

STATE OF WEST VIRGINIA - DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPECIAL NOTICE OF PLUGGING OF AN ABANDONED OIL OR GAS WELL BY AN INTERESTED PARTY WHO IS NOT THE OWNER OR OPERATOR OF THE WELL.

(Page 1 of 2)

ABANDONED WELL TO BE PLUGGED:

API Well No: 47- _____ - _____

Elevation: _____ Watershed: _____

District: _____ County: _____

Public Road access: _____

Generally used Farm Name: _____

Other description of location: _____

NOTICE TO:

[List any owners of the surface of the land upon which such abandoned well exists and their address or their location for service.]

[List any owner or operator of such abandoned well of record with the Secretary of the Department of Environmental Protection their address or their location for service]

[List any oil or gas lessee of record with the Secretary of the Department of Environmental Protection and their address or location for service:]

NOTICE FROM:

Interested Party Proposing to Plug Well

Name: _____

Address: _____

Telephone: _____

DOES THE INTERESTED PARTY ELECT TO TAKE THE CASING, EQUIPMENT, AND OTHER SALVAGE WHICH MAY RESULT FORM THE PLUGGING OF THE WELL? [] YES [] NO

If the interested party has checked "no" then the surface owners may elect to take any casing, equipment or other salvage by sending a notice to the interested party at the address listed above. The interested party must then leave the salvage at a location which will not adversely affect reclamation. If the surface owners do not elect to take the salvage, the interested party must properly dispose of the salvage.

[Service of this notice may be by certified mail return receipt requested (file the return receipt card with the Department of Environmental Protection DEP), personal service (file form WW-70 with the DEP) or by such manner as is sufficient for service of process in a civil action in court (with corresponding proof of service to be filed with the DEP). In the event there is no owner or operator of record with the Chief or no oil and gas lessee of record with the Chief, this notice must be posted in a conspicuous place at or near the well. Service and posting must be done at least 20 days prior to entering onto the surface to began plugging.]

STATE OF WEST VIRGINIA - DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPECIAL NOTICE OF PLUGGING OF ABANDONED OIL OR GAS WELL BY AN INTERESTED PARTY

(Page 2 of 2)

NOTICE INFORMATION FOR SURFACE OWNERS, WELL OWNERS AND OPERATORS, AND OIL AND GAS LESSEES

It is lawful pursuant to The West Virginia Abandoned Well Act (W.Va. Code 22-6-1 et seq.) and the rules and regulations promulgated pursuant to that law (all of which will be called the "Act" in the rest of this notice) for any interested person, the operator of a well, or the Chief of the Department of Environmental Protection (Chief) to enter upon the premises where any abandoned well is situated and properly plug or replug the well and reclaim any area disturbed by the plugging or replugging. A permit to do the plugging or replugging must be obtained from the West Virginia Department of Environmental Protection.

You are hereby notified that the party proposing to plug the oil or gas well identified on the reverse side of this notice is claiming to be an "interested party" in the plugging of that well as that term is defined by the Act. This interested party is claiming that well is "abandoned" within the meaning of W. Va. Code 22-6-19 because it is a dry hole or because it has not been in "use" for a period of 12 months and no satisfactory proof of a "bona fide" future use" for the well has been furnished to the Director.

ADDITIONAL NOTICE INFORMATION FOR SURFACE OWNERS

Any interested person who plugs a well pursuant to the provision of the Act must repair the damage or disturbance resulting from the plugging or compensate the surface owners for the damage or disturbance. This requirement of the Act is in addition to any rights and remedies any party may have pursuant to common law or other statutes. The compensation provided by the Act if the interested party does not fully repair the damage or disturbance is (i) the reasonable cost of repairing or placing any water well, (ii) the reasonable value of any crops destroyed, damaged or prevented from reaching market, (iii) the reasonable cost of repair to personal property up to the value of the replacement value of personal property of like age, wear and quality, (iv) lost income or expense incurred, and (v) reasonable costs to reclaim or repair real property including roads.

When the interested person is finished with the reclamation, the interested person must send the surface owners a letter advising that the reclamation has been completed. If the surface owners do not agree with the interested party that as to the adequacy of the repairs performed or the amount of compensation to which the surface owners may be entitled, either party may bring a civil action in court. In addition either party upon written notice to the other may elect to have that issue finally determined by binding arbitration pursuant to W. Va. Code 55-10-1 et seq. For materials further explaining the arbitration process please contact the Chief.

ADDITIONAL NOTICE INFORMATION FOR OWNERS OR OPERATORS OF WELLS

In the event the owner or operator of a well fails or has failed to plug an abandoned well in accordance with laws and regulations in effect at the time the well is or was first subject to plugging requirements, any interested persons who plugs or replugs such well pursuant to the provisions of this section may recover from the owner or operator of such well all reasonable costs incidental to such plugging or replugging, including any compensation provided for in this section. In the event funds from the oil and gas reclamation fund established pursuant to section twenty-nine, article one of this chapter are used to plug or replug such well, the Secretary shall be entitled to recover from the owner or operator of such well any amounts so expended from the fund. Any amounts so recovered by the Chief shall be deposited in said fund.

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.