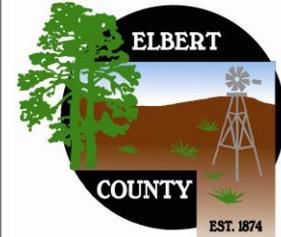


# Elbert County Community & Development Services

215 Comanche Street/P.O. Box 7

Kiowa, Colorado 80117

303.621.3136



Elbert County is working to provide a framework for responsible exploration and production of oil and gas resources which conserves other natural resources, is sensitive to surrounding land uses, and mitigates adverse impacts and protects the public health, safety, welfare and environment of the County. These potential impacts include: noise, odor, light pollution, water pollution and damage to County infrastructure, such as the impact of heavy equipment on County roads.

## **FREQUENTLY ASKED QUESTIONS:**

### **Q: What is Elbert County doing to address oil and gas exploration within the County?**

A: Elbert County has the authority to address land-use impacts within its jurisdiction. It continues to work on local land-use concerns to protect the community and environment through the following avenues:

1. Worked with the Colorado Oil and Gas Conservation Commission, an agency managed by the State of Colorado, it heard from Elbert County citizens, and worked with various oil and gas companies in the creation of a Memorandum of Understanding language that allows for increased oversight of local land-use issues such as: inspection of permitted oil and gas operations, closed-loop systems, the handling of produced water, etc.
2. Continue to work on County-specific land use issues: transportation plans, roadway infrastructure, Grading/Erosion/Sediment control, building and access permits, notification requirements, etc.
3. Use the Colorado Oil and Gas Conservation Commission's Local Government Designee (LGD) process and the County's zoning regulations to address County-specific concerns for each permit application.

### **Q: Can Elbert County prohibit drilling within the county?**

A: No. Elbert County does not have the authority to regulate or ban oil and gas drilling. Drilling is regulated by the Colorado Oil and Gas Conservation Commission.

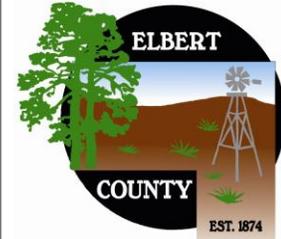
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# Services



## **Q: What is fracking and how can I learn more?**

A: Hydraulic fracturing or fracking has been used by the natural gas and oil industry since the 1940s. The Oil and Gas Conservation Commission, managed by the State of Colorado, is a great resource for detailed information about fracking, why it's done, how it's regulated and more. Visit the following link to learn more:

[http://cogcc.state.co.us/Announcements/Hot\\_Topics/Hydraulic\\_Fracturing/HydraFrac\\_topics.html](http://cogcc.state.co.us/Announcements/Hot_Topics/Hydraulic_Fracturing/HydraFrac_topics.html)

## **Q: Can Elbert County prohibit or ban fracking within the county?**

A: No. Elbert County does not have the authority to regulate or prohibit fracking. Fracking is regulated by the Colorado Oil and Gas Conservation commission.

## **Q: Can Elbert County control what is used in fracking fluid?**

A: No. Elbert County does not have the authority to regulate what happens below the surface, Fracking fluids and the fracking process are regulated by the Colorado Oil and Gas Conservation Commission.

## **Q: Who issues oil and gas exploration permits?**

A: Oil and gas exploration permits are issued by the Colorado Oil and Gas Conservation Commission. Elbert County must also issue an Elbert County Oil and Gas Permit before an operator can begin oil and gas exploration in our county.

## **Q: If I have questions or concerns, what can I do?**

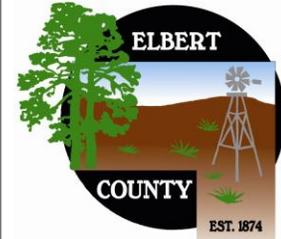
A: If you have questions or concerns about land-use regulations (such as noise, setbacks, roads and other environmental issues within Elbert County please call or leave a message at **303.621.3136** to learn more about the County's role with oil and gas regulations. If you have

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questions or concerns regarding oil and gas drilling or fracking, please contact the Colorado Oil and Gas Conservation commission at 303-894-2100 or visit <http://cogcc.state.co.us>.

If you have concerns that your water well has been affect by oil and gas drilling or fracking, please contact the Colorado Department of Public Health and Environment at 303-692-3500.

