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MEMORANDUM OF SURFACE AND DAMAGE AGREEMENT

WHEREAS on the 14TH day of Sept., 2005 **Shideler Land and Cattle Company, L.L.C.**, ("**Owner**") entered into a Surface and Damage Agreement with **EnCana Oil & Gas (USA) Inc.**, ("**Operator**"), covering a well site located in the SW1/4SE1/4 of Section 31, Township 7 South, Range 92 West, 6th P.M., Garfield County, Colorado.

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 a well site location for one (1) or more wells, together with a right-of-way and easement on Owner's land to maintain the well site. Said agreement sets forth payment of specific amounts to cover damages resulting from the construction, use and maintenance of the well site and access road. 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 and Damage Agreement.

Owner:
Shideler Land and Cattle Company, L.L.C.

Benjamin Paul Shideler, Manager

Operator:
EnCana Oil & Gas (USA) Inc.

By: [redacted]
Douglas W. Jones, Attorney-In-Fact

State of Colorado)
) §
County of Garfield)

On this 14TH day Sept., 2005, before me personally appeared Benjamin Paul Shideler, Manager, 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: 6-19-08 Notary Public: Richard L. Hayes

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State of Colorado)
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City and County of Denver)

On this 29th day of June, 2006, before me personally appeared, Douglas W. Jones, [redacted] Attorney-in-Fact for EnCana Oil & Gas (USA) Inc., 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: 11-2-09 Notary Public: Francois J. Goyer

FRANCOIS J. GOYER
NOTARY PUBLIC
STATE OF COLORADO

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Stan EnCana Oil & Gas, Inc.
Land Department
2717 County Road 215, Suite 100
Parachute, CO 81635
0-31E #447