WHEREAS, While geothermal energy development is in its infancy in Maryland, it has the potential of supplying a substantive amount of the State's future energy needs; and

WHEREAS, The commercial potential of geothermal energy is passing through the stage of economic speculation and nearing the stage of economic probability; and

WHEREAS, It is essential that the commercial as well as public viability of geothermal energy be assured through the encouragement of research and development; and

WHEREAS, A major component of encouraging research and development will be the clarification of the issues of access and allocation of geothermal resources; and

WHEREAS, State government clearly has a role in developing geothermal resources and resolving the issues of access and allocation; ~~now, therefore, be it~~ and

WHEREAS, It is necessary to assure the safe and efficient undertaking of any operation to bore, core, dig, or construct a well, including reinjection would maintain the integrity of the supply; ~~and~~ now, therefore, be it

~~WHEREAS, it may be necessary to declare geothermal resources to be the property of the State; now, therefore, be it~~

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Department of Natural Resouces review and study the issues of access and allocation of geothermal resources, specifically addressing the following options:

(1) Adopting the rule of capture. Such a system could include well-spacing and pooling, or could be modified to set upper limits on production to protect reservoirs and be more compatible with development of geothermal resources;

(2) Adopting the doctrine of correlative rights. Correlative shares in a geothermal reservoir could be assigned by a State agency or implemented through cooperative development. Cooperative development, or unitization, usually requires a specified percentage of operators to agree to the unit operation;

(3) Utilizing the appropriation doctrine. Appropriative water rights are likely to affect standard water users with established priorities and is usually the most relevant doctrine for users of hot groundwater;

(4) Utilizing the doctrine of reasonable use. This doctrine, the prevailing doctrine for allocating groundwater in Maryland, presents difficulties to