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west virginia department of environmental protection

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Office of Oil and Gas  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304  
(304) 926-0450  
fax: (304) 926-0452

Harold D. Ward, Cabinet Secretary  
[www.dep.wv.gov](http://www.dep.wv.gov)

Thursday, June 5, 2025  
WELL WORK PLUGGING PERMIT  
Vertical Plugging

DIVERSIFIED PRODUCTION LLC  
101 MCQUISTON DRIVE

JACKSON CENTER, PA 16133

Re: Permit approval for 3  
47-049-00888-00-00

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

Upon completion of the plugging well work, the above named operator will reclaim the site according to the provisions of WV Code 22-6-30. Please be advised that form WR-38, Affidavit of Plugging and Filling Well, is to be submitted to this office within 90 days of completion of permitted well work, as should form WR-34 Discharge Monitoring Report within 30 days of discharge of pits, if applicable. Failure to abide by all statutory and regulatory provisions governing all duties and operations hereunder may result in suspension or revocation of this permit and, in addition, may result in civil and/or criminal penalties being imposed upon the operators.

Per 35 CSR 4-5.2.g this permit will expire in two (2) years from the issue date unless permitted well work is commenced. If there are any questions, please feel free to contact me at (304) 926- 0450.

James A. Martin  
Chief

A handwritten signature in blue ink, appearing to read "James A. Martin", is written over a blue circular stamp.

Operator's Well Number:  
Farm Name: KENDALL, ALFRED - HEIRS  
U.S. WELL NUMBER: 47-049-00888-00-00  
Vertical Plugging  
Date Issued: 6/5/2025

# PERMIT CONDITIONS

West Virginia Code §22-6-11 allows the Office of Oil and Gas to place specific conditions upon this permit. Permit conditions have the same effect as law. Failure to adhere to the specified permit conditions may result in enforcement action.

## CONDITIONS

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1. All pits must be lined with a minimum of 20 mil thickness synthetic liner.
2. In the event of an accident or explosion causing loss of life or serious personal injury in or about the well or while working on the well, the well operator or its contractor shall give notice, stating the particulars of the accident or explosion, to the oil and gas inspector and the Chief within twenty-four (24) hours.
3. Well work activities shall not constitute a hazard to the safety of persons.
4. Notification shall be given by the operator to the Oil and Gas Inspector at least 24 hours prior to the construction of roads, locations and/or pits for any permitted work. In addition, the well operator shall notify the same inspector 24 hours before any actual well work is commenced and prior to running and cementing casing.

1) Date April 30, 20 25  
2) Operator's  
Well No. KENDALL ALFRED HRS 3  
3) API Well No. 47-049 - 00888

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

APPLICATION FOR A PERMIT TO PLUG AND ABANDON

- 4) Well Type: Oil ☐ / Gas ☒ / Liquid injection ☐ / Waste disposal ☐ /  
(If "Gas, Production ☒ or Underground storage ☐ ) Deep ☐ / Shallow ☒
- 5) Location: Elevation 1142.44' Watershed Dents Run Buffalo Creek  
District Mannington County Marion Quadrangle Glover Gap 7.5'
- 6) Well Operator Diversified Production, LLC 7) Designated Agent Chris Veazey  
Address 414 Summers Street Address 414 Summers Street  
Charleston, WV 25301 Charleston, WV 25301
- 8) Oil and Gas Inspector to be notified 9) Plugging Contractor  
Name Jeff Propst Name Next LVL Energy (Diversified Owned)  
Address 4936 Little Sand Run Rd Address 104 Helliport Loop Rd  
Buckhannon, WV 26201 Bridgeport, WV 25330

10) Work Order: The work order for the manner of plugging this well is as follows:

**See Attached**

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Notification must be given to the district oil and gas inspector 24 hours before permitted work can commence.

Work order approved by inspector Jeff A Propst Date 5/27/2025

06/13/2025

## Plugging Prognosis

API #: 47-049-00888

West Virginia, Marion County

Lat/Long – 39.573556, -80.419659

Nearest ER: United Hospital Center Emergency Room – 327 Medical Park Dr, Bridgeport, WV 26330

## Casing Schedule

10" @ 183' – Pulled

8-1/4" @ 1370' – Pulled

6-5/8" @ 2150' – Cementing and/or Packer Information Unknown

5-3/16" @ 2933' – Pulled 10/1957

5-1/2" @ 2856' – Cemented w/ 30 sks on 10/18/1957 – ETOC @ 2607' using 1.18 yield & 7-1/2" hole

2" tbg – 146 jts?? Hard to read – No Cementing Information – Packer @ 3030'-3033' – **Possibly already pulled**

TD @ 2926' – Later drilled to 3055'

Completion: 2914'-2927' – Shot w/ 40 qts red glycerin – 2/17/1958

2860'-2890' – 23 hr bomb – 2/18/1958

Fresh Water: 1660'

Salt Water: 1660'

Gas Shows: 3041'-3049'

Oil Shows: 2914'-2924'

Coal: 788'-794', 888'-897'

Open Mine: None Reported

Elevation: 1150'

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1. Notify Inspector Jeff Propst @ 681-990-2569, 48 hrs prior to commencing operations.
2. Check and record pressures on csg/tbg.
3. TOOH w/ rods and 2" tbg.
4. Check TD w/ sandline/tbg.
5. Pump 6% Bentonite Gel between each plug.
6. Can attempt to pull casing strings prior to cementing in casing shoes.
7. Due to unknown depths of completions, free points, etc. can combine plugs as operationally feasible/necessary.
8. TIH w/ tbg to 3045', 10' above TD. Kill well as needed with 6% bentonite gel and fill rat hole with gel. Pump at least 30 bbls gel.
9. Pump 239' Class L/Class A cement plug from 3045' to 2806' (Gas & Oil Shows, Completion, 5-1/2" Csg Shoe plug). Approximately 58 sks @ 1.14 yield using 7-1/2" hole. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
10. Free point 5-1/2" csg. Cut & TOOH. Set 100' Class L/Class A cement plug across csg cut. 50' in/out of cut. TOOH w/ tbg t/ top of plug. Approximately 20 sks @ 1.14 yield using 7-1/2" hole. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**

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11. TOOH w/ tbg to 2200'. Pump 100' Class L/Class A cement plug from **2200' to 2100' (6-5/8" Csg Shoe plug)**. Approximately 27 sks @ 1.14 yield using 7-1/2". Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
12. If unable to be pulled, free point 6-5/8" csg. Cut and TOOH. Set 100' Class L/Class A cement plug across csg cut. 50' in/out of cut. TOOH w/ tbg to top of plug. Approximately 27 sks @ 1.14 yield using 7-1/2" hole. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
13. TOOH w/ tbg to 1710'. Pump 100' Class L/Class A cement plug from **1710' to 1610' (Water Show plug)**. Approximately 27 sks @ 1.14 yield using 7-1/2" hole. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
14. TOOH w/ tbg to 1420'. Pump 100' Class L/Class A cement plug from **1420' to 1320' (8-1/4" Csg Shoe plug)**. Approximately 34 sks @ 1.14 yield using 7-1/2" & 9-1/4" hole. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
15. TOOH w/ tbg to 1200'. Pump 100' Class L/Class A cement plug from **1200' to 1100' (Elevation plug)**. Approximately 41 sks @ 1.14 yield using 9-1/4" hole. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
16. TOOH w/ tbg to 947'. Pump 209' **Expanding Class L/Class A** cement plug from **947' to 738' (Coal plug)**. Approximately 86 sks @ 1.14 yield using 9-1/4" hole. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
17. If 10" csg can't be pulled, free point 10" csg. Cut & TOOH.
18. TIH w/ tbg to 233'. Pump 233' Class L/Class A cement plug from **233' to Surface. (10" Csg Shoe, 10" Csg Cut, & Surface plug)**. Approximately 152 sks @ 1.14 yield using 9-1/4" & 12-1/4" hole. Tag TOC. Top off as needed. **Perforate as needed.**
19. Reclaim location and well road to WV DEP specifications and erect P&A well monument.

# WELL RECORD

PRODUCTION FIRST 24  
HOURS FROM

Sand

Blbs. Approved.

Sand

Blbs. By

Supt.

FARM No. OF LEASE 189 No. ACRES 1052  
 DISTRICT W. Virginia COUNTY 1052 STATE 1912  
 WELL No. 3 DATE OF LOCATION August 15  
 RIG COMMENCED 19  
 RIG COMPLETED 19 CONTRACTOR L. J. H. H. H.  
 DRILLING COMMENCED 19  
 DRILLING COMPLETED Sept. 11 1912 CONTRACTOR L. J. H. H. H.

## CASING RECORD

Size	CHARGED TO WELL Feet	In.	PUT IN WELL Feet	In.	BOTTOM OF CASING Feet	In.	PULLED OUT OF WELL Feet	In.	LEFT IN WELL Feet	In.	TRANSFERRED Before Completion Feet	In.	LEFT AT WELL NOT IN USE Feet	In.
10"	183		183				183							
8 1/2"	1370		1370				1370							
6 3/8"	2150		2150						2150					
5 3/16"	2933		2933						2933					
5 1/16"	2950		2950		2950									

Formation	Top	Bottom	Remarks
Conductor			Tubing record.
Native Coal	788	794	116 ft. 2" tubing 30 ft. ft.
Pittsburgh Coal	888	895	21 ft. casing with 10 ft. tubing
Little Dunkard Sand	1320	1345	Size top piece - 3"
Big Dunkard Sand	1370	1497	Length piece - 3 ft.
First Salt Sand	1575	1645	Bottom piece - 30 ft.
Second Salt Sand	1655	1700	Top piece - 30 ft.
Water	1660		Bottom piece - 30 ft.
Maxon Sand	1725	1757	Gas 4 1/2 inch - 2" x 10 ft.
Little Lime	2115	2130	
Pencil Cave	2130	2135	Gas 4 1/2 inch - 12 ft.
Big Lime	2135	2216	
Big Injun Sand	2216	2350	
Gas			
First Pay			
Second Pay			
Water			
Squaw Sand			
Gantz Sand			
Fifty Foot Sand	2816	2876	
Thirty Foot Sand	2911	2934	(all 2912 - 2924)
Gordon Stray Sand	3022		
Gordon Sand	3041	3049	
Gas			
First Pay			
Second Pay			
Fourth Sand			
Fifth Sand			
Gas			
Oil			
Bayard Sand			
Total Depth		3049	

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Size	Casing Pulled	Casing Left In

## REMARKS

Drilling down cement  
at depth of 2912 - 1921  
Casing 11 ft. 1921

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# WELL RECORD

PRODUCTION FIRST 24  
HOURS FROM

Sand

\_\_\_\_\_ Bills. Approved.

Sand

\_\_\_\_\_ Bills. By

Supl.

Alfred Percall

FARM No. OF LEASE

No. ACRES

\_\_\_\_\_

DISTRICT

\_\_\_\_\_

COUNTY

STATE

DATE OF LOCATION

\_\_\_\_\_

\_\_\_\_\_

DATE COMMENCED

19

DATE COMPLETED

19

CONTRACTOR

DRILLING COMMENCED

19

DRILLING COMPLETED

Sept. 17, 1916

19

CONTRACTOR

## CASING RECORD

CHARGED TO WELL			PUT IN WELL		BOTTOM OF CASING		PULLED OUT OF WELL		LEFT IN WELL		TRANSFERRED Before Completion		LEFT AT WELL NOT IN USE	
Size	Feet	In.	Feet	In.	Feet	In.	Feet	In.	Feet	In.	Feet	In.	Feet	In.
10"			183				183							
8-1/4"			1370				1370							
6-5/8"			2150						2150					
5-3/16"			2835						2835					

Formation	Top	Bottom	Remarks
Conductor			
Native Coal			
Pittsburgh Coal	888	897	
Little Dunkard Sand	1320	1345	
Big Dunkard Sand	1370	1497	
Gas Sand	1575	1645	Water at 1660
First Salt Sand	1655	1700	
Second Salt Sand	1725	1787	
Water			
Maxon Sand			
Little Lime	2115	2130	
Pencil Cave			
Big Lime	2135	2216	
Big Injun Sand	2216	2350	
Gas			
First Pay			
Second Pay			
Water			
Squaw Sand			
Gantz Sand			
Fifty Foot Sand	2816	2876	
Thirty Foot Sand	2911		
Gordon-Sandy-Sand Oil	2914	2924	
Gordon Sand			
Gas			
First Pay			
Second Pay			
Fourth Sand			
Fifth Sand			
Gas			
Oil			
Bayard Sand			
Total Depth		2926	

2926  
2835  
2035

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## ABANDONED

191

Size Casing Pulled Casing Left In

REMARKS

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# WELL RECORD

Field Dents Run Property Alfred Kendall No. — Well No. 3  
 Drilled by Lawrence Huffman orig. Date Completed 9-17-16 Flood No. —  
 Cored by — Type Core — Elevation 3055 (DD)  
 Top of Core — Bottom of Core — Total Depth 2926 (ori)  
 Electric Log by Birdwell (10-4-57) G R & Cal.; 12-20-57 G R; 1-22-58 Tracer Floor to Ground —

	Amount	Size	Weight	Remarks
Drive Pipe				
Conductor				
Casing	2150	6-5/8"		
Casing	2933	5-3/16"		Pulled 10-57
Casing	2865	5-1/2"		Cmt'd. w/30 sks. cmt. on 10-16
Tubing				57 (1000' of on bottom - new)
Perforated				
Rods				

Working Barrel	Make	Size
Packer	Type	Top Bottom
Cement	Sand	Anchor
Top Sand		Top Shot 2914
Bottom Sand		Bottom Shot 2927
Break		Amount Shot 40 qts. red glycerin
Top Sand		Date of Shot 2-17-58
Bottom Sand		Shot by Producers Torpedo Co.
Total Sand		1-4" x 20 qt. x 8' No anchor 2919-2927
		1-4" x 20 qt. x 8' 4' anchor 2914-2922
		1-23 hour bomb exploded 2-18-58
Peckat		Bridge 2860 - 2890 crushed gravel

## Remarks:

First produced from the 30 ft. Sand making according to records, 960 bbl. per day, and was only drilled 2926 ft. deep. The oil, after some time seemed to exhaust and the well was drilled 3055 ft. The 5-3/16" casing was lowered from 2835' to 2933' casing off the 30 ft. sand pay. (R.C.Roberts)

Nov. 12 & 13, 1957 Howco pumped on well w/Hyflo  
 Jan. 15, 1958 Howco visafraced 30 ft. Sand from 2911-34 thru 3 1/2" tubing using 7,140 gal. fluid & 8,300# sand.

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1) Date: 4/30/2025  
2) Operator's Well Number KENDALL ALFRED HRS 3  
3) API Well No.: 47 - 049 - 00888

**STATE OF WEST VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS**  
**NOTICE OF APPLICATION TO PLUG AND ABANDON A WELL**

4) Surface Owner(s) to be served:	5) (a) Coal Operator
(a) Name <u>Dennis Markel &amp; John Pheasant</u>	Name <u>Not Currently Operated</u>
Address <u>1445 Bunner Ridge Rd.</u>	Address _____
<u>Fairmont, WV 26554</u>	_____
(b) Name _____	(b) Coal Owner(s) with Declaration
Address _____	Name <u>Consolidation Coal Company</u>
_____	Address <u>1000 Horizon Vue Dr. STE400</u>
_____	<u>Canonsburg, PA 15317</u>
(c) Name _____	Name _____
Address _____	Address _____
_____	_____
6) Inspector <u>Jeff Propst</u>	(c) Coal Lessee with Declaration
Address <u>4936 Little Sand Run Rd</u>	Name <u>None Reported</u>
<u>Buckhannon, WV 26201</u>	Address _____
Telephone <u>681-990-2569</u>	_____

**TO THE PERSONS NAMED ABOVE: You should have received this Form and the following documents:**

- (1) The application to Plug and Abandon a Well on Form WW-4B, which sets out the parties involved in the work and describes the well its and the plugging work order; and
- (2) The plat (surveyor's map) showing the well location on Form WW-6.

The reason you received these documents is that you have rights regarding the application which are summarized in the instructions on the reverses side. However, you are not required to take any action at all.

Take notice that under Chapter 22-6 of the West Virginia Code, the undersigned well operator proposes to file or has filed this Notice and Application and accompanying documents for a permit to plug and abandon a well with the Chief of the Office of Oil and Gas, West Virginia Department of Environmental Protection, with respect to the well at the location described on the attached Application and depicted on the attached Form WW-6. Copies of this Notice, the Application, and the plat have been mailed by registered or certified mail or delivered by hand to the person(s) named above (or by publication in certain circumstances) on or before the day of mailing or delivery to the Chief.



Well Operator	<u>Diversified Production, LLC</u>	RECEIVED Office of Oil and Gas
By:	<u>Chris Veazey</u>	<u>MAY 30 2025</u>
Its:	<u>Director of Administration</u>	
Address	<u>414 Summers Street</u>	
	<u>Charleston, WV 25301</u>	WV Department of Environmental Protection
Telephone	<u>304-590-7707</u>	

Subscribed and sworn before me this 30th day of April, 2025  
My Commission Expires September 28, 2028 Notary Public

**Oil and Gas Privacy Notice**

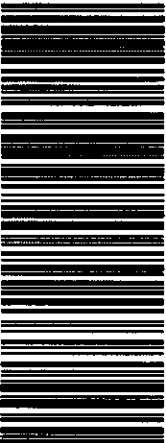
The Office of Oil and Gas processes your personal information, such as name, address and phone number, as a part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory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

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Diversified Gas & Oil Corporation  
Permitting Department  
414 SUMMERS STREET  
2ND. FLOOR  
CHARLESTON WV 25301

