DOCUMENT #2232730

FORM 4 Rev 12/05

Page 1

State of Colorado
Oil and Gas Conservation Commission

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

DE | ET | GE | ES

RECEIVED 3/28/2013

SUNDRY NOTICE

Submit original plus one copy. This form is to be used for general, technical and environmental sundry information. For proposed or completed operations, describe in full on Technical Information Page (Page 2 of this form) Identify well or other facility by API Number or by OGCC Facility ID. Operator shall send an informational copy of all sundry notices for wells located in High Density Areas to the Local Government Designee (Rule 603b.)

1. OGCC Operator Number: 100264
2. Name of Operator: XTO Energy Inc.
3. Address: PO Box 6501
   City: Englewood State: CO Zip: 80155
4. Contact Name: Jessica Dooling
   Phone: 970-675-4122
   Fax: 970-675-4150
5. API Number 05-103-11428
6. Well/Facility Name: Freedom Unit
7. Well/Facility Number 197-33B
8. Location (QtrQtr, Sec, Twp, Rng, Meridian). SWNE, Sec 33, T1S, R97W, 6th PM
9. County: Rio Blanco
10. Field Name: Piceance Creek
11. Federal, Indian or State Lease Number:

OGCC Facility ID Number

Complete the Attachment Checklist

	OP	OGCC
Survey Plat		
Directional Survey		
Surface Eqpmt Diagram		
Technical Info Page		
Other		

General Notice

☐ **CHANGE OF LOCATION:** Attach New Survey Plat (a change of surface qtr/qtr is substantive and requires a new permit)

	FNL/FSL		FEL/FWL	
Change of Surface Footage from Exterior Section Lines:				
Change of Surface Footage to Exterior Section Lines:				
Change of Bottomhole Footage from Exterior Section Lines:				
Change of Bottomhole Footage to Exterior Section Lines:				

attach directional survey

Bottomhole location Qtr/Qtr, Sec, Twp, Rng, Mer

Latitude
Longitude
Ground Elevation

Distance to nearest property line
Distance to nearest lease line
Distance to nearest well same formation

Distance to nearest bldg, public rd, utility or RR
Is location in a High Density Area (rule 603b)? Yes/No
Surface owner consultation date

GPS DATA:
Date of Measurement PDOP Reading Instrument Operator's Name

☐ **CHANGE SPACING UNIT**

Formation	Formation Code	Spacing order number	Unit Acreage	Unit configuration

☐ **Remove from surface bond**
Signed surface use agreement attached

☐ **CHANGE OF OPERATOR (prior to drilling):**
Effective Date:
Plugging Bond: ☐ Blanket ☐ Individual

☐ **CHANGE WELL NAME** NUMBER
From
To:
Effective Date:

☐ **ABANDONED LOCATION:**
Was location ever built? ☐ Yes ☐ No
Is site ready for Inspection? ☐ Yes ☐ No
Date Ready for Inspection

☐ **NOTICE OF CONTINUED SHUT IN STATUS**
Date well shut in or temporarily abandoned:
Has Production Equipment been removed from site? ☐ Yes ☐ No
MIT required if shut in longer than two years. Date of last MIT

☐ **SPUD DATE:**

☐ **REQUEST FOR CONFIDENTIAL STATUS** (6 mos from date casing set)

☐ **SUBSEQUENT REPORT OF STAGE, SQUEEZE OR REMEDIAL CEMENT WORK** *submit cbl and cement job summaries

Method used	Cementing tool setting/perf depth	Cement volume	Cement top	Cement bottom	Date

☐ **RECLAMATION:** Attach technical page describing final reclamation procedures per Rule 1004
Final reclamation will commence on approximately
☐ Final reclamation is completed and site is ready for inspection

Technical Engineering/Environmental Notice

☐ Notice of Intent
Approximate Start Date:

☐ Report of Work Done
Date Work Completed:

Details of work must be described in full on Technical Information Page (Page 2 must be submitted.)

☐ Intent to Recomplete (submit form 2)
☐ Change Drilling Plans
☐ Gross Interval Changed?
☐ Casing/Cementing Program Change
☐ Request to Vent or Flare
☐ Repair Well
☐ Rule 502 variance requested
☒ Other: See Page 2
☐ E&P Waste Disposal
☐ Beneficial Reuse of E&P Waste
☐ Status Update/Change of Remediation Plans for Spills and Releases

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

Signed: Date: 3/27/2013 Email: jessica_dooling@xtoenergy.com

Print Name: Jessica Dooling Title Piceance EH&S Supervisor

COGCC Approved: Title EPS NW Region Date: 04/16/2013

CONDITIONS OF APPROVAL, IF ANY

FORM 4 Rev 12/05

TECHNICAL INFORMATION PAGE

FOR OGCC USE ONLY

1. OGCC Operator Number: 100264 API Number: 05-103-11428
2. Name of Operator: XTO Energy Inc. OGCC Facility ID #
3. Well/Facility Name: Freedom Unit Well/Facility Number: 197-33B
4. Location (QtrQtr, Sec, Twp, Rng, Meridian): SWNE, Sec 33, T1S, R97W, 6th PM

This form is to be completed whenever a Sundry Notice is submitted requiring detailed report of work to be performed or completed. This form shall be transmitted within 30 days of work completed as a "subsequent" report and must accompany Form 4, page 1.

DESCRIBE PROPOSED OR COMPLETED OPERATIONS

XTO Energy herin requests consideration of site-specific background Arsenic levels as an alternative to the Table 910-1 value for the FRU 197-33B location. COGCC Table 910-1 Concentration Levels list the allowable concentration level for Arsenic in soil at 0.39 mg/kg. Footnote 1 of Table 910-1 states "Consideration shall be given to background levels in native soils and ground water." At other locations COGCC has allowed the determination of allowable levels based upon a 10 % variability factor applied to background soil concentration values where the maximum allowable level is computed by multiplying the highest detected background concentration by 1.1.

Eight representative background samples were collected from undisturbed areas adjacent to the subject location. Arsen concentrations in those samples ranged from 5.5 mg/kg to 8.9 mg/kg. Applying the 10% variability factor to the highest concentration detected results in an allowable Arsenic concentration level of 9.8 mg/kg.

Subliner Arsenic samples were collected from the Reserve (9.3 mg/kg) Cuttings Pit #1 (8.7 mg/kg), Cuttings Pit #2 (8.0 mg/kg) and Cuttings Pit #3 (8.9 mg/kg). The subliner Arsenic concentrations are within the allowable background Arsenic concentration of 9.8 mg/kg.

The Freshwater Pit subliner Arsenic concentration of 10.4 mg/kg is above the allowable background Arsenic concentration of 9.8 mg/kg. XTO Energy believes the subliner Arsenic value reflects the heterogeneous nature of the substrate and does not indicate subliner impacts due to operations.

Initial Cuttings Pit #1 contents Arsenic concentration of 14.0 mg/kg is presumed to be the result of material from the Mancos formation. Five additional discrete samples representing the Cuttings Pit #1 contents, including, in part, material from the Mancos formation were analyzed for Arsenic. Cuttings Pit #1 analysis resulted in a range of 10.4 mg/kg to 13.8 mg/kg. It is our interpretation that the discrete Arsenic samples demonstrate that there were no anthropogenic affects to the Cuttings Pit #1 material and that the elevated Arsenic levels reflect contributions due to drilling through the Mancos formation (see Tables 1 & 2).

Please find the Lab Data Summary Tables and the Site Map indicating Arsenic sampling locations attached.

Table 1
Location: FRU 197-33B
Lab Summary

Last update 3/14/2013

Analytical Parameter	Fresh Water Pit		Reserve Pit		Cuttings #1		Cuttings #2		Cuttings #3		Background								COGCC	Maximum based on Background
(with units)	FW Pit Contents	FW Pit Subliner[5] 11/7/12	RP Contents 2/9/12	RP Subliner[6] 9/13/12	Cut #1 Pit Contents[7] 2/9/12	Cut #1 Pit Subliner 6/12/12	Cut #2 Pit Contents 2/9/12	Cut #2 Pit Subliner 6/4/12	Cut #3 Pit Contents[8] 2/9/12	Cut #3 Pit Subliner 6/4/12	#1	#2	#3	#4	#5	#6	#7	#8	Table 910-1 Concentration Levels	
Accutest Job #	De Minimis Contents	D40778	D31789	D38796	D31789	D35488	D31789	D35144	D31789	D35145	D33518 (4/9/12)								-	-
Sample type (Composite/Discrete)		C	C	C	C	C	C	C	C	C	D	D	D	D	D	D	D	D	-	-
TPH (GRO) (mg/Kg)		ND	133	22	189	ND	116	ND	155	ND	-	-	-	-	-	-	-	-	-	-
TPH (DRO) (mg/Kg)		780	8940	2210	1090	56.4	1090	150	1060	59.6	-	-	-	-	-	-	-	-	-	-
TPH (GRO + DRO) (mg/Kg)		780	9073	2232	1279	56.4	1206	150	1215	59.6	-	-	-	-	-	-	-	-	500	-
Benzene (mg/Kg)		0.0321	0.728	0.14	0.655	ND	0.793	ND	1.57	0.0268	-	-	-	-	-	-	-	-	0.170	-
Toluene (mg/Kg)		0.172	3.47	0.548	8.69	ND	9.22	0.0773	9.20	0.0716	-	-	-	-	-	-	-	-	85	-
Ethylbenzene (mg/Kg)		0.0257	0.570	0.1	1.84	ND	1.91	ND	1.83	ND	-	-	-	-	-	-	-	-	100	-
Xylenes (total) (mg/Kg)		0.337	9.69	0.926	8.19	ND	8.50	ND	8.99	ND	-	-	-	-	-	-	-	-	175	-
Acenaphthene (mg/Kg)		ND	ND	ND	ND	ND	ND	ND	ND	ND	-	-	-	-	-	-	-	-	1000	-
Anthracene (mg/Kg)		ND	ND	ND	ND	ND	ND	ND	ND	ND	-	-	-	-	-	-	-	-	1000	-
Benzo(A)anthracene (mg/Kg)		ND	ND	ND	ND	ND	ND	0.0062	ND	ND	-	-	-	-	-	-	-	-	0.22	-
Benzo(A)pyrene (mg/Kg)		ND	ND	ND	ND	ND	ND	ND	ND	ND	-	-	-	-	-	-	-	-	0.22	-
Benzo(B)fluoranthene (mg/Kg)		ND	ND	ND	ND	ND	ND	ND	ND	ND	-	-	-	-	-	-	-	-	2.2	-
Benzo(K)fluoranthene (mg/Kg)		ND	ND	ND	ND	ND	ND	ND	ND	ND	-	-	-	-	-	-	-	-	0.022	-
Chrysene (mg/Kg)		0.0102	ND	0.0574	ND	ND	ND	0.0180	ND	0.0096	-	-	-	-	-	-	-	-	22	-
Dibenzo(A,H)anthracene (mg/Kg)		ND	ND	ND	ND	ND	ND	ND	ND	ND	-	-	-	-	-	-	-	-	0.022	-
Fluoranthene (mg/Kg)		0.0102	ND	ND	ND	ND	ND	ND	ND	ND	-	-	-	-	-	-	-	-	1000	-
Fluorene (mg/Kg)		ND	ND	ND	ND	0.0055	ND	ND	ND	ND	-	-	-	-	-	-	-	-	1000	-
Indeno(1,2,3,C,D)pyrene (mg/Kg)		ND	ND	ND	ND	ND	ND	ND	ND	ND	-	-	-	-	-	-	-	-	0.22	-
Naphthalene (mg/Kg)		0.120	2.42	0.20	ND	0.0320	ND	0.144	0.850	0.101	-	-	-	-	-	-	-	-	23	-
Pyrene (mg/Kg)		0.0116	ND	0.0656	ND	ND	ND	0.0136	ND	0.0070	-	-	-	-	-	-	-	-	1000	-
Electrical Conductivity (mmhos/cm)		1.520	4.940	2.13	5.450	0.736	3.410	2.310	1.380	1.440	-	-	-	-	-	-	-	-	4	-
Sodium Adsorption Ratio (SAR)		27.6	51.5	17	110	9.42	37.7	21.9	24.7	16.9	-	-	-	-	-	-	-	-	12	-
pH		11.45	9.07	10.48	8.71	10.14	8.88	10.02	9.28	9.91	-	-	-	-	-	-	-	-	6-9	-
Arsenic (mg/kg)		10.4	2.6	9.3	14.0	8.7	12.9	8.0	8.6	8.9	6.5	8.9	7.1	6.0	5.8	8.3	5.5	7.7	0.39	9.8
Barium (mg/kg)		3150	13900	5290	4040	2760	5840	6490	5900	6030	-	-	-	-	-	-	-	-	15000	-
Cadmium (mg/kg)		<1.2	< 1.6	<1.1	< 1.3	<1.1	< 1.3	<1.1	< 1.4	<1.1	-	-	-	-	-	-	-	-	70	-
Chromium (III) (mg/Kg)		65.8	5.9	60.1	13.3	43.8	15.4	35.4	17.2	48.2	-	-	-	-	-	-	-	-	120000	-
Chromium (VI) (mg/Kg)		<1.0	1.0	<1.0	< 0.53	<1.0	< 0.52	<1.0	< 0.55	<1.0	-	-	-	-	-	-	-	-	23	-
Copper (mg/kg)		14.3	17.8	18.9	34.9	19.3	33.3	22.5	29.1	14.7	-	-	-	-	-	-	-	-	3100	-
Lead (inorganic) (mg/kg)		10.3	< 7.9	13.2	17.5	12.4	18.3	14.3	16.2	14.1	-	-	-	-	-	-	-	-	400	-
Mercury (mg/kg)		<0.092	< 0.15	<0.11	< 0.13	<0.12	< 0.13	<0.12	< 0.14	<0.11	-	-	-	-	-	-	-	-	23	-
Nickel (mg/kg)		23.9	7.5	26.6	18.9	21.5	18.4	19.9	14.3	22.6	-	-	-	-	-	-	-	-	1600	-
Selenium (mg/kg)		<5.8	< 7.9	<5.7	< 6.5	<5.7	< 6.7	<5.4	<6.8	<5.7	-	-	-	-	-	-	-	-	390	-
Silver (mg/kg)		<3.5	< 4.7	<3.4	< 3.9	<3.4	< 4.0	<3.3	< 4.1	<3.4	-	-	-	-	-	-	-	-	390	-
Zinc (mg/kg)		52.2	19.8	52.8	58.2	52.8	42.4	51.2	43.9	51.8	-	-	-	-	-	-	-	-	23000	-
% Solids		87.7	63.4	86.4	75.1	87.4	75.7	90.4	71.7	88.8	89.5	86.9	89.7	87.0	86.8	91.2	88.1	89.0	-	-

