

**MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT AND
EASEMENT AND RIGHT OF WAY AGREEMENT**

This Memorandum of Surface Damage and Release Agreement and Easement and Right of Way Agreement is executed by James L. Rose, whose address is 7665 County Road 319, Rifle, Colorado 81650 ("Owner") and Encana Oil & Gas (USA) Inc., 370 17th, Suite 1700, Denver, Colorado 80202 ("Operator") and placed of record in Garfield County, Colorado for the purpose of placing all persons on notice of the existence of that certain unrecorded Surface Damage and Release Agreement and Easement and Right of Way Agreement between Owner and Operator dated the May 10, 2013 (the "Agreement").


The Agreement provides for the use of the surface of the land described below by Operator in connection with certain oil and gas operations and for the compensation to Owner for all damages to the surface of the land associated with the drilling, construction, testing, completion, recompletion, reworking, re-entry, production, maintenance and operation of the well(s) and all pipelines, tank batteries, and other facilities or property of Operator or its affiliates associated with the well(s) located on the K22W well pad, to be located in:

Township 7 South, Range 93 West, 6th P.M.
Section 22: NW/4SW/4 and W2NWSE
Garfield County, Colorado

A true and complete copy of the Agreement is available from Operator to any person owning an interest in the above described land.

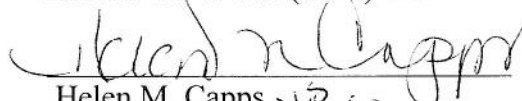
OWNER

James L. Rose


James L. Rose

OPERATOR

Encana Oil & Gas (USA) Inc.


Helen M. Capps
Attorney-in-Fact

ACKNOWLEDGEMENTS

STATE OF Colorado)
)ss:
COUNTY OF Garfield)

The foregoing instrument was acknowledged before me this 10th day of May 2013, by **James L. Rose** known to be the persons described in and who executed the foregoing instrument, and who acknowledged to me that they executed the same.

WITNESS my hand and Official Seal.



County

Paul B. Rose

Notary Public in and for said State and

Residing at: _____

MY COMMISSION EXPIRES:

5/12/2016

STATE OF COLORADO)
)ss:
COUNTY OF DENVER)

On this 20th day of June 2013, before me personally appeared **Helen M. Capps**, known to me to be an **Attorney-in-Fact of Encana Oil & Gas (USA) Inc.**, and that she executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

April Jackson

Notary Public in and for said State and

Address: Denver, CO

MY COMMISSION EXPIRES:

