

MEMORANDUM OF  
SURFACE USE AGREEMENT

WHEREAS on the 12 day of January, 2010, the undersigned, Gary and Theresa A. Newton, whose address is 19473 CR 35, Eckley, CO 80727, hereinafter referred to as "Owner" entered into Surface Use Agreement, hereinafter the "Agreement", with Rosetta Resources Operating LP, whose address is 1200 17th Street, Suite 700, Denver, Colorado, 80202, hereinafter referred to as "Operator", covering and affecting property with the legal description more particularly described as follows:

Township 1 South, Range 45 West, 6<sup>th</sup> P.M.  
Section 18: NE¼

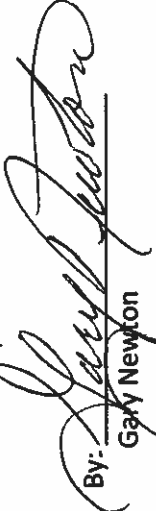
CONTAINING 160 acres more or less

WHEREAS said Agreement provides for, among other things, the right to enter upon and use the Owner's Property for the purpose of erecting and maintaining pipeline and/or well site locations and to perform other services as operator and other functions described in the Agreement, and it also sets forth payment of a specific amount to cover damages resulting therefrom. The Agreement, with all of its terms, conditions, covenants and other provisions, is referred to and incorporated into this Memorandum for all purposes.

NOW THEREFORE this Memorandum is placed of record for the purpose of giving notice of the Agreement. Any person having the lawful right or legitimate interest therein may examine a copy of the Agreement in Rosetta Resources Operating LP's office during normal business hours.

IN WITNESS WHEREOF, the parties hereto have executed this instrument this 6 day of January, 2010.

Owner: Gary Newton

By:   
Gary Newton

Theresa A. Newton

By:   
Theresa A. Newton

ROSETTA RESOURCES OPERATING LP

By Rosetta Resources Operating GP, LLC  
Its general partner

By: \_\_\_\_\_

ACKNOWLEDGMENTS

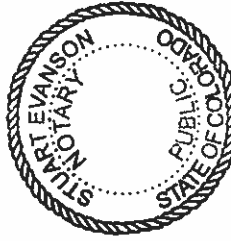
STATE OF COLORADO §  
COUNTY OF YUMA §

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this 12 day of January, 2010, personally appeared **Gary Newton**, to me known to be the person, described in and who executed the within and foregoing instrument of writing and acknowledged to me that he duly executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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

My Commission Expires Sept 21 2010

[Signature]  
Notary Public



Address: PO Box 263 Wray, CO 80158

STATE OF COLORADO §  
COUNTY OF YUMA §

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this 12 day of January, 2010, personally appeared **Theresa A. Newton**, to me known to be the person, described in and who executed the within and foregoing instrument of writing and acknowledged to me that he duly executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

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

My Commission Expires Sept 21 2013

[Signature]  
Notary Public



Address: PO Box 263 Wray, CO 80158

STATE OF TEXAS §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ of Rosetta Resources Operating GP, LLC, a Delaware limited liability company, as general partner of Rosetta Resources Operating, LP, a Delaware limited partnership, on behalf of said limited liability company and said partnership.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Address of Notary Public:

\_\_\_\_\_  
\_\_\_\_\_