

V I R G I N I A:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANT: OXY USA INC. )  
 )  
 )  
 RELIEF SOUGHT: POOLING OF INTERESTS )  
 IN DRILLING UNIT NO. S-13/B ) VIRGINIA  
 PURSUANT TO SECTION ) GAS AND OIL  
 45.1-361.22, (CODE OF ) BOARD  
 VIRGINIA, 1950 AS )  
 AMENDED) FOR THE PRODUCTION ) DOCKET NO.  
 OF COALBED METHANE GAS ) VGOB 92-0317-0195  
 INCLUDING GAS FROM SHORT )  
 HOLES, UNSEALED GOB AND ANY )  
 ADDITIONAL WELLS THAT MAY )  
 BE AUTHORIZED PURSUANT TO )  
 § 45.1-361.20, CODE OF )  
 VIRGINIA, 1950 AMENDED )  
 (herein "Additional Well(s)") )  
 (herein collectively referred )  
 to as "Coalbed Methane Gas) )  
 )  
 LEGAL DESCRIPTION: )  
 )  
 DRILLING UNIT NUMBER S-13/B )  
 (Hereafter "Subject Drilling Unit") )  
 IN THE OAKWOOD COALBED GAS FIELD II )  
 SOUTH GRUNDY MAGISTERIAL DISTRICT )  
 BUCHANAN COUNTY, VIRGINIA )  
 (the "Subject Lands" are more )  
 particularly described on Exhibit )  
 "A", attached hereto and made a )  
 part hereof) )

REPORT OF THE BOARD

FINDINGS AND ORDER

1. Hearing Date and Place: This matter came on for hearing before the Virginia Gas and Oil Board (hereafter "Board") at 9:00 a.m. on March 17, 1992, at which time it was continued and then came on for hearing on April 21, 1992, Dickenson Conference Room, Southwest Virginia 4-H Center, Abingdon, Virginia.

2. Appearances: Howard G. Salisbury and Mark A. Swartz, appeared for the Applicant; Donald A. McGlothlin did not appear but filed written objections with the Board, and Sandra B. Riggs, Assistant Attorney General was present to advise the Board.

3. Jurisdiction and Notice: Pursuant to Sections 45.1-361.1 et seq., Virginia Code, 1950 as amended, the Board finds that it has jurisdiction over the subject matter. Based upon the evidence presented by Applicant, the Board also finds that the Applicant has (1) exercised due diligence in conducting a meaningful search of reasonable available sources to determine the identity and whereabouts of potential owners, i.e., persons of record, having or claiming the rights to coalbed methane gas in all coal seams below the Tiller Seam (hereafter "Subject Formation") in Subject Drilling Unit underlying and comprised of Subject Lands, and (2) has given notice to all parties (hereafter sometimes "person(s)" whether referring to individuals, corporations, partnerships, associations, companies, businesses, trusts, joint ventures or other legal entities) entitled by §§ 45.1-361.19 and 45.1-361.22, Virginia Code, 1950 as amended, to notice of

this application, and (3) that the persons set forth in Exhibit B hereto may be claimants of coalbed methane gas interests in Subject Formation, in Subject Drilling Unit underlying and comprised of Subject Lands, and are not subject to any lease and who have not voluntarily agreed to pool their interests. Further, the Board has caused notice of this hearing to be published as required by § 45.1-361.19B, Virginia Code, 1950 as amended. Whereupon, the Board hereby finds that the notices given herein satisfy all statutory requirements, Board rule requirements and the minimum standards of state due process.

4. Amendments: None.

5. Dismissals: None.

6. Relief Requested: Applicant requests (1) that pursuant to §§ 45.1-361.22, including the applicable portions of § 45.1-361.21, Code of Virginia, 1950 as amended, the Board pool the rights, interests and estates of the known and unknown persons named herein and their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, for the drilling and operation, including production, of Coalbed Methane Gas, produced from the Subject Drilling Unit established for the Subject Formation underlying and comprised of the Subject Lands, (hereafter sometimes collectively identified and referred to as "well development and/or operation in the Subject Drilling Unit"), and (2) that the Board designate Applicant as Unit Operator.

7. Relief Granted: Subject to the provisions of Paragraph 17.7 hereof, the requested relief in this cause be and hereby is granted and: (1) Pursuant to Sections 45.1-361.21.C.3, Code of Virginia, 1950 as amended, Oxy USA, Inc. (hereafter "Unit Operator") is designated as the Unit Operator authorized to drill and operate any well in the Subject Drilling Unit, subject to the permit provisions contained in Section 45.1-361.27 et seq., Code of Virginia, 1950 as amended, to the Oakwood Coalbed Gas Field Order OGCB 3-90, dated May 18, 1990, to the Oakwood Coalbed Gas Field Order II, Board's Order No. VGOB 91-1119-162, effective as of December 17, 1991, to § 480-05-22.1 et seq., Gas and Oil Regulations and to § 480-05-22.2 et seq., Virginia Gas and Oil Board Regulations, all as amended from time to time, and (2) all the interests and estates in Subject Drilling Unit, including those of the known and unknown persons listed on Exhibit "B", attached hereto and made a part hereof, and their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, who are not subject to any lease and who have not voluntarily agreed to pool their interest in Coalbed Methane Gas in the Subject Drilling Unit, be and hereby are pooled in the Subject Formation in the Subject Drilling Unit underlying and comprised of the Subject Lands.

<u>Subject Formation</u>	<u>Unit Size</u>	<u>Permitted Well Location</u>	<u>Field and Well Classification</u>	<u>Order Number</u>
All coal seams below the Tiller seam and associated strata	Approximately 80-acre square drilling unit	VVH 5.287 VVH 5.291 as shown on Exhibit G hereto	Oakwood Coalbed Gas Fields I and II for Coalbed Methane Gas Well(s) including short hole gas, unsealed gob gas and gas from any Additional Well	OGCB 3-90 and VGOB 91-1119-162

For the Subject Drilling Unit  
underlying and comprised of the Subject  
Land referred to as:

Unit Number S-13/B  
Buchanan County, Virginia

Pursuant to the Board's Order No. VGOB 91-1119-162, effective as of December 17, 1992, the Board has adopted the following method for the calculation of production and revenue and allocation of allowable costs for short hole, unsealed gob and Additional Well production of Coalbed Methane Gas dependent upon the particular long wall mining plan applicable to each 80-acre drilling unit. The designated operator of any 80-acre drilling unit or units within the boundaries of which any long wall panel is located and from which unsealed gob gas, short hole gas or gas from any Additional Well is produced, shall calculate production and revenue and allocate allowable costs based upon the mine plan being implemented within each affected 80-acre drilling unit and in particular, based upon the surface acreage in each 80-acre drilling unit actually contained within a long wall panel as shown on the applicable mine plan. A copy of the pertinent portion of the mine plan being utilized to calculate production and revenue from and to allocate allowable costs for any effected 80-acre drilling units shall be filed of record with the Board prior to the payment of any revenue based upon such calculations. The formula or division of interest for production from any 80-acre drilling unit affected by a long wall panel and from any separately owned tract in any such 80-acre unit shall be calculated as follows:

- 7.1. For Short Hole Gas - The amount of production produced from and attributed to each 80-acre drilling unit shall be the ratio (expressed as a percentage) that the amount of surface acreage in any affected 80-acre drilling unit bears to the total surface acreage contained in the entire long wall panel(s) affecting such 80-acre drilling unit.
- 7.2. For Unsealed Gob Gas - The amount of production produced from and attributed to each 80-acre drilling unit shall be the ratio (expressed as a percentage) that the amount of surface acreage in any affected 80-acre drilling unit bears to the total surface acreage contained in the entire long wall panel(s) affecting such 80-acre drilling unit.
- 7.3. For Gas from Any Additional Well - After actual commencement of coal mining operations by the driving of entries and completion of isolation of a long wall panel underlying any 80-acre unit containing any Additional Well, the amount of gas produced from and costs attributed to each such 80-acre drilling unit shall be the ratio (expressed as a percentage) that the amount of surface acreage in any affected 80-acre drilling unit bears to the total surface acreage contained in the entire long wall panel(s) affecting such 80-acre drilling unit.

Prior to the actual commencement of coal mining operations by the driving of entries and completion of isolation of a long wall panel, gas from any Additional Well shall be deemed produced from the 80-acre drilling unit in which the well is located.

8. Election and Election Period: Each person pooled hereby may elect one of the options set forth in Paragraph 9 below and must give written notice of his election of the option selected under Paragraph 9 herein to the designated Unit Operator at the address shown below within thirty (30) days from the date this Order is recorded in the county above named. A timely election shall be deemed to have been made if, on or before the last day of said 30-day period, such electing person has delivered his written election to the designated Unit Operator at the address shown below or has duly postmarked and placed its written election in first class United States mail, postage prepaid, addressed to the Unit Operator at the address shown below.

9. Election Options:

9.1 Option 1 - To Participate In The Development and Operation of the Drilling Unit: Any person pooled hereby may elect to participate in the development and operation of the Subject Drilling Unit (hereafter "Participating Operator") by agreeing to pay such Participating Operator's proportionate part of the actual and reasonable costs, including a reasonable supervision fee, of the well development and operation in the Subject Drilling Unit, as more particularly set forth in Virginia Gas and Oil Board Regulation VR 480-05-22.2, Section 10 (herein "Completed for Production Costs"). Further, a Participating Operator agrees to pay such Participating Operator's proportionate part of the Allocable, Completed-for-Production Costs set forth below to the Unit Operator within forty-five (45) days from the later of the date of mailing or the date of recording of this Order. The Allocable, Completed-for-Production Costs for the Subject Drilling Unit are as follows:

Allocable, Completed-for-Production Panel Costs:

Panel VP5EM9D	-	\$443,027.00
Panel VP5EM10D	-	\$299,795.00

A Participating Operator's proportionate cost hereunder shall be the total of the results obtained by multiplying the Participating Operators' Division of Interest as set forth in Exhibit G times each of the panel costs set forth by well above. Provided, however, that in the event a Participating Operator elects to participate and fails or refuses to pay his proportionate part of the Allocable, Completed-for-Production Costs as set forth above, all within the time set forth herein and in the manner prescribed in Paragraph 8 of this Order, then such Participating Operator shall be deemed to have elected not to participate and to have elected compensation in lieu of participation pursuant to Paragraph 9.2 herein.

9.2 Option 2 - To Receive A Cash Bonus Consideration: In lieu of participating in the development and operation of Subject Drilling Unit under Paragraph 9.1 above, any owner of an unleased interest may elect to accept a cash bonus consideration of \$1.00 per net mineral acre owned by such person plus a royalty of 1/8th of 8/8ths [twelve and one-half percent (12.5%)] of the net proceeds received by the Unit Operator for the sale of the Coalbed Methane Gas and gas condensate produced from any well development covered by this Order (for purposes of this Order, net proceeds shall be actual proceeds received less all post-production costs incurred downstream of the wellhead, including but not limited to, all gathering, compression, treating, transportation and marketing costs, whether performed by Unit Operator or a third person) as fair, reasonable and equitable compensation to be paid to said owner, and any owner of a leased interest may elect to accept a cash bonus consideration to be paid to said owner of \$1.00 per net mineral acre leased as fair, reasonable and equitable compensation. Such cash bonus, when so elected, shall be tendered, paid or escrowed within sixty (60) days from the date of this Order and when so paid or escrowed shall be satisfaction in full for all right, title, interests, estates, and claims of such electing person in the Subject Lands, except, in the case of the owner of an unleased interest, for the normal 1/8th royalty interest.

The election made under this Paragraph 9.2, when so made shall be satisfaction in full for all right, title, interests, estates and claims of such electing person in any well development covered

hereby and such electing person shall be deemed to and hereby does lease and assign all its right, title, interests, estates, and claims in the Subject Drilling Unit to the Unit Operator.

- 9.3. Option 3 - To Share In The Development And Operation As A Non-Participating Person On A Carried Basis And To Receive Consideration In Lieu Of Cash: In lieu of participating in the development and operation of Subject Drilling Unit under Paragraph 9.1 above and in lieu of receiving a cash bonus consideration under Paragraph 9.2 above, any person pooled hereby may elect to share in the development and operation of Subject Drilling Unit on a carried basis (as a "Carried Well Operator") so that the proportionate part of the Completed-for-Production Costs hereby allocable to such Carried Well Operator's interest is charged against such Carried Well Operator's share of production from Subject Drilling Unit. All of such Carried Well Operator's rights, title, interests, estates and claims in Subject Drilling Unit shall be deemed and hereby are assigned to the Unit Operator until the proceeds from the sale of such Carried Well Operator's share of production from Subject Drilling Unit (exclusive of any royalty, excess or overriding royalty, or other non-operating or non cost-bearing burden reserved in any lease, assignment thereof or agreement relating thereto covering such interest) equals three hundred percent (300%) for a leased interest or two hundred percent (200%) for an unleased interest (whichever is applicable) of such Carried Well Operator's share of the Completed-for-Production Costs allocable to the interest of such Carried Well Operator. When the Unit Operator recoups and recovers from such Carried Well Operator's assigned interest the amounts provided for above, then, the assigned interest of such Carried Well Operator shall automatically revert back to such Carried Well Operator, and from and after such reversion, such Carried Well Operator shall be treated as if it had participated initially under Paragraph 9.1 above; and thereafter, such participating person shall be charged with and shall pay his proportionate part of all further costs of such well development.

The election made under this Paragraph 9.3, when so made, shall be satisfaction in full for all rights, title, interests, estates and claims of such electing person in any well development and operation covered hereby and such electing person shall be deemed to have and hereby does assign all its rights, title, interest, estates and claims in the Subject Formation in the Subject Drilling Unit to the Unit Operator for the period of time during which its interest is carried as above provided prior to its reversion back to such electing person.

10. Failure to Properly Elect: In the event a person fails to elect within the time, in the manner and in accordance with the terms of this Order or the alternatives set forth in Paragraph 9 above, such person accepts as to such person's interest, then such person shall be deemed to have elected not to participate in the proposed development and operation of Subject Drilling Unit and shall be deemed, subject to a final legal determination or ownership, to have elected to accept as satisfaction in full for all such person's right, title, interests, estates and claims the consideration provided in Paragraph 9.2 above for which its interest qualifies and shall be deemed to have leased and/or assigned all his right, title, interests, estates and claims in the Subject Drilling Unit to the Unit Operator. Persons who fail to properly elect shall be deemed, subject to a final legal determination of ownership, to have accepted the compensation and terms set forth herein at Paragraph 9.2 in satisfaction in full for all right, title, interests, estates and claims of such person in the Subject Formation underlying Subject Lands.

11. Default By Participating Person: In the event a person elects to participate under Paragraph 9.1, but fails or refuses to pay, to secure the payment or to make an arrangement with the Unit Operator for the payment of such person's proportionate part of the Allocable Completed-for-Production costs as set forth herein, all within the time and in the manner as prescribed in this Order, then such person shall be deemed to have withdrawn his election to participate and shall be deemed to have elected to accept as satisfaction in full for such person's right, title, interest, estates and claims the cash bonus consideration provided in Paragraph 9.2 above for which his interest qualifies depending on the excess burdens attached to such interest. Whereupon, any such cash bonus consideration due as a result of such deemed election shall be tendered, paid or escrowed by Unit Operator within sixty (60) days after the last day on which such defaulting person under this Order should have paid his proportionate part of such cost or should have made satisfactory arrangements for the payment thereof. When such cash bonus consideration is paid or escrowed, it shall be satisfaction in full for all right, title, interests, estates and claims of such person in the Subject Formation underlying the Subject Lands covered hereby.

12. Assignment of Interest: In the event a person elects or fails to elect to do other than participate under Paragraph 9.1 above in the development and operation of the well in Subject Formations in Subject Drilling Unit, then such person shall be deemed to have and shall have assigned unto Unit Operator all of such person's right, title, interests, estates and claims in and to said well, in Subject Formation in Subject Drilling Unit, and other share in production to which such person may be entitled by reason of any election or deemed election hereunder.

13. Unit Operator (or Operator): The Applicant, OXY USA, Inc., be and hereby is designated as Unit Operator authorized to drill and operate any well in Subject Formation in Subject Drilling Unit, all subject to the permit provisions contained in Section 45.1-361.27 et seq., Code of Virginia, 1950 as amended, §§ 480-05-22.1 et seq., Gas and Oil Regulations and §§ 480-05-22.2 et seq., Virginia Gas and Oil Board Regulations, as amended from time to time, and all elections required by this Order shall be communicated to Unit Operator in writing at the address shown below:

OXY USA INC.  
 P. O. Drawer Q  
 Richlands, VA 24641  
 Phone: (703) 964-9803  
 Fax: (703) 964-0381  
 Attn: Martin E. Wirth, Land Manager

14. Commencement of Operations: Unit Operator shall commence or cause to commence operations for the drilling of any well covered hereby within three hundred and sixty-five (365) days from the date of this Order and shall prosecute the same with due diligence. If Unit Operator shall not have so commenced and/or prosecuted, then this Order shall terminate, except for any cash sums becoming payable hereunder; otherwise, this Order shall expire at 12:00 P.M. on the date on which any well covered by this Order is permanently abandoned and plugged unless sooner terminated by Order of the Board. However, in the event an appeal is taken from this Order, then the time between the filing of the petition for appeal and the final Order of the Circuit Court shall be excluded in calculating the one year period referred to herein.

15. Operator's Lien: Unit Operator, in addition to the other rights afforded hereunder, shall have a lien and a right of set off on the mineral estates, rights, and interests owned by any person subject hereto who elects to participate under Paragraph 9.1 in the Subject Drilling Unit to the extent that costs incurred in the drilling or operation on the Subject Drilling Unit are chargeable against such person's interest. Such liens and right of set off shall

be separable as to each separate person and shall remain liens until the Unit Operator drilling or operating any well covered hereby has been paid the full amounts due under the terms of this Order.

16. Escrow Provisions:

By this Order, the Board instructs the Escrow Agent named herein or any successor named by the Board to establish an interest-bearing escrow account, (herein "the Escrow Account") to receive and account to the Board pursuant to its agreement for the escrowed funds hereafter described:

Tazewell National Bank  
 P. O. Box 909  
 Tazewell, VA 24651  
 (herein "Escrow Agent")

16.1. Escrow Provisions For Unknown or Unlocatable Persons: If any payment of bonus, royalty payment or other payment due and owing under this Order cannot be made because the person entitled thereto cannot be located or is unknown, then such cash bonus, royalty payment, or other payment shall not be commingled with any funds of the Unit Operator and shall, pursuant to Section 45.1-361.21.D, Code of Virginia, 1950 as amended, be deposited by the operator into the Escrow Account, commencing when a sale of gas produced from the well commences and continuing thereafter on a calendar quarter basis with each deposit to be made, by use of the Report Form approved by the Director, by a date which is no later than fifteen (15) days after the last day of each month being reported and/or for which funds are being deposited. Such funds shall be held for the exclusive use of, and sole benefit of the person entitled thereto until such funds can be paid to such person(s) or until the Escrow Agent relinquishes such funds as required by law or pursuant to Order of the Board in accordance with § 45.1-361.21.D., Code of Virginia, 1950 as amended. Attached hereto is a listing of all persons who cannot be located together with each person's last known address, if available.

16.2 Escrow Provisions For Conflicting Claimants: If any payment of bonus, royalty payment or other payment due and owing under this Order cannot be made because the person entitled thereto cannot be made certain due to conflicting claims of ownership and/or a defect or cloud on the title, then such cash bonus, royalty payment or other payment shall not be commingled with any funds of the Unit Operator and shall, pursuant to Virginia Code Sections 45.1-361.22.A.2 and 45.1-361.22.A.4, be deposited by the Operator into the Escrow Account, commencing when a sale of gas produced from the well commences and continuing thereafter on a calendar quarter basis with each deposit to be made, by use of a report format approved by the Inspector, by a date which is no later than fifteen (15) days after the last day of each month being reported and/or for which funds are being deposited. Such funds shall be held for the exclusive use of, and sole benefit of, the person entitled thereto until such funds can be paid to such person(s) or until the Escrow Agent relinquishes such funds as required by law or pursuant to Order of the Board.

16.3 Other Escrow Provisions: If any person whose interest is pooled hereby refuses to accept the cash bonus consideration or if any such person cannot be paid the cash bonus, royalty payment or other payment due hereunder for any reason other than the reasons set forth in Paragraphs 16.1 and 16.2 above, Unit Operator shall not commingle any such funds with those of said Unit Operator and shall deposit such cash bonus, royalty payment or other payment into the

Escrow Account and such funds shall be credited for the benefit of such person. Such funds so deposited in the Escrow Account shall be held for the benefit of the person(s) entitled thereto until such funds can be paid to such person(s) or until the Escrow Agent relinquishes such funds as required by law or pursuant to Order of the Board.

17. Special Findings: The Board specifically and specially finds:
- 17.1. Applicant is a Delaware corporation duly authorized and qualified to transact business in the Commonwealth of Virginia;
- 17.2 Applicant claims ownership of gas leases, coalbed methane gas leases, and/or coal leases and the right to explore for, develop and produce Coalbed Methane Gas from coal seams below the Tiller seam in Unit Number S-13/B in Buchanan County, Virginia, which Subject Lands are more particularly described in Exhibit "A".
- 17.3 Applicant is an operator in the Commonwealth of Virginia and has satisfied the Board's requirements for operations in Virginia;
- 17.4 Applicant has not proposed the drilling of any wells on the Subject Drilling Unit to develop the pool in Subject Formations. (See Exhibit G hereto)
- 17.5 The estimated total production from Subject Drilling Unit is 125 to 550 MMCF. The estimated amount of reserves from the Subject Drilling Unit is 125 to 550 MMCF.
- 17.6 Respondents are listed on Exhibit "B". Set forth in Exhibit "B" is the name and last known address of each person of record (who has not, in writing, leased to or voluntarily pooled their interests in Subject Drilling Unit for the development) identified by the Applicant as having or claiming a potential interest in the Coalbed Methane Gas in Subject Formation in Subject Drilling Unit underlying and comprised of Subject Lands.
- 17.7 The Board has heretofore been presented with a contract approval abstract which purports to summarize the basic agreements reached by Island Creek Coal Company, OXY USA Inc. and Buchanan Production Company concerning the consideration to be paid by applicant for the use of the well bores to be used to produce gas from Subject Drilling Unit, which cost is incorporated in and made a part of the Allocable Completed-for-Production Costs, set forth in Paragraph 9.1 above or on Exhibit G hereto. The Board's granting of the relief requested in this cause is subject to the Applicant, at the earlier of completion of contract negotiations pertaining to the use of said well bores or October 21, 1992, either (1) reporting to the Board the status of the contract negotiations for the use of said well bores if said negotiations are not complete; or (2) if said negotiations are complete and a contract executed to evidence same then, presenting to the Board an abstract of any contract termination provision, the term of the contract and an abstract of any provision of the contract that differs in any respect from that set forth in the abstract presented to the Board on April 21, 1992.
- 17.8 Applicant's evidence established that the fair, reasonable and equitable compensation to be paid to any person in lieu of the right to participate in any well covered hereby are those options provided in Paragraph 9 above; and

17.9 The relief requested and granted is just and reasonable, is supported by substantial evidence and will afford each person in the Subject Drilling Unit the opportunity to recover or receive, without unnecessary expense, each person's just and fair share of the production from Subject Drilling Unit. The granting of the Application and relief requested therein will ensure to the extent possible the greatest ultimate recovery of petroleum hydrocarbons, prevent or assist in preventing the various types of waste prohibited by statute and protect or assist in protecting the correlative rights of all persons in the subject common sources of supply in the Subject Lands. Therefore, the Board is entering an Order granting the relief herein set forth.

18. Mailing Of Order And Filing Of Affidavit: Applicant or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of said Order was mailed within seven (7) days from the date of receipt of this Order to each person pooled by this Order whose address is known.

19. Availability of Unit Records: The Director shall provide all persons not subject to a lease with reasonable access to all records for Subject Drilling Unit which are submitted by the Unit Operator to said Director and/or his Inspector(s).

20. Conclusion: Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

21. Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 3rd day of June, 1992, by a majority of the Virginia Gas and Oil Board.

Benny R. Wampler  
Chairman, Benny R. Wampler

DONE AND PERFORMED this 4th day of June, 1992, by Order of this Board.

Byron J. Fulmer  
Byron Thomas Fulmer  
Principal Executive To The Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA )  
COUNTY OF WISE )

Acknowledged on this 3rd day of June, 1992, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Susan G. Garrett  
Susan G. Garrett  
Notary Public

My commission expires 7/31/94

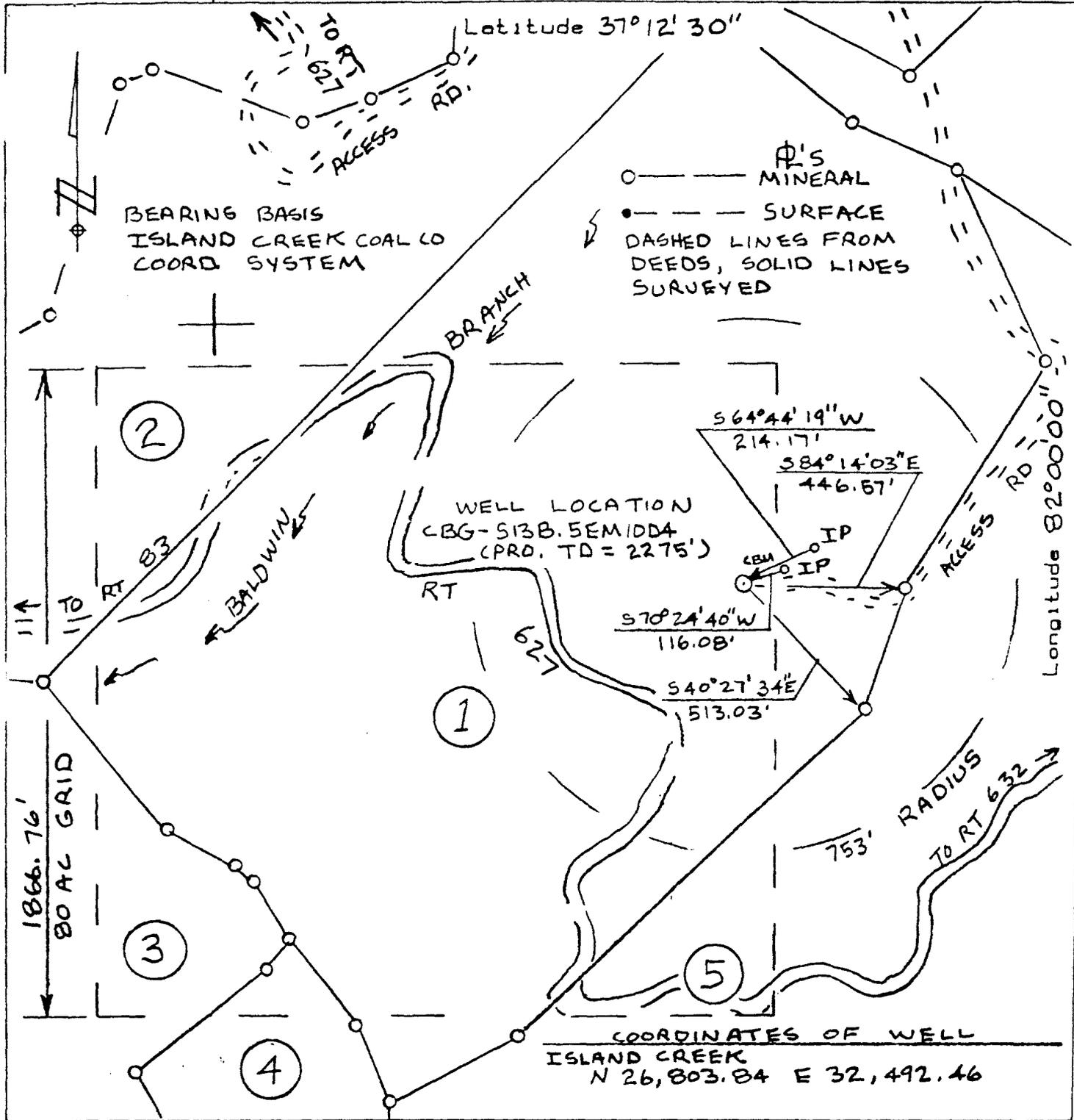
STATE OF VIRGINIA )  
COUNTY OF WASHINGTON )

Acknowledged on this 3<sup>rd</sup> day of June, 1992,  
personally before me a notary public in and for the Commonwealth of Virginia,  
appeared Byron Thomas Fulmer, being duly sworn did depose and say that he is  
Principal Executive to the Staff of the Virginia Gas and Oil Board, that he  
executed the same and was authorized to do so.

Diane J. Davis  
Diane Davis  
Notary Public

My commission expires 9/23/92





WELL LOCATION PLAT

EXHIBIT "A", Page 2

VG0B-92-03-17-0195

Company OXY USA INC Well Name and Number CBG-513B.5EM1DD4

Tract No. BIG AXE TR. 1 Elevation 2370.90 Quadrangle VANSANT

County BUCHANAN District SOUTH GRUNDY Scale: 1" = 400' Date 07-92

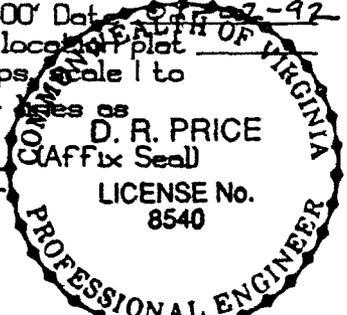
This Plat is a new plot ; an updated plot ; or a final location plat

Denotes the location of a well on United States topographic Maps, Scale 1 to

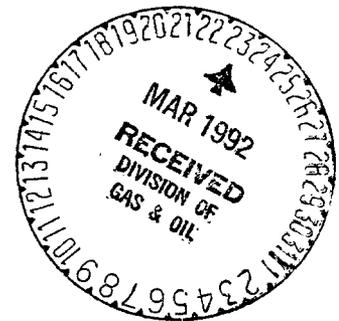
+ 24,000. latitude and longitude lines being represented by border lines as shown.

*D. Price*

Licensed Professional Engineer or Licensed Land Surveyor



Docket No. VGOB-92-03-17-0195 , Unit S-13/B  
 Page 1



PARTIES RESPONDENT  
 EXHIBIT "B" AMENDED  
 Well No.: CBM S-13

RESPONDENT(S) WHO HAVE NOT LEASED OR OTHERWISE CONTRACTED WITH APPLICANT

<u>Owner</u>	<u>Mineral Ownership</u>	<u>Net Acreage Within Unit</u>	<u>Undivided Net Interest Within Unit</u>
Tract <u>  1  </u>			
1. None.			
Tract <u>  2  </u>			
1. Garden Realty Corporation c/o Ms. Betty Boyd King 2370 Lindhurst Avenue Winston-Salem, North Carolina 27103	Oil & Gas Lessor	5.68 acs.	7.10 %
2. Consolidation Coal Company c/o Pocahontas Gas Partnership P. O. Box 200 Mavisdale, Virginia 24627	Oil & Gas Lessee	5.68 acs.	7.10 %
Tract <u>  3  </u>			
1. Garden Realty Corporation c/o Ms. Betty Boyd King 2370 Lindhurst Avenue Winston-Salem, North Carolina 27103	Oil & Gas Lessor	5.50 acs.	6.88 %
2. Consolidation Coal Company c/o Pocahontas Gas Partnership P. O. Box 200 Mavisdale, Virginia 24627	Oil & Gas Lessee	5.50 acs.	6.88 %
Tract <u>  4  </u>			
1. None.			

Docket No. VG0B-92-03-17-0195 , Unit S-13/B  
 EXHIBIT B Page 2, AMENDED

Tract 5

1.	Phyllis McGlothlin Rt. 1, Box 182 Hiltons, Virginia 24258	Surface	4.68 acs.	5.84 %
2.	Bennie McGlothlin Rt. 1, Box 182 Hiltons, Virginia 24258	Surface	4.68 acs.	5.84 %
3.	Bonnie McGlothlin Rt. 1, Box 182 Hiltons, Virginia 24258	Surface	4.68 acs.	5.84 %
4.	Ralph Edward McGlothlin Rt. 1, Box 182 Hiltons, Virginia 24258	Surface	4.68 acs.	5.84 %
5.	Ruby McGlothlin 207 West Fincastle Tazewell, Virginia 24651	Surface	4.68 acs.	5.84 %
6.	Ann Lilly, 5885 Trailways Drive, #725 Ft. Meyers, Florida 33907	Surface	4.68 acs.	5.84 %
7.	Robert McGlothlin Rt. 1, Box 273 F Dublin, Virginia 24084	Surface	4.68 acs.	5.84 %
8.	Gladys and Paul Jessie 413 North Street Richlands, Virginia 24641	Surface	4.68 acs.	5.84 %
9.	Dorothy and Leslie Mullins 315 Henry Street Norton, Virginia 24273	Surface	4.68 acs.	5.84 %
10.	Charlie Dixon 2653 Suffolk Kingsport, Tennessee 37660	Surface	4.68 acs.	5.84 %
11.	Charlene Seale 2653 Suffolk Kingsport, Tennessee 37660	Surface	4.68 acs.	5.84 %
12.	Doris Ann McGlothlin P. O. Box 428 Raven, Virginia 24639	Surface	4.68 acs.	5.84 %

Docket No. VG0B-92-03-17-0195 , Unit S-13/B  
 EXHIBIT B Page 3, AMENDED

13.	Francis Ann and Cecil Borkey 503 Ridgelay Lane Richmond, Virginia 23229	Surface	4.68 acs.	5.84 %
14.	James L. and Betty McGlothlin Rt. 3, Box 67 Cedar Bluff, Virginia 24609	Surface	4.68 acs.	5.84 %
15.	Una Lee Bailey c/o Druthers Richlands, Virginia 24641	Surface	4.68 acs.	5.84 %
16.	Cecil and Joyce McGlothlin Address Unknown	Surface	4.68 acs.	5.84 %
17.	Norman L. and Mabel McGlothlin 6107 63rd Place Riverdale Hill, Maryland 20840	Surface	4.68 acs.	5.84 %
18.	Joe Blair McGlothlin Box 71 Cedar Bluff, Virginia 24609	Surface	4.68 acs.	5.84 %
19.	Catherine M. Warner 2208 Wingfield Road Charlottesville, Virginia 22901	Surface	4.68 acs.	5.84 %
20.	Evelyn McGlothlin Address Unknown	Surface	4.68 acs.	5.84 %
21.	Donald A. Sr., and Mary L. McGlothlin P. O. Box 909 Grundy, Virginia 24614	Surface	4.68 acs.	5.84 %
22.	Billy S. and Hobert Dixon Rt. 1, 200 Heather Road Bristol, Virginia 24201	Surface	4.68 acs.	5.84 %
23.	Peggy A. and Henry Durham Rt. 6, Box 98 Blountville, Tennessee 37617	Surface	4.68 acs.	5.84 %
24.	Woodrow W. and Sally A. McGlothlin Box 266 Oakwood, Virginia 24631	Surface	4.68 acs.	5.84 %

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 EXHIBIT B Page 4, AMENDED

25.	Frankie M. Street Rt. 4, Box 54 Grundy, Virginia 24614	Surface	4.68 acs.	5.84 %
26.	Nancy L. Lockhart Rt. 1, Box 79 Pounding Mill, Virginia 24637	Surface	4.68 acs.	5.84 %
27.	Rose M. Wampler Box 70 Oakwood, Virginia 24631	Surface	4.68 acs.	5.84 %
28.	Helen E. Counts 1334 Augusta Street Bluefield, West Virginia 24701	Surface	4.68 acs.	5.84 %
29.	B. F. McGlothlin, his heirs, devisees, successors or assigns	Surface	4.68 acs.	5.84 %

