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### *I. Introduction*

This Article summarizes and discusses important developments in Utah oil and gas law between August 1, 2021 and July 31, 2022. Part II of this article discusses Legislative and Regulatory updates. Part III focuses on judicial updates, however there were no relevant oil and gas cases heard in federal or state court in the relevant timeframe.

### *II. Legislative and Regulatory Developments*

#### *A. Legislative Enactments*

##### *1. Title 40 “Mines and Mining”*

In S.B. 146, the Utah state legislature modified definition of terms in Title 40 of Utah State Code. The legislature broadened the meaning of “crude oil” under 40-6-2(5) to include liquids that are produced through enhanced recovery. “Crude oil” means hydrocarbons, regardless of gravity, that: (a) are produced at the wellhead in liquid form; and (b)(i) occur naturally in the liquid phase in the reservoir; or (ii) are produced through enhanced recovery operations authorized by the board in accordance with Subsection 40-6-5(3)(c).<sup>1</sup> 40-6-2(13)(b) was also updated: “Oil” does not include, except as provided in Subsection (13)(c), any gaseous or liquid substance processed from coal, oil shale, or tar sands.<sup>2</sup> (13)(c) defines “oil” as tar sands produced at the wellhead in liquid form through enhanced recovery operations authorized by the board in accordance with Subsection 40-6-5(3)(c).<sup>3</sup> The updated terms are effective as of May 4, 2022.<sup>4</sup>

#### *B. Regulatory Changes*

##### *1. Rule R649. Natural Resources, Oil, Gas and Mining; Oil and Gas*

Three Oil and Gas rule updates went into effect in February 2022.<sup>5</sup> Rule R649-8-17 was updated to extend the timeframe for submitting well

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1. Utah Code Ann. § 40-6-2 (West).

2. *Id.*

3. *Id.*

4. *Id.*

5. “*News and Announcements*” Utah Oil and Gas, Division of Oil, Gas and Mining – Department of Natural Resources (last visited July 12, 2022).

workover tax credits to the Division of Oil, Gas and Mining from 90 days to 180 days.<sup>6</sup> Rule R649-5-3 changed the public objection period for underground injection control wells from 15 to 30 days after publication.<sup>7</sup> Lastly, rule R649-8-11 was updated to require Form 10, the monthly Oil and Gas Production report, to be filed electronically.<sup>8</sup>

### *III. Judicial Developments*

#### *A. Utah Supreme Court*

No relevant cases were heard by the Utah Supreme Court from August 1, 2021 through July 31, 2022.

#### *B. United States District Court for the District of Utah*

No relevant cases were heard by the United States District Court for the District of Utah from August 1, 2021 through July 31, 2022.

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6. Utah Admin. Code r. R649-8-17.

7. Utah Admin. Code r. R649-5-3.

8. Utah Admin. Code r. R649-8-11.