

Informal Fact Finding Conference 24012 (Herein "IFFH 24012")

Decision of the Director

Section 45.1-361.35(I) of the Virginia Gas and Oil Act requires the Director to issue a decision regarding the objection if the parties to the hearing fail to reach an agreement.

Having carefully listened to testimony and reviewed exhibits presented by both parties, the Director finds the following:

- (1) With evidence supported by a certified and recorded property survey, it is possible that rights could be impinged as to an oil or gas owner's acreage proportionate share of royalty interest.
Absent a certified and recorded property survey, it is customary to rely upon a well location plat, certified as to the well location and a statement that property lines were taken from deed descriptions and chain of title of record.

The objecting party provided no such certified and recorded property survey at this informal hearing. Thus, as did the Board at its August 2010 hearing, the Director is compelled to rely upon the certified plat presented as part of the permit package.

- (2) The objecting party's statement "you can not pool before permitting" is not accurate. The Act does not require that either the application for the well permit or for the unit pooling order be filed first. Any objection based on the premise is factually and legally unsupportable here.
- (3) Additional objections raised by the party, while important, are not those allowed under section 45.1 361-35 (C)

It is the decision of the Director to deny the objections by Buck Jewell Resources and allow the permit review process and issuance proceed at the Division.