Mineral Considerations in Solar Developments in Texas

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Agenda & Focus

- Mineral Ownership: The Basics
- Mineral Due Diligence
- Common Issues
- Risk Mitigation
- Title Insurance
- Focus: Texas

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Mineral Ownership:
The Basics

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Mineral Ownership 101

- Two estates:
  - Mineral Estate
  - Surface Estate
- Like the Surface Estate, the Mineral Estate can be owned by multiple people
- Different levels of rights
  - Executive Rights = Leasing Rights
  - Royalty Interest Only = No Leasing Rights

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Mineral Estate is Dominant

- What does it mean to be dominant?
  - Right to use as much of the surface, subsurface, and adjacent airspace as reasonably necessary to enjoy the mineral estate
  - Mineral Estate defeats Surface Estate in the event of any conflict
- Broad, implied rights to use the surface

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Limits on Mineral Ownership

- Reasonable uses
- Accommodation Doctrine
- Benefit minerals under the land
- Compliance with law, regulations, ordinances, rules, lease provisions

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