



HAPL Newsletter

February 3, 2020

"LAND IS THE BASIS OF ALL WEALTH"

IN THIS ISSUE

HAPL February Luncheon

February 4, 2020

The HAPL February Luncheon will be held on Tuesday, February 4, 2020 at the Houston Petroleum Club in downtown Houston from 11:30am – 1:00pm. The topic for this luncheon will be "Brigham Minerals/Mineral Industry and IPO overview." Blake Williams, CFO of Brigham Minerals, will be speaking. You can register for the luncheon on the HAPL website at www.hapl.org. This luncheon will be certified for 1 CPL/RPL credit.

Blake Williams, CFO of Brigham Minerals



Blake Williams was a natural gas trader and scheduler at Vega Energy, an asset management and consulting firm. Blake

joined Brigham Resources in 2013 and served as the Director of Finance and Marketing. He was responsible for all aspects of corporate finance, including capital budgeting, financial analysis and acquisition evaluation, as well as midstream strategy and marketing. Blake joined Brigham Minerals subsequent to the sale to Diamondback Energy and since that time has served as CFO.

Blake earned a Bachelor of Arts in Economics from Texas A&M University and a Master of Business Administration from the McCombs School of Business at the University of Texas at Austin.



The next HAPL luncheon will be held on Tuesday, March 3, 2020 at the Houston Petroleum Club in downtown Houston from 11:30am – 1:00pm. Alexandra Pruner, Senior Advisor to Perella Weinberg Partners, will be speaking on "Capital Discipline" Be sure to register early. You can register online at <https://www.hapl.org/events/817/>. We hope to see you there! Feel free to bring a friend or colleague!

HAPL 2020 Dues Renewal
Renewal Information

Page 5

HAPL Service Committee
Goldberg B'nai B'rith Towers BBQ Dinner

Page 6

HAPL Officer Forum
HAPL Assistant Treasurer, Vernon Henry

Page 8

HAPL Spring Women's Networking Social
Save the Date

Page 8

HAPL Scholarships
Important Information

Page 9

HAPL 2nd Annual Gulf Coast Happy Hour
Save the Date

Page 9

HAPL 23rd Annual South Texas Social
Save the Date

Page 11

GIS for the Land Professional
Chris R. Pettigrew, Sr.

Page 12

HAPL Service Committee
Brookwood Softball Game Save the Date

Page 14

Kulander's Korner
Underground Trespass

Page 16

HAPL 6th Annual Topgolf Membership Drive
Save the Date

Page 18

Energy Law Update
Top Ten Texas Oil & Gas Cases of 2019 – Part 2

Page 20

HAPL 51st Annual Technical Workshop
Save the Date

Page 23

HAPL 20th Annual Rockies Social
Save the Date

Page 24

HAPL New Members
Welcome!

Page 25

And more...

Upcoming Events:

HAPL Events:

February 4

HAPL February Luncheon, Petroleum Club

February 20

HAPL Service Committee BBQ Dinner, Goldberg B'nai B'rith Towers

March 3

HAPL March Luncheon, Petroleum Club

March 5

HAPL 4th Annual Spring Women's Networking Social, Grotto - Downtown

March 18

HAPL 2nd Annual Gulf Coast Happy Hour, Lawless Kitchen & Spirits

March 25

HAPL 23rd Annual South Texas Social, Goode Company

April 7

HAPL April Luncheon, Petroleum Club

April 11

HAPL Brookwood Softball Game, Brookwood Community

April 16

HAPL 6th Annual Top Golf Membership Drive, Top Golf Katy

April 28

HAPL 51st Annual Technical Workshop, South Texas College of Law

April 28

HAPL 20th Annual Rockies Social, Saint Arnold's Brewery

The best TEAM in the industry!

TRI ENERGY ASSET MANAGEMENT, INC



- Professional Staffing
- Acquisitions & Divestitures
- Land Admin & Data Services
- Midstream, Renewables & ROW
- Litigation Support
- GIS Services
- Land Management

Contact Randy Helms - rhelms@teamonline.com
Phone: 281-362-9484, ext 1 www.teamonline.com



Follow Us

Other Industry Events:

February 3

AAPL CPL & RPL Exam, George R. Brown Convention Center

February 3-7

NAPE Summit, George R. Brown Convention Center

February 11

AAPL Due Diligence Seminar, Courtyard & Residence Inn by Marriott Austin Downtown

February 19

PLANO's Executive Night, Intercontinental Hotel – New Orleans, LA

February 20-21

AAPL Working Interest and Net Revenue Interest Seminar, Hilton Garden Inn Energy Corridor

You can view more events and their details on the HAPL website at www.hapl.org.

XCELON LAND SERVICES

EXCEEDING EXCELLENCE

Leasing • Title • Curative • GIS Mapping
Right-of-way • Due Diligence • & more

CHRISTOPHER D. ARTUSY

281.210.0078

www.xcelonland.com



William W. Prior III, CPL

1095 Evergreen Circle, Suite 200
The Woodlands, TX 77380

o: 281-362-1211

c: 281-455-8336

wprior@priorlandmanagement.com
www.priorlandmanagement.com

Byrd Land Services, Inc.
A Full Service Professional Land Firm

James H. Byrd, Jr., CPL

1801 Kingwood Drive, Suite 200
Kingwood, Texas 77339
jhbvrd@earthlink.net

(281) 358-4240
Fax: (281) 358-4280

2019-2020 HAPL Officers, Directors & Committee Chairmen

President – Eli Huffman
Lone Star Production Company
eli@lonestarpromotion.com
713-784-7474

First VP - Eric Thomas, CPL
SunCoast Land Services, Inc.
erict@suncoastland.com
713-375-3300

Second VP – Wade Edington, CPL
Surprise Valley Resources, LLC
wedington@surprisevalleyresources.com
713-834-2415

Third VP – Amanda L. Van Deusen, CPL
Jackson Walker LLP
avandeusen@jw.com
713-752-4315

Secretary – Brett Jennings, CPL
BPX Energy Inc.
brett.jennings@bpx.com
835-525-8010

Treasurer – Daniel Negron, RPL
Noble Energy, Inc.
danielnegrono3@gmail.com
832-639-7368

Assistant Treasurer – Vernon Henry
Val Verde Minerals, LLC
vernon.henry@valverdeminerals.com
713-859-8566

Immediate Past President – Allyson Howard, CPL
SunCoast Land Services, Inc.
allyson.howard@suncoastland.com
713-375-3304

Director – Brent Broussard, CPL
Dudley Land Company
brentbroussard@dudley-land.com
713-952-7944 Ext. 14

Director – John Gerrish, CPL
Noble Energy, Inc.
john.gerrish@nblenergy.com
281-943-2138

Director – Kris Korte
Texas Petroleum Investment Company
kriskorte@gmail.com
713-789-9225

Director – Kyle Lesak, CPL
Percheron, LLC
kyle.lesak@percheronllc.com
832-300-6400

Director – Gregory LaBove
Fieldwood Energy, LLC
gregory.labove@fwellc.com
832-392-9880

Director – Michelle Llanes, RPL
Senall Sabres, LLC
mflanes@gmail.com
281-543-6848

Director – Zach Morgan, RPL
Marathon Oil Company
zmorgan@marathonoil.com
713-296-3952

Director – Claire Morse
Chevron USA, Inc.
morsech@chevron.com
832-524-6447

Director – Darshan Naik, CPL
ConocoPhillips Company
darshan.m.naik@conocophillips.com
281-647-1849

Director – Tegan Wisnosky
XTO Energy, Inc.
tegan_wisnosky@xtoenergy.com
832-625-3417

AAPL Director, Region IV – Alan Morgan, CPL
Remora Oil Company
amorgan1@flash.net
281-980-6455

2019-2020 HAPL Committee Chairmen

AAPL Awards – Bill Justice, CPL
Encompass Energy Services, LLC
b.justice@encompassservices.com
337-278-4918

Annual Gala – Randi Walsh
Black Falcon Energy, LLC
rwalsh@bfenergy.com
832-320-1278

Audit – Daniel Negron, RPL
Noble Energy, Inc.
danielnegrono3@gmail.com
832-639-7368

**Company of the Year Nominating
Committee** - Eric Thomas, CPL
SunCoast Land Services, Inc.
erict@suncoastland.com
713-375-3300

Executive Night – Daniel Negron, RPL
Noble Energy
danielnegrono3@gmail.com
972-898-4112

Golf – Tanner Quiring, CPL
Encino Energy
tanner@encinoenergy.com
346-240-3232

Governmental Affairs – Allyson Howard, CPL
SunCoast Land Services, Inc.
allyson.howard@suncoastland.com
713-375-3304

Luncheons – Wade Edington, CPL
Surprise Valley Resources, LLC
wedington@surprisevalleyresources.com
713-834-2415

Membership – Vernon Henry
Val Verde Minerals, LLC
vernon.henry@valverdeminerals.com
713-859-8566

Mentoring Program – Stephen Thompson, CPL
Marathon Oil Company
sjthompson@marathonoil.com
713-296-1817

NAPE (Winter/Summer) – Diane Snyder
HAPL
hapl@hapl.org
713-622-6868

Newsletter & Website Oversight – Amanda L. Van Deusen, CPL
Jackson Walker LLP
avandeusen@jw.com
713-752-4315

Offshore Liaison – Ford Peters
Fieldwood Energy LLC
fpeters@fwellc.com
713-969-1204

Offshore Seminar – Bailey Coe
W&T Offshore, Inc.
bcoe@wt offshore.com
713-624-7303

**Outstanding Landman Nominating
Committee** – Joel Loshak
Energy Consultant
jloshak@gmail.com
713-660-8160

2019-2020 HAPL Committee Chairmen

Outstanding Senior Landman Nominating Committee

– Allyson Howard, CPL
SunCoast Land Services, Inc.
allyson.howard@suncoastland.com
713-375-3304

Past Presidents Council

– Grant Johnson, RPL
Lone Star Production Company
grant@lonestarpromotion.com
713-784-7474

Saltwater Fishing Tournament

– Jerry Niekamp
Dunn Exploration Company, LLC
jniekamp@dunnexploration.com
713-533-1217

Co-Chair - Katie Eisterhold
Dunn Exploration Company, LLC
keisterhold@dunnexploration.com
713-533-1217

Saturday Seminar (Fall)

– Zach Morgan
Marathon Oil Company
zmorgan@marathonoil.com
713-296-3952

Saturday Seminar (Spring)

– Darshan Naik, CPL
ConocoPhillips Company
darshan.m.naik@conocophillips.com
281-647-1849

Scholarship

– Ashlee Hansen
ConocoPhillips Company
ashlee.hansen@cop.com
832-486-6022

Service

– Mimi McGehee
Independent
mrm1915@aol.com
713-784-0166

Shale Seminar

– Jonathan Click, CPL
Click Energy
jt_click@hotmail.com
832-725-9910

Skeet Shoot

– Lance Young, RPL
ConocoPhillips Company
lance.young@conocophillips.com
281-647-1820

Social (Bridging the Gap)

– Hunter M. Arbuckle, RPL
EP Energy
Hunter.arbuckle@epenergy.com
713-997-5424

Social (Gulf Coast)

– Lacy Clark, RPL
Fieldwood Energy LLC
lacy.clark@fwelc.com
713-969-1237

Social (Louisiana)

– Joe Chaney, RPL
INPEX Americas, Inc.
joseph.chaney@inpx.co.jp
713-600-2511

Social (Offshore)

– Bailey Coe
W&T Offshore, Inc.
bcoe@wt offshore.com
713-624-7303

Social (Permian Basin)

– Katherine Vairin
Noble Energy, Inc.
katherine.vairin@nblenergy.com
281-874-6797

Social (Rockies)

– Mark Metz, CPL
Phoenix Energy Advisors, LLC
phoenixenergyadvisors@gmail.com
832-526-2400

Social (Shale Play)

– Jonathan Click, CPL
Click Energy
jt_click@hotmail.com
832-426-4386

Social (South Texas)

– Joe Dichiaro, RPL
Independent
jadichiaro@msn.com
713-907-0147

Social (Spring Swing Membership Drive)

– Will O'Neal, CPL
Castex Energy, Inc.
woneal@castexenergy.com
281-447-8601 Ext. 145

Co-Chair - Kris Korte

Texas Petroleum Investment Company
kriskorte@gmail.com
832-485-4348

Social (Women's Networking – Fall/Spring)

Briana Ward, CPL
Independent
brianaward@yahoo.com
318-834-6860

Co-Chair - Emily McMahon, CPL

Peregrine Petroleum Partners, Ltd.
emcmahon@peregrinepetroleum.com
713-630-8972

Technical Workshop

– Amanda L. Van Deusen, CPL
Jackson Walker LLP
avandeusen@jw.com
713-752-4315

Tribute to Education

– John Gerrish, CPL
Noble Energy, Inc.
john.gerrish@nblenergy.com
281-620-3583

University Liaison

– Michelle Llanes, RPL
Senall Sabres, LLC
mfllanes@gmail.com
281-543-6848



HAPL 2020 Dues Renewal

It's time to renew your HAPL dues!

Your HAPL membership dues expired on December 31, 2019. We offer a grace period up to March 1, 2020. If you have not renewed your dues by then, you will lose all your benefits of being a member of HAPL.

2019 Membership Dues:

By Credit Card:	Active - \$75	Associate - \$75	Student - \$25	Active Life (65+ & fully retired) - \$35
By Check:	Active - \$70	Associate - \$70	Student - \$20	Active Life (65+ & fully retired) - \$30

Benefits of HAPL Membership:

- Monthly newsletter
- Email blasts of upcoming events (so you never miss any!)
- Access to the HAPL Membership Directory online
- Access to job postings online
- Ability to take part in the HAPL Mentorship program
- Member pricing at HAPL events such as luncheons, seminars and sporting events
- Many networking events throughout the year
- Scholarship opportunities for members' college bound students

How to renew:

Online:

- Log on to the HAPL website site at www.hapl.org
- Press the "renew your membership here" button
- Make sure your information is correct, if not, now is the time to update
- Proceed to the payment page
- Once payment has been approved, you are renewed!

Mail:

- Make your check out to HAPL and include the membership renewal form found at <http://www.hapl.org/files/642/>.

Mail to:
HAPL
Attn: Lindsey Griffith
800 Bering Dr., Ste. 120
Houston, TX 77057

Once your membership has expired, you will no longer be able to access the HAPL membership directory, receive HAPL email correspondence or membership pricing on HAPL events. If you have trouble renewing online, please give us a call at the HAPL Office at 713-622-6868 or send an email to Lindsey Griffith at lindsey@hapl.org.



HAPL Service Committee BBQ Dinner at Goldberg B'nai B'rith Towers

By: Mimi McGehee, Committee Chairman






Thursday, February 20th, the HAPL Service Committee will be hosting its annual BBQ and Bingo at Goldberg Towers located in southwest Houston. The BBQ is catered so all HAPL members have to do is serve it up and help some of the residents with their plate's and beverage's. After everyone has been served, we play bingo. HAPL provides Walmart gift cards for the game winners.

Goldberg Towers is a HUD housing facility for lower income seniors. The residents of Goldberg are always so very appreciative of the dinner and time we spend with them; any HAPL member who participates walks away feeling like they really did make a positive difference in someone else's life that day. Come out and join us!

To volunteer please contact Mimi McGehee at mrm1915@aol.com.



essentially, clients value five things in a law firm

-  strong relationships
-  clear communication
-  budget certainty/lean staffing
-  know-how
-  results

**TOP LISTED IN THE U.S. IN ENERGY LAW
BY THE BEST LAWYERS IN AMERICA®**

Arthur M. Standish • Houston Office Managing Member • art.standish@step toe-johnson.com

THIS IS AN ADVERTISEMENT

SJ STEPTOE
& JOHNSON
P.L.L.C.
step toe-johnson.com

HAPL Officer Forum



Vernon Henry
HAPL Assistant Treasurer

Professionalism, Advancement and Service

When I joined the HAPL as a young member in 2006, I was mainly looking for a way to meet new people in our industry and advance my career. As a young landman working in the field, I saw HAPL membership as a way for me to connect with colleagues in Houston that I otherwise wouldn't have a chance to meet, and to learn about insights of the industry. Over the past 14 years of membership, the HAPL has provided all of those things and much more than I could have imagined. Not only have I formed some great relationships, I have learned quite a bit from my colleagues.

However, the greatest benefit I have received as a member was by making the

commitment to serve the HAPL as the Membership Director in 2016. Until that point, I had not realized the value of giving back to the organization that had given so much to me over the years. By serving in a leadership position, I was given a renewed reason to consistently attend events, meet new members, and be involved in some of the crucial decisions the HAPL was making to guide our organization. It also helped me realize the importance of membership in the HAPL organization. As I serve in a leadership position, I am continuously reminded that the participation of HAPL members in the organization cannot be overstated and the attendance of the events plays a crucial role in allowing our organization to continue to thrive.

Members can attend, at no charge, numerous social events throughout the year, and expand their professional networks. They can participate in mentoring programs as a mentor to help mold the careers of younger members by giving them valuable insights and knowledge about the industry. Educational events such as the Fall & Spring Seminars, Offshore Seminar, Shale Seminar, and Technical Workshop all allow members to earn multiple continuing education credits and ethics credits to maintain RPL and CPL

certifications. The HAPL hosts sporting events such as the Skeet Shoot, Golf Tournament and Saltwater Fishing Tournament, which members can join at a discounted rate. Numerous educational events, which allow members to earn continuing education credits are available, and the eight monthly luncheons per year are a great way to hear directly from leaders of our industry.

Our President Eli Huffman has set the theme for this year as "Professionalism, Advancement and Service", and I believe this theme fits in perfectly with the benefits of HAPL membership.

