

**MEMORANDUM OF SURFACE
USE AGREEMENT**

KNOW ALL MEN BY THESE PRESENTS:

Mary V. Hutton, a married woman of P.O. Box 4007, Sheridan, WY 82801 and Stella M. Barker, a married woman of P.O. Box 888, Sheridan, WY 82801 (the "Owners"), and J.M. Huber Corporation, a New Jersey corporation of 1050 17th Street, Suite 800 Denver, CO 80265 (the "Lessee"), entered into that certain Surface Use Agreement dated October 11, 2002, that was amended by the parties on August 18, 2008 (the "Agreement") covering the real property located in Sheridan County, Wyoming, more particularly described on Exhibit A and incorporated herein by this reference (the "Lands").

Huber owns oil and gas leases which cover the Lands. Pursuant to those leases Huber conducts coalbed methane exploration, development and production operations. Pursuant to the Agreement Owner and Huber have agreed upon, among other things, the damages to be paid by Huber arising from its use of the surface of the Lands and the manner of locating wells for the production of coalbed methane and the locating of roads, pipelines, power lines and surface equipment related to such wells.

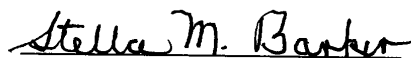
This Memorandum is executed by Owner and Huber and recorded in Sheridan County, Wyoming to serve as notice of the existence of the Agreement. The parties acknowledge they are bound by all the terms and conditions of the Agreement.

A complete copy of the Agreement is maintained at the offices of Huber at the address above. Any person desiring to deal with the Lands may contact Huber for information as to all of the terms of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Surface Use Agreement on August 18, 2008.


OWNER


Mary V. Hutton


Stella M. Barker

622289 MEMORANDUM OF AGREEMENT
BOOK 500 PAGE 0069
RECORDED 09/25/2008 AT 12:05 PM
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

J.M. HUBER CORPORATION

By: 
Ralph W. Schofield
President, Energy

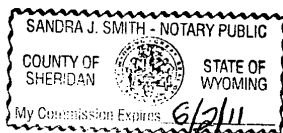
RTM

Energy

STATE OF WYOMING)
) ss.
 COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 18 day of August, 2008, by Mary V. Hutton.

Witness my hand and official seal.

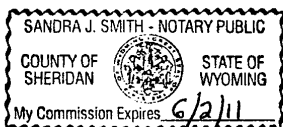


Sandra J. Smith
 Notary Public
 My commission expires: 6/2/11

STATE OF WYOMING)
) ss.
 COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 18 day of August, 2008, by Stella M. Barker.

Witness my hand and official seal.



Sandra J. Smith
 Notary Public
 My commission expires: 6/2/11

STATE OF TEXAS)
) ss.
 COUNTY OF HARRIS)

The foregoing instrument was acknowledged before me this 10th day of September, 2008, by Ralph W. Schofield, President, Energy, of J.M. Huber Corporation, a New Jersey corporation.

Witness my hand and official seal.



Catherine J. Zito
 Notary Public
 My commission expires: 12/22/10

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EXHIBIT "A"

TOWNSHIP 56 NORTH, RANGE 83 WEST, 6TH P.M., SHERIDAN COUNTY, WY

- Section 18:** E2SW4, NW4SE4, South 550 feet of the S2NE4 and the South 550 feet of the SE4NW4 and that part of the S2SE4 and the NE4SE4 lying West of the Railroad Right-Of-Way
- Section 19:** That certain tract of land being more fully described in that particular Warranty Deed from Margaret Alice Hammond, a widow, to Bertha M. Scrutchfield, dated January 10, 1945, recorded January 18, 1945, In Book 58 at page 110, of the records of the Sheridan County Clerk, LESS AND EXCEPT that certain tract more fully described in that particular Warranty Deed from Bertha M. Scrutchfield, a widow to the NX Bar Ranch, Inc., dated June 6, 1978, recorded June 14, 1978 in Book 231 at page 94 of the records of the Sheridan County Clerk, Sheridan County, Wyoming

TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WY

- Section 13:** S2NW4, S2
- Section 14:** SE4SE4
- Section 24:** NW4, NW4SW4, N2NE4