

BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE PROMULGATION AND)
ESTABLISHMENT OF THE RULES AND)
REGULATIONS OF THE COLORADO OIL AND)
GAS CONSERVATION COMMISSION,)
BROOMFIELD COUNTY, COLORADO

CAUSE NO. 523
DOCKET NO. 1208-GA-14

NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

§ 24-65.5-101 C.R.S. (2011), provides that, "this article afford a streamlined procedure for providing notice to owners of mineral interests concerning impending surface development and to facilitate the negotiation of a surface use agreement providing for the joint use of the surface and a mechanism for resolution if an agreement is not reached."

§ 24-65.5-102(5.6) C.R.S. (2011), provides that, "oil and gas operations area' means an area designated pursuant to § 24-65.5-103.5 as the exclusive area for the conduct of oil and gas drilling and production operations and the location of associated production facilities in qualified surface developments."

§ 24-65.5-102(5.7) C.R.S. (2011), provides that, "qualifying surface development' means an application for development covering at least one hundred sixty gross acres, plus or minus five percent, within the greater Wattenberg area, including any applications for development filed by affiliates sharing a common boundary, in whole or in part."

§ 34-60-102(1)(a)(I) C.R.S. (2011), provides that, "it is in the public interest to foster the responsible, balanced development, production, and utilization of the natural resources of oil and gas in a manner consistent with protection of public health, safety, and welfare, including the protection of the environment and wildlife resources."

§ 34-60-106(2)(d) C.R.S. (2011), provides that, "the Commission has the authority to regulate oil and gas operations so as to prevent and mitigate significant environmental impacts to any air, water, soil, or biological resource resulting from oil and gas operations to the extent necessary to protect public health, safety, and welfare, including protection of the environment and wildlife resources, taking into consideration cost-effectiveness and technical feasibility."

§ 34-60-127 C.R.S., provides that, "an operator shall conduct oil and gas operations in a manner that accommodates the surface owner by minimizing intrusion upon and damages to the surface of the land," C.R.S. § 34-60-127(1)(a) (2011), by "selecting alternative locations for wells, roads, pipelines, or production facilities, or employing alternative means of operation, that prevent, reduce, or mitigate the impacts of the oil and gas operations on the surface, where such alternatives are technologically sound, economically practicable, and reasonably available to the operator." C.R.S. § 34-60-127(1)(b) (2011).

On August 1, 2002 (amended September 2005), the Commission issued Order No. 523-1 which, among other things, established a Surface Use Plan designating approved well site locations within the Stillwater Planned Unit Development, and approved drilling and facility operation provisions for the safe and orderly development of the oil and gas resources underlying the Planned Unit Development.

On July 20, 2012 (amended August 29, 2012), The City and County of Broomfield ("Broomfield" or "Applicant"), by its attorneys, filed with the Commission pursuant to § 34-60-116 C.R.S., a verified amended application ("Amended Application") for an order to: 1) establish two Oil and Gas Operation Areas ("OGOAs"), located at the Livingston Location ("Livingston") and the Northern Location ("Northern"), within the below-described lands ("Application Lands"), that will enable compatible surface use for oil and gas operations and related activities limited to the Livingston and Northern locations within the Application Lands; 2) that any surface access for oil and gas operations and related activities be limited to the Livingston and Northern locations within the Application Lands, including access roads and pipeline easements associated therewith; 3) require any applications for permits to drill, approved permits to drill or location permits to conform and are restricted to the Livingston and Northern locations within the Application Lands; and 4) any subsequent order, rule or regulation issued establishing spacing and/or well density within the

Livingston and Northern locations within the Application Lands be deemed to include and incorporate by reference the provisions of the Application:

The Application Lands that are subject to this Amended Application are described as follows:

A parcel of land described as Parcel 1 in Special Warranty Deed between Hoopes Farm, LLC and the City and County of Broomfield, dated May 20, 2005 as recorded at Reception No. 2005006594, on May 20, 2005, City and County of Broomfield, State of Colorado;

and, Anthem Filing No. 22, Tract EE as recorded at Reception No. 2009003716, on March 31, 2009, City and County of Broomfield, State of Colorado.

The legal description for the Livingston Location, OGO A No. 1 is described as follows:

Township 1 South, Range 68 West, 6th P.M.
Section 7: Livingston Location (OGO A No. 1):

"A PARCEL OF LAND FOR BEING LOCATED IN SECTION 7, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF BROOMFIELD, STATE OF COLORADO.

COMMENCING AT THE EAST QUARTER OF SAID SECTION 7, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP SET ON A #6 REBAR, PLS 24942, AND CONSIDERING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 7, AS MONUMENTED AT THE CENTER QUARTER CORNER OF SAID SECTION 7 BY A 3-1/4" ALUMINUM CAP ON A #6 REBAR, PLS 35597, AS BEARING SOUTH 88°21'11" WEST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983/92, A DISTANCE OF 2628.30 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

TENCE S 37°28'12" W A DISTANCE OF 659.02 FEET TO THE **POINT OF BEGINNING**;

TENCE S 00°20'58" W A DISTANCE OF 161.95 FEET TO A POINT OF A CURVE TANGENT TO THIS COURSE;

TENCE ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT A DISTANCE OF 392.53 FEET, SAID CURVE HAS A RADIUS OF 250.00 FEET, A DELTA OF 89°57'42" AND IS SUBTENDE BY A CHORD BEARING S 45°19'49" W A DISTANCE OF 353.43 FEET TO A POINT OF TANGENCY;

TENCE N 89°41'20" W A DISTANCE OF 216.64 FEET TO A CURVE NON-TANGENT TO THIS COURSE;

THEN ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT A DISTANCE OF 650.50 FEET, SAID CURVE HAS A RADIUS OF 635 FEET, A DELTA OF 58°41'41" AND IS SUBTENDE BY A CHORD BEARING N 48°53'28" E A DISTANCE OF 622.43 FEET TO A POINT OF TANGENCY AND THE **POINT OF BEGINNING**;

SAID DESCRIBED PARCEL OF LAND CONTAINS 116,925 SQ. FT. OR 2.68 ACRES, MORE OR LESS."

The legal description for the Northern Location, OGO A No. 2 is described as follows:

Township 1 South, Range 68 West, 6th P.M.
Section 7: Northern Location (OGO A No. 2):

"A PARCEL OF LAND FOR BEING LOCATED IN SECTION 7, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF BROOMFIELD, STATE OF COLORADO.

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 7, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP SET ON A #6 REBAR, PLS 24942, AND CONSIDERING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 7, AS MONUMENTED AT THE CENTER QUARTER CORNER OF SAID SECTION 7 BY A 3-1/4" ALUMIXUM CAP ON A #6 REBAR, PLS 35597, AS BEARING SOUTH 88°21'11" WEST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983/92, A DISTANCE OF 2628.30 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE S 47°27'13" W A DISTANCE OF 376.84 FEET TO THE POINT OF BEGINNING;

THENCE S 80°52'51" W A DISTANCE OF 491.77 FEET TO A POINT OF A CURVE NON-TANGENT TO THIS COURSE;

THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT A DISTANCE OF 391.28 FEET, SAID CURVE HAS A RADIUS OF 200 FEET, A DELTA OF 112°05'32" AND IS SUBTENDEDED BY A CHORD BEARING S 74°11'32" W A DISTANCE OF 331.79 FEET TO A POINT OF A CURVE NON-TANGENT TO THIS COURSE;

THENCE ALONG ARC OF A CURVE CONCAVE TO THE RIGHT A DISTANCE OF 138.48 FEET, SAID CURVE HAS A RADIUS OF 200.00 FEET, A DELTA OF 39°40'16" AND IS SUBTENDEDED BY A CHORD BEARING N 21°32'16" W A DISTANCE OF 135.73 FEET TO A POINT OF TANGENCY;

THENCE NORTH 00°31'19" E A DISTANCE OF 227.81 FEET TO POINT OF A CURVE TANGENT TO THIS COURSE;

THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT A DISTANCE OF 254.70 FEET, SAID CURVE HAS A RADIUS OF 200.00 FEET, A DELTA OF 72°58'02" AND IS SUBTENDEDED BY A CHORD BEARING N 37°00'20" E A DISTANCE OF 237.84 FEET TO A POINT OF TANGENCY;

THENCE N 73°29'21" E A DISTANCE OF 156.36 FEET TO POINT OF A CURVE TANGENT TO THIS COURSE;

THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT A DISTANCE OF 59.55 FEET, SAID CURVE HAS A RADIUS OF 200.00 FEET, A DELTA OF 17°03'33" AND IS SUBTENDEDED BY A CHORD BEARING N 82°01'07" E A DISTANCE OF 59.33 FEET TO A POINT OF TANGENCY; THENCE S 89°27'07" E A DISTANCE OF 304.86 FEET TO POINT OF A CURVE TANGENT TO THIS COURSE;

THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT A DISTANCE OF 314.20 FEET, SAID CURVE HAS A RADIUS OF 200.00 FEET, A DELTA OF 90°00'40" AND IS SUBTENDEDED BY A CHORD BEARING S 44°26'47" E A DISTANCE OF 282.87 FEET TO A POINT OF TANGENCY;

THENCE S 00°33'33" W A DISTANCE OF 223.49 FEET TO THE POINT OF BEGINNING;

SAID DESCRIBED PARCEL OF LAND CONTAINS 422,065 SQ. FT. OR 9.69 ACRES, MORE OR LESS.”;

NOTICE IS HEREBY GIVEN, pursuant to: 1) the general jurisdiction granted to the Oil and Gas Conservation Commission of the State of Colorado (Commission) under § 34-60-105 C.R.S.; 2) specific powers granted pursuant to § 34-60-106 C.R.S.; 3) the Colorado Administrative Procedures Act at § 24-4-105 C.R.S.; and 4) the Commission's Series 500 Rules at 2CCR 404-1, that the Commission has scheduled the above-entitled matter for hearing on:

Date: Monday, October 1, 2012
Tuesday, October 2, 2012

Time: 9:00 a.m.

Place: Routt County Justice Center
1955 Shield Drive
Steamboat Springs, CO 80487

In accordance with the Americans with Disabilities Act, if any party requires special accommodations as a result of a disability for this hearing, please contact Margaret Humecki at (303) 894-2100 ext. 5139, prior to the hearing and arrangements will be made.

Pursuant to said hearing in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the Commission will enter such orders as it deems appropriate to protect the health, safety and welfare of the public and to prevent the waste of oil and gas, either or both, in the operations of said field, and to carry out the purposes of the statute.

In accordance with Rule 509., any interested party desiring to protest the granting of the application or to intervene on the application should file with the Commission a written protest or intervention no later than September 17, 2012, briefly stating the basis of the protest or intervention. Such interested party shall, at the same time, serve a copy of the protest or intervention to the person filing the application. An original and 13 copies shall be filed with the Commission. **Anyone who files a protest or intervention must be able to participate in a prehearing conference during the week of September 17, 2012.** Pursuant to Rule 503.g., if a party who has received notice under Rule 503.b. wishes to receive further pleadings in the above-referenced matter, that party must file a protest or intervention in accordance with these rules. In accordance with the practices of the Commission, should no protests or interventions be filed in this matter by **September 17, 2012, the Applicant may request that an administrative hearing be scheduled beginning September 17, 2012.** In the alternative, pursuant to Rule 511., if the matter is uncontested, the applicant may request, and the Director may recommend approval on the basis of the merits of the verified application and the supporting exhibits.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By 
Robert J. Frick, Secretary

Dated: September 13, 2012

Colorado Oil and Gas Conservation
Commission
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