

Case Law Update

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The paper is current to April 9
These slides are current to April 18

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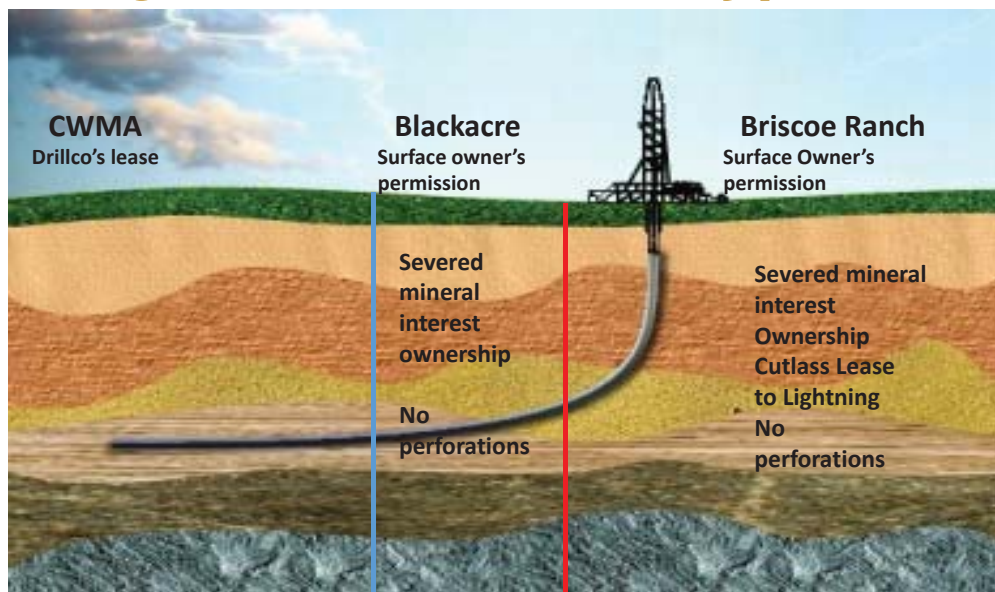
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TRESPASS: SURFACE OWNERSHIP AND USE V. MINERAL OWNERSHIP AND USE

Lightning Oil Co. v. Anadarko E&P Onshore, LLC, 520 S.W.3d 39 (Tex. 2017), p. 2

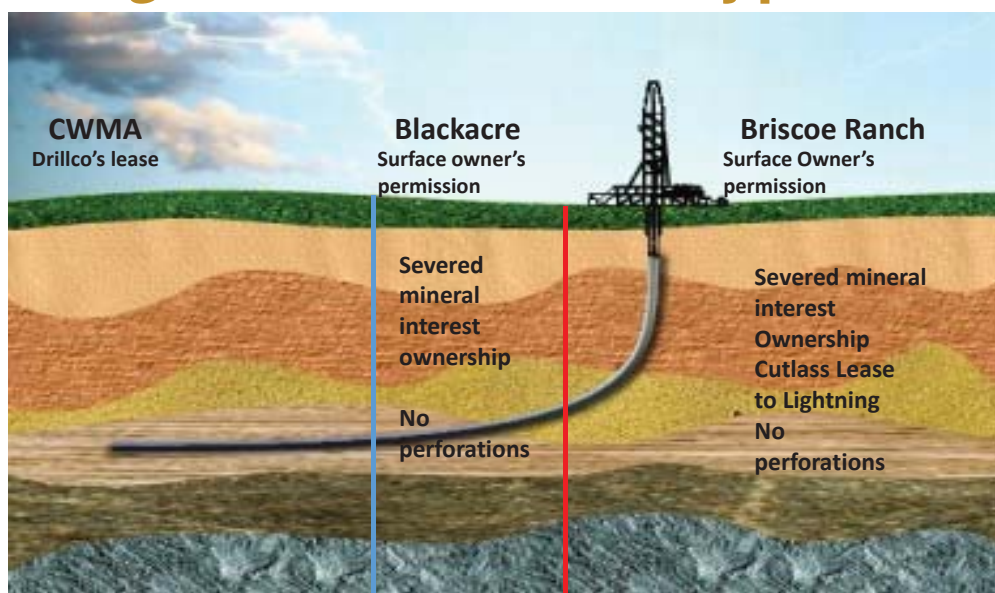
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Horizontal Drilling *Lightning + Blackacre* “Hypothetical”



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Horizontal Drilling *Lightning + Blackacre* “Hypothetical”



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Accommodation Doctrine--*Getty Lightning*: Surface use operator stands in shoes of surface owner

- If mineral interest owner's use substantially interferes with the surface owner's existing use, and
- If mineral interest owner has reasonable alternatives available to it on the same land--*Sun*
- Then the mineral interest owner must "accommodate" surface owner's existing use, but
- The court must also weigh surface owner's reasonable alternatives—*Merriman*

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As to the displacement of *Lightning's* Minerals:

"Balanced against the small loss of minerals a lessee such as *Lightning* will suffer...is the longstanding policy of this state to encourage maximum recovery of minerals and to minimize waste....[W]e conclude that the loss of minerals *Lightning* will suffer by a well being drilled through its mineral estate is not a sufficient injury to support a claim for trespass."

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