

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Old Artesia

FORM APPROVED
OMB NO. 1004-0135
Expires: July 31, 2010

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill or to re-enter an abandoned well. Use form 3160-3 (APD) for such proposals.

5. Lease Serial No.
NMNM036379

6. If Indian, Allottee or Tribe Name

SUBMIT IN TRIPLICATE - Other instructions on reverse side.

7. If Unit or CA/Agreement, Name and/or No.
NMNM70928X

1. Type of Well

☒ Oil Well ☐ Gas Well ☐ Other

8. Well Name and No.
MULTIPLE MULTIPLE

2. Name of Operator
DEVON ENERGY PROD. CO. LP

Contact: GREGG LARSON
E-Mail: gregg.larson@dmv.com

9. API Well No.
30-015-42892

3a. Address
333 WEST SHERIDAN AVENUE
OKLAHOMA CITY, OK 73102-5015

3b. Phone No. (include area code)
Ph: 940-393-2190

10. Field and Pool, or Exploratory
PADUCA

4. Location of Well (Footage, Sec., T., R., M., or Survey Description)

Sec -2147483648 T24S R31E

11. County or Parish, and State

EDDY COUNTY, NM

12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION	TYPE OF ACTION			
<input checked="" type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13. Describe Proposed or Completed Operation (clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recompleat horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompleat in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

Cotton Draw Unit 212H (API 30-015-42892), Lease NMNM036379. Respectfully request approval to install a three phase 22.8/13.2kV overhead electric line starting at an existing electric line in the NW/4 NW/4 Section 35, T24S-R31E extending 135.2 feet to the Cotton Draw Unit 212H location. See page 5 & 6 in the attached plats for a more detailed description. Wire size will be 1/0 with 45'C4 poles. Approximately 2 poles. 135.20 feet (8.19 Rods) by 30 feet in width containing 0.093 acres in the NW/4 NW/4 Section 35, T24S-R31E, Eddy County, New Mexico. Construction start as soon as approval is received. Estimated duration 10 days.

Cotton Draw Unit 213H (API 30-015-41869), Lease NMNM036379 & NMNM012121. Request approval to install a three phase 22.8/13.2kV overhead electric line starting at an existing electric line in the NE/4 NE/4 Section 35, T24S-R31E extending 407.35 feet to the Cotton Draw Unit 213H locations.

NM OIL CONSERVATION
ARTESIA DISTRICT

FEB 17 2016

RECEIVED

14. I hereby certify that the foregoing is true and correct.

Electronic Submission #327464 verified by the BLM Well Information System
For DEVON ENERGY PROD. CO. LP, sent to the Carlsbad

Name (Printed/Typed) GREGG LARSON

Title FIELD LANDMAN

Signature (Electronic Submission)

Date 12/30/2015

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved By

Gregg Larson

Title Foa FIELD MANAGER

Date 2/11/16

Conditions of approval, if any, are attached. Approval of this notice 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.

Office CARLSBAD FIELD OFFICE

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.

**** OPERATOR-SUBMITTED ** OPERATOR-SUBMITTED ** OPERATOR-SUBMITTED ****

Additional data for EC transaction #327464 that would not fit on the form

32. Additional remarks, continued

See page 7 & 8 in the attach plats for a more detailed description.

Wire size will be 1/0 with 45'C4 poles. Approximately 4 poles.

407.35 feet (24.69 Rods) by 30 feet in width containing 0.281 acres in the NE/4 NE/4 Section 35, T24S-R31E, Eddy County, New Mexico.

Construction start as soon as approval is received. Estimated duration 10 days.

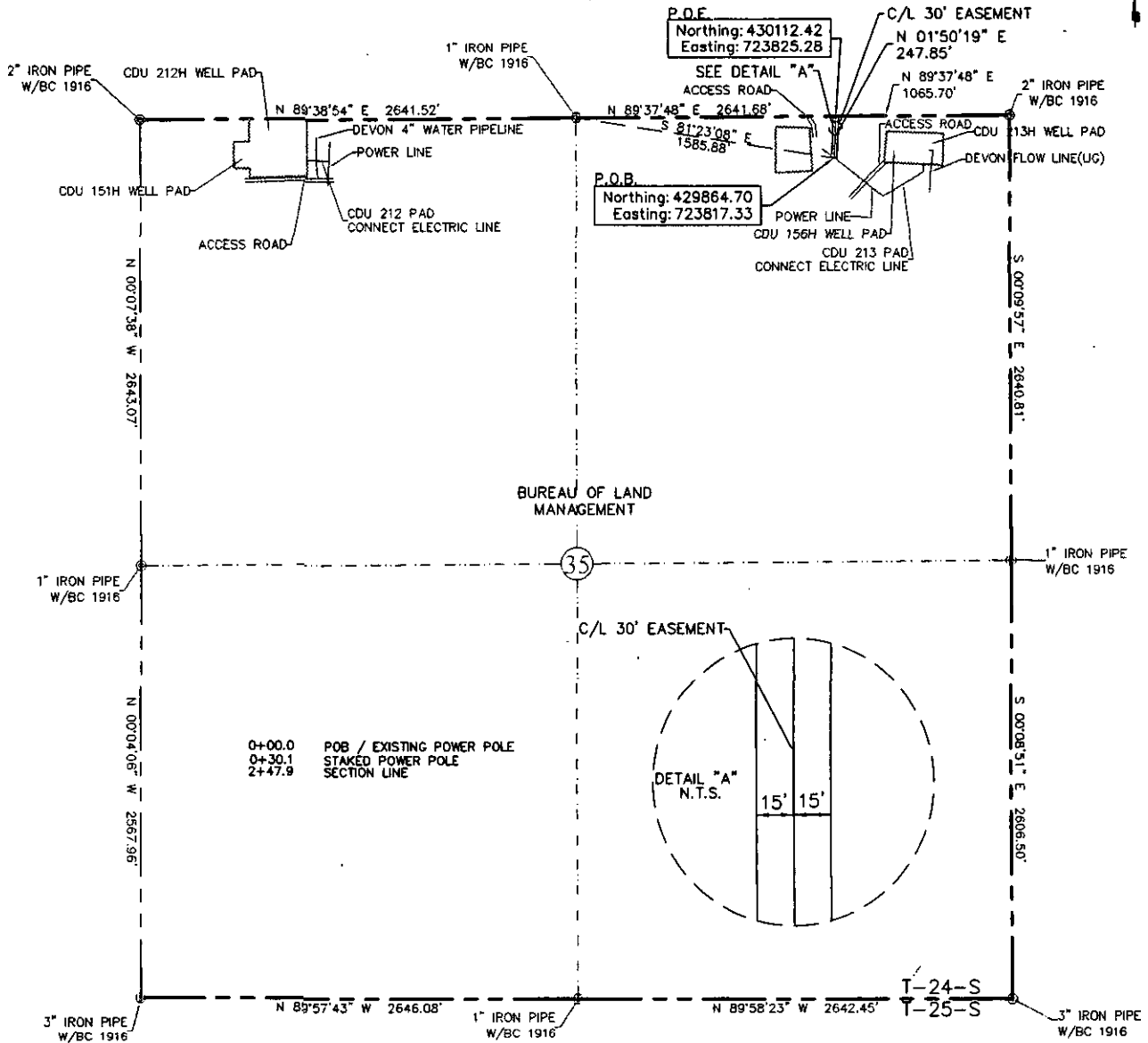
Cotton Draw Unit 205H (API 30-015-42071) and the Cotton Draw Unit 206H (API 30-015-42702), Lease NMNM012121. Request approval to install a three phase 22.8/13.2kV overhead electric line starting at an existing electric line in the NE/4 NE/4 Section 35, T24S-R31E extending north 247.85 feet to the SE/4 SE/4 section 26, T24S-R31E continuing an additional 445.85 feet to the Cotton Draw Unit 205H & 206H location in all 693.7 feet. See pages 1-4 in the attach plats for a more detailed description.

