

1 **OWNERSHIP OF SUBSURFACE SPACE FOR INJECTION**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Roger E. Barrus**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses ownership of pore space lying beneath real property.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines "pore space";
- 13 ▶ provides that ownership of pore space is not severed from ownership of the surface
- 14 unless expressly conveyed; and
- 15 ▶ addresses the ownership of pore space that is created by a mineral estate owner.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **57-1-47**, Utah Code Annotated 1953

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **57-1-47** is enacted to read:

26 **57-1-47. Ownership of subsurface space.**

27 (1) As used in this section, "pore space" means space lying below the surface



28 boundaries of real property that may be used for injection or storage of gasses.

29 (2) A conveyance of an interest in real property does not sever ownership of pore space
30 from the surface ownership unless the ownership of pore space is expressly conveyed.

31 (3) If a pore space described in Subsection (2) is created by the owner of a mineral
32 estate for use in extracting material covered by the owner's mineral estate, the owner of the
33 mineral estate:

34 (a) may use the pore space to the extent necessary to extract the material; and

35 (b) is not considered the owner of the pore space.

Legislative Review Note
as of 1-19-11 9:16 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 62, 2011 General Session

SHORT TITLE: Ownership of Subsurface Space for Injection

SPONSOR: Barrus, R.

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.