



WV SORO Appeals Ruling on Spacing for Gas Wells

Spacing Needed to Protect Landowners

by Dave McMahon, wv david@wv david.net

In August, WV SORO filed an appeal in Kanawha County Circuit Court challenging state agency rulings on well spacing. At issue is the spacing of thousands of future wells in the latest "play" in natural gas drilling. The rulings allow new gas wells drilled to the Marcellus Shale formation to be located as close as 1,000 feet to existing Marcellus Shale wells.

If the WV SORO appeal is successful, these wells would have to be located at least 1,500 or even 3,000 feet apart. The West Virginia Coal Association and others have already filed an appeal of the same rulings by the state Oil & Gas Conservation Commission, taking the position that Marcellus gas wells are not statutory "deep wells." If the Coal Association suit is successful, there would be no limit on how close together the wells could be placed unless there is coal under the same land and the coal owner forces the well spacing. The Coal Association and others responded by filing a motion to dismiss the WV SORO appeal on the grounds that WV SORO has no standing. In response, WV SORO is preparing a response to the dismissal motion on the grounds that we can act on behalf of our members, that they have a property interest involved in the appeals and a constitutional right to be heard.

The coal industry and others had previously filed a prohibition action in the West Virginia Supreme Court against the state agency regulating deep well spacing. However, in its May 2008 opinion in *Blue Eagle Land Company vs. West Virginia Oil & Gas Conservation Commission*, the Supreme Court told the parties to file in Circuit Court to pursue relief they wanted.

Well sites using these new drilling and fracturing techniques are much larger than those

(continued on page 2)



Well site during active drilling to the Marcellus Shale formation in Upshur County, West Virginia. (An additional water storage pit is not in the photo.) Copyright WV SORO, June 2008.

WV SORO Presents Your Concerns to Legislators

by Julie Archer, julie@wvsoro.org

At the August legislative interim meetings, a Joint Judiciary subcommittee heard presentations from WV SORO and industry on existing laws and regulations for oil & gas drilling and how they should be updated to improve protection of both the public interest and the varying interests of surface owners.

Although only half of the members were in attendance for the presentations, our call for more rights for surface owners, presented by Dave McMahon, was well received by those who were there. Dave explained why the "Surface Owners' Bill of Rights" is needed to give surface owners more notice, more input on the location of well sites, access roads and pipelines, and help ensure they receive fair and equitable compensation for their losses and inconveniences.

(continued on page 2)

WV SORO Appeal *(continued from page 1)*

contemplated at the time the severance deeds or leases were signed. We are not sure that the drillers have the right to drill this way without agreement from the surface owner. However, if they are going to drill them, they need to be spaced according to geology and science. Otherwise, unnecessary wells will be drilled and less total gas will be produced.

More wells mean surface owners will have to contend with more well sites and access roads on their land, and more inherent soil erosion, stream sedimentation and risk to groundwater as the wells are drilled. With 1,000 foot spacing, a surface owner with 100 acres could have as many as nine wells drilled on their land, draining the 100 acres and neighboring mineral tracts. These larger well sites can disturb five acres or more each.

A slide show that explains well spacing and royalty sharing (also called "pooling and unitization") and why it is needed in WV, plus more information about the appeal, including copies of the appeal petitions and the Supreme Court opinion, are at www.wvsoro.org.

Concerns Presented to Legislators

(continued from page 1)

Several members left after Dave's presentation and were not there to hear industry's presenters, who stated there really isn't a problem, that landowners are treated fairly and that the legislature should beware of the "economic and practical impacts" of "radical" changes in our proposal.

Although industry representatives recited a litany of statistics on jobs and taxes paid, they gave no hard figures as to what the bill might cost them and little detail about specific provisions they found objectionable. They did object to requiring the driller to offer the surface owner residential gas service, at cost, from the wells on their land claiming it would make the driller a public utility and too much trouble to meet surface owners' expectations. (See our paper: "Myths & Facts About the Surface Owners' Bill of Rights" for our rebuttal to this and other industry arguments.)

During the September interims in Clarksburg, the Joint Legislative Oversight Commission on State Water Resources heard presentations on water use and environmental concerns associated with drilling activity into the Marcellus Shale formation. Jim Martin, Chief of DEP's Office of Oil & Gas,

indicated that DEP is preparing a document designed to give the companies guidance when making withdrawals from streams when the water is low.

Cindy Rank of the WV Highlands Conservancy followed Mr. Martin and provided the committee with a substantial set of handouts containing information related to the Marcellus Shale. (Several of these documents are on our website.) Cindy also made a number of recommendations to the committee. These recommendations included:

- Insisting that water withdrawals for use in hydro-fracing Marcellus Shale wells be placed high on the DEP's priority list of issues to consider in the State Water Management Plan.
- Instructing DEP to include water withdrawals for Marcellus drilling in its ongoing water use survey, even if it isn't an exact fit for the survey as it is now written.
- Encouraging greater exchange of information about the chemicals and additives used in the fracing process; the additional metals, NORMs (naturally occurring radioactive materials) and salts that return to the surface in the flowback and produced waters; and the treatment and disposal of this wastewater.
- Encouraging DEP to be fully prepared to address Marcellus Shale issues when they report to the commission in November.
- Collecting more information and inviting lawmakers and regulators from neighboring states to share their experiences and their attempts to deal with the water withdrawal and use issues presented by drilling into the Marcellus Shale.

Cindy was followed by industry representatives who attempted to gloss over any significant consideration of well site size or amount of water used, and downplayed, for a variety of reasons, comparisons to Marcellus drilling in New York and Pennsylvania.

In September, the industry also took Judiciary subcommittee members on a well site tour. They visited an active Marcellus well site and a "reclaimed" well site.

We are working to make sure the committees will give more attention to these issues during the October interims. We'll keep you posted.

WV SORO's First Year a Success; Your Continued Support Needed

by Norm Steenstra III, norm@wvsoro.org

Greetings and many thanks to all our fellow surface owners. It has been a difficult and hectic year for many of us, but I feel that each day brings us closer to achieving more protection for our property. The WV Surface Owners' Rights Organization was founded just over a year ago and we are proud of our accomplishments so far. They include:

- Building an organization from zero to nearly 600 members in 51 West Virginia counties, 24 states and 3 foreign countries.
- Developing our website, www.wvsoro.org, into a resource for both surface and mineral owners.
- Distributing hundreds of copies of *the WV Surface Owners' Guide to Oil & Gas* to help landowners understand their rights, respond to a notice of an application for a permit, and get compensated for damages.
- Holding more than dozen meetings around the state, including presentations to the WV Woodland Owners' Association, county and state Farm Bureau organizations and local chapters of the state Grange to educate landowners about their rights and organize them to fight for the public policy changes needed to protect their farms and woodlands. Most were attended by more than 100 people, although recent meetings held in Elkins and Kingwood drew more than 500 concerned landowners who have been approached by companies wanting them to lease their minerals to oil & gas drillers. (See pictures on pg. 5 and at www.wvsoro.org.)
- Drafting, obtaining sponsors for and introducing a "Surface Owners' Bill of Rights" and study resolutions in the West Virginia Legislature. The Legislature is studying the problems facing surface owners during its monthly interim meetings between now and the beginning of the next regular session in February 2009.
- Filing an appeal challenging state agency rulings on well spacing for gas wells planned to the Marcellus Shale formation. (See article on pg. 1 for more details.)

There are a few things that we could use your

help with in the coming months. Please contact us if there is something that you have time for or see something that interests you. In addition, if you have any thoughts or ideas, let us know. The more hearts and minds we have working together, the sooner our success.

- We need people to send in their stories of difficulties, as well as any successes they have experienced with gas companies, drillers and inspectors. We will use them to convince our state legislators of the seriousness of our situations.
- We are also looking for county captains — people willing to help gather more of these stories, as well help us with further organizing needs.
- We need more people to contact their legislators, tell them what is going on, and ask them to support the "Surface Owners' Bill of Rights"
- Additionally, we could really use your support when the legislature convenes in February. Legislators have all seen Dave, Julie, Gary, and I on this issue, but if we were able to introduce you to your Delegate(s) or Senator(s), it is something that legislators will be more likely remember and act upon.
- Tell your friends and neighbors about WV SORO. Give them our phone number, physical address, or web address links and encourage them to join.
- Lastly, we need your continuing financial support. Many of you who joined a year ago will soon be receiving invitations to renew your membership. We understand that in this economy, many are struggling, but be as generous and you can to help us win this fight.

We greatly appreciate your support and enthusiasm for this struggle that hits so close to home. We encourage you to help us with the grow and achieve our goal of building the political capital to change our laws to give surface owners' more rights and ensure landowners receive fair compensation for their losses and inconveniences. As always, feel free to contact us with any of your questions or concerns. Thank you!

Building Momentum Toward a Bill of Rights by Gary Zuckett, gary@wvcag.org

Since we started WV SORO in August 2007, lots of progress has been made. WV SORO shined light on and helped defeat Governor Manchin's special session ruse to undo a court ruling favoring mineral owners over producers. During the 2008 legislative session we introduced the "Surface Owner's Bill of Rights" to provide more protections for landowners and we've been taking every opportunity to lobby our lawmakers to convince them to make the changes needed to fix problems in the oil & gas fields (see Julie's article on pg. 1). Our town hall meetings have drawn crowds up to 600 (see Norm's article on pg. 3 for a longer list of our accomplishments.)

Everything we do is ultimately aimed at winning you more rights when dealing with drillers. Our opposition is vicious and fights dirty. We are up against an industry that is used to getting its way and has plenty of money to hire lobbyists and woo lawmakers. What we have is the truth, YOU, our membership and many sympathetic lawmakers. As Norm says in his article, we need your support in several ways. Please renew your membership when you receive your letter. If you can send extra for the lobbying at the Capitol, thank you.

Even more important than your financial support - we need your stories and pictures so we can show our lawmakers what you're up against when the drillers drop their dozer blades on your property. Write down the essential details of your problems and pick out the best pictures to illustrate your story. We can't make the point that change is needed without your real life stories.

The industry's line to lawmakers is there are very few problems and every thing is fine with the current law. Charlie Burd, Director of IOGA (Independent Oil & Gas Association), however, is painting a dire picture for his members to get them riled up to oppose our modest bill and, "...thwart these attacks on our industry....these assaults against you and your industry are real and are not going to be easily or cheaply resolved." He then goes on to solicit his members to contribute to IOGA's war chest to defeat our bill.

Check out their websites and newsletters (see www.iogawv.com and www.wvonga.com). Our opposition is very organized, well funded and determined to defeat us. They employed dirty tricks during the last session to spread misinformation about our "Surface Owners' Bill of Rights" (such as

claiming we are trying to shut down drilling and eliminate jobs) and will do so again. I could further quote Charlie on his need to have members come to Charleston as citizen lobbyists but I want to make an appeal to YOU. **WE NEED YOU** and your stories to counter the industry line that there really is nothing wrong in the oil & gas fields.

I can't stress enough the need for your calls, letters, e-mails and visits to lawmakers. The industry may have more money, but we have more voters and constituents. Because you have the power to vote, your concerns are important. So keep up the pressure on your Senators and Delegates. Renew your membership when it expires - send an additional contribution if you can. Send us your horror stories with pictures if possible. Let us know if you can visit Charleston when needed. We'll keep fighting until we have a "Surface Owners' Bill of Rights" to protect you, your family and your land from industry abuses in the future, but we can't win the fight without your help.

Where Do the Candidates Stand?

Prior to the primary election, WV SORO sent out a questionnaire to legislative candidates and officeholders asking their position on specific issues addressed in the "Surface Owners' Bill of Rights." We also asked you send a copy of the survey to county commissioners and commission candidates. Candidate responses can be found at www.wvsoro.org/newsletters/2008/response.html

Snail Mail v. E-Mail



We have been sending regular e-updates and action alerts to members who provided us with their e-mail address.

If you gave us your e-mail but haven't been hearing from us, please get in touch so we can make sure your address is correct.

If you haven't given us your e-mail address, we hope you will. E-mail updates are faster, more frequent, and often discuss something that needs action before paper mail can get to you.

Send your e-mail inquiries and updates to info@wvsoro.org.

From the Field...



Del. Woody Ireland (R-Ritchie) emphasizes the importance of citizen involvement in the legislative process at a July 10 meeting in Pennsboro planned by our local Harrison, Doddridge, Ritchie County WV SORO group.



On July 12, more than 100 people filled a room at the South Fork Inn in Moorefield to hear Dave McMahon's leasing presentation. Below: Landowners listen to Al Engelke, an experienced driller & well operator and WV Farm Bureau board member at a July 11 meeting in Elkins. Both meetings were arranged by Sen. Clark Barnes (R-Randolph).



Why a "Surface Owners' Bill of Rights"?

by Julie Archer, julie@wvsoro.org

We sometimes are asked why a "Surface Owners' Bill of Rights" is needed. The short answer is that current law doesn't adequately protect surface owners. A driller is only allowed to do what is "fairly necessary" (in surface damage) to develop and produce the minerals. In the real world, however, it is difficult to hold drillers accountable because they have so many advantages over the surface owner -- more money, more lawyers, generally more knowledge and experience, plus the element of surprise with the current 15-day notice requirement. The Bill of Rights would give surface owners more notice, more input on the location of well sites, access roads and pipelines, and help ensure they receive fair and equitable compensation for their losses and inconveniences, while making it easier to enforce and take advantage of their "fairly necessary" rights.

However, the Surface Owners' Bill of Rights is just one battle in the fight for fair and equitable treatment. The shortage of inspectors within the Department of Environmental Protection's (DEP) Office of Oil & Gas is another front.

Understaffing at DEP is a huge problem -- there are only 16 inspectors for the entire state and the number of permits for drilling new oil and gas wells and other "well work" in West Virginia is exploding. Although, we understand DEP may soon hire four additional inspectors, this is far from adequate. More than 6,000 oil & gas well drilling or work permits were issued in the last two years. In addition, there are 25,000 inactive oil and gas wells in West Virginia -- many of them orphaned and in need of plugging to prevent groundwater pollution. It does not help that inspectors must have at least 5 years experience in the industry, which can make them more accepting of bad industry practices. Moreover, all this is likely compounded by the current administration's "open for business" attitude and lack of political will to enforce the law.

The lack of rights for surface owners and the lack of effective enforcement of oil & gas laws and regulations both need to be addressed.

Filing a Formal Complaint with the Office of Oil & Gas

It is extremely important to file a complaint with the DEP Office of Oil & Gas (OOG) if a driller is not following their permit or the Soil Erosion and Sediment Control Manual, or otherwise doing things incorrectly or illegally. Filing complaints is important to correct the problem, and gives elected officials who want to do the right thing the proof that there are problems out there. These complaints become part of the official record and could be useful if you need to go to court to remedy your situation with drillers.

We have found that it is best to make complaints directly to the Charleston OOG office, as opposed to contacting the local inspector. This is also what the agency prefers. Helen Hardman is the person who typically logs in the complaints and contacts the inspector. The best thing to do is to take pictures of the problem and keep a diary of what you see and who you talk to about it. It is best to take pictures of the problem with a digital camera if you can, and e-mail your complaint with the pictures attached to hhardman@wvdep.org. You can also mail or fax them to the address or number below, or call (but remember this leaves less of a paper trail). Helen Hardman can be reached at (304) 926-0499, ext. 1650 or (304) 926-0450 (Office or Oil & Gas main number). If Helen is unavailable, someone else can take the complaint through the main number. Be aware that the DEP will share your complaint with the driller involved to try to resolve the issues so be civil in your description of the problem.

Complaints may also be mailed or faxed to:

Office of Oil and Gas
601 57th Street, SE
Charleston, WV 25304-2345
FAX: (304) 926-0452

Please consider sending or faxing (304-346-8981) a copy of your complaint to WV SORO and to your legislators. Then follow up and let us know how the agency responds. We may be able to help, and we want to collect information on complaints made.

Below are some guidelines from DEP on filing a complaint from their Citizen's Guide, which has additional information on inspections, enforcement and filing complaints. The guide can be found at www.wvdep.org under "Citizen Information."

- Before you file an environmental complaint, it is important to understand that your name may be released by the agency. In order to remain anonymous, you must request your complaint remain anonymous.
- Complaints received by phone are always accepted; however, it is recommended that you follow up the phone conversation with a written complaint. This starts a paper trail that is much easier for the agency to track and monitor.
- You also should document the names of the people you contact, the dates of phone conversations, and the topic of the conversation. If you made a written complaint, keep a copy of your letter, and the written responses you receive.
- The response time for an inspector to visit the site may depend on the urgency of the complaint. The inspectors are assigned to specific areas of the state, and most serve several counties and many facilities. **(Emergency spills and other pollution should be reported immediately by calling 1-800-642-3074.)**
- When filing a complaint, it is extremely helpful to the agency if you explain your problem in as much detail as possible. Include information like the time and date the problem occurred; the exact location to be investigated as well as directions to the site; a phone number so the inspector can call you; explicit details of the problem.

The following information may also be requested by DEP:

- the name of the company involved and whether or not they have been contacted
- well name/number
- the permit number of the well/site

Generally, when filing a complaint the more information you can provide, the better.

Finding Value for Lost Timber

by John Snyder, snyder.je@gmail.com

West Virginia is one of the few states that has large tracts of forested woodland still intact. In fact, over 70 percent of West Virginia is still covered with forests.

Drilling, exploration and production companies know this. Foresters and forest owners know this, but each party sees the forest in a different way. Drilling companies want to cut and clear access roads, pipeline right of ways and well sites of all timber to effectively recover mineral resources. Foresters want to harvest mature stands of trees or selectively cut logs. Forest owners/surface owners will give different opinions for the value of their forests, but most owners do not know or have any easy ways to evaluate offers for the timber and forest destroyed by others, or the value of any medicinal plants such as ginseng, goldenseal or black cohosh on their property.

There are three different scales used by the timber industry to determine the approximate board feet available in merchantable timber logs. The Doyle Log Rule, The Scribner Log Rule, and the International Log Rule each give a different value for the number of board feet for a 16-foot long, 16-inch diameter log.

The Doyle Rule measures 144 board feet, the Scribner measures 160 board feet, and the International measure 180 board feet. If all the merchantable trees on a well site were scaled using the Doyle Rule the total number of board feet would be significantly less than if the International Rule was used.

Now consider all the other timber that is not "12 inch dbh and above" that exists in your forest alongside the larger timber. Did anyone, you or the forester evaluating the area to be cleared, perform a 100 percent inventory of all trees, particularly 5" to 12" dbh that could become hardwood pulpwood? A standard pulpwood cord 4 foot by 4 foot by 8 foot contains approximately 128 cubic feet of bark, wood and air space. Air space usually averages 25 percent, but all the wood product has weight, and that weight is significant. Each cord generally weighs between 5,400 and 6,075 pounds.

Therefore, may I suggest the following rules of thumb when trying to put a value on your forest property: All merchantable timber should be paid

for at current market value, or at a rate not less than \$300 per thousand board feet using the International Rule. All hardwood pulpwood should be valued at \$50 to \$100 per ton, or \$300 per full cord as it can still be used or sold for firewood. All cut timber should be piled at locations that are easily accessed to be loaded with tri-axle log trucks equipped with attached loaders.

Finally, since your surface area will be disturbed and all forest growth for regeneration will be destroyed, determine the exact dimensions of all the disturbed areas using handheld GPS devices and computer-based mapping software, if available. These tools will aid you in determining the total acreage in square feet (there are 43,560 square feet in an acre). When determining damage for the surface disturbance, ask to be paid at a minimum of \$.02 per square foot. This should be your minimum request. If commercially saleable plants not ready for harvest are destroyed, and you previously documented their existence, you should also ask for compensation for them.

Using the above approach can eliminate much ambiguity and jawboning about what will be destroyed, what was destroyed, and how much it is worth in a damage claim, especially if you choose arbitration or filing a damage suit to enforce your claim.

For further reference and help in determining true timber value, more information is available at the following websites:

<http://www.na.fs.fed.us/pubs/misc/flg/> (Under "Browse Contents" click on "Forest Sampling and Inventory")

<http://www.na.fs.fed.us/pubs/refhbk/refhbk.pdf>

<http://ahc.caf.wvu.edu/>



Beware of What You Sign: Oil & Gas Boom Leads to Leasing Educational Campaign

by Julie Archer, julie@wvsoro.org &

Dave McMahan, wv david@wv david.net

This spring we started getting call after call with questions from landowners who have been approached by landmen with “standard” oil & gas leases for them to sign. In response, WV SORO launched a new campaign to educate landowners about leasing the minerals under their land.

We now have a guide for citizens who are approached by oil and gas companies that explains more about leasing and things to consider before signing a lease. Written by Dave McMahan, it is based on his years of experience working with surface owners and the problems they have dealt with because of bad leases that don't offer adequate surface protections. Those fortunate enough to own their minerals can negotiate these protections into their leases if they are made aware of this before they sign.

Most mineral owners don't know that there are usually bad provisions in leases that can and should be crossed out and that they can insist on lease add-ons or addendums that provide additional protections for their land. A survey in New York showed that 80% of people who were approached by a landman with a "standard lease" signed the lease exactly as it was presented. We have talked to several West Virginia landowners who have signed bad leases that they now have little to no chance to change.

West Virginia landowners need to know what they are signing. They also should know that the amount of the various payments that they can bargain for is going up. Only a year or two ago, some leases paid \$5.00 an acre up front. However, offers in some parts of West Virginia are now up to several hundred or even thousands of dollars per acre. While this “delay rental” payment is the most talked about payment, the most lucrative payments are the royalty payments that begin once a well is drilled and placed in production. “Shut in” payments and compensation for damage also need to be considered (see the leasing article and other resources at the ‘Leasing’ page of our website for more details).

Most importantly, when landowners are

considering leasing their minerals we strongly urge them to think long term -- the money may be attractive but they need to think about what they or future generations may want to do with the land. There are also environmental and quality of life issues associated with oil & gas drilling that must be considered. These include the potential for groundwater contamination, the impact on the land (Marcellus well sites are larger and can disturb up to 5 acres each), water use (drilling and fracing techniques being used for Marcellus wells are water intensive) and wastewater disposal. These issues have not even begun to be addressed by lawmakers and environmental regulators.

Dominion Resources to Pay \$50 Million in Royalty Settlement

According to a recent article in *the Charleston Gazette*, Dominion Resources will pay up to \$50 million to 25,000 oil & gas owners to resolve a lawsuit alleging that the company cheated them out of natural gas royalties.

The settlement resolved a case over gas royalty disputes similar to those that prompted a \$400 million jury verdict against Chesapeake Energy Corp. in January 2007. In the *Tawney* case, the jury found Chesapeake guilty of shortchanging landowners by deducting production costs from the royalty payments owed to them.

During an August 2007 special session, Governor Joe Manchin tried unsuccessfully to push through a bill supported by oil & gas producers that would have let Chesapeake out of the *Tawney* verdict and shielded other companies from future lawsuits.

In addition to the Dominion suit, *the Gazette* reported another smaller royalty case has also been settled, and negotiations are continuing toward resolving a similar class-action royalty case against Equitable Resources.

The royalty cases were all brought by Charleston lawyer Marvin Masters. Lawyers in the case began to notify potential class members, which includes anyone who had an oil & gas lease with Dominion in West Virginia after June 22, 1996. A toll-free number, (866) 475-7755, and webpage, www.dominionclass.com, have been set up.



a Marcellus well location and site with its associated water containment pits, immediately below an article by Hugh Rogers, President of the WV Highlands Conservancy, detailing pertinent issues around drilling in WV.

Finally, for the surface owner who also owns their minerals, we have added information that will help landowners make informed decisions on leasing based not on what the current offer is from the latest land man (or what your neighbor is being offered) but from the perspective of people who invest major amounts of money in companies developing mineral resources.

We will continue to add new resources to the website. Please let us know if we are meeting your needs and if you are aware of any areas in which we can improve on the amount or type of information provided.

Updated Aerial Photos, Marcellus Shale & Leasing Info Available at Website

by John Snyder, snyder.je@gmail.com

We have added several new resources to the WV SORO website in the last few months, including new aerial photos from DEP that allow you to view your surface in WV as it appeared after 2006. All well sites, access roads, pipelines and new construction should be available for viewing if the user knows what was completed prior to 2007.

Under Marcellus Shale information, we added a presentation from the WV Geological Survey that shows contour lines for the top of Onondaga Formation (the Marcellus Shale occurs directly above this). We've also added new info on Marcellus Shale water usage from K&L Gates, information about New York state requiring all well operators to enhance their reporting to include the chemical makeup of the fracturing fluids and other information related to hydraulic fracturing of shale formations, and a link to the Susquehanna River Basin Commission in Pennsylvania and New York.

Pennsylvania recently required all Marcellus Shale well permits to get permission from the SBRC or Delaware River Basin Coalition (DRBC) to withdraw water for consumptive use in well fracing. They also added a two-page addendum to the permit application where the operator must describe in detail all pertinent information regarding water withdrawal and ultimate usage. New York is requiring an Environmental Impact Statement (EIS) be completed before any new horizontal Marcellus Shale wells are permitted.

On the home page, there is now an aerial photo of

Upcoming Events



October 24-26, 2008

WV Highlands Conservancy's Fall Review

AFC Retreat & Conference Center near Marlinton

The Saturday evening program will be a presentation and discussion about the rush to drill the Marcellus Shale formation. Lee Avery, Petroleum Geologist & Manager, Oil and Gas Program, West Virginia Geological & Economic Survey) and Dave McMahan (WV SORO & Mountain State Justice) will be joined by other invited presenters.

For more info. and to make reservations, contact Cindy Rank (304-924-5802, clrank@hughes.net) or Beth Little (304-653-4277, blittle@citynet.net)

Tuesday, October 28, 2008

7:00 PM ~ Informational Meeting on Surface Owners' Rights

at the Old Buffalo High School Cafeteria, Wayne County, WV; Hosted by the Northern Wayne County Community Association For more info. contact BJ Smith, (304) 453-2033

Additional Meetings Planned:

We are tentatively planning meetings for Harrison/Doddridge County, Mingo/McDowell County and Morgantown/Monongalia County. (More details coming soon at www.wvsoro.org)



WV Surface Owners' Rights Organization
 1500 Dixie Street
 Charleston, WV 25311
www.wvsoro.org

Non-Profit Org
 Auto
 US Postage Paid
 Charleston, WV
 Permit No. 1440



John McDowell, Lincoln County Farm Bureau President, welcomes everyone to a August 5 Surface Owner's Rights meeting prior to a presentation by WV SORO founder Dave McMahon at the Lincoln County Fairgrounds. MIT students fill the back row. The students have a grant from the Knight Foundation to develop tools to help groups like WV SORO share information with their members and the community more effectively.

In this issue...

WV SORO Appeals Ruling on Well Spacing...pg. 1
 Legislative Update.....pg. 1
 WV SORO Marks First Year.....pg. 3
 Building Momentum Toward a Bill of Rights
 & What We Need From YOU.....pg. 4
 Why a "Surface Owners' Bill of Rights?".....pg. 5
 Information on Filing a Complaint.....pg. 6
 Finding Value for Lost Timber.....pg. 7
 Leasing? Beware of What You Sign.....pg. 8
 New Resources Available at Website.....pg. 9
 Upcoming Meetings & Events.....pg. 9