

(August 2001)

ATS-11-386

SECRETARY'S POTASH

OMB No. 1004-0137  
Expires July 31, 2010UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

OCD-ARTESIA

RECEIVED

APPLICATION FOR PERMIT TO DRILL OR REENTER JAN 20 2012

5. Lease Serial No.

NM-61582 6702

6. If Indian, Allottee or Tribe Name

7. If Unit or CA Agreement, Name and No.

PARKWAY DELAWARE UNIT #520

8. Lease Name and Well No.

PARKWAY-DELAWARE UNIT #520

9. API Well No.

30-015-39879

10. Field and Pool or Exploratory  
PARKWAY-DELAWARE

11. Sec., T. R. M. or Blk. and Survey or Area

SECTION 35 T19S-R29E

12. County or Parish

EDDY CO.

13. State

NM

1a. Type of work: ☒ DRILL☐ REENTER1b. Type of Well: ☐ Oil Well ☐ Gas Well ☒ INJECTION ☐ Single Zone ☐ Multiple Zone2. Name of Operator  
SM ENERGY COMPANY3a. Address 3300 NORTH "A" STREET  
BUILDING 7 SUITE 200 MIDLAND, TEX 797053b. Phone No. (include area code)  
432-688-1700

4. Location of Well (Report location clearly and in accordance with any State requirements.)

At surface 2450' FNL &amp; 1330' FWL SECTION 35 T19S-R29E

At proposed prod. zone SAME

14. Distance in miles and direction from nearest town or post office\*

Approximately 20 miles Southeast of Carlsbad, New Mexico

15. Distance from proposed\*  
location to nearest  
property or lease line, ft.  
(Also to nearest drig. unit line, if any)

1330'

16. No. of acres in lease

20 160

17. Spacing Unit dedicated to this well

40

18. Distance from proposed location\*  
to nearest well, drilling, completed,  
applied for, on this lease, ft.

650'

19. Proposed Depth

4500'

20. BLM/BIA Bond No. on file

MT-1022

21. Elevations (Show whether DF, KDB, RT, GL, etc.)

3311' GL

22. Approximate date work will start\*

WHEN APPROVED

23. Estimated duration

20 days

## 24. Attachments

The following, completed in accordance with the requirements of Onshore Oil and Gas Order No.1, must be attached to this form:

1. Well plat certified by a registered surveyor.

2. A Drilling Plan.

3. A Surface Use Plan (if the location is on National Forest System Lands, the  
SUPO must be filed with the appropriate Forest Service Office).4. Bond to cover the operations unless covered by an existing bond on file (see  
Item 20 above).

5. Operator certification

6. Such other site specific information and/or plans as may be required by the  
BLM.

25. Signature

Joe T. Janica

Name (Printed/Typed)

Joe T. Janica

Date

11/09/11

Title Permit Eng.

Approved by (Signature)

19 Douglas J. Burger

Name (Printed/Typed)

Date

JAN 10 12

Title

STATE DIRECTOR

Office

NM STATE OFFICE

Application approval does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to  
conduct operations thereon.

Conditions of approval, if any, are attached.

APPROVAL FOR TWO YEARS

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United  
States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on page 2)

\*(Instructions on page 2)

CAPITAN CONTROLLED WATER BASIN

SEE ATTACHED FOR  
CONDITIONS OF APPROVALAPPROVAL SUBJECT TO  
GENERAL REQUIREMENTS  
AND SPECIAL STIPULATIONS  
ATTACHED

DISTRICT I  
12450 N. FRENCH DR., HOBBS, NM 88240

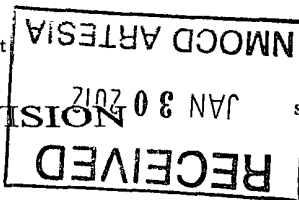
DISTRICT II  
1301 W. GRAND AVENUE, ARTESIA, NM 88210

DISTRICT III  
1000 RIO BRAZOS RD., AZTEC, NM 87410

DISTRICT IV  
12450 S. ST. FRANCIS DR., SANTA FE, NM 87505

State of New Mexico  
Energy, Minerals and Natural Resources Department

OIL CONSERVATION DIVISION  
12450 SOUTH ST. FRANCIS DR.  
Santa Fe, New Mexico 87505



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

WELL LOCATION AND ACREAGE DEDICATION PLAT

☐ AMENDED REPORT

API Number <b>30-015-39879</b>	Pool Code 49625	Pool Name PARKWAY-DELAWARE
Property Code 19265	Property Name PARKWAY DELAWARE UNIT	Well Number 520
OGRID No. 154903	Operator Name SM ENERGY	Elevation 3311'

Surface Location

UL or lot No.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
F	35	19-S	29-E		2450	NORTH	1330	WEST	EDDY

Bottom Hole Location If Different From Surface

UL or lot No.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
Dedicated Acres 40	Joint or Infill	Consolidation Code	Order No.						

NO ALLOWABLE WILL BE ASSIGNED TO THIS COMPLETION UNTIL ALL INTERESTS HAVE BEEN CONSOLIDATED  
OR A NON-STANDARD UNIT HAS BEEN APPROVED BY THE DIVISION

	<p>GEODETIC COORDINATES NAD 27 NME</p> <p>SURFACE LOCATION Y=588486.9 N X=587488.7 E LAT.=32.617533° N LONG.=104.049316° W</p>	<p>OPERATOR CERTIFICATION</p> <p>I hereby certify that the information herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or unleased mineral interest in the land including the proposed bottom hole location or has a right to drill this well at this location pursuant to a contract with an owner of such mineral or working interest, or to a voluntary pooling agreement or a compulsory pooling order heretofore entered by the division.</p> <p>Signature: <u>Joe T. Janica</u> Date: <u>10/18/11</u></p> <p>Printed Name: <u>Joe T. Janica</u></p>
		<p>SURVEYOR CERTIFICATION</p> <p>I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.</p> <p>FEBRUARY 11, 2011</p> <p>Date Surveyed: <u>02/17/2011</u> Signature &amp; Seal of Professional Surveyor: <u>Ronald J. Edson</u> Certificate No. <u>12641</u> RONALD J. EDSON 3239</p>

# APPLICATION TO DRILL

SM ENERGY COMPANY  
PARKWAY DELAWARE UNIT #520  
UNIT "F" SECTION 35  
T19S-R29E EDDY CO. NM

In response to questions asked under Section II of Bulletin NTL-6, the following information on the above well will be provided.

1. LOCATION: 2450' FNL & 1330' FWL SECTION 35 T19S-R29E EDDY CO. NM
2. ELEVATION ABOVE SEA LEVEL: 3311' GL
3. GEOLOGICAL NAME OF SURFACE FORMATION: Quaternary Aeolian Deposits;
4. DRILLING TOOLS AND ASSOCIATED EQUIPMENT: Conventional rotary drilling rig using drilling mud as a circulating medium for the removal of solids from the hole.

5. PROPOSED DRILLING DEPTH: 4500'

6. ESTIMATED TOPS OF GEOLOGICAL FORMATIONS:

Rustler Anhydrite	350'	Capitan	1653'
Top of Salt	528'	Queen	2563'
Base of Salt	1113'	Delaware	3668'
Yates	1448'	Delaware "A"	3934'

7. POSSIBLE MINERAL BEARING FORMATIONS:

Yates	Gas	Queen	Oil, Gas, Water
Capitan	Water	Delaware	Oil, Gas, Water

Possible Fresh Water 100±'

8. CASING PROGRAM:

	HOLE SIZE	INTERVAL	CASING OD	WEIGHT	THREAD	COLLAR	GRADE	CONDITION
See Log	24"	0-375' 275	20"	94#	8-R	ST&C	H-40	New
	17½"	0-1200' 1200-1500'	13 3/8" 13 3/8"	48# 54.5#	8-R 8-R	ST&C ST&C	H-40 J-55	New New
	11"	0-3200'	8 5/8"	24#	8-R	ST&C	HCK-55	New
	7 7/8"	0-4500'	5½"	15.5#	8-R	ST&C	j-55	New

CASING SAFETY FACTORS: Collapse 1.125 Burst 1.00 Body Yield 1.5  
Joint Strength 8-Round 1.8  
Buttress 1.6

## APPLICATION TO DRILL

SM ENERGY COMPANY  
 PARKWAY DELAWARE UNIT #520  
 UNIT "F" SECTION 35  
 T19S-R29E EDDY CO. NM

9. CASING SETTING DEPTHS AND CEMENTING:

20" Surface Run and set 375' of 20" 94# H-40 ST&C casing. Cement with 333 Sx. of 35/65 Class "C" POZ cement + 6% Bentonite, + 0.25# Celloflakes/Sx. Yield 1.83, tail in with 300 Sx. Class "C" cement + 2% Salt, Yield 1.32 Circulate cement. 100% Excess

13 3/8" 1st Intermediate Run and set 1500' of 13 3/8" casing as follows: 300' of 13 3/8" 54.5# J-55 ST&C, 1200' of 13 3/8" 48# H-40 ST&C Cement with 802 Sx. of 35/65 Class "C" POZ cement + 6% Gel, + 2% Salt, + 0.25# Celloflakes/Sx. Yield 1.83, tail in with 250 Sx. of Class "C" cement + 2% Salt, Yield 1.32, circulate cement to surface. 50% Excess

8 5/8" 2nd Intermediate Run and set 3200' of 8 5/8" 24# HCK-55 ST&C casing. Cement with 694 Sx. of 35/65 Class "C" POZ cement + 2% Salt, + 6% Gel, + 0.25# Celloflakes/Sx. Yield 1.83, tail in with 200 Sx. of Class "C" cement + 2% Salt, Yield 1.32, circulate cement to surface. 35% Excess

5 1/2" Production Run and set 4500' of 5 1/2" 15.5# J-55 ST&C casing. Cement with 255 Sx. of Class "C" cement + 2% Salt, Yield 1.32 estimate top of cement 3000' from surface.

10. PRESSURE CONTROL EQUIPMENT:

Exhibit "E" shows a 2000 PSI working pressure B.O.P. with an annular bag type preventor with 2" inlets and 2" outlets to the choke manifold. This B.O.P. will have a 20" bore and will be nipples up on the 20" surface casing. The B.O.P. will be tested to pressures acceptable to the BLM. Exhibit "E-1" shows a 2000 PSI choke manifold with two adjustable chokes and a 3" blow down line to pit. No abnormal pressures or temperatures are expected while drilling this well. Other wells drilled in this section have not encountered any problems while drilling. After 13 3/8" intermediate casing is set a 2000 PSI B.O.P. will be nipples up on the 13 3/8" casing. B.O.P. will be a 13 5/8" x 2 1/2" 13 3/8"

11. PROPOSED MUD CIRCULATING SYSTEM:

DEPTH	MUD WT.	VISC.	FLUID LOSS	TYPE MUD SYSTEM
0-375' 225	8.6-8.8	29-34	NC	Fresh water spud mud use paper to control seepage.
375-1500'	10.0-10.2	29-34	NC	Brine water add paper to control seepage.
1500-4500'	8.6-8.8	29-34	NC	Fresh water base fluid add paper to control seepage and high viscosity sweeps to clean hole.

Sufficient mud materials will be kept on location at all times in order to combat lost circulation or unexpected kicks. In order to run logs and casing the mud system may have to be altered to meet these needs.

APPLICATION TO DRILL

SM ENERGY COMPANY  
PARKWAY DELAWARE UNIT #520  
UNIT "F" SECTION 35  
T19S-R29E EDDY CO. NM

12. LOGGING, CORING, AND TESTING PROGRAM: *See COA*

- A. Open hole logs: Run Gamma Ray, CNL, Density, Laterolog, Caliper from TD back to \* 5/8" casing shoe. Run CNL, Gamma Ray from TD back to surface.
- B. Rig up mud logger on hole at 1400' and keep on hole to TD.
- C. No cores or DST's are planned at this time.

13. POTENTIAL HAZARDS:

No abnormal pressures or temperatures are expected during the drilling of this well. There is no known presence of H<sub>2</sub>S in this area. If H<sub>2</sub>S is encountered the operator will comply with the provisions of Onshore Oil & Gas Order No. 6. No lost circulation is expected to occur. All personnel will be familiar with all aspects of safe operation of the equipment being used to drill this well. Estimated BHP 1800± PSI, and Estimated BHT 135°.

14. ANTICIPATED STARTING DATE AND DURATION OF OPERATION:

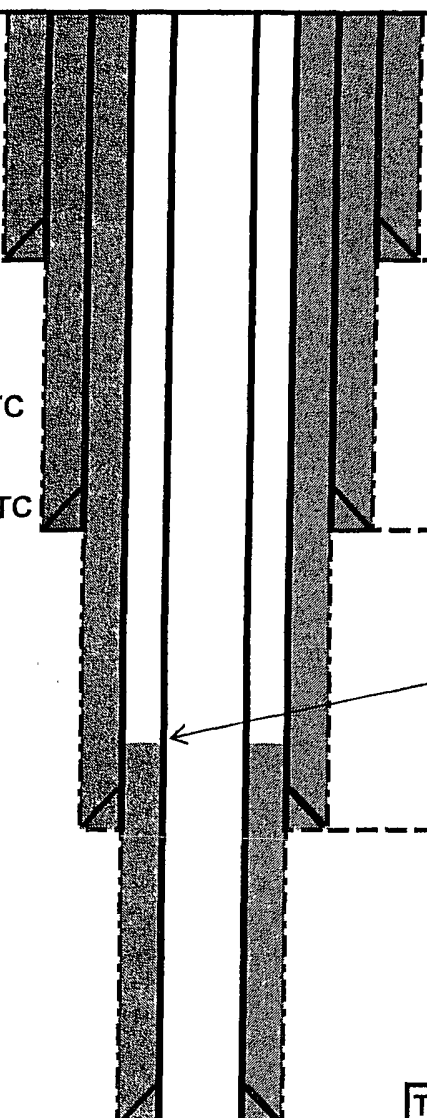
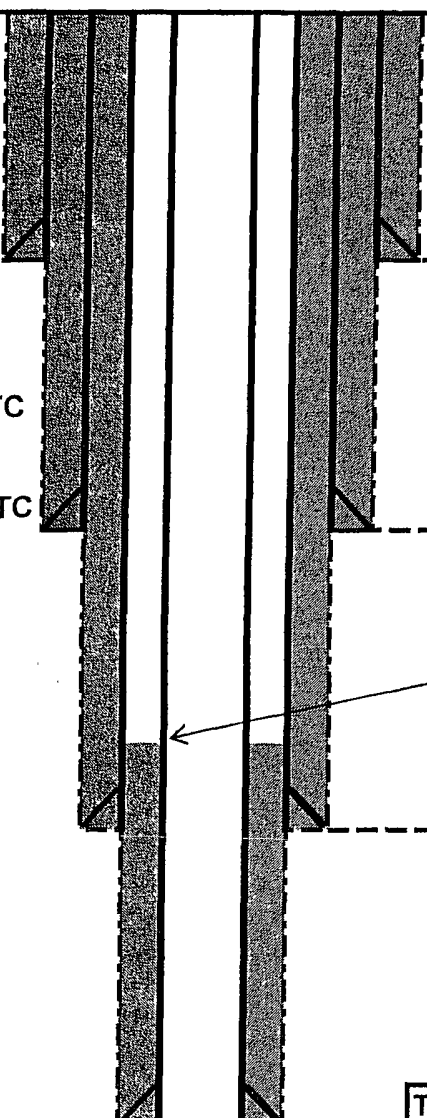
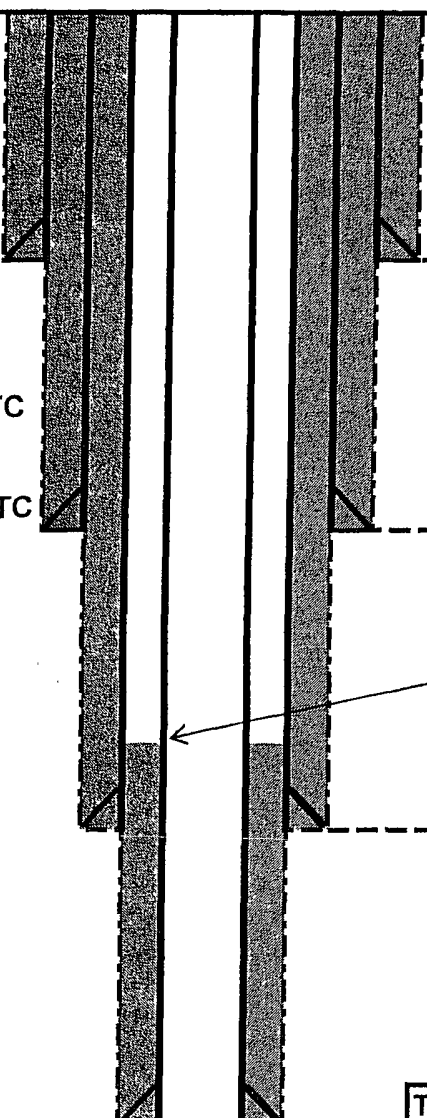
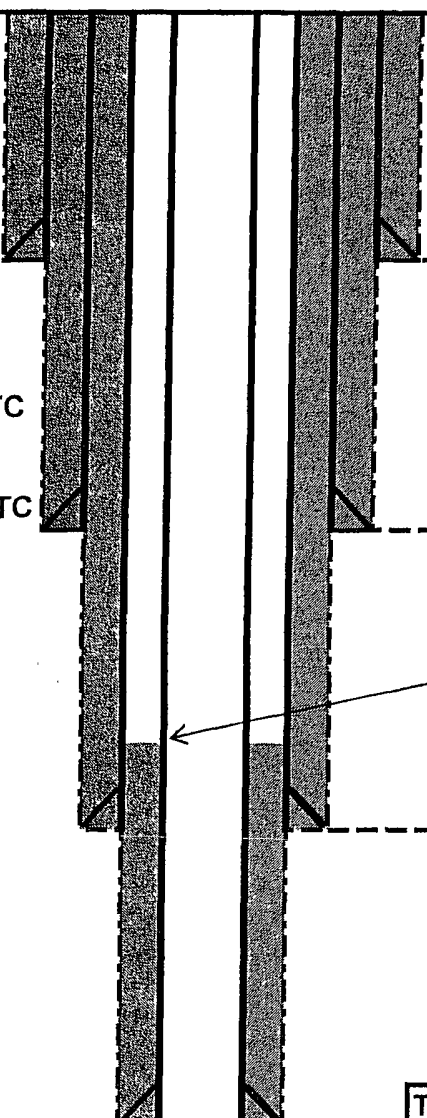
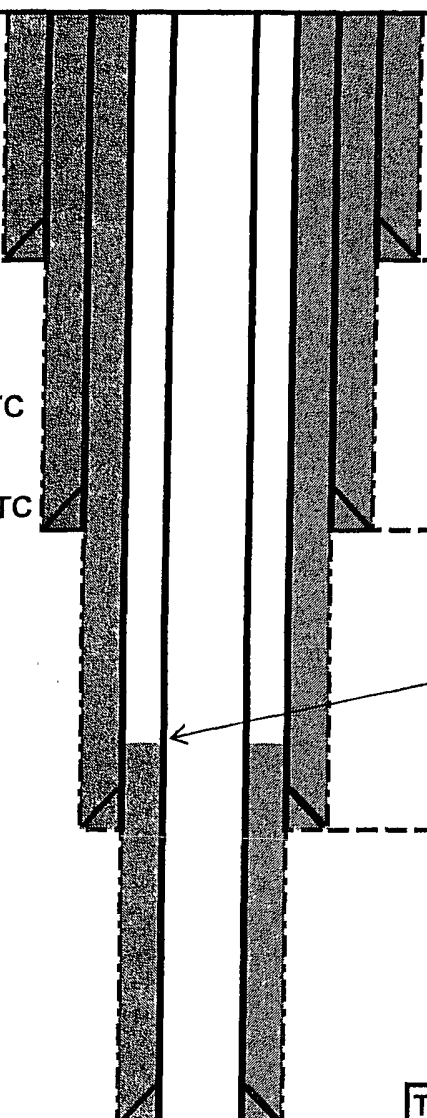
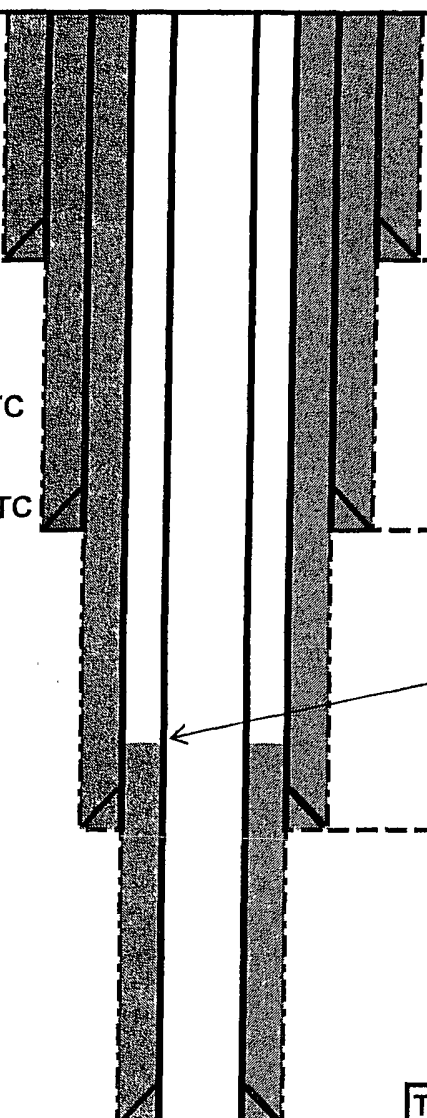
Road and location construction will begin after the BLM has approved the APD. Anticipated spud date will be as soon after BLM approval and as soon as a drilling rig is available. Move in operations and drilling is expected to take 20 days. In order to complete this well for injection it will take approximately 20 days and additional 20 days to construct surface facilities and lay injection lines.

