

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

IN THE MATTER OF THE APPLICATION OF )	
SYNERGY RESOURCES CORPORATION FOR )	CAUSE NO. 407
AN ORDER TO POOL ALL INTERESTS WITHIN )	
AN APPROXIMATE 160-ACRE DRILLING AND )	DOCKET NO. 1406-UP-___
SPACING UNIT FOR SECTION 10, TOWNSHIP 5 )	
NORTH, RANGE 66 WEST, 6 <sup>TH</sup> P.M., FOR THE )	
CODELL AND NIOBRARA FORMATIONS, )	
WATTENBERG FIELD, WELD COUNTY, )	
COLORADO	

**VERIFIED APPLICATION**

COMES NOW, Synergy Resources Corporation ("Synergy" or "Applicant") by its attorneys, Lohf Shaiman Jacobs Hyman & Feiger PC, and submits its Application to the Oil and Gas Conservation Commission of the State of Colorado, for an order pooling all interests in an approximate 160-acre drilling and spacing unit for production of oil, gas and associated hydrocarbons from the Codell and Niobrara Formations in certain lands in the Wattenberg Field, Weld County, Colorado, and in support states as follows:

1. Applicant is duly organized and authorized to conduct business in the State of Colorado.

2. Applicant owns leasehold interests in the following described lands in Weld County, Colorado, containing approximately 160-acres (hereinafter, the "Application Lands"):

Township 5 North, Range 66 West, 6th P.M.  
Section 10: E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$

3. Commission Rule 318A(e)(2) authorizes the drilling of boundary wells on wellbore spacing units designated by the operator pursuant to Commission Rule 318A(a)(4)(C). That Rule requires that the spacing unit be composed of the four governmental quarter-quarter sections nearest to the bottom-hole location of the wellbore.

4. Pursuant to Commission Rule 318A(e), Applicant has drilled and completed the SRC GCC #10PD (API #05-123-34660) well (the "Well") as a boundary well on the Application Lands to the Codell and/or Niobrara Formations from a multiple well pad in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of the below-referenced Section 10, to a bottom-hole location 1,297 FSL and 2,558 FEL of said Section 10.

5. Synergy has designated the Application Lands as the on a 160-acre unit composed of the Application Lands under 318A(a)(4)(C).

6. Applicant has been unable to obtain consent to voluntary pooling by all interest owners in the Application Lands. As a result, Applicant requests that all interests in the unit composed of the Application Lands be involuntarily pooled pursuant to C.R.S. §34-60-116, and consenting parties be allowed to recover from any non-consenting owner's share of production the penalty costs provided in C.R.S. §34-60-116 (7) of the Colorado Oil and Gas Conservation Act.

7. The names and addresses of those persons who own any interest in the mineral estate in the Application Lands, exclusive of overriding royalty interests, according to the information and belief of the Applicant are set forth on **Exhibit A**. Copies of this Verified Application shall be served on all such owners within seven (7) days of the date of this Application, as required by Commission Rule 503.e.

8. At least thirty (30) days prior to the hearing on this Application, the Applicant will have sent all owners listed on **Exhibit A**, who have not previously consented to lease or otherwise participate in the drilling and completion of the Well, an Authority for Expenditures (AFE) and/or supporting documents which contain all information required by Commission Rule 530.b., and in case of unleased mineral owners, an offer to lease which is reasonable based on the factors listed in Commission Rule 530.c. The Applicant shall also agree to first comply with the requirements of Rule 530.b and c with respect to any subsequent well in the pooled unit, prior to applying the cost recovery provisions of said statute.

9. Applicant anticipates that one or more of such owners will refuse or fail to respond to such offer to lease and/or to participate in the drilling, completion and operation of such Well, and shall be deemed non-consenting parties under Commission Rule 530.b and c.

10. An order of the Commission pooling all interests in the unit for production from the Codell and Niobrara Formations shall therefore be necessary in order to afford each owner of an interest in the unit the opportunity to recover and receive its just and equitable share of the oil and/or gas from the common source of supply underlying the unit.

11. The granting of the requested order would not be prejudicial to the owners in the unit and would protect correlative rights.

12. The requested pooling order should be effective as of the date that costs specified by C.R.S. §34-60-116(7)(b) were first incurred by Applicant for the drilling of the Well.

## REQUEST FOR HEARING AND ORDER

WHEREFORE, Synergy prays that this matter be set for hearing on June 16 or 17, 2014, Notice of said Hearing be given as required by law, if no protests are timely received the matter be considered pursuant to Rule 511(b), and the Commission enter an Order pooling all interests in the Application Lands with respect to production of the Codell and Niobrara formations and that such pooling Order:

(1) be upon terms and conditions which are just and reasonable and afford to the owner of each interest the opportunity to recover or receive, without unnecessary expense, his just and equitable share of oil and gas;

(2) provide that production obtained from the pooled tract be allocated to each owner therein on the basis of the proportion that the number of mineral acres held by each owner in the drilling unit bears to the total number of mineral acres within the drilling unit;

(3) provide that with respect to the Well the consenting parties be allowed to recover from any non-consenting owner's share of production the penalty costs as provided in C.R.S. § 34-60-116 (7)(b); and

(4) require the operator to provide each non-consenting interest owner in the Unit with monthly statement of costs incurred together with the quantity of oil and gas produced and proceeds realized, pursuant to C.R.S. §34-60-116(8).

RESPECTFULLY SUBMITTED this 16<sup>th</sup> day of April, 2014.

LOHF SHAIMAN JACOBS HYMAN &  
FEIGER PC

By: 

J. Michael Morgan #7279

Justin Plaskov #45053

950 South Cherry Street, Suite 900

Denver, Colorado 80246

(303) 753-9000

(303) 75-9997 (fax)

[mmorgan@lohfshaiman.com](mailto:mmorgan@lohfshaiman.com)

### Address of Applicant:

Synergy Resources Corporation  
20203 Highway 60  
Platteville, CO 80651

**EXHIBIT "A"**  
**TO APPLICATION OF SYNERGY RESOURCES CORPORATION**

**Applicant:** Synergy Resources Corporation  
20203 Highway 60  
Platteville, CO 80651

**Applicant's Attorney:** J. Michael Morgan, Esq.  
Lohf Shaiman Jacobs Hyman & Feiger PC  
950 South Cherry Street, Suite 900  
Denver, CO 80246

**Local Government Designee:** Tom Parko  
Weld County  
1555 North 17<sup>th</sup> Street  
Greeley, CO 80631

**Interested Parties in the E $\frac{1}{2}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 10, T5N, R66W**

**Leased Mineral Owners:**

Aims College Campus Planned  
Community Association  
5401 W 20<sup>th</sup> Street  
Greeley CO 80632

Aims Junior College District  
5401 W. 20<sup>th</sup> Street  
Greeley CO 80632

Andrew Wronkoski  
5118 W. 16<sup>th</sup> Street  
Greeley CO 80634

Beau Chateau Community Assn  
5601 W 18<sup>th</sup> Street #52  
Greeley CO 80634

Beau Chateau HOA  
5601 W 18<sup>th</sup> Street #52  
Greeley CO 80634

Belinda L Davis  
1642 55<sup>th</sup> Avenue  
Greeley CO 80634

Betty J Schnathorst  
5601 W 18<sup>th</sup> Street #35  
Greeley CO 80634

Bond Family Foundation  
5601 W 18<sup>th</sup> Street #51  
Greeley CO 80634

Brian P Ross and  
Tawyna K Ross  
5127 16<sup>th</sup> Street  
Greeley CO 80634

Bruce and Kay  
Sandmier Broderius  
5601 W 18<sup>th</sup> Street #57  
Greeley CO 80634

Bruce E Klemme and  
Susan J Klemme  
5601 W 18<sup>th</sup> Street #34  
Greeley CO 80634

City of Greeley  
1000 10<sup>th</sup> Street  
Greeley CO 80631

Chad Delano Shaw and  
Lisa Ann Shaw  
5109 17<sup>th</sup> Street  
Greeley CO 80634

Charles D Bauer  
5129 17<sup>th</sup> Street  
Greeley CO 80634

Corey L Ball and  
Cindy M Ball  
1604 51<sup>st</sup> Avenue  
Greeley CO 80634

Cory Joseph Bays and  
Kenni R Bays  
5409 16<sup>th</sup> Street Lane  
Greeley CO 80634

Dale L and Gay L Nagel  
5117 W 15<sup>th</sup> Street  
Greeley CO 80634

Daniel L Day  
5116 W 17<sup>th</sup> Street  
Greeley CO 80634

David E Mathis and  
Rosemary A Mathis  
1704 51<sup>st</sup> Avenue  
Greeley CO 80634

David J Herbert Jr and  
Tamara A Herbert  
5422 16<sup>th</sup> Street Lane  
Greeley CO 80634

David N Sherburne and  
Anita K Sherburne  
1662 55<sup>th</sup> Avenue  
Greeley CO 80634

Diane Rathe  
5413 W 16<sup>th</sup> Street Lane  
Greeley CO 80634

Donald A Roth and  
Judith Marie Roth JT  
5410 16<sup>th</sup> Street Lane  
Greeley CO 80634

Douglas A Sarchet and  
Sharon J Sarchet  
5123 16<sup>th</sup> Street  
Greeley CO 80634

Edward A. Ortiz and  
Michelle L Ortiz  
5106 16<sup>th</sup> Street  
Greeley CO 80634

Edward F Reynolds and  
Beverly K Reynolds  
1630 55<sup>th</sup> Avenue  
Greeley CO 80634

Elizabeth J Dent and  
Lawrence R Dent  
5132 15<sup>th</sup> Street  
Greeley CO 80634

Francisco A Aguilar  
and Reyna Aguilar  
5112 W 15<sup>th</sup> Street  
Greeley CO 80634

Gary E Stone and  
Linda A Stone  
5215 W 16<sup>th</sup> Street  
Greeley CO 80634

Gary Rathke and  
Charloette H Rathke  
5137 W 17<sup>th</sup> Street  
Greely CO 80634

Gayle A Keen  
1510 51<sup>st</sup> Avenue  
Greeley CO 80634

Gerald & Janet Gunderson  
1200 Fairway Five Drive  
Fort Collins CO 80525

Glen W & Harriet N Gibson  
5203 W 16<sup>th</sup> Street  
Greeley CO 80634

Gregory B Appling  
5303 W 16<sup>th</sup> Street  
Greeley CO 80634

Gregory Dean Largent  
5112 17<sup>th</sup> Street  
Greeley CO 80634

Guillermo Hernandez and  
Maria De la Luz Hernandez  
1708 51<sup>st</sup> Avenue  
Greeley CO 80634

Harlan Smith and  
Sidney J Smith  
5107 16<sup>th</sup> Street  
Greeley CO 8634

Hicham Timejardine  
5414 16<sup>th</sup> Street Lane  
Greeley CO 80634

Hiland Park LLLP  
1705 37<sup>th</sup> Avenue  
Greeley CO 80634

Humberto Marquez and  
Maria Marquez  
5104 W 15<sup>th</sup> Street  
Greeley CO 80634

James J Schafer and  
Judith K Schafer JT  
5601 W 18<sup>th</sup> Street #27  
Greeley CO 80634

Janice K Croom  
5601 W 18<sup>th</sup> Street #47  
Greeley CO 80634

Jannis L Edwards and  
Patty M Edwards  
2051 27<sup>th</sup> Avenue  
Greeley CO 80634

Jeffrey A McBride and  
Krista L McBride  
5126 W 16<sup>th</sup> Street  
Greeley CO 80634

Jeffrey J Collins and  
Trea D.R. Collins  
1515 51<sup>st</sup> Street  
Greeley CO 80634

Jennifer M Smeed  
5130 W 16<sup>th</sup> Street  
Greeley CO 80634

John A Samples and  
Nancy Samples JT  
19076 CR 27  
Brush CO 80723

John E Corona and  
Erica Corona  
1519 51<sup>st</sup> Street  
Greeley CO 80634

John E Wright and  
Marianne Wright  
5110 W 16<sup>th</sup> Street  
Greeley CO 80634

John R. Gibson and  
Doris S Gibson  
1712 51<sup>st</sup> Avenue  
Greeley CO 80634

Jose Luis Maqueda and  
Armando Maqueda  
1616 51<sup>st</sup> Avenue  
Greeley CO 80634

Joseph G Maes and  
Joann T Maes  
5418 16<sup>th</sup> Street Lane  
Greeley CO 80634

Joseph Theodore Cisneros  
and Sandra Lay Cisneros  
5133 17<sup>th</sup> Street  
Greeley CO 80634

Julian R Duran & Arlene F. Duran  
1612 51<sup>st</sup> Avenue  
Greeley CO 80634

Kaleb R & Mistyque Menn  
5120 W 17<sup>th</sup> Street  
Greeley CO 80634

Kenneth L Vegter and  
Michelle M Vegter  
5601 W 18<sup>th</sup> Street #37  
Greeley CO 80634

Kevin W McFarling and  
Miranda K McFarling  
1502 51<sup>st</sup> Avenue  
Greeley CO 80634

Kimberly D Koeltzow  
5121 W 17<sup>th</sup> Street  
Greeley CO 80634

Kohlorado of Greeley LLC  
26 NW 8<sup>th</sup> Place  
Cape Coral FL 33993

Kristi Thomas and  
Richard James Thomas  
5144 15<sup>th</sup> Street  
Greeley CO 80634

Larry W Estep and  
Maryanna Estep JT  
5601 W 18<sup>th</sup> Street #32  
Greeley CO 80634

Leslie V Wilkinson  
5601 W 18<sup>th</sup> Street #30  
Greeley CO 80634

Linda A Krause and  
Duaine L Krause JT  
5109 15<sup>th</sup> Street  
Greeley CO 80634

Magers Family Trust  
Dorothy Magers, Trustee  
5601 W 18<sup>th</sup> Street #26  
Greeley CO 80634

Manuel I Saldivar and  
Sandra L Saldiver  
1518 51<sup>st</sup> Avenue  
Greeley CO 80634

Marie Annette Durham  
5601 W 18<sup>th</sup> Street #14  
Greeley CO 80634

Marissa B Cruz  
5627 Freehold Drive  
Windsor CO 808550

Marjorie K Reed  
5601 W 18<sup>th</sup> Street #42  
Greeley CO 80634

Mark Sedinger and  
Heidi Sedinger  
5108 17<sup>th</sup> Street  
Greeley CO 80634

Mark V Cronquist and  
Lori L Cronquist  
1638 55<sup>th</sup> Avenue  
Greeley CO 80634

Michael W Leffler  
2907 42<sup>nd</sup> Avenue  
Greeley CO 80634

Mide D Vaardahl and  
Denise M Vaardahl  
1613 51<sup>st</sup> Avenue  
Greeley CO 80634

Peacedogs LLC  
5592 W 19<sup>th</sup> Street  
Greeley CO 80634

Phoebe Mae Deffke  
5601 W 18<sup>th</sup> Street #29  
Greeley CO 80634

Rafael Ortiz  
5105 51<sup>st</sup> Avenue  
Greeley CO 80634

Rex T Rice  
5125 W 17<sup>th</sup> Street  
Greeley Co 80634

Richard C Maxfield and  
Barbara J Maxfield  
5402 16<sup>th</sup> Street Lane  
Greeley CO 808634

Robert M Keenan  
5232 W 16<sup>th</sup> Street  
Greeley CO 80634

Roger & Ann Wheeler  
5840 Harmony Ranch Rd  
Aubrey TX 76227

Roy Timothy Nelson and  
Jacqueline Faye Nelson  
24589 County Rd 38  
Lasalle CO 80645

Russell E Mayer and  
Patricia A Mayer  
5307 W 16<sup>th</sup> Street Lane  
Greeley CO 80634

Ryan M Taub  
5136 W 15<sup>th</sup> Street  
Greeley CO 80634

Scott L Holmes and  
Larry E Holmes and  
Susan K Holmes JT  
1503 51<sup>st</sup> Avenue  
Greeley CO 80634

Scott M Mattes and  
Kim A Mattes  
1650 55<sup>th</sup>  
Greeley CO 80634



Shane C Murray and  
Robin T Murray  
5207 W 16<sup>th</sup> Street  
Greeley CO 80634

Shane & Jolene Timm  
5128 17<sup>th</sup> Street  
Greeley CO 80634

Sheila M Feller  
5122 16<sup>th</sup> Street  
Greeley CO 80634

Staci J Datteri-Frey and  
Daniel L Frey JT  
5220 16<sup>th</sup> Street Lane  
Greeley CO 80634

Steven E Hill and  
Kristi L Hill  
5116 W 15<sup>th</sup> Street  
Greeley CO 80634

Taryn L Ericson and  
Bryan K Ericson  
5113 15<sup>th</sup> Street  
Greeley CO 80634

Thissen I LLC  
600 N 71<sup>st</sup> Avenue  
Windsor CO 80550

Thomas J & Jan M Peters  
5406 16<sup>th</sup> Street  
Greeley CO 80634

Valerie Yarbrow and  
Benjamin W Yarbrow JT  
5132 W 17<sup>th</sup> Street  
Greeley CO 80634

Vicki D Jones  
5140 W 15<sup>th</sup> Street  
Greeley CO 80634

Wendy A Blehm  
531 N 8<sup>th</sup> Street  
Silt CO 81652

William F King and  
Tawnya K King  
5224 W 16<sup>th</sup> Street  
Greeley CO 80634

William Michael Priestly  
and Danette Rena Priestly  
1634 55<sup>th</sup> Avenue  
Greeley CO 80634

Wilson T Fossey and  
Gerry Dring-Fossey  
1507 51<sup>st</sup> Avenue  
Greeley CO 80634

George E Brooks and  
Debra G Brooks JT  
832 Rollins Court  
El Paso TX 79932

**Unleased Owners:**

Aims Junior College District  
5401 W 20<sup>th</sup> Street  
Greeley CO 80632

Michele Jaramillo and  
Robert M Jaramillo JT  
1646 55<sup>th</sup> Avenue  
Greeley CO 80634

Bradley A Ray and  
Tess L Ray JT  
1654 55<sup>th</sup> Avenue  
Greeley CO 80634

Abraham F Garcia and  
Juana Garcia JT  
1658 55<sup>th</sup> Avenue  
Greeley CO 80634

Ernest D Baumgartner and  
Lillian I Barugartner JT  
5414 W 16<sup>th</sup> Street Lane  
Greeley CO 80634

Dennis R. Pumphrey and  
Jennifer L Pumphrey  
5404 W 16<sup>th</sup> Street Lane  
Greeley CO 80634

Veronica Cavazos-Hernandez  
And Ruben F Hernandez JT  
5311 W 16<sup>th</sup> Street Lane  
Greeley CO 80634

Stuart R Thomas  
5208 W 16<sup>th</sup> Street  
Greeley CO 80634

Marc A Natividad and  
Michelle R Terry JT  
5212 16<sup>th</sup> Street  
Greeley CO 80634

Kelley M Preston and  
Douglas R Preston JT  
5216 16<sup>th</sup> Street  
Greeley CO 80634

Gerardo F Chavarria  
5228 W 16<sup>th</sup> Street  
Greeley CO 80634

Jess R Fernandez and  
Dolores B Fernandez JT  
5231 16<sup>th</sup> Street  
Greeley CO 80634

Julian Retana  
5227 16<sup>th</sup> Street  
Greeley CO 80634

Mark W Mancillas  
1425 52<sup>nd</sup> Avenue  
Greeley CO 80634

Clinton Rendall and  
Margeux Rendall JT  
29 Woods Street #33  
Darwin NT  
**0800 AUSTRALIA**

Michael P Lapp and  
Sherri A Lapp JT  
5211 W 16<sup>th</sup> Street  
Greeley CO 80634

Elizabeth A Wilson  
3910 Mountain View Dr  
Evans CO 80620

Rick Wallace  
PO Box 861  
Greeley CO 80634

Kristy R Wood  
1511 51<sup>st</sup> Avenue  
Greeley CO 80634

Manuel B Cardoza and  
Amanda Lynn Cardoza JT  
5108 W 15<sup>th</sup> Street  
Greeley CO 80634

Charles L Owens and  
Melody H Owens JT  
1216 33<sup>rd</sup> Street  
Evans CO 80620

Kimm S Lemmens  
5117 W 17<sup>th</sup> Street  
Greeley CO 80634

Juan Oscar Cruz and  
Linda Schueman Cruz JT  
5113 17<sup>th</sup> Street  
Greeley CO 80634

Rafael H Garcia-Nunez  
1617 51<sup>st</sup> Avenue  
Greeley CO 80634

Alice Kay Bissett  
1609 51<sup>st</sup> Avenue  
Greeley CO 80634

Matthew G Burrows  
1605 51<sup>st</sup> Avenue  
Greeley CO 80634

Teresa A Jagiello  
5114 W 16<sup>th</sup> Street  
Greeley CO 80634

Clinton S Rendall  
6600 W 20<sup>th</sup> Street #41  
Greeley CO 80634

Vivian Rita Leyba  
5124 W 17<sup>th</sup> Street  
Greeley CO 80634

Christopher W Hamilton  
1717 51<sup>st</sup> Avenue  
Greeley CO 80634

M Edward Davis III  
1713 51<sup>st</sup> Avenue  
Greeley CO 80634

Matt Bridges and  
Emily Johnson JT  
1620 51<sup>st</sup> Avenue  
Greeley CO 80634

Chad L Hazeldine and  
Elise O Hazeldine JT  
1514 51<sup>st</sup> Avenue  
Greeley CO 80634

Lucas Levi Sparks and  
Kilby Erin Sparks JT  
1506 51<sup>st</sup> Avenue  
Greeley CO 80634

Christina Marquez  
5125 W 15<sup>th</sup> Street  
Greeley CO 80634

City of Greeley  
1000 10<sup>th</sup> Street  
Greeley CO 80631

West Greeley Law Center LLC  
1812 56<sup>th</sup> Avenue  
Greeley CO 80634

Kunzman Real Estate Holdings LLC  
5985 W 1<sup>st</sup> Avenue  
Greeley CO 80634

HiKnolls Limited  
903 37<sup>th</sup> Avenue Court  
Greeley CO 80631

Kurt T Dallow and  
Cynthia Dallow TIC  
5601 W 18<sup>th</sup> Street #36  
Greeley CO 80634

Shane M Scofield  
5602 W 18<sup>th</sup> Street #38  
Greeley CO 80634

Beau Chateau Community Assn  
For Charles E & Carol C Hjelte JT  
5601 W 18<sup>th</sup> Street #52  
Greeley CO 80634

**Leasehold Owners:**

Synergy Resources Corporation  
20203 Highway 60  
Platteville, CO 80651

FEI Energy Fund LLC  
1707 61<sup>st</sup> Ave, Unit 101  
Greeley CO 80634

**VERIFICATION**

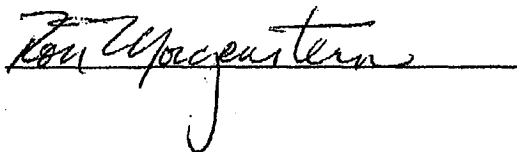
STATE OF COLORADO       )  
  )  
COUNTY OF WELD       )       **ss.**

The undersigned, of lawful age, having been first sworn upon his oath, deposes and states that:

1.     He is Ron Morgenstern, Vice President - Land & Business Development of the Applicant, Synergy Resources Corporation, and that he maintains an office at 20203 Highway 60, Platteville, CO 80651.

2.     He has read the within Application of Synergy Resources Corporation, is familiar with the facts set forth therein, and states that said facts are true and correct to the best of her knowledge and belief.

Further Affiant sayeth not.



Subscribed and sworn to before me this \_\_\_\_\_ day of April, 2014.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

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

**AFFIDAVIT OF MAILING**

STATE OF COLORADO            )  
  ) **ss.**  
CITY & COUNTY OF DENVER    )

J. Michael Morgan, of lawful age and being first duly sworn upon his oath, states and declares:

That he is the attorney for Synergy Resources Corporation in the above-captioned matter. On April 16, 2014, he caused a copy of the attached Verified Application to be deposited in the United States Mail, postage prepaid, addressed to the parties listed on **Exhibit A** to said Application.

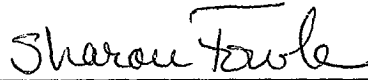
  
\_\_\_\_\_  
J. Michael Morgan

Subscribed and sworn to before me this 16th day of April, 2014.

Witness my hand and official seal.

My commission expires: 3/5/2015



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