

District I
1625 N. French Dr., Hobbs, NM 88240
District II
1301 W. Grand Avenue, Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
1220 S. St. Francis Dr., Santa Fe, NM 87505

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

Form C-144
July 21, 2008

For temporary pits, closed-loop systems, and below-grade tanks, submit to the appropriate NMOCD District Office.
For permanent pits and exceptions submit to the Santa Fe Environmental Bureau office and provide a copy to the appropriate NMOCD District Office.

2620

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

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

Instructions: Please submit one application (Form C-144) per individual pit, closed-loop system, 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.

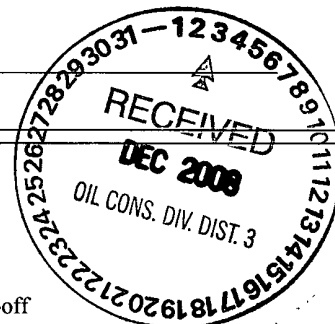
1.
Operator: McElvain Oil & Gas Properties, Inc. OGRID #: 22044
Address: 1050 17th St., Ste. 1800, Denver, CO 80265-1801
Facility or well name: Lybrook No. 4
API Number: 30-039-30581 OCD Permit Number: _____
U/L or Qtr/Qtr O Section 36 Township 24N Range 7W County: Rio Arriba
Center of Proposed Design: Latitude 36.262633° N Longitude 107.52207° W NAD: ☐ 1927 X 1983
Surface Owner: ☐ Federal ☐ X State ☐ Private ☐ Tribal Trust or Indian Allotment

2.
X Pit: Subsection F or G of 19.15.17.11 NMAC
Temporary: ☒ X Drilling ☐ Workover
☐ Permanent ☐ Emergency ☐ Cavitation ☐ P&A
X Lined ☐ Unlined Liner type: Thickness 20 mil ☒ X LLDPE ☐ HDPE ☐ PVC ☐ Other _____
X String-Reinforced
Liner Seams: ☒ X Welded ☒ X Factory ☐ Other _____ Volume: 8193 bbl Dimensions: L 90' x W 80' x D 10'

3.
☐ **Closed-loop System:** Subsection H of 19.15.17.11 NMAC
Type of Operation: ☐ P&A ☐ Drilling a new well ☐ Workover or Drilling (Applies to activities which require prior approval of a permit or notice of intent)
☐ Drying Pad ☐ Above Ground Steel Tanks ☐ Haul-off Bins ☐ Other _____
☐ Lined ☐ Unlined Liner type: Thickness _____ mil ☐ LLDPE ☐ HDPE ☐ PVC ☐ Other _____
Liner Seams: ☐ Welded ☐ Factory ☐ Other _____

4.
☐ **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 _____

5.
☐ **Alternative Method:**
Submittal of an exception request is required. Exceptions must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.



6.	<p>Fencing: Subsection D of 19.15.17.11 NMAC (<i>Applies to permanent pits, temporary pits, and below-grade tanks</i>)</p> <p><input type="checkbox"/> Chain link, six feet in height, two strands of barbed wire at top (<i>Required if located within 1000 feet of a permanent residence, school, hospital, institution or church</i>)</p> <p><input type="checkbox"/> Four foot height, four strands of barbed wire evenly spaced between one and four feet</p> <p>X Alternate. Please specify <u>Four foot high hogwire</u></p>																				
7.	<p>Netting: Subsection E of 19.15.17.11 NMAC (<i>Applies to permanent pits and permanent open top tanks</i>)</p> <p><input type="checkbox"/> Screen <input type="checkbox"/> Netting <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Monthly inspections (If netting or screening is not physically feasible)</p>																				
8.	<p>Signs: Subsection C of 19.15.17.11 NMAC</p> <p><input type="checkbox"/> 12"x 24", 2" lettering, providing Operator's name, site location, and emergency telephone numbers</p> <p>X Signed in compliance with 19.15.3.103 NMAC</p>																				
9.	<p>Administrative Approvals and Exceptions:</p> <p>Justifications and/or demonstrations of equivalency are required. Please refer to 19.15.17 NMAC for guidance.</p> <p>Please check a box if one or more of the following is requested, if not leave blank:</p> <p><input type="checkbox"/> Administrative approval(s): Requests must be submitted to the appropriate division district or the Santa Fe Environmental Bureau office for consideration of approval.</p> <p><input type="checkbox"/> Exception(s): Requests must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.</p>																				
10.	<p>Siting Criteria (regarding permitting): 19.15.17.10 NMAC</p> <p>Instructions: <i>The applicant must demonstrate compliance for each siting criteria below in the application. Recommendations of acceptable source material are provided below. Requests regarding changes to certain siting criteria may require administrative approval from the appropriate district office or may be considered an exception which must be submitted to the Santa Fe Environmental Bureau office for consideration of approval. Applicant must attach justification for request. Please refer to 19.15.17.10 NMAC for guidance. Siting criteria does not apply to drying pads or above-grade tanks associated with a closed-loop system.</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 85%;"> <p>Ground water is less than 50 feet below the bottom of the temporary pit, permanent pit, or below-grade tank.</p> <p>- NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells</p> </td> <td style="width: 15%; text-align: right; vertical-align: top;"> <input type="checkbox"/> Yes X No </td> </tr> <tr> <td> <p>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).</p> <p>- Topographic map; Visual inspection (certification) of the proposed site</p> </td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> Yes X No </td> </tr> <tr> <td> <p>Within 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. (<i>Applies to temporary, emergency, or cavitation pits and below-grade tanks</i>)</p> <p>- Visual inspection (certification) of the proposed site; Aerial photo; Satellite image</p> </td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> Yes X No <input type="checkbox"/> NA </td> </tr> <tr> <td> <p>Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. (<i>Applies to permanent pits</i>)</p> <p>- Visual inspection (certification) of the proposed site; Aerial photo; Satellite image</p> </td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> Yes X No <input type="checkbox"/> NA </td> </tr> <tr> <td> <p>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 1000 horizontal feet of any other fresh water well or spring, in existence at the time of initial application.</p> <p>- NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site</p> </td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> Yes X No </td> </tr> <tr> <td> <p>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.</p> <p>- Written confirmation or verification from the municipality; Written approval obtained from the municipality</p> </td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> Yes X No </td> </tr> <tr> <td> <p>Within 500 feet of a wetland.</p> <p>- US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site</p> </td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> Yes X No </td> </tr> <tr> <td> <p>Within the area overlying a subsurface mine.</p> <p>- Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division</p> </td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> Yes X No </td> </tr> <tr> <td> <p>Within an unstable area.</p> <p>- Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map</p> </td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> Yes X No </td> </tr> <tr> <td> <p>Within a 100-year floodplain.</p> <p>- FEMA map</p> </td> <td style="text-align: right; vertical-align: top;"> <input type="checkbox"/> Yes X No </td> </tr> </table>	<p>Ground water is less than 50 feet below the bottom of the temporary pit, permanent pit, or below-grade tank.</p> <p>- NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells</p>	<input type="checkbox"/> Yes X No	<p>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).</p> <p>- Topographic map; Visual inspection (certification) of the proposed site</p>	<input type="checkbox"/> Yes X No	<p>Within 300 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. 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(<i>Applies to permanent pits</i>)</p> <p>- Visual inspection (certification) of the proposed site; Aerial photo; Satellite image</p>	<input type="checkbox"/> Yes X No <input type="checkbox"/> NA	<p>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 1000 horizontal feet of any other fresh water well or spring, in existence at the time of initial application.</p> <p>- NM Office of the State Engineer - iWATERS database search; Visual inspection (certification) of the proposed site</p>	<input type="checkbox"/> Yes X No	<p>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.</p> <p>- Written confirmation or verification from the municipality; Written approval obtained from the municipality</p>	<input type="checkbox"/> Yes X No	<p>Within 500 feet of a wetland.</p> <p>- US Fish and Wildlife Wetland Identification map; Topographic map; Visual inspection (certification) of the proposed site</p>	<input type="checkbox"/> Yes X No	<p>Within the area overlying a subsurface mine.</p> <p>- Written confirmation or verification or map from the NM EMNRD-Mining and Mineral Division</p>	<input type="checkbox"/> Yes X No	<p>Within an unstable area.</p> <p>- Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map</p>	<input type="checkbox"/> Yes X No	<p>Within a 100-year floodplain.</p> <p>- FEMA map</p>	<input type="checkbox"/> Yes X No
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<p>Within 1000 feet from a permanent residence, school, hospital, institution, or church in existence at the time of initial application. (<i>Applies to permanent pits</i>)</p> <p>- Visual inspection (certification) of the proposed site; Aerial photo; Satellite image</p>	<input type="checkbox"/> Yes X No <input type="checkbox"/> NA																				
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<p>Within an unstable area.</p> <p>- Engineering measures incorporated into the design; NM Bureau of Geology & Mineral Resources; USGS; NM Geological Society; Topographic map</p>	<input type="checkbox"/> Yes X No																				
<p>Within a 100-year floodplain.</p> <p>- FEMA map</p>	<input type="checkbox"/> Yes X No																				

11.

