

SURFACE USE AGREEMENT

This **SURFACE USE AGREEMENT** ("**SUA**" or "**Agreement**") is made and entered into this 14th day of September, 2017, by and between Mary Ann Drake Trust, ("**Owner**"), and Nickel Road Operating, LLC, ("**Operator**"); sometimes referred to each as a "**Party**," or collectively as the "**Parties**."

WITNESSETH:

For and in consideration of the covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1.) **OWNERSHIP**. Owner is the Surface Owner of certain lands located in Weld County, Colorado as more specifically described as follows ("**Lands**"):

Township 7 North, Range 67 West, 6th P.M.

Section 12: West Half of the Southeast Quarter (W2 SE4)

Containing 77.12 gross acres more or less

Redacted for Permitting

Redacted for Permitting

9.) WAIVER OF 30-DAY NOTICE. Owner hereby waives the minimum 30-day written notice requirement for operations to begin and any other notice or consultation requirements of the COGCC. By waiving the foregoing, Operator agrees it will provide an initial notice to Owner after it has submitted a request for permit to drill from the COGCC.

10.) NOTICE FOR ADDITIONAL OPERATIONS. Owner shall fully support Operator's efforts to permit such planned Wells as described in the attached Exhibit A, including granting consent to locate any planned well greater than fifty (50) feet from an existing well pursuant to COGCC Rule 318A(c) and granting consent to locate any well outside of the GWA windows as defined in COGCC Rule 318A(a). Operator will comply with COGCC rules and regulations requiring that advance notice be provided to Owner for subsequent operations on the planned Wells described in Exhibit A, including, but not limited to, reworking operations thereto.

Redacted for Permitting

Exhibit "A"

Surface Use Agreement dated September 14, 2017 between
Nickel Road Operating and Mary Ann Drake Trust

