Form 55-43B Instructions

Notice of Intent to Drill and Abandon an Exploration / Specialty Well

Introduction

These instructions are a guide to filling out Form DWR 55-43B (Rev. 06/15/2010), entitled "Notice of Intent to Drill and Abandon an Exploration/Specialty Well." Please review the instructions prior to completing the form in black or blue ink. Forms may be obtained at any Arizona Department of Water Resources (ADWR) office and at ADWR's web site, http://www.azwater.gov. For information about the form or these instructions, contact the Groundwater Permitting & Wells at (602) 771-8500.

When Form 55-43B Must be Filed

With certain exceptions noted below, a Notice of Intent to Drill and Abandon an Exploration/Specialty Well (NOI) must be filed prior to drilling an exploration or specialty well that will be filled and abandoned before the drill rig leaves the well site. Exploration and specialty wells include mineral exploration wells, geotechnical wells, cathodic protection wells, grounding wells, heat pump wells and direct push (such as HydroPunch) holes. All have purposes other than pumping water. Most involve sampling water or lithology. A separate NOI must be filed for each well; however, a single NOI may be filed for all wells that are drilled by or for the same person to obtain geophysical, mineralogical or geotechnical data within a single section of land.

Under rare circumstances, an exploration or geotechnical well may be left open for re-entry at a later date. This NOI form may be used to obtain authority to drill such a well. If groundwater is encountered, the well must be cased and capped in accordance with ADWR's well construction rules. If no groundwater is encountered, the well must be cased, grouted and capped so that the borehole cannot be contaminated from the surface.

An NOI does not need to be filed to drill an exploration or specialty well if the well is not expected to withdraw or encounter water and if the borehole will be less than 100 feet deep. Soil borings, for example, do not need an NOI if they are less than 100 feet deep and are drilled only to sample soils. However, if water is encountered during the drilling of an exploration or specialty well (including perched groundwater), or if the borehole goes over 100 feet in depth, an NOI must be filed. Note that an NOI must always be filed prior to drilling a cone penetrometer or a HydroPunch borehole, no matter how shallow, because they are intended to encounter water. Also note that it is not necessary to file an NOI for oil, gas and helium wells regulated by the Oil and Gas Commission.

Filing Fee

The filing fee for a Notice of Intent to Drill and Abandon an Exploration/Specialty Well is $150.00. Payment may be made by cash, check, or credit card (if you wish to pay by credit card, please contact the Groundwater Permitting and Wells Program at 602-771-8500). Checks should be made payable to the Arizona Department of Water Resources. In addition to the filing fee, the applicant must pay any review-related costs associated with the application and the actual cost of mailing or publishing any legal notice of the application or any notice of a pre-decision administrative hearing on the application. Review-related costs are: (1) costs associated with a pre-decision hearing on the application, such as court reporter services and facility rentals for the hearing, and (2) mileage expenses for a site visit conducted before issuing a decision on the application. **Failure to enclose the filing fee will cause the notice to be returned. Fees for the Notice of Intent to Drill and Abandon an Exploration/Specialy Well are authorized by A.R.S. § 45-113 and A.A.C. R12-15-104.**

When Drilling May Begin

After an NOI is filed, the well may not be drilled until ADWR issues a drilling card to the licensed well driller.

Instructions for Filling out the Form

Section 1 – Registry Information

Well Type

Check the appropriate box indicating the type of exploration or specialty well to be drilled. If the type of well to be drilled is not listed, check "Other" and provide a brief description. For example, a series of HydroPunch holes should be described under "Other." Also, indicate the number of holes that will be drilled (all holes must be in the same section).

Location of Well

Fill in the following information relating to the location of the well:

- The street address of the property where the well will be drilled. This information is usually the same as the site or facility address.

- A legal description for the proposed well location. The legal description is the township, range, section, and in decreasing order, the quarters of that section so that well location falls in a 10-acre block within that section. If an exploration project entails drilling multiple wells on different 10-acre parcels in the same section, use additional boxes to list the multiple locations. However, for mineralogical exploration wells only, the legal description may be limited to the township, range and section.

- The name of the county where the well is located.

Section 2 – Owner Information

Well Owner

Fill in the well owner's name, mailing address and telephone and fax number. If the well owner is a corporation, governmental unit or other entity, provide the name of a contact person.

Landowner

If the land is not owned by the well owner, fill in the landowner's name, mailing address, telephone and fax numbers and, if the landowner is a company or organization, the name of a contact person. If the landowner does not sign the signature block of the NOI form, also attach a copy of an access agreement or permission letter from the landowner indicating the landowner's approval of the proposed action.

