

For KCC Use: 9.4-05
 Effective Date: 9.4-05
 District #: 2
 SGA? Yes No

KANSAS CORPORATION COMMISSION
 OIL & GAS CONSERVATION DIVISION
NOTICE OF INTENT TO DRILL

CORRECTED

Form C-1
 December 2002
 Form must be Typed
 Form must be Signed
 All blanks must be Filled

Must be approved by the K.C.C. five (5) days prior to commencing well

Expected Spud Date SEPTEMBER 17 2005
month day year

Spot 100' S & 150' W OF CENTER East
 W/2 - SE - SW Sec. 35 Twp. 17 S. R. 10 West
560 feet from N / S Line of Section
1500 feet from E / W Line of Section
 Is SECTION X Regular Irregular?

OPERATOR: License # 3882
 Name: SAMUEL GARY JR. & ASSOCIATES. INC.
 Address: 1670 BROADWAY, SUITE 3300
 City/State/Zip: DENVER, CO 80202
 Contact Person: TOM FERTAL
 Phone: (303) 831-4673

(Note: Locate well on the Section Plat on Reverse Side)
 County: ELLSWORTH
 Lease Name: BIRD Well #: 1-35

CONTRACTOR: License 33323
 Name: PETROMARK DRILLING

Field Name: WILDCAT
 Is this a Prorated / Spaced Field? Yes No
 Target Formation(s): ARBUCKLE

Well Drilled For: Well Class: Type Equipment:
 Oil Enh Rec Infield Mud Rotary
 Gas Storage Pool Ext. Air Rotary
 OWWO Disposal Wildcat Cable
 Seismic; # of Holes Other Other

Nearest Lease or unit boundary: 560'
 Ground Surface Elevation: 1777' feet MSL
 Water well within one-quarter mile: Yes No
 Public water supply well within one mile: Yes No

CORRECTED

Depth to bottom of fresh water: 150
 Depth to bottom of usable water: 340 PERMIAN
 Surface Pipe by Alternate: 1 2
 Length of Surface Pipe Planned to be set: 420'
 Length of Conductor pipe required: NONE
 Projected Total Depth: 3500'
 Formation at Total Depth: ARBUCKLE

If OWWO: old well information as follows:
 Operator:
 Well Name:
 Original Completion Date: Original Total Depth:

Water Source for Drilling Operations:
 Well Farm Pond Other X
 DWR Permit #: N/A

Directional, Deviated or Horizontal wellbore? Yes No
 If yes, true vertical depth:
 Bottom Hole Location:
 KCC DKT#:

(Note: Apply for Permit with DWR)
 Will Cores Be Taken? Yes No
 If yes, proposed zone: N/A

Expiration date was 6-months from effective date: 3-4-2006
 Expiration date is 6-months from approval date: 2-28-2006

AFFIDAVIT

The undersigned hereby affirms that the drilling, completion and eventual plugging of this well will comply with K.S.A. 55-101, et. seq. It is agreed that the following minimum requirements will be met:

RECEIVED
 KANSAS CORPORATION COMMISSION
 AUG 30 2005
 CONSERVATION DIVISION
 WICHITA, KS

1. Notify the appropriate district office **prior** to spudding of well;
2. A copy of the approved Notice of Intent to Drill **shall be** posted on each drilling rig;
3. The minimum amount of surface pipe as specified below **shall be set** by circulating cement to the top; in all cases surface pipe **shall be set** through all unconsolidated materials plus a minimum of 20 feet into the underlying formation;
4. If the well is a dry hole, an agreement between the operator and the district office on plug length and placement is necessary **prior to plugging**;
5. The appropriate district office will be notified before well is either plugged or production casing is cemented in;
6. If an ALTERNATE II COMPLETION, production pipe shall be cemented from below any usable water to surface within **120 days** of spud date.
 Or pursuant to Appendix "B" - Eastern Kansas surface casing order #133,891-C, which applies to the KCC District 3 area, alternate II cementing must be completed within 30 days of spud date or the well shall be plugged. **In all cases, NOTIFY district office** prior to any cementing.

I hereby certify that the statements made herein are true and to the best of my knowledge and belief.

Date: Aug 29, 2005 Signature of Operator or Agent: Thomas Fertal Title: SR. GEOLOGIST

Remember to:

- File Drill Pit Application (Form CDP-1) with Intent to Drill;
- File Completion Form ACO-1 within 120 days of spud date;
- File acreage attribution plat according to field proration orders;
- Notify appropriate district office 48 hours prior to workover or re-entry;
- Submit plugging report (CP-4) after plugging is completed;
- Obtain written approval before disposing or injecting salt water.

If this permit has expired (See: authorized expiration date) please check the box below and return to the address below.

Well Not Drilled - Permit Expired
 Signature of Operator or Agent:
 Date:

For KCC use ONLY
 API # 15 - 053-21153-00-00
 Conductor pipe required NONE feet
 Minimum surface pipe required 360 feet per Alt. 1
 Approved by: RJP 8.30.05 / RSP 9.27.05
 This authorization expires: 3406 2.28.06
 (This authorization void if drilling not started within 6 months of effective date.)
 Spud date: Agent:

35
17
10W