

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

IN THE MATTER OF THE APPLICATION OF  
GREAT WESTERN OPERATING COMPANY,  
LLC FOR AN ORDER TO POOL ALL  
INTERESTS IN AN APPROXIMATE 640-ACRE  
DESIGNATED HORIZONTAL WELLBORE  
SPACING UNIT FOR PORTIONS OF  
SECTIONS 23 AND 24, TOWNSHIP 6 NORTH,  
RANGE 67 WEST, 6<sup>TH</sup> P.M., FOR THE  
NIOBRARA FORMATION, WATTENBERG  
FIELD, WELD COUNTY, COLORADO

CAUSE NO. 407

DOCKET NO.

TYPE: POOLING

**APPLICATION**

COMES NOW Great Western Operating Company, LLC (Operator No. 10110) ("Great Western" or "Applicant"), by its attorneys, Burleson LLP, and makes this application to the Oil and Gas Conservation Commission of the State of Colorado ("Commission") for an order to pool all interests within an approximate 640-acre Wellbore Spacing Unit, as defined below, for the drilling of the Burr FD 23-339HN Well (API No. 05-123-41559) ("Well"), for the development of the Niobrara Formation on the following described lands:

Township 6 North, Range 67 West, 6<sup>th</sup> P.M.

Section 23: S½

Section 24: S½

640 acres, more or less, Weld County, Colorado.  
Hereinafter "Application Lands"

In support thereof, Applicant states and alleges as follows:

1. Applicant is a corporation duly authorized to conduct business in the State of Colorado, and is a registered operator in good standing with the Commission.
2. Applicant owns certain leasehold interests in the Application Lands.
3. On April 27, 1998, the Commission adopted Rule 318A, which, among other things, allowed certain drilling locations to be utilized to drill or twin a well, deepen a well or recomplete a well and to commingle any or all of the Cretaceous Age Formations from the base of the Dakota Formation to the surface. On December 5, 2005, Rule 318A was amended to allow interior infill and boundary wells to be drilled and wellbore spacing units to be established. On August 8, 2011, Rule 318A was again amended to, among other things, address drilling of horizontal wells.

4. On February 19, 1992, the Commission entered Order No. 407-87 (amended August 20, 1993) which, among other things, established 80-acre drilling and spacing units for the production of oil, gas and associated hydrocarbons from the Codell-Niobrara Formations, the Codell Formation, and the Niobrara Formation underlying certain lands, including the Application Lands, with the permitted well locations in accordance with the provisions of Order No. 407-1.

5. On July 28, 2014, the Commission entered Order No. 407-1090, which among other things, approved the request for an order pool all interests in an approximate 480-acre wellbore spacing unit established for portions of the Application Lands, for the development and operation of the Niobrara Formation. Order No. 407-1090 does not affect this Application.

6. Applicant designated the 640-acre Wellbore Spacing Unit for the production of oil, gas, and associated hydrocarbons from the Niobrara Formation pursuant to Rule 318A and notified the appropriate parties under Rule 318A.

7. Applicant, pursuant to Commission Rule 530 and/or the provisions of C.R.S. § 34-60-116 (6) and (7), hereby requests an order to pool all interests, including but not limited to, any non-consenting interests, in the Application Lands in the Niobrara Formation underlying the following approximate 640-acre Wellbore Spacing Unit:

Township 6 North, Range 67 West, 6<sup>th</sup> P.M.

Section 23: S½

Section 24: S½

(throughout as "Wellbore Spacing Unit").

8. 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) are first incurred for the drilling of the Well to the Niobrara Formation on the Application Lands.

9. 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 (7) days of the date hereof, as required by Rule 503.e., and that at least thirty-five (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 Well, and will be provided with the information required by Rule 530 as applicable. The list of such interested parties is attached hereto as Exhibit A.

10. That in order to prevent waste and to protect correlative rights, all interests in the Wellbore Spacing Unit should be pooled for the orderly development of the Niobrara Formation, including any non-consenting interests therein.

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 Application Lands and the Wellbore Spacing Unit for the development of the Niobrara 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 any of the costs specified in C.R.S. § 34-60-116(7)(b) are first incurred for the drilling of the Well in the Wellbore Spacing Unit to the Niobrara 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 Well are pooled by operation of statute, pursuant to C.R.S. § 34-60-116(6) and (7), and made subject to the cost recovery provisions thereof with respect to the Well drilled to develop the Niobrara Formation in the Wellbore Spacing Unit comprising the Application Lands.

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 in October 2015, that 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.

