

**MEMORANDUM OF  
SURFACE USE AGREEMENT**

WHEREAS, on the 22<sup>nd</sup> day of December, 2004, **Donald A. Epperly and Joan P. Epperly**, husband and wife, ("Owners") entered into a Surface Use Agreement with **Bill Barrett Corporation**, ("Operator"), covering the below described lands in Garfield County, Colorado.

Township 6 South, Range 92 West, 6<sup>th</sup> P.M.

Section 23: NW/4SW/4, SW/4SW/4, SE/4SW/4

**SEE ATTACHED EXHIBIT "A"**

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 well site location(s) for one (1) or more wells on Owner's land. Said agreement sets forth payment of specific amounts to cover damages resulting from the construction, use and maintenance of the well site locations(s). Said 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 Surface Use Agreement.

OWNERS:

X   
Donald A. Epperly

X   
Joan P. Epperly

OPERATOR:

Bill Barrett Corporation

  
Name: HUNTINGTON T. WALKER

Title: VICE PRESIDENT - LAND

493  
1511  
(3)

ACKNOWLEDGEMENTS

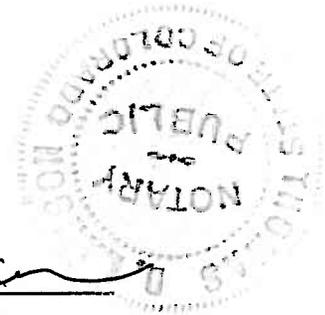
State of COLORADO )  
 ) §  
County of GARFIELD )

On this 22<sup>nd</sup> day of December, 2004, before me personally appeared Donald A. Epperly and Joan P. Epperly, husband and wife, known to me to be the person(s) described in and who executed the foregoing instrument, and who acknowledged to me that they executed the same.

(SEAL)

My Commission expires:  
11/07/2005

Notary Public  
Teri V. Jan  
Address: P.O. Box 1223  
Glenwood Springs, CO 81602



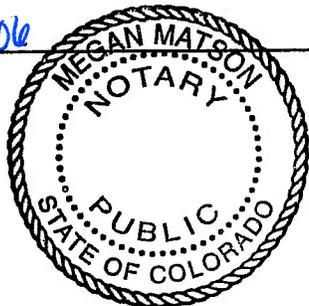
State of COLORADO )  
 ) §  
City and County of DENVER )

On this 7<sup>th</sup> day of JANUARY, 2004, before me personally appeared, HUNTINGTON T. WALKER-VPIANID for Bill Barrett Corporation, known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that he executed the same.

(SEAL)

My Commission expires:  
3/1/2006

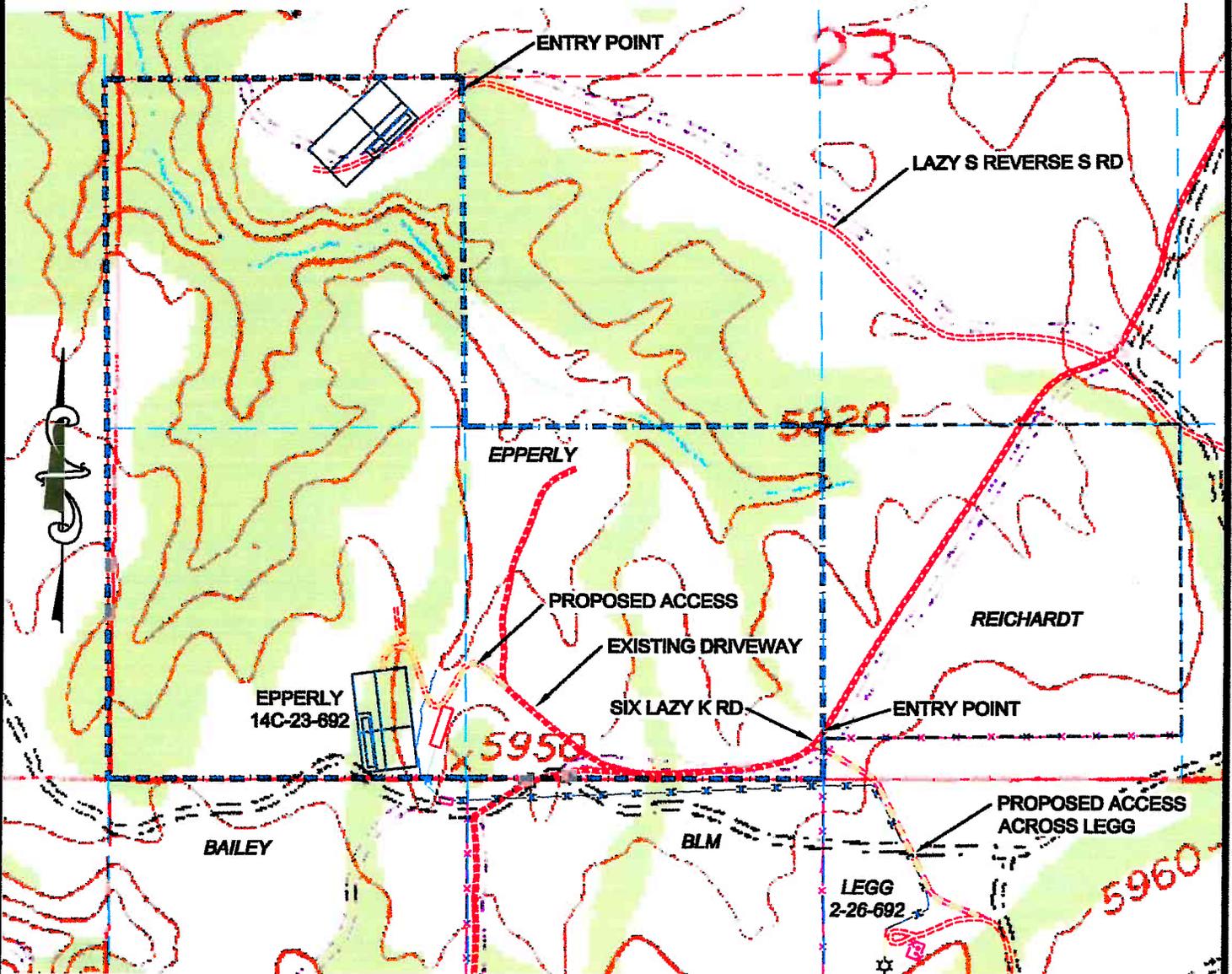
Notary Public  
Meghan  
Address: 1099 18<sup>TH</sup> ST. STE 2300  
DENVER CO. 80202



My Commission Expires 3/1/2006

# EXHIBIT "A"

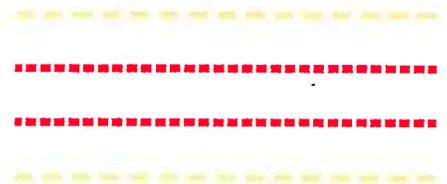
Attached to and made part of that certain Memorandum of Surface Use Agreement dated December 22, 2004, by and between Donald A. Epperly and Joan P. Epperly, husband and wife, (Owner) and Bill Barrett Corporation (Barrett), covering certain lands in Township 6 South, Range 92 West, 6th P.M. Section 23: NW/4SW/4, SW/4SW/4, SE/4SW/4, Garfield County, Colorado



**ACCESS FOOTAGES:**

- ±925' OF PROPOSED ACCESS ON LEGG
- ±685' OF EXISTING ACCESS ALONG 6 LAZY K ROAD ON EPPERLY PROPERTY
- ±575' OF EXISTING ACCESS ON EPPERLY
- ±750' OF PROPOSED ACCESS ON EPPERLY

**LEGEND:**



 <p><b>ECLIPSE</b> surveying 1874 SIX LAZY K RD, NEW CASTLE, CO 81647 (970) 626-4666</p>	SCALE: 1" = 600'	 <p><b>Bill Barrett Corporation</b></p> <p>SEC. 23, T. 6 S., R. 92 W. of the 6TH P.M. GARFIELD COUNTY, COLORADO</p>
	DATE: 12/22/04	
	SHEET: 1 of 1	
	FILE: EPPERLY ACCESS	