

Chapter 522

1971 REPLACEMENT PART

Geothermal Resources

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GENERAL PROVISIONS

522.010 Definitions. As used in ORS 308.370 and this chapter, unless the context requires otherwise:

(1) "Board" means the governing board of the State Department of Geology and Mineral Industries.

(2) "Department" means the State Department of Geology and Mineral Industries.

(3) "Geothermal area" means any parcel of land that is, or reasonably appears to be, underlaid by geothermal resources.

(4) "Geothermal resources" means the natural underground reservoirs of heat that may be exploited for the production of heat energy, including but not limited to all minerals obtained from naturally or artificially injected fluid, brine or associated gas and steam in any form whatsoever, but excluding oil, hydrocarbon gas and other hydrocarbon substances and hot waters of less than 250 degrees Fahrenheit bottom hole temperature.

(5) "Operator" means the person supervising or in control of the operation of a geothermal resource well, whether or not such person is the owner of such well.

(6) "Owner" means the person who possesses the legal right to drill, convert or operate any well or other facility subject to ORS 308.370 and this chapter.

(7) "Person" means any individual, corporation, company, association of individuals, joint venture, partnership, receiver, trustee, guardian, executor, administrator or personal representative that is the subject of legal rights and duties.

(8) "Pollution" means any damage or injury resulting from the loss, escape or unauthorized disposal of any substance at any well subject to ORS 308.370 and this chapter.

(9) "Supervisor" means the State Geologist.

(10) "Waste" means any physical waste, including but not limited to underground waste resulting from the inefficient, excessive or improper use or dissipation of reservoir energy or resulting from the location, spacing, drilling, equipping, operation or production of a geothermal resource well in such a manner that reduces or tends to reduce the ultimate economic recovery of the geothermal resources within a reservoir; and surface waste resulting from the inefficient storage of geothermal resources and the location, spacing, drilling, equipping, operation or production of a geothermal resource well in such a manner that causes or tends to cause the

unnecessary or excessive surface loss or destruction of geothermal resources released from a reservoir.

(11) "Well" means any excavation made for the discovery or production of geothermal resources in a geothermal area or any special facility, converted producing facility or reactivated or converted abandoned facility used for the reinjection of geothermal resources or the residue thereof underground.

(12) "Prospect well" means a geophysical test well, temperature gradient test well or other test well drilled solely for informational purposes in the exploration of and search for geothermal resources.
[1971 c.776 §2]

522.020 "Outer boundary line" defined for operation of contiguous parcels as single lease. Where several contiguous parcels of land owned by two or more persons are operated as a single geothermal resource lease or operating unit, the term "outer boundary line," as used in ORS 308.370 and this chapter, means the outer boundary line of such lands described in the lease or unit. In determining the contiguity of any such parcels of land, no street, road or alley lying within the lease or unit shall be deemed to interrupt such contiguity.
[1971 c.776 §32]

522.050 Policy. The Legislative Assembly hereby finds and declares that:

(1) The people of the State of Oregon have a direct and primary interest in the development of geothermal resources situated in this state.

(2) The State of Oregon, through the State Department of Geology and Mineral Industries, should control the drilling, redrilling and deepening of wells for the discovery and production of geothermal resources so that such wells will be constructed, operated, maintained and abandoned in the manner necessary to safeguard the life, health, property and welfare of the people of this state and to encourage the maximum economic recovery of geothermal resources therefrom.
[1971 c.776 §1]

522.060 Application. ORS 308.370 and this chapter relating to the location of any well for the production of geothermal resources do not apply to any wells producing geothermal resources on September 9, 1971.
[1971 c.776 §34]

522.070 Construction. Nothing in ORS 308.370 and this chapter shall be construed as superseding any of the existing duties, powers or functions of the Division of State Lands, State Engineer, Department of Environmental Quality, State Game Commission or the Fish Commission of the State of Oregon.

[1971 c.776 §7]

WELLS (Drilling)

522.110 Notice of intention to commence certain well operations; fee; notice of change in number or designation of well; disposition of fees. (1) The owner or operator of any well or prospect well, before commencing the drilling, re-drilling or deepening of any well, shall file with the supervisor or his authorized deputy a written notice of intention to commence such drilling, re-drilling or deepening accompanied by the fee of \$25 prescribed by this section, except that no fee is required for the filing of such a notice for a prospect well. The notice shall contain the following:

(a) The location and elevation of the floor of the proposed derrick.

