

**MEMORANDUM OF SURFACE USE AND DAMAGE AGREEMENT**

WHEREAS on the 25<sup>th</sup> day of July, 2014, William R. Burr and Linda W. Burr, whose address is 5477 Gulfstar Court, Windsor, CO 80528, hereinafter referred to as the "Owners" entered into a Surface Use and Damage Agreement (hereinafter the "Agreement") with Great Western Operating Company, whose address is 1801 Broadway, Suite 500, Denver, CO 80202, hereinafter referred to as "Operator", covering and affecting property with the legal description:

See Exhibit "A" Legal Description attached hereto

WHEREAS said Agreement provides for, among other things, the right to enter upon and use the Owners' Property for the purpose of erecting and maintaining well site locations and to perform other services as Operator and other functions described in the Agreement, and it also established payment of specific amounts to cover damages resulting thereto. The Agreement, with all of the terms, conditions, covenants and other provisions, is referred to and incorporated in this Memorandum for all purposes.

NOW, THEREFORE, this Memorandum is placed of record for the purpose of giving notice of the Surface Use and Damage Agreement. Any person having the lawful right or legitimate interest therein, subject to approval of Operator, may examine a copy of the Surface Use and Damage Agreement in Operator's office during normal business hours.

IN WITNESS WHEREOF, the parties hereto have executed this instrument this 25<sup>th</sup> day of July, 2014.

OWNERS:

William R. Burr

Linda W. Burr

Linda W Burr

OPERATOR:

Great Western Operating Company, LLC

By: Steve R. Stacy

Name: Steve R. Stacy

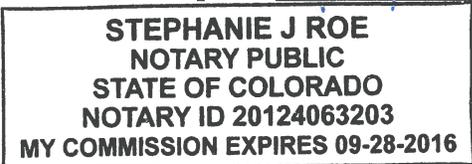
Title: Sr. Vice President Land

ACKNOWLEDGEMENTS

STATE OF COLORADO )  
 ) ss  
COUNTY OF WELD )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of July, 2014, by William R. Burr and Linda W. Burr, to me known to be the identical persons described herein, who executed the within and foregoing instrument of writing and acknowledgement to me that they duly executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal.  
My commission expires: 9/28/2016

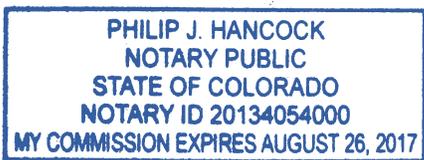


[Signature]  
Notary Public

STATE OF COLORADO )  
 ) ss  
COUNTY OF Denver )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of July, 2014, by Steve Stacey as Sr. Vice President of Great Western Operating Company, LLC to me known to be the identical person described herein, who executed the within and foregoing instrument of writing and acknowledgement to me that (s)he duly executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal.  
My commission expires: 8/26/2017



[Signature]  
Notary Public

### **Exhibit "A"**

Attached hereto and made a part of that certain Surface Use and Damage Agreement between William R. Burr and Linda W. Burr, as "Owners," and Great Western Operating Company, LLC, as "Operator," dated July 25<sup>th</sup>, 2014.

#### Property Description:

Lot B, Recorded Exemption No. 0807-24-1 RE-4354, according to the map recorded May 9, 2006, at Reception No. 3386148, being a portion of the East ½ of Section 24, Township 6 North, Range 67 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado.