

**DAMAGE PAYMENT RECEIPT AND WAIVER**



**KNOW ALL MEN BY THESE PRESENTS:**

The undersigned represents and warrants to be the Owner of a portion of the NE/4 of Section 28-T11N-R61W, Weld County, Colorado, and that for and in consideration of the payment of Three Thousand Dollars (\$3,000.00) by Walsh Production, Inc., hereinafter referred to as "WPI", which payment will be tendered to Owner prior to building the drillsite location, does hereby release, discharge and acquit said WPI from all liability to the undersigned for damages claimed by the undersigned arising or caused by the drilling, completing, surface and drilling pit reclamation, setting of pumping unit and/or other method of producing, burying of lines, constructing battery facility and road for the Fabrizio #1-28 Well to be located in the NENE of Section 28-T11N-R61W, Weld County, Colorado.

If cattle will be present in the pasture during drilling operations WPI agrees to fence the pits for the drilling rig and install cattle guards as needed. Drilling mud will be allowed to dry in the open pits prior to burial and final reclamation. All disturbed fencing will be repaired to landowners satisfaction.

The undersigned hereby waive the minimum thirty (30) day written drilling notice requirement for the Fabrizio #1-28 Well as set forth in the Colorado Oil and Gas Conservation Commission's Rule 305 b. (1)

The undersigned hereby acknowledges that the drilling consultation requirement for the Fabrizio #1-28 Well, as set forth in the Colorado Oil and Gas Conservation Commission's Rule 306 a., has taken place.

EXECUTED this 22 day of Sept 2005.

**SURFACE OWNER**

William F. Fabrizio  
William F. Fabrizio

**OPERATOR**

WALSH PRODUCTION, INC.

Dean R. Gackle  
By: Dean R. Gackle, Vice President

**Fabrizius #1-28 Section 28-T11N-R61W, Weld County, Colorado**