15. OTHER FACETS OF THE OPERATION:

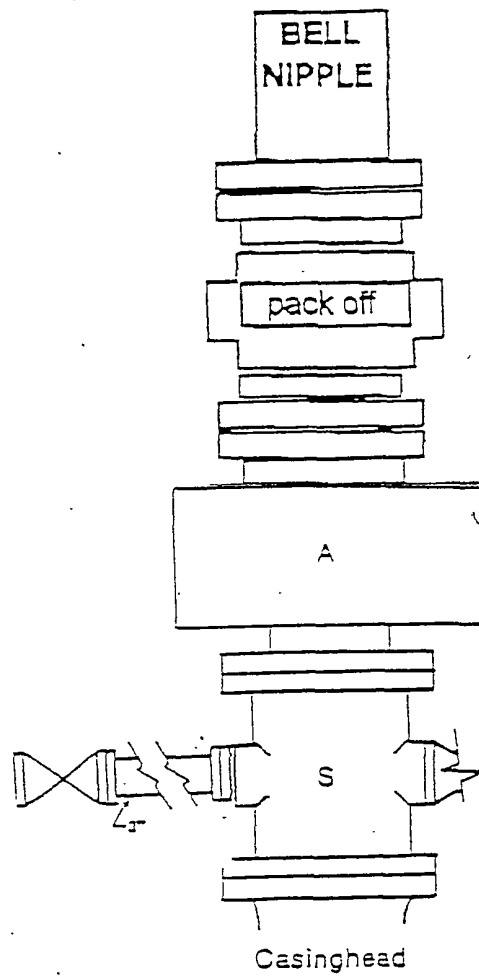
After casing is run and cemented cased hole logs Gamma Ray, Neutron, collar logs will be run over the injection intervals in order to determine where the casing will be perforated.

- 13A. If H<sub>2</sub>S is encountered in concentrations of less than 10 PPM, fans will be placed in work areas to prevent the accumulations of hazardous amounts of poisonous gas. If higher concentrations of H<sub>2</sub>S are detected the well will be shut in and a rotating head , Mud/Gas separator ; and flare line with igniter will be installed.
- 13B. If the concentration of H<sub>2</sub>S meets the requirement of Onshore Order # 6 a Mud/Gas separator and other necessary equipment will be rented and installed.

# Parkway Delaware Unit

Hole Size			Depth, RKB	Mud	Cement
Csg Design					
24" Hole			225 375	FW 8.6 ppg No Control	Lead: 333 sx 35/65 Poz C cement w/ 2% Salt, 6% gel, 0.25% Celloflake, 12.8 ppg, 1.83 cu. Ft. / sx yield Tail: 300 sx Class C cement w/ 2% Salt 14.8 ppg, 1.32 cu. Ft. / sx yield (100% excess)
20", 94# H-40, STC to 375'			Cmt to Surface		
17-1/2" Hole				BW FW 10 ppg No Control	Lead: 802 sx 35/65 Poz C cement w/ 2% Salt, 6% gel, 0.25% Celloflake, 12.8 ppg, 1.83 cu. Ft. / sx yield Tail: 250 sx Class C cement w/ 2% Salt 14.8 ppg, 1.32 cu. Ft. / sx yield (50% excess)
13-3/8", 48#, H-40, STC to 1200'					
13-3/8", 54.5#, J-55, STC to 1500'			1500'		
			Cmt to Surface		
11" Hole				FW 8.6 ppg No Control	Lead: 694 sx 35/65 Poz C cement w/ 2% Salt, 6% gel, 0.25% Celloflake, 12.8 ppg, 1.83 cu. Ft. / sx yield Tail: 200 sx Class C cement w/ 2% Salt 14.8 ppg, 1.32 cu. Ft. / sx yield (35% excess)
8-5/8", 24# HCK-55, STC to 3200'			TOC @ 3000'		
			3200'		
			Cmt to Surface		
7-7/8" Hole				FW 8.6 ppg No Control	Lead/Tail: 255 sx Class C cement w/ 2% Salt, 14.8 ppg, 1.32 cu. Ft. / sx yield (25% excess)
5-1/2", 15.5# J-55, STC to 4500'			TD @ 4500'		

Casing Safety Factors: Collapse = 1.125, Burst = 1.21, Tension = 1.8



2000 PSI B.O.P. WITH A 20" BORE  
NIPPLED UP ON 20" SURFACE CASING



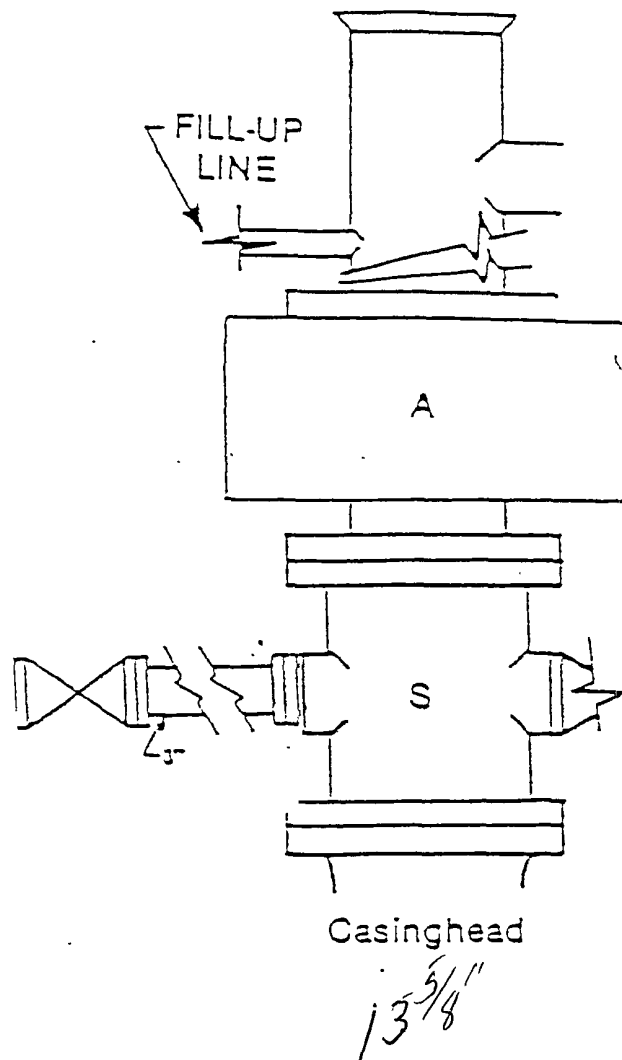


FIGURE KI-1. Recommended LADC Class 2 BOP stack, 2000 psi WP.  
 Either SRd (left) or SA (right) arrangement is acceptable and drilling  
 spool is optional

EXHIBIT "E"  
 SKETCH OF B.O.P. TO BE USED ON

SM ENERGY COMPANY  
 PARKWAY DELAWARE UNIT #520  
 UNIT "F" SECTION 35  
 T19S-R29E EDDY CO. NM

BLOWOUT PREVENTION  
EQUIPMENT  
Choke Manifolds

# DRILLING MANUAL

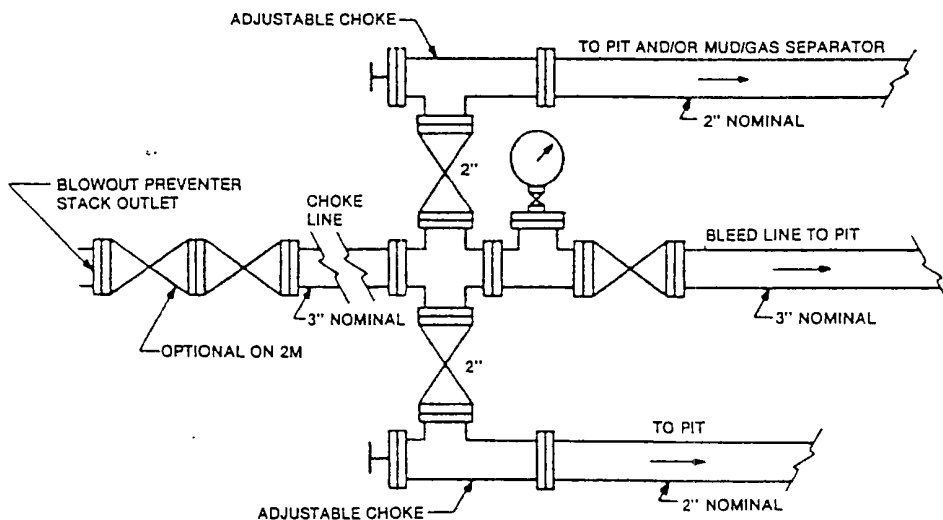


FIGURE K4-1. Typical choke manifold assembly for 2M and 3M rated working pressure service — surface installation.

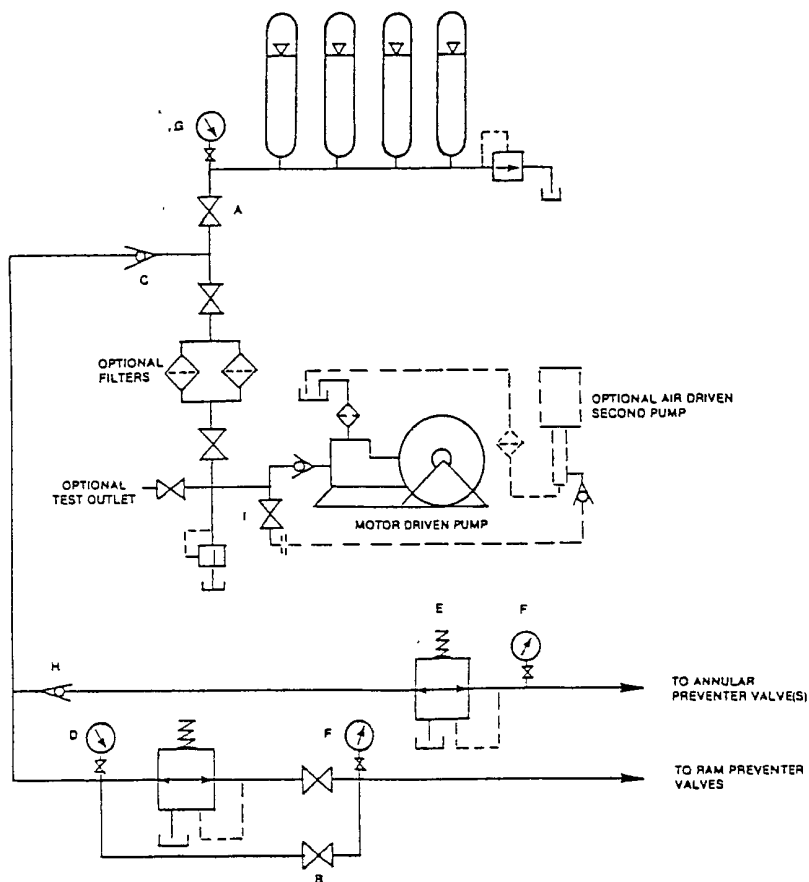
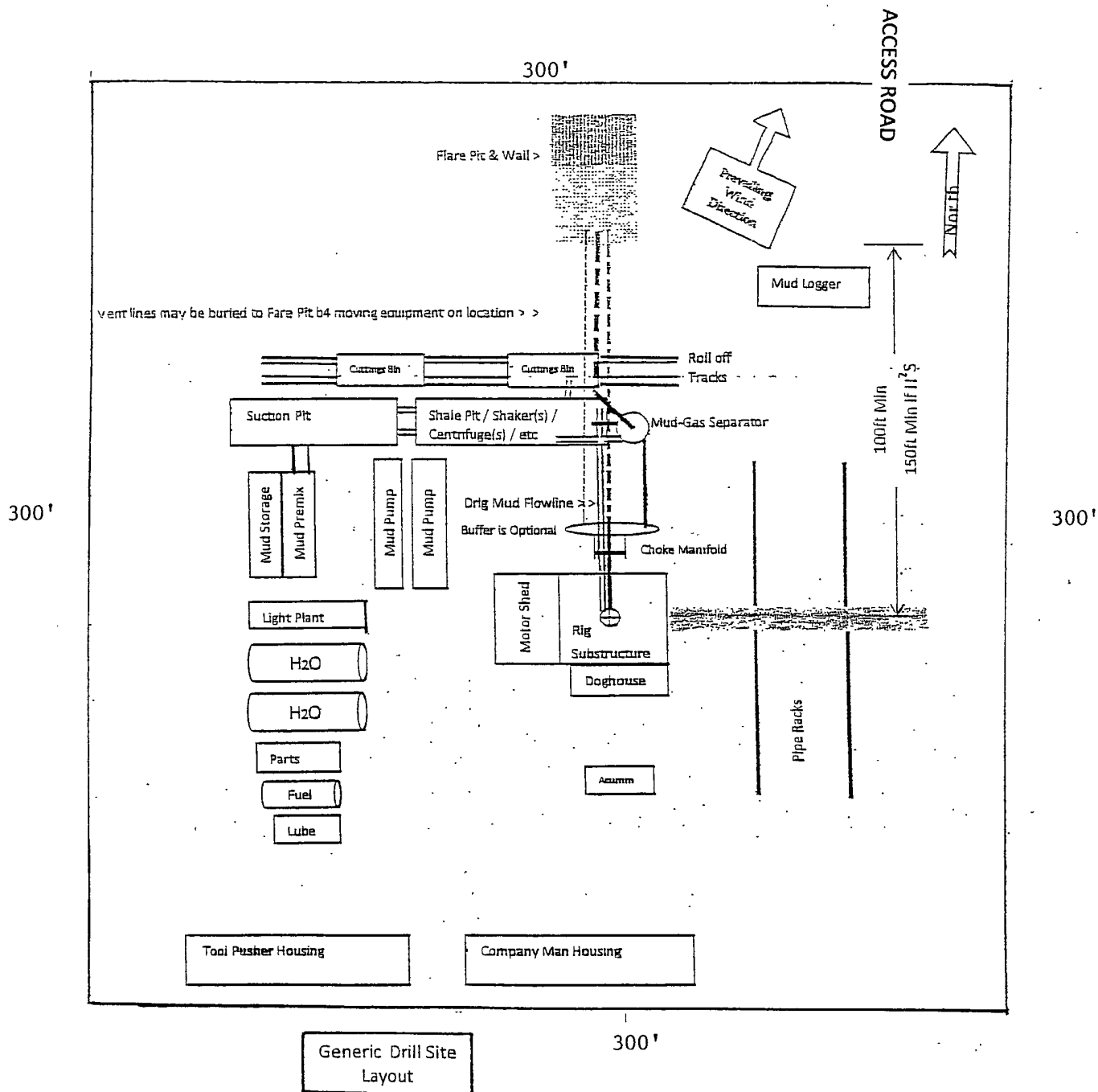


FIGURE K6-1. The schematic sketch of an accumulator system showing required and optional components.

EXHIBIT "E-1"  
CHOKE MANIFOLD & CLOSING UNIT

SM ENERGY COMPANY  
PARKWAY DELAWARE UNIT #520  
UNIT "F" SECTION 35  
T19S-R29E EDDY CO. NM



Preplanning reasonable spacing accommodations for a useable "Closed Loop" drillsite layout is challenging. Particular site specific conflicts need to be resolved. This generic APD plat was prepared to demonstrate several necessary elements. The plat should include: a north arrow, prevailing wind direction, spacing access for truck removal of cutting bins, flare pit location, and piping provision to vent all combustible gas to the flare pit. Include the choke manifold and mud-gas separator location and their connection routing.

# EXHIBIT "D" RIG LAY OUT PLAT

SM ENERGY COMPANY  
PARKWAY DELAWARE UNIT #520  
UNIT "F" SECTION 35  
T19S-R29E EDDY CO. NM

# SM ENERGY

## HYDROGEN SULFIDE CONTINGENCY PLAN FOR DRILLING/workover/FACILITY

This well and its anticipated facility are not expected to have Hydrogen Sulfide releases. However, there may be Hydrogen Sulfide production in the Nearby area. There are no private residences in the area but a contingency Plan has been orchestrated. SM Energy will have a company representative Available to rig personell throughout drilling or production operations. If Hydrogen Sulfide is detected or suspected monitoring equipment will be Acquired for monitoring and/or testing

## TABLE OF CONTENTS

GENERAL EMERGENCY PLAN	Page 2
EMERGENCY PROCEDURE FOR UNCONTROLLED RELEASE OF H <sub>2</sub> S	Page 2
EMERGENCY NUMBERS OF NOTIFICATION	Page 3
LOCATION MAP	Page 4
PROTECTION OF THE GENERAL (ROE) RADIUS OF EXPOSURE	Page 5
PUBLIC EVACUATION PLAN	Page 5
PROCEDURE FOR IGNITING AN UNCONTROLABLE CONDITION	Page 6
INSTRUCTIONS FOR IGNITION:	Page 6
REQUIRED EMERGENCY EQUIPMENT	Page 6-7
USING SELF-CONTAINED BREATHING AIR EQUIPMENT (SCBA):	Page 7
RESCUE & FIRST AID FOR VICTIMS OF HYDROGEN SULFIDE (H <sub>2</sub> S) POISONING:	Page 8
H <sub>2</sub> S TOXIC EFFECTS	Page 9
H <sub>2</sub> S PHYSICAL EFFECTS	Page 9

#### GENERAL H2S EMERGENCY ACTIONS:

In the event of an H2S emergency, the following plan will be initiated.

- 1) All personnel will immediately evacuate to an up-wind and if possible up-hill "safe area".
- 2) If for any reason a person must enter the hazardous area, they must wear a SCBA (Self contained breathing apparatus)
- 3) Always use the "buddy system"
- 4) Isolate the well/problem if possible.
- 5) Account for all personnel
- 6) Display the proper colors warning all unsuspecting personnel of the danger at hand.
- 7) Contact the Company personnel as soon as possible if not at the location.  
(use the enclosed call list as instructed)

At this point the company representative will evaluate the situation and co-ordinate the necessary duties to bring the situation under control, and if necessary, the notification of emergency response agencies and residents.

#### EMERGENCY PROCEDURES FOR AN UNCONTROLLABLE RELEASE OF H2S

- 1) All personnel will don the self-contained breathing apparatus.
- 2) Remove all personnel to the "safe area" (always use the "buddy system")
- 3) Contact company personnel if not on location.
- 4) Set in motion the steps to protect and or remove the general public to an upwind "safe area". Maintain strict security & safety procedures while dealing with the source.
- 5) No entry to any unauthorized personnel.
- 6) Notify the appropriate agencies: City Police-City street(s)  
State Police-State Rd,  
County Sheriff-County Rd.  
(will assist in general public evacuation/safety while maintaining roadblocks)
- 7) Call the NMOCD & or BLM

If at this time the supervising person determines the release of H2S cannot be contained to the site location and the general public is in harms way he will take necessary steps to contact the following:

EMERGENCY CALL LIST: (Start and continue until ONE of these people have been reached)

	<u>OFFICE</u>	<u>MOBILE</u>	<u>HOME</u>
Jackie Herron		575-746-7567 575-365-3067	
Bill Hearne		432-230-6054 432-269-3504	
Mark Bondy	432-688-3121	432-557-9049	

EMERGENCY RESPONSE NUMBERS: Lea County, New Mexico

State Police	575-392-5588
Lea County Sheriff	575-396-3611
Emergency Medical Service (Ambulance)	911 or 575-393-2677
State Emergency Response Center (SERC)	575-476-9620
Hobbs Police Department	575-397-9265
Hobbs Fire Department	575-393-2677
Lovington Police Department	575-396-3144
Lovington Fire Department	575-396-2359
Loco Hills Fire Department	575-677-2349
Maljamar Fire Department	575-676-4100
(NMOCD) New Mexico Oil Conservation Division, District I (Lea, Roosevelt, Chaves, Curry)	575-393-6161
District II (Eddy, Chaves)	575-748-1283
American Safety	575-746-1096
Indian Fire & Safety	575-746-4660 or 800-530-8693
Callaway Safety	575-746-2847
BJ Services	575-746-3569

#### PROTECTION OF THE GENERAL PUBLIC/ROE:

In the event greater than 100 ppm H2S is present, the ROE (Radius Of Exposure) calculations will be done to determine if the following is warranted:

- 100 ppm at any public area (any place not associated with this site)
- 500 ppm at any public road (any road which the general public may travel)
- 100 ppm radius of 3000' will be assumed if there is insufficient data to do the calculations, and there is a reasonable expectation that H2S could be present in concentrations greater than 100 ppm in the gas mixture.

#### **Calculation for the 100 ppm ROE:**

$$X = [(1.589) (\text{concentration}) (Q)]^{(0.6258)}$$

#### **Calculation for the 500 ppm ROE:**

$$X = [(0.4546) (\text{concentration}) (Q)]^{(0.6258)}$$

EXAMPLE: If a well/facility has been determined to have 150 ppm H2S in the gas mixture and the well/facility is producing at a gas rate of 100 MCFPD then:

$$\begin{aligned} 100 \text{ PPM} \quad X &= [(1.589)(150/1,000,000)(100,000)]^{0.6258} \\ X &= 7' \end{aligned}$$

$$\begin{aligned} 500 \text{ PPM} \quad X &= [(0.4546)(150/1,000,000)(100,000)]^{0.6258} \\ X &= 3' \end{aligned}$$

(These calculations will be forwarded to the appropriate District NMOCD office when applicable)

#### PUBLIC EVACUATION PLAN:

(When the supervisor has determined that the General Public will be involved, the following plan will be implemented)

- 1) Notification of the emergency response agencies of the hazardous condition and implement evacuation procedures.
- 2) A trained person in H2S safety, shall monitor with detection equipment the H2S concentration, wind and area of exposure (ROE). This person will determine the outer perimeter of the hazardous area. The extent of the evacuation area will be determined from the data being collected. Monitoring shall continue until the situation has been resolved. **(All monitoring equipment shall be UL approved, for use in class I groups A,B,C, & D, Division I, hazardous locations. All monitors will have a minimum capability of measuring H2S values.)**
- 3) Law enforcement shall be notified to set up necessary barriers and maintain such for the duration of the situation as well as aid in the evacuation procedure.
- 4) The company supervising personnel shall stay in communications with all agencies through out the duration of the situation and inform such agencies when the situation has been contained and the effected area(s) is safe to enter.



#### PROCEDURE FOR IGNITING AN UNCONTROLLABLE CONDITION:

The decision to ignite a well should be a last resort and one if not both of the following pertain.

- 1) Human life and/or property are in danger.
- 2) There is no hope of bringing the situation under control with the prevailing conditions at the site.

#### INSTRUCTIONS FOR IGNITION:

- 1) Two people are required. They must be equipped with positive pressure; self contained breathing apparatus and a "D" –ring style, full body, OSHA approved safety harness. Non-flammable rope will be attached.
- 2) One of the people will be a qualified safety person who will test the atmosphere for H<sub>2</sub>S, Oxygen, & LFL. The other person will be the company supervisor; he is responsible for igniting the well.
- 3) Ignite up-wind from a distance no closer than necessary. Make sure that where you ignite from has the maximum escape avenue available. A 25mm flare gun shall be used, with a  $\pm 500'$  range to ignite the gas.
- 4) Prior to ignition, make a final check for combustible gases.
- 5) Following ignition, continue with the emergency actions & procedures as before.

#### REQUIRED EMERGENCY EQUIPMENT:

- 1) Breathing Apparatus:
  - Rescue Packs (SCBA) – 1 unit shall be placed at each breathing area, 2 shall be stored in the safety trailer.
  - Work/Escape Packs – 4 packs shall be stored on the rig floor with sufficient air hose not to restrict work activity.
  - Emergency Escape Packs – 4 packs shall be stored in the doghouse for emergency evacuation.
- 2) Signage & Flagging:
  - One Color Code Condition Sign will be placed at the entrance to the site reflecting the possible conditions at the site.
  - A Colored Condition flag will be on display, reflecting the condition at the site at that time.
- 3) Briefing Area: Two, perpendicular areas will be designated by signs and readily accessible.

- 4) Wind Socks: Two windsocks will be placed in strategic locations, visible from all angles.
- 5) H2S Detectors and Alarm: The stationary detector with three (3) sensors will be placed in the upper dog house if equipped, set to visually alarm @ 10 ppm and audible @ 15 ppm. Calibrate a minimum of every 30 days or as needed. The 3 sensors will be placed in the following places: (Gas sample tubes will be stored in the safety trailer)
  - Rig Floor
  - Bell Nipple
  - End of Flow line or where well bore fluid are being discharged.
- 6) Auxiliary Rescue Equipment:
  - Stretcher
  - Two OSHA full body harness
  - 100' of 5/8" OSHA approved rope
  - 1 – 20# Class ABC fire extinguisher
  - Communication via cell phones on location and vehicles on location.

#### USING SELF-CONTAINED BREATHING AIR EQUIPMENT (SCBA):

SCBA should be worn when any of the following are performed:

- Working near the top or on top of a tank.
- Disconnecting any line where H2S can reasonably be expected.
- Sampling air in the area to determine if toxic concentrations of H2S exist.
- Working in areas where over 10 ppm on H2S has been detected.
- At any time there is a doubt as the level of H2S in the area.

All personnel shall be trained in the use of SCBA prior to working in a potentially hazardous location.

Facial hair and standard eyeglasses are not allowed with SCBA.

Contact lenses are never allowed with SCBA.

Air quality shall continuously be checked during the entire operation.

After each use, the SCBA unit shall be cleaned, disinfected, serviced and inspected.

All SCBA shall be inspected monthly.

## RESCUE & FIRST AID FOR VICTIMS OF HYDROGEN SULFIDE (H<sub>2</sub>S) POISONING

Do not panic.

Remain calm & think.

Get on the breathing apparatus.

Remove the victim to the safe breathing area as quickly as possible. Upwind an uphill from source of cross wind to achieve upwind.

Notify emergency response personnel.

Provide artificial respiration and/or CPR, as necessary.

Remove all contaminated clothing to avoid further exposure.

A minimum of two (2) personnel on location shall be trained in CPR and First Aid.

### H2S TOXIC EFFECTS:

H2S is extremely toxic. The acceptable ceiling for eight hours of exposure is 10 ppm, which is .001% by volume. H2S is approximately 20% heavier than air (Sp.Gr=1.19 / Air=1 ) and colorless. It forms an explosive mixture with air between 4.3% and 46.0%. By volume hydrogen sulfide (H2S) is almost as toxic as hydrogen cyanide and is 5-6 times more toxic than carbon monoxide.

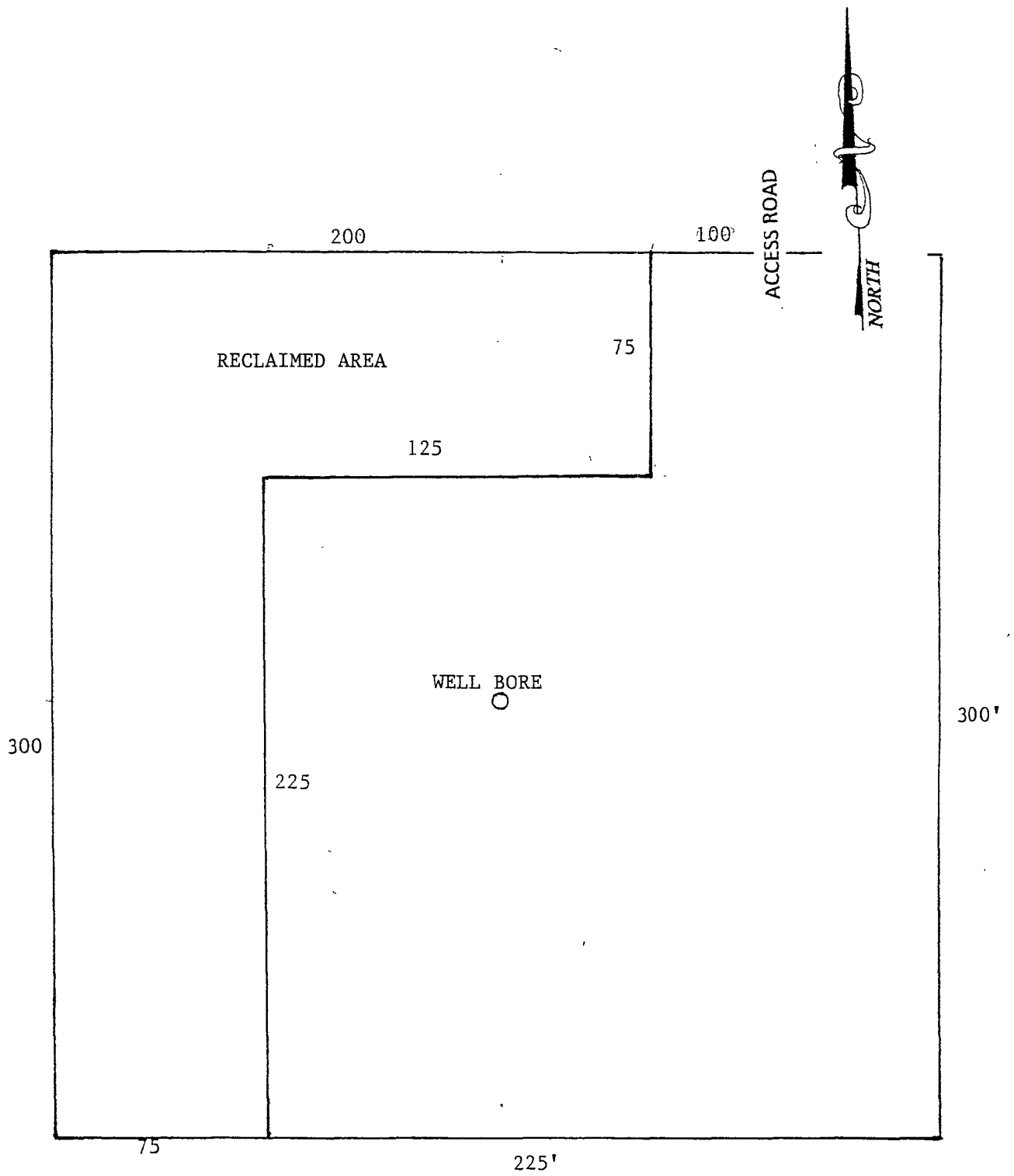
### Various Gases

Common Name	Chemical Abbrev.	Sp. Gr.	Threshold Limits	Hazardous Limits	Lethal Concentration
Hydrogen Sulfide	H2S	1.19	10 ppm 15 ppm	100 ppm/hr	600 ppm
Hydrogen Cyanide	HCN	0.94	10 ppm	150 ppm/hr	300 ppm
Sulfur Dioxide	SO2	2.21	2 ppm	N/A	1000 ppm
Chlorine	CL2	2.45	1 ppm	4 ppm/hr	1000 ppm
Carbon Monoxide	CO	0.97	50 ppm	400 ppm/hr	1000 ppm
Carbon Dioxide	CO2	1.52	5000 ppm	5%	10%
Methane	CH4	0.55	90,000	Combustible @ 5%	N/A

1. Threshold limit – Concentrations at which it is believed that all workers may be repeatedly exposed, day after day without adverse effects.
2. Hazardous limit – Concentration that may cause death.
3. Lethal concentration – Concentration that will cause death with short-term exposure.
4. Threshold limit – 10 ppm – NIOSH guide to chemical hazards.
5. Short-term threshold limit.

