

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, 2011 (the "Agreement") 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 Abraham L. Drieth and Delores A. Drieth ("Owner") with an address at 17875 County Road 3, Berthoud, CO 80513, agreed to the location of one or more oil and gas 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 3 North, Range 68 West, 6<sup>th</sup> P.M.  
Section 6: NE1/4, N1/2SE1/4  
Weld County, Colorado

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 which contains an Exhibit A showing the locations of all wellsites, access roads, facilities, and flowlines.

In witness whereof this instrument is executed effective the 6<sup>th</sup> day of May, 2011.

ENCANA OIL & GAS (USA) INC.

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

OWNER: Abraham L. Drieth and Delores A. Drieth

By: Abraham L Drieth  
Abraham L. Drieth

By: Delores A Drieth  
Delores A. Drieth

ACKNOWLEDGMENTS

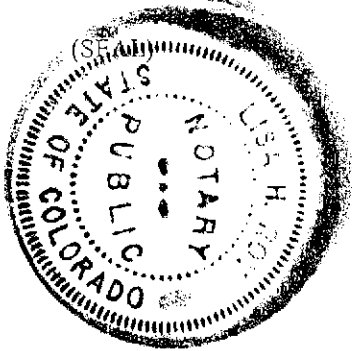
STATE OF COLORADO )  
 )ss  
CITY AND COUNTY OF DENVER )

On this 6<sup>th</sup> day of May 2011, 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 12/20/2013

Notary Public: *Ronald Day*



STATE OF Colorado )  
City and )ss  
COUNTY OF Broomfield )

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this 6<sup>th</sup> day of May, 2011,

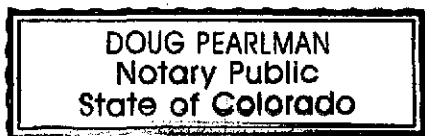
personally appeared Abraham L. Drieth and Delores A. Drieth, to me known to be the identical persons, described in and who executed the within and foregoing instrument of writing and acknowledged to me that they duly executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: 06/30/2013

*Doug Pearlman*  
Notary Public: *Doug Pearlman*

(SEAL)



Address: 2004 Vine St  
Denver, CO 80205