

353.160 Gas waste to be prevented -- Presumption of negligence.

- (1) Except as otherwise provided in this section, natural gas shall not be permitted to waste or escape from any well or pipeline, when it is reasonably possible to prevent such waste, after the owner or operator of the gas, or of the well or pipeline, has had a reasonable time to shut the gas in the well, or to make the necessary repairs to the well or pipeline to prevent such waste.
- (2) If, in the process of drilling a well for oil or gas, or both, gas is found in the well, and the owner or operator desires to continue to search for oil or gas, or both, by drilling deeper in search of lower oil or gas-bearing strata, or if it becomes necessary to make repairs to any well producing gas, commonly known as "cleaning out," and if in either event it is necessary for the gas in the well to escape during the process of drilling or making repairs, the owner or operator of the well shall prosecute the drilling or repairs with reasonable diligence so that the waste of gas from the well shall not continue longer than reasonably necessary and if, during the progress of such drilling or repairs, any temporary suspension becomes necessary, the owner or operator shall use all reasonable means to shut in the gas and prevent its waste.
- (3) Where both oil and gas are found and produced from the same stratum and it is necessary for the gas therefrom to waste in the process of producing the oil, the owner or operator shall use all reasonable diligence to conserve and save from waste so much of the gas as it is reasonably possible to save.
- (4) In all cases of waste under this section it may be presumed that the waste was due to the negligence of the operator.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3766b-21.