### PHYSICAL EFFECTS OF HYDROGEN SULFIDE:

CONCENTRATIONS		PHYSICAL EFFECTS
.001%	10 ppm	Obvious and unpleasant odor. Safe for 8 hr. exposure
.005%	50 ppm	Can cause some flu-like symptoms and can cause pneumonia.
.01%	100 ppm	Kills the sense of smell in 3-15 minutes. May irritate eyes and throat.
.02%	200 ppm	Kills the sense of smell rapidly. Severely irritates eyes and throat. Severe flu-like symptoms after 4 or more hours. May cause lung damage and/or death.
.06%	600 ppm	Loss of consciousness quickly, death will result if not rescued promptly.



# PECOS DISTRICT

## CONDITIONS OF APPROVAL

OPERATOR'S NAME:	SM ENERGY COMPANY
LEASE NO.:	NM-67102
WELL NAME & NO.:	PARKWAY DELAWARE UNIT #520
SURFACE HOLE FOOTAGE:	2450' FNL & 1330' FWL
BOTTOM HOLE FOOTAGE:	SAME
LOCATION:	Section 35, T.19 S., R.29 E., NMPM
COUNTY:	Eddy County, New Mexico

### TABLE OF CONTENTS

Standard Conditions of Approval (COA) apply to this APD. If any deviations to these standards exist or special COAs are required, the section with the deviation or requirement will be checked below.

- ☐ **General Provisions**
- ☐ **Permit Expiration**
- ☐ **Archaeology, Paleontology, and Historical Sites**
- ☐ **Noxious Weeds**
- ☒ **Special Requirements**
  - Cave/Karst
- ☐ **Construction**
  - Notification
  - Topsoil
  - Closed Loop System
  - Federal Mineral Material Pits
  - Well Pads
  - Roads
- ☐ **Road Section Diagram**
- ☒ **Drilling**
  - Secretary's Potash
  - High Cave/Karst
  - H2S – Onshore Order 6 Requirements
  - Logging Requirements
  - Waste Material and Fluids
- ☐ **Production (Post Drilling)**
  - Well Structures & Facilities
  - Pipelines
  - Electric Lines
- ☐ **Interim Reclamation**
- ☐ **Final Abandonment & Reclamation**

## **I. GENERAL PROVISIONS**

The approval of the Application For Permit To Drill (APD) is in compliance with all applicable laws and regulations: 43 Code of Federal Regulations 3160, the lease terms, Onshore Oil and Gas Orders, Notices To Lessees, New Mexico Oil Conservation Division (NMOCD) Rules, National Historical Preservation Act As Amended, and instructions and orders of the Authorized Officer. Any request for a variance shall be submitted to the Authorized Officer on Form 3160-5, Sundry Notices and Report on Wells.

## **II. PERMIT EXPIRATION**

If the permit terminates prior to drilling and drilling cannot be commenced within 60 days after expiration, an operator is required to submit Form 3160-5, Sundry Notices and Reports on Wells, requesting surface reclamation requirements for any surface disturbance. However, if the operator will be able to initiate drilling within 60 days after the expiration of the permit, the operator must have set the conductor pipe in order to allow for an extension of 60 days beyond the expiration date of the APD. (Filing of a Sundry Notice is required for this 60 day extension.)

## **III. ARCHAEOLOGICAL, PALEONTOLOGY & HISTORICAL SITES**

Any cultural and/or paleontological resource discovered by the operator or by any person working on the operator's behalf shall immediately report such findings to the Authorized Officer. The operator is fully accountable for the actions of their contractors and subcontractors. The operator shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery shall be made by the Authorized Officer to determine the appropriate actions that shall be required to prevent the loss of significant cultural or scientific values of the discovery. The operator shall be held responsible for the cost of the proper mitigation measures that the Authorized Officer assesses after consultation with the operator on the evaluation and decisions of the discovery. Any unauthorized collection or disturbance of cultural or paleontological resources may result in a shutdown order by the Authorized Officer.

## **IV. NOXIOUS WEEDS**

The operator shall be held responsible if noxious weeds become established within the areas of operations. Weed control shall be required on the disturbed land where noxious weeds exist, which includes the roads, pads, associated pipeline corridor, and adjacent land affected by the establishment of weeds due to this action. The operator shall consult with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policies.

## **V. SPECIAL REQUIREMENT(S)**

### **Cave and Karst**

- \*\* Depending on location, additional Drilling, Casing, and Cementing procedures may be required by engineering to protect critical karst groundwater recharge areas.

#### **Cave/Karst Surface Mitigation**

The following stipulations will be applied to minimize impacts during construction, drilling and production.

##### **Construction:**

In the advent that any underground voids are opened up during construction activities, construction activities will be halted and the BLM will be notified immediately.

##### **No Blasting:**

No blasting will be utilized for pad construction. The pad will be constructed and leveled by adding the necessary fill and caliche.

##### **Tank Battery Liners and Berms:**

Tank battery locations will be lined and bermed. A 20 mil permanent liner will be installed with a 4 oz. felt backing to prevent tears or punctures. Tank battery berms must be large enough to contain 1 ½ times the content of the largest tank.

##### **Leak Detection System:**

A method of detecting leaks is required. The method could incorporate gauges to measure loss, siting valves and lines so they can be visually inspected, or installing electronic sensors to alarm when a leak is present. Leak detection plan will be submitted to BLM for approval.

##### **Automatic Shut-off Systems:**

Automatic shut off, check valves, or similar systems will be installed for pipelines and tanks to minimize the effects of catastrophic line failures used in production or drilling.

#### **Cave/Karst Subsurface Mitigation**

The following stipulations will be applied to protect cave/karst and ground water concerns:

##### **Rotary Drilling with Fresh Water:**

Fresh water will be used as a circulating medium in zones where caves or karst features are expected. SEE ALSO: Drilling COAs for this well.

##### **Directional Drilling:**



Kick off for directional drilling will occur at least 100 feet below the bottom of the cave occurrence zone. SEE ALSO: Drilling COAs for this well.

**Lost Circulation:**

ALL lost circulation zones from the surface to the base of the cave occurrence zone will be logged and reported in the drilling report.

Regardless of the type of drilling machinery used, if a void of four feet or more and circulation losses greater than 70 percent occur simultaneously while drilling in any cave-bearing zone, the BLM will be notified immediately by the operator. The BLM will assess the situation and work with the operator on corrective actions to resolve the problem.

**Abandonment Cementing:**

Upon well abandonment in high cave karst areas additional plugging conditions of approval may be required. The BLM will assess the situation and work with the operator to ensure proper plugging of the wellbore.

**Pressure Testing:**

Annual pressure monitoring will be performed by the operator on all casing annuli and reported in a sundry notice. If the test results indicated a casing failure has occurred, remedial action will be undertaken to correct the problem to the BLM's approval.

## **VI. CONSTRUCTION**

### **A. NOTIFICATION**

The BLM shall administer compliance and monitor construction of the access road and well pad. Notify the Carlsbad Field Office at (575) 234-6235 at least 3 working days prior to commencing construction of the access road and/or well pad.

When construction operations are being conducted on this well, the operator shall have the approved APD and Conditions of Approval (COA) on the well site and they shall be made available upon request by the Authorized Officer.

### **B. TOPSOIL**

The operator shall stockpile the topsoil in a low profile manner in order to prevent wind/water erosion of the topsoil. The topsoil to be stripped is approximately 3 inches in depth. The topsoil will be used for interim and final reclamation.

### **C. CLOSED LOOP SYSTEM**

Tanks are required for drilling operations: No Pits.

The operator shall properly dispose of drilling contents at an authorized disposal site.

### **D. FEDERAL MINERAL MATERIALS PIT**

Payment shall be made to the BLM prior to removal of any federal mineral materials. Call the Carlsbad Field Office at (575) 234-5972.

### **E. WELL PAD SURFACING**

Surfacing of the well pad is not required.

If the operator elects to surface the well pad, the surfacing material may be required to be removed at the time of reclamation.

The well pad shall be constructed in a manner which creates the smallest possible surface disturbance, consistent with safety and operational needs.

### **F. ON LEASE ACCESS ROADS**

#### **Road Width**

The access road shall have a driving surface that creates the smallest possible surface disturbance and does not exceed fourteen (14) feet in width. The maximum width of surface disturbance, when constructing the access road, shall not exceed twenty (20) feet.

### **Surfacing**

Surfacing material is not required on the new access road driving surface. If the operator elects to surface the new access road or pad, the surfacing material may be required to be removed at the time of reclamation.

Where possible, no improvements should be made on the unsurfaced access road other than to remove vegetation as necessary, road irregularities, safety issues, or to fill low areas that may sustain standing water.

The Authorized Officer reserves the right to require surfacing of any portion of the access road at any time deemed necessary. Surfacing may be required in the event the road deteriorates, erodes, road traffic increases, or it is determined to be beneficial for future field development. The surfacing depth and type of material will be determined at the time of notification.

### **Crowning**

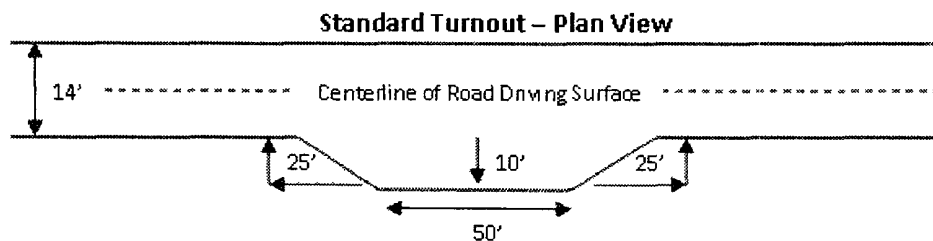
Crowning shall be done on the access road driving surface. The road crown shall have a grade of approximately 2% (i.e., a 1" crown on a 14' wide road). The road shall conform to Figure 1; cross section and plans for typical road construction.

