

For KCC Use: 4-15-07
Effective Date: 4-15-07
District # 2
SGA? Yes No

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

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

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

Expected Spud Date APRIL 2 2007
month day year

20' W of CENTER East
NW - NE - NE 3 Twp. 19 S. R. 10 West
330 feet from N / S Line of Section
1010 feet from E / W Line of Section
Is SECTION x Regular Irregular?

(Note: Locate well on the Section Plat on Reverse Side)

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

County: RICE ✓

CONTRACTOR: License 8273 ✓
Name: EXCELL SERVICES INC

Lease Name: HABIGER ET AL ✓ Well #: 1-3 ✓

Field Name: WILDCAT ✓
Is this a Prorated / Spaced Field? Yes No

Target Formation(s): ARBUCKLE ✓

Nearest Lease or unit boundary: 330' ✓

Ground Surface Elevation: Est. 1725 ✓ feet MSL

Water well within one-quarter mile: Yes No

Public water supply well within one mile: Yes No

Depth to bottom of fresh water: 175

Depth to bottom of usable water: 230

Surface Pipe by Alternate: 1 2

Length of Surface Pipe Planned to be set: 320'

Length of Conductor pipe required: NONE

Projected Total Depth: 3400'

Formation at Total Depth: ARBUCKLE

Water Source for Drilling Operations:

Well Farm Pond Other X

DWR Permit #: N/A

(Note: Apply for Permit with DWR)

Will Cores Be Taken? Yes No

If yes, proposed zone: N/A

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

If OWWO: old well information as follows:

Operator: _____

Well Name: _____

Original Completion Date: _____ Original Total Depth: _____

Directional, Deviated or Horizontal wellbore? Yes No

If yes, true vertical depth: _____

Bottom Hole Location: _____

KCC DKT#: _____

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:

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: FEBRUARY 28, 2007 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 - 159-22536-00-00
Conductor pipe required NONE feet
Minimum surface pipe required 250 feet per Alt. (1)
Approved by: WTHM 4-10-07
This authorization expires: 10-10-07
(This authorization void if drilling not started within 6 months of effective date.)
Spud date: _____ Agent: _____

Mail to: KCC - Conservation Division 130 S. Market - Room 2078, Wichita, Kansas 67202

RECEIVED
KANSAS CORPORATION COMMISSION
MAR 01 2007
CONSERVATION DIVISION
WICHITA, KS

3
19
10

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 - 159-225360000
Operator: SAMUEL GARY JR & ASSOCIATES, INC.
Lease: HABIGER ET AL
Well Number: 1-3
Field:

Location of Well: County: RICE
330 feet from N / S Line of Section
1010 feet from E / W Line of Section
Sec. 3 Twp. 19 S. R. 10 East West

Is Section: Regular or Irregular

Number of Acres attributable to well:

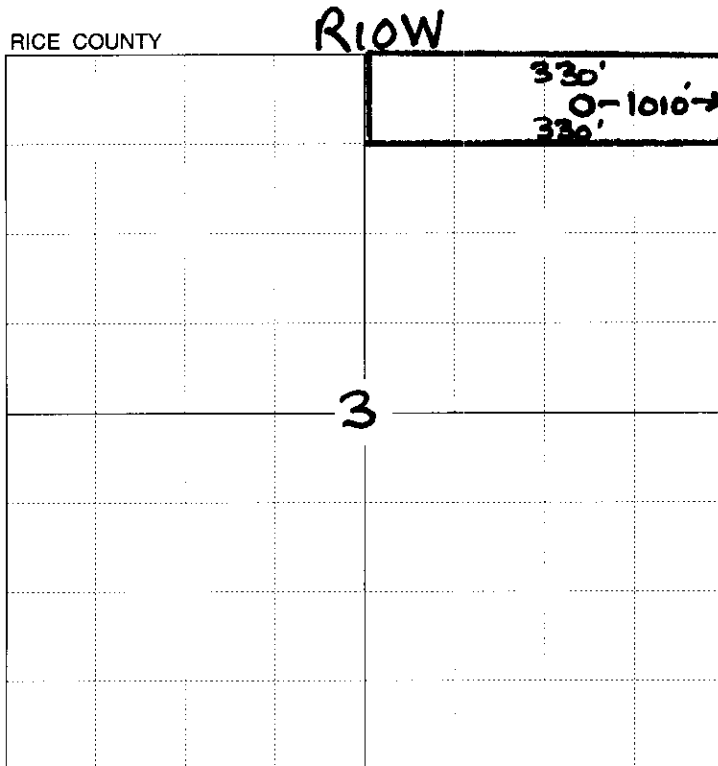
QTR / QTR / QTR of acreage:

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

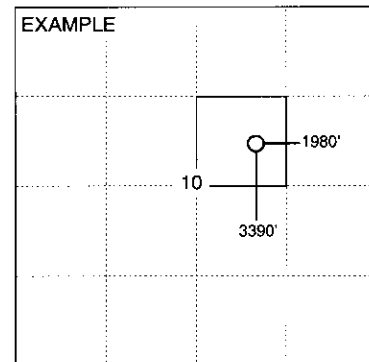
Section corner used: NE NW SE SW

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.)



Handwritten note: 330' from nearest lease boundary



SEWARD CO.

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

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 section's south / north and east / west.
3. The distance to the nearest lease or unit boundary line.
4. If proposed location is located within a prorated or spaced field a certificate of acreage attribution plat must be attached: (CO-7 for oil wells; CG-8 for gas wells).

RECEIVED KANSAS CORPORATION COMMISSION

MAR 01 2007

CONSERVATION DIVISION

KANSAS CORPORATION COMMISSION
OIL & GAS CONSERVATION DIVISION
APPLICATION FOR SURFACE PIT

Form CDP-1
April 2004
Form must be Typed

Submit in Duplicate

Operator Name: SAMUEL GARY JR. AND ASSOCIATES, INC.		License Number: 3882	
Operator Address: 1670 BROADWAY, SUITE 3300 DENVER, CO 80202-4838			
Contact Person: TOM FERTAL		Phone Number: (303) 831 - 4673	
Lease Name & Well No.: HABIGER ET AL 1-3		Pit Location (QQQQ): NW NE NE	
Type of Pit: <input type="checkbox"/> Emergency Pit <input type="checkbox"/> Burn Pit <input type="checkbox"/> Settling Pit <input checked="" 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 checked="" type="checkbox"/> Proposed <input type="checkbox"/> Existing If Existing, date constructed: _____ Pit capacity: 4000 (bbls)	
		Sec. 3 Twp. 19 R. 10 <input type="checkbox"/> East <input checked="" type="checkbox"/> West 330 Feet from <input checked="" type="checkbox"/> North / <input type="checkbox"/> South Line of Section 1010 Feet from <input checked="" type="checkbox"/> East / <input type="checkbox"/> West Line of Section RICE County	
Is the pit located in a Sensitive Ground Water Area? <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Artificial Liner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		How is the pit lined if a plastic liner is not used? NATIVE MUD AND CLAY	
Pit dimensions (all but working pits): 75 Length (feet) 75 Width (feet) N/A: Steel Pits Depth from ground level to deepest point: 4 (feet)			
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. RECEIVED KANSAS CORPORATION COMMISSION MAR 01 2007 CONSERVATION DIVISION WICHITA, KS	
Distance to nearest water well within one-mile of pit 1340 feet Depth of water well 122 feet		Depth to shallowest fresh water 30 feet. Source of information: _____ measured (6) 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: FRESH MUD Number of working pits to be utilized: 0 (Steel Tanks) Abandonment procedure: ALLOW TO DRY, THEN BACKFILL Drill pits must be closed within 365 days of spud date.	
I hereby certify that the above statements are true and correct to the best of my knowledge and belief.			
FEBRUARY 28, 2007 Date		<i>Thomas Fertal</i> Signature of Applicant or Agent	

KCC OFFICE USE ONLY				R FAS+72HRS
Date Received: 3/1/07	Permit Number: _____	Permit Date: 4/10/07	Lease Inspection: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Mail to: KCC - Conservation Division, 130 S. Market - Room 2078, Wichita, Kansas 67202

15-159-22536-00-00

KANSAS

CORPORATION COMMISSION

KATHLEEN SEBELIUS, GOVERNOR
BRIAN J. MOLINE, CHAIR
ROBERT E. KREHBIEL, COMMISSIONER
MICHAEL C. MOFFET, COMMISSIONER

April 10, 2007

Mr. Tom Fertal
Samuel Gary Jr. & Associates, Inc.
1670 Broadway Ste 3300
Denver, CO 80202

Re: Drilling Pit Application
HABIGER ET AL Lease Well No. 1-3
NE/4 Sec. 03-19S-10W
Rice County, Kansas

Dear Mr. Fertal:

District staff has inspected the above referenced location and has determined that the reserve pit shall be constructed **without slots**, the bottom shall be flat and reasonably level, and the free fluids must be removed. The fluids are to be removed from the reserve pit as soon as the Hutchinson Salt section has been drilled through and displacement of the fluids into the reserve pit has occurred. The fluids should be removed again within 72 hours after drilling operations have ceased.

If production casing is set all completion fluids shall be removed from the working pits daily. NO completion fluids or non-exempt wastes shall be placed in the reserve pit.

The fluids should be taken to an authorized disposal well. Please call the District Office at (316) 630-4000 when the fluids have been removed. Please file form CDP-5 (August 2004), Exploration and Production Waste Transfer, within 30 days of fluid removal. Conservation division forms are available through our office and on the KCC web site:
www.kcc.state.ks.us/conservation/forms.

A copy of this letter should be posted in the doghouse along with the approved Intent to Drill.

If you have any questions or concerns please feel free to contact the undersigned at the above address.

Sincerely,


Kathy Haynes
Environmental Protection and Remediation Department

cc: File

15-159-22536-00.00