ATS-09-165

# RECEIVED

# OCD-HOBBS

Form 3160-3 (April 2004) JUL 2 7 2009			FORM APPRO OMB No 1004	-0137					
HOBBS GO UNITED STATES BUREAU OF LAND MAY	INTERIOR		Expires March 3  5 Lease Serial No.  NMLC-029405B	1, 2007					
	APPLICATION FOR PERMIT TO DRILL OR REENTER								
			N/A						
la. Type of work. ✓ DRILL REENT	ER		7 If Unit or CA Agreement N/A	, Name and No.					
lb. Type of Well: Oil Well Gas Well Other	Single Zone Multi	ple Zone	8 Lease Name and Well N G C FEDER		3				
2. Name of Operator  COG Operating LLC	229,37		9. API Well No. 30-025- 39 &	<u></u>					
3a. Address 550 W. Texas, Suite 1300 Midland TX 79701	3b. Phone No. (include area code) (432) 685-4385		10 Field and Pool, or Explora	•					
4. Location of Well (Report location clearly and in accordance with an			Maljamar; Yeso, V						
At surface SHL: 1865' FSL & 541' FEL, UL I	y odde requirements. )		11. Sec., 1. R. W. of Bik and	Survey or Area					
At proposed prod zone BHL: 1650' FSL & 990' FEL, UL I			Sec 20, T17S, R32E						
14 Distance in miles and direction from nearest town or post office*	3 miles south of Maljamar NM		12. County or Parish Lea	13 State					
15 Distance from proposed* location to nearest	16 No. of acres in lease	17 Spacin	g Unit dedicated to this well						
property or lease line, ft (Also to nearest drig, unit line, if any)  541'	1602	40							
18 Distance from proposed location* to nearest well, drilling, completed,	19 Proposed Depth 7136	20 BLM/E	BIA Bond No. on file						
applied for, on this lease, ft. 330'	7100 TVD	NMB(	000215						
21 Elevations (Show whether DF, KDB, RT, GL, etc.)	22 Approximate date work will star	t*	23. Estimated duration						
4001' GL	04/30/2009		10 days						
The following completed in accordance must the accordance to the following completed in accordance must the accordance to the following completed in accordance must the accordance to the following completed in accordance must the accordance to the following completed in accordance must the accordance to the following completed in accordance must be accordanced in the following completed in accordance must be accordanced in the following completed in accordance must be accordanced in the following completed in accordance must be accordanced in the following completed in accordance must be accordanced in the following completed in the following complete	24. Attachments								
The following, completed in accordance with the requirements of Onshore									
Well plat certified by a registered surveyor.     A Drilling Plan.	4 Bond to cover th Item 20 above).	e operation	s unless covered by an existing	; bond on file (see					
3 A Surface Use Plan (if the location is on National Forest System L SUPO shall be filed with the appropriate Forest Service Office)	ands, the 5. Operator certifica	pecific infor	mation and/or plans as may be	dignized by the					
25. Signature	Name (Printed/Typed)	<u></u>	Date	FHAIR.					
Title Upn	Robyn Odom		<i>I I</i>	/13/2009	)				
Regulatory Analyst			/ / ///						
Approved by (Signature) /s/ Don Peterson	Name (Printed/Typed)		BUREAU Date	2 2 2009					
FIELD MANAGER	Office	BAD	FIFT DOFFIC	E	/				
Application approval does not warrant or certify that the applicant holds conduct operations thereon.  Conditions of approval, if any, are attached.	regator equitable title to those rights		ct lease which would entitle the PPROVAL FOR						
Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crin States any false, fictitious or fraudulent statements or representations as to	ne for any person knowingly and wil any matter within its jurisdiction	Ifully to mak	te to any department or agency	of the United					
*(Instructions on page 2)	1/1								

Roswell Controlled Water Basin

SEE ATTACHED FOR CONDITIONS OF APPROVAL

Approval Subject to General Requirements & Special Stipulations Attached

### State of New Mexico

DISTRICT I 1625 N. FRENCH DR., HOBBS, NW 88 P. ECEIVED

Energy, Minerals and Natural Resources Department

DISTRICT II

1301 W. GRAND AVENUE, ARTESIA, NM 88210) 27 200 CONSERVATION DIVISION 1220 SOUTH ST. FRANCIS DR.

Form C-102 Revised October 12, 2005 Submit to Appropriate District Office State Lease - 4 Copies Fee Lease - 3 Copies

DISTRICT IV

1220 S. ST. PRANCIS DR., SANTA PE, NM 87505

DISTRICT III
1000 Rio Brazos Rd., Aztec. NM HOBBSOCD Santa Fe, New Mexico 87505

WELL LOCATION AND ACREAGE DEDICATION PLAT

C AMENDED DEDODE

API Number		Pool Code		AMENDED REPO	OKI
	$\rightarrow r$	rooi Code	Pool Name		
30-025- 394	11	44500	MALJAMAR; YESO, W	EST	
Property Code 302498			operty Name FEDERAL	Well Number	
OGRID No. 229137			erator Name ERATING, LLC	Elevation 4001	

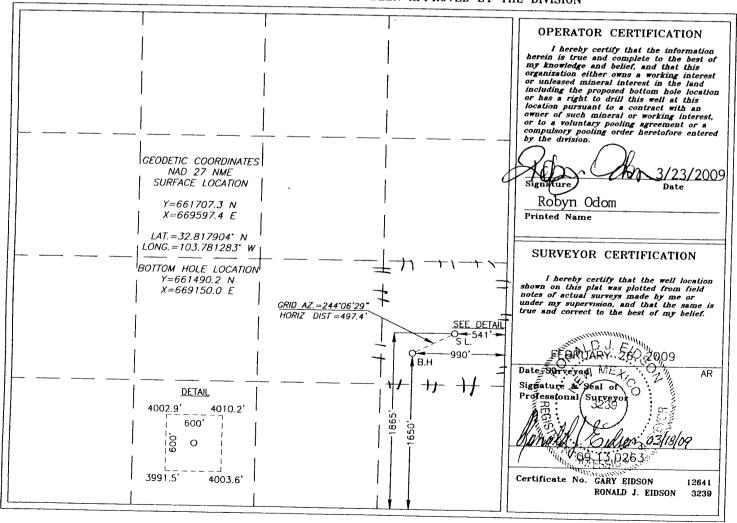
Surface Location

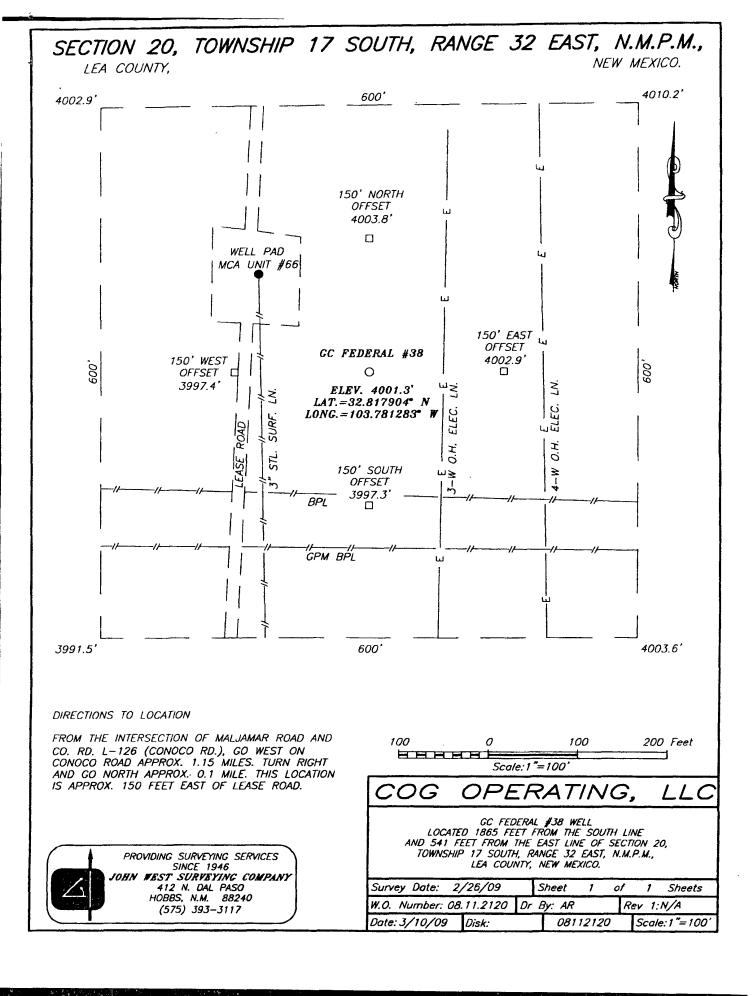
UL or lot No	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	0 1	ר
1	20	17-S	32-E		1865	SOUTH	541	EAST	County LEA	

Bottom Hole Location If Different From Surface

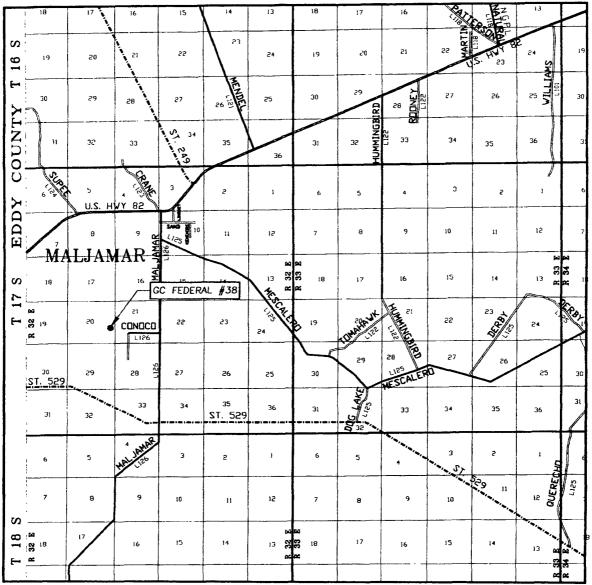
UL or lot No.	Section	Township	Range	Lot Idn	Feet from the	North/South line	E-4 6		T
1 1	20	17-S	32-E		1650	SOUTH	Feet from the	East/West line EAST	County
Dedicated Acres	Joint o	r Infill Co	nsolidation (	Code Ore	ier No.	300111	330	EAST	LEA
40									
***									

NO ALLOWABLE WILL BE ASSIGNED TO THIS COMPLETION UNTIL ALL INTERESTS HAVE BEEN CONSOLIDATED OR A NON-STANDARD UNIT HAS BEEN APPROVED BY THE DIVISION





# VICINITY MAP



SCALE: 1" = 2 MILES

SEC. 20 TWP. 17-S RGE. 32-E

SURVEY N.M.P.M.

COUNTY LEA STATE NEW MEXICO

DESCRIPTION 1865' FSL & 541' FEL

ELEVATION 4001'

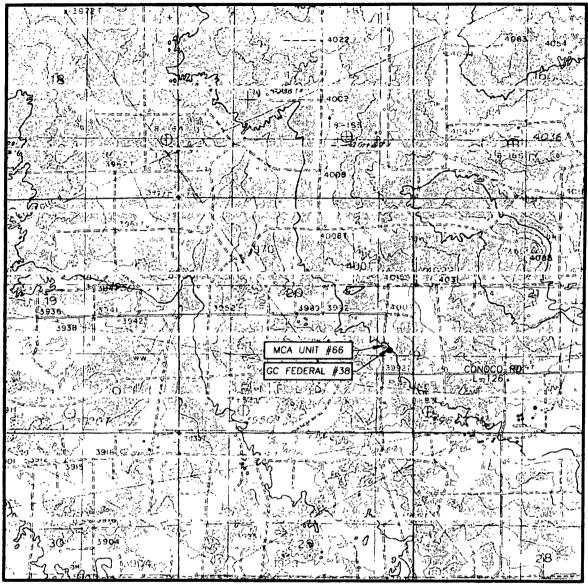
OPERATOR COG OPERATING, LLC

LEASE GC FEDERAL



PROVIDING SURVEYING SERVICES
SINCE 1946
JOHN WEST SURVEYING COMPANY
412 N. DAL PASO
HOBBS, N.M. 88240
(575) 393-3117

# LOCATION VERIFICATION MAP



SCALE: 1" = 2000'

CONTOUR INTERVAL: MALJAMAR, N.M. - 10'

SEC. 20 TWP. 17-S RGE. 32-E

SURVEY N.M.P.M.

COUNTY LEA STATE NEW MEXICO

DESCRIPTION 1865' FSL & 541' FEL

ELEVATION 4001'

OPERATOR COG OPERATING, LLC

LEASE GC FEDERAL

U.S.G.S. TOPOGRAPHIC MAP

MALJAMAR, N.M.



PROVIDING SURVEYING SERVICES
SINCE 1946
JOHN WEST SURVEYING COMPANY
412 N. DAL PASO
HOBBS, N.M. 88240
(575) 393-3117

COG Operating LLC Master Drilling Plan Revised 3-25-08 Maljamar; Yeso Use for Sections 3-35, T178, R32E Lea County, NM

### MASTER DRILLING PROGRAM

### 1. Geologic Name of Surface Formation

Quaternary

# 2. Estimated Tops of Important Geologic Markers:

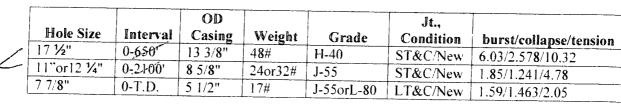
Quaternary	Surface
Top of Salt	900'
Base of Salt	1700'
Yates	2000'
Seven Rivers	2375'
Queen	2975'
Grayburg	3475'
San Andres	3775'
Glorietta	5225'
Yeso Group	5325'

# 3. Estimated Depths of Anticipated Fresh Water, Oil and Gas

150'	Fresh Water
3475'	Oil/Gas
3775'	Oil/Gas
5225'	Oil/Gas
5325'	Oil/Gas
	3475' 3775' 5225'

No other formations are expected to give up oil, gas or fresh water in measurable quantities. Setting 13 3/8" casing to 650° and circulating cement back to the surface will protect the surface fresh water sand. The Salt Section will be protected by setting 8 5/8" casing to 2100° and circulating cement back to the surface. Any shallower zones above TD, which contain commercial quantities of oil and/or gas, will have cement circulated across them by cementing 5 1/2" production casing back to 200° into the intermediate casing, to be run at TD.

# 4. Casing Program





COG Operating LLC Master Drilling Plan Revised 3-25-08 Maljamar; Yeso Use for Sections 3-35, T17S, R32E Lea County, NM

# 5. Cement Program Loce COA

13 3/8" Surface Casing:

Class C, 500 sx lead, yield-1.98 + 200 sx

tail, yield-1.32.

8 5/8" Intermediate Casing:

11" Hole: Class C, 500 sx lead, yield-2.45 +

200 sx tail, yield-1.32, back to surface.

12-1/4" Hole: Class C, 700 sx lead, yield-2.45 + 200 sx tail, yield-1.32, back to

surface.

5 1/2" Production Casing:

Class C, 700 sx Lead, yield-1.97 + 400 sx Tail, yield-1.37, to 200' minimum tie back

to intermediate casing.

### 6. Minimum Specifications for Pressure Control

The blowout preventer equipment (BOP) shown in Exhibit #9 will consist of a double ram-type (2000 psi WP) preventer. This unit will be hydraulically operated and the ram type preventer will be equipped with blind rams on top of 4 1/2" drill pipe rams on the bottom. The BOP will be nippled up on the 13 3/8" surface casing with BOP equipment and tested together-to-1000-psi-by-rig-pump-in-one\_test. The BOP will then be nippled up on the 8 5/8" intermediate casing and tested by a third party to 2000 psi and used continuously until total depth is reached. All BOP's and accessory equipment will be tested to 2000 psi before drilling out of the intermediate casing. Pipe rams will be operationally checked each 24-hour period. Blind rams will be operationally checked on each trip out of the hole. These checks will be noted on the daily tour sheets. Other accessories to the BOP equipment (Exhibit #10) will include a Kelly cock and floor safety valve, choke lines and a choke manifold (Exhibit #11) will a 2000 psi WP rating.

# 7. Types and Characteristics of the Proposed Mud System

The well will be drilled to TD with a combination of brine, cut brine and polymer mud system. The applicable depths and properties of this system are as follows:

600/	_
See Z	
(1)	
COH	

DEPTH	TYPE	WEIGHT	VISCOSITY	WATERLOSS
0-650	Fresh Water	8.5	28	N.C.
-,650-2100'	Brine	10	30	N.C.
2100'-TD	Cut Brine	8.7-9.1	29	N.C.

COG Operating LLC Master Drilling Plan Revised 3-25-08 Maljamar; Yeso Use for Sections 3-35, T17S, R32E Lea County, NM

Sufficient mud materials will be kept at the well site to maintain mud properties and meet minimum lost circulation and weight increase requirements at all times.

# 8. Auxiliary Well Control and Monitoring Equipment

- A. Kelly cock will be kept in the drill string at all times.
- B. A full opening drill pipe-stabbing valve with proper drill pipe connections will be on the rig floor at all times.

### 9. Logging, Testing and Coring Program

- A. The electric logging program will consist of GR-Dual Laterolog, Spectral Density, Dual Spaced Neutron, CSNG Log and will be run from TD to 8 5/8" casing shoe.
- B. Drill Stem test is not anticipated.
- C. No conventional coring is anticipated.
- D. Further testing procedures will be determined after the 5 ½" production casing has been cemented at TD, based on drill shows and log evaluation.

# 10. Abnormal Conditions, Pressure, Temperatures and Potential Hazards

No abnormal pressures or temperatures are anticipated. The estimated bottom hole at TD is 110 degrees and the estimated maximum bottom hold pressure is 2300 psig. Low levels of hydrogen sulfide have been monitored in producing wells in the area, so H<sub>2</sub>S may be present while drilling the well. A Hydrogen Sulfide Drilling Operation Plan is attached to this program. No major loss of circulation zones has been reported in offsetting wells.

### 11. Anticipated Starting Date and Duration of Operations

Road and location work will not begin until approval has been received from the BLM. As this is a Master Drilling plan, please refer to the Form 3160-3 for the anticipated start date. Once commenced, drilling operations should be finished in approximately 15 days. If the well is productive, an additional 30 days will be required for completion and testing before a decision is made to install permanent facilities.

### **COG OPERATING LLC**

550 West Texas, Suite 1300 Midland, TX 79701

# **DIRECTIONAL PLAN VARIANCE REQUEST**

### G C FEDERAL #38 LEA, NM

SHL 1865 FSL, 541 FEL Sec 20, T17S, R32E, Unit I BHL 1650 FSL, 990 FEL Sec 20, T17S, R32E, Unit I

COG Operating LLC, as Operator, desires that the APD reflect the footages as stated on the surveyor's plat. However, Operator also desires to avoid inadvertently drilling the well to a non-standard location. Therefore, due to the proximity of the plat bottom hole location to the pro-ration unit hard line(s), the attached directional plan is designed to avoid the hard lines by as much as fifty feet; said fifty feet being in either (or both) the north-south and/or east-west directions as applicable.

# **COG Operating LLC**

Lea County, NM (NAD27 NME) GC Federal #38 GC Federal #38

OH

Plan: Plan #1 - 7-7/8" Hole
SHL = 1865' FSL & 541' FEL
BHL = 1700' FSL & 980' FEL
Paddock Top = 1700' FSL & 980' FEL @ 5400' TVD

# **Standard Planning Report**

30 March, 2009



#### SDI

#### Planning Report



Database: EDM 5000.1 Single User Db Company:

COG Operating LLC

Lea County, NM (NAD27 NME)

GC Federal #38

TVD Reference: MD Reference:

North Reference:

Site GC Federal #38

Ground Elev. @ 4001 00ft (Original Well

Ground Elev @ 4001 00ft (Original Well

Elev)

Grid

Well: GC Federal #38 Wellbore:

Design: Pian #1 - 7-7/8" Hole Survey Calculation Method:

Local Co-ordinate Reference:

Mınimum Curvature

Map System: Geo Datum:

Site:

US State Plane 1927 (Exact solution)

NAD 1927 (NADCON CONUS)

System Datum:

Mean Sea Level

Map Zone: New Mexico East 3001

Site Position: From:

Northing: Easting:

661,707 30 ft Latitude: 669,597 40 ft Longitude:

32° 49' 4 454 N 103° 46' 52 617 W

**Position Uncertainty:** 

Slot Radius:

0 " **Grid Convergence:**  0 30

GC Federal #38 Well

Well Position

0 00 ft Easting:

Longitude:

103° 46' 52 617 W

Position Uncertainty Wellhead Elevation:

Wellbore

Declination •

Audit Notes:

Version:

PLAN

Tie On Depth:

60.77

Vertical Section: Depth From (TVD) +N/-S (ft) (ft) (ft) (°) 0 00 249 09

Plan Sections	الأثار الأرواب								tem the part parties bear to	a second description and a second	
Measured			Vertical			Dogleg	Build &	Z. Turns		TO THE PARTY OF TH	
Depth	Inclination "	Azimuth	Depth	+N/-S	+E/-W	Rate	Rate	Rate	TFO		
(ft)	(°)	(°)	(ft) <sup>2</sup>	(ft)	(ft)	(°/100ft)	(°/100ft)	(°/100ft)	(9)	Target	
0 00	0.00	0 00	0 00	0 00	0.00	0 00	0.00	0 00	0.00	ra combra L.	. man or the
2,200.00	0 00	0 00	2,200 00	0 00	0 00	0 00	0 00	0.00	0 00		
2,690 43	9 81	249 09	2,688.03	-14 94	-39 12	2 00	2 00	0 00	249.09		
4,947 35	9 81	249.09	4,911.97	-152.16	-398 28	0.00	0 00	0 00	0 00		
5,437 77	0.00	0.00	5,400.00	-167.10	-437 40	2 00	-2 00	0.00	180 00	PP-GCF #38	
7,137 77	0.00	0 00	7,100 00	-167 10	-437.40	0.00	0 00	0 00		PBHL-GCF #3	8

### SDI Planning Report

MD Reference:

North Reference:



EDM 5000 1 Single User Db COG Operating LLC Company:

Lea County, NM (NAD27 NME)

Project:
Site:
Well: GC Federal #38 GC Federal #38

Local Co-ordinate Reference: Site GC Federal #38

TVD Reference:

Ground Elev. @ 4001,00ft (Original Well

Elev)

Ground Elev. @ 4001.00ft (Original Well

Elev) Grid

re:	iC Federal #38 iH lan #1 - 7-7/8"			Survey	Calculation M	ethod:	Minimum Curv	Minimum Curvature			
d Survey	With the Contract of the	ni Fili	make also between the light of	। १ का व्यवस्थानी हार्यों के किया है जा किया है जा ह जा है जा है जो है जा	2	and the second of the second o	The server of the contract of	er arms and the second	* 150 * 150 * 150 * 15		
		TREMA	TENESTE P		THE GRAN	etestes			75544 T		
Measured			Vertical	等等性 保護	<b>乙烷指数</b> 之子	Vertical	Doglas				
"一""是你,不像 "是"。	clination	Azimuth	Depth		質的學科教育	14 . 35 0 St. 1780 . 1 - 1881 5	Dogleg	Build	Turn		
1947。2011年1月1日 - 1945年1月1日 - 1945年1月 - 1945年11月 - 1945年1	。シャルドウェルグレバッ	Azilluui	""。"不是一个多数,是什么"。	+N/-S	+E/-W	Section	Rate	Rate	Rate		
HE WILLIAM I	20.24		(ft), 134	(ft)	(ft)	(ft)	(°/100ft)	(°/100 <del>ft</del> )	.*(°/100ft)		
0 00	0 00	0 00	0 00	0 00	0 00	0 00	0 00	0 00	0 00		
West HL-GCF #3	8 - South HL-	GCF #38							0 00		
2,100.00	0 00	0 00	2,100 00	0 00	0 00	0 00	0 00	0 00	0 00		
8 5/8" Casing			,				0.00	0 00	0 00		
2,200 00	0 00	0.00	2,200 00	0 00	0 00	0.00	0 00	0.00	0.00		
KOP Start Build			2,200 00	0.00	0 00	0.00	0 00	0.00	0.00		
2,300 00	2 00	249 09	2,299.98	-0 62	1.62	4.75	2.00	0.00			
2,400 00	4 00	249 09	2,299.90	-0 62 -2.49	-1 63 6 53	1.75	2 00	2.00	0 00		
·			2,500 04	-2.49	-6 52	6.98	2 00	2 00	0 00		
2,500 00	6 00	249 09	2,499 45	-5 60	-14 66	15 69	2.00	2 00	0 00		
2,600 00	8 00	249.09	2,598 70	-9 95	-26 04	27.88	2 00	2 00	0 00		
2,690.43	9.81	249 09	2,688 03	-14 94	-39 12	41 88	2 00	2 00	0 00		
EOC hold 9.81°		*									
2,700 00	9 81	249 09	2,697 47	-15 53	-40.64	43.51	0 00	0 00	0 00		
2,800 00	9 81	249.09	2,796 01	-21 61	-56 56	60 54	0.00	0.00	0 00		
2,900.00	9 81	249.09	2,894 54	-27 69	-72 47	77 58	0.00	0.00			
3,000.00	981	249 09	2,993 08	-33 77	-88 38	94 61	0 00	0.00	0.00		
3,100 00	9 81	249 09	3,091.62	-39 84	-104 30	111 65	0 00 0 00	0.00	0 00		
3,200 00	9 81	249 09	3,190 16	-45 92	-120.21	128.68	0.00	0 00 0 00	0 00		
3,300 00	9 81	249 09	3,288 70	-52 00	-136 13	145 72	0.00	0 00	0 00 0 00		
3 400 00	0.84	240.00									
3,400 00 3,500 00	9 81	249 09	3,387 24	-58 08	-152.04	162.76	0 00	. 0 00	0 00		
3,600.00	9 81 9.81	249 09 249 09	3,485 77	-64 16	-167 95	179.79	0 00	0 00	. 000		
3,700 00	9.81	249 09	3,584 31 3,682 85	-70 24	-183 87	196 83	0.00	0 00	0 00		
3,800 00	9.81	249 09	3,781.39	-76 32 -82 40	-199.78 -215 69	213 86	0 00	0.00	0 00		
				-02 40	-215 69	230 90	0 00	0.00	0 00		
3,900 00	9 81	249 09	3,879 93	-88 48	-231 61	247 93	0.00	0 00	0 00		
4,000 00	9 81	249.09	3,978 47	-94 56	-247 52	264.97	0 00	0 00	0.00		
4,100 00	9.81	249 09	4,077 00	-100 64	-263 44	282.01	0.00	0 00	0 00		
4,200 00	9 81	249 09	4,175 54	-106.72	-279 35	299 04	0.00	0.00	0 00		
4,300 00	9 81	249 09	4,274 08	-112 80	-295.26	316 08	0 00	0 00	0.00		
4,400 00	9.81	249 09	4,372 62	-118.88	-311.18	333,11	0 00	0 00	0 00		
4,500 00	9 81	249.09	4,471 16	-124 96	-327 09	350.15	0.00	0 00	0 00		
4,600 00	9 81	249 09	4,569 70	-131 04	-343 01	367 18	0 00	0 00	0 00		
4,700 00	9 81	249.09	4,668 23	-137 12	-358 92	384 22	0 00	0.00	0.00		
4,800.00	9.81	249 09	4,766 77	-143 20	-374 83	401 25	0.00	0.00	0 00		
4,900 00	9 81	249.09	4,865 31	-149 28	-390 75	418 29	0 00	0 00	0 00		
4,947 35	9 81	249.09	4,911.97	-152 16	-398 28	426 36	0 00	0.00	0 00		
Start Drop 2.00°/1	00'		•			-2000	3 00	5.00	0 00		
5,000 00	8 76	249 09	4,963 93	-155 19	-406 21	434 85	2 00	2.00	2.22		
5,100 00	6 76	249 09	5,063.01	-160 00	-418 82	448 34	2 00	-2 00 -2 00	0 00		
5,200 00	4 76	249 09	5,162 50	-163 58	-428 19	458.37	2 00	-2 00 -2 00	0 00 0 00		
5 300 00									0 00		
5,300.00 5,400 00	2 76	249 09	5,262 28	-165.92	-434.31 ·	464 92	2 00	-2 00	0 00		
5,400 00 5,437 77	0 76	249 09	5,362.23	-167 01	-437 17	467 98	2 00	-2 00	0.00		
	0 00	0 00	5,400 00	-167 10	-437 40	468 23	2 00	-2 00	0 00		
EOC hold 0.00°/10											
7,137 77	0 00	0 00	7,100 00	-167.10	-437 40	468 23	0 00	0.00	0 00		

### SDI

### Planning Report



Local Co-ordinate Reference Site G
TVD Reference: Groun
Elev) Database: EDM 5000.1 Single User Db Site GC Federal #38 Company: COG Operating LLC Ground Elev @ 4001.00ft (Original Well Project: Lea County, NM (NAD27 NME) Ground Elev @ 4001 00ft (Original Well MD Reference: Site: Elev) North Reference: North Reference: Survey Calculation Method: GC Federal #38 Grid Well: GC Federal #38 Minimum Curvature Well: Wellbore: Design: ОН

Plan #1 - 7-7/8" Hole

Design Targets	n d'ent a letter beier Moran	my of a pla hours	a statustine in state transci	form Million Statement of	or, suiding a conta	-DN-100 Dan Statemen die Samuel is	and Completer and Aller a things and the	that and blanderses, by professional and an	to the species of the second of the second of
Target Name	CONTRACTOR	ip Dir.	TVD (ft)	+N/-\$ (ft)	+E/-W (ft)	Northing (ft)	Easting <sub>se</sub> (ft)	Latitude	Longitude
West HL-GCF #38 - plan misses target central - Rectangle (sides W0 00			0 00 t MD (0.00 T\	-217.10 /D, 0 00 N, 0	-447 40 00 E)	661,490.20	669,150 00	32° 49' 2 329 N	103° 46′ 57 873 W
South HL-GCF #38 - plan misses target centre - Rectangle (sides W400)			0 00 MD (0 00 TV	-217 10 /D, 0 00 N, 0.	-447 40 00 E)	661,490 20	669,150 00	32° 49' 2 329 N	103° 46′ 57 873 W
PP-GCF #38 - plan hits target center - Point	0 00	0 01	5,400 00	-167 10	-437 40	661,540.20	669,160 00	32° 49' 2 823 N	103° 46' 57.753 W
PBHL-GCF #38 - plan hits target center - Point	0 00	0 01 ₹	7,100 00	-167 10	-437.40	661,540 20	669,160 00	32° 49' 2 823 N	103° 46′ 57 753 W

Casing Points	12 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
Measured Vertical Casing	
Depth Depth Diameter Diameter	
(ft) Name 2,100 00 2,100 00 8 5/8" Casing 8.5/8 10 5/8	
2,100 00 2,100 00 8 5/8" Casing 8-5/8 10-5/8	

Formations  Measured Vertical Depth Depth (ft) (ft)	Name	Dip Dip Direction Cithology (2) (2)
5,437 77 5,400 00	Top of Paddock	The first the state of the control o

Plan Annotations	The second section of the second	Depth and worker the Anther Wife and was pro-	-15 to 12 to 3 with another of	diseases the same to bear define a material or producted manufactures from one of the form of a factorial in the contrations with the or and the same of the transfer of the same of the s
Measured Depth (ft)	Vertical Depth (ft)	Local Coord +N/-S	inates +E/-W (ft)	Comment
2,200 00	2,200 00	0 00	0 00	KOP Start Build 2 00°/100'
2,690 43	2,688.03	-14 94	-39 12	EOC hold 9.81°
4,947 35	4,911 97	-152 16	-398 28	Start Drop 2 00°/100'
5,437 77	5,400 00	-167 10	-437 40	EOC hold 0 00°/100'

# **COG Operating LLC**

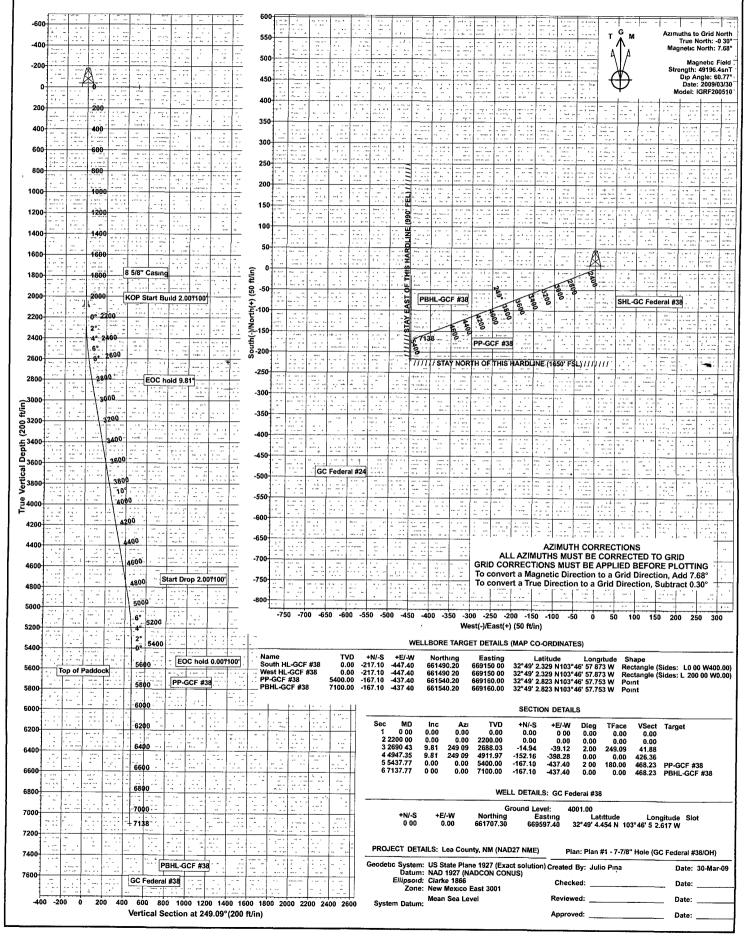
Scientific Drilling for COG Operating LLC Site: Lea County, NM (NAD27 NME)

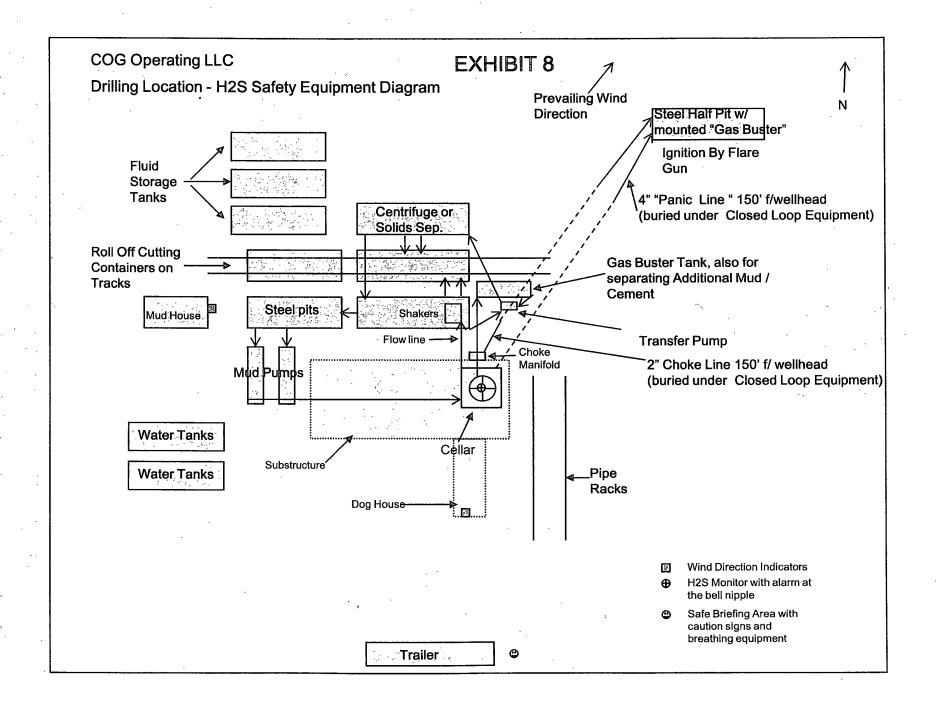
Well: GC Federal #38

Wellbore: OH

Design: Plan #1 - 7-7/8" Hole







# II. H2S SAFETY EQUIPMENT AND SYSTEMS

Note: All H2S safety equipment and systems will be installed, tested, and operational when drilling reaches a depth of 500 feet above, or three days prior to penetrating the first zone containing or reasonable expected to contain H2S.

### 1. Well Control Equipment:

- A. Flare line.
- B. Choke manifold.
- C. Blind rams and pipe rams to accommodate all pipe sizes with properly sized closing unit.
- D. Auxiliary equipment may include if applicable: annular preventer & rotating head.

### 2. Protective equipment for essential personnel:

A. Mark II Survive air 30-minute units located in the doghouse and at briefing areas, as indicated on well site diagram.

# 3. H2S detection and monitoring equipment:

A. 1 portable H2S monitors positioned on location for best coverage and response. These units have warning lights and audible sirens when H2S levels of 20 PPM are reached.

### 4. Visual warning systems:

- A. Wind direction indicators as shown on well site diagram (Exhibit #8).
- B. Caution/Danger signs (Exhibit #7) shall be posted on roads providing direct access to location. Signs will be painted a high visibility yellow with black lettering of sufficient size to be readable at a reasonable distance from the immediate location. Bilingual signs will be used, when appropriate. See example attached.

### 5. Mud program:

A. The mud program has been designed to minimize the volume of H2S circulated to surface. Proper mud weight, safe drilling practices, and the use of H2S scavengers will minimize hazards when penetrating H2S bearing zones.

### 6. Metallurgy:

- A. All drill strings, casings, tubing, wellhead, blowout preventer, drilling spool, kill lines, choke manifold and lines, and valves shall be suitable for H2S service.
- B. All elastomers used for packing and seals shall be H2S trim.

#### 7. Communication:

- A. Radio communications in company vehicles including cellular telephone and 2-way radio.
- B. Land line (telephone) communication at Office.

### 8. Well testing:

- A. Drill stem testing will be performed with a minimum number of personnel in the immediate vicinity, which are necessary to safely and adequately conduct the test. The drill stem testing will be conducted during daylight hours and formation fluids will not be flowed to the surface. All drill-stem-testing operations conducted in an H2S environment will use the closed chamber method of testing.
- B. There will be no drill stem testing.

## EXHIBIT #7

# WARNING YOU ARE ENTERING AN H<sub>2</sub>S

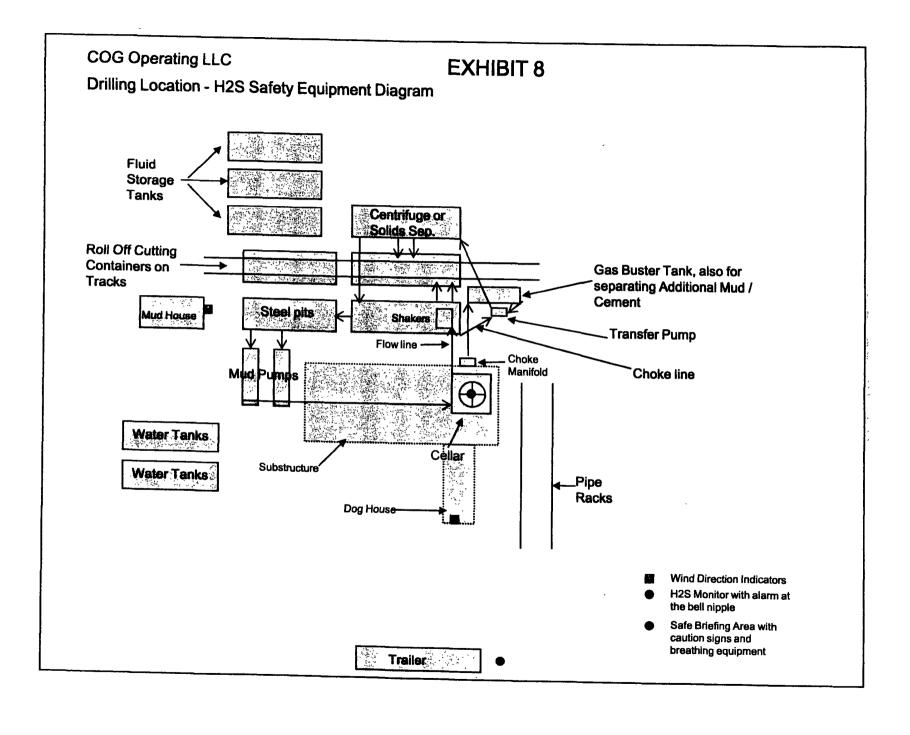
### **AUTHORIZED PERSONNEL ONLY**

- 1. BEARDS OR CONTACT LENSES NOT ALLOWED
- 2. HARD HATS REQUIRED
- 3. SMOKING IN DESIGNATED AREAS ONLY
- 4. BE WIND CONSCIOUS AT ALL TIMES
- 5. CHECK WITH COG OPERATING FOREMAN AT

COG OPERATING LLC 1-432-683-7443 1-575-746-2010

EDDY COUNTY EMERGENCY NUMBERS
ARTESIA FIRE DEPT. 575-746-5050

ARTESIA FIRE DEPT. 575-746-5050 ARTESIA POLICE DEPT. 575-746-5000 EDDY CO. SHERIFF DEPT. 575-746-9888 LEA COUNTY EMERGENCY NUMBERS
HOBBS FIRE DEPT. 575-397-9308
HOBBS POLICE DEPT. 575-397-9285
LEA CO. SHERIFF DEPT. 575-396-1196



1" = 1,733 3 ft

Data Zoom 13-3

# PECOS DISTRICT CONDITIONS OF APPROVAL

OPERATOR'S NAME: COG Operating LLC

LEASE NO.: LC-029405B

WELL NAME & NO.: G C Federal #38

SURFACE HOLE FOOTAGE: 1865' FSL & 541' FEL

BOTTOM HOLE FOOTAGE 1650' FSL & 990' FEL

LOCATION: Section 20, T. 17 S., R 32 E., NMPM

COUNTY: Lea County, New Mexico

### TABLE OF CONTENTS

Standard Conditions of Approval (COA) apply to this APD. If any deviations to these standards exist or special COAs are required, the section with the deviation or requirement will be checked below.

General Provisions
Permit Expiration
Archaeology, Paleontology, and Historical Site
Noxious Weeds
Special Requirements
Lesser Prairie Chicken
Low Profile Well Marker
<b>◯</b> Construction
Notification
Topsoil
Reserve Pit – Closed-loop mud system
Federal Mineral Material Pits
Well Pads
Roads
Road Section Diagram
□ Drilling
Surface casing depth
Onshore Order 6 – H2S requirements
BOP/BOPE test
□ Production (Post Drilling)
Pipelines
Reserve Pit Closure/Interim Reclamation
Final Abandonment/Reclamation

### I. GENERAL PROVISIONS

The approval of the Application For Permit To Drill (APD) is in compliance with all applicable laws and regulations: 43 Code of Federal Regulations 3160, the lease terms, Onshore Oil and Gas Orders, Notices To Lessees, New Mexico Oil Conservation Division (NMOCD) Rules, National Historical Preservation Act As Amended, and instructions and orders of the Authorized Officer. Any request for a variance shall be submitted to the Authorized Officer on Form 3160-5, Sundry Notices and Report on Wells.

### II. PERMIT EXPIRATION

If the permit terminates prior to drilling and drilling cannot be commenced within 60 days after expiration, an operator is required to submit Form 3160-5, Sundry Notices and Reports on Wells, requesting surface reclamation requirements for any surface disturbance. However, if the operator will be able to initiate drilling within 60 days after the expiration of the permit, the operator must have set the conductor pipe in order to allow for an extension of 60 days beyond the expiration date of the APD. (Filing of a Sundry Notice is required for this 60 day extension.)

# III. ARCHAEOLOGICAL, PALEONTOLOGY & HISTORICAL SITES

Any cultural and/or paleontological resource discovered by the operator or by any person working on the operator's behalf shall immediately report such findings to the Authorized Officer. The operator is fully accountable for the actions of their contractors and subcontractors. The operator 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 shall be made by the Authorized Officer to determine the appropriate actions that shall be required to prevent the loss of significant cultural or scientific values of the discovery. The operator shall be held responsible for the cost of the proper mitigation measures that the Authorized Officer assesses after consultation with the operator on the evaluation and decisions of the discovery. Any unauthorized collection or disturbance of cultural or paleontological resources may result in a shutdown order by the Authorized Officer.

### IV. NOXIOUS WEEDS

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.

## V. SPECIAL REQUIREMENT(S)

Lesser Prairie-Chicken Timing Stipulation

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 1<sup>st</sup> 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, pipeline, road, power line, 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 pump jack engines must be muffled or otherwise controlled so as not to exceed 75 db measured at 30 feet from the source of the noise.

### Low Profile Well Marker

The well marker will be approximately 2 inches above ground level and contain the following information: operator name, lease name, and well number and location, including unit letter, section, township, and range. The previous listed information will be welded, stamped, or otherwise permanently engraved into the metal of the marker.

### VI. CONSTRUCTION

#### A. NOTIFICATION

The BLM shall administer compliance and monitor construction of the access road and well pad. Notify the Hobbs Field Station at (575) 393-3612 at least 3 working days prior to commencing construction of the access road and/or well pad.

When construction operations are being conducted on this well, the operator shall have the approved APD and Conditions of Approval (COA) on the well site and they shall be made available upon request by the Authorized Officer.

#### B. TOPSOIL

The operator shall stockpile the topsoil of the well pad. The topsoil shall not be used to backfill the reserve pit and will be used for interim and final reclamation.

### C. RESERVE PITS

The operator has applied for a closed-loop system. The operator shall properly dispose of drilling contents at an authorized disposal site.

### D. FEDERAL MINERAL MATERIALS PIT

If the operator elects to surface the access road and/or well pad, mineral materials extracted during construction of the reserve pit may be used for surfacing the well pad and access road and other facilities on the lease.

Payment shall be made to the BLM prior to removal of any additional federal mineral materials from any site other than the reserve pit. Call the Carlsbad Field Office at (575) 234-5972.

#### E. WELL PAD SURFACING

Surfacing of the well pad is not required.

If the operator elects to surface the well pad, the surfacing material may be required to be removed at the time of reclamation.

The well pad shall be constructed in a manner which creates the smallest possible surface disturbance, consistent with safety and operational needs.

### VII. DRILLING

### A. DRILLING OPERATIONS REQUIREMENTS

The BLM is to be notified a minimum of 4 hours in advance for a representative to witness:

- a. Spudding well
- b. Setting and/or Cementing of all casing strings
- c. BOPE tests
  - Lea County
    Call the Hobbs Field Station, 414 West Taylor, Hobbs NM 88240, (575) 393-3612
- 1. A Hydrogen Sulfide (H2S) Drilling Plan should be activated 500 feet prior to drilling into the Grayburg formation. As a result, the Hydrogen Sulfide area must meet Onshore Order 6 requirements, which includes equipment (well control, etc.) and personnel/public protection items. If Hydrogen Sulfide is encountered, please provide measured values and formations to the BLM.
- 2. Unless the production casing has been run and cemented or the well has been properly plugged, the drilling rig shall not be removed from over the hole without prior approval.
- 3. Rustler and Salt formation to be listed on Completion Report.

### B. CASING

Changes to the approved APD casing and cement program require submitting a sundry and receiving approval prior to work. Failure to obtain approval prior to work will result in an Incident of Non-Compliance being issued.

Centralizers required on surface casing per Onshore Order 2.III.B.1.f.

Wait on cement (WOC) time for a primary cement job will be a minimum 18 hours for a water basin, 24 hours in the potash area, or 500 pounds compressive strength, whichever is greater for all casing strings. Provide compressive strengths including hours to reach required 500 pounds compressive strength prior to cementing each casing string. See individual casing strings for details regarding lead cement slurry requirements.

No pea gravel permitted for remedial or fall back remedial without prior authorization from the BLM engineer.

Possible lost circulation in the Grayburg and San Andres formations. Possible water and brine flows in the Salado and Artesia Group.

- 1. The 13-3/8 inch surface casing shall be set a minimum of 25 feet into the Rustler Anhydrite at approximately 740 feet and cemented to the surface. Fresh water mud to be used to setting depth.
  - a. If cement does not circulate to the surface, the appropriate BLM office shall be notified and a temperature survey utilizing an electronic type temperature survey with a surface log readout will be used or a cement bond log shall be run to verify the top of the cement.
  - b. Wait on cement (WOC) time for a primary cement job is to include the lead cement slurry.
  - c. Wait on cement (WOC) time for a remedial job will be a minimum of 4 hours after bringing cement to surface or 500 pounds compressive strength, whichever is greater.
  - d. If cement falls back, remedial cementing will be done prior to drilling out that string.
- 2. The minimum required fill of cement behind the 8-5/8 inch intermediate casing is:
  - Cement to surface. If cement does not circulate see B.1.a, c-d above.

    This casing is to be set in the Tansill formation.
- 3. The minimum required fill of cement behind the 5-1/2 inch production casing is:
  - Cement should tie-back at least 200 feet into previous casing string. Operator shall provide method of verification.
- 4. If hardband drill pipe is rotated inside casing, returns will be monitored for metal. If metal is found in samples, drill pipe will be pulled and rubber protectors which have a larger diameter than the tool joints of the drill pipe will be installed prior to continuing drilling operations.

### C. PRESSURE CONTROL

- 1. All blowout preventer (BOP) and related equipment (BOPE) shall comply with well control requirements as described in Onshore Oil and Gas Order No. 2 and API RP 53 Sec. 17.
- 2. Minimum working pressure of the blowout preventer (BOP) and related equipment (BOPE) required for drilling below the surface casing shoe shall be **2000 (2M)** psi.

- 3. The appropriate BLM office shall be notified a minimum of 4 hours in advance for a representative to witness the tests.
  - a. The tests shall be done by an independent service company.
  - b. The results of the test shall be reported to the appropriate BLM office.
  - c. All tests are required to be recorded on a calibrated test chart. A copy of the BOP/BOPE test chart and a copy of independent service company test will be submitted to the appropriate BLM office.
  - d. The BOP/BOPE test shall include a low pressure test from 250 to 300 psi. The test will be held for a minimum of 10 minutes if test is done with a test plug and 30 minutes without a test plug.
  - e. Effective November 1, 2008, no variances will be granted on reduced pressure tests on the surface casing and BOP/BOPE. Onshore Order 2 requirements will be in effect.

### D. DRILL STEM TEST

If drill stem tests are performed, Onshore Order 2.III.D shall be followed.

WWI 062209

# VIII. PRODUCTION (POST DRILLING)

### A. WELL STRUCTURES & FACILITIES

### **Placement of Production Facilities**

Production facilities should be placed on the well pad to allow for maximum interim recontouring and revegetation of the well location.

#### **Containment Structures**

The containment structure shall be constructed to hold the capacity of the entire contents of the largest tank, plus 24 hour production, unless more stringent protective requirements are deemed necessary by the Authorized Officer.

### **Painting Requirement**

All above-ground structures including meter housing that are not subject to safety requirements shall be painted a flat non-reflective paint color Shale Green, Munsell Soil Color Chart # 5Y 4/2

### B. PIPELINES

STANDARD STIPULATIONS FOR SURFACE INSTALLED PIPELINES

A copy of the grant 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.

### 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-offeet. way width of 25 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 of duney areas, the pipeline will be "snaked" around hummocks and dunes rather then 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.

(March 1989)

# IX. INTERIM RECLAMATION & RESERVE PIT CLOSURE

### A. INTERIM RECLAMATION

If the well is a producer, interim reclamation shall be conducted on the well site in accordance with the orders of the Authorized Officer. The operator shall submit a Sundry Notices and Reports on Wells (Notice of Intent), Form 3160-5, prior to conducting interim reclamation.

During the life of the development, all disturbed areas not needed for active support of production operations should undergo interim reclamation in order to minimize the environmental impacts of development on other resources and uses.

Operators should work with BLM surface management specialists to devise the best strategies to reduce the size of the location. Any reductions should allow for remedial well operations, as well as safe and efficient removal of oil and gas.

During reclamation, the removal of caliche is important to increasing the success of revegetating the site. Removed caliche may be used for road repairs, fire walls or for building other roads and locations. In order to operate the well or complete workover operations, it may be necessary to drive, park and operate on restored interim vegetation within the previously disturbed area. Disturbing revegetated areas for production or workover operations will be allowed. If there is significant disturbance and loss of vegetation, the area will need to be revegetated. Communicate with the appropriate BLM office for any exceptions/exemptions if needed.

### Seed Mixture for LPC Sand/Shinnery Sites

The 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 <u>no</u> primary or secondary noxious weeds in the seed mixture. Seed will 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 will be either certified or registered seed. The seed container will be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed will be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture will be evenly and uniformly planted over the disturbed area (smaller/heavier seeds have a tendency to drop the bottom of the drill and are planted first). The holder shall take appropriate measures to ensure this does not occur. Where drilling is not possible, seed will be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will 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:

Species	lb/acre
Plains Bristlegrass	5lbs/A
Sand Bluestem	5lbs/A
Little Bluestem	3lbs/A
Big Bluestem	6lbs/A
Plains Coreopsis	2lbs/A
Sand Dropseed	1lbs/A

<sup>\*\*</sup>Four-winged Saltbush

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

<sup>5</sup>lbs/A

<sup>\*</sup> This can be used around well pads and other areas where caliche cannot be removed.

<sup>\*</sup>Pounds of pure live seed:

# X. FINAL ABANDONMENT & REHABILITATION REQUIREMENTS

Upon abandonment of the well and/or when the access road is no longer in service the Authorized Officer shall issue instructions and/or orders for surface reclamation and restoration of all disturbed areas.

On private surface/federal mineral estate land the reclamation procedures on the road and well pad shall be accomplished in accordance with the private surface land owner agreement.