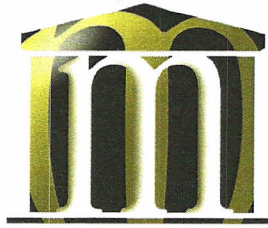


John R. Mehaffy (Retired)
Margaret R. Brubaker
Christopher M. Ernst



21 North 1st Avenue, Suite 290
Brighton, CO 80601
Phone 303.659.0731
Fax 303.659.0752

MEHAFFY BRUBAKER & ERNST LLC
Attorneys and Counselors at Law

February 7, 2014



Via Email and Regular Mail

Manuel Esquibel, City Manager
City of Brighton
Designated LGD
500 South 4th Avenue
Brighton, CO 80601
mesquibel@brightonco.gov
303.655.2050

State of Colorado
Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203
Attn: Matt Lepore, Director matt.lepore@state.co.us
Robert Frick, Hearings Manager robert.frick@state.co.us

RE: Eberle Well Field/ Sections 31 and 32, Township 1N, Range 66W, 6th PM, Weld County
Application for Permit/Synergy Resources Corporation

Oil and Gas Location Assessment (02A) Document No. 400534013 Well No. B-32CHZ
Oil and Gas Permit (02) Document No. 400534181 Well No. B-32CHZ
400534291 Well No. 13-32CHZ
400534691 Well No. B-32NHZ
400534718 Well No. 14-32-31NHZN
400534808 Well No. 14-32-31CHZM
400534516 Well No. 13-32NHZ

Dear Sirs:

As you are aware, the City previously placed general comments directly on the referenced Location Assessment Application (Form 2A) and Permit Application (Form 2) on the COGCC website. Since that time, representatives of the City met with Craig Rasmuson, Vice President of Operations for Synergy Oil and Gas, on January 28, 2014. In that meeting, Mr. Rasmuson discussed and addressed Brighton's concerns and specifically agreed to the following:

- 1) To level the property from the well site to the Fulton Ditch;

- 2) To further clarify Synergy's representation in its January 6, 2014 letter to Mr. Deranleau at COGCC (attached to Form 2A) regarding its intent to *'enhance the integrity of WCR 29'*, Synergy will:
 - a) Install 6-8" road base,
 - b) Add "road saver" by Durablend, and
 - c) Enlarge and enhance the radii at the intersection of WCR 29 and WCR 2.
- 3) As to the concerns about containment in case of storm water run-off, flood, etc., Synergy will install an adequate sump containment that will control the drainage leaving the storm drainage pond.
- 4) To monitor and protect the groundwater, Synergy will provide ongoing groundwater monitoring with (i) a test location right off the center of the well pad location and (ii) one in the proximity of the Fulton Ditch. (*Note: a determination of the exact locations and schedule or monitoring should be made*)

Since the meeting with Mr. Rasmuson, Synergy has filed an undated Location storm water plan depicting the drilling and post drilling at the Eberle site for the CDPHE Stormwater Permit with a copy on the COGCC website. In addition, Synergy stated that it agrees to a secondary berm/containment on the western boundary of this Eberle site, for protecting the irrigation canal/ditch to the west.

Upon review of the information provided by Synergy including the recently provided Location Stormwater Plan, the City, especially the Stormwater Management division, has the following additional concerns and specific observations:

For further clarification of these comments see the SWMP redline attached.

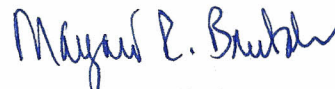
1. Indicate specific location of buffer zone – distance between Fulton ditch and Oil/Gas operations.
2. Indicate contours, slopes, gradient and flow direction.
3. It is not clear how much surface will be impervious, how much runoff is expected and whether or not the proposed ditch around the pad will be able to carry flows. Where does the diversion ditch around the pad flow into?
4. Hay bales degrade after time; the use of hay bales is only a temporary practice during construction. A hay bale barrier will not provide long-term protections.
5. Does a hay bale wall mean that hay bales will be stacked on top of each other to create a wall of some definite height? We assume the bales are the large 4'x4'x8' but no height is shown.
6. During the construction phase, if smaller size hay bales are used for erosion control then they will need to be entrenched and staked down following UDFCD installation detail drawings. Otherwise, they may be displaced by run-off flows; see:
<http://udfcd.org/downloads/pdf/critmanual/Volume%203%20PDFs/chapter%207%20fact%20sheets/SC-03%20Straw%20Bale%20Barrier.pdf>
7. What material will be proposed instead of hay bales for long term protection? Is the 2 to 3 foot berm for the trees different from the earthen berm show in the bale wall detail?
8. How was the containment height/capacity calculated? (Berms 2 ft. high, plus the 4 ft. hay bale wall)
9. How/who will drain the containment area after a storm?
10. It is not clearly indicated where the hay bale wall and ditch around the perimeter will be placed; will there be a culvert installed to cross the proposed ditch?

11. Are any fabric liners proposed? During drilling and after drilling? Where?
12. Dirt berms used for erosion control should be compacted, following UDFCD installation details:
<http://udfcd.org/downloads/pdf/critmanual/Volume%203%20PDFs/chapter%207%20fact%20sheets/EC-10%20Earth%20Dikes%20and%20Drainage%20Swales.pdf>
13. Consider incorporation of a small retention/detention area into the design.
14. The proposed ditch around the pad should be vegetated to address and provide water quality treatment:
<http://udfcd.org/downloads/pdf/critmanual/Volume%203%20PDFs/chapter%207%20fact%20sheets/EC-02%20Temporary%20and%20Permanent%20Seeding.pdf>
15. We are assuming that any additional tank(s) or other facilities that will be installed on the pad will also be provided with the above-referenced secondary containment. Please confirm.
16. Overall it is not clear what practices will be implemented long-term to protect the water quality of the Fulton Ditch from potential leaks/spills and/or regular operations.

