

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

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|---------------------------------------|------------------------|
| IN THE MATTER OF THE APPLICATION OF) | |
| SYNERGY RESOURCES CORPORATION FOR) | |
| AN ORDER CONFIRMING A SPACING UNIT) | CAUSE NOS. 232 and 407 |
| AND POOLING CERTAIN INTERESTS FOR) | |
| THE PRODUCTION OF OIL AND GAS FROM) | DOCKET NO. _____ |
| THE CODELL, NIOBRARA AND "J" SAND) | |
| FORMATIONS UNDERLYING CERTAIN LANDS) | |
| IN WELD COUNTY, COLORADO) | |

APPLICATION

The Applicant, Synergy Resources Corporation ("Synergy"), by and through its undersigned counsel, respectfully petitions the Oil and Gas Conservation Commission of the State of Colorado (the "Commission") for an order confirming a GWA 160-acre wellbore spacing unit for production from the Codell, Niobrara and "J" Sand formations, and pooling all interests therein as follows:

BACKGROUND

1. Commission Rule 318A(e)(1) authorizes the drilling of interior infill wells on wellbore spacing units designated by the operator pursuant to Commission Rule 318A(a)(4)(C). That Rule requires that the spacing unit be composed of the four governmental quarter-quarter sections nearest to the bottom-hole location of the wellbore.
 2. Pursuant to Commission Rule 318A(e), Synergy has drilled the Meyer #4 well, as an interior infill well, from a multiple well pad in the NW¼NW¼ of Section 21, to a bottom-hole location 2,578 FNL and 1,450 FWL of Section 21. The well has been drilled to the "J" Sandstone formation (with the Codell and Niobrara formations behind pipe), but has not yet been completed or produced
 3. Pursuant to Commission Rule 318A(a)(4)(C), Synergy has established a wellbore spacing unit composed of the following described lands in Weld County, Colorado (the "Unit"):

Township 5 North, Range 66 West, 6th P.M.
Section 21: S½NW¼, N½SW¼
- The Unit is composed of the four governmental quarter-quarter sections nearest to the bottom-hole location of the wellbore.
4. Synergy holds oil and gas leases covering the S½NW¼ and N½SW¼ of Section 21.
 5. Petroleum Exploration & Management LLC, FEI Energy Fund LLC and Sundance Energy, Inc., also hold undivided oil and gas leasehold interests covering the mineral interests in the Unit. Each has signed a Joint Operating Agreement designating Synergy as the operator of the Meyer #4 well.

6. The remaining oil and gas mineral interests in the Unit are not leased, and are owned by the several mineral owners listed on the annexed **Exhibit A**.

INVOLUNTARY POOLING REQUEST

7. Colorado Revised Statute Section 34-60-116 authorizes the Commission to pool separately owned interests located within a drilling unit, for the development and operation of the wells.

8. Synergy has tendered an offer to lease, and furnished in writing the owners' share of drilling and completion costs, to all unleased mineral owners listed on **Exhibit A**, giving them the opportunity to either lease their mineral interest in the Unit, or participate in the proposed wells. No such unleased mineral owner has agreed to either enter into a lease or bear its proportional share of costs.

9. The terms of the leases offered are no less favorable than those prevailing for similar leases in the area at this time.

10. An Order of the Commission pooling all interests in the Unit composed of the S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21 is necessary in order to afford each owner of an interest in such Unit the opportunity to recover and receive its just and equitable share of the oil and/or gas from the common source of supply underlying the Unit.

11. The granting of such an Order would not be prejudicial to the owners in the Unit and would protect correlative rights.

12. The granting of such an Order would prevent or assist in preventing waste and would insure that the pool as a whole may be efficiently and economically developed.

REQUEST FOR HEARING AND ORDER

WHEREFORE, Synergy prays that this matter be set for hearing on April 29 or 30, 2010, Notice of said Hearing be given as required by law, if no protests are timely received the matter be considered pursuant to Rule 511(b), and the Commission enter an Order to:

A. Confirm the 160-acre wellbore spacing unit consisting of the S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21 for production of oil and gas from the Codell, Niobrara and "J" Sand formations, with commingling of production being authorized and determined in accordance with Rule 318A.

B. Pooling all interests in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21 with respect to production of the Codell, Niobrara and "J" Sand formations from the Meyer #4 well, and that such pooling Order:

(1) be upon terms and conditions that are just and reasonable and that afford to the owner of each interest the opportunity to recover or receive, without unnecessary expense, his just and equitable share of oil and gas;

(2) provide that production obtained from the pooled tract be allocated to each owner therein on the basis of the proportion that the number of mineral acres held by each owner in the drilling unit bears to the total number of mineral acres within the drilling unit;

(3) provide that Synergy be allowed to recover from any non-consenting owner's share of production the penalty costs as provided in Colorado Revised Statute Section 34-60-116 (7); and

(4) require Synergy to provide each non-consenting interest owner in the Unit with monthly statement of costs incurred together with the quantity of oil and gas produced and proceeds realized, pursuant to C.R.S. §34-60-116(8).

RESPECTFULLY SUBMITTED this 10th day of March, 2010.

LOHF SHAIMAN JACOBS HYMAN & FEIGER PC

By:_____

J. Michael Morgan #7279
950 South Cherry Street, Suite 900
Denver, Colorado 80246
(303) 753-9000
(303) 75-9997 (fax)
mmorgan@lohfshaiman.com

Address of Applicant:

Synergy Resources Corporation
20203 Highway 60
Platteville, CO 80651

EXHIBIT "A"
TO APPLICATION OF SYNERGY RESOURCES CORPORATION

Applicant: Synergy Resources Corporation
20203 Highway 60
Platteville, CO 80651

Applicant's Attorney: J. Michael Morgan, Esq.
Lohf Shaiman Jacobs Hyman & Feiger PC
950 South Cherry Street, Suite 900
Denver, CO 80246

Local Government Designee: Bruce T. Barker, Esq.
Weld County Commissioner Office
P.O. Box 758
Greeley, CO 80634

**Interested Parties in the S½NW¼ and N½SW¼ of Section 21, Township 5 North,
Range 66 West**

Leased Mineral Owners:

| | |
|--|---|
| ANKA, LLC 3695 65 th Avenue Greeley, CO 80634 | Michael William Hamilton & Nina Gail Hamilton 3114 66 th Avenue Court Greeley, CO 80634 |
| Jose Rojas & Karin C. Dyer 3201 66 th Avenue Greeley, CO 80634 | Anne M. Drobnitch 3204 66 th Avenue Court Greeley, CO 80634 |
| Craig Alan Bollig & Liberty Kate Bollig 3117 66 th Avenue Greeley, CO 80634 | Fang Jiang & Rong Jiang 3107 66 th Avenue Court Greeley, CO 80634 |
| Jason Rath 3101 66 th Avenue Greeley, CO 80634 | Lindsay Holland & Carolyn Holland 6609 32 nd Street Greeley, CO 80634 |
| Joshua C. Hays & Amanda Ruh aka Amanda M. Hays 3106 66 th Avenue Greeley, CO 80634 | Arnold J. Cantu & Nicole D. Cantu 6613 32 nd Street Greeley, CO 80634 |

Scott E. Zimmerman &
Nancy R. Zimmerman
6621 32nd Street
Greeley, CO 80634

Roger Fowler &
Tamra H. Stumpf-Fowler
6703 32nd Street
Greeley, CO 80634

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Longmont, CO 80504

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Greeley, CO 80634

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S. Diane Cathey
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Royce Marshall &
Anne Marshall a/k/a
Harriet Anne Marshall
3017 68th Avenue Court
Greeley, CO 80634

James H. Miller
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2915 68th Avenue Court
Greeley, CO 80634

Edward G. Schleining &
Dorothy F. Schleining
6806 W. 29th Street
Greeley, CO 80634

Rodney L. Marshall
27088 Weld County Road 388
Kersey, CO 80644

Barney Jay Hottle
2900 68th Avenue
Greeley, CO 80634

Gregory L. Ingram & Leah R. Ingram
6812 West 29th Street
Greeley, CO 80634

Lillis Properties LLC
4845 Valley Oak Drive
Loveland, CO 80538

Joseph A. Corona & Carol J. Corona
6906 29th Street
Greeley, CO 80634

Elsie K. Hunter & James Hunter
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Greeley, CO 80634

Kenneth E. Neece & Denise K. Neece
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Greeley, CO 80634

