

## SURFACE USE AGREEMENT

THIS AGREEMENT is made and entered into this 23<sup>rd</sup> day of August, 2016, by and between Ronald D. Funk, Trustee of Trust A of the Ronald D. Funk Trust, hereinafter called Grantor, and Grand Mesa Operating Company, hereinafter called Grantee. For and in consideration of the sum of [REDACTED] and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee agree to the following terms and conditions in connection with the drilling of the War Wagon #1-24 Well to be drilling on lands owned by Grantor situated in Washington County, Colorado, described as follows, to-wit:

Township 5 South, Range 54 West  
Section 24: NE/4

Grantor and Grantee agree that in the event of drilling operations on the above-captioned lands, which lands are currently enrolled in the Federal Government CRP Program, Grantee will at its own expense re-seed all areas that have been disturbed by its operations, including the wellsite drilling pad and the ingress/egress road. In the event that Grantee completes said well as a well capable of production in paying quantities, Grantee agrees to pay any penalties imposed by the removal of lands disturbed by its operations for the drilling, completing, laying lines and ingress/egress road from the CRP Program as outlined in its rules and regulations and will coordinate that payment process with the Washington County FSA office. Grantee agrees to coordinate the drilling requirements, maintenance, inspection and approval of seed choice and re-seeding with the Washington County FSA office. In the event that cattle are introduced to these lands in the future, during a drought condition, Grantee agrees to install a cattle guard at the ingress/egress onto these lands as well as install fencing around the pumping unit and production facility to protect any livestock.

The provisions of this Surface Use Agreement shall extend to and be binding upon the heirs, personal representatives, successors and assigns of the Grantor named herein.

IN WITNESS WHEREOF, the undersigned Grantor has accepted all of the terms and provisions of the Surface Use Agreement as of the date shown above.

TRUST A OF THE RONALD D. FUNK TRUST

By: Ronald D. Funk  
Ronald D. Funk, Trustee

STATE OF COLORADO )  
 ) ss  
COUNTY OF Arapahoe )

Before me, the undersigned, a Notary Public, within and for said County and State on this 23rd day of August, 2016, personally appeared Ronald D. Funk, Trustee of Trust A of the Ronald D. Funk Trust, to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as a free and voluntary act and deed for the uses and purposes therein set forth, and at the same time the affiant was by me duly sworn to the foregoing Surface Use Agreement.

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

MY COMMISSION EXPIRES:

05/12/2020

Kasyna Gazotti  
Notary Public

