

BEFORE THE OFFICE OF THE STATE ENGINEER
STATE OF COLORADO

IN THE MATTER OF THE PETITION OF DETERMINATION)
OF NONTRIBUTARY GROUND WATER IN THE NIOBRARA) 10SE____
FORMATION OF THE NORTH PARK STRUCTURAL BASIN,)
GRAND AND JACKSON COUNTIES)

NOTICE OF RULE 17.5 PETITION

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

On January 30, 2010, the Department of Natural Resources, Office of the State Engineer promulgated the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water produced Through Wells in Conjunction with the Mining of Minerals (“Produced Nontributary Ground Water Rules”), 2 CCR 402-17.

Pursuant to Rule 17.5.B.1 of the Produced Nontributary Ground Water Rules, EOG Resources, Inc. (“EOG” or “Applicant”) is providing Notice that it has filed a Petition for Determination of Nontributary Ground Water (“Petition”), dated April 13, 2010 with the Office of the State Engineer (“SEO”), pursuant to Rule 17.5.A.

The EOG Petition seeks a nontributary ground water determination for its six oil and gas wells located in Township 7 North, Range 80 West, as well as the entire geographically delineated area of the Niobrara Formation in the North Park Structural Basin for future wells.

AVAILABILITY OF INFORMATION SUPPORTING PETITION –

The engineering report that accompanied EOG’s Petition, “Location of Tributary/Nontributary Line Niobrara Formation Oil Wells, North Park Basin, Colorado, Produced Nontributary Ground Water,” prepared by Leonard Rice Engineers, Inc., dated March 8, 2010 (“Report”), includes the scientific and engineering methodologies and standards set forth in Rule 17.6. It also includes the required supporting data, detailed and properly scaled map, and standard data format as required by Rule 17.6.E. This Report and its attachments may be accessed for review at the following website location: www.bwenergy.com and access “Public Materials” on the bottom right side of the home page. For direct access: <http://www.bwenergy.com/news/publicmaterials.asp>.

NOTICE IS HEREBY GIVEN that any person may respond to EOG’s Petition within 30 days of the date of the Petition and this Notice by submitting written comments to the State Engineer. Rule 17.5.B.3.

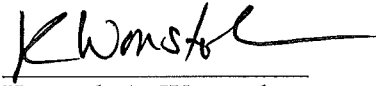
The address of the State Engineer for submitting written comments or requesting a hearing pursuant to Rule 17.5.B.3 is:

Colorado Division of Water Resources
Dick Wolfe State Engineer
1313 Sherman St., Rm. 818
Denver, CO 80203
Phone Number: (303) 866-3581

WHEREFORE, EOG requests that its Petition be approved without hearing and that the State Engineer make an Initial Determination that EOG's six Niobrara Formation wells located in Township 7 North, Range 80 West of the North Park Structural Basin are nontributary and that the nontributary area of the Niobrara Formation in the North Park Structural Basin as depicted by Leonard Rice's Technical Report and Map (Plate 1) are nontributary for any future oil and gas wells.

DATED this 13th day of April, 2010.

Respectfully submitted,

By: 
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ATTORNEYS FOR EOG RESOURCES, INC.

CERTIFICATE OF SERVICE

This Notice of Rule 17.5 Petition has been served upon the following parties by either e-mail, U.S. Mail on April 13, 2010, or via publication as set forth below:

1. All persons or entities on the preliminary Produced Nontributary Ground Water Notification List.
2. All persons or entities listed on the Substitute Water Supply Plan Notification List.
3. The Notice will be published in the following primary newspapers for Grand and Jackson Counties as soon as reasonably practicable:

Jackson County Star, Walden, Colorado
Middle Park Times, Grand County, Colorado

4. Colorado River District
P.O. Box 1120
Glenwood Springs, CO 81602
5. Colorado Division of Water Resources
Dick Wolfe State Engineer
1313 Sherman St., Rm. 818
Denver, CO 80203


Martha A. Lair