Docket No. VGOB-92-03-17-0195 , Unit S-13/B

**EXHIBIT "B1"**

Other persons entitled to notice under Va. Code Ann. § 45.1-361.19

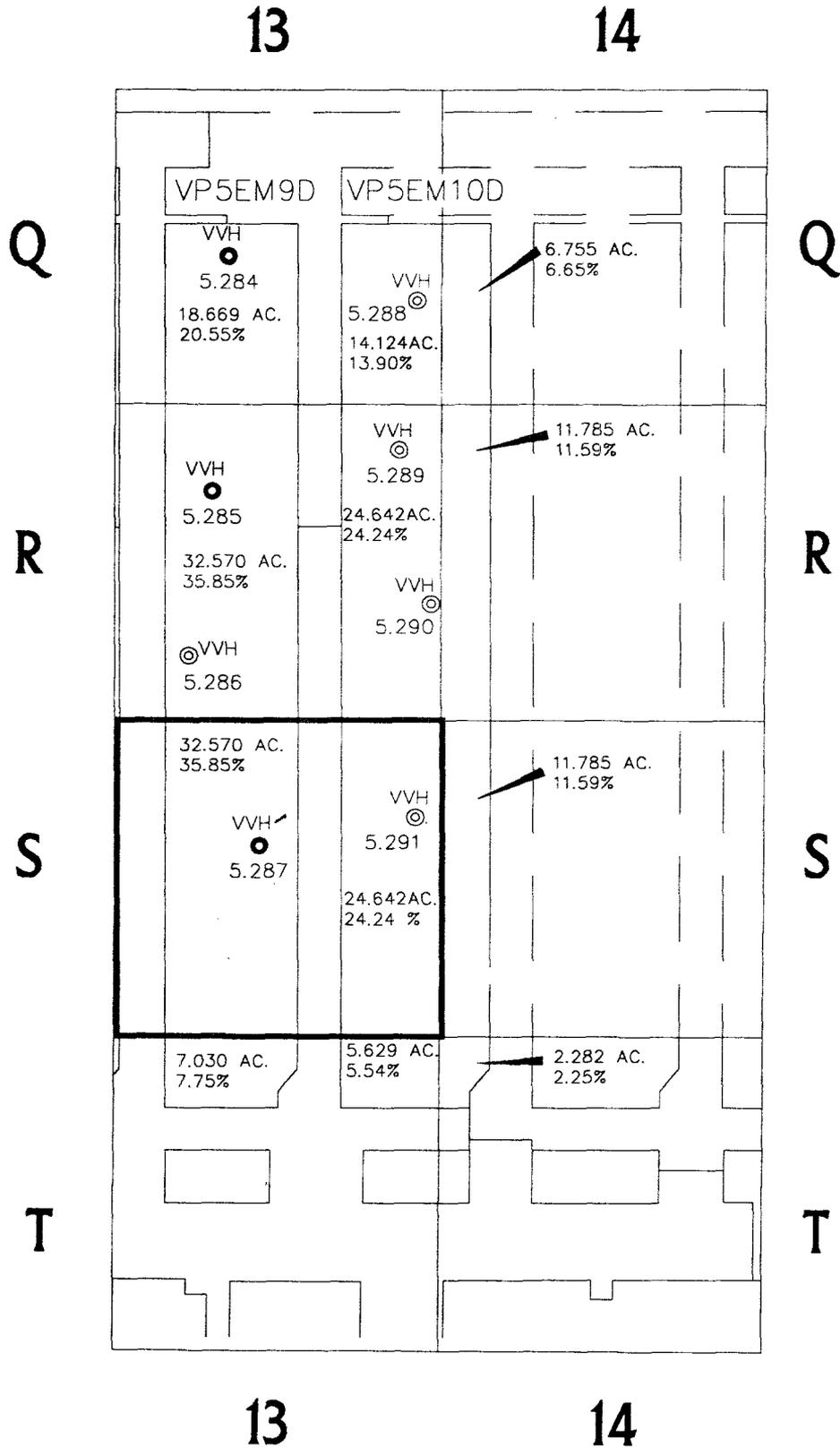
<u>Name</u>	<u>Status of Ownership</u>
1. None.	

Applicant, has under lease or contract the Coalbed Methane Gas underlying the tract(s) within this unit from all other interest owners.

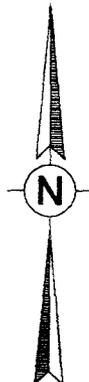
332 005 251  
Virginia Gas and Oil Board

Docket No. VGOB - 92-03-17-0195, Unit S-13/B

Exhibit G Page 1



SCALE 1" = 1000'



VG0B-92-03-17-0195 , Unit S-13/B  
 Exhibit G, Page 2

Estimate of Allowable Costs by Panel

<u>Unit</u>	<u>VP5EM9D</u>	<u>Unit</u>	<u>VP5EM10D</u>
Q-13A	\$ 308,195	Q-13A	
Q-13B		Q-13B	\$ 290,095
R-13A	312,195	Q-13B	
R-13B	290,095	R-13B	
R-13C		R-13C	290,095
R-13D		R-13D	290,095
S-13A	308,195	S-13A	
S-13B		S-13B	290,095
T-13	17,100	T-13	
Q-14		Q-14	17,100
R-14		R-14	21,100
S-14		S-14	21,100
T-14		T-14	17,100
Total	<u>\$1,235,780</u>	Total	<u>\$1,236,780</u>

<u>Unit</u>	<u>% of Panel in Unit</u>	x	<u>Total Panel Cost</u>	=	<u>Unit Cost</u>	<u>Unit</u>	<u>% of Panel in Unit</u>	x	<u>Total Panel Cost</u>	=	<u>Unit Cost</u>
Q-13	20.55%	x	\$1,235,780	=	\$253,953	Q-13	13.90%	x	\$1,236,780	=	\$171,912
R-13	35.85%	x	1,235,780	=	443,027	R-13	24.24%	x	1,236,780	=	299,795
S-13	35.85%	x	1,235,780	=	443,027	S-13	24.24%	x	1,236,780	=	299,795
T-13	7.75%	x	1,235,780	=	95,773	T-13	5.54%	x	1,236,780	=	68,518
Q-14						Q-14	6.65%	x	1,236,780	=	82,246
R-14						R-14	11.59%	x	1,236,780	=	143,343
S-14						S-14	11.59%	x	1,236,780	=	143,343
T-14						T-14	2.25%	x	1,236,780	=	27,828
	<u>100.00%</u>				<u>\$1,235,780</u>		<u>100.00%</u>				<u>\$1,236,780</u>

