

NM1 - 41

GENERAL CORRESPONDENCE

YEAR(S):

2005-2004



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

October 26, 2005

Mr. Daniel C. Berry
Lazy Ace Landfarm, LLC
P.O. Box 160
Eunice, NM 88231

RE: Commercial Waste Management Facility
NMOCD Permit Number NM-1-0041
Issued to Lazy Ace Landfarm, LLC for
The Facility Located in the SW/2 SW/4 of
Section 22, Township 20 South, Range 34 East
NMPM, Lea County, New Mexico

Dear Mr. Berry:

In light of the forthcoming new rules covering Waste Management Facilities in the state, the New Mexico Oil Conservation Division (NMOCD) cannot approve your request to accept drill cuttings at your facility. Therefore, the NMOCD letter dated March 4, 2005 remains in effect. Your facility may only accept oilfield wastes that are predominantly contaminated with hydrocarbons. This includes soils contaminated with crude oil or, with permission of the NMOCD, other hydrocarbons, but does not include drill cuttings which may contain high levels of chlorides.

Enclosed is a copy of the proposed Waste Management rule. The hearing on this rule will take place on November 10, 2005.

If you have any questions, contact me at (505) 476-3492 or ed.martin@state.nm.us

NEW MEXICO OIL CONSERVATION DIVISION

Edwin E. Martin
Environmental Bureau

Copy: NMOCD Hobbs



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

7001 1940 0004 7923 4979

March 4, 2005

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

Lazy Ace Landfarm, LLC
P.O. Box 160
Eunice, NM 88231

Permit Number: NM 1-0041

Re: Administrative Modification of Landfarm Permits

The Oil Conservation Division (OCD) issued the landfarm permit identified above under OCD Rule 711. As explained in the public notice given prior to the issuance of the permit, the permit was for landfarming to remediate hydrocarbon-contaminated soils. The language of the permit, however, is broader, allowing the facility to accept oilfield contaminated solids which are either exempt from the Federal RCRA Subtitle C (hazardous waste) regulations or are "nonhazardous" by characteristic testing. If this language were interpreted to allow the landfarm to accept oilfield waste contaminated with salts, the salts could compromise the biodegradation capacity of the landfarm. And because salts leach more easily than hydrocarbons, the landfarm may pose a greater threat to groundwater.

According to the terms of the permit identified above, the OCD may change the permit conditions administratively for good cause shown as necessary to protect fresh water, human health and the environment. The OCD has determined that it is necessary to protect fresh water, human health and the environment to modify the permit as follows:

Effective immediately, the NMOCD permitted landfarm identified above is prohibited from accepting oilfield waste contaminated with salts.

If the landfarm identified above wishes to accept oilfield waste contaminated with salts, you will need to file an application to modify the permit pursuant to OCD Rule 711.B(1) and follow the notice requirements of OCD Rule 711.B(2). If you have already filed a complete application for permit modification with this office and complied with the notice requirements, the OCD will process the application promptly.

Landfarms that wish to accept oilfield wastes contaminated with salts while their application for permit modification is pending may apply to the Division Director for an emergency order under OCD Rule 1202. Applications for emergency orders will be considered on a case-by-case basis.

This notice is being sent to all entities operating landfarm facilities in New Mexico permitted pursuant to OCD Rule 711, as shown on the attached list.

If you have any questions, please contact Ed Martin at (505) 476-3492 or emartin@state.nm.us.

Very truly yours,

Mark E. Fesmire, P.E.



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

March 4, 2005

Mr. Daniel C. Berry
Lazy Ace Landfarm, LLC
P.O. Box 160
Eunice, NM 88231

Re: Lazy Ace Landfarm, NMOCD permit NM-1-041

The New Mexico Oil Conservation Division inspected the above referenced facility on February 9, 2005. The facility looked very good with one exception. The berming around the cells needed maintenance. Please take action to correct this problem. Otherwise, the site looked very good.

I would like to take this opportunity to thank Ms. Kena Kay Cooper for her assistance during my visit to your facility.

If you have any questions, contact me at (505) 476-3492 or emartin@state.nm.us

NEW MEXICO OIL CONSERVATION DIVISION

Edwin E. Martin
Environmental Bureau

cc: NMOCD, Hobbs



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

September 17, 2004

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

Mr. Daniel C. Berry
Lazy Ace Landfarm, LLC
P.O. Box 160
Eunice, NM 88231

Dear Mr. Berry:

Since the New Mexico Oil Conservation Division (NMOCD) promulgated Rule 50 covering pits and below-grade tanks, there has arisen a need, in certain circumstances, for operators to transport their drill cuttings off-site and dispose of them.

NMOCD Rule 711, as it pertains to landfarms, does not specifically address the issue of exempt oilfield wastes that may be contaminated with salts. Your landfarm application and permit were written with only hydrocarbon-contaminated soils in mind. Salt-contaminated wastes cause the following problems:

1. Lessening the effectiveness of the biodegradation capacity of your landfarm
2. Rapid leachability causing adverse effects on groundwater

If you want to accept salt-contaminated cuttings or any other salt-contaminated wastes, your 711 permit must be modified to ensure that your acceptance of those wastes will not adversely affect public health or the environment.

Please check one of the following:

☐ I have accepted or intend to accept salt-contaminated wastes in my landfarm. An OCD form C-137, applying for a modification to my 711 permit is attached. Included, as an attachment, is a demonstration that the accepted salt-contaminated soils will not adversely affect groundwater in the foreseeable future. (Closure requirements will also require modification to ensure the protection of groundwater. Should your acceptance of salt-contaminated wastes prove detrimental to groundwater, future liability for such damage rests with the landfarm operator).

☐ I do not intend to accept salt-contaminated wastes in my landfarm. Should this condition change, I will submit an OCD Form C-137 for a modification to my 711 permit at that time.

New Mexico Oil Conservation Division
Attn: Ed Martin
1220 S. St. Francis
Santa Fe, NM 87505

This letter must be returned to the above address no later than October 31, 2004. An extension of time may be granted if you contact this office no later than that date.

If you have any questions, contact Ed Martin (505) 476-3492 or emartin@state.nm.us

Signed _____

Date _____

711 PERMIT CONDITIONS
PERMIT NM-01-0041
LAZY ACE LANDFARM, LLC
SW/2 SW/4 OF Section 22, Township 20 South, Range 34 East, NMPM
Lea County, New Mexico
(September 7, 2004)

LANDFARM CONSTRUCTION

1. Construction must commence on the landfarm area within one (1) year of the permit approval date. If construction does not commence within one (1) year of the permit approval date, this permit will be of no effect.
2. The facility must be fenced and have a sign at the entrance. The sign must be legible from at least 50 feet and contain the following information: a) name of the facility; b) OCD permit number; c) location by section, township and range; and d) emergency phone number.
3. Contaminated soils may not be placed within 100 feet of the boundary of the facility.
4. Contaminated soils may not be placed within 20 feet of any pipeline crossing the landfarm. In addition, no equipment will be operated within 10 feet of a pipeline. All pipelines crossing the facility must have surface markers identifying the location of the pipelines.
5. The portion of the facility containing contaminated soils must be bermed to prevent run-off and run-on. A perimeter berm no less than two (2) feet above grade with a base of at least three (3) feet must be constructed and maintained such that it is capable of containing precipitation from a one-hundred year flood for the specific region. Individual cells must be contained with a berm no less than two (2) feet above grade with a base of at least three (3) feet.
6. All above-ground tanks, saddle tanks or drums located at the facility and containing materials other than fresh water must be placed on an impermeable pad with curb containment. The pad and curb containment must be able to hold one and one-third the volume of the largest tank or all interconnected tanks. The tanks and containers must be labeled as to contents and hazards.

LANDFARM OPERATION

1. Disposal may occur only when an attendant is on duty. The facility must be secured when no attendant is present.
2. All contaminated soils received at the facility must be spread and disked within 72 hours of receipt.

3. Soils must be spread on the surface in lifts of six inches or less.
4. Soils must be disked a minimum of one time every two weeks (biweekly) to enhance biodegradation of contaminants.
5. Exempt contaminated soils must be placed in the landfarm so that they are physically separate (*i.e.*, bermed) from non-exempt contaminated soils. There may be no mixing of exempt and non-exempt soils.
6. Successive lifts of contaminated soils may not be spread until a laboratory measurement of total petroleum hydrocarbons (TPH) in the previous lift is less than 100 parts per million (ppm), the sum of all aromatic hydrocarbons (BTEX) is less than 50 ppm, and benzene is less than 10 ppm. Comprehensive records of the laboratory analyses and the sampling locations must be maintained at the facility. Authorization from the OCD must be obtained prior to application of successive lifts and/or removal of the remediated soils.
7. Moisture may be added as necessary to enhance bioremediation and to control blowing dust. No ponding, pooling or run-off of water is allowed. Any ponding of precipitation must be removed within 24 hours of discovery.
8. Enhanced bioremediation through the application of microbes (bugs) and/or fertilizers requires prior approval from the OCD. Requests for application of microbes or fertilizers must include the location of the area designated for the program, the composition of additives, and the method, amount and frequency of application.
9. Landfarm inspection and maintenance must be conducted at least biweekly and immediately following each consequential rainstorm or windstorm. If any defect is noted, repairs must be made as soon as possible. If the defect will jeopardize the integrity of the landfarm the OCD Santa Fe and Hobbs offices must be notified within 24 hours and additional wastes may not be placed in the landfarm until repairs have been completed. Records of such biweekly inspections must be maintained at the facility for OCD inspection if required.
10. Within 24 hours of receiving notification from the OCD that an objectionable odor has been detected or reported, the facility must implement the following response procedure:
 - a. Log date and approximate time of notice that an odor exists;
 - b. Log investigative steps taken, including date and time, and conclusions reached; and
 - c. Log actions taken to alleviate the odor, which may include adjusting chemical treatment, air sparging, solidification, landfarming, or other similar responses.

A copy of the log, signed and dated by the facility manager, must be maintained for OCD review.

WASTE ACCEPTANCE CRITERIA

1. The facility is authorized to accept only:
 - a. Oilfield wastes that are exempt from RCRA Subtitle C regulations and that do not contain naturally occurring radioactive material (NORM) regulated pursuant to 20.3.14 NMAC. A "Generator Certificate of Waste Status" signed by the generator shall accompany all loads of these wastes received at the facility.
 - b. Non-hazardous, non-exempt oilfield wastes that do not contain NORM. These wastes may be accepted on a case-by-case basis after a hazardous waste determination is made. Samples, if required, must be obtained from the wastes prior to removal from the generator's facility and without dilution in accordance with EPA SW-846 sampling procedures. All non-hazardous, non-exempt wastes received at the facility must be accompanied by:
 - i. An approved OCD Form C-138 "Request For Approval To Accept Solid Waste."
 - ii. A "Generator Certificate of Waste Status" signed by the generator.
 - iii. A verification of waste status issued by the appropriate agency for wastes generated outside OCD jurisdiction. The agency verification is based on specific information on the subject waste submitted by the generator and demonstrating the non-hazardous classification of the waste.
 - c. Non-oilfield wastes that are non-hazardous if ordered by the Department of Public Safety in a public health emergency. OCD approval must be obtained prior to accepting the wastes.
2. At no time may any OCD-permitted surface waste management facility accept wastes that are hazardous by either listing or characteristic testing.
3. No free liquids or soils with free liquids may be accepted at the facility.
4. Materials that may be accepted into the facility must pass a paint filter test by EPA Method 9095A prior to acceptance.
5. Exempt oilfield wastes contaminated with salts may not be accepted until a modification request to this permit is submitted to the Santa Fe NMOCD office for approval.

TREATMENT ZONE MONITORING

1. Prior to waste acceptance, one (1) background soil sample must be taken from the center portion of the landfarm two (2) feet below the native ground surface. The sample must be analyzed for total petroleum hydrocarbons (TPH), volatile aromatic organics (BTEX), major cations/anions and Water Quality Control Commission (WQCC) metals.
2. A treatment zone, not to exceed three (3) feet beneath the landfarm native ground surface, must be monitored. A minimum of one random soil sample must be taken from each individual cell, with no cell being larger than five (5) acres, six (6) months after the first contaminated soils are received in the cell and then quarterly thereafter. The sample must be taken at two (2) to three (3) feet below the native ground surface.
3. The soil samples must be analyzed using EPA-approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and Water Quality Control Commission (WQCC) metals annually.
4. After soil samples are obtained, the boreholes must be filled with an impermeable material such as cement or bentonite.

REPORTING

1. Background sample analytical results must be submitted to the OCD Santa Fe office within 30 days of receipt from the laboratory.
2. Analytical results from the treatment zone monitoring must be submitted to the OCD Santa Fe office within 30 days of receipt from the laboratory.
3. Records of landfarm inspections and maintenance must be kept and maintained for OCD review.
4. Lazy Ace Landfarm, LLC must notify the OCD Santa Fe and Hobbs offices within 24 hours of any fire, break, leak, spill, blowout or any other circumstance that could constitute a hazard or contamination in accordance with OCD Rule 116.
5. Comprehensive records of all material disposed of at the facility must be maintained at the facility. The records for each load must include: 1) generator; 2) origin; 3) date received; 4) quantity; 5) certification of waste status as exempt or non-exempt with any necessary supporting documentation to certify non-hazardous status for non-exempt waste; 6) NORM status declaration; 7) transporter; 8) exact cell location; and 9) any addition of microbes, moisture, fertilizers, etc.
6. Analytical results regarding remediated soil must be submitted to the OCD Santa Fe

office, with a copy to the Hobbs District office, along with any request to close the cell, apply successive lifts or remove the remediated material.

7. The OCD must be notified prior to any design changes to the landfarm facility. The facility must submit for approval any design changes to the facility to the OCD Santa Fe office and Hobbs District office.
8. The OCD must be notified prior to the installation of any pipelines or wells or other construction within the boundaries of the facility.

FINANCIAL ASSURANCE

1. Financial assurance in the amount of \$59,600 in the form of a surety or cash bond or a letter of credit, which is approved by the Division, is required from Lazy Ace Landfarm, LLC for the commercial surface waste management facility according to the following schedule:

By October 7, 2004, or when the facility is filled to 25% of the permitted capacity, whichever comes first, Lazy Ace Landfarm, LLC must submit 25% of the financial assurance in the amount of \$14,900.

By October 7, 2005, or when the facility is filled to 50% of the permitted capacity, whichever comes first, Lazy Ace Landfarm, LLC must increase its financial assurance to a total of \$29,800.

By October 7, 2006, or when the facility is filled to 75% of the permitted capacity, whichever comes first, Lazy Ace Landfarm, LLC must increase its financial assurance to a total of \$44,700.

By October 7, 2007, or when the facility is filled to 100% of the permitted capacity, whichever comes first, Lazy Ace Landfarm, LLC must increase its financial assurance to a total of \$59,600.

2. The facility is subject to periodic inspections by the OCD. The conditions of this permit and the facility will be reviewed no later than five (5) years from the date of this approval. In addition, the closure cost estimate will be reviewed according to prices and remedial work estimates at the time of review. The financial assurance may be adjusted to incorporate any closure cost changes.

CLOSURE

1. The OCD Santa Fe and Hobbs offices must be notified when operation of the facility is to be discontinued for a period in excess of six (6) months or when the facility is to be dismantled. Within six (6) months after discontinuing use, or within 30 days of deciding to dismantle the

facility, a closure plan must be submitted to the OCD Santa Fe office for approval. The operator must complete cleanup of constructed facilities and restoration of the facility site within six (6) months of receiving the closure plan approval, unless the Director grants an extension of time.

2. The closure plan to be submitted must include the following procedures:
 - a. When the facility is to be closed, no new material may be accepted.
 - b. Existing landfarm soils must be remediated until they meet the OCD standards in effect at the time of closure.
 - c. The treatment zone soils within each five (5) acre cell must be sampled at two (2) to three (3) feet below the native ground surface and must be analyzed for total petroleum hydrocarbons (TPH), volatile aromatic organics (BTEX), major cations/anions and Water Quality Control Commission (WQCC) metals.
 - c. Contaminated soils exceeding OCD closure standards for the site must be removed or remediated.
 - e. The area must be contoured, seeded with native grasses, and allowed to return to its natural state. If the landowner desires to retain existing structures, berms, or fences for future alternative uses, the structures, berms, or fences may be left in place.
 - f. Closure must be pursuant to all OCD requirements in effect at the time of closure, and any other applicable local, state and/or federal regulations.

CERTIFICATION

Lazy Ace Landfarm, LLC, by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Lazy Ace Landfarm, LLC further acknowledges that the Division for good cause shown as necessary to protect fresh water, public health and the environment, may change these conditions and requirements of this permit administratively.

Accepted:

LAZY ACE LANDFARM, LLC

Signature _____ Title _____ Date _____

Affidavit of Publication

STATE OF NEW MEXICO

) ss.

COUNTY OF LEA

)

Joyce Clemens being first duly sworn on oath deposes and says that she is Advertising Director of **THE LOVINGTON DAILY LEADER**, a daily newspaper of general paid circulation published in the English language at Lovington, Lea County, New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in excess of Twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as hereinafter shown; and that said newspaper is in all things duly qualified to publish legal notices within the meaning of Chapter 157 of the 1937 Session Laws of the State of New Mexico.

That the notice which is hereto attached, entitled
Legal Notice

was published in a regular and entire issue of **THE LOVINGTON DAILY LEADER** and not in any supplement thereof, for one (1) day, beginning with the issue of July 29, 2004 and ending with the issue of July 29, 2004.

And that the cost of publishing said notice is the sum of \$ 54.17 which sum has been (Paid) as Court Costs.

Joyce Clemens
Subscribed and sworn to before me this 5th day of August 2004

Debbie Schilling
Debbie Schilling

Notary Public, Lea County, New Mexico

My Commission Expires June 22, 2006

ing them to enhance biodegradation of contaminants. Ground water most likely to be affected by any accidental discharge at the surface is at a depth of approximately 250 feet with a total dissolved solids concentration estimated at approximately 750 parts per million. The permit application addresses the construction, operation, spill/leak prevention and monitoring procedures to be incorporated at the proposed site.

Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division at the address given above. The application may be viewed at the above address between 8:00 am and 4:00 pm Monday through Friday. Prior to ruling on any proposed application, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which comments may be submitted to him and public hearing may be requested by any interested person. Request for public hearing shall set forth the reasons why a hearing shall be held. A hearing will be held if the Director determines that there is significant public interest.

If a public hearing is not held, the Director will approve or disapprove the application based on the information available. If a public hearing is held, the Director will approve the application based on the information in the application and information presented at the hearing.

GIVEN under the Seal of New Mexico Oil Conservation Division at Santa Fe, New Mexico, on this 27th day of July 2004.

STATE OF
NEW MEXICO
OIL CONSERVATION
DIVISION

MARK E. FESMIRE, P.E.
Director
Published in the
Lovington Daily Leader
July 29, 2004.

LEGAL NOTICE NOTICE OF PUBLICATION STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION

Notice is hereby given that pursuant to the New Mexico Oil Conservation Division regulations, the following application has been submitted to the Director of the Oil Conservation Division, 1220 S. St. Francis, Santa Fe, NM 87505, telephone (505) 476-3440:

Lazy Ace Landfarm, LLC, Daniel C. Berry, landowner, P.O. Box 180, Eunice, NM 88231, has submitted an application to construct and operate a Rule 711 commercial landfarm facility located in the SW/2 SW/4 of Section 22, Township 20 South, Range 34 East, NMPM, Lea County, New Mexico. Hydrocarbon contaminated soils associated with oil and gas production will be remediated by spreading them on the ground surface in 6-inch or less lifts and periodically disk-

LAZY ACE LANDFARM, L.L.C.

TO: ED MARTIN
FROM: KENA KAY COOPER
Fax: 505-476-3462

RE: AFFIDAVIT OF PUBLICATION

Mr. Martin:

I will mail you a hard copy of the Affidavit of Publication and letter to Mr. Stephenson, the county commissioner. If there are anything else you need you can reach me on my cell phone at (505) 390-3665 or work (505) 392-1050.

Sincerely,

Kena Kay Cooper



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

July 27, 2004

Mr. Daniel C. Berry
Lazy Ace Landfarm, LLC
P.O. Box 160
Eunice, NM 88231

Dear Mr. Berry:

The New Mexico Oil Conservation Division has received your application to operate a commercial landfarm in the SW/2 SW/4 of Section 22, Township 20 South, Range 34 East, NMPM, Lea County, New Mexico.

This permit application has been deemed administratively complete. Please have the enclosed public notice published in a newspaper of general circulation in the county in which the facility is to be located. Also, please notify the appropriate county commission separately.

After publication and notification specified above, send to this office proof of such publication and notice. After publication and notification, a thirty- (30) day period will ensue during which the public may make written comments to the OCD and request a hearing. If sufficient public interest is expressed, the Director will schedule a public hearing. If no public hearing is held, the OCD will approve or disapprove your permit application based upon the information provided after the thirty days has passed.

If you have any questions, contact me at (505) 476-3492 or emartin@state.nm.us

NEW MEXICO OIL CONSERVATION DIVISION

Edwin E. Martin
Environmental Bureau

Cc: Larry Johnson, NMOCD, Hobbs

NOTICE OF PUBLICATION
STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

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Any interested person may obtain further information from the Oil Conservation Division and may submit written comments to the Director of the Oil Conservation Division at the address given above. The application may be viewed at the above address between 8:00 am and 4:00 pm, Monday through Friday. Prior to ruling on any proposed application, the Director of the Oil Conservation Division shall allow at least thirty (30) days after the date of publication of this notice during which comments may be submitted to him and public hearing may be requested by any interested person. Request for public hearing shall set forth the reasons why a hearing shall be held. A hearing will be held if the director determines that there is significant public interest.

If a public hearing is not held, the Director will approve or disapprove the application based on the information available. If a public hearing is held, the Director will approve the application based on the information in the application and information presented at the hearing.

GIVEN under the Seal of New Mexico Oil Conservation Division at Santa Fe, New Mexico, on this 27th day of July 2004.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

MARK E. FESMIRE, P.E.
Director

District I
1625 N. French Dr., Hobbs, NM 88240
District II
1301 W. Grand Avenue, 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

Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-137
Revised June 10, 2003

Submit Original Plus 1
Copy to Santa Fe
1 Copy Appropriate
District Office

APPLICATION FOR WASTE MANAGEMENT FACILITY

(Refer to the OCD Guidelines for assistance in completing the application)

☐ Commercial

☐ Centralized

1. Type: ☐ Evaporation ☐ Injection ☐ Other
☒ Solids/Landfarm ☐ Treating Plant

RECEIVED
MAY 20 2004
Environmental Bureau
Oil Conservation Division

2. Operator: LAZY ACE LANDFARM 1000377

Address: P.O. BOX 160 JUNICE, NM 88231

Contact Person: KENA KAY COOPER

(505) 391-8391 HOME
Phone: (505) 392-1050 WORK

3. Location: SW 1/4 SW /4 Section 22 Township 20S Range 34E
Submit large scale topographic map showing exact location

4. Is this a modification of an existing facility? ☐ Yes ☒ No

5. Attach the name and address of the landowner of the facility site and landowners of record within one mile of the site.

ATTACHMENT #5

6. Attach description of the facility with a diagram indicating location of fences, pits, dikes, and tanks on the facility.

ATTACHMENT #6

7. Attach designs prepared in accordance with Division guidelines for the construction/installation of the following: pits or ponds, leak-detection systems, aerations systems, enhanced evaporation (spray) systems, waste treating systems, security systems, and landfarm facilities. ATTACHMENT #7

8. Attach a contingency plan for reporting and clean-up for spills or releases.

ATTACHMENT #8

9. Attach a routine inspection and maintenance plan to ensure permit compliance.

ATTACHMENT #9

10. Attach a closure plan. ATTACHMENT #10

11. Attach geological/hydrological evidence demonstrating that disposal of oil field wastes will not adversely impact groundwater. Depth to and quality of ground water must be included. ATTACHMENT #11

12. Attach proof that the notice requirements of OCD Rule 711 have been met.

ATTACHMENT #12

13. Attach a contingency plan in the event of a release of H₂S. ATTACHMENT #13

14. Attach such other information as necessary to demonstrate compliance with any other OCD rules, regulations and orders. ATTACHMENT #14

15. CERTIFICATION

I hereby certify that the information submitted with this application is true and correct to the best of my knowledge and belief.

Name: DANIEL C. BERRY

Title: OWNER

Signature: Daniel C. Berry

Date: 03/09/04

E-mail Address: _____

ATTACHMENT #5 – LANDOWNER & LANDOWNERS WITHIN (1) MILE

LANDOWNER OF PROPOSED FACILITY:

Daniel C. Berry, III & Elizabeth Lee Berry
P.O. Box 160
Eunice, NM 88231

LANDOWNERS WITHIN (1) MILE:

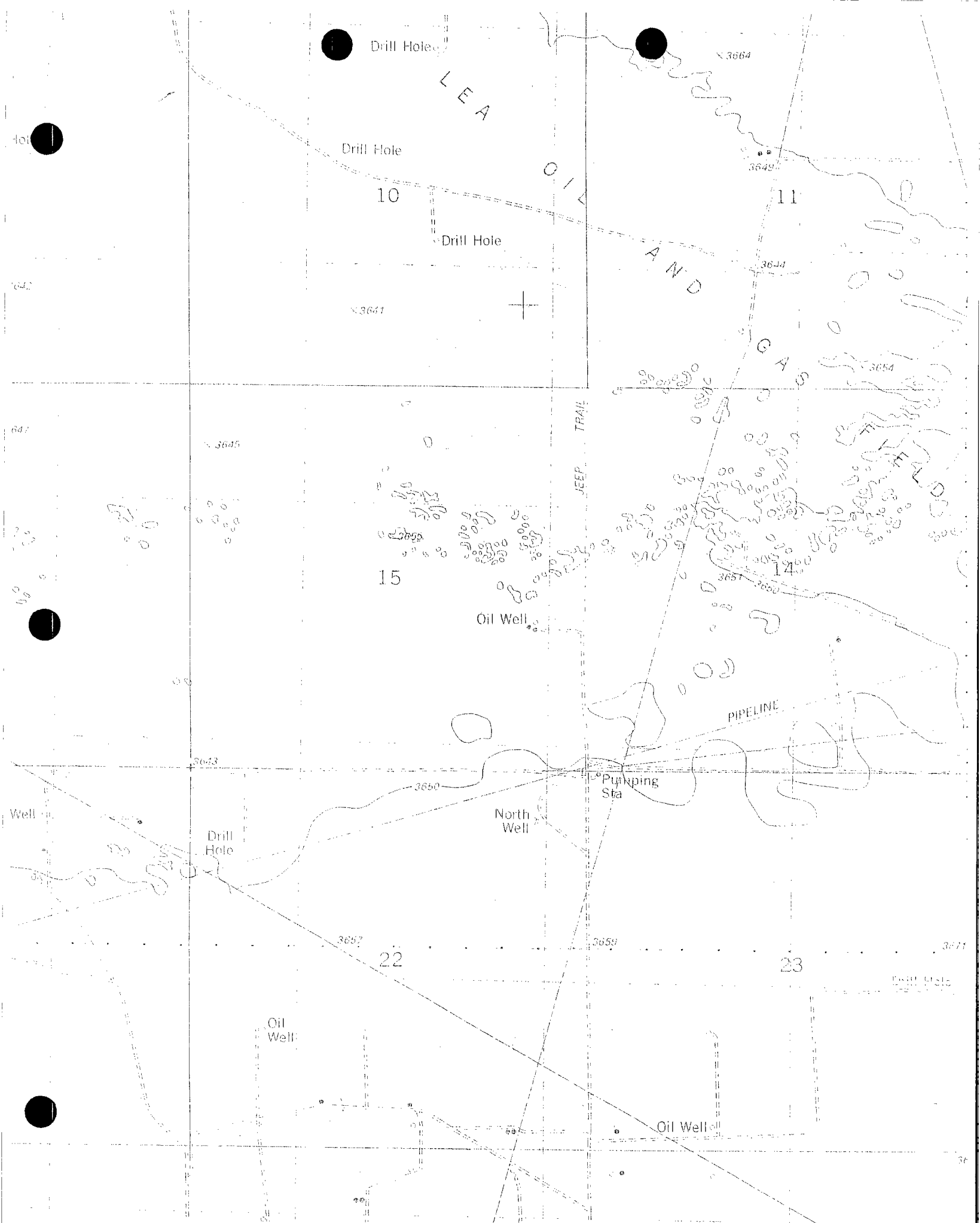
There are no other landowners within (1) mile of proposed facility.

ATTACHMENT #6 – DESCRIPTION OF FACILITY W/MAP

Proposed landfarm will be an unlined Commercial Surface Waste Management Facility for use in treating oilfield wastes classified as exempt from RCRA Subtitle C Regulations or non-hazardous by characteristic testing. No free liquids or solids with free liquids shall be accepted at facility. At no time will waste be accepted which are hazardous by either listing or characteristic testing.

Facility will begin with 80 acres located in the W $\frac{1}{2}$, SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 34 East, Lea County, New Mexico.

See attached map showing the 80 acre location.

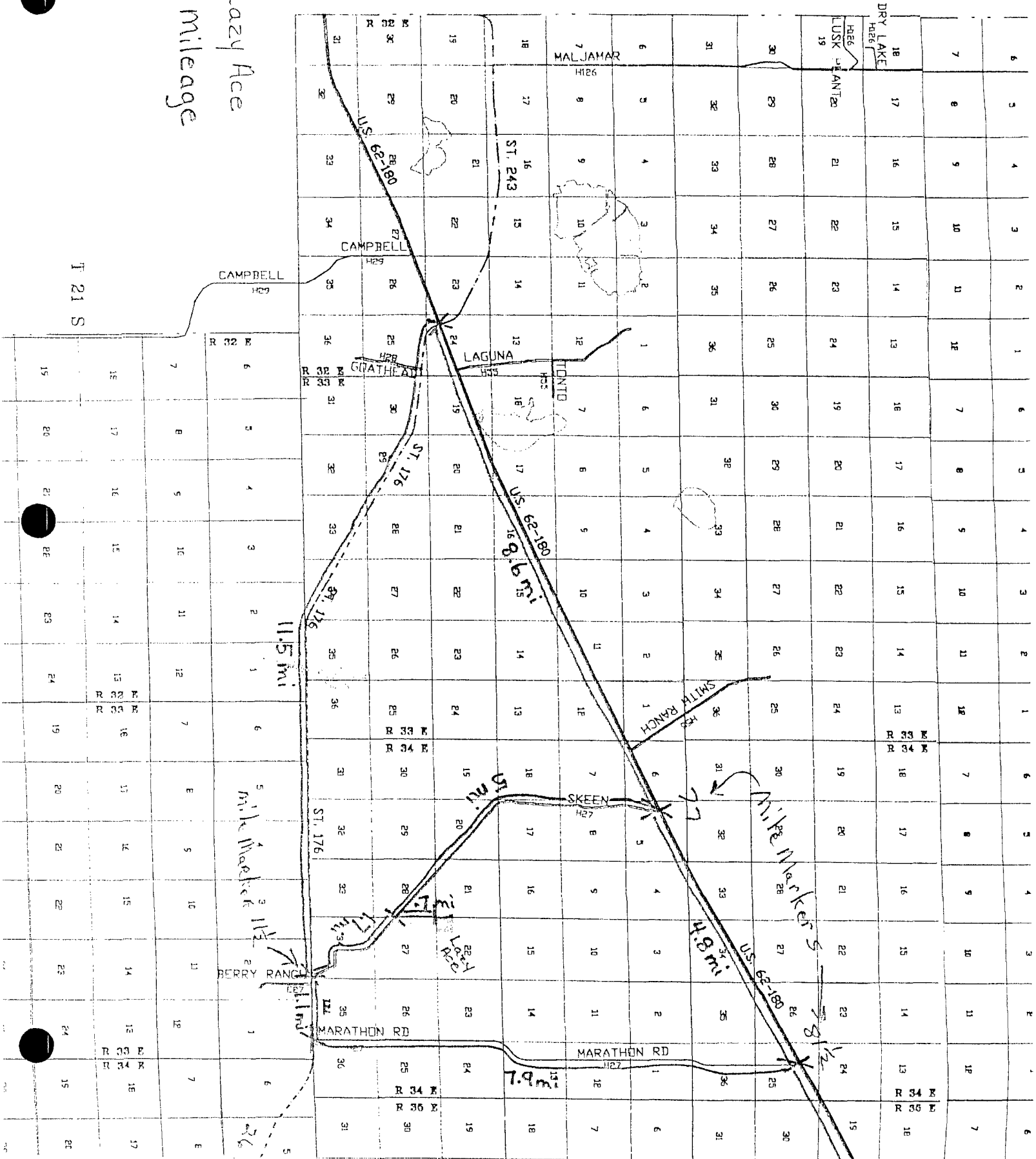


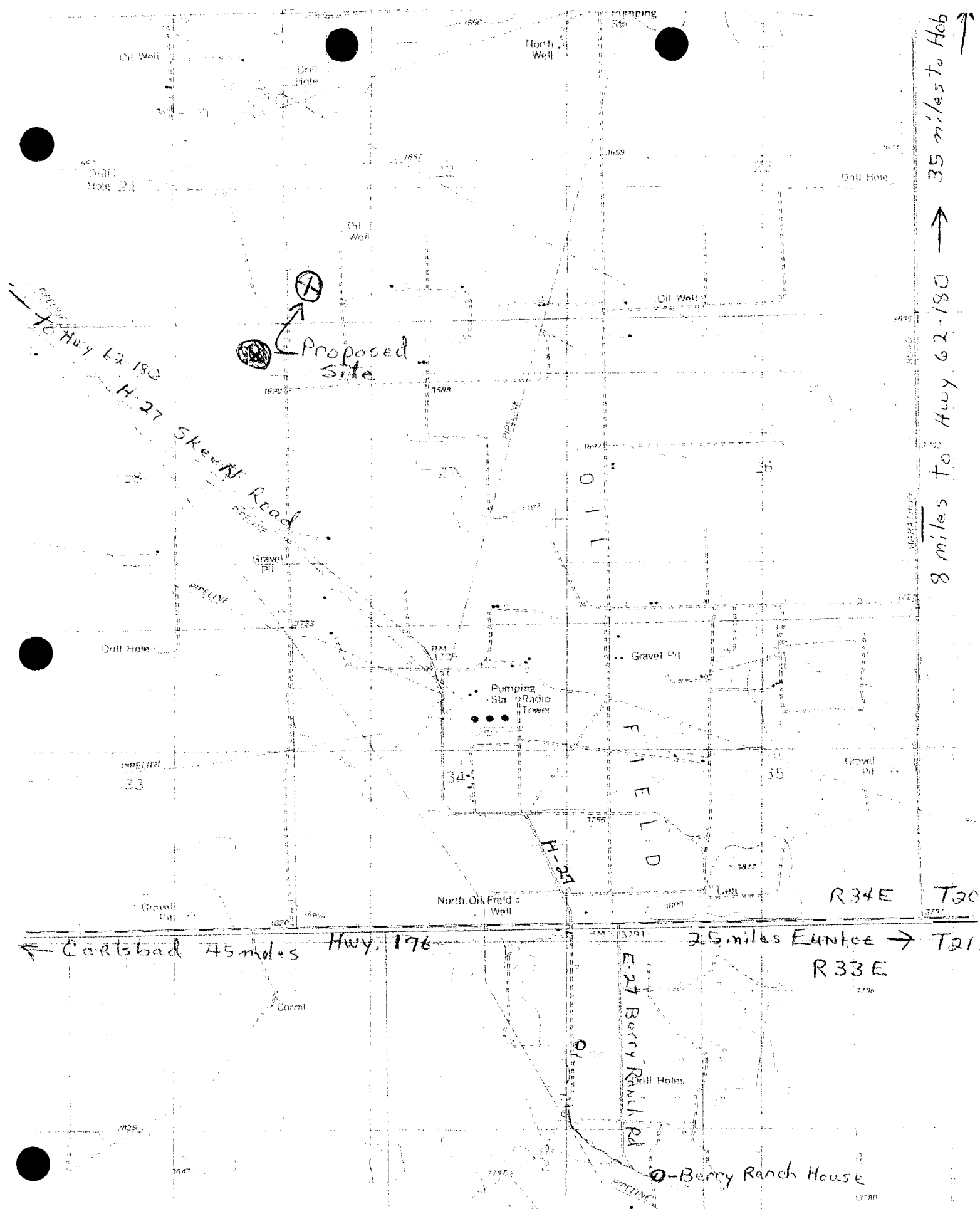
T 19 S

T 20 S

Lazy Ace
mileage

T 21 S





35 miles to Hob
8 miles to Hwy 62-180

Cartsbad 45 miles Hwy. 176

25 miles Eunice -> T21
R33E

Berry Ranch Rd

Berry Ranch House

ATTACHMENT #7 – FACILITY CONSTRUCTION/OPERATION

Proposed facility is not located near or in any watercourse, lakebed, sinkhole or other depression. Facility has existing fence and a locked gate will be installed at the entrance. Entrance will have a sign legible from at least (50) feet and contain the following information: A) Name of facility, B) location by section, township and range, C) emergency phone numbers.

Prior to operation of facility all requirements for background soil samples will be taken and analyzed according to OCD/EPA methods and submitted to all appropriate agencies.

Contaminated soils may not be placed within (100) feet of the boundary of the facility and soils may not be placed within (20) feet of any pipeline crossing the landfarm. In addition, no equipment will be operated within (10) feet of a pipeline. All pipelines crossing the facility must have surface markers identifying the location of the pipelines.

The portion of the facility containing contaminated soils must be bermed to prevent runoff and runoff. A perimeter berm, no less than (3) feet above grade with a base of at least (4) feet will be constructed and maintained such that it is capable of containing precipitation from a (100) year flood for the specific region. Individual cells will be contained with a berm no less than (3) feet above grade with a base of at least (4) feet.

Zones used for collection of soils will be monitored according to OCD regulations and samples will be taken within (6) months after soil is taken at facility. Thereafter according to regulations, samples will be taken quarterly. All records of testing will be kept at site for inspection and submitted to the appropriate agencies. All sample boorholes will be filled according to OCD guidelines.

All contaminated soils received will be disked and spread within (72) hours of receipt. Soils will be spread on the surface according to guidelines in (6) inch lifts. Soils will be disked at least once every (2) weeks to enhance biodegradation of contaminants. Equipment will be kept available for proper disking and maintaining of berms and other maintenance requirements, arrangements have been made with Walton Construction Company for equipment and maintenance of facility.

Proper testing and measurement of contaminated soils will be taken and evaluated before successive lifts or other soils are spread. No successive lifts will be made without authorization from OCD.

All records of operation of facility will be maintained and will adhere to OCD guidelines and be available for review. Comprehensive records for each collection will include: 1) the generator, 2) the origin, 3) date received, 4) quantity, 5) certification of exempt status, 6) transporter, and 7) exact cell location.

W
N
E
S

Road way

Road way

WHITE
DISPERSON DITCH

BERM

1000'

APPROX 5 ACRES
EACH CELL

BERM

BERM

BERM

BERM

Road way

WHITE
DISPERSON DITCH

GATE

FRONT LINE

GATE

EXISTING ROAD

BAR DITCH

200'

200'

200'

200'

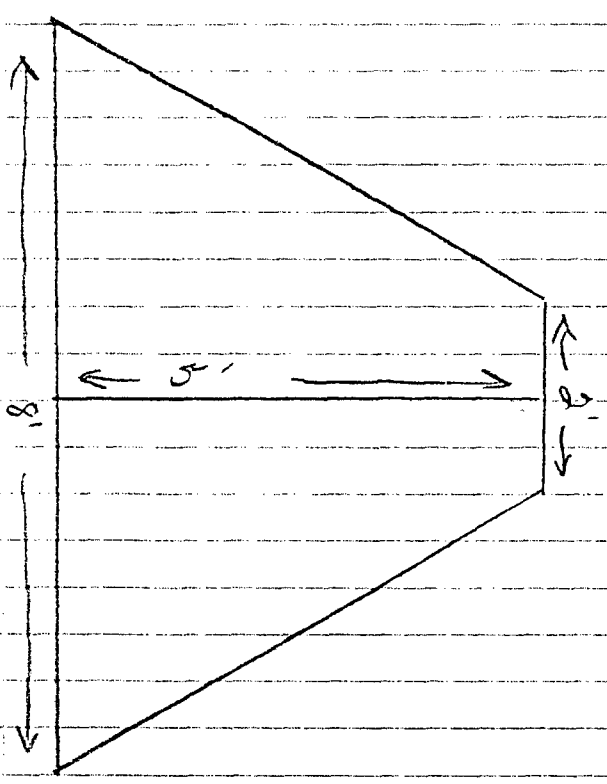
BERM

BERM

BERM

BERM

Berm Profile



Surface Flow is From South to North at this location. Diversion Channels or Banditches will be cut on the South side and East side to divert any excess water away from berms.

Berms will be accessed from the North side by opening the berm and then closing with a dozer. Each cell will contain 4.5 to 5 acres.

ATTACHMENT #8 – REPORTING & CLEAN UP FOR SPILLS OR RELEASES

Facility will be closely monitored. No free liquids or solids with free liquids will be accepted at Facility. There are no existing tanks or chemical storage areas located on proposed 80 acres. Operator of site will notify OCD of circumstances which could constitute any hazard or contamination. Site operator will be responsible to see that all above condition and requirements are met.

ATTACHMENT #9 – INSPECTION & MAINTENANCE PLAN

Landfarm inspection and maintenance will be conducted at least bi-weekly and immediately following any major storm, heavy rainfall, high gusty winds, or conditions where deemed necessary. If any defect is noted, repairs will be made as soon as possible. If the defect will jeopardize the integrity of the landfarm the OCD Santa Fe and Hobbs offices will be notified within 24 hours and additional waste will not be placed into landfarm until repairs have been made.

Berms will be inspected and maintained on a routine basis to prevent erosion, especially after rainfall or windstorms.

Moisture may be added as necessary to enhance bioremediation and to control blowing dust. There may be no ponding, pooling or run-off of water allowed. Any ponding of precipitation will be removed within (24) hours of discovery. Odors will be held to a minimum.

One background soil sample will be taken from the center portion of the landfarm (2) feet below the native ground surface prior to operation. The sample will be analyzed for total petroleum hydrocarbons (TPH), major cations/anions, volatile aromatic organics (BTEX), and WQCC Metals using approved EPA methods.

