

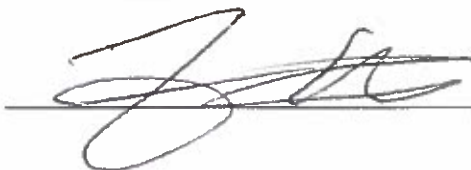
AFFIDAVIT OF PUBLICATION

FORT MORGAN TIMES

State of Colorado
County of Morgan

I, the undersigned agent, do solemnly swear that **THE FORT MORGAN TIMES** is a daily newspaper printed, in whole or in part, and published in the City of Fort Morgan, County of Morgan, State of Colorado, and which has general circulation therein and in parts of Logan and Morgan counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any, amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

The annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated April 9, 2016.


Agent

Subscribed and sworn to before me this 1st day of
April, 2016 in the County of Morgan, State of Colorado.


Notary Public

Account # 216794
Ad # 5668595
Fee \$102.15

RITA MARIE HANNER-WARD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144042768
MY COMMISSION EXPIRES NOVEMBER 4, 2018

RECEIVE

APR 29 2016

COGCC

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO
UPDATE OF PROPOSED
UNDERGROUND INJECTION CONTROL PERMIT
AND DESIGNATION OF THE
J-SANDSTONE (J-SAND) FORMATION AS AN EXEMPT AQUIFER
TO ALL INTERESTED PERSONS AND TO WHOM IT MAY CONCERN;

The purpose of this notice is to solicit public comment on the Windy Hill #3-17D disposal well, a Class II injection permit submitted by Windy Hill Water Operations LLC. Windy Hill Water Operations intends to convert the Windy Hill #3-17D from an unused gas storage well into a Class II disposal well. The Windy Hill #3-17D well was drilled at a location 1974 feet from north line and 715 feet from east line (SENE) of Section 17, Township 3 North, Range 55 West, 6th P.M., Morgan County, Colorado.

The original Public Notification for designating the J-Sand in the Windy Hill #3-17D well as an exempt aquifer is being updated because of hydrologic modeling information made available to the Colorado Oil and Gas Conservation Commission by Windy Hill Water Operations LLC. The update consists solely of a re-definition of the area to be exempted, please see the legal description below. The proposed exemption area would increase from approximately 380 acres to 600 acres.

Class II injection wells are permitted and regulated in such a manner as to prevent the contamination of underground sources of drinking water and to ensure fluid emplacement and confinement within the permitted injection zones. Class II injection wells are permitted to inject waste generated from oil and gas exploratory and production operations.

Windy Hill Water Operations LLC has filed an application for approval to inject these fluids into the J-Sandstone (J-Sand) in the Windy Hill #3-17D well through perforations in a cased-hole completion at depths from 5,130 to 5,300 feet.

J-Sand formation water quality was determined from an original analysis to have a total dissolved solids (TDS) content of approximately 6,600 milligrams per liter (mg/L). A TDS content of less than 10,000 mg/L requires that an Aquifer Exemption be granted for the J-Sand in the Windy Hill #3-17D well.

Based on data supplied by the operator the J-Sand qualifies as an Exempt Aquifer under this Commission's Rule 324.B.a in this area in that:

1. The J-Sand does not currently serve as a source of drinking water; and
2. The J-Sand cannot now and will not in the future serve as a source of drinking water because:
 - A. The J-Sand is situated at a depth and location which makes recovery of water for drinking water purposes economically or technologically impractical.
 - B. The J-Sand is so contaminated that it would be economically or technologically impractical to render the water fit for human consumption.
3. The total dissolved solid content of the formation water is more than 3,000 and less than 10,000 mg/L and it is not reasonably expected to supply a public water system.

The J-Sand does not currently serve as a source of drinking water in this area. Colorado Division of Water Resources data indicates that there are no water wells within one quarter mile of the wellsite. There are eight wells within one half mile and none are deeper than 100 feet. The Surface Casing set at a depth of 485 feet in the Windy Hill #3-17D protects these wells. The nearest major town, Brush, is located approximately 3.9 miles northwest of the proposed project. Shallow superficial aquifers and the South Platte River provide an adequate supply of fresh water in the area.

The concentration of total dissolved solids in J-Sand water at a depth of 5,130 to 5,300 feet makes it highly unlikely that water wells will be drilled for use in either a public or private water supply system. The cost of drilling and casing a well to these depths, pumping the water to the surface, and treating the water to make it drinkable would be prohibitive.

The J-Sand in this area has been extensively tested for hydrocarbons but has not been found to be economic. These tests and depleted J-Sand (and D-Sandstone) fields beginning approximately five miles to the west and south indicate the presence of hydrocarbons in the interval. Hydrocarbon contamination contributes to the lack of suitability of J-Sand Formation water as a drinking water source.

The revised and updated Aquifer Exemption shall apply only to the J-Sand in the N/2 of Section 17 and N/2's of the SW/4 and SE/4 of Section 17 and the W/2 of the NW/4 and NW/4 of the SW/4 of Section 16 in Township 3 South, Range 55 West. Both Sections are in the 6th Prime Meridian, Morgan County, Colorado.

This notice proposing an aquifer exemption is being published in accordance with Commission Rule 324B.b. Any person who would be directly and adversely affected or aggrieved by the designation may request the Commission to hold a hearing thereon.

If, within thirty (30) days after publication of this notice, the Commission does not receive a hearing request which indicates there is a significant degree of public interest in a hearing on the designation of the aquifers and the disposal well permit is approved, the J-Sand in the limited area described herein shall be considered exempt.

If, within thirty (30) days after publication of this notice the Commission receives a hearing request which indicates there is a significant degree of public interest in a hearing on the designation of the aquifer or portion thereof as exempted is shown, the Commission shall hold such a hearing as soon as practicable and shall make a final determination regarding the designation.

IN THE NAME OF THE STATE OF COLORADO
OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO
By
Robert P. Koehler, Ph.D.
Underground Injection Control Lead
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Denver, Colorado 80203
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