

Kubeczko, Dave

From: Kubeczko, Dave
Sent: Thursday, August 30, 2012 12:46 PM
To: Kubeczko, Dave
Subject: FW: Colorado River Cutthroat Trout and Petroleum Resource Managment Corp's Sheehan 2 4-2
Attachments: 2 Duncan irrig ditch, Sheehan, NF Upper end.jpg; 1 Map Duncan irrig ditch, Sheehan drainage map.jpg
Categories: Orange - Operator Correspondence, Dark Green - CDOW Pass

Scan No 2034509

CPW CORRESPONDENCE

2A#400299920

From: JOHN CARMONY [mailto:jcar75@msn.com]
Sent: Tuesday, August 28, 2012 1:22 PM
To: Davidson, Jacob; Kubeczko, Dave; JOHN CARMONY
Cc: deVergie, Bill; Riggs, Dean; Warren, Michael; Kerr, Thom; Hebein, Sherman; Battige, Kyle; Kubeczko, Dave; rickobe1@aol.com; CHayes@hayeslawfirmllc.com; Duncan Shepherd - PRM; Van Bullock
Subject: Re: Colorado River Cutthroat Trout and Petroleum Resource Managment Corp's Sheehan 2 4-2

First email was too big for the State email

I will split into two.

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

From: [JOHN CARMONY](#)
To: [Davidson, Jacob](#) ; [JOHN CARMONY](#) ; [Dave Kubecsksko COGC](#)
Cc: [deVergie, Bill](#) ; [Riggs, Dean](#) ; [Warren, Michael](#) ; [Kerr, Thom](#) ; [Hebein, Sherman](#) ; [Battige, Kyle](#) ; [Kubeczko, Dave](#) ; [rickobe1@aol.com](#) ; [CHayes@hayeslawfirmllc.com](#) ; [Duncan Shepherd - PRM](#) ; [Van Bullock](#)
Sent: Tuesday, August 28, 2012 12:59 PM
Subject: Re: Colorado River Cutthroat Trout and Petroleum Resource Managment Corp's Sheehan 2 4-2

Note-a second email will follow with additional pictures.

Jacob Davidson, Colorado Parks and Wildlife.

Jacob,

Yesterday Dave Kubecsksko with the COGC and I met and examined the "intermittent trout stream" near the location that has been the subject of the debate with regards to the permitting of our well, the Petroleum Resource Management Sheehan 2 4-2

We drove into the Duncan Ranch and followed the Duncan irrigation ditch from its terminus near the north gate of the ranch up to the Sheehan (APW) property. We then followed the natural drainage, herein referred to as the "Sheehan drainage" from the Sheehan property to the northeast where it parallels the irrigation ditch and then turns to the east and runs down to the Roaring Fork of Slater Creek. The Sheehan drainage is the drainage that CPW through its work and your own field examination have labeled an "intermittent trout stream" CPW has requested that we move our location in order to accommodate this resource that you have identified. Finally, we followed the Duncan irrigation ditch off the south of the Sheehan property and up into the National Forest close to where the header gate is that diverts the water from Roaring Fork Slater Creek into the irrigation ditch.

There is no water in the Duncan irrigation ditch at this time. The ditch across the Sheen property is completely dry. According to Duane Duncan, the Duncan irrigation ditch branches from an original ditch that was constructed in the late 1800's-early 1900's to deliver water to the west of Welba Peak for gold mining operations in the Sand Wash Basin. The original owner of the Sheehan Property, Charles Tucker,

diverted water to the Sheehan tract about 1910, so the ditches have been used for over 100 years. As you have seen, trees have grown up along the ditch. The effect on the pastures is striking. If they can get water to it, the pastures are rich grass. Where there is no water, the country is dry sage brush. The Duncan irrigation ditch crosses the Sheehan tract, and then runs sub-parallel to the road following the contours and then top of the ridge across the Forest Service strip, the Klase Property, and the Duncan Ranch. The irrigation ditch ends near the north gate of the Duncan Ranch where it is barely visible as any sort of a channel. It does not connect in any way with either Cataract Creek to the west or to Roaring Fork Slater Creek to the east.

The natural drainage across the Sheehan tract (the "Sheehan drainage") starts between our well location and the house foundation which is a few hundred feet to the east. There is no stream depression, water, or channel of any sort. The Sheehan drainage is just the lowest point in the topography where obviously in the springtime and during storms there is some runoff. It runs to the north-northeast sub-parallel to the Duncan irrigation ditch for about 1/2 mile with the Sheehan drainage always at a slightly lower level than the irrigation ditch. At some points the Duncan ditch and the Sheehan drainage are less than a 100' apart. There is no natural connection between the two except for one point where the Duncans divert water from the ditch over into the pasture towards the drainage in order to irrigate the grass. In the National Forest strip, the ditch veers to the north and the Sheehan drainage turns east. It is still barely discernable as any sort of a channel. The Sheehan drainage crosses under a fence, and then falls down steeply (about 100' total) towards Roaring Fork Slater Creek. At the very base of this slope, there is finally some water in this drainage where there is apparently a small spring or seepage. At this point, the drainage is still not an established stream, just a minor depression with a little bit of moisture in it. The spring water is not continuous as it apparently soaks into the ground before it reaches the main creek.

The topographic map is incorrect. It shows the Sheehan drainage and the Sheehan part of the Duncan irrigation ditch as one channel. They are definitely not although one can understand the mistake as they run sub-parallel and are very close to each other.

Dave Kubescko and I agreed that there is no possible way that a trout in Roaring Fork Slater Creek could start up the Sheehan drainage (Pic I) where there is only a slight amount of moisture (Pic J), scramble up over the rocks on the steep slope where there is no water (Pic K), then work its way up through the pasture where there is still no water (pic L) and then no channel (Pics M and N) or water, and then find its way up slope into the Duncan irrigation ditch.

In conclusion,

1. You are asking us to move our location for a resource that does not exist nor ever will in this setting.
2. The trout resource area is obviously miss-mapped in your data base.
3. This location move is specifically against the wishes of the private landowner who does not want it moved closer to his foundation.
4. As I pointed out to you at the time of our visit a few weeks ago, you are asking us to move the location to the east which is actually closer into the natural drainage. Your proposed location would cause significantly more environmental disturbance than where we have the location staked.

For these reasons, we do not wish to move the location nor feel that it is sensible to do so. I have requested through Dave that the COGC move ahead with issuing the permit for our well so that we can move forward with our project without any further delays.

Regards,

John Carmony
Carmony Exploration, LLC

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

From: [JOHN CARMONY](#)
To: [Davidson, Jacob](#)

Cc: [deVergie, Bill](#) ; [Riggs, Dean](#) ; [Warren, Michael](#) ; [Kerr, Thom](#) ; [Hebein, Sherman](#) ; [Battige, Kyle](#) ; [Kubeczko, Dave](#) ; [rickobe1@aol.com](#) ; [CHayes@hayeslawfirmllc.com](#) ; [Duncan Shepherd - PRM](#)

Sent: Thursday, August 23, 2012 8:31 AM

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.

