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August 23, 2010

Mr. Kevin G. Rein, P.E.  
Assistant State Engineer  
Colorado Division of Water Resources  
1313 Sherman St., Rm. 818  
Denver, CO 80203

RE: EOG Resources, Inc.'s Amended Petition for Determination of Nontributary Ground Water in the North Park Structural Basin – Jackson County – Niobrara Formation  
Case No. SE-10-04

Dear Mr. Rein:

After objection to EOG Resources, Inc. ("EOG") original Petition, EOG filed an Amended Petition on June 4, 2010, excluding the portion of the North Park Basin in Grand County from its nontributary determination Petition. Now EOG requests an Initial Determination from the Office of the State Engineer that any ground water produced from oil & gas wells drilled by EOG to the Niobrara Formation in the Development Area<sup>1</sup> of Jackson County in the North Park Basin, is nontributary pursuant to Rule 17.5, 2 CCR 402-17. EOG's Development Area is contained within the Leonard Rice Engineers, Inc.'s modeled nontributary boundary as set forth in EOG's Amended Petition, covering the North Park Basin in Jackson County.

In response to concerns raised by some Objectors regarding delineation of nontributary areas not likely to be developed, EOG has restricted its request to those areas actually under lease. The Development Area is a much smaller subset of the initial geographical area submitted

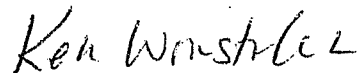
<sup>1</sup> The EOG Development Area located in Jackson County is set forth in the attached Plate 1.

by EOG, as well as the subsequently filed amended area, and is solely contained within the North Park Basin in Jackson County, excluding any area in Grand County.

EOG respectfully requests a Rule 17.5.C.1 Initial Determination from the State Engineer that ground water withdrawn as a result of any EOG oil and gas wells drilled within the Development Area location is nontributary. As counsel for EOG, I have contacted counsel for the Colorado River Water Conservation District, the Middle Park Water Conservancy District, the Grand County Board of County Commissioners, and the Northwest Counsel of Governments. They have informed me that they have no objection to proceeding in this manner for an Initial Determination.

Very truly yours,

BEATTY & WOZNIAK, P.C.



Kenneth A. Wonstolen  
Attorneys for EOG Resources, Inc.

Enc.: Second Revised Plate 1  
(2 copies & 1 CD)

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