

The Daily Journal

A Publication Of
The McGraw-Hill Companies

Publisher's Affidavit STATE OF COLORADO City and County of Denver

I, Al Slattery, of the City and County of 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 139, Session Laws of 1923," 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, 1971, and effective January 1, 1972" that said newspaper had, prior to January 1, 1935, 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 24 day of April, A.D. 2003, 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.

Subscribed and sworn to, at the City and County of Denver, State of Colorado,

before me, a Notary Public, this 9 day of May, A.D. 2003.

Witness my hand and notarial seal.
Richard A. Diehl
Notary Public

My Commission Expires January 5, 2007

3000 S. Colorado Boulevard, Tower 1, #2000
Denver, Colorado 80223



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COGCC

NOTICE OF HEARING BEFORE THE OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO CAUSE NO. 1 DOCKET NO. 0306-GA-03

IN THE MATTER OF A BOND CLAIM FOR THE PITTENGER NO. 1 WELL,
GARFIELD COUNTY, COLORADO
TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

In December 1960, the Pittenger No. 1 Well located in the SE1/4 SE1/4 of Section 13, Township 6, South, Range 94 West, 8th P.M. was drilled by Carter & Carter. The well was drilled to a total depth of 5250 feet with surface casing set at 837 feet. No production casing was installed in the well.

On August 15, 1968, the well was taken over by the landowner, Nicolas P. Pittenger. Mr. Pittenger provided a Two Thousand Five Hundred dollar (\$2,500) plugging bond to the Colorado Oil and Gas Conservation Commission ("COGCC"). On May 24, 1986, Mr. Pittenger passed away.

On May 14, 2001, Mrs. Ruth Pittenger, the widow of Mr. Nicholas Pittenger, sent a letter to COGCC staff indicating that Union Carbide had purchased the surface where the Pittenger No. 1 Well was located, but that the Pittengers had retained the mineral rights. Mrs. Pittenger also requested that the plugging bond be released. On June 8, 2001, COGCC staff requested that the plugging bond be increased to Five Thousand dollars (\$5,000) in accordance with Rule 70B.

On July 12, 2001, Mrs. Pittenger sent a letter to COGCC staff stating that she did not have the funds to plug and abandon the well and that the insurance company would not increase the bond amount. She asked COGCC staff to claim the plugging bond and properly plug and abandon the well.

The Commission should authorize the COGCC staff to claim Pittenger's Two Thousand Five Hundred dollar (\$2,500) plugging bond and plug, abandon and reclaim the Pittenger No. 1 Well. The COGCC's Environmental Response Fund should be used to supplement the funds to plug, abandon and reclaim the well.

On March 10, 2003, COGCC staff issued an Administrative Order by Consent ("AOC") to Mrs. Ruth Pittenger to claim the Two Thousand Five Hundred dollar (\$2,500) plugging bond. On March 24, 2003 Mrs. Pittenger agreed to and accepted the AOC.

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, June 3, 2003
Time: 8:00 a.m.
Place: Conference Center, Holiday Inn Express
2121 E. Main St.
Cortez, CO 81321

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 Audra Serlet at (303) 894-2100 ext. 114, 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 or to intervene should file with the Commission a written protest or a notice to intervene no later than May 19, 2003 briefly stating the basis of the protest or intervention. Such interested party shall, at the same time, serve a copy of the protest or notice to intervene to the person filing the application. An original and nine (9) copies shall be filed with the Commission.

IN THE NAME OF THE STATE OF COLORADO
OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO
By Patricia C. Beaver, Secretary

Dated at Suite 801
1120 Lincoln Street
Denver, Colorado 80203
April 25, 2003
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