



The Take-Off

News for Landmen

Published by the Michael Late Benedum Chapter of AAPL

September 2013

MLBC-AAPL
P.O. Box 955
Bridgeport, WV 26330

Fall Charity Golf Outing
September 13, 2013
Nemacolin Woodlands Resort
Farmington, PA

Inside this issue:

<i>Presidential Address</i>	<i>1</i>
<i>Treasurer's Report</i>	<i>2</i>
<i>Corporate Sponsors</i>	<i>2</i>
<i>Secretary's Report</i>	<i>3</i>
<i>In The News</i>	<i>4</i>
<i>MLBC Meeting Schedule</i>	<i>5</i>
<i>September Sponsors</i>	<i>5</i>
<i>Golf Sponsorship Levels</i>	<i>6</i>
<i>Advertisements</i>	<i>7</i>
<i>New Members</i>	<i>8</i>
<i>Committee Chairs</i>	<i>10</i>
<i>ALI Brochure</i>	<i>11</i>

Appalachian Land Institute
October 3,-4 2013
Waterfront Place Hotel
Morgantown, WV

Presidential Address

Friday the 13th at Nemacolin Woodlands Resort, Good Luck!

Again we return to one of my favorite places, Nemacolin Woodlands Resort, for one of our biggest charity events of the year. Proceeds of this event will benefit Big Brothers Big Sisters of the Greater Pittsburgh Area. Thanks to volunteers like Steve Carr of T.S. Dudley and his team, along with the generosity of our sponsor companies, we as a group of professionals are

able to give back to the community we work and live in. With their efforts we were able to donate \$30,000.00 last year to BBBS.

The MLBC runs mostly on volunteers and there are opportunities in each and every committee. If you would like to help out please contact any of the Committee Chairs or Aaron Yost, our Secretary.

I look forward to seeing everyone at Nemacolin and hope

EXECUTIVE COMMITTEE

President

Charles E. Heilmann, CPL
EQT Production

Vice President

Cynthia L. Torbeck, CPL
Hawkeye Research Inc.

Secretary

Aaron R. Yost, CPL
Percheron Energy

Treasurer

John Kimbleton, CPL
Chesapeake Energy

Sergeant-At-Arms

Anthony Farr, RPL
Tioga Resources

Director

Rex Cecil Ray
EQT Production

Director

Britney Crookshanks, RPL
Percheron Energy

Director

Jeremy Preston, RPL
EQT Production

President Emeritus

Richard B. Robb
Vantage Energy

National Director

Mark A. Acree, CPL
Noble Energy, Inc.

Presidential Address Continued

you have a great time whether your are golfing, shooting or taking part in any of the many activities they have to offer.

Charles E. "Chuck" Heilmann
2013-2014 MLBC President

Treasurer's Report



John Kimbleton reports the bank balance is \$120,943.10

MLBC Corporate Sponsors

Platinum



Bronze



Secretary's Report

The MLBC is fortunate to have volunteers who dedicate their personal time to the committees that keep the organization humming. Committee work can be time consuming, but also rewarding in that it provides the opportunity to network with other Landmen while possibly gaining some new experience. Following are the current MLBC committees and committee chairs:

Awards Committee
Chair - Bruce Turner

Bylaws Committee
Chair - Chris Elswick

Certification Committee
Chair – Jim Talkington

Education Committee
Chair – Britney Crookshanks

Ethics Committee
Chair – Doug Richards

Fall Golf Committee
Chair – Steve Carr

Finance Committee
Chair – Mark Acree

Historian Committee
Chair – Fred Kent

Marketing Committee
Chair- Anthony Farr

Membership Committee
Chair - Jeremy Preston

Membership Directory
Chair - Crystal Murphy

NAPE East Committee
Chair - Aaron Yost

Photography Committee
Chair - Marlene Heilmann

Spring Golf Committee
Chair - Aaron Yost

Sponsorships Committee
Chair– Sherry Gorman

Website/Job Bank Committee
Chair - Jeremy Preston

The committees contain members who all assist with the planning and implementation of MLBC activities. If you haven't already, and would like to volunteer as a committee member, please let me know.

Several committees are very busy right now -- Education has speakers lined up through the end of the year and is working to finalize speakers through the spring. Fall golf is finalizing the event at Nemaquin for September 13. Membership Directory is working to put together a handy directory (REMINDER TO KEEP YOUR CONTACT INFO UP TO DATE). NAPE East is preparing to organize plans for next April and finally Spring Golf has booked two courses at Oglebay Resort for next June and planning is underway.

Get active with the MLBC!

Aaron Yost, CPL
2013-2014 MLBC Secretary

“Precious Little” Extends Operator’s Lease

On August 13, 2013, the Honorable Judge Brann, sitting in the Middle District of Pennsylvania, issued a memorandum opinion granting Summary Judgment in favor of Lessee-Defendants Chief Exploration & Development, LLC, et al. (“Chief”). The dispute arose when the Lessor-Plaintiffs asserted that their leases with Chief had expired at the end of the respective primary terms. Ultimately, the court sided with Chief because it agreed that its physical activity, behind-the-scenes efforts and good faith intent to drill constituted “commencing operations” sufficient to perpetuate the lease beyond its primary term.

The habendum clause in the Lease provided for a five-year primary term and a secondary clause that read, in pertinent part: “for as long thereafter as operations are conducted on the Leasehold in search of production of oil, gas or their constituents.” The Lease also contained a “Unitization” clause which afforded the lessee “the right to pool, unitize, or combine all or part of the Leasehold with other lands...at a time before or after drilling to create drilling or production units.”

Prior to the expiration of the Leases’ five-year primary term, Chief executed a pooling and unitization agreement that included the Plaintiffs’ property. It was undisputed that almost immediately following the execution of the unitization agreement, Chief conducted activity on the unit. In fact, Chief had spent seven months prior to the unitization agreement preparing land on the unit for drilling. Plaintiffs alleged, however, that Chief’s activity did not rise to the level of “commencing operations” and therefore the lease terminated upon the end of the primary term.

The court duly noted that several preceding courts “have asked and considered what it takes to ‘commence operations,’ and have overwhelmingly answered: precious little.” It relied on the principle established by the Supreme Court of Pennsylvania in *Henderson v. Ferrell*, 183 Pa. 547, 38 A. 1018 (1898) that explained “very little should be required of the lessee to satisfy the commencement obligation prior to the expiration of the primary term, so long as he intends to proceed with due diligence.”

Applying that principle to the undisputed facts, the court held that Chief was conducting operations on the Leasehold (via the unit) in search of production of oil, gas, or their constituents at the expiration of the primary term. Further, it held that Chief commenced operations in good faith and with the intention of completing the work diligently. Accordingly, the court granted summary judgment in favor of Chief, finding that the lease continued beyond its primary term.

Brian J. Pulito
Steptoe & Johnson

Thomas J. Sengewalt
Steptoe & Johnson

Copyright © 2013 Steptoe & Johnson PLLC. All Rights Reserved.

[Disclaimer](#) | [Feedback](#) | www.uptoe-johnson.com

Facebook • Twitter

MLBC Meeting Schedule

<u>Date</u>	<u>Location</u>	<u>Speaker</u>	<u>Topic</u>
September 13, 2013	Nemacolin Woodlands Resort Farmington, PA	Fall Golf Outing Sporting Clay Shoot	
October 3, 2013	Joint Meeting with Appalachian Land Institute Morgantown, WV		
November 14, 2013	Grandpointe Conference Center Vienna, WV	Tom Dean EQT	Safety Presentation
January 9, 2014	Bridgeport Conference Center Bridgeport, WV (Luncheon)	TBD	TBD
February 13, 2014	Hilton Garden Inn Canonsburg, PA	TBD	TBD
March 13, 2014	Waterfront Place Hotel Morgantown, WV	TBD	Half Day Seminar

