

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

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

Form C-147  
Revised April 3, 2017

## Recycling Facility and/or Recycling Containment

Type of Facility: ☒ Recycling Facility

☒ Recycling Containment\*

Type of action: ☐ Permit  
☐ Modification  
☐ Closure

☐ Registration

☒ Extension

☒ Other (explain)

\* At the time C-147 is submitted to the division for a Recycling Containment, a copy shall be provided to the surface owner. **EXTENSION OF THE CESSATION OF OPERATIONS REQUEST FROM JULY 13, 2022 TO JAN 13, 2023**

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: 3 BEAR FIELD SERVICES, LLC (For multiple operators attach page with information) OGRID #: 372603  
Address: 1512 LARIMER ST #540 DENVER, CO 80202  
Facility or well name (include API# if associated with a well): FBGB 1911347430 CARLSBAD 960 DARK CANYON PRODUCED WATER IMPOUNDMENT  
OCD Permit Number: 2RF-139 (For new facilities the permit number will be assigned by the district office)  
U/L or Qtr/Qtr SE/4 Section 23 Township 23S Range 26E County: EDDY  
Surface Owner: ☐ Federal ☐ State ☒ Private ☐ Tribal Trust or Indian Allotment

2. ☒ Recycling Facility: **\* SEE ATTACHED REQUEST FOR THE CESSATION OF OPERATION EXTENSION LETTER**  
Location of recycling facility (if applicable): Latitude \_\_\_\_\_ Longitude \_\_\_\_\_ NAD83  
Proposed Use: ☐ Drilling\* ☐ Completion\* ☐ Production\* ☐ Plugging\*  
\*The re-use of produced water may NOT be used until fresh water zones are cased and cemented  
☐ Other, requires permit for other uses. Describe use, process, testing, volume of produced water and ensure there will be no adverse impact on groundwater or surface water.  
☐ Fluid Storage  
☐ Above ground tanks ☐ Recycling containment ☐ Activity permitted under 19.15.17 NMAC explain type \_\_\_\_\_  
☐ Activity permitted under 19.15.36 NMAC explain type: \_\_\_\_\_ ☐ Other explain \_\_\_\_\_  
☐ For multiple or additional recycling containments, attach design and location information of each containment  
☐ Closure Report (required within 60 days of closure completion): ☐ Recycling Facility Closure Completion Date: \_\_\_\_\_

3. ☐ Recycling Containment:  
☐ Annual Extension after initial 5 years (attach summary of monthly leak detection inspections for previous year)  
Center of Recycling Containment (if applicable): Latitude \_\_\_\_\_ Longitude \_\_\_\_\_ NAD83  
☐ For multiple or additional recycling containments, attach design and location information of each containment  
☐ Lined ☐ Liner type: Thickness \_\_\_\_\_ mil ☐ LLDPE ☐ HDPE ☐ PVC ☐ Other \_\_\_\_\_  
☐ String-Reinforced  
Liner Seams: ☐ Welded ☐ Factory ☐ Other \_\_\_\_\_ Volume: \_\_\_\_\_ bbl Dimensions: L \_\_\_\_\_ x W \_\_\_\_\_ x D \_\_\_\_\_  
☐ Recycling Containment Closure Completion Date: \_\_\_\_\_

4.

**Bonding:**

- ☐ Covered under bonding pursuant to 19.15.8 NMAC per 19.15.34.15(A)(2) NMAC (These containments are limited to only the wells owned or operated by the owners of the containment.)
- ☐ Bonding in accordance with 19.15.34.15(A)(1). Amount of bond \$ \_\_\_\_\_ (work on these facilities cannot commence until bonding amounts are approved)
- ☐ Attach closure cost estimate and documentation on how the closure cost was calculated.

5.

**Fencing:**

- ☐ Four foot height, four strands of barbed wire evenly spaced between one and four feet
- ☐ Alternate. Please specify \_\_\_\_\_

6.

**Signs:**

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

7.

**Variances:**

Justifications and/or demonstrations that the proposed variance will afford reasonable protection against contamination of fresh water, human health, and the environment.

*Check the below box only if a variance is requested:*

- ☐ Variance(s): Requests must be submitted to the appropriate division district for consideration of approval. If a Variance is requested, include the variance information on a separate page and attach it to the C-147 as part of the application.

