

Jesse E. Neece  
4612 Aily Road  
Dante, Virginia 24237  
August 28, 2017



Virginia Gas and Oil Board  
Attn: Rick Cooper, Division Director  
P.O. Drawer 159  
135 Highlands Drive  
Lebanon, Virginia 24266

Dear Virginia Gas and Oil Board:

I am writing regarding the decision letter that I received from the DMME Director as a result of the Informal Fact Finding Conference 1002 (IFFH 1002) held on August 15, 2017 at 10:00am pertaining to an application for new permit for a proposed coalbed methane unit VCI-530487 w/PL (Application Number: 29775) located in the Ervinton District, Nora Quadrangle, Dickenson County, Virginia being submitted by EnerVest Operating, LLC. I received this decision letter regarding IFFH 1002 by certified mail on August 25, 2017. The decision letter states that I have ten (10) days, from date of this notice, to make my appeal to the Virginia Gas and Oil Board.

Thus, this letter is my formal **appeal** regarding the decision of the DMME Director directly to the Virginia Gas and Oil Board. I once again state my objections to the proposed coalbed methane unit VCI-530487 w/PL (Application Number: 29775). As expressed to the DMME Director in the IFFH 1002, I am objecting to this proposed well for the following reasons:

1. Due to the eminent danger of destroying my primary and ONLY drinking water source on my property that consists of a hand-dug water well. This is the ONLY source of drinking water on my land and the nearest public water supply is 1.5 miles from my property. There is no intent by the Dickenson County PSA to install public water access to my or other Middle of the World property owners. The proposed well is close enough to my drinking water source that EMI Professional Services, a contractual environmental monitoring agency, is required to conduct drinking water testing as a result of the proposed well site.
2. The direct proximity of this proposed coalbed methane unit to my 10-acre mineral tract. Not only do I own a 25-acre tract on Josh's Branch (the location of the proposed well site), I also own a 10-acre mineral tract that is directly adjacent to the 25-acre Josh's Branch Tract. Thus, this proposed well site is very near horizontally of my mineral tract.

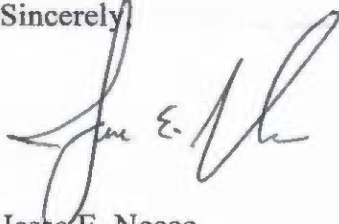
August 28, 2017

Page 2

3. Based on the well location plat, this proposed well will be in direct proximity to Josh's Branch (another stream source on my property). The proposed well development has an eminent danger of destroying/sinking that stream source.

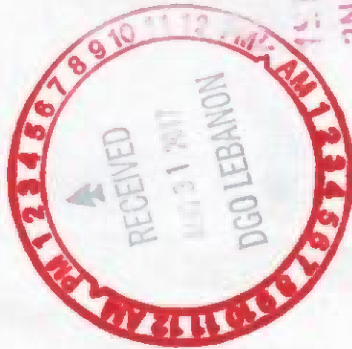
Thus, for the three stated reasons (above), I wish to **appeal** the DMME Director's decision and express my total objection to the proposed coalbed methane unit VCI-530487 w/PL (Application Number: 29775) being submitted and proposed by EnerVest Operating, LLC. Please feel free to contact me for further information regarding this appeal and my objections at (276) 835-8873.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse E. Neece". The signature is written in a cursive style with a large initial "J" and a distinct "E".

Jesse E. Neece

Jesse E. Neece  
4612 Aily Road  
Dante, VA 24237



8-31

2ND NOTICE  
RETURN 9-15

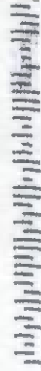


7015 0640 0007 9538 9413 24266

WINNIEVILLE  
TN 377  
29 AUG 17  
24266

Virginia Gas and Oil Board  
P.O. Drawer 159  
135 Highlands Drive  
Lebanon, VA 24266

24266-714535



U.S. POSTAGE  
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24228  
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24266



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**VIRGINIA DIVISION OF GAS AND OIL  
NOTICE OF INFORMAL FACT FINDING HEARING**

In regard to EnerVest Operating, LLC

Proposed Permit for New Coalbed/Pipeline

Application 29775 for VCI-530487 w/PL

Located in the Ervinton District of Dickenson County, Virginia

Docket Number IFFH 1002

In Accordance with §45.1-361.35.H. of the Code of Virginia, the Director of the Division of Gas and Oil has scheduled an Informal Fact Finding Hearing (IFFH) to consider objections received from Jesse E. Neece, to be affected by the above-named operation(s). The objection by the Royalty Owner and Surface Owner was received at the office of the Division of Gas and Oil in a timely manner and in accordance with §45.1-361.35. This notice of hearing is being sent to the permit applicant and to all parties with standing to object as prescribed by §45.1-361.30. All parties are entitled to be represented by counsel at the hearing, if desired. Those receiving notice of this proceeding and who did not object to the application are not required to attend.

The objections have been filed by a Royalty Owner and Surface Owner against the permit applications for EnerVest Operating, LLC for operation VCI-530487 w/PL in accordance with:

**§45.1-361.35. Objections to permits**

B. The only objections to permits or permit modifications that may be raised by Surface Owners are:

2. There are not measures (in addition to the requirement for a well's water-protection string) necessary to protect fresh water-bearing strata.

C. The only objections to permits or permit modifications that may be raised by Royalty Owners are whether the proposed well work:

1. The proposed operation(s) would directly impinge upon the royalty owner's gas and oil interest.

All testimony in this conference must be relevant to objections allowed for and detailed in the Gas and Oil Act in this section.

Date and Location of Conference:

The hearing is scheduled for **Tuesday, August 15, 2017, beginning at 10:00 AM.** The hearing will be held at the Department of Mines, Minerals, and Energy Office, Russell County Government Center, 135 Highland Drive, Lebanon, Virginia 24266. Contact the Division of Gas and Oil at (276) 415-9700 with any questions.

Specific directions and other important information can be accessed from the Department of Mines, Minerals, and Energy website: <http://www.dmme.virginia.gov/divisiongasoil.shtml>

Informal Fact Finding Hearings are to be conducted according to provisions of the Administrative Processes Act of the Code of Virginia (§2.2-4019). In reaching a decision, the Director may rely upon any public data, field research, documents, and testimony given at the hearings.

This notice was prepared on Monday, July 31, 2017, and will be sent by certified mail, return receipt requested, to every person with standing to object as prescribed by §45.1-361.30.

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Rick Cooper, Director

Virginia Division of Gas and Oil  
P.O. Drawer 159  
Lebanon, Virginia 24266



**Operations Name:** VCI-530487 w/PL  
**Application Number:** 29775

**NOTICE OF APPLICATION FOR A PERMIT OR PERMIT MODIFICATION**

Take Notice of EnerVest Operating, LLC, pursuant to Code of Virginia, Section 45.1-361.29, is filing this Notice and Application of a permit with the Virginia Division of Gas and Oil with respect to an operation on the lands Reba Counts et al, lease number 241577L, 163 acres, more or less, Ervinton District, DICKENSON City/County, Virginia.

Attached to this Notice of Application is a copy of the required plat or map, operations plan and other information required by the Director. The operations plan describes the work to be done and meets the requirements of Regulation 4 VAC 25-150-100.

You may have the right to file an objection to the proposed operations within fifteen (15) days from the receipt of this notice pursuant to the Code of Virginia, Section 45.1-361.35. A copy of this Code section is attached for your review. You must describe the specific practices you are objecting to and reference the appropriate part of Section 45.1-361.35 when submitting any objection.

If you wish to object to this permit application, then you may file your objections with the Director of the Division of Gas and Oil, electronically in the Client Services Section of the DGO Data Information System at the following address: <https://www.dmme.virginia.gov/DgoInquiry>. You may also file objections at the address listed below.

Section 45.1-361.35.A "Objections to new or modification permits may be filed with the Director by those having standing as set out in Section 45.1-361.30. Such objections shall be filed within fifteen days of the objecting party's receipt of the notice required by Section 45.1-361.30. Persons objecting to a permit must state the reasons for their objections."

After receipt of a valid objection, an informal conference will be scheduled pursuant to the Code of Virginia Section 45.1-361.35.H.

Section 45.1-361.35.H "The Director shall fix a time and place for an informal fact finding hearing concerning such objections. The hearing shall not be scheduled for less than twenty nor more than thirty days after an objection is filed."

City/County: DICKENSON		District: Ervinton	Quadrangle: NORA
Waterway: Lick Creek/ Josh Branch		Farm Name: Reba Counts et al (241577L)	
State Plane NAD 83 East / X	State Plane NAD 83 North / Y	Surface Elevation	
10379809.9300	3585544.8200	1833.56	

OBJECTIONS MUST BE FILED WITH

DEPARTMENT OF MINES, MINERALS AND ENERGY  
DIVISION OF GAS AND OIL  
P.O. Drawer 159  
Lebanon, VA 24266  
276-415-9700

**SECTION 45.1-361.35 - OBJECTIONS TO PERMITS; HEARINGS**

A. Objections to new or modification permits may be filed with the Director by those having standing as set out in Section 45.1-361.30. Such objections shall be filed within fifteen days of the objecting party's receipt of the notice required by Section 45.1-361.30. Persons objecting to a permit must state the reasons for their objections.

B. The only objections to permits or permit modifications which may be raised by surface owners are:

1. The operations plan for soil erosion and sediment control is not adequate or effective;
2. Measures in addition to the requirement for a well's water-protection string are necessary to protect fresh water-bearing strata; and
3. The permitted work will constitute a hazard to the safety of any person.
4. Location of the coalbed methane well or coalbed methane well pipeline will unreasonably infringe on the surface owner's use of the surface, provided; however, that a reasonable alternative site is available within the unit, and granting the objection will not materially impair any right contained in an agreement, valid at the time of the objection, between the surface owner and the operator or their predecessors or successors in interest.

