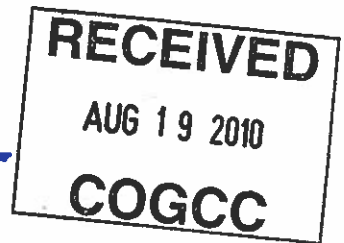


ORIGINAL



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

IN THE MATTER OF AN APPLICATION OF  
KIT CARSON COUNTY, COLORADO  
SEEKING AN ORDER FOR EXEMPTION FROM  
VISUAL IMPACT MITIGATION REQUIREMENTS  
OF RULE 804

CAUSE NO.

DOCKET NO.

Kit Carson County, by and through undersigned counsel, hereby files this Application with the Oil and Gas Conservation Commission of the State of Colorado ("Commission") for an order seeking exemption from the requirements of Commission Rule 804, Visual Impact Mitigation, and in support of its Application states and alleges as follows:

1. Production facilities associated with oil and gas operations are located within the Applicant's boundaries in the State of Colorado.
2. Rule 801 Of the Commission permits any Colorado county, home rule or statutory city, town, territorial charter city, or city and county to apply to the Commission for an exemption from any or all of the rules and regulations in the 800-Series for the Commission's Rules for all or a portion of the lands within its boundaries.
3. Applicant seeks an exemption from Rule 804, Visual Impact Mitigation, for all or a portion of the lands within its boundaries as described below:

All unincorporated lands within Kit Carson County, Colorado

4. Rule 804 requires that production facilities, regardless of construction date, that are observable from any public highway must be painted by September 1, 2010 with uniform, non-contrasting, non-reflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape.
5. Applicant believes that enforcement of Rule 804 is not necessary for the protection of public health, safety and welfare, or the environment on the Application Lands and thus the Application Lands should be exempted from this rule for the following reasons:
  - a) Oil and gas production facilities are not located where they will distract drivers on public highways.
  - b) The county is not densely populated, so aesthetics of the tanks and other

production facilities are not a concern.

6. The names and addresses of the interested parties, according to the information and belief of the Applicant, are set forth in Exhibit A attached hereto and made a part hereof.  
[Interested parties in this case are likely to be the surface owner and the operator where the production facilities are located.]
7. Applicant requests the Commission to set the Application for hearing and designate the Application Lands as exempt from Rule 804.

DATED this 18th day of August, 2010.

Respectfully Submitted,

WADE H. GATELEY  
COUNTY ATTORNEY, KIT CARSON COUNTY

By: Wade H. Gateley  
Wade H. Gateley  
P.O. Box 266, 366 14<sup>th</sup> Street  
Burlington, CO 8087  
(719)346-5427  
Fax (719)346-5453  
E-mail: gateleylaw@hotmail.com

### VERIFICATION

I, Jim Whitmore, Chairman of the Board of County Commissioners of Kit Carson County, hereby certifies that the facts asserted in this Application are true and correct to the best of my personal knowledge.

  
Jim Whitmore

STATE OF COLORADO       )  
  ) ss:  
COUNTY OF KIT CARSON    )

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of August, 2010, by Jim Whitmore, as Chairman of the Board of County Commissioners of Kit Carson County.

  
Notary Public

My Commission Expires: 05-07-2011



## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **APPLICATION FOR AN ORDER SEEKING EXEMPTION FROM RULE 804, VISUAL IMPACT MITIGATION**, has been mailed this 18<sup>th</sup> day of August, 2010 to the following entities that require notice of such filing:

Christopher & Patricia Bledsoe  
3374 CO RD D  
Flagler, CO 80815

Sean & Sharon Brenner  
34470 CO RD 48  
Burlington, CO 80807

Sean Brenner  
34470 CO RD 48  
Burlington, CO 80807

Jerry & Loahna Brenner  
51249 CO RD NN  
Burlington, CO 80807

Scott & Sandra Anderson  
1597 CO RD V  
Kirk, CO 80824

Larry & Judy Feldhausen  
16201 HWY 385  
Burlington, CO 80807

B & B Farms Inc  
48525 Hogan Ave  
Burlington, CO 80807

Schaal Land Company  
46881 HWY 24  
Burlington, CO 80807

Dennis & Le Etta Ridder  
48131 CO RD Y  
Burlington, CO 80807

Pfaffly Farms  
P.O. Box 106  
Stratton, CO 80836

Christopher & Patricia Bledsoe  
3374 CO RD D  
Flagler, CO 80815

Elsie Jean Walters Trust  
397 Oak St  
Burlington, CO 80807


Jack Lowe  
2801 CO RD 36  
Bethune, CO 80805

Unit Petroleum Company  
C/O KE Andrews & CO  
3615 S Huron St Suite 200  
Englewood, CO 80110

Rosewood Resources, Inc.  
C/O Ad Valorem Tax Dept.  
1601 Elm Street Suite 3400  
Dallas, TX 75201

Citation Oil & Gas Corp.  
Attn: Property Tax Dept.  
14077 Cutten Rd  
Houston, TX 77069

Ritchie Exploration Inc.  
P.O. Box 783188  
Wichita, KS 67278



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