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**west virginia** department of environmental protection

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Office of Oil and Gas  
601 57th Street SE  
Charleston, WV 25304  
(304) 926-0450  
(304) 926-0452 fax

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
www.dep.wv.gov

October 02, 2013

**WELL WORK PERMIT**

**Vertical Well**

This permit, API Well Number: 47-1706368, issued to BERRY ENERGY, INC., is evidence of permission granted to perform the specified well work at the location described on the attached pages and located on the attached plat, subject to the provisions of Chapter 22 of the West Virginia Code of 1931, as amended, and all rules and regulations promulgated thereunder, and to all conditions and provisions outlined in the pages attached hereto. Notification shall be given by the operator to the Oil and Gas Inspector at least 24 hours prior to the construction of roads, locations, and/or pits for any permitted work. In addition, the well operator shall notify the same inspector 24 hours before any actual well work is commenced and prior to running and cementing casing. Spills or emergency discharges must be promptly reported by the operator to 1-800-642-3074 and to the Oil and Gas inspector.

Please be advised that form WR-35, Well Operators Report of Well Work is to be submitted to this office within 90 days completion of permitted well work, as should form WR-34 Discharge Monitoring Report within 30 days of discharge of pits, if applicable. Failure to abide by all statutory and regulatory provisions governing all duties and operations hereunder may result in suspension or revocation of this permit and, in addition, may result in civil and/or criminal penalties being imposed upon the operators.

In addition to the applicable requirements of this permit, and the statutes and rules governing oil and gas activity in WV, this permit may contain specific conditions which must be followed. Permit conditions are attached to this cover letter.

Per 35CSR-4-5.2.g this permit will expire in two (2) years from the issue date unless permitted well work is commenced. If there are any questions, please feel free to contact me at (304) 926-0499 ext. 1654.

James Martin  
Chief

Operator's Well No: B-859  
Farm Name: KELLEY, CHRISTOPHER D. & GA  
**API Well Number: 47-1706368**  
**Permit Type: Vertical Well**  
Date Issued: 10/02/2013

**Promoting a healthy environment.**

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS  
WELL WORK PERMIT APPLICATION

06 511

1) Well Operator: Berry Energy, Inc.      306005      Doddridge      New Milton      New Milton  
Operator ID      County      District      Quadrangle

2) Operator's Well Number: B-859      3) Elevation: 1208'

4) Well Type: (a) Oil \_\_\_\_\_ or Gas X  
 (b) If Gas: Production X / Underground Storage \_\_\_\_\_  
 Deep \_\_\_\_\_ / Shallow X

5) Proposed Target Formation(s): Gordon      Proposed Target Depth: 2800'

6) Proposed Total Depth: 3000' Feet      Formation at Proposed Total Depth: \_\_\_\_\_

7) Approximate fresh water strata depths: 120'

8) Approximate salt water depths: None

9) Approximate coal seam depths: 300', 850'

10) Approximate void depths, (coal, Karst, other): None

11) Does land contain coal seams tributary to active mine? No

12) Describe proposed well work and fracturing methods in detail (attach additional sheets if needed)  
Drill and Stimulate new well. Open hole frac. See attached sheet (Berry Energy's Open Hole Frac Procedure).

DEN  
9-27-2013

13) CASING AND TUBING PROGRAM

TYPE	SPECIFICATIONS			FOOTAGE	INTERVALS	CEMENT
	Size	Grade	Weight per ft	For Drilling	Left in Well	Fill -up (Cu. Ft.)
Conductor	13"		37#	30'	30'	
Fresh Water	9 5/8"	API	26#	200'	200'	To Surface
Coal						
Intermediate						
Production	7"	API	17#	1200'	1200'	To Surface
Tubing	<u>2 7/8"</u>			2800'	0'	Received
Liners	<u>4 1/2"</u>					

Packers: Kind: open hole packer

Sizes: 6 1/2

Depths Set various

SEP - 3 2013

### Berry Energy's Open Hole Frac Procedure

An open hole correlation log will be ran once drilling is completed. The exact formations to be completed will not be determined until the open hole log is ran. Formations will likely be the Big Injun, Weir, and Gordon. Each zone will be double notched with a sand jet perforation tool attached to the 1 1/2" tubing.

Once the 1 1/2" tubing is pulled, <sup>4 1/2"</sup>~~2 7/8"~~ will be used to pump pea gravel into the hole. The pea gravel will be placed below the upper most formation, Big Injun, and a packer will be set above the upper most formation. This will isolate that formation to then be fraced. Next we will release the packer and wash the frack string down to next formation, circulating pea gravel out of hole to the bottom of the next zone to be completed. We will then again set the packer above the second zone (Weir) isolating the top zone which has been frac. After fracking second zone we will precede with washing frac sting down to bottom zone (Gordon), again circulating the peas gravel out of hole and exposing bottom zone. Reset packer and frac Gordon.

The well will be flowed back and swabbed. 2 3/8" tubing and rods will be ran with pump jack.

