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RECORDER'S MEMORANDUM  
THIS DOCUMENT WAS FOUND  
TO BE INADEQUATE FOR  
SCANNING PURPOSES.

3811918 12/14/2011 11:19A Weld County, CO  
1 of 3 R 21.00 D 0.00 Steve Moreno Clerk & Recorder

**MEMORANDUM OF SURFACE USE AGREEMENT  
(Diamond Valley SW Area)**

State: Colorado  
County: Weld  
Operator: Tekton Windsor, LLC  
Operator's Address: 640 Plaza Drive, Suite 290, Highlands Ranch, CO 80129  
Surface Owner: Vima Partners, LLC  
Surface Owner's Address: 1625 Pelican Lakes Point, Suite 210, Windsor, CO 80550  
Effective Date: November 14, 2011

Notice is hereby given that Operator and Surface Owner, named above, (hereinafter collectively, the "Parties") entered into a confidential Surface Use Agreement including exhibits attached thereto, dated effective November 14, 2011, (hereinafter, the "SUA") which covers lands located in the County and State named above, more fully described as follows:

Surface Use Area

Township 6 North, Range 67 West, 6<sup>th</sup> P.M.

Section 22: Lot 5, Diamond Valley 4<sup>th</sup> Filing (Portion of SW/4)

As generally depicted on Exhibit "A" attached hereto.

The SUA contains the terms and conditions regarding the drilling of oil and gas wells and use of the surface including, but not limited to, drilling and production activities, workovers, well deepenings, recompletions, fracturing and replacement wells along with the access roads thereto and easements associated with flowlines, gathering lines and pipelines. Such roads, flowlines, gathering lines and pipelines may be located outside of the Surface Use Area and will be described in recorded Grants of Easement subsequent to construction.

The terms, covenants and conditions of the SUA shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

The SUA between them may be amended and supplemented from time to time in the future, and any inquiry as to the contents of the SUA should also include an inquiry as to the contents of any and all such amendments and supplements.





Lat40°, Inc. 1635 Foxtrail Drive, Suite 325 Loveland, CO 970-776-3321

# EXHIBIT "A"

## PROPOSED DIAMOND VALLEY (13) WELL PAD

SECTION: 22  
TOWNSHIP: 6N  
RANGE: 67W  
1/4,1/4: SE1/4SW1/4



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