

October 1, 2011

Simon Farms  
18500 County Road 30.5  
Stratton, CO 80836

Re: Waiver of Surface Owner Rights  
Well: Little Bear 44-28  
Location: 1,032' FSL, 827' FEL  
Township 13 South North, Range 46 West, of the 6<sup>th</sup> P.M.  
Section 28: Lots 9, 10, 15 and 16 (a/d/a SE ¼)  
Cheyenne County, Colorado

I am the surface owner of the above captioned lands, including 160.81 acres m/l. I acknowledge that I have been consulted as to the proposed well site for the Little Bear 44-28 well site, which is 1,032' FSL, 827' FEL, on said lands.

I further acknowledge that I have entered into a Surface Use and Rental Agreement with Vecta Oil & Gas, Ltd., Operator of the proposed well, under which terms Vecta will conduct drilling operations on said lands.

Because Vecta's use and occupancy of the surface of said lands are provided for and agreed to under terms of the aforementioned Surface Use and Rental Agreement, I agree to waive all surface owner's rights, with regard to Notices, Comment Periods, Consultations and Appeal of a Decision of Approval, specifically as they relate to the Application for Permit-to-Drill, provided for under Colorado Oil Gas Conservation Commission Rules 305 and 306. It is understood that this waiver is intended solely to expedite the Application for Permit-to-Drill process, thus enabling Vecta to commence drilling operations as soon as possible, and shall in no way act as a waiver of any terms provided for in the referenced Surface Use and Rental Agreement.

This Agreement and Waiver is executed this 9<sup>th</sup> day of DECEMBER, 2011, to be effective the date first above written.

**Simon Farms, a partnership**

By: David M. Simon (Part)  
David M. Simon, Partner

By: Theodore J. Simon  
Theodore J. Simon, Partner