

RECEIVED

SEP 08 2009

HOBBSOCD

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SUNDRY NOTICES AND REPORTS ON WELLS

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

SUBMIT IN TRIPLICATE - Other instructions on reverse side

1 Type of Well <input type="checkbox"/> Oil Well <input checked="" type="checkbox"/> Gas Well <input type="checkbox"/> Other	5 Lease Serial No NMNM 10470
2 Name of Operator BOPCO, L.P.	6 If Indian, Allottee or Tribe Name
3a Address P O Box 2760 Midland, Texas 79702-2760	7 If Unit or CA/Agreement, Name and/or No NM 72634
3b Phone No (include area code) (432) 683-2277	8 Well Name and No Tory 3 Federal # 1
4 Location of Well (Footage, Sec., T., R., M., or Survey Description) Section 3, T21S, R32E 1980' FNL, 1525' FWL, Lot 6 Unit - F	9 API Well No 30-025-36336
	10 Field and Pool, or Exploratory Area Salt Lake South Atoka
	11 County or Parish, State Lea County, N M

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

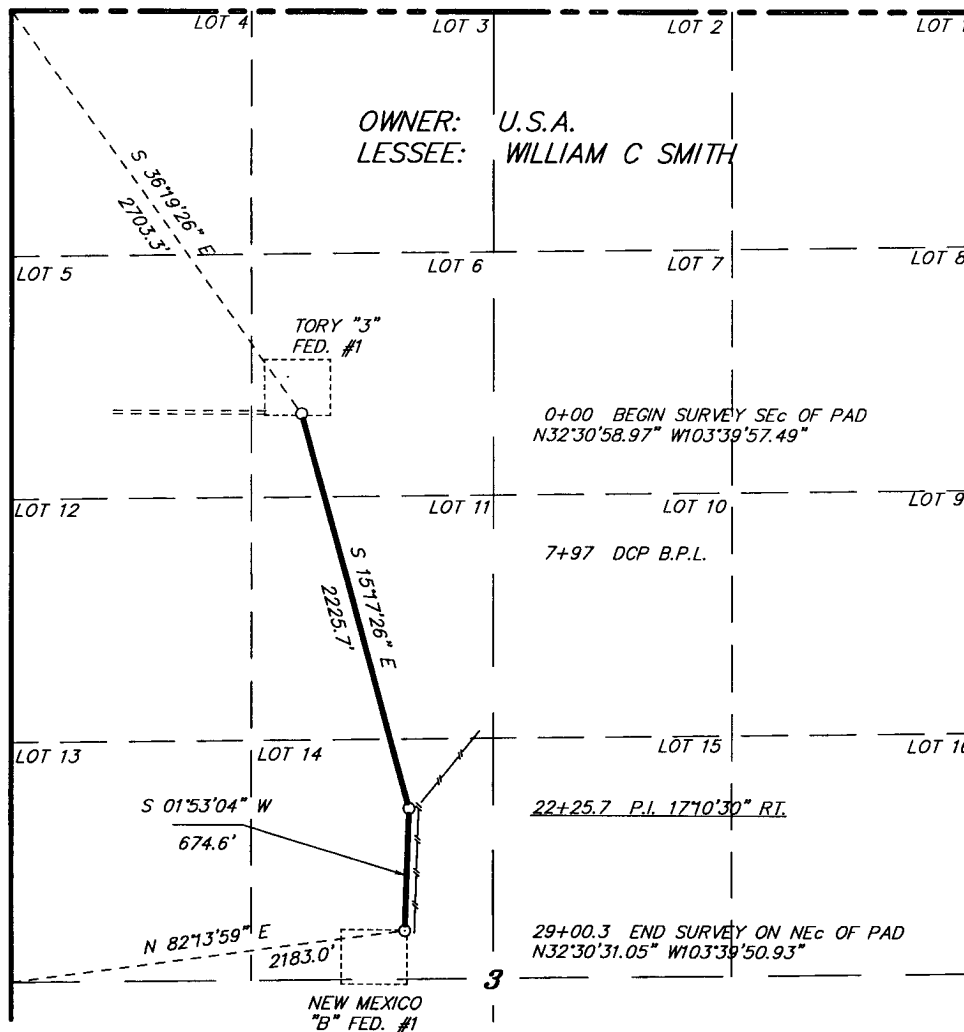
TYPE OF SUBMISSION	TYPE OF ACTION			
<input checked="" type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/ Resume)	<input type="checkbox"/> Water Shut-Off
<input type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment	<input type="checkbox"/> Casing Repair	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13 Describe Proposed or Completed Operation (clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposed is to deepen directionally or recompleat horizontally, give subsurface locations 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.)

BOPCO, L.P. respectfully requests to install a buried low pressure gasline (wp 25 psig, max pressure 100 psig). The proposed gasline will consist of 4" SDR 7 poly pipe and run for 2,900'. The gasline will service the Tory 3 Federal # 1 located in Lot 6, Section 3, T21S, R32E and will run south east to an existing DCP connection point located in Lot 14, Section 3, T21S, R32E. The route has been arch cleared and a map along with the survey plats are attached showing the proposed route of the gasline.

14 I hereby certify that the foregoing is true and correct Name (Printed/Typed) Bill Franks	Title Pipeline Foreman
Signature <i>Bill Franks</i>	Date 7/27/2009
THIS SPACE FOR FEDERAL OR STATE OFFICE USE	
Approved by <i>Owen Loftis</i>	Title Date SEP - 3 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, makes 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)	

SECTION 3, TOWNSHIP 21 SOUTH, RANGE 32 EAST, N.M.P.M.,
LEA COUNTY, NEW MEXICO.



LEGAL DESCRIPTION

A STRIP OF LAND 30.0 FEET WIDE, LOCATED IN SECTION 3, TOWNSHIP 21 SOUTH, RANGE 32 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO AND BEING 15.0 FEET LEFT AND RIGHT OF THE ABOVE PLATTED CENTERLINE SURVEY.

2900.3 FEET = 175.78 RODS = 0.55 MILES = 2.00 ACRES

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY AND MEETS OR EXCEEDS ALL REQUIREMENTS FOR LAND SURVEYS AS SPECIFIED BY THIS STATE.

GARY L. JONES

No. 7977
No. 5074

BASIN SURVEYS P.O. BOX 1786—HOBBS, NEW MEXICO

W.O. Number: 21525

Drawn By: James Presley

Date: 07/09/09

Disk: JLP #1 — BOP21525

1000 0 1000 2000 FEET

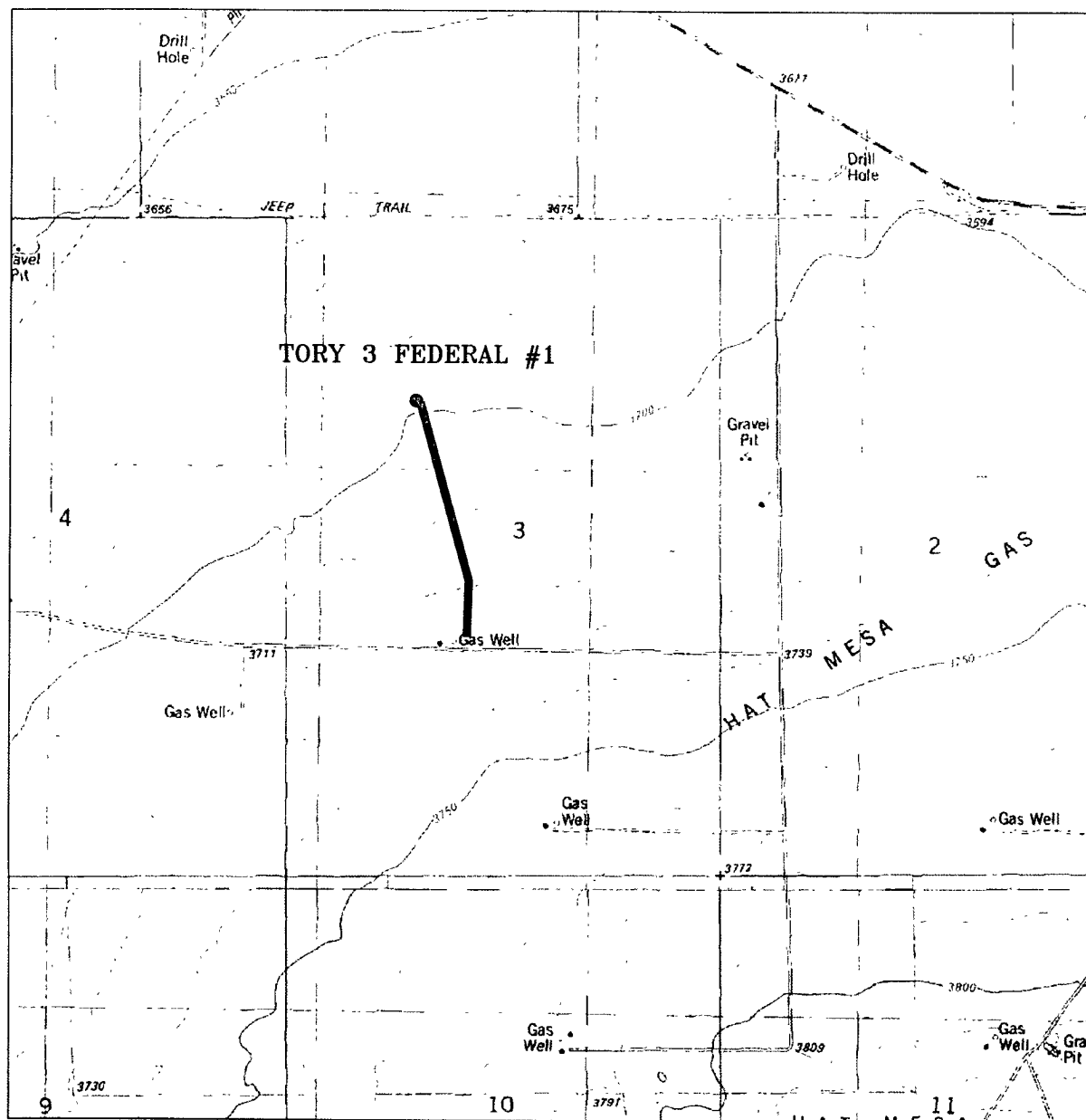
BOPCO, L.P.

REF: PROPOSED PIPELINE TO THE BOPCO—TORY "3" FEDERAL #1

A PIPELINE CROSSING U.S.A. LAND IN
SECTION 3, TOWNSHIP 21 SOUTH, RANGE 32 EAST,
N.M.P.M., LEA COUNTY, NEW MEXICO.

Survey Date: 07/08/09

Sheet 1 of 1 Sheets



PROPOSED PIPELINE TO THE BOPCO-TORY 3 FEDERAL #1
 Section 3, Township 21 South, Range 32 East,
 N.M.P.M., Lea County, New Mexico.



P.O. Box 1786
 1120 N. West County Rd.
 Hobbs, New Mexico 88241
 (505) 393-7316 - Office
 (505) 392-3074 - Fax
 basinsurveys.com

W.O. Number: 21525

Survey Date: 07/08/09

Scale: 1" = 2000'

Date: 07/09/09

BOPCO, L.P.

NMCRIS INVESTIGATION ABSTRACT FORM (NIAF)

1. NMCRIS Activity No.: 114,415	2a. Lead (Sponsoring) Agency: BLM-CFO	2b. Other Permitting Agency(ies): N/A	3. Lead Agency Report No.:												
4. Title of Report: A Cultural Resource Survey for a Pipeline to BOPCO, LP - Tory "3" Federal No. 1 Well Location Author(s) Justin Rein			5. Type of Report <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Positive												
6. Investigation Type <input type="checkbox"/> Research Design <input checked="" type="checkbox"/> 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?): The project involves a pedestrian cultural resource survey for a pipeline to the BOPCO, LP, Tory "3" Federal No. 1 well location. The proposed pipeline will impact a strip of land no greater than 50 ft, yet a 100 ft wide corridor was surveyed to ensure the protection of cultural resources.		8. Dates of Investigation: July 15, 2009 9. Report Date: July 21, 2009													
10. Performing Agency/Consultant: Boone Archaeological Services, LLC 2030 North Canal Carlsbad, NM 88220 (505) 885-1352 Principal Investigator: Danny Boone Field Supervisor: Justin Rein Field Personnel Names: Justin Rein		11. Performing Agency/Consultant Report No.: BAS-07-09-09 12. Applicable Cultural Resource Permit No(s): BLM Permit No.: 190-2920-09-K NM State Permit No.: NM-09-157-S													
13. Client/Customer (project proponent): BOPCO, LP Contact: Bill Franks Address: PO Box 2760 Midland, Texas 79702 Phone: (432) 683-2277		14. Client/Customer Project No.: N/A													
15. Land Ownership Status (<u>Must</u> be indicated on project map): <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Land Owner</th> <th style="text-align: center;">Acres Surveyed</th> <th style="text-align: center;">Acres in APE</th> </tr> </thead> <tbody> <tr> <td>Bureau of Land Management – Carlsbad Field Office (BLM-CFO)</td> <td style="text-align: center;">6.66</td> <td style="text-align: center;">3.33</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td style="text-align: right;">TOTALS</td> <td style="text-align: center;">6.66</td> <td style="text-align: center;">3.33</td> </tr> </tbody> </table>				Land Owner	Acres Surveyed	Acres in APE	Bureau of Land Management – Carlsbad Field Office (BLM-CFO)	6.66	3.33				TOTALS	6.66	3.33
Land Owner	Acres Surveyed	Acres in APE													
Bureau of Land Management – Carlsbad Field Office (BLM-CFO)	6.66	3.33													
TOTALS	6.66	3.33													
16. Records Search(es): <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date of ARMS File Review: July 16, 2009</td> <td style="width: 50%;">Name of Reviewer(s): Justin Rein</td> </tr> <tr> <td>Date of NR/SR File Review: July 16, 2009</td> <td>Name of Reviewer(s): Justin Rein</td> </tr> <tr> <td>Date of Other Agency File Review: July 15, 2009</td> <td>Name of Reviewer(s): Justin Rein Agency BLM-CFO</td> </tr> </table> <p>One previously recorded site, LA 29361, was found within 0.25 miles of the project area. The site will not be impacted by the current undertaking.</p>				Date of ARMS File Review: July 16, 2009	Name of Reviewer(s): Justin Rein	Date of NR/SR File Review: July 16, 2009	Name of Reviewer(s): Justin Rein	Date of Other Agency File Review: July 15, 2009	Name of Reviewer(s): Justin Rein Agency BLM-CFO						
Date of ARMS File Review: July 16, 2009	Name of Reviewer(s): Justin Rein														
Date of NR/SR File Review: July 16, 2009	Name of Reviewer(s): Justin Rein														
Date of Other Agency File Review: July 15, 2009	Name of Reviewer(s): Justin Rein Agency BLM-CFO														

17. Survey Data:

- a. Source Graphics ☒ NAD 27 ☐ NAD 83
☒ USGS 7.5' (1:24,000) topo map ☐ Other topo map, Scale:
☒ GPS Unit Accuracy ☐ <1.0m ☒ 1-10m ☐ 10-100m ☐ >100m

b. USGS 7.5' Topographic Map Name **USGS Quad Code**

Laguna Gatuna, New Mexico 1984	32103-E6

c. County(ies): Lea County**17. Survey Data (continued):****d. Nearest City or Town:** Carlsbad, New Mexico**e. Legal Description:**

Township (N/S)	Range (E/W)	Section	¼	¼	¼
21 South	32 East	3	SW¼	SE¼	NW¼
		3	NW¼	NE¼	SW¼
		3	S½	NE¼	SW¼
		3	E½	SE¼	SW¼

Projected legal description? Yes [], No [] Unplatted []

- f. Other Description (e.g. well pad footages, mile markers, plats, land grant name, etc.): The proposed pipeline begins at the southern margin of the BOPCO - Tory "3" Federal No. 1 well location and travels 2,225.7 ft southeast, thence 674.6 ft south where the line terminates at the northeast corner of the New Mexico "B" Federal No. 1 well location. The proposed pipeline totals 2,900.3 ft in length. Section 3 is an irregular section. The template was anchored in the northwest corner and along the northern margin of the section for the above legal description.

18. Survey Field Methods:

Intensity: ☒ 100% coverage ☐ <100% coverage

Configuration: ☐ block survey units: ☒ linear survey units (l x w): 2,900.3ft long by 100 ft wide

☐ other survey units (specify):

Scope: ☒ non-selective (all sites recorded) ☐ selective/thematic (selected sites recorded)

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

Survey Interval (m): 15 m (50 ft) Crew Size: 1 Fieldwork Dates: July 15, 2009

Survey Person Hours: 2 Recording Person Hours: 0 Total Hours: 2

Additional Narrative: In order to protect any cultural resources, 100 ft corridor was surveyed along the proposed pipeline utilizing linear transects spaced no more than 15 m (50 ft) apart on either side of the staked centerline. The survey encompassed a total of 6.66 acres on Federal property under the jurisdiction of the Bureau of Land Management – Carlsbad Field Office (BLM-CFO).

19. Environmental Setting (NRCS soil designation; vegetative community; elevation; etc.): The project area is located approximately 32 miles southwest of Hobbs, New Mexico and just over four miles southeast of Halfway, NM. Elevation ranges from 3,700 ft to 3,725 ft above mean sea level. The project is situated across an overall flat plain which slopes gradually downhill to the northwest at a grade of less than one percent. Local soils are of the Pyote-Maljammar-Kermi association as defined by the Soil Conservation Service of the U.S. Department of Agriculture. The sandy soils have been wind-worked into occasional low parabolic dunes to 1 m in height. Vegetation is typical of Chihuahuan Desert scrub and includes various grasses, shin oak, mesquite, yucca, snakeweed, sage, prickly pear cacti, and various low forbes.

Meteorological data was obtained for the nearby Waste Isolation Pilot Plant (WIPP) site, located some 12 miles southwest of the project area, from the Western Regional Climate Center (WRCC) online database. From 1986 to 2004, WIPP received an average annual precipitation of 12.86 inches. During the same time, WIPP had an average high temperature of 80.0 degrees Fahrenheit and an average low temperature of 48.9 degrees Fahrenheit. December was the coldest month with an average high of 60.2 degrees Fahrenheit, while July was the warmest on average at 97.7 degrees Fahrenheit.

20. a. Percent Ground Visibility: 80%

b. Condition of Survey Area (grazed, bladed, undisturbed, etc.): Due to the vegetative ground cover, visibility averaged 80 percent at the time of survey. The proposed pipeline begins at the southern margin of the BOPCO – Tory “3” Federal No. 1 well location and travels southeast, then south, across undeveloped terrain until it terminates at the northeastern margin of the New Mexico “B” Federal No. 1 well location, located just north of a caliche-capped lease road. Additional oil and gas exploration is visible in the surrounding area, while the immediate area remains otherwise undeveloped and primarily susceptible to natural aeolian and alluvial processes and openly grazing cattle.

21. CULTURAL RESOURCE FINDINGS ☐ Yes, See Page 3 ☒ No, Discuss Why: The project area is situated across an overall flat plain with limited access to available resources and natural shelter. Additionally, portions of the project area have been disturbed by the previous construction activities.

22. Required Attachments (check all appropriate boxes):

- ☒ 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): Plats provided by BOPCO, LP

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

Principal Investigator/Responsible Archaeologist: Justin Rein

Signature



Date

7.21.09

Title (if not PI): Crew Chief

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.: 114,415	2. Lead (Sponsoring) Agency: BLM - CFO	3. Lead Agency Report No.:
------------------------------------	---	----------------------------

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: 0

Non-selective isolate recording? ☒

Total structures recorded (new and previously recorded, including acequias): 0

MANAGEMENT SUMMARY: No cultural materials were encountered during the survey. As such, archaeological clearance is recommended for the proposed pipeline to the BOPCO, LP – Tory “3” Federal No. 1 well location. If any cultural materials are encountered during any phase of construction, work at that location should cease and archaeologists with the BLM-CFO should be notified immediately.

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)

LAGUNA GATUNA, NM 1984 (32103-E6)
T 21 S, R 32 E, Section 3

Figure 1. Project Area Map
LEGEND

Proposed Pipeline

Engineering Station

**BLM - CFO
PROPERTY**

Grave
Pit

0+00 B.O.L.

Grave:

Pit

4

3

2

GAS

- 22+25.7

Gas Well

**BLM - CFO
PROPERTY**

Gas Well

THE DIVIDE, NM 1984 (32103-D6)

**BLM - CFO
PROPERTY**

Gas Well

Well . . .

379.

H A T M E S A

H A T
- Drift
Hole

M E S 11

G A S F I E L D

0 0.5 1 Miles

0 0.5 1 1.5 Kilometers

SCALE 1:24,000

BAS-07-09-09

BLM LEASE NUMBER NMNM-10470
COMPANY NAME BOPCO, L.P.
WELL NO. & NAME Tory 3 Federal #1

BURIED PIPELINE STIPULATIONS

A copy of the Sundry Notice 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. If, during any phase of the construction, operation, maintenance, or termination of the pipeline, any oil or other pollutant should be discharged from the pipeline system, impacting Federal lands, the control and total removal, disposal, and cleaning up of such oil or other pollutant, wherever found, shall be the responsibility of holder, regardless of fault. Upon failure of holder to control, dispose of, or clean up such discharge on or affecting Federal lands, or to repair all damages resulting therefrom, on the Federal lands, the Authorized Officer may take such measures as he deems necessary to control and clean up the discharge and restore the area, including where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve holder of any responsibility as provided herein.

5. All construction and maintenance activity will be confined to the authorized right-of-way.
6. The pipeline will be buried with a minimum cover of **36** inches between the top of the pipe and ground level.
7. Blading of all vegetation will be allowed. Blading is defined as the complete removal of brush and ground vegetation. Clearing of brush species will be allowed. Clearing defined as the removal of brush while leaving ground vegetation (grasses, weeds, etc.) intact. Clearing is best accomplished by holding the blade 4 to 6 inches above the ground surface. In areas where blading and/or clearing is allowed, maximum width of these operations will not exceed **35** feet.
8. 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.
9. Vegetation, soil, and rocks left as a result of construction or maintenance activity will be randomly scattered on this right-of-way and will not be left in row, piles, or berms, unless otherwise approved by the Authorized Officer. A berm will be left over the ditch line to allow for settling back to grade.
10. 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.
11. The holder will reseed. 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/LPC | <input type="checkbox"/> seed mixture 4 |
12. All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be color which simulates "Standard Environmental Colors" – **Shale Green**, Munsell Soil Color No. 5Y 4/2.
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. All signs and information thereon will be posted in a permanent, conspicuous manner, and will be maintained in a legible condition for the life of the pipeline.

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

16. Special Stipulations:

Deterring traffic from pipeline right-of-way:

The two entrances to the pipeline right-of-way shall be fenced off to deter traffic from using the pipeline route as a road and allowing the disturbed area to revegetate successfully. Each fence will consist of a minimum of 4 "t-posts" and three strands of wire extending the width of the right-of-way.

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

BLM Serial #: NMNM-10470
Company Reference: BOPCO, L.P.
Well Name and Number: Tory 3 Federal #1

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 no 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:

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

**Four-winged Saltbush 5lbs/A

* This can be used around well pads and other areas where caliche cannot be removed.

*Pounds of pure live seed:

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