

**353.808 Pooling orders -- Requirements for contents of order and notice -- Fees --
Recording of pooling orders with county clerks.**

- (1) The storage operator shall provide a list to the division of all persons reasonably known to own an interest in pore space proposed to be pooled in an application to the division for a pooling order. A pooling order shall be made only after the division provides notice to all pore space owners proposed to be pooled and after a hearing has been held.
- (2) The division shall set and collect a fee adequate to pay expenses associated with the conduct of administrative hearings for pooling of pore space.
- (3) If the proposed pooling order concerns pore space with unknown or nonlocatable owners, the storage operator shall publish one (1) notice in the newspaper of the largest circulation in each county in which the pore space is located. The notice shall appear at least twenty (20) days prior to the hearing on the application for the pooling order. The notice shall:
 - (a) State that an application for a pooling order has been filed with the Division of Oil and Gas in the Department for Natural Resources;
 - (b) Describe the pore space proposed to be pooled;
 - (c) In the case of an unknown pore space owner, indicate the name of the last known owner;
 - (d) In the case of a nonlocatable pore space owner, identify the owner and the owner's last known address;
 - (e) State that any person claiming an interest in the pore space proposed to be pooled should notify the director of the division and the storage operator at the published address within twenty (20) days of the publication date; and
 - (f) Give the date, time, and location of the hearing.
- (4) A pooling order shall authorize the long-term storage of carbon dioxide beneath the tract or portion. The order shall also authorize, where necessary, the location of carbon injection wells, outbuildings, roads, monitoring equipment, and access to them. The pooling order shall identify the compensation to be paid to unknown, nonlocatable, and nonconsenting pore space owners and the basis for valuation of the pooled interest.
- (5) A certified copy of any pooling order shall be entitled to be recorded in the office of the county clerk of the county or counties in which all or any portion of the pooled tract is located. Recordation of the order shall be notice of the order to all persons.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 24, sec. 5, effective June 8, 2011.