

April 12, 2017



Mr. Alex Fischer  
West Environmental Supervisor  
Colorado Oil and Gas Conservation Commission  
1120 Lincoln Street, Suite 801  
Denver, CO 80203

**RE: Foundation Energy Management Form 10 Change of Operator and Pit  
Closures, Moffatt County, Colorado**

Dear Mr. Fischer,

I write on behalf of my client, Foundation Energy Management, LLC ("Foundation"), regarding certain closed and reclaimed pits located in Moffat County, Colorado. The Colorado Oil and Gas Conservation Commission ("COGCC") environmental group has sought to place conditions of approval on the Form 4 Pit Closure Sundries submitted by Foundation's predecessor-in-interest, Whiting Oil and Gas Corporation ("Whiting"), requiring that Foundation submit a Form 27 work plan outlining a soil testing regime for these pits to demonstrate compliance with COGCC Table 910-1. Further, until such work plans are submitted, COGCC environmental staff is preventing approval of Foundation's Form 10 Change of Operator forms for the related well locations. Such action is improper. The Bureau of Land Management, which is the surface management agency with jurisdiction over these pits, already approved the closure and reclamation of the pits and therefore no work plans or further soil testing is required. For the reasons stated herein, Foundation disagrees that such work plans and soil testing are required and hereby requests that the COGCC environmental staff immediately withdraw its conditions of approval so that the Forms 10 Change of Operator may be approved.

*Pit Inv. 1995 Doc # 2543079*

**Well Location and Related Pit Information**

Well Name	Pit ID	Construction Date	Closure Date	Sundry Document submitted by Whiting / Comment
Hiawatha 1 <i>25.761</i>	100549	1975?	1992	Doc # 401154011, 11/22/2016
Hiawatha 1	116673	1975?	1992	Doc # 401154017, 11/22/2016
Hiawatha 3	116548	1973?	Active	Doc # 401154026, 11/22/2016 (same as 100560)
Hiawatha 3	100560	1973?	Active	Doc # 401154026, 11/22/2016 (same as 116548)
Lion Gov 7	268590	2003	2004	Doc # 400996078, 11/22/2016
Lion Gov 11-26	274512	2004	2007	Doc # 400978577, 11/22/2016
Lion Gov 12-36	274511	2004	2006	Doc # 400978583, 11/22/2016

{00545222.2}

*used to / for 34L*

Well Name	Pit ID	Construction Date	Closure Date	Sundry Document submitted by Whiting / Comment	
✓ Lion Gov 14-26	270406	2004	2006	Doc # 400978590, 11/22/2016	26
✓ Lion Gov 22-26	274513	2004	2008	Doc # 401154043, 11/22/2016 (same as 283441, Lion Gov 31-26D)	26
Well Name	Pit ID	Construction Date	Closure Date	Sundry Document submitted by Whiting / Comment	
✓ Lion Gov 22-36	274515	2004	2007	Doc # 401154043, 11/22/2016	36
✓ Lion Gov 31-26D	283441	2004	2008	Doc # 401154047, 11/22/2016 (see 274513, Lion Gov 22-26)	26
✓ Lion Gov 32-26	274516	2004	2006	Doc # 400978663, 11/22/2016	36
✓ Lion Gov 34-26	283075	2006	2007	Doc # 401154077, 11/22/2016	26
✓ Lion Gov 41-36	274514	2004	2006	Doc # 400978671, 11/22/2016	36
✓ Lion Gov 42-36	275731	2005	2005	Doc # 400978685, 11/22/2016	36

(collectively the "Pits").

### Background

All of the Pits are located on BLM lands and the related wells produce from federal minerals. There are no fee or State of Colorado surface or minerals affected by the wells or the related pits. Therefore, the BLM is the surface management agency with jurisdiction over the wells and the Pits.

On January 1, 2016, Foundation acquired certain federal oil and gas leases and the wells and the Pits from Whiting Oil and Gas Corporation ("Whiting"). Whiting and its predecessor(s)-in-interest of the leases, wells, and Pits, were required, pursuant to the United States Department of the Interior and United States Department of Agriculture, Onshore Oil and Gas Order No. 1<sup>1</sup> (issued pursuant to 43 C.F.R. § 3164), to submit to BLM, as part of the federal APD, a surface use plan (the "Surface Use Plan") which details the surface use development plans including the procedures for closing and reclaiming the Pits. Between 1992 and 2007, Whiting and or its predecessor(s)-in-interest proceeded to close and reclaim the Pits pursuant to the BLM-approved Surface Use Plan. And, BLM then approved the closure and reclamation of the Pits. See BLM Approved Form 3160-5 Sundries, enclosed as **Exhibit "B"**.

<sup>1</sup> Both the 1983 and 2007 editions of Onshore Oil and Gas Order No. 1 require an operator to submit a proposed surface use plan that must be approved by the BLM prior to a federal APD being issued. Compare 48 FR 48916-01 with 72 FR 10308-01. In the event the BLM deems the proposed surface use plan is inadequate, the BLM will require modification, amendments, or conditions of approval that are necessary to protect surface resources/uses and the environment. *Id.*

On or about November 15, 2015, Whiting submitted Form 10 Change of Operator notices for COGCC approval. On or about January 13, 2017, COGCC environmental staff contacted Foundation regarding the Form 10 Change of Operator and certain sundries filed with the COGCC by Whiting that COGCC environmental staff attached Conditions of Approval ("COA"). The COAs purport to require some form of demonstration that the soils underlying the Pits are compliant with COGCC Table 910-1. On or about January 20, 2017, Foundation met with COGCC environmental staff regarding the sundries and was informed that the Form 10 Change of Operator notices would not be approved unless and until Foundation submitted a Form 27 work plan outlining the process by which it would conduct soil testing for the Pits, despite the pits having been closed and reclaimed nine or more years ago and approved by BLM.

### Analysis

COGCC is without jurisdiction to require additional soil testing of the Pits. The Pits are located on BLM managed surface. The associated wells produce from federal minerals. No fee or State of Colorado interests are implicated. Therefore, the BLM is the surface management agency with jurisdiction over the Pits. Oil and gas development of federal minerals with operations on federal surface are governed by the Mineral Leasing Act (the "Act"), as amended, 30 U.S.C. 181, *et seq.*, and the federal regulations issued thereunder at 34 C.F.R. 3160, *et seq.* Whiting, or its predecessor(s)-in-interest, as the operator of the wells and Pits, was required to present for BLM approval, before the beginning of any operations or approval of the federal APD,<sup>2</sup> a surface use plan. That plan must specify how operations are to be conducted including the method by which the Pits would be closed and reclaimed. Federal regulation, in place at the time the Pits were closed, requires that before a reserve pit on federal lands may be closed and reclaimed, the operator must demonstrate that the soils underlying the pit meet the standards set by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"). U.S. Dep't of Interior and U.S. Dep't of Agric., Surface Operating Standard and Guidelines for Oil and Gas Exploration and Development (the "Gold Book")<sup>3</sup>. Unless and until that plan was approved by BLM, Whiting could not obtain APDs for the wells and begin operations. Of course, the BLM did issue federal APDs for the wells that allowed Whiting or its predecessor(s)-in-interest to proceed with operations including constructing the Pits. When the Pits were no longer necessary for operation of the wells, Whiting closed and reclaimed the Pits in

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<sup>2</sup> Of course, absent an approved federal APD, even if the State of Colorado has approved an APD, no operations may commence on federal lands. Because a federal APD cannot be approved without an approved surface use plan, which must specify the methods by which pits will be closed, it therefore follows, that once a pit is closed pursuant to the federal APD, the State of Colorado cannot require additional pit closure requirements.

<sup>3</sup> Both the Third and Fourth Editions, 2005 and 2007, respectively, of the Gold Book require soil testing at the time a reserve pit is closed to ensure compliance with the CERCLA and SARA.

accordance with the BLM approved Surface Use Plan. And, BLM then approved Whiting's interim pit closure and reclamation operations. See **Exhibit "B"**.

In order for Whiting to have obtained approved pit closure sundries from BLM, it would have needed to demonstrate soil compliance with CERCLA standards as required by the Gold Book. The Department of the Interior, through the BLM, has set forth detailed and comprehensive procedures and requirements for obtaining approval for, constructing, closing and reclaiming reserve pits, including soil testing standards, on federal surface. Therefore, the COGCC is without jurisdiction to regulate such pit closures including requiring a successor operator to conduct *post-hoc* soil testing under COGCC Rules. Well-established law holds that the COGCC's efforts to do so are preempted by federal law and regulations. (see **Exhibit "A"**, Appendix A1.1 – A1.3).

Nowhere in the Act or the BLM Regulations is there an express or implied grant of authority to the States to regulate oil and gas operations on federal onshore lands. Rather, in order for a State to have any regulatory authority over oil and gas operations on federal lands, the authorized BLM officer must enter into cooperative agreements with the State. *Id.* at A1.3. Here, there are two Memorandums of Understanding ("MOU") between the BLM and the COGCC, 1991 and 1999, neither of which delegate any authority to the COGCC to regulate reserve pit closures on federal lands. Copies of the MOUs are attached as **Exhibit "C."** Rather, the MOUs allow the COGCC, subject to BLM's veto power, to issue spacing and pooling orders that cover federal minerals and allow for COGCC staff to conduct inspections at well locations situated on federal surface. *Id.* Absent a cooperative agreement between BLM and COGCC that grants COGCC authority to regulate pit closure and reclamation on federal lands, COGCC is without authority to require a federal lessee to meet state soil testing requirements during pit closure much less do so 10 years after the pits have been closed with BLM approval.

While the State of Colorado may have authority to regulate well spacing and pooling of federal mineral lessee operations, neither the Act nor any regulation promulgated thereunder gives authority to the State which it does not already have. State law may very well apply where it does not pose a significant threat to identifiable federal policy or interest, but the State has no right to apply state regulations that impermissibly conflict with congressionally approved use of federal lands. (See Appendix A2.1).

Like the federal lessee in *Ventura County, Foundation*, and its predecessor-in-interest, Whiting, are subject to the extensive regulations of the Act, Department of the Interior and the BLM regulations on oil and gas operations on federal lands, the federal oil and gas leases, Notices to Lessees, the BLM-approved APDs that include approved Surface Use Plans as mandated by the Onshore Order No. 1, and the BLM Gold Book. This extensive federal scheme regulating operations of the subject wells and closure of the Pits on federal lands, a scheme which requires soil testing to ensure compliance with CERCLA and SARA, reflect Congress's concerns for the environment and development of the nation's resources. Whiting complied with its Surface Use Plan when it closed and reclaimed the Pits pursuant to BLM requirements and obtained BLM approval thereof. Like *Ventura County*, the COGCC cannot add additional layers

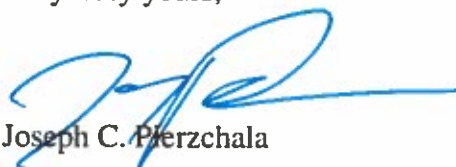
of requirements to the BLM's pit closure procedures on federal lands, *post hoc*, and declare the pits not closed. This is especially true where, as here, the state attempts to impose additional requirements after the BLM has already approved the Form 3160-5 Sundries and declared the Pits officially closed.

### **Conclusion**

For the reasons explained herein, COGCC is without authority to require Foundation to conduct *post hoc* soil testing for the Pits, which are located on federal lands and closed pursuant to BLM-approved surface use plans and which closure and remediation BLM approved. Foundation respectfully requests that COGCC environmental staff immediately withdraw the conditions of approval applied to the Form 4 Sundries for the Pits and immediately approve Foundation's Forms 10 Change of Operator for the subject wells.

We appreciate your attention and cooperation in these matters. Please feel free to call to discuss further.

Very truly yours,



Joseph C. Pierzchala

*Attorney for Foundation Energy Management, LLC*

JCP

Enclosures (3)

cc: Derek Hanson  
Rachel Grant  
w/enclosures

## Appendix "A"

A1.1. Article IV, Sec. 3 of the United States Constitution provides, in relevant part, that "[t]he Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state." Article VI of the U.S. Constitution provides that "[the U.S.] Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

A1.2. While the Property Clause does not automatically preclude all state regulation on federal land, Congress assuredly "retains the power to enact legislation respecting those lands pursuant to the Property Clause. And when Congress so acts, the federal legislation necessarily overrides conflicting state laws under the Supremacy Clause." *Ventura County v. Gulf Oil Corp.*, 601 F.2d 1080, 1083 (9th Cir. 1979), *aff'd mem.* 445 U.S. 947, 100 S. Ct. 1593, 63 L. Ed.2d 782 (1980). "[S]tate law can be pre-empted in either of two general ways. If Congress evidences an intent to occupy a given field, any state law falling within that field is pre-empted. *Pacific Gas & Electric Co. v. State Energy Resources Conservation & Development Comm'n*, 461 U.S. 190, 203–204, 103 S.Ct. 1713, 1721–1722, 75 L.Ed.2d 752 (1983); *Fidelity Federal Savings & Loan Assn. v. De la Cuesta*, 458 U.S. 141, 153, 102 S.Ct. 3014, 3022, 73 L.Ed.2d 664 (1982); *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230, 67 S.Ct. 1146, 1152, 91 L.Ed 1447 (1947). State law is preempted even where Congress has not entirely displaced state regulation over the matter in question, if the state law actually conflicts with federal law, that is, when it is impossible to comply with both state and federal law, *Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 142–143, 83 S.Ct. 1210, 1217–1218, 10 L.Ed.2d 248 (1963), or where the state law stands as an obstacle to the accomplishment of the full purposes and objectives of Congress, *Hines v. Davidowitz*, 312 U.S. 52, 67, 61 S.Ct. 399, 404, 85 L.Ed. (1941).

