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EnCana Oil & Gas (USA) Inc.

Except. Loc Waiver

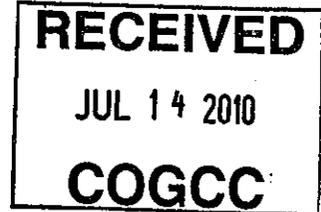
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EnCana Oil & Gas (USA) Inc.
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February 26, 2010

Carol Roberts
PR for the Estate of Terry R. Gardner
Longmont, CO 80501-1809



Re: Waiver of Rule 318A.c.(1)
Sprague 2-9, 4-4-9, 12-9, 4-2-9, 0-2-9, 21-9, 0-0-9
Township 2 North, Range 67 West
Section 9: NE/4NW/4
Weld County, Colorado

Ladies and Gentlemen:

EnCana Oil & Gas (USA) Inc. ("EnCana") staked the following wells;
Sprague 2-9 well at a surface location 1083 feet from the north line and 1537 feet from the west line,
Sprague 4-4-9 well at a surface location 1073 feet from the north line and 1537 feet from the west line,
Sprague 12-9 well at a surface location 1063 feet from the north line and 1537 feet from the west line,
Sprague 4-2-9 well at a surface location 1053 feet from the north line and 1537 feet from the west line,
Sprague 0-2-9 well at a surface location 1043 feet from the north line and 1537 feet from the west line,
Sprague 21-9 well at a surface location 1033 feet from the north line and 1537 feet from the west line,
Sprague 0-0-9 well at a surface location 1023 feet from the north line and 1537 feet from the west line,
of Section 28, Township 2 North, Range 68 West (see attached survey plats and location drawing).

These wells are being drilled under the rules and regulations of the Colorado Oil and Gas Conservation Commission's (COGCC) Rule 318A, known as the Greater Wattenberg Area Special Well Location, Spacing and Unit Designation Rule. Rule 318A.c.(2) states:

"When the operator is requesting a surface well location greater than fifty (50) feet from a well (unless safety or mechanical considerations of the well to be twinned or topographical or surface constraints justify a location greater than fifty (50) feet), the operator shall provide a consent to the exception signed by the surface owner on which the well is proposed to be located in order for the Director to approve the well location administratively."

The Sprague 2-9 was staked at a location 249 feet northeast of the existing Machii – Ross 1-9 well located in the same drilling window.

The Sprague 4-4-9 was staked at a location 259 feet northeast of the existing Machii – Ross 1-9 well located in the same drilling window.

The Sprague 12-9 was staked at a location 268 feet northeast of the existing Machii – Ross 1-9 well located in the same drilling window.

The Sprague 4-2-9 was staked at a location 278 feet northeast of the existing Machii – Ross 1-9 well located in the same drilling window.

The Sprague 0-2-9 was staked at a location 288 feet northeast of the existing Machii – Ross 1-9 well located in the same drilling window.

The Sprague 21-9 was staked at a location 298 feet northeast of the existing Machii – Ross 1-9 well located in the same drilling window.

The Sprague 0-0-9 was staked at a location 308 feet northeast of the existing Machii – Ross 1-9 well located in the same drilling window.

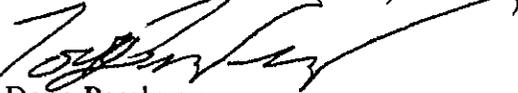
As these locations were staked with your consent and approval, EnCana respectfully requests your consent to an exception location for the Sprague 2-9, 4-4-9, 12-9, 4-2-9, 0-2-9, 21-9, 0-0-9 wells by waiver of the COGCC Rule 318A.c.(1).

If this meets with your approval, please sign and date both originals of the letter, keeping one for your files and returning one to the undersigned.

Thank you for your time and consideration in this matter. If you have any questions or comments, please contact me at (303) 330-8903.

Very truly yours,

ENCANA OIL & GAS (USA) INC.



Doug Pearlman
Land Negotiator

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THE UNDERSIGNED SURFACE OWNER HEREBY WAIVES RULE 318Ac.(1) AS IT APPLIES TO THE SURFACE LOCATIONS AND APPROVES THE SURFACE LOCATIONS OF THE;
SPRAGUE 2-9 WELL AT 1083 FEET FROM THE NORTH LINE AND 1537 FEET FROM THE WEST LINE,
SPRAGUE 4-4-9 WELL AT 1073 FEET FROM THE NORTH LINE AND 1537 FEET FROM THE WEST LINE,
SPRAGUE 12-9 WELL AT 1063 FEET FROM THE NORTH LINE AND 1537 FEET FROM THE WEST LINE,
SPRAGUE 4-2-9 WELL AT 1053 FEET FROM THE NORTH LINE AND 1537 FEET FROM THE WEST LINE,
SPRAGUE 0-2-9 WELL AT 1043 FEET FROM THE NORTH LINE AND 1537 FEET FROM THE WEST LINE,
SPRAGUE 21-9 WELL AT 1033 FEET FROM THE NORTH LINE AND 1537 FEET FROM THE WEST LINE,
SPRAGUE 0-0-9 WELL AT 1023 FEET FROM THE NORTH LINE AND 1537 FEET FROM THE WEST LINE,
OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 67 WEST, WELD COUNTY, COLORADO.


CAROL ROBERTS, PERSONAL REPRESENTATIVE OF THE ESTATE OF TERRY RUTH GARDNER, DECEASED