

**MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT**

Pursuant to the terms of that certain unrecorded Surface Damage and Release Agreement dated effective the 14 day of April, 2010 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 Robert L. McPeek, individually and as Managing Partner of INB Land & Cattle LLC, a Colorado Limited Liability Company (Owner) with an address at 10584 Weld County Road 31, Ft. Lupton, CO 80621, agreed to the location of a Well and payment for damages to the surface of Land connected with the access to and the drilling, construction, completion, recompletion, reworking, re-entry, production, maintenance and operations of a Well and associated pipelines, tank batteries and other facilities or property of EnCana associated with the well and located on the following Land:

Township 2 North, Range 66 West, Weld County, Colorado  
Section 10: SW/4NW/4; W/2SW/4; SE/4SW/4

Limited to the Codell and Niobrara formations only

This Memorandum of Surface Damage and Release Agreement is executed by Owner and EnCana and placed of record in Weld County, Colorado for the purpose of placing all persons on notice of the existence of the Agreement.

In witness whereof this instrument is executed effective the 14th day of April 2010.

**ENCANA OIL & GAS (USA) INC.**

By: 

Ricardo D. Gallegos, Attorney-in-Fact

**OWNER**



Robert L. McPeek

ACKNOWLEDGMENTS

STATE OF COLORADO )  
 )ss  
CITY AND COUNTY OF DENVER )

On this 14th day of April 2010, before me personally appeared Ricardo D. Gallegos who executed the within and foregoing instrument as Attorney-in-Fact of EnCana Oil & Gas (USA) Inc. on behalf of the corporation, and acknowledged the instrument to be the free and voluntary act and deed of the 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 3/25/13

(SEAL)

Notary Public: April Jackson



My Commission Expires 03/25/2013

STATE OF COLORADO )  
 )ss  
CITY AND COUNTY OF DENVER )

On this 14<sup>th</sup> day of April, 2010, before me personally appeared Robert L. McPeck known to me to be the person who executed the within and foregoing instrument, and acknowledged that he/she executed said instrument as his/her free and voluntary act and deed 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: Dec. 20, 2013

(SEAL)

Notary Public: Lisa H. Roy