Received

SEP - 3 2013

1706368

WW-2A  
(Rev. 6-07)

1.) Date: April 24, 2013  
2.) Operator's Well Number B-859  
State 47- County 017 Permit 06368  
3.) API Well No.:

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS  
NOTICE AND APPLICATION FOR A WELL WORK PERMIT

4) Surface Owner(s) to be served: (a) Name Garner D. Kelley ✓ W  
Address 129 Patterson Road  
Weirton, WV 26062  
(b) Name Christopher D. Kelley ✓ W  
Address 8368 Lamplight Drive  
Jenison, MI 49428  
(c) Name \_\_\_\_\_  
Address \_\_\_\_\_  
5) (a) Coal Operator Name \_\_\_\_\_  
Address \_\_\_\_\_  
(b) Coal Owner(s) with Declaration Name Willis G. Tetrick, jr. et al C/O Tetrick Mineral Properties ✓  
Address 92 16th street  
Wheeling, WV 26003  
(c) Coal Lessee with Declaration Name \_\_\_\_\_  
Address \_\_\_\_\_  
6) Inspector Douglas Newlon  
Address 4060 Dutchman Road  
Macfarlan, WV 26148  
Telephone 304-932-8049

TO THE PERSONS NAMED ABOVE TAKE NOTICE THAT:

OR Included is the lease or leases or other continuing contract or contracts by which I hold the right to extract oil and gas

x Included is the information required by Chapter 22, Article 6, Section 8(d) of the Code of West Virginia (see page 2)

I certify that as required under Chapter 22-6 of the West Virginia Code I have served copies of this notice and application, a location plat, and accompanying documents pages 1 through \_\_\_ on the above named parties by:

- \_\_\_\_\_ Personal Service (Affidavit attached)
- x \_\_\_\_\_ Certified Mail (Postmarked postal receipt attached)
- \_\_\_\_\_ Publication (Notice of Publication attached)

I have read and understand Chapter 22-6 and 35 CSR 4, and I agree to the terms and conditions of any permit issued under this application.

I certify under penalty of law that I have personally examined and am familiar with the information submitted on this application form and all attachments, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Well Operator Berry Energy, Inc.  
By: David B. Berry  
Its: President  
Address 310 Stiles Street  
Clarksburg, WV 26302  
Telephone 304-622-3450

Subscribed and sworn before me this 19th day of August, 2013

Wayne W. Hamlin Notary Public

My Commission Expires 10-10-2016

Oil and Gas Privacy Notice



The Office of Oil and Gas processes your personal information, such as name, address and phone number, as a part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use of your personal information, please contact DEP's Chief Privacy Officer at [depprivacyofficer@wv.gov](mailto:depprivacyofficer@wv.gov)

WW-2A Surface Waiver

SURFACE OWNER WAIVER

County Doddridge

Operator Berry Energy, Inc

Operator well number B-859

**INSTRUCTIONS TO SURFACE OWNERS NAMED ON PAGE WW2-A**

The well operator named on page WW2A is applying for a permit from the State to do oil or gas well work. (Note: If the surface tract is owned by more than three persons, then these materials were served on you because your name appeared on the Sheriff's tax ticket on the land or because you actually occupy the surface tract. In either case, you may be the only owner who will actually receive these materials.) See Chapter 22 of the West Virginia Code. Well work permits are valid for 24 months. If you do not own any interest in the surface tract, please forward these materials to the true owner immediately if you know who it is. Also, please notify the well operator and the Office of Oil and Gas.

**NOTE: YOU ARE NOT REQUIRED TO FILE ANY COMMENT.**

**WHERE TO FILE COMMENTS AND OBTAIN ADDITIONAL INFORMATION:**

Chief, Office of Oil and Gas  
Department of Environmental Protection  
601 57<sup>th</sup> St. SE  
Charleston, WV 25304  
(304) 926-0450

**Time Limits and methods for filing comments.** The law requires these materials to be served on or before the date the operator files his Application. You have **FIFTEEN (15) DAYS** after the filing date to file your comments. Comments must be filed in person or received in the mail by the Chief's office by the time stated above. You may call the Chief's office to be sure of the date. Check with your postmaster to ensure a adequate delivery time or to arrange special expedited handling. If you have been contacted by the well operator and you have signed a "voluntary statement of no objection" to the planned work described in these materials, then the permit may be issued at any time.

**Comments must be in writing.** Your comments must include your name, address and telephone number, the well operator's name and well number and the approximate location of the proposed well site including district and county from the application. You may add other documents, such as sketches, maps or photographs to support your comments.

The Chief has the power to deny or condition a well work permit based on comments on the following grounds:

- 1) The proposed well work will constitute a hazard to the safety of persons.
- 2) The soil erosion and sediment control plan is not adequate or effective;
- 3) Damage would occur to publicly owned lands or resources;
- 4) The proposed well work fails to protect fresh water sources or supplies;
- 5) The applicant has committed a substantial violation of a previous permit or a substantial violation of one or more of the rules promulgated under Chapter 22, and has failed to abate or seek review of the violation..."

**If you want a copy of the permit as it is issued or a copy of the order denying the permit, you should request a copy from the Chief.**

**List of Water Testing Laboratories.** The Office maintains a list of water testing laboratories which you can hire to test your water to establish water quality prior to and after drilling. Contact the Chief to obtain a copy.

**VOLUNTARY STATEMENT OF NO OBJECTION**

I hereby state that I have read the instructions to surface owners and that I have received copies of a Notice and Application for a Well Work Permit on Form WW2-A, and attachments consisting of pages 1 through \_\_\_ including a work order on Form WW2-B, a survey plat, and a soil and erosion plan, all for proposed well work on my surface land as described therein.

I further state that I have no objection to the planned work described in these materials, and I have no objection to a permit being issued on those materials.

FOR EXECUTION BY A NATURAL PERSON

FOR EXECUTION BY A CORPORATION, ETC.

Garner D Kelley Date 08/02/2013  
Signature

Company Name \_\_\_\_\_  
By \_\_\_\_\_  
Its \_\_\_\_\_

GARNER D KELLEY

Print Name

**Received** Date

Signature

SEP - 3 2013 Date

WW-2A Surface Waiver

SURFACE OWNER WAIVER

County Doddridge

Operator  
Operator well number

Berry Energy, Inc  
B-859

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Department of Environmental Protection  
601 57<sup>th</sup> St. SE  
Charleston, WV 25304  
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I further state that I have no objection to the planned work described in these materials, and I have no objection to a permit being issued on those materials.

FOR EXECUTION BY A NATURAL PERSON

FOR EXECUTION BY A CORPORATION, ETC.

Chris D. Kelley Date 8/9/13  
Signature

Company Name \_\_\_\_\_  
By \_\_\_\_\_  
Its \_\_\_\_\_  
**Received**  
Date \_\_\_\_\_

CHRISTOPHER D. Kelley

Print Name

Signature

Date

Office of Oil and Gas  
WV Dept. of Environmental Protection

WW-2A Coal Waiver

COAL OPERATOR, OWNER, OR LESSEE WAIVER

County Doddridge  
Operator Berry Energy, Inc. Operator's Well Number B-859

INSTRUCTIONS TO COAL OPERATOR, OWNER, OR LESSEE

To the coal operator, owner, or lessee named on page WW2-A. You are hereby notified that any objection you wish to make or are required to make by WV Code 22-6-15, 16 or 17, must be filed with the Chief of the Office of Oil and Gas within fifteen (15) days after the receipt of this application by the Office. Mail objections to:

Chief, Office of Oil and Gas  
Department of Environmental Protection  
601 57<sup>th</sup> St. SE  
Charleston, WV 25304  
(304) 926-0499 extension 1654

WAIVER

The undersigned coal operator \_\_\_\_\_ / owner X / lessee \_\_\_\_\_ / of the coal under this well location has examined this proposed well location. If a mine map exists which covers the area of well location, the well location has been added to the mine map. The undersigned has no objection to the work proposed to be done at this location, provided, the well operator has complied with all applicable requirements of the West Virginia Code and the governing regulations.

FOR EXECUTION BY A NATURAL PERSON

FOR EXECUTION BY A CORPORATION, ETC.

\_\_\_\_\_  
Signature Date \_\_\_\_\_

Company Name \_\_\_\_\_  
By \_\_\_\_\_  
Its \_\_\_\_\_  
\_\_\_\_\_  
Signature Date \_\_\_\_\_

Received

SEP - 3 2013

1706368

WW-2A1  
(Rev. 1/11)

Operator's Well Number B-859

**INFORMATION SUPPLIED UNDER WEST VIRGINIA CODE  
Chapter 22, Article 6, Section 8(d)  
IN LIEU OF FILING LEASE(S) AND OTHER CONTINUING CONTRACT(S)**

Under the oath required to make the verification on page 1 of this Notice and Application, I depose and say that I am the person who signed the Notice and Application for the Applicant, and that -

- (1) the tract of land is the same tract described in this Application, partly or wholly depicted in the accompanying plat, and described in the Construction and Reclamation Plan;
- (2) the parties and recordation data (if recorded) for lease(s) or other continuing contract(s) by which the Applicant claims the right to extract, produce or market the oil or gas are as follows:

Grantor, Lessor, etc.	Grantee, Lessee, etc.	Royalty	Book/Page
Garner D. Kelley et al	Berry Energy, Inc.	1/8	263/303

RECEIVED  
Office of Oil and Gas

OCT 01 2013

WV Department of  
Environmental Protection

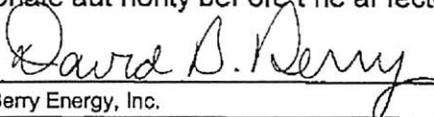
**Acknowledgement of Possible Permitting/Approval  
In Addition to the Office of Oil and Gas**

The permit applicant for the proposed well work addressed in this application hereby acknowledges the possibility of the need for permits and/or approvals from local, state, or federal entities in addition to the DEP, Office of Oil and Gas, including but not limited to the following:

- WV Division of Water and Waste Management
- WV Division of Natural Resources
- WV Division of Highways
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- County Floodplain Coordinator

The applicant further acknowledges that any Office of Oil and Gas permit in no way overrides, replaces, or nullifies the need for other permits/approvals that may be necessary and further affirms that all needed permits/approvals should be acquired from the appropriate authority before the affected activity is initiated.

Well Operator:  
By:Its:

  
 \_\_\_\_\_  
 Berry Energy, Inc.  
 \_\_\_\_\_  
 President

WW-2B1  
(5-12)

Well No. B-859

West Virginia Department of Environmental Protection  
Office of Oil and Gas

NOTICE TO SURFACE OWNERS

The well operator named below is preparing to file for a permit from the state to drill a new well. Before a well work permit can be filed with the Chief of the Office of Oil and Gas, the well operator is required to have given notice of the right to request water well or spring analytical testing. This notice shall be given to the owners or occupants of land which have a water well or spring being utilized for human consumption, domestic animals, or other general use and which is located within 1000 feet of the proposed well site.

