

NOTICE OF HEARING BEFORE THE OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO CAUSE NO. 1

DOCKET NO. 0310-GA-05

IN THE MATTER OF THE APPLICATION OF GUNNISON ENERGY CORPORATION FOR AN EXTENSION OF TIME FOR PERMITS-TO-DRILL DELTA AND GUNNISON COUNTIES, COLORADO TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

RECEIVED OCT 16 03 COGCC



The Daily Journal

A Publication Of The McGraw-Hill Companies

Publisher's Affidavit

STATE OF COLORADO

City and County of Denver

I, Al Stary, of the City and County of Denver, State of Colorado, being duly sworn, upon oath say that I am the Publishing Director of The Daily Journal, that I have personal knowledge of all the facts set forth in this affidavit; that said The Daily Journal is a public newspaper of general circulation having its principal office and place of business situated in said City and County of Denver; that said The Daily Journal is printed and published daily except Saturdays, Sundays and legal holidays; that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved April 7, 1921, and entitled, "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act" and as amended by an act of said General Assembly, entitled "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act,'" approved March 30, 1923, and as amended by an act of said General Assembly, approved May 18, 1931, entitled, "An Act to Amend Section 4 of Chapter 139 of the Laws of Colorado, 1923 Relating to Legal Notices and Advertisements," which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Laws of Colorado, 1923 Relating to Legal Notices and Advertisements; to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Provide That the Costs of Such Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935; and as amended by an act of said General Assembly, entitled, "An Act Relating to Legal Notices and Advertisements, and Amending Section 1, of Chapter 139 of the Laws of Colorado, 1923," approved March 25, 1935; and "An Act to Amend and as Amended by the General Assembly, concerning 'Rates for Legal Publications,' 109-1-7 C.R.S. 1963 as amended, approved May 22, 1971, and effective January 1, 1972," that said newspaper had, prior to January 1, 1936, and has ever since said date, been admitted to the United States Mails as second class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; that said newspaper is printed and published in whole in said City and County of Denver and has a general circulation therein; that said newspaper has been so printed and published as a public daily newspaper of general circulation in said City and County of Denver, uninterruptedly and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement; that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for one day, that the publication of said legal notice and advertisement appeared in the regular

edition of said newspaper on the 3rd day of October, A.D. 2003; and that therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado.

Subscribed and sworn to, at the City and County of Denver, State of Colorado, before me, a Notary Public, this 15th day of October, 2003. Witness my hand and notarial seal. [Signature]

My Commission Expires July 9, 2007 2000 Colorado Boulevard, Tower 1, #2002 Denver, Colorado 80202

GEC was required to seek approval from the Bureau of Land Management ("BLM") for all eight of the natural gas wells listed above, and was required seek U.S. Forest Service approval only for the Leon Lake #4, Leon Lake # Powerline Federal, Oakbrush Federal, Bullpark Federal, and Hubbard Creek Federal wells. On December 31, 2002, the Forest Service and the BLM formally initiated the National Environmental Policy Act ("NEPA") process by issuing a scoping notice and requesting comments on GEC's proposal to drill, complete, test, and monitor eight natural gas wells within the Grand Mesa National Forests and the Uncompahgre Resource Management Area. The scoping and comment period for the GEC's Proposed Exploratory Gas Drilling Project closed on January 31, 2003.

The Forest Service and the BLM, with the assistance of ENSR, an environmental consulting firm and other retained contractor specialists, conducted an environmental analysis ("EA") concerning GEC's Proposed Exploratory Gas Drilling Project. The EA for GEC's Proposed Exploratory Gas Drilling Project was released in May of 2003 and was made available for public comment from May 23, 2003, until June 23, 2003. The EA is over 300 pages in length and contains extensive and detailed information concerning the proposed project and the potential impacts it may have upon the environment in the North Fork Valley. Based on the information contained in the EA and comments received from the public, the Forest Service and the BLM issued separate Decision Notices and Findings of No Significant Impact on August 29, 2003, and September 5, 2003, respectively. Each agency determined that the proposed project would not have a significant impact on the human environment.

