

MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT

Pursuant to the terms of that certain unrecorded Surface Damage and Release Agreement dated effective the 30th day of MARCH, 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 COUNTY OF BOULDER, a body corporate and politic, ("Owner") with an address at 5201 St. Vrain Road, Longmont, Colorado 80501, agreed to the location of three new oil and gas wells (the "Wells") 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 the Wells 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 69 West, Boulder County, Colorado
Section 36: NE4NW4

This Memorandum of Surface Damage and Release Agreement is executed by Owner and EnCana and placed of record in Boulder 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 13th day of April 2010.

ENCANA OIL & GAS (USA) INC.

By: 

Ricardo D. Gallegos, Attorney-in-Fact 

OWNER

By: 

Cindy Domenico, Chair, Board of County Commissioners of Boulder County

ACKNOWLEDGMENTS

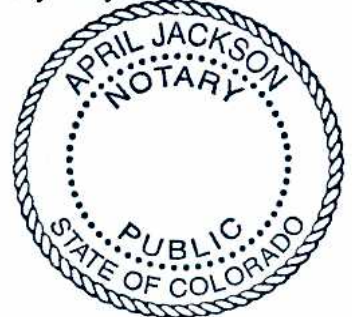
STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

On this 13th day of April 2010, before me personally appeared Richardo Gallegos, who, being by me duly sworn, did say that he is an Attorney-in-fact of EnCana Oil & Gas (USA) Inc., that he executed the within and foregoing instrument 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 written.

My Commission Expires: 3/25/13

Notary Public: April Jackson



My Commission Expires 03/25/2013

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

On this 30th day of March 2010, before me personally appeared Cindy Domenico, Chair of the Board of County Commissioners of Boulder County, that she executed the within and foregoing instrument on behalf of said Board of County Commissioners of Boulder County 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 written.

My Commission Expires: 6/8/2011

Notary Public: Mike Ryder



My Commission Expires 06/08/2011

Approved Form on 12/12/2006 Revised 06/09/08

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