DIVIDED SURFACE AND MINERAL ESTATES Survey of Split Estates, Implied Easement, Accommodation Doctrine, and Select Emerging Issues

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1

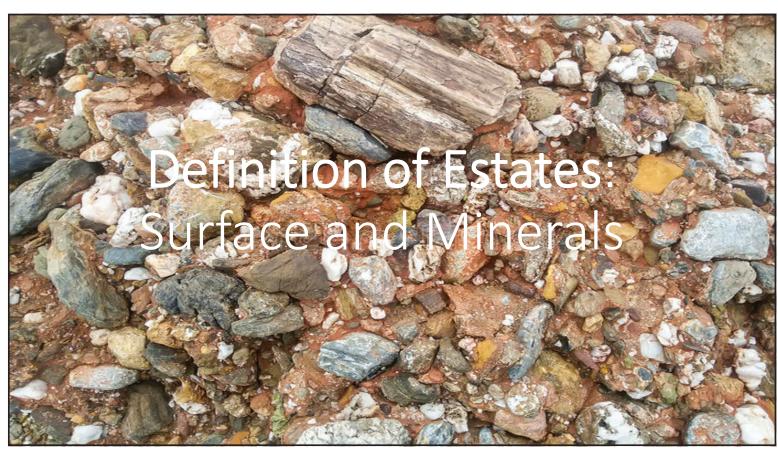
Overview

- Definition of Estates
- Implied Easement
- •Emerging Issues





3



Severed Estates

- •Early theory
- Modern theory



Defining Scope of the Estates

Issue: "oil, gas, and other minerals"

Surface Destruction Test (Early Texas)

- Test: intent-based, balancing test:
 - proximity to surface
 - Whether any reasonable extraction = "substantial" destruction
- Severances prior to June 8, 1983

5

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Also available as part of the eCourse <u>Emerging and Re-Emerging Issues in the Use of Surface for Oil and Gas</u> <u>Operations</u>

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