

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

IN THE MATTER OF THE PROMULGATION AND) CAUSE NO. 191
ESTABLISHMENT OF FIELD RULES TO GOVERN)
OPERATIONS IN THE MAMM CREEK FIELD,) DOCKET NO. 1001-GA-01
GARFIELD COUNTY, COLORADO)

CORRECTED NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

On **January 11, 2010** the Commission will hold a hearing to reconsider *Order No. 191-58*, in Cause No. 191, issued December 9, 2008. The Commission will consider whether to vacate, modify, or affirm *Order No. 191-58* and, based on evidence in the record, shall make findings of fact and issue such orders as it deems appropriate to protect the health, safety and welfare of the public, to protect correlative rights and prevent the waste of oil and gas, and to carry out the purposes of the Colorado Oil and Gas Conservation Act, §§ 34-60-101, *et seq.*, C.R.S.

As historical background in this matter, on October 10, 2008, Antero Resources Piceance Corporation (“Antero”), by its attorney, filed with the Commission a verified application for an order to vacate the approximate 186.3-acre drilling and spacing unit established in *Order No. 191-37* and establish two drilling and spacing units, one consisting of approximately 154.36 acres and one consisting of approximately 36.845 acres, and continue to allow the equivalent of one well per 10 acres, for certain lands in the N½ of Section 12, Township 6 South, Range 93 West, 6th P.M., for the production of gas and associated hydrocarbons from the Williams Fork and Iles Formations. On November 24, 2008, James R. Carnahan and Colleen Carnahan (collectively referred to as the “Carnahans” or the “Protestants”), who owned unleased minerals in the area proposed for the 36.845-acre drilling and spacing unit, by their attorney, filed a protest to the application. The Carnahans alleged in their protest that dividing the 186.3-acre drilling and spacing unit into two separate and distinct drilling and spacing units would constitute waste and would violate their correlative rights, and they requested that the Commission deny the application.

On November 25, 2008, the Hearing Officers convened a prehearing conference, wherein, following argument by Antero and the Carnahans on Antero’s request to dismiss the protest as without merit, the Hearing Officers found that the granting of the application would not promote waste and would not violate the Protestants’ correlative rights and, consequently, the protest was dismissed. On December 9, 2008, after allowing Antero and the Carnahans to make brief statements pursuant to Rule 520.b. of the Commission’s Rules of Practice and Procedure, the Commission approved the application as part of its consent agenda, and entered *Order No. 191-58*, which vacated the approximate 186.3-acre drilling and spacing unit and established an approximate 154.377-acre drilling and spacing unit and an approximate 36.845-acre drilling and spacing unit, and continued to approve the equivalent of one well per 10 acres well density, for certain lands in the N½ of Section 12, Township 6 South, Range 93 West, 6th P.M., for the production of gas and associated hydrocarbons from the Williams Fork and Iles Formations.

Subsequently, the Carnahans filed a Complaint in District Court, in and for the City and County of Denver, seeking judicial review of *Order No. 191-58* pursuant to § 24-4-106, C.R.S. The Carnahans allege that the application was subject to a valid protest and, therefore, the Commission should have held a hearing pursuant to Rule 528.

Under the specific facts and circumstances of this case and in order to resolve the pending litigation and avoid litigation costs, the Commission will reconsider *Order No. 191-58*, including Antero’s Application and the Carnahan’s Protest, at a hearing held in accordance with Rule 528. Antero and the Carnahans may present motions, evidence or testimony at said hearing as provided for by Rule 528. The COGCC Staff may make recommendations to the Commission concerning this matter. Based on evidence presented at the hearing the Commission shall make findings of fact and may vacate, modify, or affirm *Order No. 191-58* and issue such orders as it deems appropriate to protect the health, safety and welfare of the public, to protect correlative rights and prevent the waste of oil and gas, and to carry out the purposes of the Colorado Oil and Gas Conservation Act, §§ 34-60-101, *et seq.*, C.R.S.

NOTICE IS HEREBY GIVEN, that the Oil and Gas Conservation Commission of the State of Colorado, pursuant to the above, has scheduled the above-entitled matter for hearing on:

Date: Monday, January 11, 2010
Tuesday, January 12, 2010

Time: 9:00 a.m.

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

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.

Pursuant to this Notice, parties are to file and exchange the following documents on or before **Monday, December 21, 2009**:

1. A list of all witnesses they expect to testify;
2. Copies of all documents and exhibits they expect to present or rely upon; and
3. A recommended order for the Commission to consider for adoption.

COGCC Staff shall submit its recommendation regarding this matter, if any, in writing to the Commission and parties on or before **Monday, December 14, 2009**.

Due to the prior procedural history of this matter, Staff will not conduct an additional prehearing conference prior to the noticed hearing.

IN THE NAME OF THE STATE OF COLORADO

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By _____
Robert A. Willis, Acting Secretary

Dated at Suite 801
1120 Lincoln Street
Denver, Colorado 80203
November 12, 2009

Attorney for Applicant:
William A. Keefe
216 Sixteenth Street, Suite 1100
Denver, CO 80202
(303) 407-4499

Attorney for Protestants:
Nathan A. Keever
744 Horizon Court, Suite 300
Grand Junction, CO 81506
(970) 241-5500