

August 11, 2026

Orphaned Well Definition Policy:

The intent of this letter is to outline the definitions and processes used by the Department of Mineral Resources to formally identify a well as – an orphaned well for the purpose of federal grant work plugging, remediation, and reclamation by the State.

NDCC 38-08-04.4 states in part:

1. The person or company drilling or operating the well or equipment cannot be found, has no assets with which to properly plug or replug the well or reclaim the site, cannot be legally required to plug or replug the well or to reclaim the site, pipeline, or associated pipeline facility, or damage is the result of an illegal dumping incident.
2. There is no bond covering the well to be plugged or the site to be reclaimed or there is a bond but the cost of plugging or replugging the well or reclaiming the site, pipeline, or associated pipeline facility exceeds the amount of the bond or damage is the result of an illegal dumping incident.
3. The well, equipment, pipeline, or associated pipeline facility is leaking or likely to leak oil, gas, or saltwater or is likely to cause a serious threat of pollution or injury to the public health or safety.

NDCC 38-08-04(12) states in part:

After a well has been in abandoned-well status for one year, the single-well bond referred to above, or any other bond covering the well if the single-well bond has not been obtained, is subject to forfeiture by the commission.