

**MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT**

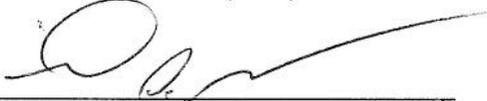
Pursuant to the terms of that certain unrecorded Surface Damage and Release Agreement dated effective the 6<sup>th</sup> day of May, 2010 between the undersigned, and subject to the conditions set forth therein, EnCana Oil & Gas (USA) Inc. ("EnCana") with an address at 370 17th Street, Suite 1700, Denver, Colorado 80202, and Temperature Processing Company Inc. (Owner) with an address at 10477 Weld County Road 7, Longmont, CO 80504, 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 wells and located on the following Land:

Township 2 North, Range 68 West, Weld County, Colorado  
Section 9: SW1/4SE1/4, W1/2SW1/4

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 6<sup>th</sup> day of May 2010.

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

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

**TEMPERATURE PROCESSING COMPANY INC.**

  
By: Eric Engelhard  
Its: President