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

IN THE MATTER OF THE PROMULGATION AND ESTABLISHMENT OF FIELD RULES TO GOVERN OPERATIONS FOR THE NIOBRARA AND CODELL FORMATIONS, WATTENBERG FIELD, ADAMS COUNTY, COLORADO	)	CAUSE NO. 407
	)	
	)	DOCKET NO. 190900569
	)	
	)	TYPE: POOLING
	)	
	)	ORDER NO. 407-3260

ORDER OF THE COMMISSION

The Commission heard this matter on January 5, 2022, at the Colorado Oil and Gas Conservation Commission, 1120 Lincoln Street, Suite 801, Denver, Colorado, upon an exception to Order No. 407-3250, filed by Protesters Eric and Stacy Lambright ("Lambrights" or "Protesters"), pursuant to C.R.S. § 34-60-108(9) and Commission Rule 520.

PROCEDURAL HISTORY

1. On June 25, 2019, Great Western Operating Company, LLC ("Great Western") filed an Application for an order to pool all interests within an approximate 640-acre drilling and spacing unit established for the below described lands ("Application Lands"), and to subject any non-consenting interests to the cost recovery provisions of § 34-60-116(7), C.R.S., for the drilling of the Ivey LC 02-033HC Well and Ivey LC 02-036HC Well ("Ivey Wells"), for the production of oil, gas, and associated hydrocarbons from the Niobrara and Codell Formations:

Township 1 South, Range 68 West, 6th P.M.
Section 2: E½
Section 11: E½

2. On August 26, 2019, the Lambrights filed a protest to the Application.

3. On December 17, 2019, Great Western filed a Motion to dismiss the Lambrights' protest pursuant to C.R.C.P. 12(b)(1) and 12(b)(5). The Lambrights filed a Response to the Motion to Dismiss on January 7, 2020, and Great Western filed a Reply on January 14, 2020.

4. On March 12, 2020, the Hearing Officer held oral arguments on the fully-briefed Motion to Dismiss, and the matter was subsequently continued pending further review of the Motion and the passing and implementation of Senate Bill 19-181 ("SB 19-181").

5. On December 8, 2020, the Lambrights filed a Motion for Emergency Hearing seeking clarification on the effective date of SB 19-181 and the associated Mission Change Rulemaking Rules, and their impact on the Application, Protest, and Motion to Dismiss as related to statutory pooling.

6. On December 21, 2020, the Hearing Officer denied the Motion for Emergency Hearing. The matter remained continued pending disposition of the Motion to Dismiss and pending litigation in the Adams County District Court regarding the Ivey Wells.

7. On October 29, 2021, the Hearing Officer granted Great Western's Motion to Dismiss and dismissed the Lambright's Protest.

8. On November 8, 2021, the Hearing Officer issued a Recommended Order that the Commission grant Great Western's Application.

9. On November 17, 2021, the Commission entered Order No. 407-3250, which, among other things, pooled all interests in the Application Lands, and subjected any nonconsenting interests to the cost recovery provisions of C.R.S. § 34-60-116(7), for the drilling of the Wells, for the development and operation of the Niobrara and Codell Formations.

10. On November 27, 2021, Eric and Stacy Lambright timely filed an Exception to the Recommended Order pursuant to Commission Rule 520.c.

11. On December 10, 2021, Great Western filed a Response to the Lambrights' Exception.

12. On January 5, 2022, the Commission conducted a review of the Exception and Response upon the same record placed before the Hearing Officer, and a *de novo* review of the law. Upon review, the Commission denied the Lambrights' Exception and approved Order No. 407-2350.

ORDER

IT IS HEREBY ORDERED:

1. The Lambrights' exception to Order No. 407-3250 is hereby denied.

2. Order No. 407-3250 hereby becomes a final order pursuant to C.R.S. § 34-60-108(9) and Commission Rule 520.

IT IS FURTHER ORDERED:

1. The provisions contained in the above order shall become effective immediately.

2. The Commission expressly reserves its right, after notice and hearing, to alter, amend or repeal any and/or all of the above orders.

3. Under the State Administrative Procedure Act, the Commission considers this Order to be final agency action for purposes of judicial review within 35 days after the date this Order is mailed by the Commission.

4. An application for reconsideration by the Commission of this Order is not required prior to the filing for judicial review.

DATED this 26th day of January 2022.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By_____
Mimi C. Larsen, Commission Secretary

(190900569/407-3260)