

# Inherent Surface Conflicts:

## Oil and Gas Development v. Renewable Energy Development

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# Overview

- Definition of Estates
- Implied Easement
- Conflicts with Renewables
  - Solar
  - Wind
  - CCUS



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# Severed Estates

- Early theory
- Modern theory



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# 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**



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