



The Override

Every Landman Wants One!

Volume XV, Issue V

May, 2023



LAAPL

LOS ANGELES ASSOCIATION OF PROFESSIONAL LANDMEN

Presidents Message

RICHARD MALDONADO
PRESIDENT
SPECTRUM LAND SERVICES

Greetings LAAPL members and friends,

In my previous president’s message from the March 2023 issue of *The Override*, we discussed some of the daunting challenges facing producers and consumers of natural gas in California. As we all know, local production, storage and delivery of this precious resource is subject to another round of legislation intended to phase out natural gas appliances in homes and businesses across the state.

Last year, the California Air Resources Board voted on and passed an overall climate change and pollution-fighting strategy that includes a plan to start prohibiting sales of new gas appliances starting in 2030. The specific rules are expected to be finalized in 2025.

Soon, homeowners in California looking to replace their gas appliances will only be able to purchase zero-emission appliances, like induction cooktop stoves. One major problem that this will create for many homeowners and businesses alike will be the excessive cost to retrofit our 120V electrical systems to more expensive 240V high-output panels that can handle the electrical load these electric appliances demand.

The California Restaurant Association recently filed a formal complaint with the Air Resources Board, stating that restaurants will be “unable to prepare many of their specialties without natural gas.” It added, “Losing natural gas will slow down the process of cooking, reduce a chef’s control over the amount and intensity of heat, and affect [*President’s Message continued on page 2*](#)”



Inside This Issue:

~ Click on a topic to take you to that article ~

Presidents Message	1
Meeting Event	1
Opinionated Corner	2
Officers, Chairs, BoD	2
Chapter Board Meetings	3
Treasury Report	3
Call for Dues	3
Scheduled Luncheon Topics	3
Event Overflow Parking Map	3
AAPL Director’s Report	4
LAAPL 2023-2024 Nominations	8
45Q Quick Reference Guide	9
LAAPL Education Report	10
Guest Article - Immutable Principles	14
Guest Article - Practical Impossibility	16
LAAPL Constitution and Bylaws	18
Guest Article - Green Steel Prices	28
Case of the Month - R of W	30
Case of the Month - Energy	32
Bibikos at the Well - May 2023	34
WCLI Flyer Save the Date	38
WCLI Registration Form	39

Meeting Luncheon Speaker

In lieu of a regular chapter meeting, this month LAAPL will be trekking to Downey for a private tour of SoCalGas' new Hydrogen Home. The Hydrogen home is North America's first-ever clean hydrogen powered microgrid and home. For those who attended LAAPL's November meeting, this will be a double treat as Oscar Contreras, our November speaker, will be our tour guide. This event is free.

LOCATION

9240 Firestone Blvd.
Downey, CA 90241

DATE AND TIME

05/18/2023
1:00 pm - 2:00 pm

Attendees, please meet in the lobby where our tour guide will meet us and walk us over to the home.

Please note that onsite parking is available on a first come first serve basis. In the event of a full [*Luncheon Speaker continued on page 2*](#)



Opinionated Corner

JOE MUNSEY, RPL
PAST PRESIDENT
CO-NEWSLETTER CHAIR
SOUTHERN CALIFORNIA GAS COMPANY

We are down to the bottom of the last barrel of ink. Before we exhaust the last few drops, we would like to take this opportunity to express thanks to the following for making “The Override” a continuous success; i) The LAAPL executive board, ii) Rich Maldonado, Chapter President, iii) The legal community who has provided the content for our Cases/Issues of the Month, iv) Guest writers for additional articles, v) Allison Foster who continues to provide excellence with proof reading skills; and vi) Star of this award-winning publication, Randall Taylor, RPL, of Taylor Land Services.

Now for the usual tirade on the important issues of the moment. Uh??? The red light just started blinking indicating we are out of ink. Gonna go and gonna stop – enjoy your summer. I’ll be back in September.

President’s Message continued from page 1 the manner and flavor of food preparation.” These unintended consequences of removing natural gas appliances from our day-to-day lives may seem trivial to some, but this is just one of many looming problems facing businesses and homeowners across the board.

I think we can all agree that taking steps to reduce our carbon footprint is very important but it must be done with careful and thoughtful diligence with business sustainability in mind.

Finally, I want to take this last opportunity to thank all of you for supporting the LAAPL over this past year. Your work, your dedication and your wisdom have had a profound impact on me and on the success of the LAAPL.



Luncheon Speaker continued from page 1 lot: Turn right out of the ERC Parking Lot, proceed east less than 1/2 block to first street, Woodruff Avenue and turn left. Proceed north on Woodruff Avenue until you get to the 2nd driveway into Mall parking lot (at end of Sears building), turn left into mall parking lot and when you get to the first stop sign, turn immediately right and right again into ERC Customer Overflow Parking area. **DO NOT PARK ANYWHERE ELSE IN THE MALL PARKING LOT, YOU COULD BE CITED AND TOWED. PLEASE CROSS IN THE CROSSWALK.** [Click Here For Parking Map] <https://www.socalgas.com/sustainability/h2home>



THE OVERRIDE IS, AND HAS BEEN EDITED BY JOE MUNSEY, RPL AND PUBLISHED BY RANDALL TAYLOR, RPL, SINCE SEPTEMBER OF 2006.

2022–2023 Officers & Board of Directors

President
Richard Maldonado
Spectrum Land Services
714-568-1800

Vice President
Sarah Downs, Esq., RPL
Southern California Gas Company
(213) 218 -5465

Past President
Joseph D. Munsey, RPL
Southern California Gas Company
949-361-8036

Secretary
Marcia Carlisle
The Termo Company
562-279-1957

Treasurer
Jason Downs, CPL
Chevron Pipeline & Power
310-616-6985

Director
John J. Harris, Esq.
Casso & Sparks, LLP
626-269-2980

Director
Ernest Guadiana, Esq.
Elkins Kalt Weintraub Rueuben Gartside LLP
310-746-4425

Region VIII AAPL Director
Jason Downs, CPL
Chevron Pipeline & Power
858-699-3353

Newsletter/Publishing Chair
Joe Munsey, RPL, Co-Chair
Randall Taylor, RPL, Co-Chair

Communications/Website Chair
Chip Hoover
Independent
310-795-7300

Membership Chair
Linda Barras
Independent
562-280-8191

Education Chair
John R. “JR” Billeaud, RPL
CAL-NRG
805-336-5422

Legislative Affairs Chair
Mike Flores
Championship Strategies, Inc
310-990-8657

Legal Counsel
Ernest Guadiana, Esq.
Elkins Kalt Weintraub Rueuben Gartside LLP
310-746-4425

Golf Chair
Jason Downs, CPL
Chevron Pipeline & Power
310-616-6985

Nominations Chair
Odysseus Charietakis
Enteka LLC
917-902-4540



ALLISON S. FOSTER RL
NOTARY PUBLIC

310.867.4076

a.foster.land@gmail.com

PO Box 64578
Los Angeles, CA 90064

Land/Deed Specialist
Mobile Notary Services



New Members and Transfers

**LINDA BARRAS MEMBERSHIP
CHAIR
Independent**

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 Members

**Lara A. Boyko, JD, Principal
Consultant,**
Land & Right of Way – North America
Environmental Resources Management
1920 Main St., Suite 300
Irvine, CA 92614
(310) 920-5675

Transfers

None to Report

Corrections

None to Report

Chapter Board Meetings

**Marcia Carlisle
The Termo Company
LAAPL Secretary**

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

Scheduled LAAPL Luncheon Topics and Dates

May 18, 2023

Tour of SoCalGas Hydrogen Futuristic

Home

Downey, CA
Officer Elections

June 14 – 17, 2023

AAAPL Annual Meeting
Huntington Beach, CA

September 14, 2023

Topic TBD

September 2023

West Coast Landmen's Institute
San Diego, CA



Treasurer's Report

**JASON DOWNS, CPL
TREASURER
LAND REPRESENTATIVE
CHEVRON PIPE LINE AND POWER COMPANY**

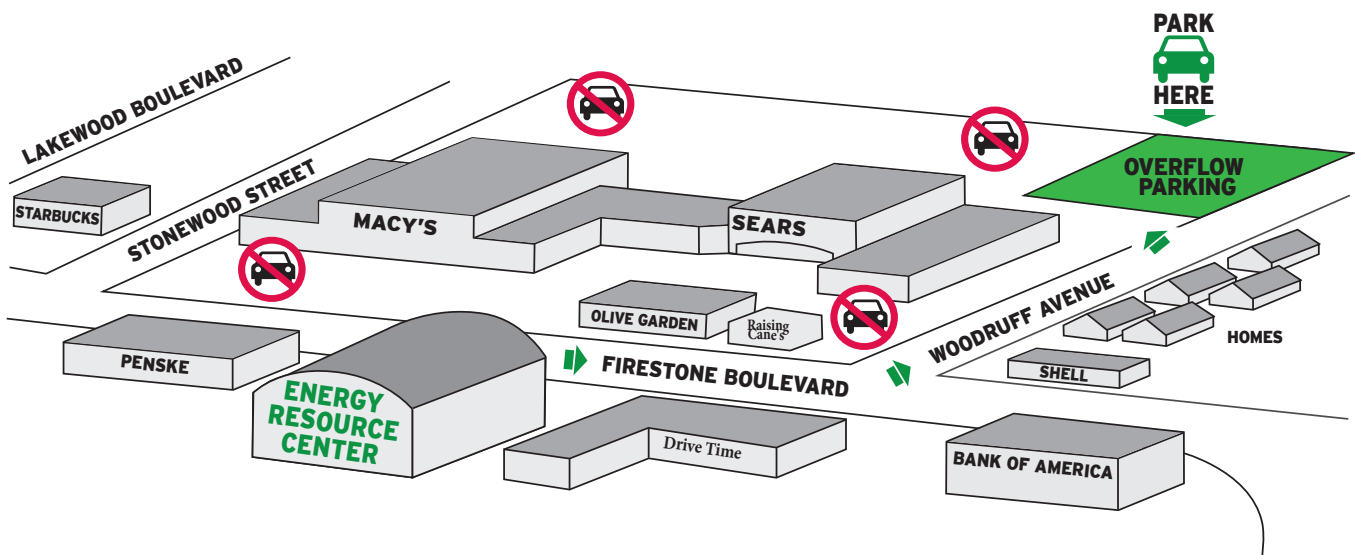
As of 3/9/2023, the
LAAPL account \$33,445.20
showed a balance of
Deposits \$372.44
Total Checks,
Withdrawals, Transfers **\$1,530.17**
Balance as of 5/12/2023 \$ 32,287.47

Call for Dues

Jason Downs, RPL, Chapter Treasurer, is calling for dues which will be due by June 2023 for the 2023 – 2024 year. Cost: still a bargain at a mere \$45.00.



