

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5317**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 61513 (MCL 324.61513), as added by 1995 PA  
57.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 61513. (1) When, to prevent waste, the total allowable  
2 production for any oil or gas field or pool in the state is fixed  
3 in an amount less than that which the field or pool could produce  
4 if no restriction were imposed, the supervisor shall prorate or  
5 distribute on a reasonable basis the allowable production among  
6 the producing wells in the field or pool, to prevent or minimize  
7 reasonably avoidable drainage from each developed area which is  
8 not equalized by counter drainage. The rules or orders of the  
9 supervisor, so far as it is practicable to do so, shall afford  
10 the owner of each property in a pool the opportunity to produce

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1 his or her just and equitable share of the oil or gas in the  
2 pool, being an amount, so far as can be practicably determined  
3 and obtained without waste, and without reducing the bottom hole  
4 pressure materially below the average for the pool, substantially  
5 in the proportion that the quantity of the recoverable oil or gas  
6 under the property bears to the total recoverable oil or gas in  
7 the pool, and for this purpose to use his or her just and equita-  
8 ble share of the reservoir energy. A well in a pool producing  
9 from an average depth of 1,000 feet or less, on the basis of a  
10 full drilling unit as may be established under this section,  
11 shall be given a base allowable production of at least 100 bar-  
12 rels of oil per well per week; for a well in a pool producing  
13 from an average depth greater than 1,000 feet, the base allowable  
14 production shall be increased 10 barrels per well per week for  
15 each ~~addition~~ ADDITIONAL 100 feet of depth greater than 1,000  
16 feet, if the allowable production is or can be made without sur-  
17 face or underground waste.

18       (2) To prevent the drilling of unnecessary wells, the super-  
19 visor may establish a drilling unit for each pool. A drilling  
20 unit, as described in this subsection, is the maximum area that  
21 may be efficiently and economically drained by 1 well. A  
22 drilling unit constitutes a developed area if a well is located  
23 on the drilling unit that is capable of producing the economi-  
24 cally recoverable oil or gas under the unit. Each well permitted  
25 to be drilled upon any drilling unit shall be located in the  
26 approximate center of the drilling unit, or at such other  
27 location on the drilling unit as may be necessary to conform to a

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1 uniform well spacing pattern as adopted and promulgated by the  
2 supervisor after due notice and public hearing, as provided in  
3 this part.

4       (3) The drilling of unnecessary wells is hereby declared  
5 waste because unnecessary wells create fire and other hazards  
6 conducive to waste, and unnecessarily increase the production  
7 cost of oil and gas to the operator, and therefore also unneces-  
8 sarily increase the cost of the products to the ultimate  
9 consumer.

10       (4) The pooling of properties or parts of properties is per-  
11 mitted, and, if not agreed upon, the supervisor may require pool-  
12 ing of properties or parts of properties in any case when and to  
13 the extent that the smallness or shape of a separately owned  
14 tract or tracts would, under the enforcement of a uniform spacing  
15 plan or proration or drilling unit, otherwise deprive or tend to  
16 deprive the owner of such a tract of the opportunity to recover  
17 or receive his or her just and equitable share of the oil or gas  
18 and gas energy in the pool. PRIOR TO PETITIONING THE SUPERVISOR  
19 FOR A HEARING TO REQUIRE POOLING OF PROPERTIES OR PARTS OF PROP-  
20 ERTIES THAT ARE NOT SUBJECT TO AN OIL OR GAS LEASE, THE PETI-  
21 TIONER SHALL MAKE A GOOD FAITH EFFORT TO LEASE EACH SUCH  
22 PROPERTY. TO MEET THE REQUIREMENT OF A GOOD FAITH EFFORT UNDER  
23 THIS SUBSECTION, THE PETITIONER OR A REPRESENTATIVE OF THE PETI-  
24 TIONER SHALL INITIATE A CONTACT WITH EACH OWNER OF THE UNLEASED  
25 PROPERTIES BY CERTIFIED MAIL TO ATTEMPT TO LEASE THE PROPERTIES.  
26 AFTER RECEIVING A RESPONSE FROM THE OWNER, OR AFTER 14 DAYS IF  
27 THE OWNER DOES NOT RESPOND, THE PETITIONER OR A REPRESENTATIVE OF

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1 THE PETITIONER SHALL INITIATE A CONTACT WITH THE OWNER A SECOND  
2 TIME BY CERTIFIED MAIL TO ATTEMPT TO LEASE THE PROPERTY. THE  
3 PETITIONER SHALL NOT FILE THE PETITION WITH THE SUPERVISOR FOR A  
4 HEARING TO REQUIRE POOLING OF PROPERTIES UNDER THIS SUBSECTION  
5 UNTIL AT LEAST 14 DAYS AFTER INITIATING CONTACT WITH THE OWNER A  
6 SECOND TIME AS PROVIDED IN THIS SUBSECTION. WHEN THE PETITIONER  
7 OR REPRESENTATIVE OF THE PETITIONER CONTACTS THE MINERAL OWNER,  
8 THE PETITIONER SHALL PROVIDE THE MINERAL OWNER WITH THE INFORMA-  
9 TION REGARDING POOLING OF PROPERTIES DEVELOPED BY THE DEPARTMENT  
10 UNDER SUBSECTION (9). THE SUPERVISOR SHALL NOT REQUIRE THE POOL-  
11 ING OF PROPERTIES OR PARTS OF PROPERTIES FOR THE PRODUCTION OF  
12 ANTRIM GAS UNDER THIS SECTION UNLESS THE OWNERS OF A MAJORITY OF  
13 THE MINERAL RIGHTS IN THE DRILLING OR PRORATION UNIT OR AREA  
14 SUBJECT TO A UNIFORM SPACING PLAN HAVE LEASED THEIR OIL AND GAS  
15 RIGHTS OR OTHERWISE AGREED TO PARTICIPATE IN THE DEVELOPMENT OF  
16 THE PROPOSED UNIT OR AREA. The owner of any tract that is smaller  
17 than the drilling unit established for the field shall not be  
18 deprived of the right to drill on and produce from that tract, if  
19 the drilling and production can be done without waste. In this  
20 case, the allowable production from that tract, as compared with  
21 the allowable production if that tract were a full unit, shall be  
22 in the ratio of the area of the tract to the area of a full unit,  
23 except as a smaller ratio may be required to maintain average  
24 bottom hole pressures in the pool, to reduce the production of  
25 salt water, or to reduce an excessive gas-oil ratio. All orders  
26 requiring pooling described in this subsection shall be upon  
27 terms and conditions that are just and reasonable, and will

1 afford to the owner of each tract in the pooling plan the  
2 opportunity to recover or receive his or her just and equitable  
3 share of the oil or gas and gas energy in the pool as provided in  
4 this subsection, and without unnecessary expense, and will pre-  
5 vent or minimize reasonably avoidable drainage from each devel-  
6 oped tract that is not equalized by counter drainage. The por-  
7 tion of the production allocated to the owner of each tract  
8 included in a drilling unit formed by voluntary agreement or by a  
9 pooling order shall be considered as if it had been produced from  
10 the tract by a well drilled on the tract.

11       (5) Each well permitted to be drilled upon a drilling unit  
12 or tract shall be drilled at a location that conforms to the uni-  
13 form well spacing pattern, except as may be reasonably necessary  
14 where after notice and hearing the supervisor finds any of the  
15 following:

16       (a) That the unit is partly outside the pool or that, for  
17 some other reason, a well at the location would be unproductive.

18       (b) That the owner or owners of a tract or tracts covering  
19 that part of the drilling unit or tract on which the well would  
20 be located if it conformed to the uniform well spacing pattern  
21 refuses to permit drilling at the regular location.

22       (c) That topographical or other conditions are such as to  
23 make drilling at the regular location unduly burdensome or immi-  
24 nently threatening to water or other natural resources, to prop-  
25 erty, or to life.

26       (6) If an exception under subsection (5) is granted, the  
27 supervisor shall take such action as will offset any advantage

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1 that the person securing the exception may have over other  
2 producers in the pool by reason of the drilling of the well as an  
3 exception, and so that drainage from the developed areas to the  
4 tract with respect to the exception granted will be prevented or  
5 minimized and the producer of the well drilled as an exception  
6 will be allowed to produce no more than his or her just and equi-  
7 table share of the oil or gas in the pool as the share is set  
8 forth in this part, and to that end the rules and orders of the  
9 supervisor shall be such as will prevent or minimize reasonably  
10 avoidable drainage from each developed area that is not equalized  
11 by counter drainage and will give to each producer the opportu-  
12 nity to use his or her just and equitable share of the reservoir  
13 energy.

14 (7) Minimum allowable production for some wells and pools  
15 may be advisable from time to time, especially with respect to  
16 wells and pools already drilled on May 3, 1939, when former ~~Act~~  
17 ~~No. 61 of the Public Acts of 1939~~ 1939 PA 61 took effect, so  
18 that the production will repay reasonable lifting costs and thus  
19 prevent premature abandonment of wells and resulting wastes.

20 (8) After the effective date of any rule promulgated or  
21 order issued by the supervisor as provided in this part estab-  
22 lishing the allowable production, a person shall not produce more  
23 than the allowable production applicable to that person, his or  
24 her wells, leases, or properties, and the allowable production  
25 shall be produced pursuant to the applicable rules or orders.

26 (9) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE PRINTED  
27 MATERIAL DESCRIBING THE REASONS FOR AND THE CIRCUMSTANCES UNDER

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1 WHICH THE SUPERVISOR MAY REQUIRE THE POOLING OF PROPERTIES OR  
2 PARTS OF PROPERTIES. THE INFORMATION SHALL DESCRIBE THE REQUIRE-  
3 MENTS FOR PUBLIC NOTICE, PUBLIC HEARING, AND THE ISSUANCE OF AN  
4 ORDER REQUIRING THE POOLING OF PROPERTIES OR PARTS OF PROPERTIES.