

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

IN THE MATTER OF THE APPLICATION OF  
CONOCOPHILLIPS COMPANY FOR AN  
ORDER TO ESTABLISH AN APPROXIMATE  
960-ACRE DRILLING AND SPACING UNIT  
FOR THE DRILLING OF UP TO TWO (2)  
HORIZONTAL WELLS WITH WELL LOCATION  
RULES FOR THE NIOBRARA FORMATION IN  
SECTIONS 29 AND 30, TOWNSHIP 3 SOUTH,  
RANGE 64 WEST, 6TH P.M., UNNAMED  
FIELD, ADAMS COUNTY, COLORADO

CAUSE NO.

DOCKET NO.

TYPE: SPACING

**APPLICATION**

ConocoPhillips Company (Operator No. 19160) ("Applicant"), by and through its attorneys, Jost Energy Law, P.C., respectfully submits this Application to the Oil and Gas Conservation Commission of the State of Colorado (the "Commission") for an order to establish an approximate 960-acre drilling and spacing unit and authorize up to two (2) horizontal wells within the unit in order to efficiently and economically recover the oil, gas and associated hydrocarbons within said 960-acre drilling and spacing unit from the Niobrara Formation underlying the below-described lands. In support of its Application, Applicant states and alleges as follows:

1. Applicant is a Delaware corporation duly organized and authorized to conduct business in the State of Colorado.
2. Applicant owns leasehold interests or holds the right to operate on the following lands (hereafter "Application Lands"):

Township 3 South, Range 64 West, 6<sup>th</sup> P.M.

Section 30: E½

Section 29: All

960 acres, more or less, Adams County, Colorado.

A reference map of the Application Lands is attached hereto.

3. Rule 318.a. of the Rules and Regulations of the Oil and Gas Conservation Commission requires that, on unspaced lands, wells drilled in excess of 2,500 feet in depth be located not less than 600 feet from any lease line, and located not less than 1,200 feet from any other producible or drilling oil or gas well when drilling to the same common source of supply. The Application Lands are subject to Rule 318.a. for the Niobrara Formation.

4. On January 19, 2017, Bison Oil & Gas, LLC filed an Application in Docket No. 170300146 for an order establishing an approximate 1,280-acre drilling and spacing unit for Section 30, Township 3 South, Range 64 West, 6th P.M., and Section 25, Township 3 South, Range 65 West, 6th P.M., for the drilling of up to sixteen (16) horizontal wells to the Niobrara Formation on no more than three (3) well pads within the unit or from a legal location on adjacent lands, providing that the treated interval of each wellbore be no closer than 150 feet from the treated interval of another wellbore producing from the Niobrara Formation within the unit, and no closer than 300 feet from the unit boundary, without exception being granted by the Director. Docket 170300146 is scheduled for a Commission hearing on March 20-21, 2017. Applicant will be filing a Protest to Bison's Application in Docket No. 170300146, and has submitted comments to Bison's Applications for Permits to Drill filed for the proposed 1,280-acre unit.

5. The records of the Commission reflect that no wells are currently producing from the Niobrara Formation in the Application Lands.

6. To promote efficient drainage within the Niobrara Formation of the Application Lands, to protect correlative rights and to avoid waste, the Commission should establish an approximate 960-acre drilling and spacing unit in the Application Lands, and approve up to two (2) horizontal wells within the new unit, for the production of oil, gas and associated hydrocarbons from the Niobrara Formation.

7. The above-proposed drilling and spacing unit will allow efficient drainage of the Niobrara Formation; will prevent waste; will not adversely affect correlative rights and will assure the greatest ultimate recovery of gas and associated hydrocarbon substances from the reservoirs. The unit of the size and shape specified above is not smaller than the maximum area that can be economically and efficiently drained by the proposed well in the unit.

8. The Applicant is requesting to drill and complete up to two (2) horizontal wells within the unit in order to efficiently and economically recover the oil, gas and associated hydrocarbons from the Niobrara Formation within the Application Lands, and that there will be no adverse effect on correlative rights of adjacent owners.

9. The Applicant maintains that there will be no more than one (1) new well pad in the unit, or adjacent thereto, unless an exception is granted by the Director.

