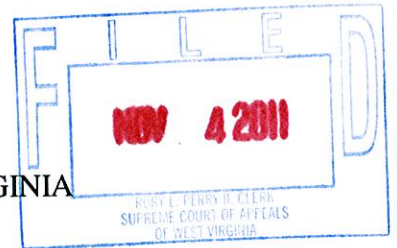


No. 11-1157



IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

JAMES MARTIN, IN HIS OFFICIAL CAPACITY AS DIRECTOR,
OFFICE OF OIL AND GAS, WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL DEPARTMENT OF ENVIRONMENTAL PROTECTION;

and

EQT PRODUCTION COMPANY,

Petitioners/Respondents Below,

vs.

Docket No. 11-1157

MATTHEW L. HAMBLET,

Respondent/Petitioner Below.

MOTION TO INTERVENE AS A RESPONDENT
BY WEST VIRGINIA SURFACE OWNERS' RIGHTS ORGANIZATION

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Counsel for WVSORO

November 4, 2011

**Motion of West Virginia Surface Owner's Rights Organization
To Intervene as a Respondent in this Certified Question Proceeding.**

Comes now the West Virginia Surface Owner's Rights Organization ("WVSORO") pursuant to Rule 32 of the Revised Rules of Appellate Procedure, and moves to intervene as a Respondent in this matter and says:

1. The issues in this certified question proceeding are whether the owners of surface land have a right to appeal from or have a hearing on the State's issuance of a permit for the location and construction of a well pad and access road, and the drilling, casing, cementing, "frac'ing", etc. of an oil or gas well on the land of the surface owner.

2. One petitioner in this matter is the individual entity EQT Production Company ("EQT").

3. However, a second petitioner is the Office of Oil and Gas of the State of West Virginia's Department of Environmental Protection (the "State").

4. In this case the State has taken, and will take, a position contrary to the interest of the surface owners.

5. The only respondent is one individual surface owner, Matthew L. Hamblet.

6. The briefs of the EQT and the State cite two other Circuit Court cases brought by other individual surface owners in which issues raised in the present case have been ruled upon by a Circuit Court.

7. WVSORO knows of at least one additional case now pending in a Circuit Court that is awaiting a decision on the issue raised (*Janet Honecker and Elizabeth Hestick v James Martin, Chief, Office of Oil & Gas, and Chesapeake Appalachia, LLC.*, Circuit Court of Ohio

County, West Virginia, No. 11-C-AP16, filed September 19, 2011); and there have surely been and will surely be more.

8. As in this case, in all of those additional cases the State has taken and will take a position contrary to the interest of the surface owner citizens of West Virginia.

9. WVSORO wishes to intervene in this appeal in order to represent the interests of the many additional surface owners who will be affected by this ruling; and in order to assist the Court by providing fuller perspective and fuller articulation of the issues.

10. In a prior case before this Court WVSORO moved only to file an amicus brief, which motion was granted (*State of West Virginia ex rel Blue Eagle Land, LLC et al v. West Virginia Oil & Gas Conservation Commission et al.*, 222 W.Va. 342, 664 S.E. 2d 683 (W.Va., 2008)). In that case, because amicus status does not ordinarily allow for oral argument, the status of intervener was less than adequate to aid this Court in the consideration of the issues. For example, in that case WVSORO's position and activities were referred to by the parties and by members of the Court in oral argument, but counsel for WVSORO was unable to clarify or advocate its position and activities while only sitting in the courtroom.

11. WVSORO is technically a registered trade name for West Virginia Citizen Action Group, Incorporated, a West Virginia Corporation.

12. More than 800 citizens have paid to be considered members of WVSORO. In addition, the organization's web site receives an average of more than 200 visits *daily* totaling 68,000 so far this year for information on surface owners' rights and leasing; WVSORO has distributed more than 450 copies of its *West Virginia Surface Owners' Guide to Oil and Gas* in hard copy or downloaded through its web site; and in the past year WVSORO has fielded more than 200 telephone calls/requests for information and assistance.

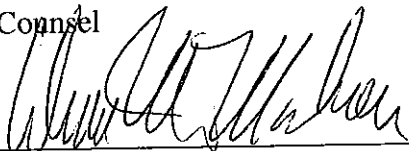
13. WVSORO does not seek to augment the Joint Appendix already filed.

14. WVSORO would expect to file briefs etc. as a Respondent pursuant to the Scheduling Order and Rules, unless of course otherwise ordered by the Court.

WHEREFORE, the West Virginia Surface Owner's Rights Organization moves this Court to permit it to intervene in this matter as an additional Respondent.

Respectfully Submitted
WEST VIRGINIA SURFACE OWNERS' RIGHTS
ORGANIZATION

By Counsel



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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of November, 2011, true and accurate copies of the foregoing ***Motion To Intervene As a Respondent By West Virginia Surface Owners' Rights Organization*** were deposited in the U.S. Mail contained in postage-paid envelope addressed to counsel for all parties to this proceeding as follows:

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