

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 24, TOWNSHIP )  
34 NORTH, RANGE 8 WEST, N.M.P.M. )  
(SUL) IN LA PLATA 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 Anderson C #2 Well, API #05-067-09886, and Anderson C #3 Well, API #05-067-09887 ("Wells") on the following described lands:

Township 34 North, Range 8 West, N.M.P.M. (SUL)  
Section 24: S½

La Plata 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 990 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 September 26, 2005, the Commission issued Order No. 112-180, which, among other things, amended Order No. 112-157 to allow a total of four (4) wells 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 no closer than 660 feet to any outer boundary of the unit with no interior line setback, utilizing a common or expanded pad with an existing well.

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 Anderson C #2 Well and Anderson C #3 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: August 27, 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  
737 North Eldridge Parkway  
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.

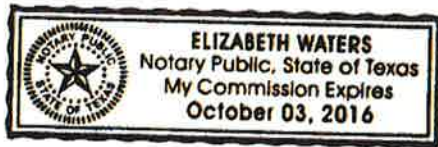
Debra Bacon

Debra Bacon

Subscribed and sworn to before me this 26 day of August, 2015.

Witness my hand and official seal.

My commission expires: October 3, 2016



Elizabeth Waters  
Notary Public

Exhibit A  
Interested Parties  
Anderson C (La Plata County)

EILEEN LILA DAY 608 W. VALLEY HWY E EDGEWOOD, WA 98372-9709	DEAN H AND VERA C ANDERSON 3109 1/2 EVANS AVE GRAND JUNCTION COLORADO 81504
ETHEL I BRUNT PO BOX 130 MIDWAY TEXAS 75852-0130	DAVID W SUIT 526 ARNESON AVE AUBURNDALE FLORIDA 33823-3214
TERRANCE ROGER CUMMINS PO Box 2136 CAMP NELSON CALIFORNIA 93208	GERALDINE MARY ANDERSON 4921 INDIAN RIVER DR APT 122 LAS VEGAS NEVADA 89103
BP AMERICA PRODUCTION COMPANY 737 NORTH ELDRIDGE PARKWAY HOUSTON TEXAS 77079	COLORADO DEPT OF TRANSPORTATION 4201 EAST ARKANSAS DENVER COLORADO 80222-3406
TIMOTHY AND LOUELLA SHELTON PO Box 1543 BAYFIELD COLORADO 81122	MICHAEL DANIEL CUMMINS PO Box 1781 BAYFIELD COLORADO 81122
MARION BATES 4711 GARNADA AVE RIVERSIDE CALIFORNIA 92504-2203	MARVIN AND LISA WAGNER 10152 HWY 172 IGNACIO COLORADO 81137-9703
JEANNE GREEN ARNSTEIN 1231 W HOUSTON AVE FULLERTON CALIFORNIA 92633-4601	BRIDGET CUMMINS 13212 POCONO RD APPLE VALLEY CALIFORNIA 92308
SHARON HELGESON 4718 YARROW PLACE COLORADO SPRINGS COLORADO 80917	VICKIE ROCKHILL 464 DANA DR BAYFIELD COLORADO 81122
GENEVIEVE BARROW 39890 SPINNING WHEEL MURRIETA CALIFORNIA 92562	COLORADO SOUTHWEST INC 1025 COUNTY ROAD 225 DURANGO COLORADO 81301
LOUELLA JUNE SHELTON PO Box 1543 BAYFIELD COLORADO 81122	LAURA M KINSEY 10532 HIGHWAY 172 IGNACIO COLORADO 81137
ROWENA M ANDERSON 2621 MOSSMAN DR FARMINGTON NEW MEXICO 87401-9401	

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COUNTY, COLORADO )

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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 August 28, 2015, she will have 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 August 27, 2015.

Witness my hand and official seal.



  
Notary Public