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EARTHEN PIT REPORT/PERMIT

This form is to be used for both reporting and permitting pits. Rule 903 describes when a Permit with prior approval, or a Report within 30 days, is required for pits. Submit required attachments and forms.

FORM SUBMITTED FOR:

Pit Report Pit Permit

Complete the Attachment Checklist

Oper OGCC

OGCC Operator Number: 100264	Contact Name and Telephone Sam Montoya No: 719-846-0272	Detailed Site Plan	X
Name of Operator: XTO Energy Inc.	Fax: 719-845-0108	Topo Map with Pit Location	X
Address: 382 Road 3100	Email: sam_montoya@xtoenergy.com	Water Analysis (Form 25)	X
City: Aztec State: NM Zip: 87410		Source Wells (Form 26)	
		Pit Design/Plan & Cross Sect.	X
		Design Calculations	X
		Sensitive Area Determination	X
		Mud Program	
		Form 2A	X

API Number (of associated well): 05-071-09238-00 OGCC Facility ID (of other associated facility):
 Pit Location (QtrQtr, Sec, Twp, Rng, Meridian): NE NE Sec.36-33S-68W, 6th PM
 Latitude: 37.133822 Longitude: 104.940725 County: Las Animas
 Pit Use: Production Drilling (Attach mud program) Special Purpose (Describe Use):
 Pit Type: Lined Unlined Surface Discharge Permit: Yes No
 Offsite disposal of pit contents: Injection Commercial Pit/Facility Name: New Elk Pit Facility No.: 36-01
Attach Form 26 to identify Source Wells and Form 25 to provide Water Analysis results.

Existing Site Conditions

Is the location in a "Sensitive Area?" Yes No Attach data used for determination.
 Distance (in feet) to nearest surface water: 1584 ground water: 624 water wells: 3300
LAND USE (or attach copy of form 2A if previously submitted for associated well) Select one which best describes land use:
 Crop Land: Irrigated Dry Land Improved Pasture Hay Meadow CRP
 Non-Crop Land: Rangeland Timber Recreational Other (describe):
 Subdivided: Industrial Commercial Residential
SOILS (or attach copy of Form 2A if previously submitted for associated well)
 Soil map units from USNRCS Survey: Sheet No: WSS Soil Complex/Series No: GA
 Soils Series Name: GULNARE Horizon thickness (in inches): A: 0-2" ; B: 2-5" ; C: 5-13"
 Soils Series Name: ALLENS PARK Horizon thickness (in inches): A: 0-5" ; B: 5-10" ; C: 10-16"
Attach detailed site plan and topo map with pit location.

Pit Design and Construction

Size of pit (feet): Length: 44 Width: 46 Depth: 12 2,024 Sq/ Ft:
 Calculated pit capacity (bbls): 4,326 Daily inflow rate (bbls/day): 0
 Daily disposal rates (attach calculations): Evaporation: 4 bbls/day Percolation: 433 bbls/day
 Type of liner material: Thickness:
Attach description of proposed design and construction (include sketches and calculations).
 Method of treatment of produced water prior to discharge into pit (separator, heater treater, other): Separator
 Is pit fenced? Yes No Is pit netted? Yes No

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct, and complete.

Print Name: Sam Montoya

Signed: Title: Field Environmental Coordinator Date: 12/15/08

OGCC Approved: Title: Date:

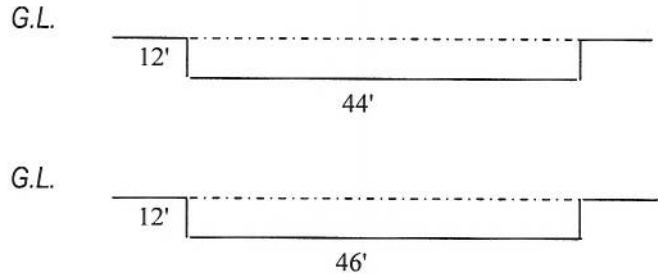
CONDITIONS OF APPROVAL, IF ANY:

Facility Number: 420950

pit to be closed upon issuance of permit. first production to pit 04/2008.

New Elk
Pit Design Plan & Calculations
New Elk 36-01
05-071-09238-00

Cross-Section



Calculations

<u>Volume =</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>DEPTH</u>	<u>Bbls</u>
	44	46	12	4326

<u>Evaporation</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ft^2</u>
(Based on 45"/yr)	44	46	2024
			<u>Bbls/Day</u>
			3.7

<u>Percolation</u>	
<i>Per Lee Neve, rates range from 0 to 6" per hour. Disturbed soil, such as in a pit may have increased permeability. A common soil description is .6 to 2" per hour. For these calculations I have used .6" per hour or 1.2 ft/day.</i>	
<u>ft^2</u>	<u>Bbls/Day</u>
2024	433

SENSITIVE AREA DETERMINATION DATA

Well Name: New Elk 36-01

Water Quality will be provided no later than 60 days after well has delivered.