A1.3 Here, not only has Congress, through the Department of the Interior and the BLM, demonstrated an intent to occupy the field of regulating oil and gas operations on federal lands, including reserve pit closure and remediation, COGCC's attempts to require Form 27 work plans and remedial soil testing regimes conflict with the Mineral Leasing Act, federal regulations, and the BLM-approved Surface Use Plan. The extensive regulation of oil and gas exploration, drilling, and operations under the Mineral Leasing Act is evident from the Act, the regulations, orders, and standards. Pursuant to the Act, the BLM promulgated the Onshore Oil and Gas Regulations ("BLM Regulations"), 43 C.F.R. § 3160, *et seq.*, to promote the orderly and efficient exploration, development, and production of oil and gas. All operations on a federal onshore oil and gas lease are subject to the BLM Regulations. *Id.* at § 3161.1(a). The BLM's authorized officer is authorized to, *inter alia*:

issue NTL's: to approve and monitor other operator proposals for drilling,  
development or production of oil and gas . . . enter into cooperative agreements  
with States, Federal agencies and Indian tribes relative to oil and gas development

and operations; to approve, inspect and regulate the operations that are subject to the regulations in this part; to require compliance with lease terms, with the regulations in this title and all other applicable regulations promulgated under the cited laws; and to require that all operations be conducted in a manner which protects other natural resources and the environmental quality, protects life and property and results in the maximum ultimate recovery of oil and gas with minimum waste and with minimum adverse effect on the ultimate recovery of other mineral resources.

*Id.* at § 3161.2.

A2.1. *Ventura County v. Gulf Oil Corp.*, 601 F.2d 1080, 1086 (9th Cir. 1979). “A different rule would place the public domain of the United States completely at the mercy of the state legislation.” *Id.* at 1083. *Ventura County* is instructive. There, the County of Ventura, California attempted to require, under its zoning ordinance, a federal lessee to obtain an open space use permit before an oil and gas exploration and extraction activities are commenced on national forest lands within the county. *Id.* at 1082. The *Ventura County* court held that the local ordinances impermissibly conflict with the Mineral Lands Leasing Act of 1920, pursuant to which the federal lease was issued and operations permitted, and therefore cannot be applied to the federal lessee. *Id.* at 1083. The court held that because the federal lessee was subject to extensive regulations of oil and gas exploration and drilling pursuant to the Mineral Leasing Act, the terms of the federal oil and gas lease, terms of the federal drilling permits, and other federal regulations focused on protection of the environment, the County of Ventura could not add another layer of approval to prevent the oil and gas development on federal lands. *Id.* at 1084. “The federal government has authorized a specific use of federal lands and Ventura cannot prohibit that use, either temporarily or permanently, in an attempt to substitute its judgment for that of Congress.” *Id.* The *Ventura County* court operational conflicts analysis has been recognized by Colorado Courts. See *Bd. of Cnty Com’rs of Gunnison Cnty v. BDS Intern., LLC*, 159 P.3d 773, 784 (Colo. App. 2006).

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**SUNDY NOTICES AND REPORTS ON WELLS**

Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals.

FORM APPROVED  
OS 1819 1004-001  
Expires January 31, 2004

1. Lease Serial No. COD453178
6. If Indian, Alutian or Tribe Name
7. If Unit or CAA Agreement, Name and/or No.
8. Well Name and No. Lisa Government 31-36
9. API Well No. 05-091-07164
10. Field and Pool, or Exploratory Area Hiewalbe West
11. County or Parish, State Moffat, Colorado

**SUBMIT IN TRIPLICATE- Other instructions on reverse side.**

1. Type of Well <input type="checkbox"/> Oil Well <input checked="" type="checkbox"/> Gas Well <input type="checkbox"/> Other
2. Name of Operator Whirling Oil & Gas Corporation
3a. Address 1700 Broadway Suite 2300, Denver CO 80202
3b. Phone No. (include area code) 303-390-4948
4. Location of Well (Footage Sec. T, R, M, or Survey Description) 600 ENL 2100 FEL NWNE Sec 16-T12N-R101W

**12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA**

TYPE OF SUBMISSION	TYPE OF ACTION			
<input type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input checked="" type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input checked="" type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13. Describe Proposed or Completed Operation (clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recomplete horizontally, give subsurface locations and measured and true vertical depths of all pertinent measures and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompletion in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

The reserve pit has been backfilled with top soil included. Seeding will take place during the Summer or Fall of 2007. A final-reclamation sundry will be submitted upon review of the location by BLM personnel.

ACCEPTED FOR THE RECORD

APR 20 2007

LITTLE SNAKE FIELD OFFICE

By Bonnie A. Hickey  
Bonnie A. Hickey  
Lisa L. Edwards

14. I hereby certify that the foregoing is true and correct Name (Printed/Typed) Peggy J. Goss	Title Engineering Tech
Signature <u>Peggy J. Goss</u>	Date 03/15/2007

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved by	Title	Date
Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would enable the applicant to conduct operations thereon.	Office	

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations or to knowingly withhold information within its jurisdiction.

(Instructions on page 2)



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals.

FORM APPROVED  
(3160-5) (1001-611)  
Expires January 31, 2004

5. Lease Serial No.  
C00053178

6. If Indian, Allottee or Tribe Name

7. If Unit or CUA Agreement, Name and/or No.

8. Well Name and No.  
Lien Government 32-36

9. API Well No.  
05-081-07289

10. Field and Pool, or Exploratory Area  
Hiawatha West

11. County or Parish, State  
Moffat, Colorado

SUBMIT IN TRIPLICATE- Other instructions on reverse side.

1. Type of Well  
☐ Oil Well ☒ Gas Well ☐ Other

2. Name of Operator  
Whiting Oil & Gas Corporation

3a. Address  
1708 Broadway Suite 1100, Denver CO 80202

3b. Phone No. (include area code)  
303-390-4948

4. Location of Well (Footage, Sec., T., R., & 1/4, or Survey Description)  
1850 FNL 1100 FWN Sec 16-T12N-R101W

12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION	TYPE OF ACTION			
<input type="checkbox"/> Notice of Interest	<input type="checkbox"/> Actions	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input checked="" type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input checked="" type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13. Describe Proposed or Completed Operation (clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recomplete horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which this work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompletion in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

The reserve pit has been backfilled with top soil included. Seeding will take place during the Summer or Fall of 2007. A final reclamation survey will be submitted upon review of the location by BLM personnel.

ACCEPTED FOR THE RECORD

APR 30 2007

LITTLE SNAKE FIELD OFFICE

By Bonnie G. Hickey  
S/ Bonnie G. Hickey  
LAND LAW EXAMINER

14. I hereby certify that the foregoing is true and correct  
Name (Printed/Typed)

Peggy J. Gau

Title Engineering Tech

Signature

Peggy J. Gau

Date

03/15/2007

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved by

Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Title

Date

Office

This is U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations or to any officer within its jurisdiction.

(Instructions on page 2)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

SUNDRY NOTICES AND REPORTS ON WELLS  
Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals.

FORM APPROVED  
OMB No. 1004-0135  
Expires November 30, 2002

<b>SUBMIT IN TRIPLICATE- Other instructions on the reverse side</b>		5. Lease Serial No. <b>1C0073806</b>
1. Type of Well <input type="checkbox"/> Oil Well <input checked="" type="checkbox"/> Gas Well <input type="checkbox"/> Other		6. If Indian, Alutian, or Tribe Name
2. Name of Operator <b>Whiting Oil &amp; Gas Inc</b>		7. If Unit or CA Agreement Designation
3a. Address <b>1700 Broadway Suite 2300 Denver CO 80290-2300</b>		8. Well Name and No. <b>Lion Government # 7</b>
3b. Phone No. (include area code) <b>307 299 0095</b>		9. API Well No. <b>06-081-07133</b>
4. Location of Well (Footage, Sec., T., R., M., or Survey Description) <b>680' FSL 680' FEL SE SE Sec 26 T12N R101W 6th P.M.</b>		10. Field and Pool, or Exploratory Area <b>Higwatha</b>
		11. County or Parish, State <b>Moffat Colorado</b>

12. CHECK APPROPRIATE BOX(S) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION	TYPE OF ACTION
<input type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize <input type="checkbox"/> Deepen <input type="checkbox"/> Production (Start/Resume) <input type="checkbox"/> Water Shut-off
<input checked="" type="checkbox"/> Subsequent Report	<input type="checkbox"/> Altering Casing <input type="checkbox"/> Fracture Treat <input checked="" type="checkbox"/> Reclamation <input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair <input type="checkbox"/> New Construction <input type="checkbox"/> Recomplete <input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans <input type="checkbox"/> Plug and abandon <input type="checkbox"/> Temporarily Abandon
	<input type="checkbox"/> Convert to Injection <input type="checkbox"/> Plug back <input type="checkbox"/> Water Disposal

13. Describe Proposed or Completed Operation (clearly state all pertinent details including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recompleate horizontally, give subsurface locations and measured and true vertical depths or pertinent markers and sands. Attach the Bond under which the work will be performed or provide the Bond No. on file with the BLM/ BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompletion in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final Abandonment Notice shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

Randy Pitt Construction place pit liner on bottom of pit, mix dry dirt with loads of mud and cuttings. Hyland Enterprise hauled 130 bbls water from pit to 4 Mile Disposal. Backfill and contour location after material had dried. Extend and build up berms around production equipment. Paint all equipment. Install bird protection equipment on smoke stacks. Job Complete 10/12/2004

ACCEPTED FOR THE RECORD

DEC 0 2004

LITTLE SNAIL FIELD OFFICE

By *Michael K Staab*

14. I hereby certify that the foregoing is true and correct. Name (Printed/ Typed) <b>Michael K Staab</b>		Title <b>Operations Supervisor</b>
Signature <i>Michael K Staab</i>		Date <b>12/28/2004</b>

THIS SPACE FOR FEDERAL OR STATE OFFICE USE		
Approved by	Title	Date
Conditions of approval, if any are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.	Office	

Title 18 U.S.C. Section 1001 AND Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

*Dec # 1247903 (75 x 125 x 10) = planned pit.*

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**SUNDRY NOTICES AND REPORTS ON WELLS**

*Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals.*

**SUBMIT IN TRIPLICATE- Other instructions on reverse side.**

1. Type of Well <input type="checkbox"/> Oil Well <input checked="" type="checkbox"/> Gas Well <input type="checkbox"/> Other		5. Lease Serial No. COD053178
2. Name of Operator Whiting Oil & Gas Corporation		6. If Indian, Allottee or Tribe Name
3a. Address 1700 Broadway Suite 2300, Denver CO 80290	3b. Phone No. (include area code) 303-390-4948	7. If Unit or CA/Agreement, Name and/or No.
4. Location of Well (Footage, Sec., T., R., & S., or Survey Description) 660 PNL 850 FWL NENE Sec 36-T12N-R101W		8. Well Name and No. Lion Government 41-36
		9. API Well No. 05-081-07211
		10. Field and Pool, or Exploratory Area Hawatha West
		11. County or Parish, State Moffat, Colorado

**12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA**

TYPE OF SUBMISSION	TYPE OF ACTION			
<input type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input checked="" type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input checked="" type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13. Describe Proposed or Completed Operation (clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recompleat horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompleat in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

The reserve pit has been backfilled with top soil included. Seeding will take place during the Summer or Fall of 2007. *intermittent* A final reclamation sundry will be submitted upon review of the location by BLM personnel.

**ACCEPTED FOR THE RECORD**

APR 20 2007

**LITTLE SNAKE FIELD OFFICE**

By *B. Hickey*  
**/s/ Bonnie J. Hickey**  
LAND LAW EXAMINER

14. I hereby certify that the foregoing is true and correct Name (Printed/Typed) Peggy J Goss		Title Engineering Tech
Signature <i>Peggy J Goss</i>	Date 03/15/2007	

**THIS SPACE FOR FEDERAL OR STATE OFFICE USE**

Approved by Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.	Title Office	Date
--	-----------------	------

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Instructions on page 2)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**SUNDRY NOTICES AND REPORTS ON WELLS**

*Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals.*

FORM APPROVED  
CNS No. 1084-0115  
Expires January 31, 2004

5. Lease Serial No.  
COD053178

6. If Indian, Allottee or Tribe Name

7. If Unit or CA/Agreement, Name and/or No.

8. Well Name and No.  
Llan Government 11-26

9. API Well No.  
05-081-07209

10. Field and Pool, or Exploratory Area  
Hlawatha West

11. County or Parish, State  
Monteal, Colorado

**SUBMIT IN TRIPLICATE- Other instructions on reverse side.**

1. Type of Well  
☐ Oil Well ☒ Gas Well ☐ Other

2. Name of Operator  
Whiting Oil & Gas Corporation

3a. Address  
1700 Broadway Suite 2300, Denver CO 80290

3b. Phone No. (include area code)  
303-398-4948

4. Location of Well (Footage, Sec., T., R., A., or Survey Description)  
970 FNL 882 FWL MWNW Sec 26-T12N-R101W

**12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA**

TYPE OF SUBMISSION	TYPE OF ACTION			
<input type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input checked="" type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input checked="" type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

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The reserve pit has been backfilled with top soil included. Seeding will take place during the Summer or Fall of 2007. A final reclamation survey will be submitted upon review of the location by BLM personnel.

ACCEPTED FOR THE RECORD

APR 20 2007

LITTLE HAWK FIELD OFFICE

By *[Signature]*

/S/ BONNIE J. HICKE  
LAND LAW ENFORCEMENT

14. I hereby certify that the foregoing is true and correct  
Name (Printed/Typed)  
Peggy J Gess

Title Engineering Tech

Signature *[Signature]* Date 03/15/2007

**THIS SPACE FOR FEDERAL OR STATE OFFICE USE**

Approved by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Office \_\_\_\_\_

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(Instructions on page 2)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**SUNDRY NOTICES AND REPORTS ON WELLS**  
Do not use this form for proposals to drill or to re-enter an  
abandoned well. Use Form 3160-3 (APD) for such proposals.

FORM APPROVED  
OIL & GAS (0440) JS  
Expires: January 31, 2004

<b>SUBMIT IN TRIPLICATE- Other Instructions on reverse side.</b>		5. Lease Serial No. COD453178
1. Type of Well <input type="checkbox"/> Oil Well <input checked="" type="checkbox"/> Gas Well <input type="checkbox"/> Other		6. If Indian, Allottee or Tribe Name
2. Name of Operator Whiting Oil & Gas Corporation		7. If Unit or CNA Agreement, Name and/or No.
3a. Address 1780 Broadway Suite 2300, Denver CO 80290		8. Well Name and No. Lion Government 12-36
3b. Phone No. (include area code) 303-390-4948		9. API Well No. 05-081-07213
4. Location of Well (Footage, Sec. T., R., M., or Survey Description) 1850 FNL 660 FWL SWNW Sec 36-T12N-R101W		10. Field and Pool, or Exploratory Area Hilwahta West
		11. County or Parish, State Moffat, Colorado

**12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA**

TYPE OF SUBMISSION	TYPE OF ACTION			
<input type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input checked="" type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input checked="" type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13. Describe Proposed or Completed Operation (clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recompleat horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM/BIA. Required subsequent reports shall be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompletion in a new interval, a Form 3160-4 shall be filed once testing has been completed. Final Abandonment Notices shall be filed only after all requirements, including reclamation, have been completed, and the operator has determined that the site is ready for final inspection.)

The reserve pit has been backfilled with top soil included. Seeding will take place during the Summer or Fall of 2007. A final reclamation survey will be submitted upon review of the location by BLM personnel.

ACCEPTED FOR THE RECORD

APR 23 2007

LITTLE SNAKE FIELD OFFICE

By B. Hickey  
/s/ Bonnie J. Hickey

14. I hereby certify that the foregoing is true and correct Name (Printed/Typed) Peggy J Goss		Title Engineering Tech
Signature <u>Peggy J Goss</u>		Date 03/15/2007

**THIS SPACE FOR FEDERAL OR STATE OFFICE USE**

Approved by Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.	Title Office	Date
--	-----------------	------

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(Instructions on page 2)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals.

FWSL APPROVED  
Chg # 10040115  
Expires January 31, 2004

5. Lease Serial No.

COD053178

6. If Indian, Allottee or Tribe Name

7. If Unit or CA Agreement, Name and/or No.

8. Well Name and No.

Lion Government 14-26

9. API Well No.

05-081-07149

10. Field and Pool, or Exploratory Area  
Hiawatha West

11. County or Parish, State

Moffat, Colorado

SUBMIT IN TRIPLICATE- Other instructions on reverse side.

1. Type of Well

☐ Oil Well

☒ Gas Well

☐ Other

2. Name of Operator

Whiting Oil & Gas Corporation

3a. Address

1700 Broadway Suite 2300, Denver CO 80290

3b. Phone No. (include area code)

303-390-4948

4. Location of Well (Footage, Sec., T., R., M., or Survey Description)

448 FSL 1167 FWL SWSW Sec 26-T12N-R101W

12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION	TYPE OF ACTION			
<input type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input checked="" type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input checked="" type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

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ACCEPTED FOR THE RECORD

APR 20 2007

LETTLE SNARE 17 OFFICE

By *B. Hickey*

/S/ Bonnie J. Hickey

LAND LAW EXAMINER

14. I hereby certify that the foregoing is true and correct  
Name (Printed/Typed)

Peggy J Goss

Title Engineering Tech

Signature

*Peggy J Goss*

Date

03/15/2007

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

Approved by

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Title

Date

Office

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(Instructions on page 2)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

SUNDRY NOTICES AND REPORTS ON WELLS

Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals.

FEDERAL APPROVED  
ON 10/10/01  
Expires January 31, 2004

SUBMIT IN TRIPLICATE- Other instructions on reverse side.

1. Type of Well <input type="checkbox"/> Oil Well <input checked="" type="checkbox"/> Gas Well <input type="checkbox"/> Other		5. Lease Serial No. C09053178
2. Name of Operator Whiting Oil & Gas Corporation		6. If Indian, Altonce or Tribe Name
3a. Address 1700 Broadway Suite 2300, Denver CO 80290	3b. Phone No. (include area code) 303-398-4948	7. If Unit or C/A agreement, Name and/or No.
4. Location of Well (Footage, Sec., T., R., A., or Survey Description) 1850 FNL 1868 FWL 5ENV Sec 36-T12N-R101W		8. Well Name and No. Lone Government 22-36
		9. API Well No. 05-081-07212
		10. Field and Pool, or Exploratory Area Hawatha West
		11. County or Parish, State Moffat, Colorado

12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA

TYPE OF SUBMISSION	TYPE OF ACTION			
<input type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input checked="" type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input checked="" type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

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ACCEPTED FOR THE RECORD

APR 10 2007

LITTLE SNAKE FIELD OFFICE

By Bonnie J. Hickey  
LAND LAW EXAMINER

14. I hereby certify that the foregoing is true and correct Name (Printed/Typed) Peggy J Goss		Title Engineering Tech
Signature <u>Peggy J Goss</u>	Date 03/15/2007	

THIS SPACE FOR FEDERAL OR STATE OFFICE USE

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	Office	

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(Instructions on page 2)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

FORM APPROVED  
OMB No. 1004-0135  
Expires: January 31, 2004

**SUNDRY NOTICES AND REPORTS ON WELLS**

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**SUBMIT IN TRIPLICATE- Other instructions on reverse side.**

