WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED
SENATE BILL NO. 219

(By Mr. Mr. President and Mr. Jackson

PASSED March 4, 1963

In Effect July 1, 1963 Passage

Filed in Office of the Secretary of State
of West Virginia 3-11-63
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

Senate Bill No. 219
(By Mr. Carson, Mr. President and Mr. Jackson)

[Passed March 4, 1963; in effect July 1, 1963.]

AN ACT to amend and reenact sections one, two, three, four, nine and fourteen, article four, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article four by adding thereto twelve new sections, designated sections one-a, one-b, one-c, one-d, one-e, one-f, one-g, one-h, one-i, one-j, two-a and eighteen, all relating to oil and gas generally and providing certain definitions of terms; providing that well operators must file plats and give notice; specifying the contents of such plats; requiring permits to drill; requiring permits to fracture oil and/or gas wells originally drilled before the fifth day of June, one thousand nine hun-
dred twenty-nine; specifying the circumstances under which such permits to drill or fracture shall be issued; requiring a performance bond as a condition precedent to the issuance of a permit or permits to drill, or a permit or permits to fracture oil and/or gas wells originally drilled before the fifth day of June, one thousand nine hundred twenty-nine; permitting objections to proposed location of oil and/or gas wells and to proposed fracturing; providing for hearing on objections; authorizing parties to agree on drilling location and the conditions under which fracturing is to take place for the protection of life and property; authorizing department of mines to fix location of oil and/or gas wells and the conditions under which fracturing is to take place for the protection of life and property; providing for exceptions to drilling locations and to conditions of fracturing fixed by department of mines; providing for docket of proceedings; permitting judicial review of drilling location fixed or approved, and of the conditions of fracturing fixed or approved for the protection of life and property, by department of mines, and of the issuance of any drilling or fracturing permit, and providing for pro-
ceedings upon such judicial review; requiring notice of intention to plug and abandon oil and/or gas wells; providing for plugging and abandonment of oil and/or gas wells; providing for plugging and abandonment of oil and/or gas wells upon obtaining certain approval in writing; requiring a performance bond as a condition precedent to plugging and abandonment of a well; requiring an affidavit showing the time and manner of plugging and filling an oil and/or gas well or wells; providing that natural gas shall not be unreasonably wasted; requiring filing with department of mines of plans of operation for wasting gas to produce oil; permitting rejection of such plans by department of mines; establishing in the department of mines the office of deputy director for oil and gas; specifying the powers, duties, salary and oath of such deputy director; requiring a bond of such deputy director; providing for expenses of such deputy director; establishing the eligibility requirements for such deputy director; providing for the appointment, tenure and removal of not more than eight district oil and gas inspectors and a supervising inspector; providing for the examination of can-
didates for appointment as oil and gas inspectors and for appointment as a supervising inspector; providing for a register of certified eligible candidates for appointment as oil and gas inspectors and as supervising inspector; providing for the removal of names from such register and under certain circumstances the reinstatement thereof; specifying the oath, bond and salary of oil and gas inspectors and supervising inspector; providing for expenses of oil and gas inspectors and supervising inspector; establishing the eligibility requirements and qualifications of persons desiring to serve as oil and gas inspectors and as supervising inspector; providing procedures for removal of oil and gas inspectors and supervising inspector; establishing the oil and gas inspectors' examining board; specifying the qualifications of persons to serve on such board; providing for the appointment of members of such board; providing a per diem and mileage allowance for the members of such board; specifying an oath for the members of such board; providing for meetings of such board; specifying the powers and duties of such board; authorizing the deputy director for oil and gas, oil and gas inspectors and the su-
supervising inspector to visit and inspect oil and/or gas wells, well sites and any other oil and/or gas facilities; requiring the owner or operator of every oil and/or gas well, well site or any other oil and/or gas facility to cooperate with the deputy director for oil and gas, all oil and gas inspectors and the supervising inspector in making inspections or obtaining information; specifying the duties of oil and gas inspectors and of the supervising inspector; providing for findings and orders of oil and gas inspectors; providing for special inspections; providing for notice of findings and orders; providing for review by deputy director for oil and gas of findings and orders of oil and gas inspectors; providing for notice of findings and orders made after review by such deputy director; specifying the manner in which findings and orders must be made and notice thereof given; permitting judicial review of final orders of deputy director for oil and gas concerning inspection of oil and/or gas wells, well sites and any other oil and/or gas facility; providing the method and manner of applying for such judicial review; providing for proceedings upon judicial review; providing that well operators must give
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notice to coal operators and department of mines of intention to fracture certain other wells; specifying the contents of such notice; requiring permits to fracture such other wells; specifying the circumstances under which such permits to fracture such other wells shall be issued; and providing for injunctive relief.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four, nine and fourteen, article four, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article four be further amended by adding thereto twelve new sections, designated sections one-a, one-b, one-c, one-d, one-e, one-f, one-g, one-h, one-i, one-j, two-a and eighteen, all to read as follows:

Section 1. Definitions.—The term "well" when used in this article, means a bore hole drilled or proposed to be drilled for the purpose of producing natural gas and/or petroleum, or through which natural gas and/or petroleum is being produced; the terms "oil and/or gas facility" when used in this article, mean any facility utilized in the oil and gas industry in this state and specifically named or
referred to in this article or in articles five or seven of
this chapter, other than a well or well site; the term
“owner,” when used with reference to any such well,
shall include any person or persons, firm, partnership,
partnership association or corporation that owns, manages,
operates, controls or possesses such well as principals, or
as lessee or contractor, employee or agent of such prin-
cipal; the term “well operator” shall include any person
or persons, firm, partnership, partnership association or
corporation that proposes to or does locate, drill, operate
or abandon any well as herein defined; the term “coal
operator” shall include any person or persons, firm, part-
nership, partnership association or corporation that pro-
poses to or does operate a coal mine; the term “depart-
ment” or “department of mines” includes the duly con-
stituted authorities under the laws of this state having
jurisdiction over coal mining operations; the term “plat”
means a map, drawing or print showing the location of a
well or wells as herein defined; the term “casing” means
a string or strings of pipe commonly placed in wells drilled
for natural gas and/or petroleum; the terms “oil” and
“gas” are synonyms for petroleum and natural gas respectively; the term “cement” means hydraulic cement properly mixed with water only; the term “workable coal bed” means a coal bed in fact being operated commercially, or which, in the judgment of the department of mines, can, and that it is reasonably to be expected will, be so operated, and which, when operated, will require protection if wells are drilled through it.

Sec. 2. When Well Operator to File Plat; Contents;

Notice; Permit Required; Performance Bond Required.

—Before drilling for oil or gas, or before fracturing an oil and/or gas well originally drilled before the fifth day of June, one thousand nine hundred twenty-nine, on any tract of land, the well operator shall have a plat prepared by a competent engineer showing the district and county in which the tract of land is located, the name and acreage of the same, the names of the owners of adjacent tracts, the proposed or actual location of the well determined by survey, the courses and distances of such location from two permanent points or landmarks on said tract and the number to be given the well (and the date
of drilling completion of a well originally drilled before
the fifth day of June, one thousand nine hundred twenty-
nine, when it is proposed that such a well be fractured),
and shall forward by registered mail a copy of the plat
to the department of mines. In the event the tract of land
on which the said well proposed to be drilled or fractured
is located is known to be underlaid with one or more work-
able beds of coal, copies of the plat shall be forwarded by
registered mail to each and every coal operator, if any,
operating said beds of coal beneath said tract of land, or
within five hundred feet of the boundaries of the same,
who has mapped the same and filed his maps as required
by law. With each of such plats there shall be enclosed
a notice (form for which shall be furnished on request
by the department of mines) addressed to the department
of mines and to each such coal operator, if any, at their
respective addresses, informing them that such plat and
notice are being mailed to them respectively by registered
mail, pursuant to the requirements of this article. If no
objections are made, or are found by the department, to
such proposed location or proposed fracturing within ten
35 days from receipt of such plat and notice by the department of mines, the same shall be filed and become a permanent record of such location or fracturing subject to inspection at any time by any interested person, and the department shall forthwith issue to the well operator a permit reciting the filing of such plat, that no objections have been made by the coal operators, if any, or found thereto by the department, and authorizing the well operator to drill at such location, or to fracture the well originally drilled before the fifth day of June, one thousand nine hundred twenty-nine: Provided, That unless the department has objections to such proposed location or proposed fracturing, such permit shall be issued prior to the expiration of such ten day period upon the obtaining by the well operator of the consent in writing of the coal operator or operators to whom copies of the plat and notice shall have been mailed as herein required, and upon presentation of such written consent to the department. The notice above provided for may be given to the coal operator by delivering or mailing it as above to any agent or superintendent in actual charge of mines.
A permit to drill, or to fracture an oil and/or gas well originally drilled before the fifth day of June, one thousand nine hundred twenty-nine, shall not be issued unless the application therefor is accompanied by a bond of the operator in the sum of one thousand dollars, payable to the state of West Virginia, with a corporate bonding and/or surety company authorized to do business in this state as surety thereon, conditioned on full compliance with all laws, rules and regulations relating to the drilling, re-drilling, deepening, casing, plugging and abandonment of wells and for furnishing such reports and information as may be required by the department: Provided, however, that when such operator makes or has made application for permits to drill a number of wells and/or fracture a well or wells originally drilled before the fifth day of June, one thousand nine hundred twenty-nine, the operator may in lieu of furnishing a separate bond furnish a blanket bond in the sum of ten thousand dollars, payable to the state of West Virginia, with a corporate bonding and/or surety company authorized to do business in this state as surety thereon, and conditioned as aforesaid:
Provided, further, That in lieu of corporate surety on a separate or blanket bond, as the case may be, the operator may elect to deposit with the deputy director for oil and gas cash and/or the following collateral securities or any combination thereof: (1) bonds of the United States or agency thereof, or those guaranteed by, or for which the credit of the United States or agency thereof is pledged for the payment of the principal and interest thereof; (2) direct general obligation bonds of this state, or any other state, or territory of the United States, or the District of Columbia, unconditionally guaranteed as to the principal and interest by such other state or territory of the United States, or the District of Columbia if such other state, territory, or the District of Columbia has the power to levy taxes for the payment of the principal and interest of such securities, and if at the time of the deposit such other state, territory, or the District of Columbia is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness; (3) direct general obligation bonds of any county, district, city, town, village, school district or other political subdivision of
this state issued pursuant to law and payable from ad
valorem taxes levied on all the taxable property located
therein, provided that the total indebtedness after de-
ducting sinking funds and all debts incurred for self-sus-
taining public works does not exceed five per cent of the
assessed value of all taxable property therein at the time
of the last assessment made before the date of such de-
posit, and provided that the issuer has not, within five
years prior to the making thereof, been in default for more
than ninety days in the payment of any part of the prin-
cipal or interest on any debt evidenced by its bonds; (4)
revenue bonds issued by this state or any agency of this
state when such bonds are payable from revenues or earn-
ings specifically pledged for the payment of principal and
interest, and a lawful sinking fund or reserve fund has
been established and is being maintained for the payment
of such bonds; (5) revenue bonds issued by a muncipality
in this state for the acquisition, construction, improve-
ment, or extension of a waterworks system, or a sewer-
age system, or a combined waterworks and sewerage sys-
tem, when such bonds are payable from revenue or earn-
ings specifically pledged for the payment of principal and
interest, and a lawful sinking fund or reserve fund has
been established and is being maintained for the payment
of such bonds; (6) revenue bonds issued by a public serv-
ice board of a public service district in this state for the
acquisition, construction, improvement or extension of
any public service properties, or for the reimbursement
or payment of the costs and expenses of creating the
district, when such bonds are payable from revenue or
earnings specifically pledged for the payment of principal
and interest, and a lawful sinking fund or reserve fund
has been established and is being maintained for the pay-
ment of such bonds; (7) revenue bonds issued by a board
of trustees of a sanitary district in this state for the cor-
porate purposes of such district, when such bonds are
payable from revenue or earnings specifically pledged
for the payment of principal and interest, and a lawful
sinking fund or reserve fund has been established and is
being maintained for the payment of such bonds; and (8)
bonds issued by a federal land bank or home owners loan
corporation. The cash deposit and/or market value of
the collateral securities shall be equal to or greater than
the penalty of the separate or blanket bond, as the case
may be. Upon receipt of any such deposit of cash and/or
collateral securities, the deputy director for oil and gas
shall immediately deliver the same to the treasurer of
the state of West Virginia. The treasurer shall determine
whether any such securities satisfy the requirements of
this section. If the securities are approved they shall be
accepted by the treasurer. If the securities are not ap-
proved, they shall be rejected and returned to the oper-
ator and no permit shall be issued until a corporate surety
bond is filed or cash and/or proper collateral securities are
filed in lieu of such surety. The treasurer shall hold any
cash and/or securities in the name of the state in trust
for the purposes for which the deposit was made. The
operator shall be entitled to all interest and income earned
on the collateral securities filed by such operator so long
as the operator is in full compliance with all laws, rules
and regulations relating to the drilling, redrilling, deep-
ening, casing, plugging and abandonment of wells and for
furnishing such reports and information as may be re-
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161 quired by the department. The operator making the de-
162 posit shall be entitled from time to time to receive from
163 the treasurer, upon the written order of the deputy di-
164 rector for oil and gas, the whole or any portion of such
165 securities upon depositing with the treasurer in lieu there-
166 of cash equal to or greater than the penalty of the
167 bond, and/or other approved securities of the classes here-
168 in specified having a market value equal to or greater
169 than the penalty of the bond, or a corporate surety bond.
170 Any such bond shall remain in force until released by
171 the department and the department shall release the same
172 when it is satisfied the conditions thereof have been
173 fully performed. Upon the release of any such bond, any
174 cash and/or collateral securities deposited shall be re-
175 turned by the deputy director for oil and gas to the oper-
176 ator who deposited same.

