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04/13/2005 11:24 AM  
Janice Ward CLK&REC Mesa County, CO  
RecFee \$15.00 SurChg \$1.00

3 PAGE DOCUMENT

MEMORANDUM OF SURFACE USE AGREEMENT

State: Colorado  
County: Garfield  
Surface Owner: Steven W. Keinath and Sherry L. Keinath  
0864 County Road 339  
Parachute, CO 81635  
Lessee: EnCana Oil & Gas (USA) Inc.  
950 17<sup>th</sup> Street, Suite 2600  
Denver, CO 80202  
Effective Date: September 1, 2004

For adequate consideration and as of the effective date stated above, the Surface Owner and Lessee named above, have executed and exchanged that certain Master Surface Use Agreement (the "Agreement") which governs the Lessee's oil and gas operations on the surface of the following Lands:

Township 7 South, Range 96 West, 6<sup>th</sup> P.M.  
Section: 33

Township 8 South, Range 96 West, 6<sup>th</sup> P.M.  
Sections 4, 5, 7, 8, 9, 16, 17 and 18

Garfield and Mesa Counties, Colorado

This Memorandum is placed of record for the purpose of giving notice of the Agreement and is given in lieu of filing said Agreement in full for record in the official records of Garfield and Mesa Counties, Colorado. Executed copies of the Agreement are maintained in the possession of both the Surface Owner and Lessee.

This Memorandum is signed by Surface Owner and Lessee as of the date of acknowledgment of their signatures, but is effective for all purposes as of the Effective Date stated above.

SURFACE OWNER:

LESSEE:

ENCANA OIL & GAS (USA) INC.

STEVEN W. KEINATH

By:   
Joe S. Fox, Attorney-in-Fact

SHERRY L. KEINATH

ENV

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15/13

ACKNOWLEDGEMENTS

STATE OF COLORADO )  
COUNTY OF GARFIELD )

The foregoing instrument was acknowledged before me on this 2nd day of December 2004 by Steven W. Keinath.

Sylvia L. Clark  
Notary Public

My Commission Expires: 04-17-05



STATE OF COLORADO )  
COUNTY OF GARFIELD )

The foregoing instrument was acknowledged before me on this 2nd day of December 2004 by Sherry L. Keinath.

Sylvia L. Clark  
Notary Public

My Commission Expires: 04-17-05



STATE OF COLORADO )  
CITY AND COUNTY OF DENVER )

The foregoing instrument was acknowledged before me on this 2nd day of December 2004 by Joel S. Fox, Attorney-in-Fact for ENCANA OIL & GAS (USA) Inc., a Delaware corporation, on behalf of said corporation.

Felicia Harrison  
Notary Public

My Commission Expires: 9-8-08



