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**Publisher's Affidavit  
STATE OF COLORADO**

City and County of Denver  
I, Michael Mehno, of the City and County Denver, State of Colorado, being duly sworn, upon oath say that I am the Publishing Director of The Daily Journal, that I have personal knowledge of all the facts set forth in this affidavit; that said The Daily Journal is a public newspaper of general circulation having its principal office and place of business situated in said City and County of Denver; that said The Daily Journal is printed and published daily except Saturdays, Sundays and legal holidays; that said The Daily Journal is a daily newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved April 7, 1921, and entitled, "An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act" and as amended by an act of said General Assembly, entitled "An Act to Amend An Act Entitled 'An Act Concerning Legal Notices, Advertisements and Publications, and the Fees of Printers and Publishers Thereof, and to Repeal All Acts and Parts of Acts in Conflict with the Provisions of This Act,'" approved March 30, 1923, and as amended by an act of said General Assembly, approved May 18, 1931, entitled, "An Act to Amend Section 4 of Chapter 139, Session Laws of Colorado, 1923, Relating to Legal Notices and Advertisements," which said Act took effect on and after the first day of January, 1932, and as amended by an act of said General Assembly, entitled, "An Act to Amend Chapter 139 of the Session Laws of 1923 Relating to Legal Notices and Advertisements; to Define Newspapers Qualified to Publish Legal Notices and Advertisements and the Fees of Printers and Publishers Thereof, and to Provide That the Costs of Such Legal Notices and Advertisements Shall Be Taxed as Fees," approved March 5, 1935; and as amended by an act of said General Assembly entitled, "An Act Relating to Legal Notices and Advertisements, and Amending Section 1 of Chapter 113, Session Laws of 1931," approved March 25, 1935; and "An Act to Amend and as Amended by the General Assembly, concerning 'Rates for Legal Publications,'" 109-1-7 C.R.S. 1963 as amended, approved May 22, 1972, that said newspaper had, prior to January 1, 1936, and has ever since said date, been admitted to the United States Mails as second class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; that said newspaper is printed and published in whole in said City and County of Denver and has a general circulation therein; that said newspaper has been so printed and published as a public daily newspaper of general circulation in said City and County of Denver, uninterruptedly and continuously during the period of more than fifty-two consecutive weeks next prior to the first issue thereof containing the annexed legal notice and advertisement; that said legal notice and advertisement was published daily except Saturdays, Sundays and legal holidays in the regular edition of said newspaper for one day, that the publication of said legal notice and advertisement appeared in the regular edition of said newspaper on the 27 day of January, A.D. 20 11; and that therefore, said legal notice and advertisement was duly published in a newspaper duly qualified for that purpose within the meaning of said above-mentioned acts of the General Assembly of the State of Colorado

*Michael Mehno*

Subscribed and sworn to, at the City and County of Denver, State of Colorado, before me, a Notary Public, this 31 day of January, A.D. 20 11

Witness my hand and notarial seal.  
*Karish Bhasin*  
Notary Public

My Commission Expires July 9, 2011

1114 West 7th Avenue, Suite 100  
Denver, Colorado 80204-4453

**NOTICE OF HEARING  
BEFORE THE OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO  
CAUSE NOS. 407, 499, and 232  
DOCKET NO. 1108-UP-12**

**IN THE MATTER OF THE PROMULGATION AND ESTABLISHMENT OF FIELD RULES TO GOVERN OPERATIONS IN THE WATTENBERG FIELD, WELD COUNTY, COLORADO**

On October 19, 1981, the Commission issued Order No. 232-23 which, among other things, amended Order No. 232-20 to establish additional 320-acre drilling and spacing units and allow a second well to be drilled for production of gas and associated hydrocarbons from the "J" Sand Formation, for certain lands, including Sections 7, 8, 17, 18, and 19, Township 3 North, Range 66 West, 6th P.M., ("Application Lands").

On November 21, 1983, the Commission issued Order No. 407-1, which, among other things, established 80-acre drilling and spacing units for certain lands, including Sections 7, 8, 17, 18, and 19, Township 3 North, Range 66 West, 6th P.M., for production of gas and associated hydrocarbons from the Codell Formation.

On April 7, 1992, amended August 20, 1993; the Commission issued Order No. 407-87, which, among other things, established 80-acre drilling and spacing units for certain lands including Sections 7, 8, 17, 18, and 19, Township 3 North, Range 66 West, 6th P.M., for production of gas and associated hydrocarbons from the Codell-Niobrara Formations.

On July 20, 1992, amended April 13, 1993, the Commission issued Order No. 499-7, which among other things, established drilling and spacing units for the Codell, Niobrara, Sussex, and Shannon Formations at either 160 acres, or the same size as for the Dakota and "J" Sand Formations for Sections 7, 8, of the Application Lands, but not for Sections 17, 18, and 19 of the Application Lands.

On April 27, 1998, the Commission adopted Rule 318A, which, among other things, allowed certain drilling locations to be utilized to drill or twin a well, deepen a well or recomplete a well and to commingle any or all of the Cretaceous Age Formations from the base of the Dakota Formation to the surface. On December 5, 2005, Rule 318A, was amended to allow, among other things, interior infill and boundary wells to be drilled and wellbore spacing units to be established. Sections 7, 8, 17, 18, and 19, Township 3 North, Range 66 West, 6th P.M., were included in this Rule.

On September 1, 2010, Kerr-McGee Oil & Gas Onshore LP (Kerr-McGee), by its attorneys, filed a verified Application with the Commission seeking an order of the Commission pooling specifically named non-consenting interests for certain described wells and future wells drilled in drilling and spacing units and designated wellbore spacing units established for the production of oil, gas and associated hydrocarbons from the Codell, Niobrara and "J" Sand Formations located within portions of Sections 7, 8, 17, 18 and 19 in Township 3 North, Range 66 West, 6th P.M. The September 1, 2010 application was heard and approved by the Commission at its November 29, 2010 hearing, and resulted in Order No. 232-262 and Order No. 407-381.

On November 24, 2010, Kerr-McGee, by its attorneys, filed a verified Application with the Commission seeking an order of the Commission pooling specifically named non-consenting interests for certain described wells and future wells drilled in drilling and spacing units and designated wellbore spacing units established for the production of oil, gas and associated hydrocarbons from all producing formations, including but not limited to the Sussex and Dakota Formations located within portions of Sections 7, 8, 17, 18 and 19 in Township 3 North, Range 66 West, 6th P.M. This Application covers the same lands as the September 1, 2010 application, but includes the Sussex Formation, Dakota Formation, and all other producing formations.

Exhibit "A" to this notice is a spreadsheet of certain wells that Kerr-McGee has either drilled or is preparing to drill to produce gas from the Sussex, Dakota, Codell, Niobrara and "J" Sand Formations. The spreadsheet also includes the land description of the spacing unit for each well. These wells are subject to Commission Order Nos. 407-87 and 232-23, and Rule 318A for the Codell and Niobrara Formations, Order 499-15 for the Dakota Formation, and Order No. 232-23 for the "J" Sand Formation. Sections 7 and 8 of the Application Lands are subject to Order 499-07 for the Sussex Formation, while sections 17, 18, and 19 of the Application Lands are subject to Rule 318, for the Sussex Formation.

Kerr-McGee has identified the following parties as owners of unleased mineral interests in each of the wells described in Exhibit "A":

- Francis Nuckolls Kelly, daughter of Rupert B. Nuckolls and Georgia E. Nuckolls
- Peggy Ann Stephenson, daughter of Margaret Mauss Stephenson and Ross Stephenson
- (Specifically Named Parties).

Kerr-McGee claims it has used diligent and exhaustive efforts to locate these Specifically Named Parties, but has been unable to do so. Kerr-McGee seeks to serve these Specifically Named Parties by publication of this Notice.

Kerr-McGee seeks an order pooling the Specifically Named Parties' non-consenting interests in each drilling unit for the described well(s) within that unit and for wells drilled in the future in that unit for the development and operation of the Sussex, Dakota, Codell, Niobrara, and "J" Sand, Formations, as applicable, retroactive to the date each listed well was (or is) spudded, or to the Application date, whichever is the earliest, in accordance with C.R.S. §34-60-116 and Rule 530, of the Commission.

Due to the time and expense of determining the names and addresses of all interested parties (which is significant based on the number of drilling units) to this Application, Kerr-McGee also requests as part of this Application that a variance under Rule 502.b. be granted to the giving of notice of this Application to all interested parties as otherwise required under Rule 503.e. Kerr-McGee states that these parties are not being force pooled and therefore they are not prejudiced by lack of specific notice. Kerr-McGee claims that Notice by publication will also protect such interests.

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: Tuesday, February 22, 2011  
Wednesday, February 23, 2011  
Time: 9:00 a.m.  
Place: Suite 801, The Chancery Building

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**COGCC**

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 January 28, 2011, 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 January 31, 2011. 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 January 28, 2011, the Applicant may request that an administrative hearing be scheduled during the week of January 31, 2011. 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 Rob A. Willis, Acting Secretary  
Attorneys for Applicant:

Dated at Suite 801  
1120 Lincoln Street  
Denver, Colorado 80203  
January 20, 2011

William Keefe/Jamie L. Jost  
Beatty & Wozniak, P.C.  
216 Sixteenth Street, Suite 1100  
Denver, Colorado 80202  
(303) 407-4499

Exhibit A

Docket No. 1102-UP-12

API #	WELL NAME	DATE OF 1ST PRODUCTION	TWN	RNG	SEC	SPACING ACRES	DRILLING AND SPACING UNITS	RELEVANT ORDERS
05-123-34085	DEVON 25-8 JSND	8/7/2006	3N	68W	8	180	NWSE, NEBW, SWNE, SENW	318Aa
05-123-34086	DEVON 25-8 CD-NB	1/4/2007	3N	68W	8	180	NWSE, NEBW, SWNE, SENW	318Aa
05-123-18200	HSR-TUTTLE 3-8A NB-CD	1/4/2007	3N	68W	8	80	N2W4	407-87
05-123-18800	HSR-TUTTLE 3-8A JSND	1/4/2007	3N	68W	8	320	W2	232-23
05-123-18801	HSR-TUTTLE 4-8 JSND (aka TUTTLE 4-8 JSND)	1/4/2007	3N	68W	8	320	W2	232-23
05-123-18801	HSR-TUTTLE 4-8 NB-CD (aka TUTTLE 4-8 NB-CD)	1/4/2007	3N	68W	8	180	N2W4	407-87
05-123-18803	HSR-TUTTLE 4-8 NB-CD	1/4/2007	3N	68W	8	320	W2	232-23
05-123-18803	HSR-TUTTLE 6-8 JSND	1/4/2007	3N	68W	8	80	S2WN4	407-87
05-123-18803	HSR-TUTTLE 6-8 NB-CD	1/4/2007	3N	68W	8	320	W2	232-23
05-123-08424	TUTTLE J BURTON GU 1	1/4/2007	3N	68W	8	320	W2	232-23
05-123-15348	MILLER ESTATE 6-11K JSND	1/4/2007	3N	68W	8	320	W2	232-23
05-123-20142	HSR-BELLA 15-8A JSND	1/4/2007	3N	68W	8	320	W2	232-23
05-123-30866	BELLA 10-4 JSND	PRE COMPLETION	3N	68W	8	320	W2	232-23
05-123-18802	HSR-TUTTLE 5-8 NB-CD (aka TUTTLE 5-8 NB-CD)	1/4/2007	3N	68W	8	180	S2WN4	407-87
05-123-18802	HSR-TUTTLE 5-8 JSND (aka TUTTLE 5-8 JSND)	1/4/2007	3N	68W	8	180	S2WN4 & N2SW4	318Aa
05-123-30780	BELLA 22-8 NB-CD	3/25/2010	3N	68W	8	180	S2WN4 & W2NE	318Aa
05-123-34657	BELLA 21-8 NB-CD	3/22/2010	3N	68W	8	180	7: E2NE 8: W2SW	318Aa
05-123-24730	BELLA FEDERAL 41-7 NB-CD	3/22/2010	3N	68W	8	180	7: E2NE 8: W2SW	318Aa
05-123-24730	BELLA FEDERAL 41-7 JSND	PRE COMPLETION	3N	68W	8	180		
05-123-17082	HSR-STEWART 2-18 NB-CD	1/4/2007	3N	68W	18	78.182	W2NE4	407-87
05-123-17082	HSR-STEWART 2-18 JSAND	1/4/2007	3N	68W	18	320	E2	232-23
05-123-17082	HSR-STEWART 7-18A NB-CD	1/5/2007	3N	68W	18	78.182	W2NE4	407-87
05-123-17083	HSR-STEWART 7-18A JSAND	1/4/2007	3N	68W	18	320	E2	232-23
05-123-17083	HSR-STEWART 10-18 NB-CD	1/3/2007	3N	68W	18	80	W2SE4	407-87
05-123-18185	HSR-STEWART 10-18A JSND	January 4, 2007	3N	68W	18	320	E2	232-23
05-123-18185	HSR-STEWART 10-18A NB-CD	shut in: 3/9/2010 flowing: 1/4/2007	3N	68W	18	320	E2	232-23
05-123-20130	HSR-SHUTT FEDERAL 1-18A JSAND	January 4, 2007	3N	68W	18	80	E2NE4	407-87
05-123-20130	HSR-SHUTT FEDERAL 1-18A NB-CD	shut in: 3/2/2010 flowing: 4/25/2007	3N	68W	18	320	E2	232-23
05-123-21245	SHUTT FEDERAL 8-18A JSND	shut in: 3/2/2010 flowing: 2/20/2007	3N	68W	18	80	E2NE4	407-87
05-123-21245	SHUTT FEDERAL 8-18A NB-CD	January 23, 2008	3N	68W	18	80	E2SE4	407-87
05-123-21403	SHUTT 8-18 JSND	March 12, 2008	3N	68W	18	320	E2	232-23
05-123-21403	SHUTT FEDERAL 16-18A NB-CD	March 10, 2008	3N	68W	18	80	E2SE4	407-87
05-123-21244	SHUTT FEDERAL 16-18A JSAND	August 4, 2008	3N	68W	18	320	E2	232-23
05-123-18196	HSR-CAMP 15-18 NB-CD	April 6, 2010	3N	68W	18	80	W2SE4	407-87
05-123-08231	MAUDE ANDERSON GAS UNIT 1 JSND	January 4, 2007	3N	68W	18	320	E2	232-23
05-123-08231	MAUDE ANDERSON GAS UNIT 2 JSND	shut in: 3/19/2007 flowing: 1/4/2007	3N	68W	18	320	E2	232-23
05-123-08236	MAUDE ANDERSON GAS UNIT 2 NB-CD	April 1, 2007	3N	68W	18	180	SE4	407-87
05-123-08236	BARRON FEDERAL 24-18 NB-CD	PRE DRILL/PREPARING TO DRILL	3N	68W	18	180	3/2NE4 & W2SE4	407-87
05-123-30844	BARRON FEDERAL 24-18 JSND	PRE DRILL/PREPARING TO DRILL	3N	68W	18	180	18: E2SE4 17: W2SW4	318Aa
05-123-30830	BARRON 30-18 NB-CD	PRE DRILL/PREPARING TO DRILL	3N	68W	18	180	18: E2SE4 19: W2NE4	318Aa
05-123-30835	BARRON FEDERAL 37-18 NB-CD	PRE DRILL/PREPARING TO DRILL	3N	68W	18	180	18: E2SE4 19: W2NE4	318Aa
05-123-30845	BARRON FEDERAL 23-18 NB-CD	PRE DRILL/PREPARING TO DRILL	3N	68W	18	180	E2SW & W2SE4	318Aa
05-123-30776	BELLA FEDERAL 36-7 NB-CD	February 1, 2010	3N	68W	18	180	7: SE4SW4, SW4 SE4 18: NE4NW4, NW4NE4	318Aa
05-123-30776	BELLA FEDERAL 36-7 JSAND	February 1, 2010	3N	68W	18	180	7: SE4SW4, SW4 SE4 18: NE4NW4, NW4NE4	318Aa
05-123-30783	BELLA FEDERAL 37-7 NB-CD	February 1, 2010	3N	68W	18	180	7: E2SE4 18: W2NE4	318Aa

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