

MEMORANDUM OF SURFACE USE AGREEMENT

WHEREAS on the 17 day of December, 2009, the undersigned, Kathleen Carter, whose address is 27 N Driver Ct. Pagosa Springs, CO 81447, 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, 6th P.M. Section 17: N½ Less and except the following parcels:

Parcel 1: Commencing at the NW corner of Section 17 Thence N 90°00'00"E 1801.5' TO Point of Beginning, Thence S 0°00'00"W 30.4', Thence S 56°56'40"E 261', Thence S 53°41'50"E 237.2', Thence S 42°02'00"E 492.1', Thence S 27°45'00"E 161.2', Thence N 33°36'00"E 294.4', Thence N 36°17'10"E 142.6', Thence N 32°26'00"E 64', Thence N 49°42'00"E 219.9', Thence N 52°58'00"E 204', Thence N 64°17'40"E 226.4', Thence N 0°00'00"E 43.7', Thence S 90°00'00"W 1630.8' to point of beginning. CONTAINING 13.07 AC M/L

Parcel 2: Beginning at the NE Corner of SEC 17, Thence S 90°00'00"W 1106.8', Thence along an Arc of a horizontal circular curve to the right whose radius is 1344.8' & whose delta angle is 74°11'30" 1741.3' (Chord of Arc bears S 43°13'40"E 1622.2' in length) Thence N 0°12'20"W 1182' to point of beginning. CONTAINING 8.11 AC M/L

CONTAINING 298.82 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 17 day of Dec. 2009.

Owner: Kathleen Carter

ROSETTA RESOURCES OPERATING LP By Rosetta Resources Operating GP, LLC Its general partner

By: Kathleen Carter (Owner's name)

By: _____

