

STATE OF COLORADO

Bill Ritter, Jr., Governor
Martha E. Rudolph, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

March 16, 2010

Mr. David Neslin, Director COGCC
1120 Lincoln Street, Suite 801
Denver, CO 80203

Re: Colorado Department of Public Health and Environment (CDPHE) Consultation for the Synergy Resources proposed variance request to Rule 603.a.(2) Form 2A #400039627 in Weld County

Dear Mr. Neslin:

This letter describes CDPHE's decision to recommend that the COGCC grant the request for a variance to COGCC Rule 603.a.(2) submitted by Synergy Resources. Rule 603a.(2) establishes a minimum distance a well shall be located from a property line and states in part:

"A well shall be a minimum distance of one hundred fifty (150) feet from a surface property line..."

Facts learned during consultation include:

- Synergy Resources is requesting approval to locate a well 151 feet from a surface property line; and
- The distance was confirmed through a review of the Well Location Certificate included in the Form 2 application submittal.

In view of the foregoing and after verifying the distance to the surface property line is greater than 150 feet; CDPHE believes that no variance is necessary. CDPHE reserves the right to consult on any future variance requests from rules this agency may consult on (pursuant to COGCC Rule 306) within this location. If you have questions regarding this recommendation or discussion would be helpful, please contact me at (303) 692-3662.

Sincerely,

Kent Kuster
Oil and Gas Consultation Coordinator
CDPHE

cc: Jeff Lawrence, Director CPD, CDPHE
Kate Fay, Energy Manager, CDPHE
Bruce Barker, LGD, Weld County