

1625 N. French Dr., Hobbs, NM 88240  
 District II  
 811 S. First St., 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

Form C-141  
 Revised August 24, 2018  
 Submit to appropriate OCD District office

Incident ID	NAB1909539458
District RP	2RP-5333
Facility ID	
Application ID	

## Release Notification

### Responsible Party

Responsible Party: Burnett Oil Co., Inc.	OGRID: 03080
Contact Name: Johnny Titsworth	Contact Telephone: (432) 425-2891
Contact email: jtitsworth@burnettoil.com	Incident # (assigned by OCD)
Contact mailing address: P.O. Box 188 Loco Hills, NM 88255	

### Location of Release Source

Latitude 32.84317 \_\_\_\_\_ Longitude -103.94977 \_\_\_\_\_  
 (NAD 83 in decimal degrees to 5 decimal places)

Site Name: Gissler B 3-3 Tank Battery	Site Type: Tank Battery
Date Release Discovered: 3/13/19	API# (if applicable)

Unit Letter	Section	Township	Range	County
M	11	17S	30E	Eddy Co.

Surface Owner: ☐ State ☒ Federal ☐ Tribal ☐ Private (Name: \_\_\_\_\_)

### Nature and Volume of Release

Material(s) Released (Select all that apply and attach calculations or specific justification for the volumes provided below)

<input checked="" type="checkbox"/> Crude Oil	Volume Released (bbls): 5 BBLS	Volume Recovered (bbls): 2 BBLS
<input checked="" type="checkbox"/> Produced Water	Volume Released (bbls): 685 BBLS	Volume Recovered (bbls): 503 BBLS
	Is the concentration of dissolved chloride in the produced water >10,000 mg/l?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Condensate	Volume Released (bbls)	Volume Recovered (bbls)
<input type="checkbox"/> Natural Gas	Volume Released (Mcf)	Volume Recovered (Mcf)
<input type="checkbox"/> Other (describe)	Volume/Weight Released (provide units)	Volume/Weight Recovered (provide units)

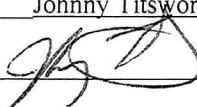
Cause of Release: Extremely high winds cause the water leg on the gun barrel tank to break, releasing fluid into the bermed area.

Incident ID	NAB1909539458 Page 2 of 28
District RP	2RP-5333
Facility ID	
Application ID	

Was this a major release as defined by 19.15.29.7(A) NMAC? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If YES, for what reason(s) does the responsible party consider this a major release? The release amount was over 200 BBLS of total fluid
If YES, was immediate notice given to the OCD? By whom? To whom? When and by what means (phone, email, etc)? Mike Bratcher 3/14/19 at 8:15 am via phone Jim Amos (BLM) 3/14/19 at 8:15 am via phone	

## Initial Response

*The responsible party must undertake the following actions immediately unless they could create a safety hazard that would result in injury*

<input checked="" type="checkbox"/> The source of the release has been stopped.	
<input checked="" type="checkbox"/> The impacted area has been secured to protect human health and the environment.	
<input checked="" type="checkbox"/> Released materials have been contained via the use of berms or dikes, absorbent pads, or other containment devices.	
<input checked="" type="checkbox"/> All free liquids and recoverable materials have been removed and managed appropriately.	
If all the actions described above have <u>not</u> been undertaken, explain why:	
Per 19.15.29.8 B. (4) NMAC the responsible party may commence remediation immediately after discovery of a release. If remediation has begun, please attach a narrative of actions to date. If remedial efforts have been successfully completed or if the release occurred within a lined containment area (see 19.15.29.11(A)(5)(a) NMAC), please attach all information needed for closure evaluation.	
I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to OCD 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 OCD 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, OCD 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.	
Printed Name: <u>Johnny Titsworth</u>	Title: <u>HSE Coordinator</u>
Signature: <u></u>	Date: <u>3/15/19</u>
email: <u>jtitsworth@burnettoil.com</u>	Telephone: <u>(432) 425-2891</u>
<b><u>OCD Only</u></b>	
Received by: _____	Date: _____

Incident ID	NAB1909539458 Page 3 of 28
District RP	2RP-5333
Facility ID	
Application ID	

## Site Assessment/Characterization

This information must be provided to the appropriate district office no later than 90 days after the release discovery date.

What is the shallowest depth to groundwater beneath the area affected by the release?	<300 (ft bgs)
Did this release impact groundwater or surface water?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 300 feet of a continuously flowing watercourse or any other significant watercourse?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 200 feet of any lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 300 feet of an occupied permanent residence, school, hospital, institution, or church?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 500 horizontal feet of a spring or a private domestic fresh water well used by less than five households for domestic or stock watering purposes?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 1000 feet of any other fresh water well or spring?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within incorporated municipal boundaries or within a defined municipal fresh water well field?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within 300 feet of a wetland?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release overlying a subsurface mine?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release overlying an unstable area such as karst geology?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are the lateral extents of the release within a 100-year floodplain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Did the release impact areas not on an exploration, development, production, or storage site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Attach a comprehensive report (electronic submittals in .pdf format are preferred) demonstrating the lateral and vertical extents of soil contamination associated with the release have been determined. Refer to 19.15.29.11 NMAC for specifics.

### **Characterization Report Checklist:** *Each of the following items must be included in the report.*

- ☒ Scaled site map showing impacted area, surface features, subsurface features, delineation points, and monitoring wells.
- ☒ Field data
- ☒ Data table of soil contaminant concentration data
- ☒ Depth to water determination
- ☒ Determination of water sources and significant watercourses within ½-mile of the lateral extents of the release
- ☒ Boring or excavation logs
- ☐ Photographs including date and GIS information
- ☒ Topographic/Aerial maps
- ☒ Laboratory data including chain of custody

If the site characterization report does not include completed efforts at remediation of the release, the report must include a proposed remediation plan. That plan must include the estimated volume of material to be remediated, the proposed remediation technique, proposed sampling plan and methods, anticipated timelines for beginning and completing the remediation. The closure criteria for a release are contained in Table 1 of 19.15.29.12 NMAC, however, use of the table is modified by site- and release-specific parameters.



Incident ID	NAB1909539458
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Printed Name: Johnny Titsworth Title: HSE Coordinator

Signature:  Date: 9/16/19

email: jtitsworth@burnettoil.com Telephone: (432) 425-2891

**OCD Only**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_



Incident ID	NAB1909539450 Page 5 of 28
District RP	2RP-5333
Facility ID	
Application ID	

## Remediation Plan


**Remediation Plan Checklist:** Each of the following items must be included in the plan.

- ☒ Detailed description of proposed remediation technique
- ☒ Scaled sitemap with GPS coordinates showing delineation points
- ☒ Estimated volume of material to be remediated
- ☐ Closure criteria is to Table 1 specifications subject to 19.15.29.12(C)(4) NMAC
- ☒ Proposed schedule for remediation (note if remediation plan timeline is more than 90 days OCD approval is required)

**Deferral Requests Only:** Each of the following items must be confirmed as part of any request for deferral of remediation.

- ☐ Contamination must be in areas immediately under or around production equipment where remediation could cause a major facility deconstruction.
- ☐ Extents of contamination must be fully delineated.
- ☐ Contamination does not cause an imminent risk to human health, the environment, or groundwater.

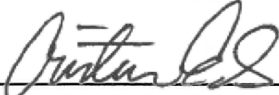
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Printed Name: Bryan Burns Title: HSE and Security Coordinator  
Signature:  Date: 4/27/20  
//email: wburns@burnettoil.com Telephone: (575)706-5999

**OCD Only**

Received by: Cristina Eads Date: 01/14/2021

☒ Approved ☐ Approved with Attached Conditions of Approval ☐ Denied ☐ Deferral Approved

Signature:  Date: 04/12/2021

Form C-141

State of New Mexico  
Oil Conservation Division

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Printed Name: Brian Burns Title: HSE and Security CoordinatorSignature:  Date: 4/27/20Email: wburns@burnsoil.com Telephone: (575) 706-5999**OCD Only**Received by: Victoria Venegas Date: 05/01/2020

☐ Approved ☒ Approved with Attached Conditions of Approval ☐ Denied ☐ Deferral Approved

Signature:  Date: 07/28/2020



January 14, 2021

**Mike Bratcher**

**New Mexico Energy, Minerals & Natural Resources Oil Conservation Division,  
Environmental Bureau - District 2  
811 S. First St.  
Artesia, NM 88210**

**RE: Characterization Report**

**Burnett Oil Co., Inc. - Gissler B 3-3 Tank Battery  
UL/M sec. 11 T17S R30E  
# NAB1909539458**

Mr. Bratcher:

The above location is approximately 2.5 miles Northeast of Loco Hills, New Mexico at UL/M sec.11 T17S R30E. The site is located in an area of no known groundwater. Any possible groundwater is expected at depths greater than 300 ft.

In the evening of March 13, 2019, there was a release of 690 barrels of fluid, and we were able to recover approx. 505 barrels of fluid. The release had occurred when extremely high winds broke the 4" water leg line coming off the gun barrel tank. The BLM and the NMOCD were notified on March 14, 2019, and the C-141 was submitted on March 15, 2019.

**Corrective Action Plan**

On March 13, 2019 a vacuum truck was called out the BOCI Gissler B 3-3 Tank Battery. Approximately 505 barrels of fluid was picked up from inside the firewall surrounding the tanks, and from the lined area to the south which contains the vessels. On March 15, the overspray area on the lease road and pad to the East of the tank battery was scrapped up. The material was hauled to an accredited disposal site. On March 28, 2019 Aspen Grow LLC. was hired to collect samples within the release area surrounding the tanks. There were three sample





January 14, 2021

locations: SP-1, SP-2, & SP-3. The area of SP-1 showed elevated levels down to 9'. The area of SP-2 showed elevated levels down to 2'. The area of SP-3 showed elevated levels down to 6'. Atkins engineering was hired to delineate the area of SP-1 (BH-1) and was able to collect data showing clean soil at 35' below surface. The area of SP-3 was not delineated, there was not a safe access point.

On October 15, 2015 BOCI reported a release of 550 bbls of fluid. Spill report shows that they recovered 540 bbls. This release was deferred until abandonment on January 28, 2016. So we know we have some historical contamination in this area. In review of the site map the area we are requesting to treat this time sits on top of most of this historical footprint.

Mrs. Eads, OCD, requested some additional sample points and information. On January 3<sup>rd</sup>, Aspen Grow collected samples from Sample points 1-3, original sample points and additional sample points, SP 4- 9. These sample points did show elevated levels needing remediation. There were elevated levels of TPH within the berm area but we expected this because of this event as well as the historical spill. Outside the berm area showed levels of Chloride.

We also enlisted the services of Atkins to take a bottom Hole sample from inside the berm. It is listed on Site Diagram as BH – 1. Samples were taken at 5 ft. intervals with the highest level of chlorides shown at 5 ft. Reports will be attached, and lab results were entered into the Analytical table to make them easier to read.

To remediate the impacted soil, Burnett Oil Co., Inc. has enlisted the services of Aspen Grow LLC. to apply Probiotic compounds to the impacted area. The probiotics will be applied with fresh water to the impacted area once a week for eight weeks. In that time the probiotics and the fresh water will be able to begin remediating the hydrocarbons in the impacted area. The process is a water and proprietary blend of probiotics that are sprayed over the entire footprint



January 14, 2021

and overspray area to a point of saturation. This is a topical application process. We do not use injection holes. The repeated process pushes the proprietary blend down with each application. We have seen good results from this process and have had areas show re-growth while still receiving treatments. The area is resampled after 8 weeks and if necessary, the process continues until all levels are within regulatory limits. We would like continue to treat this release in this method and understand that it could be for an extended period of time within the berm area to bring those levels in compliance but feel it is a better method treating it in place. We have been treating the impact since the release and are already seeing good results.

Our confirmation sampling is done by sampling in the immediate area of each initial sample point. We repeat this process of treatment and sampling until the sample area becomes compliant. I put confirmation sample rings around the Sample Point markers on the site map.

### **Characterization Report**

We have continued with this process and are about to reach our 180 days granted to us. As requested I am submitting a characterization report as to where this remediation stands. I will attach the Analytical Table for reference and site map for easy reference.

At the end of August of 2020 we were down to three sample points still requiring remediation to get within regulatory guidelines: SP1, SP3 and SP7.

SP1 started in 03-29-19 with Chloride levels of 5100 at 0-1 ft. On 08-14-20 that level was at 1400, and 1-2ft was at 670. On 11-29-20 SP1 was below regulatory limits for 0 – 4 ft as required.



