

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO 1004-0137
Expires January 31, 2018

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

CARLSBAD
 HOBBS OGD
 APR 11 2019
 RECEIVED

SUBMIT IN TRIPLICATE - Other Instructions on page 2

1 Type of Well <input checked="" type="checkbox"/> Oil Well <input type="checkbox"/> Gas Well <input type="checkbox"/> Other	5 Lease Serial No NMLC065914
2 Name of Operator XTO PERMIAN OPERATING LLC Contact: STEPHANIE RABADUE E-Mail stephanie_Rabadue@xtoenergy.com	6 If Indian, Allottee or Tribe Name If Unit or CA/Agreement, Name and/or No 891000326X
3a. Address 6401 HOLIDAY HILL ROAD BLDG 5 MIDLAND, TX 79707	3b Phone No (include area code) Ph 432-620-6714
4 Location of Well (Footage, Sec., T R, M., or Survey Description) Sec 27 T20S R31E SWNE 2000FNL 1873FEL 32 324529 N Lat, 103 511447 W Lon	8 Well Name and No BIG EDDY UNIT DI 5 24H
9 API Well No 30-015-43444-00-S1	10 Field and Pool or Exploratory Area UNKNOWN WC WILLIAMS SINK-BONE SPRING
11 County or Parish, State EDDY COUNTY, NM	

12 CHECK THE 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"/> Hydraulic Fracturing	<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 recomplete 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 must be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompletion in a new interval, a Form 3160-4 must be filed once testing has been completed. Final Abandonment Notices must be filed only after all requirements, including reclamation, have been completed and the operator has determined that the site is ready for final inspection.

Pursuant to BLM request to shift the location of the Bluebird Frac Pond, XTO Permian Operating, LLC respectfully requests to construct a 33.06 acre [1200'x1200'] recycling containment and facility for the purpose of recycling produced water in the use of drilling, completion, workover, and plugging of associated wells planned in the nearby area. This recycling containment and facility is anticipated to be a 1,000,000 bbl double-lined containment permitted via NMOCD Form C-147 pursuant to NMAC 19 15 34 and sited in correlation with the conditions of recycling in the state of New Mexico.

The recycling area will be located 100% inside of the defined 33.06 acre space that had a visual inspection performed by J. Robertson and J. Rutley of the BLM and confirmation of location received on 2/28/2019.



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

Electronic Submission #458327 verified by the BLM Well Information System
For XTO PERMIAN OPERATING LLC, sent to the Carlsbad
Committed to AFMS for processing by PRISCILLA PEREZ on 02/28/2019 (19PP1206SE)

Name (Printed/Typed) STEPHANIE RABADUE	Title REGULATORY COORDINATOR
Signature (Electronic Submission)	Date 02/28/2019

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved By <i>[Signature]</i>	Title <i>[Signature]</i>	Date <i>03/19/2019</i>
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 <i>CPD</i>		

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.

(Instructions on page 2) **** BLM REVISED ** BLM REVISED ** BLM REVISED ** BLM REVISED ** BLM REVISED ****

[Handwritten initials]

Additional data for EC transaction #456327 that would not fit on the form

32 Additional remarks, continued

Recycling Containment/Facility Details Bluebird
Size ~~1200'x800'~~ ^{1200'x200'}
Centerpoint 701'FNL & 883'FEL, Section 20-20S-32E, NWNE/NENE

This request is for construction purposes only, with construction intended to start on March 15, 2019. Once construction is completed and once NMOCD recycling pond and containment permits are approved, XTO Permian Operating, LLC, will begin recycling from the pond/facility area.

Attached to this sundry is a copy of the plat for the requested area. A copy of the recycling/facility permit as submitted to the NMOCD for 19 15 34 requirements will be provided to the BLM hard copy once approved.

In addition to the request of the pond, XTO Permian Operating, LLC respectfully requests to construct two (2) access roads to the recycling area and containment for access and safety. The total amount of the proposed road (both roads) 391 30' [269acres]. Details regarding the road are below with a plat attached.

