

Considerations in Land Use

Energy Exploration

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THE BUNDLE OF STICKS

- Landowners have various rights in their land
- Each right can be leased or sold separately
- Whether or not severed, conflicts can arise

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The Implied Easement for Reasonable Use

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THE MINERAL ESTATE'S DOMINANCE

- Any use if reasonably necessary
- No liability for surface damage
- No obligation to restore surface
- Injunctions available

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THE MINERAL ESTATE'S DOMINANCE

Surface Owners Must Allow:

- Ingress/Egress
- Consumption of Water
- Disposal Of Water
- Pipelines
- Other Appurtenances

RULE OF REASONABLENESS

A mineral lessee may only use so much of the surface and in such a manner as is “reasonably necessary” to effectuate the purpose of the lease

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Operations conducted with “due regard” for rights of surface owners

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First appeared as part of the conference materials for the
24th Annual Land Use Conference session

"Energy Exploration: Consideration in Land Use"