1. Type of Well <input type="checkbox"/> Oil Well <input checked="" type="checkbox"/> Gas Well <input type="checkbox"/> Other		5. Lease Serial No. COD053178
2. Name of Operator Whiting Oil & Gas Corporation		6. If Indian, Allottee or Tribe Name
3a. Address 1700 Broadway Suite 2300, Denver CO 80290	3b. Phone No. (include area code) 303-390-4948	7. If Unit or CA/Agreement, Name and/or No.
4. Location of Well (Footage, Sec., T., R., M., or Survey Description) 2003 FNL 1084 FEL SENE Sec 36-T12N-R101W		8. Well Name and No. Lion Government 42-36
		9. API Well No. 05-081-07223
		10. Field and Pool, or Exploratory Area Hlawatha West
		11. County or Parish, State Moffat, Colorado

**12. CHECK APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT, OR OTHER DATA**

TYPE OF SUBMISSION	TYPE OF ACTION			
<input type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input checked="" type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input checked="" type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input type="checkbox"/> Other
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

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**ACCEPTED FOR THE RECORD**

APR 20 2007

LITTLE SNAKE FIELD OFFICE

By B. Hickey  
/S/ Bonnie J. Hickey

14. I hereby certify that the foregoing is true and correct Name (Printed/Typed) Peggy J Goss		Title Engineering Tech	
Signature <u>Peggy J Goss</u>		Date 03/15/2007	

**THIS SPACE FOR FEDERAL OR STATE OFFICE USE**

Approved by	Title	Date
Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.	Office	

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(Instructions on page 2)



**Memorandum of Understanding  
Between The Colorado Bureau of Land Management  
And The Colorado Oil and Gas Conservation Commission**

**A. Introduction**

For many years there has been a spirit of cooperation, communication, and trust between the Colorado Oil and Gas Conservation Commission (COGCC) and the Colorado Bureau of Land Management (BLM) in the management of lands in the state of Colorado and the development of our nation's oil and gas resources. Each agency's mission and staffing levels have grown during these years to the point where we believe it is important to formalize our excellent working relationship, as well as define each agency's role and responsibilities in our overlapping jurisdictions.

**B. Purpose**

Most of our operations occur on adjacent lands or on the same lands, and it is important that both agencies provide oil and gas lessee/operators with consistent policy and procedures (including statewide oil and gas orders) on federal/Indian lands as well as nonfederal lands.

**C. Objectives**

This memorandum of understanding (MOU) between the Colorado BLM and the COGCC is intended to (1) avoid duplication of effort by the responsible oil and gas permitting agencies and (2) clearly define jurisdictional authority.

**D. Authorities**

The authorities for this agreement are the Mineral Leasing Act of 1920; the Interior Department Secretarial Order No. 3087, as amended; Title 34, Article 60, of the Colorado Revised Statutes; and 25 CFR Part 211. These agreements shall not supersede existing law, rule, or regulation of either party, nor require commitments of manpower or funds beyond legal authority or appropriation.

**E. Definitions**

1. COGCC actions shall mean those actions taken by the COGCC to establish pooling, spacing, and other orders (field rules) to govern operations in specific fields.
2. Colorado BLM actions shall mean actions taken by the Colorado BLM in accordance with federal regulations (i.e., Application for Permit to Drill approvals, plugging orders, etc.).
3. For purposes of this agreement, the term "Indian lands" shall mean those lands located within the exterior boundaries of the Southern Ute Indian reservation, including allotted Indian lands, in which the legal, beneficial, or restricted ownership of the underlying oil, gas, or coal bed methane or of the right to explore for and develop the oil, gas, or coal bed methane belongs to or is leased from the Southern Ute Indian Tribe or allottee. This includes allotted Indian lands. The Colorado BLM will act in the same manner for actions involving Ute Mountain Ute land as for Southern Ute land.
4. Protest shall mean any objection to a proposed determination. A protest by the Colorado BLM to the COGCC shall be furnished in writing so as to be received by the COGCC at least three working days prior to the hearing or any appearance at the hearing. On Indian lands, the Colorado BLM will notify the COGCC in writing of protest or concurrence so as to be

received by the COGCC at least three working days prior to the hearing or any appearance at the hearing. However, should the Colorado BLM fail to protest, and at a later date wish to protest, the Colorado BLM has the right to request that specific orders be reviewed.

#### F. Responsibilities

The Colorado BLM and the COGCC agree as follows:

##### 1. Designated Official

Each party shall appoint a designated official to receive notices hereunder and to facilitate communication and coordination in implementing this agreement.

##### 2. Coordination Meetings

Semiannual coordination meetings will be held to discuss orders, policies, and procedures. This MOU will be reviewed and updated, if necessary, at the first coordination meeting of every year. Prior to the meeting, each agency's respective staffs will identify issues that will be discussed/resolved at the meeting. An agenda will be prepared and distributed prior to the meeting. Other agency staff and/or interested parties may be included in these meetings, as agreed upon by the agencies. Any decisions and agreements reached as a result of these discussions will be addenda to this agreement, as appropriate.

##### 3. Procedural Format

It is agreed that all matters which would require COGCC approval (whether administrative or COGCC decision) involving nonfederal minerals shall initially be submitted to the COGCC even if federal/Indian minerals are partially involved. All matters which would require COGCC approval (whether administrative or COGCC decision) where federal/Indian minerals are entirely involved shall be initially submitted to the COGCC. Both types of matters shall be heard and decided by the COGCC, subject to the conditions set forth below.

The COGCC shall furnish the Deputy State Director, Mineral Resources, in the Colorado BLM with notices of all requests for hearings which in any manner relate to or involve federal/Indian lands. As an additional courtesy, the COGCC will send notices of all requests for hearings to the Colorado BLM District Offices. The Colorado BLM shall be entitled to present expert testimony with respect to such determinations and hearings, and shall be informed in writing of any dispositions. If the Colorado BLM should desire to protest any requested determination, it shall do so by written protest delivered to the COGCC within three working days prior to the hearing or appearance at the hearing. Any such protest shall specify the Colorado BLM objections and the conditions, if any, under which the Colorado BLM will accept the relief requested. The COGCC shall either issue its order incorporating the conditions of the protest or shall relinquish jurisdiction to the Colorado BLM over the matter insofar as it relates to federal/Indian lands. Failure to object to any determination, and failure to appear and protest (either by witness or in writing) at any hearing, shall be construed as concurrence by the Colorado BLM, with the exception of Indian lands. On Indian lands, the Colorado BLM will notify the COGCC of concurrence within three working days prior to the hearing or appearance at the hearing. Failure to concur shall cause the hearing for that issue to be postponed until the following month or until concurrence is obtained. Consistent with the terms of this agreement, all existing decisions of the COGCC involving federal and Indian minerals will remain in effect, subject to the right of the Colorado BLM to request that any specific orders be reviewed, rescinded, or modified.