Road 1 142 41' long, 30' easement [098acres]. The road will be 20' wide, beginning off an existing lease road on the East side of the Bluebird pond, going directly East to the recycling containment/facility location. Please see attached plat for the exact route.

Road 2 248 89' long, 30' easement [17acres]. The road will be 20' wide, beginning off an existing lease road on the East side of the Bluebird pond, going directly East to the recycling containment/facility location. Please see attached plat for the exact route.

SECTION 17
 TOWNSHIP 20 SOUTH, RANGE 32 EAST
 NEW MEXICO PRIME MERIDIAN
 OWNER USA

SW/4 SE/4

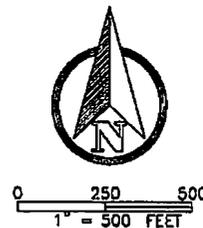
SE/4 SE/4

P.O.B.
 NAD 83 NME
 Y = 569,976 93
 X = 711,572 73

SW/4 SW/4

16

1 1/2 IRON PIPE
 W/BRASS CAP



21

S 89° 57' 29" E 1199.95'

N 70° 23' 28" E
 297.39' (TIE)

N 00° 02' 40" E 1199.87'

PROPOSED 33.06 ACRE
 FRAC POND

S 00° 02' 35" W 1200.04'

+

CENTER OF PAD
 701 FNL & 883' FEL
 SECTION 20
 T-20-S R-32-E

NAD83 (NME)
 LAT = 32.684068°N
 LONG = 103.782709 W

N 89° 57' 16" W 1199.98'

NW/4 NE/4

NW/4 NW/4

NE/4
 NE/4

SECTION 20

TOWNSHIP 20 SOUTH, RANGE 32 EAST
 NEW MEXICO PRIME MERIDIAN

SW/4 NE/4

OWNER USA

SE/4 NE/4

BIG EDDY UNIT DI BLUEBIRD FRAC POND DESCRIPTION

Description of a Frac Pond totaling 33.06 acres and being situated in Section 20 Township 20 South Range 32 East, New Mexico Prime Meridian, Lea County New Mexico and being more particularly described as follows

BEGINNING at the northeast corner of said Frac Pond which a 1 1/2" iron pipe with a brass cap being the northeast corner of said Section 20 bears N 70° 23' 28" E 297.39 feet,

THENCE over and across said Section 20 the following courses and distances

S 00° 02' 35" W , a distance of 1,200.04 feet to a point;

N 89° 57' 16" W a distance of 1 199.98 feet to a point,

N 00° 02' 40" E a distance of 1,199.97 feet to a point,

S 89° 57' 29" E a distance of 1 199.95 feet to the POINT OF BEGINNING containing a total of 33.06 acres more or less

Said Frac Pond is divided in each quarter-quarter section as follows

NE/4 NE/4 Section 20 = 28.66 acres

NW/4 NE/4 Section 20 = 4.40 acres

LEGEND

- SECTION LINE
- ===== EXISTING ROAD
- ===== PROPOSED FRAC POND

- POB POINT OF BEGINNING
- FOUND MONUMENT AS NOTED

GENERAL NOTES

- 1 BEARINGS AND COORDINATES SHOWN HEREON (UNLESS OTHERWISE NOTED) ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983 DISTANCES ARE SURFACE VALUES
- 2 LATITUDE AND LONGITUDE VALUES SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN DATUM (NAD83).

