

## RIGHT OF WAY AGREEMENT

State of Wyoming     )  
                                  ) §  
County of Sheridan    )

**Grantor:**       **JOHN C. DEWEY AND ELIZABETH A. DEWEY AS CO-TRUSTEES OF THE**  
**DEWEY**       **FAMILY TRUST, UNDER AGREEMENT DATED JUNE 8, 1988**  
              586 Big Goose Road  
              Sheridan, Wyoming 82801

**Grantee:**       **FIDELITY EXPLORATION & PRODUCTION COMPANY**  
              1842 Sugarland Drive, Suite 103  
              Sheridan, Wyoming 82801

Date Executed: The 5<sup>th</sup> day of Sept, 2002

Effective Date: The 20<sup>th</sup> day of July 2002

For adequate consideration, Grantor, named above, grants, and conveys to Grantee, named above, and to Grantee's successors and assigns, a Right of Way and Easement ("Easement") to construct, maintain, operate, repair, alter, replace and remove both gas and water pipelines and appurtenant facilities, together with the right to install telephone lines, electric lines, build access roads, and well sites necessary for the drilling, producing and transportation of oil, gas, coal bed natural gas, or other hydrocarbons across, under or on Grantor's lands (the "Lands") in the County and State named above, and described as follows:

For Descriptions see Exhibit A and B attached hereto and made a part hereof

There is included in this grant the right, from time to time, to lay, construct, maintain, operate, alter, repair, remove, change the size of, and replace one or more additional lines of pipe approximately parallel with the first pipeline laid by Grantee across any part of the Lands.

Grantee shall have all of the rights and benefits necessary or convenient for the full enjoyment and use of the rights granted. Grantee shall have the right to assign this Easement, in whole or in part, at any time.

This Easement shall be for a term for so long as the rights and easements granted herein are used by or are useful to Grantee, and for the same term the Grantee shall own the right of ingress and egress from the Lands for the purposes of constructing, inspecting, repairing, maintaining, replacing and removing the property of Grantee placed there and located on the Lands. Grantor agrees to warrant and forever defend, all and singular, the rights and premises granted to Grantee, its successor and assigns, against every person lawfully claiming or to claim the same, or any part thereof. Grantee agrees to indemnify and hold Grantor harmless against any and all claims that may arise out of Grantee's construction, use, and/or maintenance of gas and water pipelines, electric or telephone lines, access roads, drill sites, production facilities or any act of the Grantee, its successors and assigns, contractors, agents, or employees. Grantee also claims all ownership rights, liabilities, and obligations that may exist or arise out of producing, moving, storing, or utilizing the produced water from any or all Coal Bed Natural Gas Wells contained on the well site described on the attached Exhibit which may be taken off of Grantor's lands.

Grantor retains the right to full use and enjoyment of the Lands except as may be necessary for the purposes granted to Grantee.

**DEWEY FAMILY TRUST U/A/D 6-8-88**

By: John C. Dewey  
John C. Dewey, Co-Trustee

By: Elizabeth A. Dewey  
Elizabeth A. Dewey, Co-Trustee

**FIDELITY EXPLORATION &  
PRODUCTION COMPANY**

By: B. Scott Adams  
Area Land Manager

STATE OF WYOMING )  
 ) §  
 COUNTY OF SHERIDAN )

Before me the undersigned Notary Public in and for said County and State, personally appeared John C. and Elizabeth A. Dewey, as Co-Trustees of the Dewey Family Trust, under Agreement dated June 8, 1088, known to me to be the same persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same as their free and voluntary act and deed for the purposes and consideration therein mentioned and set forth.

Given under my hand and seal of office this 5<sup>th</sup> day of September, 2002.

(Seal)



B. Scott Adams  
 Notary Public

My Commission expires:

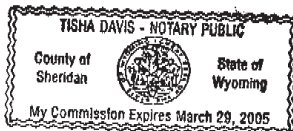
4-24-06

STATE OF WYOMING )  
 ) §  
 COUNTY OF SHERIDAN )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of SEPTEMBER, 2002, by B. Scott Adams, who acknowledged himself to be the Area Land Manager for Fidelity Exploration & Production Company, a corporation, and acknowledged that he executed the same as the act of his principal for the purposes therein contained.

Given under my hand and seal of office this 5<sup>th</sup> day of SEPTEMBER, 2002.

(Seal)



Tisha Davis  
 Notary Public

My Commission expires:

3-29-05

EXHIBIT "A"

**RE: UNDERGROUND UTILITY EASEMENT- JOHN C. AND ELIZABETH DEWEY  
CO-TRUSTEES OF THE DEWEY FAMILY TRUST TO FIDELITY EXPLORATION  
AND PRODUCTION**

An underground utility easement forty (40) feet wide twenty (20) feet each side of a centerline situated in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 26, Township 58 North, Range 83 West, 6th P.M., Sheridan County, Wyoming as shown on EXHIBIT "B" attached hereto and made a part hereof; said centerline being more particularly described as follows:

Commencing at the northwest corner of said Section 26; thence S00°02'37"E, 803.97 feet along the west line of said Section 26 to the **POINT OF BEGINNING** of said centerline, said point lying on the east line of a tract land described in Book 415 of Deeds, Page 357; thence S88°45'29"E, 295.48 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the easterly line of a tract of land described in Book 386 of Deeds, Page 558 and being S20°04'02"E, 862.75 feet from said northwest corner.

Length of centerline is 17.91 Rods more or less.

Bearings are grid: grid north=geodetic north at the north quarter corner of Section 27.

