

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

IN THE MATTER OF THE APPLICATION)	
OF BISON EXPLORATION, LLC FOR AN)	Cause No. 535
ORDER ESTABLISHING AN)	
APPROXIMATE 1,600-ACRE DRILLING)	Docket No. 180300216
AND SPACING UNIT, AND)	
ESTABLISHING WELL LOCATION RULES)	Type: SPACING
APPLICABLE TO THE DRILLING AND)	
PRODUCING OF WELLS FROM THE)	
NIOBRARA FORMATION COVERING)	
CERTAIN LANDS IN SECTIONS 2, 3, AND)	
4, TOWNSHIP 3 SOUTH, RANGE 66)	
WEST, 6TH P.M., UNNAMED FIELD,)	
DENVER AND ADAMS COUNTIES,)	
COLORADO.)	

MOTION FOR AN ORDER OF SERVICE BY PUBLICATION

Bison Exploration, LLC ("Bison" or "Applicant"), Operator No. 10646, by its attorneys, Welborn Sullivan Meck & Tooley, P.C., respectfully submits this Motion for Service by Publication to the Oil and Gas Conservation Commission of the State of Colorado (the "Commission") pursuant to Section 34-60-108(4) and Colorado Rule of Civil Procedure 4(g) and, as grounds therefore, Applicant states:

A. Factual and Procedural History

1. Bison is a limited liability company duly authorized to conduct business in the State of Colorado, is a registered operator in good standing with the Commission, and is an interested party in the subject matter of the above-referenced Docket as the applicant and owner of certain leasehold interests in the Application Lands described below:

Township 3 South, Range 66 West, 6th P.M.

Section 2: All
Section 3: All
Section 4: E½

2. The Commission has jurisdiction over the subject matter embraced in said Docket, and of the parties interested therein, and jurisdiction to promulgate the hereinafter prescribed order pursuant to the Oil and Gas Conservation Act.

3. On January 18, 2018, Bison filed an application pursuant to Section 34-60-116, C.R.S., for an order establishing an approximate 1,600-acre drilling and spacing unit covering the above-described lands, approving up to sixteen (16) horizontal wells within the unit, and establishing well location rules applicable to the drilling of wells and producing of oil, gas and associated hydrocarbons from the Niobrara Formation covering Application Lands.

4. Bison made diligent efforts to locate all interested parties, both before and after filing the Application, and to serve them with a copy of the Application. Despite its best efforts, Bison has been unable to locate several interested parties. With no means for service, Bison now moves the Commission for permission to serve the below-identified interested parties by publication.

5. Copies of the Application were prepared, and were served on all locatable Interested Parties pursuant to Rule 507.b.(1) and pursuant to Rule 503.e.

6. Upon reasonable due diligence, which is further detailed herein, Bison was unable to find address information for the following Interested Parties:

Fred R. Cref
John L. Chambers
Heirs of Willis J. Coates
Kenneth C. Egan
Walter J. Grund
George S. Huiskens
Charlotte Logsdon
Robert N. Pool & Co., a partnership
Heirs of Lawrence R. Rydiger

(hereinafter "Unlocatable Interested Parties").

7. The Commission has determined that in order for publication by notice to be effective as to persons with unknown addresses, the Applicant must first comply with Colorado Rule of Civil Procedure 4(g), which authorizes service of process by publication only after the Applicant files a verified motion with the Commission detailing Applicant's attempts to provide actual notice of the proceedings and the Commission grants the motion.

B. Applicable Standard

8. Colorado's Oil and Gas Conservation Act, allows for service of unit applications by publication. Section 34-60-108(4), C.R.S., provides in relevant part:

"Any notice required by this article, except as provided in this section, shall be given by the commission either by mailing a copy thereof, postage prepaid, to the last known mailing address of the person to be given notice, or by personal service. In addition, the commission shall cause one publication of such notice, at least ten days prior to the hearing, in a newspaper of general circulation in the city and county of Denver and in a newspaper of general circulation in the county where the land affected, or some part thereof, is situated...In all cases where there is an application for the entry of a pooling order or unitization order...notice of the hearing to be held on such application or complaint shall be served on the interested parties either by mail as provided in this subsection (4) or in the same manner as is provided in the Colorado rules of civil procedure for the service of process in civil actions in the district courts of this state."

9. Commission Rule 519 also states that the Colorado Rules of Civil Procedure ("C.R.C.P.") apply to Commission proceedings unless they are inconsistent with Commission Rules or the Colorado Oil and Gas Conservation Act.

