

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

IN THE MATTER OF AN AMENDED APPLICATION)	
BY 8 NORTH, LLC FOR AN ORDER ESTABLISHING)	
A 1,280-ACRE DRILLING AND SPACING UNIT FOR)	CAUSE NO. 407
SECTIONS 35 AND 36, TOWNSHIP 1 NORTH,)	
RANGE 69 WEST, 6 TH P.M., FOR HORIZONTAL)	DOCKET NO. 171000694
WELL DEVELOPMENT OF THE CODELL AND)	
NIOBRARA FORMATIONS, WATTENBERG FIELD,)	TYPE: SPACING
BOULDER COUNTY, COLORADO)	

**MOTION TO CONTINUE HEARING AND TO CONTINUE CONSIDERATION OF
LOCAL PUBLIC FORUM REQUEST**

The Board of County Commissioners of the County of Boulder (the "County"), and the City Council for the City of Lafayette (the "City") (collectively "Protestors"), by their undersigned counsel, file this Motion to Continue Hearing and to Continue Consideration of Local Public Forum Request ("Motion") with reference to the above-referenced Docket Number and application filed by 8 North, LLC ("Spacing Application" and "Applicant"). As reasons for their Motion, the County and the City state as follows:

1. Undersigned counsel conferred with counsel for Applicant who indicated that Applicant supports the requests to continue the hearing on the Application and to continue consideration of the County's and City's request for a local public forum contained in this Motion.
2. The Protestors filed a joint protest to the Spacing Application on October 16, 2017. By email of October 20, 2017, the hearing officer notified the parties that, due to the protest, the matter had been continued from the October 30-31, 2017 Commission meeting to its December 11-12, 2017 meeting.
3. The Protestors request that the hearing on the Spacing Application be continued to the Commission's January 29-30, 2018 meeting for reasons including the following:
 - a. The Commission currently has a flowline rule-making matter scheduled for its December 11-12, 2017 meeting. Protestors anticipate that the rule-making will take at least a full day given the number of interested parties, leaving little time to hear evidence and argument on the Spacing Application.
 - b. Applicant filed an amendment to the Spacing Application on September 25 that adjusted the number of wells requested in the spacing unit from 20 to one. At the same time, Applicant filed an application for additional density, Docket Number

171200773 (the "Density Application") for 19 additional wells in the unit that is the subject of the Spacing Application. The COGCC has not informed the Protestors that the Density Application has been docketed, as it was filed too late to be scheduled for the October 30-31 hearing along with the amended Spacing Application. Because the two applications are linked, the threat of adverse impacts to public health, safety and welfare cannot be properly analyzed or addressed unless they are heard and considered together. Protestors cannot now determine whether the Density Application is also scheduled for the December meeting. Therefore, a continuance is appropriate to ensure that the two matters are properly heard together with sufficient notice to all parties.

- c. The Protestors have requested a Rule 508 local public forum to gather information and allow for public input on the Spacing Application and the Density Application. *See* October 2, 2017 Request for Local Public Forum (attached hereto as Exhibit 1, referenced herein as "Forum Request"). By email of October 17, 2017, COGCC Director Lepore notified Protestors that the commissioners will be advised of and have the opportunity to take action on the Forum Request at the October 30-31, 2017 meeting.
 - i. The Forum Request was filed with regard to both the Spacing Application and the Density Application because the combination of the two applications raises the risk of significant adverse impacts.
 - ii. As of this date, only the Spacing Application is docketed for Commission review. Therefore, a decision on the Forum Request on October 30 is premature and the County and the City are asking for that decision to be continued to the December docket.
 - iii. As described in Rule 508, the input received at a public forum is meant to inform the Commission's decision on the subject application. Therefore, the Forum Request must be resolved, and any resulting forum must be completed, before the COGCC holds its hearing on the Spacing Application and the Density Application.
4. The City and the County also request that the commissioners' consideration of the Forum Request be continued from the October 30-31 meeting to the December 11-12 meeting. The Forum Request addresses both the Spacing Application and the Density Application because the combination of the two poses potential adverse impacts to public health, safety and welfare. But only the Spacing Application is docketed for Commission review at this time. Therefore, a decision on the Forum Request on October 30 is premature.

WHEREFORE, Boulder County and the City of Lafayette respectfully request the following relief:

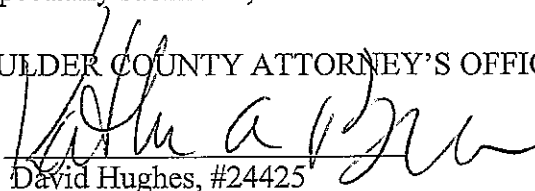
1. That the hearing on the Spacing Application be scheduled at the same meeting as the hearing on the Density Application;
2. that the hearings on the applications be continued to the Commission's January 29-30, 2018 meeting;
3. that the pending request for a local public forum be continued to the Commission's December 11-12, 2017 meeting; and
4. all other relief that the Commission deems just and proper.

Dated this 24th day of October 2017.

Respectfully submitted,

BOULDER COUNTY ATTORNEY'S OFFICE

By:


David Hughes, #24425

Deputy County Attorney

Katherine A. Burke, #35716

Assistant County Attorney

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**ATTORNEYS FOR INTERVENOR
BOULDER COUNTY**

CITY COUNCIL
CITY OF LAFAYETTE

By: /s/ Jeffrey Robbins
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Goldman, Robbins, Nicholson & Mack, P.C.
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Durango, CO 81302
robbins@grn-law.com

**ATTORNEYS FOR INTERVENOR
CITY OF LAFAYETTE**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **MOTION TO CONTINUE HEARING AND TO CONTINUE CONSIDERATION OF LOCAL PUBLIC FORUM REQUEST** has been mailed or served electronically this 24th day of October 2017 to the following entities that require notice of such filing and an original and two copies have been sent or filed with the COGCC:

James P. Rouse
Hearing Officer
Oil and Gas Conservation Commission
1120 Lincoln Street, Ste. 801
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Jobediah J. Rittenhouse
Beatty & Wozniak, P.C.
216 16th Street, Suite 1100
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jrittenhouse@bwenergylaw.com


Cathy Peterson

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

IN THE MATTER OF AN AMENDED APPLICATION)	
BY 8 NORTH, LLC FOR AN ORDER ESTABLISHING)	
A 2,720-ACRE DRILLING AND SPACING UNIT FOR)	CAUSE NO. 407
SECTIONS 13, 14, 23, and 24, TOWNSHIP 2 NORTH,)	
RANGE 69 WEST, 6 TH P.M. AND SECTION)	DOCKET NO. 171000695
18, TOWNSHIP 2 NORTH, RANGE 68 WEST, 6 TH)	
P.M., FOR HORIZONTAL WELL DEVELOPMENT OF)	TYPE: SPACING
THE CODELL AND NIOBRARA FORMATIONS,)	
WATTENBERG FIELD, BOULDER AND WELD)	
COUNTIES, COLORADO)	

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1. Undersigned counsel conferred with counsel for Applicant who indicated that Applicant supports the request to continue the hearing on the Application and to continue consideration of the County's request for a local public forum contained in this Motion. Undersigned counsel has also conferred with counsel for Protestor Crestone Peak Resources, LLC, which does not object to the proposed continuation of the hearing and takes no position on continuation of the local public forum request.
2. The County filed a protest to the Spacing Application on October 16, 2017. By email of October 20, 2017, the hearing officer notified the parties that, due to the protest, the matter had been continued from the October 30-31, 2017 Commission meeting to its December 11-12, 2017 meeting.
3. The County requests that the hearing on the Spacing Application be continued to the Commission's January 29-30, 2018 meeting for reasons including the following:
 - a. The Commission currently has a flowline rule-making matter scheduled for its December 11-12, 2017 meeting. The County anticipates that the rule-making will take at least a full day given the number of interested parties, leaving little time to hear evidence and argument on the Spacing Application.

- b. Applicant filed an amendment to the Spacing Application on September 25 that adjusted the number of wells requested in the spacing unit from 32 to one. At the same time, Applicant filed an application for additional density, Docket Number 171200774 (the "Density Application") for 31 additional wells in the unit that is the subject of the Spacing Application. The COGCC has not informed the County whether the Density Application has been docketed, as it was filed too late to be scheduled for the October 30-31 hearing along with the amended Spacing Application. Because the two applications are linked, the threat of adverse impacts to public health, safety and welfare cannot be properly analyzed or addressed unless they are heard and considered together. Protestors cannot now determine whether the Density Application is also scheduled for the December meeting. Therefore, a continuance is appropriate to ensure that the two matters are properly heard together with sufficient notice to all parties.
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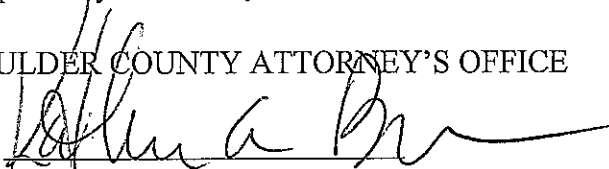
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BOULDER COUNTY ATTORNEY'S OFFICE

By:


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Deputy County Attorney

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Cathy Peterson