

CHAPTER 47-31 SUBSURFACE PORE SPACE POLICY

47-31-01. Policy.

Undivided estates in land and clarity in land titles reduce litigation, enhance comprehensive management, and promote the security and stability useful for economic development, environmental protection, and government operations.

47-31-02. Pore space defined.

In this chapter "pore space" means a cavity or void, whether natural or artificially created, in a subsurface sedimentary stratum.

47-31-03. Title to pore space.

Title to pore space in all strata underlying the surface of lands and waters is vested in the owner of the overlying surface estate.

47-31-04. Conveyance of real property conveys pore space.

A conveyance of title to the surface of real property conveys the pore space in all strata underlying the surface of the real property.

47-31-05. Severing pore space prohibited.

Title to pore space may not be severed from title to the surface of the real property overlying the pore space. An instrument or arrangement that seeks to sever title to pore space from title to the surface is void as to the severance of the pore space from the surface interest.

47-31-06. Transactions allowed.

Leasing pore space is not a severance prohibited by this chapter.

47-31-07. Application.

This chapter does not affect transactions before April 9, 2009, that severed pore space from title to the surface estate.

47-31-08. Mineral and pore space estates - Relationship.

In the relationship between a severed mineral owner and a pore space estate, this chapter does not change or alter the common law as of April 9, 2009, as it relates to the rights belonging to, or the dominance of, the mineral estate.