

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 458
Final Reading

Introduced by Schilz, 47.

Read first time January 14, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to oil and gas; to amend section 57-909, Reissue
2 Revised Statutes of Nebraska; to change provisions
3 relating to recovery of expenses relating to wells as
4 prescribed; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 57-909, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 57-909 (1) When two or more separately owned tracts are
4 embraced within a spacing unit, or when there are separately owned
5 interests in all or part of the spacing unit, then the owners and
6 royalty owners thereof may pool their interests for the development
7 and operation of the spacing unit. In the absence of voluntary
8 pooling, the commission, upon the application of any interested
9 person, or upon its own motion, ~~shall be empowered to~~ may enter an
10 order pooling all interests in the spacing unit for the development
11 and operation thereof. Each such pooling order shall be made only
12 after notice and hearing, and shall be upon terms and conditions that
13 are just and reasonable, and that afford to the owner of each tract
14 or interest in the spacing unit the opportunity to recover or
15 receive, without unnecessary expense, his or her just and equitable
16 share. Operations incident to the drilling of a well upon any portion
17 of a spacing unit covered by a pooling order shall be deemed, for all
18 purposes, the conduct of such operations upon each separately owned
19 tract in the drilling unit by the several owners thereof. That
20 portion of the production allocated to each tract included in a
21 spacing unit covered by a pooling order shall, when produced, be
22 deemed for all purposes to have been produced from such tract by a
23 well drilled thereon.

24 (2) Each such pooling order shall make provision for the
25 drilling and operation of the authorized well on the spacing unit,

1 and for the payment of the reasonable actual cost thereof, including
2 a reasonable charge for supervision. As to each owner who refuses to
3 agree upon the terms for drilling and operating the well, the order
4 shall provide for reimbursement for his or her share of the costs out
5 of, and only out of, production from the unit representing his or her
6 interest, excluding royalty or other interest not obligated to pay
7 any part of the cost thereof. In the event of any dispute as to such
8 cost, the commission shall determine the proper cost. The order shall
9 determine the interest of each owner in the unit, and may provide in
10 substance that, as to each owner who agrees with the person or
11 persons drilling and operating the well for the payment by the owner
12 of his or her share of the costs, such owner, unless he or she has
13 agreed otherwise, shall be entitled to receive, subject to royalty or
14 similar obligations, the share of the production of the well
15 applicable to the tract of the consenting owner; and as to each owner
16 who does not agree, he or she shall be entitled to receive from the
17 person or persons drilling and operating ~~said~~ such well on the unit
18 his or her share of the production applicable to his or her interest,
19 after the person or persons drilling and operating ~~said~~ such well
20 have recovered, depending on the total measured depth of the well,
21 three hundred percent for wells less than five thousand feet deep,
22 four hundred percent for wells five thousand feet deep but less than
23 six thousand five hundred feet deep, and five hundred percent for
24 wells six thousand five hundred feet deep or deeper, ~~two hundred~~
25 percent of that portion of the costs and expenses of staking, well

1 site preparation, drilling, reworking, deepening or plugging back,
2 testing, completing, and other intangible expenses approved by the
3 commission chargeable to each owner who does not agree, and,
4 depending on the total measured depth of the well, two hundred
5 percent for wells less than five thousand feet deep, three hundred
6 percent for wells five thousand feet deep but less than six thousand
7 five hundred feet deep, and five hundred percent for wells six
8 thousand five hundred feet deep or deeper, ~~one hundred percent~~ of all
9 equipment including wellhead connections, casing, tubing, packers,
10 and other downhole equipment and surface equipment, including, but
11 not limited to, stock tanks, separators, treaters, pumping equipment,
12 and piping, plus one hundred percent of the nonconsenting owner's
13 share of the cost of operation and a reasonable rate of interest on
14 the unpaid balance. For the purpose of this section, the owner or
15 owners of oil and gas rights in and under an unleased tract of land
16 shall be regarded as a lessee to the extent of a seven-eighths
17 interest in and to such rights and a lessor to the extent of the
18 remaining one-eighth interest therein.

19 (3) A certified copy of the order may be filed for record
20 with the county clerk or register of deeds of the county, as the case
21 may be, where the property involved is located, which recording shall
22 constitute constructive notice thereof. The county clerk, or register
23 of deeds, as the case may be, shall record the same in the real
24 property records of the county and shall index the same against the
25 property affected.

1 Sec. 2. Original section 57-909, Reissue Revised Statutes
2 of Nebraska, is repealed.