

## MEMORANDUM OF SURFACE USE AGREEMENT

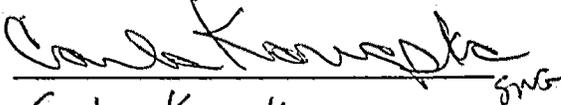
This MEMORANDUM OF SURFACE USE AGREEMENT (this "Memorandum") is to impart notice to all persons of the Surface Use Agreement for the purpose of oil and gas exploration, development, and production operations (the "Agreement") dated December 17, 2010, by and between **Anheuser-Busch, Incorporated**, whose address is One Busch Place, St. Louis, MO 63118, as surface owner, and **Anadarko E&P Company, LP**, whose address 1099 18<sup>th</sup> Street, Denver, CO 80202, as operator. **Enerplus Resources (USA) Corporation** is the successor in interest of Anadarko E&P Company, LP.

The surface estate subject to the Agreement is identified on the Exhibit "A", which is attached to and made a part of this Memorandum.

This Memorandum, the Agreement and all rights and covenants in connection therewith shall run with the land and shall be binding upon the parties hereto and their respective successors and assigns.

Dated this 19<sup>th</sup> day of December, 2017.

**Enerplus Resources (USA) Corporation:**

By:   
Name: Carla Konopka  
Title: Land Manager, US Operations

**Exhibit "A"**

Attached to and made a part of that certain Memorandum of Surface Use Agreement, dated December 19<sup>th</sup>, 2017 to impart notice to all persons of the Surface Use Agreement by and between **Anheuser-Busch, Incorporated** and **Anadarko E&P Company, LP** which is dated December 17<sup>th</sup>, 2010.

**Legal Description of Surface Estate:****Township 8 North, Range 67 West, 6th P.M.**

**Section 20:** W/2, less and except any lands used for the Laramie Poudre Canal and all instruments pertaining to ditches or canals owned by the Tunnel Water Company or any other Ditch Company, SE/4

**Section 22:** All

**Section 26:** W/2

**Section 28:** NW/4, W/2NE/4, SE/4NE/4, N/2SW/4, N/2SE/4

**Section 30:** Lots 1 (39.37), 2 (39.32), E/2NW/4, less and except a strip of land 100 feet in width as conveyed to the Laramie-Poudre and Irrigation Company, a corporation, by deed recorded November 16, 1908 in Book 250, Page 527, Weld County Records, more particularly described as follows: Commencing at a point on the west Section line 985 feet N 0° 39' E of the west ¼ corner of the Section, thence a strip of land 100 feet wide, being 60 feet to the right and 40 feet to the left of the following described line; thence S 27° 30' E 97 feet, thence S 23° 0' E 100 feet, thence S 27° 0' E 50 feet, thence S 35° 0' E 50 feet, thence S 43° 0' E 50 feet, thence S 52° 0' E 650 feet, thence S 49° 02' E 412 feet to a point on the east and west ¼ line, 1005 feet N 89° 20' E of the West ¼ of said Section 30, said excepted tract containing 3.25 acres, more or less, NE/4, all of the S/2 lying east of the Greeley Poudre Canal

**Section 32:** N/2, less and except a 17 acre tract of land conveyed to the Laramie Poudre Reservoir and Irrigation Co. by Quit Claim Deed recorded 4/13/1910, in Book 270, Page 548, Weld County Records, described as a strip of land through the S/2 of the NW/4 of Section 32, more particularly described as follows: Commencing at a point N 0° 8' E 490 feet from the W 1/4 corner of said Section 32, thence a strip of land 300 feet wide, 200 feet to the right and 100 feet to the left of the following line, N 87° 15' E 1033 feet, thence N 80° 15' E 1033 feet; thence N 80° 0' E 900 feet; and beginning at said last mentioned point, a strip of land 100 feet wide, being 60 feet to the right and 40 feet to the left of the following line, N 86° 0' E 100 feet; thence S 82° 0' E 100 feet; thence S 76° 0' E 539 feet to a point on the North and South ¼ line and 558.5 feet from the SE corner of the NW/4 of said Section 32, also less and except a 6.92 acre tract of land and a 6.19 acre tract of land conveyed to the Greeley-Poudre Irrigation District, a public corporation by Deed recorded 10/30/1922 in Book 690, Page 178, more particularly described as follows: A strip of land through the NE/4 of Section 32, described as follows: Commencing at a point 0° 8' E 558.5 feet from the SW corner of the NE/4 of Section 32, thence a strip of land 100 feet wide, 60 feet to the right and 40 feet to the left of the following described line:

S 76° 0' E, 361 feet;

Thence S 71° 0' E 100 feet;

Thence S 66° 0' E 200 feet;  
 Thence S 71° 30' E 50 feet;  
 Thence S 82° 30' E 50 feet;  
 Thence N 88° 30' E 50 feet;  
 Thence N 77° 0' E 550 feet;  
 Thence N 72° 0' E 50 feet;  
 Thence N 62° 0' E 50 feet;  
 Thence N 52° 0' E 50 feet;  
 Thence N 42° 0' E 50 feet;  
 Thence N 42° 0' E 50 feet;  
 Thence N 52° 0' E 50 feet;  
 Thence N 62° 0' E 50 feet;  
 Thence N 72° 0' E 50 feet;  
 Thence N 82° 0' E 50 feet;  
 Thence S 88° 0' E 50 feet;  
 Thence S 78° 0' E 50 feet;  
 Thence S 68° 0' E 50 feet;  
 Thence S 63° 0' E 300 feet;  
 Thence S 70° 0' E 50 feet;  
 Thence S 84° 0' E 50 feet;  
 Thence N 82° 0' E 50 feet;  
 Thence N 75° 0' E 250 feet;  
 Thence N 68° 30' E 50 feet;  
 Thence N 58° 30' E 50 feet;  
 Thence N 49° 0' E 200 feet;  
 Thence N 47° 0' E 50 feet; to a point on the E. line of Section 32 and S 2° 0' W 2251 feet from the NE corner of Section 32, containing 6.92 acres, more or less, and a strip of land 100 feet wide, 60 feet to the right and 40 feet to the left the following described line: In the E/2 of the NE/4 of Section 32, commencing at a point 1454 feet S 2° 0' W from the NE corner of Section 32, Thence N 66° 0' W 5 feet, Thence N 44° 0' W 50 feet, and from this point a strip of land 150 feet in width being 110 feet upon the right and 40 feet upon the left of the following described center line, commencing at a point last above described:  
 Thence N 34° 0' W 100 feet;  
 Thence N 32° 0' W 100 feet;  
 Thence N 42° 0' W 100 feet;  
 Thence N 52° 0' W 100 feet;  
 Thence N 62° 0' W 100 feet;  
 Thence N 67° 0' W 250 feet;  
 Thence N 58° 0' W 50 feet;  
 Thence N 40° 0' W 50 feet;  
 Thence N 22° 0' W 50 feet;  
 Thence N 4° 0' W 50 feet;  
 Thence N 14° 0' E 50 feet;

Thence N 32° 0' E 50 feet;

Thence N 50° 0' E 50 feet;

Thence N 68° 0' E 50 feet;

Thence N 86° 0' E 50 feet;

Thence N 87° 0' E 350 feet;

Thence N 88° 0' E 50 feet;

Thence N 73° 0' E 50 feet

Thence N 73° 0' E 117 feet; to a point on the E line of Section 32 and 638.5 feet S 2° 0' W from the NE corner of Section 32, containing 6.19 acres, SW/4, less and except a tract of land conveyed to the Cactus Hill Ditch Company, more particularly described as follows: A strip of land 30 feet in width and more particularly described as follows, to wit: A strip of land lying parallel with and extending 15 feet on each side of the centerline of the Cactus Hill Ditch, from a point where the same crosses the West line of Section 32, Township 8 North, Range 67 West of the 6th P.M. (the said point being 304 feet south of the center of the West line of said Section 32) to a point where the said centerline crosses the South line of said Section 32 (the said point being 757 feet East of the Southwest corner of said Section 32), said excepted tract containing 1.87 acres, more or less, SE/4