

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENTRECEIVED
ELECTRONIC REPORT

OCT 03 2016

FORM APPROVED
OMB NO. 1004-0135
Expires: July 31, 2010**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.***SUBMIT IN TRIPLICATE - Other instructions on reverse side.**

1. Type of Well <input checked="" type="checkbox"/> Oil Well <input type="checkbox"/> Gas Well <input type="checkbox"/> Other		5. Lease Serial No. 14206041949
2. Name of Operator BIYA OPERATORS INC Contact: JUBAL TERRY E-Mail: Jterry@diversifiedresourcesinc.com		6. If Indian, Allottee or Tribe Name UTE MOUNTAIN UTE
3a. Address 1789 W. LITTLETON BLVD. LITTLETON, CO 80120	3b. Phone No. (include area code) Ph: 303-797-5417 Fx: 303-797-5418	7. If Unit or CA/Agreement, Name and/or No.
4. Location of Well (Footage, Sec., T., R., M., or Survey Description) Sec 23 T31N R16W SWSW 690FSL 820FWL 36.881111 N Lat, 108.499965 W Lon		8. Well Name and No. UTE 1
		9. API Well No. 30-045-10448-00-S1
		10. Field and Pool, or Exploratory HORSESHOE GALLUP
		11. County or Parish, and State SAN JUAN COUNTY, NM

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

TYPE OF SUBMISSION	TYPE OF ACTION			
<input checked="" type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input checked="" type="checkbox"/> Other Surface Disturbance
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	



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 shall 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 shall be filed once testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

BIYA Operators Inc. will continue to excavate hydrocarbon impacted material from the Hicks #1 Tank Battery pursuant to the attached work plan.

**SEE ATTACHED
CONDITIONS OF APPROVAL**

14. I hereby certify that the foregoing is true and correct. Electronic Submission #353311 verified by the BLM Well Information System For BIYA OPERATORS INC, sent to the Durango Committed to AFMSS for processing by BARBARA TELECKY on 10/04/2016 (17BDT0004SE)	
Name (Printed/Typed) JUBAL TERRY	Title VICE PRESIDENT/AGENT
Signature (Electronic Submission)	Date 10/03/2016

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved By 	Title 	Date 11/7/2016
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 TRES RIOS 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.

**** BLM REVISED ** BLM REVISED ** BLM REVISED ** BLM REVISED ** BLM REVISED ******NMOCD**

(5)

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

Tony Delfin
Acting Cabinet Secretary

David R. Catanach, Division Director
Oil Conservation Division



New Mexico Oil Conservation Division approval and conditions listed below are made in accordance with OCD Rule 19.15.7.11 and are in addition to the actions approved by BLM on the following 3160-4 or 3160-5 form.

Operator Signature Date: 10/3/2016

Well information:

API WELL #	Well Name	Well #	Operator Name	Type	Stat	County	Surf. Owner	UL	Sec	Twp	N/S	Rng	W/E
30-045-10448-00-00	UTE	001	BIYA OPERATORS INC.	O	A	San Juan	U	M	23	31	N	16	W

Application Type:

- ☐ P&A ☐ Drilling/Casing Change ☐ Location Change
- ☐ Recomplete/DHC (For hydraulic fracturing operations review EPA Underground injection control Guidance #84; Submit Gas Capture Plan form prior to spudding or initiating recompletion operations)
- ☒ Other:

Conditions of Approval:

- Operator will Submit a C-141 pursuant to 19.15.29 NMAC
- Operator will follow a Division approved corrective action plan pursuant to 19.15.29.11 NMAC


NMOCD Approved by Signature

12-2-16
Date

#NCS 1633749661



September 19, 2016
SMA #5124920

Mr. Jubal Terry
Diversified Resources, Inc./BIYA Operators, Inc.
1789 West Littleton Blvd.
Littleton, CO 80120

**RE: WORK PLAN FOR EXCAVATION OF A HYDROCARBON RELEASE AT THE
HICKS #2 TANK BATTERY, SAN JUAN COUNTY, NEW MEXICO**

Dear Mr. Terry:

Souder, Miller & Associates (SMA) is pleased to submit this work plan for excavation at the BIYA Operators, Inc., Hicks #2 Tank Battery release site. The site is located in Unit M (SW ¼ SW ¼), Section 23, Township 31 North, Range 16 West; GPS: 36.881094°, -108.500091, in San Juan County, New Mexico on Ute Mountain Ute tribal lands.

Excavation

BIYA Operators, Inc. will continue excavation activities on the Hicks #2 Tank Battery to remove hydrocarbon impacted material. Based on a site visit conducted on August 4, 2016 with Scott Clow, Environmental Programs Manager, Ute Mountain Tribe and SMA representatives the following excavation activities were identified to further remediate the site. Three areas of areas on location are identified as requiring excavation activities. See attached Figure 1. The area identified as Historic Spoils Area requires 2 feet of excavation. The area identified as the Spoils Pile requires two feet of excavation. The excavation in the Spoils Pile area is to limit disturbance to the surrounding established vegetation. Visually impacted soil surrounding vegetation will be removed with hand tools. The area identified in the historic location of the production tanks and in currently excavated areas requires excavation to 5 feet. Each sample collected will be submitted to Hall Environmental Analysis Laboratory (Hall) for analysis via EPA method 8015 GRO/DRO and EPA Method 8021 BTEX. In the event additional delineation is required, SMA will assist BIYA Operators, Inc. with the development of a remediation plan that will be subject to approval by the Ute Mountain Ute Tribe.

Excavated material spoils are to be placed on a liner and within a bermed and fenced area. All excavated material is to be transported for disposal at an approved facility within 10 days of excavation commencing. Excavated material is not to remain on location more than 10 consecutive days at a given time. Replacement soils used following remediation shall be analyzed for total petroleum hydrocarbons and electrolytic conductivity and approved by the Ute Mountain Ute Tribe prior to use.

Department Of Interior- Bureau of Land Management -Tres Rios Field Office –COAs

Well Name/Number: Ute 1

Operator: BIYA

Surface/Mineral Ownership: IND/IND (UMU)

Leases: 14-20-604-1949

Location: (STR, QQ) S23, T31N, R16W

API: 3004510448

PAD(X), ACCESS (X), PIPELINE (X)

REQUIREMENTS AT ALL SITES:

NOTIFICATION:

- The BLM Minerals Division - Surface Protection Specialist at (970) 385-1242 shall be notified 5 days prior to the onset of pad/road construction.
- The BLM Minerals Division – Physical Scientist/Natural Resources Specialist (970) 385-1242 and the BIA-UMU Agency Realty (970) 565-3716 shall be notified at least 48 hours prior to commencement of drilling or completion activities.
- **NO SURFACE DISTURBANCE shall begin until the Edge of Disturbance Corners and Midline markers of the permitted area have been re-established and are clearly marked.**

Conditions Of Approval:

- 1. Operator must submit all lab results to the BLM.**
- 2. Operator must gain approval to backfill all remediation locations from the BLM prior to implementation.**
- 3. Any historic contamination must be identified and BLM must be notified of discovery immediately.**
- 4. Ryan Joyner (BLM Physical Scientist, 970.385.1242) will be contacted 24 hours prior to the commencement of work.**