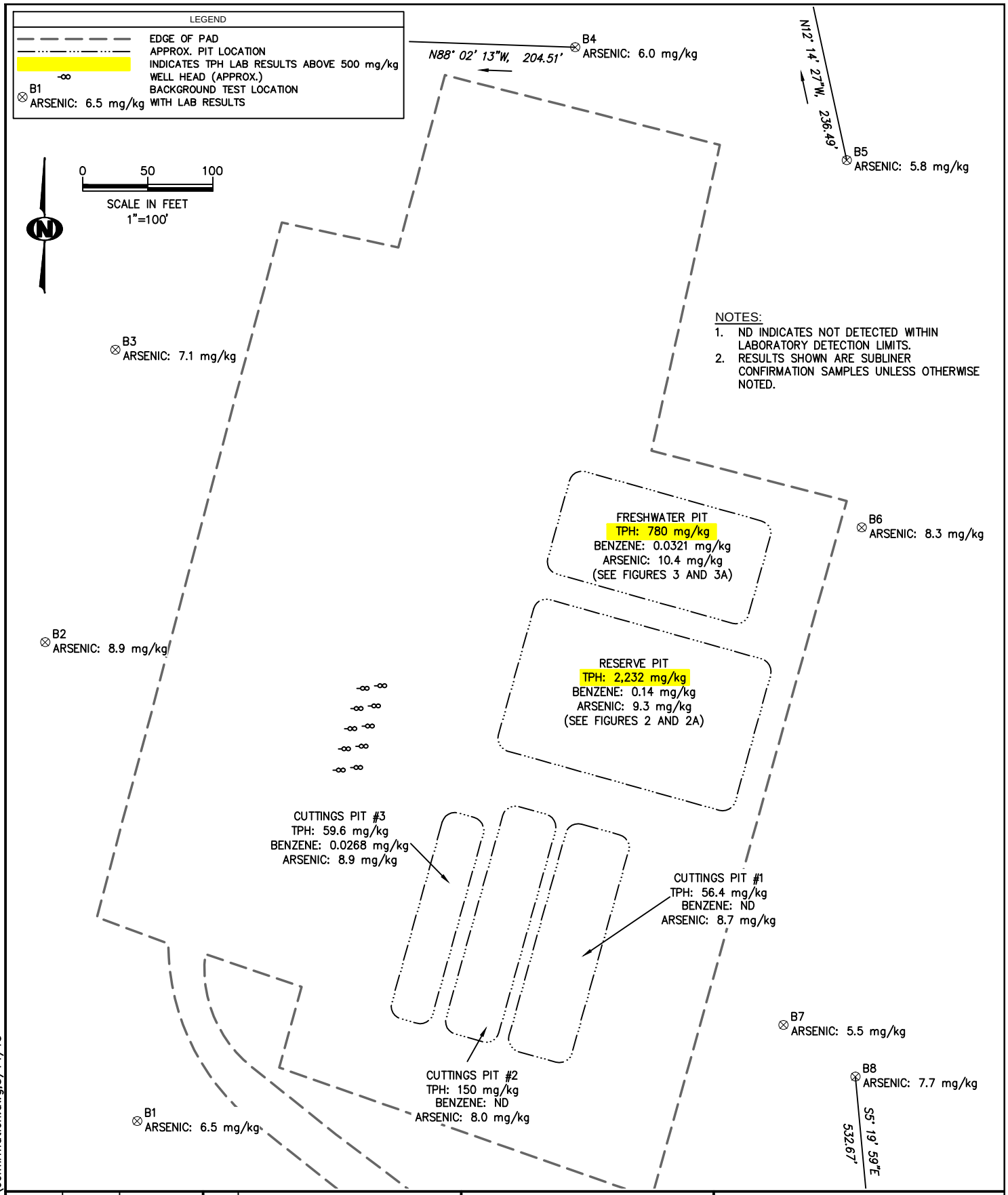
Notes:
1) ND = not detectible to the laboratory detection limit.
2) Results highlighted in yellow exceed Table 910-1 concentration levels. Results highlighted in Gray exceed Table 910-1, but are below background levels.
3) "-" indicates no analysis.
4) See site map for sample locations.
5) See Table 6 for additional information.
6) See Table 5 for additional information.
7) See Table 3 for additional information.
8) See Table 4 for additional information.

Table 2
Location: FRU 197-33B
Lab Summary - Arsenic Summary

Last update 3/14/2013

Analytical Parameter	Cuttings #1 Discrete Arsenic					Background								COGCC	Maximum based on Background
(with units)	*#1*	*#2*	*#3*	*#4*	*#5*	*#1*	*#2*	*#3*	*#4*	*#5*	*#6*	*#7*	*#8*	*Table 910-1 Concentration Levels*	
Accutest Job #	D39586 (10/4/12)					D33518 (4/9/12)								-	-
Sample type (**C**omposite/**D**iscrete)	**D**	**D**	**D**	**D**	**D**	**D**	**D**	**D**	**D**	**D**	**D**	**D**	**D**	-	-
TPH (GRO) (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TPH (DRO) (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TPH (GRO + DRO) (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	500	-
Benzene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	0.170	-
Toluene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	85	-
Ethylbenzene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	100	-
Xylenes (total) (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	175	-
Acenaphthene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	1000	-
Anthracene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	1000	-
Benzo(A)anthracene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	0.22	-
Benzo(A)pyrene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	0.22	-
Benzo(B)fluoranthene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	2.2	-
Benzo(K)fluoranthene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	0.022	-
Chrysene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	22	-
Dibenzo(A,H)anthracene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	0.022	-
Fluoranthene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	1000	-
Fluorene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	1000	-
Indeno(1,2,3,C,D)pyrene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	0.22	-
Naphthalene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	23	-
Pyrene (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	1000	-
Electrical Conductivity (mmhos/cm)	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-
Sodium Adsorption Ratio (SAR)	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-
pH	-	-	-	-	-	-	-	-	-	-	-	-	-	6-9	-
Arsenic (mg/kg)	10.4	12.1	10.6	13.8	10.4	6.5	8.9	7.1	6.0	5.8	8.3	5.5	7.7	0.39	9.8
Barium (mg/kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	15000	-
Cadmium (mg/kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	70	-
Chromium (III) (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	120000	-
Chromium (VI) (mg/Kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	23	-
Copper (mg/kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	3100	-
Lead (inorganic) (mg/kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	400	-
Mercury (mg/kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	23	-
Nickel (mg/kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	1600	-
Selenium (mg/kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	390	-
Silver (mg/kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	390	-
Zinc (mg/kg)	-	-	-	-	-	-	-	-	-	-	-	-	-	23000	-
% Solids	90.7	89.5	88.7	88.8	89.2	89.5	86.9	89.7	87.0	86.8	91.2	88.1	89.0	-	-

Notes:
1) ND = not detectible to the laboratory detection limit.
2) Results highlighted in yellow exceed Table 910-1 concentration levels. Results highlighted in Gray exceed Table 910-1, but are below background levels.
3) "-" indicates no analysis.



GPS: TRIMBLE	CHECKED: DK	FIGURE 1	
DATE: 3/14/13	DRAWN: DRF		
FILE NAME: confirmation		SHEET NO. 1 of 5	
PROJECT NO. 1202-01		SCALE: 1" = 100'	

DATE	REVISIONS

KRW CONSULTING, INC.
8000 W. 14TH AVENUE, SUITE 200
LAKEWOOD, COLORADO
(303) 239-9011

FIGURE 1
PICEANCE CREEK
FRU 197-33B
SAMPLE LOCATIONS WITH ARSENIC LEVELS
PREPARED FOR XTO ENERGY

c:\krw\fru 197-33b\confirmation.dwg,3/14/13