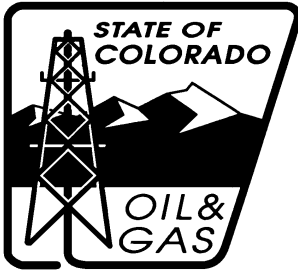


## SECOND AMENDMENT



### HEARING AGENDA

Suite 801, The Chancery Building  
1120 Lincoln Street  
Denver, Colorado 80203

The times associated with each docketed item are subject to change. The Commission reserves the right to call any and all agenda items out of order.

#### Thursday September 16, 2010

- ⌚ 9:00 a.m.            Roll Call of Commissioners
- Approval of Proceedings
- ⌚ 9:05 a.m.            Report from the Executive Director's Office
- ⌚ 9:15 a.m.            Report from the Director - Written report provided
- ⌚ 9:45 a.m.            Commissioner Comments
- ⌚ 10:00 a.m.          Audience Comments
- ⌚ 10:15 a.m.          Consent Agenda
  - 2     Hearing Officer recommendations under Rule 511.
  - 2     Administrative Orders by Consent

### **CONSENT AGENDA**

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No valid protests/interventions were received or valid protests were resolved, or no interventions were made on the technical merits for the matters listed below. **Based upon requests made by the applicants to approve the applications based on the merits of the verified applications and the supporting written testimony and exhibits, the Hearing Officers recommend approval.** Draft proposed orders were provided. The applicants agreed to be bound by oral order of the Commission.

### **RULE 511. RECOMMENDATIONS**

Cause No. 440, Docket No. 1009-SP-24, Parachute Field, Garfield County

Applicant:            Noble Energy, Inc.

Attorneys:           Kenneth A. Wonstolen/Jamie L. Jost

Subject:              Request to establish two drilling and spacing units to include truncated portions of adjacent sections. One drilling and spacing unit is proposed for Section 4, Lots 6, 7, 8, 9, 10 and all of Section 9, Township 8 South, Range 95 West, 6th P.M. (approximately 710.88 acres). The second drilling and spacing unit is proposed for Section 3, Lots 6, 7, 8, 10 and W½, W½ E½, and W½ E½ E½ of Section 10, Township 8 South, Range 95 West, 6th P.M. (approximately 618.73 acres).

Cause No. 232 & 407, Docket No.1009-UP-53, Wattenberg Field, Weld County

Applicant: Synergy Resources Corporation  
Attorneys: J. Michael Morgan

Subject: Request to confirm a 160-acre wellbore spacing unit consisting of the E½ NE¼ of Section 20 and W½ NW¼ of Section 21, Township 5 North, Range 66 West, 6th P.M. to accommodate the Meyer #2 Well (API #05-123-29169) and to pool all nonconsenting interests in the wellbore spacing unit.

**ADMINISTRATIVE ORDERS BY CONSENT**

🕒 10:30 a.m.

Cause No. 1V, Docket No. 1009-OV-08, Montezuma County  
Staff Recommendation

Subject: Request for approval for approval of an Administrative Order by Consent with Kinder Morgan for violations of Rules 303., 308A, and 308B for oil and gas operations at the HE #5 Well (API No. 05-083-06601), located in the SE¼ SW¼ of Section 36, Township 38 North, Range 19 West, N.M.P.M.

🕒 10:45 a.m.

Cause No. 1V, Docket No. 1009-OV-09, Montezuma County  
Staff Recommendation

Subject: Request for approval for approval of an Administrative Order by Consent with Kinder Morgan for violations of Rules for violations of Rules 303., 308A, and 308B for oil and gas operations at the Sand Canyon #10 Well (API No. 05-083-06604), located in the SW¼ NW¼ of Section 8, Township 35 North, Range 18 West, N.M.P.M.

🕒 12:00 a.m.

**Lunch/Executive Session**

- *Chase/Sutak (Moqui Meadows) v. COGCC (2 Cases)*

**HEARING MATTERS**

🕒 1:00 p.m.

Cause No. 1, Docket No. 1009-GA-12, Statewide

Applicant: Colorado Petroleum Association  
Attorneys: John Paul Seman Jr./Nick A. Swartzendruber/  
Scott M. Campbell

Subject: The Oil and Gas Conservation Commission has set a hearing to consider an application to amend Rule 905.b.(3)A.

🕒 2:00 p.m.

Cause No. 1, Docket No. 1009-GA-13, Morgan County

Applicant: Morgan County  
Attorneys: George N. Monsson

Subject: Request for Commission hearing to seek a partial exemption from Rule 804., Visual Impact Mitigation, which requires operators to paint production facilities in earth tone colors by September 1, 2010. Applicant requests that the painting

requirement occur upon installation of production equipment or repainting as part of regular maintenance.

⌚ 2:30 p.m.

Cause No. 1, Docket No. 1009-GA-14, Logan County

Applicant: Logan County  
Attorneys: Alan W. Samber/George N. Monsson

Subject: Request for Commission hearing to seek a partial exemption from Rule 804., Visual Impact Mitigation, which requires operators to paint production facilities in earth tone colors by September 1, 2010. Applicant requests that Rule 804, as it existed prior to the 2009 amendments, be applicable to operators in the County.

⌚ 3:00 p.m.

Cause No. 1, Docket No. 1009-GA-15, Lincoln County

Applicant: Lincoln County  
Attorneys: Stan Kimble/George N. Monsson

Subject: Request for Commission hearing to seek a variance from Rule 804., Visual Impact Mitigation, to exempt all operators within the County from painting production facilities, which are observable from any public highway, with uniform, non-contrasting, non-reflective color tones and with colors matched to but slightly darker than the surrounding landscape by September 1, 2010.

⌚ TBD

Hearing Adjourns

**CONTINUED AND WITHDRAWN MATTERS**

Cause No. 1, Docket No. 0809-GA-01, Adams County

Applicant: Colorado Board of Parks and Outdoor Recreation  
Attorney: Timothy J. Monahan

Subject: Request for an order to designate Barr Lake State Park as a Designated Outside Activity Area.

Protestants: James Alexander, Alexander Energy Company, HRM Resources, Texas American Resources Company and Sovereign Energy LLC.

Attorney: Stephen J. Sullivan

Protestant: Noble Energy, Inc.  
Attorneys: Michael J. Wozniak/Andrew A. Bremner

Protestant: Anadarko Petroleum Corporation  
Attorneys: John R. Jacus/Sam G. Niebrugge

Comments: A prehearing conference was held on September 3, 2008. Continued to the October hearing. Settlement negotiations are proceeding. A status conference is set for September 20, 2010.

Cause No. 112, Docket No. 1007-AW-07, Ignacio-Blanco Field, La Plata County

Applicant: Pablo Operating Company  
Attorneys: Michael J. Wozniak/Jamie L. Jost

Subject: Request for an order to allow up to four wells per 320-acre standup drilling and spacing unit, with the permitted well to be located no closer than 600 feet from the unit boundary, for Section 27, Township 33 North, Range 8 West, 6th N.M.P.M., for the production of gas and associated hydrocarbons from the Fruitland coal seams.

Intervention: La Plata County  
Attorney: Paul D. Kosnik

Comments: Continued to the October hearing.

Cause No. 191, Docket No. 1007-UP-47, Mamm Creek Field, Garfield County

Applicant: Bill Barrett Corporation  
Attorney: William A. Keefe  
Subject: Request for an order to pool all nonconsenting interests in the established 640-acre drilling and spacing unit consisting of Section 36, Township 6 North, Range 91 West, 6th P.M., to accommodate the Hilton 36-21D Well, for the development and operation of the Williams Fork and Iles Formations.

510 Statements: Donald T. McBurney, Jerry McBurney, Pat McBurney, Sharon Gibson, George H. Boulton, Annalee Boulton, National Association of Royalty Owners.

Protestant: Gene R. and Mary J. Hilton  
Attorney: Cynthia L. Bargell  
Comments: Second pre-hearing conference held August 5, 2010. Hearing officer continued the matter to the September hearing because of Protestants' application to vacate 640-acre drilling and spacing unit. Continued to the October (or later) hearing.

Cause No. 112, Docket No. 1008-UP-51, Ignacio-Blanco Field, La Plata County

Applicant: BP America Production Company  
Attorney: William A. Keefe/Jamie L. Jost

Subject: Request for an order to pool all nonconsenting interests for the 320-acre drilling and spacing unit consisting of the S½ of Section 21, Township 34 North, Range 9 West, N.M.P.M.

Comments: Continued to the October hearing.

Cause No. 318, Docket No. 1009-SP-25, Republican Field, Yuma County

Applicant: Augustus Energy Partners, LLC  
Attorneys: Michael J. Wozniak/Jamie L. Jost

Subject: Request to vacate an existing 160-acre drilling and spacing unit and establish two approximate 80-acre laydown drilling and spacing units consisting of the N½ NE¼ of Section 18 and the S½ NE¼ of Section 18, Township, 1 North, Range 44 West, 6th P.M.

Comments: Continued to the October hearing to re-notice with the correct legal location.

Cause No. 527, Docket No. 1009-SP-26, Sulphur Creek Field, Rio Blanco County

Applicant: Williams Production RMT Company

Attorneys: William A. Keefe

Subject: Request to establish a 160-acre drilling and spacing unit consisting of the NE¼ of Section 16, Township 3 South, Range 97 West, 6th P.M.