I, MARK DILLON HARP, NEW MEXICO PROFESSIONAL SURVEYOR NO 23786 DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, AND THAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

MARK DILLON HARP
 REGISTERED PROFESSIONAL LAND SURVEYOR
 STATE OF NEW MEXICO NO 23786



**XTO PERMIAN
 OPERATING, LLC**

**BIG EDDY UNIT DI
 BLUEBIRD**

SURVEY FOR A FRAC POND SITUATED IN
 THE NW/4 OF SECTION 20, TOWNSHIP 20
 SOUTH, RANGE 32 EAST, N M P M LEA
 COUNTY, NEW MEXICO



550 Bailey Ave., 205 Fort Worth, TX 76107
 Ph: 817 349 9800 Fax: 979 732 5271
 TBPE Firm 17957 | TBPLS Firm 10193887
 www.fscinc.net

© COPYRIGHT 2016 ALL RIGHTS RESERVED

DATE	2 14 2019	PROJECT NO	2018020784
DRAWN BY	AI	SCALE	1" = 500'
CHECKED BY	DH	SHEET	1 OF 1
FIELD CREW	RE/DL	REVISION	4



0 100 200
1" = 200 FEET

SECTION 17
TOWNSHIP 20 SOUTH, RANGE 32 EAST
NEW MEXICO PRIME MERIDIAN
OWNER, U.S.A.

SE/4 SE/4

SW/4 SW/4

16

1 1/2 IRON PIPE
W/BRASS CAP

21

N 85°57'22" E
248.88' (TIE)

P.O.T. "A"
NAD 83 NME
Y = 569,911.89
X = 711,572.68

POB "A"
AT EXISTING ROAD
NAD 83 NME
Y = 569,911.70
X = 711,715.68

PROPOSED 33.08 ACRE
BLUEBIRD FRAC POND

SECTION 20
TOWNSHIP 20 SOUTH, RANGE 32 EAST
NEW MEXICO PRIME MERIDIAN
OWNER, U.S.A.

NE/4 NE/4

LINE TABLE "A"

LINE	BEARING	DISTANCE
L1	N 89°55'26" W	142.41'

LINE TABLE "B"

L2	N 89°57'22" W	248.88'
----	---------------	---------

TOTAL LENGTH = 391.30 FEET
OR 23.72 RODS

P.O.T. "B"
NAD 83 NME
Y = 569,841.88
X = 711,571.88

N 01°28'21" E
1,235.46' (TIE)

NW/4 NW/4

POB "B"
AT EXISTING ROAD
NAD 83 NME
Y = 568,841.68
X = 711,820.76



BIG EDDY UNIT D1 BLUEBIRD PROPOSED ACCESS ROADS DESCRIPTION.

SURVEY OF A STRIP OF LAND 30.0 FEET WIDE AND 391.30 FEET 23.72 RODS OR 0.07 MILES IN LENGTH CROSSING SECTION 20 TOWNSHIP 20 SOUTH RANGE 32 EAST N.M.P.M. LEA COUNTY, NEW MEXICO AND BEING 15.0 FEET RIGHT AND 15.0 FEET LEFT OF THE ABOVE PLATTED CENTERLINE OF ROAD SURVEY COMPRISING OF 0.27 OF AN ACRE AND DIVIDED IN EACH QUARTER SECTION AS FOLLOWS

NE/4 NE/4 SECTION 20 = 391.30 FEET = 23.72 RODS = 0.27 OF AN ACRE

GENERAL NOTES

- BEARINGS AND COORDINATES SHOWN HEREON ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983. DISTANCES ARE SURFACE VALUES.
- LATITUDE AND LONGITUDE VALUES SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN DATUM (NAD83).

I, MARK DILLON HARP NEW MEXICO PROFESSIONAL SURVEYOR NO 23786, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AND THAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

MARK DILLON HARP
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF NEW MEXICO NO. 23786

LEGEND

- SECTION LINE
- EXISTING ROAD
- PROPOSED PAD
- PROPOSED ROAD CENTERLINE
- P.O.B.
- P.O.T.
- FOUND MONUMENT AS NOTED

**PLAT OF
PROPOSED CENTERLINE OF
ACCESS ROADS FOR
XTO ENERGY, INC**

BIG EDDY UNIT D1 BLUEBIRD
SITUATED IN SECTION 20 TOWNSHIP 20 SOUTH,
RANGE 32 EAST, NEW MEXICO PRIME MERIDIAN
LEA COUNTY, NEW MEXICO



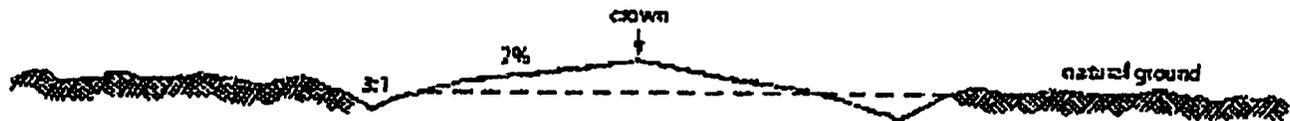
550 Bailey Ave., 205 Fort Worth TX 76107
Ph: 817 349.9800 Fax: 979 752 5271
TXPE Flno. 17937 | TXEFLS Flno. 10193687
www.fbcinc.com
© 2011-2014 FBC INC. ALL RIGHTS RESERVED

DATE: 2-14-2019 PROJECT NO: 2018020784
DRAWN BY: AJ SCALE: 1" = 200'
CHECKED BY: DH SHEET: 1 OF 1
FIELD CREW: DL REVISION: 1

Bluebird Recycling Containment / Facility Road Information

1 New or Upgraded Access Roads

- A **New Roads** There are two (2) roads proposed for access and safety for the Bluebird Recycling Containment/Facility totaling 391 30' [269acres] Road 1 142 41' long, 30' easement [098acres] Road 2 248 89' long, 30' easement [17acres]
- B **Road Dimensions** The maximum width of the driving surface of new roads will be 20 feet The roads will be crowned and ditched with a 2% slope from the tip of the crown to the edge of the driving surface The ditches will be 1 foot deep with 3 1 slopes The driving surface will be made of 6" rolled and compacted caliche



Level Ground Section

- C **Surface Material** Surface material will be native caliche The average grade of all roads will be approximately 3%
- D **Fence Cuts** No
- E **Fences** No
- F **Cattle Guards** No
- G **Turnouts** No
- H **Culverts** No
- I **Cuts and Fills** Not significant
- J **Topsoil** Approximately 6 inches of topsoil (root zone) will be stripped from the proposed access road prior to any further construction activity The topsoil that was stripped will be spread along the edge of the road and within the ditch The topsoil will be seeded with the proper seed mix designated by the BLM
- K **Maintenance** The access road will be constructed and maintained as necessary to prevent soil erosion and accommodate all-weather traffic The road will be crowned and ditched with water turnouts installed as necessary to provide for proper drainage along with access road route
- L **Drainage** The access road and associated drainage structures will be constructed and maintained in accordance with road guidelines contained in the joint BLM/USFS publication Surface Operating Standards for Oil and Gas Exploration and Development, The Gold Book, Fourth Edition and/or BLM Manual Section 9113 concerning road construction standards on projects subject to federal jurisdiction

PRODUCED WATER FRAC POND CONDITIONS OF APPROVAL

A copy of the application (APD, Grant, or Sundry Notice) and attachments, including stipulations, survey plat and diagram, will be on location during construction. BLM personnel may request to see a copy of your permit during construction to ensure compliance with all conditions of approval. Construction will cease until the permit is on location.

Holder agrees to comply with the following conditions of approval 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 permit.
- 2 The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated.
- 3 Required Standard Conditions of Approval
 - a **Notification**
Contact the Supervisory Environmental Protection Specialist, Jim Amos, at 575-234-5909 at least 24 hours prior to starting construction.
 - b **Contamination**
The operator will preclude releases of oil into open ponds. The operator must remove any accumulation of oil, condensate, or contaminant in a pond within 48 hours of discovery.
 - c **Authorized Disturbance**
Confine all construction and maintenance activity to the approved authorized area applied for in the application. The entire proposed frac pond construction site will be fenced off with a three-strand wire fence to deter unauthorized surface disturbance outside the approved site. The fence will be installed prior to any work taking place and will stay in place until all work has been completed.
 - d **Liner**
The pond must have at least two 60 mil liners. The pond liner shall be maintained in good working condition, with no tears or holes, until the pond is closed. No trash, pipe, barrels, wireline, or metal equipment is permitted in the pond.
 - e **Freeboard**
Ponds shall be constructed to preclude the accumulation of precipitation runoff and maintain a minimum of 2 feet of freeboard between the maximum fluid level and the lowest point of containment at all times. If pond fluids threaten to rise to a level allowing less than 2 feet of freeboard, steps shall immediately be taken to prevent introduction of additional fluids until sufficient pond capacity has been restored through fluid removal or an alternative containment method is approved and installed.
 - f **Monitor:**
Personnel or a monitor must be onsite when the pond is in use.
 - g **Escape Ramps**
The operator will construct and maintain frac ponds to prevent livestock, wildlife, and humans from becoming entrapped. At a minimum, the operator will construct and

maintain escape ramps, ladders, or other methods of avian and terrestrial wildlife escape in frac ponds. Escape ramps must be installed at every corner of the frac pond and in the center of each side if that side exceeds 100 feet in length. Escape ramps must be in contact with the side of the frac pond, bottom of the frac pond, and the top of the frac pond berm. Escape ramps cannot be made of metal and cannot be steeper than a 3:1 slope (Horizontal Distance: Vertical Distance) or 30% slope. (*Examples of escape ramps: 12" wide wooden planks wrapped in matting, felt lining, etc.*)

h **Exclosure Netting**

The operator will prevent humans, wildlife (including avian wildlife), and livestock access to fluid ponds that contain or have potential to contain salinity sufficient to cause harm to wildlife or livestock, hydrocarbons, or Resource Conservation and Recovery Act of 1976-exempt hazardous substances. At a minimum, the operator will install approved netting over ponds containing fluid in accordance with the requirements below. (*Note: The BLM does not approve of the use of flagging, strobe lights, metal reflectors, or noise makers as techniques for deterring wildlife.*)

Minimum Netting Requirements - The operator will

- Construct a rigid structure made of steel tubing or wooden posts with cable strung across the pond at no more than seven (7) foot intervals along the X- and Y-axes to form a grid of 7 foot squares
- Suspend netting a minimum of 2 feet above the fluid surface
- Use a maximum netting mesh size of 1 ½ inches to exclude most birds
- Cover the top and all sides of the netting support frame with netting and secure the netting at the ground surface around the entire pond to prevent wildlife entry at the netting edges. (*Note: Hog wire panels or other wire mesh panels or fencing used on the sides of the netting support frame is ineffective in excluding small wildlife and birds unless covered by the smaller mesh netting.*)
- Installation of the net must commence immediately after high activity operations cease. High activity operations include drilling operations and fracturing operations
- Monitor and maintain the netting sufficiently to ensure the netting is functioning as intended, has not entrapped wildlife, and is free of holes and gaps greater than 1 ½ inches
- Flagging or tags must be installed on the net in the center of the pond

i **Mineral Material from Excavation**

Mineral materials extracted during construction of the frac pond will be stored on-location and/or used for constructing the frac pond

j **Topsoil Stockpile**

The operator shall strip at least the top 6 inches of soil (root zone) from the entire frac pond area and stockpile the topsoil approximately 25 feet outside the bermed perimeter of the pond in a low profile manner, reasonably protected from wind and water erosion. Topsoil shall not be used for constructing the produced water pond. The topsoil will be used for final reclamation purposes only.

k **Frac Pond Fence**

The operator will install and maintain enclosure fencing on all sides of the frac pond to prevent access to public, livestock, and large forms of wildlife. The fence shall be installed at the base of the berm and never on top of the berm. Construction of the fence shall consist of steel and/or wooden posts set firmly into natural ground. Hog panel or chain-link fencing must be used as the fence and tied securely to the fence posts. Barbed-wire fencing or electric fences shall not be used. The fence height shall not be shorter than six (6) feet. The erected fence shall be maintained in adequate condition until the frac pond is reclaimed.

