### Affidavit

The undersigned hereby affirms that the drilling, completion and eventual plugging of the well will comply with K.S.A. 55 et seq.

It is agreed that the following minimum requirements must 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 area as specified below shall be set by circulating cement to the top; in all cases surface plugging shall be through all unconsolidated materials, plus a minimum of 30 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.

If an ALTERNATE II COMPLETION, production pipe shall be cemented below any usable water to surface within 120 days of spud date. Or pursuant to Appendix B - Eastern Kansas surface casing order 1139-89'-C, which applies to the KCC District 3 area, until cementing must be completed within 30 days of spud date or the well shall be plugged. As all drilled, 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: 09/28/05

Signature of Operator or Agent: [Signature]

### FOR KCC USE ONLY

For KCC Use Only

API No.: 1523216711 - 00-00
Conductor pipe received: **NONE** feet

Maximum surface pipe required: **50** feet per API

This authorizations expired: (This authorization void if drilling not started within 6 months of approval date.)

Spud date: [Date]

Approved by: [Signature]

Remember to:

- File Drill Plan Application form CD-1 with intent to Drill;
- File Completion form CD-1 within 120 days of spud date;
- File average production plot according to field proportion rules;
- Notify appropriate district office 48 hours prior to workover or re-entry;
- Submit nogging report (CD-4) after plugging is completed;
- Obtain written approval before disposing or releasing salt water.

If the 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: [Signature]

Mail to: KCC - Conservation Division, 130 S. Market - Room 207B, 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 acquisition unit for gas wells and within 1/2 mile of the boundaries of the proposed acreage acquisition unit for oil wells.

API No. 15 - 081-21611
Operator: Excel Oil Corporation
Lease: Emes-Topkins
Well Number - 3
Field: Hugoton

Location of Well: County: Haskell

1321 feet from II 3321 feet from

36 36
Sec 34 Top 30
N 1 30
W 1 30
East or West

Is Section: Regular or Irregular

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

Section corner used: SE 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.

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; CO-8 for gas wells).