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DENNIS MARKEL & JOHN PHEASANT  
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FAIRMONT WV 26554-5078

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2025-04-30  
25301  
C4000004  
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easypost  
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Diversified Gas & Oil Corporation  
Permitting Department  
414 SUMMERS STREET  
2ND. FLOOR  
CHARLESTON WV 25301

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4.0 OZELAT  
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**47-049-00888**  
**Royalty Owners**

Mike Chase, Agent

David E. Bowyer

Darrell R. Richards

Barbara Kammeyer

Norma Darlene Ruske

Nancy Dennison

Nancy M. Brubaker

Sarah M. Meadows

Country Roads Minerals, LLC

Lee & Hall Royalties

Jeffrey L. Brubaker

Linda D. Keene

Garry Chase

Valerie Mapes

Lacore Agriculture, LLC

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STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF OIL AND GAS  
FLUIDS/ CUTTINGS DISPOSAL & RECLAMATION PLAN

Operator Name: Diversified Production, LLC OP Code 494524121

Watershed (HUC 10) Dents Run Buffalo Creek Quadrangle Mannington 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: Production fluid and cement returns.

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

Proposed Disposal Method For Treated Pit Wastes:

- ☐ Land Application (if selected provide a completed form WW-9-GPP)  
☒ \* Underground Injection ( UIC Permit Number 2D03902327 002 )  
☐ 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: N/A

Drilling medium anticipated for this well (vertical and horizontal)? Air, freshwater, oil based, etc. N/A RECEIVED  
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-If oil based, what type? Synthetic, petroleum, etc. N/A

Additives to be used in drilling medium? N/A MAY 30 2025

Drill cuttings disposal method? Leave in pit, landfill, removed offsite, etc. N/A WV Department of  
Environmental Protection

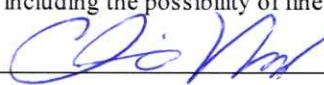
-If left in pit and plan to solidify what medium will be used? (cement, lime, sawdust) N/A

-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 April 1, 2016, 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 

Company Official (Typed Name) Chris Veazey

Company Official Title Director of Administration



Subscribed and sworn before me this 30th day of April, 20 25

 Notary Public

My commission expires September 28, 2028

06/13/2025



Proposed Revegetation Treatment: Acres Disturbed +/- 1 ac. Prevegetation pH N/ALime 3 Tons/acre or to correct to pH 6.5Fertilizer type 10-20-20 or EquivalentFertilizer amount 500 lbs/acreMulch 2 Tons/acreSeed Mixtures

Temporary		Permanent	
Seed Type	lbs/acre	Seed Type	lbs/acre
Red Fescue	40	Red Fescue	15
Alsike	5	Alsike Clover	5
Annual Rye	15		

## Attach:

Maps(s) of road, location, pit and proposed area for land application (unless engineered plans including this info have been provided). If water from the pit will be land applied, provide water volume, include dimensions (L, W, D) of the pit, and dimensions (L, W), and area in acres, of the land application area.

Photocopied section of involved 7.5' topographic sheet.

Plan Approved by: Jeff A Propst 5/27/2025

Comments: \_\_\_\_\_

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WV Department of  
Environmental ProtectionTitle: InspectorDate: 5/27/2025

Field Reviewed?

☐ Yes☒ No

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**DIVERSIFIED**  
energy

Date: 4/30/2025

James Martin  
Office of Oil and Gas  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304  
(304)926-0450

Mr. Martin,

Due to our cement provider, LaFarge Holcem, discontinuing the manufacturing of Class A cement, DGOC will be utilizing Class L cement to plug the following well:

API Number 4704900888 Well Name KENDALL ALFRED HRS 3

Attached is the approved variance order for use of Class L cement.

Sincerely,

Diversified Energy Permitting Department

06/13/2025



west virginia department of environmental protection

Office of Oil and Gas  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304  
Phone (304) 926-0450

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

**BEFORE THE OFFICE OF OIL AND GAS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE OF WEST VIRGINIA**

**IN THE MATTER OF A VARIANCE FROM )  
LEGISLATIVE RULE 35CSR4 ) ORDER NO. 2022-13  
SECTION 14.1. AND LEGISLATIVE RULE )  
35CSR8 SECTION 20.1, )  
RELATING TO THE CEMENTING )  
OF OIL AND GAS WELLS )**

**REPORT OF THE OFFICE**

In response to industry requests, the West Virginia Department of Environmental Protection, Office of Oil and Gas has reviewed the proposed use of American Petroleum Institute (API) Class L cement to be used in place of API Class A cement for well plugging.

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**FINDINGS OF FACT**

WV Department of  
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1. On July 28, 2022, Diversified Gas & Oil Co. (DGO) submitted a variance request from Legislative Rule 35CSR4 for the use of API Class L cement in place of API Class A cement, relating to the plugging of conventional wells.
2. Laboratory analysis submitted by DGO on July 28, 2022, indicates API Class L cement is comparable to API Class A cement and thereby satisfies the requirements of the West Virginia Code.
3. Contemporaneously, the Chief of the Office of Oil and Gas also chose to consider a variance to Legislative Rule 35CSR8 Section 20.1., for the use of API Class L cement in place of API Class A cement, relating to the plugging of horizontal wells.

Promoting a healthy environment.

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4. On August 18, 2022, the Office of Oil and Gas provided public notice of acceptance of public comments on the variance consideration. During the 20-day public comment period, no comments were received.

### **CONCLUSIONS OF LAW**

Pursuant to Article 6 and Article 6A, Chapter 22 of the Code of West Virginia, the Office of Oil and Gas has jurisdiction over the subject matter, and the persons interested therein, and jurisdiction to promulgate the hereinafter prescribed Order.

Pursuant to Legislative Rule 35CSR4, Section 18 and Legislative Rule 35CSR8, Section 14, the Chief of the Office of Oil and Gas may grant a variance from any requirement of these rules.

### **ORDER**

It is ordered that the Class L cement product approved and monogrammed by API is approved for use in place of API Class A cement for well plugging subject to the provisions of Legislative Rule 35CSR4 and Legislative Rule 35CSR8.

Dated this, the 13th day of September, 2022.

IN THE NAME OF THE STATE OF WEST VIRGINIA

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



James Martin, Chief  
Office of Oil and Gas

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West Virginia Department of  
Environmental Protection  
400 Capitol Building  
Charleston, West Virginia 25305  
Phone: (202) 512-2000  
Fax: (202) 512-2001  
www.dep.state.wv.us

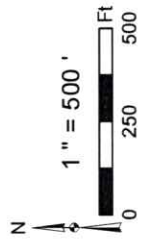
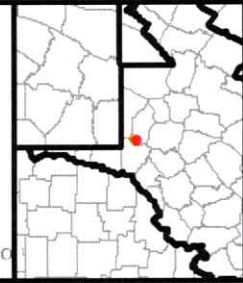
47-049-00888

Well Plugging Map

### Legend

- Well
- Access Road
- Pits
- Pad
- Public Roads

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WV DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
400 MARSHALL STREET, SUITE 200  
CHARLESTON, WV 25301-1000  
TEL: 304.560.1000 FAX: 304.560.1001  
WWW.DEPR.WV.GOV

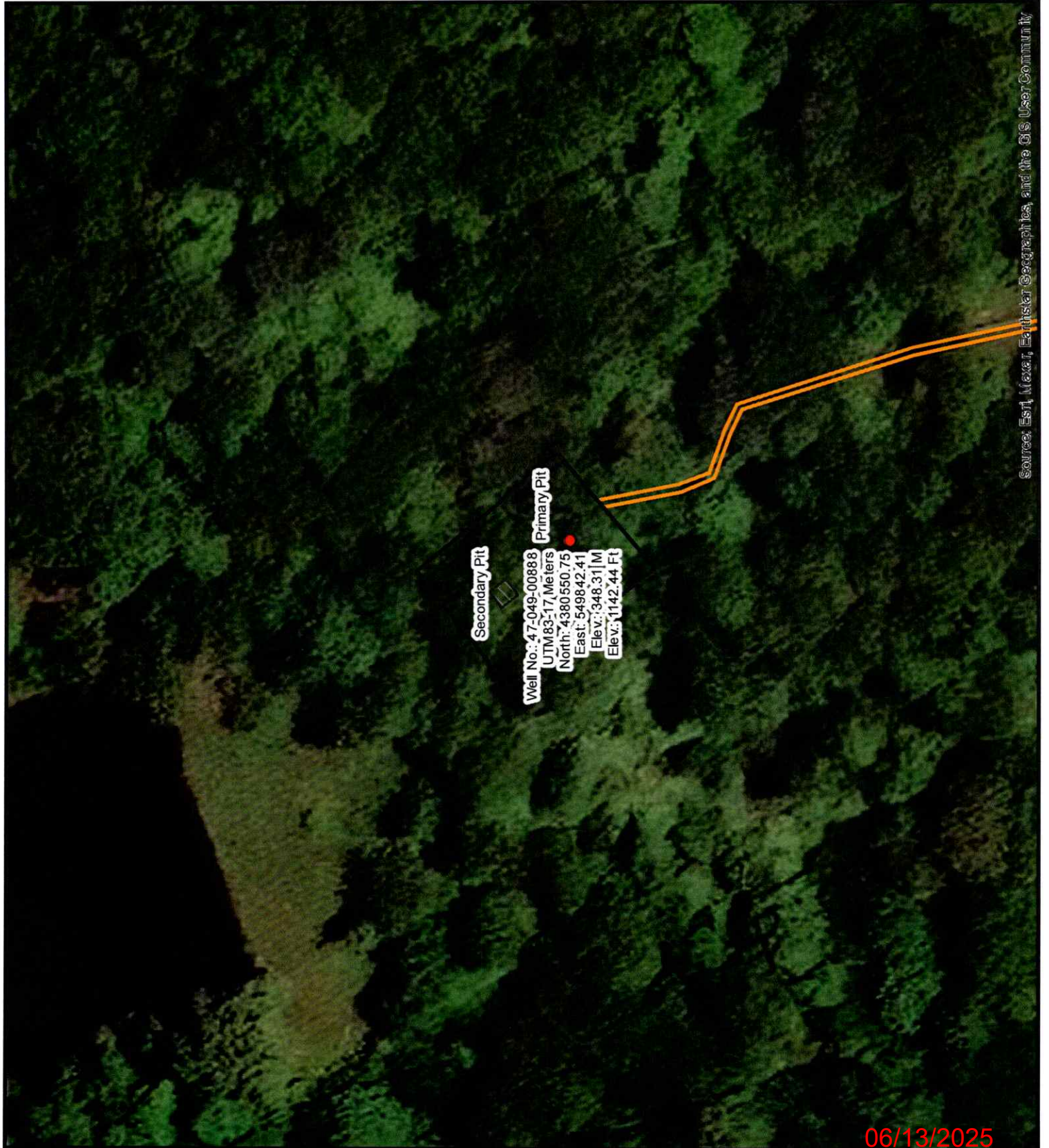
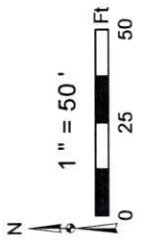
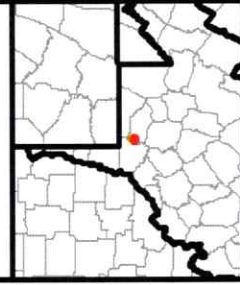
47-049-00888

Well Plugging Map

### Legend

- Well
- Access Road
- Pits
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WW-7  
8-30-06



West Virginia Department of Environmental Protection  
Office of Oil and Gas  
**WELL LOCATION FORM: GPS**

API: 4704900888 WELL NO.: KENDALL ALFRED HRS 3  
FARM NAME: Alfred Kendall  
RESPONSIBLE PARTY NAME: Diversified Production, LLC  
COUNTY: Marion DISTRICT: Mannington  
QUADRANGLE: Mannington 7.5'  
SURFACE OWNER: Dennis Markel & ohn Pheasant  
ROYALTY OWNER: See Attached  
UTM GPS NORTHING: 4380550.75  
UTM GPS EASTING: 594842.41 GPS ELEVATION: 1142.44'

The Responsible Party named above has chosen to submit GPS coordinates in lieu of preparing a new well location plat for a plugging permit or assigned API number on the above well. The Office of Oil and Gas will not accept GPS coordinates that do not meet the following requirements:

1. Datum: NAD 1983, Zone: 17 North, Coordinate Units: meters, Altitude: height above mean sea level (MSL) – meters.
2. Accuracy to Datum – 3.05 meters
3. Data Collection Method:

Survey grade GPS \_\_\_\_: Post Processed Differential \_\_\_\_

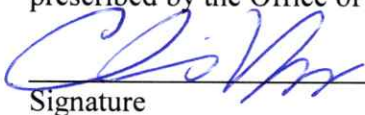
Real-Time Differential \_\_\_\_

Mapping Grade GPS X: Post Processed Differential X

Real-Time Differential \_\_\_\_

4. Letter size copy of the topography map showing the well location.

I the undersigned, hereby certify this data is correct to the best of my knowledge and belief and shows all the information required by law and the regulations issued and prescribed by the Office of Oil and Gas.

  
Signature

Chris Veazey - Director of Administration  
Title

4/30/2015  
Date

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## SURFACE OWNER WAIVER

Operator's Well  
Number

KENDALL ALFRED HRS 3

### INSTRUCTIONS TO SURFACE OWNERS NAMED ON PAGE WW4-A

The well operator named on page WW-4A is applying for a permit from the State to plug and abandon a well. (Note: If the surface tract is owned by more than three persons, then these materials were served on you because your name appeared on the Sheriff's tax ticket on the land or because you actually occupy the surface tract. In either case, you may be the only owner who will actually receive these materials.) See Chapter 22 of the West Virginia Code. Well work permits are valid for 24 months. If you do not own any interest in the surface tract, please forward these materials to the true owner immediately if you know who it is. Also, please notify the well operator and the Office of Oil and Gas.

**NOTE: YOU ARE NOT REQUIRED TO FILE ANY COMMENT.**  
**WHERE TO FILE COMMENTS AND OBTAIN ADDITIONAL INFORMATION:**

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

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**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 **FIVE (5) 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 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.**

### **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 Permit To Plug And Abandon on Forms WW-4A and WW-4B, and a survey plat.

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

FOR EXECUTION BY A NATURAL PERSON  
ETC.

FOR EXECUTION BY A CORPORATION,

_____	Date _____	Name _____
Signature		By _____
		Its _____
		_____ Date _____

Signature

Date

06/13/2025

WW-4B

API No.	4704900888
Farm Name	Alfred Kendall
Well No.	KENDALL ALFRED HRS 3

## INSTRUCTIONS TO COAL OPERATORS OWNERS AND LESSEE

The well operator named on the obverse side of WW-4 (B) is about to abandon the well described in the enclosed materials and will commence the work of plugging and abandoning said well on the date the inspector is notified. Which date shall not be less than five days after the day on which this notice and application so mailed is received, or in due course should be received by the Department of Environmental Protection Office of Oil & Gas.

This notice and application is given to you in order that your respective representatives may be present at the plugging and filling of said well. You are further notified that whether you are represented or not the operator will proceed to plug and fill said well in the manner required by Section 24, Article 6, Chapter 22 of the Code and given in detail on obverse side of this application.

NOTE: If you wish this well to be plugged according to 22-6-24(d) then as per Regulation 35CSR4-13.9 you must complete and return to this office on form OB-16 "Request by Coal Operator, Owner, or Lessee for plugging" prior to the issuance of this plugging permit.

### WAIVER

The undersigned coal operator ☐ / owner ☐ / lessee ☐ / of the coal under this well location has examined this proposed plugging work order. 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.

Date: \_\_\_\_\_

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By: \_\_\_\_\_ MAY 30 2025

Its \_\_\_\_\_ WV Department of  
Environmental Protection

06/13/2025

11/10/2016

PLUGGING PERMIT CHECKLIST  
4704900888

Plugging Permit

- ☐ WW-4B
- ☐ WW-4B signed by inspector
- ☐ WW-4A
- ☐ SURFACE OWNER WAIVER or PROOF THAT APPLICATION WAS SENT BY REGISTERED OR CERTIFIED MAIL
- ☐ COAL OWNER/COAL OPERATOR/COAL LESSEE WAIVERS or PROOF THAT APPLICATION WAS SENT BY REGISTERED OR CERTIFIED MAIL
- ☐ WW-9 PAGE 1 (NOTARIZED)
- ☐ WW-9 PAGE 2 with attached drawing of road, location, pit and proposed area for land application
- ☐ WW-9 GPP PAGE 1 and 2 if well effluent will be land applied
- ☐ RECENT MYLAR PLAT OR WW-7
- ☐ WELL RECORDS/COMPLETION REPORT
- ☐ TOPOGRAPHIC MAP OF WELL, SHOWING PIT IF PIT IS USED
- ☐ MUST HAVE VALID BOND IN OPERATOR'S NAME
- ☐ CHECK FOR \$100 IF PIT IS USED

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Kennedy, James P <james.p.kennedy@wv.gov>

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## plugging permit issued 4704900888

1 message

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**Kennedy, James P** <james.p.kennedy@wv.gov>

Thu, Jun 5, 2025 at 9:31 AM

To: Nicholas Bumgardner <nbumgardner@dgoc.com>, Jeff A Propst <jeff.a.propst@wv.gov>, mtrach@wvassessor.com

To whom it may concern, a plugging permit has been issued for 4704900888.

--

***James Kennedy***

Environmental Resource Specialist III / Permitting

WVDEP Office of Oil and Gas

601 57<sup>th</sup> Street, SE

Charleston, WV 25304

304-926-0499 ext. 45025

[james.p.kennedy@wv.gov](mailto:james.p.kennedy@wv.gov)

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 **4704900888.pdf**  
2582K

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