Section 3 – Drilling Authorization

Drilling Firm

Provide the name, DWR license number, Arizona Registrar of Contractors license category, telephone number and fax number of the licensed well driller that will drill and abandon the well. Only a well drilling contractor licensed in the State of Arizona may drill and abandon a well in Arizona. Drilling may not begin until the well drilling contractor has possession of a drilling card at the well site, issued by ADWR in the name of the well drilling contractor, and which authorizes the drilling of that specific well in that specific location.

Consultant

If a consulting or exploration firm is used, provide the firm's name, the name of the contact person at the firm, and the contact person's telephone number, fax number and e-mail address.

Section 4 – Questions

Check the appropriate boxes and fill in information indicating the following:

1. Whether the proposed well site is within 100 feet of a septic tank system, sewer disposal area, landfill or hazardous materials or petroleum storage area or tank. If yes, the applicant must submit a separate written request for a variance from the 100-foot setback requirement in ADWR's well construction rules. However, if the proposed well is a geotechnical well that will be abandoned before the drill rig leaves the well site, a variance may be requested simply by checking the appropriate box in Section 4. This applies only to geotechnical wells, and covers only a variance from the setback requirement, not any other type of variance. A geotechnical well is a well drilled for the exclusive purpose of collecting geotechnical data, including soil samples, vapor samples and water samples obtained through bailing, driven sampler or other similar methods.

2. Whether a variance is requested to use thermoplastic casing (PVC) in lieu of steel casing in the surface seal. This question applies only to mineral exploration and geotechnical wells, and only in situations in which the borehole will be temporarily left open or cased prior to obtaining samples or information. If "Yes" is checked, unless ADWR determines that extraordinary circumstances requiring the use of steel casing exist, ADWR will grant the variance without the necessity to submit a separate letter requesting the variance. If ADWR grants the variance request, the well must be constructed in a vault, as defined in A.A.C. R12-15-801(27), the thermoplastic casing must be installed only in an oversized borehole without driving, and the PVC must conform to ASTM standards.

3. Whether there is any other well name or identification number for the proposed well. Mining or other commercial operations often have their own numbers, environmental investigations often have well or sampling point designations, and there may be a number provided by the Arizona Department of Environmental Quality (ADEQ).

Section 5 – Proposed Well Construction Plan

Section 5 requires information on the proposed well construction plan. In the box in the upper right-hand corner, fill in the date when construction is to begin. Below that box are three tables for providing information on the borehole, casing and annular material. The Borehole table must be completed. The

Casing and Annular Material tables must be completed only if the borehole is to be cased.

In the **Borehole** table, fill in the diameter of the proposed borehole in inches, and indicate the depth interval for each change in diameter. If casing will be installed, fill in the **Casing** table by providing the outer diameter of the casing in inches, checking the appropriate boxes indicating the type of casing material and the type of perforations, if any, and filling in the slot size of any perforations. Fill in the depth interval for each change in information. Check the "Blank or None" box for non-perforated depth intervals. If the type of casing material or perforations is not listed, describe the type in the appropriate box.

If annular material will be installed, fill in the **Annular Material** table by checking the appropriate boxes indicating the type of annular material or filter pack installed at each depth interval. Fill in the size of the filter pack used. Provide the depth interval for each change in information. If the type of annular material is not listed, describe the material in the appropriate box. Please submit additional sheets (page 2 of the NOI form DWR 55-43B) if multiple wells are to be drilled and construction details vary.

Section 6 – Proposed Well Abandonment Design

Section 6 requires information on the proposed method of abandonment. In the **Casing Treatment** table, check the appropriate box indicating the type of casing treatment that will be used. If the casing is to be removed, check the "casing removal" box and provide a description of the removal technique in "Remarks." If the type of casing treatment that will be used is not listed, explain the treatment in the appropriate box. If the casing is to be perforated during treatment, describe the size and frequency of perforations for each interval. The casing treatment must be indicated by depth interval, and the depth interval must be filled in.

In the **Sealing or Fill Material** table, check the appropriate box indicating the sealing or fill material that will be used. Note any changes by depth interval. Also, fill in the mixing ratio of the material and check the appropriate box indicating whether the ratio is by weight or volume. Finally, fill in the estimated volume of material in cubic feet for each depth interval.

Below the two tables, fill in information on the proposed abandonment method and the emplacement method of sealing or fill material. The Department's Well Abandonment Handbook must be consulted before filling in the proposed abandonment method. The standard method and the five alternative methods are described in the handbook. Check only one proposed abandonment method. If an alternative with a variance is selected, a letter requesting the variance must be submitted to ADWR. If "Other" is checked, provide a description of the method in "Remarks." Please submit additional sheets (page 2 of the NOI form DWR 55-43B) if multiple wells are to be drilled and abandonment details vary.

Well Construction Diagram

A well construction diagram showing all proposed well construction features listed in Section 5 and all proposed abandonment specifications listed in Section 6 must be attached. The information in the diagram must match the information in Sections 5 and 6. Please submit additional well construction diagrams if multiple wells are to be drilled and construction details vary.

Signature Block

The NOI form must be signed and dated by the well owner or exploration firm. The name and title of the person signing the form must be typed or printed in the appropriate space.

In addition, if the landowner is different from the well owner, the landowner must also sign the signature block of the NOI form or attach a copy of an access agreement or permission letter indicating their approval of the proposed action.

Requests for Variance

If a variance is requested from ADWR's minimum well construction standards, the request must be submitted with the NOI. The request must be in writing and signed by the well owner or well driller. A consultant may sign the variance request letter if the well owner has provided a letter of authorization. Note that a request for a variance from the 100-foot setback requirement for a geotechnical well and a request for a variance to use thermoplastic casing in lieu of steel casing in the surface seal for a mineral exploration or geotechnical well may be made by checking the appropriate box in Section 4. A separate letter is not required.

Where to File Form

Completed forms may be mailed to ADWR at the following address:

Arizona Department of Water Resources
Water Management Division
P.O. Box 36020
Phoenix, Arizona 85067-6020

Completed forms may also be submitted to ADWR's main office in Phoenix at 3550 N. Central Ave., Phoenix, AZ 85012-2105

The completed form must be legible and of good quality when received by ADWR so that it can be scanned into ADWR's permanent records. Also, if a fee is required, ADWR will not accept the form without the proper fee.

The well construction diagram(s) must be attached to the form.

Time Frame for Processing an NOI

Unless a variance is requested, ADWR has an overall time frame of 30 days to process the NOI and approve or deny authority to drill and abandon the well. This overall time frame is divided into an administrative completeness review time frame and a substantive review time frame.

Within 15 days after receiving an NOI, ADWR will perform an administrative completeness review to determine whether the NOI is complete and correct. If ADWR determines the NOI to be incomplete or incorrect, it will notify the applicant in writing and specify what information is necessary to make the NOI complete and correct. Until the information is received, the administrative completeness review time frame is suspended. If the information is not submitted within 60 days, ADWR may deny the drilling and abandonment authority.

Unless a variance is requested, within 15 days after the administrative completeness review, ADWR will perform a substantive review to determine if the abandonment phase of the project meets the substantive criteria required by statute or rule. By mutual agreement, the substantive review time frame may be extended by up to seven days. During the substantive review, ADWR may make one written request for additional information. If additional information is requested, the substantive review time frame is suspended until the information is received. If the information is not submitted within 60 days, ADWR may deny the drilling and abandonment authority.

If a variance from ADWR's minimum well construction standards is requested, except for a request under Section 4 for a variance from the 100-foot setback requirement for a geotechnical well, the substantive review time frame is increased by 20 days, to a total of 35 days, making the overall time frame for approval or denial 50 days.

At the end of the substantive review, ADWR will send written notice either granting or denying the drilling and abandonment authority. If the authority is granted, the drilling card will be mailed directly to the drilling firm. If denied, the notice will state the reasons for the denial and an explanation of the applicant's right to appeal.

Forms to File After the Project is Completed

Within 30 days after completion of drilling and abandonment activities one of the following two forms reporting on the project must be filed with ADWR:

- If mineral exploration boreholes were drilled, the well owner or exploration firm must file a Project Completion Report (Form No. DWR 55-57).

- If a geotechnical, cathodic protection, grounding or heat pump well was drilled, the well drilling contractor must file a Well Driller Report and Well Log form (Form DWR 55-55). The well drilling contractor must also file a Well Abandonment Completion Report (Form DWR 55-58) for any geotechnical wells that were drilled and abandoned.

If the drilling project included multiple boreholes under a single drilling authority, a single report may be filed. In that event, the drilling contractor must include a cover letter identifying the number of boreholes drilled, unusual problems associated with the project, and any variation in borehole design.