

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

IN THE MATTER OF THE PROMULGATION AND	)	CAUSE NO. 407
ESTABLISHMENT OF FIELD RULES TO GOVERN	)	
OPERATIONS FOR THE NIOBRARA AND CODELL	)	DOCKET NO. 180600463
FORMATIONS, WATTENBERG FIELD, WELD	)	
COUNTY, COLORADO	)	TYPE: SPACING

**NOTICE OF WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

Notice is hereby given that, pursuant to C.R.C.P. 121 § 1-1.1(a), attorneys Jamie L. Jost and Kelsey H. Wasylenky of Jost Energy Law, P.C. hereby withdraw as counsel of record for Applicant Mallard Exploration, LLC ("Mallard"), and simultaneously, attorney Rob Willis of Poulson, Odell & Peterson, LLC hereby substitutes as counsel for Mallard, replacing Jost Energy Law, P.C. The foregoing attorneys and their law firms agree to this withdrawal and substitution. Mallard has requested and agrees with this withdrawal and substitution.

Counsel requests that the Hearing Officer enter the withdrawal upon receipt of this Notice and substitute Rob Willis for Jamie Jost and Kelsey Wasylenky in this matter.

Dated June 13, 2018.

By: \_\_\_\_\_

Jamie L. Jost  
Kelsey H. Wasylenky  
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By: \_\_\_\_\_

Rob Willis  
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(303)861-4400

## CERTIFICATE OF SERVICE

I hereby certify that, on June 13<sup>th</sup>, 2018, Jost Energy Law, P.C. caused the Notice of Withdrawal and Substitution of Counsel in Colorado Oil and Gas Conservation Commission Docket No. 180600463 to be served via electronic mail to Poulson, Odell & Peterson, LLC and the Colorado Oil and Gas Conservation Commission pursuant to the applicable rules, via email, and by courier/U.S. mail at the addresses listed below:

Via Email and Courier:

Colorado Oil and Gas Conservation Commission  
ATTN: Margaret Humecki, Julie Prine and James Rouse  
1120 Lincoln Street, Suite 801  
Denver, CO 80203  
[Margaret.humecki@state.co.us](mailto:Margaret.humecki@state.co.us)  
[Julie.prine@state.co.us](mailto:Julie.prine@state.co.us)  
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Via Email and U.S. mail:

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\_\_\_\_\_  
Jost Energy Law, P.C

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

IN THE MATTER OF THE APPLICATION OF  
MALLARD EXPLORATION, LLC FOR AN ORDER  
TO ESTABLISH AN APPROXIMATE 1600-ACRE  
DRILLING AND SPACING UNIT FOR W $\frac{1}{2}$  OF  
SECTION 26 AND ALL OF SECTIONS 27 AND 28,  
TOWNSHIP 7 NORTH, RANGE 63 WEST, 6<sup>TH</sup> P.M.,  
AND TO APPROVE UP TO SIXTEEN (16) NEW  
HORIZONTAL WELLS IN THE APPROXIMATE  
1600-ACRE UNIT FOR THE PRODUCTION FROM  
THE CODELL AND NIOBRARA FORMATIONS,  
WATTENBERG FIELD, WELD COUNTY,  
COLORADO

CAUSE NO. 407

DOCKET NO. 180600 \_\_\_\_\_

TYPE: SPACING

**APPLICATION**

COMES NOW Mallard Exploration, LLC (Operator No. 10670) ("Applicant"), by and through its undersigned attorneys, and respectfully submits this Application to the Oil and Gas Conservation Commission of the State of Colorado (the "Commission") for an order to: 1) vacate the approximate 640-acre drilling and spacing unit established by Order No. 407-528 for Section 28, Township 7 North, Range 63 West, 6<sup>th</sup> P.M. for the production of oil, gas and associated hydrocarbons from the Niobrara Formation; 2) vacate the approximate 320-acre drilling and spacing unit established for the W $\frac{1}{2}$  of Section 26, Township 7 North, Range 63 West, 6<sup>th</sup> P.M. for the production of oil, gas and associated hydrocarbons from the Niobrara Formation; 3) establish an approximate 1600-acre drilling and spacing unit for the W $\frac{1}{2}$  of Section 26, and all of Sections 27 and 28, Township 7 North, Range 63 West, 6<sup>th</sup> P.M., and to approve up to sixteen (16) new wells in the proposed approximate 1600-acre drilling and spacing unit, for the production of oil, gas, and associated hydrocarbons from the Codell 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 and/or Operator as defined by the Colorado Oil and Gas Conservation Act, § 34-60-103(7), C.R.S. and the Commission 100 Series Rules, owns leasehold interests and/or has the right to drill and produce on the following lands (hereafter "Application Lands"):

Township 7 North, Range 63 West, 6<sup>th</sup> P.M.

Section 26: W $\frac{1}{2}$

Section 27: All

Section 28: All

1600-acres, more or less, Weld 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 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. Sections 26 and 28, Township 2 North, Range 63 West, 6<sup>th</sup> P.M. are subject to this Rule for the Codell Formation. Section 27, Township 2 North, Range 63 West, 6<sup>th</sup> P.M. is subject to this Rule for the Niobrara and Codell Formations.

4. On December 12, 2011, the Commission entered Order No. 407-528 which, among other things, established 51 approximate 640-acre drilling and spacing units for lands in Townships 1, 2, 3, 4, and 7 North, Ranges 61, 62 and 63 West, 6<sup>th</sup> P.M., including Section 28, Township 7 North, Range 63 West, 6<sup>th</sup> P.M. and approved two horizontal wells within each unit, for the production of oil, gas and associated hydrocarbons from the Niobrara Formation.

5. The Commission records reflect that there are no producing horizontal wells in the unit established for Section 28, Township 7 North, Range 63 West, 6<sup>th</sup> P.M.

6. On April 16, 2012, the Commission entered Order No. 407-578 which established an approximate 320-acre drilling and spacing unit for the W $\frac{1}{2}$  of Section 26, Township 7 North, Range 63 West, 6<sup>th</sup> P.M., and authorized one horizontal well within the unit, for the production of oil, gas and associated hydrocarbons from the Niobrara Formation.

7. The Commission records reflect that there are no producing horizontal wells in the unit established for the W $\frac{1}{2}$  of Section 26, Township 7 North, Range 63 West, 6<sup>th</sup> P.M.

8. On November 12, 2012, the Commission entered Order No. 407-738 which, among other things, pooled all interests in three approximate 320-acre designated wellbore spacing units established for Sections 25 and 26, Township 7 North, Range 63 West, 6<sup>th</sup> P.M., including the Carmichael 26M-223 Well, for the development and operation of the Codell and Niobrara Formations. The Carmichael 26M-223 well (05-123-35113) is a designated wellbore spacing unit established for the E $\frac{1}{2}$ W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$  of Section 26, Township 7 North, Range 63 West, 6<sup>th</sup> P.M. Order No. 407-738 does not affect the Application.

9. To promote efficient drainage within the Codell and Niobrara Formations of the Application Lands, to protect correlative rights and to avoid waste, the

Commission should: 1) vacate the approximate 640-acre drilling and spacing unit established by Order No. 407-528 for Section 28, Township 7 North, Range 63 West, 6<sup>th</sup> P.M. for the production of oil, gas and associated hydrocarbons from the Niobrara Formation; 2) vacate the approximate 320-acre drilling and spacing unit established for the W½ of Section 26, Township 7 North, Range 63 West, 6<sup>th</sup> P.M. for the production of oil, gas and associated hydrocarbons from the Niobrara Formation; 3) establish an approximate 1600-acre drilling and spacing unit for the W½ of Section 26, and all of Sections 27 and 28, Township 7 North, Range 63 West, 6<sup>th</sup> P.M., and to approve up to sixteen (16) new wells in the proposed approximate 1600-acre drilling and spacing unit, for the efficient and economic development and operation of the Codell and Niobrara Formations.

10. The above-proposed drilling and spacing unit will allow efficient drainage of the Codell and Niobrara Formations; 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.

11. Mallard maintains that there will be no more than two (2) new well pads in the unit, or adjacent thereto, unless an exception is granted by the Director.

12. The productive interval of each proposed horizontal well shall be no closer than 460 feet from the boundaries of the proposed 1600-acre unit (regardless of lease lines within the unit), unless an exception is granted by the Director, and all horizontal wells shall be no closer than 150 feet from the productive interval of another well producing from the same supply within the unit, unless a waiver or consent is obtained from the operator of such well.

13. Mallard is requesting to drill and complete up to sixteen (16) new horizontal wells in the proposed approximate 1600-acre drilling and spacing unit for the efficient and economic development of oil, gas and associated hydrocarbons from the Codell and Niobrara Formations underlying the Application Lands.

14. 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.

15. The granting of this Application is in accord with the Oil and Gas Conservation Act, found at §§ 34-60-101 *et seq.*, C.R.S., and the Commission Rules.

16. Applicant requests that relief granted under this Application should be effective on oral order by the Commission, and Applicant hereby agrees to be bound by said oral order.

WHEREFORE, Mallard respectfully requests that this matter be set for hearing in June 11, 2018, that notice be given as required by law, and that upon such hearing, the Commission enter its order to:

A. Vacate the approximate 640-acre drilling and spacing unit established by Order No. 407-528 for Section 28, Township 7 North, Range 63 West, 6<sup>th</sup> P.M. for the production of oil, gas and associated hydrocarbons from the Niobrara Formation;

B. Vacate the approximate 320-acre drilling and spacing unit established for the W½ of Section 26, Township 7 North, Range 63 West, 6<sup>th</sup> P.M. for the production of oil, gas and associated hydrocarbons from the Niobrara Formation;

C. Establish an approximate 1600-acre drilling and spacing unit for the W½ of Section 26, and all of Sections 27 and 28, Township 7 North, Range 63 West, 6<sup>th</sup> P.M., and to approve up to sixteen (16) new wells in the proposed approximate 1600-acre drilling and spacing unit, for the production of oil, gas, and associated hydrocarbons from the Codell and Niobrara Formations;

D. Provide that the productive interval of each proposed horizontal well shall be no closer than 460 feet from the boundaries of the proposed unit (regardless of lease lines within the unit), and no closer than 150 feet from the productive interval of any other wellbore within the unit, unless an exception is granted by the Director, and authorizing up to two (2) new well pads within the unit, or adjacent thereto, unless an exception is granted by the Director.

E. Find that the approximate 1600-acre drilling and spacing unit for the development of oil, gas, and associated hydrocarbons from the Codell and Niobrara Formations underlying the Application Lands will prevent waste, protect correlative rights, and maximize the efficient and economic production of the Codell and Niobrara Formations in the W½ of Section 26, and all of Sections 27 and 28, Township 7 North, Range 63 West, 6<sup>th</sup> P.M.,

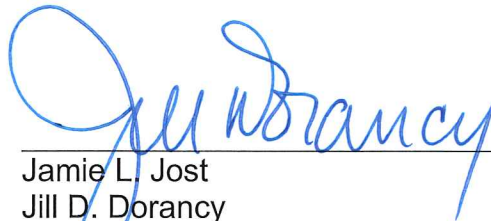
F. For such other findings and orders as the Commission may deem proper or advisable in this matter.

DATED April 12, 2018.

Respectfully submitted:

**MALLARD EXPLORATION, LLC**

By: \_\_\_\_\_



Jamie L. Jost  
Jill D. Dorancy  
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:  
Mallard Exploration, LLC  
ATTN: Jordan Mattson  
1821 Blake Street, Suite 2B  
Denver, CO 80202

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

  
Jordan J. Mattson  
Mallard Exploration

[SEAL]

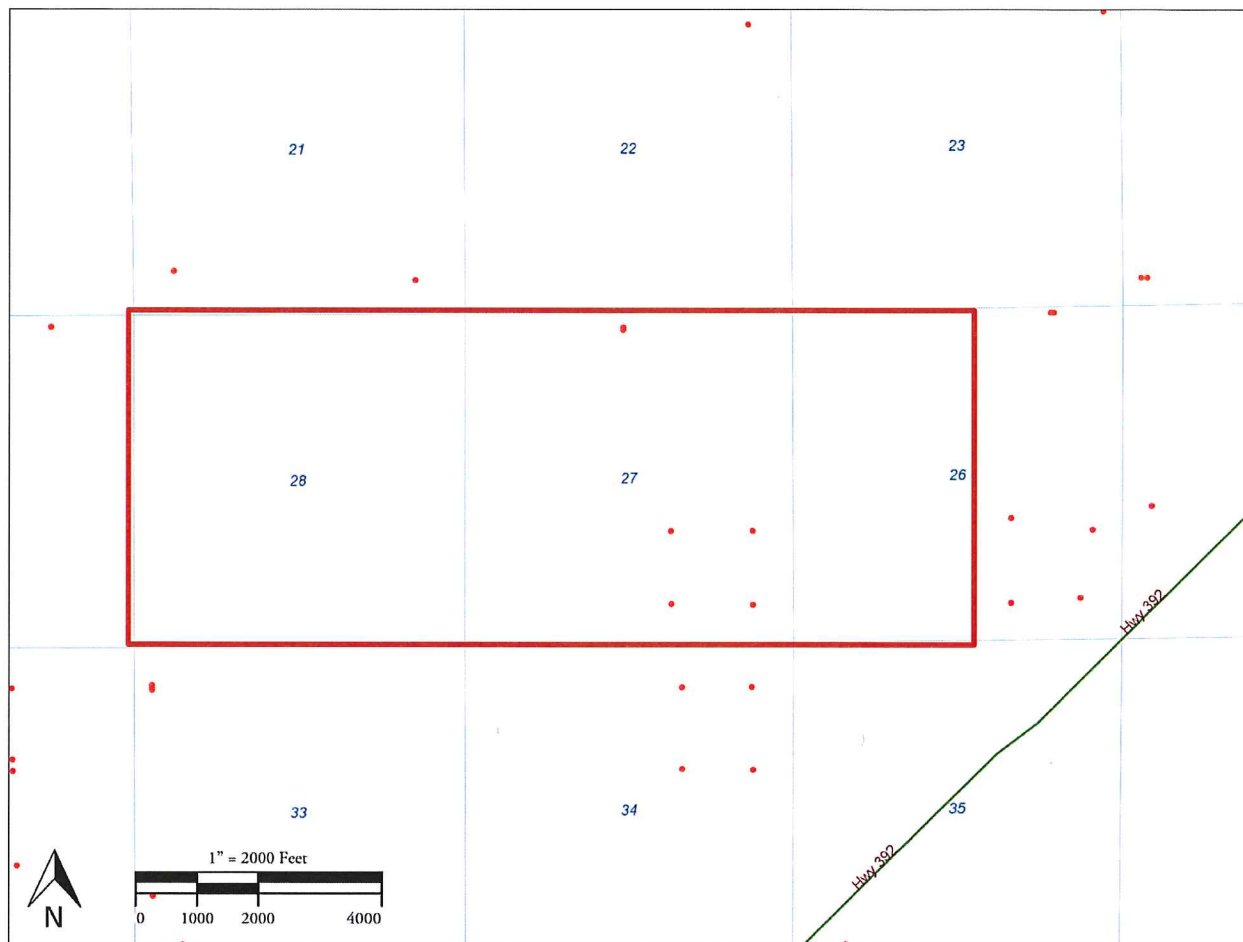
**My commission expires:**

  
Notary Public



Reference Map  
Mallard Exploration.

Sections 27 and 28, and W ½ of Section 26, Township 2 North, Range 63 West, 6<sup>th</sup>  
P.M.,



IN THE MATTER OF THE APPLICATION OF MALLARD EXPLORATION, LLC FOR AN ORDER TO ESTABLISH AN APPROXIMATE 1600-ACRE DRILLING AND SPACING UNIT FOR W½ OF SECTION 26 AND ALL OF SECTIONS 27 AND 28, TOWNSHIP 7 NORTH, RANGE 63 WEST, 6<sup>TH</sup> P.M., AND TO APPROVE UP TO SIXTEEN (16) NEW HORIZONTAL WELLS IN THE APPROXIMATE 640-ACRE UNIT FOR THE PRODUCTION FROM THE CODELL AND NIOBRARA FORMATIONS, WATTENBERG FIELD, WELD COUNTY, COLORADO

TYPE: SPACING

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

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

[SEAL]

Kempster

**KERRY LEBLEU**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 19934018734**  
**MY COMMISSION EXPIRES JULY 24, 2021**

**EXHIBIT A**  
**MALLARD - SP - 7N-63W-26 W2, 27 & 28**

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

Noble Energy, Inc.  
1625 Broadway, Ste 2200  
Denver, CO 80207

OOGC America LLC  
945 Bunker Hill Road, Suite 1000  
Houston, TX 77024

Noble Energy VII, LLC  
300 N. Marienfeld, Ste 700  
Midland, TX 79701

Mallard Exploration  
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Denver, CO 80202

Michael Guttersen and Henrietta  
Guttersen  
13696 Weld County Road 74  
Eaton, CO 80615

Benjamin D. Brown  
35954 CR 69  
Briggsdale, CO 80611

Jenny B. Smith  
a/k/a Jennie B. Smith  
f/k/a Jennie Burbach  
PO Box 112  
Worthing Springs, FL 32697

Glenn Cook and Gayle Cook, Joint  
Tenants  
200 Kahil Place  
Fort Lupton, CO 80611

Leta Mayvis Brown  
1601 44th Avenue, Court #1  
Greeley, CO 80634

Chesapeake Exploration, LLC  
P.O. Box 18496  
Oklahoma City, OK 73154-0496

Acoma Energy, LLC  
4100 East Mississippi Ave., Ste 400  
Denver, CO 80246

BLM  
2850 Youngfield St.  
Lakewood, CO 80215

State of Colorado  
1127 N. Sherman St., Ste 300  
Denver, CO 80203

Kerr-McGee Oil & Gas Onshore LP  
PO Box 173779  
Denver, CO 80217-3779

The Rocky Mountain Investment Group,  
LLC  
1635 Foxtrail Dr.  
Loveland, CO 80538

CL Energy Rockies, L.L.C.  
201 Main St., Ste 1900  
Fort Worth, TX 76102

Taps I Energy, LLC  
29 South Main St., Ste 216  
West Hartford, CT 06107

Kathryn Ann Fender  
5701 Johnny Morris Rd., TRLR. 97  
Austin, TX 78724

Marlan Ray Fender  
1235 E. Sheena Dr.  
Phoenix, AZ 85022

Willa May Holgate  
201 W. Heron Dr.  
Highland Haven, TX 78654

The Jim Bakker Show  
PO Box 7330  
Branson, MO 65615

The Inspirational Network, Inc.  
3000 World Reach Dr  
Indian Land, SC 29707-6542

Morningside Church, Inc.  
C/O Jim Bakker  
180 Grace Chaple Road – Suite A  
Blue Eye, MO 65611