

SENATE FILE NO. SF0043

Pore space-severances and separate conveyances prohibited.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to property; specifying that ownership
2 interests in pore space shall not be severed and separately
3 conveyed as specified; making conforming amendments;
4 specifying applicability; and providing for an effective
5 date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 34-1-152(b), (g) and (h) is amended
10 to read:

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12 **34-1-152. Ownership of pore space underlying**
13 **surfaces.**

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1 (b) A conveyance of the surface ownership of real
2 property shall be a conveyance of the pore space in all
3 strata below the surface of such real property unless,
4 before July 1, 2024, the ownership interest in such pore
5 space ~~previously~~ has been severed from the surface
6 ownership or is explicitly excluded in the conveyance. The
7 ownership of pore space in strata that was severed from the
8 surface ownership before July 1, 2024 may be conveyed in
9 the manner provided by law for the transfer of mineral
10 interests in real property. No agreement conveying mineral
11 or other interests underlying the surface shall act to
12 convey ownership of any pore space in the stratum unless
13 the agreement explicitly conveys that ownership interest.
14 On and after July 1, 2024, ownership interests in pore
15 space shall not be separately conveyed or severed from the
16 surface ownership of real property.

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18 (g) Transfers of pore space rights made ~~after~~between
19 July 1, 2008 and June 30, 2024 are null and void at the
20 option of the owner of the surface estate if the transfer
21 instrument does not contain a specific description of the
22 location of the pore space being transferred. The
23 description may include but is not limited to a subsurface

1 geologic or seismic survey or a metes and bounds
2 description of the surface lying over the transferred pore
3 space. In the event a description of the surface is used,
4 the transfer shall be deemed to include pore space at all
5 depths underlying the described surface area unless
6 specifically excluded. The validity of pore space rights
7 under this subsection shall not affect the respective
8 liabilities of any party and such liabilities shall operate
9 in the same manner as if the pore space transfer were
10 valid.

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12 (h) Nothing in this section shall alter, amend,
13 diminish or invalidate rights to:

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15 (i) The use of subsurface pore space that were
16 acquired by contract or lease prior to July 1, 2008;

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18 (ii) Separately convey, purchase, manage or
19 transfer an ownership interest of pore space that was
20 severed from the surface ownership or separately conveyed
21 in accordance with this section before July 1, 2024.

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1 **Section 2.** Nothing in this act shall be construed to
2 impair, alter or affect any contract or conveyance of an
3 ownership interest in pore space entered into or executed
4 before July 1, 2024.

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6 **Section 3.** This act is effective July 1, 2024.

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(END)