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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)

Monday, June 23, 2025  
WELL WORK PLUGGING PERMIT  
Vertical Plugging

DIVERSIFIED PRODUCTION LLC  
101 MCQUISTON DRIVE

JACKSON CENTER, PA 16133

Re: Permit approval for CNR - FEE 15  
47-099-02041-00-00

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 the printed name and title.

Operator's Well Number:  
Farm Name: BERRY, SHIRLEY  
U.S. WELL NUMBER: 47-099-02041-00-00  
Vertical Plugging  
Date Issued: 6/23/2025

Promoting a healthy environment.

06/27/2025

# 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 May 22, 2025  
2) Operator's  
Well No. BERRY SHIRLEY CNR FEE 15  
3) API Well No. 47-099-02041

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 1068.28' Watershed Jackson Branch of West Fork  
District Lincoln County Wayne Quadrangle Radnor 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 Brian Warden Name Next LVL Energy (Diversified Owned)  
Address 49 Elk Creek Rd. Address 104 Helliport Loop Rd  
Delbarton, WV 25670 Bridgeport, WV 25330

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

See Attached *Operator to cover all  
Gas & oil formation and salt + fresh  
water and all coal seam water*

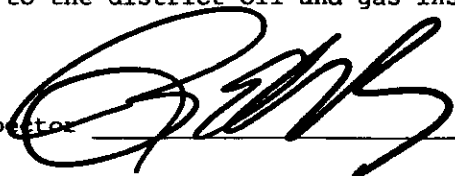
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Notification must be given to the district oil and gas inspector 24 hours before permitted work can commence.

Work order approved by inspector



Date

6/10/25

06/27/2025

**Plugging Prognosis – KNOWN H2S WELL**

API #: 45-099-02041

West Virginia, Wayne County

Lat/Long – 38.11015, -82.480786

Nearest ER: Three Rivers Medical Center Emergency Department – 2485 KY-644 Louisa, KY 41230

**Casing Schedule**

16" @ 35' – Cementing Information Unknown

9-5/8" @ 802' – Cemented w/ 300 sks – ETOC @ Surface using 1.18 yield and 12-3/8" Hole

7" @ 1863' – Cemented w/ 308 sks – ETOC @ Surface using 1.18 yield and 8-3/4" Hole

4-1/2" @ 4161' – Cemented w/ 105 sks latex – ETOC @ 2985' using 1.15 yield and 6-1/4" Hole

2-3/8" EUE J-55 @ 4099' – 5/8" rods – No Cementing or Packer Information – Wellhead pictures and site visit show no tubing in well

TD @ 4203'

Completion: Big Six – 4050'-4056' – 19 Perfs, 4071'-4078' – 22 Perfs – 1500 gal 15% HCL, Didn't get complete ball out, Frac'd w/ 1,000 bbl clean fluid, 536 sks sand, 159,000 scf N2

**Notes showed 60-100 ppm H2S. Production department measured 175 ppm.**

Fresh Water: 40', 98', 351', 471', 731'

Saltwater: 1115', 1136', 1199', 1415'

Gas Shows: None Reported

Oil Shows: None Reported

Coal: 114'-117', 455'-459', 490'-493', 527'-530', 572'-576', 634'-638'

Open Mine: None Reported

Elevation: 1056'

1. Notify Inspector Brian Warden @ 304-205-3229, 48 hrs prior to commencing operations.
2. Blow down well into pipeline, pump water w/ H2S Scavenger down well to kill.
3. Maintain sufficient volume of water and H2S Scavenger on location to kill well if necessary.
4. MIRU service rig, ancillary equipment, and all H2S monitoring and safety equipment.
5. Check and record pressures on csg/tbg. Kill well as necessary with fresh water or brine water. Use H2S Scavenger in kill water.
6. Check TD w/ sandline/tbg.
7. TOOH w/ any rods and/or tbg in well.
8. **Pump 6% Bentonite gel between each plug.**
9. RIH w/ wireline and set CIBP between collars @ approximately 4030'. Ensure lubricator is long enough to pull out of well and shut in.
10. TIH w/ tbg to CIBP @ approximately 4030'. Pump 200' **Latex Class L/Class A** cement plug from 4030' to 3830' (**Completion – Big Six Plug**). Approximately 16 sks @ 1.14 yield. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**

*Conrad  
Frost  
Blanton*

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11. Free point 4-1/2" 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 14 sks @ 1.14 yield. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
12. TOOH w/ tbg to 1913'. Pump 100' Class L/Class A cement plug from **1913' to 1813' (7" Csg Shoe Plug)**. Approximately 20 sks @ 1.14 yield. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
13. TOOH w/ tbg to 1465'. Pump 713' Class L/Class A cement plug from **1465' to 752' (Saltwater, Elevation, & 9-5/8" Csg Shoe Plug)**. Approximately 142 sks @ 1.14 yield. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
14. TOOH w/ tbg to 752'. Pump 752' **Expanding Class L/Class A** cement plug from **752' to Surface (Freshwater, Coal, & Surface Plug)**. Approximately 159 sks @ 1.14 yield. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
15. Reclaim location and well road to WVDEP specifications and erect P&A well monument.



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State of West Virginia  
Division of Environmental Protection  
Section of Oil and Gas  
Well Operator's Report of Well Work

Reviewed: AC9

Farm name: Shirley Berry

Operator Well No.: CNR #15

LOCATION: Elevation: 1056'      Quadrangle: Radnor  
District: Lincoln      County: Wayne  
Latitude: 5.470 feet South of 38 DEG. 7 MIN. 30 SEC.  
Longitude: 6.495 feet West of 82 DEG. 27 MIN. 30 SEC.

Company: Cabot Oil & Gas Corporation  
900 Lee Street East, Suite 500  
Charleston, WV 25301

Agent: John Abshire  
Inspector: David Belcher  
Permit Issued: 4/18/01  
Well Work Commenced: 5/31/01  
Well Work Completed: 9/25/01  
Verbal Plugging  
Permission granted on:  
Rotary X Cable  
Total Depth (feet) 4203'  
Fresh Water Depths (ft) 40', 98', 351', 471', 731'  
Salt Water Depths (ft) 1115', 1136', 1199', 1415'

Casing & Tubing Size	Used in Drilling	Left in Well	Cement Fill up Cu. Ft.
16"	35'	35'	
9-5/8"	802'	802'	300 sks
7"	1863'	1863'	308 sks
4-1/2"		4161'	105 sks Latex
2-3/8" w/ 5/8" Rods	and pump	4099'	

Is coal being mined in area (Y / N)?

Coal Depths (ft) 114'-117', 455'-459', 490'-493', 527'-530', 572'-576', 634'-638',

## OPEN FLOW DATA

Producing formation	BIG SIX	Pay zone depth (ft)	4050' - 4056' 4071' - 4078'
Gas: Initial open flow	110 MCF/d	Oil: Initial open flow	0 Bbl/d
Final open flow	200 MCF/d	Final open flow	0 Bbl/d
Time of open flow between initial and final tests	N/A (TJL Rate) Hours		
Static rock pressure	1250 psig (surface pressure after		1312 Hours

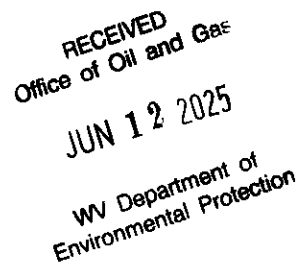
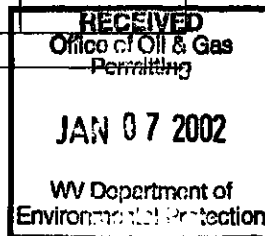
Second producing formation		Pay zone depth (ft)	
Gas: Initial open flow	MCF/d	Oil: Initial open flow	Bbl/d
Final open flow	MCF/d	Final open flow	Bbl/d
Time of open flow between initial and final tests	Hours		
Static rock pressure	psig (surface pressure after		Hours

NOTE: ON BACK OF THIS FORM PUT THE FOLLOWING: 1). DETAILS OF PERFORATED INTERVALS, FRACTURING OR STIMULATING, PHYSICAL CHANGE, ETC 2). THE WELL LOG WHICH IS A SYSTEMATIC DETAILED GEOLOGICAL RECORD OF ALL FORMATIONS, INCLUDING COAL ENCOUNTERED BY THE WELLBORE.

For: CABOT OIL &amp; GAS CORPORATION

By: Ray Rudnick Operations ManagerDate: 1/4/02

06/27/2025



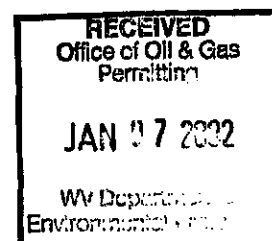
Pertorated from 4071' to 4078' w/22 holes. and from 4050' to 4056' w/19 holes. Total shots 41. All guns were 3 1/8" HSC. All charges were 12 gram. 0.52" entry hole.

Break down Big Six ( Lower Lockport Dolomite ) with 20 bbl fluid. Wiper plug was pumped down w/6 bbl 6% HCl when cemented. Big Six BD @ 2800 psi. Increased rate to 3 1/2 bbl/min (max w/cement at this pressure). MTP 3132 psi. ATP 2950 psi. MTR 3.5 bbl/min. ISIP 3072 psi, 5 min SIP 2102 psi, 10 min SIP 1625 psi, 15 min SIP 1305 psi. Frac gradient calculated at 1.18.

Break down and ball out Big Six w/1500 gal 15% HCl (treated). over displaced acid by 13 bbl. Saw good ball action. Ran 50 balls. did not get complete ball out. ATP=2600 psi, MTP=4582 psi, AIR=5.8 BPM. MIR=15 BPM. ISIP=1680 psi. 5minSIP=1442 psi, 45minSIP=1360 psi.

Frac'd with 1000 bbl clean fluid ( including step rate & mini-frac ).53,600 lb sand. 159 Mscf/N2. ATP=2420 psi. MTP=3200 psi, AIR=21 BPM. MIR=23 BPM, Max sand concentration 5.2 PPA. ISIP=2000 psi, 5 min SIP=1648 psi, 10 min SIP=1447 psi, 15 min SIP=1350 psi.

FORMATION	TOP	BOTTOM	REMARKS
Breathitt Fm	Surface	1070	
Lee Fm (Salt Sand)	1070	1433	
Pennington Fm	1433	1494	
Little Lime	1494	1533	
Big Lime	1533	1700	
Injun	1700	1830	
Borden	1830	2295	
Coffee Shale	2295	2305	
Berea	2305	2436	
Devonian Shale	2436	3380	
Corniferous Lime	3380	4046	
Big Six	4046	4092	
Rose Hill	4092	4203' TD	



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99-02041

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

1) Well Operator Cabot Oil & Gas Corporation      08145      099      Lincoln      Randor  
    Operator ID      County      District      Quadrangle

2) Operators Well Number: CNR - FEE #15      3) Elevation: 1055.66'

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

5) Proposed Target Formation(s): BIG SIX

6) Proposed Total Depth: 4175 Feet

7) Approximate fresh water strata depths: 312', 440', 503', 580'

8) Approximate salt water depths: 1093', 1183', 1272', 1340', 1433', 1473'

9) Approximate coal seam depths: 495', 576', 638'

10) Does land contain coal seams tributary to active mine? YES

11 Describe proposed well work DRILL AND COMPLETE A BIG SIX DEVELOPMENT GAS WELL.

12) Based upon Way-02035, Way-02039, and COGC/Coal Company maps.

