

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

For temporary pits, closed-loop systems, and below-grade tanks, submit to the appropriate NMOCD District Office.
For permanent pits and exceptions submit to the Santa Fe Environmental Bureau office and provide a copy to the appropriate NMOCD District Office.

RECEIVED

Pit, Closed-Loop System, Below-Grade Tank, or Proposed Alternative Method Permit or Closure Plan Application

NOV 25 PM 1 11

11249

- Type of action: Permit of a pit, closed-loop system, below-grade tank, or proposed alternative method
 Existing BGT Closure of a pit, closed-loop system, below-grade tank, or proposed alternative method
 Modification to an existing permit
 Closure plan only submitted for an existing permitted or non-permitted pit, closed-loop system, below-grade tank, or proposed alternative method

Instructions: Please submit one application (Form C-144) per individual pit, closed-loop system, below-grade tank or alternative request

Please be advised that approval of this request does not relieve the operator of liability should operations result in pollution of surface water, ground water or the environment. Nor does approval relieve the operator of its responsibility to comply with any other applicable governmental authority's rules, regulations or ordinances.

1.
 Operator: XTO Energy, Inc. OGRID #: 5380
 Address: #382 County Road 3100, Aztec, NM 87410
 Facility or well name: UTE INDIAN A # 36
 API Number: 30-045-31604 OCD Permit Number: _____
 U/L or Qtr/Qtr DP Section 02 27 Township 31N 52N Range 14W 14W County: San Juan
 Center of Proposed Design: Latitude 36.9544721 Longitude 108.290200965 NAD: 1927 1983
 Surface Owner: Federal State Private Tribal Trust or Indian Allotment

2.
 Pit: Subsection F or G of 19.15.17.11 NMAC
 Temporary: Drilling Workover
 Permanent Emergency Cavitation P&A
 Lined Unlined Liner type: Thickness _____ mil LLDPE HDPE PVC Other _____
 String-Reinforced
 Liner Seams: Welded Factory Other _____ Volume: _____ bbl Dimensions: L _____ x W _____ x D _____

RCVD MAY 23 '13
OIL CONS. DIV.
DIST. 3

3.
 Closed-loop System: Subsection H of 19.15.17.11 NMAC
 Type of Operation: P&A Drilling a new well Workover or Drilling (Applies to activities which require prior approval of a permit or notice of intent)
 Drying Pad Above Ground Steel Tanks Haul-off Bins Other _____
 Lined Unlined Liner type: Thickness _____ mil LLDPE HDPE PVC Other _____
 Liner Seams: Welded Factory Other _____

4.
 Below-grade tank: Subsection I of 19.15.17.11 NMAC
 Volume: 120 bbl Type of fluid: Produced Water
 Tank Construction material: Steel
 Secondary containment with leak detection Visible sidewalls, liner, 6-inch lift and automatic overflow shut-off
 Visible sidewalls and liner Visible sidewalls only Other Visible sidewalls, vaulted, automatic high-level shut off, no liner
 Liner type: Thickness _____ mil HDPE PVC Other _____

5.
 Alternative Method:
 Submittal of an exception request is required. Exceptions must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.

6.
Fencing: Subsection D of 19.15.17.11 NMAC (*Applies to permanent pits, temporary pits, and below-grade tanks*)
 Chain link, six feet in height, two strands of barbed wire at top (*Required if located within 1000 feet of a permanent residence, school, hospital, institution or church*)
 Four foot height, four strands of barbed wire evenly spaced between one and four feet
 Alternate. Please specify Four foot height, steel mesh field fence (hogwire) with pipe top railing

7.
Netting: Subsection E of 19.15.17.11 NMAC (*Applies to permanent pits and permanent open top tanks*)
 Screen Netting Other Expanded metal or solid vaulted top
 Monthly inspections (If netting or screening is not physically feasible)

8.
Signs: Subsection C of 19.15.17.11 NMAC
 12"x 24", 2" lettering, providing Operator's name, site location, and emergency telephone numbers
 Signed in compliance with 19.15.3.103 NMAC

9.
Administrative Approvals and Exceptions:
 Justifications and/or demonstrations of equivalency are required. Please refer to 19.15.17 NMAC for guidance.
Please check a box if one or more of the following is requested, if not leave blank:
 Administrative approval(s): Requests must be submitted to the appropriate division district or the Santa Fe Environmental Bureau office for consideration of approval.
 Exception(s): Requests must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.

10.
Siting Criteria (regarding permitting): 19.15.17.10 NMAC
Instructions: *The applicant must demonstrate compliance for each siting criteria below in the application. Recommendations of acceptable source material are provided below. Requests regarding changes to certain siting criteria may require administrative approval from the appropriate district office or may be considered an exception which must be submitted to the Santa Fe Environmental Bureau office for consideration of approval. Applicant must attach justification for request. Please refer to 19.15.17.10 NMAC for guidance. Siting criteria does not apply to drying pads or above-grade tanks associated with a closed-loop system.*

Ground water is less than 50 feet below the bottom of the temporary pit, permanent pit, or below-grade tank. - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within 300 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse or lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). - Topographic map; Visual inspection (certification) of the proposed site	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Within 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. (<i>Applies to temporary, emergency, or cavitation pits and below-grade tanks</i>) - Visual inspection (certification) of the proposed site; Aerial photo; Satellite image	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. (<i>Applies to permanent pits</i>) - Visual inspection (certification) of the proposed site; Aerial photo; Satellite image	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Within 500 horizontal feet of a private, domestic fresh water well or spring that less than five households use for domestic or stock watering purposes, or within 1000 horizontal feet of any other fresh water well or spring, in existence at the time of initial application. - NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within incorporated municipal boundaries or within a defined municipal fresh water well field covered under a municipal ordinance adopted pursuant to NMSA 1978, Section 3-27-3, as amended. - Written confirmation or verification from the municipality; Written approval obtained from the municipality	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within 500 feet of a wetland. - US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within the area overlying a subsurface mine. - Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within an unstable area. - Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within a 100-year floodplain. - FEMA map	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

11.

Temporary Pits, Emergency Pits, and Below-grade Tanks Permit Application Attachment Checklist: Subsection B of 19.15.17.9 NMAC

Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the documents are attached.

- Hydrogeologic Report (Below-grade Tanks) - based upon the requirements of Paragraph (4) of Subsection B of 19.15.17.9 NMAC
- Hydrogeologic Data (Temporary and Emergency Pits) - based upon the requirements of Paragraph (2) of Subsection B of 19.15.17.9 NMAC
- Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC
- Design Plan - based upon the appropriate requirements of 19.15.17.11 NMAC
- Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC
- Closure Plan (Please complete Boxes 14 through 18, if applicable) - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC

Previously Approved Design (attach copy of design) API Number: _____ or Permit Number: _____

12.

Closed-loop Systems Permit Application Attachment Checklist: Subsection B of 19.15.17.9 NMAC

Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the documents are attached.

- Geologic and Hydrogeologic Data (only for on-site closure) - based upon the requirements of Paragraph (3) of Subsection B of 19.15.17.9
- Siting Criteria Compliance Demonstrations (only for on-site closure) - based upon the appropriate requirements of 19.15.17.10 NMAC
- Design Plan - based upon the appropriate requirements of 19.15.17.11 NMAC
- Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC
- Closure Plan (Please complete Boxes 14 through 18, if applicable) - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC

Previously Approved Design (attach copy of design) API Number: _____

Previously Approved Operating and Maintenance Plan API Number: _____ (Applies only to closed-loop system that use above ground steel tanks or haul-off bins and propose to implement waste removal for closure)

13.

Permanent Pits Permit Application Checklist: Subsection B of 19.15.17.9 NMAC

Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the documents are attached.

- Hydrogeologic Report - based upon the requirements of Paragraph (1) of Subsection B of 19.15.17.9 NMAC
- Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC
- Climatological Factors Assessment
- Certified Engineering Design Plans - based upon the appropriate requirements of 19.15.17.11 NMAC
- Dike Protection and Structural Integrity Design - based upon the appropriate requirements of 19.15.17.11 NMAC
- Leak Detection Design - based upon the appropriate requirements of 19.15.17.11 NMAC
- Liner Specifications and Compatibility Assessment - based upon the appropriate requirements of 19.15.17.11 NMAC
- Quality Control/Quality Assurance Construction and Installation Plan
- Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC
- Freeboard and Overtopping Prevention Plan - based upon the appropriate requirements of 19.15.17.11 NMAC
- Nuisance or Hazardous Odors, including H₂S, Prevention Plan
- Emergency Response Plan
- Oil Field Waste Stream Characterization
- Monitoring and Inspection Plan
- Erosion Control Plan
- Closure Plan - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC

14.

Proposed Closure: 19.15.17.13 NMAC

Instructions: Please complete the applicable boxes, Boxes 14 through 18, in regards to the proposed closure plan.

Type: Drilling Workover Emergency Cavitation P&A Permanent Pit Below-grade Tank Closed-loop System
 Alternative

Proposed Closure Method: Waste Excavation and Removal
 Waste Removal (Closed-loop systems only)
 On-site Closure Method (Only for temporary pits and closed-loop systems)
 In-place Burial On-site Trench Burial
 Alternative Closure Method (Exceptions must be submitted to the Santa Fe Environmental Bureau for consideration)

15.

Waste Excavation and Removal Closure Plan Checklist: (19.15.17.13 NMAC) **Instructions:** Each of the following items must be attached to the closure plan. Please indicate, by a check mark in the box, that the documents are attached.

- Protocols and Procedures - based upon the appropriate requirements of 19.15.17.13 NMAC
- Confirmation Sampling Plan (if applicable) - based upon the appropriate requirements of Subsection F of 19.15.17.13 NMAC
- Disposal Facility Name and Permit Number (for liquids, drilling fluids and drill cuttings)
- Soil Backfill and Cover Design Specifications - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- Re-vegetation Plan - based upon the appropriate requirements of Subsection I of 19.15.17.13 NMAC
- Site Reclamation Plan - based upon the appropriate requirements of Subsection G of 19.15.17.13 NMAC

16.

Waste Removal Closure For Closed-loop Systems That Utilize Above Ground Steel Tanks or Haul-off Bins Only: (19.15.17.13.D NMAC)

Instructions: Please indentify the facility or facilities for the disposal of liquids, drilling fluids and drill cuttings. Use attachment if more than two facilities are required.

Disposal Facility Name: _____ Disposal Facility Permit Number: _____

Disposal Facility Name: _____ Disposal Facility Permit Number: _____

Will any of the proposed closed-loop system operations and associated activities occur on or in areas that will not be used for future service and operations?

Yes (If yes, please provide the information below) No

Required for impacted areas which will not be used for future service and operations:

- Soil Backfill and Cover Design Specifications - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- Re-vegetation Plan - based upon the appropriate requirements of Subsection I of 19.15.17.13 NMAC
- Site Reclamation Plan - based upon the appropriate requirements of Subsection G of 19.15.17.13 NMAC

17.

Siting Criteria (regarding on-site closure methods only): 19.15.17.10 NMAC

Instructions: Each siting criteria requires a demonstration of compliance in the closure plan. Recommendations of acceptable source material are provided below. Requests regarding changes to certain siting criteria may require administrative approval from the appropriate district office or may be considered an exception which must be submitted to the Santa Fe Environmental Bureau office for consideration of approval. Justifications and/or demonstrations of equivalency are required. Please refer to 19.15.17.10 NMAC for guidance.

Ground water is less than 50 feet below the bottom of the buried waste. - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Ground water is between 50 and 100 feet below the bottom of the buried waste - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Ground water is more than 100 feet below the bottom of the buried waste. - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Within 300 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse or lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). - Topographic map; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. - Visual inspection (certification) of the proposed site; Aerial photo; Satellite image	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within 500 horizontal feet of a private, domestic fresh water well or spring that less than five households use for domestic or stock watering purposes, or within 1000 horizontal feet of any other fresh water well or spring, in existence at the time of initial application. - NM Office of the State Engineer - iWATERS database; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within incorporated municipal boundaries or within a defined municipal fresh water well field covered under a municipal ordinance adopted pursuant to NMSA 1978, Section 3-27-3, as amended. - Written confirmation or verification from the municipality; Written approval obtained from the municipality	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within 500 feet of a wetland. - US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within the area overlying a subsurface mine. - Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within an unstable area. - Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map	<input type="checkbox"/> Yes <input type="checkbox"/> No
Within a 100-year floodplain. - FEMA map	<input type="checkbox"/> Yes <input type="checkbox"/> No

18.

On-Site Closure Plan Checklist: (19.15.17.13 NMAC) **Instructions:** Each of the following items must be attached to the closure plan. Please indicate, by a check mark in the box, that the documents are attached.

- Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC
- Proof of Surface Owner Notice - based upon the appropriate requirements of Subsection F of 19.15.17.13 NMAC
- Construction/Design Plan of Burial Trench (if applicable) based upon the appropriate requirements of 19.15.17.11 NMAC
- Construction/Design Plan of Temporary Pit (for in-place burial of a drying pad) - based upon the appropriate requirements of 19.15.17.11 NMAC
- Protocols and Procedures - based upon the appropriate requirements of 19.15.17.13 NMAC
- Confirmation Sampling Plan (if applicable) - based upon the appropriate requirements of Subsection F of 19.15.17.13 NMAC
- Waste Material Sampling Plan - based upon the appropriate requirements of Subsection F of 19.15.17.13 NMAC
- Disposal Facility Name and Permit Number (for liquids, drilling fluids and drill cuttings or in case on-site closure standards cannot be achieved)
- Soil Cover Design - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- Re-vegetation Plan - based upon the appropriate requirements of Subsection I of 19.15.17.13 NMAC
- Site Reclamation Plan - based upon the appropriate requirements of Subsection G of 19.15.17.13 NMAC

19. **Operator Application Certification:**

I hereby certify that the information submitted with this application is true, accurate and complete to the best of my knowledge and belief.

Name (Print): Kim Champlin Title: Environmental Representative
Signature: Kim Champlin Date: 11-24-08
e-mail address: kim_champlin@xtoenergy.com Telephone: (505) 333-3100

20. **OCD Approval:** Permit Application (including closure plan) Closure Plan (only) OCD Conditions (see attachment)

OCD Representative Signature: [Signature] Approval Date: 5/2/13
Title: Senior Hydrologist Compliance Officer
OCD Permit Number: _____

21. **Closure Report (required within 60 days of closure completion):** Subsection K of 19.15.17.13 NMAC

Instructions: Operators are required to obtain an approved closure plan prior to implementing any closure activities and submitting the closure report. The closure report is required to be submitted to the division within 60 days of the completion of the closure activities. Please do not complete this section of the form until an approved closure plan has been obtained and the closure activities have been completed.

Closure Completion Date: 5-8-2013

22. **Closure Method:**

Waste Excavation and Removal On-Site Closure Method Alternative Closure Method Waste Removal (Closed-loop systems only)
 If different from approved plan, please explain.

23. **Closure Report Regarding Waste Removal Closure For Closed-loop Systems That Utilize Above Ground Steel Tanks or Haul-off Bins Only:**

Instructions: Please indentify the facility or facilities for where the liquids, drilling fluids and drill cuttings were disposed. Use attachment if more than two facilities were utilized.

Disposal Facility Name: _____ Disposal Facility Permit Number: _____
Disposal Facility Name: _____ Disposal Facility Permit Number: _____

Were the closed-loop system operations and associated activities performed on or in areas that will not be used for future service and operations?
 Yes (If yes, please demonstrate compliance to the items below) No

Required for impacted areas which will not be used for future service and operations:

- Site Reclamation (Photo Documentation)
- Soil Backfilling and Cover Installation
- Re-vegetation Application Rates and Seeding Technique

24. **Closure Report Attachment Checklist:** *Instructions: Each of the following items must be attached to the closure report. Please indicate, by a check mark in the box, that the documents are attached.*

- Proof of Closure Notice (surface owner and division)
- Proof of Deed Notice (required for on-site closure)
- Plot Plan (for on-site closures and temporary pits)
- Confirmation Sampling Analytical Results (if applicable)
- Waste Material Sampling Analytical Results (required for on-site closure)
- Disposal Facility Name and Permit Number
- Soil Backfilling and Cover Installation
- Re-vegetation Application Rates and Seeding Technique
- Site Reclamation (Photo Documentation)

On-site Closure Location: Latitude _____ Longitude _____ NAD: 1927 1983

25. **Operator Closure Certification:**

I hereby certify that the information and attachments submitted with this closure report is true, accurate and complete to the best of my knowledge and belief. I also certify that the closure complies with all applicable closure requirements and conditions specified in the approved closure plan.

Name (Print): KURT HOEKSTRA Title: ENVIRONMENTAL COORDINATOR
Signature: Kurt Hoekstra Date: 5-17-2013
e-mail address: Kurt.Hoekstra@xtoenergy.com Telephone: 505-333-3100

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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 Initial Report Final Report

Name of Company: XTO Energy, Inc.	Contact: Kurt Hoekstra
Address: 382 Road 3100, Aztec, New Mexico 87410	Telephone No.: (505) 333-3100
Facility Name: Ute Indian A # 36 (30-045-31604)	Facility Type: Gas Well (Ute Dome Paradox)

Surface Owner: Ute Mountain Ute Tribe	Mineral Owner:	Lease No. 14-20-604-62 Tribal A
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LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County
P	27	32N	14W	932	FSL	845	FEL	San Juan

Latitude: 36.95421 Longitude: -108.28965

NATURE OF RELEASE

Type of Release: N/A	Volume of Release: N/A	Volume Recovered: N/A
Source of Release: N/A	Date and Hour of Occurrence: N/A	Date and Hour of Discovery: N/A
Was Immediate Notice Given? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Required	If YES, To Whom?	
By Whom?	Date and Hour	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully.*

Describe Cause of Problem and Remedial Action Taken.* The below grade tank was removed at the Ute Indian A # 36 well site due to facility upgrades. The BGT cellar beneath the BGT was sampled for TPH via USEPA Method 8015 and 418.1, for BTEX via USEPA Method 8021, and for total chlorides. The sample returned results below the 'pit rule' standards of 100 ppm TPH, 0.2 ppm benzene, 10 ppm total BTEX and 250 ppm chlorides, confirming that a release has not occurred at this location.

Describe Area Affected and Cleanup Action Taken.*
No release has been confirmed for this location, and no further action is required.

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. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to groundwater, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature: 		OIL CONSERVATION DIVISION	
		Approved by District Supervisor:	
Printed Name: Kurt Hoekstra			
Title: Environmental Coordinator	Approval Date:	Expiration Date:	
E-mail Address: Kurt.Hoekstra@xtoenergy.com	Conditions of Approval:		Attached <input type="checkbox"/>
Date: 5-17-2013	Phone: 505-333-3100		

XTO Energy Inc. San Juan Basin Below Grade Tank Closure Report

Lease Name: Ute Indian A #36

API No.: 30-045-31604

Description: Unit P, Section 27, Township 32N, Range 14W, San Juan County

In accordance with Rule 19.15.17.13 NMAC the following information describes the closure requirements of below-grade tanks on XTO Energy Inc. (XTO) locations. This is XTO's standard procedure for all below-grade tanks. A separate plan will be submitted for any below-grade tank which does not conform to this plan.

General Plan

1. XTO will close below-grade tanks within the time periods provided in 19.15.17.13 NMAC, or by an earlier date that the division requires because of imminent danger to fresh water, public health or the environment.
Closure Date is May 8, 2013
2. XTO will close a below-grade tank that does not meet the requirements of Paragraphs (1) through (4) of Subsection I of 19.15.17.11 NMAC or is not included in Paragraph (5) of Subsection I of 19.15.17.11 NMAC within five years after June 16, 2008, if not retrofitted to comply with Paragraphs (1) through (4) of Subsection I of 19.15.17.11 NMAC.
Closure Date is May 8, 2013
3. XTO will close a permitted below-grade tank within 60 days of cessation of the below-grade tank's operation or as required by the transitional provisions of Subsection B of 19.15.17.17 NMAC in accordance with a closure plan that the appropriate division district office approves. The closure report will be filed on form C-144.
Required C-144 Form is attached to this document.
4. XTO will remove liquids and sludge from below-grade tanks prior to implementing a closure method and will dispose of the liquids and sludge in a division-approved facility. Approved facilities and waste streams include:
 - Envirotech Permit No. NM01-0011 and IEI Permit No. NM 01-0010B
 - Soil contaminated by exempt petroleum hydrocarbons
 - Produced sand, pit sludge and contaminated bottoms from storage of exempt wastes
 - Basin Disposal Permit No. NM01-005
 - Produced water**All liquids and sludge were removed from the tank prior to closure activities.**
5. XTO will remove the below-grade tank and dispose of it in a division approved facility or recycle, reuse, or reclaim it in a manner that the appropriate division district office approves.
XTO has removed the below grade tank, and will dispose of it at a division approved facility, or recycle, reclaim or reuse it in a manner that is approved by the division.

6. XTO will remove any on-site equipment associated with a below-grade tank unless the equipment is required for some other purpose.

All equipment will remain on location for the continued production of oil and gas.

7. XTO will test the soils beneath the below-grade tank to determine whether a release has occurred. At a minimum 5 point composite sample will be collected along with individual grab samples from any area that is wet, discolored or showing other evidence of a release. Samples will be analyzed for BTEX, TPH and chlorides to demonstrate that the benzene concentration, as determined by EPA SW-846 methods 8021B or 8260B or EPA method that the division approves, does not exceed 0.2 mg/kg; total BTEX concentration, as determined by EPA SW-846 methods 8021B or 8260B or other EPA method that the division approves, does not exceed 50 mg/kg; the TPH concentration, as determined by EPA method 418.1 or other EPA method that the division approves, does not exceed 100mg/kg; and the chloride concentration, as determined by EPA method 300.1 or other EPA method that the division approves, does not exceed 250 mg/kg, or the background concentration, whichever is greater. XTO will notify the division of its results on form C-141.

A composite sample was taken of the pit using sampling tools and all samples tested per Subsection B of 19.15.17.1 3(B)(1)(b). (Sample results attached).

Components	Test Method	Limit (mg/Kg)	Results (mg/Kg)
Benzene	EPA SW-846 8021B or 8260B	0.2	< 0.050 mg/kg
BTEX	EPA SW-846 8021B or 8260B	50	< 0.050 mg/kg
TPH	EPA SW-846 418.1	100	20.0 mg/kg
Chlorides	EPA 300.1	250 or background	< 10.0 mg/kg

8. If XTO or the division determines that a release has occurred, XTO will comply with 19.15.3.116 NMAC and 19.15.1.19NMAC as appropriate.
No release has been confirmed at this site.

9. If the sampling program demonstrates that a release has not occurred or that any release does not exceed the concentrations specified in Paragraph (4) of Subsection E of 19.15.17.13 NMAC, XTO will backfill the excavation with compacted, non-waste containing, earthen material; construct a division prescribed soil cover; recontour and re-vegetate the site.
The pit cellar was backfilled using compacted, non-waste containing earthen material, with a division prescribed soil cover.

10. Notice of Closure operations will be given to the Aztec Division District III office between 72 hours and one week prior to the start of closure activities via email or verbally.

The notification will include the following:

- i. Operator's name
- ii. Well Name and API Number
- iii. Location by Unit Letter, Section, Township, and Range

Notification was provided to Mr. Brandon Powell with the Aztec office of the OCD via email on April 30th, 2013; see attached email printout.

The surface owner shall be notified of XTO's proposal to close the BGT as per the approved closure plan using certified mail, return receipt requested.

The surface owner was notified on April 30th, 2013 via email. Email has been approved as a means of surface owner notification to the Ute Mountain Ute Tribe by Brandon Powell, NMOCD Aztec Office.

11. Re-contouring of location will match fit, shape, line, form and texture of the surrounding area. Re-shaping will include drainage control, prevent ponding, and prevent erosion. Natural drainages will be unimpeded and water bars and/or silt traps will be placed in areas where needed to prevent erosion on a large scale. Final re-contour shall have a uniform appearance with smooth surface, fitting the natural landscape.
The location will be recontoured to match the above specifications after the well has been P & A'd.
12. A minimum of 4 feet of cover shall be achieved and the cover shall include 1 foot of suitable material to establish vegetation at the site, or the background thickness of topsoil, whichever is greater.
The site has been backfilled to match these specifications.
13. XTO will seed the disturbed areas the first growing season after the operator closes the pit. Seeding will be accomplished via drilling on the contour whenever practical or by other division-approved methods. BLM or Forest Service stipulated seed mixes will be used on federal lands. Vegetative cover will equal 70% of the native perennial vegetative cover (un-impacted) consisting of at least three native plant species, including at least one grass, but not including noxious weeds, and maintain that cover through two successive growing seasons. Repeat seeding or planting will be continued until successful vegetative growth occurs.
The location will be reclaimed pursuant to the BLM MOU
14. All closure activities will include proper documentation and be available for review upon request and will be submitted in closure report form to OCD within 60 days of closure of the below-grade tank. Closure report will be filed on form C-144 and incorporate the following:
 - i. Proof of closure notice to division and surface owner; **attached**
 - ii. Details on capping and covering, where applicable; **per OCD Specifications**
 - iii. Inspection reports; **attached**
 - iv. Confirmation sampling analytical results; **attached**
 - v. Disposal facility name(s) and permit number(s); **see above**
 - vi. Soil backfilling and cover installation; **per OCD Specifications**
 - vii. Re-vegetation application rates and seeding techniques, (or approved alternative to re-vegetation requirements if applicable); **Per BLM MOU**
 - viii. Photo documentation of the site reclamation. **attached**

Hoekstra, Kurt

From: Hoekstra, Kurt
Sent: Tuesday, April 30, 2013 1:58 PM
To: Brandon Powell (brandon.powell@state.nm.us)
Subject: Ute Indians A # 36 BGT Closure

Brandon,

Please accept this email as the required notification for BGT closure activities at the Ute Indians A # 36 well site

(API# 30-045-31604) located in Unit P, Section 27, Township 32N, Range 14W,

San Juan County, New Mexico. This below grade tank is being closed due to facility upgrades at this well

site.

Thank you for your time in regards to this matter.

Kurt Hoekstra
EHS Coordinator
XTO Energy
505-333-3202 Office
505-486-9543 Cell
Kurt_Hoekstra@xtoenergy.com

Hoekstra, Kurt

From: Hoekstra, Kurt
Sent: Tuesday, April 30, 2013 2:25 PM
To: ghammond@utemountain.org
Subject: Ute Indians A # 36 BGT Closure

Mr. Hammond,

Please accept this email as the required notification for BGT closure

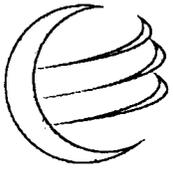
activities at the Ute Indians A # 36 well site (API # 30-045-31604) located in

Unit P, Section 27, Township 32N, Range 14W, San Juan County, New Mexico.

This below grade tank is being closed due to facility upgrades at this well.

Thank you for your time in regards to this matter.

Kurt Hoekstra
EHS Coordinator
XTO Energy
505-333-3202 Office
505-486-9543 Cell
Kurt_Hoekstra@xtoenergy.com



Analytical Report

Report Summary

Client: XTO Energy Inc.

Chain Of Custody Number: 15463

Samples Received: 4/30/2013 11:00:00AM

Job Number: 98031-0528

Work Order: P304089

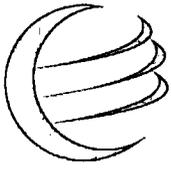
Project Name/Location: Ute Indians A #36

Entire Report Reviewed By:

Date: 5/1/13

Tim Cain, Laboratory Manager

The results in this report apply to the samples submitted to Envirotech's Analytical Laboratory and were analyzed in accordance with the chain of custody document supplied by you, the client, and as such are for your exclusive use only. The results in this report are based on the sample as received unless otherwise noted. Partial or incomplete reproduction of this report is prohibited, unless approved by Envirotech, Inc. If you have any questions regarding this analytical report, please don't hesitate to contact Envirotech's Laboratory Staff.



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Analytical Laboratory

XTO Energy Inc. 382 CR 3100 Aztec NM, 87410	Project Name: Ute Indians A #36 Project Number: 98031-0528 Project Manager: James McDaniel	Reported: 01-May-13 14:09
---	--	-------------------------------------

Analytical Report for Samples

Client Sample ID	Lab Sample ID	Matrix	Sampled	Received	Container
BGT Cellar	P304089-01A	Soil	04/30/13	04/30/13	Glass Jar, 4 oz.

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XTO Energy Inc. 382 CR 3100 Aztec NM, 87410	Project Name: Ute Indians A #36 Project Number: 98031-0528 Project Manager: James McDaniel	Reported: 01-May-13 14:09
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**BGT Cellar
P304089-01 (Solid)**

Analyte	Result	Reporting		Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
		Limit								
Volatile Organics by EPA 8021										
Benzene	ND	50.0		ug/kg	1	1318015	30-Apr-13	01-May-13	EPA 8021B	
Toluene	ND	50.0		ug/kg	1	1318015	30-Apr-13	01-May-13	EPA 8021B	
Ethylbenzene	ND	50.0		ug/kg	1	1318015	30-Apr-13	01-May-13	EPA 8021B	
p,m-Xylene	ND	50.0		ug/kg	1	1318015	30-Apr-13	01-May-13	EPA 8021B	
o-Xylene	ND	50.0		ug/kg	1	1318015	30-Apr-13	01-May-13	EPA 8021B	
Total BTEX	ND	50.0		ug/kg	1	1318015	30-Apr-13	01-May-13	EPA 8021B	
<i>Surrogate: Bromochlorobenzene</i>		89.3 %		80-120		1318015	30-Apr-13	01-May-13	EPA 8021B	
<i>Surrogate: 1,4-Difluorobenzene</i>		93.2 %		80-120		1318015	30-Apr-13	01-May-13	EPA 8021B	
<i>Surrogate: Fluorobenzene</i>		92.1 %		80-120		1318015	30-Apr-13	01-May-13	EPA 8021B	
Nonhalogenated Organics by 8015										
Gasoline Range Organics (C6-C10)	ND	5.00		mg/kg	1	1318016	30-Apr-13	01-May-13	EPA 8015D	
Diesel Range Organics (C10-C28)	ND	5.00		mg/kg	1	1318016	30-Apr-13	01-May-13	EPA 8015D	
GRO and DRO Combined Fractions	ND	5.00		mg/kg	1	1318016	30-Apr-13	01-May-13	EPA 8015D	
Total Petroleum Hydrocarbons by 418.1										
Total Petroleum Hydrocarbons	20.0	20.0		mg/kg	1	1318022	01-May-13	01-May-13	EPA 418.1	
Cation/Anion Analysis										
Chloride	ND	10.0		mg/kg	1	1318010	30-Apr-13	30-Apr-13	EPA 300.0	

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XTO Energy Inc. 382 CR 3100 Aztec NM, 87410	Project Name: Ute Indians A #36 Project Number: 98031-0528 Project Manager: James McDaniel	Reported: 01-May-13 14:09
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Volatile Organics by EPA 8021 - Quality Control
Envirotech Analytical Laboratory

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 1318015 - Purge and Trap EPA 5030A

Blank (1318015-BLK1)		Prepared: 30-Apr-13 Analyzed: 01-May-13								
Benzene	ND	50.0	ug/kg							
Toluene	ND	50.0	"							
Ethylbenzene	ND	50.0	"							
p,m-Xylene	ND	50.0	"							
o-Xylene	ND	50.0	"							
Total BTEX	ND	50.0	"							
Surrogate: Bromochlorobenzene	45.1		ug/L	50.0		90.2	80-120			
Surrogate: 1,4-Difluorobenzene	47.9		"	50.0		95.7	80-120			
Surrogate: Fluorobenzene	46.8		"	50.0		93.7	80-120			

Duplicate (1318015-DUP1)		Source: P304089-01		Prepared: 30-Apr-13 Analyzed: 01-May-13						
Benzene	ND	50.0	ug/kg		ND					30
Toluene	ND	50.0	"		ND					30
Ethylbenzene	ND	50.0	"		ND					30
p,m-Xylene	ND	50.0	"		ND					30
o-Xylene	ND	50.0	"		ND					30
Surrogate: Bromochlorobenzene	50.2		ug/L	50.0		100	80-120			
Surrogate: 1,4-Difluorobenzene	52.1		"	50.0		104	80-120			
Surrogate: Fluorobenzene	51.7		"	50.0		103	80-120			

Matrix Spike (1318015-MS1)		Source: P304089-01		Prepared: 30-Apr-13 Analyzed: 01-May-13						
Benzene	51.6		ug/L	50.0	0.27	103	39-150			
Toluene	51.8		"	50.0	0.51	103	46-148			
Ethylbenzene	51.6		"	50.0	0.26	103	32-160			
p,m-Xylene	103		"	100	0.74	103	46-148			
o-Xylene	51.6		"	50.0	0.60	102	46-148			
Surrogate: Bromochlorobenzene	47.8		"	50.0		95.5	80-120			
Surrogate: 1,4-Difluorobenzene	51.1		"	50.0		102	80-120			
Surrogate: Fluorobenzene	51.0		"	50.0		102	80-120			

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XTO Energy Inc. 382 CR 3100 Aztec NM, 87410	Project Name: Ute Indians A #36 Project Number: 98031-0528 Project Manager: James McDaniel	Reported: 01-May-13 14:09
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Nonhalogenated Organics by 8015 - Quality Control
Envirotech Analytical Laboratory

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 1318016 - GRO/DRO Extraction EPA 3550C

Blank (1318016-BLK1)		Prepared: 30-Apr-13 Analyzed: 01-May-13								
Gasoline Range Organics (C6-C10)	ND	4.99	mg/kg							
Diesel Range Organics (C10-C28)	ND	4.99	"							
GRO and DRO Combined Fractions	ND	4.99	"							
Duplicate (1318016-DUP1)		Source: P304089-01		Prepared: 30-Apr-13 Analyzed: 01-May-13						
Gasoline Range Organics (C6-C10)	ND	5.00	mg/kg		ND				30	
Diesel Range Organics (C10-C28)	ND	5.00	"		ND				30	
Matrix Spike (1318016-MS1)		Source: P304089-01		Prepared: 30-Apr-13 Analyzed: 01-May-13						
Gasoline Range Organics (C6-C10)	268	5.26	mg/kg	263	ND	102	75-125			
Diesel Range Organics (C10-C28)	266	5.26	"	263	ND	101	75-125			

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Analytical Laboratory

XTO Energy Inc. 382 CR 3100 Aztec NM, 87410	Project Name: Ute Indians A #36 Project Number: 98031-0528 Project Manager: James McDaniel	Reported: 01-May-13 14:09
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Total Petroleum Hydrocarbons by 418.1 - Quality Control
Envirotech Analytical Laboratory

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 1318022 - 418 Freon Extraction