In connection with its September 5, 2003 Finding of No Significant Impact and Decision Record, the BLM issued approved federal APDs for the Thompson Creek and Hawknest Federal wells. As both the Thompson Creek Federal and Hawknest Federal well sites are located on BLM lands, the BLM APDs constitute final approval and Gunnison Energy is authorized to begin operations on those well locations. Pursuant to the applicable Forest Service regulations, authorization to commence operations on the Leon Lake #4, Leon Lake #5, Powerline Federal, Oakbrush Federal, Bullpark Federal, and Hubbard Creek Federal wells will not be issued until after a required appeal period. The appeal period may last between 50 and 105 days depending on whether appeals are actually filed.

The eight APDs previously approved by the Commission are now scheduled to expire on November 20, 2003 (for the Leon Lake #4 and the Leon Lake #5 Wells), on January 16, 2004 (for the Powerline Federal), on January 20, 2004 (for the Oakbrush Federal), on January 24, 2004 (for the Bullpark Federal, the Hubbard Creek Federal, and the Thompson Creek Federal) and on May 1, 2004 (for the Hawknest Federal). GEC anticipates commencing operations on the Thompson Creek Federal and the Hawknest Federal wells on or before the expiration of the APDs. Nonetheless, many factors beyond the control of Gunnison Energy could conceivably delay the commencement of operations on one or more of the approved wells. These factors include, but are not limited to, local weather, lease stipulations, APD conditions of approval, surface and road conditions, and potential appeals and future litigation.

On September 22, 2003, GEC, by its attorney, filed with the Commission a verified application for an order for a variance extending the time within which GEC may commence operations on the Leon Lake #4 Well and Leon Lake #5 Well from November 20, 2003, until November 20, 2004; on the Powerline Federal Well, the Oakbrush Federal Well, the Bullpark Federal Well, the Hubbard Creek Federal Well, and the Thompson Creek Federal Well from January 16, 2004, January 20, 2004, and January 24, 2004, respectively, until January 24, 2005, and on the Hawknest Federal Well from May 1, 2004, until September 30, 2004. GEC certifies that no material change in its application or approved drilling and reclamation plan has been made, other than those previously filed with the Commission, which render its application outdated or otherwise infirm.

NOTICE IS HEREBY GIVEN, that the Oil and Gas Conservation Commission of the State of Colorado, pursuant to the above, has scheduled the above-entitled matter for hearing on:

Date: Monday, October 27, 2003 Time: 10:00 a.m. Place: Suite 801, The Chancery Building 1120 Lincoln Street Denver, CO 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 Audra Seriet at (303) 894-2100 ext. 114, 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 October 10, 2003, 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. An original and nine (9) copies shall be filed with the Commission (Rule 503 f.). Pursuant to Rule 503 e., 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 October 10, 2003, the Applicant may request that an administrative hearing be scheduled for the week of October 18, 2003.

IN THE NAME OF THE STATE OF COLORADO OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO

By Patricia C. Beaver, Secretary Attorney for Applicant: Robert C. Mathes Bjork, Lindley, Danielson & Little, P.C. 1600 Stout Street, Suite 1400 Denver, CO 80203 (303) 892-1400

Dated at Suite 801 1120 Lincoln Street Denver, Colorado 80203 September 26, 2003

AFFIDAVIT OF PUBLICATION IN THE GUNNISON COUNTRY TIMES

PUBLIC HEARING

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

IN THE MATTER OF THE APPLICATION OF GUNNISON ENERGY CORPORATION FOR AN EXTENSION OF TIME FOR PERMITS-TO-DRILL, DELTA AND GUNNISON COUNTIES, COLORADO

