



201222045 5/15/2012 12:30 PM
1 of 2 MEM R\$16.00 DS\$0.00

Lila Herod
Moffat County Clerk

MEMORANDUM OF SURFACE USE AGREEMENT

WHEREAS, The Robert Vail Barnes Trust ("Surface Owner", whether one or more) is the owner of the surface estate in the following described real property (the "Lands"):

Township 6 North, Range 92 West, 6th P.M.
Section 1: Lot 5 (40.06 acres), SE/4NE/4, NE/4SE/4; and

WHEREAS, Quicksilver Resources Inc. ("Operator") owns several Oil and Gas Leases (the "Leases"), which cover the Lands, among other property, and which are more fully described on the attached Exhibit "A", and

WHEREAS, Surface Owner and Operator have heretofore entered into that certain unrecorded Surface Use Agreement dated May 4, 2012, covering the Lands for the purpose of defining the terms and conditions under which Operator or its assigns, as working interest owner under the Leases, may enter the Lands for the purposes described in the Leases,

NOW, THEREFORE, the undersigned executes this instrument for the purpose of providing record notice to third parties of the existence of an agreement governing the use of the surface of the Lands for operations under the Leases.

IN WITNESS WHEREOF, this Memorandum of Surface Use Agreement has been executed this 5th day of May, 2012.

QUICKSILVER RESOURCES INC.

By: 
Clay Blum, VP – US Land

STATE OF TEXAS §
§
COUNTY OF TARRANT §

The foregoing instrument was acknowledged before me this 8 day of May, 2012, by Clay Blum, as VP – US Land on behalf of Quicksilver Resources Inc., a Delaware Corporation.




Notary Public, State of Texas

After Recording, Please Return To:
Quicksilver Resources Inc.
801 Cherry St., Ste. 3700, Unit 19
Fort Worth, Texas 76102
Attn: Oscar Duarte



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EXHIBIT "A"

Attached to and made a part of the Memorandum of that certain Surface Use Agreement by and between The Robert Vail Barnes Trust, as Surface Owner, and Quicksilver Resources Inc., as Operator, dated May 4, 2012.

LEASES

LESSOR: U.S. AgBank, FCB fka Farm Credit Bank of Wichita
LESSEE: Diamond Resources Co.
DATED: June 30, 2009
RECORDED: Reception #20094272 of the Official Public Records of Moffat County, Colorado

LESSOR: U.S. AgBank, FCB fka Farm Credit Bank of Wichita
LESSEE: Diamond Resources Co.
DATED: July 15, 2009
RECORDED: Reception #20094273 of the Official Public Records of Moffat County, Colorado

LESSOR: Kenneth A. Carlson, a married man dealing in his sole and separate property
LESSEE: GFL & Associates, LLC
DATED: April 20, 2009
RECORDED: Reception #20091767 of the Official Public Records of Moffat County, Colorado

LESSOR: William D. Carlson, a married man dealing in his sole and separate property
LESSEE: GFL & Associates, LLC
DATED: April 20, 2009
RECORDED: Reception #20091766 of the Official Public Records of Moffat County, Colorado

LESSOR: Robert J. Carlson, a married man dealing in his sole and separate property
LESSEE: GFL & Associates, LLC
DATED: April 20, 2009
RECORDED: Reception #20091765 of the Official Public Records of Moffat County, Colorado