

MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT

Pursuant to the terms of that certain unrecorded Surface Damage and Release Agreement dated effective the 15th day of July, 2009 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 Ruth M. Martin, ("Owner") with an address at 8592 County Road 24 Fort Lupton, CO 80621, agreed to the location of a Well and payment for damages to the surface of Land connected with the access to and the drilling, construction, completion, recompletion, reworking, re-entry, production, maintenance and operations of a Well and associated pipelines, tank batteries and other facilities or property of EnCana associated with the well and located on the following Land:

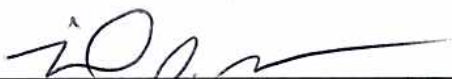
TOWNSHIP 2 North, RANGE 67 West, 6th P.M.
Section 9: NE1/4
Weld County, Colorado


The Sprague 6-0-9 Well will be drilled from the Sprague 4i-9 Well padsite located in the NE1/4 NE1/4.

This Memorandum of Surface Damage and Release Agreement is executed by Owner and EnCana and placed of record in Weld 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 8th day of July 2009.

ENCANA OIL & GAS (USA) INC.

By: 
Ricardo D. Gallegos, Attorney-in-Fact

OWNER: 
Ruth M. Martin

ACKNOWLEDGMENTS

STATE OF COLORADO)
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CITY AND COUNTY OF DENVER)

On this 24th day of July 2009, before me personally appeared Ricardo D. Gallegos who executed the within and foregoing instrument as Attorney-in-Fact of EnCana Oil & Gas (USA) Inc. on behalf of the corporation, and acknowledged the instrument to be the free and voluntary act and deed of the corporation for the uses and purposes therein set forth

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

My Commission Expires _____
(SEAL)



Notary Public: 

STATE OF COLORADO

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COUNTY OF WELD

On this 15th day of July, 2009, before me personally appeared Ruth M. Martin known to me to be the person who executed the within and foregoing instrument, and acknowledged that he/she executed said instrument as his/her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

My Commission Expires: June 30th, 2013

(SEAL)

Notary Public:


Doug Pearlman