Respectfully submitted:

**GREAT WESTERN OPERATING COMPANY, LLC**

By:



Jamie L. Jost

Zachary P. Sears

Burleson LLP

Attorneys for Applicant

1700 Lincoln St., Suite 1300

Denver, Colorado 80203

(303) 801-3200

Applicant's Address:

Great Western Operating Company, LLC

ATTN: Michael Tucker

1801 Broadway, Suite 500

Denver, CO 80202

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

9/2/20

Subscribed and sworn to before me this 27 day of August 2015.

[SEAL]



Christen Jackson  
Notary Public

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FIELD, WELD COUNTY, COLORADO

TYPE: POOLING

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

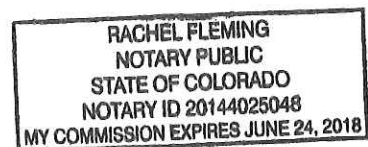
Jamie L. Jost  
Jamie L. Jost

Subscribed and sworn to before me this 27<sup>th</sup> day of August 2015.

[SEAL]

My commission expires: June 24, 2018

Notary Public



**Exhibit A**  
**FP – Burr FD 23-339HN**

BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, TX 76131

Edward J. Bennett  
P.O. Box 56  
Windsor, CO 80550

Burlington Resources Oil & Gas  
Company LP  
c/o ConocoPhillips Company  
600 North Dairy Ashford St.  
Houston, TX 77079

William R. and Linda W. Burr,  
as Joint Tenants  
5477 Gulfstar Court  
Windsor, CO 80528

Grizzly Petroleum Company, LLC  
1801 Broadway, Suite 500  
Denver, CO 80202

Delaware Royalty Company, Inc.  
1415 Louisiana St. #3100  
Houston, TX 77002

Extraction Oil & Gas, LLC  
370 17<sup>th</sup> Street, Suite 5300  
Denver, CO 80202

W. Lee Detterer  
11731 CR 66  
Greeley, CO 80631

Noble Energy WyCo, LLC  
1625 Broadway, Suite 2200  
Denver, CO 80202

Diamond Valley Energy Park LLC  
200 Plaza Dr., Ste. 100  
Highlands Ranch, CO 80129

Noble Energy, Inc.  
1625 Broadway, Suite 2200  
Denver, CO 80202

Virginia Mae Durr  
3601 Ponderosa Court #1  
Evans, CO 80620

Barbara A. Ames  
5567 Carey Ave  
Las Vegas, NV 89156

Verna Jane Eubank  
204 52nd Ave.  
Greeley, CO 80634

John Michael and Sharon J. Baptist,  
as Joint Tenants  
32388 County Road #23  
Windsor, CO 80550

Front Range Energy, LLC  
31375 Great Western Drive  
Windsor, CO 80550

Debbie A. Barth  
1113 Avenue K  
Boulder City, NV 89005

Great Western Railway of Colorado,  
LLC  
252 Clayton Street, 4th Floor  
Denver, CO 80204

BCG Enterprises, Ltd., LLLP  
4845 South Gaylord Street  
Englewood, CO 80113

GST Royalty Company, LLC  
252 Clayton Street, 4th Floor  
Denver, CO 80206

Craig Harrison  
2725 Rocky Mountain Ave., Ste. 400  
Loveland, CO 80538

HCW Investments LLC  
7785 Highland Meadows Parkway,  
Unit 100  
Fort Collins, CO 80528

Heirs and/or Devisees of  
Eugene O. Eubank  
204 52<sup>nd</sup> Ave  
Greeley, Colorado 80634

Robert LeRoy Hettinger  
1480 Waterwood Drive  
Windsor, CO 80550

Darrel Timothy and  
Kathleen Susan Hettinger, TIC  
19515 Weld County Road 86  
Ault, CO 80610

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19515 Weld County Road 86  
Ault, CO 80610

Ken Hoffman and  
Margaret Hoffman, TIC  
32408 Weld County Road 23  
Windsor, CO 80550

Dolores A. Horst  
13962 Legend Way, #101  
Broomfield, CO 80020

Metal Container Corporation  
3636 South Geyer Road  
St. Louis, MO 63127

Owens-Brockway Glass Container,  
Inc.  
1 SeaGate  
Toledo, OH 43666

Eric D. Peterson  
5817 Lawndale, Unit #7  
El Paso, TX 79912

Public Service Company of Colorado  
550 15th Street, Suite 700  
Denver, CO 80202

Marisha Simons  
4814 Regent St.  
Philadelphia, PA 19143

Town of Windsor, Colorado  
301 Walnut Street  
Windsor, CO 80550