CAUSE NO. 1

DOCKET NO. 0310-GA-05

NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

On November 21, 2002, Rich Griebling, Director of the Colorado Oil and Gas Conservation Commission ("COGCC"), approved Gunnison Energy Corporation's ("GEC") Applications for Permits-to-Drill ("APDs") the Leon Lake #4 and Leon Lake #6 Wells, located in Section 13, Township 12 South, Range 94 West, 6th P.M. On January 17, 2003 Director Griebling approved GEC's APD for the Powerline Federal Well, located in the SE1/4, SW1/4 of Section 17, Township 12 South, Range 91 West, 6th P.M. On January 21, 2003, Director Griebling approved the APD for the Oakbrush Federal Well, located in the NE1/4 SE1/4 of Section 26, Township 12 South, Range 91 West, 6th P.M. On January 25, 2003, Director Griebling approved the APDs for the Bullpark Federal Well, located in the NE1/4 NE1/4 of Section 31, Township 12 South, Range 91 West, 6th P.M. the Hubbard Creek Federal Well, located in the SW1/4 SE1/4 of Section 23, Township 12 South, Range 91 West, 6th P.M. and the Thompson Creek Federal Well, located in the NE1/4 SW1/4 of Section 15, Township 14 South, Range 95 West, 6th P.M. On May 2, 2003, Director Griebling approved GEC's APD for the Hawksnest Federal Well, located in the SE1/4 NW1/4 of Section 2, Township 13 South, Range 90 West, 6th P.M.

GEC was required to seek approval from the Bureau of Land Management ("BLM") for all eight of the natural gas wells listed above, and was required to seek U.S. Forest Service approval only for the Leon Lake #4, Leon Lake #5, Powerline Federal, Oakbrush Federal, Bullpark Federal, and Hubbard Creek Federal wells. On December 31, 2002, the Forest Service and the BLM formally initiated the National Environmental Policy Act ("NEPA") process by issuing a scoping notice and requesting comments on GEC's proposal to drill, complete, test, and monitor eight natural gas wells within the Grand Mesa National Forests and the Uncompahgre Resource Management Area. The scoping and comment period for the GEC's Proposed Ex-

ploratory Gas Drilling Project closed on January 31, 2003.

The Forest Service and the BLM, with the assistance of ENSR, an environmental consulting firm and other retained contractor specialists, conducted an environmental analysis ("EA") concerning GEC's Proposed Exploratory Gas Drilling Project. The EA for GEC's Proposed Exploratory Gas Drilling Project was released in May of 2003 and was made available for public comment from May 23, 2003, until June 23, 2003. The EA is over 300 pages in length and contains extensive and detailed information concerning the proposed project and the potential impacts it may have upon the environment in the North Fork Valley. Based on the information con-

STATE OF COLORADO,
County of Gunnison

1 SS.



I, Mike Ritchey, do solemnly swear that I am Publisher of
THE GUNNISON COUNTRY TIMES;

that the same is a weekly newspaper printed in whole or in part and published in the County of Gunnison, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Gunnison for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under provisions of the Act of March 3, 1879, and any amendments thereof; and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the legal notice or advertisement of which the attached is a full, true, and correct copy, was published in the regular and entire issue of every number of said weekly newspaper for the period of one insertions; and that the first publication of said notice was in the issue of said newspaper dated October 2, A.D., 2003

and that the last publication of said notice was in the issue of said newspaper dated October 2, A.D., 2003

In witness whereof I have hereunto set my hand this

2nd day of October, A.D., 2003

By Mike Ritchey
Mike Ritchey, Publisher



My Commission Expires 12/04/2006

Debra Goodman

Subscribed and sworn to before me, a notary public in and for the County of Gunnison, State of Colorado, this 2nd day of

October, A.D., 2003

tained in the EA and comments received from the public, the Forest Service and the BLM issued separate Decision Notices and Findings of No Significant Impact on August 29, 2003, and September 5, 2003, respectively. Each agency determined that the proposed project would not have a significant impact on the human environment.

In connection with its September 5, 2003 Finding of No Significant Impact and Decision Record, the BLM issued approved federal APDs for the Thompson Creek and Hawksnest Federal wells. As both the Thompson Creek Federal and Hawksnest Federal well sites are located on BLM lands, the BLM APDs constitute final approval and Gunnison Energy is authorized to begin operations on those well locations. Pursuant to the applicable Forest Service regulations, authorization to commence operations on the Leon Lake #4, Leon Lake #5, Powerline Federal, Oakbrush Federal Bullpark Federal, and Hubbard Creek Federal wells will not be issued until after a required appeal period. The appeal period may last between 50 and 105 days depending on whether appeals are actually filed.

The eight APDs previously approved by the Commission are now scheduled to expire on November 20, 2003 (for the Leon Lake #4 and the Leon Lake #5 Wells), on January 16, 2004 (for the Powerline Federal), on January 20, 2004 (for the Oakbrush Federal), on January 24, 2004 (for the Bullpark Federal, the Hubbard Creek Federal, and the Thompson Creek Federal) and on May 1, 2004 (for the Hawksnest Federal). GEC anticipates commencing operations on the Thompson Creek Federal and the Hawksnest Federal wells on or before the expiration of the APDs. Nonetheless, many factors beyond the control of Gunnison Energy could conceivably delay the commencement of operations on one or more of the approved wells. These factors include, but are not limited to, local weather, lease stipulations, APD conditions of approval, surface and road conditions, and potential appeals and future litigation.

On September 22, 2003, GEC, by its attorney, filed with the Commission a verified application for an order for a variance extending the time within which GEC may commence operations on the Leon Lake #4 Well and Leon Lake #5 Well from November 20, 2003, until November 20, 2004; on the Powerline Federal Well, the Oakbrush Federal Well, the Bullpark Federal Well, the Hubbard Creek Federal Well, and the Thompson Creek Federal Well from January 16, 2004, January 20, 2004, and January 24, 2004, respectively, until January 24, 2005, and on the Hawksnest Federal Well from May 1, 2004, until September 30, 2004. GEC certifies that no material change in its application or approved drilling and reclamation plan has been made, other than those previously filed with the Commission, which render its application outdated or otherwise infirm.

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Date: Monday, October 27, 2003
Time: 10:00 a.m.
Place: Suite 801, The Chancery Building
1120 Lincoln Street
Denver, CO 80203

Gunnison Country Times
Gunnison, Colorado
Publication date of October 2, 2003

Delta County Independent

401 Meeker St.
P.O. Box 809
Delta, CO 81416

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO

COUNTY OF DELTA

I, Randal Sunderland, do solemnly swear that I am managing editor of the *Delta County Independent*; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Delta, State of Colorado, continuously and uninterruptedly in said County of Delta for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, and all amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of one consecutive insertion; that the first publication of said notice was in the issue of said newspaper dated October 1st, A.D., 2003, and that the last publication of said notice was in the issue of said newspaper dated October 1st, A.D., 2003.

In witness whereof I have hereunto set my hand this 1st day of October, A.D., 2003.

Randal Sunderland

General manager of said
Delta County Independent.

Subscribed and sworn before me, a Notary Public in and for the County of Delta, State of Colorado, this 1st day of October, A.D., 2003.

Patricia A. Sunderland
Notary Public

My commission expires 12/17/2005
900 Cypress Wood Lane, Delta, CO 81416

Dated at Suite 801
1120 Lincoln Street
Denver, Colorado 80203
September 26, 2003

Attorney for Applicant:
Robert C. Mathes
Bjork, Lindley, Danielson & Little, P.C.
1600 Stout Street, Suite 1400
Denver, CO 80203
(303) 892-1400

Published in the *Delta County Independent* October 1, 2003.

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OF THE STATE OF COLORADO
IN THE MATTER OF THE APPLICATION) CAUSE NO. 1
OF GUNNISON ENERGY CORPORATION)
FOR AN EXTENSION OF TIME FOR)
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IN THE NAME OF THE STATE OF COLORADO
OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO