



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

IN THE MATTER OF AN APPLICATION OF
WASHINGTON COUNTY
SEEKING AN ORDER FOR EXEMPTION FROM
VISUAL IMPACT MITIGATION REQUIREMENTS
OF RULE 804

CAUSE NO. (COGCC will determine)

DOCKET NO. (COGCC will determine)

Washington County ("Applicant"), 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 of 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 lands within Applicant's boundaries (Washington County);

Townships 1 North, 2 North, 3 North, 4 North, 5 North, Ranges 54 West, 53 West, 52 West, 51 West, 50 West, 49 West, and all sections included therein.

Townships 1 South, 2 South, 3 South, 4 South, 5 South, Ranges 56 West, 55 West, 54 West, 53 West, 52 West, 51 West, 50 West, 49 West, and all sections included therein

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.
 - c) The ad valorem taxes collected from the operators of producing oil and gas wells are an important source of revenue for Washington County. We believe this requirement, which would force most operators to incur additional operating expenses by repainting all or most of their equipment to a uniform tan color, could result in the premature plugging and abandonment of economically marginal producing wells.
 - d) The Board of County Commissioners for Washington County as a political subdivision of the state has taken an official position on this matter in February of this year by adoption of Resolution 57-1010 (see attached)
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 23rd day of July, 2010.

Respectfully submitted,

Washington County Attorney

By: 

Name: Peter Lawrence Vana III

Address: 150 Ash, Akron Colorado 80720

Telephone: 970.345.2701

Facsimile: 970.345.2702

Email: LVANA@CO.WASHINGTON.CO.US

VERIFICATION

We, Lea Ann Laybourn, Bruce Johnson and David Foy, being the duly elected Board of County Commissioners for the County of Washington, a political subdivision of the State of Colorado hereby certify that the facts asserted in this Application are true and correct to the best of my personal knowledge.

Lea Ann Laybourn
Lea Ann Laybourn, Chairman

Bruce Johnson
Bruce Johnson

David Foy
David Foy

STATE OF COLORADO)

County of Washington) ss:



SUBSCRIBED AND SWORN to before me this 23rd day of July, 2010, by Lea Ann Laybourn, Bruce Johnson and David Foy.

Valeria J Foutz
Notary Public

My Commission Expires: 6-17-2012

RESOLUTION 57-2010

It was moved by Commissioner Johnson and duly seconded by Commissioner Foy to adopt the following Resolution; to wit:

WHEREAS, the Board of County Commissioners has determined that it would be desirable to request an exemption from certain regulations adopted by the Colorado Oil and Gas Conservation Commission in the interests of the citizens of Washington County; and

WHEREAS, oil and gas production in Washington County is critical to the economy and well being of the citizens; and

WHEREAS; due to the land area of the County being over 2,500 square miles and the population base of approximately 4,926 within the County, the visual impact of oil and gas equipment is negligible; and

WHEREAS; pursuant to the language contained in 801. Introduction of the Rules and Regulations of the Colorado Oil and Gas Conservation Commission (COGCC) as adopted on April 1, 2009, this Board may request an exemption from 804. Visual Impact Mitigation relating to the repainting of oil and gas equipment a uniform tan color;

Whereas; at a regular Board meeting held on this date the Board has discussed this matter and therefore have determined to take the following action.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISISONERS OF WASHINGTON COUNTY, as follows:

1. The Board of County Commissioners hereby formally requests an exemption from the aforementioned Visual Impact Mitigation regulation relating to the repainting of all oil and gas equipment / activities located within Washington County to a uniform tan color.
2. The reason for this request is that this Board is of the opinion that enforcement of this rule is not necessary to ensure the protection of health, safety, and welfare of the citizens and residents of Washington County.
3. The ad valorem taxes collected from the operators of producing oil and gas wells are an important source of revenue for Washington County. We believe this requirement, which would force most operators to incur additional operating expenses by

repainting all of their equipment to a uniform tan color, could result in the premature plugging and abandonment of economically marginal producing wells.

4. Should the Colorado Oil and Gas Conservation Commission require any additional supporting documentation in order to grant this exemption, please contact the Washington County Administrator at 970.345.2701.

5. The Clerk to the Board is hereby directed to forward this resolution to the GOGCC as soon as possible to show the action taken by the Board on this date.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 16th day of February 2010 by Commissioner Johnson who moved its adoption. The motion was seconded by Commissioner Foy and on roll call vote, all votes being yes, the resolution was adopted.

Attest: Garland Wall



Lee Ann Gaybourn
Chairman

Benny Johnson
Commissioner

David Foy
Commissioner

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 28th day of July, 2010 to the following interested parties that require notice of such filing:

Name
Address

SEE ATTACHED

Name
Address

Name
Address



Val Foutz, Assistant to the Board

EXHIBIT "A"
(interested parties list continued)

BANEY RR OPERATING
1629 YORK STREET
SUITE 202
DENVER, CO 80206

BEREN CORPORATION
PO BOX 20380
WICHITA, KS 67208

BYRD CAROL W TRUSTEE
ARK-TRUST
8163 EAST 131 ROAD
WETUMKA, OL 74883-6227

CENTRAL OPERATING INC
1600 BROADWAY
SUITE #1050
DENVER, CO 80202

CORAL PRODUCTION CORP
CIO MARJORIE WALLACE
3820 WEST SARATOGA AVE
LITTLETON CO 80123

JACK CRUMLEY
PO BOX 494
AKRON, CO 80720

MIKE EDWARD DAVIS, LLC
200 RANCHO CIRCLE
LAS VEGAS, NV 89107

DECLAR OIL & GAS CO
PO BOX 1455
FT MORGAN CO 80701

CAERUS WASHCO, LLC
SUITE 1600 NORTH
600 17TH STREET
DENVER, CO 80202

DIAMOND OPERATING INC
6680 GUNPARK DRIVE
SUITE 100
BOULDER, CO 80301

ENERGY SEARCH COMPANY
CIO MARJORIE L WALLACE
3820 WEST SARATOGA AVE
LITTLETON CO 80123

FRITZLER RESOURCES INC
PO BOX 114
FORT MORGAN, CO 80701

GRAND MESA OPERATING
BUILDING 600
1700 NORTH WATERFRONT
PARKWAY
WICHITA, KS 67206

GRAYHORSE ENERGY
20 EAST 5TH STREET
SUITE 320
TULSA, OK 74103-4435

H&R WELL SERVICE
17509 COUNTY ROAD 14
FORT MORGAN, CO 80701

K P KAUFFMAN CO, INC
WORLD TRADE CENTER
1675 BROADWAY
28TH FLOOR
DENVER, 0 80202-4628

KESTREL RESOURCES
CIO THOMPSON PROPERTY
TAX SERVICES
PO BOX 113357
CARROLLTON TX 75011-3357

MAGPIE OPERATING INC
2707 S COUNTY ROAD 11
LOVELAND CO 80537

MARKUS PRODUCTION INC
621 17TH STREET, SUITE 1001
DENVER, CO 80293

MERIT ENERGY CO
C/O K E ANDREWS & CO
3625 SOUTH HURON ST,
SUITE 200
ENGLEWOOD, CO 80110

MOUNTAIN PETROLEUM
CORPORATION
1801 BROADWAY
SUITE 1250
DENVER, CO 80202

RECOVERY ENERGY, INC
2154 W EISENHOWER BLVD
LOVELAND, CO 80537

OTIS ENERGY
C/O ROBERT STANDLEY
327 SOUTH VINE
OTIS CO 80743

P & M PETROLEUM
518 17TH STREET
SUITE 1105
DENVER CO 80202

PADCO LLC
PO BOX 5275
BEVERLY HILLS, CA
90209-5275

PAPE OILFIELD SERVICE
PO BOX 66
BENNETT, CO 80120

PETRON DEVELOPMENT CO
1899 WEST LITTLETON BLVD
LITTLETON, CO 80120

PONCHO PRODUCTION CO
HC 2 BOX 14
KEYES, OK 73947

RENEGADE OIL & GAS CO
PO BOX 46413
AURORA, CO 80046-0413

RITCHIE EXPLORATION INC
PO BOX 783188
WICHITA, KS 67278-3188

SCHMID PROPERTIES
PO BOX 389
HICO, TX 76457

SCHNEIDER ENERGY
SERVICES INC
PO BOX 297
FORT MORGAN, CO 80701

SOVEREIGN ENERGY LLC
621 17TH STREET
SUITE 1520
DENVER, CO 80293

ST CROIX OPERATING
PO BOX 13799
DENVER, CO 80201-3799

STELBAR OIL CORP INC
1625 NORTH WATERFRONT
PARKWAY, SUITE 200
WICHITA, KS 67206-6602

EXHIBIT "A"
(interested parties list continued)

JAMES R STEPHENS
3604 SAN BAR LANE
COLLEYVILLE, TX 76034

TETON DJCO LLC
410 17TH STREET, SUITE 1850
DENVER CO 80202

TIMKA RESOURCES LTD
C/O TIM PIVONKA
2116 EAST HIGHWAY 402
LOVELAND, CO 80537

VISTA OPERATING INC 61
McMURRY ROAD, SUITE 300
PITTSBURGH, PA 15241

VISUAL OPTICS, INC
DBANIS-OP-OIL
PO BOX 951
STERLING CO 80751

WALSH PRODUCTION INC
C/O K E ANDREWS & CO
SUITE 200
3625 SOUTH HURON ST
ENGLEWOOD, CO 80110

ALFRED WARD & SON
PO BOX 737
OGALLALA NE 69153-0737

WESCO OPERATING
PO BOX 1706
CASPER, WY 82602

WESTERN OPERATING CO
518 17TH STREET SUITE 1680
DENVER, CO 80202

WESTGATE OIL CO INC
PO BOX 428
EUREKA, KS 67