

## SURFACE USE AGREEMENT

THIS AGREEMENT is made and entered into this FOURTH day of AUGUST, 2017, by and between Erin E. Burkett and Michael J. Burkett, hereinafter called Grantor, and Grand Mesa Operating Company, hereinafter called Grantee. For and in consideration of the sum of

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 Yosemite #1-3 Well to be drilled on lands owned by Grantor situated in Lincoln County, Colorado, described as follows, to-wit:

Township 8 South, Range 55 West  
Section 3: SE/4

For the consideration herein above paid, the Grantor does hereby agree to protect, indemnify and save Grantee, its employees, agents and contractors free and harmless from any and all claims, damages, demands and causes of action arising directly or indirectly in connection with the above-mentioned operations and to relieve Grantee, its employees, agents and contractors from any and all liability incurred directly or indirectly as a result of such operations.

The Grantor, does hereby further agree that the payment and acceptance of the consideration set forth above is in full and complete payment, settlement, compromise and satisfaction of any and all losses, liabilities, claims, damage, demands and causes of action accrued or accruing to the Grantor, their respective employees and/or tenants arising directly or indirectly in connection and contractors and that such payment is in no way an admission of liability by Grantee, its employees, agents and contractors.

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.

Erin E. Burkett  
Erin E. Burkett

Michael J. Burkett  
Michael J. Burkett

STATE OF Colorado )  
 ) ss  
COUNTY OF El Paso )

Before me, the undersigned, a Notary Public, within and for said County and State on this 4<sup>th</sup> day of August, 2017, personally appeared Erin E. Burkett and Michael J. Burkett, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they 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 affiants were 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:

02-16-2020

Andrey Leon  
Notary Public

