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MICHAEL R. WITMAN

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November 5, 2009

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Oil and Gas Conservation Commission  
1120 Lincoln Street, Suite 801  
Denver, CO 80203

ORIGINAL

RE: Witman 2-34  
Township 4N, Range 67W  
Section 2: SW ¼ SE ¼  
Weld County, CO

To Whom it May Concern:

I, have consulted with an attorney regarding the application of Great Western Oil and Gas to drill on my property and to run flow lines across the property to the proposed location of the tank battery. I believe the application for the permit submitted by Great Western violates the Surface Damage and Release Agreement dated June 1, 2006 ("Surface Agreement"), attached. This Surface Agreement was extended for an additional three (3) years and remains in full force and effect. See extension letter attached.

I would ask the Commission to deny the Great Western application as proposed with an indication that the application would be approved if it were re-written to conform to the Surface Agreement. At this time, I am prepared to file a lawsuit in the Weld County District Court requesting a temporary restraining order and permanent injunction prohibiting any drilling or location of the tank battery or flow lines that does not conform with the Surface Agreement. I will be seeking damages including attorney fees and costs pursuant to the Surface Agreement for any work performed which is outside the scope of the Surface Agreement.

Please feel free to contact me regarding any questions you may have.

Sincerely,

  
Michael R. Witman

Encl.

cc: Great Western Oil and Gas