C. The only objections to permits or permit modifications which may be raised by royalty owners are whether the proposed well work:

1. Directly impinges upon the royalty owner's gas and oil interests; or
2. Threatens to violate the objecting royalty owner's property or statutory rights aside from his contractual rights; and
3. Would not adequately prevent the escape of the Commonwealth's gas and oil resources or provide for the accurate measurement of gas and oil production and delivery to the first point of sale.

D. Objections to permits or permit modifications may be raised by coal owners or operators pursuant to the provisions of Sections 45.1-361.11 and 45.1-361.12.

E. The only objections to permits or permit modifications which may be raised by mineral owners are those which could be raised by a coal owner under Section 45.1-361.11 provided the mineral owner makes the objection and affirmatively proves that it does in fact apply with equal force to the mineral in question.

F. The only objections to permits or permit modifications which may be raised by gas storage field operators are those in which the gas storage operator affirmatively proves that the proposed well work will adversely affect the operation of his State Corporation Commission certificated gas storage field; however, nothing in this subsection shall be construed to preclude the owner of nonstorage strata from the drilling of wells for the purpose of producing oil or gas from any stratum above or below the storage stratum.

G. The Director shall have no jurisdiction to hear objections with respect to any matter subject to the jurisdiction of the Board as set out in Article 2 (Section 45.1-361.13 et seq.) of this chapter. Such objections shall be referred to the Board in a manner prescribed by the Director.

H. The Director shall fix a time and place for an informal fact finding hearing concerning such objections. The hearing shall not be scheduled for less than twenty nor more than thirty days after the objection is filed. The Director shall prepare a notice of the hearing, stating all objections and by whom made, and send a copy of such notice by certified mail, return receipt requested, at least ten days prior to the hearing date, to the permit applicant and to every person with standing to object as prescribed by Section 45.1-361.30.

I. At the hearing, should the parties fail to come to an agreement, the Director shall proceed to decide the objection pursuant to those provisions of the Administrative Process Act (Section 9-6.14.1 et seq.) relating to informal fact finding hearings.



**Operations Name:** VCI-530487 w/PL  
**Application Number:** 29775

**PERSONS RECEIVING OFFICIAL NOTICE OF PERMIT APPLICATION OR PERMIT MODIFICATION**

For the purposes of an application for a new permit or permit modification, list such persons by name and address on additional sheets as needed with the title, "Supplemental Sheet for Persons Receiving Official Notice of Permit Application" and indicate the category for each person or group affected.

**Application for Well Work Permit:**

- Surface, coal and mineral owners on the tract to be drilled
- Surface owners of record on tracts where the surface is to be disturbed
- Gas, oil and royalty owners within
  - (1) one-half the distance specified in Section 45.1-361.17
  - (2) one-half the distance to the nearest well completed in the same pool or
  - (3) within the drilling unit established by the Virginia Gas and Oil Board
- Coal operators who have a registered operation plan with the Department for activities located on the tract to be drilled
- All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 500' of the proposed well location
- All coal or mineral owners on tracts located within 500' of the proposed well location
- All Storage Field Operators Within 1250'
- Local Government pursuant to Section 45.1-361.30.E
- Public notice pursuant to Section 45.1-361.30.E, such as an affidavit of publication from the newspaper

**Coalbed Methane Well Applications (In Addition to Above)**

- All coal operators, coal owners or mineral owners within 750 feet of the proposed well location
- All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 750 feet of the proposed well location

**Applications for Pipelines and Facilities**

- All surface owners affected by the proposed operations

**Applications for Ground Disturbing Geophysical Operations**

- Surface owners on tracts where the surface is to be disturbed
- Coal owners, coal operators, and mineral owners on the tract(s) to be drilled
- Coal operators who have registered operations plans with the Department for activities located on the tract to be drilled

**SUPPLEMENTAL SHEET(S) FOR PERSONS RECEIVING OFFICIAL NOTICE OF PERMIT APPLICATION PURSUANT TO SECTION 45.1-361.30**

**APPLICATIONS FOR WELL WORK PERMIT**

A. Surface, coal and mineral owners on the tract to be drilled

Carolyn C. Sharpe, 7933 Harper Rd, , Hixson, TN 37343  
E. Martin Counts, Jr., 119 South Germantown Rd, , Chattanooga, TN 37411  
Mr. Chad Mooney, ACIN, LLC, 5260 Irwin Rd, Huntington, WV 25705-3247  
Mr. Chad Mooney, WBRD, LLC, 5260 Irwin Rd, Huntington, WV 25705-3247  
Mr. Craig Kaderavek, Heartwood Forestland Fund, IV, LP, 19045 Stone Mountain Road, Abingdon, VA 24210  
Mr. James McKinney, EnerVest Energy Institutional Fund XIV-A, L.P. & E, P.O. 2136, Abingdon, VA 24210  
Mr. Steve Smith, Dickenson-Russell Contura, LLC, 5703 Crutchfield Drive, Norton, VA 24273  
Mr. Steve Smith, Paramount Contura, LLC, 5703 Crutchfield Drive, Norton, VA 24273  
Reba E. Counts, 280 Fairway Drive, , Abingdon, VA 24210

B. Surface owners of record on tracts where the surface is to be disturbed

Carolyn C. Sharpe, 7933 Harper Rd, , Hixson, TN 37343  
E. Martin Counts, Jr., 119 South Germantown Rd, , Chattanooga, TN 37411  
Jesse Neece & Linda Neece, 4612 Aily Rd, , Dante, VA 24237  
Mr. Craig Kaderavek, Heartwood Forestland Fund, IV, LP, 19045 Stone Mountain Road, Abingdon, VA 24210  
Reba E. Counts, 280 Fairway Drive, , Abingdon, VA 24210

C. Gas, oil and royalty owners within

1. one-half the distance specified in Section 45.1-361.17

N/A

2. one-half the distance to the nearest well completed in the same pool

N/A

3. within the drilling unit established by the Virginia Gas and Oil Board

Carolyn C. Sharpe, 7933 Harper Rd, , Hixson, TN 37343  
E. Martin Counts, Jr., 119 South Germantown Rd, , Chattanooga, TN 37411  
Mr. James McKinney, EnerVest Energy Institutional Fund XIV-A, L.P. & E, P.O. 2136, Abingdon, VA 24210  
Reba E. Counts, 280 Fairway Drive, , Abingdon, VA 24210

D. Coal operators who have a registered operation plan with the Department for activities located on the tract to be drilled

N/A

E. All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 500' of the proposed well location

N/A

F. All coal or mineral owners on tracts located within 500' of the proposed well location

Carolyn C. Sharpe, 7933 Harper Rd, , Hixson, TN 37343

E. Martin Counts, Jr., 119 South Germantown Rd, , Chattanooga, TN 37411  
Mr. Chad Mooney, ACIN, LLC, 5260 Irwin Rd, Huntington, WV 25705-3247  
Mr. Chad Mooney, WBRD, LLC, 5260 Irwin Rd, Huntington, WV 25705-3247  
Mr. James McKinney, EnerVest Energy Institutional Fund XIV-A, L.P. & E, P.O. 2136, Abingdon, VA 24210  
Mr. Steve Smith, Dickenson-Russell Contura, LLC, 5703 Crutchfield Drive, Norton, VA 24273  
Mr. Steve Smith, Paramount Contura, LLC, 5703 Crutchfield Drive, Norton, VA 24273  
Reba E. Counts, 280 Fairway Drive, , Abingdon, VA 24210

G. All Storage Field Operators Within 1250'

N/A

H. Local Government pursuant to Section 45.1-361.30.E

Dickenson County Administrator, P.O. Box 1098, , Clintwood, VA 24614

I. Public notice pursuant to Section 45.1-361.30.E, such as an affidavit of publication from the newspaper

The Dickenson Star, P.O. Box 707, , Clintwood, VA 24228

### **COALBED METHANE WELL APPLICATION IN ADDITION TO ABOVE**

J. All coal operators, coal owners or mineral owners within 750 feet of the proposed well location

Carolyn C. Sharpe, 7933 Harper Rd, , Hixson, TN 37343  
E. Martin Counts, Jr., 119 South Germantown Rd, , Chattanooga, TN 37411  
Mr. Chad Mooney, ACIN, LLC, 5260 Irwin Rd, Huntington, WV 25705-3247  
Mr. Chad Mooney, WBRD, LLC, 5260 Irwin Rd, Huntington, WV 25705-3247  
Mr. James McKinney, EnerVest Energy Institutional Fund XIV-A, L.P. & E, P.O. 2136, Abingdon, VA 24210  
Mr. Steve Smith, Dickenson-Russell Contura, LLC, 5703 Crutchfield Drive, Norton, VA 24273  
Mr. Steve Smith, Paramount Contura, LLC, 5703 Crutchfield Drive, Norton, VA 24273  
Reba E. Counts, 280 Fairway Drive, , Abingdon, VA 24210

K. All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 750 feet of the proposed well location

N/A

### **APPLICATIONS FOR PIPELINES AND FACILITIES**

L. All surface owners affected by the proposed operations

Carolyn C. Sharpe, 7933 Harper Rd, , Hixson, TN 37343  
E. Martin Counts, Jr., 119 South Germantown Rd, , Chattanooga, TN 37411  
Jesse Neece & Linda Neece, 4612 Aily Rd, , Dante, VA 24237  
Mr. Craig Kaderavek, Heartwood Forestland Fund, IV, LP, 19045 Stone Mountain Road, Abingdon, VA 24210  
Reba E. Counts, 280 Fairway Drive, , Abingdon, VA 24210

### **APPLICATIONS FOR GROUND DISTURBING GEOPHYSICAL OPERATIONS**

M. Surface owners on tracts where the surface is to be disturbed

N/A

N. Coal owners, coal operators, and mineral owners on the tract(s) to be drilled

N/A

O. Coal operators who have registered operations plans with the Department for activities located on the tract to be drilled

N/A



**Operations Name:** VCI-530487 w/PL  
**Application Number:** 29775

**TECHNICAL DATA SHEET FOR PERMIT APPLICATIONS UNDER SECTION 45.1-361.29**

the information is related to the conversion of a VVH to a CBM under 4 VAC 25-150-580.

