

**BEFORE THE OFFICE OF THE STATE ENGINEER
STATE OF COLORADO**

**IN THE MATTER OF THE EOG RESOURCES, INC. PETITION)
FOR DETERMINATION OF NONTRIBUTARY GROUND)
WATER IN THE NORTH PARK STRUCTURAL BASIN –)
NIOBRARA FORMATION; CASE NO SE-10-04; WATER)
DIVISION 6)**

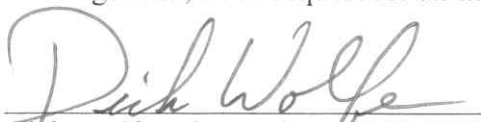
FINAL DECISION OF THE STATE ENGINEER

This matter involves a petition (“Petition”) originally submitted by EOG Resources, Inc. (“Applicant”) on April 13, 2010 requesting a determination of nontributary ground water for an area overlying the Niobrara Formation in the North Park Structural Basin. The Applicant submitted the petition in accordance with Rule 17.5 of the Produced Nontributary Ground Water Rules (“Rules”) and gave notice as required by Rule 17.5.B.1 of the Rules on April 13, 2010. The Applicant, in cooperation with parties to the petition, has further limited the area for which a determination is sought to an area in Jackson County, more specifically described in the Initial Determination of the Staff of the State Engineer.

On September 16, 2010, the staff of the State Engineer completed its Initial Determination regarding the Petition. On September 16, 2010, the staff of the State Engineer sent a copy of its Initial Determination along with a cover letter to the Applicant and the parties in Case No. SE-10-04, allowing for comments within 30 days. The staff of the State Engineer received no comments before or after the 30-day deadline from any of the parties in the case.

FINAL DECISION OF THE STATE ENGINEER

1. The State Engineer has reviewed the original Petition submitted by the Applicant as well as subsequent submittals, along with the Initial Determination completed by his Staff.
2. The State Engineer has determined that the Applicant and his staff have acted in accordance with the Rules.
3. Pursuant to Rule 17.5.E. the State Engineer hereby adopts the Initial Determination (attached) and grants the Petition, as modified in cooperation with the parties in the case, by finding that the ground water produced from the Development Area, with a few small exceptions, is nontributary as that term is defined in Section 37-90-103(10.5). That area is more specifically identified in the Initial Determination in conjunction with the Applicant’s August 23, 2010 request for an Initial Determination.



Dick Wolfe, Director/State Engineer

Dated this 9th day of November, 2010