

**MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT**

Pursuant to the terms of that certain unrecorded Surface Damage and Release Agreement dated effective the 12th day of July, 2013 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 Lupton Sunrise LLP ("Owner") with an address of 8791 Circle Drive, Westminster, CO 80031, agreed to the location of 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:

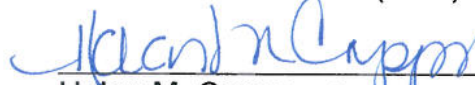
Township 2 North, Range 66 West, of the 6<sup>th</sup> P.M.

Section 34: Part of the SE 1/4 of the SE 1/4 containing 40 acres, more or less  
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.

In witness whereof this instrument is executed effective the 12<sup>th</sup> day of July, 2013.

ENCANA OIL & GAS (USA) INC.



Helen M. Capps  
Attorney-In-Fact

Lupton Sunrise LLP



John Vandemoer  
Manager

**ACKNOWLEDGMENTS**

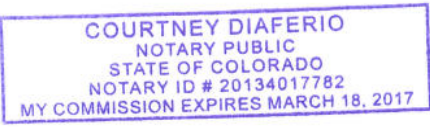
STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 23 day of July, 2013, by Helen M. Capps, Attorney-In-Fact of Encana Oil & Gas (USA) Inc., a Delaware corporation, on behalf of said corporation.

Witness my hand and official seal.

*C. Diaferio*

Notary Public  
My Commission Expires: 03/18/2017



STATE OF COLORADO )  
 ) ss.  
COUNTY OF WELD )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of July, 2013, by John Vandemoer as Manager of Lupton Sunrise LLP.

Witness my hand and official seal.

*BARNEY L. HAMMOND*  
Notary Public  
My Commission Expires: 7/8/2015

