

## Kubeczko, Dave

---

**From:** Kubeczko, Dave  
**Sent:** Thursday, August 30, 2012 12:40 PM  
**To:** Kubeczko, Dave  
**Subject:** FW: Colorado River Cutthroat Trout and Petroleum Resource Managment Corp's Sheehan 2 4-2

**Categories:** Orange - Operator Correspondence, Dark Green - CDOW Pass

Scan No 2034508

CPW CORRESPONDENCE

2A#400299920

---

**From:** Warren, Michael  
**Sent:** Thursday, August 23, 2012 9:04 AM  
**To:** JOHN CARMONY; Davidson, Jacob  
**Cc:** deVergie, Bill; Riggs, Dean; Kerr, Thom; Hebein, Sherman; Battige, Kyle; Kubeczko, Dave; [rickobe1@aol.com](mailto:rickobe1@aol.com); [CHayes@hayeslawfirmllc.com](mailto:CHayes@hayeslawfirmllc.com); Duncan Shepherd - PRM  
**Subject:** RE: Colorado River Cutthroat Trout and Petroleum Resource Managment Corp's Sheehan 2 4-2

Thank you.

Michael Warren  
Energy Liaison  
Colorado Parks and Wildlife, NW Region  
711 Independent Ave.  
Grand Junction, CO 81505  
(W) 970-255-6180  
(F) 970-255-6111

---

**From:** JOHN CARMONY [<mailto:jcar75@msn.com>]  
**Sent:** Thursday, August 23, 2012 8:32 AM  
**To:** Davidson, Jacob  
**Cc:** deVergie, Bill; Riggs, Dean; Warren, Michael; Kerr, Thom; Hebein, Sherman; Battige, Kyle; Kubeczko, Dave; [rickobe1@aol.com](mailto:rickobe1@aol.com); [CHayes@hayeslawfirmllc.com](mailto:CHayes@hayeslawfirmllc.com); Duncan Shepherd - PRM  
**Subject:** Re: Colorado River Cutthroat Trout and Petroleum Resource Managment Corp's Sheehan 2 4-2

Hi Jacob,

We have received a letter from APW Corp concerning moving the location from the site that was previously agreed to with APW. The letter is attached.

We do not believe that any mitigation related to trout habitat is required for the current location beyond the engineering controls required by the COGC.

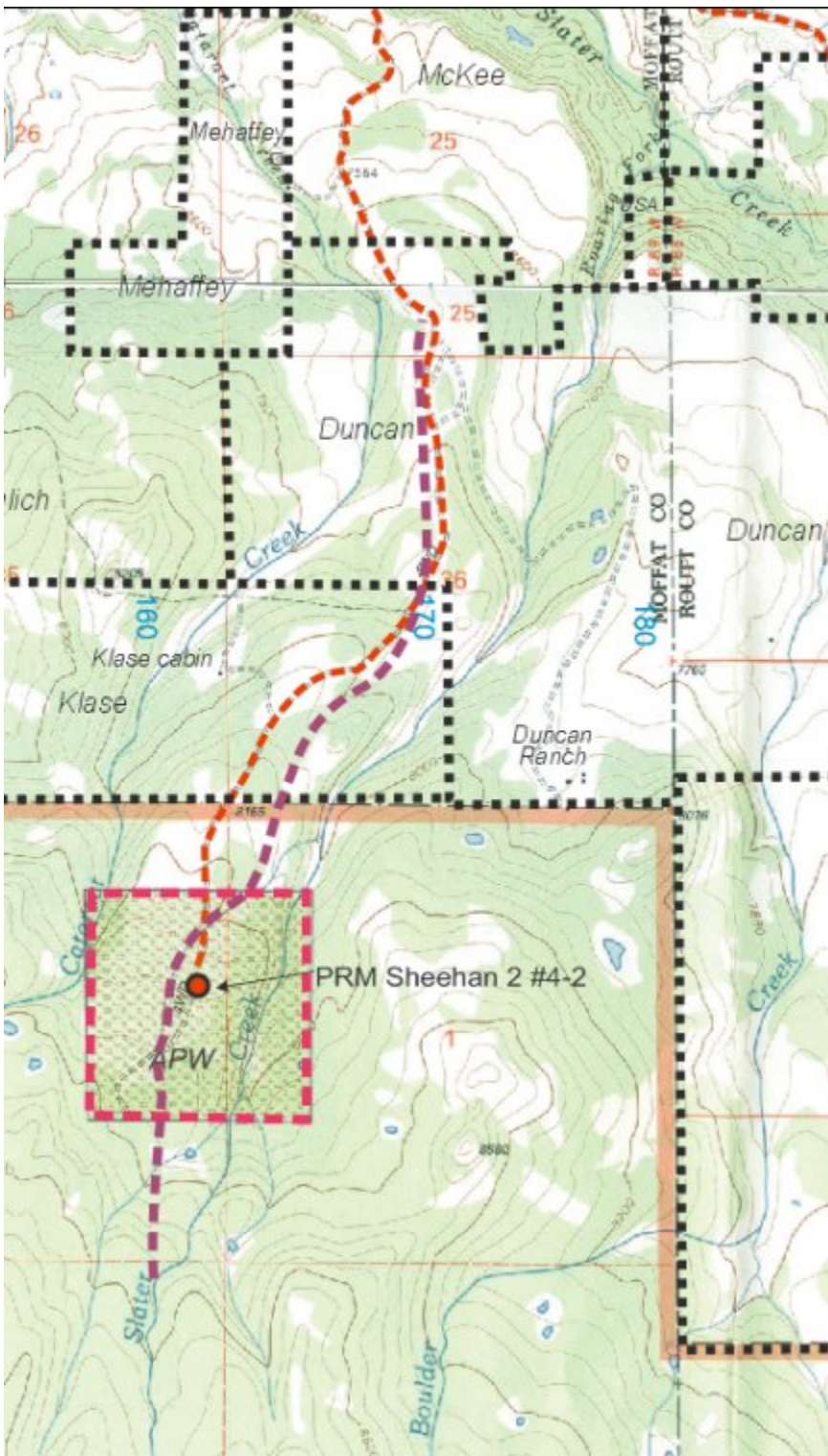
1. We do not believe that the irrigation ditch in question is trout habitat. As per the map shown below and described by Duane Duncan, the rancher who operates the water system, the irrigation ditch runs along the top of the ridge sub-parallel to the access road into the Sheehan (APW) property. The potential trout streams are in the valleys on either side of the ridge. The irrigation ditch irrigates pastures along the road on both sides of the ridge and does not reconnect to either Cataract Creek to the west or Roaring Fork of Slater Creek to the east. Both Duane Duncan and Bobby Stanton, the principal shareholder of APW Corp, have never seen nor believe that trout can live in the irrigation ditch.

2. The irrigation ditch is turned off. There is no water in it nor will there be any water in it until early next summer when the Duncans begin irrigating again.
3. The maps that you show are incorrect in that the irrigation ditch does not reconnect to the east to the Roaring Fork of Slater Creek.
4. The APW Property is private land and private minerals. Through personal communications and the attached letter, APW has made it clear that they do not want CPW personal on the property or for CPW stipulations to apply to their property.
5. APW and PRM have previously agreed to the current location. Neither entity wants to see the location moved further to the east. Moving the location in to the east would move it closer to the house foundation, which APW does not want, and would require considerably more cut and fill than the current location.

We appreciate your concern for the habitat of the cutthroat trout in Colorado. However, we do not believe that drilling the Sheehan well at the current location will have any effect one way or the other on the cutthroat trout population.

Sincerely,

John R. Carmony  
Carmony Exploration, LLC



----- Original Message -----

**From:** [Davidson, Jacob](#)

**To:** [JOHN CARMONY](#) ; [Kubeczko, Dave](#) ; [rickobe1@aol.com](#)

**Cc:** [deVergie, Bill](#) ; [Riggs, Dean](#) ; [Warren, Michael](#) ; [Kerr, Thom](#) ; [Hebein, Sherman](#) ; [Battige, Kyle](#)

**Sent:** Monday, August 20, 2012 9:39 AM

**Subject:** Colorado River Cutthroat Trout and Petroleum Resource Managment Corp's Sheehan 2 4-2

Hello again John,

I'd like to share with you a couple of maps showing 2007 and 2011 US Forest Service survey results surrounding the proposed PRMC Sheehan 2 4-2 location. Please see the attachments. In case you're not familiar with some of the acronyms:

CRCT = Colorado River Cutthroat Trout

BRK = Brook Trout

RBT = Rainbow Trout

HYB = Hybrid of Colorado River Cutthroat Trout x Rainbow Trout

According to the CRCT Coordination Team's [2006 Conservation strategy](#), only 14% of the original habitat remains for the Colorado River Cutthroat Trout, and the tri-state collaboration is in place to avoid listing under the Endangered Species Act. Protecting waters and drainages that feed into pure CRCT reaches are critically important.

As you are aware, CPW's comment deadline is midnight on August 22<sup>nd</sup>, just two days away, and we'd like to resolve this issue as soon as possible.

Sincerely,

**Jacob Davidson**

Land Use Specialist

Colorado Parks and Wildlife

[Jacob.Davidson@state.co.us](mailto:Jacob.Davidson@state.co.us)

Office: (970) 878-6069

Cell: (970) 756-5226

# THE HAYES LAW FIRM LLC

Colorado Oil and Gas Conservation Commission  
Northwest Area Office  
707 Wapiti Court, Suite 204  
Rifle, CO 81650  
Attention: Dave Kubeszco, Oil and Gas Location Assessment Specialist

August 21, 2012

Via Email and US Mail

Re: Sheehan 2 #4-2 Well, Sections 1 and 2, Township 10 North Range 89 West, 6<sup>th</sup> P.M  
Moffat County

Dear Mr. Kubeszco:

This firm represents Mr. Bobby Stanton and APW Corporation, the owner of the surface property on which the subject well is located in Sections 1 and 2, Township 10 North Range 89 West, 6<sup>th</sup> P.M. Mr. Stanton is the principal shareholder of APW Corporation. APW has entered into a surface use agreement with Petroleum Resources Management, the applicant for a permit to drill on the subject property. Mr. Stanton is aware that the Colorado Division of Parks and Wildlife (CPW) has visited the site and expressed the opinion that an unnamed tributary of the Roaring Fork, itself a tributary to Slater Creek, may potentially be habitat for cutthroat trout.

By this letter, Mr. Stanton states: (1) the currently proposed surface location of the subject well is acceptable to him. He does not wish the surface location of the well to be moved any closer to the existing house foundation on the APW property; (2) he does not wish the CPW and COGCC to engage in further consultation on his property; (3) he has never seen any fish in the unnamed tributary to the Roaring Fork that runs through the subject property, and does not believe it represents viable fish habitat.

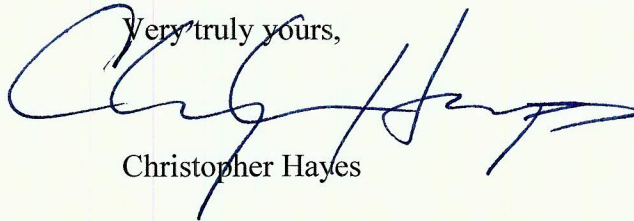
The location of the applied-for permit does not appear to be in the designated buffer zone for either Cataract Creek or the Roaring Fork. The unnamed tributary to the Roaring Fork that runs through the property is not shown on the COGCC buffer zone map, and it does not appear that there is any designated cutthroat trout habitat on the property. Therefore, Mr. Stanton requests



that this wellsite location be approved as submitted, and registers his opposition to any relocation of the wellsite.

Please contact me if you have any questions or concerns about this letter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Chris Hayes', written over the typed name 'Christopher Hayes'.

