

**From:** [Hall, Brittany, EMNRD](#)  
**To:** "Samantha Avarello"  
**Cc:** [Bratcher, Michael, EMNRD](#); [Wells, Shelly, EMNRD](#); [Dan Guillotte](#); [Felipe Aranda](#); [christian@mcnabbpartners.com](mailto:christian@mcnabbpartners.com); [Minnix, Sharon, EMNRD](#); [Samantha MacKenzie](#)  
**Subject:** RE: EXTERNAL:RE: [EXTERNAL] Variance Request - MSO CVU #026 (nAPP2522653288)  
**Date:** Wednesday, May 20, 2026 1:39:00 PM  
**Attachments:** [image001.png](#)

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Samantha,

OCD will approve an alternative confirmation sampling plan for 5-point confirmation samples representative of no more than **400 square feet** from the walls and base of the remediation excavation. Additionally, grab sample(s) must be collected from any discolored or wet areas.

The acceptance of this alternative sampling plan by the OCD does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to groundwater, surface water, human health or the environment; or if the location fails to revegetate properly. In addition, OCD approval does not relieve the responsible party of compliance with any other federal, state, or local laws and/or regulations. If the applicable land managing agency does not agree and requires a more stringent sampling plan, the more stringent requirements must be met regardless of OCD's approval.

A copy of this email correspondence and any attachments will be uploaded to the MSO CVU #026 (nAPP2522653288) incident file.

Thank you,

**Brittany Hall** ● Environmental Field Compliance Supervisor  
Environmental Field Compliance Group  
EMNRD - Oil Conservation Division  
1000 Rio Brazos Road | Aztec, NM 87410  
505.517.5333 | [Brittany.Hall@emnrd.nm.gov](mailto:Brittany.Hall@emnrd.nm.gov)  
<http://www.emnrd.nm.gov/ocd/>

**Effective 12/1/2024:** OCD has updated guidance on karst potential occurrence zones. This notice can be found at: <https://www.emnrd.nm.gov/ocd/ocd-announcements-and-notifications/> under "2024 OCD ANNOUNCEMENTS AND NOTIFICATIONS".

The Digital C-141 guidance documents can be found at <https://www.emnrd.nm.gov/ocd/ocd-announcements-and-notifications/> or <https://www.emnrd.nm.gov/ocd/ocd-forms/>.

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**From:** Samantha Avarello <savarello@txopartners.com>  
**Sent:** Wednesday, May 20, 2026 12:47 PM  
**To:** Hall, Brittany, EMNRD <Brittany.Hall@emnrd.nm.gov>  
**Cc:** Bratcher, Michael, EMNRD <mike.bratcher@emnrd.nm.gov>; Wells, Shelly, EMNRD <Shelly.Wells@emnrd.nm.gov>; Dan Guillotte <DGuillotte@txopartners.com>; Felipe Aranda <FAranda@ctfieldsvc.com>; christian@mcnabbpartners.com; Minnix, Sharon, EMNRD <Sharon.Minnix@emnrd.nm.gov>; Samantha MacKenzie <samantha@mcnabbpartners.com>  
**Subject:** Re: EXTERNAL:RE: [EXTERNAL] Variance Request - MSO CVU #026 (nAPP2522653288)

Hi Brittany

The attached site characterization provided shows the following with scaled maps

- Depth to groundwater is within half a mile, greater than 100 feet below ground surface, and has been measured within the past 25 years for the USGS well 324737103301401
- There is no lakebed, sinkhole, or playa lake within 200 feet of the release
- There is no continuous flowing water course, occupied permanent residence, school, hospital, institution, or church, or wetland within 300 feet of the release
- There is no spring or a private domestic fresh water well used by less than five households for domestic or stock watering purposes within 500 feet of the release
- There is no fresh water well or spring within 1,000 feet of the release.
- The release does not overlay a subsurface mine, unstable karst geology, or a 100-year floodplain

The approximate square footage of the contaminated area is 19,000 square feet.

The site is in the process of remediation and two areas have been excavated to date. The remediation technique taking place is a dig and haul. To date approximately 1200 yd.<sup>3</sup> have been removed from the site from these two excavated areas.

The alternative confirmation sampling grid will be used on these two excavated areas.



400 W. 7th Street

Fort Worth, TX 76102

(deliveries: 400 W. 6th Street)

Samanntha Avarello

HSE Coordinator

TXO Partners, L.P. / MorningStar Operating LLC / Cross Timbers Energy, LLC

Office 817.334.7747

[savarello@txopartners.com](mailto:savarello@txopartners.com)

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**From:** Hall, Brittany, EMNRD <[Brittany.Hall@emnrd.nm.gov](mailto:Brittany.Hall@emnrd.nm.gov)>

**Sent:** Tuesday, May 19, 2026 1:05 PM

**To:** Samanntha Avarello <[savarello@txopartners.com](mailto:savarello@txopartners.com)>

**Cc:** Bratcher, Michael, EMNRD <[mike.bratcher@emnrd.nm.gov](mailto:mike.bratcher@emnrd.nm.gov)>; Wells, Shelly, EMNRD <[Shelly.Wells@emnrd.nm.gov](mailto:Shelly.Wells@emnrd.nm.gov)>; Dan Guillotte <[DGuillotte@txopartners.com](mailto:DGuillotte@txopartners.com)>; Felipe Aranda <[FAranda@ctfieldsvcs.com](mailto:FAranda@ctfieldsvcs.com)>; [christian@mcnabbpartners.com](mailto:christian@mcnabbpartners.com) <[christian@mcnabbpartners.com](mailto:christian@mcnabbpartners.com)>; Minnix, Sharon, EMNRD <[Sharon.Minnix@emnrd.nm.gov](mailto:Sharon.Minnix@emnrd.nm.gov)>

**Subject:** EXTERNAL:RE: [EXTERNAL] Variance Request - MSO CVU #026 (nAPP2522653288)

**This email contains a link!**

This email contains a World Wide Web link. Use caution when following links as they could open malicious web sites.

- Helpdesk

Samantha,

Please be advised that a variance request does not have to be submitted for alternative sampling plans pursuant to with 19.15.29.12(D)(1)(b) NMAC. To fully evaluate the alternative sampling plan request, can you please provide the following information:

- Site characterization information (including but not limited to depth to groundwater, distance to surface water, distance to wetland, etc.)
- Square footage of the contaminated area
- Remediation technique (dig and haul or some other technique)
- Any additional information that may be useful

Thank you,

**Brittany Hall** • Environmental Field Compliance Supervisor

Environmental Field Compliance Group

EMNRD - Oil Conservation Division

1000 Rio Brazos Road | Aztec, NM 87410

505.517.5333 | [Brittany.Hall@emnrd.nm.gov](mailto:Brittany.Hall@emnrd.nm.gov)

<http://www.emnrd.nm.gov/ocd/>

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**From:** Samantha Avarello <[savarello@txopartners.com](mailto:savarello@txopartners.com)>

**Sent:** Friday, May 15, 2026 3:30 PM

**To:** Enviro, OCD, EMNRD <[OCD.Enviro@emnrd.nm.gov](mailto:OCD.Enviro@emnrd.nm.gov)>

**Cc:** Dan Guillotte <[DGuillotte@txopartners.com](mailto:DGuillotte@txopartners.com)>; Felipe Aranda <[Faranda@ctfieldsvcs.com](mailto:Faranda@ctfieldsvcs.com)>; Christian Llull <[christian@mcnabbpartners.com](mailto:christian@mcnabbpartners.com)>

**Subject:** [EXTERNAL] Variance Request - MSO CVU #026 (nAPP2522653288)

You don't often get email from [savarello@txopartners.com](mailto:savarello@txopartners.com). [Learn why this is important](#)

**CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.**

Sir or Madam:

In accordance with 19.15.29.12(D)(1)(b) NMAC, MSO submits this variance request regarding an alternative confirmation sample plan for the division’s review and approval. MSO would like to collect sidewall and floor confirmation samples of the remediated area(s) at a frequency of every 500 square feet of excavated area for the subject line incident.

The confirmation samples will be analyzed for the constituents listed in Table I of 19.15.29.12 NMAC. Sample notifications have been submitted Action ID numbers listed below

Application ID: 585596

Application ID: 585589



400 W. 7th Street

Fort Worth, TX 76102

*(deliveries: 400 W. 6th Street)*

Samantha Avarello

HSE Coordinator

TXO Partners, L.P. / MorningStar Operating LLC / Cross Timbers Energy, LLC

Office 817.334.7747

[savarello@txopartners.com](mailto:savarello@txopartners.com)

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# Mineral and Surface Ownership



5/19/2026, 1:23:32 PM

Override 1

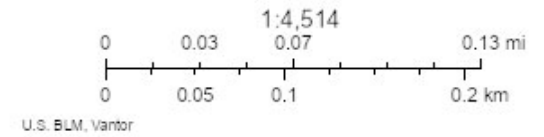
Mineral Ownership

N-No minerals are owned by the U.S.

Land Ownership

P

S



New Mexico Oil Conservation Division  
NM OCD Oil and Gas Map. <http://nm-emnrd.maps.arcgis.com/apps/webappviewer/index.html?id=4d017f2306164de29fd2fb9f8f35ca75> New Mexico Oil Conservation Division

 An official website of the United States government [Here's how you know](#)

MENU

# Monitoring location

17S.34E.36.224112 - USGS-324737103301401

**DID YOU KNOW** You can see all water data collected at this monitoring location in the *Available data* section of the page. Learn more about [centralized water data delivery](#) in WDFN.

