

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

IN THE MATTER OF THE APPLICATION OF)	
CITY OF LONGMONT FOR)	
OUTSIDE ACTIVITY AREA DESIGNATION)	Cause No.:
Part of the N1/2 of Section 6, T2N, R68W, part of the NW1/4)	
of Section 5, T2N, R68W and part of the S1/2 of the SW1/4)	
of Section 32, T3N, R68W of the 6 th PM,)	
WELD COUNTY, COLORADO)	Docket No.:

AMENDED APPLICATION

The Union Reservoir Company ("Company"), a Colorado corporation, and the City of Longmont, Colorado, a municipal corporation ("City"), by their undersigned counsel, files this Application and request that the Colorado Oil and Gas Conservation Commission ("Commission") designate the Union Reservoir Recreation Area ("Union"), which is identified in Exhibit 1, as a Designated Outside Activity Area ("DOAA") pursuant to the Commission Rule 603.d. The City and the Company may be collectively referred to herein as the "Applicants". The purpose of this Application is to protect the City's significant investment in and prevent future adverse impacts to Union and its visitors from oil and gas operations. The City is working cooperatively with the operator that has leasehold rights in the area to identify mutually agreeable drilling locations to minimize adverse impacts to City resources and to allow the operator to further oil and gas exploration. The City has also conferred with Commission Staff to develop this application. If future drilling permits are granted, they should be subject to appropriate restrictions, setbacks and safeguards as contemplated by Rule 603.d. As grounds for this Application, the City states as follows:

BACKGROUND

1. The Company is the owner of the surface fee and mineral rights of the property known as Union, located in part of the N1/2 of Section 6, T2N, R68W, part of the NW1/4 of Section 5, T2N, R68W and part of the S1/2 of the SW1/4 of Section 32, T3N, R68W of the 6th PM, Weld County, Colorado. *See* attached Exhibit "1". The mineral rights are leased to TOP Operating.
2. Union is a popular local and regional destination and has been developed by the City for recreation and public use through a lease granted to the City by the Company. The City has held its lease at Union since 1991 and currently pays approximately \$75,000 annually to maintain it.

3. Visitation to Union has increased over the last several years. Union is currently used by approximately 170,000 individuals annually, and it generates approximately \$250,000 in revenue to the City. *See* Exhibit “2”, hereto. Uses include swimming, boating, bicycling, running, family and social gatherings, and the like.

4. Over the past 5 years, the City has invested approximately \$1.8 million to improve and upgrade Union in order to provide outdoor recreation opportunities for citizens of Longmont and the surrounding communities.

5. The 100 Series Definitions of the Oil and Gas Conservation Commission Rules provides that a DOAA is a “well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty (20) or more persons on at least forty (40) days in any twelve (12) month period or by at least five hundred (500) or more people on at least three (3) days in any twelve (12) month period.

6. Union satisfies all of the DOAA criteria because it is a well-defined outside area that is occupied by at least 20 or more persons on at least 40 or more days in any 12-month period, and/or by at least 500 people or more on at least 3 days in any 12-month period. During 2011, over 170,000 persons visited Union. Visitation on at least in 4 days in 2011 exceeded 500 people for triathlon events. During March through May, 2012, Union was occupied by over 23,253 persons, with over 500 persons for 10 days and over 20 persons for 92 days. Daily visitation for March, April and May 2012 is detailed in Exhibit “3”, hereto.

7. The City supports the safe and efficient exploration and production of oil and gas resources in a manner consistent with the protection of public health, safety and welfare, and COGCC rules. As such, the City is currently negotiating a surface use and access agreement with TOP Operating Company to identify drilling locations that support the operator’s right to drill and explore its mineral rights, protect the City’s resources and public safety, and would be consistent with this DOAA request.

CERTIFICATE OF NOTICE

8. The undersigned certifies that, to the best of his information and belief, a copy of this document has been served on all parties who are entitled to notice under Commission Rules 507.b. and 507.c.

WHEREFORE, Applicants respectfully requests that the Commission designate the Union Reservoir Recreation Area as a Designated Outside Activity Area (located in part of the N1/2 of Section 6, T2N, R68W, part of the NW1/4 of Section 5, T2N, R68W and part of the S1/2

of the SW1/4 of Section 32, T3N, R68W, 6th P.M., Weld County, Colorado) (or so much thereof as may be appropriate) in accordance with rules in Rule 603.d and establish appropriate set backs for the property.

