

090003755

V I R G I N I A:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANT: CNX Gas Company LLC) VIRGINIA GAS)
AND OIL BOARD)
RELIEF SOUGHT: POOLING OF INTERESTS IN A 58.77)
ACRE SQUARE DRILLING UNIT) DOCKET NO.
DESCRIBED IN EXHIBIT A HERETO) 09-0915-2598
LOCATED IN THE NORA COAL BED GAS)
FIELD AND SERVED BY WELL NO.)
BA-90 (herein "Subject Drilling)
Unit") PURSUANT TO VA. CODE)
§§ 45.1-361.21 AND 45.1-361.22,)
FOR THE PRODUCTION OF OCCLUDED)
NATURAL GAS PRODUCED FROM COALBEDS)
AND ROCK STRATA ASSOCIATED)
THEREWITH (herein "Coalbed Methane)
Gas" or "Gas"))

LEGAL DESCRIPTION:

SUBJECT DRILLING UNIT SERVED BY WELL NUMBERED)
BA-90 (herein "Well") TO BE DRILLED IN)
THE LOCATION DEPICTED ON EXHIBIT A HERETO,)
BIG A MOUNTAIN QUADRANGLE)
HURRICANE 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 **September 15, 2009** at the Russell County Conference Center, Lebanon, Virginia.

2. Appearances: Mark Swartz, Esquire, of the firm Swartz Law Offices, appeared for the Applicant; and Sharon M. B. Pigeon, Assistant Attorney General, was present to advise the Board.

3. Jurisdiction and Notice: Pursuant to Va. Code §§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 meaningful search of reasonably available sources to determine the identity and whereabouts of each gas and oil owner, coal owner, or mineral owner and/or potential owner, i.e., person identified by Applicant as having ("Owner") or claiming ("Claimant") the rights to Coalbed Methane Gas in all Pennsylvania-aged coals from the top of the Raven, including all splits to the top of the green and red shales including, but not limited to Jawbone, Greasy Creek, C-Seam, War

Creek, Beckley, Lower Horsepen, X-Seam, Pocahontas No. 9, 8, 7, 6, 5, 4, 3, 2, and any other unnamed coal seams, coalbeds and rock strata associated therewith (hereafter "Subject Formations") in the Subject Drilling Unit underlying and comprised of Subject Lands; (2) represented it has given notice to those parties so identified (hereafter sometimes "person(s)" whether referring to individuals, corporations, partnerships, associations, companies, businesses, trusts, joint ventures or other legal entities) entitled by Va. Code §§ 45.1-361.19 and 45.1-361.22, to notice of the application filed herein; and (3) that the persons set forth in **Exhibit B-3** hereto have been identified by Applicant as persons who may be Owners or Claimants of Coalbed Methane Gas interests in Subject Formations in the Subject Drilling Unit 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 § 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: **None**

5. Dismissals: **None**

6. Relief Requested: Applicant requests (1) that pursuant to Va. Code § 45.1-361.22, including the applicable portions of § 45.1-361.21, the Board pool the rights, interests and estates in and to the Gas in the Subject Drilling Unit, including those of the Applicant and of the known and unknown persons named in **Exhibit B-3** 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 the Subject Drilling Unit established for the Subject Formations 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 **CNX Gas Company LLC** as the Unit Operator.

7. Relief Granted: The requested relief in this cause shall be and hereby is granted and: (1) pursuant to Va. Code § 45.1-361.21.C.3, **CNX Gas Company LLC** (hereafter "Unit Operator" or "Operator") is designated as the Unit Operator authorized to drill and operate the Well in Subject Drilling Unit at the location depicted on the plat attached hereto as **Exhibit A**, subject to the permit provisions contained in Va. Code § 45.1-361.27, et seq.; to §§ 4 VAC 25-150 et seq., Gas and Oil Regulations; to § 4 VAC 25-160 et seq., Virginia Gas and Oil Board Regulations and to the Nora Coal Bed Gas Field Rules established by the Oil and Gas Conservation Board's Order entered March 26, 1989; 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 Applicant, the Unit Operator and of the known and unknown persons listed on **Exhibit B-3**, 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 Formations in the Subject Formation in the Subject Drilling Unit underlying and comprised of the Subject Lands.

Pursuant to the Nora Coal Field Rules promulgated under the authority of Va. Code § 45.1-361.20, the Board has adopted the following method for the calculation of production and revenue and allocation of allowable costs for the production of Coalbed Methane Gas.

For Frac Well Gas. - Gas shall be produced from and allocated to only the 58.77-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 58.77-acre drilling unit in the manner set forth in the Nora Field Rules.