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: _____

12.

Closed-loop Systems 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.

- ☐ Geologic and Hydrogeologic Data (only for on-site closure) - based upon the requirements of Paragraph (3) of Subsection B of 19.15.17.9
☐ Siting Criteria Compliance Demonstrations (only for on-site closure) - 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: _____

☐ Previously Approved Operating and Maintenance Plan API Number: _____ (Applies only to closed-loop system that use above ground steel tanks or haul-off bins and propose to implement waste removal for closure)

13.

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

14.

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 ☐ Closed-loop System
☐ 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 (Exceptions must be submitted to the Santa Fe Environmental Bureau for consideration)

15.

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 F 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 I of 19.15.17.13 NMAC
☐ Site Reclamation Plan - based upon the appropriate requirements of Subsection G of 19.15.17.13 NMAC

16.

Waste Removal Closure For Closed-loop Systems That Utilize Above Ground Steel Tanks or Haul-off Bins Only: (19.15.17.13.D NMAC)

Instructions: Please identify the facility or facilities for the disposal of liquids, drilling fluids and drill cuttings. Use attachment if more than two facilities are required.

Disposal Facility Name: _____ Disposal Facility Permit Number: _____

Disposal Facility Name: _____ Disposal Facility Permit Number: _____

Will any of the proposed closed-loop system operations and associated activities occur on or in areas that *will not* be used for future service and operations?

☐ Yes (If yes, please provide the information below) ☐ No

Required for impacted areas which will not be used for future service and operations:

☐ 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 I of 19.15.17.13 NMAC

☐ Site Reclamation Plan - based upon the appropriate requirements of Subsection G of 19.15.17.13 NMAC

17.

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 may require administrative approval from the appropriate district office or may be considered an exception which must be submitted to the Santa Fe Environmental Bureau office for consideration of approval. Justifications and/or demonstrations of equivalency are required. Please refer to 19.15.17.10 NMAC for guidance.

Ground water is less than 50 feet below the bottom of the buried waste.

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

☐ Yes ☒ No

☐ NA

Ground water is between 50 and 100 feet below the bottom of the buried waste

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

☒ Yes ☐ No

☐ 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

☐ Yes ☒ No

☐ NA

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 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

☐ Yes ☒ No

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 1000 horizontal feet of any other fresh water well or spring, in existence at the time of initial application.

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

☐ Yes ☒ No

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.

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

☐ 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

Within the area overlying a subsurface mine.

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

18.

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 F of 19.15.17.13 NMAC

☐ Construction/Design Plan of Burial Trench (if applicable) based upon the appropriate requirements 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 Subsection F of 19.15.17.13 NMAC

☒ Waste Material Sampling Plan - based upon the appropriate requirements of Subsection F 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 I of 19.15.17.13 NMAC

☒ Site Reclamation Plan - based upon the appropriate requirements of Subsection G of 19.15.17.13 NMAC

19.

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): Robert E. Fielder Title: Agent
 Signature: *Robert E. Fielder* Date: December 2, 2008
 e-mail address: pmci@advantas.net Telephone: 505.320.1435

20.

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

OCD Representative Signature: *Brandon Russell* Approval Date: 12-11-08

Title: *EnviroSpec* OCD Permit Number: _____

21.

Closure Report (required within 60 days of closure completion): Subsection K of 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: _____

22.

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.

23.

Closure Report Regarding Waste Removal Closure For Closed-loop Systems That Utilize Above Ground Steel Tanks or Haul-off Bins Only:

Instructions: Please identify the facility or facilities for where the liquids, drilling fluids and drill cuttings were disposed. Use attachment if more than two facilities were utilized.

Disposal Facility Name: _____ Disposal Facility Permit Number: _____

Disposal Facility Name: _____ Disposal Facility Permit Number: _____

Were the closed-loop system operations and associated activities performed on or in areas that *will not* be used for future service and operations?

☐ Yes (If yes, please demonstrate compliance to the items below) ☐ No

Required for impacted areas which will not be used for future service and operations:

- ☐ Site Reclamation (Photo Documentation)
☐ Soil Backfilling and Cover Installation
☐ Re-vegetation Application Rates and Seeding Technique

24.

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)
☐ 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

25.

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: _____

District I
1625 N. French Dr., Hobbs, NM 88240
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State of New Mexico
Energy, Minerals & Natural Resources Department
OIL CONSERVATION DIVISION
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-102
Revised October 12, 2005
Submit to Appropriate District Office
State Lease - 4 Copies
Fee Lease - 3 Copies

☐ AMENDED REPORT

WELL LOCATION AND ACREAGE DEDICATION PLAT

* API Number		* Pool Code 42289	* Pool Name Lybrook Gallup
* Property Code	* Property Name LYBROOK		* Well Number 4
* OGRID No. 22044	* Operator Name McELVAIN OIL & GAS PROPERTIES, INC.		* Elevation 6746

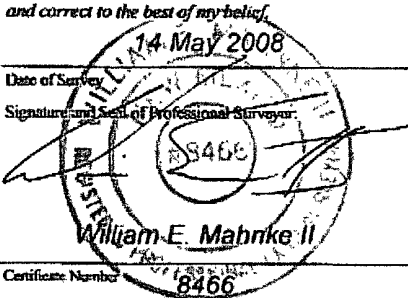
¹⁰ Surface Location

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
O	36	24N	7W		675	South	1620	East	Rio Arriba

¹¹ 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
SW/SE-40									
* Dedicated Acres		* Joint or Infill	* Consolidation Code		* Order No.				
SW/SE-40		N							

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.

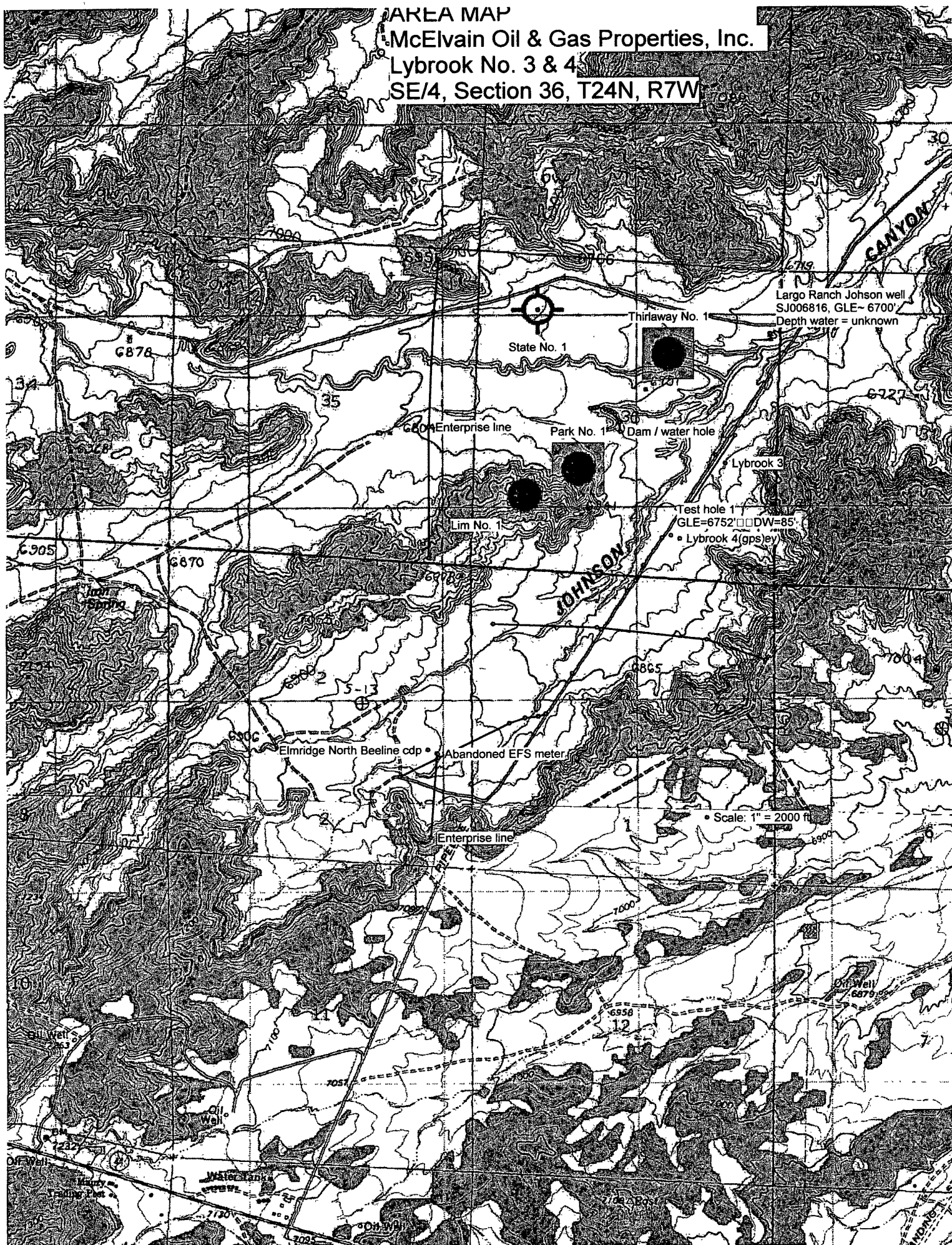
16	N 87°11' W	78.38 Ch.	17 OPERATOR CERTIFICATION I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or undivided mineral interest in the land including the proposed bottom hole 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. Signature _____ Date 10/31/2008 Robert E. Fielder Printed Name _____
	81.89 Ch.	81.25 Ch.	
N 0°05' E	Sec.	36	18 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. Date of Survey 14 May 2008 Signature and Seal of Professional Surveyor:  Certificate Number 8466
		Lat. 36.26267° N Long. 107.52483° W E6833-19 (337.8') 675' 1620' 77.66 Ch.	
N 87°36' W			