Box 1. Is discharge water or waste: **Water**

Total Dissolved Solids (TDS) greater than 1.25 x background ppm

No Result mg/L Background 1148 mg/L

Chloride greater than 250 ppm

No Result mg/L

Sulfate greater than 250 ppm

No Result mg/L

Benzene greater than 5 ppb

No Result ppb

Toluene greater than 1,000 ppb

No Result ppb

Ethylbenzene greater than 680 ppb

No Result ppb

Xylene greater than 10,000 ppb

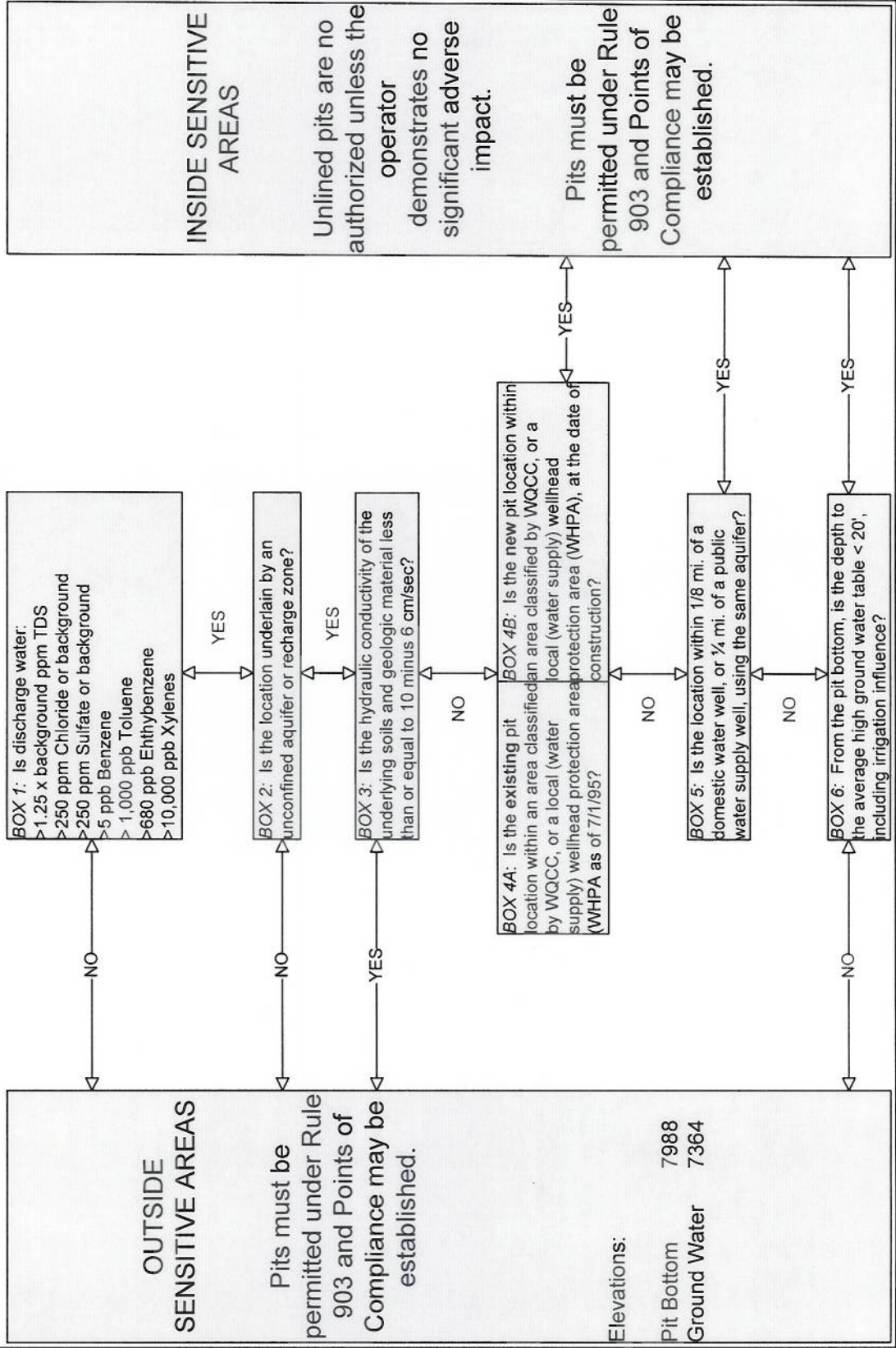
No Result ppb

Refer To Sensitive Area Identification Decision Tree

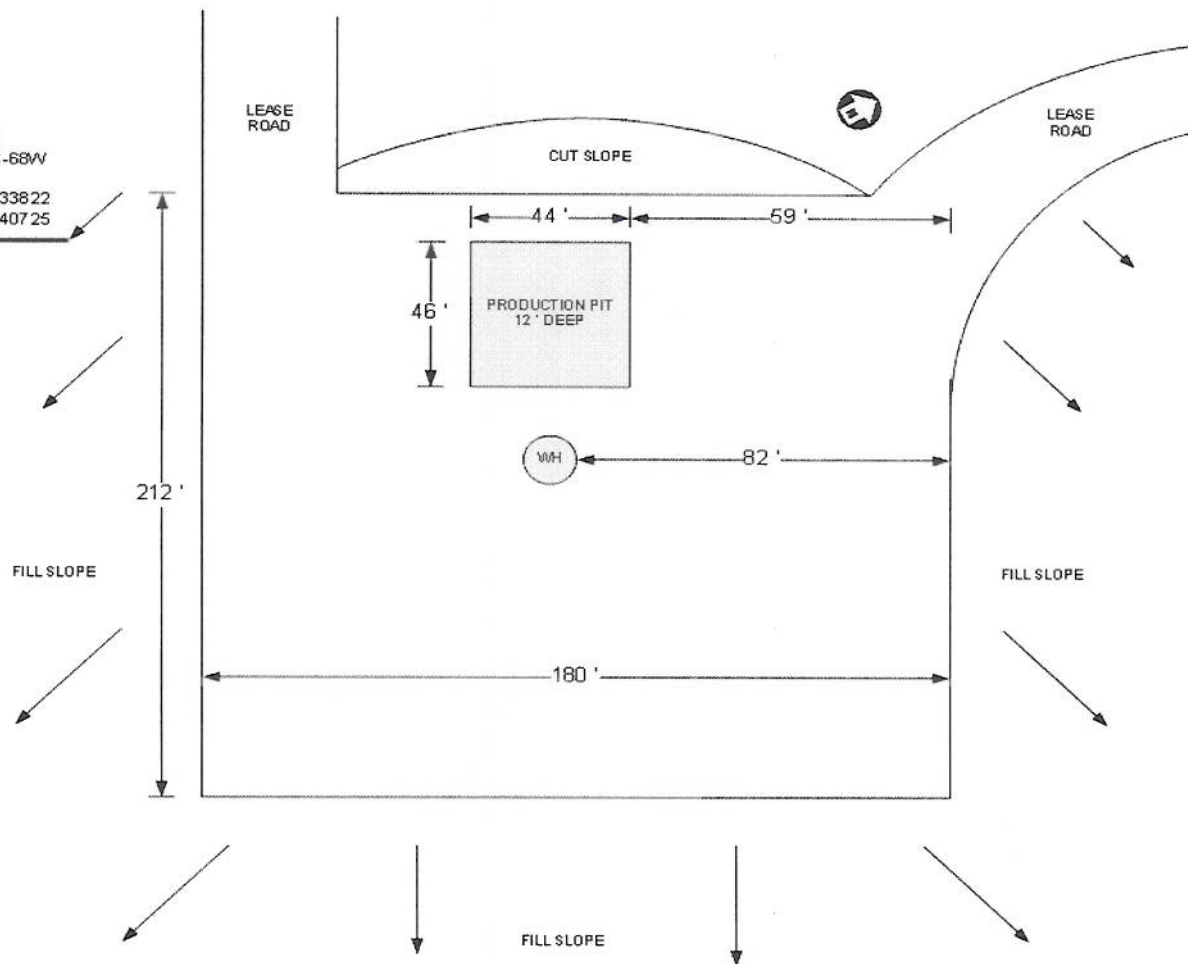
SENSITIVE AREA IDENTIFICATION

Decision Tree

Well Name: New Elk 36-01



New Elk 36-01
NE/NE 36-33S-68W
NAD 83
Lat. 37.133822
Long. 104.940725



State of Colorado
Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801, Denver, Colorado 80203 Phone: (303)894-2100 Fax: (303)894-2109



Plugging Bond Surety ID#

1. Drill, Deepen, Re-enter, Recomplete and Operate

2. TYPE OF WELL
 OIL GAS COALBED OTHER: _____
 SINGLE ZONE MULTIPLE ZONES COMMINGLE ZONES

Refilling
 Sidetrack

3. Name of Operator: XTO ENERGY INC. 4. COGCC Operator Number: 100264

5. Address: 2700 FARMINGTON AVE, BLDG K - STE 1
 City: FARMINGTON State: NM Zip: 87401

6. Contact Name: Kelly K. Small Phone: (505) 564-6708 Fax: (505) 564-6700

7. Well Name: NEW ELK Well Number: 36-01

8. Unit Name (if app): _____ Unit Number: _____

9. Proposed Total Measured Depth: 2,350'

10. Qtr/Sec: NENE Sec: 36 Twp: 33S Rng: 68W Meridian: 61h
 Latitude: 37.133822 N Longitude: 104.940725 W
 Footage At Surface: 428' N 870' E

11. Field Name: PURGATOIRE RIVER Field Number: 70830

12. Ground Elevation: 8,000' 13. County: LAS ANIMAS

14. GPS Data:
 Date of Measurement: 10/19/06 PDDP Reading: <= 6 Instrument Operator's Name: Gary Terry

Complete the Attachment Checklist

	OP	COGCC
APD Orig & 1 Copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Form 2A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Well location plat	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Topo map	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mineral lease map	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Surface agmt/Surety	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
30 Day notice letter	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Deviated Drilling Plan	<input type="checkbox"/>	<input type="checkbox"/>
Exception Location Request	<input type="checkbox"/>	<input type="checkbox"/>
Exception Loc Waivers	<input type="checkbox"/>	<input type="checkbox"/>
H2S Contingency Plan	<input type="checkbox"/>	<input type="checkbox"/>
Federal Drilling Permit	<input type="checkbox"/>	<input type="checkbox"/>

15. If well is: Directional Horizontal (highly deviated), submit deviated drilling plan. Bottomhole Sec Twp Rng: _____

Footage At Top of Prod Zone: _____ At Bottom Hole: _____

16. Is location in a high density area (Rule 603b)? Yes No

17. Distance to the nearest building, public road, above ground utility or railroad: > 150' L.S.O.

18. Distance to Nearest Property Line: > 1 MILE 19. Distance to nearest well permitted/completed in the same formation: +/- 1,320'

20. LEASE, SPACING AND POOLING INFORMATION

Objective Formation(s)	Formation Code	Spacing Order Number (s)	Unit Acreage Assigned to Well	Unit Configuration (N/2, SE/4, etc.)
RATON	RTON			
VERMEJO	VRMJ			

21. Mineral Ownership: Fee State Federal Indian Lease # _____

22. Surface Ownership: Fee State Federal Indian

23. Is the Surface Owner also the Mineral Owner? Yes No Surface Surety ID# _____

23a. If 23 is Yes: Is the Surface Owner(s) signature on the lease? Yes No

23b. If 23 is No: Surface Owners Agreement Attached or \$25,000 Blanket Surface Bond \$2,000 Surface Bond \$5,000 Surface Bond

24. Using standard Qtr/Sec, Twp, Rng format enter entire mineral lease description upon which this proposed wellsite is located (attach separate sheet/map if you prefer):
 SEE ATTACHED

25. Distance to Nearest Mineral Lease Line: +/- 870' 26. Total Acres in Lease: 7.200

DRILLING PLANS AND PROCEDURES

27. Is H2S anticipated? Yes No If Yes, attach contingency plan.

28. Will salt sections be encountered during drilling? Yes No

29. Will salt (>15,000 ppm TDS Cl) or oil based muds be used during drilling? Yes No

30. If questions 27 or 28 are yes, is this location in a sensitive area (Rule 903)? Yes No If 28, 29 or 30 are "Yes" a pit permit may be required.

31. Mud disposal: Offsite Onsite
 Method: Land Farming Land Spreading Disposal Facility Other: PIT

NOTE: The use of an earthen pit for Recompletion fluids requires a pit permit (Rule 905b.) If air/gas drilling, notify local fire officials.

String	Size of Hole	Size of Casing	Weight Per Foot	Setting Depth	Sacks Cement	Cement Bottom	Cement Top
SURF	11"	8-5/8"	24#	450'	300	450'	SURF
1st Stage	7-7/8"	5-1/2"	15.5#	2,350'	110	2,350'	1,660'
2nd Stage	7-7/8"	5-1/2"	15.5#	1,660'	290	1,660'	SURF
				Stage Tool			

32. BOP Equipment Type: Annular Preventor Double Ram Rotating Head None

33. Comments: There are no wtr wells located within 1 mile of the proposed location.

34. Initial Rule 306 Consultation took place on (date) _____, was waived or is not required. Provide supporting documentation if consultation has been waived or if good faith effort did not result in consultation.
 PERMIT SUBMITTED TO COGCC PRIOR TO COMPLIANCE WITH RULE 306 CONSULTATION SHALL BE RETURNED UNAPPROVED.
 I hereby certify that a complete permit package has been sent to the applicable Local Government Designee(s), and all statements made in this form are, to the best of my knowledge, true, correct, and complete.

