

Dave Kubeczko - DNR

From: Dave Kubeczko - DNR
Sent: Tuesday, July 29, 2014 1:42 PM
To: Dave Kubeczko - DNR
Subject: FW: Elm Ridge IGW 154 Rue 305.1(2) followup documents.
Attachments: Preapp notice hand delivered.pdf; Chronology-Krysten Moore-IGW 154-COGCC.pdf
Categories: Operator Correspondence

Scan No 2107077 SURFACE OWNER PREAPPLICATION CERTIFICATION BY OPERATOR 2A#400607018

From: Joyce Land Research [mailto:jlr@animas.net]
Sent: Wednesday, June 25, 2014 8:14 PM
To: Dave Kubeczko - DNR
Cc: Mike Finney; Anne Finney; Terry Lindeman
Subject: Elm Ridge IGW 154 Rue 305.1(2) followup documents.

Hi Dave,

I called the Moore's office in Farmington today and was told that they would both be unavailable until next Monday. The pre-construction notice has been prepared and is ready for hand delivery. I realize this will delay things until somewhere around August 1, but that is a timeframe that can be accommodated. I have attached the Pre-Application notice with a notation that it was hand delivered on June 19th. I have also attached the narrative that was requested.

I will forward the Pre-Construction Notice once it is delivered and signed.

Please let me know if these meet the guidelines we discussed and thanks again for your advice in this matter.

Regards,

Doug Joyce
Finney Land Co.
970-769-0488

FINNEY LAND CO.

OIL & GAS CONSULTING

P.O. BOX 2471
DURANGO, CO 81302
PHONE: 970-259-5691 FAX: 970-259-4279

Dave Kubeczko
796 Megan Ave.
Suite 201
Rifle Colorado 81650

June 25, 2014

RE: Krysten Moore
Elm Ridge IGW 154 well

Dear Mr. Kubeczko,

Pursuant to your request for the history of the permitting as relates to our Surface owner, Krysten Moore, I have created a chronology of the e-mail correspondence that relates to our efforts to work with the Moore's, as follows (with my comments shown in purple):

In the early evening of December 3rd, after failing to find a listed phone number for Mrs. Moore and another neighbor, Susan Mills, I drove out to the area where their residences are located and left letters for them, requesting contact information and permission to schedule a survey crew to re-stake the well location and determine cultural distance info as required by Form 2 and Form 2A. When I returned to my office, I contacted our surveyor by e-mail.

jl@animas.net

From: "Joyce Land Research" <jlr@animas.net>
To: "Northstar Surveying & Mapping, Inc. (Kenny Rea)" <krea@sprynet.com>
Cc: "Mike Finney" <mike@finneyland.com>; "Anne Finney" <anne@finneyland.com>
Sent: Tuesday, December 03, 2013 8:04 PM
Subject: IGW 154
Kenny,

I hand delivered letters to the residences of Krysten Moore and Susan Mills out on Blackhawk Trail tonight. No one was home at either place so since there were no mailboxes out on the road, I drove up their driveways and taped the letters to their doors. No way they can miss these and I'm absolutely certain that these are the correct residences. Hopefully they will get back to me tonight or in the morning so we can get your crew out there before the next front comes in. A big black Newfie got between me and my car at the Mills place and I had to bluff my way past him. There were more dogs behind him in the dark but I couldn't see how many so just a heads up. Didn't see any on the Moore property. The driveway up to the Mills place is about a quarter mile long, pretty rutted out and muddy with lots of standing water so make sure your crew has a 4WD vehicle (probably standard operating procedure for you but just wanted to mention this).

I'm going to mail out their preapp notices tomorrow.

Thanks,

DJ

On December 5, I was contacted by Mrs. Moore's husband, James Moore. At that time I specifically requested to speak to Mrs. Moore, the record owner. I was told by Mr. Moore that she was not available, that he would be consulting with her and that any further contacts should be initiated with him. I got the distinct impression from Mr. Moore that any attempt to circumvent his wishes and contact Mrs. Moore directly would be considered to be something along the lines of harassment. He further stated that he was "in the oilfield compressor business", wanted to purchase the existing well location from Elm Ridge and that he would be the spokesperson for the family in matters relating to the permit. Additional information is set out in the following e-mail sent Dec 5, 2013 at 11:31 AM:

From: "Joyce Land Research" <jlr@animas.net>
To: "Mike Finney" <mike@finneyland.com>; "Northstar Surveying & Mapping, Inc. (Kenny Rea)" <krea@sprynet.com>
Cc: "Terry Lindeman" <TLindeman@elmridge.net>
Sent: Thursday, December 05, 2013 11:31 AM
Attach: IGW 154.jpeg
Subject: IGW 154-building unit owners within 1000' contacted. Request for call from Jamie Clark.

Landowner to the Northeast, Susan Mills, has given permission for the survey crew to access her property and shoot the distance between the wellhead and her home and outbuildings.. She also said that the dogs were not vicious and wouldn't be a safety issue. Her cell phone number is 970-769-1905.

I also spoke with James Moore (husband of Krysten Moore who is shown as owner of the property where the existing pad lies). They purchased this property in 2011 after foreclosure of the mortgage of Russell Miller, the landowner who granted our existing Surface Damage Agreement back in 2008. He told me that the residence out there is not their primary homestead but he will not grant permission for surveyors to enter the area where the building unit is located. In a nutshell, he indicated that he was going to oppose our proposed infill and said he has been trying to reach Jamie Clark about purchasing the existing A. H. Terrell #1 well on that location. He owns an oil field compressor service in Farmington and requested a call from Mr. Clark to discuss the purchase. His business phone is 505-324-1590. His cell phone is 505-215-3955.

DJ

On the afternoon of Dec. 9th I got confirmation that the survey crew could be available the following day and sent the following notification with a recap of Mr. Moore's request to contact Jamie Clark.

From: "Joyce Land Research" <jlr@animas.net>
To: "Mike Finney" <mike@finneyland.com>
Sent: Monday, December 09, 2013 6:13 PM
Attach: IGW 154.jpeg
Subject: Fw: IGW 154-building unit owners within 1000' contacted. Request for call from Jamie Clark.
Mike,

Kenny is going to try to stake the IGW 154 well tomorrow. It is located in T33N, R9W, Section 15, NW/4

James Moore (husband of Krysten Moore who is shown as owner of the property where the existing pad lies) purchased this property in 2011 after foreclosure of the mortgage of Russell Miller, the landowner who granted our existing Surface Damage Agreement back in 2008. He told me that the residence out there is not their primary homestead but he has refused permission for surveyors to enter the area where the existing house/building unit is located. In a nutshell, he indicated that he was going to oppose our proposed infill and try to delay our permitting until he talks to Jamie Clark. He said he has been trying to reach Jamie Clark about purchasing the existing A. H. Terrell #1 well on that location. He owns an oil field compressor service in Farmington and requested a call from Mr. Clark to discuss the purchase. His business phone is 505-324-1590. His cell phone is 505-215-3955.

Thanks,

DJ

On December 5, as evidenced by the post forwarded to me below, Mr. Clark was sent an e-mail calling Mr. Moore's request to his attention:

jlr@animas.net

From: "Mike Finney" <mike@finneyland.com>
To: <tlindeman@elmridge.net>; <jclark@elmridge.net>
Cc: <jlr@animas.net>
Sent: Tuesday, December 10, 2013 12:19 PM
Attach: IGW 154.jpeg; AVG Certification.txt
Subject: FW: IGW 154-building unit owners within 1000' contacted. Request for call from Jamie Clark.

Jamie: I think you need to call this guy before we can go any further. Mike

On December 11, a reminder was sent to Mr. Clark and forwarded to me:

From: Mike Finney [mailto:mike@finneyland.com]
Sent: Wednesday, December 11, 2013 12:48 PM
To: James Clark
Subject: FW: IGW 154-building unit owners within 1000' contacted. Request for call from Jamie Clark.

Jamie: I don't know if you got this yesterday or not. Mike

On December 12, Mr. Clark contacted Mr. Moore, acquired his e-mail address and I received the following request to send the Surface Use Agreement to Mr. Moore and Mr. Clark.

jlr@animas.net

From: "Mike Finney" <mike@finneyland.com>
To: <jlr@animas.net>
Sent: Thursday, December 12, 2013 12:00 PM
Attach: AVG Certification.txt
Subject: IGW 154
Doug:

Doug met called James Moore today. We need to send James a copy of the recorded SDA and cc Jamie. His email is james@advancedwirelessllc.com.

Mike

On December 12, at 12:48 pm, the Surface Use Agreement was sent to Mr. Clark and Mr. Moore.

jlr@animas.net

From: "Joyce Land Research" <jlr@animas.net>
To: <jclark@elmridge.net>
Cc: "Mike Finney" <mike@finneyland.com>
Sent: Thursday, December 12, 2013 12:18 PM
Attach: IGW 154 Surface Damage Agreement.pdf
Subject: Re: IGW 154
Dear Mr. Clark and Mr. Moore,

Please find the attached Surface Damage Agreement for the IGW 154 well, dated May 22, 2008 which was executed by Russell J. Miller, the predecessor in title to Mr. Moore.

Best regards,

Doug Joyce
Finney Land Co.

On December 27 I received the following e-mail forwarded by Jamie Clark:

From: James Clark [mailto:JClark@elmridge.net]
Sent: Friday, December 27, 2013 1:22 PM
To: Mike Finney
Subject: RE: IGW 154-building unit owners within 1000' contacted. Request for call from Jamie Clark.

Mike,

Do you need me to do anything further with James Moore? I spoke with him a couple of times and clarified the surface agreement situation with him. He was confused and thought the 2008 agreement covered the initial AH Terrell well. That well was covered by the original lease which includes surface use language.

Thanks,

Jamie

On January 1, 2014, I sent a recap e-mail to provide a status update on this project. Please note that this e-mail mentions that the pre-application letters had been sent out, that Mr. Moore (who had told me during our phone conversation on Dec. 5th that he was family spokesman/contact person and was keeping Mrs. Moore informed regarding this matter) was notified by phone that the pre-application letters had been sent, certified mail, return receipt requested. It has subsequently been confirmed that there was an attempt to deliver this letter to the residence of record with the La Plata County Assessor per Rule 305.1(2) and a notice was left by the postmaster in their post office box. They never did go to the post office to pick it up which supports the previously mentioned statements by Mr. Moore of his intentions to obstruct the permitting efforts, as follows:

jlr@animas.net

From: "Joyce Land Research" <jlr@animas.net>
To: "Mike Finney" <mike@finneyland.com>
Sent: Wednesday, January 01, 2014 12:43 PM
Attach: Krysten Moore pre-survey letter.pdf; Miller SDA etc..pdf
Subject: Re: IGW 154-building unit owners within 1000' contacted. Request for call from Jamie Clark.
There was no listed phone for the Moores so on Dec. 3, I located their home and left them the attached letter along with a copy of the SUA from the previous owner in an envelope, taped to their front door (copies attached-I did not include the side letter and other documentation that is part of this .pdf as it only relates to consideration paid to the former surface owner). I subsequently was in touch with Mr. Moore and this is when he told me that he did not want the surveyors in the vicinity of his home and wanted to talk to Jamie.

Week before last and sent out the preapp letters. La Plata County GIS shows this home to be within 1000' of the wellhead so I sent him the required COGCC preapp Buffer Zone Notice by certified mail, return receipt requested. I called him to let him know I was sending it. During this conversation, I asked him if he had found the letter I had taped to his door on Dec 3 with the SUA enclosed and he confirmed that he had. The SUA clearly states it is for the IGW 154. He has never indicated to me that he was confused about this SUA in any way and never said that he thought it was for the Terrell well. He still would not give permission to have our surveyors shoot the distance to the house out there.

DJ

On the morning of Jan 8, while the Form 2 and Form 2A were in draft, I sent the following e-mail to Larry Coler, requesting some guidance relative to situations that involved landowners who were being intentionally uncooperative, as follows:

On Wed, Jan 8, 2014 at 7:45 AM, Joyce Land Research <jlr@animas.net> wrote:

Larry,

The new buffer zone rules require us to send preapp notices to landowners within 1000' of a proposed well.

I can be considered trespassing to enter a property and shoot the distance from the proposed surface location to their building unit without the landowner's permission.

The rules require the operator to provide this information but they cannot require a landowner who "may be" within a buffer zone allow a surveyor to enter their property in order to shoot the distance.

At this point I have had two landowners refuse permission to enter their property and two more who refuse to return my calls requesting permission.

If a landowner is communicative and is aware of the requirement but outright refuses to allow the operator to enter their property, what is the operator's obligation at this point?

If a landowner does not answer their phone or return calls when messages are left on their voicemail, what is operator's obligation?

Would USPS certified mail/return receipt sent to the landowner be adequate due diligence? If no response was forthcoming, is operator required to send a preapp notice to a non-communicative or non-cooperative landowner? Do they forfeit their consultation rights if they refuse to cooperate?

Thanks,

Doug Joyce
Finney Land Co.
Durango, CO
9780-769-0488

At 9:11 AM, Mr. Coler responded:

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

From: Coler - DNR, Larry

To: Joyce Land Research

Sent: Wednesday, January 08, 2014 9:11 AM

Subject: Re: Question about landowner

I doubt if there is a quick solution. We have had people refuse to allow surveyors on property. This was long before new rules. The permit took a year or more to get out. I think a peace officer had to be present at some point. It got on the hearing docket for discussion because they requested that the area be designated as a recreational outside activity area which is not your situation. I doubt that these new rules would be revoked because of problem surface owners. The COGCC does not get involved and it becomes a legal matter. I think it must be determined judicially that you have a right to be out there and that is when law enforcement can assist in the process. No quick solution. You can call Peter Gowen here(enforcement) but that is basically what he said.

At 12:36, Mr. Coler attempted to return my e-mail but there was a server issue or some other problem.

Mr. Coler called and left a voice mail. At 1:23 PM, I responded, as follows:

jl@animas.net

From: "Joyce Land Research" <jlr@animas.net>

To: "Coler - DNR, Larry" <larry.coler@state.co.us>

Cc: "Mike Finney" <mike@finneyland.com>; "Terry Lindeman" <TLindeman@elridge.net>; "Northstar Surveying & Mapping, Inc. (Kenny Rea)" <krea@sprynet.com>; "Anne Finney" <anne@finneyland.com>

Sent: Wednesday, January 08, 2014 1:23 PM

Subject: Re: Question about landowner

Larry,

I just received your voicemail. From what I'm hearing, including a surface owner whose building unit is close enough to believe *might* be within the buffer zone and attaching the required copy of the preapp buffer zone notice to the Form 2 would be sufficient due diligence in this situation.

So I guess it follows that if the building unit in question was the closest one to the location, on the Cultural Distance tab in the Form 2 and Form 2A, we would estimate the distance per GIS and call it good?

Thanks,

DJ

Subsequently, the e-mail that Mr. Coler had tried to post earlier was received which answered my question and was corroborated by Jane Stanzyk:

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

From: Coler - DNR, Larry
To: Joyce Land Research
Sent: Wednesday, January 08, 2014 12:36 PM
Subject: question about landowner

Larry,

I just received your voicemail. From what I'm hearing, including a surface owner whose building unit is close enough to believe *might* be within the buffer zone and attaching the required copy of the preapp buffer zone notice to the Form 2 would be sufficient due diligence in this situation.

So I guess it follows that if the building unit in question was the closest one to the location, on the Cultural Distance tab in the Form 2 and Form 2A, we would estimate the distance per GIS and call it good?

Thanks,

DJ

×

I couldn't reply to your email for some reason.

Yes. Our GIS would suffice in order to get the pre-apps out. Jane agrees.

On January 15, I again posted to Larry Coler and provided him a copy of the pre-application notice that was sent to the Moore residence, addressed to Krysten Moore, at the address of record with the La Plata County assessor's office as required by COGCC Rule 305.a(2):

jlr@animas.net

From: "Joyce Land Research" <jlr@animas.net>
To: "Coler - DNR, Larry" <larry.coler@state.co.us>
Sent: Wednesday, January 15, 2014 3:51 PM
Attach: Krysten Moore pre-survey letter.pdf; 305 a.(2) Buffer Zone Notice-Moore.docx
Subject: Re: IGE 154 preapp notice
Hi Larry,

The other day I was telling you about a landowner who would not let us survey the distance between his home and the wellhead.

Prior to sending the preapp notice, I tried to contact them to get permission to survey but they had no phone number so I drove out to the area and hand delivered a letter (attached pre survey letter). They weren't there so I taped it to their door and when they called, they acknowledged they had received it.

I then sent the preapplication notice on 12-19. At the time, I was sure the building unit was within 1000' of his house but probably not within 500'. Now our surveyor is "guesstimating" that the NW corner of the house is about 490' from the wellhead. This would put the house in an Exception Zone in a non-urban area. I am attaching this Preapplication notice I sent him (actually the property is in the name of his wife, Krysten Moore) and this house is not their primary residence. They live in Aztec NM.

Will this Preapp notice be sufficient if their home is within 500' of the wellhead or do I need to prepare and send another one stating that "*we believe*" they *may* be within a 500' Exception Zone but we can't be sure due to their not granting us permission to check?

Just want to be sure I've done my due diligence on this and that we are in compliance. with COGCC rules.

Thanks,

Doug Joyce
Finney Land Co.
970-769-0488

On January 17th I received the following reply from Mr. Coler:

jlr@animas.net

From: "Coler - DNR, Larry" <larry.coler@state.co.us>
To: "Joyce Land Research" <jlr@animas.net>
Sent: Friday, January 17, 2014 1:14 PM
Subject: Re: IGE 154 preapp notice

This pre app notice will work according to Doug Andrews. Requirements are the same with the 500' buffer. The difference would come when the permit is passed for completeness. Where you would deviate is the OGLA notice which is required when for exception zone locations.

The Form 2 and Form 2A were passed for completion on 5-23-14. It needs to be noted that during this period I was extremely ill and slow to recover. The OGLA notices were sent with the required information and attachments, to Krysten Moore and all property owners with boundaries within 1000' of the location by certified mail, return receipt requested, postmarked on June 10, 2014.

On June 13, I was contacted by Dave Kubeczko that he would be available of an onsite inspection the following week. I subsequently sent the following notices regarding the pending onsite:

jlr@animas.net

From: "Joyce Land Research" <jlr@animas.net>
To: <james@advancedwirelessllc.com>; <Daniel.Murray@co.laplata.co.us>; "Jason Meininger" <Jason.Meininger@co.laplata.co.us>; "Courtney Roseberry" <Courtney.Roseberry@co.laplata.co.us>; "Magee - DNR, Brian" <brian.magee@state.co.us>
Cc: "Dave Kubeczko - DNR" <dave.kubeczko@state.co.us>; "Mike Finney" <mike@finneyland.com> "Anne Finney" <anne@finneyland.com>; "Terry Lindeman" <TLindeman@elmridge.net>; "David Striegel" <DStriegel@elmridge.net>
Sent: Friday, June 13, 2014 2:45 PM
Subject: Onsite Elm ridge IGW 154

To all concerned parties,

Dave Kubesczo of the DNR/Colorado Oil and Gas Conservation Commission has requested an onsite inspection of the surface location for the proposed Elm Ridge IGW 154 well. He will be in the area next Thursday afternoon, June 19 and can meet on the location at around 4:30 PM. An alternative time would be Friday morning, June 20th.

Please let me know if you wish to attend and if you can fit this into your schedule.

Best regards,

Doug Joyce
Finney Land Co.
970-769-0488

I received the following response from Mrs. Moore. Due to the fact that I was never provided any means to communicate directly with Mrs. Moore due to Mr. Moore's insistence in being spokes person during this process, this was the first direct communication I had ever received from her:

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

From: Krysten Moore
To: jlr@animas.net
Sent: Friday, June 13, 2014 3:43 PM
Subject: Fwd: Onsite Elm ridge IGW 154

As the registered land owner, I will be there. Thursday afternoon works best for me.

Krysten Moore
Vice President
AWC
Office: [505-324-1590](tel:505-324-1590)
Cell: [505-486-0045](tel:505-486-0045)
krysten@advancedwirelessllc.com

----- Forwarded message -----

From: James Moore <james@advancedwirelessllc.com>
Date: Fri, Jun 13, 2014 at 3:23 PM
Subject: Fwd: Onsite Elm ridge IGW 154
To: Krysten Moore <krysten@advancedwirelessllc.com>

I sent Mrs. Moore another e-mail at 4:02 PM on June 13, as follows:

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

From: Krysten Moore
To: Joyce Land Research
Sent: Friday, June 13, 2014 4:53 PM
Subject: Re: Onsite Elm ridge IGW 154

Ok. Thank you.

Krysten Moore
Vice President
AWC
Office: [505-324-1590](tel:505-324-1590)
Cell: [505-486-0045](tel:505-486-0045)
krysten@advancedwirelessllc.com

On Fri, Jun 13, 2014 at 4:02 PM, Joyce Land Research <jlr@animas.net> wrote:
Thanks Krysten,

Before moving to Grand Junction, Courtney Roseberry informed me that you wanted to be present at the onsite. She is no longer working for La Plata County. Daniel Murray and Jason Meininger are the La Plata County Planning Commission contacts now. Daniel's phone # is [970--382-6268](tel:970-382-6268) . Jason's is [970-382-6267](tel:970-382-6267).

Best regards,

Doug Joyce
Finney Land Co.
[970-769-0488](tel:970-769-0488)

Since I now had a way to contact Mrs. Moore directly, on June 17th, the following e-mail was sent, inquiring about the status of the OGLA notice that was posted to her on June 10:

jlr@animas.net

From: "Joyce Land Research" <jlr@animas.net>
To: "Krysten Moore" <krysten@advancedwirelessllc.com>
Sent: Tuesday, June 17, 2014 5:14 PM
Subject: Re: Onsite Elm Ridge IGW 154
Hi Krysten,

The well location had been surveyed and the perimeter boundaries staked earlier this year. It has come to our attention that the stakes were removed sometime between then and now. Our survey crew restaked the well location and pad perimeter earlier today.

Also, I wanted to inform you that a notice was sent to your residence on Blackhawk Trail recently by certified mail, return receipt requested. We have not yet received the return receipt.

See you Thursday afternoon.

Best regards,

Doug Joyce
Finney Land Co.
970-769-0488

On June 19, I met with Dave Kubezko, Dave Striegel (representing Elm Ridge) and Krysten Moore on the IGW 154 location. I had previously scanned in the unopened pre-application notice that had been sent to her and included this with a narrative setting out much of the information recited above and requesting an Exception location be granted.

Since the Form 2A had been passed for completion, my assumption was that due to the stated intentions of Mr. Moore to obstruct our permitting process and the refusal of the intended recipient to accept and sign the return receipt for her pre-application notice, this issue had been taken into account during the completion review.

While we were on the location, I presented Mrs. Moore with the pre-application notice so it could be considered delivered since she never picked it up. Mrs. Moore asserted that she was never notified of a pre-application notice. She further stated that the post office did not deliver certified mail to her P.O. Box because it was shared by other residences in the area. Also at this meeting, I requested that our surveyor be allowed to access the vicinity of the building unit in order to properly measure the distance to the well location so my COGCC cultural distance info and La Plata County setback requirements could be addressed. She granted verbal permission to do this and Mr. Kubezko and Mr. Striegel witnessed this.

An onsite meeting was conducted the following day with La Plata County. Subsequent to this meeting, I went to the post office in Ignacio to try to determine why she was not noticed that an attempt had been made to deliver a certified/ return receipt letter. I was told that a notice had been left in Mrs. Moore's box but that she never came to the post office to pick it up. Subsequently, I posted the following e-mail regarding this issue:

jl@animas.net

From: "Joyce Land Research" <jl@animas.net>
To: "Dave Kubeczko - DNR" <dave.kubeczko@state.co.us>
Cc: "Terry Lindeman" <TLindeman@elmridge.net>; "Mike Finney" <mike@finneyland.com>; "Anne Finney" <anne@finneyland.com>
Sent: Monday, June 23, 2014 9:25 AM
Attach: Exception location request (2).pdf; Narrative-Surface Owner Correspondence IGW 154.pdf; Tracking Documents.pdf
Subject: Onsite-IGW 154
Hi Dave,

During our onsite on Thursday afternoon, it was asserted by Mrs. Moore that she had not received notice of the Preapplication/Buffer Zone Notice.

Friday, after our County onsite with Mrs. Moore, I went to the post office in Ignacio to see why no notice had been left from Mrs. Moore. They provided a tracking record which proves that PS Form 3849 had been left in her box. This box serves the community in that area and has individual cubicles for each residence.

I asked the person at the desk if there were other unclaimed items addressed to Mrs. Moore from Finney Land Company waiting for pickup. She showed me the OGLA notice. There have been two notices about this OGLA letter left in Mrs. Moore's box and since the USPS hold time for unclaimed mail will expire today and the letter will be returned to Finney Land Company (a process that takes 8 days since the mail is sorted and routed through Albuquerque), I called Mrs. Moore and informed her that the OGLA notice was sitting at the post office, awaiting her pickup. This was around 10:30 AM. I was still out in the area around 2:30 PM and dropped by the post office again to see if she had claimed it. At that time, she had not done so.

Since Mrs. Moore was properly and timely noticed, I am hoping this information will be taken into account when considering the current status of this permit.

I have attached a scan of a (blank) Form 3849, like the ones that are being left in Mrs. Moore's mailbox, along with the tracking information which proves that the notice was delivered. I am also attaching the Exception Location Request and the accompanying narrative that I provided when my permit applications were submitted on May 12. I had assumed this info would be taken into account when the Form 2 and 2A were passed for completion. Please note that in the second-to-last paragraph of the narrative, I mention that Mr. Moore indicated that he was not inclined to co-operate with us in permitting this well. Due to the fact that these documents were to be public record, I worded this "diplomatically". During the phone conversation, Mr. Moore was adamant that as part of the non-cooperation tactics that he would be employing to attempt to obstruct our permit, any notices would be purposefully ignored. I should have added that Mr. Moore represented himself as the "decision maker" in this affair and would not provide contact information what would allow me to interact with Krysten Moore.

Thanks for your time.

Respectfully,

Doug Joyce
Finney Land Co.
970-769-0488

jlir@animas.net

From: "Joyce Land Research" <jlir@animas.net>
To: "Dave Kubeczko - DNR" <dave.kubeczko@state.co.us>
Cc: "Terry Lindeman" <TLindeman@elmridge.net>; "Mike Finney" <mike@finneyland.com>; "Anne Finney" <anne@finneyland.com>
Sent: Monday, June 23, 2014 9:44 AM
Subject: Fw: Onsite-IGW 154
Dave.....

The last sentence of the e-mail.....

"and would not provide contact information *what* would allow me to interact with Krysten Moore." ???

I was in a bit of a hurry to get this to you in case you are contacting Denver this morning. Just wanted to acknowledge the obvious grammar issue.

Regards,

Doug

During our onsite, Mrs. Moore had mentioned that she was usually at the property on Blackhawk for three days per week and requested that we send notices to her via UPS, but that these should be left on her door since she might not be available to sign for them when they were delivered. Due to the previous issue with the certified mail notices not being responded to by Mrs. Moore, Elm Ridge requested that any correspondence be signed-for on delivery. Below are subsequent e-mail exchanges with Mrs. Moore:

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

From: Krysten Moore
To: Joyce Land Research
Sent: Monday, June 23, 2014 7:51 PM
Subject: Re: Onsite Elm Ridge IGW 154

I do not want your surveyor entering my property without me being present. I will consider it trespassing if he does so.

jlir@animas.net

From: "Joyce Land Research" <jlir@animas.net>
To: "Northstar Surveying & Mapping, Inc. (Kenny Rea)" <krea@sprynet.com>
Cc: "Terry Lindeman" <TLindeman@elmridge.net>; "Mike Finney" <mike@finneyland.com>; "Anne Finney" <anne@finneyland.com>; "Dave Kubeczko - DNR" <dave.kubeczko@state.co.us>; "David Striegel" <DStriegel@elmridge.net>
Sent: Tuesday, June 24, 2014 6:38 AM
Subject: Fw: Onsite Elm Ridge IGW 154

Kristen,

I have requested that the surveyor put his crew on hold. These surveys have to be scheduled a few days ahead of time. Please provide the day and time that you will be present next week so it can be scheduled.

Thanks,

Doug Joyce
Finney Land Co.
970-769-0488

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

From: Krysten Moore

To: jlir@animas.net

Sent: Tuesday, June 24, 2014 2:58 PM

Subject: Out of Office Re: Onsite Elm Ridge IGW 154

I will be out of the office from Tuesday, June 24 through Sunday, June 29. I will be checking emails and messages as I can. If you have something urgent please contact Daina, the AWC office manager, at daina@advancedwirelessllc.com or call the office at 505-324-1590.

Thank you,

--

Krysten Moore

Vice President

AWC

Office: 505-324-1590

Cell: 505-486-0045

krysten@advancedwirelessllc.com

jlir@animas.net

From: "Joyce Land Research" <jlir@animas.net>
To: "Krysten Moore" <krysten@advancedwirelessllc.com>
Cc: "Dave Kubeczko - DNR" <dave.kubeczko@state.co.us>; "Mike Finney" <mike@finneyland.com>; "Anne Finney" <anne@finneyland.com>; "Northstar Surveying & Mapping, Inc. (Kenny Rea)" <krea@sprynet.com>; "Terry Lindeman" <TLindeman@elmridge.net>; "David Striegel" <DStriegel@elmridge.net>
Sent: Tuesday, June 24, 2014 3:44 PM
Subject: Fw: Out of Office Re: Onsite Elm Ridge IGW 154
Dear Mrs. Moore,

Would it be possible to meet on Monday, June 30th? Also, would it be possible to schedule the survey crew on that day? The surveyor will only need to be on location for about 5 minutes.

Please let me know.

Best regards,

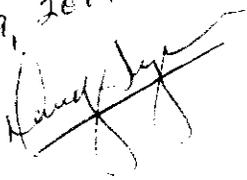
Doug Joyce
Finney Land Co.
Elm Ridge Exploration Co., LLC
970-769-0488

I have received no further response from Mrs. Moore.

Best regards,

*Doug Joyce
Landman
Finney Land Co.
Agent for Elm Ridge Exploration Co., LLC.*

Hand delivered at
onsite meeting on
June 19, 2014



FINNEY LAND CO.
OIL & GAS CONSULTING

P.O. BOX 2471
DURANGO, CO 81302
PHONE: (970) 259-5691 • FAX (970) 259-4279

**PREAPPLICATION NOTIFICATION
BUFFER ZONE NOTICE**

12-19-13

Krysten Moore
730 Blackhawk Trail
Ignacio, CO. 81137

Certified Mail
Receipt # 7006 2760 0003 0789 0535

RE: Elm Ridge Exploration Co, LLC.
IGW 154 Well
T33N, R9W, NMPM
Sec. 15: NW/4
La Plata County, CO.

Dear Mrs. Moore,

Rule 305.a.(2) of the Colorado Oil and Gas Conservation Commission (COGCC) creates a buffer zone designation for building units lying within 1000' feet of a proposed well location and requires that the surface owner be notified.

This notice is to inform you that a permit to conduct operations on the above described location is being requested by Elm Ridge Exploration Co., LLC. The operator's contact information is as follows:

The applicant and designated agent are listed below:

APPLICANT:

Contact Name: Terry Lindeman
Company Name: Elm Ridge Exploration Co., LLC
Street Address: P.O. Box 156
City: Bloomfield
State: New Mexico
Zip: 87413
Phone Number: 505-632-3476 ext 210

DESIGNATED AGENT:

Contact Name: Doug Joyce
Company Name: Finney Land Co.
Street Address: P.O. Box 2471
City: Durango
State: Colorado
Zip: 81301
Phone Number: 970-259-5691

Contact information for the local government designee (LGD):

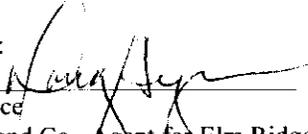
La Plata County Planning Department
1060 East 2nd Ave.
Durango, CO 81301
(970) 382-6263

The anticipated date of operations is March 2014. COGCC location assessment Form 2A will be submitted 30 days from the date of this notice. Upon determination of completeness of Form 2A by the COGCC, additional notices will be sent pursuant to COGCC Rule 305.c.

You are hereby invited to request a meeting to address questions and/or discuss whatever concerns you may have regarding this location.

Thank you for your attention to this matter.

Sincerely:


Doug Joyce
Finney Land Co., Agent for Elm Ridge Exploration Co., LLC