



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF MINERAL RESOURCES • BUREAU OF OIL AND GAS REGULATION

WELL PLUGGING AND SURFACE RESTORATION BOND

INSTRUCTIONS

1. Form 85-02-2 shall be filed with the Bureau of Oil and Gas Regulation, 625 Broadway - 3rd Floor, Albany, New York 12233-6500 by the owner and/or operator of the wells existing or to be drilled for oil, gas, solution mining, brine, input, observation, geothermal, test, disposal or storage.
2. The form shall be typewritten and be signed and acknowledged by responsible individuals having full and complete knowledge of the facts stated and the authority to make such bindings.
3. For information on acceptable alternatives to a bond, contact the Bureau at (518) 402-8056.

KNOW ALL MEN BY THESE PRESENTS:

That we _____ as Principal,
(Principal's name MUST be exactly as registered with the Bureau)
 and _____ as surety, have issued bond number _____
(surety name)
 effective _____, by the _____ agency, having
(date) (agency's name)
 address and telephone number _____.
(agency address and telephone number)

The Surety, a corporation organized and existing under the laws of the State of _____ and authorized to transact the business of suretyship in the State of New York, are held and firmly bound unto the State of New York in the penal sum of _____ dollars (\$ _____), lawful money of the United States of America, for which payment, well and truly made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is that whereas the said Principal has extant or plans to drill wells for oil, gas, solution mining, brine, input, observation, geothermal, test, disposal or storage in and upon lands within New York State, and whereas it shall have been required by the Department of Environmental Conservation of the State of New York that a bond to guarantee proper plugging of such wells and adequate restoration of the adjacent surface terrains on a bond form approved by said Department be in force.

NOW, THEREFORE, if said Principal shall comply with all applicable provisions of the laws of the State of New York and the rules, regulations, orders and amendments thereof of the Department of Environmental Conservation with reference to the proper plugging of such wells and shall file with the Department of Environmental Conservation of the State of New York all notices and reports required by said Department in the event such wells do not produce oil, gas or brine on a commercial basis, or are no longer to be used for whatever other purposes they shall have been utilized, and the wells have been properly plugged and abandoned, then this obligation shall be void; otherwise to remain in full force and effect.

This bond shall be further subject to the following conditions:

1. The bond shall be continuous and shall remain in force until the Surety is released from liability by the Department of Environmental Conservation of the State of New York, or until the bond is canceled by the Surety as herein provided. Without prejudice to any liability accrued prior to such cancellation, the Surety may cancel this bond upon ninety (90) days advance notice in writing sent by mail to the Principal and to the Bureau of Oil and Gas Regulation of the Division of Mineral Resources.
2. In no event shall the total liability of the Surety for any one or more recoveries under this bond exceed in the aggregate the penal sum hereof.
3. Any suit brought upon this bond must be instituted before the expiration of two years after the release, cancellation or termination thereof.

IN WITNESS HEREOF, said Principal and said Surety have caused these presents to be duly signed and sealed.

Signed and sealed this _____

Signed and sealed this _____

day of _____, 20 _____

day of _____, 20 _____

(principal)

(surety)

SEAL
By: _____
(signature) (title)

SEAL
By: _____
Wayne Gutches (attorney-in-fact)

INDIVIDUAL
ACKNOWLEDGEMENT

State of _____ ss:

County of _____

On this _____ day of _____, 20____, before me personally came

_____ to me known, and known to me to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he executed the same.

My commission expires _____
_____ Notary Public

INDIVIDUAL
ACKNOWLEDGEMENT

State of _____ ss:

County of _____

On this _____ day of _____, 20____, before me personally came

_____ to me known, and known to me to be a member of the firm of _____ described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed the same as and for the act and deed of said firm.

My commission expires _____
_____ Notary Public

INDIVIDUAL
ACKNOWLEDGEMENT

State of _____ ss:

County of _____

On this _____ day of _____, 20____, before me personally came

_____ to me known, and known to me, who being by me duly sworn, did depose and say that he is the _____ of _____ the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; and that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

My commission expires _____
_____ Notary Public

INDIVIDUAL
ACKNOWLEDGEMENT

State of _____ ss:

County of _____

On this _____ day of _____, 20____, before me personally came

_____ to me known, who, being by me duly sworn, did depose and say that he is an attorney-in-fact of _____ the corporation described in and which executed the within instrument; that he knows the corporate seal of said corporation; that the seal affixed to the within instrument is such corporate seal, and that he signed the said instrument and affixed the said seal as Attorney-in-Fact by authority of the Board of Directors of said corporation and by authority of this office under the Standing Resolutions thereof.

My commission expires _____
_____ Notary Public