

MEMORANDUM OF SURFACE USE AGREEMENT

This Memorandum of Surface Use Agreement (“Memorandum”) is entered into and effective this 15th day of November, 2024 (the “Effective Date”), by **ACP DIA 1287 Investors, LLC** (“Owner”), whose address for the purpose of this Memorandum is 4530 E Shea Blvd, Ste 100, Phoenix, AZ 85028-6066 and **Bison IV Properties Colorado, LLC** (“Operator”), with offices at 518 17th Street, Suite 1800, Denver, CO 80202.

WHEREAS, Owner is the owner of the surface of certain lands (the “Lands”) located in Adams County, Colorado, being described as follows:

SEE EXHIBIT A

WHEREAS, Owner and Operator did execute even with this date that certain Surface Use Agreement (the “Agreement”) to provide for Operator’s surface use of the Lands, and now the parties desires to place notice of such Agreement in the public record.

NOW, THEREFORE, this Memorandum is executed by Owner and Operator and placed of record in Adams County, Colorado for the purpose of placing all persons on notice of the existence of the Agreement. A true and complete copy of the Agreement is available from Operator to any person with an interest in the above-described Lands.

This Memorandum may be executed by facsimile or electronic mail (including scanned .pdf copies), in counterparts, each of which will be considered an original and enforceable against either Party.

[Remainder of page intentionally left blank. Signatures and Acknowledgements follow.]

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum effective as of the Effective Date.

Operator:
Bison IV Properties Colorado, LLC



Robert Pierini, EVP

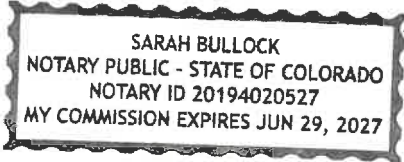
ACKNOWLEDGMENT

STATE OF COLORADO)
)ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me on this 14th day of November, 2024, by Robert Pierini, acting as EVP on behalf of Bison IV Properties Colorado, LLC.

Witness my hand and official seal.

My commission expires: June 29, 2027



(SEAL)



Notary Public

Exhibit A

Township 3 South, Range 65 West, 6th P.M.

Section 8: Those certain tracts of Parcel #: 01819082000015 located in the W2NW and NENW, outlined in red below

Adams County, Colorado

