

January 23, 2013



Fort Lupton East LLLP
c/o John J. Vandemoer
8791 Circle Drive
Westminster, CO 80031

RE: Waiver of Rule 318A(I).a.(1)

<u>Well Names</u>	<u>Surface Location</u>
Maier 4A-28H	658' From South Line and 2303' From East Line
Maier 4B-28H	658' From South Line and 2293' From East Line
Section 28, T 2 North, R 66 West Weld County, Colorado	

Dear Mr. Vandemoer:

Encana Oil & Gas (USA) Inc. ("Encana") staked the Maier 4A-28H and Maier 4B-28H wells at a surface location as noted above (see attached Well Location Certificate). These wells are being drilled under the rules and regulations of the Colorado Oil and Gas Conservation Commission's ("COGCC") Rule 318A(I) known as the Greater Wattenberg Area Special Well Location, Spacing and Unit Designation Rule (Except the City and County of Broomfield). This rule states that all boundary infill wells be drilled from the same surface locations as previously designated in Rule 318A(I).a.(1) which reads:

"The Greater Wattenberg Area ("GWA") is defined to include those lands from and including Townships 2 South to 7 North and Ranges 61 West to 69 West, 6th P.M. In the GWA, operators may utilize the following described surface drilling locations ("GWA windows") to drill, twin, deepen, or recompleat a well ("GWA well") and to commingle any or all of the Cretaceous Age formations from the base of the Dakota Formation to the surface:

- (1) A square with sides four hundred (400) feet in length, the center of which is the center of any governmental quarter-quarter section ("400' window")

The Maier 4A-28H and Maier 4B-28H wells were staked at a location west of the defined 400' window. As this location was staked with your consent and approval, Encana respectfully requests your consent to an exception location for the Maier 4A-28H and Maier 4B-28H wells by waiver of the COGCC Rule 318A(I).a (1).

If this meets with your approval, please sign and date both originals of this letter, keeping one for your files and returning one to the undersigned.

Thank you for your time and consideration in this matter. If you have any questions or comments, please call the undersigned at (720) 369-0432.

Respectfully,

Encana Oil & Gas (USA) Inc.

A handwritten signature in blue ink, appearing to read "Bob Bresnahan", is written over a horizontal line.

Bob Bresnahan
Field Land Negotiator
Encana Oil & Gas (USA) Inc.

Encana Oil & Gas (USA) Inc.
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Longmont, Colorado USA 80504
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Page 2 of 2

THE UNDERSIGNED SURFACE OWNER HEREBY WAIVES RULE 318A(I).a.(1) AS IT APPLIES TO THE SURFACE LOCATION OF THE FOLLOWING WELLS AND APPROVES THE SURFACE LOCATIONS AS NOTED BELOW FROM SECTION 28, TOWNSHIP 2 NORTH, RANGE 66 WEST OF 6TH P.M. WELD COUNTY, COLORADO:

<u>WELL NAMES</u>	<u>SURFACE LOCATION</u>
MAIER 4A-28H	658' FROM SOUTH LINE AND 2303' FROM EAST LINE
MAIER 4B-28H	658' FROM SOUTH LINE AND 2293' FROM EAST LINE

OWNER: FORT LUPTON EAST LLP

by 
John J. Vandemoer
General Partner

Encl.