Christopher Hayes

Cc: client  
R. Obernolte



# Cataract and Roaring Fork Slater Creeks

Complete barrier - Culvert

8 fish appear CRCT\*RB; 1 Brk

No fish captured downstream of this location

8 fish appear CRCT; 2 CRCT\*RB; 1 Brk

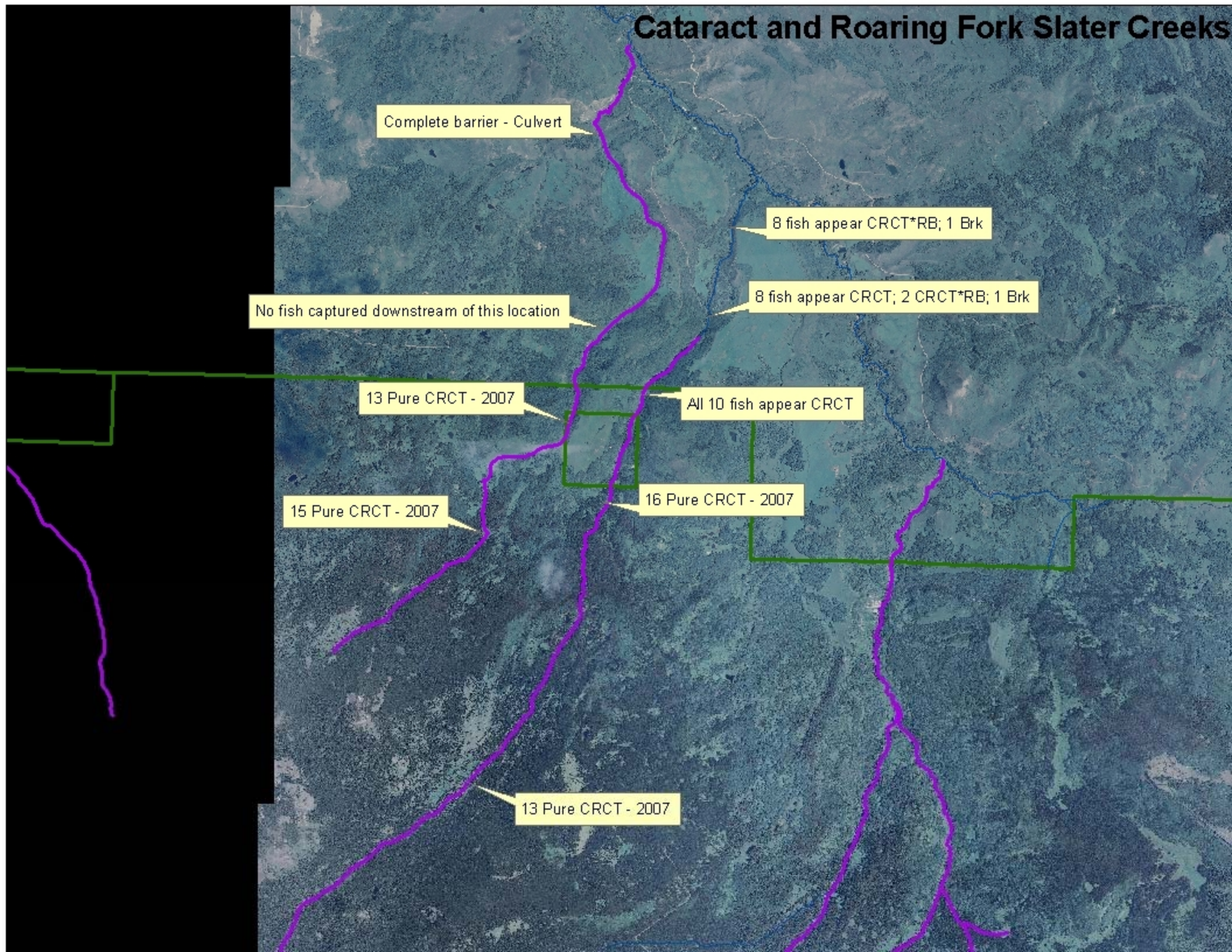
13 Pure CRCT - 2007

All 10 fish appear CRCT

15 Pure CRCT - 2007

16 Pure CRCT - 2007

13 Pure CRCT - 2007





# 2011 - Roaring Fork and Cataract Creeks



2011 - No Trout

No Fish

2011 - 9 HYB, 1 RBT, 1 BRK

2011 - 8 CRCT, 1 HYB, 1 RBT, 1BRK

2011 - 7 adults/100m

2011 - 10 pure CRCT

2007 - 10 adults/100m

2007 - 5 adults/100m

2007 - 24 adults/100m

0.6 1.2 1.8 Miles

