

V I R G I N I A:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANT:	POCAHONTAS GAS PARTNERSHIP)	
)	
RELIEF SOUGHT:	POOLING OF INTERESTS)	
	IN DRILLING UNIT NO. N-40)	VIRGINIA
	PURSUANT TO SECTION)	GAS AND OIL
	45.1-361.22, (CODE OF)	BOARD
	VIRGINIA, 1950 AS AMENDED))	
	FOR THE PRODUCTION OF)	DOCKET NO.
	COALBED METHANE GAS AND)	VGOB 93-0420-0358
	COALBED METHANE GAS FROM)	
	SHORT HOLES, UNSEALED GOB)	
	AND FROM AN AUTHORIZED WELL)	
	LOCATED IN A LONG WALL)	
	PANEL (herein referred to)	
	as "Coalbed Methane Gas")	
	or "Gas")	
)	
LEGAL DESCRIPTION:)	
)	
	DRILLING UNIT NUMBER N-40)	
	(Hereafter "Subject Drilling Unit"))	
	IN THE OAKWOOD COALBED METHANE FIELDS)	
	I AND II HURRICANE BRANCH EXTENSIONS)	
	JEWEL RIDGE QUADRANGLE, GARDEN)	
	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 June 22, 1993, Dickenson Conference Room, Southwest Virginia 4-H Center, Abingdon, Virginia.
2. Appearances: Elizabeth McClanahan, of the firm Penn, Stuart, Eskridge & Jones appeared for the Applicant, Pocahontas Gas Partnership; J. C. Franks appeared as agent for and in behalf of the Metcalf estate and the Franks estate; 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 reasonably available sources to determine the identity and whereabouts of potential owners, i.e., persons identified by Applicant as having or claiming the rights to coalbed methane gas in all coal seams below the Tiller Seam, including the Lower Castle, Upper Seaboard, Greasy Creek, Middle Seaboard, Lower Seaboard, Upper Horsepen, Middle Horsepen, C, War Creek, Pocahontas No. 10, Lower Horsepen, Pocahontas No. 9, Pocahontas No. 8, Pocahontas No. 7, Pocahontas No. 6, Pocahontas No. 5, Pocahontas No. 4, Pocahontas No. 3, Pocahontas No. 2 and various unnamed coal seams, coalbed or pools, rock strata associated therewith, strata correlative to the coal seams and coalbeds, and all zones in communication

therewith and all productive extensions thereof (hereafter "Subject Formation") in Subject Drilling Unit underlying and comprised of Subject Lands, and (2) has given notice to all parties so identified (hereafter sometimes "person(s)" whether referring to individuals, corporations, partnerships, associations, companies, businesses, trusts, joint ventures or other legal entities) and 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 C hereto are persons identified by applicant who may be claimants of Coalbed Methane Gas interests in Subject Formation, in Subject Drilling Unit underlying and comprised of Subject Lands. Set forth in Exhibit D hereto are those persons who have not leased their interests to the operator and/or who have not voluntarily agreed to pool their interests, and set forth in Exhibit E are the conflicting claimants. 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: Exhibit C, Exhibit D and Exhibit E. The Application was amended to provide that the costs allocated to the wells located in Subject Drilling Unit shall be limited to one and one half times the average cost of the two wells as submitted.

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 all the rights and interests in and to the Gas in Subject Drilling Unit of the known and unknown persons named in Exhibit C hereto 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 Pocahontas Gas Partnership as Unit Operator.

7. Relief Granted: 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, Pocahontas Gas Partnership (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 I Order OGCB 3-90, dated May 18, 1990, as amended by VGOB 93-0216-0325 to encompass the Hurricane Branch Extension; to Oakwood Coal Bed Methane Gas Field II Order 91-1119-0162 effective as of December 17, 1991, as amended by VGOB 93-0216-0336/93-0316-0349; 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 rights and interests in and to the Gas in Subject Drilling Unit of the known and unknown persons listed on Exhibit "C", attached hereto and made a part hereof, and their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, 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	Approximately 80-acre square drilling unit	Two (2) well bores located in Unit N-40 known as	Hurricane Branch Extensions of the Oakwood Coalbed Gas Field I	OGCB 3-90 as amended by VGOB 93-0216-0325;

associated
strata

CBM-PGP-608
and CBM-PGP-
611 as depicted
on Exhibit
B-1

for a Coalbed Methane Gas Well and Oakwood Coal Bed Methane Gas Field II for Coalbed Methane Gas from Short Holes, Unsealed Gob and from an Authorized Well Located in a Longwall Panel	VGOB 91-1119-0162 as amended by VGOB 93-0216-0336 93-0316-0349; and VGOB 93-0316-0348
--	--

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

Unit Number N-40
Buchanan County, Virginia

In conjunction with the Oakwood I Order, the Board's Order No. VGOB 91-1119-0162, (as amended by VGOB 93-0216-0336/93-0316-0349), establishes a uniform method of development in the Oakwood Coalbed Methane Gas Field for the various methods and phases of production both before, during and after long wall mining of the coal seams located therein. Specifically, the Board adopts the following method for calculation of production, revenue and costs for production of Coalbed Methane Gas from Short Hole, Unsealed Gob or any well authorized by the Code of Virginia dependent upon the particular long wall mining plan applicable to each 80-acre unit once the long wall panel(s) located in the drilling unit has been isolated by the driving of entries. (The following method of calculation shall not, however, apply to wells producing under the Oakwood I Order unless and until the circumstances contemplated by subparagraph 7.i. below have occurred.) The designated operator of any 80-acre drilling unit or units within the boundaries of which any long wall panel which has been isolated by the driving of entries is located and from which Unsealed Gob Gas, Short Hole Gas or Gas from any well authorized by the Code of Virginia and located in a longwall panel is produced, shall calculate production and revenue based upon the mine plan as implemented within each affected 80-acre drilling unit and in particular, based upon the mineral acreage, as platted upon the surface, in each 80-acre drilling unit actually contained within a long wall panel as depicted by said mine plan. Except as otherwise provided herein, a copy of the pertinent portion of the mine plan being utilized to calculate production, revenue and costs from any affected 80-acre drilling unit 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 mineral acreage, when platted on the surface, which is both in the affected unit and the long wall panel, bears to the total mineral acreage, when platted on the surface, contained within the entire long wall panel 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 mineral acreage, when platted on the surface, which is both in the affected unit and the long wall panel bears to the total mineral acreage, when platted on

the surface, contained within the entire long wall panel affecting such 80-acre drilling unit.

7.3 i. For Gas from Any Well Located in a Long Wall Panel. After actual commencement of coal operations by the driving of entries and completion of isolation of a long wall panel, the amount of Gas produced from such a well and attributed to each 80-acre drilling unit shall be the ratio (expressed as a percentage) that the amount of mineral acreage, when platted on the surface, which is both in the affected 80-acre drilling unit and the isolated long wall panel, bears to the total mineral acreage, when platted on the surface, contained within the entire long wall panel affecting such 80-acre drilling unit.

ii. 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 well located in a proposed long wall panel shall be produced from and allocated to only the 80-acre drilling unit in which the well is located.

8. Election and Election Period: In the event any person pooled hereby has not reached a voluntary agreement to share in the operation of any well contemplated by this Order at a rate of payment mutually agreed to by said gas or oil owner and the Operator, then each person set forth in Exhibit D 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 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 gas or oil owner listed in Exhibit D may elect to participate in the development and operation of the Subject Drilling Unit (hereafter "Participating Operator") by agreeing to pay the estimate of such Participating Operator's proportionate part of the allowable 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 the estimate of such Participating Operator's proportionate part of the Allowable, Estimated Completed-for-Production Costs as 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 Allowable, Estimated Completed-for-Production Costs for the Subject Drilling Unit are as follows:

Allowable, Estimated Completed-for-Production Costs: \$347,819.07

A Participating Operator's proportionate cost hereunder shall be the results obtained by multiplying the Participating Operators' percentage as set forth in Exhibit D, times the Allowable, Completed-for-Production costs set forth above. Provided, however, *Estimated*

that in the event a Participating Operator elects to participate and fails or refuses to pay the estimate of his proportionate part of the Allowable, Estimated 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.

Upon completion of each well whose costs comprise part of the Allocable, Estimated Completed-for-Production Costs, and prior to production from same, the Operator shall file with the Board a revised exhibit reflecting the actual Completed-for-Production Costs for said well.

- 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 gas or oil owner listed in Exhibit D may elect to accept a cash bonus consideration of \$1.00 per net mineral acre owned by such person, commencing upon entry of this Order and continuing annually until commencement of production from Subject Drilling Unit, and thereafter 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 multiplied by the gas or oil owner's percentage as set forth in Exhibit D (for purposes of this Order, net proceeds shall be actual proceeds received less post-production costs incurred downstream of the wellhead, including, but not limited to, 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 gas or oil owner. The initial cash bonus shall become due and owing when so elected and shall be tendered, paid or escrowed within sixty (60) days of recording of this Order. Thereafter, annual cash bonuses, if any, shall become due and owing on each anniversary of the date of recording of this order in the event production from Subject Drilling Unit has not theretofore commenced, and once due, shall be tendered, paid or escrowed within sixty (60) days of said anniversary date. Once the initial cash bonus and the annual cash bonuses, if any, are so paid or escrowed, said payment(s) shall be satisfaction in full for the right, interests, and claims of such electing gas or oil owner to the Gas produced from Subject Formation in the Subject Lands, except, however, for the 1/8th royalties due hereunder.

The election made under this Paragraph 9.2, when so made, shall be satisfaction in full for the right, interests, and claims of such electing person in any well development and operation covered hereby and such electing person shall be deemed to and hereby does lease and assign its right, interests, and claims to the Gas produced from Subject Formation 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 gas or oil owner listed in Exhibit D 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. Such Carried Well Operator's rights, interests, 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 the right, interests, 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 its rights, interests, and claims in the Gas produced from 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 has not reached a voluntary agreement to share in the operation of any well contemplated by this Order at a rate of payment mutually agreed to by said gas or oil owner and the Operator, and said person fails to elect within the time, in the manner and in accordance with the terms of this Order, one of the alternatives set forth in Paragraph 9 above, 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 such person's right, interests, 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 his right, interests, and claims in and to the Gas produced from Subject Formation 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 the right, interests, and claims of such person in and to the Gas produced from 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 Allowable, Estimated, 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, interest, and claims the consideration provided in Paragraph 9.2 above for which his interest qualifies depending on the excess burdens attached to such interest. Whereupon, any 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 the right, interests, and claims of such person in and to the Gas produced from the Subject Formation underlying the Subject Lands covered hereby, except, however, for any royalties which would become due pursuant to Paragraph 9.2 hereof.

12. Assignment of Interest: In the event a person is unable to reach a voluntary agreement to share in the operation of any well contemplated by this Order at a rate of payment mutually agreed to by said gas or oil owner and the Operator, and said 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 such person's right, interests, 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): Pocahontas Gas Partnership, 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:

Pocahontas Gas Partnership
P. O. Box 200
Mavisdale, VA 24627
Phone: (703) 498-4512
Fax: (703) 498-4512
Attn: Randall M. Albert

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, unless sooner terminated by Order of the Board, 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. 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 rights and interests in and to the Gas 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, and said sums shall be deposited by the Operator into the Escrow Account, commencing within sixty (60) days of recording of this Order, and continuing thereafter on a monthly 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 sixty (60) days after the last day of the month being reported and/or for which funds are subject to deposit. 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.
- 16.2 Escrow Provisions For Conflicting Claimants: If any payment of bonus, royalty payment of 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, together with Participating Operator's Proportionate Costs paid to Operator pursuant to Paragraph 9.1 hereof, if any, (1) shall not be commingled with any funds of the Unit Operator; and (2) shall, pursuant to Virginia Code Sections 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4, be deposited by the Operator into the Escrow Account within sixty (60) days of recording of this Order, and continuing thereafter on a monthly 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 sixty (60) days after the last day of the month being reported and/or for which funds are subject to deposit. 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.
17. Special Findings: The Board specifically and specially finds:
- 17.1. Applicant is a Virginia general partnership composed of Consolidation Coal Company, a Delaware corporation, and Conoco, Inc., a Delaware corporation, and is 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 representing 97.878 percent of the oil and gas interest; 94.975 percent of the coal interest from the Pocahontas #3 seam of coal; 100 percent of the coal below the Tiller seam less the Pocahontas #3 seam; and 94.975 percent of the coalbed methane gas estate in Unit Number N-40 in Buchanan County, Virginia, which Subject Lands are more particularly described in Exhibit "A"

and Applicant claims ownership of the right to explore for, develop and produce the Gas underlying 94.975 percent of Subject Drilling Unit.

- 17.3 Applicant is an operator in the Commonwealth of Virginia and has satisfied the Board's requirements for operations in Virginia.
- 17.4 There are currently located two (2) wells on the Subject Drilling Unit to develop the pool in Subject Formations. Well No. BCH-DG-608 (CBM-PGP-608) has been drilled to a depth of 1,470 feet pursuant to Permit No. 2304, and Well No. BCH-DG-611 (CBM-PGP-611) has been drilled to a depth of 1,501.83 feet under Permit No. 2185.
- 17.5 The estimated amount of reserves contained within Subject Drilling Unit is 125 to 550 mmcf. The estimated average production from the Subject Drilling Unit over its life is 337.5 mmcf.
- 17.6 In support of its application for two wells to be located in Subject Drilling Unit, Applicant submitted to the Board as Hearing Exhibit, its proposed mine plan depicting the location of the longwall panels underlying Subject Drilling Unit in which said wells will be located, as well as Applicant's testimony that based on current projections, the longwall panels underlying Subject Drilling Unit will be mined in approximately seven (7) years.
- 17.7 Respondents are listed on Exhibit "C". Set forth in Exhibit "D" is the name and last known address of each person who has not, in writing, leased to the Operator or voluntarily pooled their interests in Subject Drilling Unit for its development, but who have been 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. Exhibit E sets forth conflicting ownership claimants.
- 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.
- 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 coalbed methane gas, 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 sixty (60) days after the date of recording of this Order stating that a true and correct copy of this Order was mailed within seven (7) days from the date of receipt of same to each person pooled hereby 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 29th day of October, 1993, by a majority of the Virginia Gas and Oil Board.

Benny R. Wampler
Chairman, Benny R. Wampler

DONE AND PERFORMED this 29th day of October, 1993, by Order of this Board.

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

STATE OF VIRGINIA)
COUNTY OF WISE)

Acknowledged on this 29th day of October, 1993, 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

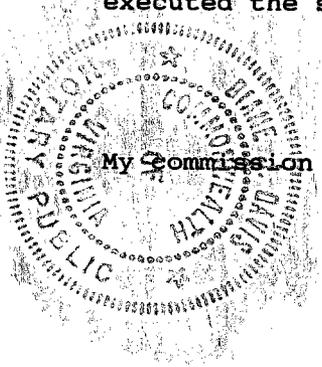
My commission expires 7/31/94

STATE OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 29th day of October, 1993, 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 J. Davis
Notary Public

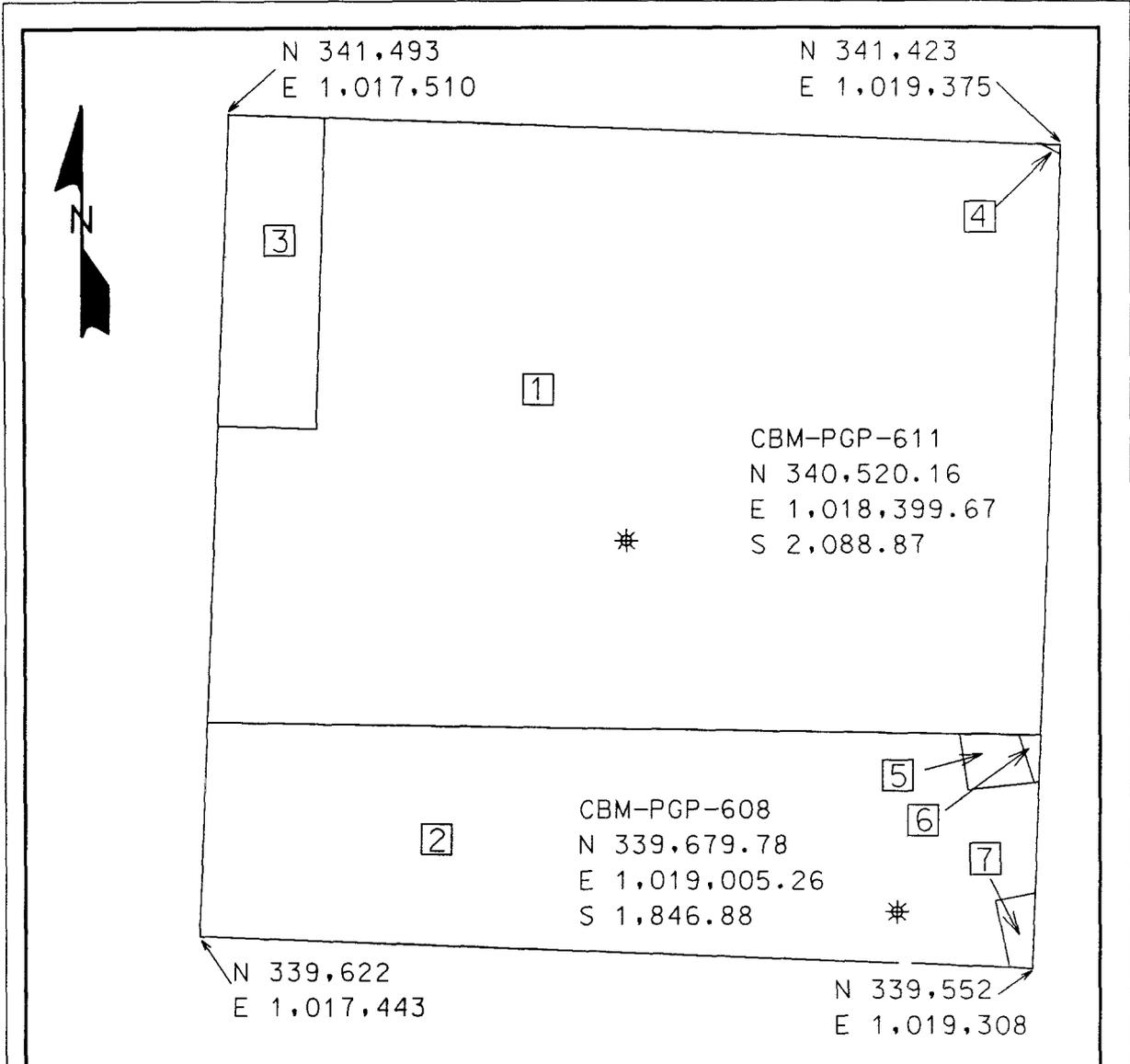
My Commission expires 9/30/97



"SUBJECT LANDS"

EXHIBIT "A"

BEGINNING at a point Virginia (South Rectangular) State Plane Coordinate N 341493 E 1017510, thence S 02° 03' 03" W 1872.20 feet to a point (N 339622 E 1017443), thence S 87° 51' 02" E 1866.31 feet to a point (N 339552 E 1019308), thence N 02° 03' 03" E 1872.20 feet to a point (N 341423 E 1019375), thence N 87° 51' 02" W 1866.31 feet to the point of Beginning, containing 80 acres.



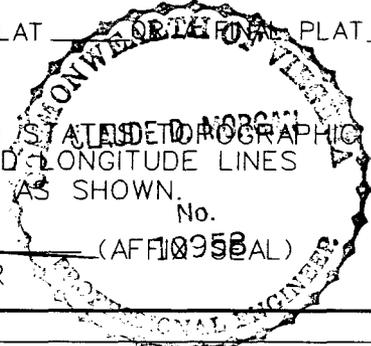
LEGEND:
 TRACT LAND HOOK
 EXISTING CBM WELL
 TRACT LAND ID'S

EXHIBIT B-1
 OAKWOOD FIELD UNIT N-40
 FORCE POOLING
 VGOB-93/04/20-0358

COMPANY POCAHONTAS GAS PARTNERSHIP WELL NAME AND NUMBER CBM-PGP-611
CBM-PGP-608
 TRACT NO. _____ ELEVATION _____ QUADRANGLE JEWELL RIDGE
 COUNTY BUCHANAN DISTRICT GARDEN SCALE: 1" = 400' DATE 4/2/93
 THIS PLAT IS A NEW PLAT X AN UPDATED PLAT _____ OR A REVISIONAL PLAT _____

+ DENOTES LOCATION OF CBM ON UNITED STATES TOPOGRAPHIC MAPS, SCALE 1 TO 24,000 LATITUDE AND LONGITUDE LINES BEING REPRESENTED BY BORDER LINES AS SHOWN.

Claudia Moya No. 10958
 LICENSED PROFESSIONAL ENGINEER (AFFIDAVIT)



**Pocahontas Gas Partnership
Unit N-40
Tract Identifications**

1. P. J. Brown Heirs - Coal, Oil & Gas
Coal Lessees
Reserve Coal Properties - all coal below Tiller
Sea "B" Mining - Jawbone Seam
Jewell Smokeless - all coal Tiller & above except Jawbone
Pocahontas Gas Partnership - 97.090% Oil & Gas - CBM Lessee
Cabot - 2.778% Oil & Gas Lessee
54.22 acres - 67.775%

2. Metcalf Estate (TR 7A) - 1/4 Coal, Oil & Gas
Ruth Culbertson - 1/4 Coal, Oil & Gas
Reserve Coal Properties - 1/2 Jawbone & below
Clyborne, Inc. - 1/2 (coal above Jawbone, Oil & Gas)
Reserve Coal Properties - Oil & Gas
Coal Lessees
Reserve Coal Properties - 1/2 Coal below Jawbone
Franks Estate - Jawbone
Pocahontas Gas Partnership - Oil & Gas, CBM Lessee
21.04 acres - 26.300%

3. P.J. Brown Heirs - Coal, Oil & Gas
Coal Lessees
Reserve Coal Properties - all coal below drainage, except P3
Island Creek Coal Co. - P3
Sea "B" Mining - Jawbone Seam
Jewell Smokeless - all coal Tiller & above except Jawbone
Pocahontas Gas Partnership - 97.090% Oil & Gas - CBM Lessee
Cabot - 2.778% Oil & Gas Lessee
4.02 acres - 5.025%

4. Reserve Coal Properties - Coal, Oil & Gas
Pocahontas Gas Partnership - CBM, Oil & Gas Lessee
0.01 acres - 0.013%

5. Metcalf Estate (TR 7A) - 1/4 Coal, Oil & Gas
Ruth Culbertson - 1/4 Coal, Oil & Gas
Reserve Coal Properties - 1/2 Jawbone & below
Clyborne, Inc. - 1/2 (coal above Jawbone, Oil & Gas)
Pentecostal Faith Temple - Oil & Gas
Coal Lessees
Reserve Coal Properties - 1/2 Coal below Jawbone
Franks Estate - Jawbone
Pocahontas Gas Partnership - Oil & Gas, CBM Lessee
0.38 acres - 0.475%

Pocahontas Gas Partnership
Unit N-40
Tract Identifications

6. Metcalf Estate (TR 7A) - 1/4 Coal, Oil & Gas
Ruth Culbertson - 1/4 Coal, Oil & Gas
Reserve Coal Properties - 1/2 Jawbone & below
Clyborne, Inc. - 1/2 (coal above Jawbone, Oil & Gas)
Dewey Sweeney - Oil & Gas
Coal Lessees
Reserve Coal Properties - 1/2 Coal below Jawbone
Franks Estate - Jawbone
Pocahontas Gas Partnership - Oil & Gas, CBM Lessee
0.07 acres - 0.088%

7. Metcalf Estate (TR 7A) - 1/4 Coal, Oil & Gas
Ruth Culbertson - 1/4 Coal, Oil & Gas
Reserve Coal Properties - 1/2 Jawbone & below
Clyborne, Inc. - 1/2 (coal above Jawbone, Oil & Gas)
Beulah D. Brown - Oil & Gas
Coal Lessees
Reserve Coal Properties - 1/2 Coal below Jawbone
Franks Estate - Jawbone
Pocahontas Gas Partnership - Oil & Gas, CBM Lessee
0.26 acres - 0.324%

EXHIBIT C

VGOB-93/04/20-0358

Owners and Potential Owners of Methane GasUnit N-40I. Coal Fee Ownership

- | | | |
|----|---|--|
| 1. | P. J. Brown Heirs: | 58.24 acres - 72.80% |
| a. | John R. Mullins
Drawer 4287
Richlands, VA 24641 | 9.71 acres - 12.133%
(0.166667 x 58.24 acres) |
| b. | Oscar W. Thompson, Jr.
P.O. Box 72
Pikeville, KY 41501 | 1.61 acres - 2.022%
(0.027778 x 58.24 acres) |
| c. | Betty T. Scott
P.O. Box 3426
Pikeville, KY 41501 | 1.61 acres - 2.022%
(0.027778 x 58.24 acres) |
| d. | Edith Mae Vanhoose
P.O. Box 2319
Pikeville, KY 41501 | 1.61 acres - 2.022%
(0.027778 x 58.24 acres) |
| e. | Ballard W. Cassady, MD
Pikeville Medical
Building
P.O. Box 3369
Pikeville, KY 41501 | 1.61 acres - 2.022%
(0.027778 x 58.24 acres) |
| f. | Michael C. Ramsey
P.O. Box 5660
Eugene, OR 97405 | 0.54 acres - 0.674%
(0.009259 x 58.24 acres) |
| g. | James P. Ramsey, Jr.
P.O. Box 20126
Sarasota, FL 34276-0126 | 0.54 acres - 0.674%
(0.009259 x 58.24 acres) |
| h. | Susan Joyce Ramsey
P.O. Box 390
Pikeville, KY 41501 | 0.36 acres - 0.449%
(0.006173 x 58.24 acres) |
| i. | Joe B. Ramsey, Sr.
1903 N. Mayo Trail,
Suite 285
Pikeville, KY 41501 | 1.08 acres - 1.348%
(0.018519 x 58.24 acres) |
| j. | William N. Ramsey, Jr.
P.O. Box 390
Pikeville, KY 41501 | 0.36 acres - 0.449%
(0.006173 x 58.24 acres) |

Exhibit C

VGOB-93/04/20-0358

Page 2

- k. G. Frank Ramsey 0.36 acres - 0.449%
P.O. Box 390 (0.006173 x 58.24 acres)
Pikeville, KY 41501
- l. Sue Carter Sloan 4.85 acres - 6.067%
1014 Geneva (0.083333 x 58.24 acres)
Pearce, AZ 85625
- m. John W. Gillespie 2.43 acres - 3.033%
314 West Main Street (0.041667 x 58.24 acres)
P.O. Box 675
Tazewell, VA 24651
- n. Johnnye H. Hunter 2.43 acres - 3.033%
Suite 629A, Forum VI (0.041667 x 58.24 acres)
Greensboro, NC 27408
- o. Eldridge Brown 11.09 acres - 13.867%
1923 Front Street (0.190476 x 58.24 acres)
Richlands, VA 24641
- p. James R. McKenry* 9.71 acres - 12.134%
Stoney Point Center (0.166667 x 58.24 acres)
700 Newton Road
Norfolk, VA 23502

*Attorney-in-fact for: 1) Patricia McKenry; 2) Charles R. McKenry; 3) Clave C. McKenry; 4) Nancy McKenry Gess; 5) Eloise G. McKenry; 6) Lucy Baldi; 7) Eugene F. Baldi; 8) John A. McKenry, III, 9) Mary M. McKenry; 10) Elizabeth McKenry; 11) Garnett McKenry; 12) Natalie Sue Callis; 13) Robert J. Callis; 14) James McKenry; and, 15) Michelle McKenry.

- q. G. I. Brown Estate 1.61 acres - 2.022%
c/o G. I. Brown (0.0277781 x 79.02 acres)
Rt. 2, Box 334
Cedar Bluff, VA 24609
- r. Claytor S. Grove 0.54 acres - 0.674%
RD 2, Box 3081 (0.009259 x 58.24 acres)
Front Royal, VA 22630-9656
- s. Doris L. Singhas 0.54 acres - 0.674%
213 Page Street (0.009259 x 58.24 acres)
Berryville, VA 22611
- t. Martha Brown Short 1.61 acres - 2.022%
7808 Shadwell Drive, NE (0.027778 x 58.24 acres)
Roanoke, VA 24019

Exhibit C

VGOB-93/04/20-0358

Page 3

u.	James M. Brown Rt. 3, Box 220 Cedar Bluff, VA 24609	0.12 acres - 0.144% (0.001984 x 58.24 acres)
v.	Martha C. Brown Rt. 2, Box 534 North Tazewell, VA 24630	0.04 acres - 0.048% (0.000661 x 58.24 acres)
w.	Virginia Brown Palmer 1535 Oak Ridge Drive Salisbury, NC 28146	0.02 acres - 0.020% (0.00026455 x 58.24 acres)
x.	Benjamin Patton Brown Rt. 1, Box 143A Pounding Mill, VA 24537	0.02 acres - 0.020% (0.00026455 x 58.24 acres)
y.	Charles Henry Brown P.O. Box 1093 Bristol, VA 24203	0.02 acres - 0.020% (0.00026455 x 58.24 acres)
z.	William David Brown 6 South Park Avenue Millville, NJ 08332	0.02 acres - 0.020% (0.00026455 x 58.24 acres)
aa.	Eugene L. Brown, Jr. Rt. 3, Box 144 Tazewell, VA 24651	0.02 acres - 0.020% (0.00026455 x 58.24 acres)
bb.	Ruth Martin Blankenships Trailer Park P.O. Box 1225 Oceana, WV 24870	0.54 acres - 0.674% (0.009259 x 58.24 acres)
cc.	Catherine Lee Estate Morris R. Lee, Administrator RFD 2, Box 92 Cedar Bluff, VA 24609	0.54 acres - 0.674% (0.009259 x 58.24 acres)
dd.	Hanna Taylor RFD 2, Box 281 Cedar Bluff, VA 24609	2.16 acres - 2.696% (0.037037 x 58.24 acres)
ee.	Buford E. Steele P.O. Box 420 Front Royal, VA 22630	0.27 acres - 0.337% (0.0046295 x 58.24 acres)

Exhibit C

VGOB-93/04/20-0358

Page 4

- ff. Mary Francis Carter 0.27 acres - 0.337%
284 West Strasburg Rd. (0.0046295 x 58.24 acres)
Front Royal, VA 22630
2. Metcalf Estate et al. 21.75 acres - 27.187%
- a. Metcalf Estate 5.4375 acres - 6.797%*
c/o J.C. Franks (1/4 of 21.75 acres)
621 Peavler Street
Marion, VA 24354
- *NOTE: Metcalf Estate owns 1/4 interest in all coal.
- b. Ruth Culbertson 5.4375 acres - 6.797%*
Box 217 (1/4 of 21.75 acres)
Raven, VA 24639
- *NOTE: Ruth Culbertson owns 1/4 interest in all coal.
- c. Reserve Coal Properties 10.8750 acres - 13.593%*
1800 Washington Road (1/2 of 21.75 acres)
Pittsburgh, PA 15241
- *NOTE: Reserve Coal Properties own 1/2 interest in
the Jawbone seam of coal and below.
- d. Ron Clyborne 10.8750 acres - 13.593%*
c/o First National Bank (1/2 of 21.75 acres)
Trust Department
P.O. Box 1559
Bluefield, WV 24701
- *NOTE: Ron Clyborne owns 1/2 interest in the coal
above the Jawbone seam of coal.
3. Reserve Coal Properties 0.01 acres - 0.013%
1800 Washington Road
Pittsburgh, PA 15241

II. Coal Leasehold Ownership

1. Reserve Coal Properties 58.24 acres - 72.80%*
1800 Washington Road 5.4375 acres - 6.797%**
Pittsburgh, PA 15241 5.4375 acres - 6.797%**
- *NOTE: The lease to Reserve Coal Properties is for all
coal below drainage. 4.02 acres of the Pocahontas
No. 3 seam of coal is subleased to Island Creek
Coal Company.

Exhibit C

VGOB-93/04/20-0358

Page 5

****NOTE:** The leases to Reserve Coal Properties are for 1/4 interest each in all coal below drainage.

2. Island Creek Coal Company 4.02 acres - 5.025%*
Virginia Division
Drawer L
Oakwood, VA 24631

***NOTE:** The sublease to Island Creek Coal Company is for the Pocahontas No. 3 seam of coal only.

3. Fincastle Mining 5.4375 acres - 6.797%*
P.O. Box 397 5.4375 acres - 6.797%*
Oakwood, VA 24631 10.8750 acres - 13.593%**
 10.8750 acres - 13/593%***

***NOTE:** The leases to Fincastle Mining are for 1/4 interest each in the Jawbone seam of coal and above.

****NOTE:** The sublease to Fincastle Mining is for 1/2 interest in the Jawbone seal of coal only.

*****NOTE:** The lease to Fincastle Mining is for 1/2 interest in the coal above the Jawbone seam of coal.

4. Jewell Smokeless Coal 58.24 acres - 72.80%*
Company/Oakwood Red Ash
Coal Corporation
P.O. Box 70
Vansant, VA 24656

***NOTE:** The lease to Jewell Smokeless Coal Company is for all coal above drainage.

5. Franks Estate 10.8750 acres - 13.5750%*
c/o J.C. Franks, Agent
621 Peavler Street
Marion, VA 24354

***NOTE:** The lease to the Franks Estate is for 1/2 interest in the Jawbone seam of coal only.

III. Oil and Gas Fee Ownership

58.24 acre tract:

1. P. J. Brown Heirs: 58.24 acres - 72.80%

Exhibit C

VGOB-93/04/20-0358

Page 6

- | | | |
|----|---|--|
| a. | John R. Mullins
Drawer 4287
Richlands, VA 24641 | 9.71 acres - 12.133%
(0.166667 x 58.24 acres) |
| b. | Oscar W. Thompson, Jr.
P.O. Box 72
Pikeville, KY 41501 | 1.61 acres - 2.022%
(0.027778 x 58.24 acres) |
| c. | Betty T. Scott
P.O. Box 3426
Pikeville, KY 41501 | 1.61 acres - 2.022%
(0.027778 x 58.24 acres) |
| d. | Edith Mae Vanhooose
P.O. Box 2319
Pikeville, KY 41501 | 1.61 acres - 2.022%
(0.027778 x 58.24 acres) |
| e. | Ballard W. Cassady, MD
Pikeville Medical
Building
P.O. Box 3369
Pikeville, KY 41501 | 1.61 acres - 2.022%
(0.027778 x 58.24 acres) |
| f. | Michael C. Ramsey
P.O. Box 5660
Eugene, OR 97405 | 0.54 acres - 0.674%
(0.009259 x 58.24 acres) |
| g. | James P. Ramsey, Jr.
P.O. Box 20126
Sarasota, FL 34276-0126 | 0.54 acres - 0.674%
(0.009259 x 58.24 acres) |
| h. | Susan Joyce Ramsey
P.O. Box 390
Pikeville, KY 41501 | 0.36 acres - 0.449%
(0.006173 x 58.24 acres) |
| i. | Joe B. Ramsey, Sr.
1903 N. Mayo Trail,
Suite 285
Pikeville, KY 41501 | 1.08 acres - 1.348%
(0.018519 x 58.24 acres) |
| j. | William N. Ramsey, Jr.
P.O. Box 390
Pikeville, KY 41501 | 0.36 acres - 0.449%
(0.006173 x 58.24 acres) |
| k. | G. Frank Ramsey
P.O. Box 390
Pikeville, KY 41501 | 0.36 acres - 0.449%
(0.006173 x 58.24 acres) |
| l. | Sue Carter Sloan
1014 Geneva
Pearce, AZ 85625 | 4.85 acres - 6.067%
(0.083333 x 58.24 acres) |

Exhibit C

VGOB-93/04/20-0358

Page 7

- m. John W. Gillespie 2.43 acres - 3.033%
314 West Main Street (0.041667 x 58.24 acres)
P.O. Box 675
Tazewell, VA 24651
- n. Johnnye H. Hunter 2.43 acres - 3.033%
Suite 629A, Forum VI (0.041667 x 58.24 acres)
Greensboro, NC 27408
- o. Eldridge Brown 11.09 acres - 13.867%
1923 Front Street (0.190476 x 58.24 acres)
Richlands, VA 24641
- p. James R. McKenry* 9.71 acres - 12.134%
Stoney Point Center (0.166667 x 58.24 acres)
700 Newton Road
Norfolk, VA 23502

*Attorney-in-fact for: 1) Patricia McKenry; 2) Charles R. McKenry; 3) Clave C. McKenry; 4) Nancy McKenry Gess; 5) Eloise G. McKenry; 6) Lucy Baldi; 7) Eugene F. Baldi; 8) John A. McKenry, III, 9) Mary M. McKenry; 10) Elizabeth McKenry; 11) Garnett McKenry; 12) Natalie Sue Callis; 13) Robert J. Callis; 14) James McKenry; and, 15) Michelle McKenry.

- q. G. I. Brown Estate 1.61 acres - 2.022%
c/o G. I. Brown (0.0277781 x 79.02 acres)
Rt. 2, Box 334
Cedar Bluff, VA 24609
- r. Claytor S. Grove 0.54 acres - 0.674%
RD 2, Box 3081 (0.009259 x 58.24 acres)
Front Royal, VA 22630-9656
- s. Doris L. Singhas 0.54 acres - 0.674%
213 Page Street (0.009259 x 58.24 acres)
Berryville, VA 22611
- t. Martha Brown Short 1.61 acres - 2.022%
7808 Shadwell Drive, NE (0.027778 x 58.24 acres)
Roanoke, VA 24019
- u. James M. Brown 0.12 acres - 0.144%
Rt. 3, Box 220 (0.001984 x 58.24 acres)
Cedar Bluff, VA 24609
- v. Martha C. Brown 0.04 acres - 0.048%
Rt. 2, Box 534 (0.000661 x 58.24 acres)
North Tazewell, VA 24630

Exhibit C

VGOB-93/04/20-0358

Page 8

- w. Virginia Brown Palmer 0.02 acres - 0.020%
1535 Oak Ridge Drive (0.00026455 x 58.24 acres)
Salisbury, NC 28146
- x. Benjamin Patton Brown 0.02 acres - 0.020%
Rt. 1, Box 143A (0.00026455 x 58.24 acres)
Pounding Mill, VA 24537
- y. Charles Henry Brown 0.02 acres - 0.020%
P.O. Box 1093 (0.00026455 x 58.24 acres)
Bristol, VA 24203
- z. William David Brown 0.02 acres - 0.020%
6 South Park Avenue (0.00026455 x 58.24 acres)
Millville, NJ 08332
- aa. Eugene L. Brown, Jr. 0.02 acres - 0.020%
Rt. 3, Box 144 (0.00026455 x 58.24 acres)
Tazewell, VA 24651
- bb. Ruth Martin 0.54 acres - 0.674%
Blankenships Trailer (0.009259 x 58.24 acres)
Park
P.O. Box 1225
Oceana, WV 24870
- cc. Catherine Lee Estate 0.54 acres - 0.674%
Morris R. Lee, (0.009259 x 58.24 acres)
Administrator
RFD 2, Box 92
Cedar Bluff, VA 24609
- dd. Hanna Taylor 2.16 acres - 2.696%
RFD 2, Box 281 (0.037037 x 58.24 acres)
Cedar Bluff, VA 24609
- ee. Buford E. Steele 0.27 acres - 0.337%
P.O. Box 420 (0.0046295 x 58.24 acres)
Front Royal, VA 22630
- ff. Mary Francis Carter 0.27 acres - 0.337%
284 West Strasburg Rd. (0.0046295 x 58.24 acres)
Front Royal, VA 22630

21.75 acre tract:

- | | | |
|----|---|--|
| 2. | Metcalf Estate et al. | 21.75 acres - 27.187% |
| a. | Metcalf Estate
c/o J.C. Franks
621 Peavler Street
Marion, VA 24354 | 5.4375 acres - 6.797%*
(1/4 of 21.75 acres) |
| b. | Ruth Culbertson
Box 217
Raven, VA 24639 | 5.4375 acres - 6.797%*
(1/4 of 21.75 acres) |
| c. | Ron Clyborne
c/o First National Bank
Trust Department
P.O. Box 1559
Bluefield, WV 24701 | 10.8750 acres - 13.593%*
(1/2 of 21.75 acres) |
| d. | Reserve Coal Properties
1800 Washington Road
Pittsburgh, PA 15241 | 21.04 acres - 26.30%* |
| e. | Pentecostal Faith Temple
c/o Troy Lester
General Delivery
Pilgrims Knob, VA 24634 | 0.38 acres - 0.475%* |
| f. | Dewey Sweeney
Box 138
Whitewood, VA 24657 | 0.07 acres - 0.088%* |
| g. | Beulah D. Brown
P.O. Box 77
Whitewood, VA 24657 | 0.26 acres - 0.324%* |

*NOTE: There appears to be two separate claims to the oil and gas underlying the 21.75-acre tract.

0.01 acre tract:

- | | | |
|----|---|---------------------|
| 3. | Reserve Coal Properties
1800 Washington Road
Pittsburgh, PA 15241 | 0.01 acres - 0.013% |
|----|---|---------------------|

Exhibit C

VGOB-93/04/20-0358

Page 10

IV. Oil and Gas Leasehold Ownership:58.24 acre tract:

1.	a.	Pocahontas Gas	9.71 acres - 12.133%*
		Partnership	2.43 acres - 3.033%**
		P.O. Box 200	2.43 acres - 3.033%**
		Mavisdale, VA 24627	11.09 acres - 13.867%*
			9.71 acres - 12.134%*
			1.61 acres - 2.022%**
			1.61 acres - 2.022%**
			0.12 acres - 0.144%**
			0.04 acres - 0.048%**
			0.54 acres - 0.674%**
			0.54 acres - 0.674%**
			2.16 acres - 2.696%**
			1.61 acres - 2.022%**
			1.61 acres - 2.022%**
			1.61 acres - 2.022%**
			1.61 acres - 2.022%**
			0.54 acres - 0.674%**
			0.54 acres - 0.674%**
			0.36 acres - 0.449%**
			1.08 acres - 1.348%**
			0.36 acres - 0.449%**
			0.36 acres - 0.449%**
			4.85 acres - 6.067%**

*NOTE: This acreage subleased to Pocahontas Gas Partnership from Reserve Coal Properties.

**NOTE: This acreage assigned to Pocahontas Gas Partnership by Virginia Gas Company (formerly Edwards & Harding Petroleum Company).

b.	Cabot Oil & Gas	0.54 acres - 0.674%
	Corporation	0.54 acres - 0.674%
	P.O. Box 1473	0.27 acres - 0.337%
	Charleston, WV 25325	0.27 acres - 0.337%

21.75 acre tract:

2.	Pocahontas Gas Partnership	21.75 acres - 27.187%*
	P.O. Box 200	
	Mavisdale, VA 24627	

*NOTE: This acreage assigned to Pocahontas Gas Partnership by Virginia Gas Company (formerly Edwards & Harding Petroleum Company).

Exhibit C

VGOB-93/04/20-0358

Page 11

0.01 acre tract:

3. Pocahontas Gas Partnership 0.01 acres - 0.013%
 P.O. Box 200
 Mavisdale, VA 24627

V. Coalbed Methane Leasehold Ownership

1. Pocahontas Gas Partnership 9.71 acres - 12.133%*
 P.O. Box 200 2.43 acres - 3.033%*
 Mavisdale, VA 24627 2.43 acres - 3.033%*
 11.09 acres - 13.867%*
 9.71 acres - 12.134%*
 1.61 acres - 2.022%*
 1.61 acres - 2.022%*
 0.12 acres - 0.144%*
 0.04 acres - 0.048%*
 0.54 acres - 0.674%*
 0.54 acres - 0.674%*
 2.16 acres - 2.696%*
 1.61 acres - 2.022%**
 1.61 acres - 2.022%**
 1.61 acres - 2.022%**
 1.61 acres - 2.022%**
 0.54 acres - 0.674%**
 0.54 acres - 0.674%**
 0.36 acres - 0.449%**
 1.08 acres - 1.348%**
 0.36 acres - 0.449%**
 0.36 acres - 0.449%**
 4.85 acres - 6.067%**
 21.75 acres - 27.187%**
 0.01 acres - 0.013%

*NOTE: This acreage subleased to Pocahontas Gas Partnership from Reserve Coal Properties.

**NOTE: This acreage assigned to Pocahontas Gas Partnership by Virginia Gas Company (formerly Edwards & Harding Petroleum Company).

2. Cabot Oil & Gas Corporation 0.54 acres - 0.674%
 P.O. Box 1473 0.54 acres - 0.674%
 Charleston, WV 25325 0.27 acres - 0.337%
 0.27 acres - 0.337%

EXHIBIT D

VGOB-93/04/20-0358

Unleased Owners and Potential Owners of Methane GasUnit N-40I. Coal Leasehold Owners

1. Island Creek Coal Company 4.02 acres - 5.025%*
Virginia Division
Drawer L
Oakwood, VA 24631

*NOTE: The sublease to Island Creek Coal Company is for the Pocahontas No. 3 seam of coal only.

II. Oil and Gas Fee Ownership58.24 acre tract:

1. P. J. Brown Heirs: 58.24 acres - 72.80%
(Unleased 0.10 acres - 0.10%)
 - a. Virginia Brown Palmer 0.02 acres - 0.020%
1535 Oak Ridge Drive (0.00026455 x 58.24 acres)
Salisbury, NC 28146
 - b. Benjamin Patton Brown 0.02 acres - 0.020%
Rt. 1, Box 143A (0.00026455 x 58.24 acres)
Pounding Mill, VA 24537
 - c. Charles Henry Brown 0.02 acres - 0.020%
P.O. Box 1093 (0.00026455 x 58.24 acres)
Bristol, VA 24203
 - d. William David Brown 0.02 acres - 0.020%
6 South Park Avenue (0.00026455 x 58.24 acres)
Millville, NJ 08332
 - e. Eugene L. Brown, Jr. 0.02 acres - 0.020%
Rt. 3, Box 144 (0.00026455 x 58.24 acres)
Tazewell, VA 24651

21.75 acre tract:

2. a. Pentecostal Faith Temple 0.38 acres - 0.475%*
c/o Troy Lester
General Delivery
Pilgrims Knob, VA 24634

Exhibit D

VGOB-93/04/20-0358

Page 2

- | | | |
|----|---|----------------------|
| b. | Dewey Sweeney
Box 138
Whitewood, VA 24657 | 0.07 acres - 0.088%* |
| c. | Beulah D. Brown
P.O. Box 77
Whitewood, VA 24657 | 0.26 acres - 0.324%* |

*NOTE: There appears to be two separate claims to the oil and gas underlying the 21.75-acre tract.

III. Oil and Gas Leasehold Ownership:58.24 acre tract:

- | | | |
|----|--|--|
| 1. | Cabot Oil & Gas Corporation
P.O. Box 1473
Charleston, WV 25325 | 0.54 acres - 0.674%
0.54 acres - 0.674%
0.27 acres - 0.337%
0.27 acres - 0.337% |
|----|--|--|

IV. Coalbed Methane Leasehold Ownership

- | | | |
|----|--|--|
| 1. | Cabot Oil & Gas Corporation
P.O. Box 1473
Charleston, WV 25325 | 0.54 acres - 0.674%
0.54 acres - 0.674%
0.27 acres - 0.337%
0.27 acres - 0.337% |
|----|--|--|

EXHIBIT E

VGOB-93/04/20-0358

Conflicting Ownership Claimants

Unit N-40

58.24 acre tract:

Coal Leasehold Owners

- | | | |
|----|---|---|
| 1. | Reserve Coal Properties
1800 Washington Road
Pittsburgh, PA 15241 | 58.24 acres - 72.80%*
5.4375 acres - 6.797%**
5.4375 acres - 6.797%** |
|----|---|---|

***NOTE:** The lease to Reserve Coal Properties is for all coal below drainage. 4.02 acres of the Pocahontas No. 3 seam of coal is subleased to Island Creek Coal Company.

Oil, Gas and Coalbed Methane Leasehold Owners

- | | | |
|----|---|---|
| 1. | Pocahontas Gas Partnership
P.O. Box 200
Mavisdale, VA 24627 | 9.71 acres - 12.133%*
2.43 acres - 3.033%*
2.43 acres - 3.033%*
11.09 acres - 13.867%*
9.71 acres - 12.134%*
1.61 acres - 2.022%*
1.61 acres - 2.022%*
0.12 acres - 0.144%*
0.04 acres - 0.048%*
0.54 acres - 0.674%*
0.54 acres - 0.674%*
2.16 acres - 2.696%*
1.61 acres - 2.022%**
1.61 acres - 2.022%**
1.61 acres - 2.022%**
1.61 acres - 2.022%**
0.54 acres - 0.674%**
0.54 acres - 0.674%**
0.36 acres - 0.449%**
1.08 acres - 1.348%**
0.36 acres - 0.449%**
0.36 acres - 0.449%**
4.85 acres - 6.067%** |
|----|---|---|

***NOTE:** This acreage subleased to Pocahontas Gas Partnership from Reserve Coal Properties.

****NOTE:** This acreage assigned to Pocahontas Gas Partnership by Virginia Gas Company (formerly Edwards & Harding Petroleum Company).

Exhibit E

VGOB-93/04/20-0358

Page 2

2.	Cabot Oil & Gas Corporation	0.54 acres - 0.674%
	P.O. Box 1473	0.54 acres - 0.674%
	Charleston, WV 25325	0.27 acres - 0.337%
		0.27 acres - 0.337%

21.75 acre tract:Coal Owners

1.	Metcalf Estate et al.	21.75 acres - 27.187%
a.	Metcalf Estate c/o J.C. Franks 621 Peavler Street Marion, VA 24354	5.4375 acres - 6.797%* (1/4 of 21.75 acres)
	*NOTE: Metcalf Estate owns 1/4 interest in all coal.	
b.	Ruth Culbertson Box 217 Raven, VA 24639	5.4375 acres - 6.797%* (1/4 of 21.75 acres)
	*NOTE: Ruth Culbertson owns 1/4 interest in all coal.	
c.	Reserve Coal Properties 1800 Washington Road Pittsburgh, PA 15241	10.8750 acres - 13.593%* (1/2 of 21.75 acres)
	*NOTE: Reserve Coal Properties own 1/2 interest in the Jawbone seam of coal and below.	
d.	Ron Clyborne c/o First National Bank Trust Department P.O. Box 1559 Bluefield, WV 24701	10.8750 acres - 13.593%* (1/2 of 21.75 acres)
	*NOTE: Ron Clyborne owns 1/2 interest in the coal above the Jawbone seam of coal.	

Oil and Gas Owners

1.	Metcalf Estate et al.	21.75 acres - 27.187%
a.	Metcalf Estate c/o J.C. Franks 621 Peavler Street Marion, VA 24354	5.4375 acres - 6.797%* (1/4 of 21.75 acres)

Exhibit E

VGOB-93/04/20-0358

Page 3

- b. Ruth Culbertson 5.4375 acres - 6.797%*
 Box 217 (1/4 of 21.75 acres)
 Raven, VA 24639
- c. Ron Clyborne 10.8750 acres - 13.593%*
 c/o First National Bank (1/2 of 21.75 acres)
 Trust Department
 P.O. Box 1559
 Bluefield, WV 24701
- d. Reserve Coal Properties 21.04 acres - 26.30%*
 1800 Washington Road
 Pittsburgh, PA 15241
- e. Pentecostal Faith Temple 0.38 acres - 0.475%*
 c/o Troy Lester
 General Delivery
 Pilgrims Knob, VA 24634
- f. Dewey Sweeney 0.07 acres - 0.088%*
 Box 138
 Whitewood, VA 24657
- g. Beulah D. Brown 0.26 acres - 0.324%*
 P.O. Box 77
 Whitewood, VA 24657

*NOTE: There appears to be two separate claims to the oil and gas underlying the 21.75-acre tract.

[s]68-67\N40Rev.E]

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 5th day of November, 19 73 P.M. M. Deed Book No. 415 and Page No. 569.

TESTE: James M. Burns, Jr. Clerk
 By: Beverly S. Tiller, Deputy Clerk

2845

CLERK'S OFFICE CIRCUIT COURT
BUCHANAN COUNTY, VIRGINIA

Filed and admitted to record,

this 5th day of June 1993
at 1:01 o'clock P. M.

Recorded Deed Book	Page
039 State Tax	
213 County Tax	
212 Transfer	<u>39.00</u>
301 Recording	
038 State Tax	
220 Local Tax	
145 VSLF	<u>1.00</u>
Total	<u>40.00</u>

Teste James M. Bevins, Jr., Clerk
By JM DTC

Virginia Department of Mines, Minerals and Energy
Bureau of Gas and Oil
200 Charwood Drive
P. O. Box 1416
Abingdon, VA 26029