Comments: Companion to Docket No.1009-UP-54. Application continued to the October hearing due to email malfunction and therefore the need to re-notice.

Cause No. 191, Docket No. 1009-SP-27, Mamm Creek Field, Garfield County

Applicant: Gene R. and Mary J. Hilton

Attorneys: Cynthia L. Bargell

Subject: Request for an order vacating an existing 640 acre drilling and spacing unit established for the Williams Fork and Iles Formations of the Mesaverde Group covering Section 36, Township 6 South, Range 91 West, 6th P.M.

510 Statements: Donald T. McBurney, Jerry McBurney, Pat McBurney and Sharon Gibson, Robert O. Boulton, Ester F. Boulton, John R. Boulton Jr., Nancy L. Black, Weston E. Boulton, Verley B. Boulton, The William Lowell Wooding and Marian Eileen Wooding Revocable Trust, (Trustee Julia Wooding), Colorado Oil & Gas Association, National Association of Royalty Owners.

Protestants: Bill Barrett Corporation; Williams Production RMT Company  
Attorneys: William A. Keefe/Scott Petitmermet

Protestant: Bureau of Land Management  
Attorney: Lynn Rust

Comments: Companion to Docket No.1007-UP-47 (request for involuntary pooling). Hearing Officer recommends dismissal of the application based on lack of standing. Continued to the October hearing.

Cause No. 527, Docket No. 1009-UP-54, Sulphur Creek Field, Rio Blanco County

Applicant: Williams Production RMT Company

Attorneys: William A. Keefe

Subject: Request to pool all nonconsenting interests in the proposed approximate 160-acre drilling and spacing unit consisting of the NE¼ of Section 16, Township 3 South, Range 97 West, 6<sup>th</sup> P.M.

Comments: Companion to Docket No.1009-SP-26. Application continued to the October hearing due to email malfunction and therefore the need to re-notice.

Cause No. 139, Docket No. 1004-UP-29, Rulison Field, Garfield County

Applicant: Williams Production RMT Company

Attorney: William A. Keefe

Subject: Request for an order to pool all nonconsenting interests in the established 320-acre drilling and spacing unit consisting of the N½ of Section 24, Township 6 South, Range 94 West, 6th P.M., for the development and operation of the Codell and Niobrara Formations.

Protestants: J. Andrew Dunn and Niki D. LeClair  
Attorney: Gretchen VanderWerf

Comments: This matter has been settled, and the application has been withdrawn.

Cause No. 1, Docket No. 1004-GA-07, Adams County

Applicant: BP Energy, Inc  
Representative: Van K. Bullock

Subject: Request to obtain a variance from the requirement to provide financial assurance in the amount set forth in Rule 706.a.

Comments: BP Energy provided acceptable financial assurance in accordance with COGCC Rules and withdrew its application.

Cause No. 112, Docket No. 1004-UP-21, Ignacio-Blanco Field, Archuleta County

Applicant: Seibels  
Attorney: Scott M. Campbell

Subject: Request for an order to clarify that Order No. 112-162 force pooled the Seibel Trust only in the Swanemyr 32-6#1-2 Well and declaring that the Seibel Trust must be offered the opportunity to participate in the Swanemyr 32-6 #1-2 and Swanemyr 32-6 #1-3 Wells, located in the SE¼ SE¼ of Section1, Township 32 North, Range 6 West, 6th P.M., and for an accounting under the provisions of § 34-60-118.5 of the Oil and Gas Conservation Act, for the development and operation of the Fruitland coal seams.

Protestant: Energen Resources, Inc.  
Attorney: Andrew A. Bremner/Michael J. Wozniak  
Protestant: BP America Production Company  
Attorney: Thomas P. Dugan

Comments: This matter has been settled, and the application has been withdrawn.

Cause No. 1, Docket No. 1008-GA-09, Ignacio-Blanco Field, La Plata County

Applicant: Lois Hood, mineral interest owner  
Attorneys: Jeffrey P. Robbins

Subject: Request for Commission hearing, related to non-payment of royalties, alleging that neither Samson Resources Company nor BP America Production Company has made any production payments to the payee for production taken from the Echols-Ute #1-12U, SE Bayfield 34-7 #12U-1, and Echols Unit #2-12U Wells.

Comments: Settlement negotiations are proceeding. Application has been withdrawn; the matter has been dismissed without prejudice.

**ORDER FINDING VIOLATION**

Cause No. 1V, Docket No. 1009-OV-07, Morgan County  
Staff Recommendation

Subject: Request for approval of an Order Finding Violation with Magpie Operating, Inc. for violations of Rules 319.b.(1), 319.b.(3), and 326.b.(1) for oil and gas operations at the J.W. Challis #1 Well (API No. 05-087-06066), located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, Township 4 North, Range 59 West, 6th P.M.

Comments: Continued to the October hearing.