

**APPENDIX B. Conditions of Approval for Conventional Application for Permit to Drill**

**Categorical Exclusion 3 (CX3), WY-070-390CX3-14-399, 400, 401, 402, 403, 404, 405 and 406  
Section 390, Energy Policy Act of 2005**

Project: **J-Cosner Fed 1 Plan of Development (POD)**

Operator: **Peak Powder River Resources, LLC**

Field Office: Buffalo Field Office

Address: 1425 Fort Street, Buffalo, Wyoming 82834

Office Telephone Number: 307-684-1100

The spud date will be reported electronically, (see website location above) to the Authorized Officer **24 HOURS BEFORE SPUDDING**, unless otherwise required in site specific conditions of approval.

Spud Notice Site: [http://www.wy.blm.gov/minerals/og/og\\_notices/spud\\_notice.php](http://www.wy.blm.gov/minerals/og/og_notices/spud_notice.php)

**Well List:**

#	Well Name & #	Qtr	Sec	Twp	Rng	SHL	LHL	BHL	CX #
1	J COSNER FED 2-14MH	NENW	14	43N	72W	FEE	FEE	WYW0313182	WY-070-390CX3-14-403
2	J COSNER FED 2-14NH	NENW	14	43N	72W	FEE	FEE	WYW0313182	WY-070-390CX3-14-404
3	J COSNER FED 2-14PH	NENW	14	43N	72W	FEE	FEE	WYW0313182	WY-070-390CX3-14-405
4	J COSNER FED 2-14TH	NENW	14	43N	72W	FEE	FEE	WYW0313182	WY-070-390CX3-14-406

SHL – Surface Hole Lease; LHL – Lateral Hole Lease; BHL – Bottom Hole Lease

**Site Specific:**

1. The operator must provide the BLM a true and complete copy of a document in which the owner of the surface or that owner’s representative authorizes the operator to drill a federal well from nonfederal lands, and in which the surface owner or representative guarantees the Department of the Interior (Department), including BLM, access to the non-federal lands to perform all necessary surveys and inspections. (clarified in Instruction Memorandum No. 2009-078, p-2, para 6; et al.).
2. The operator will collect a water sample representative of the water produced from this (these) wells for analysis within 90 days of initial production. Results of the analysis will be submitted to the BLM Authorized Officer as soon as they become available. The constituents analyzed in the water quality analyses will be the same as those required by the WDEQ for WYPDES permit using approved EPA test procedures (40 CFR 136 or 40 CFR 136.5).
3. After well completion, the operator shall submit a Sundry Notice for approval of disposal of all produced water in accordance with Onshore Oil and Gas Order No. 7, Disposal of Produced Water.

**Migratory Birds**

1. Migratory birds shall be effectively excluded from all facilities that pose a mortality risk, including, but not limited to, heater treaters, flare stacks, secondary containment, and standing water or chemicals where escape may be difficult or wildlife toxicants are present.

**STANDARD**

**General**

1. If any cultural values [sites, artifacts, human remains (Appendix L FEIS and ROD)] are observed

during operation of this lease/permit/right-of-way, they will be left intact and the Buffalo Field Manager notified. The authorized officer will conduct an evaluation of the cultural values to establish appropriate mitigation, salvage or treatment. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized BLM officer (AO). Within five working days the AO will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places;
  - the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
  - a time-frame for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.
2. If paleontological resources, either large or conspicuous, and/or a significant scientific value are discovered during construction, the find will be reported to the Authorized Officer immediately. Construction will be suspended within 250 feet of said find. An evaluation of the paleontological discovery will be made by a BLM approved professional paleontologist within five (5) working days, weather permitting, to determine the appropriate action(s) to prevent the potential loss of any significant paleontological values. Operations within 250 feet of such a discovery will not be resumed until written authorization to proceed is issued by the Authorized Officer. The applicant will bear the cost of any required paleontological appraisals, surface collection of fossils, or salvage of any large conspicuous fossils of significant scientific interest discovered during the operation.
  3. Please contact Jim Verplancke, Natural Resource Specialist, at (307) 684-1100, Bureau of Land Management, Buffalo, if there are any questions concerning the following surface use COAs.

### **Drilling and Production Operations**

1. **Verbal notification shall be given to the Authorized Officer at least 24 hours before formation tests, BOP tests, running, and cementing casing, and drilling over lease expiration dates.**
2. New hard-band drill pipe shall not be rotated inside any casing. Hard-band drill pipe shall be considered new until it has been run at least once.
3. All Blow Out Prevention Equipment tests shall include a 5 minute low pressure test between 250 psi and 500 psi with no drop in pressure with the only exception being the chokes. The chokes are only required to have the high pressure test held for a minimum length of time necessary to verify their functional integrity.
4. All operations must be conducted in accordance with all applicable laws and regulations: with the lease terms, Onshore Oil and Gas Orders, NTL's; and with other orders and instructions of the Authorized Officer, unless a variance has been granted in writing by the Authorized Officer.
5. The Operator shall install an identification sign consistent with the requirements of 43 CFR 3162.6 immediately upon or before the completion of the well pad construction operations.
6. All Blow Out Prevention Equipment rated 5M or greater shall be isolated from the casing and tested to stack working pressure. All Blow Out Prevention Equipment tests shall be performed by a suitable

test pump, not the rig-mud pumps and recorded on a chart. The chart shall be submitted to the Buffalo Field Office.

7. Low test on Blow Out Prevention Equipment shall be performed and passed before moving onto the high test for each component.
8. If there are indications of inadequate primary cementing of the surface, intermediate, or production casing strings; such as but not limited to no returns to surface, cement channeling, fallback or mechanical failure of equipment, the operator will evaluate the adequacy of the cementing operations. This evaluation will consist of running a cement bond log (CBL) or an alternate method approved by the Authorized Officer (AO) no sooner than 12 hours and no later than 24 hours from the time the cement was first pumped.
9. If the evaluation indicates inadequate cementing, the operator shall contact a BLM Buffalo Field Office Petroleum Engineer for approval of remedial cementing work.
10. The adequacy of the remedial cementing operations shall be verified by a cement bond log (CBL) or an alternate method approved by the Authorized Officer (AO). All remedial work shall be completed and verified prior to drilling out the casing shoe or perforating the casing for purposes other than remedial cementing.
11. The cement mix water used must be of adequate quality so as not to degrade the setting properties of the cement. Any water that does not meet municipal quality water standards shall be tested by mixing the water and cement in a lab and comparing the results to the municipal quality water mix results. If the results show that the cement qualities are not the same or greater, than the non-municipal water shall not be used for mixing cement in the well.
12. All oil and gas operations shall be conducted in a manner to prevent the pollution of all freshwater resources. All fresh waters and waters of present or probable future value for domestic, municipal, commercial, stock or agricultural purposes will be confined to their respective strata and shall be adequately protected. Special precautions will be taken to guard against any loss of artesian water from the strata in which it occurs and the contamination of fresh water by objectionable water, oil, condensate, gas or other deleterious substance to such fresh water.
13. Any changes to the approved drilling plan and/or these conditions of approval shall be approved by the BLM-Buffalo Field Office Petroleum Engineer prior to being implemented.  
After hour's numbers: Petroleum Engineer Matthew Warren, Cell Telephone: 307-620-0103 or  
Petroleum Engineer William Robbie, Cell Telephone: 307-620-2395.

**APPENDIX C. Conditions Of Approval for Conventional Application for Permit to Drill**

**Categorical Exclusion 3 (CX3), WY-070-390CX3-14-399, 400, 401 and 402, Section 390, Energy Policy Act of 2005**

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Operator: **Peak Powder River Resources, LLC**

Field Office: Buffalo Field Office  
Address: 1425 Fort Street, Buffalo, Wyoming 82834  
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**Well List.**

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2	J COSNER FED 1-14NH	SESW	14	43N	72W	WYW0313182	WYW107245	FEE	WY-070-390CX3-14-400
3	J COSNER FED 1-14PH	SESW	14	43N	72W	WYW0313182	WYW107245	FEE	WY-070-390CX3-14-401
4	J COSNER FED 1-14TH	SESW	14	43N	72W	WYW0313182	WYW107245	FEE	WY-070-390CX3-14-402

SHL – Surface Hole Lease; LHL – Lateral Hole Lease; BHL – Bottom Hole Lease

**PROGRAMMATIC COAs**

Programmatic mitigation measures are those measures, identified in the PRB FEIS ROD and determined through analysis, which may be appropriate to apply at the time of APD approval if site specific conditions warrant. These mitigation measures can be applied by BLM, as determined necessary at the site-specific NEPA APD stage, as COAs and will be in addition to stipulations applied at the time of lease issuance and any standard COA.

**Air Quality**

1. During construction, emissions of particulate matter from well pad and resource road construction will be minimized by application of water, or other dust suppressants, with at least 50% control efficiency. Roads and well locations constructed on soils susceptible to wind erosion could be appropriately surfaced or otherwise stabilized to reduce the amount of fugitive dust generated by traffic or other activities, and dust inhibitors (surfacing materials, non-saline dust suppressants, and water) could be used as necessary on unpaved collector, local and resource roads that present a fugitive dust problem. The use of chemical dust suppressants on BLM surface will require prior approval from the BLM authorized officer.

**Wildlife**

1. The Companies will locate facilities so that noise from the facilities at any nearby greater sage-grouse or sharp-tailed grouse display grounds does not exceed 49 decibels (10 dBA above background noise) at the display ground.

**SITE SPECIFIC COAs**

**Surface**

**General**

1. A pre-construction field meeting shall be conducted prior to beginning any dirt work approved under these APDs. The operator shall contact the BLM Authorized Officer NRS Jim Verplancke at (307)684-1057 at least 4-days prior to beginning operations so that the meeting can be scheduled. The operator is responsible for having all contractors present (dirt contractors, drilling contractor, pipeline contractor, project oversight personnel, etc.) including the overall field operations superintendent, and for providing all contractors copies of the approved J-Cosner Fed 1 POD, project map and BLM Conditions of Approval pertinent to the work that each will be doing.
2. The Operator will provide for construction oversight of the well pad.
3. The engineered well pad will be completely slope staked (cuts and fills) prior to conducting the preconstruction inspection.
4. Working, clearing and blading width for access road construction will not exceed 70 feet unless a specific design is included in the plan and profile section of the master surface use plan.
5. For safety of travel, to reduce rutting and increase traction, place a minimum average of 4 inches of aggregate on road segments where grades exceed 8%.
6. On cut-slope sections of road and other sections of road where topography on one side of the road does not allow the use of lead-out (wing) ditches to relieve road ditch flow, laterals in the form of culverts, water bars, or drainage dips shall be placed according to the following minimum spacing:

<b>Lateral Spacing (feet)</b>				
<b>Soil Type</b>	<b>Road Grade 2-4%</b>	<b>Road Grade 5-8%</b>	<b>Road Grade 9-12%</b>	<b>Road Grade 13-16%</b>
Highly erosive granitic or sandy	240	180	140	100
Intermediate erosive clay or clay/silt/sand	310	260	200	150
Low erosive shale or gravel	400	325	250	200

7. To the extent that is beneficial and feasible, lead-out ditches shall be placed between laterals and uphill of the most uphill lateral in order to reduce flow in the road ditch at the exit of the next downhill lateral, especially on steeper slopes.
8. Where laterals are not needed, the road shall be constructed to ensure that flow does not concentrate and water does not pond next to the road. As is necessary, lead-out ditches shall be constructed to ensure that water is dispersed away from the road according to the minimum spacing given for laterals.
9. Road runoff shall not be directed into pre-existing eroded features (including small steep hillside channels with no discernible floodplain or riparian vegetation), but instead will be put to beneficial use by routing lead-out ditches away from eroded features and onto stable soils. Lead-out ditches and laterals shall be constructed as close as practicable to crossings (e.g. on the crossing approaches or

just before the approach) in order to reduce the amount of ditch water and sediment directly entering Drainages.

10. Mowing and clearing at the well site will be limited to the area identified by the well site diagrams.
11. Straw/Excelsior wattles are most effective as erosion control if applied on slopes less than 3H:1V. In the absence of manufacture's specifications included in the operator's SUPO, the minimum spacing requirements will be as follows:

Slope	6-inch waddle	9-inch waddle	12-inch waddle
≤4H:1V	20 feet	40 feet	60 feet
3H:1V	15 feet	30 feet	45 feet
2H:1V	10 feet	20 feet	30 feet
1H:1V	5 feet	10 feet	15 feet

12. Soil compaction will be remediated on all compacted surfaces and prior to the redistribution of topsoil on disturbed surfaces to the depth of compaction by methods that prevent mixing of the soil horizons. BLM's recommended methods are subsoiling, paraplowing, or ripping with a winged shank. Scarification is acceptable on areas identified as very shallow or shallow soils.
13. Subsoil excavated for the cutting containment pit will be place back into the pit once the cutting are sufficiently dry. Subsoil must be replaced in the pit before topsoiling. Under no circumstances would any by-products from drilling or subsoil to be spread on top of topsoil. The pit area should usually be mounded slightly or restored to the original contour to allow for settling and positive surface drainage.
14. The operator must provide the BLM a true and complete copy of a document in which the owner of the surface or that owner's representative authorizes the operator to drill a federal well from non-federal lands, and in which the surface owner or representative guarantees the Department of the Interior (Department), including BLM, access to the non-federal lands to perform all necessary surveys and inspections. (for clarification, see; Instruction Memorandum No. 2009-078, p-2, paragraph 6).

**Drilling/Completion Pad**

1. Topsoil to be stored for a period greater than 90 days will be seeded with the approved seed mix to prevent wind and water erosion.
2. The well pad cut and fill slopes at the 2V:1H constructed slopes in combination with soils with a high clay content are features that exhibit severe erosion potential that will require disturbed areas to be stabilized (stabilization efforts may include mulching, matting, soil amendments, et. cetera) in a manner which eliminates accelerated erosion and stabilizes the site in accordance with the Wyoming Reclamation Policy. Stabilization efforts shall be finished within 30 days of the initiation of construction activities. This applies to all surface disturbances in the J-Cosner 1-14 well pad area.

**Production Pad**

1. Erosion control fabric used for reclamation of steep slopes should be photodegradable or biodegradable. Non-photodegradable/biodegradable erosion control fabric will be removed from the federal leases following establishment of a self-perpetuating native plant community and sustained soil stability.

2. In the absence of manufacture's specifications included in the operator's SUPO, erosion control fabric will be installed as follows:
  - a. The fabric will be 'keyed' into the slope by digging a small trench at the top of the slope;
  - b. Lay the top end of the material into the trench to line it;
  - c. To line it the edge is folded underneath itself and then it is secured using staples;
  - d. The trench is then filled in to the previous soil level; and
  - e. Fabric should be overlapped no less than 1 foot on edges and stapled on 3 foot spacing and at every seam.
3. Stabilization of steep slopes greater than 4H:1V will include but is not limited to the following components to minimize soil erosion and loss of seed:
  - a. Surface roughening/pocking or scarification perpendicular to the slope;
  - b. Install slope breakers such as waddles and water bars at the appropriate spacing;
  - c. Seed with appropriate seed mix; and
  - d. Apply straw mulch or bio/photodegradable erosion control fabric on highly erodible soils.
4. The operator will drill seed on the contour to a depth of 0.5 inch or less, followed by cultipaction to compact the seedbed, preventing soil and seed losses. To maintain quality and purity, the current years tested, certified seed with a minimum germination rate of 80% and a minimum purity of 90% will be used. See the J-Cosner Fed 1 POD SUPO for the approved seed mix.

#### **Water**

1. The Operator will collect a water sample representative of the water produced from this wells for analysis within 90 days of initial production. Results of the analysis will be submitted to the BLM Authorized Officer as soon as they become available. The constituents analyzed in the water quality analyses will be the same as those required by the WDEQ for WYPDES permit using approved EPA test procedures (40 CFR 136 or 40 CFR 136.5).
2. After well completion, the operator shall submit a Sundry Notice for approval of disposal of all produced water in accordance with Onshore Oil and Gas Order No. 7, Disposal of Produced Water.

#### **Transportation**

1. The Operator will provide georeferenced special data depicting as-built locations of all facilities, well, well pad, road, pipelines, power lines and other related facilities to the BLM upon completion of construction and development.

#### **Wildlife**

##### **Greater Sage-Grouse**

1. For any surface disturbing activities proposed in sagebrush lands, the operator will conduct clearance surveys for greater sage-grouse breeding activity during the greater sage-grouse's breeding season (April 1-May 7) before initiating the activities. The surveys must encompass all sagebrush shrublands within 0.5 miles of the proposed activities. All survey results shall be submitted in writing to a BFO BLM biologist no later than July 31 of the current year. This condition applies to the entire project area and will be implemented on an annual basis for the duration of the surface disturbing activities.
2. If a previously unknown lek is identified during surveys (April 1-May 7), a BFO BLM biologist shall be notified.

##### **Raptors**

The following conditions will alleviate impacts to raptors:

1. No surface-disturbing activity shall occur within 0.5 mile of all identified raptor nests from February

1 through July 31, annually, prior to a raptor nest occupancy survey for the current breeding season. This timing limitation will affect surface disturbing activities within the SW Section 14, T43N/R72W.

2. Surveys to document nest occupancy shall be conducted by a biologist following BLM protocol, between April 15 and June 30. All survey results shall be submitted in writing to a Buffalo BLM biologist and approved prior to surface-disturbing activities. Surveys outside this window may not depict nesting activity. If a survey identifies active raptor nests, a 0.5 mile timing buffer will be implemented. The timing buffer restricts surface-disturbing activities within 0.5 mile of occupied raptor nests from February 1 to July 31.
3. If an undocumented raptor nest is located during project construction or operation, the Buffalo Field Office (307-684-1100) shall be notified within 24 hours.

### **Migratory Birds**

1. Migratory birds shall be effectively excluded from all facilities that pose a mortality risk, including, but not limited to, heater treaters, flare stacks, and secondary containment where escape may be difficult or wildlife toxicants are present.
2. The Operator will be responsible for assuring that any open pits that are hazardous to birds and other wildlife will be rendered not accessible to wildlife, and are in compliance with the Migratory Bird Treaty Act.
3. Removal of habitat supporting BLM sensitive migratory bird species is prohibited during the migratory bird nesting season (May 1 – July 31) unless an avian nesting survey performed by a biologist confirms an absence of nesting birds in the disturbance area. This COA applies to vegetation removal at the J-Cosner 1-14 well pad and associated roads and infrastructure.
  - a. Results of the nesting survey must be submitted in writing to a Buffalo BLM biologist prior to commencement of activities.
  - b. If the survey shows an absence of nesting birds, then surface disturbance can proceed during the nesting season within 10 days of the survey to avoid harming new nesting arrivals. After 10 days has lapsed, a new survey will be required. Exceptions will be evaluated by a BLM biologist allowing for alternate timelines or specific activities to occur.
  - c. If the survey shows nesting birds are present and or if the permitted activity would likely cause “take”, then the activity will be delayed until the nestlings fledged.
  - d. Exceptions will be evaluated by a BLM biologist on a case by case basis.

## **STANDARD**

### **General**

1. If any cultural values [sites, artifacts, human remains (Appendix L FEIS and ROD)] are observed during operation of this lease/permit/right-of-way, they will be left intact and the Buffalo Field Manager notified. The authorized officer will conduct an evaluation of the cultural values to establish appropriate mitigation, salvage or treatment. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized BLM officer (AO). Within five working days the AO will inform the operator as to:
  - whether the materials appear eligible for the National Register of Historic Places;
  - the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,

- a time-frame for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.
2. If paleontological resources, either large or conspicuous, and/or a significant scientific value are discovered during construction, the find will be reported to the Authorized Officer immediately. Construction will be suspended within 250 feet of said find. An evaluation of the paleontological discovery will be made by a BLM approved professional paleontologist within five (5) working days, weather permitting, to determine the appropriate action(s) to prevent the potential loss of any significant paleontological values. Operations within 250 feet of such a discovery will not be resumed until written authorization to proceed is issued by the Authorized Officer. The applicant will bear the cost of any required paleontological appraisals, surface collection of fossils, or salvage of any large conspicuous fossils of significant scientific interest discovered during the operation.
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### **Drilling and Production Operations**

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4. All operations must be conducted in accordance with all applicable laws and regulations: with the lease terms, Onshore Oil and Gas Orders, NTL's; and with other orders and instructions of the Authorized Officer, unless a variance has been granted in writing by the Authorized Officer.
5. The Operator shall install an identification sign consistent with the requirements of 43 CFR 3162.6 immediately upon or before the completion of the well pad construction operations.
6. All Blow Out Prevention Equipment rated 5M or greater shall be isolated from the casing and tested to stack working pressure. All Blow Out Prevention Equipment tests shall be performed by a suitable test pump, not the rig-mud pumps and recorded on a chart. The chart shall be submitted to the Buffalo Field Office.
7. Low test on Blow Out Prevention Equipment shall be performed and passed before moving onto the high test for each component.
8. If there are indications of inadequate primary cementing of the surface, intermediate, or production casing strings; such as but not limited to no returns to surface, cement channeling, fallback or mechanical failure of equipment, the operator will evaluate the adequacy of the cementing operations. This evaluation will consist of running a cement bond log (CBL) or an alternate method approved by

the Authorized Officer (AO) no sooner than 12 hours and no later than 24 hours from the time the cement was first pumped.

9. If the evaluation indicates inadequate cementing, the operator shall contact a BLM Buffalo Field Office Petroleum Engineer for approval of remedial cementing work.
10. The adequacy of the remedial cementing operations shall be verified by a cement bond log (CBL) or an alternate method approved by the Authorized Officer (AO). All remedial work shall be completed and verified prior to drilling out the casing shoe or perforating the casing for purposes other than remedial cementing.
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12. All oil and gas operations shall be conducted in a manner to prevent the pollution of all freshwater resources. All fresh waters and waters of present or probable future value for domestic, municipal, commercial, stock or agricultural purposes will be confined to their respective strata and shall be adequately protected. Special precautions will be taken to guard against any loss of artesian water from the strata in which it occurs and the contamination of fresh water by objectionable water, oil, condensate, gas or other deleterious substance to such fresh water.
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