×

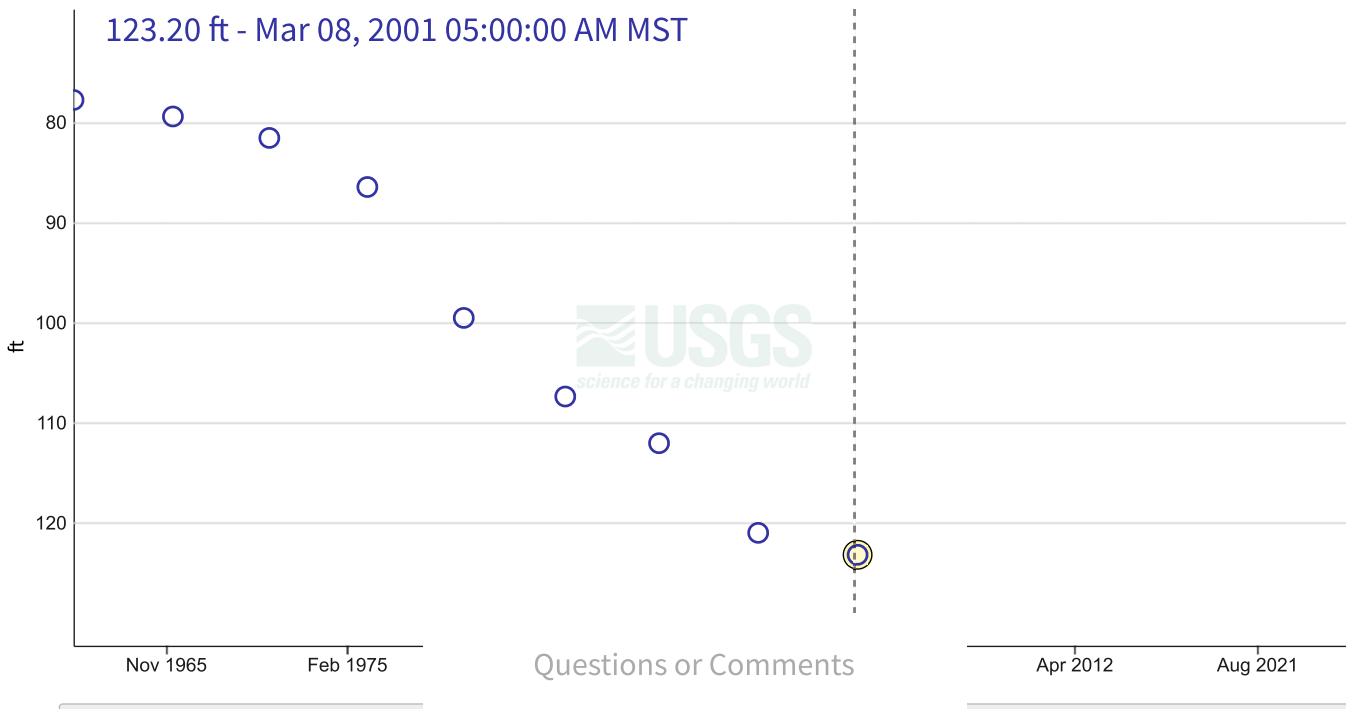
1 year  10 years  Period of record

## Field measurements

**17S.34E.36.224112 - USGS-324737103301401**

February 15, 1961 - March 9, 2026

**Depth to water level, feet below land surface**



Questions or Comments

IMPORTANT Data may be [provisional](#)

[Show legend](#) ▾

[Hide graph details](#) ▲

	Value	Status	
<input checked="" type="radio"/> Selected field measurement	123.20	Approved Static	Mar 08, 2001 05:00:00 AM MST

[Hide graph details ^](#)

Change time span

Download data

View data records

Start typing a time code to filter the Time column:

**Depth to water level, feet below land surface -- field measurements**

Time ↓	Result	Approval	Qualifiers
2001-03-08T05:00:00.000-07:00	123.20	Approved	Static
1996-02-08T05:00:00.000-07:00	121.01	Approved	Static
1991-01-15T05:00:00.000-07:00	112.06	Approved	Static
1986-04-01T05:00:00.000-07:00	107.40	Approved	Static
1981-01-23T05:00:00.000-07:00	99.55	Approved	Static
1976-02-20T05:00:00.000-07:00	86.48	Approved	Static
1971-02-17T05:00:00.000-07:00	81.58	Approved	Static
1966-03-16T05:00:00.000-07:00	79.44	Approved	Static
1961-02-15T05:00:00.000-07:00	77.79	Approved	Static

[Hide view data records ^](#)

**Available data**

Show all data types

Select data types to graph from categories based on the way the data were collected.

Learn about the data collection categories

### Continuous data

0 data types available

### Daily data

0 data types available

### Field measurements

3 data types available - data from 1961-02-15 to 2001-03-08

Hide these data types

Field measurements are physically measured values collected during a visit to the monitoring location.

[Learn about Field measurements](#)

	Data type	Data date range
	Graphed Depth to water level, feet below land surface	1961-02-15 2001-03-08
<a href="#">Graph it</a>	Groundwater level above NAVD 1988, feet	1961-02-15 2001-03-08
<a href="#">Graph it</a>	Groundwater level above NGVD 1929, feet	1961-02-15 2001-03-08

Hide these data types

### Discrete sample data

0 observed properties (data types) available

### Statistical tables for select daily data types

0 data types available

### Location details and information

Show location details

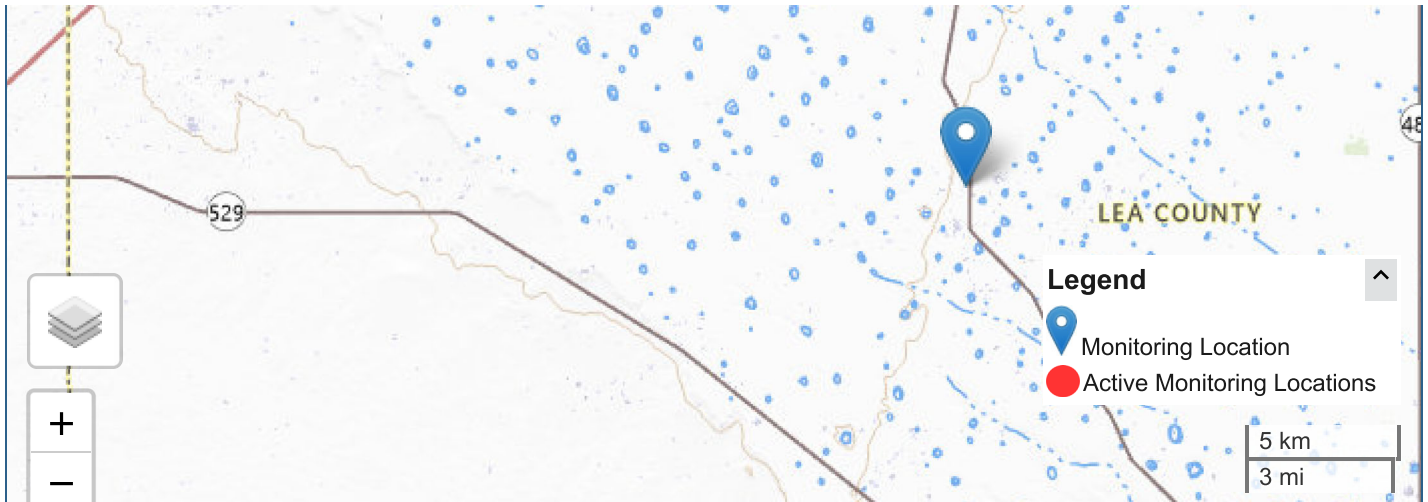
### Monitoring locations with continuous data in last 120 days

No locations found

Zoom out to see link to My Favorites

[Use Explore USGS Water Data to discover additional data near this location](#)





ational Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, N...

Interested in understanding how to access the upstream/downstream data? [Learn about the Network-Linked Data Index \(NLDI\)](#).

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U.S. Department of the Interior | DOI Inspector General | White House | No Fear Act | FOIA

