

3. Jurisdiction and Notice: Pursuant to Va. Code Ann. §§ 45.1-361.1 et seq., 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 search of the reasonably available sources to determine the identity and whereabouts of gas and oil owners, coal owners, mineral owners and/or potential owners, i.e., persons identified by Applicant as having ("Owner") or claiming ("Claimant") the rights to Coalbed Methane Gas in all coal seams below the Tiller Seam, including the Upper Seaboard, Greasy Creek, Middle Seaboard, Lower Seaboard, Upper Horsepen, Middle Horsepen, War Creek, 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, coalbeds or pools and rock strata associated therewith (hereafter "Subject Formation") in Subject Drilling Unit underlying and comprised of Subject Lands; (2) has given notice to said parties who are identified in revised Exhibit B (hereafter sometimes "person(s)" whether referring to individuals, corporations, partnerships, associations, companies, businesses, trusts, joint ventures or other legal entities) entitled by Va. Code Ann. §§ 45.1-361.19 and 45.1-361.22, to notice of the Application filed herein; and (3) that the persons set forth in revised Exhibit B-3 hereto are persons identified by Applicant through its due diligence who may be Owners or Claimants of Coalbed Methane Gas interests in Subject Formation, in Subject Drilling Unit underlying and comprised of Subject Lands, who have not heretofore agreed to lease or sell to the Applicant and/or voluntarily pool their Gas interests. Conflicting Gas Owners/Claimants in Subject Drilling Unit are listed on Exhibit E. Further, the Board has caused notice of this hearing to be published as required by Va. Code Ann. § 45.1-361.19.B. 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: Exhibits B and B-3 to reflect that subsequent to the hearing of this matter, Applicant purchased from the Commonwealth of Virginia its interests in the Pocahontas No. 3 seam of coal, oil and gas within Subject Drilling Unit.

5. Dismissals: None.

6. Relief Requested: Applicant requests (1) that pursuant to Va. Code Ann. § 45.1-361.22, including the applicable portions of Va. Code Ann. § 45.1-361.21, the Board pool all the rights, interests and estates in and to the Gas in Subject Drilling Unit, including the pooling of the interests of the known and unknown persons named in revised Exhibit B hereto and that of 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 or allocated to 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: (1) Pursuant to Va. Code Ann. § 45.1-361.21.C.3, Pocahontas Gas Partnership (hereafter "Unit Operator" or "Operator") is designated as the Unit

Operator authorized to drill and operate Coalbed Methane Gas wells in the Subject Drilling Unit and/or well(s) outside the Subject Drilling Unit but from which production is allocated to Subject Drilling Unit, all subject to: the permit provisions contained in Va. Code Ann. § 45.1-361.27 et seq.; to the Oakwood Coalbed Methane Gas Field I Order OGCB 3-90, dated May 18, 1990; to the Oakwood Coalbed Gas Field II Board's Order 91-1119-0162 effective as of December 17, 1992; to § 4 VAC 25-150 et seq., Gas and Oil Regulations; and to §§ 4 VAC 25-160 et seq., Virginia Gas and Oil Board Regulations, all as amended from time to time, and (2) all the interests and estates in and to the Gas in Subject Drilling Unit, including that of the known and unknown persons listed on revised 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, 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(s)</u>	<u>Field and Well Classification</u>	<u>Order Number</u>
All coalbeds and coal seams below the Tiller seam, including, but not limited to Upper Seaboard, Greasy Creek, Middle Seaboard, Lower Seaboard, Upper, Horsepen, Middle Horsepen, War Creek, Lower Horsepen, Pocahontas Nos. 9, 8, 7, 6, 5, 4, 3, 2 and various unnamed seams and associated rock strata associated therewith.	Approximately 80-acre square.	One (1) well bore is proposed to be drilled upon the surface overlying Subject Drilling Unit.	Oakwood Coalbed Gas Field I and Oakwood Coalbed Methane Gas Field II for Coalbed Methane Gas including Frac Well Gas, as well as Unsealed Gob Gas, Short Hole Gas, and Gas from any Additional Well.	OGCB 3-90, as amended, by orders issued in Docket Nos. VGOB 93-0216-0325 and VGOB 93-0316-0348 (herein "Oakwood I Field Rules") and VGOB No. 91-1119-0162 as amended by Orders Issued in VGOB Docket Nos. 93-0216-0325, 93-0216-0336, 93-0316-0348, and 93-0316-0349 (herein "Oakwood II Field Rules")

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

Unit Number W-34 (W-34/B)
Buchanan County, Virginia

Pursuant to the Oakwood II Field Rules, the Board has adopted the following method for the calculation of production and revenue and allocation of allowable costs for short hole and unsealed gob 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 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 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 mining 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. For Frac Well Gas. - 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 according to the undivided interests of each Owner/Claimant within the unit, which undivided interest shall be the ratio (expressed as a percentage) that the amount of mineral acreage within each separate tract that is within the Subject Drilling Unit, when platted on the surface, bears to the total mineral acreage, when platted on the surface, contained within the entire 80-acre drilling unit in the manner set forth in the Oakwood I Field Rules.

8. Election and Election Period: In the event any Owner or Claimant named in revised Exhibit B-3 hereto does not reach a voluntary agreement to share in the operation of the wells to be located in the Subject Drilling Unit and/or outside the Subject Drilling Unit but from which production is allocated to Subject Drilling Unit, at a rate of payment mutually agreed to by said Gas Owner or Claimant and the Unit Operator, then such person named 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 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 Gas Owner or Claimant named in revised Exhibit B-3 who does not reach a voluntary agreement with the Operator 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 actual and reasonable costs of the development contemplated by this Order for frac well gas, short hole gas, unsealed gob gas and gas from any increased density well, including a reasonable supervision fee, as more particularly set forth in Virginia Gas and Oil Board Regulation VR 4 VAC 25-160-100 (herein "Allocable, Completed for Production Costs"). Further, a Participating Operator agrees to pay the estimate of such Participating Operator's

proportionate part of the Allocable, 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 estimated Allocable, Completed-for-Production Panel Costs for the Subject Drilling Unit are as follows:

Allocable, Completed-for-Production Panel Costs:

Panel 11 East	\$ 2,491.80
Panel 12 East	111,006.17
Panel 13 East	<u>62,359.61</u>
Total	\$175,857.58

A Participating Operator's proportionate cost hereunder shall be obtained by multiplying the Participating Operators' "Interest in Unit" times the Total Completed-for-Prpdiction Cost set forth above. Provided, however, that in the event a Participating Operator elects to participate and fails or refuses to pay the estimate of his proportionate part of the Allocable, Completed-for Production Panel 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 Gas Owner or Claimant named in revised Exhibit B-3 hereto who does not reach a voluntary agreement with the Unit Operator 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 produced from any well development covered by this Order multiplied by that person's Division of Interest or proportional share of said production [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 Gas Owner or Claimant. 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, subject to a final legal determination of ownership, said payment(s) shall be satisfaction in full for the right, interests, and claims of such electing person in and to the Gas produced from Subject Formation in the Subject Lands, except, however, for the 1/8th royalties due hereunder.

Subject to a final legal determination of ownership, 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 in and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant.

- 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 Owner or Claimant named in revised Exhibit B-3 hereto who does not reach a voluntary agreement with the Operator 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 Allocable, Completed-for-Production Panel 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 and to the Gas in Subject Drilling Unit shall be deemed and hereby are assigned to the Applicant 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 Allocable, Completed-for-Production Panel Costs allocable to the interest of such Carried Well Operator. When the Applicant 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.

Subject to a final legal determination of ownership, the election made under this Paragraph 9.3, when so made, shall be satisfaction in full for the rights, 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 and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant 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 named in revised Exhibit B-3 hereto does not reach a voluntary agreement with the Unit Operator and 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 for which his interest qualifies, 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 in and to the Gas 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 named in revised Exhibit B-3 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 Panel Cost 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 in and to the Gas 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 underlying Subject Drilling Unit in 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 named in revised Exhibit B-3 is unable to reach a voluntary agreement to share in the operation of the wells contemplated by this Order at a rate of payment agreed to mutually by said Owner or Claimant and the Operator, and such person elects or fails to elect to do other than participate under Paragraph 9.1 above in the development and operation of Subject Formations in Subject Drilling Unit, then subject to a final legal determination of ownership, 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 wells, and other share in production to which such person may be

entitled by reason of any election or deemed election hereunder in accordance with the provisions of this Order governing said election.

13. Unit Operator (or Operator): Pocahontas Gas Partnership be and hereby is designated as Unit Operator authorized to drill and operate the Coalbed Methane Wells in Subject Formation in Subject Drilling Unit and/or well(s) outside the Subject Drilling Unit but from which production is allocated to Subject Drilling Unit, all subject to the permit provisions contained in Va. Code Ann. §§ 45.1-361.27 et seq.; §§ 4 VAC 25-150 et seq., Gas and Oil Regulations; §§ 4 VAC 25-160 et seq., Virginia Gas and Oil Board Regulations; the Oakwood Coalbed Gas Field I Order OGCB 3-90 and the Oakwood Coalbed Methane Gas Field II Order VGOB 91-1119-0162, all 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 947
Bluefield, VA 24605
Phone: (540) 988-1016
Fax: (540) 988-1055
Attn: Leslie K. Arrington

14. Commencement of Operations: Unit Operator shall commence or cause to commence operations for the drilling of the well(s) within the Subject Drilling Unit and/or the well(s) outside the Subject Drilling Unit but from which production is allocated to the Subject Drilling Unit 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 then 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 all wells covered by this Order and/or all wells from which production is allocated to the Subject Drilling Unit are 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 herein.

Upon completion of any well whose costs comprise part of the Allocable, Completed-for-Production Panel Costs set forth in Paragraph 9.1 above, and within ninety (90) days after production into the pipeline is obtained and restoration of the location is completed, the Operator shall file with the Board a revised exhibit reflecting the actual, Completed-for-Production Costs for the Subject Drilling Unit.

The Unit Operator shall file with the Board notice of the date on which any longwall panel becomes isolated by the driving of entries thereby resulting in a change in the method of the calculation of production and revenue and the allocation of allowable costs from that provided in the Oakwood I Field Rules to that provided in the Oakwood II Field Rules in the manner summarized in Paragraph 7 above.

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 Gas 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
Trust Department
c/o Premier Bankshares Corporation
29 College Drive, P. O. Box 1199
Bluefield, VA 24605-1199
Telephone: (540) 322-2242
Fax: (540) 322-2766

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 pursuant to Va. Code Ann. § 45.1-361.21.D, 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 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 Va. Code Ann. § 45.1-361.21.D.

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 Va. Code Ann. §§ 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;
- 17.2 Pocahontas Gas Partnership is duly authorized to transact business in the Commonwealth of Virginia, is an operator in the Commonwealth of Virginia and has satisfied the Board's requirements for operations in Virginia;
- 17.3 Applicant claims ownership of gas leases, coalbed methane gas leases, and/or coal leases representing 99.9875 percent of the Pocahontas No. 3 seam of coal, 99.9875 percent of the oil and gas interest, and 99.9875 percent of the Coalbed Methane Gas estate in Subject Drilling Unit. The Applicant claims the right to explore for, develop and produce Coalbed Methane Gas from coal seams below the Tiller seam in Unit Number W-34 (W-34/B) in Buchanan County, Virginia, which Subject Lands are more particularly described in Exhibit "A";
- 17.4 Applicant currently proposes the drilling of one (1) well on the surface overlying Subject Drilling Unit to develop the pool of Gas in Subject Formations;
- 17.5 Subject Drilling Unit is located over Buchanan No. 1 Mine's proposed 11 East longwall panel, 12 East longwall panel and 13 East longwall panel, as depicted on the mine plan attached hereto as Exhibit G. Mining is estimated to commence in the longwall panels that underlie Subject Drilling Unit in approximately two (2) to four (4) years from the date of the hearing of this matter.
- 17.6 Permit Number 3312 was issued on March 12, 1997 for Well CBM-PGP-W34A.
- 17.7 The estimated total production from Subject Drilling Unit is 1200 - 2000 MMCF. The estimated average production for Subject Drilling Unit over its life is 1600 MMCF;
- 17.8 Respondents are listed on revised Exhibit B. Conflicting Owners/Claimants are listed on Exhibit E. Set forth in revised Exhibit B-3 is the name and last known address of each person identified by the Applicant as an Owner or Claimant of Coalbed Methane Gas in Subject Formation in Subject Drilling Unit underlying

and comprised of Subject Lands, who has not, in writing, leased to the Unit Operator or agreed to voluntarily pool his Gas interests in Subject Drilling Unit for its development. The interests of the Respondents listed in revised Exhibit B-3 comprise 0.0125 percent of the oil and gas interests and 0 percent of the coal interests in Subject Drilling Unit;

