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COGCC

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

IN THE MATTER OF THE APPLICATION	)	CAUSE NO. 535
OF BISON OIL & GAS II, LLC FOR AN	)	
ORDER POOLING ALL INTERESTS IN	)	DOCKET NO. 190100012
AN ESTABLISHED 960-ACRE DRILLING	)	
AND SPACING UNIT COVERING ALL OF	)	TYPE: POOLING
SECTION 8 AND THE N½ OF SECTION	)	
17, TOWNSHIP 8 NORTH, RANGE 60	)	
WEST, 6TH P.M., UNNAMED FIELD,	)	
WELD COUNTY, COLORADO, FOR THE	)	
PRODUCTION OF OIL, GAS, AND	)	
ASSOCIATED HYDROCARBONS FROM	)	
THE NIOBRARA, FORT HAYS, CODELL	)	
AND CARLILE FORMATIONS	)	

APPLICATION

Bison Oil & Gas II, LLC ("Bison" or "Applicant"), Operator No. 10661, by and through its attorneys, Welborn Sullivan Meck & Tooley, 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 an established 960-acre drilling and spacing unit for all of Section 8 and the N½ of Section 17, Township 8 North, Range 60 West, 6th P.M., Weld County, Colorado, for production of oil, gas, and associated hydrocarbons from the Niobrara, Fort Hays, Codell, and Carlile Formations. In support thereof, Applicant states as follows:

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

2. Applicant owns substantial leasehold in the following lands ("Application Lands"):

Township 8 North, Range 60 West, 6th P.M.  
Section 8: All  
Section 17: N½

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, on unspaced lands, 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.

4. On March 8, 2011, as of February 22, 2011, the Commission entered Order No. 535-3, which established 160 approximate 640-acre drilling and spacing units

for certain lands in Townships 8, 9, and 10, North, Ranges 58 through 62 West, 6<sup>th</sup> P.M., and approved one horizontal well in each unit, for the production of oil, gas, and associated hydrocarbons from the Niobrara Formation, with the treated interval of the wellbores to be located no closer than 600 feet from the unit boundaries, without exception being granted by the Director.

5. On March 19, 2018, the Commission entered Order No. 535-953, which vacated two approximate 640-acre drilling and spacing units established by Order No. 535-3 for Sections 8 and 17, Township 8 North, Range 60 West, 6<sup>th</sup> P.M., and established an approximate 960-acre drilling and spacing unit for the Application Lands, an approved a total of up to 16 horizontal wells within the unit to the Niobrara Formation, and up to four horizontal wells within the unit to the Codell Formation, for the production of oil, gas, and associated hydrocarbons from the Niobrara, Fort Hays, Codell, and Carlile Formations, with the productive interval of the wellbores located no closer than 600 feet from the unit boundaries, and no closer than 150 feet from the productive interval of any other wellbore producing from the same source of supply within the unit, unless the Director grants an exception. The Application Lands are subject to this order.

6. On July 30, 2018, the Commission entered Order No. 535-1051, which modified an approximate 960-acre drilling and spacing unit established by Order No. 535-953 for the Application Lands to establish well location rules such that the treated interval of each wellbore within the unit be located no closer than 300 feet from the northern and southern unit boundary, no closer than 600 feet from the eastern and western unit boundary, and no closer than 150 feet from the productive interval of any other wellbore located within the same source of supply within the unit, unless the Director grants an exception. The Application Lands are subject to this order.

7. Applicant has plans to drill the following wells in the Application Lands:

<b>Well Name</b>	<b>API No.</b>	<b>Spud Date (estimated)</b>
Hunt 8-60 17A-8-1	05-123-47783	4Q, 2018
Hunt 8-60 17A-8-2	05-123-47779	October 11, 2018
Hunt 8-60 17A-8-3	05-123-47785	4Q, 2018
Hunt 8-60 17A-8-4	05-123-47784	4Q, 2018
Hunt 8-60 17A-8-5	05-123-47791	October 10, 2018
Hunt 8-60 17A-8-6	05-123-47790	October 9, 2018
Hunt 8-60 17A-8-7	05-123-47777	4Q, 2018

(collectively the "Wells").

8. Pursuant to the relevant provisions of Section 34-60-116(6) & (7), C.R.S., as amended, and Commission Rule 530, Applicant seeks an order pooling all interests

in the Application Lands for the development and operation of the Niobrara, Fort Hays, Codell, and Carlile Formations.

9. Applicant certifies that, at least sixty (60) days prior to the date of the hearing for this Application, each owner which Applicant was able to locate, not already leased or voluntarily pooled, will be provided with the well proposal and information required by Section 34-60-116(7), C.R.S. and Commission Rule 530 and tendered a reasonable offer to lease (if an unleased mineral owner), or participate and bear costs associated with the drilling and completion of the Wells.

10. Applicant requests that a pooling order be entered as a result of this Application, that it be made effective as of the earlier of the date of this Application, or the date costs specified in Section 34-60-116(7)(b)(II), C.R.S., are first incurred for the drilling of each of the Wells, and that the order specify that a nonconsenting owner is immune from liability for costs arising from spills, releases, damage, or injury resulting from oil and gas operations on the unit.

11. The granting of this Application would be in accord with the Oil and Gas Conservation Act, found at Section 34-60-101, *et seq.*, C.R.S., as amended, and the Commission rules.

12. The names and addresses of the interested parties (persons who own an interest in the mineral estate of the tracts to be pooled, except owners of overriding royalty interest) are attached hereto and marked Exhibit A. Applicant certifies that copies of this Application will be served on all locatable interested parties within seven (7) days of the date hereof, as required by Commission Rule 507.b(2), and that at least sixty (60) days prior to the date of the hearing for this Application, each owner not already leased or voluntarily pooled will be offered the opportunity to lease, or to participate in the drilling of the Wells, and will be provided with the information required by Section 34-60-116(7), C.R.S. and Commission Rule 530.

WHEREFORE, Applicant respectfully requests that this matter be set for hearing, that notice be given as required by law and that upon such hearing this Commission enter its order:

A. Pooling all interests in the Application Lands for production of oil, gas, and associated hydrocarbons from the Niobrara, Fort Hays, Codell, and Carlile Formations;

B. Providing that the pooling order is made effective as of the date of this Application, or the date that the costs specified in Section 34-60-116(7)(b)(II), C.R.S., are first incurred for the drilling of the following wells:

Well Name	API No.	Spud Date (estimated)
Hunt 8-60 17A-8-1	05-123-47783	4Q, 2018
Hunt 8-60 17A-8-2	05-123-47779	October 11, 2018
Hunt 8-60 17A-8-3	05-123-47785	4Q, 2018

Hunt 8-60 17A-8-4	05-123-47784	4Q, 2018
Hunt 8-60 17A-8-5	05-123-47791	October 10, 2018
Hunt 8-60 17A-8-6	05-123-47790	October 9, 2018
Hunt 8-60 17A-8-7	05-123-47777	4Q, 2018

C. 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 Wells, are pooled and deemed nonconsent by operation of statute, pursuant to Section 34-60-116(7), C.R.S., and made subject to the cost recovery provisions thereof;

D. Providing that any nonconsenting owners within the Application Lands are immune from liability for costs arising from spills, releases, damage, or injury resulting from oil and gas operations on the unit; and

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

WHEREFORE, Applicant respectfully requests that this matter be set for hearing, that notice be given as required by law and that, upon such hearing, this Commission enter its order consistent with Applicant's proposals as set forth above.

Dated this 12 day of November, 2018

Respectfully submitted,

WELBORN SULLIVAN MECK & TOOLEY, P.C.

By: 

Joseph C. Pierzchala

Geoffrey W. Storm

Welborn Sullivan Meck & Tooley, P.C.

Attorneys for Applicant

1125 17th Street, Suite 2200

Denver, CO 80202

303-830-2500

jpierzchala@wsmtlaw.com

gstorm@wsmtlaw.com

Applicant's Address:

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

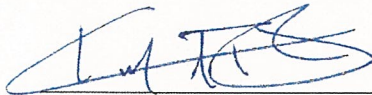
Attn: Karsten Baker, Landman  
Phone: 720-644-6997

VERIFICATION

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

Karsten Baker, Landman with Bison Oil & Gas II, LLC, 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.

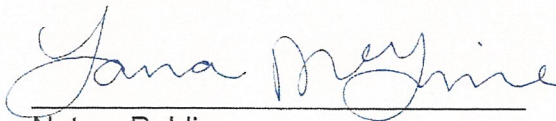
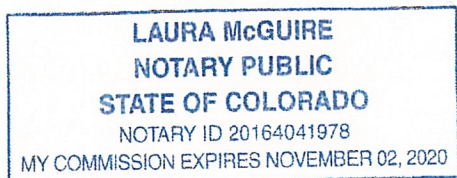
BISON OIL & GAS II, LLC



Karsten Baker, Landman

Subscribed and sworn to before me this 5<sup>th</sup> day of November, 2018 Karsten Baker, Landman for Bison Oil & Gas II, LLC.

Witness my hand and official seal.



Notary Public

My Commission Expires: 11/2/2020

## EXHIBIT A

### INTERESTED PARTIES

DPOC, LLC  
Verdad Resources LLC  
Red Hawk Petroleum LLC  
Weld County, Colorado  
POCO Minerals, LLC  
Lee A Sargent  
Irene L. Ernst  
Robin T. Walter  
Stone Hill Minerals Holdings, LLC  
Centennial Mineral Holdings, LLC  
Ray E. Butler  
Calf Creek Royalty, Ltd.  
Shirley Allegretti  
Marilyn Matts  
Rockies Minerals Acquisitions, LLC  
Mardene Sukovaty  
Dorothy Parish  
Phyllis DeSoto  
Ruby Rose  
Urgil Smick  
Ted Glen Steiger  
Doris J. Thompson  
Marjie McGowen  
William John Jukes and Denise Norine Jukes,  
husband and wife  
George Hafely and Patricia Hafely  
Connie J. Johnson  
Gary and Candi Johnson  
Lynn and Susan Johnson  
Cindy and Brad Wagner  
Frank & Joan Campanile  
Daniel Mulligan  
Ruth Thompson  
Donald L. Perry  
Barbara J. Retherford  
Beverly J. Gregory  
Robert J. Lewis and Patricia J. Lewis  
Robert Shelton and Julea Shelton  
Sharon Kurdupski  
Georgia Schmauderer  
Holly Mitchell and Dan Mitchell  
Lois Paul Chames  
Mountain States Minerals, LLC  
Alvin R. Anderson  
Brandy L. Hathaway  
Lisa D. Hathaway  
Clay M. Hathaway  
Gilmore F. Grieves  
William L. Grieves  
Linda L. Hammond  
Christine Anderson

