

BEFORE THE COLORADO OIL & GAS  
CONSERVATION COMMISSION

IN THE MATTER OF THE APPLICATION OF )  
ROSETTA RESOURCES, INC. FOR AN )  
ORDER ALLOWING AN EXCEPTION )  
LOCATION FOR A WELL TO BE )  
COMPLETED TO THE NIOBRARA )  
FORMATION, YUMA COUNTY, COLORADO )

Cause No. 315

Docket No. \_\_\_\_\_

APPLICATION

COMES NOW, Rosetta Resources, Inc., a Delaware corporation, by its attorneys Beatty & Wozniak, P.C. and makes application to the Oil and Gas Conservation Commission of the State of Colorado, for an order allowing an exception to the location of a well to be completed in the NE/4SW/4 of the Niobrara formation in Section 24, T1S, Range 44W, Yuma County, Colorado ("Application Lands"). In support thereof, Rosetta Resources, Inc. (referred to herein as "Applicant") states and alleges as follows:

1. The Application Lands are subject to Order No. 315-3, which establishes drilling units underlying the Application Lands shall consist of one hundred-sixty (160) acres, and each such drilling unit shall consist of a quarter section, and that the permitted well shall be located no closer than nine hundred (900) feet from the boundaries of the quarter section upon which it is located.
2. That the Applicant proposes to drill the Zwirn 24-11 Well to the Niobrara Formation at the following location: 2055' FWL and 1945' FSL of Section 24: NE/4SW/4, T1S, R44W, Yuma County, Colorado.
3. Applicant seeks an exception from Order No. 315-3 in that it seeks to drill the Zwirn 24-11 Well approximately 605 feet from eastern boundary of the unit line and approximately 688 feet from the northern boundary of the unit line.
4. Applicant proposes to drill the Zwirn 24-11 Well at the proposed exception location to optimize recovery of reserves from the Niobrara Formation based upon geologic considerations.
5. That in order to prevent waste and protect correlative rights of all owners in the area surrounding the proposed location, it is reasonable and equitable to permit an exception location to allow the drilling of a well in the described location. Applicant also asserts that Rule 318.c. of the Rules and Regulations of the Colorado Oil and Gas Conservation Commission provides for exception locations when geologic, topographical or environmental conditions warrant a variance from field rules.
6. That all contiguous and cornering Owners in lands toward whom the well is proposed to be moved who are affected by the exception location have executed waivers consenting to this exception location except those who are set forth on Exhibit A attached hereto.

WHEREFORE, Applicant respectfully requests that this matter be set for hearing at the next regular hearing date, that notice thereof be given as required by law and that upon such hearing the Commission enter its order:

A. Determining that the Zwirn 24-11 Well be located in Section 24: NE/4SW/4, Township 1 South, Range 44 West, 6th P.M., and permitted to be completed in the Niobrara Formation as follows:

Well Name

Exception Location

Zwirn 24-11 Well

2055' FWL and 1945' FSL of Section 24, T1S, R44W,  
Yuma County, Colorado

B. Granting any other relief necessary to prevent waste and protect correlative rights of the owners.

DATED this \_\_\_\_\_ day of August, 2007.

Respectfully submitted,

ROSETTA RESOURCES, INC.

By: \_\_\_\_\_

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Susan L. Aldridge  
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Attorneys for Applicant  
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Applicant's Address:

1200 17th Street, Suite 770  
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VERIFICATION

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

Fabrianna D. Venaducci, of lawful age, being first duly sworn upon oath, deposes and says that she is and Authorized Agent for Rosetta Resources, Inc. and that she has read the foregoing Application and that the matters therein contained are true to the best of her knowledge, information and belief.

\_\_\_\_\_  
FABRIANNA D. VENADUCCI

Subscribed and sworn to before this \_\_\_\_\_ day of August, 2007.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

EXHIBIT A  
INTERESTED PARTIES

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