

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENTFORM 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.
NMNM012121

6. If Indian, Allottee or Tribe Name

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

8. Well Name and No.
CD UNIT (BS) CTB 26-35 # 118H9. API Well No.
30-015-3736210. Field and Pool, or Exploratory
DELAWARE;PADUCA11. County or Parish, and State
EDDY COUNTY, NM**SUBMIT IN TRIPLICATE - Other instructions on reverse side.**

1. Type of Well

☒ Oil Well ☐ Gas Well ☐ Other

2. Name of Operator

DEVON ENERGY PROD. CO., L.P. Contact: RANDY W PARKER

E-Mail: randy.parker2@dev.com

3a. Address

6488 SEVEN RIVERS HIGHWAY
ARTESIA, NM 88210

3b. Phone No. (include area code)

Ph: 575-748-0170

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

Sec 26 T24S R31E Mer NMP NENW FSL FWL

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

TYPE OF SUBMISSION	TYPE OF ACTION			
<input 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 checked="" 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 type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input checked="" 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 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.)

To construct a Central Tank Battery pad (CDU 26-35 (BS) CTB) located in the NE/4NW/4 (& SE/4 SW/4) of Section 26 & 35, T24S, R31E and a proposed 63 LF access road.

The dimensions of the pad are 349.99' X 400.07' X 350.09' X 400.04' containing 3.215 acres.

The expected start date will be soon after the approval of this sundry.

Devon Energy bond #CO-1104; NMB000801

See attached Madron Surveying plat #3612.

NM OIL CONSERVATION

ARTESIA DISTRICT

JAN 11 2016

RECEIVED

1/15/2016
Accepted for record
NMB000801

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

Electronic Submission #298534 verified by the BLM Well Information System
For DEVON ENERGY PROD. CO., L.P., sent to the Carlsbad

Name (Printed/Typed) RANDY W PARKER

Title SR. FIELD LANDMAN

Signature (Electronic Submission)

Date 04/17/2015

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved By

Title

For FIELD MANAGER

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

CARLSBAD FIELD OFFICE

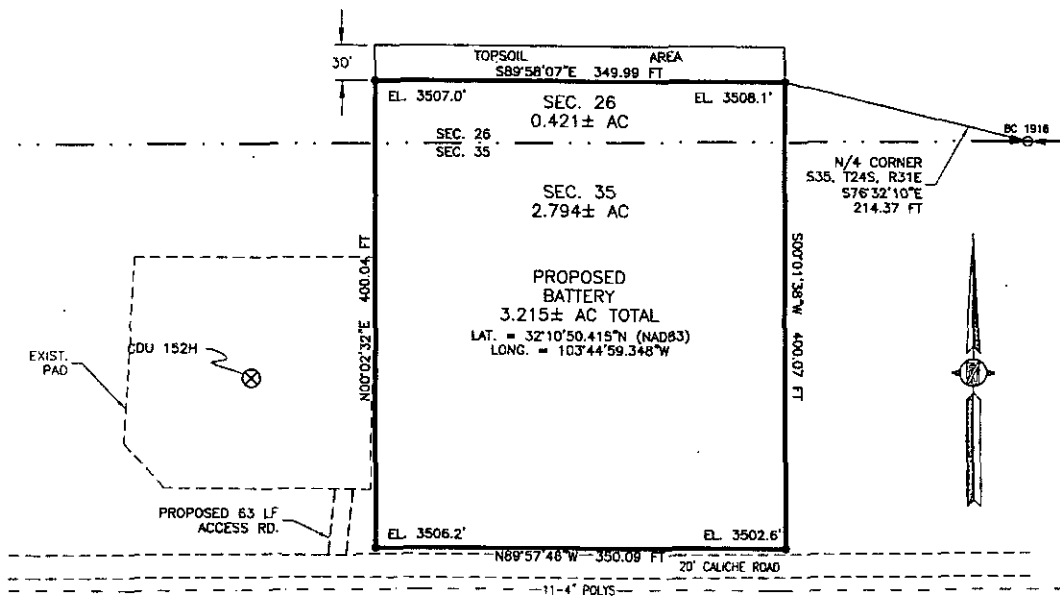
Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

