

EROSION OF PROPERTY RIGHTS IN PORE SPACE IN NORTH DAKOTA

IN FAVOR OF LAND OWNERS (140 YEARS)



1877

Dakota Territorial Code

The "owner of land in fee has the right to the surface and to everything permanently situated above or beneath it."

ND & Supreme Court Passed Surface Owner Damage Compensation Act

Requiring oil and gas operators to pay surface owners for all use of and damage to the surface estate."

1979



1983
to
1999

ND Strengthens Surface Damage Compensation Act

ND Supreme Court Agrees With 2 Federal Court Decisions

Confirmed that Denbury must pay Fishers to use their pore space. 2013: Fisher v. Continental Resource, Inc and 2013: Mosser v. Denbury

2017



JAN. 21
2019

SB 2344 Introduced To Strip Landowners Of Rights In Their Pore Space

SB 2344 Signed Stripping Landowners Of Rights In Their Pore Space

APRIL 19
2019



JULY 29
2019

NWLA Sues State Of ND
Alleging SB 2344 is unconstitutional taking of landowners' property

SB 2344 Statue Becomes Active - Now A Law In ND

AUG. 1
2019



JAN. 10
2020

Continental Asks To Intervene In Suit To Defend Sb 2344
Continental alleges that it will lose money if the law is struck down.

Hearing On Constitutionality Of SB 2344

OCT. 29
2020

