

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

IN THE MATTER OF THE APPLICATION OF FIFTH CREEK ENERGY OPERATING COMPANY, LLC FOR AN ORDER TO AMEND ORDER NO. 421-26 TO (1) VACATE A 640-ACRE DRILLING AND SPACING UNIT ESTABLISHED BY ORDER NO. 421-3, (2) TO INCLUDE THE CODELL, FORT HAYS AND CARLILE FORMATIONS, (3) TO AUTHORIZE UP TO SIX (6) NEW CODELL, FORT HAYS AND CARLILE HORIZONTAL WELLS, (4) TO AUTHORIZE AND ADDITIONAL FIVE (5) NEW NIOBRARA HORIZONTAL WELLS, AND (5) TO ALLOW FOR 300-FOOT SETBACKS FROM THE BOUNDARIES OF A 1,280-ACRE UNIT ESTABLISHED FOR 9 AND 16, TOWNSHIP 11 NORTH, RANGE 62 WEST, 6<sup>TH</sup> P.M., FOR THE PRODUCTION OF THE CODELL, FORT HAYS, CARLILE AND NIOBRARA FORMATIONS, HEREFORD FIELD, WELD COUNTY, COLORADO.

CAUSE NO. 421

DOCKET NO. 180300 \_\_\_\_

TYPE: SPACING

**APPLICATION**

COMES NOW Fifth Creek Energy Operating Company, LLC (Operator No. 10629) ("Applicant"), by and through its attorneys, Jost Energy Law, P.C., and respectfully submits this Application to the Oil and Gas Conservation Commission of the State of Colorado (the "Commission") for an order to amend Order No. 421-26 to (1) vacate the 640-acre drilling and spacing unit established by Order No. 421-3 for Section 9, Township 11 North, Range 62 West, 6th P.M. for the Niobrara Formation, (2) include the Codell, Fort Hays and Carlile Formations, (3) authorize up to six (6) new horizontal wells for the efficient and economic development of oil, gas and associated hydrocarbons from the Codell, Fort Hays and Carlile Formations, (4) authorize an additional five (5) horizontal wells, for a total of up to fifteen (15) new horizontal wells for the efficient and economic development of oil, gas and associated hydrocarbons from the Niobrara Formation, and (5) provide for 300-foot reduced setbacks as to the boundaries of the approximate 1,280-acre drilling and spacing unit, for the efficient and economic development of oil, gas and associated hydrocarbons from the Codell, Fort Hays, Carlile and Niobrara Formations underlying the below-described lands. In support of its Application, Applicant states and alleges as follows:

1. Applicant is a limited liability company duly authorized to conduct business in the State of Colorado, and is a registered operator in good standing with the Commission.

2. Applicant is an "Owner" as defined by the Oil and Gas Conservation Act and owns leasehold interests or holds the right to operate on the following lands (hereafter "Application Lands"):

Township 11 North, Range 62 West, 6<sup>th</sup> P.M.

Section 9: All

Section 16: All

1,280 acres, more or less, Weld County, Colorado

A reference map of the Application Lands is attached hereto.

3. On October 21, 2010, the Commission entered Order No. 421-3 which, among other things, established 83 approximate 640-acre drilling and spacing units for certain lands, including Sections 9 and 16, Township 11 North, Range 62 West, 6th P.M., for the production of oil and gas and associated hydrocarbons from the Niobrara Formation, with no more than one horizontal well to be drilled in each unit from a surface location anywhere in the unit with the horizontal leg and bottom-hole location to be not closer than 600 feet from the boundaries of each unit.

4. On January 7, 2013, the Commission entered Order No. 421-26 which, among other things, maintained two approximate 640-acre drilling and spacing units established by Order No. 421-3 for Sections 9 and 16, Township 11 North, Range 62 West, 6th P.M. for the Garden Creek #09-16H Well (API No. 05-123-31191), and established an approximate 1,280-acre stand-up exploratory drilling and spacing unit for Sections 9 and 16, Township 11 North, Range 62 West, 6th P.M., and approved up to ten wells within the unit, for the production of oil, gas and associated hydrocarbons from the Niobrara Formation.