AREA MAP

McElvain Oil & Gas Properties, Inc.

Lybrook No. 3 & 4

SE/4, Section 36, T24N, R7W



Temporary Pit

Operating and Maintenance Procedures

McElvain Oil & Gas Properties, Inc. (MOG)

Lybrook No. 4

- I. Design and Construction Specifications
 - a. Prior to construction of the pit, zero to three inches of topsoil will be stripped from the east half of the location area and stockpiled as a berm above the cut slope around the perimeter of the location with cut slopes for future reclamation of the cut slopes and pit area during interim reclamation. Zero to three inches the topsoil from the west side of the location will be stockpiled along the toe of the fill slope with the brush and vegetation removed for future reclamation of the fill slopes during interim reclamation.
 - b. In lieu of a pit sign, MOG will install and maintain a sign on the wellsite in accordance with the provisions of Rule 103.
 - c. Upon completion of construction and liner installation, three sides of the pit will be fenced with a four foot hogwire fence installed on steel tee posts since this location is over 1000 feet from the nearest residential building. The fourth side (rig side) will be fenced upon completion of the drilling operation and removal of the drilling equipment. This fence will be maintained to insure no access by livestock or wildlife as long as there is fluid in the pit.
 - d. The temporary pit will be constructed to the size shown on the attached Wellsite layout(s). Approximate volume is 1.06 ac-ft. It is anticipated the top four feet will be a clay alluvial material associated with this Sparank-San Mateo silt loam. The bottom six feet is unknown but is likely also similar alluvium based on the results of the test hole dug on the Lybrook 4 location. The soil removed for pit excavation will be stockpiled in the southwest corner of the pad. The pit walls will be constructed on 2:1 slopes. Any benches of rock encountered will be scraped to a depth to allow cover by soil material if possible. The side slopes will be walked down by the tractor to insure a smooth bottom and side walls for liner installation. No run on preventative measures will be installed around the pit since they will be installed on the location perimeter.
 - e. The temporary pit will be lined with one section of 20 mil string reinforced LLDPE liner material with factory welded seams if necessary. If a seamed liner is used the factory welded seams will be aligned running from the rig side to the outside wall. One end will be anchored in the anchor trench and then the liner will be pulled into the pit. In the event a smooth bottom or wall slope cannot be attained on construction this liner will be underlain with a geotextile liner. The edges of the liner on the level part of the pad will be anchored in a ditch around the perimeter at least eighteen inches deep and filled with dirt. A 30' W X 90' L section of the same liner material will be installed on the rig side of the pit by anchoring the pit side in the anchor trench with the pit liner and the

balance will be anchored by piling fill dirt on the edges. This apron will be used solely for spill containment of surface equipment and will be separate from the liner.

II. Operational Plan

- a. MOG will operate and maintain the pit to contain the liquids and solids associated with the drilling phase of this operation, prevent contamination of the fresh water supply and protect the public health and the environment.
- b. MOG will not dispose of or store any hazardous material in this pit. All workover and completion fluids associated with flow back or circulation during these operations will be stored in a flow back tank on location.
- c. MOG will monitor the condition of the installed liner from the date it is installed until the pit is closed and will take the appropriate measures to repair and report any breach of the liner integrity in accordance with applicable regulations and procedures. The inspection will be daily during the drilling phase and the results will be recorded in the daily drillers log. The inspection will be weekly after the drilling rig is removed until the pit is closed. The results of these inspections will be kept in a log book in MOG's Farmington office.
- d. Two feet of freeboard will be maintained in the pit at all times until closure.
- e. MOG will remove all free liquid from the pit and haul it to the TNT Environmental facility, permit # NM-01-0008 within 30 days of cessation of the drilling operation. All fluids associated with drilling or workover operations that are accumulated and stored in the flow back tank will be removed within 30 days of cessation of these operations and hauled to the TNT Environmental facility.
- f. The pit will be maintained free of any solid refuse. This will be stored in a trash basket on the location.
- g. A header system or hoses without ends or unions will be used for loading liquid into the pit or removing liquid from the pit.
- h. The pit will be maintained free of any oil accumulation. MOG keeps an oil absorbent boom at their Farmington warehouse that can be dispatched to any site within two hours.

III. Closure Plan

- a. MOG will close this pit within six months of the completion date of the well.
- b. MOG has notified the landowner (NMSLO) by e-mail of its plan to proceed with in place burial if possible. A copy is attached. MOG will send a similar notice to the NMSLO and the OCD District office prior to initiating in place burial.
- c. MOG will initiate sampling and testing of the residue left in the pit after the completion of the liquid hauling operation in accordance with the applicable sampling and testing requirements outlined for in place burial.
 - i. If the testing of the residue meets the quality standards below, MOG will proceed with in place burial as outlined in d. below.

Components	Tests Method	Limit (mg/Kg)
Benzene	EPA SW-846 8021B or 8260B	0.2
BTEX	EPA SW-846 8021B or 8260B	50
TPH	EPA SW-846 418.1	2500
GRO/DRO	EPA SW-846 8015M	500
Chlorides	EPA 300.1	1000/ 400

- ii. If test results of the residue do not meet the quality standards for on site burial, MOG will dispatch a vacuum truck as soon as practical in the contractors schedule. They will remove the residue and haul it to the TNT Environmental facility, permit # NM-01-0008. After the residue is removed the pit liner will be removed and hauled to an approved waste facility in Rio Arriba County. MOG will then initiate testing and sampling of the pit area as outlined in the Waste Evacuation and Haul section of the regulations. Results of these tests will be reported to the Aztec district office and the applicable closure method initiated.
 - d. MOG will mix stockpiled pit dirt with residue at a 3:1 ratio to stabilize the residue.
 - e. MOG will remove the pit apron and cut and remove that section of the pit liner above the stabilized residue line. These will be disposed of in an approved solid waste facility in Rio Arriba or San Juan County.
 - f. MOG will use the remaining pit dirt stockpile to provide a compacted fill over the stabilized residue to a depth within two feet of the graded location level. The remaining pit dirt will be spread over the pit side area, outside of the anchor pattern, to re-contour the pit area. Topsoil stockpiled in the buffer outside the pit slopes will then be pushed over the re-contoured pit area and seeded with a seed mix specified by the landowner in the next applicable seeding season.
 - g. MOG will file the applicable closure report with attachments within 60 days of completion of closure.
 - h. MOG will install a 4" X 4' steel marker at the center of the buried pit during interim reclamation.
- IV. Siting Requirements substantiation and hydrogeologic data
- a. Hydrogeologic data –
 - i. Surface formation – San Jose Formation
 - ii. Geographic setting – Located in the bottom of Johnson Canyon adjacent to the existing access road.
 - iii. Soils – Sparank-San Mateo silt loam- a slightly saline to very slightly saline silt loam to clay formed by the erosion of the sands and shales of the San Jose formation deposited as a fan alluvium over the subject area. Typical distribution is 0 – 2 inches: silt loam; 2 – 60 inches: Clay. Laid down on 2-4% slopes across location area.
 - iv. Drainage – Generally to the west and northwest. There are no identified drainages in the area of the subject location shown on the attached wellsite diagram. The location area is basically a sheet wash area for run off from the bluffs to the east. There will be no impact to the drainage due to this location

construction. The runoff will be diverted around the pad by construction of ditches and berms along the east, south and north side of the pad above the cut slope.

b. Siting requirements substantiation

- i. A search of the iWaters database was conducted covering all the sections surrounding the proposed drillsite. There was one well identified on the iWaters data base, SJ006816. Ownership is uncertain. The iWaters review and discussion with the NMSLO did not reveal any depth to ground water information. The well is also identified in Report # 6 of the New Mexico Bureau of Mines and Mineral Resources but this also contained no information on depth to ground water. This well is shown on USGS topo maps and scales to 3800 feet from the proposed location. Visual inspection revealed there is a wash bottom immediately adjacent to this well which is 20 feet below ground level with no sign of water present in wash bottom. During the visual inspection, the canyon rims to the east were reviewed for signs of springs since there is one identified spring on the topo map two miles to the west. No signs of springs were evident from this visual review. A test hole was drilled adjacent to this proposed location west and north of corner 2. A handheld gps reading of ground level elevation of test hole yielded 6752 feet. Plotting this location on the topo map confirms this is valid elevation. Based on this elevation and depth to ground water on the test hole of 85 feet yields a subsea elevation to groundwater of +6667 feet. Estimated ground level elevation gain to the center of the pit is 2.2 feet and cut to pit bottom is 11.7 feet. This calculates a depth to ground water of 76 feet below the bottom of the pit at the center.
- ii. There are no flowing watercourses within 300 feet of the proposed pit. There are a cluster of intermittent washes west of the location which are classified as significant for the purposes of this evaluation. The scaled distance from the topo map is 600 feet.
- iii. There are no residences or buildings within 1000 feet of this location.
- iv. The closest water well is 3800 feet north and the closest spring is two miles west.
- v. This is a rural area location.
- vi. A review of the USFWS wetland map revealed one site, 1.3 miles to the southwest. Visual inspection revealed a pond and dam 2000 feet west. It is currently dry and is obviously a runoff collection facility.
- vii. This was not identified as part of the FEMA 100 year flood plain as illustrated on the attached FIRM.
- viii. There were no unstable areas noted during the field inspection nor evidence of underground mining activity. There are no identified mining or quarry operations identified on the Bureau of Mines website.

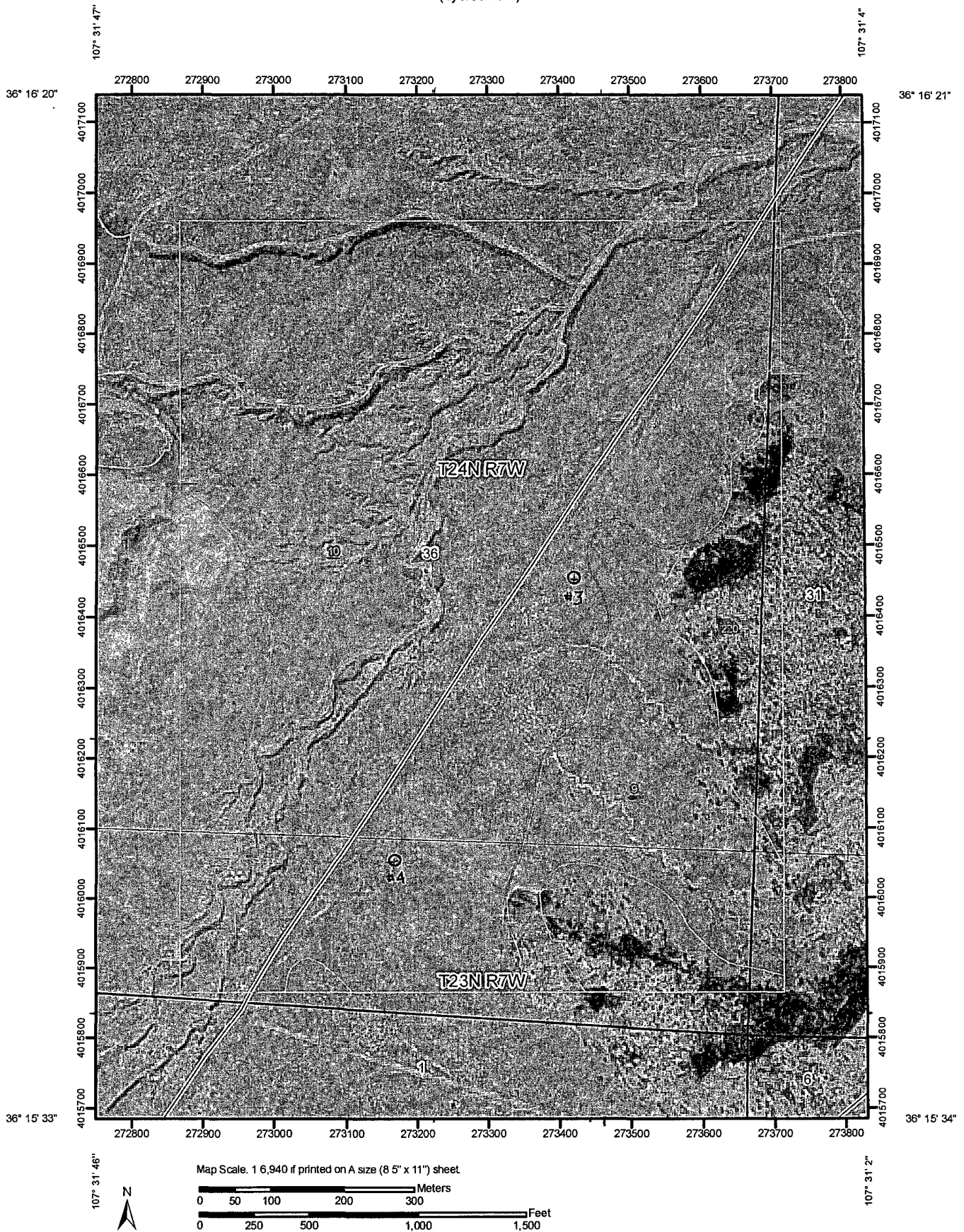
Bob Fielder

From: Bob Fielder [pmci@advantas.net]
Sent: Tuesday, December 02, 2008 11:50 AM
To: Jeff Albers
Subject: Notification of intent to close pit using onsite burial - Lybrook 3 & 4

Jeff:

This is to notify your office that McElvain Oil & Gas Properties, Inc. intends to close the pits on these two locations using the onsite burial methods prescribed by the current New Mexico pit regulations.

Soil Map
(Lybrook 3/4)



Soil Map—Rio Arriba Area, New Mexico, Parts of Rio Arriba and Sandoval Counties
(Lybrook 3/4)

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Units

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot



Very Stony Spot



Wet Spot



Other

Special Line Features



Gully



Short Steep Slope



Other

Political Features



Cities



PLSS Township and Range



PLSS Section

Water Features



Oceans



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

MAP INFORMATION

Map Scale: 1:6,940 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 13N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Rio Arriba Area, New Mexico, Parts of Rio Arriba and Sandoval Counties

Survey Area Data: Version 8, Nov 12, 2008

Date(s) aerial images were photographed: 10/13/1997

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Natural Resources
Conservation Service

Web Soil Survey 2.1
National Cooperative Soil Survey

12/1/2008
Page 2 of 3

Map Unit Legend

Rio Arriba Area, New Mexico, Parts of Rio Arriba and Sandoval Counties (NM650)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
9	Pinavetes-Florita complex, 2 to 10 percent slopes	41.8	18.3%
10	Sparank-San Mateo silt loams, saline, sodic, 0 to 3 percent slopes	163.2	71.3%
220	Rock outcrop-Vessilla-Menefee complex, 15 to 45 percent slopes	23.8	10.4%
Totals for Area of Interest		228.9	100.0%

Description of San Mateo

Setting

Landform: Flood plains

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Talf

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Stream alluvium derived from sandstone and shale

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water

(Ksat): Moderately high (0.20 to 0.60 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: Rare

Frequency of ponding: None

Calcium carbonate, maximum content: 15 percent

Gypsum, maximum content: 1 percent

Maximum salinity: Very slightly saline to slightly saline (4.0 to 8.0 mmhos/cm)

Sodium adsorption ratio, maximum: 30.0

Available water capacity: High (about 9.1 inches)

Interpretive groups

Land capability (nonirrigated): 6e

Ecological site: Salty Bottomland (R036XB010NM)

Typical profile

0 to 2 inches: Silt loam

2 to 60 inches: Stratified sandy loam to clay loam

Data Source Information

Soil Survey Area: Rio Arriba Area, New Mexico, Parts of Rio Arriba and Sandoval Counties

Survey Area Data: Version 8, Nov 12, 2008

Landform position (three-dimensional): Nose slope, side slope, head slope, crest

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Eolian deposits over slope alluvium derived from sandstone

Properties and qualities

Slope: 2 to 6 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 5 percent

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 12.0

Available water capacity: Moderate (about 7.0 inches)

Interpretive groups

Land capability (nonirrigated): 6c

Ecological site: Gravelly Loamy (R036XB006NM)

Typical profile

0 to 2 inches: Sandy loam

2 to 6 inches: Sandy loam

6 to 24 inches: Coarse sandy loam

24 to 60 inches: Sandy loam

Data Source Information

Soil Survey Area: Rio Arriba Area, New Mexico, Parts of Rio Arriba and Sandoval Counties

Survey Area Data: Version 8, Nov 12, 2008

New Mexico Office of the State Engineer
POD Reports and Downloads

Township: Range: Sections:

NAD27 X: Y: Zone: Search Radius:

County: Basin: Number: Suffix:

Owner Name: (First) (Last) ☒ Non-Domestic ☒ Domestic
☒ All

AVERAGE DEPTH OF WATER REPORT 09/09/2008

Bsn	Tws	Rng	Sec	Zone	X	Y	Wells	(Depth Water in Feet)		
								Min	Max	Avg

No Records found, try again

New Mexico Office of the State Engineer
POD Reports and Downloads

Township: Range: Sections:

NAD27 X: Y: Zone: Search Radius:

County: Basin: Number: Suffix:

Owner Name: (First) (Last) ☒ Non-Domestic ☒ Domestic
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								Min	Max	Avg

No Records found, try again

New Mexico Office of the State Engineer
POD Reports and Downloads

Township: Range: Sections: NAD27 X: Y: Zone: ☐ Search Radius: County: ☐ Basin: ☐ Number: Suffix: Owner Name: (First) (Last) ☐ Non-Domestic ☐ Domestic
☒ All

AVERAGE DEPTH OF WATER REPORT 09/09/2008

Bsn	Tws	Rng	Sec	Zone	X	Y	Wells	(Depth Water in Feet)		
								Min	Max	Avg

No Records found, try again

New Mexico Office of the State Engineer
POD Reports and Downloads

Township:	<input type="text" value="24N"/>	Range:	<input type="text" value="07W"/>	Sections:	<input type="text" value="36"/>
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				Suffix:	<input type="text"/>
Owner Name: (First) <input type="text"/>		(Last) <input type="text"/>		<input type="radio"/> Non-Domestic <input type="radio"/> Domestic	
				<input checked="" type="radio"/> All	
<input type="button" value="POD/Surface Data Report"/>		<input type="button" value="Avg Depth to Water Report"/>			
<input type="button" value="Water Column Report"/>					
<input type="button" value="Clear Form"/>		<input type="button" value="IWATERS Menu"/>		<input type="button" value="Help"/>	

AVERAGE DEPTH OF WATER REPORT 09/09/2008

Bsn	Tws	Rng	Sec	Zone	X	Y	Wells	(Depth Water in Feet)		
								Min	Max	Avg

No Records found, try again

New Mexico Office of the State Engineer
POD Reports and Downloads

Township: Range: Sections:

NAD27 X: Y: Zone: Search Radius:

County: Basin: Number: Suffix:

Owner Name: (First) (Last) ☐ Non-Domestic ☐ Domestic
☒ All

POD / SURFACE DATA REPORT 09/09/2008

DB File Nbr	Use	Diversion	Owner
SJ 00681 6	STK	12.9	HOMER C. BERRY

(qua
(qua

POD Number
SJ 00681 6

Record Count: 1

**New Mexico Office of the State Engineer
POD Reports and Downloads**

Township:	<input type="text" value="24N"/>	Range:	<input type="text" value="06W"/>	Sections:	<input type="text" value="30"/>	
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County:	<input type="text" value=""/>	Basin:	<input type="text" value=""/>	Number:	<input type="text"/>	Suffix:
Owner Name: (First) <input type="text"/> (Last) <input type="text"/>				<input type="radio"/> Non-Domestic <input type="radio"/> Domestic		
				<input checked="" type="radio"/> All		
<input type="button" value="POD/Surface Data Report"/>			<input type="button" value="Avg Depth to Water Report"/>			
<input type="button" value="Water Column Report"/>						
<input type="button" value="Clear Form"/>		<input type="button" value="IWATERS Menu"/>		<input type="button" value="Help"/>		

AVERAGE DEPTH OF WATER REPORT 09/09/2008

Bsn	Tws	Rng	Sec	Zone	X	Y	Wells	(Depth Water in Feet)		
								Min	Max	Avg
No Records found, try again										

New Mexico Office of the State Engineer
POD Reports and Downloads

Township: Range: Sections:

NAD27 X: Y: Zone: Search Radius:

County: Basin: Number: Suffix:

Owner Name: (First) (Last) ☒ Non-Domestic ☒ Domestic
☒ All

AVERAGE DEPTH OF WATER REPORT 09/09/2008

Bsn	Tws	Rng	Sec	Zone	X	Y	Wells	(Depth Water in Feet)		
								Min	Max	Avg
No Records found, try again										

New Mexico Office of the State Engineer
POD Reports and Downloads

Township: Range: Sections:

NAD27 X: Y: Zone: ☐ Search Radius:

County: ☐ Basin: ☐ Number: Suffix:

Owner Name: (First) (Last) ☒ Non-Domestic ☒ Domestic
☒ All

AVERAGE DEPTH OF WATER REPORT 09/09/2008

Bsn	Tws	Rng	Sec	Zone	X	Y	Wells	(Depth Water in Feet)		
								Min	Max	Avg

No Records found, try again

New Mexico Office of the State Engineer
POD Reports and Downloads

Township: Range: Sections: NAD27 X: Y: Zone: Search Radius: County: Basin: Number: Suffix:Owner Name: (First) (Last) ☒ Non-Domestic ☒ Domestic
☒ All

AVERAGE DEPTH OF WATER REPORT 09/09/2008

Bsn	Tws	Rng	Sec	Zone	X	Y	Wells	(Depth Water in Feet)		
								Min	Max	Avg

No Records found, try again

New Mexico Office of the State Engineer
POD Reports and Downloads

Township:	<input type="text" value="23N"/>	Range:	<input type="text" value="07W"/>	Sections:	<input type="text" value="2"/>	
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County:	<input type="text"/>	Basin:	<input type="text"/>	Number:	<input type="text"/>	Suffix:
Owner Name: (First) <input type="text"/> (Last) <input type="text"/>						
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<input type="button" value="POD/Surface Data Report"/>			<input type="button" value="Avg Depth to Water Report"/>			
<input type="button" value="Water Column Report"/>						
<input type="button" value="Clear Form"/>		<input type="button" value="IWATERS Menu"/>		<input type="button" value="Help"/>		

AVERAGE DEPTH OF WATER REPORT 09/09/2008

Bsn	Tws	Rng	Sec	Zone	X	Y	Wells	(Depth Water in Feet)		
								Min	Max	Avg
No Records found, try again										

IMPORTANT — READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM.

Declaration of Owner of Underground Water Right

SAN JUAN UNDERGROUND WATER BASIN

BASIN NAME

Declaration No. SJ-681 thru Date received Dec. 10, 1976
SJ-681 (30)

STATEMENT

Name of Declarant HOMER C. BERRY

Mailing Address P.O. BOX 407, Dexter, N. M. 86230

County of CHAVES State of NEW MEXICO

2. Source of water supply SHALLOW WITHIN SAN JUAN UNDERGROUND WATER BASIN
(artesian or shallow water aquifer)

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

a. SEE ATTACHED APPENDIX A

b. Tract No. of Map No. of the

c. X = SEE ATTACHED APPENDIX A feet, N. M. Coordinate System Zone
in the Grant.