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

CDU 26-35 BS CTB

DEVON ENERGY PRODUCTION COMPANY, L.P.
IN THE NE/4 NW/4 & SE/4 SW/4 OF
SECTIONS 35, 26, TOWNSHIP 24 SOUTH, RANGE 31 EAST, N.M.P.M.
EDDY COUNTY, STATE OF NEW MEXICO

JANUARY 31, 2015



DIRECTIONS TO LOCATION

FROM STATE HIGHWAY 128 AND CR 1 (ORLA RD.) GO SOUTH ON CR 1 6.2 MILES, TURN RIGHT AND GO WEST 2.2 MILES, TURN RIGHT AND GO NORTH 0.75 MILES, BEND LEFT AND GO WEST 2.0 MILES, TURN RIGHT AND GO NORTH 1.75 MILES, TURN LEFT AND GO WEST 0.3 MILES, TURN RIGHT AND GO NORTH 0.22 MILES, TURN RIGHT AND GO EAST 0.7 MILES, TURN LEFT AND GO NORTH 0.85 MILES, TURN LEFT AND GO WEST 1.4 MILES AND FOLLOW FLAGS NORTH 63' TO THE SOUTHEAST PAD CORNER TO CDU 152H, LOCATION IS JUST EAST OF EXISTING PAD.

LEGEND

• SET #4 REBAR W/JARAMILLO CAP

100 0 100

Scale: 1" = 100'

DESCRIPTION

A CERTAIN PIECE OR PARCEL OF LAND AND REAL ESTATE LYING IN THE NE/4 NW/4 & SE/4 SW/4 OF SECTIONS 35, 26, TOWNSHIP 24 SOUTH, RANGE 31 EAST N.M.P.M., EDDY COUNTY, NEW MEXICO.

BEGINNING AT THE NORTHEAST CORNER OF THE PARCEL, WHENCE THE NORTH QUARTER CORNER OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 31 EAST, N.M.P.M. BEARS S76°32'10"E, A DISTANCE OF 214.37 FEET;
THENCE S00°01'38"W A DISTANCE OF 400.07 FEET TO THE SOUTHEAST CORNER OF THE PARCEL;
THENCE N89°57'46"W A DISTANCE OF 350.09 FEET TO THE SOUTHWEST CORNER OF THE PARCEL;
THENCE N00°02'32"E A DISTANCE OF 400.04 FEET TO THE NORTHWEST CORNER OF THE PARCEL;
THENCE S89°58'07"E A DISTANCE OF 349.99 FEET TO THE NORTHEAST CORNER OF THE PARCEL, TO THE POINT OF BEGINNING;
CONTAINING 3.215 ACRES MORE OR LESS.

SURVEYOR CERTIFICATE

I, FILMON T. JARAMILLO, A NEW MEXICO PROFESSIONAL SURVEYOR NO. 12797, HEREBY CERTIFY THAT I HAVE CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO.

