



1032212

IN ALL CASES PLOT THE INTENDED WELL ON THE PLAT BELOW

Plat of acreage attributable to a well in a prorated or spaced field

If the intended well is in a prorated or spaced field, please fully complete this side of the form. If the intended well is in a prorated or spaced field complete the plat below showing that the well will be properly located in relationship to other wells producing from the common source of supply. Please show all the wells and within 1 mile of the boundaries of the proposed acreage attribution unit for gas wells and within 1/2 mile of the boundaries of the proposed acreage attribution unit for oil wells.

API No. 15 - _____

Operator: _____

Lease: _____

Well Number: _____

Field: _____

Number of Acres attributable to well: _____

QTR/QTR/QTR/QTR of acreage: _____ - _____ - _____ - _____

Location of Well: County: _____

_____ feet from N / S Line of Section

_____ feet from E / W Line of Section

Sec. _____ Twp. _____ S. R. _____ E W

Is Section: Regular or Irregular

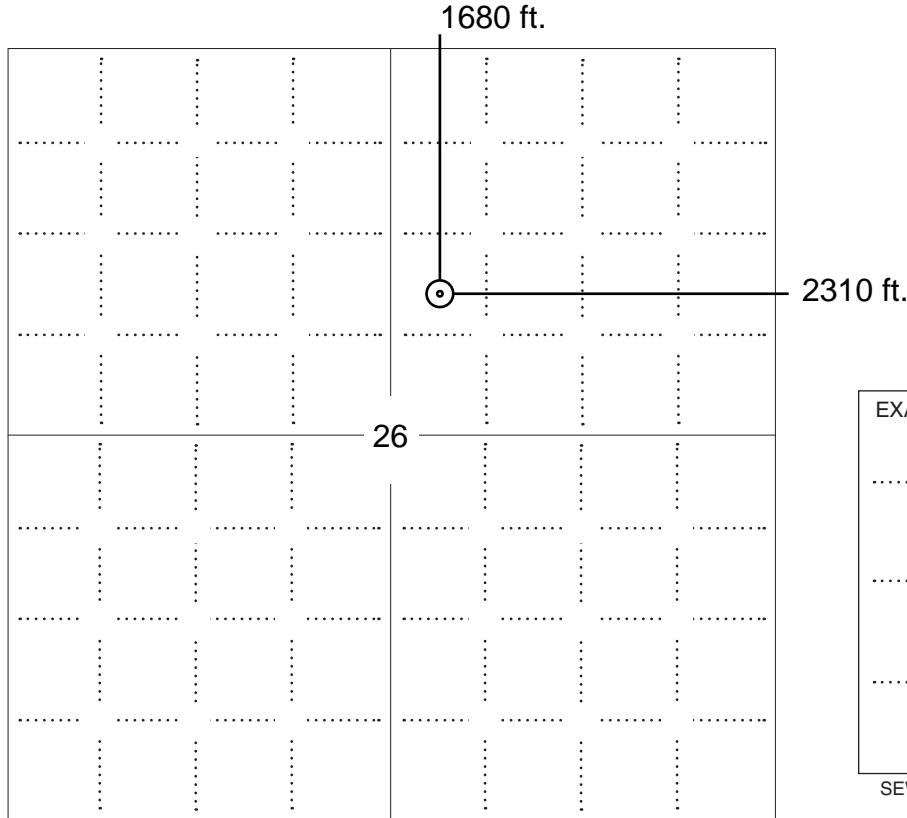
If Section is Irregular, locate well from nearest corner boundary.

Section corner used: NE NW SE SW

PLAT

(Show location of the well and shade attributable acreage for prorated or spaced wells.)

(Show footage to the nearest lease or unit boundary line.)



NOTE: In all cases locate the spot of the proposed drilling locaton.

In plotting the proposed location of the well, you must show:

1. The manner in which you are using the depicted plat by identifying section lines, i.e. 1 section, 1 section with 8 surrounding sections, 4 sections, etc.
2. The distance of the proposed drilling location from the south / north and east / west outside section lines.
3. The distance to the nearest lease or unit boundary line (in footage).
4. If proposed location is located within a prorated or spaced field a certificate of acreage attribution plat must be attached: (C0-7 for oil wells; CG-8 for gas wells).