### **Ditching**

Ditching shall be required on both sides of the road.

### **Turnouts**

Vehicle turnouts shall be constructed on the road. Turnouts shall be intervisible with interval spacing distance less than 1000 feet. Turnouts shall be constructed on all blind curves. Turnouts shall conform to the following diagram:

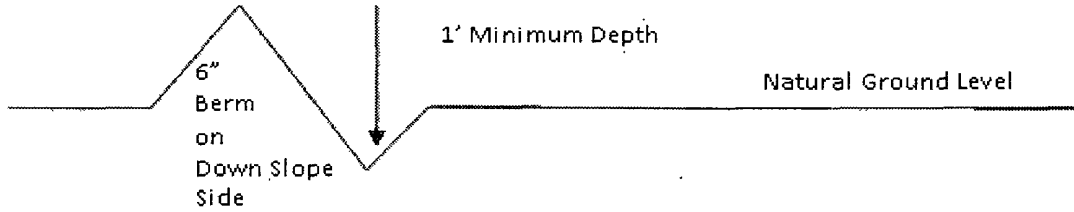


### **Drainage**

Drainage control systems shall be constructed on the entire length of road (e.g. ditches, sidehill outsloping and insloping, lead-off ditches, culvert installation, and low water crossings).

A typical lead-off ditch has a minimum depth of 1 foot below and a berm of 6 inches above natural ground level. The berm shall be on the down-slope side of the lead-off ditch.

### **Cross Section of a Typical Lead-off Ditch**



All lead-off ditches shall be graded to drain water with a 1 percent minimum to 3 percent maximum ditch slope. The spacing interval are variable for lead-off ditches and shall be determined according to the formula for spacing intervals of lead-off ditches, but may be amended depending upon existing soil types and centerline road slope (in %);

#### **Formula for Spacing Interval of Lead-off Ditches**

Example - On a 4% road slope that is 400 feet long, the water flow shall drain water into a lead-off ditch. Spacing interval shall be determined by the following formula:

$$400 \text{ foot road with } 4\% \text{ road slope: } \frac{400'}{4\%} + 100' = 200' \text{ lead-off ditch interval}$$

#### **Culvert Installations**

Appropriately sized culvert(s) shall be installed at the deep waterway channel flow crossing.

#### **Cattleguards**

An appropriately sized cattleguard(s) sufficient to carry out the project shall be installed and maintained at fence crossing(s).

Any existing cattleguard(s) on the access road shall be repaired or replaced if they are damaged or have deteriorated beyond practical use. The operator shall be responsible for the condition of the existing cattleguard(s) that are in place and are utilized during lease operations.

A gate shall be constructed and fastened securely to H-braces.

#### **Fence Requirement**

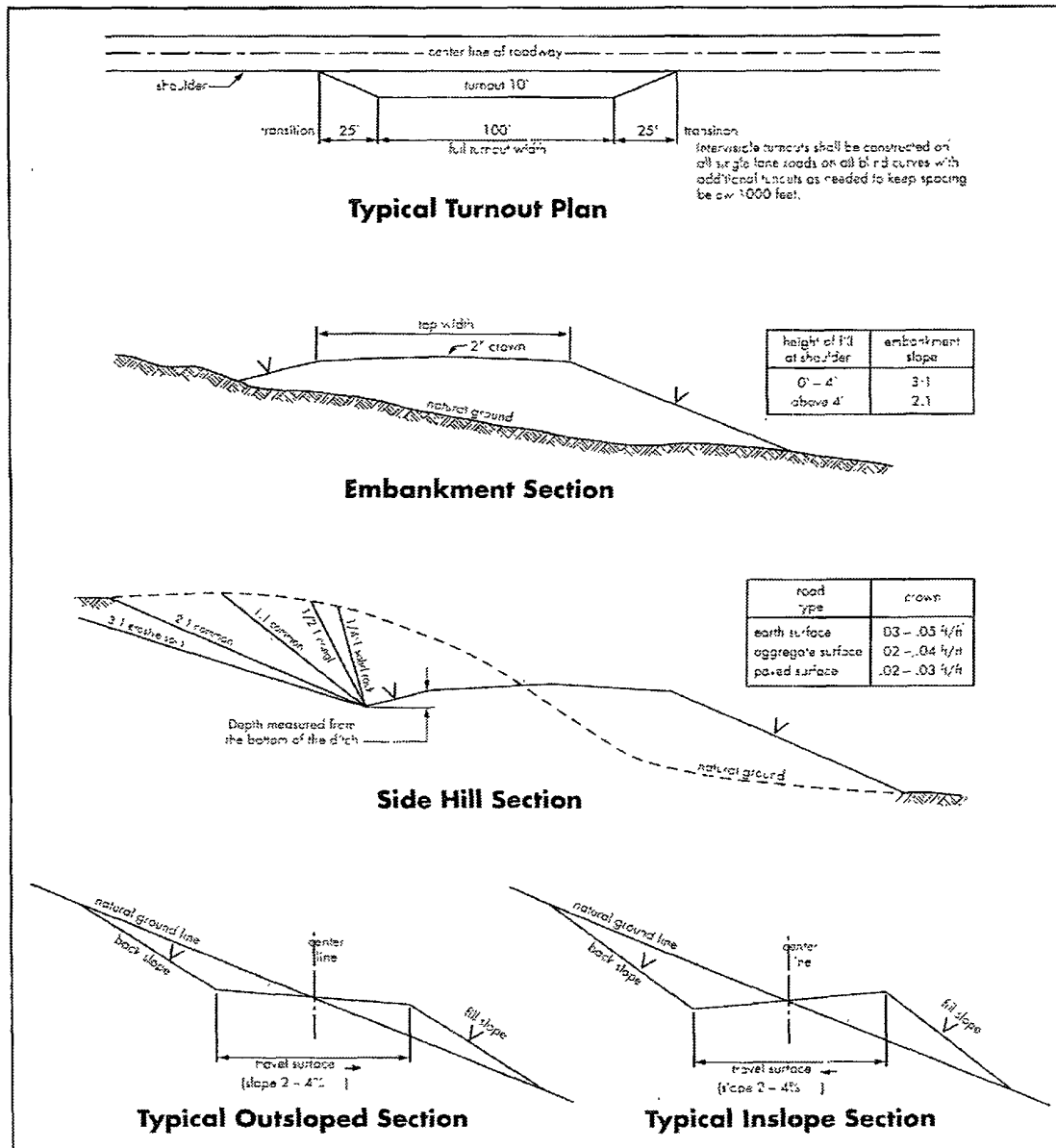
Where entry is required across a fence line, the fence shall be braced and tied off on both sides of the passageway prior to cutting.

The operator shall notify the private surface landowner or the grazing allotment holder prior to crossing any fence(s).

#### **Public Access**

Public access on this road shall not be restricted by the operator without specific written approval granted by the Authorized Officer.

**Figure 1 – Cross Sections and Plans For Typical Road Sections**



## VII. DRILLING

### A. DRILLING OPERATIONS REQUIREMENTS

The BLM is to be notified a minimum of 4 hours in advance for a representative to witness:

- a. Spudding well
- b. Setting and/or Cementing of all casing strings
- c. BOPE tests

☒ **Eddy County**

Call the Carlsbad Field Office, 620 East Greene St., Carlsbad, NM 88220,  
(575) 361-2822

1. **Hydrogen Sulfide (H<sub>2</sub>S) monitors shall be installed prior to drilling out the surface shoe. If H<sub>2</sub>S is encountered in quantities greater than 10 PPM the well shall be shut in and a mud/gas separator and flare line must be installed pursuant to Onshore Oil and Gas Order #6. After detection, the Hydrogen Sulfide area must meet Onshore Order 6 requirements, which includes equipment and personnel/public protection items. If Hydrogen Sulfide is encountered, please provide measured values and formations to the BLM.**
  2. Unless the production casing has been run and cemented or the well has been properly plugged, the drilling rig shall not be removed from over the hole without prior approval. **If the drilling rig is removed without approval – an Incident of Non-Compliance will be written and will be a “Major” violation.**
- 
1. Floor controls are required for 3M or Greater systems. These controls will be on the rig floor, unobstructed, readily accessible to the driller and will be operational at all times during drilling and/or completion activities. Rig floor is defined as the area immediately around the rotary table; the area immediately above the substructure on which the draw works are located, this does not include the dog house or stairway area.
  2. **The record of the drilling rate along with the GR/N well log run from TD to surface (horizontal well – vertical portion of hole) shall be submitted to the BLM office as well as all other logs run on the borehole 30 days from completion. If available, a digital copy of the logs is to be submitted in addition to the paper copies. The top and bottom of Salt are to be recorded on the Completion Report.**

## **B. CASING**

**Changes to the approved APD casing and cement program require submitting a sundry and receiving approval prior to work. Failure to obtain approval prior to work will result in an Incident of Non-Compliance being issued.**

**Centralizers required on surface casing per Onshore Order 2.III.B.1.f.**

**Wait on cement (WOC) time prior to drilling out for a primary cement job will be a minimum 18 hours for a water basin, 24 hours in the potash area, or 500 pounds compressive strength, whichever is greater for all casing strings. DURING THIS WOC TIME, NO DRILL PIPE, ETC. SHALL BE RUN IN THE HOLE. Provide compressive strengths including hours to reach required 500 pounds compressive strength prior to cementing each casing string. See individual casing strings for details regarding lead cement slurry requirements.**

**No pea gravel permitted for remedial or fall back remedial without prior authorization from the BLM engineer.**

**Secretary's Potash  
High Cave/Karst**

**Possible lost circulation in the Artesia, Delaware and Bone Spring Groups.  
Possible brine and water flows in the Artesia and Salado Groups.**

1. The 20 inch surface casing shall be set at approximately **225** feet (a minimum of 25 feet into the Competent Bed and above the salt) and cemented to the surface.
  - a. If cement does not circulate to the surface, the appropriate BLM office shall be notified and a temperature survey utilizing an electronic type temperature survey with surface log readout will be used or a cement bond log shall be run to verify the top of the cement. Temperature survey will be run a minimum of six hours after pumping cement and ideally between 8-10 hours after completing the cement job.
  - b. **Wait on cement (WOC) time for a primary cement job is to include the lead cement slurry.**
  - c. Wait on cement (WOC) time for a remedial job will be a minimum of 4 hours after bringing cement to surface or 500 pounds compressive strength, whichever is greater.
  - d. If cement falls back, remedial cementing will be done prior to drilling out that string.

2. The minimum required fill of cement behind the 13-3/8 inch intermediate casing is:

☒ Cement to surface. If cement does not circulate see B.1.a, c-d above.

