

MICROFILM

NON-DEVELOPMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Kansas-Nebraska Natural Gas Company, Inc. is the owner of a certain leasehold estate in and under the following described leases and lands situated in Finney County, State of Kansas, to-wit:

Lease information:

- (1) Dated: April 11, 1951
- Recorded: April 23, 1951, Book OG 22, Page 170
- Lessor: Beulah Gardner and A. B. Gardner, her husband
- Lessee: Gail Nussbaum

Property covered:

The South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 12 Township 24 South, Range 33 West, in Finney County, Kansas.

- (2) Dated: December 1, 1947
- Recorded: February 6, 1948, Book OG 17, Page 9
- Lessor: Emil Salyer and Blanche Salyer (husband and wife)
- Lessee: S. E. Likins

Property covered:

The Northeast Quarter of the Southeast -Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12 Township 24 South, Range 33 West in Finney County, Kansas.

WHEREAS, Kansas-Nebraska Natural Gas Company, Inc. as "lessee" and as an owner of operating rights pursuant to a Declaration of Consolidation of Leasehold Estates dated November 7, 1953, and recorded on January 9, 1954, in Book OG 28, Pages 509-512 in the records of Finney County, Kansas, covering all of Section 12 to the Base of the Hougaton Formation has agreed that it will not conduct drilling operations for the production of oil and gas upon the surface of the following described lands in Finney County, Kansas, to-wit:

Lots One (1), Two (2), Four (4) and the North Thirty-three and Eight Hundredths feet (33.08 feet) of Lot Three (3), Westside Industrial Subdivision of Garden City, Finney County, Kansas.

NOW, THEREFORE, in consideration of the premises and the sum of Ten Dollars, the receipt of which is hereby acknowledged, Kansas-Nebraska Natural Gas Company, Inc., its successors and assigns, hereby agrees that the above described leases and the above-described Declaration of Consolidation of Leasehold Estates shall create no right in Kansas-Nebraska Natural Gas Company, Inc. as to the surface of the last above described lands and does further agree that it will not conduct any surface operations or lay pipelines in and on the last above-described lands which would disturb the surface, except Kansas-Nebraska Natural Gas Company, Inc. reserves the right to produce and save the oil, gas and other minerals in and under said lands together with the right to drill and extract the same therefrom by directional drilling or by unitization of said lands with other adjacent leases, all as may be provided by the leases and Declaration above-described.

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

By: R. M. Danos
R. M. Danos
Vice President



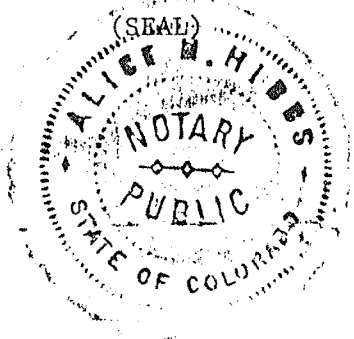
INDEXED ✓
DIRECT ✓
INDIRECT ✓

STATE OF KANSAS SS.
FINNEY COUNTY
This instrument was filed for Record on the 2 day of July A.D. 1982 at 4:15 o'clock P M and duly recorded in book 45 Page 600 Fee \$ 6.00
Rita Altep
Register of Deeds

STATE OF Colorado)
) ss.
Jefferson COUNTY)

BE IT REMEMBERED, That on this 12th day of May, 19 82,
before me, the undersigned, a Notary Public in and for the County
and State aforesaid, came R. M. Danos Vice-President of _____
Kansas-Nebraska Natural Gas Company, Inc. a corporation duly organized,
incorporated and existing under and by virtue of the laws of Kansas
and Robert L. Boumann, Asst. Secretary of said corporation, who
personally known to me to be the same persons who executed, as such officers,
the within instrument of writing on behalf of said corporation, and such persons
duly acknowledged the execution of the same to be the act and deed of said
corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my
Notarial _____ seal the day and year last above mentioned



Alice M. Hibbs Notary Public.
Alice M. Hibbs
Term Expires July 29, , 19 85
P.O. Box 15265
Lakewood, CO. 80215