

### **353.610 Conditions under which permits may be issued -- Exceptions.**

- (1) Except as provided in KRS 353.500 to 353.720, no permits shall be issued for the drilling, deepening, or reopening of any shallow well for the production of oil, unless the proposed location of the well shall be at least three hundred thirty (330) feet from the nearest mineral boundary of the premises upon which the well is to be drilled, deepened or reopened; and, the proposed location must be at least six hundred sixty (660) feet from the nearest oil producing well. This subsection shall not be construed to regulate the distance between wells which do not produce oil from the same pool.
- (2) Except as provided in KRS 353.500 to 353.720, no permit shall be issued for the drilling, deepening or reopening of any shallow well for the production of gas unless the proposed location of the well shall be at least five hundred (500) feet from the nearest mineral boundary of the premises upon which such well is to be drilled, deepened or reopened; and, the proposed location must be at least one thousand (1,000) feet from the nearest gas producing well. This subsection shall not be construed to regulate the distance between wells which do not produce gas from the same pool.
- (3) This section shall not apply:
  - (a) To wells drilled, deepened, or reopened for the injection of water, gas or other fluids into an oil or gas producing formation.
  - (b) To any well drilled, deepened or reopened in a pool or portion thereof, which is included in a secondary recovery program commenced or proposed, if the location or proposed location of the well conforms to a geometric pattern already established on all premises which will be offset and affected by the well.
  - (c) To wells drilled or deepened as water supply wells and geological or structure test holes; or
  - (d) To premises within the limits of any incorporated city which has enacted or enacts hereafter an ordinance regulating the location or spacing of wells for the production of oil and gas at distances of not less than the distances prescribed in this section.
  - (e) To wells for the production of oil to be drilled, deepened, or reopened and completed at a depth of less than two thousand (2,000) feet where there are no workable beds of coal at lesser depths and the formation from which the oil is expected to be extracted is not appreciably affected by factors, as determined by the commissioner, other than natural drainage. The location of wells for the production of oil coming within this exception shall be at least two hundred (200) feet from the nearest boundary of the premises upon which the well is to be drilled, deepened or reopened; and the proposed location must be at least four hundred (400) feet from the nearest oil producing well. This subsection shall not be construed to regulate the distance between wells which do not produce from the same pool.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 44, sec. 32, effective June 27, 2019. -- Amended 2003 Ky. Acts ch. 150, sec. 12, effective June 24, 2003. -- Amended 1976 Ky. Acts ch. 134, sec. 1. -- Amended 1974 Ky. Acts ch. 45, sec. 4. -- Amended 1966 Ky. Acts ch. 147, sec. 3. -- Created 1960 Ky. Acts ch. 103, sec. 13.