**Wait on cement (WOC) time for a primary cement job is to include the lead cement slurry due to cave/karst and potash.**

3. The minimum required fill of cement behind the 8-5/8 inch 2nd intermediate casing, **which shall be set in the Base of the Capitan Reef or in the Top of the Delaware Mountain Group, is:**

☒ Cement to surface. If cement does not circulate see B.1.a, c-d above. **Wait on cement (WOC) time for a primary cement job is to include the lead cement slurry due to cave/karst and potash.**

**If 75% or greater lost circulation occurs while drilling the second intermediate hole, the cement on the 7 inch production casing must come to surface.**

**The BLM shows the Capitan Reef marker at 1700 feet. Top of cement on 5-1/2" production casing shall reach a minimum of 50 feet above that depth.**

4. The minimum required fill of cement behind the 5-1/2 inch production casing is:

☒ Cement should tie-back a minimum of 50 feet above the Capitan Reef. Operator shall provide method of verification. **Wait on cement (WOC) time for a primary cement job is to include the lead cement slurry due to Capitan Reef, cave/karst and potash. Additional cement will be required as excess calculates to negative 36%.**

5. If hardband drill pipe is rotated inside casing, returns will be monitored for metal. If metal is found in samples, drill pipe will be pulled and rubber protectors which have a larger diameter than the tool joints of the drill pipe will be installed prior to continuing drilling operations.

#### **C. PRESSURE CONTROL**

1. All blowout preventer (BOP) and related equipment (BOPE) shall comply with well control requirements as described in Onshore Oil and Gas Order No. 2 and API RP 53 Sec. 17.
2. Minimum working pressure of the blowout preventer (BOP) and related equipment (BOPE) required for drilling below the 20 inch surface casing shoe shall be 2000 (2M) psi.



3. The appropriate BLM office shall be notified a minimum of 4 hours in advance for a representative to witness the tests.
- a. In potash areas, for all casing strings utilizing slips, these are to be set as soon as the crew and rig are ready and any fallback cement remediation has been done. For all casing strings, casing cut-off and BOP installation can be initiated at twelve hours after bumping the plug. However, **no tests** shall commence until the cement has had a minimum of 24 hours setup time.
  - b. The tests shall be done by an independent service company utilizing a test plug **not a cup or J-packer**. The operator also has the option of utilizing an independent tester to test without a plug (i.e. against the casing) pursuant to Onshore Order 2 with the pressure not to exceed 70% of the burst rating for the casing. Any test against the casing must meet the WOC time for water basin (18 hours) or potash (24 hours) or 500 pounds compressive strength, whichever is greater, prior to initiating the test (see casing segment as lead cement may be critical item).
  - c. The results of the test shall be reported to the appropriate BLM office.
  - d. All tests are required to be recorded on a calibrated test chart. **A copy of the BOP/BOPE test chart and a copy of independent service company test will be submitted to the appropriate BLM office.**
  - e. The BOP/BOPE test shall include a low pressure test from 250 to 300 psi. The test will be held for a minimum of 10 minutes if test is done with a test plug and 30 minutes without a test plug.

#### **D. DRILL STEM TEST**

If drill stem tests are performed, Onshore Order 2.III.D shall be followed.

#### **E. WASTE MATERIAL AND FLUIDS**

All waste (i.e. drilling fluids, trash, salts, chemicals, sewage, gray water, etc.) created as a result of drilling operations and completion operations shall be safely contained and disposed of properly at a waste disposal facility. No waste material or fluid shall be disposed of on the well location or surrounding area.

Porto-johns and trash containers will be on-location during fracturing operations or any other crew-intensive operations.

**CRW 122811**

## **VIII. PRODUCTION (POST DRILLING)**

### **A. WELL STRUCTURES & FACILITIES**

#### **Placement of Production Facilities**

Production facilities should be placed on the well pad to allow for maximum interim recontouring and revegetation of the well location.

#### **Containment Structures**

The containment structure shall be constructed to hold the capacity of the entire contents of the largest tank, plus 24 hour production, unless more stringent protective requirements are deemed necessary by the Authorized Officer.

#### **Painting Requirement**

All above-ground structures including meter housing that are not subject to safety requirements shall be painted a flat non-reflective paint color  
Shale Green, Munsell Soil Color Chart # 5Y 4/2

### **STANDARD STIPULATIONS FOR SURFACE INSTALLED PIPELINES**

**A copy of the grant and attachments, including stipulations, survey plat and/or map, will be on location during construction. BLM personnel may request to you a copy of your permit during construction to ensure compliance with all stipulations.**

Holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer:

1. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.
2. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The holder agrees to indemnify the United States against any liability arising from the

release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on the Right-of-Way (unless the release or threatened release is wholly unrelated to activity of the Right-of-Way holder's activity on the Right-of-Way), or resulting from the activity of the Right-of-Way holder on the Right-of-Way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

4. The holder shall be liable for damage or injury to the United States to the extent provided by 43 CFR Sec. 2883.1-4. The holder shall be held to a standard of strict liability for damage or injury to the United States resulting from pipe rupture, fire, or spills caused or substantially aggravated by any of the following within the right-of-way or permit area:

- a. Activities of the holder including, but not limited to construction, operation, maintenance, and termination of the facility.
- b. Activities of other parties including, but not limited to:
  - (1) Land clearing.
  - (2) Earth-disturbing and earth-moving work.
  - (3) Blasting.
  - (4) Vandalism and sabotage.
- c. Acts of God.

The maximum limitation for such strict liability damages shall not exceed one million dollars (\$1,000,000) for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which the damage or injury occurred.

This section shall not impose strict liability for damage or injury resulting primarily from an act of war or from the negligent acts or omissions of the United States.

5. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any oil, salt water, or other pollutant should be discharged from the pipeline system, impacting Federal lands, the control and total removal, disposal, and cleaning up of such oil, salt water, or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal lands, or to repair all damages resulting therefrom, on the Federal lands, the Authorized Officer may take such measures as he deems necessary to control and clean up the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve the holder

of any responsibility as provided herein.

6. All construction and maintenance activity will be confined to the authorized right-of-way width of 25 feet.

6. (a) Where a polyline is laid along a County Road, the operator will lay that polyline ten (10)

feet out from the center of the ditch to prevent obstructing County Maintenance activities.

7. No blading or clearing of any vegetation will be allowed unless approved in writing by the Authorized Officer.

8. The holder shall install the pipeline on the surface in such a manner that will minimize suspension of the pipeline across low areas in the terrain. In hummocky or dune areas, the pipeline will be "snaked" around hummocks and dunes rather than suspended across these features.

9. The pipeline shall be buried with a minimum of 24 inches under all roads, "two-tracks," and trails. Burial of the pipe will continue for 20 feet on each side of each crossing. The condition of the road, upon completion of construction, shall be returned to at least its former state with no bumps or dips remaining in the road surface.

10. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

11. In those areas where erosion control structures are required to stabilize soil conditions, the holder will install such structures as are suitable for the specific soil conditions being encountered and which are in accordance with sound resource management practices.

12. Excluding the pipe, all above-ground structures not subject to safety requirement shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" – **Shale Green**, Munsell Soil Color No. 5Y 4/2; designated by the Rocky Mountain Five State Interagency Committee.

13. The pipeline will be identified by signs at the point of origin and completion of the right-of-way and at all road crossings. At a minimum, signs will state the holder's name, BLM serial number, and the product being transported. Signs will be maintained in a legible condition for the life of the pipeline.

14. The holder shall not use the pipeline route as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the holder. The holder will take whatever steps are necessary to ensure that the pipeline route is not used as a roadway.

15. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

16. The operator shall be held responsible if noxious weeds become established within the areas of operations. Weed control shall be required on the disturbed land where noxious weeds exist, which includes the roads, powerline corridor, and adjacent land affected by the establishment of weeds due to this action. The operator shall consult with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policies.

## **IX. INTERIM RECLAMATION**

During the life of the development, all disturbed areas not needed for active support of production operations should undergo interim reclamation in order to minimize the environmental impacts of development on other resources and uses.

Within six (6) months of well completion, operators should work with BLM surface management specialists (Jim Amos: 575-234-5909) to devise the best strategies to reduce the size of the location. Interim reclamation should allow for remedial well operations, as well as safe and efficient removal of oil and gas.

During reclamation, the removal of caliche is important to increasing the success of revegetating the site. Removed caliche that is free of contaminants may be used for road repairs, fire walls or for building other roads and locations. In order to operate the well or complete workover operations, it may be necessary to drive, park and operate on restored interim vegetation within the previously disturbed area. Disturbing revegetated areas for production or workover operations will be allowed. If there is significant disturbance and loss of vegetation, the area will need to be revegetated. Communicate with the appropriate BLM office for any exceptions/exemptions if needed.

All disturbed areas after they have been satisfactorily prepared need to be reseeded with the seed mixture provided below.

Upon completion of interim reclamation, the operator shall submit a Sundry Notices and Reports on Wells, Subsequent Report of Reclamation (Form 3160-5).

## **X. FINAL ABANDONMENT & RECLAMATION**

At final abandonment, well locations, production facilities, and access roads must undergo "final" reclamation so that the character and productivity of the land are restored.

Earthwork for final reclamation must be completed within six (6) months of well plugging. All pads, pits, facility locations and roads must be reclaimed to a satisfactory revegetated, safe, and stable condition, unless an agreement is made with the landowner or BLM to keep the road and/or pad intact.

After all disturbed areas have been satisfactorily prepared, these areas need to be revegetated with the seed mixture provided below. Seeding should be accomplished by drilling on the contour whenever practical or by other approved methods. Seeding may need to be repeated until revegetation is successful, as determined by the BLM.

Operators shall contact a BLM surface protection specialist prior to surface abandonment operations for site specific objectives (Jim Amos: 575-234-5909).

### **Seed Mixture 4, for Gypsum Sites**

The holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)\* per acre. There shall be no primary or secondary noxious weeds in the seed mixture. Seed will be tested and the viability testing of seed will be done in accordance with State law(s) and within nine (9) months prior to purchase. Commercial seed will be either certified or registered seed. The seed container will be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed will be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture will be evenly and uniformly planted over the disturbed area (smaller/heavier seeds have a tendency to drop the bottom of the drill and are planted first). The holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed will be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of at least one full growing season after seeding.

Species to be planted in pounds of pure live seed\* per acre:

### **Species**

	<u>lb/acre</u>
Alkali Sacaton ( <i>Sporobolus airoides</i> )	1.0
DWS Four-wing saltbush ( <i>Atriplex canescens</i> )	5.0

DWS: DeWinged Seed

\*Pounds of pure live seed:

Pounds of seed x percent purity x percent germination = pounds pure live seed