

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

IN THE MATTER OF THE APPLICATION OF)
EE3 LLC FOR AN ORDER TO POOL ALL)
INTERESTS IN AN APPROXIMATE 620.07 -)
ACRE DRILLING SPACING UNIT LOCATED IN)
SECTION 6, TOWNSHIP 6 NORTH, RANGE)
80 WEST, 6TH P.M., FOR THE NIOBRARA)
FORMATION, UNNAMED FIELD, JACKSON)
COUNTY, COLORADO)

Cause No. _____

Docket No. _____

APPLICATION

COMES NOW EE3 LLC (referred to herein as "Applicant"), by and through its undersigned attorneys, and makes application to the Colorado Oil and Gas Conservation Commission ("Commission"), for an order to pool all interests within an approximate 620.07 -acre drilling and spacing unit for to accommodate the Damfino 2-06H Well (API No. 05-057-06482) ("Well") to produce oil, gas, and associated hydrocarbons from the Niobrara Formation for the following described lands:

Township 6 North, Range 80 West, 6th P.M.
Section 6: All

Jackson County, Colorado (hereinafter the "Application Lands").

In support thereof, the Applicant states and alleges as follows:

1. Applicant is a limited liability company and is duly authorized to conduct business in the State of Colorado; and is a registered operator in good standing with the Commission.
2. Applicant owns certain interests in the Application Lands.
3. On February 25, 2008, the Commission entered Order No. 531-1 which among other things, established various drilling and spacing units for certain lands including the Application Lands for the drilling and completion of one horizontal well, with the option to drill a second horizontal well, in each of the drilling and spacing units for the production of oil and associated hydrocarbons from the Niobrara Formation.
4. Applicant, pursuant to the provisions of C.R.S. § 34-60-116 (6) & (7) and Commission Rule 530, seeks an order pooling all interests, including but not limited to, any nonconsenting interests, in the Application Lands for development and operation of the Niobrara Formation.
5. Applicant requests that the Commission's pooling order be made effective as of the earlier of the date of this Application, or the date that the costs specified in C.R.S. § 34-60-116(7)(b)(II) are first incurred for the drilling of the Well to the Niobrara Formation on the Application Lands.
6. Applicant certifies that copies of this Application will be served on all persons owning an interest in the mineral estate of the tracts to be pooled within seven (7) days of the date hereof, as

required by Rule 507.b(2), and that at least thirty (30) days prior to the hearing on this matter, each such interest owner not already leased or voluntarily pooled will be offered the opportunity to lease, or to participate in the drilling of the Well, and will be provided with the information required by Rule 530 as applicable. The list of such interested parties is attached hereto as Exhibit A.

7. That in order to prevent waste and to protect correlative rights, all interests in the drilling and spacing unit comprising the Application Lands should be pooled for the orderly development of the Niobrara Formation, including any nonconsenting interests therein.

WHEREFORE, Applicant requests that this matter be set for hearing at the next available opportunity, that notice be given as required by law, and that upon such hearing, the Commission enter its order:

A. Pooling all interests in the Application Lands for the development of the Niobrara Formation.

B. Providing that the Commission's pooling order is made effective as of the earlier of the date of this Application, or the date that any of the costs specified in C.R.S. § 34-60-116(7)(b)(II) are first incurred for the drilling of the Well to the Niobrara Formation on the Application Lands.

C. Providing that the interests of any owners with whom the Applicant has been unable to secure a lease or other agreement to participate in the drilling of the Well are pooled by operation of statute, pursuant to C.R.S. § 34-60-116(6) and (7), and made subject to the cost recovery provisions thereof with respect to the Well drilled to develop the Niobrara Formation in the drilling and spacing unit comprising the Application Lands.

D. For such other findings and orders as the Commission may deem proper or advisable in this matter.

DATED this 17th day of October, 2013.

Respectfully submitted,

EE3 LLC

By: 

Elizabeth Y. Gallaway
Gregory J. Nibert Jr.
Beatty & Wozniak, P.C.
Attorneys for Applicant
216 16th Street, Suite 1100
Denver, Colorado 80202

Address of Applicant

EE3 LLC
ATTN: Douglas Sandridge
4410 Arapahoe Ave. Suite 100
Boulder, CO 80303

VERIFICATION

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF BOULDER)

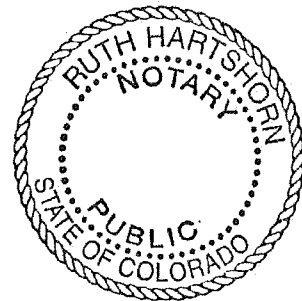
Richard McClure, of lawful age, being first duly sworn upon oath, deposes and says that he is the President of EE3 LLC and that he has read the foregoing Application and that the matters therein contained are true to the best of his knowledge, information and belief.

Rich McClure
Richard McClure

Subscribed and sworn to before this 17th day of October, 2013.

Witness my hand and official seal.

[SEAL]



My commission expires: 03/11/2014

Ruth Hartshorn
Notary Public

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AFFIDAVIT OF MAILING

STATE OF COLORADO)
)ss.
CITY AND COUNTY OF DENVER)

Jennifer L. Pittenger of lawful age, and being first duly sworn upon her oath, states and declares:

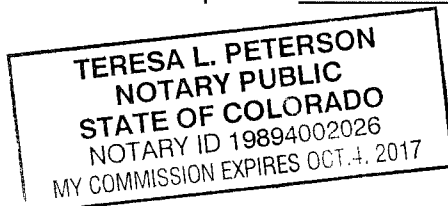
That she is a Legal Assistant at Beatty & Wozniak, P.C., attorneys for EE3 LLC, and on or before October 24th, 2013, caused a copy of the attached Application to be deposited in the United States Mail, postage prepaid, addressed to the parties listed on Exhibit A to the Application.


Jennifer L. Pittenger

Subscribed and sworn to before me October 17, 2013.

Witness my hand and official seal.

My commission expires: _____.





Notary Public

EXHIBIT A
Interested Parties

Barbara Mae Cessop
f/k/a Barbara M. Fuller
137 Camarillo St.
Palm Springs, CA
92264

Barbara Mae Cessop
f/k/a Barbara M. Fuller
P.O. Box 877951
Wasilla, AK 99687

Estate of Buell E. Fuller, Jr.,
c/o Heidi Walker,
Personal Representative
37809 Weld County Road 59
Eaton, CO 80615

Estate of Buell E. Fuller, Jr.,
Edward M. Giles, Attorney for the Estate
1331 - 17th St., Suite 1000
Denver, CO 80202

United States of America
Bureau of Land Management
2850 Youngfield Street
Lakewood, CO 80215-7093

Shawn C. and Judy A Heringer
1818 Poly Drive
Billings, MT 59102

Murex Petroleum Corporation
PO Box 7
Humble, TX 77347-0007

Rosalie A Murinko
P.O. Box 1074
Walden, CO 80480

Rosalie A Murinko
425 Garfield Street
Walden, CO 80480

North Park Registered Herefords
John C. Rich, Partner
P O Box 1109
Walden, CO 80480

QEP Energy Company
1050 17th Street, Suite 950
Denver, CO 80265

Jackson County, Colorado
c/o Kent Crowder
P O Box 1019
Walden, CO 80480

Estate of Buell E. Fuller, a/k/a Buell E. Fuller,
Sr. deceased
Barbara Cessop
137 Camarillo St
Palm Springs, CA
92264
Or
P.O. Box 877951
Wasilla, AK 99687

Heidi Walker, Personal Representative of the
Estate of Buell E. Fuller, Jr.
37809 Weld County Road 59
Eaton, CO 80615

Clinton L. & Deborah S. Russell
15225 Hwy 14
Coalmont, CO 80430