

TOP Operating Co

10881 W Asbury Ave Ste 230
Lakewood CO 80227-1971
303-727-9915

January 2, 2013

Colorado Oil and Gas Conservation Commission
The Chancery Building
1120 Lincoln Street, Suite 801
Denver, CO 80203
Attn. Mr. Matt Lepore, Director

RE: Request to the Director for 318A.a Surface Location Exception (Outside 318A Drilling Window)
Request to the Director for 318A.c Twinning Location Exception
Codell/Niobrara/J Sand New Drill
Township 3 North, Range 68 West
Section 8, NE/4 (Surface Location)

Mr. Lepore,

TOP Operating Co. ("TOP") plans to drill the Kintz #2, #3, #4, #5, #6, #8, and #9 Wells (the "Wells") at the referenced surface location which is more specifically described as

Kintz #2 1996' FSL and 1985' FEL
Kintz #3 1997' FSL and 662' FEL
Kintz #4 921' FNL and 1943' FEL
Kintz #5 665' FSL and 1981' FEL
Kintz #6 666' FSL and 660' FEL
Kintz #8 1320' FSL and 50' FEL
Kintz #9 2612' FSL and 1320' FEL

The Wells will be drilled to the Codell/Niobrara/J Sand formation(s).

Under the Revised Rule 318A.c any new twinning well is to be located within 50' of an existing well. The surface location of TOP's proposed well has been staked accordingly:

Kintz #2: 71' from existing Kintz #1 well
Kintz #3: 83' from existing Kintz #1 well
Kintz #4: 131' from existing Kintz #1 well
Kintz #5: 119' from existing Kintz #1 well
Kintz #6: 107' from existing Kintz #1 well
Kintz #8: 59' from existing Kintz #1 well
Kintz #9: 95' from existing Kintz #1 well

TOP has obtained permission, contained in a waiver, from the surface owner.

Thank you for your attention to the enclosed. TOP respectfully requests that the COGCC review enclosed information and approve the requested exception location waivers and Application for Permit to Drill the captioned well.

Sincerely,

Paul R. Herring

Landman

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