



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name WYOMING OIL & GAS CONSERVATION COMMISSION		
b. Agency/Board Address P.O. BOX 2640	c. City CASPER	d. Zip Code 82602
e. Name of Agency Liaison MARK WATSON		f. Agency Liaison Telephone Number 307-234-7147
g. Agency Liaison Email Address mark.watson@wyo.gov		h. Adoption Date DECEMBER 12, 2017
i. Program		

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted: Session Laws 2014, Enrolled Act 109 effective 7/1/2014 (W.S. 16-3-103(j) and 16-4-204(e)).

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
1	Authority and Definitions	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
5	Rules of Practice and Procedure Before the Wyoming Oil and Gas Conservation Commission	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
6	Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

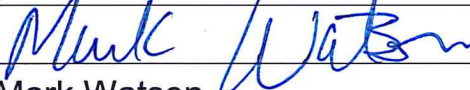
a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: 12/19/2017

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office: 12/19/2017

c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Mark Watson
Signatory Title	Oil and Gas Supervisor
Date of Signature	12/18/2017

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**THE WYOMING OIL AND GAS CONSERVATION COMMISSION'S
STATEMENT OF PRINCIPAL REASONS
FOR AMENDMENT OF RULES, CHAPTERS 1 AND 5,
AND NEW RULE CHAPTER 6**

Pursuant to W.S. 16-3-103(j)(i), which requires agencies to adopt as much of the Office of Administrative Hearings Uniform Rules for Contested Cases (OAH Rules) as is consistent with the specific and distinct requirements of the agency, the Wyoming Oil and Gas Conservation Commission (WOGCC) has proposed amending WOGCC rules found in Chapters 1 and 5.

The WOGCC is also proposing to adopt rules and regulations related to Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying, and Producing Public Records, promulgated by the Department of Administration and Information pursuant to W.S. 16-4-204(e). It is proposed that the rule be adopted in whole as new Chapter 6.

Chapter 1

Section 2, Definitions, Subsection (b) Abandoned Oil Field Equipment is being amended to remove reference to Form 2, Productions Reports. The proposed amendment describes methods to determine whether oil field equipment is abandoned by lack of activity, lack of facilities necessary to produce oil or gas, or failure to file required reporting. Abandoned Oil Field Equipment is referenced in Chapter 5, Section 17.

Section 2, Definitions, Subsection (ww) Spacing Unit defines spacing unit for purposes of determining well density and well location.

Section 2, Definition, Subsection (fff) Temporary Spacing Unit deleted as unnecessary as a result of changes to Chapter 3, Section 3.

Chapter 5

The key elements of the proposed amendments to the Rules of Practice and Procedure in Chapter 5 are as follows:

Section 1. Adoption of Rules, Reference by Incorporation

Subsection (b) is amended to remove unnecessary language that referenced rule changes, as these changes are governed by WAPA.

Subsection (b) lists other statutes and rules adopted by reference.

Section 2. Commencement of Proceedings and Continuances

Subsection (a) is amended to remove the requirement to provide seven copies of applications. An applicant is required to file an electronic filing and submit one original copy of application or protest. This subsection also increases filing fee to \$250, reflecting actual costs as required by W.S. 30-5-104(a).

Subsection (b) revises the process to request continuances, consistent with OAH Rule Chapter 2, Section 16. This subsection authorizes the Supervisor to approve continuances up to two times. Any further continuances require Commission approval. The fee for continuance is raised to \$125, reflecting actual costs as required by W.S. 30-5-104(a).

Section 3. Docket and Copies.

Rewritten to clarify and simplify assignment of docket number and requires use of the docket number in subsequent filings.

Section 4. Filing and Service of Papers

Revised subsections (a) and (b) requires filing and service of original documents and pleadings with the Commission, which will maintain the official file. Subsection (b) describes the process for service of papers.

Section 5. Notice of Complaints and Applications.

The proposed amendment adds the requirement that in addition to notice required by statute or rule, notice shall be given to all owners within one half mile.

Subsection (b) deletes the provision that provides that any person can request notice of public hearing before the Commission. A complete list of all hearings before the WOGCC by month is available on the WOGCC website.

Section 6. Attorneys.

This Section is rewritten to incorporate language from OAH Rules Chapter 2, Section 9. It provides that a party can appear through an attorney or by a representative, and references the Wyoming Rules of Civil Procedure Rules 24 to allow interventions. It also provides a process to allow withdrawn of an attorney.

Section 7. Subpoenas.

This section is amended to adopt OAH Rules Chapter 2, Section 18 related to Subpoenas.

Section 8. Discovery

This section heading is renamed “Discovery”. This section adopts OAH Rules Chapter 2, Section 17 regarding discovery.

Section 9. Petition to Promulgate, Amend or Repeal Rules.

This section is deleted as unnecessary, as governed by Wyoming Administrative Procedures Act, W.S. 16-3-101 through 16-3-106.

Section 10. Appointment of Examiners.

Rewritten to specifically reference statute W.S. 30-5-106.

Section 11. Hearing before the Commission.

This section is rewritten to reference W.S. 30-5-106. Redundant language from statute is removed, and the protest date is changed from 10 days to 3 days, consistent with the applicable statute.

Section 12. Hearing before an Examiner.

This section is rewritten to specifically reference the applicable statute, W.S. 30-5-105. Redundant language is removed, including removal of a hearing from examiner and reassignment to the commission, which is now referenced in Section 11.

Section 13. Record of Hearing before an Examiner.

Repealed as unnecessary. Requirements are set out in W. S. 30-5-105.

Section 14. Rehearing before the Commission.

Rewritten to clarify that a rehearing must be requested in writing within 30 days of the hearing.

Section 15. Operations Which May be Approved Administratively.

This section is rewritten to remove redundant language and to clarify that the Supervisor has authority pursuant to W.S. 30-5-109(b)(ii) and Chapter 3, Section 3(a) to administratively approve applications for exception locations, horizontal well applications (Chapter 3, Section 25(a)) and surface commingling applications (Chapter 3, Section 34). This revision is intended to be illustrative, but not comprehensive.

Section 16. Conservation Tax Disputes.

No changes

Section 17. Removal of Abandoned Oil Field Equipment.

This section was amended to clarify the process to declare oil field equipment abandoned and transfer ownership to the Commission or persons who plug wells on behalf of the Commission as authorized by W.S. 30-5-104(d)(vii). This change is associated with the change in definition of “abandoned oil field equipment” proposed for Chapter 1, Section 2(b). Changes remove the timing requirement for review of Secretary of State and county lien records. This section requires certified mail to owners and operators, and lien holders, at addresses reflected in the Commissions records, Wyoming Secretary of State Corporation records, and lien filings. The change also authorizes a combined notice to remove property and notice of hearing before the Commission.

Section 18. Abandoned Equipment; Notice to Others.

Repealed as unnecessary.

Section 19. Commission Meetings.

Section 20. Commission Office.

These two sections were added to specifically state the Commissions meeting schedule and office location.

Section 21. Burden of Proof.

This section adopts OAH Rules, Chapter 2, Section 21, to specify which party carries the burden of proof in a matter before the commission.

Section 22. Evidence.

This section adopts OAH Rules, Chapter 2, Section 22, to establish the admissibility of evidence presented to the Commission.

Section 23. Default

This section adopts OAH Rules, Chapter 2, Section 24.

Section 24. Settlements.

This section adopts OAH Rules, Chapter 2, Section 23.

Section 25. Ex parte Communications.

This section adopts OAH Rules Chapter 2, Section 10.

Section 26. Computation of Time.

This section adopts OAH Rules Chapter 2, Section 12.

Section 27. Referral for Contested Case Hearings.

This section authorized the Commission, at its discretion, to assign complex cases to a hearing officer. Cases referred under this section are governed by Office of Administrative Hearing Uniform Rules for Contested Case Practice and Procedure, Chapter 2.

Chapter 6

This chapter proposes adoption of new Chapter 6, Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records.

These Rules relating to Public Records are adopted verbatim from rules adopted by Department of Administration and Information.



Governor Matt Mead, Chairman Mark Watson, State Oil and Gas Supervisor
Commissioners Bridget Hill Eric Campbell Mark Doelger Ken Hendricks

CHAPTER 1, CHAPTER 5 and CHAPTER 6

Public Comments

After filing the Notice of Intent on October 16, 2017, public notice was published in the Casper Star Tribune also on October 16, 2017, and was placed on the Wyoming Oil & Gas Conservation Commission (WOGCC) website.

The Wyoming Oil & Gas Conservation Commission has received no public comments regarding these rules either by mail, phone, verbally, or electronically.

Karla R. Sanford

Karla R. Sanford
WOGCC Legal Assistant

CHAPTER 1

AUTHORITY AND DEFINITIONS

Section 1. Authority. WYO. STAT. ANN. §§ 30-5-101 through 30-5-127, and WYO. STAT. ANN. §§ 30-5-401 through 30-5-410.

Section 2. Definitions.

(a) **Aquifer** shall mean a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

(b) **Abandoned Oil Field Equipment** means equipment and the contents thereof used in drilling or producing oil and gas wells and left on the lease where a dry hole or well is located. Abandonment may be shown by lack of production, disposal, injection, or other permitted activity for more than two (2) years, lack of equipment or infrastructure necessary for the production of oil or gas, or failure to report production or payment of conservation taxes.

(c) **Agent** means the person who has been designated by the Owner or Operator to act on the Owner's or Operator's behalf. The "Agent" has authority to fulfill the obligations of the Owner as noted in Chapter 3, Section 4 of these rules, but is not required to have a performance bond in place.

(d) **Authorized Agent** shall mean a representative of the Supervisor as authorized by the Commission.

(e) **Available Water Source** shall mean a water source for which the water well owner, owner of a spring, or land owner, as applicable, has given consent for sampling and testing and has consented to having the analytical results and spatial coordinates of the water source made available to the public unless the data is otherwise considered confidential under Wyoming statute.

(f) **Average Daily Production** means the qualified maximum total production of domestic crude petroleum and petroleum condensates, including natural gas liquids produced from a property or lease during the preceding calendar year divided by the number of calendar days in that year times the number of wells which produced and wells which injected substances for the recovery of crude petroleum and petroleum condensates, including natural gas liquids from that property or lease in that year. To qualify as maximum total production, each well must have been maintained at the maximum feasible rate of production in accordance with recognized conservation practices and not significantly curtailed by reason of mechanical failure or other disruption in production.

(g) **Barrel** shall mean 42 (US) gallons of liquid at 60° Fahrenheit at atmospheric pressure.

(h) **Casing Pressure** shall mean the pressure within the casing or between the casing and tubing at the wellhead.

(i) **Class II Well** shall mean any non-commercial well used to dispose of water and/or fluids directly associated with the production of oil and/or gas, any well used to inject fluids or gas for enhanced oil recovery, or any well used for the storage of liquid hydrocarbons. Non-hazardous gas plant wastes may be disposed of in a Class II well pending Environmental Protection Agency co-approval.

(j) **Client Company** means the entity on whose behalf and for whose benefit the geophysical/seismic company does its work or the entity who hires the geophysical/seismic company.

(k) **Closed System** includes, but is not limited to, the use of a combination of solids control equipment (e.g., shale shakers, flowline cleaners, desanders, desilters, mud cleaners, centrifuges, agitators, and necessary pumps and piping) incorporated in a series on the rig's steel mud tanks, or a self-contained unit that eliminates the need for a reserve pit for the purpose of dumping and dilution of drilling fluids for the removal of entrained drilling solids. A closed system for the purpose of the Commission's rules does not automatically include the use of a small pit, even to receive cuttings.

(l) **Collection Wells** means reservoir access holes drilled from underground shafts or tunnels from which oil or gas is produced.

(m) **Commercial Disposal Well** or **Commercial Water Retention Pit**. A commercial disposal well or commercial water retention pit is one that is:

(i) Operated primarily for profit from the disposal of produced water and/or deleterious substances for a fee; or,

(ii) A disposal well or pit for which none of its Owners is an Owner or Operator in any of the oil and gas wells which produce the water and/or other deleterious substances which will be disposed into said disposal well or pit.

(n) **Commission** shall mean the Wyoming Oil and Gas Conservation Commission.

(o) **Complete Application** or **Complaint** means a document or documents which:

(i) Identifies the applicant or complainant;

(ii) Identifies the subject matter of the application or complaint and the statutory or regulatory provisions under which relief is requested;

(iii) Contains a brief statement of the circumstances supporting the application or complaint; and,

(iv) Contains a plat map which identifies at a minimum:

(A) The well or wells that are the subject of or may be affected by the application or complaint; and,

(B) The governmental sections or portions thereof that are the subject of or may be affected by the application or complaint; and,

(C) Adjacent or surrounding secondary recovery units, federal exploratory units, and existing drilling units if pertinent to the application or complaint.

(p) **Completion.** An oil well shall be considered completed when the first new oil is produced through wellhead equipment into lease tanks from the producing interval after the production string has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in these rules. A coalbed methane well shall be considered completed after the production casing has been run.

(q) **Cubic Foot** of gas shall mean the volume of gas contained in one cubic foot of space at a standard pressure base and a standard temperature base. The standard temperature base shall be 60° Fahrenheit.

(r) **Day** shall mean a period of twenty-four (24) consecutive hours.

(s) **Directional Well** means a wellbore that is intentionally deviated from vertical with an intentional azimuth.

(t) **Fresh Water** and **Potable Water** are defined as water currently being used as a drinking water source or having a total dissolved solids (TDS) concentration of less than 10,000 milligrams per liter (mg/l) and which:

(i) Can reasonably be expected to be used for domestic, agricultural, or livestock use; or,

(ii) Is suitable for fish or aquatic life.

(u) **Gas** shall mean all natural gases and all hydrocarbons not defined herein as oil.

(v) **Gas Well** shall mean a well the principal production of which, at the mouth of the well, is gas, as defined by the Wyoming Conservation Law.

(w) **Geophysical/Seismic Company** means an entity that performs any geophysical operation to explore for oil, gas, or associated hydrocarbons. These operations include, but are not limited to, drilling seismic shot holes for placing or detonating explosives, vibroseis, or surface shots.

(x) **Groundwater**, for purposes of these rules and consistent with Wyoming Department of Environmental Quality Chapter 8, as revised April 26, 2005, "Quality Standards for Wyoming Groundwaters", means groundwater will be protected except for Class VI Groundwater of the State that is unusable or unsuitable for use:

(i) Due to excessive concentrations of total dissolved solids or specific constituents; or,

(ii) Is so contaminated that it would be economically or technologically impractical to make water useable; or,

(iii) Is located in such a way, including depth below the surface, so as to make use economically and technologically impractical.

(y) **Hearing** shall mean any matter heard before the Commission or its examiners.

(z) **Horizontal Well** shall mean a wellbore drilled laterally at an angle of at least eighty degrees (80°) to the vertical and with a horizontal projection exceeding one hundred feet (100') measured from the initial point of penetration into the productive formation through the terminus of the lateral in the same common source of hydrocarbon supply.

(aa) **Injection or Disposal Well** shall mean any well used for the injection of air, gas, water or other substance into any underground stratum.

(bb) **Legal Subdivision** shall mean any regularly surveyed governmental quarter-quarter section or lot of approximately 40 acres.

(cc) **Lien Holder** means those who have liens, on file with the Secretary of State and County Clerk of the county where the property is located, on the property of the Owner or Operator of a well, as reflected by the Commission records.

(dd) **Log or Well Log** shall mean the written record progressively describing the strata, water, oil or gas encountered in drilling a well with such additional information as to give volumes, pressures, rate of fill-up, water depths, casing record, etc., as is usually recorded in the normal procedure of drilling; also to include electrical, radioactive, or other similar logs run, a lithologic description of all cores, and all drill stem tests, including depth tested, cushion used, time tool open, flowing and shut-in pressures, and recoveries.

(ee) **Mineral Owner** means the owner of the mineral rights title under a piece of property, who will generally be the lessor who is able to convey a leasehold agreement (lease).

(i) **Mineral Leasehold Interest Owner** means the person or entity that holds a valid mineral lease as distinct from actual owner of the mineral rights title.

(ff) **Multiple Zone Completion** shall mean one in which two or more separate zones, mechanically segregated one from the other, are produced simultaneously from the same well.

(gg) **Occupied Structure** shall mean a building that was specifically constructed and approved for human occupancy such as a residence, school, office, or other place of work, or hospital. Occupied structure shall not mean outbuildings such as, but not limited to sheds, barns or garages.

(hh) **Oil** shall mean crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

(ii) **Oil and Gas Operations** means the surface disturbing activities associated with drilling, producing and transporting oil and gas, including the full range of development activity from exploration through production and reclamation of the disturbed surface.

(jj) **Oil Mining** shall mean operations associated with the production of oil or gas from reservoir access holes drilled from underground shafts or tunnels.

(kk) **Oil Well** shall mean a well the principal production of which, at the mouth of the well, is oil, as defined by the Wyoming Conservation Law.

(ll) **Operator** is duly authorized by the Owner as the person engaged in the business of drilling and producing wells for oil and gas.

(mm) **Owner** means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas he produces therefrom either for himself or others.

(nn) **Permanently Abandoned Well** shall mean a well which is no longer considered active and has been permanently plugged and abandoned, as provided by these rules, in such a manner as to prevent migration of oil, gas, and water or other substances from the formation or horizon in which it originally occurred.

(oo) **Person** means and includes any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representative of any kind, and includes any department, agency or instrumentality of the State or of any governmental subdivision thereof. The masculine gender, in referring to a person, includes the feminine and the neuter genders.

(pp) **Pits in Critical Areas.** Sites considered for the placement of all pits are critical areas if they meet any of the following criteria:

(i) Locations which are within one-quarter (1/4) mile of water supplies, residences, schools, hospitals, or other structures where people are known to congregate;

(ii) Areas when groundwater at the location is less than twenty feet (20') from the surface;

(iii) Locations which are within five hundred feet (500') of wetlands, ponds, lakes, perennial drainages or within a floodplain;

(iv) Areas where pit fluids are greater than ten thousand milligrams per liter (10,000 mg/l) total dissolved solids; or,

(v) Locations in pervious subsoils such as sands, scoria, river bottom gravel, loams, etc.

(qq) **Pool** shall mean an underground reservoir containing a common accumulation of oil or gas or both. Each zone of a general structure, which zone is completely separated from any other zone, is covered by the word "pool" as used herein.

(rr) **Producer** means the owner of a well or wells capable of producing oil or gas or both.

(ss) **Production Facilities** shall mean any building or equipment used for the purpose of producing, treating, or separating produced fluids and gas, including but not limited to pumps, pumping units, compressors, generators, gas flares, treaters, separators, storage tanks, and pits.

(tt) **Recompletion** means any downhole operation in an existing oil or gas well that is conducted to establish production of oil or gas from any geological interval

not currently completed or producing in said existing oil or gas well.

(uu) **Seismic Hole** is one which will be used for geophysical purposes only.

(vv) **Shut-In Well** shall mean a well not currently considered active in which the completion interval has not been isolated from the wellbore above and where the wellbore condition is such that its utility may be restored by opening valves or by energizing equipment involved in operating the well.

(ww) **Spacing Unit** shall mean a specified area of land designated by the Commission for purposes of determining well density and location. A spacing unit provides a basis for pooling the interests therein as does a drilling unit. The well location requirement for vertical wells set out in Chapter 3, Section 2(a) and Chapter 3, Section 2(a)(iii) do not create a spacing unit as defined under this section. For purposes of these rules, a spacing unit, drilling unit, and drilling and spacing unit are interchangeable.

(xx) **Special Sodium Drilling Area – A (SSDA – A)** shall mean the designated area where trona mining operations are or will occur where special drilling rules apply to protect the Trona Mineral Resources and ensure miner safety which location is described as containing:

Township 21 North, Range 108 West, 6th P.M.

Section 16: All

Section 17: All

Sections 19 – 22 (inclusive): All

Sections 27 – 34 (inclusive): All

Township 21 North, Range 109 West, 6th P.M.

Sections 24 – 27 (inclusive): All

Sections 34 – 36 (inclusive): All

Township 20 North, Range 108 West, 6th P.M.

Sections 6 – 8 (inclusive): All

Sections 17 – 20 (inclusive): All

Sections 29 – 32 (inclusive): All

Township 20 North, Range 109 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 20 North, Range 110 West, 6th P.M.

Section 1: All

Section 8: All

Section 9: All

Section 12: All

Section 13: All

Sections 15 – 22 (inclusive): All
Sections 24 – 36 (inclusive): All

Township 20 North, Range 111 West, 6th P.M.

Section 13: All
Section 14: All
Section 21: E1/2
Sections 22 – 27 (inclusive): All
Section 28: E1/2
Sections 33 – 36 (inclusive): All

Township 19 North, Range 108 West, 6th P.M.

Section 5: All
Section 6: All

Township 19 North, Range 109 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 19 North, Range 110 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 19 North, Range 111 West, 6th P.M.

Sections 1 – 4 (inclusive): All
Sections 9 – 16 (inclusive): All
Sections 21 – 28 (inclusive): All
Sections 33 – 36 (inclusive): All

Township 18 North, Range 108 West, 6th P.M.

Section 6: All
Section 7: All
Sections 18 – 20 (inclusive): All
Sections 29 – 32 (inclusive): All

Township 18 North, Range 109 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 18 North, Range 110 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 18 North, Range 111 West, 6th P.M.

Sections 1 – 4 (inclusive): All
Section 5: E1/2
Section 8: E1/2
Sections 9 – 16 (inclusive): All
Section 17: E1/2

Section 20: E1/2
Sections 21 – 28 (inclusive): All
Section 29: E1/2
Section 32: E1/2
Sections 33 – 36 (inclusive): All

Township 17 North, Range 108 West, 6th P.M.

Sections 5 – 9 (inclusive): All
Sections 16 – 22 (inclusive): All
Sections 26 – 35 (inclusive): All

Township 17 North, Range 109 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 17 North, Range 110 West, 6th P.M.

Sections 1 – 6 (inclusive): All
Sections 8 – 17 (inclusive): All
Sections 22 – 27 (inclusive): All
Section 35: All
Section 36: All

Township 17 North, Range 111 West, 6th P.M.

Sections 1 – 3 (inclusive): All

Township 16 North, Range 108 West, 6th P.M.

Sections 3 – 10 (inclusive): All
Sections 15 – 22 (inclusive): All
Sections 26 – 35 (inclusive): All

Township 16 North, Range 109 West, 6th P.M.

Sections 1 – 30 (inclusive): All
Section 35: All
Section 36: All

Township 16 North, Range 110 West, 6th P.M.

Section 1: All
Section 2: All
Sections 11 – 15 (inclusive): All
Sections 22 – 27 (inclusive): All

Township 15 North, Range 108 West, 6th P.M.

Sections 2 – 10 (inclusive): All
Sections 15 – 22 (inclusive): All
Sections 27 – 34 (inclusive): All

Township 15 North, Range 109 West, 6th P.M.

Section 1: All

Section 2: All

Sections 11 – 14 (inclusive): All

Sections 23 – 25 (inclusive): All

Section 36: All

Township 14 North, Range 108 West, 6th P.M.

Sections 4 – 7 (inclusive): All

Section 18: All

Township 14 North, Range 109 West, 6th P.M.

Section 1: All

Section 12: All

Section 13: All

(yy) **Special Sodium Drilling Area – B (SSDA – B)** shall mean the designated area where Trona Mining Resources exist outside the SSDA – A and special drilling rules apply to protect the resource which location is described as containing:

Township 21 North, Range 109 West, 6th P.M.

Sections 28 – 33 (inclusive): All

Township 21 North, Range 110 West, 6th P.M.

Section 25: All

Sections 34 – 36 (inclusive): All

Township 20 North, Range 110 West, 6th P.M.

Sections 2 – 7 (inclusive): All

Section 10: All

Section 11: All

Section 14: All

Section 23: All

Township 20 North, Range 111 West, 6th P.M.

Section 1: All

Section 11: All

Section 12: All

Section 15: All

Township 19 North, Range 108 West, 6th P.M.

Section 7: All

Section 18: All

Section 19: All

Section 30: All
Sections 31 – 35 (inclusive): All

Township 18 North, Range 108 West, 6th P.M.

Sections 1 – 5 (inclusive): All
Sections 8 – 17 (inclusive): All
Section 21: All
Section 22: All
Section 27: All
Section 28: All
Section 33: All
Section 34: All

Township 17 North, Range 107 West, 6th P.M.

Sections 30 – 32 (inclusive): All

Township 17 North, Range 108 West, 6th P.M.

Section 3: All
Section 4: All
Section 10: All
Section 11: All
Sections 13 – 15 (inclusive): All
Sections 23 – 25 (inclusive): All
Section 36: All

Township 17 North, Range 110 West, 6th P.M.

Section 7: All
Sections 18 – 21 (inclusive): All
Sections 28 – 34 (inclusive): All

Township 17 North, Range 111 West, 6th P.M.

Section 4: All
Section 5: All
Sections 8 – 36 (inclusive): All

Township 17 North, Range 112 West, 6th P.M.

Section 13: All
Section 14: All
Sections 22 – 28 (inclusive): All
Sections 33 – 36 (inclusive): All

Township 16 North, Range 107 West, 6th P.M.

Section 6: All
Section 7: All
Section 18: All

Section 19: All
Section 30: All
Section 31: All

Township 16 North, Range 108 West, 6th P.M.

Section 1: All
Section 2: All
Sections 11 – 14 (inclusive): All
Sections 23 – 25 (inclusive): All
Section 36: All

Township 16 North, Range 109 West, 6th P.M.

Sections 31 – 34 (inclusive): All

Township 16 North, Range 110 West, 6th P.M.

Sections 3 – 10 (inclusive): All
Sections 16 – 21 (inclusive): All
Sections 28 – 36 (inclusive): All

Township 16 North, Range 111 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 16 North, Range 112 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 15 North, Range 107 West, 6th P.M.

Section 6: All
Section 7: All
Section 18: All
Section 19: All
Section 30: All
Section 31: All

Township 15 North, Range 108 West, 6th P.M.

Section 1: All
Sections 11 – 14 (inclusive): All
Sections 23 – 26 (inclusive): All
Section 35: All
Section 36: All

Township 15 North, Range 109 West, 6th P.M.

Sections 3 – 10 (inclusive): All
Sections 15 – 22 (inclusive): All
Sections 26 – 35 (inclusive): All

Township 15 North, Range 110 West, 6th P.M.
Sections 1 – 36 (inclusive): All

Township 15 North, Range 111 West, 6th P.M.
Sections 1 – 36 (inclusive): All

Township 15 North, Range 112 West, 6th P.M.
Sections 1 – 36 (inclusive): All

Township 14 North, Range 108 West, 6th P.M.
Sections 1 – 3 (inclusive): All
Sections 8 – 17 (inclusive): All
Sections 19 – 36 (inclusive): All

Township 14 North, Range 109 West, 6th P.M.
Sections 2 – 11 (inclusive): All
Sections 14 – 36 (inclusive): All

Township 14 North, Range 110 West, 6th P.M.
Sections 1 – 36 (inclusive): All

Township 14 North, Range 111 West, 6th P.M.
Sections 1 – 36 (inclusive): All

Township 14 North, Range 112 West, 6th P.M.
Sections 1 – 16 (inclusive): All
Sections 22 – 26 (inclusive): All

(zz) **Spud** means the commencement of operations for the first boring of a hole for the drilling of an oil, gas or injection well, or observation/monitor well, and/or the commencement of operations for the re-entry of a previously plugged and abandoned well, and/or observation/monitor well. This includes setting conductor.

(aaa) **Stratigraphic Test** or **Core Hole** shall mean any hole drilled for the sole purpose of obtaining geological information.

(bbb) **Stripper Production** means a property or lease whose average daily production of crude petroleum and petroleum condensate, including natural gas liquids, did not exceed ten (10) barrels per day per well during the preceding calendar year.

(ccc) **Sump** is a buried, or partially buried, vessel constructed of man-made material including, but not limited to, steel, fiberglass, and/or concrete, which is used for the temporary collection of fluids. A sump can be closed top or open top.

(ddd) **Supervisor** shall mean State Oil and Gas Supervisor.

(eee) **Surface Owner** means any person holding any recorded interest in the legal or equitable title, or both, to the land surface on which oil and gas operations occur, as filed of record with the county clerk of the county in which the land is located. Surface Owner does not include any person or governmental entity that owns all of the land surface and all of the underlying oil and gas estate, or any person or governmental entity that owns only an easement, right-of-way, license, mortgage, lien, mineral interest or nonpossessory interest in the land surface.

(fff) **Temporarily Abandoned Well** shall mean a well in which the completion interval has been isolated from the wellbore above and the surface. The completion interval may be isolated by a retainer, bridge plug, cement plug, tubing and packer with tubing plug, or any combination thereof.

(ggg) **Tertiary Production** means the crude oil recovered from a petroleum reservoir by means of a tertiary recovery project to which one (1) or more tertiary enhanced recovery techniques meeting the certification requirements of the Wyoming Oil and Gas Conservation Commission or the United States Government are being applied.

(hhh) **Trona Mineral Resource** shall mean a concentration or occurrence of trona mineral in or on the Earth's crust in such form and quantity and of such a grade or quality that it has reasonable prospects for economic extraction. The location, quantity, grade, geological characteristics and continuity of a Trona Mineral Resource is known, estimated or interpreted from specific geological evidence and knowledge.

(iii) **Trona Interval** shall mean that stratigraphic interval contained within the Special Sodium Drilling Area – A or – B (SSDA – A or – B), as defined in Chapter 1, Section 2(tt) or (uu) of these rules that lies between the base of the Laney member of the Green River Formation and the top of the main body of the Wasatch Formation.

(jjj) **Underground Source of Drinking Water (USDW)** means an aquifer or its portion which:

- (i) Supplies any public water system; or,
- (ii) Contains a sufficient quantity of ground water to supply a public water system; and,
 - (A) Currently supplies drinking water for human consumption;or,
 - (B) Contains fewer than 10,000 mg/l total dissolved solids; and,
- (iii) Is not an exempted aquifer.

(kkk) **Water Source** shall mean water wells or springs that are permitted or adjudicated through the Wyoming Engineer's Office for the beneficial use of water including domestic, stock, industrial, miscellaneous, municipal, irrigation, or any other beneficial use of water recognized and permitted by that office. This definition also includes any monitoring well permitted by the State Engineer's Office or the Department of Environmental Quality. For the purpose of this definition, coalbed methane wells (CBM) are not considered a water source.

(lll) **Well**, when used alone in these rules and regulations shall refer to an oil or gas well, injection or disposal well, or observation/monitor well, or to a hole drilled for the purpose of producing oil or gas or both. It shall not include seismic, stratigraphic test, core or other exploratory holes drilled for the purpose of obtaining geologic information only.

(mmm) **Wildcat Well** means any oil or gas well designated as a wildcat well by the Wyoming Oil and Gas Conservation Commission. Wildcat wells are wells outside known fields or new wells which are determined by the Commission to have discovered oil or gas in a pool not previously proven productive.

(nnn) **Workover** means any downhole operation in an existing oil or gas well that is designed to sustain, restore or increase the production rate or ultimate recovery in a geologic interval currently completed or producing in said existing oil or gas well. Workover includes, but is not limited to, acidizing, reperforating, fracture treating, sand/paraffin removal, casing repair, squeeze cementing, or setting bridge plugs to isolate water productive zones from oil or gas productive zones, or any combination thereof. Workover does not mean the routine maintenance, repair, or replacement of downhole equipment such as rods, pumps, tubing, packers, or other mechanical devices.

(ooo) **Wyoming Conservation Act** shall mean WYO. STAT. ANN. §§ 30-5-101 through 30-5-127.

(ppp) **Wyoming Split Estates Act** shall mean WYO. STAT. ANN. §§ 30-5-401 through 30-5-410.

CHAPTER 5

RULES OF PRACTICE AND PROCEDURE BEFORE THE WYOMING OIL AND GAS CONSERVATION COMMISSION

Section 1. Adoption of Rules.

(a) Sections 1 through 27 of this chapter shall be known and designated as the "Rules of Practice and Procedure" before the Wyoming Oil and Gas Conservation Commission (Commission) and shall apply in all proceedings before the Commission or its examiners relating to the conservation of oil and gas, and in the administration by the Commission of the Wyoming Conservation Act and the rules adopted by this Commission thereunder.

(b) The Commission hereby incorporates by reference the following, which can be found at:

https://www.courts.state.wy.us/wp-content/uploads/2017/05/WYOMING_RULES_OF_CIVIL_PROCEDURE.pdf

(i) Wyoming Rules of Civil Procedure, Rule 24 (Intervention), adopted by the Wyoming Supreme Court and in effect on March 1, 2017;

(ii) Wyoming Rules of Civil Procedure, Rule 45 (Subpoenas), adopted by the Wyoming Supreme Court and in effect on March 1, 2017;

(c) For these rules incorporated by reference:

(i) The Commission has determined that incorporation of the full text of these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsections (a)(i) and (a)(ii) of this sections; and

(iii) The incorporated rules are maintained at the Commission and are available for public inspection and copying at the same location.

Section 2. Commencement of Proceedings and Continuances.

(a) Proceedings are commenced by the filing of an electronic copy and an original of a verified and complete application as defined in Chapter 1, Section 2, or a protest, complete with a map or plat showing the area affected by the application, with the State Oil and Gas Supervisor, and the payment to the Secretary of the Commission of a filing fee of two hundred fifty dollars (\$250.00).

(i) Proceedings for aquifer exemptions and injection/disposal permits are commenced by filing an original and seven (7) copies of a verified and complete application as defined in Chapter 1, Section 2, and in Chapter 4, Sections 5, 7 and 12, complete with a map or plat showing the area affected by the application, with the State Oil and Gas Supervisor, and the payment to the Secretary of the Commission of a filing fee of two hundred fifty dollars (\$250.00).

(b) Continuances may be requested by notifying the Commission and affected parties of the continuance at least three (3) working days prior to the hearings. In the event the three-day notice is not given, the Commission may dismiss the application without prejudice. An application may be continued by the Supervisor two (2) times after the initial filing. Thereafter, a continuance requires Commission approval. If an application is continued at the request of any party, the requesting party shall be assessed one hundred twenty-five dollars (\$125.00) for each continuance.

Section 3. Docket and Copies.

When a proceeding is initiated, the Supervisor or designee shall assign a docket number and enter the proceeding, with the date of its filing, on a separate page of a docket provided for such purpose. Thereafter, all pleadings and filings in the same proceeding shall be filed and shall bear the docket number so assigned.

Section 4. Filing and Service of Papers.

(a) In all contested cases, the parties shall file all original documents, pleadings, and motions with the Commission, as applicable, with true and correct copies of the particular document, pleading, or motion properly served on all other parties accompanied by a certificate of service. The Commission shall maintain the complete original file, and all parties and the hearing officer shall be provided copies of all contested case documents, pleadings, and motions contained therein.

(b) Filing and service under this rule shall be made either by hand delivery or by U.S. mail transmittal to the last known address. Parties wishing to file by means other than those described in this Section shall obtain preapproval from the Commission.

Section 5. Notice of Complaints and Applications.

The manner and time for giving notice of complaints and applications and the time and place for hearings shall be in accordance with the provisions of the Wyoming Conservation Act and these rules. In addition to any other notice required by the statutes or these rules, the applicant shall notify those owners, as defined by the Wyoming Conservation Act, of the subject lands and other lands within one-half (1/2) mile of the boundaries of the subject lands or location where the operation is to be undertaken.

Section 6. Attorneys.

(a) A party, whether it be an individual, corporation, partnership, governmental organization, or other entity may appear through an attorney or representative. An individual may represent himself/herself. An individual or entity seeking to intervene in a contested case under Rule 24 of the Wyoming Rules of Civil Procedure (W.R.C.P.) may appear through an attorney or representative prior to a ruling on the motion to intervene.

(b) Prior to withdrawing from a contested case, an attorney shall file a motion to withdraw. The motion for an attorney's withdrawal shall include a statement indicating the manner in which notification was given to the client and setting forth the client's last known address and telephone number. The hearing officer or Commission shall not grant the motion to withdraw unless the attorney has made reasonable efforts to give actual notice to the client that:

(i) the attorney wishes to withdraw;

(ii) the client has the burden of keeping the hearing officer or Commission informed of the address where notices, pleadings, or other papers may be served;

(iii) the client has the obligation to prepare, or to hire another attorney or representative to prepare, for the contested case and the dates of proceedings;

(iv) the client may suffer an adverse determination in the contested case if the client fails or refuses to meet these burdens;

(v) the pleadings and papers in the case shall be served upon the client at the client's last known address; and

(vi) the client has the right to object within 15 days of the date of notice.

Section 7. Subpoenas.

Any party may request the hearing officer or Commission to issue a subpoena to compel the attendance of a witness or for the production of documents. Requests for the issuance of a subpoena shall be accompanied by a completed subpoena, which shall conform to Rule 45 of the W.R.C.P.

Section 8. Discovery.

(a) The taking of depositions and discovery shall be in accordance with WYO. STAT. ANN. § 16-3-107(g).

(b) Unless the hearing officer or adjudicative agency orders otherwise, parties shall not file discovery requests, answers, and deposition notices with the hearing officer or adjudicative agency.

Section 9. Repealed.

Section 10. Appointment of Examiners.

The Commission may appoint one or more examiners, pursuant to WYO. STAT. ANN. § 30-5-105, to conduct hearings in accordance therewith.

Section 11. Hearings before the Commission.

(a) Hearings in the following matters and proceedings shall be heard by the Commission as provided by WYO. STAT. ANN. § 30-5-106 and these rules. The Commission shall designate one of its members as a hearing officer to conduct the hearing.

(b) Matters or proceedings in which an interested party who may be affected by an order of the Commission in the matter or proceeding files a written objection to a matter being heard before an examiner at least three (3) days prior to the date set for the hearing on the matter or proceeding. The applicant shall be entitled to a continuance in the event a protest is filed less than ten (10) days prior to a scheduled hearing. No action shall be taken on an objection or protest that is not timely filed. The written protest must state the grounds of the protest and include information and evidence to demonstrate that:

(i) The protestant is a party entitled to notice or relief under WYO. STAT. ANN. §§ 30-5-101 through 30-5-128, and WYO. STAT. ANN. §§ 30-5-401 through 30-5-410.

(ii) The protestant seeks a remedy that is within the jurisdiction and authority of the Commission.

(c) Any decision by the Supervisor may be appealed to the Commission.

Section 12. Hearings before an Examiner.

(a) Pursuant to WYO. STAT. ANN. § 30-5-105, all matters and proceedings for which a hearing is required shall be set for public hearing before an examiner.

(b) Hearings before examiners shall be conducted informally. Oral statements may be made, and questions may be asked by any interested party, or by the examiner. The record of such a hearing shall consist solely of the appearances of interested parties, the verified application, and any exhibits, pleadings, written statements, or other

documentary evidence submitted by the interested parties. Transcripts shall be made of hearings on aquifer exemption matters only.

(c) After the conclusion of any hearing conducted before an examiner, the examiner shall submit a recommendation for the disposition of the proceeding to the Commission. The Commission shall consider the report and recommendations by the examiner(s), and the record of the hearing, and shall ratify or deny the recommendation of the examiner(s). A written order shall be issued.

Section 13. Repealed.

Section 14. Rehearing before the Commission.

Any interested party may, within thirty (30) days from the date the matter was heard by the Commission or an examiner, file a written request for a rehearing. A rehearing may also be ordered if recommended by an examiner, or if the Commission is of the opinion that an order should not be entered as recommended by the examiner. A rehearing shall be conducted as a de novo proceeding in the same manner as other hearings before the Commission.

Section 15. Operations Which May be Approved Administratively; Notice.

(a) In cases in which the applicant requests approval of an operation, which under the statutes or the rules of the Commission may be approved by the Supervisor as an administrative matter (including but not limited to horizontal well applications, exception location applications, or surface commingling applications), the applicant shall file one (1) copy of the application with the Commission. Injection well permit applications require an original and seven (7) copies of the application. Applications shall set forth all material facts involved including any specific information required by the rule or statute authorizing administrative approval of the operation.

(b) In addition to any other notice required by the statute or these rules, the applicant shall notify those owners within one-half (1/2) mile from the well or wells in which such operation is to be undertaken. The applicant requesting an exception to the well location requirements give notice as required by WYO. STAT ANN. § 30-5-109(c)(ii). The notice to be given by applicant shall be by mail (which mailing shall be by registered or certified mail where so required by statute or these rules) and shall set forth the nature of the application and the lands thereby affected. Proof of the mailing of such notice shall be by affidavit, which shall contain a list of names and addresses of all parties given notice by the applicant, and such affidavit must be filed with the Supervisor before any action is taken on the application.

(c) The operation proposed in the application shall be approved by the Supervisor administratively and without hearing unless:

(i) The applicant requests a hearing; or

(ii) A written objection to the application by an interested person entitled under these rules or by statute to receive notice by mail of the filing of the application, is filed with the Supervisor within fifteen (15) days after the required mailing is shown to have been made. Provided, that if there are filed with the Supervisor written consents to the application from all such persons otherwise entitled to notice by mail of the filing thereof, said Supervisor may immediately approve the application without awaiting the expiration of said fifteen (15) day period; or

(iii) The Supervisor in his discretion is of the opinion that a hearing is necessary or desirable; or

(iv) The Supervisor determines that the application should not be approved. If the application is not approved, the Supervisor shall promptly advise the applicant and state the reasons therefore.

(d) If any such written objections to such application are properly filed, as provided above, or if the Supervisor determines that a hearing is necessary or desirable or, if the applicant requests a hearing, the application shall be set for hearing and notice of the time, place and purpose of the hearing shall be given by the applicant to all owners to whom the applicant gave notice of the filing of the application at least ten (10) days before the date of such hearing. Such notice shall be by registered or certified mail with return receipt requested.

Section 16. Conservation Tax Disputes.

(a) An oil or gas producer may apply to the staff of the Wyoming Oil and Gas Conservation Commission or to the Commission for a refund or adjustment of the mill levy conservation tax he has paid. Except as otherwise provided in this rule, said application must be made within one (1) year of the date the tax was due or paid, must be in writing, and state the grounds for the refund and the amount. The Commission and the staff may disregard any application for refund or grounds for refund not complying with this. If the staff does not consent to a refund, it shall so notify the producer. The producer shall have thirty (30) days from the date such notice is mailed to file a petition for review by the Commission. If he does so, the Commission shall set the matter for hearing and make a determination.

(b) If the producer and the staff do not agree on the amount of the tax due, the producer may pay the amount claimed by the staff under protest. Such protest shall be in writing and state the amount of the tax that is being protested and the grounds. The Commission may disregard any protest of taxes or grounds of protest not complying with this; otherwise, the Commission will set the matter for hearing and make a decision.

(c) In the case of unitized operations, an application for a refund or adjustment of the mill levy conservation tax must be made within one (1) year of the determination of the adjustment resulting under the applicable unitization agreement.

(d) Notwithstanding any provision in this rule, any refund claim filed after one (1) year of the date the tax was due or paid and approved by the Commission may be allowed as a credit on the producer's current year's or subsequent year's mill levy conservation tax obligation.

(e) If the Commission agrees with a protest or a request for a refund, it shall refund the amount overpaid by the producer without interest. The Commission may refuse to make a refund in an amount less than ten dollars (\$10.00).

(f) Natural Gas which is vented or flared under authority of the Wyoming Oil and Gas Conservation Commission and natural gas which is reinjected or consumed prior to sale for the purpose of maintaining, stimulating, treating, transporting, or producing crude oil or natural gas on the same lease or unit from which it was produced is exempt from the mill levy conservation tax of WYO. STAT. ANN. § 30-5-116.

Section 17. Removal of Abandoned Oil Field Equipment.

(a) When oil field equipment has been abandoned, as defined in Chapter 1, Section 2, the Commission may, after notice and a hearing, deem the equipment abandoned and dispose of the equipment by public sale or by transferring title to the contractor who performs the plugging and reclamation for the Commission. In doing so, the Commission shall proceed as follows:

(i) Provide notice to the Owner of the well, as identified on Form 7 (Change of Owner), the Operator as identified on Form 6 (Designation of Operator), and to lien holders as reflected by the lien filing records of the Wyoming Secretary of State and the County Clerk of the county in which the equipment is located;

(ii) Check the lien filings with the Secretary of State and County Clerk within thirty (30) days prior to giving this notice:

(A) Notice shall be sent by certified mail to the Owner's and Operator's address of record with the Commission, or the Wyoming Secretary of State's corporation record, and to the lien holder's address of record as reflected by the lien document.

(B) The notice shall advise the parties of the general description and location of the equipment and that, if the equipment is not removed within thirty (30) days of the mailing of notice, the Commission will deem it abandoned, and transfer possession and ownership of the equipment to the Commission or to the person who plugs the well, reclaims the drill site, or who will remove the equipment.

(b) If the equipment is not removed within the thirty (30) days, the Commission may set the matter for hearing. Notice of the hearing shall be mailed by certified mail to the Owner/Operator and lien holders, as determined above, at least ten (10) days prior to the hearing. Notice to remove the equipment and notice of hearing before the Commission may be combined.

(c) After a hearing, and upon proof of compliance with the above procedures, the Commission may find the equipment has been abandoned and issue an order which transfers ownership of the equipment, free and clear, to the Commission or to the person who reclaims the drill site, plugs the well, or removes the equipment.

Section 18. Repealed.

Section 19. Commission Meetings.

(a) The Wyoming Oil and Gas Conservation Commission shall meet the second Tuesday of each month, unless otherwise approved by the Commission, at the Commission's Conference Room at 9:00 a.m.

(b) The Commission shall meet at such other times as necessary at the time and place designated by the Commission Chairman.

Section 20. Commission Office.

The Commission office shall be located at 2211 King Boulevard, Casper, Wyoming.

Section 21. Burden of Proof.

The hearing officer or Commission shall assign the burden of proof in accordance with applicable law.

Section 22. Evidence.

(a) The hearing officer or Commission shall rule on the admissibility of evidence in accordance with the following:

(i) evidence of the type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(ii) evidence may be offered through witness testimony or in documentary form;

(iii) testimony shall be given under oath administered by the hearing officer. Deposition testimony and other prefiled testimony may be submitted as evidence, provided the testimony is given under oath administered by an appropriate authority, and is subject to cross-examination by all parties;

(iv) the rules of privilege recognized by Wyoming law shall be given effect; and

(v) a hearing officer or Commission may take administrative notice of judicially cognizable facts, provided the parties are properly notified of any material facts noticed.

(b) Each party shall have the opportunity to cross-examine witnesses. The hearing officer or Commission may allow cross-examination on matters not covered on direct examination.

(c) The hearing officer, the hearing panel, agency staff, or other persons delegated to do so by the hearing officer or hearing panel, when applicable, may ask questions of any party or witness.

Section 23. Default.

Unless otherwise provided by law, the Commission or hearing officer may enter an order of default for a party's failure to appear at a lawfully noticed hearing.

Section 24. Settlements.

Parties shall promptly notify the Commission or hearing officer of all settlements, stipulations, agency orders, or any other action eliminating the need for a hearing. When the contested case has settled, the Commission may enter an order, on its own motion, dismissing the case.

Section 25. Ex Parte Communications.

Except as authorized by law, a party or a party's attorney or representative shall not communicate with the hearing officer or Commission member in connection with any issue of fact or law concerning any pending contested case, except upon notice and opportunity for all parties to participate. Should ex parte communication occur, the hearing officer or hearing panel member shall advise all parties of the communication as soon as possible thereafter and, if requested, shall allow any party an opportunity to respond prior to ruling on the issue.

Section 26. Computation of Time.

(a) In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statutes, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a day on which weather or other conditions have made the office of the clerk of the court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. As used in this rule, “legal holiday” includes any day officially recognized as a legal holiday in this state by designation of the legislature, appointment as a holiday by the governor or the chief justice of the Wyoming Supreme Court, or any day designated as such by local officials.

(b) Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon the party, and the notice or paper is served upon the party by mail or by delivery to the agency for service, three days shall be added to the prescribed period.

Section 27. Referral for Contested Case Hearing.

(a) After notice to the parties and opportunity to be heard regarding the nature and complexity of the case, the Commission may, at its discretion, or if so requested by a party to the proceeding, refer, assign, or designate one or more hearing officers to preside over any unusually complex cases, unless otherwise provided by law.

(b) To the extent a specific section has not been amended in these rules, contested cases referred under this section shall be conducted pursuant to the Office of Administrative Hearings (OAH) Uniform Rules for Contested Case Practice and Procedure, Chapter 2, adopted by the Office of Administrative Hearing and in effect on July 20, 2017, and found at: <https://rules.wyo.gov>.

(c) The Commission has determined that the incorporation of the full text in the Office of Administrative Hearings Uniform Rules for Contested Case Practice and Procedure would be cumbersome or inefficient given the length and nature of the rule.

(d) The following sections of OAH Chapter 2 have been adopted, as amended, by the Commission as part of Chapter 5, and shall have precedence over the corresponding OAH Chapter 2 sections:

<u>WOGCC</u>	<u>OAH</u>	
<u>Chapter 5, Section</u>	<u>Chapter 2, Section</u>	
2	16	Continuances
26	12	Computation of Time

CHAPTER 6

PROCEDURES, FEES, COSTS AND CHARGES FOR INSPECTING, COPYING AND PRODUCING PUBLIC RECORDS

Section 1. Authority. The Wyoming Oil and Gas Conservation Commission is required under W.S. 16-3-103(j)(ii) to adopt the Department of Administration and Information's uniform rules pertaining to procedures, fees, costs, and charges for inspecting, copying, and producing public records.

Section 2. Purpose. The Wyoming Oil and Gas Conservation Commission hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://rules.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Wyoming Oil and Gas Conservation Commission has determined that incorporation of the full text in these rules would be cumbersome and inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Wyoming Oil and Gas Conservation Commission's office and are available for public inspection and copying at the same location.

CHAPTER 1

AUTHORITY AND DEFINITIONS

Section 1. Authority. WYO. STAT. ANN. §§ 30-5-101 through 30-5-127, and WYO. STAT. ANN. §§ 30-5-401 through 30-5-410.

Section 2. Definitions.

(a) **Aquifer** shall mean a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

(b) **Abandoned Oil Field Equipment** means equipment and the contents thereof used in drilling or producing oil and gas wells and left on the lease where a dry hole or well is located ~~as to which reports on the Form 2, Operator's Monthly Report of Wells, have not been filed with the Commission for the preceding twenty four (24) months.~~ Abandonment may be shown by lack of production, disposal, injection, or other permitted activity for more than two (2) years, lack of equipment or infrastructure necessary for the production of oil or gas, or failure to report production or payment of conservation taxes.

(c) **Agent** means the person who has been designated by the Owner or Operator to act on the Owner's or Operator's behalf. The "Agent" has authority to fulfill the obligations of the Owner as noted in Chapter 3, Section 4 of these rules, but is not required to have a performance bond in place.

(d) **Authorized Agent** shall mean a representative of the Supervisor as authorized by the Commission.

(e) **Available Water Source** shall mean a water source for which the water well owner, owner of a spring, or land owner, as applicable, has given consent for sampling and testing and has consented to having the analytical results and spatial coordinates of the water source made available to the public unless the data is otherwise considered confidential under Wyoming statute.

(f) **Average Daily Production** means the qualified maximum total production of domestic crude petroleum and petroleum condensates, including natural gas liquids produced from a property or lease during the preceding calendar year divided by the number of calendar days in that year times the number of wells which produced and wells which injected substances for the recovery of crude petroleum and petroleum condensates, including natural gas liquids from that property or lease in that year. To qualify as maximum total production, each well must have been maintained at the maximum feasible rate of production in accordance with recognized conservation practices and not significantly curtailed by reason of mechanical failure or other disruption in production.

(g) **Barrel** shall mean 42 (US) gallons of liquid at 60° Fahrenheit at atmospheric pressure.

(h) **Casing Pressure** shall mean the pressure within the casing or between the casing and tubing at the wellhead.

(i) **Class II Well** shall mean any non-commercial well used to dispose of water and/or fluids directly associated with the production of oil and/or gas, any well used to inject fluids or gas for enhanced oil recovery, or any well used for the storage of liquid hydrocarbons. Non-hazardous gas plant wastes may be disposed of in a Class II well pending Environmental Protection Agency co-approval.

(j) **Client Company** means the entity on whose behalf and for whose benefit the geophysical/seismic company does its work or the entity who hires the geophysical/seismic company.

(k) **Closed System** includes, but is not limited to, the use of a combination of solids control equipment (e.g., shale shakers, flowline cleaners, desanders, desilters, mud cleaners, centrifuges, agitators, and necessary pumps and piping) incorporated in a series on the rig's steel mud tanks, or a self-contained unit that eliminates the need for a reserve pit for the purpose of dumping and dilution of drilling fluids for the removal of entrained drilling solids. A closed system for the purpose of the Commission's rules does not automatically include the use of a small pit, even to receive cuttings.

(l) **Collection Wells** means reservoir access holes drilled from underground shafts or tunnels from which oil or gas is produced.

(m) **Commercial Disposal Well** or **Commercial Water Retention Pit**. A commercial disposal well or commercial water retention pit is one that is:

(i) Operated primarily for profit from the disposal of produced water and/or deleterious substances for a fee; or,

(ii) A disposal well or pit for which none of its Owners is an Owner or Operator in any of the oil and gas wells which produce the water and/or other deleterious substances which will be disposed into said disposal well or pit.

(n) **Commission** shall mean the Wyoming Oil and Gas Conservation Commission.

(o) **Complete Application** or **Complaint** means a document or documents which:

(i) Identifies the applicant or complainant;

(ii) Identifies the subject matter of the application or complaint and the statutory or regulatory provisions under which relief is requested;

(iii) Contains a brief statement of the circumstances supporting the application or complaint; and,

(iv) Contains a plat map which identifies at a minimum:

(A) The well or wells that are the subject of or may be affected by the application or complaint; and,

(B) The governmental sections or portions thereof that are the subject of or may be affected by the application or complaint; and,

(C) Adjacent or surrounding secondary recovery units, federal exploratory units, and existing drilling units if pertinent to the application or complaint.

(p) **Completion.** An oil well shall be considered completed when the first new oil is produced through wellhead equipment into lease tanks from the producing interval after the production string has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in these rules. A coalbed methane well shall be considered completed after the production casing has been run.

(q) **Cubic Foot** of gas shall mean the volume of gas contained in one cubic foot of space at a standard pressure base and a standard temperature base. The standard temperature base shall be 60° Fahrenheit.

(r) **Day** shall mean a period of twenty-four (24) consecutive hours.

(s) **Directional Well** means a wellbore that is intentionally deviated from vertical with an intentional azimuth.

(t) **Fresh Water** and **Potable Water** are defined as water currently being used as a drinking water source or having a total dissolved solids (TDS) concentration of less than 10,000 milligrams per liter (mg/l) and which:

(i) Can reasonably be expected to be used for domestic, agricultural, or livestock use; or,

(ii) Is suitable for fish or aquatic life.

(u) **Gas** shall mean all natural gases and all hydrocarbons not defined herein as oil.

(v) **Gas Well** shall mean a well the principal production of which, at the mouth of the well, is gas, as defined by the Wyoming Conservation Law.

(w) **Geophysical/Seismic Company** means an entity that performs any geophysical operation to explore for oil, gas, or associated hydrocarbons. These operations include, but are not limited to, drilling seismic shot holes for placing or detonating explosives, vibroseis, or surface shots.

(x) **Groundwater**, for purposes of these rules and consistent with Wyoming Department of Environmental Quality Chapter 8, as revised April 26, 2005, "Quality Standards for Wyoming Groundwaters", means groundwater will be protected except for Class VI Groundwater of the State that is unusable or unsuitable for use:

(i) Due to excessive concentrations of total dissolved solids or specific constituents; or,

(ii) Is so contaminated that it would be economically or technologically impractical to make water useable; or,

(iii) Is located in such a way, including depth below the surface, so as to make use economically and technologically impractical.

(y) **Hearing** shall mean any matter heard before the Commission or its examiners.

(z) **Horizontal Well** shall mean a wellbore drilled laterally at an angle of at least eighty degrees (80°) to the vertical and with a horizontal projection exceeding one hundred feet (100') measured from the initial point of penetration into the productive formation through the terminus of the lateral in the same common source of hydrocarbon supply.

(aa) **Injection or Disposal Well** shall mean any well used for the injection of air, gas, water or other substance into any underground stratum.

(bb) **Legal Subdivision** shall mean any regularly surveyed governmental quarter-quarter section or lot of approximately 40 acres.

(cc) **Lien Holder** means those who have liens, on file with the Secretary of State and County Clerk of the county where the property is located, on the property of the Owner or Operator of a well, as reflected by the Commission records.

(dd) **Log or Well Log** shall mean the written record progressively describing

the strata, water, oil or gas encountered in drilling a well with such additional information as to give volumes, pressures, rate of fill-up, water depths, casing strata, casing record, etc., as is usually recorded in the normal procedure of drilling; also to include electrical, radioactive, or other similar logs run, a lithologic description of all cores, and all drill stem tests, including depth tested, cushion used, time tool open, flowing and shut-in pressures, and recoveries.

(ee) **Mineral Owner** means the owner of the mineral rights title under a piece of property, who will generally be the lessor who is able to convey a leasehold agreement (lease).

(i) **Mineral Leasehold Interest Owner** means the person or entity that holds a valid mineral lease as distinct from actual owner of the mineral rights title.

(ff) **Multiple Zone Completion** shall mean one in which two or more separate zones, mechanically segregated one from the other, are produced simultaneously from the same well.

(gg) **Occupied Structure** shall mean a building that was specifically constructed and approved for human occupancy such as a residence, school, office, or other place of work, or hospital. Occupied structure shall not mean outbuildings such as, but not limited to sheds, barns or garages.

(hh) **Oil** shall mean crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

(ii) **Oil and Gas Operations** means the surface disturbing activities associated with drilling, producing and transporting oil and gas, including the full range of development activity from exploration through production and reclamation of the disturbed surface.

(jj) **Oil Mining** shall mean operations associated with the production of oil or gas from reservoir access holes drilled from underground shafts or tunnels.

(kk) **Oil Well** shall mean a well the principal production of which, at the mouth of the well, is oil, as defined by the Wyoming Conservation Law.

(ll) **Operator** is duly authorized by the Owner as the person engaged in the business of drilling and producing wells for oil and gas.

(mm) **Owner** means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas he produces therefrom either for himself or others.

(nn) **Permanently Abandoned Well** shall mean a well which is no longer considered active and has been permanently plugged and abandoned, as provided by these rules, in such a manner as to prevent migration of oil, gas, and water or other substances from the formation or horizon in which it originally occurred.

(oo) **Person** means and includes any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representative of any kind, and includes any department, agency or instrumentality of the State or of any governmental subdivision thereof. The masculine gender, in referring to a person, includes the feminine and the neuter genders.

(pp) **Pits in Critical Areas.** Sites considered for the placement of all pits are critical areas if they meet any of the following criteria:

(i) Locations which are within one-quarter (1/4) mile of water supplies, residences, schools, hospitals, or other structures where people are known to congregate;

(ii) Areas when groundwater at the location is less than twenty feet (20') from the surface;

(iii) Locations which are within five hundred feet (500') of wetlands, ponds, lakes, perennial drainages or within a floodplain;

(iv) Areas where pit fluids are greater than ten thousand milligrams per liter (10,000 mg/l) total dissolved solids; or,

(v) Locations in pervious subsoils such as sands, scoria, river bottom gravel, loams, etc.

(qq) **Pool** shall mean an underground reservoir containing a common accumulation of oil or gas or both. Each zone of a general structure, which zone is completely separated from any other zone, is covered by the word "pool" as used herein.

(rr) **Producer** means the owner of a well or wells capable of producing oil or gas or both.

(ss) **Production Facilities** shall mean any building or equipment used for the purpose of producing, treating, or separating produced fluids and gas, including but not limited to pumps, pumping units, compressors, generators, gas flares, treaters, separators, storage tanks, and pits.

(tt) **Recompletion** means any downhole operation in an existing oil or gas well that is conducted to establish production of oil or gas from any geological interval not currently completed or producing in said existing oil or gas well.

(uu) **Seismic Hole** is one which will be used for geophysical purposes only.

(vv) **Shut-In Well** shall mean a well not currently considered active in which the completion interval has not been isolated from the wellbore above and where the wellbore condition is such that its utility may be restored by opening valves or by energizing equipment involved in operating the well.

(ww) **Spacing Unit** shall mean a specified area of land designated by the Commission for purposes of determining well density and location. A spacing unit provides a basis for pooling the interests therein as does a drilling unit. The well location requirement for vertical wells set out in Chapter 3, Section 2(a) and Chapter 3, Section 2(a)(iii) do not create a spacing unit as defined under this section. For purposes of these rules, a spacing unit, drilling unit, and drilling and spacing unit are interchangeable.

~~(wwwxx)~~ **Special Sodium Drilling Area – A (SSDA – A)** shall mean the designated area where trona mining operations are or will occur where special drilling rules apply to protect the Trona Mineral Resources and ensure miner safety which location is described as containing:

Township 21 North, Range 108 West, 6th P.M.

Section 16: All

Section 17: All

Sections 19 – 22 (inclusive): All

Sections 27 – 34 (inclusive): All

Township 21 North, Range 109 West, 6th P.M.

Sections 24 – 27 (inclusive): All

Sections 34 – 36 (inclusive): All

Township 20 North, Range 108 West, 6th P.M.

Sections 6 – 8 (inclusive): All

Sections 17 – 20 (inclusive): All

Sections 29 – 32 (inclusive): All

Township 20 North, Range 109 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 20 North, Range 110 West, 6th P.M.

Section 1: All

Section 8: All

Section 9: All

Section 12: All

Section 13: All

Sections 15 – 22 (inclusive): All

Sections 24 – 36 (inclusive): All

Township 20 North, Range 111 West, 6th P.M.

Section 13: All

Section 14: All

Section 21: E1/2

Sections 22 – 27 (inclusive): All

Section 28: E1/2

Sections 33 – 36 (inclusive): All

Township 19 North, Range 108 West, 6th P.M.

Section 5: All

Section 6: All

Township 19 North, Range 109 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 19 North, Range 110 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 19 North, Range 111 West, 6th P.M.

Sections 1 – 4 (inclusive): All

Sections 9 – 16 (inclusive): All

Sections 21 – 28 (inclusive): All

Sections 33 – 36 (inclusive): All

Township 18 North, Range 108 West, 6th P.M.

Section 6: All

Section 7: All

Sections 18 – 20 (inclusive): All

Sections 29 – 32 (inclusive): All

Township 18 North, Range 109 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 18 North, Range 110 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 18 North, Range 111 West, 6th P.M.

Sections 1 – 4 (inclusive): All

Section 5: E1/2

Section 8: E1/2

Sections 9 – 16 (inclusive): All

Section 17: E1/2

Section 20: E1/2

Sections 21 – 28 (inclusive): All
Section 29: E1/2
Section 32: E1/2
Sections 33 – 36 (inclusive): All

Township 17 North, Range 108 West, 6th P.M.

Sections 5 – 9 (inclusive): All
Sections 16 – 22 (inclusive): All
Sections 26 – 35 (inclusive): All

Township 17 North, Range 109 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 17 North, Range 110 West, 6th P.M.

Sections 1 – 6 (inclusive): All
Sections 8 – 17 (inclusive): All
Sections 22 – 27 (inclusive): All
Section 35: All
Section 36: All

Township 17 North, Range 111 West, 6th P.M.

Sections 1 – 3 (inclusive): All

Township 16 North, Range 108 West, 6th P.M.

Sections 3 – 10 (inclusive): All
Sections 15 – 22 (inclusive): All
Sections 26 – 35 (inclusive): All

Township 16 North, Range 109 West, 6th P.M.

Sections 1 – 30 (inclusive): All
Section 35: All
Section 36: All

Township 16 North, Range 110 West, 6th P.M.

Section 1: All
Section 2: All
Sections 11 – 15 (inclusive): All
Sections 22 – 27 (inclusive): All

Township 15 North, Range 108 West, 6th P.M.

Sections 2 – 10 (inclusive): All
Sections 15 – 22 (inclusive): All
Sections 27 – 34 (inclusive): All

Township 15 North, Range 109 West, 6th P.M.

Section 1: All
Section 2: All
Sections 11 – 14 (inclusive): All
Sections 23 – 25 (inclusive): All
Section 36: All

Township 14 North, Range 108 West, 6th P.M.

Sections 4 – 7 (inclusive): All
Section 18: All

Township 14 North, Range 109 West, 6th P.M.

Section 1: All
Section 12: All
Section 13: All

(~~xx~~yy) **Special Sodium Drilling Area – B (SSDA – B)** shall mean the designated area where Trona Mining Resources exist outside the SSDA – A and special drilling rules apply to protect the resource which location is described as containing:

Township 21 North, Range 109 West, 6th P.M.

Sections 28 – 33 (inclusive): All

Township 21 North, Range 110 West, 6th P.M.

Section 25: All
Sections 34 – 36 (inclusive): All

Township 20 North, Range 110 West, 6th P.M.

Sections 2 – 7 (inclusive): All
Section 10: All
Section 11: All
Section 14: All
Section 23: All

Township 20 North, Range 111 West, 6th P.M.

Section 1: All
Section 11: All
Section 12: All
Section 15: All

Township 19 North, Range 108 West, 6th P.M.

Section 7: All
Section 18: All
Section 19: All
Section 30: All
Sections 31 – 35 (inclusive): All

Township 18 North, Range 108 West, 6th P.M.

Sections 1 – 5 (inclusive): All
Sections 8 – 17 (inclusive): All
Section 21: All
Section 22: All
Section 27: All
Section 28: All
Section 33: All
Section 34: All

Township 17 North, Range 107 West, 6th P.M.

Sections 30 – 32 (inclusive): All

Township 17 North, Range 108 West, 6th P.M.

Section 3: All
Section 4: All
Section 10: All
Section 11: All
Sections 13 – 15 (inclusive): All
Sections 23 – 25 (inclusive): All
Section 36: All

Township 17 North, Range 110 West, 6th P.M.

Section 7: All
Sections 18 – 21 (inclusive): All
Sections 28 – 34 (inclusive): All

Township 17 North, Range 111 West, 6th P.M.

Section 4: All
Section 5: All
Sections 8 – 36 (inclusive): All

Township 17 North, Range 112 West, 6th P.M.

Section 13: All
Section 14: All
Sections 22 – 28 (inclusive): All
Sections 33 – 36 (inclusive): All

Township 16 North, Range 107 West, 6th P.M.

Section 6: All
Section 7: All
Section 18: All
Section 19: All
Section 30: All

Section 31: All

Township 16 North, Range 108 West, 6th P.M.

Section 1: All

Section 2: All

Sections 11 – 14 (inclusive): All

Sections 23 – 25 (inclusive): All

Section 36: All

Township 16 North, Range 109 West, 6th P.M.

Sections 31 – 34 (inclusive): All

Township 16 North, Range 110 West, 6th P.M.

Sections 3 – 10 (inclusive): All

Sections 16 – 21 (inclusive): All

Sections 28 – 36 (inclusive): All

Township 16 North, Range 111 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 16 North, Range 112 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 15 North, Range 107 West, 6th P.M.

Section 6: All

Section 7: All

Section 18: All

Section 19: All

Section 30: All

Section 31: All

Township 15 North, Range 108 West, 6th P.M.

Section 1: All

Sections 11 – 14 (inclusive): All

Sections 23 – 26 (inclusive): All

Section 35: All

Section 36: All

Township 15 North, Range 109 West, 6th P.M.

Sections 3 – 10 (inclusive): All

Sections 15 – 22 (inclusive): All

Sections 26 – 35 (inclusive): All

Township 15 North, Range 110 West, 6th P.M.

Sections 1 – 36 (inclusive): All

Township 15 North, Range 111 West, 6th P.M.
Sections 1 – 36 (inclusive): All

Township 15 North, Range 112 West, 6th P.M.
Sections 1 – 36 (inclusive): All

Township 14 North, Range 108 West, 6th P.M.
Sections 1 – 3 (inclusive): All
Sections 8 – 17 (inclusive): All
Sections 19 – 36 (inclusive): All

Township 14 North, Range 109 West, 6th P.M.
Sections 2 – 11 (inclusive): All
Sections 14 – 36 (inclusive): All

Township 14 North, Range 110 West, 6th P.M.
Sections 1 – 36 (inclusive): All

Township 14 North, Range 111 West, 6th P.M.
Sections 1 – 36 (inclusive): All

Township 14 North, Range 112 West, 6th P.M.
Sections 1 – 16 (inclusive): All
Sections 22 – 26 (inclusive): All

(yyzz) **Spud** means the commencement of operations for the first boring of a hole for the drilling of an oil, gas or injection well, or observation/monitor well, and/or the commencement of operations for the re-entry of a previously plugged and abandoned well, and/or observation/monitor well. This includes setting conductor.

(zzaaa) **Stratigraphic Test** or **Core Hole** shall mean any hole drilled for the sole purpose of obtaining geological information.

(aaabbb) **Stripper Production** means a property or lease whose average daily production of crude petroleum and petroleum condensate, including natural gas liquids, did not exceed ten (10) barrels per day per well during the preceding calendar year.

(bbccc) **Sump** is a buried, or partially buried, vessel constructed of man-made material including, but not limited to, steel, fiberglass, and/or concrete, which is used for the temporary collection of fluids. A sump can be closed top or open top.

(eedddd) **Supervisor** shall mean State Oil and Gas Supervisor.

~~(ddd)~~ **Surface Owner** means any person holding any recorded interest in the legal or equitable title, or both, to the land surface on which oil and gas operations occur, as filed of record with the county clerk of the county in which the land is located. Surface Owner does not include any person or governmental entity that owns all of the land surface and all of the underlying oil and gas estate, or any person or governmental entity that owns only an easement, right-of-way, license, mortgage, lien, mineral interest or nonpossessory interest in the land surface.

~~(eee)~~ **Temporarily Abandoned Well** shall mean a well in which the completion interval has been isolated from the wellbore above and the surface. The completion interval may be isolated by a retainer, bridge plug, cement plug, tubing and packer with tubing plug, or any combination thereof.

~~(fff)~~ **Temporary Spacing Unit** shall mean a specified area of land designated by the Commission for purposes of determining well density and location. A temporary spacing unit is not a drilling unit as provided for in WYO. STAT. ANN. § 30-5-109, and does not provide a basis for pooling the interests therein as does a drilling unit.

(ggg) **Tertiary Production** means the crude oil recovered from a petroleum reservoir by means of a tertiary recovery project to which one (1) or more tertiary enhanced recovery techniques meeting the certification requirements of the Wyoming Oil and Gas Conservation Commission or the United States Government are being applied.

(hhh) **Trona Mineral Resource** shall mean a concentration or occurrence of trona mineral in or on the Earth's crust in such form and quantity and of such a grade or quality that it has reasonable prospects for economic extraction. The location, quantity, grade, geological characteristics and continuity of a Trona Mineral Resource is known, estimated or interpreted from specific geological evidence and knowledge.

(iii) **Trona Interval** shall mean that stratigraphic interval contained within the Special Sodium Drilling Area – A or – B (SSDA – A or – B), as defined in Chapter 1, Section 2(tt) or (uu) of these rules that lies between the base of the Laney member of the Green River Formation and the top of the main body of the Wasatch Formation.

(jjj) **Underground Source of Drinking Water (USDW)** means an aquifer or its portion which:

- (i) Supplies any public water system; or,
 - (ii) Contains a sufficient quantity of ground water to supply a public water system; and,
 - (A) Currently supplies drinking water for human consumption;
- or,

- (B) Contains fewer than 10,000 mg/l total dissolved solids; and,
- (iii) Is not an exempted aquifer.

(kkk) **Water Source** shall mean water wells or springs that are permitted or adjudicated through the Wyoming Engineer's Office for the beneficial use of water including domestic, stock, industrial, miscellaneous, municipal, irrigation, or any other beneficial use of water recognized and permitted by that office. This definition also includes any monitoring well permitted by the State Engineer's Office or the Department of Environmental Quality. For the purpose of this definition, coalbed methane wells (CBM) are not considered a water source.

(lll) **Well**, when used alone in these rules and regulations shall refer to an oil or gas well, injection or disposal well, or observation/monitor well, or to a hole drilled for the purpose of producing oil or gas or both. It shall not include seismic, stratigraphic test, core or other exploratory holes drilled for the purpose of obtaining geologic information only.

(mmm) **Wildcat Well** means any oil or gas well designated as a wildcat well by the Wyoming Oil and Gas Conservation Commission. Wildcat wells are wells outside known fields or new wells which are determined by the Commission to have discovered oil or gas in a pool not previously proven productive.

(nnn) **Workover** means any downhole operation in an existing oil or gas well that is designed to sustain, restore or increase the production rate or ultimate recovery in a geologic interval currently completed or producing in said existing oil or gas well. Workover includes, but is not limited to, acidizing, reperforating, fracture treating, sand/paraffin removal, casing repair, squeeze cementing, or setting bridge plugs to isolate water productive zones from oil or gas productive zones, or any combination thereof. Workover does not mean the routine maintenance, repair, or replacement of downhole equipment such as rods, pumps, tubing, packers, or other mechanical devices.

(ooo) **Wyoming Conservation Act** shall mean WYO. STAT. ANN. §§ 30-5-101 through 30-5-127.

(ppp) **Wyoming Split Estates Act** shall mean WYO. STAT. ANN. §§ 30-5-401 through 30-5-410.

CHAPTER 5

RULES OF PRACTICE AND PROCEDURE BEFORE
THE WYOMING OIL AND GAS CONSERVATION COMMISSION

Section 1. Adoption of Rules.

(a) Sections 1 through ~~19~~27 of this chapter shall be known and designated as the "Rules of Practice and Procedure" before the Wyoming Oil and Gas Conservation Commission (Commission) and shall apply in all proceedings before the Commission or its examiners relating to the conservation of oil and gas, and in the administration by the Commission of the Wyoming Conservation Act and the rules adopted by this Commission thereunder.

~~(b) Notice of a proposed change and/or addition to these rules and regulations requires forty five (45) days advance notice prior to the hearing. In compliance with the Administrative Procedures Act, such notice shall include a statement of the proposed change and/or addition to the rules, the time, and place of the hearing. The Commission hereby incorporates by reference the following, which can be found at:~~

[https://www.courts.state.wy.us/wp-content/uploads/2017/05/WYOMING RULES OF CIVIL PROCEDURE.pdf](https://www.courts.state.wy.us/wp-content/uploads/2017/05/WYOMING_RULES_OF_CIVIL_PROCEDURE.pdf)

(i) Wyoming Rules of Civil Procedure, Rule 24 (Intervention), adopted by the Wyoming Supreme Court and in effect on March 1, 2017;

(ii) Wyoming Rules of Civil Procedure, Rule 45 (Subpoenas), adopted by the Wyoming Supreme Court and in effect on March 1, 2017;

(c) For these rules incorporated by reference:

(i) The Commission has determined that incorporation of the full text of these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsections (a)(i) and (a)(ii) of this sections; and

(iii) The incorporated rules are maintained at the Commission and are available for public inspection and copying at the same location.

Section 2. Commencement of Proceedings and Continuances.

(a) Proceedings ~~may only be~~ commenced by the filing of an electronic copy and an original ~~and seven (7) copies~~ of a verified and complete application or

~~complaint~~ as defined in Chapter 1, Section 2~~(n)~~, or a protest, complete with a map or plat showing the area affected by the application, with the State Oil and Gas Supervisor, and the payment to the Secretary of the Commission of a filing fee of seventy-five two hundred fifty dollars (\$75250.00). An applicant who contemplates a continuance must notify the Commission and affected parties of the continuance three (3) working days prior to the hearings. In the event the three-day notice is not given, the Commission may dismiss the application without prejudice. An application may be continued two (2) times after the initial filing. Thereafter, a continuance may be requested only upon written motion to the Commission. If an application is continued at the request or by motion of the applicant, an additional seventy-five dollar (\$75.00) fee will be assessed for each and every continuation.

(i) Proceedings for aquifer exemptions and injection/disposal permits are commenced by filing an original and seven (7) copies of a verified and complete application as defined in Chapter 1, Section 2, and in Chapter 4, Sections 5, 7 and 12, complete with a map or plat showing the area affected by the application, with the State Oil and Gas Supervisor, and the payment to the Secretary of the Commission of a filing fee of two hundred fifty dollars (\$250.00).

(b) Continuances may be requested by notifying the Commission and affected parties of the continuance at least three (3) working days prior to the hearings. In the event the three-day notice is not given, the Commission may dismiss the application without prejudice. An application may be continued by the Supervisor two (2) times after the initial filing. Thereafter, a continuance requires Commission approval. If an application is continued at the request of any party, the requesting party shall be assessed one hundred twenty-five dollars (\$125.00) for each continuance.

Section 3. Docket and Copies.

~~When a proceeding is instituted~~initiated, the ~~Secretary of the Commission~~Supervisor or designee shall assign it a docket number and enter the proceeding, with the date of its filing, on a separate page of a docket provided for such purpose. Thereafter, ~~an original and seven (7) copies of all pleadings and filings offered in the same proceeding shall be filed and shall bear the docket number so assigned with the date of filing upon such docket page or a continuation thereof.~~

Section 4. ~~Additional Copies~~Filing and Service of Papers.

~~The Secretary of the Commission may at any time require a party to furnish such additional copies of any pleading filed by it as may be deemed necessary.~~(a) In all contested cases, the parties shall file all original documents, pleadings, and motions with the Commission, as applicable, with true and correct copies of the particular document, pleading, or motion properly served on all other parties accompanied by a certificate of service. The Commission shall maintain the complete original file, and all parties and the

hearing officer shall be provided copies of all contested case documents, pleadings, and motions contained therein.

(b) Filing and service under this rule shall be made either by hand delivery or by U.S. mail transmittal to the last known address. Parties wishing to file by means other than those described in this Section shall obtain preapproval from the Commission.

Section 5. Notice of Complaints and Applications.

~~(a) —The manner and time for giving notice of complaints and applications and the time and place for hearings shall be in accordance with the provisions of the Wyoming Conservation Act; provided that the Commission may in any proceeding give such additional notice or notices as it deems necessary or proper under the circumstances and these rules. In addition to any other notice required by the statutes or these rules, the applicant shall notify those owners, as defined by the Wyoming Conservation Act, of the subject lands and other lands within one-half (1/2) mile of the boundaries of the subject lands or location where the operation is to be undertaken.~~

~~(b) —In addition to any other notice required by law, or these rules, any person who believes that he may be an interested party in any hearing before the Commission and who has filed a request for notice of public hearings with the Supervisor, shall be entitled to receive notice by mail of all hearings before the Commission. The notice provided for in this rule shall be mailed by the Supervisor to all parties so requesting it no later than ten (10) days before the date of hearing.~~

Section 6. Attorneys.

~~Any person appearing before the Commission or its examiners in a representative capacity shall be precluded from examining or cross-examining any witness in any hearing unless such person shall be an attorney licensed to practice law in the State of Wyoming, or a non-resident attorney associated with a Wyoming attorney. (a)~~

A party, whether it be an individual, corporation, partnership, governmental organization, or other entity may appear through an attorney or representative. An individual may represent himself/herself. An individual or entity seeking to intervene in a contested case under Rule 24 of the Wyoming Rules of Civil Procedure (W.R.C.P.) may appear through an attorney or representative prior to a ruling on the motion to intervene.

(b) Prior to withdrawing from a contested case, an attorney shall file a motion to withdraw. The motion for an attorney's withdrawal shall include a statement indicating the manner in which notification was given to the client and setting forth the client's last known address and telephone number. The hearing officer or Commission shall not grant the motion to withdraw unless the attorney has made reasonable efforts to give actual notice to the client that:

(i) the attorney wishes to withdraw;

(ii) the client has the burden of keeping the hearing officer or Commission informed of the address where notices, pleadings, or other papers may be served;

(iii) the client has the obligation to prepare, or to hire another attorney or representative to prepare, for the contested case and the dates of proceedings;

(iv) the client may suffer an adverse determination in the contested case if the client fails or refuses to meet these burdens;

(v) the pleadings and papers in the case shall be served upon the client at the client's last known address; and

(vi) the client has the right to object within 15 days of the date of notice.

Section 7. Subpoenas.

~~—The Secretary of the Commission shall have the power to and shall issue subpoenas requiring attendance of witnesses and the production of books, papers, and other instruments to the same extent and in the same manner and in accordance with the procedure provided in the Rules of Civil Procedure of the State of Wyoming, which authorize the issuance of subpoenas by Clerks of the District Courts. Any party may request the hearing officer or Commission to issue a subpoena to compel the attendance of a witness or for the production of documents. Requests for the issuance of a subpoena shall be accompanied by a completed subpoena, which shall conform to Rule 45 of the W.R.C.P.~~

Section 8. ~~Depositions~~Discovery.

~~Depositions may be taken by parties to a proceeding and used in hearings before the Commission or its examiners in the same manner and under the same conditions prescribed in the Rules of Civil Procedure of the State of Wyoming relating to the taking and use of depositions in the courts of this State.~~ (a) The taking of depositions and discovery shall be in accordance with WYO. STAT. ANN. § 16-3-107(g).

(b) Unless the hearing officer or adjudicative agency orders otherwise, parties shall not file discovery requests, answers, and deposition notices with the hearing officer or adjudicative agency.

Section 9. ~~Petition to Promulgate, Amend or Repeal Rules~~ Repealed.

~~—Any interested person may petition the Commission for the promulgation, amendment, or repeal of any rules by filing a written petition with the Supervisor setting~~

~~forth such facts and arguments as support the petition. Upon receiving such a petition, the Supervisor shall submit it to the Commission for consideration. The Commission, as soon as practicable, shall either deny the petition in writing, stating its reasons for denial, or initiate rule making proceedings pursuant to the appropriate provisions of the laws of the State of Wyoming.~~

Section 10. Appointment of Examiners.

~~The Commission may appoint one or more examiners, in accordance with the laws of the State of Wyoming, pursuant to WYO. STAT. ANN. § 30-5-105, to conduct hearings in accordance therewith.~~

Section 11. Hearings before the Commission.

(a) Hearings in the following matters and proceedings shall ~~in all cases be~~ heard by the Commission as provided by WYO. STAT. ANN. § 30-5-106 and these rules. The Commission shall designate one of its members as a hearing officer to conduct the hearing.

~~————— (i) ——— Matters which the Commission or the Supervisor in its or his discretion believes should be heard by the Commission;~~

~~————— (ii) ——— Matters in which the application or motion pursuant to which the hearing is held specifically requests that the hearing be held before the Commission;~~

~~————— (iii) ——— Proceedings initiated on the motion of the Commission for the enforcement of any rule, regulation, order, or statutory provision;~~

~~————— (iv) ——— Proceedings held for the purpose of considering the amending, removing or adding of a statewide rule;~~

(v**b**) Matters or proceedings in which an interested party who may be affected by an order of the Commission in the matter or proceeding files a written objection to ~~such a~~ matter being heard before an examiner ~~more than ten (10)~~ at least three (3) days prior to the date set for the hearing on the matter or proceeding. The applicant shall be entitled to a continuance in the event a protest is filed less than ten (10) days prior to a scheduled hearing. No action shall be taken on an objection or protest that is not timely filed. The written protest must state the grounds of the protest and include information and evidence to demonstrate that:

(A**i**) The protestant is a party entitled to notice or relief under WYO. STAT. ANN. §§ 30-5-101 through 30-5-~~127~~128, and WYO. STAT. ANN. §§ 30-5-401 through 30-5-410.

(Bii) The protestant seeks a remedy that is within the jurisdiction and authority of the Commission.

(bc) Any decision by the Supervisor may be appealed to the Commission.

Section 12. Hearings before an Examiner.

~~(a) Except as provided in Section 11 above, all matters and proceedings for which a hearing is required may initially be set for public hearing before an examiner. If, after a matter or proceeding has been set for hearing before an examiner, a party who may be affected by an order of the Commission in the matter or proceeding shall file with the Commission more than three (3) days prior to the date set for the hearing on the matter or proceeding, a written objection to hearing of such matter or proceeding before an examiner and a request for a hearing before the Commission, the examiner shall, at the time and place specified in the notice of such hearing, enter an order continuing the hearing to a day certain, and setting the matter or proceeding for hearing before the Commission. If notice of the hearing to be held before the examiner has been given as required by law, no new notice shall be necessary, but the Commission may give an additional notice of the continuance of the hearing that it deems necessary or proper under the circumstances.~~
Pursuant to WYO. STAT. ANN. § 30-5-105, all matters and proceedings for which a hearing is required shall be set for public hearing before an examiner.

(b) Hearings before examiners shall be conducted informally. Oral statements may be made, and questions may be asked by any interested party, or by the examiner, ~~but no transcripts must be made unless they involve aquifer exemptions. Unless transcribed, the~~The record of such a hearing shall consist solely of the appearances of interested parties, the verified application, and any exhibits, pleadings, written statements, or other documentary evidence submitted by the interested parties. Transcripts shall be made of hearings on aquifer exemption matters only.

~~(c) Upon~~After the conclusion of any hearing conducted before an examiner, the examiner shall advise the interested parties of the action which will be recommendedsubmit a recommendation for the disposition of the proceeding to the Commission. Such recommendation may be for the granting of the application, in whole or in part, for the denial thereof, or for an order setting the matter for rehearing before the full Commission by filing a written request therefore within three (3) days after the conclusion of the hearing.The Commission shall consider the report and recommendations by the examiner(s), and the record of the hearing, and shall ratify or deny the recommendation of the examiner(s). A written order shall be issued.

Section 13. Record of Hearings before an Examiner Repealed.

~~Promptly after the conclusion of any hearing conducted by an examiner, the examiner shall certify the record of the hearing to the Commission and make his report~~

~~and recommendations for the disposition of the matter of proceeding by the Commission. The Commission shall consider the report and recommendations of the examiner, and the record of the hearing, and shall enter its order within thirty (30) days after the conclusion of the hearing.~~

Section 14. Rehearing before the Commission.

~~If a request for rehearing has been filed by any Any interested party may, within thirty (30) days from the date the matter was heard by the Commission or an examiner, ~~or if file a written request for a rehearing. is recommended by an examiner, or if the Commission is of the opinion that an order should not be entered as recommended by the examiner, the Commission may order a rehearing of the matter. Such rehearing shall be conducted as a de novo proceeding in the same manner as other hearings before the Commission.~~ A rehearing may also be ordered if recommended by an examiner, or if the Commission is of the opinion that an order should not be entered as recommended by the examiner. A rehearing shall be conducted as a de novo proceeding in the same manner as other hearings before the Commission.~~

Section 15. Operations Which May be Approved Administratively; Notice.

(a) In cases in which the applicant requests approval of an operation, which under the statutes or the rules of the Commission may be approved by the Supervisor as an administrative matter (including but not limited to horizontal well applications, exception location applications, or surface commingling applications), the applicant shall file one (1) copy of the application with the Commission. Injection well permit applications require an original and seven (7) copies of the application. ~~If the matter is protested, the applicant will be notified and shall submit the additional copies immediately as provided in Chapter 5, Section 2.~~ Applications shall set forth all material facts involved including any specific information required by the rule or statute authorizing administrative approval of the operation.

(b) ~~In addition to any other notice required by the statute or these rules, the applicant shall notify those owners, as defined by the Wyoming Conservation Act, of lands within one-half (1/2) mile from the well or wells in which such operation is to be undertaken. In the event the application is~~ The applicant requesting an exception to the well location requirements of a Commission order establishing drilling and spacing units, then the applicant shall, in addition to any other notice required by statute, give the notice as required by WYO. STAT ANN. § 30-5-109(c)(ii). The notice to be given by applicant shall be by mail (which mailing shall be by registered or certified mail where so required by statute or these rules) and shall set forth the nature of the application and the lands thereby affected. Proof of the mailing of such notice shall be by affidavit, which shall contain a list of names and addresses of all parties given notice by the applicant, and such affidavit must be filed with the Supervisor before any action is taken on the application.

(b) The operation proposed in the application shall be approved by the Supervisor administratively and without hearing unless:

(i) The applicant requests a hearing; or

(ii) A written objection to the application by an interested person entitled under these rules or by statute to receive notice by mail of the filing of the application, is filed with the Supervisor within fifteen (15) days after the required mailing is shown to have been made. Provided, that if there are filed with the Supervisor written consents to the application from all such persons otherwise entitled to notice by mail of the filing thereof, said Supervisor may immediately approve the application without awaiting the expiration of said fifteen (15) day period ~~if none of the contingencies specified in subsections (b)(i), (b)(iii), and (b)(iv) of this section have occurred~~; or

(iii) The Supervisor in his discretion is of the opinion that a hearing is necessary or desirable; or

(iv) The Supervisor determines that the application should not be disapproved. If the application is not approved, the Supervisor shall promptly advise the applicant and state the reasons therefore.

~~———— (e) ——— If the application is not approved, the Supervisor shall promptly advise the applicant and state the reasons therefore.~~

(d) If any such written objections to such application are properly filed, as provided above, or if the Supervisor determines that a hearing is necessary or desirable or, if the applicant requests a hearing, the application shall be set for hearing and notice of the time, place and purpose of the hearing shall be given by the applicant to all owners to whom the applicant gave notice of the filing of the application at least ten (10) days before the date of such hearing. Such notice shall be by registered or certified mail with return receipt requested.

Section 16. Conservation Tax Disputes.

(a) An oil or gas producer may apply to the staff of the Wyoming Oil and Gas Conservation Commission or to the Commission for a refund or adjustment of the mill levy conservation tax he has paid. Except as otherwise provided in this rule, said application must be made within one (1) year of the date the tax was due or paid, must be in writing, and state the grounds for the refund and the amount. The Commission and the staff may disregard any application for refund or grounds for refund not complying with this. If the staff does not consent to a refund, it shall so notify the producer. The producer shall have thirty (30) days from the date such notice is mailed to file a petition for review by the Commission. If he does so, the Commission shall set the matter for hearing and make a determination.

(b) If the producer and the staff do not agree on the amount of the tax due, the producer may pay the amount claimed by the staff under protest. Such protest shall be in writing and state the amount of the tax that is being protested and the grounds. The Commission may disregard any protest of taxes or grounds of protest not complying with this; otherwise, the Commission will set the matter for hearing and make a decision.

(c) In the case of unitized operations, an application for a refund or adjustment of the mill levy conservation tax must be made within one (1) year of the determination of the adjustment resulting under the applicable unitization agreement.

(d) Notwithstanding any provision in this rule, any refund claim filed after one (1) year of the date the tax was due or paid and approved by the Commission may be allowed as a credit on the producer's current year's or subsequent year's mill levy conservation tax obligation.

(e) If the Commission agrees with a protest or a request for a refund, it shall refund the amount overpaid by the producer without interest. The Commission may refuse to make a refund in an amount less than ten dollars (\$10.00).

(f) Natural Gas which is vented or flared under authority of the Wyoming Oil and Gas Conservation Commission and natural gas which is reinjected or consumed prior to sale for the purpose of maintaining, stimulating, treating, transporting, or producing crude oil or natural gas on the same lease or unit from which it was produced is exempt from the mill levy conservation tax of WYO. STAT. ANN. § 30-5-116.

Section 17. Removal of Abandoned Oil Field Equipment.

(a) When oil field equipment has been abandoned, as defined in Chapter 1, Section 2**(b)**, the Commission may, after notice and a hearing, deem the equipment abandoned and dispose of the equipment by public sale or by transferring title to the contractor who performs the plugging and reclamation for the Commission. In doing so, the Commission shall proceed as follows:

(i) ~~Give~~Provide notice to the Owner of the well, as identified on Form 7 (Change of Owner), or any person who has assumed ownership of the well, the Operator (as reflected by the Commission's records), as identified on Form 6 (Designation of Operator), and to lien holders as reflected by the lien filing records of the Wyoming Secretary of State and the County Clerk of the county in which the equipment is located;

(ii) Check the lien filings with the Secretary of State and County Clerk within ~~ten~~thirty (~~10~~30) days prior to giving this notice:

~~(A) Notice to lien holders, as provided in this rule, shall be given to those who are lien holders as reflected by the Secretary of State's and County Clerk's records at the time of the records check.~~

(~~BA~~) Notice shall be ~~given~~sent by certified mail to the Owner's and Operator's address of record with the Commission, or the Wyoming Secretary of State's corporation record, and to the lien holder's address of record as reflected by the lien document.

(~~CB~~) The notice shall advise the parties of the general description and location of the equipment and that, if the equipment is not removed within thirty (30) days of the mailing of notice, the Commission will deem it abandoned, and ~~will give~~transfer possession and ownership of the equipment to the Commission or to the person who plugs the well, reclaims the drill site, or who will remove the equipment.

(b) If the equipment is not removed within the thirty (30) days, the Commission may set the matter for hearing. Notice of the hearing shall be mailed by certified mail to the Owner/Operator and lien holders, as determined above, at least ~~fourteen~~(14) days prior to the hearing. Notice to remove the equipment and notice of hearing before the Commission may be combined.

(c) After a hearing, and upon proof of compliance with the above procedures, the Commission may find the equipment has been abandoned and issue an order which transfers ownership of the equipment, free and clear, to the Commission or to the person who reclaims the drill site, plugs the well, or removes the equipment.

Section 18. Abandoned Equipment; Notice to Others Repealed.

~~_____ (a) If a person desires to receive notice of future proceedings to declare equipment abandoned under Section 17 above, he shall file with the Commission a written request identifying the specific types of equipment about which he wishes to receive notice; the location of the equipment by section, township and range; and the address to which he wants the Commission to send the notice.~~

~~_____ (b) If the abandonment proceeding involves those specific types of equipment at the location stated in the notice, the Commission shall notify the person who requested to receive such notice in the manner and at the times provided in Section 17(a)(i) above.~~

Section 19. Commission Meetings.

_____ (a) The Wyoming Oil and Gas Conservation Commission shall meet the second Tuesday of each month, unless otherwise approved by the Commission, at the Commission's Conference Room at 9:00 a.m.

_____ (b) The Commission shall meet at such other times as necessary at the time and place designated by the Commission Chairman.

Section 20. Commission Office.

The Commission office shall be located at 2211 King Boulevard, Casper, Wyoming.

Section 21. Burden of Proof.

The hearing officer or Commission shall assign the burden of proof in accordance with applicable law.

Section 22. Evidence.

(a) The hearing officer or Commission shall rule on the admissibility of evidence in accordance with the following:

(i) evidence of the type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(ii) evidence may be offered through witness testimony or in documentary form;

(iii) testimony shall be given under oath administered by the hearing officer. Deposition testimony and other prefiled testimony may be submitted as evidence, provided the testimony is given under oath administered by an appropriate authority, and is subject to cross-examination by all parties;

(iv) the rules of privilege recognized by Wyoming law shall be given effect; and

(v) a hearing officer or Commission may take administrative notice of judicially cognizable facts, provided the parties are properly notified of any material facts noticed.

(b) Each party shall have the opportunity to cross-examine witnesses. The hearing officer or Commission may allow cross-examination on matters not covered on direct examination.

(c) The hearing officer, the hearing panel, agency staff, or other persons delegated to do so by the hearing officer or hearing panel, when applicable, may ask questions of any party or witness.

Section 23. Default.

Unless otherwise provided by law, the Commission or hearing officer may enter an order of default for a party's failure to appear at a lawfully noticed hearing.

Section 24. Settlements.

Parties shall promptly notify the Commission or hearing officer of all settlements, stipulations, agency orders, or any other action eliminating the need for a hearing. When the contested case has settled, the Commission may enter an order, on its own motion, dismissing the case.

Section 25. Ex Parte Communications.

Except as authorized by law, a party or a party's attorney or representative shall not communicate with the hearing officer or Commission member in connection with any issue of fact or law concerning any pending contested case, except upon notice and opportunity for all parties to participate. Should ex parte communication occur, the hearing officer or hearing panel member shall advise all parties of the communication as soon as possible thereafter and, if requested, shall allow any party an opportunity to respond prior to ruling on the issue.

Section 26. Computation of Time.

(a) In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statutes, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a day on which weather or other conditions have made the office of the clerk of the court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. As used in this rule, "legal holiday" includes any day officially recognized as a legal holiday in this state by designation of the legislature, appointment as a holiday by the governor or the chief justice of the Wyoming Supreme Court, or any day designated as such by local officials.

(b) Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon the party, and the notice or paper is served upon the party by mail or by delivery to the agency for service, three days shall be added to the prescribed period.

Section 27. Referral for Contested Case Hearing.

(a) After notice to the parties and opportunity to be heard regarding the nature and complexity of the case, the Commission may, at its discretion, or if so requested by a party to the proceeding, refer, assign, or designate one or more hearing officers to preside over any unusually complex cases, unless otherwise provided by law.

(b) To the extent a specific section has not been amended in these rules, contested cases referred under this section shall be conducted pursuant to the Office of Administrative Hearings (OAH) Uniform Rules for Contested Case Practice and Procedure, Chapter 2, adopted by the Office of Administrative Hearing and in effect on July 20, 2017, and found at: <https://rules.wyo.gov>.

(c) The Commission has determined that the incorporation of the full text in the Office of Administrative Hearings Uniform Rules for Contested Case Practice and Procedure would be cumbersome or inefficient given the length and nature of the rule.

(d) The following sections of OAH Chapter 2 have been adopted, as amended, by the Commission as part of Chapter 5, and shall have precedence over the corresponding OAH Chapter 2 sections:

<u>WOGCC</u>	<u>OAH</u>	
<u>Chapter 5, Section</u>	<u>Chapter 2, Section</u>	
<u>2</u>	<u>16</u>	<u>Continuances</u>
<u>26</u>	<u>12</u>	<u>Computation of Time</u>

CHAPTER 6

PROCEDURES, FEES, COSTS AND CHARGES FOR INSPECTING, COPYING AND PRODUCING PUBLIC RECORDS

Section 1. Authority. The Wyoming Oil and Gas Conservation Commission is required under W.S. 16-3-103(j)(ii) to adopt the Department of Administration and Information's uniform rules pertaining to procedures, fees, costs, and charges for inspecting, copying, and producing public records.

Section 2. Purpose. The Wyoming Oil and Gas Conservation Commission hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://rules.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Wyoming Oil and Gas Conservation Commission has determined that incorporation of the full text in these rules would be cumbersome and inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Wyoming Oil and Gas Conservation Commission's office and are available for public inspection and copying at the same location.