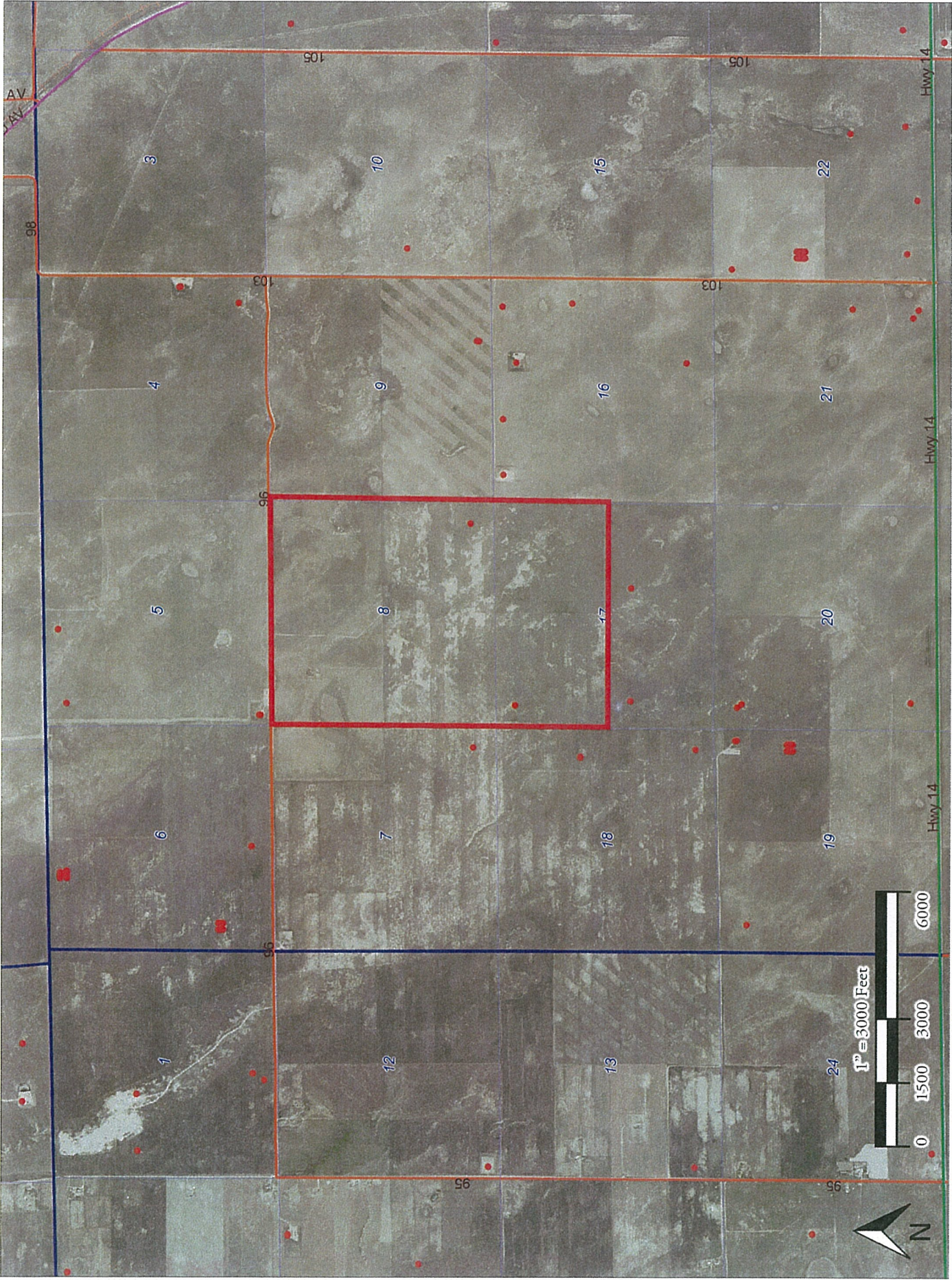
Lawrence R. Landaburu  
Gonzales Investment Trust, Richard K.  
Gonzales, as trustee  
Nancy Anne Mull  
Bette Brennan  
Nancy C. Hopper  
Pamela Battin  
Traci Stevens  
Penny Greenfield  
Cindy Rae Thompson  
Robert J. Thompson  
Stacey Lynn Thompson  
Sherry L. Rose  
George Lyle Lemerande  
Nancy C. La Fountain and Thomas La Fountain  
Arthur W. Morfin  
Conrad J. Morfin  
Martha Teixeira  
Susan Berg  
Jo Ann K. Bergh  
Jeff McGowen  
Christopher T. McGowen  
Kaylee Forim  
Daniel R. Leonard  
Michael Scott McGowen  
James W. McGowen  
Glenda Bauersachs  
Bobbie J. Guggenmos  
Carol A. Kienitz  
Terry Lee Thompson  
Betty J. Thompson  
Diane Borgmeyer  
Jefrey D. Thompson  
Genie Bartlett  
Kellie Nelson  
Debra Leftwich  
Patricia Johns  
Daniel R. Lowe  
Richard A. Lowe  
Janell Diaz  
Michael A. Parker  
Lisa Pacheco, aka Lisa Pacheco-Carr  
Darnee Esperson  
Richard Pacheco  
Steven Pacheco  
Jeffrey S. Carrillo  
Jennifer Carrillo  
Cynthia Keithley  
Cheryl Keithley  
Nancy Filkins  
Sue Ann Goucher

Dorinda Nielsen  
Billy A. Lewis  
Charlotte Ann Nunn  
Dalinda Braun  
Debra Pinnell  
David A. Kahler  
Jessica J. Steeves  
Sandra K. Schrader  
Kelly C. McGowen fka Kelly C. Fraga  
Myron McGowen  
Reggie Martin  
Gregory L. Hawkes  
Matthew E. Hawkes

Phillip N. Hawkes  
Bradford D. Hawkes  
Jennifer J. Hawkes  
Charlie Thompson  
Dale K. Thompson  
Edward Thompson  
Ella Filkins  
Henry Thompson  
John Thompson  
George Edson Hathaway  
Carolyn C. Weldon  
Dennis Michael Martin  
Richard Martin III



Exhibit B - Application Lands





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

IN THE MATTER OF THE APPLICATION OF )  
BISON OIL & GAS II, LLC FOR AN ORDER )  
POOLING ALL INTERESTS IN AN )  
ESTABLISHED 960-ACRE DRILLING AND )  
SPACING UNIT COVERING ALL OF )  
SECTION 8 AND THE N½ OF SECTION 17, )  
TOWNSHIP 8 NORTH, RANGE 60 WEST, )  
6TH P.M., UNNAMED FIELD, WELD )  
COUNTY, COLORADO, FOR THE )  
PRODUCTION OF OIL, GAS, AND )  
ASSOCIATED HYDROCARBONS FROM THE )  
NIOBRARA, FORT HAYS, CODELL AND )  
CARLILE FORMATIONS )

Cause No. 535

Docket No. 190100012

Type: POOLING

AFFIDAVIT OF MAILING

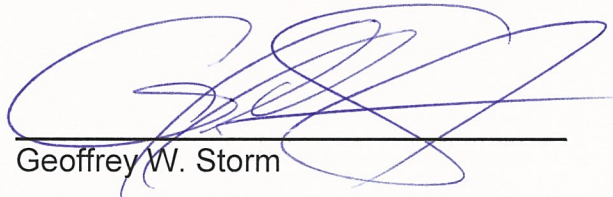
STATE OF COLORADO

§  
§  
§

CITY AND COUNTY OF DENVER

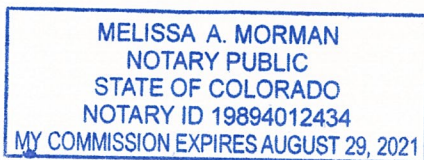
I, Geoffrey W. Storm, of lawful age, and being first duly sworn upon my oath, state and declare:

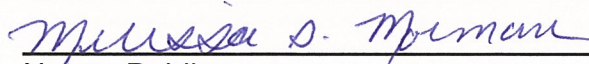
That I am the attorney for Bison Oil & Gas II, LLC and that on or before November 15, 2018, I caused a copy of the attached Application to be deposited in the United States mail, postage prepaid, addressed to the parties listed on Exhibit A to the Application.

  
Geoffrey W. Storm

Subscribed and sworn to before me November 15, 2018.

Witness my hand and official seal.



  
Notary Public  
My commission expires: 8/29/2021

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

IN THE MATTER OF THE APPLICATION	)	
OF BISON OIL & GAS II, LLC FOR AN	)	Cause No. 535
ORDER POOLING ALL INTERESTS IN AN	)	
ESTABLISHED 960-ACRE DRILLING AND	)	Docket No. 190100012
SPACING UNIT COVERING ALL OF	)	
SECTION 8 AND THE N½ OF SECTION	)	Type: POOLING
17, TOWNSHIP 8 NORTH, RANGE 60	)	
WEST, 6TH P.M., UNNAMED FIELD,	)	
WELD COUNTY, COLORADO, FOR THE	)	
PRODUCTION OF OIL, GAS, AND	)	
ASSOCIATED HYDROCARBONS FROM	)	
THE NIOBRARA, FORT HAYS, CODELL	)	
AND CARLILE FORMATIONS	)	

**AMENDED MOTION FOR AN ORDER OF SERVICE BY PUBLICATION**

Bison Oil & Gas II, LLC ("Bison" or "Applicant"), Operator No. 10661, by its attorneys, Welborn Sullivan Meck & Tooley, P.C., respectfully submits this **Amended** Motion for Service by Publication to the Oil and Gas Conservation Commission of the State of Colorado (the "Commission") pursuant to Section 34-60-108(4) and Colorado Rule of Civil Procedure 4(g) and, as grounds therefore, Applicant states:

A. Factual and Procedural History

1. Bison is a limited liability company duly authorized to conduct business in the State of Colorado, is a registered operator in good standing with the Commission, and is an interested party in the subject matter of the above-referenced Docket as the applicant and owner of certain leasehold interests in the Application Lands described below:

Township 8 North, Range 60 West, 6th P.M.  
Section 8: All  
Section 17: N½

2. The Commission has jurisdiction over the subject matter embraced in said Docket, and of the parties interested therein, and jurisdiction to promulgate the hereinafter prescribed order pursuant to the Oil and Gas Conservation Act.

3. On November 13, 2018, Bison filed an application pursuant to Section 34-60-116, C.R.S., for an order pooling all interests in an established 960-acre drilling and

spacing unit for the Application Lands, and 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 following described wells, are pooled and deemed nonconsent by operation of statute, pursuant to Section 34-60-116(7), C.R.S., and made subject to the cost recovery provisions thereof:

Well Name	API No.	Spud Date (estimated)
Hunt 8-60 17A-8-1	05-123-47783	4Q, 2018
Hunt 8-60 17A-8-2	05-123-47779	October 11, 2018
Hunt 8-60 17A-8-3	05-123-47785	4Q, 2018
Hunt 8-60 17A-8-4	05-123-47784	4Q, 2018
Hunt 8-60 17A-8-5	05-123-47791	October 10, 2018
Hunt 8-60 17A-8-6	05-123-47790	October 9, 2018
Hunt 8-60 17A-8-7	05-123-47777	4Q, 2018

4. Bison made diligent efforts to locate all interested parties, both before and after filing the Application, and to serve them with a copy of the Application. Despite its best efforts, Bison has been unable to locate two interested parties. With no means for service, Bison now moves the Commission for permission to serve the below-identified interested parties by publication.

5. Copies of the Application were prepared, and were served on all locatable Interested Parties pursuant to Rule 507.b.(2) and pursuant to Rule 503.e.

6. Upon reasonable due diligence, which is further detailed herein, Bison was unable to find address information for the following Interested Parties:

Emma R. Johnson  
Frank E. Brewer  
Lessie F. Gonzales  
Robert G. Mondo  
Emma McGowen  
Tena McGowen

(hereinafter "Unlocatable Interested Parties").

7. The Commission has determined that in order for publication by notice to be effective as to persons with unknown addresses, the Applicant must first comply with Colorado Rule of Civil Procedure 4(g), which authorizes service of process by

publication only after the Applicant files a verified motion with the Commission detailing Applicant's attempts to provide actual notice of the proceedings and the Commission grants the motion.

B. Applicable Standard

8. Colorado's Oil and Gas Conservation Act, allows for service of unit applications by publication. Section 34-60-108(4), C.R.S., provides in relevant part:

"Any notice required by this article, except as provided in this section, shall be given by the commission either by mailing a copy thereof, postage prepaid, to the last known mailing address of the person to be given notice, or by personal service. In addition, the commission shall cause one publication of such notice, at least ten days prior to the hearing, in a newspaper of general circulation in the city and county of Denver and in a newspaper of general circulation in the county where the land affected, or some part thereof, is situated...In all cases where there is an application for the entry of a pooling order or unitization order...notice of the hearing to be held on such application or complaint shall be served on the interested parties either by mail as provided in this subsection (4) or in the same manner as is provided in the Colorado rules of civil procedure for the service of process in civil actions in the district courts of this state."

9. Commission Rule 519 also states that the Colorado Rules of Civil Procedure ("C.R.C.P.") apply to Commission proceedings unless they are inconsistent with Commission Rules or the Colorado Oil and Gas Conservation Act.

10. C.R.C.P. Rule 4(g) provides:

"Except as otherwise provided by law, service by mail or publication shall be allowed only in actions affecting specific property or status or other proceedings in rem. When service is by publication, the complaint need not be published with the summons. The party desiring service of process by mail or publication under this section (g) shall file a motion verified by the oath of such party or of someone in the party's behalf for an order of service by mail or publication. It shall state the facts authorizing such service, and shall show the efforts, if any, that have been made to obtain personal service and shall give the address, or last known address, of each person to be served or shall state that the address and last known address are unknown. The court, if satisfied that due diligence has been used to obtain personal service or that efforts to obtain the same would have been to no avail, shall:



(1) Order the party to send by registered or certified mail a copy of the process addressed to such person at such address, requesting a return receipt signed by the addressee only. Such service shall be complete on the date of the filing of proof thereof, together with such return receipt attached thereto signed by such addressee, or

(2) Order publication of the process in a newspaper published in the county in which the action is pending. Such publication shall be made once each week for five successive weeks. Within 14 days after the order the party shall mail a copy of the process to each person whose address or last known address has been stated in the motion and file proof thereof. Service shall be complete on the day of the last publication. If no newspaper is published in the county, the court shall designate one in some adjoining county."

C. Bison's Due Diligence in Attempting to Locate the Unlocatable Interested Parties

11. In attempting to locate a last known address for the Unlocatable Interested Parties, Bison researched the public records maintained by the clerk and recorders office of Weld County, reviewed internal land and well records, researched online Commission records, and utilized the third party, paid online search tools, **including LexisNexis**. However, as of the date of this **Amended** Motion, Bison is unable to find addresses for the Unlocatable Interested Parties.

D. Relief Requested

1. That the Commission order publication of process, in the form attached hereto, in the Application subject to the above-referenced Docket.

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

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DATED this 16 day of November, 2018.

Respectfully submitted,

BISON OIL & GAS II, LLC

By: 

Joseph C. Pierzchala

Geoffrey W. Storm

Welborn Sullivan Meck & Tooley, P.C.

Attorneys for Applicant

1125 17th Street, Suite 2200

Denver, CO 80202

303-830-2500

jpierzchala@wsmtlaw.com

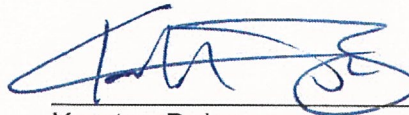
gstorm@wsmtlaw.com

VERIFICATION

STATE OF COLORADO       )  
  ) ss.  
COUNTY OF DENVER       )

Karsten Baker, Landman with Bison Oil & Gas II, LLC, upon oath deposes and says that he has read the foregoing Motion for an Order of Service by Publication and that the statements contained therein are true to the best of his knowledge, information and belief.

BISON OIL & GAS II, LLC

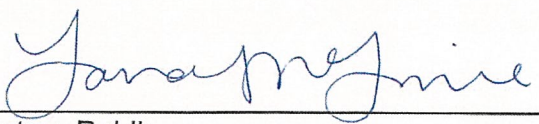


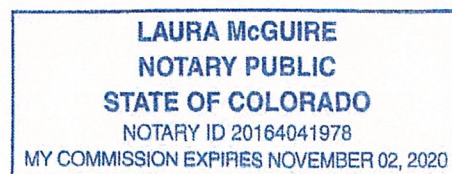
Karsten Baker  
Landman

Subscribed and sworn to before me this 5<sup>th</sup> day of November, 2018, by Karsten Baker, Landman with Bison Oil & Gas II, LLC.

Witness my hand and official seal.

My commission expires: 11/2/2020

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



CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2018, I caused a copy of BISON OIL & GAS II, LLC'S **AMENDED** MOTION FOR AN ORDER OF SERVICE BY PUBLICATION to be served to the address listed below.

Via electronic mail and courier:  
Colorado Oil and Gas Conservation Commission  
ATTN: Julie Prine, James Rouse  
1120 Lincoln Street, Suite 810  
Denver, CO 80203  
julie.prine@state.co.us  
james.rouse@state.co.us

Melissa D. Moeman