**CASING AND TUBING PROGRAM**

TYPE	SPECIFICATIONS			FOOTAGE INTERVALS		CEMENT
	Size	Grade	Weight per ft	For Drilling	Left in Well	Fill -up (Cu. Ft.)
Conductor	16"	LS	65	40'	40'	18 ft <sup>3</sup>
Fresh Water/ Coal	9-5/8	LS	32.3	774'	774'	336 ft <sup>3</sup> (CTS) <span style="float: right;">OK 3-30-01</span>
Intermediate	7"	LS	20	1849'	1849'	370 ft <sup>3</sup> (CTS)
Production	4-1/2"	N80	11.6		4125'	125 ft <sup>3</sup> Latex
Tubing						
Liners						

Packers:      Kind  
                                  Sizes  
                                  Depths Set

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## Liquid Level

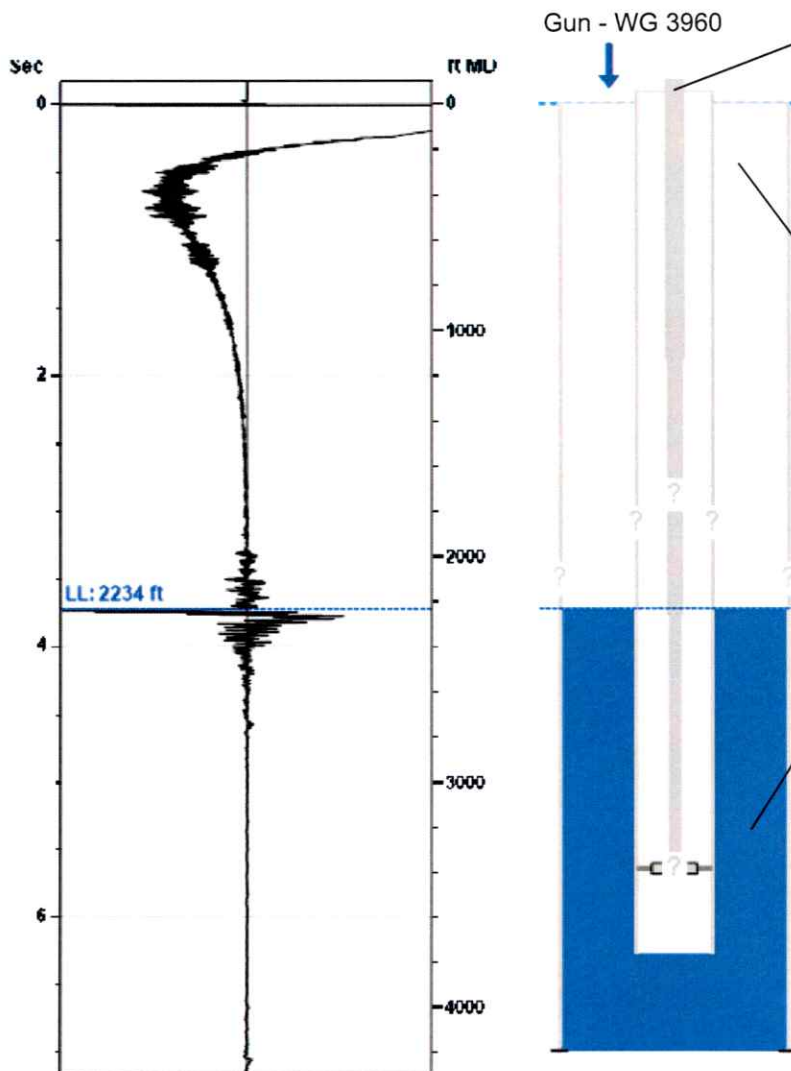
2234 ft MD

Fluid Above Pump

\*\* ft TVD

Equivalent Gas Free Above Pump

\*\* ft TVD



## Production

Date Entered	02/23/21		
	Current	Potential	
Oil	**	**	BBL/D
Water	**	**	BBL/D
Gas	**	**	Mscf/D
IPR Method	Vogel		
PBHP/SBHP	1.00		
Producing Efficiency	0.00%		

## Casing Pressure

Pressure	278.0 psi (g)
----------	---------------

## Annular Gas Flow

Gas Flow	** Mscf/D
----------	-----------

## Fluid Properties

% Liquid Above Pump	100.00%
% Liquid Below Pump	**

## Depths

Pump Intake Depth	0 ft
Formation Depth	4203 ft

## Wellbore Pressures

PIP	**
PBHP	**
SBHP	**
Gas/Liq Interface	**

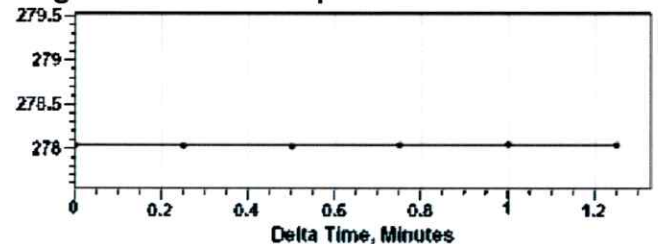
## Acoustic Velocity

Acoustic Velocity  
Joints Per Sec.  
Joints To Liquid  
Gas Gravity

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1200 ft/s  
78.93 Jts/sec  
70.47 Jts  
0.7649 Air = 1

Entered From Known Acoustic Velocity

## Casing Pressure Buildup



Casing Pressure	278.0 psi (g)
Buildup	-0.0 psi (g)
Buildup Time	1 min 15 sec
Gas Gravity from Acoustic Velocity	0.7649 Air = 1

## Comments and Recommendations

4.5" - Acoustic Test

Echometer Company  
5001 Ditto Lane  
Wichita Falls, TX 76302  
(940) 767-4334  
info@echometer.com

06/27/2025

1) Date: 5/22/2025  
2) Operator's Well Number BERRY SHIRLEY CNR FEE 15  
3) API Well No.: 47 - 099 - 02041

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

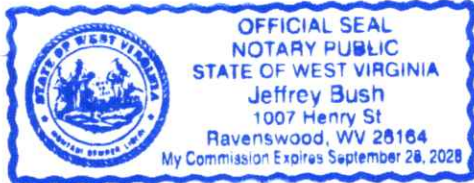
4) Surface Owner(s) to be served:	5) (a) Coal Operator
(a) Name <u>Donald H. Berry, Anna M. Berry &amp; Amanda M. Berry</u>	Name <u>Not Currently Operated</u>
Address <u>501 Jackson Branch</u>	Address _____
<u>Genoa, WV 25517</u>	_____
(b) Name _____	(b) Coal Owner(s) with Declaration
Address _____	Name <u>Pocahontas Land Corp. c/o Pocahontas Land, LLC</u>
_____	Address <u>PO Box 1517</u>
_____	<u>Bluefield, WV 24701</u>
(c) Name _____	Name _____
Address _____	Address _____
_____	_____
6) Inspector <u>Brian Warden</u>	(c) Coal Lessee with Declaration
Address <u>49 Elk Creek Rd.</u>	Name <u>New Eagle Mining Corp.</u>
<u>Delbarton, WV 25670</u>	Address <u>PO Box 848</u>
Telephone <u>(304) 205-3229</u>	<u>Bristol, TN 37621</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 Diversified Production, LLC  
By: Chris Veazey  
Its: Director of Administration  
Address 414 Summers Street  
Charleston, WV 25301  
Telephone 304-590-7707

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WV Department of  
Environmental Protection

Subscribed and sworn before me this 22nd day of May, 2025  
Jeffrey Bush Notary Public  
My Commission Expires September 28, 2028

**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

USPS CERTIFIED MAIL™



9407 1362 0855 1279 3103 31

DONALD H BERRY ANNA M BERRY & AMANDA M BERRY  
501 JACKSON BRANCH RD  
GENOA WV 25517-7849



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2025-05-22

25301

C4000004

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4.0 OZ FLAT

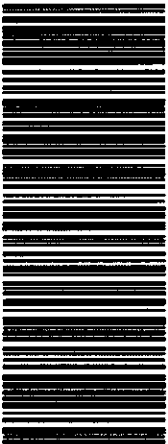
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2ND. FLOOR  
CHARLESTON WV 25301

USPS CERTIFIED MAIL™



9407 1362 0855 1279 3103 48



POCAHONTAS LAND CORP  
C/O POCAHONTAS LAND LLC  
PO BOX 1517  
BLUEFIELD WV 24701-1517

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2025-05-22

25301

C40000004

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4.0 OZ FLAT

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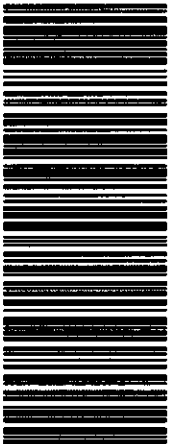
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USPS CERTIFIED MAIL™



9407 1362 0855 1279 3103 55



NEW EAGLE MINING CORP  
PO BOX 848  
BRISTOL TN 37621-0848

US POSTAGE AND FEES PAID

2025-05-22

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4.0 OZ FLAT

 easypost



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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) Jackson Branch of West Fork Quadrangle Radnor 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

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

Additives to be used in drilling medium? N/A

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

-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 Chris Veazey

Company Official (Typed Name) Chris Veazey

Company Official Title Director of Administration



Subscribed and sworn before me this 22nd day of May, 20 25

Jeffrey Bush Notary Public

My commission expires September 28, 2028

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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: [Signature]Comments: Return to Top SheetRECEIVED  
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Field Reviewed?

☒ Yes☐ No



**DIVERSIFIED**  
energy

Date: 5/22/2025

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 4709902041 Well Name BERRY SHIRLEY CNR FEE 15

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

Sincerely,

Diversified Energy Permitting Department

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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 )  
SECTION 14.1. AND LEGISLATIVE RULE )  
35CSR8 SECTION 20.1, )  
RELATING TO THE CEMENTING )  
OF OIL AND GAS WELLS )**

**ORDER NO. 2022-13**

**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**

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.

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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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Diversified Gas & Oil  
Corporation  
100 Diversified Way  
Pikeville KY, 41051

