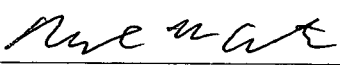


**KANSAS CORPORATION COMMISSION  
OIL & GAS CONSERVATION DIVISION  
APPLICATION FOR SURFACE PIT**

Form CDP-1  
April 2004  
Form must be Typed

*Submit in Duplicate*

Operator Name: <b>M &amp; M Exploration, Inc.</b>		License Number: <b>31885</b> ✓	
Operator Address: <b>60 Garden Center, Suite 102</b>		<b>Broomfield CO 80020</b>	
Contact Person: <b>Mike Austin</b>		Phone Number: <b>303-438-1991</b>	
Lease Name & Well No.: <b>Z Bar Cattle Co. #1</b>		Pit Location (QQQQ): _____ <u>SW</u> _____ <u>NE</u> _____ <u>SE</u> Sec. <u>36</u> Twp. <u>33</u> R. <u>15</u> <input type="checkbox"/> East <input checked="" type="checkbox"/> West <u>1,885</u> Feet from <input type="checkbox"/> North / <input checked="" type="checkbox"/> South Line of Section <u>720</u> Feet from <input checked="" type="checkbox"/> East / <input type="checkbox"/> West Line of Section <b>Barber</b> _____ County	
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 checked="" type="checkbox"/> Haul-Off Pit <small>(If WP Supply API No. or Year Drilled)</small>	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Chloride concentration: _____ mg/l <small>(For Emergency Pits and Settling Pits only)</small>	
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>Native Clay</b>	
Pit dimensions (all but working pits): <u>100</u> Length (feet) <u>100</u> Width (feet) <input type="checkbox"/> N/A: Steel Pits Depth from ground level to deepest point: <u>4</u> (feet) <input type="checkbox"/> 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 <u>N/A</u> feet    Depth of water well _____ feet		Depth to shallowest fresh water _____ feet. Source of information: <input type="checkbox"/> measured <input type="checkbox"/> well owner <input type="checkbox"/> electric log <input 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: <u>Fresh water mud</u> Number of working pits to be utilized: <u>3</u> Abandonment procedure: <u>Haul off free fluids, evaporation and backfill</u> 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.			
<u>May 14, 2009</u> Date		 Signature of Applicant or Agent	KANSAS CORPORATION COMMISSION <b>MAY 15 2009</b> <b>RECEIVED</b>

<b>KCC OFFICE USE ONLY</b>		Steel Pit <input type="checkbox"/>	RFAC <input checked="" type="checkbox"/>	RFAS <input checked="" type="checkbox"/>
Date Received: <u>5/15/09</u>	Permit Number: <u>15-007-204840006</u>	Permit Date: <u>5/15/09</u>	Lease Inspection: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

May 15, 2009

M & M Exploration, Inc.  
60 Garden Center Ste 102  
Broomfield, CO 80020

RE: Haul-Off Pit Application  
Z Bar Cattle Co. Lease Well No. 1  
SE/4 Sec. 36-33S-15W  
Barber County, Kansas

Dear Sir or Madam:

District staff has inspected the above referenced location and has determined that the haul-off 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 haul-off pit as soon as the Hutchinson Salt section has been drilled through and displacement of the fluids into the haul-off pit has occurred. The fluids should be removed again after haul-off operations have ceased.

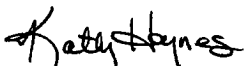
**NO completion fluids or non-exempt wastes shall be placed in the haul-off pit.**

The fluids should be taken to an authorized disposal well. Please call the District Office at (620) 225-8888 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](http://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: district office



Kathleen Sebelius, Governor
Thomas E. Wright, Chairman
Michael C. Moffet, Commissioner
Joseph F. Harkins, Commissioner

HAUL-OFF PIT APPLICATION
FILING REQUIREMENTS

82-3-607. DISPOSAL OF DIKE AND PIT CONTENTS.

- (a) Each operator shall perform one of the following when disposing of dike or pit contents:
(1) Remove the liquid contents to a disposal well or other oil and gas operation approved by the commission or to road maintenance or construction locations approved by the department;
(2) dispose of reserve pit waste down the annular space of a well completed according to the alternate I requirements of K.A.R. 82-3-106, if the waste to be disposed of was generated during the drilling and completion of the well; or
(3) dispose of the remaining solid contents in any manner required by the commission. The requirements may include any of the following:
(A) Burial in place, in accordance with the grading and restoration requirements in K.A.R. 82-3-602 (f);
(B) removal and placement of the contents in an on-site disposal area approved by the commission;
(C) removal and placement of the contents in an off-site disposal area on acreage owned by the same landowner or to another producing lease or unit operated by the same operator, if prior written permission from the landowner has been obtained; or
(D) removal of the contents to a permitted off-site disposal area approved by the department.

(b) Each violation of this regulation shall be punishable by the following:

- (1) A \$1,000 penalty for the first violation;
(2) a \$2,500 penalty for the second violation; and
(3) a \$5,000 penalty and an operator license review for the third violation.

KANSAS CORPORATION COMMISSION

MAY 15 2009

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Complete and return with Haul-Off Pit Application, Form CDP1(2004)

Haul-off pit will be located in an on-site disposal area: [ ] Yes [x] No

Haul-off pit is located in an off-site disposal area on acreage owned by the same landowner: [x] Yes [ ] No If yes, written permission from the landowner must be obtained. Attach written permission to haul-off pit application.

Haul-off pit is located in an off-site disposal area on another producing lease or unit operated by the same operator: [ ] Yes [x] No If yes, written permission from the landowner must be obtained. Attach permission and a copy of the lease assignment that covers the acreage where the haul-off pit is to be located, to the haul-off pit application.

Kansas Corporation Commission  
Conservation Division  
130 S. Market, Room 2078  
Wichita, KS 67202-3802

Z-Bar, LLC grants permission to M&M Exploration, Inc. to build a haul-off pit in the NE/4 SE/4 of Sec. 36-33S-15W to be used for the wash down and deepening of the Z Bar Cattle Co. #1 SWD well located in the NE/4 NE/4 of section 31-33S-14W.

Keith Yearout  
Z-Bar, LLC



KANSAS CORPORATION COMMISSION

MAY 15 2009

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