

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

IN THE MATTER OF THE APPLICATION OF THE) CAUSE NO. 407
BOARD OF COUNTY COMMISSIONERS FOR)
BOULDER COUNTY FOR AN ORDER TO APPLY THE) DOCKET NO. 1306-GA-02
WATER SAMPLING PROVISIONS OF RULE 609)
INSTEAD OF RULE 318A.e(4), RETROACTIVE TO MAY)
1, 2013, WITHIN THE UNINCORPORATED PORTIONS)
OF BOULDER COUNTY, TOWNSHIPS 1 SOUTH TO 3)
NORTH, RANGE 69 WEST, 6TH P.M., WATTENBERG)
FIELD, BOULDER COUNTY, COLORADO)

NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

On December 5, 2005, the Oil and Gas Commission of the State of Colorado ("Commission") entered Order No. 1R-100 which, among other things, defined the Greater Wattenberg Area ("GWA"), as those lands from and including Townships 2 South to 7 North and Ranges 61 West to 69 West, 6th P.M. Further, Order No. 1R-100 established water well sampling protocols applicable to a portion of the lands within the GWA, specifically identified as follows:

Township 1 North, Ranges 66 West through 68 West; Township 1 North, Range 69 West: E½; Township 2 North, Ranges 64 West through 68 West; Township 2 North: E½; Township 3 North, Ranges 64 West through 67 West; Township 4 North, Ranges 63 West through 67 West; Township 5 North, Ranges 63 West through 67 West; Township 6 North, Ranges 63 West through 66 West, 6th P.M. ("GWA Infill").

Rule 318.A.a. (as of May 1, 2013), defines the GWA lands as those lands from and including Townships 2 South to 7 North and Ranges 61 West to 69 West, 6th P.M., without reference to the previously defined lands encompassing the GWA Infill.

Rule 318A.e(4) (as of May 1, 2013), governs the water sampling protocols for Oil Wells, Gas Wells (hereinafter "Oil or Gas Wells"), Multi-Well Sites, and Dedicated Injection Wells within the GWA. Amended Rule 318.A.e(4) applies to all the original designated GWA property, including the GWA properties that lie within unincorporated Boulder County, Colorado. Amended Rule 318A.e(4) requires an initial baseline sample and subsequent monitoring sample to be collected from one available water source in the governmental quarter section in which a Well is located. If a sampling location has previously been established within the governmental quarter section, and sampled within the prior sixty (60) months before spudding, no initial baseline sample is required for a new Well. Further, if there is no available water source within the governmental quarter section where a proposed new Well is located, then an available water source from a previously un-sampled governmental quarter section within a one-half mile radius of the proposed Well, if any, shall be sampled.

Revised Rule 609 (as of May 1, 2013), governs Statewide Groundwater Baseline Sampling and Monitoring for new Oil or Gas Wells, Multi-Well Sites, and Dedicated Injection Wells statewide, with the exception of the GWA. This rule provides that initial baseline samples

and subsequent monitoring samples shall be collected from all available water sources up to the maximum of four (4) within a one-half mile radius of a proposed new Well. Further, rather than one subsequent sampling event, Rule 609 provides that one water well sampling event shall be conducted between six (6) and twelve (12) months and a second subsequent sampling event shall be conducted between sixty (60) and seventy-two (72) months following completion of the new Well.

On April 17, 2013, the Board of County Commissioners of Boulder County ("Boulder County" or "Applicant"), by its attorneys, filed with the Commission pursuant to §34-60-105(1) C.R.S. and §34-60-106(2)(d) C.R.S. a verified application ("Application") requesting the Commission enter an order, retroactive to May 1, 2013, to apply the water sampling provisions of recently adopted Rule 609 instead of the water sampling provisions of Amended Rule 318A.e(4) for all new Oil or Gas Wells, the first well on a Multi-Well Site, or a Dedicated Injection Well located within unincorporated Boulder County, Colorado for *Township 1 South to 3 North, Range 69 West, 6th P.M.* ("Application Lands").

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

Date: Monday, June 17, 2013
Tuesday, June 18, 2013

Time: 9:00 a.m.

Place: Two Rivers Convention Center
159 Main Street
Grand Junction, Colorado 81501


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 June 3, 2013, 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. One electronic, one original and two 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 June 3, 2013.** 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 **June 3, 2013, the Applicant may request**

that an administrative hearing be scheduled beginning June 3, 2013. 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: May 20, 2013

Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, Colorado 80203
Website: <http://cogcc.state.co.us>
Phone: (303) 894-2100
Fax: (303) 894-2109

Attorneys for the Board of County
Commissioners of Boulder County:
Jeffery P. Robbins
Goldman, Robbins & Nicholson, P.C.
679 E. 2nd Avenue, Suite C
P.O. Box 2270
Durango, CO 81302
(970) 259-8747
robbins@grn-law.com