Sec. 3. Objections to Proposed Drilling Location; Objec-
1 tions to Proposed Fracturing; Hearing; Agreed Location
2 of Well; Agreed Conditions of Fracturing; Drilling Loca-
3 tion Fixed by Department of Mines; Conditions of Frac-
4 turing Fixed by Department of Mines; Exceptions; Docket
5
of Proceedings.—In any case where the proposed drilling or fracturing site is above or in close proximity to any mine opening or shaft, entry, traveling, air, haulage, drainage or other passageway, or to any proposed extension thereof, in any operated or abandoned or operating coal mine, or coal mine already surveyed and platted, but not yet being operated, so that the well or the pillar of coal about the well necessary to the protection of the mine and of the well itself when drilled or fractured will interfere with or endanger the use of such mine opening, entries or ways, then the coal operator or operators affected may, and shall, if the drilling or fracturing of a well at such location will cause a dangerous condition in their mine or mines, within ten days from the receipt by the department of mines of the plat and notice required by section two, or within ten days from receipt by the department of mines of the notice required by section two-a, file objections in writing (forms for which will be furnished by the department on request) to such proposed drilling or fracturing with the department of mines, setting out therein as definitely as is reasonably possible the ground
or grounds on which such objections are based and in the case of proposed drilling, indicating the direction and distance from the location shown the proposed well should be drilled to overcome such objections, and in the case of proposed fracturing, indicating the conditions for the protection of life and property under which the well should be fractured to overcome such objections.

If any objection or objections are so filed by any coal operator or are made by the department of mines, the department shall notify the well operator of the character of the objections and by whom made and fix a time and place, not less than ten days from the end of said ten day period, at which such objections will be considered, of which time and place the well operator and all coal operators to whom a copy of the plat and notice required by section two was mailed, or to whom the notice required by section two-a was mailed, as the case may be, whether objecting or not objecting to the proposed drilling or fracturing, shall be given at least five days' written notice by the department, by registered mail, and summoned to appear, bringing with them their maps and plans show-
ing their mines and mine workings and in the case of pro-
posed drilling, being prepared to approve or to except to
such location or locations as the department may, after
hearing, approve or itself fix in case no agreement is
reached, and in the case of proposed fracturing being pre-
pared to approve or to except to any conditions under
which the fracturing is to take place as the department
may, for the protection of life and property, after hearing,
approve or itself fix in case no agreement is reached. At
the time and place so fixed the well operator and the in-
terested coal operators, or such of them as are present or
represented, shall proceed to consider the objections, and
in the case of proposed drilling to agree upon either the
location as made or so moved as to satisfy all objections
and meet the approval of the department, and any change
in the original location so agreed upon and approved by
the department shall be indicated on said plat on file with
the department, and the distance and direction of the new
location from the original location shall be shown, and,
as so altered, the plat shall be filed and become a perma-
nent record, and in the case of proposed fracturing to
agree upon conditions under which the well is to be frac-
tured which will protect life and property and which will
satisfy all objections and meet the approval of the de-
partment, at which time the plat and notice required by
section two, or the notice required by section two-a, as
the case may be, shall be filed and become a permanent
record. Whereupon the department shall forthwith issue
to the well operator a drilling or fracturing permit, as
the case may be, reciting the filing of the plat and notice
required by said section two, or the notice required by
said section two-a, as the case may be, that at a hearing
duly held a location as shown on the plat or the conditions
under which the fracturing is to take place for the pro-
tection of life and property were agreed upon and ap-
proved, and that the well operator is authorized to drill
at such location or to fracture at the site shown on such
plat, or to fracture the well identified in the notice re-
quired by section two-a, as the case may be.

In case the well operator and the coal operator or such
of the coal operators as are present or represented at such
hearing are unable to agree upon a drilling location, or
upon a drilling location that meets the approval of the
department of mines, then the department shall fix a
drilling location on such tract of land as near to the orig-
inal location as possible in a pillar of suitable size, through
which the well can be drilled safely, taking into consider-
ation the dangers from creep, squeeze, or other distur-
ance, due to the extraction of coal. Should no such pillar
exist, however, the well may be located and drilled
through open workings where, in the judgment of the
department of mines, it is practicable and safe so to do,
taking into consideration the dangers from creeps,
squeezes, or other disturbances. In case the well operator
and the coal operator or such of the coal operators as are
present or represented at such hearing are unable to
agree upon the conditions under which the well is to be
fractured so as to protect life and property, or upon con-
ditions of fracturing that meet the approval of the de-
partment of mines, then the department shall fix the con-
ditions under which the well is to be fractured, provided
the well can be fractured safely, taking into consideration
the dangers from creeps, squeezes, or other disturbances.
Such new drilling location shall be indicated on the plat on file with the department as provided in the next preceding paragraph of this section, and the department shall forthwith tender to the well operator a permit to drill at such location, or to fracture at the site shown on plat, or to fracture the well identified in the notice required by section two-a, as the case may be, which permit the well operator may accept or refuse to accept, and if it accepts such permit, the coal operator or operators having filed objections and appearing or being represented at such hearing, may except to such location or fracturing and to the issuance of such drilling or fracturing permit; and the well operator accepting the same may require the record of the hearing to show that it accepts such drilling permit at the location made by the department as a new or additional location and not in lieu of its original location, or that it accepts such fracturing permit as to the conditions under which the well is to be fractured as fixed by the department as new conditions and not in lieu of the conditions preferred by it, and that it reserves the right to appeal to the circuit court of the county in which
its original drilling location, or its fracturing site, lies for
relief, and that it excepts to the refusal of the department
to approve such original location substantially as made
or to approve the conditions of fracturing preferred.
The department of mines shall number and keep an
index of and docket each plat and notice mailed to it as
provided in section two of this article, and each notice
mailed to it as provided in section two-a of this article,
entering in such docket the name of the well operator,
names of the coal operators notified and their addresses,
the date of receipt of any such plat and notice required
by said section two or notice required by said section
two-a and of all objections filed, dates of hearings and all
actions taken by the department, permits issued or re-
 fused, which docket shall be open to inspection by the
public, and, together with the papers filed, shall consti-
tute the record of each such proceeding before the de-
partment.

