

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

IN THE MATTER OF THE APPLICATION	)	CAUSE NO. 1
OF DELTA PETROLEUM CORPORATION	)	
FOR AN ORDER LIMITING SURFACE DENSITY	)	DOCKET NO. 1003-GA-05
PURSUANT TO RULES 503 AND 1202 FOR	)	
CERTAIN LANDS IN THE VEGA AND BUZZARD	)	
CREEK FIELDS, MESA COUNTY, COLORADO	)	

NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

Rule 306.c. (2 CCR 404-1, "Rules," or individually, "Rule") of the Colorado Oil and Gas Conservation Commission ("COGCC" or "Commission") sets forth requirements and procedures for and results of consultation with the Colorado Division of Wildlife regarding oil and gas operations. Rule 1202 sets forth purpose, circumstances, and guidance related to consultation with the Colorado Division of Wildlife on oil and gas locations in sensitive wildlife habitat and restricted surface occupancy areas. It also provides an exemption from Rule 306.c. consultation under specific circumstances. Pursuant to Rule 503.b.(9) and 1202.d(5), the Commission is, upon application of the operator, authorized to issue an order providing that there will not be more than three (3) wellsites per section, with certain associated timing restrictions on "ground disturbing activity," depending on the species of concern, range or roosting area present.

On February 3, 2010, Delta Petroleum Corporation ("Delta"), by its attorneys, filed with the Commission an application for an order under Rule 503.b.(9) and Rule 1202.d. limiting the number of well sites to no more than three (3) per section on the following lands:

Township 9 South, Range 92 West, 6<sup>th</sup> P.M.

Section 6: All  
Section 7: All

Township 9 South, Range 93 West, 6<sup>th</sup> P.M.

Section 12: All  
Section 28: All  
Section 29: All

and to no more than one (1) wellsite on the following truncated section:

Township 8 ½ South, Range 93 West, 6<sup>th</sup> P.M.

Section 1: All

Delta is the 100% leasehold owner of the minerals underlying the subject lands, is the owner and operator of the subject lands, and as such, has the legal ability to determine the placement of wellsites and control the conduct of oil and gas operations on the subject lands in accordance with applicable COGCC orders and Rules.

On February 25, 2008, the COGCC issued Order Nos. 1-124, 369-4, and 399-4, which allow the equivalent of one well per 10 acres, with the permitted well to be located no closer than 100 feet from the unit boundary for certain lands in Townships 8 and 9 South, Range 92 West, 6th P.M., and Townships 8½, 9 and 10 South, Range 93 West, 6th P.M., and allow wells to be located no closer than 100 feet from the exterior boundary of the Vega Federal Unit, for the production of gas and associated hydrocarbons from the Williams Fork Formation.

On September 22, 2008, the COGCC issued Order Nos. 1-127, 369-5, and 399-5, which allow the equivalent of one well per 10 acres, with the permitted well to be located no closer than 100 feet from the lease line, and approve changes to setbacks in federal units, for certain lands in Townships 8 and 9 South, Ranges 92 and 93 West, 6th P.M., and Townships 8½, 9 and 10 South, Range 93 West, 6th P.M. for production of gas and associated hydrocarbons from the Williams Fork and Iles Formations.

On March 30, 2009, the COGCC issued Order Nos. 369-6, 399-6, and 429-11, which establish various drilling and spacing units and allow one well per 10 acres, with the permitted well to be located no closer than 100 feet to the outside boundary for certain lands in Township 9 South, Range 92 West, 6th P.M., for the production of gas and associated hydrocarbons from the Williams Fork and Iles Formations.

Pursuant to the above-referenced orders, Delta is authorized to drill the equivalent of one well per (10) acres, with no more than one (1) wellsite per forty (40) acre quarter/quarter section, or equivalent, for the production of gas and associated hydrocarbons from the Williams Fork and Iles Formations on the subject lands.

Elk winter concentration areas are the only applicable “sensitive wildlife habitat” covering portions of the subject lands.

Upon granting Delta’s application for such order, Delta would be excused from the consultation requirement under Rule 306.c with the Colorado Division of Wildlife with respect to its subsequently-filed Oil and Gas Location Assessments (Form 2A) on the subject lands because the order effectively would function as a Wildlife Mitigation Plan.

Delta acknowledges that it would remain subject to COGCC Rules 1203 (General Operating Requirements in Sensitive Wildlife Habitat and Restricted Surface Occupancy Areas); 1204 (Other General Operating Requirements); and, 1205 (Requirements in Restricted Surface Occupancy Areas).

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: Thursday, March 25, 2010  
Friday, March 26, 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 said hearing in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the Commission will enter such orders as it deems appropriate to protect the health, safety and welfare of the public and to prevent the waste of oil and gas, either or both, in the operations of said field, and to carry out the purposes of the statute.

**In accordance with Rule 509., any interested party desiring to protest the granting of the application or to intervene on the application should file with the Commission a written protest or intervention no later than March 11, 2010, briefly stating the basis of the protest or intervention.** Such interested party shall, at the same time, serve a copy of the protest or intervention to the person filing the application. An original and 13 copies shall be filed with the Commission. **Anyone who files a protest or intervention must be able to participate in a prehearing conference during the week of March 15, 2010.** Pursuant to Rule 503.f., if a party who has received notice under Rule 503.b. wishes to receive further pleadings in the above-referenced matter, that party must file a protest or intervention in accordance with these rules. In accordance with the practices of the Commission, should no protests or interventions be filed in this matter by **March 11, 2010, the Applicant may request that an administrative hearing be scheduled during the week of March 15, 2010.** In the alternative, pursuant to Rule 511., if the matter is uncontested, the applicant may request, and the Director may recommend approval on the basis of the merits of the verified application and the supporting exhibits.

IN THE NAME OF THE STATE OF COLORADO

OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

By: \_\_\_\_\_  
Carol Harmon, Secretary

Dated at Suite 801  
1120 Lincoln Street  
Denver, CO 80203  
February 26, 2010

Attorney for Corsentino Farm:  
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