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12/14/2011

To: David Neslin / Director of COGCC

Ref: Request for exemption to Rule 603 a. (2)

Associated with: form 2 Doc. # 400224168 and form 2A Doc.# 400226971

David Neslin,

Rule 603a (2) states:

A well shall be a minimum distance of one hundred fifty (150) feet from a surface property line. An exception may be granted by the Director if it is not feasible for the operator to meet this minimum distance requirement and a waiver is obtained from the offset surface owner(s). An exception request letter stating the reasons for the exception shall be submitted to the Director and accompanied by a signed waiver(s) from the offset surface owner(s). Such waiver shall be written and filed in the county clerk and recorder's office and with the Director.

Kinder Morgan CO2 (KMCO2) would like to ask for an exemption to this rule on our DC-11 well location for the following reason;

In the interest of protecting farm land and the operations of that land, KMCO2 has designed this location to be on two (2) properties. The basic location including the well will be on property belonging to Mike Larimore while the pit section will be on the affected neighboring property belonging to Janice Toles (50%) and Brendon Todd (50%). This design, after interim reclamation, would allow for the well head and its teardrop road to be in close proximity (53') to the field fence line resulting in the success of both intentions. Both landowners are in very favorable agreement to this approach and are appreciative of KMCO2's consideration.

Attached to this correspondence is an 'Affidavit of Consent' from the neighbor affected by this setback exemption request and if approved will be recorded in Dolores County.

The Dolores County LGD, Ernie Williams, has received a hand delivered letter with copy of this letter, a copy of the affidavit from the affected landowner and a copy of all Landowner 30 day notices.

KMCO2 and both landowners would appreciate your consideration of this request.

Thank You,

Bob Clayton
Operations Superintendent

Attached: Landowners Affidavit of Consent
LGD letter