

**SURFACE OWNER WAIVER**  
Colorado Oil and Gas Conservation Commission  
Rules 306, 1202 and 1203

WHEREAS, the undersigned is the owner of the surface of certain lands located in Gunnison County, Colorado covered by various oil and gas leases, which are impacted by proposed or ongoing oil and gas operations ("Surface Owner");

THEREFORE, effective as of February 1, 2015, Surface Owner permanently waives the surface owner consultation requirement under the Rules of the Colorado Oil and Gas Conservation Commission ("Rules"), including but not limited to:

- 1) Rule 306.b. Local Governments,
- 2) Rule 306.c. Colorado Parks and Wildlife,
- 3) Rule 306.d. Colorado Department of Public Health and Environment,
- 4) Rule 1202. Consultation, and
- 5) Rule 1203. General Operating Requirements in Sensitive Wildlife Habitat and Restricted Surface Occupancy Areas

FURTHER, Surface Owner does not, and in the future, shall not consent to any permit-specific conditions of approval for wildlife habitat protection under the Rules, including any permit-specific conditions for wildlife habitat protection that modify, add to, or differ materially from the general operating requirements in Rules 1203 and 1204.

FURTHER, nothing contained in this Waiver shall waive an Operator's requirement to consult with Surface Owner under the provisions of Rule 306.a. As required under Rule 306.a., Operator shall consult in good faith with Surface Owner, or Surface Owner's appointed agent as provided for in Rule 305 in locating roads, production facilities, and well sites, or other oil and gas operations, and in preparation for reclamation and abandonment. Such consultation shall occur at a time mutually agreed to by the parties prior to the commencement of operations with heavy equipment upon the lands of Surface Owner. Surface Owner or appointed agent may comment on preferred locations for wells and associated production facilities, the preferred timing of oil and gas operations, and mitigation measures or Best Management Practices to be used during Oil and Gas Operations.

SURFACE OWNER

Gene Dewhurst

V.P. - FINANCE

FALCON SEABOARD DIVERSIFIED, INC.