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DEC 02 2013

November 2013

**C-144 Permit Package for
Heartthrob BSX State 1H
Temporary Pit
Section 17 T24S R33E Lea County NM**

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View east showing low dune field and vegetation

**Prepared for
Yates Petroleum Corporation
Artesia, New Mexico**

**Prepared by
R.T. Hicks Consultants, Ltd.
Albuquerque, New Mexico**

JAN 14 2014

R. T. HICKS CONSULTANTS, LTD.

901 Rio Grande Blvd NW ▲ Suite F-142 ▲ Albuquerque, NM 87104 ▲ 505.266.5004 ▲ Fax: 505.266-0745

November 25, 2013

Mr. Geoffrey Leking
NMOCD District
1625 French Drive
Hobbs, NM 88240
Via E-Mail and US Mail

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RE: Yates Petroleum, Heartthrob BSX State 1H

Dear Geoff:

On behalf of Yates Petroleum Corporation, R.T. Hicks Consultants, Ltd. is pleased to submit the C-144 application package for the above-referenced well. Please note the following:

1. Generic Plans that comply with the new Pit Rule are included in this submission. These plans are essentially verbatim from previously-approved submissions. We made the following changes
 - a. In the Design Construction Plan, we changed the word "will" to "may" in the first sentence of the second paragraph (the operator may install a system that can drain water entrained in the drilling waste of the drilling pit). This change was required to allow the design construction plan to conform to the closure plan – the drainage system in the pit is optional.
 - b. In the closure plan, we repaired some bad grammar/syntax on pages 6-7 and added a parenthetical on page 7 to allow for using "background" chloride concentrations in the soil cover and provided some additional explanation regarding placement of the geomembrane cover over the stabilized cuttings.
2. We anticipate "in place" burial of stabilized solids.
3. This letter and application is copied to the State Land Office to notify the surface landowner of the operator's intent to use on-site burial.
4. I certify that I performed a visual inspection of the site..

If you have any questions or concerns regarding this application, please contact me. As always, we appreciate your work ethic and attention to detail.

Sincerely,
R.T. Hicks Consultants



Randall Hicks
Principal

Copy: Yates Petroleum Corporation
NM State Land Office, Terry Warnell

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C-144 and Site Specific Information for Temporary Pit

R.T. Hicks Consultants, Ltd.

901 Rio Grande Blvd. NW, Suite F-142
Albuquerque, NM 87104

District I
1625 N. French Dr., Hobbs, NM 88240
District II
811 S. First St., Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
1220 S. St. Francis Dr., Santa Fe, NM 87505

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Energy Minerals and Natural Resources
Department
Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505

For temporary pits, below-grade tanks, and multi-well fluid management pits, submit to the appropriate NMOCD District Office.
For permanent pits submit to the Santa Fe Environmental Bureau office and provide a copy to the appropriate NMOCD District Office.

Pit, Below-Grade Tank, or
Proposed Alternative Method Permit or Closure Plan Application

Type of action: ☐ Below grade tank registration
☒ Permit of a pit or proposed alternative method
☐ Closure of a pit, below-grade tank, or proposed alternative method
☐ Modification to an existing permit/or registration
☐ Closure plan only submitted for an existing permitted or non-permitted pit, below-grade tank, or proposed alternative method

Instructions: Please submit one application (Form C-144) per individual pit, below-grade tank or alternative request

Please be advised that approval of this request does not relieve the operator of liability should operations result in pollution of surface water, ground water or the environment. Nor does approval relieve the operator of its responsibility to comply with any other applicable governmental authority's rules, regulations or ordinances.

1.
Operator: Yates Petroleum Corporation OGRID #: 25575
Address: 105 S. 4th Street, Artesia, NM 88210
Facility or well name: Hearthrob BSX State 1H
API Number: 30-025-41056 OCD Permit Number: P1-05889 9822 1/14/2014
U/L or Qtr/Qtr D Section 17 Township 24S Range 33E County: Lea
Center of Proposed Design: Latitude 32 13 27.88 Longitude -103 36 02.63 NAD: ☐ 1927 ☒ 1983
Surface Owner: ☐ Federal ☒ State ☐ Private ☐ Tribal Trust or Indian Allotment

2.
☒ **Pit:** Subsection F, G or J of 19.15.17.11 NMAC
Temporary: ☒ Drilling ☐ Workover
☐ Permanent ☐ Emergency ☐ Cavitation ☐ P&A ☐ Multi-Well Fluid Management Low Chloride Drilling Fluid ☐ yes ☒ no
☒ Lined ☐ Unlined Liner type: Thickness 20 mil ☒ LLDPE ☐ HDPE ☐ PVC ☐ Other _____
☒ String-Reinforced
Liner Seams: ☒ Welded ☐ Factory ☐ Other _____ Volume 28,696 bbl Dimensions: L 160 x W 185 x D 6-10 ft Reserve
13,952 bbl L 160 W 75 X D 10 feet Fluids

3.
☐ **Below-grade tank:** Subsection I of 19.15.17.11 NMAC
Volume: _____ bbl Type of fluid: _____
Tank Construction material: _____
☐ Secondary containment with leak detection ☐ Visible sidewalls, liner, 6-inch lift and automatic overflow shut-off
☐ Visible sidewalls and liner ☐ Visible sidewalls only ☐ Other _____
Liner type: Thickness _____ mil ☐ HDPE ☐ PVC ☐ Other _____

4.
☐ **Alternative Method:**
Submittal of an exception request is required. Exceptions must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.

5.
Fencing: Subsection D of 19.15.17.11 NMAC (Applies to permanent pits, temporary pits, and below-grade tanks)
☐ Chain link, six feet in height, two strands of barbed wire at top (Required if located within 1000 feet of a permanent residence, school, hospital, institution or church)
☒ Four foot height, four strands of barbed wire evenly spaced between one and four feet
☐ Alternate. Please specify _____

6.
Netting: Subsection E of 19.15.17.11 NMAC (*Applies to permanent pits and permanent open top tanks*)

- ☐ Screen ☐ Netting ☐ Other _____
☐ Monthly inspections (If netting or screening is not physically feasible)

7.
Signs: Subsection C of 19.15.17.11 NMAC

- ☐ 12"x 24", 2" lettering, providing Operator's name, site location, and emergency telephone numbers
☒ Signed in compliance with 19.15.16.8 NMAC

8.
Variances and Exceptions:

Justifications and/or demonstrations of equivalency are required. Please refer to 19.15.17 NMAC for guidance.

Please check a box if one or more of the following is requested, if not leave blank:

- ☐ Variance(s): Requests must be submitted to the appropriate division district for consideration of approval.
☐ Exception(s): Requests must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.

9.
Siting Criteria (regarding permitting): 19.15.17.10 NMAC

Instructions: The applicant must demonstrate compliance for each siting criteria below in the application. Recommendations of acceptable source material are provided below. Siting criteria does not apply to drying pads or above-grade tanks.

General siting

Ground water is less than 25 feet below the bottom of a low chloride temporary pit or below-grade tank.

- ☐ NM Office of the State Engineer - iWATERS database search; ☐ USGS; ☐ Data obtained from nearby wells

☐ Yes ☐ No
☒ NA

Ground water is less than 50 feet below the bottom of a Temporary pit, permanent pit, or Multi-Well Fluid Management pit. NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells See Figures 1 & 2

Within incorporated municipal boundaries or within a defined municipal fresh water well field covered under a municipal ordinance adopted pursuant to NMSA 1978, Section 3-27-3, as amended. **(Does not apply to below grade tanks)** See Figure 5

- Written confirmation or verification from the municipality; Written approval obtained from the municipality

☐ Yes ☒ No
☐ NA

Within the area overlying a subsurface mine. **(Does not apply to below grade tanks)** See Figure 7

- Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division

☐ Yes ☒ No

Within an unstable area. **(Does not apply to below grade tanks)** See Figure 8

- Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map

☐ Yes ☒ No

Within a 100-year floodplain. **(Does not apply to below grade tanks)** See Figure 9

- FEMA map

☐ Yes ☒ No

Below Grade Tanks

Within 100 feet of a continuously flowing watercourse, significant watercourse, lake bed, sinkhole, wetland or playa lake (measured from the ordinary high-water mark).

- Topographic map; Visual inspection (certification) of the proposed site

☐ Yes ☐ No

Within 200 horizontal feet of a spring or a fresh water well used for public or livestock consumption;

- NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site

☐ Yes ☐ No

Temporary Pit using Low Chloride Drilling Fluid (maximum chloride content 15,000 mg/liter)

Within 100 feet of a continuously flowing watercourse, or any other significant watercourse or within 200 feet of any lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). (Applies to low chloride temporary pits.)

- Topographic map; Visual inspection (certification) of the proposed site

☐ Yes ☐ No

Within 300 feet from a occupied permanent residence, school, hospital, institution, or church in existence at the time of initial application.

- Visual inspection (certification) of the proposed site; Aerial photo; Satellite image

☐ Yes ☐ No

Within 200 horizontal feet of a spring or a private, domestic fresh water well used by less than five households for domestic or stock watering purposes, or 300 feet of any other fresh water well or spring, in existence at the time of the initial application.

NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site

☐ Yes ☐ No

☐ Yes ☐ No

Within 100 feet of a wetland.

- US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site

☐ Yes ☐ No

Temporary Pit Non-low chloride drilling fluid

Within 300 feet of a continuously flowing watercourse, or any other significant watercourse, or within 200 feet of any lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). **See Figure 3**

- Topographic map; Visual inspection (certification) of the proposed site

☐ Yes ☒ No

Within 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application.

- Visual inspection (certification) of the proposed site; Aerial photo; Satellite image. **See Figure 4**

☐ Yes ☒ No

Within 500 horizontal feet of a spring or a private, domestic fresh water well used by less than five households for domestic or stock watering purposes, or 1000 feet of any other fresh water well or spring, in the existence at the time of the initial application;

- NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site

☐ Yes ☒ No

See Figures 1 & 2

Within 300 feet of a wetland. **See Figure 6**

- US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site

☐ Yes ☒ No

Permanent Pit or Multi-Well Fluid Management Pit

Within 300 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse, or lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark).

- Topographic map; Visual inspection (certification) of the proposed site

☐ Yes ☐ No

Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application.

- Visual inspection (certification) of the proposed site; Aerial photo; Satellite image

☐ Yes ☐ No

Within 500 horizontal feet of a spring or a fresh water well used for domestic or stock watering purposes, in existence at the time of initial application.

- NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site

☐ Yes ☐ No

Within 500 feet of a wetland.

- US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site

☐ Yes ☐ No

10.

Temporary Pits, Emergency Pits, and Below-grade Tanks Permit Application Attachment Checklist: Subsection B of 19.15.17.9 NMAC

Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the documents are attached.

- ☐ Hydrogeologic Report (Below-grade Tanks) - based upon the requirements of Paragraph (4) of Subsection B of 19.15.17.9 NMAC
- ☒ Hydrogeologic Data (Temporary and Emergency Pits) - based upon the requirements of Paragraph (2) of Subsection B of 19.15.17.9 NMAC
- ☒ Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC
- ☒ Design Plan - based upon the appropriate requirements of 19.15.17.11 NMAC
- ☒ Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC
- ☒ Closure Plan (Please complete Boxes 14 through 18, if applicable) - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC

☐ Previously Approved Design (attach copy of design) API Number: _____ or Permit Number: _____

11.

Multi-Well Fluid Management Pit Checklist: Subsection B of 19.15.17.9 NMAC

Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the documents are attached.

- ☐ Design Plan - based upon the appropriate requirements of 19.15.17.11 NMAC
- ☐ Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC
- ☐ A List of wells with approved application for permit to drill associated with the pit.
- ☐ Closure Plan (Please complete Boxes 14 through 18, if applicable) - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC

- ☐ Hydrogeologic Data - based upon the requirements of Paragraph (4) of Subsection B of 19.15.17.9 NMAC
- ☐ Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC

☐ Previously Approved Design (attach copy of design) API Number: _____ or Permit Number: _____

12.

Permanent Pits Permit Application Checklist: Subsection B of 19.15.17.9 NMAC

Instructions: Each of the following items must be attached to the application. Please indicate, by a check mark in the box, that the documents are attached.

- ☐ Hydrogeologic Report - based upon the requirements of Paragraph (1) of Subsection B of 19.15.17.9 NMAC
☐ Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC
☐ Climatological Factors Assessment
☐ Certified Engineering Design Plans - based upon the appropriate requirements of 19.15.17.11 NMAC
☐ Dike Protection and Structural Integrity Design - based upon the appropriate requirements of 19.15.17.11 NMAC
☐ Leak Detection Design - based upon the appropriate requirements of 19.15.17.11 NMAC
☐ Liner Specifications and Compatibility Assessment - based upon the appropriate requirements of 19.15.17.11 NMAC
☐ Quality Control/Quality Assurance Construction and Installation Plan
☐ Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC
☐ Freeboard and Overtopping Prevention Plan - based upon the appropriate requirements of 19.15.17.11 NMAC
☐ Nuisance or Hazardous Odors, including H₂S, Prevention Plan
☐ Emergency Response Plan
☐ Oil Field Waste Stream Characterization
☐ Monitoring and Inspection Plan
☐ Erosion Control Plan
☐ Closure Plan - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC

13.

Proposed Closure: 19.15.17.13 NMAC

Instructions: Please complete the applicable boxes, Boxes 14 through 18, in regards to the proposed closure plan.

- Type: ☒ Drilling ☐ Workover ☐ Emergency ☐ Cavitation ☐ P&A ☐ Permanent Pit ☐ Below-grade Tank ☐ Multi-well Fluid Management Pit
☐ Alternative
- Proposed Closure Method: ☐ Waste Excavation and Removal
☐ Waste Removal (Closed-loop systems only)
☒ On-site Closure Method (Only for temporary pits and closed-loop systems)
☒ In-place Burial ☐ On-site Trench Burial
☐ Alternative Closure Method

14.

Waste Excavation and Removal Closure Plan Checklist: (19.15.17.13 NMAC) **Instructions:** Each of the following items must be attached to the closure plan. Please indicate, by a check mark in the box, that the documents are attached.

- ☐ Protocols and Procedures - based upon the appropriate requirements of 19.15.17.13 NMAC
☐ Confirmation Sampling Plan (if applicable) - based upon the appropriate requirements of Subsection C of 19.15.17.13 NMAC
☐ Disposal Facility Name and Permit Number (for liquids, drilling fluids and drill cuttings)
☐ Soil Backfill and Cover Design Specifications - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
☐ Re-vegetation Plan - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
☐ Site Reclamation Plan - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC

15.

Siting Criteria (regarding on-site closure methods only): 19.15.17.10 NMAC

Instructions: Each siting criteria requires a demonstration of compliance in the closure plan. Recommendations of acceptable source material are provided below. Requests regarding changes to certain siting criteria require justifications and/or demonstrations of equivalency. Please refer to 19.15.17.10 NMAC for guidance.

