

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

IN THE MATTER OF THE APPLICATION)	CAUSE NO.
OF THE PROMULGATION AND)	
ESTABLISHMENT OF FIELD RULES TO)	DOCKET NO.
GOVERN OPERATIONS FOR THE)	
NIOBRARA FORMATION, WATTENBERG)	TYPE: POOLING
FIELD, WELD COUNTY, COLORADO)	

APPLICATION

PDC Energy, Inc. (Operator No. 69175) ("PDC"), by and through its attorneys, Burns, Figa, & Will, P.C., respectfully submits this Application to the Oil and Gas Conservation Commission of the State of Colorado (the "Commission") for an order pooling all interests within an approximate 320-acre Wellbore Spacing Unit, as further defined below, for the drilling of the Bunting 26Q-212 well (API #05-123-44087) ("Well"), for the development of the Niobrara formation on the following described lands:

Township 5 North, Range 65 West, 6th P.M.

Section 25: S $\frac{1}{2}$ S $\frac{1}{2}$

Section 26: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

Township 5 North, Range 64 West, 6th P.M.

Section 30: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Weld County, Colorado, containing approximately 320.00 acres
("Application Lands")

In support of its Application, PDC states and alleges as follows:

1. PDC is a corporation duly authorized to do business in Colorado and is registered as an operator in good standing with the Commission.
2. PDC is an Owner with the right to drill into and produce from the Application Lands.
3. Rule 318A, as amended on August 8, 2011 addresses the drilling of horizontal wells under Rule 318A.a.(4)D. Rule 318A was originally established on April 27, 1998 to allow for certain drilling locations to drill or twin an existing well, deepen a well, or recomplete a well. Rule 318A also provided for the commingling of any or all of the Cretaceous Age formations from the Dakota formation to the surface. Rule 318A was first amended on December 5, 2005 to allow for interior infill and boundary wells and spacing units.
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 407-1.

5. On August 27, 2009, the Commission entered Order No. 407-335, which, among other things, pooled all non-consenting interests in a 160-acre wellbore spacing unit for the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 5 North, Range 64 West, 6th P.M., and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 5 North, Range 65 West, 6th P.M., for the Conagra B #30-32D well (API #05-123-26996), from the Codell and Niobrara formations, and a 160-acre wellbore spacing unit for the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 30, Township 5 North, Range 64 West, 6th P.M., and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 25, Township 5 North, Range 65 West, 6th P.M., for the Conagra B #30-33D well (API #05-123-28063), from the Codell and Niobrara formations. Order No. 407-335 is not affected by this Application, and proceeds from any shared lands will be accounted for in the production of the Well.

6. PDC designated this 320-acre Wellbore Spacing Unit for the production of oil, gas, and associated hydrocarbons from the Niobrara formation as provided by Rule 318A and notified the appropriate parties under Rule 318A.

7. Under the provisions of Rule 530 and C.R.S. § 34-60-116(6)–(7), PDC requests an order pooling all interests, including non-consenting interests and the ability to drill through all tracts, in the Application Lands for the development of the Niobrara formation underlying the following approximate 320-acre Wellbore Spacing Unit:

Township 5 North, Range 65 West, 6th P.M.

Section 25: S $\frac{1}{2}$ S $\frac{1}{2}$

Section 26: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

Township 5 North, Range 64 West, 6th P.M.

Section 30: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Weld County, Colorado ("Wellbore Spacing Unit" in this Application)

8. PDC requests that the Commission's pooling order be made effective as of the earlier date of this Application, or the date that the costs specified in C.R.S. § 34-60-116(7)(b)(II) are first incurred for the drilling of the Bunting 26Q-212 well to the Niobrara formation on the Application Lands.

9. PDC certifies that copies of this Application will be served on all owners of the mineral estate, as indicated and required by Rule 507.b(2), underlying the tracts of the Application Lands to be pooled within seven (7) days of the date hereof, 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. The list of such interested parties, with all known parties to be pooled, is attached as Exhibit A.

10. In order to prevent waste and to protect correlative rights, all interests and tracts in the Wellbore Spacing Unit should be pooled for the orderly drilling and development of the Niobrara formation.

WHEREFORE, PDC respectfully requests that this matter be set for hearing at the next available opportunity, that notice be given as required by law, and that the Commission enter an 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 date of the Application, or the date that the costs specified in C.R.S. § 34-60-116(7)(b)(II) are first incurred for the drilling of the Bunting 26Q-212 well in the Wellbore Spacing Unit to the Niobrara formation on the Application Lands;
- C. Providing that the interests of any owners with whom PDC has been unable to secure a lease, other agreement to participate in the drilling of the authorized well(s), or those who consented to be pooled are pooled by operation of statute, pursuant to C.R.S. § 34-60-116(7), and made subject to the cost recovery provisions thereof with respect to the Bunting 26Q-212 well drilled to develop the Niobrara formation in the Wellbore Spacing Unit comprised of the Application Lands; and
- D. Providing for such other findings and order as the Commission may deem proper or advisable in this matter.

[SIGNATURE PAGE FOLLOWS]

DATED this 31st day of August, 2017.

Respectfully submitted,

PDC Energy, Inc.

By: 

Michael T. Jewell, Esq. #40902

Courtney M. Shephard, Esq. #47668

Burns, Figa & Will, P.C.

6400 S. Fiddler's Green Circle – Suite 1000

Greenwood Village, CO 80111

PDC Energy, Inc.

Mr. J. Tyler Sims, MBA, CPL

1775 Sherman Street - Suite 3000

Denver, CO 80203

VERIFICATION

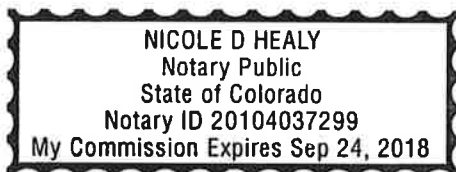
STATE OF COLORADO)
)
COUNTY OF DENVER) ss.

The undersigned, of lawful age, having been first sworn upon his oath, deposes and states that:

1. He is a Senior Regional Landman – PDC Energy, Inc., which address is 1775 Sherman Street, Suite 3000, Denver, CO 80203.

2. He has read the attached application, is familiar with the facts set forth therein, and states that said facts are true and correct to the best of his knowledge and belief.

Further Affiant sayeth not.





J. Tyler Sims, MBA, CPL

Subscribed and sworn to before me this 28th day of August, 2017.

Witness my hand and official seal.

My commission expires: 9.24.18



Nicole D Healy

EXHIBIT A

Interested Parties

Bunting 26Q-212

PDC Energy, Inc.

Atomic Capital Minerals LLC*

Incline Niobrara Partners, LP*

Jack Donald Bennallack & Sylvia C. Bennallack Revocable Trust*

Ameritas Life Insurance Corp.

Andrew Kennedy Leaming

Andrews Capital Holdings, LLC

BLG Resources, LLC

Carol E. Barrett & Ronnie A. Barrett, JT

Centennial Mineral Holdings, LLC

Cindy Howerter

Clayton L. Vandergriff

Clint D. Fiscus

Cyril John Grossaint

Daniel C. Shepherd

Daryl E. Neukirch

David C. Wilkinson

DC Heritage Trust

De Soto Royalty Company, LLC

DOXA Heritage Trust

Duell Family Irrevocable Trust, dated May 26, 2015

Estate of Richard S. Miller

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Grayrock Minerals, LLC

Harvey E. Cozzens Heritage Trust
Helen Crews
Hugh J. Leaming & Olive Leaming, JT
Jack Donald Bennallack & Sylvia C. Bennallack Revocable Trust
James H. Pluss
Janet K. Schmidt
Joanne F. Hart & Gerald L. Hart, JT
John Allen Duell
John G. Brant
Joseph F. Zufall & LaVeta A. Zufall, JT
Joye A. Schneider
Julius A. Pluss
Keith Joseph Grossaint
LHB Ventures, LLC
Linda A. Wegher
Linda S. Cantrell
Lisa J. Johnson
Londell A. Bunting & Sharon L. Bunting, JT
Lydia Dietrich Trust
Marise R. Downing
Mark Hamilton
Martha H. Salser
McArthur Minerals, LLC
Mekusukey Oil Company, LLC
Michael J. Boulter & Daisy I. Boulter, JT
Mike's Oil Well, LLC
Monterrey Minerals, LLC
New Direction IRA, Inc., FBO Rita A. Cassell IRA
Norma J. Wegher

Oak Prairie Oil & Gas, LLC

Paragon Oil & Gas LLC

Richard Jeffrey Grossaint

Rita Cassell Living Trust, dated July 25, 2006

Robert E. Benson

Robert E. Benson & Kathleen Ann Benson, JT

ROEC, Inc.

