

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.

SUBMIT IN TRIPLICATE - Other instructions on reverse side.

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------------------------------------------|
| 1. Type of Well <input type="checkbox"/> Oil Well <input type="checkbox"/> Gas Well <input checked="" type="checkbox"/> Other: UNKNOWN OTH | | 5. Lease Serial No. NMNM012121 |
| 2. Name of Operator DEVON ENERGY PRODUCTION CO. LP Contact: BRAD OATES Email: brad.oates@dvn.com | | 6. If Indian, Allottee or Tribe Name |
| 3a. Address 6488 SEVEN RIVERS HWY. ARTESIA, NM 88210 | 3b. Phone No. (include area code) Ph: 575-748-1810 | 7. If Unit or CA/Agreement, Name and/or No. |
| 4. Location of Well (Footage, Sec., T., R., M., or Survey Description) Sec 2 T25S R31E Mer NMP SESE | | 8. Well Name and No. TRIONYX TREATED FRAC POND |
| | | 9. API Well No. 30-015-143848 |
| | | 10. Field and Pool, or Exploratory COTTON DRAW |
| | | 11. County or Parish, and State EDDY COUNTY, NM |

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

| TYPE OF SUBMISSION | TYPE OF ACTION | | | |
|------------------------------------------------------|-----------------------------------------------|-------------------------------------------|----------------------------------------------------|-------------------------------------------|
| <input checked="" type="checkbox"/> Notice of Intent | <input type="checkbox"/> Acidize | <input type="checkbox"/> Deepen | <input type="checkbox"/> Production (Start/Resume) | <input type="checkbox"/> Water Shut-Off |
| <input type="checkbox"/> Subsequent Report | <input type="checkbox"/> Alter Casing | <input type="checkbox"/> Fracture Treat | <input type="checkbox"/> Reclamation | <input type="checkbox"/> Well Integrity |
| <input type="checkbox"/> Final Abandonment Notice | <input type="checkbox"/> Casing Repair | <input 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 recompleat in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

Devon requests to build a 6" buried SWD line from the Trionyx Treated Frac Pond to a tie-in point along the existing Big Sinks Gap Water Line, crossing Section 1, T25S, R31E.

The spacing for this line (as it pertains to Section 1, T25S, R31E) will be 30' by 150.17' (9.1 rods), containing 0.103 acres, along with a 30' by 30' surface site at the tie-in point, which contains 0.021 acres.

This line will operate safely within its operational limits.

This line will be constructed soon after the approval of this sundry, with an expected work time of two weeks.

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 14. I hereby certify that the foregoing is true and correct. Electronic Submission #349981 verified by the BLM Well Information System For DEVON ENERGY PRODUCTION CO. LP, sent to the Carlsbad Committed to AFMSS for processing by DEBORAH MCKINNEY on 09/08/2016 () | |
| Name (Printed/Typed) BRAD OATES | Title FIELD LANDMAN |
| Signature (Electronic Submission) | Date 09/02/2016 |

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------|
| Approved By <u>Cody A. Lyster</u> | Title <u>AFM Land & Minerals</u> | Date <u>09/30/16</u> |
| 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 <u>CFD</u> |

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

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

Additional data for EC transaction #349981 that would not fit on the form

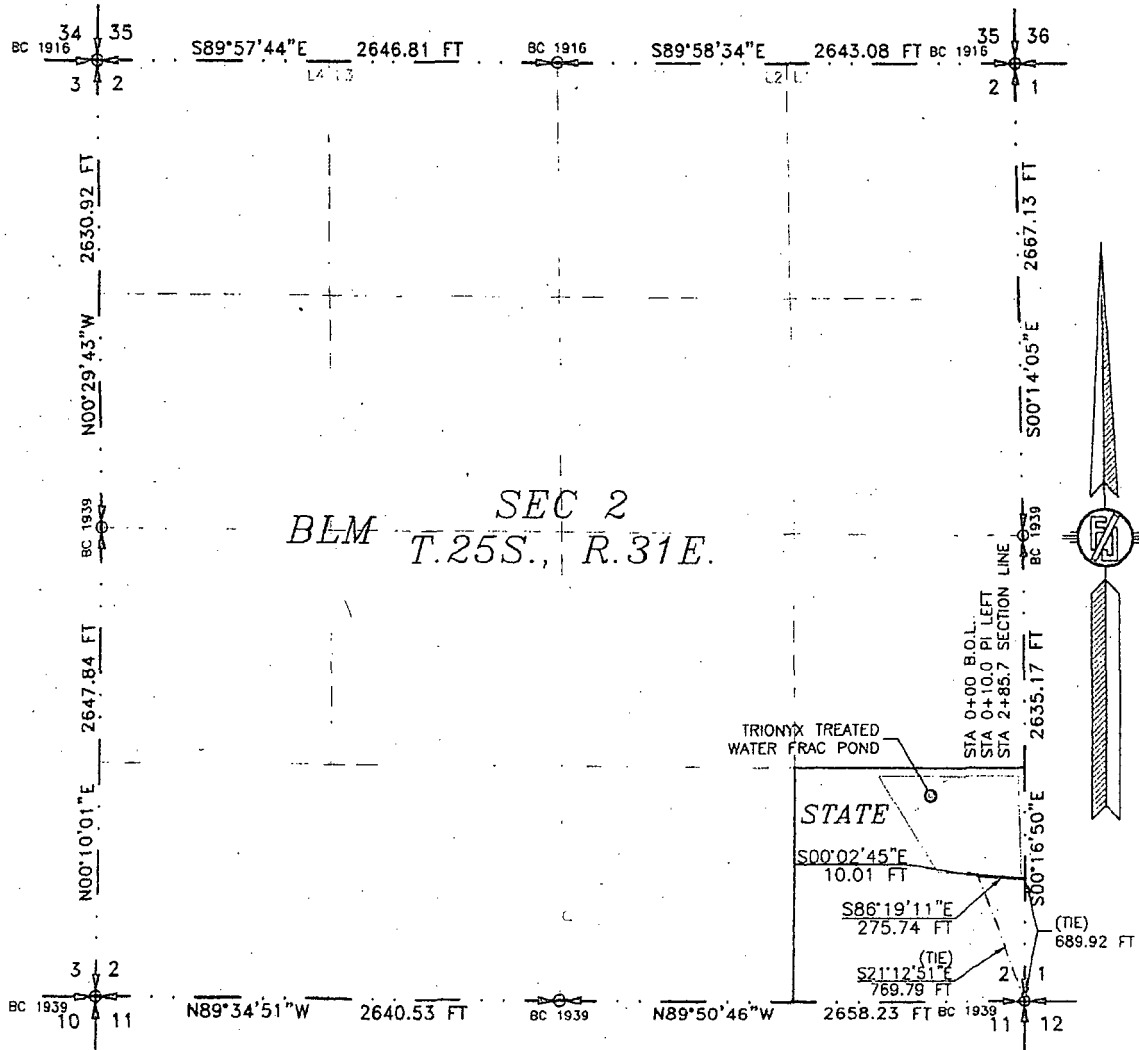
32. Additional remarks, continued

Please reference the attached Survey No. 4870

FLOWLINE PLAT (760085Z)

6" BURIED SWD LINE FROM TRIONYX TREATED FRAC WATER POND.
TO TIE INTO EXISTING DEVON BIG SINKS GAP SWD LINE

DEVON ENERGY PRODUCTION COMPANY, L.P.
CENTERLINE SURVEY OF A PIPELINE CROSSING
SECTION 2, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M.
EDDY COUNTY, STATE OF NEW MEXICO
AUGUST 30, 2016



SEE NEXT SHEET (2-6) FOR DESCRIPTION

SURVEYOR CERTIFICATE

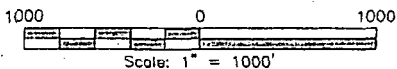
I, FILIMON F. JARAMILLO, A NEW MEXICO PROFESSIONAL SURVEYOR NO. 12797, HEREBY CERTIFY THAT I HAVE CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE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

IN WITNESS WHEREOF, THIS CERTIFICATE IS EXECUTED AT CARLSBAD, NEW MEXICO, THIS 31 DAY OF AUGUST 2016

FILIMON F. JARAMILLO, PLS. 12797
MADRON SURVEYING, INC.
301 SOUTH CANAL
CARLSBAD, NEW MEXICO 88501
Phone (505) 234-3341

SURVEY NO. 4870

MADRON SURVEYING, INC. CARLSBAD, NEW MEXICO



GENERAL NOTES

- 1.) THE INTENT OF THIS ROUTE SURVEY IS TO ACQUIRE AN EASEMENT.
- 2.) BASIS OF BEARING AND DISTANCE IS NMSP EAST (NAD83) MODIFIED TO SURFACE COORDINATES. NAD 83 (FEET) AND NAVD 88 (FEET) COORDINATE SYSTEMS USED IN THE SURVEY.

SHEET: 1-6

FLOWLINE PLAT (760085Z)

**6" BURIED SWD LINE FROM TRIONYX TREATED FRAC WATER POND
TO TIE INTO EXISTING DEVON BIG SINKS GAP SWD LINE**

**DEVON ENERGY PRODUCTION COMPANY, L.P.
CENTERLINE SURVEY OF A PIPELINE CROSSING
SECTION 2, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M.
EDDY COUNTY, STATE OF NEW MEXICO
AUGUST 30, 2016**

DESCRIPTION

A STRIP OF LAND 30 FEET WIDE CROSSING STATE OF NEW MEXICO LAND IN SECTION 2, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M., EDDY COUNTY, STATE OF NEW MEXICO AND BEING 15 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE SURVEY:

BEGINNING AT A POINT WITHIN THE SE/4 SE/4 OF SAID SECTION 2, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M., WHENCE THE SOUTHEAST CORNER OF SAID SECTION 2, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M. BEARS S21°12'51"E, A DISTANCE OF 769.79 FEET;

THENCE S00°02'45"E A DISTANCE OF 10.01 FEET TO AN ANGLE POINT OF THE LINE HEREIN DESCRIBED;

THENCE S86°19'11"E A DISTANCE OF 275.74 FEET THE TERMINUS OF THIS CENTERLINE SURVEY, WHENCE THE SOUTHEAST CORNER OF SAID SECTION 2, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M. BEARS S00°16'50"E, A DISTANCE OF 689.92 FEET;

SAID STRIP OF LAND BEING 285.75 FEET OR 17.32 RODS IN LENGTH, CONTAINING 0.197 ACRES MORE OR LESS AND BEING ALLOCATED BY FORTIES AS FOLLOWS:

SE/4 SE/4 285.75 L.F 17.32 RODS 0.197 ACRES

SURVEYOR CERTIFICATE

I, FILIMON F. 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 31 DAY OF AUGUST 2016

GENERAL NOTES

1.) THE INTENT OF THIS ROUTE SURVEY IS TO ACQUIRE AN EASEMENT.

2.) BASIS OF BEARING AND DISTANCE IS NMSP EAST (NAD83) MODIFIED TO SURFACE COORDINATES. NAD 83 (FEET) AND NAVD 88 (FEET) COORDINATE SYSTEMS USED IN THE SURVEY.

SHEET: 2-6

MADRON SURVEYING, INC. CARLSBAD, NEW MEXICO

FILIMON F. JARAMILLO PLS. 12797

251 SOUTH CANAL
EL PASO, TEXAS 79901

MADRON SURVEYING, INC.
251 SOUTH CANAL
CARLSBAD, NEW MEXICO 85820
Phone (505) 254-3341

SURVEY NO. 4870

6" BURIED SWD LINE FROM TRIONYX TREATED FRAC WATER POND
TO TIE INTO EXISTING DEVON BIG SINKS GAP SWD LINE

[illegible]

| distance | direction | distance | direction |
|----------|-----------|----------|-----------|
| from | to | from | to |

Scale: 1" = 1000'

MADRON SURVEYING, (INC.) CARLSBAD, NEW MEXICO

NEW MEXICO, THIS 31 DAY OF AUGUST 2016

17797
PILMON F. VARAMILLO PLS. 12797

MADISON SURVEY NO. 190
301 SOUTH CANAL
CARLEBAD, NEW MEXICO 86210
Phone (505) 234-4341

SURVEY NO. 4870

FLOWLINE PLAT (760085Z)

6" BURIED SWD LINE FROM TRIONYX TREATED FRAC WATER POND
TO TIE INTO EXISTING DEVON BIG SINKS GAP SWD LINE

DEVON ENERGY PRODUCTION COMPANY, L.P.
CENTERLINE SURVEY OF A PIPELINE CROSSING
SECTION 1, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M.
EDDY COUNTY, STATE OF NEW MEXICO
AUGUST 30, 2016

DESCRIPTION

30' PIPELINE EASEMENT

A STRIP OF LAND 30 FEET WIDE CROSSING BUREAU OF LAND MANAGEMENT LAND IN SECTION 1, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M., EDDY COUNTY, STATE OF NEW MEXICO AND BEING 15 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE SURVEY:

BEGINNING AT A POINT WITHIN THE SW/4 SW/4 OF SAID SECTION 1, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M., WHENCE THE SOUTHWEST CORNER OF SAID SECTION 1, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M. BEARS S00°16'50"E, A DISTANCE OF 689.92 FEET;
THENCE S86°19'11"E A DISTANCE OF 150.17 FEET THE TERMINUS OF THIS CENTERLINE SURVEY, WHENCE THE SOUTHWEST CORNER OF SAID SECTION 1, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M. BEARS S12°09'07"W, A DISTANCE OF 695.86 FEET;

SAID STRIP OF LAND BEING 150.17 FEET OR 9.10 RODS IN LENGTH, CONTAINING 0.103 ACRES MORE OR LESS AND BEING ALLOCATED BY FORTIES AS FOLLOWS:

SW/4 SW/4 150.17 L.F. 9.10 RODS 0.103 ACRES

30' X 30' SURFACE SITE

A CERTAIN PIECE OR PARCEL OF LAND AND REAL ESTATE LYING IN BUREAU OF LAND MANAGEMENT LAND IN THE SW/4 SW/4 OF SECTION 1, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO.

BEGINNING AT THE SOUTHWEST CORNER OF THE PARCEL, WHENCE THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M. BEARS S11°11'19"W, A DISTANCE OF 677.94 FEET;
THENCE N00°25'55"W A DISTANCE OF 30.23 FEET TO THE NORTHWEST CORNER OF THE PARCEL;
THENCE N89°32'32"E A DISTANCE OF 30.05 FEET TO THE NORTHEAST CORNER OF THE PARCEL;
THENCE S00°23'19"E A DISTANCE OF 30.22 FEET TO THE SOUTHEAST CORNER OF THE PARCEL;
THENCE S89°31'16"W A DISTANCE OF 30.03 FEET TO THE SOUTHWEST CORNER OF THE PARCEL, THE POINT OF BEGINNING;
CONTAINING 0.021 ACRES MORE OR LESS.

SURVEYOR CERTIFICATE

I, FILIMON F. 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 31ST DAY OF AUGUST 2016

FILIMON F. JARAMILLO, PLS. 12797

MADRON SURVEYING, INC.
201 SOUTH CANAL
CARLSBAD, NEW MEXICO 88520
Phone (505) 234-3341

SURVEY NO. 4870

GENERAL NOTES

1.) THE INTENT OF THIS ROUTE SURVEY IS TO ACQUIRE AN EASEMENT.

2.) BASIS OF BEARING AND DISTANCE IS NMSP EAST (NAD83) MODIFIED TO SURFACE COORDINATES. NAD 83 (FEET) AND NAVD 88 (FEET) COORDINATE SYSTEMS USED IN THE SURVEY.

