

# 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

April 26, 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 Prospect Energy, LLC proposed variance request to Rule 603.a.(2) Form 2A #2581565 in Larimer 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 Prospect Energy, LLC for well name Community, well numbered 7 located in Section 18 Township 8N Range 68W. 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 consultation include:

- Prospect Energy, LLC is requesting approval to locate a well 108 feet from a surface property line in Larimer County;
- Prospect Energy, LLC has obtained a waiver from the offset surface owner as required in COGCC Rule 603.a.(2); and
- CDPHE has verified that there are no building units or public roads within 150 feet of this location.

In view of the foregoing, CDPHE believes that granting this variance will result in adequate protection of the public health, safety, welfare and environment. 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  
Robert Helmick, LGD, Larimer County  
Robert Vincent, Prospect Energy LLC