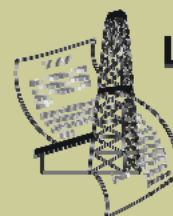


The Override

Every Landman Wants One!



Los Angeles
Association
of Professional
Landmen

Volume 1, Issue 3

November, 2006

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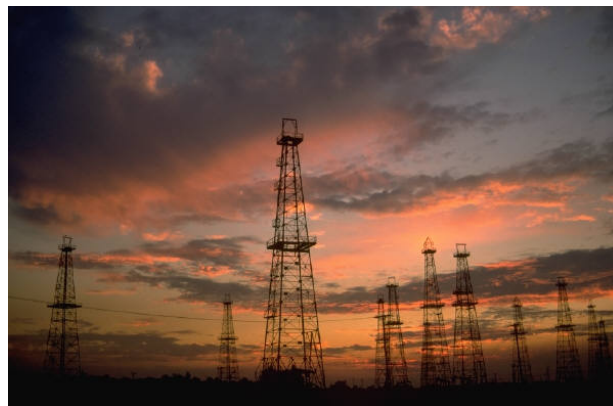
Randall Taylor
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President's Message

Kevin Rupp, CPL
Independent

As Chapter President I reserve the right to be brief and to the point:

- ◆ Have a wonderful time celebrating Thanksgiving
- ◆ Go out and vote
- ◆ Merry Christmas and Happy Hanukkah
- ◆ Happy New Year
- ◆ See you at the Petroleum Club



Nice addition to a beautiful sunset!



Keeping Connected

Take advantage of these LAAPL resources.

- Website - www.laapl.com
- The Override newsletter
- Meetings
- Activities
- Membership Directory

NEW MEMBERS

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The Woodlands, TX 77380
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rbailey@matrisexploration.com

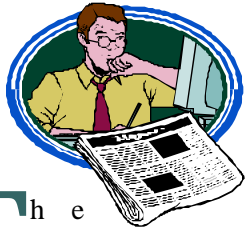
TRANSFERS

No Member Transfers

"OUR HONORABLE GUESTS"

September's luncheon will go down as another successful LAAPL Chapter luncheon meeting held at the Long Beach Petroleum Club. Our President, Kevin Rupp, CPL, Independent, hit the "ball out of the park" on this one. Our guests of honor who attended:

- ◆ Matthew D. Fischer, Esq., of Taubman, Simpson, Young & Sulentor
- ◆ Joe Petersen, Spectrum Land Services
- ◆ Don Hood, Spectrum Land Services
- ◆ Bill Bauer, Independent
- ◆ Lisa Rupp, (Chapter President's Wife!)
- ◆ Karen Tripp, THUMS/OXY
- ◆ Jennifer Evans, White Wolf Land Services
- ◆ Lauren L. Hartwell, Royale Energy Inc.
- ◆ Larry McCamish, Esq., Adorno Yoss Alvarado & Smith



EDITOR'S CORNER

Joe Munsey, Newsletter Chair, Sempra Energy - Utilities

The end of the year is fast approaching and yet there appears no let up in land work for any landman worth his weight in salt. If the truth be known, there are probably young fresh blood infusing the land business, somewhere, out buying leasing and figuring out just who owns the mineral rights on the lease they just secured. [Thank goodness for 30 day sight drafts.] Most of us remember those days when we were the "young guns" and wondering who the grantor is and what about the grantee. About the time we figured out the difference between the grantor and grantee, we would become confused when learning the grantee was one and the same as the mortgagor/trustor. I digress....on to other matters of importance.

November, the month is full to capacity for those of us here in the California oil patch. We have the upcoming election and the West Coast Land Institute all happening the same week. About the time we get our desk cleared of the back log of calls and files which were put on hold while attending the WCLI - the Thanksgiving Holiday pops up to remind us the Christmas Season is drawing near and the year 2006 is about to close.

First things first - the November election. It goes without saying, make it to your polling area and cast your votes. In additions to the politicos running for office, there are several measures on the ballot which will affect all Californians, not the least of is the proposed oil tax. By now, one would think all oil and gas professionals know where they stand on this issue. However, electing not to vote forfeits your right to complain if the outcome does not line up with your stand on the issues or whom you wanted in office. Whew....got that off my chest.

The West Coast Land Institute is the place to be for great topics and a time to network with other oil and gas professionals; to re-acquaint with those colleagues you saw last year and as of yet have not called since that time.