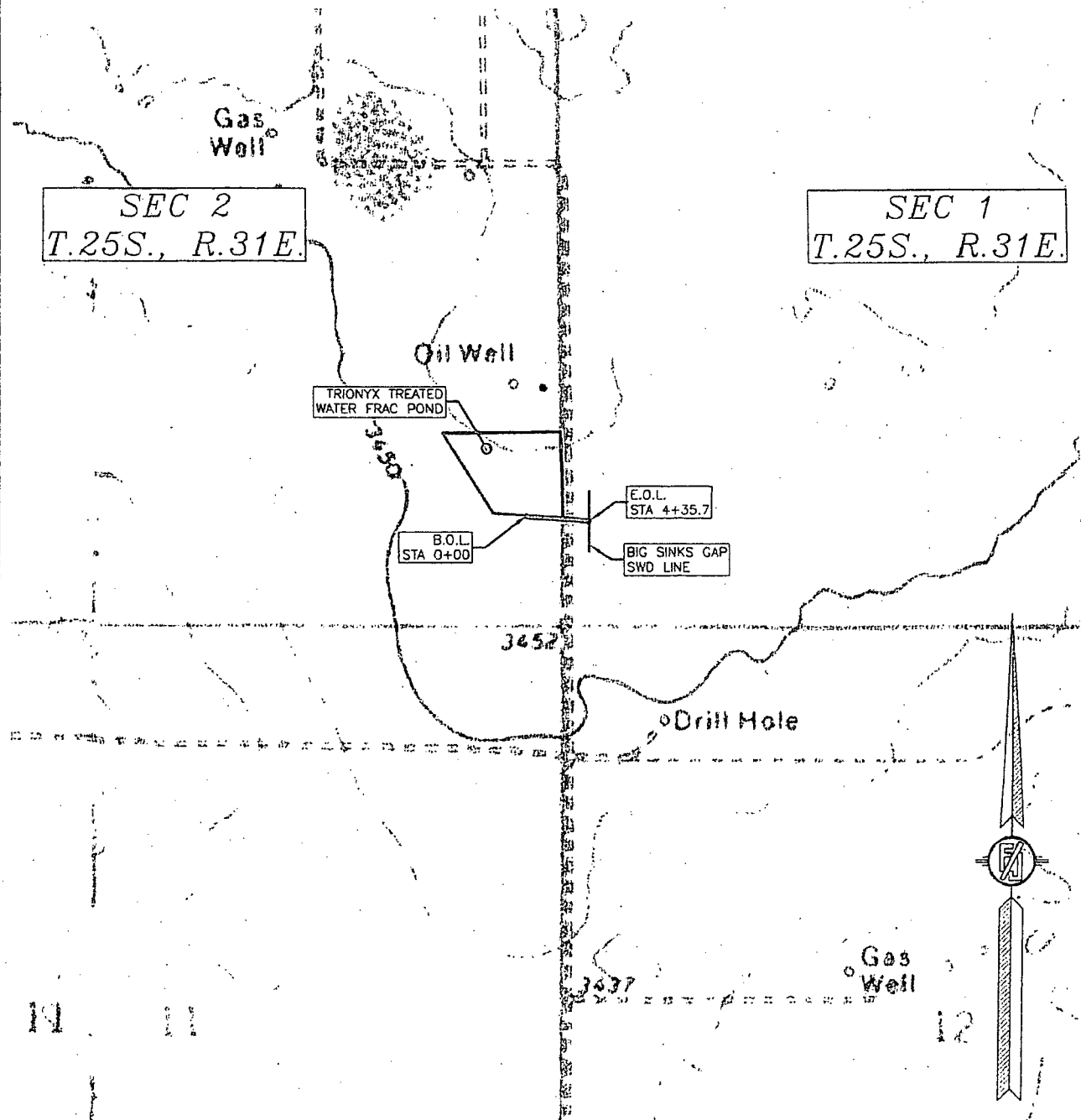
SHEET: 4-6

MADRON SURVEYING, INC. CARLSBAD, NEW MEXICO

FLOWLINE PLAT (760085Z)

6" BURIED SWD LINE FROM TRIONYX TREATED FRAC WATER POND
TO TIE INTO EXISTING DEVON BIG SINKS GAP SWD LINE

DEVON ENERGY PRODUCTION COMPANY, L.P.
CENTERLINE SURVEY OF A PIPELINE CROSSING
SECTION 2, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M.
EDDY COUNTY, STATE OF NEW MEXICO
AUGUST 30, 2016



SHEET: 5-6

MADRON SURVEYING, INC. 35 SOUTH CANYON, CARLSBAD, NEW MEXICO

SURVEY NO. 4870

CARLSBAD, NEW MEXICO

FLOWLINE PLAT (760085Z)

6" BURIED SWD LINE FROM TRIONYX TREATED FRAC WATER POND
TO TIE INTO EXISTING DEVON BIG SINKS GAP SWD LINE

DEVON ENERGY PRODUCTION COMPANY, L.P.
CENTERLINE SURVEY OF A PIPELINE CROSSING
SECTION 2, TOWNSHIP 25 SOUTH, RANGE 31 EAST, N.M.P.M.
EDDY COUNTY, STATE OF NEW MEXICO
AUGUST 30, 2016



SHEET: 6-6

SURVEY NO. 4870

MADRON SURVEYING, INC. 39" SOUTH CANAL (575) 234-3441 CARLSBAD, NEW MEXICO

devon

This map is for illustrative purposes only and is not intended to be used as a legal document. It is not a warranty, representation, or statement of any kind. Please contact the publisher for more information.

WGS 1984 Web Mercator Auxiliary Sphere

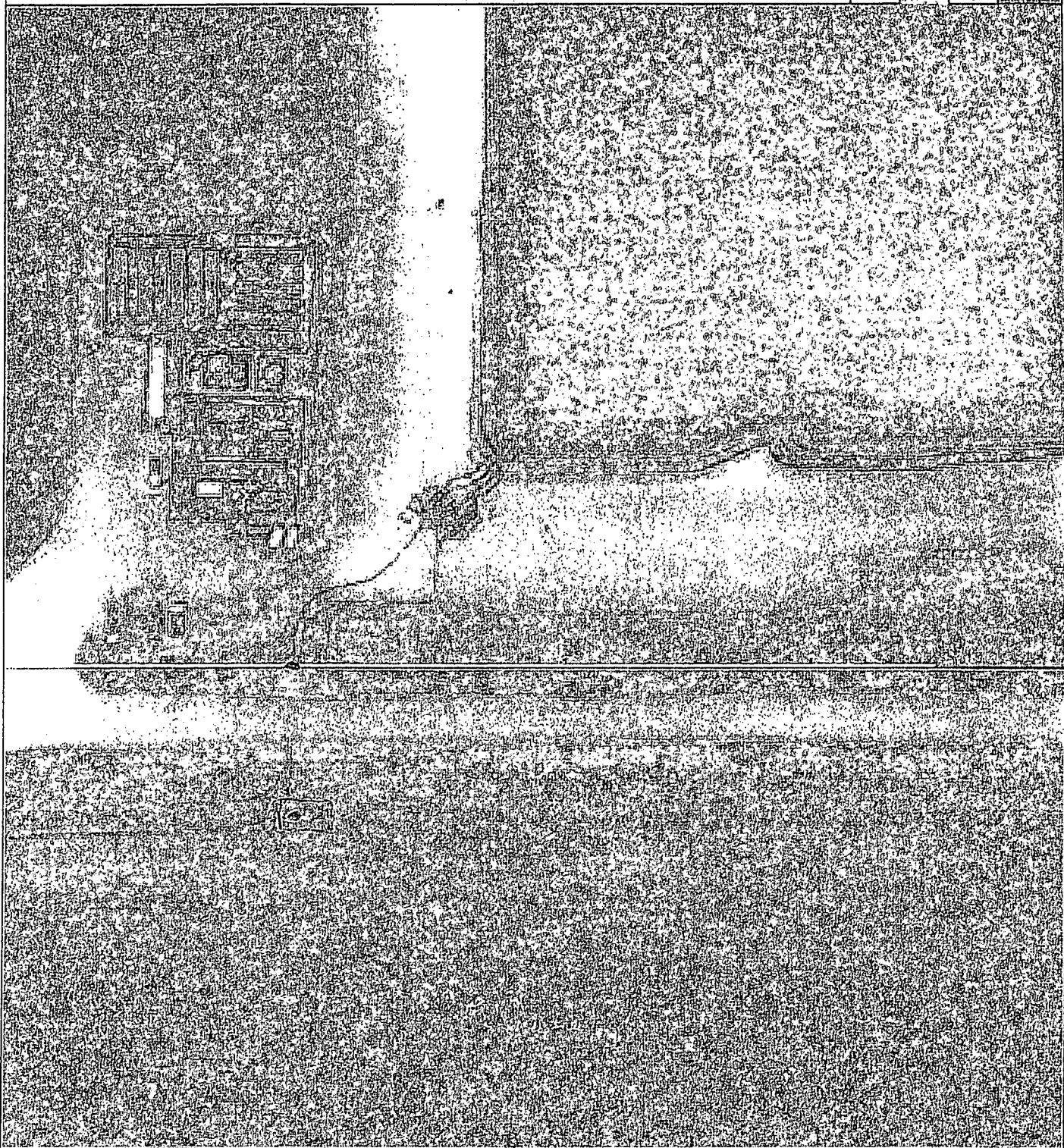
Prepared by:

Map is current as of: 22-Aug-2016



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Devon 10M Vectors



OCT 11 2016

RECEIVED

**Devon Energy Production Co
Lease No. NMNM012121
Trionyx Treated Frac Pond
Buried Pipeline**

BURIED PIPELINE STIPULATIONS

A copy of the application (Grant, APD, or Sundry Notice) and attachments, including conditions of approval, 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. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any oil 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 or other 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 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 holder of any responsibility as provided herein.

5. All construction and maintenance activity will be confined to the authorized right-of-way.
6. The pipeline will be buried with a minimum cover of 36 inches between the top of the pipe and ground level.
7. The maximum allowable disturbance for construction in this right-of-way will be 30 feet:
- Blading of vegetation within the right-of-way will be allowed: maximum width of blading operations will not exceed 20 feet. The trench is included in this area. (*Blading is defined as the complete removal of brush and ground vegetation.*)
 - Clearing of brush species within the right-of-way will be allowed: maximum width of clearing operations will not exceed 30 feet. The trench and bladed area are included in this area. (*Clearing is defined as the removal of brush while leaving ground vegetation (grasses, weeds, etc.) intact. Clearing is best accomplished by holding the blade 4 to 6 inches above the ground surface.*)
 - The remaining area of the right-of-way (if any) shall only be disturbed by compressing the vegetation. (*Compressing can be caused by vehicle tires, placement of equipment, etc.*)
8. The holder shall stockpile an adequate amount of topsoil where blading is allowed. The topsoil to be stripped is approximately 6 inches in depth. The topsoil will be segregated from other spoil piles from trench construction. The topsoil will be evenly distributed over the bladed area for the preparation of seeding.
9. 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.
10. Vegetation, soil, and rocks left as a result of construction or maintenance activity will be randomly scattered on this right-of-way and will not be left in rows, piles, or berms, unless otherwise approved by the Authorized Officer. The entire right-of-way shall be recontoured to match the surrounding landscape. The backfilled soil shall be compacted and a 6 inch berm will be left over the ditch line to allow for settling back to grade.
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. The holder will reseed all disturbed areas. Seeding will be done according to the attached seeding requirements, using the following seed mix.

- | | |
|--------------------------|-----------------------------|
| () seed mixture 1 | () seed mixture 3 |
| () seed mixture 2 | () seed mixture 4 |
| (X) seed mixture 2/LPC | () Aplomado Falcon Mixture |

13. 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 color which simulates "Standard Environmental Colors" – **Shale Green**, Munsell Soil Color No. 5Y 4/2.

14. 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. All signs and information thereon will be posted in a permanent, conspicuous manner, and will be maintained in a legible condition for the life of the pipeline.

15. 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 before maintenance begins. The holder will take whatever steps are necessary to ensure that the pipeline route is not used as a roadway. As determined necessary during the life of the pipeline, the Authorized Officer may ask the holder to construct temporary deterrence structures.

16. Any cultural and/or paleontological resources (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.

17. 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 associated roads, 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.

18. Escape Ramps - The operator will construct and maintain pipeline/utility trenches [that are not otherwise fenced, screened, or netted] 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 the trenches according to the following criteria:

- a. Any trench left open for eight (8) hours or less is not required to have escape ramps; however, before the trench is backfilled, the contractor/operator shall inspect the trench for wildlife, remove all trapped wildlife, and release them at least 100 yards from the trench.
- b. For trenches left open for eight (8) hours or more, earthen escape ramps (built at no more than a 30 degree slope and spaced no more than 500 feet apart) shall be placed in the trench.

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 pump jack engines must be muffled or otherwise controlled so as not to exceed 75 db measured at 30 ft. from the source of the noise.

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