

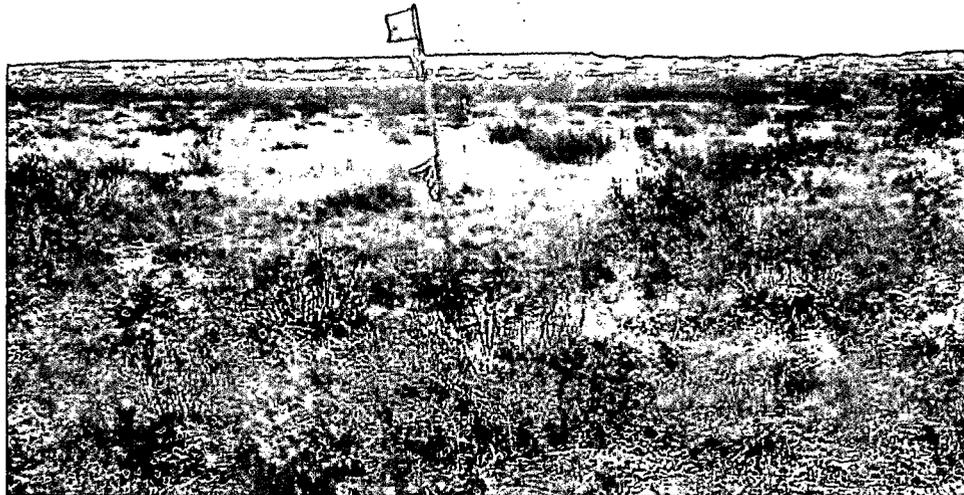
HOBBS OGD

JAN 17 2014

January 2014

**C-144 Permit Package for  
Birddog "19" State No. 1H  
Temporary Pit  
Section 19 T21S R34E Lea County NM**

RECEIVED



**Prepared for  
Elevation Resources LLC  
Midland, Texas**

APPROVED

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

JUL 15 2014

# R. T. HICKS CONSULTANTS, LTD.

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

January 15, 2013

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

**HOBBS OCD**

**FEB 10 2014**

**RECEIVED**

RE: Elevation Resources LLC – Birddog “19” State No. 1H (API: 30-025-41579)  
C-144 Application Package

Dear Geoff:

On behalf of Elevation Resources LLC, R.T. Hicks Consultants is pleased to submit the attached C-144 Application for the above-referenced well. Please note the following:

1. Generic plans were recently approved by the OCD.
2. We anticipate “in place” burial of stabilized solids.
3. This letter and application is copied to the State Land Office to notify the surface landowner of the operator’s intent to use on-site burial.
4. Our office conducted a visual inspection of the site on January 10, 2014.

This well is approximately 5,000 feet from the Birddog “20” State #1H site, which is the subject of a forthcoming C-144 pit application, so the figures and generic plans for these permit applications are identical. The site-specific information for each application varies slightly to reflect the individual site’s elevation and distance to siting criteria features.

You should find that the hydrogeologic setting is similar to the Gramma “27” State No. 1H site (API: 30-025-41361) located 2.8 miles to the southeast. It was submitted on September 26, 2013 and approved on October 18, 2013. All three sites are along the Grama Ridge, where shallow groundwater is not regionally present. It is our hope that these sites can be approved in the next few weeks, as Elevation Resources would like to begin drilling one of these sites in early to mid February.

Please contact me or Dale Littlejohn if you have any questions concerning this submission.

Sincerely,  
R.T. Hicks Consultants



Randall Hicks  
Principal

Copy: Elevation Resources LLC  
NM State Land Office, Terry Warnell

# **C-144 and Site Specific Information for Temporary Pit**

**R.T. Hicks Consultants, Ltd.**

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

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

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  
Revised June 6, 2013

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

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

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

JAN 17 2014

RECEIVED

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

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

1.  
Operator: Elevation Resources LLC OGRID #: 302164  
Address: 200 North Loraine, Ste. 1010, Midland, Texas 79701  
Facility or well name: Birdog 19 State Well No. 1H  
API Number: 30-025-41579 OCD Permit Number: PI-06543  
U/L or Qtr/Qtr O Section 19 Township 21S Range 34E County: Lea  
Center of Proposed Design: Latitude 32° 27' 27.57" N Longitude -103° 30' 25.14" W NAD:  1927  1983  
Surface Owner:  Federal  State  Private  Tribal Trust or Indian Allotment

2.  
 **Pit:** Subsection F, G or J of 19.15.17.11 NMAC  
Temporary:  Drilling  Workover  
 Permanent  Emergency  Cavitation  P&A  Multi-Well Fluid Management Low Chloride Drilling Fluid  yes  no  
 Lined  Unlined Liner type: Thickness 20 mil  LLDPE  HDPE  PVC  Other \_\_\_\_\_  
 String-Reinforced  
Liner Seams:  Welded  Factory  Other \_\_\_\_\_ Volume: 35,820 bbl Dimensions: L 135 x W 265 x D 7.0-9.0 ft (drilling) 10 ft (fluids cell)

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

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

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

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

Screen  Netting  Other \_\_\_\_\_

Monthly inspections (If netting or screening is not physically feasible)

7. **Signs:** Subsection C of 19.15.17.11 NMAC

12"x 24", 2" lettering, providing Operator's name, site location, and emergency telephone numbers

Signed in compliance with 19.15.16.8 NMAC

8. **Variations and Exceptions:**

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

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

Variance(s): Requests must be submitted to the appropriate division district for consideration of approval.

Exception(s): Requests must be submitted to the Santa Fe Environmental Bureau office for consideration of approval.

9. **Siting Criteria (regarding permitting):** 19.15.17.10 NMAC

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

**General siting**

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

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

Yes  No  
 NA

**Ground water is less than 50 feet below the bottom of a Temporary pit, permanent pit, or Multi-Well Fluid Management pit.**

NM Office of the State Engineer - iWATERS database search; USGS; Data obtained from nearby wells See Figure 2

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. (Does not apply to below grade tanks) See Figure 5

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

Yes  No

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

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

Yes  No

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

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

Yes  No

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

- FEMA map

Yes  No

**Below Grade Tanks**

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

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

Yes  No

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

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

Yes  No

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

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

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

Yes  No

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

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

Yes  No

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

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

Yes  No

Within 100 feet of a wetland.

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

Yes  No

**Temporary Pit Non-low chloride drilling fluid**

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

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

Yes  No

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

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

Yes  No

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

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

**See Figure 1**

Yes  No

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

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

Yes  No

**Permanent Pit or Multi-Well Fluid Management Pit**

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

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

Yes  No

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

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

Yes  No

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

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

Yes  No

Within 500 feet of a wetland.

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

Yes  No

10.

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

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

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

and 19.15.17.13 NMAC

Previously Approved Design (attach copy of design) API Number: \_\_\_\_\_ or Permit Number: \_\_\_\_\_

11.

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

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

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

and 19.15.17.13 NMAC

Hydrogeologic Data - based upon the requirements of Paragraph (4) of Subsection B of 19.15.17.9 NMAC

Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC

Previously Approved Design (attach copy of design) API Number: \_\_\_\_\_ or Permit Number: \_\_\_\_\_

12.

**Permanent Pits Permit Application Checklist:** Subsection B of 19.15.17.9 NMAC

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

- Hydrogeologic Report - based upon the requirements of Paragraph (1) of Subsection B of 19.15.17.9 NMAC
- Siting Criteria Compliance Demonstrations - based upon the appropriate requirements of 19.15.17.10 NMAC
- Climatological Factors Assessment
- Certified Engineering Design Plans - based upon the appropriate requirements of 19.15.17.11 NMAC
- Dike Protection and Structural Integrity Design - based upon the appropriate requirements of 19.15.17.11 NMAC
- Leak Detection Design - based upon the appropriate requirements of 19.15.17.11 NMAC
- Liner Specifications and Compatibility Assessment - based upon the appropriate requirements of 19.15.17.11 NMAC
- Quality Control/Quality Assurance Construction and Installation Plan
- Operating and Maintenance Plan - based upon the appropriate requirements of 19.15.17.12 NMAC
- Freeboard and Overtopping Prevention Plan - based upon the appropriate requirements of 19.15.17.11 NMAC
- Nuisance or Hazardous Odors, including H<sub>2</sub>S, Prevention Plan
- Emergency Response Plan
- Oil Field Waste Stream Characterization
- Monitoring and Inspection Plan
- Erosion Control Plan
- Closure Plan - based upon the appropriate requirements of Subsection C of 19.15.17.9 NMAC and 19.15.17.13 NMAC

13.

**Proposed Closure:** 19.15.17.13 NMAC

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

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

14.

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

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

15.

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

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

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

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

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

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

17. **Operator Application Certification:**

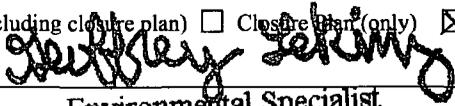
I hereby certify that the information submitted with this application is true, accurate and complete to the best of my knowledge and belief.

Name (Print): Jason L. Kincaid Title: Drilling Engineer

Signature:  Date: January 15, 2014

e-mail address: jkincaid@elevationres.com Telephone: (432) 688-3381

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

OCD Representative Signature:  Approval Date: 2/12/14

Title: Environmental Specialist OCD Permit Number: P1-06543

VERIFY PRESENCE OR ABSENCE OF GROUND WATER TO AT LEAST 84 FEET

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

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

Closure Completion Date: \_\_\_\_\_

20. **Closure Method:**

Waste Excavation and Removal  On-Site Closure Method  Alternative Closure Method  Waste Removal (Closed-loop systems only)

If different from approved plan, please explain.

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

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

On-site Closure Location: Latitude \_\_\_\_\_ Longitude \_\_\_\_\_ NAD:  1927  1983

22.

**Operator Closure Certification:**

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

Name (Print): \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

e-mail address: \_\_\_\_\_ Telephone: \_\_\_\_\_

### Distance to Groundwater

**Figure 1, Figure 2, and the discussion presented below demonstrates that groundwater (fresh water as defined by NMOCD Rules) at the location is greater than 100 feet beneath the temporary pit.**

Figure 1 is an area topographic map (metric contour units) that includes all of the water wells for which information is available, regardless of how comprehensive or useful. It also shows:

1. The location of the temporary pit as a purple hexagon.
2. Water wells from the USGS database as large green triangles.
3. Water wells from the New Mexico Office of the State Engineer (OSE) database are shown as a small blue triangle inside colored circles that indicate the well depth (see Legend). Depth to water (drillers log) and completion dates are also shown for these wells. Please note, OSE wells are often miss-located in the WATERS database as older wells are plotted in the center of the quarter, quarter, quarter, of the Section Township and Range. All of the OSE well locations included on this map were verified by topographic maps and/or aerial photographs.
4. Water wells, which are not documented in the public databases but were identified by field inspection or other published reports are shown as a dot inside color-coded (depth) squares.
5. Depth to water and measurement dates from the most recent available measurement for each well is provided adjacent to the well symbol.

Figure 2 is an area geologic base map that depicts regional topography and potentiometric surface contours of the Triassic aquifer. The water wells plotted include only those wells for which a reliable depth to water measurement has been recorded. Figure 2 also shows:

1. The location of the temporary pit as a purple hexagon.
2. Water wells from the USGS database as large green triangles.
3. The groundwater elevation from the most recent available measurement for each well is provided adjacent to the well symbol.

### Geology

The proposed temporary pit for Birddog "19" State No. 1H well is located on an outcrop of the Tertiary Ogallala Formation (To on Figure 2). It consists primarily of sand with some clay, silt and gravel, generally capped by caliche. Based on information from Ground-Water Report 6 (GWR-6) *Geology and Ground-Water Conditions in Southern Lea County, New Mexico* by Alexander Nicholson and Alfred Clebsch (1961), the Ogallala Formation is approximately 100 to 150 feet thick and overlies the Triassic Dockum Group.

Topographically, the site is located on a ridge within the northwest to southeast trending Grama Ridge complex that separates the San Simon Swale to the south from the Laguna Valley to the north. The elevation of the temporary pit site is 3,747 feet ASL and surface drainage is to the southwest, toward a small playa lake located approximately 0.26 miles from the site, as shown on the adjacent photograph.



Siting Criteria (19.15.17.10 NMAC)  
Elevation Resources LLC: Birddog 19 State Well No. 1H

**Water Table Elevation**

Seventeen water wells were identified in the area surrounding the Birddog “19” State No. 1H site (see Figure 1), ten of which (all USGS database wells) could be used to verify the water table elevation (see Figure 2). A summary of the available water well data, with respect to groundwater elevation, is provided on the table below. In addition to the USGS, published, and field verified well information, the table also includes wells listed on the OSE Waters database. The groundwater elevations provided for these wells are likely based on driller log notes and may not represent actual depth to water measurements.

Well Numbers (see Map)	Well Location				Well Source Information						Groundwater Elevation Data						Gauging Date	
	Township (south) Range (east) Section	Quarter Section OSE protocol (64, 16, 4)			NM-OSE Database	USGS Database	Open File Rpt. 95	GW Report No. 6	USGS Topo Sheet	Aerial Photograph	Field Verification	Surface Elevation (published)	Surface Elevation (Topo Sheet)	Well Total Depth (published)	Depth to Water (published)	Groundwater Elev. (published)		Groundwater Elev. (using topo elev.)
USGS-847	21 33 2	1	2	4		✓	✓		✓	--	--	3,768	3,768	102	87.5	3,681	3,681	2/22/96
USGS-841	21 33 11	1	1	1		✓	✓		✓	--	--	3,820	3,812	195	142.4	3,678	3,670	2/22/96
CP 00578	21 33 11	4	4	3	✓					--	--	3,795		165	150		3,645	1/6/79
Misc-70	21 33 25	3	2	4			✓		✓	--	--	3,666	3,662		58.95	3,607	3,603	2/4/71
USGS-760	21 33 28	4	2	1		✓	✓	✓	✓	--	--	3,688	3,688	224	178.85	3,509	3,509	2/21/96
CP 00873	21 33 33	1	1	2	✓				✓	--	--		3,665	340	180		3,485	1/5/98
USGS-851	21 34 5	4	4	1		✓			✓	--	--	3,708	3,708		91.1	3,617	3,617	3/13/96
CP 00498	21 34 8		2	4	✓				✓	--	--			145	120			9/30/71
USGS-813	21 34 8	2	2	4	✓	✓	✓	✓	✓	--	--	3,705	3,705	120	101.3	3,604	3,604	2/13/96
Misc-85	21 34 23								✓	✓	✓	3,660		220	150	3,510		6/6/54
Misc-84	21 34 25								✓	✓	✓	3,677		196	99.6	3,577		2/10/71
USGS-755 (1-6)	21 34 28	1	1	3	✓	✓			✓	✓		3,728			136.6	3,591		2/13/96
USGS-734	21 34 33	3	3	2		✓	✓	✓	✓	--	--	3,641	3,641	92	62.6	3,578	3,578	2/16/96
USGS-571	22 33 12					✓				--	--	3,531			325	3,206		3/13/96
USGS-706	22 34 8	2	3	2		✓			✓	--	--	3,578	3,573	35	30.8	3,547	3,542	2/16/96
USGS-701	22 34 11	2	4	2	✓	✓	✓		✓	--	--	3,517	3,520	75	10.5	3,507	3,510	12/4/70
CP 00599	22 34 12	3	1	1	✓	✓	✓	✓	✓	--	--	3,530	3,525	62	48	3,482	3,477	12/31/51

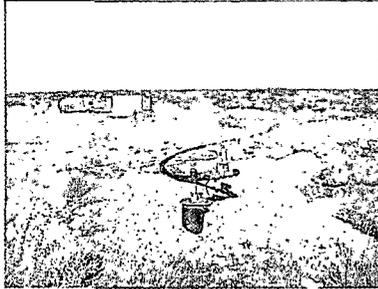
✓ Indicates well was verified, (blank) indicates well not verified, and -- indicates no attempt to verify

Initially, an attempt was made to identify each well using USGS topographic maps. The surface elevation of each well identified on the topographic maps was compared to the published surface elevation, if available. Wells that could not be verified using maps were searched for using current and historic satellite photographs in an effort to identify windmills, tanks, or roads associated with the well. The following comments should be noted from the figures and table:

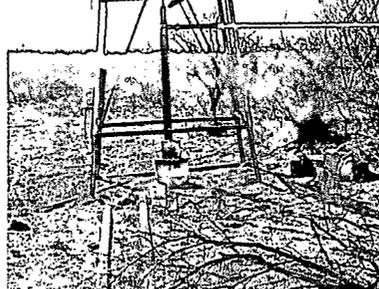
- Wells USGS-813 and CP 00498 are believed to be the same well, based on satellite image and field verification.
- There are at least six closely spaced wells at the location identified as USGS-755 and CP 01041. Several of the wells are believed to have been recently installed and are currently being used for oil well drilling supply, based on field verification.
- Wells USGS-701 and CP 00751 are believed to be the same well, but were not field verified.

Siting Criteria (19.15.17.10 NMAC)  
Elevation Resources LLC: Birddog 19 State Well No. 1H

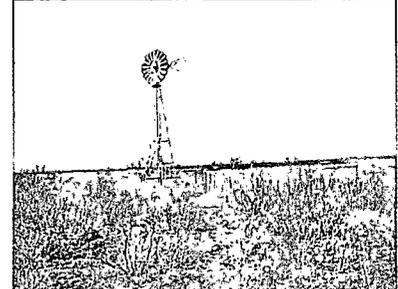
Attempts were made to gauge wells Misc-70 and USGS-813, as they are located relatively near the temporary pit site. Both wells are operational windmills that are constructed such that access to the casing was not possible without additional equipment and landowner permission.



USGS-755



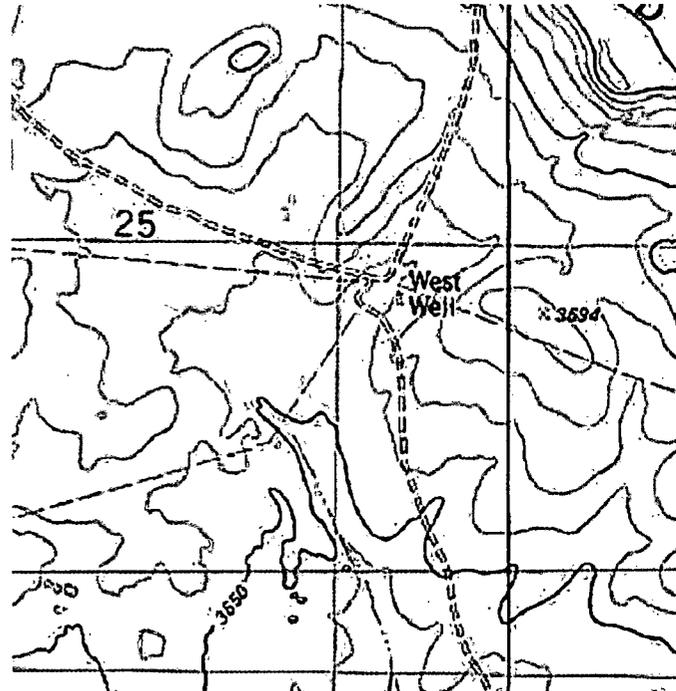
Misc-70



USGS-813

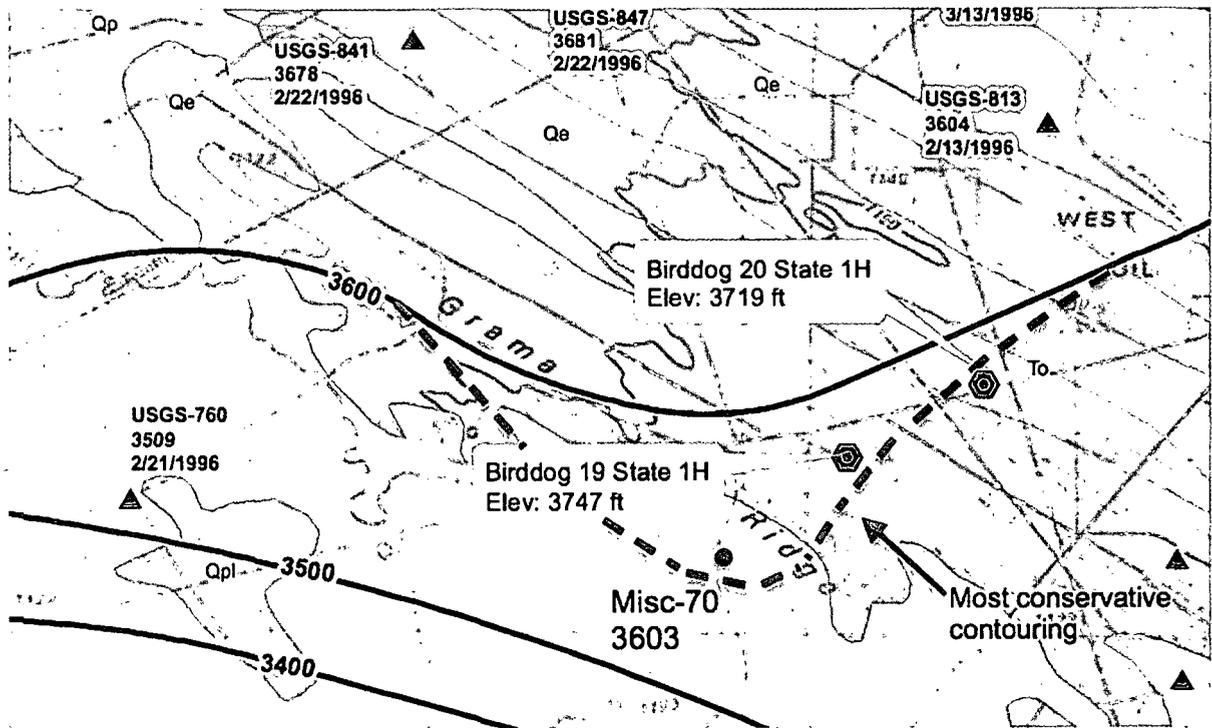
### Hydrogeology

GWR-6 indicates that Ogallala groundwater is not present as a regional aquifer in the area surrounding the temporary pit location, however a few shallow wells are designated by GWR-6 as producing from either the Ogallala or the shallow alluvium. These wells are located near isolated surface drainage features, such as an intermittent stream or playa lake. Only one such well is located within the mapped area; it is identified as Misc-70 in Figure 1 (West Well on the adjacent USGS Topographic sheet). It is the nearest well to the Birddog "19" State No. 1H site (1.1 mile to the southwest), but was not utilized in the preparation of the potentiometric surface contours for Figure 2 because it is not believed to produce from a groundwater zone that is present at the site.



No depth or completion information is available for Misc-70, but the surface elevation listed in Open File Report No. 95 (3,666 feet) appears to generally correspond with the topographic map (3,662 feet). The groundwater depth (58.95 feet) was measured on February 4, 1971 resulting in a groundwater elevation of approximately 3,603 feet, which is very similar to the top of the "Red Bed" elevation estimated in GWR-6. In order to provide the most conservative interpretation option, the potentiometric surface contours from Figure 2 are provided below showing the 3,600-foot groundwater elevation contour under an assumption that the water encountered in Misc-70 is part of a regional aquifer, rather than an isolated aquifer, as suspected.

Siting Criteria (19.15.17.10 NMAC)  
Elevation Resources LLC: Birddog 19 State Well No. 1H



Based on our interpretation of the available water well data, the groundwater elevation at the Birddog "19" State No. 1H temporary pit is 3,597 feet ASL (150 feet below the surface) using the Figure 2 interpretation or 3,605 feet ASL (142 feet below the surface) using the more conservative interpretation that includes the Misc-70 well data.

### Distance to Surface Water

Figure 3 and the site visit demonstrates that the location is not within 300 feet of a continuously flowing watercourse, or 200 feet of any other significant watercourse or lakebed, sinkhole, or playa lake (measured from the ordinary high-water mark).

- The nearest surface drainage feature (playa lake) is located 0.26 miles to the southwest.
- No other watercourses, as defined by NMOCD Rules, or water bodies exist with 300-feet of the location based upon our site visit and examination of the surrounding area.

### Distance to Permanent Residence or Structures

Figure 4 and the site visit demonstrates that the location is not within 300 feet from a permanent residence, school, hospital, institution, church, or other structure in existence at the time of initial application.

### Distance to Non-Public Water Supply

Figures 1 and Figure 2 demonstrates that the location is not within 500 horizontal feet of a private, domestic fresh water well or spring that less than five households use for domestic or stock watering purposes, or within 1000 horizontal feet of any other fresh water well or spring, in existence at the time of initial application.

Siting Criteria (19.15.17.10 NMAC)  
Elevation Resources LLC: Birddog 19 State Well No. 1H

- Figure 1 shows the locations of all area water wells; the nearest fresh water well (windmill) is located approximately 1.1 mile to the southwest (Misc-70). There are no known domestic water wells located within the mapping area.
- No springs were identified within the mapping area.

### **Distance to Municipal Boundaries and Fresh Water Fields**

**Figure 5 demonstrates that the location is not within incorporated municipal boundaries or defined municipal fresh water well fields covered under a municipal ordinance adopted pursuant to NMSA 1978, Section 3-27-3, as amended.**

- The closest municipality is Eunice, NM approximately 25 miles to the east.
- The closest public well field is located approximately 32 miles to the north.

### **Distance to Wetlands**

**Figure 6 demonstrates the location is not within 500 feet of wetlands.**

- The nearest designated wetlands is a "Freshwater Pond" located approximately 1,400 feet to the southwest of the staked location, it was dry on the day of inspection.

### **Distance to Subsurface Mines**

**Figure 7 and our general reconnaissance of the area demonstrate that the nearest mines are caliche pits.**

- The nearest caliche pit is located approximately 1.75 miles to the south-southeast.

### **Distance to High or Critical Karst Areas**

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

- The proposed temporary pit is located within a "low" potential karst area.
- The nearest "high" or "critical" potential karst area is located approximately 19 miles west of the site.
- We saw no evidence of unstable ground near the proposed pit location during the site inspection.

### **Distance to 100-Year Floodplain**

**Figure 9 demonstrates that the location is within an area that has not yet been mapped by the Federal Emergency Management Agency with respect to the Flood Insurance Rate 100-Year Floodplain.**

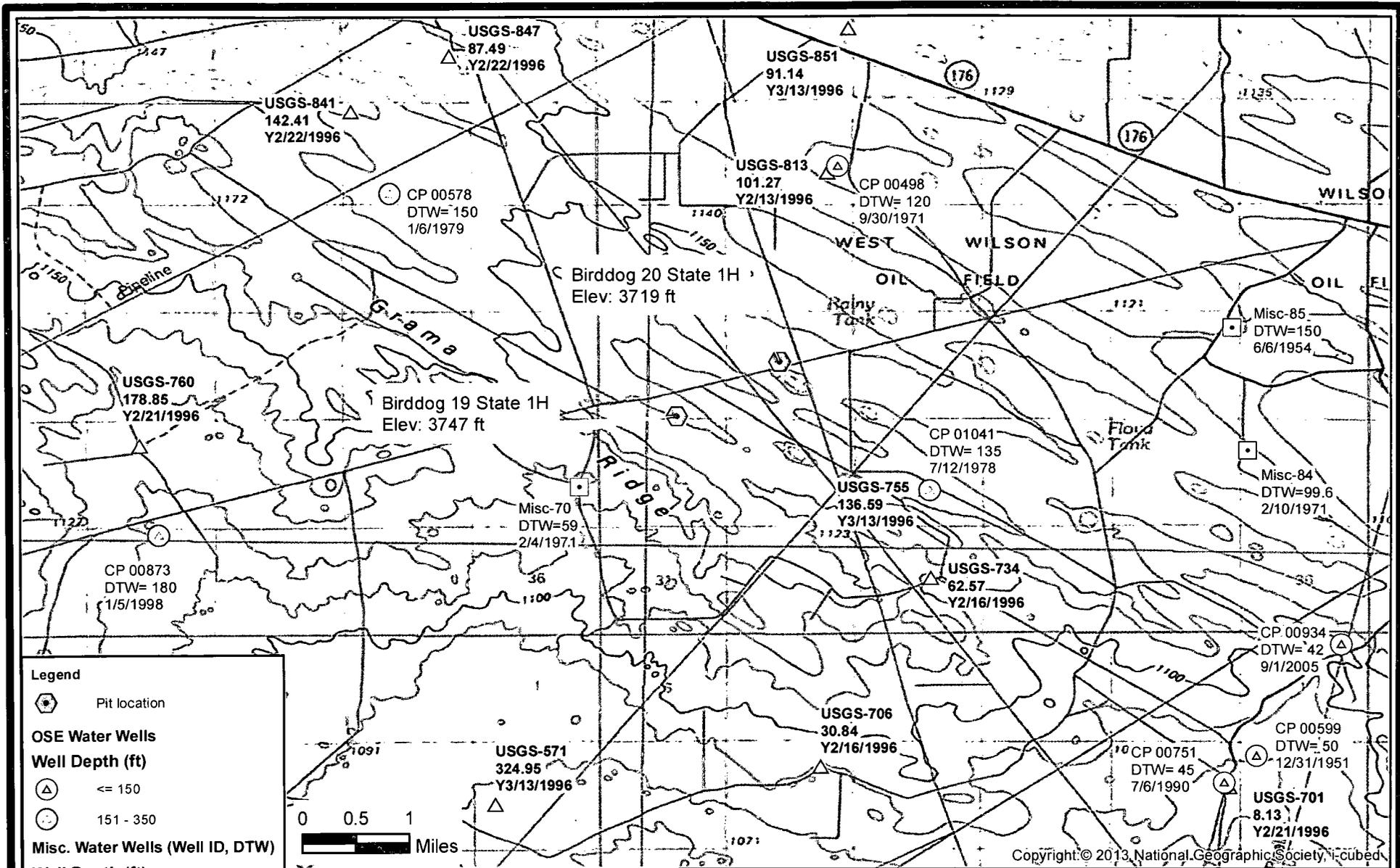
- Areas that are not mapped are generally considered minimal flood risk.
- Our field inspection and examination of the topography permit a conclusion that the location is not within any floodplain.

### **Temporary Pit Design**

**Please refer to Plates 1 and 2 for the design of the temporary pit and the Design and Construction Plan at the end of this application. Note that the outline of the bottom of the pit is not to scale**

# **Site Specific Information Figures**

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Albuquerque, NM 87104



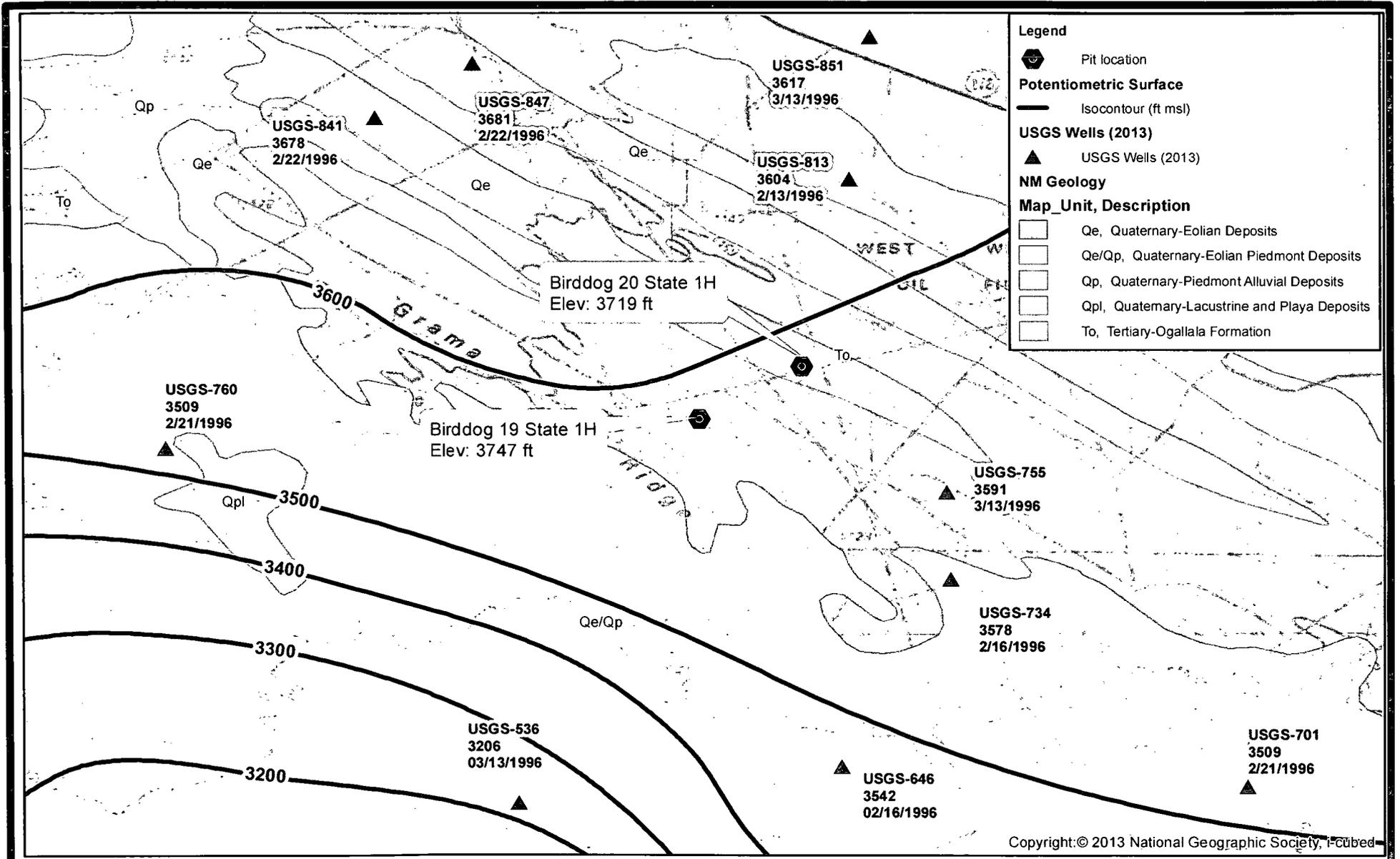
**R.T. Hicks Consultants, Ltd**  
 901 Rio Grande Blvd NW Suite F-142  
 Albuquerque, NM 87104  
 Ph: 505.266.5004

**Depth To Water In Nearby Wells**

**Elevation Resources**  
 Birddog 19 and 20

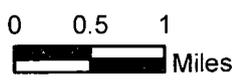
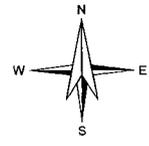
**Figure 1**