OVERFLOW PARKING MAP



DIRECTIONS:

Turn right out of the ERC Parking Lot, proceed east less than 1/2 block to first street, **Woodruff Avenue** and turn left. Proceed north on **Woodruff Avenue** until you get to the 2nd driveway into Mall parking lot (at end of Sears building), turn left into mall parking lot and when you get to the first stop sign, turn immediately right and right again into ERC Customer Overflow Parking area. **DO NOT PARK ANYWHERE ELSE IN THE MALL PARKING LOT, YOU COULD BE CITED AND TOWED. PLEASE CROSS IN THE CROSSWALK.**

AAPL Director's Report



AAPL's Mission Statement

Our mission is to promote the highest standards and ethics of performance for all land professionals and to encourage sound stewardship of all energy and mineral resources.

AAPL Director Report

Quarterly Board Meeting

6/14/23

Huntington Beach, CA

Name: Jason Downs, CPL

Company: Chevron Pipeline & Power

Email: jasondowns@chevron.com

Local Association Name: Los Angeles Association of Professional Landmen



60	Total Local Association Members
35	Total Active ("Land Professionals") AAPL Members within your Association

Association projects/activities: SCHEDULED LAAPL LUNCHEON & EVENT DATES:

- 2023 Annual Meeting Huntington Beach, Hyatt June 14-17th, 2023.
- LAAPL Luncheon Seminars
 - May 18th: SoCalGas' Hydrogen Home Tour
 - September 21st, 2023, Speaker TBD, located at The Grand in Long Beach
 - West Coast Land Institute, September 27-29, Vespera Resort on Pismo Beach
 - Mickelson Golf Classic Oct/Nov. Date TBD Location Old Ranch Seal Beach

Association requests/concerns:

LAAPL is excited to have all of you with us for this 2023 Annual Meeting Huntington Beach

Recommendations:

- Places to Eat:
 - Normita's Surf City Taco (Breakfast or Fish Taco's)
 - Duke's
 - TK Burger
 - Pelican Grill
 - Sugar Shack Café (Breakfast)
 - Bear Flag Fish
 - Queensview Steakhouse, Long Beach
- Things to Do:
 - Glen Ivy Hot Springs, Corona
 - Crystal Beach Tide Pools

*AAPL Director's Report
continued on page 6*

Happy 204th Birthday, Colonel Drake!

At the Core

A favorite slice of oilpatch lore,
Deals with an apple – more precisely – the core.
Took food to the well, did drillers of yore,
And dined best they could on the drilling rig floor.

They'd show up for work with a lunch pail or sack,
And a Rome or Delicious or maybe a Mac -
For apples were tasty and easy to pack,
And they made a nice lunch or an afternoon snack.

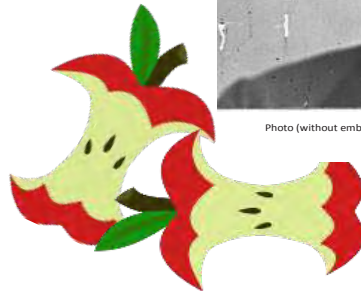
Each day after meals, over shoulder they'd fling,
The old apple core, and then early next spring,
When the snow melted and robins would sing,
New trees would sprout 'round the well in a ring.

When you're out in the woods, scouting old wells,
Climbing up hills and marching down dells,
Remember this bit of lore you've heard tell:
It's there in the circle where apple trees dwell.

- Kathy J. Flaherty, 2015
(More Oily Odes, in press)



Photo (without embellishments!) courtesy of PHMC, Drake Well Museum, Titusville, PA.



“Working late for your energy needs!”
Specializing in land acquisitions and project management for energy companies, oil and gas exploration and production, land developments, energy plants, and facility operations.



877.600.WOLF (9653)
1412 17th Street Suite 560
Bakersfield, California 93301
www.whitewolfand.com
rick@whitewolfand.com

Rick Peace, President
AAPL Director 2009-2015 | API | BAPL Officer 1990-2014 | CIPA President's Circle
DAPL | HAPL | LAAPL | SPE | SJGS | IRWA | WSPA

CALIFORNIA | OREGON | WASHINGTON



TAKE CONTROL OF YOUR DATA
ESTABLISH CLEAR COMMUNICATION & ACCOUNTABILITY
MAXIMIZE ENGAGEMENT & PRODUCTIVITY
MAKE YOUR BUDGET GO FURTHER
REMAIN AHEAD OF THE CURVE
DELIVER MAXIMUM VALUE

RUN YOUR LAND DEPARTMENT LIKE A WELL-OILED MACHINE.

Are you looking for reliable scalable, simpler processes, faster answers, better decisions, and to generate more value? Scan this QR code to get the guide that will give your land department a competitive edge by empowering you with the tools you need to deliver maximum value.



Paramount is not a traditional broker. We are a full-scale virtual land department offering outsourcing, technology and coaching services to scale land departments without scaling complexity.



AAPL Director's Report - continued

- 1000 Steps Laguna Beach
- Downtown Laguna Beach
- San Juan Capistrano Mission
- HB Pier
- Downtown Seal Beach
- HB Central Park playground
- Long Beach boat transit to Queen Mary
- Oil museum HB
- Old World German bar in HB
- Lido island
- Newport Pier
- Catalina island or Harbor Cruise from Newport Harbor
- Aquarium Long Beach
- Paddle board, kayak etc. at any harbors/canals
- Tour Sofi Stadium
- Horse Racing at Los Alamitos Santa Anita
- Disneyland, Knotts, Universal,
- Water Parks.
 - Soak City Knotts, Buena Park
 - La Mirada Regional water park
 - Raging Waters, San Dimas
 - Great Wolf Lodge, Garden Grove
- Baseball:
 - Dodgers 1 & 1/2 hour with traffic.
 - White Sox Tue-Thurs.
 - Giants Fri-Sun.
 - Padres 1 & 1/2 hour drive or take the Coastliner from Anaheim or light rail from Oceanside to stadium.
 - Cleveland Tue-Thurs.
 - Tampa Bay. Fri-Sun.
 - Angels, Soccer, Hockey, NBA no games scheduled this week.
 - NBA finals this week TBD
- Golf US Open
- Shows:
 - Ali Wong 6/16
 - Lisa Schlesinger 6/16
 - Blink 182 6/16
 - Warren G & Too Short 6/17
- Golf Courses:
 - Destroyer Course at Navy, Seal beach
 - Huntington club Sea Cliffs HB
 - Old Ranch, Seal Beach
 - Meadowlark in HB
 - Mile Square, Fountain Valley
 - Costa Mesa
 - Pelican Hill
 - Monarch, Dana Point
 - Trump National
 - City of Long Beach Courses
 - Lakewood Country Club
 - The Ranch (Ben Brown) at Laguna Ranch, cool 9-hole course
- Easy Hikes:
 - Laguna Hills
 - El Dorado trail, Long Beach
 - Bolsa Chica Wetlands, HB
 - Long Beach Napes Canals
 - Venice Canals
 - Beach Boardwalks, Santa Monica, Venice, HB, Newport, Laguna

AAPL Director's Report - continued

- Kids summer camps available for golf, swimming, surfing, junior lifeguard, etc.

Local news including business activity:

- Tight market for Independent Landman in the LA Basin with folks going renewable, utility, tech, or in-house roles with a small pool of Landmen available. Most contractors are working site specific projects and/or quasi-in-house roles. Broker rate \$60-\$125 an hour with seasoned Landmen charging a premium. Remainder of Landmen hold in-house positions. Seasoned independents have recently received various full-time employment from Renewables, Utilities, Tech, and Upstream/Midstream Oil & Gas Companies.

2023-24 LOS ANGELES ASSOCIATION OFFICERS AND DIRECTORS

PRESIDENT

- Sarah Downs, Esq., RPL Attorney, Southern California Gas Company

PAST PRESIDENT

- Richard Maldonado Managing Partner, Spectrum Land Services

VICE PRESIDENT

- Jeff Farquhar Senior Land Manager, The Termo Company

SECRETARY

- Marcia Carlisle Senior Landman, The Termo Company

TREASURER

AAPL DIRECTOR LOS ANGELES

- Jason Downs, CPL Senior Land Representative, Chevron Pipeline & Power

DIRECTORS (2)

- John J. Harris, Esq. Partner, Casso & Sparks, LLP
- Randall Taylor, RPL Taylor Land Service

Bylaws & Policy suggestions: N/A




**"Beyond Service ...
Solutions"**

Title Research and Examination • Oil & Gas Curative and Mineral Leasing
Right-of-Way & Real Property Acquisition • Permitting (Federal, State & Local Assignments)

Corporate Headquarters
725 W. Town & Country Road Suite 410 Orange, CA 92868
Tel: (714) 568-1800 • Fax: (714) 568-1805 • Email: info@spectrumland.com
[Visit us on the web: www.spectrumland.com](http://www.spectrumland.com)

LAAPL 2023-2024 Officer Nominations



2023-2024

Nominations of Officers and Directors

Nominations Chairman, Odysseus Chairetakis, Managing Member, Enteka, LLC, presents the following candidates¹ for officers to serve from July 1st, 2023 - June 30th, 2024. **Additional nominees may be submitted to the Nominations Chairman at catxland@gmail.com or call Chairman Chairetakis at 917-902-4540 to be included on the final candidate's list until May 1, 2023, which will be published in the May newsletter.** Officers will be elected by a vote of membership in attendance at the May 18, 2023, chapter meeting held at The Grand Long Beach. Nominations will also be accepted from the floor at the May 18 2023, regular meeting.

PRESIDENT²

Sarah Downs, Esq., RPL Senior Land Advisor, Southern California Gas Company

PAST PRESIDENT^{3 & 4}

Richard Maldonado Managing Partner, Spectrum Land Services

CANDIDATES:

VICE PRESIDENT

Jeff Farquhar Senior Land Manager, The Termo Company

SECRETARY

Marcia Carlisle Senior Landman, The Termo Company

TREASURER

Jason Downs, CPL Senior Land Representative, Chevron Pipeline & Power

DIRECTORS - VOTE FOR TWO

John J. Harris, Esq. Partner, Casso & Sparks, LLP

Randall Taylor, RPL Taylor Land Service

Write-in candidates **MUST** have given their prior consent for nomination.

¹Per Section 7(7)(a) prior to the regular meeting scheduled nearest to April 15th of each membership year, the membership will be provided with a list of the nominees for offices of Vice President, Secretary, Treasurer and the two (2) Directors.

²Per 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.

³Per Article 8 (2) the outgoing President shall serve as Past President.

⁴Per Article 8 (2) the outgoing President shall serve as a Director.

BakerHostetler

45Q Quick Reference Guide

Permission to Re-publish - All Rights Reserved

What Is the 45Q Tax Credit?

First introduced in 2008, Section 45Q of the United States Internal Revenue Code provides a performance-based tax credit for carbon capture projects, a credit that can be claimed when an eligible project has securely stored captured carbon dioxide (CO₂) in geologic formations such as oil fields and saline formations or beneficially used captured CO₂ or carbon monoxide (CO) to produce fuel, chemicals and products in a manner that results in emissions reduction. The 45Q tax credit is designed to incentivize the industrial sector of the United States economy to engage in carbon capture utilization and storage (CCUS) projects.

The Inflation Reduction Act of 2022 dramatically expanded the tax incentive such that CCUS projects are now economically viable at much lower scale, and thousands of new facilities across the United States are now eligible for CCUS projects covered under 45Q.

What Projects Are Eligible for the Tax Credit?

In order to be eligible to receive the 45Q tax credit, the facility utilizing CCUS technology must meet certain carbon capture thresholds, which vary by facility type.

Facility Type	Metric tons of CO ₂ /year
Power Plant	18,750
Industrial	12,500
Direct Air Capture	1,000

The recently lowered carbon capture thresholds dramatically expand the universe of facilities, including plants and industrial facilities, eligible for the tax credit in at least the following sectors:

- A Ammonia
- A Cement
- A Coal
- A Ethanol
- A Fertilizer
- A Gas
- A Gas processing
- A Hydrogen
- A Iron and steel
- A Petrochemical
- A Refineries
- A Transportation

What Is the Tax Benefit?

	Power Plants and Industrial Facilities	Direct Air Capture
For dedicated secure geologic storage of CO ₂ in saline or other geologic formations	\$85/ton	\$180/ton
For carbon utilization projects to convert CO or CO ₂ into products	\$60/ton	\$130/ton
For secure geologic storage of CO ₂ in oil and gas fields through enhanced oil recovery	\$60/ton	\$130/ton

Direct Pay and Transferability

Project stakeholders have the option to access direct pay for the full value of the tax credit for the first five years after the carbon capture equipment has been placed in service. As an alternative to direct pay, owners of carbon capture technology may transfer their tax credit to another taxpaying entity and receive a cash payment for the transfer.

To learn more about the 45Q tax credit, please contact Tom Donaho at tdonaho@bakerlaw.com.



bakerlaw.com

BakerHostetler helps clients around the world address their most complex and critical business and regulatory issues. Our highly ranked attorneys deliver sophisticated counsel and outstanding client service. We have six core practice groups – Business, Digital Assets and Data Management, Intellectual Property, Labor and Employment, Litigation and Tax – and more than 1,000 lawyers coast to coast. For more information, visit bakerlaw.com.

Baker & Hostetler LLP publications inform our clients and friends of the firm about recent legal developments. This publication is for informational purposes only and does not constitute an opinion of Baker & Hostetler LLP. Do not rely on this publication without seeking legal counsel.

© 2023 BakerHostetler®

LAAPL Education Report

May – September 2023

John R. “JR” Billeaud, RPL, Land Manager, California Natural Resources Group, LLC
Education Chair

May

Event	Dates	Location	Speakers	Credits	Cost
Making Cash Flow	May 17, 2023	Live Webinar	Dwayne Purvis, P.E.	1 CEU	-AAPL Members: Free -Non-AAPL Members: \$75
LAAPL May Luncheon (Officer Elections)	May 18, 2023	Gas House Downey, CA	Tour of SoCalGas Hydrogen Futuristic Home - Downey, CA	1 CEU	\$25
Surface Use and Access	May 23, 2023	Live Webinar	George R. Shultz, CPL	5 CEU; 1 CEU Ethics	-AAPL Members: \$250 -Non-AAPL Members: \$375 -Students: Free

June

Event	Dates	Location	Speakers	Credits	Cost
Held by Production and Royalty Issues	June 1, 2023	Live Webinar	Robert 'Eli' Kiefaber, JD	6 CEU	<u>Early Bird Price (thru 5/17/23):</u> -AAPL Members: \$200 -Non-AAPL Members: \$300 -Students: Free <u>Regular Price (after 5/17/23):</u> -AAPL Members: \$250 -Non-AAPL Members: \$375 -Students: Free
Solar Lease Fundamentals	June 27, 2023	Live Webinar	Phillip A. Guerra, JD, CPL	3 CEU	<u>Early Bird Price (thru 6/12/23):</u> -AAPL Members: \$120 -Non-AAPL Members: \$220 -Students: Free <u>Regular Price (after 6/12/23):</u> -AAPL Members: \$150 -Non-AAPL Members: \$275 -Students: Free



PROUD SPONSOR OF THE LOS ANGELES ASSOCIATION OF PROFESSIONAL LANDMEN

LAND MANAGER

Christina Dixon
(661) 395-5276
cdixon@sentinelpeakresources.com

SENIOR LANDMAN

Kim Bridges, CPL
(661) 395-5278
kbridges@sentinelpeakresources.com

SENIOR LANDMAN

Charlie E. Adams
(661) 395-5305
cadams@sentinelpeakresources.com

LAND SUPPORT TEAM

GIS Technician

Mark Roberson
(661) 395-5263
mroberson@sentinelpeakresources.com

Lease Records Analyst

Charlotte Hargett
(323) 298-2206
chargett@sentinelpeakresources.com

Land Technician

Rachel Chavez
(661) 395-5216
rchavez@sentinelpeakresources.com

Lease Records Analyst

Molly Brummett
(661) 395-5253
mbrummett@sentinelpeakresources.com

SAN JOAQUIN VALLEY &
CENTRAL COAST OFFICE | 1200 Discovery Drive, Suite 100
Bakersfield, CA 93309
(661) 322-7600

LOS ANGELES OFFICE | 5640 South Fairfax Avenue
Los Angeles, CA 90056
(323) 298-2200



<http://sentinelpeakresources.com>

LAAPL Education Report

July

Event	Dates	Location	Speakers	Credits	Cost
AAPL RPL/CPL Certification Exam Review	July 12-July 14, 2023	Oklahoma City, OK	TBD	18 CEU; 1 CEU Ethics	<u>Early Bird Price (thru 5/17/23):</u> -AAPL Members: \$400 -Non-AAPL Members: \$480 -Students: Free <u>Regular Price (after 5/17/23):</u> -AAPL Members: \$500 -Non-AAPL Members: \$600 -Students: Free

August

Event	Dates	Location	Speakers	Credits	Cost
2023 Southwest Land Institute	August 14, 2023	Arlington, TX	James W. Cooper; Brandon Durrett; Tim Pawul; Dwayne Purvis, P.E.; Matthew Skalka; Victoria Whitehead	6 CEU	-AAPL members: \$150 -Non-AAPL Members: \$150 -Students: Free

September

Event	Dates	Location	Speakers	Credits	Cost
AAPL RPL/CPL Certification Exam Review - Midland, TX	September 20-22, 2023	Midland, TX	TBD	18 CEU; 1 CEU Ethics	<u>Early Bird Price (thru 9/5/23):</u> -AAPL members: \$400 -Non-AAPL Members: \$480 -Students: Free <u>Regular Price (after 9/5/23):</u> -AAPL members: \$500 -Non-AAPL members: \$600 -Students: Free
2023 West Coast Land Institute	September 27-29, 2023	Pismo Beach, CA	TBD	TBD	TBD

WHO DO YOU WANT TO SUPPORT?



YOUR HOUSE **OR** THE WHITE HOUSE?

WHY SELL NOW?

- Oil prices are dropping and may continue.
- Tax cuts expiring on December 31 means long-term capital gains tax goes from 15% to 23.8% and 35% ordinary income tax to 43.4%.
 - Maximize your estate value now while prices are still high and tax rates are still low.
- Cost average your tax bracket from 43.4% every month to 15% once!

Call or email Noble TODAY to maximize the full value of your asset

J.D. (DOUG) BRADLEY
Sr. V.P., Land Acquisitions & Divestitures

972-788-5839
buying@nobleroyalties.com

NOBLE ROYALTIES, INC.



We provide you with innovative solutions... not just great service.



CHECK US OUT HERE!

Our innovation stems from our years of experience and commitment to professional delivery of infrastructure projects. Monument provides real estate services including property rights research, acquisition, valuation, encroachment services, and project management assistance for projects involving oil, gas, electric and alternative energy systems. **Contact us today and see how we'll exceed your expectations!**

monument

monumentrow.com

Guest Article - Immutable Principles of Energy

BY MR. JAMES R. HALLORAN

December 22, 2022

Permission to Re-publish – All Rights Reserved

1. We desire seven qualities in our energy sources: 1) Affordable (cheap); 2) Abundant; 3) Reliable; 4) Pure; 5) Universally accessible; 6) Environmentally friendly; 7) Produced and delivered in a non-disruptive manner to our lifestyle (safe). Like it or not, they cannot all occur together.
2. Energy supply/demand cycles generally have seven-to-ten-year duration, after which they often reverse.
3. Supply creates demand. Artificial/manufactured energy supply - due to its low intensity, diminished EROEI, and resulting high cost - will tend to reduce demand.
4. Crude oil has a positive price differential over competing sources of energy, regardless of the price of crude oil.
5. Improvements in energy efficiency will lead to an increase in energy consumption, assuming energy sources reflect market pricing (Jevons Paradox).
6. The more a growing society demands greater access to energy, the more it will create roadblocks to its delivery.
7. Governments look at energy sources as part of a political process, including being sources of revenue.
 - Governments have a disincentive to promote efficiency/conservation
 - Governments will never admit mistakes, and politics will often unleash the Law of Unintended Consequences
 - Long-term energy planning occurs inversely with the complexity of the economic system
8. Increases in regulation promote higher energy pricing. Decreases in regulation are rare.
9. If “jobs” and/or “environment” are used as primary reasons for an energy project, it will have poor economic rationale.
10. Promoters of subsidized energy sources will work against improvements in energy technology, especially where newer entries may be viewed as competition for funds or market position.
11. Energy independence is a myth.
12. When a forecast appeals to general societal sea-f-worth, perception will trump reality until proven false (and often longer). (See: "100-year cheap supply of natural gas." And “imminent danger of Climate Change”.)
13. Commodities are priced at the margin – the last 1% dictates the price.
14. The establishment of a market price for an energy commodity is a process, not an event. If a commodity (e.g. crude oil) reaches a forecast price in the future, the required question is: What happens next?
15. Never confuse hydrocarbon reserves with production.
16. The biggest, best oil and gas fields are developed first (relative to the technology available).
17. Once a field goes into decline, it will not increase production beyond this peak for any extended period in the future without capex infusions that will prove to be uneconomic.
18. In a seller’s market, higher prices inevitably reduce supply from producing countries, as risk capital is not needed, reserves are viewed as an investment, and production is either restrained or diverted to local use. In a buyer's market, production is increased and capital flows in to buy perceived cheap assets.
19. In dealing with OPEC, pay attention to what its members do, and give little heed to what they say. *[Principals of Energy-continued on page 15](#)*

20. The critical point when Earth runs out of time to reverse the Climate Change crisis is never more than ten years away.
21. The media know nothing about the oil & gas business. The more strident the published predictions of a price extension above (below) extreme levels, the closer that market is to a temporary top (bottom).
22. "This is the classic dilemma of democracy: Too many people benefit from the status quo, but the status quo is not sustainable." Robert Samuelson (2005)
23. "It's always something." Roseanne Roseannadanna

Mr. James R. Halloran can be reached at jamesrhalloran@hotmail.com



TOGETHER WE POWER LOS ANGELES

California Resources Corporation is a proud member of
the Los Angeles Association of Professional Landmen.

For more information contact:
Valerie Riley | Land Manager
Cambria Rivard | Senior Land Negotiator



Low Carbon Intensity Fuel for Today and Net Zero Fuel for The Future

The Practical Impossibility of Large-Scale Carbon Capture and Storage

By Steve Goreham, MS, MBA

Permission to Republish – All Rights Reserved

Originally published on May 2, 2023, in Master Resource [masterresource.org.]



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.

The Environmental Protection Agency is working on a new rule that would set stringent limits on carbon dioxide (CO₂) emissions from US power plants. Utilities would be required to retrofit existing plants with carbon capture and storage (CCS) technology or to switch to hydrogen fuel. Others call for the use of CCS to decarbonize heavy industry. But the cost of capture and the amount of CO₂ that proponents say needs to be captured crush any ideas about feasibility.

Carbon capture and storage is the process of capturing carbon dioxide from an industrial plant before it enters the atmosphere, transporting it, and storing it for centuries to millennia. Capture may be accomplished by filtering it from combustion exhaust streams. Pipelines are proposed to transport the captured CO₂. Underground reservoirs could be used for storage. For the last two decades, advocates have proposed CCS to reduce emissions from coal plants and steel, chemical, and other hard-to-decarbonize industries in order to fight human-caused climate change.



Wyoming Coal Train (Image by Greg Goebel)

CCS has been slow to take off due to the cost of capture and the limited salability of carbon dioxide as a product. Thirty-nine CCS facilities capture CO₂ around the world today, totaling 45 million tons per year, or about one-tenth of one percent (0.1%) of industrial emissions produced globally. Of these, 20 reside in the US or Canada, six in Europe, and five in China. Twenty-four of these facilities use captured CO₂ for enhanced oil recovery. Captured CO₂ is injected into oil wells to boost oil output,

The news from these facilities is mixed. Many are not meeting their carbon-capture goals or are incurring costs well over budget. Nevertheless, Australia, Canada, China, Japan, the US, and nations of Europe now offer billions in direct subsidies or tax breaks to firms for capture of CO₂ emissions and to build pipelines and storage. Over 300 large and small capture projects are in planning around the world which, after completion, may be able to boost capture to 0.5 percent of man-made emissions.

Illinois, Iowa, and other states are struggling with issues involving plans for CO₂ pipelines. Ethanol plants and other facilities propose to capture CO₂ and need a new network of pipelines to transport the gas to underground storage sites. These pipelines face strong opposition from local communities over farmland use and safety concerns in the case of a pipeline rupture.

Carbon capture and storage is very expensive. An example concerns plans for CCS in Wyoming, the leading US coal state. Wyoming mined 41 percent of US coal in 2020 and coal-fired plants produced about 85 percent of the state's electricity. With abundant coal resources and good opportunities to store CO₂ underground, Wyoming appeared to be an excellent candidate to use CCS. The state passed House Bill 200 in March 2020, directing utilities to produce 20 percent of electricity from coal plants fitted with CCS by 2030.

In response to the statute, Rocky Mountain Power and Black Hills Energy, Wyoming's two major power companies, analyzed alternatives for their operations and provided comments to the Wyoming Public Service Commission in March 2022. But the comments were not favorable for CCS. Black Hills Energy determined that adding CCS to two existing coal plants would cost an estimated \$980 million, or three times the capital cost expended to build the plants. Rocky Mountain Power stated that adding CCS to its existing plants was "not economically feasible at this time."

*Carbon Capture
continued on page 17*

Beyond cost, the amount of carbon dioxide that advocates say must be captured is vast. The amount of CO₂ produced by industry is small in global terms, only about five percent of what nature releases into and absorbs from the atmosphere every day. But the amount of industrial CO₂ produced is still huge in human terms.

For example, an empty Boeing 747 jumbo jet weighs 412,300 pounds (187,000 kg). Its maximum fuel weight is 433,195 pounds (196,494 kg), more than the empty weight of the aircraft. During fuel combustion, two oxygen atoms are taken from the atmosphere and combined with each carbon atom. For each kilogram of jet fuel burned, 3.16 kilograms of carbon dioxide are created.

Consider the Drax Power Station in North Yorkshire, England, the third-largest power plant in Europe, which has been converted to using two-thirds biomass fuel. The plant is experimenting with CCS to reduce emissions. Each day, the plant uses about 20,000 tons of wood pellets delivered by 475 railroad cars. Picture the volume that these railroad cars would carry and then more than double it to get an idea of the amount of CO₂ to be captured and stored each day.

