

# THE HAYES LAW FIRM LLC

Colorado Oil and Gas Conservation Commission  
Northwest Area Office  
707 Wapiti Court, Suite 204  
Rifle, CO 81650  
Attention: Dave Kubeczko, Oil and Gas Location Assessment Specialist

August 29, 2012

Via Email and US Mail

Re: Sheehan 2 #4-2 Well, Section 2, Township 10N-Range 89W, 6<sup>th</sup> P.M.  
Moffat County

Mr. Kubeczko,

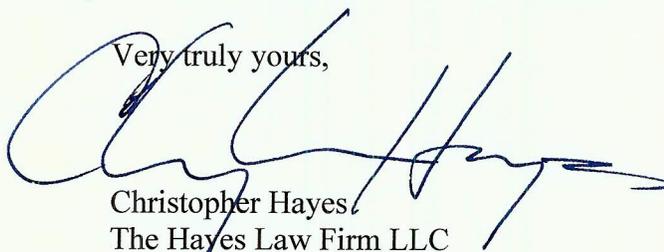
This letter is being sent on behalf of APW Corporation, the surface owner of the captioned tract, in response to comments of the Colorado Division of Wildlife. It has been proposed that the PRM well location be moved to a new location west of the current proposed location, rather than east as CDW had previously proposed.

The landowner, the surface tenant, and the operator do not want the location moved west of the irrigation ditch for several reasons.

1. The current location is topographically the best location for the well pad.
2. The current location is not irrigated and is not useful pastureland.
3. Moving the location west of the irrigation ditch will place it in arable pastureland and interfere with numerous other irrigation ditches which crisscross the APW (Sheehan) tract. The well location would need to be built up significantly above the pasture land level in order to keep the pad dry and control the drainage from the pad. It is very likely that the new location would destroy the pasture.
4. Field examination of the Duncan irrigation ditch and the Sheehan (APW) drainage shows that neither can be termed trout habitat in any logical way.
5. The operator has chosen this location for geological reasons and does not want to move the location further to the west; supports the operator in its location preference.

For these reasons, we respectfully request that you approve the current location that the private land owner and the operator have agreed is the best location for this well test.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Christopher Hayes', written over the typed name.

Christopher Hayes  
The Hayes Law Firm LLC  
Attorney for APW Corp.