



TO: Planning Staff  
FROM: Bruce Barker, Weld County Attorney  
DATE: November 26, 2007  
RE: Instructions for Use of Mineral and Qualifying Surface  
Development Certifications

S.B. 07-237 amended C.R.S. §§ 24-65.5-101, et seq., concerning mineral notification. Additionally, S.B. 07-237 added requirements for This has prompted the necessity of creating two new certification forms and changes to various sections of the Weld County Code regarding mineral owner notification. The Planning Commission has approved the changes. The Board of County Commissioners will be considering the changes beginning in December, 2007.

See the attached certification forms. The form labeled, "Certification Mineral Only," may be used in most cases. The form labeled, "Certification Mineral and Escrow," should be used only when the case involves a "qualifying surface development." "Qualifying surface development" means an application for development covering at least one hundred sixty gross acres, plus or minus five percent, within the greater Wattenberg area, including any applications for development filed by affiliates sharing a common boundary, in whole or in part.

Please let me know if you have any questions.

pc: Clerk to the Board  
Cyndy Giauque  
Stephanie Arries

**CERTIFICATION**  
**RE: NOTIFICATION OF MINERAL INTEREST OWNERS AND LESSEES**

The undersigned Applicant certifies compliance with the provisions of C.R.S. § 24-65.5-103(1), and in support thereof, states and certifies as follows:

1. That Applicant has provided notice, (a copy of which is attached hereto as Exhibit "A"), containing the time and place of the initial public hearing on its application for Case Number \_\_\_\_\_, the nature of the initial public hearing, the legal description by section, township and range of the property which is the subject of the initial public hearing, and the name of the applicant;

2. That said notice was provided thirty (30) days prior to the scheduled public hearing, that it was provided by certified mail, return receipt requested, or by a nationally recognized overnight courier;

3. That said Exhibit A includes the list of the names and addresses of the surface owners, mineral estate owners and lessees of mineral interests to whom the notice was sent, including those persons who have requested receipt of such notices, pursuant to C.R.S. § 24-65.5-103(3).

APPLICANT:

\_\_\_\_\_  
\_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**Note:** This Certification must be received by the Weld County Department of Planning Services prior to or at the initial public hearing. If the Certification is not received by that time, the hearing will be rescheduled to a later date, and Applicant must re-notify all owners of mineral interests.

**CERTIFICATION**  
**RE: NOTIFICATION OF MINERAL INTEREST OWNERS AND LESSEES**  
**AND STATEMENTS BY APPLICANT**  
**OF QUALIFYING SURFACE DEVELOPMENT**

The undersigned Applicant certifies compliance with the provisions of C.R.S. § 24-65.5-103(1), and in support thereof, states as follows:

1. That Applicant has provided notice, (a copy of which is attached hereto as Exhibit "A"), containing the time and place of the initial public hearing on its application for Case Number \_\_\_\_\_, the nature of the initial public hearing, the legal description by section, township and range of the property which is the subject of the initial public hearing, and the name of the applicant;

2. That said notice was provided thirty (30) days prior to the scheduled public hearing, that it was provided by certified mail, return receipt requested, or by a nationally recognized overnight courier;

3. That said Exhibit A includes the list of the names and addresses of the surface owners, mineral estate owners and lessees of mineral interests to whom the notice was sent, including those persons who have requested receipt of such notices, pursuant to C.R.S. § 24-65.5-103(3).

4. That because Applicant is submitting an application for a qualifying surface development, as defined pursuant to C.R.S. § 24-65.5-102(5.7), one of the following applies (check one):

a. No mineral estate owner has entered an appearance or filed an objection to the proposed application for development within thirty (30) days after the initial public hearing on the application;

b. The Applicant and any mineral estate owners who have filed an objection to the proposed application for development or have otherwise filed an entry of appearance in the initial public hearing regarding such application no later than thirty days following the initial public hearing on the application have executed a surface use agreement related to the property included in the application for development, the provisions of which have been incorporated into the application for development or are evidenced by a memorandum or otherwise recorded in the records of the clerk and recorder of the county in which the property is located so as to provide notice to transferees of the applicant, who shall be bound by such surface use agreements; **OR**

\_\_\_ c. The application for development provides for the following:

(1) Access to mineral operations, surface facilities, flowlines, and pipelines in support of such operations existing when the final public hearing on the application for development is held by means of public roads sufficient to withstand trucks and drilling equipment or thirty-foot-wide access easements;

(2) An oil and gas operations area and existing wellsite locations in accordance with C.R.S. § 24-65.5-103.5; and

(3) That the Applicant has deposited into an escrow account maintained at a commercial financial institution approved by the Colorado Oil and Gas Conservation Commission, the amount determined under C.R.S. § 24-65.5-103.7(1), to defray incremental drilling costs to be incurred by mineral estate owners for drilling wells to prospective formations accessible from the oil and gas operations area that could otherwise have been vertically drilled within drilling windows established by the Commission, that are not included in such oil and gas operations area; or, that as an alternative to such deposit, the applicant has posted a letter of credit or other security for such costs in such manner as the Commission has determined to be adequate.

APPLICANT:

\_\_\_\_\_  
\_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 200\_\_\_, by

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

**Note:** This Certification must be received by the Weld County Department of Planning Services prior to or at the initial public hearing. If the Certification is not received by that time, the hearing will be rescheduled to a later date, and Applicant must re-notify all owners of mineral interests.