

**State of Colorado**  
**Rule 603(a)(2) Waiver Request**

We waive compliance with Rule 603(a)(2) for Statewide Setback requiring the setback of 150' from the property line for the drilling of the Kafka 16-26-7-45 natural gas well to Omimex Petroleum, Inc. in Phillips County.

We understand that the well will be drilled and surface operations conducted entirely on the surface estate of Mr. Kafka and not on our surface estate and therefore grant this waiver to Statewide Rule 603(a)(2).

Subject well to be located in the SE/4 SE/4 of Section 26, T7N, R45W and our property is located less than 150' from the surface location. We understand that our mineral estate will be pooled and we will receive royalty from this well.

EXECUTED AND EFFECTIVE ON THE DATE SHOWN BELOW BY:

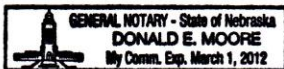
Dale R. Heimer  
Dale R. Heimer

State of Nebraska )  
County of Red Willow )

On this 19th day of July, 2010, before me, the undersigned Notary Public, personally appeared Dale R. Heimer, known to me to be the identical person described in and who executed the within instrument, and acknowledged to me that he duly executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

(SEAL)



[Signature]  
Notary Signature

March 1, 2012  
Expiration