Ground water is less than 25 feet below the bottom of the buried waste. - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Ground water is between 25-50 feet below the bottom of the buried waste - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Ground water is more than 100 feet below the bottom of the buried waste. - NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Within 100 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse, lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). - Topographic map; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. - Visual inspection (certification) of the proposed site; Aerial photo; Satellite image	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within 300 horizontal feet of a private, domestic fresh water well or spring used for domestic or stock watering purposes, in existence at the time of initial application. - NM Office of the State Engineer - iWATERS database; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Written confirmation or verification from the municipality; Written approval obtained from the municipality	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within 300 feet of a wetland. US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within incorporated municipal boundaries or within a defined municipal fresh water well field covered under a municipal ordinance	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

adopted pursuant to NMSA 1978, Section 3-27-3, as amended. - Written confirmation or verification from the municipality; Written approval obtained from the municipality	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within the area overlying a subsurface mine. - Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within an unstable area. - Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Within a 100-year floodplain. - FEMA map	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

16.
On-Site Closure Plan Checklist: (19.15.17.13 NMAC) *Instructions: Each of the following items must be attached to the closure plan. Please indicate, by a check mark in the box, that the documents are attached.*

- ☒ Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC
- ☒ Proof of Surface Owner Notice - based upon the appropriate requirements of Subsection E of 19.15.17.13 NMAC
- ☒ Construction/Design Plan of Burial Trench (if applicable) based upon the appropriate requirements of Subsection K of 19.15.17.11 NMAC
- ☒ Construction/Design Plan of Temporary Pit (for in-place burial of a drying pad) - based upon the appropriate requirements of 19.15.17.11 NMAC
- ☒ Protocols and Procedures - based upon the appropriate requirements of 19.15.17.13 NMAC
- ☐ Confirmation Sampling Plan (if applicable) - based upon the appropriate requirements of 19.15.17.13 NMAC
- ☒ Waste Material Sampling Plan - based upon the appropriate requirements of 19.15.17.13 NMAC
- ☐ Disposal Facility Name and Permit Number (for liquids, drilling fluids and drill cuttings or in case on-site closure standards cannot be achieved)
- ☒ Soil Cover Design - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- ☒ Re-vegetation Plan - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC
- ☒ Site Reclamation Plan - based upon the appropriate requirements of Subsection H of 19.15.17.13 NMAC

17.
Operator Application Certification:

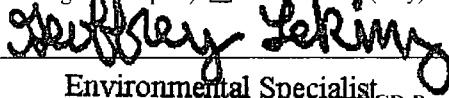
I hereby certify that the information submitted with this application is true, accurate and complete to the best of my knowledge and belief.

Name (Print): Travis Hahn Title: Land Regulatory Agent

Signature:  Date: November 22, 2013

e-mail address: thahn@yatespetroleum.com Telephone: 575 748 4120

18.
OCD Approval: ☒ MOD Permit Application (including closure plan) ☐ Closure Plan (only) ☐ OCD Conditions (see attachment)

OCD Representative Signature:  Approval Date: 01/14/2014
 Title: Environmental Specialist OCD Permit Number: P1-05889

19.
Closure Report (required within 60 days of closure completion): 19.15.17.13 NMAC

Instructions: Operators are required to obtain an approved closure plan prior to implementing any closure activities and submitting the closure report. The closure report is required to be submitted to the division within 60 days of the completion of the closure activities. Please do not complete this section of the form until an approved closure plan has been obtained and the closure activities have been completed.

☐ Closure Completion Date: _____

20.
Closure Method:

- ☐ Waste Excavation and Removal ☐ On-Site Closure Method ☐ Alternative Closure Method ☐ Waste Removal (Closed-loop systems only)
- ☐ If different from approved plan, please explain.

21.
Closure Report Attachment Checklist: *Instructions: Each of the following items must be attached to the closure report. Please indicate, by a check mark in the box, that the documents are attached.*

- ☐ Proof of Closure Notice (surface owner and division)
- ☐ Proof of Deed Notice (required for on-site closure for private land only)
- ☐ Plot Plan (for on-site closures and temporary pits)
- ☐ Confirmation Sampling Analytical Results (if applicable)
- ☐ Waste Material Sampling Analytical Results (required for on-site closure)
- ☐ Disposal Facility Name and Permit Number
- ☐ Soil Backfilling and Cover Installation
- ☐ Re-vegetation Application Rates and Seeding Technique
- ☐ Site Reclamation (Photo Documentation)

On-site Closure Location: Latitude _____ Longitude _____ NAD: ☐ 1927 ☐ 1983

22.

Operator Closure Certification:

I hereby certify that the information and attachments submitted with this closure report is true, accurate and complete to the best of my knowledge and belief. I also certify that the closure complies with all applicable closure requirements and conditions specified in the approved closure plan.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

e-mail address: _____ Telephone: _____

Distance to Groundwater

Figure 1, Figure 2, and the discussion presented in Appendix A demonstrates that groundwater (fresh water as defined by NMOCD Rules) at the location is greater than 100 feet beneath the temporary pit that will contain fluids that cannot be classified as “low-chloride.” Groundwater will be more than 100 feet below the bottom of the buried waste, meeting criteria for trench burial or in-place closure.

Figure 1 is a geologic/ topographic map that shows:

1. The location of the staked well location (temporary pit) as a hexagon with the surface elevation.
2. The location of the Mogi 9 State 1H (Misc-68), Brinninstool 4 State 3H (Misc-69), and Jackson Unit 15H (Misc-97) where we evaluated cuttings during the 120-foot casing borings.
3. Water wells from the OSE database as a blue triangle inside colored circles that indicate well depth. OSE wells are often miss-located in the WATERS database as older wells are plotted in the center of the quarter, quarter, quarter, of the Section Township and Range.
4. Water wells from the USGS database as large green triangles.
5. Water wells, which are not documented in the public databases but were identified by field inspection or other published reports as colored squares.
6. The depth-to-water from the most recent available measurement for each well is provided adjacent to the well symbol.

Figure 2 is an area topographic map that shows:

1. The location of the temporary pit as a hexagon.
2. Water wells measured by the USGS, the year of the measurement and the calculated elevation of the groundwater surface.
3. Isocontour lines displaying the elevation of the groundwater surface.

We relied upon the most recent data measured by the USGS to create the water table elevation map shown in Figure 2. While the “Misc” well data (see Figure 1) are generally measured water levels, this dataset contains errors (generally of location) that are not present in the USGS data. Water level data from the OSE database rely upon observed water levels by drillers during the completion of the water well. The OSE dataset provides some useful data in certain areas. The Bell Lake area contains sufficient high-quality data that we did not rely on OSE data.

For the potentiometric surface map (Figure 2), we honored all data that we know are accurate to the best of our knowledge. For example, data from the Jackson Unit 15H rathole (Misc-97), the Mogi 9 State 1H rathole (Misc-68) and the Brinninstool 4 State 3H rathole (Misc-69) are lithologic data logged by Hicks Consultants during drilling – the cuttings were dust/dry at a depth of 120 feet. While the borings terminated above the regional aquifer, they provide data that are useful for the mapping. It is these data that help define the horizontal limits of water bodies that are perched within the Bell Lake Sink and similar depressions.

From these data and the discussion in Appendix A, we conclude:

- The elevation of the groundwater surface beneath the proposed pit is approximately 3,450 feet above mean sea level.

Siting Criteria (19.15.17.10 NMAC)
Yates Petroleum Corp – Heartthrob BSX State 1H

- The perched, shallow groundwater zones present within the Bell Lake Sink and Cotton Place (see Appendix A) do not extend to the area beneath the proposed pit.
- The distance between the bottom of a 10-foot deep temporary pit and the potentiometric surface of the regional aquifer is approximately $(3,575 - 10 - 3450 =)$ 115 feet.

Distance to Surface Water

Figure 3 and the site visit demonstrates that the location is not within 300 feet of a continuously flowing watercourse or any other significant watercourse or 200 feet from lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark). This temporary pit will also qualify for burial trench or in-place closure as the location is not within 100 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse or lakebed, sinkhole or playa lake (measured from the ordinary high-water mark).

- No continuously flowing watercourses or other water bodies, as defined by NMOCD Rules, exist within the prescribed setback criteria for the siting, trench burial, or in-place closure of a temporary pit at this location.
- The nearest topographic low area is the Bell Lake Sink located east of the proposed pit. Neither Bell Lake nor excavated areas south of Bell Lake contained surface water on the day of the inspection. Google Earth images suggest the excavated areas south of the lakebed contained water periodically from 1996 to 2012 (also see Figure 4). Bell Lake, however, did not exhibit evidence of surface water during this period.
- The Bell Lake Sink is an ancient collapse feature but is not considered a sinkhole as typically used in NMOCD Rules.

Distance to Permanent Residence or Structures

Figure 4 and the site visit demonstrates that the location is not within 300 feet from an occupied permanent residence, school, hospital, institution, church, or other structure in existence at the time of initial application. This also qualifies the location for burial trench or in-place closure.

- The nearest structures are oil and gas wells and tank batteries.
- A cattle gathering area with corrals is located about 1 mile northeast of the proposed pit.
- Water tanks and an office are present on Rt. 128 about 1 mile southeast of the proposed pit.

Distance to Non-Public Water Supply

Figures 1 and Figure 2 demonstrates that the location is not within 500 horizontal feet of a private, domestic fresh water well or spring that less than five households use for domestic or stock watering purposes, or within 1,000 horizontal feet of any other fresh water well or spring, in existence at the time of initial application. Additionally, this location is also not within 300 feet of a spring or private, domestic fresh water well used for domestic or stock watering purposes, thus qualifying for burial trench or in-place closure.

- Figure 1 shows the locations of all area water wells, active or plugged.
- The nearest active water wells are located approximately 1 miles southeast. There are no known domestic water wells located within 1,000 feet of the proposed pit.

Siting Criteria (19.15.17.10 NMAC)
Yates Petroleum Corp – Heartthrob BSX State 1H

- There are no known domestic wells within 1,000 feet of this location.
- No springs were identified within the mapping area (see Figure 3).

Distance to Municipal Boundaries and Fresh Water Fields

Figure 5 demonstrates that the location is not within incorporated municipal boundaries or within defined municipal fresh water well fields covered under a municipal ordinance adopted pursuant to NMSA 1978, Section 3-27-3, as amended. This also qualifies the location for burial trench or in-place closure.

- The closest municipality is Jal, NM approximately 28 miles to the southeast.
- The closest public well field is located approximately 50 miles to the west and/or 50 miles north.

Distance to Wetlands

Figure 6 demonstrates the location is not within 300 feet of wetlands. This also qualifies the location for burial trench or in-place closure.

- The nearest designated wetland is a “freshwater emergent wetland” located approximately 1 mile to the northeast (Bell Lake area excavations).
- North of this emergent wetland is the excavation designated as a “freshwater pond.”

Distance to Subsurface Mines

Figure 7 and our general reconnaissance of the area demonstrate that the nearest mines are caliche pits. This location is not within an area overlying a subsurface mine.

- The nearest mapped caliche pit is located approximately 3 miles to the southwest.

Distance to High or Critical Karst Areas

Figure 8 shows the location of the temporary pits with respect to BLM Karst areas.

- The proposed temporary pit is located within a “low” potential karst area.
- The nearest “high” or “critical” potential karst area is located approximately 18 miles west of the site.
- No evidence of solution voids were observed near the site during the field inspection.
- No evidence of unstable ground was observed in Bell Lake Sink.

Distance to 100-Year Floodplain

Figure 9 demonstrates that the location is within Zone D as designated by the Federal Emergency Management Agency with respect to the Flood Insurance Rate 100-Year Floodplain.

- Zone D is described as areas with possible but undetermined flood hazards. No flood hazard analysis has been conducted.
- Our field inspection and examination of the topography permits a conclusion that the location is not within any floodplain and has low risk for flooding.

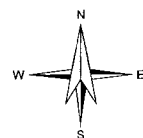
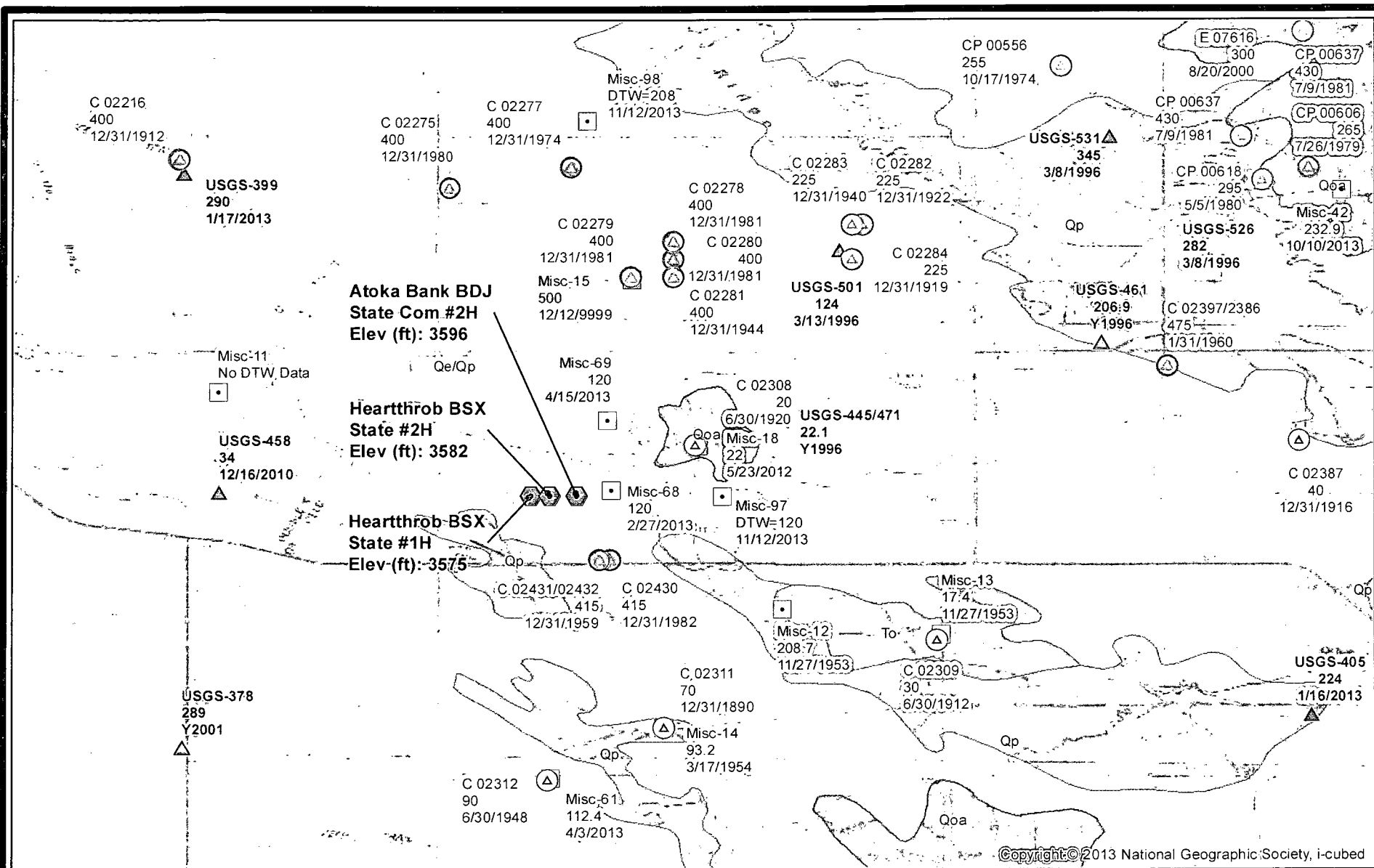
Temporary Pit Design

Please refer to Plates 1 and 2 for the design of the temporary pit and the Design and Construction Plan at the end of this application.

Site Specific Information Figures

R.T. Hicks Consultants, Ltd.

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Albuquerque, NM 87104



0 1 2
Miles

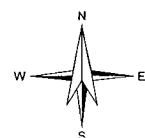
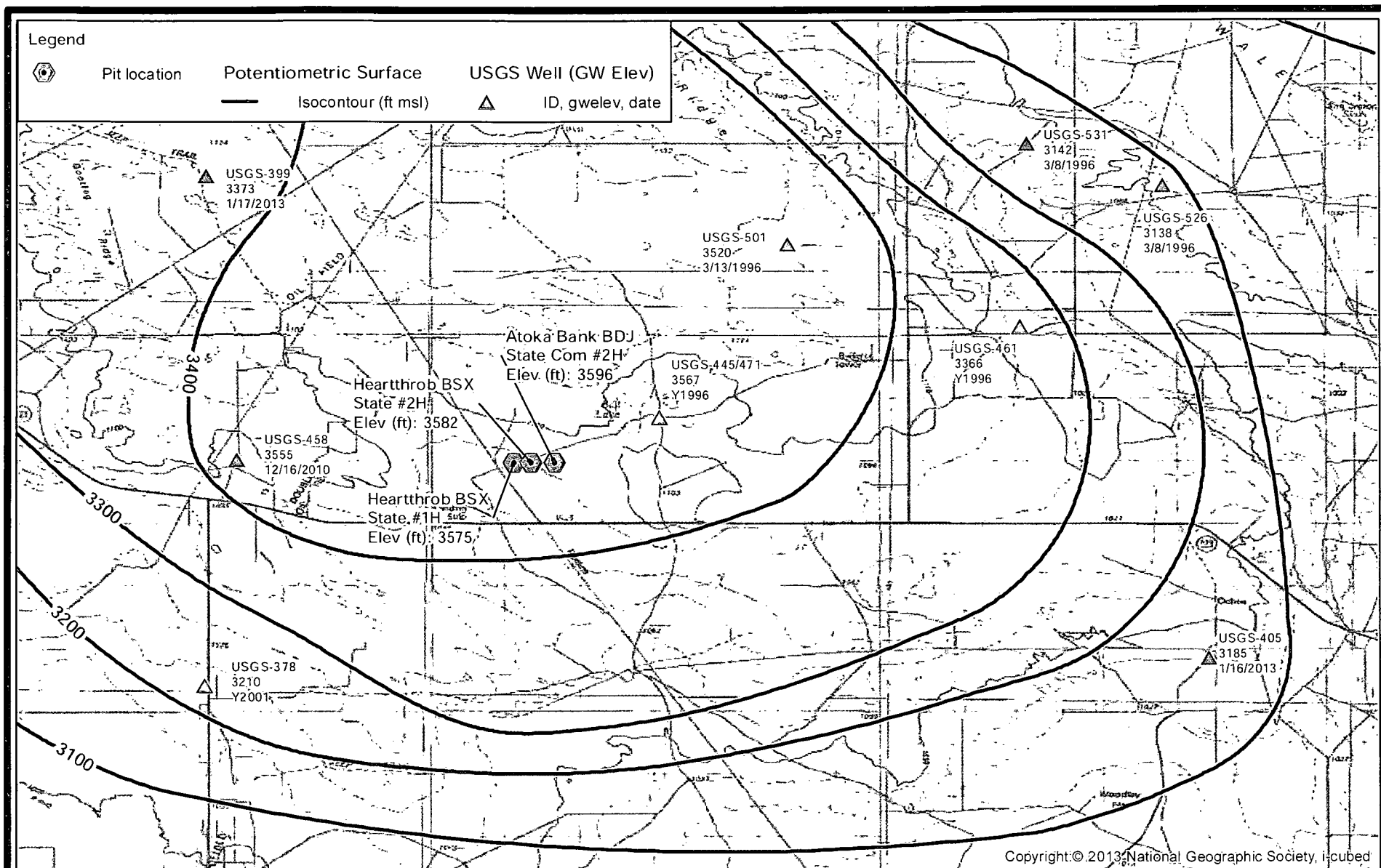
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Albuquerque, NM 87104
Ph: 505.266.5004

Depth to Water in Nearby Water Wells

Yates Petroleum: Atoka and Heartthrob

Figure 1

November 2013



0 1 2
Miles

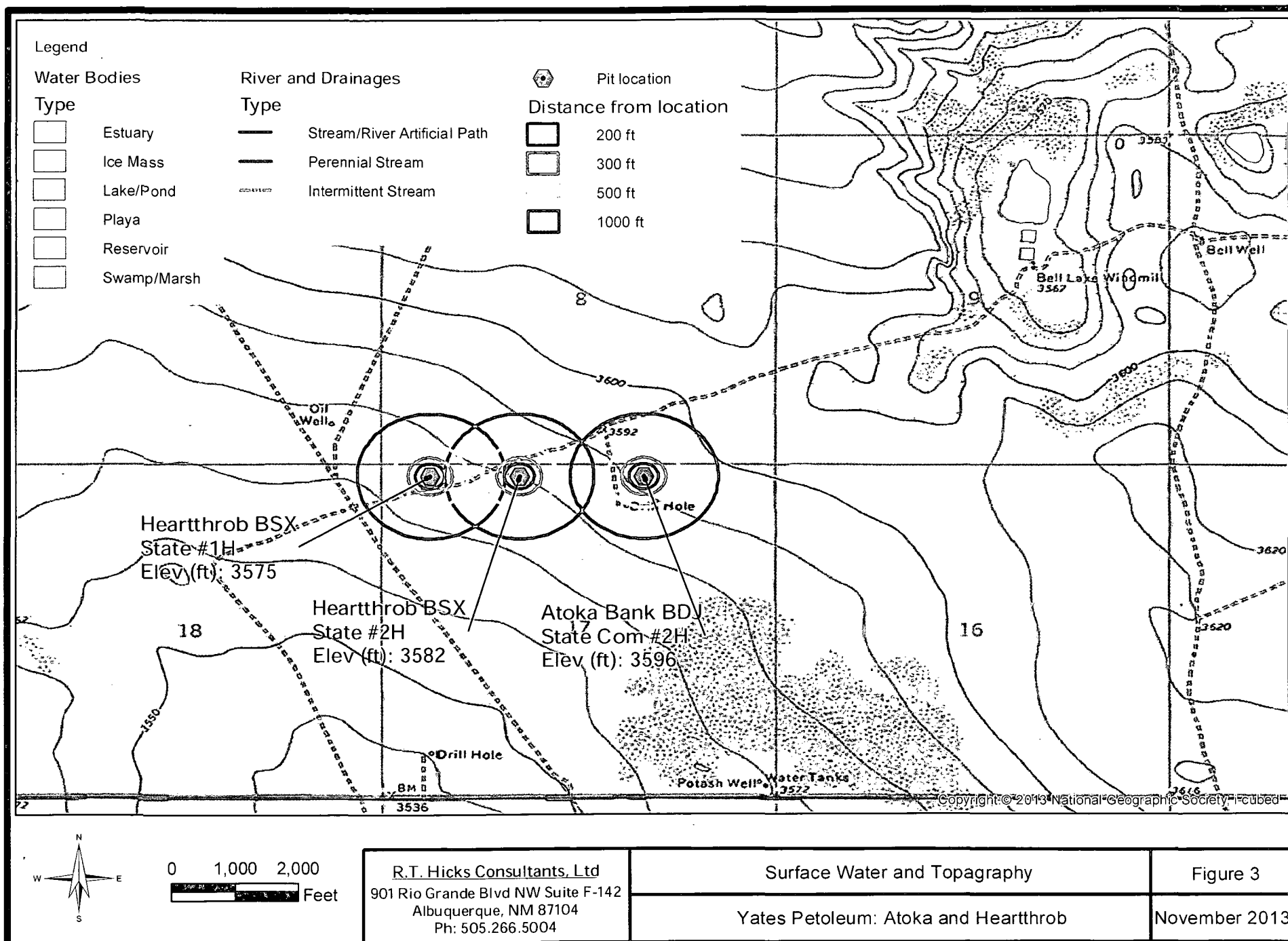
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Ph: 505.266.5004

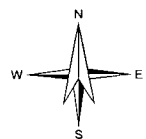
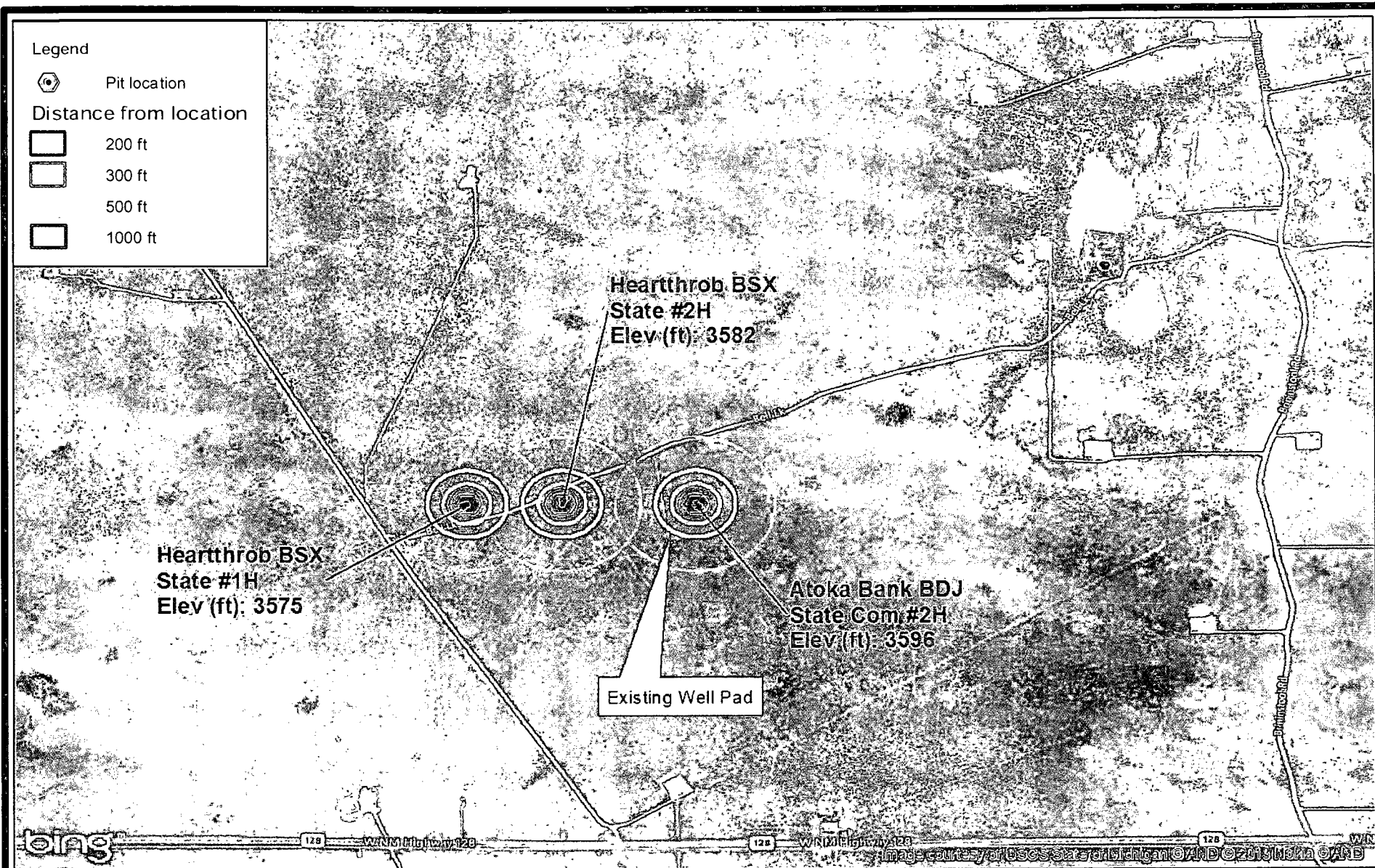
Potentiometric Surface and Groundwater Elevation
at Nearby Water Wells

Yates Petroleum: Atoka and Heartthrob

Figure 2

November 2013





0 1,000 2,000
Feet

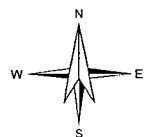
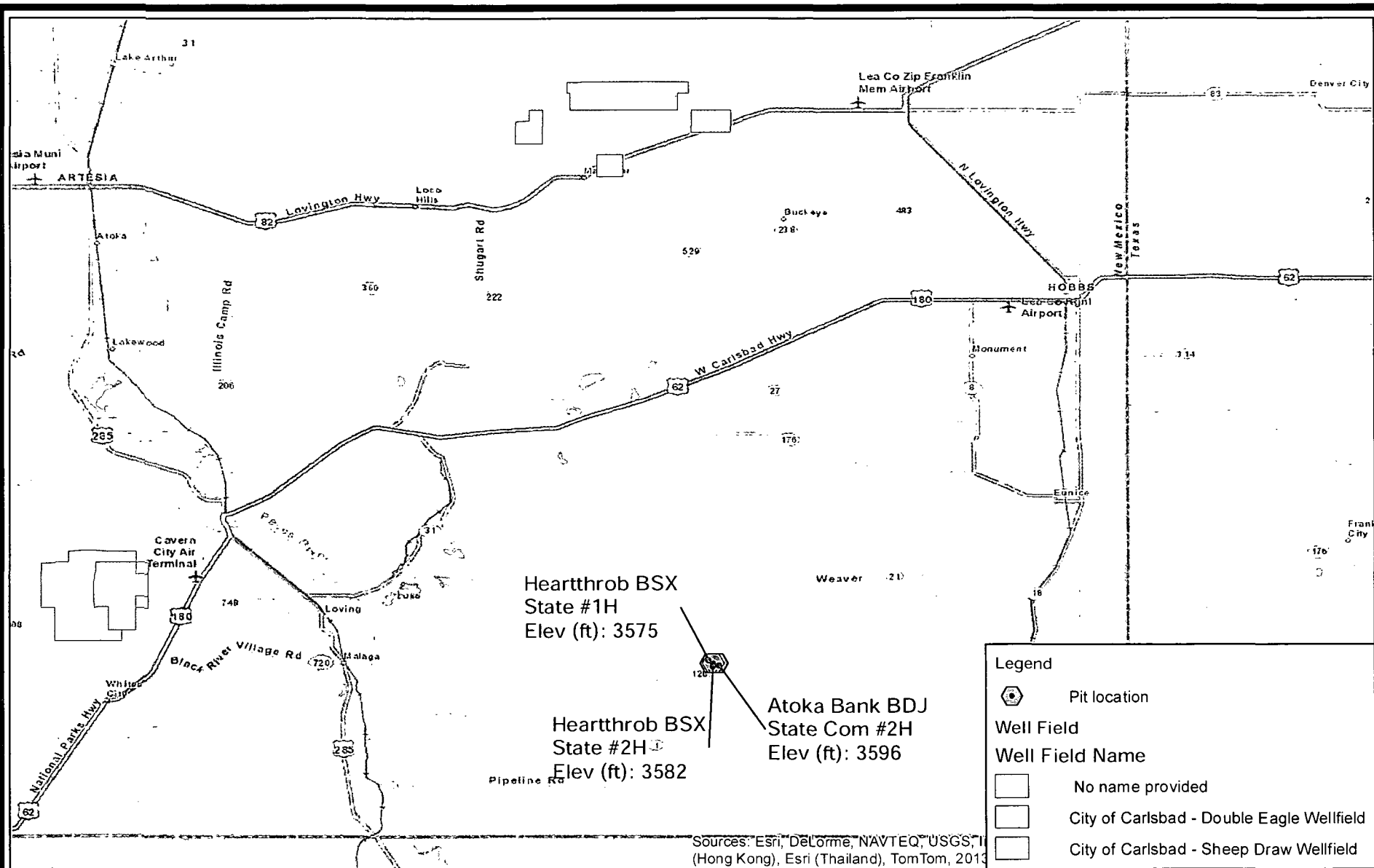
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Albuquerque, NM 87104
Ph: 505.266.5004

Nearby Structures and 2012 Aerial Photography

Yates Petroleum: Atoka and Heartthrob

Figure 4

November 2013



0 6 12
Miles

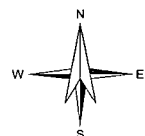
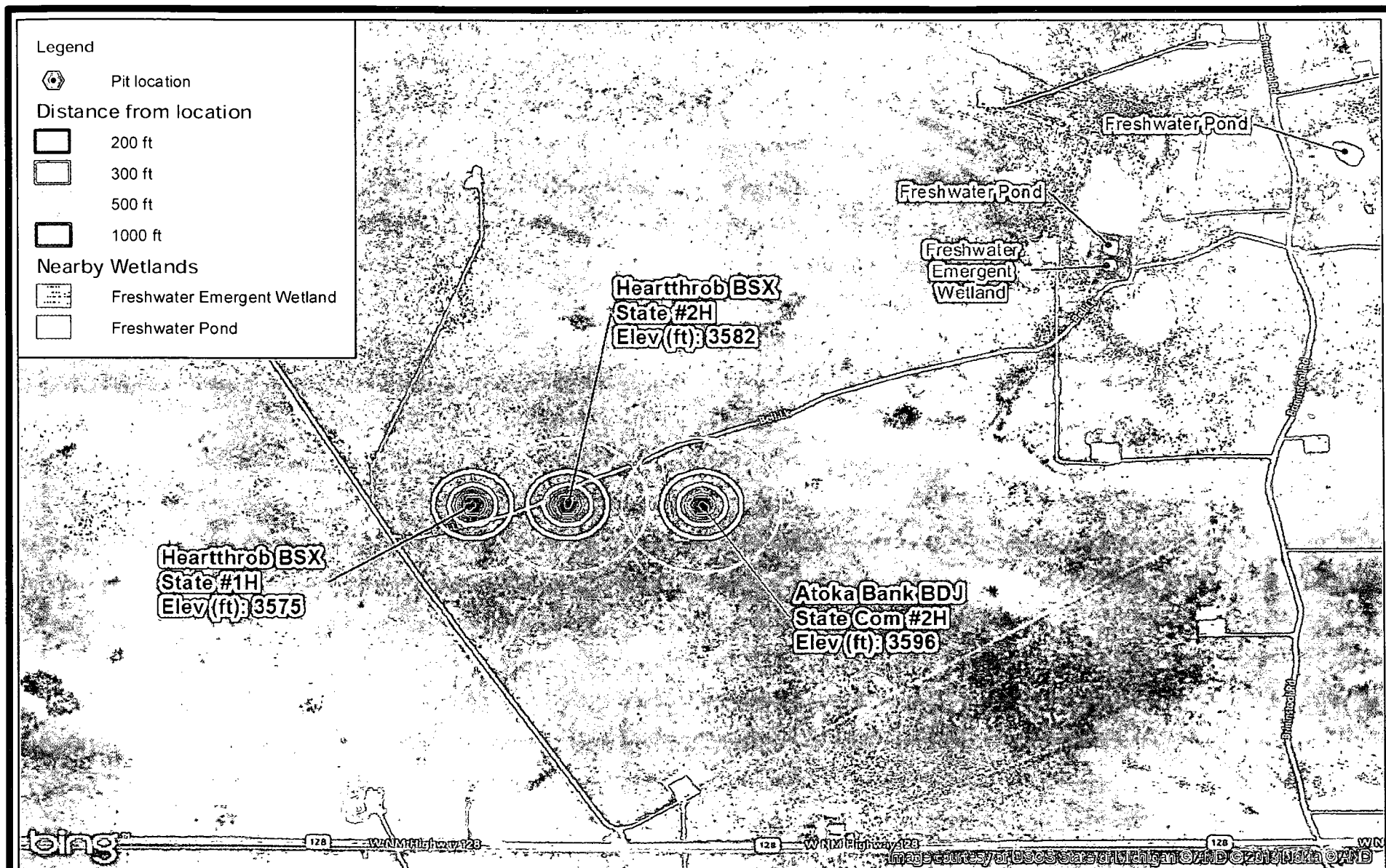
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Albuquerque, NM 87104
Ph: 505.266.5004

Nearby Municipalities and Well Fields

Yates Petroleum: Atoka and Heartthrob

Figure 5

November 2013



0 1,000 2,000
Feet

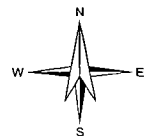
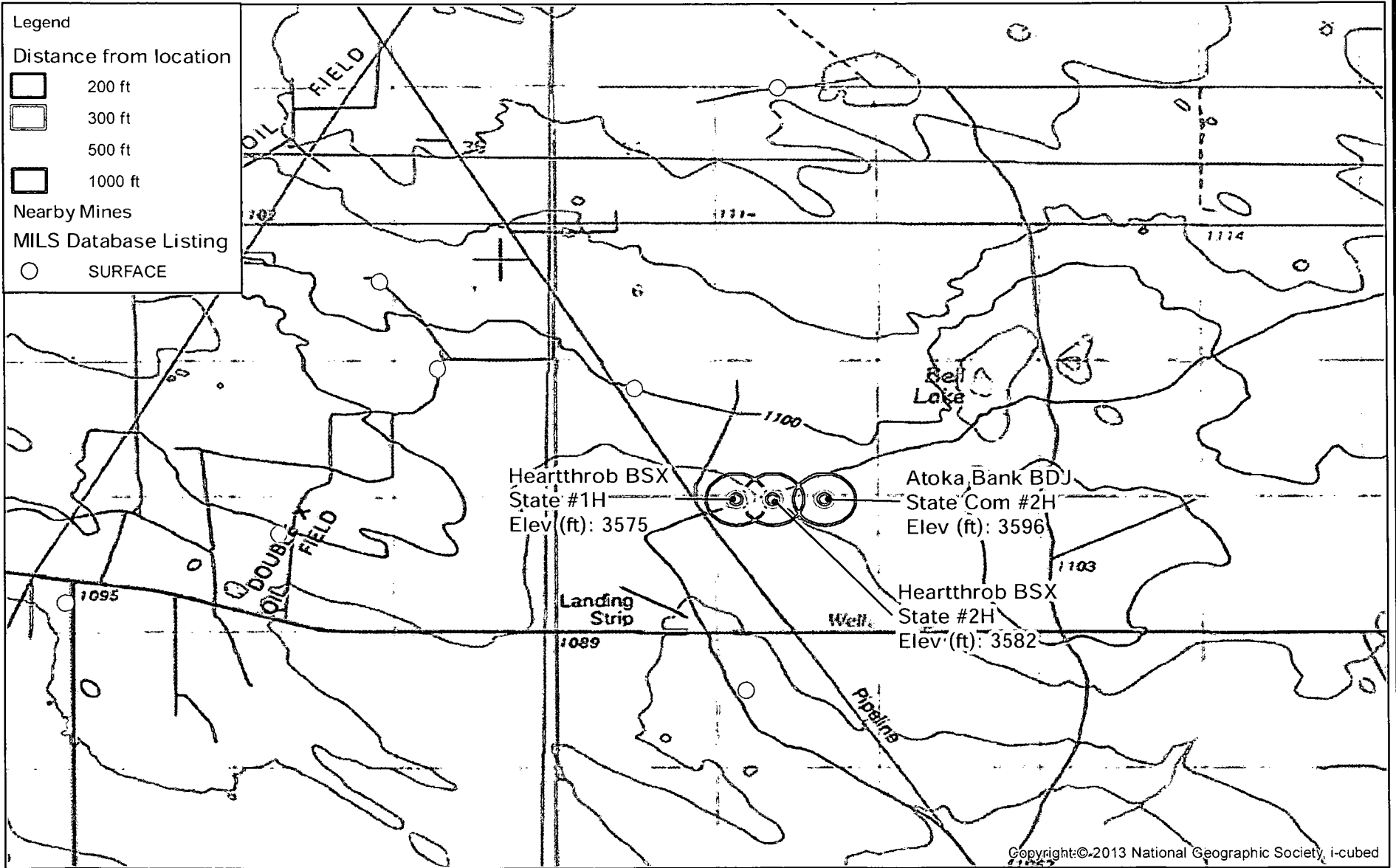
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Albuquerque, NM 87104
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Nearby Wetlands

Yates Petroleum: Atoka and Heartthrob

Figure 6

November 2013



0 0.5 1
Miles

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Albuquerque, NM 87104
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Nearby Mines and Minerals

Yates Petroleum: Atoka and Heartthrob

Figure 7

November 2013

Legend



Pit location

Karst - Carlsbad BLM Office

Potential



CRIT



HIGH



MEDIUM



LOW

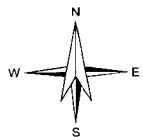
Heartthrob BSX
State #2H
Elev.(ft): 3582

Atoka Bank BDJ
State Com. #2H
Elev.(ft): 3596

Heartthrob BSX
State #1H
Elev.(ft): 3575

Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013, © 2013 Nokia, © 2013 Microsoft Corporation

bing



0 5 10
Miles

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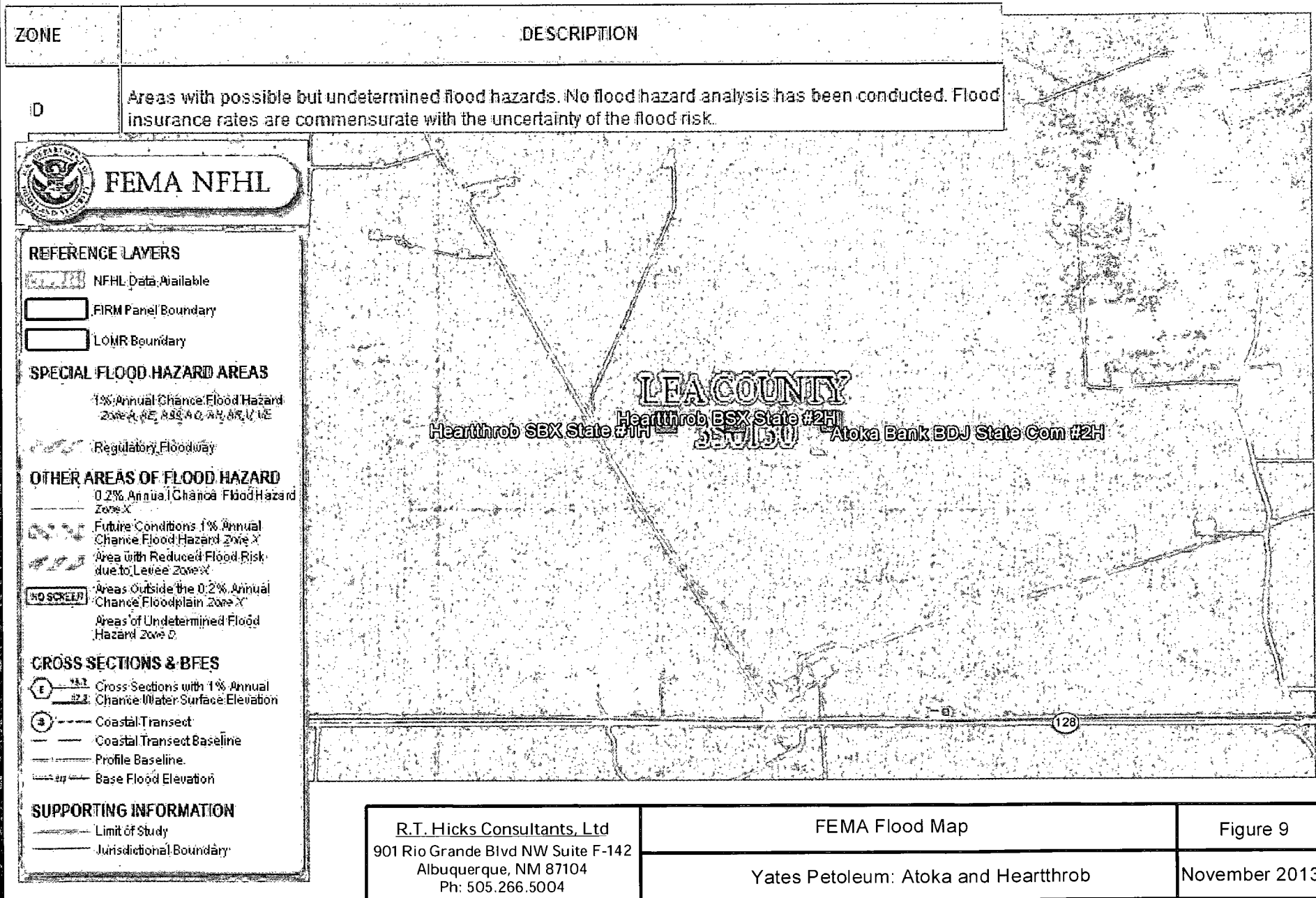
Karst Potential

Yates Petroleum: Atoka and Heartthrob

Figure 8

November 2013

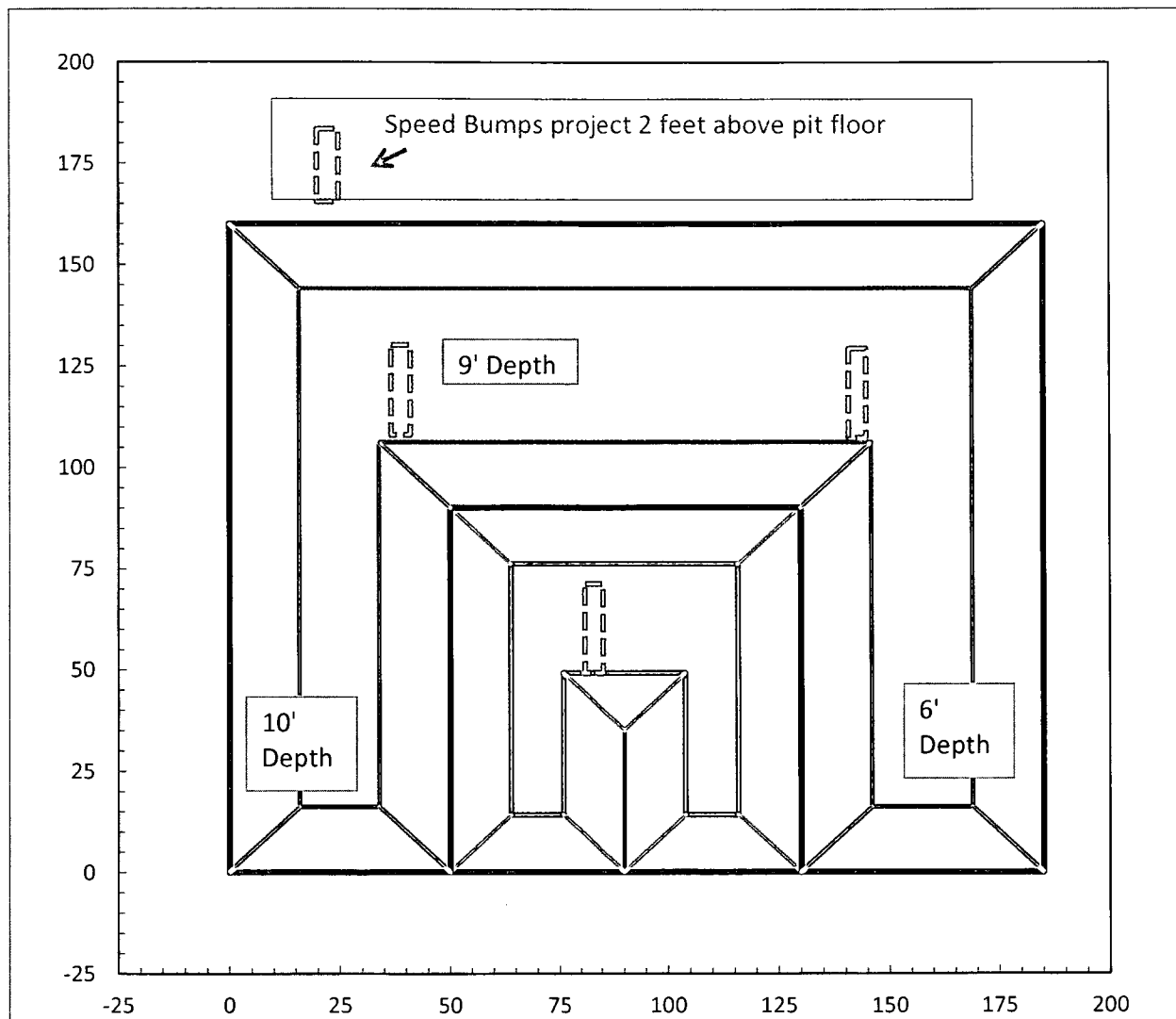
Undetermined Risk Areas



Site Specific Information Plates

R.T. Hicks Consultants, Ltd.

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Albuquerque, NM 87104



Drilling Cell Dimensions

Drilling Cell Total Width	185.0
Drilling Cell Total Length	160.0

Slopes of Pit Horizontal Distance	2.00
Slopes of Pit Vertical Distance	1.00
Horseshoe divider width at surface	0.0

Inner Horseshoe Dimensions

Total Width (left right)	80.0
Total Length (up down)	90.0
Depth	7.0
Length of Divider	35.0
Divider Width	0.0
Width of discharge floor	12.0
Width of suction floor	12.0

Outer Horseshoe Dimensions

Width Discharge Side	55.0
Width Suction Side	50.0
Length Far Side (up down)	50.0
Width of discharge Floor	31.0
Width of Suction Floor	10.0
Width of Far Side Floor (right-left dimension)	136.0
Length of far side floor (Up-down dimension)	38.0
Depth of Discharge Side	6.0
Depth of Far Side	8.0
Depth of Suction Side	10.0

Fluids Cell Dimensions

Width (left-right)	75.0
Length (up-down)	160.0
Depth	10.0

Inner Horseshoe Capacity 5724 bbl
Outer Horseshoe Capacity 22972 bbl

Frac Cell Capacity 13952 bbl
Total Capacity 42648 bbl

North →

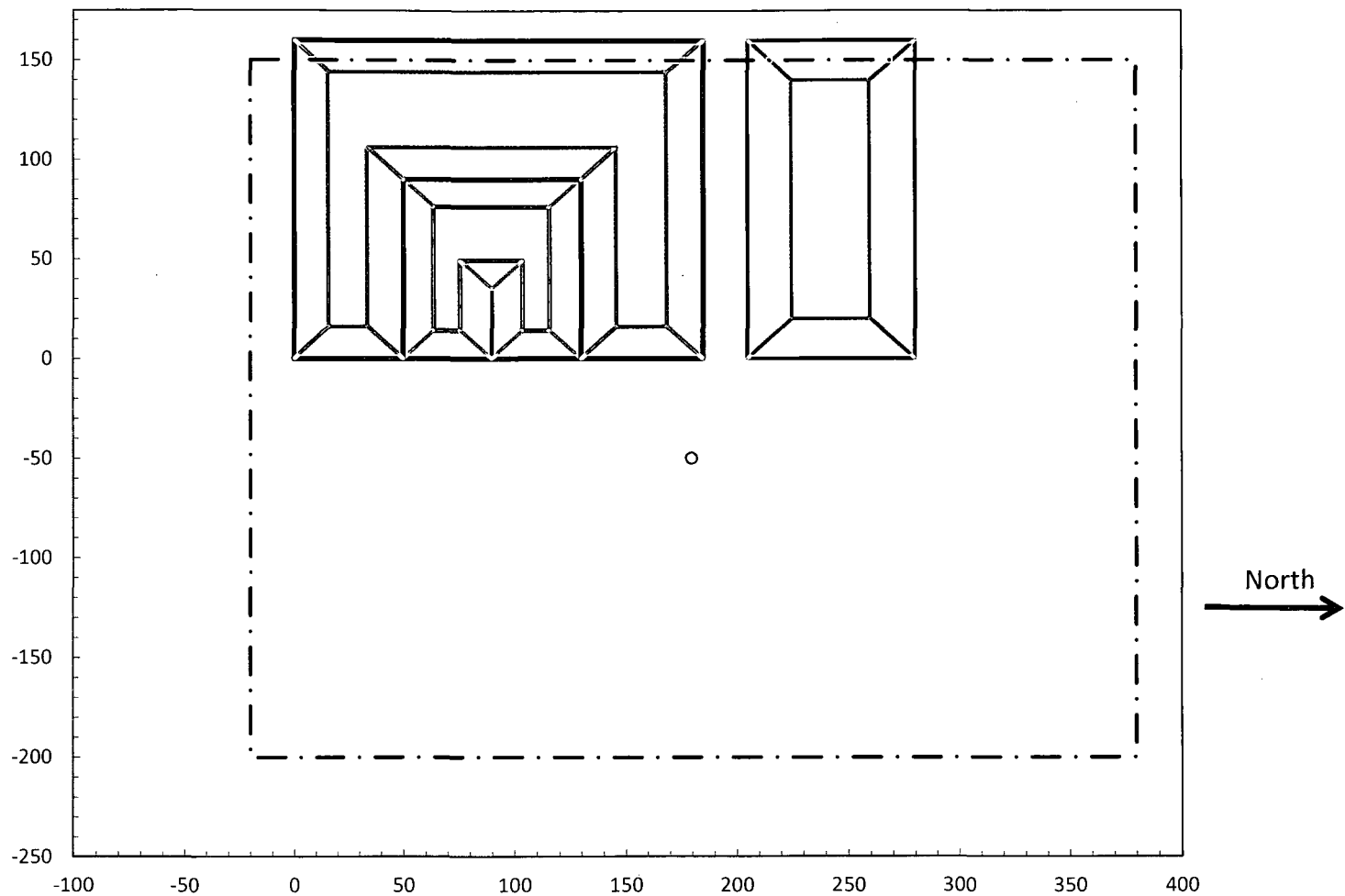
R.T. Hicks Consultants
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Suite F-142
Albuquerque, N. M. 87104

Drawing of Drilling Cell
Pit Bottom Not To Scale

Yates Petroleum Heartthrob BSX State 1H

Plate 1

Nov 2013



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 901 Rio Grande Blvd. NW
 Suite F-142
 Albuquerque, N. M. 87104

Drawing of Temporary Pit and Well in Relation to Pad Boundary

Yates Petroleum Heartthrob BSX State 1H

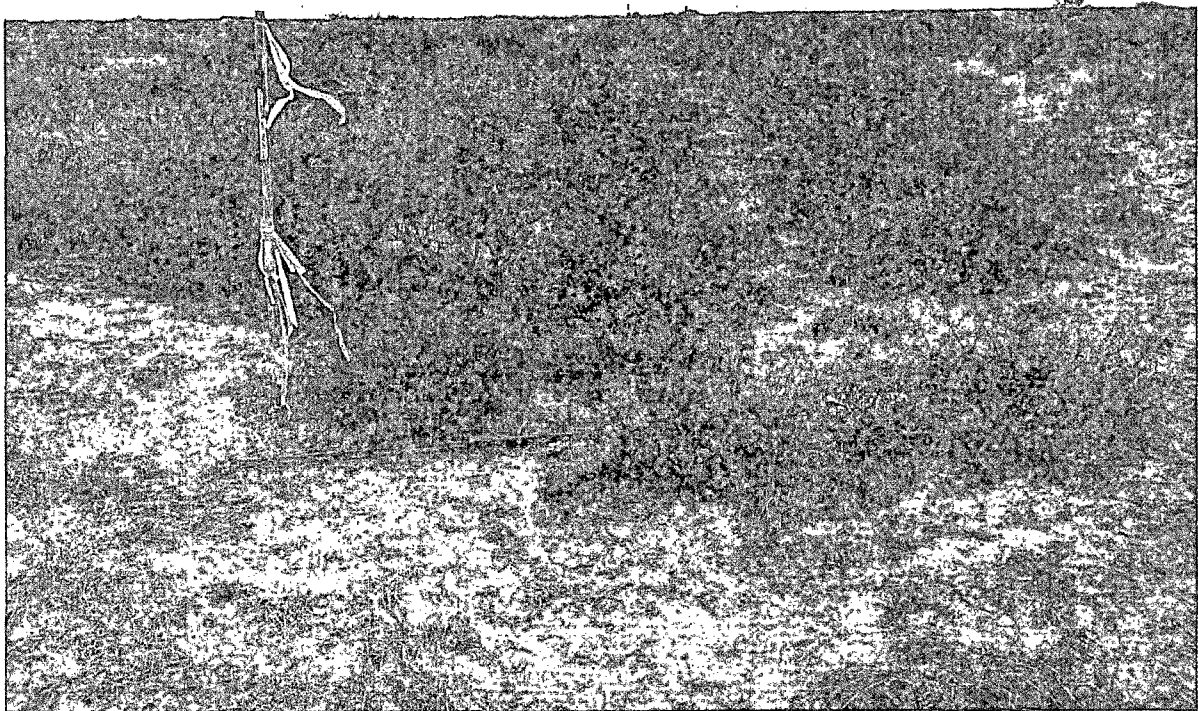
Plate 2

Nov 2013

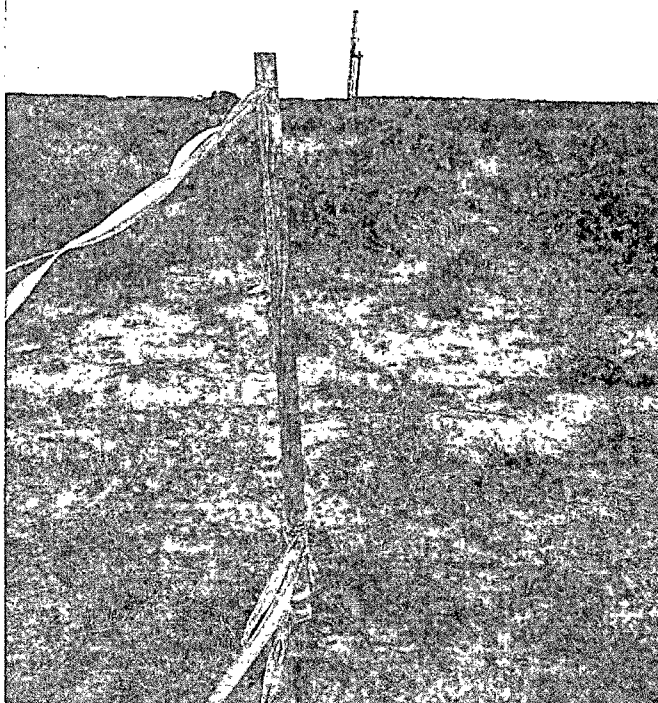
Site Inspection Photographs

R.T. Hicks Consultants, Ltd.

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Albuquerque, NM 87104



Photograph looking east showing low dunes and vegetation (cover)



Photograph looking north-northwest to recent drilling activity.

Survey Information

R.T. Hicks Consultants, Ltd.

901 Rio Grande Blvd. NW, Suite F-142
Albuquerque, NM 87104

DISTRICT I
1625 N. French Dr., Hobbs, NM 88240

DISTRICT II
1301 W. Grand Avenue, Artesia, NM 88210

DISTRICT III
1000 Rio Brazos Rd., Aztec, NM 87410

DISTRICT IV
1220 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico
Energy, Minerals and Natural Resources Department

Form C-102
Revised July 16, 2010

Submit one copy to appropriate
District Office

OIL CONSERVATION DIVISION
1220 South St. Francis Dr.
Santa Fe, New Mexico 87505

WELL LOCATION AND ACREAGE DEDICATION PLAT

☐ AMENDED REPORT

API Number	Pool Code	Pool Name
Property Code	Property Name HEARTTHROB BSX STATE	Well Number 1H
OGRID No. 025575	Operator Name YATES PETROLEUM CORP.	Elevation 3575

Surface Location

UL or lot No.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
D	17	24 S	33 E		200	NORTH	660	WEST	LEA

Bottom Hole Location If Different From Surface

UL or lot No.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
M	17	24 S	33 E		330	SOUTH	660	WEST	LEA
Dedicated Acres	Joint or Infill	Consolidation Code	Order No.						

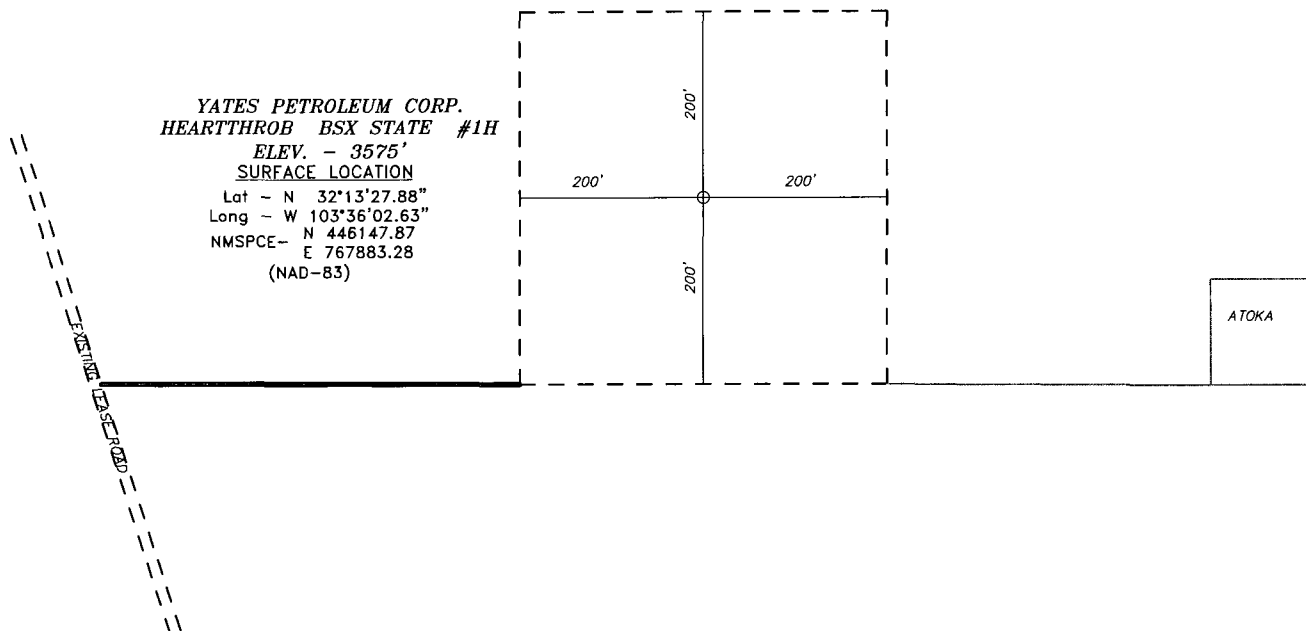
NO ALLOWABLE WILL BE ASSIGNED TO THIS COMPLETION UNTIL ALL INTERESTS HAVE BEEN CONSOLIDATED
OR A NON-STANDARD UNIT HAS BEEN APPROVED BY THE DIVISION

<p>N 446344.37 E 767221.95 660' S.L.</p>	<p>SURFACE LOCATION Lot - N 32°13'27.88" Long - W 103°36'02.63" NMSPCE- N 446147.87 E 767883.28 (NAD-83)</p>	<p>N 446358.63 E 769866.05</p>	<p>N 446373.81 E 772509.25</p>	<p>OPERATOR CERTIFICATION I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or unleased mineral interest in the land including the proposed bottom hole location or has a right to drill this well at this location pursuant to a contract with an owner of such a mineral or working interest, or to a voluntary pooling agreement or a compulsory pooling order heretofore entered by the division.</p> <p>Signature _____ Date _____</p> <p>Printed Name _____</p> <p>Email Address _____</p>
<p>N 443704.65 E 767241.86</p>			<p>N 443733.26 E 772529.43</p>	<p>SURVEYOR CERTIFICATION I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.</p> <p>DECEMBER 2012 Date Surveyed _____</p> <p>Signature & Seal of Professional Surveyor 7977</p> <p>Certificate No. Gary L. Jones 7977</p> <p>BASIN SURVEYS 27773</p>
<p>N 443704.65 E 767241.86</p>	<p>PROPOSED BOTTOM HOLE LOCATION Lot - N 32°12'41.46" Long - W 103°36'02.53" NMSPCE- N 441456.27 E 767923.67 (NAD-83)</p>			

SECTION 17, TOWNSHIP 24 SOUTH, RANGE 33 EAST, N.M.P.M.,
LEA COUNTY, NEW MEXICO.



YATES PETROLEUM CORP.
HEARTTHROB BSX STATE #1H
ELEV. - 3575'
SURFACE LOCATION
Lat - N 32°13'27.88"
Long - W 103°36'02.63"
NMSPCE - N 446147.87
E 767883.28
(NAD-83)



DRIVING DIRECTIONS

HEADING WEST ON HIGHWAY 128 AT MILE MARKER 27 TURN NORTH
NORTHWEST GO 1 MILE TO PROPOSED LEASE ROAD.

200 0 200 400 FEET
SCALE: 1" = 200'

YATES PETROLEUM CORP.

REF: HEARTTHROB BSX STATE #1H / WELL PAD TOPO

THE HEARTTHROB BSX STATE #1H LOCATED 200'
FROM THE NORTH LINE AND 660' FROM THE WEST LINE OF
SECTION 17, TOWNSHIP 24 SOUTH, RANGE 33 EAST,
N.M.P.M., LEA COUNTY, NEW MEXICO.

BASIN SURVEYS P.O. BOX 1786-HOBBS, NEW MEXICO

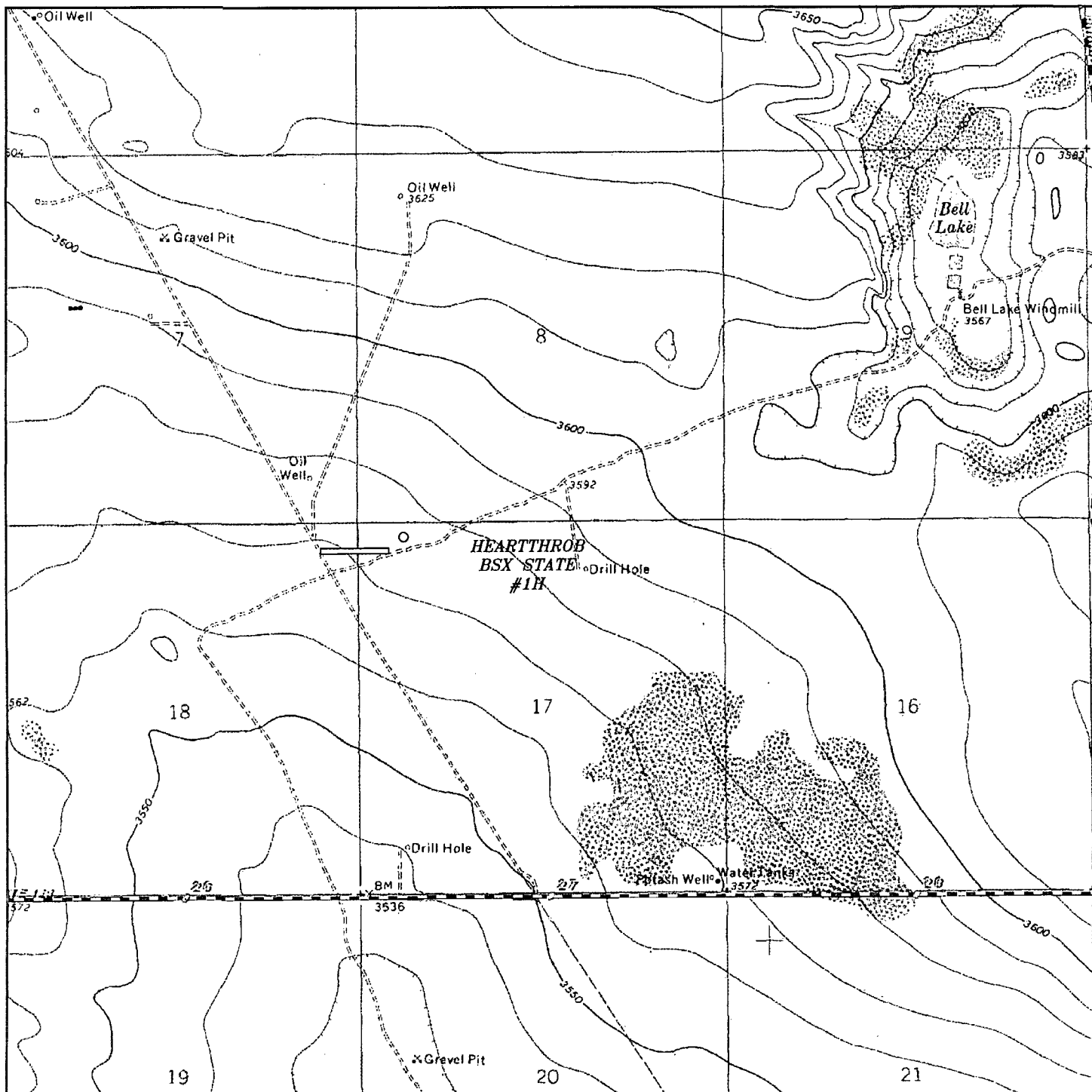
W.O. Number: 27773

Drawn By: D. JONES

Date: 01-02-2013 Disk: DAJ 27773

Survey Date: 12-04-2012

Sheet 1 of 1 Sheets



HEARTTHROB BSX STATE #1H
 Located 200' FNL and 660' FWL
 Section 17, Township 24 South, Range 33 East,
 N.M.P.M., LEA County, New Mexico.

basin
surveys
 focused on excellence
 in the oilfield

P.O. Box 1786
 1120 N. West County Rd.
 Hobbs, New Mexico 88241
 (575) 393-7316 - Office
 (575) 392-2206 - Fax
 basinsurveys.com

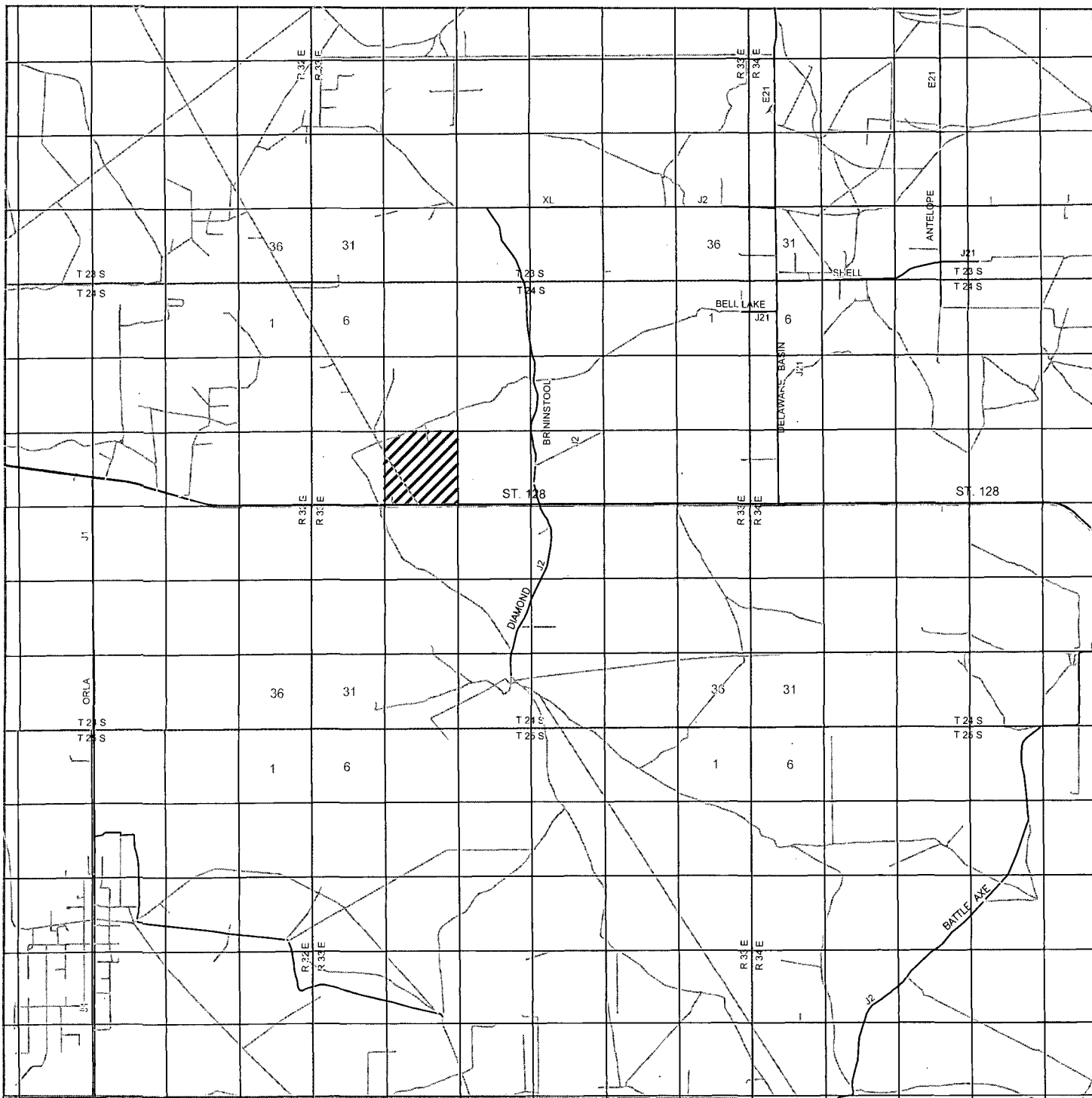
W.O. Number: DAJ 27773

Survey Date: 12-04-2012

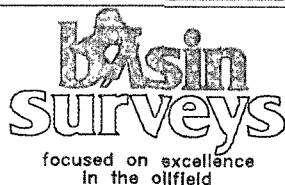
Scale: 1" = 2000'

Date: 01-02-2013

YATES
PETROLEUM
CORP.



HEARTTHROB BSX STATE #1H
 Located 200' FNL and 660' FWL
 Section 17, Township 24 South, Range 33 East,
 N.M.P.M., LEA County, New Mexico.



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 1120 N. West County Rd.
 Hobbs, New Mexico 88241
 (575) 393-7316 - Office
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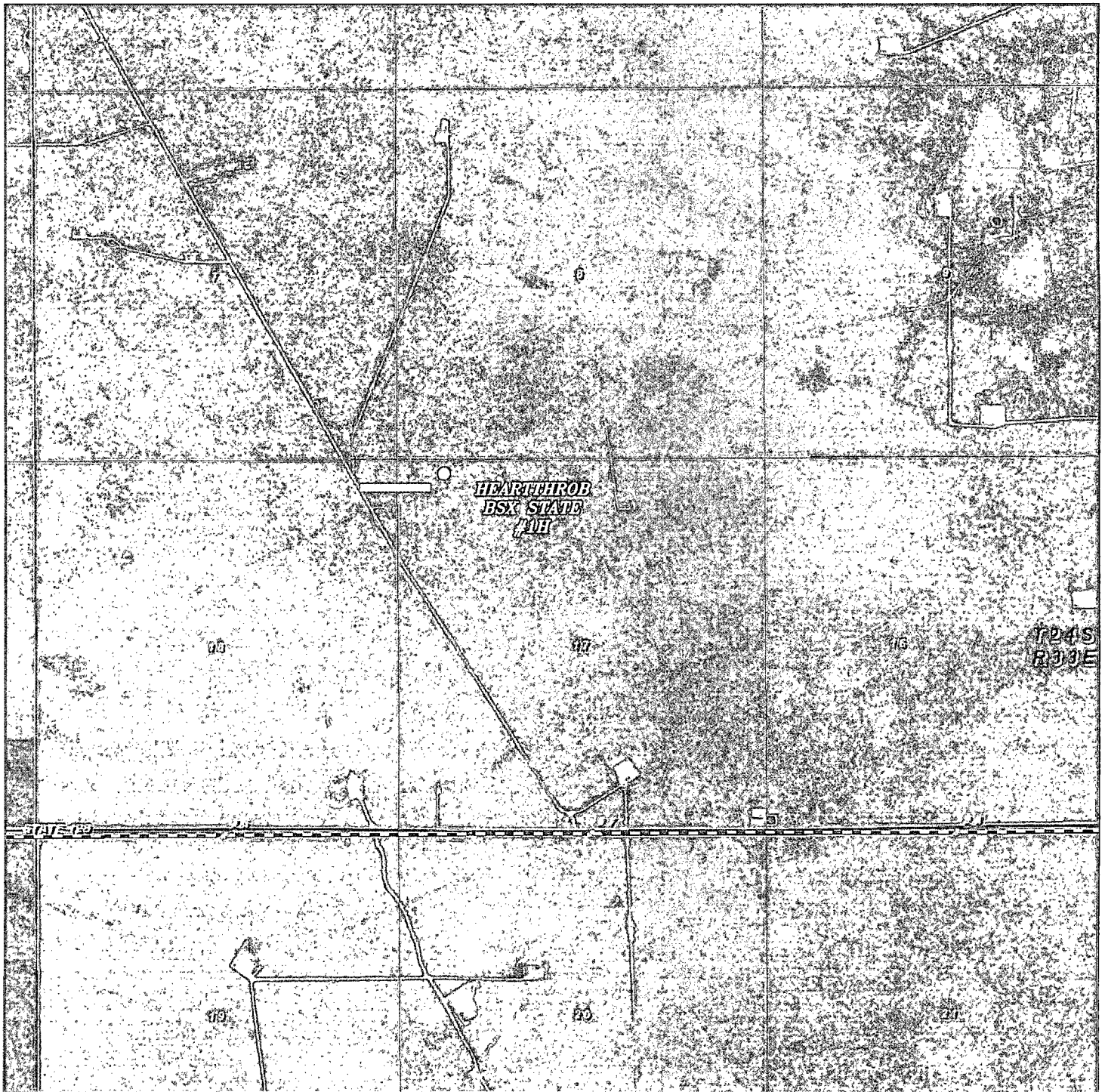
W.O. Number: DAJ 27773

Survey Date: 12-04-2012

Scale: 1" = 2 Miles

Date: 01-02-2013

YATES
 PETROLEUM
 CORP.



HEARTTHROB BSX STATE #1H
Located 200' FNL and 660' FWL
Section 17, Township 24 South, Range 33 East,
N.M.P.M., LEA County, New Mexico.



P.O. Box 1786
1120 N. West County Rd.
Hobbs, New Mexico 88241
(575) 393-7316 - Office
(575) 392-2206 - Fax
basinsurveys.com

W.O. Number: DAJ 27773

Scale: 1" = 2000'

YELLOW TINT - USA LAND
BLUE TINT - STATE LAND
NATURAL COLOR - FEE LAND

YATES
PETROLEUM
CORP.

Generic Plans for Temporary Pits

R.T. Hicks Consultants, Ltd.

901 Rio Grande Blvd. NW, Suite F-142
Albuquerque, NM 87104

Temporary Pit Design/Construction Plan

Plates 1 and 2 show the design of the temporary pit proposed for this project. Field conditions and the drilling rig layout will determine the final configuration of the pit cells, which will consist of the following:

1. A cell for drilling fluid circulation and cuttings storage consisting of:
 - a. An outer horseshoe for fresh water and cut-brine fluid and cuttings
 - b. An inner horseshoe for brine and fluid and cuttings
2. A cell for the storage of fresh water (drilling/stimulation) and stimulation flow-back water prior to re-use or disposal (OPTIONAL)

In addition to the commitments listed below, the operator may install a system that can drain water entrained in the drilling waste of the drilling pit. As described in the closure plan, this system of fabric-wrapped perforated pipe and drainage mats lie on the bottom of the drilling cell of the pit – generally the brine cell. The system will drain to the lowest corner of each cell, generally near the suction area. The exact location will be determined upon completion of the cells. Standpipes rise from the depression and can house a solar-powered pump. The drainage system for the brine cell removes water to an above-ground tank, the fluids cell of the pit, or directly to a truck for re-use or disposal. The drainage system may also be used to introduce fresher water below the residual cuttings/mud, causing the introduced fluid to move upwards through the cuttings/mud and enhance the solids rinsing process. Introduced water can be removed from the pit for re-use via a vacuum truck or recovered from the drainage system at the bottom.

The temporary storage of fluids, fluid reuse or fluid disposal will be conducted in a manner approved by division rules that prevents the contamination of fresh water and protects public health and the environment. This drainage and rinsing system allows the operator to:

- Recover clear water for possible re-use
- Reduce the concentration of constituents of concern in the drilling waste by removing some water entrained in the drilling waste.

Precipitation and the possible addition of relatively fresh water (see closure plan) will rinse the solid drilling waste, causing additional reduction in the constituents of concern as the water is recovered for re-use or disposal.

For any temporary storage of fluids derived from the drilling pit and placed in an above-ground tank, the following will apply:

1. Construction, operation and maintenance of the temporary storage tank(s) will adhere to all applicable NMOCD Rules including but not limited to:
 - a. Safety stipulations
 - b. Protection from hydrogen sulfide mandates
 - c. Signage and identification requirements
 - d. Secondary containment requirements for temporary tanks
 - e. Applicable netting requirements

C-144 Supplemental Documentation for Temporary Pit

2. Any cleaning of the temporary tank(s) will adhere to NMOCD Rules relating to tank cleaning.
3. Transportation of water or drilling fluids derived from the drilling pit will adhere to all applicable NMOCD Rules relating to transportation.
4. Storage of water or drilling fluids in temporary above-ground tanks will also adhere to all applicable Federal mandates.

During final closure of the pit, the tanks and secondary containment system will be removed from the location and the area beneath the tank inspected for any leakage. If any leakage is suspected, the operator will sample the soil beneath the tanks and report any release pursuant to NMOCD Rules.

Finally, we intend to place any temporary tank used in conjunction with the pit drainage system on a 20-mil liner with a berm around it that would allow any inadvertently released fluids to drain or be pumped back into the pit.

Construction/Design Plan of Temporary Pit

Stockpile Topsoil

Prior to constructing the pit the qualified contractor will strip and stockpile the topsoil for use as the final cover or fill at the time of closure.

Signage

The operator will post an upright sign in a conspicuous place in compliance with 19.15.16.8 NMAC as the pit and the well are operated by the same operator. Section 19.15.16.8 states in part:

19.15.16.8 SIGN ON WELLS:

B. For drilling wells, the operator shall post the sign on the derrick or not more than 20 feet from the well.

C. The sign shall be of durable construction and the lettering shall be legible and large enough to be read under normal conditions at a distance of 50 feet.

F. Each sign shall show the:

(1) well number;

(2) property name;

(3) operator's name;

(4) location by footage, quarter-quarter section, township and range (or unit letter can be substituted for the quarter-quarter section);

and

(5) API number.

The sign will also provide emergency telephone numbers.

Fencing:

During drilling or workover operations, the operator will not fence the edge of the pit adjacent to the drilling or workover rig.

As the pit is not located within 1000 feet of a permanent residence, school, hospital, institution or church, the operator will fence the pit to exclude livestock with four-wire strands evenly spaced in the interval between one foot and four feet above ground level.

Earthwork

The temporary pit will have a properly constructed foundation and interior slopes consisting of a firm, unyielding base, smooth and free of rocks, debris, sharp edges or irregularities to prevent the liner's rupture or tear.

The slopes of the pit will be no steeper than two horizontal feet to one vertical foot (2H:1V) unless in the transmittal letter the operator requested an alternative to the slope requirement with a demonstration that the pit can be operated in a safe manner to prevent contamination of fresh water and protect public health and the environment.

A berm or ditch will surround the temporary pit to prevent run-on of surface water.

If the transmittal letter identifies concerns relating to the presence of karst and associated instability, during construction of the pit the contractor will compact the earth material that forms the foundation for the pit liner. An expected proctor density of greater than 90% will be achieved by

1. adding water to the earth material as appropriate,
2. compacting the earth by walking a crawler-type tractor down the sides and bottom of the pit
3. repeating this process with a second 6-inch lift of earth material if necessary

Liner Installation

The geomembrane liner will consist of 20-mil string reinforced LLDPE or equivalent liner material identified in the transmittal letter or on Form C-144 (that the appropriate division district office approves through approval of this permit application). The geomembrane liner will be composed of an impervious, synthetic material that is resistant to petroleum hydrocarbons, salts and acidic and alkaline solutions. The liner material will be resistant to ultraviolet light. Liner compatibility will comply with EPA SW-846 method 9090A.

The operator will direct the liner installation contractor to:

1. minimize liner seams and orient them up and down, not across a slope
2. use factory welded seams where possible
3. overlap liners four to six inches and orient seams parallel to the line of maximum slope, i.e., oriented along, not across, the slope, prior to any field seaming
4. minimize the number of welded field seams in corners and irregularly shaped areas
5. utilize only qualified personnel to weld field seams
6. avoid excessive stress-strain on the liner
7. place geotextile under the liner where needed to reduce localized stress-strain or protuberances that may otherwise compromise the liner's integrity
8. anchor the edges of all liners in the bottom of a compacted earth-filled trench that is at least 18 inches deep
9. place additional material (liner, felt, etc.) to ensure that the liner is protected from any fluid force or mechanical damage at any point of discharge into or suction from the lined temporary pit.

C-144 Supplemental Documentation for Temporary Pit

A berm or ditch will surround the temporary pit to prevent run-on of surface water. During drilling operations, the operator may elect to remove run-on protection on the pit edge adjacent to the drilling or workover rig provided that the pit is being used to collect liquids escaping from the drilling or workover rig and this additional fluid will not cause a breach of the temporary pit.

The temporary pit will not be used to vent or flare gas and the volume of the temporary drilling pit, including freeboard, will not exceed 10 acre-feet.

Temporary Pit Operating and Maintenance Plan

The operator will maintain and operate the pit in accordance with the following plan to contain liquids and solids and maintain the integrity of the liner to prevent contamination of fresh water and protect public health and the environment.

If feasible, the operator will recycle, reuse or reclaim all drilling fluids in the temporary pit in a manner approved by division rules that prevents the contamination of fresh water and protects public health and the environment. Re-use of drilling fluids and workover fluids (stimulation flow-back) for drilling and stimulation of subsequent wells is anticipated. If re-use is not possible, fluids will be sent to disposal at a division-approved facility.

The operator will not discharge into or store any hazardous waste in the pit.

If the pit develops a leak or if any penetration of the pit liner occurs above the liquid's surface, then the operator will repair the damage or initiate replacement of the liner within 48 hours of discovery or will seek a variance from the division district office within this time period.

If the pit develops a leak or if any penetration of the pit liner occurs below the liquid's surface, then the operator will remove all liquid above the damage or leak line within 48 hours of discovery. The operator will also notify the district division office (19.15.29 NMAC) within this same 48 hours of the discovery and repair the damage or replace the pit liner.

The operator will ensure that the drilling contractor installs and uses a header, diverter or other hardware that prevents damage to the liner by erosion, fluid jets or impact from installation and removal of hoses or pipes during injection or withdrawal of liquids.

During construction, the operator or qualified contractor will install diversion ditches and berms around the pit as necessary to prevent the collection of surface water run-on. As outlined in the Construction and Design Plan, during drilling operations, the edge of the temporary pit adjacent to the drilling or workover rig may not have run-on protection if the operator is using the temporary pit to collect liquids escaping from the drilling or workover rig and run-on will not result in a breach of the temporary pit.

The operator will maintain on site an oil absorbent boom to contain and remove oil from the pit's surface.

The operator will only discharge fluids or mineral solids (including cement) generated or used during the drilling, completion, or workover processes into the pit.

The operator will maintain the temporary pit free of miscellaneous solid waste or debris. Immediately after cessation of drilling or a workover operation, the operator will remove any visible or measurable layer of oil from the surface of the pit.

The operator will maintain at least two feet of freeboard for the temporary pit, except under extenuating circumstances, which will be noted on the pit inspection log as described below.

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The operator will inspect the temporary pit containing drilling fluids daily while the drilling rig or workover rig is on site. After the rigs have left the site, the operator will inspect the pit weekly as long as liquids are present in the pit. The operator will maintain a log of the inspections. The operator will make the log available to the division district office upon request.

The operator will remove all free drilling fluids from the surface of the temporary pit within 60 days from the date that the last drilling or workover rig associated with the pit permit is released. The operator will note the date of this release upon Form C-105 or C-103 upon well or workover completion. The operator may request an extension up to two months from the division district office as long as this additional time does not exceed the temporary pit life span (Subsection R of 19.15.17.7 NMAC).

Temporary Pit In-Place Closure Plan

The wastes in the temporary pit are destined for in place burial at the drilling location or, if stated in the permit transmittal letter, a nearby site on the same lease.

The operator will not begin closure operations without approval of the closure plan submitted with the permit application.

Siting Criteria Compliance Demonstration

Compliance with siting criteria is described in the site-specific information appended to the C-144.

Proof of Surface Owner Notice

The application package was transmitted to the surface landowner and OCD via email.

Construction/Design Plan of Temporary Pit

The design and construction protocols for the temporary pit are provided in the design and construction plan and in Plates 1-2. The drainage system described in the design and construction plan is not shown on the Plates but can be important element of the closure plan.

General Protocols and Procedures

- All free liquids from the pit will be recycled or disposed in a manner consistent with OCD Rules.
- Residual drilling fluids will be removed from the pit within 60 days of release of the drilling rig.
- Water derived from the well stimulation program (flow-back or unused fresh water) that is significantly higher quality than the residual drilling fluids *may* discharge into the pit. The fresher water *may* discharge into the drainage system to flow through the solids or onto the solids in the pit.
- A low-flow pump *may* remove water from the drainage system to a tank or a fluids cell of the temporary pit; thereby further rinsing the residual solids in the pit.
- 20-60 days after placement of fresh flow-back water into the drilling cell, any water in the pit will be removed for re-use or disposal.
- The residual drilling mud and cuttings will be stabilized to a capacity sufficient to support the 4-foot thick soil cover.
- The residual pit solids will not be mixed at a ratio greater than 1 part pit solids to 3 parts dry earth material (e.g. subsoil).
- The pit will not be closed until the stabilized pit contents pass the paint filter liquids test.

Waste Material Sampling Plan

Prior to closure, a five-point (minimum) composite sample of the residual solids in the pit will be tested in a laboratory to demonstrate that the stabilized material will not exceed the contaminant

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concentrations listed in Table II of 19.15.17.13 NMAC mixed in a ratio of 3:1 with the earth material to be used for mixing and stabilization of the residual cuttings and mud.

In-place burial is the selected on-site disposal alternative.

If a concentration of a contaminant within the material mixed at a ratio not exceeding 3:1 is higher than the concentration given in Table II, closure will proceed in accordance with Subsection C of 19.15.17.13 NMAC.

Protocols and Procedures for Earthwork

Stabilization of the residual cuttings and mud is accomplished by mixing dry earth material within the temporary pit footprint. After stabilization the operator or qualified contractor will:

1. Place a geomembrane cover over the sloping surface of the stabilized waste material in a way to prevent infiltration of water and so that infiltrated water does not collect on the geomembrane cover after the upper soil cover has been placed.
2. Use a geomembrane cover made of 20-mil string reinforced LLDPE liner or an equivalent cover approved by the district office that is composed of an impervious, synthetic material that is resistant to petroleum hydrocarbons, salts and acidic and alkaline solutions and complies with EPA SW-846 Method 9090A. ~~If possible, the existing pit liner will be used to separate the soil cover from the underlying stabilized cuttings. The pit liner will be cut above the cuttings level and reserved as large panels. After stabilization, the reserved liner will be oriented over the stabilized cuttings with the side that was in contact with the clean dirt of the berms facing up, in contact with the clean material on top. The side of the liner exposed to drilling fluids will be facing down, in contact with the stabilized cuttings. Additional new liner material may be required for the geomembrane cover. The liner panels will be overlapped in a manner that will shed infiltrating water like shingles on a roof.~~
3. Over the sloping, stabilized material and liner, place the **Soil Cover** of:
 - a. at least 3-feet of compacted, uncontaminated, non-waste containing earthen fill with chloride concentrations less than 600 mg/kg as analyzed by EPA Method 300.0.
 - b. either the background thickness of topsoil or one foot of suitable material to establish vegetation at the site, whichever is greater, over the 3-foot earth material.
4. Contour the cover to
 - a. blend with the surrounding topography
 - b. prevent erosion of the cover and
 - c. prevent ponding over the cover.

Closure Notice

The operator will notify the surface owner by certified mail, return receipt requested, that the operator plans closure operations at least 72 hours, but not more than one week, prior to any closure operation. The notice will include the well name, API number, and location.

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After approval for in-place burial, the operator shall notify the district office verbally and in writing at least 72 hours but not more than one week before any closure operation. Notice will include the operator's name and the location of the temporary pit. The location will include unit letter, section number, township and range. If the location is associated with a well, then the well's name, number and API number will be included.

Should onsite burial be on private land, the operator will file a deed notice including exact location of the burial with the county clerk of the county where the onsite burial is located.

Closure Report

Within 60 days of closure completion, the operator will submit a

- i. closure report on form C-144, with necessary attachments
- ii. a certification that all information in the report and attachments is correct, that the operator has complied with all applicable closure requirements and conditions specified in the approved closure plan
- iii. a plat of the pit location on form C-105
- iv. if burial is in a nearby trench/pit, a separate C-105 showing the exact location

Unless the permit transmittal letter requests an alternative marker to comply with surface landowner specifications, the operator will place at the center of an onsite burial a steel marker that

- is not less than four inches in diameter
- is placed at the bottom of a three-foot deep hole (minimum) that is filled with cement to secure the marker
- is at least four feet above mean ground level
- permanently displays the operator name, lease name, well number, unit letter, section, township and range in welded or stamped legible letters/numbers

Timing of Closure

The operator will close the temporary pit within 6 months from the date the drilling or workover rig was released from the site. This date will be noted on form C-105 or C-103 filed with the division upon the well's or workover's completion.

Reclamation and Re-vegetation Plan

In addition to the area of the in-place burial, the operator will reclaim the surface to a safe and stable condition that blends with the surrounding undisturbed area including:

1. the pit location not used for burial
2. other areas associated with the in-place burial including access roads

Areas not reclaimed as described herein due to their use in production or drilling operations will be stabilized and maintained to minimize dust and erosion.

As stated above, the soil cover for burial in-place

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- A. consists of a minimum of three feet of non-waste containing, uncontaminated, earthen material with chloride concentrations less than 600 mg/kg (or background concentration) as analyzed by EPA Method 300.0 placed over the liner and stabilized solids
- B. is capped by the background thickness of topsoil or 1-foot of suitable material to establish vegetation, whichever is greater
- C. blends into surrounding topography
- D. is graded to prevent ponding and to minimize erosion

For all areas disturbed by the closure process that will not be used for production operations or future drilling, the operator will

- I. Replace topsoils and subsoils to their original relative positions
- II. Grade so as to achieve erosion control, long-term stability and preservation of surface water flow patterns
- III. Reseed in the first favorable growing season following closure

Re-vegetation and reclamation plans imposed by the surface owner will be outlined in communications with the OCD.

The operator will notify the division when the surface grading work element of reclamation is complete.

The operator will notify the division when the site meets the surface owner's requirements or exhibits a uniform vegetative cover that reflects a life-form ratio of plus or minus fifty percent (50%) of pre-disturbance levels and a total percent plant cover of at least seventy percent (70%) of pre-disturbance levels, excluding noxious weeds.