IN WITNESS WHEREOF THIS CERTIFICATE IS EXECUTED AT CARLSBAD,

NEW MEXICO, THIS 27 DAY OF FEBRUARY 2015

GENERAL NOTES

1.) THE INTENT OF THIS SURVEY IS TO ACQUIRE A BUSINESS LEASE FOR THE PURPOSE OF BUILDING A BATTERY

2.) BASIS OF BEARING IS NEW MEXICO STATE PLANE EAST ZONE

MADRON SURVEYING, INC.
301 SOUTH CANAL
CARLSBAD, NEW MEXICO 88220
Phone (575) 234-3341

SURVEY NO. 3612

SHEET: 1-3

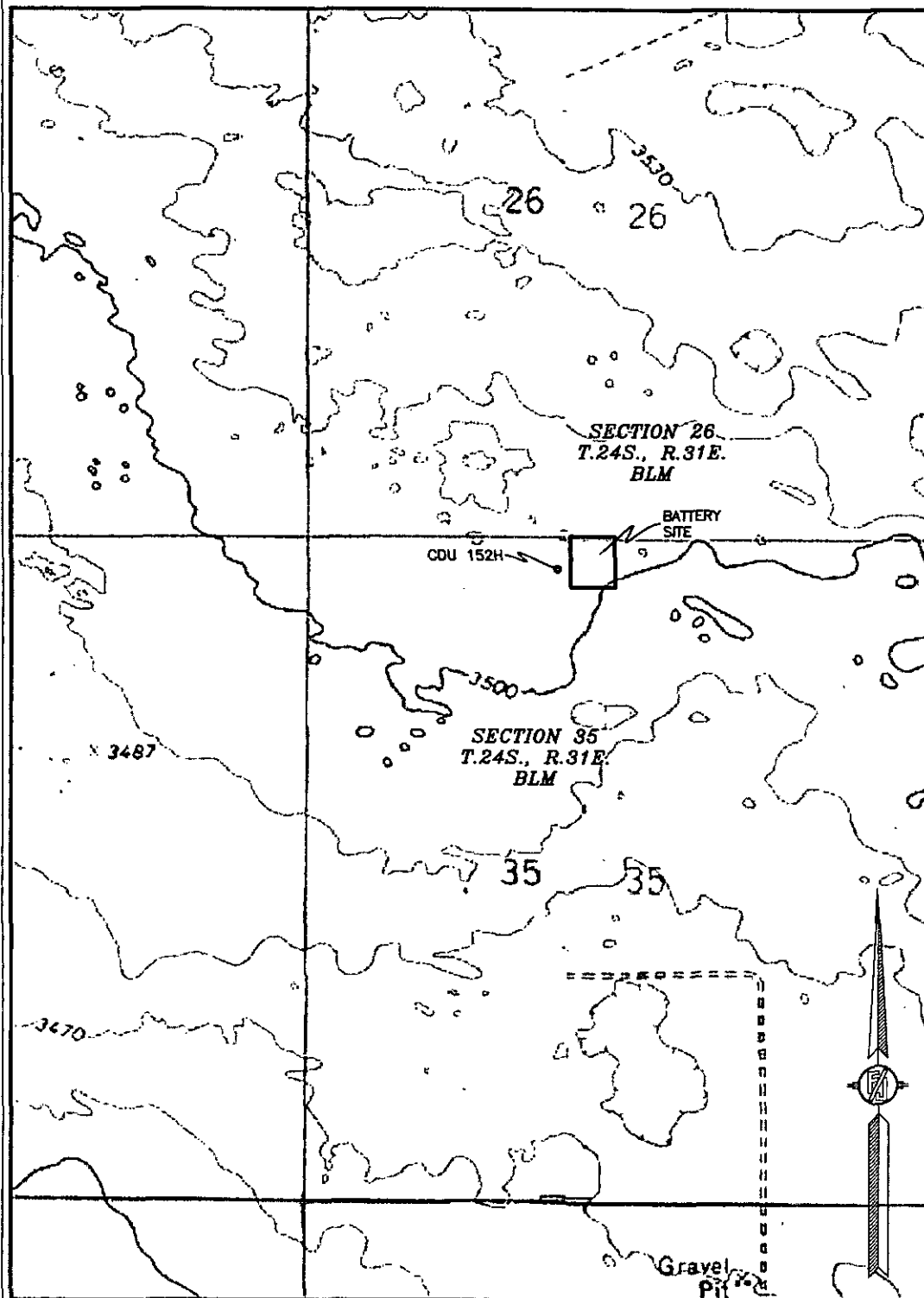
MADRON SURVEYING, INC. CARLSBAD, NEW MEXICO

CDU 26-35 BS CTB

DEVON ENERGY PRODUCTION COMPANY, L.P.
IN THE NE/4 NW/4 & SE/4 SW/4 OF
SECTIONS 35, 26, TOWNSHIP 24 SOUTH, RANGE 31 EAST, N.M.P.M.
EDDY COUNTY, STATE OF NEW MEXICO

JANUARY 31, 2015

QUAD MAP



SHEET: 2-3

MADRON SURVEYING, INC. 301 SOUTH CANAL
(505) 234-3341

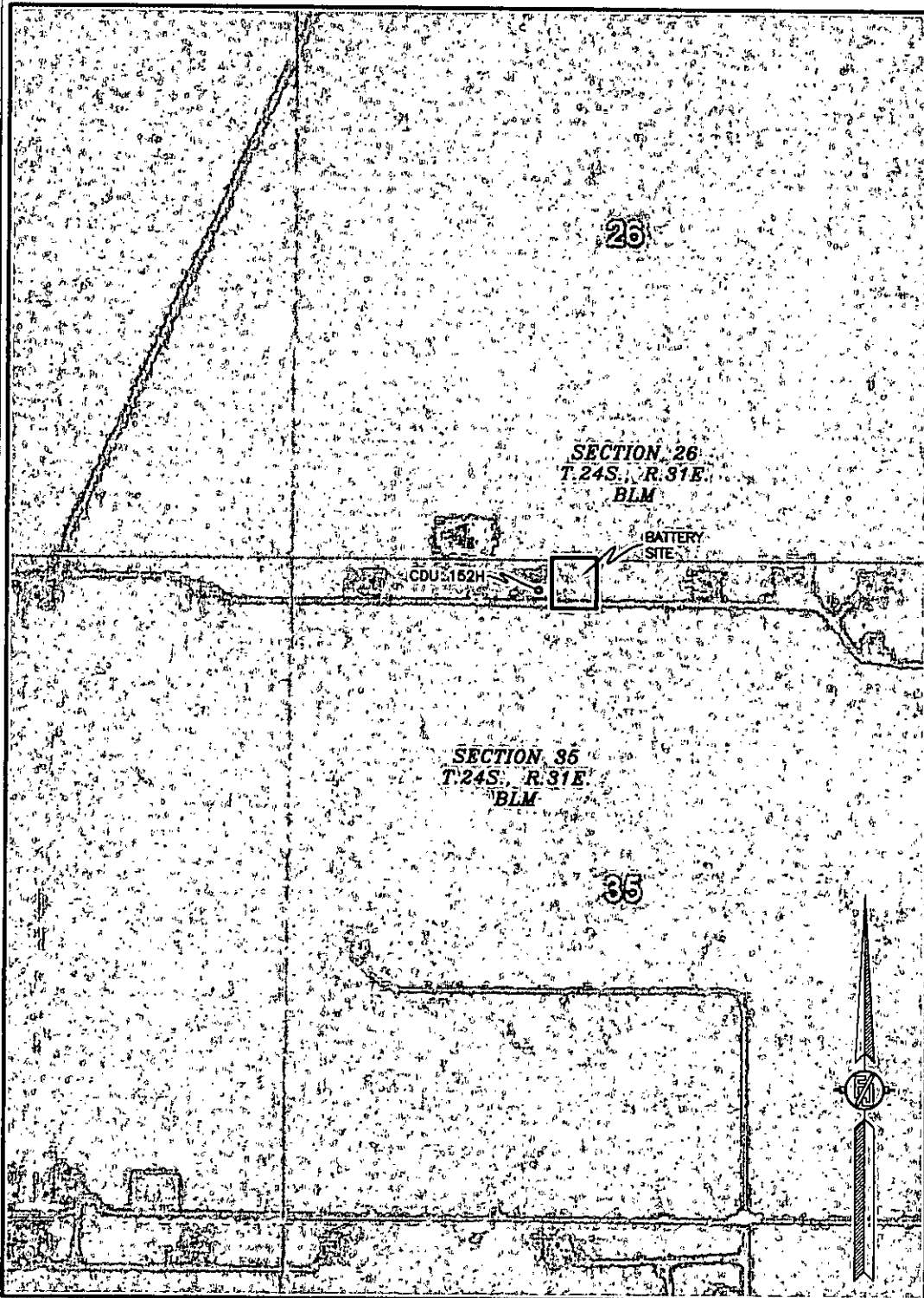
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DEVON ENERGY PRODUCTION COMPANY, L.P.
IN THE NE/4 NW/4 & SE/4 SW/4 OF
SECTIONS 35, 26, TOWNSHIP 24 SOUTH, RANGE 31 EAST, N.M.P.M.
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JANUARY 31, 2015

AERIAL PHOTO



SHEET: 3-3

MADRON SURVEYING, INC. 301 SOUTH CANAL CARLSBAD, NEW MEXICO

SURVEY NO. 3612

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB No. 1004-0137
Expires: October 31, 2014

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.
NMNM-012121 & NMNM-036379

6. If Indian, Allottee or Tribe Name

SUBMIT IN TRIPLICATE – Other instructions on page 2.

1. Type of Well

☒ Oil Well ☐ Gas Well ☐ Other

2. Name of Operator
Devon Energy Production Company, L.P.

3a. Address
6488 Seven Rivers Highway Attn: Randy W. Parker
Artesia, NM 88210

3b. Phone No. (include area code)
575-748-0170

4. Location of Well (Footage, Sec., T., R., M., or Survey Description)
Section 35 & 26, T24S, R31E, NE1/4 NW1/4 & SE1/4 SW1/4

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

8. Well Name and No.
CDU 26-35 (BS) Central Tank Battery

9. API Well No.

10. Field and Pool or Exploratory Area
Cotton Draw, Bone Spring

11. County or Parish, State
Eddy, NM

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

TYPE OF SUBMISSION	TYPE OF ACTION			
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The dimensions of the pad are 349.99' X 400.07' X 350.09' X 400.04' containing 3.215 acres.

Expected start date will be soon after approval of this sundry.

See attached Madron plat #3612.

14. I hereby certify that the foregoing is true and correct. Name (Printed/Typed)
Randy W. Parker

Title Sr. Field Landman

Signature

Date 02/09/2015

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)

DEVON ENERGY PRODUCTION COMPANY, L.P.
IN THE NE/4 NW/4 & SE/4 SW/4 OF
SECTIONS 35, 26, TOWNSHIP 24 SOUTH, RANGE 31 EAST, N.M.P.M.
EDDY COUNTY, STATE OF NEW MEXICO

FROM STATE HIGHWAY 128 AND CR 1 (ORLA RD.) GO SOUTH ON CR 1 6.2 MILES, TURN RIGHT AND GO WEST 2.2 MILES, TURN RIGHT AND GO NORTH 0.75 MILES, BEND LEFT AND GO WEST 2.0 MILES, TURN RIGHT AND GO NORTH 1.75 MILES, TURN LEFT AND GO WEST 0.3 MILES, TURN RIGHT AND GO NORTH 0.22 MILES, TURN RIGHT AND GO EAST 0.7 MILES, TURN LEFT AND GO NORTH 0.85 MILES, TURN LEFT AND GO WEST 1.4 MILES AND FOLLOW FLAGS NORTH 63' TO THE SOUTHEAST PAD CORNER TO CDU 152H, LOCATION IS JUST EAST OF EXISTING PAD.

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LEGEND
 • SET #4 REBAR W/JARAMILLO CAP
 100 0 100
 Scale: 1" = 100'

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1.) THE INTENT OF THIS SURVEY IS TO ACQUIRE A BUSINESS LEASE FOR THE PURPOSE OF BUILDING A BATTERY

2.) BASIS OF BEARING IS NEW MEXICO STATE
PLANE EAST ZONE

MADRON SURVEYING, (INC. 301 SOUTH CANA CARLSBAD, NEW MEXICO
(575) 234-3341

ADRON SURVEYING, INC.
301 SOUTH CANAL
CARLSBAD, NEW MEXICO 88220
Phone (575) 234-3341

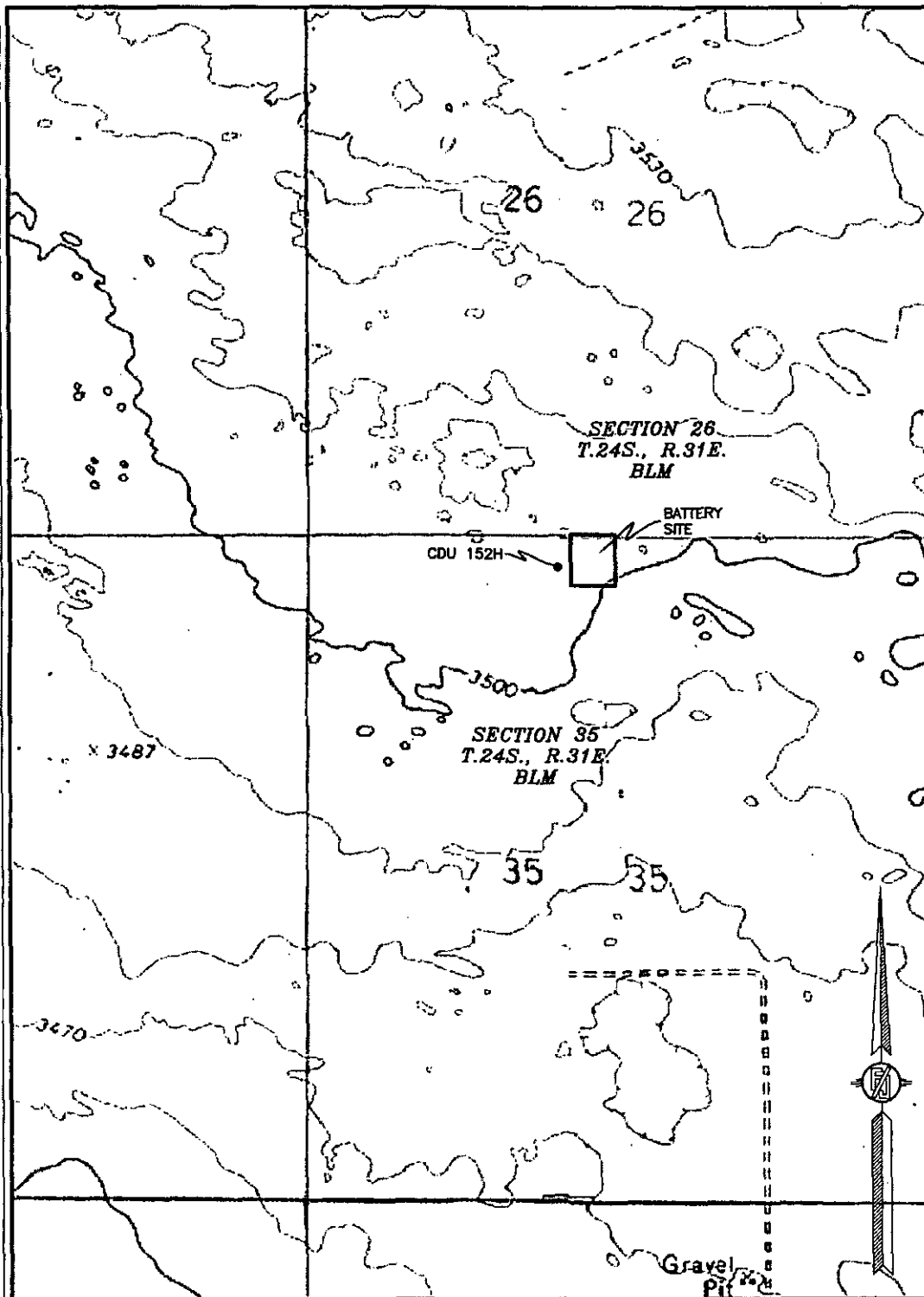
SURVEY NO. 3612

CDU 26-35 BS CTB

DEVON ENERGY PRODUCTION COMPANY, L.P.
IN THE NE/4 NW/4 & SE/4 SW/4 OF
SECTIONS 35, 26, TOWNSHIP 24 SOUTH, RANGE 31 EAST, N.M.P.M.
EDDY COUNTY, STATE OF NEW MEXICO

