



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Kremmling Field Office
P.O. Box 68, 2103 East Park Avenue
Kremmling, Colorado 80459-0068
www.blm.gov/co/st/en/fo/kfo.html



In Reply Refer To:
7250 (CON020)

May 13, 2010

RECEIVED

MAY 14 2010

WATER RESOURCES
STATE ENGINEER
COLO

CERTIFIED MAIL – Return Receipt Requested – 7009 3410 0000 2506 0366

Colorado Division of Water Resources
Dick Wolfe State Engineer
1313 Sherman St., Rm. 818
Denver, CO 80203

Dear Mr. Wolfe:

The Bureau of Land Management, Kremmling Field Office (BLM) requests a copy of the State Engineer's Initial Determination regarding EOG Resources, Inc.'s Petition for Determination of Nontributary Ground Water in the North Park Structural Basin- Niobrara Formation. Pursuant to 2 CCR 402-17, Rule 17.5 Sec. B.3, the BLM is also submitting written comments on the petition. The Bureau of Land Management is the land owner of approximately 188,300 acres within the proposed nontributary area, and manages the federal subsurface mineral estate of an additional 354,240 acres within the area.

The BLM has not had sufficient time to review the petition in depth. The BLM is on the preliminary Produced Nontributary Ground Water Notification List, but they did not receive notification of the petition. The BLM was also unable to find the Petition posted on the State Engineer's website until this week. In a preliminary review of the submitted Technical Report to support the petition, the BLM noted the omission of some USGS documents for the North Park Basin that would appear to be logical reference documents for the report. Most notably would be the omission of:

“Ground-water resources of North Park and Middle Park, Colorado- A reconnaissance.” U.S. Geological Survey Water-Supply Paper 1809-G, 1965.

“Geohydrology of the North Park Area”, Water-Resources Investigations Map Report 96-4166, 1996.

The Technical Report also failed to discuss the Grand County portion of the petitioned area. Since the petition desires to extend the ruling not only to the six existing EOG wells, but also to the entire formation's occurrence in Jackson and Grand Counties, the BLM is concerned that insufficient data exists to rule on the Grand County portion of the formation at this time. Grand

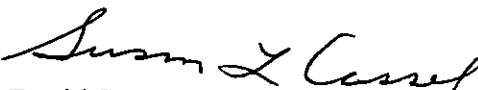
County has had limited exploratory drilling to date, and supplemental data on the Niobrara formation may not exist.

In modeling the River Simulation, Table 3 lists stream widths used in the model. Using aerial photography to estimate widths of the stream systems appears to underestimate some of the larger streams. Grizzly Creek, for instance, is listed as fifteen feet in width. BLM field data indicates widths ranging from twenty to thirty feet. Willow Creek is listed for ten feet in width, while three BLM field locations average fifty feet in width.

Due to the large acreage of BLM-administered lands affected by this petition, it is important that all possible resource concerns are addressed. On the public lands, there are at least six known fens within the proposed Jackson County area alone. Fens are considered irreplaceable wetlands by the U.S. Fish and Wildlife Service, and represent a very small percentage of public land acres. One of these fens is fed by a relatively small groundwater flow (0.78 acre-ft/yr estimate) but due to perching caused by a clay soil layer, the spring saturates and maintains a profile of organic soils. To preserve the functioning of these wetland ecosystems, it is essential to identify the hydrologic sources for the mires and the potential threats to hydrologic integrity that could be anticipated and addressed proactively.

Thank you for the opportunity to comment on this petition.

Sincerely,


for David Stout
Field Manager

cc: Alexandra Davis