

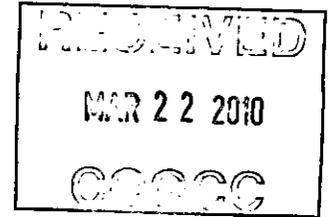


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EXCEPTION LOC REQUEST

FINNEY LAND CO.

OIL & GAS CONSULTING
P.O. BOX 2471
DURANGO, CO 81302
PHONE: (970) 259-5691 • FAX (970) 259-4279



February 15, 2010

COGCC

Att: Dave Neslin, Director
1120 Lincoln Street, Suite 810
Denver, Colorado 80203

RE: Request for Exception Location
McElvain Oil and Gas Properties, Bullseye #22 APD
NW/4SE/4, Sec. 20, T-33-N, R-08-W, N.M.P.M.
La Plata County, Colorado

Dear Mr. Neslin:

McElvain Oil and Gas Properties ("McElvain") proposes to locate the subject well less than 150' from an existing overhead power line. However, this power line is no longer live or energized. An enclosed letter from La Plata Electric Association verifies that the power line is de-energized.

Therefore, McElvain hereby requests an exception location from COGCC Rule 603.a.1. (150' setback from above ground utility line) for the subject well. McElvain believes that the COGCC should grant an exception location because the power line is de-energized and no longer poses a safety hazard. No other structures or above ground utilities are located within 150' of the proposed well location.

Thank you for your attention to this matter. If you need any additional information, please do not hesitate to call.

Sincerely:

Tim G. Kelley
Agent for McElvain Oil and Gas Properties

Enclosures