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COGCC

MICHAEL R. WITMAN

23019 WCR 21 ¾

Milliken, CO 80543

(970) 576-6069

Mikewtmn@yahoo.com

November 5, 2009

SENT VIA HAND DELIVERY, CERTIFIED MAILED AND U.S. FIRST CLASS MAIL

Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

RE: Witman 2-34
Township 4N, Range 67W
Section 2: SW ¼ SE ¼
Weld County, CO

To Whom it May Concern:

I, have consulted with an attorney regarding the application of Great Western Oil and Gas to drill on my property and to run flow lines across the property to the proposed location of the tank battery. I believe the application for the permit submitted by Great Western violates the Surface Damage and Release Agreement dated June 1, 2006 ("Surface Agreement"), attached. This Surface Agreement was extended for an additional three (3) years and remains in full force and effect. See extension letter attached.

I would ask the Commission to deny the Great Western application as proposed with an indication that the application would be approved if it were re-written to conform to the Surface Agreement. At this time, I am prepared to file a lawsuit in the Weld County District Court requesting a temporary restraining order and permanent injunction prohibiting any drilling or location of the tank battery or flow lines that does not conform with the Surface Agreement. I will be seeking damages including attorney fees and costs pursuant to the Surface Agreement for any work performed which is outside the scope of the Surface Agreement.

Please feel free to contact me regarding any questions you may have.

Sincerely,


Michael R. Witman

Encl.

cc: Great Western Oil and Gas

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MICHAEL R. WITMAN

23019 WCR 21 3/4
Milliken, CO 80543
(970) 576-6069

September 9, 2009

Great Western Oil and Gas
503 Main Street
Windsor, CO 80550

RE: Surface Damage and Release Agreement
Township 4 North, Range 67 West, 6th P.M.
Section 2: Lot B of that Recorded Exception No. 1059-02-4-RE299, recorded in
the records of the County of Weld, the State of Colorado, being a part of
the SW/4SE/4.

To whom it may concern

I Michael R. Witman is extending the Surface Damage and Release Agreement that I enter into with Apollo Operating, LLC. For and additional three years and reserve the right to extend for additional years at anytime as stated in Paragraph 15 of the Agreement.

Sincerely,



Michael R. Witman



DEPARTMENT OF NATURAL RESOURCES
Bill Ritter, Jr., Governor
1120 Lincoln St. Suite 801
Denver, CO 80203
Phone: (303) 894-2100
FAX: (303) 894-2109
www.cogcc.state.co.us

Form 2 Notice of Decision

COGCC has reviewed the Form 2 Application for Permit to Drill for the WITMAN 2-34. Pursuant to Rule 305.d.(1), this constitutes your notice of approval. All parties with standing have ten (10) days to notify the Director in writing of their request for hearing setting forth the basis for their objection. Notification shall be directed to Rob Willis, COGCC Hearings Manager, at 1120 Lincoln Street, Suite 801, Denver, CO 80203 or rob.willis@state.co.us. If a written objection is not received by 11/08/2009, the permit shall issue as proposed by the Director.

FORM
2
Rev
12/05

State of Colorado
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80205 Phone: (303) 894-2100 Fax: (303) 894-2109



DE EI UE ES

APPLICATION FOR PERMIT TO:

Document Number:

1758464

Plugging Bond Surety

20050061

1. Drill, Deepen, Re-enter, Recomplete and Operate

2. TYPE OF WELL
OIL GAS COALBED OTHER _____
SINGLE ZONE MULTIPLE ZONE COMMINGLE ZONE

Refilling
Sidetrack

3. Name of Operator: GREAT WESTERN OIL & GAS COMPANY LLC 4. COGCC Operator Number: 10110

5. Address: 503 MAIN ST
City: WINDSOR State: CO Zip: 80550

6. Contact Name: JEFFREALE Phone: (970)686-8831 Fax: (866)413-3354

Email: JREALE@GWOGCO.COM

7. Well Name: WITMAN Well Number: 2-34

8. Unit Name (if appl): _____ Unit Number: _____

9. Proposed Total Measured Depth: 7400

WELL LOCATION INFORMATION

10. QtrQtr: SWSE Sec: 2 Twp: 4N Rng: 67W Meridian: 6

Latitude: 40.336050 Longitude: -104.855050

Footage at Surface: 840 FNL/FSL FSL 1821 FEL/FWL FEL

11. Field Name: WATTENBERG Field Number: 90750

12. Ground Elevation: 4732 13. County: WELD

14. GPS Data:

Date of Measurement: 03/07/2008 PDOP Reading: 1.8 Instrument Operator's Name: M. ROBERT

15. If well is Directional Horizontal (highly deviated) **submit deviated drilling plan.**

Footage at Top of Prod Zone: FNL/FSL _____ FEL/FWL _____ Bottom Hole: FNL/FSL _____ FEL/FWL _____

Sec: _____ Twp: _____ Rng: _____ Sec: _____ Twp: _____ Rng: _____

16. Is location in a high density area? (Rule 603b)? Yes No

17. Distance to the nearest building, public road, above ground utility or railroad: 300

18. Distance to nearest property line: 153 19. Distance to nearest well permitted/completed in the same formation: 1111

20. LEASE, SPACING AND POOLING INFORMATION

Objective Formation(s)	Formation Code	Spacing Order Number(s)	Unit Acreage Assigned to Well	Unit Configuration (N/2, SE/4, etc.)
NIOBRARA-CODELL	NB-CD	407-87	80	W/2SE4

Condition of Approval

Comment

Agency

1) Provide 24 hour notice of MIRU to Ed Binkley at 970-506-9834 or e-mail at ed.binkley@state.co.us 2) Comply with Rule 317.i and provide cement coverage from TD to a minimum of 200' above Niobrara. Verify coverage with cement bond log.

This location within a sensitive area because of shallow groundwater; therefore, either a closed loop system or a lined drilling pit is required.

Attachment Check List

Att Doc Num	Name	Doc Description
1758464	APD ORIGINAL	LF@2126722 1758464
1758466	30 DAY NOTICE LETTER	LF@2126724 1758466
1759155	CORRESPONDENCE	LF@2143139 1759155
1769143	SURFACE CASING CHECK	LF@2138456 1769143

Total Attach: 4 Files



DEPARTMENT OF NATURAL RESOURCES
Bill Ritter, Jr., Governor
1120 Lincoln St. Suite 801
Denver, CO 80203
Phone: (303) 894-2100
FAX: (303) 894-2109
www.cogcc.state.co.us

Form 2A Notice of Decision

COGCC has reviewed the Form2A Oil and Gas Location Assessment for WITMAN 2-34. Pursuant to Rule 305.d.(1), this constitutes your notice of approval. All parties with standing have ten (10) days to notify the Director in writing of their request for hearing setting forth the basis for their objection. Notification shall be directed to Rob Willis, COGCC Hearings Manager, at 1120 Lincoln Street, Suite 801, Denver, CO 80203 or rob.willis@state.co.us. If a written objection is not received by 11/08/2009, the permit shall issue as proposed by the Director.

FORM 2A Rev 04/01

State of Colorado Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80205 Phone: (303) 894-2100 Fax: (303) 894-2109



DE ET OE ES

Document Number: 1758465

Oil and Gas Location Assessment

New Location Amend Existing Location Location#: 310751

Submit original plus one copy. This form is to be submitted to the COGCC prior to any ground disturbance activity associated with oil and gas development operations.

Location ID: 310751 Expiration Date:

This location assessment is included as part of a permit application.

1. CONSULTATION

- This location is included in a Comprehensive Drilling Plan. CDP #
This location is in a sensitive wildlife habitat area.
This location is in a wildlife restricted surface occupancy area.
This location includes a Rule 306.d.(1)A.ii. variance request.

2. Operator

Operator Number: 10110
Name: GREAT WESTERN OIL & GAS COMPANY LLC
Address: 503 MAIN ST
City: WINDSOR State: CO Zip: 80550

3. Contact Information

Name: JEFF REALE
Phone: (970) 686-8831
Fax: (866) 413-3354
email: JREALE@GWOGCO.COM

4. Location Identification:

Name: WITMAN Number: 2-34
County: WELD
QuarterQuarter: SWSE Section: 2 Township: 4N Range: 67W Meridian: 6 Ground Elevation: 4732

Define a single point as a location reference for the facility location. This point should be used as the point of measurement in the drawings to be submitted with this application.

Footage at surface: 840 feet, from North or South section line: FSL and 1821 feet, from East or West section line: FEL
Latitude: 40.336050 Longitude: -104.855050 PDOP Reading: 1.8 Date of Measurement: 03/07/2008

5. Facilities (Indicate the number of each type of oil and gas facility planned on location):

Special Purpose Pits: 0 Drilling Pits: 0 Wells: 1 Production Pits: 0 Dehydrator Units: 0
Condensate Tanks: 0 Water Tanks: 1 Separators: 1 Electric Motors: 0 Multi-Well Pits: 0
Gas or Diesel Motors: 0 Cavity Pumps: 0 LACT Unit: 0 Pump Jacks: 0 Pigging Station: 0
Electric Generators: 0 Gas Pipeline: 1 Oil Pipeline: 0 Water Pipeline: 0 Flare: 0
Gas Compressors: 0 VOC Combustor: 1 Oil Tanks: 1 Fuel Tanks: 0

Other:

The required information can be obtained from the NRCS web site at <http://soildatamart.nrcs.usda.gov/> or from the COGCC web site GIS Online map page found at <http://colorado.gov/cogcc>. Instructions are provided within the COGCC web site help section.

NRCS Map Unit Name: NUNN LOAM. 0 TO 1 PERCENT SLOPES

NRCS Map Unit Name: _____

NRCS Map Unit Name: _____

13. Plant Community:

Complete this section only if any portion of the disturbed area of the location's current land use is on non-crop land.

Are noxious weeds present: Yes No

Plant species from: NRCS or, field observation Date of observation: _____

List individual species: _____

Check all plant communities that exist in the disturbed area.

- Disturbed Grassland (Cactus, Yucca, Cheatgrass, Rye)
- Native Grassland (Bluestem, Grama, Wheatgrass, Buffalograss, Fescue, Oatgrass, Brome)
- Shrub Land (Mahogany, Oak, Sage, Serviceberry, Chokecherry)
- Plains Riparian (Cottonwood, Willow, Aspen, Maple, Poplar, Russian Olive, Tamarisk)
- Mountain Riparian (Cottonwood, Willow, Blue Spruce)
- Forest Land (Spruce, Fir, Ponderosa Pine, Lodgepole Pine, Juniper, Pinyon, Aspen)
- Wetlands Aquatic (Bullrush, Sedge, Cattail, Arrowhead)
- Alpine (above timberline)
- Other (describe): _____

14. Water Resources:

Rule 901.e. may require a sensitive area determination be performed. If this determination is performed the data is to be submitted with the Form 2A.

Is this a sensitive area: No Yes Was a Rule 901.e. Sensitive Areas Determination performed: No Yes

Distance (in feet) to nearest surface water: 428, water well: 838, depth to ground water: 8

Is the location in a riparian area: No Yes Was an Army Corps of Engineers Section 404 permit filed No Yes

Is the location within a Rule 317B Surface Water Suppl Area buffer zone:

No 0-300 ft. zone 301-500 ft. zone 501-2640 ft. zone

If the location is within a Rule 317B Surface Water Supply Area buffer have all public water supply systems within 15 miles been notified: No Yes

15. Comments:

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct and complete.

Signed: _____ Date: 08/18/2009 Email: JREALE@GWOGCO.COM

Print Name: JEFF REALE Title: VP OPERATIONS