

2<sup>nd</sup> Amendment - Moved Location

For KCC Use: Effective Date: 11-4-07 District # 1 SGA?  Yes  No

KANSAS CORPORATION COMMISSION OIL & GAS CONSERVATION DIVISION

2<sup>ND</sup> CORRECTED

Form C-1 December 2002

NOTICE OF INTENT TO DRILL

12-27-07

Form must be Typed Form must be Signed All blanks must be Filled

Must be approved by KCC five (5) days prior to commencing well

Expected Spud Date 12/31/2007 month day year

Spot NW NE NE Sec. 9 Twp. 25S S. R. 36  East  West

OPERATOR: License# 32864 Name: XTO Energy, Inc. Address: 210 Park Ave., Ste. 2350 City/State/Zip: Oklahoma City, OK 73102 Contact Person: Ashley Lane Phone: 405-319-3268

400' feet from  N /  S Line of Section 1150 feet from  E /  W Line of Section Is SECTION  Regular  Irregular?

(Note: Locate well on the Section Plat on reverse side)

CONTRACTOR: License# 33784 Name: Trinidad Drilling Ltd

County: Kearny Field Name: Hugoton/ Panama Well #: 1-3-9

Is this a Prorated / Spaced Field?  Yes  No Target Formation(s): Kinder, Winfield, Towanda, Ft. Riley, Council Grove, Funston, Middleburg

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

Nearest Lease or unit boundary: 400 Ground Surface Elevation: 1150 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: 340 Depth to bottom of usable water: 820

Surface Pipe by Alternate:  1  2 Length of Surface Pipe Planned to be set: 360

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

Length of Conductor Pipe required: none Projected Total Depth: 3000'

Formation at Total Depth: Neva Limestone

Directional, Deviated or Horizontal wellbore?  Yes  No

Water Source for Drilling Operations:  Well  Farm Pond Other Hauled in

If Yes, true vertical depth: Bottom Hole Location: KCC DKT #:

DWR Permit #: (Note: Apply for Permit with DWR )

Will Cores be taken?  Yes  No

1st CORA WAS: 1250 FNL, 1250 FEL SWNE NE 15: 895 FNL, 895 FEL SWNE NE

2ND CORA WAS: SWNE NE 895 FNL, 895 FEL 15: NW NE NE 400 FNL, 1150 FEL

AFFIDAVIT

The undersigned hereby affirms that the drilling, completion and eventual plugging of this well will comply with K.S.A. 55 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 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 the 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: 12/21/2007 Signature of Operator or Agent: Ashley Lane Title: Regulatory Analyst

For KCC Use ONLY API # 15 - 093-21814-0000 Conductor pipe required NONE feet Minimum surface pipe required 360 feet per Alt. X 2 Approved by: RCH 10-30-07/WHM 11-21-07/WHM 12-21-07 This authorization expires: 10-30-08 (This authorization void if drilling not started within 12 months of approval date.) Spud date: Agent:

Remember to:

- File Drill Plan 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 prorator 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:

9 25 36

IN ALL CASES PLOT THE INTENDED WELL ON THE PLAT BELOW

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

CORRECTED

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 - 093-21814-0000

Operator: XTO Energy, Inc.

Lease: Miller

Well Number: 1-3-9

Field: Hugoton/ Panama

Number of Acres attributable to well: 640

QTR / QTR / QTR of acreage: NW - NE - NE

Location of Well: County: Kearny

400' feet from [X] N / [ ] S Line of Section

1150 feet from [X] E / [ ] W Line of Section

Sec. 9 Twp. 25S S. R. 36 [ ] East [X] West

Is Section: [X] Regular or [ ] Irregular

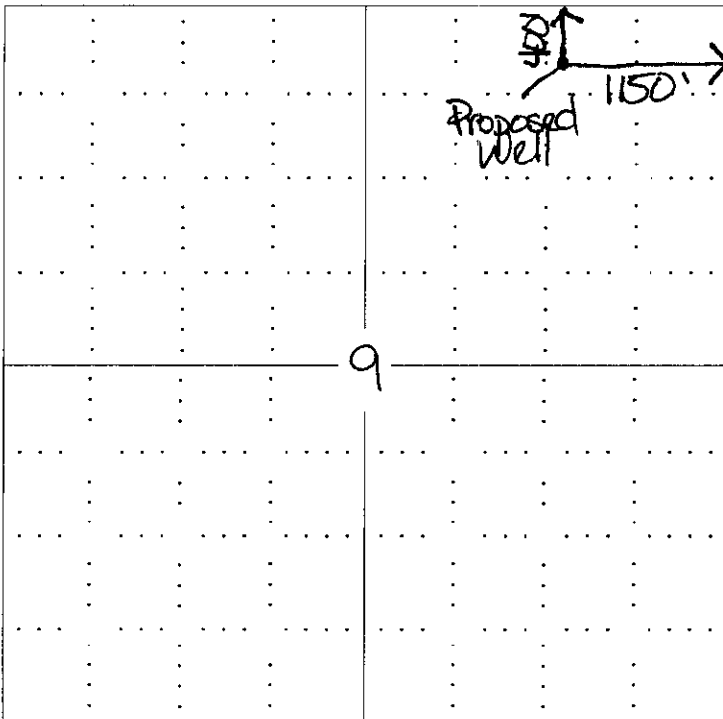
If Section is Irregular, locate well from nearest corner boundary.

Section corner used: [ ] NE [ ] NW [ ] SE [ ] SW

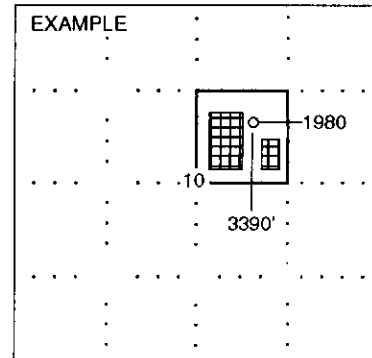
PLAT

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

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



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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).

# PLAT AND CERTIFICATION OF ACREAGE ATTRIBUTABLE TO A GAS WELL

Kansas Corporation Commission, Conservation Division  
 Finney State Office Building, 130 South Market, Room 2078  
 Wichita, Kansas 67202

**ORRECTED**

API NUMBER 15- 093-21814-0000

LOCATION OF WELL: COUNTY Kearny

OPERATOR XTO Energy, Inc.

LEASE Miller

WELL NUMBER 1-3-9

FIELD Hugoton / Panoma

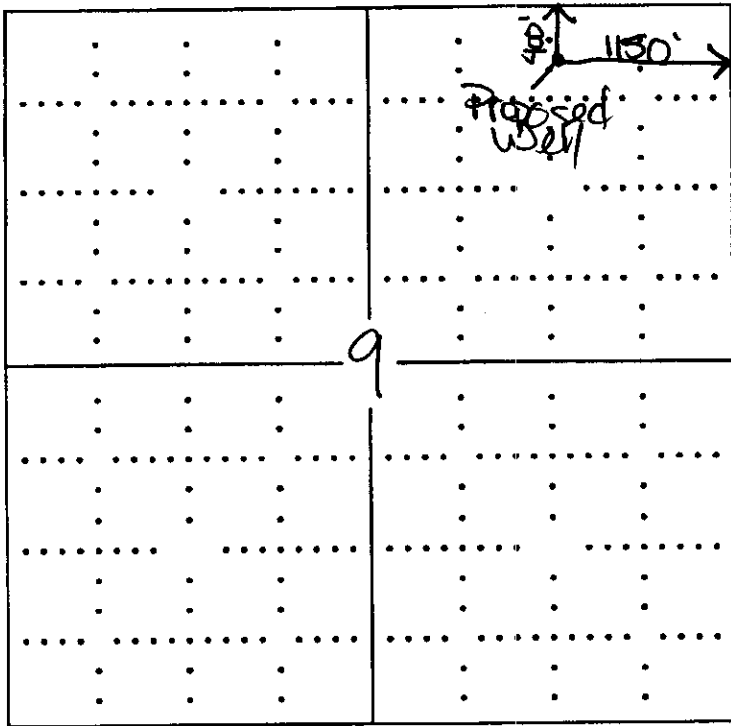
400 feet from south/north line of section  
1150 feet from east west line of section

