

Chapter 522

1977 REPLACEMENT PART

Geothermal Resources

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GENERAL PROVISIONS

522.005 Definitions. As used in this chapter, unless the context requires otherwise:

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

(2) "Byproduct" means any mineral or minerals, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, which are found in solution or in association with geothermal resources and which have a value of less than 75 percent of the value of the geothermal resource or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves.

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

(4) "Drilling" includes drilling, re-drilling and deepening of a geothermal well.

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

(6) "Geothermal well" includes any excavation 500 feet deep or more made for discovery or producing geothermal resources.

(7) "Geothermal resources" means the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including, specifically:

(a) All products of geothermal processes, embracing indigenous steam, hot water and hot brines;

(b) Steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations;

(c) Heat or other associated energy found in geothermal formations; and

(d) Any byproduct derived from them.

(8) "Operator" means the person:

(a) Who possesses the legal right to drill a geothermal well;

(b) Who has obtained a drilling permit pursuant to ORS 522.135; or

(c) Who possesses the legal right to operate a completed geothermal well as described by ORS 522.185.

(9) "Prospect well" includes any well drilled as a geophysical test well, seismic shot hole, mineral exploration drilling, core drilling or temperature gradient test well, less than 500 feet in depth, and drilled in prospecting for geothermal resources. "Prospect well" does not include a geothermal well as defined in subsection (6) of this section.

(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.

[1975 c.552 §3]

522.010 [1971 c.776 §2; 1973 c.388 §1; repealed by 1975 c.552 §55]

522.015 Policy. (1) The Legislative Assembly hereby finds and declares that:

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

(b) The State of Oregon, through the State Department of Geology and Mineral Industries, shall control the drilling, re-drilling 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, to safeguard the air, water and other natural resources of this state, and to encourage the maximum economic recovery of geothermal resources therefrom.

(2) It is the policy of the Legislative Assembly that this chapter be administered:

(a) To prevent damage to and waste of geothermal resources;

(b) To prevent interference with or damage to waters used or to be used for beneficial purposes that may result from improper drilling, operation, maintenance or abandonment of geothermal or prospect wells; and

(c) To supervise the drilling, operation, maintenance and abandonment of geothermal or prospect wells in a manner permitting the operator to utilize all methods known to the industry for the purpose of increasing the ultimate economic recovery of geothermal resources, that are suitable, and consistent with protection of the air, water and other natural resources of the state.

[Formerly 522.050]

Note: HJR 50 (1977), provides:

Whereas geothermal resources present an economical source of energy; and

Whereas geothermal resources, if properly utilized, could be of great benefit to Oregon; and

Whereas geothermal resources must be developed in a systematic and coordinated manner in order to maximize economic benefit and minimize possible damage to the environment; and

Whereas there must be an ecologically safe and economically viable means of disposing of geothermal fluids; and

Whereas the surface disposal of geothermal fluids is currently the subject of scientific inquiry; and

Whereas the type of system used to dispose of geothermal fluids must be adapted to local geological and environmental conditions; and

Whereas improper disposal of geothermal fluids may result in serious environmental detriment; and

Whereas the State of Oregon presently does not have a policy on the regulation of geothermal fluid disposal; and

Whereas there are presently at least four state agencies which have some involvement in the regulation of geothermal resources; and

Whereas a coordinated effort among these agencies is necessary in order to assure proper regulation which best serves Oregon; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Water Resources Department, Department of Environmental Quality, State Department of Geology and Mineral Industries and Department of Energy are directed to make a cooperative and coordinated effort to establish a policy and, if necessary, promulgate rules on the disposal of geothermal fluids. Any rules proposed as a result of this effort shall be sufficiently flexible to promote economically beneficial and environmentally safe use of geothermal resources.

(2) The directors of these agencies shall submit a joint report to the Sixtieth Legislative Assembly on the

progress they have made toward this goal. The report may include a recommendation for new legislation.

(3) A copy of this resolution shall be transmitted to the Governor, the Water Resources Director, the Director of the Department of Environmental Quality, the State Geologist and the Director of the Department of Energy.

522.020 [1971 c.776 §32; repealed by 1975 c.552 §55]

522.025 Application. The provisions of this chapter relating to the location and drilling of any well for the production of geothermal resources do not apply to any wells producing geothermal resources on July 1, 1975, or wells, other than prospect wells, drilled to a depth no greater than 2,000 feet where:

(1) The geothermal fluids produced are of less than 250 degrees Fahrenheit bottom hold temperature; or

(2) Such fluids have been appropriated pursuant to ORS 537.505 to 537.795.

[1975 c.552 §4]

522.035 Ownership rights. Ownership rights to geothermal resources shall be in the owner of the surface property underlain by the geothermal resources unless such rights have been otherwise reserved or conveyed. However, nothing in this section shall divest the people or the state of any rights, title or interest they may have in geothermal resources.

[1975 c.552 §21]

522.045 Abandoned well; jurisdiction. Any well drilled under authority of this chapter from which usable geothermal resources cannot be derived, or the owner or operator has no intention of deriving usable geothermal resources, shall be plugged and abandoned as provided in this chapter or, upon the operator's written application to the department and with the concurrence and approval of the Water Resources Director, jurisdiction over the well may be transferred to the Water Resources Director and, in such case, the well shall no longer be subject to the provisions of this chapter but shall be subject to any applicable laws and rules relating to wells drilled for appropriation and use of ground waters. If an application is made to transfer jurisdiction, a copy of all logs, records, histories and descriptions shall be provided to the Water Resources Director by the applicant.

[1975 c.552 §4e]

522.050 [1971 c.776 §1; 1975 c.552 §1; renumbered 522.015]

PROSPECT WELLS

522.055 Permit; application; fee. (1)

No person shall engage in drilling a prospect well without first obtaining a permit issued under the authority of the State Geologist and without complying with the conditions of such permit.

(2) An application to drill prospect wells shall contain such information as the department may require, and shall be accompanied by a fee set by the department but not to exceed \$200 to cover all prospect wells included within the application.

[1975 c.552 §4a]

522.060 [1971 c.776 §34; repealed by 1975 c.552 §55]

522.065 Circulation of application to state agencies; suggested conditions to permit; time limit for permit action. (1)

Upon receipt of an application to drill prospect wells, the State Geologist shall circulate copies of the application to the Water Resources Director, the Director of the Department of Environmental Quality, the Director of the Department of Land Conservation and Development, and the Director of the Division of State Lands.

(2) Any public agency desiring to suggest conditions under which a permit should be granted shall provide such information to the department within 15 days of receipt of the copy of the application.

(3) Except as provided in ORS 522.075, within 30 days of receipt of an application to drill prospect wells, the State Geologist shall grant a permit to drill, subject to such conditions as he may impose. Included among the conditions shall be provision for the proper and safe abandonment of each prospect well.

[1975 c.552 §4b]

522.070 [1971 c.776 §7; repealed by 1975 c.552 §55]

522.075 Bond or security; execution; cancellation; waiver. (1)

No permit for prospect wells shall be granted until the applicant has filed with the department a bond or security deposit in the sum of \$5,000 for all prospect wells which are included within the application and to be drilled by the applicant.

(2) The bond or deposit shall be conditioned upon compliance with the requirements of this chapter, rules adopted and orders issued pursuant thereto, which shall secure the state against all losses, charges and expenses incurred by it in obtaining such compliance.

(3) The bond provided for in subsection (1) of this section shall be executed by the applicant, as principal, and shall meet such conditions as the board by rule may establish.

(4) With the consent of the board, any bond submitted as required by this section may 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 prospect wells described by such bond have been properly and safely abandoned pursuant to the abandonment plan required by the permit or another valid bond for the prospect wells has been submitted and approved by the board.

(5) For those applications concerning prospect wells on federal lands, the board may waive the requirements of subsections (1) to (4) of this section upon receipt of suitable proof of compliance by the applicant with federal bond requirements which would, in the opinion of the board, be unnecessarily duplicated by the requirements of this section.

[1975 c.552 §4c; 1977 c.87 §1]

522.085 Report certifying completion of abandonment plan. (1)

Upon completion of all drilling and testing undertaken pursuant to an application to drill prospect wells, the applicant shall file with the State Geologist a report certifying the completion of the abandonment plan required by the permit.

[1975 c.552 §4d]

522.110 [1971 c.776 §11; 1973 c.388 §2; repealed by 1975 c.552 §55]

GEOHERMAL WELLS

522.115 Permit; application; fee. (1)

No person shall engage in the drilling or operating of any geothermal well without first obtaining a permit issued under the authority of the State Geologist, and without complying with the conditions of such permit.

(2) An application for a permit shall contain:

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

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

(c) The applicant's estimate of the depths to be drilled.

(d) The nature and character of the geothermal resource sought.

(e) Such other information as the board by rule may require.

(3) An application shall be accompanied by a nonrefundable fee of \$100.

(4) All fees collected by the department under this section shall be deposited with the State Treasurer and are continuously appropriated to the department for the administration of chapter 552, Oregon Laws 1975.

[1975 c.552 §5; 1977 c.87 §2]

Note: The Legislative Counsel has not, pursuant to 173.160, undertaken to substitute specific ORS references for the words "this Act" in 522.115 or 522.135. Chapter 552, Oregon Laws 1975, enacted into law and amended the ORS sections which may be found by referring to the 1975 Comparative Section Table located following the Index in volume 6 of Oregon Revised Statutes (1975 Replacement Parts).

522.120 [1971 c.776 §§12, 13; 1973 c.388 §3; repealed by 1975 c.552 §55]

522.125 Circulation of application to state agencies; suggested conditions to permit. (1) Upon receipt of an application for a permit to drill or operate a geothermal well, the department shall circulate copies of the application to the Water Resources Director, the State Fish and Wildlife Director, the State Forester, the Director of the Department of Environmental Quality, the administrative officer of the State Soil and Water Conservation Commission, the State Parks Superintendent, the Water Policy Review Board, the State Highway Engineer, the Director of the Department of Land Conservation and Development, the Director of the Division of State Lands and the governing body of the county or counties in which the well or wells will be located.

(2) Any public agency desiring to suggest conditions under which a permit should be granted shall provide such information to the department within 30 days of receipt of the copy of the application.

[1975 c.552 §6]

522.130 [1971 c.776 §14; repealed by 1975 c.552 §55]

522.135 Permit; time limit for action; grounds for issuance; conditions; construction of permit. (1) Within 45 days after receipt of the application, the State Geologist shall by order issue, deny, suspend, modify, revoke or not renew a permit pursuant to this chapter and ORS chapter 183 except that appeal of any order issued pursuant to this section shall be made to the governing board of the State Department of Geology and Mineral Industries before any appeal under ORS 183.480 is allowed.

(2) The State Geologist may issue the permit if, after receipt of comments from the agencies referred to in ORS 522.125, he determines that issuance thereof would be consistent with the purposes set forth in ORS 468.280, 468.710 and 537.525, rules adopted pursuant to ORS 468.725, and the purposes of this chapter.

(3) If the State Geologist issues a permit pursuant to this section, he shall impose such conditions as he considers necessary to carry out the purposes set forth in ORS 468.280, 468.710 and 537.525, rules adopted pursuant to ORS 468.725, and the purposes of this chapter. He shall include in the permit a statement that issuance thereof does not relieve any person from any obligation to obtain a permit under ORS 468.725 or 468.730.

(4) The State Geologist shall incorporate into the permit requirements:

(a) Any conditions made by the Water Resources Director necessary to comply with the purposes set forth in ORS 537.525; and

(b) Any conditions made by the Department of Environmental Quality necessary to comply with the purposes set forth in ORS 468.280 and 468.710.

(5) Nothing in chapter 552, Oregon Laws 1975, shall be construed to excuse an operator of a geothermal well from complying with the provisions of the Federal Water Pollution Control Act amendments of 1972 (Public Law 92-500) or ORS 468.730 or to dilute the authority of the Department of Environmental Quality to issue National Pollution Discharge Elimination Systems Permits.

[1975 c.552 §7]

Note: See note under 522.115.

522.140 [1971 c.776 §6; 1973 c.388 §4; repealed by 1975 c.552 §55]

522.145 Bond or security; execution; cancellation; waiver. (1) Except as waived by rule of the board, no permit shall be granted until:

(a) The applicant has filed with the department a bond or security deposit in the sum of \$10,000 for each well to be drilled; or

(b) The applicant to drill more than one geothermal well has filed with the department a bond or security deposit in the sum of \$25,000 for all wells to be drilled.

(2) The bond or deposit shall be conditioned upon compliance with the requirements of this chapter, rules adopted and orders

issued pursuant thereto, which shall secure the state against all losses, charges and expenses incurred by it in obtaining such compliance.

(3) The bonds provided for in subsection (1) of this section shall be executed by the applicant, as principal, and shall meet such conditions as the board by rule may establish.

(4) With the consent of the board, any bond submitted as required by this section may 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 geothermal well described by such bond has been properly completed or lawfully abandoned or another valid bond for the well has been submitted and approved by the board.

(5) For those applications concerning geothermal wells on federal lands, the board may waive the requirements of subsections (1) to (4) of this section upon receipt of suitable proof of compliance by the applicant with federal bond requirements which would, in the opinion of the board, be unnecessarily duplicated by the requirements of this section.

[1975 c.552 §8; 1977 c.87 §3]

522.150 [1971 c.776 §8; repealed by 1975 c.552 §55]

522.155 Liability for failure to protect ground water; standards for protection of ground and surface water. (1) In addition to any other liability of the operator of a geothermal well, the operator shall be liable to any person or public agency that sustains damages from failure of the operator to comply with a condition in a permit requiring him to provide for the protection of ground water in the area affected by the well.

(2) The board shall adopt by rule standards for blowout prevention, equipment and casing design and removal, and any other procedures necessary to shut out detrimental substances from strata containing ground or surface water usable for beneficial purposes.

[1975 c.552 §9]

522.160 [1971 c.776 §18; repealed by 1975 c.552 §55]

522.165 Location, number, or designation change; alteration of casing. (1) The location, number or designation specified for any geothermal well in a permit issued pursuant to ORS 522.135 shall not be changed without first obtaining written consent from the department.

(2) No operator shall alter in any manner the casing of a geothermal well without

notifying the department and obtaining its approval.

[1975 c.552 §10]

522.170 [1971 c.776 §5; repealed by 1975 c.552 §55]

522.175 Abandonment; proceedings against operator for unlawful abandonment. (1) No person shall abandon a geothermal well without first obtaining approval of the department.

(2) A geothermal well shall be considered lawfully abandoned when the operator has conformed to ORS 522.245 and to rules adopted by the board designed to:

(a) Protect underground and surface water usable for beneficial purposes from pollution resulting from infiltration or addition of any deleterious substance;

(b) Prevent the escape of all fluids to the surface;

(c) Close the surface aperture of the well; and

(d) Remove all surface equipment except that necessary to maintain permanent closure of the well.

(3) When the operator has violated subsection (1) or (2) of this section or ORS 522.225, or when the department has issued a written disapproval of abandonment, the board may proceed against the operator and his surety as provided for in ORS 522.145 or 522.185, and may bring suit pursuant to ORS 522.810.

[1975 c.552 §11]

522.180 [1971 c.776 §19; repealed by 1975 c.552 §55]

522.185 Production and abandonment bond; cancellation; completed well.

(1) Upon completing a geothermal well, as described by subsection (3) of this section, the operator of the well shall file with the department a production and abandonment bond in addition to the bond required by ORS 552.145, to insure compliance with the requirements of this chapter and rules adopted and orders issued pursuant thereto, and the sealing of the well when production has ceased. The board by rule shall establish the sum and terms of the production and abandonment bond required.

(2) The production and abandonment bond shall not be terminated and canceled by the board until the geothermal well described by the bond has ceased production and is lawfully abandoned, or another valid bond for the well has been submitted and approved by the board.

(3) A geothermal well is completed for purposes of subsection (1) of this section when it is producing geothermal resources and the operator of the well has received written assurance from the department that the manner of drilling of the well and the manner of producing geothermal resources therefrom are satisfactory.

[1975 c.552 §13]

522.190 [1971 c.776 §20; repealed by 1975 c.552 §55]

522.195 Monthly production statement. Except as excluded by rule adopted by the board, the operator of any completed geothermal well shall file with the department a monthly statement of the geothermal resources production from such well during the preceding calendar month.

[1975 c.552. §14]

522.200 [1971 c.776 §28; repealed by 1975 c.552 §55]

522.205 Transfer or purchase of well; notice; application; fee; notice by landowner of transfer or purchase. (1) Except as excluded from the provisions of this section by rule of the board, any prospective operator of a geothermal well shall notify the department in such form as the department may direct of the purchase, assignment, transfer, conveyance or exchange of such well within 15 days of the purchase and shall accompany such notice with an application for transfer of the permit for the particular well. The fee for transfer of a permit is \$25.

(2) Any buyer of land on which a geothermal well is located shall notify the department of the purchase, assignment, transfer, conveyance or exchange of the land upon which such well is situated within 15 days of such purchase.

[1975 c.552 §15]

522.210 [1971 c.776 §31; repealed by 1975 c.552 §55]

522.215 Suspension of drilling or operation; application; terms; extension; presumption of abandonment; unlawful abandonment; notice; proceedings against operator. (1) No operator shall suspend drilling or operation of a geothermal well without obtaining permission from the department.

(2) The department may authorize an operator to suspend for a specific period operations or remove equipment from an uncompleted geothermal well upon such terms as the department may specify, upon written application of the operator and his affidavit showing good cause therefor.

(3) Within a period of six months from the ending date specified for such suspension, the operator may make written application for an extension of suspension, and file it with his affidavit showing good cause for such an extension. Upon a finding that the extension is merited, the board may extend the suspension for an additional specific period.

(4) If, after suspension, operations are not resumed by the operator within six months from the ending date specified for the suspension or extension thereof, an intention to abandon and unlawful abandonment shall be presumed.

(5) Whenever an operator whose operations have been suspended fails to comply with such terms as the department may specify in its authorization, the geothermal well shall be presumed unlawfully abandoned. A well shall also be deemed unlawfully abandoned, if, without notice to the department, any drilling or producing equipment is removed.

(6) An unlawful abandonment shall be declared by order of the board, and written notice thereof shall be mailed by registered mail both to such operator at his last-known post-office address, to his registered agent if any, and to the operator's sureties.

(7) After declaration of unlawful abandonment, the board may proceed against the operator and his surety as provided for in ORS 522.145 or 522.185, and may bring suit pursuant to ORS 522.810.

[1975 c.552 §16]

522.220 [1971 c.776 §21; repealed by 1975 c.552 §55]

522.225 Notice of intent to abandon.

(1) Before commencing any operation to abandon a geothermal well, the operator shall give notice to the department of his intention to abandon the well and the date upon which the work of abandonment will begin.

(2) Such notice shall be given at least 24 hours before the commencement of abandonment operations and shall indicate:

(a) The condition of the well;

(b) The proposed method of the abandonment operation; and

(c) Any additional information that may be required by the department.

[1975 c.552 §17]

522.230 [1971 c.776 §23; repealed by 1975 c.552 §55]

522.235 Conditions precedent to abandonment. Before the proposed date upon which the work of abandonment will

begin, the department shall furnish the operator with:

(1) Approval to commence the abandonment operation;

(2) Conditional approval to commence the abandonment operation, stating what specific work or tests will be necessary before approval of the abandonment operation will be given; or

(3) A report stating what specific information is required to be furnished by the operator to the department before the department may take action upon the proposed abandonment operation.

[1975 c.552 §18]

522.240 [1971 c.776 §9; repealed by 1975 c.552 §55]

522.245 Department approval of abandonment; report by operator; effect of failure to comply; proceedings against operator. (1) A representative of the department shall be present during any abandonment operation. If he determines that the abandonment is satisfactory, he shall approve the abandonment of the well.

(2) Within 30 days after the completion of abandonment of any geothermal well, the operator of the well shall make a written report of all work done with respect to the abandonment. Within 10 days after the receipt of such report, the department shall furnish the operator with a written final approval of abandonment, or a written disapproval of abandonment setting forth the conditions upon which the disapproval is based.

(3) Failure to abandon in accordance with the approved method of abandonment, failure to submit to the department any notice or report required by this chapter, or failure to furnish the department with any required information shall constitute sufficient grounds for disapproval of the abandonment of such well.

(4) When the department has issued a written disapproval of abandonment, the board may proceed against the operator and his surety as provided for in ORS 522.145 or 522.185, or may bring suit pursuant to ORS 522.810.

[1975 c.552 §19]

522.250 [1971 c.776 §10; repealed by 1975 c.552 §55]

522.260 [1971 c.776 §30; repealed by 1975 c.552 §55]

ADMINISTRATION

522.275 Administration by State Geologist. Subject to policy direction by the board, the State Geologist shall administer this chapter, the rules and orders made pursuant thereto, and supervise the department in carrying out the provisions of this chapter.

[1975 c.552 §23]

522.305 Rules. In accordance with applicable provisions of ORS chapter 183, the board may make reasonable rules necessary for the administration of this chapter.

[1975 c.552 §22]

522.310 [1971 c.776 §24; repealed by 1975 c.552 §55]

522.315 Final order of department; delivery to operator. Whenever the department gives any written direction concerning any geothermal well and the operator requests in writing that a final order for purposes of ORS chapter 183 be made, the department shall, within 15 days after receipt of the notice, deliver such final written order to the operator.

[1975 c.552 §24]

522.320 [1971 c.776 §§25, 26; repealed by 1975 c.552 §55]

522.325 Compliance with final order; appeal. (1) The operator of any geothermal well shall within 15 days from the date of the service of any order, either comply with the order or file with the department a written statement that the order is not acceptable, and the reasons therefor, and the statement shall constitute an appeal from such order to the board.

(2) Any 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.

[1975 c.552 §25]

522.330 [1971 c.776 §27; repealed by 1975 c.552 §55]

WELL RECORDS

522.355 Records of well; contents; drill cutting and core samples. (1) The operator of any geothermal 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, so far as determined.

(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 operator and, together with the tour reports of the operator, shall be subject, during business hours, to inspection by the board, or department.

(6) The operator of any geothermal well shall, in addition to furnishing the log, records, and tests required by this section, collect representative drill cuttings. The operator shall additionally, in the event cores are taken, collect representative core samples. The drill cuttings and core samples shall be filed with the department promptly upon completion or upon its written request, and upon the abandonment or upon suspension of operations for a period of at least six months.
[1975 c.552 §26; 1977 c.87 §4]

522.365 Filing record with department; exemption from disclosure. (1) Each operator of any geothermal well or his designated agent shall file with the department a copy of the log, history and core record, or any portion thereof, promptly upon completion, or upon the written request of the department at any time after the commencement of the work of drilling any geothermal well, and upon the abandonment or upon suspension of operations for a period of at least six months.

(2) For a period of four years after the receipt of any log, history, core record, or any portion thereof, such record shall be exempt from disclosure as a trade secret pursuant to subsection (1) of ORS 192.500 unless the operator gives approval to release the data.
[1975 c.552 §27]

522.410 [1971 c.776 §3; repealed by 1975 c.552 §55]

522.420 [1971 c.776 §35; repealed by 1975 c.552 §55]

522.430 [1971 c.776 §36; repealed by 1973 c.388 §8]

522.440 [1971 c.776 §38; repealed by 1973 c.388 §8]

522.450 [1971 c.776 §37; repealed by 1973 c.388 §8]

522.460 [1971 c.776 §4; repealed by 1975 c.552 §55]

522.470 [1971 c.776 §22; 1973 c.388 §5; repealed by 1975 c.552 §55]

522.480 [1971 c.776 §33; 1973 c.388 §6; repealed by 1975 c.552 §55]

522.510 [1971 c.776 §15; 1973 c.794 §24; repealed by 1975 c.552 §55]

522.520 [1971 c.776 §17; 1973 c.794 §25; repealed by 1975 c.552 §55]

522.530 [1971 c.776 §16; repealed by 1973 c.794 §34]

522.540 [1971 c.776 §29; repealed by 1973 c.794 §34]

ENFORCEMENT

522.810 Suits to enjoin violations.

Whenever it appears that any person is violating or threatening to violate any provision of this chapter or any rule or order of the board made thereunder, or is threatening to or committing waste, the board may bring suit against such person in the circuit court of any county where the violation or waste occurs or is threatened, to restrain such person from continuing such violation or waste. 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, disposition or waste of geothermal resources.

[1971 c.776 §41; 1973 c.388 §7; 1975 c.552 §29]

522.815 Orders by board; scope; notice; hearing. (1) When necessary to conserve geothermal resources or other natural resources, or to protect the environment, the correlative rights of any person having an ownership interest in the affected land or resource, or beneficial uses of water, or to accomplish the efficient and economical development of a geothermal reservoir, the board may, upon the request of any interested party or upon its own motion, after hearing, enter an order. The order shall include a description of the geothermal reservoir and the overlying land and may also include provisions for the following:

(a) Division of a geothermal reservoir into zones;

(b) Establishment of spacing units including a description of the location, size and shape of such spacing units;

(c) The integration of separately owned tracts or interests within a spacing unit for the development and operation of the spacing unit and the sharing of production therefrom;

(d) Unit operation of one or more reservoirs within a field and a statement of the terms, conditions and procedures for such unit operation including the allocation of production, royalties and costs. Such allocation shall be in accordance with any agreement of the parties, or if there is no such agreement, then such allocation shall be fair, just and equitable;

(e) The protection of existing and future beneficial uses of water;

(f) Maintaining the renewability of geothermal resources and any other natural resources; and

(g) Any additional provisions the board deems necessary for carrying out the provisions of chapter 552, Oregon Laws 1975 or for protecting the public health, safety and welfare.

(2) Any order entered under this section may in the board's discretion supersede any right or privilege previously granted by or previously entered by the board with respect to such reservoir and may after hearing be amended or supplemented as appears necessary to the board to accomplish the purposes of chapter 552, Oregon Laws 1975.

(3) Any proceeding under this section shall be conducted as a contested case in accordance with ORS chapter 183. In addition to the notice requirements of that chapter, notice shall be given to the following persons:

(a) Any operator who has a drilling permit issued pursuant to ORS 522.135 or has a legal right to operate a geothermal well pursuant to ORS 522.185 in the geothermal reservoir;

(b) Any person who has an ownership interest in the geothermal reservoir; and

(c) Any person who has an ownership interest in land within one mile of the boundaries of the geothermal reservoir.

[1975 c.552 §43]

Note: The Legislative Counsel has not, pursuant to 173.160, undertaken to substitute specific ORS references for the words "this Act" in 522.815. Chapter 552, Oregon Laws 1975, enacted into law and amended the ORS sections which may be found by referring to the 1975 Comparative Section Table located following the Index in volume 6 of Oregon Revised Statutes (1975 Replacement Parts).

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 this chapter or of any rule or order of the board made thereunder.

[1971 c.776 §40; 1975 c.552 §30]

522.915 False entries, omissions, destruction, or removal of records or reports. No person shall:

(1) Make or cause to be made any false entry or statement in a report, record, log, account or other writing required by this chapter or any rule adopted pursuant thereto;

(2) Omit or cause to be omitted from any such report, record, log, account or writing, full, true and correct entries as required by this chapter or any rule or order adopted pursuant thereto;

(3) Destroy, mutilate, alter or falsify any such report, record, log, account or writing; or

(4) Remove from this state the original copy of any such report, record, log, account or writing before an abandonment has been approved pursuant to subsection (2) of ORS 522.245.

[1975 c.552 §28]

522.920 [1971 c.776 §39; repealed by 1975 c.552 §55]

PENALTIES

522.990 Penalties. Violation of any provision of this chapter or of any rule 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; 1975 c.552 §31]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel