

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OCD Artesia

FORM APPROVED
OMB NO. 1004-0137
Expires: January 31, 2018**SUNDRY NOTICES AND REPORTS ON WELLS**
Do not use this form for proposals to drill or to re-enter an abandoned well. Use form 3160-3 (APD) for such proposals.5. Lease Serial No.
NMLC029415A

6. If Indian, Allottee or Tribe Name

7. If Unit or CA/Agreement, Name and/or No.

SUBMIT IN TRIPLICATE - Other instructions on page 2

1. Type of Well

☒ Oil Well ☐ Gas Well ☐ Other

2. Name of Operator

BURNETT OIL CO. INC.

Contact: LESLIE GARVIS

E-Mail: lgarvis@burnettoil.com

8. Well Name and No.

PARTITION 13 FED NC 5H

9. API Well No.

30-015-43530

3a. Address

BURNETT PLAZA - SUITE 1500 801 CHERRY STREET
FORT WORTH, TX 76102

3b. Phone No. (include area code)

PH 817-683-8700

10. Field and Pool or Exploratory Area

FREN GLORIETA YESO

4. Location of Well (Footage, Sec., T., R., M., or Survey Description)

Sec 24 T17S R31E Mer NMP NENW 255FNL 2590FWL

11. County or Parish, State

EDDY COUNTY, NM

12. CHECK THE APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION

TYPE OF ACTION

☒ Notice of Intent☐ Subsequent Report☐ Final Abandonment Notice☐ Acidize☐ Alter Casing☐ Casing Repair☐ Change Plans☐ Convert to Injection☐ Deepen☐ Hydraulic Fracturing☐ New Construction☐ Plug and Abandon☐ Plug Back☐ Production (Start/Resume)☐ Reclamation☐ Recomplete☐ Temporarily Abandon☐ Water Disposal☐ Water Shut-Off☐ Well Integrity☒ Other

13. Describe Proposed or Completed Operation: Clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recompleat horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports must be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompleat in a new interval, a Form 3160-4 must be filed once testing has been completed. Final Abandonment Notices must be filed only after all requirements, including reclamation, have been completed and the operator has determined that the site is ready for final inspection.

Revised as requested by Fernando on 12/12/17. (Originally submitted on 9/18/17)

Burnett Oil would like to construct a frac pond adjacent to the Partition 13 Fed NC 5H location.

Location of Pond: T17S, R31E, Sec. 24, Unit B

Name: Partition 24 Fed Unit B Frac Pond

Size: 350' x 300' x 304.1' x 300'

Depth: 16'

NM OIL CONSERVATION
ARTESIA DISTRICT

DEC 26 2017

RECEIVED

AC 12-27-17
Accepted for record - NMOCD

Okay by Fernando Barros 12/15/2017 FHLB

14. I hereby certify that the foregoing is true and correct.

Electronic Submission #397758 verified by the BLM Well Information System

For BURNETT OIL CO. INC., sent to the Carlsbad

Committed to AFMSS for processing by DEBORAH MCKINNEY on 12/14/2017 ()

Name (Printed/Typed) LESLIE GARVIS

Title REGULATORY MANAGER

Signature

(Electronic Submission)

Date 12/12/2017

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved By

Fernando Barros

Title

FIELD MANAGER

Date

12-19-17

Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Office

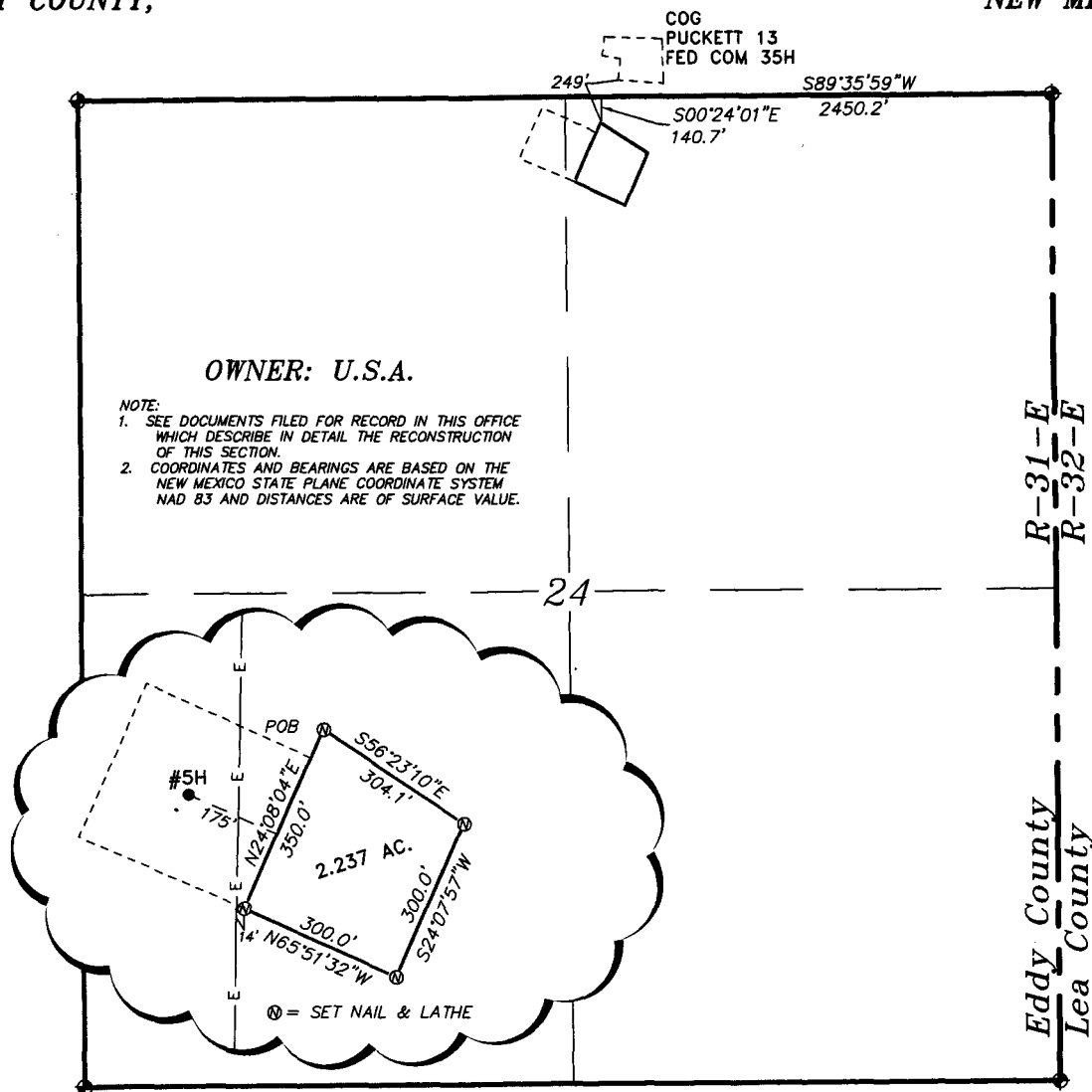
CARLSBAD FIELD OFFICE

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Instructions on page 2)

**** OPERATOR-SUBMITTED ** OPERATOR-SUBMITTED ** OPERATOR-SUBMITTED ****

**SECTION 24, TOWNSHIP 17 SOUTH, RANGE 31 EAST, N.M.P.M.,
EDDY COUNTY, NEW MEXICO.**

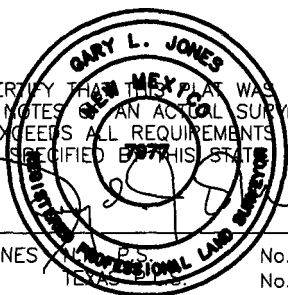


LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN SECTION 24, TOWNSHIP 17 SOUTH, RANGE 31 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH LIES S.89°35'59"W., 2450.2 FEET AND S.00°24'01"E., 140.7 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 24; THENCE S.56°23'10"E., 304.1 FEET; THENCE S.24°07'57"W., 300.0 FEET; THENCE N.65°51'32"W., 300.0 FEET; THENCE N.24°08'04"E., 350.0 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 2.237 ACRES, MORE OR LESS.

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY AND MEETS OR EXCEEDS ALL REQUIREMENTS FOR LAND SURVEYS AS SPECIFIED BY THIS STATE.



GARY L. JONES, P.S., No. 7977
TEXAS, No. 5074

basin surveys

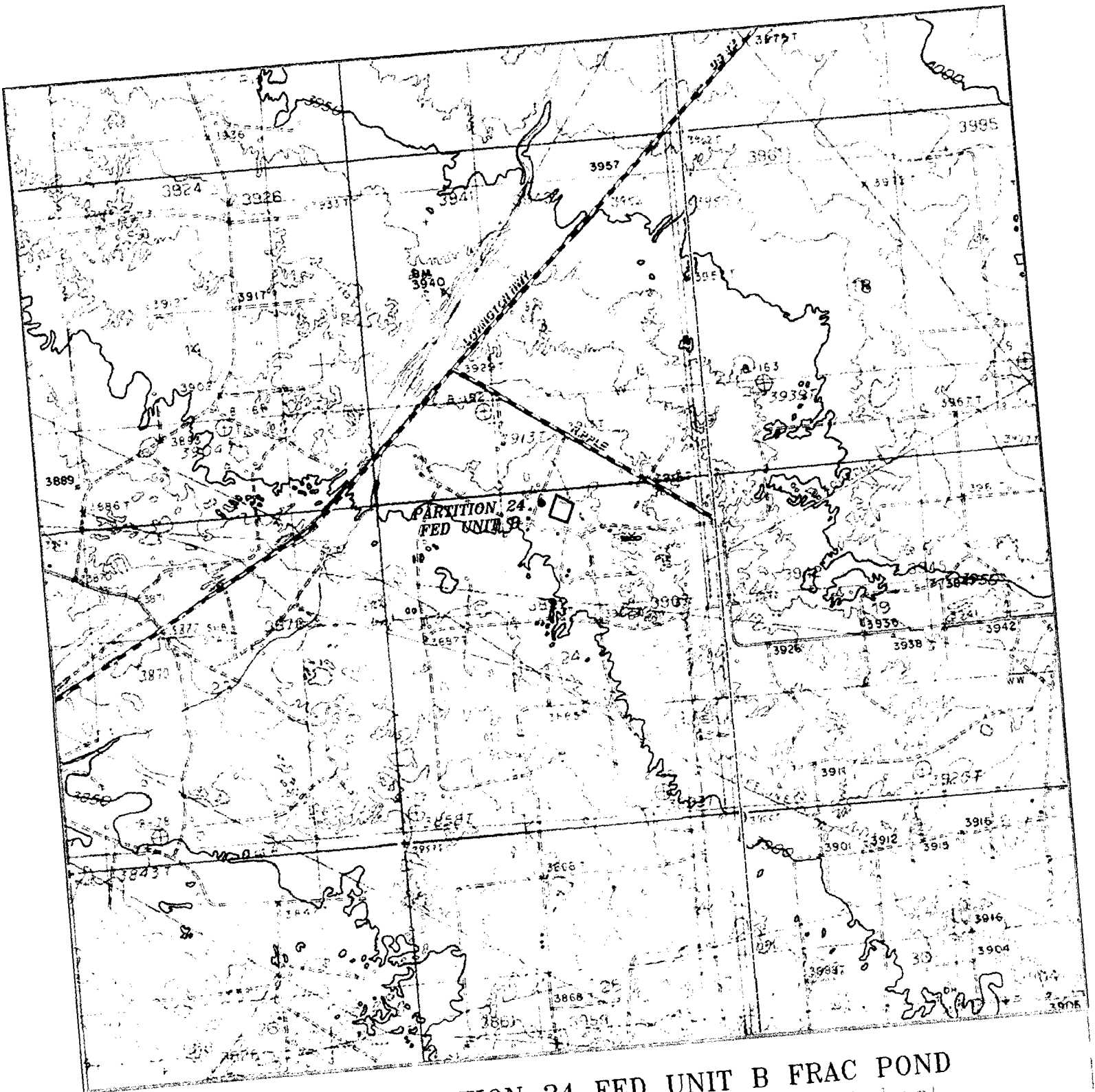
focused on excellence in the oilfield
P.O. Box 1786, Hobbs, New Mexico 88241
505-393-3516, 505-392-2206
basinsurveys.com

1000 0 1000 2000 FEET

Burnett Oil Co., Inc. 6666

REF: PROPOSED PARTITION 24 FED UNIT B FRAC POND

A TRACT OF LAND LOCATED ON USA LAND IN
SECTION 24, TOWNSHIP 17 SOUTH, RANGE 31 EAST,
N.M.P.M., EDDY COUNTY, NEW MEXICO.



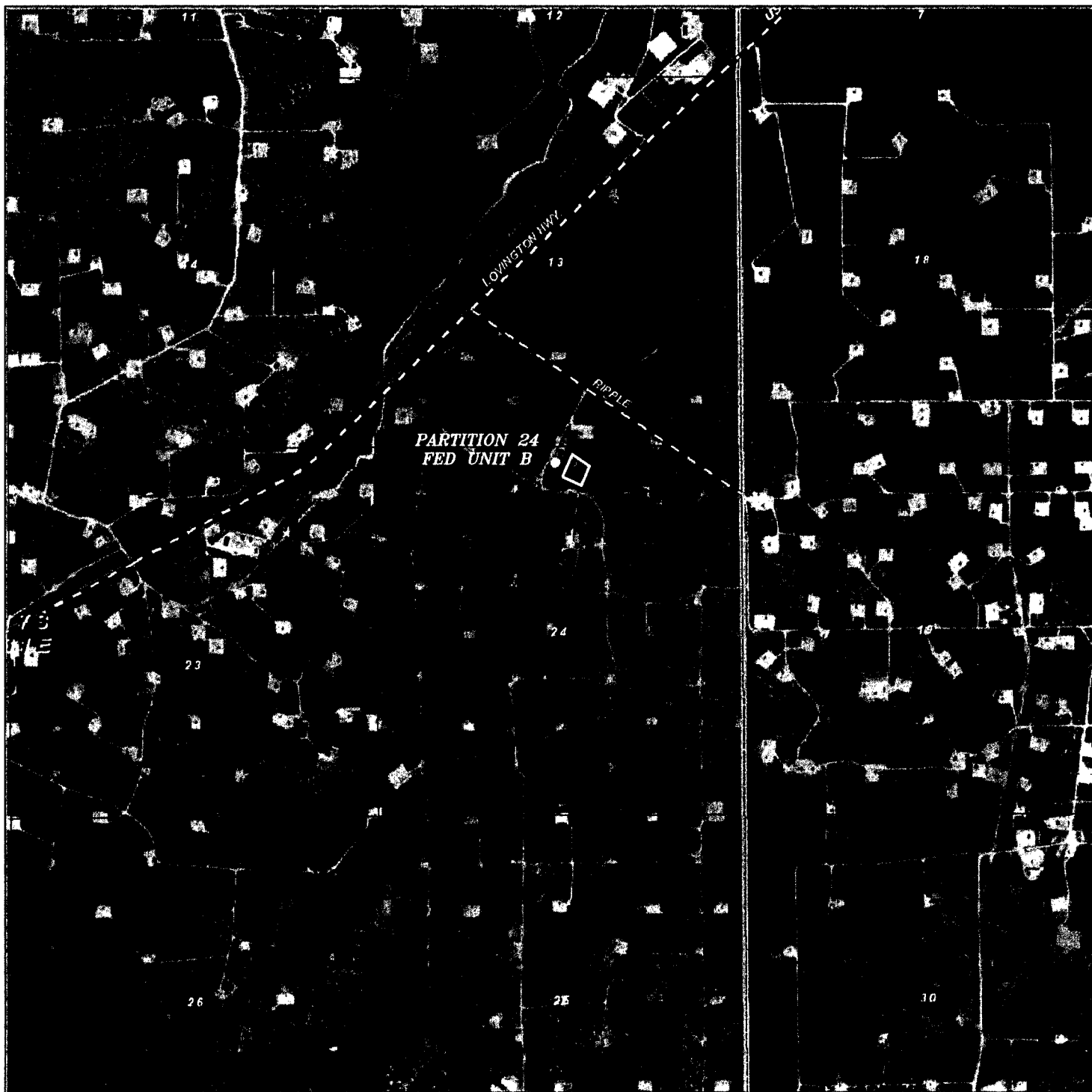
PROPOSED PARTITION 24 FED UNIT B FRAC POND
 Section 24, Township 17 South, Range 31 East
 N.M.P.M., Eddy County, New Mexico.

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surveys
 focused on excellence
 in the oilfield

P.O. Box 1786
 120 W. West County Rd.
 Hobbs, New Mexico 88241
 505 393-7316 - Office
 505 392-2206 - Fax
 basinsurveys.com

0' 100' 2000' 3000 4000
 SCALE: 1" = 2000'
 W. Surveyor: KJG 33276
 Survey Date: 09-08-20
 YELLOW TINT - USA LAND
 BLUE TINT - STATE LAND
 NATURAL COLOR - FEE LAND

Burnett Oil Co., Inc.
6666



PROPOSED PARTITION 24 FED UNIT B FRAC POND
 Section 24, Township 17 South, Range 31 East,
 N.M.P.M., Eddy County, New Mexico.

basin
surveys

focused on excellence
 in the oilfield

P.O. Box 1786
 120 N. West County Rd.
 Hobbs, New Mexico 88241
 (575) 393-7316 - Office
 (575) 392-2206 - Fax
 basin-surveys.com

0 1000' 2000' 3000' 4000'
 SCALE: 1" = 2000'
 W.O. Number KUG 3218
 Survey Date 09-08-2011
 YELLOW TINT - USA LAND
 BLUE TINT - STATE LAND
 NATURAL COLOR - FEE LAND

Burnett Oil Co., Inc.
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FRAC POND CONDITIONS OF APPROVAL

A copy of the application (APD, Grant, or Sundry Notice) and attachments, including stipulations, survey plat and diagram, will be on location during construction. BLM personnel may request to see a copy of your permit during construction to ensure compliance with all conditions of approval.

Holder agrees to comply with the following conditions of approval to the satisfaction of the Authorized Officer:

1. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this permit.
2. The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated.

3. Required Standard Conditions of Approval:

a. Notification

Contact the Supervisory Environmental Protection Specialist, Jim Amos, at 575-234-5909 at least 24 hours prior to starting construction.

b. Freshwater Only

The frac pond will only be authorized to contain freshwater and testing of water quality is required. Additives are not allowed without consent of the authorized officer in writing.

c. Contamination

If at any time the water in the frac pond becomes polluted with salts or other contaminants, use of the frac pond will cease and desist, and all liquids will be removed from the frac pond and disposed of properly. The operator will preclude releases of oil into open pits. The operator must remove any accumulation of oil, condensate, or contaminant in a pit within 48 hours of discovery.

d. Authorized Disturbance

Confine all construction and maintenance activity to the approved authorized area applied for in the application.

e. Facilities

Porto-johns and trash containers will be on-location during fracturing operations or any other crew-intensive operations. Grey-water, sewage, and trash shall be removed from the site and disposed of properly at a state approved facility.

f. Escape Ramps

The operator will construct and maintain frac ponds to prevent livestock, wildlife, and humans from becoming entrapped. At a minimum, the operator will construct and maintain escape ramps, ladders, or other methods of avian and terrestrial wildlife escape in frac ponds. Escape ramps must be installed at every corner of the frac pond and in the center of each side if that side exceeds 100 feet in length. Escape ramps must be in contact with the side of the frac pond, bottom of the frac pond, and the top of the frac pond berm. Escape ramps cannot be made of metal and cannot be steeper than a 3:1 slope (Horizontal Distance: Vertical Distance) or

30% slope. (Examples of escape ramps: 12" wide wooden planks wrapped in matting, felt lining, etc.)

g. Frac Pond Pipelines

Temporary pipelines flowing from the frac pond to the target well will be laid along existing roadways unless an exception has been granted by the authorized officer in writing.

h. Mineral Material from Excavation

Mineral materials extracted during construction of the frac pond will be stored on-location and/or used for constructing the frac pond.

i. Frac Pond Liner

The frac pond will be lined with at least a 20 mil. plastic liner.

j. Topsoil Stockpile

The operator shall strip at least the top 6 inches of soil (root zone) from the entire frac pond area and stockpile the topsoil approximately 25 feet outside the bermed perimeter of the pond in a low profile manner, reasonably protected from wind and water erosion. Topsoil shall not be used for constructing the frac pond. The topsoil will be used for final reclamation purposes only.

k. Frac Pond Fence

The operator will install and maintain enclosure fencing on all sides of the frac pond to prevent access to public, livestock, and large forms of wildlife. The fence shall be installed at the base of the berm and never on top of the berm.

Construction of the fence shall consist of steel and/or wooden posts set firmly into natural ground. Hog panel or chain-link fencing must be used as the fence and tied securely to the fence posts. Barbed-wire fencing or electric fences shall not be used. The fence height shall not be shorter than six (6) feet. The erected fence shall be maintained in adequate condition until the frac pond is reclaimed.

l. Erosion Prevention

Install earthen erosion-control structures as are suitable for the specific terrain and soil conditions.

m. Reclamation Start

- I. Reclamation efforts will commence immediately after the frac pond is no longer needed for the purpose of completing wells.
- II. Within 3 months of completion of frac operations on associated wells, all earthwork and final reclamation must be completed. This includes reclaiming and/or removal of:
 - i. Any roads approved for use with the pond
 - ii. Surface water lines
 - iii. Tanks, pumps, fencing etc.

4. Additional Conditions of Approval.

a. Fencing

The lower three (3) feet of the fence shall have ½-inch hardware cloth overlapping the chain link or hog panel fence. And the hardware cloth shall extend below the ground surface and embedded into the concrete barrier.

The operator shall also construct a concrete barrier, under the fence, and extending at least 18 inches below the ground surface.

Any gate in the fence shall be constructed flush with the concrete barrier and have a minimum of 4-inch overlap with the adjacent fence so that animals, including birds, cannot squeeze past the gate to enter the pond.

The frac pond shall also install and maintain a net over the pond to prevent bats and birds from entering the pond. Best Management Practices include using shade cloth over the pond to prevent the pond from looking like open water, an attractive nuisance to migrating birds.

b. Spacing

The owner shall maintain a cleared area at least ten feet wide around the enclosure fence to prevent small mammals from creeping closer to the fence.

c. Trash management

If the Authorized Officer determines that a waste receptacle is necessary for the facility, it shall have a spring or other device to ensure the lid closes. Said waste receptacle (dumpster or garbage can) shall be emptied regularly and shall be at least ten feet beyond the enclosure fence.

Requirements for Operations and Final Reclamation:

5. If, during any phase of the construction, operation, maintenance, or termination of the frac pond, any pollutant should be released from the contaminated frac pond, the control and total removal, disposal, and cleaning up of such pollutant, wherever found, shall be the responsibility of holder, regardless of fault.

Upon failure of holder to control, dispose of, or clean up such discharge, or to repair all damages resulting there-from, the Authorized Officer may take such measures as he deems necessary to control and clean up the discharge and restore the area, including where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve holder of any responsibility as provided herein.

6. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to

determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.

7. The operator shall be held responsible if noxious weeds become established within the areas of operations. Weed control shall be required on the disturbed land where noxious weeds exist, which includes the roads, pads, associated pipeline corridor, and adjacent land affected by the establishment of weeds due to this action. The operator shall consult with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policies.

8. After all disturbed areas have been satisfactorily contoured and prepared for seeding the location needs to be revegetated with the seed mixture provided. Seeding may need to be repeated until revegetation is successful. Operators shall contact Jim Amos, Supervisor, Environmental Protection – (575)234-5909, **prior** to beginning surface reclamation operations.

9. Seeding is required: Use the following seed mix.

- | | |
|--|--|
| <input type="checkbox"/> seed mixture 1 | <input type="checkbox"/> seed mixture 3 |
| <input checked="" type="checkbox"/> seed mixture 2 | <input type="checkbox"/> seed mixture 4 |
| <input type="checkbox"/> LPC mixture | <input type="checkbox"/> Aplomado Falcon mix |

“EXHIBIT A-1”

Seed Mixture 2, for Sandy Sites

The holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)* per acre. There shall be no primary or secondary noxious weeds in the seed mixture. Seed will be tested and the viability testing of seed will be done in accordance with State law (s) and within nine (9) months prior to purchase. Commercial seed will be either certified or registered seed. The seed container will be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed will be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture will be evenly and uniformly planted over the disturbed area (smaller/heavier seeds have a tendency to drop the bottom of the drill and are planted first). The holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed will be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre are to be doubled. The seeding will be repeated until a satisfactory stand is

established as determined by the authorized officer. Evaluation of growth will not be made before completion of at least one full growing season after seeding.

Species to be planted in pounds of pure live seed* per acre:

<u>Species</u>	<u>lb/acre</u>
Sand dropseed (<i>Sporobolus cryptandrus</i>)	1.0
Sand love grass (<i>Eragrostis trichodes</i>)	1.0
Plains bristlegrass (<i>Setaria macrostachya</i>)	2.0

*Pounds of pure live seed:

Pounds of seed x percent purity x percent germination = pounds pure live seed