



MERIT ENERGY COMPANY

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RETURN RECEIPT REQUESTED

October 5, 2009

John & Cynthia Fitzsimmons
P.O. Box 1412
Nederland, CO 80466

Re: Notice of Intent to Conduct Surface Operations
Avey 21-9
SWNW, Sec. 9 T1N-R66W
Weld County, CO

Batch #: 38
Article #: 71605470475260000211
Date/Time: 10/5/2009 3:16:36 PM
Code:
Code2:
File #:
Internal File #:
Internal Code #:

Mr. and Mrs. Fitzsimmons:

Pursuant to Rule 305e.(1) of the Rules and Regulations of the Colorado Oil and Gas Conservation Commission [COGCC], Merit Energy Company hereby gives notice to you that it intends to commence operations for the drilling of an oil or gas well on the above-referenced lands no sooner than November 5, 2009. As surface owner you have the responsibility of notifying any affected tenant of the proposed operations.

Enclosed please find the following information:

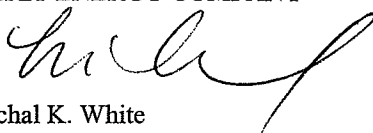
- a brochure describing surface owner rights and responsibilities from the COGCC;
- a form to request an onsite inspection with the COGCC;
- the policies for a consultation with Merit (COGCC Rule 306); and
- a self-addressed, stamped postcard with your preference for a consultation with Merit. **PLEASE RETURN THIS POSTCARD IN ANY CASE.**

A Merit Energy Company representative will meet with you, prior to beginning operations with heavy equipment, to discuss the location of the well sites, access roads, production facility and reclamation.

If you have any questions concerning Merit's plans, please contact Joe Sevenski at 303.857.6766 or Sean Gasser at 972.628.1493.

Yours truly,

MERIT ENERGY COMPANY


Michal K. White
Regulatory Analyst

I/we hereby waive the notice requirement and hereby authorize Merit Energy Company to begin operations upon receipt of the drilling permits from the Colorado Oil & Gas Conservation Commission.

Date: _____