

October 14, 2009

Mr. & Mrs. Clarence A. Nichols, Jr.
P.O. Box 33
Molina, CO
81646-0033

RE: Surface Owner Notification and Waiver
PAD NAME: 6A
Wells: NVega 19-111, NVega 18-143, NVega 24-113
Mesa County, Colorado

Dear Mr. & Mrs. Nichols,

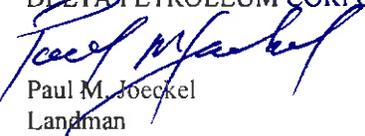
Reference is made to that certain Surface Use Agreement regarding the pad and wells described in the caption and executed by you and Delta Petroleum Corporations (Delta) on July 31, 2007. Delta also sent out its letter dated June 9, 2008 notifying you of Delta's intent to drill certain wells from pads located on your property and for a number of reasons the wells were postponed and your previous approval of the proposed drilling has expired. Delta now is in the process of making new plans to commence operations for the drilling of the caption wells and Delta would like to file the APD's (Application for permit to drill) with the Colorado Oil & Gas Conservation Commission (COGCC).

The state of Colorado requires Delta to provide a thirty (30) day notice under Rule 305 and to consult with the surface owner under Rule 306 of the Rules and Regulations of the COGCC. Because we have executed a Surface Use Agreement and you are aware of Delta drilling operations in the area we are asking you to waive the notice requirement and consultation requirement

Please call me at (303)820-4046 with any questions you have concerning this proposal. If not please return one executed copy of this letter in the envelope provided

Sincerely,

DELTA PETROLEUM CORPORATION



Paul M. Joeckel
Landman

We, Clarence A. Nichols, Jr. and Frances R. Nichols hereby specially waive the 30 day notice requirement contained in Rule 305 and we have satisfied the consultation requirement contained in Rule 306 of the Rules and Regulations of the COGCC.

Clarence A. Nichols, Jr.

Date

Frances R. Nichols

Date