

# MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT

This Memorandum of Surface Damage and Release Agreement is executed by **Daniel R. Gardner and Mark E. Gardner** whose address is 134 County Road #303, Parachute Colorado 81635, ("Surface Owner") and EnCana Oil & Gas (USA) Inc., 370 17th, Suite 1700, Denver, Colorado 80202 ("EnCana") and placed of record in ~~Moore~~ **GARFIELD** <sup>M.G.</sup> <sub>D.G.</sub> County, Colorado for the purpose of placing all persons on notice of the existence of that certain unrecorded Surface Damage and Release Agreement between Surface Owner and EnCana dated the 27 day of MARCH, 2007 (the "Agreement").

The Agreement provides for the use of the surface of the land described below by EnCana in connection with certain oil and gas operations and for the compensation to Surface Owner for all damages to the surface of the land associated with the drilling, construction, testing, completion, recompletion, reworking, re-entry, production, maintenance and operation of the well(s) and all pipelines, tank batteries, and other facilities or property of EnCana or its affiliates associated with the well(s) located on the PC28 wellsite to be located in:

**Lots 3 & 4, (the North Half of the Northwest Quarter),  
Section 28, Township 7 South, Range 95 West of the 6<sup>th</sup> P. M.**

A true and complete copy of the Agreement is available from EnCana to any person owning an interest in the above described land.

Surface Owner:

EnCana Oil & Gas (USA) Inc.

Daniel R. Gardner

Douglas W. Jones, Attorney-in-Fact

Mark E. Gardner

## ACKNOWLEDGEMENTS

State of Colorado )

County of Garfield )

On this 27<sup>th</sup> day of MARCH, 2007, before me personally appeared Daniel R. Gardner, known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that they executed the same.

(SEAL)

My commission expires: 11/04/2010

John Leach  
Notary Public



Reception #: 723001  
05/10/2007 02:57:15 PM B 1925 P 0127 Jean Albertson  
2 of 2 Rec Fee \$11.00 Doc Fee 0.00 GARFIELD COUNTY CO

State of Colorado )  
County of Garfield ) §

On this 27<sup>th</sup> day of MARCH, 2007, before me personally appeared Mark E. Gardner, known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that they executed the same.

(SEAL)

My commission expires: 11/04/2010

John Leacock  
Notary Public

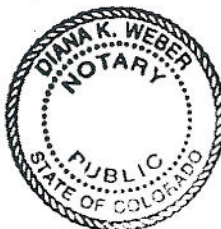
State of Colorado )  
County of Denson ) §

On this 5<sup>th</sup> day of April, 2007, before me personally appeared Douglas W. Jones, Attorney-in-Fact for Encana Oil & Gas (USA), Inc., known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that they executed the same.

(SEAL)

My commission expires: 6/23/09

Diane K. Weber  
Notary Public



My Commission Expires 03/23/2009