# OCD Well Locations



5/19/2026, 1:18:13 PM



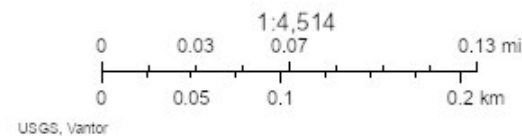
Override 1



USGS Active Monitoring GW Wells

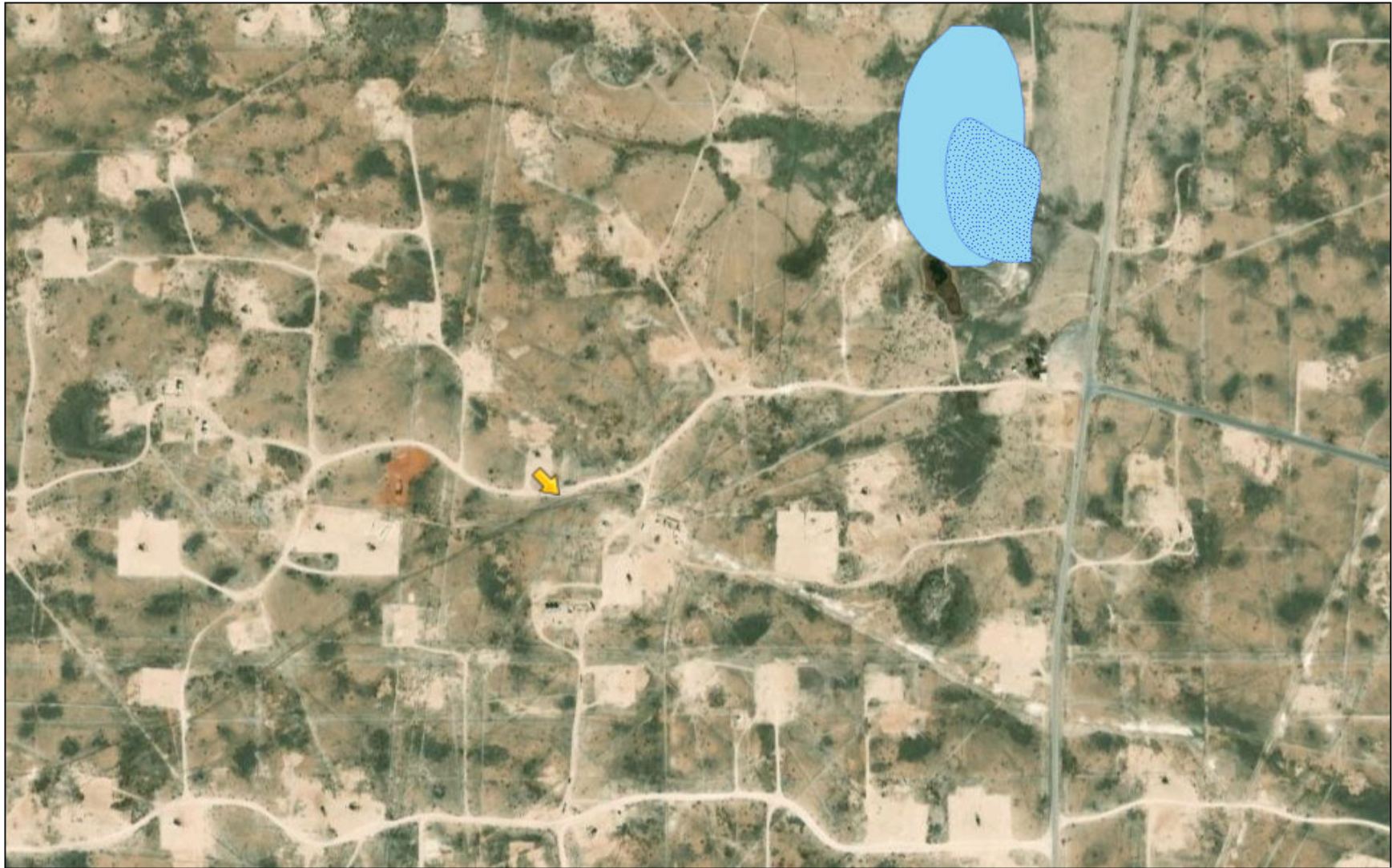


USGS Historical GW Wells



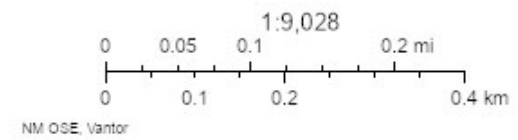
New Mexico Oil Conservation Division  
NM OCD Oil and Gas Map. <http://nm-emrmd.maps.arcgis.com/apps/webappviewer/index.html?id=4d017f2306164de29fd2b9f8f35ca75>. New Mexico Oil Conservation Division

