

STATE OF COLORADO
COUNTY OF GARFIELD

KNOW ALL MEN BY THESE PRESENTS

WHEREAS, under date of December 7, 1966, an oil and gas lease was entered into between Claude V. Hayward, Lessor, and Austral Oil Company Incorporated, Lessee, covering, among other lands, Lot 11, being the Northeast Quarter of the Southwest Quarter of Section 25, T-7-S, R-95-W, Garfield County, Colorado, said lease being recorded in Book 381, Page 418, of the records of Garfield County, Colorado; and

WHEREAS, under date of May 5, 1967, a Unit Agreement for the Development and Operation of the Rulison Unit Area in Garfield and Mesa Counties, Colorado, was entered into between Austral Oil Company Incorporated, as Unit Operator, and certain owners of the working, royalty, or other oil and gas interests in the Unit Area, including the Department of the Interior, said Agreement being recorded in Book 389, page 1, of the records of Garfield County, Colorado; and which Agreement contemplated the drilling, testing, and stimulating by nuclear fracturing of wells in search of oil or gas, into which said Unit the land hereinbefore more fully described was included, and which said Unit Agreement was ratified and consented to by the said Claude V. Hayward, Lessor; and

WHEREAS, in the furtherance of said oil and gas lease and said Unit Agreement, Austral Oil Company Incorporated did drill a well on Lot 11 of Section 25, and entered into an agreement with the United States of America (hereinafter called the "Government"), acting jointly through the Atomic Energy Commission and the Department of the Interior, for the nuclear fracturing of said well; and the Government, through said Agencies, by virtue of a deed executed by Claude V. Hayward, acquired sole and exclusive right to regulate and control access to and the use of the surface of the land hereinbefore described for security, public health and safety reasons; with full right of ingress and egress, together with the right to produce for testing purposes gas from any well located on such land and the right to restrict access to said tract to anyone without its approval including the grantor, said grant deed being recorded in Book 399, page 536, of the records of Garfield County, Colorado; and

WHEREAS, on November 8, 1973, the Government exercised its option to extend its rights acquired under the deed as aforesaid by serving notice thereon to said grantor's heir, Lee Hayward, extending the term of said grant through February 23, 1979; and

WHEREAS, the Government has now completed the project for which the said rights in the real property described were obtained and now desires to release back said rights in said real property to the owner thereof, subject only to the restriction of subsurface access to prevent the removal of any materials below a depth of 6,000 feet, measured from the ground surface; and

WHEREAS, the Government desires to erect and maintain a monument-marker as an historical marker and as a means of posting the restriction referred to;

NOW, THEREFORE, for and in consideration of the sum of One Thousand Five Hundred Dollars (\$1500) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned owner by these presents grants to the Government, acting through the U. S. Energy Research and Development Administration (hereinafter referred to as ERDA), sole and exclusive rights to regulate and control access to the subsurface of the real property described as Lot 11, being the Northeast Quarter of the Southwest Quarter of Section 25, T-7-S, R-95-W, Garfield County, Colorado, whether by drilling or excavation, and the right to prevent removal of any materials, whether solid, gaseous or fluid from the said real property below the depth of 6,000 feet measured from the ground surface.

The undersigned owner, for himself, his heirs, successors and assigns, covenants and agrees that effective on the date hereof and hereafter, for such period of time as the Government, acting through the ERDA or its duly authorized representatives, in its sole discretion, deems necessary for public health and safety reasons, to neither grant any rights nor permissions of any kind or character whatsoever, to any person, which would permit such person to drill, excavate, explore, or mine under the said real property by any means whatsoever, or to remove any materials, whether solid, gaseous, or fluid, which may lie thereunder, nor himself, his heirs, successors and assigns to conduct any such operations under said premises or remove any such materials therefrom

below the depth of 6,000 feet, measured from the ground surface, without securing prior approval and permission in writing from the Government.

The rights and restrictions herein set out are subject and subordinate to the rights granted Austral Oil Company, Incorporated under and by virtue of the aforementioned lease and Unit Agreement.

The undersigned owner further grants to the Government the right to construct and maintain a monument-marker, the dimensions of which are described in Exhibit A attached hereto, and by this reference incorporated herein as if set forth in full, at the location shown on said Exhibit as "Ground Zero Station R-E."

The covenants herein contained shall be deemed covenants running with the land and shall be binding upon the owner, his heirs, successors and assigns.

WITNESS our signatures on this 11th day of Sept., 1976.

Lee Hayward
LEE HAYWARD

Accepted and agreed to:

UNITED STATES OF AMERICA

By Donald M. Kern
for MARLON E. GATES
ENERGY RESEARCH AND DEVELOPMENT
ADMINISTRATION

STATE OF Arizona)
COUNTY OF Pima)

The foregoing instrument was acknowledged before me this 11th day of Sept., 1976, by Lee Hayward.

WITNESS my hand and official seal.

Jack Habel
Notary Public in and for
County, Pima



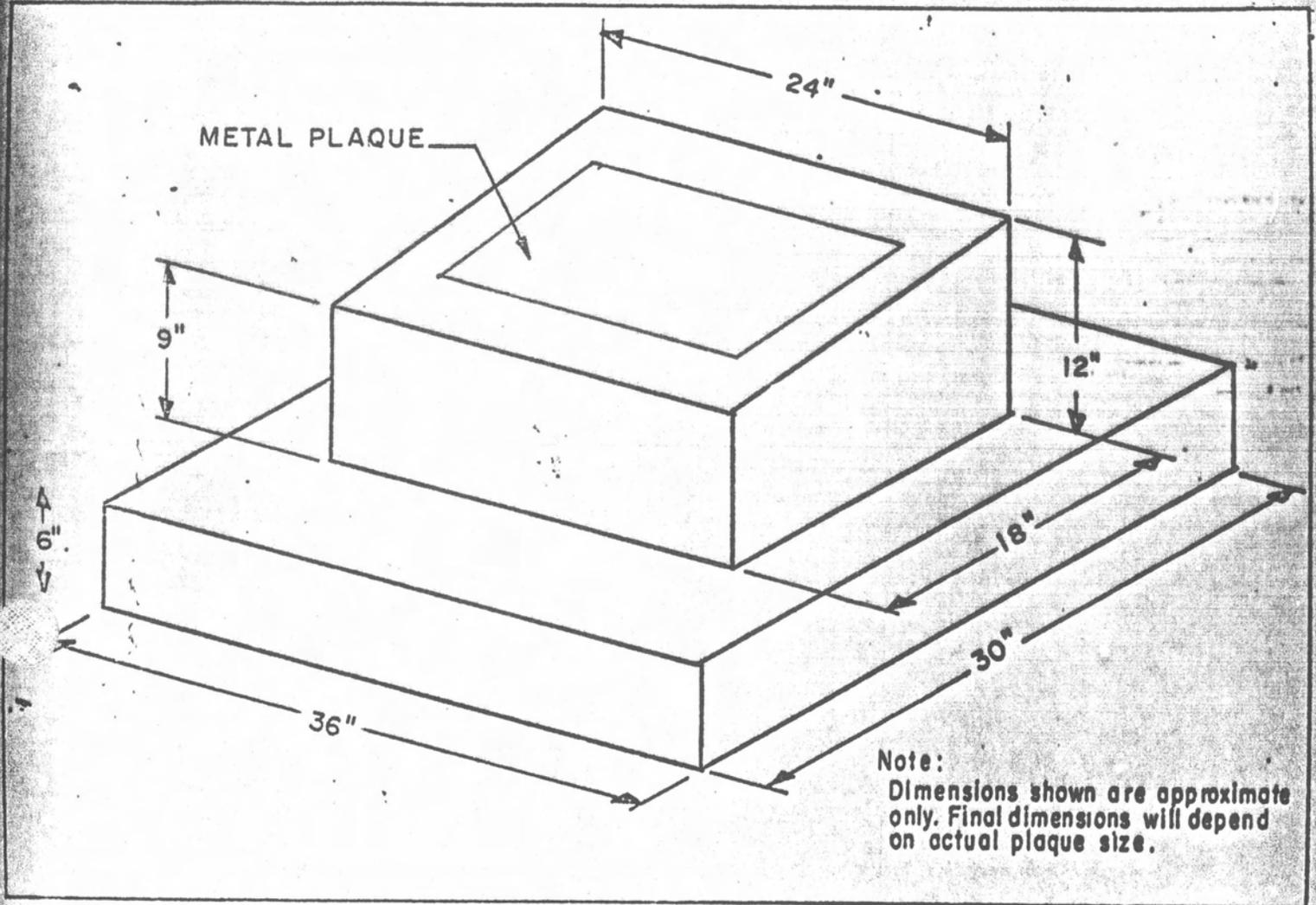


EXHIBIT - A