

Additional comments concerning the back filling of the reserve drilling pit on the Kaiser lease, S/2 NE/4 Section 22, Twsp. 18 South, Rge. 11 West, Barton County, Kansas:

This reserve pit was back filled at the insistence of the landowner, Mr. Robert Kaiser, and against the express recommendations and at the protest of the operator's representative, Mr. Rick A. Hoppe.

On April 8, 1994, Mr. Hurbert Deines of the K.C.C. office in Hays, Kansas contacted Hoppe Oil & Gas Co., Inc. Recent to the phone call he had personally examined the drilling pit and he recommended that the operator contact the landowner and suggest that the landowner take over ownership of the pit. It seemed to him that the pit would make a natural stock water pond as it had natural rainfall drainage into the pit and was situated in an area which had a very high water table. He noted to the operator's representative that, at that time and in his opinion, the pit was not sufficiently dry to back fill and avoid future problems with any vehicle or machinery becoming bogged down when traversing the pond site. Subsequently, on or about June 6, 1994, the landowner, Mr. Robert Kaiser, contacted Mr. Rick A. Hoppe and requested that the pits be back filled, dry or not.

A few days later Mr. Deines of the K.C.C. again contacted Mr. Rick A. Hoppe and mentioned that the landowner had called his office and insisted that the pits be back filled. At that time Mr. Rick A. Hoppe had already contacted the dirt contractor and requested that the job be done. The dirt contractor, Mr. Rick Flegler of Dakota Dirt, Inc. in Great Bend said that it would be impossible to do the job with a bull dozer because the pits were too wet and the bull dozer would become stuck, however, he could complete the job with a large excavator, which would be much more expensive than it would be had the pits been dry and a bull dozer could be utilized to perform the work. The back filling job had been scheduled for Friday, June 17, 1994.

On June 16, 1994 at approximately 4:00 PM Mr. Marion Schmidt of the K.C.C. office in Hays called Mr. Rick A. Hoppe and said the landowner, Mr. Robert Kaiser, had again contacted his office insisting that the pits be back filled. Mr. Rick A. Hoppe explained to Mr. Schmidt that the job had been scheduled for the following day. Additionally, Mr. Rick A. Hoppe explained to Mr. Schmidt that Mr. Deines had recently examined the pit and recommended that they not be back filled because they were too wet and that Mr. Rick A. Hoppe had also advised the landowner of Mr. Deines comments and Mr. Hoppe's concurrence with Mr. Deines opinion.

These additional comments have been included with the Closure of Surface Pond form filed with the K.C.C. to make them a part of the record and to express the operator's protest and recommendation that it was premature to perform the back filling at that time.

Respectfully Submitted,
Hoppe Oil & Gas Co., Inc.