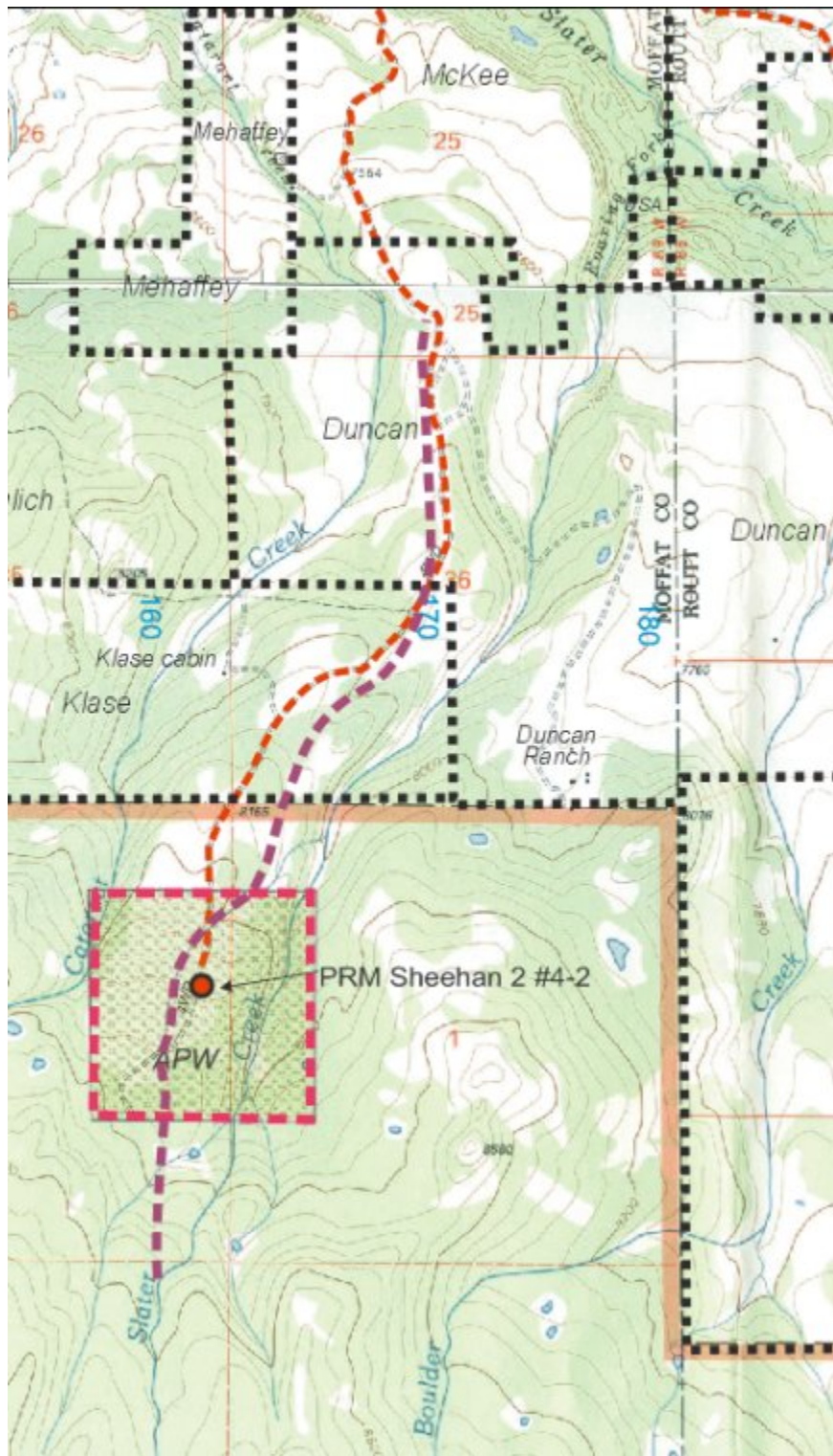
We do not believe that any mitigation related to trout habitat is required for the current location beyond the engineering controls required by the COGC.

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 22nd, just two days away, and we'd like to resolve this issue as soon as possible.

Sincerely,

Jacob Davidson

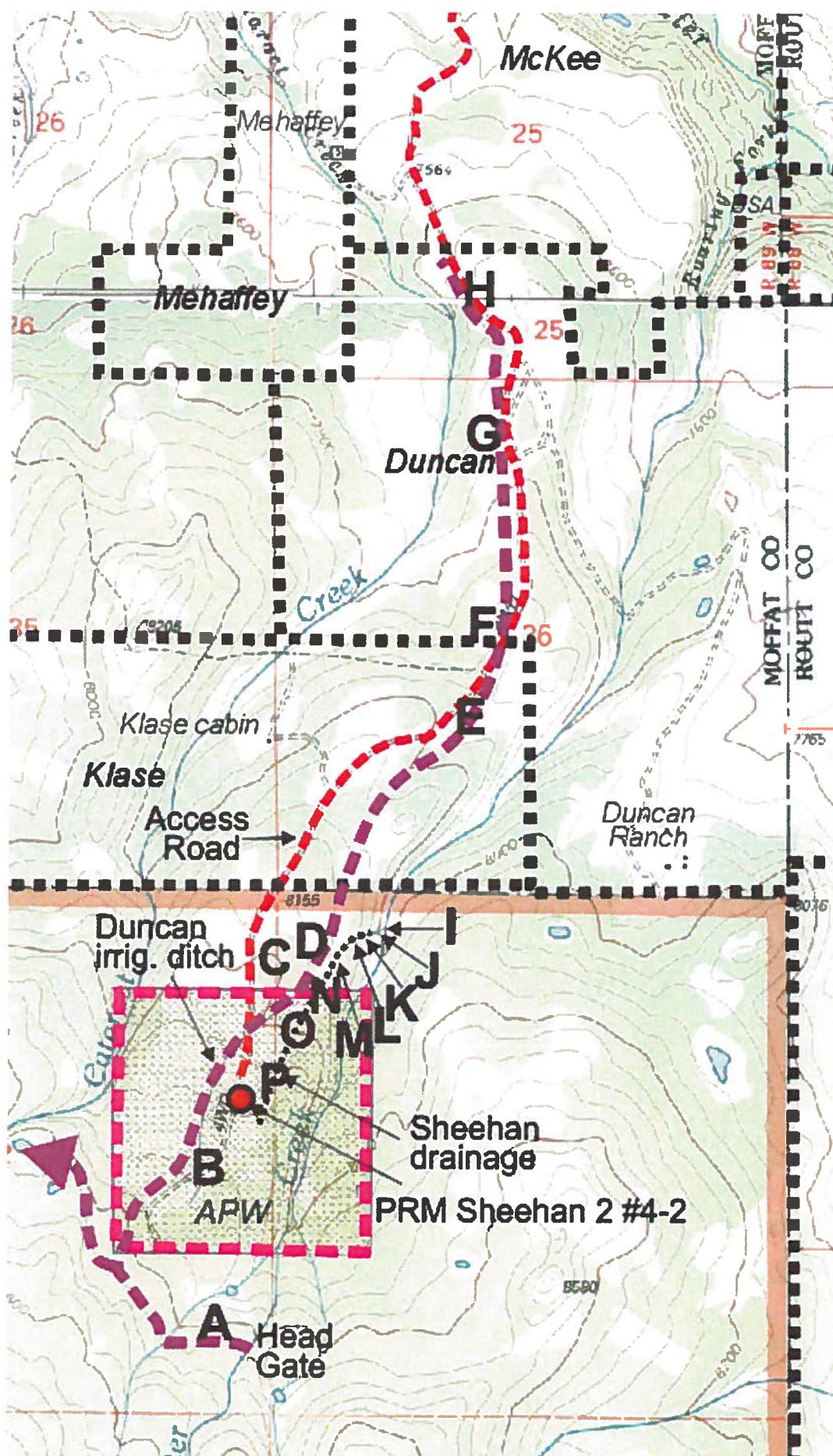
Land Use Specialist

Colorado Parks and Wildlife

Jacob.Davidson@state.co.us

Office: (970) 878-6069

Cell: (970) 756-5226



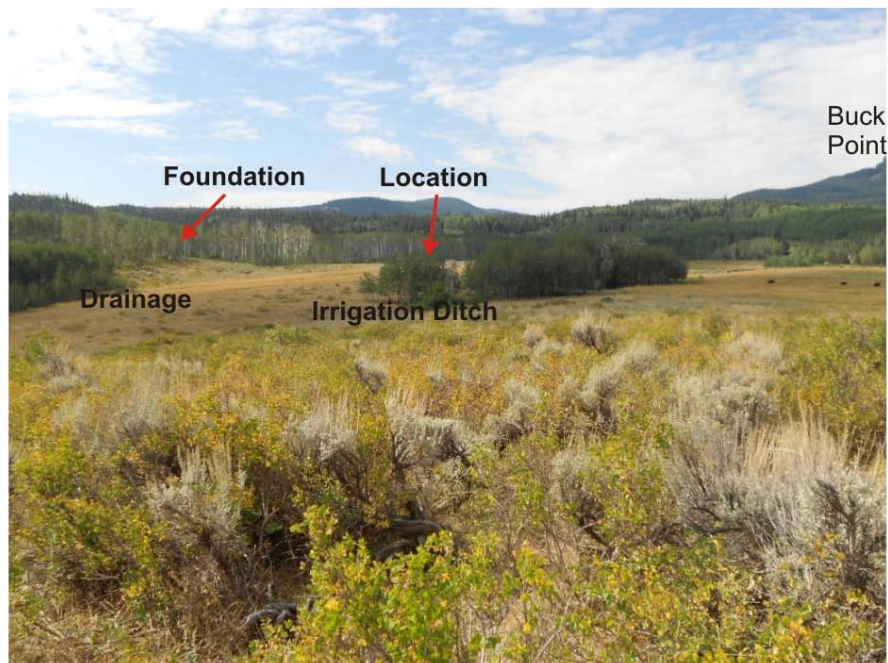
Page 1 - Map of Duncan Irrigation Ditch and Sheehan Drainage, Secs 1, and 2, 10N-89W, Secs 25 and 36, 11N-89W. Locations of Pictures A-P are shown



A: Looking East, Irrigation ditch near head gate on Roaring Fork Slater Creek. Original ditch built in late 1800's, diverted to Sheehan tract around 1910.



B: Looking ENE. Sheehan Tract, Irrigation ditch to left, Sheehan drainage to right, Location just to right of car in center of photo. Foundation (Fd) just off right of photo.



C. Looking South. Sheehan Tract. Shehan drainage and APW house foundation to left, Irrigation ditch and location in center of photo, Buck Point just off right edge.



D. Looking South. National Forest strip, NWNW of Section 1, 10N-89W. Irrigation ditch in foreground, Shehan drainage is where Dave is standing (black dot in upper center of photo.)



E. Irrigation ditch looking SW, Klase property. National Forest in distance. Roaring Fork Slater Creek drainage downslope to left.



F. Ditch looking SW, Klase property where it crosses road before entering onto the Duncan Ranch near center of Section 36, 11N-89W.



G. Ditch looking N, Duncan Ranch, C N2, Section 36, 11N-89W. Cataract Creek is drainage to the left, Mehaffey house is visible in center left. Long Mtn in distance.



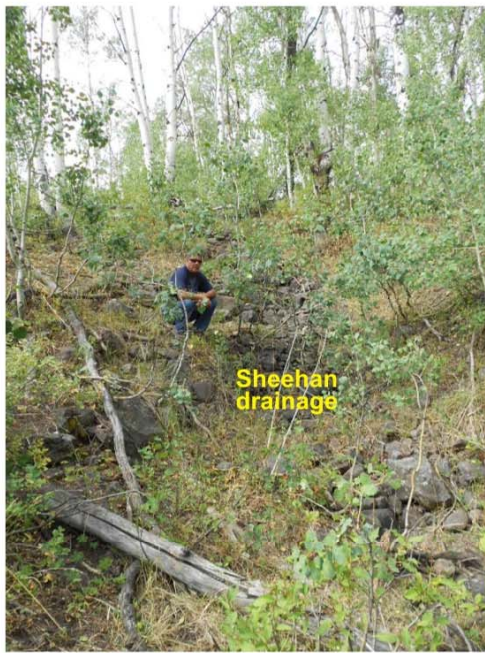
H. Ditch looking SSE. End of ditch near the north line of Duncan Ranch, Sec 25, 11N-89W. Effect of irrigation seen. Sage brush where no water, good grass with water.



I. Junction of drainage from Sheehan with Roaring Fork Slater Creek
NENWNW, Sec 1, 10N-89W. Very small amount of water in Sheehan drainage.



J. Sheehan drainage near Roaring Fork Slater Creek, No visible water here but ground is marshy from springs along the slope which put a small amount of water into the Sheehan drainage and other small drainages. NENWNW, Sec 1, 10N-89W



K1 and 2 Looking west. Sheehan Drainage on rocky slope. Drainage climbs 80' in about 250'. The steepest parts of the drainage are shown here. No visible water or significant channel cut other than where spring runoff as scoured off the rocks.



L. Sheehan drainage on slope above Roaring Fork Slater Creek. No visible water or rocky channel at this point.



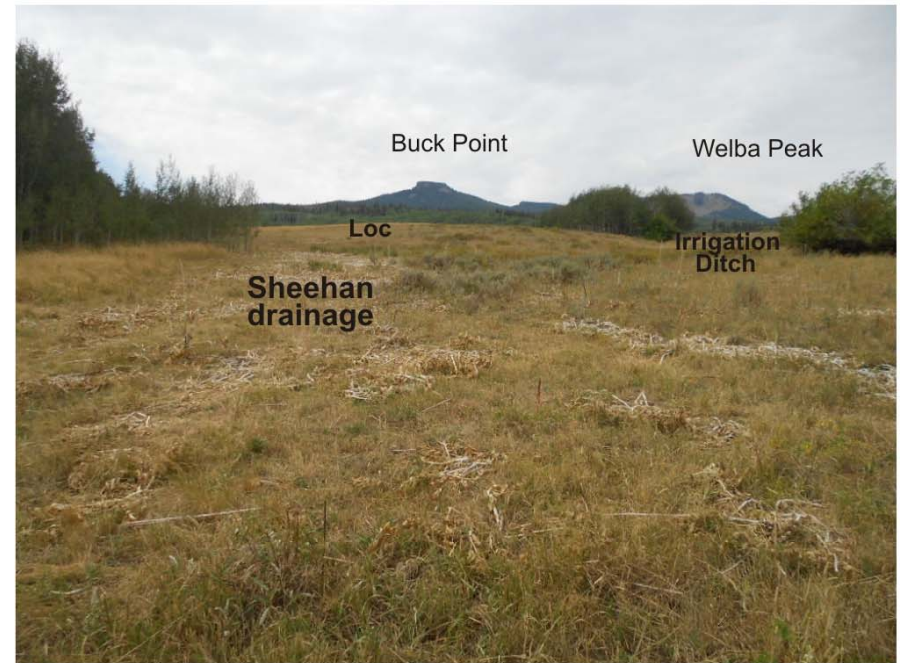
M Looking northeast. Sheehan drainage on National Forest just north of Sheehan (APW) Tract NWNW, Sec 1, 10N-89W. No water or significant channel. Irrigation ditch is about 150' to left. (see picture D)



N. Sheehan drainage near north boundary of Sheehan Tract. No visible water or significant channel. Irrigation ditch is about 100' to left. NWNW, Sec 1, 10N-89W



O Sheehan drainage on Sheehan (APW) Tract near west line of Sec 1. No visible water, rocks, or stream channel. Only a slight, discontinuous depression.



P. Looking SE to Buck Point. Sheehan drainage on Sheehan property. Sheehan drainage to left, Irrigation ditch is to right upslope of the Sheehan drainage. No visible water, rocks, or channel. Cows have trampled the white stalky weeds that apparently grew in the bottom of the drainage. (See left side of Photo C)