

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENTFORM APPROVED
OMB NO. 1004-0137
Expires: January 31, 2018**SUNDRY NOTICES AND REPORTS ON WELLS NMOCD**
Do not use this form for proposals to drill or to re-enter an
abandoned well. Use form 3160-3 (APD) for such proposals. **Artesia**5. Lease Serial No.
NMLC029426B

6. If Indian, Allottee or Tribe Name

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

8. Well Name and No.
H.E. WEST B2 0439. API Well No.
30-015-2604910. Field and Pool or Exploratory Area
GRAYBURG JACKSON;SRQGSA11. County or Parish, State
EDDY COUNTY COUNTY, NM**SUBMIT IN TRIPLICATE - Other instructions on page 2**

1. Type of Well

☒ Oil Well ☐ Gas Well ☐ Other2. Name of Operator
LINN OPERATING, INC.Contact: MINDY K KOTESKY
E-Mail: MKOTESKY@LINNENERGY.COM3a. Address
600 TRAVIS, STE 1400
HOUSTON, TX 770023b. Phone No. (include area code)
Ph: 281-840-4208

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

Sec 9 T17S R31E Mer 6PM 660FSL 760FWL

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

TYPE OF SUBMISSION

TYPE OF ACTION

☒ Notice of Intent☐ Subsequent Report☐ Final Abandonment Notice☐ Acidize☐ Alter Casing☐ Casing Repair☐ Change Plans☐ Convert to Injection☐ Deepen☐ Hydraulic Fracturing☐ New Construction☐ Plug and Abandon☐ Plug Back☐ Production (Start/Resume)☐ Reclamation☐ Recomplete☐ Temporarily Abandon☐ Water Disposal☐ Water Shut-Off☐ Well Integrity☒ Other
Venting and/or Flaring

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 must 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 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.

LINN RESPECTFULLY REQUESTS TO FLARE FROM 2/1/17 TO 4/30/17 AT 49 MCF/D FROM THE H.E. WEST B2 BATTERY DUE TO REQUEST FROM FRONTIER GAS PLANT TO SHUT-IN BATTERY DUE TO HIGH NITROGEN CONTENT IN GAS. PLEASE SEE ATTACHED LIST FOR THE WELLS INCLUDED IN THIS BATTERY.

NM OIL CONSERVATION

ARTESIA DISTRICT

AUG 29 2017

RECEIVED

SEE ATTACHED FOR
CONDITIONS OF APPROVAL

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

Electronic Submission #382098 verified by the BLM Well Information System
For LINN OPERATING, INC., sent to the Carlsbad
Committed to AFMSS for processing by JENNIFER SANCHEZ on 08/08/2017

Name (Printed/Typed) MINDY K KOTESKY

Title REGULATORY SPECIALIST

Signature (Electronic Submission)

Date 07/21/2017

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved By

Title

Date

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

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)

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

H.E. WEST B2 BATTERY

30-015-05061 H E WEST A #002 Oil Federal ✓
~~30-015-05066 H E WEST A #007 Oil Federal~~ ABD NMLC 029426A
 30-015-26015 H E WEST A #015 Oil Federal ✓
 30-015-26573 H E WEST A #018 Oil Federal ✓
 30-015-26790 H E WEST A #019 Oil Federal ✓
 30-015-26793 H E WEST A #020 Oil Federal ✓
 30-015-26787 H E WEST A #021 Oil Federal ✓
 30-015-27127 H E WEST A #022 Oil Federal ✓
 30-015-27128 H E WEST A #023 Oil Federal ✓
 30-015-27368 H E WEST A #024 Oil Federal ✓
 30-015-27369 H E WEST A #025 Oil Federal ✓
 30-015-28321 H E WEST A #026 Oil Federal ✓
 30-015-28322 H E WEST A #027 Oil Federal ✓
 30-015-28318 H E WEST A #028 Oil Federal ✓
 30-015-28467 H E WEST A #029 Oil Federal ✓
 30-015-28465 H E WEST A #030 Oil Federal ✓
 30-015-28323 H E WEST A #031 Oil Federal ✓
 30-015-28324 H E WEST A #032 Oil Federal ✓
 30-015-28325 H E WEST A #033 Oil Federal ✓
 30-015-28536 H E WEST A #034 Oil Federal ✓
 30-015-26049 H E WEST B #043 Oil Federal ✓
 30-015-26099 H E WEST B #045 Oil Federal ✗
 30-015-27148 H E WEST B #053 Oil Federal ✗
 30-015-27150 H E WEST B #054 Oil Federal ✗
 30-015-27564 H E WEST B #062 Oil Federal ✗
 30-015-27480 H E WEST B #063 Oil Federal ✗
 30-015-27402 H E WEST B #064 Oil Federal ✗
 30-015-28132 H E WEST B #073 Oil Federal ✗
 30-015-28264 H E WEST B #074 Oil Federal ✗
 30-015-28466 H E WEST B #076 Oil Federal ✗
 30-015-28314 H E WEST B #077 Oil Federal ✗
 30-015-28315 H E WEST B #079 Oil Federal ✗
 30-015-28299 H E WEST B #080 Oil Federal ✗
 30-015-28316 H E WEST B #081 Oil Federal ✗
 30-015-28483 H E WEST B #083 Oil Federal ✗
 30-015-28300 H E WEST B #084 Oil Federal ✗
 30-015-28388 H E WEST B #086 Oil Federal ✗
 30-015-28468 H E WEST B #087 Oil Federal ✗
 30-015-28537 H E WEST B #088 Oil Federal ✗
 30-015-28565 H E WEST B #089 Oil Federal ✗
 30-015-28470 H E WEST B #091 Oil Federal ✗
 30-015-28538 H E WEST B #092 Oil Federal ✗
 30-015-05059 H E WEST B #025 Oil Federal ✗
 30-015-25921 H E WEST B #031 Oil Federal ✗
 30-015-25989 H E WEST B #034 Oil Federal ✗
 30-015-26033 H E WEST B #041 Oil Federal ✗
 30-015-26044 H E WEST B #042 Oil Federal ✓

H.E. WEST B2 BATTERY

30-015-26791	H E WEST B	#049	Oil	Federal✓
30-015-27109	H E WEST B	#050	Oil	Federal✓
30-015-27110	H E WEST B	#051	Oil	Federal✓
30-015-27149	H E WEST B	#052	Oil	Federal✓
30-015-27353	H E WEST B	#056	Oil	Federal✓
30-015-27317	H E WEST B	#057	Oil	Federal✓
30-015-27311	H E WEST B	#058	Oil	Federal✓
30-015-27318	H E WEST B	#059	Oil	Federal✓
30-015-27561	H E WEST B	#060	Oil	Federal✓
30-015-27401	H E WEST B	#061	Oil	Federal✓
30-015-28634	H E WEST B	#065	Oil	Federal✓
30-015-27785	H E WEST B	#066	Oil	Federal✓
30-015-27354	H E WEST B	#067	Oil	Federal✓
30-015-28575	H E WEST B	#068	Oil	Federal✓
30-015-28535	H E WEST B	#069	Oil	Federal✓
30-015-28574	H E WEST B	#070	Oil	Federal✓
30-015-28573	H E WEST B	#071	Oil	Federal✓
30-015-28466	H E WEST B	#076	Oil	Federal✓
30-015-28387	H E WEST B	#085	Oil	Federal✓

BUREAU OF LAND MANAGEMENT
Carlsbad Field Office
620 East Greene Street
Carlsbad, New Mexico 88220
575-234-5972

Pursuant to, 43 CFR 3179

Lessees or operators are hereby authorized to vent or flare gas on a short-term basis without incurring a royalty obligation in the following circumstances:

- A. 43 CFR 3179.105 **Emergencies** (a) An operator may flare or, if flaring is not feasible given the emergency, vent gas royalty-free under §3179.4 (a) (vi) of this subpart during an emergency. For purposes of this subpart, an "emergency" is a temporary, infrequent and unavoidable situation in which the loss of gas or oil is uncontrollable or necessary to avoid risk of an immediate and substantial adverse impact on safety, public health, or the environment. For purposes of royalty assessment, an "emergency" is limited to a short-term situation of 24 hours or less (unless the BLM agrees that the emergency conditions necessitating venting or flaring extend for a longer period) caused by an unanticipated event or failure that is out of the operator's control and was not due to operator negligence.
- B. 43 CFR 3179.4 **Determining when the loss of oil or gas is avoidable or unavoidable.**
(2) *Avoidably lost oil or gas* means: Lost oil or gas that is not "unavoidably lost," as defined in paragraph (a) of this section; waste oil that became waste oil through operator negligence; and, any "excess flared gas," as defined in §3179.7.
- C. 43 CFR 3179.5 **When lost production is subject to royalty.**
(a) Royalty is due on all avoidably lost oil or gas.
(b) Royalty is not due on any unavoidably lost oil or gas.

Condition of Approval to Flare Gas

- 1. The first 24 hours of a temporary emergency flare is considered "unavoidably lost" and is therefore royalty free. Flared volumes that are considered unavoidably lost are not to be included in Sundry Notice (Form 3160-5). These Volumes are not royalty bearing and shall be reported on OGOR "B" as either disposition code "21" or "22".
- 2. Flared volumes considered to be "avoidably lost":
These flare events will require prior approval via Notice of Intent- Sundry Notice (Form 3160-5). Volumes flared beyond limits defined in 43 CFR 3179.7 are considered "avoidably lost" and will require payment of royalties, unless an exception is granted in accordance with 43 CFR 3179. Volumes for avoidably lost gas shall be reported on OGOR "B" reports as disposition code "08".

If the operator believes that the flared volumes were "unavoidably lost" and the BLM determines them to be "avoidably lost", the operator can submit a more detailed request via Sundry Notice (Form 3160-5) for an exception in accordance with 43 CFR 3179.4, 3179.103 - 3179.105. As an alternative to producing oil and flaring gas the operator may choose to shut the well in and avoid paying royalties on otherwise avoidably lost gas.
- 3. Approval not to exceed 90 days, if flaring is still required past 90 days submit new request for approval.

4. Submit Subsequent Report with actual volumes of gas flared for each month gas is flared on a Sundry Notice (Form 3160-5). Include method for volume determination and duration. Report unavoidably lost (first 24 hrs. of unexpected event) and avoidably lost (exceeding the first 24 hrs. or flared gas that has been approved as avoidably lost by the Authorized Officer) volumes and durations on the Subsequent Report.
5. In determining the volumes of gas to be reported, shall be in accordance with 43 CFR 3179.4, 43 CFR 3179.5, 43 CFR 3179.9 and 43 CFR 3179.10
6. The operator must estimate or measure all volumes of gas vented or flared gas by one of the following methods.
 - i. Measure the flare gas by a meter. The meter shall meet all requirements for a sales meter as per Federal Regulations, 43 CFR 3175 (due to volume of gas being flared). Include meter serial number on Sundry Notice (Form 3160-5).
 - ii. Calculate the volume of the flared gas based on the results of a regularly performed GOR test and measured values for the volumes of oil production and gas sales, so as to allow BLM to independently verify the volume, rate, and heating value of the gas flared.

Regulation Ref: Link to 43 CFR 3179 **Waste Prevention and Resources Conservation**;
<https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=dbd49eda8cdc488870172ed096d47be9&ty=HTML&h=L&mc=true&n=sp43.2.3170.3179&r=SUBPART>