September 2013 Dinner Meeting Sponsors

Duncan Land Services
Reserve Energy
Steptoe & Johnson PLLC

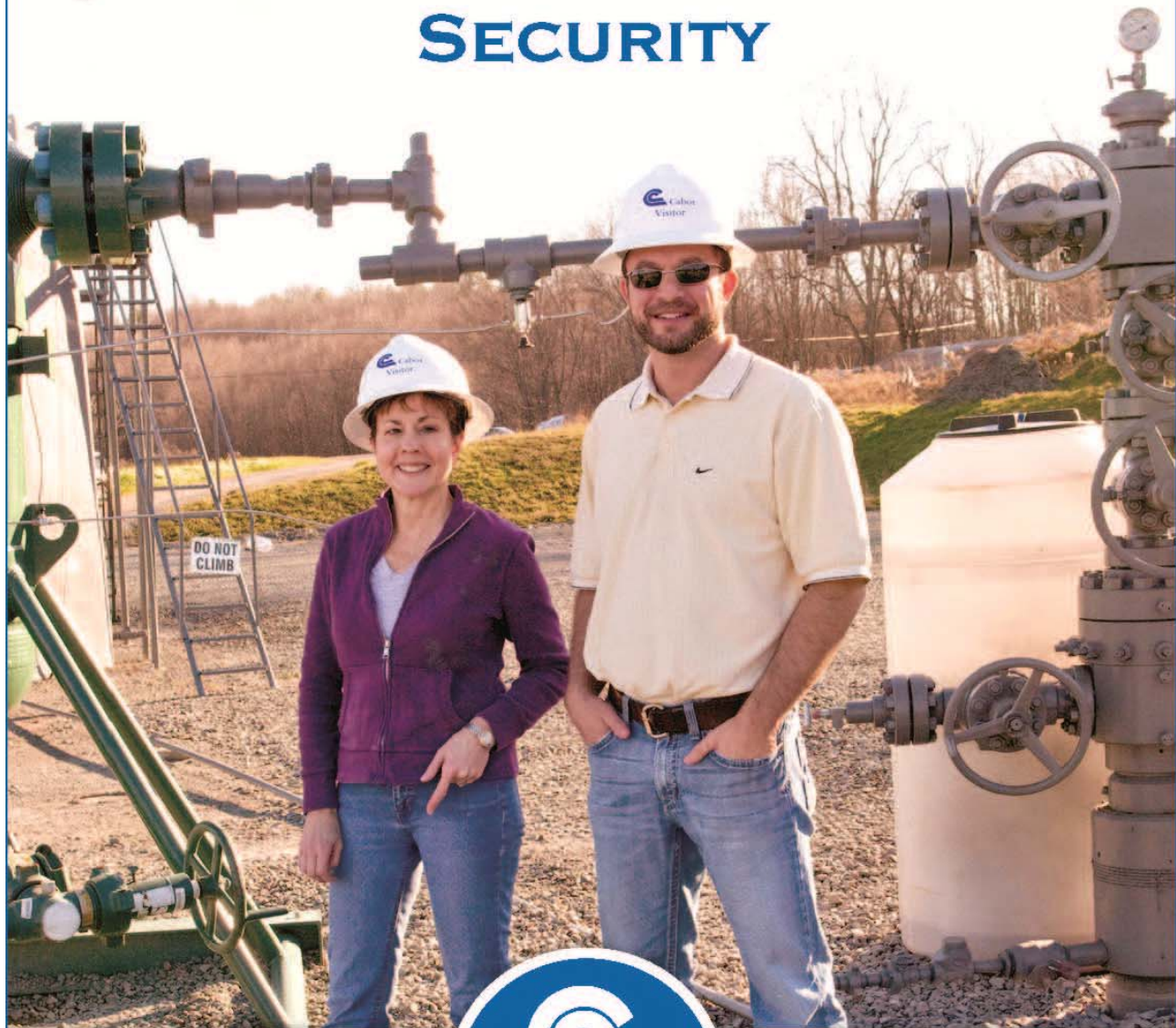
Thank You For Your Support!

Gateway Clipper Dinner Meeting Photos



For more photos, please visit the website photo album by [clicking here](#).

WE SALUTE OUR LANDMEN FOR HELPING TO ENSURE AMERICA'S ENERGY SECURITY



Cabot Oil & Gas Corporation

CLEAN ENERGY. STRONGER COMMUNITIES.

2013 — August New Members*

First Name	Last Name	Employer	Member Type
Christy	Dugan		Associate
Greg	Ramsey	Chief Oil & Gas LLC	Active
Janis	Proctor	Chief Oil & Gas LLC	Active
Corey	Long	Consol Energy	Active
Cole	Bailiff	DPS Penn	Active
Michael	Barry	EQT	Active
Nathan	Russell	EQT Corporation	Active
L. Ronnie	Morrell	Honor Resources Company	Associate
Charles	Hilterbrand	Honor Resources Company	Active
Mark	Harlan	Honor Resources Company	Associate
Marshall	Casale	Honor Resources Company	Active
Amber	Casale	Honor Resources Company	Active
Marilyn	Mcleombs	Honor Resources Company	Active
Thomas	McCauliffe	Honor Resources Company	Associate
Dianne	McCauliffe	Honor Resources Company	Associate
Diane	Rockhold	Honor Resources Company	Active
Dana	Brown	Land and Resource Management	Associate
Zack	Kerns	National Land Consulting, LLC	Associate
Lindsay	Jones	Self	Active
Gregory	Primeau	Site-Ac, Inc.	Active
Jamie	Little	Steptoe & Johnson PLLC	Associate
Thomas	Tenney	Tenney Land Company	Active
Samuel	Papa	Western Land Services	Active

Memberships

The MLBC membership application is located on the website at www.mlbc-aapl.org. Please check your information on the website prior to submitting your renewal. The MLBC website has an updated version of the membership listing. Please use this resource if you can not find yours or others information in the directory. Please report any errors or omissions to Tara White at twhite@mlbc-aapl.org.

* Notice of the application(s) of all potential Chapter member(s) shall be published in the next regularly scheduled monthly Chapter "Takeoff" newsletter. Active members shall have the opportunity during for a period of thirty (30) days following the first publication to object to the potential members' application. Such objections to membership approval may be submitted to any member of the Executive Committee and shall be in writing. The Executive Committee shall take any such objection under counsel in the next regularly scheduled monthly Executive Committee meeting. A decision to accept or reject the membership application shall be determined by a majority vote at such meeting. The Executive Committee shall notify the applicant in writing of rejection.

Application for membership in the Chapter shall be subject to the approval by a majority vote of the Executive Committee at a regularly scheduled meeting, after the aforementioned thirty (30) day newsletter publication period, and shall require the signed approval by the acting President of the

2013-2014 Committee Chairs

Awards	Bruce Turner	bruce.turner@steptoe-johnson.com
Bylaws	Chris Elswick	chris.elswick@steptoe-johnson.com
Certification	James E. Talkington, Jr., CPL/ESA	jeta@frontier.com
Education	Britney Crookshanks, RPL	britney.crookshanks@percheronllc.com
Ethics	Doug Richards	honordjr@aol.com
Fall Golf	Steve Carr, RPL	steve.carr@tsdudley.com
Finance	Mark Acree, CPL	macree@nobleenergyinc.com
Historian	Frederick J. Kent, CPL	KentFrederick@Hotmail.com
Marketing	Anthony Farr, RPL	afarr@tioga-resources.com
Membership	Jeremy D. Preston , RPL	jpreston@eqt.com
Directory	Crystal Murphy	cmurphy@tioga-resources.com
NAPE East	Aaron Yost	ayost@percheronllc.com
Photography	Marlene Heilmann	marheilmann@yahoo.com
Spring Golf	Aaron Yost	ayost@percheronllc.com
Sponsorships	Sherry B. Gorman	sgorman@eqt.com
Website /Job Bank	Jeremy D. Preston , RPL	jpreston@eqt.com



APPALACHIAN LAND INSTITUTE



October 3-4, 2013
Waterfront Place Hotel
Morgantown, WV

www.landman.org

facebook.com/AAPLAmericasLandmen
Twitter: @AAPLlandman



2



EVENT DETAILS

Event: Appalachian Land Institute 2013

Hotel: Waterfront Place Hotel, Two Waterfront Place, Morgantown, WV 26501

Date/time of event here: 10/3/13 (8 am - 5 pm) & 10/4/13 (8:00 am – 1:30 pm)

Seminar cost: pre-registration: \$275 for members, \$400 for non-members; after September 19th, and the price goes up \$50.

Class Capacity: 400

Accreditation: 12 CPL/RPL/RL credits, including 1 ethics credit.

Institute Covers:

- Water Sourcing, Planning & Program Management
- Oil & Gas Leases
- OSHA Safe Practices
- AAPL Update
- Ethics
- New Horizontal JOA
- Environmental Law, Regulatory/Oil & Gas Title Issues (OH, PA& WV)
- Petroleum Geology for the Non-Geologist
- Petroleum Engineering for the Non-Engineer

Institute Information:

The day begins with on-site registration and breakfast at 8:00 a.m. and opening remarks begin at 8:30 am, adjourning at 5:00 p.m. on October 3rd. This will be followed by a social hour for all. There will then be a dinner and entertainment for an *additional fee of \$50.00*. *For purchase of the dinner tickets, please click on the link: [PURCHASE DINNER TICKETS HERE!](#)* On October 4th, continental breakfast starts at 8:00 am and adjourns at 1:30 p.m. Lunch WILL be provided both days.

Materials Provided

- Seminar Guide

3



Course Agenda

THURSDAY, OCTOBER 3, 2013

- 8:00 – 8:30 am: **Registration & Continental Breakfast**
- 8:30 – 8:40 am: **Opening Remarks**
Christopher Halaszynski, AAPL's Director of Education
Bernard J. Ulincy, CPL, Range Resources
- 8:40 – 9:30 am: **Water Sourcing, Planning and Program Management**
Anthony Mazzatesta, RETTEW Environmental Consultants
- 9:30 - 10:45 am: **Oil & Gas Leases in the Era of Horizontal Drilling & Hydraulic Fracturing**
Robert Burnett, Houston Harbaugh & John Keller with Vorys, Sater LLP
- 10:45-11:00 am: **Break**
- 11:00-12:00 pm: **OSHA/Safe Practices**
James Pack, Chesapeake Energy Corporation
- 12:00 – 1:30 pm: **Luncheon – AAPL Updates**
Don Key, AAPL President
- 1:30 – 2:30 pm: **Ethics and the Landman**
Doug Richards, Honor Resources; Russ Schetroma, Attorney Steptoe & Johnson
- 2:30 – 2:45 pm: **Break**
- 2:45 – 3:45 pm: **An Introduction to the New Horizontal JOA**
Dorsey Roach, UnitPro
- 3:45 - 5:00 pm: **Environmental Law, Regulatory and Oil & Gas Title Issues within OH, PA and WV**
Jean Mosites, Babst Calland; Armando Benincasa, Steptoe & Johnson; Lija Kaleps-Clark, Vorys, Sater LLP
- 5:00 – 6:00 pm: **Social Hour**
- 6:30 – 9:00 pm: **Seated Dinner and Entertainment (ADDITIONAL \$50 FEE TO BE PURCHASED HERE: [PURCHASE DINNER TICKETS!](#))**

4

**FRIDAY, OCTOBER 4, 2013**

- 8:00 – 8:30 am: **Continental Breakfast**
- 8:30–10:15 am: **Petroleum Geology for the Non-Geologist**
Bill Hayward, Hayward Natural Resources, Inc.; Dan Billman,
Billman Geological Consultants, Inc.
- 10:15-10:30 am: **Break**
- 10:30-12:30 pm: **Petroleum Engineering for the Non-Engineer**
Dr. Bob Chase, Marietta College Chairman, Petroleum
Engineering Department
- 12:30 – 1:30 pm: **Luncheon**
Holly Carless, AAPL's Government Relations Officer

*Note: Schedule subject to change



Tuition Assistance

Tuition Assistance: The AAPL Education Foundation has established a new tuition assistance program that will pay the registration fee for any AAPL member who desires to attend an AAPL operated educational event but cannot do so due to financial limitations. To receive assistance, an AAPL member must submit a written request for assistance along with the event registration form. The request must indicate the reason that assistance is needed, the years of AAPL membership (*minimum two years*), and list all other programs for which tuition assistance was approved (*maximum of two events per year*). The names of registrants requesting financial assistance will remain confidential.

Tuition assistance is available for all AAPL operated education programs except the annual meeting. This includes all AAPL Institutes, Seminars, Workshops, and Oil & Gas Land Reviews (*CPL/RPL*) and exam. Assistance for these programs is limited to two per year. Assistance is also available for all AAPL on-line programs with no limit to the programs watched. Home study programs are eligible for a reduced rate of \$25 per courses with a limit of five courses per year.



Transfers and Cancellations:

All requests for transfers and cancellations must be made in writing and all must be made before Thursday, September 19, 2013.

Individuals may transfer their registration to another individual for this event at no additional charge. Transfers to another AAPL event may be made for \$25 if made prior to September 19, 2013. After that date, no transfers will be accepted.

Registrations may be cancelled for a refund, less a \$25 administration fee, if made prior to September 19, 2013. After that date, no refunds will be granted. Registrants not entitled to a refund will receive a copy of the written materials.

AAPL retains cancellation rights. In the unlikely event of cancellation, AAPL will attempt to notify all pre-registrants.

THE DEADLINE FOR TRANSFERS AND CANCELLATIONS IS 5:00 p.m. on THURSDAY, SEPTEMBER 19, 2013.

After September 19, 2013, the registration fees are \$325 for AAPL members and \$450 for non-members.

AAPL Contact

Dondria Roozee
Education Meeting Planner
Phone: 817-847-7700
Email: droozee@landman.org
Address: 4100 Fossil Creek Blvd
Fort Worth, TX 76137

7

AAPL

AMERICA'S LANDMEN

EVENT REGISTRATIONYou can also register online at www.landman.org

Appalachian Land
Institute
1003ALI

Morgantown, WV
October 3-4, 2013

Name: _____ AAPL # _____

Company: _____

Address: _____

City, ST ZIP: _____

Phone: _____ Fax: _____

E-mail: _____

Registrations & Payment Received:**MAIL TO:****REMIT CHECK:**

AAPL

P.O. Box 225395

Dallas, TX 75222-5395

REMIT CREDIT CARD:

AAPL

4100 Fossil Creek Blvd.

Fort Worth, TX 76137

Fax: (817) 847-7704

Thru 9/19/13**After 9/19/13****Institute**AAPL Member ☐ \$275 ☐ \$325NonAAPL Member ☐ \$400 ☐ \$450PLM/ERM Student ☐ \$0 ☐ \$50Tuition Assistance ☐ \$0 ☐ \$50*(Request Attached)*

ATTENTION: If you are paying by check, please note that AAPL cannot process your registration until the check has cleared; this delays your registration process by at least two days. AAPL recommends that you pay by credit card whenever possible to ensure quick reservation and

CALL OR E-MAIL**QUESTIONS TO:**

Dondria Roozee

(817) 847-7700

droozee@landman.org**Payment Information**

Credit Card #: _____

Exp. Date: _____ Card Security Code (CSC): _____

Name on Card: _____

Signature: _____

Corporate Sponsorship Levels



Platinum \$5000.00 per year

Benefits of Platinum Sponsor

- Logo on the corporate sponsor board at every meeting along with the meeting sponsor board.
- Logo on the back of every Takeoff and the bottom of every membership email.
- Receive three meeting/dinner passes for each meeting for one year.
- Receive one free Full Page advertising ad
- Receive free Half Page ad in the takeoff per year.
- Logo on Golf Outing sponsorship boards.

Gold \$2500.00 per year

Benefits of Gold Sponsor

- Logo on the corporate sponsor board at every meeting.
- Logo on the back of every Takeoff and the bottom of every membership email.
- Receive one free Half Page advertising ad in the Takeoff per year.
- Logo on Golf Outing sponsorship boards.

Silver \$1500.00 per year

Benefits of Silver Sponsor

- Logo on the corporate sponsor board at six meetings.
- Logo on the back of every Takeoff and the bottom of every membership email.
- Receive one free Half Page advertising ad in the Takeoff per year.

Bronze \$500 per year

Benefits of Bronze Sponsor

- Logo on the corporate sponsor board at three meetings.
- Logo on the back of every Takeoff.

Advertising in The TakeOff

Full page ad \$500 per month

Half page ad \$250 per month

To secure a corporate sponsorship, advertise in The Takeoff or if you have any questions, please contact Tara White at twhite@mlbc-aapl.org.

MLBC-AAPL
P.O. Box 955
Bridgeport, WV 26330



Michael Late Benedum



"The Great Wildcatter"

We are on the web!
www.mlbc-aapl.org

MLBC WEBSITE

If you experience any problems using the website or if you have any suggestions, please contact Jeremy Preston via e-mail at JPreston@eqt.com.

JOB BANK

The direct link for MLBC Job Bank is www.mlbcjobbank.com. If you have any questions, please contact Jeremy Preston via e-mail at JPreston@eqt.com.

PHOTO ALBUM

We would like to share our Photo Album with you to show you what MLBC has been doing throughout the year. The direct link for MLBC Photo Album is www.mlbc-aapl.org/VPhoto.php.

