



## West Virginia Surface Owners' Rights Organization

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### **Judge allows landowners' group to intervene in well spacing suit Spacing needed to protect interests of investors, mineral and surface owners, group says**

(Welch, WV) The West Virginia Surface Owners Rights Organization (WV SORO) will be allowed to intervene in a case challenging state agency rulings on well spacing. McDowell County Judge Rudolph Murensky issued the order Tuesday (June 2, 2009). The case will decide whether or not Marcellus Shale gas wells can be drilled as close to a mineral tract boundary as the driller wants, as well as how closely spaced wells to the formation can be. WV SORO is concerned that the rulings will result in unnecessary wells being drilled on surface owners, and that the wells will produce total less gas for royalty owners, investors and consumers.

In the case, *Blue Eagle Land Company vs. West Virginia Oil and Gas Conservation Commission*, Pocahontas Land Corporation, the West Virginia Coal Association and others filed an appeal of the rulings in McDowell County Circuit Court, taking the position that Marcellus gas wells are not statutory "deep wells." The Blue Eagle appeal also takes the position that the Commission did not have jurisdiction to order spacing on the wells, but if it did, that the minimum spacing should have been more than 1,000 feet.

WV SORO agrees with the Blue Creek appeal petition that the wells should be spaced further apart than 1,000 feet. However, if Blue Eagle wins on the point that the Commission did not have jurisdiction, then there will not be any well spacing for Marcellus Shale wells unless there is coal under the same land and the coal owner requests it.

David McMahon, a lawyer and a founder of WV SORO said that WV SORO understands that the coal industry wants these wells to be statutory "shallow wells" so a different agency, using different laws, will space the wells, but space them further apart. "If the coal industry wins and Marcellus wells are declared statutory "shallow wells," then in places where there is no coal owner, the "rule of capture" will apply, and everyone loses — investors, mineral owners, surface owners and even most drillers," said McMahon.

All other Marcellus wells, could be drilled as close to a mineral tract boundary as the driller wants, legally stealing gas from neighboring mineral owners. Drillers would also be able to drill wells so close together that they drain the same area. This results in more wells being drilled on surface owners and wastes reservoir pressure so wells produce less total gas. Each additional well site causes forest fragmentation, results in some soil erosion and possible stream sedimentation, and increases risks groundwater and other features of the environment. With 1,000 foot spacing, a surface owner with 100 acres could have as many as nine wells drilled on their land. WV SORO wants the wells to be a minimum of 1,500 feet apart, and preferably 3,000 feet apart.

For more information visit [www.wvsoro.org](http://www.wvsoro.org) (see "Well Spacing for Marcellus Formation Wells," under "Current Events").

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