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RECORDED MAY 5, 2003 BK 443 PG 93 NO 440013 AUDREY KOLTISKA, COUNTY CLERK

MEMORANDUM OF SURFACE AND DAMAGE AGREEMENT

State: Wyoming
County: Johnson and Sheridan Counties
Owner: Chevron U.S.A. Inc.
P.O. Box 980
Buffalo, WY 82834-0980
Operator: J. M. Huber Corporation
1050 17th Street, Suite 1850 700
Denver, CO 80265

Effective Date: February 26, 2003

STATE OF WYOMING } 014099
COUNTY OF JOHNSON } SR
This instrument was first recorded on 5-8-03
at 11:10 A.M. and was duly recorded in Book 84A-55
Page 691-698, Fee \$ 32.00
By James C. [Signature] Register & Deeds
Deputy

On the Effective Date, stated above, the named Owner and Operator entered into a Surface and Damage Agreement covering the lands described in Exhibit "A" to this Memorandum, for the purposes of exploring for and producing oil and or gas.

This Memorandum is executed by Owner and Operator and recorded in the records of the county where the Lands are located to serve as notice of the existence of the Agreement, and the Lands it covers. Owner and Operator each acknowledge they are bound by all of the terms and conditions of the agreement.

A complete copy of the Surface and Damage Agreement is maintained in the offices of Operator, at the address above, and any person or persons desiring to deal with the Lands may contact the Operator to obtain information as to all of the terms of the Agreement.

OWNER:
Chevron U.S.A. Inc.

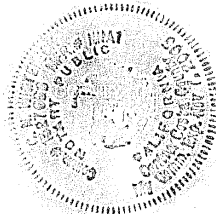
Steven A. Berg
By: Steven A. Berg
Title: Assistant Secretary

OPERATOR:
J. M. Huber Corporation

David Gomendi
By: David Gomendi
Title: Operations Manager

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STATE OF CALIFORNIA }
 } ss
 County of CONTRA COSTA }

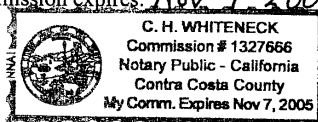


Before me, the undersigned, a Notary Public, in and for said County and State, on this 14 day of April, 2003, personally appeared Steven A Berg known to me to be the identical person(s) who subscribed the name of the maker thereof to the within and foregoing instrument as its Assistant Secretary and acknowledged to me that he executed the same as the free and voluntary act and deed, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed my official seal the day and year last above written.

C. H. Whiteneck
 Notary Public

My commission expires: Nov 7 2005



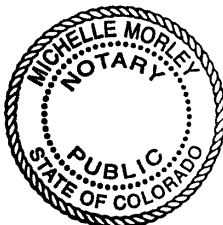
STATE OF Colorado }
 } ss
 County of Denver }

Before me, the undersigned, a Notary Public, in and for said County and State, on this 4th day of April, 2003, personally appeared David J. Gennardi known to me to be the identical person(s) who subscribed the name of the maker thereof to the within and foregoing instrument as its Operation Manager, and acknowledged to me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed my official seal the day and year last above written.

Michelle Morley
 Notary Public

My commission expires: 3/7/07



My Commission Expires 03/07/2007

EXHIBIT "A"

Land

The following-described lands situate in Johnson County, Wyoming, to-wit:

Township 53 North, Range 83 West, 6th P.M.

Section 21: E $\frac{1}{2}$ NE $\frac{1}{4}$;

Section 22: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$;

Section 23: ALL;

Section 24: ALL;

Section 25: ALL;

Section 26: NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ *AKC*

also a parcel located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26 beginning at the center quarter corner of Section 26; thence South 290 feet, more or less, to the left bank of Piney Creek; thence northwesterly along said bank a distance of 300 feet, more or less, to a point which is approximately 160 feet west and 50 feet south of the Center quarter corner of Section 26; thence N 21° 40' E, 53 feet, more or less, to the east-west center line of said Section 26; thence east a distance of 140 feet, more or less, to the point of beginning. Containing 0.7 acres, more or less;