#### G. Special Provisions

## 1. Confidentiality

Each agency will abide by the proprietary and confidential data requirements of its own laws and regulations, in accordance with 43 Code of Federal Regulations 3162.8 and Rule 306 of the Colorado Rules and Regulations, Rules of Practice and Procedure (as amended), and Oil and Gas Conservation Act.

## 2. Access to Records

Each agency will provide for public access in accordance with its own rules.

## 3. Information Sharing

Each agency will provide the other with courtesy copies of all regulation changes and Instruction Memoranda that deal with common or pertinent issues.

## 4. Jurisdiction of the COGCC

a. Federal lands – In the event any matter is submitted to the COGCC for decision or other order, and the Colorado BLM does not object to the COGCC order as provided in Section F, the COGCC shall exercise its jurisdiction over all private parties holding interests in federal oil and gas leases jointly with any nonfederal interests, other than Indian interests.

b. Indian lands – The Southern Ute Indian Tribe does not concur with the exercise of jurisdiction by the COGCC over Indian lands. The Tribe does, however, concur with the exercise of limited authority by the COGCC, but only with the concurrence of the BLM over certain aspects of oil and gas activities on tribal lands. Specifically, the Tribe and the BLM have entered into a separate MOU which secures to the Tribe the independent right to participate and concur through the BLM in any proposed COGCC action affecting tribal lands prior to said action becoming effective. The BIA and the BLM have entered into a separate interagency agreement which sets out procedures for allotted Indian participation through BLM in any proposed COGCC action affecting allotted Indian lands prior to said action becoming effective.

Should the COGCC render a decision or order after the parties have followed the approved procedures contained in this agreement, said COGCC decision shall be deemed by the parties hereto to be a decision of the BLM. Any interested party shall have the same opportunity to appeal or challenge such decision as if said decision had been rendered exclusively by the BLM, Colorado State Director, through the State Director Review process outlined in 43 CFR 3165.3.

## H. Affect on Prior Agreements

This agreement will supersede the previous agreement signed September 4, 1986, and incorporate the previous amendment signed September 22, 1989.

## I. Administration

This agreement shall become effective upon the date of execution by the last signatory party.

This agreement may be amended by mutual consent of the parties.

Termination of this agreement may be effected by either party upon 60 days written notice to the other party. Termination of this agreement may be effected at any time by mutual written consent of the

parties.

This agreement shall terminate when no longer authorized by the U.S. Department of the Interior, by federal or state law, or if determined to be unenforceable by any court having jurisdiction over the parties.

Signed by:

Dennis R Bicknell  
Director Colorado Oil and Gas Conservation Commission  
August 22, 1991

Bob Moore  
State Director  
Bureau of Land Management, Colorado State Office  
August 22, 1991

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
COLORADO STATE OFFICE  
2850 YOUNGFIELD STREET  
LAKEWOOD, COLORADO 80215-7093

July 27, 1999

In Reply Refer To:  
3160 (CO-934) P

EMS Transmission 07/27/99  
Instruction Memorandum No. CO-99-032  
Expires: 09-30-2000

To: All Field Office Managers

From: Fluid Operations Team

Subject: Oil and Gas Inspection Sharing Memorandum of Understanding (MOU) between the Colorado Oil and Gas Conservation Committee (COGCC) and the Bureau of Land Management (BLM)

Attached is a final MOU which covers oil and gas inspection sharing between the COGCC and the BLM in Colorado. The MOU obtained the last approval signature on July 12, 1999, and this date will be the effective date of the MOU. Attached to the MOU is Colorado Instruction Memorandum No. CO-99-028 which transmits policy on entering onto private and State lands to perform inspections covered by this MOU.

The MOU makes use of both agencies' oil and gas inspection resources to provide inspection services to the other agency in the event the one agency cannot perform a critical, non-routine inspection due to unavailable inspection resources. Critical, non-routine inspections, such as well plugging, well drilling, and spill inspections could have dire environmental or health and safety consequences if not inspected. Thus, the MOU provides for more thorough inspection coverage for the state of Colorado resulting in better environmental, health, and safety protection without additional inspection resources.

Requested inspections are voluntarily performed and will be documented to the standards and guidelines of the requesting office and are primarily informational. In addition, a provision is made for the development of local agreements to cover routine inspections, such as production, Underground Injection Control, reclamation, and environmental inspections. The

agreement is in effect for five years and will be reviewed annually.

If you have questions implementing this MOU, please contact Pat Gallagher at 303-239-3756.

Signed by  
Pat Gallagher  
Fluid Operations Team

Authenticated by  
Don Snow  
EMS Operator

Attachment

cc: Lonny Bagley, MT-920  
Rich Griebing and Brian Macke, COGCC

Attachment 1

## **OIL AND GAS OPERATION INSPECTION SHARING**

### **MEMORANDUM OF UNDERSTANDING**

**Between the  
COLORADO OIL AND GAS CONSERVATION COMMISSION**

**and the  
COLORADO BUREAU OF LAND MANAGEMENT**

#### **I. PURPOSE**

The Colorado Oil and Gas Conservation Commission (COGCC) and the Colorado Bureau of Land Management (BLM) have entered into this Inspection Sharing Memorandum of Understanding (MOU) to provide for more efficient and effective oil and gas operation inspection coverage on lands under the jurisdiction of both without requiring increased personnel resources.

This MOU provides for the voluntary sharing of oil and gas operations inspections by the agencies to increase inspection coverage resources.

Upon execution this MOU will replace and supersede the Inspection Sharing Cooperative Agreement between the COGCC and the BLM dated April 28, 1995.

#### **II. OBJECTIVES**

Provide more efficient and effective coverage of critical non-routine inspections by allowing both the BLM and the COGCC to perform these inspections for the other agency at the other agency's request, regardless of jurisdiction.

To implement more efficient and effective routine inspection coverage by allowing local BLM and COGCC staff to negotiate plans for sharing routine inspection work between agencies.

To facilitate non-routine drilling, plugging and spill inspections that require immediate attention and are often critical for the protection of public health, safety, welfare and the environment.

To share inspection resources to maximize the productivity of strategically positioned BLM and COGCC inspection staff in various oil and gas producing areas in Colorado.

To ensure that requests for inspection assistance by one agency for another will in no way obligate either party to provide inspection assistance. Inspections performed pursuant to such requests will be done only when the agencies are available and willing to provide the requested inspection assistance.

### **III. BACKGROUND**

On April 28, 1995 the COGCC and the BLM signed an Inspection Sharing Cooperative Agreement (COOP) designed to exchange critical, non-routine inspections (inspections of drilling and plugging operations and spill inspections) and routine inspections (inspections on producing wells and Underground Injection Control (UIC) wells, environmental inspections, and reclamation inspections). The COOP was implemented during fiscal years 1995, 1996 and 1997.

Each agency participated in the COOP on a formal time equivalent basis. The COGCC and the BLM agree that the administrative burden of tracking times and working out equitable exchanges diminished the effectiveness of the COOP. The COGCC and the BLM recognize the need for a more simplified approach.

### **IV. AUTHORITIES**

The BLM has authority to enter into this agreement pursuant to § 307(b) of the Federal Land Policy and Management Act (FLPMA) of 1976.

The COGCC has authority to enter into this agreement pursuant § 29-1-203 (1) and § 34-60-106 (15) of the Colorado Revised Statutes.

Authority to enter onto private and state land to inspect under this agreement is covered by Colorado BLM policy, enclosed as Exhibit A. COGCC inspectors are allowed to enter BLM

land to perform inspections to the extent necessary to perform the terms of this agreement.

#### **V. FOR NON-ROUTINE INSPECTIONS, BLM and COGCC MUTUALLY AGREE:**

If critical non-routine inspections (i.e., drilling, plugging and spill) occur on land under the jurisdiction of the BLM ("BLM lands"), and BLM inspection resources are not available, the local BLM office may request the local COGCC contact to make arrangements for the inspection.

If critical non-routine inspections occur on non-federal COGCC jurisdictional land ("COGCC lands"), and COGCC inspection resources are not available, the local COGCC office may request the local BLM contact to make arrangements for the inspection.

Any request of an agency to perform an inspection does not obligate an agency to conduct the inspection. Inspections will be performed when the contacted agency is available and willing to undertake the work.

Inspections will be performed and documented to the standards and guidelines of the requesting office. Training on the standards and guidelines will be initiated and coordinated by the requesting agency local inspection offices prior to the performance of the requested inspection. Training may include BLM Certification classes, joint inspections, or other inspection related classes or meetings.

Inspection and reporting will be primarily informational. If an agency identifies an undesirable event or an alleged violation of either agency's rules, regulations, orders, notices to lessees, or conditions of approval, the inspecting agency will notify the agency with primary jurisdiction within 24 hours for action and follow-up.

Inspection documentation will be provided to the requesting office in a timely manner.

#### **VI. FOR ROUTINE INSPECTIONS, BLM AND COGCC MUTUALLY AGREE:**

When BLM field offices or COGCC area representatives identify a need for a routine inspection (i.e., producing and UIC well inspections, environmental inspections, and reclamation inspections) that is the responsibility of the other agency, the local BLM and COGCC office will consult and have the inspections completed. The primary contact for each agency will notify each other to initiate such agreement.

#### **VII. FOR ALL INSPECTIONS (ROUTINE AND NON-ROUTINE) PERFORMED UNDER THIS AGREEMENT BLM AND COGCC MUTUALLY AGREE:**

The BLM and the COGCC will meet at least annually on or before October 1, of each year to:



1. Evaluate the success of this agreement and continue to explore other opportunities.
2. Discuss the status of work done by both parties.
3. Identify work for the next year.
4. Identify training needs.
5. Identify issues of concern and agree on actions to be taken.
6. Amend any part of this MOU, as needed.

To initiate and coordinate training by the local inspection offices. Training may include BLM Certification classes, joint inspections, or other inspection related classes or meetings.

To share current guidance and policy related to the performance of the requested inspections.

To obtain prior approval by the other agency before subcontracting any requested inspections.

To accept liability for wrongful disclosure of proprietary data and to be subject to the same provisions of law with respect to the disclosure of such information related to this MOU as would apply to any officer or employee of the United States or the State of Colorado.

To direct inspectors not to inspect the operations of those companies in which they or members of their immediate family have a direct financial interest.

To direct inspectors not to use information acquired as a result of participation in this agreement for private gain for him/herself or another person by indirect or direct action on his/her part or by counsel, recommendation or suggestion to another person.

To abide by the terms of Federal Executive Order 11246 and State of Colorado Equal Employment Opportunity requirements for nondiscrimination and will not discriminate against any person because of race, color, religion, sex, age, disability or national origin while this agreement is in effect. The agencies will ensure that applicants are employed without regard to their race, color, religion, sex, age, disability or national origin.

## **II. INSPECTION CONTACTS**

Contact for inspection work is made between the appropriate local BLM offices and COGCC area representatives listed. General implementation is by the primary contacts listed.

### **BLM Inspection Contacts:**

Terry Galloway (I&E Coordinator - San Juan Resource Area Office)  
Ernie Gillingham (Natural Resource Specialist - Canon City District Office)  
Will Lambert (Engineer - Grand Junction Resource Area Office)

Mike Lystad (I&E Coordinator - White River Resource Area Office)  
Jim Wood (Petroleum Engineering Technician - Little Snake Resource Area Office)  
Pat Gallagher (State I&E Coordinator - Primary Contact)

COGCC Inspection Contacts:

Jamie Adkins (Northwest Area Engineer)  
Jay Krabacher (Northwest Area Inspector)  
Ed Binkley (Northeast Area Inspector)  
Linda Pavelka (Weld County Inspector)  
Larry Robbins (South Area Engineer)  
Dave Shelton (North Area Engineer)  
Bob VanSickle (Southeast Area Inspector)  
Mark Weems (Southwest Area Inspector)  
Ed Dimatteo (Engineering Supervisor - Primary Contact)

**IX. TERM OF THIS AGREEMENT**

This agreement shall be effective from the date of execution and shall remain in full force and effect for five years unless sooner terminated by 90-day written notice from either party to the other party. This agreement may be modified, extended or amended upon written request of either party and written concurrence of the other party.

**X. APPROVAL**

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Ann Morgan  
State Director, BLM-Colorado

Date

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Allan Heinle  
Chairman, Colorado Oil and Gas Conservation Commission

Date

---

Richard Griebing  
Director, Colorado Oil and Gas Conservation Commission

Date

Attachment 2

UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Colorado State Office  
2850 Youngfield Office  
Lakewood, Colorado 80215-7093  
June 29, 1999

In Reply Refer To:  
3160 (CO-934) P

EMS Transmission 06/29/99  
Instruction Memorandum No. CO-99-028  
Expires: 09/30/00

To: All Field Office Managers

From: State Director, Colorado

Subject: Inspection of Private and State Lands - Memorandum of Understanding (MOU)  
Between the Colorado Oil and Gas Conservation Commission (COGCC) and Bureau of Land  
Management (BLM)

BLM employees are authorized to enter onto private and state land and use federal owned  
equipment to perform inspections on private and state land to fulfill an Inspection MOU  
between the COGCC and the BLM. The effective and termination dates of this policy will be  
coincident with that of the MOU. The MOU will follow under separate cover.

If you have any questions, please contact Pat Gallagher at extension 3756.

Signed by  
Stuart Cox  
Acting State Director

Authenticated by  
Don Snow  
EMS Operator

cc: Rich Griebeling and Brian Macke (COGCC)