



West Virginia's
Surface Owners' Rights Organization

1500 Dixie Street, Charleston, West Virginia 25311
Voice/VoiceMail 304-346-5891 · Fax 304-346-8981

**Simple Form for
Surface Owner's Comments on Application for Well Work Permit.**

The following two pages are a simple form for filing comments on the application made by a driller for a permit to drill the usual gas or oil well. However, we strongly recommend that before filing comments, and certainly before signing anything that waives your right to comment, that you obtain the West Virginia Surface Owner's Guide to Oil and Gas. Read in particular Chapters 3 and 2 before filing comments. It can be obtained from the West Virginia Surface Owners Rights Organization at <http://wvsoro.org> or by calling 304-346-5891.

If the well permit application you received is an application for a permit for drilling a coal bed methane well, a storage well, or an injection well, then this form is almost certainly going to be too simple for those kinds of wells. For coal bed methane wells, read Chapter 8 of the Guide. For storage, secondary recovery and underground injection wells, read the last section in Chapter 1. You may still be able to start with this form, but it is better to do something separate, and you will probably need more help than this form provides.

This simple form being provided is not a government form. It was created by the authors of this Guide. We did run it by officials at the Office of Oil and Gas for suggestions in order to try to pave the way for its use, but it is not in any way approved by the State.

The form was designed to be two sided, with both pages of print on the same piece of paper, but that is not necessary.

(Material in italics is not part of the surface owner's comments.)

To: ¹	Chief, Office of Oil and Gas ² Department of Environmental Protection 601 57 th Street, SE Charleston, West Virginia, 25304	From:	Name: Address: Phones:
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Well Location: _____ County: _____ District: _____

•You may add additional pages if you need to. In fact you probably will want to. You may also want to attach documents or pictures.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Signed: _____

General Instructions for Filing Comments.

- The state can deny or condition the permit based on your comments -- but only if you file comments in writing with the State.
- You do not need to use this particular form for comments. You can comment in any written/faxed form, but not orally.
- If you have time, get a copy of the West Virginia Surface Owner's Guide to Oil and Gas, and read it before filing your comments. To get a copy of the guide contact wvdavid@wvdavid.net or the local or Charleston office of Legal Aid of West Virginia Office, or search for it by name on the Internet. In particular read Chapter 3 and Chapter 2.
- This form is designed for commenting on the typical permit to drill a production well. If the notice you got is for a "coal bed methane", "storage", "injection" or "disposal well" be sure to read the Guide and seek other help. You may be able to make/should make additional or different comments on those wells.
- The time deadlines are strict.* The driller has to serve you personally with the papers, or put them in the mail to you, no later than the filing date of the permit application. The surface owner's comments (made on the front side of this document, or in some other written or faxed form) have to be *into the hands of the agency* (not just dropped in the mail) by the end of the 15th day after the permit application was filed. You can call the State's Office of Oil and Gas to be sure you know the permit filing date. If you are late getting the comments in, be sure to send them in anyway! The State may still use them in making its own permit determinations.
- Comments are more likely to be taken into account by the state to deny or condition the permit if they relate to safety hazards to people, damage which would occur to publicly owned lands or resources, failure to protect fresh water supplies, inadequate or ineffective soil erosion and sediment control plans including deviations from the State's Soil Erosion and Sediment Control Field Manual, or the driller's violations of previous permits.*
- To find out if any provisions of the permit for your land do not comply with the State's Soil Erosion and Sediment Control Field Manual get this Manual and compare your permit to the Manual requirements. The Manual can be obtained at the Office of Oil and Gas in Charleston or on the that agency's web site.
- If the permit for your land is a "coalbed methane well" permit, then you have addition comment rights. Send in the comments referred to above and on the front of this form if that is all you can do, but try to get hold of the Guide mentioned on the front or other sources of information in order to find out and exercise your additional comment rights for coalbed methane wells.
- If you have commented or complained directly to the driller before and the driller has paid no attention to you, then it is particularly important to comment to the State. Be sure to comment to get the driller or the State to pay attention to you.
- After the permit is issued, you may be able to file an appeal. However, your appeal will probably be denied unless you file comments now, before the permit is issued.
- The driller may come to you and try to get you to agree to certain locations or a certain amount of damages or a calculation of damages. If you sign any "Voluntary Statement of No Objection" you are giving up your right to comment. You are probably giving up your right to additional damages. So do not sign this unless you completely understand and are satisfied with what the driller has agreed to do.
- After the drilling is over and the site is reclaimed, you may have the right to seek compensation for damages to your land caused by the drilling pursuant to the Surface Owners Damage Compensation Act in West Virginia law. If you and the driller cannot agree on those damages, then you can go to arbitration without a lawyer.
- If the driller wants you to sign a written agreement or a "Voluntary Statement of No Objection, be sure to determine whether the written agreement waives your right to seek damages under the Act noted in the previous bullet point. You don't have to sign this, but if you decide to sign it, make sure you are getting adequate compensation for the temporary and final damage done to your land. If you sign the agreement and then suffer additional damages during the drilling that are not in the agreement you signed before the drilling began, then the driller will try to say that what you agreed to in the agreement is still all you get. So make sure every possible damages is taken into account. Be especially cautious about signing an agreement that waives your right to compensation under the Act for damages that are not set out in/contemplated in some form in the agreement.
- If you make an agreement with the driller, make sure that what the driller has agreed to do is in writing somewhere and make sure that whatever is in writing is signed *by the driller*. Having everything in writing makes sure that everyone is clear on what is agreed to (and no one can say something different later).

Further instructions for surface owners using this form for comments: (Numbers of the instructions below correspond to the "endnote" numbers on the front of this form).

¹ These comments should be actually in the hands of the Office of Oil and Gas within 15 days of the permit application filing date. Just putting them in the mail box on time may not be enough. Call the Office of Oil and Gas to find out the deadline on this permit. However, if you are late, file them anyway.

² As this form is being prepared, the DEP is building new offices in Charleston. Call the state Office of Oil and Gas in Charleston to make sure you have the right fax number or street address (in case the driller is using an old form).

³ Obtain the information for this and the next line from the "NOTICE AND APPLICATION FOR A WELL WORK PERMIT" you received or the papers that came with it. At this point the "Well Operator" is really a "proposed" well operator/permittee, but the name you want to put here is the "well operator" on the papers you got. We call this person the, "driller" in this form and its instructions.

(End. of Instructions.)