

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

IN THE MATTER OF THE APPLICATION OF)
ENCANA OIL & GAS (USA) INC. FOR AN)
ORDER POOLING ALL NONCONSENTING)
INTERESTS IN THE J SAND, CODELL, AND)
NIOBRARA FORMATIONS IN AN)
ESTABLISHED DRILLING AND SPACING)
UNIT LOCATED IN THE WATTENBERG)
FIELD, BOULDER COUNTY, COLORADO)

Cause No. _____

Docket No.

APPLICATION

COMES NOW EnCana Oil & Gas (USA) Inc. (referred to herein as “Applicant”), by and through its undersigned counsel, and makes application to the Oil and Gas Conservation Commission of the State of Colorado (“COGCC”), for an order to pool all non-consenting interests for the drilling of a well in an approximate 160-acre drilling and spacing unit in the J Sand, Codell, and Niobrara Formations in the lands more particularly described in Paragraph 2 below located in Township 1 North, Range 69 West, 6th P.M., Boulder County, Colorado. In support thereof, the Applicant states and alleges as follows:

1. That the Applicant is a corporation duly authorized to conduct business in the State of Colorado.
2. That the Applicant owns leasehold interests in the drilling and spacing unit requested for pooling.

Township 1 North, Range 69 West, 6th P.M.
Section 24: S/2NE/4, N/2SE/4

Boulder County, Colorado

(“Application Lands”)

3. The Application Lands are subject to Rule 318A(e) which authorizes lease line 160-acre drilling and spacing units as established pursuant to the terms and conditions set forth therein.
4. Applicant proposes to drill the following well within the 160-acre drilling and spacing unit described in paragraph 2 above as follows:

<u>Well Names</u>	<u>Surface Location</u>	<u>Bottomhole Location</u>
Lumry 6-4-24	894’ FNL & 1010’ FEL	1320’ FEL & 2590’ FNL

This proposed surface location and bottomhole location is reflected on the approved APD attached hereto as Exhibit B.

5. An AFE containing the information required by COGCC Rule 530.a. was sent regarding this well more than thirty (30) days prior to the date of the hearing on this Application. A copy of an example of such AFE and letter is attached hereto as Exhibit C.
6. Moreover, that with respect to any non-consenting owners of unleased mineral interests listed on Exhibit A, Applicant has made reasonable attempts pursuant to COGCC Rule 530.b. to enter into leases with such parties but has as of yet been unsuccessful in such attempts. Such parties received a reasonable offer to lease as evidenced by the letter attached as Exhibit C.
7. That in order to prevent waste, protect correlative rights and in the best interests of conservation, all interests owned by the nonconsenting parties listed on Exhibit A should be pooled in the J Sand, Codell, and Niobrara Formations in accordance with C.R.S. § 34-60-116 and Rule 530 of the COGCC.
8. That the names and addresses of the interested parties with respect to this Application are as set forth in Exhibit A hereto and the undersigned certifies that copies of this Application shall be served on each interested party within the next seven days as required by Rule 503.d.

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

A. That all leasehold working interest owners with whom Applicant has been unable to secure an agreement for the drilling of the proposed well and all unleased mineral interests owners who refuse to execute a lease as described in paragraphs 5 and 6 be pooled involuntarily with respect to the J Sand, Codell, and Niobrara Formation wells, and that such owners be treated as non-consenting owners under C.R.S. § 34-60-116 and made subject to the terms and penalties provided for therein.

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

DATED this ____ day of April, 2008.

Respectfully submitted,

ENCANA OIL & GAS (USA) INC.

By:

Michael J. Wozniak
BEATTY & WOZNIAK, P.C.
216 16th Street, Suite 1100
Denver, CO 80202
(303) 407-4499

Applicants' Address:

370 17th Street, Suite 1700
Denver, CO 80202

VERIFICATION

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

Sheila A. Frazier, Land Negotiator of EnCana Oil & Gas (USA) Inc., upon oath deposes and says that she has read the foregoing Application and that the statements contained therein are true to the best of her knowledge, information and belief.

ENCANA OIL & GAS (USA) INC.

By: _____
Sheila A. Frazier, Land Negotiator

Subscribed and sworn to before me this _____ day of April, 2008, by Sheila A. Frazier,
Land Negotiator of EnCana Oil & Gas (USA) Inc.

Witness my hand and official seal. My commission expires:_____

Notary Public

EXHIBIT A

Interested Parties

Ladye Angieline Smith a/k/a Lady Angieline Smith 512 Fall Creek Court Kingston Springs, TN 37062	Leased	Jeremy S. Randall & Robin L. Randall 679 Mathews Circle Erie, CO 80516	Unleased
Travis Family Living Trust, Charles R. Travis and Ella M. Travis, Ttes 335 Inca Parkway Boulder, CO 80303-3517	Leased	Chad Niederhausier & Angie Nordstum Niederhausier 725 S Beshear Court Erie, CO 80516	Unleased
Gregory J. Anderson RR 1 Box 154 Gowrie, IA 50543-7438	Leased	Denise M. Van Ausdall 700 Mathews Circle Erie, CO 80516	Leased
Johnson Development Co 4380 So. Syracuse St, Ste 510 Denver, CO	Unleased	Leo D. Hernandez & Jolie R. Parker 1408 Avgare Way Erie, CO 80516	Unleased
Henry Meinig 670 S Beshear Court Erie, CO 80516	Leased	Marcel L. Bruyere & Cindy L. Bruyere 715 S Beshear Court Erie, CO 80516	Leased
Suzanne Modrell 644 N Beshear Court Erie, CO 80516	Unleased	Sharon K. Leitner 696 Mathews Circle Erie, CO 80516	Leased
Aaron P. Storbeck & Kathleen M. Storbeck 547 Mathews Circle Erie, CO 80516	Leased	Jamyang Namgyal & Dawa Dawa Namgyal 705 S Beshear Court Erie, CO 80516	Unleased
Susan M. Gallagher 1403 Leyner Drive Erie, CO 80516	Unleased	Brian Collins 692 Mathews Circle Erie, CO 80516	Unleased
Thomas D. Burns & Karen L. Burns 689 Mathews Circle Erie, CO 80516	Leased	Edward M. Lott & Ladonna A. Lott 697 S Beshear Court Erie, CO 80516	Unleased
Jeff Arrigo & Alisha Arrigo 743 S Beshear Court Erie, CO 80516	Unleased	Bank Of New York Trust Company NA Trustee Po Box 0969 Horsham, PA 19044	Unleased
Jimmy R. Fechner & Mary Fechner & Curtis Fechner 710 Mathews Circle Erie, CO 80516	Unleased	Brent S. Meriwether 687 S Beshear Court Erie, CO 80516	Unleased
Larry G. Zimmerman & Connie L. Zimmerman 721 Mathews Circle Erie, CO 80516	Leased	Michael J. Lukenbill & Leanne B. Lukenbill 684 Mathews Circle Erie, CO 80516	Unleased
Michael H. Lambert & Joan Dietrich 1386 Avgare WayErie, CO 80516	Leased	Joan M. Dietrich & Amy M. Westwood 718 Matthews Circle Erie, CO 80516	Leased
Patti L. Lynch 669 Mathews Circle Erie, CO 80516	Leased	Kevin R. Chard 2590 Freeman Court Erie, CO 80516	Leased
Stefanie Gauthier 733 S Beshear Court Erie, CO 80516	Unleased	Michael K. Friesen & Valerie J. Friesen 722 Mathews Circle Erie, CO 80516	Unleased
Matthew F. Simms & Julia A. Simms 704 Mathews Circle Erie, CO 80516	Unleased	Scott D. Miller & Wendy J. Miller 552 Munoz Court Erie, CO 80516	Unleased
Kent Gordon & Gabrielle A. Gordon 729 Mathews Circle Erie, CO 80516	Unleased	Gary Osborne & Angela Osborne 726 Mathews Circle Erie, CO 80516	Unleased
John M. Gentry & Jamie D. Gentry 1398 Avgare Way Erie, CO 80516	Unleased	Janet L. Hayward 544 Munoz Court Erie, CO 80516	Unleased

Laurie D. Summers & Christopher G. Summers 680 S Beshear Court Erie, CO 80516	Unleased	Christopher Young & Lori Young 690 S Beshear Court Erie, CO 80516	Unleased
JP Morgan Chase Bank NA Trustee Po Box 293150 Lewisville, TX 75029	Unleased	Glenn Murray & Sheila Murray 601 N Beshear Court Erie, CO 80516	Leased
Shannon Tutt & Jennifer Tutt 557 Mathews Circle Erie, CO 80516	Leased	Kristopher Soden & Rebecca D. Soden 567 Mathews Circle Erie, CO 80516	Unleased
David A. Wood 1395 Leyner Drive Erie, CO 80516	Unleased	Drew B. Cooper & Sandra E. Cooper 1383 Leyner Drive Erie, CO 80516	Unleased
Hoeun B. Am & Pek Oeum 1389 Avgare Way Erie, CO 80516	Unleased	Nancy L. Eichholtz 1377 Avgare Way Erie, CO 80516	Unleased
Jennifer C. Stephenson & Eric J. Frank 730 Mathews Circle Erie, CO 80516	Unleased	Chandra Jo Manchester & William E. Manchester 640 Mathews Circle Erie, CO 80516	Leased
Christopher Joseph & Lisa Joseph 536 Munoz Court Erie, CO 80516	Leased	Haley A. Murphy 636 Mathews Circle Erie, CO 80516	Unleased
PTFM Inc. 1555 Main Street, Suite A3- 301 Windsor, CO 80550	Unleased	Daniel B. Goodman 630 Mathews Circle Erie, CO 80516	Leased
Tae Kwon Wee & Hyunah Lee Wee 528 Munoz Court Erie, CO 80516	Unleased	Deborah M. Von Wald 626 Mathews Circle Erie, CO 80516	Unleased
Miller Family Trust C/O Douglas M. Miller 740 Mathews Circle Erie, CO 80516	Leased	Tonya L. Cozad 622 Mathews Circle Erie, CO 80516	Unleased
Stephen D. Wathen & Kimberly J. Wathen 527 Munoz Court Erie, CO 80516	Unleased	Charles J. Thomas 618 Mathews Circle Erie, CO 80516	Leased
Heather K. Parrish 744 Mathews Circle Erie, CO 80516	Unleased	David A. Boes & Abby L. Boes 614 Mathews Circle Erie, CO 80516	Leased
Julie M. Krell 545 Munoz Court Erie, CO 80516	Leased	John D. Lowe 608 Mathews Circle Erie, CO 80516	Leased
Rose A. Hauber 664 Mathews Circle Erie, CO 80516	Unleased	Deborah A. Short 604 Mathews Circle Erie, CO 80516	Unleased
Lucas A. Brock & Sarah H. Brock 662 Mathews Circle Erie, CO 80516	Unleased	Eric Guerrero & Reyanne Guerrero 600 Mathews Circle Erie, CO 80516	Leased
Timothy R. Guerrero & Susan L. Guerrero 656 Mathews Circle Erie, CO 80516	Unleased	Robert G. McLaughlin 700 S Beshear Court Erie, CO 80516	Unleased
Dennis L. Ward & Cheryl L. Ward 652 Mathews Circle Erie, CO 80516	Leased	Matthew O. Flood & Kristin D. Flood 609 N Beshear Court Erie, CO 80516	Leased
Daniel P. Monahan & Angela M. Monahan 648 Mathews Circle Erie, CO 80516	Unleased	Steven G. Barnett & Tara B. Barnett 577 Mathews Circle Erie, CO 80516	Unleased
Christina Tai & Hoai Pham Tai 644 Mathews Circle Erie, CO 80516	Unleased	Brandon J. Brinker & Michelle Brinker 1309 Centaur Lafayette, CO 80026	Leased
		Sethuraman Ramachandran & Sundararaman Sushmitha 1365 Avgare Way Erie, CO 80516	Unleased

Katherine E. Lapins PO Box 612 Louisville, CO 80027	Leased	Holly M. Meter 1351 Leyner Drive Erie, CO 80516	Unleased
Cindy Miller 592 Mathews Circle Erie, CO 80516	Leased	Barrows & Rich Revocable Living Trust 4628 Creek Road Sacramento, CA 95841	Unleased
David D. Kellison 588 Mathews Circle Erie, CO 80516	Leased	Arkadiusz Nowak & Ewa Nowak	Unleased
Daniel E. Green 582 Mathews Circle Erie, CO 80516	Unleased	730 S Beshear Corut Erie, CO 80516	
William Graziano & Nicole Graziano 578 Mathews Circle Erie, CO 80516	Unleased	Gary M. Hansen & Sabine Hansen 631 N Beshear Court Erie, CO 80516	Unleased
Troy G. Pohl & Kelly A. Pohl 574 Mathews Circle Erie, CO 80516	Unleased	Barat Ali Ayuby & Shahida Ayuby 1386 Leyner Drive Erie, CO 80516	Unleased
Alfred D. Cirelli 570 Mathews Circle Erie, CO 80516	Unleased	Robyn L. Wing 1354 Avgare Way Erie, CO 80516	Unleased
Scott A. Latham & Karen E. Latham 566 Mathews Circle Erie, CO 80516	Unleased	Rabih S. Nahas & Adriana Vargas 641 Mathews Circle Erie, CO 80516	Unleased
Jeffrey A. Bonin & Nancy N. Gorecki 562 Mathews Circle Erie, CO 80516	Leased	James Helmer & Melinda Helmer 740 S Beshear Court Erie, CO 80516	Leased
Youfan Gu & Xiaoyan Shi 3322 W Torreys Peak Drive Superior, CO 80027	Leased	David Depew & Ellen Depew 637 N Beshear Court Erie, CO 80516	Unleased
Kristin Mckenzie & Greg A. Toothaker 710 S Beshear Court Erie, CO 80516	Unleased	W. James Dieke & Mary L. Dieke 1396 Leyner Drive Erie, CO 80516	Leased
Dominic J. Nelson & Amy P. Nelson 615 N Beshear Court Erie, CO 80516	Unleased	Julie L. Loftesness 1364 Avgare Way Erie, CO 80516	Leased
Lisa M. Kloes 1362 Leyner Drive Erie, CO 80516	Unleased	Alicia Kimata Valley 651 Mathews Circle Erie, CO 80516	Leased
Shavonne M. Blades PO Box 964 Erie, CO 80516	Unleased	Dixie Bliley & Mark D. Bliley 750 S Beshear Court Erie, CO 80516	Leased
Uebbing Vivienne 1353 Avgare Way Erie, CO 80516	Unleased	Kathleen A. Hebert & Timothy D. Hebert 645 N Beshear Court Erie, CO 80516	Unleased
Jonathan E. Grant 552 Mathews Circle Erie, CO 80516	Unleased	Mark Cushman & Monika Cushman 1408 Leyner Drive Erie, CO 80516	Leased
Michael V. Micucci 548 Mathews Circle Erie, CO 80516	Unleased	Ralph N. Leoffler & Ann S. Leoffler 1376 Avgare Way Erie, CO 80516	Unleased
Alan L. Chamberlin & Dorothy A. Chamberlin 5914 Oak Meadows Blvd. Firestone, CO 80504	Leased	L & T Properties Inc 419 Himalaya Court Broomfield, CO 80020	Leased
Margaret Anne Johnson 623 N Beshear Court Erie, CO 80516	Unleased	KC Propco Holding I LLC C/O Knowledge Learning Corp 650 NE Holliday St, Ste 1400 Portland, OR 97232	Unleased
Craig H. Sherman & Karen K. Sherman 1374 Leyner Drive Erie, CO 80516	Leased	Town Of Erie PO Box 98 Erie, CO 80516	Unleased