

Considerations in Land Use

## **Energy Exploration**

Jamie Lavergne Bryan (Fort Worth/Houston) Rory Hatch (Houston)

© Copyright 2020 by K&L Gates LLP. All rights reserved.

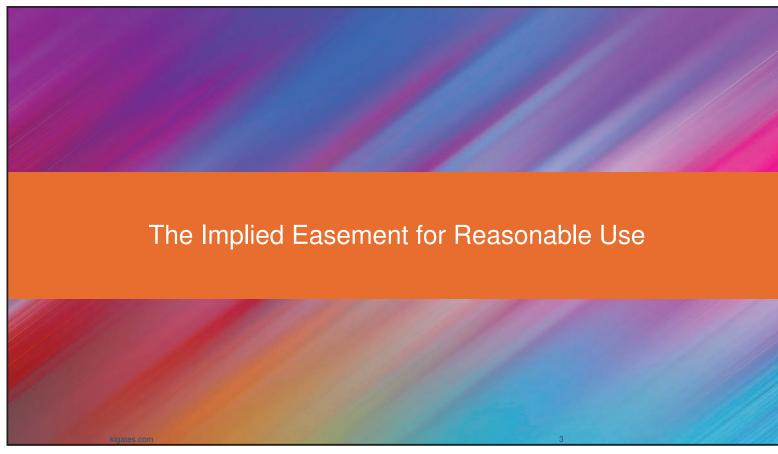
1

K&L GATES

# 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

klgates.com



\_

**K&L GATES** 

# THE MINERAL ESTATE'S DOMINANCE

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

klgates.com

4

## THE MINERAL ESTATE'S DOMINANCE

#### Surface Owners Must Allow:

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

klgates.com

5

**K&L GATES** 

#### **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

\* \* \* \*

Operations conducted with "due regard" for rights of surface owners

klgates.com

6





Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Considerations in Land Use Energy Exploration

Also available as part of the eCourse 2020 Land Use eConference

First appeared as part of the conference materials for the  $24^{\text{th}}$  Annual Land Use Conference session "Energy Exploration: Consideration in Land Use"