

## RIGHT OF WAY AGREEMENT

State of Wyoming )  
 ) §  
County of Sheridan )

**Grantor:** **YOUCACTHE LIMITED PARTNERSHIP**  
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 September, 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 Exhibits A, A-1, A-2, A-3, 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.

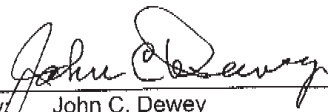
Grantee shall have all of the rights and benefits necessary or convenient for the full enjoyment and use of the rights granted. Grantee shall have the right to assign this Easement, in whole or in part, at any time.

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.

**YOUCACTHE LIMITED PARTNERSHIP**

**FIDELITY EXPLORATION &  
PRODUCTION COMPANY**

By:   
John C. Dewey  
President, Agent and Manager

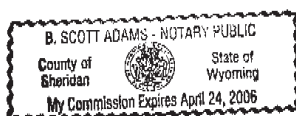
By:   
B. Scott Adams  
Area Land Manager

STATE OF WYOMING )  
COUNTY OF SHERIDAN ) §

Before me the undersigned Notary Public in and for said County and State, personally appeared John C. Dewey, as President, Agent and Manager of Youcethe Limited Partnership, known to me to be the same persons whose name is subscribed to the foregoing instrument and acknowledged that he executed the same as his 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:

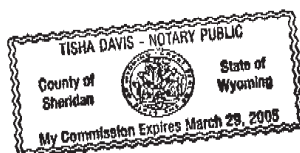
4-24-06

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:

3-28-05

**EXHIBIT "A"**

**RE: ACCESS EASEMENT-YOUCAC THE LIMITED PARTNERSHIP TO FIDELITY  
EXPLORATION AND PRODUCTION**

An access easement thirty (30) feet wide fifteen (15) feet each side of a centerline situated in the N½NE¼ of Section 27, 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 north quarter corner of said Section 27; thence S82°47'33"E, 207.63 feet to the **POINT OF BEGINNING** of said centerline, said point lying on the north line of a tract of land described in Book 415 of Deeds, page 357; thence along said centerline through a curve to the left, having a radius of 65.27 feet, a central angle of 56°42'20", an arc length of 64.60 feet, a chord bearing of S64°27'37"E, and a chord length of 61.99 feet to a point; thence N87°11'13"E, 119.05 feet to a point; thence along said centerline through a curve to the right, having a radius of 118.31 feet, a central angle of 46°21'40", an arc length of 95.73 feet, a chord bearing of S69°37'57"E, and a chord length of 93.14 feet to a point; thence S46°27'07"E, 22.18 feet to a point; thence along said centerline through a curve to the left, having a radius of 287.94 feet, a central angle of 23°54'09", an arc length of 120.12 feet, a chord bearing of S58°24'12"E, and a chord length of 119.25 feet to a point; thence S70°21'16"E, 363.66 feet to a point; thence along said centerline through a curve to the left, having a radius of 287.94 feet, a central angle of 16°07'37", an arc length of 81.05 feet, a chord bearing of S78°25'05"E, and a chord length of 80.78 feet to a point; thence S86°28'54"E, 77.71 feet to a point; thence along said centerline through a curve to the right, having a radius of 383.06 feet, a central angle of 41°08'55", an arc length of 275.11 feet, a chord bearing of S65°54'26"E, and a chord length of 269.23 feet to a point; thence S45°19'59"E, 46.67 feet to a point; thence S65°17'30"E, 83.62 feet to a point; thence along said centerline through a curve to the right, having a radius of 118.31 feet, a central angle of 42°08'03", an arc length of 87.00 feet, a chord bearing of S44°13'28"E, and a chord length of 85.06 feet to a point; thence S23°09'27"E, 40.54 feet to a point; thence along said centerline through a curve to the left, having a radius of 118.31 feet, a central angle of 62°56'25", an arc length of 129.97 feet, a chord bearing of S54°37'39"E, and a chord length of 123.53 feet to a point; thence S86°05'52"E, 166.01 feet to the **POINT OF TERMINUS** of said centerline, said point being S69°41'55"E, 1899.55 feet from said north quarter corner.

Length of centerline is 107.46 Rods more or less.

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

## EXHIBIT "A" - 1

**RE: WELL SITE EASEMENT-YOUCAC THE LIMITED PARTNERSHIP TO  
FIDELITY EXPLORATION AND PRODUCTION**

A well site easement being a tract of land situated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 27, 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 tract being more particularly described as follows:

Commencing at the north quarter corner of said Section 27; thence S70°43'15"E, 1885.11 feet to the **POINT OF BEGINNING** of said tract; thence N84°02'43"E, 152.40 feet to a point; thence S73°34'23"E, 169.22 feet to a point; thence S32°32'51"E, 91.42 feet to a point; thence S31°34'05"W, 147.00 feet to a point; thence N73°18'46"W, 137.14 feet to a point; thence N31°52'36"W, 82.67 feet to a point; thence N56°14'01"W, 129.91 feet to a point; thence N03°22'11"W, 52.66 feet to the **POINT OF BEGINNING**.

Said tract contains 1.25 acres of land more or less.

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

EXHIBIT "A" - 2

**RE: UNDERGROUND UTILITY EASEMENT-YOUCACTHE LIMITED  
PARTNERSHIP TO FIDELITY EXPLORATION AND PRODUCTION**

An underground utility easement forty (40) feet wide twenty (20) feet each side of a centerline situated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 27, 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 northeast corner of said Section 27; thence S00°02'37"E, 803.97 feet along the east line of said Section 27 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 N88°45'29"W, 510.05 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point being S32°42'51"W, 942.39 feet from said northeast corner.

Length of centerline is 30.91 Rods more or less.

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

## EXHIBIT "A" - 3

**RE: UNDERGROUND ELECTRIC LINE EASEMENT-YOUCAC THE LIMITED  
PARTNERSHIP TO FIDELITY EXPLORATION AND PRODUCTION**

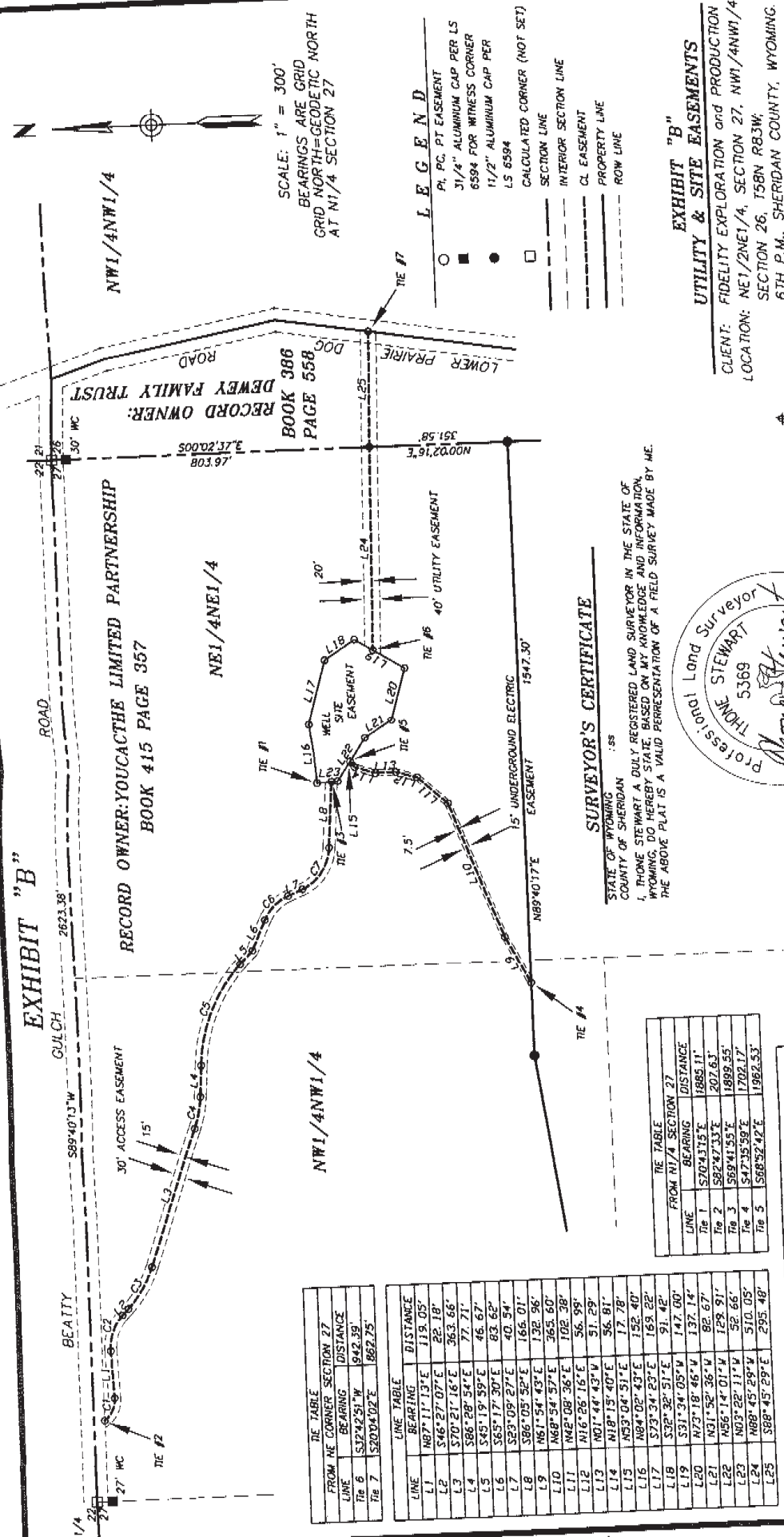
An underground electric line easement fifteen (15) feet wide seven and one half (7½) feet each side of a centerline situated in the NE¼NE¼ of Section 27, Township 58 North, Range 83 West, 6th P.M., Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and made a part hereof; said centerline being more particularly described as follows:

Commencing at the north quarter corner of said Section 27; thence S47°35'59"E, 1702.17 feet to the **POINT OF BEGINNING** of said centerline, said point lying on the south line of a tract land described in Book 415 of Deeds, Page 357; thence N61°54'43"E, 132.96 feet along said centerline to a point; thence N68°54'57"E, 365.60 feet along said centerline to a point; thence N42°08'36"E, 102.38 feet along said centerline to a point; thence N16°26'16"E, 56.99 feet along said centerline to a point; thence N01°44'43"W, 51.29 feet along said centerline to a point; thence N18°15'40"E, 56.81 feet along said centerline to a point; thence N53°04'51"E, 17.78 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point being S68°52'42"E, 1962.53 feet from said north quarter corner.

Length of centerline is 47.50 Rods more or less.

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

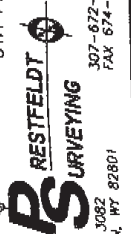
# EXHIBIT "B"



- ## LEGEND
- PI, PC, PT EASEMENT
  - 31/4" ALUMINUM CAP PER LS
  - 6594 FOR WITNESS CORNER
  - 11/2" ALUMINUM CAP PER
  - LS 6594
  - CALCULATED CORNER (NOT SET)
  - SECTION LINE
  - INTERIOR SECTION LINE
  - CL EASEMENT
  - PROPERTY LINE
  - ROW LINE

## EXHIBIT "B"

UTILITY & SITE EASEMENTS  
 CLIENT: FIDELITY EXPLORATION and PRODUCTION  
 LOCATION: NE 1/2 NE 1/4, SECTION 27, NW 1/4 NW 1/4, SECTION 26, T58N R83W, 6TH P.M., SHERIDAN COUNTY, WYOMING.



PS SURVEYING  
 307-672-7415  
 607-674-5000  
 SHERIDAN, WY 82801  
 JN: 98058  
 DF: FIDELITY/DEWEYEASE  
 JUL Y, 2002

## SURVEYOR'S CERTIFICATE

STATE OF WYOMING : ss  
 COUNTY OF SHERIDAN : ss  
 I, THOME STEWART A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY STATE, BASED ON MY KNOWLEDGE AND INFORMATION, THE ABOVE PLAT IS A VALID REPRESENTATION OF A FIELD SURVEY MADE BY ME.

THE TABLE  
 FROM N1/4 SECTION 27

LINE	BEARING	DISTANCE
Line 1	S70°43'15"E	1985.11'
Line 2	S82°47'33"E	207.63'
Line 3	S69°41'55"E	1899.55'
Line 4	S47°35'58"E	1702.17'
Line 5	S68°52'42"E	1982.53'

THE TABLE  
 FROM NE CORNER SECTION 27

LINE	BEARING	DISTANCE
Line 6	S37°42'51"W	942.39'
Line 7	S20°41'02"E	862.75'

THE TABLE

LINE	BEARING	DISTANCE
L1	N87°11'13"E	119.05'
L2	S46°27'07"E	22.18'
L3	S70°21'16"E	36.3.66'
L4	S86°28'34"E	46.63'
L5	S45°19'59"E	83.68'
L6	S65°17'30"E	40.54'
L7	S23°09'27"E	166.01'
L8	S86°05'52"E	132.96'
L9	N61°54'43"E	365.60'
L10	N48°08'36"E	102.38'
L11	N47°08'16"E	56.99'
L12	N16°26'16"E	51.29'
L13	N01°44'43"W	36.81'
L14	N18°15'40"E	77.78'
L15	N53°04'51"E	152.40'
L16	N84°02'43"E	169.22'
L17	S73°34'23"E	91.42'
L18	S31°32'51"E	147.00'
L19	S31°34'05"W	137.14'
L20	N70°18'46"W	86.67'
L21	N31°52'36"W	128.91'
L22	N56°14'01"W	52.66'
L23	N03°22'11"W	510.05'
L24	N88°45'59"W	295.48'
L25	S88°45'29"E	123.53'

CURVE TABLE

CURVE	DELTA	RADIUS	CHORD	CHORD BEARING	CHORD LENGTH
C1	56°42'20"	65.27'	64.60'	S64°57'37"E	61.99'
C2	46°21'40"	118.31'	95.73'	S69°37'57"E	93.14'
C3	23°54'09"	287.94'	120.12'	S58°24'12"E	119.25'
C4	16°07'37"	287.94'	81.05'	S78°25'05"E	80.78'
C5	41°08'55"	383.06'	275.11'	S65°54'26"E	269.23'
C6	42°08'03"	118.31'	87.00'	S44°13'28"E	85.06'
C7	62°56'25"	118.31'	129.97'	S54°37'39"E	123.53'