Generally, pooling laws allow drilling units to be created, and separate ownership interests within drilling units to be converted into a common interest, for the purposes of drilling a well and developing the unit’s gas or oil resources.\(^1\) Drilling units may be established voluntarily by all the mineral rights holders in the unit, or involuntarily by the state on the application of one or more of the mineral rights holders using the procedures specified by the state’s pooling law.

“Unitization” is the means by which the ownership interests in a drilling unit share the revenues of drilling, with each owner’s share usually based on the percentage of the drilling unit’s surface area that he or she owns.\(^2\)

The states began to enact pooling and unitization laws in the 1920s in response to the waste and inefficiencies that flowed from the application of the rule of capture (which is discussed below).\(^3\) In the 1930s, the overproduction of petroleum and lack of effective regulation of petroleum production caused a number of oil-producing states to form the Interstate Compact to Conserve Oil and Gas (the “Compact”).\(^4\) Each state that signs the Compact commits itself to enact laws (or continue laws already in force) designed to conserve oil and gas resources, including laws governing:

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\(^1\) Nunez v. Wainoco Oil and Gas Co., 488 So.2d 955, 961-62 (La. 1986).

\(^2\) See Felmont Oil Corp. v. Cavanaugh, 446 A.2d 1280, 1282 (Pa. Super. Ct. 1982) (“each owner of a tract of land in the unit would share in the royalties in proportion of the ration his land bore to the area in that unit as a whole”).


(a) The operation of any oil well with an inefficient gas-oil ratio;
(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities;
(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well;
(d) The creation of unnecessary fire hazards;
(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof;
(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.\(^5\)

Pennsylvania signed the Compact in 1941.\(^6\)

I. THE RULE OF CAPTURE RESULTS IN UNNECESSARY DRILLING AND THE WASTE OF OIL AND GAS RESOURCES

The Pennsylvania Supreme Court acknowledged that the ownership of natural gas is subject to the “rule of capture” in its 1889 decision *Westmoreland & Cambria Nat. Gas Co. v. DeWitt*:\(^7\)

Water and oil, and still more strongly gas, may be classed by themselves, if the analogy be not too fanciful, as minerals *ferae naturae*. In common with animals, and unlike other minerals, they have the power and the tendency to escape without the volition of the owner…. They belong to the owner of the land, and are part of it, so long as they are on or in it, and are subject to his control; but when they escape, and go into other land, or come under another’s control, the title of the former owner is gone. Possession of the land, therefore, is not necessarily possession of the gas. *If an adjoining, or even a distant, owner, drills his own land, and taps your gas, so that it comes into his well and under his control, it is no longer yours, but his.*\(^8\)

Where the rule of capture prevails, every owner of mineral rights in a productive oil or gas reservoir has an economic incentive to drill his or her own well (or wells) on the property – no matter how small a plot or how close the well or wells may be to a property line – so as to

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\(^5\) Interstate Oil and Gas Compact Commission, *Charter*, at http://www.iogcc.state.ok.us/charter (emphasis added); 58 P.S. § 192 (Art. III) (emphasis added).

\(^6\) The Compact is codified in the Pennsylvania Statutes at 58 P.S. §§ 191-196.

\(^7\) 18 A. 724 (Pa. 1889).

\(^8\) *Id.*, at 725.
capture the gas under the property before it can be captured by a well drilled on neighboring property. Accordingly, the period of oil and gas development that followed the recognition of the rule of capture “was characterized by haste, inefficient operations, and immeasurable waste within the ground and above.” Accordingly, the owners of mineral interests were free to exploit oil and gas with little or no constraints, leading to “tremendous over-drilling.”

As the Supreme Court of the United States explained:

Gas migrates from high-pressure areas of a pool around shut-in (or slow-producing) wells to low-pressure areas around producing (or faster producing) wells. As a consequence of this phenomenon a single producing well might exhaust an entire gas pool, though rights in the pool belong to many different owners. Absent countervailing regulation or agreement among all owners, the fact that gas migrates to low-pressure, heavily produced areas creates an incentive for an owner to extract gas as fast as possible, in order both to prevent other owners draining gas it might otherwise produce, and to encourage migration to its own wells that will enable it to capture a disproportionate share of the pool. A rush to produce, however, may cause waste. For example, gas may be produced in excess of demand; more wells may be drilled than are necessary for the efficient production of the pool; or the field may be depleted in such a way that it is impossible to recover all potentially available mineral resources (in particular oil, which is recovered using reservoir energy often supplied by associated natural gas reserves).

Pennsylvania law does not prohibit a well operator from drilling a well under one property so as to capture the gas under a neighbor’s land. In such an instance, the neighbor’s remedy is to “protect himself from drainage by drilling his own well, thereby avoiding the uncertainties of determining how gas is migrating through a reservoir.”

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9 Kramer, Compulsory Pooling, supra note 3 at 257 n. 8 (quoting 5 E. Kuntz, LAW OF OIL AND GAS § 77.1, at 390 (1978)); cf. Coastal Oil & Gas Corp. v. Garza Energy Trust, 268 S.W.3d 1, 14 (Tex. 2008) (“The rule of capture is justified because a landowner can protect himself from drainage by drilling his own well, thereby avoiding the uncertainties of determining how gas is migrating through a reservoir”).

10 Nunez v. Wainoco Oil and Gas Co., 488 So.2d 955, 960 (La. 1986).

11 Kramer, Compulsory Pooling, supra note 3, at 257.

12 Id.


14 See Coastal Oil & Gas Corp., 268 S.W.2d at 14; accord Barnard v. Monongahela Natural Gas Co., 65 A. 801, 802 (Pa. 1907) (per curiam affirmation of a trial court’s decision stating “every landowner or lessee may locate his wells wherever he pleases regardless of the interests of others. . . . He may crowd the adjoining farms so as to enable him to draw the oil and gas from them. What then can the neighbor do? Nothing, only go and do likewise. He must protect his own oil and gas.”); but see Browning Oil Co. v. Luecke, 38 S.W.3d 625, 645-46 (Tex. App. 2000) (determining that the rule of capture did not apply to “horizontal wells that contain multiple drill sites on
development of the Pennsylvania’s gas resources, if not subjected to a pooling law, may be plagued with the same over-drilling and waste that historically occurred in connection with the historic, unregulated development of oil and gas fields.

II. PENNSYLVANIA’S OIL AND GAS CONSERVATION LAW

A. The Oil And Gas Conservation Law Establishes A Process By Which Pools Of Oil Or Gas Are Delineated In Certain Geologic Formations, Drilling Units Are Established Within Those Pools, And Ownership Interests Within Drilling Units Are Voluntarily Or Involuntarily Integrated.

Pennsylvania enacted its own pooling law, the Oil and Gas Conservation Law, in 1961. The Oil and Gas Conservation Law (the “Law”) established an Oil and Gas Conservation Commission (the “Department”) that had the power to carry out the provisions of the Law. The Law applies only to wells that penetrate the “Onondaga horizon,” and to wells that are more than 3,800 feet deep in areas where the Onondaga horizon is within 3,800 feet of the surface. Where it occurs, the Onondaga formation underlies the Marcellus Shale. Accordingly, the Law is presumed not to apply to wells drilled into the Marcellus Shale.

Consistent with the Interstate Oil and Gas Compact, the Law makes it illegal to “waste” gas or oil.

tracts owned by multiple landowners” in a geologic formation having “low porosity and low permeability” and thus from which gas did not naturally migrate).
15 The Oil and Gas Conservation Law is codified at 58 P.S. §§ 401-19.
16 The Commission was abolished and its powers and duties were transferred to the Department of Environmental Resources in 1971, Act 1970-275, P.L. 834 § 30 (codified at 71 P.S. § 510-103(a)), and to the Department of Environmental Protection by the Conservation and Natural Resources Act of 1995, Act 1995-18, P.L., 89 §1 (codified at 71 P.S. 1340.503(a) (all of DER’s former powers and duties not transferred to DCNR remain with DEP)).
17 58 P.S. § 405(a).
18 “The Onondaga horizon means the top of the Onondaga formation.” 58 P.S. § 402(6).
19 58 P.S. § 403(b)(1).
20 John A. Harper, Devonian, in THE GEOLOGY OF PENNSYLVANIA, Fig. 7-3, at 111 (Charles H. Schultz ed., 1999).
21 58 P.S. § 404. The Law defines “waste” to mean permitting oil or gas to migrate from strata to strata, drowning a productive strata with water (except in a hydraulic fracturing or similar operation), losing or destroying gas or oil unnecessarily at the surface, improperly or unnecessarily dissipating reservoir energy, or drilling more wells than are reasonably necessary to efficiently and economically recover the maximum amount of oil or gas from a pool. 58 P.S. § 402(12).
The Law may be invoked after a well has been drilled into a pool of oil or gas that is subject to the Law by the well operator, an owner of mineral interests “directly and immediately affected by the well,” or any other person who owns mineral interests in the pool.\textsuperscript{22} The well operator or mineral interest owner may apply to the Department for an order establishing drilling units for the pool. The Department’s order must establish the boundaries of the surface land above the pool and establish drilling units that fill those boundaries, which shall have approximately uniform sizes and shapes.\textsuperscript{23} Further, each drilling unit must be at least as large as “the maximum area that can efficiently and economically be drained by one well.”\textsuperscript{24} It is illegal to drill or operate a well in violation of a spacing or pooling order.\textsuperscript{25}