JANUARY 31, 2015

QUAD MAP



SHEET: 2-3

MADRON SURVEYING, INC. 301 SOUTH CANAL
(970) 234-3341

SURVEY NO. 3612

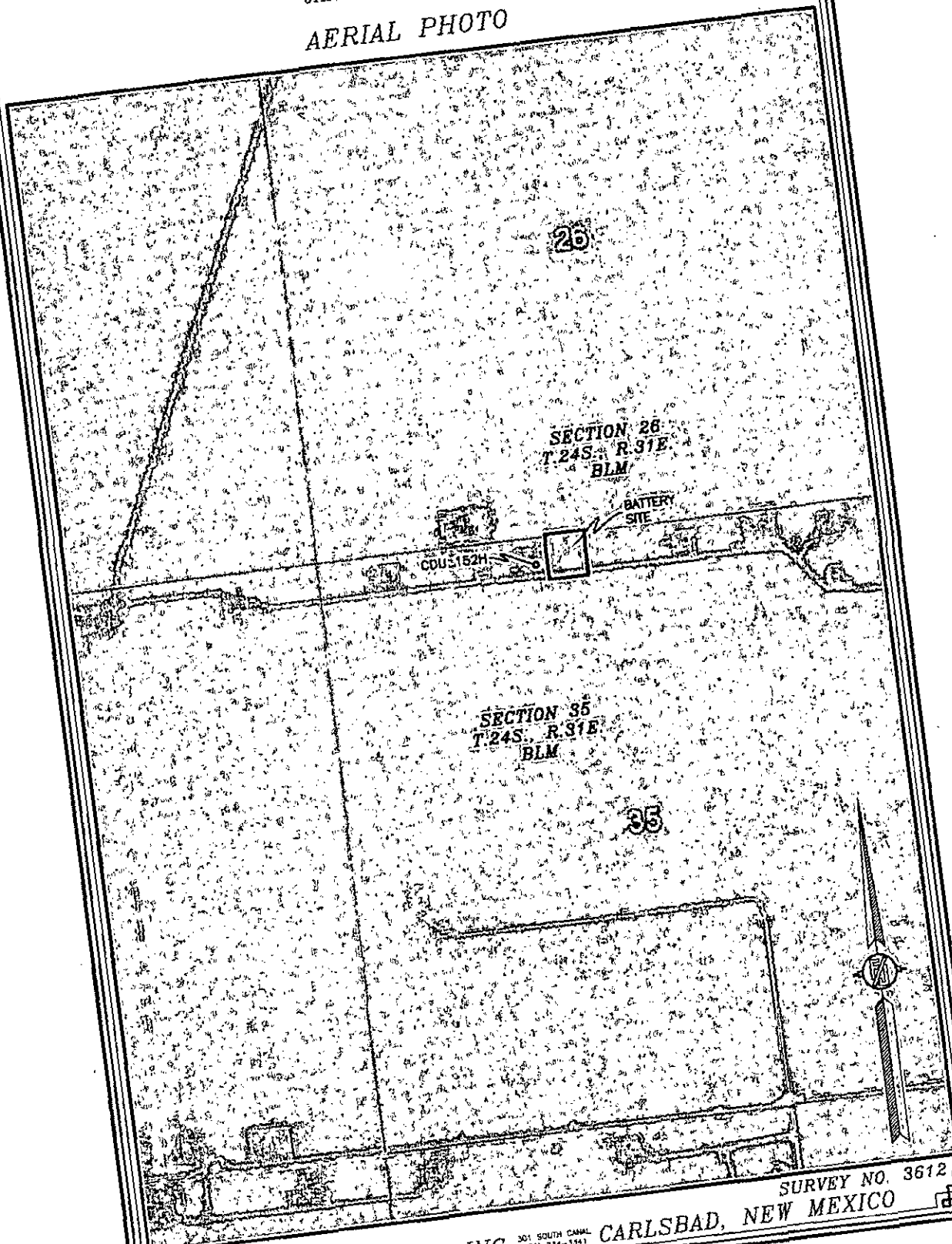
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IN THE NE/4 NW/4 & SE/4 SW/4 OF
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EDDY COUNTY, STATE OF NEW MEXICO

JANUARY 31, 2015

AERIAL PHOTO



SHEET: 3-3

MADRON SURVEYING, INC. 301 SOUTH CANAL
(575) 234-3341

SURVEY NO. 3612
CARLSBAD, NEW MEXICO

BLM Lease Number: NMNM012121

Company Reference: Devon Energy Production Company, L.P.

Well Name & Number: CDU 26-35 Battery Connect Electric Line Sundry

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 type="checkbox"/> seed mixture 2 | <input type="checkbox"/> seed mixture 4 |
| <input checked="" 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 enclosure 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. Special Stipulations:

Lesser Prairie-Chicken

Oil and gas activities 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. Normal vehicle use on existing roads will not be restricted. Exhaust noise from permanent 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.

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.

Watershed

- Surface disturbance will not be allowed (within 666 feet of playa; or describe pad restriction).
- The entire well pad will be bermed to prevent oil, salt, and other chemical contaminants from leaving the well pad. Topsoil shall not be used to construct the berm. No water flow from the uphill side(s) of the pad shall be allowed to enter the well pad. The berm shall be maintained through the life of the well and after interim reclamation has been completed.
- Any water erosion that may occur due to the construction of the well pad during the life of the well will be quickly corrected and proper measures will be taken to prevent future erosion.
- Stockpiling of topsoil is required. The top soil shall be stockpiled in an appropriate location to prevent loss of soil due to water or wind erosion and not used for berming or erosion control.
- 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.