FORMULA FOR DIVISION OF INTEREST

Unit S-13/B

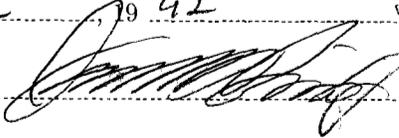
UNIT: S-13			
Panel VP5EM9D			
NAME	NET% INTEREST IN UNIT *	UNIT% INTEREST IN PANEL **	DIVISION OF INTEREST
Tract 1			
None			
Tract 2			
Garden Realty	7.1	35.35	2.50985
Consolidation Coal Company	7.1	35.35	2.50985
Tract 3			
Garden Realty Corporation	6.88	35.35	2.43208
Consolidation	6.88	35.35	2.43208
Tract 4			
None			
Tract 5			
Phyllis McGlothlin	5.84	35.35	2.06444
Bennie McGlothlin	5.84	35.35	2.06444
Bonnie McGlothlin	5.84	35.35	2.06444
Ralph McGlothlin	5.84	35.35	2.06444
Ruby McGlothlin	5.84	35.35	2.06444
Ann Lilly, et vir.	5.84	35.35	2.06444
Robert McGlothlin	5.84	35.35	2.06444
Gladys and Paul Jessee	5.84	35.35	2.06444
Dorothy and Leslie Mullins	5.84	35.35	2.06444
Charlie Dexon	5.84	35.35	2.06444
Charles Seale	5.84	35.35	2.06444
Doris Ann McGlothlin	5.84	35.35	2.06444
Francis and Cecil Borkey	5.84	35.35	2.06444
James and Betty McGlothlin	5.84	35.35	2.06444
Una Lee Bailey	5.84	35.35	2.06444
Cecil and Joyce McGlothlin	5.84	35.35	2.06444
Norman and Mable McGlothlin	5.84	35.35	2.06444
Joe Blair McGlothlin	5.84	35.35	2.06444
Catherine Warner	5.84	35.35	2.06444
Evelyn McGlothlin	5.84	35.35	2.06444
Donald A. McGlothlin, Sr.	5.84	35.35	2.06444
Billy and Hobert Dixon	5.84	35.35	2.06444
Peggy and Henry Durham	5.84	35.35	2.06444
Woodrow and Sally McGlothlin	5.84	35.35	2.06444
Frankie M. Street	5.84	35.35	2.06444
Nancy L. Lockhart	5.84	35.35	2.06444
Rose M. Wampler	5.84	35.35	2.06444
Helen Counts	5.84	35.35	2.06444
B.F. McGlothlin Heirs, et al	5.84	35.35	2.06444
* FROM EXHIBIT "B"	** FROM EXHIBIT "G"		

FORMULA FOR DIVISION OF INTEREST

Unit S-13/B

UNIT: S-13			
Panel VP5EM10D			
NAME	NET% INTEREST	UNIT% INTEREST	DIVISION OF
	IN UNIT *	IN PANEL **	INTEREST
<b>Tract 1</b>			
None			
<b>Tract 2</b>			
Garden Realty	7.1	24.24	1.7210
Consolidation Coal Company	7.1	24.24	1.7210
<b>Tract 3</b>			
Garden Realty Corporation	6.88	24.24	1.6677
Consolidation	6.88	24.24	1.6677
<b>Tract 4</b>			
None			
<b>Tract 5</b>			
Phyllis McGlothlin	5.84	24.24	1.4156
Bennie McGlothlin	5.84	24.24	1.4156
Bonnie McGlothlin	5.84	24.24	1.4156
Ralph McGlothlin	5.84	24.24	1.4156
Ruby McGlothlin	5.84	24.24	1.4156
Ann Lilly, et vir.	5.84	24.24	1.4156
Robert McGlothlin	5.84	24.24	1.4156
Gladys and Paul Jessee	5.84	24.24	1.4156
Dorothy and Leslie Mullins	5.84	24.24	1.4156
Charlie Dexon	5.84	24.24	1.4156
Charles Seale	5.84	24.24	1.4156
Doris Ann McGlothlin	5.84	24.24	1.4156
Francis and Cecil Borkey	5.84	24.24	1.4156
James and Betty McGlothlin	5.84	24.24	1.4156
Una Lee Bailey	5.84	24.24	1.4156
Cecil and Joyce McGlothlin	5.84	24.24	1.4156
Norman and Mable McGlothlin	5.84	24.24	1.4156
Joe Blair McGlothlin	5.84	24.24	1.4156
Catherine Warner	5.84	24.24	1.4156
Evelyn McGlothlin	5.84	24.24	1.4156
Donald A. McGlothlin, Sr.	5.84	24.24	1.4156
Billy and Hobert Dixon	5.84	24.24	1.4156
Peggy and Henry Durham	5.84	24.24	1.4156
Woodrow and Sally McGlothlin	5.84	24.24	1.4156
Frankie M. Street	5.84	24.24	1.4156
Nancy L. Lockhart	5.84	24.24	1.4156
Rose M. Wampler	5.84	24.24	1.4156
Helen Counts	5.84	24.24	1.4156
B.F. McGlothlin Heirs, et al	5.84	24.24	1.4156
* FROM EXHIBIT "B"	** FROM EXHIBIT "G"		

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 9th day of June 19 92 at 3:20 P. M. Deed Book No. 392 and Page No. 235.

TESTE:  Clerk

# 1962

CLERK'S OFFICE CIRCUIT COURT  
BUCHANAN COUNTY, VIRGINIA

Filed and admitted to record,

this 5<sup>th</sup> day of February 1992  
at 5:20 o'clock PM M.

Recorded Deed Book	Page
639 State Tax	
273 County Tax	
212 Transfer	
301 Recording	29.00
038 State Tax	
229 Local Tax	
145 USLF	1.00
Total	32.00

Tesle James M. Bewins, Jr. Clerk  
By [Signature] 0-0-

**Department of Mines, Minerals and Energy**

DIVISION OF GAS & OIL  
POST OFFICE BOX 1416  
230 CHARWOOD DRIVE  
ABINGDON, VIRGINIA 24210