Once drilling units have been established, the Law allows separately-owned properties within drilling units to voluntarily integrate their interests “for the development and operation” of the units.\textsuperscript{26} The Law also allows the Department to order the integration of interests within a unit in the absence of the owners’ agreement:

In the absence of voluntary integration, the [Department], upon the application of any operator having an interest in the spacing unit, shall make an order integrating all tracts or interests in the spacing unit for the development and operation thereof and for the sharing of production therefrom…. Each such integration order shall be upon terms and conditions that are just and reasonable, and shall be made only after a public hearing after notice by certified mail to all other operators and royalty owners within the unit whose interests are of record …\textsuperscript{27}

Such an order is called an “integration order.”

Notably, because the Law defines “operator” to include both “any owner of the right to develop, operate, and produce oil and gas from the pool” and, “[i]n the event there is no oil and

\textsuperscript{22} See 58 P.S. § 407(1) (an application to establish drilling units may be filed “[a]fter one well has been drilled establishing a drilling pool horizon covered by this act …by the operator of the discovery well or the operators of any lands directly and immediately affected by the drilling of the discovery well, or subsequent wells in such pool”) (emphasis added).

\textsuperscript{23} 58 P.S. § 407(4).

\textsuperscript{24} Id.

\textsuperscript{25} 58 P.S. § 406(b).

\textsuperscript{26} 58 P.S. § 408(a).

\textsuperscript{27} Id.
gas lease in existence the owner of the oil and gas rights," the Department can integrate interests in a drilling unit based on an application filed by any person who owns an interest in the unit.

The Law also specifies the contents of an integration order:

Each such integration order shall authorize the drilling, equipping, and operation, or operation, of a well on the spacing unit; shall provide who may drill and operate the well; shall prescribe the time and manner in which all the operators in the spacing unit may elect to participate therein; and shall make provision for the payment by all those who elect to participate therein of the reasonable actual cost thereof, plus a reasonable charge for supervision and for interest on past due accounts.

The emphasized language establishes the involuntarily-pooled interest owners’ obligation to pay a risk penalty, specifically their proportionate share of the reasonable actual costs plus a surcharge for supervision and interest on past due accounts.

The Law does not explicitly preclude (or authorize) an integration order that allows the well operator to use the surface land of an involuntarily-integrated property owner within the unit for drilling purposes. Courts from other states have interpreted similar statutory language to allow well operators to conduct operations on any land within the drilling unit, subject to a

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28 58 P.S. § 402(7).
29 58 P.S. § 408(c) (emphasis added).
30 Typically, pooling laws allow “risk penalties” to be imposed on non-consenting mineral interest owners. Bruce M. Kramer, Compulsory Pooling and Unitization: State Options in Dealing with Uncooperative Owners, 7 J. ENERGY L. & POL’Y 255, 261 (1986). A risk penalty makes the involuntarily-pooled mineral interest owners liable for at least a proportionate share of the actual expense of drilling, and may impose additional surcharges to compensate the participating interest owners in the pool for the risks they undertook when funding the drilling. Id., at 266 (stating that “[t]here are at least three types of risks that may be involved in drilling an oil and gas prospect. The greatest risk is drilling a dry hole. A second risk is encountering unexpected mechanical or geological problems which greatly increase the actual cost of drilling. The third type of risk is the risk of drilling a marginally productive well which will never return to the operator his investment in the drilling and operating expenses.”).
31 There appear to be no decisions by Pennsylvania courts that interpret the provisions of the Oil and Gas Conservation Law, although at least one court decision indicates that the Oil and Gas Conservation Commission did issue orders before it was disbanded and its powers and duties given to the Department of Environmental Resources in 1971. See Felmont Oil Corp. v. Cavanaugh, 446 A.2d 1280, 1282 (Pa. Super. Ct. 1982) (discussing an order issued by the Commission to establish drilling units in the Pineton Field in Indiana and Cambria Counties).
requirement that they reimburse surface owners for the use of their land and for any damage caused.32

