

SURFACE USE AGREEMENT

1. For ten dollars (\$10.00) and other good and valuable consideration, receipt of which is acknowledged, Texas Ten, Ltd., P. O. Box 305, Cedar Hill, Texas 75106-0305 (Grantor) grants to Robert E. Landreth, 505 North Big Springs, Suite 507, Midland, TX 78701 (Grantee) the right to use the surface of the following lands, subject to the conditions and covenants proposed in this agreement:

N/2 Section 11, T-25-S, R-35-E, Lea County,
New Mexico (hereinafter "Surface")

2. Grantee plans to re-enter the Florida Exploration Company - Reno Com #1 well at a location of 1200 feet FN&WL of Section 11, T-25-S, R-35-E. This agreement covers the use of the surface for the proposed re-entry operation.

3. Grantee may use the same right-of-way and location area as was previously used for the drilling of the original well.

4. Grantee anticipates trucking any necessary water, but will pay Grantor \$300.00 for any temporary water or gas lines across the Surface used in the drilling of this well.

5. Grantee shall set a cattle guard and adequately brace the fence when Grantee enters the surface from State Highway 128. In the event the re-entry operation results in a dry hole, Grantee shall replace the cattle guard with a gate or the fence will be mended to the satisfaction of Grantor.

6. In the event the re-entry operation results in a dry hole Grantee shall rip whatever caliche has been put down for the pad and road.

7. If there is any possibility of cattle being on the Surface, Grantee will fence any pits until they are sufficiently dry to be broken out, after which Grantee shall back-fill the pits and smooth the surface.

8. Grantee may drill a water well on the Surface for re-entry operations only and shall turn over the cased water well to Grantor at the completion of the re-entry operation.

9. Re-entry operations on the well must be commenced within one (1) year from the date of Grantor's signature herein, or Grantee's rights hereunder shall expire.

10. Upon completion of re-entering, drilling and/or equipping the referenced well, Grantee shall return that portion of the surface used or disturbed by Grantee to as near original condition as practical, including closing and restoring any pits containing drilling fluids used in operations on this well. These restoration