



MERIT ENERGY COMPANY

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**RETURN RECEIPT REQUESTED**

October 5, 2009

John & Cynthia Fitzsimmons  
P.O. Box 1412  
Nederland, CO 80466

Re: Notice of Intent to Conduct Surface Operations  
Avey 22-9  
SENW, Sec. 9 T1N-R66W  
Weld County, CO

Batch #: 38  
Article #: 71605470475260000211  
Date/Time: 10/5/2009 3:16:36 PM  
Code:  
Code2:  
File #:  
Internal File #:  
Internal Code #:

Mr. and Mrs. Fitzsimmons:

Pursuant to Rule 305e.(1) of the Rules and Regulations of the Colorado Oil and Gas Conservation Commission [COGCC], Merit Energy Company hereby gives notice to you that it intends to commence operations for the drilling of an oil or gas well on the above-referenced lands no sooner than November 5, 2009. As surface owner you have the responsibility of notifying any affected tenant of the proposed operations.

Enclosed please find the following information:

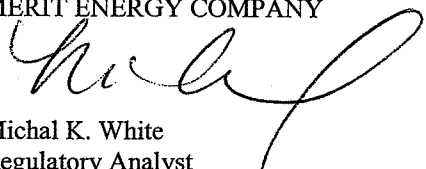
- a brochure describing surface owner rights and responsibilities from the COGCC;
- a form to request an onsite inspection with the COGCC;
- the policies for a consultation with Merit (COGCC Rule 306); and
- a self-addressed, stamped postcard with your preference for a consultation with Merit. **PLEASE RETURN THIS POSTCARD IN ANY CASE.**

A Merit Energy Company representative will meet with you, prior to beginning operations with heavy equipment, to discuss the location of the well sites, access roads, production facility and reclamation.

**If you have any questions concerning Merit's plans, please contact Joe Sevenski at 303.857.6766 or Sean Gasser at 972.628.1493.**

Yours truly,

MERIT ENERGY COMPANY

  
Michal K. White  
Regulatory Analyst

I/we hereby waive the notice requirement and hereby authorize Merit Energy Company to begin operations upon receipt of the drilling permits from the Colorado Oil & Gas Conservation Commission.

\_\_\_\_\_  
Date: \_\_\_\_\_