B. Criticisms Of The Oil and Gas Conservation Law

There are several bases for criticizing the Law, including:

1. The Law does not apply to all of the Pennsylvania’s oil and gas resources, and therefore oil and gas resources that are not subject to the law are not subject to its prohibitions against physical waste;

2. There is no requirement that an operator assemble a majority or super-majority of interests who wish to participate in the drilling before filing an application to establish a pool or a drilling unit;

3. There is no requirement that a designated well operator make any attempt to get other interests in the unit to agree to pool their interests voluntarily before applying for an integration order; and

4. The Law does not explicitly preclude an integration order that allows the well operator to use the surface land of an involuntarily-integrated property owner within the unit for drilling purposes.

III. THE PROPOSED “FAIR POOLING ACT”

A. The Fair Pooling Act Also Establishes A Process By Which Drilling Units Are Delineated In Certain Geologic Formations And Ownership Interests Within Drilling Units Are Voluntarily Or Involuntarily Integrated

In the wake of the development of the Marcellus Shale, which, as noted above, sits above the Onondaga horizon and therefore is not subject to the Oil and Gas Conservation Law, the gas drilling industry has proposed a new pooling law for Pennsylvania, which it calls the Pennsylvania Unconventional Oil and Gas Fair Pooling Act (the “Fair Pooling Act”).33 The Fair

32 Cormack v. Wil-Mc Corp., 661 P.2d 525, 526 (Okla. 1983) (stating that “a forced pooled surface and mineral owner is required by the State to accept surface damage to his property”); cf. Nunez v. Wainoco Oil & Gas Co., 606 So.2d 1320, 1326 (La. Ct. App.) (stating that the Louisiana Commissioner of Conservation can designate a drilling site “at the optimum position in the drilling unit for the most efficient and economical drainage of such unit” (quoting LA. REV. STAT. ANN. 30:9(c)), cert. denied, 608 So.2d 1010 (La. 1992).

33 The Fair Pooling Act is available at: http://www.marcellus-shale.us/pdf/Forced-Pooling-Act_6-15-10.pdf. The preamble to the Fair Pooling Act states that “[t]he Oil and Gas Conservation Law has had little use and has not been substantively amended since its adoption to keep pace with technology relevant to the production and conservation of oil and natural gas.” Fair Pooling Act, § 1.
Pooling Act would create an “Oil and Gas Fair Pooling Office” (the “Office”) within the Department of Conservation and Natural Resources’ Bureau of Topographic and Geologic Services.\(^{34}\) The Office would not only administer the Fair Pooling Act, but would also be charged with the duty “to promote the development of unconventional oil and gas resources of the Commonwealth in accordance with the best principles and practices of oil and gas conservation while reasonably protecting the correlative rights” of affected persons.\(^{35}\)

The Fair Pooling Act would apply only to wells that penetrate “the Elk Sandstone formation or its stratigraphic equivalent”\(^{36}\) and that are drilled into “unconventional oil and natural gas reservoirs,”\(^{37}\) meaning, formations of a certain depth that contain or produce oil or natural gas that cannot be produced economically without hydraulic fracturing, horizontal drilling, or other techniques used to “expose more of the reservoir to the wellbore.”\(^{38}\) The Fair Pooling Act explicitly would not apply to “coal bed methane or oil or gas found in tight sandstone reservoirs.”\(^{39}\) The Fair Pooling Act would repeal “[a]ll acts and parts of acts … in so far as they are inconsistent,”\(^{40}\) presumably with the Fair Pooling Act.

