

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

IN THE MATTER OF THE PROMULGATION AND) CAUSE NO. 421
ESTABLISHMENT OF FIELD RULES TO GOVERN)
OPERATIONS FOR THE CODELL FORMATION,) DOCKET NO. 161000428
HEREFORD FIELD, WELD COUNTY, COLORADO)
) TYPE: EXCEPTION
) LOCATION

AMENDED NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

APPLICATION LANDS

Township 12 North, Range 62 West, 6th P.M.
Section 32: All

Township 11 North, Range 62 West, 6th P.M.
Section 5: All

1,280-acres, more or less (DSU #1)

Township 12 North, Range 62 West, 6th P.M.
Section 31: All

Township 11 North, Range 62 West, 6th P.M.
Section 6: All

1,280-acres, more or less (DSU #2)

Township 12 North, Range 63 West, 6th P.M.
Section 36: All

Township 11 North, Range 63 West, 6th P.M.
Section 1: All

1,280-acres, more or less (DSU #3)

Township 12 North, Range 63 West, 6th P.M.
Section 35: All

Township 11 North, Range 63 West, 6th P.M.
Section 2: All

1,280-acres, more or less (DSU #4)

Township 12 North, Range 63 West, 6th P.M.
Section 34: All

Township 11 North, Range 63 West, 6th P.M.
Section 3: All

1,280-acres, more or less (DSU #5)

Township 12 North, Range 63 West, 6th P.M.
Section 33: All

Township 11 North, Range 63 West, 6th P.M.
Section 4: All

1,280-acres, more or less (DSU #6)

APPLICATION

On August 25, 2016, amended first on September 14, 2016, and amended second on September 21, 2016, Fifth Creek Energy Operating Company, LLC ("Fifth Creek" or "Applicant") filed a verified application pursuant to §34-60-116, C.R.S., for an order to:

1) Modify the setbacks for an approximate 1,280-acre drilling and spacing unit established by Order No. 421-69 and comprising Section 32, Township 12 North, Range 62 West, 6th P.M. and Section 5, Township 11 North, Range 62 West, 6th P.M., such that the productive interval of any permitted well within the unit be no less than 300-feet from the northern and southern, **and eastern and western** boundaries of the unit, for the efficient and economic production of oil, gas and associated hydrocarbons from the Codell Formation, without exception being granted by the Director.

2) Modify the setbacks for an approximate 1,280-acre drilling and spacing unit established by Order No. 421-69 and comprising Section 31, Township 12 North, Range 62 West, 6th P.M. and Section 6, Township 11 North, Range 62 West, 6th P.M., such that the productive interval of any permitted well within the unit be no less than 300-feet from the northern and southern, **and eastern and western** boundaries of the unit, for the efficient and economic production of oil, gas and associated hydrocarbons from the Codell Formation, without exception being granted by the Director.

3) Modify the setbacks for an approximate 1,280-acre drilling and spacing unit established by Order Nos. 421-57 and 421-64 and comprising Section 36, Township 12 North, Range 63 West, 6th P.M. and Section 1, Township 11 North, Range 63 West, 6th P.M., such that the productive interval of any permitted well within the unit be no less than 300-feet from the northern and southern, **and eastern and western** boundaries of the unit, for the efficient and economic production of oil, gas and associated hydrocarbons from the Codell Formation, without exception being granted by the Director.

4) Modify the setbacks for an approximate 1,280-acre drilling and spacing unit established by Order Nos. 421-48 and 421-63 and comprising Section 35, Township 12 North,

Range 63 West, 6th P.M. and Section 2, Township 11 North, Range 63 West, 6th P.M., such that the productive interval of any permitted well within the unit be no less than 300-feet from the northern and southern, **and eastern and western** boundaries of the unit, for the efficient and economic production of oil, gas and associated hydrocarbons from the Codell Formation, without exception being granted by the Director, and to modify Order No. 421-63 to allow for up to seven (7) horizontal wells within the drilling and spacing unit, providing that when the first horizontal well is completed, the Critter Creek #1-02H (API No. 05-123-31211) will be brought into the unit.

5) Modify the setbacks for an approximate 1,280-acre drilling and spacing unit established by Order Nos. 421-57 and 421-64 and comprising Section 34, Township 12 North, Range 63 West, 6th P.M. and Section 3, Township 11 North, Range 63 West, 6th P.M., such that the productive interval of any permitted well within the unit be no less than 300-feet from the northern and southern, **and eastern and western** boundaries of the unit, for the efficient and economic production of oil, gas and associated hydrocarbons from the Codell Formation, without exception being granted by the Director.

6) Modify the setbacks for an approximate 1,280-acre drilling and spacing unit established by Order Nos. 421-57 and 421-64 and comprising Section 33, Township 12 North, Range 63 West, 6th P.M. and Section 4, Township 11 North, Range 63 West, 6th P.M., such that the productive interval of any permitted well within the unit be no less than 300-feet from the northern and southern, **and eastern and western** boundaries of the unit, for the efficient and economic production of oil, gas and associated hydrocarbons from the Codell Formation, without exception being granted by the Director.

APPLICABLE RULES AND ORDERS

(available online at: <http://cogcc.state.co.us>, under "Regulation," then select "Orders" or "Rules")

- Rule 318.a. of the Commission Rules provides a well to be drilled 2,500 feet or greater shall be located not less than 600 feet from any lease line, and shall be located not less than 1,200 feet from any other producible oil or gas well when drilling to the same common source of supply, unless authorized by the Commission upon hearing.
- On July 20, 2015, the Commission entered into Order No. 421-69 which, among other things, established eleven (11) approximate 1,280-acre drilling and spacing units for certain lands, including DSU #1 and DSU #2 on the Application Lands, and approved six (6) horizontal wells within each unit, for the development and operation of the Codell Formation, with the productive interval of the wellbore to be located no closer than 460 feet from the unit boundaries, and no closer than 150 feet from the productive interval of any other wellbore producing from the same source of supply within the unit, without exception being granted by the Director.
- On January 26, 2015, the Commission entered into Order No. 421-57 which, among other things, established eleven (11) approximate 1,280-acre drilling and spacing units for certain lands, including DSU #3, DSU #5 and DSU #6 on the Application Lands, and approved one (1) horizontal well within each unit, for the development and operation of the Codell Formation, with the productive interval of the wellbore to be located no closer than **600** feet from the unit boundaries, and no closer than 150 feet from the productive

interval of any other wellbore producing from the same source of supply within the unit, without exception being granted by the Director.

- On July 20, 2015, the Commission entered into Order No. 421-64 which, among other things, modified portions of Order No. 421-57 to allow for up to six (6) horizontal wells within each drilling and spacing unit comprising the Application Lands, including DSU #3, DSU #5 and DSU #6 on the Application Lands, for the development and operation of the Codell Formation, with the productive interval of the wellbore to be located no closer than 460 feet from the unit boundaries, and no closer than 150 feet from the productive interval of any other wellbore producing from the same source of supply within the unit, without exception being granted by the Director.
- On December 15, 2014, the Commission entered into Order No. 421-48 which, among other things, established an approximate 1,280-acre drilling and spacing unit for DSU #4 of the Application Lands, and approved one (1) horizontal well within the unit, for the development and operation of the Codell Formation, with the productive interval of the wellbore to be located no closer than 600 feet from the unit boundaries, and no closer than 150 feet from the productive interval of any other wellbore producing from the same source of supply within the unit, without exception being granted by the Director.
- On July 20, 2015, the Commission entered into Order No. 421-63 which, among other things, modified portions of Order No. 421-48 to allow for up to six (6) horizontal wells within the drilling and spacing unit comprising DSU #4 on the Application Lands, for the development and operation of the Codell Formation, with the productive interval of the wellbore to be located no closer than 460 feet from the unit boundaries, and no closer than 150 feet from the productive interval of any other wellbore producing from the same source of supply within the unit, without exception being granted by the Director.

NOTICE IS HEREBY GIVEN, pursuant to §§ 34-60-101 to -130, C.R.S. and the Commission's Rules of Practice and Procedure, 2 CCR 404-1, that the Commission has scheduled this matter for hearing on:

Date: **December 12-13, 2016**

Time: **9:00 a.m.**

Place: **Colorado Oil and Gas Conservation Commission
The Chancery Building
1120 Lincoln Street, Suite 801
Denver, CO 80203**

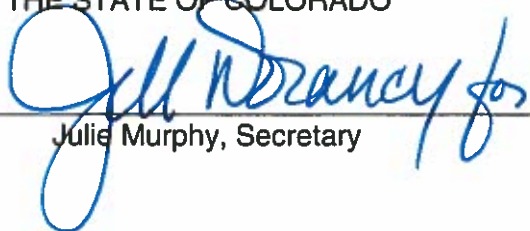
Additional information about the hearing on this Application will be in the Commission's Agenda, which is posted on the Commission website approximately 3 days before the hearing.

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.

At hearing, the Commission will consider the Application and enter an order pursuant to its authority under the statute. **Any interested party desiring to protest or intervene should file with the Commission a written protest or intervention in accordance with Rule 509, no later than November 28, 2016.** 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 November 28, 2016.** Pursuant to Rule 511, if the matter is uncontested, it may be approved without a hearing.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By



Julie Murphy, Secretary

Dated: September 22, 2016

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 Applicant:
Jamie L. Jost
Kelsey H. Wasylenky
Jost Energy Law, P.C.
1401 17th Street, Suite 370
Denver, Colorado 80202
(720) 446-5620
jjost@jostenergylaw.com
kwasylenky@jostenergylaw.com