

**DAMAGE WAIVER AND RELEASE FORM**

**KNOW ALL MEN BY THESE PRESENTS:**

That Ryan B. Niebur is the owner of the surface estate of the following described lands located in Washington County, Colorado:

Township 2 South, Range 51 West, 6<sup>th</sup> P.M.  
Section 23: All

Which lands are presently under lease to St. Croix Operating Inc., its agents, successors, and assigns. St. Croix Operating Inc., 1899 Wynkoop, Ste. 925, Denver, CO 80202 (hereinafter referred to as "St. Croix"), is the operator of record of the lands and is responsible and liable for all operations thereon.

Whereas, St. Croix Operating, Inc. plans to clear a well site on said premises and drill the Monty Niebur #1 Well, located in the NE/4NW/4 of Section 23 T2S R51W.

Now Therefore, in consideration of [ ] the receipt of which is hereby acknowledged, Monty Valgene Niebur, Agent for Ryan B. Niebur, does hereby release St. Croix Operating Inc. from any and all claims for damage which have arisen, or may arise from, out of, or in connection with any of its operations on the premises, and accepts the above payment as full compensation for all such damages.

In the event more than three acres is used for said wellsite access by St. Croix Operating Inc., or its assigns, St. Croix Operating, Inc. shall pay additional damages on a prorated basis of [ ] per acre.

It is specifically understood that the aforesaid dirtwork and excavation covers all damages arising from the use of the well location, pits, and the road thereto for the applicable well, but does not include any damages to the personal property or other property of the undersigned, nor for the drilling of any additional wells on the subject lands. It is further understood that Niebur or its tenant will not be liable for any claims resulting from injuries or any damages sustained by St. Croix, its subcontractors, or contractors during operation of said well.

IN WITNESS WHEREOF, this Agreement has been executed this 30 day of April, 2011

Monty Valgene Niebur  
Monty Valgene Niebur,  
Agent for Ryan B. Niebur, Surface Owner