On land owned by HOMER C. BERRY

4. Description of well: date drilled driller depth feet.

outside diameter of casing SEE APPENDIX A inches; original capacity gal. per min.; present capacity

gal. per min.; pumping lift feet; static water level feet (above) (below) land surface;

make and type of pump SEE APPENDIX A

make, type, horsepower, etc., of power plant

Fractional or percentage interest claimed in well 1.00 o/o

5. Quantity of water appropriated and beneficially used SEE APPENDIX A
(acre feet per acre) (acre feet per annum)
for DOMESTIC USE AND LIVESTOCK WATERING purposes.

6. Acreage actually irrigated 0 acres, located and described as follows (describe only lands actually irrigated):

Subdivision	Sec.	Twp.	Range	Acres Irrigated	Owner
N/A					

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

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

8. Additional statements or explanations

SEE APPENDIX A

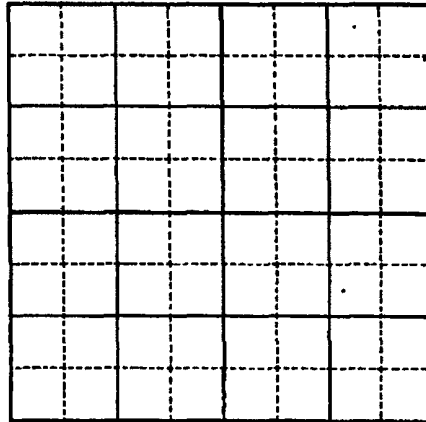
I, being first duly sworn upon my oath,
depose and say that the above is a full and complete statement prepared in accordance with the instructions on the re-
verse side of this form and submitted in evidence of ownership of a valid underground water right, that I have carefully
read each and all of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

by: Homer C. Berry, declarant.

Subscribed and sworn to before me this 10th day of December, A.D. 1976
My commission expires May 5, 1980 Notary Public

Locate well and areas actually irrigated as accurately as possible on following plat:

Section (s) _____, Township _____, Range _____, N. T. P. T.



INSTRUCTIONS

Declaration shall be executed (preferably typewritten) in triplicate and must be accompanied by a \$1.00 filing fee. Each of triplicate copies must be properly signed and attested.

A separate declaration must be filed for each well in use.

All blanks shall be filled out fully. Required information which cannot be sworn to by declarant shall be supplied by affidavit of person or persons familiar with the facts and shall be submitted herewith.

Secs. 1-3. Complete all blanks.

Sec. 4. Fill out all blanks applicable as fully as possible.

Sec. 5. Irrigation use shall be stated in acre feet of water per acre per year applied on the land. If used for domestic, municipal, or other purposes, state total quantity in acre feet used annually.

Sec. 6. Describe only the acreage actually irrigated. When necessary to clearly define irrigated acreages, describe to nearest $\frac{1}{4}$ acre subdivision. If located on unsurveyed lands, describe by legal subdivision "as projected" from the nearest government survey corners, or describe by metes and bounds and tie survey to some permanent, easily-located natural object.

Sec. 7. Explain and give dates as nearly as possible of any years when all or part of acreage claimed was not irrigated.

Sec. 8. If well irrigates or supplies supplemental water to any other land than that described above, or if land is also irrigated from any other source, explain under this section. Give any other data necessary to fully describe water right.

If additional space is necessary, use a separate sheet or sheets and attach securely hereto.



STATE OF NEW MEXICO
STATE ENGINEER OFFICE
ALBUQUERQUE

S. E. REYNOLDS
STATE ENGINEER

January 15, 1985

DISTRICT 1
2340 MENAUL N.E. SUITE 206
ALBUQUERQUE, N.M. 87107-1884
PHONE: (505) 842-3126
841-8339

Homer C. Berry
Berry Land & Cattle Co.
Box 407
Route 1, Box 80
Dexter, N. M. 88230

Dear Sir:

In response to your letter dated January 6, 1985 and our telephone conversation of January 14, 1985, the following is a list of the water rights recorded in your name in the Albuquerque Office of the State Engineer.

The first column is the State Engineer assign file number. Please use this number in any correspondence when referring to a specific well. The second column is the reported location. Enclosed is a sheet detailing the method used to note the location. The third column is the status of the right. The fourth column is the reported use of the right and the last column is the amount declared, permitted, or applied for.

SJ-0681	25.06.21.4142	declared	stock water	5.00 gpm
SJ-0681(01)	25.06.31.14	declared	stock water	5.00 gpm
SJ-0681(02)	24.07.01.3324	declared	stock water	3.00 gpm
SJ-0681(03)	24.06.09.1113	declared	stock water	3.00 gpm
SJ-0681(04)	24.06.18.3134	declared	stock water	6.00 gpm
SJ-0681(05)	24.07.22.33	declared	stock water	5.00 gpm
SJ-0681(06)	24.07.36.22	declared	stock water	8.00 gpm
SJ-0681(07)	24.07.34.23	declared	stock water	8.00 gpm
SJ-0681(08)	23.06.09.4120	declared	stock water	15.00 gpm
SJ-0681(09)	23.06.29.2143	declared	stock water	5.00 gpm
SJ-0681(10)	23.06.32.44	declared	stock water	5.00 gpm
SJ-0681(11)	22.06.11.21	declared	stock water	5.00 gpm
SJ-0681(12)	25.06.33.4441	declared	stock water	15.00 gpm
SJ-0681(12) Enlgd	25.06.33.4441	application	commercial, irrigation	200.00 ac-ft
SJ-0681(13)	24.06.11.1431	declared	stock water	3.00 gpm
SJ-0681(14)	24.06.24.43	declared	stock water	10.00 gpm
SJ-0681(14) Enlgd	24.06.24.43	application	commercial, irrigation	80.00 ac-ft
SJ-0681(15)	23.06.01.3143	declared	stock water	5.00 gpm
SJ-0681(16)	24.06.07.3444	declared	stock water	15.00 gpm

SJ-0681(17)	24.06.33.4422	declared	stock water	5.00 gpm
SJ-0681(18)	25.06.21.4223	declared	stock water	10.00 gpm
SJ-0681(19)	25.06.28.4242	declared	stock water	15.00 gpm
SJ-0681(20)	24.06.03.4224	declared	stock water	30.00 ac-ft
SJ-0681(21)	24.06.11.34	declared	stock water	15.00 gpm
SJ-0681(22)	24.06.11.4434	declared	stock water	8.00 gpm
SJ-0681(23)	24.06.13.2231	declared	stock water	10.00 gpm
SJ-0681(24)	25.06.11.3232	declared	stock water	3.00 ac-ft
SJ-0681(25)	24.06.13.1223	declared	stock water	3.00 ac-ft
SJ-0681(26)	23.06.07.3444	declared	stock water	3.00 ac-ft
SJ-0681(27)	23.07.13.3221	declared	stock water	3.00 ac-ft
SJ-0681(28)	23.06.35.2224	declared	stock water	3.00 ac-ft
SJ-0681(29)	24.06.12.4343	declared	irrigation	300.00 ac-ft
SJ-0681(30)	24.06.03.2424	declared	irrigation	420.00 ac-ft
SJ-0681(31)	25.06.21.44	declared	commercial, stock water	32.00 ac-ft
SJ-0681(32)	24.06.11.34	declared	commercial, stock water	48.00 ac-ft
SJ-0681(33)	25.06.27.33	declared	commercial, stock water	48.00 ac-ft
SJ-0681(34)	24.06.13.21	declared	commercial, stock water	32.00 ac-ft
SJ-0681(35)	24.06.02.33	declared	commercial, stock water	16.00 ac-ft
SJ-0681(36)	24.06.11.34	declared	commercial, stock water	48.00 ac-ft
SJ-0681(37)	24.07.15.112	declared	stock water	3.00 ac-ft
SJ-0681(38)	24.07.17.241	declared	stock water	3.00 ac-ft
SJ-0681(39)	24.07.18.224	declared	commercial, stock water	88.00 ac-ft
SJ-0681(40)	25.07.30.441	declared	commercial, stock water	48.00 ac-ft
SJ-0681(41)	25.07.33.132	declared	commercial, stock water	32.00 ac-ft
SJ-0681(42)	25.08.25.133	declared	stock water	10.00 ac-ft
SJ-0681(43)	25.07.17.223	declared	stock water	10.00 ac-ft
SJ-0681(44)	25.07.17.222	declared	stock water	10.00 ac-ft
SJ-1131	24.07.19.41	permit	stock water	3.00 ac-ft
SJ-1131-Enlgd	24.07.19.413	application	commercial, stock water	20.00 ac-ft
SJ-1156	23.06.18.122	permit	stock water	3.00 ac-ft
SJ-1156 (1)	23.06.18.122	expired	prospecting	0.00
SJ-1156 Enlgd	23.06.18.122	expired	industrial	0.00
SJ-1156 Enlgd(2)	23.06.18.122	application	commercial, irrigation	90.00 ac-ft
LWD-SJ-01-B-158	24.07.21.144	declared	stock tank	10.00 ac-ft
LWD-SJ-01-B-159	24.07.21.322	declared	stock tank	10.00 ac-ft
LWD-SJ-01-B-160	24.07.20.414	declared	stock tank	10.00 ac-ft
LWD-SJ-01-B-161	25.07.17.422	declared	stock tank	10.00 ac-ft
LWD-SJ-01-B-162	25.07.17.421	declared	stock tank	10.00 ac-ft
LWD-SJ-01-B-163	25.07.20.223	declared	stock tank	10.00 ac-ft
LWD-SJ-01-B-164	25.07.18.422	declared	stock tank	10.00 ac-ft
LWD-SJ-01-B-165	25.07.19.433	declared	stock tank	10.00 ac-ft
LWD-SJ-01-B-166	25.07.29.421	declared	stock tank	10.00 ac-ft

