

Jay-Bee Oil & Gas
Pluto #1A
exception location

Docket 235-225
10/6/2015

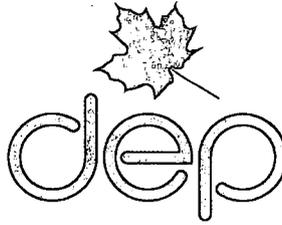
Raines, Cindy J

From: Raines, Cindy J
Sent: Friday, March 04, 2016 9:46 AM
To: Greg S. Foster (Greg.S.Foster@wvago.gov)
Subject: Order needed for Docket 235-225
Attachments: SBizhub 75416030410480.pdf

I just realized an Order has not been issued on this one. Jay-Bee did not have counsel....so would you please prepare an Order. I've attached a copy of the transcript from the October 6th hearing.

Thanks,
Cindy

From: DEP_Room_2064_Copier@wv.gov [mailto:DEP_Room_2064_Copier@wv.gov]
Sent: Friday, March 04, 2016 10:49 AM
To: Raines, Cindy J <Cindy.J.Raines@wv.gov>
Subject: Message from Bizhub 754



west virginia department of environmental protection

Oil and Gas Conservation Commission
601 57th Street, SE Charleston, WV 25304
(304)926-0499, Ext 1656

Earl Ray Tomblin, Governor
Barry K. Lay, Chairman
dep.wv.gov

**BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF WEST VIRGINIA**

IN THE MATTER OF THE REQUEST BY
JAY-BEE OIL & GAS, INC. AN EXCEPTION
TO RULE 39CSR1-4.2 REGARDING THE
DRILLING OF A PROPOSED WELL IDENTIFIED
AS THE PLUTO 1A, TO BE LOCATED IN
CLAY DISTRICT, RITCHIE COUNTY,
WEST VIRGINIA.

DOCKET NO. 235-225
ORDER NO. 1

REPORT TO THE COMMISSION

This cause came before the West Virginia Oil and Gas Conservation Commission (the "Commission") on October 6, 2015, at the West Virginia Department of Environmental Protection, Charleston, West Virginia, after giving notice as required by law, at the request of Jay-Bee Oil & Gas, Inc. ("Jay-Bee"), on the previously filed application seeking approval for an exception to W. Va. C.S.R. § 39-1-4.2 for the drilling of a proposed vertical deep well, identified as Pluto 1A ("Pluto"). Jay-Bee proposes to drill the Pluto well within 400 feet of the lease boundary, and has requested approval from the Commission for a variance from this spacing requirement pursuant to W. Va. C.S.R. § 39-1-4.3. There being a quorum of the Commission present, a hearing was commenced. Present at the hearing on behalf of Jay-Bee was Randy Broda ("Broda"), the President of Jay-Bee, and Shane Dowell, an employee of Jay-Bee. Jay-Bee did not retain counsel for this proceeding. No opposing or noticed parties entered an appearance at the hearing.

The Commission heard testimony from one witness, Broda. Broda testified that Jay-Bee owned the surface and minerals under the proposed 22.257 acre unit that would be drilled. Pluto is a vertical well. Broda testified that an exception to the 400 foot spacing requirement was needed due to the topography of the land. Without an exception the well would be located on a steep hill and could cause the lower side of the hill to slip. Relying upon information provided by

Promoting a healthy environment.

Jackson Surveying, Broda testified that the safest location for the well would be at the top of the hill where the surface is flat. The proposed location on the top of the hill required an exception to the 400 foot spacing requirement.

Following the testimony by Broda, there being no other witnesses or interested parties present, the Commission adjourned for an executive session. After the executive session, Commissioner Radabaugh made a motion to grant Jay-Bee's request for an exception to W. Va. C.S.R. § 39-1-4.2 to allow Jay-Bee to drill the Pluto well within 400 feet of the lease boundary based upon the topography of the terrain. The motion was properly seconded by Commissioner Gum, and a vote was taken without objection. The motion passed by a unanimous vote, and Jay-Bee's request was granted. Thereupon, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Members of the Commission present at the hearing were Barry Lay, Chair, Robert Radabaugh, Anthony Gum, and James Martin. Greg Foster, Counsel to the Commission, and Cindy Raines were also present.
2. Jay-Bee is an operator within the meaning of paragraph (4) subsection (a) of the West Virginia Code § 22C-9-2.
3. Jay-Bee proposes to drill the Pluto well vertically into the Helderberg formation, making it a deep well as defined by West Virginia Code § 22C-9-2.
4. The proposed location of the Pluto well is within 400 feet of the lease boundary, thus requiring a variance to W. Va. C.S.R. § 39-1-4.2.
5. There were no objections by any noticed parties.
6. A motion to grant Jay-Bee's spacing variance request was made and seconded.
7. The motion passed by unanimous vote of the Commission.

CONCLUSIONS OF LAW

1. W. Va. C.S.R. § 39-1-4.2 provides that all deep wells drilled shall be not less than 400 feet from the lease or unit boundary, and W. Va. C.S.R. § 39-1-4.3 allows for an exception to that requirement upon notice and a hearing.
2. Due notice of time, place and purpose of the hearing has been given in all respects as required by law.

3. Pursuant to Chapter 22C, Article 9, of the West Virginia Code, as amended, the Commission has jurisdiction over the subject matter embraced in said notice, and the persons interested therein, and jurisdiction to promulgate the hereinafter prescribed Order, and that a quorum of the Commission was present at the hearing.

4. In order to grant the well work permit for the proposed Pluto well, a spacing variance is required pursuant to W. Va. C.S.R. § 39-1-4.2.

5. The requested spacing variance and location of the Pluto well within 400 feet of the lease boundary is necessary to promote the efficient development of oil and gas resources, prohibit waste and encourage the maximum recovery of and gas resources in that reserve. See W. Va. Code § 22C-9-1.

ORDER

Upon presentation of testimony and evidence at a hearing before the Commission on October 6, 2015, and based upon the Findings of Fact and Conclusions of Law contained herein, the Commission hereby grants a variance from the requirement of W. Va. C.S.R. § 39-1-4.2 that states in relevant part, "no deep well shall be less than 400 feet from a lease or unit boundary." The spacing variance granted hereby applies only to the Pluto 1A well, and permits Jay-Bee to drill the Pluto 1A well within 400 feet of the lease boundary. Within 90 days of the completion of the Pluto 1A well, Jay-Bee is hereby directed to provide well records and drilling logs to the West Virginia Department of Environmental Protection, Oil and Gas Conservation Commission. For purposes of this Order, the completion of the Pluto 1A well is the date at which all stimulation activities have been completed and the flow back work on this well has commenced.

IN THE NAME OF THE STATE OF WEST VIRGINIA

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF WEST VIRGINIA

By: Barry K. Lay
Barry K. Lay, Chairman

Dated this 16th day of March, 2016, at Charleston, West Virginia.

BEFORE THE OIL AND GAS CONSERVATION COMMISSION
FOR THE STATE OF WEST VIRGINIA

IN THE MATTER OF THE REQUEST BY
JAY-BEE OIL & GAS, INC., AN
EXCEPTION TO RULE 39CSR1-4.2
REGARDING THE DRILLING OF A
PROPOSED WELL IDENTIFIED AS THE
PLUTO 1A, TO BE LOCATED IN
CLAY DISTRICT, RITCHIE COUNTY,
WEST VIRGINIA.

DOCKET NO. 235
CAUSE NO. 225

Transcript of proceedings had on October 6,
2015, at 10:05 a.m., in the Canaan Valley Conference Room,
West Virginia Department of Environmental Protection
located at 601 57th Street, Southeast, Charleston, West
Virginia, pursuant to Notice.

BEFORE: Barry K. Lay, Chairman
Robert Radabaugh, Commissioner
Anthony Gum, Commissioner
James Martin, Commissioner
Cindy Raines, Staff

BONNIE K. WOLFE
Certified Court Reporter
1211 Ellen Drive
South Charleston, West Virginia 25303
(304) 744-4318

APPEARANCES:

ON BEHALF OF THE COMMISSION:

Gregory Foster, Assistant Attorney General

ON BEHALF OF THE APPLICANT:

Randy Broda
Shane Dowell

INDEX

WITNESS

Randy Broda

EXAMINATION

7 (Lay)
13 (Martin)

EXHIBITS

No. 1 (Notice)
No. 2 (Advertisement)
No. 3 (Meeting Notice)
No. 4 (8/19/15 Dowell Letter)
No. 5 (Jay-Bee Permit Application)
No. 6 (Map)

IDENTIFIED/RECEIVED

3
3
4
4
4
15

Reporter's Certificate

1 CHAIRMAN LAY: Before the Oil and Gas
2 Conservation Commission of the State of West Virginia in
3 the matter of the request by Jay-Bee Oil & Gas, Inc., for
4 an exception to Rule 39CSR1-4.2 regarding the drilling of
5 a proposed well identified as the Pluto 1A to be located
6 in Clay District, Ritchie County, West Virginia. This is
7 Docket No. 235, Cause No. 225.

8 Let the record show that present are
9 members of the Commission, James Martin, Anthony Gum,
10 Robert Radabaugh, Barry Lay, counsel Greg Foster and Cindy
11 Raines from Staff.

12 I'd like to place of record as Exhibit 1 a
13 copy of the Notice of Hearing and return receipts.

14 (WHEREUPON, said document was
15 identified as Exhibit No. 1 and
16 is attached hereto and made a part
17 hereof.)

18 CHAIRMAN LAY: Exhibit 2 is Proof of Publication
19 in the Pennsboro newspaper.

20 (WHEREUPON, said document was
21 identified as Exhibit No. 2 and
22 is attached hereto and made a part
23 hereof.)

24 CHAIRMAN LAY: Exhibit 3 is a copy of the Notice

1 of the Open Meeting statute with the Secretary of State.

2 (WHEREUPON, said document was
3 identified as Exhibit No. 3 and
4 is attached hereto and made a part
5 hereof.)

6 CHAIRMAN LAY: Exhibit 4 is a copy of the
7 request from Jay-Bee Oil & Gas, Inc., for an exception
8 location hearing.

9 (WHEREUPON, said document was
10 identified as Exhibit No. 4 and
11 is attached hereto and made a part
12 hereof.)

13 CHAIRMAN LAY: Exhibit 5 is a copy of the
14 Application.

15 (WHEREUPON, said document was
16 identified as Exhibit No. 5 and
17 is attached hereto and made a part
18 hereof.)

19 CHAIRMAN LAY: At this time, the Commission will
20 take appearances. If you would, please state your name
21 and your affiliated company.

22 MR. DOWELL: Shane Dowell from Jay-Bee Oil &
23 Gas.

24 CHAIRMAN LAY: I'm sorry. Your last name?

1 MR. DOWELL: Dowell, D-o-w-e-l-l.

2 MR. BRODA: Randy Broda, Jay-Bee Oil & Gas.

3 CHAIRMAN LAY: Gentlemen, proceed.

4 MR. BRODA: It's a topography issue on the tract
5 that we're planning on drilling that we went and surveyed
6 to stay four hundred foot off the line to do the deep
7 well. It brought us over the side of the hill on the
8 tract that we are drilling of which we own the surface and
9 the minerals.

10 And basically, we just wanted to move it up
11 the hill to get on the flat spot to avoid all sorts of
12 environmental problems on building the location. That's
13 the basic crux of the issue here, just so it's not on the
14 side of the hill.

15 MR. RADABAUGH: Is there any other deep wells in
16 the three thousand foot area?

17 MR. BRODA: No, sir.

18 CHAIRMAN LAY: Do you have any-- I mean, is
19 there anything-- Do you have a map prepared to show us
20 exactly where your lease boundaries are--

21 MR. BRODA: Yes. There is.

22 CHAIRMAN LAY: --and why you can't move it?

23 MR. BRODA: We have the-- Do want me to bring
24 it up?

1 CHAIRMAN LAY: Yeah. That's fine. Put it in
2 the middle here so all of us can see it.

3 MR. BRODA: All right. So basically, that would
4 be the site that we would need to drill this time to stay
5 four hundred foot off the boundaries. And all we did was
6 go to the top of the hill here (indicating). And there
7 (indicating) is a elevation swatch of this just showing
8 you. We went over this with the surveyors to try to
9 figure out how we could try and do this.

10 This may be something with the Army Corps
11 whenever all the-- I mean, to get into here (indicating)
12 is just-- Don't really want to be here. I mean, it would
13 take a lot to bench this.

14 Could be a potential slip and all to try
15 and drill this tract. So that's why we moved it up to the
16 top of the hill. What are we on distances, Shane?

17 MR. DOWELL: 275 NW and 231 at--

18 CHAIRMAN LAY: This is a little bit different
19 than what we normally do. Actually, let's go back. I
20 should have sworn this witness.

21 MR. FOSTER: If they're going to be testifying.
22 And also, a little background of the training and
23 experience--

24 CHAIRMAN LAY: Yeah. Why don't we back up? At

1 least, now we know what you want. So why don't we get you
2 sworn in? And then we can--

3 (Witness sworn.)

4 THEREUPON came

5 RANDY BRODA

6 called as a witness herein, being first duly sworn
7 according to law, testified as follows:

8 EXAMINATION

9 BY CHAIRMAN LAY:

10 Q Okay. Why don't you tell us a little bit about
11 your background?

12 A My name is Randy Broda. I'm President of
13 Jay-Bee Oil & Gas, Inc. Been drilling oil and gas wells
14 and in the business for about thirty-five years. Took
15 Jay-Bee from where it was back in 1981 to where it is
16 today.

17 Done-- Drilled on drilling rigs, operated
18 dozers, operated track hoes, built sites, laid pipelines,
19 designed wells, designed completion, set fracks, set
20 drilling jobs. I mean, basically every occupation out in
21 the field, I've done.

22 Drilled over three hundred and some odd
23 verticle wells between-- Oh, probably closer to three-
24 fifty from '96 to-date, drilled fifty-two horizontals. I

1 think we have fifty-two in the past four years, five
2 years.

3 Q Any educational background?

4 A LeHigh University, graduated 1981 with an MBA.

5 Q Okay. You've basically stated, and I'll restate
6 it, that you're asking for an exception to 39CSR1-4.2,
7 which is our four hundred foot spacing requirement to the
8 nearest lease or unit boundary.

9 Is this the only lease that you have in the
10 area? Do you have additional leases?

11 A Oh, we have half of the adjoining property
12 currently. We own the surface. That's our shop, is right
13 next to this on the adjoining property to the east. But
14 we don't have all the minerals on that property as of
15 today.

16 Q Okay.

17 A So, thus, we can't drill that property.

18 Q So you own-- You own both the surface and the
19 minerals under the proposed twenty-two acres that you want
20 to drill?

21 A Yes, sir.

22 Q And then you own-- Do you have any other leases
23 that adjoin this 22.257 acres?

24 A We don't have any other leases. No.

1 Q Okay. You've presented us with a couple of maps
2 in the discussion. Did you prepare those maps?

3 A Yes, sir. I prepared the one, and Shane Dowell,
4 my Office Manager, prepared the other one, the elevation,
5 which was-- You did that or did our surveyors do that?

6 MR. DOWELL: Cross-section.

7 THE WITNESS: Cross-section of the elevations.

8 BY CHAIRMAN LAY:

9 Q Well, if you can't testify to it, we'll ask him
10 that question if we need it.

11 A Okay.

12 Q So those are prepared either by you or at your
13 direction?

14 A That's correct.

15 Q And you're purporting that, based upon-- I
16 guess, did you have a surveyor go out and go over the
17 entire property?

18 A Yes, sir. Yes, sir. Jackson Surveying went out
19 there. We indicated that we wanted to do a deep well.
20 And we reviewed the rules, and it said four hundred foot
21 off the lines. It should be by your rules.

22 And he said, "I don't think that's going to
23 work 'cause it's over the hill, and you're hitting a drain
24 in there as well. And it would be a real nightmare to

1 drill."

