

**FIRST AMENDMENT TO SURFACE DAMAGE AGREEMENT**

This first amendment to Surface Damage Agreement (“the Amendment”) is entered into by and between **Fred H. Poss and Joie Poss, husband and wife, 39145 County Road 28, Hugo, CO 80821**, as Owner, and **Nighthawk Production, LLC, 1805 Shea Center Drive, Suite 290, Highlands Ranch, CO 80129**, as Lessee.

**RECITALS**

**WHEREAS**, Lessee and Owner entered into a Surface Damage Agreement on or about August 27, 2012 which Surface Damage Agreement is recorded in Lincoln County, Colorado, Reception No. N/A (the “SDA”);

**WHEREAS**, pursuant to paragraphs two and four of the SDA, Lessee desires to add additional equipment or accessory structures for production purposes and such uses are acceptable to Owner; and

**WHEREAS**, pursuant to paragraph 23 of the SDA Owner and Lessee desire to enter into a written amendment to the SDA allowing the uses of additional equipment or accessory structures as further described below.

**NOW THEREFORE**, Owner and Lessee hereby agree to amend the SDA as follows:

1. **Additional Use of Property**. Owner hereby consents to the location of the **Knoss 6-21 Production Facility** as specified on the “Production Facility Exhibit” (“Exhibit A”) to this Amendment for the uses shown on that Exhibit. Lessee shall confine its activities of the Knoss 6-21 Production Facility to the 1.75 acres depicted on the attached Exhibit A. Owner also consents to the use of the Road shown in the “Pipeline Easement Exhibit (“Exhibit B”) to the SDA for one 2 inch pipeline for 645 and one 4 inch pipeline for ø 1 1/2 water connecting from the Knoss 6-21 Well specified in Exhibit A to the SDA to the Knoss 6-21 Production Facility.

2. **Incorporation of SDA**. The terms and conditions of use of the Owner’s property for the Knoss 6-21 Production Facility set forth in the SDA are incorporated and shall apply to the use of the Owner’s property for the Knoss 6-21 Production Facility. This Amendment shall not be construed as or constitute a waiver or release of any claims, injuries, costs, expenses, and damages by Owner arising out of or relating to the SDA or the Lease.

IN WITNESS WHEREOF, this Amendment is executed by the parties hereto effective as of the Effective Date.

**OWNER:**

  
Fred H. Poss

  
Joie Poss

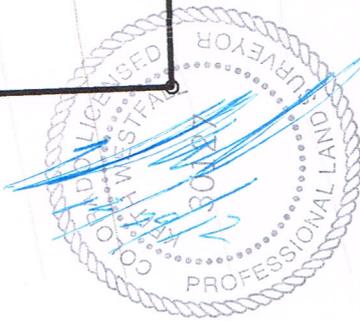
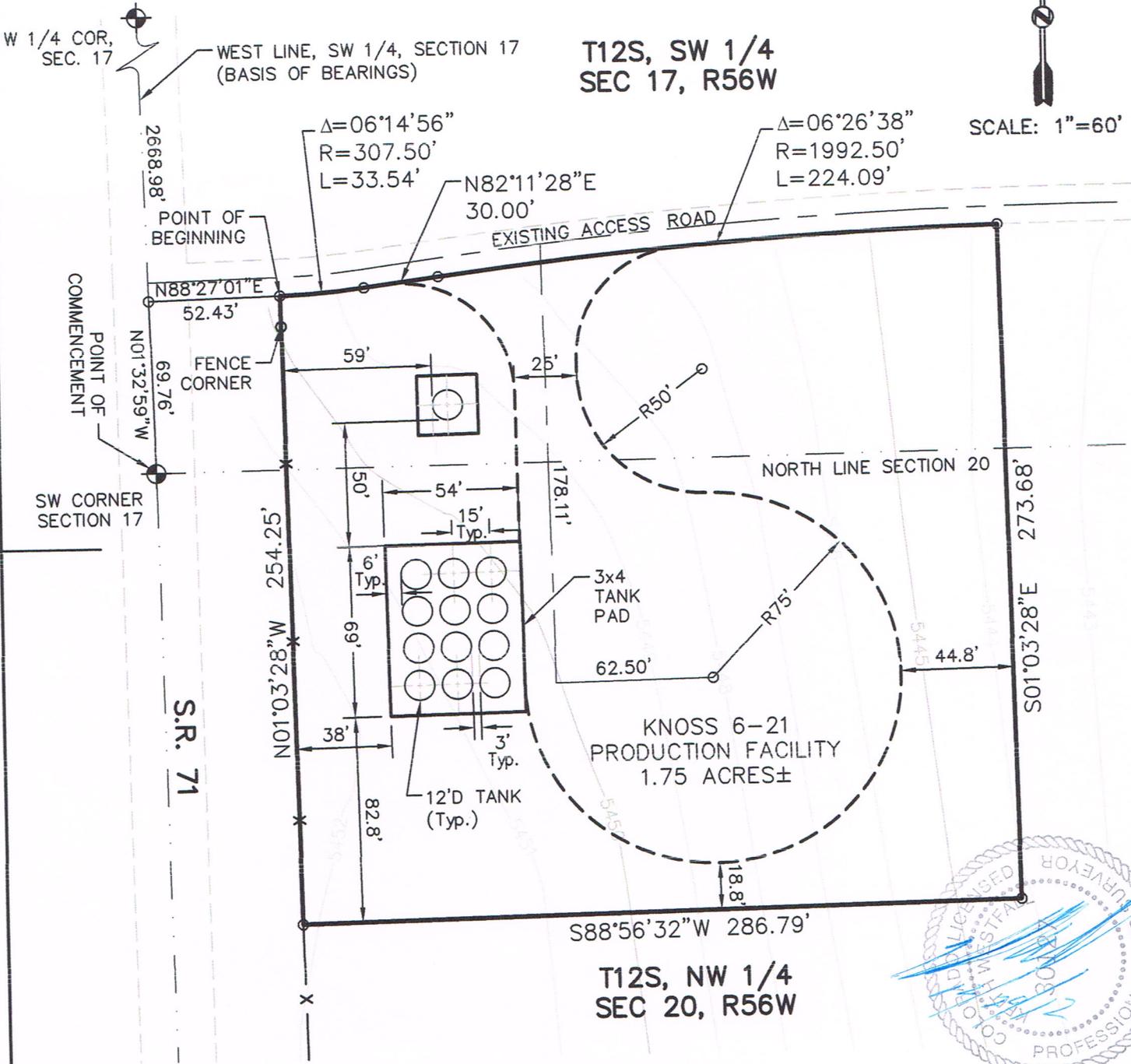
**Date:** August 27, 2013  
State of COLORADO }  
County of LINCOLN } ss.



Job: 12099 Knoss 6-21  
Date: 11/12/12  
Rev: 12/18/12

Inv # 1960

# Production Facility Exhibit



PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 17 AND THE NORTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 56 WEST OF THE 6TH P.M, MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 17 AND CONSIDERING THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 17 TO BEAR N01°32'59"W, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N01°32'59"W ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 69.76 FEET; THENCE N88°27'01"E, A DISTANCE OF 52.43 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 06°14'56', A RADIUS OF 307.50 FEET, FOR AN ARC LENGTH OF 33.54 FEET; THENCE N82°11'28"E, A DISTANCE OF 30.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 06°26'38", A RADIUS OF 1992.50 FEET, FOR AN ARC LENGTH OF 224.09 FEET; THENCE S01°03'28"E, A DISTANCE OF 273.68 FEET; THENCE S88°56'32"W, A DISTANCE OF 286.79 FEET; THENCE N01°03'28"W, A DISTANCE OF 254.25', TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 1.75 ACRES MORE OR LESS,

COUNTY OF LINCOLN,

STATE OF COLORADO

THIS PROPERTY DESCRIPTION WAS PREPARED UNDER THE DIRECT SUPERVISION OF KEITH WESTFALL, PLS 30127, FOR AND ON BEHALF OF HIGH PRAIRIE SURVEY COMPANY, PO BOX 384, KIOWA COLORADO, 80117.







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## LEGAL DESCRIPTION:

A 15 FOOT WIDE PIPELINE EASEMENT SITUATED IN PART OF THE SOUTH ONE-HALF OF SECTION 17, THE SOUTHWEST ONE-QUARTER OF SECTION 16. AND THE NORTHWEST ONE-QUARTER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 56 WEST OF THE 6TH P.M., COUNTY OF LINCOLN, STATE OF COLORADO, WHOSE CENTERLINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF OF SAID SECTION 17, AND CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 17 TO BEAR N01°32'59"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N01°32'59"W, ALONG SAID WEST LINE, A DISTANCE OF 77.26 FEET TO THE POINT OF BEGINNING; THENCE N88°27'01"E, A DISTANCE OF 52.37 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 06°15'33", A RADIUS OF 300.00 FEET, FOR AN ARC LENGTH OF 32.77 FEET; THENCE N82°11'28"E, A DISTANCE OF 30.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 07°13'44", A RADIUS OF 2000.00 FEET, FOR AN ARC LENGTH OF 252.34 FEET; THENCE N89°25'11"E, A DISTANCE OF 2365.00 FEET; THENCE N88°54'49"E, A DISTANCE OF 2000.00 FEET; THENCE N89°47'28"E, A DISTANCE OF 418.60 FEET; THENCE S86°04'28"E, A DISTANCE OF 122.33 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 45°51'17", A RADIUS OF 150.00 FEET, FOR AN ARC LENGTH OF 120.05 FEET; THENCE S40°13'11"E, A DISTANCE OF 129.86 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 38°46'18", A RADIUS OF 500.00 FEET, FOR AN ARC LENGTH OF 338.35 FEET; THENCE S01°26'53"E, A DISTANCE OF 381.40 FEET; THENCE ALONG AN CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 54°29'03", A RADIUS OF 150.00 FEET, FOR AN ARC LENGTH OF 142.64 FEET; THENCE S55°55'55"E, A DISTANCE OF 564.74 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 33°34'01", A RADIUS OF 300.00 FEET, FOR AN ARC LENGTH OF 175.76 FEET; THENCE S89°29'57"E, A DISTANCE OF 387.64 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 30°49'03", A RADIUS OF 300.00 FEET, FOR AN ARC LENGTH OF 161.36 FEET; THENCE S58°40'53"E, A DISTANCE OF 196.83 FEET TO THE POINT OF TERMINUS;

EXCEPT THAT PORTION LYING WITHIN THE RIGHT-OF-WAY OF STATE HIGHWAY NO. 71

COUNTY OF LINCOLN,

STATE OF COLORADO

THIS PROPERTY DESCRIPTION WAS PREPARED UNDER THE DIRECT SUPERVISION OF KEITH WESTFALL, PLS 30127, FOR AND ON BEHALF OF HIGH PRAIRIE SURVEY COMPANY, PO BOX 384, KIOWA COLORADO 80117.