Wire Size will be 1/0 with 45'C4 poles. Approximately 6 Poles.

693.7 feet (42.04 Rods) by 30 feet in width containing 0.478 acres in the NE/4 NE/4 section 35, T24S-R31E and in the SE/4 SE/4 Section 26, T24S-R31E, Eddy County, New Mexico.

Construction start as soon as approval is received. Estimated duration 10 days.

EXHIBIT "A"
PAGE 1 of 10
ELECTRIC LINE PLAT
SECTION 35, T24S-R31E, N.M.P.M.
EDDY COUNTY, NEW MEXICO

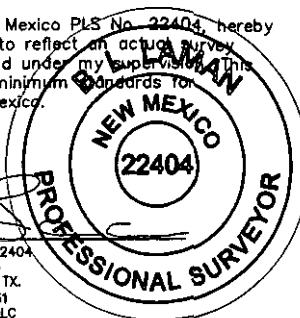


30' EASEMENT AREA = 0.171 ACRE(S)
247.85 FEET OR 15.02 RODS

SEE THE ATTACHED LEGAL DESCRIPTION

Note: All bearings recited herein are based on the New Mexico State Plane Coordinate System, NAD 83, New Mexico East Zone 3001, US Survey Feet, all distances are grid.

I, B.L. Laman, New Mexico PLS No. 22404, hereby certify this survey to reflect an actual survey made on the ground under my supervision. This survey meets the minimum standards for surveying in New Mexico.



B.L. Laman PLS #22404
Date Signed: 10-26-2015
571 State Street, Jasper, TX.
(409) 202-5111 75951
Employee of Horizonrow, LLC

0 1000 2000



HORIZON ROW LLC

Drawn for:

devon

Drawn by:
KIMBLE MORGAN

Date: 10/15/2015

DEVON ENERGY PRODUCTION COMPANY, L.P.

CDU 205 PAD CONNECT
ELECTRIC LINE

PROPOSED 30' EASEMENT
ON THE PROPERTY OF
BUREAU OF LAND MANAGEMENT
SECTION 35, T24S-R31E, N.M.P.M.

LINE NUMBER:
EL7652

WBS NUMBER:
CC-112971.AL

SCALE:
1" = 1000'

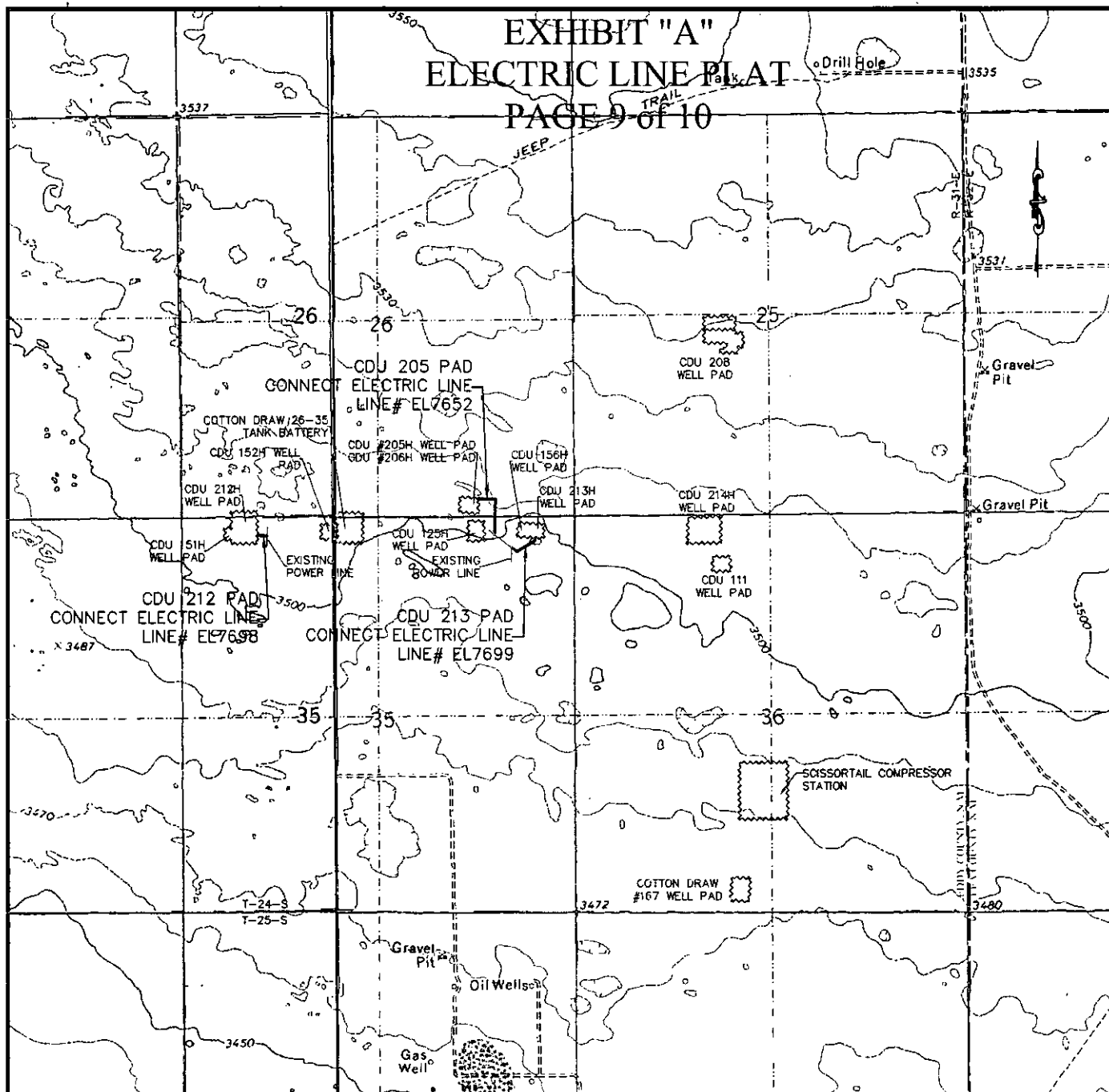
REVISIONS:

SHEET:
1 OF 10

EXHIBIT "A"

ELECTRIC LINE PLAT

PAGE 9 of 10



QUAD MAP

SECTION 35, T24S-R31E, N.M.P.M.
SECTION 26, T24S-R31E, N.M.P.M.
EDDY COUNTY, NEW MEXICO


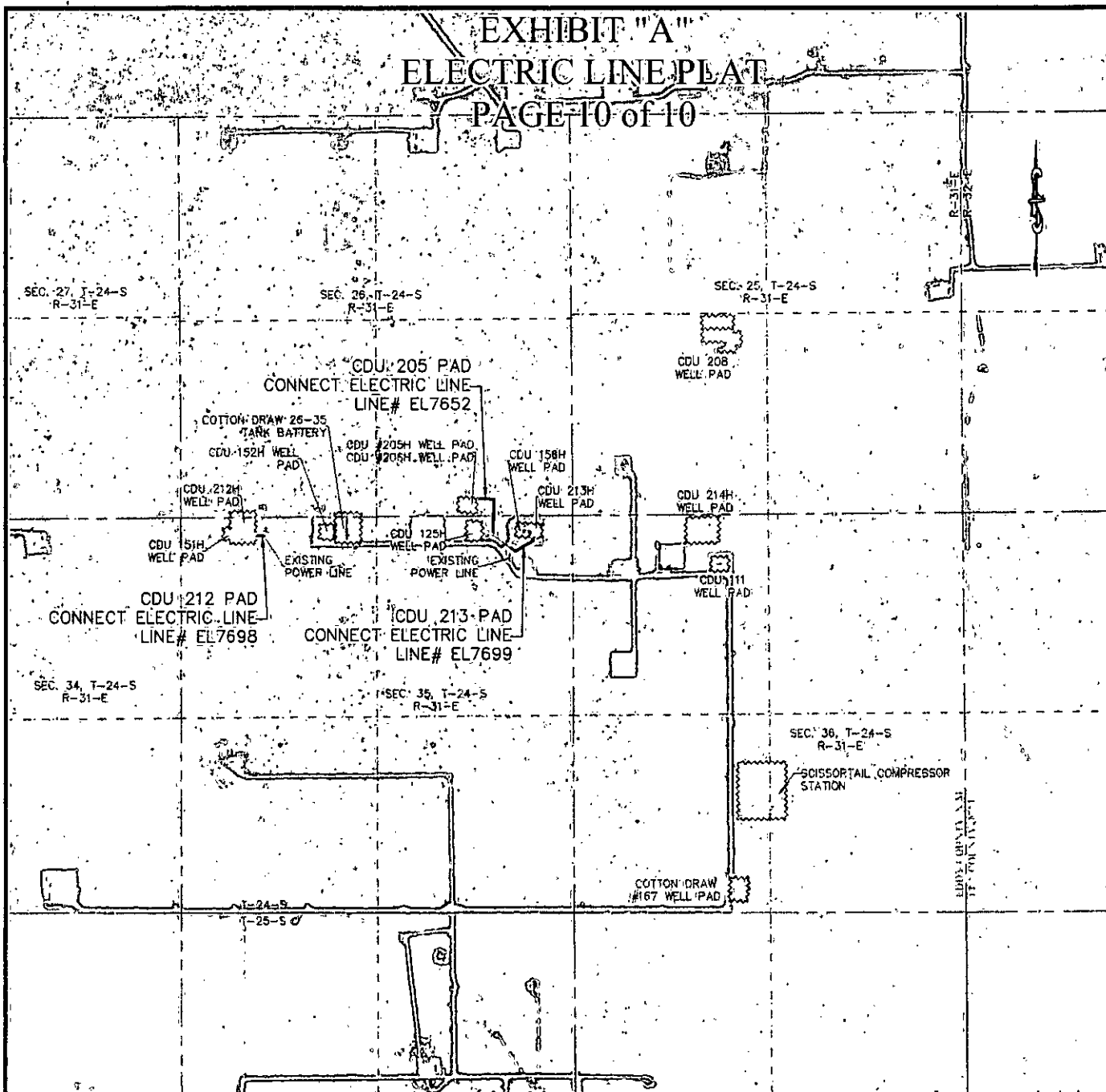
PROJECT NAME		LINE NUMBER:	WBS NUMBER:
CDU 205 PAD CONNECT ELECTRIC LINE		EL 7652	CC-112971.AL
CDU 212 PAD CONNECT ELECTRIC LINE		EL 7698	CC-112971.AL
CDU 213 PAD CONNECT ELECTRIC LINE		EL 7699	CC-112971.AL
<i>HORIZON ROW LLC</i>		 devon	
DEVON ENERGY PRODUCTION CO., L.P.			SCALE: 1" = 3000'
PROPOSED 30' EASEMENT			REVISIONS:
Drawn by: KIMBLE MORGAN	Date: 03/16/2015	SHEET: 9 OF 10	

EXHIBIT "A"


ELECTRIC LINE PLAT

PAGE 10 of 10



AERIAL MAP

SECTION 35, T24S-R31E, N.M.P.M.
SECTION 26, T24S-R31E, N.M.P.M.
EDDY COUNTY, NEW MEXICO

PROJECT NAME		LINE NUMBER:	WBS NUMBER:
CDU 205 PAD CONNECT ELECTRIC LINE		EL 7652	CC-112971.AL
CDU 212 PAD CONNECT ELECTRIC LINE		EL 7698	CC-112971.AL
CDU 213 PAD CONNECT ELECTRIC LINE		EL 7699	CC-112971.AL
HORIZON ROW LLC		Drawn for:	
DEVON ENERGY PRODUCTION CO., L.P.		 devon	
PROPOSED 30' EASEMENT			
Drawn by: KIMBLE MORGAN	Date: 03/16/2015	SCALE: 1" = 3000'	
		REVISIONS:	
		SHEET: 10 OF 10	

SECTION 35, T24S-R31E, N.M.P.M.,
EDDY COUNTY, NEW MEXICO

ELECTRIC LINE PLAT

LEGAL DESCRIPTION

FOR

DEVON ENERGY PRODUCTION COMPANY, L.P.

BUREAU OF LAND MANAGEMENT

30' EASEMENT DESCRIPTION:

BEING an easement thirty (30) feet in width lying fifteen (15) feet on the right side and fifteen (15) feet on the left side of the survey centerline described below, being out of the northeast quarter (NE ¼) of Section 35, Township 24 South, Range 31 East, N.M.P.M., Eddy County, New Mexico, and being out of a parcel of land owned by the Bureau of Land Management. Said centerline of easement being more particularly described as follows:

Commencing from a 1" iron pipe w/ BC 1916 for the north quarter corner of Section 35, T24S-R31E, N.M.P.M., Eddy County, New Mexico;

Thence S 81°23'08" E a distance of 1585.88' to the **Point of Beginning** of this easement having coordinates of Northing=429864.70, Easting=723817.33 feet and continuing the following course;

Thence N 01°50'19" E a distance of 247.85' to the **Point of Ending** having coordinates of Northing=430112.42, Easting=723825.28 feet in the north line of Section 35, T24S-R31E, N.M.P.M., Eddy County, New Mexico, from said point a 2" iron pipe w/BC 1916 for the northeast corner of Section 35, T24S-R31E bears N 89°37'48" E a distance of 1065.70', covering **247.85' or 15.02 rods** and having an area of **0.171 acres**.

NOTES:

Bearings, distances and coordinates shown herein are based on New Mexico State Plane Coordinate System, NAD 83, East Zone 3001, US Survey Feet, all distances are grid.

I, B.L. Laman, New Mexico PLS No. 22404, hereby certify this survey to reflect an actual survey made on the ground under my supervision. This survey meets the minimum standards for surveying in New Mexico.

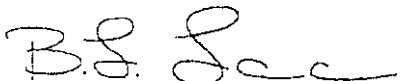
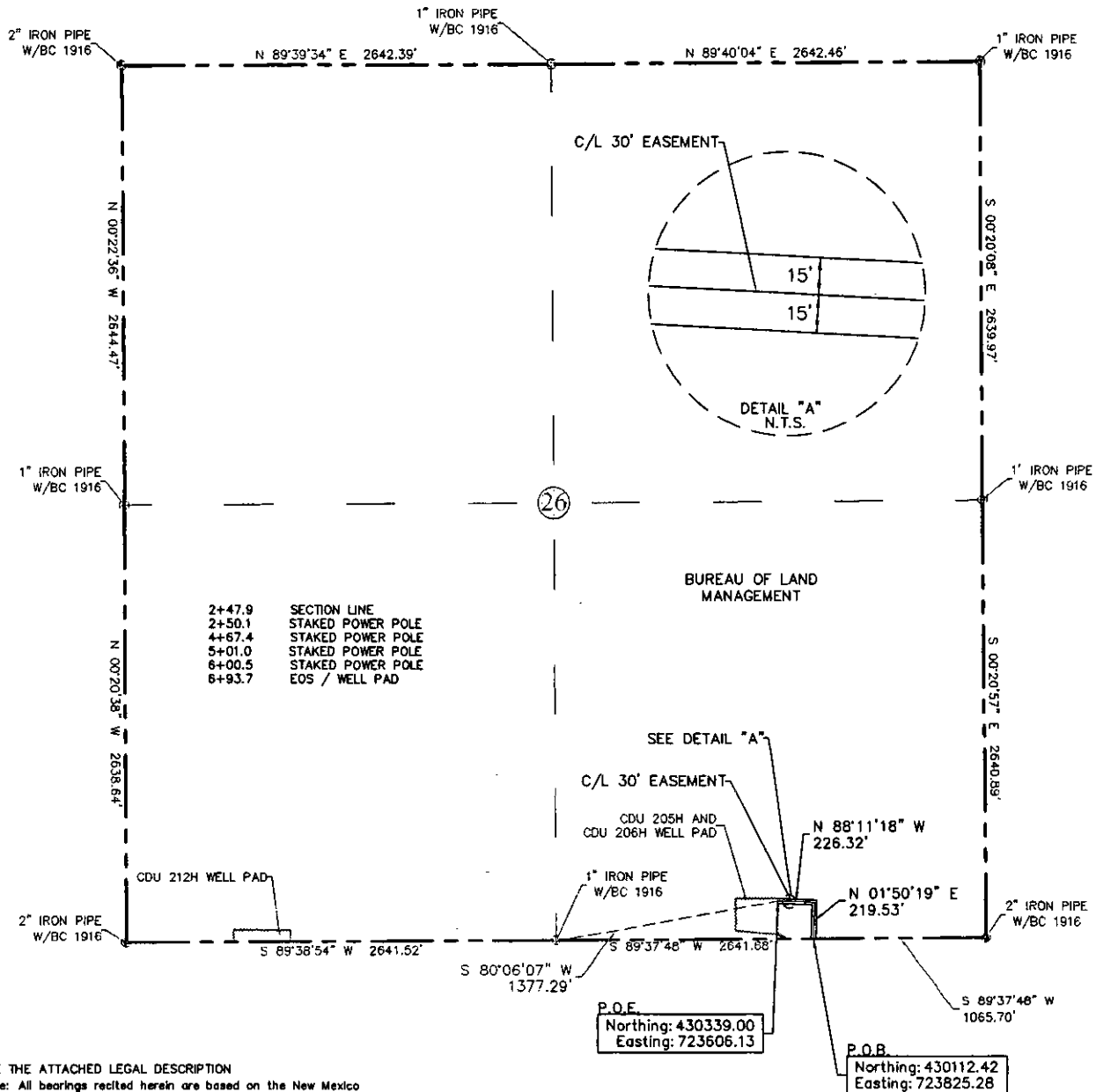

