

40-6-21 Mediation.

- (1) A surface land owner and an owner or operator may request non-binding mediation by providing written notice to the other party, if:
 - (a) they are unable to agree on the amount of damages for unreasonable:
 - (i) crop loss on the surface land;
 - (ii) loss of value to existing improvements owned by the surface land owner on the surface land;
or
 - (iii) permanent damage to the surface land; and
 - (b) the dispute over damages described in Subsection (1)(a) relates to an application for a permit to drill submitted by the owner or operator to the division on or after July 1, 2012.
- (2) The division and the Utah Department of Agriculture and Food shall agree on, and maintain a list of, mediators qualified to mediate disputes between an owner or operator and a surface land owner.
- (3) An owner or operator and a surface land owner may mutually select a mediator from:
 - (a) the list maintained under Subsection (2); or
 - (b) any other source.
- (4) The surface land owner and the owner or operator shall equally share the cost of the mediator's services.
- (5) The provisions of this section do not prevent or delay an owner or operator from conducting oil and gas operations in accordance with applicable law.

Enacted by Chapter 342, 2012 General Session