2 And I said, "Okay. So what's our
3 alternatives?"

4 He said, "Well, up on top of the hill is a
5 nice spot to drill, but you would have to get an exception
6 to drill the property." Thus, we're here. He said it
7 could be done, but it would be a large project and then a
8 possibility of slipping on the lower side.

9 I imagine you'd, you know, cut down and
10 step out to do your benches. I mean, it would be a very
11 difficult location to build the ultimate site. I went up
12 there and personally viewed the site as well. And having
13 built sites before, it would be very difficult to
14 stabilize the lower side of that considering the
15 topographical terrain there.

16 I mean, it's pretty steep at that point.
17 So to bench it properly would be quite a feat. So to
18 avoid all that, to move to the top of the hill would
19 simplify the process.

20 Q And you are proposed to drill to the--

21 A Helderberg.

22 Q To the Helderberg? And complete the Helderberg?

23 A Complete the Helderberg or-- Our thought
24 process is a disposal well as well. And I don't know if

1 this is the right avenue to go for, you know, drill it and
2 then view it and then see if it would be a possibility for
3 a disposal well, or is this not the proper venue to--

4 We figured we would look at the four
5 hundred foot offset, first, with the Commission and then
6 drill it and then view it as a disposal well possibly or a
7 productive well, either A or B.

8 Q Okay. Well, our--

9 A We figured we'd address the four hundred foot
10 rule with you all before we start down any avenue of
11 anything else.

12 Q Yeah. Your Application says for production.

13 A Right. That's our intention at this point. But
14 our thought process-- I mean, there's a Green Hunter well
15 across Route 50 that's a disposal well in the Oriskany,
16 not the Helderberg -- or there potentially is one in the--

17 Q How far is it from this particular, proposed
18 location?

19 A Five thousand feet, approximately.

20 Q Okay. You understand that this Application is
21 being reviewed for a production well.

22 A Okay. Is this-- So-- And that's the way it
23 was presented, and that's our intentions at this point.
24 Okay? Possibly, if it's not a productive well, would be

1 to convert it to a disposal well. Is this the proper
2 venue, I guess, to--

3 MS. RAINES: No.

4 THE WITNESS: So a disposal well doesn't need to
5 fit into the four hundred foot rule--

6 MS. RAINES: No. It does not.

7 THE WITNESS: --for a deep well?

8 MS. RAINES: No. The Commission has no
9 jurisdiction over disposal wells.

10 THE WITNESS: So not everyone runs on the four
11 hundred foot for the deep well rule?

12 MS. RAINES: If it is not a production, you do
13 not plan to produce the well, the Commission has no
14 jurisdiction over disposal wells.

15 THE WITNESS: Okay. Well, the Application is in
16 for a production well, so we're--

17 MS. RAINES: Right.

18 THE WITNESS: That's our intentions at this
19 point.

20 BY CHAIRMAN LAY:

21 Q Do you have anything else to offer?

22 A No, sir. That's the basic point of it, is to
23 move the location up to a flatter spot for a safer
24 location and knock out potential slopes and environmental

1 concerns.

2 CHAIRMAN LAY: Okay. If you have nothing else,
3 any questions from members of the Commission?

4 EXAMINATION

5 BY COMMISSIONER MARTIN:

6 Q Mr. Chairman, I have a couple questions. Mr.
7 Broda, you said there is a tract that you own half the
8 minerals or control half the minerals in?

9 A Yes.

10 Q Adjacent to this? Which one is that? Would
11 that be east?

12 A To the east, yes, sir, on the north of 50 to the
13 east directly--

14 Q Is that a thirty-five acre tract?

15 A I need to look at a map.

16 Q And the plat's-- I'm looking at the plat, the
17 well plat. It shows you being on a twenty-three acre
18 tract.

19 A Right. we own the thirty-five acre. We own the
20 surface and half the minerals. We don't own any minerals
21 beyond the surface on these (indicating) three tracts, but
22 we don't have the lease on these.

23 Q You own half the minerals on the tracts to the
24 east?

1 entered this as an exhibit?

2 THE WITNESS: Sure.

3 CHAIRMAN LAY: Let's enter this as 6.

4 (WHEREUPON, said document was
5 identified as Exhibit No. 6 and
6 is attached hereto and made a part
7 hereof.)

8 (Witness excused.)

9 CHAIRMAN LAY: No other questions? Okay. We'll
10 go off the record then.

11 (WHEREUPON, a brief recess was had.)

12 CHAIRMAN LAY: Let's go back on the record.
13 Okay. Do I have a motion?

14 COMMISSIONER RADABAUGH: Yes, Mr. Chairman. I
15 have a motion. I make a motion to grant Jay-Bee Oil &
16 Gas, Incorporated, their request for an exception to the
17 Rule CSR39-1-4.2 for exception to the spacing requirement
18 of the lease line based upon topography issues.

19 COMMISSIONER GUM: I will second that motion.

20 CHAIRMAN LAY: Any further discussion of the
21 motion? If not, all those in favor, aye. Opposed, nay.
22 Motion carries.

23 Anything further for the record? Okay.

24 Let's go off the record, close the record.

REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to wit:

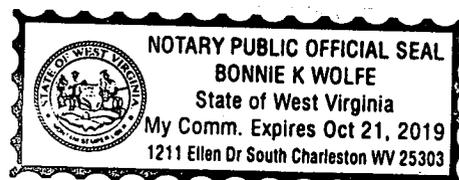
I, BONNIE K. WOLFE, Certified Court Reporter and Notary Public of West Virginia, do hereby certify that the foregoing is, to the best of my skill and ability, a true and accurate transcript of all the proceedings as set forth in the caption hereof.

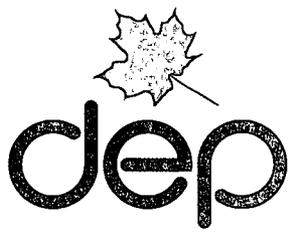
Given under my hand this 8th day of October, 2015.

My commission expires October 21, 2019.

Bonnie K Wolfe

Certified Court Reporter





west virginia department of environmental protection

Oil and Gas Conservation Commission
601 57th Street, SE Charleston, WV 25304
(304)926-0499, Ext 1656

Earl Ray Tomblin, Governor
Barry K. Lay, Chairman
www.wvdep.org

**BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF WEST VIRGINIA**

IN THE MATTER OF THE REQUEST BY
JAY-BEE OIL & GAS, INC. AN EXCEPTION
TO RULE 39CSR1-4.2 REGARDING THE
DRILLING OF A PROPOSED WELL IDENTIFIED
AS THE PLUTO 1A, TO BE LOCATED IN
CLAY DISTRICT, RITCHIE COUNTY,
WEST VIRGINIA.

DOCKET NO. 235
CAUSE NO. 225

NOTICE OF HEARING

Jay-Bee Oil & Gas, Inc. ("Jay-Bee") has requested the WV Oil and Gas Conservation Commission review and approve a request for an exception to the spacing requirements as set forth in CSR §39-1-4.2; for a well identified as the Pluto 1A. The proposed location is within 400' of the lease line and therefore, Jay-Bee has requested an exception to the rule.

The matter is scheduled as stated below:

DATE: October 6, 2015

TIME: 10:00 am

PLACE: Department of Environmental Protection
Oil and Gas Conservation Commission
601 57th Street, SE
Charleston, WV 25304

IN THE NAME OF THE STATE OF WEST VIRGINIA

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF WEST VIRGINIA

By: Barry K Lay
Barry K. Lay, Chairman

Dated this 9th day of September, 2015, at Charleston, West Virginia.