With this form, the operator is giving you notice of your right to request analytical testing. The operator is required to sample and analyze the water wells or springs of all owners or occupants who request it. Therefore, if you wish to have your water well or spring tested, contact the operator named below.

All sampling shall be completed prior to drilling. Within thirty (30) days of the receipt of such sample analyses the operator shall submit the results to the Chief of the Office of Oil and Gas and to the owners or occupants who may have requested them.

Be advised, you have the right to sample and analyze any water supply at your own expense.

Listed below is the laboratory chosen by operator to perform analysis, and contactor chosen to collect sample.

Certified Laboratory Name Sturm Environmental Services  
Sampling Contractor Berry Energy, Inc.

Well Operator Berry Energy, Inc.

Address 310 Stiles Street

Clarksburg, WV 26301

Telephone (304) 622-3450

FOR OPERATOR'S USE ONLY: Below, or on an attached page, list those persons which were given this notice. Place an asterisk beside the one(s) that contacted you and requested sampling and analyses. If there were no requests made, indicate by underling which one you have selected to sample and analyze. If there are no water wells or springs within 1000 feet of the proposed site, the Chief may require the operator to test wells up to 2000 feet from the proposed site.

No known water wells or springs within 1000 feet.

Received

SEP - 3 2010

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF OIL AND GAS

CONSTRUCTION AND RECLAMATION PLAN AND SITE REGISTRATION APPLICATION FORM  
GENERAL PERMIT FOR OIL AND GAS PIT WASTE DISCHARGE

Operator Name Berry Energy, Inc. OP Code 306005

Watershed Sugarcamp Run Quadrangle New Milton 7 1/2'

Elevation 1208' County Doddridge District New Milton

Description of anticipated Pit Waste: Drilling Fluids, Stimulation Fluids, Brine

Do you anticipate using more than 5,000 bbls of water to complete the proposed well work? Yes \_\_\_\_\_ No X

Will a synthetic liner be used in the pit? Yes \_\_\_\_\_ If so, what mil.? 20 mil

Proposed Disposal Method For Treated Pit Wastes:  
 Land Application  
 Underground Injection ( UIC Permit Number \_\_\_\_\_ )  
 Reuse (at API Number \_\_\_\_\_ )  
 Off Site Disposal (Supply form WW-9 for disposal location)  
 Other (Explain \_\_\_\_\_ )

DCN  
8-27-2013

Drilling medium anticipated for this well? Air, freshwater, oil based, etc. Air  
-If oil based, what type? Synthetic, petroleum, etc. \_\_\_\_\_

Additives to be used? None

Will closed loop system be used? No

Drill cuttings disposal method? Leave in pit, landfill, removed offsite, etc. Leave in pit

-If left in pit and plan to solidify what medium will be used? Cement, lime, sawdust

-Landfill or offsite name/permit number? \_\_\_\_\_

I certify that I understand and agree to the terms and conditions of the GENERAL WATER POLLUTION PERMIT issued on August 1, 2005, by the Office of Oil and Gas of the West Virginia Department of Environmental Protection. I understand that the provisions of the permit are enforceable by law. Violations of any term or condition of the general permit and/or other applicable law or regulation can lead to enforcement action.

I certify under penalty of law that I have personally examined and am familiar with the information submitted on this application form and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

Company Official Signature David B. Berry

Company Official (Typed Name) David Berry

Company Official Title President

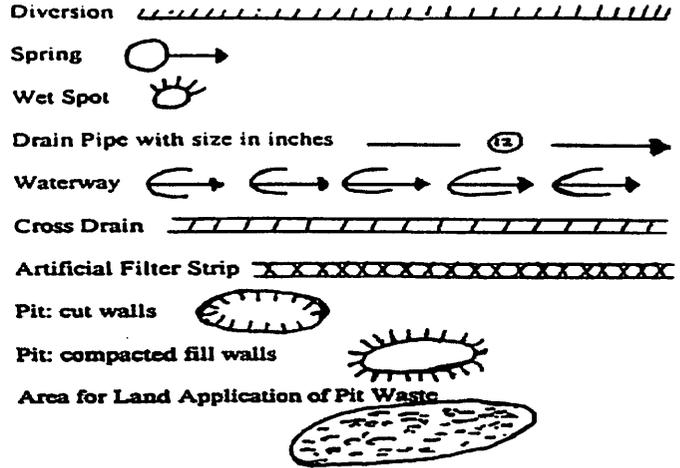
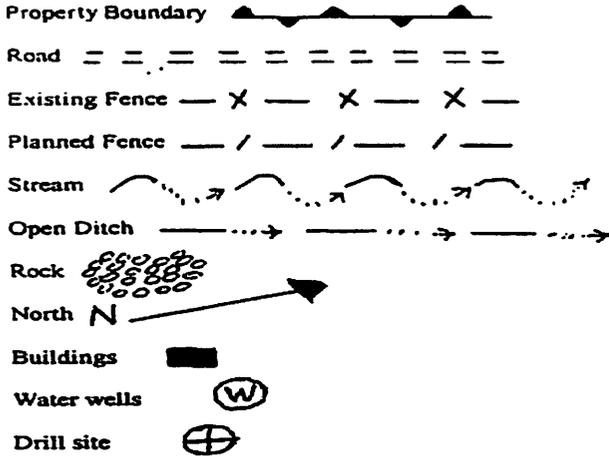
Subscribed and sworn before me this 19<sup>th</sup> day of August, 20 13

Wayne W. Hamlin Notary Public

My commission expires 10-10-2016



LEGEND



Proposed Revegetation Treatment: Acres Disturbed 2.5 Prevegetation pH \_\_\_\_\_

Lime As determined by pH test \_\_\_\_\_ Tons/acre or to correct to pH 6.5

Fertilizer (10-20-20 or equivalent) 500 lbs/acre (500 lbs minimum)

Mulch Hay or Straw \_\_\_\_\_ Tons/acre

Seed Mixtures

Seed Type	Area I	lbs/acre
Kentucky Bluegrass		20
Redtop		5
White Clover		2

Seed Type	Area II	lbs/acre
Kentucky Bluegrass		20
Redtop		5
White Clover		2

Attach: Drawing(s) of road, location, pit and proposed area for land application.

Photocopied section of involved 7.5' topographic sheet.

Plan Approved by: Douglas Newlon

Comments: Pit need to install ETS TO WU Dep regulations

Title: Oil & Gas Inspector

Date: 8-27-2013

Field Reviewed?  Yes  No

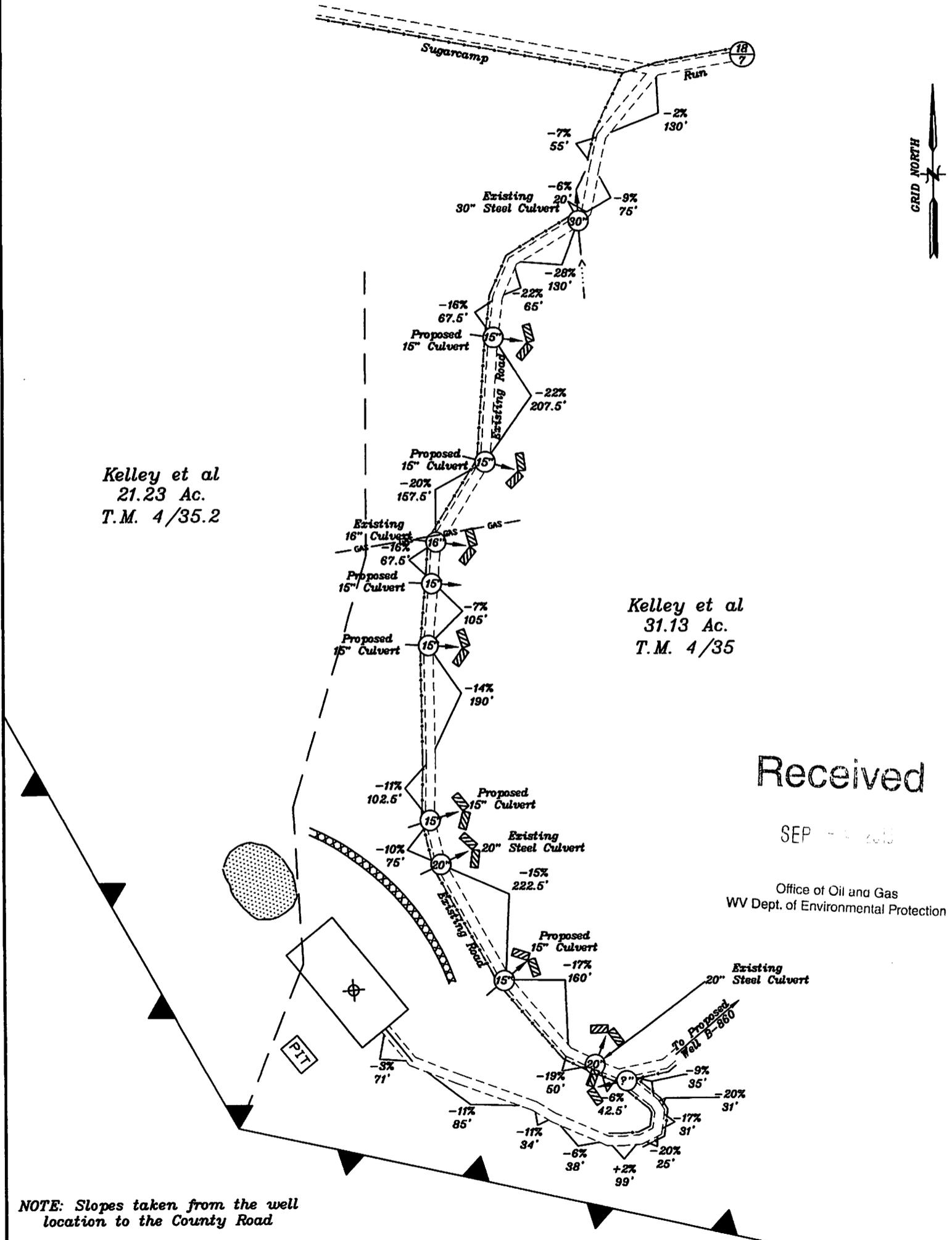
Received

SEP - 3 2013

The drainage ditch lines will be cut as shown for adequate erosion control.  
 Topsoil will be stockpiled for use in reclamation and revegetation.  
 Culverts will be added as needed after construction.  
 Sediment control will be added prior to construction phase.  
 Pit will contain less than 5000 barrels. The bottom will be 60'x20' with 2:1 slopes and will not exceed 9' of depth with 2' of freeboard.

Kelley et al  
 21.23 Ac.  
 T.M. 4/35.2

Kelley et al  
 31.13 Ac.  
 T.M. 4/35



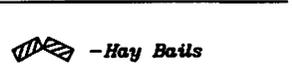
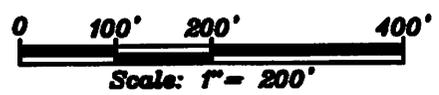
Received

SEP 14 2013

Office of Oil and Gas  
 WV Dept. of Environmental Protection

NOTE: Slopes taken from the well location to the County Road

Berry Energy Inc.
Location B-859
April 24, 2013
Sheet 1 of 1



Page Of  
Well: Berry Energy B-859  
Quad: New Milton 7 1/2'



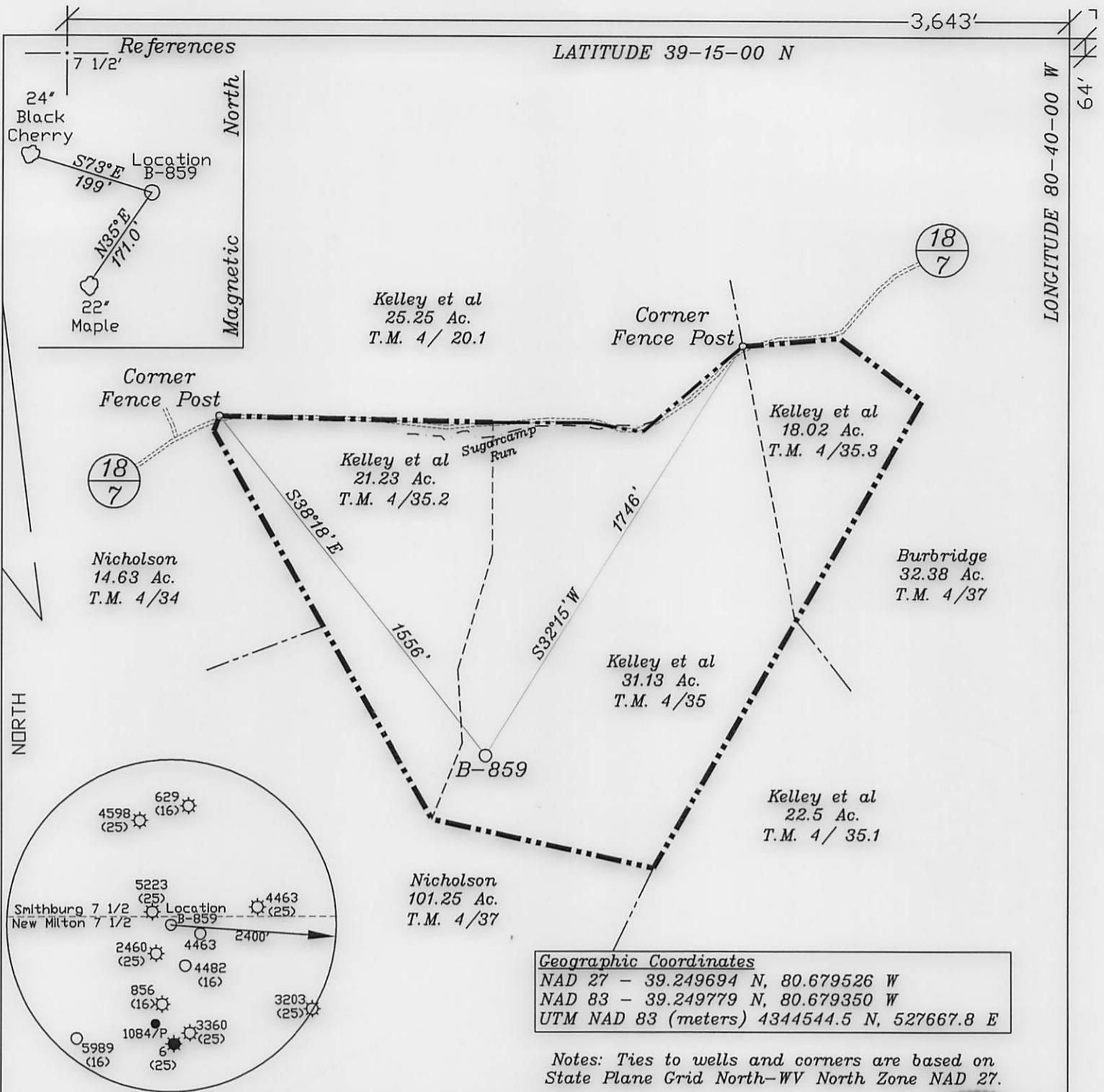
Smithburg  
New Milton

**Berry Energy B-859**

Received

SEP 3 2013

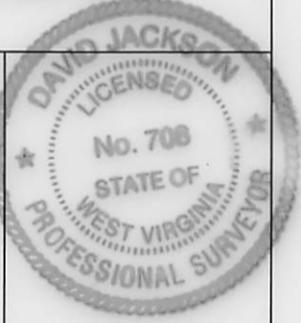
Office of Oil and Gas  
WV Dept. of Environmental Protection



FILE NO. \_\_\_\_\_  
 DRAWING NO. 1  
 SCALE 1" = 500'  
 MINIMUM DEGREE OF ACCURACY 1 in 200  
 PROVEN SOURCE OF ELEVATION GPS  
submeter unit

I THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND SHOWS ALL THE INFORMATION REQUIRED BY LAW AND THE RULES ISSUED AND PRESCRIBED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(SIGNED) David L Jackson  
 R.P.E. \_\_\_\_\_ L.L.S. 708



STATE OF WEST VIRGINIA  
 Division of Environmental Protection  
 OFFICE OF OIL AND GAS

DATE April 25, 2013  
 OPERATOR'S WELL NO. B-859  
 API WELL NO. \_\_\_\_\_

WELL TYPE: OIL GAS  LIQUID INJECTION WASTE DISPOSAL  
 (IF "GAS") PRODUCTION  STORAGE DEEP SHALLOW

LOCATION: ELEVATION 1,208' WATER SHED Sugarcamp Run  
 DISTRICT New Milton COUNTY Doddridge  
 QUADRANGLE New Milton 7 1/2'

SURFACE OWNER Christopher D. Kelley and Garner D. Kelley ACREAGE 21.23 ac. of 70.38 Ac.  
 OIL & GAS ROYALTY OWNER Garner D. Kelley et al LEASE ACREAGE 70 Ac.

LEASE NO. LS B.K. 263/303

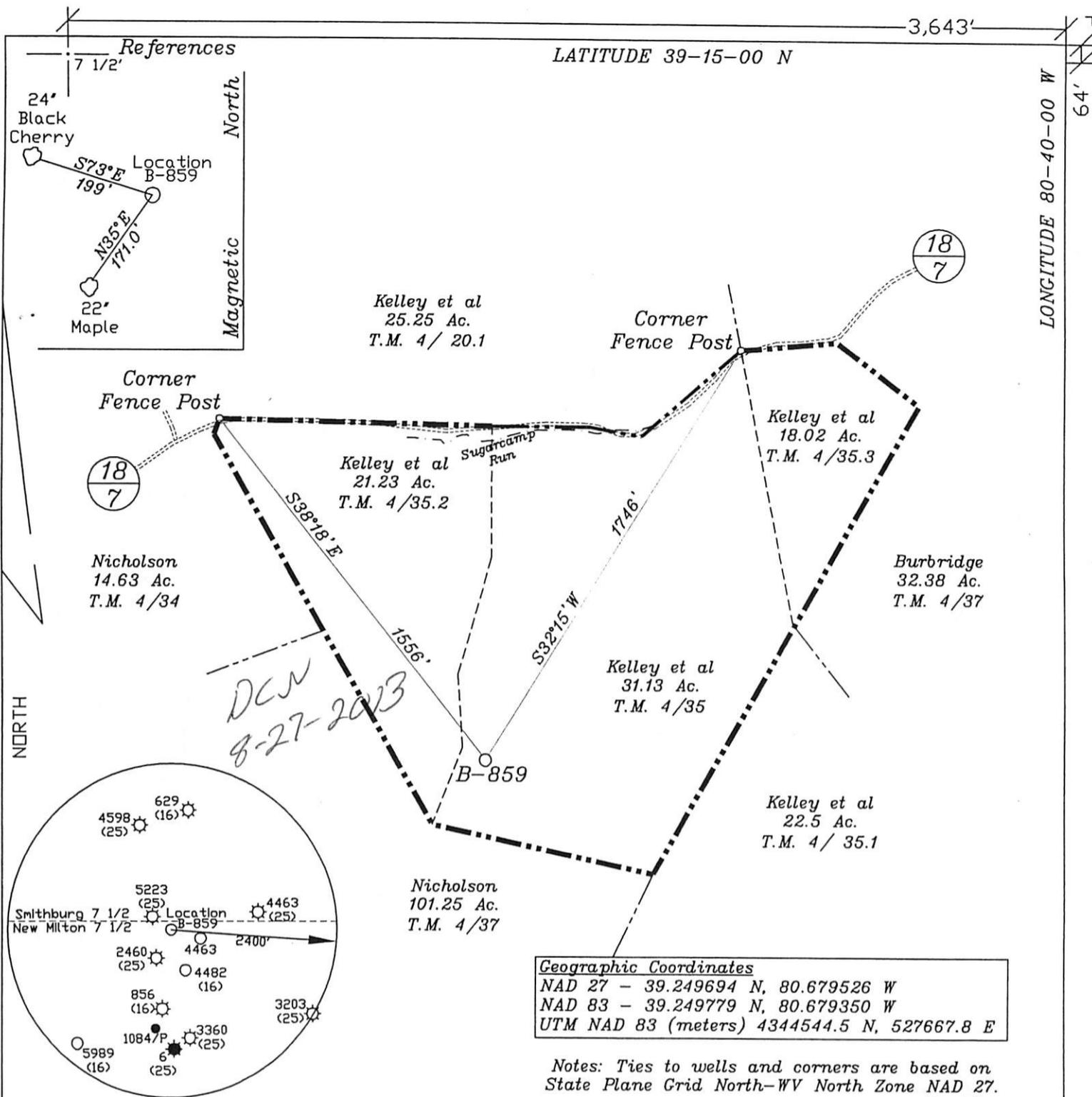
PROPOSED WORK: DRILL  CONVERT \_\_\_\_\_ DRILL DEEPER \_\_\_\_\_ REDRILL \_\_\_\_\_ FRACTURE OR STIMULATE  PLUG OFF OLD FORMATION \_\_\_\_\_ PERFORATE NEW FORMATION  OTHER PHYSICAL CHANGE IN WELL (SPECIFY) \_\_\_\_\_

PLUG AND ABANDON \_\_\_\_\_ CLEAN OUT AND REPLUG \_\_\_\_\_  
 TARGET FORMATION Gordon ESTIMATED DEPTH 3,000'

WELL OPERATOR Berry Energy Inc. DESIGNATED AGENT David Berry  
 ADDRESS 310 Stiles St. Clarksburg, WV 26301 ADDRESS 310 Stiles St. Clarksburg, WV 26301

Office of Oil and Gas  
 WV Dept. of Environmental Protection

Received  
 SEP - 3 2013



(+) DENOTES LOCATION OF WELL ON UNITED STATES TOPOGRAPHIC MAPS

FILE NO. \_\_\_\_\_  
 DRAWING NO. 1  
 SCALE 1" = 500'  
 MINIMUM DEGREE OF ACCURACY 1 in 200  
 PROVEN SOURCE OF ELEVATION GPS  
submeter unit

I THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND SHOWS ALL THE INFORMATION REQUIRED BY LAW AND THE RULES ISSUED AND PRESCRIBED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(SIGNED) David L. Jackson  
 R.P.E. \_\_\_\_\_ L.L.S. 708

STATE OF WEST VIRGINIA  
 Division of Environmental Protection  
 OFFICE OF OIL AND GAS

DATE April 25, 2013  
 OPERATOR'S WELL NO. B-859  
 API WELL NO. \_\_\_\_\_

WELL TYPE: OIL    GAS X LIQUID INJECTION    WASTE DISPOSAL    STATE 47 COUNTY 017 PERMIT 06368  
 (IF 'GAS') PRODUCTION    STORAGE    DEEP    SHALLOW X  
 LOCATION: ELEVATION 1,208' WATER SHED Sugarcamp Run  
 DISTRICT New Milton COUNTY Doddridge  
 QUADRANGLE New Milton 7 1/2'

SURFACE OWNER Christopher D. Kelley and Garner D. Kelley ACREAGE 21.23 ac. of 70.38 Ac.  
 OIL & GAS ROYALTY OWNER Garner D. Kelley et al LEASE ACREAGE 70 Ac.  
 LEASE NO. LS B.K. 263/303

PROPOSED WORK: DRILL X CONVERT    DRILL DEEPER    REDRILL    FRACTURE OR STIMULATE X PLUG OFF OLD FORMATION    PERFORATE NEW FORMATION X OTHER PHYSICAL CHANGE IN WELL (SPECIFY) \_\_\_\_\_

PLUG AND ABANDON    CLEAN OUT AND REPLUG     
 TARGET FORMATION Gordon ESTIMATED DEPTH 3,000'  
 WELL OPERATOR Berry Energy Inc. DESIGNATED AGENT David Berry  
 ADDRESS 310 Stiles St. Clarksburg, WV 26301 ADDRESS 310 Stiles St. Clarksburg, WV 26301

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Received

SEP - 3 2013

**INFORMATION SUPPLIED UNDER WEST VIRGINIA CODE  
Chapter 22, Article 6, Section 8(d)  
IN LIEU OF FILING LEASE(S) AND OTHER CONTINUING CONTRACT(S)**

Under the oath required to make the verification on page 1 of this Notice and Application, I depose and say that I am the person who signed the Notice and Application for the Applicant, and that –

- (1) the tract of land is the same tract described in this Application, partly or wholly depicted in the accompanying plat, and described in the Construction and Reclamation Plan;
- (2) the parties and recordation data (if recorded) for lease(s) or other continuing contract(s) by which the Applicant claims the right to extract, produce or market the oil or gas are as follows:

Grantor, Lessor, etc.	Grantee, Lessee, etc.	Royalty	Book/Page
Garner D. Kelley et al	Garner D. Kelley et al	1/8	263/303

4010

**Acknowledgement of Possible Permitting/Approval  
In Addition to the Office of Oil and Gas**

The permit applicant for the proposed well work addressed in this application hereby acknowledges the possibility of the need for permits and/or approvals from local, state, or federal entities in addition to the DEP, Office of Oil and Gas, including but not limited to the following:

- WV Division of Water and Waste Management
- WV Division of Natural Resources
- WV Division of Highways
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- County Floodplain Coordinator

The applicant further acknowledges that any Office of Oil and Gas permit in no way overrides, replaces, or nullifies the need for other permits/approvals that may be necessary and further affirms that all needed permits/approvals should be acquired from the appropriate authority before the affected activity is initiated.

Well Operator:  
By: Its:

*David B. Berry*  
 \_\_\_\_\_  
 Berry Energy, Inc.  
 \_\_\_\_\_  
 President

Received  
 SEP - 3 2010