If you are not yet a member of the HAPL, I would urge you to consider joining. If you know colleagues who are not yet members, please reach out to them and let them know about the many benefits of becoming an HAPL member. We have a vibrant group of members who exhibit Eli's theme of Professionalism, Advancement and Service on a daily basis, and we are always striving to add new members who exhibit the same qualities, and contribute to our community.

Mark Your Calendars

HAPL Women's Networking Group will hold its Spring Social on Thursday, March 5, 2020 at Grotto Ristorante Downtown. RSVP online at <https://www.hapl.org/events/848/>.

We are looking for sponsors! Please contact any of the following women if you are interested:

Emily McMahan: emcmahan@peregrinepetroleum.com
 Briana Ward: brianawward@yahoo.com
 Diane Snyder: hapl@hapl.org

We look forward to seeing everyone there!

HAPL High School & College Scholarships

By: Ashlee Hansen, Committee Chairman

HAPL Student Scholarship Applications – Due March 15

HAPL scholarships are available for graduating high school students of current members and college students enrolled in an AAPL approved Petroleum Land Management or Energy Management Program. The criteria for applying and online application can be located by visiting our website at <http://www.hapl.org/scholarships/>.

The fully completed application, transcript (if required) and two letters of recommendation must be submitted online or received by the HAPL Office located at 800 Bering Dr., Ste. 120, Houston, TX 77057 **postmarked on or before March 15**. Late applications **will not** be considered.

Scholarship recipients will be notified prior to the HAPL Scholarship and Tribute to Education Luncheon held on May 5, 2020 at the Houston Petroleum Club. Recipients will be honored at this event and are encouraged to attend with their parents or program director as our guests if available.

For questions, please contact the Scholarship Chairman – Ashlee Hansen at ashlee.hansen@conocophillips.com or 832-486-6022 or the HAPL Office at hapl@hapl.org.

HAPL 2nd Annual Gulf Coast Happy Hour


By: Lacy Clark, Committee Chairman

HAPL is excited to announce the second Annual Gulf Coast Happy Hour! We invite all professionals working both onshore and offshore in the Gulf Coast area to join us for an evening of networking, food and drinks. This event will take place **WEDNESDAY, MARCH 18th 2020** at Lawless Sprints and Kitchen in downtown Houston.

This event is free to attend but we kindly ask that you register on the event page www.hapl.org/events/839/ as soon as possible so we can make sure there is plenty of food and drinks to go around!

Don't forget, our events would not be possible without the help of our incredible sponsors. If you are interested in sponsoring you can make an electronic donation by visiting www.hapl.org/sponsorships/event/839 ; or you can mail a check payable to HAPL (memo: Gulf Coast Happy Hour), along with the completed sponsorship form found [here](#), to the HAPL main office located at 800 Bering Drive, Suite 120, Houston, TX 77057. Sponsors for this event will be given special recognition on the HAPL website and newsletters and have their logo included on the Sponsor Display at the event.

Please make all contributions for this event prior to **Friday, March 6, 2020**.



*Houston Association of Professional
Landmen*

~ Gulf Coast Happy Hour 2020 ~

Wednesday, March 18th, 2020
5:30 – 9:30 pm
Dress Code: Business

Lawless
Spirits & Kitchen
909 Texas Ave.
Suite 2A
Houston, TX 77002

RSVP: <https://www.hapl.org/events/839/>
Questions? Contact the event chairman at lacy.clark@fwellc.com

Our greatest asset is our experienced team. Whether your project is large or small, our Acquisitions and Divestures team's expertise can assist you with any due diligence needs.

It's why we're still here, steady and strong as always. We look out for our clients: **getting things done on time, within scope, the right way.**



**CONTINENTAL
LAND
RESOURCES**

EDMOND | HOUSTON | MIDLAND | CANTON | ROSWELL

www.continentalland.com



GRAY REED.
ATTORNEYS & COUNSELORS

WE FEEL AT HOME IN THE ENERGY INDUSTRY

Our attorneys, two of whom are Board Certified in Oil, Gas & Mineral Law by the Texas Board of Legal Specialization, are equipped to provide legal counsel to a broad range of clients in the ever-evolving energy industry.

In addition to acquisitions, divestitures, mergers, energy finance, litigation, restructuring and more, our title examination practice covers onshore properties in 9 states:

- Colorado
- Louisiana
- Montana
- New Mexico
- North Dakota
- Ohio
- Oklahoma
- Texas
- Utah

When you think about it, our proven experience in every facet of your industry makes it our industry too.

A WOODWARD CLARKE COMPANY



CONTACT HOUSTON
Paul Yale
pyale@grayreed.com

DALLAS
Ryan Sears
rsears@grayreed.com

grayreed.com

HAPL 23rd Annual South Texas Social



Come join us for BBQ, fun, open bar and door prizes!

On Wednesday, March 25, 2020, the Houston Association of Professional Landmen (HAPL) will be hosting its annual South Texas Social from 5:30 p.m. to 9:30 p.m. The Social will be held at Goode's Armadillo Palace at 5015 Kirby, which has a terrific dancehall and patio that provides a great opportunity for networking.

In addition to other door prizes, we will be raffling off a Tarpon Fishing trip donated by VOG Land.



We are requesting sponsor commitments in advance in order to reserve the exciting venue! A financial contribution by you or your company will ensure the success of this very special event. All sponsoring companies will be recognized at the event with the company name and level of sponsorship prominently displayed. In addition, the sponsor information will appear in the HAPL newsletter and possibly other publications. The following sponsorship levels are available:

PLATINUM LEVEL \$1,000 or above

GOLD LEVEL \$500-\$999

SILVER LEVEL \$250-\$499

BRONZE LEVEL \$249 or less

PLEASE CONTACT US DIRECTLY TO DISCUSS OTHER SPONSORSHIP OPPORTUNITIES.

2019 HAPL South Texas Social sponsor checks can be made payable to "HAPL" and sent to:

Joe Dichiaro, RPL
Co-Chair
713-907-0147
11402 Oak Spring
Houston, Texas 77043
jadichiaro@msn.com

OR

Evan Villarruel
Co-Chair
713-899-2998
7 Warrenton Drive
Houston, Texas 77024
Evan@VOG.land

Let's make this another great year!

The success of this event is made possible by your Sponsorships!!

GIS for the Land Professional

By: Chris R. Pettigrew, Sr., P&P Oil & Gas Solutions, LLC

What is GIS? According to ESRI it is a framework for gathering, managing and analyzing data. Rooted in the science of geography, GIS integrates many types of data. It analyses spatial location and organizes layers of information into visualizations using maps and 3D scenes. With this unique capability, GIS reveals deeper insights into data, such as patterns, relationships and situations—helping users make smarter decisions. For me it has been a way to visualize land data on a digital or paper map and use that data to analyze and make business decisions that we could not have made on reports alone. Without GIS oil and gas companies, mineral owners, prospect developers, landmen and more would not be able to make educated decisions for their business in the time frame needed for today's swift moving industry.

Trip down memory lane.

Back in 2006 I was working on a project for a client that required us to use maps to show where we had leased and what to lease for our prospect. We used a paper map that was printed on a plotter and we took each land record from our land database and hand colored it on the paper map. That map was called a Tobin map that was purchased by my client. There was only one copy and there was zero tolerance for mistakes. We use colored pencils to plot each tract and hand wrote lease and tract info along with the info provided with the Tobin map. Over time we were able to add pipelines and when the Tobin map did not have what we needed we used deed plotter to create tracts to certain accuracy. I remember thinking this was very time consuming and the room for error was significant. It was a lot of fun working with many people to complete the tasks late into the night but cumbersome none the less. When I look back on that time now and how we use GIS I am amazed how far maps have come and how we use them in our day to day lives.

Where do I get a GIS software?

Today GIS is everywhere. Many land systems include GIS as part of their offering when purchasing. Quorum, P2 Tobin, P2 iLandman, Wolfepak, Mineralsoft and many others offer an add on to their land systems. If you do not get GIS with your system then you can purchase GIS mapping software from ESRI, DeLorme, Bluemarble and others. Companies like Enverus (DI) uses GIS as a planning tool to find wells, locate data and more. This service has been very beneficial to research for companies to make informed decisions. ESRI seems to be the standard when it comes to GIS. Most of the maps you see are created with an ESRI product such as ARC map or ARC desktop. When purchasing your software take the time to research the different brands that are out there and educate yourself as to their capabilities and how they can work with you and your company.

What can I Do with GIS?

Land professionals can use GIS to understand a plethora of information from geologic evaluation, lease checks, lease purchases, title summaries with mineral ownership, well staking, gathering lines, roads, waterways, well data, surface data and more. GIS systems allow you to load an attribute table (database) to each polygon to the data you can load is endless. Not only are you able to load data to each polygon but you can also use GIS to create layers within the software to analyze information. For example, if my company is drilling a well and forms a unit to pool lands the GIS technician can create a unit outline and separate the tracts from the whole to show how much acreage is in and out of the unit. You can use this layer to help develop Unit Plat maps and with survey data you can file them with the governing body in your producing state. Now you can go back to your land system and update the developed acreage for your tracts. Sometimes you can use this data to create a preliminary unit to see where

to pool tracts and look at lease information to prevent things like offset wells and bad well locations based on ingress/egress. If you load lease provision data from your leases and land database you can use that data to make decisions. Many Landmen start off with GIS as part of a title run check for leasing. GIS allows you to track the progress of the leasing project and which landmen are getting tracts to 100% leased. With a loaded attribute table, you can even export a dataset with mineral ownership information to contact lessors. These are just a couple of uses. The list can go on and on.