**If a Variance is requested, it must be approved prior to implementation.**

8.

**Siting Criteria for Recycling Containment**

*Instructions: The applicant must provide attachments that demonstrate compliance for each siting criteria below as part of the application. Potential examples of the siting attachment source material are provided below under each criteria.*

**General siting****Ground water is less than 50 feet below the bottom of the Recycling Containment.**

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

☐ Yes ☐ No  
☐ NA

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.

☐ Yes ☐ No  
☐ NA

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

Within the area overlying a subsurface mine.

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

☐ Yes ☐ No

Within an unstable area.

- 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. FEMA map

☐ Yes ☐ No

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).

☐ Yes ☐ No

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

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



9.

**Recycling Facility and/or Containment Checklist:**

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

- ☐ Design Plan - based upon the appropriate requirements.
- ☐ Operating and Maintenance Plan - based upon the appropriate requirements.
- ☐ Closure Plan - based upon the appropriate requirements.
- ☐ Site Specific Groundwater Data -
- ☐ Siting Criteria Compliance Demonstrations -

☒ Certify that notice of the C-147 (only) has been sent to the surface owner(s) 3 BEAR IS THE SURFACE OWNER

10.

**Operator Application Certification:**

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

Name (Print): HARRY LEWIS Title: SR. DIRECTOR, EHS  
Signature: \_\_\_\_\_ Date: July 12, 2022  
e-mail address: HARRY.LEWIS@DELEXLOGISTICS.COM Telephone: 469-704-7379

11.

OCD Representative Signature: \_\_\_\_\_ Approval Date: \_\_\_\_\_

Title: \_\_\_\_\_ OCD Permit Number: \_\_\_\_\_

- ☐ OCD Conditions \_\_\_\_\_
- ☐ Additional OCD Conditions on Attachment \_\_\_\_\_



Delek Logistics Partners, LP  
7102 Commerce Way  
Brentwood, TN 37027  
615-771-6701

July 12, 2022

Victoria Venegas  
New Mexico Energy, Minerals and Natural Resources Department  
Oil Conservation Division  
1220 S. St. Francis Dr.  
Santa Fe, NM 87505

Re: Extension Request of Permit 2RF-139 for July 13, 2022 through January 13, 2023

3Bear Field Services, LLC ("3 Bear") is requesting an extension of the Dark Canyon Water Recycling Facility Permit (2RF-139). We are submitting this request to extend the subject Permit beyond July 13, 2022 pursuant to your conditions for extension of operations.

3 Bear continues to maintain this facility in compliance with NMAC 19.34.15. However, a downturn in the oil and market conditions in Eddy County as a result of the COVID-19 Pandemic reduced the demand for recycled produced water and resulted in a limited drilling of wells in Eddy County. As market conditions improve, this facility is critical for water recycling operations in this area in order to meet the forthcoming demand.

3 Bear specifically requests the following as allowed under NMAC 19.15.31.13:

- An extension of the time required to recycle water from the containment for an additional year. Based on future projections, we anticipate new well development in the 3<sup>rd</sup> and 4<sup>th</sup> quarters of this year that will utilize recycled water from the Dark Canyon Water Recycling Facility; and
- 3Bear will provide timely notifications to NMOCD if there are market demand changes for recycled water so that any future requests are provided in a more timely manner.

In support of this request, 3 Bear has shown good cause and intention to operate and continue operating the Dark Canyon Water Recycling Facility by;

- Investing over \$2,000,000 on equipment, engineering services and geologic analysis for the facility,
- construction and operation of the facility since 2019, and
- continued marketing of the recycling services to our customers.

In addition, 3Bear Field Services, LLC is writing to notify the Oil Conservation Division (OCD) of the intention to change its name to DKL Field Services, LLC. The exact timing of this name change in the state of New Mexico is not yet known, but the name change is expected to occur in the next 30-60 days.





Delek Logistics Partners, LP  
7102 Commerce Way  
Brentwood, TN 37027  
615-771-6701

Filings to effect this name change have already occurred in 3Bear Field Services, LLC's state of incorporation (Delaware) and the appropriate name change filings will be filed with the New Mexico Secretary of State once the Delaware filing process is complete. We will provide an updated notice to NMOCD once the filings have been made with the New Mexico Secretary of State.