January 14, 2021

SP3 is the main pooling area of the containment and the location we used to recover the majority of the fluid from. SP3 started in 2019 3100 for Chlorides at 0-1 ft with it's hottest spot being between 2-3 ft at 7700. This is probably from the existence of historical impact from a tank battery fire. On 8-14-20, 0-1 ft was at 530 Chlorides and 2-3 ft had 4800 chlorides. TPH levels at this location had increased. I believe this is due to a non-reportable release from a circulating pump when a hose broke loose while they were circulating tank bottoms and contaminated this sample point area. By 11-29-20 SP3 Chloride levels are at 670 for 0-1 and the TPH levels were at 840. From 1-4 ft labs were within regulatory standards so by our next sampling this area should be in compliance.

SP7 is an area just outside the berm. This sample point was added and on 1-3-20 showed 4300 chlorides at 0-1 ft. and 1300 at 2-3 ft. They got refusal at 3 ft and were unable to get a sample. This is a compacted area between the containment and the road. An area that would have been compacted during it's construction and they hit hard pan at 3 ft. On 8-14-20 we still had chloride levels of 4300 so we increased treatment in this area. We were still unable to get a sample below 3 ft. On 11-29-20 SP7 showed Chlorides of 190 at 0-1 ft and 260 at 2-3 ft. Meeting regulatory standards for depths through 3 ft but meeting refusal at that level.

This release is cleaning up nicely. Burnett Oil Co., Inc. will continue remediating the release area down to Regulatory standards. BOCI requests a variance of the time restraints to 180 days from submittal to continue in-situ remediation and obtain closure of this release. We have been successful in remediating not only this release but cleaning up some historical impacts as well. Please contact me with any questions or concerns.

Sincerely,



Bryan Burns

575-706-5999









BURNETT OIL CO., INC.

Location: Gissler B 3-3 TBPage: 1

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
3/28/2019	SP-1	0-1'	5100	322	7700	8022	ND	ND	0.54	1.3	1.84
3/28/2019	SP-1	1'-2'	100								
3/28/2019	SP-1	2'-3'	4100								
3/28/2019	SP-1	3'-4'	3500								
3/28/2019	SP-1	4'-5'	1,800								
3/28/2019	SP-1	5'-6'	3,600								
3/28/2019	SP-1	6'-7'	3900								
3/28/2019	SP-1	7'-8'	4400								
3/28/2019	SP-1	8'-9'	4500								
3/28/2019	SP-2	0-1'	1500	35	12000	12035	ND	ND	ND	ND	ND
3/28/2019	SP-2	1'-2'	1300								
3/28/2019	SP-2	2'-3'	770								

Location: Gissler B 3-3 TBPage: 2

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
3/28/2019	SP-2	3'-4'	180								
3/28/2019	SP-2	4'-5'	230								
3/28/2019	SP-2	5'-6'	ND								
3/28/2019	SP-2	6'-7'	140								
3/28/2019	SP-2	7'-8'	ND								
3/28/2019	SP-2	8'-9'	ND								
3/28/2019	SP-2	9'-10'	100								
3/28/2019	SP-3	0-1'	3100	99	10000	10099	0.16	1.6	0.75	1.6	4.11
3/28/2019	SP-3	1'-2'	5200								
3/28/2019	SP-3	2'-3'	7700								
3/28/2019	SP-3	3'-4'	1200								
3/28/2019	SP-3	4'-5'	3500								





BURNETT OIL CO., INC.

Location: Gissler B 3-3 TB

Page: 3

## Table 1 - Analytical Results

[illegible]

Location: Gissler B 3-3 TB

Page: 4[illegible]



Location: \_\_\_\_\_

Page: 5

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
1/3/2020	SP1	0-1	230	ND	9900	9900	ND	ND	ND	ND	
		1-2	410	ND	12200	12200					
		2-3	1100	ND	7700	7700					
		3-4	3400	<u>ND</u>	1510	1510					
		4-5	3700	ND	1230	1230					
		5-6	3600								
1/3/2020	SP2	0-1	ND	ND	4100	4100	ND	ND	ND	ND	
		1-2	ND								
		2-3	76								
		3-4	70								
		4-5	68								
		5-6	74								





Location: \_\_\_\_\_

Page: 6

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
1/3/2020	SP3	0-1	1700	ND	394	394	ND	0.44	0.58	1.7	2.72
		1-2	460	48	9400	9860					
		2-3	300	290	10700	10990					
		3-4	840	170	2210	2380					
		4-5	970	190	1820	2010					
1/3/2020	SP4	0-1	ND	ND	148	148	ND	ND	ND	ND	
		1-2	ND								
		2-3	ND								
		3-4	62								
		4-5	72								
		5-6	100								



Location: \_\_\_\_\_

Page: 7

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
1/3/2020	SP5	0-1	ND	ND	ND		ND	ND	ND	ND	
		1-2	ND								
		2-3	110								
		3-4	3300								
		4-5	2400								
1/3/2020	SP6	0-1	140	ND	ND		ND	ND	ND	ND	
		1-2	130								
		2-3	140								
		3-4	230								
		4-5	230								
		5-6	2800								

Page: 8[illegible]





Location: \_\_\_\_\_

Page: 6

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
5/30/2020	SP1	0-1	1400	ND	229	229					
		1-2	600								
		2-3	1200								
		3-4	2500								
		4-5	3400								
	SP2	0-1	120	ND	5500	5500					
		1-2	130	ND	2090						
		2-3	260	87	ND						
		3-4	170								
		4-5	210								



Location: \_\_\_\_\_

Page: 6

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
5/30/2020	SP3	0-1	1600	149	14000	14149					
		1-2	2800	150	18000	18150					
		2-3	5900	450	9900	10350					
		3-4	6800	57	12300	12357					
		4-5	3600	89	9200	9289					
	SP5	0-1	98	189	ND						
		1-2	ND								
	SP7	0-1	23000	17	ND						
	SP8	0-1	220	123	ND						

Location: GB 3-3 TBPage: 7

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
8/14/2020	SP1	0-1	1400	ND	490	490					
		1-2	670								
		2-3	590								
		3-4	330								
		4-5	410								
		5-6	520								
		6-7	660								
		7-8	1600								
	SP2	0-1	65	ND	420	420					
		1-2	ND								
		2-3	ND								
		3-4	69								



Location: GB 3-3 TBPage: 8

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
8/14/2020	SP 2	5-6	82								
		6-7	100								
		7-8	140								
8/14/2020	SP3	0-1	530	7.7	30000	30007					
		1-2	2500	310	26000	26310					
		2-3	4800	41	2300	2341					
		3-4	4100	210	4700	4910					
		4-5	510								
		5-6	740								
		6-7	940								
		7-8	2100								

Location: Gissler B 3-3 TBPage: 9

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
8/14/2020	SP5	0-1	ND	ND	ND						
		1-2	ND								
		2-3	ND								
		3-4	ND								
8/14/2020	SP7	0-1	4300	910	ND	910					
		1-2	3800								
		2-3	3000								
8/14/2020	SP8	0-1	ND	234	ND	234					
		1-2	ND								
		2-3	ND								
		3-4	ND								

Location: GB 3-3 TBPage: 10

Table 1 - Analytical Results

Date	Sample ID	Depth	Chloride	TPH - GRO	TPH - DRO	TPH-Total	Benzene	Toluene	Ethylbenzene	Xylene	BTEX
11/29/2020	SP1	0-1	180	ND	930	930					
		1-2	210								
		2-3	180								
		3-4	210								
		4-5	230								
11/29/2020	SP3	0-1	670	ND	840	840					
		1-2	240								
		2-3	470								
		3-4	410								
		4-5	870								
		5-6	830								
		6-7	100	ND	9600	9600					





BURNETT OIL CO., INC.

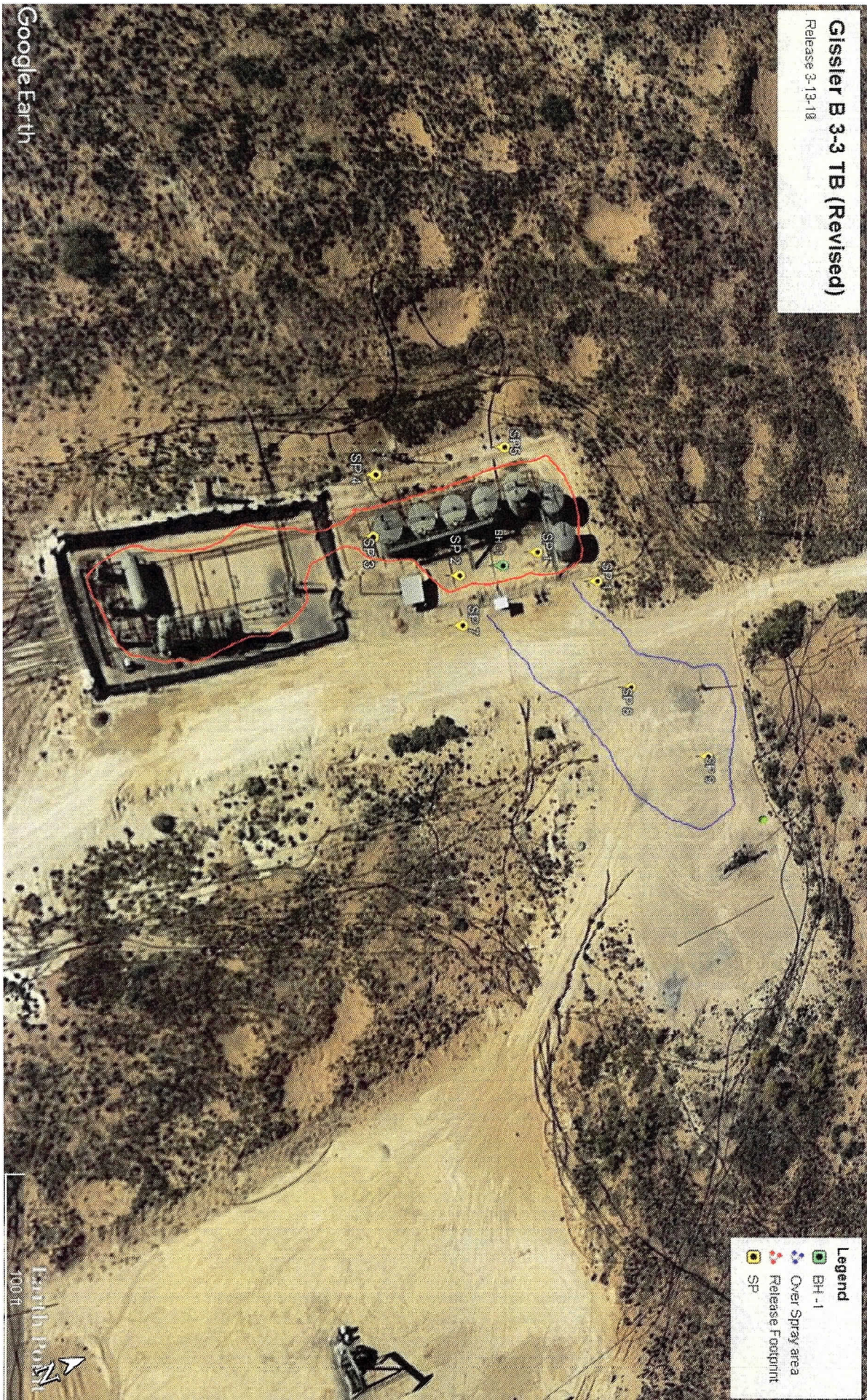
Location: Gissler B 3-3 TB

Page: 11

Table 1 - Analytical Results

[illegible]







**District I**

1625 N. French Dr., Hobbs, NM 88240  
Phone:(575) 393-6161 Fax:(575) 393-0720

**District II**

811 S. First St., Artesia, NM 88210  
Phone:(575) 748-1283 Fax:(575) 748-9720

**District III**

1000 Rio Brazos Rd., Aztec, NM 87410  
Phone:(505) 334-6178 Fax:(505) 334-6170

**District IV**

1220 S. St Francis Dr., Santa Fe, NM 87505  
Phone:(505) 476-3470 Fax:(505) 476-3462

**State of New Mexico**  
**Energy, Minerals and Natural Resources**  
**Oil Conservation Division**  
**1220 S. St Francis Dr.**  
**Santa Fe, NM 87505**

CONDITIONS

Action 14721

**CONDITIONS OF APPROVAL**

Operator: BURNETT OIL CO INC 801 Cherry Street Unit #9 Suite 1500 Fort Worth, TX76102		OGRID: 3080	Action Number: 14721	Action Type: C-141
OCD Reviewer ceads	Condition The next report will be due on 10/9/2021.			