

## SURFACE DAMAGE AND RELEASE AGREEMENT

This Surface Damage and Release Agreement (this "Agreement") is made and entered into this 4 day of DOE/MAY 2007, by and Charles M. McAfee and Company, LLLP, with an address of P.O. Box 7, Lewis, CO 81327 ("Owner") and Bill Barrett Corporation with an address of 1099 18<sup>th</sup> Street, Suite 2300, Denver, CO 80202 ("BBC").

Whereas, BBC or an affiliate has the right to drill an oil and gas well or wells (the "Well") on the Lands ("Lands") in Montezuma County, Colorado, described below:

Township 38 North, Range 16 West, N.M.P.M.  
Section 19: NE4NW4

*Said well(s) is to be drilled from a location(s) located in the above described lands as generally described on the plat in Exhibit "A" and will be known as the McAfee well.*

9. Owner hereby agrees to waive all thirty (30) day notices as required by the COGCC for issuing APDs or as may be required under consultation provisions of COGCC Rule 305 or 306 for the above proposed well location (s). Should the above proposed well location (s) need to be relocated for any reason, BBC agrees to consult with Owner prior to such relocation.

**OWNER: Charles M. McAfee and Company,  
LLLP,**

By: Charles W. McAfee

Name: Charles W. McAfee, General Partner

**BILL BARRETT CORPORATION**

By: Huntington T. Walker

Name: Huntington T. Walker

Title: Sr. Vice President Land

Bill Barrett Corporation  
1099 18<sup>th</sup> Street, Suite 2300  
Denver, CO 80202  
Attention: Huntington T. Walker  
Sr. Vice President- Land  
(303) 293-9100

ACKNOWLEDGEMENTS

STATE OF COLORADO )

ss.

CITY AND COUNTY OF DENVER)

On this 10<sup>th</sup> day of December, 2007, before me personally appeared Huntington T. Walker, known to me to be the Sr. Vice President - Land of BILL BARRETT CORPORATION and that he executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

My Commission Expires: 3/17/2010



Notary Public: Megan Trask

Address: 1099 18<sup>th</sup> Street, Ste 2300, Denver, CO 80202

ACKNOWLEDGMENT

STATE OF COLORADO )

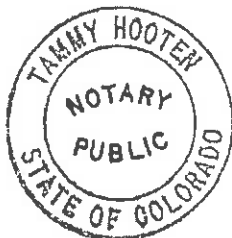
ss.

COUNTY OF Montezuma )

BEFORE ME, the undersigned authority, on this 4<sup>th</sup> day of December, 2007 personally appeared Charles W. McAfee, General Partner of Charles M. McAfee and Company, LLLP, to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged to me that he signed the said instrument at his free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

My Commission Expires: 5-18-08



Notary Public: Tammy Hooten

Address: 77 W. Main St. Cortez