**January 2014**



**Legend**

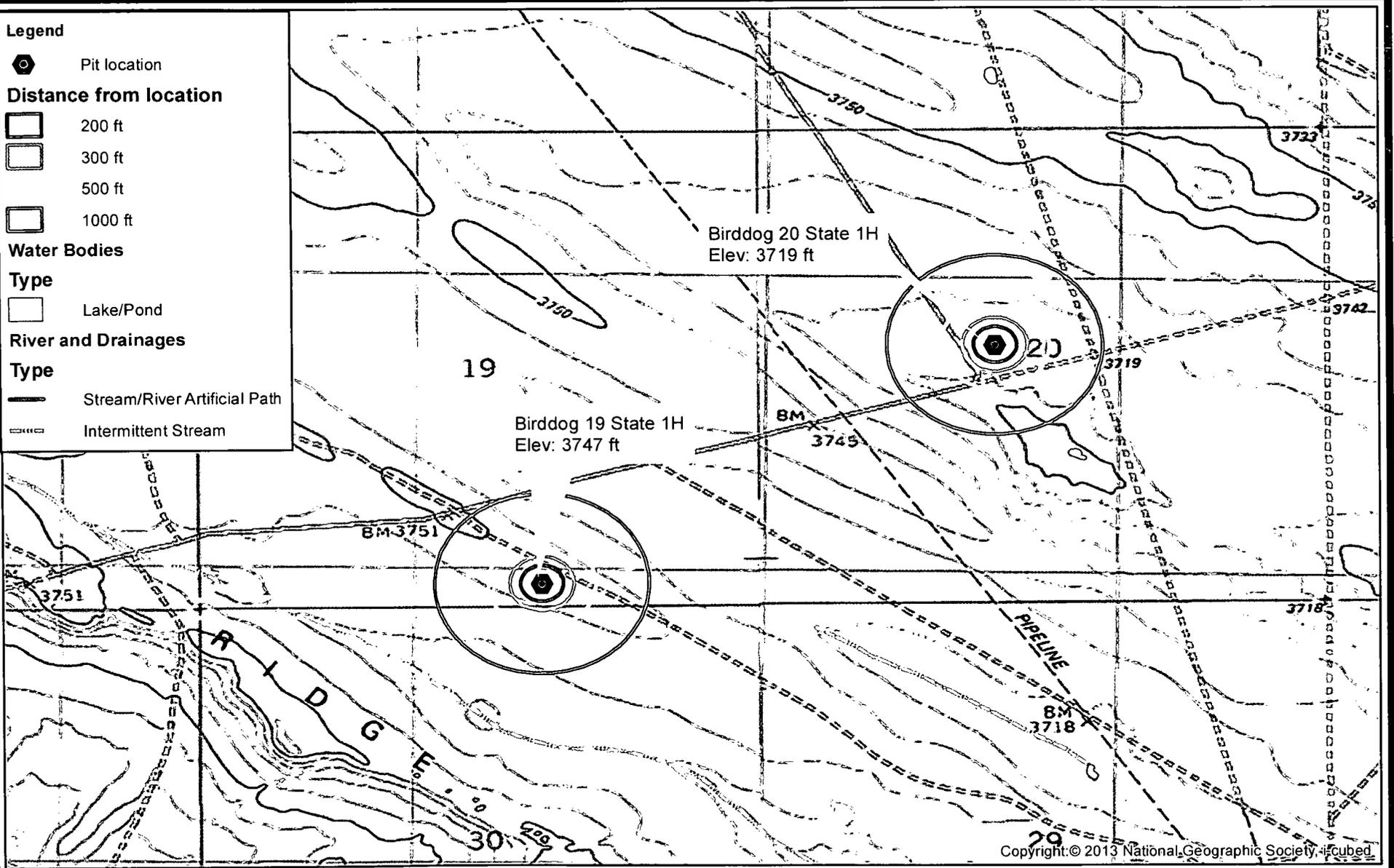
- Pit location
- Potentiometric Surface**
- Isocontour (ft msl)
- USGS Wells (2013)**
- USGS Wells (2013)
- NM Geology**
- Map\_Unit, Description**
- Qe, Quaternary-Eolian Deposits
- Qe/Qp, Quaternary-Eolian Piedmont Deposits
- Qp, Quaternary-Piedmont Alluvial Deposits
- Qpl, Quaternary-Lacustrine and Playa Deposits
- To, Tertiary-Ogallala Formation



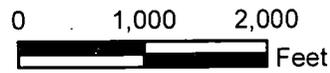
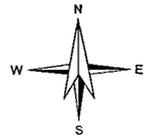
<p><b>R.T. Hicks Consultants, Ltd</b>          901 Rio Grande Blvd NW Suite F-142          Albuquerque, NM 87104          Ph: 505.266.5004</p>	<p>Potentiometric Surface and Groundwater Elevation          at Nearby Water Wells</p>	<p>Figure 2</p>
	<p>Elevation Resources          Birddog 19 and 20</p>	<p>January 2014</p>

**Legend**

-  Pit location
- Distance from location**
-  200 ft
-  300 ft
-  500 ft
-  1000 ft
- Water Bodies**
- Type**
-  Lake/Pond
- River and Drainages**
- Type**
-  Stream/River Artificial Path
-  Intermittent Stream



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Surface Water and Topography  
Elevation Resources  
Birddog 19 and 20

Figure 3  
January 2014

**Legend**

 Pit location

**Distance from location**

-  200 ft
-  300 ft
-  500 ft
-  1000 ft

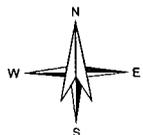
Birddog 20 State 1H  
Elev: 3719 ft

Birddog 19 State 1H  
Elev: 3747 ft

bing

Image courtesy of USGS Image courtesy of ImagePatch.com © AND © 2013 N&K © AND

(aerial image c.2012)

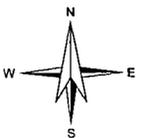
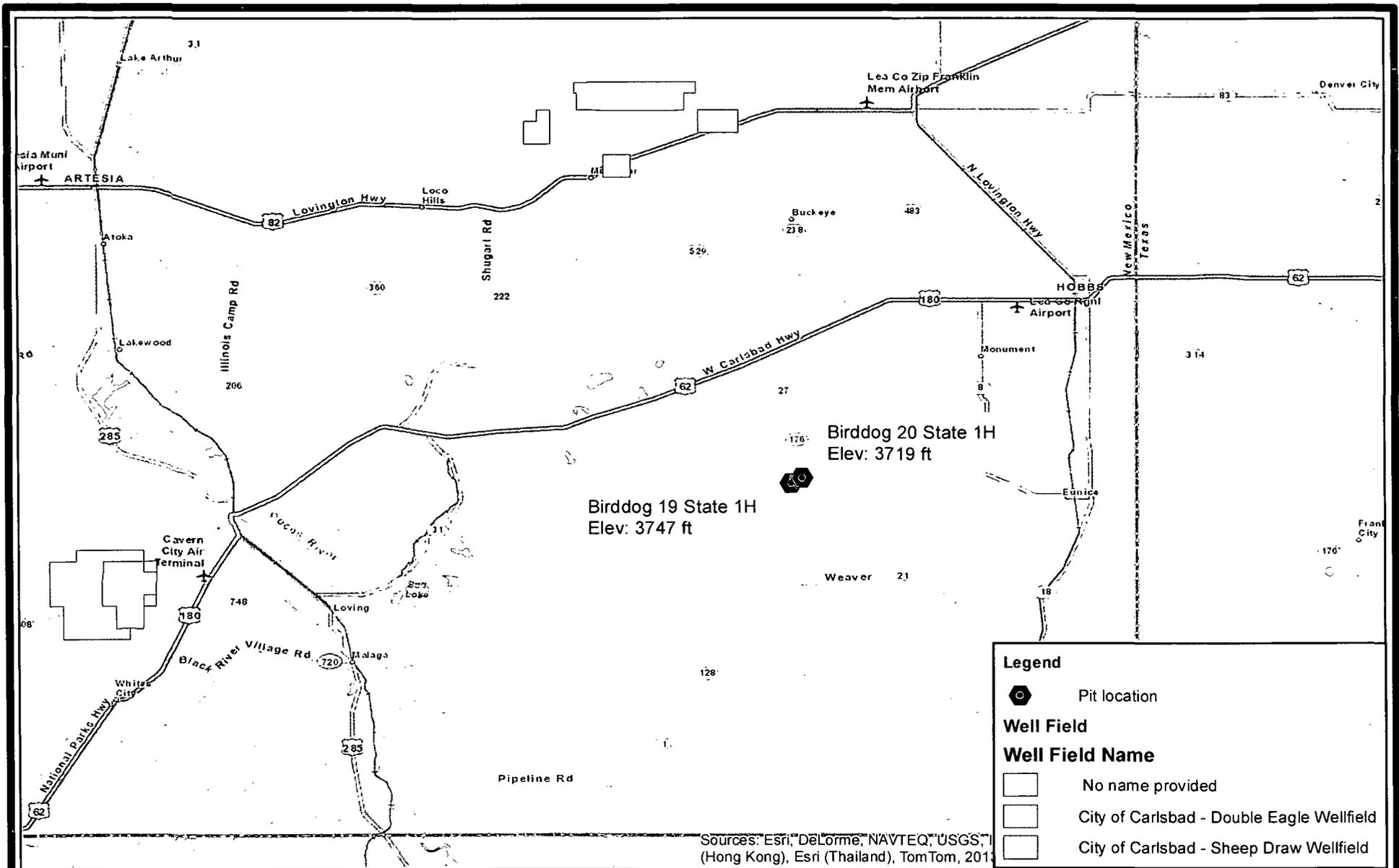


0 500 1,000  
Feet

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Nearby Structures  
Elevation Resources  
Birddog 19 and 20

Figure 4  
January 2014



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Nearby Municipalities and Well Fields  
 Elevation Resources  
 Birddog 19 and 20

Figure 5  
 January 2014

**Legend**

 Pit location

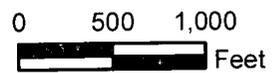
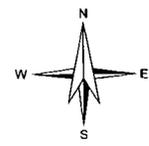
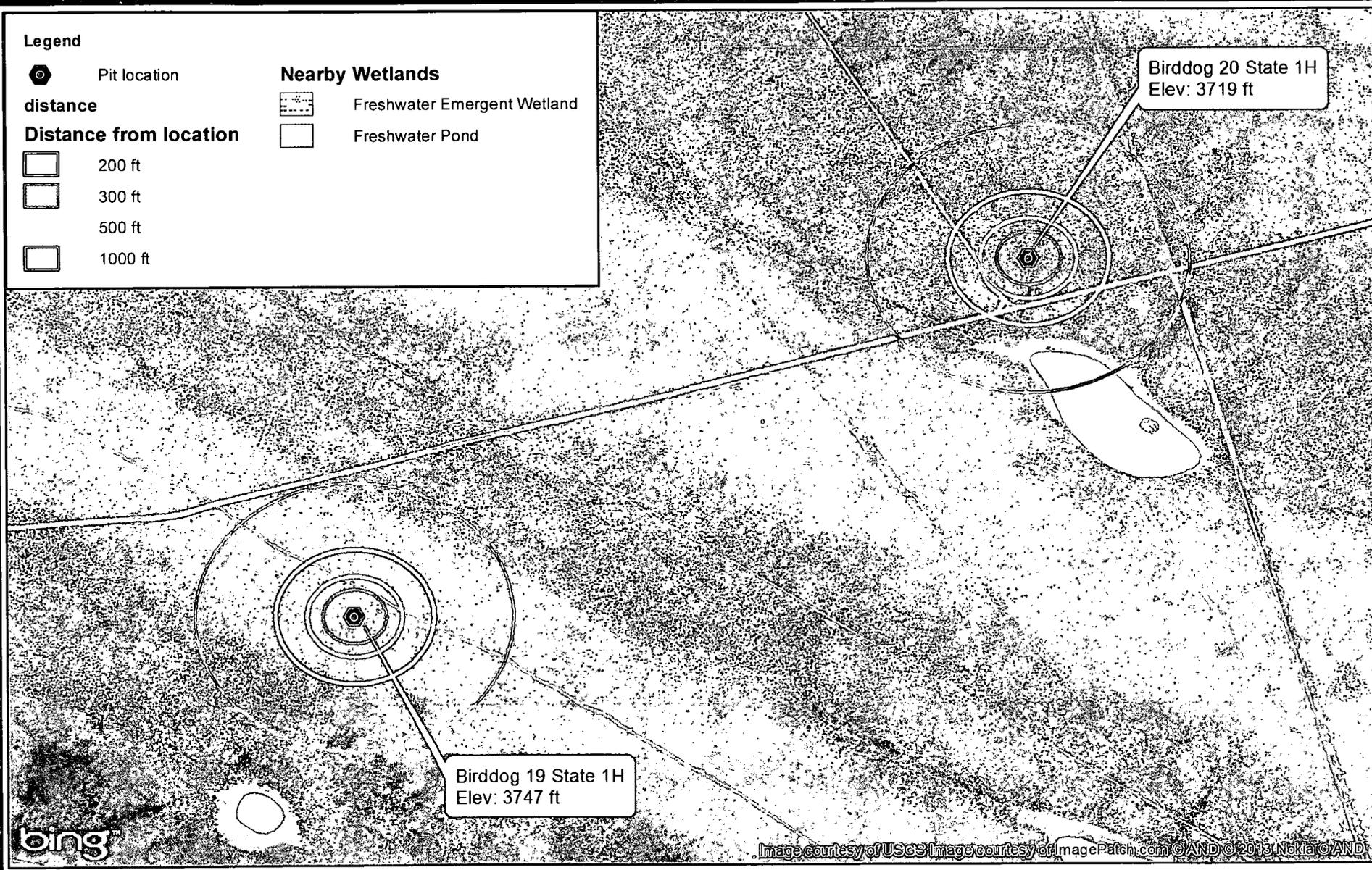
**distance**

**Distance from location**

-  200 ft
-  300 ft
-  500 ft
-  1000 ft

**Nearby Wetlands**

-  Freshwater Emergent Wetland
-  Freshwater Pond

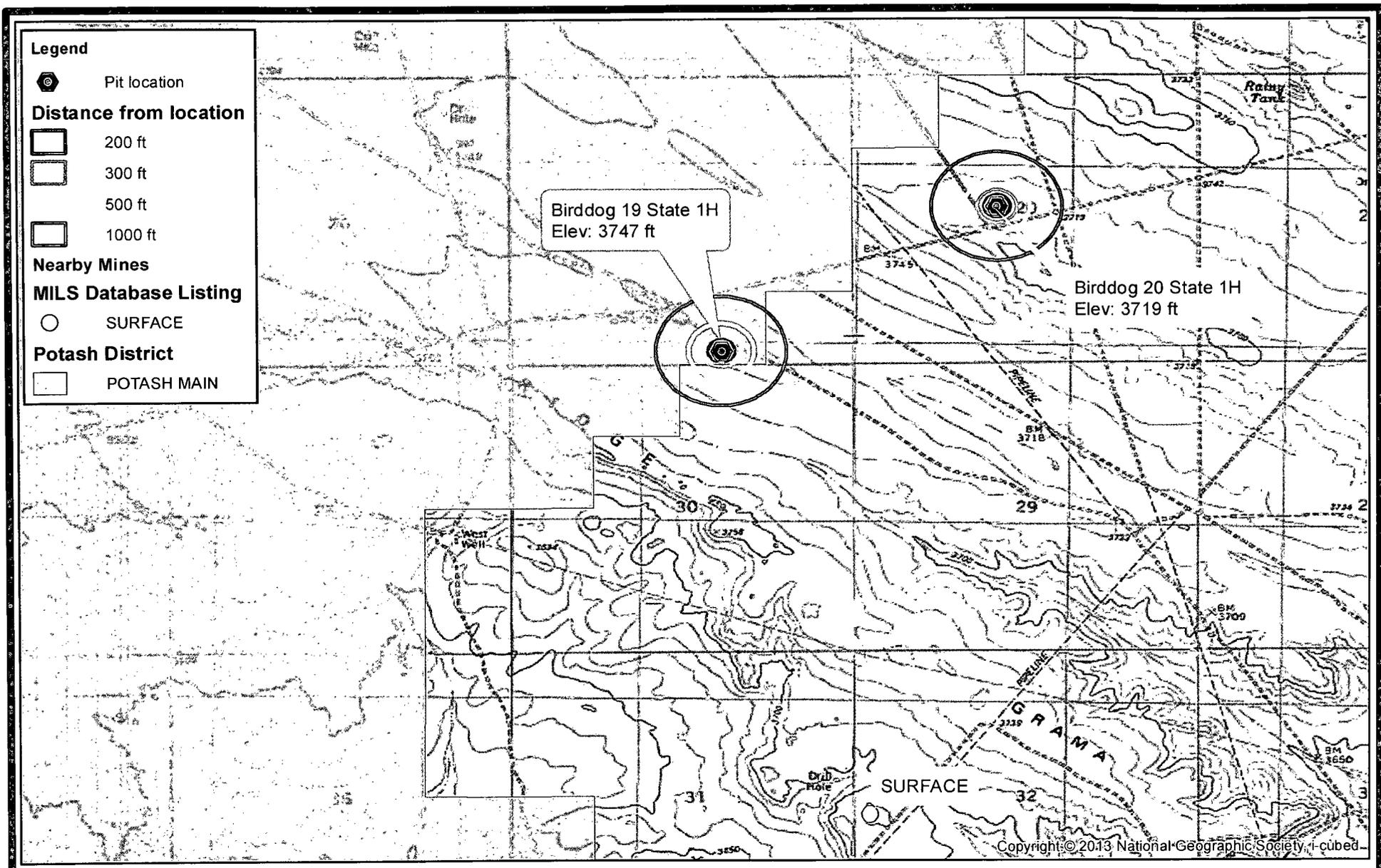


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Nearby Wetlands  
Elevation Resources  
Birddog 19 and 20

Figure 6  
January 2014

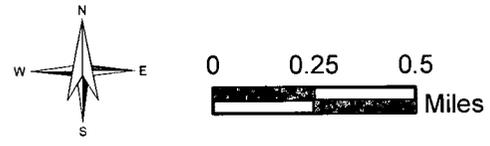
Image courtesy of USGS | Image courtesy of ImagePatch.com © AND © 2013 Nokia © AND



**Legend**

- Pit location
- Distance from location**
- 200 ft
- 300 ft
- 500 ft
- 1000 ft
- Nearby Mines**
- MILS Database Listing**
- SURFACE
- Potash District**
- POTASH MAIN

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<p><b>R.T. Hicks Consultants, Ltd</b>          901 Rio Grande Blvd NW Suite F-142          Albuquerque, NM 87104          Ph: 505.266.5004</p>	<p><b>Nearby Mines and Minerals</b>   <b>Elevation Resources</b>  <b>Birddog 19 and 20</b></p>	<p><b>Figure 7</b>   <b>January 2014</b></p>
--	--	--

**Legend**

 Pit location

**Karst - Carlsbad BLM Office**

**Potential**

-  CRIT
-  HIGH
-  MEDIUM
-  LOW

St. Rita's

Carlsbad

Leving

62

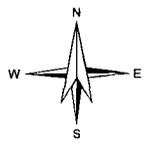
State Hwy

bing

Birddog 20 State 1H  
Elev: 3719 ft

Birddog 19 State 1H  
Elev: 3747 ft

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



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<b>Karst Potential</b>
<b>Elevation Resources</b>
<b>Birddog 19 and 20</b>

Figure 8

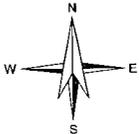
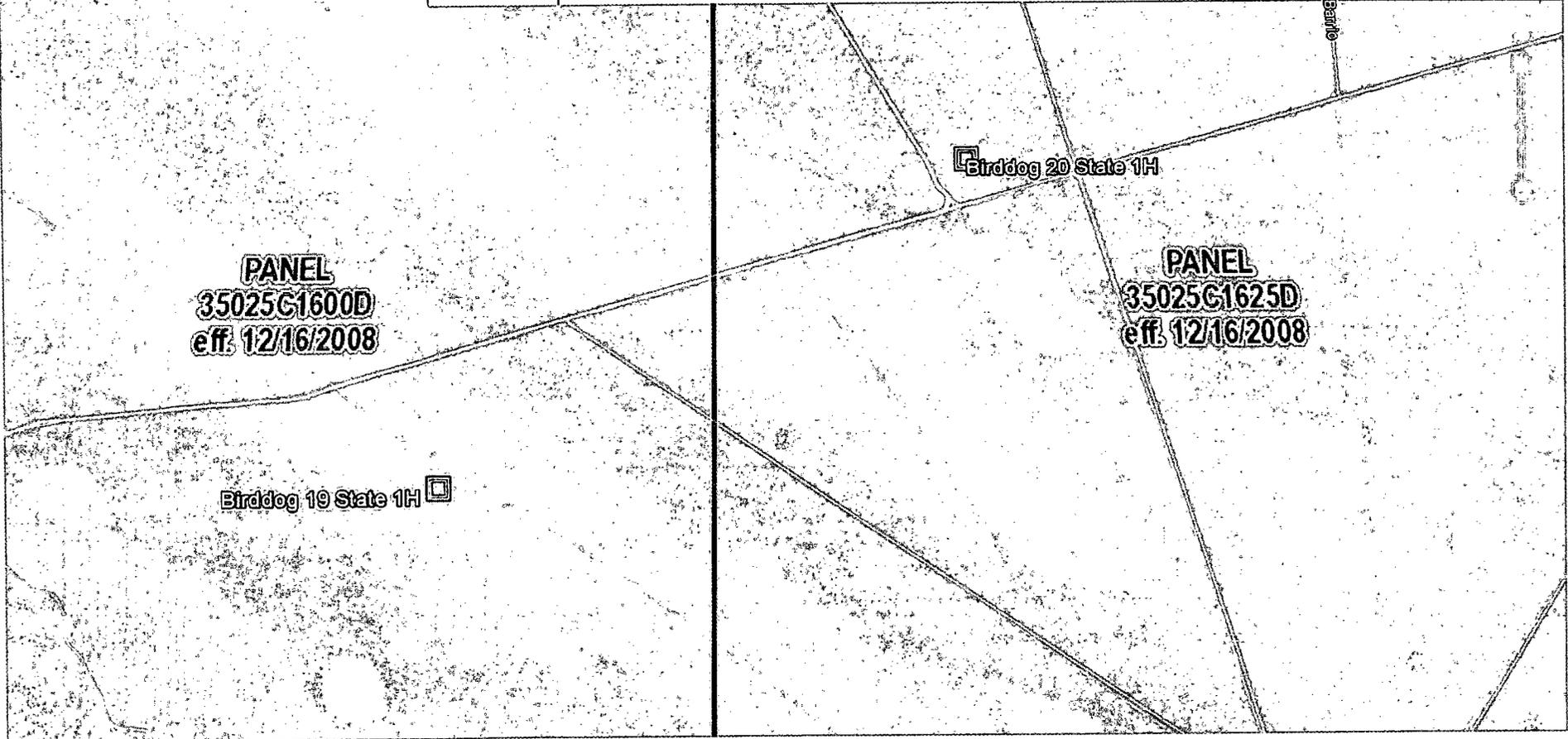
January 2014

# Undetermined Risk Areas



FEMA NFHL

ZONE	DESCRIPTION
D	Areas with possible but undetermined flood hazards. No flood hazard analysis has been conducted. Flood insurance rates are commensurate with the uncertainty of the flood risk.



0 500 1,000  
 Feet

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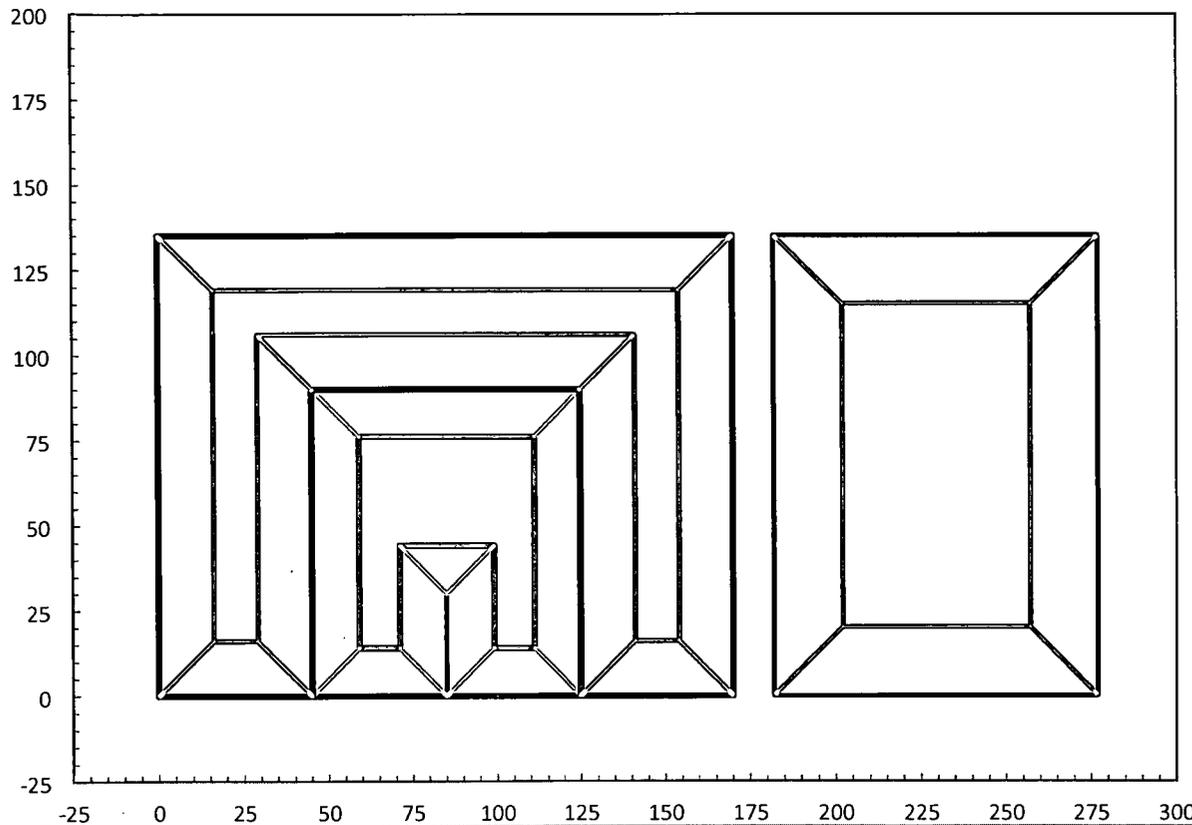
FEMA Flood Map  
 Elevation Resources  
 Birddog 19 and 20

