

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF SOUTHWESTERN)
PUBLIC SERVICE COMPANY'S)
APPLICATION REQUESTING: (1))
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)
AUTHORIZING CONSTRUCTION AND)
OPERATION OF THE ROADRUNNER TO)
PHANTOM TO CHINA DRAW 345-KV)
TRANSMISSION LINE AND ASSOCIATED) CASE NO. 20-00085-UT
FACILITIES; (2) APPROVAL OF THE)
LOCATION OF THE 345-KV)
TRANSMISSION LINE AND ASSOCIATED)
FACILITIES; (3) DETERMINATION OF)
RIGHT-OF-WAY WIDTH FOR THE)
TRANSMISSION LINE; AND (4))
AUTHORIZATION TO ACCRUE AN)
ALLOWANCE FOR FUNDS USED DURING)
CONSTRUCTION FOR THE TRANSMISSION)
LINE AND ASSOCIATED FACILITIES,)
)
SOUTHWESTERN PUBLIC SERVICE)
COMPANY,)
)
APPLICANT.)**

DIRECT TESTIMONY

of

NISHA P. FLEISCHMAN

on behalf of

SOUTHWESTERN PUBLIC SERVICE COMPANY

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GLOSSARY OF ACRONYMS AND DEFINED TERMS

<u>Acronym/Defined Term</u>	<u>Meaning</u>
BLM	Bureau of Land Management
BLM ROW Grant or BLM ROW Grants	BLM ROW Grants associated with the Proposed Project located on federal lands (i.e., individually or collectively for 345-kV Roadrunner Phantom China Draw transmission line route, Phantom Substation and existing China Draw & Roadrunner Substation)
CCN	Certificate of Public Convenience and Necessity
Commission	New Mexico Public Regulation Commission
DR	Decision Record
EA	Environmental Assessment
FONSI	Finding of No Significant Impact
kV	Kilovolt(s)
NEPA	National Environmental Policy Act
NMSLO	New Mexico State Land Office
NMSLO ROW Permit	NMSLO grant of ROW easement for 345-kV Roadrunner Phantom China Draw transmission line route located on state lands
POD	Plan of Development

<u>Acronym/Defined Term</u>	<u>Meaning</u>
Proposed Project	345-kV transmission line and associated facilities extending from SPS's Roadrunner Substation to its Phantom Substation and to its China Draw Substation located in Eddy and Lea Counties, New Mexico
PUA	New Mexico Public Utility Act (NMSA 1978, §§ 62-3-1 <i>et seq.</i>)
ROW	Right-of-Way
Rule 592	17.9.592 NMAC
S&LR	SPS's Siting and Land Rights group
SPS	Southwestern Public Service Company, a New Mexico corporation
SWCA	SWCA, Inc.
SWCD	Soil and Water Conservation District
TXDOT	Texas Department of Transportation
XES	Xcel Energy Services Inc.

LIST OF ATTACHMENTS

<u>Attachment</u>	<u>Description</u>
NPF-1	Schematic Map of Roadrunner Phantom China Draw 345-kV transmission line route, Eddy and Lea Counties, New Mexico
NPF-2A	BLM Grant No. NM-139666 – Roadrunner Phantom China Draw 345-kV Transmission Line
NPF-2B	BLM Grant No. NM-141040 - Temp Laydown Yards 1&2
NPF-3	BLM Grant No. NM-140398 - Phantom Substation
NPF-4	NMSLO ROW Permit No. R-38236 Roadrunner Phantom China Draw 345-kV Transmission
NPF-5	Plan of Development Maps for China Draw Phantom Roadrunner Line Project – BLM ROW Serial No. NM-139666 (October 2019)
NPF-6	Roadrunner Substation Plat of Survey – Lea County, NM
NPF-7	Roadrunner Warranty Deed – 18567 – McCloy Surface Title Only

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1 **I. WITNESS IDENTIFICATION AND QUALIFICATIONS**

2 **Q. Please state your name and business address.**

3 A. My name is Nisha P. Fleischman. My business address is 790 S. Buchanan Street,
4 Amarillo, Texas 79101.

5 **Q. On whose behalf are you testifying in this proceeding?**

6 A. I am filing testimony on behalf of Southwestern Public Service Company, a New
7 Mexico corporation(“SPS”) and wholly-owned electric utility subsidiary of Xcel
8 Energy Inc.

9 **Q. By whom are you employed and in what position?**

10 A. I am employed by Xcel Energy Services Inc. (“XES”) as an Agent in the Siting &
11 Land Rights (“S&LR”) department.

12 **Q. Please briefly outline your responsibilities as an S&LR Agent.**

13 A. I am responsible for performing planning, routing analysis, selection, and
14 development of sites and corridors for major electric transmission lines and
15 substation facilities. I am also responsible for negotiating with landowners for the
16 acquisition of land rights, including right-of-way (“ROW”) easements, grants, and
17 fee acquisitions within SPS’s service territory

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1 **Q. Please describe your educational background.**

2 A. I received a Bachelor of Science Degree in Business Administration from
3 Wayland Baptist University in 2004.

4 **Q. Please describe your professional experience.**

5 A. In 2001, I began my employment with the Texas Department of Transportation
6 (“TXDOT”) as a ROW agent based in the Amarillo District Office. My job duties
7 during my 12-year tenure with TXDOT included ROW acquisition functions,
8 appraisals, eminent domain, negotiations, relocation, Highway Beautification,
9 utility relocation, and acquisition billing. For the last five years, I have worked
10 within the S&LR department at XES. My job duties have included performing
11 routing studies for major transmission line projects, acquiring various permits and
12 grants from the United States Bureau of Land Management (“BLM”), the New
13 Mexico State Land Office (“NMSLO”), and necessary ROW easements from
14 private landowners.

15 **Q. Have you filed testimony or testified before any regulatory authorities?**

16 A. Yes. I testified before the New Mexico Public Regulation Commission
17 (“Commission”) in Case No. 16-00126-UT, which authorized the certificate of

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1 convenience and necessity (“CCN”) and granted location approval of the Hobbs to
2 China Draw 345-kilovolt (“kV”) transmission line and Kiowa Substation (Hobbs
3 to China Draw Project), located in Eddy and Lea Counties, New Mexico, and in
4 Case No. 19-00157-UT, which authorized the CCN and granted location approval
5 of the Eddy County to Kiowa 345-kV transmission line in Eddy County, New
6 Mexico. I have also submitted pre-filed testimony in Public Utility Commission
7 of Texas Docket No. 48724 supporting the amendment of a CCN for a 115-kV
8 transmission line in Yoakum and Gaines Counties, Texas.

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1 **II. ASSIGNMENT AND SUMMARY OF TESTIMONY**

2 **Q. What is your assignment in this proceeding?**

3 A. My testimony supports SPS's request for location approval of the proposed
4 345-kV transmission line route and associated facilities that will extend from
5 SPS's Roadrunner Substation to its Phantom Substation, and then to its China
6 Draw Substation ("Proposed Project") in accordance with Section 62-9-3 of the
7 New Mexico Public Utility Act (NMSA 1978, Sections 62-3-1 et seq. – "PUA")
8 and 17.9.592 NMAC ("Rule 592"). Specifically, I: (1) discuss the location of the
9 transmission line and associated facilities, and the basis for establishing those
10 locations; and (2) address SPS's compliance with the location approval
11 requirements under Section 62-9-3(G) of the PUA and Rules 592.10(A)(1)-(2)
12 and (4)-(5), 592.10(B), 592.10(C), 592.10(F), 592.10(G), 592.10(J), and 592.13. I
13 also address SPS's compliance with the notice requirements under Section
14 62-9-3.2 of the PUA.

15 **Q. Please summarize the matters established in your testimony.**

16 A. My testimony will:

- 17 (1) identify and discuss the ROW permits/grants issued to SPS by the
18 BLM and NMSLO that establish the location of the proposed

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1 transmission line route and associated facilities on federal and state
2 lands, and also discuss the location of the route on SPS-owned
3 land, including the BLM's process for establishing the proposed
4 location of the transmission line route and associated facilities
5 based on the Environmental Assessment ("EA") prepared by
6 SWCA, Inc. ("SWCA");

7 (2) describe SPS's compliance with location and land use
8 requirements of Section 62-9-3 of the PUA and Rule 592.10; and

9 (3) discuss SPS's compliance with the notice requirements under
10 Section 62-9-3.2 of the PUA.

11 **Q. Please briefly describe the Proposed Project.**

12 A. SPS proposes to construct, operate, and maintain a 345-kV transmission line and
13 associated substation facilities in Eddy and Lea County. The transmission line
14 route is 42.22 miles long. As explained in the Direct Testimony of Nebiyou Y.
15 Bogale, the transmission line will have a 150-foot wide ROW, except where it
16 crosses the Pecos River in which it will have a 200-foot wide ROW. The
17 transmission line will connect SPS's Roadrunner Substation, that is located
18 approximately 22.6 miles northwest of Jal, New Mexico, to its China Draw
19 Substation, that is located approximately 14.2 miles southwest of Malaga, New
20 Mexico. Attachment NPF-1 is a schematic map showing the location of the

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1 Roadrunner Phantom China Draw 345-kV transmission line route and the
2 substation facilities.

3 **Q. What was your role as an S&LR Agent in establishing the location for the**
4 **Proposed Project?**

5 A. As the S&LR Agent assigned to this project, I have been extensively involved in
6 the siting and development of the Roadrunner Phantom China Draw transmission
7 line route, including SPS's request for ROW grants/permits that are the basis for
8 the location of the transmission line route and associated facilities on federal and
9 state lands.

10 **Q. Are Attachments NPF-1 through NPF-7 true and correct copies of the**
11 **documents you purport them to be?**

12 A. Yes.

1 **III. PROPOSED PROJECT ROUTE SELECTION AND**
2 **APPROVAL PROCESS**

3 **A. Description of Proposed Project**

4 **Q. Please identify and describe the transmission line and associated facilities for**
5 **which SPS is requesting location approval under Section 62-9-3 of the PUA**
6 **and Commission Rule 592.**

7 A. The proposed 345-kV transmission line is 42.22 miles long and will connect
8 SPS’s existing Roadrunner Substation, located approximately 22.6 miles
9 northwest of Jal, New Mexico, to the existing China Draw Substation, which is
10 approximately 14.2 miles southwest of Malaga, New Mexico, with connections at
11 the proposed Phantom Substation.

12 Please refer to Attachment NPF-1 for a schematic diagram showing the
13 345-kV transmission line, the Roadrunner, Phantom, and China Draw
14 Substations, and the interconnection of the transmission line to the SPS
15 transmission grid.

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1 **Q. Please describe the ownership and/or control of the land to be crossed by the**
2 **Proposed Project, the overall length of the 345-kV transmission line, and the**
3 **specific length for each ownership interest.**

4 A. The Proposed Project will be located on federal land managed by the BLM, state
5 land managed by the NMSLO, and land privately-owned by SPS. The total length
6 of the transmission line is 42.22 miles (222,927.42 feet). The transmission line
7 will cross approximately 23.08 miles (121,864.63 feet) of federal land,
8 approximately 18.91miles (99,862.79 feet) of state-owned land, and
9 approximately 0.23 miles (1,200 feet) of SPS-owned land.

10 **Q. What governmental permits or authorizations are required before SPS can**
11 **begin construction of the Proposed Project?**

12 A. In addition to the CCN and location approvals by the Commission requested in
13 this filing, SPS has determined that the following governmental permits are a
14 prerequisite for obtaining location approval of the Proposed Project:

- 15 • NMSLO grant of ROW easement for state lands crossed by the
16 Proposed Project (“NMSLO Permit”); and

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- 1 • BLM ROW Permit and Temporary Use Permit for federal lands
2 crossed by the Proposed Project.¹

3 **Q. Does SPS already have a permit for the Phantom Substation site?**

4 A. Yes. SPS received BLM ROW Grant NM-140398 from the BLM for the
5 Phantom Substation site so that it could build a substation for a 115-kV
6 transmission line. That 115-kV substation was built to serve a specific customer.
7 SPS plans to build new substation infrastructure to support the Proposed Project’s
8 345-kV transmission line on land already permitted under ROW Grant
9 NM-140398. The EA for the Proposed Project analyzes the environmental
10 impacts of this new substation infrastructure.

11 **B. SPS’s Initial Route Selection Process**

12 **Q. Please describe the initial route selected by SPS for the Proposed Project.**

13 A. SPS’s S&LR group first identified the Proposed Project’s end points, defined the
14 Proposed Project study area, and identified probable routing options within the
15 study area. In defining the Proposed Project study area, SPS identified the

¹ See Attachment NPF-2A (BLM Grant No. NM-139666 – Roadrunner Phantom China Draw 345-kV Transmission Line) which is a ROW permit for the entire transmission line and Attachment NPF-2B (BLM Grant No. NM-141040-Temp Laydown Yards 1&2) which is a temporary ROW permit for the laydown yards needed for construction of the Proposed Project.

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1 ownership of the lands crossed by the Proposed Project (i.e., federal, state, and
2 private lands) and identified the land uses within the Proposed Project study area
3 to determine where the route should be located in relation to individual
4 residences, rural subdivisions, airstrips, mobile irrigation systems, cemeteries,
5 wetlands, parks, churches, and schools. SPS also routed the transmission line
6 segments to parallel existing compatible ROW and property lines where
7 reasonable and practical. Based on the initial routing process, SPS determined
8 that it would need to obtain necessary governmental permits from the BLM and
9 the NMSLO for the federal and state lands crossed by the Proposed Project. SPS
10 was identified as the only private landowner in this project.

11 **Q. What did SPS do next in the route selection process?**

12 A. For portions of the Proposed Project that crossed or are located on federal lands,
13 all of which are managed by BLM, SPS submitted one ROW application for the
14 J27 & J28 segments of the transmission line. Additionally, SPS submitted an
15 application to NMSLO for the ROW permit for those portions of the Proposed
16 Project that cross state lands. SPS did not have to negotiate with any private
17 landowners to secure the remaining ROW easements because the only private land
18 along the proposed route is owned by SPS.

1 **C. Final Route Approval**

2 **Q. What is the BLM’s role in establishing the final route for the Proposed**
3 **Project?**

4 A. In relation to SPS’s application for a ROW grant filed with the BLM, the National
5 Environmental Policy Act (“NEPA”) authorizes the BLM to prepare an EA to
6 evaluate the potential environmental impacts of the construction and operation of
7 the Proposed Project. The EA covers all lands traversed by the Proposed Project,
8 including BLM, state, and private lands. Based on its review of the EA, the BLM
9 determines whether any modifications to the transmission line route are required
10 to address potential environmental impacts identified in the EA. The Direct
11 Testimony of SPS witness Alexandria M. Simons provides a detailed description
12 of the BLM’s review process and the preparation of the EA.

13 **Q. Please describe SPS’s interface with the BLM in the BLM’s review of the**
14 **environmental impacts and permitting approval process for the Proposed**
15 **Project.**

16 A. In conjunction with SPS’s application for a BLM grant, SPS provided the BLM
17 the initial route that it selected for the Proposed Project. Additionally, SPS hired
18 SWCA to prepare an EA under the direction of the BLM that evaluated the

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1 potential environmental impacts on federal, state, and private lands associated
2 with the construction, operation, and maintenance of the Proposed Project.
3 Further, SPS assisted SWCA in the EA study process by providing information
4 regarding the transmission line route, identifying existing land use constraints, and
5 transportation and utility ROWs. For further discussion of the EA study process
6 and modifications to the preliminary route, please refer to Ms. Simons's direct
7 testimony.

8 **Q. Please describe the BLM's and NMSLO's public involvement process for the**
9 **Proposed Project.**

10 A. The BLM, NMSLO and SPS held several meetings to discuss the Proposed
11 Project. In particular, meetings were conducted at the Center of Excellence in
12 Carlsbad, New Mexico on February 6, 2019 and February 8, 2019 with oil and gas
13 operators to discuss the Proposed Project. Further SPS, contacted all potentially
14 affected grazing lessees by phone regarding the Proposed Project. SPS also held
15 monthly meetings with the BLM and quarterly meetings with the NMSLO to
16 finalize the location of the route for the Proposed Project. BLM did not require a
17 public meeting on this particular project and all public notices were handled

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1 through the BLM’s eplanning website.² In addition, NMSLO held a public
2 meeting to solicit comments from state-land lessees potentially impacted by the
3 Proposed Project.

4 **Q. Did the BLM require any modifications to the transmission line route to**
5 **address matters raised at the meetings or potential environmental impacts**
6 **identified in the EA?**

7 A. Yes. The transmission line route approved by the BLM reflects comments and
8 feedback received through the eplanning notification process and also addresses
9 potential environmental impacts identified in the EA. Ms. Simons discusses the
10 “route refinement” process and the modifications made to the preliminary route,
11 in consultation with and at the direction of the BLM, to minimize the impact on
12 important environmental values identified in the EA.

13 **Q. Did the NMSLO require any modifications to the route?**

14 A. Yes. The NMSLO conducted a field inspection of the transmission line route that
15 crosses state lands. During the field inspection, the NMSLO determined the
16 transmission line route would cross over a water feature called a playa lake.

² https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do

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1 NMSLO requested SPS to reroute the transmission line around this water feature.
2 The reroute is in Section 5 Township 25S Range 30E. The reroute increased the
3 length of the transmission line by 92.565 feet. SPS worked with NMSLO to
4 accommodate the request for the reroute.

5 **Q. Has the final route, as modified, for the Proposed Project been approved by**
6 **the BLM?**

7 A. Yes. Based on the findings in the EA and the agreed-upon modification to the
8 proposed route, the BLM has approved the final route as reflected in the EA. On
9 April 2, 2020, the BLM issued a Finding of No Significant Impact (“FONSI”) and
10 Decision Record (“DR”). Based on these actions, the BLM approved the location
11 of SPS’s construction of the Proposed Project on federal lands. A copy of the
12 FONSI and DR issued by the BLM on April 2, 2020, are provided in Attachments
13 AMS-6A and AMS-6B to the Direct Testimony of Ms. Simons.

1 **IV. SPS'S COMPLIANCE WITH THE LOCATION APPROVAL**
2 **REQUIREMENTS OF THE PUA AND RULE 592 AND ROW**
3 **WIDTH UNDER THE PUA**

4 **Q. Briefly describe the requirements for Commission location approval of the**
5 **Proposed Project and identify which requirements will be addressed by**
6 **specific witnesses?**

7 A. Section 62-9-3 of the PUA governs Commission location approval for
8 transmission lines and associated substation facilities with voltage capacity at
9 230-kV and above (*see* Sections 62-9-3(F), (G), and (M)). Rule 592.10
10 implements the statute and establishes the application requirements for
11 location approval, and includes the following requirements³:

- 12 A. a description of the transmission line including, but not limited to:
- 13 (1) the location of the transmission line (*Fleischman, Cooley,*
14 *and Simons*);
- 15 (2) identification of the ownership of the land (such as private,
16 BLM, U.S. Forest Service, state trust, etc.) the transmission
17 line will cross and the number of feet the transmission line
18 will cross over each owner's land (*Fleischman*);
- 19 (3) the total length of transmission line in feet (*Fleischman*);

³ The parenthetical descriptions below identify each SPS witness or witnesses who will support specific requirements (i.e., Jarred J. Cooley, Nebiyou Y. Bogale, Nisha P. Fleischman and Alexandria M. Simons).

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- 1 (4) a description of interconnection facilities (*Cooley*);
- 2 (5) a map showing the location of the transmission line (*Cooley*
3 *and Fleischman*) and;
- 4 (6) a schematic diagram showing the transmission line and the
5 interconnection of the transmission line to the transmission
6 grid; (*Cooley*)
- 7 B. identification of all applicable land use statutes and administrative
8 regulations and proof of compliance or statement of
9 noncompliance with each; (*Fleischman*)
- 10 C. if required under the NEPA, an EA prepared in connection with the
11 transmission line;⁴ (*Simons and Fleischman*)
- 12 D. if required under NEPA, an environmental impact statement and
13 record of decision or a finding of no significant impact, prepared in
14 connection with the transmission line; (*Not applicable*)
- 15 E. if preparation of a federal EA or environmental impact statement is
16 not required under NEPA in connection with the transmission line,
17 then a report, comparable to an environmental impact statement, in
18 the format prescribed in 40 C.F.R. Section 1502.10; (*Not*
19 *applicable*)
- 20 F. all written federal, state, and local environmental authorizations
21 necessary to begin construction of the transmission line; (*Simons*
22 *and Fleischman*)
- 23 G. all written federal, state, and local environmental authorizations
24 necessary to begin operation of the transmission line; if any such

⁴ The FONSI and DR issued by the BLM for the Proposed Project are provided as Attachments AMS-6A and AMS-6B to Ms. Simons's testimony.

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1 authorization cannot be obtained until after construction of the
2 transmission line, proof of application for such authorization;
3 (*Simons and Fleischman*)

4 H. testimony demonstrating that the transmission line will not unduly
5 impair important environmental values; important environmental
6 values include, but are not limited to, preservation of air and water
7 quality, land uses, soils, flora and fauna, and water, mineral,
8 socioeconomic, cultural, historic, religious, visual, geologic and
9 geographic resources; (*Simons and Fleischman*)

10 I. the expected date that the transmission line will be online; (*Cooley*
11 *and Bogale*)

12 J. proof that the application has been served on all local authorities in
13 each county and township where the transmission line will be
14 located, the New Mexico Attorney General, the New Mexico
15 Environmental Department, and the New Mexico State Engineer;
16 (*Fleishman*) and

17 K. any other information, including photographs, which the applicant
18 wishes to submit in support of the application (*Cooley,*
19 *Fleischman, Bogale and Simons*).

20 **A. Compliance with Rule 592.10(A)**

21 i. *ROW Grants and Easements Establish Location of Proposed*
22 *Project*

23 **Q. What is the basis for the location of the transmission line route and**
24 **substations for the Proposed Project?**

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1 A. As explained earlier, the location of the transmission line route and associated
2 facilities for the Proposed Project were established through the BLM’s ROW
3 grant process and is identified and described in the ROW grants and easements
4 issued by the BLM and the NMSLO (*see* Rule 592.10(A)(1)). In relation to the
5 portions of the Proposed Project located on federal lands, the BLM issued BLM
6 ROW Grant NM-139666 for federal lands crossed by the proposed 345-kV
7 transmission line (*see* Attachment NPF-2A) and BLM Grant No. NM-141040 for
8 federal lands which will be temporarily used for the laydown yards needed during
9 the construction of the Proposed Project (*see* Attachment NPF-2B). SPS has an
10 existing permit from the BLM for the location of the new addition to the Phantom
11 Substation located on federal lands, BLM ROW Grant NM-140398 (*see*
12 Attachment NPF-3).

13 BLM ROW Grant No. NM-139666 and BLM ROW Grant NM-140398
14 both have terms of 30-years. BLM ROW Grant No. NM-139666, for the
15 Roadrunner to China Draw 345-kV transmission line route, authorizes a 150-foot
16 wide ROW for all BLM-managed lands crossed by the transmission line. BLM

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1 Grant No. NM-141040 is a temporary use permit for the laydown yards needed
2 during construction and has a term of 3 years.

3 On April 1, 2020 the NMSLO issued ROW easement R-38236 (i.e.,
4 NMSLO ROW Permit) authorizing SPS to construct and maintain the proposed
5 345-kV transmission line on New Mexico state lands. A copy of the NMSLO
6 ROW Permit is provided as Attachment NPF-4. The NMSLO ROW Permit has a
7 35-year term and grants to SPS a 150-foot wide ROW and a 200-foot wide ROW
8 at the Pecos River crossing.

9 **Q. Please provide the legal descriptions for the location of the transmission line**
10 **route and associated substations (see Rule 592.10(A)(1)).**

11 A. The BLM ROW grant and the NMSLO ROW permit provide legal descriptions of
12 the proposed transmission line route and substation facilities that are located on
13 federal and state lands, respectively. Please refer to the following attachments and
14 respective pages for the legal description and survey plats for each transmission
15 facility:

- 16 • Attachment NPF-2A at pages 1 and 2 (BLM ROW Grant NM 139666) for
17 federal lands crossed by the proposed 345-kV transmission line;

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- 1 • Attachment NPF-2B at page 1(BLM ROW Grant NM 141040) for federal
2 lands used for temporary laydown yards during construction.
- 3 • Attachment NPF 3 at page 1 (BLM ROW Grant 140398) for federal lands
4 crossed by the Phantom Substation.
- 5 • Attachment NPF-4 at pages 5-40 (Exhibit A) (NMSLO Permit R-38236)
6 for state lands crossed by the proposed 345-kV transmission line.
- 7 • Attachment NPF-7 (18567 Warranty Deed) for SPS-owned lands crossed
8 by the proposed 345-kV transmission line.

9 **Q. Please identify the maps or survey plats that depict the location of the**
10 **proposed Roadrunner Phantom China Draw transmission line route and**
11 **associated substations (see Rule 592.10(A)(5))?**

12 A. SPS’s Plan of Development (“POD”)⁵ includes a series of maps that depict the
13 location of the transmission line route for the Proposed Project beginning at the
14 Roadrunner Substation and extending to the China Draw Substation (*see* POD; for
15 convenience, the maps are separately provided as Attachment NPF-5). The POD
16 maps identify the Public Lands Survey System (Township and Range) sections
17 and the ownership of the lands crossed by the transmission line route and the
18 substations.

⁵ See Direct Testimony of Alexandria M. Simons at Attachment AMS-3.

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1 In addition to these maps, the NMSLO ROW Permit (Attachment NPF-4)
2 includes a series of survey plats that depict the location of the transmission line
3 route on New Mexico state owned lands. Moreover, a plat of SPS's privately
4 owned land that is included in the Proposed Project is attached hereto as
5 Attachment NPF-6.⁶

6 ii. *Compliance with the Remaining Rule 592.10(A) Requirements*

7 **Q. Please describe the ownership and/or control of the land to be crossed by the**
8 **Proposed Project, the overall length of the 345-kV transmission line, and the**
9 **specific length for each ownership interest (Rule 592.10(A)(2) and (A)(3)).**

10 A. The Proposed Project will be located on federal land managed by the BLM, state
11 land managed by the NMSLO, and privately-owned land. The total length of the
12 transmission line route will be 42.22 miles (222,927.42 feet). The transmission
13 line will cross 23.08 miles (121,864.63 feet) of federal land, 18.91 miles
14 (99,862.79 feet) of state-owned land, and 0.23 miles (1,200.00 feet) of privately-
15 owned land.

⁶ All private land crossed by the transmission line is owned by SPS. For this reason, no easements are required on private land.

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1 **Q. Has a description of the interconnection facilities and a schematic map**
2 **showing the interconnection of the proposed transmission line to SPS’s**
3 **transmission system been provided (Rule 592.10(A)(4) and (A)(6))?**

4 A. Yes. Please refer to the Direct Testimony of SPS witness Jarred J. Cooley for a
5 description of the interconnection facilities at the Roadrunner, Phantom and China
6 Draw Substations, as well as a schematic map showing the interconnection of the
7 proposed transmission line to the SPS transmission system.

8 **B. Compliance with Rule 592.10(B)**

9 **Q. Are there any state or county land use requirements that apply to the**
10 **Proposed Project? If so has SPS complied with these requirements?**

11 A. SPS has reviewed state and local land use requirements to determine whether any
12 state or local approvals are required for the development of the proposed
13 transmission line and associated facilities. With the exception of the
14 Commission’s grants requested in this case (i.e., CCN, location approval and
15 ROW width approval), SPS has determined that there are no land use approval
16 requirements under state law or local ordinances. SPS has confirmed that neither
17 Eddy County nor Lea County has adopted any zoning ordinances, land use plans,

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1 or permitting requirements that require county approvals for the development of
2 transmission lines.

3 In relation to land use planning within Eddy County, the 2017 Eddy
4 County Comprehensive Plan does not provide any regulatory oversight as to the
5 construction of transmission systems, however, the document does acknowledge
6 the positive impacts on economic development resulting from SPS's recent
7 construction of new transmission lines in Eddy and Lea Counties, especially in
8 relation to potash mining and oil and gas development. Finally, the Eddy County
9 Commission adopted Ordinance No. 41, *Land Use Policies and Procedures for*
10 *Federal, State, and County*, in July 2002, which provides guidance regarding the
11 use of public lands and public resources located within the county and establishes
12 policies and procedures for federal and state agencies to inform and coordinate
13 with the Eddy County Commission regarding federal and state land use
14 management issues. SPS has confirmed with Eddy County officials that the
15 Proposed Project is consistent with Ordinance No. 41 and is supported by the
16 Eddy County Commission.

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1 In relation to land use planning in Lea County, the Lea County
2 Comprehensive Plan does not provide any regulatory oversight as to the
3 construction of transmission systems, however, the Plan prioritizes supporting
4 infrastructure development—like that which SPS proposes in this case—that is
5 vital to the overall economic health of the County and its communities.
6 Moreover, it is my understanding that Lea County does not have any ordinances
7 specific to land use.

8 As to other local agencies, the Proposed Project is located in the Carlsbad
9 and Lea County Soil and Water Conversation Districts (“SWCD”). As stewards
10 of the state’s natural resources, both entities were informed about SPS’s
11 vegetation management and erosion control plans for the Proposed Project. In this
12 regard, SPS has contributed to the Eddy County Noxious Weed program in
13 relation to the Proposed Project as requested by the Carlsbad SWCD.

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1 **C. Compliance with Rule 592.10(C) – (E), and (H)**

2 **Q. Has an EA been prepared that evaluates the potential environmental impacts**
3 **of the Roadrunner Phantom China Draw 345-kV transmission line route and**
4 **associated substation facilities?**

5 A. Yes. As discussed earlier, SWCA prepared an EA under the BLM’s direction
6 which evaluated the potential environmental impacts associated with the location
7 of the transmission line route and the substations on federal, state, and privately-
8 owned lands. The BLM reviewed and accepted the EA and subsequently issued a
9 FONSI and DR indicating that the Roadrunner Phantom China Draw transmission
10 line route and substations will not unduly impair important environmental values.
11 These matters are thoroughly discussed in Ms. Simons’s direct testimony.

12 **D. Compliance with Rule 592.10(F)**

13 **Q. What federal, state, and local environmental permits or authorizations are**
14 **required before SPS can begin construction of the Proposed Project?**

15 A. The environmental permits and authorizations that are prerequisites for SPS to
16 begin construction of the Proposed Project include: (1) the Commission’s grant of

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1 a CCN, and authorization and approval of location and ROW width for the
2 Proposed Project; (2) the BLM’s issuance of the BLM ROW Grants and approval
3 of the POD; and (3) the NMSLO’s issuance of the NMSLO ROW Permit.

4 The POD for the Proposed Project provides information regarding
5 prerequisites and requirements for construction, operation, rehabilitation, and
6 environmental protections associated with the Proposed Project. In relation to the
7 process of overseeing compliance with the construction requirements of the POD,
8 SPS will retain an independent environmental compliance inspection contractor
9 for such oversight during the construction of the Proposed Project.

10 Table 1.1 in the POD⁷ outlines the potential federal and state permits,
11 approvals and clearances needed for construction, operation, and maintenance of
12 the transmission facilities. The table identifies each permit, the issuing agency,
13 and provides the status of each permit. Specific to the Roadrunner Phantom
14 China Draw 345-kV transmission line, SPS will need to obtain during the
15 construction process: (1) Clean Water Act Section 402 General Construction

⁷ See Direct testimony of Ms. Simons at Attachment AMS-2.

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1 (Stormwater) Permit from the U.S. Environmental Protection Agency; and
2 (2) access permits or public highway utility accommodation permits from the New
3 Mexico Department of Transportation. SPS will file a notice in the record when it
4 obtains these permits. As to other federal and state permits or authorizations
5 identified in Table 1.1 of the POD, a field investigation of potential waterways, as
6 well as cultural and biological surveys of the proposed transmission line route
7 have been conducted, and BLM's findings and conclusions in relation to the
8 investigations/surveys are set forth in the FONSI and DR.⁸

9 **E. Compliance with Rule 592.10(G)**

10 **Q. What federal, state, or local environmental permits or authorizations are**
11 **required before SPS can begin operation of the Proposed Project (Rule**
12 **592.10.G)?**

13 **A.** In addition to the Commission's authorizations to construct the Proposed Project
14 discussed above, the BLM Grants and the NMSLO Permit authorize SPS to
15 operate and maintain the 345-kV transmission line and associated facilities. There

⁸ See generally Direct testimony of Ms. Simons and Attachment AMS 6.

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of
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1 are no other state or local environmental permits or authorizations necessary to
2 begin operations of the Proposed Project following construction.

3 **F. Compliance with Rule 592.10(H) (Land Use) and Section**
4 **62-9-3(M)(1)**

5 **Q. Is there any existing state, local, or private plans for development at or in the**
6 **vicinity of the proposed location?**

7 A. No. SPS has confirmed that there are no state or local plans for development in
8 the vicinity of the Proposed Project. As for private development plans, the
9 southern end of the 345-kV transmission line route will cross an area of heavy oil
10 and gas development located on federal, state, and private lands. As discussed
11 above, in determining the location of the initial and final transmission line routes,
12 SPS consulted with oil and gas lessees and other stakeholders in an effort to avoid
13 any interference with existing and planned structures and well pads.

1 **G. Compliance with Rule 592.10(I)**

2 **Q. Has SPS provided the expected commercial operation date for the proposed**
3 **transmission line?**

4 A. Yes. Mr. Cooley discusses the expected commercial operation date for the
5 proposed transmission line.⁹

6 **H. Compliance with Rule 592 Notice and Service Requirements**

7 **Q. Has SPS complied with the notice and service requirements under Rule**
8 **592.10(J) and Rule 592.13?**

9 A. Yes. As reflected in the certificate of service filed with its Application, SPS has
10 served a copy of its filing on the Lea and Eddy County Commission, the New
11 Mexico Attorney General, the New Mexico Environmental Department and the
12 New Mexico State Engineer in accordance with Rule 592.10(J). SPS has also
13 served a copy of its filing on the Carlsbad and Lea County SWCDs. In addition,
14 SPS will post a copy of its Application and supporting direct testimony on the
15 Power for the Plains website (www.powerfortheplains.com) and will deposit a
16 copy of its Application and supporting direct testimony at the public libraries

⁹ See Direct Testimony of Jarred J. Cooley, Section IV.

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1 located in the county seats for Lea and Eddy County (i.e. Lovington (Lea County)
2 and Carlsbad (Eddy County)), as well as the Hobbs Public Library (Lea County)
3 for review and examination by interested persons in accordance with Rule 592.13
4 once those libraries re-open after their emergency closure due to the COVID-19
5 pandemic. SPS will file an affidavit affirming its compliance with the notice
6 requirements under Rule 592.13.

7 **Q. How will SPS comply with the notice requirements related to the ROW**
8 **determination requested under Section 62.9.3.2(D) of the PUA?**

9 A. In accordance with Section 62-9-3.2(D), SPS's Application and proposed notice
10 provides the required information concerning the time and place of the hearing to
11 all landowners and occupants of the property impacted by the requested ROW.
12 Subsequent to the Hearing Examiner's approval of the final notice, SPS will file
13 an affidavit affirming its compliance with the notice requirements under Section
14 62-9-3.2(D).

1 **V. GOVERNMENTAL PERMITS AND ROW EASEMENTS OBTAINED**
2 **FOR THE PROPOSED PROJECT**

3 **Q. What is the status of the governmental permits and row easements necessary**
4 **to begin construction of the Proposed Project?**

5 A. The following subsections provide a summary of the authorizations received by
6 the BLM and NMSLO and discusses the status of the private easement
7 acquisitions required for the Proposed Project.

8 **A. BLM ROW Grants**

9 **Q. When did the BLM issue the ROW grants for the Proposed Project?**

10 A. On April 7, 2020, the BLM issued to SPS ROW Grant No. NM-139666 (effective
11 April 7, 2020), granting SPS a 30-year, 150-foot ROW for all BLM-managed
12 lands crossed by the 345-kV transmission line that extends from Roadrunner
13 Substation to China Draw Substation. The BLM also issued to SPS ROW Grant
14 No. NM-141040 which grants SPS the right to construct, operate, maintain, and
15 terminate two temporary laydown yards, 1,023 ft. by 1019 ft., 1,581 ft. by 646 ft.
16 and access roads across public lands in Eddy County, New Mexico (Attachment
17 NPF-2B).

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1 **B. NMSLO Permit**

2 **Q. When was the NMSLO Permit Issued?**

3 A. On April 1, 2020, the NMSLO granted a 150-foot wide ROW, and 200-foot wide
4 ROW at the Pecos River crossing, permit to SPS authorizing the construction,
5 operation, and maintenance of the portions of the 345-kV transmission line route
6 located on state lands. The NMSLO ROW Permit also grants a temporary
7 construction space up to 20 feet for a period not to exceed 180 days.

8 **C. Private Lands**

9 **Q. Did SPS need to acquire any private easements for the Proposed Project?**

10 A. No. The only privately-owned land (0.23 miles) located within the Proposed
11 Project is owned by SPS. Therefore, SPS did not need to acquire a private
12 easement for the use of this land.

13 **Q. Does this conclude your pre-filed direct testimony?**

14 A. Yes.

VERIFICATION









On this day, April 8, 2020, I, Nisha P. Fleischman, swear and affirm under penalty of perjury under the law of the State of New Mexico, that my testimony contained in Direct Testimony of Nisha P. Fleischman is true and correct.

/s/ Nisha P. Fleischman

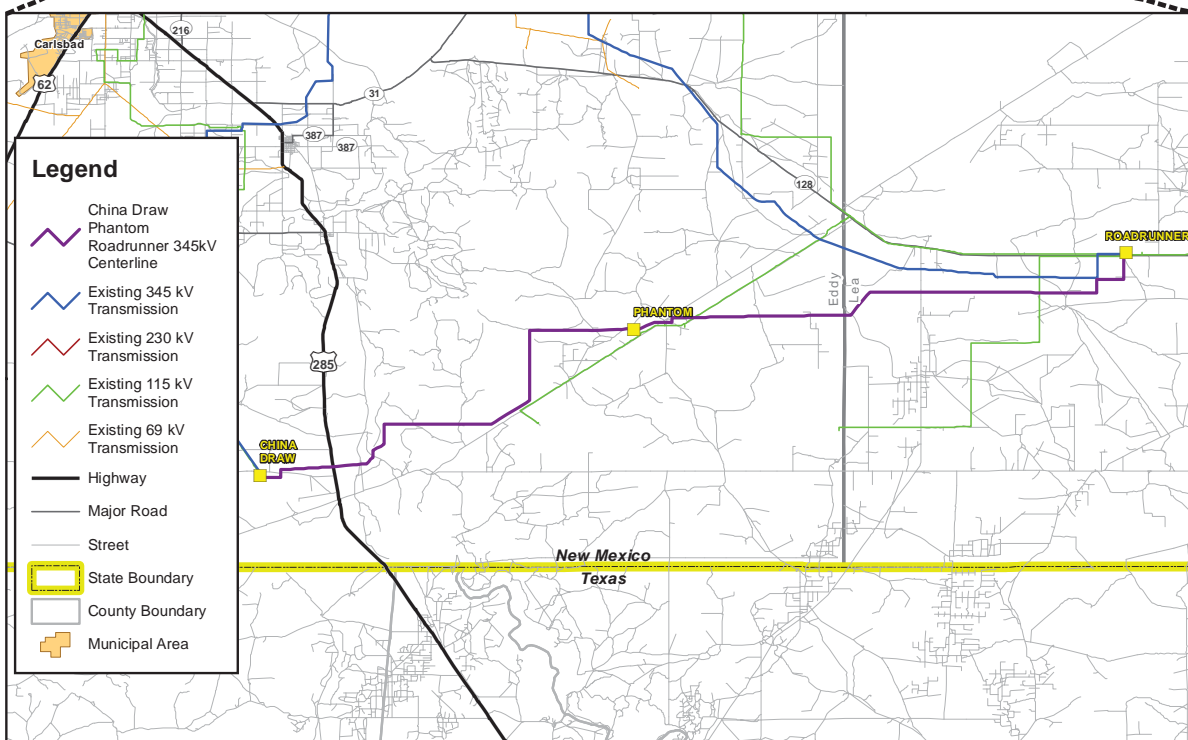
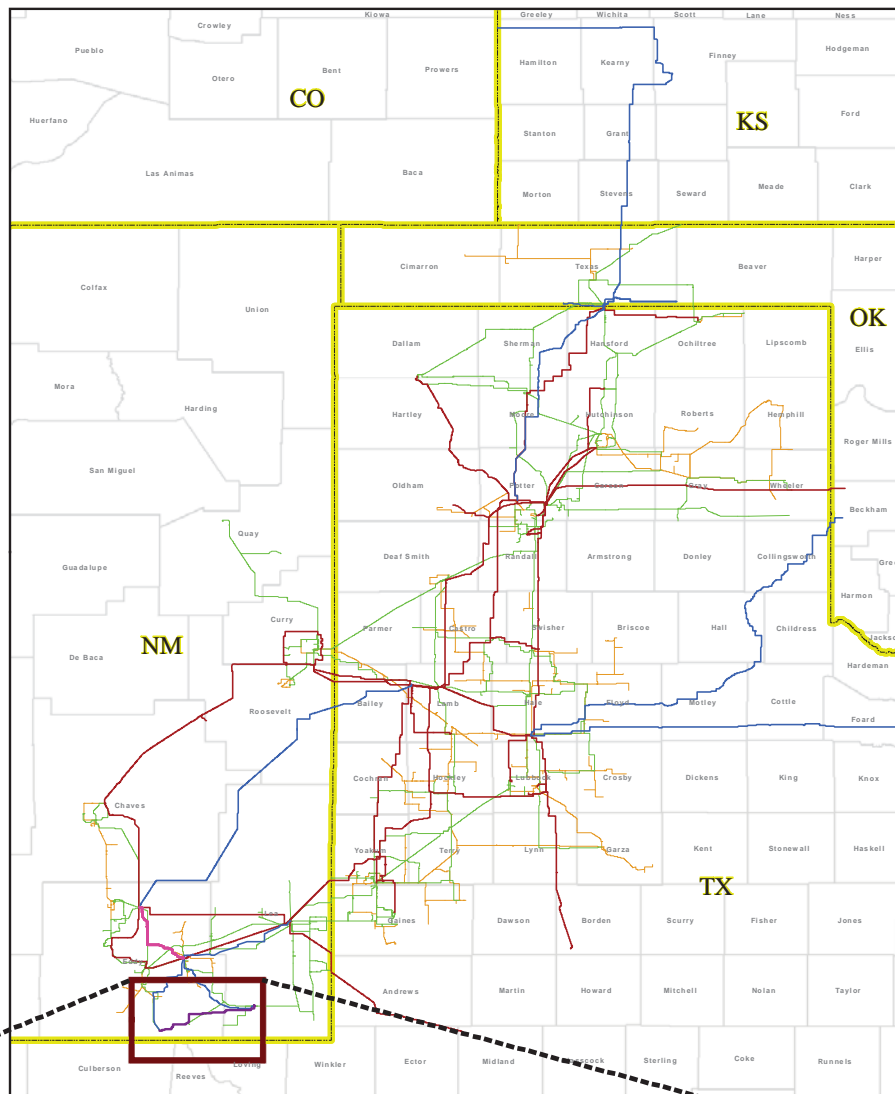
NISHA P. FLEISCHMAN

Roadrunner to Phantom to China Draw CCN Schematic 345-kV

Legend

-  China Draw Phantom Roadrunner 345kV Centerline
-  Proposed Eddy Co – Kiowa 345 kV Centerline
-  Existing 345 kV Transmission
-  Existing 230 kV Transmission
-  Existing 115 kV Transmission
-  Existing 69 kV Transmission
-  State Boundary
-  County Boundary

Date: 11/13/2019





United States Department of the Interior

Bureau of Land Management
 Carlsbad Field Office
 620 E. Greene St.
 Carlsbad, NM 88220-6292



In Reply Refer to:

NM-139666
 2800(NMP0220)

DECISION

Southwestern Public Service Co :
 Attn: Tyler Lucero :
 790 S Buchanan :
 Amarillo, TX 79101 :
 :
 :
 Re: Right-of-Way :
 NM-139666 :
 China Draw Substation to a New Phantom Substation to :
 the Existing Roadrunner Substation :
 :

Dear Tyler Lucero:

On 2/14/2019, you filed a right-of-way application for a transmission line and access road on Federal surface.

Enclosed are two copies of an unsigned right-of-way grant for your transmission line and road. Please review the document and if it meets with your approval, sign and date both copies and return to the addresses shown above within 30 days of the date of this letter. Upon our receipt of the signed documents and the fees discussed below, we will issue the right-of-way grant, absent any other unresolved issues.

You must pay a fee to the BLM for the costs we will incur in monitoring the construction and operation of your authorized use. These fees are categorized according to the number of work hours necessary to monitor your grant, and are not refundable. We anticipate your use will require a Monitoring Category 4, the fees of which are included in the rental options below.

Rent for use of public lands must be paid in advance of such use and prior to issuance of the right-of-way grant. Rent for a linear right-of-way is based on a schedule that is adjusted annually based on the Implicit Price Deflator GNP (IPD), and inflation index. You may obtain a copy of the rent schedule from this office.

You have the option of paying the rent in 10-year periods, or for the entire term (approx. 30 years) of the right-of-way grant.

10-Year Rental Option		30-Year Rental Option	
Nine Year Rental	\$52,212.51	Twenty-Nine Year Rental	\$168,240.31
Partial Year Amount	\$4,351.04	Partial Year Amount	\$4,351.04
Monitoring Fee	\$1239.00	Monitoring Fee	\$1239.00
TOTAL AMOUNT DUE:	\$57,802.55	TOTAL AMOUNT DUE:	\$173,830.35

Please be aware that you may not conduct any activities related to your right-of-way project on public land until you have received an authorized grant from this office. If you have any questions, please contact Tessa Cisneros at (575)234-5972.

Sincerely,

Field Manager

2806-885-Right-of-Way Management
Determining CY 2017 1/Rent Under the Linear Rental Schedule
All Linear Right-of-Way Facilities

Application Serial Number: NM-139666
Date of Determination: _____
Employee: Tessa Cisneros

Determine the fiscal year (12 months) rent for the ROW by multiplying the number of acres (round up to the next tenth of an acre at county level) in each appropriate zone by the rental rate for that zone. All rental calculations are rounded to the nearest cent as follows: \$97.164 is equal to \$97.16; \$97.165 is equal to \$97.17.

Zone Rate: Eddy \$16.93

Acres	X	Rental Rate	=	Annual	260.54	X	\$16.93	=	\$4,410.94
Annual	X	Part Year Factor	=	Part Year	\$4,410.94	X	\$0.75	=	\$3,308.21
Annual	X	9 Years	=	9 Years Rental	\$4,410.94	X	9	=	\$39,698.48
Annual	X	29 Years	=	29 Years Rental	\$4,410.94	X	29	=	\$127,917.32
Part Year + 9 Years Rental = Total Rent Due					\$3,308.21	+	\$39,698.48	=	\$43,006.69
Part Year + 29 Years Rental = Total Rent Due					\$3,308.21	+	\$127,917.32	=	\$131,225.53

Zone Rate: Lea \$8.74

Acres	X	Rental Rate	=	Annual	159.09	X	\$8.74	=	\$1,390.45
Annual	X	Part Year Factor	=	Part Year	\$1,390.45	X	\$0.75	=	\$1,042.83
Annual	X	9 Years	=	9 Years Rental	\$1,390.45	X	9	=	\$12,514.02
Annual	X	29 Years	=	29 Years Rental	\$1,390.45	X	29	=	\$40,322.95
Part Year + 9 Years Rental = Total Rent Due					\$1,042.83	+	\$12,514.02	=	\$13,556.85
Part Year + 29 Years Rental = Total Rent Due					\$1,042.83	+	\$40,322.95	=	\$41,365.79

Total:

Part Year	+	9 Years Rental	=	Total Rent Due	\$4,351.04	+	\$52,212.51	=	\$57,802.55
Part Year	+	29 Years Rental	=	Total Rent Due	\$4,351.04	+	\$168,240.31	=	\$173,830.35

Part Year Factors:

12 Months: 1.0000	9 Months: 0.7500	6 Months: 0.5000	3 Months: 0.25000
11 Months: 0.9167	8 Months: 0.6667	5 Months: 0.4167	2 Months: 0.1667
10 Months: 0.8333	7 Months: 0.5833	4 Months: 0.3333	1 Months: 0.0833

Form 2800-14

United States Department of the Interior

(August 1985)

Bureau of Land Management

Carlsbad Field Office

RIGHT-OF-WAY GRANT

Serial Number: NM-139666

Project Name: China Draw Substation to a New Phantom Substation to the
Existing Roadrunner Substation

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of Oct. 21, 1976 (90 Sta. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

- a. By this instrument, the holder:

Southwestern Public Service Co
790 S Buchanan
Amarillo, TX 79101

receives a right to construct, operate, maintain, and terminate a 345 kV transmission line and access road across public lands in Eddy and Lea County, New Mexico described as follows:

T. 25 S., R. 28 E., NMPM

sec. 25: E $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 25 S., R. 29 E., NMPM

sec. 13: W $\frac{1}{2}$ E $\frac{1}{2}$;

sec. 24: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$;

sec. 25: N $\frac{1}{2}$ NW $\frac{1}{4}$;

sec. 26: W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 27: S $\frac{1}{2}$ S $\frac{1}{2}$;

sec. 28: S $\frac{1}{2}$ S $\frac{1}{2}$;

sec. 29: S $\frac{1}{2}$ S $\frac{1}{2}$;

sec. 30: S $\frac{1}{2}$ S $\frac{1}{2}$.

T. 25 S., R. 30 E., NMPM

sec. 01: lots 3 and 4;

sec. 03: S $\frac{1}{2}$ N $\frac{1}{2}$;

sec. 04: S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 24 S., R. 31 E., NMPM

sec. 31: lots 4, 5, 6 and 7;

sec. 33: lots 1, 2, 3 and 4;

sec. 34: lots 1, 2, 3 and 4;

sec. 35: lots 1, 2, 3 and 4.

T. 24 S., R. 32 E., NMPM

sec. 25: N $\frac{1}{2}$ SW $\frac{1}{4}$;

sec. 26: N $\frac{1}{2}$ S $\frac{1}{2}$;

sec. 27: N $\frac{1}{2}$ S $\frac{1}{2}$;

sec. 28: N $\frac{1}{2}$ S $\frac{1}{2}$;

sec. 29: N $\frac{1}{2}$ S $\frac{1}{2}$;

sec. 30: E $\frac{1}{2}$ SE $\frac{1}{4}$;

sec. 31: lots 3 and 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 24 S., R. 33 E., NMPM

- sec. 24: W $\frac{1}{2}$ W $\frac{1}{2}$;
- sec. 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$;
- sec. 26: N $\frac{1}{2}$ N $\frac{1}{2}$.

The lands described above contain a total length of 23.08 miles.

- b. The right-of-way or permit area granted herein is 150.00 feet wide, 121,862.40 feet long and contains 419.63 acres, more or less.
- c. This instrument shall terminate on 12-31-2049 unless prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

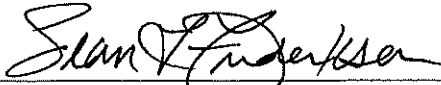
3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter, not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit A, B and C (maps), attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workman like manner so as to ensure protection of the environment and the health and safety of the public.
- g. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

IN WITNESS THEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.



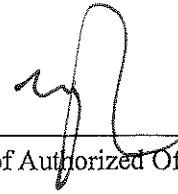
(Signature of Holder)

MGR SITTING LAND RIGHTS

(Title)

3-26-2020

(Date)



(Signature of Authorized Officer)

Field Manager, Carlsbad Field Office

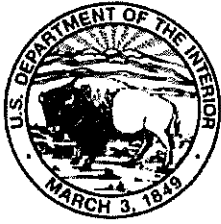
(Title)

07 Apr 2020

(Effective Date of Grant)

EXHIBIT NO. 1

Date of Issue:
March 9, 2020



Bureau of Land Management, Carlsbad Field Office
620 E. Greene Street Carlsbad, NM 88220

NM-139666

Cultural and Archaeological Resources

BLM Report No.
20-0479

NOTICE OF STIPULATIONS

Historic properties in the vicinity of this project are protected by federal law. In order to ensure that they are not damaged or destroyed by construction activities, the project proponent and construction supervisors shall ensure that the following stipulations are implemented.

Project Name:	China Draw to Roadrunner 345-kV Transmission Line, Xcel/SPS
	1). A 3-day preconstruction call-in notification. Contact BLM Inspection and Enforcement at
Required	2. Professional archaeological monitoring. Contact your BLM project archaeologist at (575) 234-6231 for assistance.
A. <input checked="" type="checkbox"/>	These stipulations must be given to your monitor at least 5 days prior to the start of construction.
B. <input checked="" type="checkbox"/>	No construction, including vegetation removal or other site prep may begin prior to the arrival of the monitor.
	3. Cultural site barrier fencing. (Your monitor will assist you).
A. <input type="checkbox"/>	A temporary site protection barrier(s) shall be erected prior to all ground-disturbing activities. The minimum barrier(s) shall consist of upright wooden survey lath spaced no more than ten (10) feet apart and marked with blue ribbon flagging or blue paint. There shall be no construction activities or vehicular traffic past the barrier(s) at any time.
B. <input type="checkbox"/>	A permanent, 4-strand barbed wire fence strung on standard "T-posts" shall be erected prior to all ground-disturbing activities. No construction activities or vehicle traffic are allowed past the fence.
Required	4. The archaeological monitor shall:
A. <input type="checkbox"/>	
B. <input checked="" type="checkbox"/>	Observe all ground-disturbing activities within 100 feet of cultural sites LA 147442, LA 147444, LA 147474, LA 186027, LA 194877, LA 194878, LA 194879, LA 194881, LA 194885, and LA 194888. The sites are in proximity of the proposed undertaking.
C. <input type="checkbox"/>	Ensure that the proposed
D. <input type="checkbox"/>	Ensure the proposed reroute for the .
E. <input checked="" type="checkbox"/>	Submit a brief monitoring report within 30 days of completion of monitoring.
Other:	If any human skeletal remains or funerary objects, or other significant subsurface cultural resources are encountered during the monitoring, all activities shall cease and a BLM-CFO archaeologist shall be notified immediately. IF THE CONTRACT ARCHAEOLOGIST(S) DOES NOT KNOW WHERE THE SITE(S) ARE LOCATED, PLEASE COME BY THE CARLSBAD BLM AND MAPS AND OTHER DATA WILL BE PROVIDED.

Site Protection and Employee Education: It is the responsibility of the project proponent and his construction supervisor to inform all employees and subcontractors that cultural and archaeological sites are to be avoided by all personnel, vehicles, and equipment; and that it is illegal to collect, damage, or disturb cultural resources on Public Lands.

For assistance contact: Elia Perez (575) 234-6231
Trish Byers (575) 234-2239

Aaron Whaley (575) 234-5986
Brandon Gonia (595) 234-5945

EXHIBIT A

BLM Serial Number: NM-139666
Company Reference: SPS (China Draw Substation to New Phantom Substation to Existing Roadrunner Substation)

STANDARD STIPULATIONS FOR OVERHEAD ELECTRIC TRANSMISSION LINES
IN THE CARLSBAD FIELD OFFICE, BLM

A copy of the grant and attachments, including stipulations and map, will be on location during construction. BLM personnel may request to view a copy of your permit during construction to ensure compliance with all stipulations.

The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.
2. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et. seq.*) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized by this grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, *etc.*) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et. seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
4. Blading or clearing of any vegetation will be allowed.
5. Power lines shall be constructed and designed in accordance to standards outlined in "Suggested Practices for Avian Protection on Power lines: The State of the Art in 2006" Edison Electric Institute, APLIC, and the California Energy Commission 2006 . The holder shall assume the burden and expense of proving that pole designs not shown in the above publication deter raptor perching, roosting, and nesting. Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modification or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.

NM-139666

Raptor deterrence will consist of but not limited to the following: triangle perch discouragers shall be placed on each side of the cross arms and a nonconductive perching deterrence shall be placed on all vertical poles that extend past the cross arms.

6. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair impacted improvements to at least their former state. The holder shall contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence will 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.

7. The BLM serial number assigned to this right-of-way grant shall be posted in a permanent, conspicuous manner, and be maintained in a legible condition for the term of the right-of-way at all major road crossings and at all serviced facilities. Numbers will be at least two inches high and will be affixed to the pole nearest the road crossing and at the facilities served.

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

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

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

11. The area will be kept free of the following plant species: Malta starthistle, African rue, Scotch thistle, and saltcedar.

LPC: Conditions of Approval

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 through June 15 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.

Migratory Bird Conservation Measures

- Raptors and western burrowing owls are designated as a BLM sensitive species and/or are protected under the MBTA. These species occur within the proposed project area due to the observation of individuals and of active burrows and raptor nests during the 2019 biological survey (see Photograph 8 in Appendix B). The active burrows are located outside of the permanent disturbance associated with the proposed project; therefore, direct impacts to western burrowing owls is not anticipated from construction activities. There were active raptor nests within the project disturbance area. Additionally, if construction begins during the breeding season (March 1–October 31), a pre-construction nesting survey up to 2 weeks prior to vegetation removal would be conducted to establish the occupancy status of the potentially suitable nesting burrows detected within the proposed project area. If the burrow or nest is active, an avoidance radius, to be determined by the BLM, would be required until the young have fledged. This pre-construction nest survey would be conducted in accordance with the BLM CFO's burrowing owl survey guidance and recommendations.
- Chestnut-collared longspur is designated as a BLM sensitive species and is protected under the MBTA. This species may occur within the proposed project area due to preferred habitat association of semi-arid grasslands with fourwing saltbush (*Atriplex canescens*) (Baltosser 1991). If construction is scheduled to begin during the MBTA nesting season (March 1–August 31), a pre-construction nest survey would be conducted, and if active nests are located, avoidance measures, specified by the BLM, would be implemented until juvenile birds have fledged. If adult birds are present in the project area during construction, they would likely not be directly harmed by the proposed project due to their ability to move to adjacent habitat.

Cave: Conditions of Approval

- Smaller powerlines will be routed around sinkholes and other karst features to avoid or lessen the possibility of encountering near surface voids and to minimize changes to runoff or possible leaks and spills from entering karst systems. Larger powerlines will adjust their pole spacing to avoid cave and karst features.
- The BLM, Carlsbad Field Office, will be informed immediately if any subsurface drainage channels, cave passages, or voids are penetrated during construction.

- No further construction will be done until clearance has been issued by the Authorized Officer.
- Special restoration stipulations or realignment may be required.

Hydrology:

Any water erosion that may occur due to the construction of overhead electric line and during the life of the power line will be quickly corrected and proper measures will be taken to prevent future erosion. A power pole should not be placed in drainages, playas, wetlands, riparian areas, or floodplains and must span across the features at a distance away that would not promote further erosion.

Special Status Plant Species Occupied Habitat Stipulations:

No blading or mowing is authorized within the ROW, otherwise agreed to in writing by the Authorized Officer, in coordination with a BLM biologist. Approval of such practices would be conditioned on design features to avoid adverse impacts to special status plant species, especially special status plant species known occupied habitats.

The operator shall consult with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policies. These policies require treatment design that avoids adverse impacts to special status plant species, especially special status plant species known occupied habitats.

Prior to initiating project construction activities, a barricade for the protection of Scheer's beehive cactus occupied habitat will be installed according the following standards:

Barricade Type

Temporary Fencing

Permanent Fencing

Natural Obstacles

Other: _____

Barricade Specifications

Approximately 5-foot tall T-posts, spaced at three-foot intervals, at a radius of no less than 10 meters from the locations specified below and at a minimum radius of no less than 10 feet from the identified, and any additional adjacent observed, special status plant species individuals.

NM-139666

Location A

PLSS: SE¼ SE ¼, S29, T25S, R29E

Side of ROW: South

Distance from ROW edge: 36 feet (11 meters)

Approximate Center Point (A): UTM NAD83 ZONE 13N 594273E 3551548N

Location B

PLSS: SE ¼ SW ¼, S28, T25S, R29E

Side of ROW: South

Distance from ROW edge: 22 feet (6 meters)

Approximate Center Point (B): UTM NAD83 ZONE 13N 595010E 3551556N

Biomonitor Required During Barrier Installation? Yes No

Biomonitor to coordinate with BLM biologist prior? Yes No

Coordination Type: Shapefile of known occurrences in project vicinity

Biomonitor Required During Project Construction? Yes No

Activities requiring biomonitoring: Construction

Biomonitor to coordinate with BLM biologist prior? Yes No N/A

Coordination Type: Shapefile of known occurrences in project vicinity

Vegetation (Noxious Weeds)

- Topsoil would be stockpiled to enhance reclamation.
- Interim reclamation would be conducted on all disturbed areas not needed for active support of maintenance and operations.
- The holder would evenly spread the excess soil excavated from pole holes in the immediate vicinity of the pole structure.
- If noxious weeds become established within the proposed project area, the operator would be responsible for control of these weeds. The operator would consult with the BLM Authorized Officer for acceptable weed control methods, which would include following EPA and BLM requirements and policies.

EXHIBIT B

BLM Serial Number: NM-139666 & NM-141040

Company Reference: SPS (China Draw, Phantom, Roadrunner Access Roads)

STANDARD STIPULATIONS FOR PERMANENT RESOURCE ROADS
CARLSBAD FIELD OFFICE, BLM

A copy of the grant and attachments, including stipulations and map, will be on location during construction. BLM personnel may request to view a copy of your permit during construction to ensure compliance with all stipulations.

The holder/grantee/permittee shall hereafter be identified as the holder in these stipulations. The Authorized Officer is the person who approves the Application for Permit to Drill (APD) and/or Right-of-Way (ROW).

GENERAL REQUIREMENTS

- A. 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.
- B. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et. seq.*) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized by this grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
- C. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et. seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
- D. If, during any phase of the construction, operation, maintenance, or termination of the road, any oil or other pollutant should be discharged, 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 the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the Authorized Officer may take such measures as deemed necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the

NM-141040
Exhibit B

full expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any liability or responsibility.

E. The holder shall minimize disturbance to existing fences and other improvements on public domain surface. 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 make a documented good-faith effort to 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.

Holder agrees to comply with the following stipulations:

1. ROAD WIDTH AND GRADE

The road will have a driving surface of 14 feet (all roads shall have a minimum driving surface of 12 feet, unless local conditions dictate a different width). The maximum grade is 10% unless the box below is checked. Maximum width of surface disturbance from construction will be 30 feet.

Those segments of road where grade is in excess of 10% for more than 300 feet shall be designed by a professional engineer.

2. CROWNING AND DITCHING

Crowning with materials on site and ditching on one side of the road on the uphill side will be required. The road cross-section will conform to the cross section diagrams in Figure 1. If conditions dictate, ditching may be required for both sides of the road; if local conditions permit, a flat-bladed road may be considered (if these conditions exist, check the appropriate box below). The crown shall have a grade of approximately 2% (i.e., 1" crown on a 12' wide road).

Ditching will be required on both sides of the roadway as shown on the attached map or as staked in the field.

Flat-blading is authorized on segment(s) delineated on the attached map.

3. DRAINAGE

Drainage control shall be ensured over the entire road through the use of borrow ditches, outsloping, insloping, natural rolling topography, lead-off (turnout) ditches, culverts, and/or drainage dips.

A. All lead-off ditches shall be graded to drain water with a 1 percent minimum to 3 percent maximum ditch slope. The spacing interval for lead-off ditches shall be determined according to the following table, but may be amended depending upon existing soil types and centerline road slope (in %):

NM-139666 &
NM-141040
Exhibit B

SPACING INTERVAL FOR TURNOUT DITCHES

Percent slope	Spacing interval
0% - 4%	400' - 150'
4% - 6%	250' - 125'
6% - 8%	200' - 100'
8% - 10%	150' - 75'

A typical lead-off ditch has a minimum depth of 1 foot below and a berm 6 inches above natural ground level. The berm will be on the down-slope side of the lead-off ditch. The ditch end will tie into vegetation whenever possible.

For this road the spacing interval for lead-off ditches shall be at

400 foot intervals.

____ foot intervals.

locations staked in the field as per spacing intervals above.

locations delineated on the attached map.

B. Culvert pipes shall be used for cross drains where drainage dips or low water crossings are not feasible. The minimum culvert diameter must be 18 inches. Any culvert pipe installed shall be of sufficient diameter to pass the anticipated flow of water. Culvert location and required diameter are shown on the attached map (Further details can be obtained from the Roswell District Office or the appropriate Resource Area Office).

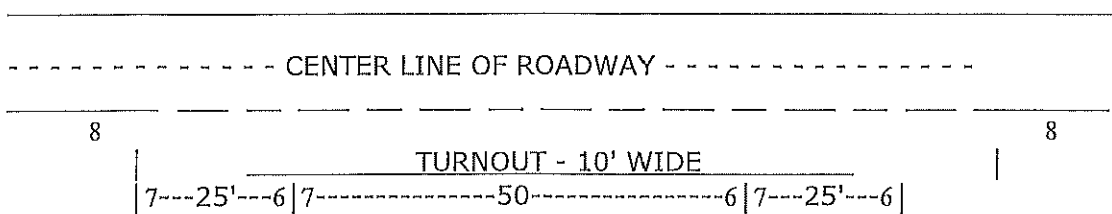
C. On road slopes exceeding 2%, drainage dips shall drain water into an adjacent lead-off ditch. Drainage dip location and spacing shall be determined by the formula:

$$\text{spacing interval} = \frac{400'}{\text{road slope in \%}} + 100'$$

Example: 4% slope: spacing interval = $\frac{400}{4} + 100 = 200$ feet

4. TURNOUTS

Unless otherwise approved by the Authorized Officer, vehicle turnouts will be required. Turnouts will be located at 2000-foot intervals, or the turnouts will be intervisible, whichever is less. Turnouts will conform to the following diagram:



STANDARD TURNOUT - PLAN VIEW

NM-141040
Exhibit B

5. SURFACING

Surfacing of the road or those portions identified on the attached map may, at the direction of the Authorized Officer, be required, if necessary, to maintain traffic within the right-of-way with caliche, gravel, or other surfacing material which shall be approved by the Authorized Officer. When surfacing is required, surfacing materials will be compacted to a minimum thickness of six inches with caliche material. The width of surfacing shall be no less than the driving surface. Prior to using any mineral materials from an existing or proposed Federal source, authorization must be obtained from the Authorized Officer.

6. CATTLEGUARDS

Where used, all cattleguard grids and foundation designs and construction shall meet the American Association of State Highway and Transportation Officials (AASHTO) Load Rating H-20, although AASHTO U-80 rated grids shall be required where heavy loads (exceeding H-20 loading), are anticipated (See BLM standard drawings for cattleguards). Cattleguard grid length shall not be less than 8 feet and width of not less than 14 feet. A wire gate (16-foot minimum width) will be provided on one side of the cattleguard unless requested otherwise by the surface user.

7. MAINTENANCE

The holder shall maintain the road in a safe, usable condition. A maintenance program shall include, but not be limited to blading, ditching, culvert installation, culvert cleaning, drainage installation, cattleguard maintenance, and surfacing.

8. PUBLIC ACCESS

Public access along this road will not be restricted by the holder without specific written approval being granted by the Authorized Officer. Gates or cattleguards on public lands will not be locked or closed to public use unless closure is specifically determined to be necessary and is authorized in writing by the Authorized Officer.

9. CULTURAL RESOURCES

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

10. NOXIOUS WEEDS

The area will be kept free of the following plant species: Malta starthistle, African rue, Scotch thistle, and saltcedar.

NM-141040
Exhibit B

Special Stipulations

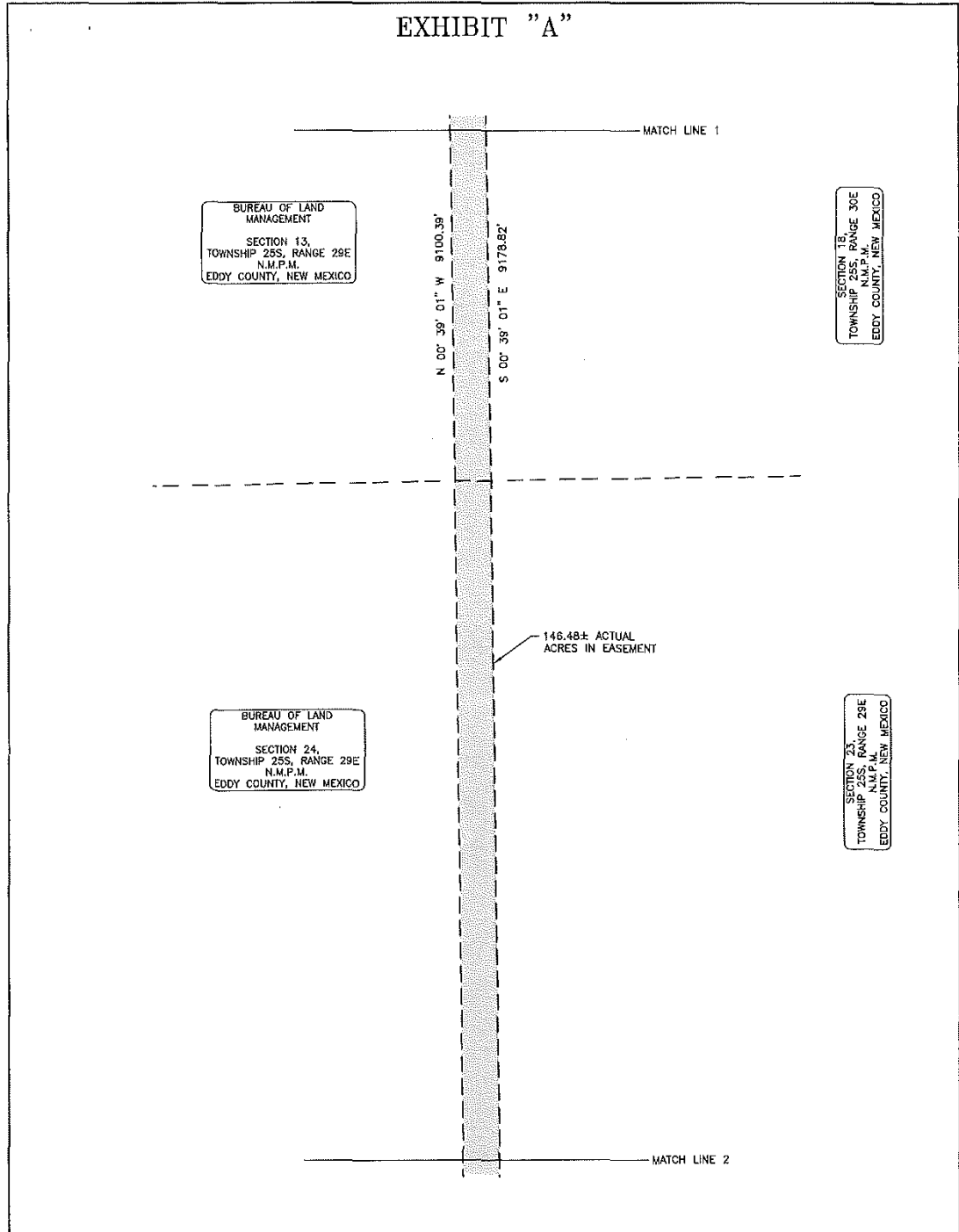
Fence Requirement

- Where entry is granted across a fence line, the fence must be braced and tied off on both sides of the passageway with H-braces prior to cutting. Once the work is completed, the fence will be restored to its prior condition, or better. The operator shall notify the private surface landowner or the grazing allotment holder prior to crossing any fence(s).
- Cattleguards
- An appropriately sized cattleguard(s) sufficient to carry out the project shall be installed and maintained at road-fence crossing(s). Any existing cattleguard(s) on the access road shall be repaired or replaced if they are damaged or have deteriorated beyond practical use. The operator shall be responsible for the condition of the existing cattleguard(s) that are in place and are utilized during lease operations. A gate shall be constructed on one side of the cattleguard and fastened securely to H-braces.
- Livestock Watering Requirement
- Any damage to structures that provide water to livestock throughout the life of the well, caused by operations from the well site, must be immediately corrected by the operator. The operator must notify the BLM office (575-234-5972) and the private surface landowner or the grazing allotment holder if any damage occurs to structures that provide water to livestock.
- Range Study T26S R35E section 26 pipeline needs to stay on the north side of road.

LPC: Conditions of Approval

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 through June 15 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.

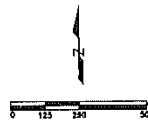
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

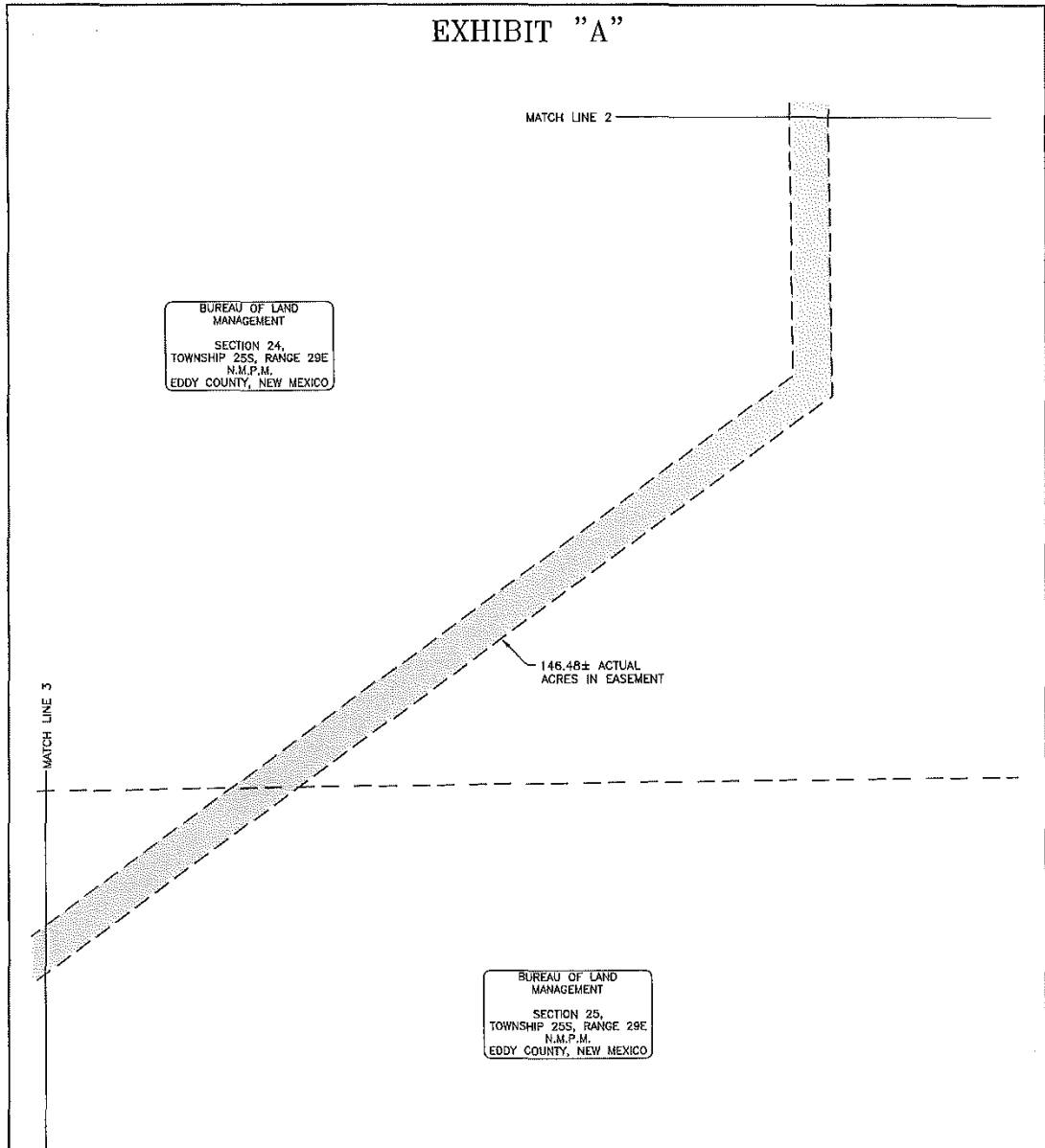


FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER: BUREAU OF LAND MANAGEMENT	LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., EDDY COUNTY, NEW MEXICO
 KYLE L. BRADY, PS 25645		EASEMENT SURVEY FOR	
		SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
TOTAL ACREAGE - 146.48±		DRAWING	PADWGI9XCELPHANTOMADWGPANTOM_345KV
		XCEL PARCEL NO.	2 SHEET 2 OF 13

EXHIBIT "A"



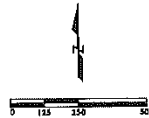
BUREAU OF LAND
 MANAGEMENT
 SECTION 24,
 TOWNSHIP 25S, RANGE 29E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

BUREAU OF LAND
 MANAGEMENT
 SECTION 25,
 TOWNSHIP 25S, RANGE 29E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



FURMAN LAND SURVEYORS, INC.

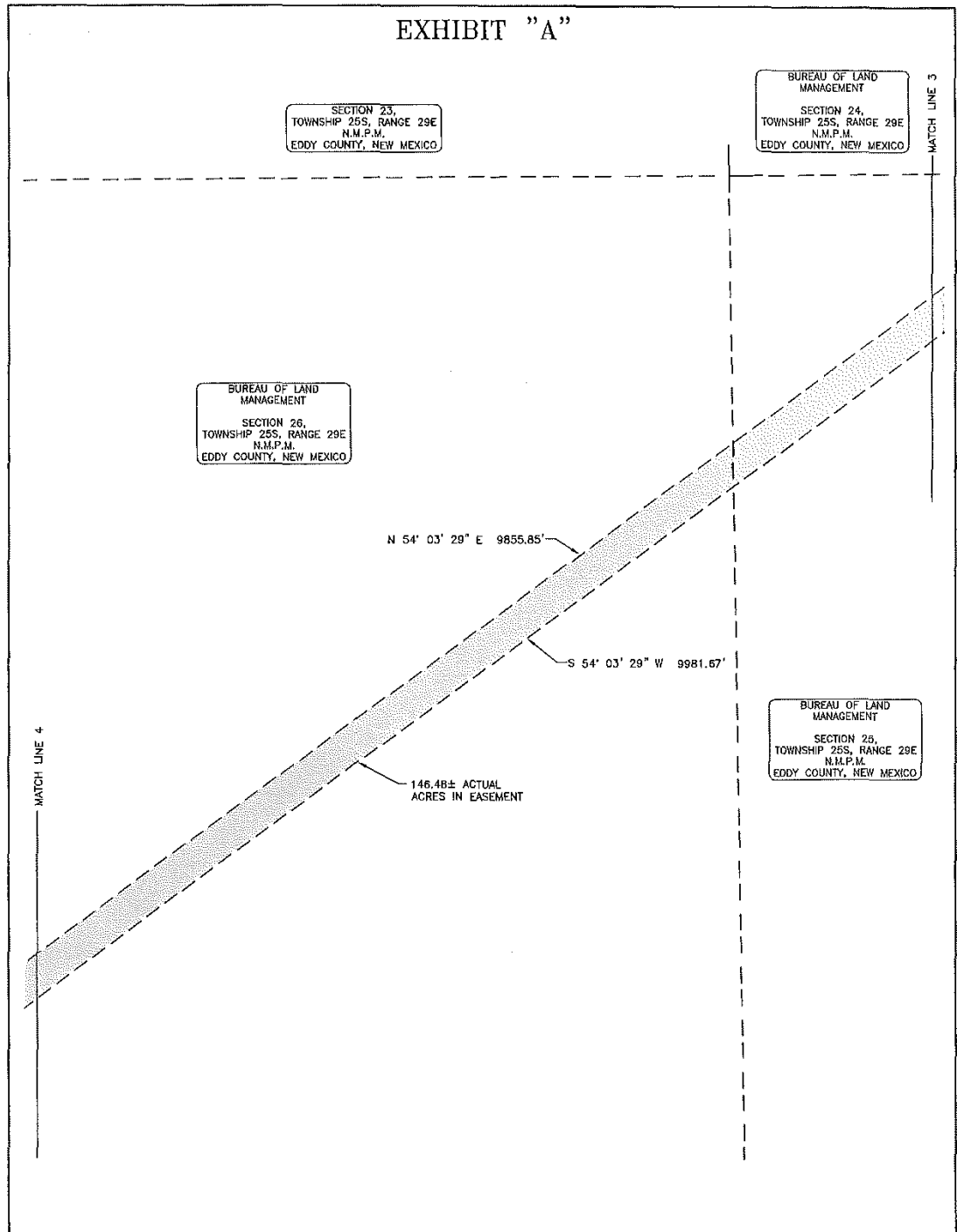
KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

LEGEND	
	EASEMENT
TOTAL ACREAGE - 146.48±	

KYLE L. BRADY,
 PS 25645
12-9-19

INDEXING INFORMATION		
OWNER: BUREAU OF LAND MANAGEMENT		
LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., EDDY COUNTY, NEW MEXICO		
EASEMENT SURVEY FOR		
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE		
DRAWING: P:\DWG\19\XCEL\PHANTOM\DWG\PHANTOM_345KV		
XCEL PARCEL NO.	2	SHEET 3 OF 13

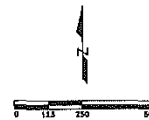
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



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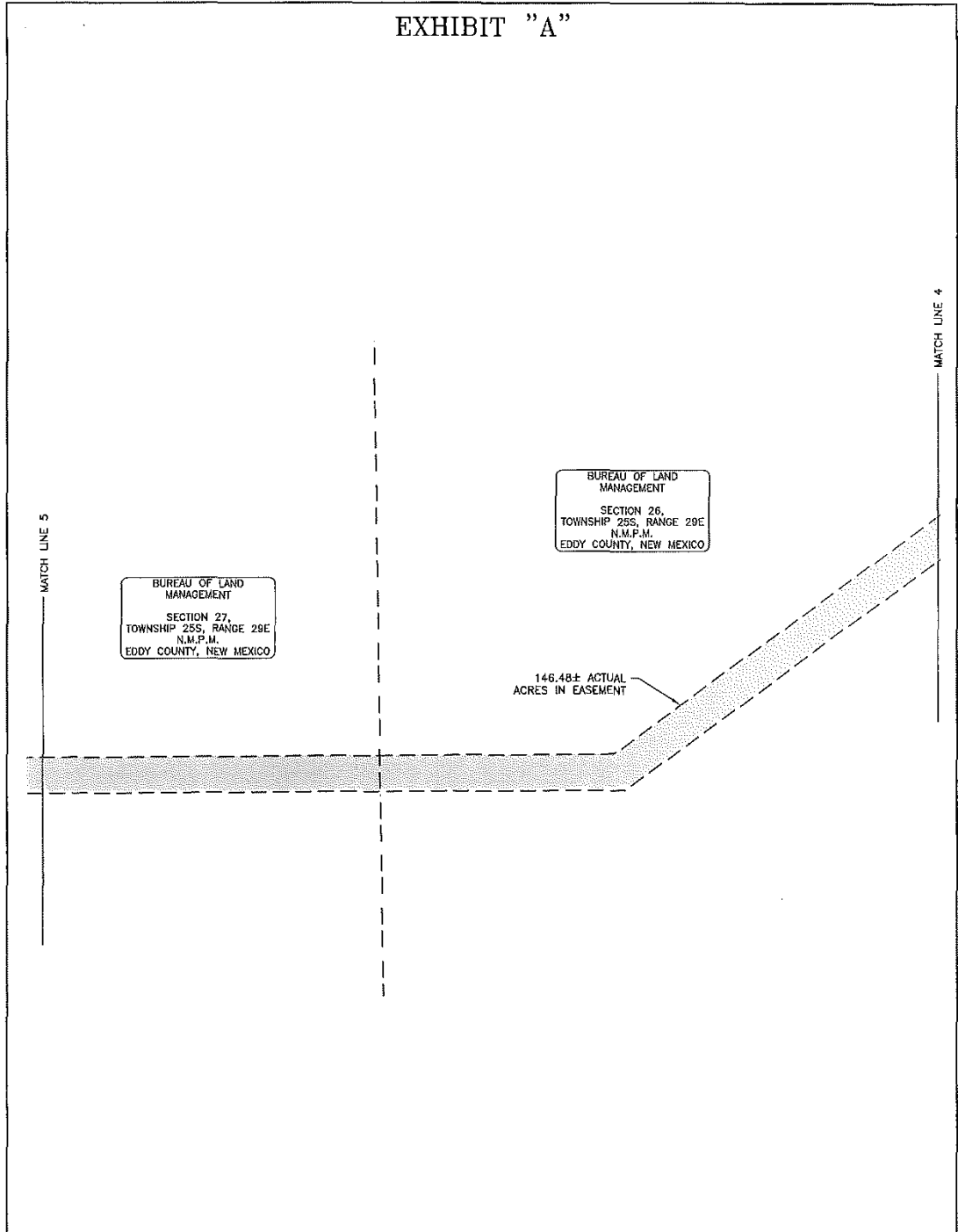
<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE - 146.48±</p>		<p>EASEMENT SURVEY FOR</p> <p>SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING: PADWGI9XCELAPHANTOMDWDGPHANTOM_345KV</p> <p>XCEL PARCEL NO. 2 SHEET 4 OF 13</p>

EXHIBIT "A"



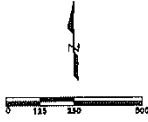
BUREAU OF LAND MANAGEMENT
 SECTION 27,
 TOWNSHIP 25S, RANGE 29E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

BUREAU OF LAND MANAGEMENT
 SECTION 26,
 TOWNSHIP 25S, RANGE 29E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO


146.48± ACTUAL
 ACRES IN EASEMENT


BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.
 Combined Factor = 0.999573282



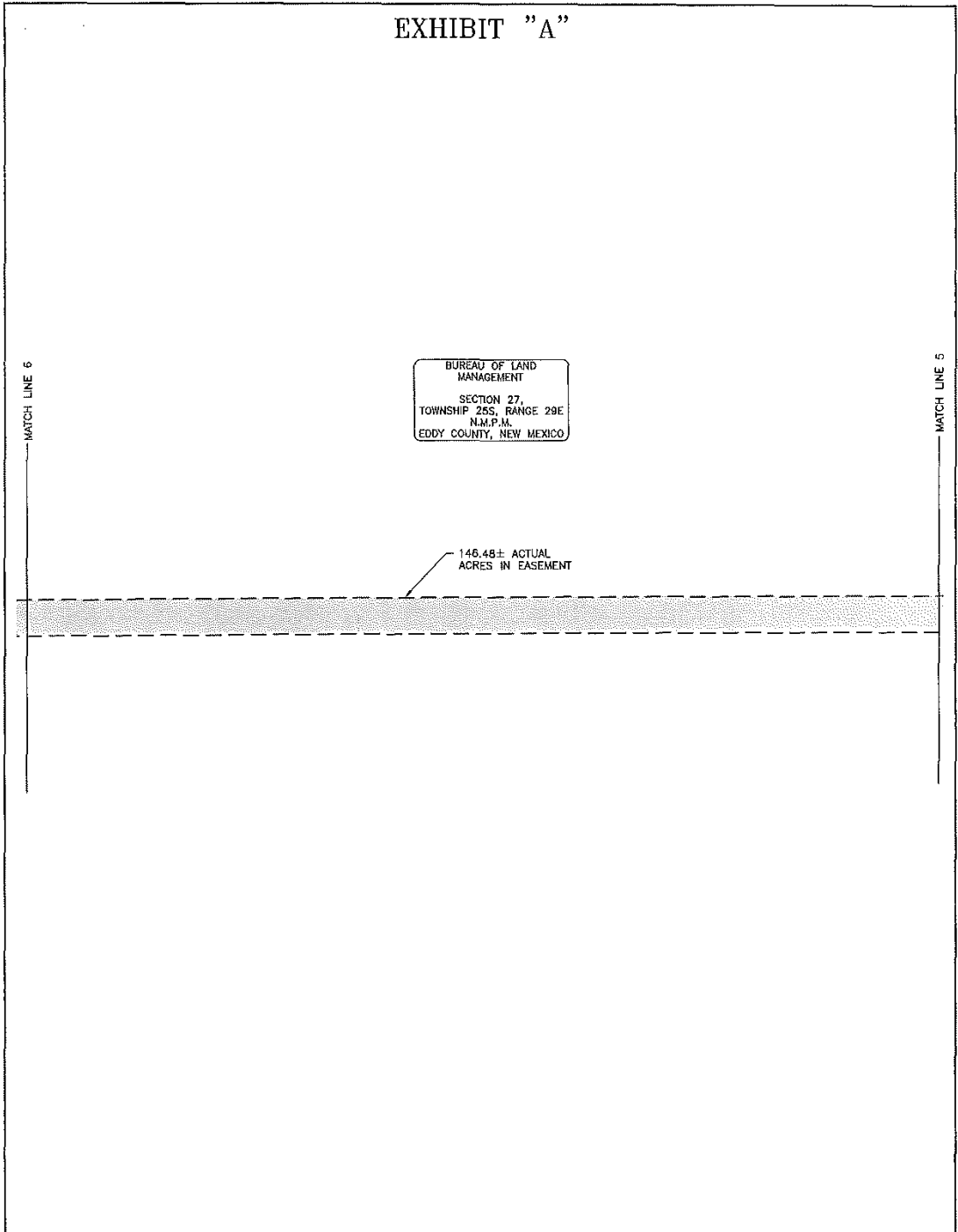
FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

LEGEND	
	EASEMENT
TOTAL ACREAGE - 146.48±	


 KYLE L. BRADY
 PS 25645
 12-2-19

INDEXING INFORMATION	
OWNER: BUREAU OF LAND MANAGEMENT	
LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING	P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM_345KV
XCEL PARCEL NO.	2 SHEET 5 OF 13

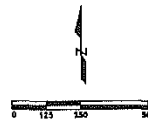
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



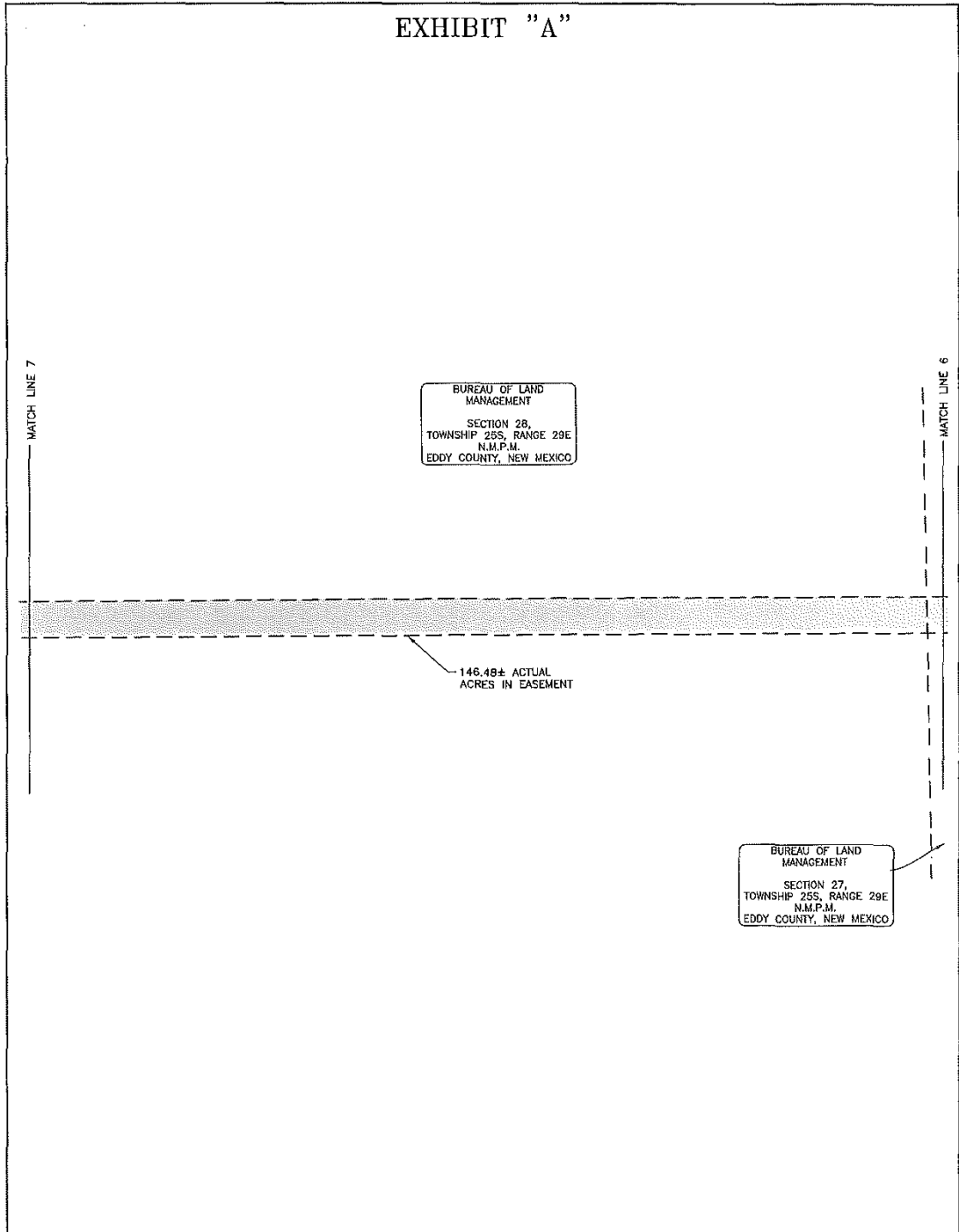
FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE — 146.48±</p>		<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE DRAWING P:\DWG19\XCELPHANTOM\DWG\PHANTOM_345KV XCEL PARCEL NO. 2 SHEET 6 OF 13</p>

KYLE L. BRADY
 PS 25645 12-9-19

EXHIBIT "A"



BUREAU OF LAND
 MANAGEMENT
 SECTION 28,
 TOWNSHIP 25S, RANGE 29E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

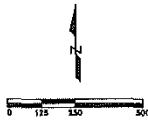
BUREAU OF LAND
 MANAGEMENT
 SECTION 27,
 TOWNSHIP 25S, RANGE 29E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

146.48± ACTUAL
 ACRES IN EASEMENT

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



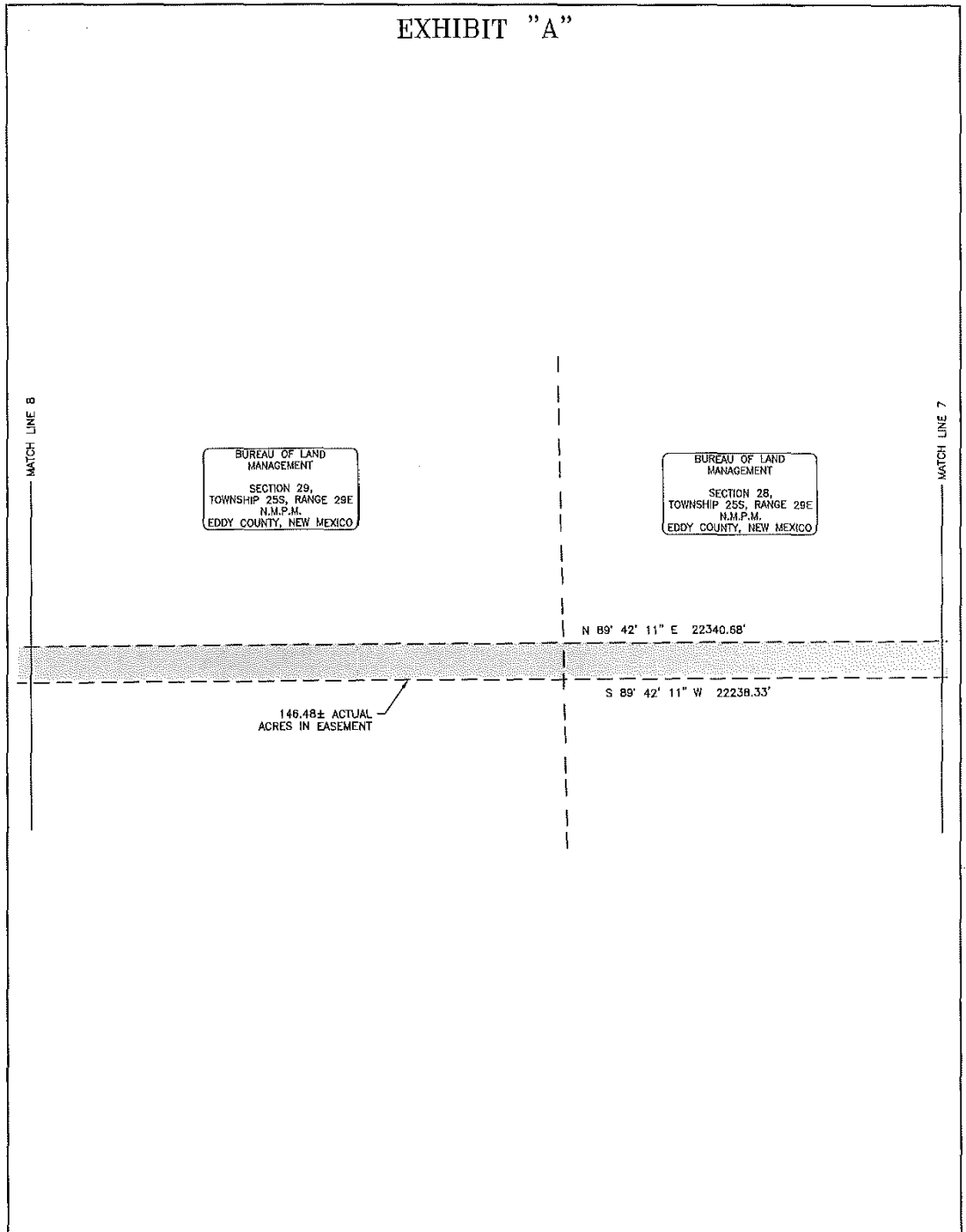
FURMAN LAND SURVEYORS, INC.

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 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

LEGEND	
	EASEMENT
TOTAL ACREAGE — 146.48±	

INDEXING INFORMATION	
OWNER: BUREAU OF LAND MANAGEMENT	
LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING	PADWG19XCELAPHANTOMADWGPANTOM_345KV
XCEL PARCEL NO.	2 SHEET 7 OF 13

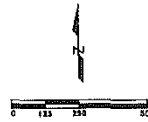
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

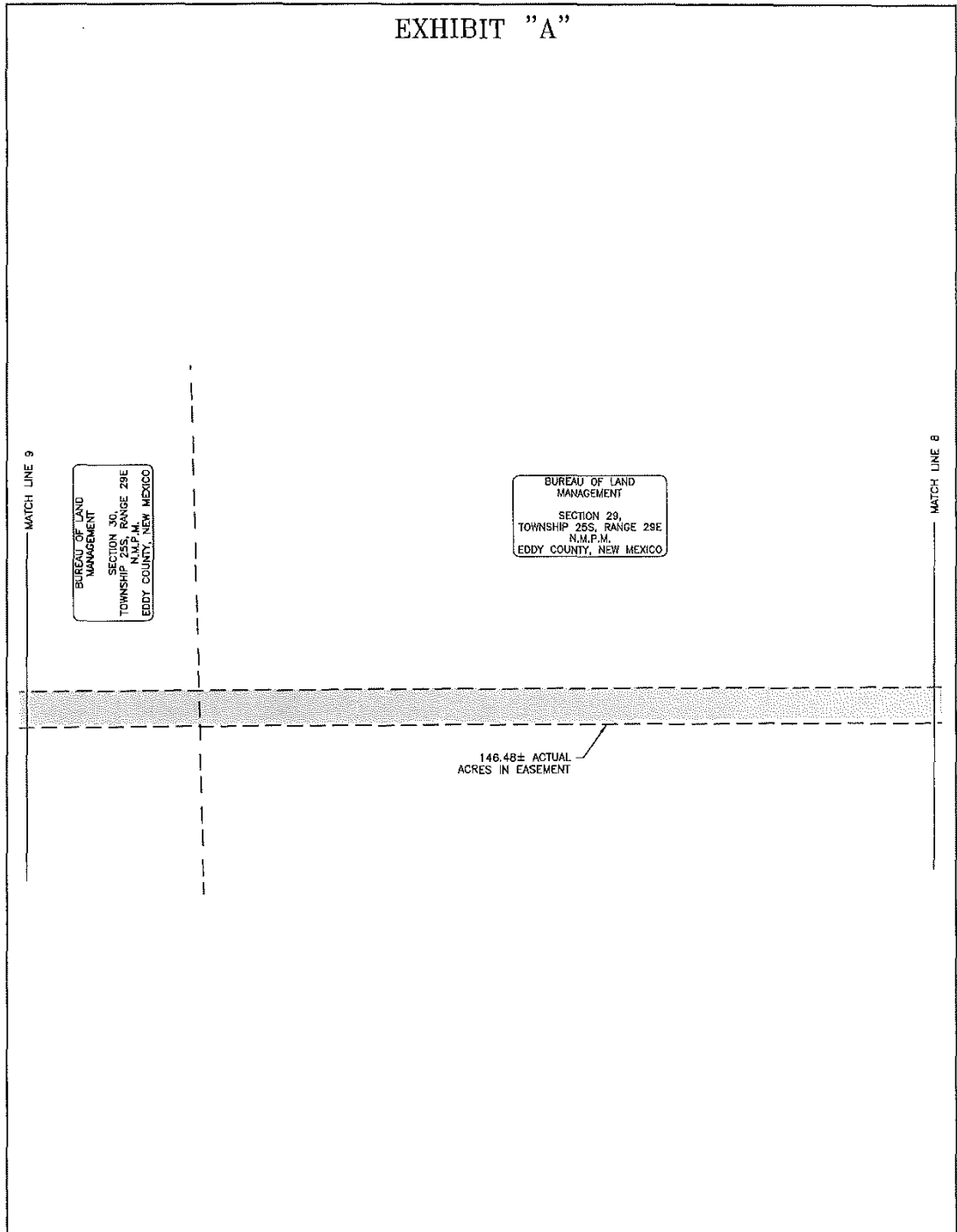
Combined Factor = 0.999573282



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 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., BDDY COUNTY, NEW MEXICO</p>
	<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p>	
<p>TOTAL ACREAGE — 146.48±</p>	<p>KYLE L. BRADY, PS 25645</p>	<p>DRAWING PADWG19XCELAPHANTOMDWOPHANTOM_345KV XCEL PARCEL NO. 2 SHEET 8 OF 13</p>

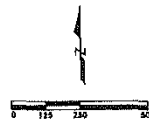
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



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 P.O. BOX 1416
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 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



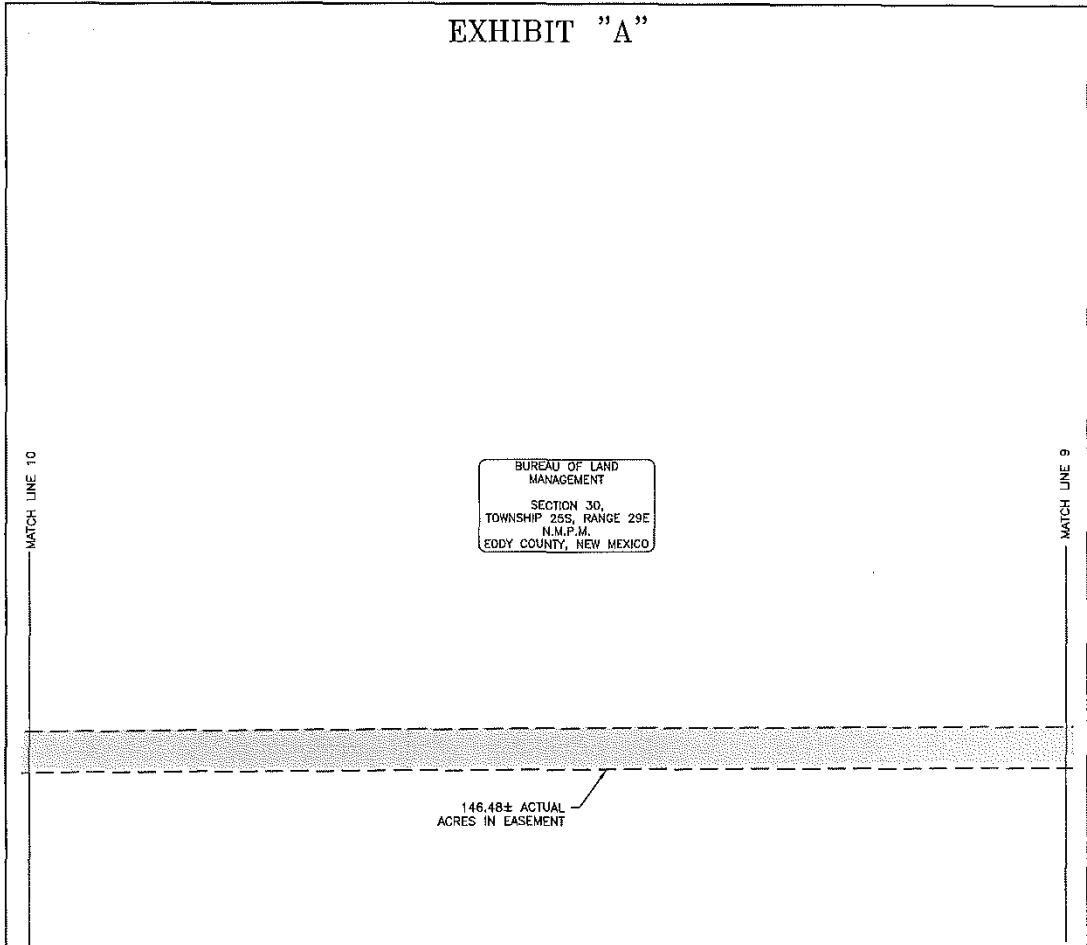
<p>LEGEND</p>		<p>INDEXING INFORMATION</p>					
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>					
<p>TOTAL ACREAGE - 146.48±</p>		<p>EASEMENT SURVEY FOR</p> <p>SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <table border="1"> <tr> <td>DRAWING</td> <td>P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM_345KV</td> </tr> <tr> <td>XCEL PARCEL NO.</td> <td>2</td> </tr> <tr> <td>SHEET</td> <td>9 OF 13</td> </tr> </table>	DRAWING	P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM_345KV	XCEL PARCEL NO.	2	SHEET
DRAWING	P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM_345KV						
XCEL PARCEL NO.	2						
SHEET	9 OF 13						

EXHIBIT "A"



BUREAU OF LAND
 MANAGEMENT
 SECTION 30,
 TOWNSHIP 25S, RANGE 29E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

146.48± ACTUAL
 ACRES IN EASEMENT

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

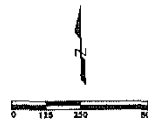
Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246

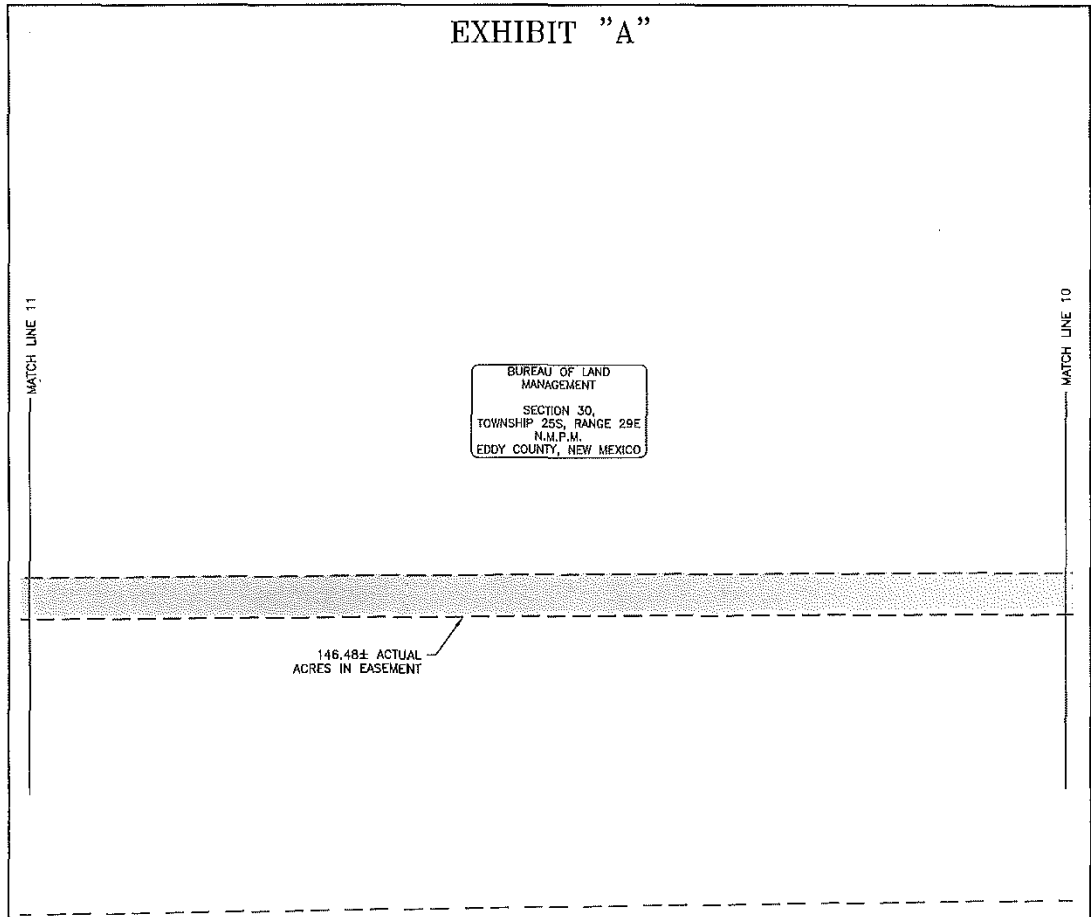
TEXAS FIRM #10092400 & 10092401



<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M, EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE - 146.48±</p>		<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING PADWG19XCELAPHANTOMDWDGPHANTOM_345KV XCEL PARCEL NO. 2 SHEET 10 OF 13</p>

KYLE L. BRADY
 PS 25645
 10-2-19

EXHIBIT "A"



BUREAU OF LAND
 MANAGEMENT
 SECTION 30,
 TOWNSHIP 25S, RANGE 29E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

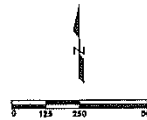
146.48± ACTUAL
 ACRES IN EASEMENT

SECTION 31,
 TOWNSHIP 25S, RANGE 29E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System--Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



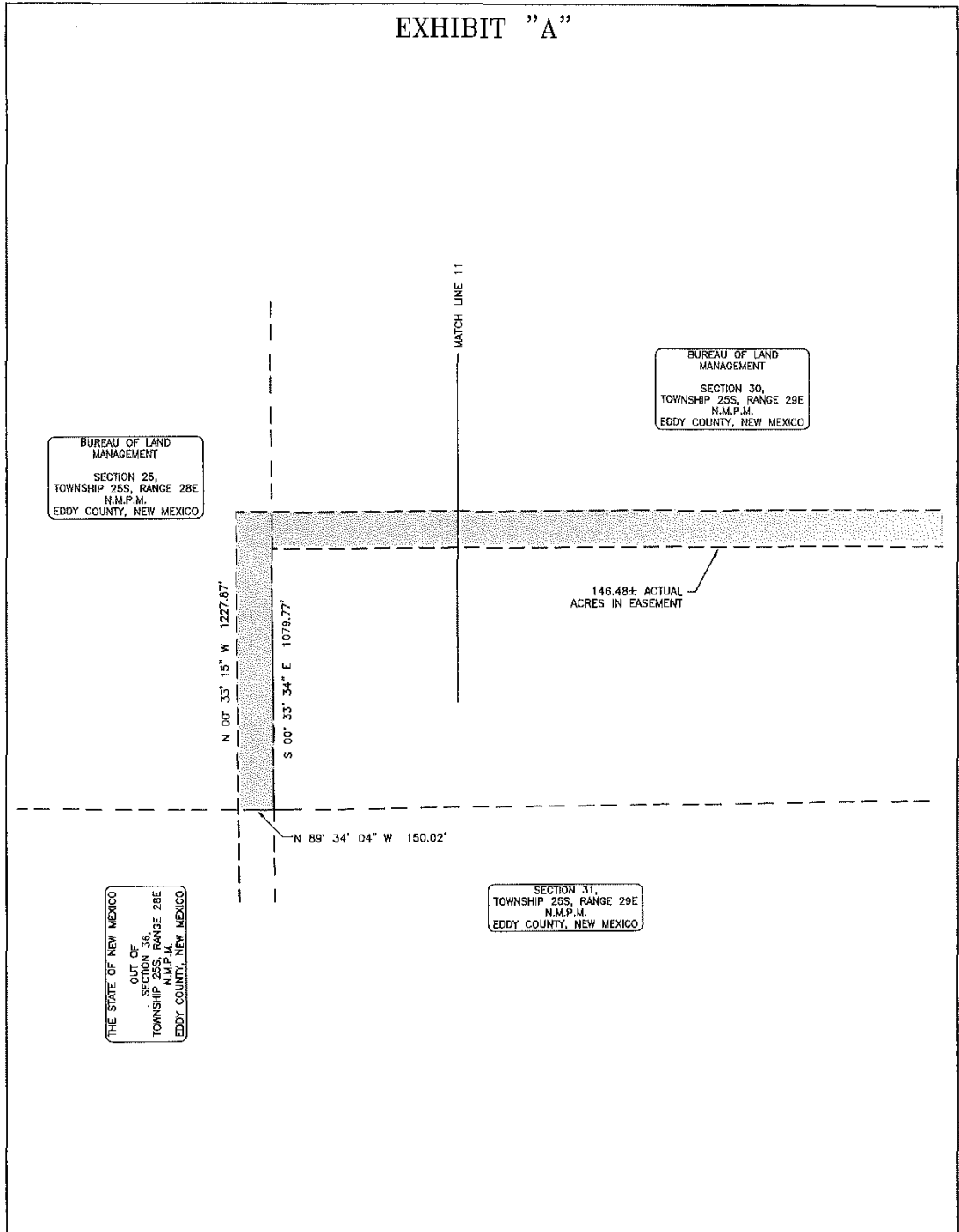
FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE — 146.48±</p>		<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING PADWG19XCEL1PHANTOM1DWG1PHANTOM_345KV XCEL PARCEL NO. 2 SHEET 11 OF 13</p>

KYLE L. BRADY,
 PS 25645
 12-9-19

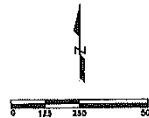
EXHIBIT "A"



BASIS OF BEARING-- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System--Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p>	<p>KYLE L. BRADY, PS 25645</p>	<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, & SECTIONS 13, 24, 25, 26, 27, 28, 29, 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE -- 146.48±</p>		<p>EASEMENT SURVEY FOR</p> <p>SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING: PADWG19XCELAPHANTOM1DWGPHANTOM_345KV XCEL PARCEL NO. 2 SHEET 12 OF 13</p>

EASEMENT DESCRIPTION

An easement out of Section 25, Township 25 South, Range 28 East, and Sections 13, 24, 25, 26, 27, 28, 29, and 30, Township 25 South, Range 29 East of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found and accepted for the Northeast corner of said Section 13, from whence a brass GLO cap found and accepted for the North quarter corner of said Section 13, bears S. 89° 02' 02" W. (Base Line) 2653.74 feet;

Thence S. 89° 02' 02" W. 1435.38 feet along the North line of said Section 13, to a point for the Northeast and BEGINNING corner of this easement;

Thence S. 00° 39' 01" E. 9178.82 feet crossing the common line of said Sections 13 and 24, to a point;

Thence S. 54° 03' 29" W. 9981.67 feet crossing the common line of said Sections 24, 25, and 26, to a point;

Thence S. 89° 42' 11" W. 22238.33 feet crossing the common line of said Sections 26, 27, 28, 29, 30, and 25, to a point;

Thence S. 00° 33' 34" E. 1079.77 feet to a point in the South line of said Section 25;

Thence N. 89° 34' 04" W. 150.02 feet along the South line of said Section 25 to a point;

Thence N. 00° 33' 15" W. 1227.87 feet to a point;

Thence N. 89° 42' 11" E. 22340.68 feet crossing the common line of said Sections 25, 30, 29, 28, 27, and 26, to a point;

Thence N. 54° 03' 29" E. 9855.85 feet crossing the common line of said Sections 26 and 25 and 24, to a point;

Thence N. 00° 39' 01" W. 9100.39 feet crossing the common line of said Sections 24 and 13, to a point in the North line of said Section 13, for the Northwest corner of this easement;

Thence N. 89° 02' 02" E. 150.00 feet along the North line of said Section 13, to the PLACE OF BEGINNING.

Easement contains 146.48± Acres.

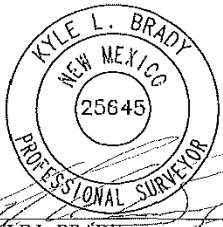
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

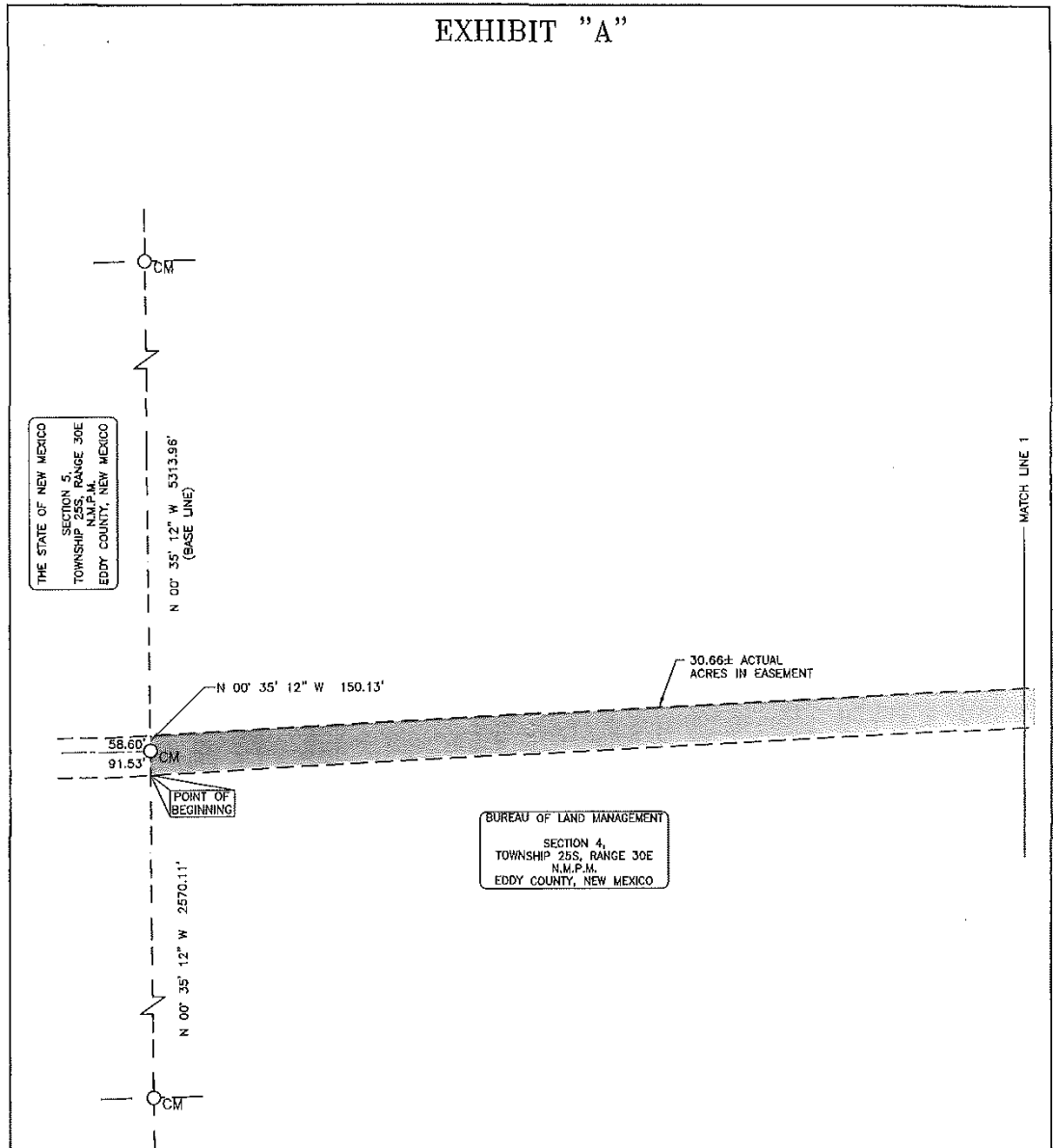
Distances are Grid.

Combined Factor = 0.999573282

	INDEXING INFORMATION		
	OWNER: BUREAU OF LAND MANAGEMENT		
LOCATION: SECTION 25, TOWNSHIP 25S, RANGE 28E, AND SECTIONS 13, 24, 25, 26, 27, 28, 29, & 30, TOWNSHIP 25S, RANGE 29E, N.M.P.M., EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE			
DRAWING	PADWC19XCELPHANTOMDWDGPHANTOM_345KV		
PROJECT	D191870	SHEET 13 OF 13	

KYLE L. BRADY,
PS 25645
[Signature]
10-2-19

EXHIBIT "A"

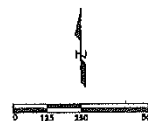


BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

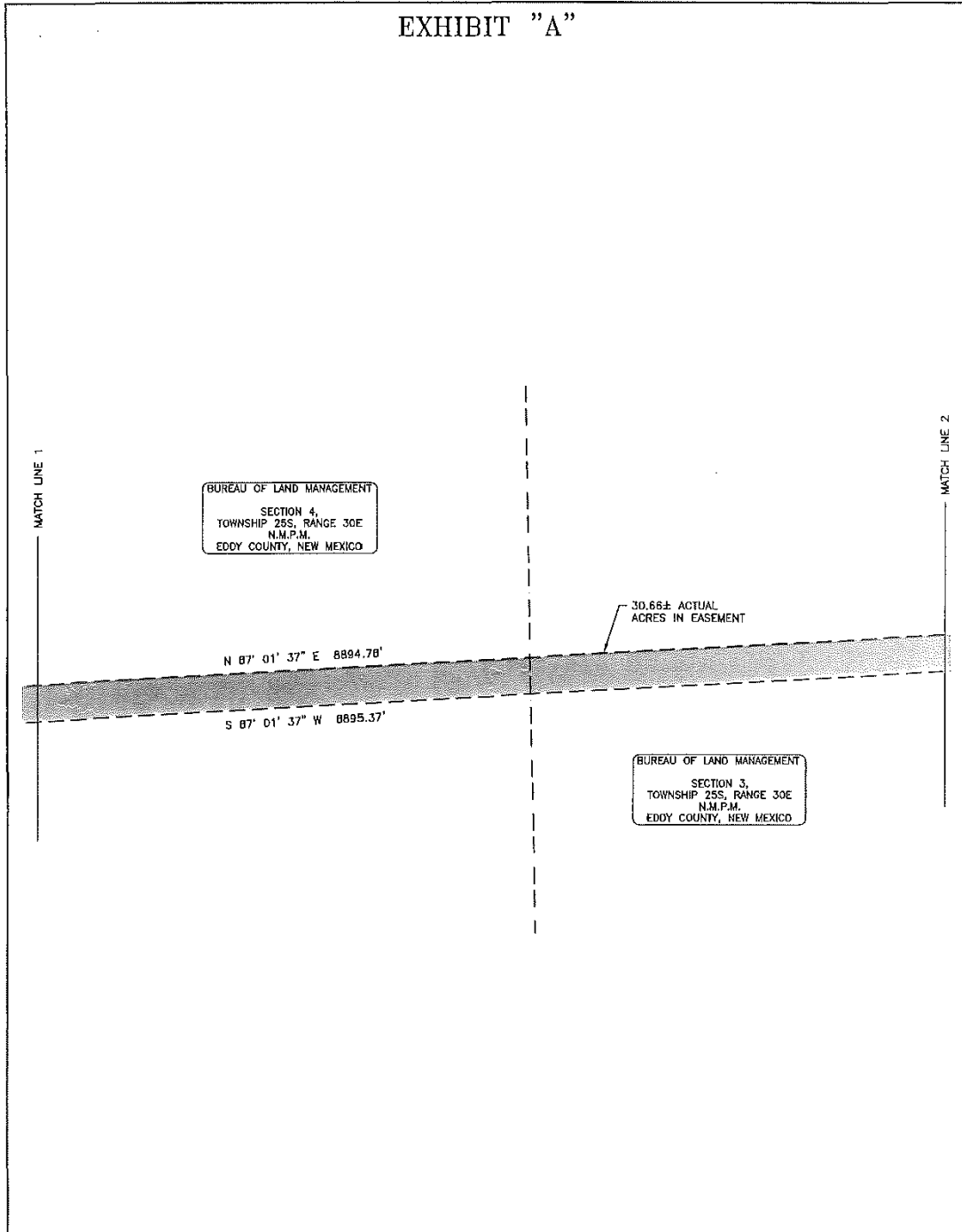
Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER: BUREAU OF LAND MANAGEMENT	
CM	CONTROL MONUMENT	LOCATION: SECTIONS 3 & 4, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
○	BRASS GLO CAP FND	EASEMENT SURVEY FOR	
		SOUTHWESTERN PUBLIC SERVICE	
		345 KV LINE	
TOTAL ACREAGE - 30.66±		DRAWING #	PADWGI9XCELPHANTOMDWGPHANTOM_345KV
		XCEL PARCEL NO.	4 SHEET 1 OF 4

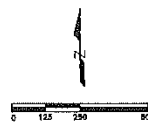
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



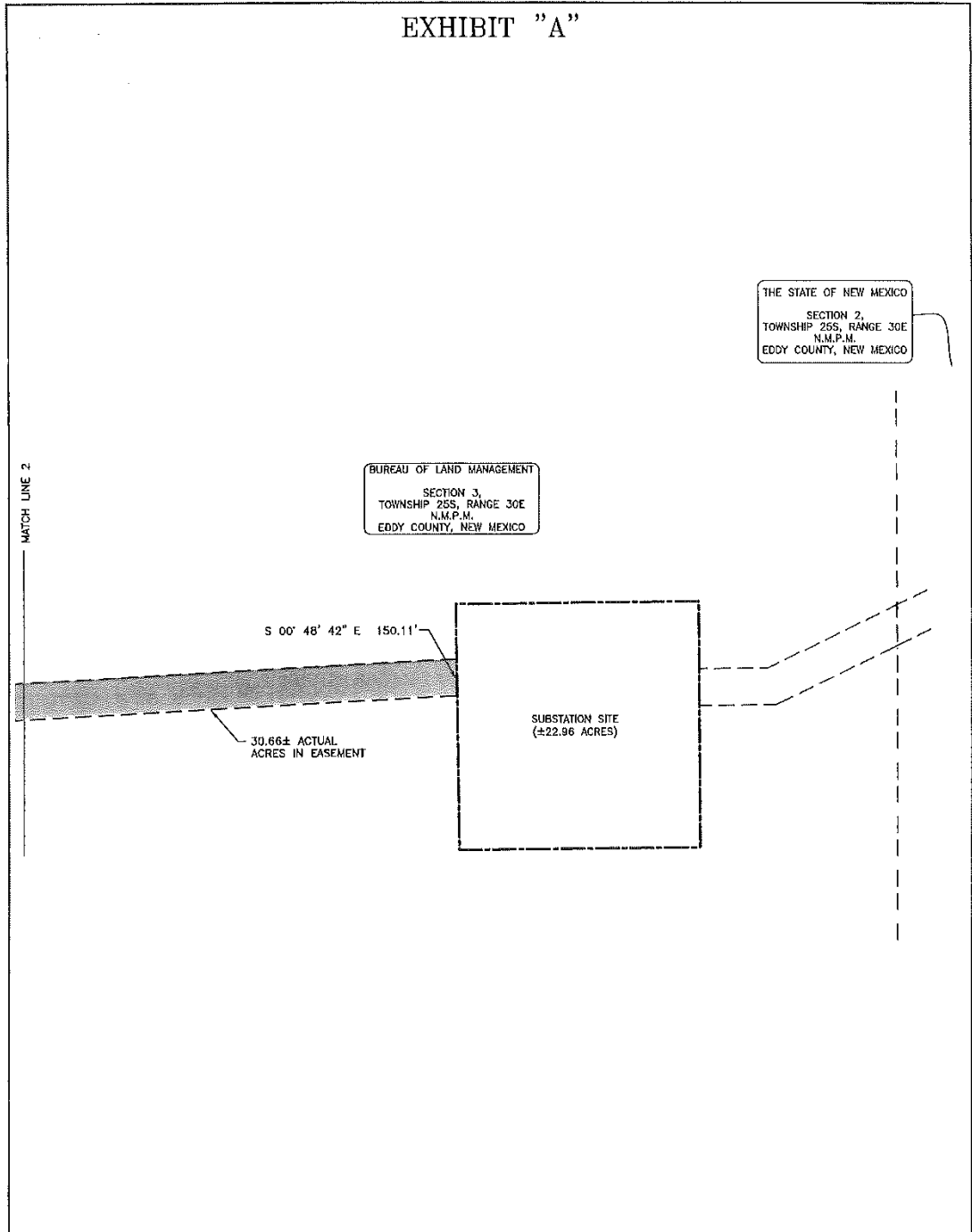
<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTIONS 3 & 4, TOWNSHIP 25S, RANGE 30E, N.M.P.M, EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE - 30.66±</p>		<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING PADWGI9XCELAPHANTOMDVGPHANTOM 345KV XCEL PARCEL NO. 4 SHEET 2 OF 4</p>

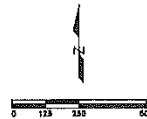
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER: BUREAU OF LAND MANAGEMENT	
 KYLE L. BRADY, PS 25645 12-9-19		LOCATION: SECTIONS 3 & 4, TOWNSHIP 25S, RANGE 30E, N.M.P.M, EDDY COUNTY, NEW MEXICO	
		BASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
TOTAL ACREAGE — 30.66±		DRAWING	PADWGI9XCELAPHANTOM1DWGIPHANTOM_345KV
		XCEL PARCEL NO.	4 SHEET 3 OF 4

EASEMENT DESCRIPTION

An easement out of Sections 3 and 4, Township 25 South, Range 30 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found and accepted for the Southwest corner of said Section 4, from whence a brass GLO cap found and accepted for the Northwest corner of said Section 4, bears N. 00° 35' 12" W. (Base Line) 5313.96 feet;

Thence N. 00° 35' 12" W. 2570.11 feet along the West line of said Section 4, to a point for the Southwest and BEGINNING corner of this easement;

Thence N. 00° 35' 12" W. 150.13 feet along the West line of said Section 4, to a point for the Northwest corner of this easement;

Thence N. 87° 01' 37" E. 8894.78 feet crossing the common line of said Sections 4 and 3, to a point in the West line of a ±22.96 acre substation site (simultaneously surveyed) for the Northeast corner of this easement;

Thence S. 00° 48' 42" E. 150.11 feet along the West line of said ±22.96 acre substation site (simultaneously surveyed) to a point for the Southeast corner of this easement;

Thence S. 87° 01' 37" W. 8895.37 feet crossing the common line of said Sections 3 and 4, to the PLACE OF BEGINNING;

Easement contains 30.66± Acres.

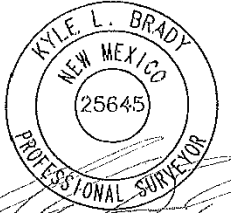
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

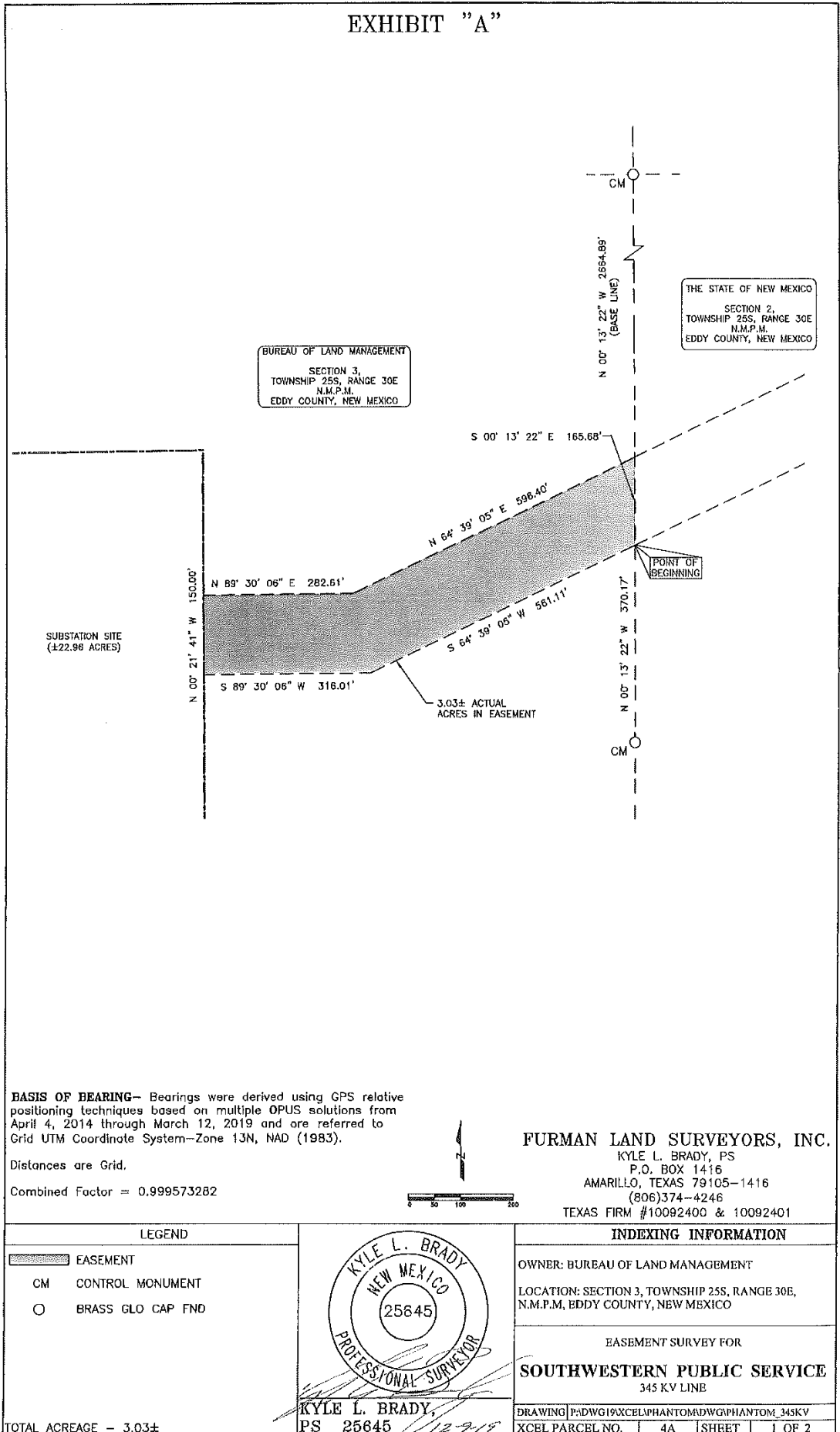
Distances are Grid.

Combined Factor = 0.999573282

	INDEXING INFORMATION			
	OWNER: BUREAU OF LAND MANAGEMENT			
LOCATION: SECTIONS 3 & 4, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO				
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 kV LINE				
DRAWING	PADWGI9XCELAPHANTOMADWGHANTOM_345KV			
PROJECT	D191870	SHEET	4 OF 4	

KYLE L. BRADY,
PS 25645
12-8-19

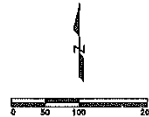
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER: BUREAU OF LAND MANAGEMENT	
CM	CONTROL MONUMENT	LOCATION: SECTION 3, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
○	BRASS GLO CAP FND	EASEMENT SURVEY FOR	
 KYLE L. BRADY, PS 25645		SOUTHWESTERN PUBLIC SERVICE	
		345 KV LINE	
TOTAL ACREAGE - 3.03±		DRAWING	P-DWG19XCELPHANTOMDWGPHANTOM_345KV
		XCEL PARCEL NO.	4A SHEET 1 OF 2

EASEMENT DESCRIPTION

An easement out of Section 3, Township 25 South, Range 30 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found and accepted for the East quarter corner of said Section 3, from whence a brass GLO cap found and accepted for the Northeast corner of said Section 3, bears N. 00° 13' 22" W. (Base Line) 2664.89 feet;

Thence N. 00° 13' 22" W. 370.17 feet along the East line of said Section 3, to a point for the Southeast and BEGINNING corner of this easement;

Thence S. 64° 39' 05" W. 561.11 feet to a point;

Thence S. 89° 30' 06" W. 316.01 feet to a point in the East line of a ±22.96 acre substation site (simultaneously surveyed), for the Southwest corner of this easement;

Thence N. 00° 21' 41" W. 150.00 feet along the East line of said ±22.96 acre substation site (simultaneously surveyed) to a point, for the Northwest corner of this easement;

Thence N. 89° 30' 06" E. 282.61 feet to a point;

Thence N. 64° 39' 05" E. 598.40 feet to a point in the East line of said Section 3, for the Northeast corner of this easement;

Thence S. 00° 13' 22" E. 165.68 feet along the East line of said Section 3 to the PLACE OF BEGINNING.

Easement contains 3.03± Acres.

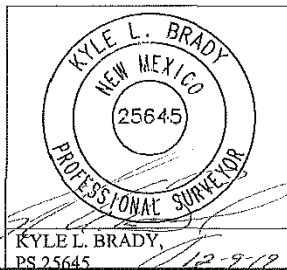
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

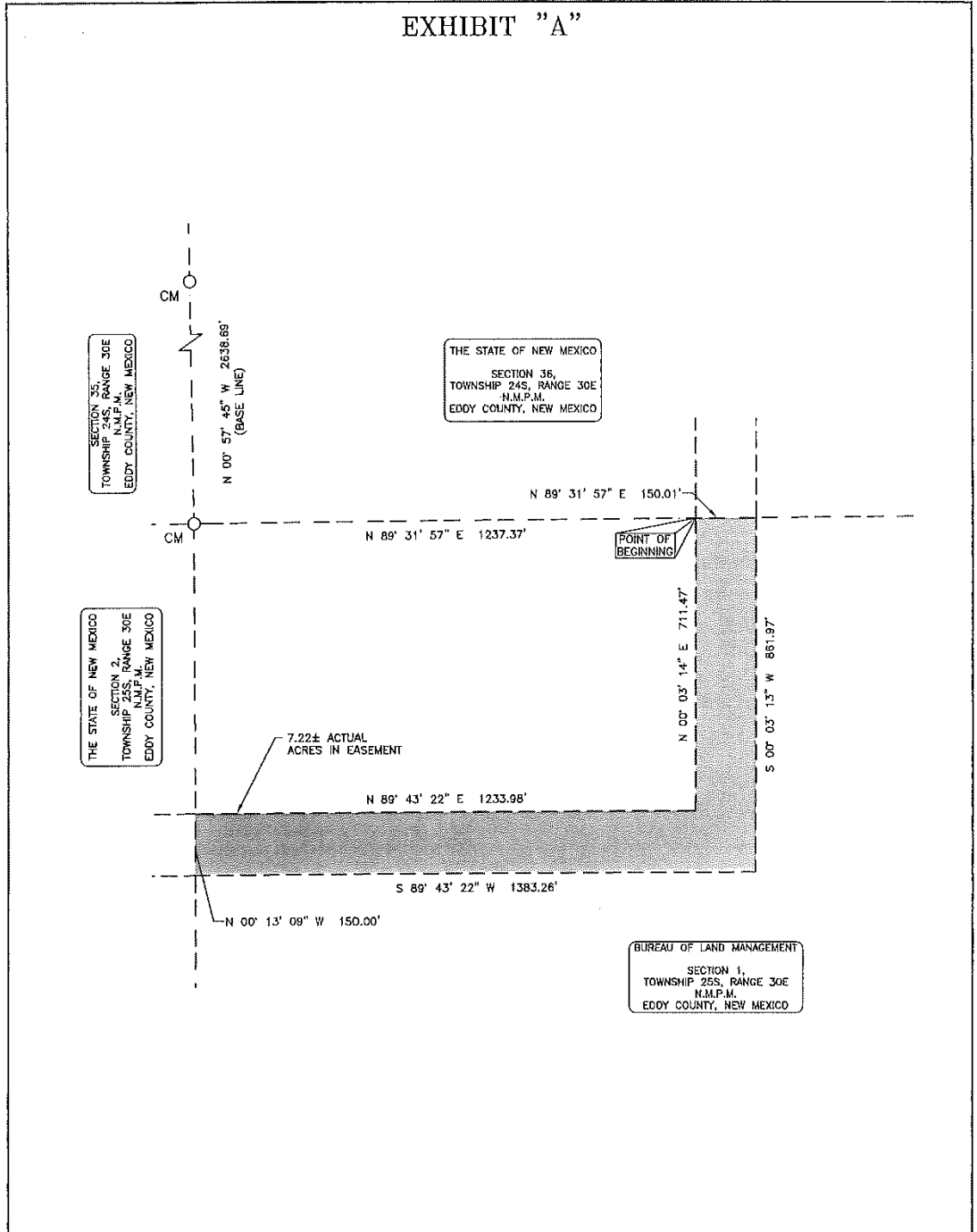
Distances are Grid.

Combined Factor = 0.999573282



INDEXING INFORMATION			
OWNER: BUREAU OF LAND MANAGEMENT			
LOCATION: SECTION 3, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 kV LINE			
DRAWING	P:\DWG\19XCEL\PHANTOM\DWG\PHANTOM_345KV		
PROJECT	D191866	SHEET	2 OF 2

EXHIBIT "A"



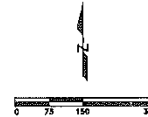
BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



<p>LEGEND</p> <p> EASEMENT</p> <p>CM CONTROL MONUMENT</p> <p>○ BRASS GLO CAP FND</p>			<p>INDEXING INFORMATION</p> <p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTION 1, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>	
<p>TOTAL ACREAGE — 7.22±</p>			<p>BASEMENT SURVEY FOR</p> <p>SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING PADWG19XCELPHANTOMMDWGPHANTOM_345KV XCEL PARCEL NO. 6 SHEET 1 OF 2</p>	

EASEMENT DESCRIPTION

An easement out of Section 1, Township 25 South, Range 30 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found and accepted for the Northwest corner of said Section 1, from whence a brass GLO cap found and accepted for the West quarter corner of Section 36, Township 24 South, Range 30 East, bears N. 00° 57' 45" W. (Base Line) 2638.69 feet;

Thence N. 89° 31' 57" E. 1237.37 feet along the North line of said Section 1, to a point for the Northwest and BEGINNING corner of this easement;

Thence N. 89° 31' 57" E. 150.01 feet along the North line of said Section 1, to a point for the Northeast corner of this easement;

Thence S. 00° 03' 13" W. 861.97 feet to a point;

Thence S. 89° 43' 22" W. 1383.26 feet to a point in the West line of said Section 1;

Thence N. 00° 13' 09" W. 150.00 feet along the West line of said Section 1 to a point;

Thence N. 89° 43' 22" E. 1233.98 feet to a point;

Thence N. 00° 03' 14" E. 711.47 feet to the PLACE OF BEGINNING;

Easement contains 7.22± Acres.

SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282


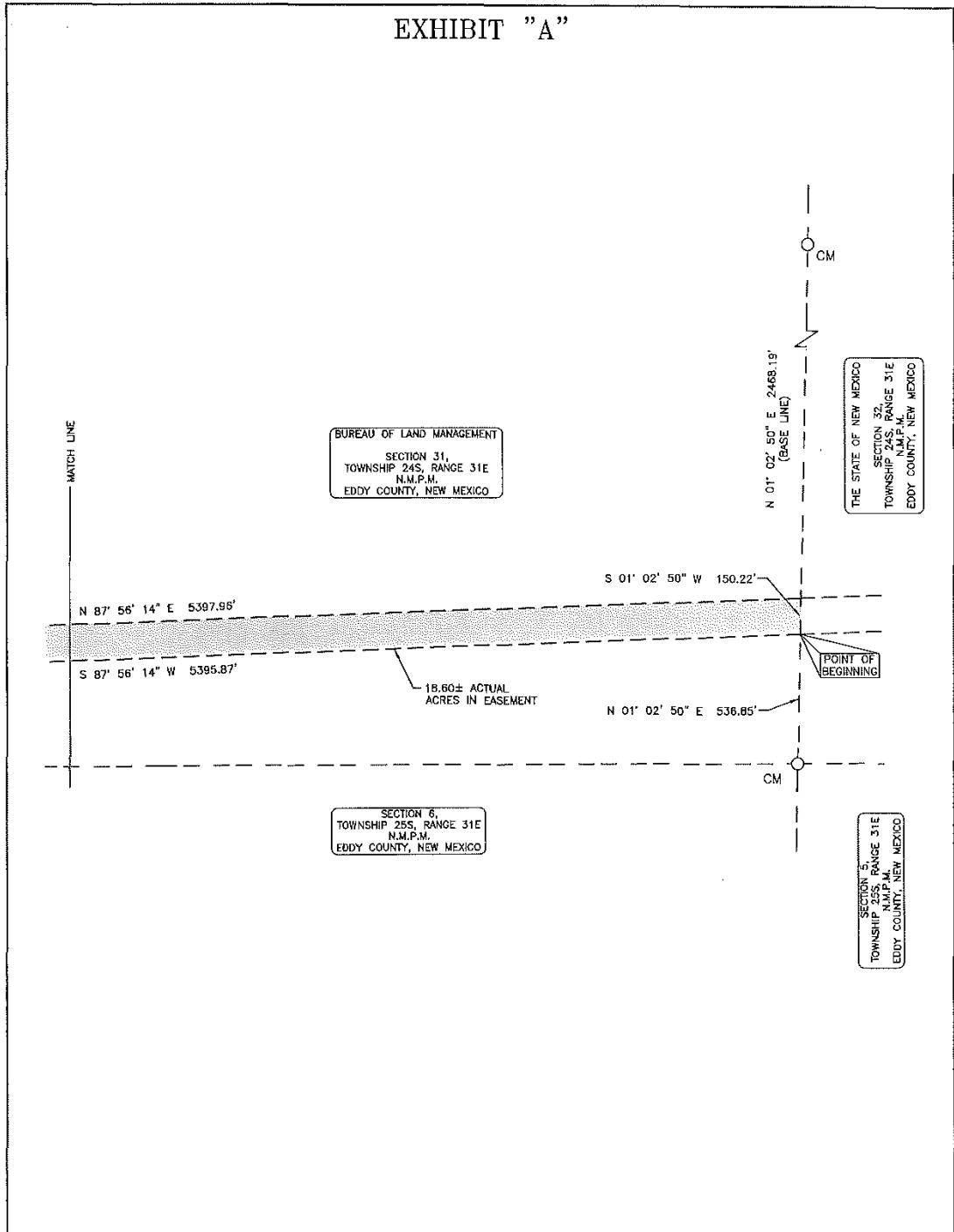
	INDEXING INFORMATION		
	OWNER: BUREAU OF LAND MANAGEMENT		
KYLE L. BRADY, PS 25645	LOCATION: SECTION 1, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO		
	EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 kV LINE		
DRAWING	PADWG19XCCELPHANTOMDWGPHANTOM_345KV	PROJECT	D191866 SHEET 2 OF 2

EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

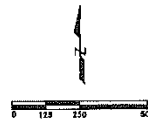
Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416

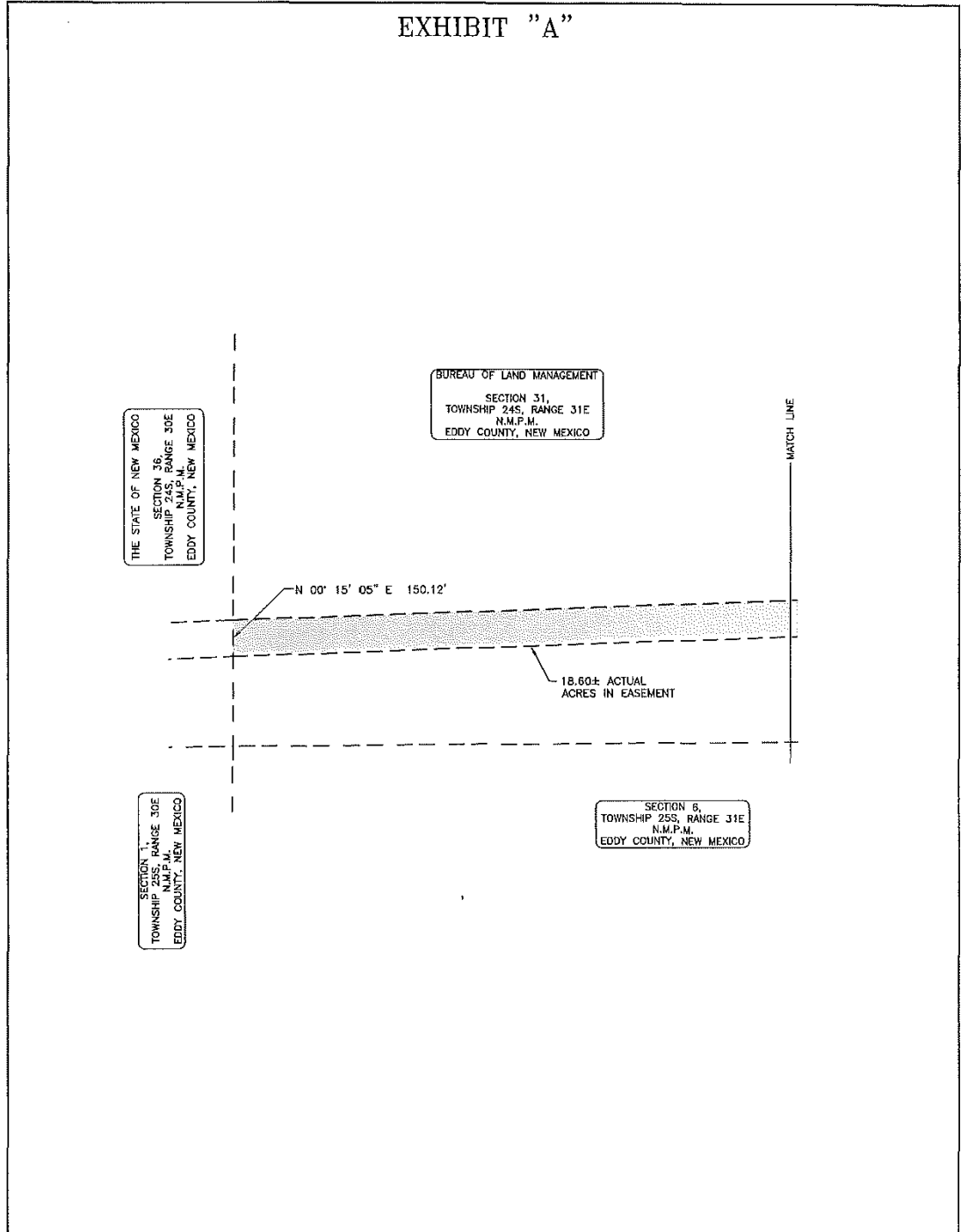
AMARILLO, TEXAS 79105-1416
 (806)374-4246

TEXAS FIRM #10092400 & 10092401



<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p>----- EASEMENT CM CONTROL MONUMENT ○ BRASS GLO CAP FND</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTION 31, TOWNSHIP 24S, RANGE 31E, N.M.P.M, EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE - 18.60±</p>	<p>KYLE L. BRADY, PS 25645 12-9-19</p>	<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE DRAWING P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM_345KV XCEL PARCEL NO. 8 SHEET 1 OF 3</p>

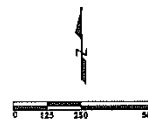
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTION 31, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE -- 18.60±</p>		<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING PADWG19XCELAPHANTOMDWGPHANTOM_345KV XCEL PARCEL NO. 8 SHEET 2 OF 3</p>

EASEMENT DESCRIPTION

An easement out of Section 31, Township 24 South, Range 31 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found and accepted for the Southeast corner of said Section 31, from whence a brass GLO cap found and accepted for the East quarter corner of said Section 31, bears N. 01° 02' 50" E. (Base Line) 2468.19 feet;

Thence N. 01° 02' 50" E. 536.85 feet along the East line of said Section 31, to a point for the Southeast and BEGINNING corner of this easement;

Thence S. 87° 56' 14" W. 5395.87 feet to a point in the West line of said Section 31, for the Southwest corner of this easement;

Thence N. 00° 15' 05" E. 150.12 feet along the West line of said Section 31 to a point, for the Northwest corner of this easement;

Thence N. 87° 56' 14" E. 5397.96 feet to a point in the East line of said Section 31 for the Northeast corner of this easement;

Thence S. 01° 02' 50" W. 150.22 feet along the East line of said Section 31 to the PLACE OF BEGINNING;

Easement contains 18.60± Acres.

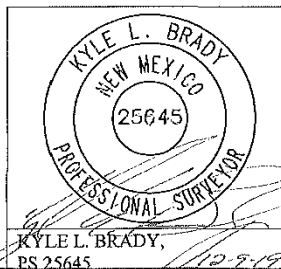
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

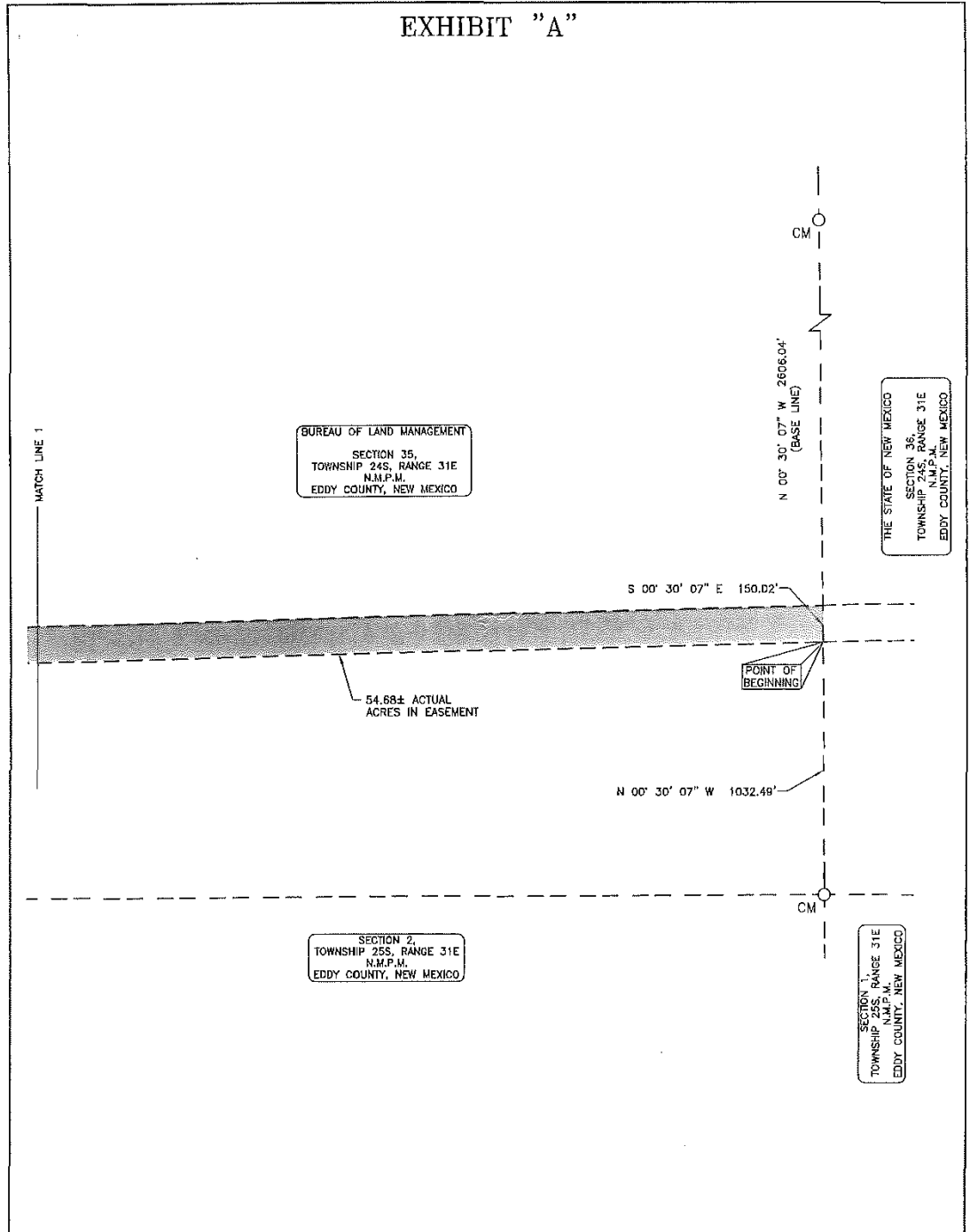
Distances are Grid.

Combined Factor = 0.999573282



INDEXING INFORMATION			
OWNER: BUREAU OF LAND MANAGEMENT			
LOCATION: SECTION 31, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE			
DRAWING	PADWGI9XCED\PHANTOM\DWG\PHANTOM_345KV		
PROJECT	D191866	SHEET	3 OF 3

EXHIBIT "A"



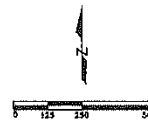
BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

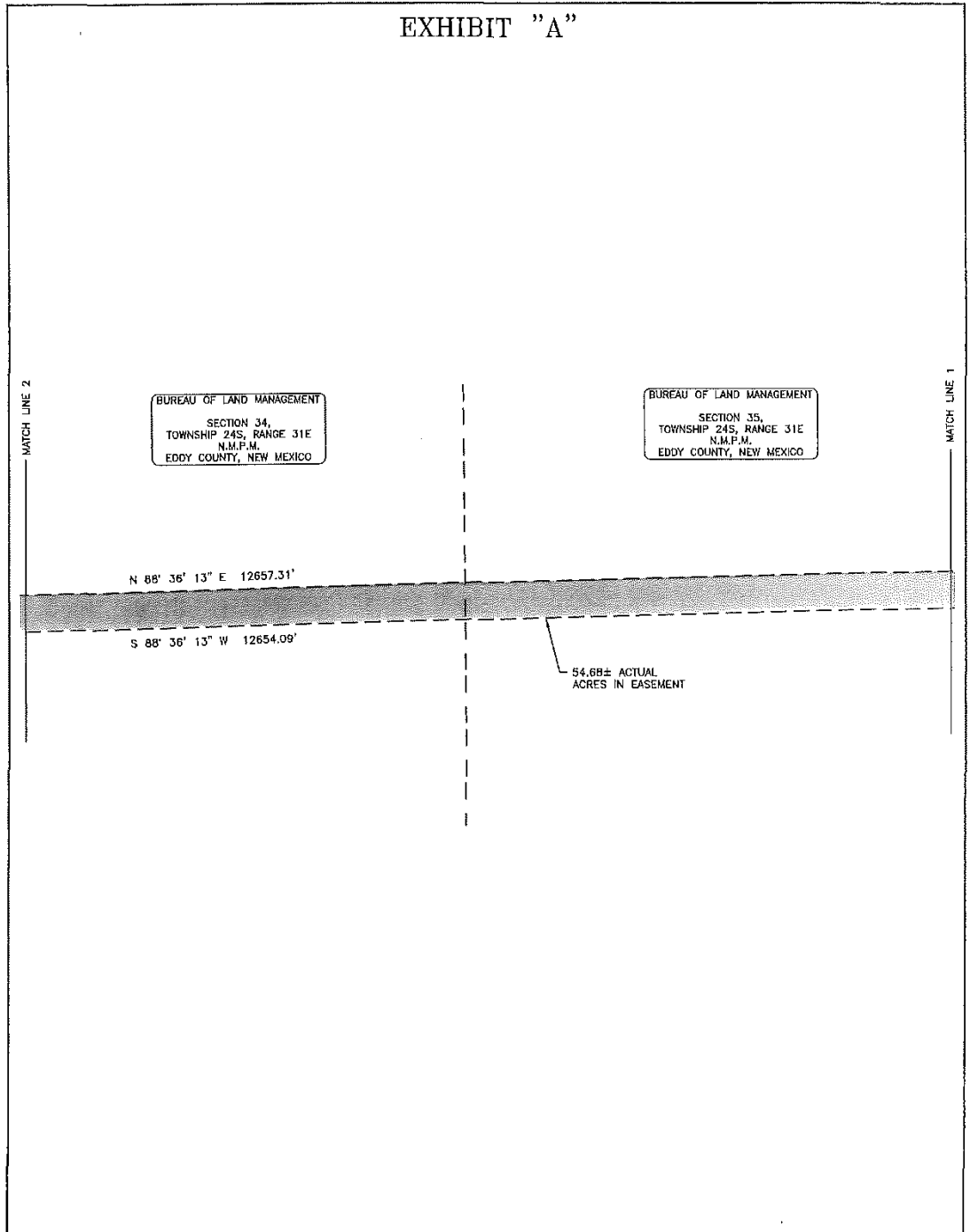
FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER:	BUREAU OF LAND MANAGEMENT
CM	CONTROL MONUMENT	LOCATION:	SECTIONS 33, 34, & 35, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO
○	BRASS GLO CAP FND	EASEMENT SURVEY FOR	
		SOUTHWESTERN PUBLIC SERVICE	
		345 KV LINE	
TOTAL ACREAGE — 54.68±		DRAWING	PADWGI9XCELPHANTOMADWGPANTOM_345KV
		XCEL PARCEL NO.	10 SHEET 1 OF 6

EXHIBIT "A"



BUREAU OF LAND MANAGEMENT
 SECTION 34,
 TOWNSHIP 24S, RANGE 31E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

BUREAU OF LAND MANAGEMENT
 SECTION 35,
 TOWNSHIP 24S, RANGE 31E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

N 88° 36' 13" E 12657.31'

S 88° 36' 13" W 12654.09'

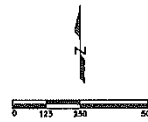
54.68± ACTUAL
 ACRES IN EASEMENT

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

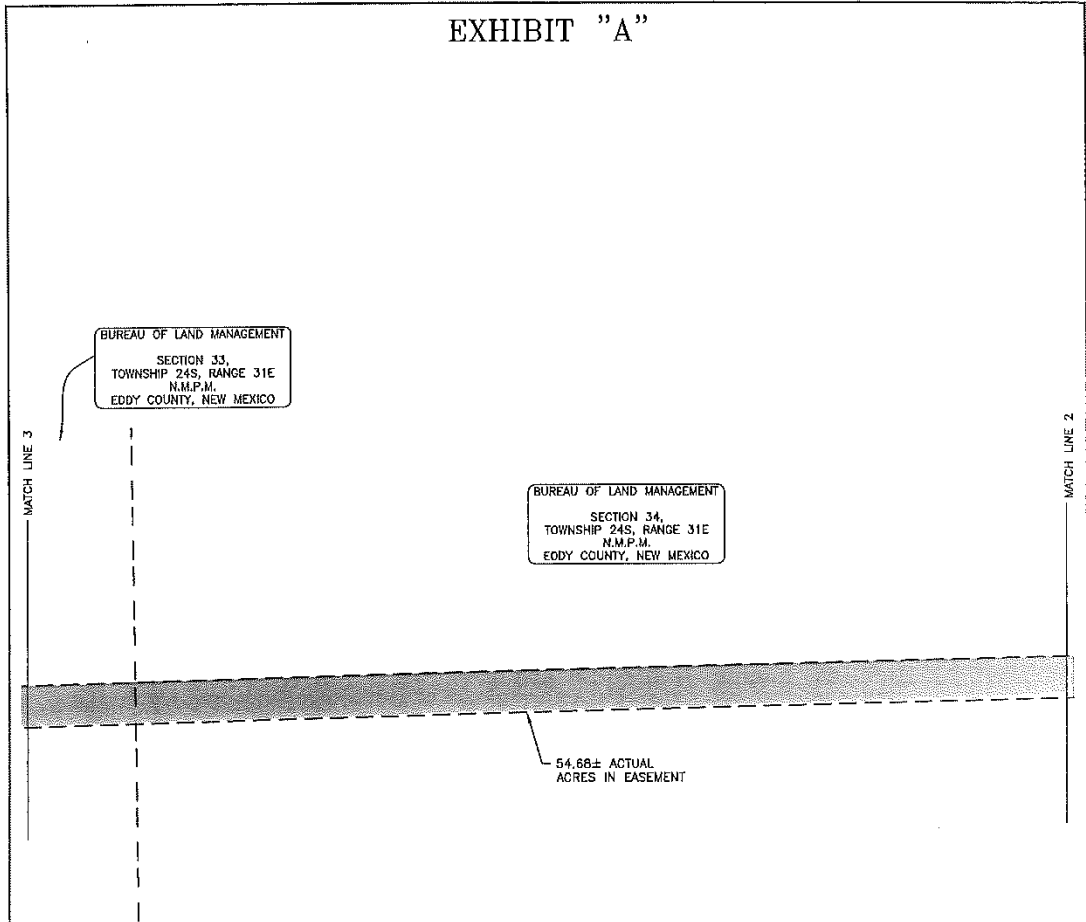
Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER: BUREAU OF LAND MANAGEMENT	
		LOCATION: SECTIONS 33, 34, & 35, TOWNSHIP 24S, RANGE 31E, N.M.P.M, EDDY COUNTY, NEW MEXICO	
		EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
TOTAL ACREAGE — 54.68±		DRAWING PADWGI9XCBLPHANTOMMDWGPHANTOM_345KV	
		XCBL PARCEL NO. 10 SHEET 2 OF 6	

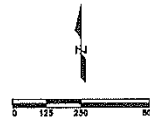
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615



FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



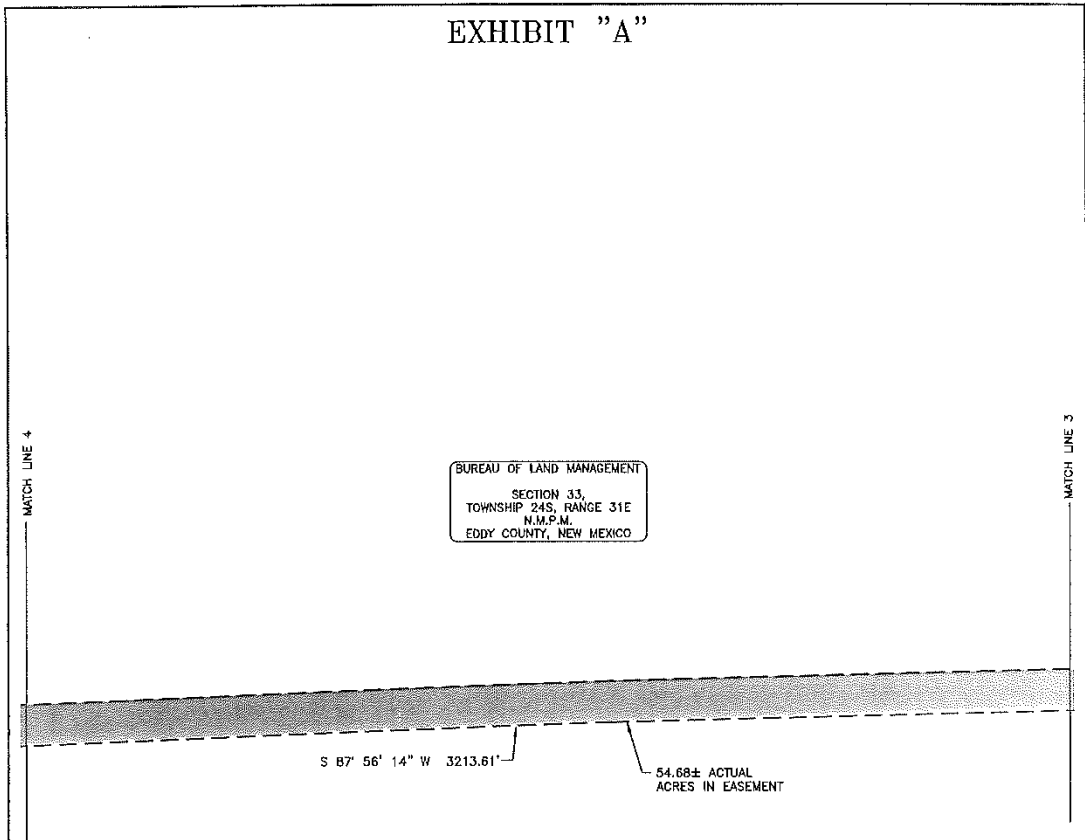
LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER: BUREAU OF LAND MANAGEMENT	
 KYLE L. BRADY, PS 25645		LOCATION: SECTIONS 33, 34, & 35, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
		EASEMENT SURVEY FOR	
TOTAL ACREAGE - 54.68±		SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
		DRAWING: PDWGI9XCBLPHANTOMMDWGPANTOM_345KV	
		XCEL PARCEL NO.	10 SHEET 3 OF 6

EXHIBIT "A"



BUREAU OF LAND MANAGEMENT
 SECTION 33,
 TOWNSHIP 24S, RANGE 31E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

S 87° 56' 14" W 3213.61'

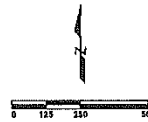
54.68± ACTUAL
 ACRES IN EASEMENT

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105--1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401





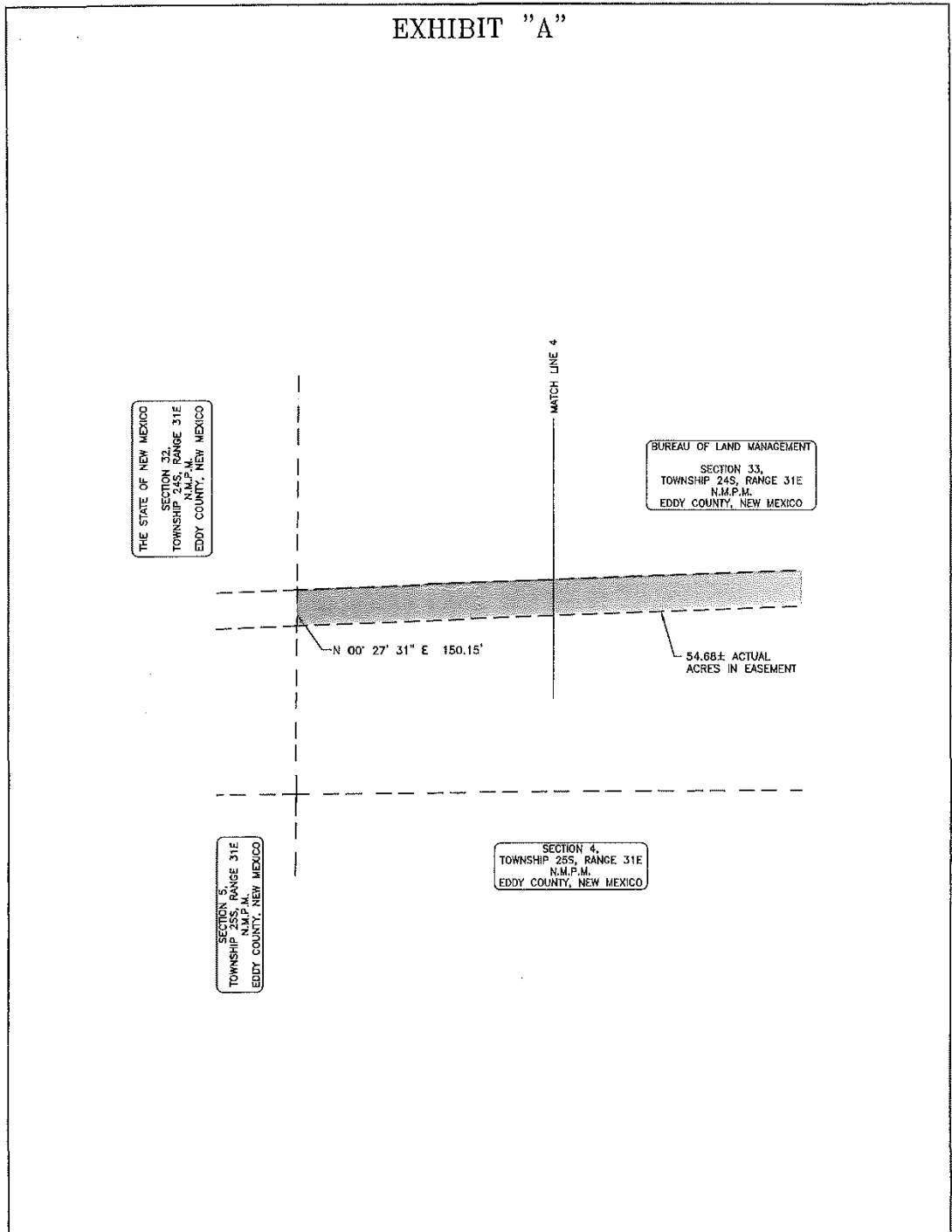
<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTIONS 33, 34, & 35, TOWNSHIP 24S, RANGB 31E, N.M.P.M, EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE - 54.68±</p>		<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING: PADWGI9XCELPHANTOMADWGPANTOM_345KV XCEL PARCEL NO. 10 SHEET 4 OF 6</p>

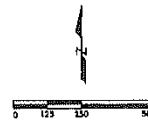
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615



FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER: BURBAU OF LAND MANAGEMENT	
 KYLE L. BRADY, PS 25645		LOCATION: SECTIONS 33, 34, & 35, TOWNSHIP 24S, RANGE 31E, N.M.P.M, EDDY COUNTY, NEW MEXICO	
		EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
TOTAL ACREAGE - 54.68±		DRAWING P\DWG19\XCEL\PHANTOM\ADWGP\PHANTOM_345KV	XCEL PARCEL NO. 10 SHEET 5 OF 6

EASEMENT DESCRIPTION

An easement out of Sections 33, 34, and 35, Township 24 South, Range 31 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999635615)

COMMENCING at a brass GLO cap found and accepted for the Southeast corner of said Section 35, from whence a brass GLO cap found and accepted for the East quarter corner of said Section 35, bears N. 00° 30' 07" W. (Base Line) 2606.04 feet;

Thence N. 00° 30' 07" W. 1032.49 feet along the East line of said Section 35, to a point for the Southeast and BEGINNING corner of this easement;

Thence S. 88° 36' 13" W. 12654.09 feet crossing the common line of Sections 35, 34, and 33 to a point;

Thence S. 87° 56' 14" W. 3213.61 feet to a point in the West line of said Section 33, for the Southwest corner of this easement;

Thence N. 00° 27' 31" E. 150.15 feet along the West line of said Section 33 to a point, for the Northwest corner of this easement;

Thence N. 87° 56' 14" E. 3207.87 feet to a point;

Thence N. 88° 36' 13" E. 12657.31 feet crossing the common line of Sections 33, 34, and 35 to a point in the East line of said Section 35;

Thence S. 00° 30' 07" E. 150.02 feet along the East line of said Section 35 to the PLACE OF BEGINNING;

Easement contains 54.68± Acres.

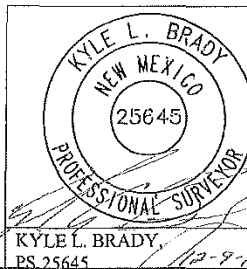
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

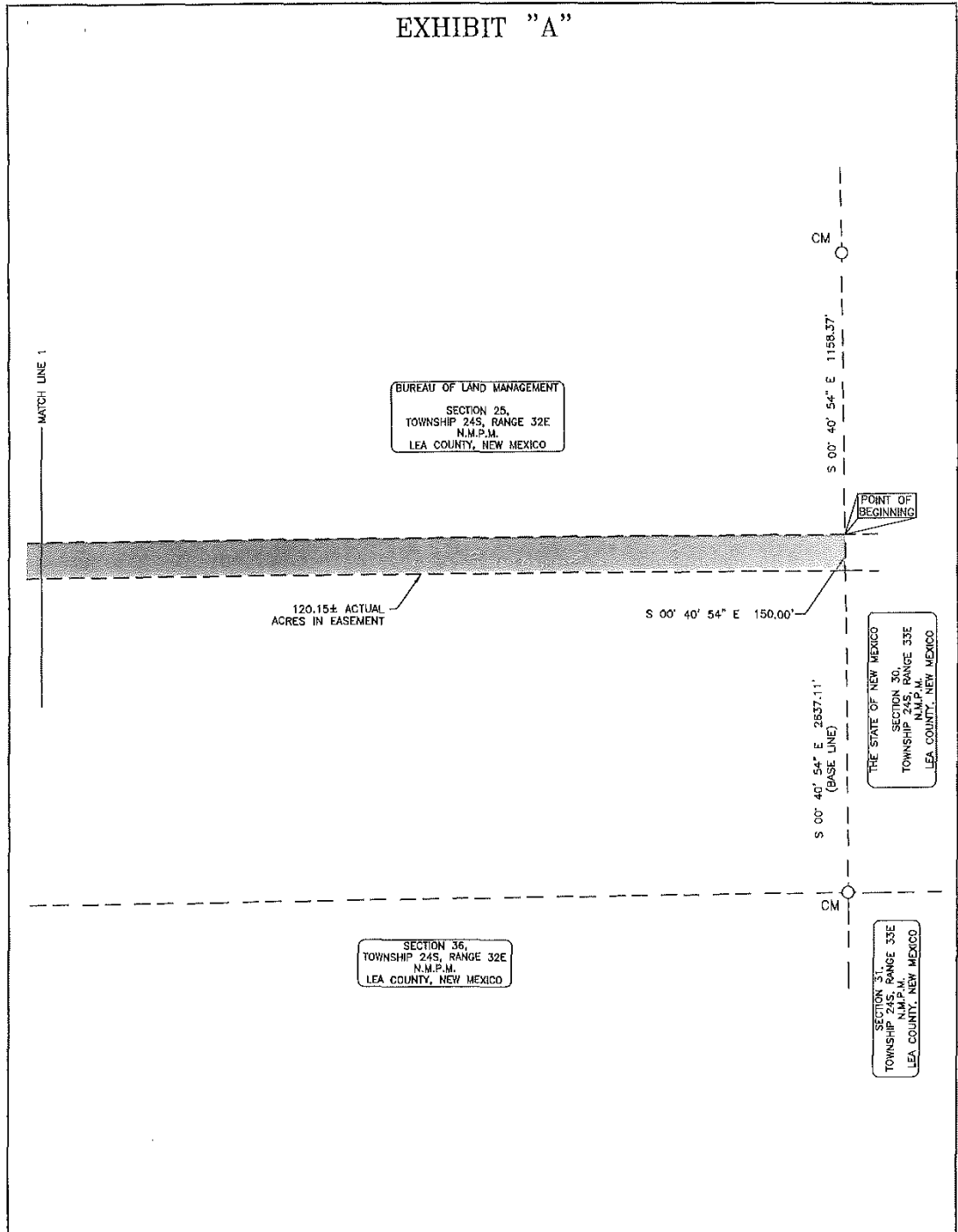
Distances are Grid.

Combined Factor = 0.999635615



INDEXING INFORMATION			
OWNER: BUREAU OF LAND MANAGEMENT			
LOCATION: SECTIONS 33, 34, & 35, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 kV LINE			
DRAWING	PADW019XCELPHANTOM08RDWGPHANTOM_345KV		
PROJECT	D191866	SHEET	6 OF 6

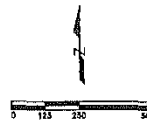
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615



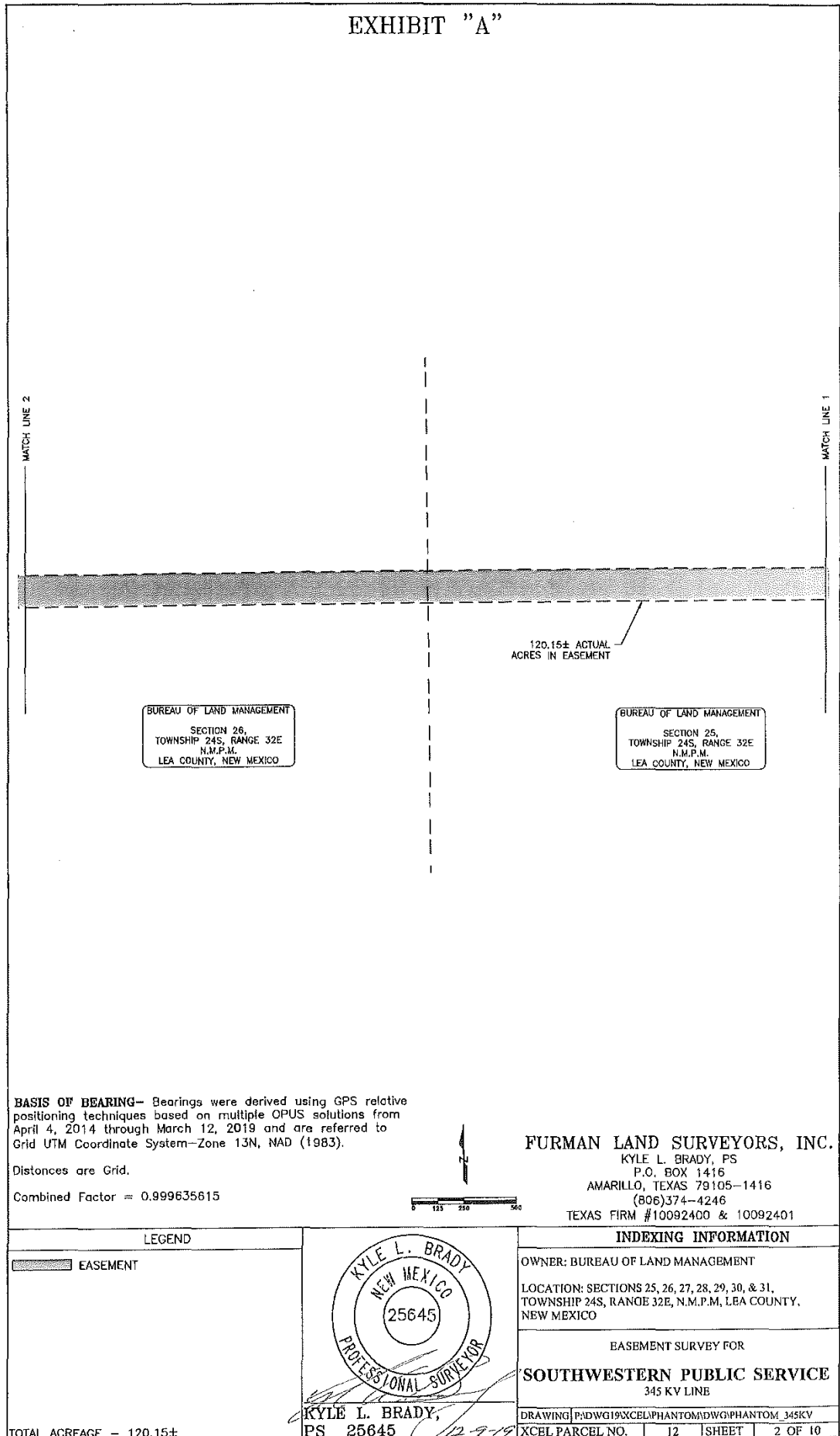
FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p>	<p>KYLE L. BRADY PS 25645</p>	<p>INDEXING INFORMATION</p>
<p> EASEMENT CONTROL MONUMENT BRASS GLO CAP FND </p>		<p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTIONS 25, 26, 27, 28, 29, 30, & 31, TOWNSHIP 24S, RANGE 32E, N.M.P.M. LEA COUNTY, NEW MEXICO</p> <p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING PADWGI9XCELAPHANTOMDWDGVPHANTOM_345KV XCEL PARCEL NO. 12 SHEET 1 OF 10</p>

TOTAL ACREAGE - 120.15±

EXHIBIT "A"



120.15± ACTUAL
ACRES IN EASEMENT

BUREAU OF LAND MANAGEMENT
SECTION 26,
TOWNSHIP 24S, RANGE 32E
N.M.P.M.
LEA COUNTY, NEW MEXICO

BUREAU OF LAND MANAGEMENT
SECTION 25,
TOWNSHIP 24S, RANGE 32E
N.M.P.M.
LEA COUNTY, NEW MEXICO

BASIS OF BEARING-- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System--Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



<p>LEGEND</p>	<p>KYLE L. BRADY, PS 25645</p>	<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTIONS 25, 26, 27, 28, 29, 30, & 31, TOWNSHIP 24S, RANGE 32E, N.M.P.M, LEA COUNTY, NEW MEXICO</p>
		<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p>
<p>TOTAL ACREAGE - 120.15±</p>		<p>DRAWING P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM_345KV XCEL PARCEL NO. 12 SHEET 2 OF 10</p>

EXHIBIT "A"

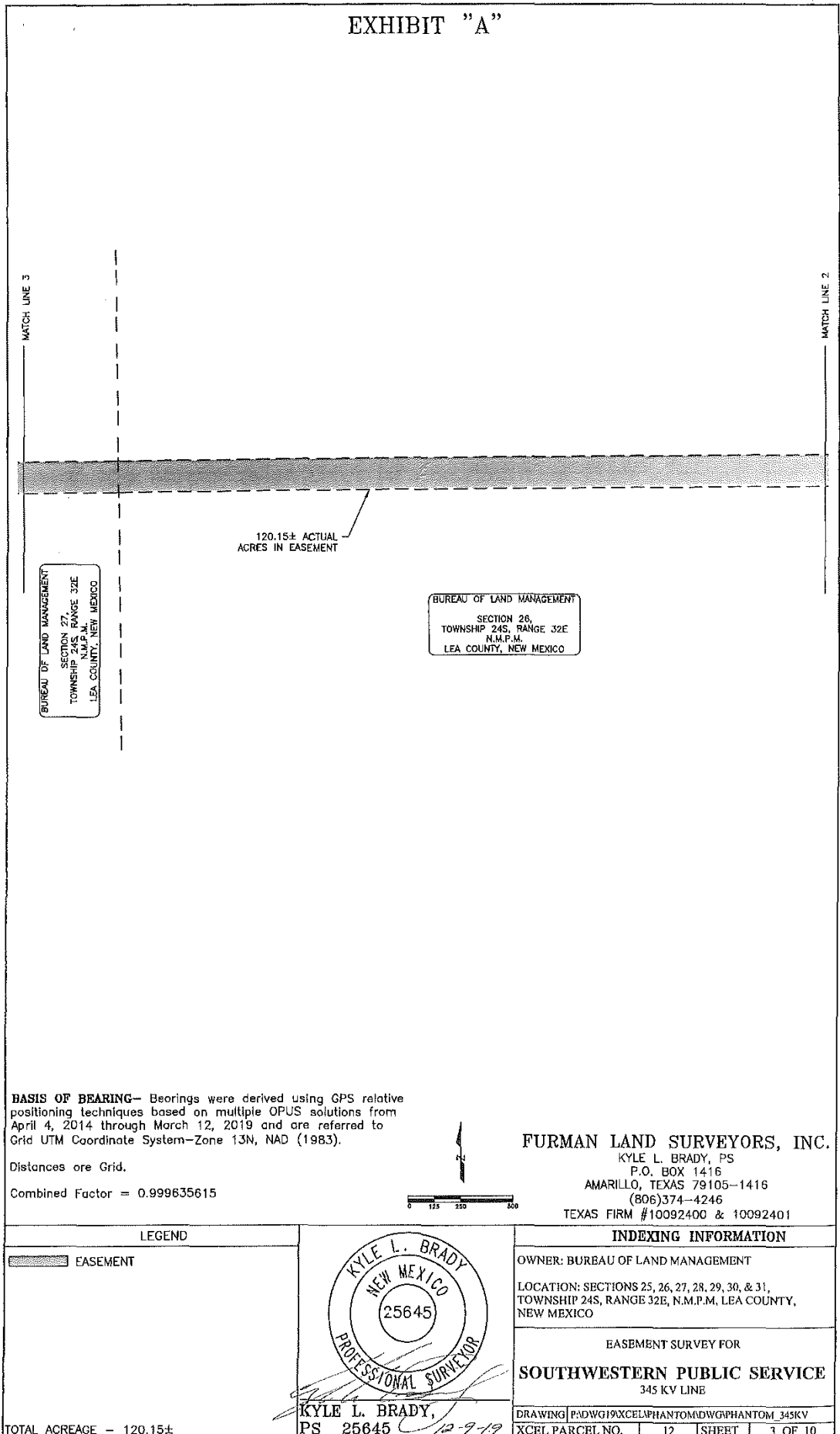
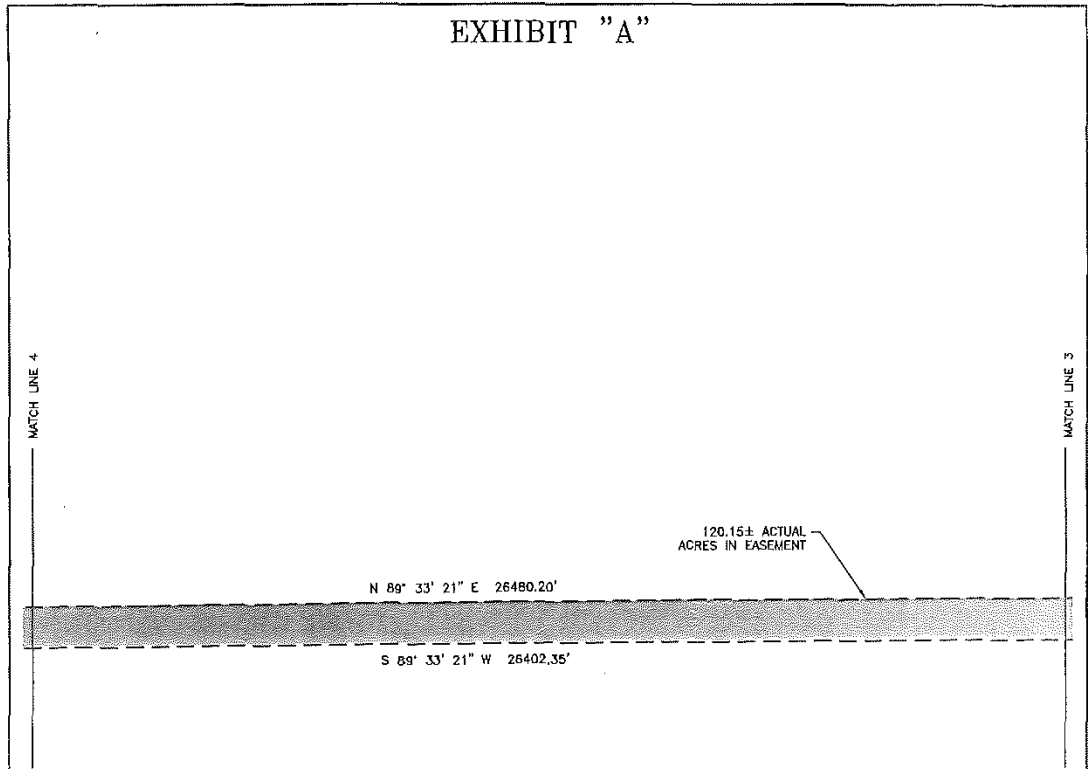


EXHIBIT "A"

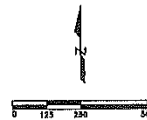


BUREAU OF LAND MANAGEMENT
 SECTION 27,
 TOWNSHIP 24S, RANGE 32E
 N.M.P.M.
 LEA COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615



FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



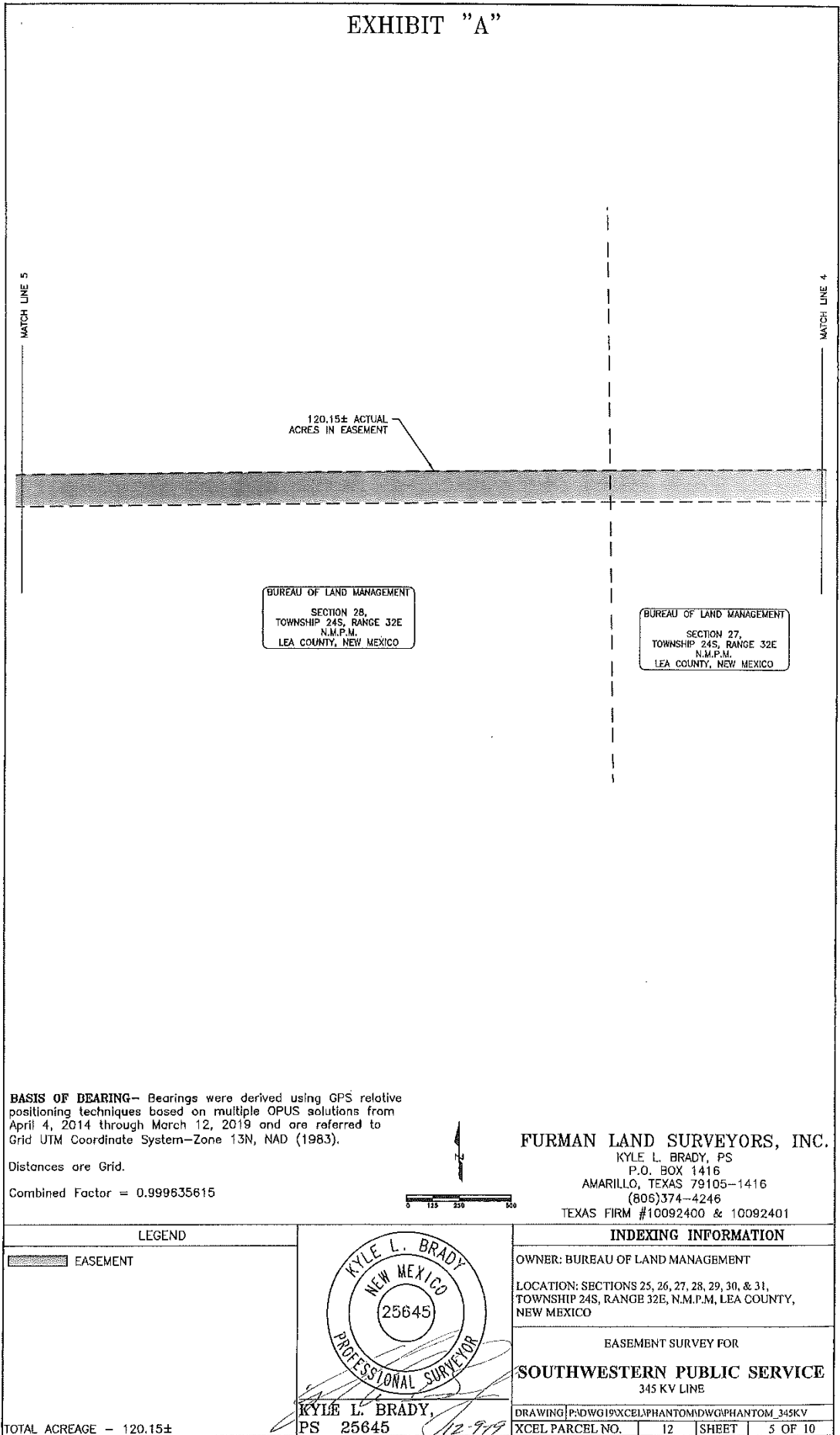
<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>	 KYLE L. BRADY, PS 25645 <i>12-9-19</i>	<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTIONS 25, 26, 27, 28, 29, 30, & 31, TOWNSHIP 24S, RANGE 32E, N.M.P.M, LEA COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE - 120.15±</p>		<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE DRAWING: P:\DWG19\XCELPHANTOM\DWG\PHANTOM_345KV XCEL PARCEL NO. 12 SHEET 4 OF 10</p>

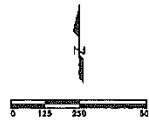
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

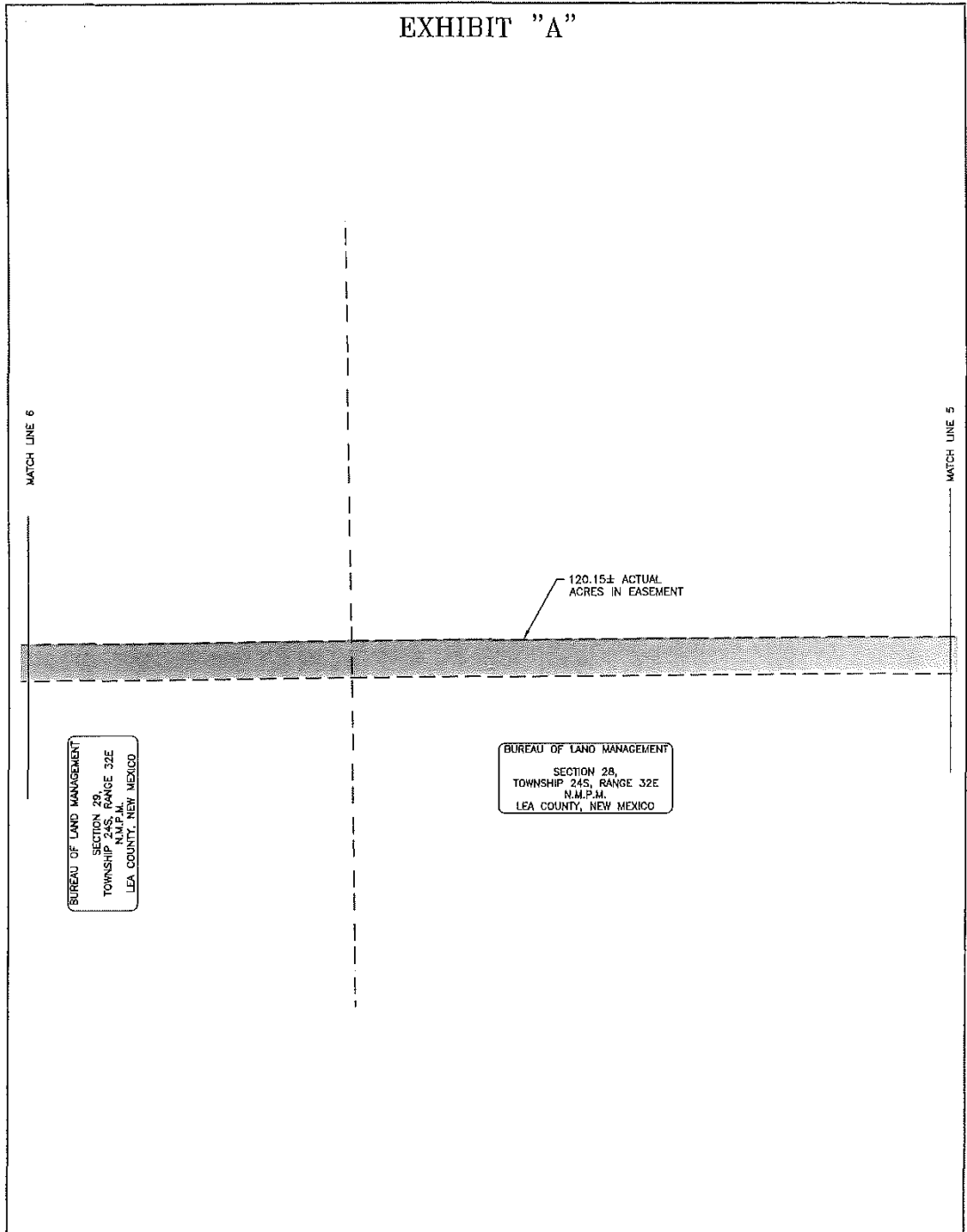
Combined Factor = 0.999635615



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 KYLE L. BRADY, PS
 P.O. BOX 1416
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 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTIONS 25, 26, 27, 28, 29, 30, & 31, TOWNSHIP 24S, RANGE 32E, N.M.P.M., LEA COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE - 120.15±</p>	<p>KYLE L. BRADY, PS 25645</p>	<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE DRAWING: P3DWG19XCELPHANTOMDWGPHANTOM_345KV XCEL PARCEL NO. 12 SHEET 5 OF 10</p>

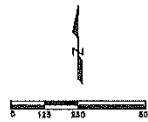
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615



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 KYLE L. BRADY, PS
 P.O. BOX 1416
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 TEXAS FIRM #10092400 & 10092401



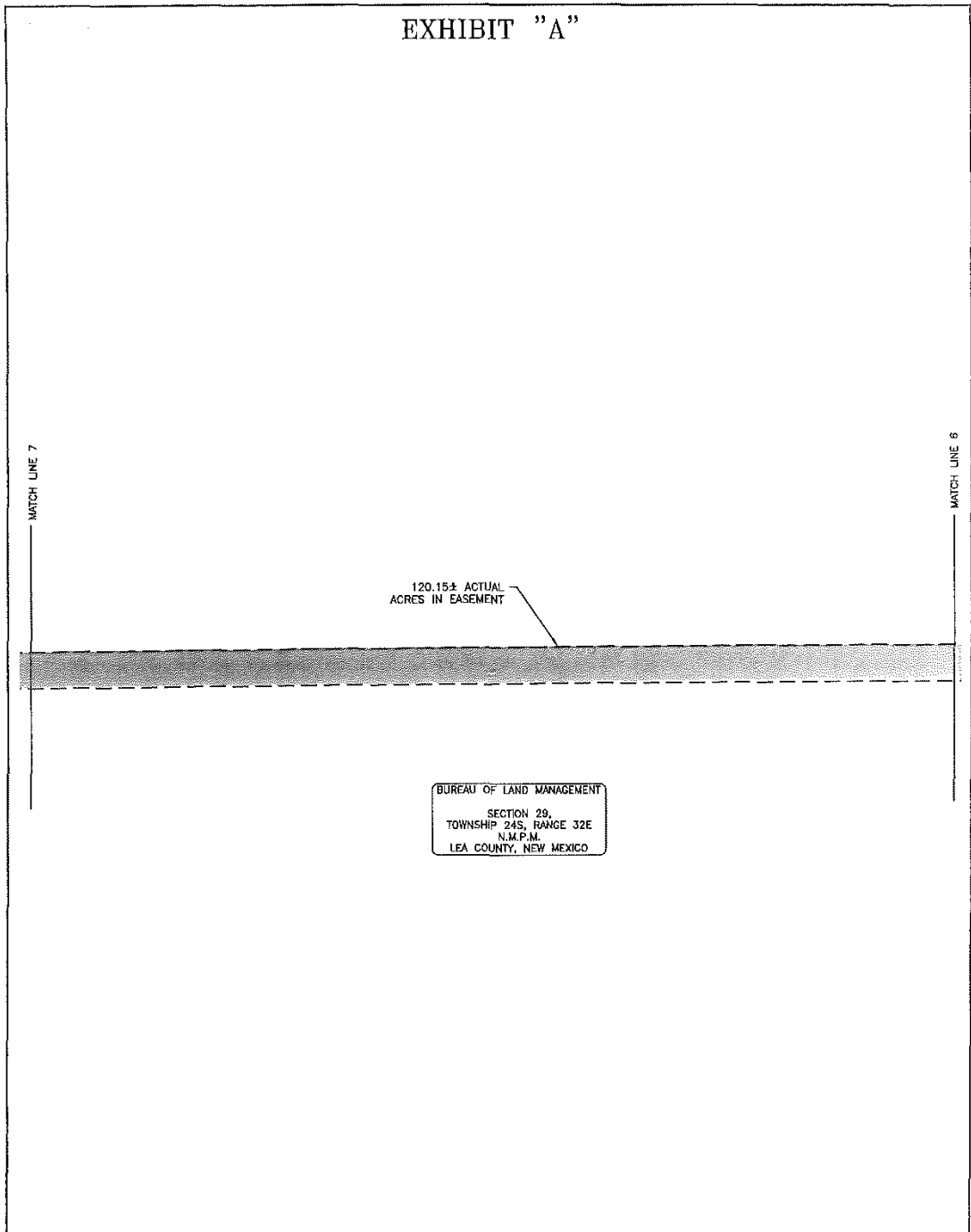
<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>	 KYLE L. BRADY, PS 25645	<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTIONS 25, 26, 27, 28, 29, 30, & 31, TOWNSHIP 24S, RANGE 32E, N.M.P.M, LEA COUNTY, NEW MEXICO</p>
		<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p>
<p>TOTAL ACREAGE -- 120.15±</p>		<p>DRAWING PDWGI9XCBLPHANTOMDWDGPHANTOM_345KV XCEL PARCEL NO. 12 SHEET 6 OF 10</p>

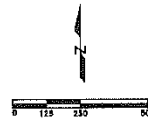
EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System--Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615



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 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401


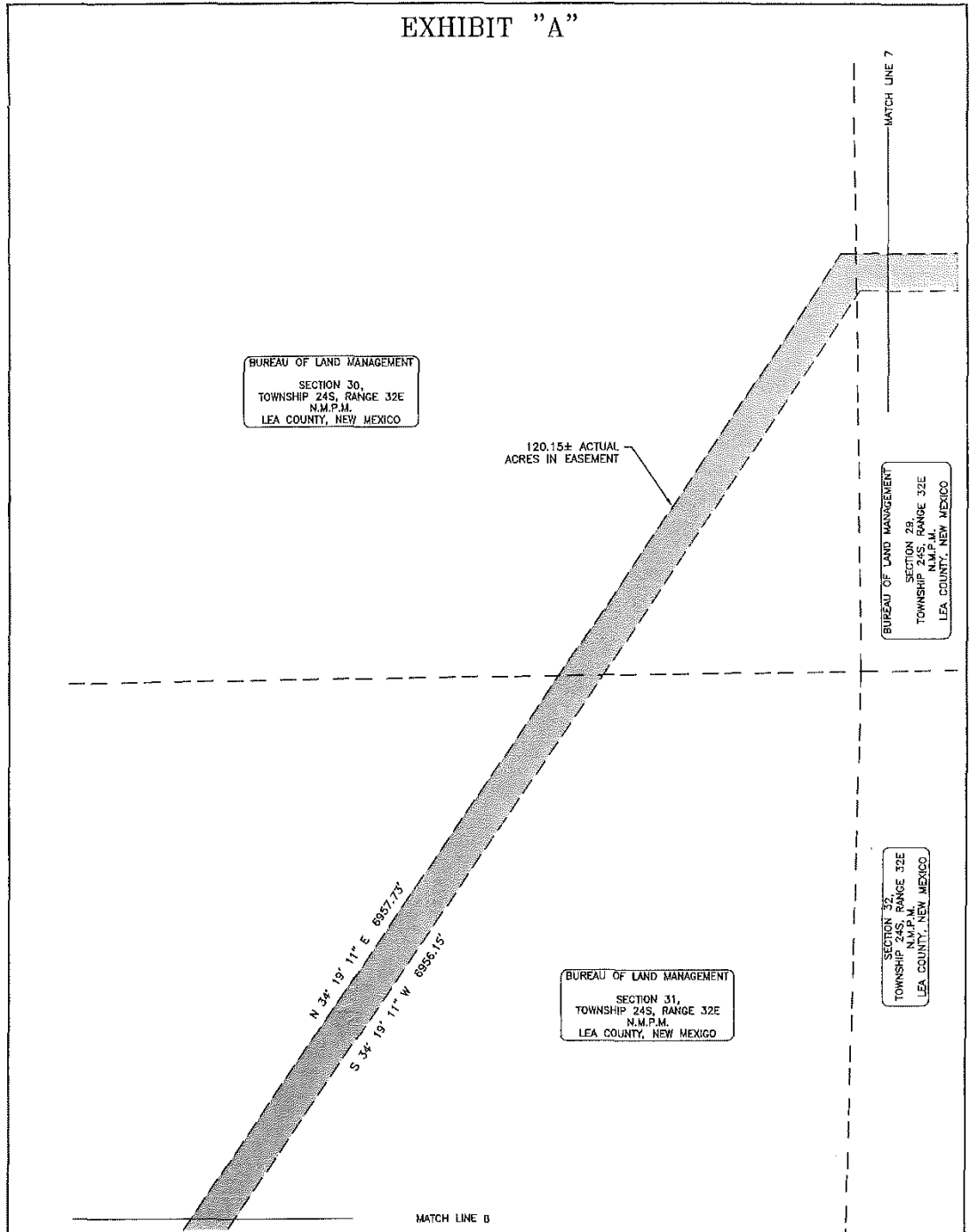
<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTIONS 25, 26, 27, 28, 29, 30, & 31, TOWNSHIP 24S, RANGE 32E, N.M.P.M. LEA COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE - 120.15±</p>		<p>BASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING: P:\DWG19\XCBL\PHANTOM\DWG\PHANTOM_345KV XCBL PARCEL NO. 12 SHEET 7 OF 10</p>

EXHIBIT "A"



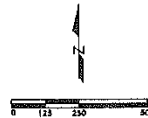
BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

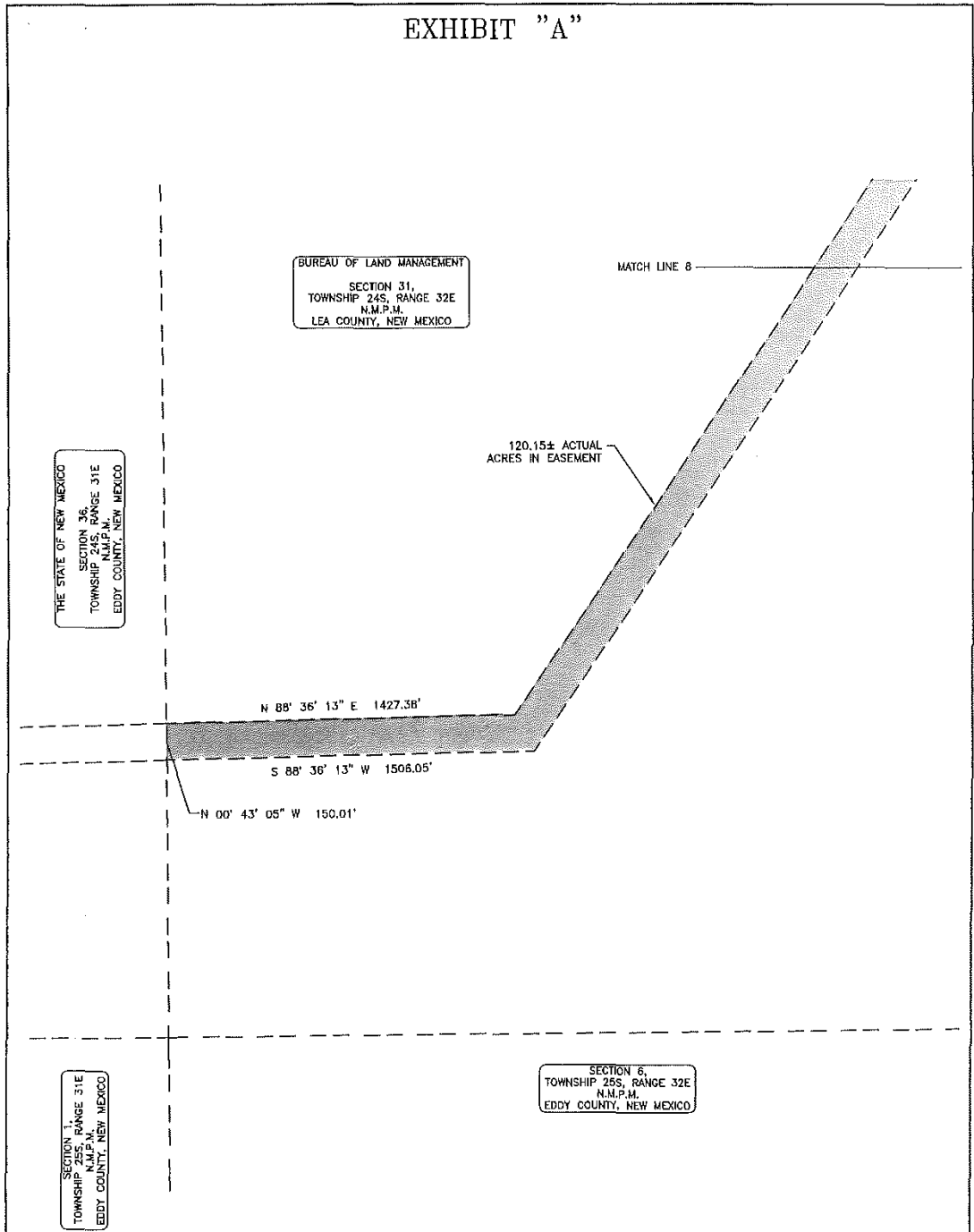
KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



<p>LEGEND</p>	<p>KYLE L. BRADY, PS 25645</p>	<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTIONS 25, 26, 27, 28, 29, 30, & 31, TOWNSHIP 24S, RANGE 32E, N.M.P.M. LEA COUNTY, NEW MEXICO</p> <p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING: P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM_345KV</p> <p>XCEL PARCEL NO. 12 SHEET 8 OF 10</p>

TOTAL ACREAGE - 120.15±

EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER: BUREAU OF LAND MANAGEMENT	
<p>KYLE L. BRADY, PS 25645</p>		LOCATION: SECTIONS 25, 26, 27, 28, 29, 30, & 31, TOWNSHIP 24S, RANGE 32E, N.M.P.M. LEA COUNTY, NEW MEXICO	
		EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM_345KV		XCEL PARCEL NO. 12 SHEET 9 OF 10	

TOTAL ACREAGE — 120.15±

EASEMENT DESCRIPTION

An easement out of Sections 25, 26, 27, 28, 29, 30, and 31, Township 24 South, Range 32 East, of the New Mexico Principal Meridian, Lea County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999635615)

COMMENCING at a brass GLO cap found and accepted for the East quarter corner of said Section 25, from whence a brass GLO cap found and accepted for the Southeast corner of said Section 25, bears S. 00° 40' 54" E. (Base Line) 2637.11 feet;

Thence S. 00° 40' 54" E. 1158.37 feet along the East line of said Section 25, to a point for the Northeast and BEGINNING corner of this easement;

Thence S. 00° 40' 54" E. 150.00 feet along the East line of said Section 25, to a point;

Thence S. 89° 33' 21" W. 26402.35 feet crossing the common line of said Sections 25, 26, 27, 28, and 29 to a point;

Thence S. 34° 19' 11" W. 6956.15 feet crossing the common line of said Sections 29, 30, and 31 to a point;

Thence S. 88° 36' 13" W. 1506.05 feet to a point in the West line of said Section 31;

Thence N. 00° 43' 05" W. 150.01 feet along the West line of said Section 31 to a point;

Thence N. 88° 36' 13" E. 1427.38 feet to a point;

Thence N. 34° 19' 11" E. 6957.73 feet crossing the common line of said Sections 31 and 30, to a point;

Thence N. 89° 33' 21" E. 26480.20 feet crossing the common line of said Sections 29, 28, 27, 26, and 25, to the PLACE OF BEGINNING;

Easement contains 120.15± Acres.

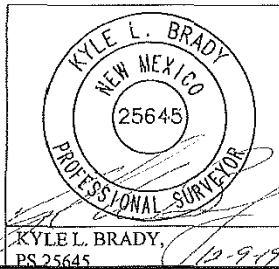
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

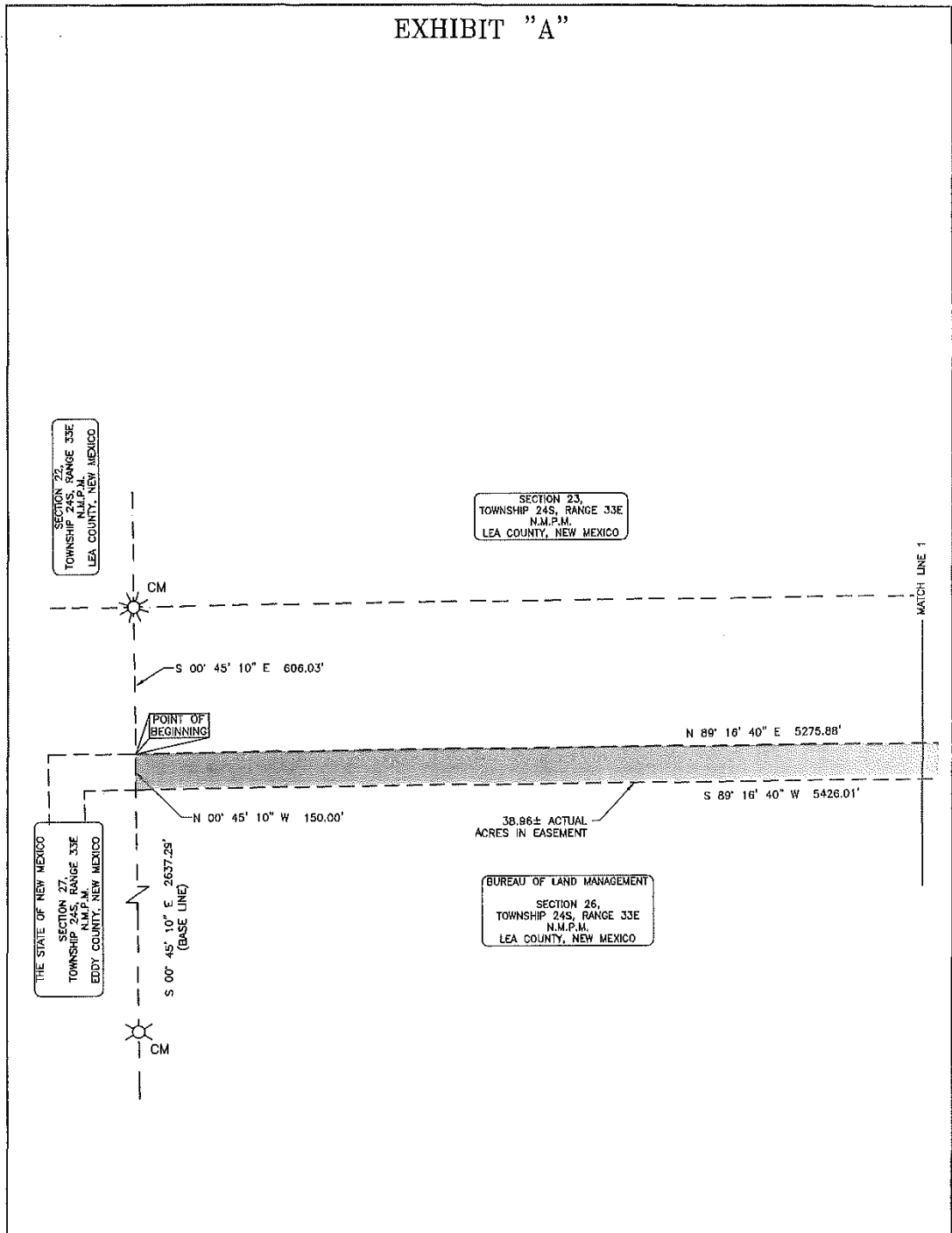
Distances are Grid.

Combined Factor = 0.999635615



INDEXING INFORMATION			
OWNER: BUREAU OF LAND MANAGEMENT			
LOCATION: SECTIONS 25, 26, 27, 28, 29, 30, & 31, TOWNSHIP 24S, RANGE 32E, N.M.P.M., LEA COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE			
DRAWING	PADWGI9XCELPHANTOMDWGPHANTOM_345KV		
PROJECT	D191866	SHEET	10 OF 10

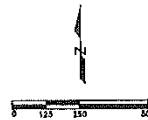
EXHIBIT "A"



BASIS OF BEARING-- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System--Zone 13N, NAD (1983).

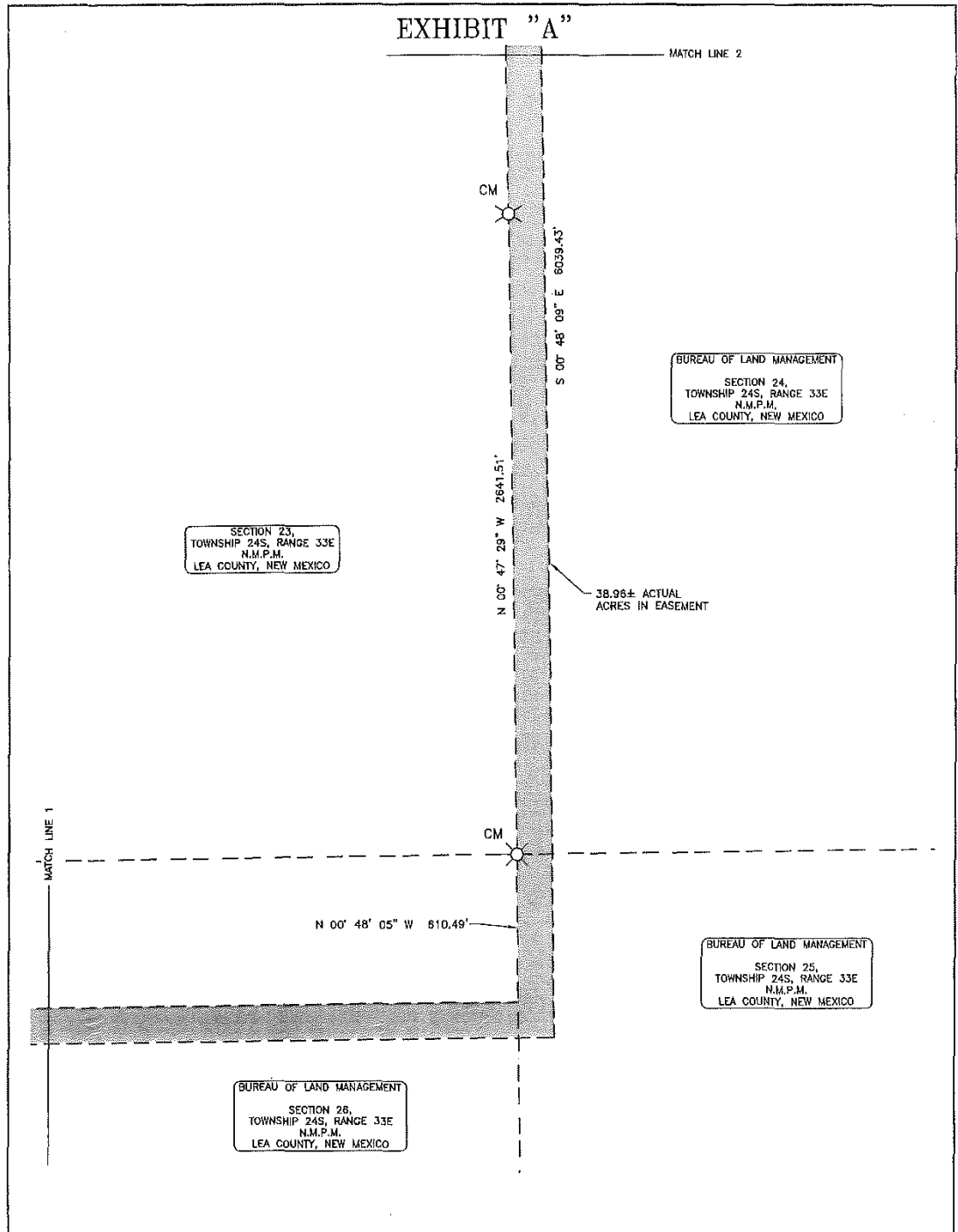
Distances are Grid.

Combined Factor = 0.999635615



FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p> <p> EASEMENT</p> <p>CM CONTROL MONUMENT</p> <p> 2" IRON PIPE FND</p> <p> 1" IRON PIPE FND</p>			<p>INDEXING INFORMATION</p> <p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTIONS 24, 25, & 26, TOWNSHIP 24S, RANGE 33E, N.M.P.M., LEA COUNTY, NEW MEXICO</p>	
<p>TOTAL ACREAGE - 38.96±</p>			<p>EASEMENT SURVEY FOR</p> <p>SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM_345KV</p> <p>XCEL PARCEL NO. 14 SHEET 1 OF 4</p>	



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246

TEXAS FIRM #10092400 & 10092401

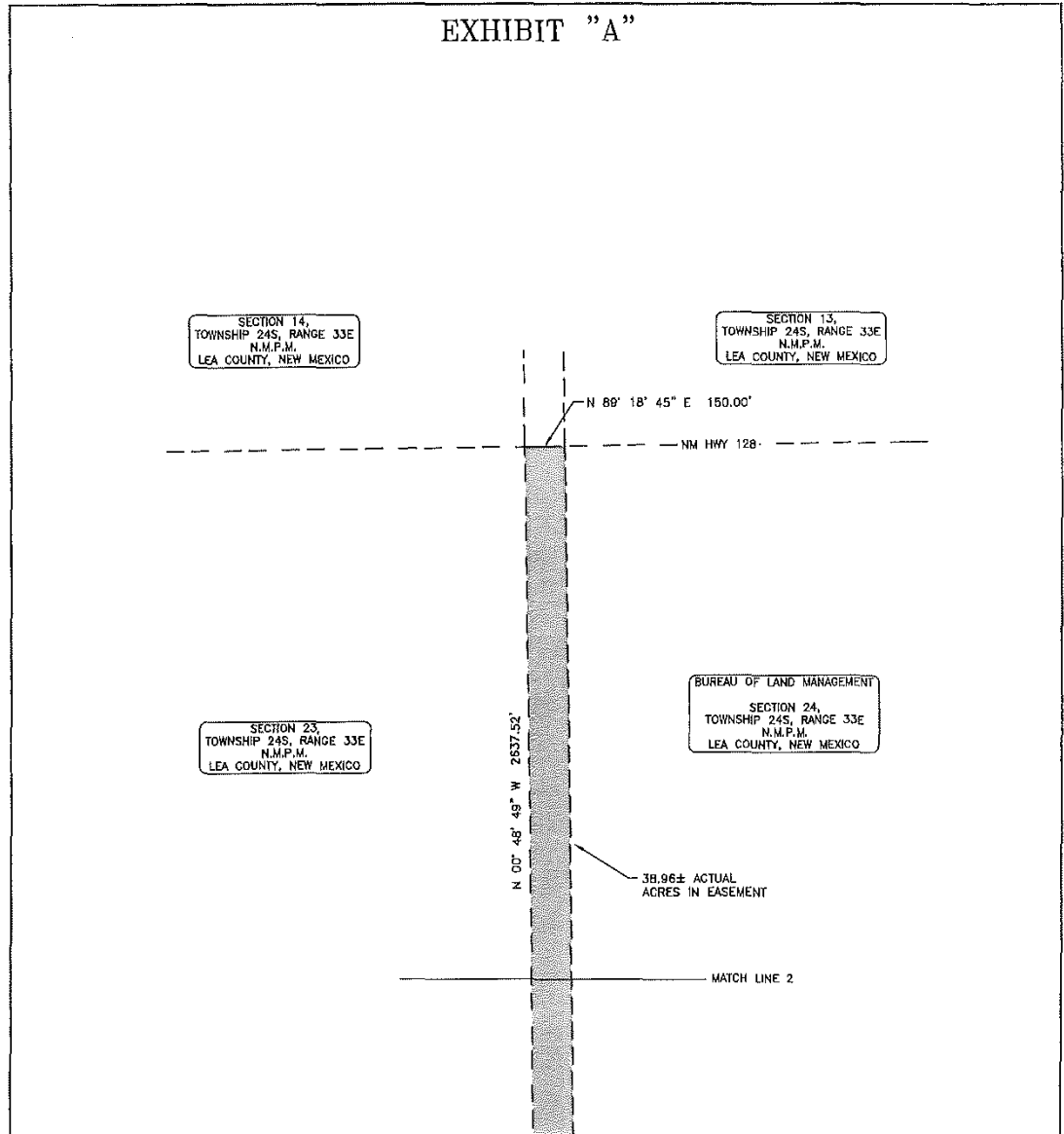


LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER: BUREAU OF LAND MANAGEMENT	
CM	CONTROL MONUMENT	LOCATION: SECTIONS 24, 25, & 26, TOWNSHIP 24S, RANGE 33E, N.M.P.M., LEA COUNTY, NEW MEXICO	
	2" IRON PIPE FND	EASEMENT SURVEY FOR	
	1" IRON PIPE FND	SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
		DRAWING P:\DWG\19\XCELPHANTOM\DWG\PHANTOM_345KV	
		XCEL PARCEL NO. 14 SHEET 2 OF 4	

TOTAL ACREAGE - 38.96±

KYLE L. BRADY, PS 25645 12-7-19

EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

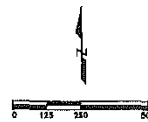
Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246

TEXAS FIRM #10092400 & 10092401



<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: BUREAU OF LAND MANAGEMENT LOCATION: SECTIONS 24, 25, & 26, TOWNSHIP 24S, RANGE 33E, N.M.P.M., LEA COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE - 38.96±</p>	<p>KYLE L. BRADY PS 25645</p>	<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING: PADWG19XCELPHANTOMDWDGPHANTOM_345KV XCEL PARCEL NO. 14 SHEET 3 OF 4</p>

EASEMENT DESCRIPTION

An easement out of Sections 24, 25, and 26, Township 24 South, Range 33 East, of the New Mexico Principal Meridian, Lea County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999635615)

COMMENCING at a 2 inch iron pipe found and accepted for the Northwest corner of said Section 26, from whence a 1 inch iron pipe found and accepted for the West quarter corner of said Section 26, bears S. 00° 45' 10" E. (Base Line) 2637.29 feet;

Thence S. 00° 45' 10" E. 606.03 feet along the West line of said Section 26, to a point for the BEGINNING corner of this easement;

Thence N. 89° 16' 40" E. 5275.88 feet to a point in the common line of Section 26 and 25;

Thence N. 00° 48' 05" W. 610.49 feet along the West line of said Section 25, to a 2 inch iron pipe found for the Northwest corner of said Section 25;

Thence N. 00° 47' 29" W. 2641.51 feet along the West line of said Section 24 to a 1 inch iron pipe found for the West quarter corner of said Section 24;

Thence N. 00° 48' 49" W. 2637.52 feet along the West line of said Section 24 to a point for the Northwest corner of said Section 24 and the Northwest corner of this easement;

Thence N. 89° 18' 45" E. 150.00 feet along the North line of said Section 24 to a point, for the Northeast corner of this easement;

Thence S. 00° 48' 09" E. 6039.43 feet crossing the common line of said Sections 24 and 25, to a point;

Thence S. 89° 16' 40" W. 5426.01 feet crossing the common line of said Sections 25 and 26, to a point in the West line of said Section 26;

Thence N. 00° 45' 10" W. 150.00 feet along the West line of said Section 26, to the PLACE OF BEGINNING;

Easement contains 38.96± Acres.

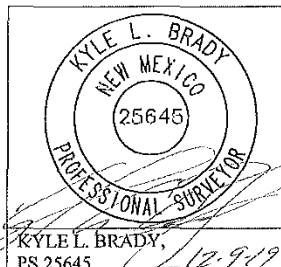
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615



INDEXING INFORMATION			
OWNER: BUREAU OF LAND MANAGEMENT			
LOCATION: SECTIONS 24, 25, & 26, TOWNSHIP 24S, RANGE 33E, N.M.P.M., LEA COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE			
DRAWING	PADWG19XCELPHANTOMDWDGPHANTOM_345KV		
PROJECT	D191866	SHEET	4 OF 4

Form 2800-14
(August 1985)

United States Department of the Interior
Bureau of Land Management

Issuing Office
Carlsbad Field Office

RIGHT-OF-WAY GRANT

Serial Number: NM-141040

Project Name: Temp Laydown Yards 1&2

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of Oct. 21, 1976 (90 Sta. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Southwestern Public Service Co
790 S Buchanan
Amarillo, TX 79101

receives a right to construct, operate, maintain, and terminate two temporary lay down yards 1,023 ft. by 1019 ft., 1,581 ft. by 646 ft. and access roads across public lands in Eddy County, New Mexico described as follows:

T. 24 S., R. 31 E., NMPM

sec. 12: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

- b. The right-of-way or permit area granted herein is 1071.28 ft. by 911.35 ft. and 500.17 ft. by 1502.53 ft. and contains 42.44 acres, more or less. Access road 30 ft. width, 502 ft. length and contains 0.5 acres.
- c. This instrument shall terminate on 12-31-2022 unless prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.

- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter, not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit A, and B (map), attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workman like manner so as to ensure protection of the environment and the health and safety of the public.
- g. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

IN WITNESS THEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Sean J. Anderson
 (Signature of Holder)

[Signature]
 (Signature of Authorized Officer)

MEUR SITING & LAND RIGHTS
 (Title)

Field Manager, Carlsbad Field Office
 (Title)

3-31-2020
 (Date)

07 Apr 2020
 (Effective Date of Grant)

EXHIBIT A

NM-141040 Temp Laydown Yards #1 & #2

STIPULATIONS FOR FLPMA SITES

A copy of the grant and attachments, including stipulations and map, will be on location during construction. BLM personnel may request to view a copy of your permit during construction to ensure compliance with all stipulations.

The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this right-of-way.
2. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et. seq.*) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized by this grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, *etc.*) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et. seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
4. If, during any phase of the construction, operation, maintenance, or termination of the site any pollutant should be discharged from site facilities, or from containers, or vehicles impacting public lands, the control and total removal, disposal, and cleanup of such 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 public lands, or to repair all damages to public lands resulting therefrom, the Authorized Officer may take such measures as deemed necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any liability or responsibility.
5. Sites shall be maintained in an orderly, sanitary condition at all times. Waste materials, both liquid and solid, shall be disposed of promptly at an appropriate, authorized waste disposal facility in accordance with all applicable State and Federal laws. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, and equipment.

Exhibit A
NM-141040

6. The holder shall post a sign designating the BLM serial number assigned to this right-of-way grant in a permanent, conspicuous location on the site where the sign will be visible from the entry to the site. This sign will be maintained in a legible condition for the term of the right-of-way.

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

8. Should the holder require a base of mineral material, a sales contract for removal of mineral material (caliche, sand, gravel, fill dirt) from an authorized pit, site, or on location must be obtained from the BLM prior to commencing construction. There are several options available for purchasing mineral material: contact the BLM office.

9. The area will be kept free of the following plant species: Malta starthistle, African rue, Scotch thistle, and saltcedar.

Special Stipulations:

Construction Mitigation

- In the advent that any underground voids are opened up during construction activities, construction activities will be halted and the BLM will be notified immediately.
- No blasting will be utilized for pad construction. The pad will be constructed and leveled by adding the necessary fill and caliche.
- A method of detecting leaks is required. The method could incorporate gauges to measure loss, siting values and lines so they can be visually inspected, or installing electronic sensors to alarm when a leak is present. Leak detection plan will be submitted to BLM for approval.
- Automatic shut off, check valves, or similar systems will be installed for pipelines and tanks to minimize the effects of catastrophic line failures used in production or drilling.

LPC: Conditions of Approval

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 through June 15 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

Exhibit A
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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.

Special Status Plant Species Occupied Habitat Stipulations:

No blading or mowing is authorized within the ROW, otherwise agreed to in writing by the Authorized Officer, in coordination with a BLM biologist. Approval of such practices would be conditioned on design features to avoid adverse impacts to special status plant species, especially special status plant species known occupied habitats.

The operator shall consult with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policies. These policies require treatment design that avoids adverse impacts to special status plant species, especially special status plant species known occupied habitats.

Prior to initiating project construction activities, a barricade for the protection of Scheer's beehive cactus occupied habitat will be installed according the following standards:

EXHIBIT B

BLM Serial Number: NM-139666 & NM-141040

Company Reference: SPS (China Draw, Phantom, Roadrunner Access Roads)

STANDARD STIPULATIONS FOR PERMANENT RESOURCE ROADS
CARLSBAD FIELD OFFICE, BLM

A copy of the grant and attachments, including stipulations and map, will be on location during construction. BLM personnel may request to view a copy of your permit during construction to ensure compliance with all stipulations.

The holder/grantee/permittee shall hereafter be identified as the holder in these stipulations. The Authorized Officer is the person who approves the Application for Permit to Drill (APD) and/or Right-of-Way (ROW).

GENERAL REQUIREMENTS

A. 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.

B. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et. seq.*) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized by this grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

C. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et. seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

D. If, during any phase of the construction, operation, maintenance, or termination of the road, any oil or other pollutant should be discharged, 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 the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the Authorized Officer may take such measures as deemed necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the

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Exhibit B

full expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any liability or responsibility.

E. The holder shall minimize disturbance to existing fences and other improvements on public domain surface. 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 make a documented good-faith effort to 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.

Holder agrees to comply with the following stipulations:

1. ROAD WIDTH AND GRADE

The road will have a driving surface of 14 feet (all roads shall have a minimum driving surface of 12 feet, unless local conditions dictate a different width). The maximum grade is 10% unless the box below is checked. Maximum width of surface disturbance from construction will be 30 feet.

Those segments of road where grade is in excess of 10% for more than 300 feet shall be designed by a professional engineer.

2. CROWNING AND DITCHING

Crowning with materials on site and ditching on one side of the road on the uphill side will be required. The road cross-section will conform to the cross section diagrams in Figure 1. If conditions dictate, ditching may be required for both sides of the road; if local conditions permit, a flat-bladed road may be considered (if these conditions exist, check the appropriate box below). The crown shall have a grade of approximately 2% (i.e., 1" crown on a 12' wide road).

Ditching will be required on both sides of the roadway as shown on the attached map or as staked in the field.

Flat-blading is authorized on segment(s) delineated on the attached map.

3. DRAINAGE

Drainage control shall be ensured over the entire road through the use of borrow ditches, outsloping, insloping, natural rolling topography, lead-off (turnout) ditches, culverts, and/or drainage dips.

A. All lead-off ditches shall be graded to drain water with a 1 percent minimum to 3 percent maximum ditch slope. The spacing interval for lead-off ditches shall be determined according to the following table, but may be amended depending upon existing soil types and centerline road slope (in %):

NM-139666 &
NM-141040
Exhibit B

SPACING INTERVAL FOR TURNOUT DITCHES

Percent slope	Spacing interval
0% - 4%	400' - 150'
4% - 6%	250' - 125'
6% - 8%	200' - 100'
8% - 10%	150' - 75'

A typical lead-off ditch has a minimum depth of 1 foot below and a berm 6 inches above natural ground level. The berm will be on the down-slope side of the lead-off ditch. The ditch end will tie into vegetation whenever possible.

For this road the spacing interval for lead-off ditches shall be at

400 foot intervals.

_____ foot intervals.

locations staked in the field as per spacing intervals above.

locations delineated on the attached map.

B. Culvert pipes shall be used for cross drains where drainage dips or low water crossings are not feasible. The minimum culvert diameter must be 18 inches. Any culvert pipe installed shall be of sufficient diameter to pass the anticipated flow of water. Culvert location and required diameter are shown on the attached map (Further details can be obtained from the Roswell District Office or the appropriate Resource Area Office).

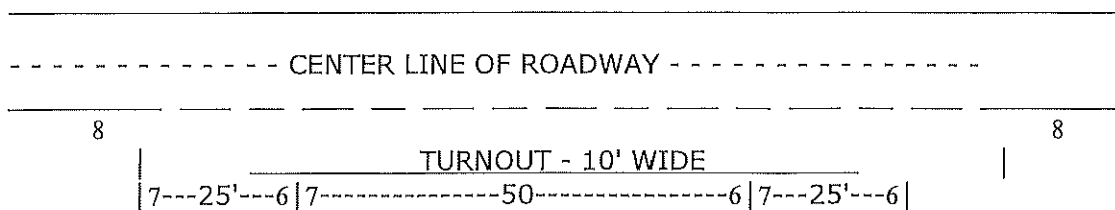
C. On road slopes exceeding 2%, drainage dips shall drain water into an adjacent lead-off ditch. Drainage dip location and spacing shall be determined by the formula:

$$\text{spacing interval} = \frac{400'}{\text{road slope in \%}} + 100'$$

Example: 4% slope: spacing interval = $\frac{400}{4} + 100 = 200$ feet

4. TURNOUTS

Unless otherwise approved by the Authorized Officer, vehicle turnouts will be required. Turnouts will be located at 2000-foot intervals, or the turnouts will be intervisible, whichever is less. Turnouts will conform to the following diagram:



STANDARD TURNOUT - PLAN VIEW
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Exhibit B

5. SURFACING

Surfacing of the road or those portions identified on the attached map may, at the direction of the Authorized Officer, be required, if necessary, to maintain traffic within the right-of-way with caliche, gravel, or other surfacing material which shall be approved by the Authorized Officer. When surfacing is required, surfacing materials will be compacted to a minimum thickness of six inches with caliche material. The width of surfacing shall be no less than the driving surface. Prior to using any mineral materials from an existing or proposed Federal source, authorization must be obtained from the Authorized Officer.

6. CATTLEGUARDS

Where used, all cattleguard grids and foundation designs and construction shall meet the American Association of State Highway and Transportation Officials (AASHTO) Load Rating H-20, although AASHTO U-80 rated grids shall be required where heavy loads (exceeding H-20 loading), are anticipated (See BLM standard drawings for cattleguards). Cattleguard grid length shall not be less than 8 feet and width of not less than 14 feet. A wire gate (16-foot minimum width) will be provided on one side of the cattleguard unless requested otherwise by the surface user.

7. MAINTENANCE

The holder shall maintain the road in a safe, usable condition. A maintenance program shall include, but not be limited to blading, ditching, culvert installation, culvert cleaning, drainage installation, cattleguard maintenance, and surfacing.

8. PUBLIC ACCESS

Public access along this road will not be restricted by the holder without specific written approval being granted by the Authorized Officer. Gates or cattleguards on public lands will not be locked or closed to public use unless closure is specifically determined to be necessary and is authorized in writing by the Authorized Officer.

9. CULTURAL RESOURCES

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

10. NOXIOUS WEEDS

The area will be kept free of the following plant species: Malta starthistle, African rue, Scotch thistle, and saltcedar.

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Exhibit B

Special Stipulations

Fence Requirement

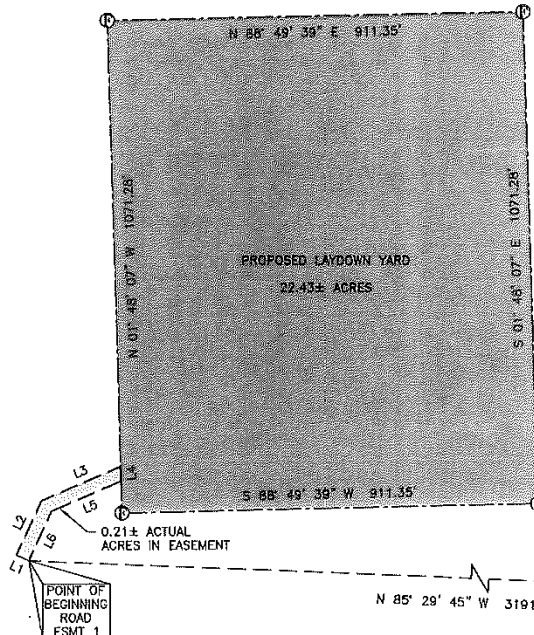
- Where entry is granted across a fence line, the fence must be braced and tied off on both sides of the passageway with H-braces prior to cutting. Once the work is completed, the fence will be restored to its prior condition, or better. The operator shall notify the private surface landowner or the grazing allotment holder prior to crossing any fence(s).
- Cattleguards
- An appropriately sized cattleguard(s) sufficient to carry out the project shall be installed and maintained at road-fence crossing(s). Any existing cattleguard(s) on the access road shall be repaired or replaced if they are damaged or have deteriorated beyond practical use. The operator shall be responsible for the condition of the existing cattleguard(s) that are in place and are utilized during lease operations. A gate shall be constructed on one side of the cattleguard and fastened securely to H-braces.
- Livestock Watering Requirement
- Any damage to structures that provide water to livestock throughout the life of the well, caused by operations from the well site, must be immediately corrected by the operator. The operator must notify the BLM office (575-234-5972) and the private surface landowner or the grazing allotment holder if any damage occurs to structures that provide water to livestock.
- Range Study T26S R35E section 26 pipeline needs to stay on the north side of road.

LPC: Conditions of Approval

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 through June 15 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.

EXHIBIT "A"

BUREAU OF LAND MANAGEMENT
 SECTION 12,
 TOWNSHIP 24S, RANGE 31E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO



Line Table		
Line #	Direction	Length
L1	N 65° 21' 31" W	30.00'
L2	N 24° 38' 29" E	130.70'
L3	N 66° 50' 58" E	189.31'
L4	S 01° 48' 07" E	32.21'
L5	S 66° 50' 58" W	166.01'
L6	S 24° 38' 28" W	119.12'

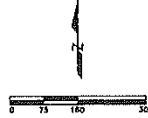
SECTION 7,
 TOWNSHIP 24S, RANGE 32E
 N.M.P.M.
 LEA COUNTY, NEW MEXICO

BASIS OF BEARING—Bearings were derived using GPS relative positioning techniques based on an OPUS on January 28th, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.99958740

FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



LEGEND	
	PROPOSED LAYDOWN YARD
	ACCESS ROAD EASEMENT
CM	CONTROL MONUMENT
⊙	1/2" IRON ROD SET W/CAP STAMPED "PS 25645 PS 15701"
○	BRASS GLO CAP FND

KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION	
OWNER: BUREAU OF LAND MANAGEMENT	
LOCATION: SECTION 12, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE LAYDOWN YARD & ACCESS ROAD EASEMENT	
DRAWING	P:\DWG\9XCEL\PHANTOM\DWG\PHANTOM_34SKV
XCEL PARCEL NO.	SHEET 1 OF 3

TOTAL ACREAGE - 22.64±

LAYDOWN YARD 1 DESCRIPTION

A tract of land out of Section 12, Township 24 South, Range 31 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on an OPUS solution January 28, 2019. Combined Scale Factor = 0.9995840)

COMMENCING at a brass GLO cap found and accepted for the East quarter corner of said Section 12, from whence a brass GLO cap found and accepted for the Southeast corner of said Section 12, bears S. 00° 39' 40" E. (Base Line) 2640.12 feet;

Thence N. 79° 45' 48" W. 2099.25 feet to a ½" iron rod with cap stamped "PS 25645 PS 15701" set, for the Southeast and BEGINNING corner of this tract of land;

Thence S. 88° 49' 39" W. 911.35 feet to a ½" iron rod with cap stamped "PS 25645 PS 15701" set, for the Southwest corner of this tract of land;

Thence N. 01° 48' 07" W. 1071.28 feet to a ½" iron rod with cap stamped "PS 25645 PS 15701" set, for the Northwest corner of this tract of land;

Thence N. 88° 49' 39" E. 911.35 feet to a ½" iron rod with cap stamped "PS 25645 PS 15701" set, for the Northeast corner of this tract of land;

Thence S. 01° 48' 07" E. 1071.28 feet to the PLACE OF BEGINNING, said tract of land contains 22.43 acres more or less.

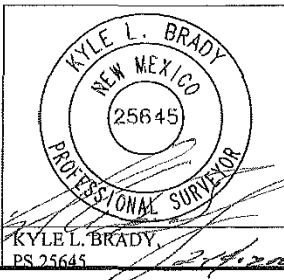
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on an OPUS solution on January 28, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.99958740



INDEXING INFORMATION	
OWNER: BUREAU OF LAND MANAGEMENT	
LOCATION: SECTION 23, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
SURVEY FOR SOUTHWESTERN PUBLIC SERVICE LAYDOWN YARD & ACCESS ROAD EASEMENT	
DRAWING	FSDWGIWXCRLPHANTONNDWGFHAMTSDPHANTON_145V
PROJECT	SHRET 2 OF 3

ACCESS ROAD 1 EASEMENT DESCRIPTION

An easement out of Section 12, Township 24 South, Range 31 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Funman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on an OPUS solution January 28, 2019. Combined Scale Factor = 0.9995840)

COMMENCING at a brass GLO cap found and accepted for the East quarter corner of said Section 12, from whence a brass GLO cap found and accepted for the Southeast corner of said Section 12, bears S. 00° 39' 40" E. (Base Line) 2640.12 feet;

Thence N. 85° 29' 45" W. 3191.34 feet to a point for the BEGINNING corner of this easement;

Thence N. 65° 21' 31" W. 30.00 feet to a point;

Thence N. 24° 38' 29" E. 130.70 feet to a point;

Thence N. 66° 50' 58" E. 189.31 feet to a point in the West line of a ±22.43 acre tract of land (simultaneously surveyed);

Thence S. 01° 48' 07" E. 32.21 feet along the West line of said ±22.43 acre tract of land (simultaneously surveyed) to a point;

Thence S. 66° 50' 58" W. 166.01 feet to a point;

Thence S. 24° 38' 29" W. 119.12 feet to the PLACE OF BEGINNING;

Easement contains 0.21± Acres.

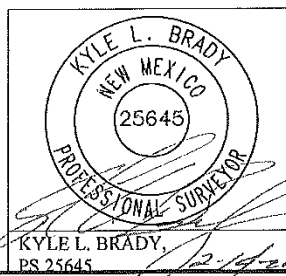
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on an OPUS solution on January 28, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

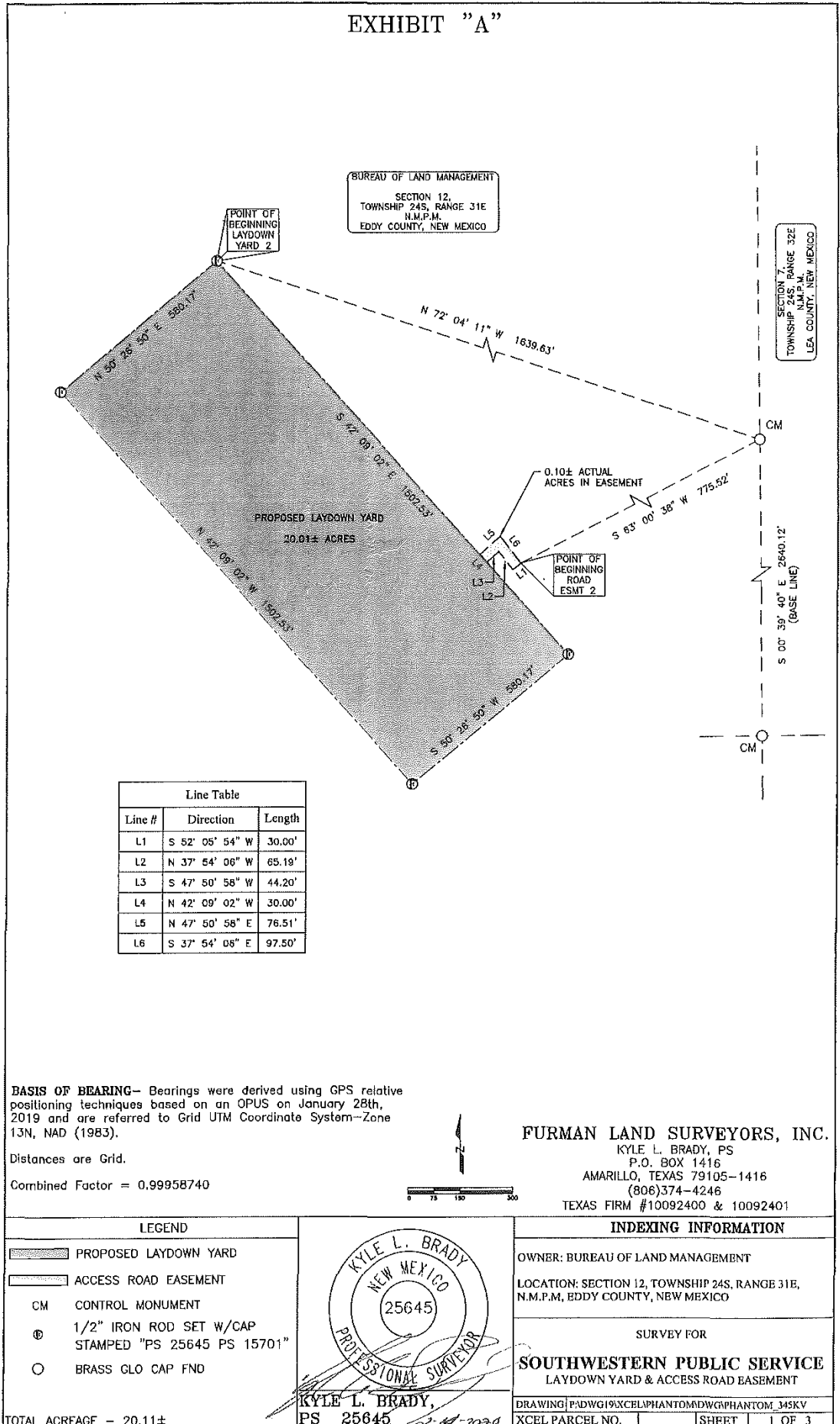
Distances are Grid.

Combined Factor = 0.99958740



INDEXING INFORMATION	
OWNER:	BUREAU OF LAND MANAGEMENT
LOCATION:	SECTION 23, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO
SURVEY FOR SOUTHWESTERN PUBLIC SERVICE LAYDOWN YARD & ACCESS ROAD EASEMENT	
DRAWING	P:\DWG19\XCELPHANTOM\DWGPHANTOM\PHANTOM_1345V
PROJECT	SHEET 3 OF 3

EXHIBIT "A"



LAYDOWN YARD 2 DESCRIPTION

A tract of land out of Section 12, Township 24 South, Range 31 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on an OPUS solution January 28, 2019. Combined Scale Factor = 0.9995840)

COMMENCING at a brass GLO cap found and accepted for the East quarter corner of said Section 12, from whence a brass GLO cap found and accepted for the Southeast corner of said Section 12, bears S. 00° 39' 40" E. (Base Line) 2640.12 feet;

Thence N. 72° 04' 11" W. 1639.63 feet to a ½" iron rod with cap stamped "PS 25645 PS 15701" set, for the Northeast and BEGINNING corner of this tract of land;

Thence S. 42° 09' 02" E. 1502.53 feet to a ½" iron rod with cap stamped "PS 25645 PS 15701" set, for the Southeast corner of this tract of land;

Thence S. 50° 26' 50" W. 580.17 feet to a ½" iron rod with cap stamped "PS 25645 PS 15701" set, for the Southwest corner of this tract of land;

Thence N. 42° 09' 02" W. 1502.53 feet to a ½" iron rod with cap stamped "PS 25645 PS 15701" set, for the Northwest corner of this tract of land;

Thence N. 50° 26' 50" E. 580.17 feet to the PLACE OF BEGINNING, said tract of land contains 20.01 acres more or less.

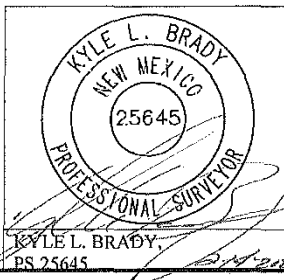
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on an OPUS solution on January 28, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.99958740



INDEXING INFORMATION	
OWNER: BUREAU OF LAND MANAGEMENT	
LOCATION: SECTION 23, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
SURVEY FOR SOUTHWESTERN PUBLIC SERVICE LAYDOWN YARD & ACCESS ROAD EASEMENT	
DRAWING	PSDWG13N13E13PHANTOMRDW13PHANTOMPHANTOM_MKV
PROJECT	SHEET 2 OF 3

ACCESS ROAD 2 EASEMENT DESCRIPTION

An easement out of Section 12, Township 24 South, Range 31 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on an OPUS solution January 28, 2019. Combined Scale Factor = 0.9995840)

COMMENCING at a brass GLO cap found and accepted for the East quarter corner of said Section 12, from whence a brass GLO cap found and accepted for the Southeast corner of said Section 12, bears S. 00° 39' 40" E. (Base Line) 2640.12 feet;

Thence S. 63° 00' 38" W. 775.52 feet to a point for the BEGINNING corner of this easement;

Thence S. 52° 05' 54" W. 30.00 feet to a point;

Thence N. 37° 54' 06" W. 65.19 feet to a point;

Thence S. 47° 50' 58" W. 44.20 feet to a point in the East line of a ±20.01 acre tract of land (simultaneously surveyed);

Thence N. 42° 09' 02" W. 30.00 feet along the East line of said ±22.43 acre tract of land (simultaneously surveyed) to a point;

Thence N. 47° 50' 58" E. 76.51 feet to a point;

Thence S. 37° 54' 06" E. 97.50 feet to the PLACE OF BEGINNING;

Easement contains 0.10± Acres.

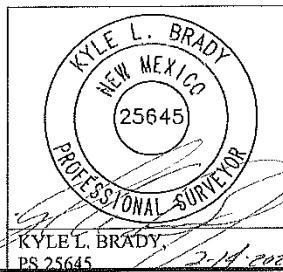
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on an OPUS solution on January 28, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.99958740



INDEXING INFORMATION	
OWNER:	BUREAU OF LAND MANAGEMENT
LOCATION:	SECTION 23, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO
SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE	
LAYDOWN YARD & ACCESS ROAD EASEMENT	
DRAWING	P:\DWG\XCEL\PHANTOM\DWG\PHANTOM\PHANTOM.MSX
PROJECT	
SHEET	3 OF 3

Form 2800-14
(August 1985)

United States Department of the Interior
Bureau of Land Management
RIGHT-OF-WAY GRANT
Serial Number: NM-140398

Issuing Office
Carlsbad Field Office

Project Name: Phantom Substation, Transmission Line and Access Road

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of Oct. 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Southwestern Public Service Co
790 S Buchanan
Amarillo, TX 79101

receives a right to construct, operate, maintain, and terminate a 1002.4 ft. by 1001.3 ft. substation, 115 kV transmission line, two temp pull pockets 100 ft. by 300 ft., and access road across public lands in Eddy County, New Mexico described as follows:

T. 25 S., R. 30 E., NMPM

sec. 03: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 10: NE $\frac{1}{4}$ NW $\frac{1}{4}$.

- b. The right-of-way or permit area granted for the transmission line herein is 70.00 feet wide (an addition 30 ft. during construction only), 6,458.00 feet long and contains 10.37 acres, more or less. Substation 1002.4 ft. by 1001.3 ft. and contains 23.0 acres. An access road 30.00 ft. wide, 1,452.5 ft. and contains 1.0 acres. Two temp pull pockets 100 ft. by 300 ft. and contains 1.36 acres.
- c. This instrument shall terminate on 12-31-2049 unless prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.


3. Rental:

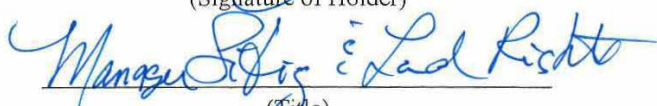
For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

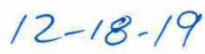
4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter, not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit A, B, C and D (map), attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workman like manner so as to ensure protection of the environment and the health and safety of the public.
- g. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

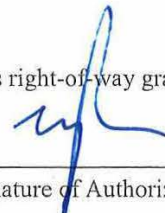
IN WITNESS THEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.




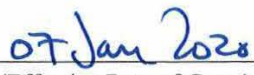
(Signature of Holder)


(Title)


(Date)



(Signature of Authorized Officer)


Field Manager, Carlsbad Field Office
(Title)


(Effective Date of Grant)

EXHIBIT A

NM-140398 Phantom Substation

STIPULATIONS FOR FLPMA SITES

A copy of the grant and attachments, including stipulations and map, will be on location during construction. BLM personnel may request to view a copy of your permit during construction to ensure compliance with all stipulations.

The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this right-of-way.
2. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et. seq.*) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized by this grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, *etc.*) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et. seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
4. If, during any phase of the construction, operation, maintenance, or termination of the site any pollutant should be discharged from site facilities, or from containers, or vehicles impacting public lands, the control and total removal, disposal, and cleanup of such 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 public lands, or to repair all damages to public lands resulting therefrom, the Authorized Officer may take such measures as deemed necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any liability or responsibility.
5. Sites shall be maintained in an orderly, sanitary condition at all times. Waste materials, both liquid and solid, shall be disposed of promptly at an appropriate, authorized waste disposal facility in accordance with all applicable State and Federal laws. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, and equipment.

Exhibit A
NM-140398

6. The holder shall post a sign designating the BLM serial number assigned to this right-of-way grant in a permanent, conspicuous location on the site where the sign will be visible from the entry to the site. This sign will be maintained in a legible condition for the term of the right-of-way.

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

8. Should the holder require a base of mineral material, a sales contract for removal of mineral material (caliche, sand, gravel, fill dirt) from an authorized pit, site, or on location must be obtained from the BLM prior to commencing construction. There are several options available for purchasing mineral material: contact the BLM office.

9. The area will be kept free of the following plant species: Malta starthistle, African rue, Scotch thistle, and saltcedar.

EXHIBIT B

BLM Serial Number: NM-140398

Company Reference: SPS (Phantom Substation Access Road)

STANDARD STIPULATIONS FOR PERMANENT RESOURCE ROADS
CARLSBAD FIELD OFFICE, BLM

A copy of the grant and attachments, including stipulations and map, will be on location during construction. BLM personnel may request to view a copy of your permit during construction to ensure compliance with all stipulations.

The holder/grantee/permittee shall hereafter be identified as the holder in these stipulations. The Authorized Officer is the person who approves the Application for Permit to Drill (APD) and/or Right-of-Way (ROW).

GENERAL REQUIREMENTS

A. 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.

B. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et. seq.*) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized by this grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

C. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et. seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

D. If, during any phase of the construction, operation, maintenance, or termination of the road, any oil or other pollutant should be discharged, 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 the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the Authorized Officer may take such measures as deemed necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the

Exhibit B
NM-140398

full expense of the holder. Such action by the Authorized Officer shall not relieve the holder of any liability or responsibility.

E. The holder shall minimize disturbance to existing fences and other improvements on public domain surface. 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 make a documented good-faith effort to 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.

Holder agrees to comply with the following stipulations:

1. ROAD WIDTH AND GRADE

The road will have a driving surface of 14 feet (all roads shall have a minimum driving surface of 12 feet, unless local conditions dictate a different width). The maximum grade is 10% unless the box below is checked. Maximum width of surface disturbance from construction will be 30 feet.

Those segments of road where grade is in excess of 10% for more than 300 feet shall be designed by a professional engineer.

2. CROWNING AND DITCHING

Crowning with materials on site and ditching on one side of the road on the uphill side will be required. The road cross-section will conform to the cross section diagrams in Figure 1. If conditions dictate, ditching may be required for both sides of the road; if local conditions permit, a flat-bladed road may be considered (if these conditions exist, check the appropriate box below). The crown shall have a grade of approximately 2% (i.e., 1" crown on a 12' wide road).

Ditching will be required on both sides of the roadway as shown on the attached map or as staked in the field.

Flat-blading is authorized on segment(s) delineated on the attached map.

3. DRAINAGE

Drainage control shall be ensured over the entire road through the use of borrow ditches, outsloping, insloping, natural rolling topography, lead-off (turnout) ditches, culverts, and/or drainage dips.

A. All lead-off ditches shall be graded to drain water with a 1 percent minimum to 3 percent maximum ditch slope. The spacing interval for lead-off ditches shall be determined according to the following table, but may be amended depending upon existing soil types and centerline road slope (in %):

Exhibit B
 NM-140398

SPACING INTERVAL FOR TURNOUT DITCHES

Percent slope	Spacing interval
0% - 4%	400' - 150'
4% - 6%	250' - 125'
6% - 8%	200' - 100'
8% - 10%	150' - 75'

A typical lead-off ditch has a minimum depth of 1 foot below and a berm 6 inches above natural ground level. The berm will be on the down-slope side of the lead-off ditch. The ditch end will tie into vegetation whenever possible.

For this road the spacing interval for lead-off ditches shall be at

400 foot intervals.

___ foot intervals.

locations staked in the field as per spacing intervals above.

locations delineated on the attached map.

B. Culvert pipes shall be used for cross drains where drainage dips or low water crossings are not feasible. The minimum culvert diameter must be 18 inches. Any culvert pipe installed shall be of sufficient diameter to pass the anticipated flow of water. Culvert location and required diameter are shown on the attached map (Further details can be obtained from the Roswell District Office or the appropriate Resource Area Office).

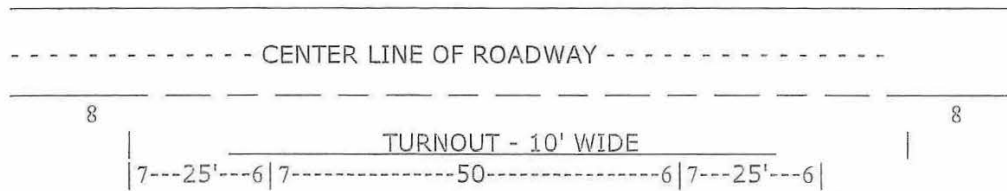
C. On road slopes exceeding 2%, drainage dips shall drain water into an adjacent lead-off ditch. Drainage dip location and spacing shall be determined by the formula:

$$\text{spacing interval} = \frac{400'}{\text{road slope in \%}} + 100'$$

Example: 4% slope: spacing interval = $\frac{400}{4} + 100 = 200$ feet

4. TURNOUTS

Unless otherwise approved by the Authorized Officer, vehicle turnouts will be required. Turnouts will be located at 2000-foot intervals, or the turnouts will be intervisible, whichever is less. Turnouts will conform to the following diagram:



STANDARD TURNOUT - PLAN VIEW
 Page 3 of 4

Exhibit B
NM-140398

5. SURFACING

Surfacing of the road or those portions identified on the attached map may, at the direction of the Authorized Officer, be required, if necessary, to maintain traffic within the right-of-way with caliche, gravel, or other surfacing material which shall be approved by the Authorized Officer. When surfacing is required, surfacing materials will be compacted to a minimum thickness of six inches with caliche material. The width of surfacing shall be no less than the driving surface. Prior to using any mineral materials from an existing or proposed Federal source, authorization must be obtained from the Authorized Officer.

6. CATTLEGUARDS

Where used, all cattleguard grids and foundation designs and construction shall meet the American Association of State Highway and Transportation Officials (AASHTO) Load Rating H-20, although AASHTO U-80 rated grids shall be required where heavy loads (exceeding H-20 loading), are anticipated (See BLM standard drawings for cattleguards). Cattleguard grid length shall not be less than 8 feet and width of not less than 14 feet. A wire gate (16-foot minimum width) will be provided on one side of the cattleguard unless requested otherwise by the surface user.

7. MAINTENANCE

The holder shall maintain the road in a safe, usable condition. A maintenance program shall include, but not be limited to blading, ditching, culvert installation, culvert cleaning, drainage installation, cattleguard maintenance, and surfacing.

8. PUBLIC ACCESS

Public access along this road will not be restricted by the holder without specific written approval being granted by the Authorized Officer. Gates or cattleguards on public lands will not be locked or closed to public use unless closure is specifically determined to be necessary and is authorized in writing by the Authorized Officer.

9. CULTURAL RESOURCES

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

10. NOXIOUS WEEDS

The area will be kept free of the following plant species: Malta starthistle, African rue, Scotch thistle, and saltcedar.

EXHIBIT C

BLM Serial Number: NM-140398
Company Reference: Southwestern Public Service Company

STANDARD STIPULATIONS FOR OVERHEAD TRANSMISSION LINES
IN THE CARLSBAD FIELD OFFICE, BLM

A copy of the grant and attachments, including stipulations and map, will be on location during construction. BLM personnel may request to view a copy of your permit during construction to ensure compliance with all stipulations.

The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.
2. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et. seq.*) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized by this grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, *etc.*) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et. seq.* or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
4. No blading or clearing of any vegetation will be allowed unless approved in writing by the Authorized Officer.
5. Power lines shall be constructed and designed in accordance to standards outlined in "Suggested Practices for Avian Protection on Power lines: The State of the Art in 2006" Edison Electric Institute, APLIC, and the California Energy Commission 2006 . The holder shall assume the burden and expense of proving that pole designs not shown in the above publication deter raptor perching, roosting, and nesting. Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modification or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.

Exhibit C
NM-140398

Raptor deterrence will consist of but not limited to the following: triangle perch discouragers shall be placed on each side of the cross arms and a nonconductive perching deterrence shall be placed on all vertical poles that extend past the cross arms.

6. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair impacted improvements to at least their former state. The holder shall contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence will 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.

7. The BLM serial number assigned to this right-of-way grant shall be posted in a permanent, conspicuous manner, and be maintained in a legible condition for the term of the right-of-way at all major road crossings and at all serviced facilities. Numbers will be at least two inches high and will be affixed to the pole nearest the road crossing and at the facilities served.

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

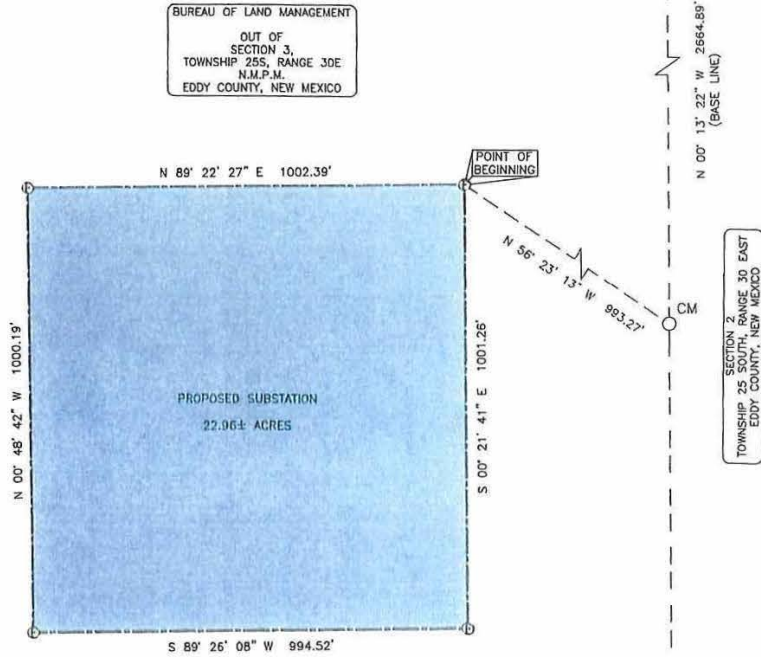
9. All surface structures (poles, lines, transformers, *etc.*) shall be removed within 180 days of abandonment, relinquishment, or termination of use of the serviced facilities or within 180 days of abandonment, relinquishment, or termination of this grant, whichever comes first. This will not apply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

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

11. The area will be kept free of the following plant species: Malta starthistle, African rue, Scotch thistle, and saltcedar.

EXHIBIT "A"

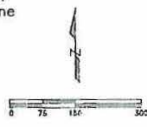
14111-1031
Exhibit 5



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on an OPUS on January 28th, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.99958740



FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p> <p>CM CONTROL MONUMENT</p> <p>⊕ 1/2" IRON ROD SET W/CAP STAMPED "PS 25645 PS 15701"</p> <p>○ BRASS GLO CAP FND</p>			<p>INDEXING INFORMATION</p> <p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTION 3, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>	
<p>TOTAL ACREAGE - 22.96±</p>			<p>SURVEY FOR</p> <p>SOUTHWESTERN PUBLIC SERVICE</p> <p>DRAWING PADWG19\XCEL\PHANTOM.DWG:DI91869</p> <p>XCEL PARCEL NO. SHEET 1 OF 2</p>	

DESCRIPTION

A ± 22.96 acre tract of land out of Section 3, Township 25 South, Range 30 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on an OPUS on January 28, 2019, Combined Scale Factor = 0.99958740)

COMMENCING at a brass GLO cap found and accepted for the East quarter corner of said Section 3, from whence a brass GLO cap found and accepted for the Northeast corner of said Section 3, bears N. 00° 13' 22" W. (Base Line) 2664.89 feet;

THENCE N. 56° 23' 13" W. 993.27 feet to a 1/2 inch iron rod with cap stamped "PS 25645 PS 15701" set for the Northeast and BEGINNING corner of this tract of land;

THENCE S. 00° 21' 41" E. 1001.26 feet to a 1/2 inch iron rod with cap stamped "PS 25645 PS 15701" set, for the Southeast corner of this tract of land;

THENCE S. 89° 26' 08" W. 994.52 feet to a 1/2 inch iron rod with cap stamped "PS 25645 PS 15701" set for the Southwest corner of this tract of land;

THENCE N. 00° 48' 42" W. 1000.19 feet to a 1/2 inch iron rod with cap stamped "PS 25645 PS 15701" set for the Northwest corner of this tract of land;

THENCE N. 89° 22' 27" E. 1002.39 feet to a point to the PLACE OF BEGINNING and containing 22.96 acres of land, more or less.

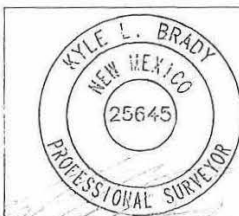
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on an OPUS on January 28, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor 0.99958740



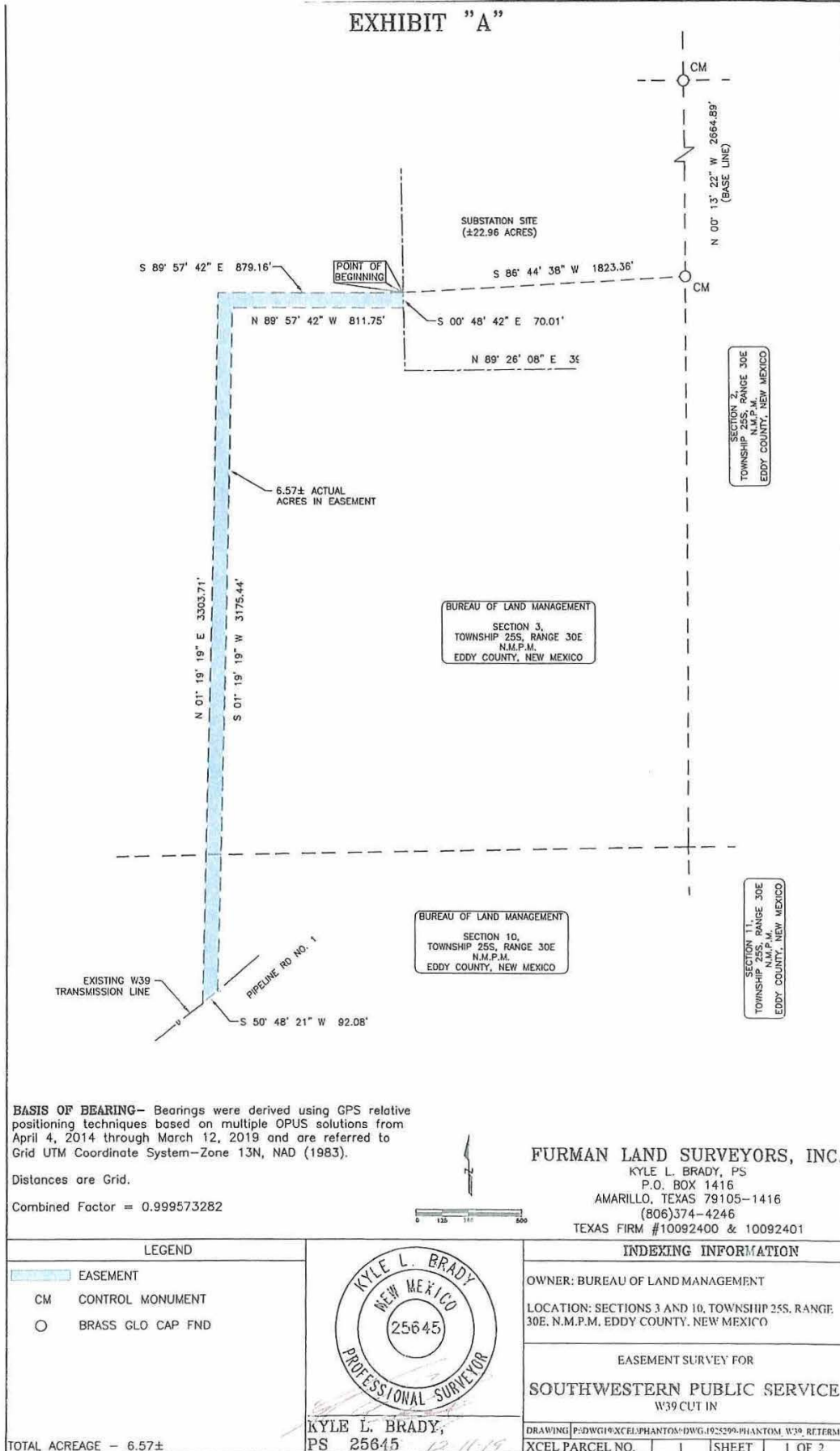
KYLE L. BRADY,
PS 25645

INDEXING INFORMATION

OWNER: BUREAU OF LAND MANAGEMENT
LOCATION: SECTION 3, TOWNSHIP 25S,
RANGE 30E N.M.P.M, EDDY COUNTY, NEW MEXICO

SURVEY FOR
SOUTHWESTERN PUBLIC SERVICE

DRAWING	P:\DWG19\XCLL\PHANTOM.DWG D191869
PROJECT	D191869 SHEET 2 OF 2



EASEMENT DESCRIPTION

An easement out of Sections 3 and 10, Township 25 South, Range 30 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found and accepted for the East quarter corner of said Section 3, from whence a brass GLO cap found and accepted for the Northeast corner of said Section 3, bears N. 00° 13' 22" W. (Base Line) 2664.89 feet;

Thence S. 86° 44' 38" W. 1823.36 feet to a point in the West line of a ±22.96 acre substation site (simultaneously surveyed), for the BEGINNING corner of this easement;

Thence S. 00° 48' 42" E. 70.01 feet along the West line of said ±22.96 acre substation site (simultaneously surveyed), to a point;

Thence N. 89° 57' 42" W. 811.75 feet to a point;

Thence S. 01° 19' 19" W. 3175.44 feet crossing the common line of said Sections 3 and 10, to a point for the Southeast corner of this easement;

Thence S. 50° 48' 21" W. 92.08 feet to a point, for the Southwest corner of this easement;

Thence N. 01° 19' 19" E. 3303.71 feet crossing the common line of said Sections 10 and 3, to a point;

Thence S. 89° 57' 42" E. 879.16 feet to the PLACE OF BEGINNING.

Easement contains 6.57± Acres.

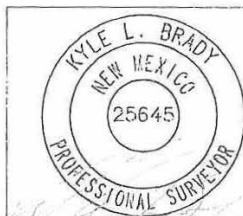
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

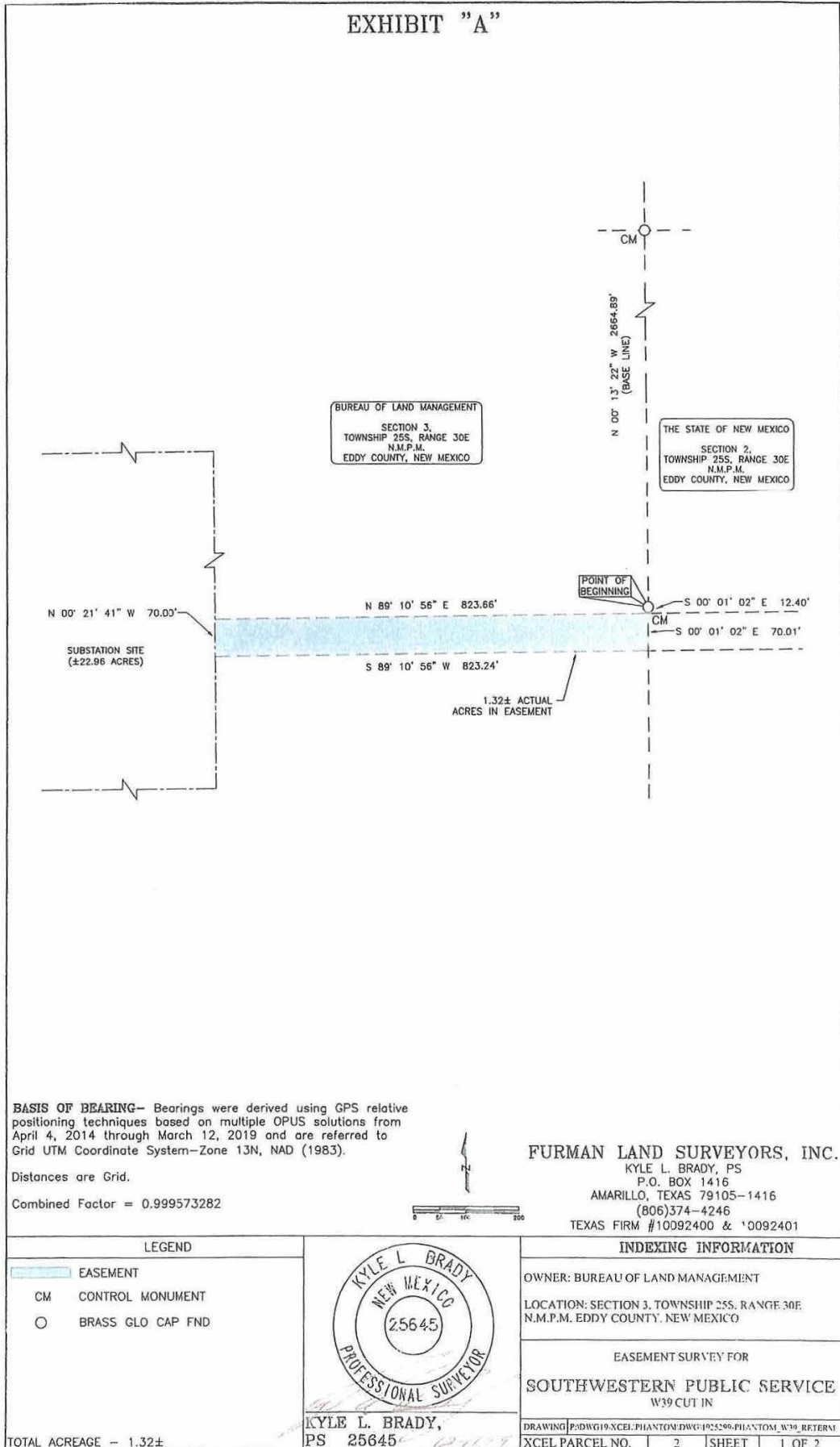
Combined Factor = 0.999573282



KYLE L. BRADY,
PS 25645

INDEXING INFORMATION			
OWNER: BUREAU OF LAND MANAGEMENT			
LOCATION: SECTIONS 3 AND 10, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE W39 CUT IN			
DRAWING	D-DWG/PS-SPR-PLAN/STANDARD-REGISTRATION-SP-RTM		
PROJECT	1925299	SHEET	2 OF 2

EXHIBIT "A"



LEGEND	
	EASEMENT
CM	CONTROL MONUMENT
○	BRASS GLO CAP FND

KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION	
OWNER: BUREAU OF LAND MANAGEMENT	
LOCATION: SECTION 3, TOWNSHIP 25S, RANGE 30E, N.M.P.M. EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE	
W39 CUT IN	
DRAWING	P3DWG19.XCEL.PHANTOM.DWG:1925299.PHANTOM_W39_RETERM
XCEL PARCEL NO.	2 SHEET 1 OF 2

TOTAL ACREAGE - 1.32±

EASEMENT DESCRIPTION

An easement out of Section 3, Township 25 South, Range 30 East. of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found and accepted for the East quarter corner of said Section 3, from whence a brass GLO cap found and accepted for the Northeast corner of said Section 3, bears N. 00° 13' 22" W. (Base Line) 2664.89 feet;

Thence S. 00° 01' 02" E. 12.40 feet along the East line of said Section 3. to a point for the Northeast and BEGINNING corner of this easement;

Thence S. 00° 01' 02" E. 70.01 feet along the East line of said Section 3, to a point for the Southeast corner of this easement;

Thence S. 89° 10' 56" W. 823.24 feet to a point in the East line of a ±22.96 acre substation site (simultaneously surveyed), for the Southwest corner of this easement;

Thence N. 00° 21' 41" W. 70.00 feet along the East line of said ±22.96 acre substation site (simultaneously surveyed), to a point for the Northwest corner of this easement;

Thence N. 89° 10' 56" E. 823.66 feet to a point to the PLACE OF BEGINNING.

Easement contains 1.32± Acres.

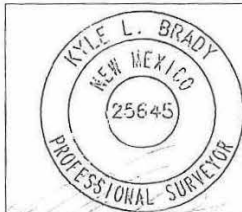
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

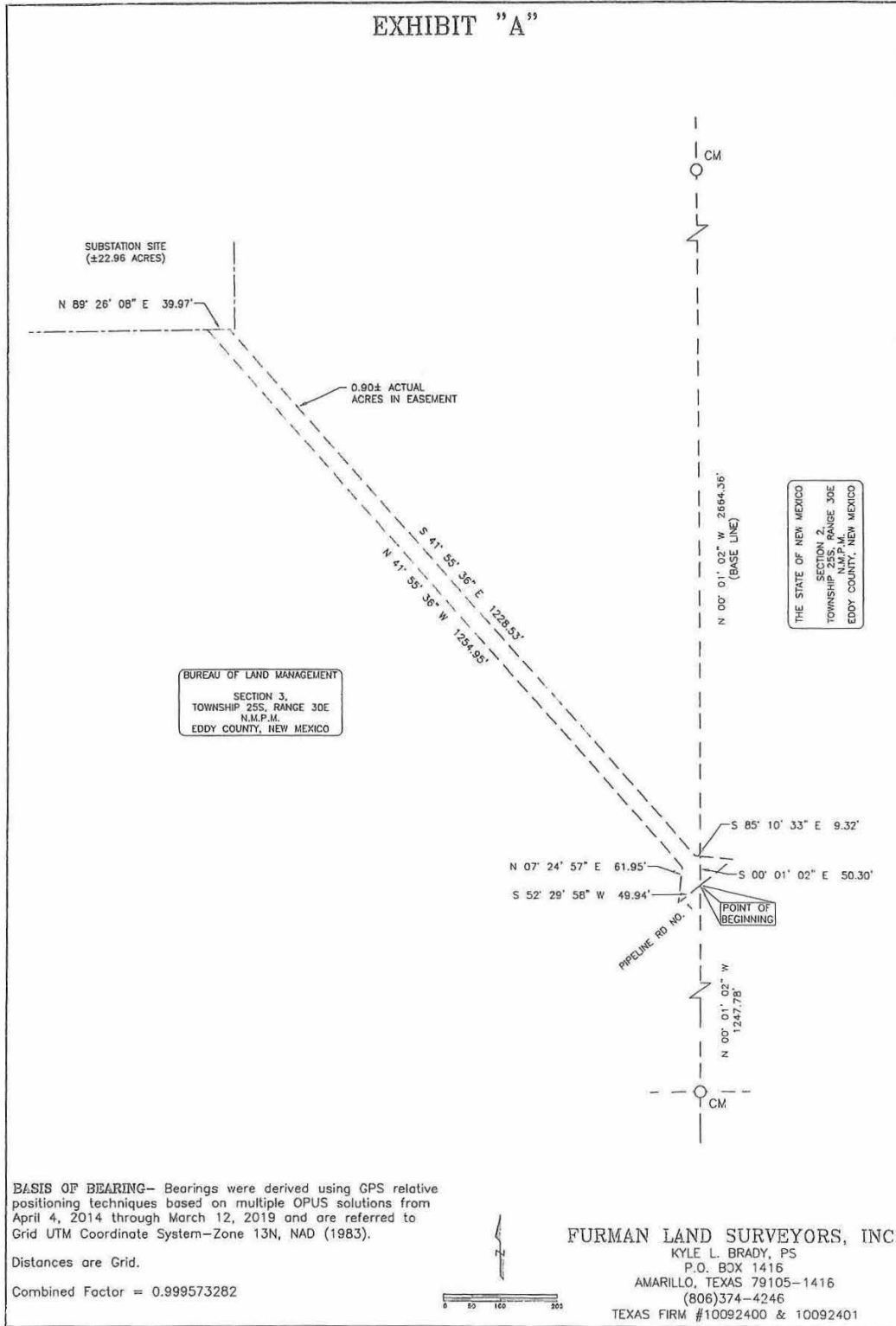
Combined Factor = 0.999573282



KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION			
OWNER: BUREAU OF LAND MANAGEMENT			
LOCATION: SECTION 3, TOWNSHIP 25S, RANGE 30E N.M.P.M. EDDY COUNTY NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE W39 CUT IN			
DRAWING	P. EDWARDS/UTL PHANTOM/DWG/02/20/2019/SECTION 3/25S	RETURN	
PROJECT	1925299	SHEET	2 OF 2

EXHIBIT "A"



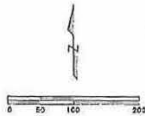
BUREAU OF LAND MANAGEMENT
 SECTION 3,
 TOWNSHIP 25S, RANGE 30E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

THE STATE OF NEW MEXICO
 SECTION 2,
 TOWNSHIP 25S, RANGE 30E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p> <p>ACCESS ROAD EASEMENT</p> <p>CM CONTROL MONUMENT</p> <p>○ BRASS GLO CAP FND</p>		<p>INDEXING INFORMATION</p> <p>OWNER: BUREAU OF LAND MANAGEMENT</p> <p>LOCATION: SECTION 3, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p> <p>EASEMENT SURVEY FOR</p> <p>SOUTHWESTERN PUBLIC SERVICE ACCESS ROAD</p>	
<p>TOTAL ACREAGE - 0.90±</p>		<p>DRAWING: P-DWG19.XCEL-PHANTOM.DWG-1925209-PHANTOM_W39_RETERRM</p> <p>XCEL PARCEL NO. 1 SHEET 1 OF 2</p>	



KYLE L. BRADY,
 PS 25645

EASEMENT DESCRIPTION

An easement out of Section 3, Township 25 South, Range 30 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found and accepted for the Southeast corner of said Section 3, from whence a brass GLO cap found and accepted for the East quarter corner of said Section 3, bears N. 00° 01' 02" W. (Base Line) 2664.36 feet;

Thence N. 00° 01' 02" W. 1247.78 feet along the West line of said Section 2, to the POINT OF BEGINNING;

Thence S. 52° 29' 58" W. 49.94 feet to a point;

Thence N. 07° 24' 57" E. 61.95 feet to a point;

Thence N. 41° 55' 36" W. 1254.95 feet to a point in the South line of a ±22.96 acre substation site (simultaneously surveyed);

Thence N. 89° 26' 08" E. 39.97 feet to along the South line of said ±22.96 acre substation site (simultaneously surveyed), to a point;

Thence S. 41° 55' 36" E. 1228.53 feet to a point;

Thence S. 85° 10' 33" E. 9.32 feet to a point in the East line of said Section 3:

Thence S. 00° 01' 02" E. 50.30 feet along the East line of said Section 3, to the PLACE OF BEGINNING.

Easement contains 0.90± Acres.

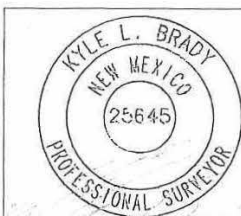
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



KYLE L. BRADY,
PS 25645

INDEXING INFORMATION			
OWNER: BUREAU OF LAND MANAGEMENT			
LOCATION: SECTION 3, TOWNSHIP 25S, RANGE 30E, N.M.P.M. EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE ACCESS ROAD			
DRAWING	PROJECT	SHEET	OF 2
	1925299	1	2



Stephanie Garcia Richard
COMMISSIONER

State of New Mexico
Commissioner of Public Lands

310 OLD SANTA FE TRAIL
P.O. BOX 1148
SANTA FE, NEW MEXICO 87504-1148

COMMISSIONER'S OFFICE

Phone (505) 827-5760
Fax (505) 827-5766
www.nmstatelands.org

April 1, 2020

Southwestern Public Service Company
790 S. Buchanan St.
Amarillo, TX 79101

Attn: Nisha Fleischman

Re: NM State Land Office Right of Way Easement No. R-38236 (Roadrunner to China Draw)

Dear Lessee:

Enclosed is your approved signed copy of the captioned grant of right-of-way easement. Also enclosed is an Affidavit of Completion form to be filled out and returned to this office upon completion of the project.

The New Mexico State Land Office requires you to notify any surface lessees that will be impacted by your project prior to construction.

If you have any questions, please feel free to contact Nick Jaramillo of the Rights of Way Department at (505) 827-5773 or njaramillo@slo.state.nm.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "J Bordegaray".

James S. Bordegaray
Director, Commercial Resources Division

Enclosures

JSB\nj

STATE OF NEW MEXICO
COMMISSIONER OF PUBLIC LANDS
GRANT OF RIGHT-OF-WAY

Right-of-Way Easement No. R-38236
Roadrunner to China Draw

This indenture made this 3rd day of April, 2020 by and between the State of New Mexico, acting by and through its Commissioner of Public Lands, "Grantor" and, Southwestern Public Service Company whose address is 790 S. Buchanan St. Amarillo, TX 79101 "Grantee;"

WITNESSETH:

That Grantor, for and in consideration of the sum of \$1,995,955.50-----One Million Nine Hundred Ninety Five Thousand Nine Hundred Fifty Five Dollars and 50/100-----cash in hand, receipt of which is hereby acknowledged, and other good and valuable consideration, hereby conveys to Grantee a right-of-way for the sole and exclusive purpose of an overhead electric line greater than 115 kV including the right to enter upon the real estate hereinafter described at any time that it may see fit to construct, maintain and repair the structures upon the right-of-way, together with the right to remove trees, brush, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said right-of-way.

The right-of-way hereby granted covers a strip of land 150 and 200 feet in width in Eddy & Lea Counties, as more particularly described by the attached centerline description and survey plats, which are incorporated herein as Exhibit A.

This grant is made upon the following express terms and conditions:

1. This right-of-way is granted for a term of 35 years. The grant may be renewed for additional periods upon application to Grantor. Any such renewals are subject to such terms and conditions as the Grantor may require, and payment of compensation.
2. Grantor reserves the right to authorize or grant rights-of-way or other easements to third parties, which may be parallel to, cross over or bisect this right-of-way. In such cases, the subsequent grantee may, at the discretion of the Grantor, be required to post a bond guaranteeing payment for damages to the installations and improvements of Grantee herein. In crossing any right-of-way for a highway, road, telephone, telegraph, transmission line, etc. Grantee herein will exercise due care so as not to interfere with said rights-of-way and will comply with all applicable laws, rules, and regulations in connection with the making of such crossings
3. The right to grant additional rights-of-way or easements within this right-of-way belongs exclusively to Grantor. Grantor hereby agrees, however, that in the event Grantor elects to exercise such right and if Grantee herein is the New Mexico State Highway and Transportation Department, Grantor will secure in writing the agreement of subsequent right-of-way grantee that no facilities will be constructed or installed within the right-of-way subsequently granted without first obtaining from the Department a permit prescribing the conditions under which facilities may be placed within such right-of-way in accordance with the Department's applicable rules and regulations.

GRANTEE EXPRESSLY AGREES THAT PRIOR TO THE CONSTRUCTION OR INSTALLATION OF ANY FACILITIES WITHIN THE RIGHT-OF-WAY GRANTED HEREIN, GRANTEE WILL DETERMINE WHETHER THE RIGHT-OF-WAY IS WITHIN A PREVIOUSLY ESTABLISHED NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT RIGHT-OF-WAY, AND IF IT IS, GRANTEE WILL OBTAIN FROM THE NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT A PERMIT THAT PRESCRIBES THE CONDITIONS UNDER WHICH

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(2)

Right-of-Way Easement No. R-38236

FACILITIES MAY BE PLACED WITHIN THE RIGHT-OF-WAY IN ACCORDANCE WITH THE DEPARTMENT'S APPLICABLE RULES AND REGULATIONS. GRANTEE FURTHER UNDERSTANDS AND AGREES THAT THE FAILURE TO OBTAIN SUCH PERMIT SHALL RESULT IN THE FORCIBLE REMOVAL BY THE DEPARTMENT OF ANY FACILITIES THAT MAY BE CONSTRUCTED OR INSTALLED WITHIN THE RIGHT-OF-WAY.

4. In clearing the right-of-way, Grantee agrees to dispose of brush and other debris so as not to interfere with the movement of livestock of state agriculture lessees.
5. All pipelines placed on said lands by virtue of this grant shall be buried not less than twenty inches (20") deep. An exception to this requirement may be granted on other than agricultural lands when hard rock is encountered which would require blasting, or when a temporary pipeline is necessary and will not unduly hamper other surface uses. Deviation of the twenty-inch depth must be shown on the plat accompanying the application for right-of-way or by the filing of an amended plat upon completion of construction.
6. Grantee hereby agrees to carefully avoid destruction or injury to any improvements or livestock lawfully upon the premises described herein, to close all gates immediately upon passing through same, and to pay promptly the reasonable and just damages for any injury or destruction arising from construction or maintenance of this right-of way.
7. Grantee shall not assign this right-of-way without the prior written approval of Grantor. Such approval may be conditioned upon the agreement by Grantee's assignee to additional conditions and covenants and may require payment of additional compensation to Grantor. This right-of-way is for the sole purpose stated and no other. Grantee agrees not to sell or otherwise grant to any person or entity any interest therein or the right to use any portion thereof.
8. The rights granted herein are subject to valid existing rights.
9. Grantor reserves the right to execute leases for oil and gas, coal, and minerals of whatsoever kind and for geothermal resources development and operation, the right to sell or dispose of same and the right to grant rights-of-way and easements related to such leasing.
10. In all matters affecting the premises described herein or operations thereon, Grantee, its employees, agents and contractors shall, at their own expense, fully comply with all laws, regulations, rules, ordinances, and requirements of any governmental authority or agency, which may be enacted or promulgated, including, but not limited to, requirements or enactments pertaining to conservation, sanitation, aesthetics, pollution, cultural properties, fire, or ecology, including those provisions of the New Mexico Cultural Properties Act, §§18-6-1 through 17, NMSA 1978, that attach criminal penalties to the appropriation, excavation, injury or destruction of any site or object of historical, archaeological, architectural, or scientific value located on state lands. In addition, Grantee, its employees, agents and contractors must comply with the provisions of the Pipeline Safety Act, §§ 70-3-11 through 20, NMSA 1978, and rules enacted pursuant to the Act, and agree to provide the Public Regulation Commission access to records of compliance.

2022 MAR 17 AM 10:28

(3)

Right-of-Way Easement No. R-38236

11. Non-use of the right-of-way granted herein for any period in excess of one (1) year following the initial construction of improvements, without the prior written consent of Grantor shall be conclusive proof of abandonment of the right-of-way, and non-use for shorter periods shall place upon grantee the burden of providing that there was no intent to abandon.
12. Grantee, if other than a governmental entity that is provided immunity from suit by the New Mexico Tort Claims Act, agrees to save and hold harmless, defend and indemnify the State of New Mexico, the Commissioner of Public Lands, and his agents or employees, in their official and individual capacities, of and from any and all liability, claims, losses, or damages arising out of or alleged to arise out of or indirectly connected with the operations of Grantee, its employees, agents, or contractors hereunder.
13. Not with standing anything contained herein, Grantor may cancel this grant for violation of any of the covenants of this agreement; provided, however, that before any such cancellation shall become effective, Grantor shall mail to grantee or any approved assignee, by certified mail addressed to the post office address of Grantee or such assignee shown by Land Office records, a thirty (30) day notice of intention to cancel, specifying the default for which the grant is subject to cancellation. No proof of receipt of notice shall be necessary and thirty (30) days after such mailing, Grantor may enter cancellation unless Grantee shall have sooner remedied the default to the satisfaction of Grantor.
14. Grantee agrees to preserve and protect the natural environmental conditions of the land encompassed in this grant, and to take those reclamation or corrective actions that are accepted soil and water conservation practices and that are deemed necessary by Grantor to protect the land from pollution, erosion, or other environmental degradation as more particularly described by the attached New Mexico State Land Office Required Best Management Practices for Surface Users, which are incorporated herein as Exhibit B.
15. Grantee agrees to reclaim by grading, leveling, or terracing all areas disturbed by the construction or maintenance of the right-of-way or operations thereon and to landscape such areas at its own cost and expense. Landscaping shall include the planting of native grasses, shrubs, or other vegetation so as to return disturbed areas to their natural state and prevent water and wind erosion.
16. This grant shall become effective upon its execution by Grantor.

STIPULATIONS:

- **Temporary Construction Space is granted up to 20' additional width during the initial construction phase and during any subsequent maintenance, this excludes any remediation phase. Temporary Construction Space not to exceed 180 days.**
- **This lease falls within the Texas Hornshell Mussel CCAA. Please comply with Texas Hornshell Mussel CCAA conservation measures and follow NMSLO best management practices.**
- **Conduct pre-construction habitat assessment and occupancy surveys for Scheer's pincushion cactus, Tharp's blue star, and Wright's water willow.**

2022 MAR 17 AM 10:28

(4)

Right-of-Way Easement No. R-38236

GRANTEE: Southwestern Public Service Company

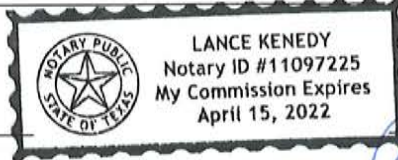
By: Sean L. Frederiksen

ACKNOWLEDGMENT

STATE OF Texas)
COUNTY OF Potter) ss.

The foregoing instrument was acknowledged before me this 6th day of March, 2020,
by Sean L. Frederiksen, of Southwestern Public Service Co., a
New Mexico corporation, on behalf of said corporation.

My Commission Expires:
4/15/2022



Lance Kenedy
NOTARY PUBLIC

STATE OF NEW MEXICO

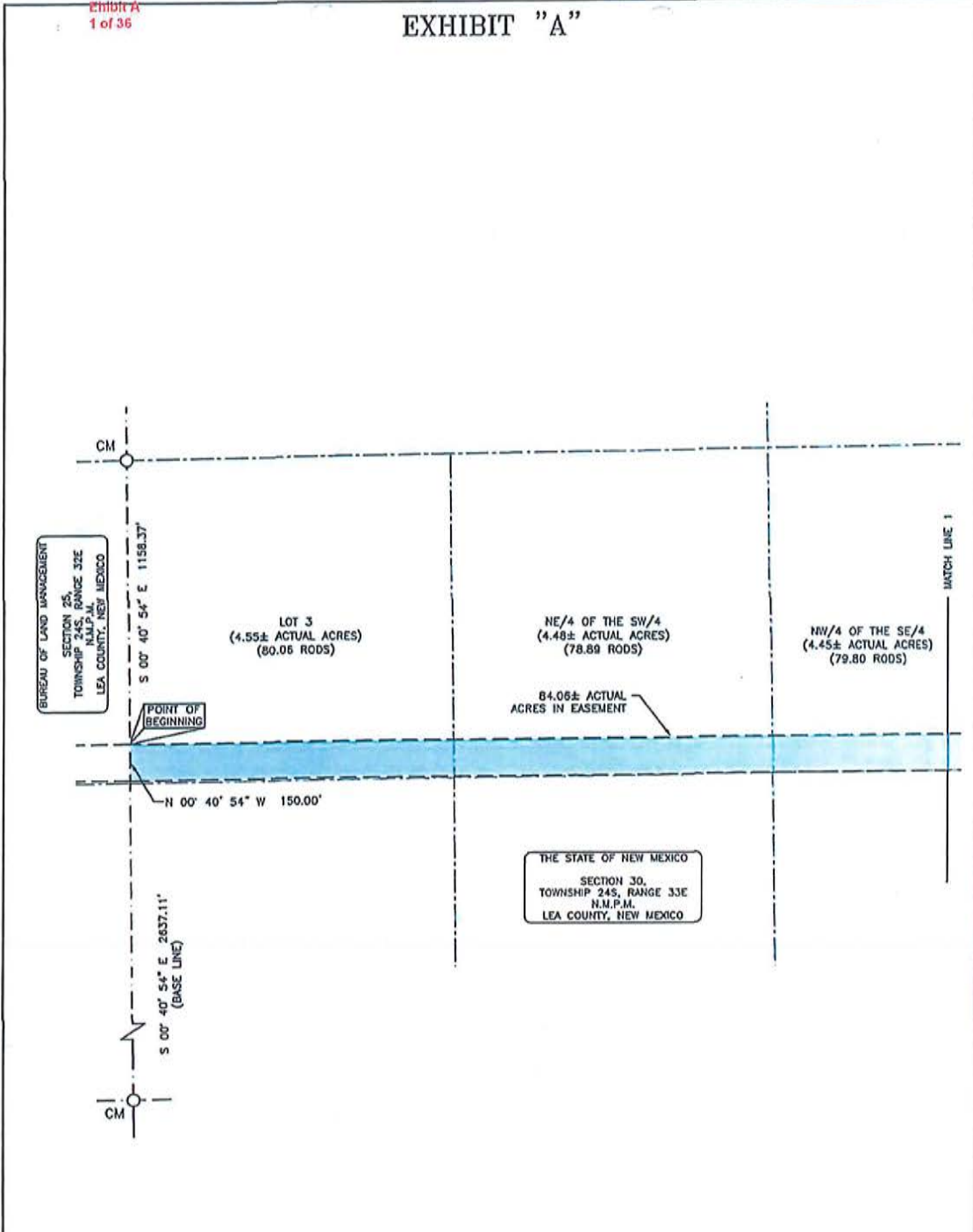
BY: Stephanie Garcia Richard
Stephanie Garcia Richard
Commissioner of Public Lands



DATE: 4/13/20

R-38236
 Exhibit A
 1 of 36

EXHIBIT "A"



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

THE STATE OF NEW MEXICO
 SECTION 30,
 TOWNSHIP 24S, RANGE 33E
 N.M.P.M.
 LEA COUNTY, NEW MEXICO

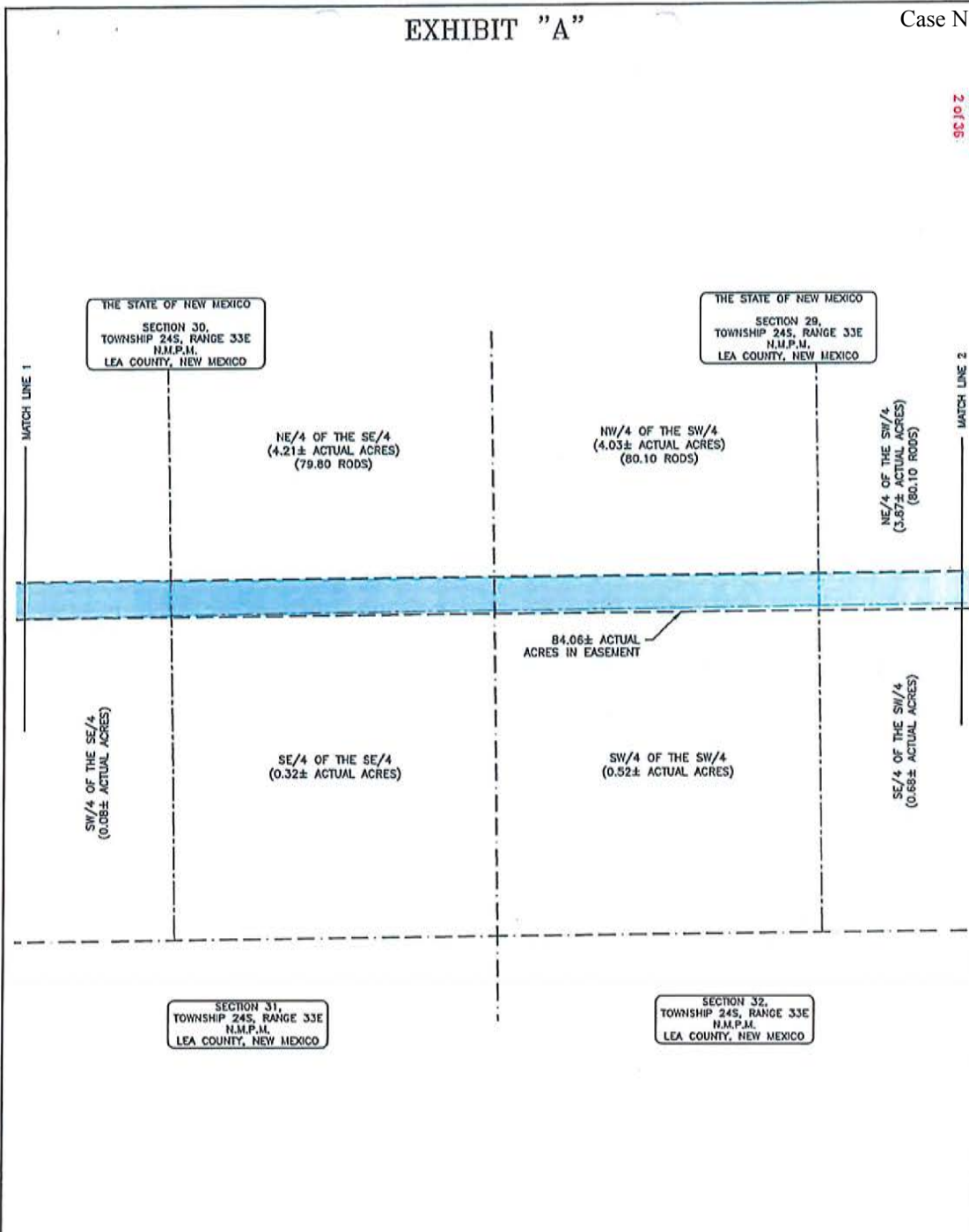
FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER:	THE STATE OF NEW MEXICO
CM	CONTROL MONUMENT	LOCATION:	SECTION 27, 28, 29, & 30, TOWNSHIP 24S, RANGE 33E, N.M.P.M., LEA COUNTY, NEW MEXICO
O	BRASS GLO CAP FND	EASEMENT SURVEY FOR	SOUTHWESTERN PUBLIC SERVICE 345 KV LINE
 KYLE L. BRADY, PS 25645		DRAWING	P\DWG19\XCEL\PHANTOM\DWG\PHANTOM
		XCEL PARCEL NO.	13 SHEET 1 OF 7
TOTAL ACREAGE - 84.06±			

EXHIBIT "A"

R-99235
EXHIBIT A
2 OF 35



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS


P.O. BOX 1416


AMARILLO, TEXAS 79105-1416

(806)374-4246

TEXAS FIRM #10092400 & 10092401



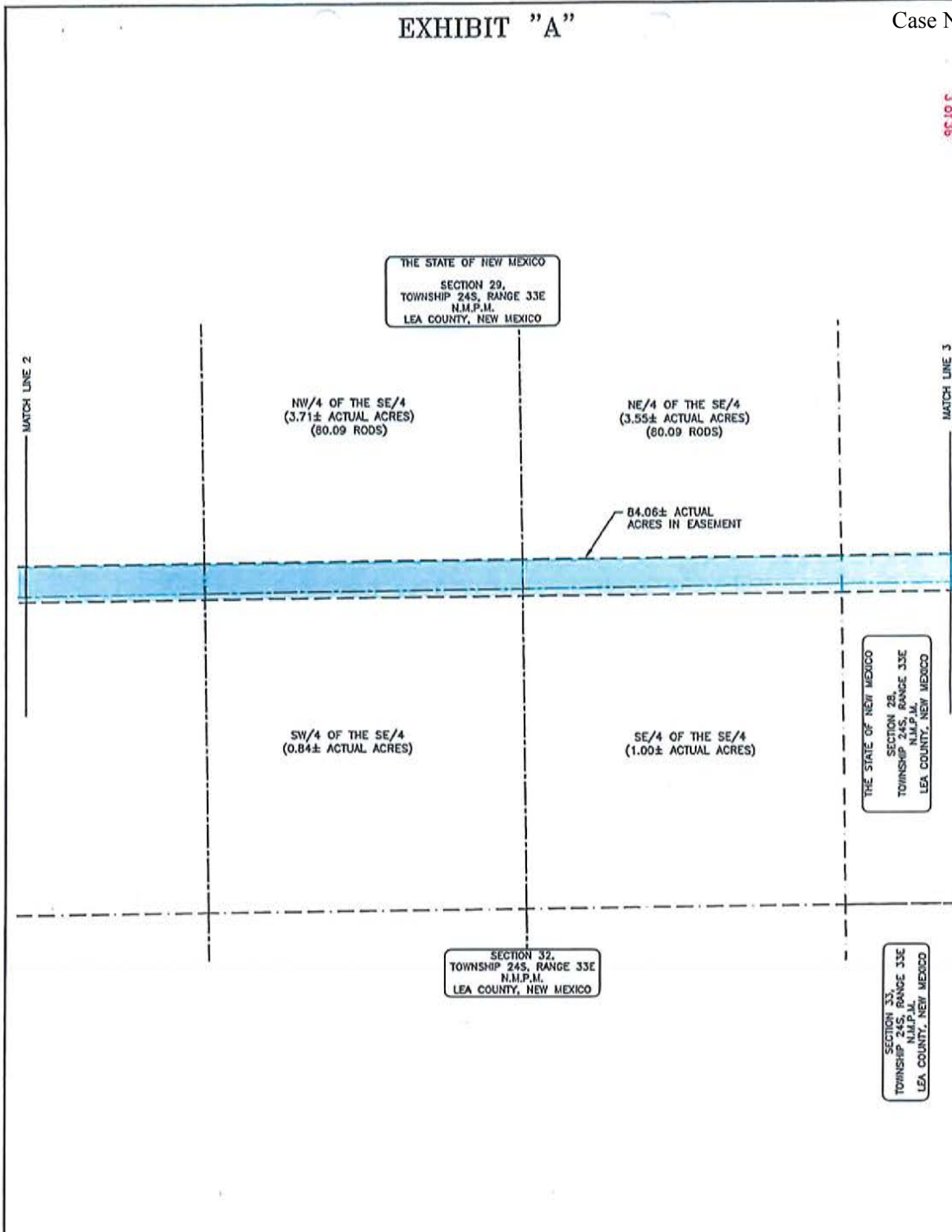
LEGEND	
	EASEMENT
TOTAL ACREAGE — 84.06±	


 KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION			
OWNER: THE STATE OF NEW MEXICO			
LOCATION: SECTION 27, 28, 29, & 30, TOWNSHIP 24S, RANGE 33E, N.M.P.M., LEA COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR			
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE			
DRAWING PADWGI9XCELPHANTOMMDWGPHANTOM			
XCEL PARCEL NO.	13	SHEET	2 OF 7

EXHIBIT "A"

R-38236
Sheet 4
3 of 36



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615



FURMAN LAND SURVEYORS, INC.

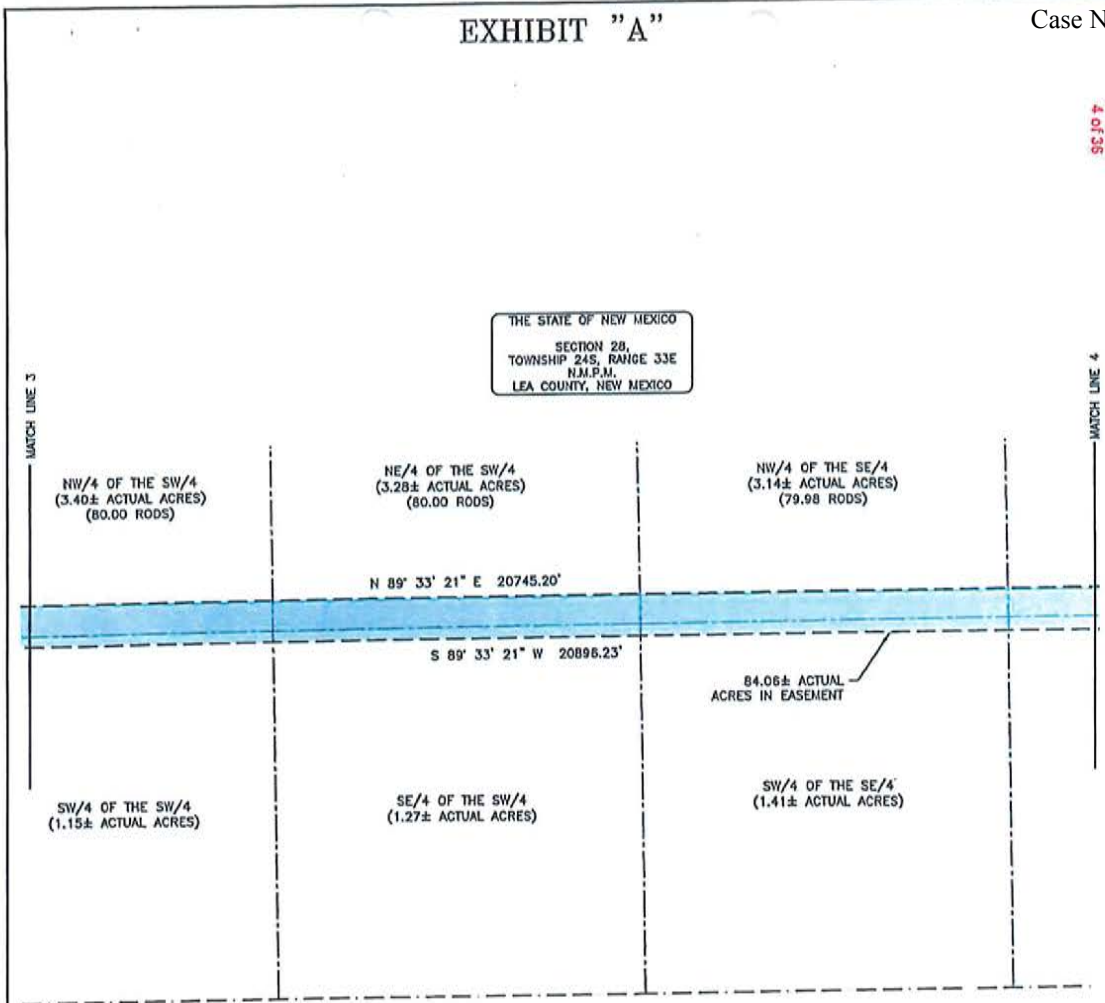
KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p>	<p>KYLE L. BRADY, PS 25645</p>	<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: THE STATE OF NEW MEXICO</p> <p>LOCATION: SECTION 27, 28, 29, & 30, TOWNSHIP 24S, RANGE 33E, N.M.P.M, LEA COUNTY, NEW MEXICO</p> <p>EASEMENT SURVEY FOR</p> <p>SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM</p> <p>XCEL PARCEL NO. 13 SHEET 3 OF 7</p>

TOTAL ACREAGE - 84.06±

EXHIBIT "A"

R-29236
Sheet 1
4 of 35



THE STATE OF NEW MEXICO
SECTION 28,
TOWNSHIP 24S, RANGE 33E
N.M.P.M.
LEA COUNTY, NEW MEXICO

SECTION 33,
TOWNSHIP 24S, RANGE 33E
N.M.P.M.
LEA COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246

TEXAS FIRM #10092400 & 10092401

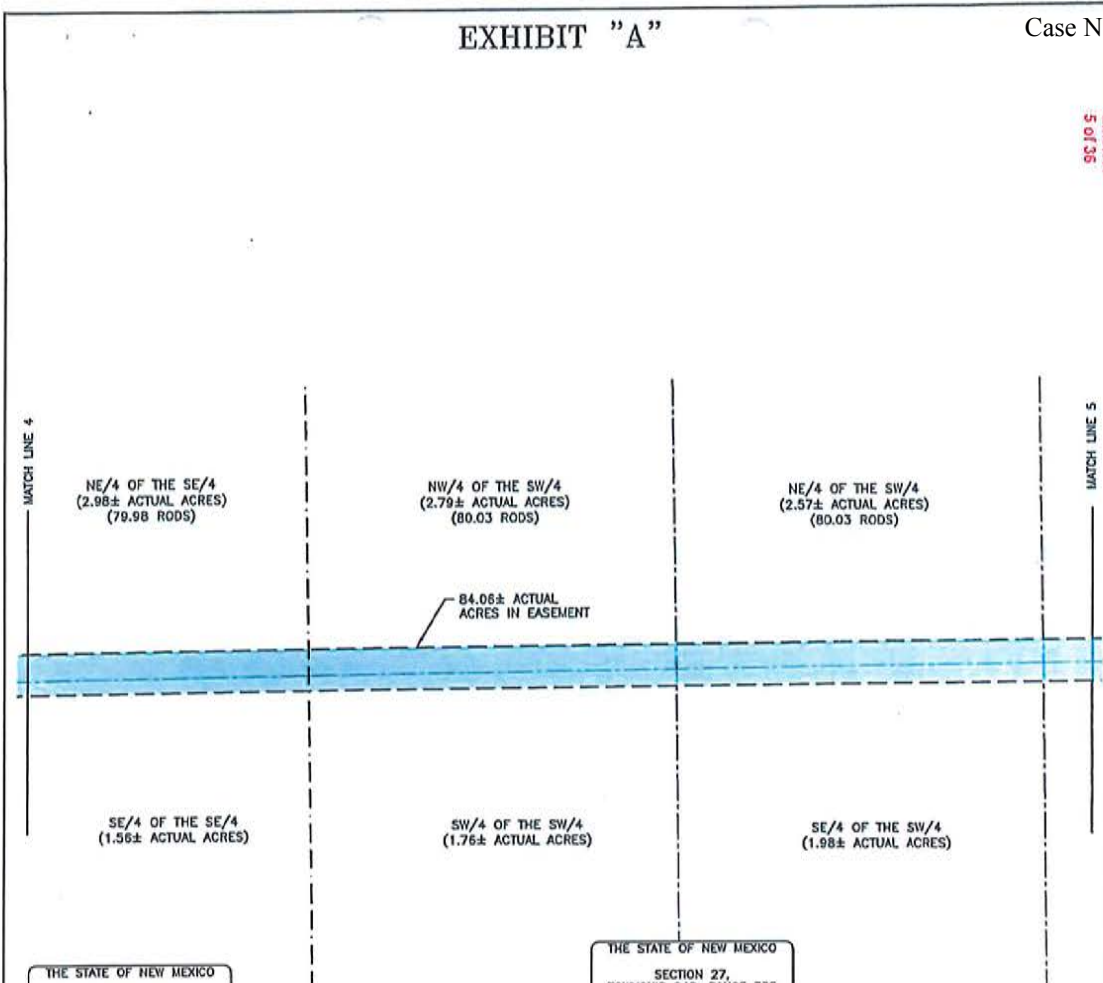


<p>LEGEND</p>	<p>KYLE L. BRADY PS 25645</p>	<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: THE STATE OF NEW MEXICO</p> <p>LOCATION: SECTION 27, 28, 29, & 30, TOWNSHIP 24S, RANGE 33E, N.M.P.M. LEA COUNTY, NEW MEXICO</p> <p>EASEMENT SURVEY FOR</p> <p>SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING P:\DWG\9\XCEL\PHANTOM\DWG\PHANTOM XCEL PARCEL NO. 13 SHEET 4 OF 7</p>

TOTAL ACREAGE - 84.06±

EXHIBIT "A"

R-38236
EMITKA
5 of 36



THE STATE OF NEW MEXICO
SECTION 28,
TOWNSHIP 24S, RANGE 33E
N.M.P.M.
LEA COUNTY, NEW MEXICO

THE STATE OF NEW MEXICO
SECTION 27,
TOWNSHIP 24S, RANGE 33E
N.M.P.M.
LEA COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.
KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401





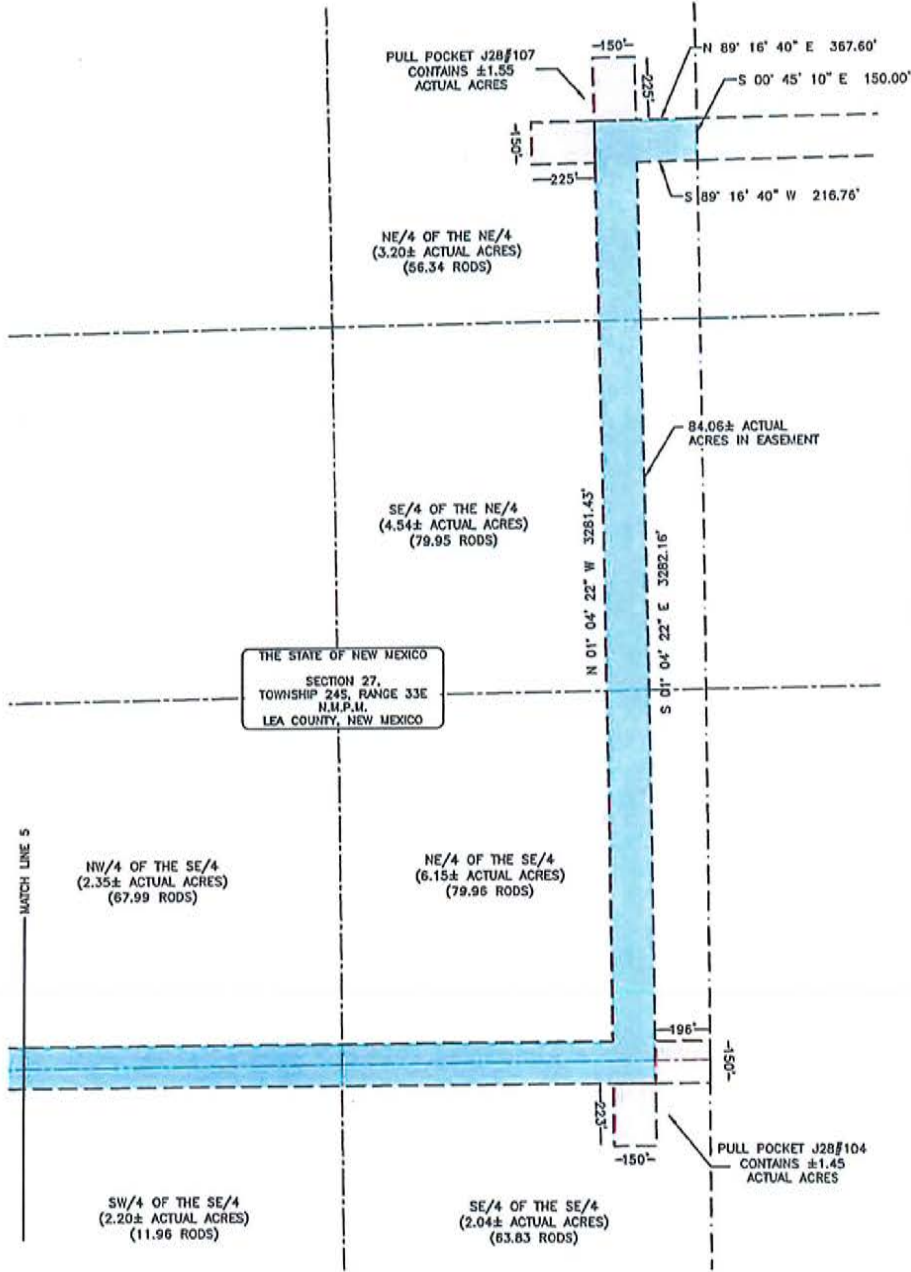
LEGEND		INDEXING INFORMATION
 EASEMENT	 KYLE L. BRADY, PS 25645	OWNER: THE STATE OF NEW MEXICO
TOTAL ACREAGE — 84.06±		LOCATION: SECTION 27, 28, 29, & 30, TOWNSHIP 24S, RANGE 33E, N.M.P.M. LEA COUNTY, NEW MEXICO
		EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE DRAWING P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM XCEL PARCEL NO. 13 SHEET 5 OF 7

EXHIBIT "A"

R-30235
5 of 36



BUREAU OF LAND MANAGEMENT
SECTION 26,
TOWNSHIP 24S, RANGE 33E
N.M.P.M.
LEA COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246

TEXAS FIRM #10092400 & 10092401



LEGEND	
	EASEMENT
	TEMPORARY PULL POCKET
TOTAL ACREAGE - 84.06±	

KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTION 27, 28, 29, & 30, TOWNSHIP 24S, RANGE 33E, N.M.P.M., LEA COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING	P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM
XCEL PARCEL NO.	13 SHEET 6 OF 7

R-38236
Exhibit A
7 of 35

EASEMENT DESCRIPTION

An easement out of Sections 27, 28, 29 and 30, Township 24 South, Range 33 East, of the New Mexico Principal Meridian, Lea County, New Mexico, said easement having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999635615)

COMMENCING at a brass GLO cap found for the West quarter corner of said Section 30, from whence a brass GLO cap found for the Southwest corner of said Section 30, bears S. 00° 40' 54" E. (Base Line) 2637.11 feet;

THENCE S. 00° 40' 54" E. 1158.37 feet along the West line of said Section 30, to a point for the Northwest and BEGINNING CORNER of this easement;

THENCE N. 89° 33' 21" E. 20745.20 feet crossing the common line of said Sections; 30, 29, 28 and 27, to a point;

THENCE N. 01° 04' 22" W. 3281.43 feet to a point;

THENCE N. 89° 16' 40" E. 367.60 feet to a point in the East line of said Section 27;

THENCE S. 00° 45' 10" E. 150.00 feet along the East line of said Section 27 to a point;

THENCE S. 89° 16' 40" W. 216.76 feet to a point;

THENCE S. 01° 04' 22" E. 3282.16 feet to a point;

THENCE S. 89° 33' 21" W. 20896.23 feet crossing the common line of said Sections; 27, 28, 29 and 30, to a point in the West line of said Section 30;

THENCE N. 00° 40' 54" W. 150.00 feet along the West line of said Section 30, to the PLACE OF BEGINNING.

Easement contains 84.06± Acres.

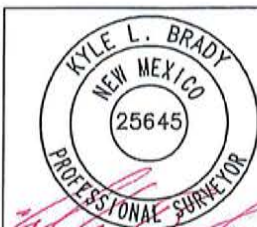
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

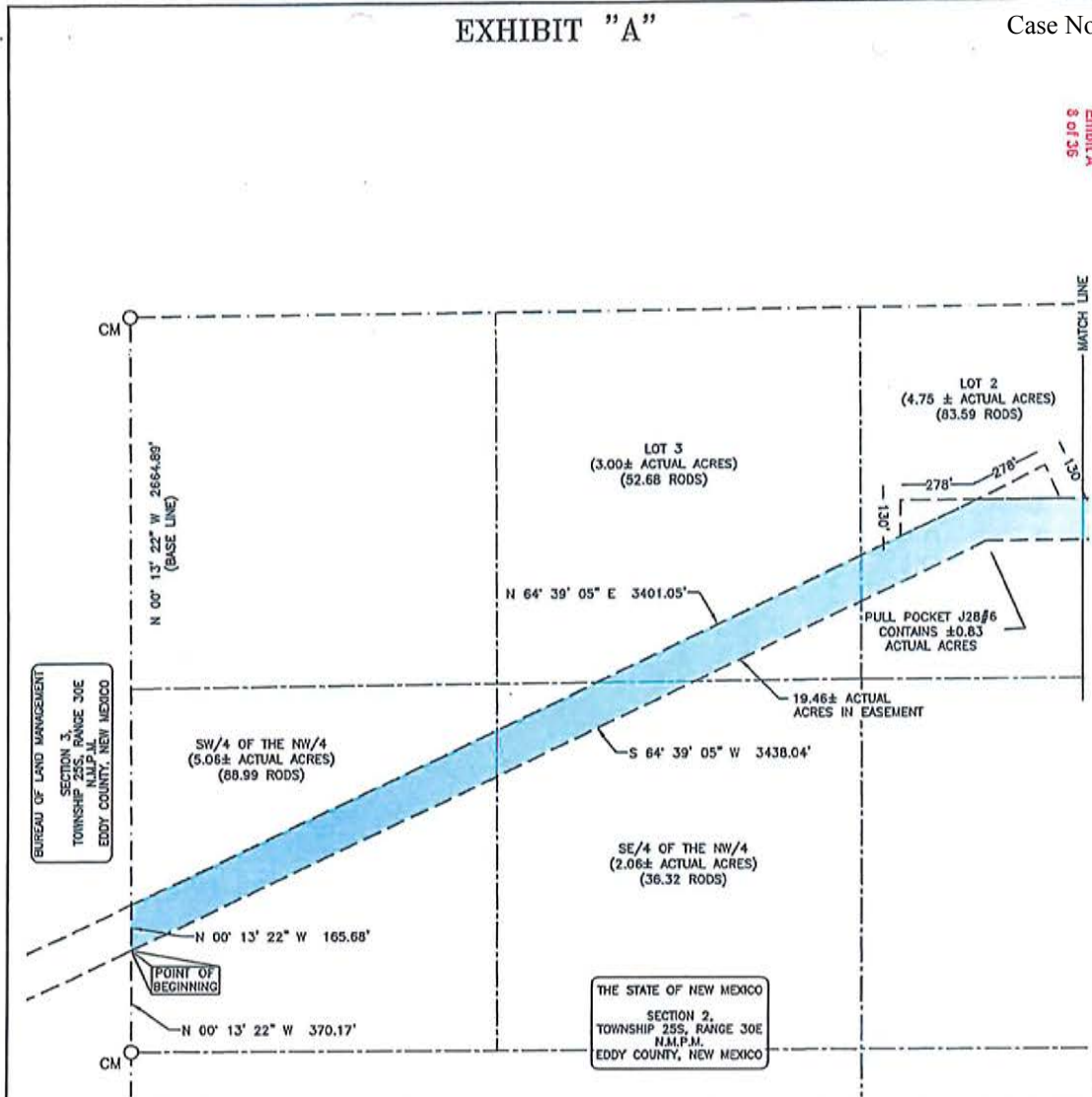


KYLE L. BRADY,
PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTIONS 27, 28, 29 & 30, TOWNSHIP 24S, RANGE 33E, N.M.P.M., LEA COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345kV LINE	
DRAWING	CADWG19\PHANTOM\345kV
PROJECT NO.	D191866 SHEET 7 OF 7

EXHIBIT "A"

R-38236
Exhibit A
3 of 36



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

THE STATE OF NEW MEXICO
SECTION 2,
TOWNSHIP 25S, RANGE 30E
N.M.P.M.
EDDY COUNTY, NEW MEXICO

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS

P.O. BOX 1416

AMARILLO, TEXAS 79105-1416

(806)374-4246

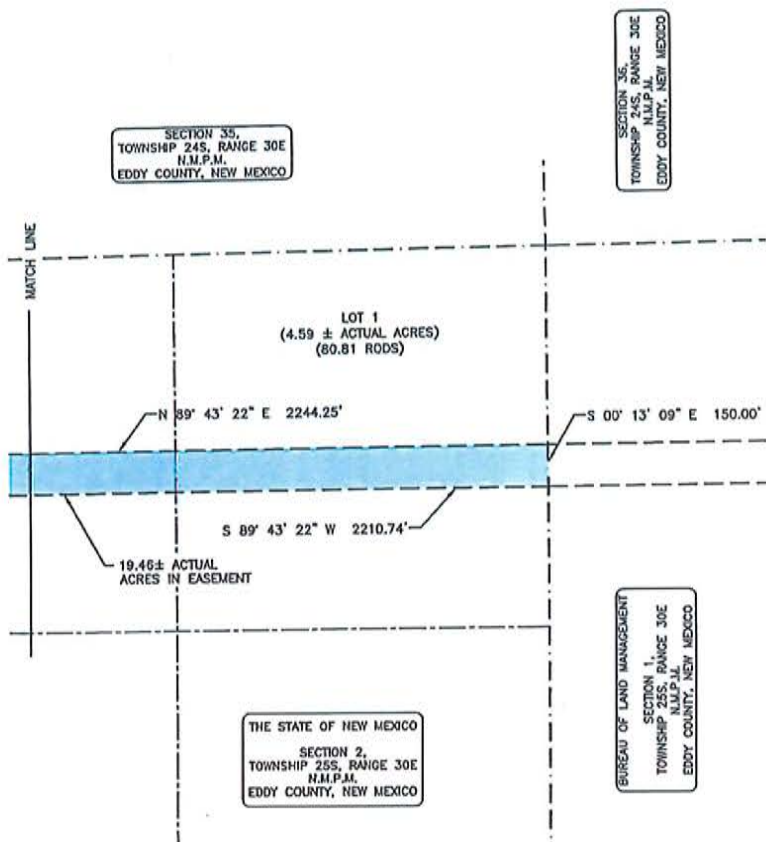
TEXAS FIRM #10092400 & 10092401



<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: THE STATE OF NEW MEXICO</p>
<p> TEMPORARY PULL POCKET</p>		<p>LOCATION: SECTION 2, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>
<p>CM CONTROL MONUMENT</p>		<p>EASEMENT SURVEY FOR</p>
<p>○ BRASS GLO CAP FND</p>		<p>SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p>
<p>TOTAL ACREAGE — 19.46±</p>	<p>KYLE L. BRADY, PS 25645</p>	<p>DRAWING PADWG19XCELPHANTOMDVG PHANTOM</p>
		<p>XCEL PARCEL NO. 5 SHEET 1 OF 3</p>

EXHIBIT "A"

R-38235
Exhibit A
9 of 36



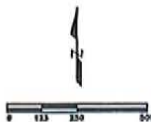
BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401



<p>LEGEND</p>	<p>KYLE L. BRADY, PS 25645</p>	<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: THE STATE OF NEW MEXICO LOCATION: SECTION 2, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE - 19.46±</p>		<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM XCEL PARCEL NO. 5 SHEET 2 OF 3</p>

R-38236
EXHIBIT A
10 of 36

EASEMENT DESCRIPTION

An easement out of Section 2, Township 25 South, Range 30 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said easement having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found for the West quarter corner of said Section 2, from whence a brass GLO cap found for the Northwest corner of said Section 2, bears N. 00° 13' 22" W. (Base Line) 2664.89 feet;

THENCE N. 00° 13' 22" W. 370.17 feet along the West line of said Section 2, to a point for the Southwest and BEGINNING CORNER of this easement;

THENCE N. 00° 13' 22" W. 165.68 feet along the West line of said Section 2, to a point;

THENCE N. 64° 39' 05" E. 3401.05 feet to a point;

THENCE N. 89° 43' 22" E. 2244.25 feet to a point in the East line of said Section 2;

THENCE S. 00° 13' 09" E. 150.00 feet along the East line of said Section 2 to a point;

THENCE S. 89° 43' 22" W. 2210.74 feet to a point;

THENCE S. 64° 39' 05" W. 3438.04 feet to the PLACE OF BEGINNING.

Easement contains 19.46± Acres.

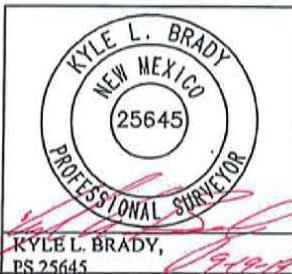
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

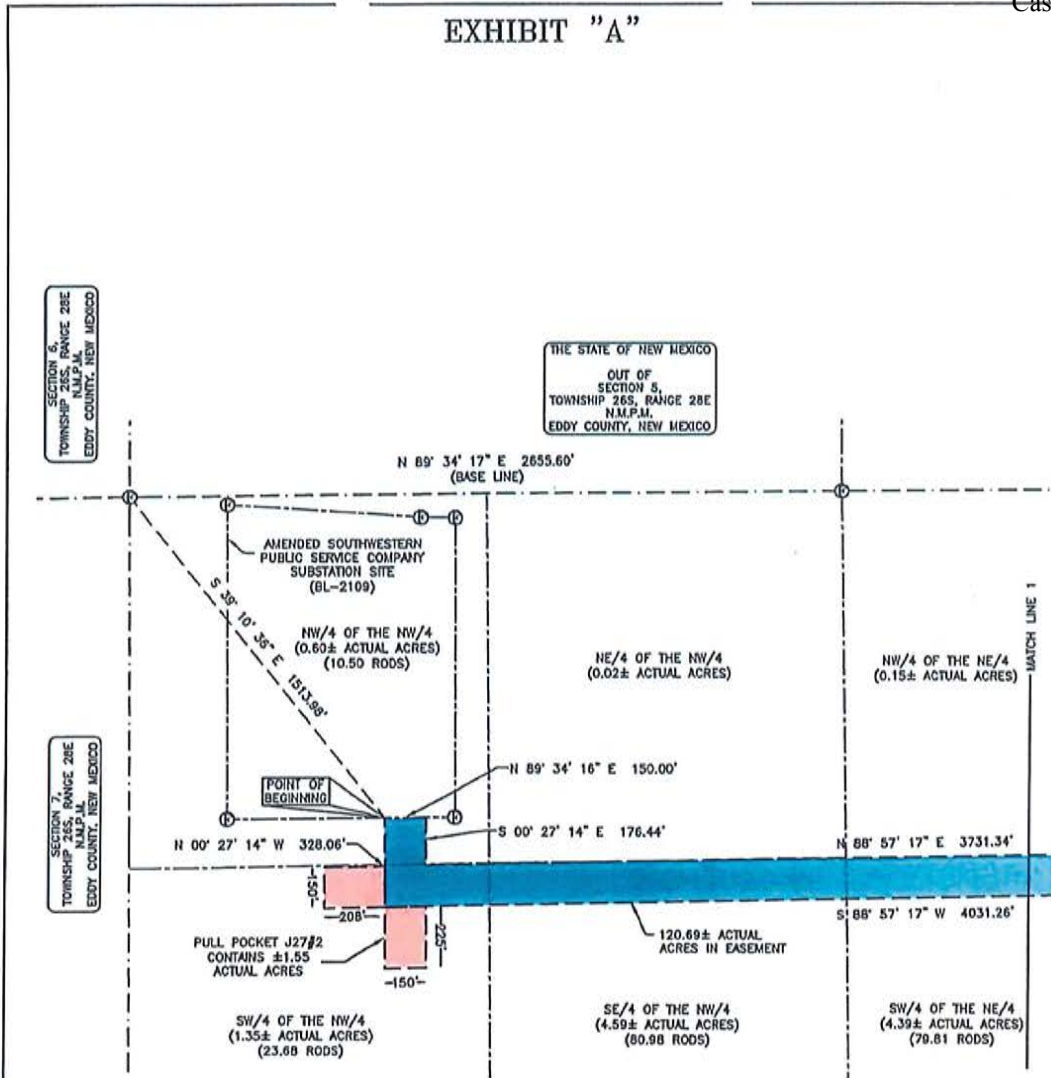
Combined Factor = 0.999573282



INDEXING INFORMATION		
OWNER: THE STATE OF NEW MEXICO		
LOCATION: SECTION 36, TOWNSHIP 24S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO		
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345kv LINE		
DRAWING	C:\DWG19\PHANTOM\345KV	
PROJECT NO.	D191866	SHEET 3 OF 3

EXHIBIT "A"

R-39236
Exhibit A
11 of 25



THE STATE OF NEW MEXICO
 OUT OF
 SECTION 6,
 TOWNSHIP 26S, RANGE 28E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

THE STATE OF NEW MEXICO
 OUT OF
 SECTION 7,
 TOWNSHIP 26S, RANGE 28E
 N.M.P.M.
 EDDY COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS

P.O. BOX 1416

AMARILLO, TEXAS 79105-1416

(808)374-4246

TEXAS FIRM #10092400 & 10092401

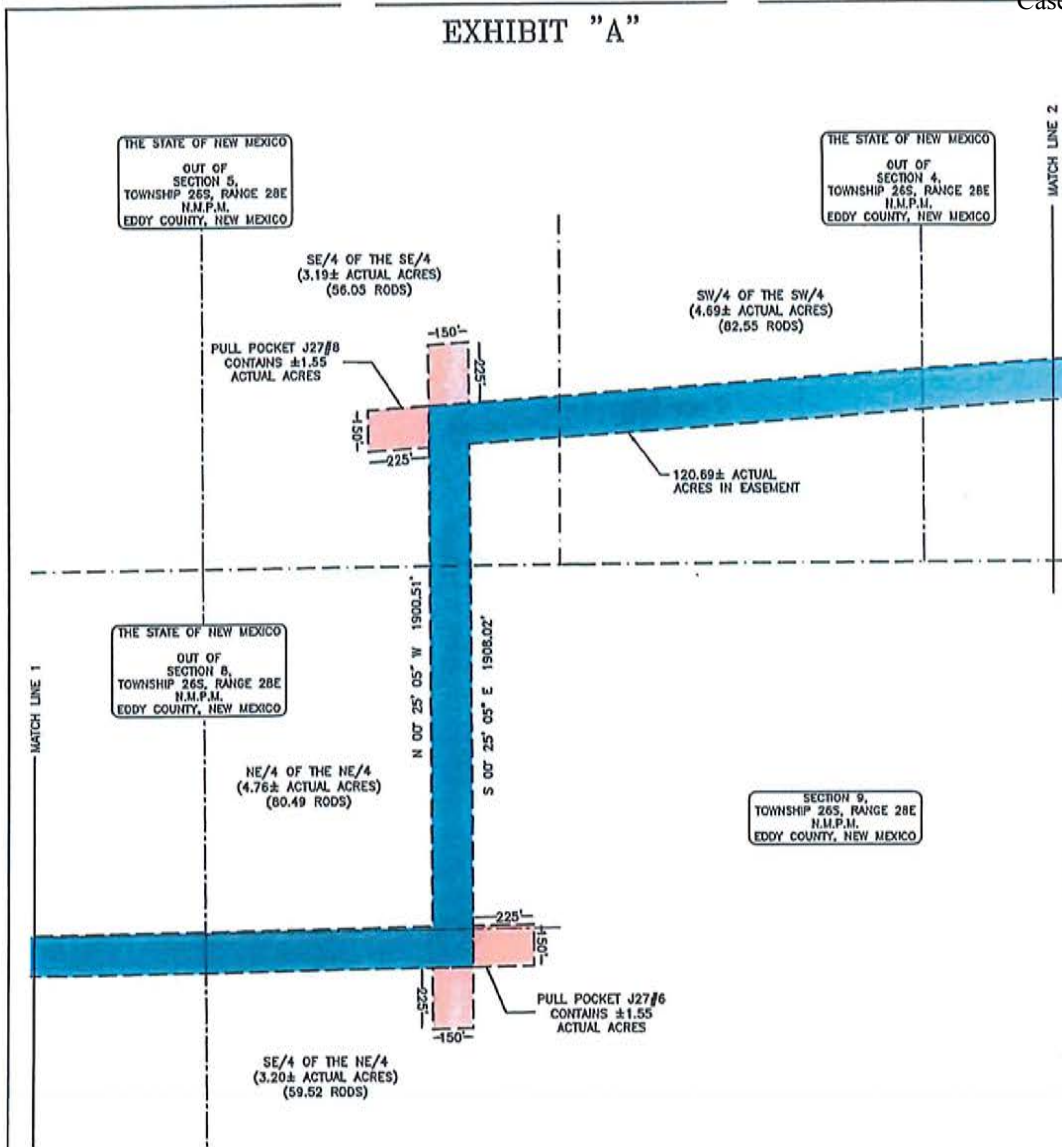
LEGEND	
	EASEMENT
	TEMPORARY PULL POCKET
	1/2" IRON ROD W/ CAP STAMPED "PS 15701 PS 25645" SET

KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION	
OWNER:	THE STATE OF NEW MEXICO
LOCATION:	SECTIONS 1,2,3,4,5,8, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E, N.M.P.M., EDDY COUNTY, NEW MEXICO
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING:	P:DWG19XCELPHANTOMDWGPHANTOM
XCEL PARCEL NO.	1 SHEET 1 OF 11

TOTAL ACREAGE - 120.69±

EXHIBIT "A"



R-30236
Exhibit A
12 of 35

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.
KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401



LEGEND	
	EASEMENT
	TEMPORARY PULL POCKET

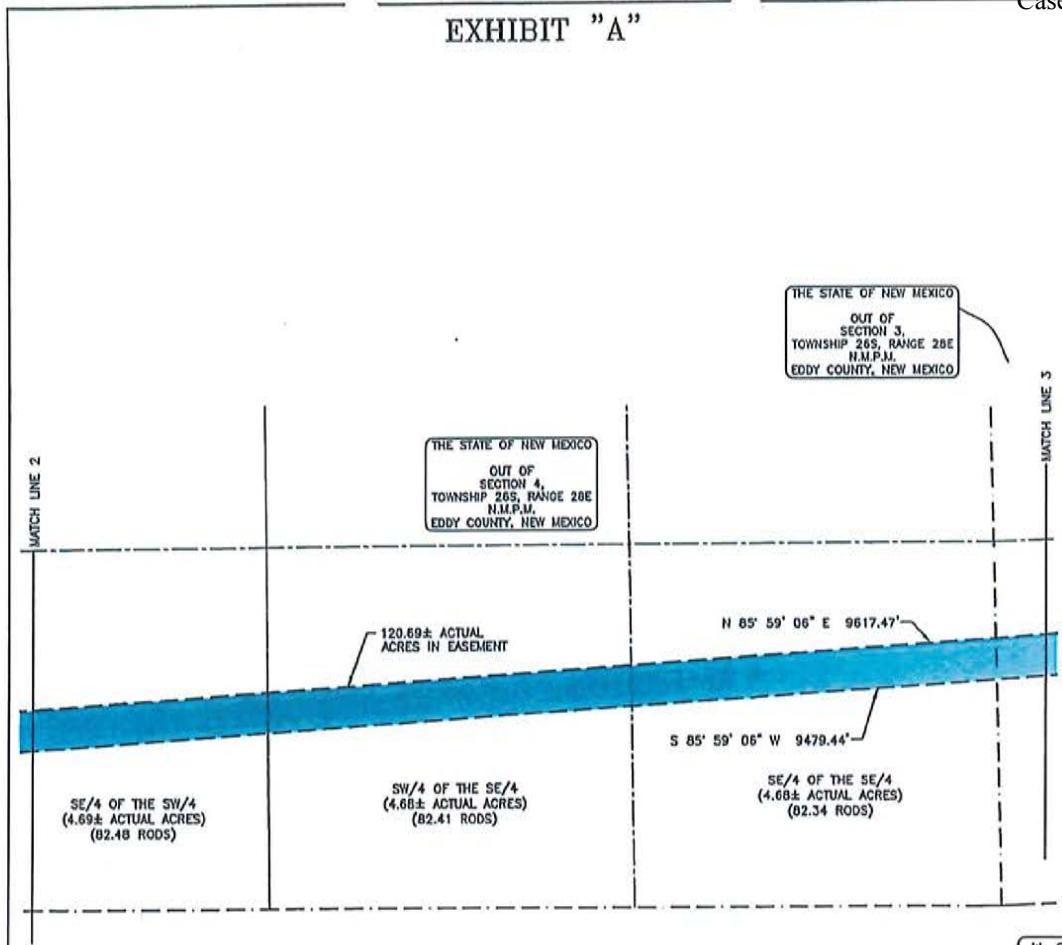
KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTIONS 1,2,3,4,5,8, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE	
345 KV LINE	
DRAWING	PJ02WGI9XCELPHANTOMDWGPHANTOM
XCEL PARCEL NO.	1 SHEET 2 OF 11

TOTAL ACREAGE - 120.69±

EXHIBIT "A"

R-102236
Exhibit A
13 of 35



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401



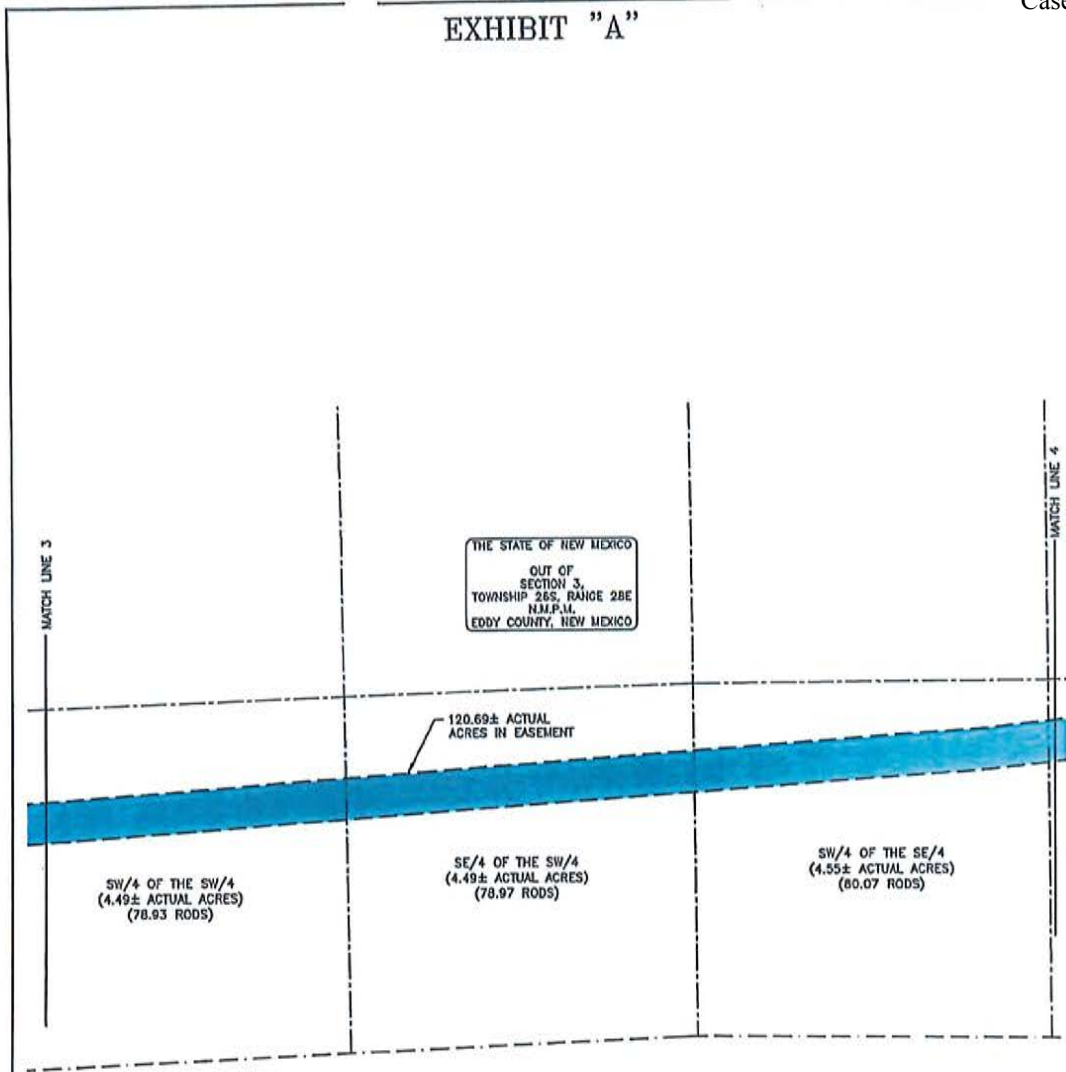
LEGEND	
	EASEMENT
TOTAL ACREAGE = 120.69±	

KYLE L. BRADY,
PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTIONS 1,2,3,4,5,8, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING	PADWGI9XCELPHANTOMDWDGPHANTOM
XCEL PARCEL NO.	1 SHEET 3 OF 11

EXHIBIT "A"

R-38236
Exhibit A
14 of 35



THE STATE OF NEW MEXICO
OUT OF
SECTION 3,
TOWNSHIP 26S, RANGE 28E
N.M.P.M.
EDDY COUNTY, NEW MEXICO

120.69± ACTUAL
ACRES IN EASEMENT

SW/4 OF THE SW/4
(4.49± ACTUAL ACRES)
(78.93 RODS)

SE/4 OF THE SW/4
(4.49± ACTUAL ACRES)
(78.97 RODS)

SW/4 OF THE SE/4
(4.55± ACTUAL ACRES)
(80.07 RODS)

SECTION 10,
TOWNSHIP 26S, RANGE 28E
N.M.P.M.
EDDY COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401



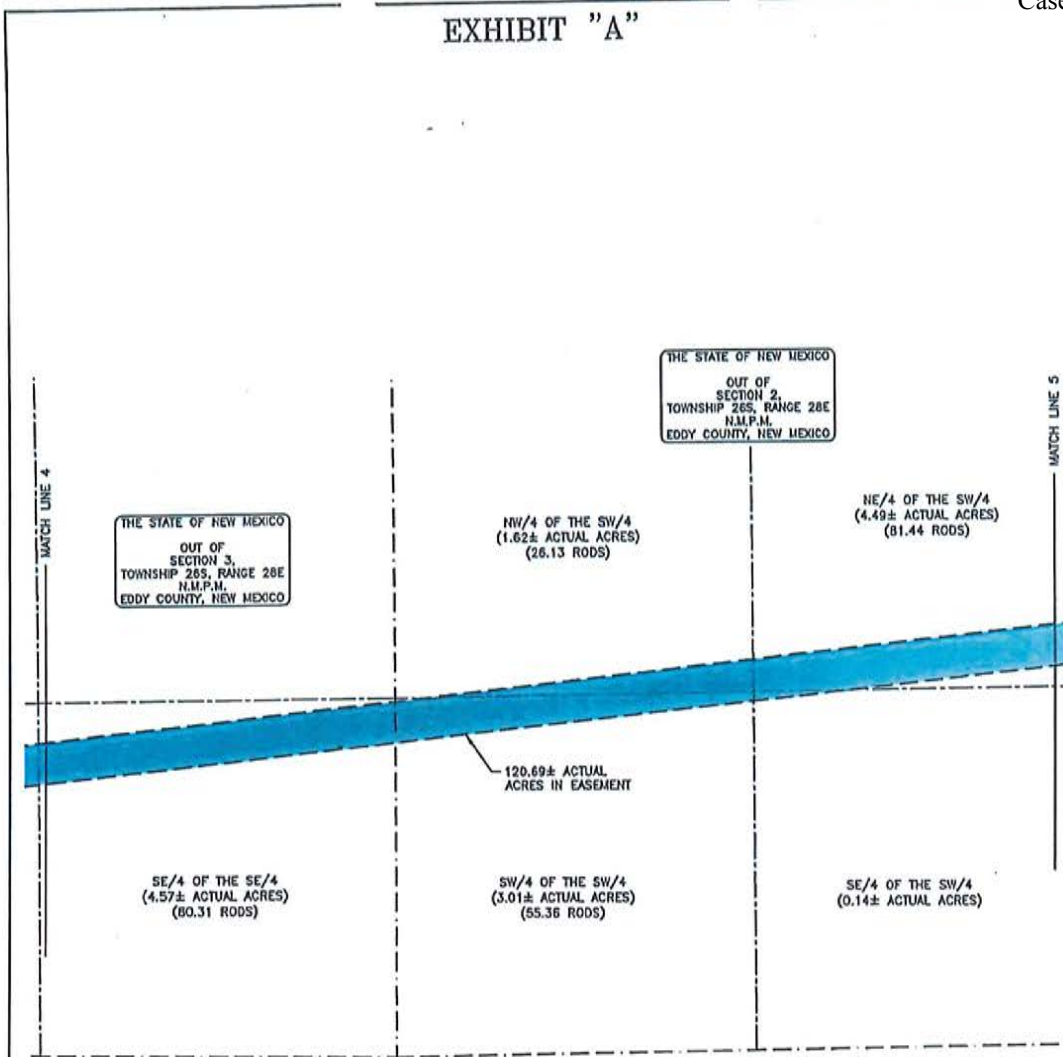
LEGEND	
	EASEMENT
TOTAL ACREAGE - 120.69±	

KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION	
OWNER:	THE STATE OF NEW MEXICO
LOCATION:	SECTIONS 1,2,3,4,5,6, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E, N.M.P.M., EDDY COUNTY, NEW MEXICO
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING	PADWGI9XCCELPHANTOMDWDGPHANTOM
XCEL PARCEL NO.	1 SHEET 4 OF 11

EXHIBIT "A"

R-39236
Exhibit A
15 of 35



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



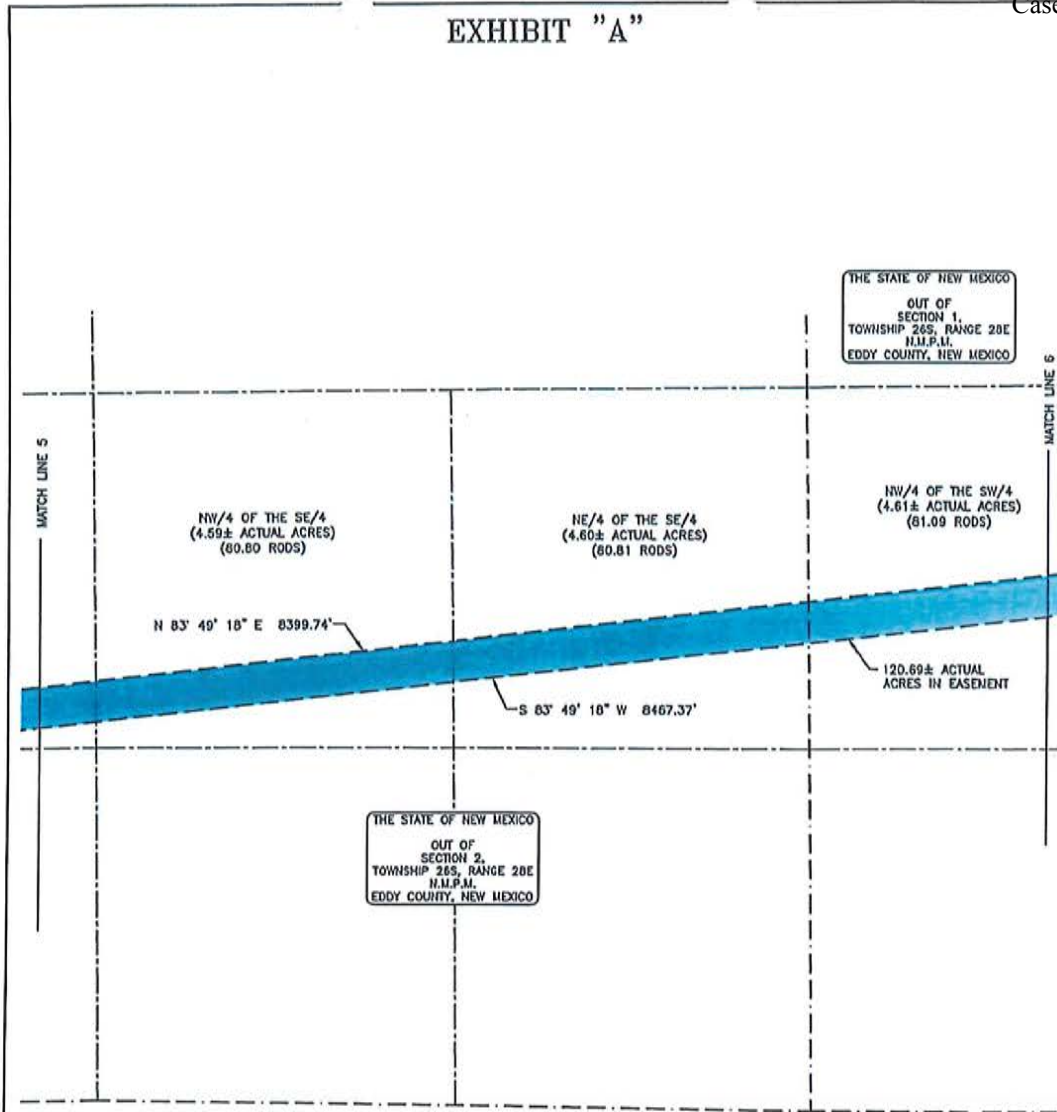
FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401

<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: THE STATE OF NEW MEXICO</p>
		<p>LOCATION: SECTIONS 1,2,3,4,5,8, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p>
		<p>EASEMENT SURVEY FOR</p>
	<p>KYLE L. BRADY, PS 25645</p>	<p>SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p>
<p>TOTAL ACREAGE — 120.69±</p>		<p>DRAWING PADWGI9XCELPHANTOMDWDOPHANTOM XCEL PARCEL NO. I SHEET 3 OF 11</p>

EXHIBIT "A"

R-38238
Exhibit A
15-61-25



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).


Distances are Grid.


Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401

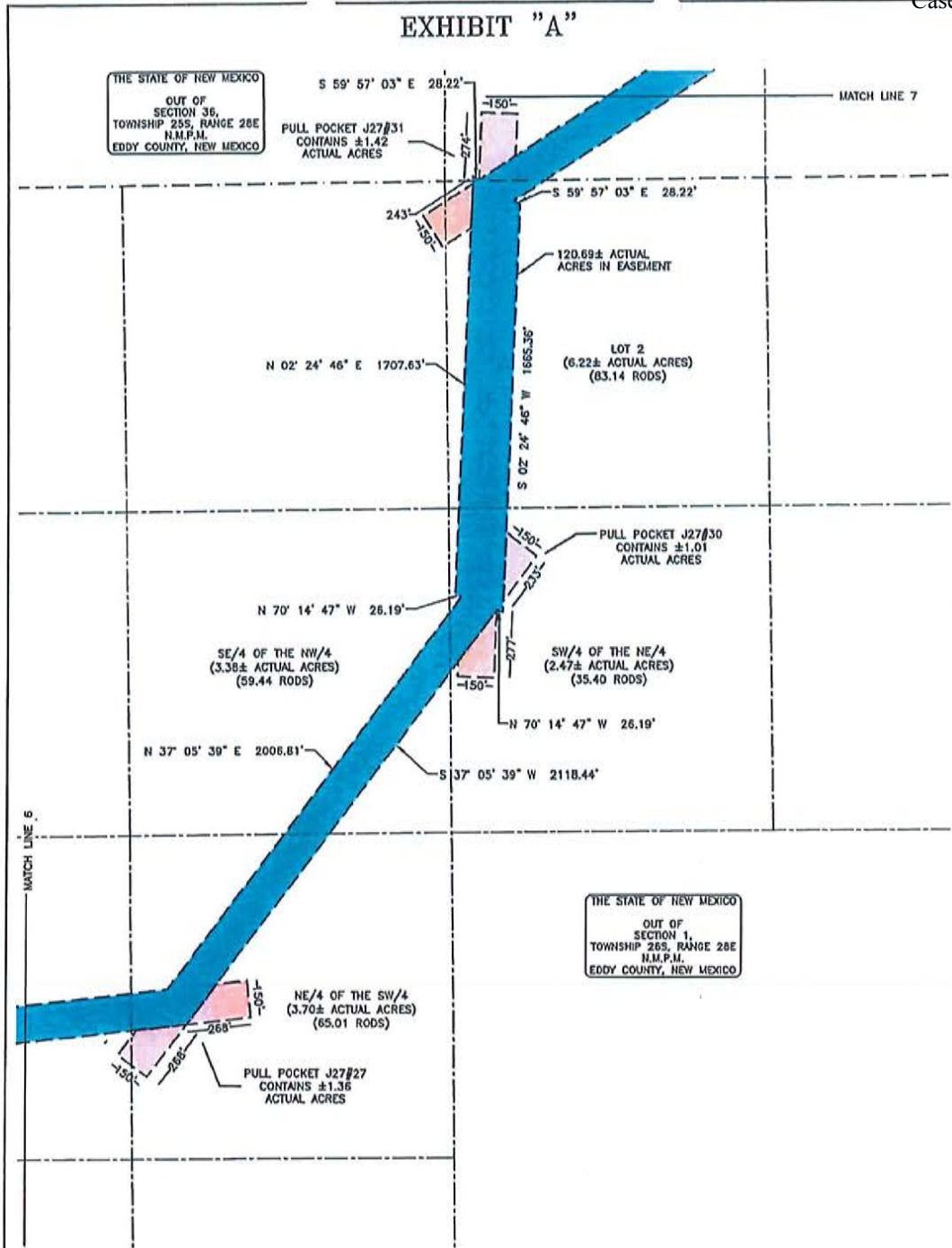


LEGEND	
	EASEMENT
TOTAL ACREAGE — 120.69±	


 KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTIONS 1,2,3,4,5,8, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING: P:\DWG\XCEL\PHANTOM\DWG\PHANTOM	
XCEL PARCEL NO.	1 SHEET 6 OF 11

EXHIBIT "A"



R-392235
Exhibit A
17 of 35

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

THE STATE OF NEW MEXICO
OUT OF SECTION 1,
TOWNSHIP 26S, RANGE 28E
N.M.P.M.
EDDY COUNTY, NEW MEXICO

FURMAN LAND SURVEYORS, INC.
KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401

LEGEND	
	EASEMENT
	TEMPORARY PULL POCKET

KYLE L. BRADY
NEW MEXICO
25645
PROFESSIONAL SURVEYOR

(Signature)

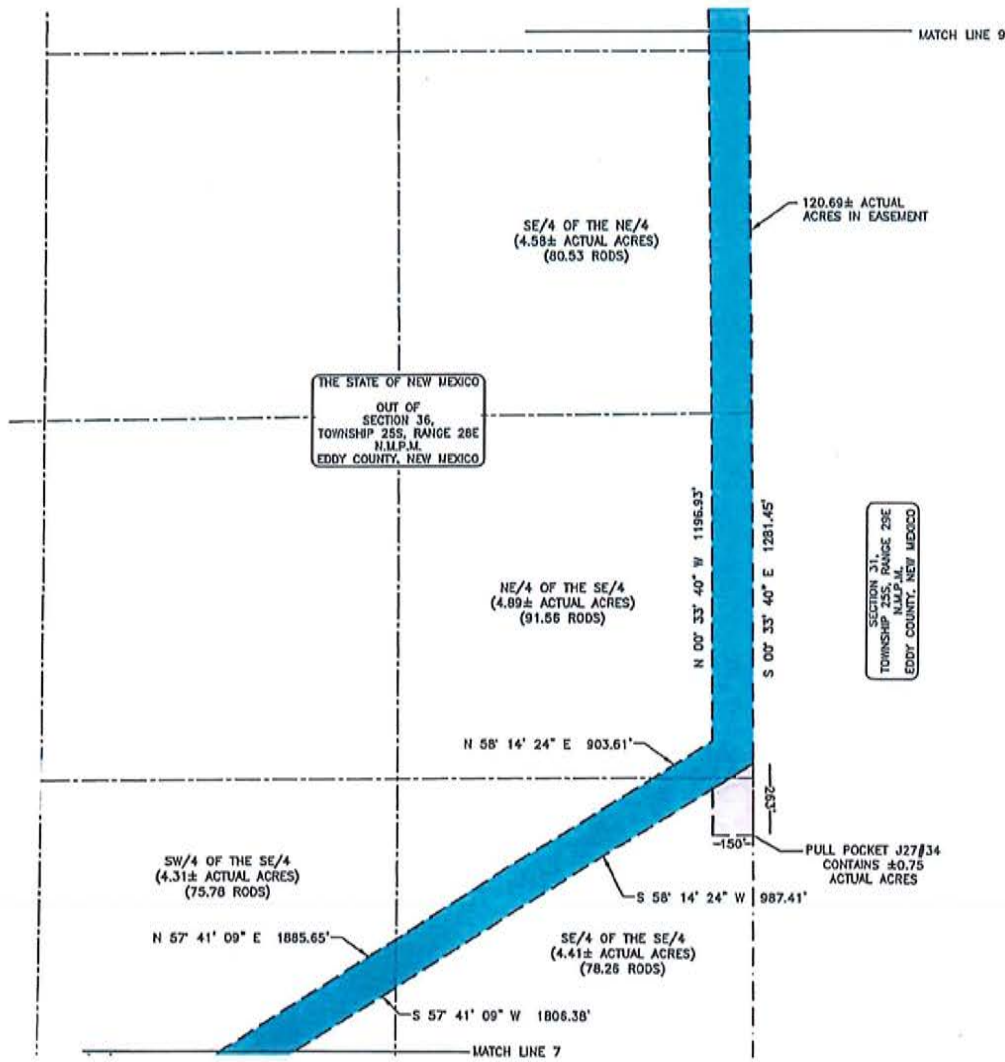
KYLE L. BRADY,
PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTIONS 1,2,3,4,5,8, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE	
345 KV LINE	
DRAWING: P:\DWG\19\XCEL\PHANTOM\DWG\PHANTOM	
EXCEL PARCEL NO. 1	SHEET 7 OF 11

TOTAL ACREAGE - 120.69±

EXHIBIT "A"

R-28236
Exhibit A
12-9-17



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401



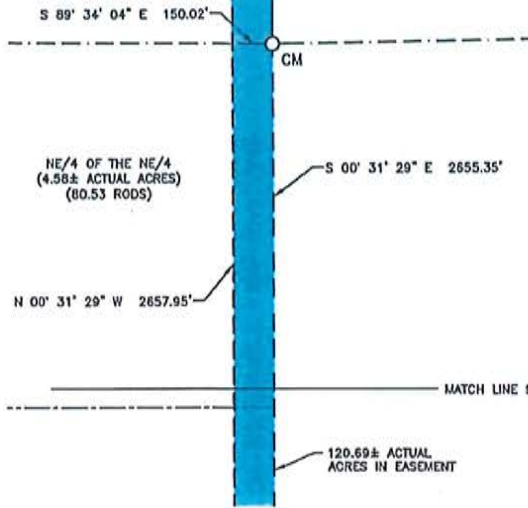
<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: THE STATE OF NEW MEXICO</p>
<p> TEMPORARY PULL POCKET</p>		<p>LOCATION: SECTIONS 1,2,3,4,5,8, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E, N.M.P.M. EDDY COUNTY, NEW MEXICO</p>
<p>TOTAL ACREAGE = 120.69±</p>	<p>KYLE L. BRADY, PS 25645</p>	<p>EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p>
		<p>DRAWING: P:\DWG\19\XCEL\PHANTOM\DWG\PHANTOM</p>
		<p>XCEL PARCEL NO. 1 SHEET 8 OF 11</p>

EXHIBIT "A"

R-20236
Exhibit A
19 of 35

BUREAU OF LAND
MANAGEMENT
SECTION 25,
TOWNSHIP 25S, RANGE 28E
N.M.P.M.
EDDY COUNTY, NEW MEXICO

SECTION 36,
TOWNSHIP 25S, RANGE 28E
N.M.P.M.
EDDY COUNTY, NEW MEXICO



THE STATE OF NEW MEXICO
OUT OF
SECTION 36,
TOWNSHIP 25S, RANGE 28E
N.M.P.M.
EDDY COUNTY, NEW MEXICO

SECTION 31,
TOWNSHIP 25S, RANGE 28E
N.M.P.M.
EDDY COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401



LEGEND	
	EASEMENT
CM	CONTROL MONUMENT
○	BRASS GLO CAP FND

KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTIONS 1,2,3,4,5,8, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING: P:\DWG\9\XCELPHANTOM\DWG\PHANTOM	
XCEL PARCEL NO.	1 SHEET 9 OF 11

TOTAL ACREAGE - 120.69±

R-392235
Exhibit A
20 of 35

EASEMENT DESCRIPTION

An easement out of Sections 1, 2, 3, 4, 5, and 8, Township 26 South, Range 28 East, and Section 36, Township 25 South, Range 28 East of the New Mexico Principal Meridian, Eddy County, New Mexico, said easement having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a 1/2 inch iron rod with cap stamped "PS15701 PS 25645" set for the Northwest corner of said Section 8, from whence a 1/2 inch iron rod with cap stamped "PS15701 PS 25645" set for the North quarter corner of said Section 8, bears N. 89° 34' 17" E. (Base Line) 2655.60 feet;

THENCE S. 39° 10' 36" E. 1513.98 feet to a point in the South line of an amended Southwestern Public Service Company substation site(BL-2109) to a point for the BEGINNING CORNER of this easement;

THENCE N. 89° 34' 16" E. 150.00 feet along the South line of said substation site, to a point;

THENCE S. 00° 27' 14" E. 176.44 feet to a point;

THENCE N. 88° 57' 17" E. 3731.34 feet to a point;

THENCE N. 00° 25' 05" W. 1900.51 feet crossing the common line of said Sections 8 and 5, to a point;

THENCE N. 85° 59' 06" E. 9617.47 feet crossing the common line of said Sections; 5, 4, and 3, to a point;

THENCE N. 83° 49' 18" E. 8399.74 feet crossing the common line of said Sections; 3, 2, and 1, to a point;

THENCE N. 37° 05' 39" E. 2006.81 feet to a point;

THENCE N. 70° 14' 47" W. 26.19 feet to a point;

THENCE N. 02° 24' 46" E. 1707.63 feet crossing the common line of said Sections 1 and 36, to a point;

THENCE S. 59° 57' 03" E. 28.22 feet to a point;

THENCE N. 57° 41' 09" E. 1885.65 feet to a point;

THENCE N. 58° 14' 24" E. 903.61 feet to a point;

THENCE N. 00° 33' 40" W. 1196.93 feet to a point;

THENCE N. 00° 31' 29" W. 2657.95 feet to a point in the North line of said Section 36;

THENCE S. 89° 34' 04" E. 150.02 feet along the North line of said Section 36, to a brass GLO cap found for the Northeast corner of said Section 36;

THENCE S. 00° 31' 29" E. 2655.35 feet to a point;

THENCE S. 00° 33' 40" E. 1281.45 feet to a point

THENCE S. 58° 14' 24" W. 987.41 feet to a point;

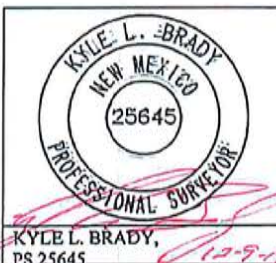
THENCE S. 57° 41' 09" W. 1806.38 feet crossing the common line of said Sections 36 and 1, to a point;

THENCE S. 59° 57' 03" E. 28.22 feet to a point

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282



INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTIONS 1, 2, 3, 4, 5, 8, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345Kv LINE	
DRAWING	C:\DWG19\PHANTOM\345KV
PROJECT NO.	D191866 SHEET 10 OF 11

R-38226
 Exhibit A
 21 of 35

EASEMENT DESCRIPTION

THENCE S. 02° 24' 46" W. 1665.36 feet to a point;
 THENCE N. 70° 14' 47" W. 26.19 feet to a point;
 THENCE S. 37° 05' 39" W. 2118.44 feet to a point;
 THENCE S. 83° 49' 18" W. 8467.37 feet crossing the common line of said Sections; 1, 2, and 3, to a point;
 THENCE S. 85° 59' 06" W. 9479.44 feet crossing the common line of said Sections; 3, 4 and 5, to a point;
 THENCE S. 00° 25' 05" E. 1908.02 feet crossing the common line of said Sections 5 and 8, to a point;
 THENCE S. 88° 57' 17" W. 4031.26 feet to a point;
 THENCE N. 00° 27' 14" W. 328.06 feet to the PLACE OF BEGINNING.

Easement contains 120.69± Acres.

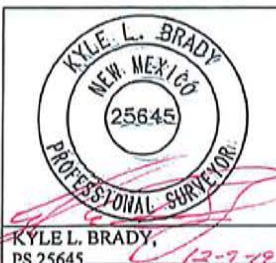
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

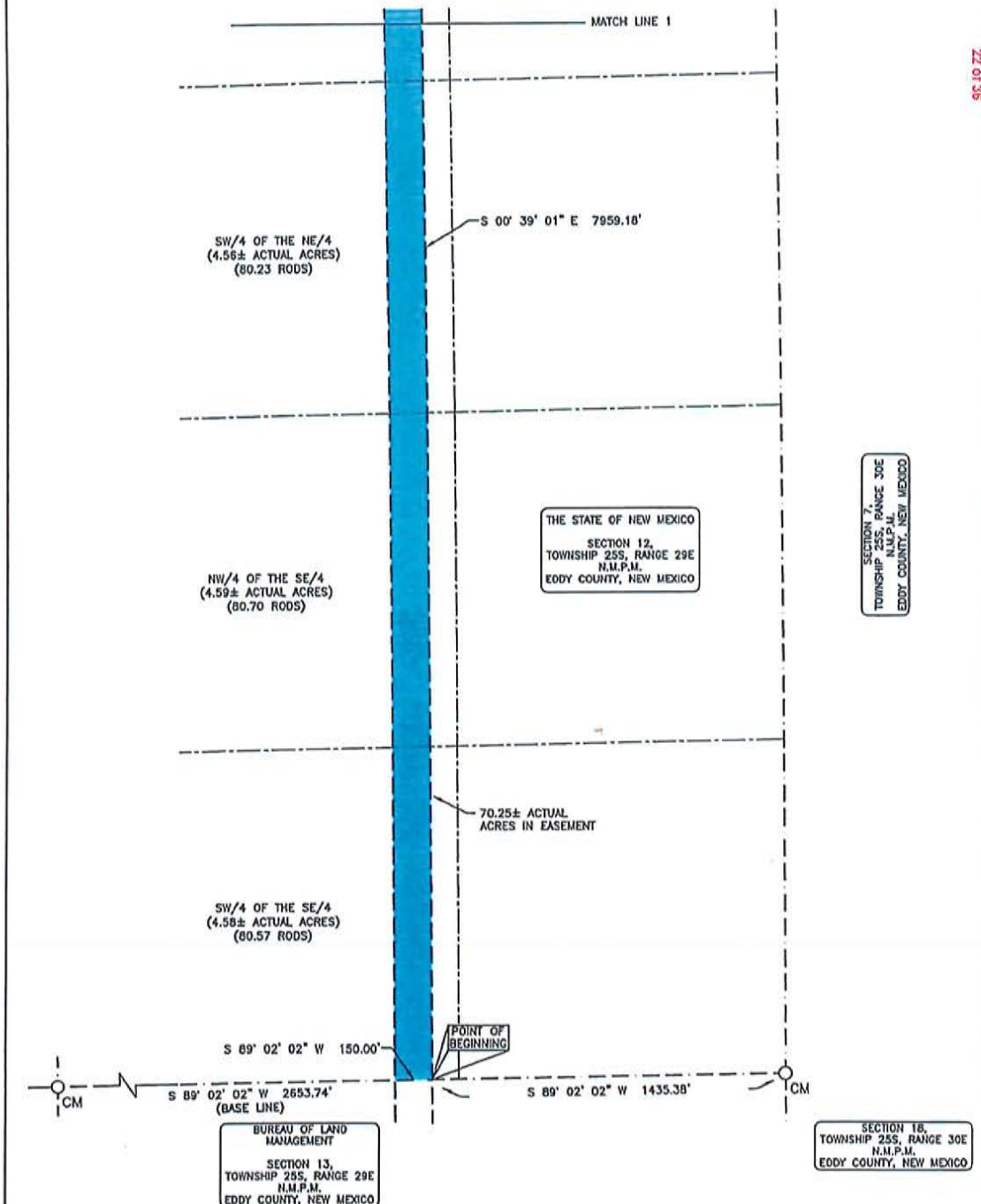
Combined Factor = 0.999573282



INDEXING INFORMATION			
OWNER: THE STATE OF NEW MEXICO			
LOCATION: SECTIONS 1, 2, 3, 4, 5, 8, TOWNSHIP 26S, RANGE 28E, & SECTION 36, TOWNSHIP 25S, RANGE 28E N.M.P.M., EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345kV LINE			
DRAWING	CADWG19PHANTOM345kV		
PROJECT NO.	D191866	SHEET	11 OF 11

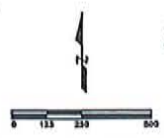
EXHIBIT "A"

R-38226
Exhibit A
22 of 38



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

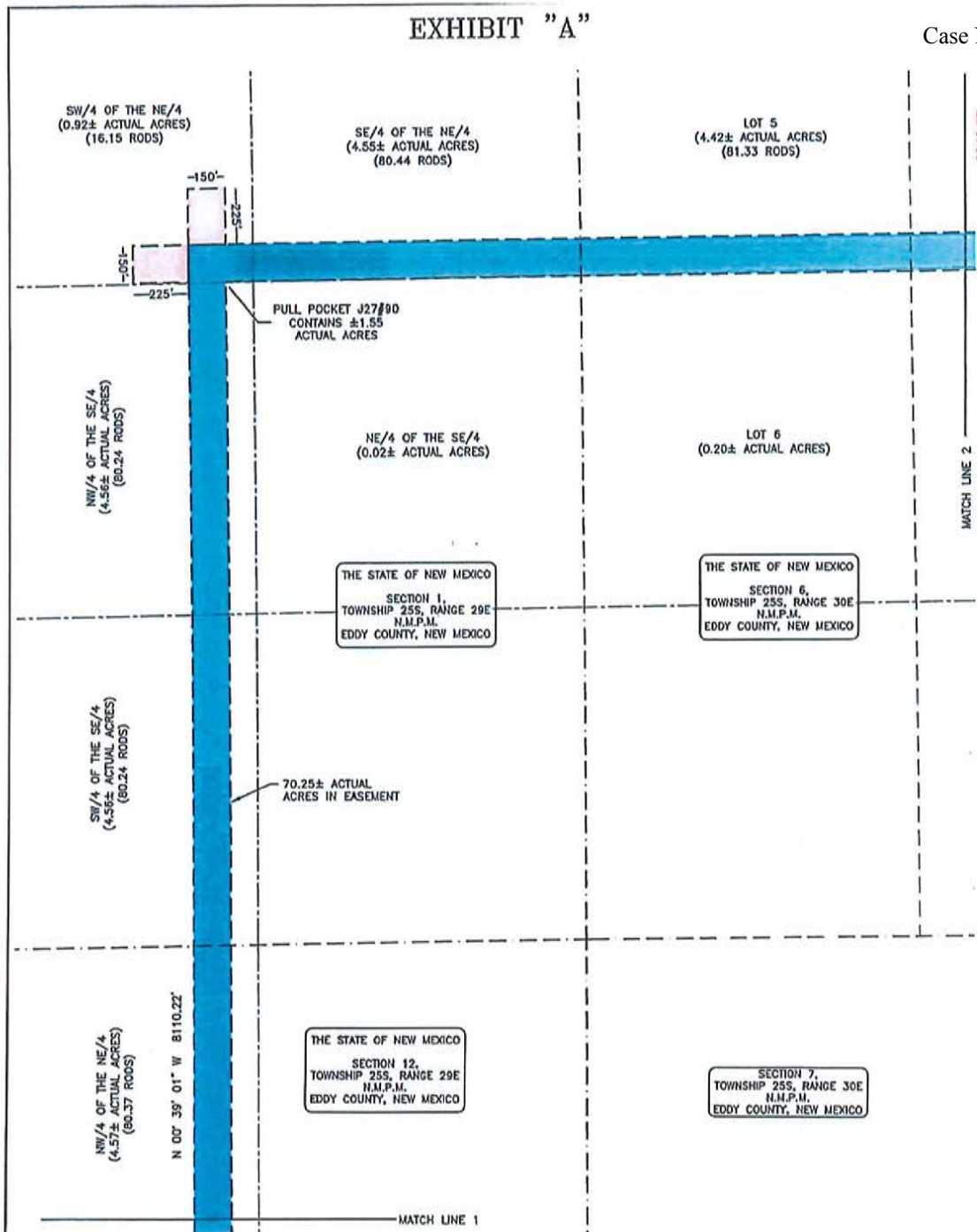
Distances are Grid.
Combined Factor = 0.999573282



FURMAN LAND SURVEYORS, INC.
KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401

<p align="center">LEGEND</p>	<p align="center">KYLE L. BRADY, PS 25645</p>	<p align="center">INDEXING INFORMATION</p>
<p> EASEMENT CM CONTROL MONUMENT BRASS GLO CAP FND </p> <p>TOTAL RODS - 1234.87± TOTAL ACREAGE - 70.25±</p>		<p>OWNER: THE STATE OF NEW MEXICO</p> <p>LOCATION: SECTIONS 1, 12, TOWNSHIP 25S, RANGE 29E, & SECTIONS 5, 6, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO</p> <p align="center">EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE</p> <p>DRAWING PADWGI9XCELPHANTOMDWDGPHANTOM XCEL PARCEL NO. 3 SHEET 1 OF 6</p>

EXHIBIT "A"



R-382236
Exhibit A
23 of 36

BASIS OF BEARING-- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System--Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401



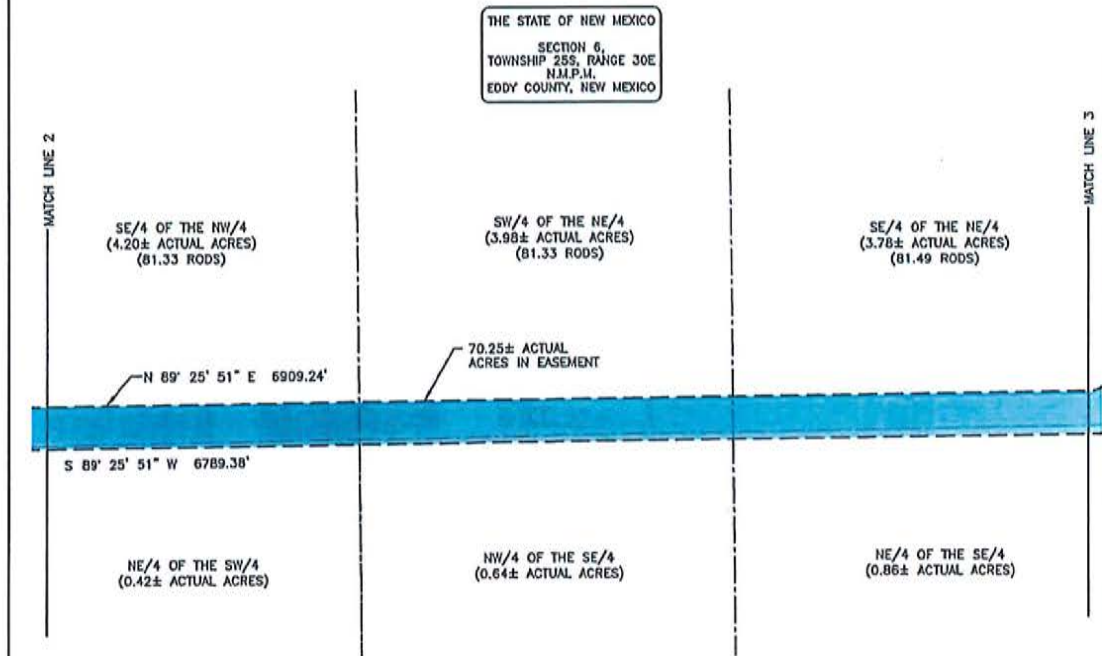
LEGEND	
	EASEMENT
	TEMPORARY PULL POCKET
TOTAL RODS - 1234.87±	
TOTAL ACREAGE - 70.25±	

KYLE L. BRADY,
PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTIONS 1, 12, TOWNSHIP 25S, RANGE 29E, & SECTIONS 5, 6, TOWNSHIP 25S, RANGE 30E, N.M.P.M. EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING P:\DWG\19XCEL\PHANTOM\DWG\PHANTOM	
XCEL PARCEL NO.	3 SHEET 2 OF 6

EXHIBIT "A"

R-39238
Exhibit A
24 of 35



THE STATE OF NEW MEXICO
SECTION 6,
TOWNSHIP 25S, RANGE 30E
N.M.P.M.
EDDY COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS

P.O. BOX 1416

AMARILLO, TEXAS 79105-1416

(806)374-4246

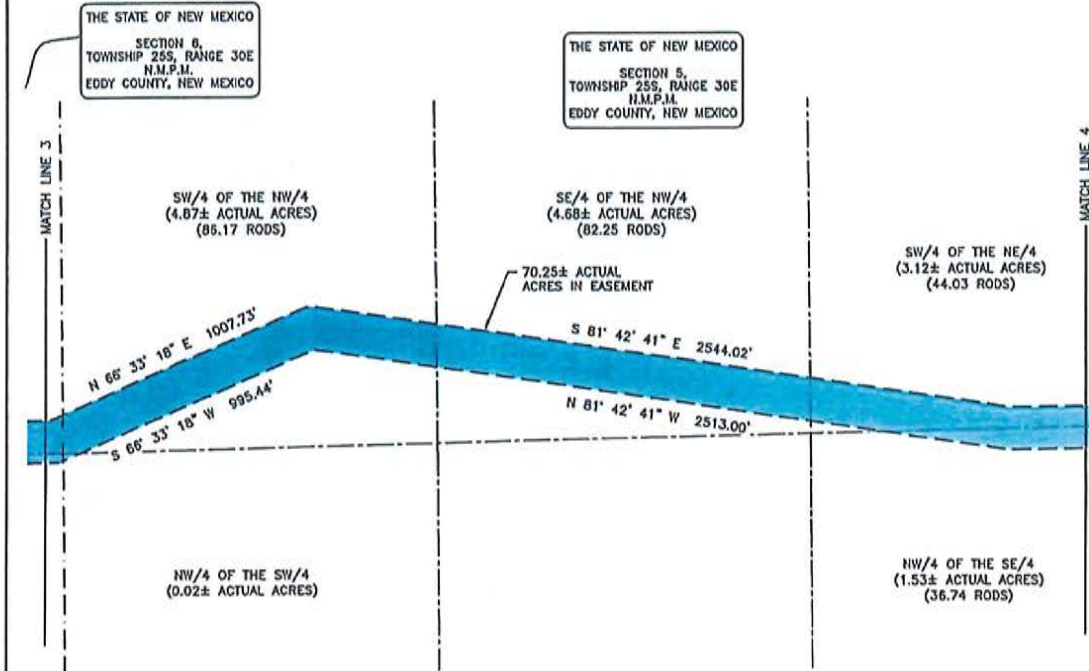
TEXAS FIRM #10092400 & 10092401



<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT</p>		<p>OWNER: THE STATE OF NEW MEXICO</p> <p>LOCATION: SECTIONS 1, 12, TOWNSHIP 25S, RANGE 29E, & SECTIONS 5, 6, TOWNSHIP 25S, RANGE 30E, N.M.P.M, EDDY COUNTY, NEW MEXICO</p> <p>EASEMENT SURVEY FOR</p> <p>SOUTHWESTERN PUBLIC SERVICE</p> <p>345 KV LINE</p> <p>DRAWING: PADWGI9\XCEL\PIANTOM\RDW\PIANTOM</p> <p>XCEL PARCEL NO. 3 SHEET 3 OF 6</p>
<p>TOTAL RODS - 1234.87± TOTAL ACREAGE - 70.25±</p>		<p>KYLE L. BRADY, PS 25645</p>

EXHIBIT "A"

R-38236
EXHIBIT A
25 OF 35



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401

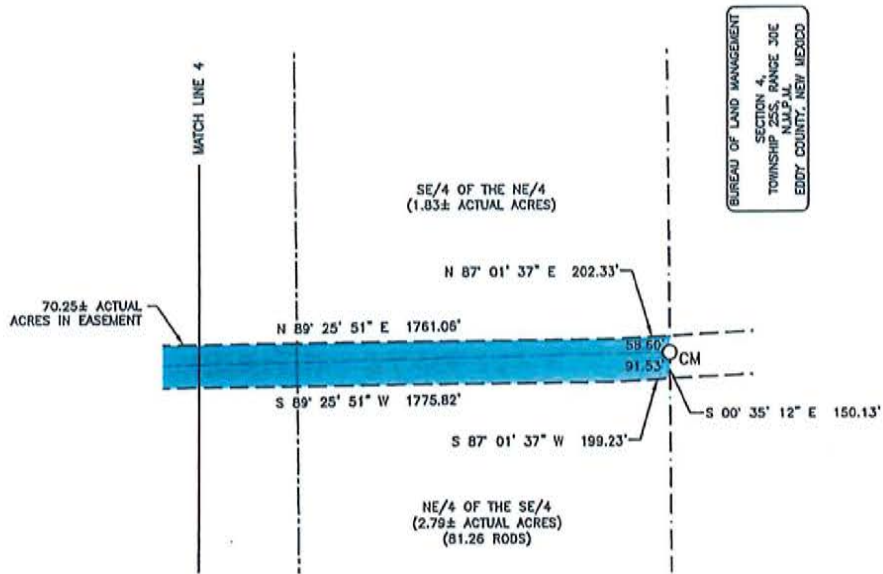


LEGEND			INDEXING INFORMATION	
	EASEMENT		OWNER: THE STATE OF NEW MEXICO	
TOTAL RODS - 1234.87± TOTAL ACREAGE - 70.25±		LOCATION: SECTIONS 1, 12, TOWNSHIP 25S, RANGE 29E, & SECTIONS 5, 6, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO		
		EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE		
		DRAWING: PDWG19XCELPHANTOMRDWC/PHANTOM		
		XCEL PARCEL NO.	3	SHEET 4 OF 6

KYLE L. BRADY,
PS 25645

EXHIBIT "A"

R-38236
Exhibit A
26 of 35



THE STATE OF NEW MEXICO
SECTION 5,
TOWNSHIP 25S, RANGE 30E
N.M.P.M.
EDDY COUNTY, NEW MEXICO

BUREAU OF LAND MANAGEMENT
SECTION 4,
TOWNSHIP 25S, RANGE 30E
N.M.P.M.
EDDY COUNTY, NEW MEXICO

BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401



LEGEND	
	EASEMENT
CM	CONTROL MONUMENT
○	BRASS GLO CAP FND
TOTAL RODS - 1234.87±	
TOTAL ACREAGE - 70.25±	

KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTIONS 1, 12, TOWNSHIP 25S, RANGE 29E, & SECTIONS 5, 6, TOWNSHIP 25S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE	
345 KV LINE	
DRAWING: PDWG19XCELPHANTOM.DWG/PHANTOM	
XCEL PARCEL NO.	3
SHEET	5 OF 6

R-38235
 Exhibit A
 27 of 35

EASEMENT DESCRIPTION

An easement out of Sections 1, and 12, Township 25 South, Range 29 East, and Sections 5, and 6, Township 25 South, Range 30 East of the New Mexico Principal Meridian, Eddy County, New Mexico, said casement having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found for the Southeast corner of said Section 12, from whence a brass GLO cap found for the South quarter corner of said Section 12, bears S. 89° 02' 02" W. (Base Line) 2653.74 feet;

THENCE S. 89° 02' 02" W. 1435.38 feet along the South line of said Section 12, to a point for the Southeast and BEGINNING CORNER of this easement;

THENCE S. 89° 02' 02" W. 150.00 feet along the South line of said Section 12 to a point;

THENCE N. 00° 39' 01" W. 8110.22 feet crossing the common line of said Sections; 12 and 1, to a point;

THENCE N. 89° 25' 51" E. 6909.24 feet crossing the common line of said Sections; 1 and 6. to a point;

THENCE N. 66° 33' 18" E. 1007.73 feet crossing the common line of said Sections; 6 and 5, to a point;

THENCE S. 81° 42' 41" E. 2544.02 feet to a point;

THENCE N. 89° 25' 51" E. 1761.06 feet to a point;

THENCE N. 87° 01' 37" E. 202.33 feet to a point in the East line of said Section 5;

THENCE S. 00° 35' 12" E. along the East line of said Section 5, at 58.60 feet pass a brass GLO cap found for the East quarter corner of said Section 5 a total distance of 150.13 feet to a point;

THENCE S. 87° 01' 37" W. 199.23 feet to a point;

THENCE S. 89° 25' 51" W. 1775.82 feet to a point;

THENCE N. 81° 42' 41" W. 2513.00 feet to a point;

THENCE S. 66° 33' 18" W. 995.44 feet crossing the common line of said Sections; 5 and 6, to a point;

THENCE S. 89° 25' 51" W. 6789.38 feet crossing the common line of said Sections; 6 and 1, to a point;

THENCE S. 00° 39' 01" E. 7959.18 feet crossing the common line of said Sections; 1 and 12, to the PLACE OF BEGINNING.

Easement contains 69.88± Acres.

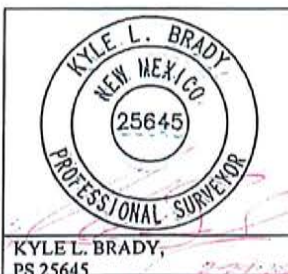
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

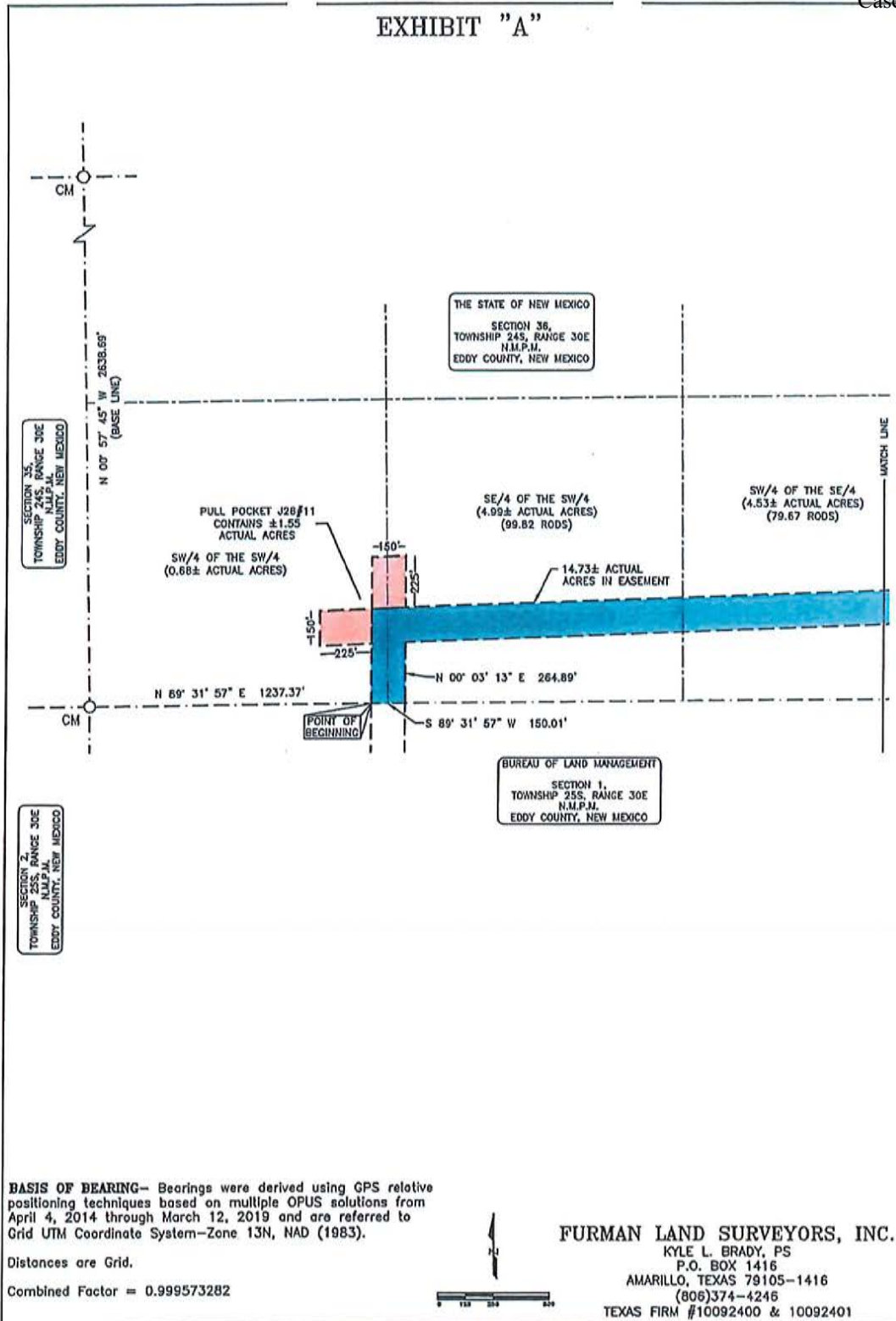
Combined Factor = 0.999573282



INDEXING INFORMATION		
OWNER: THE STATE OF NEW MEXICO		
LOCATION: SECTIONS 1, 12, TOWNSHIP 25S, RANGE 29E, & SECTIONS 5, 6, TOWNSHIP 25S, RANGE 30E N.M.P.M., EDDY COUNTY, NEW MEXICO		
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345kv LINE		
DRAWING	C:\DWG19\PHANTOM\345kv	
PROJECT NO.	D191866	SHEET 6 OF 6

EXHIBIT "A"

R-30236
Exhibit A
28 of 35



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.
KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401

LEGEND	
	EASEMENT
CM	CONTROL MONUMENT
○	BRASS GLO CAP FND

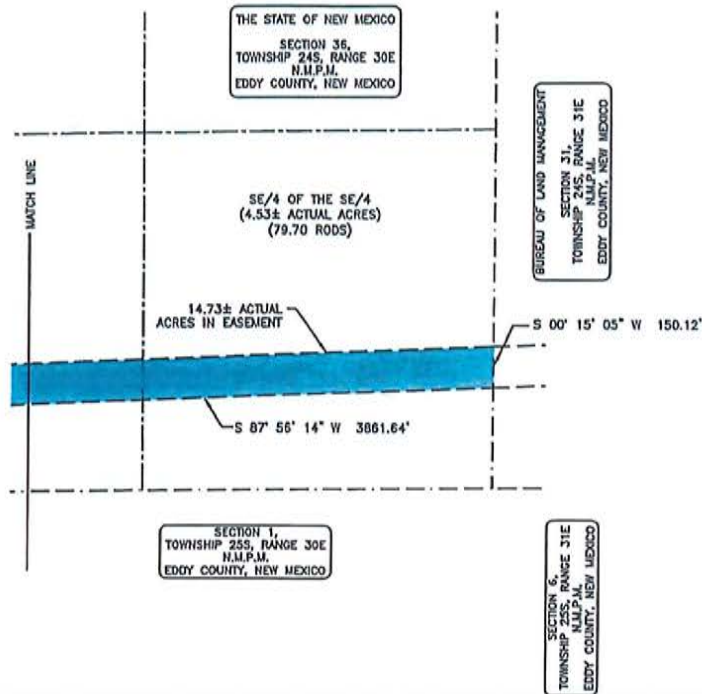
KYLE L. BRADY,
 PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTION 36, TOWNSHIP 24S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING	PADWD19XCELPHANTOMDWDGPHANTOM
XCEL PARCEL NO.	7 SHEET 1 OF 3

TOTAL ACREAGE - 14.73±

EXHIBIT "A"

R-38235
Exhibit A
29 of 35



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999573282

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401



LEGEND	
	EASEMENT
TOTAL ACREAGE - 14.73±	

KYLE L. BRADY,
PS 25645

INDEXING INFORMATION	
OWNER: THE STATE OF NEW MEXICO	
LOCATION: SECTION 36, TOWNSHIP 24S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO	
EASEMENT SURVEY FOR	
SOUTHWESTERN PUBLIC SERVICE 345 KV LINE	
DRAWING P:\DWG19\XCELPHANTOM\DWG\PHANTOM	
XCEL PARCEL NO. 7	SHEET 2 OF 3

R-30236
 Exhibit A
 30 of 36

EASEMENT DESCRIPTION

An easement out of Section 36, Township 24 South, Range 30 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said easement having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999573282)

COMMENCING at a brass GLO cap found for the Southwest corner of said Section 36, from whence a brass GLO cap found for the West quarter corner of said Section 36, bears N. 00° 57' 45" W. (Base Line) 2638.69 feet;

THENCE N. 89° 31' 57" E. 1237.37 feet along the South line of said Section 36, to a point for the Southwest and BEGINNING CORNER of this easement;

THENCE N. 00° 03' 13" E. 410.81 feet to a point;

THENCE N. 87° 56' 14" E. 4012.26 feet to a point in the East line of said Section 36;

THENCE S. 00° 15' 05" W. 150.12 feet along the East line of said Section 36 to a point;

THENCE S. 87° 56' 14" W. 3861.64 feet to a point;

THENCE S. 00° 03' 13" W. 264.89 feet to a point in the South line of said Section 36;

THENCE S. 89° 31' 57" W. 150.01 feet along the South line of said Section 36, to the PLACE OF BEGINNING.

Easement contains 14.73± Acres.

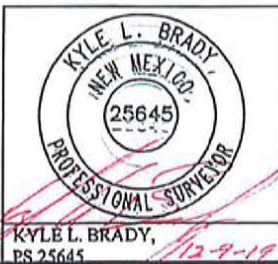
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

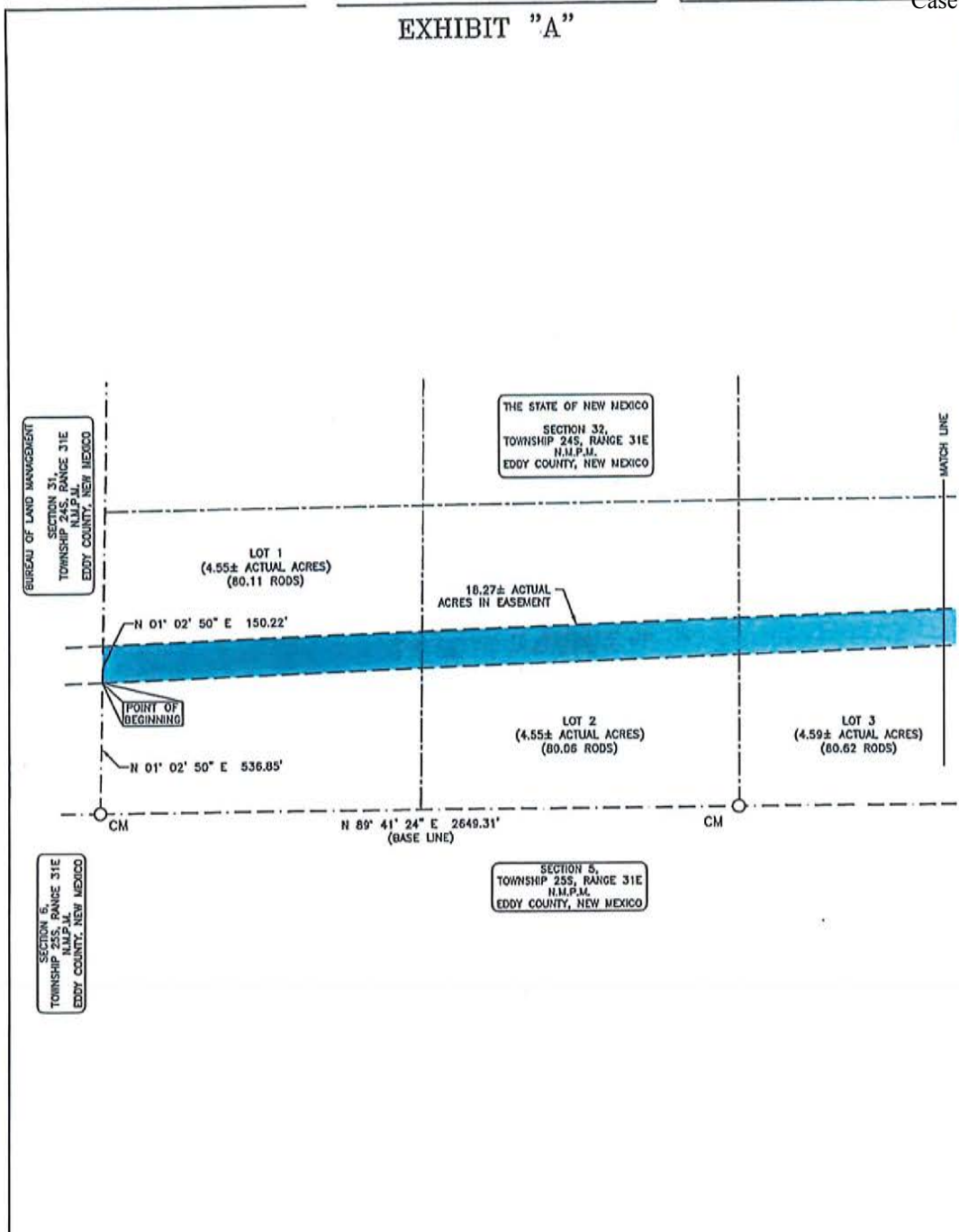
Combined Factor = 0.999573282



INDEXING INFORMATION			
OWNER: THE STATE OF NEW MEXICO			
LOCATION: SECTION 36, TOWNSHIP 24S, RANGE 30E, N.M.P.M., EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345Kv LINE			
DRAWING	CADWG19PHANTOM345kv		
PROJECT NO.	D191866	SHEET	3 OF 3

EXHIBIT "A"

R-382236
Exhibit A
31 of 35



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

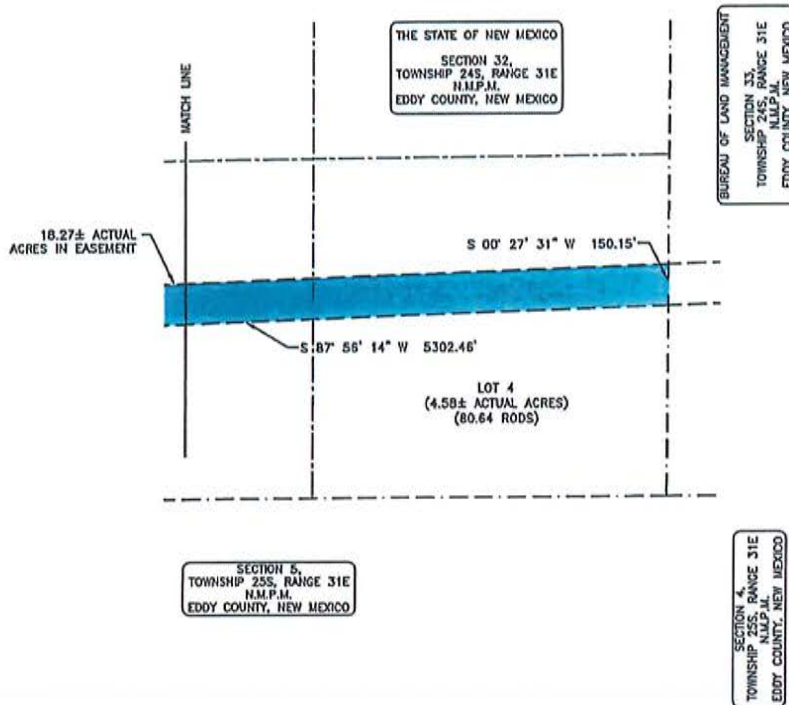
KYLE L. BRADY, PS
P.O. BOX 1416
AMARILLO, TEXAS 79105-1416
(806)374-4246
TEXAS FIRM #10092400 & 10092401



LEGEND		INDEXING INFORMATION	
	EASEMENT	OWNER: THE STATE OF NEW MEXICO	
CM	CONTROL MONUMENT	LOCATION: SECTION 32, TOWNSHIP 24S, RANGE 31E, N.M.P.M, EDDY COUNTY, NEW MEXICO	
	BRASS GLO CAP FND	EASEMENT SURVEY FOR	
		SOUTHWESTERN PUBLIC SERVICE	
		345 KV LINE	
TOTAL ACREAGE - 18.27±		DRAWING P:\DWG19\XCELPHANTOM\DWGPHANTOM	
		XCEL PARCEL NO. 9 SHEET 1 OF 3	

EXHIBIT "A"

R-38236
 Exhibit A
 32 of 35





BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615



FURMAN LAND SURVEYORS, INC.
 KYLE L. BRADY, PS
 P.O. BOX 1416
 AMARILLO, TEXAS 79105-1416
 (806)374-4246
 TEXAS FIRM #10092400 & 10092401

LEGEND		INDEXING INFORMATION
 EASEMENT		OWNER: THE STATE OF NEW MEXICO LOCATION: SECTION 32, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO
TOTAL ACREAGE - 18.27±		EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE DRAWING PADWG19XCELPHANTOMDWDGPHANTOM XCEL PARCEL NO. 9 SHEET 2 OF 3

R-38235
 Exhibit A
 33 of 36

EASEMENT DESCRIPTION

An easement out of Section 32, Township 24 South, Range 31 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said easement having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999635615)

COMMENCING at a brass GLO cap found for the Southwest corner of said Section 32, from whence a brass GLO cap found for the South quarter corner of said Section 32, bears N. 89° 41' 24" E. (Base Line) 2649.31 feet;

THENCE N. 01° 02' 50" E. 536.85 feet along the West line of said Section 32, to a point for the Southwest and BEGINNING CORNER of this easement;

THENCE N. 01° 02' 50" E. 150.22 feet along the West line of said Section 36, to a point;

THENCE N. 87° 56' 14" E. 5300.92 feet to a point in the East line of said Section 32;

THENCE S. 00° 27' 31" W. 150.15 feet along the East line of said Section 32 to a point;

THENCE S. 87° 56' 14" W. 5302.46 feet to the PLACE OF BEGINNING.

Easement contains 18.27± Acres.

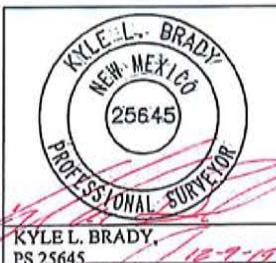
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

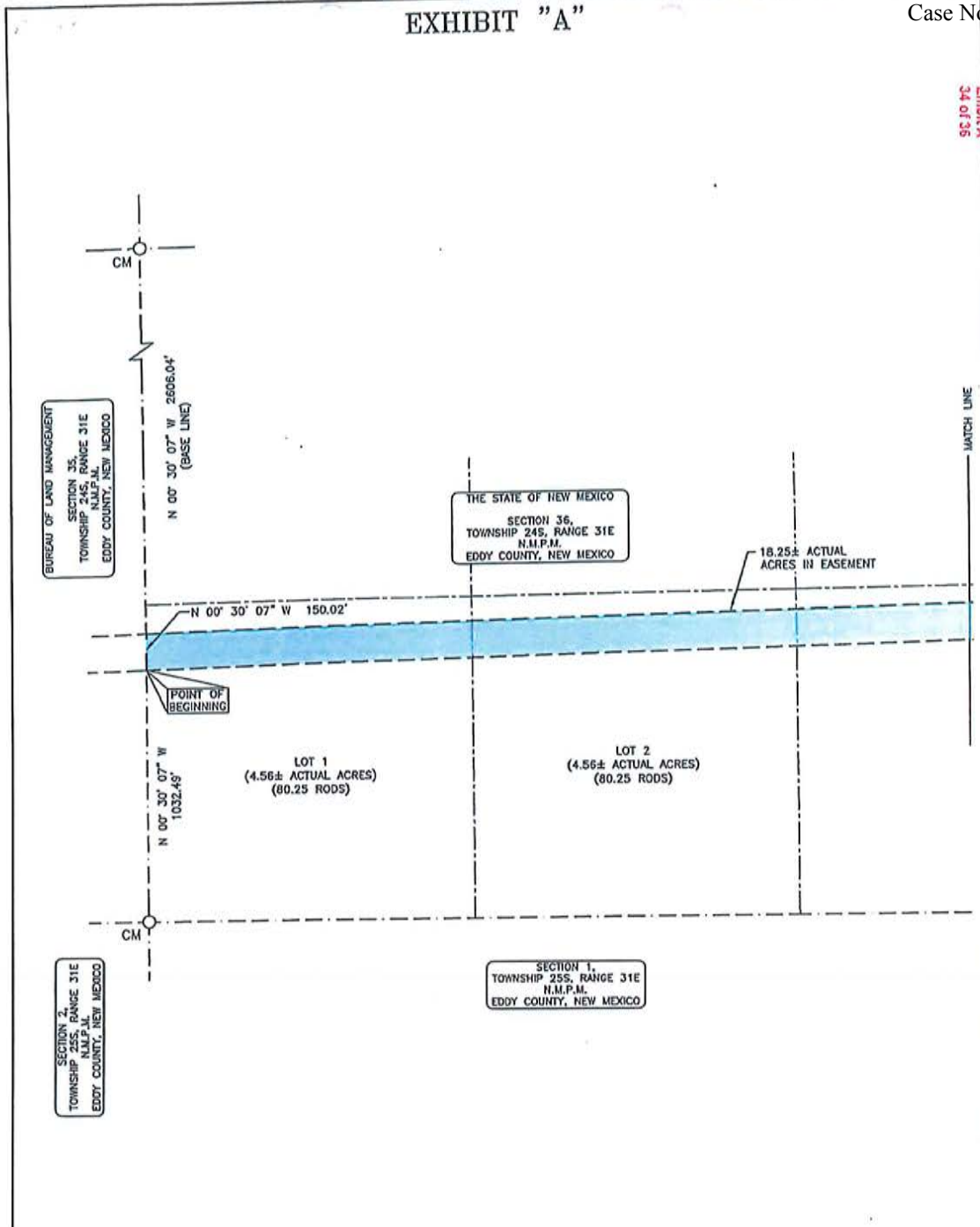
Combined Factor = 0.999635615



INDEXING INFORMATION			
OWNER: THE STATE OF NEW MEXICO			
LOCATION: SECTION 32, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345Kv LINE			
DRAWING	CADWG19PHANTOM345kv		
PROJECT NO.	D191866	SHEET	3 OF 3

EXHIBIT "A"

R-382235
Exhibit A
34 of 35



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS

P.O. BOX 1416

AMARILLO, TEXAS 79105-1416

(806)374-4246

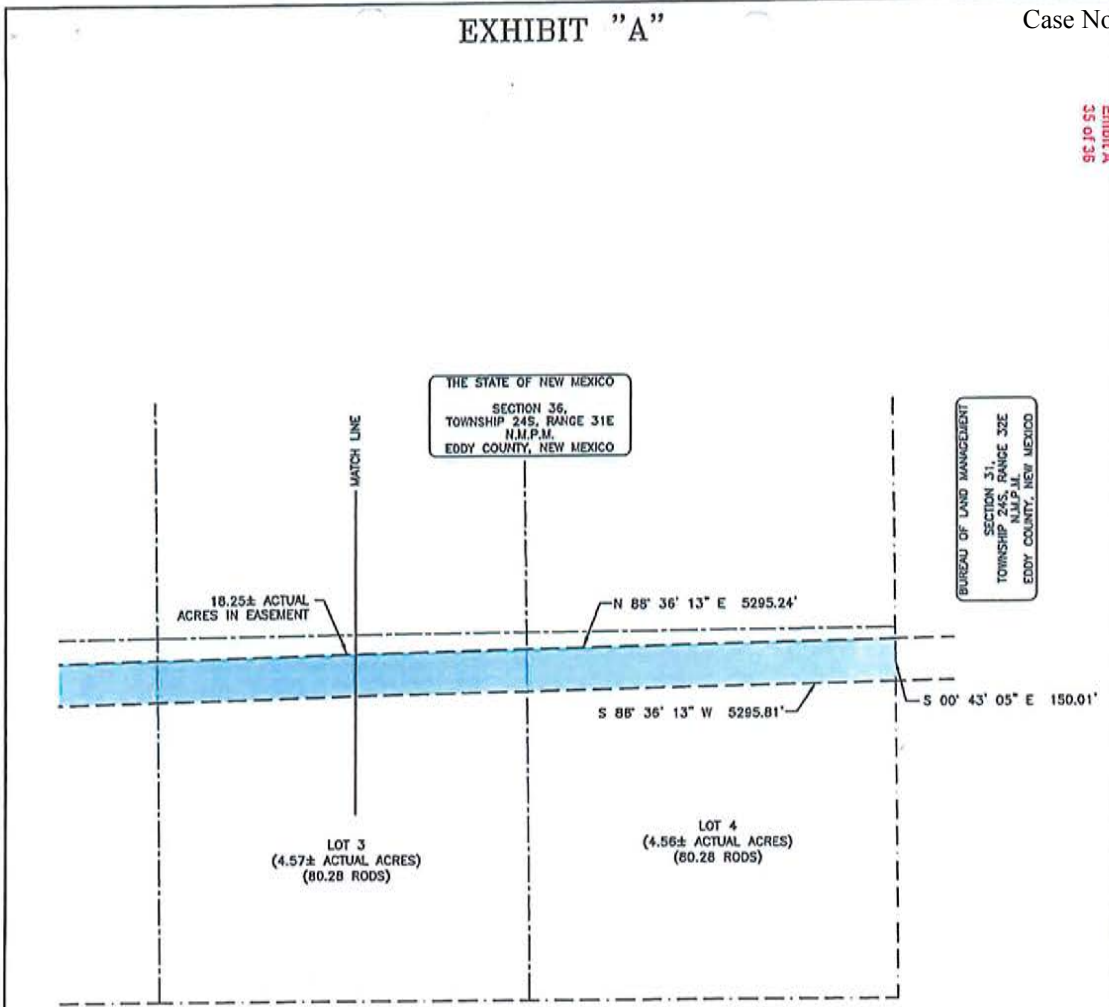
TEXAS FIRM #10092400 & 10092401



<p>LEGEND</p>		<p>INDEXING INFORMATION</p>
<p> EASEMENT CM CONTROL MONUMENT O BRASS GLO CAP FND </p>		<p> OWNER: THE STATE OF NEW MEXICO LOCATION: SECTION 36, TOWNSHIP 24S, RANGE 31E, N.M.P.M. EDDY COUNTY, NEW MEXICO </p>
<p>TOTAL ACREAGE — 18.25±</p>	<p> KYLE L. BRADY, PS 25645 </p>	<p> EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345 KV LINE DRAWING: P:\DWG19\XCEL\PHANTOM\DWG\PHANTOM XCEL PARCEL NO. 11 SHEET 1 OF 3 </p>

EXHIBIT "A"

R-38235
EXHIBIT A
35 of 36



BASIS OF BEARING— Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System—Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615

FURMAN LAND SURVEYORS, INC.

KYLE L. BRADY, PS

P.O. BOX 1416

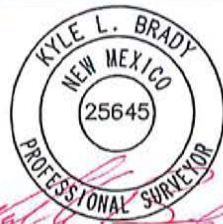
AMARILLO, TEXAS 79105-1416

(806)374-4246

TEXAS FIRM #10092400 & 10092401



LEGEND	
	EASEMENT
TOTAL ACREAGE — 18.25±	



KYLE L. BRADY,
PS 25645

INDEXING INFORMATION			
OWNER: THE STATE OF NEW MEXICO			
LOCATION: SECTION 36, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR			
SOUTHWESTERN PUBLIC SERVICE			
345 KV LINE			
DRAWING	P:\DWG\19XCEL\PHANTOM\DWG\PHANTOM		
XCEL PARCEL NO.	11	SHEET	2 OF 3

R-38235
 Exhibit A
 36 of 36

EASEMENT DESCRIPTION

An easement out of Section 36, Township 24 South, Range 31 East, of the New Mexico Principal Meridian, Eddy County, New Mexico, said easement having been surveyed on the ground by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

(Bearings and Distances are Grid UTM Coordinate System-Zone 13N, NAD (1983) using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019. Combined Scale Factor = 0.999635615)

COMMENCING at a brass GLO cap found for the Southwest corner of said Section 36, from whence a brass GLO cap found for the West quarter corner of said Section 36, bears N. 00° 30' 07" W. (Base Line) 2606.04 feet;

THENCE N. 00° 30' 07" W. 1032.49 feet along the West line of said Section 36, to a point for the Southwest and BEGINNING CORNER of this easement;

THENCE N. 00° 30' 07" W. 150.02 feet along the West line of said Section 36, to a point;

THENCE N. 88° 36' 13" E. 5295.24 feet to a point in the East line of said Section 36;

THENCE S. 00° 43' 05" E. 150.01 feet along the East line of said Section 36 to a point;

THENCE S. 88° 36' 13" W. 5295.81 feet to the PLACE OF BEGINNING.

Easement contains 18.25± Acres.

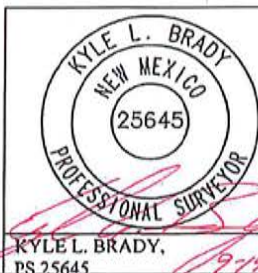
SURVEYOR'S CERTIFICATE

I, Kyle L. Brady, New Mexico Professional Surveyor No. 25645, do hereby certify that this survey plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the minimum standards for surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

BASIS OF BEARING- Bearings were derived using GPS relative positioning techniques based on multiple OPUS solutions from April 4, 2014 through March 12, 2019 and are referred to Grid UTM Coordinate System-Zone 13N, NAD (1983).

Distances are Grid.

Combined Factor = 0.999635615



INDEXING INFORMATION			
OWNER: THE STATE OF NEW MEXICO			
LOCATION: SECTION 36, TOWNSHIP 24S, RANGE 31E, N.M.P.M., EDDY COUNTY, NEW MEXICO			
EASEMENT SURVEY FOR SOUTHWESTERN PUBLIC SERVICE 345kV LINE			
DRAWING	CADWG19\PHANTOM\345kV		
PROJECT NO.	D191866	SHEET	3 OF 3

Exhibit B

New Mexico State Land Office Required Best Management Practices for Surface Users

1. **Design.** To ensure public safety and the protection of trust resources, projects should be designed to minimize new surface disturbance and should be in compliance with New Mexico State Land Office (NMSLO) best management practices for surface users. The Commissioner of Public Lands may review design plans, and may determine whether professional engineering design or construction oversight is necessary. The Commissioner may waive or include any additional specific best management practices as necessary in the best interest of the trust.
 - a. **Design.**
 - i. No new surface disturbance will be permitted in riparian areas, wetlands, playas or floodplains. There will be a 150-foot setback from the outer wet edges (normal high water mark) of wetlands and playas, and a 50-foot setback from the 100-year flood stage of the floodplain associated with riparian areas. Boring under water features may be allowed if designs are approved.
 - ii. All efforts shall be made to minimize new surface disturbance: new construction shall be located in pre-existing disturbed areas, including existing roadbeds, rights-of-way, or in pre-existing or dedicated development areas and corridors.
 - iii. No new surface disturbance will be permitted within 50-feet of the normal high water mark of ephemeral drainages, floodways, arroyos or other short duration flow channels, except when crossing these channels and drainages. Drainage crossings will be perpendicular to flow, and will be built to accommodate flood events and to control erosion.
 - iv. Design plans shall:
 1. Include a cadastral survey;
 2. Minimize new surface disturbance by locating in pre-existing disturbance areas, or designated development areas or corridors, and designing for minimum necessary area of impact according to expected purpose and use;
 3. Avoid wetlands, known critical habitat and protected areas;
 4. Avoid steep slopes (>12%); grades from 4-10% are preferred for managing drainage; roads and rights-of-way are best placed at the toe of slopes where cross slope is between 5% and 40%;
 5. Preserve as much natural vegetation and living root structure as possible. Use blading only where not to do so would create an unsafe work environment. Mow, or cut and shred vegetation, rather than blading whenever possible. Grubbing is less destructive than blading, and may be used as an alternative where mowing is not possible; in mowing or grubbing, if mesquite or other colonizing non-desirable vegetation is involved, include an herbicide treatment to inhibit spread that may be caused by mowing or grubbing;
 6. Avoid alteration of natural drainage patterns;
 7. Provide adequate surface drainage; as grade steepens drainage features, such as water bars, must be closer together; drainage features on fine grained soils should be closer together;
 8. Reduce impervious surfaces by limiting area of impact;
 9. Account for specific site topography, soil type, drainage and hydrology, i.e. fit construction to the natural terrain by conforming to the ground, rolling the grade,

- minimizing cuts and fills, and managing for erosion; medium to coarse textured soils (sand-sized particles and larger) are best suited to low-standard rural roads;
10. Account for cultural resources at least in accordance with minimum standards set forth in NMSLO policy;
 11. Account for biological resources at least in accordance with minimum standards set forth in NMSLO Policy;
 12. Include a spill containment and prevention plan where hazardous materials are involved, including requirements for berms and lining where necessary;
 13. Include a storm water pollution and prevention plan where hazardous materials are involved and the site falls within a 100-year flood plain of any major drainage;
 14. Include an erosion control plan for drainage crossings, head-cuts, gullies and rills, including soil stabilization structures, ditches, water-bars, and the size and location of culverts and bridges;
 15. Include a reclamation plan detailing the removal of improvements, soil stabilization and the re-vegetation process;
 16. Include an access control plan;
 17. Use only native weed-free certified seed for reclamation;
 18. Use only certified freshwater (<140 ppm chloride, certified safe drinking water) for reclamation;
 19. Use local materials where possible;
 20. Include a noxious weed prevention plan;
 21. Include a dust abatement plan;
 22. Address clearing, grading, and cut and fill processes;
 23. Address crown, inslope, outslope and shoulder design (roads);
 24. Address trenching and boring design, including depth, casing, core sampling, valve location and access management (pipelines);
 25. Include professional engineer plans and specifications for bores, bridges, or other major construction elements that present a potential hazard to the public or environment;
 26. Address span and pole design (powerlines);
 27. Define use, location and size of temporary work space, temporary storage and turnouts;
 28. Address logistics of construction;
 29. Address all pertinent state and federal regulations.

2. **Construction.** Construction involves all aspects of implementation of the design.

a. Construction Practices: During construction the lessee shall:

- i. Control access to the construction site;
- ii. Control unauthorized use of space adjacent to permitted rights-of-way, easements and lease use areas;
- iii. Maintain temporary erosion control structures, such as silt fencing to prevent sediment flow during construction;
- iv. Implement dust abatement plan and use only certified freshwater (<140 ppm chloride, certified safe drinking water) on areas that will be revegetated;
- v. When requested by the Commissioner, engage a compliance inspection officer to monitor quality control and compliance with NMSLO best management practices;
- vi. Sample, test and monitor to ensure construction materials meet design specifications;
- vii. Dispose of unsuitable or excess construction or excavation material in approved locations to minimize adverse impacts to water quality or other resources; construction waste and

debris will not be buried on state trust land without express permission from the Commissioner

3. **Maintenance.** Roads should be maintained routinely during active use and after major storm events to ensure that road surfaces are intact and serviceable and drainage structures are functioning properly. Pipeline, transmission line and other exclusive rights-of-way should be monitored routinely and maintained when necessary to ensure that public access is closed, drainage is functioning properly, and that reclamation efforts are successful. Operational equipment, work spaces, facilities, and structures shall be maintained routinely during use to function properly and to minimize adverse impacts to the public or the environment. Reclaimed areas, including temporary work spaces, yards, pads, pits, roads, pipelines, transmission lines or other lease areas, should be monitored for at least two years and retreated where necessary to manage erosion, noxious weeds and seeding success. Lessees sharing a right-of-way will be held jointly and severally responsible for maintenance of the right-of-way. The NMSLO encourages holders of shared rights-of-way to develop maintenance agreements.
- a. **Maintenance Practices:** At all times, lessees must stay within the length and width of the permitted right-of-way. If maintenance requires work outside the boundaries of the right-of-way, the lessee must seek an amendment to the right-of-way or a right-of-entry for reclamation or maintenance:
- i. Grade and shape roadway surfaces to maintain distinct inslope, outslope or crown shape to move water effectively off the road surface;
 - ii. Compact graded roadway surfaces to preserve hard driving surface; replace surface material when needed; implement dust abatement plans;
 - iii. Fill ruts and potholes with gravel or compacted fill or remove ruts through rolling dips and water bars; reshape structures to maintain proper function;
 - iv. Clean ditches and reshape when necessary to allow adequate flow capacity;
 - v. Remove debris from the entrance of culverts to prevent plugging and overtopping; check for signs of damage;
 - vi. Replace or repair rock armor, erosion control structures, or vegetation used for slope protection, scour protection or energy dissipation;
 - vii. Inspect and repair fencing, gates, cattle-guards and other access control structures;
 - viii. Inspect facilities, structures, equipment and operations for leaks, hazardous material releases, hazardous conditions, and proper functioning condition;
 - ix. Inspect reclamation, revegetation and noxious weed treatments and re-treat as necessary to maintain proper functioning of erosion control and establishment of native vegetation.
4. **Reclamation.** See Attachment A for Sample NMSLO Surface Reclamation Plan.
- a. **Reclamation Objectives:** To reduce and prevent erosion, remove contaminants and contaminated materials, restore clean soils, restore native plant diversity and abundance, restore and maintain hydrological regime, and restore and maintain productive habitat for livestock and wildlife;
- b. **Applicability:** These Reclamation Requirements are applicable to all reclamation activities on state trust lands including: hazardous materials spills/releases, site closure for oil and gas, mineral and business leases, plug and abandon site reclamation, mine site reclamation, pit, pad,

or pond reclamation, illegal dump reclamation, road and pipeline reclamation, dairy farm or other agricultural impact reclamation, and any other clean up or reclamation activity on state trust land;

- c. **Access:** If the spill/release or reclamation project extends beyond the lease boundary or permitted right of way, the responsible party shall contact the NMSLO Rights Of Way Division and **obtain a remediation right-of-entry;**
- d. **Compliance:** Before commencing any new ground disturbing activity, the responsible party shall:
 - i. Conduct an archaeological survey of the impacted area, or verify that the area has already been surveyed and that no cultural properties will be impacted by ground disturbing activities;
 - ii. **Immediately stop all ground disturbing activities and contact NMSLO for further direction, if cultural properties have been impacted by a spill/release or reclamation project;**
 - iii. Verify compliance with NMSLO biological and cultural resource policies for the area to be reclaimed; conduct surveys where necessary;
 - iv. Verify compliance with all state and federal regulations, including but not limited to storm water pollution and prevention, air quality control, and hazardous materials disposal;
- e. **Hazardous Material Spill/Releases:**
 - i. Oil and Gas Activity:
 - Upon discovery of any oil and gas related hazardous material spill or release, either current or historic, the responsible party shall:
 - o immediately notify OCD and NMSLO;
 - o File C-141 form with OCD;
 - ii. Other Spill/Releases:
 - Upon discovery of any non-oil and gas related hazardous material release, including mine waste, either current or historic, the responsible party shall:
 - o immediately notify NMED and NMSLO;
- f. **Delineation:** Upon discovery of contaminated soils, the responsible party shall delineate the horizontal and vertical extent of the contamination; submit a delineation plan for approval by the NMSLO; for oil and gas related contamination, the NMOCD must also approve the delineation plan; the NMSLO may review NMOCD approved plans for adequacy of sampling related to restoration of surface conditions; for non-oil and gas related contamination, the NMED may require delineation and monitoring related to surface and ground water impacts; the NMSLO may require any necessary sampling or reclamation related to the restoration of surface conditions;
- g. **Reclamation Plan:** A reclamation plan shall be submitted with all lease applications involving surface disturbance. In the event of a spill or hazardous materials release, the responsible party shall submit a reclamation plan for approval by the NMSLO within 30 days of completion of delineation. In all other situations, the responsible party must submit a reclamation plan to the

NMSLO within 30 days of receiving a notice to reclaim. The reclamation plan shall address each of the matters cited below; these best management practices shall constitute minimum requirements for reclamation plans submitted under the following rules: leasing for general mining 19.2.2.24, leases and permits for caliche, gypsum, clay, sand, gravel, stone, shale, perlite, volcanic deposits and borrow dirt 19.2.5.9(B); unless otherwise permitted by the NMSLO, the reclamation plan and all earthworks required for reclamation must be approved and completed within 6 months of completion of construction for any right of way lease, or improvement under an agricultural lease, or within 6 months of closure or final use of any business lease, mineral lease, or oil and gas lease;

- h. **Removal/Containment:** The responsible party will remove and replace any contaminated soils, including contaminated caliche or base course. Contaminated soils and caliche shall be disposed of only in state permitted disposal locations such as land farms or hazardous disposal sites, and in accordance with state and federal regulations. Contaminated soils shall be removed at least to the rooting zone. Removal shall be based on site delineation, but in areas of deep saturation and deep soils this depth is typically four feet; removal depth may be less in shallow soils. If any contaminated soil remains at the site the reclamation plan must address containment, including the potential for the contaminant to wick upward into the rooting zone or downward toward groundwater. If complete removal is impossible, the responsible party may apply to the NMSLO for a variance to stabilize and contain the hazardous material that cannot be removed. If the NMSLO agrees, a stabilization and containment plan may replace or supplement the removal and replacement plan. In addition to the removal of contaminated soils, the responsible party will remove all uncontaminated caliche or base course.
- i. **Soil Replacement:** The responsible party will replace contaminated soils, caliche or base course, and uncontaminated caliche or base course, with certified clean top soil; replacement soils should have comparable structure and chemistry to healthy, native undisturbed soils in the vicinity.
- j. **Trash and Debris:** Unless equipment is to be re-used onsite, the responsible party shall remove any trash, debris, garbage, rubbish, junk, scrap, or broken or contaminated equipment, such as pipelines, plastic lining, surface flowlines, tanks, scrap materials of any kind, or other equipment and shall dispose of all such trash and debris in accordance with state and federal regulations within 30 days of final use or completion of construction; no hazardous substances, trash or litter will be buried or placed in pits on state trust land without express written permission of the Commissioner.
- k. **Surface Preparation:** The responsible party will contour the ground surface to blend in with the surrounding topography to allow the natural hydrology of the basin to function without impediment or impact; no major depressions or pits will be left that will trap water or cause ponding except where the project involves a mining pit where there is no possible outlet, slopes will not exceed 3:1 (run to rise).
- l. **Erosion Control:** Where active transportation of sediment through gullying, headcutting, slumping or deep or excessive rills (greater than 3 inches deep) occurs within the lease area or within the adjacent area of impact, the responsible party will install erosion control structures to repair and control gullies, head-cuts, rills, and other forms of sediment movement;
 - i. Erosion control structures shall be designed to restore natural hydrological function and

- flood regime, and to the extent possible should use local rock or bio-degradable materials and low-energy, minimum-necessary designs;
- ii. Erosion control structures may include, but are not limited to, one rock dams, rock mulch rundowns, zuni bowls, media lunas, swales, berms, terraces, wattles, rock or log mats, hay mulch, gabions, bales or other stabilizing enhancements to control erosion;
- m. **Drainage Control:** Where ephemeral, intermittent or permanent water flow-ways or drainages cross, intersect or bisect a lease, the responsible party shall install drainage control structures to manage water flow, especially across roads, pipeline rights of way, or other structures that may interfere with natural drainage;
- i. Drainage control structures shall be designed to mimic natural hydrological function and flood regime as much as possible so as not to increase the erosional impact of hydrologic flows to the structure or to the upstream or downstream landscape; drainage control designs shall be engineered or built in consultation with the NRCS and approved by the NMSLO;
 - ii. Drainage control structures may include but are not limited to road bars, culverts, water bars, parallel and lateral ditches, drains, and low water crossings;
- n. **Seedbed Preparation:** All disturbed soils within the lease area will be revegetated. The responsible party will prepare the seedbed in consultation with the NMSLO to maximize potential for success. This may include, but is not limited to, a combination of watering with certified fresh water (<140 ppm chloride), mechanical packing to consolidate loose soils, disking or ripping to loosen compacted soils (up to 18 inch depth with furrow spacing of 2 feet), crimping hay mulch into the soil (2 tons/acre), furrowing or imprint rolling to create microhabitats, scarifying (minimum 4 inch depth), adding soil amendments, contouring and/or importing top soil. Note: Caliche is not top soil and should not be mixed or flipped into the top soil.
- o. **Revegetation:** The responsible party will seed the prepared seedbed with a drill seeder or hydraulic seeder with different sized seed boxes; unless otherwise authorized by the NMSLO, hydro-seeding will be used on 3:1 slopes or greater; all disturbed areas will be seeded with the seed mixture(s) provided or approved by the NMSLO; the seed mixture will be planted in the amounts specified in pounds of pure live seed per acre; the seed will contain no primary or secondary noxious weeds; commercial seed will be either certified or registered seed; the seed drill will be equipped with a depth regulator, and seed will be planted at the depth prescribed by the NMSLO; the seed mixture will be evenly and uniformly planted over the disturbed area; seed mixes should be provided in bags separating seed types into size categories, to ensure that the appropriate seed drill box is used for each species; broadcast seeding will only be allowed when no other option is available; where broadcast seeding, the area should be disked with a tandem, double-disk harrow, one day prior to broadcast seeding and the lbs/acre are to be doubled; seeding will be conducted no more than two weeks following completion of final seedbed preparation; seeding should take place at the beginning of the growing season prior to the monsoon season unless otherwise directed; seeding will be repeated until a satisfactory stand is established as determined by the NMSLO; evaluation of growth will not be made before completion of at least one full growing season after seeding; seeding will be repeated until a satisfactory stand is established.
- p. **Noxious Weeds.** The responsible party will prepare a noxious weed plan in consultation with the NMSLO and noxious weeds will be monitored and treated on an annual basis until controlled.

- q. **Access Control.** Unless otherwise authorized by the NMSLO, the responsible party will close all reclamation areas to public access; private access points will be gated, fenced and signed; unauthorized or trespass access points will be permanently closed and signed;
- i. **Gate and Fencing Specifications:** Unless otherwise directed by the NMSLO, a locked metal gate with 4-inch H-braces and a permanent fence extending at least 100 feet from either side of the gate, or to the next adjacent gate, will be installed to block public access to all closed reclamation sites; fence will be constructed with steel T-posts on 16-foot spacing, with stays every 8 feet and 4 strands of barbed wire; the top wire should be set at 42 inches above the ground surface; inline braces will be used at intervals not to exceed 660 feet; corners will be braced and set in concrete; fence wire will be attached on the outside of the T-posts with wire ties;
 - ii. **Permanent Closure Specifications:** Dirt berms, permanent hard barriers or rock barricades will be installed to block unauthorized access points to reclamation sites; berms and barriers will be at least 3 feet high and will extend the width of the access point; berms will be hard packed; barriers and barricades may be constructed of metal pipe rail, concrete, or rock and may be used in combination with berm work to ensure closure of an access point;
 - iii. **Signage:** Signs should be noticeably visible and should clearly state that public access is not authorized.
- r. **Monitoring.** The responsible party will monitor the reclamation site annually until relinquished by the NMSLO; prior to relinquishment, the NMSLO may require supplemental clean up, maintenance of erosion control structures, additional reseeding efforts, or noxious weed treatments to ensure success of reclamation; the NMSLO may request detailed annual monitoring reports depending on the severity of the situation.
- s. **Reporting.** The NMSLO may require weekly updates during the course of the initial reclamation work; weekly updates will include a brief narrative statement of work completed with photo documentation; upon completion of the initial reclamation work, the responsible party will notify the NMSLO that the site is ready for inspection; annual monitoring reports may be required depending on the severity of the situation.
- t. **Relinquishment:** The NMSLO will inspect the initial reclamation work upon completion and will provide the responsible party with a statement indicating that the initial work has been completed as required and detailing any follow up work that may be necessary prior to relinquishment; notice of relinquishment will be provided upon complete satisfaction of all NMSLO reclamation requirements.

5. Resources.

Reducing Erosion from Unpaved Rural Roads in New Mexico, A Guide to Road Construction and Maintenance Practices; State of New Mexico Natural Resources Department Soil and Water Conservation Division, November 1983.

The Gold Book, Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development; Bureau of Land Management, Fourth Edition—Revised 2007.

New Mexico Forest Practices Guidelines; Energy, Minerals and Natural Resources Department, Forestry Division.

Low-Volume Roads Engineering BMPs; https://www.fs.fed.us/t-d/programs/forest_mgmt/projects/lowvolroads/ch4.pdf

Water Harvesting from Low-Standard Rural Roads; Bill Zeedyk, A Joint Publication of The Quivira Coalition, Zeedyk Ecological Consulting, LLC, The Rio Puerco Management Committee—Watershed Initiative, and the New Mexico Environment Department—Surface Water Quality bureau, April 2006. http://altarvalleyconservation.org/wp-content/uploads/pdf/1597-A_Good_Road_Lies_Easy_on_the_Land.pdf

Revegetation Guidelines Handbook for Southeastern New Mexico, New Mexico State Land Office, July 2018.

6. Authorities.

ROW Rule: (19.2.10 NMAC)

A ROW lessee shall file an affidavit of completion within 60 days of completion. 19.2.10.21 NMAC

ROWs may be used only for authorized uses as granted (e.g. a pipeline or powerline ROW may not be used as a public road). 19.2.10.22 NMAC

The CPL may terminate any ROW for failure to comply with any term or condition of the grant. 19.2.10.26 NMAC

Anyone constructing a ROW, in consultation with the CPL, must take all steps necessary to preserve and protect the natural environmental conditions of the land including reclamation and re-vegetation. 19.2.10.28 NMAC.

Road Rule: (19.2.20 NMAC)

All roads constructed on state trust lands shall be constructed in accordance with the minimum requirements described in 19.2.20.10 NMAC and maintained in accordance with the standards described in 19.2.20.11 NMAC. 19.2.20.9(A) NMAC.

Construction and maintenance of these roads will be done in a manner that insures that authorized traffic remains within the right-of-way and erosion damage is mitigated. 19.2.20.9(C) NMAC.

Road Construction Standards: (19.2.20.10 NMAC)

Width. 14' single lane, 20' double lane, maximum grade 10% without engineered design. 19.2.20.10(A) NMAC.

Drainage. Drainage control shall be ensured through the use of dips, turnouts, and culverts etc. Drainages will be constructed in such frequency necessary to prevent headcuts or other forms of accelerated erosion or damage on adjacent areas. 19.2.20.10(A) NMAC.

Culverts. Culverts shall be used on grades in excess of 10% and all major drainages and on roads when dips are not feasible.

Road Surfacing: Roadbeds should be surfaced where all weather access is needed. Roadbeds should be reasonably smooth, free of ruts, chuckholes, rocks, slides, washboards, dust pockets, soft spots or other driving hazards.

Fencing: 4-strand barbed wire, 12-inch spacing.

Road Maintenance Standards: (19.2.20.11 NMAC)

Lessees shall be responsible for preventative and/or corrective road maintenance, including roadbeds, shoulders, ditches, culverts and drainages, fences, gates and cattle guards, ford and low water crossings. 19.2.20.11 NMAC.

Reclamation: (19.2.20.12 NMAC)

The seedbed will be prepared and the roadbed reseeded. 19.2.20.12 NMAC.

Oil and Gas Rule: (19.2.100 NMAC)

Site Development: All access roads shall be built, maintained and reclaimed in accordance with 19.2.20 NMAC.

Review and Inspection: State land office personnel or oil conservation division personnel may, from time to time, recommend actions necessary to comply with reasonable use of the surface and prudent operator standards. (19.2.100.66(D) (1) NMAC

ATTACHMENT A to EXHIBIT B

(SAMPLE)

SURFACE RECLAMATION AND CLOSE OUT PLAN

Lessee: _____

1. **Purpose.** The purpose of this Reclamation Plan is to provide for the restoration of trust land to its original condition existing prior to the placement of any improvements.
2. **Timing.** Unless otherwise permitted by the NMSLO, this reclamation plan and all earth-works required for reclamation must be implemented and completed within six months following closure of all activity or final use under this business lease. Monitoring, maintenance, revegetation and noxious weed treatments may be required to continue until final relinquishment.
3. **Interim Reclamation.** After initial construction has been completed, all portions of the location not essential to necessary operations or maintenance will be reclaimed within six months of completion of construction and in accordance with the provisions below.
4. **Structures, Equipment, Trash and Debris.** Unless structures or equipment are to be re-used on site, any structure, equipment, trash, debris, garbage, rubbish, junk, scrap, or broken or contaminated equipment, such as pipelines, plastic lining, surface flowlines, tanks, vehicles, scrap materials of any kind, or other equipment must be removed and disposed of in accordance with state and federal regulations within 30 days of final use or completion of construction; no hazardous substances, trash or litter will be buried or placed in pits.
5. **Delineation.** If hazardous materials have been used on site and if such materials may have leaked or spilled or been released on site, or if such materials have caused contamination to the soils, the Lessee will delineate the horizontal and vertical extent of the contamination; a hazardous materials delineation plan must be approved by the NMSLO; for oil and gas related contamination, the NMOCD must also approve the delineation plan; the NMSLO may review NMOCD approved plans for adequacy of sampling related to restoration of surface conditions; for non-oil and gas related contamination, the NMED may require delineation and monitoring related to surface and ground water impacts; the NMSLO may require any necessary sampling or reclamation related to the restoration of surface conditions.

6. **Hazardous Materials Reclamation Plan.** In the event of a spill or hazardous materials release, a specific hazardous materials reclamation plan must be submitted to, and approved by, the NMSLO within 30 days of completion of delineation. The hazardous materials reclamation plan should address each of the matters described below.
7. **Removal/Containment.** The Lessee will remove and replace any contaminated soils, including contaminated caliche or base course. Contaminated soils and caliche should be disposed of only in state permitted disposal locations such as land farms or hazardous disposal sites, and in accordance with state and federal regulations. Contaminated soils should be removed at least to the rooting zone. Removal should be based on site delineation, but in areas of deep saturation and deep soils this depth is typically four feet; removal depth may be less in shallow soils. If any contaminated soil remains at the site the reclamation plan must address containment, including the potential for the contaminant to wick upward into the rooting zone or downward toward groundwater. If complete removal is impossible, the Lessee may apply to the NMSLO for a variance to stabilize and contain the hazardous material that cannot be removed. If the NMSLO agrees, a stabilization and containment plan may replace or supplement the removal and replacement plan. In addition to the removal of contaminated soils, the Lessee will remove all uncontaminated caliche or base course.
8. **Soil Replacement.** The Lessee will replace contaminated soils, caliche or base course, and uncontaminated caliche or base course, with certified clean top soil; replacement soils should have comparable structure and chemistry to healthy, native undisturbed soils in the vicinity.
9. **Trash and Debris:** Unless equipment is to be re-used onsite, the Lessee shall remove any trash, debris, garbage, rubbish, junk, scrap, or broken or contaminated equipment, such as pipelines, plastic lining, surface flowlines, tanks, scrap materials of any kind, or other equipment and dispose of such trash and debris in accordance with state and federal regulations within 30 days of final use or completion of construction; no hazardous substances, trash or litter will be buried or placed in pits on state trust land without the express written permission of the Commissioner.
10. **Surface Preparation.** The Lessee will contour the ground surface to blend in with the surrounding topography and to allow the natural hydrology of the basin to function without impediment or impact; no major depressions or pits will be left that will trap water or cause ponding except where the project involves a mining pit where there is no possible outlet; slopes will not exceed 3:1 (run to rise).
11. **Erosion Control:** Where active transportation of sediment through gullying, head-cutting, slumping or deep or excessive rills (greater than 3 inches deep) occurs within the lease area or within the adjacent area of impact, the Lessee will install erosion control

structures to repair and control gullies, head-cuts, rills, and other forms of sediment movement;

- a. Erosion control structures will be designed to restore natural hydrological function and flood regime, and to the extent possible will use local rock or bio-degradable materials and low-energy, minimum-necessary designs;
- b. Erosion control structures may include, but are not limited to, one rock dams, rock mulch rundowns, zuni bowls, media lunas, swales, berms, terraces, wattles, rock or log mats, hay mulch, gabions, bales or other stabilizing enhancements to control erosion.

12. Drainage Control: Where ephemeral, intermittent or permanent water flow-ways or drainages cross, intersect or bisect the lease area, the Lessee will install drainage control structures to manage water flow, especially across roads, pipeline rights of way, or other built obstacles that may interfere with natural drainage;

- a. Drainage control structures will be designed to enhance natural hydrologic function and flood regime as much as possible so as not to increase the erosional impact of water flows to any built structures or to the upstream or downstream landscape; drainage control designs will be engineered or built in conformance with industry standards (e.g. the NRCS, BLM or USFS) and approved by the NMSLO;
- b. Drainage control structures may include but are not limited to road bars, culverts, water bars, parallel and lateral ditches, drains, and low water crossings.

13. Seedbed Preparation. All disturbed soils within the lease area will be revegetated. The Lessee will prepare the seedbed in consultation with the NMSLO to maximize potential for success. This may include, but is not limited to, a combination of watering with certified fresh water (<140 ppm chloride), mechanical packing to consolidate loose soils, disking or ripping to loosen compacted soils (up to 18 inch depth with furrow spacing of 2 feet), crimping hay mulch into the soil (2 tons/acre), furrowing or imprint rolling to create microhabitats, scarifying (minimum 4 inch depth), adding soil amendments, contouring and/or importing top soil. Note: Caliche is not top soil and should not be mixed or flipped into the top soil.

14. Revegetation: The Lessee will seed the prepared seedbed with a drill seeder or hydraulic seeder with different sized seed boxes; unless otherwise authorized by the NMSLO, hydro-seeding will be used on 3:1 slopes or greater; all disturbed areas will be seeded with the seed mixture(s) provided or approved by the NMSLO; the seed mixture will be planted in the amounts specified in pounds of pure live seed per acre; the seed will contain no primary or secondary noxious weeds; commercial seed will be either certified or registered seed; the seed drill will be equipped with a depth regulator, and seed will be planted at the depth prescribed by the NMSLO; the seed mixture will be evenly and uniformly planted over the disturbed area; seed mixes should be provided in bags separating seed types into size categories, to ensure that the appropriate seed drill box is used for each species; broadcast seeding will only be allowed when no other option is available; where broadcast seeding, the area should be disked with a tandem, double-disk, one day prior to broadcast seeding and the lbs/acre are to be doubled; seeding will be conducted

no more than two weeks following completion of final seedbed preparation; seeding should take place at the beginning of the growing season prior to the monsoon season unless otherwise directed; seeding will be repeated until a satisfactory stand is established as determined by the NMSLO; evaluation of growth will not be made before completion of at least one full growing season after seeding; seeding will be repeated until a satisfactory stand is established.

- 15. Noxious Weeds.** The Lessee will prepare a noxious weed plan in consultation with the NMSLO and noxious weeds will be monitored and treated on an annual basis until controlled.
- 16. Access Control.** Unless otherwise authorized by the NMSLO, all reclamation areas will be closed to public access; private access points will be gated, fenced and signed; unauthorized or trespass access points will be permanently closed and signed;
 - a. Gate and Fencing Specifications:** Unless otherwise directed by the NMSLO, a locked metal gate with 4-inch H-braces and a permanent fence extending at least 100 feet from either side of the gate, or to the next adjacent gate, will be installed to block public access to all closed reclamation sites; fence will be constructed with steel T-posts on 16-foot spacing, with stays every 8 feet and 4 strands of barbed wire; the top wire should be set at 42 inches above the ground surface; in-line braces will be used at intervals not to exceed 660 feet; corners will be braced and set in concrete; fence wire will be attached on the outside of the T-posts with wire ties;
 - b. Permanent Closure Specifications:** Dirt berms, permanent hard barriers or rock barricades will be installed to block unauthorized access points to reclamation sites; berms and barriers will be at least 3 feet high and will extend the width of the access point; berms will be hard packed; barriers and barricades may be constructed of metal pipe rail, concrete, or rock and may be used in combination with berm work to ensure closure of an access point;
 - c. Signage:** Signs should be noticeably visible and should clearly state that public access is not authorized.
- 17. Monitoring.** The Lessee will monitor the reclamation site annually until relinquished by the NMSLO; prior to relinquishment, the NMSLO may require supplemental clean up, maintenance of erosion control structures, additional reseeding efforts, or noxious weed treatments to ensure success of reclamation; the NMSLO may request detailed annual monitoring reports depending on the severity of the situation.
- 18. Reporting.** The NMSLO may require weekly updates during the course of the initial reclamation work; weekly updates will include a brief narrative statement of work completed with photo documentation; upon completion of the initial reclamation work, the Lessee will notify the NMSLO that the site is ready for inspection; annual monitoring reports may be required depending on the severity of the situation.

19. Relinquishment: The NMSLO will inspect the initial reclamation work upon completion and will provide the Lessee with a statement indicating that the initial work has been completed as required and detailing any follow up work that may be necessary prior to relinquishment; notice of relinquishment will be provided upon complete satisfaction of all NMSLO reclamation requirements; business Lessee obligations to remove improvements and to restore trust land shall survive the termination of the lease (NMAC 19.2.9.17(B)).

Texas Hornshell CCAA Conservation Measures:

Invasive Species. Lessees shall not release, plant or otherwise establish or introduce exotic or invasive species, including but not limited to saltcedar (*Tamarix* spp.), giant cane (*Arundo donax*), cheatgrass (*Bromus tectorum*), Lehmann's lovegrass (*Eragrostis lehmanniana*), Zebra Mussels (*Dreissena polymorpha*), Sheepshead minnow (*Cyprinodon variegatus variegatus*) feral pigs, or other species that may degrade habitat in the Covered Area.

Zone A. No new surface disturbance will be allowed in Zone A.

Zone B. The lease applicant will exercise good faith efforts to avoid Zone B. If Zone B cannot reasonably be avoided, the applicant will comply with the terms of their signed Certificate of Inclusion [CI] if applicable, or will submit reasons to the Commissioner that Zone B cannot be avoided. The reasons may include:

- i. The mineral estate cannot otherwise be accessed;
- ii. The lessee lacks surface or right-of-way access;
- iii. Contractual or landowner restrictions;
- iv. The mineral resource cannot be accessed utilizing proven technology reasonably available in the Permian Basin;
- v. Environmental impacts would be increased by avoiding Zone B;
- vi. Safety considerations;
- vii. The project would become economically infeasible; or,
- viii. Other reasons, as approved by the Commissioner in conjunction with the Service.

If the Commissioner concurs that Zone B cannot reasonably be avoided, the applicant will take the following steps to minimize potential impacts:

- i. Implement erosion control measures in accordance with the most current version of the Reasonable and Prudent Practices for Stabilization of Oil and Natural Gas Construction Sites (RAPPS);
- ii. Comply with Spill Prevention, Control, and Countermeasure (SPCC) requirements in accordance with 40 CFR Part 112;
- iii. Comply with the United States Army Corp of Engineers (USACE) Nationwide 12 General Permit, where applicable;
- iv. Educate personnel, agents, and contractors about the requirements of the CI and this CCAA and provide direction in accordance with the Conservation Measures;
- v. Provide the Commissioner a copy of the permit from New Mexico Oil Conservation Division (NMOCD), if applicable; and,
- vi. Provide the Commissioner plats or other electronic media describing the New Surface Disturbance and existing surface disturbance utilized for the Project.

Zone C. The applicant will exercise good faith efforts to avoid obstructing or disrupting the natural flow of ephemeral drainages. If it is not feasible to avoid these areas, the applicant will take the following steps to minimize potential impacts:

- i. Implement erosion control measures in accordance with the most current version of the Reasonable and Prudent Practices for Stabilization of Oil and Natural Gas Construction Sites (RAPPS);
- ii. Comply with Spill Prevention, Control, and Countermeasure (SPCC) requirements in accordance with 40 CFR Part 112;
- iii. Educate personnel, agents, and contractors about the requirements of the CI and this CCAA and provide direction in accordance with the Conservation Measures;
- iv. Comply with the United States Army Corp of Engineers (USACE) Nationwide 12 General Permit, where applicable;
- v. Provide the Commissioner a copy of the permit from New Mexico Oil Conservation Division (NMOCD), if applicable; and,
- vi. Provide the Commissioner plats or other electronic media describing the New Surface Disturbance for the Project.

Zone D. The applicant will use Best Management Practices and will take the following steps to minimize potential impacts:

- i. Comply with Spill Prevention, Control, and Countermeasure (SPCC) requirements in accordance with 40 CFR Part 112;
- ii. Provide SPCC plans for New Surface Disturbance;
- iii. Provide the Commissioner a copy of the permit from New Mexico Oil Conservation Division (NMOCD), if applicable; and,
- iv. Provide the Commissioner plats or other electronic media describing the New Surface Disturbance for the Project.

Boring. If the proposed design includes boring under Zone A or Zone B, the applicant must supply the bore profile drawings and engineer-approved designs that address and mitigate surface disturbance and other potential impacts. These designs must address spill detection and protection, spill remediation, and pipeline maintenance given the protected habitat and the type of material transported.

Supplemental Ecological Guidelines:

Trenching. Open trenches and ditches can trap small mammals, reptiles and amphibians and can cause injury to large mammals. Implementing the following recommendations can minimize loss of wildlife and reduce injury to livestock on State Trust Lands.

- Schedule trenching and back-filling crews close together to minimize the length of time trenches are left open.
- Any trench left open for eight (8) hours or less, before the trench is backfilled, should be inspected and all trapped wildlife should be removed, and released at least 100 yards from the trench.

- Avoid leaving trenches open overnight. Where trenches cannot be back-filled immediately and/or those left open for eight (8) hours or more, trench plugs, earthen escape ramps, or other means as necessary to ensure that open trenches or pipe strings do not trap wildlife, shall be placed in the trench every 500 feet. Escape ramps can be short lateral trenches or wooden planks sloping (minimum angle should be less than 45 degrees, 1:1) to the surface. Before the trench is back-filled, the entire length of the trench should be inspected and any trapped wildlife should be released at least 100 yards from the trench.

Migratory Birds. Undisturbed surface estate within the CCAA may provide considerable suitable nesting habitat for a multitude of species covered under the Migratory Bird Treaty Act. In order to minimize impacts to nesting species, best management practices recommend that vegetation removal/ trenching/ construction take place outside of the migratory bird breeding season (March 1st – August 31st). If the nesting season cannot be avoided, a pre-construction nest survey should be completed 5-7 days prior to vegetation removal. Results of nesting surveys should be submitted to the NMSLO Biologist.

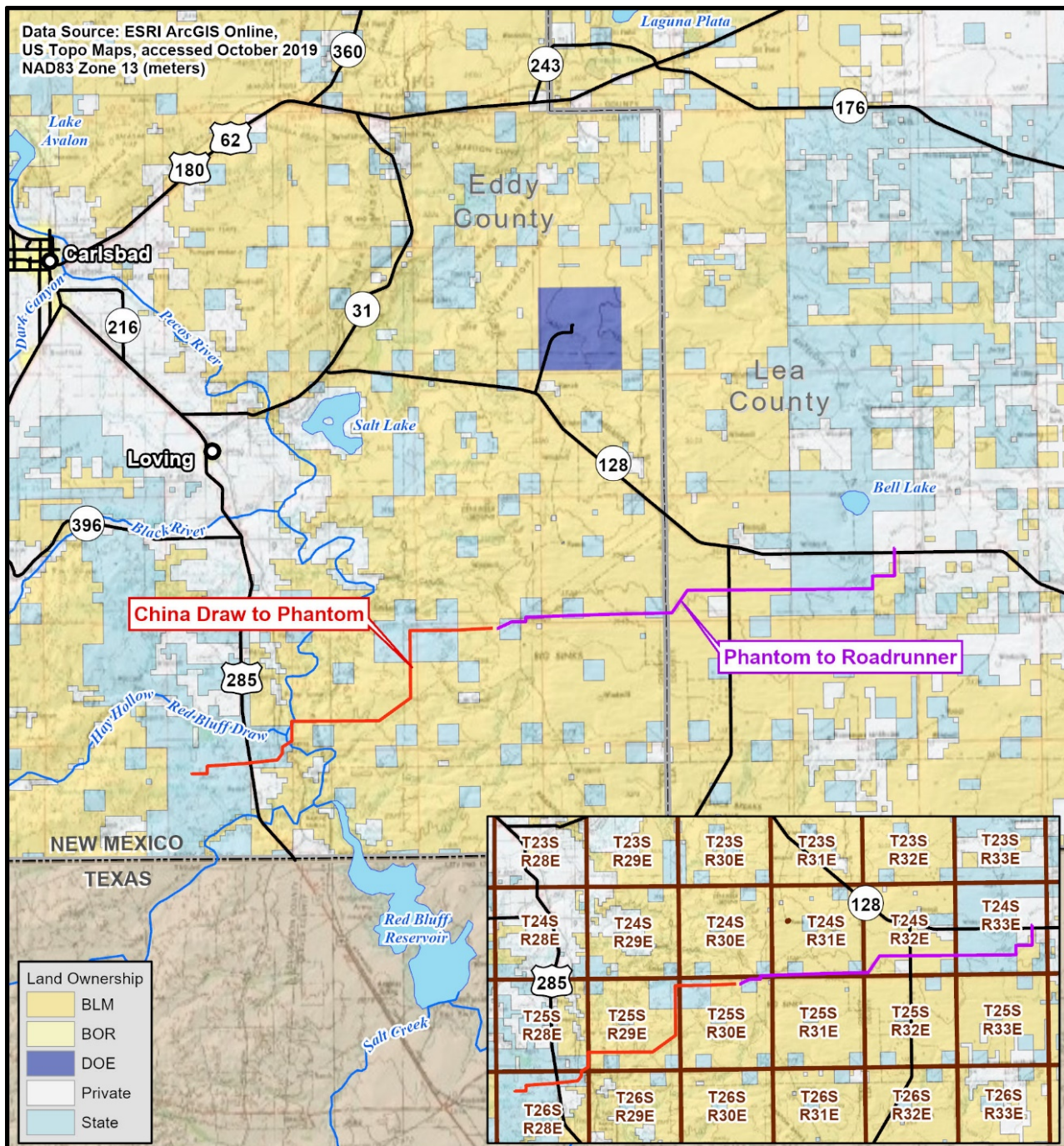
Listed Species:

The Texas hornshell mussel (*Popenaias popeii*) (federal candidate, state listed endangered), and several other state and federally listed plant and animal species have the potential to be located within the CCAA. This lease is unlikely to directly impact the mussel, but other species could be affected. The Best Management Practice would be to perform an occupancy survey for the presence of listed species prior to construction. The Land Office strongly recommends that the applicant use due diligence to minimize impacts to critical species and habitats. Results of biological surveys should be provided to the NMSLO Biologist. Under the Wildlife Conservation Act (17-2-37 to 17-2-46 NMSA 1978), it is unlawful for any person to take, possess, transport, export, sell or offer for sale or ship any threatened or endangered species or subspecies. "Take" means "to harass, hunt, capture or kill any wildlife or attempt to do so." (Section 17-2-38(L) NMSA 1978). The objective of NMAC §19.21.2 is "to prevent the extinction or extirpation of native plant species in New Mexico." Pursuant to this rule, the taking of endangered species is prohibited. "Taking" means "removal, with the intent to possess, transport, export, sell, or offer for sale any of the plants listed in 19.21.2.9 NMAC, from the places where they naturally grow." For more information about the protections provided to state listed plant species, contact Daniela Roth, Botany Program Coordinator, EMNRD at 505-476-3347 or

Daniela.Roth@state.nm.us. See NMAC §19.21.2.

<http://164.64.110.239/nmac/parts/title19/19.021.0002.pdf> and NMAC §19.33.6.

<http://164.64.110.239/nmac/parts/title19/19.033.0006.htm>



Project Vicinity



Project No. 52770
 File: NR_EA_Prj_Vicinity
 Map Created: 3/29/2019
 Map Updated: 10/4/2019



- City/Town
- Major Roadway
- Proposed 345kV Transmission Line
- China Draw to Phantom
- Phantom to Roadrunner
- Drainage
- Water Body
- County Boundary
- State Boundary



New Mexico

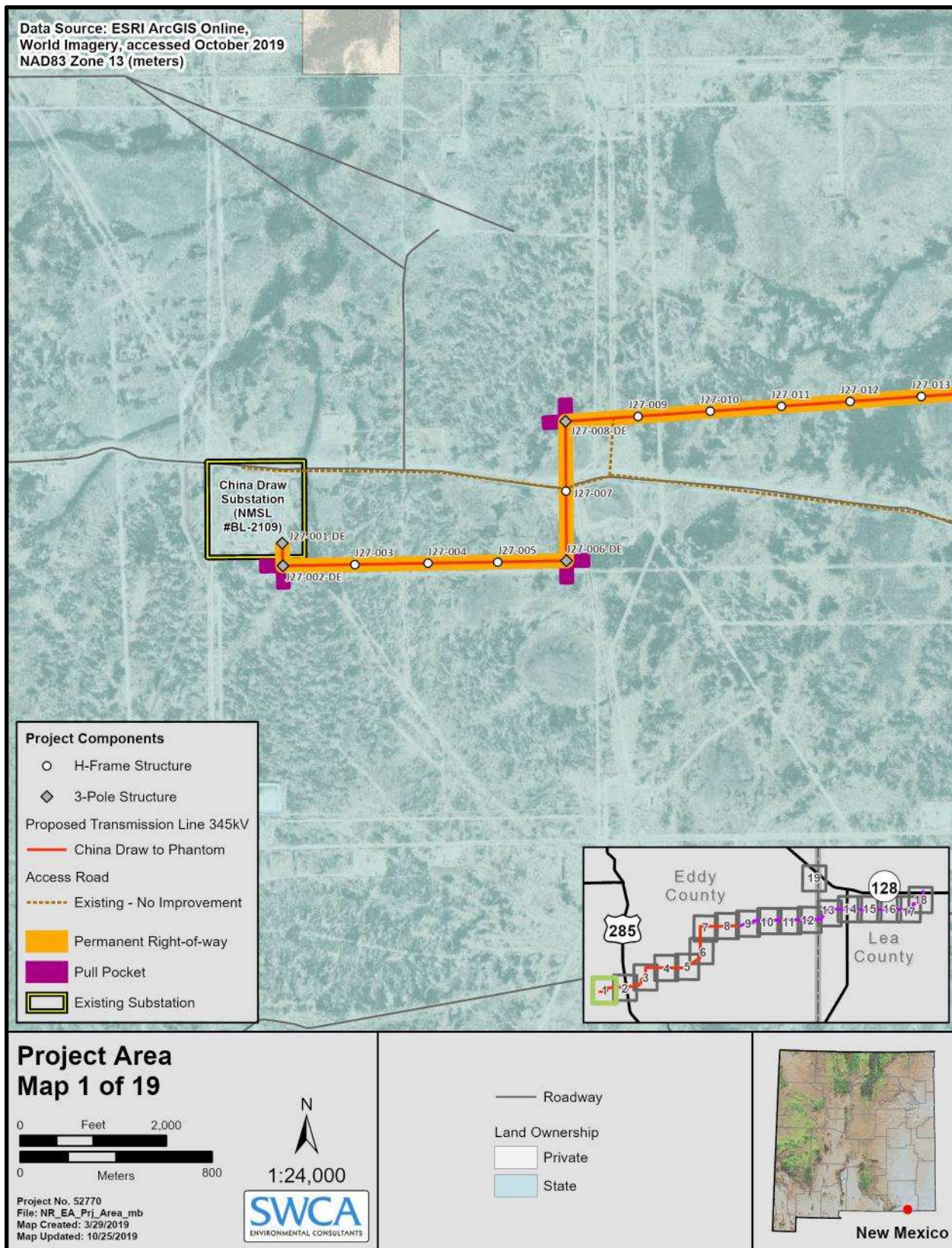


Figure C.1. Project area map (1 of 19).

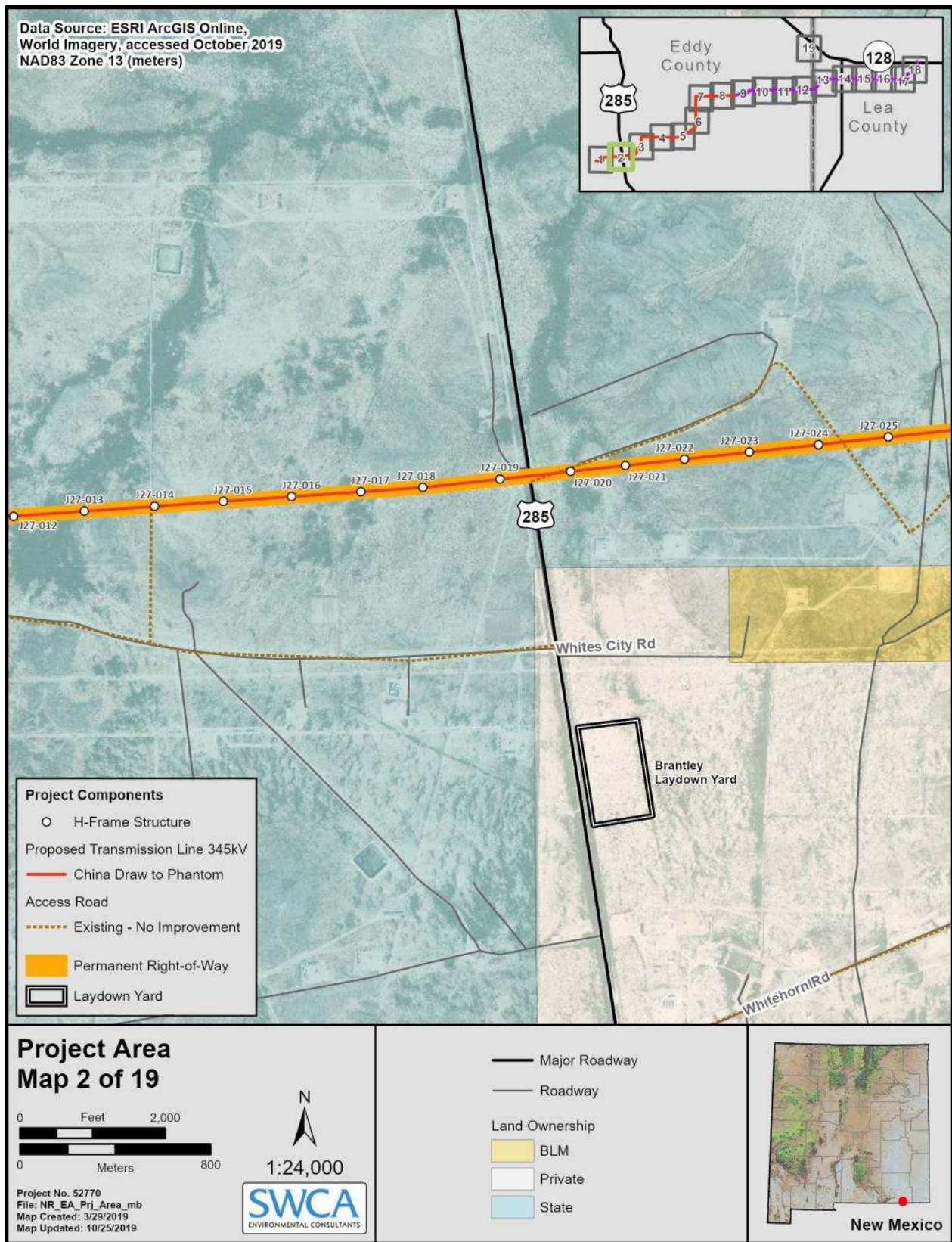


Figure C.2. Project area map (2 of 19).

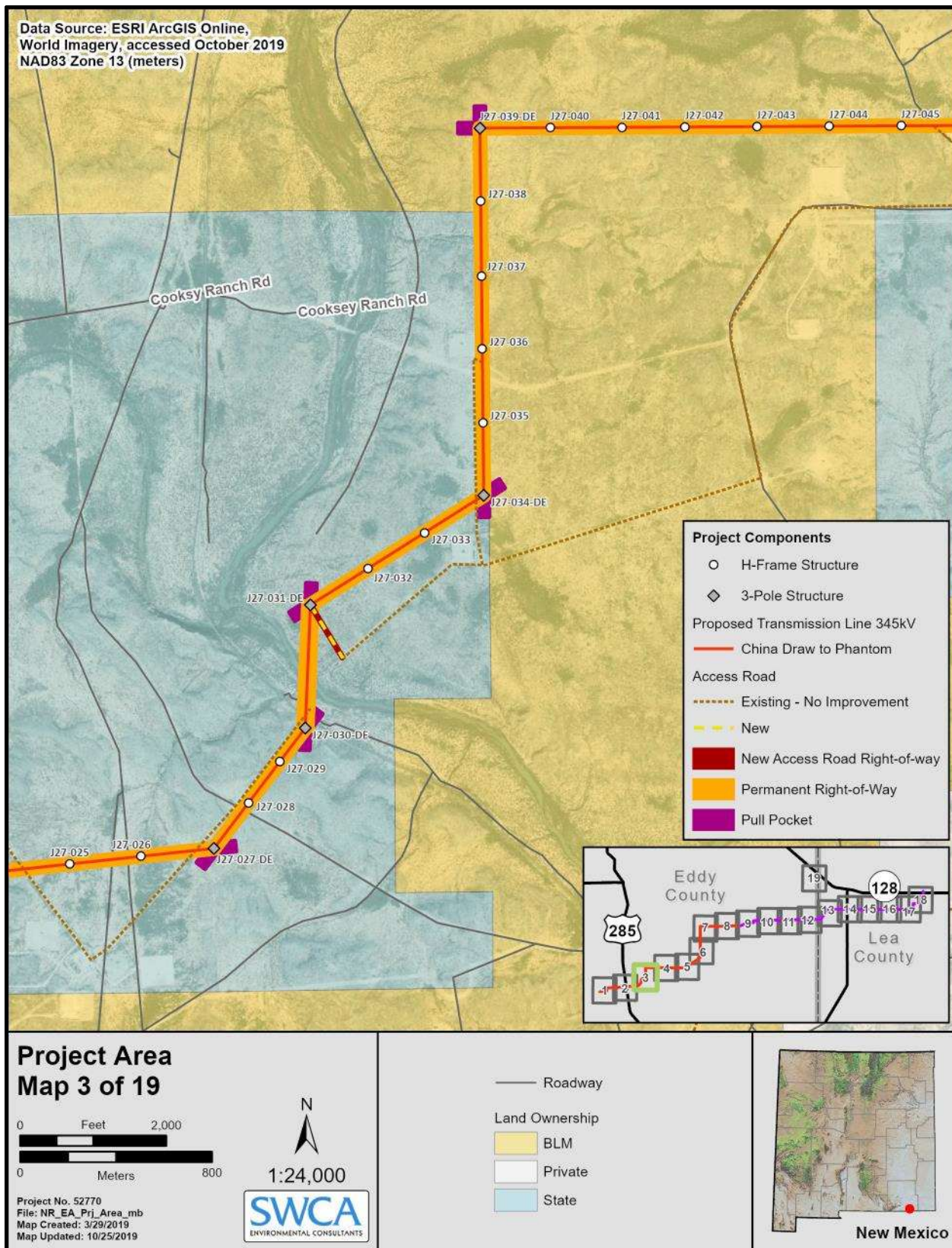


Figure C.3. Project area map (3 of 19).

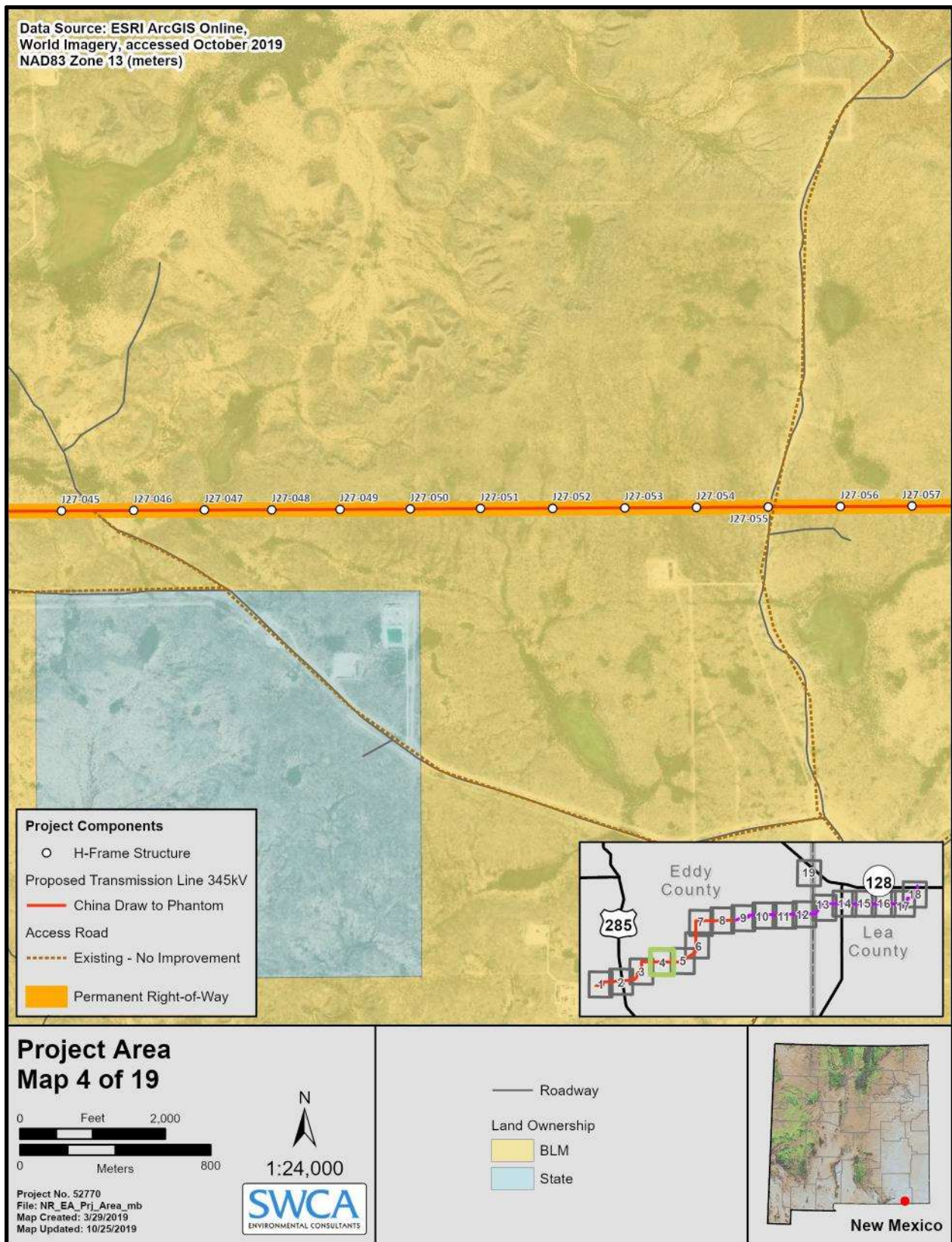


Figure C.4. Project area map (4 of 19).

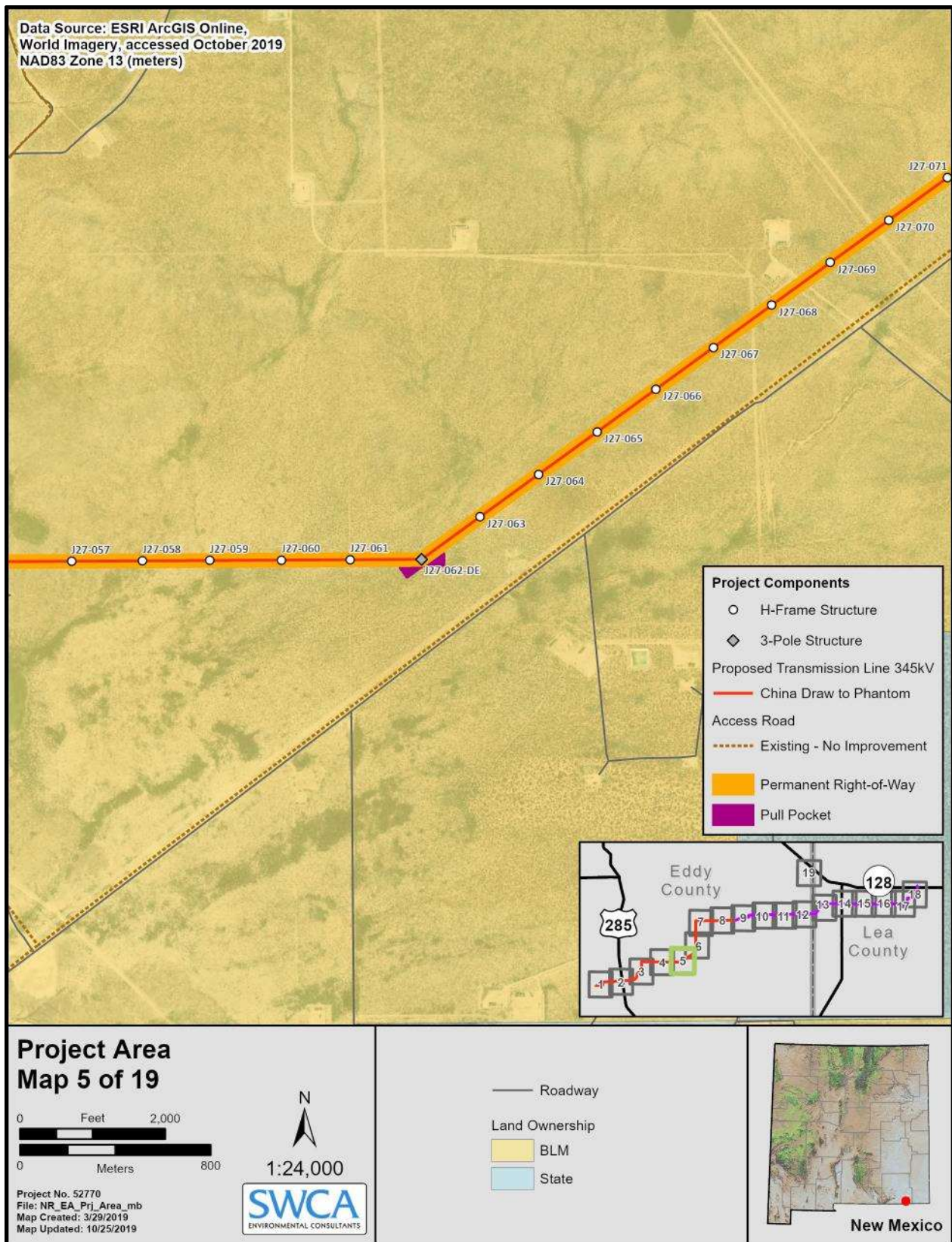


Figure C.5. Project area map (5 of 19).

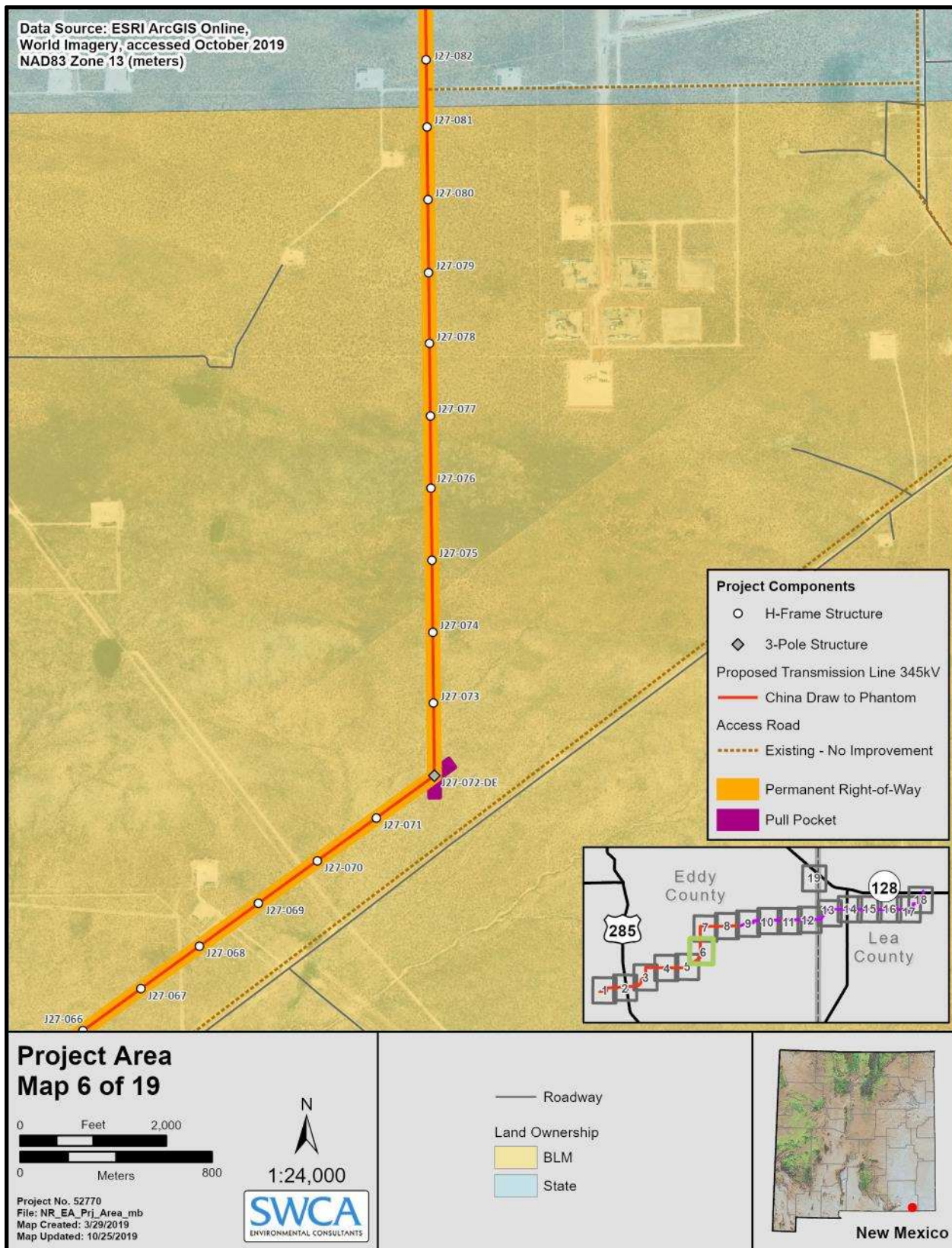


Figure C.6. Project area map (6 of 19).

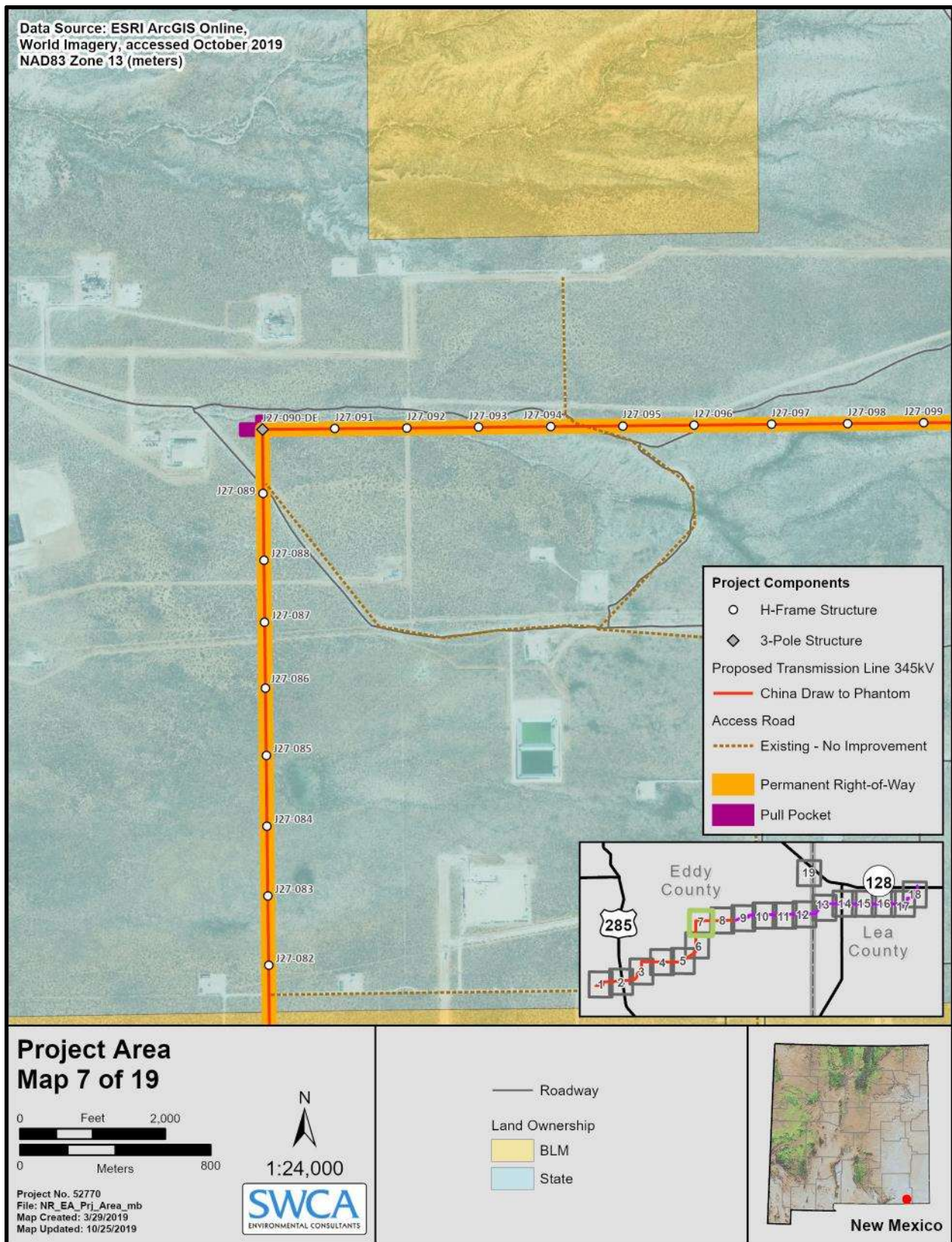


Figure C.7. Project area map (7 of 19).

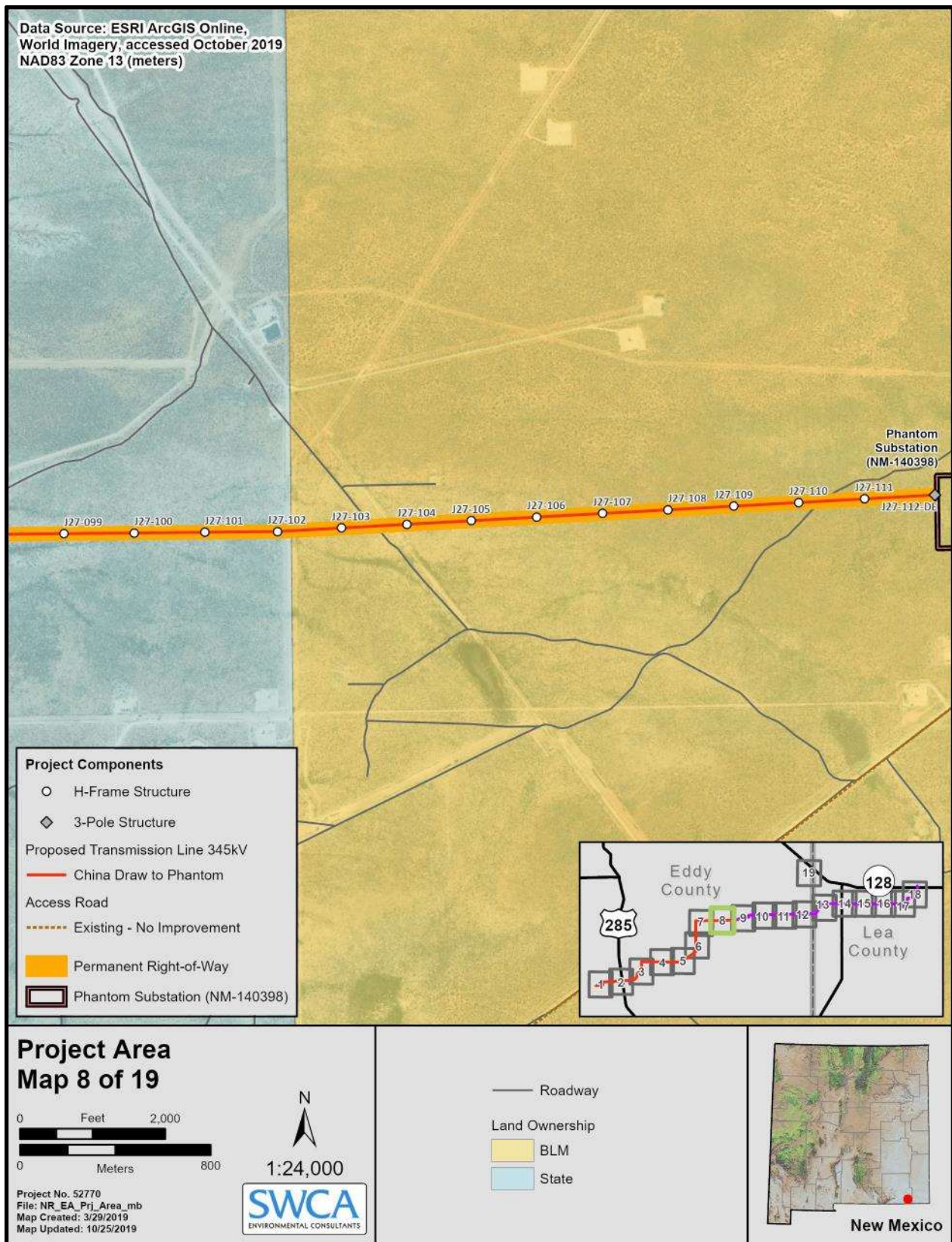


Figure C.8. Project area map (8 of 19).

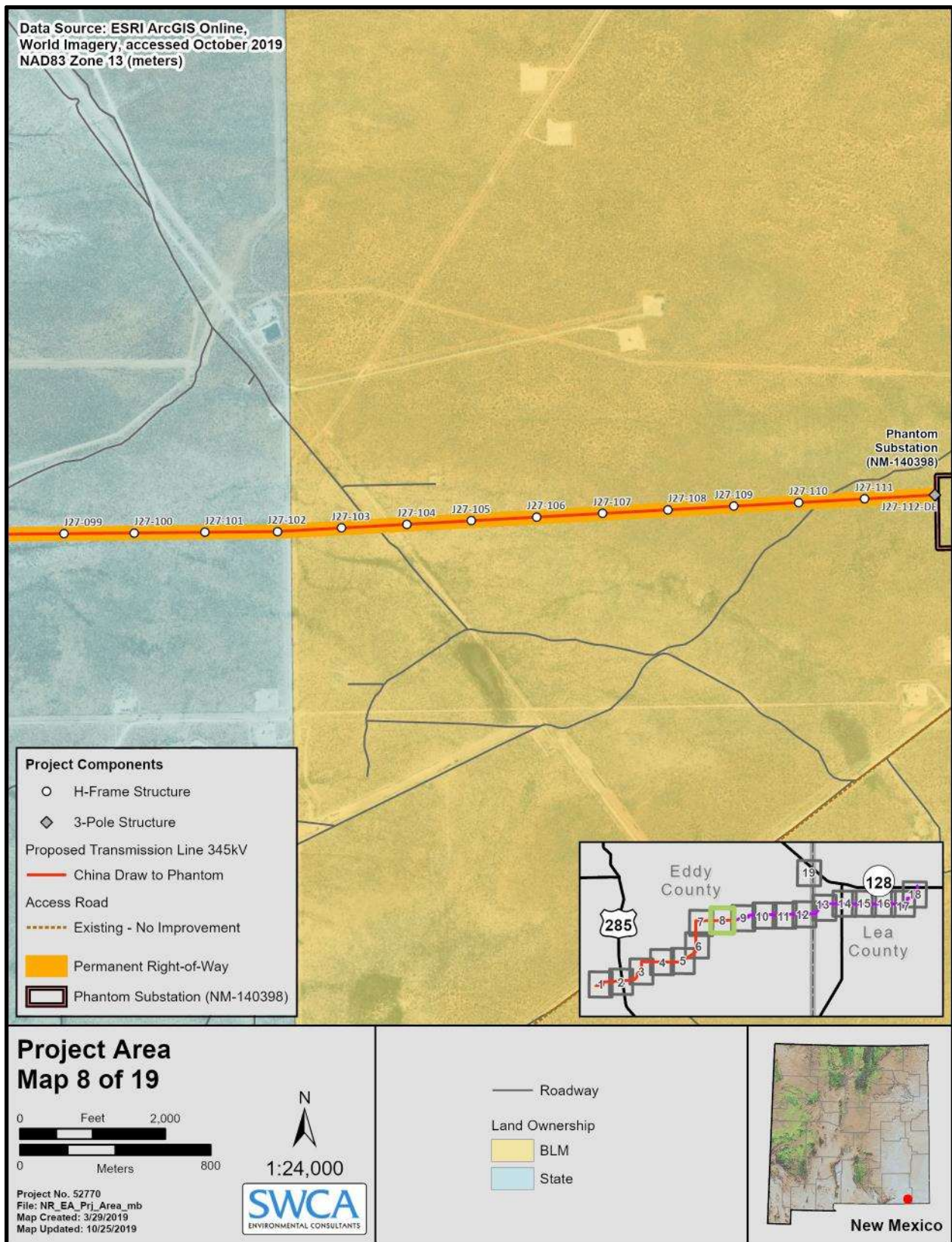


Figure C.9. Project area map (9 of 19).

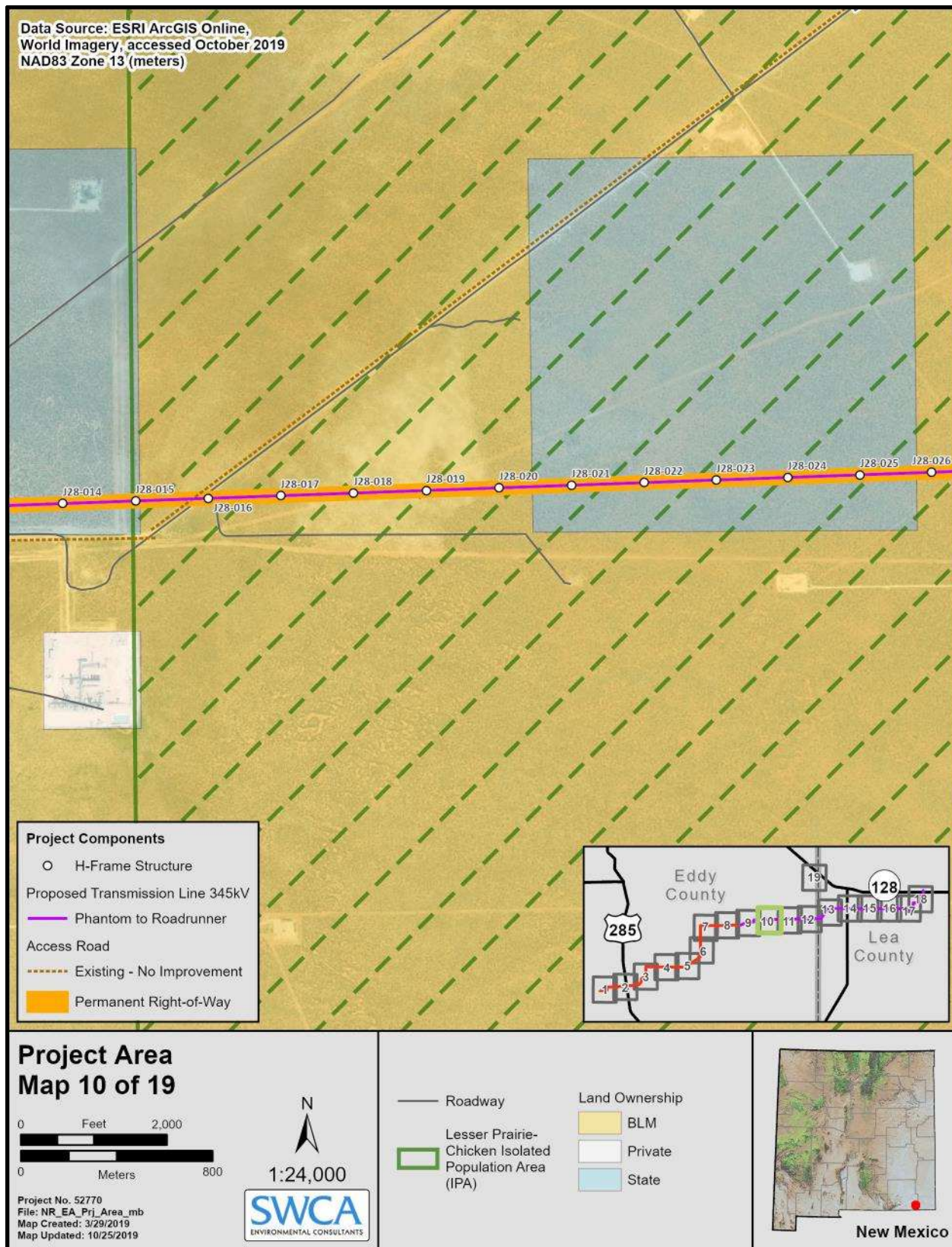


Figure C.10. Project area map (10 of 19).

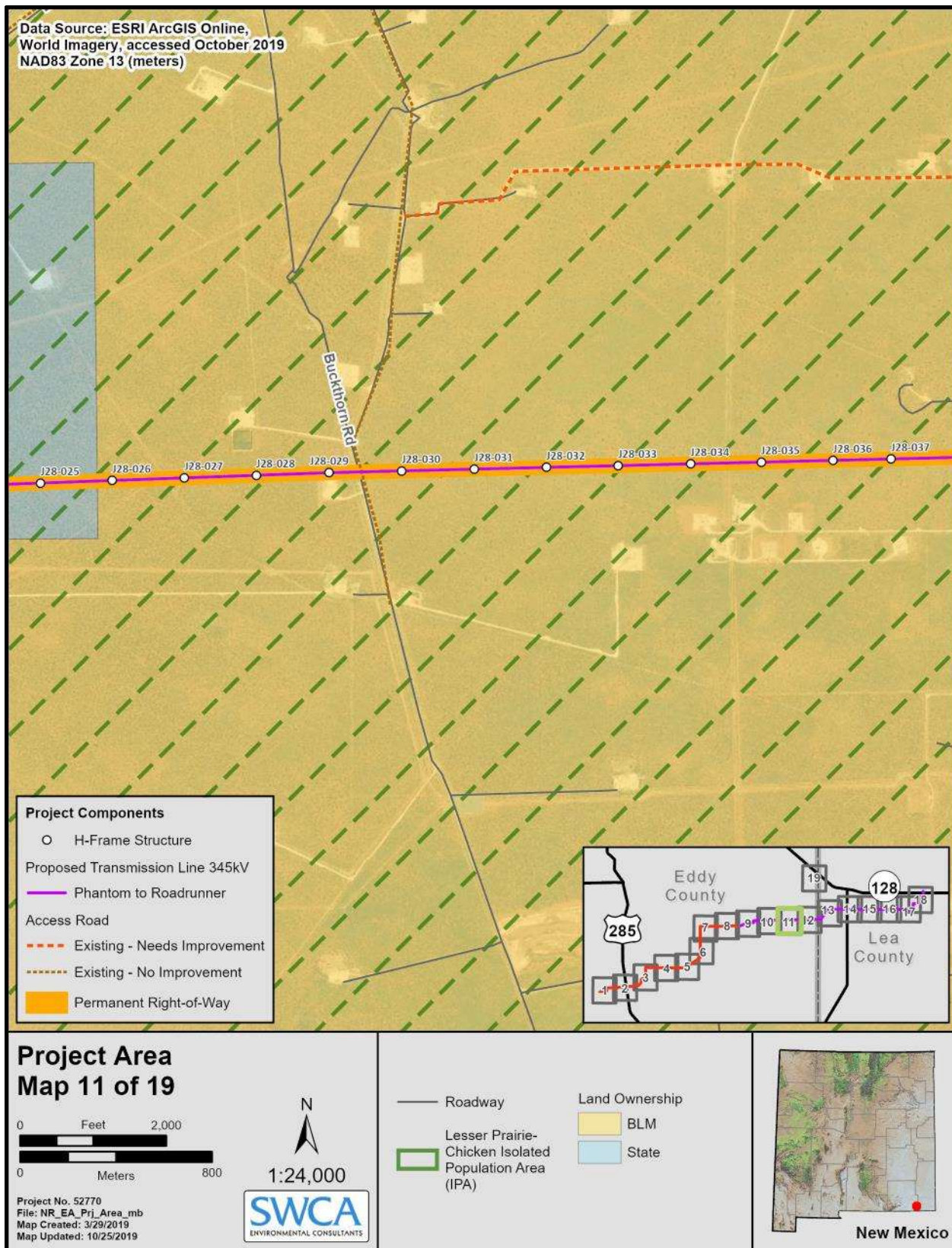


Figure C.11. Project area map (11 of 19).

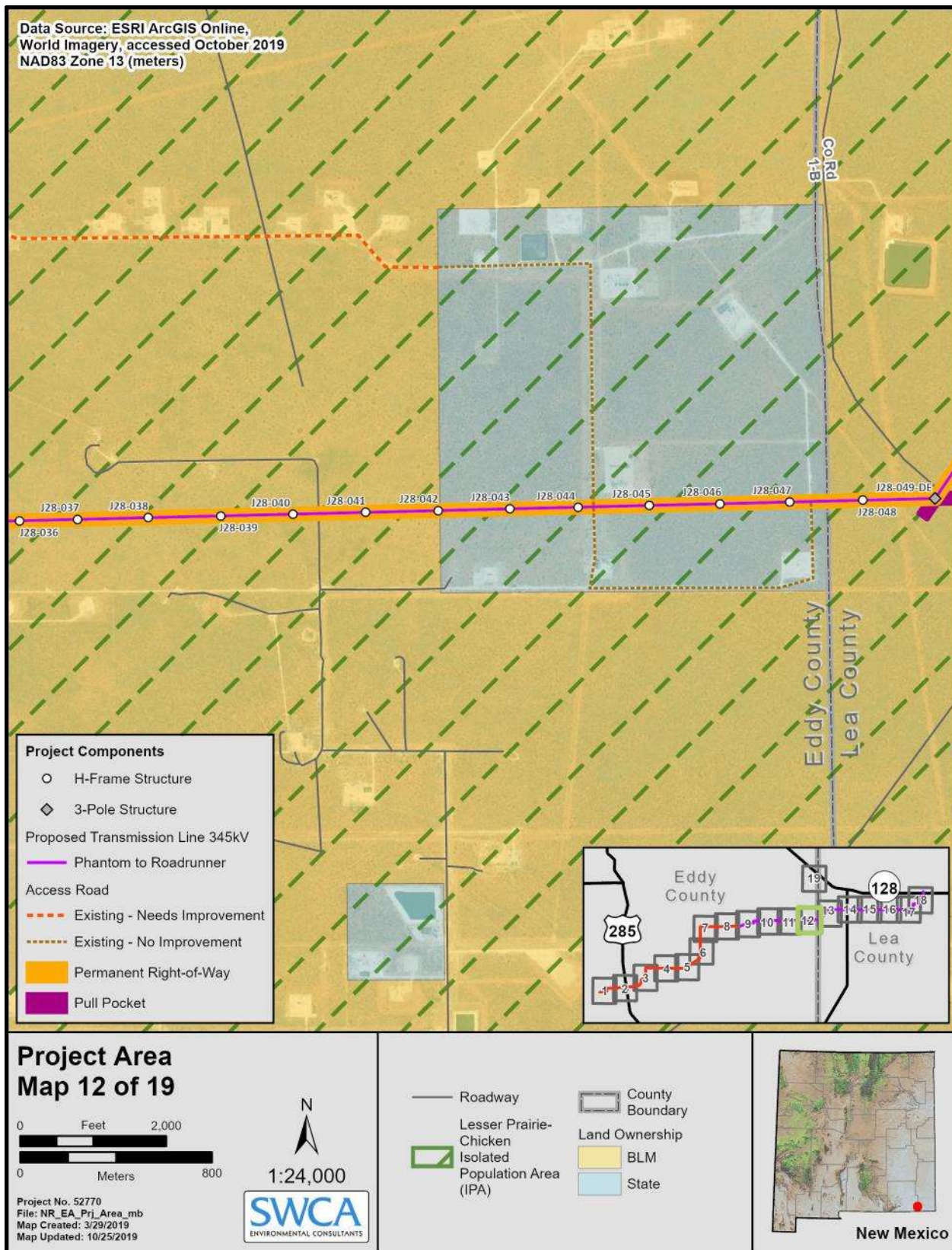


Figure C.12. Project area map (12 of 19).

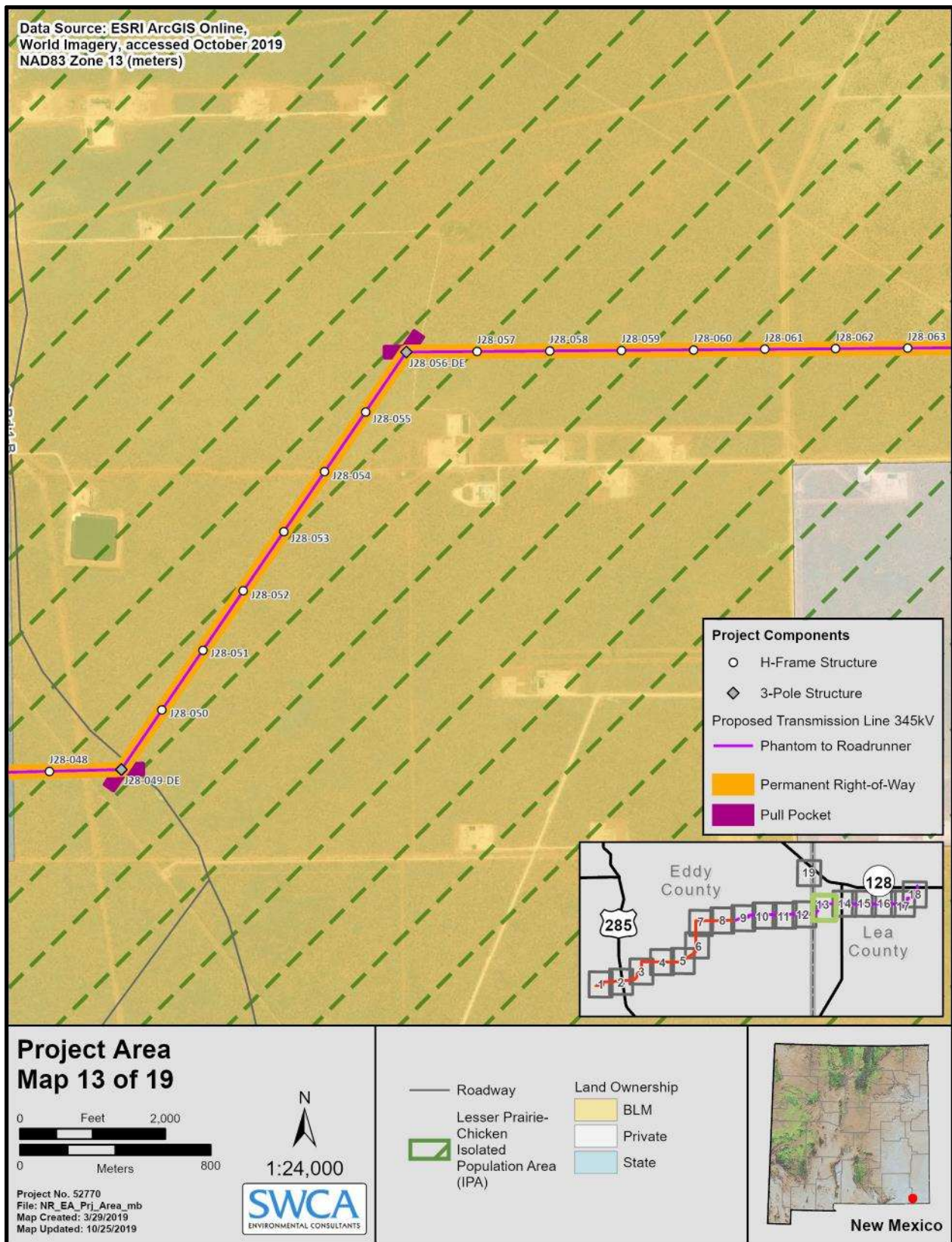


Figure C.13. Project area map (13 of 19).

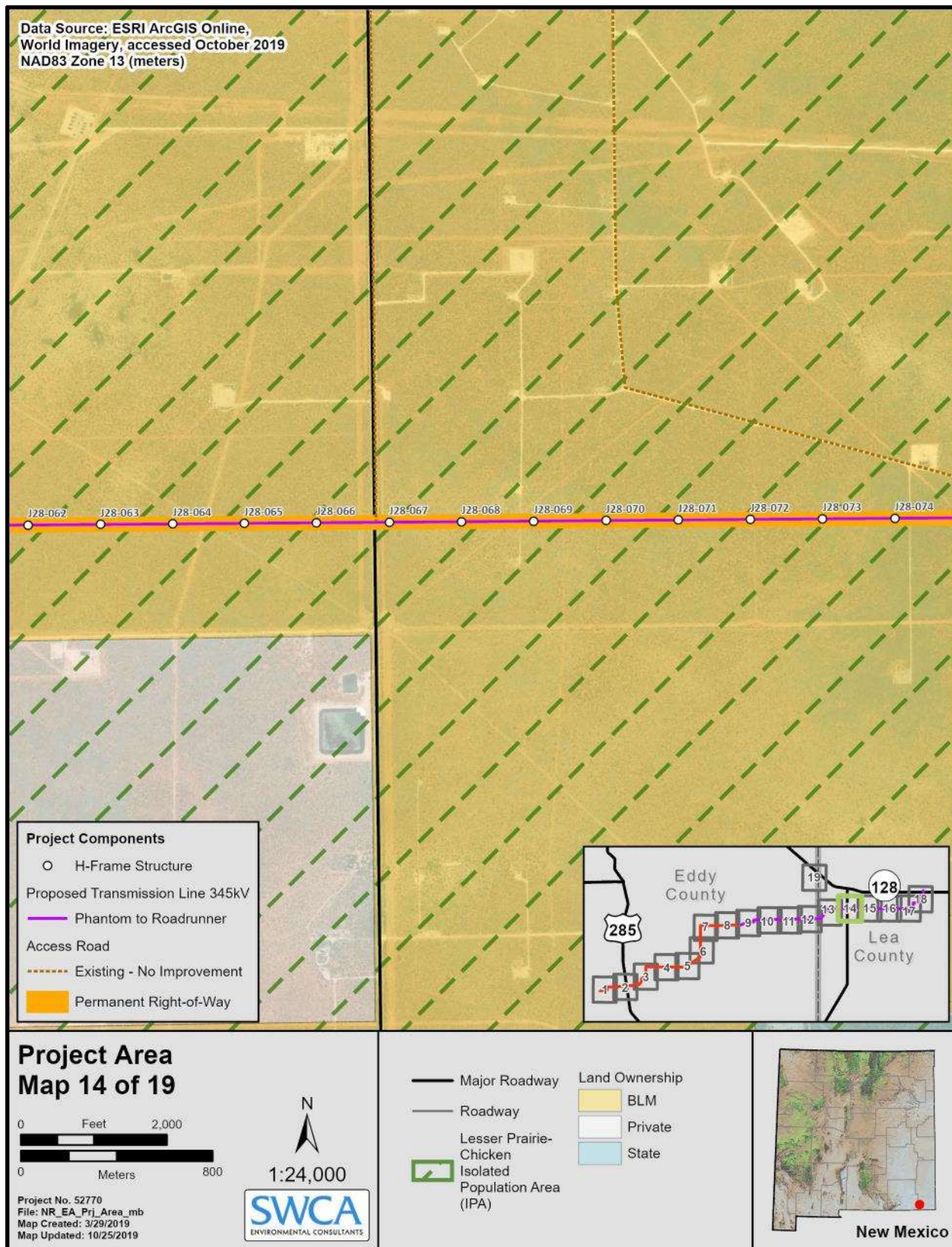


Figure C.14. Project area map (14 of 19).

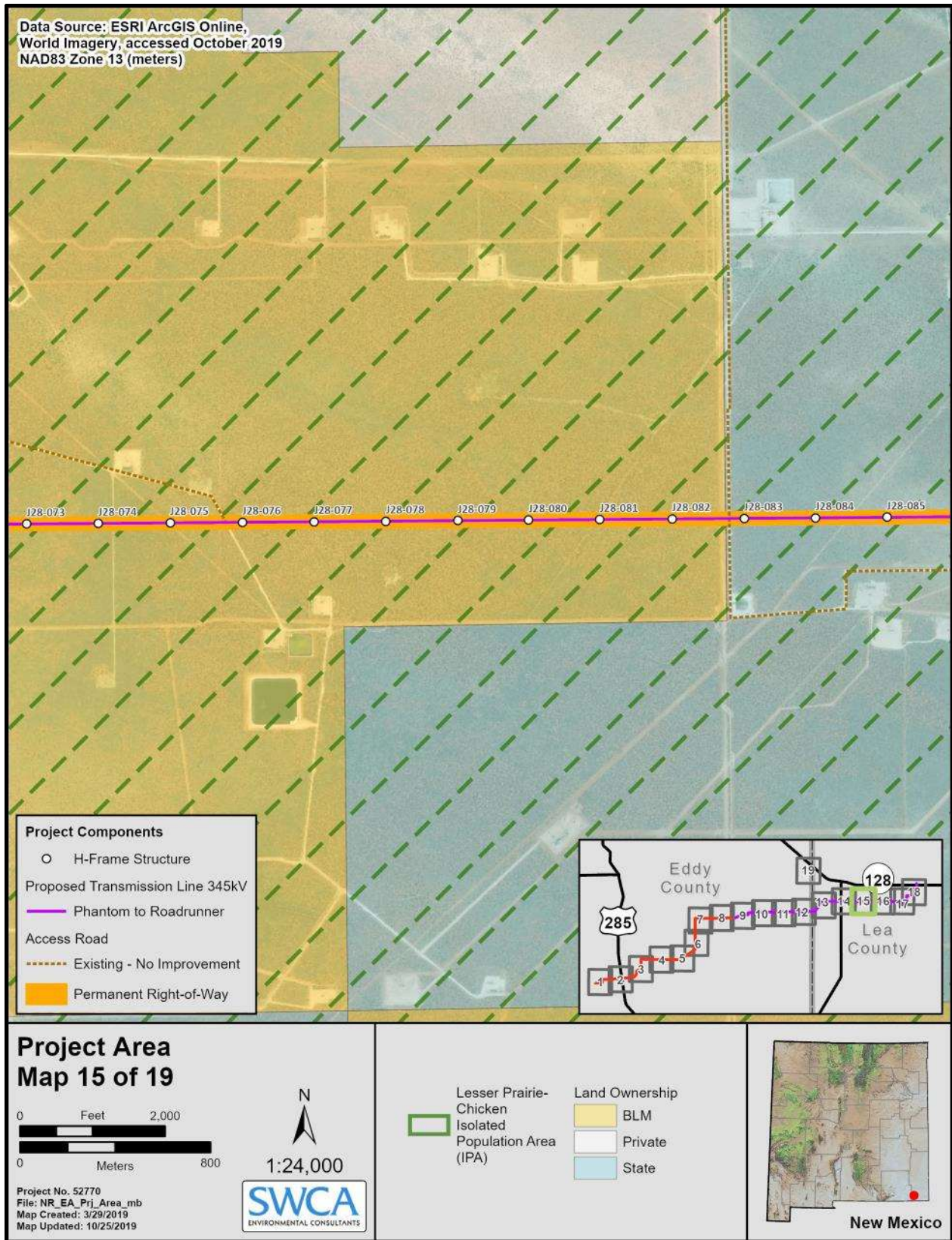


Figure C.15. Project area map (15 of 19).

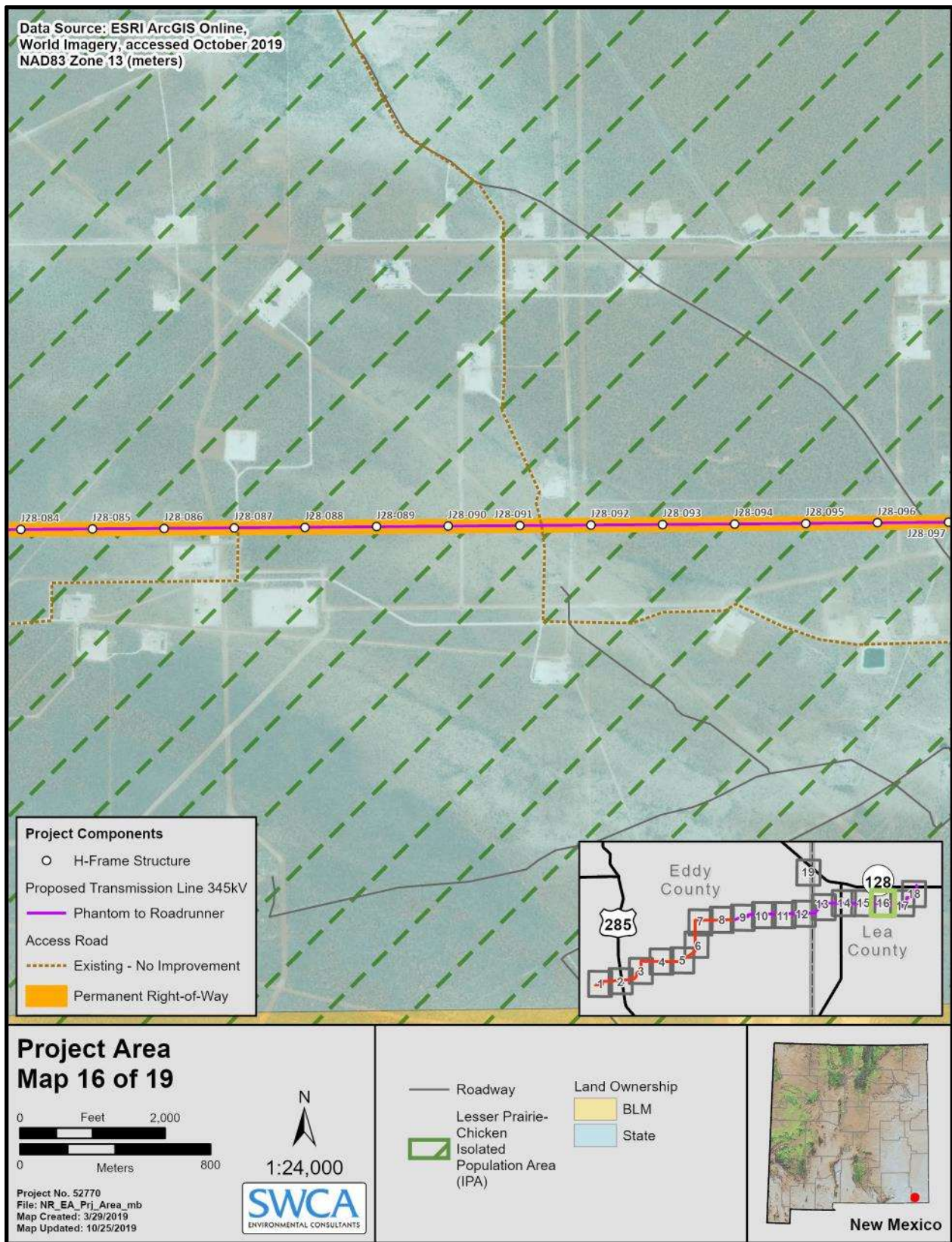


Figure C.16. Project area map (16 of 19).

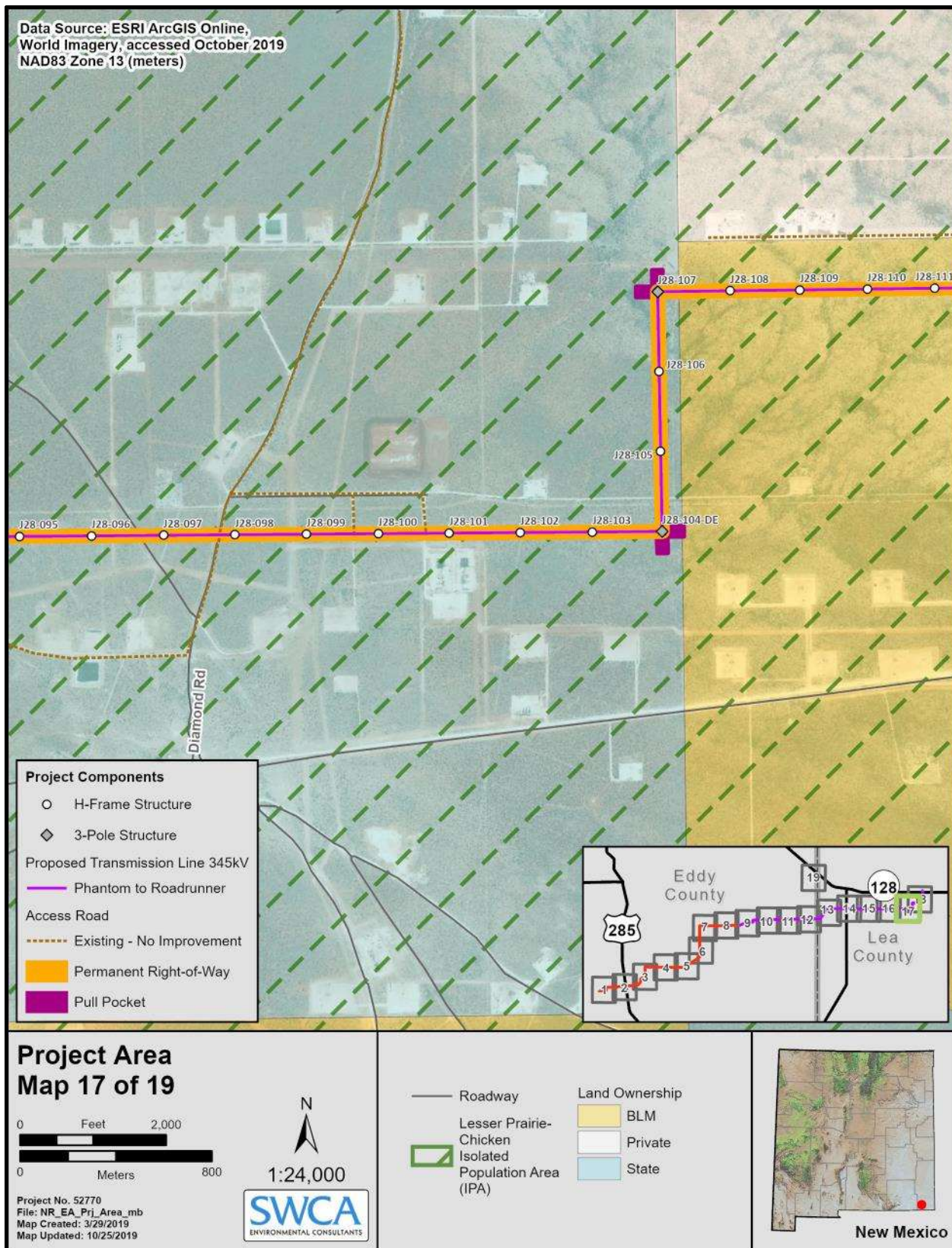


Figure C.17. Project area map (17 of 19).

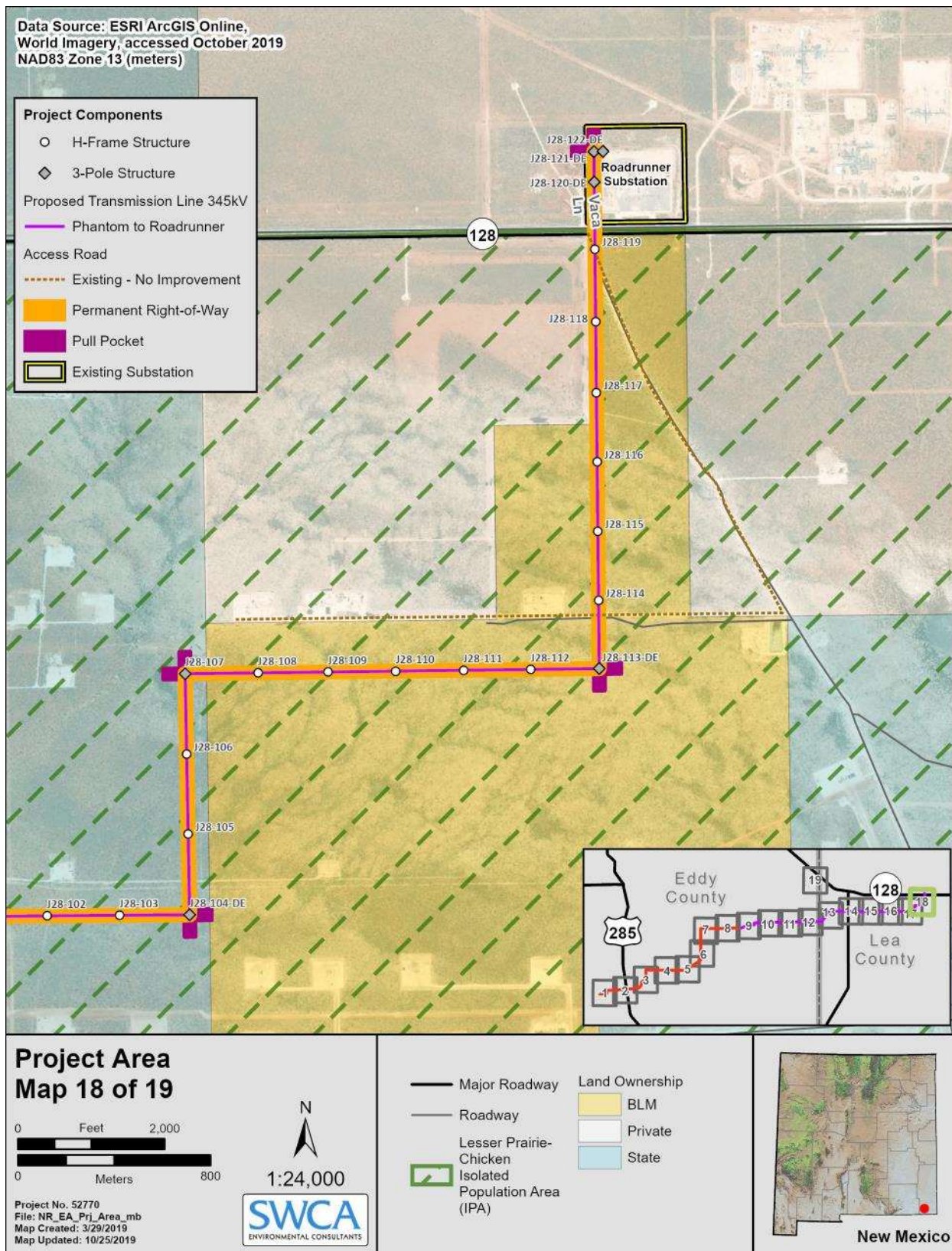


Figure C.18. Project area map (18 of 19).

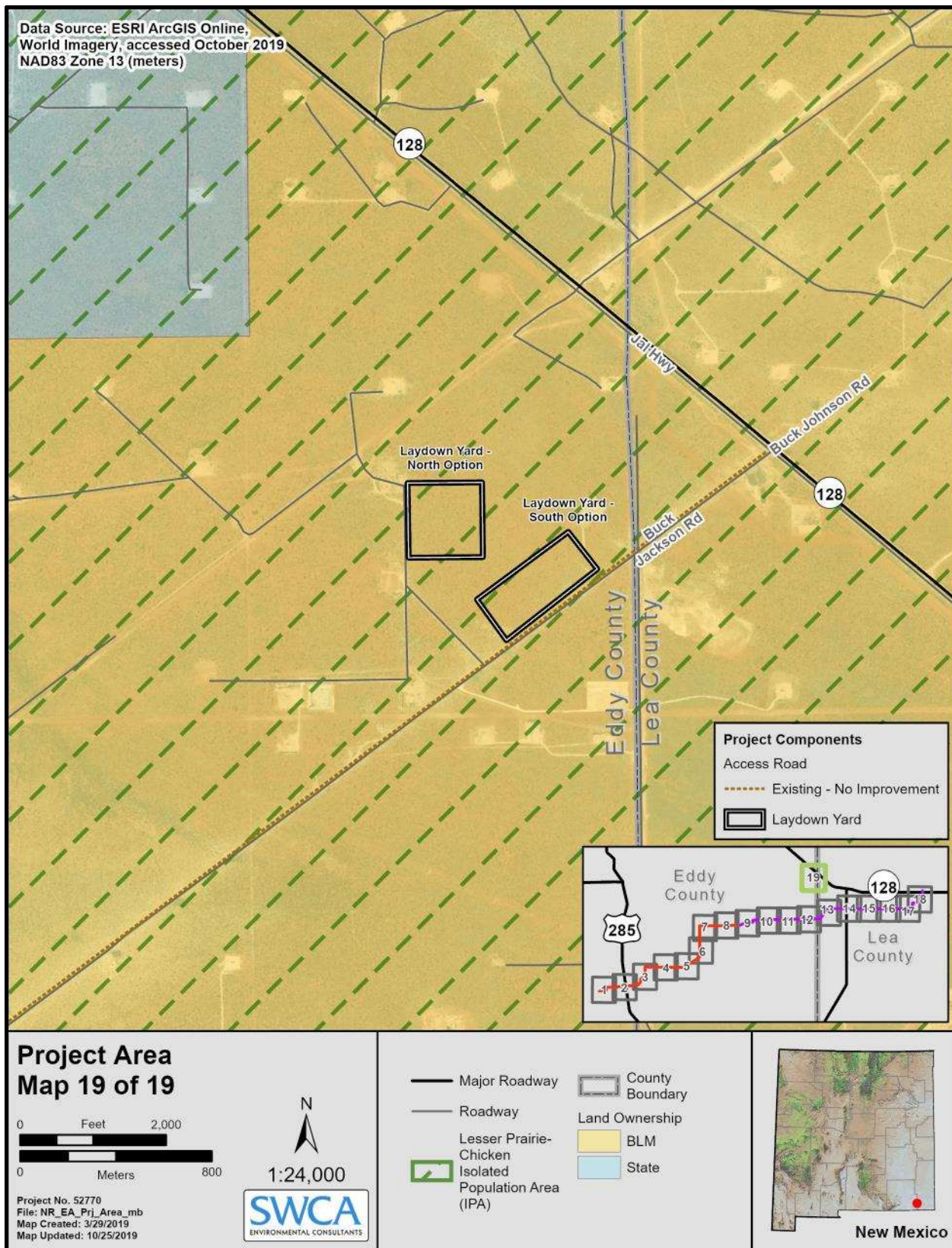
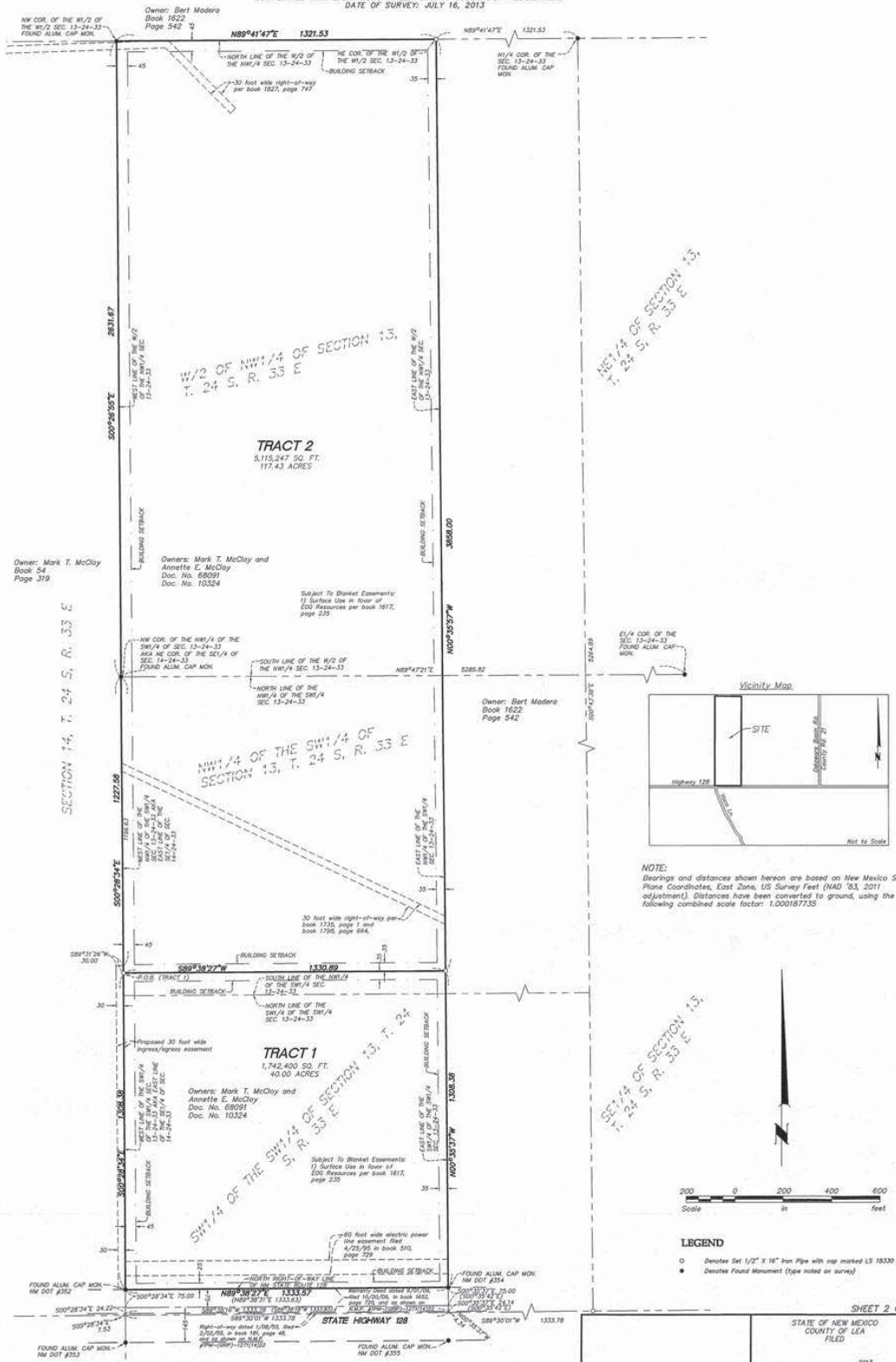


Figure C.19. Project area map (19 of 19).

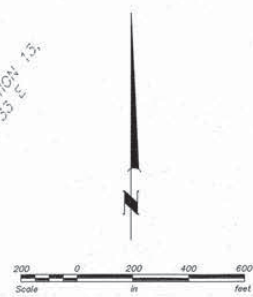
PLAT OF SURVEY

IN THE W/2 OF THE W/2 OF SECTION 13, T. 24 S., R. 33 E., N.M.P.M.,
 LEA COUNTY, NEW MEXICO, U.S.A.

PURPOSE OF SURVEY: CREATE PARCEL FOR SUBSTATION SITE IN
 COMPLIANCE WITH EXEMPTIONS IN LEA COUNTY SUBDIVISION REGULATIONS
 DATE OF SURVEY: JULY 16, 2013



NOTE:
 Bearings and distances shown hereon are based on New Mexico State Plane Coordinates, East Zone, US Survey Feet (NAD '83, 2011 adjustment). Distances have been converted to ground, using the following combined scale factor: 1.00018733



LEGEND
 • Denotes Set 1/2" x 16" Iron Pipe with cap marked LS 18330
 ○ Denotes Found Monument (Type noted on survey)

SURVEYOR'S CERTIFICATION:
 I, Nathan H. Carlson, New Mexico Professional Surveyor No. 18330, do hereby certify that this Plat of Survey was prepared from field notes of an actual ground survey performed by me or under my supervision, that it accurately meets the standards for land surveys in New Mexico as adopted by the New Mexico State Board of Registration for Professional Engineers and Professional Surveyors.

Nathan H. Carlson
 Nathan H. Carlson, N.M.P.S. No. 18330
 11/16/2013
 Date



Westwood
 Westwood Professional Services, Inc.
 5001 North MacArthur Blvd., Suite 500
 Irving, TX 75038
 PHONE 972.793.3000
 TOLL FREE 1-888-957-6100
 www.westwood.com

SHEET 2 OF 2
 STATE OF NEW MEXICO
 COUNTY OF LEA
 FILED
 _____ 2013
 AT _____ O'CLOCK _____ M AND RECORDED IN
 BOOK _____
 PAGE _____
 PAT CHAPPELLE, LEA COUNTY CLERK
 BY _____ DEPUTY

This is a true and correct copy of the original
filed in the office of the County Clerk
Elliott & Wateron Title & Abstract Co., Inc.
By Martinez

25-
a

GF#14 - 164W3

18567
WARRANTY DEED

Mark T. McCloy and Annette E. McCloy, husband and wife

for consideration paid grants to

Southwestern Public Service Company, a New Mexico corporation,

whose address is P.O. BOX 1261 AMARILLO, TX 79105-1261

the following described real estate in LEA county, New Mexico:

FOR SURFACE TITLE ONLY

Tract One (1) of the Plat of Survey, dated 1-15-14, filed 1-30-14, in Book 2, Page 180, Survey Records, Lea County, New Mexico and being further described as follows:

That part of the Southwest Quarter of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 13, Township 24 South, Range 33 East, New Mexico Principal Meridian, Lea County, New Mexico; Commencing from the northwest corner of said Northwest Quarter of the Southwest Quarter of Section 13; thence South 00 degrees 28 minutes 34 seconds East, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 1227.58 feet to the point of beginning; thence South 00 degrees 28 minutes 34 seconds East, along said west line, and along the west line of said Southwest Quarter of the Southwest Quarter, a distance of 1308.38 feet to the north right-of-way line of New Mexico State Route 128 per Warranty Deed filed in Book 1652, Page 720 of Lea County Clerk's Office; thence North 89 degrees 38 minutes 27 seconds East, along said north right-of-way line, a distance of 1333.57 feet to the east line of the Southwest Quarter of the Southwest Quarter of said Section 13; thence North 00 degrees 35 minutes 37 seconds West, along said east line, and along the east line of the Northwest Quarter of the Southwest Quarter of said Section 13 a distance of 1308.38 feet; thence South 89 degrees 38 minutes 27 seconds West, a distance of 1330.89 feet to the Point of Beginning.

EXCLUDING ANY AND ALL WATER RIGHTS APPURTENANT THERETO

Subject to reservations, restrictions and easements appearing of record.

With warranty covenants.

WITNESS our hands and seals on 4/15/14

Mark T. McCloy
MARK T. MCCLOY

Annette E. McCloy
ANNETTE E. MCCLOY

STATE OF NEW MEXICO)
)ss
COUNTY OF LEA)

This instrument was acknowledged before me on 4/15/14, by Mark T. McCloy and Annette E. McCloy, husband and wife

Martinez
Notary Public

RETURN TO: GRANTEE

My commission expires :
OFFICIAL SEAL
Marleen Ontiveros
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 06/01/15