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**MEHAFFY BRUBAKER & ERNST LLC**  
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February 20, 2014

**VIA EMAIL AND FIRST CLASS US MAIL; robert.frick@state.co.us**

Robert J. Frick, Hearing Manager  
State of Colorado  
Oil and Gas Conservation Commission  
1120 Lincoln Street, Suite 801  
Denver, CO 80203

Re: Eberle Well Field/Sections 31 and 32, Township 1 North, Range 66 West, 6<sup>th</sup> PM,  
Weld County  
Application for Permit/Synergy Resources Corporation

Form 2A, Document No. 400534013  
Form 2, Doc. Nos. 400534181, 400534291, 400534691, 400534718, 400534808,  
400534256

Dear Mr. Frick:

Thank you so much for your quick and comprehensive response to the City's comments on the above referenced application. While preparing this response to address a few matters that you referenced in your February 14<sup>th</sup> letter and that the City discussed with Mr. Rasmuson (Synergy), we also received notice that the permits had been approved. Therefore, please consider these comments both in response to your February 14<sup>th</sup> letter and in regard to the permits as approved.

Brighton remains concerned that certain matters that Mr. Rasmuson (Synergy) agreed to implement for the subject well field development were not included as conditions on the permit approval. Specifically,

1. Although there is a condition regarding "*enhancing the integrity of CR 29*", there is no requirement that Synergy upgrade the intersection at WCR 2 and WCR 29 by expanding and upgrading the turning radii both to the west and east. Mr. Rasmuson agreed to this upgrade at his meeting with the City.
2. In your response letter (¶4) you reference the 'pulled BMP ditch' (and also refer to it as a 'temporary cut ditch' in the second full paragraph on page 3). There is no condition on the permit that requires this ditch, in particular, setting forth requirements as to the specifications of the ditch – size, location, composition, etc.

3. Although there is a condition that Synergy *'install groundwater monitoring wells around the production facility'*, there are no specifications regarding the number, location, and frequency of monitoring of said wells. As indicated in Brighton's earlier communication, Mr. Rasmuson (Synergy) agreed to install and monitor wells that exceed the current COGCC Regulations, including monitoring wells between the well site and the Fulton Ditch.

Brighton appreciates the opportunity to set forth its concerns in this regard and would welcome your assistance in recommending the appropriate process for assuring that the above-referenced matters be addressed. Thank you again for your assistance.

Sincerely,

MEHAFFY BRUBAKER & ERNST LLC



Margaret R. Brubaker

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