

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OCD 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.***SUBMIT IN TRIPLICATE - Other instructions on reverse side.**

1 Type of Well ☒ Oil Well ☐ Gas Well ☐ Other		5 Lease Serial No NMNM14124
2 Name of Operator CIMAREX ENERGY COMPANY Contact: TERRI STATHEM E-Mail: tstathem@cimarex.com		6 If Indian, Allottee or Tribe Name
3a Address 600 NORTH MARIENFELD STREET SUITE 600 MIDLAND, TX 79701	3b Phone No. (include area code) Ph: 432-620-1936	7 If Unit or CA/Agreement, Name and/or No.
4 Location of Well (Footage, Sec, T, R, M, or Survey Description) Sec 1 T25S R26E Mer NMP 1780FSL 735FWL		8 Well Name and No MARQUARDT 1 PENN FEDERAL 3
		9 API Well No 30-015-34788
		10. Field and Pool, or Exploratory WHITE CITY PENN (GAS)
		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			
☒ Notice of Intent	☐ Acidize	☐ Deepen	☐ Production (Start/Resume)	☐ Water Shut-Off
☐ Subsequent Report	☐ Alter Casing	☐ Fracture Treat	☐ Reclamation	☐ Well Integrity
☐ Final Abandonment Notice	☐ Casing Repair	☒ New Construction	☐ Recomplete	☐ Other
	☐ Change Plans	☐ Plug and Abandon	☐ Temporarily Abandon	
	☐ Convert to Injection	☐ Plug Back	☐ 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 shall 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 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.)

Cimarex Energy respectfully request approval to lay approximately 1000' of on lease 4", SDR-11 surface flowline down the existing lease road from our Marquardt 1 Penn Fed #3 well in the NW4 SW4 Sec 1, T-25S, R-26E to the future SWD trunkline to be located in the NW4 SW4 Sec. 1, T-25S, R-26E. The route has been previously arc cleared.

Pipe has a MAOP of 250 psi and anticipated working pressure of 60 to 80 psi. This route will allow disposal of produced water from our well to the SWD and limit truck traffic in to the battery.

Along same existing and arc cleared lease road construct approximately 1000' of 480 volt, 4 wire, 3 phase, 3 spans of 40' poles, raptor spec e-line from the above mentioned well to the e-line truck in Sec. 1.



Accepted for record
TCS 8/1/12 NMOC

Analyzed: EA-12-1006 J Fast 7-26-12

14. I hereby certify that the foregoing is true and correct.	
Electronic Submission #138751 verified by the BLM Well Information System For CIMAREX ENERGY COMPANY, sent to the Carlsbad Committed to AFMSS for processing by KURT SIMMONS on 05/24/2012 ()	
Name (Printed/Typed) TERRI STATHEM	Title REGULATORY ANALYST
Signature (Electronic Submission)	Date 05/22/2012

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved By	Title	Date 7/26/12
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 ****

Carlsbad Field Office NEPA Checklist

Tuesday, July 24, 2012

EA NEPA #:	DOI-BLM-NM-P020-2012-1006-EA	Project Type:	FLOWLINE & ELECTRIC LINE	Recd Date:	06/18/2012
Reference Number:	NMNM 14124 NMNM41645 NMN	Project Name:	COTTONWOOD DRAW LEASES	Routing Started:	06/18/2012
Project Lead:	FAST, JOHN	Applicant:	CIMAREX ENERGY CO OF COLORADO	Review Due:	
Status: <u>COMPLETE</u> ☐ NEPA Coordinator Initial Review ☐ NEPA Coordinator Final Review					

Resource/Activity	Not Present	Not Impacted	**May be Impacted	Reviewer	COAs/Stips Req	Sign Off Date
Wastes, Hazardous or Solid*	☒	☐	☐	Fast, John	☐	06/18/2012
Public Health and Safety	☐	☒	☐			
Environmental Justice*	☐	☒	☐	Fast, John	☐	06/18/2012
General Topography/Surface Geology	☐	☒	☐			
Prime or Unique Farmlands*	☒	☐	☐			
Lands/Realty, ROW	☐	☒	☐	Fast, John	☐	06/18/2012
Access/Transportation	☐	☒	☐			
Vegetation/Forestry	☐	☐	☒	Daly, Steve	☐	06/21/2012
Livestock Grazing	☐	☐	☒			
Invasive, Non-Native Species*	☐	☐	☒			
Soils	☐	☐	☒	Daly, Steve	☐	06/21/2012
Air Quality*	☐	☐	☒			
Floodplains*	☐	☐	☒	Fast, John	☐	06/18/2012
Water Quality Surface/Ground*	☐	☐	☒			
Watershed	☐	☐	☒			
Mineral Materials	☐	☒	☐	Fast, John	☐	06/18/2012
Potash	☐	☒	☐	Fast, John	☐	06/18/2012
Federally Proposed, Threatened or Endangered Species*	☒	☐		Ballard, Bobby	☐	06/22/2012
USFWS Concurrence						
Wetlands/Riparian Zones*	☐	☒	☐			
Special Status Species	☒	☐	☐			
Wildlife Habitat	☐	☐	☒			
Cave/Karst Resources	☐	☐	☒	Stockton, Aaron	☒	07/17/2012
ACEC's*	☐	☒	☐	Fast, John	☐	06/18/2012
Wild/Scenic Rivers*	☒	☐	☐	Fast, John	☐	06/18/2012
Wilderness*	☒	☐	☐			
Outdoor Recreation	☐	☒	☐			
Visual Resources	☐	☒	☐			
Native American Religious Concerns*	Unk	Unk	Unk	Boeke, Bruce multiple	☐	06/21/2012
Cultural Resources*	☒	☐	☐			
Paleontology	Unk	Unk	Unk			

* "Critical Element" --- must be addressed in all NEPA documents

** "Affected Element" ---must be addressed in the attached EA

Reason for Delay:

*1 May affect T&E, Not likely to be Adversely Affected

*2 May affect T&E, likely to be Adversely Affected

COMPANY NAME: Cimarex Energy Co of Colorado

ASSOCIATED WELL NO. & NAME:

Lease No. NMNM 14124

Marquardt 1 Penn Federal #2 & #3 and Marquardt 12 Penn Federal #2

Lease No. NMNM41645

Federal 13 Com #2, #4, & #6

NMNM 94076

Cottonwood Draw 22 Federal Com #1

NMNM 94076

Pintail 23 Federal Com #8

NMNM 94839

Wigeon 23 Federal Com #2

NMNM 92160

Chosa Draw 27 Federal Com #1

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 in accordance to standards outlined in "Suggested Practices for Raptor Protection on Power lines, " Raptor Research Foundation, Inc., 1981. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "raptor safe." 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.

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.
- The BLM, Carlsbad Field Office, will be informed immediately if any subsurface drainage channels, cave passages, or voids are penetrated during construction and no further construction will be done until clearance has been issued by the Authorized Officer. Special restoration stipulations or realignment may be required.
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COMPANY NAME: Cimarex Energy Co of Colorado

ASSOCIATED WELL NO. & NAME:

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Wigeon 23 Federal Com #2

NMNM 92160

Chosa Draw 27 Federal Com #1

STANDARD STIPULATIONS FOR SURFACE INSTALLED PIPELINES

A copy of the Sundry Notice 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 20 feet.

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. Special Stipulations: