

Dated 5/5/16 Attention: Robert P. Koehler Ph.D.

Doc # 2618613

To:

Oil and Gas Conservation Commission of the State of Colorado

Concerning the Windy Hill Water Operations LLC notification in the Fort Morgan Times April 9th 2016. All interested persons requesting a hearing should sign and date below.

RECEIVED

MAY 09 2016

COGCC

Signature

Date

Signature

Date

Gary Blake

4/26/16

Yanet Lozano

4/26/16

Darrell Blake

4/26/16

Rhene Ruggler

4/26/16

Beverly M. Ruggler

4/26/16

Jan Mills

4-26-16

Jack Cohen

4/26/16

Jack Cohen

4/26/16

B. Walker

4-26-16

Edna S. Jones

4-26-16

Wayne Clafflin

4-26-16

Robert Clafflin

4-26-16

Katherine Morris

4-26-16

Marlynn Shuman

4-26-16

Robert Danielson

4-26-16

James M. Wells

4/26/16

Leo F. Hallahan

4-26-16

Kode Blake

4-26-16

Preston Blake

4/26/16

Crystal Hurd

4/26/16

Crystal Hurd

4-26-16

Doris Shuman

4-26-16

James Hurd

4-26-16

B. Turner

4-26-16

Kristen Blake

4/26/16

Richard McPherson

4/26/2016

Mawing L. Lessor

4-26-16

Therence E. Halley

4-26-16

Cathy McCay

4-27-16

Karen Lusk

4-27-16

Only Contact Information was for Mr. Gary Blake based on envelope return address. Persons requesting hearing did not reply to letters sent by James Rouse. B. Koehler 11/14/2016.

Signature

Date

Dale Nelson 4-27-16Howard Schilling 4/27/16Harley Trichard 4-27-16Charles Smith 4-27-16Robert Hartman 4-27-16Christi Gurey 4-27-16Kevin Hansen 4-27-16Lawrence Hansen 4-27-16Kenneth Bostrom 4-27-16Mike 4-27-16Norbert Wilson 4/27/16Jerry Minnie 4-27-16Jack Schilling 4-27-16Robert Ward 4/27/16Don Walsh 4-27-16Wagner Ford 4-27-16John R. Davis 4-27-16Candice Martin 4-27-16Don M. 4-27-16

Signature

Date

Michael J. 4-27-16Nicole Meza 4-27-16Mike Nelson 4/27/16John F. 4/27/16Dale 4/27/16James StoneAndrea Cyr 4-28-16Connie Lemire 4-28-2016Rae A. 4/28/16Laura 4/28/16Barbara Northcutt 4/28/16ET Marie 4/28/16Alma 4/28/16Sharon J. Dalton 4/28/16Michelle Lake 4/28/16Ly 4/28/16Dee 4/28/16Ed 4/28/16Karen Burnett 4/29/16

Signature

Date

Leslie 29 Apr 16Mary Decker 4/29/16Harry Thompson 4/29/16Del. Henry 4/29/16Joyce Henry 4/29/16Carol Daman 4/29/16Gustaf A. Daman 4-29-2016Walter Daman 4/29/2016Betty Daman 4-29-16Matt Hunt 4-29-16Barbara Daman 4-29-16Dorothy Daman 4-29-16Sam Daman 4-29-16B. Ally Wind 4-29-16Grace B. Wind 4-29-16Mary Wind 4-29-16Mary E. Daman 4-29-16Kerrigan Baugher 4-30-16Randy L. Weber 5-1-16

Signature

X

Date

Ed Basler -4-30-16Thym W. Morn 5-2-16Kim Heijer 5/2/16Kathy 5/2/16Mark Dink 5/3/16Steve Dink 5/3/16Andersson 5/3/16Shirley 5/5/16

[illegible][illegible]

[illegible][illegible]

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To:

Oil and Gas Conservation Commission of the State of Colorado

Concerning the Windy Hill Water Operations LLC notification in the Fort Morgan Times April 9th 2016. All interested persons requesting a hearing should sign and date below.

Signature

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 5-1-2016

 5-2-2016

 5-5-16

 5-5-16

 5/5/16

**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 360 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.

Important → 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

Dated at 1120 Lincoln St., Suite 801
Denver, Colorado 80203
April 7, 2016
Published: Fort Morgan Times April 9, 2016 - 5668595



COLORADO
Oil & Gas Conservation
Commission
Department of Natural Resources

1120 Lincoln Street, Suite 801
Denver, CO 80203

May 20, 2016

Via: US Mail

Gary Blake
16118 Highway 71
Brush, CO 80723

Dear Mr. Blake:

Commission Staff received the petition you sent requesting a hearing on the permit for the proposed Windy Hill #3-17D injection well being sought by Windy Hill Water Operations LLC. I am the Hearing Officer assigned to this matter.

The petition in question appears to be signed by approximately 100 individuals. In order to contest the permit each person on the petition must submit within two weeks from the date of this letter, in writing, an explanation of the reasons for their protest. This requirement is based on Rule 325.n

n. **Dedicated injection well public notice.** The Director shall publish a notice of the proposed disposal permit for dedicated injection wells in a newspaper of general circulation serving the area where the well(s) is (are) located. The notice shall briefly describe the disposal application and include legal location, proposed injection zone, depth of injection and other relevant information. Comment period on the proposed disposal application shall end thirty (30) days after date of publication. If any data, information, or arguments submitted during the public comment period appear to raise substantial questions concerning potential impacts to the environment, public health, safety and welfare raised by the proposed disposal well permit the Director may request that the Commission hold a hearing.

The Commission staff will evaluate the written submissions and submit a recommendation to the Director on whether to request or not request a hearing.

Any questions concerning this letter may be addressed to me by email at james.rouse@state.co.us.

Sincerely,

James P. Rouse
Hearing Officer

cc: Robert P. Kohler, Ph.D.





COLORADO

Oil & Gas Conservation
Commission

Department of Natural Resources

1120 Lincoln Street, Suite 801
Denver, CO 80203

June 15, 2016

Via: US Mail

Gary Blake
16118 Highway 71
Brush, CO 80723

Dear Mr. Blake:

Commission Staff received the petition you sent requesting a hearing on the permit for the proposed Windy Hill #3-17D injection well being sought by Windy Hill Water Operations LLC. I am the Hearing Officer assigned to this matter.

The petition in question appears to be signed by approximately 100 individuals. However, the request for hearing is not in compliance with Commission Rule 324B.b. That rule provides that a person requesting a hearing must "make a showing to the Director that the requested designation does not meet the criteria set forth in Rule 324B.a."

Rule 324B.a. reads as follows:

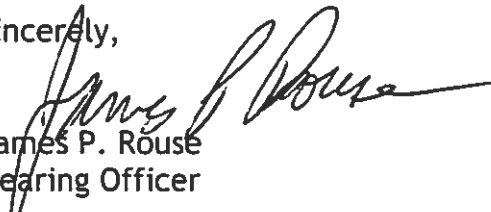
- a. **Criteria for aquifer exemption.** An aquifer or a portion thereof may be designated by the Director or the Commission as an exempted aquifer, in connection with the filing of an application pursuant to Rule 325, or Rule 401, and after notification to the Colorado Department of Public Health and Environment, Water Quality Control Division, if it meets the following criteria
 - (1) It does not currently serve as a source of drinking water, and either subparagraph (2) or (3) below apply;
 - (2) It cannot now and will not in the future serve as a source of drinking water because:
 - A. It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a person filing an application pursuant to Rule 325, or Rule 401, to contain minerals or hydrocarbons that, considering their quantity and location, are expected to be commercially producible; or



- B. It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical; or
 - C. It is so contaminated that it would be economically or technologically impractical to render the water fit for human consumption;
- (3) The total dissolved solids content of the ground water is more than three thousand (3,000) and less than ten thousand (10,000) milligrams per liter and it is not reasonably expected to supply a public water system.

In order for the Director to consider his/her request, each of the individuals who signed the petition must submit written documentation to me within two weeks from the date of this letter showing that the requested designation does not meet the criteria set forth in Rule 324B.a. Any questions concerning this letter may be addressed to me by email at james.rouse@state.co.us.

Sincerely,



James P. Rouse
Hearing Officer

cc: Robert P. Kohler, Ph.D.