

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENTFORM APPROVED
OMB No. 1004-0135
Expires November 30, 2000

OCD-ARTESIA

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill or reenter an abandoned well. Use Form 3160-3 (APD) for such proposals.

MAY 21 2009

Case Serial No.

NM-105213

Indian, Allottee or Tribe Name

SUBMIT IN TRIPLICATE - Other instructions on reverse side

1. Type of Well

☐ Oil Well☐ Gas Well☒ Other

Saltwater Disposal Well

2. Name of Operator

Yates Petroleum Corporation

3a. Address

105 South Fourth Street, Artesia, NM 88210

3b. Phone No. (include area code)

(505) 748-1471

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

990" FNL and 1650' FWL

Section 12, T24S-R29E

7. If Unit or CA/Agreement, Name and/o

8. Well Name and No.

Jester SWD #4

9. API Well No

300535217

10. Field and Pool, or Exploratory Area

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

TYPE OF SUBMISSION

TYPE OF ACTION

☒ Notice of Intent☐ Subsequent Report☐ Final Abandonment Notice☐ Acidize☐ Alter Casing☐ Casing Repair☐ Change Plans☐ Convert to Injection☐ Deepen☐ Fracture Treat☐ New Construction☐ Plug and Abandon☐ Plug Back☐ Production (Start/Resume)☐ Reclamation☐ Recomplete☐ Temporarily Abandon☐ Water Disposal☐ Water Shut-Off☐ Well Integrity☒ Other Amend

Surface Use Plan.

13. Describe Proposed or Completed Operations (clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recompleat horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompleat in a new interval, a Form 3160-4 shall be filed once Testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

Yates Petroleum Corporation wishes to amend the surface use plan for the captioned to include one (1) 3 phase, 480 volt raptor proof powerline which will also include poles, anchors, and related appurtenances. The proposed powerline will follow the existing road and flowline disturbance and will go off of the existing east to west powerline NM-119207 north for approximately 1003 feet to the east side of the Jester SWD #4 tank battery location.

Boone Archaeological Services arc report #BAS 09-06-30 dated 10/5/2006 is attached.

Please note attached plat.

Thank you.

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

Name (Printed/Typed)

Cy Cowan

Title

Land Regulatory Agent

Signature

Date

April 21, 2009

THIS SPACE FOR FEDERAL OR STATE USE

Approved by

/s/ Don Peterson

Title

Date

MAY 19 2009

Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon

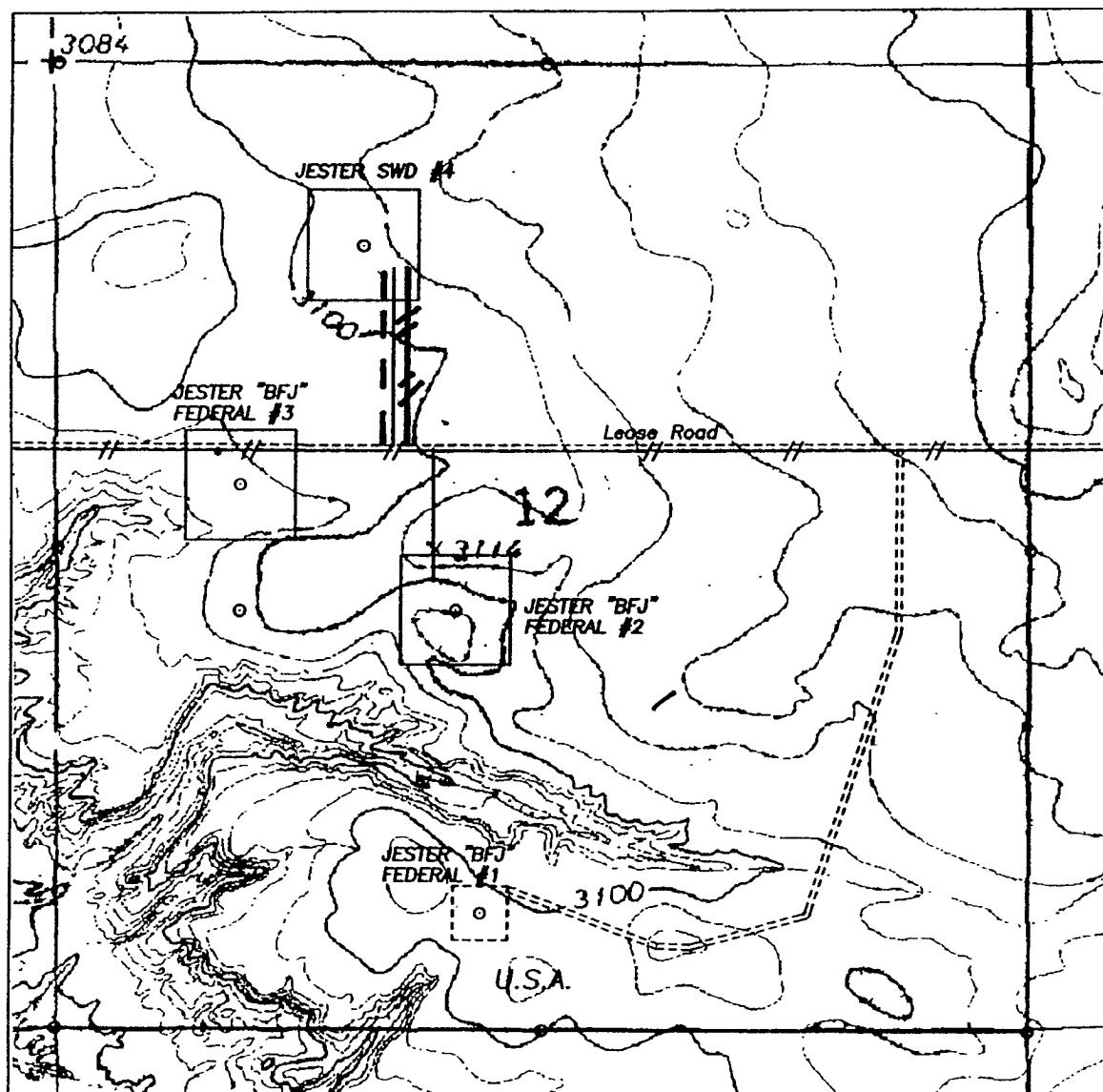
Office

CARLSBAD FIELD OFFICE

Title 18 U.S.C. Section 1001, 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 reverse)

2



— — — Road
 — — — SWD Pipeline
 — // — Proposed Power Line



OF THIS PLAN AND THE PERFORMANCE
WERE DONE UNDER MY DIRECTI
S THE RESULTS OF SAID SURVEY
THE STANDARDS WITH LAND SURVEY
MEXICO STATE BOARD OF SURVEY
NERS AND LAND SURVEYORS

RECEIVED
3640
JONES
SURVEYING COMPANY

GENERAL SURVEYING COMPANY P.O. BOX 1928
LOVINGTON, NEW MEXICO 88260

LEASE ROAD TO ACCESS THE YATES JESTER "BFJ" FEDERAL
#3 WELL LOCATED IN SECTION 12, TOWNSHIP 24 SOUTH,
RANGE 29 EAST, NMPM, EDDY COUNTY, NEW MEXICO.

Survey Date: 10/23/2006	Sheet 1 of 1 Sheets
Drawn By: Ed Bleivins	W.O. Number
Date: 10/23/06	Scale 1" = 1000' JESTER

NMCRIS INVESTIGATION ABSTRACT FORM (NIAF)

1. NMCRIIS Activity No.: 101,553	2a. Lead (Sponsoring) Agency: Bureau of Land Management	2b. Other Permitting Agencies: State of New Mexico	3. Lead Agency Report No.:
4. Title of Report: Class III Archaeological Survey for Yates Petroleum Corporation's Proposed Access Road and Well Pad to Serve the Jester SWD No. 4 Well			5. Type of Report X Negative <input type="checkbox"/> Positive
Author: Stephen Smith			
6. Investigation Type <input type="checkbox"/> Research Design X Survey/Inventory <input type="checkbox"/> Test Excavation <input type="checkbox"/> Excavation <input type="checkbox"/> Collections/Non-Field Study <input type="checkbox"/> Overview/Lit Review <input type="checkbox"/> Monitoring <input type="checkbox"/> Ethnographic study <input type="checkbox"/> Site specific visit <input type="checkbox"/> Other			
7. Description of Undertaking (what does the project entail?): Yates Petroleum Corporation plans to construct an access road and well pad to serve the Jester SWD No. 4 well. On October 2, 2006, Stephen Smith with Boone Archaeological Services conducted an intensive pedestrian cultural survey for the proposed access road and well pad. The access road for the proposed well pad begins at an existing lease road and extends north 983 ft, ending in the southeast corner of the well pad. After deducting 150 ft from the total length of the survey for the access road, a total of 833 ft (1.91 acres) was surveyed. The well pad is staked at 600 ft by 600 ft (8.26 acres). A total of 10.17 acres was surveyed, all of which is on land administered by the BLM-CFO.			8. Date of Investigation: October 2, 2006
			9. Report Date: October 5, 2006
10. Performing Agency/Consultant: Boone Archaeological Services, LLC Principal Investigator: Danny Boone Field Supervisor: Stephen Smith Field Personnel Name: Stephen Smith			11. Performing Consultant Report No.: BAS 09-06-30
			12. Cultural Resource Permit No's: BLM: 190-2920-06-J State: NM-06-157
13. Client/Customer: Yates Petroleum Corporation Contact: Cy Cowan Address: 105 South Fourth Street Artesia, NM 88210 Phone: (505) 748-4376			14. Client Project No.: N/A
15. Land Ownership Status (<u>Must</u> be indicated on project map):			
Land Owner		Acres Surveyed	Acres in APE
Bureau of Land Management		10.17	4.35
TOTALS		10.17	4.35
16 Records Search:			
Date of ARMS File Review: None	Name of Reviewer: N/A	ARMS unavailable	
Date of NR/SR File Review:	Name of Reviewer:		
Date of Other Agency File Review : 9 -28-06	Name of Reviewer: Stephen Smith	Agency: BLM-CFO	
17. Survey Data:			
a. Source Graphics X NAD 27 <input type="checkbox"/> NAD 83 X USGS 7.5' (1:24,000) topo map <input type="checkbox"/> Other topo map, Scale: X GPS Unit Accuracy <input type="checkbox"/> <1.0m X 1-10m <input type="checkbox"/> 10-100m <input type="checkbox"/> >100m			
b. USGS 7.5' Topographic Map Name		USGS Quad Code	
Pierce Canyon, NM (1968)		32103-B8	
c. County: Eddy			

17. Survey Data (continued):

d. Nearest City or Town: Malaga, NM

e. Legal Description:

Township (N/S)	Range (E/W)	Section	1/4	1/4	1/4
24 South	29 East	12	SW1/4NE1/4 NW1/4, W1/2SE1/4NW1/4		

Projected legal description? Yes ☐ , No ☒ Unplatted ☐

f. Other Description (e.g. well pad footages, mile markers, plats, land grant name, etc.): 990 ft FNL; 1650 ft FWL

18. Survey Field Methods:

Intensity: X 100% coverage ☐ <100% coverage

Configuration: X block survey units (600 ft by 600 ft) X linear survey units (l x w): 833 ft @ 100 ft ☐ other survey units (specify):

Scope: N/A non-selective (all sites recorded) N/A selective/thematic (selected sites recorded)

Coverage Method: X systematic pedestrian coverage ☐ other method (describe)

Survey Interval (m): 15 meters Crew Size: 1 Fieldwork Date: October 2, 2006

Survey Person Hours: 3.5 hours Recording Person Hours: N/A Total Hours: 3.5 hours

Additional Narrative: None

19. Environmental Setting (NRCS soil designation; vegetative community; elevation; etc.):

Topography: Aeolian, dunes from 1 m to 2.5 m, deep sand, shin oak cover

Elevation: 3,110 ft

Vegetation: Shin oak, mesquite, yucca, prickly pear, & various grasses

Visibility: 55-65 percent due to vegetative cover

NRCS: Kermit-Berino association: Sandy, deep soils from wind-worked mixed sand deposits

20.a. Percent Ground Visibility: 55-65 percent due to vegetative cover

b. Condition of Survey Area (grazed, bladed, undisturbed, etc.): The project area is basically undisturbed, other than cattle grazing.

21. CULTURAL RESOURCE FINDINGS X Yes, See Page 3 ☐ No, Discuss Why:

22. Required Attachments (check all appropriate boxes):

X USGS 7.5 Topographic Map with sites, isolates, and survey area clearly drawn

☐ Copy of NMCRIS Mapserver Map Check

☐ LA Site Forms - new sites (*with sketch map & topographic map*)

☐ LA Site Forms (update) - previously recorded & un-relocated sites (*first 2 pages minimum*)

☐ Historic Cultural Property Inventory Forms

☐ List and Description of isolates, if applicable

☐ List and Description of Collections, if applicable

23. Other Attachments:

☐ Photographs and Log

☐ Other Attachments

(Describe):

24. I certify the information provided above is correct and accurate and meets all applicable agency standards.

Principal Investigator/Responsible Archaeologist: Stephen Smith

Signature Stephen Smith Date 10-6-06 Title: Field Supervisor

25. Reviewing Agency:

Reviewer's Name/Date

Accepted () Rejected ()

Tribal Consultation (if applicable): ☐ Yes ☐ No

26. SHPO

Reviewer's Name/Date:

HPD Log #:

SHPO File Location:

Date sent to ARMS:

CULTURAL RESOURCE FINDINGS

[fill in appropriate section(s)]

1. NMCRIS Activity No.:	2. Lead (Sponsoring) Agency: BLM-CFO	3. Lead Agency Report No.:
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SURVEY RESULTS:

Sites discovered and registered: 0
Sites discovered and NOT registered: 0
Previously recorded sites revisited *(site update form required)*: 0
Previously recorded sites not relocated *(site update form required)*: 0
TOTAL SITES VISITED: 0
Total isolates recorded: 1 Non-selective isolate recording? 0
Total structures recorded *(new and previously recorded, including acequias)*: 0

MANAGEMENT SUMMARY: None

IF REPORT IS NEGATIVE YOU ARE DONE AT THIS POINT.

SURVEY LA NUMBER LOG

Sites Discovered:

LA No.	Field/Agency No.	Eligible? (Y/N, applicable criteria)

Previously recorded revisited sites:

LA No.	Field/Agency No.	Eligible? (Y/N, applicable criteria)

MONITORING LA NUMBER LOG *(site form required)*

Sites Discovered *(site form required)* : Previously recorded sites *(Site update form required)*:

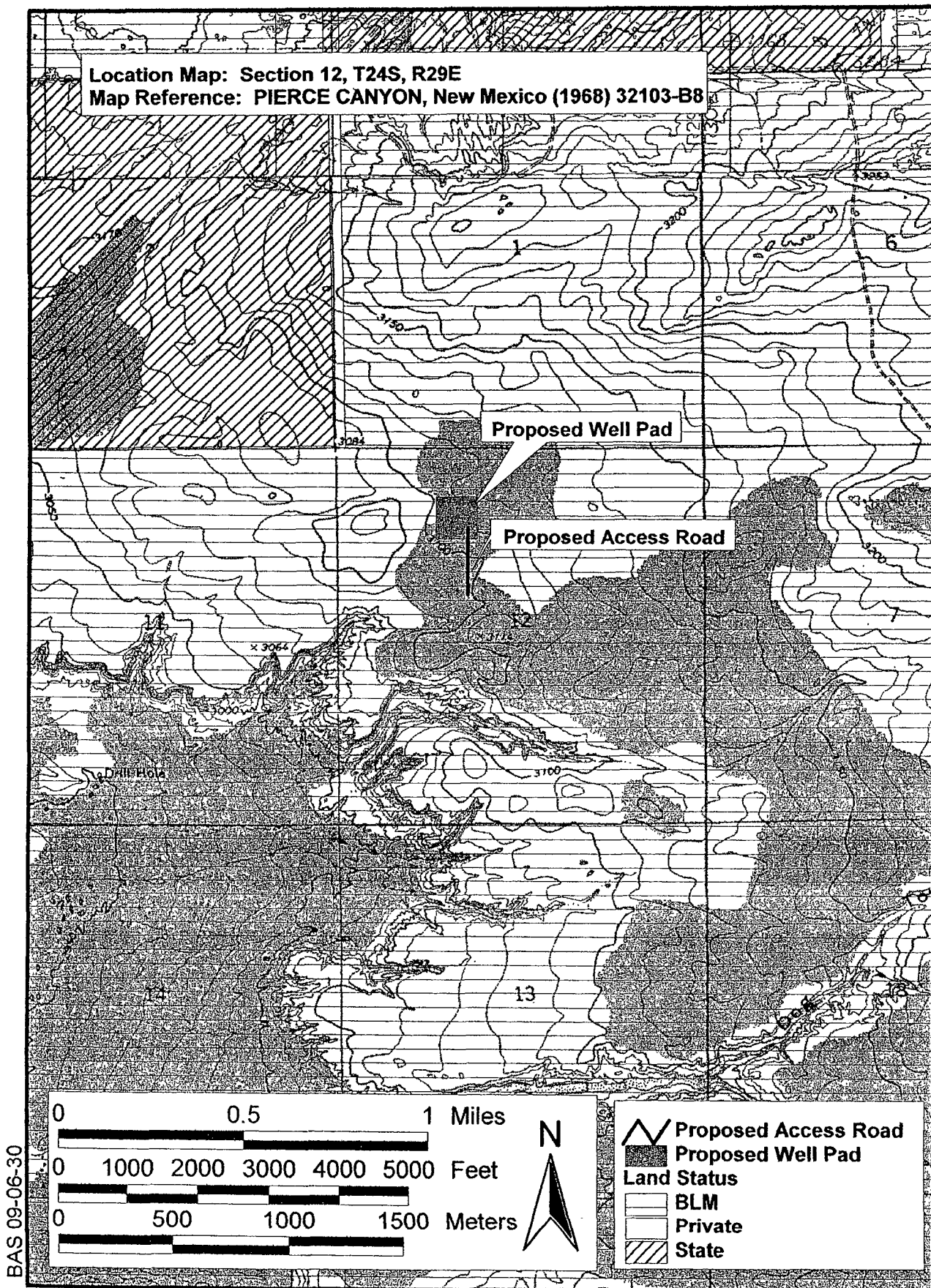
LA No.	Field/Agency No.	LA No.	Field/Agency No.

Areas outside known nearby site boundaries monitored? Yes ☐, No ☐ If no explain why:

TESTING & EXCAVATION LA NUMBER LOG *(site form required)*

Tested LA number(s)	Excavated LA number(s)

Survey for Yates Petroleum Corporation's Proposed Access Road and Well Pad to Serve the Jester SWD No. 4 Well



BAS 09-06-30

BLM Serial Number: NMNM-105213
Company Reference: Yates Petroleum Corporation
Well No. & Name: Jester SWD # 4

STANDARD STIPULATIONS FOR OVERHEAD ELECTRIC DISTRIBUTION LINES

A copy of the Sundry and attachments, including stipulations, survey plat and/or map, will be on location during construction. BLM personnel may request to you a copy of your permit during construction to ensure compliance with all stipulations.

Holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer:

1. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.
2. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on the Right-of-Way (unless the release or threatened release is wholly unrelated to the Right-of-Way holder's activity on the Right-of-Way), or resulting from the activity of the Right-of-Way holder on the Right-of-Way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
4. There will be no clearing or blading of the right-of-way unless otherwise agreed to in writing by the Authorized Officer.
5. Powerlines shall be constructed in accordance to standards outlined in "Suggested Practices for Raptor Protection on Powerlines, " Raptor Research Foundation, Inc., 1981. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "raptor safe." Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modification or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large

perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.

6. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

7. The BLM serial number assigned to this authorization shall be posted in a permanent, conspicuous manner where the power line crosses roads and at all serviced facilities. Numbers will be at least two inches high and will be affixed to the pole nearest the road crossing and at the facilities served.

8. Upon cancellation, relinquishment, or expiration of this grant, the holder shall comply with those abandonment procedures as prescribed by the Authorized Officer.

9. All surface structures (poles, lines, transformers, etc.) shall be removed within 180 days of abandonment, relinquishment, or termination of use of the serviced facility or facilities or within 180 days of abandonment, relinquishment, cancellation, or expiration of this grant, whichever comes first. This will not apply where the power line extends service to an active, adjoining facility or facilities.

10. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.

11. Special Stipulations:

- For reclamation remove poles, lines, transformer, etc. and dispose of properly.
- Fill in any holes from the poles removed.
- See attached reclamation plans.