

FIRST AMENDMENT TO EASEMENT, RIGHT-OF-WAY, AND SURFACE USE AGREEMENT

THIS FIRST AMENDMENT TO EASEMENT, RIGHT-OF-WAY, AND SURFACE USE AGREEMENT ("**Amendment**"), effective this **19th day of August, 2019**, by and between **Bob R. Offutt ("Owner")**, whose address is **19010 State Highway 96, Olney Springs, CO 81062**, and **DPOC, LLC ("DPOC")**, with offices at **1400 16th Street, Suite 300, Denver, Colorado 80202**. Owner and DPOC may be referred to herein individually as a "**Party**" and collectively as the "**Parties.**"

Recitals

A. WHEREAS, Owner is the owner of the surface estate of the following described lands located in Weld County, Colorado, (the "**Lands**"):

Township 8 North, Range 60 West, 6th P.M.
Section 21: NW/4

B. WHEREAS, DPOC and Owner entered into an Easement, Right-of-Way, and Surface Use Agreement dated November 19th, 2018, recorded in the real property records of Weld, County, Colorado on February 2nd, 2018 at Document Number 4469636, covering a portion of the Lands (the "**SUA**"). The SUA granted an Easement and Right-of-Way for an Oil and Gas Operations Area on the Lands.

C. WHEREAS, DPOC and Owner desire to amend and correct the legal description contained in the SUA.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

ARTICLE 1
AMENDMENT

Section 1.1 Original Legal Description. Paragraph 1 "Ownership" of the SUA as follows, is hereby deleted:

1. OWNERSHIP. Owner is the surface owner of certain lands more particularly described as follows:

Township 8 North, Range 60 West of the 6th P.M.
Section 21: Northwest Quarter of the Northwest Quarter (NW/4 NW/4)
Weld County, Colorado
(the "Lands").

Section 1.2 Corrected Legal Description. Paragraph 1 "Ownership" of the SUA is hereby replaced with the following, corrected legal description:

1. OWNERSHIP. Owner is the surface owner of certain lands more particularly described as follows:

Township 8 North, Range 60 West of the 6th P.M.
Section 21: Southeast Quarter of the Northwest Quarter (SE/4 NW/4)
Weld County, Colorado
(the "Lands").

Section 1.3 Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

[SIGNATURES AND ACKNOWLEDGEMENTS ON FOLLOWING PAGES]

DPOC has executed this Amendment on the date set forth in its acknowledgment below, to be effective on the date first above written.

DPOC

DPOC, LLC

By: 
Name: Jamison McIlvain
Title: EVP of Land & Business Development

Acknowledgement

STATE OF COLORADO §
CITY AND §
COUNTY OF DENVER §

Before me, the undersigned, a Notary Public in and for said County and State on this 27th day of AUGUST, 2019, personally appeared **Jamison McIlvain, acting as EVP of Land & Business Development on behalf of DPOC, LLC, a Delaware limited liability company**, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he 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: 2/13/22


Notary Public

