

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

IN THE MATTER OF AN APPLICATION BY KERR-MCGEE OIL & GAS ONSHORE LP FOR AN ORDER POOLING ALL INTERESTS IN THREE APPROXIMATE 720-ACRE DESIGNATED HORIZONTAL WELLBORE SPACING UNITS FOR CERTAIN PORTIONS OF SECTIONS 35 AND 36, TOWNSHIP 2 NORTH, RANGE 67 WEST, 6TH P.M. AND CERTAIN PORTIONS OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST, 6TH P.M., FOR THE DEVELOPMENT/OPERATION OF THE NIOBRARA AND CODELL FORMATIONS, WATTENBERG FIELD, WELD COUNTY, COLORADO

CAUSE NO. 407

DOCKET NO.

TYPE: POOLING

**APPLICATION**

Kerr-McGee Oil & Gas Onshore LP (Operator No. 47120) ("Kerr-McGee" or "Applicant"), by and through its attorneys, Beatty & Wozniak, P.C., respectfully submits this Application to the Oil and Gas Conservation Commission of the State of Colorado ("Commission") for an order pooling all interests in three approximate 720-acre horizontal wellbore spacing units established for certain portions of Sections 35 and 36, Township 2 North, Range 67 West, 6<sup>th</sup> P.M. and certain portions of Section 31, Township 2 North, Range 66 West, 6<sup>th</sup> P.M., for the development and operation of the Niobrara and Codell Formations. In support of its Application, Applicant states and alleges as follows:

1. Applicant is a limited partnership duly authorized to conduct business in the State of Colorado, and has registered as an operator with the Commission.

2. Applicant owns a leasehold interest in the below-listed lands:

Township 2 North, Range 67 West, 6<sup>th</sup> P.M.

Section 35: E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$

Section 36: S $\frac{1}{2}$

Township 2 North, Range 66 West, 6<sup>th</sup> P.M.

Section 31: SW $\frac{1}{4}$

***Wellbore Spacing Unit ("WSU") Nos. 1-3***

720 acres, more or less, Weld County, Colorado.

These lands are hereinafter collectively referred to as the "Application Lands" and depicted in Exhibit A, attached hereto.

3. On April 27, 1998, the Commission adopted Rule 318A. which, among other things, allowed certain drilling locations to be utilized to drill or twin a well, deepen a well or recomplete a well and to commingle any or all of the Cretaceous Age

Formations from the base of the Dakota Formation to the surface. On December 5, 2005, Rule 318A. was amended to allow interior infill and boundary wells to be drilled and wellbore spacing units to be established. On August 8, 2011, Rule 318A. was again amended to, among other things, address drilling of horizontal wells. The Application Lands are subject to Rule 318A.

4. Upon information and belief, Applicant designated three approximate 720-acre horizontal wellbore spacing units comprised of certain portions of the Application Lands, for the below-described wells, for the production of oil, gas and associated hydrocarbons from the Niobrara and Codell Formations. Applicant notified all owners in the proposed wellbore spacing units pursuant to Rule 318A.e.(5). Applicant did not receive objections to the establishment of the proposed horizontal wellbore spacing units within the 30-day response period:

- a. Baja Berg 35-4HZ Well (API No. to be assigned) - Niobrara Formation - WSU #1;
- b. Baja Berg 35-5HZ Well (API No. to be assigned) - Codell Formation - WSU #2;
- c. Baja Berg 35-6HZ Well (API No. to be assigned) - Niobrara Formation - WSU #3.

These wells are hereinafter referred to as the "Subject Wells."

5. Acting pursuant to the relevant provisions of §34-60-116(6) & (7), C.R.S., and Rule 530., Applicant seeks an order pooling all interests, including, but not limited to, any nonconsenting interests, in WSU Nos. 1-3 established for the Application Lands, for the development and operation of the Niobrara and Codell Formations.

6. Applicant requests that the Commission's pooling order be made effective as of the earlier of the date of this Application, or the date that the costs specified in §34-60-116(7)(b), C.R.S. are first incurred for the drilling of the Subject Wells within WSU Nos. 1-3.

7. Further, Applicant requests that the interests of any owners with whom the Applicant has been unable to secure a lease or other agreement to participate in the drilling of the Subject Wells, are made subject to the cost recovery provisions of §34-60-116(7), C.R.S., effective as of the earlier of the date of the Application, or the date the costs specified in §34-60-116(7)(b), C.R.S. are first incurred for the drilling of the Subject Wells.

8. 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.

9. 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.

10. 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, that notice be given as required by law and that upon such hearing, the Commission enter its order:

A. Pooling all interests in WSU Nos. 1-3 established for the Application Lands, for the development and operation of the Niobrara and Codell Formations, effective as of the earlier of the date of this Application, or the date that the costs specified in §34-60-116(7)(b), C.R.S. are first incurred for the drilling of the Subject Wells within WSU Nos. 1-3.

B. Providing that the interests of any owners with whom the Applicant has been unable to secure a lease or other agreement to participate in the drilling of the Subject Wells, are made subject to the cost recovery provisions of §34-60-116(7), C.R.S., effective as of the earlier of the date of the Application, or the date the costs specified in §34-60-116(7)(b), C.R.S. are first incurred for the drilling of the Subject Wells.

C. For such other findings and orders as the Commission may deem proper or advisable in the premises.

DATED this 19<sup>th</sup> day of July, 2018.

Respectfully submitted,

**KERR-MCGEE OIL & GAS ONSHORE LP**

By: Jobediah Rittenhouse  
James Parrot  
Jillian Fulcher  
Jobediah Rittenhouse  
Beatty & Wozniak, P.C.  
Attorneys for Applicant  
216 16th Street, Suite 1100  
Denver, Colorado 80202  
(303) 407-4499  
jparrot@bwenergylaw.com  
jfulcher@bwenergylaw.com  
jrittenhouse@bwenergylaw.com

Applicant's Address:

Kerr-McGee Oil & Gas Onshore LP  
ATTN: Tom Yaley  
1099 18<sup>th</sup> Street, Suite 1720  
Denver, Colorado 80202

## VERIFICATION

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

Tom Yaley, Landman for Kerr-McGee Oil & Gas Onshore LP, 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.

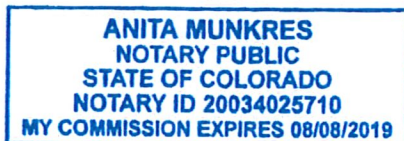
KERR-MCGEE OIL & GAS ONSHORE LP


Tom Yaley  
Tom Yaley

Subscribed and sworn to before me this 19<sup>th</sup> day of July, 2018,  
by Tom Yaley, Landman for Kerr-McGee Oil & Gas Onshore LP.

Witness my hand and official seal.

My commission expires: 8/8/2019



  
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Notary Public

## Exhibit A

### Reference Map for Pooling Application

Township 2 North, Range 67 West, 6<sup>th</sup> P.M.

Section 35: E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$

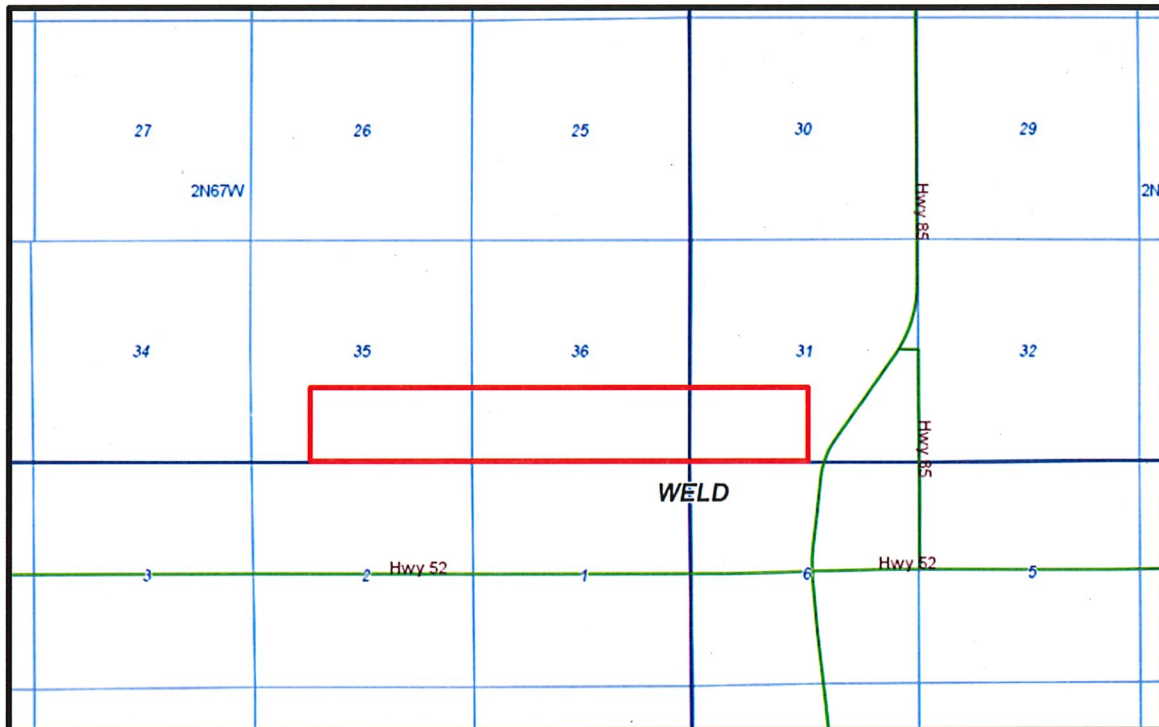
Section 36: S $\frac{1}{2}$

Township 2 North, Range 66 West, 6<sup>th</sup> P.M.

Section 31: SW $\frac{1}{4}$

### **Wellbore Spacing Unit ("WSU") Nos. 1-3**

720 acres, more or less, Weld County, Colorado



 = Application Lands

IN THE MATTER OF AN APPLICATION BY KERR-MCGEE OIL & GAS ONSHORE LP FOR AN ORDER POOLING ALL INTERESTS IN THREE APPROXIMATE 720-ACRE DESIGNATED HORIZONTAL WELLBORE SPACING UNITS FOR CERTAIN PORTIONS OF SECTIONS 35 AND 36, TOWNSHIP 2 NORTH, RANGE 67 WEST, 6TH P.M. AND CERTAIN PORTIONS OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST, 6TH P.M., FOR THE DEVELOPMENT/OPERATION OF THE NIOBRARA AND CODELL FORMATIONS, WATTENBERG FIELD, WELD COUNTY, COLORADO

TYPE: POOLING

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

That she is a Legal Assistant at Beatty & Wozniak, P.C., attorneys for Kerr-McGee Oil & Gas Onshore LP, and on or before the 26<sup>th</sup> day of July, 2018, 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 attached hereto.

Witness my hand and official seal.

**TERESA L. PETERSON**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
NOTARY ID 19894002026  
MY COMMISSION EXPIRES OCTOBER 4, 2021

## EXHIBIT A

### INTERESTED PARTIES

The names and addresses of the interested parties (persons who own any interest in the mineral estate of the tracts to be pooled, except owners of overriding royalty interest) according to the information and belief of the Applicant are set forth in this Exhibit A.

KERR-MCGEE OIL & GAS ONSHORE, LP  
1099 18TH STREET, SUITE 1800  
DENVER, CO 80202

BETTY JEAN INOUE  
12210 WELD COUNTY RD 14 1/2  
FORT LUPTON, CO 80621

RONALD GRABRIAN  
6325 WCR 23  
FORT LUPTON, CO 80621

BERGER FAMILY, LLC  
5901 WCR 21  
FORT LUPTON, CO 80621

LINDA KAY KIYOTA JELDEN  
315 S REYNOLDS AVE  
HOLYOKE, CO 80734

DONNA ROSE KIYOTA  
1 FOX MEADOW DR  
BOW, NH 03304

DONN W. HEIN, TRUSTEE OF THE WILLARD B. HEIN  
IRREVOCABLE TRUST  
PO BOX 6377  
DENVER, CO 80206

RHONDA BUESCHER  
3807 BLUE SAGE RD  
CHEYENNE, WY 82001

VICKIE ROGNMOE  
PO BOX 371708  
DENVER, CO 80237

RAISA II, LLC  
PO BOX 987  
DENVER, CO 80201

ATOMIC CAPITAL MINERALS, LLC  
2777 ALLEN PARKWAY, SUITE 1185  
HOUSTON, TX 77019

LISA C. HEIN  
1322 ROXBURY CT  
JACKSON, MS 39211

SARAH N. HEIN  
280 S 17TH AVE. DR  
BRIGHTON, CO 80601

MARTHA INOUE  
PO BOX 275  
FORT LUPTON, CO 80621

RICHARD H. INOUE  
6980 MEADOWWOOD PL  
COLORADO SPRINGS, CO 80918

SUE ANN GRABRIAN  
6325 WCR 23  
FORT LUPTON, CO 80621

US MINERAL RESOURCES II, LLC  
C/O US MINERAL RESOURCES, LLC, 11757 WEST  
KEN CARYL AVE., SUITE F #506  
LITTLETON, CO 80127

THE NANCY L. KIYOTA LIVING TRUST U/A APRIL 20,  
2015  
485 SOUTH VINE ST  
DENVER, CO 80209

STATE OF COLORADO ACTING BY AND THROUGH  
ITS BOARD OF LAND COMMISSIONERS  
1127 SHERMAN ST., SUITE 300  
DENVER, CO 80203

SHARI VYNCKIER  
12123 CR 32 1/2  
PLATTEVILLE, CO 80651

LINDA LOCKWOOD  
3007 67TH AVE WAY  
GREELEY, CO 80634

WOLF RESOURCES HOLDING I, LLC  
621 17TH ST, SUITE 1601  
DENVER, CO 80293

TOWN OF FORT LUPTON  
130 S MCKINLEY AVE  
FORT LUPTON, CO 80621

DEBORAH Y. HEIN  
1324 ROXBURY CT  
JACKSON, MS 39211

STACY M. HEIN  
5626 COHN TERRACE LANE  
HOUSTON, TX 77007




IN THE MATTER OF AN APPLICATION BY KERR-MCGEE OIL & GAS ONSHORE LP FOR AN ORDER POOLING ALL INTERESTS IN THREE APPROXIMATE 720-ACRE DESIGNATED HORIZONTAL WELLBORE SPACING UNITS FOR CERTAIN PORTIONS OF SECTIONS 35 AND 36, TOWNSHIP 2 NORTH, RANGE 67 WEST, 6TH P.M. AND CERTAIN PORTIONS OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST, 6TH P.M., FOR THE DEVELOPMENT/OPERATION OF THE NIOBRARA AND CODELL FORMATIONS, WATTENBERG FIELD, WELD COUNTY, COLORADO

TYPE: POOLING

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

  
Grace Go-Hoveland

TERESA L. PETERSON  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19894002026  
MY COMMISSION EXPIRES OCTOBER 4, 2021

  
\_\_\_\_\_  
Notary Public

## EXHIBIT A

### INTERESTED PARTIES

THE HEIRS AND DEVISEES OF THE ESTATE  
OF NORA D. DAVIS  
4242 WOODS EDGE ST.  
SAGINAW, MI 48603-4242

JUSTIN T. GUNESCH  
1333 OLD SPANISH TRAIL APT 3168  
HOUSTON, TX 77054-1866

KEVIN J. GUNESCH  
7340 S JACKSON GAP WAY  
AURORA, CO 80016-2449

PETER A. GUNESCH TRUST U/A 9-22-75,  
RUTH H. GUNESCH TRUSTEE  
330 SHADYCROFT DRIVE  
LITTLETON, CO 80120

KENNETH S. HENRY, JR.  
406 W. MANTUA AVE.  
WENONAH, NJ 08090

MELANIE K. HUMMEL  
6409 WOODS EDGE DR  
ARLINGTON, TX 76016-5150

KIRK W. JOHNSTON  
21827 COUNTY ROAD 43  
LASALLE, CO 80645-8810

THE HEIRS AND DEVISEES OF THE ESTATE  
OF EDGAR J. KINCKINER  
450 E HIGH STREET, APT 202  
POTTSTOWN, PA 19464-6600

DONNA C. SUMMERS  
259 CEDAR BROOK RD  
SICKLERVILLE, NJ 08081-9378

ESTATE OF ANNIE NEIMAN YOCUM  
ATTN: CANDICE MCCONNELL, PARALEGAL,  
17 WEST MINER ST., PO BOX 660  
WEST CHESTER, PA 19381

ERIC M. GUNESCH  
9924 SILVER MAPLE WAY  
HIGHLANDS RANCH, CO 80129-5419

JEREMY O. GUNESCH  
15037 E LOUISIANA DR APT B  
AURORA, CO 80012-7749

THE HEIRS AND DEVISEES OF THE ESTATE  
OF MICHAEL L. GUNESCH  
PO BOX 246  
FORT LUPTON, CO 80621

WILLIAM E. GUNESCH RESIDUARY TRUST,  
FRANK A. MIHODA, TRUSTEE  
5101 SOUTH ESTES  
LITTLETON, CO 80123

JACK RICHARD HENRY  
9100 LAUREN LANE  
JACKSON, CA 95642-9207

JOANN L. JOHNSTON AKA JOANN L. CLUGG  
916 LAUREL LANE  
MONTROSE, CO 81401-5653

MARIANN R. JOHNSTON  
179 STATE ROAD 399  
ESPANOLA, NM 87532-3169

THE HEIRS AND DEVISEES OF THE ESTATE  
OF KATHRYN NEIMAN LACHMAN  
PO BOX 498  
FREDERICK, PA 19435-0498

THOMAS C. TROUTMAN AND WILLIAM E.  
TROUTMAN  
2469 E HIGH ST.  
POTTSTOWN, PA 19464-6600

THE HEIRS AND DEVISEES OF THE ESTATE  
OF CHARLES F. YOCUM, JR.  
20 LAKEVIEW TERRACE DRIVE  
ALTOONA, FL 37202-9617