

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

IN THE MATTER OF THE PROMULGATION AND) CAUSE NO. 1
ESTABLISHMENT OF FIELD RULES TO GOVERN)
OPERATIONS FOR THE NIOBRARA AND CODELL) DOCKET NO. 180700626
FORMATIONS, WATTENBERG FIELD, WELD)
COUNTY, COLORADO) TYPE: GENERAL
) ADMINISTRATIVE

NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

APPLICATION LANDS

Township 7 North, Range 65 West, 6th P.M.

Section 7: All

Section 8: W½

Township 7 North, Range 66 West, 6th P.M.

Section 12: All

Document No.	Well Name	Objective Formation
401592947	Falcon 8W-25-11N	NIOBRARA
401592946	Falcon 8W-25-10C	CODELL
401592945	Falcon 8W-25-9N	NIOBRARA
401592944	Falcon 8W-25-8N	NIOBRARA
401592943	Falcon 8W-25-7C	CODELL
401592942	Falcon 8W-25-6N	NIOBRARA
401592940	Falcon 8W-25-5N	NIOBRARA
401592939	Falcon 8W-25-4C	CODELL
401592938	Falcon 8W-25-3N	NIOBRARA

("Falcon Applications for Permit to Drill")

APPLICATION

On May 29, 2018, Nickel Road Operating LLC ("Nickel Road" or "Complainant"), by their attorneys, filed an Exception to the Director's Dismissal of its Rule 303.j. Complaint pursuant to §24-4-105(14)(a)(II), C.R.S., with a request that:

- 1) The Director provide a copy of this Exception to the Commissioners on a forthwith basis.
- 2) The Commission issue an immediate stay of approval of Extraction's Falcon Applications for Permit to Drill (APDs) listed above for the Falcon Wells.
- 3) Upon hearing, the Commissioners reverse the Director's dismissal of Nickel Road's Rule 303.j Complaint.

- 4) Upon reversal of the Director's dismissal of Nickel Road's Rule 303.j Complaint, the Commissioners hear Nickel Road's substantive arguments regarding denial of the Falcon APDs.
- 5) For such other findings and orders as the Commission may deem proper or advisable in this matter.

APPLICABLE RULES AND STATUTES

(available online at: <http://cogcc.state.co.us>, under "Regulation," then select "Rules")

- On April 27, 1998, the Commission adopted Rule 318A, the Greater Wattenberg Area Special Well Location, Spacing and Unit Designation Rule.
- Rule 303.j. provides that the Director may withhold approval of any Application for Permit-to-Drill, Form 2, or Oil and Gas Location Assessment, Form 2A, for any proposed well or Oil and Gas Location when, based on information supplied in a written complaint submitted by any party with standing under Rule 522.a.(1), other than a local governmental designee, or by staff analysis, the Director has reasonable cause to believe the proposed well or Oil and Gas Location is in material violation of the Commission's rules, regulations, orders or statutes, or otherwise presents an imminent threat to public health, safety and welfare, including the environment, or a material threat to wildlife resources. Any such withholding of approval shall be limited to the minimum period of time necessary to investigate and dismiss the complaint, or to resolve the alleged violation or issue. If the complaint is dismissed or the matter resolved to the dissatisfaction of the complainant, such person may consult with the parties identified in Rule 503.b.(7).
- Rule 503.b. (10) provides that an applicant may file an Application for purposes of seeking relief or a ruling from the Commission on any other matter not described in (1) through (9), if they can demonstrate that they are directly and adversely affected or aggrieved by the conduct of oil and gas operations or an order of the Commission and that their interest is entitled to legal protection under the Act.
- Section 24-4-105(15)(a), C.R.S. provides, in relevant part, that any party who seeks to reverse or modify an initial decision shall file with the agency, within 20 days following such decision, a designation of the relevant parts of the record described in subsection (14) of this section. The grounds of the decision shall be within the scope of the issues presented on the record. The record shall include all matters constituting the record upon which the decision was based, the rulings upon the proposed findings and conclusions, the initial decision, and any other exceptions and briefs filed.
- Section 24-4-105(14)(a)(II), C.R.S. provides that an initial decision regarding agency action may be appealed to the Commission by filing an exception within 30 days after service of the initial decision upon the parties.

NOTICE IS HEREBY GIVEN, pursuant to C.R.S. §§ 34-60-101 to -130, and the Commission's Rules of Practice and Procedure, 2 CCR 404-1, that the Commission has scheduled this matter for hearing on:


Date: July 30 – August 1, 2018
Time: 9:00 a.m.
Place: Colorado Oil and Gas Conservation Commission
The Chancery Building
1120 Lincoln Street, Suite 801
Denver, Colorado 80203

Additional information about the hearing on this Application will be in the Commission's Agenda, which is posted on the Commission website approximately 3 days before the hearing.

In accordance with the Americans with Disabilities Act, if any party requires special accommodations as a result of a disability for this hearing, please contact Margaret Humecki at (303) 894-2100 ext. 5139, prior to the hearing and arrangements will be made.

At hearing, the Commission will consider the Application and enter an order pursuant to its authority under the statute. **Any interested party desiring to protest or intervene should file with the Commission a written protest or intervention in accordance with Rule 509, no later than July 16, 2018.** Such interested party shall, at the same time, serve a copy of the protest or intervention to the person filing the application. One electronic (cogcc.hearings_unit@state.co.us), one original and two copies shall be filed with the Commission. **Anyone who files a protest or intervention must be able to participate in a prehearing conference during the week of July 16, 2018, if a prehearing conference is requested by the Applicant, or any person who has filed a protest or intervention.** Pursuant to Rule 511, if the matter is uncontested, it may be approved without a hearing.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By 
Julie Spence Price, Secretary

Dated: June 22, 2018

Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, Colorado 80203
Website: <http://cogcc.state.co.us>
Phone: (303) 894-2100
Fax: (303) 894-2109

Attorneys for Complainant:
Jamie L. Jost
Kelsey H. Wasylenky
Jost Energy Law, P.C.
1401 17th Street, Suite 370
Denver, Colorado 80203
(720) 446-5620
jjost@jostenergylaw.com
kwasylenky@jostenergylaw.com