17.9 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;

17.10 The relief requested and granted is just and reasonable, is supported by substantial evidence and will afford each person listed and named in revised Exhibit B-3 hereto the opportunity to recover or receive, without unnecessary expense, such 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 said Order was mailed within seven (7) days from the date of its receipt to each Respondent pooled by this Order and 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. Appeals: Appeals of this Order are governed by the provisions of Va. Code Ann. § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court. Such appeals must be taken in the manner prescribed in the Administrative Process Act, Va. Code Ann. § 9-6.14:1 et seq.

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

DONE AND EXECUTED this 22nd day of May, 1997, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

DONE AND PERFORMED this 22nd day of May, 1997, 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 22nd day of May, 1997,
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.

Gloria A. Clark
Gloria A. Clark
Notary Public

My commission expires 12/31/98

STATE OF VIRGINIA)
COUNTY OF WISE)

Acknowledged on this 22nd day of May, 1997,
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 7/31/97

CONSOL Inc.
Oakwood Field Unit W-34
Tract Identification

1. Yukon Pocahontas Coal Co. et al - Tr. 6 - Coal, Oil & Gas
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Pocahontas Gas Partnership - CBM Lessee
3.22 acres 4.0250%

2. Hurt McGuire Heirs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Curtis Thurman Davis - Oil & Gas
Pocahontas Gas Partnership - CBM, Oil & Gas Lessee
5.20 acres 6.5000%

3. Hurt McGuire Heirs - Coal, Oil & Gas
Coal Lessees
Consolidation Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Pocahontas Gas Partnership - Oil & Gas Lessee
Pocahontas Gas Partnership - CBM Lessee
12.10 acres 15.1250%

4. Hurt McGuire Heirs - Coal
Coal Lessees
Consolidation Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Curtis Thurman Davis - Oil & Gas
Pocahontas Gas Partnership - CBM, Oil & Gas Lessee
32.11 acres 40.1375%

5. Hurt McGuire Heirs - Coal
 Coal Lessees
 Consolidation Coal Company
 Jewell Smokeless Coal Corporation
 Permac, Inc.
 Hassell Davis - Oil & Gas
 Pocahontas Gas Partnership - CBM, Oil & Gas Lessee
 11.78 acres 14.7250%

6. Yukon Pocahontas Coal Co. et al - Tr. 94 - Coal, Oil & Gas
 Coal Lessees
 Consolidation Coal Company
 Jewell Smokeless Coal Corporation
 Permac, Inc.
 Pocahontas Gas Partnership - CBM Lessee
 12.80 acres 16.0000%

- 6A. Yukon Pocahontas Coal Company - Surface
- 6B. Virginia Department of Transportation - Surface

7. Virginia Department Of Transportation - Coal, Oil & Gas
 0.01 acres 0.0125%

8. Yukon Pocahontas Coal Co. et al - Tr. 95 - Coal, Oil & Gas
 Coal Lessees
 Consolidation Coal Company
 Jewell Smokeless Coal Corporation
 Permac, Inc.
 Pocahontas Gas Partnership - CBM Lessee
 2.17 acres 2.7125%

9. Hurt McGuire Heirs - Coal, Oil & Gas
 Coal Lessees
 Island Creek Coal Company
 Jewell Smokeless Coal Corporation
 Permac, Inc.
 Pocahontas Gas Partnership - Oil & Gas Lessee
 Pocahontas Gas Partnership - CBM Lessee
 0.61 acres 0.7625%

Revised 4/3/97

Division of Interest in

	Acres In Unit	Percent of Unit	11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
I. COAL FEE OWNERSHIP					
Tract #1, 3.22 acres					
(1) Yukon Pocahontas Coal Co. Tr 6 P.O. Box 187 Tazewell, VA 24651	3.22 acres	4.02500%	0.00682%	0.30394%	0.17074%
Tract #2, 5.20 acres					
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	5.20 acres	6.50000%	0.01102%	0.49084%	0.27574%
Tract #3, 12.10 acres					
Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	12.10 acres	15.12500%	0.02564%	1.14215%	0.64162%
Tract #4, 32.11 acres					
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	32.11 acres	40.13750%	0.06803%	3.03094%	1.70267%
Tract #5, 11.78 acres					
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	11.78 acres	14.72500%	0.02496%	1.11194%	0.62465%
Tract #6, 12.80 acres					
(1) Yukon Pocahontas Coal Co. Tr 94 P.O. Box 187 Tazewell, VA 24651	12.80 acres	16.00000%	0.02712%	1.20822%	0.67874%
Tract #7, 0.01 acres					
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201	0.01 acres	0.01250%	0.00002%	0.00094%	0.00053%
(2) Consolidation Coal Company (Pocahontas No. 3 Seam Only) P. O. Box 947 Bluefield, VA 24605					
Tract #8, 2.17 acres					
(1) Yukon Pocahontas Coal Co. Tr 95 P.O. Box 187 Tazewell, VA 24651	2.17 acres	2.71250%	0.00460%	0.20483%	0.11507%

Revised 4/3/97

	Acres in Unit	Percent of Unit	Division of Interest in		
			11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
Tract #9, 0.61 acres					
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	0.61 acres	0.76250%	0.00129%	0.05758%	0.03235%
II. OIL & GAS FEE OWNERSHIP					
Tract #1, 3.22 acres					
(1) Yukon Pocahontas Coal Co. Tr 6 P.O. Box 187 Tazewell, VA 24651	3.22 acres	4.02500%	0.00682%	0.30394%	0.17074%
Tract #2, 5.20 acres					
(1) Curtis Davis Rt. 1, Box 193 Raven, VA 24639	5.2 acres	6.50000%	0.01102%	0.49084%	0.27574%
Tract #3, 12.10 acres					
Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	12.10 acres	15.12500%	0.02564%	1.14215%	0.64162%
Tract #4, 32.11 acres					
(1) Curtis Davis Rt. 1, Box 193 Raven, VA 24639	32.11 acres	40.13750%	0.06803%	3.03094%	1.70267%
Tract #5, 11.78 acres					
(1) Hassell Davis General Delivery Shortt Gap, VA 24647	11.78 acres	14.72500%	0.02496%	1.11194%	0.62465%
Tract #6, 12.80 acres					
(1) Yukon Pocahontas Coal Co. Tr 94 P.O. Box 187 Tazewell, VA 24651	12.80 acres	16.00000%	0.02712%	1.20822%	0.67874%
Tract #7, 0.01 acres					
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201	0.01 acres	0.01250%	0.00002%	0.00094%	0.00053%
(2) Consolidation Coal Company (Pocahontas No. 3 Seam Only) P. O. Box 947 Bluefield, VA 24605					

Revised 4/3/97

	Acres in Unit	Percent of Unit	Division of Interest in		
			11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
Tract #8, 2.17 acres					
(1) Yukon Pocahontas Coal Co. Tr 95 P.O. Box 187 Tazewell, VA 24651	2.17 acres	2.71250%	0.00460%	0.20483%	0.11507%
Tract #9, 0.61 acres					
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	0.61 acres	0.76250%	0.00129%	0.05758%	0.03235%

Revised 4/3/97

Acres in Unit	Percent of Unit	Division of Interest In		
		11 East 0.1695%	12 East 7.5514%	13 East 4.2421%

II. OIL & GAS FEE OWNERSHIP

Tract #7, 0.01 acres

(1) Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201	0.01 acres	0.01250%	0.00002%	0.00094%	0.00053%
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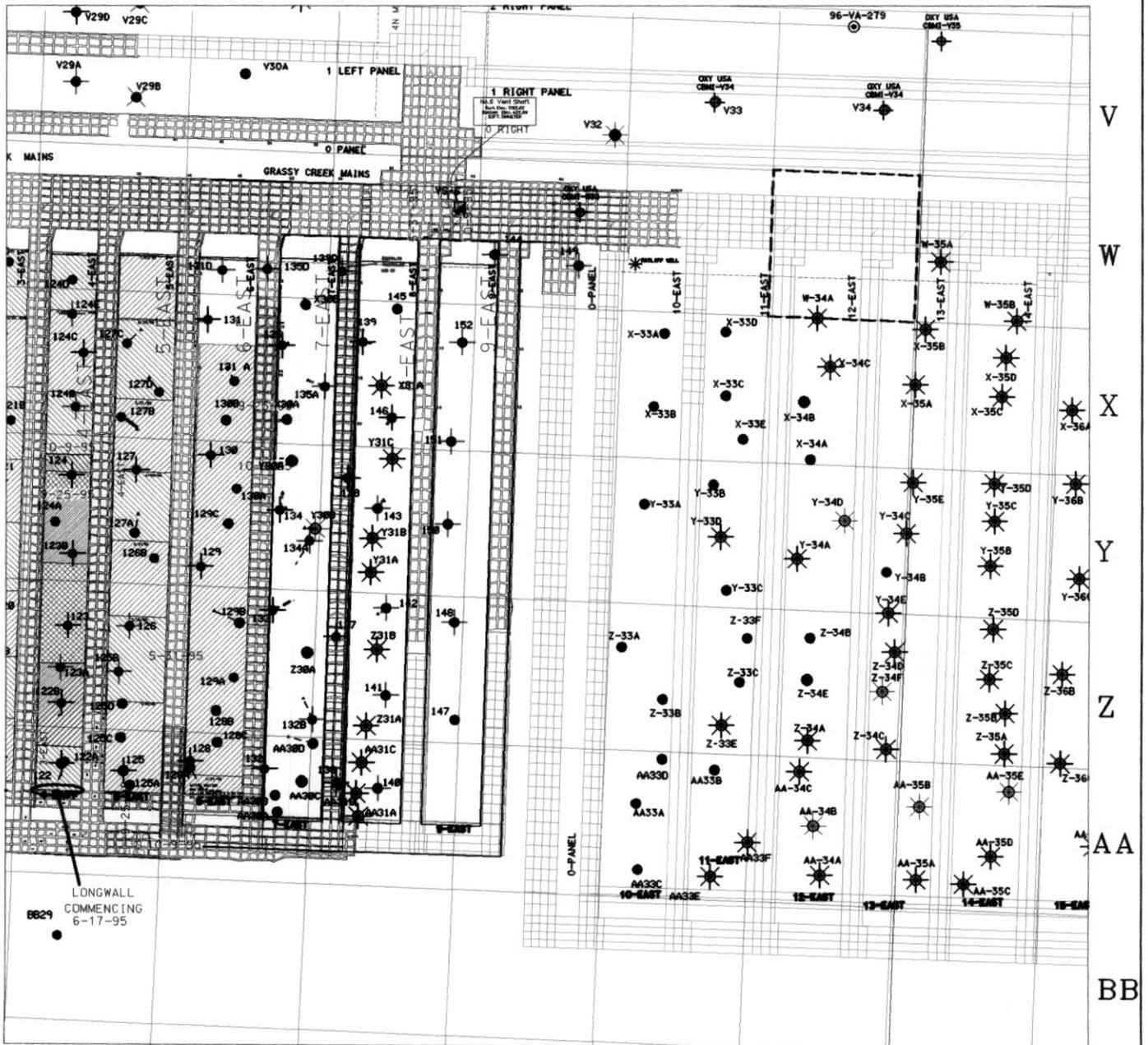
[Note] (ALL SEAMS EXCEPT POCAHONTAS NO. 3)

UNIT W-34
Docket # VGOB-97-0318-0571
Exhibit E
List of Conflicting Owners/Claimants

