

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

IN THE MATTER OF THE APPLICATION OF JOHN C.) CAUSE NO. TBD
NIERNBERGER FOR AN ORDER ESTABLISHING AN)
APPROXIMATE 160-ACRE ENHANCED RECOVERY) DOCKET NO. 1307-UP-149
UNIT FOR SECTION 14, TOWNSHIP 11 SOUTH,)
RANGE 46 WEST, 6TH P.M., AUTHORIZING)
ENHANCED RECOVERY OPERATIONS AND)
REQUESTING AN AQUIFER EXEMPTION FOR THE)
MORROW AND KEYES FORMATIONS, SMOKEY HILL)
FIELD, KIT CARSON COUNTY, COLORADO)

AMENDED NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

Rule 318.a. of the Rules and Regulations of the Oil and Gas Conservation Commission requires that wells drilled in excess of 2,500 feet in depth be located not less than 600 feet from any lease line, and located not less than 1,200 feet from any other producible or drilling oil or gas well when drilling to the same common source of supply. Section 14, Township 11 South, Range 46 West, 6th P.M. is subject to Rule 318.a. for the Morrow and Keyes Formations.

Rule 401 of the Rules and Regulations of the Oil and Gas Conservation Commission, requires that prior to performing enhanced recovery operations or carrying on any method of unit operations, written authorization from the Commission must first be obtained.

On May 30, 2013, John C. Niernberger ("Niernberger" or "Applicant"), by its attorneys, filed with the Commission pursuant to §34-60-118 C.R.S. and Rule 401, a verified application ("Application") for an order to establish an approximate 160-acre enhanced recovery unit ("Lowe #1-B Unit"), to accommodate the Lowe 1-B Well (API No. 05-063-06186), and approve enhanced recovery operations for the below-described lands ("Application Lands"), within the Smokey Hill Field, Kit Carson County, Colorado, for the development and operation of the Morrow and Keyes Formations:

Township 11 South, Range 46 West, 6th P.M.
Section 14: E½ NW¼, W½ NE¼

Applicant requests an aquifer exemption, pursuant to Rule 324B, to allow injection of water into the Morrow and Keyes Formations through an existing water injection well: the Lowe 1-B. Notice was given for the proposed unit and for the proposed aquifer exemption, including all lands within ½ mile of the proposed unit and within ¼ mile of the proposed injection wells.

NOTICE IS HEREBY GIVEN, pursuant to: 1) the general jurisdiction granted to the Oil and Gas Conservation Commission of the State of Colorado under §34-60-105 C.R.S.; 2) specific powers granted pursuant to §34-60-106 C.R.S.; 3) the State Administrative Procedures Act at §24-4-105 C.R.S.; and 4) the Commission's Series 500 Rules at 2 CCR 404-1, that the Commission has scheduled the above-entitled matter for hearing on:

Date: Monday, September 16, 2013
Tuesday, September 17, 2013

Time: 9:00 a.m.

Place: Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, Colorado 80203

In accordance with the Americans with Disabilities Act, if any party requires special accommodations as a result of a disability for this hearing, please contact Margaret Humecki at (303) 894-2100 ext. 5139, prior to the hearing and arrangements will be made.

Pursuant to said hearing in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the Commission will enter such orders as it deems appropriate to protect the health, safety and welfare of the public and to prevent the waste of oil and gas, either or both, in the operations of said field, and to carry out the purposes of the statute.

In accordance with Rule 509., any interested party desiring to protest the granting of the application or to intervene on the application should file with the Commission a written protest or intervention no later than August 30, 2013, briefly stating the basis of the protest or intervention. Such interested party shall, at the same time, serve a copy of the protest or intervention to the person filing the application. One electronic (cogcc.hearings_unit@state.co.us), one original and two copies shall be filed with the Commission. **Anyone who files a protest or intervention must be able to participate in a prehearing conference during the week of September 2, 2013.** Pursuant to Rule 503.g., if a party who has received notice under Rule 503.b. wishes to receive further pleadings in the above-referenced matter, that party must file a protest or intervention in accordance with these rules. In accordance with the practices of the Commission, should no protests or interventions be filed in this matter by **August 30, 2013, the Applicant may request that an administrative hearing be scheduled beginning September 2, 2013.** In the alternative, pursuant to Rule 511., if the matter is uncontested, the applicant may request, and the Director may recommend approval on the basis of the merits of the verified application and the supporting exhibits.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By 

Robert J. Frick, Secretary

Dated: August 12, 2013

Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, Colorado 80203
Website: <http://cogcc.state.co.us>
Phone: (303) 894-2100
Fax: (303) 894-2109

Attorneys for Niernberger:
Scott M. Campbell
Jeremy I. Ferrin
Poulson, Odell & Peterson, LLC
1775 Sherman Street, Suite 1400
Denver, Colorado 80203
Phone: (303) 861-4400
Fax: (303) 861-1225
scampbell@popllc.com
jferrin@popllc.com