

Case Law Update

44th Annual Ernest E. Smith Oil, Gas and Mineral Law Institute

April 20, 2018 Houston, Texas

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

Professor Owen L. Anderson
The University of Texas School of Law

Ably assisted by Briefing Law Students,
Catherine Baker Ellis, 3L, and David S. Stevenson, 3L

KBH Center

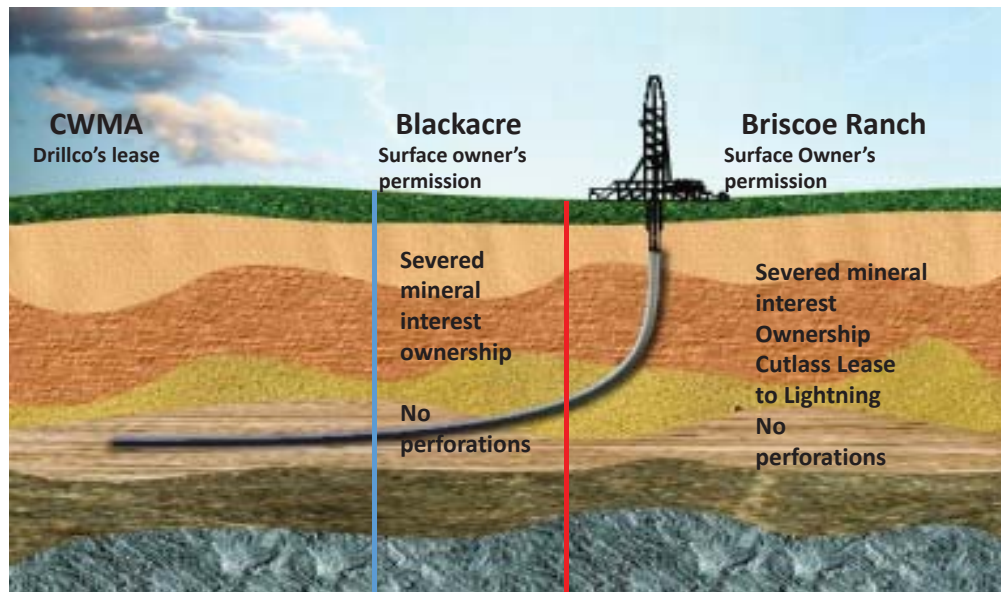
TRESPASS: SURFACE OWNERSHIP AND USE V. MINERAL OWNERSHIP AND USE

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

KBH Center

Horizontal Drilling

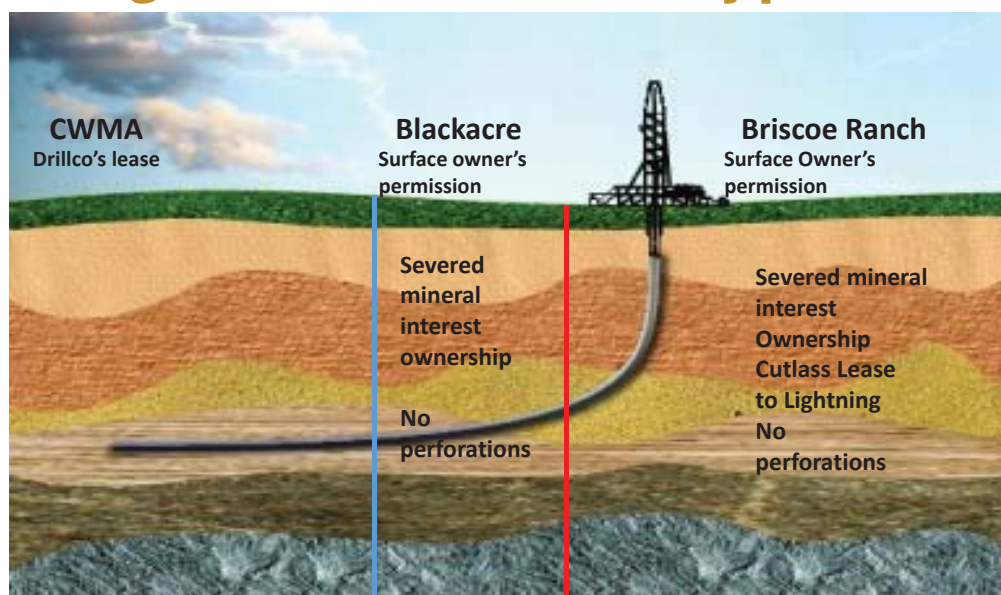
Lightning + Blackacre “Hypothetical”



KBH Center

Horizontal Drilling

Lightning + Blackacre “Hypothetical”



KBH Center

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*

KBH Center

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."

KBH Center

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Case Law Update

Also available as part of the eCourse

[Case Law Update in Oil, Gas, and Mineral Law](#)

First appeared as part of the conference materials for the
44th Annual Ernest E. Smith Oil, Gas and Mineral Law Institute session
"Case Law Update"