,

A handwritten signature in black ink, appearing to read "Tom M Brandt". The signature is fluid and cursive, with the first name "Tom" and last name "Brandt" clearly distinguishable.

Tom Brandt
President

Enclosures: NMOCD Initial C-141, Laboratory Analyticals