

AMENDMENT OF SURFACE USE AND EASEMENT AGREEMENT

THIS AGREEMENT AND AMENDMENT, made and entered into this 25th day of September 2013, by and between Henes Farms Limited Partnership, whose address is 13260 Road 29, Dolores, CO, 81323, hereinafter referred to as "Grantor," and Kinder Morgan CO2 Company, LP (Kinder Morgan), whose address is 1001 Louisiana, Suite 1000, Houston, TX 77002, hereinafter referred to as "Grantee".

WITNESSETH:

WHEREAS, a certain Surface Use and Easement Agreement dated August 9, 2013 was executed by Henes Farms Limited Partnership, ("Grantor") to Kinder Morgan CO2 Company, LP ("Grantee"), recorded as Reception Number 591055 in the real property records of Montezuma County, Colorado covering the following described lands in Montezuma County, Colorado:

Township 38 North, Range 19 West, N.M.P.M.
Section 27: Lots 3 and 5 (W1/2NW1/4)
Montezuma County, Colorado
(the "Land")

WHEREAS, there is an error in the legal description within the Surface Use and Easement Agreement; and

WHEREAS, the correct legal description for the proposed well location is in Township 38 North, Range 19 West, N.M.P.M., Section 27: Lots 4 and 5 (W1/2NW1/4), NOT Lots 3 and 5; and

WHEREAS, Henes Farms Limited Partnership and Kinder Morgan desire to amend the legal description within the Surface Use and Easement Agreement; and

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, and for the purpose of amending the legal description, it is now and hereby agreed, notwithstanding anything to the contrary in said Surface Use and Easement Agreement as originally executed, or as amended by any previous amendments, that the legal description shall read;

Township 38 North, Range 19 West, N.M.P.M.,
Section 27: Lots 4 and 5 (W1/2NW1/4)
Montezuma County, Colorado, (the "Land") .

Grantor acknowledges that said Surface Use and Easement Agreement, as amended, is valid and in full force and effect and for such purpose Grantor hereby grants to Grantee all of Grantor's interest in the Lands to the extent necessary to confirm the rights conveyed in said Surface Use and Easement Agreement.

Except as specifically amended herein, the remainder of the terms and conditions contained in said Surface Use and Easement Agreement shall continue in full force and effect.

This agreement and amendment shall be binding upon and inure to the benefit of the parties hereto, their successors, personal representatives and assigns.

EXECUTED this 29th day of October, 2013

Grantor:

Henes Farms Limited Partnership

By: Walter E. Henes II
Walter E. Henes, II, General Partner

By: Lynne B. Henes
Lynne B. Henes, General Partner

By: Walter E. Henes III
Walter E. Henes, III, General Partner

Grantee:

Kinder Morgan CO2 Company, L.P.

By: SPN

Name: S. Paul Nunley

Title: Attorney in Fact

STATE OF COLORADO }
 }ss
COUNTY OF MONTEZUMA }

On this 29th day of OCTOBER, 2013, before me a notary public in and for said county and state personally appeared Walter E. Henes, II, Walter E. Henes, III, and Lynne B. Henes, all as General Partners of the Henes Farms Limited Partnership, on behalf of said Partnership, personally known to me to be the same persons who executed the foregoing instrument and such person acknowledged the same as their voluntary act and deed.

Witness my hand and official seal.

Sharon A. Seitz
Notary Public



STATE OF Texas)
) ss. ACKNOWLEDGEMENT
COUNTY OF Harris)

The foregoing instrument was acknowledged before me this 31st day of October, 2013, by S. Paul Nunley as Attorney in Fact of Kinder Morgan CO2 Company, L.P., on behalf of said Limited Partnership.

WITNESS my hand and official seal.



Sarah Macdonell-Smith
Notary Public

My commission expires 11-8-16