

**805 KAR 1:040. Vacuums; use of.**

RELATES TO: KRS 353.560

STATUTORY AUTHORITY: KRS 13A.100, 353.560

NECESSITY, FUNCTION, AND CONFORMITY: KRS 353.560 requires the Department for Natural Resources to regulate the use of vacuums. This administrative regulation is to require identification of vacuum uses to protect correlative rights.

Section 1. The unauthorized use of vacuum pumps or other devices for the purpose of putting a vacuum on any oil-bearing stratum is prohibited; however, the department shall, upon application and for good cause shown, permit the use of vacuum pumps subject to such restrictions or limitations as the department may prescribe.

Section 2. On or before the date of filing written application for the use of vacuum on any property, the applicant shall notify, by registered mail, all operators of producing oil wells on premises within 1,000 feet of the well or wells where the use of vacuum is proposed, and shall set out in the notice the proposed strata or formation to which a vacuum is to be applied and the location of the well or wells on which vacuum pumps are to be installed. The applicant shall submit proof of such notice with the application, giving the names and addresses of all operators of oil interests.

Section 3. Upon receipt of the application and proof of notice the department shall hold the same for ten (10) days pending the filing of objections, and if none is received at the end of such period, the application may be approved by the department. In event objection is made and the department deems a hearing shall be had, notice shall be given to each objector and the applicant of the time and place designated by the department for such hearing.

Section 4. The department shall have authority after notice and hearing as specified in Section 3 of this administrative regulation to prohibit vacuum or to deny or revoke permission for the use of vacuum when, in its judgment, there is danger of underground waste or infringement on correlative rights. The department shall have authority to grant permission when it finds a further recovery of oil can be obtained by use of vacuum without danger of underground waste and without substantial injury to correlative rights.

(OAG-Rg-3; 1 Ky.R. 633; eff. 4-9-1975; TAm eff. 8-9-2007; Crt eff. 6-27-2018; Crt eff. 3-31-2025.)