

FORM  
2A

Rev  
04/18

State of Colorado  
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203  
Phone: (303) 894-2100 Fax: (303) 894-2109



Document Number:

401846352

Date Received:

11/30/2018

Oil and Gas Location Assessment

☐ New Location ☒ Refile ☐ Amend Existing Location Location#: 450629

This Oil and Gas Location Assessment is to be submitted to the COGCC for approval prior to any ground disturbance activity associated with oil and gas operations. Approval of this Oil and Gas Location Assessment will allow for the construction of the below specified Location; however, it does not supersede any land use rules applied by the local land use authority. Please see the COGCC website at <http://cogcc.state.co.us/> for all accompanying information pertinent this Oil and Gas Location Assessment.

Location ID:

**450629**

Expiration Date:

**01/03/2022**

☒ This location assessment is included as part of a permit application.

CONSULTATION

- ☐ This location is included in a Comprehensive Drilling Plan. CDP # \_\_\_\_\_
- ☐ This location is in a sensitive wildlife habitat area.
- ☐ This location is in a wildlife restricted surface occupancy area.
- ☐ This location includes a Rule 306.d.(1)A.ii. variance request.

Operator

Operator Number: 10706  
Name: D90 ENERGY LLC  
Address: 202 TRAVIS STREET #402  
City: HOUSTON State: TX Zip: 77002

Contact Information

Name: Kevin Oakes  
Phone: (713) 227-0391  
Fax: ( )  
email: kevin@d90energy.com

FINANCIAL ASSURANCE

☒ Plugging and Abandonment Bond Surety ID (Rule 706): 20180090 ☐ Gas Facility Surety ID (Rule 711): \_\_\_\_\_  
☐ Waste Management Surety ID (Rule 704): \_\_\_\_\_

LOCATION IDENTIFICATION

Name: Mary Jane Number: 13-5  
County: LINCOLN  
QuarterQuarter: SWSW Section: 5 Township: 7S Range: 54W Meridian: 6 Ground Elevation: 5353  
Define a single point as a location reference for the facility location. When the location is to be used as a well site then the point shall be a well location.  
Footage at surface: 982 feet FSL from North or South section line  
658 feet FWL from East or West section line  
Latitude: 39.464760 Longitude: -103.470930  
PDOP Reading: 2.9 Date of Measurement: 01/31/2017  
Instrument Operator's Name: Elijah Frane

## RELATED REMOTE LOCATIONS

(Enter as many Related Locations as necessary. Enter the Form 2A document # only if there is no established COGCC Location ID#)

**This proposed Oil and Gas Location is:**

**LOCATION ID #**

**FORM 2A DOC #**

Well Site is served by Production Facilities

439252

## FACILITIES

Indicate the number of each type of oil and gas facility planned on location

Wells	1	Oil Tanks*		Condensate Tanks*		Water Tanks*		Buried Produced Water Vaults*	
Drilling Pits	1	Production Pits*		Special Purpose Pits		Multi-Well Pits*		Modular Large Volume Tanks	
Pump Jacks	1	Separators*		Injection Pumps*		Cavity Pumps*		Gas Compressors*	
Gas or Diesel Motors*		Electric Motors		Electric Generators*		Fuel Tanks*		LACT Unit*	
Dehydrator Units*		Vapor Recovery Unit*		VOC Combustor*		Flare*		Pigging Station*	

## OTHER FACILITIES\*

**Other Facility Type**

**Number**

\*Those facilities indicated by an asterisk (\*) shall be used to determine the distance from the Production Facility to the nearest cultural feature on the Cultural Setbacks Tab.