GIS, GPS and Data....

In today's world GPS and GIS go hand in hand. GPS data is available and can be loaded into your mapping software to give you pin point accuracy to make decisions regarding lease, well or surface information. Many survey companies will provide a Lat/Long of a well spot and to plot your wells on a GIS map. With GPS you can gather information that is either too small to be seen from aerial photography or too new to be available via satellite view or aerial photography.

Data in GIS attribute table is key to how a map works. I have found that most GIS platforms will allow you to upload data into an attribute table while others automatically import the data from a database to its GIS software. I have always found that you cannot load too much data. Data in GIS is what allows the maps to become Smart Maps. For example, if I have the data in my attribute table to make a payment obligation map then I can ask my GIS software to create maps for just that purpose. It may be by month, quarter, years and even multiple years. If I have lease and mineral data loaded, I can make a map showing how much we have leased in an area. It goes way beyond fully/partially leased and can show exactly how much is leased and to what percentage. Another one of my favorites is lease data to create layers for drilling wells or making an AML. You

could use GIS to tell you the tracts that have pugh clauses and continues drilling clauses. The list goes on and on. Bottom line is, load your data into GIS to the fullest extent. If the data is not there the GIS system cannot make a map of it.

GIS software allows the user to create exports of data to be shared in other applications. Exports such as shapefiles (.SHP) can be loaded into other GIS systems to continue mapping or sharing of information. Geotiffs (. geotiff) can be loaded into Petra for geologist and engineers to work on reserve reports or to drill wells. Also, the user can hyperlink scanned doc, photos or CAD drawings to be viewed directly from the map. There are many different exports of data GIS can provide that may be useful for other members of a team.

How do I learn about GIS?

You can get training on GIS online at support.esri.com, Colleges offer GIS courses, The Petroleum Education Workshop offers a class on GIS and there are free GIS programs you can learn from. Take some time to research online

and you will find many resources available to you.

GIS and the Future

Today GIS and our industry are like butter and toast. They simply go together and make each other better. GIS is changing how we do our business for the better. Landmen and in-house land professionals are using GIS every day to make quicker and smarter decisions which can lead to a reduction of cost and liability. It opens up the unknown and shows us things that we could not see with reports and a 2D map on a conference table. If you are not learning GIS and how to use it you will fall behind the others that are. We are the guardians of the oil and gas lease and land departments. This tool allows us to protect our investments with informed decision making and accurate data. GIS is here for good. What will you do with it?

About the author:



Chris Pettigrew, Sr. is currently the President at P&P Oil & Gas Solutions, LLC, a land and accounting outsourcing firm located in The Woodlands, Texas. He has over 17 years of experience working in Land Administration, Division Orders, Land Management, GIS, Oil & Gas Accounting, Software Development and Document Imaging. Chris currently holds an Advanced Petroleum Land Management Certificate and a Petroleum Land Management Certificate from University of Houston- Downtown. Chris is a member of NHAPL, AAPL, ALTA and HADOA.



ENERGY PROPELS US
SINCE 1997

Offering a customized approach to land projects, we are experts in A&D due diligence, transaction-related asset assimilation and data integrity projects

ONSITE PROJECT MANAGEMENT
HIGHEST CALIBER LANDMEN AND LAND PROFESSIONALS

terrafirmaventures.com



HAPL Service Committee Update

By: Mimi McGehee, Committee Chairman

Saturday, April 11th will be the Annual Brookwood Community Softball challenge at the Brookshire facility. This will be our 22nd year out there. There will be some great ball played and some scrumptious James Coney Island dogs consumed. The more HAPL members, their friends and relatives, that show up to play means the more Brookwood residents can participate in the game. Every Brookwood resident needs a "Buddy" to be with them on the field.

If you are thinking "why should I get up early on a Saturday morning to play ball thirty minutes or more away from my house" just wait until you see the smiles on the residents faces. It will be worth it!

Feel free to bring your roommates, your friends and your children or grandchildren who are old enough to play ball.

For more information about Brookwood, please email the Committee Chair Mimi McGehee at mrm1915@aol.com.





UP MID DOWN

BRADLEY MURCHISON
KELLY & SHEA LLC

SHREVEPORT | NEW ORLEANS | BATON ROUGE

S: 318.227.1131 NO: 504.596.6300 BR: 225.490.5000

WWW.BRADLEYFIRM.COM

Kulander's Korner

Underground Trespass

In late January, the Pennsylvania Supreme Court considered whether or not the rule of capture (1) applied to hydrocarbons produced using hydraulic fracturing and (2) precluded trespass liability for allegedly draining oil and gas from neighboring unleased land when the well was drilled entirely on the leased land and the fracturing fluids were injected entirely within the producer's lease. In *Briggs v. Southwestern Energy Production Company*, the Court ruled that the appellate court below it got it wrong when it claimed that, because fracturing is somehow different from other secondary and tertiary recovery techniques, the rule of capture does not apply to it. In addition, the Court also opined that just because hydrocarbons are produced from an adjacent property by fracturing, that doesn't necessarily mean the artificial fractures themselves physically trespassed over the underground property boundary from the unpermitted tract. This is because, the majority explained citing the work of geologists in the state, oil and gas can still be drained through pre-existing fractures working in conjunction with the new man-made fractures or could simply move along a gradient of high hydrostatic pressure toward low pressure resulting from fracturing in the general vicinity.

Whatever the scientific reason for the flow of hydrocarbons, the Court ultimately determined that the state legislature—presumably through its agencies that deal with natural resource extraction—was better positioned than courts to consider and respond to the issue. The decision is heartening to the oil and gas industry, which worried that without the rule of capture to shield its fracturing activities, it would face endless trespass lawsuits that would harm shale development. The Court did not address the crucial question, however, about whether an operator could still face trespass claims if its activities directly resulted in fractures that actually crossed

a property boundary into an unpermitted tract.

Although the owner of the mineral estate hypothetically owns to the deepest depths of the earth, horizontally this right is limited to the interior of the surface boundaries from which the mineral estate is derived. This typically prevents one party from entering an unpermitted tract to recover solid minerals or from actually drilling into an unpermitted tract to recover oil and gas. Under the rule of capture, however, oil and gas belong to whoever produces it on his own property first even if some of it flowed underground from out of a neighbor's estate before being pushed up the well by reservoir pressure. The rule is followed throughout the United States—in Pennsylvania since at least 1889.

With the advent of modern drilling, injection disposal, natural gas storage in sandstone and salt, and geophysical surveying, questions of underground trespass have been closely scrutinized of late in a number of contexts. In addition, and independent of mineral development, courts recognize the utility of a surface owner having some measure of control of the subsurface. The new Pennsylvania case is another in a slowly developing firmament of underground trespass cases that shine down on fracturing and shale gas development as well as other underground activities.

The first fracturing trespass case in this recent wave of litigation, *Coastal Oil & Gas Corp. et al. v. Garza Energy Trust*, was heard by the Texas Supreme Court in 2008. Here, the Garzas, oil and gas lessors, sued Coastal, their lessee but also the fee owner of adjacent land for subsurface trespass. (The case also had involved claims for breach of the duty to pool in good faith and for breach of the implied lease covenant to protect the Garzas' land from drainage, but only the subsurface trespass claim was addressed.) The trial court had entered judgment on a jury verdict for the Garzas.

Coastal appealed. The Court of Appeals affirmed in part, reversed in part, and remanded. A majority of the Texas Supreme held that the rule of capture prevented the Garzas from recovering damages on their subsurface trespass claim. A dissent wanted the trespass question answered unshielded by the rule of capture.

In 2013, dowered in an unreported and later vacated case, the Federal Court of the Northern District of West Virginia went the other way in *Stone v. Chesapeake Appalachia, LLC*. In the case, Chesapeake Appalachia spudded a well approximately 200 feet from the boundary with Stone's mineral property with a horizontal lateral that came within "tens of feet" of the plaintiffs' property. Chesapeake then conducted fracturing operations, causing fractures to almost certainly extend beyond the permitted tract and onto the neighboring Stone property. Stone sued and Chesapeake filed a motion in federal court for summary judgment on the basis that even though fractures from its well likely did cross into Stone's tract, Stone's claim of trespass was barred by the rule of capture, per *Garza*.

In a valiant attempt to interpret state law, the federal court expressed its belief that the West Virginia Supreme Court would, if it were asked, side with the dissenting justices in *Garza* that seemed to believe the rule of capture is essentially limited to conventional reservoirs from which migration from the unpermitted tract occurs only due to "natural" flow—not fracturing triggered by man. In denying Chesapeake's motion for summary judgment, the federal court believed that under *Garza*, oil and gas companies could either demand mineral owners sign leases with draconian terms or the lessee would simply drill a neighboring tract and drain the unpermitted tract via fracturing. The federal court speculated that a West Virginia court would hold that fracturing into an unpermitted tract was trespass not permitted by the rule of

capture. The court also believed that not all property owners were sophisticated enough or had the resources to engage in self-help methods like drilling their own well or conducting their own fracturing operations.

Since *Stone*, courts in a number of states like North Dakota have either decided or come close to deciding various underground trespass imbrolios involving different subsurface activities. All operators would do well to watch closely for the next such case in any state within which they have significant production. Underground trespass questions can even impact efforts to address climate change. For example, deep subsurface strata may be used to store carbon dioxide (CO₂) captured from manmade sources like the burning of coal. Various studies indicate that CO₂ sequestered in the subsurface could migrate laterally from hundreds to thousands of square-miles. Requiring project developers to obtain consent from all pore-space owners within the migratory path of the CO₂ plume to avoid potential trespass claims could have the practical effect of prohibiting the

development of many climate-friendly sequestration projects.


Christopher Kulander
South Texas College of Law Houston



Professor Christopher Kulander teaches at the South Texas College of Law Houston and serves as Director of the Harry L. Reed Oil & Gas Law Institute. He has taught Domestic Energy Law, Property, Mining Law, and beginning and advanced Oil & Gas Law courses. In addition, he teaches International Energy Law at Vytautas Magnus University, Kaunas, Lithuania, as a permanent visiting professor. He is admitted to practice in Texas and New Mexico. A leading expert in oil & gas and property law, Dr. Kulander has published over fifteen law review articles, as well as many other articles with a more practical focus in the industry literature, on diverse topics including energy lending, finance, oil & gas law, land use control, American Indian law, as well as on geology, and petroleum seismology. He is a prolific speaker and expert witness.

He received his J.D. with distinction from the University of Oklahoma, where he was managing editor for the *Oklahoma Bar Mineral Law Newsletter* and note editor and assisting managing editor for the *American Indian Law Review*. Before teaching, Professor Kulander practiced for four years in the Houston office of Haynes and Boone, LLP, focusing on energy lending, finance, and bankruptcy. Prior to that, he practiced for two years with Cotton & Bledsoe in Midland, Texas, focusing on oil and gas title and leasing.

Before law school, he received his B.S. in geology and M.S. in geophysics from Wright State in Dayton, Ohio, and his Ph.D. in geophysics (petroleum seismology) from Texas A&M University, after which he worked for the U.S. Geological Survey as a geophysicist.

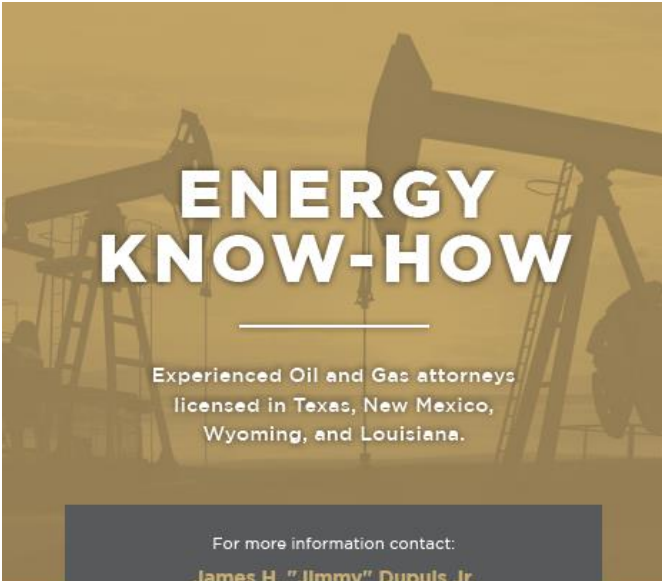


Bode & Werner PLLC
Oil & Gas Attorneys

Attorneys Licensed In Texas, Colorado, North Dakota, Louisiana, Pennsylvania, and Ohio

**Title Examination and
A&D Due Diligence**
in a timely and cost efficient manner

Please contact John Bode or Keith Werner
Halbouty Center • 5100 Westheimer Road, Suite 200 •
Houston, Texas 77056 • 713.968.9215 •
www.BodeWerner.com



**ENERGY
KNOW-HOW**

Experienced Oil and Gas attorneys
licensed in Texas, New Mexico,
Wyoming, and Louisiana.

For more information contact:
James H. "Jimmy" Dupuis Jr.
8301 New Trials Drive, Ste. 100, The Woodlands, TX, 77381
832.509.2302 | jimmy.dupuis@keanmiller.com

KEAN | MILLER^{LLP}

TEXAS THE WOODLANDS HOUSTON LOUISIANA BATON ROUGE
NEW ORLEANS SHREVEPORT LAFAYETTE LAKE CHARLES

HAPL 6th Annual Topgolf Membership Drive

By: Will O'Neal, CPL, Committee Chairman



Trump drops Bombs. We want you to drop bombs too! Come out to support HAPL at the 2020 Topgolf Membership Drive.

In case your company has not been able to afford the internet bill, or if your work at a major, let me update you with what is currently going on in the world. After almost a decade of wavering the United States of America is once again firmly ensconced as the world's leading super power. We have renegotiated the trade deals with every partner of import in the world. We have started a trend of National Pride that is being mimicked on every continent across the globe. Finally, we have proven to the evil dictators of the world that no one is outside the reach of the American Military.

While the nation's oil and gas industry are once again struggling through a price depression there are still silver linings to be found. Even when the industry is on the ropes, we, as American Landmen, can take pride in our national and organizational achievements. We are the best of the best in an industry known for world leaders. Trump brought on Rex Tillerson from Exxon to be his Secretary of State, and yet he only lasted for one year. I think everyone reading this article knows why. They should have picked a Landman.

We are the American Energy Industry and have proven that through all trials and tribulations the Stars and Stripes will always overcome. HAPL sincerely hopes you will take this opportunity to support our membership drive, grow your network, and celebrate the resurgence of the greatest industry in the greatest country in the world.

When:

Thursday, April 16, 2020
6 p.m. - 9 p.m.

Where:

Topgolf Houston - Katy
1030 Memorial Brook Boulevard
Houston, TX 77084 USA

Entry Fee: \$65.00 Per Player for HAPL Members and 70.00 for Non HAPL members. Entry fee includes the following:

- * 2 Hours of Golf
- * Food
- * Soft Drinks

PAYMENT METHOD: Payments can be made on the HAPL website through the donations link or by sending a check included with the team registration form.

[Sponsor Form](#)

[Registration Form](#)

REGISTRATION: Registration is on a first come, first serve basis and you are not considered registered until the entry fee is received. The tournament is open to all members of the Land Industry but door prizes and adult beverage tickets will be allocated for HAPL members only. HAPL membership and associate memberships are available online through the HAPL website. Each Team consists of 6 people per bay. If you desire to play on a set Team it must consist of either 3 OR 6 players exactly. All other entries will be arranged in a potluck format. A Team Representative must be designated and must provide his/her contact information on the Registration Form linked above.

TOURNAMENT DAY: Check-in will begin for all golfers at 6:00 p.m. with play beginning at 7:00 p.m. on Thursday, April 16, 2020 at the Topgolf Houston - Katy. We will be stationed on the third floor and will also have access to the lounge. Rush hour traffic is always bad, so please plan accordingly.

FORMAT: 3 or 6-man teams. Select/register your team or let the Golf Committee place you on a team.

QUESTIONS/PROBLEMS: Please contact Will O'Neal (281) 878-0045, or the HAPL Office - Diane Snyder (713) 622-6868.

YOUR OUTSOURCING SOLUTION

FOR OIL AND GAS ACCOUNTING, DIVISION ORDERS, LEASE RECORDS AND DUE DILIGENCE.

Do what you do best... We'll handle the rest!



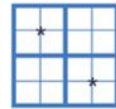
TULSA, OK OFFICE:
918.584.2111

ASSOCIATED-RESOURCES.COM

HOUSTON, TX OFFICE:
832.725.2236

Brandon Ward | bward@associated-resources.com

Michael Gibson | mgibson@associated-resources.com



R.D. DAVIS & ASSOCIATES

Petroleum Land Services Since 1978

Company

R.D. Davis & Associates is a full service petroleum land company that provides quality field services to the majority of basins in the lower 48. With over 30 years in business and offices in Oklahoma City, Houston, and South Texas, we deliver top-of-the-line service to independents and major companies nationwide.

Since 1978, R.D. Davis has provided a full line of land services ranging in size from one to three hundred section prospects. Our experienced staff perform all aspects of title work, ownership reports, GIS mapping, curative and regulatory work that is required to initiate drilling through completion. With a combination of seasoned experts and cutting edge technology, R.D. Davis consistently raises the bar and sets new standards for the industry.

OUR * LOCATIONS

R. Scott Davis, CPL
1416-B Campbell Road
Suite 201
Houston, Texas 77055
832.377.2990

Randy Davis, RPL
5733 N. W. 132nd Street
Oklahoma City, OK 73142
405.720.2882



www.rddl.com

Our Full Service Solutions

- > Title Examination
- > Ownership Reports
- > Runsheets
- > Lease Acquisitions
- > Drilling and Division Order Title Curative
- > ARC-GIS Mapping
- > Seismic Permitting
- > In-House & Field Due Diligence
- > Right-of-Way Acquisition
- > Surface Damage Settlements
- > State and Federal Regulatory Matters

Energy Law Update: Top Ten Texas Oil & Gas Cases of 2019 - Part 2 of 3

By: Chance Decker and Ryan Sears, Gray Reed

This is a continuation of the three-part series that began last month discussing significant oil and gas decisions from state courts in Texas during 2019. It is not intended to be a strict legal analysis, but rather a useful guide for landmen in their daily work. Therefore, a complete discussion of all legal analyses contained in the decisions are not always included.

4. *Texas Outfitters Ltd., LLC v. Nicholson*, 572 S.W.3d 647 (Tex. 2019).

Texas Outfitters is the Texas Supreme Court's latest analysis of the executive mineral right, and likely the most significant Texas oil and gas case of 2019. Texas Outfitters involved a ranch in Frio County. The surface of the ranch was owned by the Carter family. The mineral interests were owned 50% by the Carters and 50% by their cousins, the Hindes family.

In 2002, the Carters sold the surface of the ranch, a 4.16 mineral interest, and the executive rights to their entire 50% mineral interest to Frank Fackovec, through his company, Texas Outfitters, Limited. The Carters retained their 46% mineral interest in the ranch. Fackovec paid the Carters' approximately \$1,000,000 for the ranch and mineral interest. Fackovec intended to operate a high-end deer breeding and hunting operation on the ranch. Thus, purchasing the executive rights was very important to Fackovec because he believed it would allow him to control leasing. The trial record showed that after Fackovec bought the ranch, he built a main lodge, hunter's cabins, deer breeding pens and installed irrigation wells and expensive deer blinds.

Fast forward to 2010, and the development of the Eagle Ford Shale is in its early stages. In March of 2010, Fackovec receives an offer to lease his and the Carters' mineral interests for \$450 per acre and 22% royalty. Fackovec rejects this offer.

In June of 2010, El Paso Oil Exploration & Production Company ("El Paso") offered

Fackovec a \$1,750 per acre bonus and a quarter royalty to lease his and the Carters' mineral interest. The Hindes accept El Paso's identical offer for their 50% undivided mineral interest, but Fackovec rejects the offer. Fackovec testified he rejected El Paso's offer because: (1) he thought he could get a better bonus, and (2) he wanted better surface protections for his hunting operation. The Carters wanted Fackovec to accept El Paso's offer. Therefore, the Carters and Fackovec engaged in negotiations for the Carters to buy their executive rights back from Texas Outfitters. The negotiations were unsuccessful because, according to the Carters, the surface protections Fackovec demanded were not reasonable. In fact, at trial, Dora Joe Carter testified that during the negotiations, Fackovec stated he would never agree to any lease. Eventually, El Paso withdrew its offer.

The Carters sued Fackovec and Texas Outfitters in June of 2011 alleging that Texas Outfitters, as holder of the executive rights to the Carters' mineral interests, breached the duty of utmost good faith and fair dealing by refusing to enter the El Paso lease. After the Carters filed suit, Texas Outfitters received two more offers to lease the ranch's minerals. The first included a larger bonus than the El Paso offer—\$2,000 per acre—but was withdrawn when the lessee learned El Paso had already leased the Hindeses' interest. The second included a \$1,500-per-acre bonus and was also withdrawn by the lessee. Ultimately, drilling in the area revealed that the land was not as productive as anticipated, and Texas Outfitters received no further lease offers. In 2012, Texas Outfitters sold the ranch for approximately \$3.5 million, retaining a portion of the mineral interest. The trial court found that Fackovec breached his executive duty to the Carters by not accepting El Paso's lease offer. The court of appeals and the Texas Supreme Court affirmed. The Texas Supreme Court's opinion is remarkable for two reasons.

First, the Court clarified that whether the executive is accused of breaching his duty

by executing a lease or by refusing to execute a lease, courts will still analyze the entire transaction to determine whether the executive engaged in acts of self-dealing that unfairly diminished the value of the non-executive interest.

Second, the Court held that an executive may be required to accept an offer to lease both the non-executive's minerals and his or her own mineral interest in certain situations (remember, El Paso's offer was for both the Carters' and Texas Outfitters' mineral interests). This is a significant change in Texas executive rights jurisprudence. And, in a state that values private property rights, as Texas courts purport to do, a Texas Supreme Court mandate that an executive right owner may be required to lease not just a non-executive interest owners minerals against his will, but in fact, must lease *his own* mineral interest in certain circumstances, is quite remarkable.

5. *Murphy Land Group, LLC v. Atmos Energy Corporation*, -- S.W.3d --, No. 12-18-00138-CV, 2019 WL 1716359 (Tex. App.—Tyler April 17, 2019 pet. filed).

Murphy Land Group LLC ("Murphy") v. Atmos Energy Corporation ("Atmos") is a pipeline dispute from Houston County. Atmos operated pipelines across Murphy's land under three easements granted to Atmos's predecessor. The easements granted Atmos "the right of way and easement to construct, maintain, and operate pipe lines and appurtenances thereto" along with "ingress and egress from the premises, for the purpose of constructing, inspecting, repairing, maintaining, and replacing the property of [Atmos]."

In 2012, Murphy and Atmos executed a "Roadway Lease" granting Atmos a 40' "right of way and easement" on a path that Atmos would select across Murphy's property. The Roadway Lease expired in 2015.

Murphy contended that Atmos's pipeline easements "merged" into the Roadway Lease such that when the Roadway Lease expired, so too did the pipeline easements. Therefore, when Atmos entered onto Murphy's property in 2016 to commence a temporary pigging operation, Murphy filed suit seeking a declaratory judgment that: (1) Atmos's easements expired upon the expiration of the Roadway Lease and (2) that even if the easements had not expired, they did not give Atmos the right to conduct "smart pigging" operations using gas flaring to move the pig along the pipeline.

The trial court dismissed Murphy's claims on summary judgment and the court of appeals affirmed. The court explained that the merger doctrine refers to the "absorption of one contract into another subsequent contract." When the same parties to one contract enter into a subsequent contract *dealing with the same subject matter* as their first contract without stating whether the second contract operates to discharge or substitute the first contract, the two contracts must be interpreted together and the latter contract prevails to the extent they are inconsistent. For the merger doctrine to apply, the subsequent contract must: (1) be between the same parties as the first; (2) embrace the same subject matter as the first and (3) have been so intended by the parties.

Here, the pipeline easements and the Roadway Lease did not deal with the same subject matter. Though the easements provided Atmos with the right of ingress and egress in general terms, the Roadway Lease gave Atmos the right to construct a roadway of a specific size on a specific path of Atmos's choosing with no limitations on the purposes for its use. Because the easements and the Roadway Lease did not deal with the same subject matter, the merger doctrine did not apply and Atmos's easements survived the Roadway Lease's expiration.

The court also sided with Atmos on the pigging issue. The court stated that, "[w]hen interpreting the granting language of an easement, [courts] resolve all doubts about the parties' intent against the grantor ... in order to confer upon the grantee the greatest estate possible under the instrument." Accordingly, an easement

grantee receives, by implication, all rights "reasonably necessary" to enjoy the rights the easement grants expressly. These rights may change over time and in accordance with technological advances.

Here, the pipeline easements authorized Atmos to "construct, maintain, and operate pipelines and appurtenances thereto" along with "ingress and egress from the premises, for the purpose of constructing, inspecting, repairing, maintaining, and replacing the property of [Atmos]." It was undisputed that a pipeline pigging operation is a pipeline "maintenance" procedure, and thus, clearly fell within the scope of the easement. And, the invention of gas flared "smart pigs", which are used to detect defects, deformities and other issues in the pipelines, was a technological development that fell within the scope of the easements' permitted uses. Therefore, Atmos would be allowed to conduct smart pigging operations on Murphy's land pursuant to its pipeline easements.

6. *Joseph Russell Trial and Michael Leo Trial v. Jerome Dragon, Jr. and Patricia G. Dragon*, -- S.W.3d --, No. 18-0203, 2019 WL 2554130 (Tex. June 21, 2019).

In this case, examining whether the estoppel by deed doctrine applies to prevent petitioners from asserting title to an interest they inherited from their mother, when their father previously purported to sell that interest to the respondents, the Texas Supreme Court reversed and remanded the court of appeals' judgment by holding that neither the estoppel by deed doctrine nor the opinion in *Duhig* apply.

