



**History of COGCC Efforts to Protect  
Public Health, Safety, and Welfare in the Wattenberg Field**  
Prepared for the Rule 318A Revision Hearing  
November 17-18, 2005  
Brian Macke, Director

**Order No. A-1-3 (Drilling and Completion Practices in the Northern Portion  
of the Denver Basin Front Range Corridor)**  
**Adopted March, 1985**

To address the concern about Codell formation gas that was discovered in groundwater near the City of Greeley.

**Requirements:**

- A minimum of 200 feet of surface casing, or 50 feet below the depth of the Fox Hills aquifer. Where the Fox Hills aquifer was greater than 500 feet, it was required that it be isolated by stage cementing.
- Frac pressure charts submitted to the COGCC.
- Mud logging from the surface down to 3,000 feet to detect the presence of hydrocarbons.
- Production casing cement to 300 feet above the top of the Niobrara.
- Notice of intent to frac.
- Notice of workovers in residential areas.
- Blowout preventors on Niobrara, Codell, or "J" Sand formation wells.
- Notice to the Commission before work events to provide the opportunity for the work to be witnessed.

**Order No. A-1-3A**  
**Adopted May, 1994**

Amended Order No. A-1-3 to require:

- Equipping wells to monitor bradenhead pressure, and to monitor the bradenhead pressure.

**Order No. A-1-3B**  
**Adopted June, 1996**

Recinded Order No. A-1-3 and A-1-3B because of the adoption of the new Safety, Blowout Prevention, and Plugging and Abandonment Rules which were adopted in June, 1996.

**Environmental Response Fund Rules Established  
Adopted August, 1990**

- 700 Series Rules created to establish the use of the Environmental Response Fund as a mechanism to plug and abandon orphaned wells, perform orphan site reclamation and remediation, and to conduct other authorized environmental activities.

**Local Governmental Designee and High Density, Aesthetic, and Noise Control Rules  
Adopted April, 1992**

- Established the Local Governmental Designee Program to provide a central point of contact between the COGCC and Local Governments.
- Established new well and production facility setback requirements for high density areas.
- Established Aesthetic rules for lighting and visual impact mitigation.
- Established Noise Control Rules.

**Wattenberg Special Area Policy  
Adopted February, 1993**

- Developed by an ad-hoc task force whose purpose it was to discuss and attempt resolution of various issues arising out of conflicts between surface owners and oil and gas operators in the Wattenberg Field.
- Required 30 day notice to surface owners prior to wellsite construction, surface owner consultation, notice during irrigation season, notice of subsequent well operations, and site preparation and interim reclamation requirements.

**Wattenberg Special Area Rules  
Adopted August, 1993**

- Adopted the Wattenberg Special Area Policy into a formal COGCC Rule.

**Policy for Fox Hills Aquifer Protection  
Adopted December, 1993**

- Required that surface casing be set 50 feet below the base of the Fox Hills Formation and cemented to surface for oil and gas wells drilled in the D-J Basin, including the Wattenberg Field.



**Wattenberg Special Area Rules Amendment  
Adopted December, 1993**

- Revised rules to include additional lands under the Wattenberg Special Area Rules.

**Fox Hills Aquifer Protection Rules  
Adopted May, 1994**

- Adopted the requirements of the Policy for Fox Hills Aquifer Protection for surface casing to be set 50 feet below the base of the Fox Hills Formation in the D-J Basin, including the Wattenberg Field, into a formal COGCC Rule.

**Wattenberg Special Area Rule Amendment  
Adopted June, 1994**

- Added the remainder of Weld County to the lands under the Wattenberg Special Area Rules.

**Senate Bill 94-177 Stakeholder Rulemaking**

Senate Bill 94-177 was a sweeping reform of the Oil and Gas Act that elevated the protection of Public Health, Safety and Welfare to the other traditional charges of the COGCC. The following five rules were adopted through stakeholder committee rulemaking processes following the passage of Senate Bill 94-177:

**Revised Rules of Practice and Procedure  
Adopted April, 1995**

- Updated the COGCC rules for proceedings before the Commission
- Established rules for procedures to be followed regarding alleged violations, including the issuance of Notices of Alleged Violations (NOAV's) and the establishment of a procedure for assessing fines.

**Exploration & Production Waste Management Rules  
Adopted May, 1995**

- Established new rules for the permitting, construction, operating, and closure requirements for all drilling, production, and special purpose pits.
- Established new procedures for spill response, reporting, and remediation.
- Established new requirements for the management of Exploration and Production Waste.

**Reclamation Rules**  
**Adopted March, 1996**

- Expanded much of the former Wattenberg Special Area Rule concepts for surface owner notice and consultation, site preparation, and land reclamation to statewide application.
- Created new statewide flowline installation rules.

**Safety, Blowout Prevention, and Plugging and Abandonment Rules**  
**Adopted June, 1996**

- Revised the rules to give the Director the authority to designate bradenhead test areas to be approved by the Commission.
- Strengthened the rules regarding blow out prevention equipment casing cement requirements, and safety precautions with a special emphasis on high density areas.

**Financial Assurance Rules**  
**Adopted March, 1997**

- Revised the COGCC financial assurance requirements to provide a risk based approach to setting an operator's bonding level based on their total numbers of both active and inactive wells.

**Greater Wattenberg Area Special Well Location Rule 318A.**  
**Adopted April, 1998**

- Established a new well location rule for wells drilled, twinned, deepened, recompleated or commingled to any Cretaceous Age formation in the Greater Wattenberg Area.

**Policy on Staff Administrative Application of the Greater Wattenberg Area Special Well Location Rule 318A.**  
**Adopted April, 1999**

- Provided the COGCC staff and GWA operators consistent guidance on the application of Rule 318A. regarding the administrative approval of applications for permits to drill.



**Local Governmental Designee Rulemaking**  
**Adopted February, 2003**

- Extended Local Governmental Designee (LGD) comment period from 7 day minimum / 20 day maximum to a 10 day minimum / 30 day maximum.
- During the 30 day comment period, if a local government is unable to have their concerns resolved through an onsite consultation, the LGD may file an application for a COGCC hearing on public health, safety and welfare aspects of an Application for Permit to Drill.
- Made it mandatory for the COGCC Director to withhold the issuance of an Application for Permit to Drill (APD) when a request for a hearing is made by an LGD.

**Rulemaking for Process to Address Complaints Received Prior to Application for Permit to Drill (APD) Approval**  
**Adopted April, 2004**

- The Director shall withhold the approval of any Application for Permit to Drill while a surface owner complaint is being investigated.
- If a violation is found, enforcement would be pursued.
- If no violation is found, COGCC staff would issue a letter to the complainant advising of the result of the investigation and advising that the complainant could work through the local government to request a COGCC hearing on the matter.

**Onsite Inspection Policy**  
**Adopted January, 2005**

- Modeled after the La Plata County onsite inspection requirements in the COGCC increased density order issued in 2000.
- Allows a surface owner who is not a party to a mineral lease or a surface use agreement to request an onsite inspection prior to the approval of an application for a permit to drill (APD) with the COGCC staff, the operator, and ,if requested, the Local Governmental Designee.
- The purpose of the onsite inspection is to ensure compliance with notice and consultation requirements and to determine whether conditions of approval should be attached to the APD to avoid unreasonable crop loss or land damage and to address potential public health, safety, and welfare impacts.



# Benson Farms - Exhibit 1

## 11/18/05 COGC - Rule 318 A

### MEADOW RIDGE P.U.D. SKETCH PLAN SUBMITTAL

LOCATED IN SECTIONS 13, 23 AND 24, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE AND SECTIONS 18, AND 19, TOWNSHIP 3 NORTH, RANGE 67  
WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO



#### MASTER DEVELOPMENT SUMMARY

PLANNING AREA	PERMITTED USES*	MAXIMUM DENSITY F.A.R.	MAXIMUM D.U./SF	GROSS AREA (INC. ROW & LAND TRACTS)	% TOTAL AREA
COMMERCIAL				20.213 ACRES	
PA-1	C1, C2, C3	0.25 F.A.P.	220,120 s.f.	±20.213 Acres	2.52%
FLEX PARCELS				95.677 ACRES	
PA-2	C1, C2, C3 R1, R2, R3, R4	0.25 F.A.R. 4-14 DU/Acre	268 Max. DU / 208,533 s.f.	±19,149 Acres	2.39%
PA-3	C1, C2, C3 R1, R2, R3, R4	0.25 F.A.R. 4-14 DU/Acre	346 Max. DU / 259,451 s.f.	±24,743 Acres	3.09%
PA-4	C1, C2, C3 R1, R2, R3, R4	0.25 F.A.R. 4-14 DU/Acre	259 Max. DU / 201,705 s.f.	±18,522 Acres	2.31%
PA-5	C1, C2, C3, R1	0.25 F.A.R. 4 DU/Acre	175 DU / 362,234 s.f.	±33,263 Acres	4.15%
FLEX PARCEL TOTALS:			1,048 Max. DU / 1,041,923 s.f.	±95.677 Acres	11.94%
RESIDENTIAL PARCELS				494.211 ACRES	
PA-6	R1 Single Family Front & Alley Load Lots	4 DU/Acre	324 DU	±64,111 Acres	8.00%
PA-7	R1 Single Family Front & Alley Load Lots	4 DU/Acre	138 DU	±33,183 Acres	4.14%
PA-8	R1 Single Family Front & Alley Load Lots	4 DU/Acre	146 DU	±38,485 Acres	4.80%
PA-9	R1 Single Family Front & Alley Load Lots	4 DU/Acre	221 DU	±63,937 Acres	7.98%
PA-10	R1 Single Family Front & Alley Load Lots	4 DU/Acre	160 DU	±40,037 Acres	5.00%
PA-11	R1 Single Family Front & Alley Load Lots	4 DU/Acre	173 DU	±44,329 Acres	5.53%
PA-12	R1 Single Family Front & Alley Load Lots	4 DU/Acre	173 DU	±49,507 Acres	6.18%
PA-13	R1 Single Family Front & Alley Load Lots	4 DU/Acre	92 DU	±25,088 Acres	3.13%
PA-14	R1 Single Family Front & Alley Load Lots	4 DU/Acre	360 DU	±135,534 Acres	16.92%
RESIDENTIAL PARCEL TOTALS:			1,787 DU	±494.211 Acres	61.68%
SCHOOLS				35.000 ACRES	
PA-15	St. Vrain School District Middle School Campus			±25 Acres	3.12%
PA-16	St. Vrain School District Elementary School Campus			±10 Acres	1.25%
SCHOOL TOTALS:				±35.000 Acres	4.37%
PARKS & OPEN SPACE				66.177 ACRES	
PA-17	Neighborhood Park			±23.296 Acres	2.91%
PA-18	Neighborhood Park			±8.517 Acres	1.06%
PA-19	Neighborhood Park			±11.693 Acres	1.46%
PA-20	Neighborhood Park			±9.243 Acres	1.15%
PA-21	Neighborhood Park			±3.634 Acres	0.45%
PA-22	Greenway Trail Corridor			±9.794 Acres	1.22%
OVERALL PARKS & OPEN SPACE TOTALS:				±66.177 Acres	8.26%
MAJOR R.O.W. CORRIDORS				89.962 ACRES	
PA-23	North-South & East-West Collector R.O.W.			±25.135 Acres	3.14%
PA-24	Major Local R.O.W.			±54.246 Acres	6.77%
PA-25	Perimeter R.O.W.			±10.581 Acres	1.32%
MAJOR R.O.W. CORRIDORS TOTALS:				±89.962 Acres	11.23%
SUMMARY					
TOTAL COMMERCIAL:			220,120 s.f.	±20.213 Acres	2.52%
TOTAL FLEX-COMMERCIAL / RESIDENTIAL:			1,048 Max. DU / 1,041,923 s.f.	±95.677 Acres	11.94%
TOTAL RESIDENTIAL:			1,787 DU	±494.211 Acres	61.68%
TOTAL SCHOOLS:				±35.000 Acres	4.37%
TOTAL PARKS & OPEN SPACE:				±66.177 Acres	8.26%
TOTAL MAJOR R.O.W. CORRIDORS:				±89.962 Acres	11.23%
TOTAL SITE ACREAGE:				±801.24 Acres	100.0%

#### REQUIRED PARKS & OPEN SPACE

PLANNING AREA	PERMITTED USES	GROSS AREA	% TOTAL AREA
<b>REQUIRED PARKS &amp; OPEN SPACE</b>		<b>160,248 ACRES</b>	
Required Parks & Open Space per Weld County, (20% of Site)		160,248 Acres	20.00%
<b>PROVIDED PARKS &amp; OPEN SPACE</b>		<b>±165,921 ACRES</b>	
PA-17	Neighborhood Park	±23,296 Acres	
PA-18	Neighborhood Park	±8,517 Acres	
PA-19	Neighborhood Park	±11,693 Acres	
PA-20	Neighborhood Park	±9,243 Acres	
PA-21	Neighborhood Park	±3,634 Acres	
PA-22	Greenway Trail Corridor	±9,794 Acres	
PA-1-14	General Open Space (Buffers, Trails, Landscaping Areas within Residential Areas)	±96,931 Acres	
TOTAL PARKS & OPEN SPACE PROVIDED:		±166,108 Acres	20.73%

**LAND ARCHITECTS**  
Perspective / Balance  
Land Planning / Urban Design / Landscape Architecture / Park Planning  
1111 S. Regent Street Suite 100 • Englewood, CO • P: 303.754.1777 • F: 303.754.1778

**APPLICANT/CLIENT**  
BENSON FARMS & REYNOLDS CATTLE CO.  
530 Holyoke Court  
Ft. Collins, CO 80525  
Contact: Bill Woods  
Phone: 970-226-4195

#### CONSULTANT

**ENGINEER**  
KIMLEY-HORN & ASSOCIATES  
Contact: Steve Korman  
950 17th Street Suite 1000  
Denver, CO 80202  
P: (303) 228-2200  
F: (303) 446-8878

**CONSULTANT**  
ICENOGLE, NORTON, SMITH & BLIESZNER  
Contact: Eric Smith  
821 17th Street Suite 800  
Denver, CO 80202-3040  
P: (303) 292-6400  
F: (303) 292-6401

**MEADOW RIDGE  
WELD COUNTY, COLORADO  
P.U.D. SKETCH PLAN SUBMITTAL**

#### ISSUE RECORD

P.U.D. Sketch Plan 11-4-04

DRAWN: HAR / TLT  
CHECKED: JLR  
PROJECT #: 04089

#### SHEET INFO.

**LAND USE PLAN**

SHEET NUMBER

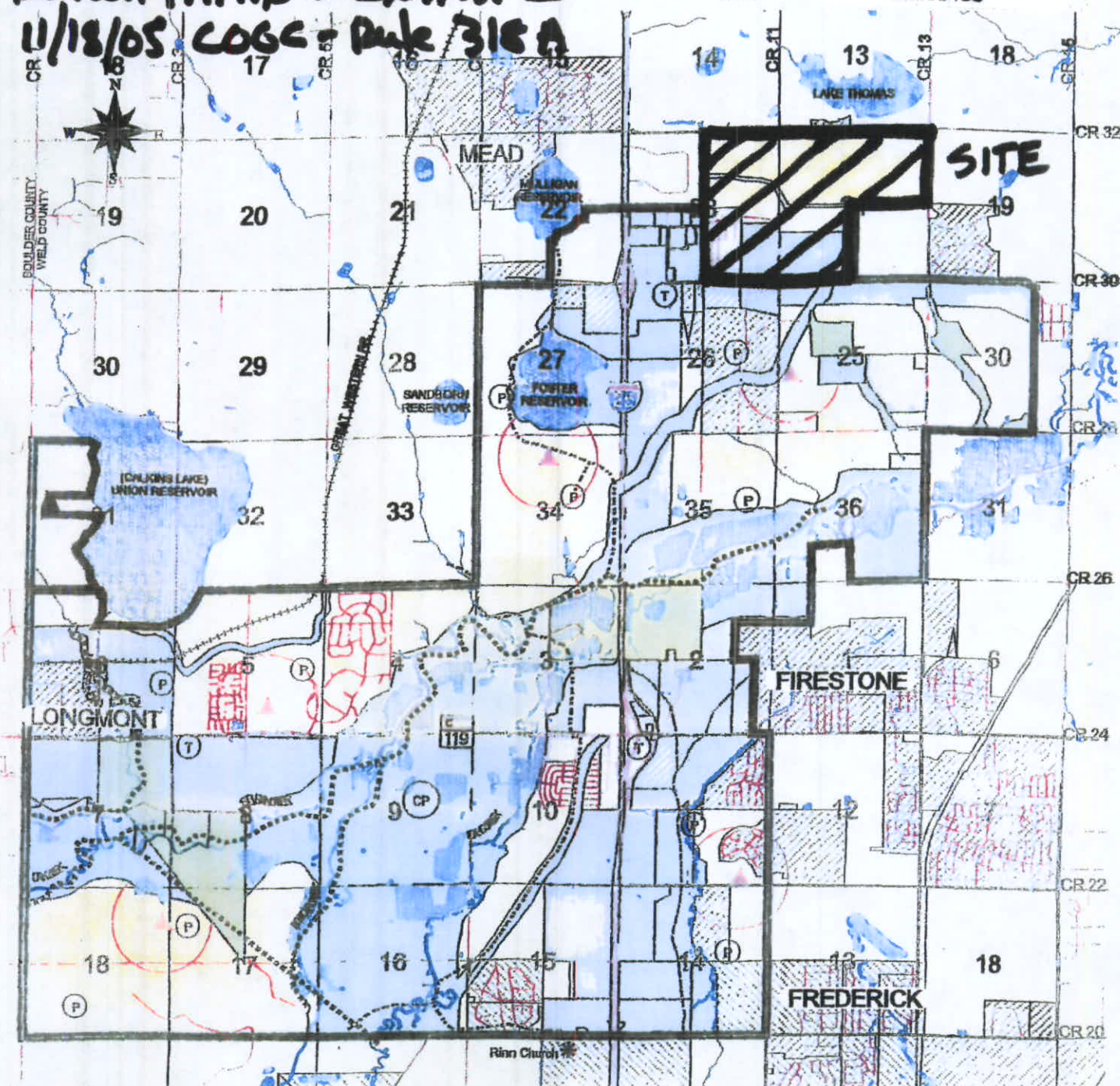


# Benson Farms • Exhibit 2

## 11/18/05 COGC - Rule 318 A



02110463



### Legend

- |  |  |   |
|--|--|---|
| I-25 MUD Area Boundary                 | Limiting Site Factors - Lowest Intensity | Community Park  |
| Employment Center - High Intensity     | Regional Park                            | Historic / Community  |
| Residential                            | City / Town Annexations                  | Neighborhood Park   |
| Regional Commercial - Medium Intensity | Other Community Trails                   | Neighborhood Center - Lower Intensity 1/2 mile service radius |
| Roads                                  | St. Vrain Trail System                   | Transit Center  |

## I-25 Mixed Use Development Area Structural Plan

### Map 2.1 Structural Land Use Map

MUD Boundary Date  
APRIL 7, 2003

Map Date: April 27, 2004

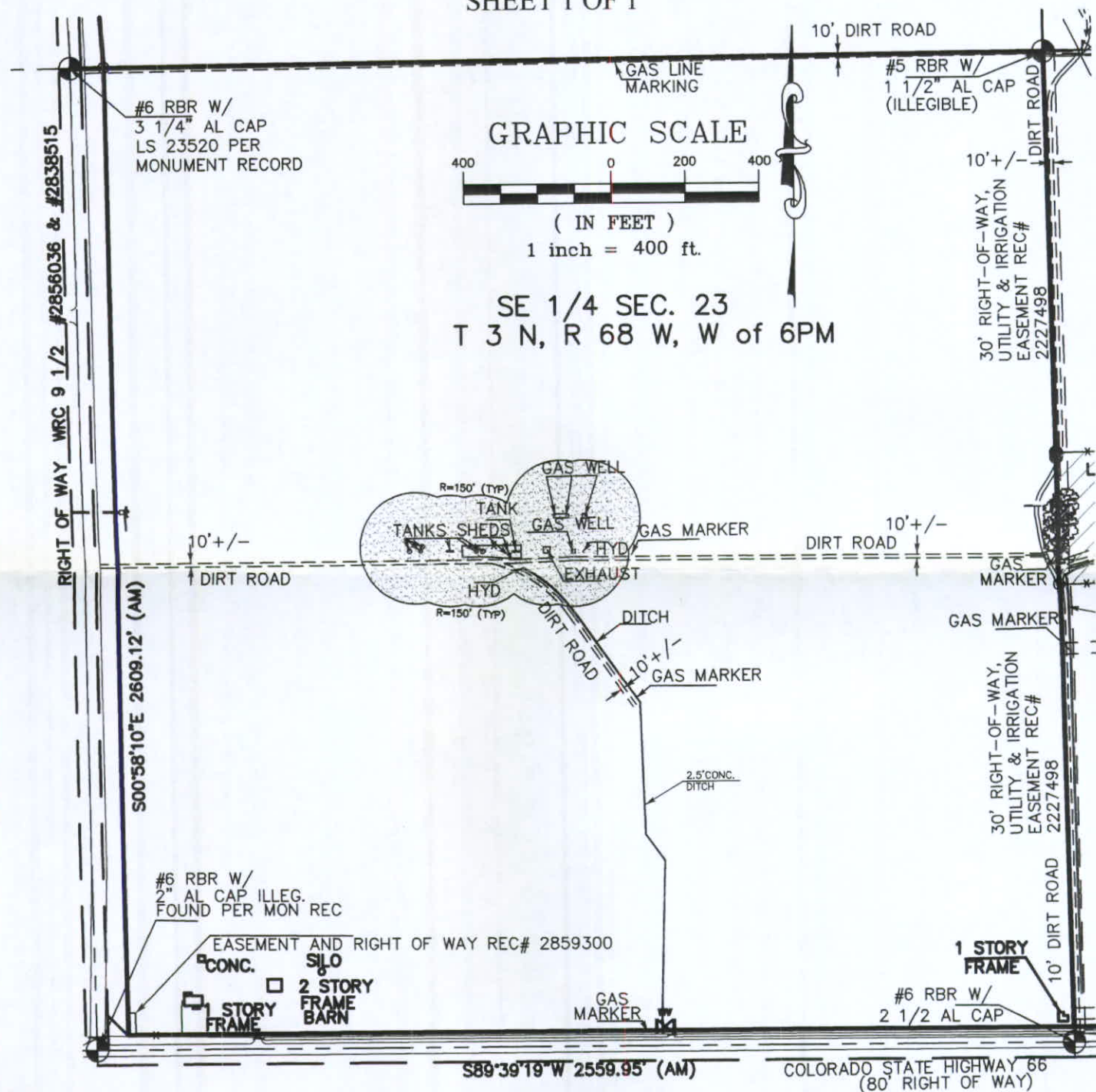


Benson Farms - Exhibit 3  
11/18/05 Case - Rule 38A

# EXHIBIT "A"

KERR MCGEE

LOCATED IN THE SE 1/4 OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 68 WEST OF  
THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO  
SHEET 1 OF 1



THIS IS NOT A "LAND SURVEY PLAT" OR IMPROVEMENT SURVEY PLAT" AND THIS  
EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF  
LAND. THIS EXHIBIT IS INTENDED TO DEPICT THE ACCOMPANYING PARCEL DESCRIPTIONS.  
RECORD INFORMATION SHOWN HEREON IS BASED ON TITLE DOCUMENTS PROVIDED BY  
CLIENT.

FSI JOB NO. 05-46,186  
DRAWN BY: J. MEEKS  
DATE: 11-14-2005  
REV:



**Flatirons, Inc.**  
655 FOURTH AVE., LONGMONT, CO 80501  
PH: (303) 776-1733 FAX: (303) 776-4355