

Amd adopted 10-12

Well Location Restrictions

New Subsection 11 to read as follows:

1 **§22-6A-11. Well location restrictions.**

2 (a) Wells may not be drilled within 250 feet measured  
3 horizontally from any existing water well or developed spring used  
4 for human or domestic animal consumption. The center of well pads  
5 may not be located within 625 feet of an occupied dwelling  
6 structure, or a building 2,500 square feet or larger used to house  
7 or shelter dairy cattle or poultry husbandry: Provided, That the  
8 secretary may increase the distance by proposing rules for  
9 legislative approval in accordance with the provisions of article  
10 three, chapter twenty-nine-a of this code. This limitation is  
11 applicable to those wells, developed springs, dwellings or  
12 agricultural buildings that existed at the date a notice to the  
13 surface owner of planned entry for surveying or staking as provided  
14 in section ten of this article was provided, and to any dwelling  
15 under construction or for which the surface owner had entered into  
16 a contract for construction at that date. This limitation may be  
17 waived by written consent of the surface owner. When the distance  
18 restriction would deprive the owner of the oil and gas the right to  
19 produce or share in the oil or gas underlying said surface tract,  
20 the well operator may be granted a variance from said distance  
21 restriction upon submission of a plan which shall identify the  
22 additional measures, facilities or practices to be employed during

1 well site construction, drilling and operations. The variance, if  
2 granted, shall include such additional terms and conditions as the  
3 department may require to insure the safety and protection of  
4 affected persons and property. The provisions may include  
5 insurance, bonding and indemnification, as well as technical  
6 requirements.

7 (b) No well pad may be prepared or well drilled within 100  
8 feet measured horizontally from any watercourse, natural or  
9 artificial lake, pond or reservoir, within 200 feet of the boundary  
10 of a wetland or the boundary that affects the functions and values  
11 of a wetland, or within 300 feet of a naturally reproducing trout  
12 streams. No wellpad may be located within 1,000 feet of a surface  
13 water or groundwater intake of a public water supply. The distance  
14 from the public water supply as identified by the department, shall  
15 be measured as follows:

16 (1) For a surface water intake on a lake or reservoir, the  
17 distance shall be measured from the boundary of the lake or  
18 reservoir.

19 (2) For a surface water intake on a flowing stream, the  
20 distance shall be measured from a semicircular radius extending  
21 upstream of the surface water intake.

22 (3) For a groundwater source, the distance shall be measured  
23 from the wellhead or spring.

24 The department may waive such distance restrictions upon  
25 submission of a plan which shall identify the additional measures,

1 facilities or practices to be employed during well site  
2 construction, drilling and operations. Such waiver, if granted,  
3 shall impose such permit conditions as are necessary to protect the  
4 waters of the State.