

Gunnison County

C O L O R A D O

DAVID BAUMGARTEN • COUNTY ATTORNEY
THOMAS A. DILL • DEPUTY COUNTY ATTORNEY

RECEIVED

OCT -7 03

COGCC

October 6, 2003

Patricia C. Beaver
Colorado Oil & Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203



RE: Gunnison Energy Corporation's Verified Application For A Variance Approving An Extension of Time To Commence Operations On Previous Approved Applications For Permits To Drill, Docket No.0310-GA-05

Dear Ms. Beaver:

Enclosed for the Commission's consideration, please find the original and nine (9) copies of The Board of County Commissioners' Of The County of Gunnison, Colorado Motion To Intervene In Response To Gunnison Energy Corporations' Verified Application For A Variance Approving An Extension Of Time To Commence Operations On Previously Approved Applications For Permits To Drill.

Thank you for your assistance.

Truly yours,

A handwritten signature in black ink that reads "David Baumgarten".

David Baumgarten
Gunnison County Attorney

Enclosures

xc: John DeVore
Joanne Williams

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

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COGCC

IN THE MATTER OF APPLICATION)
FOR PERMITS TO DRILL NOS:) Docket No: 0310-GA-05
20021890, 20021891, 20022267, 20022268)
20022269, 20022270, 20022271, 20022272)

**THE BOARD OF COUNTY COMMISSIONERS' OF THE COUNTY OF GUNNISON,
COLORADO MOTION TO INTERVENE IN RESPONSE TO GUNNISON ENERGY
CORPORATION'S VERIFIED APPLICATION FOR A VARIANCE APPROVING AN
EXTENSION OF TIME TO COMMENCE OPERATIONS ON PREVIOUSLY
APPROVED APPLICATIONS FOR PERMITS TO DRILL**

COMES NOW, The Board of County Commissioners of the County of Gunnison, Colorado, by and through David Baumgarten, County Attorney, and respectfully states as follows:

1. The Board of County Commissioners of the County of Gunnison, Colorado is the governing body of Gunnison County, Colorado, which is a political subdivision of the State of Colorado with all powers as granted by the Colorado Constitution and granted or left to it by state and federal statute. Gunnison County has the authority to plan for and regulate the use of land in Gunnison County so as to provide for planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights. See C.R.S. §29-20-104(1)(h).
2. Gunnison County has legally adopted the "Gunnison County, Colorado Temporary Regulations For Oil And Gas Operations" ("Regulations") to fully exercise all authority and power conferred on Gunnison County or reserved to Gunnison County by the United States Constitution, the Colorado Constitution and the statutes of the State of Colorado for purposes including but not limited to the protection of public health, safety and welfare; environmental protection; and regulation of land based on impacts of development occurring within Gunnison County. These Regulations are presumed to be valid and constitutional.
3. The Regulations require that "All Oil and Gas Operations in the unincorporated areas on public and private land within the County shall comply with these Regulations." Gunnison County, Colorado Temporary Regulations For Oil And Gas Operations, Section 1-103.A.

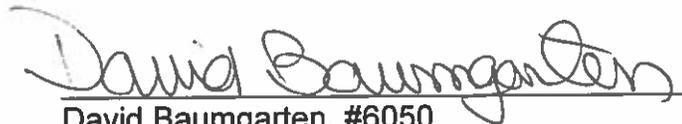
4. Under Section 1-113(G), Oil and Gas Operations are defined as "Exploration for oil or gas, including but not limited to conventional oil and gas and coalbed methane gas; the siting, drilling, deepening, recompletion, reworking, refracturing or abandonment of an oil and gas well; production facilities and Operations including the installation of flow lines and gathering lines; construction, site preparation, reclamation and related activities associated with the development of oil and gas resources.

5. Under Section 1-103.B. of the Regulations, Gunnison Energy Corporation must apply to Gunnison County for approval of Gunnison Energy Corporation's proposed work at the wells located in Gunnison County.

6. To date, Gunnison Energy Corporation has not made the necessary application to Gunnison County.

WHEREFORE, for the above stated reasons, the Board of County Commissioners of the County of Gunnison, Colorado requests that prior to any further approvals by the Colorado Oil & Gas Conservation Commission, that a requisite of the Commission's approval be that Gunnison Energy Corporation comply with the Gunnison County, Colorado Temporary Regulations For Oil And Gas Operations prior to commencing any work on the wells located in Gunnison County, namely the Hawksnest Federal 13-90, #1-2 Well and the Thompson Creek Federal 12-90,#1-35 Well.

Respectfully submitted this 6 day of October, 2003.



David Baumgarten, #6050
Gunnison County Attorney
200 E. Virginia
Gunnison, CO 81230

CERTIFICATE OF MAILING

I certify that on the 6 day of October, 2003, a copy of the foregoing was mailed via U.S. mail, prepaid postage to following;

Peter A. Bjork
David R. Little
Robert C. Mathes
Bjork Lindley Little, P.C.
1600 Stout Street, Suite 1400
Denver, CO 80203

Robert L. Storch
Forest Supervisor
Grand Mesa-Uncompahgre-Gunnison National Forest
2250 Highway 50
Delta, CO 81416

Allen J. Belt
Field Manager
Uncompahgre Field Office
2505 South Townsend Avenue
Montrose, CO 81401

Bruce Bertram
Delta County Local Desginnee
501 Palmer Street, Suite 227
Delta, CO 81416-1796

A handwritten signature in blue ink, reading "Brenda A. Carson", written over a horizontal line.