Leo Trial and his six siblings each owned a 1/7 interest in real property situated in Karnes County, Texas (the "**Property**"). In 1983, Leo gifted to his wife, Ruth, "one-half (1/2) of all of [his] right, title and interest in and to" the Property. As a result, each Leo and Ruth owned a 1/14 interest in the Property, with Ruth's 1/14 being her separate property – said conveyance was recorded in Karnes County a few days after execution.

In 1992, Leo and his siblings purported to convey the entire Karnes County property to the Dragons. Each of the seven siblings executed identical deeds, containing the

following language: "WE, LEO TRIAL of Karnes County, Texas, [and other grantors] . . . do BARGAIN, GRANT, SELL AND CONVEY unto the [Dragons] all that certain parcel or tract of land, lying and being situated[d] in Karnes County, Texas...." The 1992 deed contained a 15-year mineral reservation and a general warranty clause that provided:

...We do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the [Dragons], their heirs and assigns against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

It should be noted that Ruth was not a party to the 1992 deed and the deed did not mention Ruth's 1/14 interest, and the Dragons were not otherwise aware of the 1983 gift deed as they did not obtain a title opinion. Leo died testate in 1996 with his entire estate going to trust for the benefit of Ruth for life, then corpus to his two sons (the "**Trial Sons**"). Ruth died in 2010 – as a result, Ruth's 1/14 interest passed to the Trial Sons, giving each a 1/28 interest in the Property.

In 2014, after an operator noticed from a lease status report that Ruth owned an undivided 1/14 interest, said operator prepared a new division order and began paying the Trial Sons their respective royalties in a suspended account – this prompted the Dragons to sue.

The Dragons argued that under *Duhig* and its progeny, Leo breached the general warranty in the 1992 deed at the time of execution because he owned only half of what he purported to convey, and the Trial Sons, as Leo's direct heirs, are bound by the deed's general warranty and are estopped from asserting title on any portion of the Property.

Conversely, the Trials argued that estoppel by deed does not apply because the Trial Sons are not claiming an interest in the property under their father, Leo, the original grantor to the Dragons in the 1992 deed, but rather they are claiming that their interest arises from their mother who did not execute the 1992 deed, and thus, could not be bound by that deed.

The court explained that over the years, the doctrine of estoppel by deed developed to have a wide application that “all parties to a deed are bound by the recitals therein, which operate as an estoppel, working on the interest in the land if it be a deed of conveyance, and binding both parties and privies; privies in blood, privies in estate, and privies in law.” The court provided that estoppel by deed “does not bind mere strangers, or those who claim by title paramount the deed. It does not bind persons claiming by an adverse title, or persons claiming from the parties by title anterior to the date of the reciting deed.”

The court here explained that *Duhig* stands for the proposition that “if a grantor reserves an interest and breaches a general warranty at the very time of execution, then an immediate passing of title is triggered to the grantee for that property that was described in the reservation—in other words, if the grantor owns the exact interest to remedy the breach *at the time of execution* and equity otherwise demands it.” The court stated that the facts in this case differ significantly from those in *Duhig* – namely, Leo did not own the interest required to remedy the breach at the time of the 1992 deed to the Dragons, but rather, Ruth owned the 1/14 interest as her separate property. The court highlighted that estoppel by deed “does not bind individuals who are not a party to the reciting deed, nor does it bind those who claim title independently from the subject deed in question.”

The Dragons further argued that *XTO Energy*, 357 S.W.3d 47 and *Angell*, 225 S.W.3d 834 are applicable to show that the Trial Sons are estopped from claiming the 1/14 interest. However, the court said that neither decision applies here as *XTO Energy* and *Angell* stand for the principle that grantees are bound by recitals in their chain of title. Again, here, the Trial Sons are claiming through their mother, not their father who executed 1992 deed which contained the general warranty.

The Dragons went on to argue that under *Houston First American Savings v. Musick*, 650 S.W.2d 764, at the time the Trials’ sons inherited the disputed 1/14 interest, the after-acquired title rule was triggered and the interest vested immediately in the Dragons to make them whole under the express terms of the 1992 deed. The court

here disagreed because *Musick* dealt with “a party claiming in the same capacity as the original grantor who made the the warranty.” And here, conversely, the Trial sons’ claim to the 1/14 interest has nothing to do with the 1992 deed to the Dragons whereby Leo purported to convey the entire interest.

The court explained that although the court of appeals misapplied *Duhig*, there is no question that Leo breached the general warranty at the time of execution, and therefore, the proper remedy is monetary damages. And because the Trial Sons are the direct heirs of Leo, they are bound by the general warranty to warrant and forever defend the Dragons from adverse claims to the property. The only question is “whether the Trial [S]ons are liable for damages when they fail to warrant and defend against their own adverse claim to the property – their claim deriving from the interest they inherited from Ruth’s separate property—and if so, what the amount of those damages would be.”

The court held that because the Trial Sons’ claim to the 1/14 interest in the subject property is derived from their mother, an independent source predating the 1992 deed, estoppel by deed and the decision in *Duhig* do not apply to divest the Trials Sons of their interest. Accordingly, the Texas Supreme Court reversed the court of appeals’ judgment divesting the Trials Sons of their interest and remanded the case to the trial court to determine whether damages are appropriate.

STAY TUNED ...

Next month, we will discuss the final four cases that may have an impact on your daily work. We hope this series will help you address the legal issues presented by modern oil and gas activities. As always, if you believe one of these decisions might have a bearing on an action you are about to take or a decision you might make, consult a lawyer.

ABOUT THE AUTHORS:

CHANCE DECKER, PARTNER –
cdecker@grayreed.com



An aggressive and results-driven litigator, Chance Decker focuses on resolving high-stakes disputes for businesses in the oil and gas industry. His client list includes major players and growing businesses across the energy industry, including E&P companies, interstate pipeline companies, pipe and steel distributors, and oilfield services companies. Chance earned his B.S. from Texas A&M University and his J.D. from University of Houston Law Center.

RYAN SEARS, PARTNER –
rsears@grayreed.com



Leader of Gray Reed’s Energy Transactions Practice Group, Ryan Sears serves as outside general counsel for both domestic and international energy clients, focused primarily on structuring upstream and midstream transactions and advising on the various issues that typically arise during the exploration and production of oil and gas. He earned his undergraduate degree and his law degree from the University of Oklahoma.



GRAY REED®
ATTORNEYS & COUNSELORS



51st ANNUAL TECHNICAL WORKSHOP SAVE THE DATE – APRIL 28, 2020

*Presented by the Houston Association of Professional Landmen and
Hosted by The Harry L. Reed Oil & Gas Law Institute at South Texas College of Law Houston*

**Sign-up Now to Attend the Live Education Seminar in Houston
or by Zoom Webinar on April 28, 2020 or
Host one of our Remote Webinar Locations!**

Topics are to be Determined: Workshop will be approved for **7 CPL/RPL** credits with AAPL, including 1 ethics. Plus, CLE Accreditation with TX, OK, LA, NM, OH, CO & PA State Bars, CPLTA & CDOA

**Landman Associations, Law Firms & Oil and Gas Companies Nationwide - Host a
REMOTE WEBINAR LOCATION for your Employees & Members:**

Please contact Amanda Van Deusen at avandeusen@jw.com to get signed-up

INDIVIDUAL REGISTRATION:

HAPL Member Price: **\$60.00** Non-Member Price: **\$75.00**

Please register at <https://hapl.org/events/836/>

(Complimentary Meals, Drinks & Raffle at the South Texas College of Law Live Workshop location)

HAPL TECHNICAL WORKSHOP SPONSORSHIP:

Gold – \$1,000.00 and above

Silver – \$500.00

Bronze – \$250.00

Please visit the Sponsor page to learn more about opportunities to support HAPL at <https://hapl.org/sponsorships/event/836/>

For More information, please contact **HAPL** at (713) 622-6868 or visit hapl@hapl.org or contact
Amanda Van Deusen, Committee Chairman at avandeusen@jw.com

YOU ARE INVITED TO ATTEND

The 20th Annual "ROCKIES RENDEZVOUS" SOCIAL

PRESENTED BY

THE HOUSTON ASSOCIATION OF PROFESSIONAL LANDMEN

- WHAT:** HAPPY HOUR WITH A MEXICAN FLAIR
Food and Refreshments provided
- WHEN:** TUESDAY, APRIL 28, 2020
5:00 P.M. to 7:00 P.M.
- WHERE:** ST. ARNOLD'S BREWERY (Main Hall)
2000 LYONS AVENUE
HOUSTON, TEXAS 77020
- WHY:** A ROCKIES RENDEZVOUS FOR LANDMEN
TO COLLABORATE, BARTER, AND
SPIN STORIES ON LATEST DISCOVERIES

Levels of sponsorship:

- o Gold: \$1000 and above
- o Silver: \$500
- o Bronze: \$250
- o Other: Donation items, Door Prizes, Trips, etc.

Sponsor Information:

Company _____
Address: _____
Representative: _____
Amount: _____
Phone: _____
e-mail: _____

Make Checks Payable To:

HAPL
C/O Mark Taylor Metz
400 Emerson St.
Houston, TX 77006
(832) 526-2400



**ROCKIES
RENDEZVOUS**

HAPL New Members

Active Members:

Brian Bacon
Scout Resource Management, Inc.

Bailey Booher, RPL
C.H. Fenstermaker & Associates

Kathy Eimerbrink
Eagle River Energy Advisors

Adam Green, CPL
Hilcorp Energy Company

Garrett Haag, RPL
ConocoPhillips Company

Mike Hammond, CPL
Bellatorum Resources

Michael Moran, CPL
Brighton Land Management

Julie Morton
ConocoPhillips Company

Charles "Chase" Ryan, RPL
Williams

Jeffrey Wilson, CPL
Chevron

Associate Members:

Coleman Anglin
Babst, Calland, Clements & Zomnir,
PC

Cole Atteberry
Associated Resources, Inc.

Jared Smith
Noble Energy, Inc.

Jordan Stepka
XTO Energy, Inc.

Laurie Turman
Ted W. Walters & Associates, LLC

Student Members:

John "Lamar" Yeates
Mississippi College School of Law



A Law Firm with Energy at its Core.

RGB

RANDAZZO GIGLIO & BAILEY, LLC
Business Minded. Energy Focused.

www.RGB-LLC.com
337.291.4900

900 East Saint Mary Blvd., Suite 200
Lafayette, LA 70503-2378

Where Experience Runs Deep

Liskow & Lewis has been relied upon since the early days of oil & gas.

Liskow.com

LISKOW & LEWIS
NEW ORLEANS | LAFAYETTE | HOUSTON | BATON ROUGE



Dinner and Cocktail Reception
The Bell Tower on 34th
Thursday, May 14th, 2020
Reception 5:30 p.m. – 6:30 p.m.
Dinner and Presentation 6:30 p.m. – 9:00 p.m.

You are cordially invited to attend the 2020 HAPL Gala Dinner & Cocktail Reception!

Please join us as we celebrate 74 years of Professionalism, Advancement, and Service. The Gala marks the final social event of the 2019-2020 season, and is an evening meant to bring everyone together to reflect on the past year's events, celebrate a successful HAPL season, and thank the Officers, Directors, and Committee Chairmen for their service to the HAPL. It will also be an important night as we welcome our new President, Eric Thomas, and honor one of our members with a lifetime achievement award, The Outstanding Senior Landman of the Year.

Our goal is to have 100% participation this year as we encourage all members and their significant others to attend! Come and mix and mingle with new and old friends as well as learn more about getting involved in HAPL. Whether you have won an award in the past, served on the HAPL team, or are a new member, come toast, dine and network!

Sponsorship is needed to make this event possible. As always, sponsors will be recognized leading up to and throughout the event in various advertising formats such as the HAPL Newsletter, flyers, boards, email blasts, and presentations. This year any monies raised above and beyond the costs of the Banquet will be donated to our Service Committee in the continued support of our many local charities.

SPONSORSHIP LEVELS

HEADLINING SPONSOR - \$2,000 or above

(Platinum benefits PLUS reserved priority seating AND 4 FREE tickets*)

PLATINUM - \$1,000 - \$1,999

(Logo prominently displayed in all advertising avenues PLUS 2 FREE tickets*)

GOLD - \$500 - \$999

SILVER - \$250 - \$499

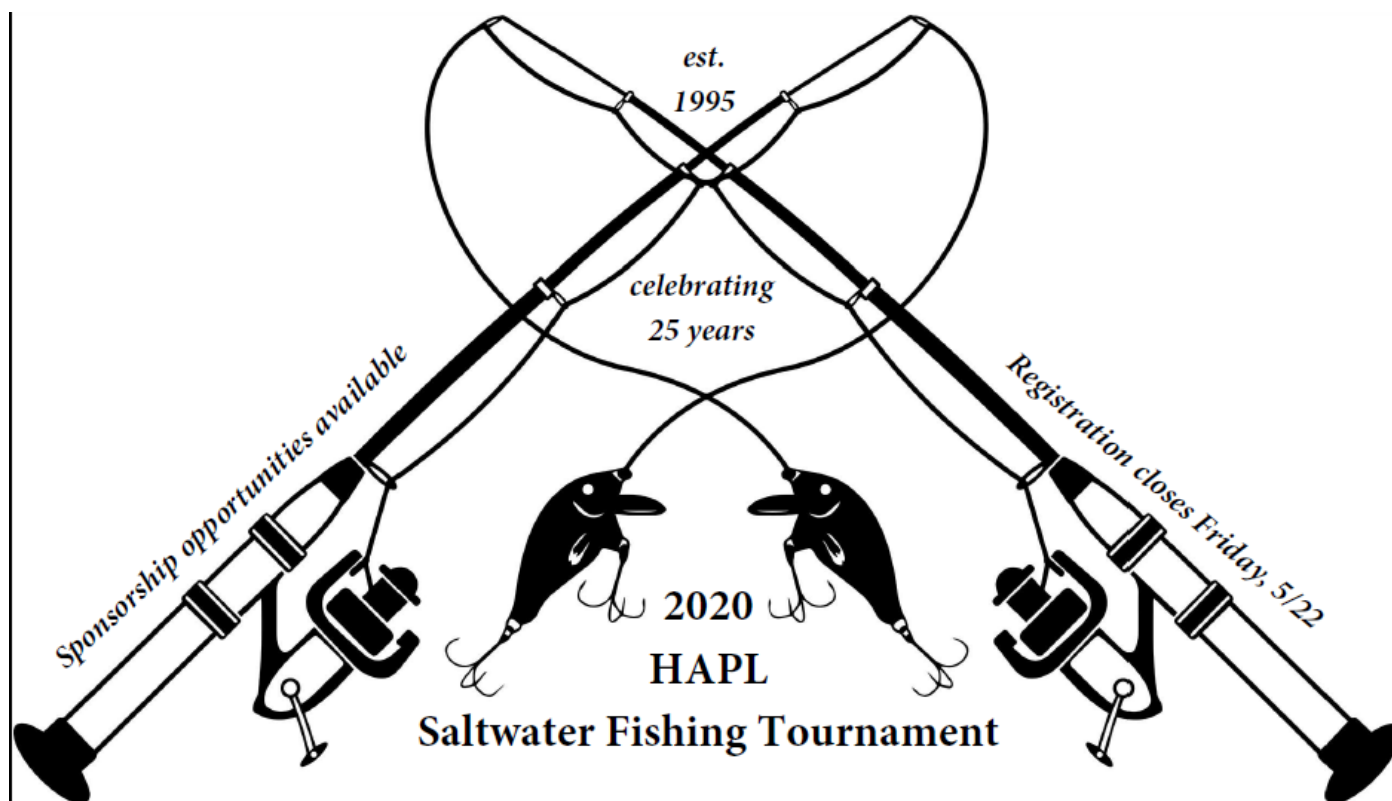
BRONZE - \$100 - \$249

To sponsor, please make your check payable to **HAPL - Gala** and send to the attention of Diane Snyder at the HAPL office: 800 Bering Dr., Suite 120, Houston, TX 77057, or via the HAPL website, www.hapl.org, from the homepage select "Events", then select the HAPL Gala from the May Calendar, and select the "Sponsor This" button under the registration button.

Registration for the event will close on Monday, April 30th at Noon. Early bird pricing ends on April 10th. Please contact Randi Walsh at rwalsh@bfenergy.us or 702-686-3807 for sponsorship/event questions.

**Names of attendees will need to be provided to HAPL.*





June 6, 2020 * West End Marina * Galveston, Texas

Join us for the 25th annual HAPL Saltwater Fishing Tournament on Saturday, June 6, 2020, at the West End Marina in Galveston, Texas. This is one of the longest-running HAPL events for a reason! Lunch and drinks provided for each registered participant as well as an opportunity to win door prizes from Fishing Tackle Unlimited generously provided by our sponsors. Your catch could be a prize-winner in the following categories:

TROUT * SLOT REDS * BULL REDS * BIG FISH

Looking for a great event to sponsor?

Sponsors are displayed year-round on a large board at the West End Marina, providing continuous exposure of each Sponsors' name to all the foot traffic at the Marina.

2020 Sponsorship levels:

Platinum: \$1000 and Over * Gold: \$750 to \$999 * Silver: \$500 to \$749 * Bronze: \$100 to \$500

This event has continued to be an excellent event thanks to the generosity of our sponsors. sponsorship and entry checks may be mailed to:

Jerry Niekamp, 777 Post Oak Blvd., Suite 950, Houston, Texas 77056

Registration forms available on the HAPL website. Questions? Email jniekamp@dunnexploration.com or call (713) 252-1457.

Houston Association of Professional Landmen



Happy
Valentine's
Day

Diane R. Snyder
HAPL Executive Administrator/
Newsletter Editor



Lindsey Griffith
HAPL Membership Desk/Assistant
Newsletter Editor



HAPL
800 Bering, Suite 120
Houston, Texas 77057
713-622-6868
FAX: 713-622-3723
Email: hapl@hapl.org
www.hapl.org

Find us on LinkedIn & Facebook