

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
**Carlsbad Field Office**  
**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.  
NMNM02447

6. If Indian, Allottee or Tribe Name

**SUBMIT IN TRIPLICATE - Other instructions on page 2**

7. If Unit or CA/Agreement, Name and/or No.  
891000326X

1. Type of Well  
☒ Oil Well ☐ Gas Well ☐ Other

8. Well Name and No.  
BIG EDDY UNIT 258H

2. Name of Operator  
BOPCO LP

Contact: STEPHANIE RABADUE  
E-Mail: stephanie\_rabadue@xtoenergy.com

9. API Well No.  
30-015-42218-00-S1

3a. Address  
6401 HOLIDAY HILL RD BLDG 5 SUITE 200  
MIDLAND, TX 79707

3b. Phone No. (include area code)  
Ph: 432-620-6714

10. Field and Pool or Exploratory Area  
HACKBERRY-BONE SPRING

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

Sec 27 T19S R31E SESE 700FSL 10FEL  
32.373357 N Lat, 103.505285 W Lon

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 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	Change to Original A
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	PD

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 recomple 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.

XTO Permian Operating, LLC. Respectfully requests a 185 foot tall communication tower with a 50'x50' [0.57 acres] surface area adjacent to the Big Eddy Unit 258H and Big Eddy Unit 259H well pad in the SESE of Section 27-T19S-R31E, NMMP, Eddy County, New Mexico. This tower will be known as the Hackberry Tower and will be used to increase communication for purposes of distance well monitoring and communication oil and gas field offices.

**RECEIVED**

Centerpoint of Proposed Tower Location: 208°FEL & 882°FSL, SESE of 27-19S-31E

A plat of the proposed location is attached.  
A payment has been made into the PA for this request.

APR 01 2019

DISTRICT II-ARTESIA O.C.D.



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

Electronic Submission #442015 verified by the BLM Well Information System

For BOPCO LP, sent to the Carlsbad  
Committed to AFMSS for processing by PRISCILLA PEREZ on 10/31/2018 (19PP0277SE)

Name (Printed/Typed) STEPHANIE RABADUE

Title REGULATORY ANALYST

Signature (Electronic Submission)

Date 10/31/2018

**THIS SPACE FOR FEDERAL OR STATE OFFICE USE**

Approved By

Title

APM Resources

Date

19 Mar 2019

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

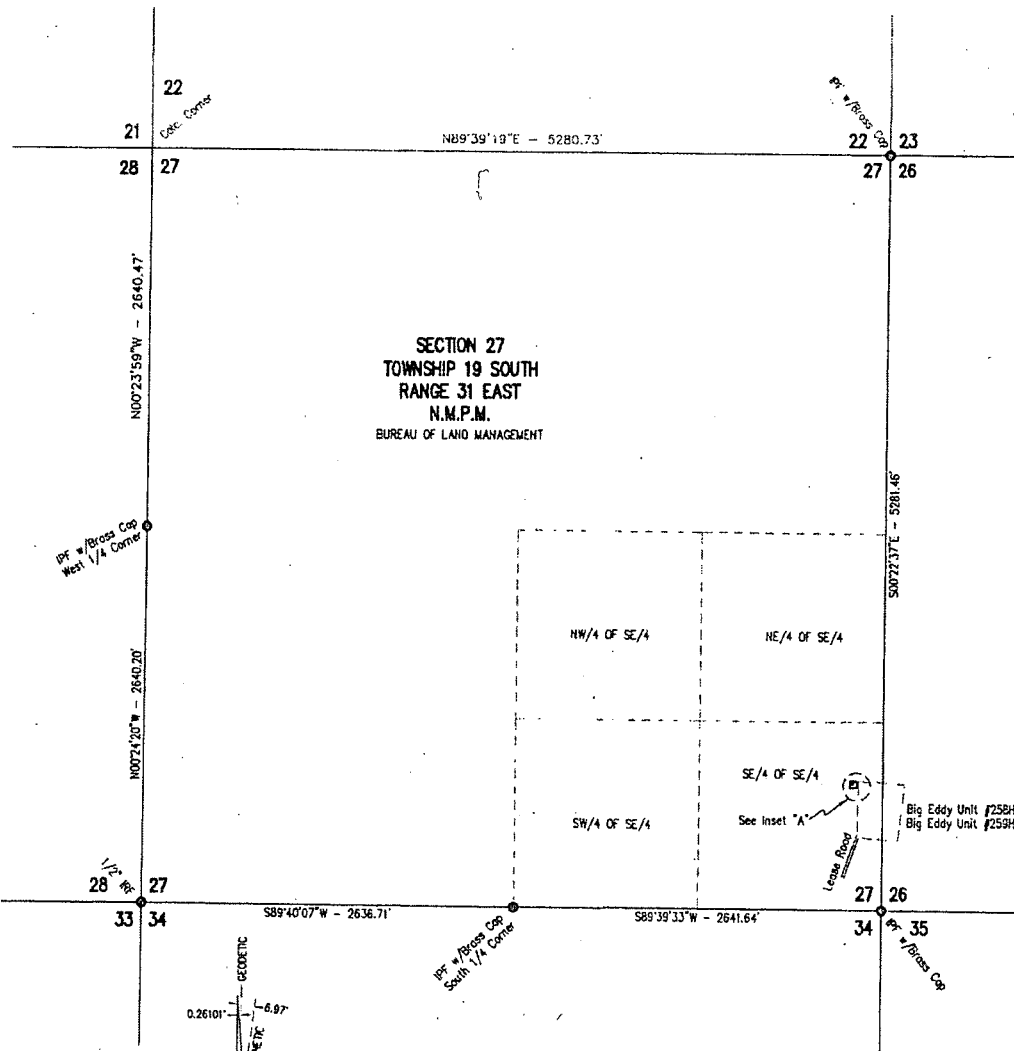
CLN M Pdz CARLSBAD

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)

**\*\* BLM REVISED \*\* BLM REVISED \*\* BLM REVISED \*\* BLM REVISED \*\* BLM REVISED \*\***

# EXHIBIT A



PROPOSED 50' X 50' SURFACE SITE
TOTAL ACREAGE = 0.057
TOTAL SQ. FEET. = 2501.3

LINE	BEARING	DISTANCE
L1	N89°52'55\"E	49.88'
L2	S00°07'08\"E	50.09'
L3	S89°57'15\"W	49.95'
L4	N00°09'33\"W	50.03'

QUANTITIES TABLE - SEC 27, T19S, R31E	
LOCATION	AREA
SE/4 OF SE/4	0.057 ACRES/2501.3 SQ. FT.

## NOTES:

FIELD NOTES ACCOMPANY THIS PLAT.

RODS SHOWN HEREON AS SET ARE 1/2-INCH IRON RODS WITH RED PLASTIC CAP STAMPED "ELS-PS 23391".

BEARINGS, DISTANCES & AREAS ARE GRID BASED ON THE TRANSVERSE MERCATOR PROJECTION OF THE NEW MEXICO STATE PLANE COORDINATE SYSTEM, EAST ZONE (2001), NAD 83 (2011) US SURVEY FEET AS DERIVED FROM GPS OBSERVATIONS.

SURVEYOR HAS NOT ABSTRACTED TITLE. OWNERSHIP INFORMATION SHOWN HEREON IS BASED ON DATA PROVIDED BY OTHERS.

PROPOSED SITE IS BASED ON AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION ON 02/19/2018.

NO GUARANTEE IS GIVEN OR IMPLIED BY E.L.S. SURVEYING AND MAPPING, INC. AS TO THE EXACT LOCATION OF EXISTING PIPELINES OR UNDER GROUND UTILITIES. ALSO THERE IS NO GUARANTEE GIVEN OR IMPLIED THAT WE HAVE LOCATED ALL EXISTING PIPELINES OR UNDER GROUND UTILITIES.

I, CONNOR G. BROWN, NEW MEXICO PROFESSIONAL SURVEYOR NO. 23391, DO HEREBY CERTIFY THAT THIS EASEMENT SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION. THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT TO BE USED FOR A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS AN EASEMENT.



CONNOR G. BROWN  
NEW MEXICO PROFESSIONAL LAND SURVEYOR  
NO. 23391

2004 W. GRANDE BLVD.  
TYLER, TEXAS 75703

Drafter: KRH/CGS

FB/PG 2494/49

Job No. 385196

1:511/Map No. E-5196SITE(27\_T19S\_R31E)B

BUREAU OF LAND MANAGEMENT  
AREA OF PROPOSED SURFACE SITE EASEMENT: 0.057 ACRES/2501.3 SQ. FT.

☒ PROPOSED STAKING ☐ OPEN DITCH AS-BUILT ☐ AFTER-BUILT

Tract Owner: Bureau Of Land Management

**XTO ENERGY INC.**

Revisions

10/30/2018

Project:

HACKBERRY AREA TOWER  
PROPOSED 50' X 50' SURFACE SITE

Date: 03/26/2018 @ 12018\385196\SITE\E-5196SITE(27\_T19S\_R31E)B

EDDY COUNTY, NEW MEXICO

Page

1 of 3



SURVEYING & MAPPING INC.

2004 W. Grande Blvd.  
Tyler, Texas 75703  
(903) 581-7759

Checked  
By C.G.B.

1000' 500' 0 1000'

1" = 1000'

# EXHIBIT A

\* 1/2" Iron Rod Found and being at the Southwest Corner of Section 27, T19S, R31E  
brs South 79°28'12" West - 5125.78'

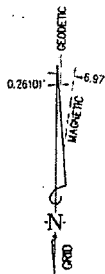
P.O.B. - NW COR. PROP. SITE \*  
Y=592,057.27'  
X=690,371.39'  
LAT.=32.6266822°  
LONG.= -103.8492412°

PROP. HACKBERRY AREA TOWER  
Y=592,037.38'  
X=690,391.48'  
LAT.=32.6266273°  
LONG.= -103.8491763°

CENTER POINT PROP. SITE  
LAT.=32.6266132°  
LONG.= -103.8491602°  
208' FEL & 882' FSL  
SEC 27, T19S, R31E

SEC PROP. SITE \*\*  
Y=592,007.28'  
X=690,421.48'  
LAT.=32.6265442°  
LONG.= -103.8490753°

\*\* Iron Pipe Found w/Brass Cap and being at the Southeast Corner of Section 27, T19S, R31E  
brs South 122°08' East - 876.36'



## NOTES:

FIELD NOTES ACCOMPANY THIS PLAT.

RODS SHOWN HEREON AS SET ARE 1/2-INCH IRON RODS WITH RED PLASTIC CAP STAMPED 'ELS-PS 23391'.

BEARINGS, DISTANCES & AREAS ARE GRID BASED ON THE TRANSVERSE MERCATOR PROJECTION OF THE NEW MEXICO STATE PLANE COORDINATE SYSTEM, EAST ZONE (3001), NAD 83 (2011) US SURVEY FEET AS DERIVED FROM GPS OBSERVATIONS.

SURVEYOR HAS NOT ABSTRACTED TITLE. OWNERSHIP INFORMATION SHOWN HEREON IS BASED ON DATA PROVIDED BY OTHERS.

PROPOSED SITE IS BASED ON AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION ON 02/19/2018.

NO GUARANTEE IS GIVEN OR IMPLIED BY E.L.S. SURVEYING AND MAPPING, INC. AS TO THE EXACT LOCATION OF EXISTING PIPELINES OR UNDER GROUND UTILITIES. ALSO THERE IS NO GUARANTEE GIVEN OR IMPLIED THAT HE HAVE LOCATED ALL EXISTING PIPELINES OR UNDER GROUND UTILITIES.

I, CONNOR G. BROWN, NEW MEXICO PROFESSIONAL SURVEYOR NO. 23391, DO HEREBY CERTIFY THAT THIS EASEMENT SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT TO BE USED FOR A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS AN EASEMENT.



CONNOR G. BROWN  
NEW MEXICO PROFESSIONAL LAND SURVEYOR  
NO. 23391

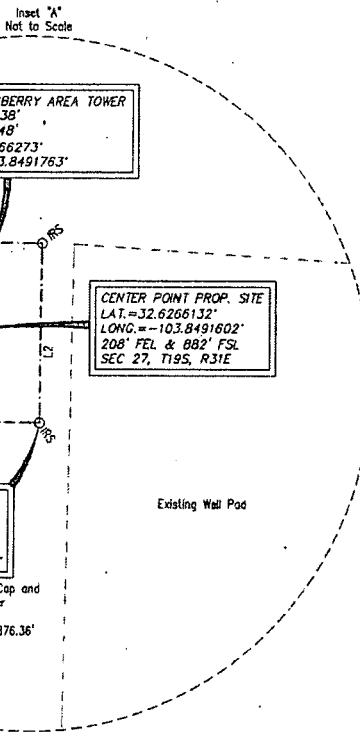
2004 W. GRANDE BLVD.  
TYLER, TEXAS 75703

Drafter: KRH/COB

FB/PG 2494/49

Job No. 385196

Map No. E-5196SITE(27\_T19S\_R31E)B



## LEGEND

○ IRS = 1/2" IRON ROD SET  
----- PROPOSED SITE PERIMETER

BUREAU OF LAND MANAGEMENT  
AREA OF PROPOSED SURFACE SITE EASEMENT: 0.057 ACRES/2501.3 SQ. FT.

<input checked="" type="checkbox"/> PROPOSED STAKING <input type="checkbox"/> OPEN DITCH AS-BUILT <input type="checkbox"/> AFTER-BUILT	
Tract Owner: Bureau Of Land Management	
<b>XTO ENERGY INC.</b>	
Revisions 10/30/2018	Project:  HACKBERRY AREA TOWER PROPOSED 50' X 50' SURFACE SITE
Date: 03/26/2018 c:\2018\385196\SITE\E-5196SITE(27_T19S_R31E)B	
EDDY COUNTY, NEW MEXICO	
Page 2 of 3	EDDY SURVEYING & MAPPING, INC. 2004 W. Grande Blvd. Tyler, Texas 75703 (903) 581-7759
Checked By C.G.B.	1000' 500' 0 1000' 1" = 1000'

EXHIBIT "A"

XTO ENERGY INC.

Surface Ownership: Bureau Of Land Management  
Hackberry Area Tower Proposed 50' X 50' Surface Site  
Section 27, Township 19 South, Range 31 East, N.M.P.M.  
Eddy County, New Mexico  
Job No. 385196, Map No. E-5196SITE(27\_T19S\_R31E)B, October 30, 2018  
Page 3 of 3

PROPOSED 50' X 50' SURFACE SITE  
HACKBERRY AREA TOWER

**BEING** a Surface Site Easement over, under, and across Section 27, Township 19 South, Range 31 East, N.M.P.M., in Eddy County, New Mexico, said Surface Site Easement being more particularly described as follows:

**BEGINNING** at a 1/2-inch iron rod set with a cap for the northwest corner of said Surface Site Easement, from which a 1/2-inch iron rod found and being at the southwest corner of said Section 27, Township 19 South, Range 31 East bears South 79°28'12" West a distance of 5125.78 feet, said point of beginning having a coordinate value of Latitude: 32.6266822°, Longitude: -103.8492412°;

**THENCE** along the perimeter of said Surface Site Easement over, under and across said Section 27, Township 19 South, Range 31 East as follows:

**North 89°52'55" East** a distance of **49.98 feet** to a 1/2-inch iron rod set with a cap for the northeast corner of said Surface Site Easement;

**South 00°07'08" East** a distance of **50.09 feet** to a 1/2-inch iron rod set with a cap for the southeast corner of said Surface Site Easement, from which an iron pipe found with a brass cap and being at the southeast corner of said Section 27, Township 19 South, Range 31 East bears South 12°26'08" East a distance of 876.36 feet;

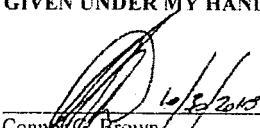
**South 89°57'15" West** a distance of **49.95 feet** to a 1/2-inch iron rod set with a cap for the southwest corner of said Surface Site Easement;

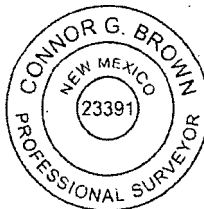
**North 00°09'33" West** a distance of **50.03 feet** to the **POINT OF BEGINNING** and containing a total of **0.057 acres (2501.3 square feet)**, of which 0.057 acres (2501.3 square feet) are within the SE/4 of the SE/4.

The bearings, distances, and areas recited hereon are grid based on the Transverse Mercator Projection of the New Mexico State Plane Coordinate System, East Zone (3001), NAD83 (2011) US Survey Feet, as derived from GPS observations. Rods described hereon as set are 1/2-inch rods with red plastic cap stamped "ELS-PS 23391". A plat accompanies these field notes.

I, Connor G. Brown, Professional Land Surveyor, do hereby certify these field notes to be written from an actual on the ground survey made under my direction and supervision.

**GIVEN UNDER MY HAND AND SEAL**, this the 30<sup>th</sup> day of October, 2018.

  
Connor G. Brown  
Professional Land Surveyor  
State of New Mexico No. 23391  
E.L.S. Surveying & Mapping Inc.  
2004 W. Grande Blvd, Tyler, Texas  
(903) 581-7759



## 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 checked="" type="checkbox"/> seed mixture 2 | <input type="checkbox"/> seed mixture 4          |
| <input 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.

Special Stipulations:

**Timing Limitation Stipulation/Condition of Approval for Lesser Prairie-Chicken:**

Oil and gas activities including 3-D geophysical exploration, and drilling 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. Additionally, no new drilling will be allowed within up to 200 meters of leks known at the time of permitting. Normal vehicle use on existing roads will not be restricted. Exhaust noise from engines must be muffled or otherwise controlled so as not to exceed 75 db measured at 30 ft. from the source of the noise.