(b) The number or other designation, approved by the supervisor, by which the well shall be known.

(c) The owner's or operator's estimate of the depths between which production will be attempted.

(d) Such other pertinent data as the board may require on the printed forms to be supplied by the department or on other forms acceptable to the supervisor.

(2) After the completion of any well the provisions of this section, other than the requirement of the payment of the fee, shall also apply, where applicable, to the deepening or re-drilling of the well to any operation involving the plugging of the well and to any operations permanently altering in any manner the casing of the well.

(3) The number or designation specified for any well in a notice filed as required by this section, shall not be changed without first obtaining the written consent of the supervisor.

(4) All moneys paid to the board under this section shall be deposited by the board with the State Treasurer for credit to and the benefit of the department.

[1971 c.776 §11]

522.120 Indemnity bond required for certain well operations; blanket bond. (1) Every person who engages in the drilling, re-drilling or deepening of any well shall file with the board an indemnity bond in the sum of \$5,000 for each well drilled, re-drilled or deepened, or a \$25,000 blanket bond for the drilling, re-drilling or deepening of one or more wells being conducted at any time. The bond shall be filed with the supervisor at the time of the filing of the notice of intention to drill, re-drill or deepen as required by ORS 522.110. The bond shall be executed by such person, as principal, and by an authorized surety company, as surety, conditioned upon the faithful compliance by the principal with ORS 308.370 and this chapter and the rules, regulations and orders made thereunder in drilling, re-drilling or deepening the well covered by the bond and shall secure the state against all losses, charges and expenses incurred by it in obtaining such compliance by the principal named in the bond.

(2) The condition of each bond required by subsection (1) of this section shall be stated in substantially the following language:

"If said _____ (naming the principal) shall well and truly comply with ORS 308.370 and this chapter and shall obey all lawful orders of the supervisor or his deputy made thereunder and not appealed as provided in ORS 308.370 and this chapter or, if appealed, upon affirmance thereof by the board and shall pay all charges, costs and expenses incurred by the supervisor or his deputy with respect to such well or the property of said principal or assessed against such well or the property of such principal, in pursuance of ORS 308.370 and this chapter, then this obligation shall be void; otherwise, it shall remain in full force and effect."

(3) Any bond submitted as required by subsections (1) and (2) of this section may, with the consent of the board, be terminated and canceled and the surety be relieved of all obligations thereunder. However, the board shall not consent to the termination and cancellation of any bond until the well described by such bond has been properly completed or abandoned or another valid bond for such well has been submitted therefor and approved by the board.

[1971 c.776 §§12, 13]

522.130 Completion of well; abandonment of well. (1) A well is properly completed, for the purposes of subsection (3) of ORS

522.120, when it has been completed and is producing geothermal resources and the person engaged in drilling, re-drilling or deepening such well has shown to the satisfaction of the board that both the manner of drilling, re-drilling or deepening of the well and the manner of producing geothermal resources therefrom are satisfactory.

(2) A well shall be considered properly abandoned, for the purposes of ORS 308.370 and this chapter, when the drilling, re-drilling or deepening has ceased before completion and production of geothermal resources therefrom, and the person drilling, re-drilling or deepening such well has shown to the satisfaction of the board that all proper steps have been taken to protect underground and surface water used for irrigation or domestic purposes from pollution resulting from the infiltration or addition of any detrimental substance and to prevent the escape of all fluids to the surface.

[1971 c.776 §14]

522.140 Notification of certain state agencies prior to issuance of permit. The supervisor shall notify the State Game Commission, the Fish Commission of the State of Oregon, State Water Resources Board and the State Engineer prior to the issuance of a permit under ORS 308.370 and this chapter.

[1971 c.776 §6]

522.150 Owner or operator must designate agent within state; designation statement; termination. Each owner or operator of a well shall designate a person, who resides in this state, as his agent upon whom may be served all orders, notices and processes of the supervisor, board or any court. Such designation shall be made by submitting to the supervisor a statement, signed by the owner or operator, that such person is designated as his agent for the service of process, including in such statement the name and post-office address of the person so designated. Each owner or operator so designating an agent shall, within five days after the termination of such agency, notify the supervisor, in writing, of such termination, and unless his operations have been discontinued, shall designate a new agent.

[1971 c.776 §8]

522.160 When well considered completed. Except as otherwise provided by ORS 522.130, a well shall be considered completed, for the purposes of ORS 308.370 and this

chapter, 30 days after such well has begun to produce geothermal resources unless drilling operations are resumed on such well before the end of such 30-day period.

[1971 c.776 §18]

(Operation)

522.170 Lessee or operator to conduct operations in prudent manner; no duty to conduct operations; royalties. (1) It is hereby declared to be the policy of the State of Oregon that, in order to further the elimination of waste by increasing the economic recovery of geothermal resources, any lease or contract executed on behalf of the state and granting to any lessee or operator the right to explore for and remove all geothermal resources from a geothermal area, in the absence of an express provision to the contrary, shall be construed as permitting such lessee or operator or his successors or assigns to exercise such right in the manner in which a prudent operator using reasonable care would do so while promoting the best interests of the lessor, lessee and the people of this state. However, nothing in this section shall be construed to impose a legal duty upon such lessee or operator or his successors or assigns to conduct such operations.

(2) The Division of State Lands shall fix a royalty for any geothermal resources removed from state lands.

[1971 c.776 §5]

522.180 Requirements for operating high pressure well or drilling well in area with unknown pressure. Any person engaged in operating a well wherein high pressures are known to exist and any person drilling for geothermal resources in any geothermal area wherein the pressures are unknown shall equip such well with casings of sufficient strength and with such other safety devices as may be necessary, in accordance with methods approved by the supervisor, and shall use every reasonable effort to prevent blowouts, explosions and fires from such well operation.

[1971 c.776 §19]

522.190 Casing of wells required; protection of water-bearing strata and surface water. The owner or operator of any well on lands producing or reasonably presumed to contain geothermal resources shall properly case such well with adequate watertight casing, in accordance with methods approved by the supervisor or his authorized deputy. The

owner or operator of any such well shall also use every reasonable effort to shut out detrimental substances from strata containing water used for irrigation or domestic purposes and from surface water used for such purposes and to prevent the infiltration of detrimental substances into such strata or into such surface water.

[1971 c.776 §20]

522.200 Removal of casing; filing notice of intention; approval or disapproval by supervisor required; effect of failure by supervisor to act. (1) No person shall remove a casing, or any portion thereof, from any well without first giving written notice to the supervisor or deputy of his intention to remove the casing from such well. The notice shall be given at least five days before the proposed removal of such casing.

(2) The supervisor or deputy shall, before the proposed date of removal, furnish the person with a written report of approval of his proposal or with a written report stating that specified work shall be done before such approval will be granted.

(3) If the supervisor or deputy fails to give such person a written report within such five-day period, such failure shall be considered an approval of the proposal to remove the casing and such proposal shall, for the purposes of ORS 308.370 and this chapter, be considered a written report of all work done in connection with such removal as required by ORS 308.370 and this chapter.

[1971 c.776 §28]

522.210 Cooperative agreements for protection of resources from waste; status of agreements. Whenever the board finds that it is in the interest of the protection of the geothermal resources of this state from unreasonable waste, the lessors, lessees, operators or other persons owning or controlling royalty or other interests in separate properties within the same producing or prospective geothermal area may, with the approval of the board, enter into agreements for the purpose of bringing about the cooperative development and operation of all or a portion of the geothermal area, for the purpose of bringing about the development or operation of all or a portion of such area as a unit or for the purpose of fixing the time, location, and manner of drilling and operating of wells for the production of geothermal resources within such area or portion. Any such agreement shall bind the successors and assigns of

the parties thereto and shall be enforceable by the parties thereto by an action for specific performance. No such agreement, when approved by the board, shall be held to violate any of the statutes of this state prohibiting monopolies or acts, arrangements, agreements, contracts, combinations or conspiracies in restraint of trade or commerce.

[1971 c.776 §31]

522.220 Certificate of primary purpose; presumption of ownership of geothermal resources; rebutting presumption. Any person having drilled a well on state, federal or private lands which are producing or, according to the board, are capable of producing geothermal resources, may, at any time, apply to the board for a certificate of primary purpose. When the board determines that such well is primarily for the purpose of producing geothermal resources and not primarily for the purpose of producing water to be used for domestic and irrigation purposes, the board shall issue a certificate of primary purpose to such person. Such certificate shall establish a rebuttable presumption that such person has absolute title to the geothermal resources reduced to his possession from such well subject to the payment of any applicable royalty. Such presumption may be rebutted only upon a showing that the water content of the geothermal resources is useful for domestic or irrigation purposes without further treatment thereof, but proof that the production of such water is only a by-product of the production of the geothermal resources shall not be sufficient to overcome such presumption.

[1971 c.776 §21]

522.230 Monthly report of resource production required. The owner or operator of any well producing geothermal resources shall file with the supervisor on or before the 10th day of each month a statement of the geothermal resources production from such well during the preceding calendar month. Such report shall be submitted on such forms and in such manner as may be prescribed by the supervisor.

[1971 c.776 §23]

(Transfer of Ownership)

522.240 Notice to supervisor required upon sale, assignment, transfer, conveyance or exchange of well or well site. The owner or operator of a well shall notify the supervisor in writing, in such form as the supervisor may direct, of the sale, assignment,

transfer, conveyance or exchange by him of such well and of the sale, assignment, transfer, conveyance or exchange of the land upon which such well is situated within five days thereof. Each such notice shall contain the following:

(1) The name and address of the person to whom such well or land was sold, assigned, transferred, conveyed or exchanged.

(2) The name and location of such well.

(3) The date of such sale, assignment, transfer, conveyance or exchange.

(4) The date when possession of such well or land was relinquished by such owner or operator.

(5) A description of the land upon which the well is situated.

[1971 c.776 §9]

522.250 Notification of newly acquired ownership or right of operation. Every person who acquires the ownership or the right of operation of a well or land as described by ORS 522.240 shall, within five days after acquiring such well or land, notify the supervisor or his authorized deputy, in writing, of his newly acquired ownership or right of operation. Each such notice shall contain the following:

(1) The name and address of the person from whom the well or the land was acquired.

(2) The name and location of such well.

(3) The date of such acquisition.

(4) The date when possession of such well or land was acquired by him.

(5) A description of the land upon which such well is situated.

[1971 c.776 §10]

(Suspension of Operations)

522.260 Procedure for suspension of operations; effect of failure to resume operations; declaration of abandonment. (1) The board may authorize a permittee to suspend operations or remove equipment from a well for the period stated in the board's written authorization given upon written application of the permittee and his affidavit showing good cause therefor. The period of suspension may be extended by the board upon written application made by the permittee before expiration of the previously authorized suspension accompanied by affidavit of the permittee showing good cause for the granting of such extension.

(2) After operations on or at a well have been suspended with the approval of the board pursuant to ORS 522.410, if operations are not resumed by the permittee within six months from the ending date specified in such approval of suspension, an intention to abandon and unlawful abandonment shall be presumed unless the permittee has obtained from the board an extension of the time prescribed by such approval of suspension.

(3) Whenever operations on or at a well have been suspended for a period of six months without compliance with this section, the well shall be presumed unlawfully abandoned. A well shall also be deemed unlawfully abandoned if, without notice given to the board as required by these rules, any drilling or producing equipment is removed.

(4) An unlawful abandonment under ORS 308.370 and this chapter, shall be declared by the board and such declaration of abandonment shall be entered in the board's minutes and written notice thereof shall be mailed by registered mail both to such permittee at his last-known post-office address as disclosed by records of the board and to the permittee's surety. The board may thereafter proceed against the permittee and his surety as provided by ORS 308.370 and this chapter.

[1971 c.776 §30]

(Abandonment of Wells)

522.310 Notice of commencement of well abandonment operations; additional information. (1) Before any operation to abandon any well is commenced, the owner or operator of such well shall give written notice to the supervisor or deputy of his intention to abandon the well and the date upon which the work of abandonment will begin.

(2) The notice referred to in subsection (1) of this section shall be given at least 24 hours before the commencement of abandonment operations and it shall show the condition of the well and the proposed method of such abandonment operation.

(3) The owner or operator of such well shall furnish the supervisor or deputy any additional information that may be requested regarding the condition of the well and the proposed method of abandonment, at any time between the filing of the notice of intention to abandon the well and the completion of abandonment operation.

[1971 c.776 §24]

522.320 Supervisor must approve well abandonment or request further tests or information; effect of failure by supervisor to comply. (1) The supervisor or deputy shall, before the proposed date of commencing work to abandon a well, furnish to the owner or operator any one of the following:

(a) A written approval of the abandonment operation proposed.

(b) A written report stating that specified work or tests will be necessary before approval of the abandonment will be given.

(c) A written request stating that specified information is required to be furnished by the owner or operator to the supervisor or deputy before approval to commence such abandonment operation will be given or before approval of such abandonment will be given.

(2) If the supervisor and deputy fail to give the owner or operator a written report or request as required by subsection (1) of this section, such failure of the supervisor and deputy shall be considered as an approval of the proposal to abandon the well and the proposal shall, for the purposes of ORS 308.370 and this chapter, be considered a written report of approval by the supervisor or deputy. [1971 c.776 §§25, 26]

522.330 Report required upon completion of abandonment; approval or disapproval of abandonment; grounds for disapproval.

(1) Within five days after the completion of abandonment of any well, the owner or operator of such well shall make, in such form as the supervisor or deputy may direct, a written report, in duplicate, of all work done with respect to the abandonment. The supervisor or deputy shall, within 10 days after the receipt of a written report of completion, furnish the owner or operator with a written final approval of abandonment, or a written disapproval of abandonment, setting forth the conditions upon which the disapproval is based.

(2) Failure to abandon in accordance with the approved method of abandonment, failure to submit to the supervisor or his deputy any notice or report required by ORS 308.370 and this chapter, or failure to furnish the supervisor or deputy, at his request, with any information regarding the condition of the well, shall constitute sufficient grounds for disapproval of the abandonment of such well. [1971 c.776 §27]

ADMINISTRATION (Board)

522.410 Duties of board. The board shall:

(1) Administer and enforce ORS 308.370 and this chapter; and

(2) In accordance with the applicable provisions of ORS chapter 183, adopt rules and regulations and issue orders that it may deem necessary in carrying out ORS 308.370 and this chapter. [1971 c.776 §3]

522.420 Promulgation of rules; orders; hearing; notice. (1) The board shall, in accordance with ORS chapter 183, from time to time prescribe reasonable rules governing practice and procedure before it in carrying out its duties under ORS 308.370 and this chapter.

(2) No rule, regulation or order, except in emergency, shall be made by the board under ORS 308.370 and this chapter without a prior public hearing upon at least 10 days' notice. Such public hearings shall be held at such times and places as may be designated by the board. However, in respect to matters of local interest such hearings shall be held at the county seat of the county wherein the greater part of real or personal property affected is situated. Any interested person shall be entitled to be heard at such hearings.

(3) When an emergency requiring immediate action is found to exist, the board may in compliance with ORS chapter 183 issue an emergency order without notice or hearing, effective upon promulgation. However, no emergency order shall remain effective for more than 15 days.

(4) Notice as required by ORS 308.370 and this chapter shall be given in compliance with ORS chapter 183, except as follows:

(a) In respect to matters of state-wide interest, by publication in a newspaper of general circulation in Multnomah, Harney, Jackson and Marion Counties.

(b) In respect to matters of local interest, by publication in a newspaper of general circulation in the county or counties wherein the affected lands are located.

(c) In respect to proceedings before the board where persons are named therein, by personal service upon such persons thereto. Personal service may be made by any agent of the board or by any officer authorized by law to serve process and shall be made in the manner provided by law for the service of

summons in civil actions in the courts of this state. Proof of service by an agent of the board shall be made by such person's affidavit and by an officer authorized by law to serve process by his lawful certificate.

(5) Notice shall issue in the name of the state and shall be signed by the chairman or secretary of the board. It shall specify the style and number of the proceeding, the time and place of hearing and the purpose of the proceeding.

[1971 c.776 §35]

522.430 Actions by board; petitions for action; hearing; notice; orders by board. The board may act upon its own motion or upon the verified written petition of any interested person. Upon the filing with the board of such a petition, which shall state in substance the matter involved, the reasons for and the nature of the relief requested, concerning any matter within its jurisdiction under ORS 308.370 and this chapter, the board shall promptly fix a date for a hearing thereon, and shall cause due notice thereof to be given as prescribed by ORS 522.420. Such hearing shall be held without undue delay and the board shall enter its order within 30 days thereafter.

[1971 c.776 §36]

522.440 Judicial review of orders by circuit courts; appeal to Supreme Court. (1) Any person adversely affected by any rule, regulation or an order entered by the board pursuant to ORS 308.370 and this chapter may obtain judicial review thereof in accordance with the applicable provisions of ORS chapter 183.

(2) The circuit court having jurisdiction shall, in so far as is practicable, give precedence to proceedings for judicial review brought under ORS 308.370 and this chapter.

(3) Either party may appeal to the Supreme Court of the State of Oregon in the same manner as provided by the laws for appeals from the circuit court in suits in equity.

[1971 c.776 §38]

522.450 Rehearings by board. Any person adversely affected by any rule, regulation or order of the board made pursuant to ORS 308.370 and this chapter may within 30 days after its entry apply to the board for a rehearing. Such application shall be acted upon by the board within 30 days from its filing date and if granted such rehearing shall be held without undue delay.

[1971 c.776 §37]

(Supervisor)

522.460 Duties of supervisor. (1) The supervisor shall administer and enforce ORS 308.370 and this chapter and the rules, regulations and orders made by the board thereunder relating to the drilling, operation, maintenance and abandonment of geothermal resource wells to provide the greatest ultimate economic recovery of geothermal resources, to prevent damage to and waste from underground geothermal deposits and to prevent damage to underground and surface waters used for irrigation and domestic purposes that may result from improper drilling, operation, maintenance or abandonment of geothermal resource wells.

(2) The supervisor shall also supervise the drilling, operation, maintenance and abandonment of geothermal resource wells in a manner permitting the owners and operators of such wells to utilize all methods and practices known to the industry for the purpose of increasing the ultimate economic recovery of geothermal resources and that, in the opinion of the supervisor, are suitable for such purpose in each instance.

[1971 c.776 §4]

522.470 Supervisor or deputy to make written order from written direction upon request of owner or operator; delivery of order; appeal. Whenever the supervisor or his authorized deputy makes or gives any written direction concerning the drilling, testing or other operations conducted with respect to any well drilled, in the process of being drilled or in the process of being abandoned and the operator, owner or designated agent of either, serves written notice, either personally or by mail, addressed to the supervisor or deputy, requesting that a definite order be made upon such subject, the supervisor or his deputy shall, within five days after receipt of the notice, deliver a final written order on the subject matter. Any such final written order of the board may be appealed in the manner provided in ORS chapter 183 for appeals from final orders in contested cases.

[1971 c.776 §22]

522.480 Compliance with order of supervisor or notice of appeal required. The lessor, lessee, operator or owner of any well or the owner of any rig, derrick or other operating structure, or his local agent, shall within five days from the date of the service of any order from the supervisor or deputy, either comply

with the order or file with the supervisor or deputy a written statement that the order is not acceptable, and that an appeal will be made from such order to the board under ORS 308.370 and this chapter.

[1971 c.776 §33]

(Records)

522.510 Records required to be kept by owner or operator; inspection. (1) The owner or operator of any well shall keep, or cause to be kept, a careful and accurate log, core record and history of the drilling of the well.

(2) The log referred to in subsection (1) of this section shall show the character and depth of each formation encountered in the drilling of the well; the amount, size and weight of casing used; and the location, depth and temperature of water-bearing strata, including the temperature, chemical composition and other chemical and physical characteristics of fluid encountered from time to time.

(3) The core record referred to in subsection (1) of this section shall show the depth, character and fluid content of cores obtained, so far as determined from the study and analysis thereof.

(4) The history referred to in subsection (1) of this section shall show the location and amount of sidetracked casings, tools or other material; the depth and quantity of cement in cement plugs; the shots of dynamite or other explosives used; the results of production and other tests during drilling operations and completion data.

(5) The log referred to in subsections (1) and (2) of this section shall be kept in the local office of the owner or operator and, together with the tour reports of the owner or operator, shall be subject, during business hours, to inspection by the board, the supervisor or his authorized deputy; except, any log kept with respect to a prospect well.

[1971 c.776 §15]

522.520 Filing copies of records upon request of supervisor. Each owner or operator of any well or his designated agent shall file with the supervisor a copy of the log, history and core record, or any portion thereof, at any time after the commencement of the work of drilling any well other than a prospect well upon the written request of the supervisor or his authorized deputy. The request shall be signed by the supervisor or the deputy and served such owner, operator or agent either personally or by mailing a copy

of the request by registered mail to the last-known post-office address of such owner, operator or agent.

[1971 c.776 §17]

522.530 Filing of records upon completion, abandonment, suspension or recompletion; retention of records by board; public inspection prohibited. (1) Upon the completion or abandonment of any well or upon the suspension of operations conducted with respect to any well for a period of at least six months two copies of the log, core record, electric log, and history, prepared in such form as the board may direct, shall be filed with the supervisor within 20 days after such completion, abandonment or six-month suspension. Similar copies shall be filed upon the recompletion of any well.

(2) For a period of two years from the date of completion, abandonment or six-month suspension, the board shall keep such logs and records confidential and shall not permit public inspection of such records.

[1971 c.776 §16]

522.540 Inspection of records filed with supervisor or board limited; use of records as evidence limited. (1) The records of any owner or operator, when filed with the supervisor, or the board as provided in ORS 308.370 and this chapter, shall be open to inspection only to those authorized in writing by such operators, to state officers and to the board until expiration of the confidential period specified in ORS 522.530.

(2) Such records shall in no case, except as provided in ORS 308.370 and this chapter, be available as evidence in court proceedings. No officer, employe or member of the board shall be allowed to give testimony as to the contents of such records, except as are provided in ORS 308.370 and this chapter for the review of a decision of the supervisor or the board or in any proceeding initiated for the enforcement of an order of the supervisor, for the enforcement of a lien created by ORS 308.370 and this chapter, or for use as evidence in criminal proceedings arising out of such records or the statements upon which they are based.

(3) A copy of any document, order, requisition or decision made, executed or issued by the supervisor or deputy, when certified by the supervisor or deputy to be a true copy of the original, shall be received in evidence in any court proceedings, in like manner and with the same effect as the original.

[1971 c.776 §29]

ENFORCEMENT

522.810 Suits to enjoin violations; board named party defendant in proceeding upon failure to initiate proceeding. (1) Whenever it appears that any person is violating or threatening to violate any provision of ORS 308.370 and this chapter or any rule, regulation or order of the board made thereunder, the board shall bring suit against such person in the circuit court of any county where the violation occurs or is threatened, to restrain such person from continuing such violation. Upon the filing of any such suit, summons issued to such person may be directed to the sheriff of any county of this state for service by such sheriff upon such person. In any such suit, the court shall have jurisdiction to grant to the board, without bond or other undertaking, such temporary restraining orders or final prohibitory and mandatory injunctions as the facts may warrant, including any such orders restraining the movement or disposition of geothermal resources.

(2) If the board fails to bring suit to enjoin a violation or threatened violation of any provision of ORS 308.370 and this chapter or of any rule, regulation or order of the board made thereunder, within 15 days after receipt of a written request to do so by any person who is or will be adversely affected by such violation, then the person making such request may bring suit in his own behalf to restrain such violation or threatened violation in any court in which the board might have brought such suit. The board shall be made a party defendant in such suit in addition to the person named as defendant therein and the action shall proceed and injunctive relief may be granted without bond in the same manner as if suit had been brought by the board.

[1971 c.776 §41]

PROHIBITED ACTS

522.910 Aiding in violations prohibited. No person shall knowingly aid or abet any other person in the violation of any provision of ORS 308.370 and this chapter or of any rule, regulation or order of the board made thereunder.

[1971 c.776 §40]

522.920 Falsification or destruction of required records or reports prohibited. No person shall, for the purpose of evading the provisions of ORS 308.370 and this chapter or any rule, regulation or order of the board made thereunder, make or cause to be made any false entry or statement in a report required by ORS 308.370 and this chapter or by any rule, regulation or order of the board made thereunder or make or cause to be made any false entry in any record, account or other writing required by ORS 308.370 and this chapter or by any rule, regulation or order of the board made thereunder or omit or cause to be omitted from any such record, account or writing, full, true and correct entries as required by ORS 308.370 and this chapter or any rule, regulation or order of the board made thereunder or remove from this state, or destroy, mutilate, alter or falsify any such record, account or writing.

[1971 c.776 §39]

PENALTIES

522.990 Penalties. Violation of any provision of ORS 308.370 and this chapter or of any rule, regulation or order of the board made thereunder is punishable, upon conviction, by a fine of not more than \$2,500 or by imprisonment in the county jail for not more than six months, or both.

[1971 c.776 §42]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1971.

Robert W. Lundy
Legislative Counsel

CHAPTERS 523 TO 525

[Reserved for expansion]