SECTION 9 TWP 25 (S) RG 36 E/W  
 IS SECTION X REGULAR or IRREGULAR  
 IF SECTION IS IRREGULAR, LOCATE WELL FROM  
 NEAREST CORNER BOUNDARY. (check line below)  
 Section corner used: NE NW SE SW

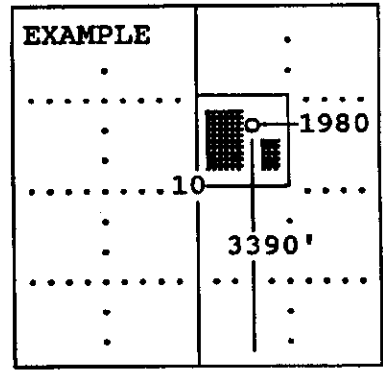
NUMBER OF ACRES ATTRIBUTABLE TO WELL 640

QTR/QTR/QTR OF ACREAGE - - -

(Show the location of the well and shade attributable acreage for prorated or spaced wells).  
 (Show the footage to the nearest lease or unit boundary line; and show footage to the nearest common source supply well).



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SEWARD CO.

The undersigned hereby certifies as Regulatory Analyst (title) for

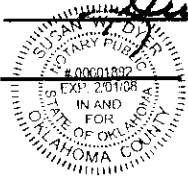
XTO Energy, Inc (Co.), a duly authorized agent, that all information shown hereon is true and correct to the best of my knowledge and belief, that all acreage claimed attributable to the well named herein is held by production from that well and hereby make application for an allowable to be assigned to the well upon the filing of this form and the State test, whichever is later.

Signature Ashley Carr

Subscribed and sworn to before me on this 21st day of December, 2007

Annor Sh. [Signature]  
 Notary Public

My Commission expires 2/01/08



FORM CG-8 (12/94)

15-093-21814-00-00

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

Form CDP-1  
April 2004  
Form must be Typed

Submit in Duplicate

**CORRECTED**

Operator Name: XTO Energy, Inc.		License Number: 32864	
Operator Address: 210 Park Ave., Ste. 2350			
Contact Person: Ashley Lane		Phone Number: ( 405 ) 319 - 3268	
Lease Name & Well No.: Miller #1-3-9		Pit Location (QQQQ): NW . NE . NE . Sec. 9 Twp. 25S R. 36 <input type="checkbox"/> East <input checked="" type="checkbox"/> West 400 Feet from <input checked="" type="checkbox"/> North / <input type="checkbox"/> South Line of Section 1150 Feet from <input checked="" type="checkbox"/> East / <input type="checkbox"/> West Line of Section Kearny County	
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 (If WP Supply API No. or Year Drilled)		Pit is: <input checked="" 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 checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Chloride concentration: _____ mg/l (For Emergency Pits and Settling Pits only)	
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? <b>Earthen</b>	
Pit dimensions (all but working pits): 150 Length (feet) 150 Width (feet) N/A: Steel Pits Depth from ground level to deepest point: 6 (feet)			
If the pit is lined give a brief description of the liner material, thickness and installation procedure. <b>Earthen</b>		Describe procedures for periodic maintenance and determining liner integrity, including any special monitoring. <b>RECEIVED DEC 26 2007</b>	
Distance to nearest water well within one-mile of pit +/- 2500 feet    Depth of water well 292.62 feet		Depth to shallowest fresh water _____ feet. Source of information: <b>KCC WICHITA</b> _____ measured _____ well owner _____ electric log <input checked="" type="checkbox"/> KDWR	
<b>Emergency, Settling and Burn Pits ONLY:</b> 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		<b>Drilling, Workover and Haul-Off Pits ONLY:</b> Type of material utilized in drilling/workover: Native Soil Number of working pits to be utilized: 1 Abandonment procedure: Evaporation & close _____ 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.			
12/21/2007 Date		<i>Ashley Lane</i> Signature of Applicant or Agent	
<b>KCC OFFICE USE ONLY</b>			
Normal Dist			
Date Received: 12/26/07 Permit Number: _____ Permit Date: 12/26/07 Lease Inspection: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

15893-21814-8888