

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

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
TDD Line (303) 691-7700 (303) 692-3090
Located in Glendale, Colorado
<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

March 12, 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 Black Raven Energy proposed variance request to Rule 603.a.(2) Form 2A #2095199 in Phillips County

Dear Mr. Neslin:

This letter describes CDPHE's determination that no variance of COGCC Rule 603.a.(2) is necessary for the Form 2A #2095199 submitted by Black Raven Energy. Rule 603.a.(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 the consultation include:

- Black Raven Energy incorrectly indicated on the Form 2A that they proposed locating a well 9 feet from a surface property line;
- The actual distance to the surface property line is 209 feet; and
- COGCC permitting staff has verified this distance, consequently no variance of COGCC Rule 603.a.(2) is necessary.

In view of the foregoing and after verifying the distance to the surface property line is greater than 150 feet; CDPHE agrees 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

ec: Jeff Lawrence, Director CPD, CDPHE
Kate Fay, Energy Manager, CDPHE
Randy Schafer, LGD, Phillips County
Janice Aldstadt, Black Raven Energy