B.L. Laman PLS# 22404
Date Signed: 10/26/2015
Horizon Row, LLC
571 State Street Jasper, TX
(409) 202-5111 75951
Employee of Horizon Row, LLC



EXHIBIT "A"
PAGE 3 of 10
ELECTRIC LINE PLAT
SECTION 26, T24S-R31E, N.M.P.M.
EDDY COUNTY, NEW MEXICO

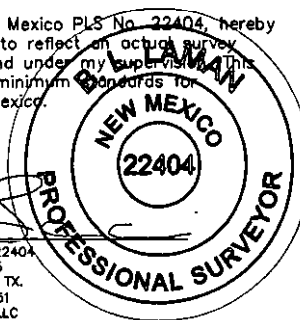


SEE THE ATTACHED LEGAL DESCRIPTION
Note: All bearings recited herein are based on the New Mexico State Plane Coordinate System, NAD 83, New Mexico East Zone 3001, US Survey Feet, all distances are grid.

30' EASEMENT AREA = 0.307 ACRE(S)
445.85 FEET OR 27.02 RODS

I, B.L. Laman, New Mexico PLS No. 22404, hereby certify this survey to reflect an actual survey made on the ground under my supervision. This survey meets the minimum standards for surveying in New Mexico.

B.L. Laman
Date Signed: 10-26-2015
571 State Street, Jasper, TX.
(409) 202-5111 75951
Employee of Horizonrow, LLC



HORIZON ROW LLC

Drawn for:

devon

Drawn by:
KIMBLE MORGAN

Date: 10/16/2015

DEVON ENERGY PRODUCTION COMPANY, L.P.

CDU 205 PAD CONNECT
ELECTRIC LINE

PROPOSED 30' EASEMENT
ON THE PROPERTY OF
BUREAU OF LAND MANAGEMENT
SECTION 26, T24S-R31E, N.M.P.M.

LINE NUMBER:
EL7652

WBS NUMBER:
CC-112971.AL

SCALE:
1" = 1000'

REVISIONS:

SHEET:
3 OF 10

0 1000 2000



**SECTION 26, T24S-R31E, N.M.P.M.,
EDDY COUNTY, NEW MEXICO**

ELECTRIC LINE PLAT

LEGAL DESCRIPTION

FOR

DEVON ENERGY PRODUCTION COMPANY, L.P.

BUREAU OF LAND MANAGEMENT

30' EASEMENT DESCRIPTION:

BEING an easement thirty (30) feet in width lying fifteen (15) feet on the right side and fifteen (15) feet on the left side of the survey centerline described below, being out of the southeast quarter (SE ¼) of Section 26, Township 24 South, Range 31 East, N.M.P.M., Eddy County, New Mexico, and being out of a parcel of land owned by the Bureau of Land Management. Said centerline of easement being more particularly described as follows:

Commencing from a 1" iron pipe w/ BC 1916 for the southeast corner of Section 26, T24S-R31E, N.M.P.M., Eddy County, New Mexico;

Thence S 89°37'48" W a distance of 1065.70' to the **Point of Beginning** of this easement having coordinates of Northing=430112.42, Easting=723825.28 feet and continuing the following course;

Thence N 01°50'19" E a distance of 219.53' to an angle;

Thence N 88°11'18" W a distance of 226.32' to the **Point of Ending** having coordinates of Northing=430339.00 Easting=723606.13 feet in the southeast corner of Section 26, T24S-R31E, N.M.P.M., Eddy County, New Mexico, from said point a 1" iron pipe w/BC 1916 for the south quarter corner of Section 26, T24S-R31E bears S 80°06'07" W a distance of 1377.29', covering **445.85' or 27.02 rods** and having an area of **0.307 acres**.

NOTES:

Bearings, distances and coordinates shown herein are based on New Mexico State Plane Coordinate System, NAD 83, East Zone 3001, US Survey Feet, all distances are grid.

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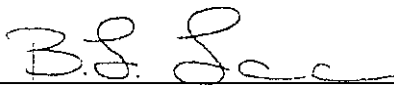
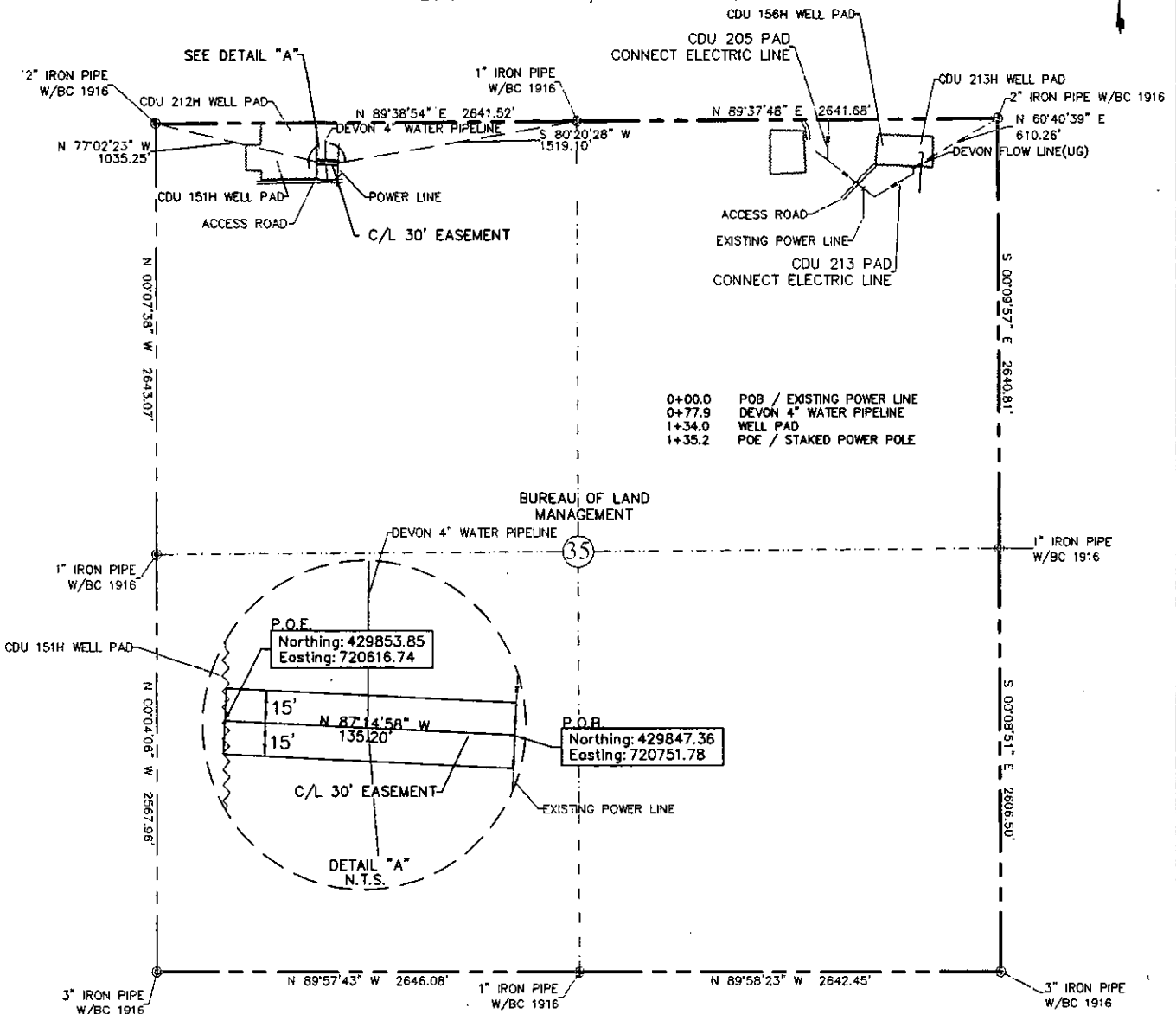

B.L. Laman PLS# 22404
Date Signed: 10/26/2015
Horizon Row, LLC
571 State Street Jasper, TX
(409) 202-5111 75951
Employee of Horizon Row, LLC



EXHIBIT "A"
PAGE 5 of 10
ELECTRIC LINE PLAT
SECTION 35, T24S-R31E, N.M.P.M.
EDDY COUNTY, NEW MEXICO



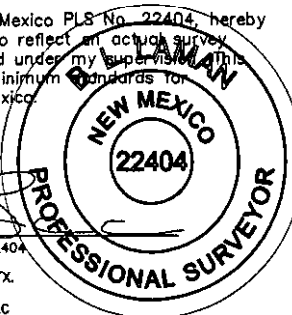
30' EASEMENT AREA = 0.093 ACRE(S)
135.20 FEET OR 8.19 RODS

SEE THE ATTACHED LEGAL DESCRIPTION

Note: All bearings recited herein are based on the New Mexico State Plane Coordinate System, NAD 83, New Mexico East Zone 3001, US Survey Feet, all distances are grid.

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B.L. Laman PLS #22404
Date Signed: 10-26-2015
571 State Street, Jasper, TX.
(409) 202-5111 75951
Employee of Horizonrow, LLC



HORIZON ROW LLC

Drawn for:

devon

Drawn by:
KIMBLE MORGAN

Date: 10/15/2015

DEVON ENERGY PRODUCTION COMPANY, L.P.

CDU 212 PAD CONNECT
ELECTRIC LINE

PROPOSED 30' EASEMENT
ON THE PROPERTY OF
BUREAU OF LAND MANAGEMENT
SECTION 35, T24S-R31E, N.M.P.M.

LINE NUMBER:
EL7598

WBS NUMBER:
CC-112971.AL

SCALE:
1" = 1000'

REVISIONS:

SHEET:
5 OF 10

0 1000 2000



SECTION 35, T24S-R31E, N.M.P.M.,
EDDY COUNTY, NEW MEXICO

ELECTRIC LINE PLAT

LEGAL DESCRIPTION

FOR

DEVON ENERGY PRODUCTION COMPANY, L.P.

BUREAU OF LAND MANAGEMENT

30' EASEMENT DESCRIPTION:

BEING an easement thirty (30) feet in width lying fifteen (15) feet on the right side and fifteen (15) feet on the left side of the survey centerline described below, being out of the northwest quarter (NW ¼) of Section 35, Township 24 South, Range 31 East, N.M.P.M., Eddy County, New Mexico, and being out of a parcel of land owned by the Bureau of Land Management. Said centerline of easement being more particularly described as follows:

Commencing from a 1" iron pipe w/ BC 1916 for the north quarter corner of Section 35, T24S-R31E, N.M.P.M., Eddy County, New Mexico;

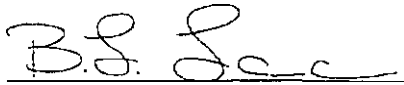
Thence S 80°20'28" W a distance of 1519.10' to the **Point of Beginning** of this easement having coordinates of Northing=429847.36, Easting=720751.78 feet and continuing the following course;

Thence N 87°14'58" W a distance of 135.20' to the **Point of Ending** having coordinates of Northing=429853.85, Easting=720616.74 feet in the northwest quarter (NW ¼) of Section 35, T24S-R31E, N.M.P.M., Eddy County, New Mexico, from said point a 2" iron pipe w/BC 1916 for the northwest corner of Section 35, T24S-R31E bears N 77°02'23" W a distance of 1035.25', covering **135.20' or 8.19 rods** and having an area of **0.093 acres**.

NOTES:

Bearings, distances and coordinates shown herein are based on New Mexico State Plane Coordinate System, NAD 83, East Zone 3001, US Survey Feet, all distances are grid.

I, B.L. Laman, New Mexico PLS No. 22404, hereby certify this survey to reflect an actual survey made on the ground under my supervision. This survey meets the minimum standards for surveying in New Mexico.