Sec. 4. Appeal by Coal Operator or Well Operator from
Drilling Location Fixed or Approved, or from the Condi-
tions of Fracturing Fixed or Approved, by Department
of Mines or from Issuance of Permit to Drill or Fracture;

Procedure.—Any coal operator excepting to any drilling location fixed or approved by the department of mines or to the issuance of any drilling permit, or to the conditions under which the well is to be fractured as fixed or approved by the department of mines for the protection of life and property or to the issuance of any fracturing permit, and any well operator excepting to the refusal of the department to grant a drilling permit at the location shown in the plat mailed to the department as provided in section two of this article, or such location so shifted as to be still substantially the same or the equivalent thereof, or to the refusal of the department to grant a fracturing permit in accordance with the conditions of fracturing preferred by the well operator, may at any time within ten days of the taking of such action by the department of mines appeal to the circuit court of the county in which the proposed drilling location or fracturing site involved lies. The procedure shall be by petition and answer, duly verified, and naming the department as one of the respondents. The petition shall briefly
set forth the matter in controversy, the ruling of the department and the relief sought. The operator making such appeal shall forthwith send a copy of such petition for appeal, by registered mail, to the deputy director for oil and gas. Upon receipt of such copy of such petition for appeal the deputy director for oil and gas shall promptly certify and file in such court a complete transcript of the record upon which the ruling complained of was made, as well as copies of all papers filed with the department. The costs of such transcriptions shall be paid by the party making the appeal. The respondents shall be required to answer under oath within ten days after service of copies of the petition upon them, and the procedure shall be expedited, as far as is reasonably possible, having regard to possible drainage or loss of title by the well operator through its failure to complete or fracture a well within the period fixed by the terms of the lease under which it holds. The court may, by preliminary order, upon proper proof of the necessity therefor and the giving of proper security, stay the drilling or fracturing of any well until a final decision on the appeal, and after
a final hearing, at which any competent and relevant evidence may be introduced, may set aside any action or order of the department and enter such final order and decree as in its judgment is just and right and will best carry out the provisions of this article. From such final orders and decrees of the circuit court an appeal may be taken to the supreme court of appeals. During vacation periods or when for any reason the circuit court is not in session, such proceedings shall be before the judge of such court in vacation, or, in his absence, before the judge of an adjoining circuit, who may act until the return of the regular judge to his circuit, whereupon all further proceedings shall be had before the regular judge or circuit court having initial jurisdiction therein, and all proceedings in vacation shall be of like force and effect as if before the court in session.

Sec. 9. Plugging and Abandonment of Well; Notice of Intention; Performance Bond Required; Affidavit Showing Time and Manner.—Prior to the abandonment of any well, the well operator shall notify, by registered mail, the department of mines and the coal operator or oper-
ators, if any, to whom notices are required to be given by
section two of this article and the coal operator or oper-
ators to whom notices are required to be given by section
two-a of this article of its intention to plug and abandon
any such well (using such form of notice as the depart-
ment may provide), giving the number of the well and
its location and fixing the time at which the work of
plugging and filling will be commenced, which time shall
be not less than five days after the day on which such
notice so mailed is received or in due course should be
received by the department of mines, in order that a
representative or representatives of the department and
the coal operator or operators, if any, or of both, may be
present at the plugging and filling of the well. Whether
such representatives appear or do not appear, the well
operator may proceed at the time fixed to plug and fill
the well in the manner hereinafter described. Notwith-
standing the foregoing, a well operator may proceed to
plug and fill a well at any time without giving the afore-
said notice of intention if such operator has first obtained
in writing the approval of the department of mines and
the coal operator or operators, if any, to whom notices
are required to be given by section two of this article
and the coal operator or operators to whom notices are
required to be given by section two-a of this article. No
well shall be plugged or abandoned unless the depart-
ment is furnished a bond of the operator in the sum of
one thousand dollars, payable to the state of West Vir-
ginia, with a corporate bonding and/or surety company
authorized to do business in this state as surety thereon,
conditioned on full compliance with all laws, rules and
regulations relating to the casing, plugging and abandon-
ment of wells and for furnishing such reports and in-
formation as may be required by the department: Pro-
vided, That when a number of wells are involved, the
operator may in lieu of furnishing a separate bond furnish
a blanket bond in the sum of ten thousand dollars, pay-
able to the state of West Virginia, with a corporate bond-
ing and/or surety company authorized to do business in
this state as surety thereon, and conditioned as aforesaid:
Provided, however, That in lieu of corporate surety on a
separate or blanket bond, as the case may be, the operator
may elect to deposit with the deputy director for oil and
gas cash and/or collateral securities as specified in sec-
tion two of this article. All of the provisions of section
two dealing with cash and/or collateral securities in lieu
of corporate surety shall be fully applicable hereto except
for the condition of the bond with respect to which the
operator must be in full compliance in order to be entitled
to the interest and income earned on such securities. The
operator shall be entitled to such interest and income
under this section so long as the operator is in full com-
pliance with all laws, rules and regulations relating to
the casing, plugging and abandonment of wells and for
furnishing such reports and information as may be re-
quired by the department. Any such bond shall remain
in force until released by the department and the depart-
ment shall release the same when it is satisfied the condi-
tions thereof have been fully performed. Notwithstand-
ing the foregoing provisions, any operator who, in ac-
cordance with section two of this article, has furnished
a separate bond, which has not been released by the de-
partment, for the drilling or fracturing of the well it is
now proposed be plugged and abandoned, or who, in accordance with the provisions of said section two of this article, has furnished a blanket bond which has not been released by the department shall not be required by this section nine to furnish any other bond. When the plugging and filling of a well have been completed, an affidavit, in triplicate, shall be made (on a form to be furnished by the department) by two experienced men who participated in the work, in which affidavit shall be set forth the time and manner in which the well was plugged and filled. One copy of this affidavit shall be retained by the well operator, another (or true copies of same) shall be mailed to the coal operator or operators, if any, and the third to the department of mines.

Sec. 14. Preventing Waste of Gas; Plans of Operation

Natural gas shall not be permitted to waste or escape from any well or pipe line, when it is reasonably possible to prevent such waste, after the owner or operator of such gas, or well, or pipe line, has had a reasonable length of time to shut in such gas in the well, or make the necessary repairs to such
well or pipe line to prevent such waste: Provided, That
(a) if, in the process of drilling a well for oil or gas, or
both, gas is found in such well, and the owner or oper-
ator thereof desires to continue to search for oil or gas,
or both, by drilling deeper in search of lower oil or gas-
bearing strata, or (b) if it becomes necessary to make
repairs to any well producing gas, commonly known as
"cleaning out," and if in either event it is necessary for
the gas in such well to escape therefrom during the
process of drilling or making repairs, as the case may be,
then the owner or operator of such well shall prosecute
such drilling or repairs with reasonable diligence, so that
the waste of gas from the well shall not continue longer
than reasonably necessary, and if, during the progress of
such deeper drilling or repairs, any temporary suspension
thereof becomes necessary, the owner or operator of
such well shall use all reasonable means to shut in the gas
and prevent its waste during such temporary suspension:
Provided, however, That in all cases where both oil and
gas are found and produced from the same oil and gas-
bearing stratum, and where it is necessary for the gas
therefrom to waste in the process of producing the oil, the owner or operator shall use all reasonable diligence to conserve and save from waste so much of such gas as it is reasonably possible to save, but in no case shall such gas from any well be wasted in the process of producing oil therefrom until the owner or operator of such well shall have filed with the department a plan of operation for said well showing, among other things, the gas-oil production ratio involved in such operation, which plan shall govern the operation of said well unless the department shall, within ten days from the date on which such plan is submitted to the department, make a finding that such plan fails, under all the facts and circumstances, to propose the exercise of all reasonable diligence to conserve and save from waste so much of such gas as it is reasonably possible to save, in which event production of oil at such well by the wasting of gas shall cease and determine until a plan of operation is approved by the department. Successive plans of operation may be filed by the owner or operator of any such well with the department.
Sec. 1-a. Deputy Director for Oil and Gas; Appointment; Powers and Duties.—There shall be an employee of the department whose title shall be "deputy for oil and gas," who shall be appointed by the director to serve at the will and pleasure of the director. The deputy director for oil and gas shall have full charge of the oil and gas matters set out in this article and in articles five and seven of this chapter, subject always to the direct supervision and control of the director of the department of mines. As such, the deputy director for oil and gas shall have the power and duty to:

1. Supervise and direct the execution and enforcement of the provisions of this article and articles five and seven of this chapter;

2. Employ a supervising oil and gas inspector and not more than eight district oil and gas inspectors upon approval by the director, such clerks, stenographers and other employees as may be approved by the director, at compensation fixed by the director, except as otherwise provided in this article;

3. Supervise and direct such oil and gas inspectors and
supervising inspector in the performance of their duties;

(4) Suspend for good cause any oil and gas inspector or supervising inspector without compensation for a period not exceeding thirty days in any calendar year;

(5) Prepare report forms to be used by oil and gas inspectors or the supervising inspector in making their findings, orders and notices, upon inspections made in accordance with this chapter;

(6) Hear and determine applications made by owners, well operators, and coal operators for the annulment or revision of orders made by oil and gas inspectors or the supervising inspector, and to make inspections, in accordance with the provisions of this article and articles five and seven of this chapter;

(7) Cause a properly indexed permanent and public record to be kept of all inspections made by himself or by oil and gas inspectors or the supervising inspector;

(8) Make annually a full and complete written report to the director of the department of mines in such form and detail as the director may from time to time request, so that the director can complete the preparation of the
director's annual report to the governor of the state;

(9) Conduct such research and studies as the director shall deem necessary to aid in protecting the health and safety of persons employed within or at potential or existing oil or gas production fields within this state, to improve drilling and production methods and to provide for the more efficient protection and preservation of oil and gas bearing rock strata and property used in connection therewith;

(10) Perform all other duties which are expressly imposed upon him by the provisions of this chapter, as well as duties assigned to him by the director of the department of mines.

All records of the department shall be open to the public.

Sec. 1-b. Same; Eligibility; Salary; Expenses; Oath and Bond.—The deputy director for oil and gas shall be a citizen of West Virginia, shall be a competent person of good reputation and temperate habits and shall have had at least ten years' practical experience in the oil and gas industry, at least five of which shall have been in this
state. A diploma in geology or in mining or petroleum engineering from West Virginia University, or any similarly accredited school shall be counted as two years' practical experience. The deputy director for oil and gas shall devote all of his time to the duties of his office, and shall not be directly or indirectly interested financially in any oil and/or gas production or drilling or in any coal mine in this state. The salary of the deputy director for oil and gas shall be not less than seven thousand five hundred dollars nor more than ten thousand dollars per year, and traveling expenses, which shall be paid out of the state treasury upon a requisition upon the state auditor, properly certified by the director of the department of mines. The deputy director for oil and gas shall, before entering upon the discharge of his duties, take the oath of office prescribed by section five, article four of the Constitution, and shall execute a bond in the penalty of two thousand dollars, with security to be approved by the director of the department of mines, conditioned upon the faithful discharge of his duties, a certificate of which oath and which bond shall be filed in the office of the secretary of state.
Sec. 1-c. Oil and Gas Inspectors; Supervising Inspector; Tenure; Oath and Bond. — Notwithstanding any other provisions of law, oil and gas inspectors shall be selected, serve and be removed as in this article provided.

The deputy director for oil and gas shall divide the state into not more than eight oil and gas districts, so as to equalize, as far as practical, the work of each oil and gas inspector. He shall assign inspectors to districts, and designate a supervising inspector and shall designate their places of abode, at points convenient to the accomplishment of their work. In the event the oil and gas inspectors' examining board is unable to provide an adequate register of certified eligible candidates for appointment prior to the first day of July, one thousand nine hundred sixty-three, the appointment of the supervising inspector and other inspectors shall be deferred until an adequate register is available: Provided, That notwithstanding any other provisions contained in this article, those persons serving as oil and gas inspectors on the effective date of this act may be appointed as oil and gas inspectors with permanent tenure if such persons pass
the examinations conducted by the oil and gas inspectors' examining board in accordance with the provisions of sections one-d and one-e.

All other oil and gas inspectors, including the supervising inspector, shall be appointed from the names on such register. Each original appointment shall be made by the deputy director for oil and gas, and shall be approved by the director of the department of mines, for a probationary period of not more than one year.

The deputy director for oil and gas shall make each appointment from among the three qualified eligible candidates on the register having the highest grades: Provided, however, That the director of the department of mines or the deputy director for oil and gas may, for good cause, at least thirty days prior to making an appointment, strike any name from the register. Upon striking any name from the register, the director or deputy director, as the case may be, shall immediately notify in writing each member of the oil and gas inspectors' examining board of his action, together with a detailed statement of the reasons therefor. Thereafter, the oil and gas
inspectors' examining board, after hearing, if it finds that
the action of striking such name was arbitrary or unrea-
sonable, may order the name of any candidate so stricken
from the register to be reinstated thereon. Such rein-
statement shall be effective from the date of removal from
the register.

Any candidate passed over for appointment for three
years shall be automatically stricken from the register.

After having served for a probationary period of one
year to the satisfaction of the deputy director for oil and
gas and the director, an oil and gas inspector or super-
vising inspector shall have permanent tenure until he be-
comes seventy years of age, subject only to dismissal for
cause in accordance with the provisions of section one-d
of this article. No oil and gas inspector or supervising
inspector while in office shall be directly or indirectly in-
terested as owner, lessor, operator, stockholder, superin-
tendent or engineer of any oil and/or gas drilling or pro-
ducing venture or of any coal mine in this state. Before
entering upon the discharge of his duties as an oil and gas
inspector or supervising inspector, he shall take the oath
of office prescribed by the Constitution, and shall execute a bond in the penalty of two thousand dollars, with security to be approved by the director of the department of mines, conditioned upon the faithful discharge of his duties, a certificate of which oath and bond shall be filed in the office of the secretary of state.

The supervising inspector and oil and gas inspectors shall perform such duties as are imposed upon them by this chapter, and related duties assigned by the deputy director for oil and gas upon approval of the director.

Sec. 1-d. Same; Eligibility for Appointment; Qualifications; Salary; Expenses; Removal.—(a) No person shall be eligible for appointment as an oil and gas inspector or supervising inspector unless, at the time of his probationary appointment he (1) is a citizen of West Virginia, in good health, and of good character, reputation and temperate habits; (2) has had at least ten years' practical experience in the oil and gas industry, at least five years of which, immediately preceding his original appointment shall have been in the oil and gas industry in this state: Provided, That a diploma in geology or in
mining or petroleum engineering from West Virginia University, or any similarly accredited school shall be considered the equivalent of two years' practical experience; and (3) has good theoretical and practical knowledge of oil and gas drilling and production methods, practices and techniques, sound safety practices and applicable mining laws.

(b) In order to qualify for appointment as an oil and gas inspector or supervising inspector, an eligible applicant shall submit to a written and oral examination by the oil and gas inspectors' examining board and shall furnish such evidence of good health, character and other facts establishing eligibility as such board may require. If such board finds after investigation and examination that an applicant: (1) is eligible for appointment and (2) has passed all written and oral examinations, the board shall add such applicant's name and grade to the register of qualified eligible candidates and certify its action to the deputy director for oil and gas. No candidate's name shall remain on the register for more than three years without requalifying.
(c) The salary of the supervising inspector shall be not less than five thousand four hundred dollars per annum, nor more than eight thousand dollars per annum, and reasonable traveling expenses. Salaries of inspectors shall not be less than five thousand four hundred dollars per annum, nor more than seven thousand dollars per annum, and reasonable traveling expenses. Within the limits provided by law, the salary of each inspector and of the supervising inspector shall be fixed by the deputy director for oil and gas, subject to the approval of the director of the department of mines and oil and gas inspectors' examining board. In fixing salaries of the oil and gas inspectors and of the supervising inspector, the deputy director for oil and gas shall consider ability, performance of duty, and experience. No reimbursement for traveling expenses shall be made except upon an itemized account of such expenses submitted by the inspector or supervising inspector, as the case may be, who shall verify, upon oath, that such expenses were actually incurred in the discharge of his official duties.

(d) An inspector or the supervising inspector, after
having received a permanent appointment, shall be removed from office only for physical or mental impairment, incompetency, neglect of duty, drunkenness, malfeasance in office, or other good cause.

Proceedings for the removal of an oil and gas inspector or the supervising inspector may be initiated by the deputy director for oil and gas or the director of the department of mines whenever either has reasonable grounds to believe and does believe that adequate cause exists warranting removal. Such a proceeding shall be initiated by a verified petition, filed with the oil and gas inspectors’ examining board by the deputy director for oil and gas or the director, setting forth with particularity the facts alleged. Not less than twenty reputable citizens engaged in oil and/or gas drilling and production operations in the state may petition the deputy director for oil and gas or the director of the department of mines for the removal of an inspector or the supervising inspector. If such petition is verified by at least one of the petitioners, based on actual knowledge of the affiant, and alleges facts which, if true, warrant the removal of
the inspector or supervising inspector, the deputy director for oil and gas or the director of the department of
mines shall cause an investigation of the facts to be made. If, after such investigation, the deputy director for oil
and gas or the director finds that there is substantial evidence which, if true, warrants removal of the inspector
or supervising inspector, he shall file a petition with the oil and gas inspectors' examining board requesting re-
moval of the inspector or supervising inspector.

On receipt of a petition by the deputy director for oil
and gas or by the director of the department of mines
seeking removal of an inspector or the supervising ins-
pector, the oil and gas inspectors' examining board shall
promptly notify the inspector or supervising inspector,
as the case may be, to appear before it at a time and place
designated in said notice, which time shall be not less
than fifteen days nor more than thirty days thereafter.
There shall be attached to the copy of the notice served
upon the inspector or supervising inspector a copy of the
petition filed with such board.

At the time and place designated in said notice, the
oil and gas inspectors' examining board shall hear all evidence offered in support of the petition and on behalf of the inspector or supervising inspector. Each witness shall be sworn and a transcript shall be made of all evidence taken and proceedings had at any such hearing. No continuance shall be granted except for good cause shown.

The chairman of the board, the deputy director for oil and gas, and the director of the department of mines shall have power to administer oaths and subpoena witnesses.

Any inspector or supervising inspector who shall wilfully refuse or fail to appear before such board, or having appeared, shall refuse to answer under oath any relevant question on the ground that his testimony or answer might incriminate him, or shall refuse to accept a grant of immunity from prosecution on account of any relevant matter about which he may be asked to testify at such hearing before such board, shall forfeit his position.

If, after hearing, the oil and gas inspectors' examining board finds that the inspector or supervising inspector
should be removed, it shall enter an order to that effect.

The decision of the board shall be final and shall not be subject to judicial review.

Sec. 1-e. Oil and Gas Inspectors' Examining Board;

Per Diem and Mileage Allowance; Oath; Powers and Duties; Appeals from Suspension Orders.—There is hereby created an oil and gas inspectors' examining board consisting of five members who, except for the public representative on such board, shall be appointed by the governor, by and with the advice and consent of the senate. Members may be removed only for the same causes and like manner as elective state officers. One member of the board, who shall be the representative of the public, shall be the professor in charge of the petroleum engineering department of the school of mines at West Virginia University; two members shall be persons who by reason of previous training and experience may reasonably be said to represent the viewpoint of independent oil and gas operators; and two members shall be persons who by reason of previous training and experience may reasonably be said to represent the viewpoint of major oil and gas producers.
The deputy director for oil and gas shall be an "ex officio" member of the board, and shall serve as secretary of the board without additional compensation, but he shall have no right to vote with respect to any matter before the board.

The members of the board, except the public representative, shall be appointed for overlapping terms of eight years, except that the original appointments shall be for terms of two, four, six, and eight years, respectively. Any member whose term expires may be reappointed by the governor.

Each member of the board shall receive forty dollars per diem while actually engaged in the performance of the work of the board; and shall receive mileage at the rate of ten cents for each mile actually traveled going from the home of the member to the place of the meeting of the board and returning therefrom, which shall be paid out of the state treasury upon a requisition upon the state auditor, properly certified by such members of the board.

The public member shall serve as chairman of the board.

Members of the board, before performing any duty shall
take and subscribe to the oath required by article four, section five of the Constitution of West Virginia.

The board shall meet at such times and places as shall be designated by the chairman. It shall be the duty of the chairman to call a meeting of the board on the written request of two members, or on the written request of the deputy director for oil and gas or the director of the department of mines. Notice of each meeting shall be given in writing to each member by the secretary at least five days in advance of the meeting. Three voting members shall constitute a quorum for the transaction of business.

In addition to other powers and duties expressly set forth elsewhere in this article, the board shall:

(1) Establish, and from time to time revise, forms of application for employment as an oil and gas inspector and supervising inspector and forms for written examinations to test the qualifications of candidates, with such distinctions, if any, in the forms for oil and gas inspector and supervising inspector as the board may from time to time deem necessary or advisable;

(2) Adopt and promulgate reasonable rules and regu-
lations relating to the examination, qualification and certification of candidates for appointment, and relating to hearings for removal of inspectors or the supervising inspector, required to be held by this article. All of such rules and regulations shall be printed and a copy thereof furnished by the secretary of the board to any person upon request;

(3) Conduct, after public notice of the time and place thereof, examinations of candidates for appointment. By unanimous agreement of all members of the board, one or more members of the board or an employee of the department of mines may be designated to give to a candidate the written portion of the examination;

(4) Prepare and certify to the deputy director for oil and gas and the director of the department of mines a register of qualified eligible candidates for appointment as oil and gas inspectors or as supervising inspectors, with such differentiation, if any, between the certification of candidates for oil and gas inspectors and for supervising inspector as the board may from time to time deem necessary or advisable. The register shall list all qualified eli-
gible candidates in the order of their grades, the candidate
with the highest grade appearing at the top of the list.
After each meeting of the board held to examine such
candidates and at least annually, the board shall prepare
and submit to the deputy director for oil and gas and the
director of the department of mines a revised and cor-
corrected register of qualified eligible candidates for appoint-
ment, deleting from such revised register all persons (a)
who are no longer residents of West Virginia, (b) who
have allowed a calendar year to expire without, in writ-
ing, indicating their continued availability for such ap-
pointment, (c) who have been passed over for appoint-
ment for three years, (d) who have become ineligible for
appointment since the board originally certified that such
persons were qualified and eligible for appointment, or
(e) who, in the judgment of at least three members of
the board, should be removed from the register for good
cause;
(5) Cause the secretary of the board to keep and pre-
serve the written examination papers, manuscripts, grad-
ing sheets and other papers of all applicants for appoint-
ment for such period of time as may be established by the board. Specimens of the examinations given, together with the correct solution of each question, shall be preserved permanently by the secretary of the board;

(6) Issue a letter or written notice of qualification to each successful eligible candidate;

(7) Hear and determine proceedings for the removal of inspectors or the supervising inspector in accordance with the provisions of this article;

(8) Hear and determine appeals of inspectors or the supervising inspector from suspension orders made by the deputy director for oil and gas pursuant to the provisions of section one-a of this article: Provided, That in order to appeal from any order of suspension, an aggrieved inspector or supervising inspector shall file such appeal in writing with the oil and gas inspectors' examining board not later than ten days after receipt of the notice of suspension. On such appeal the board shall affirm the action of the deputy director for oil and gas unless it be satisfied from a clear preponderance of the evidence that the deputy director for oil and gas has acted arbitrarily;
(9) Make an annual report to the governor concerning the administration of oil and gas inspection personnel in the state service; making such recommendations as the board considers to be in the public interest.

Sec. 1-f. Deputy Director for Oil and Gas, Oil and Gas Inspectors and Supervising Inspector Authorized to Visit and Inspect Oil and/or Gas Wells or Well Sites and Any Other Oil and/or Gas Facilities; Duty of Oil and Gas Inspectors to Visit and Inspect Oil and/or Gas Wells or Well Sites and Any Other Oil and/or Gas Facilities.—The deputy director for oil and gas of the department of mines shall have authority to visit and inspect any oil and/or gas well or well site and any other oil and/or gas facility in this state and may call for the assistance of any oil and gas inspector or inspectors or supervising inspector whenever such assistance is necessary in the inspection of any such oil and/or gas well or well site or any other oil and/or gas facility. Similarly, all oil and gas inspectors and the supervising inspector shall have authority to visit and inspect any oil and/or gas well or well site and any other oil and/or gas facility in this state. The operator or
owner of every oil and/or gas well or well site or any
other oil and/or gas facility shall cooperate with the dep-
uty director for oil and gas, all oil and gas inspectors and
the supervising inspector in making inspections or ob-
taining information.

Oil and gas inspectors shall devote their full time and
undivided attention to the performance of their duties,
and they shall be responsible for the inspection of all oil
and/or gas wells or well sites or other oil and/or gas fa-
cilities in their respective districts as often as may be re-
quired in the performance of their duties.

Sec. 1-g. Findings and Orders of Oil and Gas Inspect-
tors; Special Inspections; Notice of Findings and Orders.

(a) If an oil and gas inspector, upon making an inspec-
tion of an oil and/or gas well or well site or any other oil
and/or gas facility, as authorized by this article, finds that
any provision of this article is being violated, he shall
determine what would be a reasonable period of time
within which such violation should be totally abated.

Such findings shall contain reference to the provisions of
this article which he finds are being violated, and a de-
tailed description of the conditions which cause and constitute such violation.

(b) The period of time so found by such oil and gas inspector to be a reasonable period of time may be extended by such inspector, or by any other oil and gas inspector duly authorized by the deputy director for oil and gas, from time to time, but on not more than three occasions, upon the making of a special inspection to ascertain whether or not such violation has been totally abated.

The deputy director for oil and gas shall cause a special inspection to be made: (A) Whenever an operator of an oil and/or gas well or well site or any other oil and/or gas facility, prior to the expiration of any such period of time, requests him to cause a special inspection to be made at such oil and/or gas well or well site or any other oil and/or gas facility; and (B) Upon expiration of such period of time as originally fixed or as extended, unless the deputy director for oil and gas is satisfied that the violation has been abated. Upon making such special inspection, such oil and gas inspector shall determine whether or not such violation has been totally abated. If he
determines that such violation has not been totally abated, he shall determine whether or not such period of time as originally fixed, or as so fixed and extended, should be extended. If he determines that such period of time should be extended, he shall determine what a reasonable extension would be. If he determines that such violation has not been totally abated, and if such period of time as originally fixed, or as so fixed and extended, has then expired, and if he also determines that such period of time should not be further extended, he shall thereupon make an order requiring the operator of such oil and/or gas well or well site or other oil and/or gas facility to cease further operations of such well, well site or facility, as the case may be. Such findings and order shall contain reference to the specific provisions of this article which are being violated.

(c) Notice of each finding and order made under this section shall promptly be given to the operator of the oil and/or gas well or well site or other oil and/or gas facility to which it pertains, by the person making such finding or order.
(d) No order shall be issued under the authority of this section which is not expressly authorized herein.

Sec. 1-h. Review of Findings and Orders by Deputy Director for Oil and Gas; Special Inspectors; Annulment, Revision, etc., of Order; Notice.—Any operator of an oil and/or gas well or well site or other oil and/or gas facility notified of findings or an order made by an oil and gas inspector pursuant to section one-g of this article, may apply to the deputy director for oil and gas for annulment or revision of such order. Upon receipt of such application the deputy director for oil and gas shall make a special inspection of the oil and/or gas well, well site or other oil and/or gas facility affected by such order, or cause two duly authorized oil and gas inspectors, other than the oil and gas inspector who made such order or the supervising inspector and one duly authorized oil and gas inspector other than the oil and gas inspector who made such order, to make such inspection of such oil and/or gas well, or well site or other oil and/or gas facility and to report thereon to him. Upon making such special inspection himself, or upon receiving the report
of such special inspection, as the case may be, the deputy
director for oil and gas shall make an order which shall
include his findings and shall annul, revise or affirm the
order of the oil and gas inspector.

The deputy director for oil and gas shall cause notice
of each finding and order made under this section to be
given promptly to the operator of the oil and/or gas well,
well site or other oil and/or gas facility to which such
findings and order pertain.

At any time while an order made pursuant to section
one-g of this article is in effect, the operator of the oil
and/or gas well, well site or other oil and/or gas facility
affected by such order may apply to the deputy director
for oil and gas for annulment or revision of such order.

The deputy director for oil and gas shall thereupon pro-
ceed to act upon such application in the manner provided
in this section.

In view of the urgent need for prompt decision of
matters submitted to the deputy director for oil and gas
under this article, all actions which he, or oil and gas
inspectors, or the supervising inspector, is required to
Sec. 1-i. Requirements for Findings, Orders and Notices;

 Posting of Findings and Orders.—(a) All findings and orders made pursuant to sections one-g or one-h of this article, and all notices required to be given of the making of such findings and orders, shall be in writing. All such findings and orders shall be signed by the person making them, and all such notices shall be signed by the person charged with the duty of giving the notice. All such notices shall contain a copy of the findings and orders referred to therein.

 (b) Notice of any finding or order required by sections one-g or one-h of this article to be given to an operator shall be given by causing such notice, addressed to the operator of the oil and/or gas well, well site or other oil and/or gas facility to which such finding or order pertains, to be delivered to such operator by causing a copy thereof to be sent by registered mail to the permanent address of such operator as filed with the depart-
ment of mines and by causing a copy thereof to be posted
upon the drilling rig or other equipment at the oil and/or
gas well, well site or other oil and/or gas facility, as the
case may be. The requirement of this article that a
notice shall be "addressed to the operator of the oil and/or
gas well, well site or other oil and/or gas facility to which
such finding or other pertains," shall not require that
the name of the operator for whom it is intended shall be
specifically set out in such address. Addressing such
notice to "Operator of ________________________," specifying the
oil and/or gas well, well site or other oil and/or gas
facility sufficiently to identify it, shall satisfy such re-

Sec. 1-j. Judicial Review of Final Orders of the Deputy
Director for Oil and Gas.—(a) Any final order issued by
the deputy director for oil and gas under section one-h
of this article shall be subject to judicial review by the
circuit court of the county in which the oil and/or gas
well, well site or other oil and/or gas facility affected is
located or the circuit court of Kanawha county upon the
filing in such court or with the judge thereof in vacation,
of a petition for appeal by the operator aggrieved by
such final order, within thirty days from the date of the
making of such final order.

(b) The operator making such appeal shall forthwith
send a copy of such petition for appeal, by registered
mail, to the deputy director for oil and gas. Upon receipt
of such copy of such petition for appeal the deputy di-
rector for oil and gas shall promptly certify and file in
such court a complete transcript of the record upon which
the order complained of was made. The costs of such
transcriptions shall be paid by the party making the
appeal.

(c) The court sitting in lieu of a jury, or judge thereof
in vacation, shall, after due notice, conduct a hearing on
the issues presented by such appeal and shall permit
argument, oral or written or both, by the parties. The
court shall permit such pleadings, in addition to the
pleadings before the deputy director for oil and gas, as
it deems to be required. Evidence relating to the making
of the order complained of and relating to the questions
raised by the allegations of the pleadings or other ques-
tions pertinent in the proceeding may be offered by the parties to the proceeding.

(d) Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, any circuit court to which an appeal has been made as provided in this section, may, after due notice to and hearing of the parties to the appeal, issue all necessary and appropriate process to postpone the effective date of the final order of the deputy director for oil and gas or to grant such other relief as may be appropriate pending final determination.

(e) A circuit court to which an appeal has been made as provided in this section, may affirm, annul or revise the final order of the deputy director for oil and gas, or it may remand the proceeding to the deputy director for oil and gas for such further action as it directs.

(f) The decision of a circuit court on an appeal from the deputy director for oil and gas shall be final, subject only to review by the supreme court of appeals of West Virginia upon a petition for certiorari filed in such court within sixty days from the entry of the order and decision.
Sec. 2-a. Notice to Coal Operators and Department of Mines of Intention to Fracture Certain Other Wells; Contents of Such Notice; Permit Required.—Before fracturing any oil and/or gas well originally drilled on and after the fifth day of June, one thousand nine hundred twenty-nine, and before the effective date of this act, and which is located on any tract of land known to be underlaid with one or more workable beds of coal, the well operator shall, by registered mail, forward a notice of intention to fracture such well to the department of mines and to each and every coal operator operating said beds of coal beneath said tract of land, or within five hundred feet of the boundaries of the same, who has mapped the same and filed his maps as required by law: Provided, That nothing contained in this article shall under any circumstances be construed to require any well operator to give a notice of intention to fracture, or to obtain a permit to fracture, a well drilled on and after the effective date of this article. The notice shall be addressed to the de-
partment of mines and to each such coal operator at their respective addresses, shall contain the number of the drilling permit for such well and/or such other information as may be required by the department to enable the department and the coal operators to locate and identify such well and shall inform them that such notice is being mailed to them respectively by registered mail, pursuant to the requirements of this article. (The form for such notice of intention shall be furnished on request by the department of mines.) If no objections are made, or are found by the department, to such proposed fracturing within ten days from receipt of such notice by the department of mines, the same shall be filed and become a permanent record of such fracturing, subject to inspection at any time by any interested person, and the department shall forthwith issue to the well operator a permit reciting the filing of such notice, that no objections have been made by the coal operators, or found thereto by the department, and authorizing the well operator to fracture such well: Provided, however, That unless the department has objections to such pro-
posed fracturing, such permit shall be issued prior to the expiration of such ten day period upon the obtaining by the well operator of the consent in writing of the coal operator or operators to whom notice of intention to fracture shall have been mailed as herein required, and upon presentation of such written consent to the department. The notice above provided for may be given to the coal operator by delivering or mailing it as above to any agent or superintendent in actual charge of mines.

Sec. 18. Injunctive Relief.—In addition to all other remedies, and aside from various penalties provided by law, if any person, firm or corporation is violating or threatening to violate any provision of this article, or any lawful rule or regulation promulgated thereunder, the department may maintain a civil action in the circuit court of the county wherein such violation has occurred or is threatened, or wherein such person, firm or corporation may be found, to enjoin, restrain or prevent such actual or threatened violation. No injunction bond shall be required to be filed in any such proceeding.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled:

Roy Parker
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1963, passage.

Clerk of the Senate

Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Eagle, Jr.
Speaker House of Delegates

The within approved this the 61st day of March, 1963.

Governor