

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

|   |   |                      |
|---|---|----------------------|
| IN THE MATTER OF THE PROMULGATION AND   | ) | CAUSE NO. 535        |
| ESTABLISHMENT OF FIELD RULES TO GOVERN  | ) |                      |
| OPERATIONS FOR THE NIOBRARA, FORT HAYS, | ) | DOCKET NO. 181000745 |
| CODELL, AND CARLILE FORMATIONS, UNNAMED | ) |                      |
| FIELD, WELD COUNTY, COLORADO            | ) | TYPE: SPACING        |


**NOTICE OF SUBSTITUTION OF COUNSEL FOR APPLICANT MALLARD EXPLORATION, LLC**

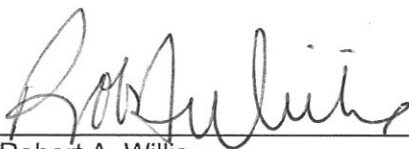
Attorney Rob A. Willis of Poulson, Odell & Peterson, LLC hereby enters his appearance as substitute for Jamie L. Jost (#34317) and Kelsey H. Wasylenky (#37775) of Jost Energy Law, P.C. in the above-captioned matter, as provided in C.R.C.P. 121, 1-1(2).

Dated this 16<sup>th</sup> day of October, 2018.

JOST ENERGY LAW, P.C.

By

  
\_\_\_\_\_  
Jamie L. Jost  
Kelsey H. Wasylenky  
Jost Energy Law, P.C.  
1401 17th Street, Suite 370  
Denver, Colorado 80202  
[jjost@jostenergylaw.com](mailto:jjost@jostenergylaw.com)  
[kwasylenky@jostenergylaw.com](mailto:kwasylenky@jostenergylaw.com)

By   
Robert A. Willis  
Poulson, Odell & Peterson, LLC  
1775 Sherman Street, Suite 1400  
Denver, CO 80203  
[rwillis@popllc.com](mailto:rwillis@popllc.com)

## CERTIFICATE OF SERVICE

I hereby certify that, on October 16<sup>th</sup>, 2018, Jost Energy Law, P.C. caused the foregoing **Notice of Substitution of Counsel of Jost Energy Law, P.C.** as counsel for Mallard Exploration, LLC in Colorado Oil and Gas Conservation Commission Docket No. 181000745 to be served via electronic mail to the parties below pursuant to the applicable rules, and by courier/U.S. mail at the addresses listed below:

Via Email and Courier:

Colorado Oil and Gas Conservation Commission  
ATTN: Margaret Humecki, James Rouse, Julie Prine & Brandon Pumphrey  
1120 Lincoln Street, Suite 801  
Denver, CO 80203  
[Margeret.humecki@state.co.us](mailto:Margeret.humecki@state.co.us)  
[James.Rouse@state.co.us](mailto:James.Rouse@state.co.us)  
[Julie.Prine@state.co.us](mailto:Julie.Prine@state.co.us)  
[Brandon.Pumphrey@state.co.us](mailto:Brandon.Pumphrey@state.co.us)

Via Email and U.S. mail:

Attorney for Extraction Oil & Gas, Inc.  
Robert A. Willis  
Poulson, Odell & Peterson, LLC  
1775 Sherman Street, Suite 1400  
Denver, CO 80203  
[rwillis@popllc.com](mailto:rwillis@popllc.com)

Via Email and U.S. mail:

James Parrot  
Jillian Fulcher  
Evan Bekkedahl  
Attorneys for Kerr-McGee  
Beatty & Wozniak, P.C.  
216 16<sup>th</sup> Street, Suite 1100  
Denver, CO 80202  
[jparrot@bwenergylaw.com](mailto:jparrot@bwenergylaw.com)  
[jfulcher@bwenergylaw.com](mailto:jfulcher@bwenergylaw.com)  
[ebekkedahl@bwenergylaw.com](mailto:ebekkedahl@bwenergylaw.com)



---

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 VACATE TWO APPROXIMATE  
DRILLING AND SPACING UNITS FOR  
SECTIONS 21 AND 28, TOWNSHIP 8 NORTH,  
RANGE 59 WEST, 6<sup>TH</sup> P.M.; TO ESTABLISH  
AN APPROXIMATE 1,280-ACRE DRILLING  
AND SPACING UNIT FOR SECTIONS 21 AND  
28, TOWNSHIP 8 NORTH, RANGE 59 WEST,  
6<sup>TH</sup> P.M., AND TO APPROVE UP TO SIXTEEN  
(16) NEW HORIZONTAL WELLS IN THE  
1,280-ACRE UNIT FOR THE DEVELOPMENT  
AND OPERATION OF THE NIOBRARA, FORT  
HAYS, CODELL AND CARLILE FORMATIONS,  
UNNAMED FIELD, WELD COUNTY,  
COLORADO

CAUSE NO. 535

DOCKET NO. 181000\_\_\_\_

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 two approximate 640-acre drilling and spacing units established by Order No. 535-69 for Sections 21 and 28, Township 8 North, Range 59 West, 6<sup>th</sup> P.M.; 2) establish an approximate 1,280-acre drilling and spacing unit for Sections 21 and 28, Township 8 North, Range 59 West, 6<sup>th</sup> P.M., and to approve up to 16 new wells in the proposed approximate 1,280-acre drilling and spacing unit, for the production of oil, gas, and associated hydrocarbons from the Niobrara, Fort Hays, Codell and Carlile 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) 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 8 North, Range 59 West, 6<sup>th</sup> P.M.

Section 21: All

Section 28: All

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

A reference map of the Application Lands is attached hereto.

3. On September 19, 2011, the Commission entered Order No. 535-69 which established 40 approximate 640-acre drilling and spacing units for certain lands located in Townships 7 through 9 North, Ranges 59 and 61 West, 6<sup>th</sup> P.M., including Sections 21 and 28, Township 8 North, Range 59 West, 6<sup>th</sup> P.M. and approve two (2) horizontal wells within each unit, for the production of gas and associated hydrocarbons from the Niobrara Formation.

4. To promote efficient drainage within the Niobrara, Codell, Fort Hays and Carlile Formations of the Application Lands, to protect correlative rights and to avoid waste, the Commission should: 1) vacate two approximate 640-acre drilling and spacing units established by Order No. 535-69 for Sections 21 and 28, Township 8 North, Range 59 West, 6<sup>th</sup> P.M.; 2) establish an approximate 1,280-acre drilling and spacing unit for Application Lands, and 3) approve up to 16 horizontal wells within the unit, for the efficient and economic development and operation of the Niobrara, Fort Hays, Codell and Carlile Formations.

5. The above-proposed drilling and spacing unit will allow efficient drainage of the Niobrara, Fort Hays, Codell and Carlile 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.

6. 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.

7. The productive interval of each proposed horizontal well shall be no closer than 600 feet from the boundaries of the proposed 1,280-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.

8. The Commission records demonstrate that there are no producing horizontal wells within the unit. However, there are 16 pending APDs within the proposed unit filed by Applicant:

| <u>Well Name</u> | <u>Document No.</u> | <u>Date Rec'd by COGCC</u> |
|------------------|---------------------|----------------------------|
| Daffy 28-21-1HN  | 401724912           | August 7, 2018             |
| Daffy 28-21-2HC  | 401724913           | August 7, 2018             |

|                  |           |                |
|------------------|-----------|----------------|
| Daffy 28-21-3HN  | 401724914 | August 7, 2018 |
| Daffy 28-21-4HN  | 401724917 | August 7, 2018 |
| Daffy 28-21-5HN  | 401724918 | August 7, 2018 |
| Daffy 28-21-6HC  | 401724919 | August 7, 2018 |
| Daffy 28-21-7HN  | 401724920 | August 7, 2018 |
| Daffy 28-21-8HN  | 401724925 | August 7, 2018 |
| Daffy 28-21-9HN  | 401724926 | August 7, 2018 |
| Daffy 28-21-10HN | 401724928 | August 7, 2018 |
| Daffy 28-21-11HC | 401724929 | August 7, 2018 |
| Daffy 28-21-12HN | 401724930 | August 7, 2018 |
| Daffy 28-21-13HN | 401724931 | August 7, 2018 |
| Daffy 28-21-14HN | 401724933 | August 7, 2018 |
| Daffy 28-21-15HC | 401724935 | August 7, 2018 |
| Daffy 28-21-16HN | 401724937 | August 7, 2018 |

9. Mallard is requesting to drill and complete up to 16 new horizontal wells (at the time of this filing, the horizontal wells are intended to be oriented in an north/south or south/north orientation) in the proposed approximate 1,280-acre drilling and spacing unit for the efficient and economic development of oil, gas and associated hydrocarbons from the Niobrara, Fort Hays, Codell and Carlile Formations underlying the Application Lands.

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.

11. 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.

12. 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 on October 29-30, 2018, that notice be given as required by law, and that upon such hearing, the Commission enter its order to:

A. Vacate two approximate 640-acre drilling and spacing units established by Order No. 535-69 for Sections 21 and 28, Township 8 North, Range 59 West, 6<sup>th</sup> P.M.;

B. Establish an approximate 1,280-acre drilling and spacing unit for Sections 21 and 28, Township 8 North, Range 59 West, 6<sup>th</sup> P.M., and approve up to sixteen (16) new horizontal wells in the unit, for the production of oil, gas and associated hydrocarbons from Niobrara, Fort Hays, Codell and Carlile Formations;

C. Provide that the productive interval of each proposed horizontal well shall be no closer than 600 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.

C. Finding that the approximate 1,280-acre drilling and spacing unit for the development of oil, gas, and associated hydrocarbons from the Niobrara, Fort Hays, Codell and Carlile Formations underlying the Application Lands will prevent waste, protect correlative rights, and maximize the efficient and economic production of the Niobrara, Fort Hays, Codell and Carlile Formations in Sections 21 and 28, Township 8 North, Range 59 West, 6<sup>th</sup> P.M.

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

DATED August 29 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: Michael Sobecki  
1400 16<sup>th</sup> Street, Suite 300  
Denver, CO 80202

## VERIFICATION

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

Jordan J. Mattson, of lawful age, being first duly sworn upon oath, deposes and says that he is a Vice President - Land for Mallard Exploration, 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.

  
Jordan J. Mattson  
Vice President - Land  
Mallard Exploration, LLC


Subscribed and sworn to before me this 28<sup>th</sup> day of August, 2018.

**Witness my hand and official seal.**

[SEAL]

**MADISON MAMAGHANI  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174036078  
COMMISSION EXPIRES AUG. 29, 2021**

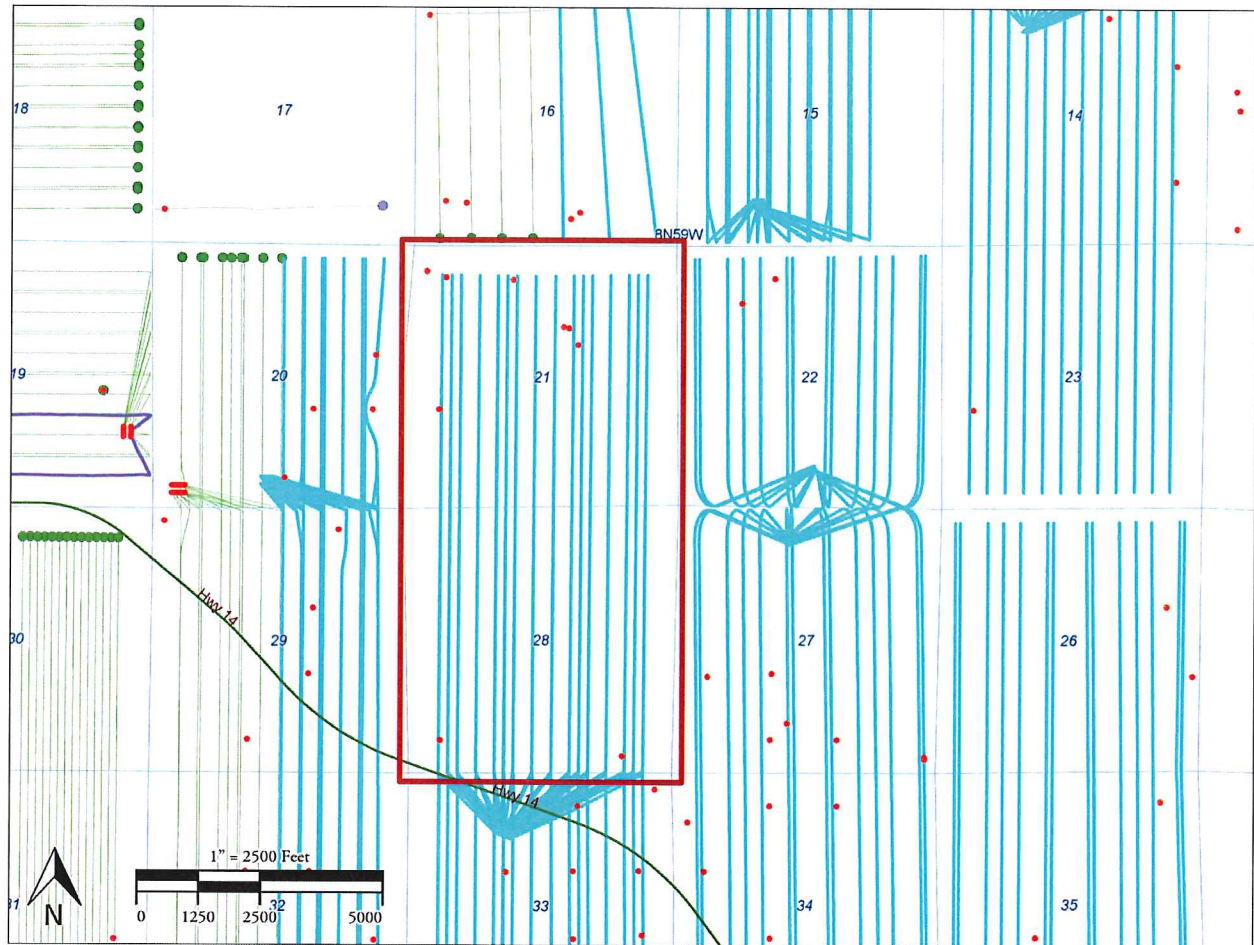
My commission expires: 8/29/21

  
Notary Public



Reference Map  
Mallard Exploration, LLC

Sections 21 and 28, Township 8 North, Range 59 West, 6<sup>th</sup> P.M.,



**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 VACATE TWO APPROXIMATE  
DRILLING AND SPACING UNITS FOR  
SECTIONS 21 AND 28, TOWNSHIP 8 NORTH,  
RANGE 59 WEST, 6<sup>TH</sup> P.M.; TO ESTABLISH  
AN APPROXIMATE 1,280-ACRE DRILLING  
AND SPACING UNIT FOR SECTIONS 21 AND  
28, TOWNSHIP 8 NORTH, RANGE 59 WEST,  
6<sup>TH</sup> P.M., AND TO APPROVE UP TO SIXTEEN  
(16) NEW HORIZONTAL WELLS IN THE  
1,280-ACRE UNIT FOR THE DEVELOPMENT  
AND OPERATION OF THE NIOBRARA, FORT  
HAYS, CODELL AND CARLILE FORMATIONS,  
UNNAMED FIELD, WELD COUNTY,  
COLORADO

CAUSE NO. 535

DOCKET NO. 181000\_\_\_\_

TYPE: SPACING

**AFFIDAVIT OF MAILING**

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

The undersigned, of lawful age, and being first duly sworn upon my oath, state and declare that I am the attorney for Mallard Exploration, LLC, and that on or before the 4<sup>th</sup> day of September, 2018 I caused a copy of the Application to be deposited in the United States Mail, postage prepaid, addressed to the parties listed on Exhibit A to this Affidavit.

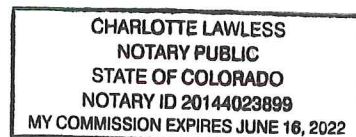


\_\_\_\_\_  
Jamie L. Jost  
Kelsey H. Wasylenky

Subscribed and sworn to before me this 29<sup>th</sup> day of August, 2018.

Witness my hand and official seal.

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



**EXHIBIT A**  
**T8N-R59W-Sec. 21 & 28**

Noble Energy WyCo, LLC  
1625 Broadway Street, Suite 2200  
Denver, CO 80202

DPOC, LLC  
1400 16<sup>th</sup> St., Ste 300  
Denver, CO 80202

Linda A. Olmstead Trust  
9351 Goyette Pl.  
Santee, CA 92071

Douglas E. Schwed Trust  
12722 NE 28<sup>th</sup> St.  
Bellevue, WA 98005

Nerd Gas Company, LLC  
P.O. Box 3003  
Casper, WY 82602

Markus Royalty, LLC  
39 Fairway Lane  
Littleton, CO 80123

Cynthia E. Zeren  
1711 61<sup>st</sup> Ave., Ste 204  
Greeley, CO 80634

Kathleen A. Doney U/T/O Neil D.  
Schwed Revocable Trust  
PO Box 547  
Ross, CA 94957

Mechanics Bank, Trustee of the Trust  
fbo Neil Dan Schwed II, UTO Neil D.  
Schwed Revocable Trust  
1111 Civic, Ste. 333  
Walnut Creek, CA 94596

Rearden Minerals, LLC  
5914 West Courtyard Dr., Ste 100  
Austin, TX 78730

Robert L. Duell  
3665 Mohave Dr. SW  
Grandville, MI 49418

John E. Elliff  
2552 E. Alameda Ave, Unit 90  
Denver, CO 80209

James H. Elliff  
Route 1, Box 12A  
Fleming, CO 80728

William J. Doenz Real Estate Trust  
PO Box 6474  
Sheridan, WY 82801

Estate of Jane Hanley Light represented  
by Gregory A. Hanley  
10129 Kemp Forest Dr.  
Houston, TX 77080

James L. Harris and Martha M. Harris  
20426 Withington Dr.  
Katy, TX 77450

Westhoff 7  
10531 WCR 95  
Wiggins, CO 80654

Walter R. Sales, LLC  
3900 Stagecoach Trail  
Manhattan, MT 59741

David P. Rolapp  
4347 Whitsett Ave.  
Studio City, CA 91604

Kate Dickson  
13 Los Alamitos Canyon  
Glorieta, NM 87535

Sara Dawn Shambeck  
1084 Azalea Lane  
Winter Park, FL 32789

Mary Jean Groves  
PO Box 125  
Groveport, OH 43125

Karen Miles  
114 Roebling St.  
Brooklyn, NY 11211-3310

Adelbert Glenn Haueter  
849 Livorna Way  
Fair Oaks, CA 95628

The Lucy Ann P. Haueter Family Trust  
849 Livorna Way  
Fair Oaks, CA 95628

Scott Realty Co.  
1212 8<sup>th</sup> Ave.  
Greeley, CO 80631

Incline Resources, LLC  
5019 N. Central Expressway, Ste B  
Dallas, TX 75205

Land Energy, Inc.  
1615 California St., Ste 206  
Denver, CO 80202

Bison Oil & Gas II, LLC  
518 17<sup>th</sup> St., Ste 1800  
Denver, CO 80202

Verdad Resources LLC  
5950 Cedar Springs Rd, Ste 200  
Dallas, TX 75235

Incline Niobrara Partners, LP  
5019 N. Central Expressway, Ste B  
Dallas, TX 75205

Ryland Royalty  
6850 TPC Dr., Ste 202  
McKinney, TX 75070

Lennan Main, Ltd.  
PO Box 1718  
Fort Worth, TX 76101

O. Paul Leonard, III  
PO Box 1718  
Fort Worth, TX 76101

Westco Family Limited Partnersip  
PO Box 1888  
Gilmer, TX 75644

Comanche Enterprises, Inc.  
1800 Shady Grove Road  
Weatherford, TX 76088

Laura Elizabeth Leonard Insurance  
Trust  
PO Box 1718  
Fort Worth, TX 76101

Louise Keffler  
PO Box 1718  
Fort Worth, TX 76101

Tall Grass Energy LLC  
5 Red Tail Dr.  
Highlands Ranch, CO 80126

Trinity Resources, LLC  
W. Canal Ct., Ste 220  
Littleton, CO 80120

FBO Investments, LLC  
131 N. 6<sup>th</sup> St., Ste 330  
Grand Junction, CO 81501

Fougasse Ventures, LLC  
2429 Bissonnet, #532  
Houston, TX 77005

John P. Allen and Toni L. Denger  
5432 Southern Hill  
Frisco, TX 75034

KRL Black River Royalty  
6850 TPC Dr., Ste 202  
McKinney, TX 75070

Vine Royalty, L.P.  
307 West 7<sup>th</sup> St., Ste 300  
Fort Worth, TX 76102

PH, Inc.  
PO Box 3142  
Midland, TX 79702

SevenWays Minerals, Ltd.  
Petroleum Bldg, Ste 200  
214 West Texas Ave.  
Midland, TX 79701

GY Group, Inc.  
PO Box 1756  
Midland, TX 79702

Bonanza Creek Energy Operating  
Company, LLC  
410 17<sup>th</sup> St., Ste 1400  
Denver, CO 80202

PXP Producing Company  
717 Texas Ave., Ste 2100  
Houston, TX 77002

Argonaut Ventures, LLC  
4643 S. Ulster St., Ste 1210  
Denver, CO 80237

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 North 17<sup>th</sup> Avenue  
Greeley, CO 80631