

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

IN THE MATTER OF THE APPLICATION OF)
BP AMERICA PRODUCTION COMPANY FOR)
AN ORDER POOLING ALL INTERESTS IN A)
320-ACRE DRILLING AND SPACING UNIT)
FOR THE FRUITLAND COAL FORMATION)
LOCATED IN SECTION 17, TOWNSHIP 32)
NORTH, RANGE 5 WEST, IN ARCHULETA)
COUNTY, COLORADO)

Cause No. _____

Docket No. _____

APPLICATION

BP America Production Company ("Applicant"), by and through its attorneys, Holland & Hart LLP, respectfully submits this Application to the Oil and Gas Conservation Commission of the State of Colorado (the "Commission") for an order pooling all interests for the development of the Fruitland Coal Formation for the Seibel B #1 Well, API #05-007-06125, and the Seibel B #2 Well, API # pending ("Wells") on the following described lands:

Township 32 North, Range 5 West, N.M.P.M.
Section 17: N½

Archuleta County, Colorado ("Application Lands").

In support of its Application, Applicant states and alleges as follows:

1. Applicant, Operator No. 10000, is a corporation duly authorized to conduct business in the State of Colorado and is an operator in good standing with the Commission.
2. Applicant owns a leasehold interest in the Application Lands.
3. On June 17, 1988, the Commission issued Order No. 112-60, which, among other things, established 320-acre drilling and spacing units for the production of gas from the Fruitland coal seams underlying certain lands, including the Application Lands, with the permitted well located, when north of the north line of Township 32 North, in the NW¼ and SE¼ of the section, and south of the north line of Township 32 North, in the NE¼ and SW¼ of the section, and no closer than 900 feet to any outer boundary of the section, nor closer than 130 feet to any interior quarter section line.
4. On September 7, 1988, but effective as of August 15, 1988, the Commission issued Order No. 112-61, which, among other things, amended Order No. 112-60 to allow for the drilling of the first well in the drilling and spacing unit for certain

lands, including the Application Lands, not in the permitted location, but rather in the other quarter section, and established additional field rules for the Fruitland coal seams.

5. Effective as of December 17, 1990, the Commission issued Corrected Order No. 112-85, which, among other things, amended Order No. 112-61 and established additional field rules for the Fruitland coal seams in the 320-acre drilling and spacing units for certain lands, including the Application Lands.

6. On July 11, 2000, the Commission issued Order No. 112-157, which, among other things, amended Order Nos. 112-60, 112-61, and 112-85 to allow an optional additional well to be drilled for production of gas from the Fruitland coal seams in the 320-acre drilling and spacing units for certain lands, including the Application Lands, with the permitted well to be located in any undrilled quarter section no closer than 990 feet from the boundaries of the quarter section, nor closer than 130 feet to any interior quarter section line.

7. Effective as of December 9, 2008, the Commission issued Order No. 112-215, which, among other things, allowed a total of four (4) wells to be drilled for the production of gas and associated hydrocarbons from the Fruitland coal seams in the 320-acre drilling and spacing units for certain lands, including the Application Lands, with the permitted bottom hole location for any new well to be located no closer than 660 feet to any outer boundary of the application lands with no interior quarter section line setback.

8. 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 Wells located in the Application Lands, for the development of the Fruitland Coal Formation.

9. 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 Wells to the Fruitland Coal Formation on the Application Lands.

10. 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 days of the date hereof, as required by Rule 507.b(2), and that at least 35 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 Wells, and will be provided with the information required by Rule 530. The list of such interested parties is attached hereto as Exhibit A.

11. In order to prevent waste and to protect correlative rights, all interests in the Application Lands should be pooled for the orderly development of the Fruitland Coal Formation.

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 Seibel B #1 Well and the Seibel B #2 Well located in the Application Lands for the development of the Fruitland Coal 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 the costs specified in C.R.S. § 34-60-116(7)(b)(II) are first incurred for the drilling of the Wells to the Fruitland Coal 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 authorized Wells are pooled pursuant to C.R.S. § 34-60-116 and made subject to the cost recovery provisions thereof.

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

WHEREFORE, Applicant respectfully requests that this matter be set for hearing, notice be given as required by law, and that upon such hearing, the Commission enter its order consistent with Applicant's request as set forth above.

Dated: February 11, 2015

By: 

Elizabeth Y. Spencer
Kurt V. Tyler
Holland & Hart LLP
555 17th Street, Suite 3200
Denver, Colorado 80202
(303) 295-8000
eyspencer@hollandhart.com
kvtyler@hollandhart.com

Address of Applicant
BP America Production Company
Attn: Debra Bacon
501 Westlake Park Blvd.
Houston, TX 77079

VERIFICATION

STATE OF TEXAS

COUNTY OF HARRIS

SS.

Debra Bacon, of lawful age, being first duly sworn upon oath, deposes and says that she is Land Manager for BP America Production Company and that she has read the foregoing Application and that the matters therein contained are true to the best of her knowledge, information and belief.

Dura Bacon

Debra Bacon

Subscribed and sworn to before me this 9 day of February, 2015.

Witness my hand and official seal.

My commission expires: 10/03/2016



Walter Bray

Notary Public

Exhibit A
Interested Parties
Seibel Gas B Unit

RAMONA VINCENT P O BOX 711 POINT ARENA, CALIFORNIA 95468-0711	GERTRUDE BATES ADDRESS UNKNOWN
LARRY D SEIBEL PO BOX 368 IGNACIO, COLORADO 81137-0368	DONALD SEIBEL 711 E BLANCO ST AZTEC, NEW MEXICO 87410-2007
EDWARD SEIBEL 17859 PIPESTONE ST FOUNTAIN VALLEY, CALIFORNIA 92708-5219	JAN TIURA PO BOX 301 MOSS BEACH, CALIFORNIA 94038-0301
DENNIS W SEIBEL 12601 HIGHWAY 151 IGNACIO, COLORADO 81137	FIRST CHURCH OF CHRIST SCIENTIST 21 SIXTH ST PETALUMA, CALIFORNIA 94952-3034
DOMINIC PELLASCINI 8053 WASHINGTON AVE SEBASTOPOL, CALIFORNIA 95472-3111	RICHARD PELLASCINI 8053 WASHINGTON AVE SEBASTOPOL, CALIFORNIA 95472-3111
DELORES LEDFORD PO BOX 94 POINT ARENA , CALIFORNIA 95468-0094	MARY GIACOMINI PO BOX 113 POINT ARENA, CALIFORNIA 95468-0113
KENNETH AND JANE SEIBEL 256 MILTON LN IGNACIO, COLORADO 81137-9641	SOUTHERN UTE INDIAN TRIBE 14933 HIGHWAY 172 IGNACIO, COLORADO 81137
OGLESBY FAMILY TRUST 1250 E 3RD AVE BROOMFIELD, COLORADO 80020-1519	VERDIA L MCGUIRE PO Box 971 CANON CITY, COLORADO 81212
WILLIAM L HERNSTADT 1950 TRUSTS 345 PARK AVENUE NEW YORK NEW YORK 10154	HENRY AND LUCY MOSES FOUNDATION C/O DEUTSCHE BANK TRUST CO TRUSTEE 345 PARK AVE MAIL STOP NYC20 0103 NEW YORK, NEW YORK 10154
FATHER FLANAGANS BOYS HOME PO Box 145 BOYS TOWN, NEBRASKA 68010-0145	WM W MCCLURE , JR 427 S BOSTON STE 952 TULSA , OKLAHOMA 74103-4114
PAUL AND HELEN SISK , CHARITABLE TRUST 5319 S LEWIS STE 110 TULSA, OKLAHOMA 74105-6536	NATHAN C SHAW PO BOX 781 WARM SPRINGS, OREGON 97761-0781
RUTH LOPEZ ADDRESS UNKNOWN	GLENDIA FAY WORTH PO Box 1783 IGNACIO COLORADO 81137-1783

SHRINERS HOSPITALS FOR CHILDREN PO Box 226270 DALLAS, TEXAS 75222	ARNOLD PETERSON PO Box 711 POINT ARENA, CALIFORNIA 95468-0711
ELLISA LOENDORF 2718 SOUTH OXFORD DRIVE STILLWATER, OKLAHOMA 74074	MAVIS SHAW PO Box 781 WARM SPRINGS OREGON 97761
JEAN M SHEAKS 1475 POLI STREET VENTURA, CALIFORNIA 93001	VELMA OLSON 632 PIKE AVENUE CANON CITY, COLORADO 81212
AMELIA ANN METZ COUNTY ROAD 202 BOX 368 DURANGO, COLORADO 81301	JOYCE GIDEON 4333 SAN PEDRO NE APT F105 ALBUQUERQUE, NEW MEXICO 87109-2682
JOY BOWLING 2025 T KINGS ROYAL BLVD PUEBLO, COLORADO 81005	BETTY SEIBEL REVOCABLE TRUST 673 CR 982 IGNACIO, COLORADO 81137
WILLARD H SEIBEL FAMILY TRUST 673 CR 982 IGNACIO, COLORADO 81137	LUCY G MOSES TRUST 60 WALL ST NYC60-2735 NEW YORK, NEW YORK 10005
ELIZABETH REED 2012 N ALLIED RD STROUD, OKLAHOMA 74079	GERTRUDE BATES 3866 MONTEGO DRIVE HUNTINGTON BEACH, CA 92649
BP AMERICA PRODUCTION COMPANY 501 WESTLAKE PARK BOULEVARD HOUSTON, TEXAS 77079	SHRINER'S HOSPITAL FOR CRIPPLED CHILDREN C/O NORTHERN TRUST BANK OF TEXAS P.O. BOX 22670-6270 DALLAS, TEXAS 75222
GERTRUDE BATES 6772 ISHI DRIVE MAGALIA, CA 95954	ARNOLD L. PETERSON A/K/A ARNOLD L. PETERSEN 700 E. GOBBI STREET, #119 UKIAH, CALIFORNIA 95482
SHRINER'S HOSPITAL FOR CRIPPLED CHILDREN C/O NORTHERN TRUST BANK OF TEXAS 16475 DALLAS PARKWAY ADDISON, TEXAS 75001	ARNOLD L. PETERSON A/K/A ARNOLD L. PETERSEN 1900 S. DORA STREET UKIAH, CALIFORNIA 95482
YONG CHA VAN STRATEN 2922 WINCHESTER WAY RANCHO CORDOVA, CALIFORNIA 95670	JOHN F. LAVELLE 2922 WINCHESTER WAY RANCHO CORDOVA, CALIFORNIA 95670
JAMES C. LAVELLE 7378 FALLWOOD WAY CITRUS HEIGHTS, CALIFORNIA 95621	STEVEN BROWN, PLANNING MANAGER ARCHULETA COUNTY P O BOX 1507 PAGOSA SPRINGS, CO 81147
BENTLEY HENDERSON COUNTY MANAGER, PLANNING DIRECTOR ARCHULETA COUNTY 449 SAN JUAN ST. P O BOX 1507 PAGOSA SPRINGS, CO 81147	

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AFFIDAVIT OF MAILING

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

Elizabeth Y. Spencer, of lawful age, and being first duly sworn upon her oath, states and declares:


That she is an attorney for BP America Production Company, that on or before February 12, 2015, she 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.


Elizabeth Y. Spencer

Subscribed and sworn to before me February 11, 2015.

Witness my hand and official seal.

My commission expires: September 26, 2015


Notary Public

