

**K.P. KAUFFMAN COMPANY, INC.**

WORLD TRADE CENTER  
1675 BROADWAY, 28TH FLOOR  
DENVER, COLORADO 80202-4628

TELEPHONE (303) 825-4822  
FACSIMILE (303) 825-4825  
www.kpk.com

VIA USPS CERTIFIED MAIL-  
RETURN RECEIPT REQUESTED

NOEL #3-18

KPK

November 3, 2009

Judith A. Noel  
18556 CR 46  
LA Salle, CO 80645

DEC 04 2009

**Re: Waiver of Rule 318A(a)(1), Greater Wattenberg Area Windows  
NOEL #3-18  
NE/4NW/4 Section 18, Township 4 North, Range 65 West  
Weld County, Colorado.**

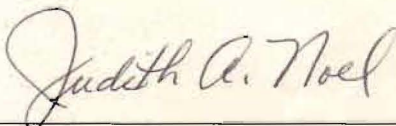
Dear Ms. Noel,

K.P. Kauffman Company, Inc. (KPK) is in the process of permitting with the Colorado Oil and Gas Conservation Commission (COGCC) to drill the above referenced Noel #3-18 well (the "Well") on the property described above (the "Property"). COGCC rule 318A(a)(1) provides that in the Greater Wattenberg Area (GWA), operators may utilize "GWA windows" being a square with sides 400 feet in length, the center of which is the center of any governmental quarter-quarter section ("400' window") to drill, twin, deepen, or recompleat a well. COGCC Rule 318A(a)(3) further provides that "Absent a showing of good cause, which shall include the existence of a surface use or other agreement with the surface owner authorizing a surface well location outside of a GWA window, all surface wellsites shall be located within a GWA window."

Pursuant to the above-referenced rules and per our discussions, KPK requests that by signing below, you have read and understand COGCC Rules 318A(a)(1) and 318A(a)(3) and authorize the Well to be located at 915' FNL, 2087' FWL, Township 4 North, Range 65 West, 6<sup>th</sup> P.M.

Sincerely,  
K.P. Kauffman Company, Inc.

  
Avi Mehler  
Land Department



Judith A. Noel