



Colorado Farm Bureau
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Mission:

The Colorado Farm Bureau, as the premier grassroots organization, promotes the future of agriculture and protects rural values.

September 7, 2012

Mr. Matt Lepore, Director
Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

Dear Director Lepore,

Colorado Farm Bureau is the largest general agricultural grassroots organization in Colorado and we have over 23,000 members throughout the state. We promote all agricultural interests from apiculture (bees) to zucchini. Agriculture is the 2nd largest industry in Colorado and Farm Bureau is a leader in providing rural Colorado with continuous representation at the local, state and federal level where we seek to enhance the agricultural industry and protect the rural lifestyle. Among the values we seek to protect and enhance is private property rights. Many Colorado Farm Bureau members have vested property rights in either the surface, minerals, or both that would be affected by a change in the setback rule, therefore we are submitting our recommendation in regards to the well to building setback that is contained in rule 603.

Colorado farmers and ranchers livelihood's are garnered from their ability to utilize the land. For a strong and thriving agricultural industry, we must maintain this ability. At the same time, we must recognize other property right interests, mineral rights to be specific, might be at stake and find solutions that minimize impacts to both parties. Both of these rights must be respected and this has mostly been achieved by the application of surface use agreements, contracts and leases. The current rules allow for the flexibility needed to maintain this balance for both interests to benefit.

It has also been suggested that Best Management Practices or BMPs be included in a new rule. Colorado Farm Bureau believes it unwise to include a standard of BMPs that every operator must follow as there are different issues for each well. An operator and surface owner must have the flexibility to reach an agreement that works for their particular situation. The rules need to be flexible enough to allow a well be drilled on a parcel of land with a residence but not require it be in the middle of an irrigated field, which would have serious impact on the use of the surface.

Lastly, some have proposed that the minimum setback distance be increased. Even though the proponents for increasing the setback have added a different perspective and provoked needed discussion, they have not supplied any scientific basis for the increases and instead have given only arbitrary numbers and anecdotal evidence. Any change in the existing regulations must be codified by peer-reviewed science. In addition, it should be pointed out that it is common practice to put wells at a greater

distance than what is already required while the rules still allow the flexibility to determine the best approach for each well.

Colorado Farm Bureau strongly believes that the current setback distances are adequate. We further believe that arbitrarily increasing setbacks would have a detrimental impact to property rights by reducing the ability to harvest the natural resources, by making it more difficult to develop those resources or residential development on the land, while creating a larger impact to the surface, while providing no measurable or quantifiable benefits. The current rules allow for the flexibility to address the differing needs of individual wells, maximizing both the use of the surface and minerals and maintaining public health standards that benefit of all Colorado. With that, Colorado Farm Bureau appreciates the time and effort that was invested in this endeavor and strongly recommends to the Commission that no changes be made to the current setback rules at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Bredenkamp". The signature is written in a cursive style with a large initial "T".

Troy Bredenkamp
Executive Vice President