

May 7, 2013

Richard James Vogl  
Johnny Edward Vogl  
7250 CR 26  
Longmont, CO 80504



RE: Waiver of Rule 318A(I).a.(1)

<u>WELL NAMES</u>	<u>SURFACE LOCATION (FOOTAGES)</u>
VOGL-GEIST 2D-5H-F267	2597' FROM NORTH LINE AND 2353' FROM WEST LINE
VOGL-GEIST 2E-5H-F267	2597' FROM NORTH LINE AND 2373' FROM WEST LINE
VOGL-GEIST 2F-5H-F267	2596' FROM NORTH LINE AND 2393' FROM WEST LINE
VOGL-MCCOY 2E-5H-F267	2597' FROM NORTH LINE AND 2343' FROM WEST LINE
VOGL-MCCOY 2F-5H-F267	2597' FROM NORTH LINE AND 2363' FROM WEST LINE
VOGL-MCCOY 2G-5H-F267	2597' FROM NORTH LINE AND 2383' FROM WEST LINE
VOGL-MCCOY 2H-5H-F267	2596' FROM NORTH LINE AND 2403' FROM WEST LINE

All footages from section lines of Section 5, T 2 N, R 67W  
Weld County, Colorado

Dear Richard and Johnny:

Encana Oil & Gas (USA) Inc. ("Encana") staked the above mentioned wells at surface locations as noted (see attached Well Location Certificate). These wells are being drilled under the rules and regulations of the Colorado Oil and Gas Conservation Commission's ("COGCC") Rule 318A(I) known as the Greater Wattenberg Area Special Well Location, Spacing and Unit Designation Rule (Except the City and County of Broomfield). This rule states that all boundary infill wells be drilled from the same surface locations as previously designated in Rule 318A(I).a.(1) which reads:

"The Greater Wattenberg Area ("GWA") is defined to include those lands from and including Townships 2 South to 7 North and Ranges 61 West to 69 West, 6<sup>th</sup> P.M. In the GWA, operators may utilize the following described surface drilling locations ("GWA windows") to drill, twin, deepen, or recomplete a well ("GWA well") and to commingle any or all of the Cretaceous Age formations from the base of the Dakota Formation to the surface:

- (1) A square with sides four hundred (400) feet in length, the center of which is the center of any governmental quarter-quarter section ("400' window");

The VOGL-GEIST 2D-5H-F267 thru 2F-5H-F267 wells were staked at locations southeast of the defined (400') window. The VOGL-MCCOY 2E-5H-F267 thru 2H-5H-F267 wells were staked at locations southeast of the defined (400') window. As this location was staked with your consent and approval, Encana respectfully requests your consent to an exception location for the above mentioned wells by waiver of the COGCC Rule 318A(I).a (1).

If this meets with your approval, please sign and date both originals of this letter, keeping one for your files and returning one to the undersigned.

Thank you for your time and consideration in this matter. If you have any questions or comments, please call the undersigned at (720) 369-0432.

Respectfully,

Encana Oil & Gas (USA) Inc.

A handwritten signature in blue ink that reads "Bob Bresnahan".

Bob Bresnahan  
Field Land Negotiator  
Encana Oil & Gas (USA) Inc.

Encana Oil & Gas (USA) Inc.  
3601 Stagecoach Road  
Longmont, Colorado USA 80504  
Cell: 720-369-0432  
Bob.Bresnahan@encana.com  
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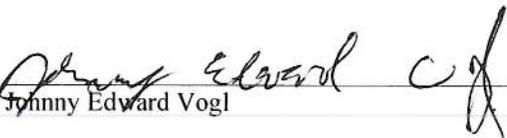
THE UNDERSIGNED SURFACE OWNER HEREBY WAIVES RULE 318A(I).a.(1) AS IT APPLIES TO THE SURFACE LOCATIONS OF THE WELLS NOTED BELOW AND APPROVES THE SURFACE LOCATIONS AS INDICATED AS MEASURED FROM THE SECTION LINES OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 67 WEST, WELD COUNTY, COLORADO.

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RICHARD JAMES VOGL

  
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JOHNNY EDWARD VOGL

  
Johnny Edward Vogl

Encl.