Docket # 235-225
Certified Mail

Jay-Bee Oil & Gas, Inc.
Attention: Randy Broda
1720 Route 22
East Union, NJ 07083

Jay-Bee Oil & Gas, Inc.
Attention: Shane Dowell
3570 Shields Hill Road
Cairo, WV 26337

91 7199 9991 7034 1372 5842

91 7199 9991 7035 6612 6183



The Pennsboro News

103 North Spring Street, P.O. Box 241
Harrisville, WV 26362
Ph. 304.643.4947 • Fax 304.643.4717

WEST CENTRAL PUBLISHING
FEDERAL I.D. NO. 55-06700561
STATE OF WEST VIRGINIA
COUNTY OF RITCHIE, to wit:

I, James McGoldrick, being first duly sworn upon my oath, do depose and say:

- that I am Publisher of The Pennsboro News, a Democratic newspaper,
- that I have been duly authorized to execute this affidavit,
- that such newspaper is regularly published weekly for at least fifty weeks during the calendar year, in the municipality of Harrisville, Ritchie County, West Virginia.
- That such newspaper is a newspaper of "general circulation" as defined in Art. 3, Chap. 59 of the Code of West Virginia 1931 as amended, within Ritchie County
- that such newspaper averages in length four or more pages, exclusive of any cover, per issue;
- that such newspaper is circulated to the general public at a definite price or consideration;
- that such newspaper is a newspaper to which the general public resorts for passing events or a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices;
- and that the annexed notice described as follows:

Notice of Hearing Jay-Bee Oil & Gas

WAS PUBLISHED IN SAID NEWSPAPER AS FOLLOWS:

TIMES	DATES
Two	September 16 and 23, 2015

PUBLICATION CHARGES

\$104.62

PO#

CERTIF-BILL TO

Oil & Gas Conservation Commission
601 57th Street, SE
Charleston, WV 25304

(signed) *James McGoldrick*

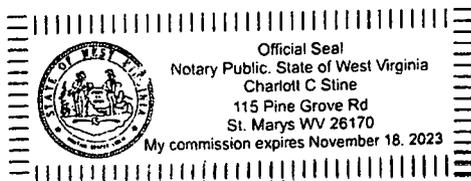
NOTARIZATION

Taken, sworn to and subscribed before me this 23rd

day of September, 20 15

Charlotte Stine

Notary Public



PLEASE RETURN A COPY OF THIS INVOICE WITH YOUR PAYMENT TO:
P.O. BOX 241, Harrisville, WV 26362

BEFORE THE OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF WEST VIRGINIA

DOCKET NO: 235
CAUSE NO: 225

IN THE MATTER OF THE REQUEST BY JAY-BEE OIL & GAS, INC. AN EXCEPTION TO RULE 39CSR1-4.2 REGARDING THE DRILLING OF A PROPOSED WELL IDENTIFIED AS THE PLUTO 1A, TO BE LOCATED IN CLAY DISTRICT, RITCHIE COUNTY, WEST VIRGINIA.

NOTICE OF HEARING

Jay-Bee Oil & Gas, Inc. ("Jay-Bee") has requested the WV Oil and Gas Conservation Commission review and approve a request for an exception to the spacing requirements as set forth in CSR S39-1-4.2, for a well identified as the Pluto 1A. The proposed location is within 400' of the lease line and therefore, Jay-Bee has requested an exception to the rule.

The matter has been scheduled as stated below:

DATE: October 6, 2015
TIME: 10:00 a.m.
PLACE: Department of Environmental Protection
Oil and Gas Conservation Commission
601 57th Street, SE
Charleston, WV 25304

IN THE NAME OF THE STATE OF WEST VIRGINIA

OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF WEST VIRGINIA

By: Barry K. Lay, Chairman

Dated this 9th day of September, 2015, at Charleston, West Virginia.

9-16, 23R

Raines, Cindy J

From: Raines, Cindy J
Sent: Wednesday, September 09, 2015 2:08 PM
To: 'news@ritchiecountynews.com'
Subject: Class II legal ad
Attachments: 235-225.pdf

Please print the attached in the Pennsboro News on Wednesday, September 16 and again on Wednesday, September 23 and send invoice and certification to:

Oil and Gas Conservation Commission
Attention: Cindy Raines
601 57th Street, SE
Charleston, WV 25304

Please confirm receipt of this request.

Thank you!
Cindy Raines

**BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF WEST VIRGINIA**

IN THE MATTER OF THE REQUEST BY
JAY-BEE OIL & GAS, INC. AN EXCEPTION
TO RULE 39CSR1-4.2 REGARDING THE
DRILLING OF A PROPOSED WELL IDENTIFIED
AS THE PLUTO 1A, TO BE LOCATED IN
CLAY DISTRICT, RITCHIE COUNTY,
WEST VIRGINIA.

DOCKET NO. 235
CAUSE NO. 225

NOTICE OF HEARING

Jay-Bee Oil & Gas, Inc. ("Jay-Bee") has requested the WV Oil and Gas Conservation Commission review and approve a request for an exception to the spacing requirements as set forth in CSR §39-1-4.2; for a well identified as the Pluto 1A. The proposed location is within 400' of the lease line and therefore, Jay-Bee has requested an exception to the rule.

The matter is scheduled as stated below:

DATE: October 6, 2015

TIME: 10:00 am

PLACE: Department of Environmental Protection
Oil and Gas Conservation Commission
601 57th Street, SE

Charleston, WV 25304

IN THE NAME OF THE STATE OF WEST VIRGINIA

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF WEST VIRGINIA

By: _____
Barry K. Lay, Chairman

Dated this 9th day of September, 2015, at Charleston, West Virginia.

EX. 3

West Virginia Secretary of State — Online Data Services**Administrative Law**

Online Data Services Help

Administrative Law**Meeting Notice Detail**

Back to Meeting Notices

Environmental Protection, Department of Oil and Gas Conservation Commission
Date/Time: 10/6/2015 -- 10:00 AM
Location: Department of Environmental Protection Oil and Gas Conservation Commission 601 57th Street, SE Charleston, WV 25304 304-926-0499 Ext 1656
Purpose: HEARING - In the matter of the request by Jay-Bee Oil & Gas, Inc. for an exception to Rule 39CSR1-4.2 regarding the drilling of a proposed well identified as the Pluto 1A, to be located in Clay District, Ritchie County, West Virginia.
Notes: This is a compliant meeting.
Meeting was approved : 9/9/2015 2:25:14 PM

Back to Meeting Notices

Wednesday, September 9, 2015 — 2:33 PM

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Ex. 4



JAY-BEE OIL & GAS, INC.

August 19, 2015

Permitting Office
Office of Oil and Gas
West Virginia Dept. of Environmental Protection
601 57th Street SE
Charleston, WV 25304

RE: Pluto 1A Location Exception Letter

Permitting Office:

Jay-Bee Oil & Gas, Inc. is seeking authorization to drill a vertical Oriskany deep well, with a total depth reaching the Helderberg.

Realizing that the typical boundary is 400' from the boundary of a lease line or unit, we are requesting a hearing to be able to complete this specific deep well within 231.7' and 275.4' from the closest boundaries.

If you would have any questions concerning this matter, please feel free to contact our office at the numbers listed below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shane Dowell'. The signature is fluid and cursive, with a large initial 'S'.

Shane Dowell
Office Manager

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

1) Well Operator: Jay-Bee Oil & Gas, Inc. 24610 85 - Ritchie 03 - Clay Ellenboro 7.5
Operator ID County District Quadrangle

2) Operator's Well Number: Pluto 1A 3) Elevation: 1004'

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

5) Proposed Target Formation(s): Oriskany Proposed Target Depth: 7,350' ✓

6) Proposed Total Depth: 7,500' Feet Formation at Proposed Total Depth: Heidelberg ✓

7) Approximate fresh water strata depths: 259'

8) Approximate salt water depths: 1000'

9) Approximate coal seam depths: None noted

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

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 a new Oil & Gas well.

13) CASING AND TUBING PROGRAM

TYPE	SPECIFICATIONS			FOOTAGE INTERVALS		CEMENT
	Size	Grade	Weight per ft	For Drilling	Left in Well	Received Office of Oil & Gas
Conductor	16"	J55	40#	30'	30'	Grouse to surface
Fresh Water	11 3/4"	J55	32#	310'	310'	147cf CTS
Coal	N/A	N/A	N/A	N/A	N/A	N/A
Intermediate	8 5/8"	J55	24#	2,050'	2,050'	521cf CTS
Production	5 1/2"	P110	17#	7,350'	7,350'	1,273cf CTS
Tubing	N/A	N/A	N/A	N/A	N/A	N/A
Liners	N/A	N/A	N/A	N/A	N/A	N/A

Packers: Kind: N/A

Sizes: N/A

Depths Set N/A

*7-31-13
David W. Penner*

**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
Jay Bee Yard, LLC	Jay Bee Yard, LLC	12.5%	322-498
Jay Bee Yard, LLC	Jay-Bee Oil & Gas, Inc.	Affidavit	

**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

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Office of Oil & Gas

AUG 03 2015

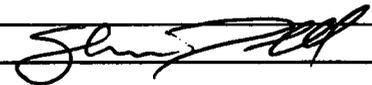
The applicant further acknowledges that any Office of Oil and Gas permit in no way overrides, replaces, or nullifies the need for other permits/approvals that may be necessary and further affirms that all needed permits/approvals should be acquired from the appropriate authority before the affected activity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

Well Operator:
By: Its:

Jay-Bee Oil & Gas, Inc.

Shane Dowell

Office Manager



WW-2B1
(5-12)

Well No. Pluto 1A

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 Reliance Labs
Sampling Contractor 2044 Meadowbrook Rd, Bridgeport, WV 26330

Well Operator Jay-Bee Oil & Gas, Inc.
Address 3570 Shields Hill Rd
Cairo, WV 26337
Telephone 304-628-3111

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.

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Office of Oil & Gas
AUG 03 2015

WW-2A
(Rev. 6-14)

1). Date: _____
2.) Operator's Well Number Pluto 1A
State County Permit
3.) API Well No.: 47- _____

**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 Jav-Bee Yard. LLC
Address 3570 Shields Hill Rd.
Cairo. WV 26337
(b) Name _____
Address _____
(c) Name _____
Address _____
6) Inspector David Cowan
Address 1597 Devil Hole Rd.
Harrisville. WV 26362
Telephone _____

5) (a) Coal Operator
Name N/A
Address _____
(b) Coal Owner(s) with Declaration
Name N/A
Address _____
(c) Coal Lessee with Declaration
Name N/A
Address _____

TO THE PERSONS NAMED ABOVE TAKE NOTICE THAT:

OR
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:

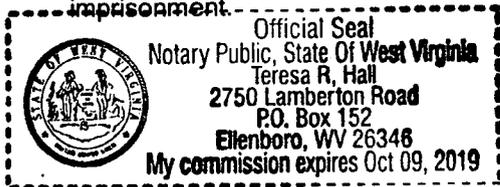
- Personal Service (Affidavit attached)
- Certified Mail (Postmarked postal receipt attached)
- Publication (Notice of Publication attached)

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.

Received
Office of Oil & Gas



Well Operator: Jav-Bee Oil & Gas. Inc.
By: Shane Dowell
Its: Office Manager
Address: 3570 Shields Hill Rd
Cairo. WV 26337
Telephone: 304-628-3111
Email: sdowell@iavbeeoil.com

Subscribed and sworn before me this 30th day of July, 2015

Teresa R. Hall Notary Public

My Commission Expires October 9th 2019

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

WW-2A Coal Waiver

COAL OPERATOR, OWNER, OR LESSEE WAIVER

County 085-Ritchie
Operator Jay-Bee Oil & Gas, Inc

Operator's Well Number Pluto 1A

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 57th 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 Jay Bee Yard, LLC
By Shane Dowell 7-30-2015
Its Office Manager Date

 7-30-15
Signature Date

Received
Office of Oil & Gas
AUG 03 2015

SURFACE OWNER WAIVER

County 085-Ritchie

Operator
Operator well number

Jay-Bee Oil & Gas, Inc.
Pluto 1A

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 57th 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.

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Office of Oil & Gas

AUG 03 2015

FOR EXECUTION BY A NATURAL PERSON

FOR EXECUTION BY A CORPORATION, ETC.

Signature Date

Company Name Jay Bee Yard, LLC
By Shane Dowell Date 7-30-2015
Its _____

Print Name

Office Manager
Shane Dowell 7-30-15
Signature Date

Affidavit of Personal Service

State Of West Virginia

County Of Ritchie

The undersigned, being first duly sworn, says that the undersigned served a true and complete copy of all sides of--

- (1) Notice on Form WW-2(A) X / WW-3(A) / WW-4(A) / WW-5(A) / WW-6(A) X
- (2) Application on Form WW-2(B) X / WW-3(B) / WW-4(B) / WW-5(B) / WW-6(B)
- (3) Plat showing the well location on Form WW-6, and
- (4) Construction and Reclamation Plan on Form WW-9
- (5) WW2, WW9 X

--all with respect to operator's Well No. Pluto 1A, Pluto 1 located in Clay District, Ritchie County County, West Virginia, upon the person or organization named--

Jay-Bee Yard, LLC

--by delivering the same in Ritchie County, State of West Virginia on the 30 day of July, 2015 in the manner specified below.

[COMPLETE THE APPROPRIATE SECTION]

For an individual:

Handing it to him / her / or, because he / she / refused to take it when offered it, by leaving it in his / her / presence.

Handing it to a member of his or her family above the age of 16 years named who resides at the usual place of abode of the person to be served, and asking the family member to give it to the person to be served as soon as possible.

For a partnership:

Handing it to , a partner of the partnership or, because the partner refused to take it when I handed it over, by leaving it in the presence of the partner.

For a limited partnership:

Handing it to the general partner, named , or, because the general partner refused to take it when I tried to hand it over, by leaving it in the presence of the general partner.

For a corporation:

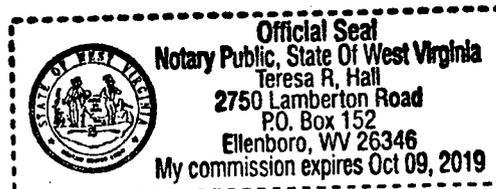
Handing it to the corporation's employee / officer / director X / attorney in fact / named Randy Broda.

Shane Dill Shane Dill **Received**
(Signature of person executing service) **Office of Oil & Gas**

Taken, subscribed and sworn before me this 30th day of July 2015.
My commission expires October 9th 2019.

Teresa R. Hall
Notary Public

(AFFIX SEAL IF NOTARIZED OUTSIDE THE STATE)



Handwritten initials

WW-9
(2/15)

API Number 47 - _____ - _____

Operator's Well No. Pluto 1A

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

FLUIDS/ CUTTINGS DISPOSAL & RECLAMATION PLAN

Operator Name Jay-Bee Oil & Gas, Inc. OP Code 24610

Watershed (HUC 10) Hushers Run Quadrangle Ellenboro 7.5

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

Will a pit be used? Yes No

If so, please describe anticipated pit waste: Drill cuttings, flowback water

Will a synthetic liner be used in the pit? Yes No If so, what ml.? 20mil

Proposed Disposal Method For Treated Pit Wastes:

- Land Application
- Underground Injection (UIC Permit Number UIC2D0859721)
- Reuse (at API Number _____)
- Off Site Disposal (Supply form WW-9 for disposal location)
- Other (Explain _____)

Will closed loop system be used? If so, describe: No

Drilling medium anticipated for this well (vertical and horizontal)? Air, freshwater, oil based, etc. Air

-If oil based, what type? Synthetic, petroleum, etc. N/A

Additives to be used in drilling medium? Drilling Soap if necessary

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) Lime

-Landfill or offsite name/permit number? N/A

Permittee shall provide written notice to the Office of Oil and Gas of any load of drill cuttings or associated waste rejected at any West Virginia solid waste facility. The notice shall be provided within 24 hours of rejection and the permittee shall also disclose where it was properly disposed.

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 *Shane Dowell*

Company Official (Typed Name) Shane Dowell

Company Official Title Office Manager

Received
Office of Oil & Gas

AUG 03 2015

Subscribed and sworn before me this 30th day of July

Teresa R. Hall

My commission expires October 9th 2019

2015

Notary Public, State of West Virginia
Teresa R. Hall
2750 Lambertson Road
P.O. Box 152
Ellenboro, WV 26348
My commission expires Oct 09, 2019



Jay-Bee Oil & Gas, Inc.

Proposed Revegetation Treatment: Acres Disturbed 4.5 Prevegetation pH 5.5-7.5

Lime 2-4 Tons/acre or to correct to pH 5.5-7.5

Fertilizer type 10/20/29

Fertilizer amount 300 lbs/acre

Mulch 2 Tons/acre

Seed Mixtures

Temporary

Permanent

Seed Type lbs/acre

Seed Type lbs/acre

See Page 2 - Survey Sheets

See Page 2 - Survey Sheets

Attach:

Drawing(s) of road, location, pit and proposed area for land application (unless engineered plans including this info have been provided)

Photocopied section of involved 7.5' topographic sheet.

Plan Approved by David W. Lawton

Comments: press 1 mulch all cut area no less than 2 ton per acre maintain all C&S during operation

Received
Office of Oil & Gas
AUG 03 2015

Title: Oil & Gas Inspector Date: 7-31-15

Field Reviewed? Yes No

CONSTRUCTION NOTES:

1. Place brush downslope of disturbed areas.
2. Stockpile topsoil for use on exposed slopes during reclamation phase.
3. Seed and mulch all disturbed areas as soon as possible after construction.
4. Use sumps or stone check dams at culvert entrances.
5. Use rip rap protection at culvert exits except in jurisdictional waters.
6. Use reinforced silt fence downslope of all disturbed areas.

Jay Bee Yard LLC
DB 322/498
22.257 Ac.
TM 28/1.1

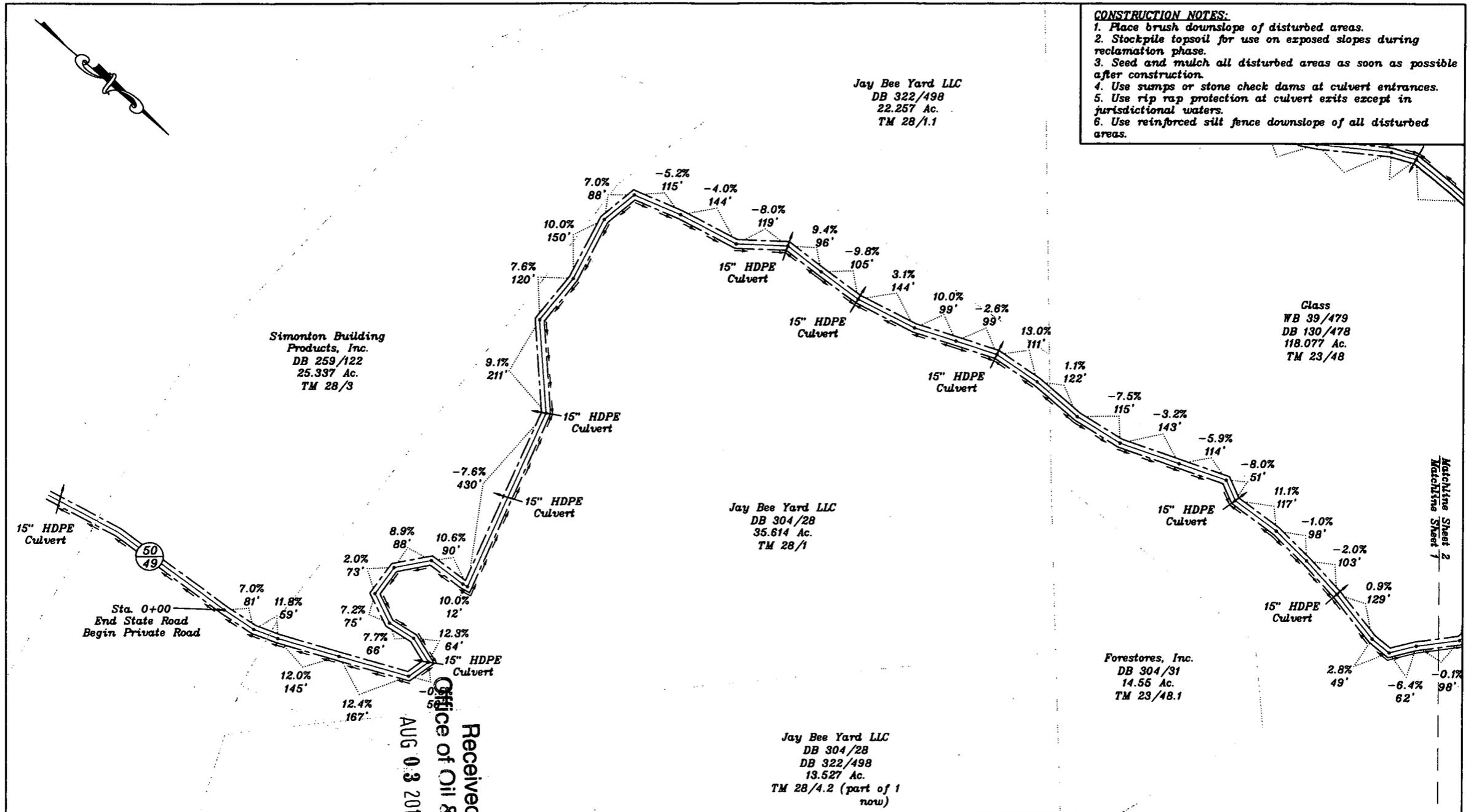
Simonton Building Products, Inc.
DB 259/122
25.337 Ac.
TM 28/3

Class
WB 39/479
DB 130/478
118.077 Ac.
TM 23/48

Jay Bee Yard LLC
DB 304/28
35.614 Ac.
TM 28/1

Forestores, Inc.
DB 304/31
14.55 Ac.
TM 23/48.1

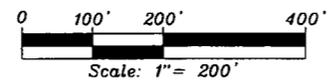
Jay Bee Yard LLC
DB 304/28
DB 322/498
13.527 Ac.
TM 28/4.2 (part of 1 now)



Attachment Sheet 2
Ketchikan Sheet 1

Received
Office of Oil & Gas
AUG 03 2015

Jay Bee
Oil & Gas
DRILLING
into the future

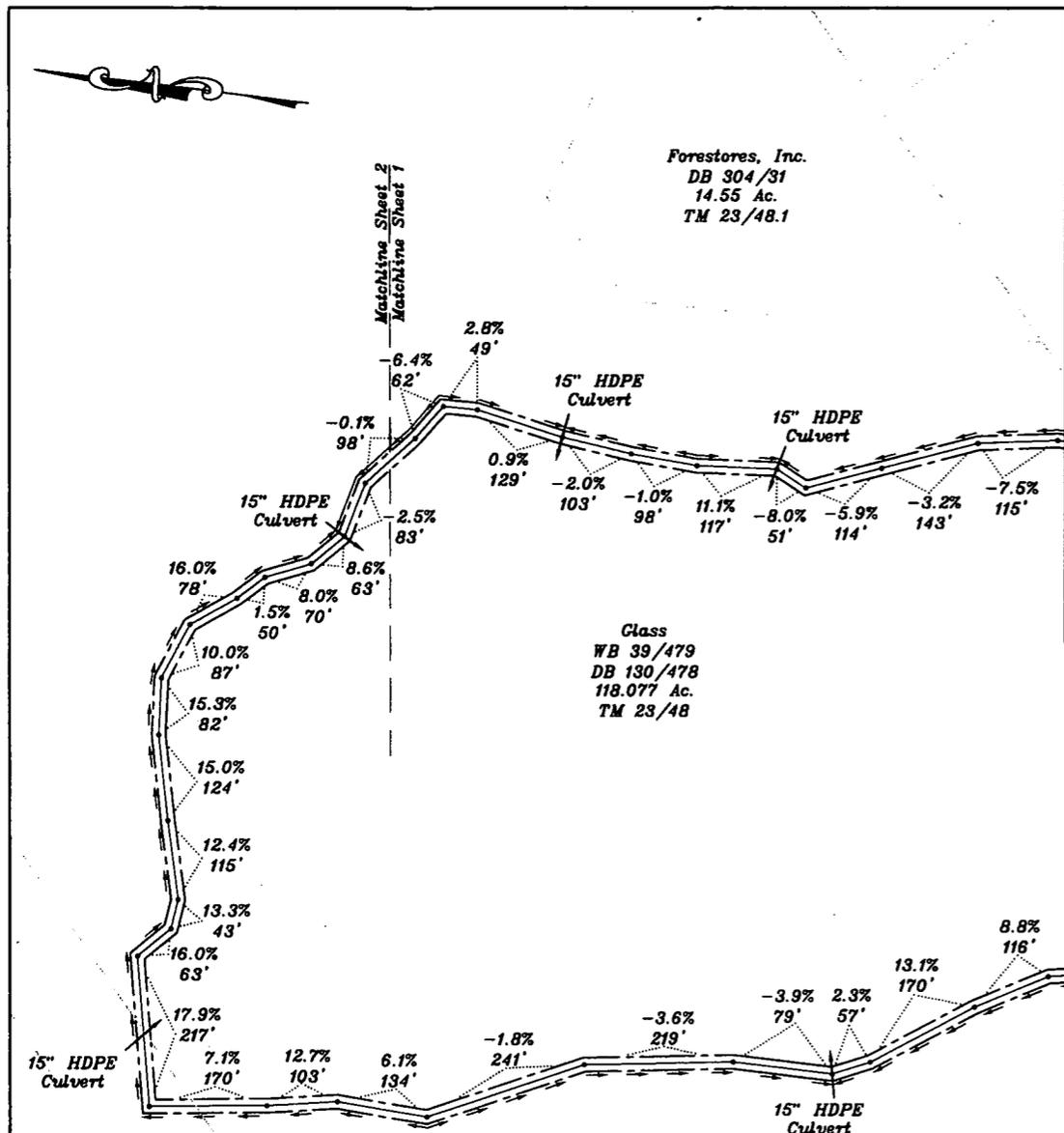


dba. Fisher Engineering
Dennis L. Fisher, RPE
PO Box 281
Philippi, WV 26416
Cell: 304-677-4129
E-Mail: Fisher.Engineering@gmx.com



Jackson Surveying Inc.

PLUTO #1A WELL



Forestores, Inc.
DB 304/31
14.55 Ac.
TM 23/48.1

Class
WB 39/479
DB 130/478
118.077 Ac.
TM 23/48

Class
DB 229/455
29.781 Ac.
TM 22/5

Class
WB 39/479
10.58 Ac.
TM 23/46

Species	Seeding Rate (lb/acre)	Soil Drainage Preference	pH Range
KV Bluegrass	20		
Redtop	3	Well - Mod. Well	5.5 - 7.5
Ladino Clover or Birdfoot Trefoil	2-10		
Timothy	10		
Alfalfa	12	Well - Mod. Well	6.5 - 8.0
Timothy	5		
Birdfoot Trefoil	8	Well - Poorly	5.5 - 7.5
Orchardgrass	10		
Ladino Clover	2	Well - Mod. Well	5.5 - 7.5
Redtop	5		
Orchardgrass	10		
Ladino Clover	2	Well - Mod. Well	5.5 - 7.5
Orchardgrass	10		
Perennial Ryegrass	10	Well - Mod. Well	5.5 - 7.5
Creeping Red Fescue	30		
Perennial Ryegrass	15	Well - Mod. Well	5.5 - 7.5
Orchardgrass or Kentucky Bluegrass	20	Well - Mod. Well	5.5 - 7.5
Birdfoot Trefoil	10		
Redtop	5	Well - Mod. Well	5.5 - 7.5
Orchardgrass	20		
Ladino Flat Pea	30		
Perennial Ryegrass	20	Well - Mod. Well	5.5 - 7.5
Ladino Flat Pea	30		
Orchardgrass	20	Well - Mod. Well	5.5 - 7.5

Table N-5 Lime and Fertilizer Application Table

pH of Soil	Lime in Tons Per Acre, max.	Fertilizer, Lbs., per Acre, 10-20-20 or Equivalent
Above 6.0	2	500
5.5 to 6.0	3	500
Below 5.0	4	500

The pH can be determined with a portable pH testing kit or by sending the soil samples to a soil testing laboratory. When 4 tons of lime per acre are applied it must be incorporated into the soil by chiseling, tilling, or treading up and down the slope.

Table N-6 Mulch Materials Rates and Uses

Material	Minimum Rates Per Acre	Coverage	Remarks
Hay or Straw	2 to 3 Tons	Cover 75% to 100%	Subject to Wind blowing
Wood Chips	100 to 150 Bales	50% of Surface	or suitable unless bed down
Wood Fiber	1000 to 1500 lbs	Cover all	or Hydrating
Plastic			Disturbed Areas
Wood Chunks			
Recycled Paper			

Table N-1 Recommended seeding dates for permanent and temporary cover unless otherwise specified.

Planting Dates	Suitability
March 1 - April 15 and August 1 - October 1	Best seeding periods
April 15 - August 1	HIGH RISK - moisture stress likely
October 1 - Dec. 1	HIGH RISK - Freeze damage to young seedlings
Dec. 1 - March 1	Good seeding period (Dormant seeding)

Table 2. Acceptable fertilization recommendation in absence of a soil test.

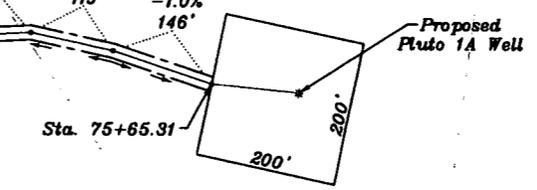
Species	N (lb/acre)	P2O5 (lb/acre)	K2O (lb/acre)	Example Rec. (per acre)
Cool Season Grass	40	80	80	400 lbs. 10-20-20
CS Grass & Legume	30	60	60	300 lbs. 10-20-20
Temporary Cover	40	40	40	200 lbs. 19-19-19

Table 3. Temporary cover suitable for establishment in West Virginia.

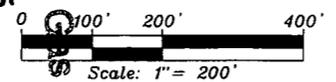
Species	Seeding Rate (lb/acre)	Optimum Seeding Dates	Drainage	pH Range
Annual Ryegrass	40	3/1 - 6/15 or 8/15 - 8/15	Well - Poorly	5.5 - 7.5
Field Broomrape	40	3/1 - 6/15 or 8/15 - 8/15	Well - Mod. Well	6.0 - 7.0
Subclover	40	8/15 - 8/15	Well - Poorly	5.5 - 7.5
Spring Oats	68	3/1 - 6/15	Well - Poorly	5.5 - 7.0
Winter Rye	100	8/15 - 10/15	Well - Poorly	5.5 - 7.5
Winter Wheat	100	8/15 - 11/15	Well - Mod. Well	5.5 - 7.0
Japanese Millet	30	8/15 - 8/15	Well	4.5 - 7.0
Redtop	30	3/1 - 6/15	Well - Mod. Well	5.5 - 7.5
Annual Ryegrass	20	3/1 - 6/15	Well - Poorly	5.5 - 7.5
Spring Oats	64	3/1 - 6/15	Well - Poorly	5.5 - 7.5

NOTE: These rates should be increased by 50% if planted April 15 - August 1 and October 1 - March 1.

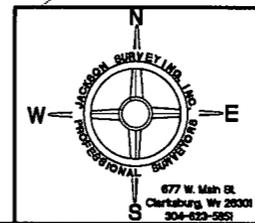
Jay Bee Yard LLC
DB 322/498
22.257 Ac.
TM 28/1.1



Received
Office of Oil & Gas
AUG 03 2015



dba. Fisher Engineering
Dennis L. Fisher, RPE
PO Box 281
Philippi, WV 26416
Cell: 304-677-4129
E-Mail: Fisher.Engineering@gms.com

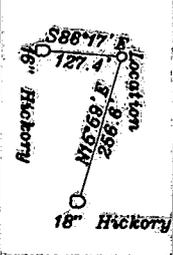


Jackson Surveying Inc.

PLUTO #1A WELL

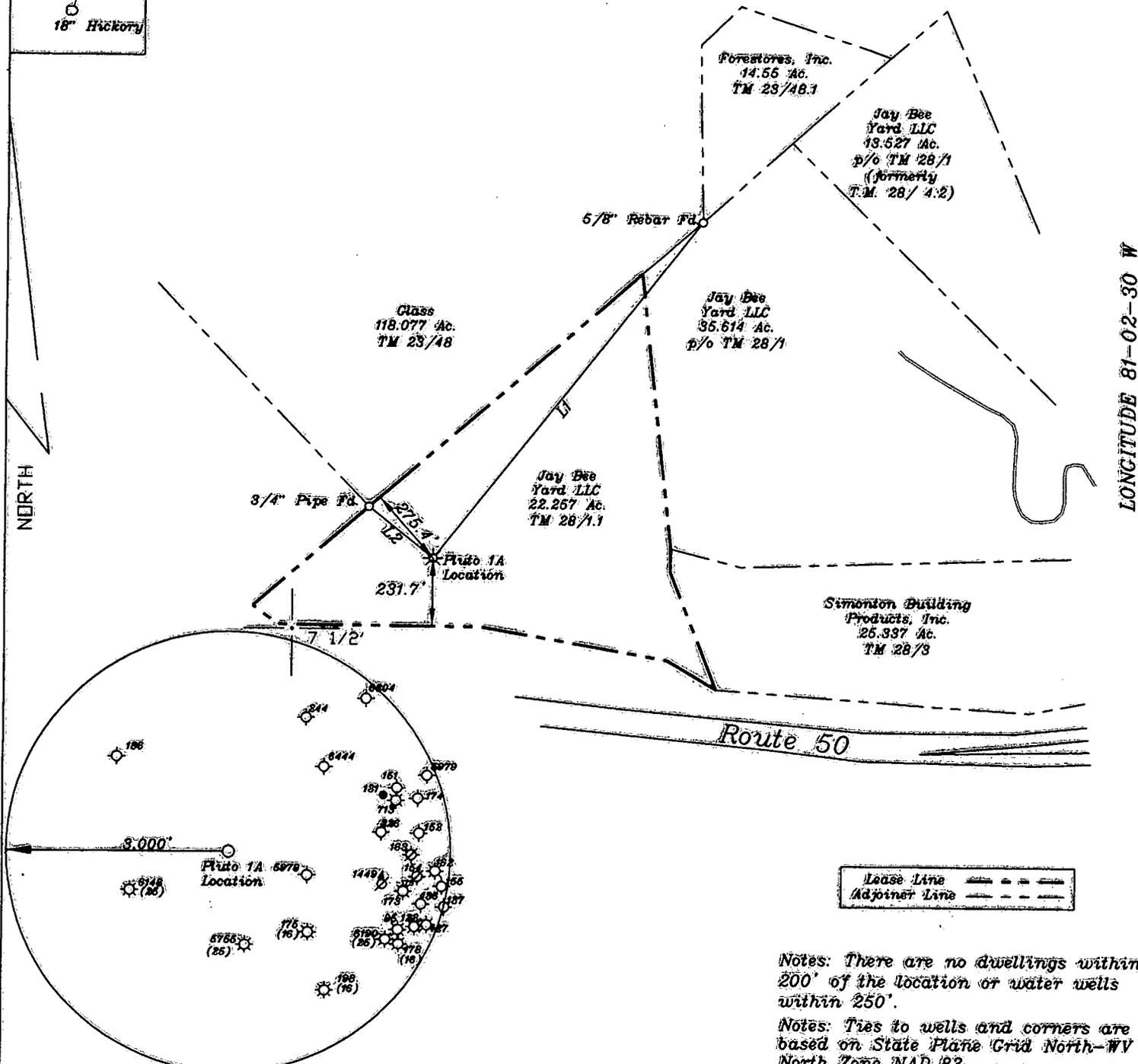
LATITUDE 39-17-30 N

References



L1	S38°02' W	1466'
L2	S51°09' E	280'

Surface Hole Location
 UTM NAD 83 (Feet) - 14267877.0 N, 1617253.7 E
 UTM NAD 83 (Meters) - 4345809.6 N, 492939.9 E
 Geo NAD 83 - 39.261592 N, 81.081835 W



LONGITUDE 81-02-30 W
Surface Hole Location 10,782'

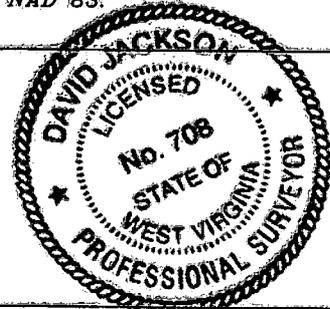
Lease Line - - - -
 Adjoiner Line - - - -

Notes: There are no dwellings within 200' of the location or water wells within 250'.
 Notes: Ties to wells and corners are based on State Plane Grid North-WV North Zone NAD 83.

(+) 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 Jackson
 R.P.E. _____ L.L.S. 708



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

DATE August 10, 2015
 OPERATOR'S WELL NO. Pluto 1A
 API WELL NO. 47-085
 STATE COUNTY PERMIT

WELL TYPE: OIL GAS LIQUID INJECTION WASTE DISPOSAL
 (IF GAS) GAS STORAGE DEEP SHALLOW
 LOCATION: ELEVATION 1,004' WATER SHED Hushers Run
 DISTRICT Clay COUNTY Ritchie
 QUADRANGLE Ellenboro 7 1/2'

SURFACE OWNER Jay Bee Yard LLC ACREAGE 22.257 Ac.
 OIL & GAS ROYALTY OWNER Jay Bee Yard LLC LEASE ACREAGE 22.257 Ac.
 LEASE NO. 1-44A

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 Helderberg ESTIMATED DEPTH 7,500'
 WELL OPERATOR Jay Bee Oil & Gas, Inc. DESIGNATED AGENT Randy Broda
 ADDRESS 1720 Rt. 22, East Union, NJ 07083 ADDRESS Route 1, Box 5, Cairo, WV 26337



west virginia department of environmental protection

Oil and Gas Conservation Commission
601 57th Street, SE Charleston, WV 25304
(304)926-0499, Ext 1656

Earl Ray Tomblin, Governor
Barry K. Lay, Chairman
www.wvdep.org

**BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF WEST VIRGINIA**

IN THE MATTER OF THE REQUEST BY
JAY-BEE OIL & GAS, INC. AN EXCEPTION
TO RULE 39CSR1-4.2 REGARDING THE
DRILLING OF A PROPOSED WELL IDENTIFIED
AS THE PLUTO 1A, TO BE LOCATED IN
CLAY DISTRICT, RITCHIE COUNTY,
WEST VIRGINIA.

DOCKET NO. 235
CAUSE NO. 225

NOTICE OF HEARING

Jay-Bee Oil & Gas, Inc. ("Jay-Bee") has requested the WV Oil and Gas Conservation Commission review and approve a request for an exception to the spacing requirements as set forth in CSR §39-1-4.2; for a well identified as the Pluto 1A. The proposed location is within 400' of the lease line and therefore, Jay-Bee has requested an exception to the rule.

The matter is scheduled as stated below:

DATE: October 6, 2015

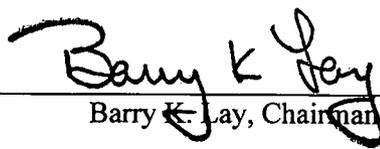
TIME: 10:00 am

PLACE: Department of Environmental Protection
Oil and Gas Conservation Commission
601 57th Street, SE
Charleston, WV 25304

IN THE NAME OF THE STATE OF WEST VIRGINIA

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF WEST VIRGINIA

By: _____


Barry K. Lay, Chairman

Dated this 9th day of September, 2015, at Charleston, West Virginia.

Promoting a healthy environment.