Geological Target Formation: Pocahontas  
 Estimated Depth of Completed Well : 2162.0

**GEOLOGICAL DATA (ESTIMATE)**

Predict:

Description	FileName
VCI-530487 Geological Data	VCI-530487 Geological Data.pdf

Consent to Stimulate:

Description	FileName
VCI-530487 Lease CTS	241577L Reba Counts ratification.pdf
VCI-530487 CTS	VCI-530487 CTS.pdf

**Proposed Casing and Tubing Program**

	Size	Depth	Cement Details
Conductor	9 5/8"	40'	Back fill with drill cuttings
Surface/Water Prot. Casing	7"	300'	Cement to Surface
Coal Protection Casing			
Other Casing			
Other Casing			
Other Casing			
Production Casing	4 1/2"	2162	Cement to Surface
Tubing	2 3/8"	2112	

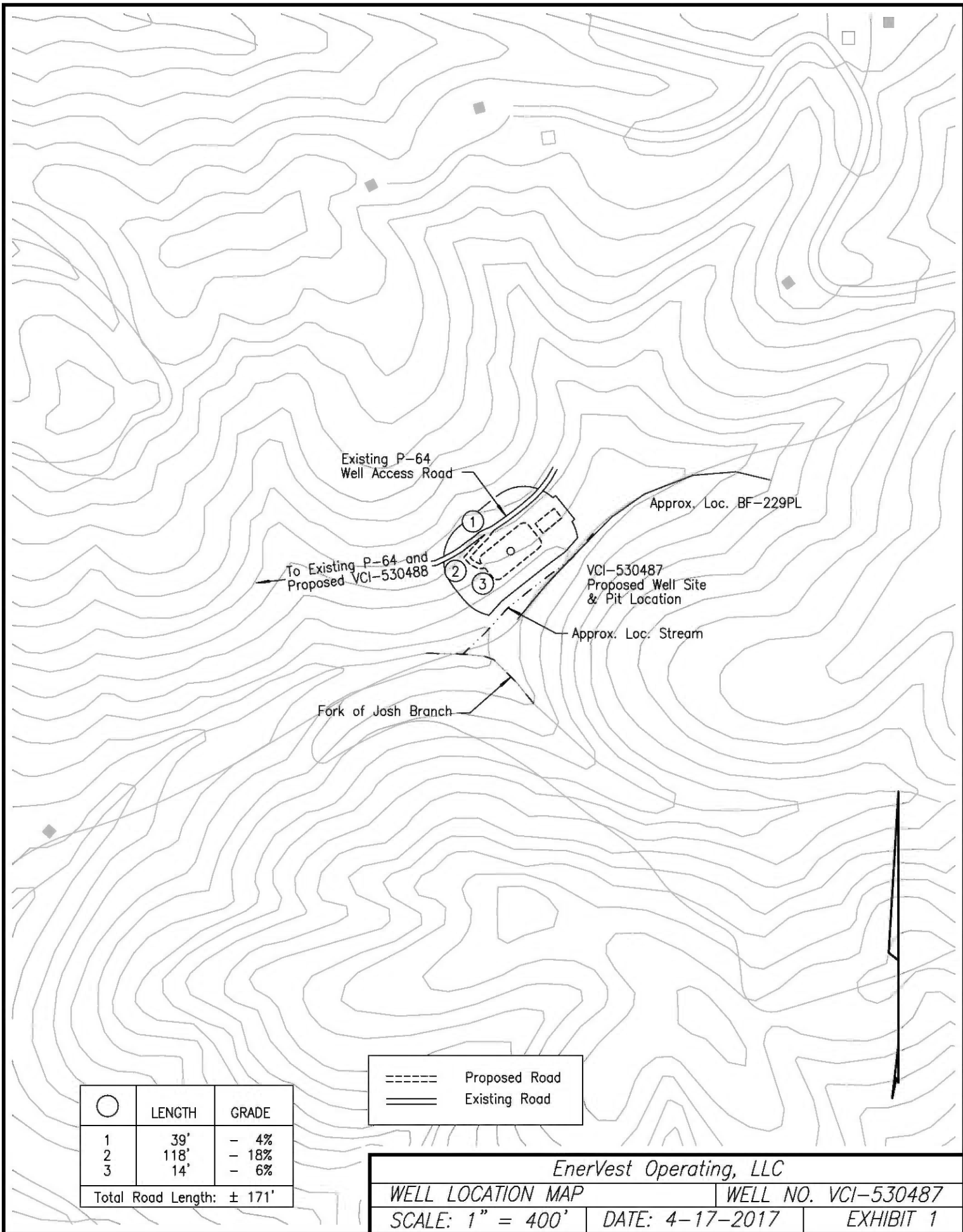
Centralizer Plan:

Description	FileName
Centralizer Plan	Centralizer Plan.pdf

Request a variance to the Cement Bond Log requirement for the water protection casing string:

Yes  No

Description	FileName
Variance Request to Cement Bond Log	Variance to cement bond log.pdf



Existing P-64 Well Access Road

To Existing P-64 and Proposed VCI-530488

Approx. Loc. BF-229PL

VCI-530487 Proposed Well Site & Pit Location

Approx. Loc. Stream

Fork of Josh Branch

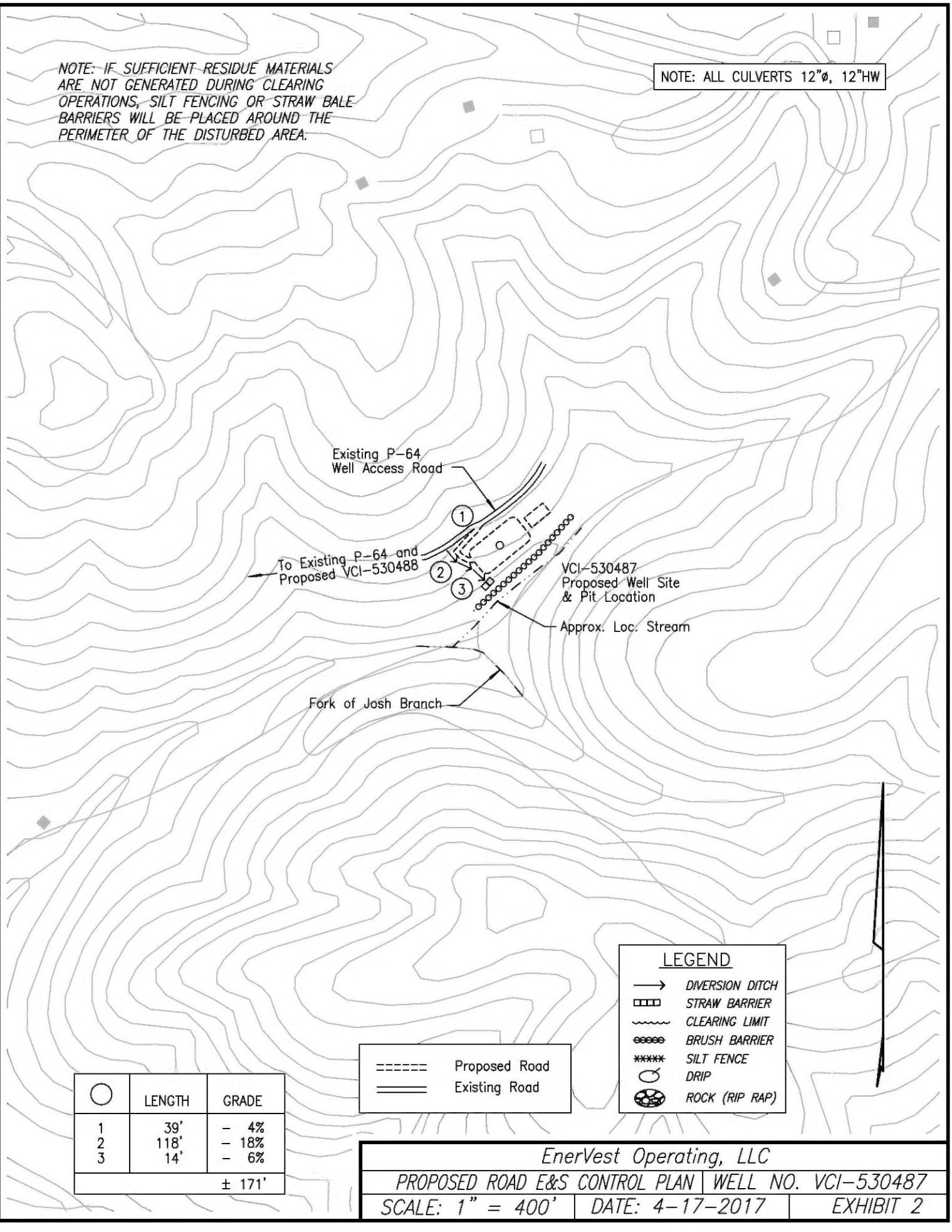
○	LENGTH	GRADE
1	39'	- 4%
2	118'	- 18%
3	14'	- 6%
Total Road Length: ± 171'		

-----	Proposed Road
=====	Existing Road

<i>EnerVest Operating, LLC</i>		
<i>WELL LOCATION MAP</i>		<i>WELL NO. VCI-530487</i>
<i>SCALE: 1" = 400'</i>	<i>DATE: 4-17-2017</i>	<i>EXHIBIT 1</i>

NOTE: IF SUFFICIENT RESIDUE MATERIALS ARE NOT GENERATED DURING CLEARING OPERATIONS, SILT FENCING OR STRAW BALE BARRIERS WILL BE PLACED AROUND THE PERIMETER OF THE DISTURBED AREA.

NOTE: ALL CULVERTS 12"Ø, 12"HW



○	LENGTH	GRADE
1	39'	- 4%
2	118'	- 18%
3	14'	- 6%
		± 171'

-----	Proposed Road
=====	Existing Road

LEGEND	
→	DIVERSION DITCH
▤▤▤	STRAW BARRIER
~~~~~	CLEARING LIMIT
⊖⊖⊖	BRUSH BARRIER
*****	SILT FENCE
○	DRIP
⊗	ROCK (RIP RAP)

EnerVest Operating, LLC		
PROPOSED ROAD E&S CONTROL PLAN	WELL NO. VCI-530487	
SCALE: 1" = 400'	DATE: 4-17-2017	EXHIBIT 2

TOTAL PIPELINE LENGTH: 318 FT.

NOTE: IF SUFFICIENT RESIDUE MATERIALS ARE NOT GENERATED DURING CLEARING OPERATIONS, SILT FENCING OR STRAW BALE BARRIERS WILL BE PLACED AROUND THE PERIMETER OF THE DISTURBED AREA.

Existing P-64 Well Access Road

BEG. PROPOSED 4" PIPELINE  
 @ STA 0+00  
 @ PROPOSED WELL NO. VCI-530487

To Existing P-64 and Proposed VCI-530488

VCI-530487 Proposed Well Site & Pit Location

Approx. Loc. Existing 3" P-64PL (Buried)

Approx. Loc. Stream

Fork of Josh Branch

END PROPOSED 4" PIPELINE  
 @ STA 3+18  
 @ EXISTING 3" P-64PL

**LEGEND**

- DIVERSION DITCH
- ▤ STRAW BARRIER
- ⊖ BRUSH BARRIER
- \*\*\*\* SILT FENCE
- ⊙ DRIP

NOTE: Compass Surveyed on 2017 Magnetic Meridian with Slope Distance Along Proposed Pipeline

STA	GRADE
0+00 - 0+60	BURIED - 27%
0+60 - 1+00	BURIED - 8%
1+00 - 2+00	BURIED + 1%
2+00 - 3+18	BURIED + 11%

EnerVest Operating, LLC

**SITE PLAN FOR PROPOSED GAS PIPELINE**

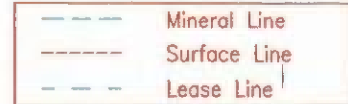
PIPELINE NO. VCI-530487PL	NORA QUADRANGLE
DICKENSON COUNTY	ERVINTON DISTRICT
SCALE: 1" = 400'	DATE: 4-17-2017

Well Coordinates: (Geographic N83)  
37.109525° -82.283959°

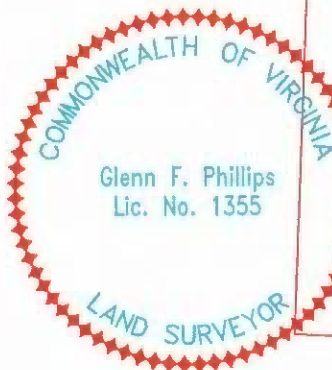
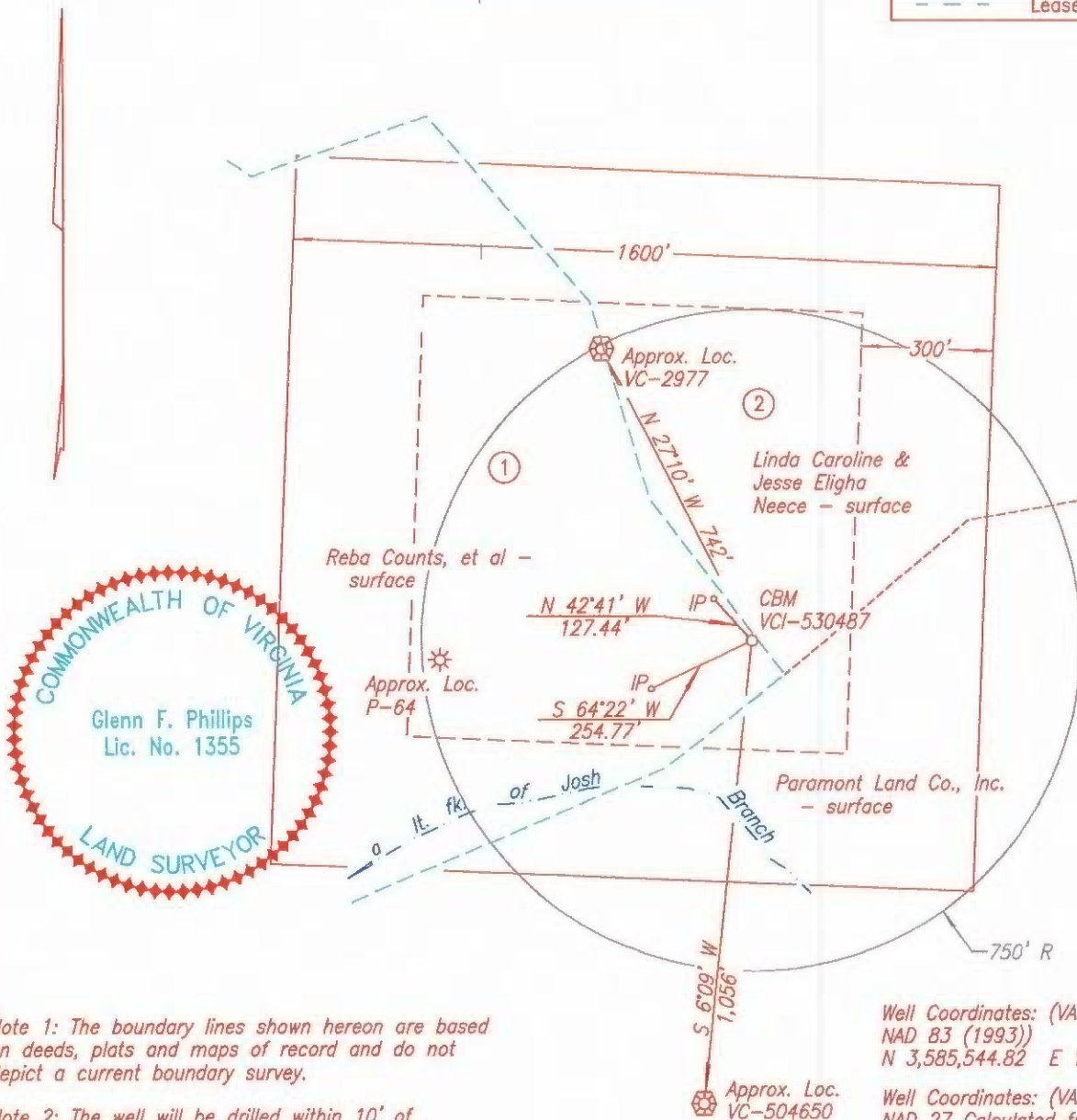
Well Coordinates: (UTM N27, Zone 17)  
N 13,476,280.48 E 1,266,089.57

Latitude 37° 07' 30"

Note: See Attached Tract  
Ownership Information Schedule



Longitude -82° 15' 00"



Note 1: The boundary lines shown hereon are based on deeds, plats and maps of record and do not depict a current boundary survey.

Note 2: The well will be drilled within 10' of the permitted coordinates.

Well elevation determined by GPS survey from HARN Monument P-424

Area of Unit = 58.77 Ac.

Well Coordinates: (VA St. Plane S. Zone, NAD 83 (1993))  
N 3,585,544.82 E 10,379,809.93

Well Coordinates: (VA St. Plane S. Zone, NAD 27 Calculated from NAD 83 (1993))  
N 304,669.00 E 896,824.82

Well Coordinates: (Clinchfield Coal Co.)  
N 3,448.32 E 28,975.38

WELL LOCATION PLAT NORA GRID AY-55

COMPANY EnerVest Operating, LLC WELL NAME AND NUMBER VCI-530487  
 TRACT NO. Reba Counts et al. ELEVATION 1,833.56' QUADRANGLE Nora  
 COUNTY Dickenson DISTRICT Ervinton SCALE 1" = 400' DATE 4-17-2017

This Plat is a new plat x; an updated plat     ; or a final location plat       
 Denotes the location of a well on United States topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

~~Licensed Professional Engineer or Licensed Land Surveyor~~

① Lease No. 241577L  
Reba Counts et al. - coal, oil, gas & CBM  
163 Acres  
Gas 28.732 Ac. 48.89%

② T-261  
E. S. Counts  
1,500 Acres  
ACIN LLC - coal  
Paramont Contura, LLC - coal lessee  
WBRD LLC - coal  
Dickenson-Russell Contura, LLC - coal lessee  
EnerVest Energy Institutional Fund XIV-A, L.P., EnerVest Energy Institutional Fund XIV-A1, L.P., &  
EnerVest Energy Institutional Fund XIV-WIC, L.P. - oil, gas & CBM  
Gas 30.038 Ac. 51.11%

7012 2210 0000 3280 7397

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage			Postmark Here
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage	Jesse E. Neece		
Sent To	4612 Alley Road		
Street, Apt. or PO Box	Dante, VA 24837		
City, State	Appeal Acceptance - IFFH 1002		
PS Form	ctions		

# Product Tracking & Reporting



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## USPS Tracking Intranet Tracking Number Result

Starting on Wednesday, July 26, 2017, the End of Day (EOD) report will be disabled. This report is being suspended to investigate improper use of the data that negatively impacts visibility and our customers' tracking experience. The End of Day report is intentionally unavailable and there is no system defect. Do not log a Help Desk ticket for this change. Thank you for your support.

### Result for Domestic Tracking Number 7012 2210 0000 3280 7397

Destination and Origin		
<b>Destination</b>		
ZIP Code	City	State
24237	DANTE	VA
<b>Origin</b>		
City	State	

Tracking Number Classification	
<b>Class/Service</b>	
Class/Service:	Certified Mail
Class of Mail Code/Description:	-1 / Unknown
<b>Destination Address Information</b>	
Address:	4812 AILY RD
City:	DANTE
State:	VA
5-Digit ZIP Code:	24237
4-Digit ZIP Code add on:	7150
Delivery Point Code:	12
Record Type Code:	Street Record
Delivery Type:	Residential, Sidewalk
<b>Service Delivery Information</b>	
PO Box:	N
<b>Payment</b>	
Weight:	0 lb(s) 0 oz(s)
<u>Agent Information</u>	

Extra Services	
Extra Services Details	
Description	Amount
Certified Mail	

Events									
Event	Event Code	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
DELIVERED, LEFT WITH INDIVIDUAL	01	09/16/2017	12:36	DANTE, VA 24237	Scanned	MDD 15178D8505 (non-wireless)	Scanned by route 4237R001	09/16/2017 13:24:39	<div style="border: 1px solid black; padding: 5px; display: inline-block;">View Delivery Signature and Address</div> Facility Finance Number: 512412 <div style="border: 1px solid black; padding: 5px; display: inline-block;">Request Delivery Record</div> <small>GEO Location Data Available</small>
ENROUTE/PROCESSED	10	09/16/2017	01:32		Scanned	DBOSS-014		09/16/2017 01:38:23	

Event	Event Code	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
				JOHNSON CITY, TN 37601					
DEPART USPS FACILITY	EF	09/15/2017	00:04	KNOXVILLE, TN 37950	System Generated			09/14/2017 23:20:33	Dispatch Label ID: <a href="#">DS14 4127 2111 1709 1423 1136 000</a>
ENROUTE/PROCESSED	10	09/14/2017	21:48	KNOXVILLE, TN 37950	Scanned	DBCS-020-	Destined to route 24237715012	09/14/2017 20:50:38	
ENROUTE/PROCESSED	10	09/14/2017	21:19	KNOXVILLE, TN 37950	Scanned	AFCS200-002-		09/14/2017 20:21:36	

Enter up to 35 items separated by commas.

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## USPS Tracking Intranet

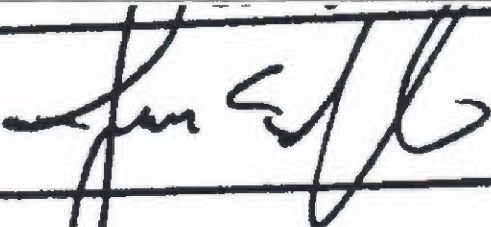
### Delivery Signature and Address

 Starting on Wednesday, July 26, 2017, the End of Day (EOD) report will be disabled. This report is being suspended to investigate improper use of the data that negatively impacts visibility and our customers' tracking experience. The End of Day report is intentionally unavailable and there is no system defect. Do not log a Help Desk ticket for this change. Thank you for your support.

Tracking Number: 7012 2210 0000 3280 7397

This item was delivered on 09/16/2017 at 12:36:00

[< Return to Tracking Number View](#)

Signature	<b>Signature</b> X	
	<b>Printed Name</b>	Jose E. Neece
Address	<b>Delivery Address</b>	4612 Aily Rd

Enter up to 35 items separated by commas.

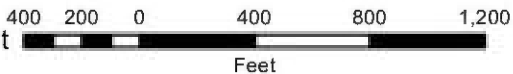
Select Search Type:

Product Tracking & Reporting, All Rights Reserved  
Version: 14.0.0.0.17

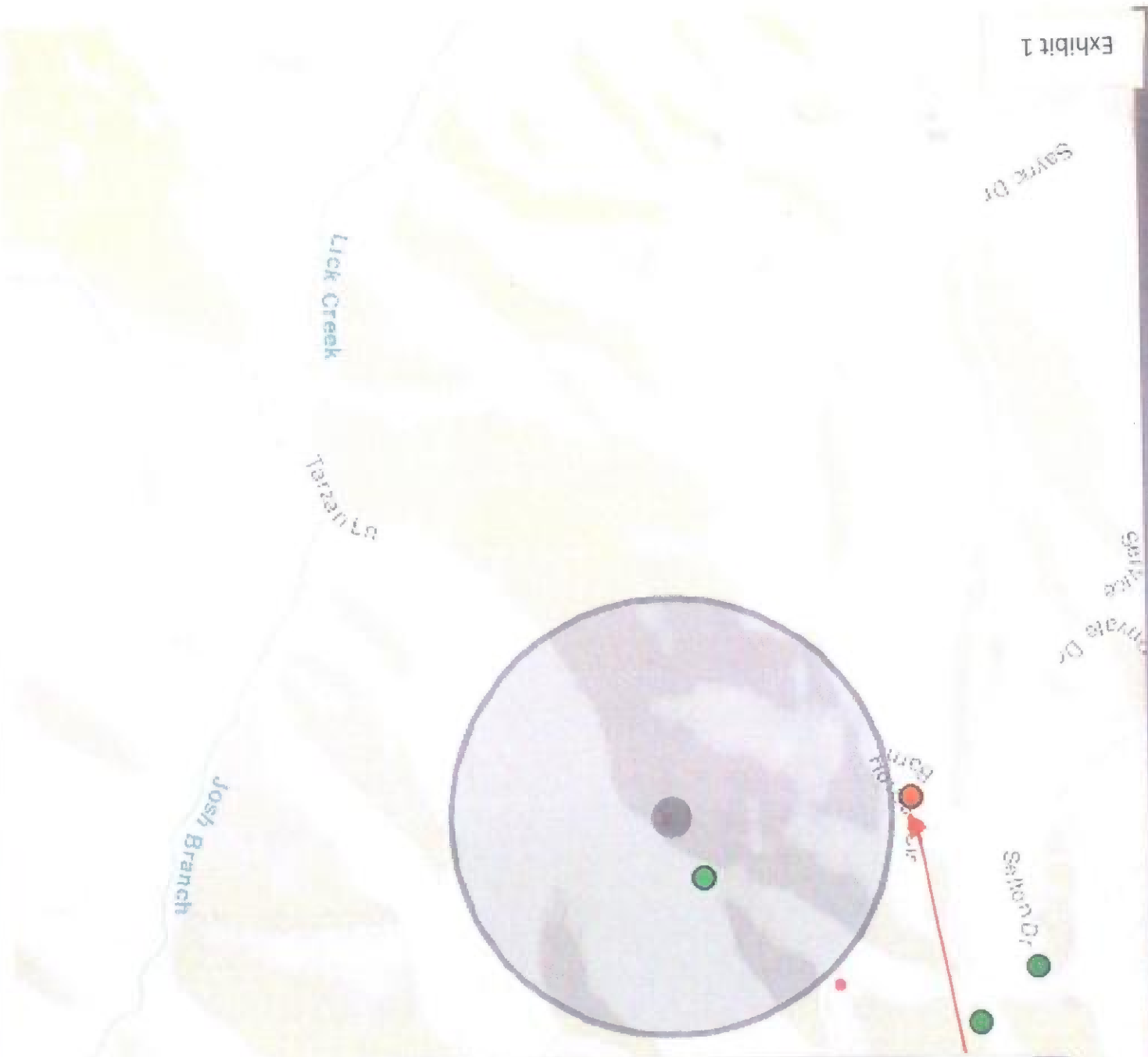


**Legend**

- Active Groundwater Monitoring Point
- Inactive Groundwater Monitoring Point



The DMME Well Location Map is intended to provide DMME users a visual representation of gas/oil wells collected from a wide variety of sources. These data sets are made up of data with varying degrees of accuracy, data precision, update frequency, and were developed at various scales. Therefore, data displayed should not be construed as having survey accuracy or engineering design quality. Data sets displayed in this map are known to have errors. End users are encouraged to report data errors and discrepancies.



**DGOgeo.DBO.DgoInactiveGroundwate**  
**0010890**

Northing: 3,587,006.64  
 Easting: 10,379,758.28

MPID: 0010890

Location Name: JESSE NEECE - WELL  
 (NOT YET SAMPLED)

Comments: 3096.171, EMI # 50377,  
 JESSE NEECE, HAND DUG WELL (OWNER  
 TO CALL TO SCHEDULE SAMPLING  
 EVENT, NOT CALLED AS OF JULY 10,  
 2017.) [7/10/2017, david porter]

[View Analysis](#)

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Virginia Division of Gas and Oil

P.O. Drawer 159  
135 Highland Drive  
Lebanon, VA 24266

Telephone: (276) 415-9700  
Fax: (276) 415-9671

Rick Cooper, Director  
Division of Gas and Oil



By Decision of the Director in

**Informal Fact Finding Conference 1002**

**Jesse E. Neece**

**vs.**

**EnerVest Operating, LLC**

**Permit Application for Gas and Oil operations:**

**Coalbed/Pipeline Operations VCI-530487 w/PL, Application 29775**

## **Background**

**Coalbed/Pipeline operations VCI-530487 w/PL, Application 29775, EnerVest Operating, LLC** was received at the Virginia Division of Gas and Oil (DGO) on 6/29/2017. The evidence regarding the application and objections filed support the fact that the objections were timely and appropriate under Virginia statute.

The objections filed by **Jesse E. Neece** against the permit application **#29775** were in accordance with objections provided by law under §45.1-361.35.

### **§45.1-361.35. Objections to permits; hearing**

B. The only objections to permits or permit modifications that may be raised by Surface Owners are:

2. There are not measures (in addition to the requirement for a well's water-protection string) necessary to protect fresh water-bearing strata.

C. The only objections to permits or permit modifications that may be raised by Royalty Owners are whether the proposed well work:

1. The proposed operation(s) would directly impinge upon the royalty owner's gas and oil interest.

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## **Hearing Date and Place**

IFFH 1002 was convened on Tuesday, August 15, 2017 at 10:00 AM, at the Department of Mines, Minerals, and Energy Office, Russell County Government Center, 135 Highland Drive, Lebanon, Virginia 24266. All parties with standing to object to Permit Application #29775 were notified of the time and place by United States Postal Service, certified mail, return receipt requested.

### **I. TESTIMONY BY THE SURFACE OWNER**

- \* Jesse E. Neece stated that the hand dug well on their property was the only source of water.
- \* Mr. Neece stated the hand dug well was approximately 15-20 feet deep.
- \* Mr. Neece was concerned that the stream beneath the proposed site would be damaged by the installation of the well.
- \* Mr. Neece was concerned that his adjacent 10-acre mineral tract would be affected by the proposed well.
- \* Mr. Neece stated that the lease agreement with Enervest was not valid.
- \* Mrs. Linda Neece was also concerned that the water well on their property would be damaged.
- \* Mrs. Neece stated the public water was approximately 1 ½ miles from the old home place and probably would never have public water installed.
- \* Mr. Neece stated that the surveyors entered his property without notifying him of their presence.

## II. TESTIMONY BY THE APPLICANTS

- \* Mr. Tim Scott stated that the 10-acre mineral tract that was discussed was not part of the proposed unit and was more than 750 feet from the proposed well.
- \* Mr. Scott stated that Enervest had a right of way agreement for the proposed well.
- \* Mr. Charles Akers stated that the law and regulation would require the operator to replace the water if damaged by the proposed well.
- \* Mr. Akers stated Enervest would be running water protection casing and production casing and both would be cemented to surface. These casings would protect the ground water.

Decision of the Director: In the matter before IFFH 1002.

The operator's application states that adequate sediment controls will be installed around the construction location to protect the stream. The stream below the proposed site is approximately 80 feet lower than the proposed gas well site. The Director is satisfied that the erosion and sediment control plans in the proposed application meet best practice standards for the construction activities for this site under current laws and regulations.

The permit application show that a minimum of 300 feet of ground water steel casing and 2,162 feet of steel production casing will be installed in the gas well. Both steel casings will be cemented to surface. Both casing installations are planned to protect ground water sources. The Director does not see any deficiency in the permit application that would materially affect the ground water.

The Virginia Gas and Oil Regulations 4 VAC 25-150-340, requires the operator to conduct an analysis of groundwater within 1,320 feet of the drilling location prior to drilling. The Exhibit 1 shows that the hand dug well is more than 1,320 feet from the proposed gas well. According to Exhibit 2 the complainant's residence is at a surface elevation of 2,240 feet and the surface elevation of the proposed well is 1833 feet. The complainant's hand dug water well is approximately 400 feet above the proposed gas well. Therefore, the proposed gas well and construction is significantly lower than the complainant's house and water well. The Director does not see that the proposed gas well affect the recharge area of the hand dug water well. The Director does not see any construction conditions that will materially affect the Neece's residence. The Director does not see any just cause to deny the application on these grounds.

The permit applicant apparently has rights to use the surface owner's property to access their mineral estate. If this is in dispute, it must be contested in a court of proper jurisdiction. While it can be argued that any adverse use of the property is an infringement, § 45.1-361.35 only allows consideration of unreasonable infringement. Interpretation and adjudication of leases and other contractual agreements is not within the purview of the Division of Gas and Oil or the Virginia Gas and Oil Board. The issue must be handled by a proper court.

Based on testimony and the permit application, it is, therefore, the decision of the Director to deny the surface owner's objections to permit application 29775 for Coalbed Methane Gas Operation VCI-530487 W/Pipeline. The permit application for operation VCI-530487 W/Pipeline will be assessed and issued under standard Division of Gas and Oil permit procedures.

Based on testimony and the permit application, it is, therefore, the decision of the Director to deny objections to permit Application 29775 for operations VCI-530487 w/PL. The Permit Application for operations VCI-530487 w/PL will be assessed and issued under standard Division of Gas and Oil permit procedures.

**Right of Appeal**

**Any person with standing under §45.1-361.30 who is aggrieved by this decision of the Director may appeal the decision to the Virginia Gas and Oil Board by filing a petition with the Board within ten days following the decision (§45.1-361.36). No petition or appeal may raise any matter other than matters raised by the Director or which the petitioner put in issue either by application or by objections, proposals, or claims made and specified in writing at the informal fact finding conference.**

Signed Wednesday, August 23, 2017

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Rick Cooper, Director  
Virginia Division of Gas and Oil

INFORMAL FACT FINDING HEARING 1002

August 15, 2017

Department of Mines, Minerals and Energy

Division of Gas and Oil Office

Lebanon, Virginia

APPEARANCES:

Rick Cooper – Director of the Division of Gas and Oil

Sally Ketron – Permit Specialist – Division of Gas and Oil

Tim Scott – Attorney for EnerVest Operating, LLC

Charles Akers – Land Manager for EnerVest Operating, LLC

Larry Reeves – Land Agent for EnerVest Operating, LLC

Jesse E. Neece – Surface Owner (Objector)

Linda Neece – Surface Owner (Mother of Objector)

Farley Neece – Father of Objector

1 **Rick Cooper:** My name is Rick Cooper. I am the Director of the Division of Gas and Oil. And  
2 this is Sally Ketron. She's a permit specialist for the Division of Gas and Oil. Today is Tuesday,  
3 August 15<sup>th</sup> 2017. 10:00 a.m. The case number for Informal Fact Finding Hearing 1002. This  
4 hearing is convened under Virginia Gas and Oil Act Section 45.1.361-35 which allows  
5 objections to permit applications to be filed by those with standing under section 45.1.361-30.  
