

For KCC Use: 1-3-2009  
Effective Date: 4  
District # 4  
SGA?  Yes  No

KANSAS CORPORATION COMMISSION  
OIL & GAS CONSERVATION DIVISION

\* CORRECTED

Form C-1  
October 2007

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

NOTICE OF INTENT TO DRILL

CORRECTED

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

\* Expected Spud Date: 03/20/2009  
month day year

Spot Description: \_\_\_\_\_  
NW - NE - NE Sec. 27 Twp. 8 S. R. 19  E  W  
(20/0/0) 330 feet from  N /  S Line of Section  
990 feet from  E /  W Line of Section

Is SECTION:  Regular  Irregular?

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

County: Rooks  
Lease Name: Green A Well #: 3  
Field Name: Webster

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

Nearest Lease or unit boundary line (in footage): 330  
Ground Surface Elevation: 1930 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: 130  
Depth to bottom of usable water: 800

Surface Pipe by Alternate:  I  II  
Length of Surface Pipe Planned to be set: 200 +

Length of Conductor Pipe (if any): None  
Projected Total Depth: 3450

Formation at Total Depth: Arbuckle  
\* Water Source for Drilling Operations:

Well  Farm Pond  Other: Lost Creek  
\* DWR Permit #: 20090058

(Note: Apply for Permit with DWR )

Will Cores be taken?  Yes  No  
If Yes, proposed zone: \_\_\_\_\_

\* WAS: Water source for Drilling: Farm Pond  
Lost Creek

AFFIDAVIT IS:

DWR Permit 20090058

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# WAS: Contractor 33575 low Drilling LLC  
IS: Contractor 31548 Discovery Drilling Co., Inc.  
# WAS: Expected spud date 1/12/2009  
IS: " " 3/20/2009

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 correct to the best of my knowledge and belief.

Date: 3/16/09 Signature of Operator or Agent: \_\_\_\_\_ Title: Pres.

**For KCC Use ONLY**  
API # 15 - 163-23791-00-00  
Conductor pipe required None feet  
Minimum surface pipe required 200 feet per ALT.  I  II  
Approved by: REH 12-29-2008 / REH 3-17-2009  
This authorization expires: 12-29-2009  
(This authorization void if drilling not started within 12 months of approval date.)  
Spud date: \_\_\_\_\_ Agent: \_\_\_\_\_

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 (within 60 days);
- 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 Date: \_\_\_\_\_  
Signature of Operator or Agent: \_\_\_\_\_

27  
8  
19  
 E  
 W

**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 - 163-23791-00-00  
 Operator: Black Diamond Oil, Inc.  
 Lease: Green A  
 Well Number: 3  
 Field: Webster

Location of Well: County: Rooks  
330 feet from  N /  S Line of Section  
990 feet from  E /  W Line of Section  
 Sec. 27 Twp. 8 S. R. 19  E  W

Number of Acres attributable to well: 10  
 QTR/QTR/QTR/QTR of acreage: \_\_\_\_\_ - NW - NE - NE

Is Section:  Regular or  Irregular

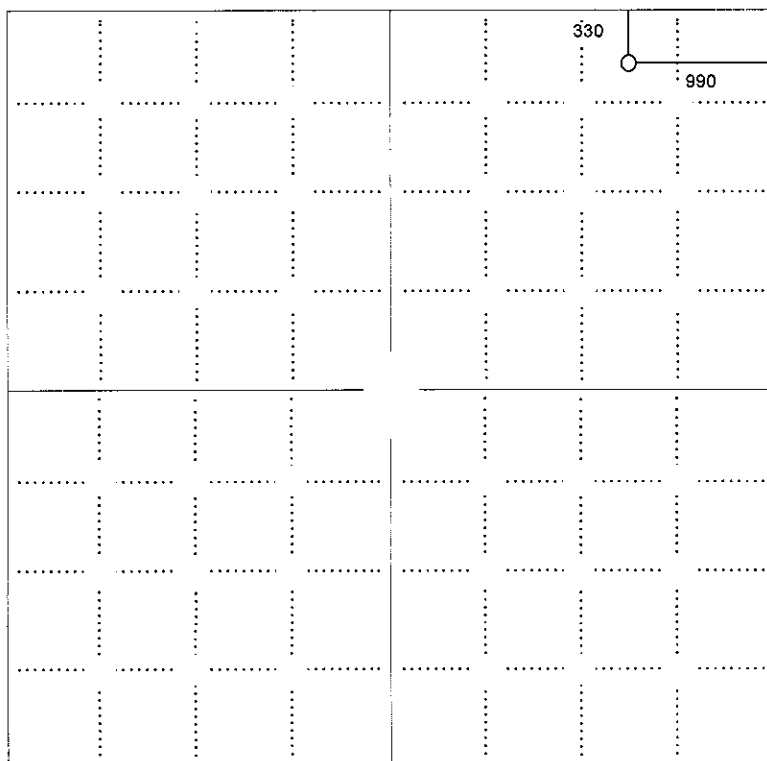
**If Section is Irregular, locate well from nearest corner boundary.**

Section corner used:  NE  NW  SE  SW

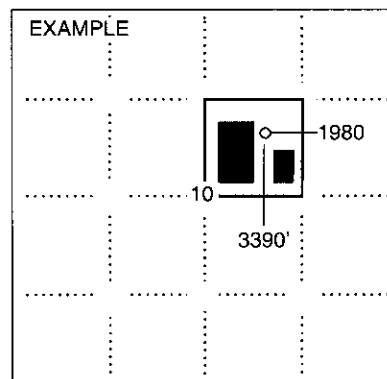
**PLAT**

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

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



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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 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: (CO-7 for oil wells; CG-8 for gas wells).

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)

WATER RESOURCES RECEIVED  
 MAR 09 2009 1:00 PM  
 KS DEPT OF AGRICULTURE  
 State of Kansas  
 DATE 3/9/2009  
 FO 3  
 GMD 0  
 MEETS 9  
 A.R. 5-1  
 VMT

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

20090058

1. Applicant: (Please print or type)  
 Name Black Diamond Oil, Inc.  
 Street P.O. 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. Location of place of use:  
NW-NE-NE 27-8-19W

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2. Location of Point of Diversion:  
 Sec. 23 Twp. 8 Rng. 19 West  
Rooks County, Kansas.

7. Period of use (6 months maximum):  
 Commencing date: 3-20-2009  
 Ending Date: 4-20-2009

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

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

Existing water right? Yes  No   
 If yes, File No. \_\_\_\_\_

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

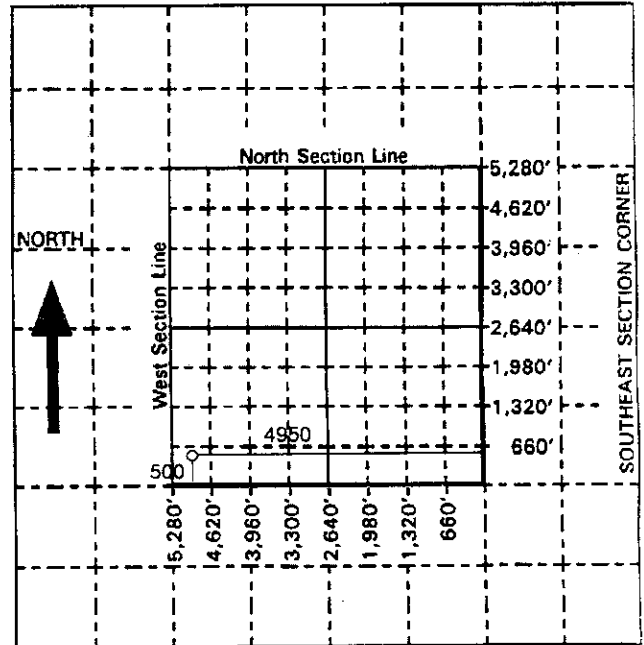
Pending application? Yes  No   
 If yes, File No. \_\_\_\_\_

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

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. Name, address and phone number of the owner of land upon which point of diversion is located:  
Steve Fellhoelter 2190 16 Road, Plainville, KS  
67663  
 If other than applicant, submit statement showing owner's permission to install diversion works has been obtained (attach if applicable).

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



For Office Use Only: Code TMP Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 3-9-09 Check # 1175

9. 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 : \_\_\_\_\_

10. 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 : \_\_\_\_\_

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 3-10-09  
Date

Kenneth Vehige  
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 of conditions, and to withdraw or suspend this approval; and 2) permit to proceed as if by the public interest. The stream flow shall not be stopped at the first riffle below the point of diversion while pumping under the authority of this permit.

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.

**APPLICATION APPROVED**

Permit Number: 20090058

Date Issued: March 10, 2009

Effective: March 20, 2009

Expiration Date: April 20, 2009



FOR: David W Barfield, P.E.

Chief Engineer

Division of Water Resources

Kansas Department of Agriculture

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.