The holidays - a plethora of celebrations beginning with the Thanksgiving Holiday. [If you have not already noticed, some of the merchants have already pulled out the Christmas decorations before we had a chance to cook the turkey.] I love the Christmas season and the other religious holidays that coincide with it, but starting in October seemed a bit too early even for me. Nevertheless, enjoy your

Thanksgiving and be thankful for this year's blessings. Take pleasure in the spirit of Christmas, or Hanukkah, and spread peace on earth towards all. Wake up on New Year's Day ready to take on the world.

This month, we are pleased to introduce our guest writer, J. Craig Williams, Esquire, of WLF | The Williams Law Firm, PC. Craig has submitted his article, "Is There a Remedy for Every Wrong?" Briefly, a husband and wife own two parcels of land in Contra Costa County. The local Reclamation District (the folks who build and maintain levees) decided to build a levee across the husband and wife's property - who in turn decide to build their "castle" on top of the levee. Do we all remember the tune from the 1970's mega rock group Led Zeppelin - "When the Levee Breaks?" You got the picture, now read the rest of the story.

As I "sign off" for the rest of the year, it goes without saying, keep our troops in your prayers and support. God Bless America!

Look forward to seeing everyone at the Long Beach Petroleum Club on January 18, 2007 at the luncheon.

Lawyer's Joke of the Month Jack Quirk, Esq. *Bright and Brown*

A local lawyer died in poverty and the humble citizens approached the judge asking for \$10.00 to bury the man.

"Here's \$100.00," he replied, "bury ten of them."

Denver Association of Petroleum Landmen Announces 33rd Annual Fall Land Institute

For LAAPL members whose work and travel plans conflict with the West Coast Land Institute schedule and just happen to be in Denver, Colorado on November 6, 2006; the DAPL is holding its one day Annual Fall Land Institute.

For further information, please contact the Denver Association of Petroleum Landmen, Masonic Building, 535 16th Street, Suite 850 Denver, Colorado 80202 Phone: 303-446-2253.



Randall Taylor
Petroleum Landman
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~ Case of the Month ~

ED. COMMENTS: THIS BEING A SPECIAL NEWSLETTER EDITION WE HAVE FORGONE OUR CASE OF MONTH.

WE WILL RESUME THE CASE OF THE MONTH IN JANUARY.

JANUARY 2007 LUNCHEON SPEAKER

Should you show up at the Long Beach Petroleum Club in November for a chapter luncheon – it may well be a party of one. However, for our January 2007 luncheon, [where did 2006 go?] the LAAPL Chapter is currently confirming our next speaker who will update the members regarding the “work in progress” at the LNG facilities in Long Beach. We look forward to seeing you there in 2007!

OIL TAX INITIATIVE PROPOSITION 87

Members and Friends:

There is an Oil Tax Initiative (Proposition 87) appearing on the November ballot. Specifically, the measure would impose up to a 6% tax on oil produced in California and create a new state agency to collect and disburse these funds ostensibly for the purpose of reducing petroleum usage in California and promoting alternative fuels.

The LAAPL encourages all of its members to inform themselves concerning Proposition 87 and other matters appearing on the ballot and to express their personal position by casting your vote on November 7.

CHAPTER BUSINESS MEETINGS - SUCCESS IS OUR GOAL

The Chapter’s Executive Board begins to wind down its duties for 2006 as we come to the end of the year. However, the Executive Board will carry on its strategy of successfully leading the LAAPL in January 2007. The Executive Officers and Directors trust all members enjoy a blessed Thanksgiving with family and friends.

The Executive Board meets quarterly on the third Thursday of the month at 11:00 AM at the Long Beach Petroleum Club. Board meeting dates coincide with the LAAPL’s quarterly luncheons.

2006 WESTCOAST LAND INSTITUTE WILL BE HELD NOVEMBER 9TH - 10TH

The Cliff’s Resort in Shell Beach is once again the site of the 24th Annual West Coast Landmen’s Institute. Our sister chapter and sponsor of the event, the Bakersfield Association of Professional Landmen, have lined up top professionals with relevant and interesting topics. We have attached to this volume of the “Override” information regarding agenda and registration. Plan to attend this premier educational event; it is also an opportunity to network with your fellow professionals.

LAAPL’s TREASURY REPORT

Charlotte Hargett
Plains Exploration & Production Company
LAAPL Chapter Treasurer

Beginning Balance as of 09/01/2006	\$8068.86
Total checks, withdrawals, transfers, account fees (check #1629, \$4,000.00, to R.M. Pyles Boys Camp and check #1630, \$331.98, for LAAPL Luncheon L.B.P.C.)	\$4,331.98
Balance as of 9/29/2006	\$3736.88
Deposits/credits	\$754.00
Total Balance as of 10/11/2006	\$4490.88

~ Guest Article ~

IS THERE A REMEDY FOR EVERY WRONG?

By

J. Craig Williams, Esq. of WLF | The Williams Law Firm, PC.

If you're [Wes and Shirley Tilton](#), then right about now you're pretty sure there's not. Here's the setup for their sad tale of woe. They own two parcels of residential real estate in Contra Costa County. A local [Reclamation District](#) decided to build a levee across their properties. In turn, Mr. and Mrs. Tilton built two homes on top of the levee.

Then the problems started.

Apparently, the [levee](#) wasn't constructed properly and didn't provide appropriate subjacent support for the homes. The foundations cracked and part of the house pulled away from the rest of the house and started to sink into the bay. The Tiltons submitted an administrative claim for damages, which the Reclamation District denied. Then they sued in Court, alleging damages for inverse condemnation, negligence, trespass, nuisance, failure to provide lateral and "subjacent" support, maintaining public property in a dangerous condition, and a violation of 42 United States Code section 1983 (civil rights violations).

The trial court dismissed all the

counts, and the appellate court upheld the dismissal.

The courts based their decision on prior cases that essentially immunized the government from damages for its negligence. Quite surprisingly, none of these cases were cited by the parties in their briefs to the court of appeals - the court found those cases on their own. Here's the language from the 1959 case of [Hayashi v. Alameda County Flood Control District](#) that turned out to be the pivotal turning point against the Tiltons: "In [[Hayashi](#)] the district did not cause the original break in the levee, nor is it charged that such occurred by reason of negligence. Negligent design or construction is not charged, nor did the district deliberately divert the water onto the plaintiffs' lands. It is charged with negligent failure to act thereafter, that is, with negligence in the operation and maintenance of its property. In our opinion that does not charge a taking of property for public use under the Constitution."

The appellate court next went on to address the other [tort causes of action](#), and dispatched those as well with equal

ease. The court reasoned that since the Reclamation District had no mandatory duty to maintain the levee, then it could not be sued because it breached no duty. It just doesn't make sense that any government agency could build a levee designed to keep floodwaters out and then claim that it had no mandatory duty to maintain it. If that was the case, then [why build it](#) in the first place?

The reasoning in the case is difficult to stomach, especially when the Tiltons are looking at losses exceeding \$1,000,000. Yes, it's not the damages that determine whether a party has a remedy or not, but it's the government's failure to do its job that should have provided the compensation.

Oh yes, did I forget to mention one of the sections of the California Civil Code? Here's one the court didn't cite: [California Civil Code section 3523](#), which provides: "For every wrong there is a remedy."

Would you like to comment on this article? If so, you may do so my clicking on [this link](#) to: [May It Please The Court](#)

2006 DONATION TO R. M. PYLES BOYS CAMP A SUCCESS

Edgar G. Salazar

*Plains Exploration & Production Company
Golf Committee Chairperson*

As many of our members are aware, the annual LAAPL Mickelson Golf Classic is also an event in which we raise funds for the R. M. Pyles Boys Camp. The Pyles Camp works with deserving, disadvantaged boys who are recommended by social service or law enforcement agencies and other youth organizations before they get into serious trouble.

This year's Mickelson Golf

Classic was a success not only in attendance and good times; as previously mentioned in our last newsletter, we were able to raise \$4000.00 for the R. M. Pyles Boys Camp. On behalf of the LAAPL chapter, I received a letter from Stephen J. Makoff, Executive Director, who expressed his thanks and gratefulness for our kind gift to the organization. As Makoff stated in his letter, our donation helped ensure

the continued success in reaching the maximum number of boys who can attend the camp.

The Executive Director further stated this was the 58th summer of the program. The theme this summer was "miracle in the mountains" and without the support of the LAAPL and many others they would not have been able to continue this program for disadvantaged youths.

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Please contact us for more information and a free copy of our "Oil and Gas Country Available Lands Report". Or you may email us at: terry.allred@transamerica.com

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