47-099-02041

Well Plugging Map

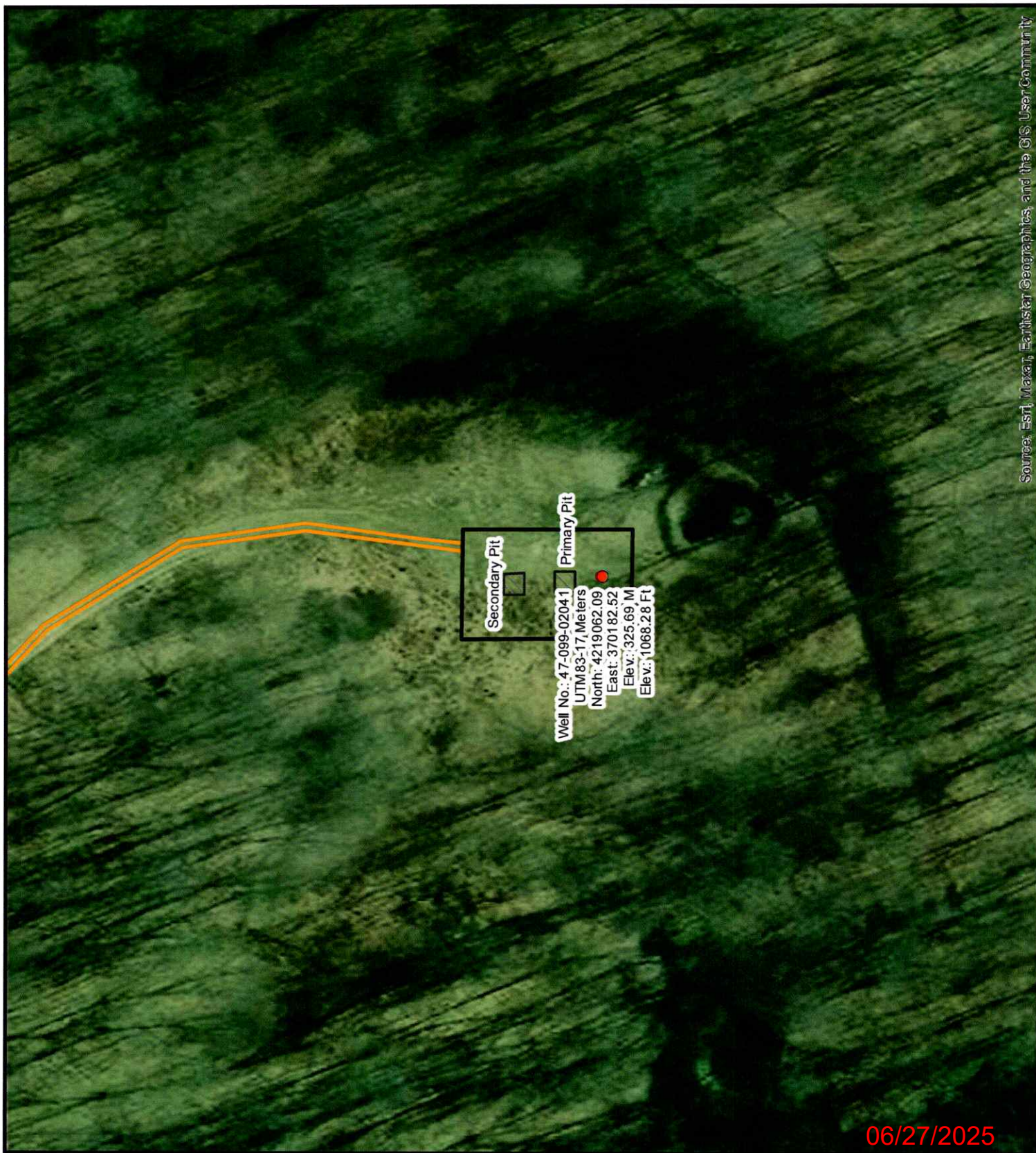
### Legend

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

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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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Diversified Gas & Oil  
Corporation  
100 Diversified Way  
Pikeville KY, 41051

47-099-02041

Well Plugging Map

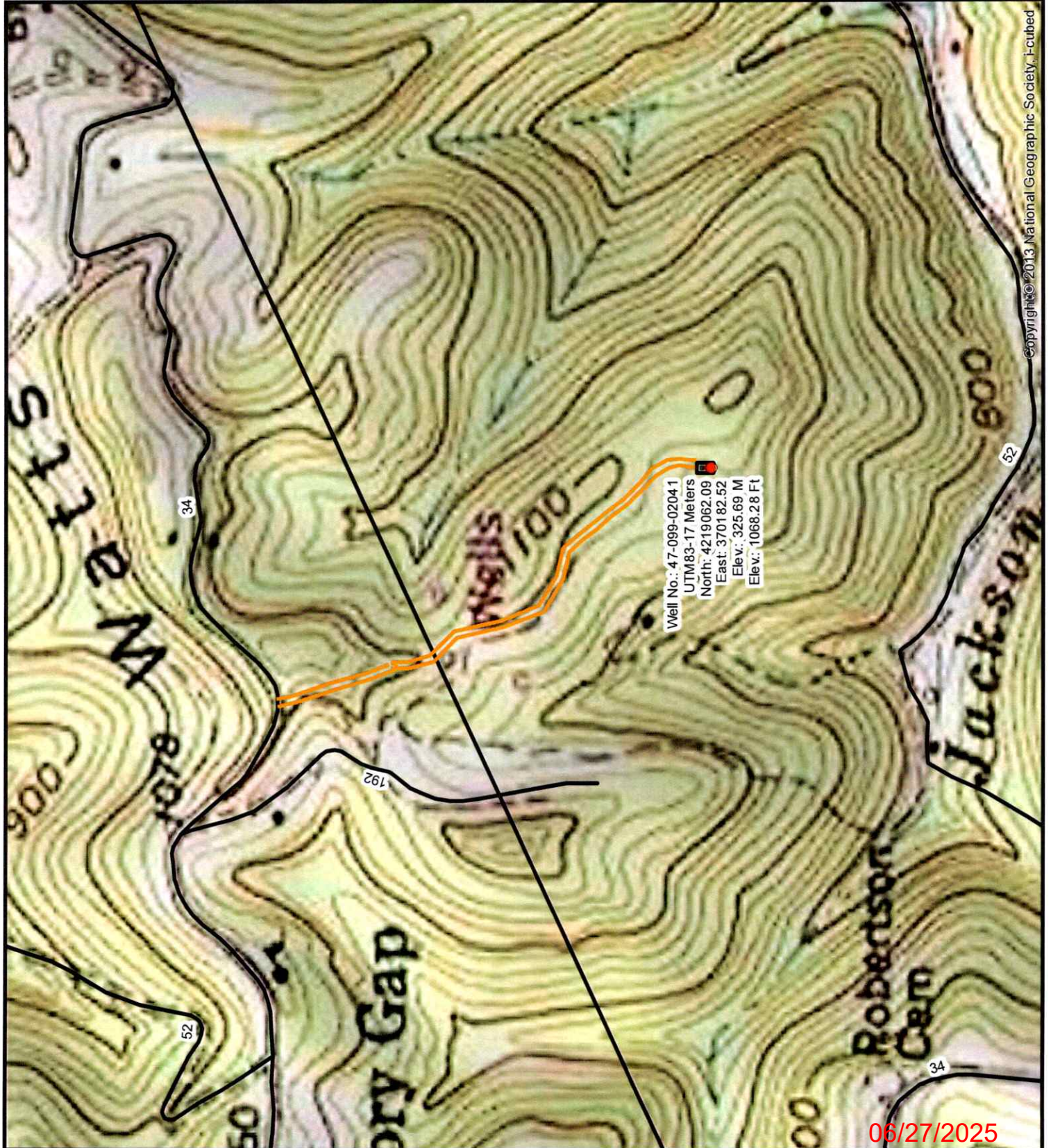
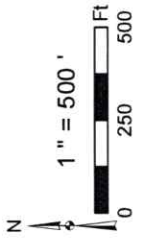
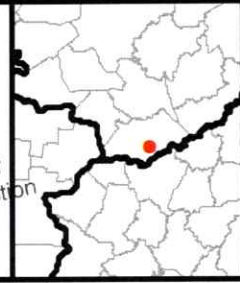
### Legend

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

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

API: 4709902041 WELL NO.: BERRY SHIRLEY CNR FEE 15

FARM NAME: Shirley Berry/CNR #15

RESPONSIBLE PARTY NAME: Diversified Production, LLC

COUNTY: Wayne DISTRICT: Lincoln

QUADRANGLE: Radnor 7.5'

SURFACE OWNER: Donald H. Berry, Anna M. Berry & Amanda M. Berry

ROYALTY OWNER: Kimbell Royalty Operating, LLC

UTM GPS NORTHING: 4219062.09

UTM GPS EASTING: 370182.52 GPS ELEVATION: 1068.28'

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 \_\_\_\_

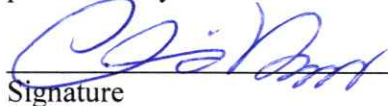
Real-Time Differential \_\_\_\_

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

5/22/2015  
Date

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## SURFACE OWNER WAIVER

Operator's Well  
Number

BERRY SHIRLEY CNR FEE 15

### 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

06/27/2025



WW-4B

API No.	4709902041
Farm Name	Shirley Berry/CNR #15
Well No.	BERRY SHIRLEY CNR FEE 15

## 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: \_\_\_\_\_

By: \_\_\_\_\_

Its \_\_\_\_\_

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11/10/2016

PLUGGING PERMIT CHECKLIST  
4709902041

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>

plugging permit issued 4709902041

1 message

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

Mon, Jun 23, 2025 at 12:48 PM

To: Nicholas Bumgardner <nbumgardner@dgoc.com>, Brian Warden <brian.warden@wv.gov>, assessor@waynecountywv.org

To whom it may concern, a plugging permit has been issued for 4709902041.

--

**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)

 **4709902041.pdf**

2846K

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