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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

**MICHAEL R. WITMAN**

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

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**COGCC**

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, 6<sup>th</sup> 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](http://www.cogcc.state.co.us)

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**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](mailto: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.

## Oil and Gas Conservation Commission

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



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## APPLICATION FOR PERMIT TO:

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

## 2. TYPE OF WELL

OIL ☐ GAS ☒ COALBED ☐ OTHER ☐SINGLE ZONE ☒ MULTIPLE ZONE ☐ COMMINGLE ZONE ☐Refilling ☒Sidetrack ☐

Document Number:

1758464

Plugging Bond Surety

20050061

3. Name of Operator: GREAT WESTERN OIL & GAS COMPANY LLC4. COGCC Operator Number: 101105. Address: 503 MAIN STCity: WINDSOR State: CO Zip: 805506. Contact Name: JEFFREALE Phone: (970)686-8831 Fax: (866)413-3354Email: JREALE@GWOGCO.COM7. Well Name: WITMANWell Number: 2-348. 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: 6Latitude: 40.336050Longitude: -104.855050

FNL/FSL

FEL/FWL

Footage at Surface: 840

FSL

1821

FEL

11. Field Name: WATTENBERGField Number: 9075012. Ground Elevation: 473213. County: WELD

## 14. GPS Data:

Date of Measurement: 03/07/2008 PDOP Reading: 1.8 Instrument Operator's Name: M. ROBERT15. 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 ☒ No17. Distance to the nearest building, public road, above ground utility or railroad: 30018. 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](http://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](mailto: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  
2ARev  
04/01State of Colorado  
Oil and Gas Conservation Commission

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



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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. This Assessment may be approved as a stand alone application or submitted as an informational report accompanying an Application for Permit-To-Drill, Form 2. Approval of this Assessment will allow for the construction of the below specified location; however, it does not supersede any land use rules applied by the local land use authority. This form may serve as notice to land owners and other interested parties, please see the COGCC web site at <http://colorado.gov/cogcc/> for all accompanying information pertinent to this Oil and Gas Location Assessment.

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. When the location is to be used as a well site then the point shall be a well location.

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: <input type="text" value="0"/>	Drilling Pits: <input type="text" value="0"/>	Wells: <input type="text" value="1"/>	Production Pits: <input type="text" value="0"/>	Dehydrator Units: <input type="text" value="0"/>
Condensate Tanks: <input type="text" value="0"/>	Water Tanks: <input type="text" value="1"/>	Separators: <input type="text" value="1"/>	Electric Motors: <input type="text" value="0"/>	Multi-Well Pits: <input type="text" value="0"/>
Gas or Diesel Motors: <input type="text" value="0"/>	Cavity Pumps: <input type="text" value="0"/>	LACT Unit: <input type="text" value="0"/>	Pump Jacks: <input type="text" value="0"/>	Pigging Station: <input type="text" value="0"/>
Electric Generators: <input type="text" value="0"/>	Gas Pipeline: <input type="text" value="1"/>	Oil Pipeline: <input type="text" value="0"/>	Water Pipeline: <input type="text" value="0"/>	Flare: <input type="text" value="0"/>
Gas Compressors: <input type="text" value="0"/>	VOC Combustor: <input type="text" value="1"/>	Oil Tanks: <input type="text" value="1"/>	Fuel Tanks: <input type="text" value="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 Supply 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