Signed: Kelly K. Small Print Name: Kelly K. Small
 Title: REGULATORY COMPLIANCE TECH Date: 03/05/07 Email: kelly_small@xtoenergy.com

Based on the information provided herein, this Application for Permit-to-Drill complies with COGCC Rules and applicable orders and is hereby approved.

COGCC Approved: [Signature] Director of COGCC Date: 04-16-07

Permit Number: 20071126 Expiration Date: 04-09-08

API NUMBER
 05-091-09238-00

CONDITIONS OF APPROVAL, IF ANY:

- 1) Provide 48 hour notice of MIRU to John Duran at 719-846-4715
- 2) Provide cement coverage of production casing from TD to surface casing shoe or above. Verify coverage with cement bond log
- 3) Immediately cease operations and notify the COGCC in the event of any operational problem that could potentially impact water wells in the area

State of Colorado
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203 (303) 894-2100 Fax (303) 894-2109



FOR OGCC USE ONLY

DRILL SITE/ACCESS ROAD RECLAMATION FORM

This form shall be submitted in duplicate with the application for permit-to-drill (OGCC Form 2) unless a Federal 13-point surface plan is included. Also required are a minimum of two photographs (site and access road). Soil and plant community information is from United States Natural Resources Conservation Services (USNRCS).

1. OGCC Operator Number: 100264
 2. Name of Operator: XTO ENERGY INC.
 3. Address: 2700 Farmington Ave. Bldg K - Suite 1
 City: Farmington State: NM Zip: 87401
 4. Contact Name and Telephone: Kelly Small
 No: (505) 564-6708
 Fax: (505) 564-6700
 5. Well Name and No.: NEW ELK 36-01 6. County: Las Animas
 7. Location (QtrQtr, Sec, Twp, Rng, Meridian): NENE 36 - 33S - 68W 6TH

Complete the Attachment Checklist

	Oper	OGCC
Drillsite and access photographs	✓	
CDE Section 404 documentation		

Pre-Drilling Information
Current Land Use

8. Crop Land: Irrigated Dry Land Improved Pasture Hay Meadow CRP
 9. Non-Crop Land: Rangeland Timber Recreational Other (describe): _____
 10. Subdivided: Industrial Commercial Residential
 Attach color photographs of drill site and access road; identify each photo by date, well name and location.

Soils

11. Soil map units from USNRCS survey: Sheet No: WSS Soil Complex/Series No: GA
 Soils Series Name: GULNARE Horizon thickness (in inches): A: 0-2" ; B: 2-5" ; C: 5-13"
 Soils Series Name: ALLENS PARK Horizon thickness (in inches): A: 0-5" ; B: 5-10" ; C: 10-16"

Plant Community

Complete this section only if operations are to be conducted upon non-crop land.

12. Plant species from: USNRCS or Field Observation Date of observation: _____
 List individual species: Ponderosa Pine, Mountain Muhly, Gambel Oak

13. Check one predominant plant community for the drill site:
 Disturbed Grassland (Cactus, Yucca, Cheatgrass, Rye, Thistle)
 Grassland (Bluestem, Grama, Wheatgrass, Buffalograss, Fescue, Oatgrass, Brome).
 Shrub and Brush Land (Mahogany, Oak, Sage, Serviceberry, Chokecherry)
 Plains Deciduous Riparian (Cottonwood, Willow, Aspen, Maple, Poplar, Russian Olive, Tamarisk)
 Mountain Conifer Riparian (Spruce, Fir, Ponderosa Pine)
 Evergreen Forest Land (Spruce, Fir, Ponderosa Pine, Lodgepole Pine, Juniper, Pinyon)
 Aquatic (Bullrush, Sedges, Cattail, Arrowhead)
 Tundra (Alpine, Willow, Currant, Raspberry)
 Other (describe): _____

14. Was an Army Corps of Engineers Section 404 Permit filed? Yes No If yes, attach appropriate documentation.

Comments:

I hereby certify that I, or persons under my direct supervision, have inspected the proposed drill site and access road; that I am familiar with the conditions which presently exist, that the statements made in this form are, to the best of my knowledge, true, correct, and complete.

Print Name: Kelly Small
 Signed: _____ Title: Regulatory Compliance Date: 03/05/07