



The Override

Every Landman Wants One!

Volume XI, Issue IV

September, 2018



Presidents Message

President
Mike Flores

Championship Strategies, Inc

As I sit at my desk and write our first LAAPL President's column, I want to first thank my predecessor, Sarah Bobbe, CPL, for all the great work she did as LAAPL president. I learned a lot watching her work hard to move our Association forward, her dedication to the Landman profession, and her always being available; I plan to follow her great example.

I also want to send a big thank you to Joe Munsey, RPL, Randall Taylor, RPL, Rae Connet, Esq., and Jason Downs, RPL, for their encouragement to me over the years. They have been



There's nothing like an offshore view!

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supportive to me both as an LAAPL member, but also as friends. This is one of the many gifts my LAAPL membership has brought me.

I was first introduced to LAAP at the WCLI, held in our hometown of Santa Barbara, in 2011. My late mentor, friend and client, oil & gas attorney Dennis Luna, asked me to join him in attending an oil & gas event put on by this organization of Landmen. We had no idea what a Landman was, but since I work as a public affairs professional in the energy industry, I was interested in finding out what Landmen and WCLI were all about. At the Wednesday reception, I clearly remember meeting this guy named Joe who wore a bright Hawaiian shirt and worked for the Gas Company. He was most welcoming to Dennis, myself and another attorney in our firm. Of course, right away Joe asked us to join LAAPL and then Dennis asked me to join on behalf of the firm. Once we attended our first meeting at the Long Beach Petroleum Club, I was hooked. The members were

[Presidents Message](#)
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Meeting Luncheon Speaker

LAAPL BUSINESS MEETING ON THURSDAY, SEPTEMBER 20, 2018 WILL BE AN OPEN MEETING WITH FREE LUNCH TO ALL ATTENDEES

Please join us Thursday, September 20, 2018 for an Association Business Meeting that is open to all members. The West Coast Land Institute is just a couple of weeks away, and as always, it promises to be a very informative Institute addressing industry topics of interest. Therefore, since LAAPL has not had a Business Meeting open to all members in several years, Chapter President Flores felt it is time to take a closer look at where we have been, where we are, and where we are going. In order for our meeting to have maximum impact, we need you, our great members, to help our Chapter President and the rest of the LAAPL Board in developing a roadmap to the future. Please come ready to share your ideas, and in return, LAAPL will pay for your lunch!



Opinionated Corner

Joe Munsey, RPL
Director

Publications/Newsletter Co-Chair
Southern California Gas Company

We are yielding up precious space for LAAPL President Mike Flores' president's message debut. Not sure we could enhance the newsletter any more as Mike seems to have covered it all.

President's Message
continued from page 1

very warm and welcoming, and I loved the congeniality. Within a month, Joe asked me to write a Legislative Affairs Update for the LAAPL Newsletter and I have not only contributed since then on matters of legislative affairs, I also write our sister organization BAPL's Legislative Affairs Update. A year later, I started writing the California Update for AAPL's Landman II magazine, which I did until the magazine was discontinued 2 years ago.

In 2012, I was appointed as the LAAPL REGION VIII representative to the AAPL Board of Directors and held the post for three years. During our time on the AAPL Board, I became aware of the important role Landmen have in our industry and that being a Landman, as a profession, is on par with being an attorney. I met many of the great leaders of the local associations throughout the USA and made many friends. I learned much during our three years; serving as Chair of the Legislative Affairs Committee, Chair of the Public Lands Committee, and a member of the Public Outreach/Public Relations and Landman Scholarship Trust Committee. I currently sit as a member of the Education Committee. All these experiences, I believe, will allow me better to serve you, our membership.

As we look at the future of our industry here in California, I can clearly see it

is filled with obstacles. Even though the oil & gas industry pays more taxes into the state coffers than any other industry, we are being attacked on many fronts in Sacramento. I have personally spoken at DOGGR public meetings and was booed the whole time we spoke. But in attending these and similar meetings up and down the state, my take-away is one word - ignorance. These supporters of the "Anti Fossil Fuel Movement" are a radically dangerous group who speak to those who are fooled by the PR campaign against all oil and gas development of our resources WITHOUT FACTUAL INFORMATION. My Landman friends in Texas and New Mexico are busier than they have been in years; why is this so? They work in a "friendly and supportive" government environment - unfortunately we do not.

To combat this "ignorance," we want to make sure we are equipped with good information which can be shared with the "uninformed." So, we will make sure our LAAPL website has information available for all of us that touts the many benefits of our industry. I also want to reach out to other Landman Associations, not just BAPL, which are facing similar issues, and see where we can learn from each other. I also want to look at the future of the Landman profession; what does it look like? I have many thoughts on this matter and other topics which we look forward to sharing with you in the future.

I have two tenets to my leadership style, Service and Selflessness. I will serve you the members with these tenets as my foundation. And therefore, I want to always be available to you as we chart the future of LAAPL. My email is mike@ChampionshipStrategies.com and my cell is 310-990-8657. Please reach out to me at any time with your concerns and we look forward to a great year.

Thank you and see you at our meeting in Long Beach, Thursday, and WCLI!!

AAPL Honors Landmen With 50 Year Membership

At AAPL's annual convention held in Denver, CO this year the AAPL posted a large placard honoring those AAPL members who hold a 50-year membership with the association. We were thrilled to see three LAAPL Members in the 50-year club hail from the California oil patch.

David A. Chambers, CPL

Independent
Palm Desert, CA
Member since 1968

Allen Cook, CPL

Independent
Fallbrook CA
Member since 1968

Sanford Starman

Starman Oil Company
Westlake Village, CA
Member since 1968 and one of the few remaining Californian landmen who holds an Oil and Gas Broker's License.

We congratulate these landman for their loyalty to the AAPL!

LAAPL Receives Award

"The Override," the official organ of the LAAPL took first place for Best Newsletter (small chapter association category) at the AAPL convention in Denver, CO. Attending the ceremony and accepting the award on the chapter's behalf was Joe Munsey, RPL. The newsletter has outstanding contributing writers, but it goes without saying that Randall Taylor, RPL, of Taylor Land Service, Inc., Co-chair of the Publication/Newsletter, does all the heavy lifting when it comes to publishing this fine communication tool.



2018–2019 Officers & Board of Directors

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Warren E&P, Inc.
562-800-0062

Past President
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Signal Hill Petroleum
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The Termo Company
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Taylor Land Service, Inc.
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Randall Taylor, RPL, Co-Chair

Communications/Website Chair
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Signal Hill Petroleum
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(949) 500-0909

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Championship Strategies, Inc
310-990-8657

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Gartside LLP
310-746-4425

Golf Chair
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Chevron Pipeline & Power
858-699-3353

Nominations Chair
To be determined

New Members and Transfers

Allison Foster
Membership Chair
Signal Hill Petroleum, Inc.

Welcome! As a Los Angeles Association of Professional Landmen member, you serve to further the education and broaden the scope of the petroleum landman and to promote effective communication between its members, government, community and industry on energy-related issues.

New Member Request

Thomas A. Henry
Partner, Stoel Rives LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
thomas.henry@stoel.com
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Fax: 916.447.4781
Cell: 916.761.8927

Transfers

Jason Downs, RPL
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2600 Homestead Place
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jasondowns@chevron.com
Bus Phone: 310.669.4005
Cell: 858.699.3353
Previously at:
Breitburn Operating LP

Welcome Back [Reinstatement]

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Landman
PetroLand Services
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eftihiospentarakis@gmail.com
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Cell: 310.406.4730

James D. Pham
JD Energy Solutions, LLC / Berkshire
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jdpham@email.com
Bus Phone: 949.500.0909

Status Change/ Lifetime Member

Cliff Moore, Landman (Retired)
142 Clyde Street
Hampton, VA
92regent@gmail.com
Home Phone: 757.675.2018
Cell: 757.675.8634



Treasurer's Report

Jason Downs, RPL
Treasurer
Chevron Pipeline & Power

As of 5/09/2018, the
LAAPL account **\$26,907.90**
showed a balance of
Deposits **\$ 8,000.41**
Total Checks,
Withdrawals, Transfers **\$ -6,532.27**
Balance as of 9/11/2018 **\$ 28,376.04**
Merrill Lynch Money
Account shows a total of **\$ 11,096.90**
(not current, total is from
past reports)

Chapter Board Meetings

There is no report from our last Board Meeting.

We encourage all members to attend our LAAPL Board Meetings. The meetings are typically held in the same room as the luncheon immediately after the meeting is adjourned.

Scheduled LAAPL Luncheon Topics and Dates

September 20, 2018

LAAPL Association Business Meeting

November 15, 2018

TBD

January 24, 2019

[4TH Thursday]

Annual Joint Meeting with
Los Angeles Basin Geological Society

March 21, 2019

TBD

May 16, 2019

TBD

Officer Elections

2018 West Coast Land Institute

The WCLI, a joint effort of the Los Angeles Association of Professional Landmen and Bakersfield Association of Professional Landmen, is scheduled for September 26th through 28th, 2018, in Paso Robles, CA.

Lawyers' Joke of the Month

**Jack Quirk, Esq.
Bright and Brown**

Will I Live to see 95?

I recently had to choose a new primary care doctor. After two visits and exhaustive lab tests, she said I was doing well for my age. (I am 69)

A little concerned about that comment, I couldn't resist asking her, "Do you think I'll live to be 95?"

She asked, "Do you smoke tobacco, or drink beer, wine or hard liquor?" 'Oh no,' I replied. 'I'm not doing drugs, either!'

Then she asked, "Do you eat rib-eye steaks and barbecued ribs?"

I said, "Very little; my wife insists that all red meat is very unhealthy!"

"Do you spend a lot of time in the sun, like playing golf, boating, sailing, hiking, or bicycling?"

"No, I sure don't," I said.

She asked, "Do you gamble, drive fast cars, or have frequent sex?"

"No," I said.....

She looked at me and asked, "Then, why do you even care?"

Our Honorable Guests

May's luncheon was another successful LAAPL Chapter luncheon meeting held at the Long Beach Petroleum Club. Our guests of honor who attended:

Steve Duffy

Nomadic Land Services, Inc.

Bob Poole

Western States Petroleum Association

Jeanne Orcutt

Coastal Energy Alliance

Eftihi Pentarakis

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Rick Peace, President

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SEE YOUR "REAL" INCOME BY STATE

Chuck West, Esq., CCIM

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Westline May 2018

How much your wages are actually worth depends substantially on where you live. Using Median household income from the Census Bureau's American Community Survey, Money Magazine's editors adjusted those figures based upon each state's 2015 regional price parity - a US Bureau of Economics calculation showing how far an annual salary equal to the state's median income (half above and half below, not an average) will go in each state. The higher a price parity number the more residents will pay for items such as housing, food, and transportation. A price parity figure of 118.8 for Hawaii means that goods and services there cost almost 19% more than the national average. Prices in Wyoming, meanwhile, with a price parity of 96.2, are 3.8% less than the national average, plus no state income tax, a 4% sales tax, and 3/4% property tax to boot.

It is interesting to note that the median family income in California is only about \$4500 more annually than Wyoming, yet the cost of living in California is 13.4% higher than the national average and 17.2% higher than Wyoming, with state income tax as high as 13.5%.

State	Median income	Price Parity Score	"Real" Median Income
Alabama	\$44,765	86.8	\$51,573
Alaska	\$73,355	105.6	\$69,465
Arizona	\$51,492	96.2	\$53,526
Arkansas	\$41,995	87.4	\$48,049
California	\$64,500	113.4	\$56,878
Colorado	\$63,909	103.2	\$61,927
Connecticut	\$71,346	108.7	\$65,636
Delaware	\$61,255	100.4	\$61,011
District of Columbia	\$75,628	117	\$64,639
Florida	\$49,426	99.5	\$49,674
Georgia	\$51,244	92.6	\$55,339
Hawaii	\$73,486	118.8	\$61,857
Idaho	\$48,275	93.4	\$51,686
Illinois	\$59,588	99.7	\$59,767
Indiana	\$50,532	90.7	\$55,713
Iowa	\$54,736	90.3	\$60,616
Kansas	\$53,906	90.4	\$59,631
Kentucky	\$45,215	88.6	\$51,033
Louisiana	\$45,727	90.6	\$50,471
Maine	\$51,494	98	\$52,545
Maryland	\$75,847	109.6	\$69,203
Massachusetts	\$70,628	106.9	\$66,069
Michigan	\$51,084	93.5	\$54,635
Minnesota	\$63,488	97.4	\$65,183
Mississippi	\$40,593	86.2	\$47,092
Missouri	\$50,238	89.3	\$56,258
Montana	\$49,509	94.8	\$52,225
Nebraska	\$54,996	90.6	\$60,702
Nevada	\$52,431	98	\$53,501
New Hampshire	\$70,303	105	\$66,955
New Jersey	\$72,222	113.4	\$63,688
New Mexico	\$45,382	94.4	\$48,074
New York	\$60,850	115.3	\$52,775
North Carolina	\$47,830	91.2	\$52,445
North Dakota	\$60,557	92.3	\$65,609
Ohio	\$51,075	89.2	\$57,259
Oklahoma	\$48,568	89.9	\$54,024
Oregon	\$54,148	99.2	\$54,585
Pennsylvania	\$55,702	97.9	\$56,897
Rhode Island	\$58,073	98.7	\$58,838
South Carolina	\$47,238	90.3	\$52,312
South Dakota	\$53,017	88.2	\$60,110
Tennessee	\$47,275	89.9	\$52,586
Texas	\$55,653	96.8	\$57,493
Utah	\$62,912	97	\$64,858
Vermont	\$56,990	101.6	\$56,093
Virginia	\$66,262	102.5	\$64,646
Washington	\$64,129	104.8	\$61,192
West Virginia	\$42,019	88.9	\$47,265
Wisconsin	\$55,638	93.1	\$59,762
Wyoming	\$60,214	96.2	\$62,593

Due Diligence Seminar

Format: Seminar

Location: Long Beach Petroleum Club
3636 Linden Ave Long Beach, CA
90807-4002

Date: November 15, 2018

Time: 9:00 AM - 3:00 PM

[Add to Calendar](#)

Credits: 5.00 CEU

Speaker: **A. Frank Klam, CPL**



This Due Diligence Seminar is designed for the land professional that has or will be involved in due diligence for producing property and/or non-producing leasehold acquisitions. This is a “hands on” course to prepare anyone that is conducting due diligence.

Learn how to ready yourself to begin a project, how to verify working interest and net revenue interest, what problems to expect, how to find title defects, and how to report your results to either your client, your company or to the bank.

Your instructor, A. Frank Klam, CPL, has over 45 years of experience as a land professional and has been doing due diligence for over 20 years, from small acquisitions to billion-dollar transactions. His insight and experience make this course a must if you plan to get involved in the due diligence process for your



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LAAPL 2018 – 2019 OFFICERS

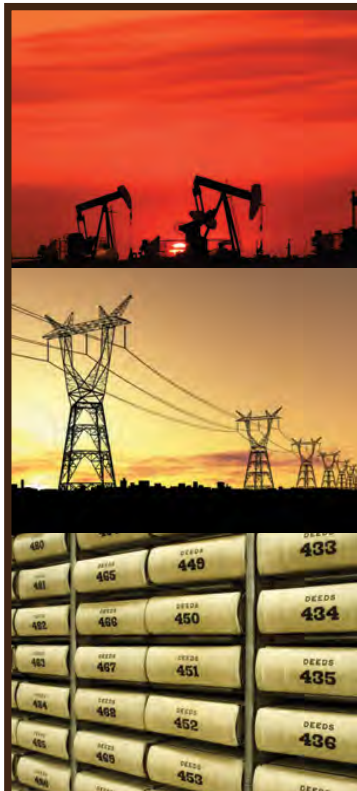


At our May 2018 luncheon, the LAAPL members voted in for office:

<u>OFFICE</u>	<u>ELECTED CANDIDATE</u>
President	Mike Flores, Championship Strategies, Inc. ¹
Vice President	Jessica Bradley, RPL, Warren E & P, Inc.
Past President	Sarah Bobbe, CPL, Land Manager, Signal Hill Petroleum ²
Secretary	Marcia Carlisle, The Termo Company
Treasurer	Jason Downs, RPL, Chevron Pipeline
Director	Joseph D. Munsey, RPL, Senior Land Advisor Southern California Gas Company
Director	Randall Taylor, RPL, President, Taylor Land Service, Inc.
Director	Sarah Bobbe, CPL, Land Manager, Signal Hill Petroleum ²

¹Per Section 7(3) the Vice President shall succeed to the office of the President after serving his or her term as Vice President and shall hold the office of President for the next twelve (12) months.

²Per Article 8 (2) the outgoing President shall serve as director.



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Case of the Month - Right of Way



New Eminent Domain Opinion Discusses Admissibility Rules for Valuation Witnesses

Rick E. Rayl, Esq., Partner
Law Firm of Nossaman LLP

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One of the unique things about eminent domain cases is that a set of specific procedural rules govern the admissibility of valuation evidence at trial. A new unpublished opinion from the Court of Appeal, [San Bernardino County Transportation Authority v. Byun](#), explores some of the many things that can go wrong when a party ignores those procedural rules. At the outset, I must admit to a personal stake in this one; this was a case I handled, and which I argued at the Court of Appeal on May 17 (that the decision came out so quickly after argument gives some sense of how the Court felt about the case). Without getting too deep into the multi-year factual morass, suffice it to say that the opposing party violated about every rule regarding valuation opinions that exists, many of them repeatedly. The end result was the trial court's exclusion of two entire teams of designated experts, the owner and his plant manager, and myriad contractors and other witnesses (I think the total was about 20 by the end of it).



The opinion covers a lot of the procedural history, and though fascinating, there really is not much worth rehashing here. I did, however, want to focus on one particular issue, since it is a mistake often made in eminent domain cases when inexperienced condemnation attorneys represent the property or business owner.

In condemnation cases, Evidence Code section 813 provides that the property's owner has a right to testify to an opinion of value. This is unusual, since typically a valuation opinion would be the exclusive realm of a qualified expert witness (typically, an appraiser).

While property owners and their attorneys always seem to stumble onto this rule, it comes with a crucial corollary: the owner, just like any witness who intends to offer an opinion of value at trial, must be designated during the expert exchange. Perhaps more



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importantly, the owner must exchange a "statement of valuation data" describing the intended opinion. Failure to follow these procedural steps correctly can have a devastating impact, because it results in the waiver of the owner's "right" to testify. As the Court of Appeal explained in affirming the trial court's exclusion of the owner:

[Owner]'s right to testify did not excuse his failure to sign and exchange a supporting statement of valuation data.

The moral of the story is actually pretty simple: if you find yourself in an eminent domain case, make sure you are hiring an attorney who actually practices in this area of law, because the consequences of a misstep by an attorney who does not understand the differences between eminent domain procedures and ordinary civil litigation procedures can be severe.

Mr. Rayl can be reached at r-rayl@nossaman.com.



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Chapter President Announces Committee Chairs

Our newly elected Chapter President, Mike Flores, Flores Strategies, LLC, announces his Committee Chairs for the 2018 – 2019 term. The Los Angeles Association of Professional Landmen will be greatly served by the following members:

Legal Counsel	Ernest Guadiana, Esq., Associate, Elkins Kalt Weintraub Reuben Gartside LLP (310) 746-4425 eguadiana@elkinskalt.com
Membership Chair	Allison S. Foster, Land Analyst Signal Hill Petroleum, Inc. (562) 326-5220 AFoster@shpi.net
Website Chair	Chip Hoover, Independent (310) 795-7300 – Cell chiph Hoover@hotmail.com
Education Chair	James D. Pham, JD JD Energy Solutions, LLC / Berkshire Hathaway (949) 500-0909 jdpham@email.com
Publishing/Newsletter Chair	Randall Taylor, RPL, President Taylor Land Service, Inc. (949) 495-4372 randall@taylorlandservice.com Joseph D. Munsey, RPL, Senior Land Advisor Southern California Gas Company (949) 361-8036 jmunsey@Semprautilities.com
AAPL Region VIII Director	Randall Taylor, RPL, President Taylor Land Services (949) 495-4372 randall@taylorlandservice.com
Legislative Chair <i>[By Popular Demand]</i>	Mike Flores, President Championship Strategies, LLC (310) 990-8657 – Cell mikef@floresstrategies.com
Mickelson Golf Classic Chair	Jason Downs, RPL Senior Land Representative Chevron Pipeline & Power (310) 669-4005 jasondowns@chevron.com
Nominations Chair	TBD

TELL THE STATUS QUO TO WATCH ITS BACK.



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RIGHT-OF-WAY ACQUISITION



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TITLE SERVICES



ACQUISITION DUE DILIGENCE



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iLandMan Merger

“A Message from iLandMan Founders Tim Supple and Richard Hines”

You’ve probably heard by now that iLandMan has been brought under the P2 Energy Solutions product umbrella, which to us represents a humbling validation of what we’ve been building from the ground up for a long time.

Some fifteen years ago, we had the idea of creating a way to bring landmen into the quickly evolving digital age. As landmen, brokers, and operators together for the previous twenty years, we were confident that the burgeoning internet could offer tools for land departments to revolutionize their processes for lease acquisition, GIS mapping, land management and more.

iLandMan was born.



Tim and Richard Back Then

As our software grew in sophistication and technology evolved, the proliferation of “the cloud” offered us the ability to develop better, cheaper, and faster than ever before. This also allowed us to build iLandMan as a

centralized platform, focusing on “integration” with other data sources and software programs. We hoped that this would result in the most efficient processes in the industry, ultimately increasing the value of land data exponentially.

We worked tirelessly to bring this dream of integration to life, with some successes and some struggles along the way. Through this process we realized that finding a major software company that aligned with our strategy might be the best solution. In our first meeting with the P2 executive team, we were excited to discover that they shared our vision. They too saw the possibilities of combining iLandMan with their software suite to increase functionality and add value to the end users of both iLandMan and P2 products.

People may ask and speculate, with all the other avenues and offers, as to why iLandman elected to join the P2 family. The answer is simple; to carry out the vision two landmen had some fifteen years ago of elevating land departments and empowering true land professionals as critical parts of any modern oil and gas company.

Thank you to all of our loyal customers, thank you to the staff of iLandMan, and thank you to P2 for allowing this vision to move to its next stage.

So, what’s next? We are staying right here in Lafayette and all of our employees and contractors are as well! This means you will still have the same team administering iLandMan and our services and support will continue to be the best in the industry. Our roadmap of

development will remain in place, along with exciting new P2 integrations, and our passion to give our customers the best land software will always remain paramount.



Richard and Tim Today

The future is bright, times are changing, and land is still the asset that creates the basis of all wealth!

Tim Supple + Richard Hines, CPL

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Case of the Month - Oil & Gas

Louisiana Supreme Court's Reversal of Gloria's Ranch, L.L.C v Tauren Exploration, Inc.

By Kelly Brechtel Becker, Esq., Shareholder, of Liskow & Lewis
and

Laura Springer Brown, Esq., Associate, of Liskow & Lewis

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Louisiana Supreme Court's reversal of Gloria's Ranch clarifies calculation of damages for unpaid mineral royalties, provides relief for holders of security interests in mineral rights

The Louisiana Supreme Court's reversal of Gloria's Ranch, L.L.C. v. Tauren Exploration, Inc., hands a victory to financiers of oil and gas operations and settles a long-running controversy over the amount of damages available for failure to pay mineral royalties.

A mortgagee with a security interest in a mineral lease can't be held liable for breaches of the lease

Louisiana Mineral Code articles 206 and 207 obligate a "former owner" or "former lessee" of mineral rights to provide written evidence that their mineral rights have been extinguished, thus enabling landowners to clear clouds on their titles and sell or lease their mineral rights to others.

The dispute behind the Gloria's Ranch case occurred at the peak of Haynesville Shale development in North Louisiana, when a landowner/lessor claimed that a mineral lease on its property had failed to produce in paying quantities. After trial, the court held that two mineral lessees and a mortgagee with a security interest in the lease (Wells Fargo) were solidarily liable for more than \$20 million in damages resulting from failure to release the lease.

The appellate court affirmed the finding of solidarity (known as "joint and several" liability in most jurisdictions), reasoning that Wells Fargo became an owner of the mineral lease because it "controlled the bundle of rights that make up ownership, i.e., the rights to use, enjoy, and dispose of the lease." However, a vigorous dissent warned that the majority's "control theory" to impose solidarity between a mortgagee and a mineral lessee could have "[d]evastating economic repercussions" for the lending industry, and "[s]erious and harmful impact on the oil and gas industry."

In an opinion released June 27, 2018, the Louisiana Supreme Court reversed the finding that Wells Fargo was liable with the mineral lessees for the failure to release the mineral lease under Mineral Code articles 206 and 207. Noting that those articles set forth the obligations of a "former owner" or "former lessee," the Court held that Wells Fargo was merely a creditor with a security interest in a mineral lease, and not an "owner."

The Court rejected the contention that Wells Fargo's "rights of control" under its mortgage and credit agreement to direct aspects of mineral lease operations and to receive profits from the lease conferred ownership. Instead, the Court found these "provisions typical of security contracts, all designed to protect the collateral." The Court also observed that "none of the provisions of the mortgage or credit agreement convey to Wells Fargo the right to explore for and produce minerals on the property—the primary right granted in a mineral lease and the stamp of ownership thereof."



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“Double” isn’t Treble

In addition to its lease release claims, the Gloria’s Ranch landowner also brought a claim for unpaid royalties under Mineral Code article 140, which states in pertinent part:

If the lessee fails to pay royalties due or fails to inform the lessor of a reasonable cause for failure to pay in response to the required notice, the court may award as damages double the amount of royalties due[.]

The lower courts awarded Gloria’s Ranch \$726,087.78 in damages: \$242,029.26 in unpaid royalties, plus an additional double damages penalty of \$484,058.52. This calculation interprets the “double damages” provision of article 140 to mean the amount of royalties due plus an additional penalty of two times the amount of royalties due—effectively awarding treble damages.

The double versus treble interpretation of article 140 had long been a source of dispute in Louisiana, with no clear appellate court guidance. The Supreme Court’s majority opinion in Gloria’s Ranch ends the uncertainty by finding the lower courts’ calculation to be wrong. Settling the interpretive dispute, the Court held that the language of article 140 is “a clear authorization by the legislature for courts to award a maximum of two times the amount of unpaid royalties, not three times the amount.” Because “damages” are compensation for a loss, they must necessarily include the amount owed. The Court reasoned:

Clearly, an award of the amount of royalties due is the compensation for the failure to perform that obligation. The use of the permissive word “may” gives the court the authority to double that amount if the court, in its discretion, finds the defendant’s conduct so warrants. A contrary reading that assumes the unpaid royalties are something separate from “damages” ignores the plain meaning of the word “damages.”

One Justice dissented from this holding, agreeing with the lower courts’ interpretation. However, unless and until the article is amended, any linguistic ambiguity in the article will be of little consequence now that Louisiana’s highest Court has interpreted it.

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Guest Article - US Pipeline Network Growth

Protesters Aren't Stopping US Pipeline Network Growth

By Steve Goreham

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Originally published in [Master Resource](#), June 27, 2018

Ed. Note: Mr. Goreham is the Executive Director of the Climate Science Coalition of America, a non-political association of scientists, engineers, and citizens dedicated to informing Americans about the realities of climate science and energy economics.



Image by Gethen (2017)

Opposition to oil and gas pipelines produces sensational headlines. Protests of the Keystone XL, Dakota Access, and numerous smaller projects are well-covered by the media, creating the impression of an industry halted by public outcry. But the US pipeline network is steadily expanding and safety is improving.

Construction efforts for oil and gas pipelines have long faced opposition from local residents who don't want a pipeline near their community. But over the last decade, opposition expanded from local to national, involving protesters concerned with supposed impact on the climate and the global environment. Pipelines are no longer opposed for only NIMBY (Not in My Backyard) reasons, but increasingly for NOPE (Not on Planet Earth) reasons.

Keystone XL pipeline opposition is a well-known example. The Keystone XL was originally proposed in 2008 to carry petroleum from the Canadian oil sands, Montana, and North Dakota to US Gulf Coast refineries. Environmental groups, citizens, and politicians attacked the project, warning that the pipeline would harm water supplies and increase global warming.

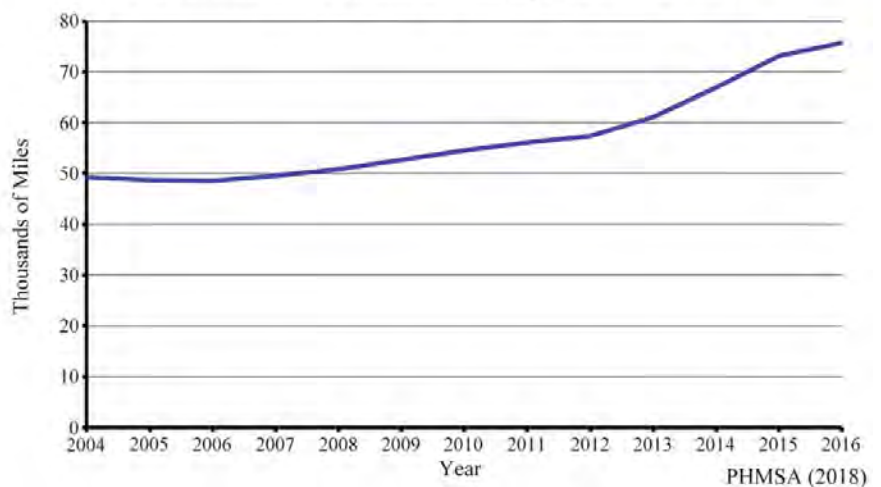
Global warming environmentalist Bill McKibben was arrested in front of the White House in a Keystone XL protest. Senator Barbara Boxer [warned](#) that the pipeline would cause cancer in more Americans. In November 2015, President Obama rejected the project, [stating](#), "America is now a global leader when it comes to taking serious action to fight climate change. And frankly, approving this project would have undercut that global leadership." In January 2017, President Trump reversed the Obama rejection and [signed](#) a memorandum to advance the Keystone XL, which should begin construction later this year.

The Dakota Access Pipeline, a project to carry crude oil from North Dakota to southern Illinois, was announced in June 2014. The pipeline was opposed by Native Americans and other local groups, but also national and international groups including [Amazon Watch](#), [Black Lives Matter](#), and [Greenpeace](#). St. Louis, Minneapolis, and 17 other cities [passed](#) ordinances opposing the pipeline. Celebrity [Leonardo di Caprio](#), Senator [Bernie Sanders](#), and even United Nations [officials](#) called for a halt to the pipeline.

In the spring and summer of 2016, a camp of over 3,000 protestors [developed](#) in the path of pipeline construction in Cannon Ball, North Dakota and received international media coverage. But between September 2016 and January 2017, the camp was cleared by police with about 200 protestors arrested. The pipeline began operation in May 2017 and now [transports](#) over 500,000 barrels of oil per day.

With rising protests backed by sympathetic

US Crude Oil Pipeline Mileage (2004-2016)





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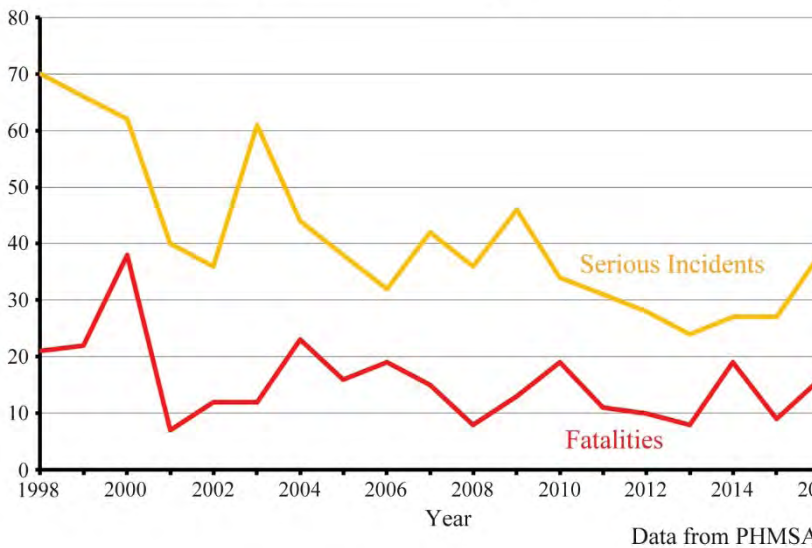
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media coverage, one might conclude that the US pipeline network is in decline, but this is not the case. Pipeline networks are expanding and increasingly used to safely transport oil, oil products, natural gas, and volatile liquids such as ethane, butane, and propane.

Driven by increased oil production from the fracking revolution, US crude oil pipeline mileage [increased](#) from 49,000 in 2004 to over 75,000 in 2016, according to the Pipeline and Hazardous Materials Safety Administration (PHMSA). But many locations need still more pipeline capacity. Petroleum output is rising so fast in America's largest oil field, the Permian Basin shale field in West Texas, that pipelines can't [handle](#) it all.

The pipeline network for distributing natural gas to homes and businesses is also growing steadily. Data from the PHMSA shows that gas distribution main and service pipeline mileage [grew](#) 80 percent from 1984 to 2016. Gas pipeline mileage continues to steadily expand, despite "electrification" [efforts](#) aimed at reducing the use of natural gas and propane in California and New York.



Pipelines are the safest method to transport crude oil, oil products, and natural gas. A 2012 [study](#) by the Manhattan Institute used PHMSA data to show that hazardous material incidents for pipeline transportation of oil and gas were roughly one-twentieth of the incidents for rail transportation and hundreds of times less frequent than incidents for truck transportation per billion ton miles.

PHMSA data also shows that the number of serious incidents and fatalities [experienced](#) by US pipelines is down roughly 50 percent since 2000, despite the expansion of oil and gas pipeline networks. US residents have about double the chance of dying from a lighting strike than a pipeline accident.

New England is the only region where opposition has prevented most pipeline construction during recent years. In June of 2017, New York Governor Andrew Cuomo [rejected](#) the proposed Constitution Pipeline, which planned to bring fracked gas from Pennsylvania to the New England pipeline network.

In February, when supplies of gas were tight, Massachusetts imported liquefied natural gas from Russia, needed to heat homes and generate electricity. Massachusetts Attorney General Laura Healey [admitted](#) that she would rather import gas from Russia than build a new gas pipeline to her state [emphasis added]. Meanwhile, New England residents pay the highest electricity costs in the continental United States, and these prices are rising.

With the exception of the New England region, pipeline opponents have failed to halt the growth of US pipeline systems. Oil and gas pipeline networks continue to expand with improving safety, while delivering increasing amounts of petroleum, petroleum products, and natural gas to US residents and businesses.

*Steve [Goreham](#) is a speaker on the environment, business, and public policy and author of the [book](#) *Outside the Green Box: Rethinking Sustainable Development*. Mr. Goreham can be reached at gorehamsa@comcast.net.*

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Wednesday, September 26th

Golf & Reception

Thursday, September 27th

7:00 AM - 8:00 AM	Registration and Breakfast
8:05 AM - 8:15 AM	Opening Remarks, Agenda Adjustments, Etc. Mike Flores, Legislative Affairs for LAAPL & BAPL, Championship Strategies LLC Legislative Update [Local and National]
8:15 AM - 8:45 AM	Pat Moran, RPL, Independent "A Landman's Perspective When an Oil Company Goes Bankrupt"
8:45 AM – 9:15 AM	Thomas A. Henry, Esq., Partner, of Stoel Rives LLP "NOI's, Re-working Wells, WellSTAR, Proof of CEQA Compliance – What is Going on with DOGGR"
9:15 AM - 10:15 AM	Steve Figgins, MBA, Principal, EKI Environmental & Water, Inc. "How to Pick an Environmental Consultant"
10:15 AM – 10:30 AM	Break
10:30 AM – 11:30 AM	Steven M. Murow, CEO, and Bob Garrison, Director of Consulting Services, Murow Construction Oversight Consultants "Redeveloping Oil Field Property - The Process, The Economics"
Noon - 1:30 PM	LUNCH + Speaker, AAPL Director of Education & Member Services, Stacey J. Garvin, CPL "AAPL Initiatives and the Future"
1:30 pm - 2:30 pm	John J. Harris, Esq., Partner, & Gerald J. Pels, Esq., Partner, of Locke Lord LLP "Can an Environmental Insurance Policy Shoulder the Risks Affecting Contaminated Properties?"
2:30 PM – 3:30 PM	Ernest J. Guadiana, Esq., Associate, Law Firm of Elkins Kalt Weintraub Reuben Gartside LLP "Entitling Brownfields"
3:30 PM - 3:45 PM	Break
3:45 PM - 4:45 PM	Sue Watson, Principal, Business Initiatives "Ethics"
	Cocktails, Dinner & Music
	Friday, September 28th
7:00 AM - 7:45 AM	Breakfast
7:50 AM - 8:50 AM	Julie A. Carter, Esq., Partner, & Sean B. Murphy, Esq., Partner, of Day Carter Murphy "We Know a Thing or Two Because We've Seen a Thing or Two – a Thirty Year Perspective on Title Issues"
8:50 AM - 9:50 AM	Dave Kilpatrick, President, Kilpatrick Energy Group "Dave's Forecast and Prognostication"
9:50 AM – 10:00 AM	Break
10:00 AM – 11:00 AM	Keith E. McCullough, Esq., Equity Shareholder, AlvaradoSmith PC "Eminent Domain Update Affecting Oil, Gas and Mineral Rights"
11:00 AM – Noon	Bob Poole, Director Western States Petroleum Association "California Oil and Gas Industry Update - Where Do We Go From Here Redux"
Noon	Closing Remarks

¹Day Carter Murphy will be coordinating MCLE credits.

2018 Mickelson Golf Classic



2018 MICKELSON GOLF CLASSIC



*Jason Downs, Golf Tournament Chair
Co-Chairs: Mitch Arnold and Adam Bell*

The 14th Annual LAAPL Mickelson Golf Classic held at Angeles Nationals on Friday, September 7th was another major success to benefit the R.M. Pyles Boys Camp. "Pyles" has been a favored beneficiary of the LAAPL annual golf tournament for several years now.

Established in 1949 by Mr. Pyles, a Huntington Beach oilman, R. M. Pyles Boys Camp is dedicated to the task of building healthier and happier generations of productive young Americans, firmly endowed with the ideals and principles of this Nation. Pyles Boys Camp gives a new confidence in life through a high quality and challenging High Sierra wilderness camp experience. R.M. Pyles Boys Camp continues to follow up with year-round programs to support and reinforce values learned at camp.

With the generosity of those who supported the tournament through gifts and sponsorships, the Los Angeles Association of Professional Landmen is happy to announce that it will be contributing the entirety of the tournament net proceeds to Pyles once final accounting is completed which will net over \$2,183.75.

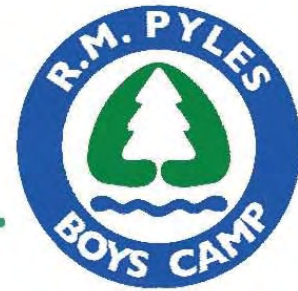
Angeles Nationals Golf Club, located in Sun Valley, California, had sunny and perfect weather this year. 32 LAAPL members and guests enjoyed the Italian buffet dinner and raffle. The tournament committee rounded up a variety of raffle prizes (along with raffle contributions from several members) so most of those in attendance left with a special gift.

Our first-place team, which included Blain Meith, Mitch Arnold, Wes Marshall and Scott Espenshade was sponsored by CRC. Longest Drive went to Mitch Arnold from CRC, and Closest to the Pin went to Marty Trehan from Team Chris Boyd and Blain Meith from CRC. Each made-off with a new golf trophy to add to their already sizable collection.

Of course the young men who attend the R.M. Pyles Boys Camp were the real winners of the day, thanks to the generous contributions of southern California's professional landmen and their respective employers who sponsored this year's LAAPL charity golf event. The LAAPL Membership and Golf Committee extend their sincere appreciation and gratitude to each and every sponsor, attendee, and volunteer for their support and generous contributions to this year's fundraiser.



RM Pyles Boys Camp



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Each year 500 deserving boys from Los Angeles, Ventura, Santa Barbara, Kern and Orange Counties are given the opportunity to go to camp free of charge through the generosity of the young men of Southern California. During the past **60+ years**, over **26,000** boys have participated in this life changing experience.

Founded in 1949 by oilman Bob Pyles, the camp is supported by special fundraising events and by contributions from individuals, corporations, foundations and service organizations in each of the local area we serve in Southern California. During that time countless men women from Southern California have given of their time and resources to help boys become good and productive citizens we are extremely proud of our success and recognize that it is only made possible by people who have faith in our ability to change boys' lives forever.

We ask that you join other individuals, businesses and foundations that want to make a difference in their community by annually sponsoring one or more boys.



OUR MISSION:

R.M. Pyles Boys Camp promotes long-term positive behavioral change for low-income, disadvantaged boys by providing a multi-year wilderness camp experience supplemented by year-round mentoring that builds life and instills the values of hard work, education, and positive choices.



If you want to donate or have any questions, please contact our Executive Director, Stan "Coach" Moe

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