8. Election and Election Period: In the event any Owner or Claimant named in **Exhibit B-3** has not reached a voluntary agreement to share in the operation of the Well to be located in Subject Drilling Unit, at a rate of payment mutually agreed to by said Gas Owner or Claimant and the Applicant or the Unit Operator, then such person 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 of receipt of a copy of this Order. 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 his 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 **Exhibit B-3** who has not reached a voluntary agreement with the Applicant or Unit Operator may elect to participate in the Well development and operation in 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, 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 4 VAC 25-160-100 (herein "Completed for Production Costs"). Further, a Participating Operator agrees to pay the estimate of such Participating Operator's proportionate part of the 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 estimated Completed-for-Production Costs for the Subject Drilling Unit are as follows:

Completed-for-Production Costs: **\$295,599.71**

Any gas owner and/or claimants named in Exhibit B-3, who elect

this option (Option 1) understand and agree that their initial payment under this option is for their proportionate share of the Applicant's estimate of actual costs and expenses. It is also understood by all persons electing this option that they are agreeing to pay their proportionate share of the actual costs and expenses as determined by the Operator named in this Board Order.

A Participating Operator's proportionate cost hereunder shall be the result obtained by multiplying the Participating Operator's "Percent of Unit" as set forth herein in the attached **Exhibit B-3** times the Estimated Completed-for-Production Costs 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 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.

- 9.2 Option 2 - To Receive A Cash Bonus Consideration: In lieu of participating in the Well development and operation in Subject Drilling Unit under Paragraph 9.1 above, any Gas Owner or Claimant named in **Exhibit B-3** hereto who has not reached a voluntary agreement with the Unit Operator may elect to accept a cash bonus consideration of \$5.00 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 Gas produced from any Well development and operation covered by this Order multiplied by that person's Interest Within Unit as set forth in **Exhibit B-3** [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 Owner or Claimant. The initial cash bonus shall become due and owing when so elected and shall be tendered, paid or escrowed within one hundred twenty (120) 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 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 have and hereby does 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 Well 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 **Exhibit B-3** who has not reached a voluntary agreement with the Unit Operator may elect to share in the well development and operation in 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 and to the Gas 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 and operation.

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 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 his right, 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 **Exhibit B-3** hereto has not reached a voluntary agreement with the Applicant or 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 Well development and operation in Subject Drilling Unit and shall be deemed, subject to any final legal determination of 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 said Gas produced from Subject Formation in Subject Drilling Unit to the Unit Operator. Persons who fail to properly elect shall be deemed 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 Subject Formation underlying Subject Lands.

11. Default By Participating Person: In the event a person named in **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 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, interests, 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 one hundred twenty (120) 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 1/8th royalties which would become due pursuant to Paragraph 9.2 hereof.

12. Assignment of Interest: In the event a person named in **Exhibit B-3** is unable to reach a voluntary agreement to share in the Well development and operation in Subject Drilling Unit at a rate of payment agreed to mutually by said Gas Owner or Claimant and the Unit Operator, and said person elects or fails to elect to do other than participate under Paragraph 9.1 above in the Well development and operation 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 Formations in Subject Drilling Unit, and other share in and to Gas 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 elections.

13. Unit Operator (or Operator): **CNX Gas Company LLC** shall be and hereby is designated as Unit Operator authorized to drill and operate the Well(s) in Subject Formations in Subject Drilling Unit, all subject to the permit provisions contained in Va. Code §§ 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; Oil and Gas Conservation Board ("OGCB") Order establishing the Nora Coal Bed Gas Field Rules, entered March 26, 1989; 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:

**CNX Gas Company LLC
2481 John Nash Blvd.
Bluefield, WV 24701
Attn: Anita D. Duty**

14. Commencement of Operations: Unit Operator shall commence or cause to commence operations for the drilling of the Well within Subject Drilling Unit within seven hundred thirty (730) days from the date of this Order, and shall prosecute the same with due diligence. If the Unit Operator has not 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 the 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 two-year period referenced 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 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 a charge 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 the Well(s) has been paid the full amounts due under the terms of this Order.

16. Escrow Provisions:

The Applicant represented to the Board that there **are no** unknown or unlocatable claimants in the Subject Drilling Unit; and, the Unit Operator has represented to the Board that there **are no** conflicting claimants in the Subject Drilling Unit whose payments are subject to the provisions of Paragraph 16.2 hereof. Therefore, by this Order, the Escrow Agent named herein or any successor named by the Board, **is not** required to establish an interest-bearing escrow account for the Subject Drilling Unit (herein "Escrow Account"), and to receive and account to the Board pursuant to its agreement for the escrowed funds hereafter described in Paragraphs 16.1 and 16.2:

Wachovia Bank, N.A.
VA7515
P.O. Box 14061

Roanoke, VA 24038
Attention: **Derrick Dewalt**

- 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 § 45.1-361.21.D, said sums shall be deposited by the Unit Operator into the Escrow Account, commencing within one hundred twenty (120) 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 § 45.1-361.21.D.
- 16.2 Escrow Provisions For Conflicting Claimants: If any payment of bonus, royalty payment, proceeds in excess of ongoing operational expenses, or other payment due and owing under this Order cannot be made because the person entitled thereto cannot be made certain due to conflicting claims of ownership and/or a defect or cloud on the title, then such cash bonus, royalty payment, proceeds in excess of ongoing operational expenses, or other payment, together with Participating Operator's Proportionate Costs paid to Unit 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 §§ 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 one hundred twenty (120) days of recording of this Order, and continuing thereafter on a monthly basis with each deposit to be made 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 **CNX Gas Company LLC**, a Virginia limited liability company, is duly authorized and qualified to transact business in the Commonwealth of Virginia;
- 17.2. **CNX Gas Company LLC** has the authority to explore, develop and maintain the properties and assets, now owned or hereafter acquired, consented to serve as Coalbed Methane Gas Unit Operator for Subject Drilling Unit and to faithfully discharge the duties imposed upon it as Unit Operator by statute and regulations

17.3. **CNX Gas Company LLC** is an operator in the Commonwealth of Virginia, and has satisfied the Board's requirements for operations in Virginia;

17.4 Applicant, **CNX Gas Company LLC** claims ownership of gas leases, Coalbed Methane Gas leases, and/or coal leases representing **88.4975** percent of the oil and gas interest/claims in and to Coalbed Methane Gas and **88.4975** percent of the coal interest/claims in and to Coalbed Methane Gas in Subject Drilling Unit; and, Applicant claims the right to explore for, develop and produce Coalbed Methane Gas from Subject Formations in Subject Drilling Unit in **Buchanan** County, Virginia, which Subject Lands are more particularly described in **Exhibit A**;

17.5. The estimated total production from Subject Drilling Unit is **125 to 550 MMCF**. The estimated amount of reserves from the Subject Drilling Unit is **125 to 550 MMCF**;

17.6. Set forth in **Exhibit B-3**, is the name and last known address of each Owner or Claimant identified by the Applicant as having or claiming an interest in the Coalbed Methane Gas in Subject Formation in Subject Drilling Unit underlying and comprised of Subject Lands, who has not, in writing, leased to the Applicant or the Unit Operator or agreed to voluntarily pool his interests in Subject Drilling Unit for its development. The interests of the Respondents listed in **Exhibit B-3** comprise **11.5025** percent of the oil and gas interests/claims in and to Coalbed Methane Gas and **11.5025** percent of the coal interests/claims in and to Coalbed Methane Gas in Subject Drilling Unit;

17.7 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 the Wells are those options provided in Paragraph 9 above;

17.8 The relief requested and granted is just and reasonable, is supported by substantial evidence and will afford each person listed and named in **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 by Unit Operator to each Respondent named in **Exhibit B-3** 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.

22. Effective Date: This Order shall be effective as of the date of the Board's approval of this Application, which is set forth at Paragraph 1 above.

DONE AND EXECUTED this 4 day of November, 2009, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 4 day of November, 2009, by Order of the Board.

David E. Asbury, Jr.
David E. Asbury, Jr.
Principal Executive to the Staff
Virginia Gas and Oil Board

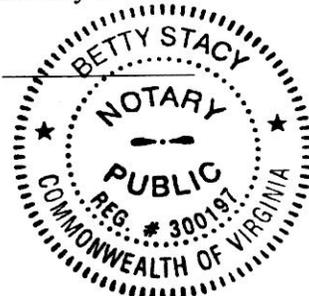
STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 4th day of November, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury, Jr., being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

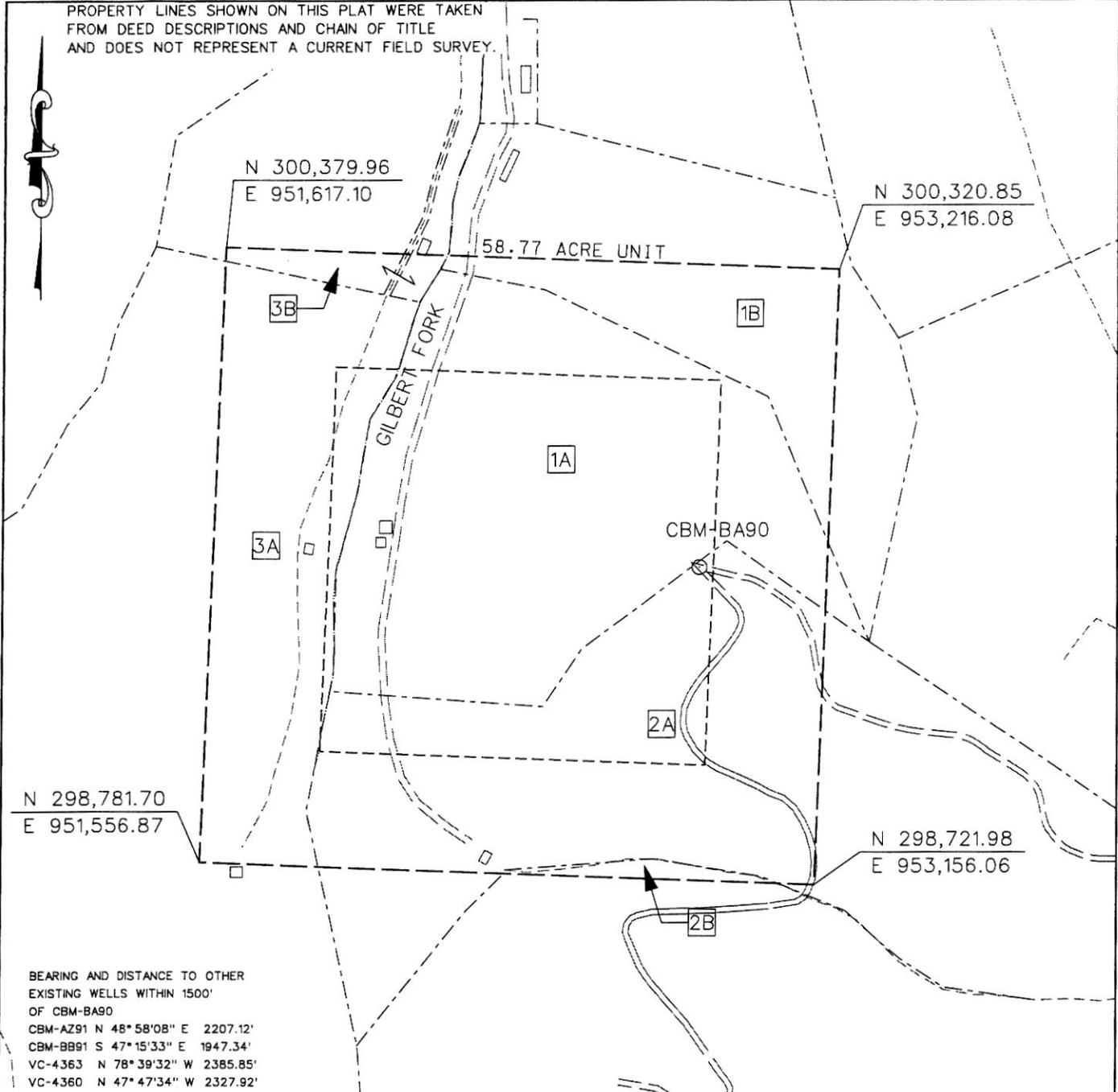
Betty Stacy
Betty Stacy Notary Public

Registration No. _____

My commission expires May 31, 2013



PROPERTY LINES SHOWN ON THIS PLAT WERE TAKEN FROM DEED DESCRIPTIONS AND CHAIN OF TITLE AND DOES NOT REPRESENT A CURRENT FIELD SURVEY.



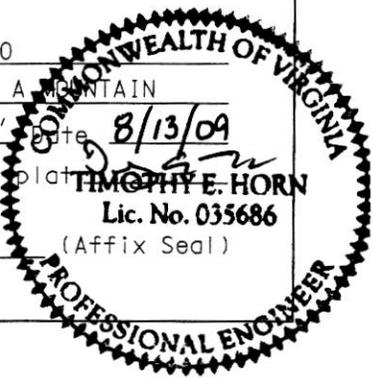
BEARING AND DISTANCE TO OTHER EXISTING WELLS WITHIN 1500' OF CBM-BA90
 CBM-AZ91 N 48° 58' 08" E 2207.12'
 CBM-BB91 S 47° 15' 33" E 1947.34'
 VC-4363 N 78° 39' 32" W 2385.85'
 VC-4360 N 47° 47' 34" W 2327.92'

EXHIBIT A
 NORA FIELD
 UNIT BA90
 FORCE POOLING
 VGOB 09-0915-2598

Company CNX Gas Company LLC Well Name and Number UNIT BA90
 Tract No. _____ Elevation _____ Quadrangle BIG A MOUNTAIN
 County BUCHANAN District HURRICANE Scale: 1" = 400'
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
 Rev. 9/91

[Signature]
 Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC
UNIT BA-90
Tract Identification

1. **Levisa Coal Company, Tract 41 (52.80 Acre Tract) – All Minerals except Oil and Gas**
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
John W. Pobst, Jr., et al – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
27.11 acres 46.1290%

- 1A. **Terry Compton, et al – Surface Owner**
- 1B. **Ronald Compton, et al – Surface Owner**

2. **Levisa Coal Company, Tract 43 (121.49 Acre Tract) – All Minerals except Oil and Gas**
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
John W. Pobst, Jr., et al – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
18.14 acres 30.8661%

- 2A. **Terry Compton, et al – Surface Owner**
- 2B. **Tony Glenn Greene, et ux – Surface Owner**

3. **Garden Realty Corporation, et al (87.30 Acre Tract) – All Minerals**
Jewell Smokeless Coal Corporation – Coal In Tiller Seam and Above Leased
Equitable Production Company (50%)/Range Resources-Pine Mountain, Inc. (50%) – Oil, Gas and
CBM Leased (50%)
CNX Gas Company LLC – Oil, Gas and CBM Leased (50%)
13.52 acres 23.0049%

- 3A. **George Presley, et ux – Surface Owner**
- 3B. **Unknown Surface Owner**

**Exhibit B-3
Unit BA-90
Docket #VGOB 09-0915-2598
List of Unleased Owners/Claimants
(58.77 Acre Unit)**

	Acres in Unit	Percent of Unit
I. COAL OWNERSHIP		
<u>Tract #3 - 13.52 acres</u>		
(1) Garden Realty Corporation, et al. (87.30 Acre Tract)	13.52 acres	23.0049%
(b) University of Charleston, Inc. 2300 MacCorkle Avenue S.E. Charleston, WV 25304	2.817 acres 5/24 of 13.52 acres	4.7927%
(c) Meredith E. Jennings ** 2418 West Linden Street Nashville, TN 37212	2.817 acres 5/24 of 13.52 acres	4.7927%
(d) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	0.563 acres 1/24 of 13.52 acres	0.9585%
(e) Carol C. Irvin 4710 Hunterwood Circle Richmond, TX 77406	0.235 acres 5/288 of 13.52 acres	0.3994%
(f) Martha E. Combs P.O. Box 1404 Abingdon, VA 24210	0.164 acres 7/576 of 13.52 acres	0.2796%
(g) F.H. Combs Testamentary Trust c/o Kelly Necessary, Trustee P.O. Box 841 Tazewell, VA 24651	0.164 acres 7/576 of 13.52 acres	0.2796%
II. OIL & GAS OWNERSHIP		
<u>Tract #3 - 13.52 acres</u>		
(1) Garden Realty Corporation, et al. (87.30 Acre Tract)	13.52 acres	23.0049%
(b) University of Charleston, Inc. 2300 MacCorkle Avenue S.E. Charleston, WV 25304	2.817 acres 5/24 of 13.52 acres	4.7927%
(c) Meredith E. Jennings ** 2418 West Linden Street Nashville, TN 37212	2.817 acres 5/24 of 13.52 acres	4.7927%
(d) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	0.563 acres 1/24 of 13.52 acres	0.9585%
(e) Carol C. Irvin 4710 Hunterwood Circle Richmond, TX 77406	0.235 acres 5/288 of 13.52 acres	0.3994%
(f) Martha E. Combs P.O. Box 1404 Abingdon, VA 24210	0.164 acres 7/576 of 13.52 acres	0.2796%
(g) F.H. Combs Testamentary Trust c/o Kelly Necessary, Trustee P.O. Box 841 Tazewell, VA 24651	0.164 acres 7/576 of 13.52 acres	0.2796%

** The Oil, Gas and CBM is leased by EQT Production Company 50% / Range Resources - Pine Mountain, Inc. 50%

well no. BA - 90

Field: Nona
Unit 58.77
ACRES

Review Sheet Board Order

DOCKET # 09-0915-2598 COUNTY Buckner

ORIGINAL HEARING DATE 09-15-09

CONTINUED HEARING DATE _____

REVIEW DATE 10-27-09 BSS

INFORMATION PER ORDER:

ESCROWING REQUIRED (16) N YES/NO

ESCROWING FOR (16) N UNKNOWNNS - TRACT # _____

N CONFLICTING - TRACT # _____

_____ TITLE ISSUE - TRACT # _____

COAL (17.4):
88.4975 LEASED 11.5025 UNLEASED TOTAL 100

GAS (17.4):
88.4975 LEASED 11.5025 UNLEASED TOTAL 100

AFE (9.1) \$ 295599.71

REVISED EXHIBITS _____

PER TRANSCRIPT:

ESCROWING REQUIRED N YES/NO

ESCROWING FOR N UNKNOWNNS - TRACT # _____

N CONFLICTING - TRACT # _____

_____ TITLE ISSUE - TRACT # _____

COAL:
88.4975 LEASED 11.5025 UNLEASED TOTAL 100

GAS:
88.4975 LEASED 11.5025 UNLEASED TOTAL 100

AFE \$ 295599.71

REVISED EXHIBITS 2

COUNTY RECORDING Buckner

RECORDING COST \$ 24 CHECK REQUESTED _____

810 + 14 = 24

Attachments: B3
N

20 69-0915-2598

September 15, 2009 Hearing

Docket No.	Unit #	Docket Number	Field	Unit Acres	County	Notice Mailed	Date	Paper	OWNERSHIP INFORMATION					Permit #	Drilled	Within Drilling Window	E Tracts	Escrow for "Unknowns" Tracts	EE Tracts
									Coal A	Oil & Gas B	Coal C	Oil & Gas D	Oil & Gas E						
17	AA-83	09-0915-2595	Nora	58.78	Buchanan	08/14/09	08/25/09	BDT	98.8265%	100.0000%	60.1735%	60.1735%	AX93 - \$390,171.35	2502	Y				
18	BB-107	09-0915-2596	Middle Ridge	58.78	Russell	08/14/09	08/25/09	BDT	98.2640%	98.2640%	3.7360%	3.7360%	BB107 - \$208,852.36 BB107A - \$309,448.71	2519, 2739	Y, N				
19	DD-18	09-0915-2597	Oakwood	80.00	Buchanan	08/14/09	08/25/09	BDT	100.0000%	100.0000%	0.0000%	4.4375%	DD18 - \$389,902.79 DD18A - \$283,377.66	2439, 2439	Y, Y	4B, 4C, 4D, 4E			
20	AA-90	09-0915-2598	Nora	58.77	Buchanan	08/14/09	08/26/09	BDT	88.4975%	100.0000%	11.5025%	11.5025%	BA90 - \$295,995.71	2344	Y				
21	BB-90	09-0915-2599	Nora	58.75	Buchanan	08/14/09	08/26/09	BDT	77.1064%	100.0000%	22.8936%	22.8936%	BB90 - \$296,710.24	2035	Y				

* indicates revisions have taken place since the pooling application was filed.

Notes: CNX is requesting a continuance until October for Docket #3 Unit BC-90 VGOB 09-0818-2576 & Docket #7 Disbursement for Unit AZ-118 VGOB 01-0917-1076-02

AFFIDAVIT OF DUE DILIGENCE

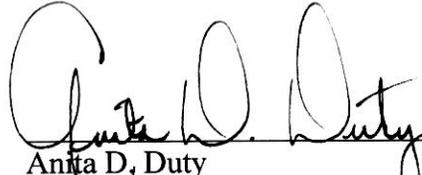
COMMONWEALTH OF VIRGINIA
COUNTY OF BUCHANAN

I, Anita D. Duty, after being duly sworn upon oath, state as follows:

1. I am a Pooling Supervisor for CNX Land Resources, Inc. and am responsible for the notification process required by Va. Code Ann. §45.1-361.19 and VR 480-05-22.2 §4.
2. That CNX Gas Company LLC has exercised due diligence in attempting to locate and notice all owners and claimants who are unleased and/or who were not previously pooled by prior order(s) of the Virginia Gas and Oil Board regarding Unit **BA-90**, all as required by Va. Code Ann. §45.1-361.19 and VR 480-05-22.2.
3. That on August 14, 2009 a true and correct copy of the Notice of Hearing with Exhibits will be mailed, via certified mail return receipt requested, to all owners and claimants listed in Exhibit B-3 for whom mailing addresses were then available.
4. That every individual or entity having an unleased or unpooled interest in the methane gas underlying the tracts in the **BA-90** unit, whether known or unknown, including those persons whose mailing address were unknown, was notified of the filing of CNX Gas Company LLC's application by publication of the Notice of Hearing in the *Bluefield Daily Telegraph*.
5. That CNX Gas Company LLC will continue to exercise due diligence in attempting to locate and identify the names and/or addresses of any unknown or unlocatable parties and, if located or identified, will notify them of CNX Gas Company LLC's application.

Docket No. VGOB 09-0915-2598
Affidavit of Due Diligence

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

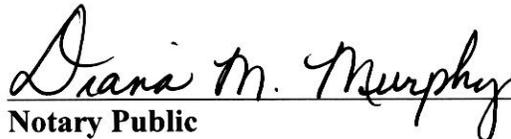

Anita D. Duty
Pooling Supervisor
for CNX Land Resources, Inc.

ACKNOWLEDGMENT

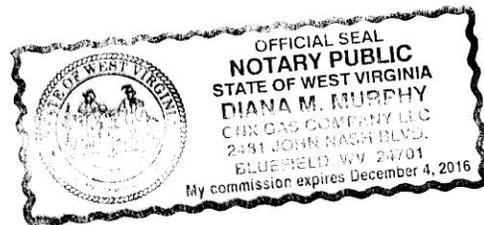
STATE OF WEST VIRGINIA

COUNTY OF MERCER, TO-WIT:

TAKEN, SUBSCRIBED AND SWORN to before me this 11th day of
September, 2009.


Notary Public

My commission expires: December 4, 2016



BEFORE THE VIRGINIA GAS AND OIL BOARD
 APPLICANT: CNX Gas Company LLC DIVISION OF GAS AND OIL RELIEF
 SOUGHT: POOLING DOCKET NO. VGOB 09-0915-2598
 UNIT NUMBER: BA-90

NOTICE OF HEARING
 HEARING DATE: September 15, 2009
 PLACE: Russell County Conference Center
 135 Highlands Drive
 Lebanon, Virginia 24266
 TIME: 9:00 AM

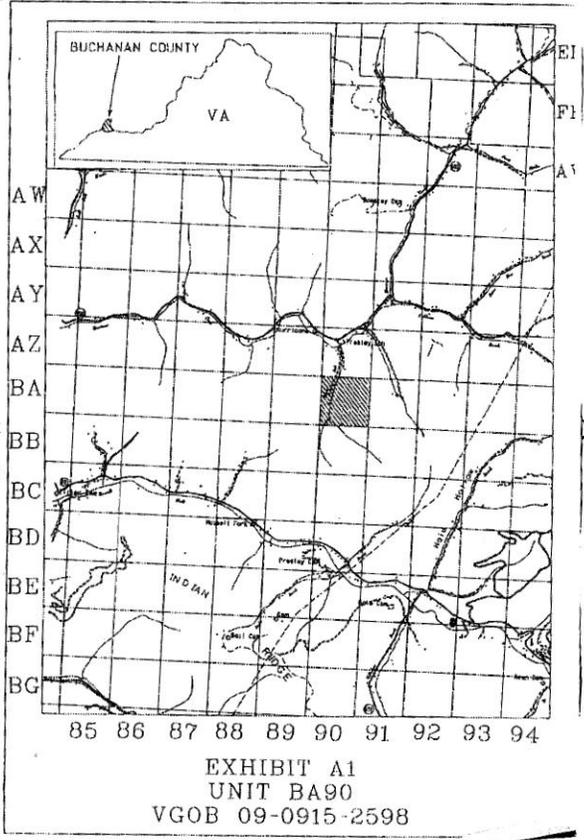
COMMONWEALTH OF VIRGINIA:
 To: University of Charleston, Inc., Meredith E. Jennings, Fairview Limited Partnership c/o John C. Irvin, Carol C. Irvin, Martha E. Combs, F.H. Combs Testamentary Trust c/o Kelly Necessary, EQT Production Company, and Range Resources-Pine Mountain Inc.

- Applicant and its counsel:** Applicant is CNX Gas Company LLC, 2481 John Nash Blvd., Bluefield, West Virginia 24701, 304/323-6500. Applicant's counsel is Mark A. Swartz, of the firm Swartz Law Offices, PLLC, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.
- Relief sought:** Pooling.
- Proposed provisions of order:** (a) Pooling all the interests and estates of the persons named above in coalbed methane in the unit in question; (b) Establishing a procedure whereby each respondent shall have the right to make elections; (c) Providing that any respondent who does not make a timely election shall be deemed to have leased or assigned his coalbed methane gas interests to the applicant at a rate to be established by the Board; (d) Designating CNX Gas Company LLC as Unit Operator; (e) Making any necessary provisions for the escrow of funds; (f) 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.
- Legal Authority:** Va. Code Ann. §45.1-361.1 et seq. 4 VAC 25-160-10 at seq. and relevant Virginia Gas and Oil Board Orders heretofore promulgated pursuant to law including the Nora Coalbed Methane Gas Field Order, VGOB 89-0216-0009-02 and any other related Orders.
- Type of well(s):** Coalbed methane.
- Plat:** Annexed hereto are Exhibit A, Exhibit A1 and the Tract Identifications for Exhibit A. The Plat shows the size and shape of the unit and the boundaries of the tracts within the unit. The Tract Identification page shows the percentage of acreage in each tract. The plat is certified by a licensed professional engineer and is attested by the undersigned on behalf of the applicant to be in conformity with existing orders issued by the Board.
- Your interest or claim sought to be pooled by this Application pertains to coalbed methane gas.**
- Formation(s) to be produced and estimates:** All coal seams and associated strata below the Tiller seam of coal all as more particularly described in the annexed proposed order. The estimated total production from subject unit is 125 to 550 MMCF. The estimated amount of reserves from the subject drilling unit is 125 to 550 MMCF. These figures concerning estimated production and the amount of reserves are, however, estimates only that are not based upon actual production and should not be relied upon for any purpose. It should not be assumed that final production before plugging and abandonment will equal estimated reserves.
- Estimate of allowable costs:** \$295,599.71
- Attestation:** The foregoing application to the best of my knowledge, information, and belief is true and correct.

NOTICE IS FURTHER GIVEN that this cause has been set for hearing and the taking of evidence before the Board at 9:00 AM, on September 15, 2009, at the Russell County Conference Center, 135 Highlands Drive, Lebanon, Virginia, 24266 and that notice will be published as required by law and the rules of the Board.

NOTICE IS FURTHER GIVEN that you may attend this hearing, with or without an attorney, and offer evidence or state any comments you have. For further information or a copy of the application and exhibits, either contact the Virginia Gas and Oil Board, State Oil and Gas Inspector, Department of Mines, Minerals and Energy, Division of Gas and Oil, P. O. Box 159, Lebanon, Virginia 24266, 276/415-9650 or the Applicant at the address shown below.
 DATED: 8/14/09

CNX Gas Company LLC
 Applicant
 By: Anita D. Duty
 Pooling Supervisor
 CNX Land Resources Inc.
 2481 John Nash Blvd.
 Bluefield, West Virginia 24701



CERTIFICATE OF PUBLICATION

State of West Virginia,
 County of Mercer,
 To-wit:-
 Sandra T. Carroll of the
 Bluefield Daily Telegraph, a daily newspaper published in the City of
 Bluefield, Mercer County, West Virginia, do certify that the notice
 attached hereto under the caption:
 was published in the said Bluefield Daily Telegraph
 One (1) Time(s)
 on the following day(s), namely August 26
 in the year 2009.
 Publication Fee \$219.38

Sandra T. Carroll

Subscribed and sworn to before me this 26th day of August 2009.

My Commission expires Dec 16 2018
Teresa Herald



CERTIFICATION OF NOTICE
CNX Gas Company LLC

Unit BA-90 & BB-90
VGOB 09-0915-2598 & 09-0915-2599
Force Pooling

NAME	BA90	BB90	MAILED	RECEIPT #		RECEIVED
Carol C. Irvin	X	X	8/14/09	7009082000012237	5310	8/18/09
EQT Production Company	X	X	8/14/09	7009082000012237	5327	8/19/09
F.H. Combs Testamentary Trust c/o Kelly Necessary	X	X	8/14/09	7009082000012237	5334	8/18/09
Fairview Limited Partnership c/o John C. Irvin	X	X	8/14/09	7009082000012237	5341	8/18/09
Martha E. Combs	X	X	8/14/09	7009082000012237	5358	8/19/09
Meredith E. Jennings	X	X	8/14/09	7009082000012237	5365	8/19/09
Range Resources-Pine Mountain, Inc.	X	X	8/14/09	7009082000012237	5372	8/17/09
University of Charleston, Inc.	X	X	8/14/09	7009082000012237	5378	8/15/09

1
2
3
4
5
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7
8

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Carol Irvin
4710 Hunterwood Circle
Richmond, TX 77469

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *8-18-09*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EQT Production Company
Attn: T. L. Peterson
225 North Shore Drive, 3rd Floor
Pittsburgh, PA 15212

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *8-19-09*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7009 0820 0001 2237 5310
Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

2 7009 0820 0001 2237 5327
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

F.H. Combs Testamentary Trust
c/o Kelly Combs Necessary,
Trustee
PO Box 841
Tazewell VA 24651

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *8-18-09*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Fairview Limited Partnership
c/o John C. Irvin
4710 Hunterwood Circle
Richmond, TX 77469

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *8-18-09*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7009 0820 0001 2237 5334
Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

2 7009 0820 0001 2237 5341
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Martha E. Combs
PO Box 1404
Abingdon, VA 24212

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *8-19-09*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Meredith Ellis Jennings
542 Butler Mill Road
Maryville, TN 37803

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *8-19-09*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7009 0820 0001 2237 5358
Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

2 7009 0820 0001 2237 5365
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Range Resources-Pine Mountain
Inc.
PO Box 2136
Abingdon, VA 24212

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *8-19-09*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

University of Charleston, Inc.
2300 MacCorkle Avenue S.E.
Charleston, WV 25304

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *8-15-09*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7009 0820 0001 2237 5372
Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

2 7009 0820 0001 2237 5387
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**Exhibit B-3
Unit BA-90
Docket #VGOB 09-0915-2598
List of Unleased Owners/Claimants
(58.77 Acre Unit)**

	Acres in Unit	Percent of Unit
I. <u>COAL OWNERSHIP</u>		
<u>Tract #3 - 13.52 acres</u>		
(1) Garden Realty Corporation, et al. (87.30 Acre Tract)	13.52 acres	23.0049%
(b) University of Charleston, Inc. 2300 MacCorkle Avenue S.E. Charleston, WV 25304	2.817 acres 5/24 of 13.52 acres	4.7927%
(c) Meredith E. Jennings ** 2418 West Linden Street Nashville, TN 37212	2.817 acres 5/24 of 13.52 acres	4.7927%
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(g) F.H. Combs Testamentary Trust c/o Kelly Necessary, Trustee P.O. Box 841 Tazewell, VA 24651	0.164 acres 7/576 of 13.52 acres	0.2796%
II. <u>OIL & GAS OWNERSHIP</u>		
<u>Tract #3 - 13.52 acres</u>		
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** The Oil, Gas and CBM is leased by EQT Production Company 50% / Range Resources - Pine Mountain, Inc. 50%

**Exhibit B-3
Unit BA-90
Docket #VGOB 09-0915-2598
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(58.77 Acre Unit)**

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