If you wish to contact Elbert County's Local Government Designee, call Kyle Fenner at 303-621-3161.

## **Q: What is water well testing?**

**A:** Testing water well is always a good idea whether or not oil and gas development is anticipated. There are a number of water pollutants such as coliform bacteria or nitrates/nitrites which are serious pollutants but have no connection to oil and gas development. If you have your well tested, for any reason, these should be included in the testing. The primary source for information about water testing and pollution is the Colorado Department of Public Health and Environment, [www.cdphe.state.co.us/lr/water.htm](http://www.cdphe.state.co.us/lr/water.htm) This site has a list of both in and out of state water test laboratories besides the CDPHE lab. There are no private labs in Elbert County. Generally, tests, depending on what is tested for will run from about \$50 to several hundred dollars. Results will take about 30 days to be returned from the CDPHE lab.

## **Q: Who administers well permits?**

**A:** Well permits and ground water rights are administered by the state Division of Water Resources which is also known as the State Engineer's Office.

<http://water.state.co.us/Home/Pages/default.aspx>. The links on that page will explain about all there is to know about domestic water wells and the permitting or documentation and registration process.

There are also a branch offices of the state Division at:

Division 2 Office  
4255 Sinton Road  
Colorado Springs, CO 80907  
719-227-5291

Division 2 Main Office (Pueblo)  
310 E. Abriendo Ave, Suite B  
Pueblo, CO 81004  
(719) 542-3368  
(Division 2 Covers the "L")

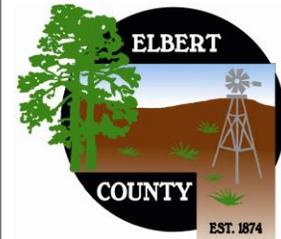
Division 1 Main Office (Greeley)  
810 9th Street, Suite 200  
Greeley, CO 80631  
(970) 352-8712  
(Division 1 Covers the rest)

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## **Q: What are mineral rights?**

**A:** Mineral rights may or may not be held by the same owner as the surface rights. A previous owner may have “severed” all or part of the minerals from the surface. If a surface owner does not know whether he or she owns any or all of the mineral rights the first places they should look are their deed and title insurance policy. These are not definitive but will be a good starting place. To be absolutely sure it will be necessary to have an attorney do a Title Opinion. In some cases all or part of the mineral rights may still be held by the federal government because they were never transferred when the property was originally patented under the various Homestead Acts.

If approached by someone wanting to lease minerals or who wants a surface use agreement it is suggested that a landowner consult with an attorney. Probably the most important parts of either a mineral lease or surface use agreements are the surface restoration provisions and any royalties.

## **Q: A representative from an oil and gas company recently approached me with an interest in buying or leasing land or mineral rights to my property. Who can I talk to if I have questions about my rights?**

**A:** The Colorado Oil and Gas Conservation Commission may be able to provide you with more information about your rights as property/mineral rights owner. In addition, you may want to contact a real estate attorney that specializes in this subject matter.

## **Q: How do I know if I own the mineral rights on my land?**

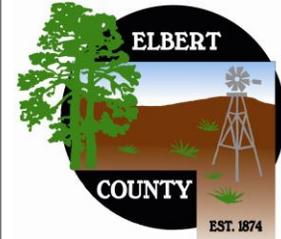
**A:** Due to the complexity of evaluating mineral rights ownership, the best way to determine your interests would be to contact a title company or a real estate attorney experienced in this subject matter.

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**Q: Are there any public documents I could obtain that relate to my property?**

**A:** You can obtain title documents (deeds, easements, etc.) from the Elbert County Clerk & Recorder's Office, located at: 215 Comanche Street, Kiowa, Colorado, by law, Elbert County employees are not allowed to give an assessment of your ownership rights or provide legal advice. Employees can only provide you with public documents and information.

**Q: How do I find a real estate attorney?**

**A:** To locate an attorney in your area, you can call the Colorado Bar Association at 303-860-1115 or visit their website at [www.cobar.org/directory](http://www.cobar.org/directory).

**Q: Who do we contact for more information?**

**A:** For information state drilling and fracking regulations, contact the Colorado Oil and Gas Conservation Commission at 303-894-2100 or online at: <http://cogcc.state.co.us/>.