The reason for the name change is that effective June 1, 2022, DKL Delaware Gathering, LLC acquired the membership interest of 3Bear Energy – New Mexico, LLC (which is a parent company of 3Bear Field Services, LLC).

The new company contact for this permit will be:

Kevin Adams  
Senior Manager, Environmental  
[Kevin.Adams@delekus.com](mailto:Kevin.Adams@delekus.com)  
(409) 553-1480

We appreciate your continued assistance with this Permit. Please don't hesitate to contact us if you have any questions or need additional information.

Respectfully,

A handwritten signature in blue ink, appearing to read "Harry Lewis".

Harry Lewis  
Sr. Director - Environment, Health, and Safety  
Delek Logistics Companies  
12700 Park Central Suite 700  
Dallas, TX 75251  
(469) 704-7379

cc: Kevin Adams, Delek Logistics, Dallas  
Liz Klein - 3Bear Energy, Denver

**Venegas, Victoria, EMNRD**

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**From:** Venegas, Victoria, EMNRD  
**Sent:** Tuesday, August 2, 2022 10:46 AM  
**To:** 'Liz Klein'  
**Cc:** Harry Lewis; Mike Solomon  
**Subject:** 2RF-139 - Carlsbad 960/Dark Canyon Produced Water Impound Facility ID [fBGB1911347430]  
**Attachments:** C-147 2RF-139 - Carlsbad 960\_Dark Canyon Produced Water Impound.pdf

**2RF-139 - Carlsbad 960/Dark Canyon Produced Water Impound Facility ID [fBGB1911347430]**

Good morning Ms. Klein,

NMOCD has reviewed the cessation of operations extension request for 2RF-139 - Carlsbad 960/Dark Canyon Produced Water Impound Facility ID [fBGB1911347430], received from 3BEAR FIELD SERVICES, LLC [372603] on July 12, 2022. The extension of the cessation of operations is approved with the following conditions of approval:

- 2RF-139 - Carlsbad 960/Dark Canyon Produced Water Impound Facility ID [fBGB1911347430] registration/permit expires on April 23, 2024.
- 2RF-139 - Carlsbad 960/Dark Canyon Produced Water Impound Facility ID [fBGB1911347430] extension of cessation of operations is approved from July 13/2022 to January 13/2023.
- 3BEAR FIELD SERVICES, LLC [372603] will maintain a liquid level in the containment that is at least equal to the weight of the liner plus 20%. 3BEAR FIELD SERVICES, LLC [372603] may maintain a higher liquid level if they choose.
- 3BEAR FIELD SERVICES, LLC [372603] will provide written notice to [OCD Online](#) at least 72 hours, but no more than one week, prior to the recommencement of operations. Recommencement of recycling operations means that the operator plans to resume moving fluids through the containment and discharging fluids from the containment.
  - At the resumption of recycling operations, 3BEAR FIELD SERVICES, LLC [372603] is required to perform an incremental fluid level test for containment liquid levels above the minimum liquid level.
  - 3BEAR FIELD SERVICES, LLC [372603] will fill the containment. 3BEAR FIELD SERVICES, LLC [372603] will pause filling operations at every 10% of total fluid capacity above the minimum level.
  - 3BEAR FIELD SERVICES, LLC [372603] will maintain the liquid level for each 10% volume increase for 24 hours and inspect and operation the leak detection system at the end of the 24-hour period.
  - If there are no liquids present in the leak detection system, 3BEAR FIELD SERVICES, LLC [372603] may proceed to fill the next 10% volume and repeat the process until the containment full design capacity minus the 3-feet of freeboard is reached.
  - If liquids are present, 3BEAR FIELD SERVICES, LLC [372603] should immediately cease the incremental fill test and perform a liner inspection. 3BEAR FIELD SERVICES, LLC [372603] should provide written notice of the fluid detection and liner inspection findings to OCD via [OCD Online](#) using a C-147 (long form) with the "Other" box checked and "Notice of fluid detection" written as the explanation of "Other."
  - Upon notification of fluid detection in the leak detection system, the OCD will verify the source of water (condensation versus produced water).
  - If the detected fluid is confirmed to be condensation, the OCD will issue a written approval to proceed with the incremental fluid level test.



- If the detected fluid is confirmed to be produced water, 3BEAR FIELD SERVICES, LLC [372603] must comply with 19.15.34.13 NMAC. 3BEAR FIELD SERVICES, LLC [372603] must provide written notification to [OCD Online](#) on the actions taken to comply with 19.15.34.13 NMAC.
  - After fluid is detected in the leak detection system, the incremental fill test cannot continue until after a written approval to proceed is issued by the OCD.
  - 3BEAR FIELD SERVICES, LLC [372603] must submit copies of the detailed containment inspection records for the prior three months and a report detailing the incremental fluid level test process and results through the [OCD Online](#) system using a C-147 (long form) with the "Other" box checked. "Recommendation of Operations - Incremental Fluid Level Test" should be written as the explanation of "Other." Form C-147 must be completed and include information in sections 1 General Information, 2 Recycling Facility, 3 Recycling Containment, 4 Bonding, and 10 Operator Application Certification. Section 9 Recycling Facility and/or Containment Checklist may also need to be partially completed. Operators should verify that the resumption of operations notification does not result in any changes to the recycling containment operating and maintenance plan or the closure plan. If the recommendation of operations will affect the operating and maintenance plan or closure plan, operators should check those boxes in section 9 and provide updated plans or plan addendums as attachments to the C-147.
- 3BEAR FIELD SERVICES, LLC [372603] will continue to operate, maintain, and close 2RF-139 - Carlsbad 960/Dark Canyon Produced Water Impound Facility ID [fBGB1911347430] in compliance with 19.15.34 NMAC, to include but not limited detailed inspection records, removal of trash/oil from containment, and monthly C-148 reporting (even if there is zero activity).
  - A minimum of 3-feet freeboard must always be maintained in the recycling containment during operations.
  - 3BEAR FIELD SERVICES, LLC [372603] may request a variance for an additional extension to the determination of cessation of operations, which will be reviewed on a case-by-case basis and evaluated on their merit. Extensions are considered for a maximum length of six months.
  - 3BEAR FIELD SERVICES, LLC [372603] must recycle at 20% of the total fluid capacity of produced water from 2RF-139 - Carlsbad 960/Dark Canyon Produced Water Impound Facility ID [fBGB1911347430] no later than through January 13/2023 to be considered in operations.

Please let me know if you have any questions.

Regards,

**Victoria Venegas** • Environmental Specialist

Environmental Bureau

EMNRD - Oil Conservation Division

(575) 909-0269 | [Victoria.Venegas@state.nm.us](mailto:Victoria.Venegas@state.nm.us)

<http://www.emnrd.state.nm.us/OCD/>



**District I**

1625 N. French Dr., Hobbs, NM 88240  
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**District III**

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**District IV**

1220 S. St Francis Dr., Santa Fe, NM 87505  
Phone:(505) 476-3470 Fax:(505) 476-3462

**State of New Mexico**  
**Energy, Minerals and Natural Resources**  
**Oil Conservation Division**  
**1220 S. St Francis Dr.**  
**Santa Fe, NM 87505**

CONDITIONS

Action 124777

**CONDITIONS**

Operator: 3BEAR FIELD SERVICES, LLC 1200 17th Street, Suite 750 Denver, CO 80202	OGRID: 372603
	Action Number: 124777
	Action Type: [C-147] Water Recycle Long (C-147L)

**CONDITIONS**

Created By	Condition	Condition Date
vvenegas	NMOCD has reviewed and approved the cessation of operations extension request for 2RF-139 - Carlsbad 960/Dark Canyon Produced Water Impound Facility ID [fBGB1911347430], received from 3BEAR FIELD SERVICES, LLC [372603] on July 12, 2022. • 2RF-139 - Carlsbad 960/Dark Canyon Produced Water Impound Facility ID [fBGB1911347430] extension of cessation of operations is approved from July 13/2022 to January 13/2023. • 3BEAR FIELD SERVICES, LLC [372603] must recycle at 20% of the total fluid capacity of produced water from 2RF-139 - Carlsbad 960/Dark Canyon Produced Water Impound Facility ID [fBGB1911347430] no later than through January 13/2023 to be considered in operations.	8/2/2022