NOTICE OF INTENT TO DRILL

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

Expected Spud Date: December 5, 2004

Operator: R & B OIL & GAS

Address: P. O. Box 195
City/State/Zip: Attica, Kansas 67009-0195
Contact Person: Randy Newberry
Phone: 620/254-7251

Contractor: DUKE DRILLING CO., INC.

Well Drilled For:
Oil
Gas
OWO
Storage
Wildcat
Seismic: # of Holes

Well Class:
Infield
Pool Ext.
Air Rotary
Mud Rotary

Type Equipment:

C-N/2
HE
SE

Sec.
26
Twp.
31
S. R.
9

Is SECTION X Regular Irregular?

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

County: Harper

Lease Name: NEWBERRY

Field Name:

If OWDO: old well information as follows:
Operator:

Well Name:

Original Completion Date:

Original Total Depth:

Directional, Deviated or Horizontal wellbore?

If Yes, true vertical depth:

Bottom Hole Location:

KCC DKT:

Spot

3119

3310

660

East

West

feet from N / X

feet from X / E

Line of Section

Line of Section

If this a Prorated / Spaced Field?

Target Information(s):

Nearest Lease or unit boundary:

Ground Surface Elevation:

Water well within one-quarter mile:

Public water supply well within one mile:

Depth to bottom of fresh water:

Depth to bottom of usable water:

Surface Pipe by Alternate: 1 2

Length of Surface Pipe Planned to be set:

Length of Conductor Pipe required:

Projected Total Depth:

Formation at Total Depth:

Water Source for Drilling Operations:

DWR Permit #:

Will Cores be taken?

If Yes, proposed zone:

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: 11/30/04

Signature of Operator or Agent: Sally R Byers

Title: 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;
- 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.

Mail to: KCC - Conservation Division, 130 S. Market - Room 2078, Wichita, Kansas 67202
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: ____________________________
Operator: ____________________________
Lease: ____________________________
Well Number: ____________________________
Field: ____________________________
Number of Acres attributable to well: ____________________________
QTR / QTR / QTR of acreage: ____________________________

Location of Well: County: ____________________________
feet from □ N / □ S Line of Section
feet from □ E / □ W Line of Section
Sec. ______ Twp. ______ S. R. ______
□ East □ West

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.)

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

HARPER COUNTY

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).
December 9, 2004

Randy Newberry
R & B Oil & Gas
PO Box 195
Attica KS  67009-0195

Re:  Drilling Pit Application
     Newberry Lease Well No. 2-A
     SE/4 26-31S-09W
     Harper County, Kansas

Dear Mr. Newberry:

District staff has inspected the above referenced location and has determined that an unsealed condition will present a pollution threat to water resources.

District staff has recommended that the reserve pit be lined with bentonite, 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 within 72 hours after drilling operations have ceased.

If production casing is set all completion fluids shall be removed on a daily basis.

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. Also, please file the enclosed Exploration and Production Waste Transfer, form CDP-5, within 30 days of fluid removal.

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,

Jonelle Rains

Jonelle Rains, Supervisor
Department of Environmental Protection and Remediation

cc:  Doug Louis
     File

Conservation Division, Finney State Office Building, 130 S. Market, Room 2078, Wichita, KS 67202.3802
Voice 316.337.6200  Fax 316.337.6211  www.kcs.state.ks.us