Joseph M. Wilson & Judith K. Wilson
3004 68th Avenue Court
Greeley, CO 80634

Cheryl Weinmeister
6719 31st Street Road
Greeley, CO 80634

Todd Bengford
2912 68th Avenue Court
Greeley, CO 80634

IMB Properties, Inc.
3004 68th Avenue
Greeley, CO 80634

Jake C. Rudiger & Pamela K. Rudiger
2904 68th Avenue Court
Greeley, CO 80634

Genevieve Canales
3016 68th Avenue
Greeley, CO 80634

Patrick G. Renner & Michelle D. Renner
3023 68th Avenue
Greeley, CO 80634

St. Michael Owner Association
c/o Rocky Mountain Property Mgmt.
446 E. 4th Street
Loveland, CO 80537

Kenneth Heupel & Judy L. Heupel
3019 68th Avenue
Greeley, CO 80634

Anadarko E&P Company LP
Anadarko Land Corp.
1099 18th Street, Suite 1800
Denver, CO 80202

Bernard Carl Lee Revocable Trust
1603 Oakridge Drive, Suite 101
Fort Collins, CO 80525

Mile High Banks
1726 Hover Street
Longmont, CO 80501

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5930 Nicklaus Drive
Fort Collins, CO 80528

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Greeley, CO 80634

Jason N. Hettinger &
Tiffany E. Hettinger
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Greeley, CO 80634

Edgar Omar Rascon &
Felicia Leana Perez
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Greeley, CO 80634

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Greeley, CO 80634

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Greeley, CO 80634

Hae Choon Park & Soo Bak Park
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Greeley, CO 80634

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Diane Janel Seaman
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Greeley, CO 80634

Keith Neddermeyer &
Sheryl Neddermeyer
3108 69th Avenue Court
Greeley, CO 80634

Jeffery H. Brown & Pamela A. Brown
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Greeley, CO 80634

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Greeley, CO 80634

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2907 70th Avenue
Greeley, CO 80634

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3033 68th Avenue Court
Greeley, CO 80634

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Mary Miner
3009 70th Avenue
Greeley, CO 80634

Ann Murphy
3027 68th Avenue
Greeley, CO 80634

Dan R. Wallace & Linda C. Wallace
3006 68th Avenue
Greeley, CO 80634

GO Investment Properties, LLC
1918 80th Avenue
Greeley, CO 80634

Leasehold Owners:

Synergy Resources Corporation
20203 Highway 60
Platteville, CO 80651

Petroleum Exploration & Management LLC
20203 Highway 60
Platteville, CO 80651

FEI Energy Fund LLC
1707 61st Avenue #101
Greeley, CO 80634

Sundance Energy, Inc.
390 Interlocken Crescent, Suite 640
Broomfield, CO 80021

VERIFICATION

STATE OF COLORADO)
)
COUNTY OF WELD) **ss.**

The undersigned, of lawful age, having been first sworn upon his oath, deposes and states that:

1. She is Cynthia A. E. Zeren, Agent of the Applicant, Synergy Resources Corporation, and that she maintains her office at 1711 61st Avenue, Suite 204, Greeley, Colorado 80634.

2. She has read the within Application of Synergy Resources Corporation, is familiar with the facts set forth therein, and states that said facts are true and correct to the best of her knowledge and belief.

Further Affiant sayeth not.

Cynthia A. E. Zeren

Subscribed and sworn to before me this _____ day of March, 2010.

Witness my hand and official seal.

My commission expires: _____

Notary Public

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of March, 2010, a true and correct copy of the foregoing was mailed via U.S. First-Class Mail, postage prepaid, to the following:

Bruce T. Barker, Esq.
Weld County
P.O. Box 758
Greeley, CO 80634

ANKA, LLC
3695 65th Avenue
Greeley, CO 80634

Jose Rojas & Karin C. Dyer
3201 66th Avenue
Greeley, CO 80634

Craig Alan Bollig & Liberty Kate Bollig
3117 66th Avenue
Greeley, CO 80634

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Amanda Ruh aka Amanda M. Hays
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Sundance Energy, Inc.
390 Interlocken Crescent, Suite 640
Broomfield, CO 80021

Tonja L. Hoisington, Paralegal