# Hydrology



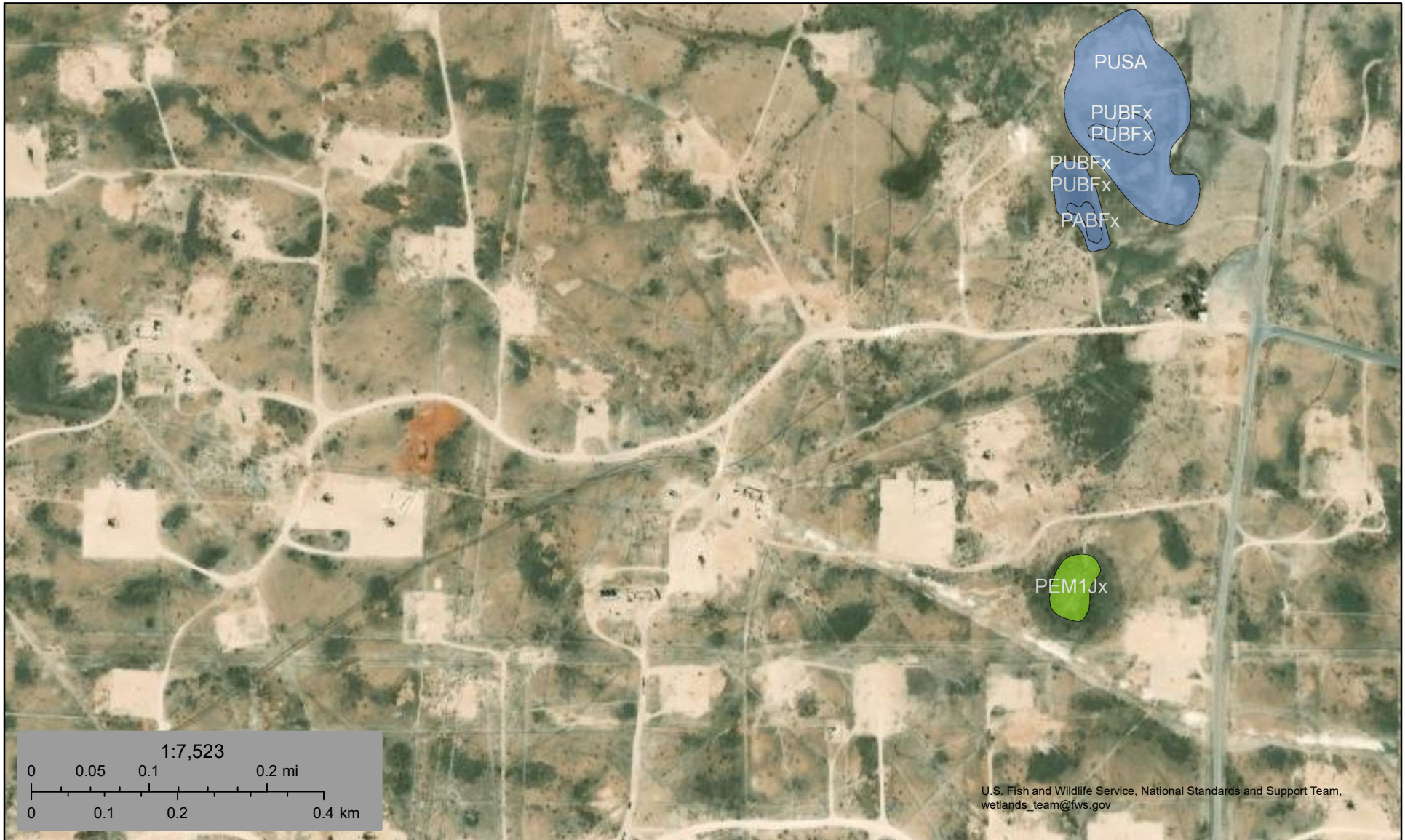
5/19/2026, 1:24:48 PM

-  Override 1
-  OSE Probable Plays
-  OSW Water Bodies





# National Wetlands Inventory



May 19, 2026

### Wetlands

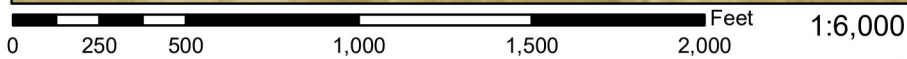
- Estuarine and Marine Deepwater
- Freshwater Emergent Wetland
- Lake
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

# National Flood Hazard Layer FIRMette



39°31'4"W 32°48'18"N



103°30'26"W 32°47'48"N

Basemap Imagery Source: USGS National Map 2023

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<b>SPECIAL FLOOD HAZARD AREAS</b>		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
<b>OTHER AREAS OF FLOOD HAZARD</b>		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
<b>OTHER AREAS</b>		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
<b>GENERAL STRUCTURES</b>		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
<b>OTHER FEATURES</b>		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		8 Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
<b>MAP PANELS</b>		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



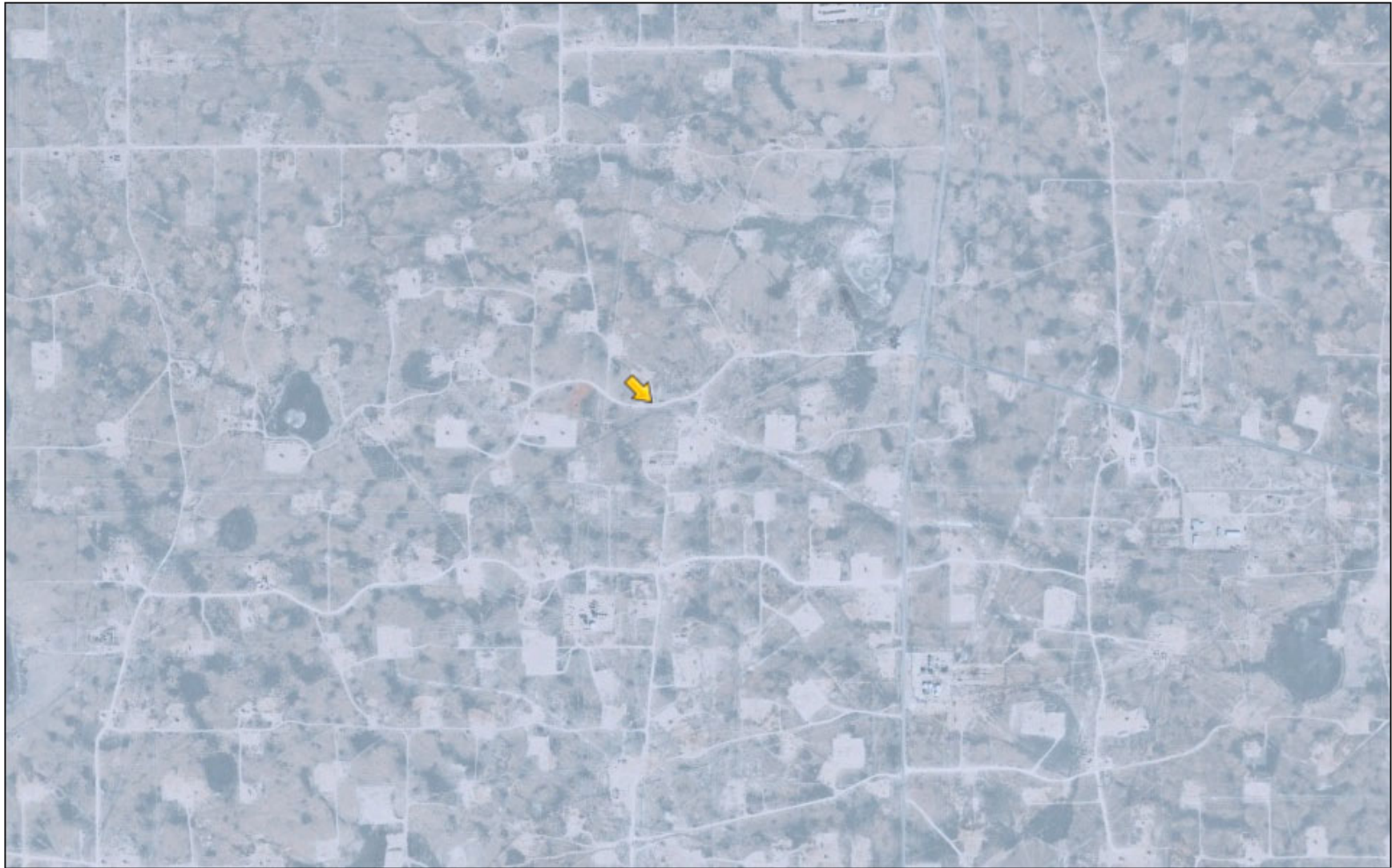
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/19/2026 at 6:26 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

