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

IN THE MATTER OF CHANGES TO THE RULES OF PRACTICE AND PROCEDURE OF THE OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO	))))	CAUSE NO. 1R DOCKET NO. 1211-RM-03

UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT, CENTER OF COLORADO WATER CONSERVANCY DISTRICT, AND HEADWATER AUTHORITY OF THE SOUTH PLATTE PRELIMINARY PREHEARING STATEMENT

Upper South Platte Water Conservancy District ("USPWCD"), Center of Colorado Water Conservancy District ("CCWCD"), and Headwater Authority of the South Platte ("HASP"), collectively referred to herein as the South Platte Parties, by and through the undersigned counsel, respectfully submit this Preliminary Prehearing Statement regarding rules for statewide water sampling and monitoring ("Rulemaking").

Efforts in Water Quality Protection

The South Platte Parties represent water users in the Upper Platte River watershed, which includes areas within the counties of Park, Clear Creek, Jefferson, Douglas and Teller that will be affected by this rulemaking. This area of the state has taken steps to evaluate and protect water resources. For example:

1. 2012 Groundwater and Surface Water Monitoring Project: Baseline Monitoring to Address Oil and Gas Development in South Park. In 2011, the Coalition for the Upper South Platte ("CUSP") initiated a groundwater and surface water monitoring project to establish a water quality baseline for South Park in advance of oil and gas drilling operations. The Parties are board members of CUSP. The monitoring program is intended to establish the seasonal trends and to ensure that an earlier baseline study captured representative samples of the current surface and groundwater conditions. In addition to the locations sampled in 2011, surface water quality sample locations for 2012 have been expanded to include five additional locations that were chosen because they are significant tributaries in the South Park area, they are in close proximity to historic oil and natural gas wells, and they are in a geographic or geologic area that was not sampled in 2011.

2. South Park Hydrogeologic Study – Scoping Study. This scoping project is currently underway, coordinated by CUSP, to be developed as a co-authored study by the Colorado Geologic Survey (CGS) and the US Geological Survey (USGS); the study will be published by CGS. The primary goals of this scoping project are to determine the number and location for installation of shallow monitoring wells across the South

Park area and to develop a framework for more in-depth hydrogeologic modeling of the area. The installation of these monitoring wells will allow Park County to collect valuable information about the South Park aquifers and groundwater/surface water interactions and to characterize hydrogeologic conditions and the potential aquifer contaminant pathways. Following the scoping study, efforts would be made to establish a monitoring network through the installation of monitoring wells in 2013 and inclusion of representative domestic water wells in the South Park area.

Concerns / Suggested Modifications to Staff Proposal

The South Platte Parties have the following initial concerns and proposed modifications that will be discussed further in the Final Prehearing Statement. The South Platte Parties also will consider alternate proposals submitted by others and on that basis, propose suggested modifications to the Staff Proposal in the Final Prehearing Statement.

1. Proposed Rule 609.a. The South Platte Parties suggest the following revision.

> **Sampling locations**: Initial baseline samples and subsequent monitoring samples shall be collected from ~~two (2) groundwater sources or springs~~ all surface water, groundwater wells, and springs within a one (1) mile radius of the proposed Oil and Gas Location. . . .
>
> DELETE subsections 1 through 5.

2. Proposed Rule 609.e.2. ADD gross radioactivity or at a minimum, uranium to the sampling list.

3. Proposed Rule at 609.e.3. The South Platte Parties suggest the following revision:

> Copies of all test results described above shall be provided to the Director, the LGD and the water well owner within ~~three (3) months~~ two (2) weeks if possible and no later than one month of collecting the samples. The analytical data and surveyed well locations shall also be submitted to the Director and the LGD in an electronic data deliverable format. Drinking water sampling results will not become public information without consent of well owner.

4. Proposed Rule 609.b. The South Platte Parties suggest the following revision:

Where the owners of all suitable sampling locations refuse to grant access despite an operator's best efforts to obtain consent to conduct sampling, the operator may request an exception from the requirements of this Rule 609. The installation of monitoring wells may be required. The number will be dependent on local geology.

Witnesses

Each witness identified may testify to the substance of the South Platte Parties' Preliminary Prehearing Statement and Final Prehearing Statement. The South Platte Parties reserve the right to provide additional witnesses if needed.

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Respectfully submitted on this 9th day of November, 2012.

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2012 an electronic copy of the UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT, CENTER OF COLORADO WATER CONSERVANCY DISTRICT, AND HEADWATER AUTHORITY OF THE SOUTH PLATTE PRELIMINARY PREHEARING STATEMENT was sent to DNR_COGCC.Rulemaking@state.co.us.

I hereby further certify that on the 13th day of November, 2012 the original and 13 true and correct copies of the UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT, CENTER OF COLORADO WATER CONSERVANCY DISTRICT, AND HEADWATER AUTHORITY OF THE SOUTH PLATTE PRELIMINARY PREHEARING STATEMENT were hand delivered to the following address:

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Docket No. 1211-RM-04
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Mary Keyes
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