

1 ENGROSSED SENATE
2 BILL NO. 867

By: Schulz and Marlatt of the
Senate

3 and

4 McCall, McBride and
5 Martinez of the House

6
7 An Act relating to oil and gas; creating the Oklahoma
8 Energy Jobs Act of 2017; amending 52 O.S. 2011,
9 Sections 87.1, as amended by Section 4, Chapter 201,
10 O.S.L. 2012 (52 O.S. Supp. 2016, Section 87.1), 87.6,
11 as last amended by Section 1, Chapter 400, O.S.L.
12 2014 (52 O.S. Supp. 2016, Section 87.6), 87.7, 87.8,
13 as amended by Section 2, Chapter 400, O.S.L. 2014 (52
14 O.S. Supp. 2016, Section 87.8), and 87.9, which
15 relate to well spacing and drilling units;
16 definitions, Corporation Commission jurisdiction to
17 permit multiunit horizontal wells, conditions for
18 multiunit horizontal wells and Commission authority
19 to unitize certain reservoirs; authorizing the
20 Commission to establish rules for horizontally
drilled oil or gas wells of certain size;
establishing criteria for creation and continuation
of horizontal spacing unit of certain size; providing
for rights of owners; renaming the 2011 Shale
Reservoir Development Act the Extended Horizontal
Well Development Act; modifying definitions; updating
references; authorizing the Commission to allow
multiunit horizontal wells in targeted reservoirs and
adjacent common sources of supply upon making certain
finding; providing for circumstances, conditions and
requisites for unitizing targeted reservoirs;
providing for noncodification; and declaring an
emergency.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law not to be
23 codified in the Oklahoma Statutes reads as follows:
24

1 This act shall be known and may be cited as the "Oklahoma Energy
2 Jobs Act of 2017".

3 SECTION 2. AMENDATORY 52 O.S. 2011, Section 87.1, as
4 amended by Section 4, Chapter 201, O.S.L. 2012 (52 O.S. Supp. 2016,
5 Section 87.1), is amended to read as follows:

6 Section 87.1. Whenever the production from any common source
7 of supply of oil or natural gas in this state can be obtained only
8 under conditions constituting waste or drainage not compensated by
9 counterdrainage, then any person having the right to drill into and
10 produce from such common source of supply may, except as otherwise
11 authorized or in this section provided, take therefrom only such
12 proportion of the oil or natural gas that may be produced therefrom
13 without waste or without such drainage as the productive capacity of
14 the well or wells of any such person considered with the acreage
15 properly assignable to each such well bears to the total productive
16 capacities of the wells in such common source of supply considered
17 with the acreage properly assignable to each well therein.

18 (a) To prevent or to assist in preventing the various types of
19 waste of oil or gas prohibited by statute, or any wastes, or to
20 protect or assist in protecting the correlative rights of interested
21 parties, the Corporation Commission, upon a proper application and
22 notice given as hereinafter provided, and after a hearing as
23 provided in the notice, shall have the power to establish well
24 spacing and drilling units of specified and approximately uniform

1 size and shape covering any common source of supply, or prospective
2 common source of supply, of oil or gas within the State of Oklahoma;
3 provided, that the Commission may authorize the drilling of an
4 additional well or wells on any spacing and drilling unit or units
5 or any portion or portions thereof or may establish, reestablish, or
6 reform well spacing and drilling units of different sizes and shapes
7 when the Commission determines that a common source of supply
8 contains predominantly oil underlying an area or areas and contains
9 predominantly gas underlying a different area or areas; provided
10 further that the units in the predominantly oil area or areas shall
11 be of approximately uniform size and shape, and the units in the
12 predominantly gas area or areas shall be of approximately uniform
13 size and shape, except that the units in the gas area or areas may
14 be of nonuniform size and shape when they adjoin the units in the
15 oil area or areas; provided further that the drilling pattern for
16 such nonuniform units need not be uniform, and provided further that
17 the Commission shall adjust the allowable production within the
18 common source of supply, or any part thereof, and take such other
19 action as may be necessary to protect the rights of interested
20 parties. Any order issued pursuant to the provisions hereof may be
21 entered after a hearing upon the petition of any person owning an
22 interest in the minerals in lands embraced within such common source
23 of supply, or the right to drill a well for oil or gas on the lands
24 embraced within such common source of supply, or on the petition of

1 the Conservation Officer of the State of Oklahoma. When such a
2 petition is filed with the Commission, the Commission shall give at
3 least fifteen (15) days' notice of the hearing to be held upon such
4 petition by one publication, at least fifteen (15) days prior to the
5 hearing, in some newspaper of general circulation published in
6 Oklahoma County, and by one publication, at least fifteen (15) days
7 prior to the date of the hearing, in some newspaper published in the
8 county, or in each county, if there be more than one, in which the
9 lands embraced within the application are situated. Except as to
10 the notice of hearing on such a petition, the procedural
11 requirements of Section 86.1 et seq. of this title shall govern all
12 proceedings and hearings provided for by this section.

13 (b) In case of a spacing unit of one hundred sixty (160) acres
14 or more, no oil and/or gas leasehold interest outside the spacing
15 unit involved may be held by production from the spacing unit more
16 than ninety (90) days beyond expiration of the primary term of the
17 lease.

18 (c) In establishing a well spacing or drilling unit for a
19 common source of supply thereunder, the acreage to be embraced
20 within each unit may include acreage from more than one governmental
21 section, but shall not exceed six hundred forty (640) acres for a
22 gas well plus ten percent (10%) tolerance, unless the unit is a
23 governmental section and the governmental section contains more than
24 six hundred forty (640) acres in which case the unit may comprise

1 the entire section. Provided, however, fractional sections along
2 the state boundary line and within the townships along the boundary
3 where the survey west of the Indian Meridian meets the survey east
4 of the Cimarron Meridian may be spaced with adjoining section unit,
5 and the shape thereof shall be determined by the Commission from the
6 evidence introduced at the hearing, and the following facts, among
7 other things, shall be material: (1) ~~The~~ the lands embraced in the
8 actual or prospective common source of supply; (2) the plan of well
9 spacing then being employed or contemplated in the source of supply;
10 (3) the depth at which production from the common source of supply
11 has been or is expected to be found; (4) the nature and character of
12 the producing or prospective producing formation or formations; and
13 (5) any other available geological or scientific data pertaining to
14 the actual or prospective source of supply which may be of probative
15 value to the Commission in determining the proper spacing and well
16 drilling unit therefor, with due and relative allowance for the
17 correlative rights and obligations of the producers and royalty
18 owners interested therein.

19 The order establishing such spacing or drilling units shall set
20 forth: (1) the outside boundaries of the surface area included in
21 such order; (2) the size, form, and shape of the spacing or drilling
22 units so established; (3) the drilling pattern for the area, which
23 shall be uniform except as hereinbefore provided; and (4) the
24 location of the permitted well on each such spacing or drilling

1 unit. To such order shall be attached a plat upon which shall be
2 indicated the foregoing information. Subject to other provisions of
3 Section 86.1 et seq. of this title, the order establishing such
4 spacing or drilling units shall direct that no more than one well
5 shall thereafter be produced from the common source of supply on any
6 unit so established, and that the well permitted on that unit shall
7 be drilled at the location thereon as prescribed by the Commission,
8 with such exception as may be reasonably necessary where it is
9 shown, upon application, notice and hearing in conformity with the
10 procedural requirements of Section 86.1 et seq. of this title, and
11 the Commission finds that any such spacing unit is located on the
12 edge of a pool and adjacent to a producing unit, or for some other
13 reason that to require the drilling of a well at the prescribed
14 location on such spacing unit would be inequitable or unreasonable.
15 Whenever such an exception is granted, the Commission shall adjust
16 the allowable production for the spacing unit and take such other
17 action as may be necessary to protect the rights of interested
18 parties.

19 Any Except for horizontal spacing units allowed by subsection
20 (f) of this section, any well spacing or drilling unit for a common
21 source of supply thereunder which exceeds six hundred forty (640)
22 acres for a gas well plus ten percent (10%) tolerance or exceeds the
23 total amount of acreage contained in a governmental section, and is
24 not in production or in the process of drilling development on the

1 effective date of this act shall be de-spaced. However, fractional
2 sections along the state boundary line and within the townships
3 along the boundary where the survey west of the Indian Meridian
4 meets the survey east of the Cimarron Meridian may be spaced with
5 adjoining section unit, and the shape thereof shall be determined by
6 the Commission.

7 (d) The Commission shall have jurisdiction upon the filing of a
8 proper application therefor, and upon notice given as provided in
9 subsection (a) of this section, to decrease the size of the well
10 spacing units or to permit additional wells to be drilled within the
11 established units, or to increase the size or modify the shape of
12 the well spacing units, upon proper proof at such hearing that such
13 modification or extension of the order establishing drilling or
14 spacing units will prevent or assist in preventing the various types
15 of wastes prohibited by statute, or any of the wastes, or will
16 protect or assist in protecting the correlative rights of persons
17 interested in the common source of supply, or upon the filing of a
18 proper application therefor to enlarge the area covered by the
19 spacing order, if such proof discloses that the development or the
20 trend of development indicates that such common source of supply
21 underlies an area not covered by the spacing order and such proof
22 discloses that the applicant is an owner within the area or within a
23 drilling and spacing unit contiguous to the area covered by the
24 application. Except in the instance of reservoir dewatering as

1 described herein, the Commission shall not establish well spacing
2 units of more than forty (40) acres in size covering common sources
3 of supply of oil, the top of which lies less than four thousand
4 (4,000) feet below the surface as determined by the original or
5 discovery well in the common source of supply, and the Commission
6 shall not establish well spacing units of more than eighty (80)
7 acres in size covering common sources of supply of oil, the top of
8 which lies less than nine thousand nine hundred ninety (9,990) feet
9 and more than four thousand (4,000) feet below the surface as
10 determined by the original or discovery well in the common source of
11 supply. In the instance of reservoir dewatering to extract oil from
12 reservoirs having initial water saturations at or above fifty
13 percent (50%), the Commission may establish drilling and spacing
14 units not to exceed six hundred forty (640) acres in size.

15 (e) The drilling of any well or wells into any common source of
16 supply for the purpose of producing oil or gas therefrom, after a
17 spacing order has been entered by the Commission covering such
18 common source of supply, at a location other than that fixed by the
19 order is hereby prohibited. The drilling of any well or wells into
20 a common source of supply, covered by a pending spacing application,
21 at a location other than that approved by a special order of the
22 Commission authorizing the drilling of such well is hereby
23 prohibited. The operation of any well drilled in violation of any
24 spacing so entered is also hereby prohibited. When two or more

1 separately owned tracts of land are embraced within an established
2 spacing unit, or where there are undivided interests separately
3 owned, or both such separately owned tracts and undivided interests
4 embraced within such established spacing unit, the owners thereof
5 may validly pool their interests and develop their lands as a unit.
6 Where, however, such owners have not agreed to pool their interests
7 and where one such separate owner has drilled or proposes to drill a
8 well on the unit to the common source of supply, the Commission, to
9 avoid the drilling of unnecessary wells, or to protect correlative
10 rights, shall, upon a proper application therefor and a hearing
11 thereon, require such owners to pool and develop their lands in the
12 spacing unit as a unit. The applicant shall give all the owners
13 whose addresses are known or could be known through the exercise of
14 due diligence at least fifteen (15) days' notice by mail, return
15 receipt requested. The applicant shall also give notice by one
16 publication, at least fifteen (15) days prior to the hearing, in
17 some newspaper of general circulation published in Oklahoma County,
18 and by one publication, at least fifteen (15) days prior to the date
19 of the hearing, in some newspaper published in the county, or in
20 each county, if there be more than one, in which the lands embraced
21 within the spacing unit are situated. The applicant shall file
22 proof of publication and an affidavit of mailing with the Commission
23 prior to the hearing. All orders requiring such pooling shall be
24 made after notice and hearing, and shall be upon such terms and

1 conditions as are just and reasonable and will afford to the owner
2 of such tract in the unit the opportunity to recover or receive
3 without unnecessary expense the owner's just and fair share of the
4 oil and gas. The portion of the production allocated to the owner
5 of each tract or interests included in a well spacing unit formed by
6 a pooling order shall, when produced, be considered as if produced
7 by such owner from the separately owned tract or interest by a well
8 drilled thereon. Such pooling order of the Commission shall make
9 definite provisions for the payment of cost of the development and
10 operation, which shall be limited to the actual expenditures
11 required for such purpose not in excess of what are reasonable,
12 including a reasonable charge for supervision. In the event of any
13 dispute relative to such costs, the Commission shall determine the
14 proper costs after due notice to interested parties and a hearing
15 thereon. The operator of such unit, in addition to any other right
16 provided by the pooling order or orders of the Commission, shall
17 have a lien on the mineral leasehold estate or rights owned by the
18 other owners therein and upon their shares of the production from
19 such unit to the extent that costs incurred in the development and
20 operation upon the unit are a charge against such interest by order
21 of the Commission or by operation of law. Such liens shall be
22 separable as to each separate owner within such unit, and shall
23 remain liens until the owner or owners drilling or operating the
24 well have been paid the amount due under the terms of the pooling

1 order. The Commission is specifically authorized to provide that
2 the owner or owners drilling, or paying for the drilling, or for the
3 operation of a well for the benefit of all shall be entitled to
4 production from such well which would be received by the owner or
5 owners for whose benefit the well was drilled or operated, after
6 payment of royalty, until the owner or owners drilling or operating
7 the well have been paid the amount due under the terms of the
8 pooling order or order settling such dispute. No part of the
9 production or proceeds accruing to any owner of a separate interest
10 in such unit shall be applied toward payment of any cost properly
11 chargeable to any other interest in the unit.

12 For the purpose of this section, the owner or owners of oil and
13 gas rights in and under an unleased tract of land shall be regarded
14 as a lessee to the extent of a seven-eighths (7/8) interest in and
15 to the rights and a lessor to the extent of the remaining one-eighth
16 (1/8) interest therein, unless and until the owner or owners make an
17 election or are deemed to make an election not to participate under
18 a pooling order issued by the Commission, at which time each such
19 owner shall be considered a lessor, subject to the judicially
20 recognized implied covenant to market found to exist by the courts
21 of this state in oil and gas leases covering lands located in this
22 state, to the extent of the full royalty percentage elected under
23 the pooling order. Should the owners of separate tracts or
24 interests embraced within a spacing unit fail to agree upon a

1 pooling of their interests and the drilling of a well on the unit,
2 and should it be established by final, unappealable judgment of a
3 court of competent jurisdiction that the Commission is without
4 authority to require pooling as provided for herein, then, subject
5 to all other applicable provisions of this act, the owner of each
6 tract or interest embraced within a spacing unit may drill on his or
7 her separately owned tract, and the allowable production therefrom
8 shall be that portion of the allowable for the full spacing unit as
9 the area of such separately owned tract bears to the full spacing
10 unit.

11 In the event a producing well or wells are completed upon a unit
12 where there are, or may thereafter be, two or more separately owned
13 tracts, each royalty interest owner shall share in all production
14 from the well or wells drilled within the unit, or in the gas well
15 rental provided for in the lease covering such separately owned
16 tract or interest in lieu of the customary fixed royalty, to the
17 extent of such royalty interest owner's interest in the unit. Each
18 royalty interest owner's interest in the unit shall be defined as
19 the percentage of royalty owned in each separate tract by the
20 royalty owner, multiplied by the proportion that the acreage in each
21 separately owned tract or interest bears to the entire acreage of
22 the unit.

23 (f) Notwithstanding any provision of this ~~section~~ title to the
24 contrary, the Corporation Commission shall have jurisdiction upon the

1 filing of a proper application therefor, and upon notice given as
2 provided in subsection (a) of this section, to establish spacing
3 rules for horizontally drilled oil or gas wells whereby horizontally
4 drilled oil or gas wells may have well spacing units established of
5 up to ~~six hundred forty (640)~~ one thousand two hundred eighty (1,280)
6 acres plus tolerances and variances as allowed ~~for gas wells~~ pursuant
7 to subsection (c) of this section. For purposes of this subsection a
8 "horizontally drilled oil or gas well" shall mean an oil or gas well
9 drilled, completed or recompleted in a manner in which the horizontal
10 component of the completion interval in the geological formation
11 exceeds the vertical component thereof and which horizontal component
12 extends a minimum of one hundred fifty (150) feet in the formation.
13 The Corporation Commission shall promulgate rules necessary for the
14 proper administration of this subsection. For the creation and
15 continuation of any horizontal spacing unit pursuant to this
16 subsection that exceeds six hundred forty (640) acres plus tolerances
17 and variances as allowed pursuant to subsection (c) of this section:

18 (1) absent a showing of reasonable cause, the unit shall include
19 all lands within each governmental section to be included in the
20 horizontal spacing unit;

21 (2) the applicant or applicants requesting the Commission to
22 form the horizontal spacing unit must be the owner of an interest in
23 the oil, gas and other minerals in each of the governmental sections
24 to be included in the horizontal spacing unit;

1 (3) the applicant or applicants requesting the Commission to
2 form a horizontal spacing unit must include in the application the
3 basis for requesting a spacing unit size greater than six hundred
4 forty (640) acres plus tolerances and variances as allowed pursuant
5 to subsection (c) of this section. Absent a showing of reasonable
6 cause, the contemplated horizontal lateral length for the initial
7 unit well in the horizontal spacing unit shall be at least seven
8 thousand five hundred (7,500) feet. If the lateral length of the
9 initial horizontal well does not actually measure a minimum of seven
10 thousand five hundred (7,500) feet, the Commission shall require the
11 applicant to show cause as to why such spacing order should not be
12 modified, superseded or vacated under the circumstances; and

13 (4) absent a showing of reasonable cause, the drilling of a
14 multiunit horizontal well pursuant to Section 87.8 of this title
15 shall not be available as the initial unit well for a horizontal
16 spacing unit unless the contemplated completed portion of the lateral
17 for said well is to exceed ten thousand five hundred sixty (10,560)
18 feet.

19 (g) A horizontal spacing unit may be established for a common
20 source of supply for which there are already established non-
21 horizontal drilling and spacing units. A horizontal spacing unit
22 formed under subsection (f) of this section may exist concurrently
23 with any previously formed nonhorizontal drilling and spacing unit,
24 or any portion thereof, such that each concurrently existing unit may

1 be separately developed with a well drilled into, completed in and
2 hydrocarbons produced from the same common source of supply in each
3 such concurrently existing unit, with production from each such well
4 to be governed by and allocated pursuant to the applicable unit.
5 Subject to all of the provisions of this section, a pooling order for
6 a horizontal spacing unit which overlies an existing, producing
7 nonhorizontal drilling and spacing unit, shall provide that, if a
8 working interest owner in such producing nonhorizontal drilling and
9 spacing unit does not agree to develop the horizontal spacing unit,
10 the owner shall relinquish its nonparticipating working interest in
11 the horizontal spacing unit while retaining all other rights,
12 including the right to concurrently develop the producing
13 nonhorizontal unit.

14 (h) Notwithstanding anything in this title or a pooling order
15 to the contrary, each party owning a right to participate in
16 development of a horizontal well described in this subsection with a
17 vested interest as to which there is production in the geographical
18 area of the spacing unit or spacing units for a proposed horizontal
19 well which is drilled after the effective date of this act pursuant
20 to a pooling order, whether the pooling order was issued before or
21 after the effective date of this act, shall be afforded separate
22 elections as set forth below, subject to the following, provided;
23 however, a geographic area in which there is no existing producing
24 unit as of the date of the filing of the application for the

1 governing pooling order and which is initially developed pursuant to
2 a multiunit horizontal well authorized under Section 87.8 of this
3 title, or a horizontal spacing unit which contains more than six
4 hundred forty (640) acres plus tolerances and variances as allowed
5 for pursuant to subsection (c) of this section shall not be
6 considered to contain existing production for purposes of this
7 subsection, unless the geographical area of any spacing unit covered
8 by the governing pooling order: is overlain by a horizontal spacing
9 unit greater than six hundred forty (640) acres plus tolerances and
10 variances as allowed for pursuant to subsection (c) of this section
11 which is not subject to said pooling order; has a multiunit well
12 drilled pursuant to Section 87.8 of this title which includes a
13 horizontal spacing unit which contains more than six hundred forty
14 (640) acres plus tolerances and variances as allowed for pursuant to
15 subsection (c) of this section which is subject to said pooling
16 order; or has a multiunit well drilled pursuant to Section 87.8 of
17 this title for a combination of units different than drilled by the
18 initial multiunit well pursuant to said pooling order:

19 (1) as to a multiunit horizontal well authorized under Section
20 87.8 of this title, each party owning a right to participate in
21 development of the proposed multiunit horizontal well with a vested
22 interest as to which there is existing production in the
23 geographical area of the spacing unit for the proposed multiunit
24 well shall be allowed, and as to the extent of their development

1 rights as to which there is existing production, an election as to
2 the targeted reservoir or targeted reservoirs covered by each
3 pooling order for such proposed multiunit horizontal well described
4 above, unless otherwise agreed to or waived in writing after the
5 effective date of this act. If said multiunit well is drilled in
6 accordance with the pooling order, the relinquished rights of an
7 owner who elects or is deemed to have elected not to participate
8 with all or any part of that owner's interest in the multiunit
9 horizontal well shall be limited to only the owner's
10 nonparticipating working interest in the common source or common
11 sources of supply within the targeted reservoir or targeted
12 reservoirs covered by said election which are actually horizontally
13 drilled and completed by said well. The owner shall retain all
14 other rights, including all rights in any existing wellbores in
15 which the owner has participated;

16 (2) as to a horizontal well authorized by the Commission for a
17 horizontal spacing unit created under subsection (f) of this section,
18 if the horizontal spacing unit contains more than six hundred forty
19 (640) acres plus tolerances and variances as allowed for pursuant to
20 subsection (c) of this section, or is comprised of more than one
21 governmental section, each party owning a right to participate in
22 development of the proposed horizontal well with a vested interest as
23 to which there is existing production in the geographical area of the
24 spacing unit for the proposed horizontal well shall be allowed, and

1 as to the extent of their development rights as to which there is
2 existing production, a separate election as to each common source of
3 supply or common sources of supply covered by the pooling order for a
4 proposed horizontal well described above, unless otherwise agreed to
5 or waived in writing after the effective date of this act. If said
6 horizontal well is drilled in accordance with the pooling order, the
7 relinquished rights of an owner who elects or is deemed to have
8 elected not to participate with all or any part of that owner's
9 interest in the horizontal well shall be limited to only the owner's
10 nonparticipating working interest in the common source or common
11 sources of supply covered by said election which are actually
12 horizontally drilled and completed by said well. The owner shall
13 retain all other rights, including any rights in all existing
14 wellbores in which the owner has participated;

15 (3) as to any well which is subject to a pooling order which was
16 entered prior to the effective date of this act, in order to be
17 entitled to the rights and benefits of this subsection, the owner
18 must have been vested with the right to participate in the subject
19 well as of the effective date of this act;

20 (4) any relinquishment of rights under this subsection shall be
21 pursuant to the governing pooling order and at such fair value as
22 determined by the Commission; and

23 (5) the provisions of subsections (g) and (h) of this section
24 shall supplement each affected pooling order as to development of

1 the affected spacing unit by use of horizontal wells from and after
2 the effective date of this act.

3 SECTION 3. AMENDATORY 52 O.S. 2011, Section 87.6, as
4 last amended by Section 1, Chapter 400, O.S.L. 2014 (52 O.S. Supp.
5 2016, Section 87.6), is amended to read as follows:

6 Section 87.6. A. Sections 87.6 through 87.9 of this title
7 shall be known and may be cited as the "~~2011 Shale Reservoir~~
8 Extended Horizontal Well Development Act".

9 B. As used in the ~~2011 Shale Reservoir~~ Extended Horizontal Well
10 Development Act:

11 1. "Adjacent common source of supply" means a common source of
12 supply which is immediately adjacent to and adjoining the targeted
13 reservoir or targeted reservoirs in a multiunit horizontal well being
14 drilled pursuant to Section 87.8 of this title or a well being
15 drilled in a horizontal well unitization pursuant to Section 87.9 of
16 this title and which is inadvertently encountered in the drilling of
17 the lateral of a multiunit horizontal well or a well pursuant to a
18 horizontal well unitization when such well is drilled out of or
19 exits, whether on one or multiple occasions, the targeted reservoir
20 or targeted reservoirs, and which is not the primary target of the
21 subject well and shall not be included in the relinquished rights
22 pursuant to subsection (h) of Section 87.1 of this title. In the
23 event that an adjacent common source of supply may be inadvertently
24 encountered in the drilling of the lateral of a multiunit horizontal

1 well or a well pursuant to a horizontal well unitization when such
2 well is drilled out of or exits, whether on one or multiple
3 occasions, the targeted reservoir or targeted reservoirs, then said
4 inadvertently entered adjacent common source of supply shall be
5 included as part of the targeted reservoir only for the purpose of
6 the inadvertent penetrations, and any subsequent completion,
7 commingling and production of said adjacent common source of supply
8 with the targeted reservoir or targeted reservoirs, but not for
9 future development of said adjacent common source of supply;

10 2. "Allocation factor" means the percentage of costs,
11 production or proceeds allocated to a unit affected by a multiunit
12 horizontal well;

13 ~~2.~~ 3. "Application" means a written request filed by an owner
14 of the right to drill seeking approval to drill, complete and
15 produce a multiunit horizontal well or to create a horizontal well
16 unitization;

17 ~~3.~~ ~~"Associated common source of supply" means a common source~~
18 ~~of supply which is subject to a drilling and spacing unit formed by~~
19 ~~the Corporation Commission and located in all or a portion of the~~
20 ~~lands in which the completion interval of a multiunit horizontal~~
21 ~~well is located, or which is located within the boundaries of a unit~~
22 ~~created through a horizontal well unitization, and which is~~
23 ~~immediately adjoining the shale common source of supply in which the~~
24 ~~completion interval of the horizontal well is located, and which is~~

1 ~~inadvertently encountered in the drilling of the lateral of such~~
2 ~~horizontal well when such well is drilled out of or exits, whether~~
3 ~~on one or multiple occasions, such shale common source of supply;~~

4 4. "Commission" means the Corporation Commission;

5 5. "Completion interval" means, for an open hole completion in
6 a horizontal well, the interval from the point of entry to the
7 terminus and, for a cased and cemented completion in a horizontal
8 well, the interval from the first perforations to the last
9 perforations;

10 6. "Horizontal well" means a well drilled, completed, or
11 recompleted with one or more laterals which, for at least one
12 lateral, the horizontal component of the completion interval exceeds
13 the vertical component of the completion interval and the horizontal
14 component extends a minimum of one hundred fifty (150) feet in the
15 formation;

16 7. "Horizontal well unitization" means a unitization for a
17 ~~shale~~ targeted reservoir created pursuant to Section 87.9 of this
18 title;

19 8. "Horizontal component" means the calculated horizontal
20 distance from the point of entry to the terminus;

21 9. "Lateral" means the portion of the wellbore of a horizontal
22 well from the point of entry to the terminus;

23

24

1 10. ~~"Marmaton common source of supply" means a common source of~~
2 ~~supply located within Texas and Beaver Counties and designated as~~
3 ~~the Marmaton by the Commission through rule or order;~~

4 ~~11.~~ "Multiunit horizontal well" means a horizontal well in a
5 targeted reservoir or targeted reservoirs wherein the completion
6 interval of the well is located in more than one unit formed for the
7 same targeted reservoir, with the well being completed in and
8 producing from such targeted reservoir in two or more of such units;

9 ~~12.~~ 11. "Plan of development" means the proposed plan for
10 developing the ~~shale~~ targeted reservoir unitized pursuant to Section
11 87.9 of this title, which plan, based upon the information and
12 knowledge then available to the applicant, shall include:

13 a. a map or maps indicating the location of each existing
14 well in the proposed unit and the anticipated location
15 of each horizontal well proposed to be drilled in the
16 proposed unit that is anticipated to be necessary,
17 based upon the information and knowledge then
18 available to the applicant, for the full and efficient
19 development and operation of the proposed unit for the
20 recovery of oil and gas from the ~~shale~~ targeted
21 reservoir within the proposed unit,

22 b. any applicable proposed allocation factor or factors
23 for allocating the costs, production and proceeds from
24 the proposed unit,

1 c. the anticipated timing and anticipated sequence of
2 drilling of each horizontal well in the proposed unit,
3 and

4 d. any other specific terms, provisions, conditions and
5 requirements set forth in Section 87.9 of this title
6 or determined by the Commission to be reasonably
7 necessary or proper to effectuate or accomplish the
8 purpose of Section 87.9 of this title;

9 ~~13.~~ 12. "Point of entry" means the point at which the borehole
10 of a horizontal well first intersects the top of the targeted
11 reservoir;

12 ~~14.~~ 13. "PRSA" means the Production Revenue Standards Act;

13 ~~15.~~ ~~"Shale reservoir" means a common source of supply which is~~
14 ~~a shale formation that is so designated by the Commission through~~
15 ~~rule or order, and shall also include any associated common source~~
16 ~~of supply as defined in this section;~~

17 ~~16.~~ 14. "Targeted reservoir" means ~~any shale reservoir or any~~
18 ~~portion of the Marmaton~~ one or more common source sources of supply
19 which will be encountered by the horizontal lateral portion of a
20 horizontal well, and which has been designated by the Commission as
21 part of an order, rule or emergency rule as potentially suited for
22 development for the applied for multiunit horizontal well pursuant
23 to Section 87.8 of this title or a horizontal well unitization
24 pursuant to Section 87.9 of this title. Provided, however, that

1 more than one common source of supply may only be granted by the
2 Commission and included in the targeted reservoir upon a showing of
3 reasonable cause by the applicant requesting the multiunit well in
4 the application requesting authority for the multiunit well prior to
5 the drilling of said multiunit well that the inclusion of the
6 additional common source(s) of supply shall prevent waste and
7 protect the correlative rights of all of the owners of the oil and
8 gas rights;

9 ~~17.~~ 15. "Terminus" means the end point of the borehole of a
10 horizontal well in the targeted reservoir;

11 ~~18.~~ 16. "Wellbore royalty interest" means, for each separate
12 multiunit horizontal well, the sum of resulting products of each
13 affected unit's royalty share for that unit, as defined by the PRSA,
14 multiplied by that unit's allocation factor for production and
15 proceeds;

16 ~~19.~~ 17. "Wellbore royalty proceeds" means the proceeds or other
17 revenue derived from or attributable to any production of oil and
18 gas from the multiunit horizontal well multiplied by the wellbore
19 royalty interest;

20 ~~20.~~ 18. "Unit" means a drilling and spacing unit for a single
21 common source of supply created pursuant to Section 87.1 of this
22 title or a horizontal well unitization created pursuant to Section
23 87.9 of this title;

24

1 ~~21.~~ 19. "Unit's royalty contribution factor" means the royalty
2 share for an affected unit, as defined by PRSA, multiplied by that
3 unit's allocation factor, then divided by the total wellbore royalty
4 interest; and

5 ~~22.~~ 20. "Vertical component" means the calculated vertical
6 distance from the point of entry to the terminus.

7 SECTION 4. AMENDATORY 52 O.S. 2011, Section 87.7, is
8 amended to read as follows:

9 Section 87.7. Corporation Commission Jurisdiction. The
10 Corporation Commission shall have jurisdiction, upon the filing of a
11 proper application therefor, to permit the drilling, completing and
12 producing of a multiunit horizontal well in conformity with ~~Section~~
13 ~~4 of this act~~ Section 87.8 of this title, or to create a horizontal
14 well unitization in conformity with ~~Section 5 of this act~~ Section
15 87.9 of this title, if the Commission finds that the multiunit
16 horizontal well or the horizontal well unitization will prevent
17 waste and will protect the correlative rights of the owners of oil
18 and gas rights.

19 SECTION 5. AMENDATORY 52 O.S. 2011, Section 87.8, as
20 amended by Section 2, Chapter 400, O.S.L. 2014 (52 O.S. Supp. 2016,
21 Section 87.8), is amended to read as follows:

22 Section 87.8. A. Under the conditions contained in this
23 section, the Corporation Commission is authorized to allow multiunit
24 horizontal wells in any targeted reservoir or in more than one

1 targeted reservoir, or in a targeted reservoir and an adjacent
2 common source of supply, upon an appropriate finding by the
3 Commission of the necessity to comingle production from more than
4 one targeted reservoir or an adjacent common source of supply in
5 such multiunit horizontal well, in order to prevent waste and
6 protect the correlative rights of the owners of oil and gas rights.

7 B. Ownership, Allocation of Costs, Commingled Production, and
8 Proceeds.

9 The Commission shall require the allocation of the reasonable
10 drilling, completion and production costs associated with a such
11 multiunit horizontal well to each of the affected units which the
12 well actually penetrates within the completion interval and shall
13 further require the allocation to each of the units affected by a
14 multiunit horizontal well of the commingled production, and the
15 proceeds from the sale thereof, from the completion interval of a
16 such multiunit horizontal well, with any allocation to be in a
17 manner that will prevent waste and protect the correlative rights of
18 the owners of the oil and gas rights in each of the affected units
19 which the well actually penetrates within the completion interval.

20 1. The allocation factor for each affected unit shall be
21 determined by dividing the length of the completion interval located
22 within the affected unit by the entire length of the completion
23 interval in the subject multiunit horizontal well. The Commission
24 shall have the authority to adjust the allocation factors, based

1 upon reasonable testimony and evidence presented to the Commission,
2 if necessary to prevent waste and adequately protect the correlative
3 rights of the owners of the oil and gas rights in each of the
4 affected units.

5 2. Each party who participates as a working interest owner in a
6 multiunit horizontal well shall own an undivided interest in all
7 portions of the wellbore of the well and in the equipment on or in
8 the well in the same ratio that the party's allocated portion of the
9 total costs of the well and equipment bears to the total costs of
10 the well and equipment. The ownership of undivided interest
11 described in this paragraph shall not affect or prejudice the
12 ownership of oil and gas rights of the affected owners outside of
13 the targeted reservoir for the multiunit horizontal well.

14 3. A multiunit horizontal well shall be treated as a well in
15 each of the affected units and shall be subject to all of the rules
16 otherwise applicable to any other well in any of the affected units.
17 In allowing a multiunit horizontal well, the Commission, under
18 Section 87.1 of this title, may grant any necessary exceptions to
19 the permitted well location tolerances in each of the affected units
20 for the well and permit the well as an additional well in each of
21 the affected units. When an owner has drilled or proposes to drill
22 a multiunit horizontal well or wells and the owners of a present
23 right to drill in any of the affected units have not agreed to pool
24 their interests in the unit or units for the ~~affected common sources~~

1 ~~of supply~~ targeted reservoir, the Commission, under Section 87.1 of
2 this title, may, upon the filing of a proper application therefor,
3 require the owners to pool their interests in the targeted reservoir
4 in each affected unit on a unitwide basis as to the respective unit
5 in regard to the development involving the portion of the multiunit
6 horizontal well or wells located within the affected unit.
7 Furthermore, if the Commission has previously entered an order
8 pooling the interests of owners in an affected unit in which a
9 multiunit horizontal well or wells have been drilled or are proposed
10 to be drilled, the Commission, under Section 87.1 of this title may,
11 upon the filing of a proper application therefor, amend the pooling
12 order to the extent necessary to have the pooling order cover the
13 development involving the portion of the multiunit horizontal well
14 or wells located within the affected unit.

15 4. The application shall include:

- 16 a. the approximate anticipated location of the proposed
17 multiunit horizontal well or wells,
18 b. a map or maps indicating the location of each
19 currently existing well in each affected unit which is
20 the subject of the application and the anticipated
21 location of each multiunit horizontal well currently
22 proposed to be drilled in each affected unit as a
23 result of the application and any other horizontal
24 well not included in the current application, but

1 anticipated to be necessary, based upon the
2 information and knowledge then available to the
3 applicant, for the full and efficient development and
4 operations of the targeted reservoir within the
5 affected units if the well or wells are approved by
6 the Commission upon the filing of a proper application
7 at a future date, and

8 c. any applicable proposed allocation factor or factors
9 for allocating the costs, production and proceeds from
10 each proposed multiunit horizontal well under the
11 application.

12 5. Production from the completion interval in the targeted
13 reservoir from each of the affected units in which a multiunit
14 horizontal well is completed may be commingled in the wellbore of
15 the well and produced to the surface. The commingled production
16 from a multiunit horizontal well shall be allocated to each of the
17 affected units based upon the allocation factors approved by the
18 Commission.

19 6. In granting an application for a multiunit horizontal well
20 or wells, the Commission shall find, based on the testimony and
21 evidence presented, that given the information and knowledge then
22 available, the proposed multiunit horizontal well or wells will
23 prevent waste, protect correlative rights and likely will aid in the
24 full and efficient development of each of the affected units.

1 7. The wellbore royalty proceeds for a multiunit horizontal
2 well shall be allocated to each affected unit by multiplying the
3 royalty contribution factor of the unit by the wellbore royalty
4 proceeds, with the resulting product being the royalty proceeds for
5 that unit. Each royalty interest owner in an affected unit shall be
6 entitled to receive the owner's proportionate royalty share of the
7 allocated royalty proceeds for that unit.

8 8. The multiunit horizontal well shall be subject to the
9 provisions of the Product Revenue Standards Act (PRSA). The
10 operator of the multiunit horizontal well shall be the designated
11 royalty distributor pursuant to the PRSA for the multiunit
12 horizontal well, unless there is a diversity of operators in the
13 affected units from which the multiunit horizontal well is producing
14 and another operator in each of the affected units agrees to perform
15 separately the PRSA royalty distribution functions for the unit.

16 C. Application, Notice and Retained Jurisdiction.

17 Application for approval of a multiunit horizontal well shall be
18 in a form prescribed by the Commission. The application, and the
19 notice of hearing on the application, shall be served no less than
20 fifteen (15) days prior to the date of the hearing, by regular mail,
21 upon each person or governmental entity having the right to share in
22 production from each of the affected units covered by the
23 application, as well as other persons or governmental entities
24 required by the rules of the Commission. Upon approval of a

1 multiunit horizontal well, the Commission shall retain jurisdiction
2 over the well. The retained jurisdiction of the Commission set
3 forth herein shall neither preclude nor impair the right of any
4 affected party to obtain through the district courts of this state
5 any remedy or relief available at law or in equity for injuries
6 caused by any action or inaction of the applicant, operator or any
7 other affected party.

8 SECTION 6. AMENDATORY 52 O.S. 2011, Section 87.9, is
9 amended to read as follows:

10 Section 87.9. A. Horizontal Well Unitization for ~~Shale~~
11 Targeted Reservoirs.

12 Under limited circumstances and conditions contained in this
13 section, the Corporation Commission is authorized to unitize a ~~shale~~
14 targeted reservoir for the drilling of horizontal wells to the end
15 that a greater ultimate recovery of oil and gas may be had
16 therefrom, waste is prevented, and the correlative rights of the
17 owners are protected. Unless and until a unit created pursuant to
18 this section is effective, nothing in this section shall prohibit
19 the drilling of a horizontal well within a drilling and spacing unit
20 created pursuant to Section 87.1 of ~~Title 52 of the Oklahoma~~
21 ~~Statutes~~ this title.

22 B. Prerequisites for Unitization.

23 Upon the filing of an appropriate application, and after notice
24 and hearing, the Commission shall determine if:

1 1. The proposed unitization of the ~~shale~~ targeted reservoir is
2 reasonably calculated to increase the ultimate recovery of oil and
3 gas from the ~~shale~~ targeted reservoir through the use of horizontal
4 well technology to drill one or more horizontal wells in the unit;

5 2. The use of horizontal well technology to drill the
6 horizontal well or wells in the ~~shale~~ targeted reservoir is
7 feasible, will prevent waste, will protect correlative rights and
8 will with reasonable probability result in the increased recovery of
9 substantially more oil and gas from the ~~shale~~ targeted reservoir
10 within the unit than would otherwise be recovered;

11 3. The estimated additional cost, if any, of conducting the
12 horizontal well operations is not anticipated to exceed the value of
13 the additional oil and gas to be recovered; and

14 4. The unitization and the use of horizontal well technology to
15 drill one or more horizontal wells is for the common good and will
16 result in the general advantage of the owners of the oil and gas
17 rights within the unit.

18 Upon making these findings, the Commission may enter an order
19 creating the unit and providing for the unitized operation of the
20 ~~shale~~ targeted reservoir described in the order, all upon terms and
21 conditions as may be shown by the evidence to be fair, reasonable,
22 equitable and which are necessary or proper to protect and safeguard
23 the respective rights and obligations of the several persons
24 affected, including royalty owners, owners of overriding royalties

1 and others, as well as the lessees. The application shall set forth
2 a description of the proposed unit with a map or plat thereof
3 attached, shall allege the existence of the facts required to be
4 found by the Commission as provided in this subsection and shall
5 have attached thereto a recommended plan of development which is
6 applicable to the proposed unit and which is fair, reasonable and
7 equitable.

8 C. Size of the Unit.

9 Each unit shall be two governmental sections. However, the
10 Commission may expand the size of the unit by including additional
11 governmental sections up to a maximum unit size of four governmental
12 sections, if for good cause shown the Commission finds the expansion
13 of the unit size beyond two governmental sections is necessary to
14 prevent waste, to protect correlative rights and will result in the
15 increased recovery of substantially more oil and gas from the ~~shale~~
16 targeted reservoir than would otherwise be recovered based upon, but
17 not necessarily limited to:

- 18 1. Geological features existing within the proposed unit;
- 19 2. The proposed location or orientation of the horizontal
20 wells;
- 21 3. The length of the laterals of the proposed horizontal wells;
- 22 4. The proposed use of multilateral wells; or
- 23 5. Any combination thereof.

24 D. Ownership of Oil and Gas Rights within the Unit.

1 Where there are, or may thereafter be, two or more separately
2 owned tracts within the unit, each owner of oil and gas rights
3 within the unit shall own an interest in the unit of the same
4 character as the ownership of the owner in the separately owned
5 tract. From and after the effective date of the order of the
6 Commission creating the unit and subject to the provisions of any
7 pooling order covering the unit, the interest of each owner in the
8 unit shall be defined as the percentage of interest owned in each
9 separate tract by the owner, multiplied by the proportion that the
10 acreage in each separately owned tract bears to the entire acreage
11 of the unit. The costs incurred in connection with and the
12 production and proceeds from the wells in the unit shall be
13 allocated to each separate tract in the unit and shall be borne or
14 shared by the owners in each separate tract based upon and
15 determined by the interest of each owner in the tract. However, if
16 a well or wells already exist within the area of the proposed unit
17 which are producing or have produced or appear to be productive from
18 the ~~shale~~ targeted reservoir being unitized, the Commission may
19 adjust the sharing of future costs incurred in connection with and
20 future production and proceeds from any existing well or any
21 subsequent well in the proposed unit in any manner deemed necessary
22 by the Commission in order to protect the correlative rights of the
23 owners within any existing well or any subsequent well or within the
24 ~~proposed~~ unit, including providing for the sharing of future costs

1 incurred in connection with and future production and proceeds from
2 any existing well or any subsequent well in a manner different from
3 any other well in the unit so long as the various methods of sharing
4 future costs, production and proceeds from the existing and
5 subsequent wells in the ~~proposed~~ unit prevents waste and protects
6 the correlative rights of all the affected owners. For the purpose
7 of this section, any owner or owners of oil and gas rights in and
8 under an unleased tract of land within the unit, unless the owner
9 has relinquished the drilling rights or working interest of the
10 owner in the applicable ~~shale~~ targeted reservoir in the tract of
11 land under a pooling order entered by the Commission which order
12 remains in effect, shall be regarded as a lessee to the extent of a
13 seven-eighths (7/8) interest in and to the rights and a lessor to
14 the extent of the remaining one-eighth (1/8) interest therein.

15 E. The Plan of Development.

16 The application shall include a proposed plan of development.
17 Based upon the facts and conditions found to exist with respect to a
18 proposed unit, the Commission shall determine the necessary terms,
19 provisions, conditions and requirements to be included in the plan
20 of development for the unit. If a well or wells already exist
21 within the area of the proposed unit which are producing or have
22 produced or appear to be productive from the ~~shale~~ targeted
23 reservoir being unitized, the plan of development shall also
24 include:

1 1. Any adjustments to the sharing of future costs incurred in
2 connection with future development and production, and the sharing
3 of proceeds, from any existing well or any subsequent well which the
4 Commission determines to be necessary in order to be fair,
5 reasonable and equitable, and to protect the correlative rights of
6 the owners, considering the existing development in and the prior
7 and anticipated future production from the ~~shale~~ targeted reservoir
8 within the ~~proposed~~ unit; and

9 2. The procedure and basis upon which existing wells, equipment
10 and other properties of the several lessees within the unit area are
11 to be taken over and used for the unit operations, including the
12 method of arriving at the compensation therefor, or of otherwise
13 proportionately equalizing or adjusting the investment of the
14 several lessees in the project as of the effective date of unit
15 operation.

16 F. Order of the Commission.

17 The order of the Commission creating the unit shall:

18 1. Designate the size and shape of the unit;

19 2. Set forth the drilling pattern and setbacks for the unit,
20 including the permitted well location tolerances for the permitted
21 wells within the unit;

22 3. Approve and adopt the plan of development for the unit, with
23 a copy thereof attached to the order and include any necessary
24 special allocation factors for allocating the costs, production and

1 proceeds from the proposed unit resulting from existing wells or
2 subsequent wells, or both;

3 4. Designate the unit operator; and

4 5. Provide for the conditions upon which the unit, and the
5 order creating the unit, shall terminate.

6 G. Consent by Owners.

7 No order of the Commission creating a unit pursuant to this
8 section shall become effective unless and until the proposed
9 unitization has been consented to in writing, and the written
10 consent submitted to the Commission, by lessees of record of not
11 less than sixty-three percent (63%) of the working interest in the
12 ~~shale~~ targeted reservoir in each spacing unit in the area to be
13 included in the unit and by owners of record of not less than sixty-
14 three percent (63%), exclusive of any royalty interest owned by any
15 lessee or by any subsidiary of any lessee, of the one-eighth (1/8)
16 royalty interest in the ~~shale~~ targeted reservoir in each spacing
17 unit in the area to be included in the unit in an express writing
18 separate from the oil and gas lease. The Commission shall make a
19 finding in the order creating the unit as to whether the requisite
20 consent has been obtained. Where the requisite consent has not been
21 obtained at the time the order creating the unit is entered, the
22 Commission shall, upon application and notice, hold any additional
23 and supplemental hearings as may be requested or required to
24 determine if and when the requisite consent has been obtained and

1 the date the unitization will become effective. In the event
2 lessees and royalty owners, or either, owning the required
3 percentage interest in and to the unit area have not so consented to
4 the unitization within a period of six (6) months from and after the
5 date on which the order creating the unit is entered, the order
6 creating the unit shall cease to be of further force and effect and
7 shall be revoked by the Commission.

8 H. Notice.

9 The application for the creation of a horizontal well
10 unitization ~~for a shale reservoir~~ under this section, and the notice
11 of hearing on the application, shall be served no less than fifteen
12 (15) days prior to the date of the hearing, by regular mail, upon
13 each person or governmental entity having the right to share in
14 production from the proposed unit covered by the application, as
15 well as other persons or governmental entities required by
16 Commission rules. Any person aggrieved by any order of the
17 Commission made pursuant to this section may appeal therefrom to the
18 Supreme Court of the State of Oklahoma upon the same conditions,
19 within the same time and in the same manner as is provided for in
20 ~~Title 52 of the Oklahoma Statutes~~ this title, for the taking of
21 appeals from the orders of the Commission made thereunder.

22 I. Pooling of the Unit.

23 From and after the effective date of an order creating a unit
24 pursuant to this section and subject to the provisions of the order

1 in regard to the matters to be found by the Commission in the
2 creation of the unit and the provisions of the applicable plan of
3 development, an owner of the right to drill for and produce oil or
4 gas from the unit may request the Commission to pool the oil and gas
5 interests of the owners in the unit on a unitwide basis pursuant to
6 the provisions of subsection (e) of Section 87.1 of ~~Title 52 of the~~
7 ~~Oklahoma Statutes~~ this title in regard to the development of the
8 unit ~~involving a horizontal well or wells.~~

9 J. Effect on Existing Spacing Units and Pooling Orders.

10 From and after the effective date of an order creating a unit
11 pursuant to this section, the operation of any well producing from
12 the ~~shale~~ targeted reservoir within the unit defined in the order by
13 persons other than the unit operator, or except in the manner and to
14 the extent provided in the order creating the unit shall be unlawful
15 and is hereby prohibited. Once the order of the Commission creating
16 a unit pursuant to this section becomes effective, the unit so
17 created shall supersede any drilling and spacing unit previously
18 formed by the Commission pursuant to Section 87.1 of ~~Title 52 of the~~
19 ~~Oklahoma Statutes~~ this title for the same ~~shale~~ targeted reservoir
20 within the area of the new unit. Any pooling order which was
21 entered by the Commission pursuant to subsection (e) of Section 87.1
22 of ~~Title 52 of the Oklahoma Statutes~~ this title covering any
23 drilling and spacing unit superseded by a unit created pursuant to
24 this section and which was in effect at the time of the creation of

1 the unit shall remain in full force and effect as to any oil and gas
2 interests in the ~~shale~~ targeted reservoir which were relinquished
3 and transferred by operation of law under the pooling order.
4 However, further development of the ~~shale~~ targeted reservoir in the
5 area of the unit created pursuant to this section shall not be
6 subject to any of the other provisions of any prior pooling order,
7 but shall be governed by and pursuant to the order creating the
8 unit, including the applicable plan of development, and any
9 subsequent pooling order covering the unit.

10 K. Payment of Proceeds.

11 Units created pursuant to this section shall be subject to the
12 terms and provision of the PRSA.

13 L. The Commissioners of the Land Office.

14 The Commissioners of the Land Office, or other proper board or
15 officer of the state having the control and management of state
16 land, and the proper board or officer of any political, municipal,
17 or other subdivision or agency of the state, are hereby authorized
18 and shall have the power on behalf of the state or of any political,
19 municipal, or other subdivision or agency thereof, with respect to
20 land or oil and gas rights subject to the control and management of
21 the respective body, board, or officer, to consent to or participate
22 in any unitization ~~adopted~~ created pursuant to the ~~2011 Shale~~
23 ~~Reservoir~~ Extended Horizontal Well Development Act.

24 M. Retained Jurisdiction.

1 Upon the creation of a unit pursuant to this section, and
2 approval of the plan of development in connection therewith, the
3 Commission shall retain jurisdiction over the unit and the plan of
4 development. The retained jurisdiction of the Commission set forth
5 herein shall neither preclude nor impair the right of any affected
6 party to obtain through the district courts of this state any remedy
7 or relief available at law or in equity for injuries caused by any
8 action or inaction of the applicant, operator or any other affected
9 party.

10 SECTION 7. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the Senate the 20th day of May, 2017.

15

16

Presiding Officer of the Senate

17

18 Passed the House of Representatives the ____ day of _____,
19 2017.

20

21

Presiding Officer of the House
of Representatives

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24