10. The treated interval of each proposed horizontal well shall be no closer than 460 feet from the boundaries of the unit (regardless of the lease lines within the unit) and all horizontal wells shall be no closer than 150 feet from the treated interval of another well producing from the same source of supply within the unit, unless an exception is granted by the Director.

11. The undersigned certifies that copies of this Application will be served on each interested party within seven (7) days of the filing hereof, as required by Rule 503.e.

WHEREFORE, Applicant respectfully requests that this matter be set for hearing in May 2017, that notice be given as required by law, and that upon such hearing this Commission enter its order:

A. Establishing an approximate 960-acre drilling and spacing unit for Section 29 and the E½ of Section 30, Township 3 South, Range 64 West, 6th P.M., and allowing up to two (2) horizontal wells in the unit in order to efficiently and economically develop and recover the oil, gas and associated hydrocarbons from of the Niobrara Formation in the unit.

B. Providing that the treated interval any horizontal well shall be no closer than 460 feet from the boundaries of the unit and not less than 150 feet from the treated interval of another well within the unit, and authorizing up to one (1) well pad in the unit, or adjacent thereto, unless an exception is granted by the Director.

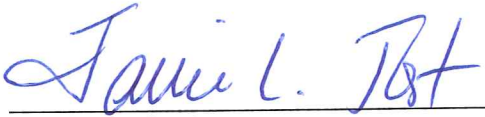
C. Finding that an approximate 960-acre drilling and spacing unit for the development of the Niobrara Formation on the Application Lands will prevent waste, protect correlative rights, and maximize the efficient and economic production of the Niobrara Formation in the Application Lands.

D. For such other findings and orders as the Commission may deem proper or advisable in this matter.

DATED March 2, 2017.

Respectfully submitted:

**ConocoPhillips Company**

By: 

Jamie L. Jost  
Kelsey H. Wasylenky  
Jost Energy Law, P.C.  
Attorneys for Applicant  
1401 17th Street, Suite 370  
Denver, Colorado 80202  
(720) 446-5620

Applicant's Address:  
ConocoPhillips Company  
Attn: Samuel A. Hamidi  
600 N. Dairy Ashford Road  
Houston, TX 77079-1069

VERIFICATION

STATE OF TEXAS       )  
                                  ) ss.  
COUNTY OF HARRIS    )

Jace McKenzie, Associate Landman with ConocoPhillips Company, upon oath deposes and says that he has read the foregoing Application and that the statements contained therein are true to the best of his knowledge, information and belief.

CONOCOPHILLIPS COMPANY

Jace McKenzie  
Jace McKenzie

Subscribed and sworn to before me this 2nd day of March, 2017, by Jace McKenzie, Associate Landman for ConocoPhillips Company.

Witness my hand and official seal.

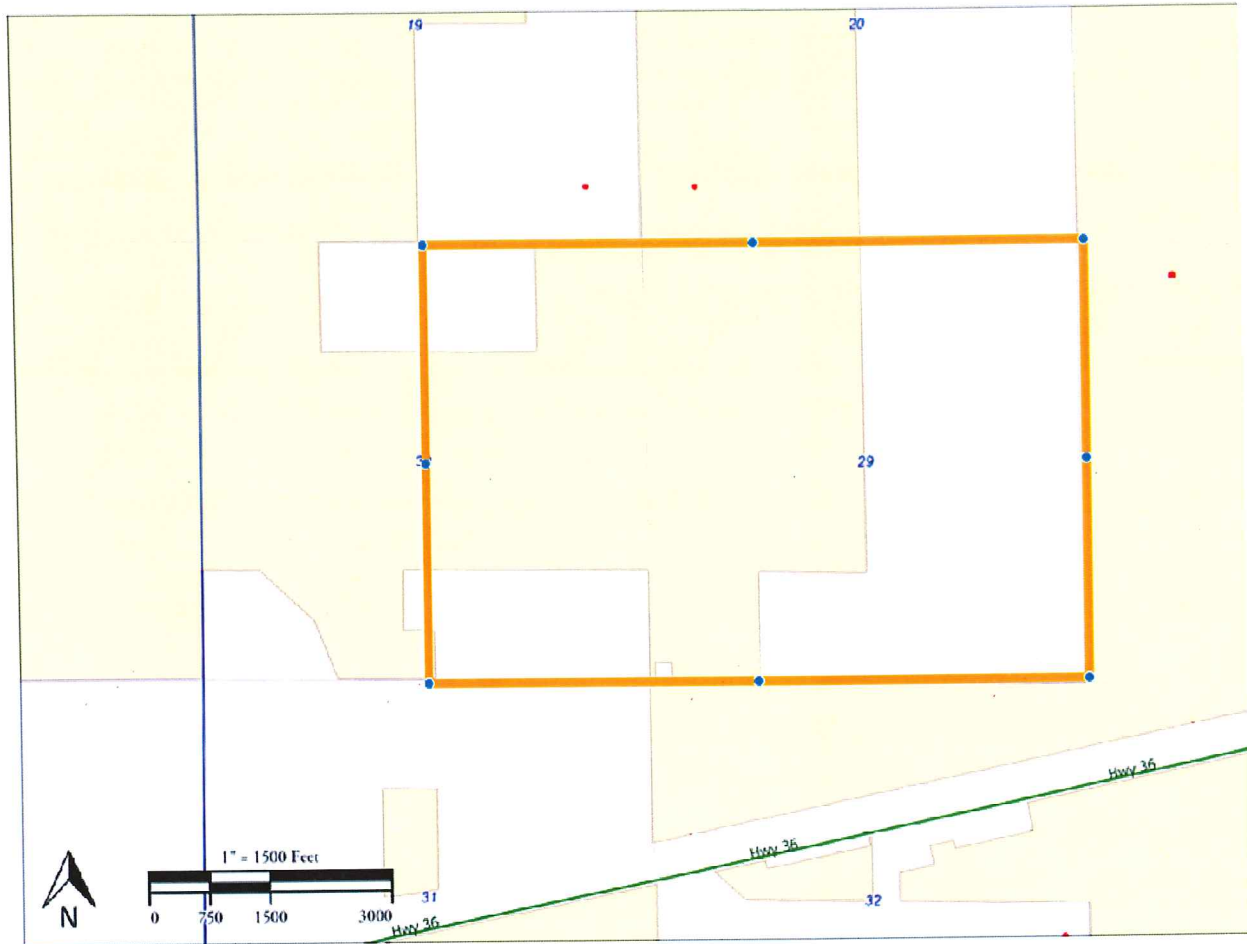


My commission expires: August 6, 2017

Regina M. Paura  
Notary Public

Reference Map  
ConocoPhillips Company

Sections 29 and 30, Township 3 South, Range 64 West, 6th P.M.



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960-ACRE DRILLING AND SPACING UNIT  
FOR THE DRILLING OF UP TO TWO (2)  
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RULES FOR THE NIOBRARA FORMATION IN  
SECTIONS 29 AND 30, TOWNSHIP 3 SOUTH,  
RANGE 64 WEST, 6TH P.M., UNNAMED  
FIELD, ADAMS COUNTY, COLORADO

CAUSE NO.

DOCKET NO. 170500293

TYPE: SPACING

**AFFIDAVIT OF MAILING**

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

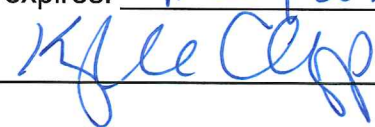
I, Jamie L. Jost, of lawful age, and being first duly sworn upon my oath, state and declare that I am the attorney for ConocoPhillips Company, and that on or before the 8th day of March 2017, I caused a copy of the attached Application to be deposited in the United States Mail, postage prepaid, addressed to the parties listed on Exhibit A to this Affidavit.

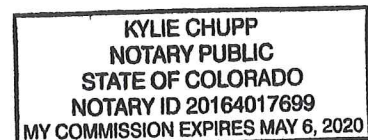
  
\_\_\_\_\_  
Jamie L. Jost

Subscribed and sworn to before me this 8th day of March 2017.

Witness my hand and official seal.

[SEAL]

My commission expires: May 6, 2020  
  
\_\_\_\_\_  
Notary Public



**Exhibit A**  
**COPC – Crow - SP**

Isace B. Haviland and Lucile S. Haviland or  
their heirs and devisees  
507 Lake Shore Drive  
Michigan City, IN 46360

ConocoPhillips Company  
600 N. Dairy Ashford  
Houston, TX 77079

Bison Oil & Gas, LLC  
999 18th Street, Suite 3370  
Denver, CO 80202

Bison Exploration, LLC  
P.O. Box 1168  
Denver, CO 80201

Burlington Resources Oil & Gas  
Company LP  
600 N. Dairy Ashford  
Houston, TX 77079

Anadarko Land Corporation  
Attn: Manager/Land Administrator  
P.O. Box 173779  
Denver, CO 80217-3779

Anadarko E&P Onshore LLC  
Attn: John Hasche  
1099 18th Street, Suite 1800  
DenverCO 80202

Anadarko Land Corporation  
Attn: John Hasche  
1099 18th Street, Suite 1800  
DenverCO 80202

Anadarko E&P Onshore LLC  
Attn: Manager/Land Administrator  
P.O. Box 173779  
DenverCO 80217-3779

Danford-Champlin Farms, Ltd., by and  
through its General Partner Herbert H.  
Champlin Revocable Trust, by and through  
JoAnn E. Champlin as Successor Trustee  
201 North Grand, Suite 700  
Enid, OK 73701

Danford Marital Trust  
Jewell Danford, Trustee  
966 Pawnee Street  
Strasburg, CO 80136

Jewell Danford  
966 Pawnee Street  
Strasburg, CO 80136

Gerald R. Everingim  
29037 Morgan Cty Rd V 5  
Brush, CO 80723

Thomas K. Everingim  
P.O. Box 552  
Hartsel, CO 80449

WEP Transport Holdings, LLC  
PO BOX 7068  
RANCHO SANTA FE, CA 92067

WEP Transport Holdings, LLC  
625 East Main St., Suite 1028-303  
Aspen, CO 81611

Colorado Maverick Company, LLC  
133 W. San Antonia St., Suite 300  
San Marcos, TX 78666

Tree Top, LP  
133 W. San Antonia St., Suite 300  
San Marcos, TX 78666

Board of County Commissioners,  
Adams County, Colorado  
4430 S. Adams County Pkwy, 5th Floor,  
Suite C5000A  
Brighton, CO 80601



Mitchel E. Rhoads  
4755 W 30 N  
Angola, IN 46703

Colorado Department of Transportation  
4201 East Arkansas Avenue  
Denver, CO 80222

Colorado Department of Transportation  
Attn: Alicia Clemons  
15285 S. Golden Road  
Golden, CO 80401

United States of America,  
Bureau of Land Management  
2850 Youngfield Street  
Lakewood, CO 80215

Bennett Fire Protection District, a/k/a  
Bennett Fire Protection District No. 7  
825 Sharis Court  
Bennett, CO 80102

Athanasea Constan Stathopoulos  
4014 S. Niagara Way  
Denver, CO 80237

Gayle L. Epperson  
PO Box 522  
Watkins, CO 80137

John B. Baranway  
35500 E. Colfax Avenue, Unit H-1  
Watkins, CO 80137

Karen Mae Layman, heir to Estate of Louis  
E. Swenson and Clarice J. Swenson  
502 Rifle Way  
Broomfield, CO 80020

Louis Stephen Swenson, heir to Estate of  
Louis E. Swenson and Clarice J. Swenson  
105 Breanna Lane  
Dolores, CO 81323

Dennis Malcolm Swenson, heir to Estate of  
Louis E. Swenson and Clarice J. Swenson  
5360 Lakeshore Drive  
Littleton, CO 80123

City of Aurora  
15151 E. Alameda Parkway, 3rd Floor  
Aurora, CO 80012

Kenneth Lynn Mitchem and  
Donna Lou Mitchem  
1531 Cambridge Dr.  
Longmont, CO 80503

Gerhild Isolde Cizmar, Guardian of the  
Person and Estate of Hildegard Neubauer,  
Incapacitated  
3202 La Costa Road  
Missouri City, TX 77459

Kent Kuster  
Colorado Department of  
Public Health & Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

Brandon Marette - Energy Liaison  
Colorado Parks and Wildlife  
Northeast Regional Office  
6060 Broadway  
Denver, CO 80216

Jennifer Rutter  
Adams County  
Community & Economic Development  
4430 South Adams County Pkwy.  
Brighton, CO 80601-8218

Ambrose J. Nunes  
Unknown Address

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

IN THE MATTER OF THE APPLICATION OF  
CONOCOPHILLIPS COMPANY FOR AN ORDER TO  
ESTABLISH AN APPROXIMATE 960-ACRE  
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WELLS WITH WELL LOCATION RULES FOR THE  
NIOBRARA FORMATION IN SECTIONS 29 AND 30,  
TOWNSHIP 3 SOUTH, RANGE 64 WEST, 6TH P.M.,  
UNNAMED FIELD, ADAMS COUNTY, COLORADO

CAUSE NO.

DOCKET NO.

TYPE: SPACING

**CONOCOPHILLIPS COMPANY'S MOTION FOR AN ORDER OF SERVICE BY  
PUBLICATION**

COMES NOW ConocoPhillips Company, Operator No. 19160 ("COPC" or "Applicant"), by its attorneys, Jost Energy Law, P.C., and files this motion for an order of service by publication ("Motion") to the Colorado Oil and Gas Conservation Commission ("Commission" or "COGCC"). In support of its Motion, COPC states the following:

A. Factual and Procedural History.

1. COPC, as Applicant herein, is a corporation duly authorized to conduct business in the State of Colorado, is a registered operator in good standing with the Commission, and is an interested party in the subject matter of the above-referenced Docket as the applicant and owner of certain leasehold interests and/or operator in the Application Lands described below.

2. The Commission has jurisdiction over the subject matter embraced in said Docket, and of the parties interested therein, and jurisdiction to promulgate the hereinafter prescribed order pursuant to the Oil and Gas Conservation Act.

3. Rule 318.a. of the Rules and Regulations of the Oil and Gas Conservation Commission requires that, on unspaced lands, wells drilled in excess of 2,500 feet in depth be located not less than 600 feet from any lease line, and located not less than 1,200 feet from any other producible or drilling oil or gas well when drilling to the same common source of supply. The Application Lands are subject to Rule 318.a. for the Niobrara Formation.

4. On March 2, 2017, COPC filed a verified application pursuant to §34-60-116, C.R.S. for an order (1) establishing an approximate 960-acre drilling and spacing unit for Section 29 and the E½ of Section 30, Township 3 South, Range 64 West, 6th P.M., and allowing up to two (2) horizontal wells in the unit in order to efficiently and economically develop and recover the oil, gas and associated hydrocarbons from of the Niobrara Formation in the unit, (2) providing that the treated interval any horizontal well shall be no closer than 460 feet from the boundaries of the unit and not less than 150 feet from the treated interval of another well within the unit, and

authorizing up to one (1) well pad in the unit, or adjacent thereto, unless an exception is granted by the Director, (3) finding that an approximate 960-acre drilling and spacing unit for the development of the Niobrara Formation on the Application Lands will prevent waste, protect correlative rights, and maximize the efficient and economic production of the Niobrara Formation in the Application Lands, and (4) for such other findings and orders as the Commission may deem proper or advisable in this matter.

5. On or before March 8, 2017, COPC will serve copies of the Application on all interested parties to the Application as defined in Rule 507.b.(1) and pursuant to Rule 503.e. (the “Interested Parties” or individually “Interested Party”).

6. Upon reasonable due diligence, which is further detailed herein, COPC was unable to find address information for one Interested Party, Ambrose J. Nunes. COPC listed the contact information for Mr. Nunes as “Address Unknown” in its Application.

7. The Commission has determined that in order for publication by notice to be effective as to persons with unknown addresses, the Applicant must first comply with Colorado Rule of Civil Procedure 4(g), which authorizes service of process by publication only after the Applicant files a verified motion with the Commission detailing Applicant's attempts to provide actual notice of the proceedings and the Commission grants the motion.

B. Standard of Review.

1. C.R.S. 34-60-108(4) provides:

“Any notice required by this article, except as provided in this section, shall be given by the commission either by mailing a copy thereof, postage prepaid, to the last known mailing address of the person to be given notice, or by personal service. In addition, the commission shall cause one publication of such notice, at least ten days prior to the hearing, in a newspaper of general circulation in the city and county of Denver and in a newspaper of general circulation in the county where the land affected, or some part thereof, is situated...In all cases where there is an application for the entry of a pooling order or unitization order...notice of the hearing to be held on such application or complaint shall be served on the interested parties either by mail as provided in this subsection (4) or in the same manner as is provided in the Colorado rules of civil procedure for the service of process in civil actions in the district courts of this state.”

2. Commission Rule 519 states that “[t]he Colorado Rules of Civil Procedure apply to Commission proceedings unless they are inconsistent with Commission Rules or the Colorado Oil and Gas Conservation Act.”

3. C.R.C.P. Rule 4(g) provides:

“Except as otherwise provided by law, service by mail or publication shall be allowed only in actions affecting specific property or status or other proceedings in

rem. When service is by publication, the complaint need not be published with the summons. The party desiring service of process by mail or publication under this section (g) shall file a motion verified by the oath of such party or of someone in the party's behalf for an order of service by mail or publication. It shall state the facts authorizing such service, and shall show the efforts, if any, that have been made to obtain personal service and shall give the address, or last known address, of each person to be served or shall state that the address and last known address are unknown. The court, if satisfied that due diligence has been used to obtain personal service or that efforts to obtain the same would have been to no avail, shall:

(1) Order the party to send by registered or certified mail a copy of the process addressed to such person at such address, requesting a return receipt signed by the addressee only. Such service shall be complete on the date of the filing of proof thereof, together with such return receipt attached thereto signed by such addressee, or

(2) Order publication of the process in a newspaper published in the county in which the action is pending. Such publication shall be made once each week for five successive weeks. Within 14 days after the order the party shall mail a copy of the process to each person whose address or last known address has been stated in the motion and file proof thereof. Service shall be complete on the day of the last publication. If no newspaper is published in the county, the court shall designate one in some adjoining county.”

C. COPC’s Due Diligence in Attempting to Locate the Unknown IPs.

In attempting to locate a last known address for Ambrose J. Nunes, COPC reviewed recorded documents and a mineral ownership report based on records obtained from the Adams County Clerk and Recorder’s office from patent through August 19, 2016 in addition to the records of Heritage Title from patent through August 17, 2016. In addition, COPC utilized the website Ancestry.com and LexisNexis Accurint public record search service, and a general internet search. The last date that Mr. Nunes appeared in the record is in 1943.

As of the date of this Motion, COPC is unable to find a last known address for Mr. Nunes nor is COPC able to find a last known address for any confirmed heirs of Mr. Nunes.

D. Relief Requested

WHEREFORE, COPC respectfully requests the following relief:

1. That the Commission order publication of the process in the Application subject to the above-referenced Docket in a newspaper published in Denver County, Colorado.
2. For such other findings and orders as the Commission may deem proper or advisable in this matter.

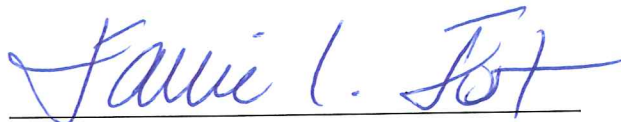
E. Reservation of Rights

COPC reserves its right to supplement this Motion.

Dated: March 2, 2017

Respectfully submitted,

CONOCOPHILLIPS COMPANY



Jamie L. Jost  
Kelsey H. Wasylenky  
Jost Energy Law, P.C.  
1401 17<sup>th</sup> Street, Suite 370  
Denver, CO 80202  
720-362-0875  
[jjost@jostenergylaw.com](mailto:jjost@jostenergylaw.com)  
[kwasylenky@jostenergylaw.com](mailto:kwasylenky@jostenergylaw.com)

Applicant's Address:

ConocoPhillips Company  
Attn: Jace McKenzie  
600 N. Dairy Ashford Road  
Houston, TX 77079-1069

VERIFICATION

STATE OF TEXAS            )  
                                      ) ss.  
COUNTY OF HARRIS        )

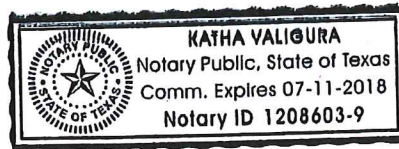
Jace McKenzie, Associate Landman with ConocoPhillips Company, upon oath deposes and says that he has read the foregoing Motion for an Order of Service by Publication and that the statements contained therein are true to the best of his knowledge, information and belief.

CONOCOPHILLIPS COMPANY

Jace McKenzie  
Jace McKenzie  
Associate Landman

Subscribed and sworn to before me this 2 day of March, 2017, by Jace McKenzie, Associate Landman for ConocoPhillips Company.

Witness my hand and official seal.



My commission expires: 7-11-2018

Katha Valigura  
Notary Public