Per Rule 303.b.(3)C, description of all oil, gas, and/or water pipelines:

Flowline will be 3" Fiberglass pipe/HDPE and one 2" HDPE pipeline that will travel approximately 4,450' to the MJ 8-5 Battery

## CONSTRUCTION

Date planned to commence construction: 01/15/2019 Size of disturbed area during construction in acres: 3.00

Estimated date that interim reclamation will begin: 06/30/2019 Size of location after interim reclamation in acres: 1.50

Estimated post-construction ground elevation: \_\_\_\_\_

## DRILLING PROGRAM

Will a closed loop system be used for drilling fluids: No

Is H<sub>2</sub>S anticipated? No

Will salt sections be encountered during drilling: No

Will salt based mud (>15,000 ppm Cl) be used? No

Will oil based drilling fluids be used? No

## DRILLING WASTE MANAGEMENT PROGRAM

Drilling Fluids Disposal: OFFSITE

Drilling Fluids Disposal Method: Recycle/reuse

Cutting Disposal: OFFSITE

Cuttings Disposal Method: Drilling pit

Other Disposal Description:

Backfill

Beneficial reuse or land application plan submitted? No

Reuse Facility ID: \_\_\_\_\_ or Document Number: \_\_\_\_\_

Centralized E&P Waste Management Facility ID, if applicable: \_\_\_\_\_

## SURFACE & MINERALS & RIGHT TO CONSTRUCT

Name: Boyd Farms LLLP

Phone: 719-740-1008

Address: 31901 County Road 3U/

Fax: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

City: Genoa State: CO Zip: 80801

Surface Owner: ☒ Fee ☐ State ☐ Federal ☐ Indian

Check all that apply. The Surface Owner: ☐ is the mineral owner

☐ is committed to an oil and Gas Lease

☐ has signed the Oil and Gas Lease

☐ is the applicant

The Mineral Owner beneath this Oil and Gas Location is: ☒ Fee ☐ State ☐ Federal ☐ Indian

The Minerals beneath this Oil and Gas Location will be developed from or produced to this Oil and Gas Location: Yes

The right to construct this Oil and Gas Location is granted by: Surface Use Agreement

Surface damage assurance if no agreement is in place: \_\_\_\_\_ Surface Surety ID: \_\_\_\_\_

Date of Rule 306 surface owner consultation 05/15/2014

### CURRENT AND FUTURE LAND USE

Current Land Use (Check all that apply):

Crop Land: ☒ Irrigated ☐ Dry land ☐ Improved Pasture ☐ Hay Meadow ☐ CRP

Non-Crop Land: ☐ Rangeland ☐ Timber ☐ Recreational ☐ Other (describe): \_\_\_\_\_

Subdivided: ☐ Industrial ☐ Commercial ☐ Residential

Future Land Use (Check all that apply):

Crop Land: ☒ Irrigated ☐ Dry land ☐ Improved Pasture ☐ Hay Meadow ☐ CRP

Non-Crop Land: ☐ Rangeland ☐ Timber ☐ Recreational ☐ Other (describe): \_\_\_\_\_

Subdivided: ☐ Industrial ☐ Commercial ☐ Residential

## CULTURAL DISTANCE INFORMATION

Provide the distance to the nearest cultural feature as measured from Wells or Production Facilities onsite.

	From WELL	From PRODUCTION FACILITY
Building:	5125 Feet	Feet
Building Unit:	5280 Feet	Feet
High Occupancy Building Unit:	5280 Feet	Feet
Designated Outside Activity Area:	5280 Feet	Feet
Public Road:	4220 Feet	Feet
Above Ground Utility:	4220 Feet	Feet
Railroad:	5280 Feet	Feet
Property Line:	658 Feet	Feet

### INSTRUCTIONS:

- All measurements shall be provided from center of nearest Well or edge of nearest Production Facility to nearest of each cultural feature as described in Rule 303.b.(3)A.
- Enter 5280 for distance greater than 1 mile.
- Building - nearest building of any type. If nearest Building is a Building Unit, enter same distance for both.
- Building Unit, High Occupancy Building Unit, and Designated Outside Activity Area - as defined in 100-Series Rules.
- For measurement purposes only, Production Facilities should only include those items with an asterisk(\*) on the Facilities Tab.

## DESIGNATED SETBACK LOCATION INFORMATION

Check all that apply. This location is within a:

- ☐ Buffer Zone
- ☐ Exception Zone
- ☐ Urban Mitigation Area

- Buffer Zone - as described in Rule 604.a.(2), within 1,000' of a Building Unit.
- Exception Zone - as described in Rule 604.a.(1), within 500' of a Building Unit.
- Urban Mitigation Area - as defined in 100-Series Rules.
- Large UMA Facility - as defined in 100-Series Rules.

Pre-application Notifications (required if location is within 1,000 feet of a building unit):

Date of Rule 305.a.(1) Urban Mitigation Area Notification to Local Government: \_\_\_\_\_

Date of Rule 305.a.(2) Buffer Zone Notification to Building Unit Owners: \_\_\_\_\_

## FOR MULTI-WELL PADS AND PRODUCTION FACILITIES WITHIN DESIGNATED SETBACK LOCATIONS ONLY:

- ☐ Check this box if this Oil and Gas Location has or will have Production Facilities that serve multiple wells (on or offsite) and the Production Facilities are proposed to be located less than 1,000 feet from a Building Unit. *(Pursuant to Rule 604.c.(2)E.i., the operator must evaluate alternative locations for the Production Facilities that are farther from the Building Unit, and determine whether those alternative locations were technically feasible and economically practicable for the same proposed development.)*
- ☐ By checking this box, I certify that no alternative placements for the Production Facilities, farther from the nearest Building Unit, were available based on the analysis conducted pursuant to Rule 604.c.(2)E.i.

In the space below, explain rationale for siting the multi-well Production Facility(ies) that supports your Rule 604.c.(2)E.i determination. Attach documentation that supports your determination to this Form 2A.

## SOIL

List all soil map units that occur within the proposed location. attach the National Resource Conservation Service (NRCS) report showing the "Map Unit Description" report listing the soil typical vertical profile. This data is to be used when segregating topsoil.

The required information can be obtained from the NRCS web site at <http://soildatamart.nrcs.usda.org/> or from the COGCC web site GIS Online map page found at <http://colorado.gov/cogcc>. Instructions are provided within the COGCC web site help section.

NRCS Map Unit Name: Rago silt loam, 0 to 2 % slopes- rarely flooded Map #175

NRCS Map Unit Name: Kimst loam, 3 to 12 % slopes #144

NRCS Map Unit Name: \_\_\_\_\_

## PLANT COMMUNITY:

Complete this section only if any portion of the disturbed area of the location's current land use is on non-crop land.

Are noxious weeds present: Yes ☒ No ☐

Plant species from: ☒ NRCS or, ☐ field observation Date of observation: \_\_\_\_\_

List individual species: \_\_\_\_\_

### Check all plant communities that exist in the disturbed area.

- ☐ Disturbed Grassland (Cactus, Yucca, Cheatgrass, Rye)  
☐ Native Grassland (Bluestem, Grama, Wheatgrass, Buffalograss, Fescue, Oatgrass, Brome)  
☐ Shrub Land (Mahogany, Oak, Sage, Serviceberry, Chokecherry)  
☐ Plains Riparian (Cottonwood, Willow, Aspen, Maple, Poplar, Russian Olive, Tamarisk)  
☐ Mountain Riparian (Cottonwood, Willow, Blue Spruce)  
☐ Forest Land (Spruce, Fir, Ponderosa Pine, Lodgepole Pine, Juniper, Pinyon, Aspen)  
☐ Wetlands Aquatic (Bullrush, Sedge, Cattail, Arrowhead)  
☐ Alpine (above timberline)  
☒ Other (describe): Crop Land

## WATER RESOURCES

Is this a sensitive area: ☐ No ☒ Yes

Distance to nearest

downgradient surface water feature: 2050 Feet

water well: 1904 Feet

Estimated depth to ground water at Oil and Gas Location 140 Feet

Basis for depth to groundwater and sensitive area determination:

\_\_\_\_\_

Is the location in a riparian area: ☒ No ☐ Yes

Was an Army Corps of Engineers Section 404 permit filed ☒ No ☐ Yes If yes attach permit.

Is the location within a Rule 317B Surface Water Supply Area buffer No zone:

If the location is within a Rule 317B Surface Water Supply Area buffer have all public water supply systems within 15 miles been notified: \_\_\_\_\_

Is the Location within a Floodplain? ☒ No ☐ Yes Floodplain Data Sources Reviewed (check all that apply)

☒ Federal (FEMA)

☐ State

☐ County

☐ Local

☐ Other \_\_\_\_\_

## GROUNDWATER BASELINE SAMPLING AND MONITORING AND WATER WELL SAMPLING

Water well sampling required per Rule 609

## WILDLIFE

☐ This location is included in a Wildlife Mitigation Plan

☐ This location was subject to a pre-consultation meeting with CPW held on \_\_\_\_\_

## DESIGNATED SETBACK LOCATION EXCEPTIONS

Check all that apply:

- ☐ Rule 604.a.(1)A. Exception Zone (within 500' of a Building Unit) and is in an Urban Mitigation Area
- ☐ Rule 604.b.(1)A. Exception Location (existing or approved Oil & Gas Location now within a Designated Setback as a result of Rule 604.a.)
- ☐ Rule 604.b.(1)B. Exception Location (existing or approved Oil & Gas Location is within a Designated Setback due to Building Unit construction after Location approval)
- ☐ Rule 604.b.(2) Exception Location (SUA or site-specific development plan executed on or before August 1, 2013)
- ☐ Rule 604.b.(3) Exception Location (Building Units constructed after August 1, 2013 within setback per an SUA or site-specific development plan)

## RULE 502.b VARIANCE REQUEST

- ☐ Rule 502.b. Variance Request from COGCC Rule or Spacing Order Number \_\_\_\_\_

ALL exceptions and variances require attached Request Letter(s). Refer to applicable rule for additional required attachments (e.g. waivers, certifications, SUAs).

## OPERATOR COMMENTS AND SUBMITTAL

Comments Mary Jane 13-5 will be adding production to the Mary Jane 8-5 Battery

As mentioned, this is a refile for an already approved APD Form 2 from Nighthawk Energy. Some attachments have been changed to D90 Energy, LLC's name but some still bare the name of Nighthawk. During the sale process, all surveys and Surface Use Agreements were assigned to D90 Energy.

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct and complete.

Signed: \_\_\_\_\_ Date: 11/30/2018 Email: kevin@d90energy.com

Print Name: Kevin Oakes Title: Regulatory Manager

Based on the information provided herein, this Application for Permit-to-Drill complies with COGCC Rules and applicable orders and is hereby approved.

COGCC Approved:  Director of COGCC Date: 1/4/2019

## Conditions Of Approval

All representations, stipulations and conditions of approval stated in this Form 2A for this location shall constitute representations, stipulations and conditions of approval for any and all subsequent operations on the location unless this Form 2A is modified by Sundry Notice, Form 4 or an Amended Form 2A.

### COA Type

### Description

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## Best Management Practices

### No BMP/COA Type

### Description

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### Attachment Check List

<u>Att Doc Num</u>	<u>Name</u>
1010590	ACCESS ROAD MAP
1010591	LOCATION DRAWING
1010592	NRCS MAP UNIT DESC
1010593	HYDROLOGY MAP
401847201	NRCS MAP UNIT DESC
401847224	HYDROLOGY MAP A, TOPO
401847229	SURFACE AGRMT/SURETY
401856173	LOCATION PICTURES
401856176	LOCATION PICTURES

Total Attach: 9 Files

### General Comments

<u>User Group</u>	<u>Comment</u>	<u>Comment Date</u>
Permit	Final Review Completed.	01/02/2019
OGLA	<p>Per Operator request:</p> <p>Added the following to the Soils List: Kimst loam, 3 to 12 % slopes #144</p> <p>Uploaded the NRCS Map Unit Description.</p> <p>Changed Sensitive Area to YES as the Location lies within the Arikaree Designated Groundwater Management Area and the Northern High Plains Designated Basin.</p> <p>Changed the distance to the nearest surface water feature to 2050 feet based on the presence of the dry arroyo located to the east of the Location.</p> <p>Changed the estimated depth to groundwater to 188 feet based on the static water level reported for DWR Water Well Permit #73960-. This is based on the updated DWR Information.</p> <p>Uploaded the Location Drawing, modified Access Road Map, Hydrology Map and the additional NRCS Map Unit Description.</p> <p>Mapped wetland located approximately 850 feet to the north of the Location lies within agricultural land.</p>	12/28/2018
Permit	Changed Surety Id to 20180090 from 1314. Passed completeness.	11/30/2018

Total: 3 comment(s)