

## MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT

Pursuant to the terms of that certain unrecorded Surface Damage and Release Agreement dated effective the 30th day of April, 2012 between the undersigned, and subject to the conditions set forth therein, Encana Oil & Gas (USA) Inc. ("Encana") with an address at 370 17th Street, Suite 1700, Denver, Colorado 80202, and Nona Powell whose address is P.O. Box 160 Rangely, CO 81648, agreed to the location of one or more oil and gas wells ("Wells") and payment for damages to the surface of the lands ("Lands") connected with the access to and the drilling, construction, completion, recompletion, reworking, re-entry, production, maintenance and operations of the Wells and associated pipelines, tank batteries, compression facilities, and other facilities or property of Encana associated with the wells and the compressor facility and located on the following Lands:

Township 4 South, Range 101 West, 6<sup>th</sup> P.M.  
Section 23: S/2NE/4, W/2SE/4

Rio Blanco, Colorado

This Memorandum of Surface Damage and Release Agreement is executed by Owner and Encana and placed of record in Rio Blanco County, Colorado for the purpose of placing all persons on notice of the existence of the Agreement.

In witness whereof this instrument is executed effective the 1 day of May, 2012.

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

By: 

Ricardo D. Gallegos,  
VP, Bus. Dev. – Negotiations  
& Lead Rockies & Intl. Land

*VKD*

**OWNER: NONA POWELL**

By: 

Nona Powell

ACKNOWLEDGEMENTS

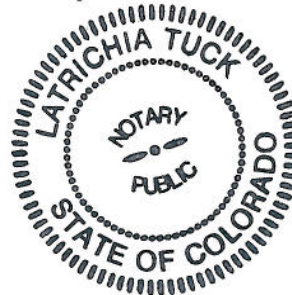
State of Colorado )  
 ) §  
County of Rio Blanco )

The foregoing instrument was acknowledged before me this 1 day of May, 2012, by Dona Powell, known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that she executed the same.

WITNESS my hand and official seal.

My Commission Expires: 12/16/2014

Latrichia Tuck  
Notary Public



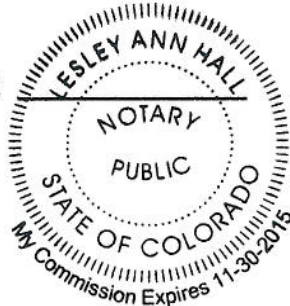
STATE OF COLORADO §

CITY AND COUNTY OF DENVER §

On this 2nd day of May, 2012, before me personally appeared Ricardo D. Gallegos, known to me to be VP, Bus. Dev. – Negotiations & Lead Rockies & Intl. Land 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:



Notary Public: Lesley Ann Hall  
Address: \_\_\_\_\_