A treatment zone not to exceed (3) feet beneath native ground surface of the landfarm will be monitored. A minimum of (1) random soil sample will be taken from each individual cell, with no cell being larger than (5) acres, (6) months after the first contaminated soils are received in the cell and then quarterly thereafter. The sample will be taken at (2-3) feet below the native ground surface.

Soil samples will be analyzed using EPA approved methods for total petroleum hydrocarbons (TPH) and volatile aromatic organics (BTEX) quarterly and for major cations/anions and Water Quality Control Commission (WQCC) metals annually. After soil samples are obtained, the boreholes will be filled with an impermeable material such as cement or bentonite.

ATTACHMENT #10 – CLOSURE PLAN

OCD Santa Fe and Hobbs offices will be notified when operation of the facility is to be discontinued for a period in excess of (6) months or when the facility is to be dismantled. Within (6) months after discontinuing use or within 30 days of deciding to dismantle the facility a closure plan must be submitted to the OCD Santa Fe office for approval. Operator will complete cleanup and restoration of facility within (6) months of receiving closure plan approval.

Operator will abide by all regulations including procedures necessary to ensure all soils have been tested for total remediation. Results of all tests will be collected, documented and submitted to OCD as required for approval. Facility will be maintained and monitored routinely by operator to ensure remediation and controlling of contamination until OCD determines it is sufficient to be closed as a facility.

See Attachment #14 for closure plan cost.

ATTACHMENT #11 – GEOLOGICAL/HYDROLOGICAL W/ATTACHMENTS

Proposed facility site is located in the Tonuco Series as per USDA soil survey. The soil consists of loamy fine sands 10 to 20 inches thick over indurated caliche. Slopes are 0 to 3 percent. Surface flow is from the South to North.

There are no water wells located on proposed facility site. Attached are copies of water wells drilled in area from the State Engineer's office.

OFFICE OF THE STATE ENGINEER

DISTRICT II

1900 W. 2nd STREET

ROSWELL, N.M. 88201

FAX # (505) 623-8559

Fax Transmittal Lead Sheet

DATE: April 30, 2003 NUMBER OF PAGES ATTACHED: 7

ATTENTION: Danley Berry

ORGANIZATION: Berry Ranch

SECTION: _____

FROM: Andy Morley

SECTION: Water Rights

PHONE #: 505-622-6521

COMMENTS:

Mr. Berry, here is the information that you have requested. Take a look at it and if you have any questions please let me know. Thanks

Andy

TIME SENT: 10:05 am

FAX # TO: 505-397-2267

TELECOPIER OPERATOR: Andy

BASIN NAME:

STATEMENT

(artesian or shallow water aquifer)

On land owned by Declarant

for Stock Watering purposes

Subdivision	Sec.	Twp.	Range	Acres Irrigated	Owner
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bioRxiv preprint doi: <https://doi.org/10.1101/2019.05.13.254000>; this version posted May 13, 2019. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.

Daniel C. Berry, deponent.

by commissionaires John D. Smith James H. Smith Notary Public

FILED
UNDER NEW MEXICO LAW A DECLARATION IS ONLY A STATEMENT OF DECLARANT'S CLAIM.
ACCEPTANCE FOR FILING DOES NOT CONSTITUTE APPROVAL OR REJECTION OF THE CLAIM.

Declaration of Owner of Underground Water Right

Capitan

BASIN NAME

Declaration No. **CP-802**

Date received **July 21, 1993**

STATEMENT

- Name of Declarant: **Daniel C. Berry**
Mailing Address: **Box 160 Eunice**
County of **Lea**, State of **New Mexico**
- Source of water supply: **artesian**
(artesian or shallow water aquifer)
- Describe well location under one of the following subheadings:
a. $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ of Sec. **2** Twp. **21 S** Rge. **33 E** N.M.P.M., in
Lea County. **Lot 7, Blk 75**
b. Tract No. _____ of Map No. _____ of the _____
c. X = _____ feet, Y = _____ feet, N. M. Coordinate System _____ Zone _____
in the _____ Grant.
On land owned by **Declarant**
- Description of well: date drilled **11-1933** driller **?** depth **1150** feet.
outside diameter of casing **8 1/2** inches; original capacity **50** gal. per min.; present capacity **70**
gal. per min.; pumping lift _____ feet; static water level _____ feet (above) (below) land surface;
make and type of pump **Grunfos 25hp**
make, type, horsepower, etc., of power plant _____
Practical or percentage interest claimed in well **100%**
- Quantity of water appropriated and beneficially used **3**
(acre feet per acre) (acre feet per annum)
for **stock watering** purposes.
- Acreage actually irrigated _____ acres, located and described as follows (describe only lands actually irrigated):

Subdivision	Sec.	Twp.	Range	Acres Irrigated	Owner

(Note: location of well and acreage actually irrigated must be shown on plot on reverse side.)

- Water was first applied to beneficial use _____ month _____ day _____ year **1933** and since that time
has been used fully and continuously on all of the above described lands or for the above described purposes except
as follows: _____

- Additional statements or explanations: **Texaco Source of water for eight miles of pipeline.**

I, _____ being first duly sworn upon my oath,
depose and say that the above is a full and complete statement prepared in accordance with the instructions on the re-
verse side of this form and submitted in evidence of ownership of a valid underground water right, that I have carefully
read each and all of the items contained therein and that the same are true to the best of my knowledge and belief.

Daniel C. Berry declarant.

Subscribed and sworn to before me this 20th day of July, A.D. 1993
My commission expires Sept 18, 1993 Notary Public

UNDER NEW MEXICO LAW A DECLARATION IS ONLY A STATEMENT OF DECLARANT'S CLAIM.
ACCEPTANCE FOR FILING DOES NOT CONSTITUTE APPROVAL OR REJECTION OF THE CLAIM.

93 JUL 21 PM 4 10
NOTARY PUBLIC
NEW MEXICO

Declaration of Owner of Underground Water Right

Capitan
BASIN NAME

Declaration No. CP-803 Date received July 21, 1993

STATEMENT

- Name of Declarant Daniel C. Berry
Mailing Address Box 160 Eunice
County of Lea, State of New Mexico
- Source of water supply artesian
(artesian or shallow water aquifer)
- Describe well location under one of the following subheadings:
a. SW NE NE NE $\frac{1}{4}$ of Sec. 2 Twp. 21S Rgc. 33E N.M.P.M. in
County.
b. Tract No. _____ of Map No. _____ of the _____
c. X = _____ feet, Y = _____ feet, N. M. Coordinate System _____ Zone
in the _____ Grant.
On land owned by State of New Mexico
- Description of well: date drilled 1929 driller ? depth 1100 feet.
outside diameter of casing 8 inches; original capacity _____ gal. per min.; present capacity _____
gal. per min.; pumping lift _____ feet; static water level _____ feet (above) (below) land surface;
make and type of pump _____
make, type, horsepower, etc., of power plant _____
Fractional or percentage interest claimed in well 100%
- Quantity of water appropriated and beneficially used _____
(acre feet per acre) (acre feet per annum)
for supplemental stock watering purposes.
- Acreage actually irrigated _____ acres, located and described as follows (describe only lands actually irrigated):

Subdivision	Sec.	Twp.	Range	Acres Irrigated	Owner

(Note: location of well and acreage actually irrigated must be shown on plot on reverse side.)

- Water was first applied to beneficial use 1929 and since that time
month _____ day _____ year _____
has been used fully and continuously on all of the above described lands or for the above described purposes except
as follows: _____

- Additional statements or explanations Braggs Not in use at present time.

I, _____ being first duly sworn upon my oath,
depone and say that the above is a full and complete statement prepared in accordance with the instructions on the re-
verse side of this form and submitted in evidence of ownership of a valid underground water right, that I have carefully
read each and all of the items contained therein and that the same are true to the best of my knowledge and belief.

Daniel C. Berry, declarant.

Subscribed and sworn to before me this 20th day of July, A.D. 19 93
My commission expires Sept 18, 1993 Dorcas J. Smith, Notary Public

FILED
UNDER NEW MEXICO LAW A DECLARATION IS ONLY A STATEMENT OF DECLARANT'S CLAIM.
ACCEPTANCE FOR FILING DOES NOT CONSTITUTE APPROVAL OR REJECTION OF THE CLAIM.

Declaration of Owner of Underground Water Right

Capitan

BASIN NAME

Declaration No. CP-804

Date received July 21, 1993

STATEMENT

- Name of Declarant Daniel C. Berry
Mailing Address Box 160 Eunice
County of Lea, State of New Mexico
- Source of water supply shallow
(artesian or shallow water aquifer)
- Describe well location under one of the following subheadings:
a. SW 1/4 NE 1/4 NE 1/4 of Sec. 2 Twp. 21 S Rge. 33 E N.M.P.M., in
Lea County.
b. Tract No. _____ of Map No. _____ of the _____
c. X = _____ feet, Y = _____ feet, N. M. Coordinate System _____ Zone
in the _____ Grant.
On land owned by State of New Mexico
- Description of well: date drilled 1929 driller _____ depth 170 feet.
outside diameter of casing 8 inches; original capacity _____ gal. per min.; present capacity 25
gal. per min.; pumping lift _____ feet; static water level _____ feet (above) (below) land surface;
make and type of pump _____
make, type, horsepower, etc., of power plant _____
Fractional or percentage interest claimed in well 100%
- Quantity of water appropriated and beneficially used 3
(acre feet per acre) (acre feet per annum)
for supplemental stock water purposes.
- Acreage actually irrigated _____ acres, located and described as follows (describe only lands actually irrigated):

Subdivision	Sec.	Twp.	Range	Acres Irrigated	Owner

(Note: location of well and acreage actually irrigated must be shown on plot on reverse side.)

- Water was first applied to beneficial use _____ month _____ day _____ year _____ and since that time
has been used fully and continuously on all of the above described lands or for the above described purposes except
as follows: _____

- Additional statements or explanations J. H. Elder Not in use at present time.

I, _____ being first duly sworn upon my oath,
depone and say that the above is a full and complete statement prepared in accordance with the instructions on the re-
verse side of this form and submitted in evidence of ownership of a valid underground water right, that I have carefully
read each and all of the items contained therein and that the same are true to the best of my knowledge and belief.

Daniel C. Berry, declarant.

Subscribed and sworn to before me this 20th day of July, A.D. 1993
My commission expires Sept 18, 1993 Dolores J. Smith Notary Public

FILED
UNDER NEW MEXICO LAW A DECLARATION IS ONLY A STATEMENT OF DECLARANT'S CLAIM.
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APPLICATION TO APPROPRIATE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 75-11-1 NEW MEXICO STATUTES

75766

1. Name and Address of Applicant:

File No. CP-579

Berry Ranch
Box 1006
Ennis, N.M. 88231

Received: January 26, 1979

2. Describe well location under one of the following subheadings:

a. 1/4 NE 1/4 NE of Sec. 2 Twp. 21S Rge. 33E N. M. P. M., in
Lea County.

b. Tract No. _____ of Map No. _____ of the _____

c. Lot No. _____ of Block No. _____ of the _____
Subdivision, recorded in _____ County.

d. X = _____ feet, Y = _____ feet, N. M. Coordinate System _____ Zone
in the _____ Grant.

e. Give street address or route and box No. of property upon which well is to be located, or location by direction and
distance from known landmarks _____

3. Approximate depth (if known) 140 feet; outside diameter of casing 6 inches.

Name of driller (if known) W. L. Van Noy

4. Use of water (check appropriate box or boxes):

- ☒ Household, non-commercial trees, lawn and garden not to exceed 1 acre.
- ☐ Livestock watering.
- ☐ Drinking and sanitary purposes and the irrigation of non-commercial trees, shrubs and lawns in conjunction with a commercial operation.
- ☐ Prospecting, mining or drilling operations to discover or develop natural resources.
- ☐ Construction of public works, highways and roads.

If any of the last three were marked, give name and nature of business under Remarks. (Item 5)

5. Remarks:

I, D.C. Berry, affirm that the foregoing statements are true to the best of my knowledge and belief and that development shall not commence until approval of the permit has been obtained.

D.C. Berry, Applicant

By: D.C. Berry Date: 1-10-79

ACTION OF STATE ENGINEER

This application is approved for the use indicated, subject to all general conditions and to the specific conditions numbered 1 & 4 on the reverse side hereof. This permit will automatically expire unless this well is drilled or driven and the well record filed on or before January 31, 1980.

S. E. Reynolds, State Engineer

By: Delbert W. Nelson
Delbert W. Nelson
Assistant District II Supervisor

Date: January 29, 1979

File No. CP-579

WR filed 4-2-80

Declaration of Owner of Underground Water Right

Capitan

BASIN NAME

Declaration No. CP-796

Date received July 21, 1993

STATEMENT

- Name of Declarant Daniel C. Berry
Mailing Address Box 160 Bunice
Country of Lea State of New Mexico
- Source of water supply shallow
(artesian or shallow water aquifer)
- Describe well location under one of the following subheadings:
a. NE NE % SE % of Sec. 2 Twp. 21 S Rge. 33 E N.M.P.M., in
Lea County
b. Tract No. _____ of Map No. _____ of the _____
c. X = _____ feet, Y = _____ feet, N. M. Coordinate System _____ Zone _____
in the _____ Grant _____
On land owned by State of New Mexico
- Description of well: date drilled 1940's driller unknown depth 102 feet.
outside diameter of casing 6' of _____ inches; original capacity unknown gal. per min.; present capacity 2 gal. per min.; pumping lift _____ feet; static water level _____ feet (above) (below) land surface;
make and type of pump, Aeromotor windmill
make, type, horsepower, etc., of power plant _____
Fractional or percentage interest claimed in well 100%
- Quantity of water appropriated and beneficially used _____
(acre feet per acre) (acre feet per annum)
for stock watering purposes.
- Acreage actually irrigated _____ acres, located and described as follows (describe only lands actually irrigated):

Subdivision	Sec.	Twp.	Range	Acre Irrigated	Owner

(Note: location of well and acreage actually irrigated must be shown on plat on reverse side.)

- Water was first applied to beneficial use _____ month _____ day _____ year _____ and since that time has been used fully and continuously on all of the above described lands or for the above described purposes except as follows: _____

- Additional statements or explanations East Rock

I, _____ being first duly sworn upon my oath, depose and say that the above is a full and complete statement prepared in accordance with the instructions on the reverse side of this form and submitted in evidence of ownership of a valid underground water right; that I have carefully read each and all of the items contained therein and that the same are true to the best of my knowledge and belief.

Daniel C. Berry declarant.

Subscribed and sworn to before me this 20th day of July, A.D. 19 93

My commission expires Sept 18, 1993 Dorcas Johnson Notary Public

FILED
UNDER NEW MEXICO LAW A DECLARATION IS ONLY A STATEMENT OF DECLARANT'S CLAIM.
ACCEPTANCE FOR FILING DOES NOT CONSTITUTE APPROVAL OR REJECTION OF THE CLAIM.

Declaration of Owner of Underground Water Right

Capitan
BASIN NAME

Declaration No. CP-797 Date received July 21, 1993

STATEMENT

- Name of Declarant Daniel C. Berry
Mailing Address Box 160 Eunice
County of Lea, State of New Mexico
- Source of water supply shallow
(artesian or shallow water aquifer)
- Describe well location under one of the following subheadings:
a. NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2 Twp. 21 S Rgc. 33 E N.M.P.M., in
Lea County.
b. Tract No. _____ of Map No. _____ of the _____
c. X = _____ feet, Y = _____ feet, N. M. Coordinate System _____ Zone
in the _____ Grant.
On land owned by State of New Mexico
- Description of well: date drilled 6 of ? driller ? depth 110 feet.
outside diameter of casing 6 inches; original capacity _____ gal. per min.; present capacity 2
gal. per min.; pumping lift _____ feet; static water level _____ feet (above) (below) land surface;
make and type of pump 1/2 hp Grundfos submersible
make, type, horsepower, etc., of power plant _____
Fractional or percentage interest claimed in well 100%
- Quantity of water appropriated and beneficially used _____
(acre feet per acre) (acre feet per annum)
for domestic purposes.
- Acreage actually irrigated _____ acres, located and described as follows (describe only lands actually irrigated):

Subdivision	Sec.	Twp.	Range	Acres Irrigated	Owner

(Note: location of well and acreage actually irrigated must be shown on plat on reverse side.)

- Water was first applied to beneficial use _____ month _____ day _____ year 1940's and since that time
has been used fully and continuously on all of the above described lands or for the above described purposes except
as follows: _____

- Additional statements or explanations West Rock

I, _____, being first duly sworn upon my oath,
depose and say that the above is a full and complete statement prepared in accordance with the instructions on the re-
verse side of this form and submitted in evidence of ownership of a valid underground water right, that I have carefully
read each and all of the items contained therein and that the same are true to the best of my knowledge and belief.

Daniel C. Berry, declarant.

Subscribed and sworn to before me this 20th day of July, A.D. 19 93
My commission expires Sept 18, 1993 Robert J. Smith Notary Public

FILED
UNDER NEW MEXICO LAW A DECLARATION IS ONLY A STATEMENT OF DECLARANT'S CLAIM.
ACCEPTANCE FOR FILING DOES NOT CONSTITUTE APPROVAL OR REJECTION OF THE CLAIM.

ATTACHMENT #12 – NOTICE REQUIREMENTS

Prior to public notice, the operator shall give written notice of application to surface owners of record within (1) mile of facility (there are no surface owners within (1) mile of proposed facility).

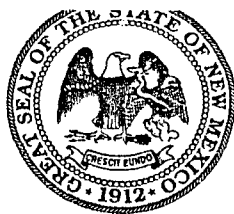
Operator will issue public notice in a form approved by OCD in a newspaper of general circulation in the county the facility is to be located.

ATTACHMENT #13 – H2S CONTINGENCY PLAN

H2S plan is not applicable as facility is not designed to generate H2S.

ATTACHMENT #14 – MISC. INFORMATION W/ATTACHMENTS

Attached is a copy of the Certificate of Organization to the Public Regulations Commission and cost for closure plan..



OFFICE OF THE
PUBLIC REGULATION COMMISSION

CERTIFICATE OF ORGANIZATION

OF

LAZY ACE LANDFARM, LLC

2431211

The Public Regulation Commission certifies that the Articles of Organization, duly signed & verified pursuant to the provisions of the

LIMITED LIABILITY COMPANY ACT

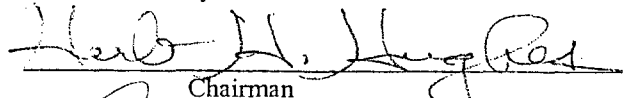
(53-19-1 TO 53-19-74 NMSA 1978)

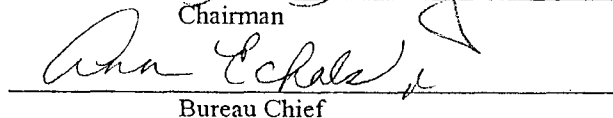
have been received by it and are found to conform to law.

Accordingly, by virtue of the authority vested in it by law, the Public Regulation Commission issues this Certificate of Organization and attaches hereto, a duplicate of the Articles of Organization.

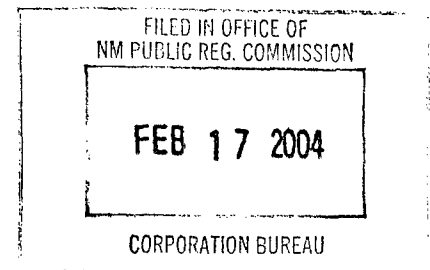
Dated: FEBRUARY 17, 2004

In testimony whereof, the Public Regulation of the State of New Mexico has caused this certificate to be signed by its Chairman and the seal of said Commission to affixed at the City of Santa Fe.


Chairman


Bureau Chief

**ARTICLES OF ORGANIZATION
OF
LAZY ACE LANDFARM, LLC**



The undersigned, acting as organizer of a limited liability company pursuant to the New Mexico Limited Liability Company Act, adopts the following Articles of Organization:

ARTICLE I

The name of the Limited liability company is: **Lazy Ace Landfarm, LLC.**

ARTICLE II

The nature of the business and purposes to be conducted or promoted by the Company are to engage in, carry on and conduct any lawful act or activity for which limited liability companies may be organized under the Limited Liability Company Act of the State of New Mexico; and in addition to, and without limiting the generality of the foregoing, the following:

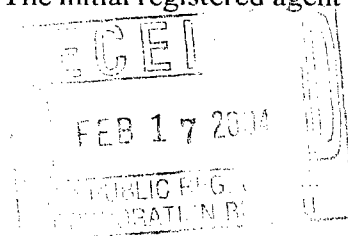
A. To engage in, carry on, conduct and/or participate in any general or specific branch or phase of the activities, enterprises or businesses authorized herein in the State of New Mexico or in any other state of the United States and in all foreign countries, and in all territories, possessions and other places, and in connection with the same, or any part thereof, to be and act either as principal, agent, contractor or otherwise.

B. To do all things necessary and convenient for the accomplishment or furtherance of any of the purposes stated herein, and to do all things necessary or convenient for the protection and benefit of the Company.

The foregoing provisions of this Article shall be construed as purposes, objects and powers, and each as an independent purpose, object and power, in furtherance, and not in limitation, of the purposes, objects and powers granted to the Company by the laws of the State of New Mexico; and except as otherwise specifically provided in any such provisions, no purpose, object or power herein set forth shall be in any way limited or restricted by reference to, or inference from, any other provision of these Articles of Organization.

ARTICLE III

The street address of the principal place of business and of the initial registered office of the Company is E27 Berry Ranch Road, Eunice, New Mexico 88231. The initial registered agent of the Company at that address is Daniel C. Berry, III.



CORPORATION BUREAU

RECEIVED
FEB 17 2004
PUBLIC REG. &
NATIONALE

ARTICLE IV

The latest date upon which the company is to dissolve is thirty-nine (39) years from the effective date set forth below.

ARTICLE V

The business of the Company shall be managed by the members. The names and addresses of the initial members are:

Daniel C. Berry, III
E 27 Berry Ranch Road
Eunice, New Mexico 88231

Elizabeth L. Berry
E 27 Berry Ranch Road
Eunice, New Mexico 88231

In the event of the death of either of the above named initial members, the surviving initial member shall be the manager and the company may carry on its business and affairs as a single member limited liability company.

IN WITNESS WHEREOF, I have set my hand and seal to these Articles of Organization this 16th day of February, 2004, effective as of February 16, 2004.

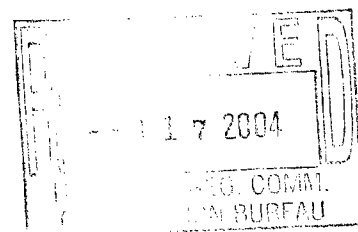
Daniel C. Berry III
Daniel C. Berry, III

[illegible]

The foregoing instrument was acknowledged before me this 16th day of February, 2004 by **Daniel C. Berry, III**.

Heather Garcia
Notary Public

My commission expires: 7-2-07



ESTIMATED CLOSURE COST

QUARTERLY ANALYTICAL ANALYSIS FOR 2 YEARS FOR TWELVE, FIVE ACRE CELLS.

TPH - 8 QTS. X 12 CELLS @ \$50.00 PER TEST	\$4,800.00
BTEX - 8 QTS. X 12 CELLS @ \$40.00 PER TEST	\$3,840.00
METALS - 2 YEARS X 12 CELLS @ \$200.00 PER TEST	\$4,800.00
LABOR FOR SAMPLING CELLS	\$3,000.00
TOTAL PRICE FOR ANALYTICAL ANALYSIS	\$16,440.00

DISKING & TILLING FOR 2 YEARS EVERY 2 WEEKS

SMALL TRACTOR W/OPERATOR (\$30.00 PER HR. (\$30.00 PER HR. x 650 HRS.	\$19,500.00
--	--------------------

WATER TRUCK FOR BIO-REMEDIATION

80-BBL WATER TRUCK W/DRIVER @ \$65.00 PER HR. 4 HRS. @ 12 TIMES x \$65.00 PER HR.	\$12,480.00
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LEVEL LANDFARM

D-6 DOZER W/OPERATOR @ \$85.00 PER HR. TIMES 40 HRS.	\$ 3,400.00
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REVEGETATION FOR 80 ACRES

SEED COST - 400 LBS. @ \$10.00 PER LB.	\$ 4,000.00
TRACTOR W/SEED DRILL @ \$30.00 PER HR. @ 25 HRS,	\$ 750.00
TOTAL COST FOR REVEGETATION	\$ 4,750.00

TOTAL CLOSURE COST	\$56,570.00.
LEA CTY. TAX (5.25%)	\$ 2,969.93
TOTAL	\$59,539.93

NMPRC Corporation Information Inquiry

- [Follow this link to start a new search.](#)

LAZY ACE LANDFARM, LLC

SCC Number: 2431211
Tax & Revenue Number:
Organization Date: FEBURARY 17, 2004, in NEW MEXICO
Organization Type: DOMESTIC LIMITED LIABILITY
Organization Status: EXEMPT
Good Standing:
Purpose: N/R

ORGANIZATION DATES

Taxable Year End Date:
Filing Date: //
Expiration Date: 02/17/2043

SUPPLEMENTAL POST MARK DATES

Supplemental:
Name Change:
Purpose Change:

MAILING ADDRESS

E27 BERRY RANCH ROAD EUNICE , NEW MEXICO 88231

PRINCIPAL ADDRESS

E27 BERRY RANCH ROAD EUNICE NEW MEXICO 88231

PRINCIPAL ADDRESS (Outside New Mexico)

REGISTERED AGENT

DANIEL C BERRY III

E27 BERRY RANCH ROAD EUNICE NEW MEXICO 88231

COOP LICENSE INFORMATION

Number:

Type:

Expiration Year:

ORGANIZERS

DANIEL C BERRY III

DIRECTORS

Date Election of Directors: