

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OCD Artesia

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.*5. Lease Serial No.
NMLC064827A

6. If Indian, Allottee or Tribe Name

SUBMIT IN TRIPLICATE - Other instructions on page 27. If Unit or CA/Agreement, Name and/or No.
NMNM70965X

1. Type of Well

☒ Oil Well ☐ Gas Well ☐ Other

8. Well Name and No.

JAMES RANCH UNIT DI1A 206H

2. Name of Operator
BOPCO LPContact: TRACIE J CHERRY
E-Mail: tracie_cherry@xtoenergy.com

9. API Well No.

30-015-43236

3a. Address
P O BOX 2760
MIDLAND, TX 797023b. Phone No. (include area code)
Ph: 432-683-227710. Field and Pool or Exploratory Area
UNDESIGNATED; BONE SPRING

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

Sec 21 T22S R30E Mer NMP NESW 1440FNL 2560FWL

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 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 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.

BOPCO, LP respectfully submits this sundry notice for construction on Federal surface. Construction will consist of oil, gas and water lines, and a flare pad facility to service operations on the James Ranch Unit DI 1A. Details of the proposed construction are as follows:

RC 11-27-17
Accepted for record - NMOCD

Flare Pad ? A proposed flare pad will be constructed East of the proposed James Ranch Unit DI 1A facility pad and extension, SWNE, Sec 21. Pad will be constructed to accommodate up to four (4) 10" HP emergency flares, rated at 15 MMSCFPD capacity each and up to two (2) 6" LP emergency flares, rated at 1 MMSCFPD capacity each. The flare meter will be located at adjacent facility pad. The proposed flare pad will be 30' x 180' with a total disturbance of +/-0.124 acres.

NM OIL CONSERVATION
ARTESIA DISTRICT

NOV 22 2017

Flare Line - A group of low pressure surface steel pipelines transporting battery gas from the production facility to an associated flare stack. The lines will be rated for maximum working

RECEIVED

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

Electronic Submission #378001 verified by the BLM Well Information System
For BOPCO LP, sent to the Carlsbad
Committed to AFMSS for processing by DEBORAH MCKINNEY on 06/06/2017 ()

Name (Printed/Typed) TRACIE J CHERRY

Title REGULATORY ANALYST

Signature (Electronic Submission)

Date 06/05/2017

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 ****

Additional data for EC transaction #378001 that would not fit on the form

32. Additional remarks, continued

pressure of 1200 psi; operating pressure will not exceed 125 psi. Route is designed to accommodate up to six (6) lines. The lines will follow a corridor 150' in length with a 30' width, total disturbance of +/- .103 ac.

SWD Line ? A buried 12" SDR 9 poly high pressure SWD pipeline will be constructed commencing in SWNE Sec. 21 and terminating NENE Sec. 21. The lines will be rated for maximum working pressure of 255 psi. The line will be approximately 1669.94' in length with a 30' width, total disturbance of +/- 1.15 acres

Gas Lift Line (main trunk) - A buried 16" steel high pressure gas lift distribution pipeline. The line will commence SWNE Sec 21 and terminate NENE Sec. 21, following on the North side of James Ranch Unit D11. The line will be rated for maximum working pressure of 2100 psi. The line will be approximately 1665.24' in length with a 30' width, total disturbance of +/- 1.147 acres

(Continued on attachment)

BOPCO,LP

Attachment to Sundry Notice of Intent

James Ranch Unit DI1A 206H

30-015-43236

NESW 21-22S-30E

Gas Lift Line (lateral) - A buried 16" steel high pressure gas lift distribution pipeline. The line will commence and terminate in SWNE Sec. 21. This line will come off of the "main" gas lift line as described above and follow on the South side of the James Ranch Unit DI1. The line will be rated for maximum working pressure of 2100 psi. The line will be approximately 603.48 with a 30' width, a total disturbance of +/- .416 acres.

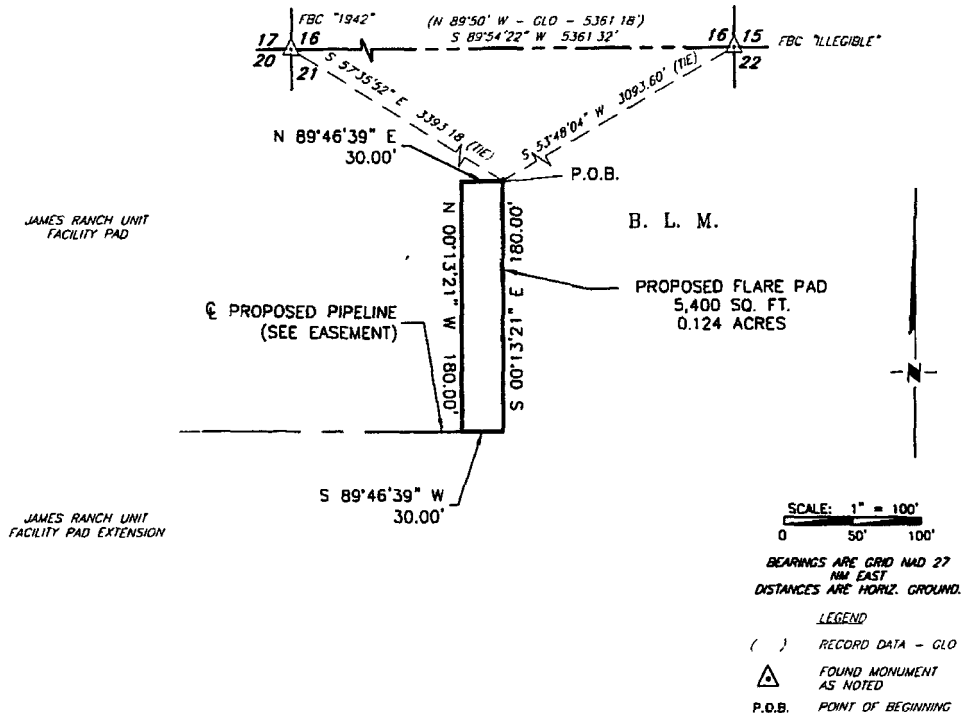
Gas Sales - A buried 16" steel high pressure gas sales pipeline. This will tie into 2 existing lines, (1) 10" & (1) 6". These lines will be rated for maximum working pressure of 2100 psi. The line will be approximately 886.90' in length with a 30' width, a total disturbance of +/- .611 acres

Oil pipeline - A buried 6" steel high pressure oil sales pipeline. The line will commence and terminate in SWNE Sec. 21. The line will be rated for working pressure 2100 psi. The line will be approximately 870.10' with a 30' width, a total disturbance of +/- .599 acres

Temporary Lines - Surface flowlines will be routed from James Ranch Unit DI 1 #157H, 161H, 169H & 127H wells situated in SWNE Sec. 21 to this battery location on temporary basis. The lines will follow the buried gas lift lateral line route from DI 1 pad to DI 1A battery to minimize any additional disturbance. The flow line route approved in each wells APD was planned to a different battery location. The wells will utilize DI 1A production facilities while facilities for DI1 are under construction. The lines will be 4" flexpipe rated for maximum working pressure of 737 psi; operating pressure will be less than 125 psi. The line will be approximately

The proposed construction will utilize existing disturbances/roads where possible to minimize environmental impact. BLM will be notified of any needed re-routing. This construction will service all wells to be drilled on James Ranch Unit DI1A.

XTO ENERGY, INC.
SURVEY OF A PROPOSED FLARE PAD
FOR THE JAMES RANCH UNIT DI 1A
IN THE SW 1/4 OF THE NE 1/4, SECTION 21, T22S, R30E
N. M. P. M., EDDY COUNTY, NEW MEXICO



DESCRIPTION

A tract of land situated within the Northeast quarter of Section 21, Township 22 South, Range 30 East, N. M. P. M., Eddy County, New Mexico, across B. L. M. land, and being more particularly described by metes and bounds as follows:

BEGINNING at a point which bears, S 57°35'52" E, 3,393.18 feet from a brass cap, stamped "1942", found for the Northwest corner of Section 21 and being S 53°48'04" W 3,093.60 feet from a brass cap, illegible, found for the Northeast corner of Section 21;

Thence S 00°13'21" E, 180.00 feet, to a point;

Thence S 89°46'39" W, 30.00 feet, to a point;

Thence N 00°13'21" W, 180.00 feet, to a point;

Thence N 89°46'39" E 30.00 feet, to the Point of Beginning.

Said tract of land contains 5,400 square feet or 0.124 acres, more or less.



I, R. M. Howett, a N. M. Professional Surveyor, hereby certify that I prepared this plat from an actual survey made on the ground under my direct supervision, said survey and plat meet the Min. Stds. for Land Surveying in the State of N. M. and are true and correct to the best of my knowledge and belief.

Robert M. Howett
 Robert M. Howett NM PS 19680

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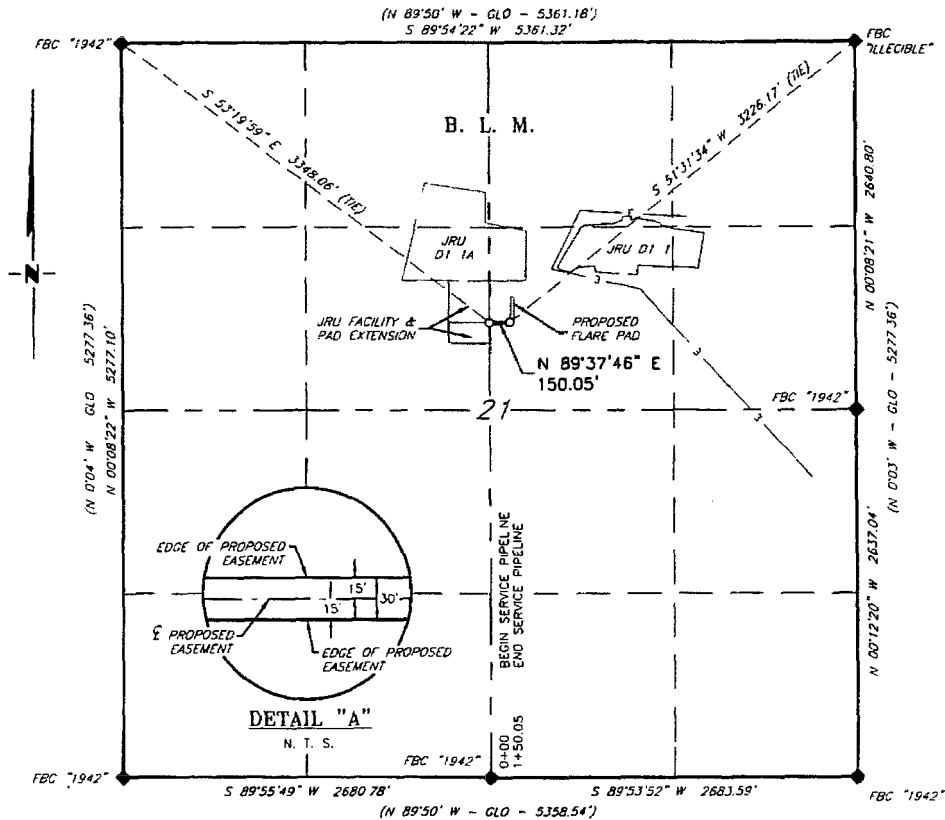
NO.	REVISION	DATE
JOB NO.:	LS1704205	
DWG. NO.:	1-1704205	

RRC

308 W. BROADWAY ST., HOBBBS, NM 88240 (575) 964-8200

SCALE: 1" = 100'
DATE: 4-12-2017
SURVEYED BY: JM/EF
DRAWN BY: KAKN
APPROVED BY: RMH
SHEET: 1 OF 1

XTO ENERGY, INC.
SURVEY OF A PROPOSED SERVICE PIPELINE
FOR THE JAMES RANCH UNIT D1 1A FLARE PAD
SECTION 21, T22S, R30E
N. M. P. M., EDDY COUNTY, NEW MEXICO



DESCRIPTION

A strip of land 30 feet wide, being 150.05 feet or 9.094 rods in length, lying in Section 21, Township 22 South, Range 30 East, N. M. P. M., Eddy County, New Mexico, being 15 feet left and 15 feet right of the following described survey of a centerline across B. L. M. land:

BEGINNING at a point in the Northeast quarter of Section 21, which bears, S 53°19'59" E, 3,348.06 feet from a brass cap, stamped "1942", found for the Northwest corner of Section 25;

Thence N 89°37'46" E, 150.05 feet, to Engr. Sta. 1+50.05, the End of Survey, a point in the Northeast quarter of said Section 21, which bears, S 51°31'34" W, 3,226.17 feet from a brass cap, illegible, found for the Northeast corner of Section 21.

Said strip of land contains 0.103 acres, more or less, and is allocated by forties as follows:

SW 1/4 NE 1/4 9.094 Rods 0.103 Acres

SCALE: 1" = 1000'
0 500' 1000'

BEARINGS ARE GRID AND 27
NM EAST
DISTANCES ARE HORIZ. GROUND.

LEGEND

- () RECORD DATA - GLO
- ◆ FOUND MONUMENT AS NOTED
- PROPOSED PIPELINE

I, R. M. Howett, a N. M. Professional Surveyor, hereby certify that I prepared this plot from an actual survey made on the ground under my direct supervision, said survey and plot meet the Min. Stds. for Land Surveying in the State of N. M. and are true and correct to the best of my knowledge and belief.

Robert M. Howett
Robert M. Howett NM PS 19680



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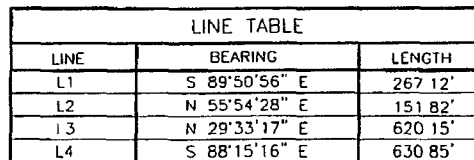
NO.	REVISION	DATE
JOB NO.:	LS1704205	
DWG. NO.:	12-1704205	

RRC

308 W. BROADWAY ST., HOBBS, NM 88240 (575) 964-8200

SCALE: 1" = 1000'
DATE: 4-12-17
SURVEYED BY: JM/EF
DRAWN BY: KAKN
APPROVED BY: RMH
SHEET: 1 OF 1

(N 89°50' W - GLO - 5361.18')
S 89°54'22" W 5361.32'



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SCALE: 1" = 1000'
DATE: 4-12-17
SURVEYED BY: JM/EF
DRAWN BY: KAKN
APPROVED BY: RMH
SHEET: 1 OF 2

XTO ENERGY, INC.
SURVEY OF A PROPOSED SWD PIPELINE
FOR THE JAMES RANCH UNIT DI 1A
SECTION 21, T22S, R30E
N. M. P. M., EDDY COUNTY, NEW MEXICO

DESCRIPTION

A strip of land 30 feet wide, being 1,669.94 feet or 101.208 rods in length, lying in Section 21, Township 22 South, Range 30 East, N. M. P. M., Eddy County, New Mexico, being 15 feet left and 15 feet right of the following described survey of a centerline across State of New Mexico land:

BEGINNING at Engr. Sta. 0+00, a point in the Northeast quarter of Section 21, which bears, S 57°32'49" E, 3,181.15 feet from a brass cap, stamped "1942", found for the Northwest corner of Section 21;

Thence S 89°50'56" E, 267.12 feet, to Engr. Sta. 2+67.12, a P.I. of 34°14'36" left;

Thence N 55°54'28" E, 151.82 feet, to Engr. Sta. 4+18.94, a P.I. of 26°21'11" left;


Thence N 29°33'17" E, 620.15 feet, to Engr. Sta. 10+39.09, a P.I. of 62°11'27" right;

Thence S 88°15'16" E, 630.85 feet, to Engr. Sta. 16+69.94, the End of Survey, a point in the Northeast quarter of Section 21, which bears, S 50°29'37" W, 1,746.73 feet from a brass cap, illegible, found for the Northeast corner of Section 21.

Said strip of land contains 1.150 acres, more or less, and is allocated by forties as follows:

SW 1/4 NE 1/4	46.839 Rods	0.532 Acres
NW 1/4 NE 1/4	54.369 Rods	0.618 Acres

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			SCALE: 1" = 1000'
			DATE: 4-12-17
			SURVEYED BY: JM/EF
			DRAWN BY: KAKN
NO.	REVISION	DATE	APPROVED BY: RMH
JOB NO.: LS1704205			SHEET: 2 OF 2
DWG. NO.: 3-1704205			

308 W. BROADWAY ST., HOBBES, NM 86240 (575) 964-8200

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 89°50'23" E	267.11'
L2	N 56°24'45" E	153.68'
L3	N 29°44'22" E	413.24'
L4	N 66°20'19" E	159.46'
L5	S 86°39'13" E	252.03'
L6	S 76°20'21" E	117.85'
L7	S 78°38'15" E	301.87'

NO.	REVISION	DATE
JOB NO.: LS1704205		
DWG. NO.: 4-1704205		

RRC

308 W. BROADWAY ST., HOBBS, NM 88240 (575) 964-8200

SCALE: 1" = 1000'
DATE: 4-12-17
SURVEYED BY: JM/EF
DRAWN BY: KAKN
APPROVED BY: RMH
SHEET: 1 OF 2

XTO ENERGY, INC.
SURVEY OF A PROPOSED GAS LIFT
FOR THE JAMES RANCH UNIT DI 1A
SECTION 21, T22S, R30E
N. M. P. M., EDDY COUNTY, NEW MEXICO

DESCRIPTION

A strip of land 30 feet wide, being 1,665.24 feet or 100.924 rods in length, lying in Section 21, Township 22 South, Range 30 East, N. M. P. M., Eddy County, New Mexico, being 15 feet left and 15 feet right of the following described survey of a centerline across B. L. M. land:

BEGINNING at Engr. Sta. 0+00, a point in the Northeast quarter of Section 21, which bears, S 57°25'31" E, 3,185.51 feet from a brass cap, stamped "1942", found for the Northwest corner of Section 21;

Thence S 89°50'23" E, 267.11 feet, to Engr. Sta. 2+67.11, a P.I. of 33°44'52" left;

Thence N 56°24'45" E, 153.68 feet, to Engr. Sta. 4+20.79, a P.I. of 26°40'23" left;

Thence N 29°44'22" E, 413.24 feet, to Engr. Sta. 8+34.03, a P.I. of 36°35'57" right;

Thence N 66°20'19" E, 159.46 feet, to Engr. Sta. 9+93.49, a P.I. of 27°00'28" right;

Thence S 86°39'13" E, 252.03 feet, to Engr. Sta. 12+45.52, a P.I. of 10°18'52" right;

Thence S 76°20'21" E, 117.85 feet, to Engr. Sta. 13+63.37, a P.I. of 02°17'54" left;

Thence S 78°38'15" E, 301.87 feet; to Engr. Sta. 16+65.24, the End of Survey, a point in the Northeast quarter which bears, S 43°53'25" W, 1,829.97 feet from a brass cap, illegible, found for the Northeast corner of Section 21.

Said strip of land contains 1.147 acres, more or less, and is allocated by forties as follows:

SW 1/4 NE 1/4	47.561 Rods	0.541 Acres
NW 1/4 NE 1/4	49.131 Rods	0.558 Acres
NE 1/4 NE 1/4	4.22 Rods	0.048 Acres

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NO.	REVISION	DATE	RRC				SCALE: 1" = 1000'
JOB NO.: LS1704205			308 W. BROADWAY ST., HOBBBS, NM 88240 (575) 964-6200				DATE: 4-12-17
DWG. NO.: 5-1704205							SURVEYED BY: JM/EF
							DRAWN BY: KAKN
							APPROVED BY: RMH
							SHEET: 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 75°07'00" E	339.31'
L2	N 75°31'45" E	264.17'

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SCALE: 1" = 1000'
DATE: 4-12-17
SURVEYED BY: JM/EF
DRAWN BY: KAKN
APPROVED BY: RMH
SHEET: 1 OF 2

XTO ENERGY, INC.
SURVEY OF A PROPOSED GAS LIFT LATERAL
FOR THE JAMES RANCH UNIT DI 1A
SECTION 21, T22S, R30E
N. M. P. M., EDDY COUNTY, NEW MEXICO

DESCRIPTION

A strip of land 30 feet wide, being 603.48 feet or 36.574 rods in length, lying in Section 21, Township 22 South, Range 30 East, N. M. P. M., Eddy County, New Mexico, being 15 feet left and 15 feet right of the following described survey of a centerline across B. L. M. land:

BEGINNING at Engr. Sta. 0+00, a point in the Northeast quarter of Section 21, which bears, S 62°05'46" E, 3,484.68 feet from a brass cap, stamped "1942", found for the Northwest corner of Section 21;

Thence S 75°07'00" E, 339.31 feet, to Engr. Sta. 3+39.31, a P.I. of 29°21'15" left;

Thence N 75°31'45" E, 264.17 feet, to Engr. Sta. 6+03.48, the End of Survey, a point in the Northeast quarter of Section 21, which bears, S 45°38'14" W, 2,375.19 feet from a brass cap, illegible, found for the Northeast corner of Section 21.

Said strip of land contains 0.416 acres, more or less, and is allocated by forties as follows:

SW 1/4 NE 1/4 36.574 Rods 0.416 Acres

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				SCALE: 1" = 1000' DATE: 4-12-17 SURVEYED BY: JM/EF DRAWN BY: KAKN APPROVED BY: RMH SHEET: 2 OF 2
NO.	REVISION	DATE		
JOB NO.: LS1704205				
DWG. NO.: 7-1704205			308 W. BROADWAY ST., HOEBBS, NM 88240 (505) 964-8200	

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 89°50'01" E	267.13'
L2	N 57°22'58" E	157.30'
L3	S 74°50'21" E	324.85'
L4	N 16°46'40" E	137.62'

SCALE: 1" = 1000'
DATE: 4-12-17
SURVEYED BY: JM/EF
DRAWN BY: KAKN
APPROVED BY: RMH
SHEET: 1 OF 2

XTO ENERGY, INC.
SURVEY OF A PROPOSED GAS PIPELINE
FOR THE JAMES RANCH UNIT DI 1A FLARE PAD
SECTION 21, T22S, R30E
N. M. P. M., EDDY COUNTY, NEW MEXICO

DESCRIPTION

A strip of land 30 feet wide, being 886.90 feet or 53.752 rods in length, lying in Section 21, Township 22 South, Range 30 East, N. M. P. M., Eddy County, New Mexico, being 15 feet left and 15 feet right of the following described survey of a centerline across B. L. M. land:

BEGINNING at Engr. Sta. 0+00, a point in the Northeast quarter of Section 21, which bears, S 57°11'04" E, 3,194.13 feet from a brass cap, stamped "1942", found for the Northwest corner of Section 21;

Thence S 89°50'01" E, 267.13 feet, to Engr. Sta. 2+67.13, a P.I. of 32°47'01" left;

Thence N 57°22'58" E, 157.30 feet, to Engr. Sta. 4+24.43, a P.I. of 47°46'41" right;


Thence S 74°50'21" E, 324.85 feet, to Engr. Sta. 7+49.28, a P.I. of 88°22'59" left;

Thence N 16°46'40" E, 137.82 feet, to Engr. Sta. 8+86.90, the End of Survey, a point in the Northeast quarter of Section 21, which bears, S 50°05'44" W, 2,508.14 feet from a brass cap, illegible, found for the Northeast corner of Section 21.

Said strip of land contains 0.611 acres, more or less, and is allocated by parties as follows:

SW 1/4 NE 1/4 53.752 Rods 0.611 Acres

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				SCALE: 1" = 1000' DATE: 4-12-17 SURVEYED BY: JM/EF DRAWN BY: KAKN APPROVED BY: RMH SHEET: 2 OF 2
NO.	REVISION	DATE		
JOB NO.: LS1704205				
DWG. NO.: 11-1704205			308 W. BROADWAY ST., HOBBS, NM 88240 (575) 964-8200	

LINE	BEARING	LENGTH
L1	S 89°50'49" E	267.10'
L2	N 56°54'32" E	155.43'
L3	S 74°57'32" E	321.25'
L4	N 16°48'09" E	126.32'

SCALE: 1" = 1000'
DATE: 4-12-17
SURVEYED BY: JM/EF
DRAWN BY: KAKN
APPROVED BY: RMH
SHEET: 1 OF 2

XTO ENERGY, INC.
SURVEY OF A PROPOSED OIL PIPELINE
FOR THE JAMES RANCH UNIT DI 1A
SECTION 21, T22S, R30E
N. M. P. M., EDDY COUNTY, NEW MEXICO

DESCRIPTION

A strip of land 30 feet wide, being 870.10 feet or 52.733 rods in length, lying in Section 21, Township 22 South, Range 30 East, N. M. P. M., Eddy County, New Mexico, being 15 feet left and 15 feet right of the following described survey of a centerline across B. L. M. land:

BEGINNING at Engr. Sta. 0+00, a point in the Northeast quarter of Section 21, which bears, S 57°18'21" E, 3,189.83 feet from a brass cap, stamped "1942", found for the Northwest corner of Section 21;

Thence S 89°50'49" E, 267.10 feet, to Engr. Sta. 2+67.10, a P.I. of 33°14'39" left;

Thence N 56°54'32" E, 155.43 feet, to Engr. Sta. 4+22.53, a P.I. of 48°07'56" right;


Thence S 74°57'32" E, 321.25 feet, to Engr. Sta. 7+43.78, a P.I. of 88°14'19" left;

Thence N 16°48'09" E, 126.32 feet, to Engr. Sta. 8+70.10, the End of Survey, a point in the Northeast quarter of Section 21, which bears, S 50°12'16" W, 2,515.57 feet from a brass cap, illegible, found for the Northeast corner of Section 21.

Said strip of land contains 0.599 acres, more or less, and is allocated by forties as follows:

SW 1/4 NE 1/4 52.733 Rods 0.599 Acres

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				SCALE: 1" = 1000' DATE: 4-12-17 SURVEYED BY: JM/EF DRAWN BY: KAKN APPROVED BY: RMH SHEET: 2 OF 2
NO.	REVISION	DATE		
JOB NO.: LS1704205				
DWG. NO.: 9-1704205			308 W. BROADWAY ST., HOBBS, NM 88240 (505) 964-8200	

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.

(X) seed mixture 1	() seed mixture 3
() seed mixture 2	() seed mixture 4
() 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:

Conditions of Approval Cave and Karst

****** Depending on location, additional Drilling, Casing, and Cementing procedures may be required by engineering to protect critical karst groundwater recharge areas.

Cave/Karst Surface Mitigation

The following stipulations will be applied to minimize impacts during construction, drilling and production.

Construction:

In the advent that any underground voids are opened up during construction activities, construction activities will be halted and the BLM will be notified immediately.

No Blasting:

No blasting will be utilized for pad construction. The pad will be constructed and leveled by adding the necessary fill and caliche.

Pad Berming:

The entire perimeter of the well pad will be bermed to prevent oil, salt, and other chemical contaminants from leaving the well pad.

- The compacted berm shall be constructed at a minimum of 12 inches high with impermeable mineral material (e.g. caliche).
- No water flow from the uphill side(s) of the pad shall be allowed to enter the well pad.
- The topsoil stockpile shall be located outside the bermed well pad.
- Topsoil, either from the well pad or surrounding area, shall not be used to construct the berm.
- No storm drains, tubing or openings shall be placed in the berm.
- If fluid collects within the bermed area, the fluid must be vacuumed into a safe container and disposed of properly at a state approved facility.
- The integrity of the berm shall be maintained around the surfaced pad throughout the life of the well and around the downsized pad after interim reclamation has been completed.
- Any access road entering the well pad shall be constructed so that the integrity of the berm height surrounding the well pad is not compromised. (Any access road crossing the berm cannot be lower than the berm height.)

Tank Battery Liners and Berms:

Tank battery locations and all facilities will be lined and bermed. A 20 mil permanent liner will be installed with a 4 oz. felt backing, or equivalent, to prevent tears or punctures. Tank battery berms must be large enough to contain 1 ½ times the content of the largest tank.

Leak Detection System:

A method of detecting leaks is required. The method could incorporate gauges to measure loss, siting values and lines so they can be visually inspected, or installing electronic sensors to alarm when a leak is present. Leak detection plan will be submitted to BLM for approval.

Automatic Shut-off Systems:

Automatic shut off, check valves, or similar systems will be installed for pipelines and tanks to minimize the effects of catastrophic line failures used in production or drilling.

Seed Mixture 1 for Loamy Sites

Holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)* per acre. There shall be no primary or secondary noxious weeds in the seed mixture. Seed shall be tested and the viability testing of seed will be done in accordance with State law(s) and within nine (9) months prior to purchase. Commercial seed shall be either certified or registered seed. The seed container shall be tagged in accordance with State law(s) and available for inspection by the Authorized Officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area (small/heavier seeds have a tendency to drop the bottom of the drill and are planted first). Holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre shall be doubled. The seeding shall be repeated until a satisfactory stand is established as determined by the Authorized Officer. Evaluation of growth may not be made before completion of at least one full growing season after seeding.

Species to be planted in pounds of pure live seed* per acre:

<u>Species</u>	<u>lb/acre</u>
Plains lovegrass (<i>Eragrostis intermedia</i>)	0.5
Sand dropseed (<i>Sporobolus cryptandrus</i>)	1.0
Sideoats grama (<i>Bouteloua curtipendula</i>)	5.0
Plains bristlegrass (<i>Setaria macrostachya</i>)	2.0

*Pounds of pure live seed:

Pounds of seed x percent purity x percent germination = pounds pure live seed

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. The flare line(s) discharge shall be located not less than 150 feet from the well head, having straight lines unless turns are targeted with running tees, and shall be positioned in a manner to compensate for wind changes, and shall be anchored. The flare system shall have an effective method for ignition. Where noncombustible gas is likely or expected to be vented, the system shall be provided supplemental fuel for ignition and to maintain a continuous flare.

6. Flares shall be fitted with a device to prevent oil from being emitted into the air or off location.

7. A fuel break shall be maintained around the flare site to prevent ignition of wildfires. All flammable products and debris shall be cleared and vegetation will be mowed (or trimmed where mowing is not practical) to a height not to exceed 4 inches. The fuelbreak area will extend from the flare stack a total distance equal to 3 times the height of the flare stack.

8. Consistent with 43 CFR 9212.1-3 and lease rights granted, the operator shall comply with fire prevention orders issued during times of very high fire danger.

9. 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.

10. 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.)

11. 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.

12. 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.

13. 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).

14. 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.

15. 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).

16. 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.

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

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

18. 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.

19. 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

20. 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.

21. 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.

22. 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.

23. Special Stipulations:

Conditions of Approval Cave and Karst

** Depending on location, additional Drilling, Casing, and Cementing procedures may be required by engineering to protect critical karst groundwater recharge areas.

Cave/Karst Surface Mitigation

The following stipulations will be applied to minimize impacts during construction, drilling and production.

Construction:

In the advent that any underground voids are opened up during construction activities, construction activities will be halted and the BLM will be notified immediately.

No Blasting:

No blasting will be utilized for pad construction. The pad will be constructed and leveled by adding the necessary fill and caliche.

Pad Berming:

The entire perimeter of the well pad will be bermed to prevent oil, salt, and other chemical contaminants from leaving the well pad.

- The compacted berm shall be constructed at a minimum of 12 inches high with impermeable mineral material (e.g. caliche).
- No water flow from the uphill side(s) of the pad shall be allowed to enter the well pad.
- The topsoil stockpile shall be located outside the bermed well pad.
- Topsoil, either from the well pad or surrounding area, shall not be used to construct the berm.
- No storm drains, tubing or openings shall be placed in the berm.
- If fluid collects within the bermed area, the fluid must be vacuumed into a safe container and disposed of properly at a state approved facility.
- The integrity of the berm shall be maintained around the surfaced pad throughout the life of the well and around the downsized pad after interim reclamation has been completed.
- Any access road entering the well pad shall be constructed so that the integrity of the berm height surrounding the well pad is not compromised. (Any access road crossing the berm cannot be lower than the berm height.)

Tank Battery Liners and Berms:

Tank battery locations and all facilities will be lined and bermed. A 20 mil permanent liner will be installed with a 4 oz. felt backing, or equivalent, to prevent tears or punctures. Tank battery berms must be large enough to contain 1 ½ times the content of the largest tank.

Leak Detection System:

A method of detecting leaks is required. The method could incorporate gauges to measure loss, siting valves and lines so they can be visually inspected, or installing electronic sensors to alarm when a leak is present. Leak detection plan will be submitted to BLM for approval.

Automatic Shut-off Systems:

Automatic shut off, check valves, or similar systems will be installed for pipelines and tanks to minimize the effects of catastrophic line failures used in production or drilling.

Seed Mixture 1 for Loamy Sites

Holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)* per acre. There shall be no primary or secondary noxious weeds in the seed mixture. Seed shall be tested and the viability testing of seed will be done in accordance with State law(s) and within nine (9) months prior to

purchase. Commercial seed shall be either certified or registered seed. The seed container shall be tagged in accordance with State law(s) and available for inspection by the Authorized Officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area (small/heavier seeds have a tendency to drop the bottom of the drill and are planted first). Holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre shall be doubled. The seeding shall be repeated until a satisfactory stand is established as determined by the Authorized Officer. Evaluation of growth may not be made before completion of at least one full growing season after seeding.

Species to be planted in pounds of pure live seed* per acre:

<u>Species</u>	<u>lb/acre</u>
Plains lovegrass (<i>Eragrostis intermedia</i>)	0.5
Sand dropseed (<i>Sporobolus cryptandrus</i>)	1.0
Sideoats grama (<i>Bouteloua curtipendula</i>)	5.0
Plains bristlegrass (<i>Setaria macrostachya</i>)	2.0

*Pounds of pure live seed:

Pounds of seed x percent purity x percent germination = pounds pure live seed

STANDARD STIPULATIONS FOR SURFACE INSTALLED PIPELINES

A copy of the application (Grant, Sundry Notice, APD) 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. If the pipeline route follows an existing road or buried pipeline right-of-way, the surface pipeline must be installed no farther than 10 feet from the edge of the road or buried pipeline right-of-way. If existing surface pipelines prevent this distance, the proposed surface pipeline must be installed immediately adjacent to the outer surface pipeline. All construction and maintenance activity will be confined to existing roads or right-of-ways.

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. 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, powerline 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.

17. Surface pipelines must be less than or equal to 4 inches and a working pressure below 125 psi.

18. Special Stipulations:

Conditions of Approval Cave and Karst

****** Depending on location, additional Drilling, Casing, and Cementing procedures may be required by engineering to protect critical karst groundwater recharge areas.

Cave/Karst Surface Mitigation

The following stipulations will be applied to minimize impacts during construction, drilling and production.

Construction:

In the advent that any underground voids are opened up during construction activities, construction activities will be halted and the BLM will be notified immediately.

No Blasting:

No blasting will be utilized for pad construction. The pad will be constructed and leveled by adding the necessary fill and caliche.

Pad Berming:

The entire perimeter of the well pad will be bermed to prevent oil, salt, and other chemical contaminants from leaving the well pad.

- The compacted berm shall be constructed at a minimum of 12 inches high with impermeable mineral material (e.g. caliche).
- No water flow from the uphill side(s) of the pad shall be allowed to enter the well pad.
- The topsoil stockpile shall be located outside the bermed well pad.
- Topsoil, either from the well pad or surrounding area, shall not be used to construct the berm.
- No storm drains, tubing or openings shall be placed in the berm.
- If fluid collects within the bermed area, the fluid must be vacuumed into a safe container and disposed of properly at a state approved facility.
- The integrity of the berm shall be maintained around the surfaced pad throughout the life of the well and around the downsized pad after interim reclamation has been completed.
- Any access road entering the well pad shall be constructed so that the integrity of the berm height surrounding the well pad is not compromised. (Any access road crossing the berm cannot be lower than the berm height.)

Tank Battery Liners and Berms:

Tank battery locations and all facilities will be lined and bermed. A 20 mil permanent liner will be installed with a 4 oz. felt backing, or equivalent, to prevent tears or punctures. Tank battery berms must be large enough to contain 1 ½ times the content of the largest tank.

Leak Detection System:

A method of detecting leaks is required. The method could incorporate gauges to measure loss, siting valves and lines so they can be visually inspected, or installing electronic sensors to alarm when a leak is present. Leak detection plan will be submitted to BLM for approval.

Automatic Shut-off Systems:

Automatic shut off, check valves, or similar systems will be installed for pipelines and tanks to minimize the effects of catastrophic line failures used in production or drilling.

Seed Mixture 1 for Loamy Sites

Holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)* per acre. There shall be no primary or secondary noxious weeds in the seed mixture. Seed shall be tested and the viability testing of seed will be done in accordance with State law(s) and within nine (9) months prior to purchase. Commercial seed shall be either certified or registered seed. The seed container shall be tagged in accordance with State law(s) and available for inspection by the Authorized Officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area (small/heavier seeds have a tendency to drop the bottom of the drill and are planted first). Holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre shall be doubled. The seeding shall be repeated until a satisfactory stand is established as determined by the Authorized Officer. Evaluation of growth may not be made before completion of at least one full growing season after seeding.

Species to be planted in pounds of pure live seed* per acre:

<u>Species</u>	<u>lb/acre</u>
Plains lovegrass (<i>Eragrostis intermedia</i>)	0.5
Sand dropseed (<i>Sporobolus cryptandrus</i>)	1.0
Sideoats grama (<i>Bouteloua curtipendula</i>)	5.0
Plains bristlegrass (<i>Setaria macrostachya</i>)	2.0

*Pounds of pure live seed:

Pounds of seed x percent purity x percent germination = pounds pure live seed