10. C.R.C.P. Rule 4(g) provides:

"Except as otherwise provided by law, service by mail or publication shall be allowed only in actions affecting specific property or status or other proceedings in rem. When service is by publication, the complaint need not be published with the summons. The party desiring service of process by mail or publication under this section (g) shall file a motion verified by the oath of such party or of someone in the party's behalf for an order of service by mail or publication. It shall state the facts authorizing such service, and shall show the efforts, if any, that have been made to obtain personal service and shall give the address, or last known address, of each person to be served or shall state that the address and last known address are unknown. The court, if satisfied that due diligence has been used to obtain personal service or that efforts to obtain the same would have been to no avail, shall:

(1) Order the party to send by registered or certified mail a copy of the process addressed to such person at such address, requesting a return receipt signed by the addressee only. Such service shall be complete on the date of the filing of proof thereof, together with such return receipt attached thereto signed by such addressee, or

(2) Order publication of the process in a newspaper published in the county in which the action is pending. Such publication shall be made once each week for five successive weeks. Within 14 days after the order the party shall mail a copy of the process to each person whose

address or last known address has been stated in the motion and file proof thereof. Service shall be complete on the day of the last publication. If no newspaper is published in the county, the court shall designate one in some adjoining county."

C. Bison's Due Diligence in Attempting to Locate the Unlocatable Interested Parties

11. In attempting to locate a last known address for the Unlocatable Interested Parties, Bison researched the public records maintained by the clerk and recorders of Denver and Adams Counties, reviewed internal land and well records, and utilized the third party online research tool TransUnion TLO. However, as of the date of this Motion, Bison is unable to find addresses for the Unlocatable Interested Parties.

D. Relief Requested

1. That the Commission order publication of process, in the form attached hereto, in the Applications subject to the above-referenced Dockets in a newspaper published in Denver and Adams Counties, Colorado.

2. Grant such other findings and orders as the Commission may deem proper or advisable in this matter.

DATED this 7th day of February, 2018.

Respectfully submitted,

BISON EXPLORATION, LLC

By: 

Joseph C. Pierzchala

Geoffrey W. Storm

Welborn Sullivan Meck & Tooley, P.C.

Attorneys for Applicant

1125- 17th Street, Suite 2200

Denver, CO 80202

303-830-2500

jpierzchala@wsmtlaw.com

gstorm@wsmtlaw.com

VERIFICATION

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

Pam Kingery, Land Advisor with Bison Exploration, LLC, upon oath deposes and says that she has read the foregoing Motion for an Order of Service by Publication and that the statements contained therein are true to the best of her knowledge, information and belief.

BISON EXPLORATION, LLC



Pam Kingery
Land Advisor

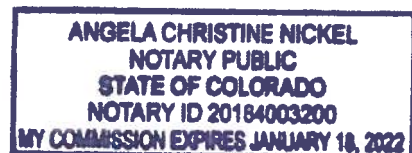
Subscribed and sworn to before me this 7th day of February, 2018, by Pam Kingery, Land Advisor with Bison Exploration, LLC.

Witness my hand and official seal.

My commission expires: 1/18/2022



Notary Public



CERTIFICATE OF SERVICE

I hereby certify that, on February 7, 2018, I caused a copy of BISON EXPLORATION, LLC'S MOTION FOR AN ORDER OF SERVICE BY PUBLICATION to be served to the addressed listed below.

Via electronic mail and courier:

Colorado Oil and Gas Conservation Commission
ATTN: James Rouse, Jennifer Hazelton, Julie Prine
1120 Lincoln Street, Suite 810
Denver, CO 80203
james.rouse@state.co.us
jennifer.hazelton@state.co.us
julie.prine@state.co.us



Joan E. Hoover

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

IN THE MATTER OF THE PROMULGATION AND) CAUSE NO. 535
ESTABLISHMENT OF FIELD RULES TO GOVERN)
OPERATIONS FOR THE NIOBRARA FORMATION,) DOCKET NO. 180300216
WATTENBERG FIELD, DENVER AND ADAMS)
COUNTIES, COLORADO) TYPE: SPACING

**ORDER GRANTING BISON EXPLORATION, LLC'S
VERIFIED MOTION FOR SERVICE BY PUBLICATION**

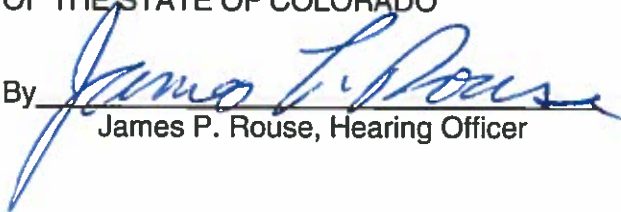
THIS MATTER comes before the Hearing Officer on Bison Exploration, LLC's ("Bison") Verified Motion for Service by Publication. Being fully advised, the Hearing Officer GRANTS the Motion and ORDERS as follows:

1. Bison may use the attached Summons to effect personal service by publication pursuant to CRCP 4(g)(2) on the parties identified in the Motion("Interested Party(ies)").
2. Bison must publish the Summons in a newspaper published in Denver County, Colorado once per week for five consecutive weeks.
3. Service is complete upon the last day of publication pursuant to CRCP 4(g)(2), and the Bison must ensure publication is completed on or before March 26, 2018.
4. Interested Parties served by publication will have until April 16, 2018, to file a protest in this Docket.
5. Within seven days after the Bison receives notarized proof(s) of publication for the five publications, the Bison must file an affidavit of publication pursuant to CRCP 4(h)(4) and Rule 503.e.
6. For Interested Parties served by publication, the Bison is not subject to Rule 503.e.'s requirement to mail or personally deliver a copy of the application, unless the interested party contacts the Bison and requests a copy. Bison must provide a copy of the application and any other documents filed by the Bison in this Docket within 7 days of such a request.

DATED this 7th day of February, 2018.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By


James P. Rouse, Hearing Officer

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

IN THE MATTER OF THE PROMULGATION AND) CAUSE NO. 535
ESTABLISHMENT OF FIELD RULES TO GOVERN)
OPERATIONS FOR THE NIOBRARA FORMATION,) DOCKET NO. 180300216
UNNAMED FIELD, DENVER AND ADAMS COUNTIES,)
COLORADO) TYPE: SPACING

SUMMONS AND NOTICE OF HEARING BY PUBLICATION

To the following interested parties:

**Fred R. Cref
John L. Chambers
Heirs of Willis J. Coates
Kenneth C. Egan
Walter J. Grund
George S. Huisken
Charlotte Logsdon
Robert N. Pool & Co., a partnership
Heirs of Lawrence R. Rydiger**

You are hereby summoned and may appear and respond to the Application filed with the Commission in this docket. Pursuant to §§ 34-60-101-130, C.R.S., Bison Exploration, LLC ("Bison") filed an Application for an order to establish an approximate 1,600-acre drilling and spacing unit covering certain lands in Sections 2, 3, and 4, Township 3 South, Range 66 West, 6th P.M., for the production of oil, gas and associated hydrocarbons from the Niobrara Formation and approving up to 16 horizontal wells in the unit:

Township 3 South, Range 66 West, 6th P.M.

Section 2: All
Section 3: All
Section 4: E½

The Commission scheduled this matter for hearing on:


Dates: April 30 & May 1, 2018
Time: 9:00 a.m.
Place: Colorado Oil and Gas Conservation Commission
The Chancery Building
1120 Lincoln Street, Suite 801
Denver, CO 80203

To oppose the Application, you must file with the Commission Secretary a protest pursuant to Commission Rule 509. You must file your protest on or before **April 16, 2018**. One electronic (cogcc.hearings_unit@state.co.us), one original and two copies of the protest shall be filed with the Commission. You must also serve a copy of the protest upon Bison's attorney, listed below. If you file a protest, you must be able to participate in a prehearing conference during the week of **April 16, 2018**.

If you fail to file a timely protest, the Commission may enter an order affecting the Application Lands without further notice. This matter may be continued to a future Commission hearing date, but that does not change your protest deadline.

A copy of the Application may be obtained from the Commission Secretary or Bison's attorney.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By  _____
Julie Spence Prine, Secretary

Dated: February 8, 2018

Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203
Website: <http://cogcc.state.co.us>
Phone: (303) 894-2100
Fax: (303) 894-2109

Attorneys for Bison:
Joseph C. Pierzchala
Geoffrey W. Storm
Welborn Sullivan Meck & Tooley, P.C.
1125 - 17th Street, Suite 2200
Denver, CO 80202
(303) 830-2500
jpierzchala@wsmtlaw.com
gstorm@wsmtlaw.com

**PROOF OF PUBLICATION
BRIGHTON STANDARD BLADE
ADAMS COUNTY
STATE OF COLORADO**

I, Beth Potter, do solemnly swear that I am the Publisher of the **Brighton Standard Blade** the same is a weekly newspaper printed and published in the County of Adams, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said county of Adams for a period of more than fifty-two consecutive weeks 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 3, 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 **FIVE consecutive insertion(s)** and that the first publication of said notice was in the issue of newspaper, dated **21st day of February 2018** the last on the **21st day of March 2018**



Publisher, Subscribed and sworn before me,
this **23rd day of March, 2018**



Notary Public.

CYNTHIA MARIE FITCH
Notary Public
State of Colorado
Notary ID # 20174043179
My Commission Expires 10-17-2021

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

**IN THE MATTER OF THE PROM-
ULGATION AND ESTABLISHMENT
OF FIELD RULES TO GOVERN OP-
ERATIONS FOR THE NIOBRARA
FORMATION, UNNAMED FIELD,
DENVER AND ADAMS COUNTIES,
COLORADO**

CAUSE NO. 535

DOCKET NO. **180300216**

TYPE: SPACING

**SUMMONS AND NOTICE OF
HEARING BY PUBLICATION**

To the following interested parties:

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John L. Chambers
Heirs of Willis J. Coates
Kenneth C. Egan
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Section 2: All
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Conservation Commission
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OIL AND GAS CONSERVATION
COMMISSION OF THE STATE OF
COLORADO

By Julie Spence Prine, Secretary

Dated: February 8, 2018

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Attorneys for Bison:
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Geoffrey W. Storm
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jpierzchala@wsmtlaw.com
gstorm@wsmtlaw.com

Published in the Brighton Standard
Blade on February 21, 28, March 07,
14, and 21, 2018

#180259