Due to the significant concerns of Brighton regarding this application, request is made that the Commission attach the specific agreements of Synergy identified herein as conditions to the permits and in addition to require Synergy to address with conditions the comments and concerns previously set forth or stated above and on the redlined SWMP. If the Commission determines that a hearing or further consultation with Synergy is required on any of the concerns raised by the City previously or in this letter, or those raised in the public comments, that the City be notified thereof and permitted to participate therein.

Thank you for your consideration.

MEHAFFY BRUBAKER & ERNST, LLC



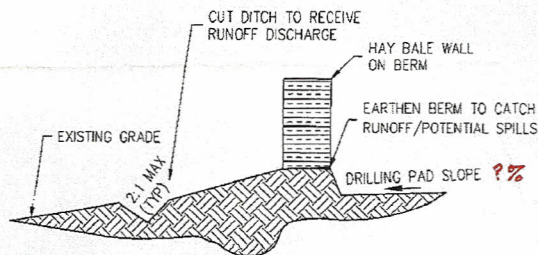
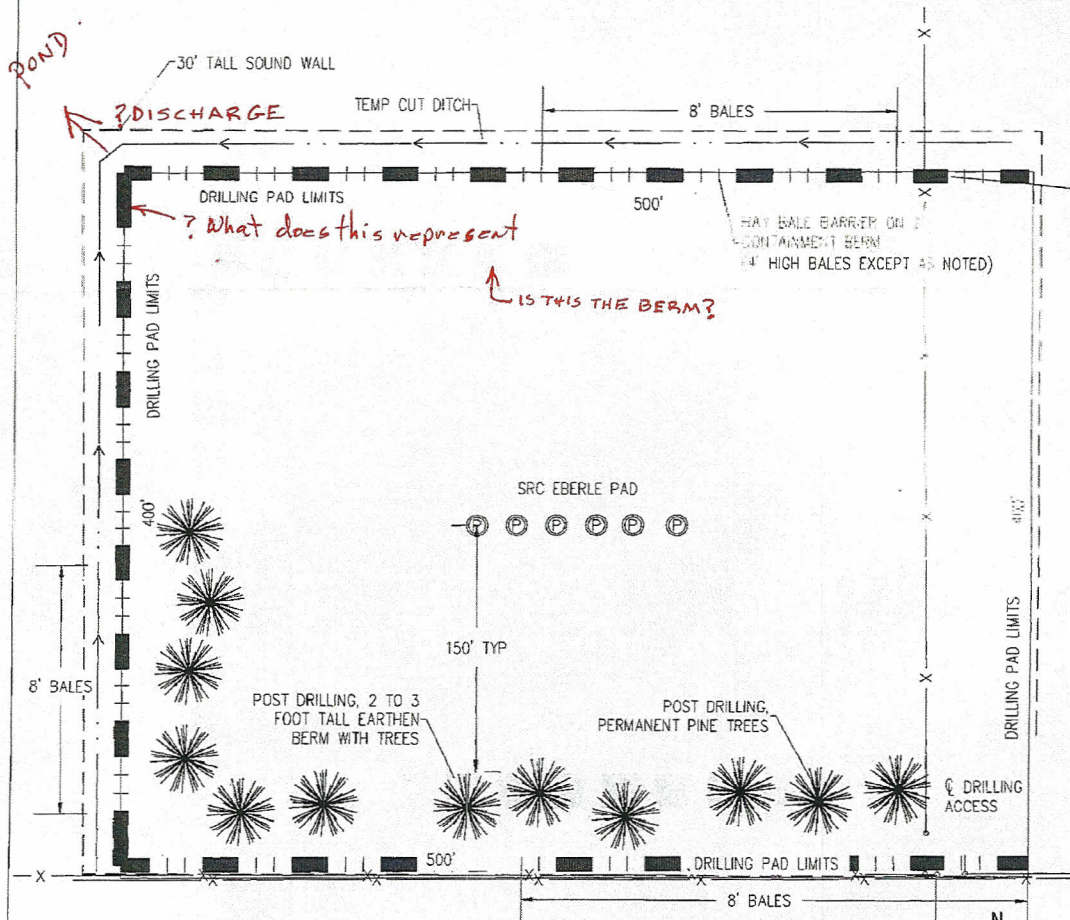
Margaret R. Brubaker
Brighton City Attorney

Attachment – Redlined SWMP

cc: Manuel Esquibel, City Manager mesquibel@brightonco.gov
Marv Falconburg, Asst. City Manager for Development mfalconburg@brightonco.gov
Holly Prather, Community Development Director hprather@brightonco.gov
Jim Landeck, Director of Utilities jlandeck@brightonco.gov
Joe Smith, Director of Streets and Fleet jsmith@brightonco.gov
Nancy Prince, Local Government Liaison, COGCC nancy.prince.@state.co.us

LOCATION STORMWATER PLAN

SECTION 32
TOWNSHIP 1 NORTH
RANGE 66 WEST



BALES ONLY at the three locations?

1 EBERLE WELLS STORMWATER PLAN

NOTE: 30' TALL SOUND WALL PROVIDED DURING DRILLING FOR NOISE AND LIGHT MITIGATION. 8' TALL HAY BALES ALSO PROVIDED FOR NOISE AND LIGHT MITIGATION.

2 BERM AND DITCH SYSTEM