B.L. Laman PLS# 22404

Date Signed: 10/26/2015

Horizon Row, LLC

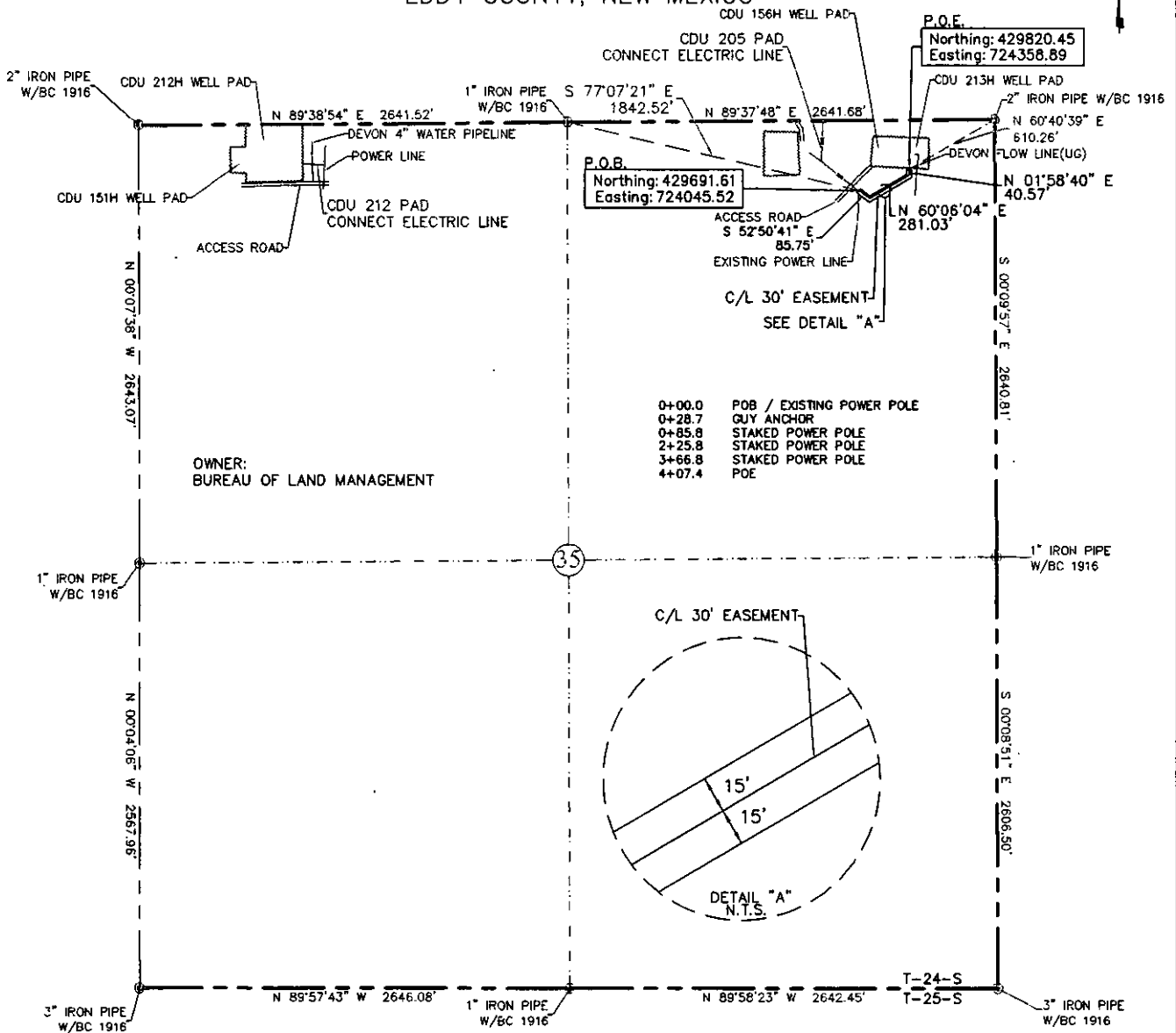
571 State Street Jasper, TX

(409) 202-5111 75951

Employee of Horizon Row, LLC



EXHIBIT "A"
PAGE 7 of 10
ELECTRIC LINE PLAT
SECTION 35, T24S-R31E, N.M.P.M.
EDDY COUNTY, NEW MEXICO



OWNER:
BUREAU OF LAND MANAGEMENT

0+00.0 POB / EXISTING POWER POLE
0+28.7 GUY ANCHOR
0+85.8 STAKED POWER POLE
2+25.8 STAKED POWER POLE
3+66.8 STAKED POWER POLE
4+07.4 POE

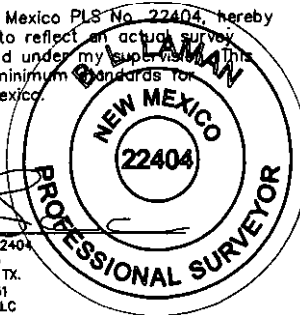
30' EASEMENT AREA = 0.281 ACRE(S)
407.35 FEET OR 24.69 RODS

SEE THE ATTACHED LEGAL DESCRIPTION

Note: All bearings recited herein are based on the New Mexico State Plane Coordinate System, NAD 83, New Mexico East Zone 3001, US Survey Feet, all distances are grid.

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B.L. Laman PLS #22404
Date Signed: 10-26-2015
571 State Street, Jasper, TX.
(409) 202-5111 75951
Employee of Horizonrow, LLC



HORIZON ROW LLC

Drawn for:

devon

Drawn by:
KIMBLE MORGAN

Date: 10/15/2015

DEVON ENERGY PRODUCTION COMPANY, L.P.

CDU 213 PAD CONNECT
ELECTRIC LINE

PROPOSED 30' EASEMENT
ON THE PROPERTY OF
BUREAU OF LAND MANAGEMENT
SECTION 35, T24S-R31E, N.M.P.M.

LINE NUMBER:
EL7899

WBS NUMBER:
CC-112971.AL

SCALE:
1" = 1000'

REVISIONS:

SHEET:
7 OF 10

SECTION 35, T24S-R31E, N.M.P.M.,
EDDY COUNTY, NEW MEXICO

ELECTRIC LINE PLAT

LEGAL DESCRIPTION

FOR

DEVON ENERGY PRODUCTION COMPANY, L.P.

BUREAU OF LAND MANAGEMENT

30' EASEMENT DESCRIPTION:

BEING an easement thirty (30) feet in width lying fifteen (15) feet on the right side and fifteen (15) feet on the left side of the survey centerline described below, being out of the northeast quarter (NE ¼) of Section 35, Township 24 South, Range 31 East, N.M.P.M., Eddy County, New Mexico, and being out of a parcel of land owned by the Bureau of Land Management. Said centerline of easement being more particularly described as follows:

Commencing from a 1" iron pipe w/ BC 1916 for the north quarter corner of Section 35, T24S-R31E, N.M.P.M., Eddy County, New Mexico;

Thence S 77°07'21" E a distance of 1842.52' to the **Point of Beginning** of this easement having coordinates of Northing=429691.61, Easting=724045.52 feet and continuing the following course;

Thence S 52°50'41" E a distance of 85.75' to an angle point;

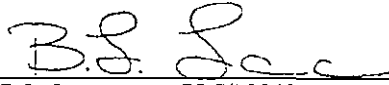
Thence N 60°06'04" E a distance of 281.03' to an angle point;

Thence N 01°58'40" E a distance of 40.57' to the **Point of Ending** having coordinates of Northing=429820.45, Easting=724358.89 feet in the northeast quarter (NE ¼) of Section 35, T24S-R31E, N.M.P.M., Eddy County, New Mexico, from said point a 2" iron pipe w/ BC 1916 for the northeast corner of Section 35, T24S-R31E bears N 60°40'39" E a distance of 610.26', covering **407.35' or 24.69 rods** and having an area of **0.281 acres**.

NOTES:

Bearings, distances and coordinates shown herein are based on New Mexico State Plane Coordinate System, NAD 83, East Zone 3001, US Survey Feet, all distances are grid.

I, B.L. Laman, New Mexico PLS No. 22404, hereby certify this survey to reflect an actual survey made on the ground under my supervision. This survey meets the minimum standards for surveying in New Mexico.


B.L. Laman PLS# 22404
Date Signed: 10/26/2015
Horizon Row, LLC
353 CR 526 Magnolia Springs, TX
(903) 388-3045 75956
Employee of Horizon Row, LLC



Company Reference: Devon Energy Production Co. L.P.
Well No. & Name: CDU 205H 212H 213H

STANDARD STIPULATIONS FOR OVERHEAD ELECTRIC DISTRIBUTION LINES

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 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. There will be no clearing or blading of the right-of-way unless otherwise agreed to in writing by the Authorized Officer.
5. Power lines shall be constructed and designed in accordance to standards outlined in "Suggested Practices for Avian Protection on Power lines: The State of the Art in 2006" Edison Electric Institute, APLIC, and the California Energy Commission 2006 . The holder shall assume the burden and expense of proving that pole designs not shown in the above publication deter raptor perching, roosting, and nesting. Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modification or

additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.

Raptor deterrence will consist of but not limited to the following: triangle perch discouragers shall be placed on each side of the cross arms and a nonconductive perching deterrence shall be placed on all vertical poles that extend past the cross arms.

6. 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 the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

7. The BLM serial number assigned to this authorization shall be posted in a permanent, conspicuous manner where the power line crosses roads and at all serviced facilities. Numbers will be at least two inches high and will be affixed to the pole nearest the road crossing and at the facilities served.

8. Upon cancellation, relinquishment, or expiration of this grant, the holder shall comply with those abandonment procedures as prescribed by the Authorized Officer.

9. All surface structures (poles, lines, transformers, etc.) shall be removed within 180 days of abandonment, relinquishment, or termination of use of the serviced facility or facilities or within 180 days of abandonment, relinquishment, cancellation, or expiration of this grant, whichever comes first. This will not apply where the power line extends service to an active, adjoining facility or facilities.

10. 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 actions to prevent the loss of significant 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.

11. Special Stipulations:

- For reclamation remove poles, lines, transformer, etc. and dispose of properly.
- Fill in any holes from the poles removed.

Timing Limitation Stipulation/Condition of Approval for Lesser Prairie-Chicken:

Oil and gas activities including 3-D geophysical exploration, and drilling will not be allowed in lesser prairie-chicken habitat during the period from March 1st through June 15th annually. During that period, other activities that produce noise or involve human activity, such as the

maintenance of oil and gas facilities, geophysical exploration other than 3-D operations, and pipeline, road, and well pad construction, will be allowed except between 3:00 am and 9:00 am. The 3:00 am to 9:00 am restriction will not apply to normal, around-the-clock operations, such as venting, flaring, or pumping, which do not require a human presence during this period. Additionally, no new drilling will be allowed within up to 200 meters of leks known at the time of permitting. Normal vehicle use on existing roads will not be restricted. Exhaust noise from pump jack engines must be muffled or otherwise controlled so as not to exceed 75 db measured at 30 ft. from the source of the noise.

This authorization is subject to your Certificate of Participation and/or Certificate of Inclusion under the New Mexico Candidate Conservation Agreement. Because it involves surface disturbing activities covered under your Certificate, your Habitat Conservation Fund Account with the Center of Excellence for Hazardous Materials Management (CEHMM) will be debited according to Exhibit B Part 2 of the Certificate of Participation.

In May 2008, the Pecos District Special Status Species Resource Management Plan Amendment (RMPA) was approved and is being implemented. In addition to the standard practices that minimize impacts, as listed above, the following COA will apply:

- Timing Limitation Stipulation / Condition of Approval for lesser prairie-chicken, to minimize noise associated impacts which could disrupt breeding and nesting activities.
- Upon abandonment, a low profile abandoned well marker will be installed to prevent raptor perching.

Power lines shall be constructed and designed in accordance to standards outlined in "Suggested Practices for Avian Protection on Power lines: The State of the Art in 2006" Edison Electric Institute, APLIC, and the California Energy Commission 2006. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication deter raptor perching, roosting, and nesting. Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modification or additions to all power line structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. The holder without liability or expense shall make such modifications and/or additions to the United States.

Pursuant to the Migratory Bird Treaty Act, the applicant shall either secure a qualified biologist to survey the affected area within a week prior to construction to confirm that the area is not being defended OR begin construction after any young have fledged, typically by the end of September, or after the adults have abandoned the nest. Hazing is not authorized.