5. The records of the Commission reflect that one well is currently producing in the Niobrara Formation on the Application Lands, the Garden Creek #09-16H Well (API No. 05-123-31191), operated by Applicant in Section 16, Township 11 North, Range 62 West, 6th P.M. Applicant respectfully requests that Order No. 421-3 continue to be maintained for Section 16, Township 11 North, Range 62 West, 6th P.M. for production of the Garden Creek #09-16H well only, and that the Garden Creek #09-16H continue to be excluded from the 1,280-acre unit for purposes of payment of proceeds.

6. In order to promote efficient drainage of the Codell, Fort Hays, Carlile and Niobrara Formations within the Application Lands, to protect correlative rights and to avoid waste, the Commission should amend Order No. 421-26 to (1) vacate the 640-acre drilling and spacing unit established by Order No. 421-3 for Section 9, Township 11 North, Range 62 West, 6th P.M. for the Niobrara Formation, (2) include the Codell, Fort Hays and Carlile Formations, (3) authorize up to six (6) new horizontal wells for the efficient and economic development of oil, gas and associated hydrocarbons from the Codell, Fort Hays and Carlile Formations, (4) authorize an additional five (5) horizontal wells, for a total of up to fifteen (15) new horizontal wells for the efficient and economic

development of oil, gas and associated hydrocarbons from the Niobrara Formation, and (5) provide for 300-foot reduced setbacks as to the boundaries of the approximate 1,280-acre drilling and spacing unit, for the efficient and economic development of oil, gas and associated hydrocarbons from the Codell, Fort Hays, Carlile and Niobrara Formations underlying the Application Lands.

7. Applicant maintains that there will be no more than a total of five (5) well pads in the proposed drilling and spacing unit to be located within such unit or adjacent thereto, unless an exception is granted by the Director, for the existing production from the Garden Creek #09-16H Well (API No. 05-123-31191) and for the twenty-one (21) proposed horizontal wells on the Application Lands.

8. The treated interval of each proposed horizontal well shall be no closer than 300 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.

9. The undersigned certifies that copies of this Application will be served on each interested party as required by Rule 507 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 on March 19, 2018, that notice be given as required by law, and that upon such hearing, the Commission enter its order:

A. Amending Order No. 421-26 to vacate the 640-acre drilling and spacing unit established by Order No. 421-3 for Section 9, Township 11 North, Range 62 West, 6th P.M. for the Niobrara Formation.

B. Amending Order No. 421-26 to include the Codell, Fort Hays and Carlile Formations.

C. Amending Order No. 421-26 to authorize up to six (6) new horizontal wells for the efficient and economic development of oil, gas and associated hydrocarbons from the Codell, Fort Hays and Carlile Formations.

D. Amending Order No. 421-26 to authorize an additional five (5) horizontal wells, for a total of up to fifteen (15) new horizontal wells for the efficient and economic development of oil, gas and associated hydrocarbons from the Niobrara Formation.

E. Amending Order No. 421-26 to provide for 300-foot reduced setbacks as to the boundaries of the approximate 1,280-acre drilling and spacing unit, for the efficient and economic development of oil, gas and associated hydrocarbons from the Codell, Fort Hays, Carlile and Niobrara Formations underlying the Application Lands.

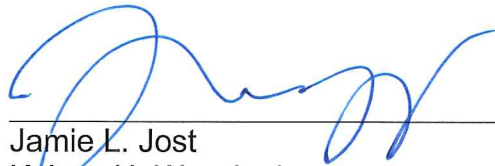
F. For such other findings and orders as the Commission may deem proper or advisable in this matter.

DATED January 17<sup>th</sup>, 2018.

Respectfully submitted:

**FIFTH CREEK ENERGY OPERATING COMPANY, LLC**

By:



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

Applicant's Address:

Fifth Creek Energy Operating Company, LLC  
Attn: Cody Truitt  
5251 DTC Parkway, Suite 420  
Greenwood Village, CO 80111

VERIFICATION

STATE OF COLORADO )

~~CITY AND COUNTY OF~~ <sup>ss.</sup> Arapahoe )

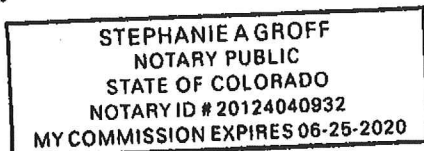
Cody Truitt, of lawful age, being first duly sworn upon oath, deposes and says that he is the Vice President of Engineering for Fifth Creek Energy Operating Company, LLC and that he has read the foregoing Application and that the matters therein contained are true to the best of his knowledge, information and belief.

Cody Truitt  
Cody Truitt  
Vice President – Engineering  
Fifth Creek Energy Operating Company, LLC

Subscribed and sworn to before me this 16<sup>th</sup> day of January, 2018.

Witness my hand and official seal.

[SEAL]

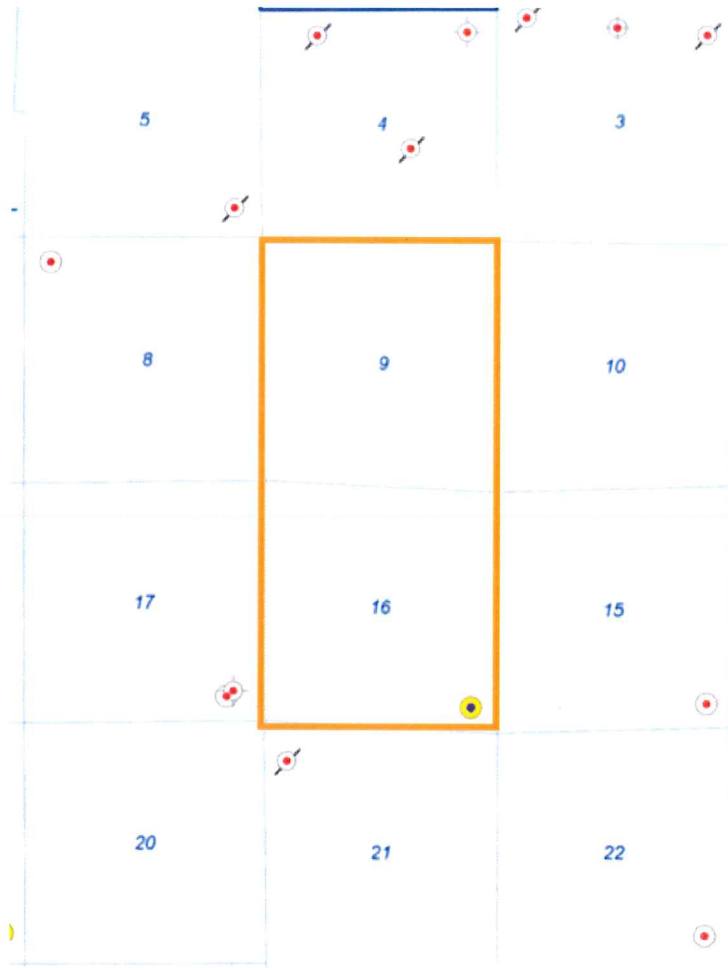


My commission expires: June 25, 2020

[Signature]  
Notary Public

Reference Map  
Fifth Creek Energy, Inc.

Sections 9 and 16, Township 11 North, Range 62 West, 6<sup>th</sup> P.M.



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TYPE: SPACING

King's College

**EXHIBIT A**  
SP – T11N-R62W Sec 9 & 16

Fifth Creek Energy Operating Company,  
LLC  
5251 DTC Parkway  
Suite 420  
Greenwood Village, CO 80111

Canyon Oil & Gas LLC  
6301 Aspen Ridge Court  
Fort Collins, CO 80524

Rimrock Royalties, LLC  
3003 East Harmony Rd.  
Suite 310  
Fort Collins, CO 80528

William F. Langan and Kathryn A.  
Langan, HWJT  
2016 Vineyard Drive  
Windsor, CO 80550

Barclay Royalty Fund, LLC  
P.O. Box 837  
Windsor, CO 80550-0837

Clear Creek Fund I-A, LP  
717 17th Street  
Suite 1525  
Denver, CO 80202

8 North, LLC  
370 17th St.  
#5300  
Denver, CO 80202

Hampton Royalties, LLC  
1855 40th Ave.  
Greeley, CO 80634

Wade R. Hill and Barbara S. Hill, HWJT  
8952 Gander Valley Lane  
Windsor, CO 80550

Walsh Production, Inc.  
PO Box 30  
Sterling, Colorado 80751

Frank H. Walsh, LLC  
Successor in Interest to Frank H. Walsh  
PO Box 30  
Sterling, Colorado 80751

Beach Comber Energy, LLC  
323 S College Ave, #3  
Fort Collins, CO 80524

Exterra Resources, LLC  
475 17th St.  
Suite 2200  
Denver, CO 80202-2805

Gene F. Lang & Co.  
19751 E. Mainstreet  
Suite 334  
Parker, CO 80138

Willow Street Partners, LP  
510 Bering St., Suite 300  
Houston, TX 77057

John C. Harms  
5 Meadowbrook Rd.  
Littleton, CO 80120

Edward A. Hirs, III  
6255 Burgoyne Rd.  
Houston, TX 77057

Diamond D Holdings, LLC-  
136 Thunder Road  
Kerrville, TX 78028



Harry Fendrich, The Fendrich Family  
Partnership, LP  
28 Warren Street  
Charleston, SC 29403

Nancy W. Fendrich, The Fendrick Family  
Partnership, LP  
28 Warren Street  
Charleston, SC 29403

Jill S. Glanville  
421 Buckingham Dr.  
Houston, TX 77024-5802

Trustees of the James H. Glanville 2007  
Irrevocable Trust  
421 Buckingham Dr.  
Houston, TX 77024-5802

Ben A. Reid  
5071 Cedar Creek Dr.  
Houston, TX 77056

Mitch W. Hale  
5472 Lynbrook Dr.  
Houston, TX 77056

William A. Kelly  
2371 Lake Village Dr.  
Kingwood, TX 77339

Gary L. Price  
P. O. Box 5945  
Kingwood, TX 77325

Randall B. Rice  
249 Northridge  
New Braunfels, TX 78132

William R. Glazner  
3704 Garrott St.  
Houston, TX 77006-4424

Mary E. (Lisa) Lehman  
1827 Grant St., Suite 502  
Denver, CO 80203

Ilene Governale  
16714 Pine Castle Dr.  
Houston, TX 77095

Jack Rosenthal  
877 S. Pearl St.  
Denver, CO 80209

Billy Shaw  
2726 Bissonnett, Suite 240 PMB 63  
Houston, TX 77005-1362

TB Dawson, LLC  
20806 Tallow View Lane  
Cypress, TX 77433

The Fraser Ian Dawson Special Needs  
Trust  
11518 Shadow Way  
Houston, TX 77024

Erin K. Goerges  
4265 San Felipe, Suite 1100  
Houston, TX 77027

Freddie L. Daume  
2414 Watts Rd.  
Iowa Park TX 76367

Lamar C. McIntyre  
P. O. Box 440483  
Houston, TX 77244

K. Denton Cranford  
3707 Villa Pines Dr.  
Kingwood, TX 77339

Richard S. Bishop  
13622 Kingsride Ln.  
Houston, TX 77079

Black Diamond Minerals, LLC  
1600 Stout Street, Suite 1710  
Denver, CO 80202

Bartels Minerals LLC  
5801 West 11th Street,  
#201  
Greeley, CO 80634

Charlotte M. Tegtman (appears  
deceased)  
PO BOX 370  
Greeley, CO 80634

Richard J. Bartels and  
Robbin L. Peppler as Trustees  
of the Grandchildren's Trust II  
2131 62nd Ave Court  
Greeley, CO 8063

Kathryn B. Stahlman and  
Robbin L. Peppler as Trustees  
of the Grandchildren's Trust I  
2131 62nd Ave Court  
Greeley, CO 80634

The Survivors Trust, under the Ralph  
and Adrienne Philp 2001 Trust  
2584 South 10th Avenue  
Arcadia, CA 91006

MAP 2009 – OK  
An Oklahoma General Partnership  
c/o MAP Royalty, Inc.  
101 North Robinson, Suite 1000  
Oklahoma City, OK 73102-5514

Charles W. and Patty N. Brown LLC  
507 W Choctaw Street  
PO Box 587  
Marlow, OK 73055

Anadarko Land Corporation  
1099 18th Street, Suite 1800  
Denver, CO 80202

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

Troy Swain  
Weld County  
Department of Planning Services  
1555 N. 17th Ave.  
Greeley, CO 80631