

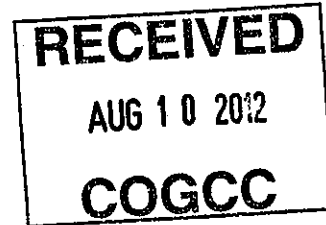


# AFFIDAVIT OF PUBLICATION

## FORT MORGAN TIMES

State of Colorado  
County of Morgan

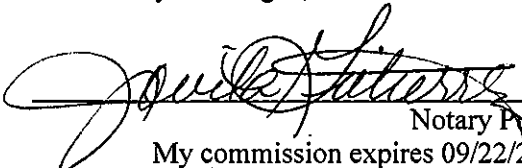
I, the undersigned agent, do solemnly swear that **THE FORT MORGAN TIMES** is a daily newspaper printed, in whole or in part, and published in the City of Fort Morgan, County of Morgan, State of Colorado, and which has general circulation therein and in parts of Logan and Morgan counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has 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, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

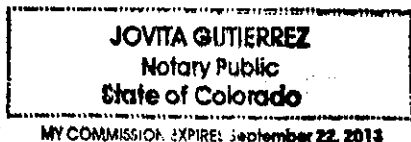


The annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated **August 2, 2012**.

  
Agent

Subscribed and sworn to before me this 3rd day of  
**August, 2012** in the County of Morgan, State of Colorado.

  
Notary Public  
My commission expires 09/22/2013



**FEE \$245.10**

**RECEIVED**

AUG 10 2012

**COGCC****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 IN THE ORCHARD FIELD,  
MORGAN COUNTY, COLORADO**

CAUSE NO. 542

DOCKET NO. 1208-UP-211 ←

**NOTICE OF HEARING****TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:**

Rule 318.a. of the Rules and Regulations of the Oil and Gas Conservation Commission requires that wells drilled in excess of 2,500 feet in depth be located not less than 800 feet from any lease line, and located not less than 1,200 feet from any other producible or drilling oil or gas well when drilling to the same common source of supply. Section 2, Township 4 North, Range 60 West, 6th P.M. is subject to Rule 318.a. for all formations from the base of the J Sand Formation to the surface.

On June 21, 2012, Esenjay Operating, Inc. ("Esenjay" or "Applicant"), by its agents, filed with the Commission pursuant to § 34-60-116 C.R.S., a verified application ("Application") for an order to: 1) establish an approximate 80-acre drilling and spacing unit for the below-described lands ("Application Lands"), and approve up to two directional wells within the unit, for the production of oil, gas and associated hydrocarbons from all formations and depths from the base of the J Sand Formation to the surface, with the treated interval of the wellbore to be located no closer than 800 feet from the unit boundaries, and located not less than 1,200 feet from any other producible or drilling oil or gas well when drilling to the same common source of supply, without exception being granted by the Director; and 2) pool all interests within the approximate 80-acre drilling and spacing unit for the below-described Application Lands, to accommodate the Jones 2-12-4-60 Well ("Well"), for the development and operation of all formations from the base of the J Sand Formation to the surface, effective as of the earlier of the date of the Application, or the date that any of the costs specified in C.R.S. § 34-60-116(7)(b)(II) were first incurred for the drilling of each respective Well, and to subject any nonconsenting interests to the cost recovery provisions of C.R.S. § 34-60-116(7):

Township 4 North, Range 60 West, 6th P.M.Section 2: NE 1/4, SW 1/4, NW 1/4, SE 1/4

NOTICE IS HEREBY GIVEN, pursuant to: 1) the general jurisdiction granted to the Oil and Gas Conservation Commission of the State of Colorado (Commission) under § 34-60-105 C.R.S.; 2) specific powers granted pursuant to § 34-60-108 C.R.S.; 3) the Colorado Administrative Procedures Act at § 24-4-105 C.R.S.; and 4) the Commission's Series 500 Rules at 2CCR 404-1, that the Commission has scheduled the above-entitled matter for hearing on:

Date: Monday, August 20, 2012

Tuesday, August 21, 2012

Time: 9:00 a.m.

Place: COGCC Offices, 1120 Lincoln Street, Suite 801, 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 503, 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 August 6, 2012, 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 August 6, 2012. Pursuant to Rule 503.g., 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 August 6, 2012, the Applicant may request that an administrative hearing be scheduled beginning August 6, 2012. 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 \_\_\_\_\_  
Robert J. Frick, Secretary

Dated at Suite 801  
1120 Lincoln Street  
Denver, Colorado 80203  
July 16, 2012

Agent for Esenjay:  
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303-279-0789