Ronald E. Bernhardt & Karen E. Bernhardt, JT

Rose M. Pluss

Rosemary Alene Mathis

Sam Pluss, Jr.

Sharon Eileen Brandt

Sister Mary Wegher

Tammy Fiscus

Texas Conference Association of Seventh-Day Adventists

Trena Sue Franasiak

EXHIBIT B

Plat – Bunting 26Q-212 Well

[ATTACHED]

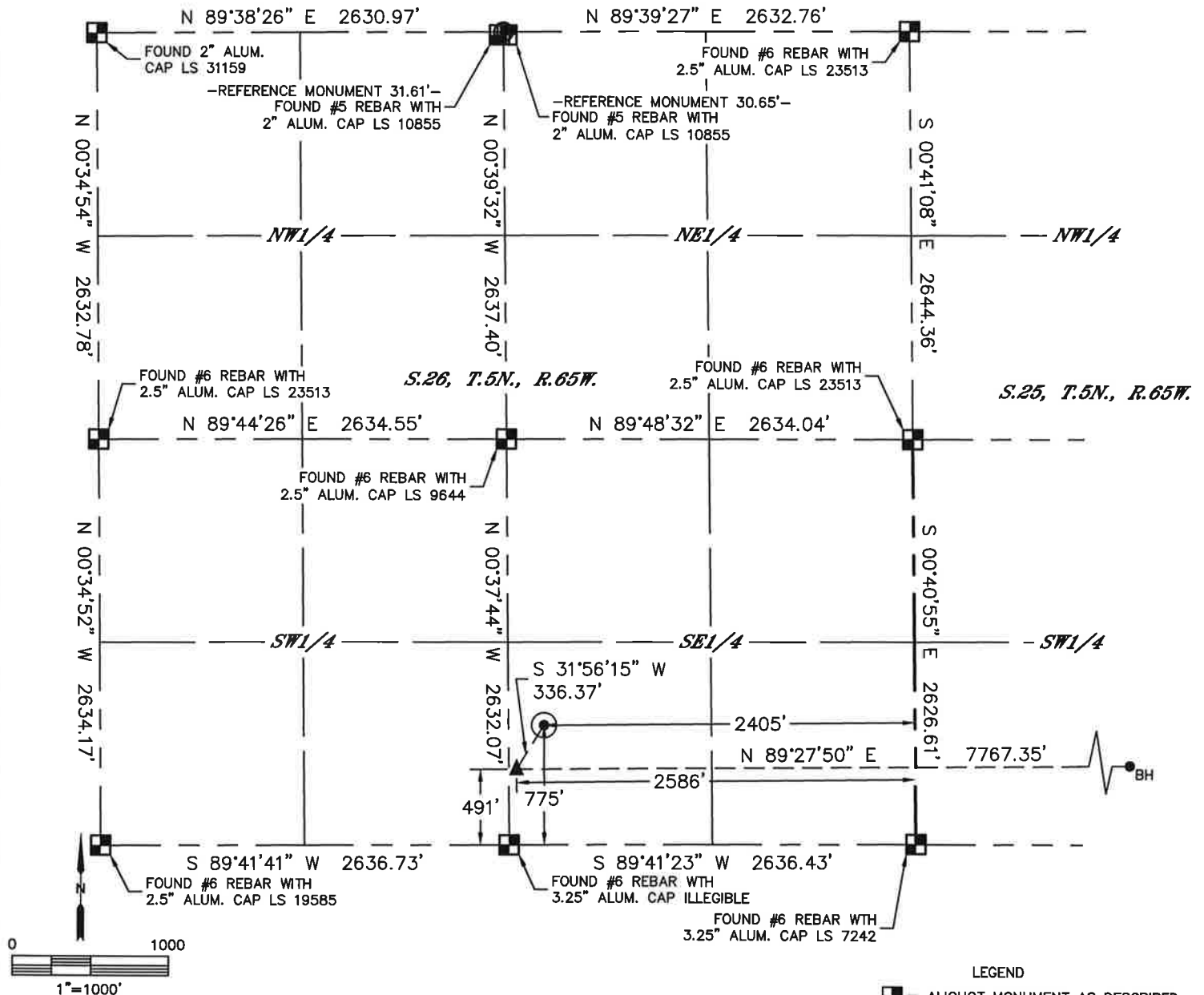


Lat40°, Inc. 6250 W. 10th Street, Unit 2, Greeley, CO 970-515-5294

WELL LOCATION CERTIFICATE

BUNTING 26Q-212

SECTION: 26
TOWNSHIP: 5N
RANGE: 65W
6TH. P.M.
WELD COUNTY, CO



CLIENT: PDC ENERGY				LANDMAN: JEFF HINDMARSH			
INSTRUMENT OPERATOR: BRIAN ROTTINGHAUS				SURVEY DATE: 4/8/2016		SURFACE USE: CROP LAND	
SHL FOOTAGE	SHL LAT°	SHL LONG°	SHL PDOP	SHL ELEV	SHL 1/4/1/4	SHL S-T-R	
775 FSL 2405 FEL	40.36514	-104.62962	1.7	4649	SWSE	26-5-65	

BHL FOOTAGE	BHL LAT°	BHL LONG°	BHL S-T-R	EP LAT°	EP LONG°	EP S-T-R
544 FSL 100 FEL	40.36435	-104.60240	25-5-65	40.36436	-104.63026	26-5-65

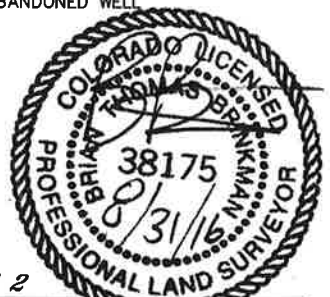
NOTE:

- Bearings shown are Grid Bearings of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983. The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."
- Distances to section lines measured at 90 degrees from said section lines.
- Ground elevations are based on an observed GPS elevation (NAVD 1988 DATUM).
- Latitude and Longitude shown are (NAD 83 DATUM).
- IMPROVEMENTS: See LOCATION DRAWING for all visible improvements within 500' of oil and gas location.
- This map does not represent a boundary survey.

NEAREST CULTURAL ITEMS	
BUILDING	±516' S
BUILDING UNIT	±602' SW
HIGH OCCUPANCY BUILDING UNIT	5280'+
DESIGNATED OUTSIDE ACTIVITY AREA	5280'+
PUBLIC ROAD (COUNTY ROAD 52)	±762' S
ABOVE GROUND UTILITY	±601' SW
RAILROAD	±1655' NW
PROPERTY LINE	±233' W

LEGEND

- = ALIQUOT MONUMENT AS DESCRIBED
- = CALCULATED POSITION
- = SURFACE HOLE LOCATION (SHL)
- ▲ = ENTRY POINT LOCATION (EP)
- _{BH} = BOTTOM HOLE LOCATION (BHL)
- ⊙ = EXISTING WELL
- ⊗ = ABANDONED WELL



SHEET 1 OF 2

Brian T. Brinkman—On behalf of Lat40°, Inc.
Colorado Licensed Professional Land Surveyor No. 38175
DATE: 8/31/2016
PROJECT#: 2015094

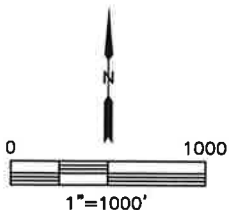
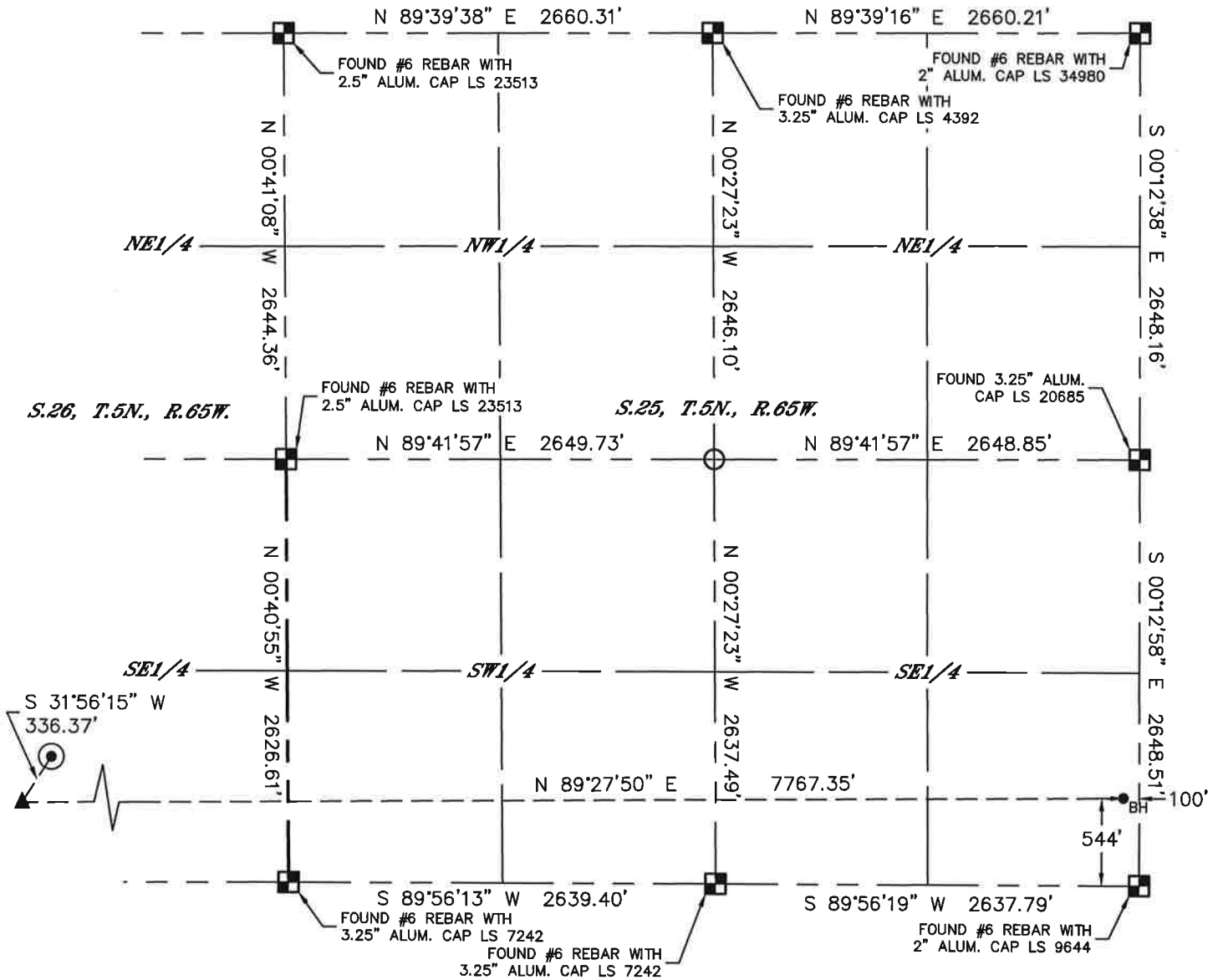


Lat40°, Inc. 6250 W. 10th Street, Unit 2, Greeley, CO 970-515-5294

WELL LOCATION CERTIFICATE

BUNTING 26Q-212

SECTION: 26
TOWNSHIP: 5N
RANGE: 65W
6TH. P.M.
WELD COUNTY, CO



- LEGEND
- = ALIQUOT MONUMENT AS DESCRIBED
 - = CALCULATED POSITION
 - ⊙ = SURFACE HOLE LOCATION (SHL)
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 - = BOTTOM HOLE LOCATION (BHL)
 - ⊕ = EXISTING WELL
 - ⊖ = ABANDONED WELL



SHEET 2 OF 2

Brian T. Brinkman—On behalf of Lat40°, Inc.
Colorado Licensed Professional Land Surveyor No. 38175
DATE: 8/31/2016
PROJECT#: 2015094

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

IN THE MATTER OF THE APPLICATION)	CAUSE NO.
OF THE PROMULGATION AND)	
ESTABLISHMENT OF FIELD RULES TO)	DOCKET NO. 171000730
GOVERN OPERATIONS FOR THE)	
NIOBRARA FORMATION, WATTENBERG)	TYPE: POOLING
FIELD, WELD COUNTY, COLORADO)	

CERTIFICATE OF SERVICE

Courtney M. Shephard, of lawful age, and being first duly sworn upon her oath, states and declares:

That she is the attorney for PDC Energy, Inc., and that on September 7, 2017, she caused a copy of the Application submitted to COGCC on August 31, 2017, to be deposited in the United States Mail, postage prepaid, addressed to the parties listed on Exhibit B to the Application with the exception of the following party, which PDC Energy, Inc. has been unable to locate and plans to notice by publication: Estate of Richard S. Miller.

By: Courtney M. Shephard
Courtney M. Shephard, Esq.
License #47668
Burns, Figa & Will, P.C.
6400 S. Fiddler's Green Circle – Suite 1000
Greenwood Village, CO 80111

STATE OF COLORADO)
) SS.
COUNTY OF ARAPAHOE)

Subscribed and sworn to before me this 7th day of September, 2017.

My commission expires: 2/3/19



Annette M. McLaughlin

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

IN THE MATTER OF THE PROMULGATION AND)	CAUSE NO.	
ESTABLISHMENT OF FIELD RULES TO)		
GOVERN OPERATIONS FOR THE NIOBRARA)	DOCKET NO.	171000730
FORMATION, WATTENBERG FIELD, WELD)		
COUNTY, COLORADO)	TYPE:	POOLING

MOTION FOR PUBLICATION OF SUMMONS

PDC Energy, Inc. (Operator No. 69175) ("PDC"), by and through its attorneys Burns, Figa & Will, P.C., respectfully files this Motion for Publication of Summons ("Motion") to the Colorado Oil and Gas Conservation Commission of the State of Colorado ("COGCC" or "Commission" for an order to serve an unlocatable interested party by Publication of Summons. In support of its Motion, PDC states and alleges the following:

1. On August 31, 2017, PDC filed a verified application with the Commission ("Application") for an order pooling all interests within an approximate 320-acre Wellbore Spacing Unit, as further defined below, for the drilling of the Bunting 26Q-212 well (API #05-123-44087) for the development of the Niobrara formation on the following described lands:

Township 5 North, Range 65 West, 6th P.M.

Section 25: S $\frac{1}{2}$ S $\frac{1}{2}$

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Township 5 North, Range 64 West, 6th P.M.

Section 30: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Weld County, Colorado, containing approximately 320.00 acres ("Application Lands")

2. Burns, Figa & Will, P.C. submitted a Certificate of Service to the Commission for DN 171000730 on September 7, 2017, stating that copies of the Application were deposited in the United States Mail to all parties listed in Exhibit B to the Application, with the exception of the following party, which PDC was unable to locate and planned to notice by publication: Estate of Richard S. Miller.

3. Pursuant to COGCC Rule 507.b.(1), notice of applications affecting drilling units must be served on the "owners within the proposed drilling unit or within the existing drilling unit to be affected by the applications." C.R.S. § 34-60-108(4) mandates that where notice of an application to establish a drilling and spacing unit is not served to interested parties by mail, the same shall be served in accordance with the Colorado Rules of Civil Procedure for the service of process in civil actions in the district courts of the State of Colorado.

4. C.R.C.P. 4(g) authorizes service by publication where a party cannot effect personal service or service by mail. If the Commission is satisfied that PDC has used due diligence to serve interested parties by mail, or that its efforts to would have been to no avail, the Commission may order publication of process in a newspaper published in the county in which

the action is pending.¹ The Commission shall require publication once a week for five successive weeks, and shall deem service complete on the day of the last publication.

5. Despite diligent efforts, PDC has been unable to locate an address for service for the Estate of Richard S. Miller, which is believed to be an owner in the Application Lands (the "Unlocatable Party").

6. In an attempt to locate the Unlocatable Party, PDC conducted searches using the Weld County, Colorado ICRIS system (paid service), LexisNexis (paid service), InfoAge IS (paid service), and Google. Despite its efforts, PDC was unable to locate an address for the Unlocatable Party or any information about whether the Unlocatable Party's interests have been transferred to other parties.

WHEREFORE, PDC respectfully requests the following relief:

1. The Commission issue an Order, authorizing by publication in a newspaper published in Weld County, Colorado, the county in which this action is pending, for the purposes of providing notice of the Application to the Unlocatable Party.

2. Require publication to be made once weekly for five successive weeks from the date of the Order.

3. For such other findings and orders as the commission may deem proper or advisable.

DATED this 19th day of September, 2017.

Respectfully submitted,

PDC Energy, Inc.

By: 

Michael T. Jewell, Esq. #40902
Courtney M. Shephard, Esq. #47668

Burns, Figa & Will, P.C.
6400 S. Fiddler's Green Circle – Suite 1000
Greenwood Village, CO 80111

PDC Energy, Inc.
Mr. J. Tyler Sims, MBA, CPL
1775 Sherman Street - Suite 3000
Denver, CO 80203

¹ See C.R.C.P. 4(g)(2).

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2107, Burns, Figa & Will, P.C. caused PDC's Motion for Publication of Summons to be served via electronic mail and by courier to the Colorado Oil and Gas Conservation Commission pursuant to the applicable rules at the addresses listed below:

Colorado Oil and Gas Conservation Commission
Attn: Julie Prine, Hearings and Regulatory Affairs Manager
1120 Lincoln Street - Suite 801
Denver, CO 80203
julie.prine@state.co.us



Michael T. Jewell, Shareholder
Burns, Figa & Will, P.C.

EXHIBIT A

Updated Interested Parties

Bunting 26Q-212
DN 171000730

After receipt of Drilling and Division Order Title Opinion dated September 25, 2017, which affects this Pooling Application submitted to COGCC on 08.31.2017, PDC hereby updates the Interested Parties List to this Application as of 10.19.2017
(Deleted entities are indicated with a ~~strikethrough~~, and new entities are in **BOLD**)

ABA Revocable Trust

Ameritas Life Insurance Corp.

Andrew Kennedy Leaming

Andrews Capital Holdings, LLC

Atomic Capital Minerals LLC*

Black Knife Minerals, LLC

BLG Resources, LLC

Carol E. Barrett & Ronnie A. Barrett, JT

Centennial Mineral Holdings, LLC

Cindy Howerter

Clayton L. Vandergriff

Clint D. Fiscus

Cyril John Grossaint

Daniel C. Shepherd

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~~David C. Wilkinson~~

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Harvey E. Cozzens Heritage Trust
Helen Crews
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Janet K. Schmidt
Joanne F. Hart & Gerald L. Hart, JT
John Allen Duell
John G. Brant
Joseph F. Zufall & LaVeta A. Zufall, JT
Joye A. Schneider
Julius A. Pluss
Keith Joseph Grossaint
LHB Ventures, LLC
Linda A. Wegher
Linda S. Cantrell
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~~Lydia Dietrich Trust~~
Marise R. Downing
Mark Hamilton
Martha H. Salser
McArthur Minerals, LLC
Mekusukey Oil Company, LLC
Michael J. Boulter & Daisy I. Boulter, JT

Mike's Oil Well, LLC

Monterrey Minerals, LLC

New Direction IRA, Inc., FBO Rita A. Cassell IRA

Norma J. Wegher

Oak Prairie Oil & Gas, LLC

Paragon Oil & Gas LLC

PDC Energy, Inc.

Principle Energy, L.L.C.

Richard Jeffrey Grossaint

Rita Cassell Living Trust, dated July 25, 2006

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ROEC, Inc.

Ronald E. Bernhardt & Karen E. Bernhardt, JT

Rose M. Pluss

Rosemary Alene Mathis

Sam Pluss, Jr.

Sharon Eileen Brandt

Sister Mary Wegher

Springbok Energy Partners, LLC

Tammy Fiscus

Texas Conference Association of Seventh-Day Adventists

The Sharon L. Bunting Living Trust, dated November 17, 2016

Trena Sue Franasiak