

**COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR NATURAL RESOURCES
DIVISION OF OIL AND GAS**

RIGHT OF ENTRY CONSENT FOR WELL PLUGGING & RECLAMATION WORK

Operator: _____ **Permit Number:** _____ **Well Name:** _____

Section 60113 of the Inflation Reduction Act (Methane Emissions Reduction Program (MERP)) amended the Clean Air Act (CAA) by adding section 136, “Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems” (also referred to as the “Methane Emissions Reduction Program”). Under Section 136 of the Clean Air Act and the Kentucky Revised Statutes Chapter 350, the Kentucky Division of Oil and Gas (KDOG) proposes to undertake well plugging and reclamation work to plug wells across the Commonwealth.

To achieve this objective, it will be necessary for officers, agents, employees and contractors of the Commonwealth to enter upon property owned by:

Surface Owner Name: _____

Property Physical Address (wellsite): _____

Surface Owner Mailing Address: _____

Surface Owner Telephone Number: _____

_____ **Surface Owner:** I/We give this consent to enter upon the above-described property to complete the well assessment, plugging, reclamation and any site maintenance activities that may be necessary to complete this project. This consent is subject to my/our continued ownership and use of the property. **I understand this form is only for nomination of a well to request plugging assistance and does not assure in any way that the well will be accepted into the plugging program.**

_____ **Tenant:** I/We give this consent to enter upon the above-described property, subject to the superior rights of the owner of record.

_____ **Access:** I/We give this consent to enter upon the above-described property for the purpose of obtaining access to the above-referenced well.

NOW, THEREFORE, in consideration of the benefits which will inure to the Surface Owner and to the general public, the Surface Owner does hereby grant to KDOG, its employees, agents, contractors and subcontractors a right of entry into, over and upon the above-described property, including all necessary and convenient rights of ingress, egress and regress, with all material and equipment to conduct the proposed plugging, site reclamation, and to do any and all things necessary and convenient to effectively carry on said activities, in a good and workmanlike manner. Said right of entry is granted for the time required to conduct testing, complete the plugging, and perform reclamation subject to the surface owner's or tenant's continued ownership and use of the property. This grant of right of entry shall be binding upon the heirs, personal representatives, assigns, and successors of the surface owner/tenant.

NOW THEREFORE, in consideration of the above representations including those on the second page, the Surface Owner/Tenant hereby agrees to save and hold harmless the Commonwealth of Kentucky, its officers, agents, and employees from any and all liabilities, obligations, claims and demands in law and equity arising from the performance of the work herein contemplated or performed.

- It is understood the work performed in the project area shall be done by contractors for the Commonwealth, and the Commonwealth is without authority to assume the risk of injury to persons or damage to persons or property resulting from the action of the contractors, but **the Commonwealth shall require contractors performing the work on the property to obtain and keep in force liability insurance.**
- It is further understood that **any agreement, verbal or written, between the Surface Owner and Operator and/or KDOG's contractor shall be solely between said parties.** Since KDOG is not a party to that agreement, it is unable to enforce said agreement and assumes no liability therein.

- Execution of this Consent for Right of Entry does not obligate the Commonwealth to perform any part of the contemplated or proposed plugging and reclamation work.

IMPORTANT, PLEASE READ: I acknowledge receipt of this form and agree to nomination of the above-referenced well; and agree to allow KDOG and contractors access as needed if selected into the program for plugging.

IN WITNESS WHEREOF, the Surface Owner/Tenant or authorized representative has caused this Consent for Right of Entry to be executed this

_____.

(WITNESS)

(Surface Owner/Tenant or Representative Signature)

(WITNESS)

(Surface Owner/Tenant or Representative Signature)

Rev. 8/2024