Figure 9  
 January 2014

# **Site Specific Information Plates**

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**Drilling Cell Dimensions**

Drilling Cell Total Width 170.0  
 Drilling Cell Total Length 135.0

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

**Inner Horseshoe Dimensions**

Total Width (left right) 80.0  
 Total Length (up down) 90.0  
 Depth 7.0  
 Length of Divider 30.0  
 Divider Width 0.0  
 Width of discharge floor 12.0  
 Width of suction floor 12.0

**Outer Horseshoe Dimensions**

Width Discharge Side 45.0  
 Width Suction Side 45.0  
 Length Far Side (up down) 50.0  
 Width of discharge Floor 13.0  
 Width of Suction Floor 13.0  
 Width of Far Side Floor (right-left dimension) 107.0  
 Length of far side floor (Up-down dimension) 13.0  
 Depth of Discharge Side 7.0  
 Depth of Far Side 8.0  
 Depth of Suction Side 9.0

**Fluids Cell Dimensions**

Width (left-right) 95.0  
 Length (up-down) 135.0  
 Depth 10.0

Inner Horseshoe Capacity 5812 bbl  
 Outer Horseshoe Capacity 14409 bbl

Flow-Back Cell Capacity 15599 bbl  
 Total Capacity 35820 bbl

North



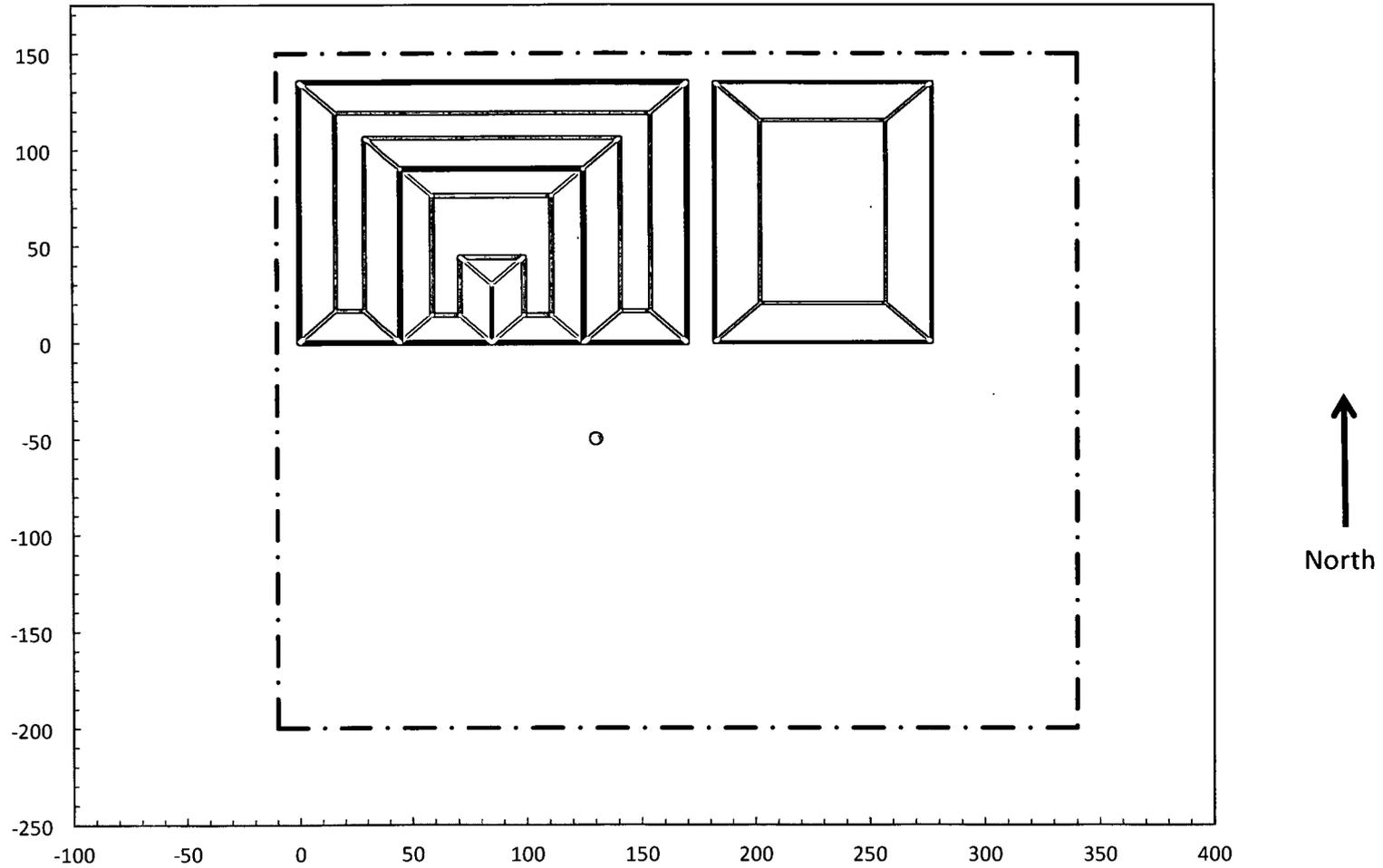
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 Albuquerque, N. M. 87104

**Birddog "19" State Well No. 1H**

**Plate 1**

**Elevation Resources LLC**

**January 2014**



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**Drawing of Drilling Pit and Well in Relation to Pad Boundary**

**Plate 2**

**Elevation Resources LLC**

**January 2014**

# **Appendix A**

## **Survey Information**

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# **Generic Plans for Temporary Pits**

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## Temporary Pit Design/Construction Plan

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

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

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

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

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

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

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

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

## C-144 Supplemental Documentation for Temporary Pit

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

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

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

### ***Construction/Design Plan of Temporary Pit***

#### **Stockpile Topsoil**

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

#### **Signage**

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

19.15.16.8 SIGN ON WELLS:

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

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

F. Each sign shall show the:

(1) well number;

(2) property name;

(3) operator's name;

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

and

(5) API number.

The sign will also provide emergency telephone numbers.

#### **Fencing:**

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

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

## C-144 Supplemental Documentation for Temporary Pit

### Earthwork

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

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

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

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

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

### Liner Installation

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

The operator will direct the liner installation contractor to:

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

## **C-144 Supplemental Documentation for Temporary Pit**

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

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

## **Temporary Pit Operating and Maintenance Plan**

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

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

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

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

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

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

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

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

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

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

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

## **C-144 Supplemental Documentation for Temporary Pit**

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

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

## **Temporary Pit In-Place Closure Plan**

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

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

### **Siting Criteria Compliance Demonstration**

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

### **Proof of Surface Owner Notice**

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

### **Construction/Design Plan of Temporary Pit**

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

### **General Protocols and Procedures**

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

### **Waste Material Sampling Plan**

Prior to closure, a five-point (minimum) composite sample of the residual solids in the pit will be tested in a laboratory to demonstrate that the stabilized material will not exceed the contaminant concentrations listed in Table II of 19.15.17.13 NMAC mixed in a ratio of 3:1 with the earth material to be used for mixing and stabilization of the residual cuttings and mud.

## C-144 Supplemental Documentation for Temporary Pit

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

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

In the event that on-site closure standards cannot be achieved, the operator will remove the solid pit contents and transfer to the following division-approved facility:

Disposal Facility Name: R360      Permit Number: NM 01-0006

### Protocols and Procedures for Earthwork

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

1. Place a geomembrane cover over the waste material in a way to prevent infiltration of water and so that infiltrated water does not collect on the geomembrane cover after the upper soil cover has been placed.
2. Use a geomembrane cover made of 20-mil string reinforced LLDPE liner or an equivalent cover approved by the district office that is composed of an impervious, synthetic material that is resistant to petroleum hydrocarbons, salts and acidic and alkaline solutions and complies with EPA SW-846 Method 9090A.
3. Over the sloping, stabilized material and liner, place the **Soil Cover**:
  - a. at least 3-feet of compacted, uncontaminated, non-waste containing earthen fill with chloride concentrations less than 600 mg/kg as analyzed by EPA Method 300.0.
  - b. either the background thickness of topsoil or one foot of suitable material to establish vegetation at the site, whichever is greater, over the 3-foot earth material.
4. Contour the cover to
  - a. blend with the surrounding topography
  - b. prevent erosion of the cover and
  - c. prevent ponding over the cover.

### Closure Notice

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

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

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

### **Closure Report**

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

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

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

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

### **Timing of Closure**

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

### **Reclamation and Re-vegetation Plan**

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

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

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

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

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

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

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

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

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

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