If you have any questions or require additional information, please do not hesitate to call or write.

Yours truly,

Ronald J. McBrayer
District 1
cc: file
SEO Santa Fe

For this purpose, the section is divided into four quarters, numbered 1, 2, 3, and 4, in the normal reading order, for the northwest, northeast, southwest, and southeast quarters, respectively. The first digit of the fourth segment gives the quarter section, which is a tract of 160 acres. Similarly, the quarter section is divided into four 40-acre tracts numbered in the same manner, and the second digit denotes the 40-acre tract. Finally, the 40-acre tract is divided into four 10-acre tracts, and the third digit denotes the 10-acre tract. Thus, well 12.36.24.342 in Lea County is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 24, T. 12 S., R. 36 E. If a well cannot be located accurately within a 10-acre tract, a zero is used as the third digit, and if it cannot be located accurately within a 40-acre tract, zeros are used for both the second and third digits. If the well cannot be located more closely than the section, the fourth segment of the well number is omitted. When it becomes possible to locate more accurately a well in whose number zeros have been used, the proper digit or digits are substituted for the zeros. Letters a, b, c, etc., are added to the last segment to designate the second, third, fourth, and succeeding wells in the same 10-acre tract.

A modification of this system has been used for wells on grant land in Sunahine Valley in Tacos County where land was sectionized according to a system used in Colorado and extended into New Mexico. Within the Sangre de Cristo Grant, townships south of the State line have been designated T. 1 S., and T. 2 S., whereas townships north of the State line are designated T. 1 N., etc.

Figure 2 diagrams the method of numbering wells and tracts in New Mexico.

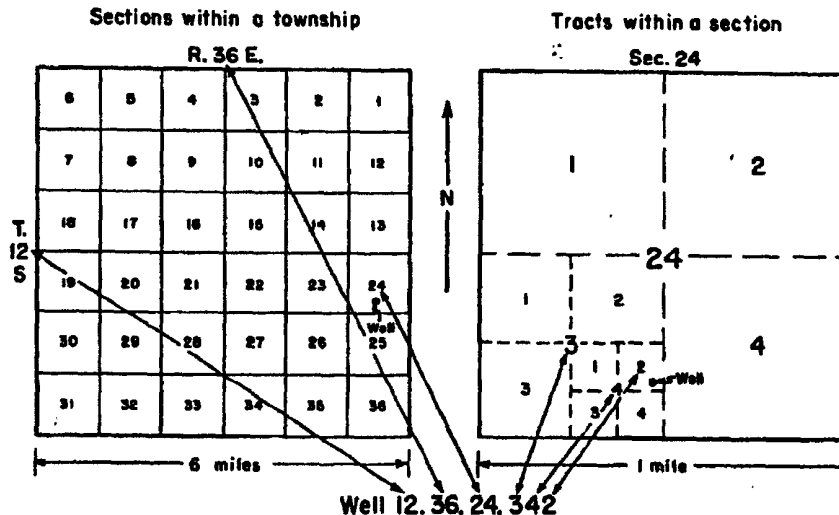


FIGURE 2. -- System of numbering wells in New Mexico.

78 JUN 19 8:36

STATE ENGINEER OFFICE
DISTRICT I
ALBUQUERQUE, N. MEX.

SS. 681 Three
SS. 621 - (30)

MEMORANDUM

August 18, 1977

To: J. K. Couzens

From: E. C. Barry

Subject: Declarations of Ownership of Livestock Dam or Tank and Declarations of Owner of Underground Water Right by Homer C. Berry for Surface tanks, windmills, springs, pipeline storage, seep tanks and domestic water wells.

Refer to Topographic Sheets 16.1.1, 16.1.3, 16.3.1, 15.2 and 15.4.2

Field checks by E. C. Barry on May 4, 5, 10 and 11, 1977 disclosed the following:

1. The surface tanks, seep tanks and windmills were constructed as declared. The pipeline storage was as declared and the water is purchased from the Lybrook Water Users Association. The springs were in use as declared and water was flowing from most of the Springs.
2. Mr. Berry assisted in locating each declared location and it was noted that some locations could be corrected to disclose a more suitable location. On August 5, 1977 Mr. Berry filed a supplement for corrections to several of the declared locations. On August 5, 1977 Mr. Berry also filed a supplement to disclose other surface tanks, windmills, pipeline storage, springs and seep tanks discovered by the field checks that were not declared. These are to be added to the list that was filed on December 10, 1976.
3. No supporting evidence was filed with the declarations to show that a given amount in acre feet was sold and used for commercial purposes.

Summary: It is recommended that the Declarations be filed for record.

ECB*es


E. C. Barry

Lybrook Wetlands

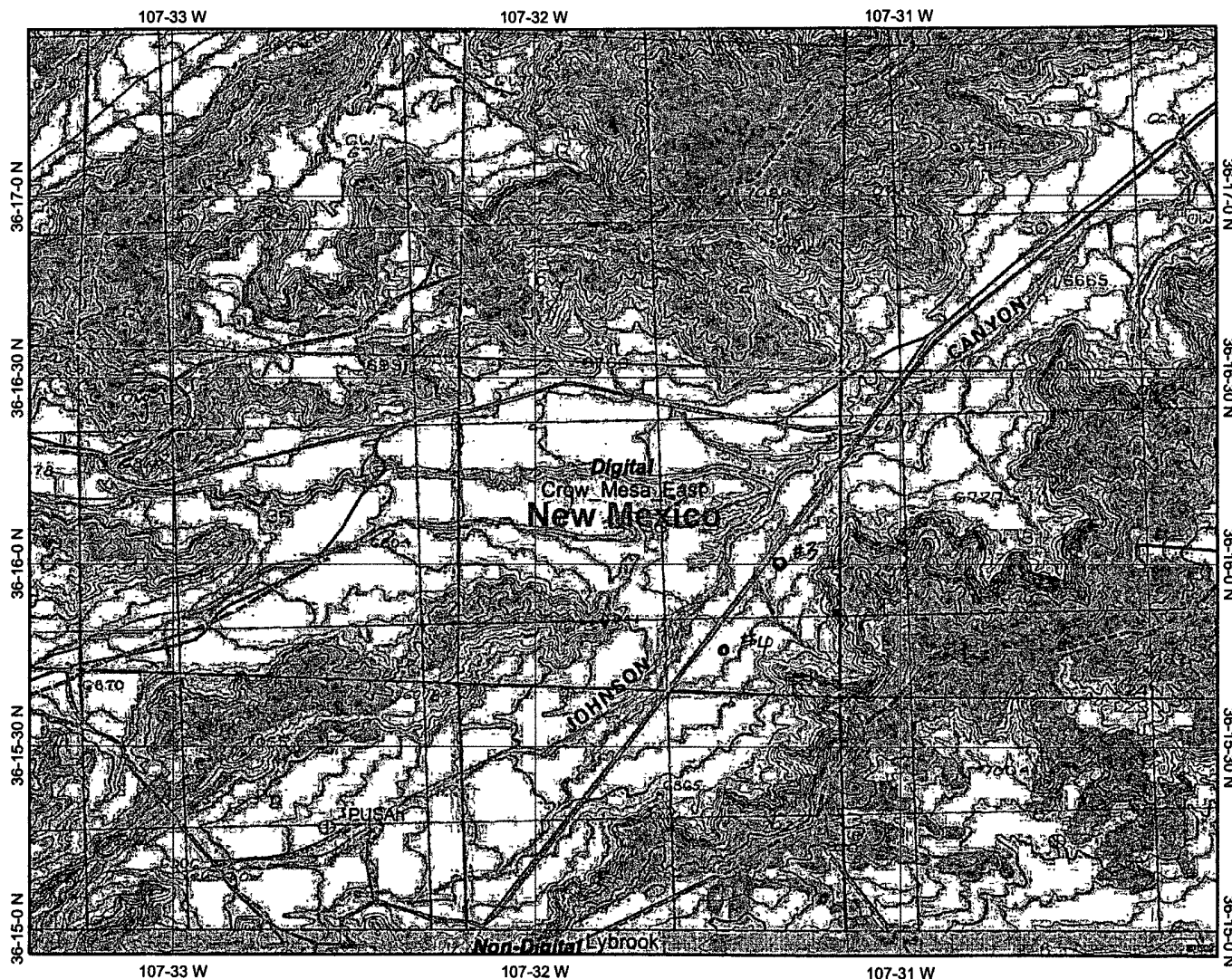


Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Streams
- Counties 100K
- States 100K
- South America
- North America

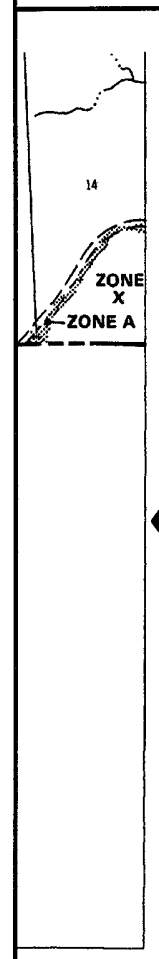
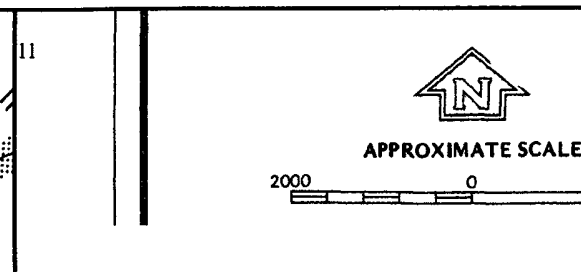
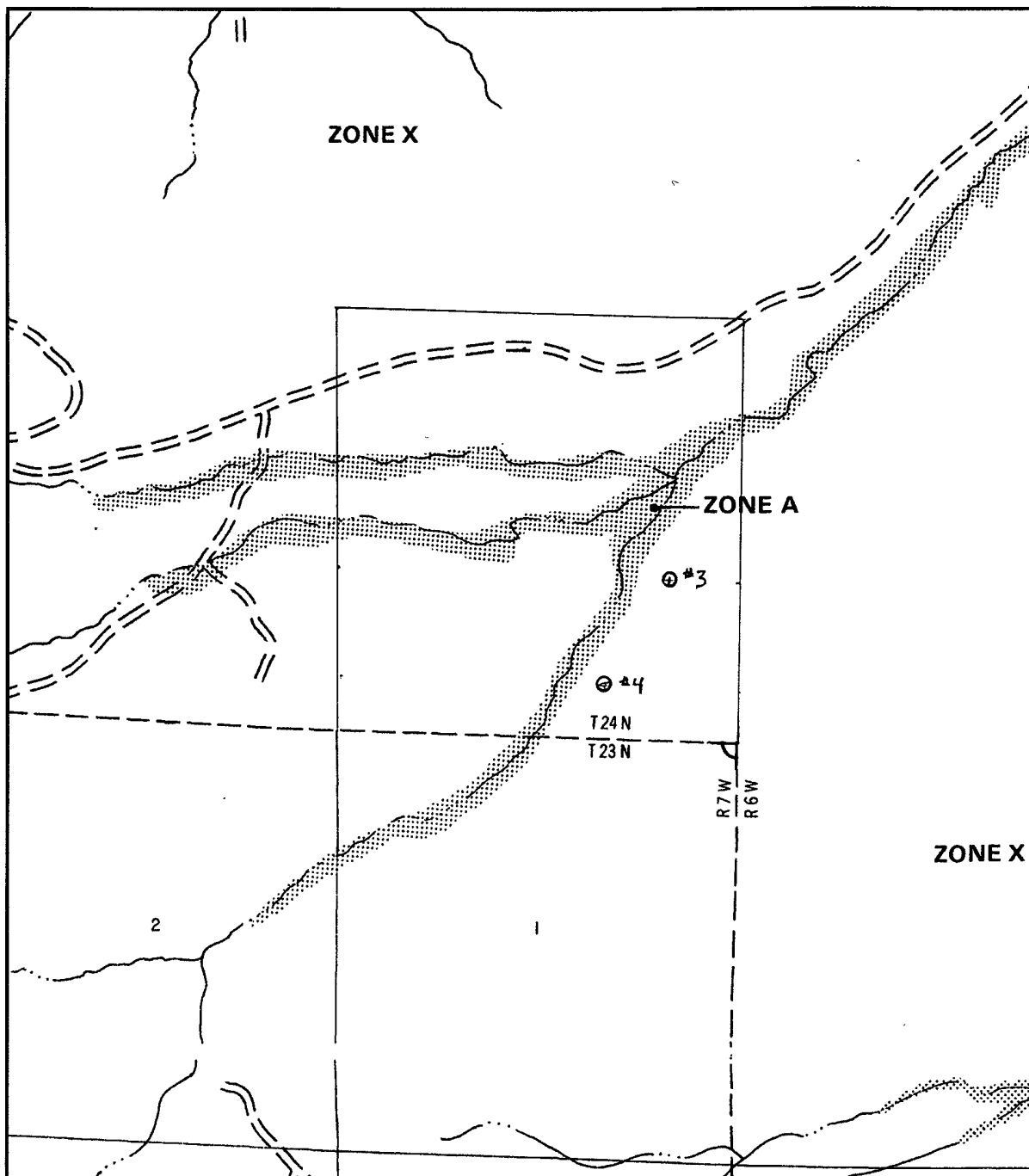


Scale: 1:32,661



Map center: 36° 16' 12" N, 107° 31' 46" W

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**RIO ARriba COUNTY,
NEW MEXICO
UNINCORPORATED AREAS**

PANEL 900 OF 1325
(SEE MAP INDEX FOR PANELS NOT PRINTED)

PANEL LOCATION

COMMUNITY-PANEL NUMBER
350049 0900 B

EFFECTIVE DATE:
JANUARY 5, 1989

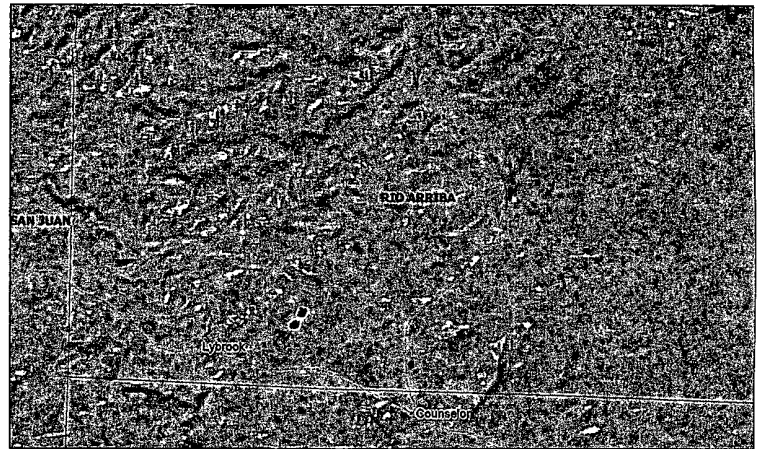
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

MMQonline Public Version

Mines, Mills & Quarries Commodity Groups

-  **Aggregate & Stone Mines**
-  **Coal Mines**
-  **Industrial Minerals Mines**
-  **Industrial Minerals Mills**
-  **Metal Mines and Mill Concentrate**
-  **Potash Mines & Refineries**
-  **Smelters & Refinery Ops.**
-  **Uranium Mines**



SCALE 1 : 324,300

