



FINAL ORDER

BEFORE THE WELD COUNTY 1041 WOGLA HEARING OFFICER

Docket Number 1041WOGLA20-0073

1041 WOGLA Hearing Officer Curt Moore heard this matter on January 7, 2021 at the Weld County Oil & Gas Energy Hearing Room, 1301 N 17th Ave, Greeley, CO 80631 and through a remotely held audio and video connection led by the Oil & Gas Energy Department Director upon application for a 1041 WOGLA Permit located in the NESW of Section 7, Township 7 North, Range 65 West, 6th P.M., Weld County, Colorado. Present for the hearing were Amanda Petzold, Permit and Enforcement Specialist, Weld County; Elisa Kunkel, Oil & Gas Energy Technician, Weld County; Jason Maxey, Oil & Gas Energy Department Director, Weld County; Gabe Kalousek, Assistant County Attorney, Weld County; Mark Brown, Operations Manager, Bayswater Exploration & Production, LLC; and Ann Feldman, Regulatory Manager, Ascent Geomatics Solutions. Having heard the testimony presented and considering documents submitted for review, including the application, the Hearing Officer makes the following Findings of Fact and Order:

Findings of Fact and Law

The Hearing Officer makes the following findings of fact:

1. Bayswater Exploration & Production, LLC ("Bayswater " or "Applicant") as Applicant for the above referenced Docket delivered its 1041 WOGLA Permit Application ("Application" or "Permit") dated October 20, 2020 to the Weld County Oil & Gas Energy Director ("Director" or "Staff").
2. Upon review of the Application, Ms. Petzold found the Application to be complete and forwarded the Application to the Hearing Officer for the purpose of scheduling a hearing pursuant to the Weld County 1041 Regulations ("WCC" or "Code").
3. At the scheduled Hearing on January 7, 2021, Ms. Petzold gave testimony that the Application was viewed as complete and further testified that the Application was found to be in compliance with the Code including the Application Requirements described within Sec. 21-5-320 of the Code and the Development Standards within Division 4 of Article 5 ("Development Standards") of the Code.
4. Ms. Petzold further testified that:
 - a. Certain Conditions of Approval ("COA's") and Best Management Practices ("BMP's") are outlined within the Staff Report and within the Application.



- b. The proposed Oil & Gas Location ("OGL") provides the least impact to public health, safety, welfare, environment and wildlife when compared to other alternatives that the Applicant considered while developing the Application.
 - c. The Applicant provided pre-Application notice pursuant to Weld County Code Ordinance 2019-10 and Staff provided Notice of Hearing pursuant to Weld County Code Ordinance 2020-12.
 - d. Staff did not receive any Applications for Intervention relative to this Application.
5. Ms. Petzold concluded her testimony with a recommendation to the Hearing Officer that the Application should be approved.
6. Mr. Brown testified that:
 - a. The Application site is greater than two thousand feet from the nearest building unit and the four (4) alternative sites that were considered by the Applicant were found to be inferior to the application site due to proximity to either building units, floodplains, croplands, or a combination thereof.
 - b. The haul route and access to the proposed OGL was selected over an alternative that was considered to the west of the site which, if selected, would have delivered traffic impacts to nearby building units that will not be present by using the haul route and access point described in the Application.
 - c. The Applicant's development plan will effectively reduce the impact to the surface by making multiple entries with drilling and completion operations upon the Application Site. This development plan reduces the footprint of the disturbance area as well as the size of the production facility.
 - d. The Applicant will source and deliver fresh water to the location for the completion operations via temporary pipelines which will significantly reduce the impacts associated with truck traffic.
 - e. The Applicant shall connect the proposed facility to crude oil gathering systems and shall transport crude oil from this site via pipelines at first production which will significantly reduce the impacts associated with truck traffic.
 - f. The Applicant shall connect the proposed facility to nearby gas gathering systems and shall transport natural gas via pipelines at first production. The Applicant will not flare gas at this location.
 - g. The Applicant will have electrical power at this proposed site that will provide power to some portion of the production facility which will reduce noise and air emission impacts.
 - h. The Applicant will control dust on the proposed site and private access road with gravel or road base and through the use of speed restrictions, regular road maintenance, traffic restrictions during periods of high wind, silica dust controls when handling sand used in hydraulic fracturing operations, and the application of fresh water or other dust suppression agents as needed.
 - i. Following completions operations the Applicant will, in coordination with the surface owner, consider fencing and securing the wells and production facilities



on the OGL. If conditions warrant, the Applicant will install security fencing with a locked gate(s) at the facility to control unauthorized public entry to this site.