l Erosion Prevention

Install earthen erosion-control structures as are suitable for the specific terrain and soil conditions.

m Reclamation Start

- I Reclamation efforts will commence immediately after the frac pond is no longer needed for the purpose of completing wells.
- II Within 3 months of completion of frac operations on associated wells, all earthwork and final reclamation must be completed. This includes reclaiming and/or removal of
 - 1 Any roads approved for use with the pond
 - 11 Surface water lines
 - 111 Tanks, pumps, fencing etc

Requirements for Operations and Final Reclamation

4 If, during any phase of the construction, operation, maintenance, or termination of the frac pond, any pollutant should be released from the contaminated frac pond, the control and total removal, disposal, and cleaning up of such pollutant, wherever found, shall be the responsibility of holder, regardless of fault.

Upon failure of holder to control, dispose of, or clean up such discharge, or to repair all damages resulting there-from, 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 holder of any responsibility as provided herein.

5 Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf 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.

6 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.

7 After all disturbed areas have been satisfactorily contoured and prepared for seeding the location needs to be revegetated with the seed mixture provided. Seeding may need to be repeated until revegetation is successful. Operators shall contact Jim Amos, Supervisor, Environmental Protection – (575)234-5909, **prior** to beginning surface reclamation operations.

8 Seeding is required. Use the following seed mix:

- | | |
|--|--|
| <input type="checkbox"/> seed mixture 1 | <input type="checkbox"/> seed mixture 3 |
| <input checked="" type="checkbox"/> seed mixture 2 | <input type="checkbox"/> seed mixture 4 |
| <input type="checkbox"/> LPC mixture | <input type="checkbox"/> Aplomado Falcon mix |

STANDARD STIPULATIONS FOR OIL AND GAS RELATED SITES

A copy of the application (Grant/Sundry Notice) and attachments, including stipulations and map, will be on location during construction. BLM personnel may request to view a copy of your permit during construction to ensure compliance with all stipulations.

The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM:

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 and for all response costs, penalties, damages, claims, and other costs arising from the provisions of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Chap. 82, Section 6901 et seq., from the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Chap. 109, Section 9601 et seq., and from other applicable environmental statutes.

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 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized by this 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) This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties

4 If, during any phase of the construction, operation, maintenance, or termination of the site or related pipeline(s), any oil or other pollutant should be discharged from site facilities, the pipeline(s) or from containers or vehicles impacting Federal lands, the control and total removal, disposal, and cleanup of such oil 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 to Federal lands resulting therefrom, the Authorized Officer may take such measures as deemed necessary to control and cleanup 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 liability or responsibility

5 Sites shall be maintained in an orderly, sanitary condition at all times Waste materials, both liquid and solid, shall be disposed of promptly at an appropriate, authorized waste disposal facility in accordance with all applicable State and Federal laws "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, petroleum products, brines, chemicals, oil drums, ashes, and equipment

6 The operator will notify the Bureau of Land Management (BLM) authorized officer and nearest Fish and Wildlife Service (FWS) Law Enforcement office within 24 hours, if the operator discovers a dead or injured federally protected species (i e , migratory bird species, bald or golden eagle, or species listed by the FWS as threatened or endangered) in or adjacent to a pit, trench, tank, exhaust stack, or fence (If the operator is unable to contact the FWS Law Enforcement office, the operator must contact the nearest FWS Ecological Services office)

7 All above-ground structures not subject to safety requirements 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" designated by the Rocky Mountain Five-State Interagency Committee The color selected for this project is **Shale Green**, Munsell Soil Color Chart Number 5Y 4/2

8 Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on the holder's behalf, on public or Federal land shall be immediately reported to the Authorized Officer The 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 the proper mitigation measures will be made by the Authorized Officer after consulting with the holder

9 A sales contract for removal of mineral material (caliche, sand, gravel, fill dirt) from an authorized pit, site, or on location must be obtained from the BLM prior to commencing construction. There are several options available for purchasing mineral material. Contact the BLM office (575-234-5972)

10 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

11 Once the site is no longer in service or use, the site must undergo final abandonment. At final abandonment, the site 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 the abandonment of the site. All pads and 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. 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)

12 The holder shall stockpile an adequate amount of topsoil where blading occurs. The topsoil to be stripped is approximately 6 inches in depth. The topsoil will be segregated from other spoil piles. The topsoil will be used for final reclamation.

13 The holder will reseed all disturbed areas. Seeding will be done according to the attached seeding requirements, using the following seed mix

- | | |
|--|--|
| <input type="checkbox"/> seed mixture 1 | <input type="checkbox"/> seed mixture 3 |
| <input checked="" type="checkbox"/> seed mixture 2 | <input type="checkbox"/> seed mixture 4 |
| <input type="checkbox"/> seed mixture 2/LPC | <input type="checkbox"/> Aplomado Falcon Mixture |

14 In those areas where erosion control structures are required to stabilize soil conditions, the holder shall install such structures as are suitable for the specific soil conditions being encountered and which are in accordance with sound management practices. Any earth work will require prior approval by the Authorized Officer

15 Open-topped Tanks - The operator will take actions necessary to prevent wildlife and livestock access, including avian wildlife, to all open-topped tanks that contain or have the potential to contain salinity sufficient to cause harm to wildlife or livestock, hydrocarbons, or Resource Conservation and Recovery Act of 1976-exempt hazardous substances. At a minimum, the operator will net, screen, or cover open-topped tanks to exclude wildlife and livestock and prevent mortality. If the operator uses netting, the operator will cover and secure the open portion of the tank to prevent wildlife entry. The operator will net, screen, or cover the tanks until the operator removes the tanks from the location or the tanks no longer contain substances that could be harmful to wildlife or livestock. Use a maximum netting mesh size of 1 ½ inches. The netting must not be in contact with fluids and must not have holes or gaps.

16 The operator will prevent all hazardous, poisonous, flammable, and toxic substances from coming into contact with soil and water. At a minimum, the operator will install and maintain an impervious secondary containment system for any tank or barrel containing hazardous, poisonous, flammable, or toxic substances sufficient to contain the contents of the tank or barrel and any drips, leaks, and anticipated precipitation. The operator will dispose of fluids within the containment system that do not meet applicable state or U.S. Environmental Protection Agency livestock water standards in accordance with state law, the operator must not drain the fluids to the soil or ground. The operator will design, construct, and maintain all secondary containment systems to prevent wildlife and livestock exposure to harmful substances. At a minimum, the operator will install effective wildlife and livestock exclusion systems such as fencing, netting, expanded metal mesh, lids, and grate covers. Use a maximum netting mesh size of 1 ½ inches.

17 Open-Vent Exhaust Stack Enclosures – The operator will construct, modify, equip, and maintain all open-vent exhaust stacks on production equipment to prevent birds and bats from entering, and to discourage perching, roosting, and nesting. (Recommended enclosure structures on open-vent exhaust stacks are in the shape of a cone.) Production equipment includes, but may not be limited to, tanks, heater-treaters, separators, dehydrators, flare stacks, in-line units, and compressor mufflers.

18 Containment Structures - Proposed production facilities such as storage tanks and other vessels will have a secondary containment structure that is constructed to hold the capacity of 1.5 times the largest tank, plus freeboard to account for precipitation, unless more stringent protective requirements are deemed necessary.

19 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.

Timing Limitation Exceptions

The Carlsbad Field Office will publish an annual map of where the LPC timing and noise stipulations and conditions of approval (Limitations) will apply for the identified year (between March 1 and June 15) based on the latest survey information. The LPC Timing Area map will identify areas which are Habitat Areas (HA), Isolated Population Area (IPA), and Primary Population Area (PPA). The LPC Timing Area map will also have an area in red crosshatch. The red crosshatch area is the only area where an operator is required to submit a request for exception to the LPC Limitations. If an operator is operating outside the red crosshatch area, the LPC Limitations do not apply for that year and an exception to LPC Limitations is not required.