

40-6-20 Use of surface land by owner or operator.

- (1) An owner or operator may:
 - (a) enter onto surface land under which the owner or operator holds rights to conduct oil and gas operations; and
 - (b) use the surface land:
 - (i) to the extent reasonably necessary to conduct oil and gas operations; and
 - (ii) consistent with allowing the surface land owner the greatest possible use of the surface land owner's property, to the extent that the surface land owner's use does not interfere with the owner's or operator's oil and gas operations.
- (2) Subject to Subsection (3), except as is reasonably necessary to conduct oil and gas operations, an owner or operator shall:
 - (a) mitigate the effects of accessing the surface land owner's surface land;
 - (b) minimize interference with the surface land owner's use of the surface land owner's property; and
 - (c) compensate a surface land owner for unreasonable:
 - (i) loss of a surface land owner's crops on the surface land;
 - (ii) loss of value to existing improvements owned by a surface land owner on the surface land; and
 - (iii) permanent damage to the surface land.
- (3) An owner or operator is not required to:
 - (a) obtain location or spacing exceptions from the division or board; or
 - (b) utilize directional or horizontal drilling techniques that are not:
 - (i) technologically feasible;
 - (ii) economically practicable; or
 - (iii) reasonably available.
- (4) The requirements of Subsection (2) do not apply to the extent that they conflict with or impair a contractual provision relevant to an owner's or operator's use of surface land for oil and gas operations.
- (5)
 - (a) The provisions of this section do not prevent:
 - (i) a person from seeking a remedy allowed by law; or
 - (ii) an owner or operator and a surface land owner from addressing the use of surface land for oil and gas operations through:
 - (A) a lease;
 - (B) a surface use agreement; or
 - (C) another written contract.
 - (b) An agreement described in Subsection (5)(a)(ii) shall control:
 - (i) the use of surface land for oil and gas operations; and
 - (ii) compensation for damage to the surface land caused by oil and gas operations.

Enacted by Chapter 342, 2012 General Session