DATED this 19th day of July, 2012.

Respectfully submitted,

Ken S Huson

Kenneth Huson
Union Reservoir Company
President of the Board of Directors
P.O. Box 445
Greeley, Colo. 80632

CITY OF LONGMONT, COLORADO,
a municipal corporation

Eugene Mei
City Attorney
City of Longmont
Civic Center Complex
408 3rd Avenue
Longmont, CO 80501
Telephone: 303-651-8914

Kim Shugar
Natural Resources Manager
7 South Sunset Street
Longmont, CO 80501
Telephone: 303-651-8992

By: *Kim Shugar*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing APPLICATION, has been mailed, first class postage prepaid, this 19th day of July 2012, addressed to the following:

Erika Zimmer Enger, Esq.
Temkin Wielga & Hardt, LLP
1900 Wazee Street, Ste. 303
Denver, CO 80202

Thomas J. Kimmel, Esq.
Zarlengo & Kimmel LLC
1775 Sherman, Ste. 1375
Denver, CO 80203

TOP Operating Company
ATTN: Murray Herring
7500 West Mississippi Ave., Ste. B-3
Lakewood, CO 80226

ALLISON EXPLORATION LLC
3928 SIMMS ST
WHEAT RIDGE, CO 80033

JOHN R CALVIN
733 CHAVEZ RD NW
ALBUQUERQUE, NM 87107

ROBERT HECKENDORF
DBA CARRIED GAS VENTURE
PO BOX 1855
GYPSUM, CO 81637-1855

COCKRELL PRODUCTION CO INC
POB 3638
ABILENE, TX 79604

MARGARET O ECKEL
%PATRICIA R ECKELS

12516 CR 1
LONGMONT, CO 80501

DEBORAH S HERRING
1081 HITCHRACK RD
BAILEY, CO 80421

MURRAY J HERRING & GLADSIE A HERRING
1630 S IRIS WAY
LAKEWOOD, CO 80232

PAUL R HERRING
2745 SCENIC DR
PLANO, TX 75025

RODNEY K HERRING & DEBORAH S HERRING
1081 HITCHRACK RD
BAILEY, CO 80421

BERNEN E IDEN & LOIS G IDEN
12490 CR 1
LONGMONT, CO 80504

JC THOMPSON & JC JR THOMPSON LP
325 N ST PAUL STE 4300
DALLAS, TX 75201

DELMAR C JONES & JOANN M JONES
805 9TH ST
BERTHOUD, CO 80513

ROBERT S KLIPPING
14645 STERLING RD
CO SPGS, CO 80921

JAMES M MARTIN
943 T AVE
RR 1 BOX 321
COUNCIL GROVE, KS 66846-8777

LEROY SCHLAGEL & ALBERTA J SCHLAGEL
9671 YELLOWSTONE RD
LONGMONT, CO 80504

LANNA D SHAFFER
7876 W NEWBERRY CIR
LAKEWOOD, CO 80235

SOUTH VALLEY DRIVE LLC
POB 717
LONGMONT, CO 80502

EARL D SOWERS & BARBARA A SOWERS
7251 TIMOTHY PL
LONGMONT, CO 80503

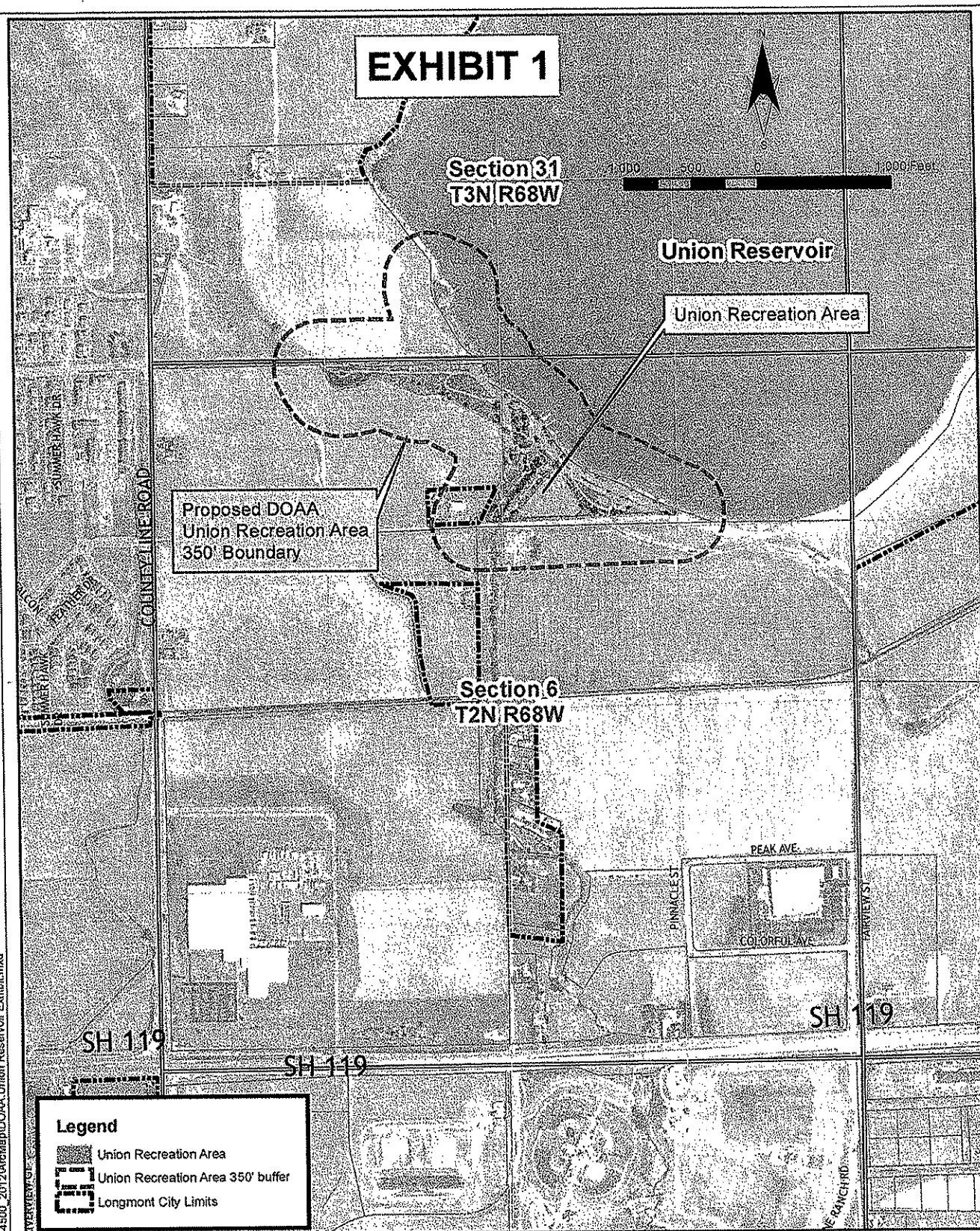
UNION RESERVOIR CO
POB 445
GREELEY, CO 80632

TOM J WEISS & DIANA MARY WEISS
18155 CLARNO CT
PORTLAND, OR 97229

PHILLIP M WILLIS & MARSHA A WILLIS
12244 CR 1
LONGMONT, CO 80501

ERIC COYLE
397 CR 26
LONGMONT, CO 80504

Path: I:\Projects\PW0545 03 & Gas\054500_2012\MapDOAA Union Reservoir Exhibit.mxd



Print Date: 06/18/2012
 File Name: DOAA, Union Reservoir Exhibit
 Revisions:
 Vert. Scale: As Noted
 Horiz. Scale: 1 inch = 1,000 feet



UNION RESERVOIR RECREATION DOAA

CITY of LONGMONT

385 Kimbark Street
 Longmont, Co. 80501
 Phone: 303-651-6304 FAX: 303-651-8352

PUBLIC WORKS & NATURAL RESOURCES DEPT.