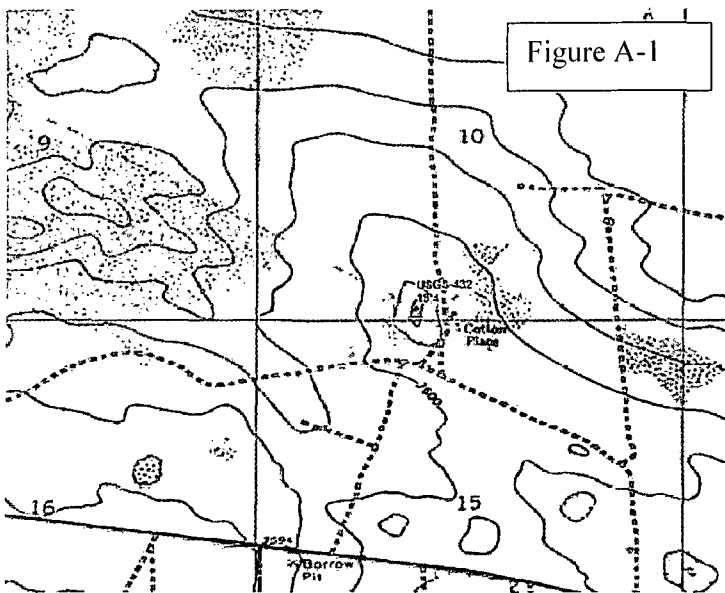
Appendix A

Hydrogeology of Bell Lake Area

Geology and Topography of Bell Lake Area

Quaternary Age eolian and piedmont deposits (Qe/Qp on Figure 1) are the dominant exposed material in the area. These deposits are a thin covering of the underlying Tertiary Ogallala Formation or, in some places, the redbeds of the Dockum Group. The Ogallala Formation (To) is locally exposed and consists primarily of sand with some clay, silt and gravel, generally capped by caliche. Based on information from Ground-Water Report 6 (GWR-6) *Geology and Ground-Water Conditions in Southern Lea County, New Mexico* by Alexander Nicholson and Alfred Clebsch (1961), the top of the redbeds near Bell Lake is about 3500-3600 above sea level (see Plate 1 of GWR-6). Because the area outside of the Bell Lake Sink lies at an elevation of 3600 feet, the Ogallala Formation, if it is present, could be about 100 feet thick near Bell Lake. In other nearby areas, the thickness of the Ogallala could be more or less than 100 feet.

Topographically, the western three quarters of the area of interest slopes gently to the southeast or, in the southwest corner of Figures 1 and 2, to the southwest. This sloping surface is punctuated by several closed depressions. The Bell Lake Sink (see Exhibits A and B; attached), a 2-mile wide circular depression is the most obvious of several. These depressions have been described as an ancient collapse feature (breccia pipes) associated with the removal of salt due to upward groundwater flow from the Capitan Reef¹. Approximately 49 feet of topographic relief is present from the bottom of the sink to the proposed location of the well (3612-3563= 49). One



smaller depression exists about 5 miles west of the Bell Lake Sink in Section 10 T24S R32E, the Cotton Place (Exhibits A and B, also shown in Figure A-1).

The northeast quarter of Figure 1 and Figure 2 show Antelope Ridge grading northeast into the gently sloping surface described above and the topographic low of the San Simon Swale. In the northeastern most portion of Figure 2, and as shown on Exhibit A and B, is the San Simon Sink, a collapse feature akin to the Bell Lake Sink.

Within the two Sinks mentioned above and a smaller closed depression associated with Red Tank in the southern portion of Figure 1, older alluvium (Qoa) is exposed at the surface.

¹ See http://nmgs.nmt.edu/publications/guidebooks/downloads/57/57_p233-242.pdf

Groundwater Data

We relied upon the recent data from the USGS to create the water table elevation map shown in Figure 2. The USGS data are based upon measured groundwater levels performed by professionals and we have identified few errors in their data. However, we also considered the data from the “Misc” water wells identified on Figure 1. The “Misc” well data are generally measured water levels, but this dataset contains errors (generally of location). Additionally, Hicks Consultants measured water levels in several wells to confirm or add to public data – these data are part of the “Misc” data set.

In general, we do not employ water level data from the OSE database as these data rely upon observed water levels by drillers during the completion of the water well. The OSE dataset can provide some useful data in certain areas.

For the potentiometric surface map (Figure 2), we honored all data that we know are true. For example, we employed data from the Jackson Unit 15H (Misc-97), Mogi 9 State 1H rathole (Misc-68) and the Brinninstool 4 State 3H rathole (Misc-69) located near Bell Lake. We personally logged the cuttings from these borings – these cuttings were dust/dry at a depth of 120 feet. While the borings terminated above the regional aquifer, they provide data that are useful for the mapping. It is these data from the ratholes that demonstrate the horizontal limits of water bodies that are perched within the Bell Lake Sink.

With respect to other “Misc.” wells shown on Figure 1, below are the results of the field inspections:

- Well Misc-11 is an active windmill but could not be accessed to update the water level measurement in OF-95
- Water well Misc -15 (C2279) is a windmill at the Ranch Headquarters accessed on November 12, 2013 and the depth to water is greater than 454 feet.
- Water well Misc-18 (445, C2308) was accessed on October 10, 2012 and the depth-to-water was measured at 22 feet below ground surface.
- Depth to water in well Misc-61(C 2312) was measured on April 3, 2013 at 112.4.
- Well Misc-12 is plugged and abandoned.
- Well Misc-98 was accessed on November 12, 2013 and the measured depth to water was 213.5 feet from the top of casing. The total depth of this well is 215 feet.
- The Bell Lake Windmill, which is not labeled as a “Misc” well but is identified on the USGS topographic map, is plugged.

Hydrogeology

GWR-6 (1961) indicates that Ogallala groundwater is not present as a regional aquifer within the Bell Lake area. The lack of a regional water table aquifer described in GWR-6 is borne out in the data from well Misc-12, located about 2 miles southeast from the proposed pit. Here, the water supply well spuds on Ogallala Formation (To), is drilled to a total depth of 232 feet and records a water level of 208.7 feet below land surface. The water elevation in well Misc-12 (3,326 feet asl) lies below the projected bottom of the Ogallala Formation (3,550 feet asl at this location). All wells outside of ancient collapse features record water levels below the projected base of the Ogallala and tap water bearing units within the red beds (Dockum Group). Based on the depth-

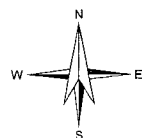
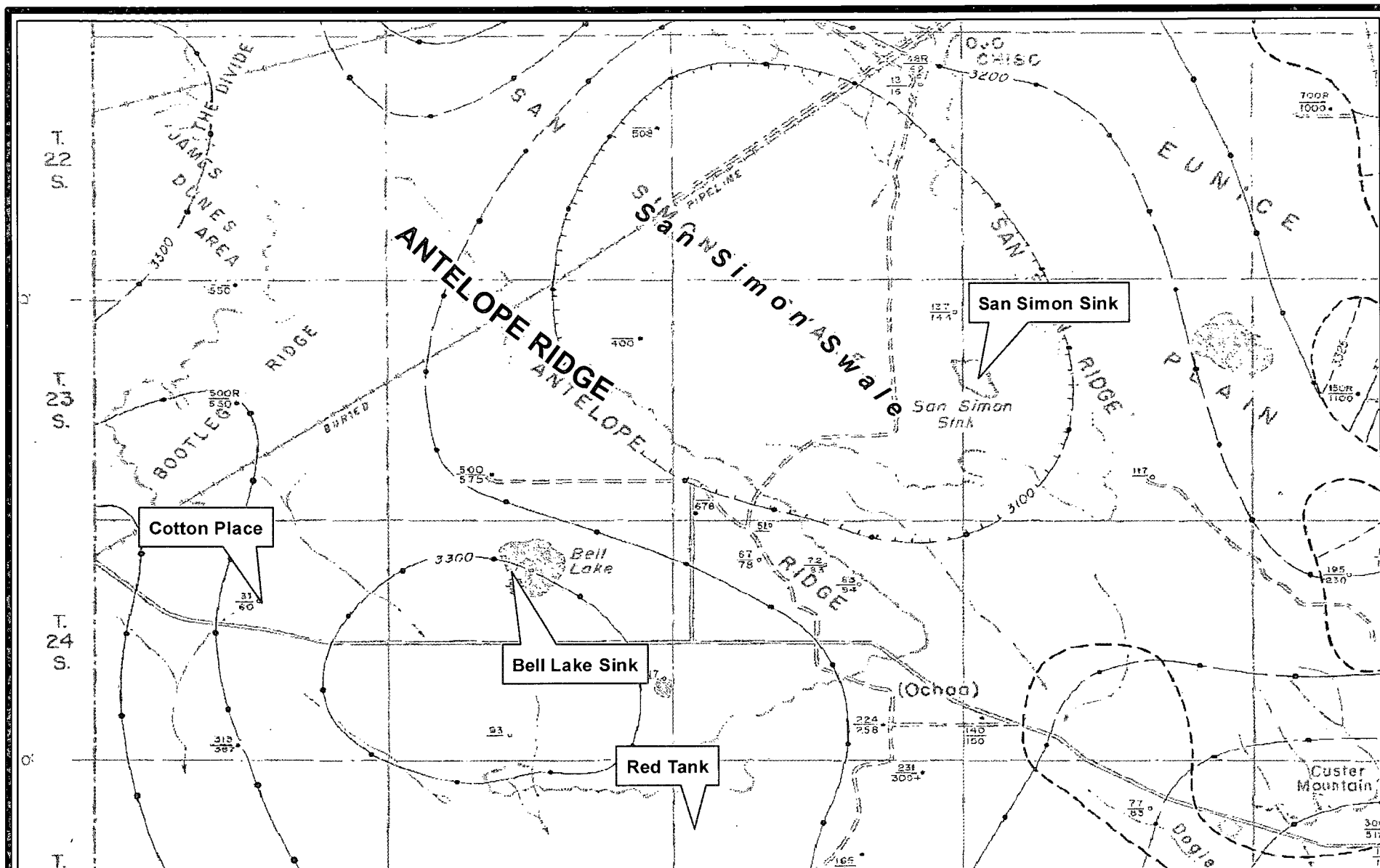
APPENDIX A – HYDROGEOLOGY OF THE BELL LAKE AREA

to-water measurements (published and recent) the regional groundwater (Triassic Santa Rosa Formation) is present across the area at an elevation below 3,250 feet.

The Bell Lake Windmill and wells Misc-18/USGS-445 obviously tap a shallow water table associated with the collapse features described above. Within the Bell Lake Sink are two water supply wells (visible on USGS topographic maps), the plugged Bell Lake Windmill and the abandoned (but open casing) Bell Well. The water level in the abandoned Bell Well is 22 feet below grade at a projected elevation of 3,568 (3590-22). Obviously this water level is highly localized because the surface elevation at Bell Lake is 3,562 (about 5-feet lower than the Bell Lake Windmill) and the lake holds no water. The horizontal limit of groundwater within the Bell Lake Sink is also documented by the hydrogeologic logging conducted at the Mogi 9 State 1H (Misc-68) and Brinninstool 4 State 3H (Misc-69) sites where the 120-foot deep borings were logged as dry sediments.

Because groundwater within the various depressions is shallow (i.e. less than 30 feet below surface) and limited in horizontal extent, we did not employ these data to determine the elevation of the regionally-extensive water table (Figure 2).

The potentiometric surface map displayed in Figure 2 is different from that in 1961 map published in GW Report 6 (Exhibit A) and the 1971 map published in Open File Report OF-95 (see Exhibit B). We believe the principal differences between Figure 2 and the potentiometric surface map in GW Report 6 are due to the fact that there are now significantly more data points available to create Figure 2. With respect to the map presented in Open File Report OF-95, more data also contributes to the differences. However, the 1961 and 1971 maps suggest that the perched, localized groundwater in Bell Lake Sink and similar depressions are representative of the underlying Dockum Group aquifer. Figure 2 distinguishes between the shallow (perched and Ogalalla) and deep (Dockum) groundwater zones.



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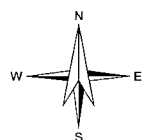
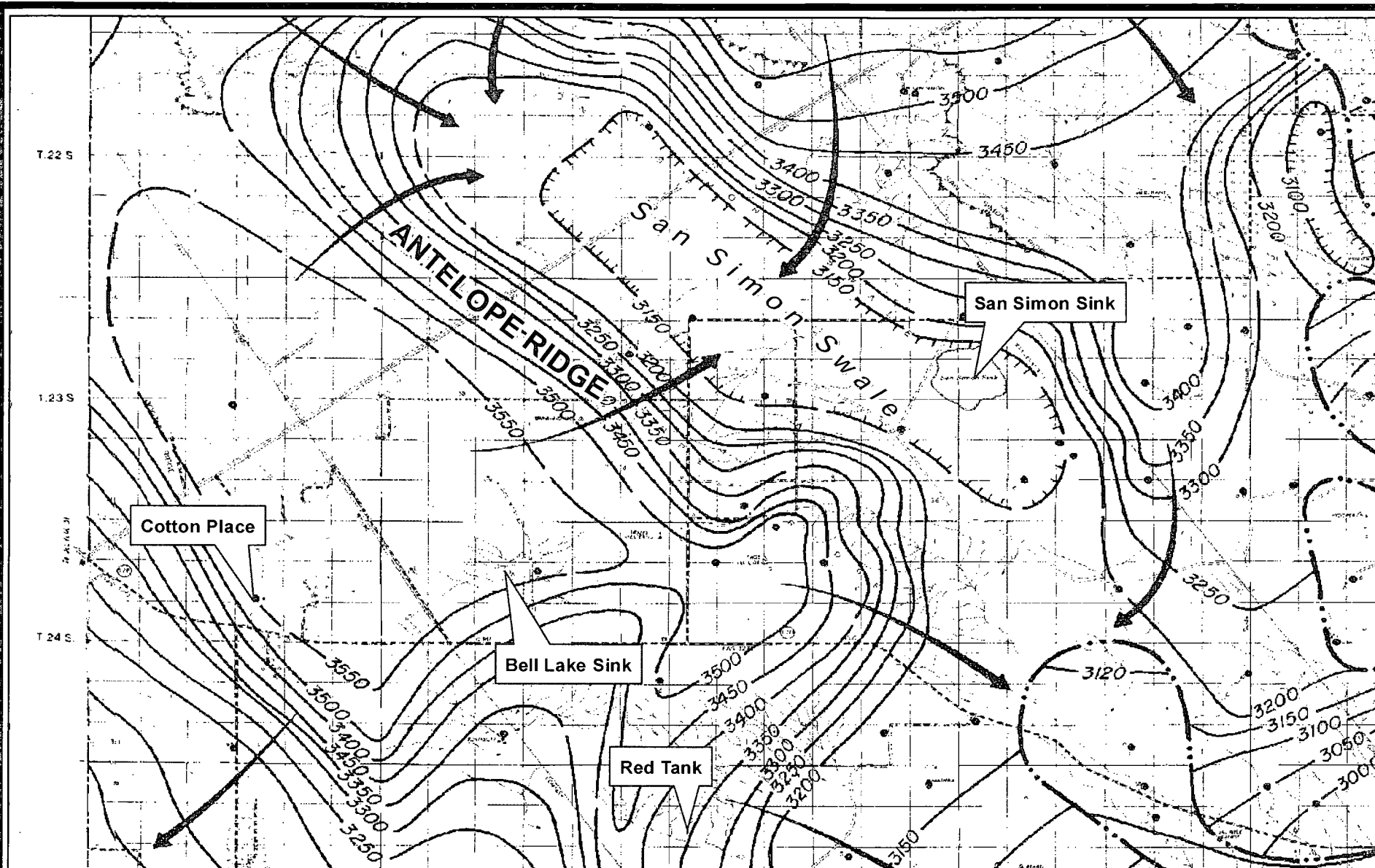
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Nicholson and Clebsch (1961)

Appendix A Supplement Map

Exhibit A

November 2013



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Miles

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Open File Report 95 (OF-95)

Appendix A Supplement Map

Exhibit B

November 2013