KANSAS CORPORATION COMMISSION 1032212
OIL & GAS CONSERVATION DIVISION

Form CDP-1
April 2004
Form must be Typed

APPLICATION FOR SURFACE PIT

Submit in Duplicate

Operator Name: _____		License Number: _____	
Operator Address: _____			
Contact Person: _____		Phone Number: _____	
Lease Name & Well No.: _____		Pit Location (QQQQ): _____-_____-_____-_____	
Type of Pit: <input type="checkbox"/> Emergency Pit <input type="checkbox"/> Burn Pit <input type="checkbox"/> Settling Pit <input type="checkbox"/> Drilling Pit <input type="checkbox"/> Workover Pit <input type="checkbox"/> Haul-Off Pit <i>(If WP Supply API No. or Year Drilled)</i>		Pit is: <input type="checkbox"/> Proposed <input type="checkbox"/> Existing If Existing, date constructed: _____ Pit capacity: _____ (bbls)	
Is the pit located in a Sensitive Ground Water Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		Chloride concentration: _____ mg/l <i>(For Emergency Pits and Settling Pits only)</i>	
Is the bottom below ground level? <input type="checkbox"/> Yes <input type="checkbox"/> No		Artificial Liner? <input type="checkbox"/> Yes <input type="checkbox"/> No	
How is the pit lined if a plastic liner is not used? _____			
Pit dimensions (all but working pits): _____ Length (feet) _____ Width (feet) _____ N/A: Steel Pits Depth from ground level to deepest point: _____ (feet) _____ No Pit			
If the pit is lined give a brief description of the liner material, thickness and installation procedure.		Describe procedures for periodic maintenance and determining liner integrity, including any special monitoring.	
Distance to nearest water well within one-mile of pit _____ feet Depth of water well _____ feet		Depth to shallowest fresh water _____ feet. Source of information: _____ measured _____ well owner _____ electric log _____ KDWR	
Emergency, Settling and Burn Pits ONLY: Producing Formation: _____ Number of producing wells on lease: _____ Barrels of fluid produced daily: _____ Does the slope from the tank battery allow all spilled fluids to flow into the pit? <input type="checkbox"/> Yes <input type="checkbox"/> No		Drilling, Workover and Haul-Off Pits ONLY: Type of material utilized in drilling/workover: _____ Number of working pits to be utilized: _____ Abandonment procedure: _____ _____ Drill pits must be closed within 365 days of spud date.	
Submitted Electronically			

KCC OFFICE USE ONLY		Steel Pit	RFAC	RFAS
Date Received: _____	Permit Number: _____	Permit Date: _____	Lease Inspection: <input type="checkbox"/> Yes <input type="checkbox"/> No	

WATER RESOURCES RECEIVED
 OCT 13 2009 1:07 PM
 DEPT OF AGRICULTURE

Submit To:

CHIEF ENGINEER
 Division of Water Resources
 Kansas Department of Agriculture
 109 SW 9th Street, 2nd Floor
 Topeka, KS 66612-1283
 www.ksda.gov/dwr

APPLICATION FOR
 TEMPORARY PERMIT

- GROUNDWATER
 SURFACE WATER
 (check one)



State of Kansas
 GMD _____
 MEETS _____
 K.A.R. 5-9-1
 BY KAK
 DATE 10/13/2009

STATUTORY FILING FEE OF \$200.00 MUST ACCOMPANY THIS APPLICATION
 (Make check payable to the Kansas Department of Agriculture)

20090276

1. Applicant: (Please print or type)
 Name Black Diamond Oil, Inc.
 Street PO Box 641
 City and State Hays, KS 67601
 Zip Code 67601 Telephone No. (785) 625-5891
 Social Security I.D. No. _____
 and/or Taxpayer I.D. No. 480924145

6. Period of use (6 months maximum):
 Commencing date: 10-12-2009 10/14/2009
 Ending Date: 12-8-2009

7. Location of the proposed point of diversion shall be indicated on the diagram below. Use the center section.

If surface water, indicate on the diagram the course of the stream, and its name.

2. Location of Point of Diversion:
 Sec. 23, Twp. 8, Rng. 19, (E/W),
Rooks County, Kansas.

Distance from Southeast Corner of Section:
500 feet North from Southeast Corner
4950 feet West from Southeast Corner

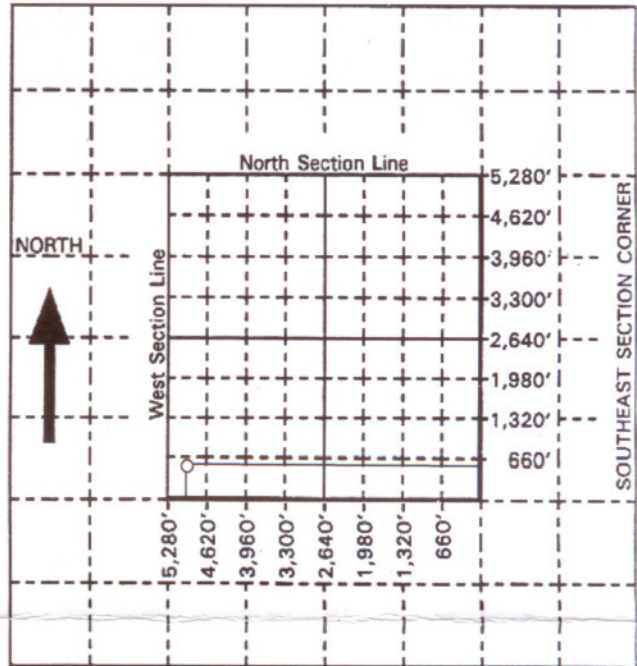
Existing water right? Yes No
 If yes, File No. _____
 Pending application? Yes No
 If yes, File No. _____

3. Water Use Data:
 Proposed Max. Pumping Rate (gpm) 40
 Amount Requested (gallons) 400,000
 (not to exceed one million gallons unless for dewatering)
 Depth of Well (feet) _____, OR
 Name of Stream Lost Creek

4. Water is to be used for (briefly describe proposed use):
Drilling Oil Well

5. Location of place of use:
NW SW SE Section 26-8-19W

The scale of the diagram is 2 inches = 1 mile
 Each small square represents 10 acres



For Office Use Only: Code TMP Fee \$ 200 TR # _____ Receipt Date 10-13-09 Check # 19255

WATER RESOURCES RECEIVED
OCT 13 2009
KS DEPT OF AGRICULTURE

8. For groundwater use, list below all wells within 1/2 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach sheet.

Other wells -

Well A Owner(s): _____
Address: _____

Well B Owner(s): _____
Address: _____

9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): Steve Fellhoelter
Address: 2190 16 Road, Plainville, KS 67663

Tract B Owner(s): _____
Address: _____

10. The owner of the point of diversion, is (please print):

(KAK/DWR)

* Tracy Fellhoelter Living Trust (S10 1/2 S10 1/2) (785)-434-7498
(name, address and telephone number)

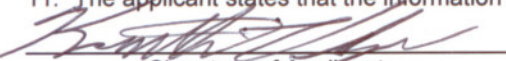
You must provide evidence of legal access to, or control of, the point of diversion of water, from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2009


Applicant's Signature

11. The applicant states that the information set forth herein is true and accurate to the best of his/her knowledge.


Signature of Applicant

or

Authorized Representative

10/9/09
Date

Kenneth Vehige
Applicant's Name Printed

Title

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall maintain records from which the quantity of water actually diverted may be readily determined.

The use of water herein authorized shall not be made so as to impair any use under existing water rights or prejudicially and unreasonably affect the public interest.

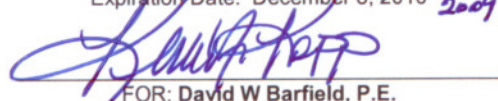
K.S.A. 82a-728 states in part "(a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water . . ."

Well(s) must be properly constructed by the well driller to comply with Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

The water user diverting water under the authority of this permit shall not: 1) Stop the flow of the stream at or below the point at which the water is diverted; or 2) pump at a rate in excess of the natural flow of the stream at the time the pumping occurs. **The stream flow shall not be stopped at the first riffle below the point of diversion while pumping under the authority of this permit.**

APPLICATION APPROVED
Permit Number: 20090276
Date Issued: October 14, 2009
Expiration Date: December 8, 2010 2009



FOR: David W Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

The point of diversion authorized by the approval of this application for temporary permit is more particularly described as being located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4 SW 1/4) of Section 23, Township 8 South, Range 19 West, Rooks County, Kansas.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et. seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, is the agency officer who will receive service of a petition for judicial review on behalf of the Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.