Project No. PW0545
 Year 2012

Designer:
 Detailer: Mestas

Subset Sheet:

Sheet Number: 1

Exhibit 2
Union Reservoir Revenue/Attendance

MONTH	2009 Attendance	2009 Revenue	2010 Attendance	2010 Revenue	2011 Attendance	2011 Revenue
January	356	\$941	215	\$654	145	\$432
February	1,446	\$2,308	988	\$1,908	896	\$1,244
March	4,748	\$10,981	4,582	\$13,616	7,845	\$17,432
April	5,466	\$12,659	18,487	\$32,729	13,645	\$25,223
May	31,200	\$38,506	29,768	\$39,757	25,950	\$31,810
June	35,890	\$47,714	34,322	\$49,471	44,872	\$56,228
July	37,788	\$53,619	36,252	\$50,407	45,650	\$55,730
August	27,856	\$36,978	31,293	\$38,047	25,780	\$28,839
Sept.	12,372	\$14,108	9,134	\$12,979	10,047	\$14,354
October	1,455	\$2,140	1,875	\$4,353	2,122	\$4,821
November	124	\$155	169	\$306	216	\$192
December	146	\$248	235	\$443	121	\$2,317

Revenue	Attendance	Revenue	Attendance
1991	\$29,965.45	2001	\$141,057
1992	\$33,610.00	2002	\$115,828
1993	\$38,304.00	2003	\$125,142
1994	\$63,363.76	2004	\$145,941
1995	\$ 69,408.76	2005	\$171,744
1996	\$ 86,284.50	2006	\$203,263
1997	\$ 85,006.72	2007	\$195,292
1998	\$104,595.00	2008	\$199,632
1999	\$101,774.00	2009	\$228,505
2000	\$119,096.00	2010	\$246,995
		2011	\$250,684

EXHIBIT 3 - Daily Visitation 2012

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	TOTAL
Day																																
March	55	25	59	314	28	25	29	33	49	383	246	81	78	66	52	70	166	73	36	69	42	50	101	374	373	89	101	81	106	85	273	812
April	462	82	74	214	25	45	218	212	270	164	79	169	112	253	130	132	111	192	181	856	502	753	216	459	530	733	370	312	269	232	11279	
May	145	87	232	275	366	458	528	110	387	96	211	97	197	183	211	190	247	278	552	466	298	184	174	502	723	2607	1519	1386	269	232	11279	

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IN THE MATTER OF THE APPLICATION OF)	
CITY OF LONGMONT FOR AMENDED ORDER)	
OUTSIDE ACTIVITY AREA DESIGNATION)	Cause No.:
Part of the N1/2 of Section 6T2N, R68W, part of the NW1/4)	
of Section 5 T2N, R68W and part of the S1/2 of the SW1/4)	
of Section 32 T3N, R68W of the 6 th PM,)	
WELD COUNTY, COLORADO)	Docket No.:

AFFIDAVIT OF JOHN BRIM

John Brim, having been duly sworn, states as follows:

1. My name is John Brim and I hold the position of parks and open space ranger with the City of Longmont, Colorado. As part of my responsibilities I am aware of the public usage and visitation at the Union Reservoir Recreation Area, which is a popular outdoor recreation area that is frequently visited by residents of Longmont and the surrounding communities for activities such as swimming, boating, bicycling, running, family and social gatherings, and organized athletic events such as triathlons and other races.

2. The Union Reservoir Recreation Area is identified in Exhibit "1" to the Application, and is a well-defined outside area that is occupied by at least 20 or more persons on at least 40 or more days in any 12-month period, and/or by at least 500 people or more on at least 3 days in any 12-month period. During 2011, over 170,000 persons visited Union. Visitation on at least 4 days in 2011 exceeded 500 people for triathlon events. During March through May, 2012, the Area was occupied by over 23,253 persons, with over 500 persons for 10 days and over 20 persons for 92 days. Annual revenues and daily visitation for March, April and May 2012 at the Union are detailed in Exhibits "2" and "3" to the City and Company's Application, which are true and correct to the best of my knowledge.

3. In conclusion, the Union Reservoir Recreation Area satisfies the requirements of a Designated Outside Activity Area under the COGCC Rules as I understand them.

FURTHER AFFIANT SAYETH NAUGHT

John Brim
John Brim

STATE OF COLORADO)
)
County of Longmont)
) ss:

SUBSCRIBED AND SWORN to before me this 21st day of June, 2012, by
John Brim.

Cynthia L. Sater
Notary Public

My Commission Expires: 11/15/14

