

BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF THE CITY OF)	CAUSE NO. 1
LONGMONT FOR AN AMENDED ORDER CREATING AN)	
OUTSIDE ACTIVITY AREA DESIGNATION FOR PARTS OF)	ORDER NO. 1-179
THE NE¼ NE¼ OF SECTION 7, AND PART OF THE SE¼)	
NE¼ OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 68)	
WEST, 6 th PM, WELD COUNTY, COLORADO)	

REPORT OF THE COMMISSION

The Commission heard this matter on August 20, 2012, at the offices of the Colorado Oil and Gas Conservation Commission, 1120 Lincoln Street, Suite 801, Denver, CO 80203, upon application by the City of Longmont for an order to amend Order No. 1-94, to include the Sandstone Soccer Complex located in the NE¼ NE¼, and SE¼ NE¼ of Section 7, Township 2 North, Range 68 West, 6th P.M. in accordance with Rule 603.d of the Rules of the Oil and Gas Conservation Commission and that the boundary of this Designated Outside Activity Area be conformed to the area currently in use.

FINDINGS

The Commission finds as follows:

1. The City of Longmont, Colorado, a municipal corporation ("Longmont" or "Applicant"), as applicant herein, is an interested party in the subject matter of the above-referenced hearing.

2. Due notice of the time, place and purpose of the hearing has been given in all respects as required by law.

3. The Commission has jurisdiction over the subject matter embraced in said Notice, and of the parties interested therein, and jurisdiction to promulgate the hereinafter prescribed order pursuant to the Oil and Gas Conservation Act.

4. On March 19, 2001, the Commission issued Order No. 1-94 which, among other things, designated the NW¼ NE¼ of Section 7, Township 2 North, Range 68 West, 6th P.M., an outside activity area in accordance with Rule 603.b., and any well drilled within the designated area shall be located no less than three hundred fifty (350) feet from the boundary of any constructed baseball/softball fields, concession stands, parking lots and associated facilities.

5. On June 21, 2012, Longmont, by its attorneys, filed with the Commission pursuant to § 34-60-116 C.R.S., an application ("Application") which was supported by a Verification filed on July 26, 2012, for an order to modify Order No. 1-94, to include the Sandstone Soccer Complex, below-described lands ("Application Lands") as a Designated Outside Activity Area ("DOAA"), in accordance with Rule 603.d. and 603.e. of the Rules and Regulations of the Oil and Gas Conservation Commission:

Township 2 North, Range 68 West, 6th P.M.
Section 7: NE¼ NE¼, SE¼ NE¼

6. On August 7, 2012, Applicant, by its attorneys, filed with the Commission a written request to approve the Application based on the merits of the verified Application and the supporting exhibits. Sworn written testimony and exhibits were submitted in support of the Application. A Notice of Non-Objection and Consent by TOP Operating Company ("TOP") was submitted in support of the Application.

7. Testimony and exhibits submitted in support of the Application by Kim Shugar, Manager of the Natural Resources Division for Longmont, showed that Longmont is the fee owner of the surface and has a mineral interest in the Application Lands at the Sandstone Ranch Community Park. The testimony further showed that the Application Lands constitute a well-defined area and have been developed to include soccer fields, additional parking lots and associated facilities.

8. Testimony and exhibits submitted in support of the Application by Jeff

Friesner, Recreation Manager for Longmont, showed that the Application Lands are occupied by at least 20 or more persons on at least 40 or more days in any 12-month period, and/or by at least 500 people or more on at least 3 days in any 12-month period. The testimony further showed that the soccer facility was occupied by over 81,000 players and spectators, with over 500 persons using the complex on at least 44 days and over 20 persons on at least 91 days.

9. Testimony and exhibits submitted in support of the Application by Brad Schol Planning Manager for the City of Longmont, showed that Longmont and TOP negotiated a contract which provides that TOP will receive surface location areas where it will be allowed to drill, complete and operate wells, and locate and operate surface facilities on lands owned by Longmont. Testimony concluded that those locations will allow TOP to access to the Application Lands without disturbing the surface of the DOAA.

10. Testimony and exhibits submitted in support of the Application by Alex Mestas, Engineering & Surveying Technical Supervisor for Longmont, showed that the Application Lands include several soccer fields, a parking area for the soccer fields, and buildings used in conjunction with the fields. Testimony and exhibits further showed that the Application Lands are well-defined by the borders of the fields, parking lots and other facilities.

11. Testimony and exhibits submitted in support of the Application by Peter D. Steger, Vice President of Survey Operations for Civil Arts, included a legal survey describing the boundaries of the Application Lands, which are hereby incorporated into this Order as follows:

"A TRACT OF LAND LOCATED IN THE E $\frac{1}{2}$ OF THE NE $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 68 WEST, 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE N1/16 CORNER BETWEEN SECTIONS 7 AND 8, TOWNSHIP 2 NORTH, RANGE 68 WEST, 6TH P.M. FROM WHICH THE E $\frac{1}{4}$ CORNER OF SAID SECTION 7 BEARS S01°33'40"E, 1326.24' FEET (BASIS OF BEARING);

THENCE S01°33'40"E, 553.85 FEET ALONG THE EAST LINE OF THE SE $\frac{1}{4}$ OF SAID NE $\frac{1}{4}$ OF SECTION 7;

THENCE S 89°49'47" W, 734.53 FEET;

THENCE N 00°00'00" E, 104.10 FEET;

THENCE N 87°50'48" W, 88.21 FEET;

THENCE N 01°44'47" W, 140.07 FEET:

THENCE N 59°30'21" W, 388.71 FEET;

THENCE S 89°13'59" W, 165.85 FEET TO THE WEST LINE OF SAID E $\frac{1}{2}$ OF THE NE $\frac{1}{4}$ OF SECTION 7;

THENCE N 00°46'01" W, 1239.18 FEET ALONG SAID WEST LINE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 119;

THENCE N 87°19'58" E, 1298.31 FEET ALONG SAID SOUTHERLY RIGHT OF- WAY LINE TO THE EAST LINE OF THE NE $\frac{1}{4}$ OF SAID NE $\frac{1}{4}$ OF SECTION 7;

THENCE S 01°33'38" E, 1186.55 FEET ALONG SAID EAST LINE OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 7 TO THE POINT OF BEGINNING.

AREA = 2,043,325 SQUARE FEET (46.908 ACRES), MORE OR LESS."

12. The above-referenced testimony and exhibits show that the Application Lands

are used for public recreation, and that public usage meets the occupancy requirements for a DOAA as set forth in the 100 Series rules.

13. Longmont agreed to be bound by oral order of the Commission.

14. Based on the facts stated in the verified Application, having received no protests, and based on the Hearing Officer's review of the Application under Rule 511, the Commission should enter an order to amend Order No. 1-94, to include the Sandstone Ranch Soccer Complex, located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 2 North, Range 68 West, 6th P.M. in accordance with Rule 603.d of the Rules of the Oil and Gas Conservation Commission. The Commission should also require any well drilled on these lands to be located no less than 350 feet from the boundary of the outside area and require that all surface equipment be located at least 500 feet from the DOAA, as set forth in Rule 603.e.(3).

ORDER

NOW, THEREFORE IT IS ORDERED, that in accordance with Rule 603.d of the Oil and Gas Conservation Commission, Order 1-94 is hereby amended to include the Sandstone Soccer Complex, located in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 2 North, Range 68 West, 6th P.M., and that the legal boundary of this Designated Outside Activity Area be conformed to the area currently in use, as follows:

"A TRACT OF LAND LOCATED IN THE E $\frac{1}{2}$ OF THE NE $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 68 WEST, 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE N1/16 CORNER BETWEEN SECTIONS 7 AND 8, TOWNSHIP 2 NORTH, RANGE 68 WEST, 6TH P.M. FROM WHICH THE E $\frac{1}{4}$ CORNER OF SAID SECTION 7 BEARS S01°33'40"E, 1326.24' FEET (BASIS OF BEARING);

THENCE S01°33'40"E, 553.85 FEET ALONG THE EAST LINE OF THE SE $\frac{1}{4}$ OF SAID NE $\frac{1}{4}$ OF SECTION 7;

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THENCE S 89°13'59" W, 165.85 FEET TO THE WEST LINE OF SAID E $\frac{1}{2}$ OF THE NE $\frac{1}{4}$ OF SECTION 7;

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THENCE S 01°33'38" E, 1186.55 FEET ALONG SAID EAST LINE OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 7 TO THE POINT OF BEGINNING.

AREA = 2,043,325 SQUARE FEET (46.908 ACRES), MORE OR LESS."

IT IS FURTHER ORDERED, that in accordance with Rule 603.d, any well drilled to the above-described lands shall be located no less than 350 feet from the boundary of the

Designated Outside Activity Area.

IT IS FURTHER ORDERED, that in accordance with Rule 603.e.(3), all surface equipment should be located at least 500 feet from the boundary of the Designated Outside Activity Area, unless an exception is granted by the Director.

IT IS FURTHER ORDERED, that the provisions contained in the above order shall become effective immediately.

IT IS FURTHER ORDERED, that the Commission expressly reserves its right, after notice and hearing, to alter, amend or repeal any and/or all of the above orders.

IT IS FURTHER ORDERED, that under the State Administrative Procedure Act the Commission considers this Order to be final agency action for purposes of judicial review within 30 days after the date this Order is mailed by the Commission.

IT IS FURTHER ORDERED, that an application for reconsideration by the Commission of this Order is not required prior to the filing for judicial review.

ENTERED this 5th day of September, 2012, as of August 20, 2012.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO



By _____
Robert J. Frick, Secretary