BOOK 463 PAGE 188

	Acres in Unit	Percent of Unit	Division of Interest in		
			11 East 0.1695%	12 East 7.5514%	13 East 4.2421%
Tract #2, 5.20 acres					
<u>COAL FEE OWNERSHIP</u>					
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	5.20 acres	6.50000%	0.01102%	0.49084%	0.27574%
<u>OIL & GAS FEE OWNERSHIP</u>					
(1) Curtis Davis Rt. 1, Box 193 Raven, VA 24639	5.20 acres	6.50000%	0.01102%	0.49084%	0.27574%
Tract #4, 32.11 acres					
<u>COAL FEE OWNERSHIP</u>					
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	32.11 acres	40.13750%	0.06803%	3.03094%	1.70267%
<u>OIL & GAS FEE OWNERSHIP</u>					
(1) Curtis Davis Rt. 1, Box 193 Raven, VA 24639	32.11 acres	40.13750%	0.06803%	3.03094%	1.70267%
Tract #5, 11.78 acres					
<u>COAL FEE OWNERSHIP</u>					
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	11.78 acres	14.72500%	0.02496%	1.11194%	0.62465%
<u>OIL & GAS FEE OWNERSHIP</u>					
(1) Hassell Davis General Delivery Shortt Gap, VA 24647	11.78 acres	14.72500%	0.02496%	1.11194%	0.62465%

VIRGINIA GAS AND OIL BOARD
DOCKET NO. VGOB-97-0318-0571
EXHIBIT G
BUCHANAN NO.1



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 14th day of June, 1997. M. Deed Book No. 463 and Page No. 189.
 TESTE: James M. Bevins, Jr., Clerk
 TESTE: Jewelry S. Jellen, Deputy Clerk
 Returned this date to Dept. of Mines

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANT: POCAHONTAS GAS PARTNERSHIP)

RELIEF SOUGHT: POOLING OF INTERESTS IN DRILLING)
UNIT W-34 (W-34\B) LOCATED IN THE)
OAKWOOD COALBED GAS FIELDS I & II)
PURSUANT TO SECTION VA. CODE ANN.)
§§ 45.1-361.1 ET SEQ. (MICHIE 1996),)
FOR THE PRODUCTION OF)
COALBED METHANE GAS FROM COALBED)
METHANE WELLS PRODUCING IN)
ADVANCE OF MINING AND UNSEALED)
GOB GAS, SHORT HOLE GAS AND GAS)
FROM ANY WELL AUTHORIZED BY THE)
CODE OF VIRGINIA)

) Docket No. VGOB-97-0318-0571

LEGAL DESCRIPTION: OAKWOOD I & II FIELDS UNIT W-34)
(W-34\B) KEEN MOUNTAIN QUADRANGLE)
BUCHANAN COUNTY, VIRGINIA)
(SEE DESCRIPTION HEREIN AND PLAT)
PLAT ATTACHED HERETO AS)
EXHIBIT A))

NOTICE OF HEARING

HEARING DATE: March 18, 1997
PLACE: Southwest Virginia 4-H Center
Hillman Highway; Abingdon, Virginia 24210
TIME: 9:00 A.M.

COMMONWEALTH OF VIRGINIA: To all persons, known or unknown, owning or claiming an interest in oil and gas, coal or other minerals and to all other persons, known or unknown, who have or claim to have an interest in the coalbed methane gas from coalbed methane wells producing in advance of mining (hereinafter sometimes referred to as "coalbed methane (frac) gas"), and unsealed gob gas, short hole gas and gas from any well authorized by the Code of Virginia (1950, as amended) (hereinafter collectively referred to as "coalbed methane gas") underlying and within the W-34 (W-34\B) unit, and the lands depicted on Exhibits A and A-1 to the application, which is shown on the attached Exhibit "A" to this Notice, in Buchanan County, Virginia (hereinafter "Subject Lands"), and adjacent lands, and in particular to the following persons, their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote:

Coal Mountain Mining Company, United Coal Company, Yukon Pocahontas Coal Company, Island Creek Coal Company, Jewell Smokeless Coal Company, Permco, Inc., Hurt McGuire heirs, Commonwealth of Virginia, Curtis Davis, Hassell Davis

NOTICE IS HEREBY GIVEN that the Applicant is requesting that the Virginia Gas and Oil Board (hereinafter the "Board") issue an order pooling all the rights, interests, and estates of every individual or entity having an interest in the coalbed methane gas underlying the tracts in the W-34 (W-34\B) unit, whether known or unknown, and their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, pursuant to Va. Code Ann. §§ 45.1-361.1, et seq. (Michie 1996) in regard to the drilling, development and production of coalbed methane gas from the W-34 (W-34\B) unit, containing approximately eighty (80) acres, from the pool defined as those coal seams below the Tiller Seam, including the Upper Seaboard, Greasy Creek, Middle Seaboard, Lower Seaboard, Upper Horsepen, Middle Horsepen, War Creek, 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, coalbeds or pools, and rock strata associated therewith (hereinafter the "Pool"). Applicant respectfully requests the Board to issue an order providing as follows:

(A) Pooling all the interests and estates of every individual or entity having an interest in the coalbed methane gas from coalbed methane wells producing in advance of mining (hereinafter sometimes referred to as "coalbed methane (frac) gas"), and unsealed gob gas, short hole gas and gas from any well authorized by the Code of Virginia (1950, as amended) (hereinafter collectively referred to as "coalbed methane gas") underlying the tracts in the

W-34 (W-34\B) unit (hereinafter the "Unit"), whether known or unknown, the persons and entities named in Exhibit B and their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, for the drilling, development and production of coalbed methane gas from the Unit for the Pool underlying and comprised of the lands depicted on Exhibits A and A1 and any wells within the Unit drilled pursuant to the Oakwood II Order (hereinafter collectively referred to as the "Wells");

(B) Designating Applicant, Pocahontas Gas Partnership, as the Unit operator; providing that the operator shall have the right to drill, explore, develop, produce, market and sell coalbed methane gas produced from the Unit; granting the operator the right to market and sell coalbed methane gas produced from the Unit which is attributable to the conflicting claims and interests pooled herein; providing that the operator shall have an operator's lien on the coalbed methane gas estate and rights owned or claimed by the persons and entities named herein in the Unit; granting the operator the right to drill at any permitted location on the Unit; and granting the operator the right to operate the Wells;

(C) Establishing a procedure whereby the Applicant will allocate production of the coalbed methane (frac) gas pursuant to the Oakwood I Order until the actual commencement of coal mining operations by the driving of entries and completion of isolation of a long wall panel. Under the Oakwood I Order, 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 according to the undivided interests of each owner/claimant within the unit, which undivided interest shall be the ratio (expressed as a percentage) that the amount of mineral acreage within each separate tract that is within the Subject Drilling Units, when platted on the surface, bears to the total mineral acreage, when platted on the surface, contained within the entire 80-acre drilling unit;

(D) Providing that beginning with the actual commencement of coal mining operations by the driving of entries and completion of isolation of a long wall panel, the formula for division of interest for production, revenue and costs for the Unit shall be allocated pursuant to the Oakwood II Order as follows:

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.
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.
3. For Gas from Any Well Located in a Long Wall Panel, - After actual commencement of coal mining 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.

(E) Establishing a procedure whereby each person or entity named in Exhibit B-3 shall have the right to elect: (1) to assign or lease his/its coalbed methane gas interest in the Unit to the operator; (2) to enter into a voluntary agreement with the operator to share in the operation (including sharing in all reasonable costs of the drilling of the Wells and development of the Unit) at a rate of payment mutually agreed to by the person or entity making the election hereunder and the operator herein; or, (3) to share in the operation of the Wells as a nonparticipating operator on a carried basis after the proceeds allocable to such person or entity's share equal the following:

in the case of a leased tract, 300 percent of the share of such costs allocable to such person or entity's interest; or,

in the case of an unleased tract, 200 percent of the share of such costs allocable to such person or entity's interest, all as determined by the Board;

(F) Providing that any person or entity named in Exhibit B-3 who does not make a timely written election under the terms of the Order to be entered pursuant to the relief sought herein shall be deemed to have leased or assigned his/its coalbed methane gas interests in the Unit to the operator designated herein at a rate to be established by the Board;

(G) Providing that operations under and in accordance with this order shall be regarded and considered as development, operation and production upon all lands included within the Unit. Production from the Wells drilled on, operated, or produced from any part of the Unit, no matter where located, shall for all purposes be regarded as production from each separately owned tract within the Unit. The portion of production produced from and attributed to the Unit and any separately owned tract therein, shall be deemed for all purposes to have been actually produced from the Unit and tract, and development, exploration or production operations with respect to the Unit shall be deemed for all purposes to be the conduct of such operations for the production of coalbed methane gas from each separately owned tract in the Unit;

(H) Making provision for the payment of all reasonable costs of the operation, including a reasonable supervision fee, to the Applicant by all parties who elect to participate therein or who elect to be carried interest owners;

(I) Making any necessary provisions for the escrowing of proceeds in cases of conflicting claims to ownership of the coalbed methane gas pursuant to Va. Code Ann. § 45.1-361.22 (Michie 1996);

(J) Providing that the order to be entered herein shall expire one (1) year from the date of its issuance if operations for the development of the Unit have not commenced by said date; but further providing that if operations have commenced during said one year period, then said order shall remain in effect for so long as operations continue on the Unit. Operations hereunder shall mean operations under the Oakwood I Order or the Oakwood II Order for the Well or Wells drilled hereunder. In the event an appeal is taken from the order issued, however, the time between the mailing of the notice of appeal and the final order of the Circuit Court shall be excluded in calculating the one year period referred to herein;

(K) Providing that all nonleasing coalbed methane gas owners be provided with reasonable access to unit records submitted to the Director of Mines, Minerals and Energy or to the Inspector;

(L) Providing that the Inspector may, in his discretion, issue permits for any Wells contemplated by this application which allows the Wells to be drilled in a specified direction other than the true vertical if the bottom of the Wells permitted or to be permitted are within the boundaries of a long wall panel(s) from which production and costs will be allocated to the unit pooled hereby;

(M) Granting such other relief as is merited by the evidence and is just and equitable, whether or not such relief has been specifically requested herein.

NOTICE IS FURTHER GIVEN THAT this cause has been set for hearing and the taking of evidence before the Board at 9:00 a.m. on March 18, 1997, at the Southwest Virginia 4-H Center; Abingdon, Virginia, and notice was published as required by law and the rules of the Board.

NOTICE IS FURTHER GIVEN THAT you may attend the hearing, with or without an attorney, and offer evidence or state any comments that you have. For further information, contact the Virginia Gas and Oil Board, State Gas and Oil Inspector, Department of Mines, Minerals and Energy, Division of Gas and Oil, P.O. Box 1416, Abingdon, Virginia 24212-1416, (540) 676-5423 or the Applicant at the address shown below.

DATED this 14th day of February, 1997.

