

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 AND NIOBRARA ) DOCKET NO. 170100078  
FORMATIONS, HEREFORD FIELD, WELD )  
COUNTY, COLORADO ) TYPE: POOLING

SECOND NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

APPLICATION LANDS

Township 12 North, Range 63 West, 6<sup>th</sup> P.M.  
Section 22: All  
Section 27: All

APPLICATION

On December 1, 2016 (amended January 19, 2017), Fifth Creek Energy Operating Company, LLC (Operator No. 10629) ("Fifth Creek" or "Applicant"), filed a verified application pursuant to §34-60-116, C.R.S. for an order to:

- 1) Pool all interests in the Application Lands underlying an approximate 1,280-acre Drilling and Spacing Unit comprising the Application Lands.
- 2) Subject any non-consenting interests to the cost recovery provisions of §34-60-116(7), C.R.S., effective as of the earlier of the date of the Application, or the date that any of the costs specified in §34-60-116(7)(b), C.R.S. are first incurred for the drilling of the Fox Creek 223-3422H Well (API No. 05-123-42580) to the Codell and Niobrara Formations on the Application Lands.

APPLICABLE ORDERS AND RULES

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

- On February 22, 2010, the Commission entered Order 421-1 which, among other things, established 58 approximate 640-acre drilling and spacing units, including the Application Lands, approving no more than one horizontal well within each of the units, for the production of oil, gas and associated hydrocarbons from the Niobrara Formation.
- On January 7, 2013, the Commission entered Order No. 421-17 which, among other things, vacated two approximate 640-acre drilling and spacing units established by Order No. 421-1 for Sections 22 and 27, Township 12 North, Range 63 West, 6<sup>th</sup> P.M., and establish an approximate 1265-acre stand-up exploratory drilling and spacing unit for Sections 22 and 27, Township 12 North, Range 63 West, 6<sup>th</sup> P.M., and approve up to ten wells within the unit, for the production of oil, gas and associated hydrocarbons from the Niobrara Formation.

- On January 26, 2015 (amended April 13, 2015), the Commission entered Order No. 421-57 which, among other things, established 11 approximate 1280-acre drilling and spacing units, including the Application Lands, approving one horizontal well within the unit, for the production of oil, gas and associated hydrocarbons from the Codell Formation.
- On July 20, 2015, the Commission entered Order No. 421-64 which, among other things, modified Order No. 421-57 to allow for a total of up to six horizontal wells within each unit, including the Application Lands, for the production of oil, gas and associated hydrocarbons from 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 located in 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:

Dates: March 20-21, 2017  
Time: 9:00 a.m.  
Place: The Larimer County Conference Center at the Ranch  
First National Bank Building  
5280 Arena Circle  
Loveland, Colorado 80538

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 March 6, 2017. 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 March 6, 2017. 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: February 8, 2017

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