also a parcel located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26 beginning at the northeast corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26; thence south a distance of 310 feet, more or less, to the left bank of Piney Creek; thence westerly along said bank a distance of 1400 feet, more or less, to the west line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence north a distance of 290 feet, more or less, to the northwest corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence east a distance of 1320 feet, more or less, to the point of beginning. Containing 10.2 acres, more or less;

also a parcel located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 26 beginning at a point which bears west a distance of 130 feet from the center quarter corner of said Section 26; thence N 21° 40' E, 320 feet; thence N 51° 55' W, 136 feet; thence N 16° 48' W, 95 feet; thence S 63° 35' W, 111 feet; thence N 26° 25' W, 157 feet; thence S 63° 35' W, 264 feet; thence S 26° 25' E, 127 feet; thence S 87° 15' E, 124 feet; thence S 47° 16' E, 72 feet; thence S 30° 28' E, 218 feet; thence S 1° 0' E, 100 feet, more or less, to the east-west center line of said Section 26; thence west along said center line a distance of 510 feet, more or less, to the Kearney Co-op Tract; thence north a distance of 400 feet; thence N 43° 05' W, 330 feet; thence N 5° 55' E, 525 feet; more or less, to a point which is 150 feet south of the north line of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 26; thence east a distance of 880 feet, more or less, to a point 150 feet south of the northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence north a distance of 40 feet, more or less, to the west right-of-way line of U.S. Highway 87; thence N 36° 11' W, 130 feet to the north line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence east a distance of 80 feet; thence south a distance of 1320 feet, to center quarter corner; thence west 130 feet to the point of beginning. Containing 19.5 acres, more or less;

also a tract of land in said Section 26 described as follows: Beginning at a point on the bank of Big Piney Creek 2118.5 feet north and 424.8 feet east of the southwest corner of said Southeast Quarter (SE $\frac{1}{4}$) of Section 26; thence 128 feet wide, being 68 feet on the east or left hand side and 60 feet on the right hand side of a line, said line being described as

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follows: Beginning at said point on the bank of Big Piney; thence S 33° 09' E 264.8 feet to a point of curve; from this point on 68 feet wide, being 50 feet wide on the east or left hand side; from said point of curve along a curve of 500 feet radius to the right 127.0 feet to a point of tangency with a straight line; thence S 18° 36' E, 1018.7 feet to a point of a curve of 500 feet radius to the right; thence along said curve 240.2 feet to a point of tangency with a straight line; thence along said straight line S 8° 56' W, 249.4 feet to a point of curve of a curve of 500 feet radius to the left; thence along this curve 315.1 feet to a point on the south line of said Section 26, said point being 980 feet more or less easterly from said southwest corner of said Southeast Quarter (SE¼) of Section 26, said tract of land containing 4.61 acres, more or less;

also NW¼NW¼, EXCEPT that certain tract of land described as follows: beginning at the southeast corner of the NW¼NW¼ of said Section 26; thence along the east boundary of said NW¼NW¼ N 1° 16' W, 23.9 feet to a point on a circular curve to the right, the radius of which is 1,085.9 feet and at which point a line tangent to said curve bears N 74° 24' W; thence along said curve through a central angle of 25° 15' for a distance of 478.5 feet; thence S 40° 51' W, 20 feet, more or less, to a point on the northeast boundary of the existing Kearney-Story road; thence along said northeast boundary in a southeasterly direction a distance of 500 feet, more or less, to a point 150 feet south, when measured at a right angle, from the north boundary of the SW¼NW¼ of said Section 26; thence N 89° 49' E parallel to said north boundary and 150 feet southerly thereof a distance of 110 feet, more or less, to a point on the east boundary of the SW¼NW¼ thence along the east boundary of said SW¼NW¼, N 1° 16' W, 150 feet, more or less, to the point of beginning; containing 1.1 acres, more or less, and being that tract of land conveyed to the State Highway Commission of Wyoming by D. Orrel Geier and Vera Mae Geier, husband and wife, by Warranty Deed dated March 19, 1964, and recorded April 2, 1964, in Book 87A-6 of Deeds at page 484, in the office of the County Clerk of Johnson County, Wyoming;

also a strip of land 100 feet wide, 50 feet on each side of a center line located across the NW¼NW¼ of Section 26, said center line being described as follows: beginning at a point 940 feet south of the northwest corner of said Section 26; thence S 20° 30' E, a distance of 410 feet, containing 0.94 acres, more or less;

also the right, privilege and easement in perpetuity over and across a tract of land thirty feet wide, being fifteen feet on each side of a center line located in the S½ of Section 26, said center line being described as follows: beginning at a point which is 2094 feet north and 1974.6 feet west of the southeast corner of said Section 26; thence S 74° 03' W, 7950 feet; thence N 63° 54' W, 174.4 feet; thence S 66° 09' W, 161.6 feet to the center line of the Sheridan-Buffero road;

EXCEPT the following described tracts:

- (1) That certain tract located in the W½SW¼ of said Section 26 described as follows: beginning at a point 4252 feet west and 1160 feet north from the southeast corner of said Section 26 (said point being the northwest corner of the stockade around the original Fort Phil Kearney); thence N 21° 43' W, 450 feet; thence N 68° 17' E, 200 feet; thence S 21° 43' E, 375 feet; thence S 12° 52' E, 157.2 feet; thence S 2° 58' W,

129.4 feet; thence S 14° 30' E, 227 feet; thence S 59° 16' W, 26 feet; thence N 30° 44' W, 433 feet, more or less to the point of beginning; containing 3.03 acres, more or less; and being that tract of land conveyed to Sheridan County by George E. Geier and Ida M. Geier, husband and wife, by Warranty Deed dated August 14, 1935, and recorded November 12, 1935, in Book 61 of Deeds at page 53, in the office of the County Clerk of Johnson County, Wyoming;

- (2) **also excepting** that certain tract located in the NW¼SE¼ of said Section 26 described as follows: beginning at the northeast corner of the NW¼SE¼ of said Section 26; thence south to the north bank of Big Piney Creek; thence up said Creek on the north bank thereof in a general northwesterly direction to the north line of said NW¼SE¼ of said Section 26; thence east to the point of beginning; containing 3.0 acres, more or less; and being that tract of land conveyed to R. David Noyce by Thomas J. Foster and Alice D. Foster by Warranty Deed dated March 1, 1901, and recorded March 13, 1901, in Book 12 of Deeds at page 322, in the office of the County Clerk of Johnson County, Wyoming;

- (3) **also excepting** that certain tract located in the W¼NW¼ of Section 26 described as follows: beginning at the southeast corner of the NW¼NW¼ of said Section 26; thence along the east boundary of said NW¼NW¼ N 1° 16' W, 23.9 feet to a point on a circular curve to the right, the radius of which is 1085.9 feet and at which point a line tangent to said curve bears N 74° 24' W; thence along said curve through a central angle of 25° 15' for a distance of 478.5 feet; thence S 40° 51' W, 20 feet, more or less, to a point on the northeast boundary of the existing Kearney-Story Road; thence along said northeast boundary in a southeasterly direction a distance of 500 feet, more or less, to a point 150 feet south, when measured at a right angle, from the north boundary of the SW¼NW¼ of said Section 26; thence N 89° 49' E parallel to said north boundary and 150 feet southerly thereof a distance of 110 feet, more or less, to a point on the east boundary of the SW¼NW¼; thence along the east boundary of said SW¼NW¼ N 1° 16' W, 150 feet, more or less, to the point of beginning; containing 1.1 acres, more or less; and being the tract of land conveyed to The State Highway Commission of Wyoming by D. Orrel Geier and Vera Mae Geier, husband and wife, by Warranty Deed dated March 19, 1964, and recorded April 2, 1964, in Book 87A-6 of Deeds at page 484, in the office of the County Clerk of Johnson County, Wyoming;

Section 27: NE¼NE¼, SE¼;

except the that certain tract located in the NW¼SE¼ of Section 27 described as follows: beginning at the northwest corner of the NW¼SE¼ of said Section 27; running thence south 16 rods; thence east 20 rods; thence north 16 rods; thence west 20 rods to the place of beginning; containing 2.0 acres, more or less; and being that tract of land conveyed to The Piney Cemetery Association by Thomas J. Foster by Warranty Deed dated April 26, 1900, and recorded April 28, 1900, in Book 12 of Deeds at page 202, in the office of the County Clerk of Johnson County, Wyoming;

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Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 35: S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$;

also the N $\frac{1}{2}$ NE $\frac{1}{4}$ except 3.02 acres described in Deed Record 27, page 424, used as a ditch right-of-way;

also a tract of land 60 feet wide, being 42 feet on the south side and 18 feet on the north side of a certain line located in Section 35, said line being described as follows: beginning at a point on the north line of said Section 35, 1662 feet westerly from the northeast corner of said Section 35; thence S 27° 52' E along a straight line 843.1 feet to a point of curve of 300.00 feet radius to the left; thence along said curve 324.0 feet to a point of tangency with a straight line; thence along said straight line N 89° 44' E, 355.8 feet to a point of curve of a curve of 600 feet radius to the right; thence along said curve 387.5 feet to a point of tangency with a straight line; thence S 53° 17' E, 357.9 feet, more or less, to a point on the east line of said Section 35, said point being 1254 feet southerly from the NE corner of Section 35, said tract of land containing 3.02 acres, more or less;

Section 36: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;

also the NW $\frac{1}{4}$ NW $\frac{1}{4}$ except 0.61 acre described in Deed Record 27, page 424, used as a ditch right-of-way;

also all those portions of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying north and east of the L. Z. Leiter Estate Ditch;

also that part of S $\frac{1}{2}$ NW $\frac{1}{4}$ lying north of the ditch right-of-way originally known as the L. Z. LEITER Estate Ditch; and, that part of S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying south and west of the ditch right-of-way known as the L. Z. LEITER Estate Ditch;

also a tract of land 120 feet in width, being 60 feet on each side of a center line located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, said center line being described as follows: beginning at a point which is 518.4 feet west and 147.3 feet north of the center of said Section 36; thence S 81° 19' W, 27 feet to a point of curve of a curve of 400 feet radius to the right; thence along said curve 226.1 feet to a point of tangency with a straight line; thence along said straight line N 66° 17' W, 275.7 feet to a point of curve of a curve of 1000 feet radius to the left; thence along said curve 270.7 feet to a point of tangency with a straight line; thence along said straight line N 81° 47' W, 72.3 feet to a point 369.5 feet north of the SW corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, said tract containing 2.48 acres, more or less;

also A tract of land 120 feet in width, being 60 feet on each side of a center line located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, said center line being described as follows: beginning at a point which is 369.5 feet north of the SE corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36; thence N 81° 47' W, 605 feet to a point of curve of a curve of 500 feet radius to the right; thence along said curve 556.9 feet to a point of tangency with a straight line; thence along said straight line N 17° 58' W, 361.9 feet to a point of curve of a curve of 600 feet radius to the left; thence along said curve 247.9 feet more or less to a point on the north line 116 feet east of

the NW corner of the SW¼NW¼ of Section 36, said tract containing 5.03 acres more or less;

also a tract of land lying in the SE¼NW¼ of Section 36, said tract being described as follows: beginning at the center of said Section 36; thence N 0° 20' W along the east line of said SE¼NW¼ of Section 36, 223.7 feet to a point; thence S 69° 55' W, 59.8 feet to a point of curve of a curve of 240 feet radius to the right; thence along said curve 140.3 feet to a point of tangency with a straight line; thence along said straight line N 76° 35' W, 93.0 feet to a point of curve of a curve of 360 feet radius to the left; thence along said curve 138.8 feet to a point of tangency with a straight line; thence along said straight line S 81° 19' W, 97.7 feet to a point; thence S 81° 19' W, 0.1 feet to a point; thence S 8° 41' E, 120 feet to a point; thence N 81° 19' E, 0.1 feet to a point of curve of a curve of 240 feet radius to the right; thence along said curve 210 feet to a point of tangency with a straight line; thence along said straight line S 46° 47' E, 43.3 feet to a point on the south line of said SE¼NW¼; thence east along said south line 277.3 feet to the point of beginning, said tract containing 2.14 acres more or less;

also a tract of land lying in the SW¼NE¼ of Section 36, said tract being described as follows: beginning at the center of said Section 36; thence N 0° 20' W, 223.7 feet along the west line of said SW¼NE¼ to a point; thence N 69° 55' E, 63.9 feet to a point of curve of a curve of 160 feet radius to the right; thence along said curve 258.9 feet to a point of tangency with a straight line; thence along said straight line S 17° 11' E, 147.8 feet to a point on the south line of said SW¼NE¼; thence along said south line 308 feet to the point of beginning, said tract containing 1.29 acres, more or less;

also a tract of land lying in the NW¼SE¼, Section 36, said tract being described as follows: beginning at the center of said Section 36; thence east along the north line of said NW¼SE¼, 308 feet to a point; thence S 17° 11' E, 211 feet to a point; thence S 5° 59' W, 173.4 feet to a point; thence S 31° 55' E, 224.3 feet to a point; thence S 19° 05' E, 218.1 feet to a point; thence S 5° 10' E, 369 feet to a point; thence S 43° 52' E, 196.6 feet to a point on the south line of said NW¼SE¼; thence west along said south line 375.2 feet to a point; thence N 14° 47' E, 216.8 feet to a point; thence N 15° 21' W, 568.5 feet to a point; thence N 46° 47' W, 330.9 feet to a point on the west line of said NW¼SE¼; thence north along said west line 295.3 feet to the point of beginning, said tract containing 7.46 acres, more or less;

also a tract of land lying in the NE¼SW¼, Section 36, said tract being described as follows: beginning at a point which is the center of said Section 36; thence west along the north line of said NE¼SW¼, 280.3 feet to a point; thence S 46° 47' E, 395.1 feet to a point on the east line of said NE¼SW¼; thence north 295.3 feet more or less to the point of beginning, said tract containing 0.85 acres, more or less;

also a tract of land lying in the SW¼SE¼ of Section 36, said tract being described as follows: beginning at a point which is 312 feet more or less east of the NW corner of said SW¼SE¼, Section 36; thence east along the north line of said SW¼SE¼, 505 feet to a point; thence S 43° 52' E, 705 feet to a point on the east line of said SW¼SE¼; thence south along said east

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line 433 feet to a point; thence N 43° 52' W, 1208 feet to a point; thence N 65° 48' W, 171.5 feet, more or less to the point of beginning, said tract containing 7.08 acres, more or less;

also a tract of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, said tract being described as follows: beginning at a point which is 522 feet more or less south of the NW corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence S 43° 52' E, 131 feet; thence N 68° 47' E, 337 feet; thence S 64° 30' E, 170 feet; thence N 41° 30' E, 110 feet; thence S 59° 45' E, 354 feet; thence N 84° 45' E, 375 feet; thence south 230 feet; thence N 60° 18' W, 118 feet; thence S 73° 15' W, 160 feet; thence S 20° 30' W, 145 feet; thence S 7° 15' W, 370 feet; thence N 89° 20' W, 148 feet; thence N 27° 30' W, 315 feet; thence N 48° 30' E, 190 feet; thence N 48° 0' W, 293.5 feet; thence S 68° 47' W, 616.2 feet; thence N 43° 52' W, 20 feet; thence north 433 feet more or less to the point of beginning, said tract containing 10.82 acres, more or less;

also a tract of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, described as follows: beginning at a point on the west line of said Section 36, 1178.80 feet southerly from the northwest corner of said Section 36; thence, S 53° 17' E, 333.3 feet; thence northerly along said west line 200 feet, more or less, to the point of beginning, said tract containing 0.61 acres, more or less;

excepting from Section 36 those parcels conveyed to the State Highway Commission by Miscellaneous Record 86A-8, page 505, recorded in the office of the County Clerk, Johnson County, Wyoming;

also excepting those rights and interests heretofore conveyed to State Highway Commission of Wyoming for the construction of Interstate Highway 90 across portions of the above lands, as such conveyances appear of record in the office of the County Clerk of Johnson County, Wyoming;

Township 52 North, Range 83 West, 6th PM

Section 2: Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;

Section 3: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

Section 11: NW $\frac{1}{4}$;

The following-described lands situate in Sheridan County, Wyoming, to-wit:

Township 53 North, Range 83 West, 6th P.M.

Section 8: NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 9: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;

also all that part of the W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying east and south of the County road;

Section 10: ALL;

Section 11: W $\frac{1}{2}$ W $\frac{1}{2}$;

Section 13: W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 14: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$;

Section 15: S $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;