

# Oil and Gas, Natural Resources, and Energy Journal

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## Editor's Introduction & Front Pages

Veronica Threadgill

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# ONE J

*Oil and Gas, Natural Resources,  
and Energy Journal*

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JANUARY, 2020

## Editor's Introduction

Welcome to the third issue of Volume 5 of the University of Oklahoma College of Law's Oil and Gas, Natural Resources, and Energy Journal (ONE J). This issue contains several exciting articles in addition to our usual summaries reflecting developments in case law in the oil and gas, natural resources, and energy industries.

The first piece features an analysis of the role of the classic "Texas Shoot-out" clause within deadlock-breaking mechanisms of joint ventures. The article probes and recommends ways to structure shoot-out clauses to be less formidable than in their usual form. Additionally, the authors explore the nature of joint ventures and alternate deadlock-breaking mechanisms, including contractual and non-contractual provisions. The article also contains a wonderful work of original art, created by one of the author's sisters particularly for use in this piece.

The second article is a student-authored piece that offers a review of the principles of oil and gas conservation law and the birth of state and interstate regulatory bodies in response to concerns about environmental hazards. The article focuses on the North Dakota Industrial Commission and its regulatory agenda, and the author completes a review of recent developments in case law, including the application of North Dakota's new pore space laws. Additionally, the article turns an eye towards North Dakota's unusual penchant for gas flaring and the Industrial Commission's push to reduce such flaring. Ultimately, the author concludes that North Dakota's watchful conservation efforts have been a contributing factor to North Dakota's success in the oil and gas industry.

The third piece is from a practicing energy attorney and the article focuses on groundwater management and its relationship to oil and gas development in Oklahoma, Texas, and New Mexico. The article examines the differences in ownership rights between groundwater and surface water and the issues of water management and disposal in those three states. The article argues that water management solutions should reflect the individualized needs of each basin.

Our fourth article is another student-authored piece that examines the role of solar panels within the energy industry and provides an in-depth approach to solar panel management in the United States. The author argues that the current legal framework in the United States is insufficient to regulate the disposal of solar panels. The article also analyzes the various e-waste management schemes around the world and determines that the European Union's Waste Electrical and Electronic Equipment Directive

could serve as a model for the United States to follow regarding both e-waste and solar panel waste.

The final piece is a restyled piece from one previously published by the Rocky Mountain Mineral Law Foundation detailing the author's experience with a non-paying participant. The author's initial piece debuted in 2014, and RMMLF published a shorter version of this update to the original. The article offers an overview of the history and use of joint operating agreements and examines the issues that older iterations of AAPL Forms had in enforcing operators' liens. The article reviews key features of the new 2015 Form, including advance payments and suspension of rights. The author concludes the article by providing the author's seven best practices to avoid the problem of non-paying participants.

As always, the Journal concludes with summaries of cases within the oil and gas, natural resources, and energy law fields. For other updates about the Journal, follow us on Twitter @ONEJ\_OULaw, as well as the ONE-J Blog, which includes short-form pieces on rapidly emerging topics that the Journal typically covers. For more information, the Blog can be found at <https://ouonej.wordpress.com/>.

The Journal would like to thank all of the administration and staff at the University of Oklahoma College of Law for their continued support and encouragement. Without your help, the Journal would not be able to provide our readers with the content that it does. Most importantly, the Journal thanks Mr. Michael Waters, our editorial advisor, for his expertise, guidance, and support.

Thank you,  
Veronica Threadgill  
Editor-in-Chief

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