POCAHONTAS GAS PARTNERSHIP

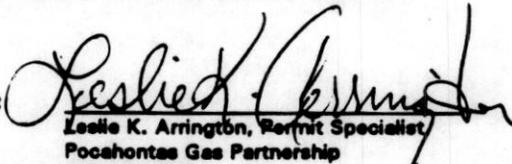
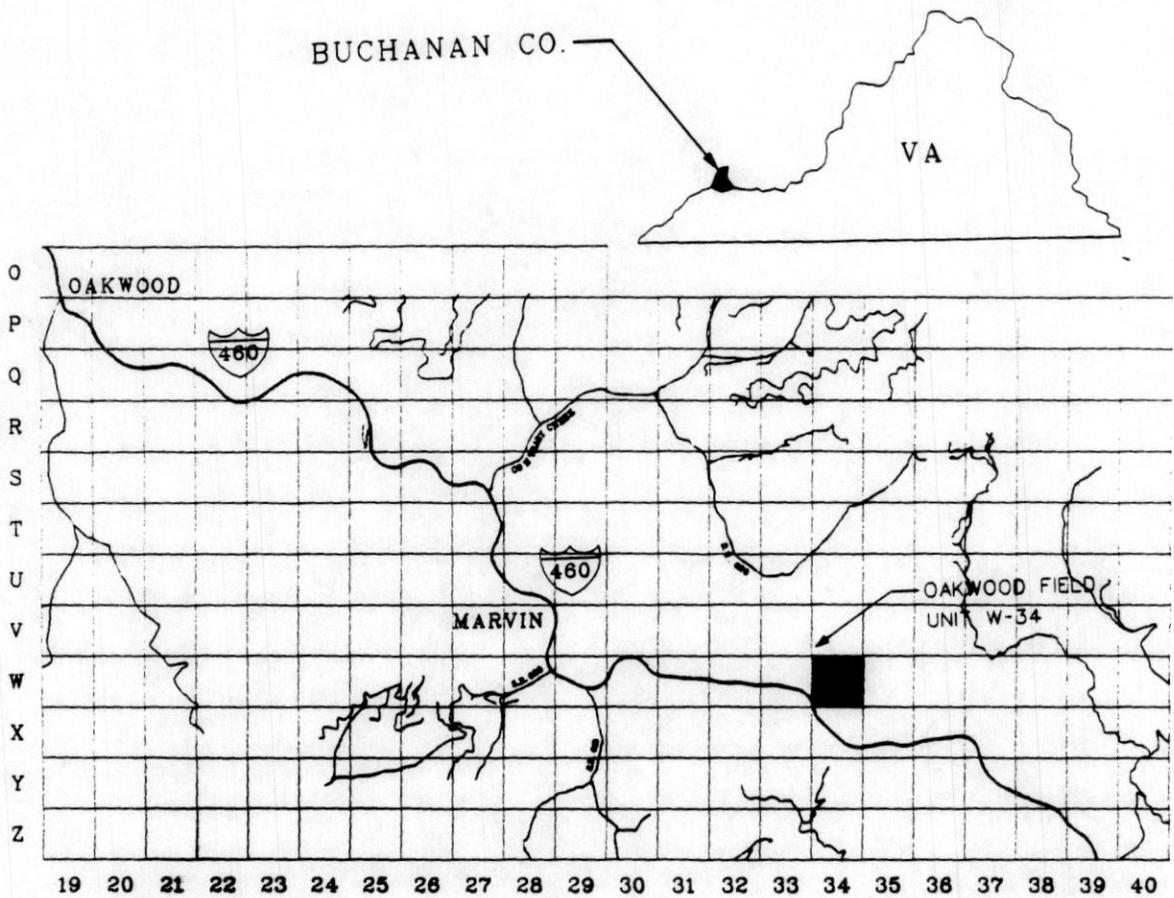
By: 
Leslie K. Arrington, Permit Specialist
Pocahontas Gas Partnership
P.O. Box 947
Bluefield, VA 24805

EXHIBIT A-1



OAKWOOD FIELD UNIT W-34
VGOB-97-0318-0571

AFFIDAVIT OF DUE DILIGENCE

COMMONWEALTH OF VIRGINIA

COUNTY OF TAZEWELL

I, Leslie K. Arrington, after being duly sworn upon oath state as follows:

1. I am an authorized agent of Pocahontas Gas Partnership and am responsible for the notification process required by Va. Code Ann. § 45.1-361.19 (Supp. 1991) and VR 480-05-22.2 § 4 (1991).
2. That Pocahontas Gas Partnership has exercised due diligence in attempting to serve notice pursuant to Va. Code Ann. § 45.1-361.19 (Supp. 1991) and VR 480-05-22.2 § 4 (1991) to every individual or entity having an interest in the methane gas underlying the tracts in the W-32 unit, whether known or unknown.
3. That each of the parties listed on Exhibit "C" of Pocahontas Gas Partnership's application for force pooling submitted to the Virginia Gas and Oil Board under Docket No. VGOB-97/03/18-0571, was notified of the filing of its application by certified mail, return receipt requested.
4. That every individual or entity having an interest in the methane gas underlying the tracts in the W-34 unit, whether known or unknown, was notified of the filing of Pocahontas Gas Partnership's application by publication of notice in the *Bluefield Daily Telegraph* paper on February 22, 1997.

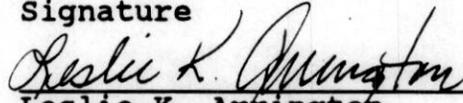
5. That Pocahontas Gas Partnership will continue to exercise due diligence in attempting to locate and identify the names and/or addresses of any unknown parties and if located will notify them of Pocahontas Gas Partnership's application.

I have read the foregoing, and the information given above is true to my best knowledge and belief.

Address

P.O. Box 947
Bluefield, Virginia 24605

Signature



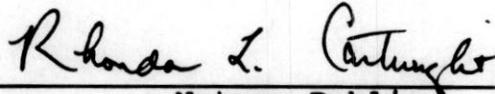
Leslie K. Arrington
Permit Specialist for
Pocahontas Gas Partnership

ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA)

COUNTY OF TAZEWELL)

SUBSCRIBED AND SWORN to before me this 10th day of March,
1997.



Notary Public

My commission expires:

10/31/97

CERTIFICATION OF NOTICE
Pocahontas Gas Partnership

Unit W-34 VGOB-97-0318-0571
Force Pooling

NAME	MAILED	RECEIPT #	RECEIVED
Coal Mountain Mining Co.	02-14-97	P 462 578 582	02-19-97
Davis Curtis	02-14-97	P 462 578 589	02-24-97
Davis Hassell	02-14-97	P 462 578 590	02-24-97
Hurt & McGuire heirs	02-14-97	P 462 578 583	02-19-97
Jewell Smokeless Coal Co.	02-14-97	P 462 578 592	02-19-97
Permac	02-14-97	P 462 578 591	02-19-97
United Coal Company	02-14-97	P 462 578 584	02-19-97
VDOT	02-14-97	P 462 578 587	02-19-97
Yukon Pocahontas Coal Co.	02-14-97	P 462 578 588	02-19-97

SENDER:
 I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Hassell Davis
 General Delivery
 Shortt Gap, VA 24647

4a. Article Number: P 462 578 590
 4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD
 Certified
 Insured
 COD