# Permian Basin Karst Area



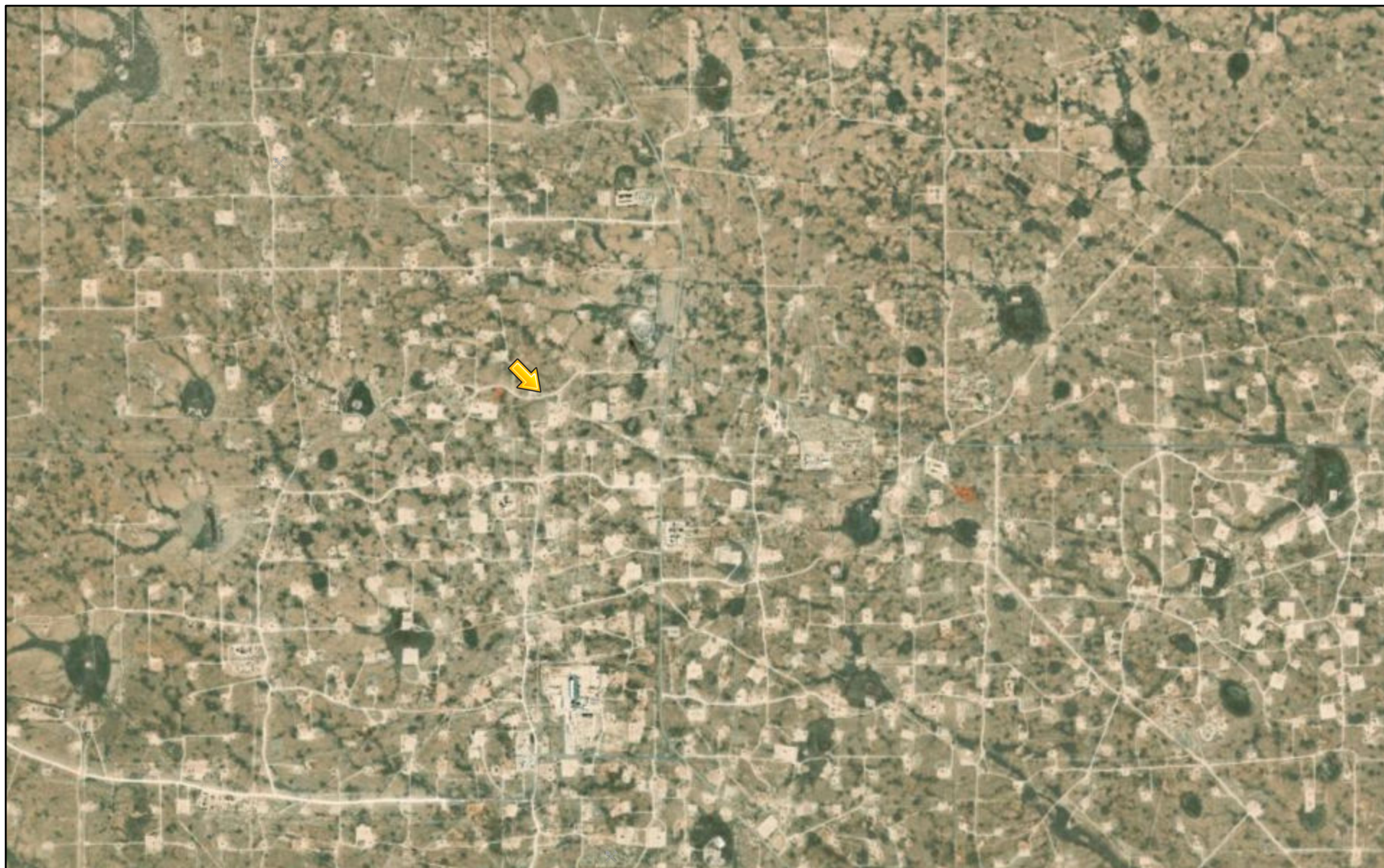
5/19/2026, 1:22:24 PM

 Override 1 Karst Occurrence Potential  
 Low



New Mexico Oil Conservation Division  
 NM OCD Oil and Gas Map. <http://nm-emrmd.maps.arcgis.com/apps/webappviewer/index.html?id=4d0172306164de29fd2b9f8f35ca75>. New Mexico Oil Conservation Division

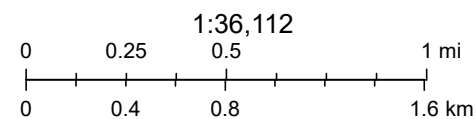
# Active Mines in New Mexico



5/19/2026, 1:30:49 PM

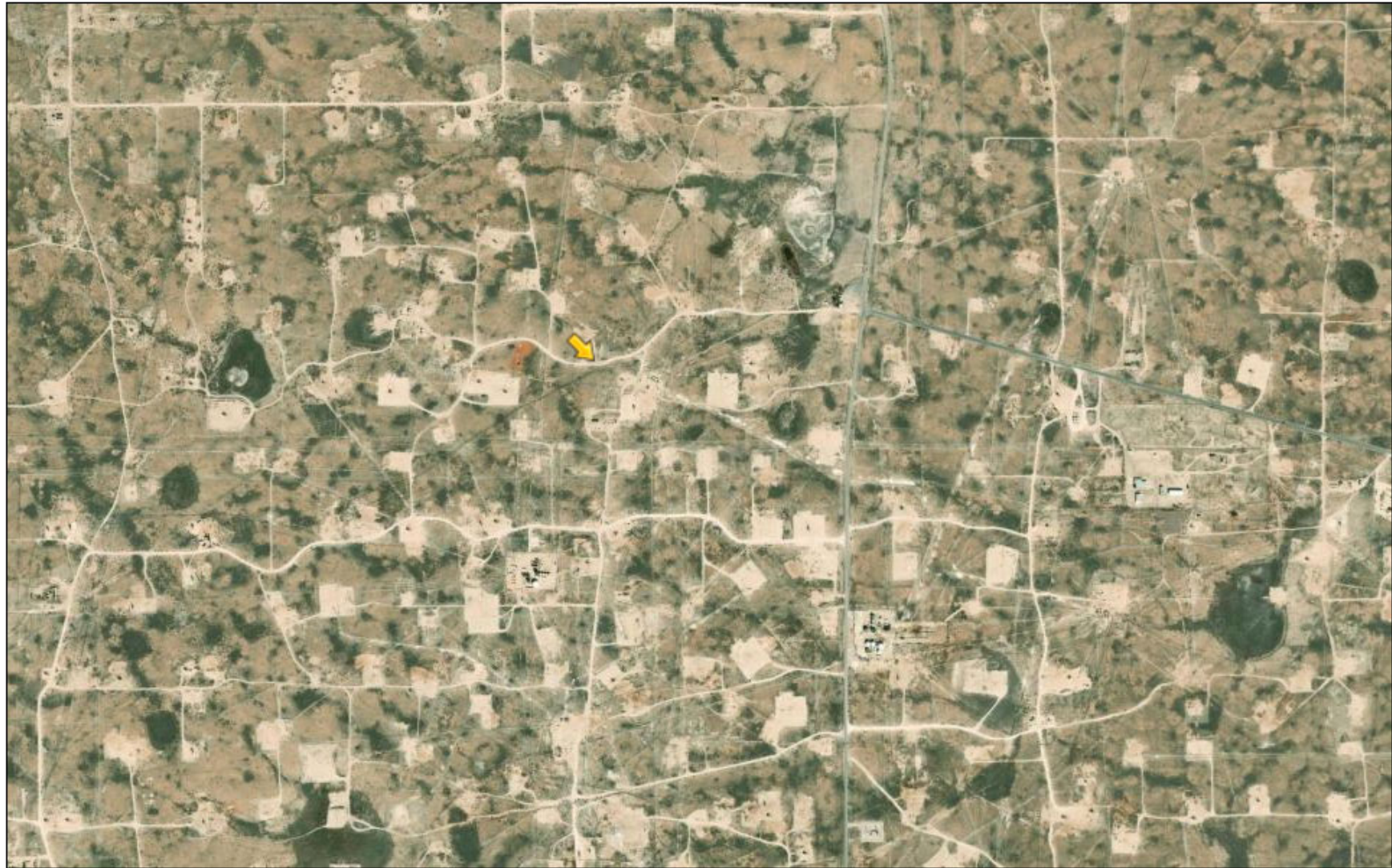
Registered Mines

✕ Aggregate, Stone etc.




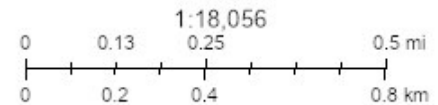
Vantor

# Induced Seismicity Area



5/19/2026, 1:21:06 PM

 Override 1



Oil Conservation Division (OCD), Energy, Minerals and Natural Resources Department (EMNRD), Vantor

New Mexico Oil Conservation Division  
NM OCD Oil and Gas Map. <http://nm-emnrd.maps.arcgis.com/apps/webappviewer/index.html?id=4d0172306164de29fd2fb9f8f35ca75>. New Mexico Oil Conservation Division

Sante Fe Main Office  
Phone: (505) 476-3441

General Information  
Phone: (505) 629-6116

Online Phone Directory  
<https://www.emnrd.nm.gov/oecd/contact-us>

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

CONDITIONS

Action 587116

**CONDITIONS**

Operator: MorningStar Operating LLC 400 W 7th St Fort Worth, TX 76102	OGRID: 330132
	Action Number: 587116
	Action Type: [IM-SD] Incident File Support Doc (ENV) (IM-BNF)

**CONDITIONS**

Created By	Condition	Condition Date
bhall	Sampling plan conditionally approved. Opeartor may collect 5-point composite samples from the base and walls of the excavation that are representative of no more than 400 square feet.	5/20/2026