

**MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT**

This Memorandum of Surface Damage and Release Agreement is executed by Benzel Land L.L.P. whose address is 980 East Saddlehorn Road, Sedona, AZ 86351 ("Owner") and Encana Oil & Gas (USA) Inc., whose address is 370 17<sup>th</sup> Street, Suite 1700, Denver, Colorado 80202 ("Encana") And placed of record in Garfield County, Colorado for the purpose of placing all persons on notice of the existence of that certain unrecorded Surface Damage and Release Agreement between Owner and Encana dated the 29 day of DECEMBER, 2010 (the "Agreement").

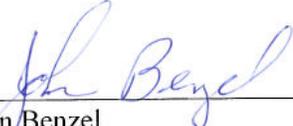
The Agreement provides for the use of the surface of the land described below by Encana in connection with certain oil and gas operations and for the compensation to Owner for all damages to the surface of the land associated with the drilling, construction, testing, completion, recompletion, reworking, re-entry, production, maintenance and operation of the well(s) and all pipelines, tank batteries, and other facilities or property of Encana or its affiliates associated with the well(s) located on the F-25BNW Well Pad to be located in:

TOWNSHIP 6 SOUTH, RANGE 93 WEST, 6<sup>TH</sup> P.M.  
SECTION 25: NW1/4

A true and complete copy of the Agreement is available from Encana to any person owning an interest in the above described land.

**BENZEL LAND L.L.P.**

**ENCANA OIL & GAS (USA) INC.**

By:   
John Benzel  
General Partner

By:   
Ricardo D. Gallegos  
Attorney-in-Fact DS  
RC

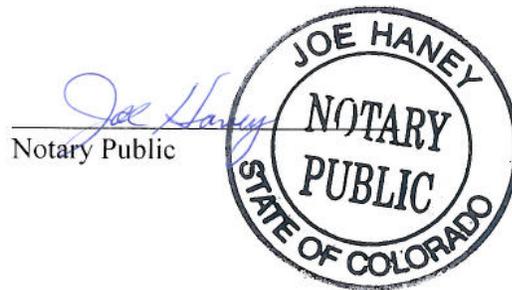
ACKNOWLEDGEMENTS

STATE OF COLORADO )  
 ) §  
COUNTY OF GARFIELD )

The foregoing instrument was acknowledged before me this 29 day of DECEMBER, 2010  
By John Benzel General Partner of Benzel Land L.L.P., known to be the person described in  
and who executed the foregoing instrument, and who acknowledged to me that he executed the  
same.

WITNESS my hand and official seal.

My Commission Expires: 9-30-13



STATE OF COLORADO )§  
 )  
CITY AND COUNTY OF DENVER )§

On this 5 day of January, 2011, before me personally  
appeared Ricardo D. Gallegos, known to me to be an Attorney-in-Fact for Encana Oil & Gas  
(USA) Inc. and that he executed the within and foregoing instrument, and acknowledged the said  
instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes  
therein set forth.

WITNESS my hand and official seal.

My Commission Expires: 6/11/12

Danielle Scott

Notary Public: Danielle Scott

Address: 370 17th St., Ste. 1700  
Denver, CO 80202



My Commission Expires 06/11/2012