

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

IN THE MATTER OF THE APPLICATION )  
OF CATAMOUNT ROYALTY PARTNERS, )  
LTD. FOR AN ORDER POOLING ANY AND )  
ALL UNLOCATED OWNERS OF ROYALTY )  
OR OTHER INTERESTS IN THE MINERAL )  
ESTATE IN THE FRUITLAND COAL )  
FORMATION IN AN ESTABLISHED )  
DRILLING AND SPACING UNIT LOCATED )  
IN THE IGNACIO-BLANCO FIELD AREA, )  
LA PLATA COUNTY, COLORADO )

CAUSE NO. 112

DOCKET No. \_\_\_\_\_

**VERIFIED APPLICATION**

Catamount Royalty Partners, Ltd. ("Applicant"), through its undersigned counsel, respectfully submits this application to the Oil and Gas Conservation Commission of the State of Colorado ("Commission") pursuant to C.R.S. § 34-60-116 and Commission Rule 530 for an order pooling the interests of any and all unlocated owners, if any, of royalty or other interests in the mineral estate for purposes of the joint development and operation of wells in an established 320-acre drilling and spacing unit in the Fruitland Coal formation in the lands located in the N½, Section 36, Township 33 North, Range 7 West, N.M.P.M., La Plata County, Colorado. In support thereof, the Applicant states and alleges as follows:

1. The Applicant is a limited partnership duly authorized to conduct business in the State of Colorado.

2. The lands at issue in this Application are the following lands in La Plata County, Colorado:

Township 33 North, Range 7 West, N.M.P.M.  
Section 36: N½

(hereinafter the "Application Lands").

3. The Applicant is a present lessee pursuant to an oil and gas lease covering a portion of the Application Lands. As such, the Applicant is an owner of an interest in the mineral estate in the Application Lands as defined in the Commission rules and has standing to submit this Application pursuant to Commission Rule 503.b.2 and other law.

4. Other owners of interests in the mineral estate of the Application Lands include McElvain Oil & Gas Properties, Inc. ("McElvain") and JDH Resources Limited Liability Company ("JDH"). JDH is a present co-lessee with the Applicant while McElvain is a present lessee to other oil and gas leases authorizing development of other portions of the Application Lands. Both JDH and McElvain have advised the Applicant they support this Application.

5. McElvain is the operator of the Application Lands pursuant to a Joint Operating Agreement. The Applicant, McElvain and JDH are signatories to this Joint Operating Agreement.

6. Commission Orders 112-185 and 112-157 authorize the drilling of multiple Fruitland Coal formation wells on the Application Lands.

7. In 2006, McElvain, as operator, permitted, spudded and subsequently drilled and completed two Fruitland Coal formation wells on the Application Lands in compliance with applicable Commission orders and permits issued for these wells. Applicant and JDH consented to and participated in the drilling of these wells.

8. Upon information and belief, while all portions of the Application Lands are presently subject to valid oil and gas leases, McElvain and the Applicant, despite reasonable and diligent efforts, have been unable to locate certain other persons or entities that may or may not presently own royalty or other interests in the mineral estate of the Application Lands.

9. Since these other possible owners, if any, of royalty or other interests in the mineral estate of the Application Lands cannot now be located, and wells have been drilled on the Application Lands, the Applicant requests the Commission exercise its authority under C.R.S. § 34-60-116 and Commission Rule 530 and, following required notice, issue an order involuntarily pooling the interests of any and all unlocated possible royalty or other owners, if any, of interests in the mineral estate so that joint development and operation of wells in the Fruitland Coal formation on the Application Lands may continue.

10. As noted above, all known lessees of existing mineral interests have consented to the drilling of these wells and the filing of this Application. For this reason, there are no other located owners to whom additional information about the proposed or existing operations need be tendered or to whom reasonable lease terms need be offered as provided in Commission Rule 530 or other law.

11. The issuance by the Commission, after required notice, of an order involuntarily pooling all unlocated owners, if any, of royalty or other interests in the mineral estate of the Application Lands will promote the statutory purposes stated in the Oil and Gas Conservation Act and the Commission rules and also will be in accordance with C.R.S. § 34-60-116 and Commission Rule 530.

12. Upon information and belief, the parties listed in Exhibit A submitted with this Application are the persons or entities who presently own, or possibly own, interests in the mineral estate of the Application Lands to be pooled (other than overriding royalty interests) and, under Commission rules and other law, to whom notice should be tendered.

WHEREFORE, Applicant respectfully requests that this Application be set for hearing, notice of this Application and the scheduled hearing be given and, in accordance with Commission rules and other law, this Commission order:

A. That all unknown or unlocated owners, if any, of royalty or other interests in the mineral estate of the Application Lands be pooled involuntarily in order to promote joint development and operation of wells from the Fruitland Coal formation on the Application Lands in accordance with C.R.S. § 34-60-116 and Commission Rule 530, and that all owners of unleased mineral interests, if any, be treated as non-consenting owners as provided in C.R.S. § 34-60-116 and made subject to the terms and penalties provided for therein; and

B. That the Applicant be granted such other and further relief as this Commission deems just and proper.

Respectfully submitted on June 1, 2007.

BJORK LINDLEY LITTLE PC

By: /s/ David R. Little

David R. Little #13340

Bjork Lindley Little PC

1600 Stout Street, Suite 1400

Denver, CO 80202

Telephone: 303-892-1400

Facsimile: 303-892-1401

[dlittle@bjorklindley.com](mailto:dlittle@bjorklindley.com)

Applicant's Contact Information:

Catamount Royalty Partners, Ltd.

501 South Cherry Street, Suite 920

Denver, Colorado 80246

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

IN THE MATTER OF THE APPLICATION )  
OF CATAMOUNT ROYALTY PARTNERS, )  
LTD. FOR AN ORDER POOLING ANY AND )  
ALL NONCONSENTING INTERESTS IN )  
THE FRUITLAND COAL FORMATION IN )  
AN ESTABLISHED DRILLING AND )  
SPACING UNIT LOCATED IN THE )  
IGNACIO-BLANCO FIELD AREA, LA )  
PLATA COUNTY, COLORADO )

CAUSE NO. 112

DOCKET No. \_\_\_\_\_

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

**VERIFICATION**

R. Kevin Preston, being first duly sworn upon oath, states:

1. I am an authorized representative of Catamount Royalty Partners, Ltd. and am personally familiar with the matters set forth in the foregoing Verified Application.
2. I have read the Verified Application and the facts contained therein are true and correct to the best of my knowledge, information and belief.

/s/ R. Kevin Preston  
R. Kevin Preston  
Catamount Royalty Partners, Ltd.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by  
R. Kevin Preston.

Witness my hand and official seal.

/s/ Marcy A. Baird  
Notary Public

My commission expires:

IN THE MATTER OF THE APPLICATION OF )  
CATAMOUNT ROYALTY PARTNERS, LTD. )  
FOR AN ORDER POOLING ANY AND ALL )  
UNLOCATED OWNERS OF ROYALTY OR )  
OTHER INTERESTS IN THE MINERAL ESTATE )  
IN THE FRUITLAND COAL FORMATION IN AN )  
ESTABLISHED DRILLING AND SPACING UNIT )  
LOCATED IN THE IGNACIO-BLANCO FIELD )  
AREA, LA PLATA COUNTY, COLORADO )  
)

CAUSE NO. 112

DOCKET No. \_\_\_\_\_

**EXHIBIT A**

**INTERESTED PARTIES**

McElvain Oil & Gas Properties, Inc.  
1050 17<sup>th</sup> Street, Suite 1800  
Denver, CO 80265

John E. McConnell, III  
1318 Briar Bayou  
Houston, TX 77077-0000

T.H. McElvain Oil & Gas Limited Partnership  
1050 17<sup>th</sup> Street, Suite 1800  
Denver, CO 80265

Harry L. Jones, II  
108 S. Court Ave.  
Orlando, FL 32801

Catamount Royalty Partners, Ltd.  
P.O. Box 22084  
Denver, CO 80222

Hudson Oil & Metals Company  
5745 E. 6<sup>th</sup> Avenue Parkway  
Denver, CO 80220-0000

JDH Resources Limited Liability Company  
2800 S. University Blvd., #7  
Denver, CO 80210

American Innovative Royalty Systems  
924 CR 174  
Cotter, AZ 72626-0000

BP America Production Company  
380 Airport Road  
Durango, CO 81303

BMNW Resources, L.L.C.  
4925 Greenville Avenue, Suite 841  
Dallas, TX 75206-0000

Geraldine F. Russell  
3064 Juniper St.  
San Diego, CA 92104

Stroube Energy Corporation  
17194 Preston Road, Suite 102, LB 249  
Dallas, TX 75248-0000

Mary Jon Bryan  
c/o Bobby McClenny  
P.O. Box 1358  
Lindale, TX 75771-1358

Geraldine Whitcomb Partnership Ltd.  
P.O. Box 2367  
Houston, TX 77252-0000

The Sheridan Family Trust  
c/o Christopher Sheridan  
3935 N. Country Club, Unit #21B  
Tucson, AZ 85716-1079

Vicki Louise McInness  
2400 County Road 321  
Ignacio, CO 81137

The Roy G. Barton, Sr. and Opal Barton  
Revocable Trust  
1919 N. Turner Street  
Hobbs, NM 88240-2712

Mary E. Pargin  
P.O. Box 623  
Ignacio, CO 81137

Evans Oil and Gas LLC  
1513 East Old Shakopee Road  
Bloomington, MN 55425

Mary E. Pargin  
907 Begbie Crescent  
Williams Lake, BC  
Canada V2G 3H9

Southern Ute Indian Tribe  
Attn: Ed Trahan, Tribal Land Manager  
P.O. Box 1500  
Ignacio, CO 81137

Laura L. Pargin  
7940 Highway 151  
Allison, CO 81137

Charles F. Pargin & Alberta L. Pargin  
2400 County Road 321  
Ignacio, CO 81137

Carroll H. Russell  
No address

Stephen Charles Pargin  
7940 Highway 151  
Allison, CO 81137

Max R. Chudy  
No address

Paula K. Witt  
9446 Highway 172  
Ignacio, CO 81137

Aida Abelow  
No address

James A. Elkins, Sr.  
No address

Wrightsman Petroleum Company  
No address

J.G. Timolat  
No address

John L. Brady  
No address

William T. Pitt  
No address

Edward F. Nicolin  
No address

Louis Ross  
No address

Duane Spencer  
Branch Chief Fluid Minerals  
Bureau of Land Management  
2850 Youngfield Street  
Lakewood, CO 80215-7093

George T. Graham  
No address

Brett Sherman  
La Plata County Local Government Designee  
1060 East 2<sup>nd</sup> Avenue  
Durango, Colorado 81301