7. Date of Delivery: 2-24-97
 8. Addressee's Address (Only if requested and fee is paid): W34

5. Received By: (Print Name)
 X *Hassell Davis*

6. Signature (Address or Agent)
 X *Hassell Davis*

PS Form 3811, December 1984 Domestic Return Receipt

SENDER:
 I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Curtis Davis
 Rt. 1, Box 193
 Raven, VA 24639

4a. Article Number: P 462 578 589
 4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD
 Certified
 Insured
 COD

7. Date of Delivery: 2-19-97
 8. Addressee's Address (Only if requested and fee is paid): W34

5. Received By: (Print Name)
 X *Curtis Davis*

6. Signature (Address or Agent)
 X *Curtis Davis*

PS Form 3811, December 1984 Domestic Return Receipt

SENDER:
 I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Coal Mountain Mining
 c/o Coal Mountain Trust
 P.O. Box 675
 Tazewell, VA 24651

4a. Article Number: P 462 578 582
 4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD
 Certified
 Insured
 COD

7. Date of Delivery: 2-19-97
 8. Addressee's Address (Only if requested and fee is paid): W33, W34, X34, Y32

5. Received By: (Print Name)
 X *Gene Clark*

6. Signature (Address or Agent)
 X *Gene Clark*

PS Form 3811, December 1984 Domestic Return Receipt

SENDER:
 I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 United Coal Company
 P.O. Box 901
 Grundy, VA 24614

4a. Article Number: P 462 578 584
 4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD
 Certified
 Insured
 COD

7. Date of Delivery: 2-19-97
 8. Addressee's Address (Only if requested and fee is paid): W33, W34, X34, Y32

5. Received By: (Print Name)
 X *Christy Eaton*

6. Signature (Address or Agent)
 X *Christy Eaton*

PS Form 3811, December 1984 Domestic Return Receipt

SENDER:
 I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Hurt & McGuire Heirs
 c/o Charles Green
 1805 1/2 Jefferson Avenue
 Bluefield, WV 24701

4a. Article Number: P 462 578 583
 4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD
 Certified
 Insured
 COD

7. Date of Delivery: 2-19-97
 8. Addressee's Address (Only if requested and fee is paid): W33, W34, X34

5. Received By: (Print Name)
 X *Charles Green*

6. Signature (Address or Agent)
 X *Charles Green*

PS Form 3811, December 1984 Domestic Return Receipt

SENDER:
 I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Yukon Pochontas Coal Co.
 P.O. Box 187
 Tazewell, VA 24651

4a. Article Number: P 462 578 588
 4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD
 Certified
 Insured
 COD

7. Date of Delivery: 2-19-97
 8. Addressee's Address (Only if requested and fee is paid): W33, W34, X34

5. Received By: (Print Name)
 X *Gene Clark*

6. Signature (Address or Agent)
 X *Gene Clark*

PS Form 3811, December 1984 Domestic Return Receipt

SENDER:
 I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Jewell Smokeless Coal Corp.
 P.O. Box 70
 Vansant, VA 24656

4a. Article Number: P 462 578 592
 4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD
 Certified
 Insured
 COD

7. Date of Delivery: 2-19-97
 8. Addressee's Address (Only if requested and fee is paid): W34, X34, W33

5. Received By: (Print Name)
 X *Mike Chingis*

6. Signature (Address or Agent)
 X *Mike Chingis*

PS Form 3811, December 1984 Domestic Return Receipt

SENDER:
 I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 VA. Dept. of Transportation
 870 Nonham Road
 Bristol, VA 24201

4a. Article Number: P 462 578 58
 4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD
 Certified
 Insured
 COD

7. Date of Delivery: 2-19-97
 8. Addressee's Address (Only if requested and fee is paid): W33, W34, X34

5. Received By: (Print Name)
 X *Gene Clark*

6. Signature (Address or Agent)
 X *Gene Clark*

PS Form 3811, December 1984 Domestic Return Receipt

SENDER:
 I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Permac, Inc.
 Attn: Gene Clark
 P.O. Box 1349
 Bluefield, VA 24605

4a. Article Number: P 462 578 59
 4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD
 Certified
 Insured
 COD

7. Date of Delivery: 2-19-97
 8. Addressee's Address (Only if requested and fee is paid): W34, W33

5. Received By: (Print Name)
 X *Gene Clark*

6. Signature (Address or Agent)
 X *Gene Clark*

PS Form 3811, December 1984 Domestic Return Receipt

STATE OF PUBLICATION

0-111-

I, _____ of the
daily morning newspaper published in the City
of _____, West Virginia, do certify that the notice attached

iffeld Daily Telegraph Times

Feb. 27th

and sworn to before me this 24th day of
Feb. 20, 1905

Shirley Smith
Notary Public

BY THE VIRGINIA GAS AND OIL BOARD
IN THE MATTER OF THE APPLICATION OF THE
UNITED STATES NATIONAL BANK OF WASHINGTON
FOR PERMISSION TO TAKE FROM THE
RESERVE BANK OF THE UNITED STATES
FOR THE PRODUCTION OF CASH AND
CASH FROM COIN AND GAS FROM ANY WELL AUTHORIZED
BY THE BOARD OF VIRGINIA.
Docket No. 1008-91-18-87
L. C. HARRIS, Secretary of the Board
COUNTY, VIRGINIA (SEE DESCRIPTION HEREIN AND
FOR FULL ATTACHED RECORDS)

PLACE IN CASE

COMMERCIAL BANK OF VIRGINIA, INCORPORATED IN VIRGINIA
DOCKET NO. 1008-91-18-87
UNITED STATES NATIONAL BANK OF WASHINGTON
FOR PERMISSION TO TAKE FROM THE RESERVE BANK OF THE UNITED STATES
FOR THE PRODUCTION OF CASH AND CASH FROM COIN AND GAS FROM ANY WELL AUTHORIZED
BY THE BOARD OF VIRGINIA.
Docket No. 1008-91-18-87
L. C. HARRIS, Secretary of the Board
COUNTY, VIRGINIA (SEE DESCRIPTION HEREIN AND FOR FULL ATTACHED RECORDS)

EXHIBIT A
DUCHASTAN CO



