

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

IN THE MATTER OF THE APPLICATION OF	)	CAUSE NO. 407
SYNERGY RESOURCES CORPORATION FOR	)	
AN ORDER TO POOL ALL INTERESTS WITHIN	)	DOCKET NO. 1406-UP-192
AN APPROXIMATE 80-ACRE DRILLING AND	)	
SPACING UNIT FOR <b>SECTION 11</b> , TOWNSHIP 5	)	
NORTH, RANGE 66 WEST, 6 <sup>TH</sup> P.M., FOR THE	)	
CODELL AND NIOBRARA FORMATIONS,	)	
WATTENBERG FIELD, WELD COUNTY,	)	
COLORADO		

**AMENDED APPLICATION**

COMES NOW, Synergy Resources Corporation ("Synergy" or "Applicant") by its attorneys, Lohf Shaiman Jacobs Hyman & Feiger PC, and submits its **Amended** Application to the Oil and Gas Conservation Commission of the State of Colorado, for an order pooling all interests in an approximate 80-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 80-acres (hereinafter, the "Application Lands"):

Township 5 North, Range 66 West, 6th P.M.  
**Section 11: W½NW¼**

3. On February 19, 1992, the Commission issued Order 407-87, which, among other things, established the Application Lands as an 80-acre drilling and spacing unit for production of oil, gas and assorted hydrocarbons from the Codell and Niobrara Formations.

4. Applicant has drilled and completed the SRC GCC #11-11D (API #05-123-34539) and SRC GCC #12-11D (API #05-123-34543) wells (the "Wells") on the Application Lands to the Codell and/or Niobrara Formations on an 80-acre unit composed of the Application Lands.

5. 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.

6. 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 **Amended** 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.

7. 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 Wells, 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.

8. 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 Wells, and shall be deemed non-consenting parties under Commission Rule 530.b and c.

9. 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.

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

11. 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 either of the Wells.

### **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 Wells 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 13th day of May, 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 AMENDED 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 W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 11, Township 5 North, Range 66 West**

**Leased Mineral Owners:**

Alexander W Knott and  
Susan S Knott JT  
1316 45<sup>th</sup> Avenue  
Greeley CO 80634

Cambridge Glen Owners' Assn  
Attn: Lucille Mantelli  
4503 W 14<sup>th</sup> Street  
Greeley CO 80634

Ann E Hurst  
4539 W 14<sup>th</sup> Street  
Greeley CO 80634

Carol B Riggs  
4519 W 14<sup>th</sup> Street  
Greeley CO 80634

Arnold R Foulk, Jr. Revocable  
Trust dated 11/2/2005  
4525 W 14<sup>th</sup> Street Drive  
Greeley CO 80634

Carol J Bussey  
4510 W 14<sup>th</sup> Street  
Greeley CO 80634

C William Eastwood Revocable  
Trust dated 11/5/2008  
4515 W 14<sup>th</sup> Street  
Greeley CO 80634

Cheryl Todd  
4537 W 14<sup>th</sup> Street  
Greeley CO 80634

Dale C Seyler Living Trust  
dated 1/27/94  
Kay D Seyler Trustee  
PO Box 1478  
Greeley CO 80632

David C Ownes & Jennifer A Owens JT  
4514 W 14<sup>th</sup> Street Drive  
Greeley CO 80634

Debra K Hessler  
4529 W 14<sup>th</sup> Street  
Greeley CO 80634

Debra Nan Eastwood Revocable  
Trust dated 11/5/2008  
4515 W 14<sup>th</sup> Street  
Greeley CO 80634

Dennis H Martin  
1312 45<sup>th</sup> Avenue  
Greeley CO 80634

Douglas T Pollock and  
Augustina Pollock  
1320 45<sup>th</sup> Avenue  
Greeley CO 80634

Edward L Roebuck and  
Thalia G Roebuck JT  
4506 W 14<sup>th</sup> Street Drive  
Greeley CO 80634

Freda Schott Tyler, Trustee of  
The Tyler Revocable Trust  
1357 43<sup>rd</sup> Avenue #54  
Greeley CO 80634

Gary Gomer  
4507 W 14<sup>th</sup> Street  
Greeley CO 80634

Gary Henrickson and  
Roberta Henrickson JT  
4501 W 14<sup>th</sup> Street  
Greeley CO 80634

Gary W Hogan & Ginny A Hogan  
4533 W 14<sup>th</sup> Street  
Greeley CO 80634

Greeley Country Club  
4500 W 10<sup>th</sup> Street  
Greeley CO 80634

Harold L Williams and  
Donna M Williams  
4527 W 14<sup>th</sup> Street  
Greeley CO 80634

Helen Ford Meyer and  
Elwood H Meyer JT  
4505 W 14<sup>th</sup> Street  
Greeley CO 80634

Jane Carson Gilbert Trust  
68 Indigo Way  
Castle Rock CO 80108

Jerry M. Keiser & Nancy E. Keiser  
4536 W 14<sup>th</sup> Street  
Greeley CO 80634

Richard A Mollador and  
Nancy A Mollador Trust  
4513 W 14<sup>th</sup> Street  
Greeley, CO 80634

Kenneth P Cook and  
Jacquelyne K Cook  
1315 45<sup>th</sup> Avenue  
Greeley CO 80634

Kenneth R Roney & Lynn Roney  
4521 W 14<sup>th</sup> Street  
Greeley CO 80634

Kevin Robert Quam and  
Ruth Elaine Quam  
4531 W 14<sup>th</sup> Street  
Greeley CO 80634

Larry D Wood & Karen Wood JT  
4526 W 14<sup>th</sup> Street Drive  
Greeley CO 80634

Laurie Cover Marital Trust  
c/o Colorado State Bank & Trust  
1600 Broadway  
Denver CO 80202

Linda M Dollar  
1324 45<sup>th</sup> Avenue  
Greeley CO 80634

Lyndy L Foulk Revocable  
Trust dated 11/22/2005  
4525 W 14<sup>th</sup> Street Drive  
Greeley CO 80634

Martha L Baker  
4517 W 14<sup>th</sup> Street  
Greeley CO 80634

Michael Mantelli and  
Lucille Mantelli JT  
4503 W 14<sup>th</sup> Street  
Greeley CO 80634

Myron G Martinson Trust  
and Mae R Martinson Trust  
4508 W 14<sup>th</sup> Street  
Greeley CO 80634

Nancy J Bartels  
4511 W 14<sup>th</sup> Street  
Greeley CO 80634

R Thomas Barbour and  
Kim S Barbour  
4535 W 14<sup>th</sup> Street  
Greeley CO 80634

Reuben and Beverly Ehrlich JT  
4509 W 14<sup>th</sup> Street  
Greeley CO 80634

Robert W Kuznik and  
Joyce A Hirano Kuznik  
4434 W 14<sup>th</sup> Street Drive  
Greeley CO 80634

Susan Wheeler  
4520 W 14<sup>th</sup> Street Drive  
Greeley CO 80634

Sylvia R Peterson and  
James H. Peterson  
4518 W 14<sup>th</sup> Street  
Greeley CO 80634

Thomas B Miller and  
Joan Shannon Miller  
4541 W 14<sup>th</sup> Street  
Greeley CO 80634

Thomas R Dunn Trust No 1  
and Janis S Dunn Trust No 1 TC  
1309 45<sup>th</sup> Avenue  
Greeley CO 80634

Tim Hiller and Marilyn Hiller JT  
4513 W 14<sup>th</sup> Street  
Greeley CO 80634

Wesley D Brown and  
Alice M Brown  
c/o Jackie Hirtel  
13476 Hirtel Lane  
Galt CA 95632-9040

**Unleased Owners**

Charles C Hoecher and  
Joy L Hoecher JT  
4503 W 14<sup>th</sup> Street Drive  
Greeley CO 80634

Roger L Sedlacek and  
Allison L Sedlacek  
4428 W 14<sup>th</sup> Street  
Greeley CO 80634

Larry C Jenkins and  
Ruth E Jenkins  
4530 W 14<sup>th</sup> Street  
Greeley CO 80634

Wesley D Brown and  
Alice M Brown  
c/o Jackie Hirtel  
13476 Hirtel Lane  
Galt, CA 95632-9040

**Leasehold Owners:**

Synergy Resources Corporation  
20203 Highway 60  
Platteville, CO 80651

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

**VERIFICATION**

STATE OF COLORADO       )  
                                      )  
COUNTY OF WELD        )       ss.

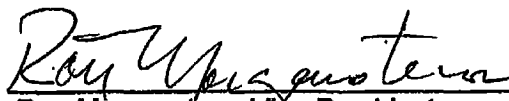
The undersigned, of lawful age, having been first sworn upon his oath, deposes and states that:

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 Amended 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.

Dated this \_\_\_\_ day of May, 2014.

  
\_\_\_\_\_  
Ron Morgenstern, Vice President



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COLORADO )

## 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 May 14, 2014, he caused a copy of the attached **Amended** 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 14th day of May, 2014.

Witness my hand and official seal.

My commission expires: 03/05/2015

Sharon Fowle  
Notary Public