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TOP STORY

Landowners group sues state over 'pore space' law

AMY R. SISK Bismarck Tribune 1 hr ago

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Listening to a Legislature conference committee discuss legislation related to pore space in April are, front row from left, Brady Pelton and Ron Ness of the North Dakota Petroleum Council, and Troy Coons of the Northwest Landowners Association. Listening in back, from left, are Sen. Dale Patten, R-Watford City, Rep. Denton Zubke, R-Watford City, Reice Haase, policy adviser for Gov. Doug Burgum, and Mike Humann of the Department of Trust Lands.

TOM STROMME, TRIBUNE

A landowners group on Monday sued the state over a new law related to compensation for the use of cavities in underground rock formations, calling it “a taking of the inalienable rights of North Dakota landowners.”

The Legislature this spring approved Senate Bill 2344, which sought to clarify issues surrounding “pore space.” The space — cavities in rock or soil — can be used to inject saltwater from oil and gas production or for enhanced oil recovery, a process that involves pumping carbon dioxide into old oilfields to extract more crude.

Under the law, landowners within a unitized field cannot be compensated for their pore space when it is used for saltwater disposal or enhanced oil recovery, unless they had an existing contract. Furthermore, landowners adjacent to a disposal well cannot make a claim that saltwater has migrated into their pore space.

The Northwest Landowners Association in its lawsuit filed Monday says the law “strips landowners of their right to possess and use the pore space within their lands and allows the State of North Dakota to directly redistribute that right to others without the consent of or compensation to the landowners.”

The association filed the suit in Bottineau County in the Northeast Judicial District. The group is asking the court to overturn the law and declare it unconstitutional.

North Dakota's oil industry argued for the law during the legislative session, saying it was needed following a 2017 state Supreme Court ruling that resulted in uncertainty surrounding mineral development.

Check back for updates to this story.

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- North Dakota House committee advances controversial energy bill
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