The stated purposes of the Fair Pooling Act include promoting:

- the development of unconventional oil and gas resources of the Commonwealth in accord with the best principles and practices of oil and gas conservation while

\(^{34}\) Id., § 5(a).

\(^{35}\) Id., § 5(b). The Act defines “Correlative Rights” to mean “the right of each owner of oil and gas interests included or proposed to be included in a standard unit or special unit or in any land that constitutes stranded acreage as defined in this Act, to have a fair and reasonable opportunity to obtain and produce their just and equitable share of the oil and gas in such sources of supply, without being required to drill unnecessary wells or incur other unnecessary expense to recover or receive such oil or gas or its equivalent.” Id., § 6. “Stranded Acreage” is defined as “[l]and that cannot be developed for production of oil or natural gas from unconventional reservoirs because of the 250’ minimum set back requirements of this Act.” Id.

\(^{36}\) Fair Pooling Act, § 4. The Elk sandstone formation sits above the Marcellus Shale.

\(^{37}\) Id., § 4.

\(^{38}\) See id., § 6 (defining “unconventional reservoir”). The Fair Pooling Act repeatedly uses the term “unconventional oil or natural gas reservoir” but does not define it.

\(^{39}\) Id., § 4.

\(^{40}\) Id., § 17.
reasonably protecting the correlative rights of a person affected and to provide for the protection of the environment\textsuperscript{41} and encouraging:

the use of horizontal wells drilled from common drill pads [to promote] the protection of the environment through limiting surface disturbance and through concentrating initial activities in the drilling process at the fewest possible locations.\textsuperscript{42}

One of the benefits of the Act to industry would be to allow well operators to drill horizontal wells anywhere within a drilling unit; currently, well operators are prevented from drilling under land without an agreement from the mineral rights owner.\textsuperscript{43}

Although the Act includes a legislative finding that explicitly acknowledges Pennsylvania’s status as a signatory to the Compact,\textsuperscript{44} it does not explicitly include many of the provisions required by the Compact, including most notably a prohibition against the physical waste of oil and gas.

Under the Fair Pooling Act, any person who “owns or controls at least seventy-five percent of the oil gas [sic] working interests in [a] proposed unit” could apply to the Office for an order that both establishes a drilling unit and integrates “all” interests in the unit “for the development and production from unconventional oil and gas reservoirs.”\textsuperscript{45} Such an application must include (among other, mostly geologic, information) a certification that the applicant made a good faith effort to lease or otherwise reach an agreement with all interests owners in the unit, proof of actual and constructive notice to all interests owners, and a proposed “joint operating agreement and lease for the unit.”\textsuperscript{46} The application may be for either a “standard unit” or a “special unit.”\textsuperscript{47} A standard unit:

\textsuperscript{41} Id., § 3.
\textsuperscript{42} Id., § 7(a)(4).
\textsuperscript{44} See id., § 1.
\textsuperscript{45} Id., § 9(a).
\textsuperscript{46} Id., § 9(h).
\textsuperscript{47} Id., § 9(c).
shall be any unit that is not more than 640 acres in area plus ten percent (10%) tolerance for possible survey error or other acreage discrepancies and that (absent interference by adjacent pre-existing voluntary unit(s) or unit(s) created under this Act) is configured generally in a regular square or other rectangular form oriented generally with the orientation of one or more horizontal well bores in the vicinity that the Applicant reasonably believes can be developed from a single pad (which may be located on or off the unit); and that includes all interests in and to the oil and gas within the boundaries of the proposed unit.  

A special unit is a unit “of any size or shape that the Applicant reasonably believes can be developed from a single pad located on or off the unit.”

The Fair Pooling Act requires that the Office grant applications that comply with the Act’s terms within thirty days of filing, unless an objection to the application is filed. The Act specifies that objections may be filed to an application on several bases, including most notably that the terms of the proposed joint operating agreement are not “just and reasonable,” that another group already plans to develop all or part of the proposed unit, or that the proposed unit would not protect correlative rights on land adjacent to the proposed unit.

Although the Fair Pooling Act both states that a pooling or spacing order issued pursuant to the Act will integrate “all oil and gas interests within the area” of the proposed unit, it somewhat inconsistently specifies that units created under the Act “shall be specific as to the stratigraphic intervals sought to be explored and produced” by the Applicant. The Act also states that a pooling or spacing order will give interest owners who have not entered into agreements with the applicant the following options with respect to the operation of the drilling unit:

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48 Id., § 9(c)(1).
49 Id., § 9(c)(2).
50 Id., § 9(e).
51 Id., § 9(i)(2)(iii).
52 Id., § 9(i)(2)(iv).
53 Id., § 9(i)(2)(v).
54 Id., § 9(d) (emphasis added). “All” oil and gas interests could include all geologic horizons, both oil and natural gas, and both “conventional” and “unconventional” reservoirs.
55 Id., § 9(m).
be treated as a lessor under the lease attached to the joint operating agreement for the unit; or

(2) be treated as a non-consenting party subject to the terms of the joint operating agreement for the unit, entitling them to a proportionate share of profits after being assessed a risk fee apportioned among all non-consenting parties at the rate of 400% of their proportionate share of all costs incurred by the designated working interest owner; or

(3) be treated as a consenting party subject to the terms of the joint operating agreement for the unit, requiring them to contribute their share of all costs of preparing, drilling, completing, equipping and operating the well at the time of their election hereunder and entitling them to a proportionate share of profits.\(^\text{56}\)

Such interest owners must return an election form to the applicant within fourteen days of the issuance of the integration order; owners that do not return an election form are treated as lessors under the form lease attached to the joint operating agreement for the unit.\(^\text{57}\)

Significantly, the Fair Pooling Act contains a provision that would prohibit well operators from conducting surface operations on the surface estate of an involuntarily-pooled mineral rights owner, unless there was a preexisting right to conduct such operations.\(^\text{58}\) The Act would also impose set back requirements on wells that would prohibit perforated segments of wells from being located less than 250 feet from the boundaries of their drilling units or the boundaries of leases not included in existing or proposed drilling units.\(^\text{59}\)

**B. Criticisms Of The Fair Pooling Act**

1. Like the Oil and Gas Conservation Law, the Act would only apply to certain formations. Consequently, oil and gas resources in formations not subject to the Act would not be subject to the provisions of the Act designed to prevent the physical waste of those resources;

2. The Act would establish a new, separate bureaucracy to administer its provisions, even though DEP is already charged with administering the substantially similar provisions of the Oil and Gas Conservation Law;

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56 Id., § 10(a).

57 Id.

58 Id., § 9(b). Such a case might arise where the surface owner or his predecessor in interest had already granted some sort of easement allowing the well operator to conduct operations on his property.

59 Id., § 8(c).
3. The Fair Pooling Act may not apply to all of the same geologic formations as the Oil and Gas Conservation Law. Thus there may be two laws and two separate agencies responsible for pooling and integrating oil and gas interests in Pennsylvania;

4. There is no requirement in the Act that the Office set the size and boundaries of units in a manner designed to maximize the recovery of oil or gas and minimize the physical waste of oil and gas. Instead, the Act sets the maximum size of a drilling unit at 640 acres, which amounts to approximately one square mile. However, because currently-existing horizontal drilling technologies allow wells to be drilled horizontally to lengths exceeding 5,000 feet, a well centered in a unit with horizontal wells arranged in a radial fashion could drain a unit with dimensions exceeding 10,000 feet on each side, amounting to at least 2,300 acres or approximately four square miles.

5. The Act both states that a pooling or spacing order issued pursuant to the Act will integrate “all oil and gas interests within the area” of the proposed unit, and specifies that units created under the Act “shall be specific as to the stratigraphic intervals sought to be explored and produced” by the Applicant, but there is no indication in the Act of how that inconsistency should be resolved;

6. The Act does not give the Office the power to alter the terms of a proposed joint operating agreement or lease to make them “just and reasonable” for involuntarily-pooled interest owners (although the Office could reject an application to integrate interests within a drilling unit based on the unfairness of the proposed lease or operating agreement).

7. The 400% risk penalty that must be assessed against non-consenting parties under section 10(a) of the Act is one of the highest risk penalties in the United States;

8. The Act does not appear to contain an explicit prohibition against drilling a well in violation of a pooling order.

9. The Act does not explicitly give the designated well operator a right to drill horizontally under all land included in the unit.

10. The Act does not purport to protect the correlative rights of mineral interest owners who are not included in established or proposed drilling units or whose interests qualify as “Stranded Acreage.”