

incremental

OIL AND GAS

L T D

January 7, 2013

Mrs. Patty Bond
Emma A. Early Trust
5059 Keil Coulee Road
LaCrosse, WI 54601

Re: Surface Use Agreement and Rule 306 Consultation
Grouper 09-28 Well
Township 19 South, Range 69 West, 6th PM
Section 28: N2NESE

Dear Mrs. Bond,

As we discussed on the phone last month, Incremental Oil and Gas recently staked a potential well location on the surface of your lands in the section referenced above.

We have prepared a plat of the location we staked on your surface, and plan to move forward with an application to the COGCC for a permit to drill at this location. We are on a short time frame with this well, as a drilling rig has become available unexpectedly in early February. We desire to get your approval for this location, and to enter in to a Surface Use and Damages Agreement with you at the earliest possible opportunity. We would be glad to meet you at the proposed location for a COGCC Rule 306 Consultation if you so desire. Please indicate your preference for a consultation in the space provided at the end of this letter.

I have enclosed duplicate originals of a Surface Use and Damages Agreement for your review. Exhibit B to the agreement contains the plat of the location, as well as an aerial photo of the location. Please execute both copies of the agreement and this letter and return one original of each to me in the enclosed stamped and self-addressed envelope. Of course, please contact me if you have any questions or comments about any of the terms and provisions of the agreement. My contact information is at the bottom of this letterhead.

I have also enclosed a set of documents we obtained from the Fremont County Public Records. This set is a copy of all of the title documents of record regarding the trust's interests. If you need additional assistance with this, please let me know.

Best regards,



Sharon Regan-Williams

☐ The Emma A. Earley Trust requests a COGCC Rule 306 Consultation on the proposed location
☒ The Emma A. Earley Trust waives a COGCC Rule 306 Consultation on the proposed location

By: Emma A. Early, Trustee for the Emma A. Earley Trust Date: 1-10-13