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(d) After due consideration of all pertinent information, the expansion or contraction shall, upon approval by the Director, become effective as of the date prescribed in the notice thereof.

(e) All legal subdivisions of lands, no parts of which are within a participating area within 5 years after the effective date of the initial participating area established under this unit agreement, shall be eliminated automatically from this agreement, and such lands shall no longer be a part of the unit area and shall no longer be subject to this agreement, unless, at the expiration of said 5-year period, diligent drilling operations are in progress on nonparticipating lands, in which event all such lands shall remain subject hereto for so long as such drilling operations are continued diligently, with not more than 90 days' time elapsing between the completion on one such well and the commencement of the next such well; provided that all lands not in a participating area and not entitled to become participating under other applicable provisions of this agreement by virtue of a completed well within 10 years after said effective date of said initial participating area shall be eliminated as above specified. All lands proved productive by such diligent drilling after said 5-year period shall become participating as effectively and in the same manner as during the primary term of the unit agreement. However, when such diligent drilling ceases, all nonparticipating lands shall be eliminated, effective as of the 91st day thereafter. Inasmuch as any elimination under this subsection is automatic, the unit operator, shall, within 90 days after the effective date of any elimination hereunder, describe the area so eliminated to the satisfaction of the Director and promptly notify all parties in interest.

If conditions beyond the control of the unit operator require modification of the provisions of this subsection 2(e), such modification, if filed no later than 60 days in advance of the time limit of any provisions specified in this subsection, may be accomplished by consent of the owners of 90 percent of the current, unitized working interest and 60 percent of the royalty and record interests, respectively, with approval of the Director.