- j. The Applicant has met with representatives of the Town of Ault to describe this and other activities outside of the town limits and to provide points of contact if any questions or concerns should arise from the town regarding this Application or other operations near the town.
- k. The Applicant will perform a sound study for the proposed site as part of designing a noise mitigation plan. The Applicant will install and maintain sound walls during the drilling and completion phases of the operation to mitigate impacts to nearby building unit owners and maintain compliance with the Code. The Applicant will utilize a quiet frac fleet for completion operations at the OGL. The proposed facility will be compliant with the allowable noise levels in the Code. The Applicant will, if necessary, take action to mitigate any noise at the facility to maintain compliance with the Code. The Applicant will share the data from the Applicant's sound study with the Weld County Department of Public Health and Environment.
- l. The lighting during drilling and completion operations will be pointed downwards to mitigate light pollution. The facility will have permanent lighting during the production phase. The permanent lighting will be directed downwards and shielded from the nearby building units. Permanent cut-off lighting and will be on a timer set to go off if no activity is present on the facility. Truck lights will be mitigated from impacting nearby building units if necessary.
- m. The location will be constructed with secondary containment with impervious lining to protect soil and water resources from leaks and spills during the drilling, completion and production phases. Automation will be installed at this site which will provide notice of facility upset conditions with remote shut-in capabilities. Flowlines will be monitored for changes in pressure and tested annually for integrity. A Leak Detection and Repair ("LDAR") program along with an audio, visual, olfactory ("AVO") program is planned for this location as part of an overall leak and spill detection program. The data collected from the AVO, LDAR and flowline testing programs would be made available to the Weld County Department of Public Health and Environment if requested.
- n. The Applicant will design and implement a waste management plan for this location that complies with the Colorado Department of Public Health and Environment ("CDPHE") referral comments.
- o. The Applicant has a fieldwide Stormwater Management Permit that will include the site proposed in this Application and complies with the Colorado Water Quality Control Commission regulations.
- p. The equipment installed at this site will have all required air emission permits required and referenced in the CDPHE referral comments.
- q. He has reviewed and agreed to be bound to the Development Standards within the Code; the COA's within the Staff Report; and BMP's within the Application;



and the Development Standards and Conditions within the referral agency comments received from the Weld County Department of Public Works and the Weld County Department of Public Health and Environment.

- r. His understanding that by granting approval of the Permit that the Applicant would be subject to certain Compliance and Enforcement Procedures in Sec 21-5-350 of the Code should at any time the Applicant is found to be out of compliance with the Permit.
7. Ms. Feldman testified the Applicant has an approved access permit from the Colorado Department of Transportation.
8. Ms. Feldman testified that the Applicant provided a courtesy notice to the Town of Ault describing the Application and the Town of Ault did not request a consultation or otherwise respond to the notice.
9. Upon review of the Application and the Staff Report and upon taking testimony from Ms. Petzold, Mr. Brown and Ms. Feldman the Hearing Officer found the Application to be complete.
10. Based on the facts stated in the Application, having received no applications for intervention, and based on the testimony presented to the Hearing Officer at the January 7, 2021 Hearing, the Hearing Officer found that a final order ("Final Order") to approve the Application should be entered.

FINAL ORDER

NOW, THEREFORE, IT IS ORDERED, that

1. Bayswater's 1041 WOGLA Permit heard under Docket Number 1041WOGLA20-0073 and located in the NESW of Section 7, Township 7 North, Range 65 West, 6th P.M., Weld County, Colorado, is hereby approved.
2. Bayswater is hereby bound to the Development Standards within the Code; the COA's within the Staff Report; the BMP's within the Application; and the Development Standards and Conditions within the referral agency comments received from the Weld County Department of Public Health and Environment and the Weld County Department of Public Works the contents of which can be located at <https://accela-aca.co.weld.co.us/citizenaccess/>.
3. It is ordered that the Applicant will source and deliver fresh water to the location for the completion operations via temporary pipelines.
4. It is ordered that the Applicant shall connect the production facility to crude oil gathering systems and shall transport crude oil from this site via pipelines at first production.
5. It is ordered that the Applicant shall connect the proposed facility to nearby gas gathering systems and shall transport natural gas from this site via pipelines at first production.
6. It is ordered that the Applicant will not flare gas at this location.
7. It is ordered that the Applicant will, as much as possible based on availability, use electrical power at this site to reduce noise and air emission impacts.



8. It is ordered that the Applicant will control dust on the proposed site and private access road including the application of fresh water or other dust suppression agents as needed.
9. It is ordered that the Applicant will, if conditions warrant, fence and secure the wells and production facilities on the OGL and install a locked gate(s) at the OGL to control unauthorized public entry to this site.
10. It is ordered that the Applicant will share the data from the Applicant's sound study with the Weld County Department of Public Health and Environment if requested. It is further ordered that the Applicant will, if necessary, take action to mitigate noise at the facility to maintain compliance with the Code.
11. It is ordered that the Applicant will mitigate truck lights from impacting nearby building units if necessary.
12. It is ordered that automation will be installed at this site which will provide notice of facility upset conditions with remote shut-in capabilities.
13. It is ordered that the data collected from the Applicant's AVO, LDAR and flowline testing programs will be made available to the Weld County Department of Public Health and Environment if requested.
14. Approval of this 1041 WOGLA Permit creates a Vested Property Right as an approved Site Specific Development Plan pursuant to Article 68 of Title 24, C.R.S., as amended.

IT IS FURTHER ORDERED, that this Final Order will be recorded in the records of the Weld County Clerk and Recorder. Additionally, a notice describing generally the type and intensity of USE approved, the specific parcel or parcels of property affected and stating that a VESTED PROPERTY RIGHT has been created shall be published once, not more than fourteen (14) days after approval of the 1041 WOGLA Permit. The Permit shall be effective upon recording and publication.

Weld County Oil & Gas Energy

By: _____

Curt Moore, Hearing Officer

Dated: _____

January 11, 2021



1041 WOGLA Permit STAFF REPORT

Record Number	1041WOGLA20-0073	Hearing Date:	January 7, 2021
Staff Specialist:	Amanda Petzold		
Location Name:	Ruby 7-J Pad		
Parcel Number(s):	070907200002, 070907000037		
Company/Applicant:	Bayswater Exploration & Production, LLC		
Representative:	Mark Brown		
Legal Description:	NE1/4SW1/4 of Section 7, Township 7 North, Range 65 West of the 6 th P.M., Weld County, CO.		
Proposed Use:	38-well oil and gas location.		

SUMMARY

The criteria for submission of the 1041 WOGLA Application is outlined in Section 21-5-320 of the Weld County Code, ORD2020-12.

The Staff of the Weld County Oil and Gas Energy Department (OGED) have completed the review of the application as submitted. The Staff of the OGED recommends 1041WOGLA20-0073 be APPROVED for the following reasons:

1. The submitted application is compliant with all requirements of Section 21-5-320 of the Weld County Code.
2. Pursuant to ORD2019-10, this applicant was not required to have a pre-application meeting with OGED.
3. In the opinion of the OGED Staff, Bayswater Exploration & Production, LLC (Bayswater or Applicant) demonstrates compliance with the Development Standards outlined in Chapter 21, Article 5, Division 4 of the Weld County Code. In doing so, Bayswater has committed to Best Management Practices outlined in the application, to promote the health, safety, security and general welfare of the present and future residents of Weld County, while protecting both the environment and wildlife.
4. Bayswater has identified City of Thornton as the property owner (Surface Owners) on which the Oil and Gas Location is sited. Bayswater certifies that pre-application notice requirements, as identified in ORD2019-10, have been met. Bayswater attests that there are zero (0) Building Units (BUs) within the one-thousand three-hundred twenty (1,320) foot buffer of the Oil and Gas Location.
5. On August 28, 2020, a site visit to the Oil and Gas Location was conducted by the OGED. It was noted that the location sits in the middle of cropland, outside the pivots, best preserving cropland as much as possible. It was also noted that both the access point and access road are existing; thereby, only requiring improvement and removing the need to



further disturb land. Lastly, it was noted that the location was not visible from the highway or county roads; thereby, minimizing visual impacts to the surrounding area.

6. Pursuant to Sec. 21-5-330, notice of the 1041 WOGLA Hearing was sent to required parties and was published in the Greeley Tribune on November 14, 2020.
7. The OGED Staff referred the application to various agencies on November 13, 2020, as required by Sec. 21-5-330.A. of the Weld County Code. Where appropriate, requirements of the applicant are being recommended to address comments received from referral agencies. Copies of those comments have been made part of the application record and are viewable through the E-Permit Center on the Weld County website.
 - a. Response was received from the following referral agencies:
 - i. Colorado Department of Public Health and Environment, comment received 11/16/2020.
 - ii. Weld County Department of Public Works, comment received 12/10/2020.
 - iii. Weld County Department of Public Health and Environment, comment received 12/1/2020.
 - iv. Weld County Planning Department, comment received 11/16/2020.
 - v. Weld County Office of Emergency Management, approved EAP/TRP received 12/9/2020.
 - b. No response was received from the following referral agencies:
 - i. Colorado Oil and Gas Conservation Commission
 - ii. Colorado Parks and Wildlife
 - iii. Colorado Department of Transportation
 - iv. Ault F-1 Fire District.
 - v. RE-9 School District.
8. The attached Location Drawing provides a depiction of the Oil and Gas Location with all visible improvements within one thousand (1,000) feet.



The OGED Staff recommendation for approval is conditioned upon the following requirements of the applicant:

1. Prior to Construction:
 - a. A Final Drainage Report stamped and signed by a Professional Engineer registered in the State of Colorado is required.
 - b. If more than one (1) acre is to be disturbed, a Weld County Grading Permit will be required.
2. Prior to Drilling:
 - a. Applicant shall provide initial baseline groundwater sampling data, or information related to how the site is exempt from the COGCC Rule 609, to the Weld County Department of Public Health and Environment.
3. Post Construction:
 - a. Pursuant to Sec. 21-5-405.B., the Operator shall certify to the OGED Director that the lighting is compliant with the base allowances and standards and shall perform an inspection of the boundaries to ensure lighting is not impacting nearby Building Units or public rights-of-way.
4. Upon Turn-in-Line:
 - a. Pursuant to Sec. 21-5-355.3., the Applicant shall submit a GIS map showing the off-location flowlines within two (2) weeks of a Well or Facility being turned to sales. This digital file shall be sent to OGED@weldgov.com.

This recommendation is based upon the review of the application materials submitted by the applicant and other relevant information and comments provided by referral agencies.

RUBY 7-J PAD
1041 WOGLA LOCATION DRAWING



LEGEND:

- = PROPOSED WELL
- ★ = PIVOT POINT
- ★ = WATER WELL
- ⊙ = EXISTING MONUMENT
- = DITCH
- = STREAM
- = FENCE
- = PROPOSED ACCESS ROAD
- = OVERHEAD UTILITY LINE
- = EXISTING ROAD
- = CONCRETE DITCH
- = BUILDING UNIT
- = BUILDING
- = FLOODPLAIN
- = IRRIGATION BOX
- = DISTURBANCE AREA
- = 1041 WOGLA ZONE (1000' BUFFER)
- = PROPOSED FACILITY
- = POND

I, JERRY R. JOHNSON, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE TO **BAYSWATER EXPLORATION & PRODUCTION LLC** THAT THE WOGLA LOCATION DRAWING SHOWN HEREON WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THE DRAWING SHOWN HEREON ACCURATELY DEPICTS THE PROPOSED LOCATION OF THE WELLS. THIS EXHIBIT MEETS THE REQUIREMENTS OF THE LAND POSITION AS DEFINED BY SECTION 38-51-109.3 C.R.S. AND AS SUCH PER SECTION 38-51-109.3 C.R.S. CANNOT BE RELIED UPON TO DETERMINE OWNERSHIP.



SHEET 1 OF 2

SEE MEASUREMENTS ON SHEET 2

CURRENT SURFACE USE: IRRIGATED CROP
FUTURE SURFACE USE: IRRIGATED CROP

DATA SOURCE:
AERIAL IMAGERY: NAIP 2019
WATER WELLS: COLORADO DWR
NHD, USGS
PUBLICLY AVAILABLE DATA SOURCES HAVE NOT BEEN INDEPENDENTLY VERIFIED BY ASCENT.

DISCLAIMER:
THIS PLOT DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON TO DETERMINE BOUNDARY LINES, PROPERTY OWNERSHIP OR OTHER PROPERTY INTERESTS. PARCEL LINES, IF DEPICTED HAVE NOT BEEN FIELD VERIFIED AND MAY BE BASED UPON PUBLICLY AVAILABLE DATA THAT ALSO HAS NOT BEEN INDEPENDENTLY VERIFIED. SURFACE IMPROVEMENTS BEYOND THE 1000' WOGLA BUFFER MAY NOT BE SURVEY GRADE. SAID IMPROVEMENTS MAY HAVE BEEN LOCATED USING PUBLICLY AVAILABLE SOURCES.

DISTURBANCE ACREAGE:
12.1 ACRES DRILLING OPERATIONS
9.5 ACRES INTERIM RECLAIM

JERRY R. JOHNSON, PLS 29417
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF P.F.S., LLC
d.b.a. ASCENT GEOMATICS SOLUTIONS



FIELD DATE: 04-27-20
DRAWING DATE: 08-20-20
BY: CSG
CHECKED: IJM
SITE NAME: RUBY 7-J PAD
SURFACE LOCATION: NE 1/4 SW 1/4 SEC. 7, T7N, R65W, 6TH P.M.
WELD COUNTY, COLORADO

PREPARED FOR:

