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**MEMORANDUM OF
COMPATIBLE DEVELOPMENT AND SURFACE USE AGREEMENT**

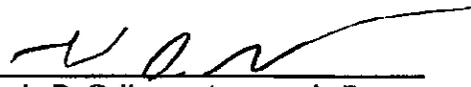
Pursuant to the terms of that certain unrecorded Compatible Development and Surface Use Agreement ("Agreement") dated effective the 3rd day of October, 2008, between the undersigned, and subject to the conditions set forth therein, EnCana Oil & Gas (USA) Inc. ("EnCana") with an address at 370 17th Street, Suite 1700, Denver, Colorado 80202, and Haley Land Company, LLC, ("Owner") a Colorado limited liability company, with an address of 14491 Weld County Road 5, Longmont, Colorado 80504, agreed to the compatible use of the surface for development and for oil and gas operations including construction and maintenance of pipelines and flowlines, surface use and accommodation for directional drilling purposes, and other operations located on the following lands:

Township 2 North, Range 68 West, 6th P.M.,
Section 22: NE/4
Section 23: NW/4
Weld County, Colorado

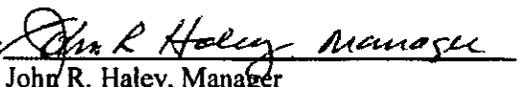
This Memorandum of Compatible Development and Surface Use Agreement is executed by EnCana and Owner and placed of record in Weld County, Colorado for the purpose of placing all persons on notice of the existence of the Agreement. A true and complete copy of the Agreement is available at the offices of EnCana.

In witness whereof this instrument is executed effective the 3rd day of October 2008.

ENCANA OIL & GAS (USA) INC.

By: 
Ricardo D. Gallegos, Attorney-in-Fact

HALEY LAND COMPANY, LLC

By: 
John R. Haley, Manager