

PROOF of PUBLICATION



STATE OF COLORADO,)
COUNTY OF KIOWA)



I, Chris Sorensen

do solemnly swear that I am

Publisher

(~~Editor, Asst. Editor, Publisher~~)

of the Kiowa County Press; that the same is a weekly newspaper printed in whole or in part, and published in the County of Kiowa, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Kiowa for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 8, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly

newspaper for the period of 1 consecutive insertions and that the first publication of said notice was in the issue of

said newspaper dated JUNE 22

A.D., 20 07, and that the last publication of said notice

was in the issue of said newspaper dated JUNE 22

A.D., 20 07

In witness whereof I have unto set my hand this

22 day of JUNE A.D., 20 07

CS

(~~Editor, Asst. Editor, Publisher~~)

Subscribed and sworn to before me a notary public in and for the County of Kiowa, State of Colorado, this

22 day of June A.D., 20 07

Connie McPherson

Notary Public

My commission expires April 30 20 08

amend or repeal Order No. 1V-238. The district court dismissed Monument's complaint with prejudice for lack of subject matter jurisdiction, finding that Monument's complaint for judicial review of Order No. 1V-238 was untimely under the Colorado Administrative Procedure Act. Monument appealed the district court decision.

On February 2, 2006, the Colorado Court of Appeals affirmed the district court decision. Monument filed a petition for certiorari to the Colorado Supreme Court. The Court denied Monument's petition.

On May 31, 2007, Monument, by its attorney, filed with the Commission a verified application requesting the Commission rescind Order No. 1V-238. Alternatively, Monument respectfully requests the Commission revise Order No. 1V-238 so as to grant such other or further relief in law or equity which the Commission deems to be necessary or appropriate.

Monument hired Key Energy Services, Inc. to re-enter the Bucklen #2-34 Well and replace the plugs as ordered by the Commission. Key Energy Services, Inc. successfully drilled through the first four plugs. The drill bit skipped off of the fifth plug, however, resulting in a new hole being cut into the softer surrounding sand. Key Energy Services, Inc. was therefore unable to drill through the fifth plug because it was unable to prevent the drill bit from wandering into the new hole. Monument spent approximately \$68,000 on this unsuccessful re-entry attempt.

Because it will cost Monument approximately \$75,000 to \$80,000 every time it subsequently attempts to re-enter the Bucklen #2-34 Well, it is no longer technically feasible to drill through the fifth plug because it is very likely that the drill bit will continue to wander into the new hole. Monument asserts that the Commission's plan for proper plugging and abandonment of the Bucklen #2-34 Well must take into consideration the "cost effectiveness and technical feasibility" of the plan. C.R.S. § 34-60-106(2)(d) (2006).

Monument respectfully submits that additional re-entry attempts are neither cost effective—particularly given the poor water quality, nor technically feasible because the drill bit has wandered into a new hole. Moreover, the Cheyenne Formation is no more likely to adversely communicate with other horizons through the Bucklen #2-34 Well than it is through the other eight wells which have been similarly plugged in the area and approved by the Commission.

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, July 23, 2007
Tuesday, July 24, 2007

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. 139, 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 July 09, 2007, 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 nine (9) copies shall be filed with the Commission (Rule 503.). Anyone who files a protest or intervention must be able to participate in a prehearing conference during the week of July 09, 2007. 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 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
June 14, 2007

Attorney for Applicant:
Scott M. Campbell
Poulson, Odell & Peterson, LLC
1775 Sherman Street, Suite 1400
Denver, CO 80203
(303) 861-4400

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

IN THE MATTER OF A REQUEST)
TO AMEND OR APPEAL ORDER) CAUSE NO. 1
NO. 1V-238 ISSUED TO) DOCKET NO. 0707-GA-01
MONUMENT GAS MARKETING,)
INC, KIOWA COUNTY, COLORADO)

Notice of Hearing

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

On September 23, 2002, the Commission issued Order No. 1V-238, which ordered Monument Gas Marketing, Inc. ("Monument") to re-enter the Bucklen #2-34 Well located in the SW¼ NW¼ of Section 34, Township 17 South, Range 46 West, 6th P.M. and properly plug the well "at a depth sufficient to protect the Cheyenne and Dakota Formations" no later than February 1, 2003.

On October 24, 2002, Monument filed with the Commission a Motion to Reconsider to either amend or repeal the subject Order No. 1V-238 and find that Monument is not in violation of Rule 319.a.(1) for the Bucklen #2-34 Well.

On January 6, 2003, the Commission heard Monument's Motion for Reconsideration and issued Order No. 1-100, finding that Order No. 1V-238 should not be rescinded.

In March, 2003, Monument filed a complaint in state district court, Denver, Colorado, for judicial review of Order No. 1-100 and for an order to