

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

IN THE MATTER OF THE APPLICATION OF)	CAUSE NO. 407
MENDELL NIOBRARA, LLC FOR AN ORDER TO)	
POOL ALL NONCONSENTING INTERESTS IN AN)	DOCKET NO. 1309-UP-175
APPROXIMATE 80-ACRE DESIGNATED WELLBORE)	
SPACING UNIT ESTABLISHED FOR SECTION 25,)	
TOWNSHIP 5 NORTH, RANGE 64 WEST, 6 TH P.M.)	
FOR THE CODELL AND NIOBRARA FORMATIONS,)	
WATTENBERG FIELD, WELD COUNTY, COLORADO)	

NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

On February 19, 1992 (amended August 20, 1993), the Commission entered Order No. 407-87 which, among other things, established 80-acre drilling and spacing units for the production of oil and/or gas from the Codell and Niobrara Formations underlying certain lands established in Orders Nos. 407-1, 407-10 and 407-13. Section 25, Township 5 North, Range 64 West, 6th P.M. is subject to this Order for the Codell and Niobrara Formations.

On November 16, 1992, the Commission entered Order No. 499-15 which, among other things, states that the Dakota, "J" Sand, Codell and Niobrara Formations constitute common sources of supply of oil, gas and associated hydrocarbons in certain lands and voluntary units for production from the Codell, Niobrara and Sussex Formations are either 160-acres or the same size as the unit for production from the Dakota and "J" Sand Formation, with the unit for the Codell, Niobrara, Sussex and Shannon Formations not less than that prescribed by Cause No. 407, 493 or 496. Section 25, Township 5 North, Range 64 West, 6th P.M. is subject to this Order for the Codell and Niobrara Formations.

On July 17, 2013, Mendell Niobrara, LLC ("Mendell" or "Applicant"), formerly Pico Niobrara, LLC, by its attorneys, filed with the Commission pursuant to §34-60-116 C.R.S., a verified application ("Application") for an order to pool all interests in the approximate 80-acre drilling and spacing unit established for the below-described lands ("Application Lands"), for the development and operation of the Codell and Niobrara Formations, effective as of the earlier of the date of the Application, or the date that any of the costs specified in C.R.S. §34-60-116(7)(b)(II) were first incurred for the drilling of the Hoshiko 34-25 Well (API No. 05-123-36264), and to subject any nonconsenting interests to the cost recovery provisions of C.R.S. §34-60-116(7):

Township 5 North, Range 64 West, 6th P.M.
Section 25: S½SE¼

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 3, 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 3, 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 16, 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 Mendell:
Chelsey J. Russell
Stephen J. Sullivan
Welborn Sullivan Meck & Tooley, P.C.
1125 - 17th Street, Suite 2200
Denver, Colorado 80202
Phone: 303-830-2500
Fax: 303-832-2366
ssullivan@wsmtlaw.com
crussell@wsmtlaw.com