

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
Martha E. Rudolph, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department  
of Public Health  
and Environment

February 4, 2010

Mr. David Neslin, Director COGCC  
1120 Lincoln Street, Suite 801  
Denver, Colorado 80203

Re: Colorado Department of Public Health and Environment (CDPHE) Consultation for the Noble Energy proposed variance request to Rule 603.a.(2) Form 2A #400025040

Dear Mr. Neslin:

This letter describes CDPHE's decision to recommend that the COGCC grant the request for a variance to COGCC Rule 603.a.(2) submitted by Noble Energy. Rule 603a.(2) establishes a minimum distance a well shall be located from a property line and states in part:

"A well shall be a minimum distance of one hundred fifty (150) feet from a surface property line..."

Specifically, Noble Energy is requesting that the company be allowed to locate a well 38 feet from a property line in a cultivated field. Noble Energy has obtained a waiver from the offset surface owner as required in COGCC Rule 603.a.(2).

In view of the foregoing, CDPHE believes that granting this variance will result in adequate protection of the public health, safety, welfare and environment. CDPHE reserves the right to consult on any future variance requests from rules this agency may consult on (pursuant to COGCC Rule 306) within this location. If you have questions regarding this recommendation or discussion would be helpful, please contact me at (303) 692-3662.

Sincerely,

Kent Kuster  
Oil and Gas Consultation Coordinator  
CDPHE

ec: Jeff Lawrence, Director CPD, CDPHE  
Kate Fay, Energy Manager, CDPHE  
Curtis Rueter, Environmental Manager, Noble Energy