



Section 19: NE1/4NE1/4, T4S, R64W, 6<sup>th</sup> P.M., Arapahoe County, CO (for the Watkins #4-64-19-IH Well)

Section 30: SW1/4NW1/4, T4S, R64W, 6<sup>th</sup> P.M., Arapahoe County, CO (for the Watkins #30-5-5GH, 30-5-4H, 30-5-5H, 30-5-8H Wells)

For each of the above locations, the particular WRA or WRA II entity and Burlington entered into a written surface use agreement.

4. Although there were approximately 18 months of negotiations and exchanges of drafts for the proposed Chico Wells' surface use agreement during 2014 and 2015 when the first Chico Wells location and drilling permits were approved, November 19, 2015, the parties did not reach an agreement. The Chico Wells Form 2 APD expired in November, 2017.

5. In November, 2017, WRA negotiated and eventually gave permission to Burlington on November 14, 2017 to survey a possible location in Section 19: NW1/4SW1/4. During these negotiations, Burlington did not inform WRA that it had, on October 30, 2017, filed a new APD for the Chico Wells with the Commission. Thereafter, Burlington sent form surface use agreement proposals for that Section 19 on December 21, 2017 and for the Chico location in Section 25 on December 18, 2017. Neither letter disclosed that the Chico Wells APD had been filed the previous October. Also, the proposed surface use agreement forms did not track the 2015 version of the Chico Wells surface use agreement that had already been negotiated for many months.

6. The undersigned emailed one of Burlington's representatives, Michael Matison, in response to his December, 2017 letters, requesting a meeting. In that email, Burlington was requested by WRA to consider development of Section 25 and 26 minerals from its existing pad in Section 30, which would eliminate the need for the Chico Wells location.

7. WRA and Burlington met on January 22, 2018 to discuss Burlington's request for a location in Section 19. Burlington did not disclose that the Chico Wells APD had been filed with the Commission the previous October.

8. It was not until after Burlington wrote to WRA on March 1, 2018 to provide 30-day notice to enter the Chico Wells location with heavy equipment that WRA learned of the new October 30, 2017 Chico Wells APD and its approval on February 25, 2018.

## B. RATIONALE AND LEGAL AUTHORITY

9. The 30-day notice communication depicts the Chico Wells location differently than originally approved in November, 2015. The location now includes two new detention ponds located in two corners of the pad. WRA was not given the opportunity to oppose this expansion of the location or to negotiate alternate locations that would be less damaging to WRA and less harmful to the public health, safety and welfare prior to the approval of the Chico Wells APD as required by § 34-60-102(1)(a)(I) in the development of oil and gas. The different

location drawings are attached as Exhibit A and incorporated herein by this reference which compare Burlington's 2015 (Form 2A) and 2018 (Statutory Notice) drawings of the Chico Wells location.

10. WRA believes that using Burlington's Section 30 pad, expanded for the Chico Wells, is a better alternative for developing the Section 25 minerals. This location would result in less surface damage to WRA property, and would reduce impacts upon the public's health, safety and welfare because this alternate is closer to production gathering lines than the permitted location. Moreover, the Section 30 location is lower than a pad site would be on Section 25 and better for the environment with views and by saving on impacts of additional roads and additional surface disturbance. In addition, alternate locations in Section 25 (additional Chico wells) or Section 27 (Cottonwood Creek #4-65 27-28 wells) are available and would remove locations from WRA's surface altogether. The alternate locations are shown in Exhibit B attached hereto and incorporated herein by this reference. WRA has obtained Aurora approval of annexation into the City, and its Framework Development Plan, pending approval and recording, will allow urban density residential development on its properties.

11. Ordinarily, the surface owner is provided advanced notice of locations and APDs before they are filed. That is why the Commission rules provide for advanced notice to the surface owner under Rule 305. In addition, the Commission's Surface Owner Policies and Rule 306 contemplate that with advanced notice, the surface owner would have the ability to request Staff-attended consultation between operator and surface owner. WRA was not given notice of the new APD even though there were numerous opportunities to provide that notice and resume surface use agreement negotiations based on the form being exchanged in 2015.

WHEREFORE, for the foregoing reasons, WRA respectfully requests continued suspension of the Chico Wells APD, a hearing before the Commission to reconsider approval of the Chico Wells APD, the ability to present its alternate locations for consideration, and for such other relief as may be awarded to WRA.

Dated this 23<sup>rd</sup> day of March, 2018.

Respectfully submitted,

Watkins Road Associates, LLLP



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**CERTIFICATE OF SERVICE**

I hereby certify that, on March 23, 2018, Randall J. Feuerstein, Attorney for Watkins Road Associates, LLLP, caused the Application of Watkins Road Associates LLLP for Hearing on Approval of Chico Wells Permit to be emailed and hand-delivered and served as follows:

Colorado Oil and Gas Conservation Commission (Original + 2 copies)

Attn: Julie Murphy, Executive Director

1120 Lincoln Street, Suite 801

Denver, CO 80203

[Dnr\\_HearingApplications@state.co.us](mailto:Dnr_HearingApplications@state.co.us)

[julie.murphy@state.co.us](mailto:julie.murphy@state.co.us)

Colorado Oil and Gas Conservation Commission

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1120 Lincoln Street, Suite 801

Denver, CO 80203

[julie.prine@state.co.us](mailto:julie.prine@state.co.us)

Colorado Oil and Gas Conservation Commission

Attn: Jane Stanczyk, Permit and Technical Services Manager

1120 Lincoln Street, Suite 801

Denver, CO 80203

[Jane.stanczyk@state.co.us](mailto:Jane.stanczyk@state.co.us)

**VIA Email and US Mail to:**

Jamie L. Jost, Esq.

Jost Energy Law, P.C.

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Michael J. Matison

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\_\_\_\_\_  
Randall J. Feuerstein

**VERIFICATION**

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Arapahoe )

Steve Cohen of lawful age, being first duly sworn upon oath, deposes and says that he is a Partner at Watkins Road Associates, LLLP, and that he has read the foregoing Application of Watkins Road Associates LLLP for Hearing on Approval of Chico Wells Permit and that the matters therein contained are true to the best of his knowledge, information and belief.

  
Name: Steve Cohen  
Title: Partner, Watkins Road Associates, LLLP

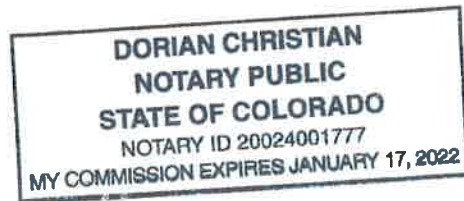
Subscribed and sworn to before me this 23<sup>rd</sup> day of March, 2018.

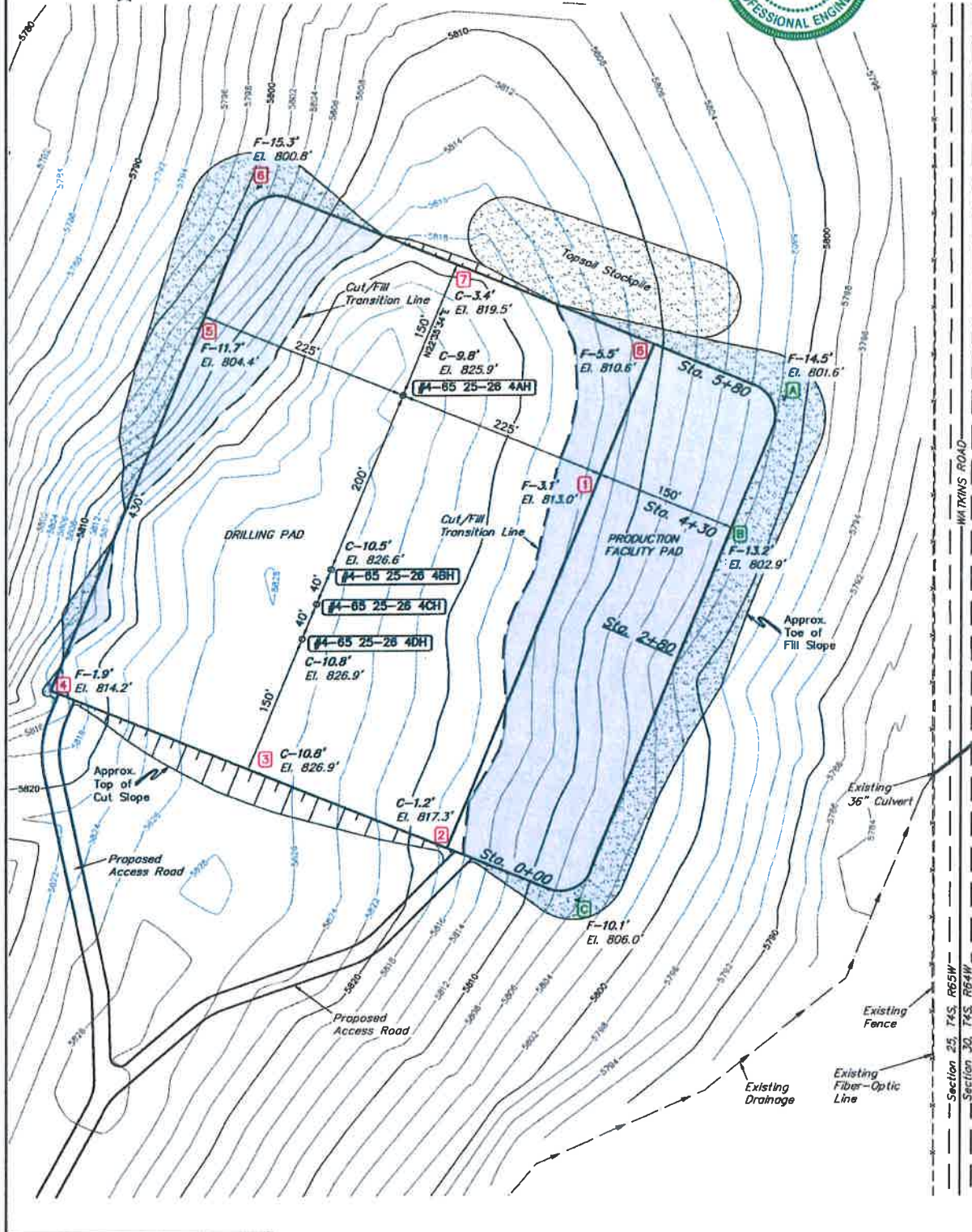
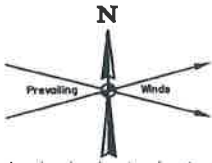
Witness my hand and official seal.

[SEAL]

My commission expires: 01/17/22

  
\_\_\_\_\_  
Notary Public





FINISHED GRADE ELEVATION = 5816.1'

- NOTES:**
- Round corners at 33' radius or as needed.
  - Contours shown at 2' intervals.

2015

**ConocoPhillips Company**

CHICO #4-65 25-26 4DH, 4CH, 4BH & 4AM  
 SE 1/4 SE 1/4, SECTION 25, T4S, R65W, 6th P.M.  
 ARAPAHOE COUNTY, COLORADO



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DRAWN BY: K.B.	DATE DRAWN: 06-05-15
SCALE: 1" = 100'	REVISED: 06-30-15 J.W.

**CONSTRUCTION LAYOUT FIGURE #1**



# ALTERNATIVE WATKINS ROAD AREA DEVELOPMENT SCHEMES

