

STATE OF WEST VIRGINIA
DEPARTMENT OF COMMERCE, DIVISION OF NATURAL RESOURCES
OFFICE OF LAND & STREAMS

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DIVISION OF NATURAL RESOURCES OIL AND GAS RESOURCES
BID PROSPECTUS
FOR
LEASING AND PRODUCTION

A prospectus on the oil and gas resources underlying Mile Marker 133-136 of the Ohio River located in Wetzel and Tyler Counties, West Virginia.

Keith Burdette, Secretary
West Virginia Department of Commerce

Robert A. Fala, Director
West Virginia Division of Natural Resources

I. Introduction

The State of West Virginia, through the Division of Natural Resources, holds title to certain lands and mineral resources in the state. The Division of Natural Resources administers and manages those lands in order to provide a comprehensive program for the conservation, development, protection, enjoyment, and use of the natural resources of the state by its citizens and visitors.

The Division of Natural Resources, may lease coal, oil, gas, sand, gravel under its control and management for proper development and production, all in accordance with Chapter 20, Article 1, Section 7, Paragraph 14.

The Division of Natural Resources in its endeavors of managing its real estate resources has decided to lease, by competitive bidding process, the oil and gas resources for development and production from beneath the waters of the Ohio River, beginning at mile post 133 to 136 in Wetzel and Tyler Counties, West Virginia.

Bids may be submitted for the entire River Bid or for smaller segments of the river within the River Bid, but in any instance, all bids shall be submitted on a per mile basis for each individual mile of river the bidder desires to fully develop.

The Division of Natural Resources reserves the right to select the highest responsible bidder for each mile of river up for bid.

The Division of Natural Resources reserves the right to reject any or all bids it receives for the subject property, if any, and the right to re-bid the subject property at a future time.

II. Location of Resources

SUBJECT TO THE RESTRICTIONS ESTABLISHED BY THE CORPS OF ENGINEERS, WV DNR AND WV DEP.

This lease prospectus includes the following oil and gas resources located beneath the waters of the Ohio River in Wetzel and Tyler Counties, West Virginia, more specifically located and shown on the maps included with this prospectus.

III. Production and Assurance of Maintaining Environmental Integrity

Production of the Division of Natural Resources oil and gas resources beneath the waters of the Ohio River shall be by environmentally sound methods: and procedures will be reviewed by the Department of Commerce, Division of Natural Resources in addition to all other federal and state agencies which may have jurisdiction and/or regulatory control and enforcement authority over such oil and or gas resources and production activities.

Also, the Division of Natural Resources oil and gas resources shall be developed and produced by the successful bidder and/or bidders in a prudent manner, efficiently, economically, without waste, and in the best interest of the State of West Virginia, Department of Commerce, Division of Natural Resources with all diligence and in a workmanlike manner in accordance with the best, most up-to-date oil and or gas producing methods.

IV. Minimum Bid

- A. The Division of Natural resources requires a standard royalty of 20% or 1/5 to develop the oil and gas underlying the River bid.
- B. The Bidder shall submit bids for a cash bonus for each mile of river the Bidder desires to fully develop on a per acres basis. Leases will be awarded to the highest responsible bidder for each mile of the river up for bid and based upon the Director's determination the bidder will operate responsibly and develop the prospect in a manner that best protects the interests of the State of West Virginia.
- C. The Bidder shall submit with its bid an earnest money check in the amount of **\$ 5000.00 for each mile of river** the bidder desires to fully develop. The Division of Natural Resources will return earnest money checks to unsuccessful bidders and will apply the earnest money received against the cash bonus consideration at the closing for the winning bid.

NOTICE: If a bid is awarded to develop the subject property and the winning bidder subsequently withdraws or rescinds its offer, such bidder forfeits the earnest money check on this bid.

- D. The Division of Natural Resources will consider any other form of consideration.
- E. The bidder shall submit a fully completed Bidder Questionnaire with its bid. A copy of the Bidder Questionnaire is included with this prospectus or maybe downloaded at www.wvmineraldevelopment.org.

V. Bid Submission and cut-off date

All written sealed bids shall be received by the Department of Commerce, Office of the Secretary by 3:30 p.m. eastern time on Thursday, July 16, 2015, at 1900 Kanawha Boulevard, East, State Capitol, Building 6, Room 525, Charleston, West Virginia 25305-0311.

VI. Bid Opening and Review

The Department of Commerce, Office of the Secretary will hold a public opening of all bids on Friday, July 17, 2015, at 1:00 p.m. in Room 525 at its office at 1900 Kanawha Boulevard, East, State Capitol Complex, Building 6, Charleston, West Virginia, 25305-0311. Thereafter, the Department of Commerce, Division of Natural Resources will review all bid proposals.

VII. Bidder Registration Form

Each individual bid shall include as a part of their bid package the completed attached bidder registration and submission forms to assist the DNR in its evaluation of the bidding entity to determine if their technical expertise and economic resources are sufficient to carry out their proposal.

VIII. Bid Award

The Department of Commerce, Division of Natural Resources will notify the successful bidder of their bid acceptance no later than two weeks from the bid closing date.

IX. Execution of Lease Agreement

Time is of the essence to finalize a lease agreement. The Division of Natural Resources desires to execute a lease agreement as soon as practically possible after notifying the winning bidder of its right to develop the subject property. Unless good cause is shown, the Division of Natural Resources and the winning bidder will execute a lease agreement within 30 days of receipt of notice of the winning bid. If the parties are unable to execute a lease agreement within such timeframe, the Division of Natural Resources reserves the right to cancel the winning bid, retain the earnest money proceeds, and re-bid the subject property through the competitive bidding process.

Bidders are strongly encouraged to review the state's standard template lease agreement before submitting a bid, which can be found at www.wvmineraldevelopment.org.

X. Limitation of Warranty

The Division of Natural Resources is considered to be the owner of the minerals underlying the subject property, but makes no representation or warranty, and expressly disclaims any such representation or warranty, as to the presence or quantity of such minerals or to the title or ownership of minerals underlying the subject property.