

**Revised Statement and Supporting Documentation
To address February 8, 2010 Technically Incomplete Letter**

Submitted to County Planner on: 03-02-10

- Revised Statement Letter
- Supporting Documents:
 - Proof of ownership of parcel
 - Vicinity map
 - Site plan
 - Letter of authorization
 - Copy of February 8, 2010 County Letter



EnCana Oil & Gas (USA) Inc.

EnCana Oil & Gas (USA) Inc.
2717 County Road 215, Suite 100
Parachute, CO 81635

tel: (970) 285-2825
fax: (970) 285-2691
renata.busch@encana.com

February 25, 2010

Molly Orkild-Larson / Senior Planner
Garfield County Planning Dept – Rifle Airport Office
0375 County Road 352 – Building #2060
Rifle, CO 81650

RE: *REVISED Written Statement / Special Use Permit Amendment Application to change a wildlife deterrence system condition of approval as approved under Resolution 2005-57*

Dear Ms. Orkild-Larson:

As requested, EnCana Oil & Gas (USA) Inc. (EnCana) is submitting a revised Written Statement of the Proposed Amendment and enclosing the requested Supporting Documents as were provided in the original Special Use Permit Application: 1)Proof of ownership of the parcel, 2)Vicinity map, 3)Site plan, and 4)Letter of authorization. This amendment does not have any impacts on traffic, noise or odor. Provided below is the original Condition of Approval and the Proposed Language of the Condition which we intend it to read:

9b) *“The applicant shall install a waterfowl deterrence system that consists of the placement of high-tensile wire at regular intervals across the pond. These wires act as a visual deterrent to birds attempting to land on the water, and as a noise deterrent, as the stretched wire creates an ultrasonic (inaudible to humans) sound.”*

Proposed Language of Condition 9b): *“The applicant shall utilize water treatment and filtering as a method of mitigation acceptable to the Colorado Division of Wildlife (CDOW) to eliminate mortality of migratory birds which may rest or forage on the ponds. Monitoring of effectiveness and plans for break-downs, malfunctions or non-effectiveness will be communicated to the CDOW.”*

The wire grid deterrent cited in the original COA presents structural integrity and safety concerns. And the ultrasonic noise has been proven ineffective at deterring birds.

In conclusion, the utilization of water treatment and filtering is the most reliable method available to us and the CDOW supports this concept as noted in the original submission of the CDOW letter written by Area Wildlife Manager, JT Romatzke.

We firmly believe, with EnCana’s current treatment systems in place, support of our methodologies from the DOW, and our commitment to continuing progress on protecting waterfowl, that we have shown our intent to meet the proposed amended language.

Thank you again, for your time and patience in this matter. And we look forward to approval of this SUP Amendment.

Sincerely,


Renata Busch
Permit Coordinator

Encl: Supporting Documents
County Letter (dated 02-08-10)

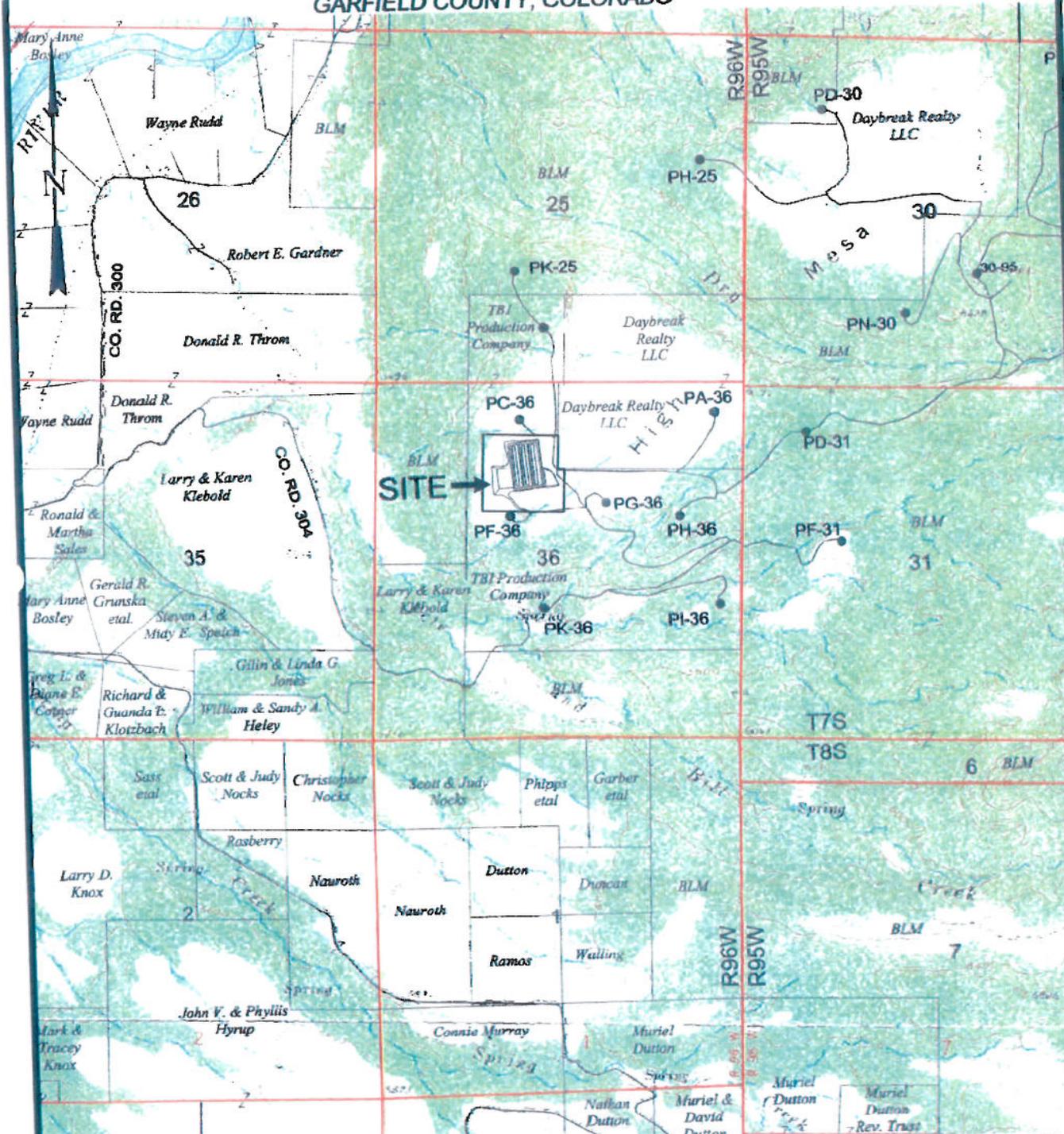
Owner

Owner: ENCANA OIL & GAS (USA) INC.
 Care of 1: ENCANA OIL & GAS (USA) INC.
 Care of 2: C/O K.E. ANDREWS & COMPANY
 Owner Address: 3615 S. HURON STREET, SUITE 200
 Owner City: ENGLEWOOD
 Owner State: CO
 Owner ZIP: 80110

Assessor

Parcel Number: 240936100048
 Tax District: 047
 Tax Exempt Entity: PRIVATE OWNERSHIP
 City or County: Unincorporated Garfield County
 Zoning Description: Rural
 Land Use 1: 100 AC & UP
 Land Use 2: N/A
 Land Use 3: N/A
 Land Use 4: N/A
 Land Use 5: N/A
 Reception No: 773261
 Book: N/A
 Page: N/A
 Legal Description: SECT,TWN,RNG:25-7-96 DESC: SURFACE & 3/4 MIN/RTS SESW, SEC. 36 S2NE, E2NW DESC: NESW, N2SE BK:0570 PG:0146 BK:0453 PG:0377 RECPT:773261 RECPT:732784 BK:1779 PG:523 RECPT:693922 BK:1658 PG:813 RECPT:667753 BK:1622 PG:713 RECPT:659794 BK:1528 PG:814 RECPT:638473 BK:1341 PG:608 RECPT:600142 BK:1025 PG:0767 BK:0838 PG:0299 BK:0777 PG:0845
 Section: N/A
 Township: N/A
 Range: N/A

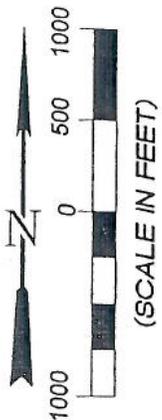
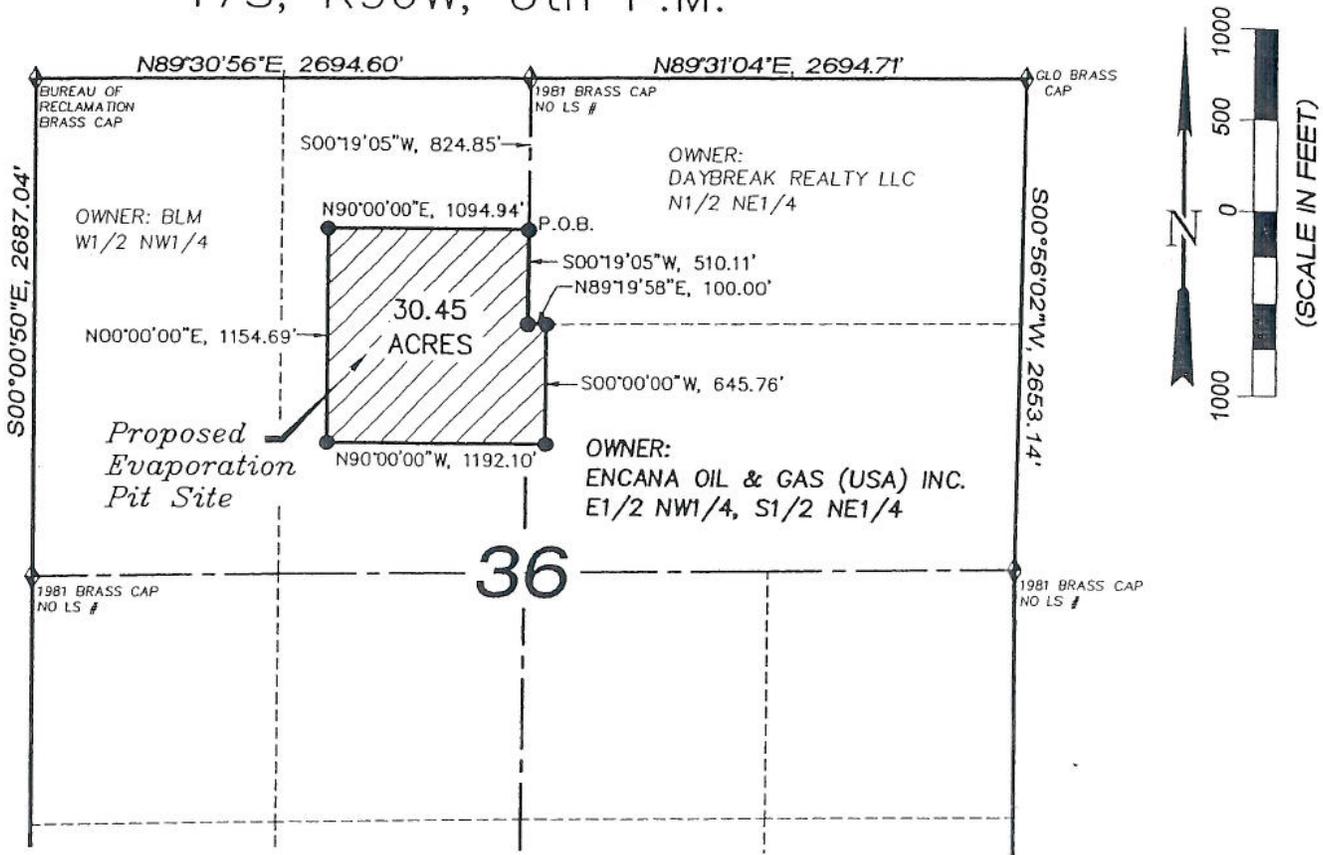
EnCana Oil & Gas (USA) Inc.
Water Treatment Facility Site
 Section 36, T7N, R96W
 GARFIELD COUNTY, COLORADO



906 Main Street
 Evanston, Wyoming 82930
 Phone No. (307) 789-4545

Vicinity Map		Scale: 1" = 2000'	SHEET 1 OF 1
Project No.	05-04-04	Date Surveyed:	
Date Drawn:	3/15/05	Latest Revision Date:	

T7S, R96W, 6th P.M.



-BASIS OF BEARING NOTE-

The base bearing for this survey is S00°56'02\"W, 2653.14 feet between found monuments at the Northeast Corner and the East One-Quarter Corner of Said Section 36, T7S, R96W, 6th P.M.

CERTIFICATE OF SURVEYOR

I, TED TAGGART OF EVANSTON, WYOMING HEREBY CERTIFY THAT THIS MAP WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION FOR ENCANA OIL & GAS (USA) INC. AND THAT THE RESULTS OF WHICH ARE CORRECTLY SHOWN HEREON.

-LEGEND-



SECTION CORNER LOCATED

P.O.B. POINT OF BEGINNING

SITE BOUNDARY LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE N1/2 OF SECTION 36, TOWNSHIP 7 SOUTH, RANGE 96 WEST, 6TH P.M., GARFIELD COUNTY, COLORADO, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 36 AND RUNNING N89°30'56\"E, 2694.60 FEET ALONG THE NORTH LINE THEREOF TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 36; THENCE S0°19'05\" W, 824.85 FEET ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 36 TO THE POINT OF BEGINNING; THENCE CONTINUING S0°19'05\"W, 510.11 FEET TO THE SOUTHWEST CORNER OF THE N1/2 NE1/4 OF SAID SECTION; THENCE N89°19'58\"E, 100.00 FEET ALONG THE SOUTH LINE OF SAID N1/2 NE1/4; THENCE S0°00'00\"W, 645.76 FEET; THENCE N90°00'00\"W, 1192.10 FEET; THENCE N0°00'00\"E, 1154.69 FEET; THENCE N90°00'00\"E, 1094.94 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 30.45 ACRES, MORE OR LESS.



EXHIBIT A
Map Showing
EnCana Oil & Gas (USA) Inc.
Evaporation Pit Site Boundary

N 1/2 of Section 36
T7S, R96W, 6th P.M.
GARFIELD COUNTY, COLORADO



906 Main Street
Evanston, Wyoming 82930
Phone No. (307) 789-4545

<i>Exhibit A</i>		Scale: As Shown	SHEET
Project No.	05-04-04	Date Surveyed: Jan. 2005	1
Date Drawn:	1/24/05	Latest Revision Date:	OF 1



Reception#: 760312
12/18/2008 03:14:00 PM Jean Alberico
1 of 2 Rec Fee \$11.00 Doc Fee 0.00 GARFIELD COUNTY CO

STATEMENT OF AUTHORITY

Pursuant to C.R.S. §38-30-172, the undersigned executes this Statement of Authority on behalf of EnCana Oil & Gas (USA) Inc., a corporation (corporation, limited liability company, general partnership, registered limited liability partnership, registered limited liability limited partnership, limited partnership association, government agency, trust or other), an entity other than an individual, capable of holding title to real property (the "Entity"), and states as follows:

The name of the Entity is EnCana Oil & Gas (USA) Inc. and is formed under the laws of the State of Delaware.

The mailing address for the Entity is 370 17th Street, Suite 1700; Denver, CO 80202.

The name and/or position of the person(s) authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the Entity is/are Brenda Linster, Kent Lindberg, Renata Busch, Brett Crabb, Jason Eckman, Chris Putnam and Khem Suthiwan.

The limitations upon the authority of the person named above or holding the position described above to bind the Entity are as follows: sign Garfield County permits including, but not limited to Special Use Permits; Pipeline Development Plan Administrative Permits; Major and Minor Permits and Small Facility Checklists for Temporary Employee Housing; grading permits; building permits; ISDS permits; utility installation permits; driveway permits; major Impact Permits; Limited Impact Permits; and Administrative Permits.

(if no limitations, insert "None")

Other matters concerning the manner in which the Entity deals with any interest in real property are: _____

(if no other matter, leave this section blank)

1011 2



February 8, 2010

Renata Busch
Encana Oil and Gas (USA), Inc.
2717 County Road 215
Parachute, CO 81635

RE: Special Use Permit Amendment Application to change a wildlife deterrence system condition of approval as approved under Resolution 2005-57.

Dear Renata,

This office is in receipt of the Special Use Permit Amendment Application to change a condition regarding a wildlife deterrence system on the High Mesa Water Storage and Evaporation Pond originally approved under Resolution 2005-57 on a property owned by Encana Oil and Gas (USA), Inc., for Encana Oil and Gas (USA), Inc.

We have conducted a review of the application and determined it to be **Technically Incomplete**. Please provide the following information so that we may continue to process the application:

Garfield County Unified Land Use Resolution of 2008, as amended, Section 4-501 (H)
Written Statement of the Proposed Amendment:

Please provide a more detailed Written Statement of the Proposed Amendment. Supporting documents (letters) have been included with the submittal but need to be summarized in a narrative so it is clear why and how the Applicant wishes to change the High Mesa Water Storage and Evaporation Pond. Also, with this amendment will there be any impacts associated with this change such as traffic, noise, odor, etc.? Additionally, it is not clear how the Applicant wishes to amend Condition 9b. Please write the entire condition as you wish it to read. The condition may want to address the Division of Wildlife's comment in a letter dated 12/09/2009 to Fred Jarman which states "Monitoring of effectiveness and plans for break-downs, malfunctions or non-effectiveness should be a part of the changing language."

Supporting Documents:

The following information needs to be provided.

- Proof of ownership of the parcel
- Vicinity map
- Site plan
- Letter of authorization

Once you have adequately addressed these issues, the Director will make a determination as to whether the proposed change constitutes a substantial modification to the condition of approval contained in the Resolution of Approval and a staff report will then be prepared.

Since this application proposes to change or vary from a specific condition of approval set forth in Resolution 2005-57, the Director shall set a public hearing before the Board of County Commissioners for an amendment to a condition of approval in a resolution of approval.

Do not hesitate to contact me if you have any questions.

Sincerely,



Molly Orkild-Larson, AICP, RLA
Senior Planner
970.625.5903