Blank (1318022-BLK1)		Prepared & Analyzed: 01-May-13								
Total Petroleum Hydrocarbons	ND	20.0	mg/kg							
Duplicate (1318022-DUP1)		Source: P304089-01 Prepared & Analyzed: 01-May-13								
Total Petroleum Hydrocarbons	20.0	20.0	mg/kg		20.0			0.0999	30	
Matrix Spike (1318022-MS1)		Source: P304089-01 Prepared & Analyzed: 01-May-13								
Total Petroleum Hydrocarbons	1670	20.0	mg/kg	2000	20.0	82.4	80-120			

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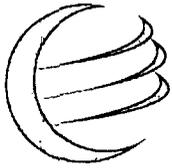
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XTO Energy Inc. 382 CR 3100 Aztec NM, 87410	Project Name: Ute Indians A #36 Project Number: 98031-0528 Project Manager: James McDaniel	Reported: 01-May-13 14:09
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Cation/Anion Analysis - Quality Control

Envirotech Analytical Laboratory

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
---------	--------	-----------------	-------	-------------	---------------	------	-------------	-----	-----------	-------

Batch 1318010 - Anion Extraction EPA 300.0

Blank (1318010-BLK1)				Prepared & Analyzed: 30-Apr-13						
Chloride	ND	10.0	mg/kg							
Duplicate (1318010-DUP1)				Source: P304063-01 Prepared & Analyzed: 30-Apr-13						
Chloride	ND	10.0	mg/kg		ND				30	

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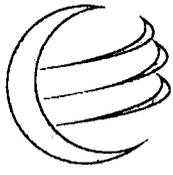
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Analytical Laboratory

XTO Energy Inc. 382 CR 3100 Aztec NM, 87410	Project Name: Ute Indians A #36 Project Number: 98031-0528 Project Manager: James McDaniel	Reported: 01-May-13 14:09
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Notes and Definitions

- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit
- NR Not Reported
- dry Sample results reported on a dry weight basis
- RPD Relative Percent Difference

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Rust

CHAIN OF CUSTODY RECORD

15463

Page 9 of 9

Client: XTO		Project Name / Location: UTE INDIANS A#36		ANALYSIS / PARAMETERS											
Email results to: JAMES MCDANIEL KURT HOEKSTRA, LOGAN HIXON		Sampler Name: KURT		TPH (Method 8015)	BTEX (Method 8021)	VOC (Method 8260)	RCRA 8 Metals	Cation / Anion	RCI	TCLP with H/P	CO Table 910-1	TPH (418.1)	CHLORIDE	Sample Cool	Sample Intact
Client Phone No.:		Client No.: 98031-0528													

Sample No./ Identification	Sample Date	Sample Time	Lab No.	No./Volume of Containers	Preservative		TPH (Method 8015)	BTEX (Method 8021)	VOC (Method 8260)	RCRA 8 Metals	Cation / Anion	RCI	TCLP with H/P	CO Table 910-1	TPH (418.1)	CHLORIDE	Sample Cool	Sample Intact		
					H ₂ O ₂	HCl														
BGT CELLAR	4-30	9:45	P304089-01	(1) 4oz JAR			X	X							X	X			✓	✓

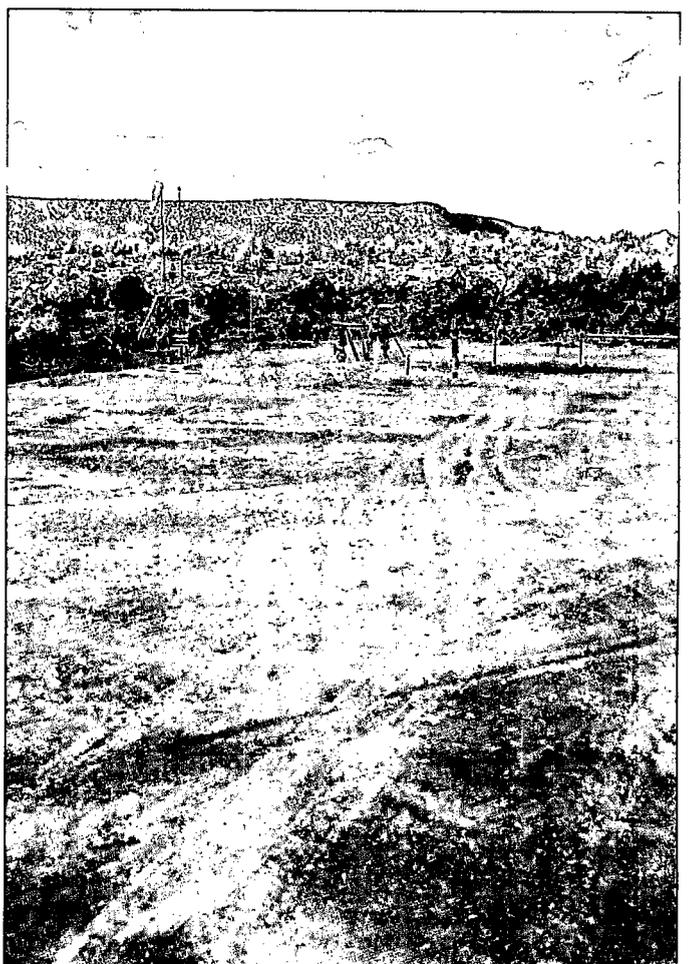
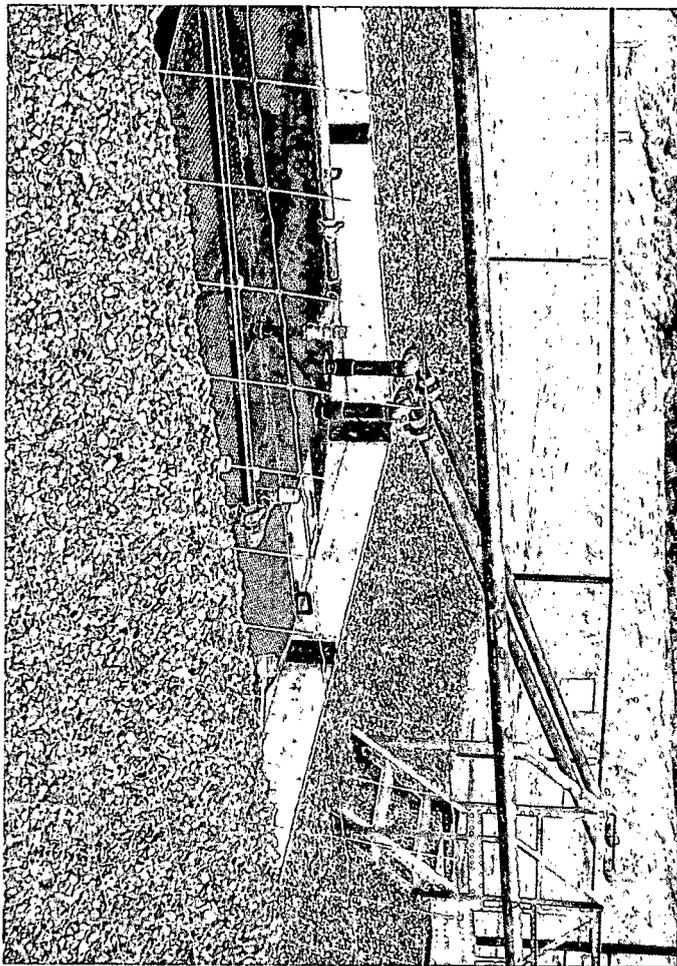
Relinquished by: (Signature) <i>Kurt Hoekstra</i>	Date	Time	Received by: (Signature) <i>[Signature]</i>	Date	Time
	4-30	11:00		4/30/13	11:00

Relinquished by: (Signature)	Date	Time	Received by: (Signature)	Date	Time

Sample Matrix
 Solid Sludge Aqueous Other

Sample(s) dropped off after hours to secure drop off area.







Well Below Tank Inspection Report

Division Denver
 Dates -
 06/01/2008 - 05/01/2013
 Type Route Stop
 Type Value U

RouteName	StopName	Pumper	Foreman	WellName	APIWellNumber	Secti	Range	Township			
DEN NM Run 48	UTE INDIANS A 036	Russell, John	Morrow, Pete	UTE INDIANS A 36	3004531604	27	14W	32N			
InspectorName	Inspection Date	Inspection Time	Visible LinerTears	VisibleTankLeak Overflow	Collection OfSurfaceRun	Visible LayerOil	Visible Leak	Freeboard EstFT	PitLocation	PitType	Notes
DR	02/23/2009	11:55	No	No	No	No	No	4	Well Water Pit	Below Ground	
DR	03/08/2009	01:15	No	No	No	No	No	4	Well Water Pit	Below Ground	
DR	04/21/2009	08:45	No	No	No	No	No	4	Well Water Pit	Below Ground	
DR	05/13/2009	12:25	No	No	No	No	No	4	Well Water Pit	Below Ground	
DR	06/14/2009	12:00	No	No	No	No	No	4	Well Water Pit	Below Ground	
DR	07/06/2009	12:30	No	No	No	No	No	4	Well Water Pit	Below Ground	
DR	08/14/2009	11:25	No	No	No	No	No	4	Well Water Pit	Below Ground	
DR	09/20/2009	10:45	No	No	No	No	No	3	Well Water Pit	Below Ground	
DR	10/19/2009	10:00	No	No	No	No	No	3	Well Water Pit	Below Ground	
mth	11/21/2009	12:30	No	No	No	Yes	No	3	Well Water Pit	Below Ground	
mth	12/12/2009	02:02	No	No	No	Yes	No	3	Well Water Pit	Below Ground	
mth	01/08/2010	11:49	No	No	No	Yes	No	3	Well Water Pit	Below Ground	
mth	02/11/2010	02:20	No	No	No	Yes	No	1	Well Water Pit	Below Ground	
mth	03/13/2010	03:00	No	No	No	Yes	No	5	Well Water Pit	Below Ground	
mth	04/06/2010	03:22	No	No	No	Yes	No	4	Well Water Pit	Below Ground	
mth	05/09/2010	10:40	No	No	No	Yes	No	5	Well Water Pit	Below Ground	
mth	06/16/2010	01:03	No	No	No	Yes	No	6	Well Water Pit	Below Ground	
mth	07/18/2010	12:22	No	No	No	No	No	2	Well Water Pit	Below Ground	

mth	08/09/2010	15:11	No	No	No	No	No	5	Well Water Pit	Below Ground
mth	09/08/2010	13:04	No	No	No	No	No	5	Well Water Pit	Below Ground
mth	10/12/2010	12:56	No	No	No	No	No	4	Well Water Pit	Below Ground
mth	11/13/2010	13:51	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	12/14/2010	09:41	No	No	No	No	No	4	Well Water Pit	Below Ground
mth	01/15/2011	09:39	No	No	No	No	No	4	Well Water Pit	Below Ground
mth	02/13/2011	10:36	No	No	No	No	No	5	Well Water Pit	Below Ground
mth	03/18/2011	13:24	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	04/27/2011	11:39	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	05/09/2011	10:05	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	6/13/2011	10:39	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	7/12/2011	9:47	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	8/10/2011	8:45	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	9/12/2011	11:11	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	10/10/2011	10:45	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	11/7/2011	11:11	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	12/1/2011	10:53	No	No	No	No	No	2	Well Water Pit	Below Ground
mth	1/9/2012	11:53	No	No	No	No	No	4	Well Water Pit	Below Ground
mth	2/7/2012	11:00	No	No	No	No	No	6	Well Water Pit	Below Ground
mth	3/6/2012	12:06	No	No	No	No	No	5	Well Water Pit	Below Ground
mth	4/3/2012	11:48	No	No	No	No	No	6	Well Water Pit	Below Ground
Buster	7/2/2012	10:40	No	No	No	No	No	4	Well Water Pit	Below Ground
Buster	10/23/2012	11:40	No	No	No	No	No	4	Well Water Pit	Below Ground
Buster	4/1/2013	12:50	No	No	No	No	No	6	Well Water Pit	Below Ground