6 Objections under this statute have been filed against the permit for EnerVest Operating, LLC for  
7 coalbed methane well with pipeline, VCI-530487. Application number 29775. Objections were  
8 filed by Jesse Neece as a surface owner. The objections were filed in a timely manner, as  
9 required by section 45.1.361-35. Notice to parties regarding gas operations and protection of the  
10 environment are important elements of the Virginia law. Today's hearing is part of that process.  
11 Mrs. Ketron: was notification sent to all parties, to appear before this conference, as required by  
12 45.1.361-35H?

13 **Sally Ketron:** Yes.

14 **Rick Cooper:** And did that notice include the date, time and place of the conference?

15 **Sally Ketron:** It did.

16 **Rick Cooper:** At this time, if you don't mind, would each person that is in attendance and going  
17 to speak, please tell who you are, and what you are doing; whether you are a surface owner or  
18 whatever you may be. If you would start there.

19 **Jesse Neece:** Hi, my name is Jesse Neece I'm the land owner and royalty owner at the address  
20 that is going to be affected.

21 **Farley Neece:** I'm his son.

22 **Rick Cooper:** Okay, you are Mr. Neece.

1 **Farley Neece:** Yes.

2 **Rick Cooper:** Okay.

3 **Linda Neece:** And I'm Linda Neece; a partially land owner. Jesse Neece's mother.

4 **Rick Cooper:** Okay.

5 **Charles Akers:** My name is Charles Akers. I'm the land manager of EnerVest Operating.

6 **Larry Reeves:** I'm Larry Reeves; land agent with EnerVest.

7 **Tim Scott:** Tim Scott. Attorney for EnerVest.

8 **Rick Cooper:** Thank you all. Section 45.1.361-35 of the Virginia Gas and Oil Act allows

9 objections to permits, by the surface owner who own title to notification of proposed operations.

10 According to the permit, Mr. Neece is a surface owner in the subject drilling unit, and as such,

11 has standing to object to the permit application. The objection was filed by surface owner against

12 the permit application, for EnerVest Operating: Application number 29775, and are in

13 accordance with: Measures in addition to the requirement for a well's water-protection string are

14 necessary to protect fresh water-bearing strata; and Jesse E. Neece was not notified in the

15 application process as a royalty or mineral owner. Mr. Neece stated in his objection that the

16 placement of the well affects his mineral rights on his 10-acre mineral tract. Mr. Neece objects

17 as a mineral owner stating he should be noticed since he is within 750 feet of the well unit. Just

18 remember that this is an informal hearing; pretty casual, under Administration Process Act. We

19 can recess at any time, if the parties involved can mutually agree to a settlement. Is there any

20 reason we need to convene and let you all try to work out a settlement? Or do we need to proceed

21 with the hearing?

22 **Jesse Neece:** We can proceed. I know that the time I had spoken with Mr. Reeves on the

23 telephone one time, with assurances of a meeting, and never heard from him again. Until I found

1 out about this notice he said that he would be sending me some forms. And I'm guessing these  
2 are the forms he was actually talking about. So, I think we need to go on. Because I'm not in  
3 agreement with this well.

4 **Rick Cooper:** Okay. We will proceed by allowing the objecting parties (you all) to provide  
5 testimony or exhibits, ask any questions related to the basis of the objection in the permit  
6 application. And then the permit applicant (EnerVest) will have the opportunity to provide  
7 testimony or exhibits and ask questions related to the permit application on record. This is an  
8 informal fact finding hearing, so cross examination is not allowed. So after questioning, we can  
9 ask each other questions. And each party will have time to speak whatever is on their minds. So,  
10 with that, I guess if you will go ahead and state what your position is...

11 **Jesse Neece:** Well, based on the letter that I actually wrote, I have a hand-dug, actual well, on  
12 my land. It's the primary water source. We also have the stream in Josh's Branch, which we own  
13 to the actual main, main hollow. The well that they are proposing is pretty close to where the  
14 stream is, in the main hollow. I'm pretty upset that they went up on my land and surveyed  
15 without notifying me. I was never notified. They didn't tell me that they were going up there. I  
16 actually go up there, drive down in there, see a bunch of stakes...I actually removed those stakes  
17 because I was like "Well why didn't they notify me?" I had trouble with the previous gas  
18 owners, EQT. There was actually a lawsuit filed because of similar things. I have not had the  
19 best of luck with gas companies. The water issue (I think it was EQT though) they had a  
20 proposed well that they were going to drill up there too. We came before the Oil and Gas Board.  
21 That well was stopped for the same reasons as this. I have no other water source. And you're  
22 going to sink a well, according to the map, the plat that I looked at, they are showing that my  
23 property line, the well is basically going to be on my property line. There is also a dispute from

1 the previous suit about the property line. I've had a title search done and we've found an error in  
2 the tracts of land. So, I've actually not got that put on the record yet, but I mean they are not  
3 within the 750 feet of my land. According to their plat, which I saw is wrong, and I'd like for  
4 them to show me why they think it's there. Because we had the same dispute with EQT, Mr.  
5 George Heflin, and we had a surveyor to come up there and he could not tell me where my actual  
6 line run. That was the surveyor through EQT at the time and you all, through matriculation of  
7 companies, have inherited what they had now. And the surveyor argued that I could say it's  
8 coming down where they are saying; or it's over in the next [Inaudible]. Said he couldn't find  
9 markers of where presently EnerVest is saying the line is. So, there's a lot of problems. And I  
10 don't know why you would even sink a well in a stream. I mean, down next to a stream, that's  
11 within 50 feet or so, plus or minus...

12 **Rick Cooper:** So that was my next question: The well is about 50 feet from the stream?

13 **Jesse Neece:** Yeah. I mean it's down in the middle of an actual hollow. The current right of way  
14 that they have to go and service P64, the old well down in there, um, the right of way agreement  
15 says they were going to keep up the actual road. I have a copy of that. Said they were actual  
16 going to keep up the road. Brush. They have done nothing to my road. So, to me, they are  
17 in...they are not keeping in agreement with the right of way agreement. And if we have to go to  
18 court, a second time for this, we will go to court.

19 **Linda Neece:** My problem I mean I'm a partially land owner, too. The property fell to me and  
20 my son. But, we are wanting to put a home up there. And if they sink a well up there. And they  
21 sink our water. That is the only water source that we have. That's going to ruin our property.

22 **Jesse Neece:** That everything.... And we've even tried to get public water up there. They will  
23 not put it up there.

1 **Rick Cooper:** How close is public water to...

2 **Jesse Neece:** Public water is about a mile and a half. They have done a study, of how much it  
3 would cost to put public water to our property. The PSA, according to them, it would require  
4 three pumping stations up the mountain, because of the steepness. About \$250-300,000 to  
5 actually put, you know, public water there; to serve about 5-6 homes on the actual mountain.  
6 Um, that's not gonna happen.

7 **Linda Neece:** And we're on the main top.

8 **Jesse Neece:** We are on the top. And we have an actual hand dug well, that's probably 15-20  
9 feet deep. And I'm not in favor of any well that will damage or potentially damage my water  
10 source, for one. My mineral tract; there is a 10-acre mineral tract, adjacent to the Josh's Branch  
11 tract, where this well...I mean it's very close to it. We are receiving royalty from another well  
12 that's down on the....

13 **Linda Neece:** It's on the opposite side.

14 **Jesse Neece:** It's on the other end. The other well they were actually going to put in there,  
15 before the prior was going do the same thing, feed off of our actual mineral tract. And that's not  
16 gonna happen, as far as I'm concerned.

17 **Rick Cooper:** So do you think that you are the mineral owner on this particular tract for where  
18 the well is located?

19 **Jesse Neece:** I'm within the footage which state law requires, I'm pretty sure. If you do like the  
20 actual triangle... or actual measurements and go straight in under that mountain, you are gonna  
21 come really close to my actual mineral tract.

22 **Linda Neece:** If not hit it.

1 **Jesse Neece:** And so I know that there have been actually fracking... slant drilling... I mean  
2 good gosh you could go in there really easily and get our actual minerals.

3 **Rick Cooper:** Okay this is not a horizontal well, though. It's not a horizontal well.

4 **Jesse Neece:** But I have no proof of what direction it may go to, once they go through the  
5 surface. Unless you... so...

6 **Rick Cooper:** So just to let you know, there is a regulation that controls that. So you are capable  
7 of getting that information. We post that on our website. So, anything else?

8 **Jesse Neece:** Not at this time.

9 **Rick Cooper:** Well if you think of something...

10 **Jesse Neece:** Not unless I hear from EnerVest...this is the first time I've ever met them. So...

11 **Rick Cooper:** And so this is Chuck Akers, Larry Reeves...these are the EnerVest people.

12 **Jesse Neece:** I know of Mr. Reeves on the phone, but I've never met him.

13 **Rick Cooper:** Mr. Scott?

14 **Tim Scott:** Thank you. Mr. Akers, you all have done surveying work on this property correct?  
15 On this unit?

16 **Charles Akers:** Yes.

17 **Tim Scott:** I'm sorry and this particular tract which this well is going to be drilled... the  
18 minerals are EnerVest minerals, is that correct?

19 **Charles Akers:** That's correct.

20 **Tim Scott:** Do you know the distance to...the approximate distance between this tract and the  
21 10-acre exception Mr. Neece is talking about?

22 **Charles Akers:** I don't know the exact number, but from our calculations it's greater than the  
23 750 feet from the well spot.

1 **Tim Scott:** Now as far as the casing that is used, for water protection, what do you typically do?

2 **Charles Akers:** Our typical procedure is to evaluate the other well, look at the offsetting wells  
3 and set our casing appropriate for when they encountered fresh water.

4 **Tim Scott:** And that's something that is standard operating procedure?

5 **Charles Akers:** That's standard operating procedure?

6 **Tim Scott:** And that's been filed with the permit application, is that correct?

7 **Charles Akers:** That is correct.

8 **Tim Scott:** So, as far as any water source... would this be below any water source, typically? Is  
9 that right?

10 **Charles Akers:** The casing? Yes, sir.

11 **Tim Scott:** As far as the... Mr. Neece was talking about the rights of way... that's not an issue  
12 here, is it? As far as you know?

13 **Charles Akers:** To my understanding, no. We have adequate right of ways.

14 **Tim Scott:** You succeed to the interest of the original grantee? Is that right?

15 **Charles Akers:** That's correct.

16 **Tim Scott:** That's all I have for Mr. Akers.

17 **Jesse Neece:** So when you say you have done...for the grantee... you have established, or done  
18 what you are supposed to... can you explain that?

19 **Tim Scott:** Mr. Akers, you have succeeded to the interest of the grantee, is that right?

20 **Charles Akers:** That's correct.

21 **Tim Scott:** So you are aware of these agreements that are in place?

1 **Charles Akers:** Yes, and we reviewed them. It's part of the process when we look at a new well  
2 location. We review all rights of way, to gain access, plus we would also do a title review on the  
3 particular tracts that would be in the unit. And the ownership.

4 **Jesse Neece:** And the only way you can access your proposed well sites is through my land?  
5 There is no other access road into that area.

6 **Charles Akers:** Correct. Yes. I will refer to Larry.

7 **Larry Reeves:** I don't think there is.

8 **Jesse Neece:** And the right of way... are you familiar with the right of way agreement; what it  
9 states? That you are going to keep up the road. That you are going to stone and I mean, all of the  
10 above aforementioned... nothing has been done to that road?

11 **Tim Scott:** Were you all aware of that?

12 **Larry Reeves:** Do you know that right of way?

13 **Charles Akers:** I can't remember that right of way verbatim.

14 **Tim Scott:** But it does grant you access to that tract, is that right? Or that well?

15 **Charles Acres:** Correct. Yes.

16 **Jesse Neece:** It grants access to the well and the agreement can be nulled if they do not do what  
17 it says. Am I correct?

18 **Tim Scott:** Mr. Cooper, I'm going to object to this. Because it's just not an issue here. The issue  
19 here is whether or not we have a water contamination problem. If there is an issue regarding the  
20 validity or the exercise under the rights of this easement agreement, that's not for the Director to  
21 decide. It's a title issue.

22 **Rick Cooper:** That is correct.

23 **Tim Scott:** So I'm going to object to any further discussion about this.

1 **Rick Cooper:** So one question that I would ask: If you did destroy the water, what would  
2 happen? If that's their biggest concern...

3 **Charles Akers:** We would comply with what is outlined in the statutes and the code for....

4 **Rick Cooper:** So you would be required to replace that water if you do destroy it.

5 **Larry Reeves:** Yes.

6 **Linda Neece:** Because like we were saying, we have talked to the PSA Board. They control the  
7 water and everything. And in... I mean the families that's all up there...they have all got hand-  
8 dug wells. And they people that live up there on that mountain. They even wanted us to do a...  
9 what do you call it?

10 **Jesse Neece:** A self-help work grant. Where they would provide the... I guess, the materials and  
11 we would have to provide the labor.

12 **Linda Neece:** We would have to do the work ourselves. And there is no one on that mountain  
13 that is able to do that. One of them has got Parkinson's Disease. And the lady... she's as old as  
14 me, if not older. And the people that live up there is disabled. So, if the water source is destroyed  
15 up there, that's including our hand-dug wells, we all have. We have a pond below our hand-dug  
16 well. I mean our property will be destroyed up there. There's no use in putting a home right  
17 there, if we have no water.

18 **Rick Cooper:** So just so I'm clear, you don't live up on this property?

19 **Linda Neece:** We stay part time.

20 **Jesse Neece:** Yes.

21 **Linda Neece:** We go back and forth.

22 **Rick Cooper:** Is there a house...

23 **Jesse Neece:** Yes, there is a house.

1 **Linda Neece:** There is a farm house up there.

2 **Jesse Neece:** There are actual barns. I mean we actually raise food up there. I mean...I've got  
3 cameras that actually monitor people coming in and out of there.

4 **Rick Cooper:** Let me ask you a question: So we see it all over Southwest Virginia... do you see  
5 a lot of four wheelers and stuff coming on your property sometimes?

6 **Jesse Neece:** No.

7 **Rick Cooper:** We see it everywhere else.

8 **Jesse Neece:** Well there's actual gates. I'm about to put another gate between the state road in  
9 there... because someone got in there and was trying to steal my actual pump and my well or  
10 something. And they actually...something happened and we are having to keep them out of  
11 there.

12 **Rick Cooper:** So I can tell you that we see that all over. Where there are a lot of thieves get on  
13 the property and it's hard to block them out.

14 **Linda Neece:** Our house was broken into, three years ago.

15 **Jesse Neece:** That's why the cameras are in place.

16 **Rick Cooper:** So, do you have anything else to offer? Either party?

17 **Jesse Neece:** Well I would like to know especially, what's going to be done? What are you all  
18 going to do? I mean if we have to go to court, we will actually go to court. EQT...there actually  
19 was a settlement reached then...about a year and a half of actual legal action. I mean are you  
20 going to go down in there, or what? Will this go to the Oil and Natural Gas Board and they  
21 actually do not pool the [Inaudible 20:13]

22 **Rick Cooper:** So the way this works is, I will render a decision as soon as I can. If either party  
23 objects to my decision, then you have the right within 10 days of receiving that notice, to appeal

1 that decision to the Virginia Gas and Oil Board. And at that time, we would set you up to come  
2 to the Gas and Oil Board and appeal the decision that the Director makes (which would be me).

3 **Tim Scott:** Mr. Cooper, the position of EnerVest is pretty clear. We have the complete mineral  
4 severance. We have the right to use as much of this surface as is necessary to produce these  
5 minerals. That's been a law in Virginia for a century or longer. They have made application and  
6 provided proof to the director, of how this water casing...water protection will occur. They know  
7 what the obligation is, in the event that does not happen. So Mr. Neece and his mother will be  
8 made whole, if there is a problem. It's very simple.

9 **Rick Cooper:** So is this casing cemented to the surface? Or is there more than one string of  
10 casing run?

11 **Charles Akers:** I'm not sure on this particular application.

12 **Larry Reeves:** There usually is a freshwater string that is cemented to the surface.

13 **Rick Cooper:** I know there has to be at least a fresh water string.

14 **Charles Akers:** Yes.

15 **Rick Cooper:** A minimum of 300 feet, by regulation.

16 **Larry Reeves:** Yep.

17 **Rick Cooper:** Will you all run another string of casing after that, and cement it to surface?

18 **Chuck Akers:** Yes.

19 **Rick Cooper:** Okay.

20 **Tim Scott:** That's all I have, Mr. Cooper.

21 **Rick Cooper:** I think they've stated their position, unless you have something else to add?

22 **Jesse Neece:** So when is a decision going to be made?

1 **Rick Cooper:** Probably within 30 days. The regulation says that the decision will be made as  
2 soon as practical. It doesn't have a date on it. But I'm telling you I will try to get it out within 30  
3 days.

4 **Linda Neece:** Did you tell them about where they said that we own more land than what they  
5 say?

6 **Jesse Neece:** I have done a title search and I don't agree with the lines that they have on the plat.

7 **Linda Neece:** We had an attorney do a title search.

8 **Tim Scott:** Again, we have title issues that are not for the Director.

9 **Linda Neece:** That's all I have, Jesse, unless you...?

10 **Farley Neece:** How can you protect the mineral owner on one hand, and when you say  
11 [Inaudible 22:52] I thought it was supposed to be within 750 feet of your land, too? Your land  
12 runs right there where they will put that well.

13 **Jesse Neece:** Yeah.

14 **Linda Neece:** And the Josh's Branch... that is where ya'll are really proposing to put it there,  
15 right?

16 **Jesse Neece:** And that's law. I've got the code in my bag here. That's why the other one was  
17 stopped.

18 **Linda Neece:** Because they was 50 foot from my property line.

19 **Jesse Neece:** And they are saying with their own actual plat, that they are right on it. Which is  
20 not 750 feet.

21 **Tim Scott:** Again, they are talking about title issues, Mr. Cooper. That's not an issue before the  
22 Director.

1 **Rick Cooper:** Mr. Scott is correct. Title and leasing issues are a matter of civil court, and I  
2 apologize for that.

3 **Jesse Neece:** So wouldn't that have to be worked out, before a well was put, or are you all just  
4 saying "Well, I'm just going to go put the well, and I don't care what it says, and then we will  
5 work that out later?" Is that what we're saying? That we're going to actually do this, no matter  
6 what, and then if there is legal down the road, we will actually deal with it? Is that what you're  
7 saying?

8 **Rick Cooper:** The only thing that I'm saying is that Mr. Scott is correct. I am not allowed to  
9 handle leasing or title work. And that's what you are talking about: leasing and title work. I'll  
10 render a decision and we'll just have to start from there.

11 **Jesse Neece:** Would that be a factor in making your decision?

12 **Rick Cooper:** Well, it will not. I really don't have any legal authority into the lease that you  
13 have, or with EnerVest. I don't have any regulatory authority over that.

14 **Jesse Neece:** So, it's very possible that this well can be put in, without that being taken care of?

15 **Rick Cooper:** That is correct.

16 **Jesse Neece:** Okay I actually want to request the transcript of this.

17 **Rick Cooper:** If you appeal the decision, we will give you transcript. All parties involved get a  
18 copy of the transcript.

19 **Jesse Neece:** And you said that has to be done within 10 days after you have rendered a  
20 decision?

21 **Rick Cooper:** Well, it's 10 days after you receive the decision; by certified mail.

22 **Jesse Neece:** Okay. It doesn't seem like we are going to get anywhere here today, so....

- 1 **Rick Cooper:** Okay and with that, I thank you all for showing up, and at this time we will end
- 2 the hearing.

Jesse E. Neece  
4612 Aily Road  
Dante, Virginia 24237  
July 2, 2017



Division of Gas and Oil  
Rick Cooper, Division Director  
P.O. Drawer 159  
135 Highlands Drive  
Lebanon, Virginia 24266

Dear Mr. Cooper:

I am writing in regard to an application for new permit for a proposed coalbed methane unit VCI-530487 w/PL (Application Number: 29775) located in the Ervinton District, Nora Quadrangle, Dickenson County, Virginia being submitted by EnerVest Operating, LLC. I received this permit for proposed coalbed methane unit by certified mail on June 24, 2017. The permit states that I have fifteen (15) days, from date of this notice, to make my objection to DMME Division of Gas and Oil.

The nature of this letter is to notify the Division of Gas and Oil of my **objection** to proposed coalbed methane unit VCI-530487 w/PL (Application Number: 29775). I am objecting to this proposed well for the following reasons:

1. Due to the eminent danger of destroying my primary water source on my property that consists of a hand-dug water well. This is the only source of water on my land and there is no public water that is accessible from my property.
2. The direct proximity of this proposed coalbed methane unit to my 10-acre mineral tract. Not only do I own a 25-acre tract on Josh's Branch (the location of the proposed well site), I also own a 10-acre mineral tract that is directly adjacent to the 25-acre Josh's Branch Tract. Thus, this proposed well site is within 750 feet of my mineral tract.
3. Based on the well location plat, this proposed well will be in direct proximity to Josh's Branch (a stream on my property). The proposed well development has an eminent danger of destroying/sinking that stream source.

Thus, for the three stated reasons (above), I am in total **objection** to the proposed coalbed methane unit VCI-530487 w/PL (Application Number: 29775) being submitted and proposed by EnerVest Operating, LLC. Please feel free to contact me for further information regarding my objection at (276) 835-8873.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse E. Neece".

Jesse E. Neece