State	Comp. Pooling: Percentage of Voluntary Agreement Required	Comp. Unitization: Percentage of Voluntary Agreement Required	Good Faith Offer to Owners	Consent for Surface Use Required	No. of Pooling Apps or Orders a year
Alaska[1]	No Minimum[2]	No Minimum[3]	Not Required	No	Rare (1 app in last 6 years, which was voluntarily resolved)[4]
Arkansas[5]	50% owners of right to drill for gas (applies only to exploratory units)[6] No Minimum for established units[7]	Working Interest: 75% Royalty Interest: 75%[8]	Required[9]	No[10]	124 orders for established units & 9 orders for exploratory units in 2011[11]
California[12]	No Minimum, subject to well spacing plan[13]	Working Interest: 75% Royalty Interest: 75%[14] (applies only to tracts producing for 20 years)[15]	Encourages attempts at voluntary agreement[16]	No	
Colorado[17]	No Minimum[18]	Working Interest: 80% Royalty Interest: 80%[19]	Required[20]	Yes[21]	139 apps in 2011[22]
Kansas[23]	No compulsory pooling in state statute, but municipalities can force pool[24]	Working Interest: 63% Royalty Interest: 63/75%[25]	—	—	—
Kentucky[26]	51% owners of operating interest in each tract[27]	Working Interest: 75% Royalty Interest: 75%[28] (applies only to deep wells-4,000 feet or below)	Required[29]	No	Estimate of 10-20 apps a year[30]
Louisiana[31]	No Minimum[32]	Working Interest: 75% Royalty Interest: 75%[33] (applies only to multi-well or enhanced recovery)			
Mississippi[34]	33% owner of the drilling rights in a unit[35]	Working Interest: 75% Royalty Interest: 75%[36]	Required[37]	No	
Montana[38]	No Minimum[39]	60% of owners of interest in subsurface storage rights to apply for unitization hearing[40]	Required[41]		

State	Comp. Pooling: Percentage of Voluntary Agreement Required	Comp. Unitization: Percentage of Voluntary Agreement Required	Good Faith Offer to Owners	Consent for Surface Use Required	No. of Pooling Apps or Orders a year
New Mexico[42]	No Minimum[43]	Working Interest: 75% Royalty Interest: 65%[44]	Required for unitization orders[45]	No, but other protections in place for surface owners[46]	
New York[47]	No Minimum	Working Interest: 60% Royalty Interest: 60%[48]	Required[49]	Yes[50]	—
North Carolina[51]	No Minimum[52]	No compulsory unitization	Not required	No	—
North Dakota[53]	No Minimum[54]	Working Interest: 60% Royalty Interest: 60%[55]	Required[56]	No	
Ohio[57]	No Minimum, it is recommended that 90% of owners voluntarily agree[58]	65% of owners of land overlying the pool or the Chief's own motion[59]	Required[60]	Yes[61]	12 Orders in 2011[62] 3 apps and 3 orders in 2012[63]
Oklahoma[64]	No Minimum	Working Interest: 63% Royalty Interest: 63%[65]	Required[66]	No[67]	1,293 Pooling Orders in last 12 months 28 unitization orders in last 12 months[68] (last 12 months is 11/11-11/12)
Pennsylvania[69]	No Compulsory Pooling at Relevant Depth	No Compulsory Unitization at Relevant Depth	—	—	—
Tennessee[70]	More than 50% of owners of right to drill for gas of total acreage in unit	More than 50% of owners of right to drill for gas of total acreage in unit[71]	Factor Considered by the Board in hearing[72]	Yes or must provide notice and a hearing[73]	Rare (2 apps in last 15 years)
Texas[74]	No Minimum, but disfavored by Texas Railroad Comm.[75]	No compulsory unitization[76]	Required	No	Rare (100 apps have been approved since 1965)[77]
Virginia[78]	25% owners of right to drill for gas of total acreage in unit[79]	No compulsory unitization[80]	Required	Yes[81]	
West Virginia[82]	No Minimum (No compulsory pooling in shallow wells)	Working Interest: 75% Royalty Interest: 75% (applies only to secondary oil recovery operations)[83]	Required	Yes[84]	
Wyoming[85]	No Minimum	Working Interest: 80% Royalty Interest: 80%[86]	Not Required	No	105 apps in 2011[87]

[1] Ala. Stat. §§ 31.05.100, *et seq.*
[2] Id. § 31.05.100(c).
[3] Id. § 31.05.110(a).
[4] Dave S. Ruby, Sr. Reservoir Engineer, ALASKA OIL & GAS CONSERVATION COMM., email correspondence, Nov. 26, 2012.
[5] Ark. Code Ann. § 15-72-303.
[6] Id. § 15-72-302 (e)(2).
[7] Shane Khoury, Deputy Director/General Counsel, ARKANSAS OIL & GAS COMM., email correspondence, Nov. 27, 2012. Mr. Khoury describes the difference between an established unit and an exploratory unit:

> In order for a unit to be established as opposed to exploratory, it is either in the confines of a field for which the Commission has established field rules; or if it is in the area covered by General Rule B-43 (Fayetteville Shale area) or General Rule B-44 (portion of the Arkoma Basin), then it is established if a well is drilled in any of the eight contiguous or adjacent units.

Id.
[8] Ark. Code Ann. § 15-72-309(a)(1).
[9] An application for forced integration order must include a statement that "bona fide efforts to reach an agreement commenced at least sixty (60) days prior to the date of the hearing; and that there are sufficient contacts to show that the Applicant has exhausted all reasonable efforts to reach an agreement." AOGC Rule A-3(b)(2)(G)(i).
[10] *Royalty and Surface Owner Bulletin*, ARKANSAS OIL & GAS COMM., www.aogc.state.ar.us (last accessed Nov. 26, 2012) ("[T]he surface owner is compelled to allow a reasonable portion of their land to be used for the development and production of the minerals unless the mineral owner added a "No Surface Operation Clause" to the lease agreement.").
[11] *Hearings: Orders Archive 2011*, ARKANSAS OIL & GAS COMM, http://www.aogc.state.ar.us/Hearing_Orders_Archive.htm (last accessed Nov. 27. 2012).
[12] Cal. Pub. Res. Code §§ 3600, *et seq.*; Cal. Code Regs., tit. 14, div. 2, chap. 4, §§ 1721, *et seq.*
[13] Cal. Pub. Res. Code § 3609; Cal. Code Regs., tit. 14, div. 2, chap. 4, § 1721.2(b).
[14] Cal. Pub. Res. Code §§ 3641-42.
[15] Id. § 3635.5 (the definition of "tracts of land" as used in the compulsory unitization provisions of the Public Resource Code specifies that a tract of land is land under separate ownership which is contiguous on the surface or subsurface, located in a field that has been producing for more than 20 years, and located within a field over 75% of which lies within incorporated areas). Additionally, working interest owners may be required to buy out non-consenting owners. Cal. Pub. Res. Code § 3647. Unless the working owner(s) participate and purchase such an interest, the order of the supervisor will not become effective. Id
[16] Cal. Code Regs., tit. 14, div. 2, chap. 4, § 1721.8.
[17] Colo. Rev. Stat. § 34-60-116.
[18] Roger Allbrandt, Hearings Officer, COLORADO OIL AND GAS CONSERVATION COMM., Phone Interview, Nov. 20, 2012.
[19] Colo. Rev. Stat.. § 34-60-118(5).
[20] The Colorado Oil and Gas Conservation Commission may not enter a pooling order over the protest of an owner unless it is shown that such owner has "been tendered a reasonable offer to lease upon terms no less favorable than those currently prevailing in the area," and has "been furnished in writing such owner's share of the estimated drilling and completion costs of the well, the location and objective depth of the well," and the estimated start of operations. Id. § 34-60-116(7)(d).
[21] Any surface land owner may object to the placement of wells. If a party or parties object to a location and cannot reach an agreement, the operator may apply for a Commission hearing on the exception location. OGCC Rule 318.
[22] *Hearings*, COLORADO OIL AND GAS CONSERVATION COMM., cogcc.state.co.us (last accessed Nov. 19, 2012).
[23] Kan. Stat. Ann. § 55-703.
[24] Bruce M. Kramer & Patrick H. Martin, *The Law of Pooling and Unitization* § 10.01, (LexisNexis Matthew Bender 2011) (citing Kan. Stat. Ann. § 55-1610-1613; Pierce, "Local Government Regulation of the Development Process," *Kansas Oil and Gas Handbook* § 15.07 (1988)).

[25] Kan. Stat. Ann. § 55-1305(l). If the applicant relies on "imminent abandonment" rationale for unitization, then 63% of the working interests and 63% of the royalty interests in the unit must ratify the plan. Id., referencing 1304(a)(1). If the plan is proposed for "effective reservoir management," the Minimum required royalty interest approval increases to 75%. Id., referencing 1304(a)(2).
[26] Ky. Rev. Stat. Ann. § 353.630.
[27] Id. 353.630(2).
[28] Id. 353.652(1)(d).
[29] Kim Collings, Director, DEP'T OF NATURAL RES., DIVISION OF OIL AND NATURAL GAS, Phone Interview, Nov. 19, 2012 (The operator must present evidence at the hearing that he or she negotiated in good faith with the owner of the interest to be pooled).
[30] Id.
[31] La. Rev. Stat. Ann. § 30:1, *et seq.*
[32] Id. § 30:9.
[33] Id. § 30:5(C)(2)(d).
[34] Miss. Code Ann. § 53-3-1, *et seq.*
[35] Id. § 53-3-7(2)(a).
[36] Id. § 53-3-107.
[37] Id. § 53-3-7(2)(a).
[38] Mont. Code Ann. § 82-11-201, *et seq*.
[39] Id. § 82-11-201.
[40] Id. § 82-11-204.
[41] Id. § 82-11-202.
[42] N.M. Stat. Ann. §§ 70-2-17, 70-2-18, 70-7-1; NMAC Rule 19.15.13.
[43] Id. § 70-2-17.
[44] Id. § 70-7-8(A).
[45] Id. § 70-7-6(5).
[46] Id. § 70-12-1. The New Mexico Surface Owners Protection Act requires that the operator give notice of any surface use, try to come to a mutual agreement, and post a bond for any possible surface damages. Id.
[47] N.Y. Envr. Conserv. Law § 23-0101, *et seq*.
[48] Id. §23-0901(6).
[49] The lessee must exercise pooling power in good faith and as a prudent operator. Doran & Associates, Inc. v. Envirogas, Inc., 112 A.D.2d 766 (N.Y. App. Div. 4th Dep't 1985); Envirogas, Inc. v Consolidated Gas Supply Corp., 98 A.D.2d 119 (N.Y. App. Div. 4th Dep't 1983).
[50] *Landowner Option Guide*, NEW YORK DEP'T OF ENVIRONMENTAL CONSERVATION, www.dec.ny.gov/energy/1590.html (last accessed Oct. 30, 2012).
[51] N.C. Gen. Stat. § 113-381, *et seq.*
[52] Id. § 113-393.
[53] N.D. Cent. Code § 38-08-01, *et seq.*
[54] Id. § 38-08-08.
[55] For pooling, the NDIC requires the operator to provide a written invitation to participation in risks and costs of a well. Id. For unitization, see Id. § 38-00-09.5. Additionally, "it is required that when there is more than one person who will be obligated to pay costs of the unit operation, at least two unaffiliated such persons and at least two royalty interest owners, are required as voluntary parties. Id.
[56] Id. § 38-08-09.4(3)(c).
[57] Ohio Rev. Code Ann. § 1509.27.

[58] Mandatory Pooling Overview, Ohio Dep't of Natural Resources, Division of Mineral Resources Management, www.ohiodnr.com/mineral/mandatory_pooling/tabid/19234/Default.aspx (last accessed Nov. 29, 2012).
[59] Ohio Rev. Code Ann. § 1509.28(B).
[60] Jocelyn Kozlowski, PUBLIC INFORMATION OFFICER, OHIO DEP'T OF NATURAL RES., DIVISION OF OIL & GAS MANAGEMENT, email correspondence, Nov. 29, 2012
[61] Ohio Rev. Code Ann. § 1509.27.
[62] *Ohio Oil and Gas Summary 2011,* OHIO DEP'T OF NATURAL RESOURCES, DIVISION OF OIL & GAS RESOURCES MANAGEMENT, *available at* ohiodnr.com/portals/11/publications/pdf/oilgas11.pdf (last accessed Nov. 27, 2012).
[63] Kozlowski, supra note 60.
[64] 52 Okl. Stat. § 87.1.
[65] 52 Okl. Stat. § 87.9(G).
[66] *Pooling Information*, OKLAHOMA CORPORATION COMMISSION, ADMINISTRATIVE PROCEEDINGS DIVISION, www.occ.state.ok.us/pooling.html (last accessed Nov. 1, 2012).
[67] The operator must give notice or get agreement from surface owner. 52 Okl. Stat. § 318.9. The operator may liable for surface damages. Id. §§ 318.2-318.9.
[68] Jim Hamilton, Deputy General Counsel, OKLAHOMA CORPORATION COMMISSION, email correspondence, Nov. 29, 2012.
[69] 58 Pa. Stat. Ann. § 406, *et seq.* While Pennsylvania does have a statute authorizing compulsory pooling and unitization, it does not apply to the Marcellus Shale formation and is rarely used. Governor Corbett has expressed opposition to new bills proposing compulsory pooling. Marie C. Baca, *Forced Pooling: When Landowners Can't Say No to Drilling*, PROPUBLICA (May 18, 2011), http://www.propublica.org/article/forced-pooling-when-landowners-cant-say-no-to-drilling.
[70] Tenn. Code Ann. § 60-1-202.
[71] Id. § 60-1-202(a)(4)(N).
[72] Michael Burton, Supervisor, TENNESSEE OIL AND GAS PROGRAM, Phone Interview, Nov. 16, 2012.
[73] Tenn. Code Ann. § 60-1-209(a)(4) ("[I]f property owner and applicant are unable to resolve differences regarding the location of surface disturbances, either or both may request in writing a hearing before the supervisor or his designee.").
[74] Tex. Nat. Res. Code Ann. § 102.051.
[75] Brent G. Sonnier, *Oil and Gas Development and Unitization Laws in Various States*, at p. 27 (March 2010), *available at* www.hadoa.org/.../2010/04%20-%20UnitznPaper_V2NADOA.doc.
[76] Bruce M. Kramer & Patrick H. Martin, *The Law of Pooling and Unitization* § 18.01, (LexisNexis Matthew Bender 2011).
[77] Sonnier, supra note 75, at p. 36.
[78] Va. Code Ann. § 45.1-361.3, *et seq.*
[79] Id. § 45.1-361.21(C)(3). Does not apply to coalbed methane gas wells. Id.
[80] Sharon O. Flanery and Ryan J. Morgan, Steptoe & Johnson, PLLC, *Overview of Pooling and Unitization Affecting Appalachian Shale Development* (2011) at 687, retrieved from http://www.steptoe-johnson.com.
[81] *Gas Surface Rights Flyer*, VIRGINIA DEP'T OF MINES, MINERALS AND ENERGY, http://www.dmme.virginia.gov/DGO/GasSurfRightsFlyer.pdf (last accessed Oct. 30, 2012).
[82] W. Va. Code § 22C-9-7.
[83] Id. § 22C-9-8(a)(4).
[84] Id. § 22C-9-7(b)(1). Valuable consideration must also be given for consent and an easement. Id. § 22C-9-7(b)(4).
[85] Wyo. Stat. Ann. § 30-5-109.
[86] Id. § 30-5-109(f).
[87] *Orders*, WYOMING OIL AND GAS CONSERVATION COMMISSION, http://wogcc.state.wy.us/OrdersMenuStart.cfm (last accessed Nov. 29, 2012) (out of 105 applications for compulsory pooling orders in 2011, 34 were withdrawn and 61 were approved).