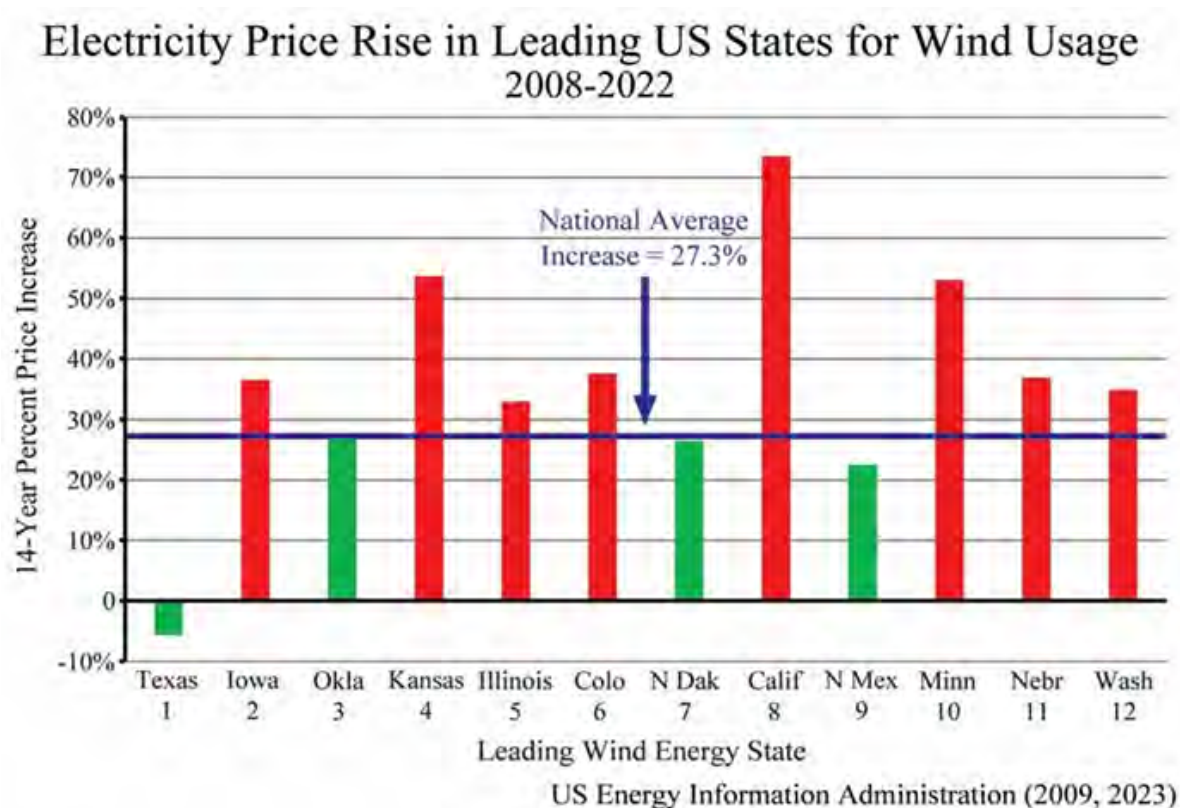
The world's heavy industries use vast amounts of coal, natural gas, and petroleum. Ammonia, cement, plastics, steel, and other industries produce billions of tons of materials each year for agriculture, construction, health care, industry, and transportation. Capturing, transporting, and storing CO₂ from these processes would involve trillions of dollars and many decades of investment.

The International Energy Agency calls for 9 percent of the world's CO₂ emissions to be captured and stored by 2050. Today we have a mix of 39 major and minor capture facilities in operation. The IEA estimates that 70 to 100 major capture facilities will need to come online each year until 2050 to achieve this goal. It's unlikely that even 20 percent of the goal will be achieved, despite hundreds of billions of dollars in spending.

Mr. Goreham can be reached at gorehamsa@comcast.net.

INTERESTING CHART

Provided to *The Override* by Steve Goreham who can be reached by contacting him at gorehamsa@comcast.net. 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.





**CONSTITUTION AND BYLAWS OF THE
LOS ANGELES ASSOCIATION OF PROFESSIONAL LANDMEN
(A NONPROFIT ASSOCIATION)**

ARTICLE I

Name

The name of this nonprofit association shall be: "LOS ANGELES ASSOCIATION OF PROFESSIONAL LANDMEN," ("Association").

ARTICLE II

Location

The headquarters of the Association shall be in or near the County of Los Angeles, State of California.

ARTICLE III

Purpose

The purposes of the Association shall be:

1. To cultivate cordial relations among members of the Association through regular meetings and through social and recreational events.
2. To further the education and broaden the scope of the professional landman.
3. To promote effective communication between the Association and government, community, and industry with regard to energy sources.

(Amendment adopted September 15, 2022)

ARTICLE IV

Membership

1. Membership categories in the Association shall be:
 - a. Active membership shall be open to any applicant, irrespective of compensation or title, who is primarily and regularly engaged in all facets of real property associated with or connected to energy sources.
(Amendment adopted September 15, 2022)
 - b. Life membership shall upon application be extended to any Active member of the Association who has retired, provided that he/she has been an Active member of the Association for a minimum of five (5) years next preceding retirement. Life members shall enjoy all the rights and privileges of Active members and shall be exempt from payment of dues.
 - c. Honorary membership in the Association may be conferred upon any person who has rendered an outstanding service or whose contribution to

PETRU CORPORATION

Title, Natural Resources and Land Experts

Professionals Trained in the Title Insurance and Energy Industries



Tim Truwe, President

Petru Corporation is the leader in all aspects of real property title searching and title reports; oil gas, mineral, geothermal, mining rights and green energy. We cover all of **CALIFORNIA AND NEVADA**. We search private and public lands (including on and off-shore), county, state and federal records.

OUR SERVICES INCLUDE: TITLE SEARCHING/REPORTS/CURATIVE, O/G LEASE NEGOTIATIONS, DUE DILIGENCE, REGULATORY/PERMITS, RIGHTS OF WAY, ACQUISITION FINANCING SUPPORT, SUBDIVISION MAPS, WATER RIGHTS, TITLE ENGINEERING, EXPERT WITNESS (COURT LITIGATION MATTERS).

Petru Corporation's services have been relied upon on multi-million dollar projects and its title work insured by the largest title insurance companies in the country. Major and independent exploration companies rely upon our work, as do local/state/federal governmental agencies.

The success of Petru Corporation was featured in an episode of the *Enterprises* television show, hosted by Terry Bradshaw and Kevin Harrington, which aired on FOX Business Network. Petru is also featured in "Black Gold in California, the Story of the California Petroleum Industry", Corporate America's Business Elite, CV Magazine, ACQ5 Global Awards and Lawyers Monthly (Expert Witness Award).

250 HALLOCK DRIVE, SUITE 100, SANTA PAULA, CA 93060 (805-933-1389) www.PetruCorporation.com

MPI

MAVERICK PETROLEUM, INC.

5330 Office Center Ct., Suite #65 • Bakersfield, California • 93309

Phone: (661) 328-5530 • Fax: (661) 328-5535 • www.mavpetinc.com

Specialists in Oil & Gas Leasing in California • Complete Oil & Gas Land Services

*Lease Availability Checks	*Division Orders
*Title Searching	*Due Diligence Work
*Title Curative	*Right-of-Way Acquisitions
*Drillsite Title Reports	*Senate Bill 4 Compliance
*Lease Negotiations	*Digital Mapping
*In House Support	*Acquisitions & Divestitures
*Surface Damage Negotiations	*Complete 3-D Seismic Services
*Solar Project Land & Title Support	



Gary L. Plotner, President • glp@mavpetinc.com

BAPL President – 1985-86, 2003-04; AAPL Director – 1988-90, 2002-03, 2004-07



the industry and/or this Association is so noteworthy and of such magnitude as to be deserving of same. Upon nomination by two (2) Active members and the approval of the Board of Directors and seventy-five percent (75%) of the Active members present at any regular meeting, an Honorary membership may be conferred upon any person who meets the qualifications stated above, with all rights and privileges afforded other members except that of voting and holding office or chairmanship of any committee. Honorary members shall be exempt from all dues.

- d. Associate membership shall be open to any applicant who is engaged in activities with real property associated with or connected to energy sources.

(Amendment adopted September 15, 2022.)

- 2. Applications. All applications for membership shall be submitted on an approved form and accompanied by the appropriate annual dues set forth in Article X below. The completed form shall contain sufficient information to place the applicant in the proper membership category. The application form shall also provide opportunity for the applicant to express specific areas of interest and contribution to the advancement of the Association. No application shall be considered until approved by two (2) Active members who are personally acquainted with the applicant.
- 3. Application for membership must be approved by a three-fifths (3/5) vote of the Board of Directors at any regular board or special board meeting.
(Amendment adopted September 15, 2022)
- 4. Notwithstanding anything to the contrary, all questions relating to and touching upon the qualifications for and maintenance of membership shall be finally determined by the Board of Directors. The Board, by a three-fifths (3/5) majority vote, shall have the right, after a hearing, to expel any member, regardless of classification, for conduct deemed detrimental to the welfare of the Association.
- 5. Any amendment of Article IV shall apply to new members only and shall have no limiting effect upon the status of members in good standing prior to its adoption.

ARTICLE V

Meetings

The meetings of the Association shall be:

- 1. Regular
 - a. Regular meetings shall be scheduled at such dates, times and places as shall be designated by the Board of Directors at the beginning of each membership year. Advance notice by regular mail, electronic mail or any type of electric means, confirming, canceling or postponing regular meetings shall be given to the members by the Secretary.

(Amendment adopted September 15, 2022)

- 2. Special



Bright and Brown

ATTORNEYS AT LAW

Oil, Gas and Environmental Lawyers

550 N. Brand Blvd.
Suite 2100
Glendale, CA
www.brightandbrown.com
818.243.2121
818.243.3225(fax)

- Business Litigation
- Real Property
- Environmental Litigation
- Exploration and Production Transactions
- Mineral Title Review and Opinions
- Regulatory Compliance
- Regulatory Environmental Closure
- Land Use, Zoning, and Permitting Matters



REGULATION. LITIGATION. PUBLIC OPINION.

When forces work against industry, we are the force on your side. Day Carter Murphy — working to advance your oil and gas interests all day, every day.

DAY ■ CARTER ■ MURPHY LLP

DAYCARTERMURPHY.COM



- a. Special meetings may be called by the President at any time the affairs of the Association so require, notice thereof to be given to the members by the Secretary by regular mail, or electronic mail or any type of electric means.

(Amendment adopted September 15, 2022)

ARTICLE VI

Officers and Duties

1. The officers of the Association shall be a President, a Vice President, a Secretary and a Treasurer.
2. The President shall:
 - a. Preside at all meetings.
 - b. Appoint all committees.
 - c. Be Chairman of the Board of Directors, and Ex-Officio member of all committees.
 - d. Do such other things incidental to the duties of his office.
3. The Vice President shall:
 - a. In the absence of the President, perform all of the President's duties.
 - b. Serve as Program Chairman and perform other such duties as may be delegated to him by the President.
 - c. Be a member of the Board of Directors.
4. The Secretary shall:
 - a. Keep the minutes of all meetings.
 - b. Give all notices required by the Constitution and Bylaws or requested by the President.
 - c. Assist the presiding officer at all regular and special meetings.
5. The Treasurer shall:
 - a. Collect all dues and assessments and maintain records of same.
 - b. Pay such expenses of the Association as shall be approved in the manner specified in Article X.
 - c. Maintain books and record and render reports when directed by the President or Board of Directors, but, in any event, a financial statement shall be rendered to the membership at a regular meeting at least once annually, and prior to turning over the accounts at the end of his term, an audit shall be conducted.
 - d. Safely keep all money and property of the Association and deposit funds belonging to the Association in any bank approved by a majority of the Board of Directors and withdraw funds therefrom by check countersigned by the President or Vice President.
 - e. Handle such other financial matters as the President shall direct.



ARTICLE VII

Election of Officers and Directors

1. The election of Officers and Directors for the next succeeding membership year shall be held at the last regular meeting of the Association in each membership year. The terms of office of the newly elected Officers and Directors shall commence on July 1st of each membership year. The newly elected Officers and Directors may be installed in office at such time and place as the Board of Directors shall determine.
2. A Vice President, Secretary, Treasurer and two (2) Directors shall be elected by a majority vote of the Active members present at the last regular meeting of the Association in each membership year.
3. The Vice President shall succeed to the office of President after serving his or her term as Vice President and shall hold the office of President for the next twelve (12) months.
4. The Secretary, Treasurer, and elected Directors shall hold office for a period of twelve (12) months.
5. In the event of the death, disability, transfer, incapacity, or unwillingness to serve of any office or director, the membership, upon motion made by any other officer, may declare such office vacated and elect a new officer to serve the unexpired term.
6. All officers shall serve until their successors are duly installed or July 1st of the next succeeding membership year, which ever shall occur first.
7. The procedure for nominating and electing officers and directors shall be as follows:
 - a. Prior to the regular meeting scheduled nearest to March 15th of each membership year, the membership will be provided with a list of nominees for officers of Vice President, Secretary, Treasurer and the two (2) Directors. The list will have been prepared by the Nominations Committee and submitted to Board of Directors for approval. Each nominee will have been contacted and given the opportunity to consent or decline. An attempt will be made to nominate at least two (2) candidates for each office.

The list of nominees shall be distributed to the members by, i.) electronic means such as email or any other electronic means, or, ii.) publications in the official organ of the Association, "The Override", or iii.) the official website of the Association. The list of nominees shall be provided to the membership at the membership meeting on the third Thursday of the month of March of each membership year.

(Amendment adopted September 15, 2022)
 - b. At said regular meeting, as referenced in subsection (a) above, further nominations will be accepted from the floor or by regular mail, or electronic mail, or any other electronic means, prior to May 1st of each membership year. Any member whose name is placed in nomination from the floor must have given prior consent.



(Amendment adopted September 15, 2022)

- c. The election meeting shall be the third Thursday of the month of May of each membership year. At the election meeting, officers and directors will be voted for in the order appearing in Article VII, Section 2 above. Members will vote by secret ballot. In the event more than two (2) candidates are running for an office and no candidate receives a majority on the first ballot, the two (2) candidates receiving the most votes will enter a run-off vote.

(Amendment adopted September 15, 2022)

- d. The two (2) directors will be voted for at the same time. If two (2) candidates for director do not each receive a majority of votes, a run-off will be held.

ARTICLE VIII

Board of Directors

- 1. The Board of Directors shall consist of seven (7) members.
- 2. The members of the Board of Directors, each of whom shall serve for a term of twelve (12) months, shall include:
 - a. The outgoing President,
 - b. The President,
 - c. The Vice President,
 - d. Two (2) other Active members duly elected as Directors,
 - e. The Treasurer, and
 - f. The Secretary.
- 3. The duties of the Board of Directors shall be those normally associated with the office. However, the Board shall be primarily responsible for the development and recommendation of policies and procedures which will further the status of the professional landman and the aims of the Los Angeles Association of Professional Landmen.

ARTICLE IX

Committees

- 1. All committees appointed by the President should consist of at least two (2) members. The President in his/her discretion can decide if a committee can function with one (1) member as its chair and perform the duties of both the committee and chair.

(Amendment adopted September 15, 2022)

- 2. Committees may be appointed from time to time at the discretion of the President.



PROUD SPONSOR OF THE LOS ANGELES ASSOCIATION OF PROFESSIONAL LANDMEN

LAND MANAGER

Christina Dixon
(661) 395-5276
cdixon@sentinelpeakresources.com

SENIOR LANDMAN

Kim Bridges, CPL
(661) 395-5278
kbridges@sentinelpeakresources.com

SENIOR LANDMAN

Charlie E. Adams
(661) 395-5305
cadams@sentinelpeakresources.com

LAND SUPPORT TEAM

GIS Technician

Mark Roberson
(661) 395-5263
mroberson@sentinelpeakresources.com

Lease Records Analyst

Charlotte Hargett
(323) 298-2206
chargett@sentinelpeakresources.com

Land Technician

Rachel Chavez
(661) 395-5216
rchavez@sentinelpeakresources.com

Lease Records Analyst

Molly Brummett
(661) 395-5253
mbrummett@sentinelpeakresources.com

SAN JOAQUIN VALLEY &
CENTRAL COAST OFFICE | 1200 Discovery Drive, Suite 100
Bakersfield, CA 93309
(661) 322-7600

LOS ANGELES OFFICE | 5640 South Fairfax Avenue
Los Angeles, CA 90056
(323) 298-2200



<http://sentinelpeakresources.com>



ARTICLE X

Finances

1. The Association is a non-profit organization, whose activities are funded by annual dues, special assessments and ad revenues from "The Override."
(Amendment adopted September 15, 2022)
2. The fiscal year shall commence on July 1 of each year.
(Amendment adopted September 15, 2022)
3. Annual Dues.
 - a. The annual dues assessed all Active members of the Association shall be forty-five dollars (\$45.00) or such other amount voted upon and approved by the Active members pursuant to "Article XIII hereunder, due and payable in advance on July 1 of each year.
(Amendment adopted September 15, 2022)
 - c. Members failing to pay annual dues within thirty (30) days of the due date shall be immediately dropped from the membership rolls. Reinstatement of a former member dropped for nonpayment of dues shall require the full annual dues for the year in which application is made and a penalty payment equal to one-half (1/2) the full annual dues. If a lapse of membership exceeds one year, a former member must follow the regular new membership application set forth in Article IV above.
4. Special Assessments.
 - a. The Board of Directors may, from time to time propose the levying of a special assessment on all Active members of the Association.
 - b. A special assessment will normally be proposed only when an opportunity arises to significantly further the aims and purposes of the Association, which is not sufficiently provided for.
 - c. The special assessment shall be due and payable upon its approval by seventy-five percent (75%) of the Active members of the Association voting at any regular or special meeting, provided that written notice and discussion of the proposed assessment shall have been mailed to all members at least seven (7) days prior to such meeting.
5. Expenditures.
 - a. The President shall approve all expenditures up to Three Hundred Dollars (\$300.00).
(Amendment Adopted September 15, 2022.)
 - b. The Board of Directors shall approve all expenditures up to One Thousand Dollars (\$1000.00).
(Amendment Adopted September 15, 2022.)
 - c. Expenditures in excess of One Thousand Dollars (\$1000.00) shall be first reviewed by the Board of Directors and then approved by a vote of



seventy-five percent (75%) of the Active members of the Association voting at any regular or special meeting.

(Amendment adopted September 15, 2022)

ARTICLE XI

Parliamentary Rules

Robert's Rules of Order, Revised, shall control the meetings of the Association.

ARTICLE XII

Amendments

The Constitution and Bylaws may be adopted, amended, or repealed by the vote of seventy-five percent (75%) of the Active members present and voting at any regular or special meeting, provided that written notice of proposed changes or amendments to the Constitution and Bylaws shall be sent or delivered by any means reasonably calculated to provide notice to all members, including regular and electronic mail to the address of record for each member. If notice is given by regular or electronic mail, it shall be given at least seven (7) days prior to the date of the meeting at which action is proposed to be taken on such changes or amendments. Notice given by personal delivery or delivery by overnight carrier shall be given at least three (3) days prior to the date of the meeting. The Constitution and Bylaws may also be adopted, amended or repealed by seventy-five percent (75%) of the active members who shall respond to a poll by regular or electronic mail within the time set by the Board of Directors for such a poll.

Land Engineering Survey Environmental Title

Think
Integrated

© Copyright Percheron, Inc., 2021

call 888.232.3149 | visit percheronllc.com

Expertly Serving Oil & Gas Stakeholders

PetroLand Services is a **Full Service Land Company** providing:

- 🔦 Oil, Gas & Mineral Consulting
- 🔦 ARC/GIS Mapping
- 🔦 Secure Online Maps
- 🔦 Title Research
- 🔦 Due Diligence
- 🔦 Title Curative / Probate Matters
- 🔦 Seismic Permitting
- 🔦 Leasing
- 🔦 Surface & Mineral Acquisitions
- 🔦 Right-of-Way Title & Acquisitions
- 🔦 Permitting and Regulatory Compliance
- 🔦 Land Administration
- 🔦 File Management

PetroLand Services is a full-service consulting firm providing professional land services to the oil and gas industry, attorneys, utilities, title insurers, pipeline companies, developers, land owners and public agencies. Our firm is uniquely positioned to assist with leasing, permitting, acquisitions, divestitures, due diligence and the day-to-day operational challenges of drilling and producing in high-density urban environments throughout the Country.

L. Rae Connet, Esq. - President
California - (310) 349-0051
raeconnet@aol.com

Guest Article - Green Steel Prices Seen Dropping Sharply

Green Steel Prices Seen Dropping Sharply; India Opposes Loose Hydrogen Standards

*Reuters Event – Rewables
April 5, 2023*

Permission to Republish – All Rights Reserved

Our pick of the latest hydrogen news you need to know prices of Green Steel – made with renewable hydrogen rather than natural gas or coal – will fall below all other forms of steel manufacturing by 2024 in the United States and by 2028 in Europe, according to a study by ReTHINK Energy.

The traditional method of steel manufacturing uses blast furnaces and basic oxygen furnace pathway (BF/BOF) to reduce iron ore at 1,000 C using coke, made from heating coal without air. This method is used by 69% of all world steel manufacturers.

A direct reduction of iron ore using electric arc furnaces (DRI/EAF) uses natural gas and carbon dioxide or hydrogen to heat the iron to 800 C to create sponge iron.

The DRI/EAF can potentially decarbonize the steel-making process by using renewable hydrogen and electrical power generated from clean sources.

Green steel costs are already falling sharply in the United States and the \$3/kilo of hydrogen as part of the Inflation Reduction Act (IRA) will lead to the costs falling below all other forms of steel manufacturing as soon as the subsidy begins next year, ReTHINK Energy said in the study “Green Steel Premium: Myth or Reality?”

In Europe, the higher price of green hydrogen, natural gas, coal, and iron ore, all of which are largely imported, means European steel costs are higher than in the United States and are likely to remain that way, the study noted.

However, falling prices for blue, grey, and Gas-DRI/EAF steel and expectations of falling green hydrogen prices amid hopes for a U.S.-style green hydrogen subsidy, mean steel prices are likely to begin to fall by the second half of 2024 and undercut the current cheapest method by 2028.

In China, where 55% of global steel production is sourced, ReTHINK predicts green steel will become cheaper than the rest of the manufacturing methods by 2026 though will remain more expensive than the traditional BF/BOF procedure due to the domestic production of coal and iron ore.

Green steel may finally undercut coal-based steel sometime close to 2040 in China, more inline with the country’s net-zero target for 2060, the study said.

“The United States ... is now in a prime position to start producing green steel but is behind Europe and Asia-Pacific in terms of pilots,” lead analyst for the ReTHINK study Bogdan Avramuta says.

“I guess no one expected such an artificial manipulation of the hydrogen market and everyone waited for the price of green hydrogen to come down naturally and only bring green steel into play closer to 2030. Whoever will move fast now will win massively.”

India Opposes Watered Down Green Hydrogen Standards


India is opposed to changing the definition of green hydrogen to include fuel produced from low-carbon energy as suggested by some nations during a G20 meeting, the Power and Renewable Energy Minister R K Singh told Reuters in an interview.

India, which holds the rotating presidency of the G20, has proposed that the best possible standards be harmonized to regulate trade in green hydrogen which must only be manufactured using renewable energy rather than low carbon fuel, Singh said.



A view of production line at Baoshan Iron & Steel Co. hot rolling plat (Source: Reuter/Aly Song)

*Reuters Hydrogen
continued on page 29*



The country has presented a draft definition, under discussion with other G20 members, that assumes some unavoidable greenhouse gas emissions would be created from the production process but that must be limited to 1 kg CO2 equivalent for every kilogram of green hydrogen produced, a source told Reuters.

India approved an incentive plan to promote the production and export of green hydrogen worth 174.9 billion rupees (\$2.12 billion) in January.

Nordex, Acciona to Develop Hydrogen Projects in Americas

German wind turbine manufacturer Nordex and Spanish engineering firm Acciona have agreed on a joint venture to develop green hydrogen projects in areas with abundant onshore wind resources in the United States and Latin America, the companies said in a statement.

Acciona acquired 50% stake in a new Nordex group, Nordex H2, for 68 million euros (\$74 million) to fund the development and expansion of the business, the companies said.

The joint venture has a renewable energy development pipeline target of 50 GW and will develop projects to produce half a million tons of green hydrogen a year for the next 10 years, they said.

The first projects will be ready-to-build by 2027, they said.

Each of the projects will have a minimum size of 1GW of installed renewable power and will be deployed through strategic agreements with other public and private companies.

“We are very happy to now accelerate these achievements together with Acciona, a strong partner with extensive expertise in large infrastructure projects. This joint venture reinforces our shared commitment to a decisive contribution towards the decarbonization of the world’s economy,” said José Luis Blanco, CEO of the Nordex Group.

Reuters Events Hydrogen can be reached at www.reutersevents.com for further information.



REGULATION. LITIGATION. PUBLIC OPINION.

When forces work against industry, we are the force on your side. Day Carter Murphy — working to advance your oil and gas interests all day, every day.

DAY ■ CARTER ■ MURPHY LLP
DAYCARTERMURPHY.COM

Railway Fails to Establish Right to Use Eminent Domain

*Brad Kuhn, Esq., Partner
Jillian Friess Leivas, Esq., Associate
Law Firm of Nossaman LLP*

*Republished With Permission
All Rights Reserved*



Railway Fails to Establish Right to Use Eminent Domain

In eminent domain cases, it is uncommon that right to take challenges are upheld, and when they are, it is typically a procedural deficiency that can be cured. It is even more unusual where a right to take challenge is successful based on the condemning entity not possessing the power of eminent domain. But, that is exactly what recently happened with an eminent domain case in Northern California involving a popular excursion train – the Skunk Train.



Background

As set forth in detail in this article and the court’s decision after trial, Mendocino Railway (operator of the Skunk Train) asserted that it is a public utility with the right to take property through eminent domain. The railway sought to acquire a 20-acre parcel to construct and maintain a rail facility related to its ongoing and future freight and passenger rail operations.

The railway runs from the City of Fort Bragg 40 miles to its depot in the City of Willits. However, due to a landslide in 2015, trains have been unable to run the full length and instead can run shorter round trips from each end of the line. Currently, the main operation of the railway is an excursion train known as the Skunk Train that makes sightseeing trips through the redwoods. The railway is designated by the California Public Utilities Commission as a Class III Commission, meaning it is regulated for safety purposes.



Public Utility Status

The railway asserted that it was a “common carrier” public utility and therefore entitled to use the power of eminent domain. The Public Utilities Code defines “common carrier” to mean those providing “transportation” to the public for compensation. The parties did not dispute that “transportation” requires taking people or property from point A and dropping it off at point B, but its round trip excursions for sightseeing did not qualify.

However, the railway asserted that it should also qualify if it has the availability to provide the services of transporting freight or passengers (i.e., so long as it offered the services of transporting freight or passengers, whether or not that was actually occurring, should be sufficient). But, when it came down to the evidence offered at trial, the court was not convinced that the railway, or its affiliates, had sufficiently provided freight or passenger services to satisfy the definition of transportation and therefore the definition of common carrier.

Ultimately, the court determined that the intention to provide services in the future is not sufficient to establish the railway as a public utility now. The court did note that the railway may be able to obtain public utility status in the future, but that the current evidence did not support such a finding.

Use of Eminent Domain

Despite determining that the railway did not satisfy the definition of public utility, the court analyzed whether not the railway's proposed acquisition met the requirements of eminent domain law. First, the court determined the proposed 20-acre acquisition could be characterized as a private operation for private gain, rather than public use (the fact that private commercial retail was proposed was one factor). Second, the railway did not satisfy the statutory requirements of greatest public good and least private injury. Specifically, the initial plan for the site prepared at the time the complaint was filed included a campground (which was not consistent with the operation of a railway and could not be the basis for eminent domain), the credibility of a later admitted site plan was questioned as it was admitted 18 months after the eminent domain action was filed, and the railway lacked analysis as to the impacts of the proposed maintenance and transload facility on residents living directly adjacent to the site. Altogether, the railway failed to meet its burden to establish that the project was planned or located in a manner that will be most compatible with the greatest public good and least private injury.

Conclusion

Based on the above, the court concluded that the railway had failed to establish it had the constitutional and statutory power to use eminent domain to acquire the property. This determination is unique in its conclusion that the entity attempting to condemn property did not actually have the power of eminent domain, as determinations such as this are rarely seen. The future of this railway (and others similarly situated) will be interesting to follow, as the court did leave open the possibility that it could rise to the level of a public utility in the future.

Also of note is that this case dealt with the power of eminent domain in the public utility context, which means that the statutory presumptions afforded to other types of condemning entities are not afforded in this case (i.e., the presumptions that are afforded to entities that condemn only after adopting a Resolution of Necessity). As such, the railway had a greater burden of proving it met the statutory requirements for the use of eminent domain, which it failed to do.

Mr. Kuhn is Chair of Nossaman's Eminent Domain & Valuation Group and can be reached at bkuhn@nossaman.com.

Ms. Leivas focuses her practice on eminent domain laws and regulations and can be reached at atjleivas@nossaman.com.

Developing projects with the future in mind.

We see the lay of the land in California. We have handled some of the largest eminent domain and valuation cases in the state, as well as some of the highest-profile public works that have shaped California's infrastructure.



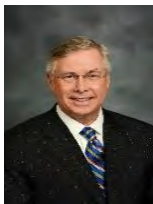
nossaman.com

Case of the Month - Energy

Silicon Ranch Corporation and Its Contractor IEA Inc. Hit With \$135.5 Million Verdict

*By James E. Butler, Jr., Esq., Founding Partner, Butler Prather LLP
Permission to Republish – All Rights Reserved
Originally Published in PRNewswire, May 3, 2023*

James E. Butler, Jr. is a founding partner of Butler Prather LLP, a nationally known civil trial practice firm that has litigated cases in 30 states – from Massachusetts to California, Montana to Florida. Mr. Butler has been lead counsel in eight cases where the verdict exceeded \$100 million, including a \$1.7 BILLION verdict as of August 22, 2022, against Ford. He has won record-setting verdicts in several states.



COLUMBUS, Georgia - Solar power developer Silicon "Ranch" Corporation ("SRC") and its contractor Infrastructure and Energy Alternatives, Inc. ("IEA") got slammed with a \$135.5 million verdict yesterday as a result of intentionally polluting a downstream neighbors' property. The case was tried in federal court in Columbus, Georgia, before Honorable Clay D. Land, U.S. District Judge.

SRC has developed over 160 solar panel facilities across the country, many of them built by IEA. This case involved one in Stewart County, Georgia, called "Lumpkin solar." SRC and IEA cleared and mass graded some 1,000 acres without first installing adequate erosion and sediment control measures. The result was what one would expect - when it rained, pollution poured downhill and downstream onto the neighbors' property, inundating wetlands with silt and sediment and turning a 21-acre trophy fishing lake into a mud hole.



The downstream property is owned by Shaun and Amie Harris, lifelong residents of the Stewart County area. They were the plaintiffs who filed the lawsuit. Amie has been an elementary school teacher; Shaun started his own business at age 18 and runs B&S Air, Inc., which is in the reforestation business and also uses helicopters and airplanes for firefighting in western states. The Harris property was formerly known as "Kawikee Refuge."

SRC calls itself by the name "Silicon Ranch" and refers to its solar panel facilities as "solar farms" and projects images in its press releases of sheep grazing lush grass under solar panels. In reality, there is no 'ranch,' there is no farming, there are no sheep, and there is very little grass. "That was the main problem with the Lumpkin site," said Plaintiffs' lead counsel James E. Butler, Jr. of Butler Prather LLP. "For two years SRC and IEA failed to stabilize and vegetate almost a thousand acres they had mass graded - which was breaking the law."

Both the SRC property and the Harris property had previously been owned by Jim Butler, Joel Wooten, and George Fryhofer, formerly law partners together. When Wooten negotiated the sale to SRC he was promised that SRC would be a "good neighbor" and "you won't even know we're there." Before the Kawikee property was sold to Mr. And Mrs. Harris, SRC pledged that there would be "no impact to [the downstream] property from our solar development." When the first rain came after the mass grading by SRC and IEA, the once gorgeous 21-acre lake turned to the color of mud.

There was expert testimony that SRC and IEA in fact knew what the results of their conduct would be, and that the fishery was dead, and that the lake can never be remediated unless and until the pollution by SRC and IEA is stopped.

At the end of the trial, the jury returned a compensatory damages verdict of \$10.5 million and also found that punitive damages should be imposed against SRC and IEA. Then, in a second phase of the trial, financial evidence was presented to prove that SRC and IEA are each worth more than \$1 billion. In its second verdict the jury found that SRC and IEA, and an IEA subsidiary called "IEA Constructors, LLC", acted with the specific intent to cause harm. The jury imposed \$25 million in punitive damages against SRC, \$50 million in punitive damages against IEA Inc., and \$50 million against IEA's wholly owned subsidiary IEA Constructors, LLC.

The engineering firm that designed the erosion and sediment control plan for SRC and IEA, Westwood Professional Services, Inc., was also a defendant. The jury released Westwood from any liability.

"The SRC/IEA litigation and trial strategy was to blame everyone else and deny responsibility," said Plaintiffs' counsel, Dan Philyaw. "They blamed Westwood, they blamed Shaun and Amie, they blamed too much rain, and they blamed 'erodible soils.'"

Case - RoW

continued on page 33

At the start of the trial, SRC and IEA denied they had created a nuisance, denied they had committed any trespass, denied they were negligent, and denied they had caused any damage to the downstream property. On the ninth day of trial SRC President Reagan Farr admitted liability on the witness stand. On the twelfth day of trial the President of the IEA subsidiary IEA Constructors, LLC admitted liability on the witness stand.

In a weird twist, when it bought its property SRC had insisted that timber on the property be harvested by the prior owners, Butler and Wooten - an approach SRC's own witnesses admitted was unusual. Then, when the mass grading without adequate erosion controls unleashed pollution on the downstream neighbor, SRC and IEA blamed the prior owners who hired those who did the logging. At trial SRC and IEA sought to apportion fault to non-parties involved in the logging. The problem for SRC and IEA was there was never any evidence that logging caused erosion that caused damage to the Harris property: not a photograph, not a witness. Plaintiffs presented expert and lay witness testimony that the logging accusation was totally false. At the conclusion of the evidence, U. S. District Judge Clay D. Land granted Plaintiffs' motion for directed verdict as to the logging accusation leveled by SRC and IEA, where they claimed that non-parties shared in the fault for causing the damage.

Plaintiffs also sued for an injunction to make SRC and IEA finally fix the problems at the SRC site and stop the damage. At the conclusion of the evidence, Judge Land stated he would grant an injunction to require that no more sediment escapes the site post-development than did pre-development. The parties are to submit proposals as to the terms of an injunction.

Plaintiffs Shaun and Amie Harris were represented by Jim Butler, Dan Philyaw, and Caroline W. Schley of Butler Prather LLP, assisted by paralegals Kim McCallister and Sarah Andrews and investigator Nick Giles. Plaintiffs were also represented by Cooper Knowles of Atlanta, who was unable to attend trial.

The defendant released by the jury, Westwood, was successfully represented by Kent Stair, Melissa Bailey, and Corey Mendel of Copeland, Stair, Valz & Lovell in Atlanta.

SRC was represented by Alycen Moss and Danielle LeJeune of Cozen O'Connor, Atlanta. IEA was represented by Charles Rogers, Sarah Carpenter, Steven Stuart, and Brent Beaver of the Smith Currie & Hancock firm, Atlanta and Washington D.C.

"Meanness is not neighborly," Butler said in summarizing the case, "and it is a terrible litigation and trial strategy."

The verdict was Butler's ninth verdict over \$100 million. No other lawyer in American history has won so many big verdicts.

Mr. Butler can be reached at jim@butlerprather.com or at 800-242-2962.



We provide you with innovative solutions... not just great service.



CHECK US OUT HERE!

Our innovation stems from our years of experience and commitment to professional delivery of infrastructure projects. Monument provides real estate services including property rights research, acquisition, valuation, encroachment services, and project management assistance for projects involving oil, gas, electric and alternative energy systems. **Contact us today and see how we'll exceed your expectations!**

monument

monumentrow.com

Bibikos At the Well - May 2023

Permission to Republish - All Rights Reserved

Mr. Bibkos practices as GA Bibikos, LLC, an oil and gas law practice, with his office in Harrisburg, PA, he can be reached at gbibikos@gabibikos.com.

Below are various oil and gas cases recited in his blog site [gabibikos.com] *At the Well Weekly* which may be of interest for your further inquiry.

Interesting

- **Texas Federal Court Says Landman Company Stated Trade Secret Claims Against Former Employees.** A federal court in Texas held that a landman company stated **trade secret claims against former landmen** who left to pursue their own endeavors, concluding that the complaint sufficiently alleged **the former landmen disclosed** the company's research on leases, confidential business plans, information learned from operators and producers in the oil and gas field, contact information for **potential customers**, knowledge of "mineral plays," and title analysis in violation of non-disclosure agreements and misappropriation statutes. *Pro Mineral, LLC v. Marietta*, --- F. Supp. 3d ----, No. 3:21-CV-02773-E, 2023 WL 2410884 (N.D. Tex. Mar. 8, 2023).
- **Mountain Valley Pipeline.** MVP sticks to a 2023 in-service target and acknowledges the difficulty the project has faced. The FWS said that the project **won't affect** endangered species while a U.S. Senator from West Virginia says **the fight for MVP is not** over and plans to monitor the project's progress. A court of appeals upheld a state permit for the project.
- **Fourth Circuit Upholds Mountain Valley Permit.** The Fourth Circuit **upheld** a Virginia water permit for the **\$6 billion** Mountain Valley Pipeline, ruling that state regulators verified the project's stream crossings were the **least harmful option** and correctly assessed its impact on water quality. *Sierra Club et al. v. State Water Control Board*, --- F.4th ----, No. 21-2425 (4th Cir. March 29, 2023).
- **Pennsylvania Commonwealth Court Says PUC had Duty to Consider Environment when Approving LNG Construction.** The Commonwealth Court held that **the PUC erred** in its approval of the construction of an LNG pumping station **for failing to conduct** sufficient environmental review under the Environmental Rights Amendment, holding that Section 619 of the Public Utility Code trumps local zoning ordinances regarding construction of facilities of public utilities but the constitution **still requires** the PUC to evaluate environmental impacts, and the agency erred by expressly stating it has no obligation under the Public Utility Code to do so. *Township of Marple v. Pa. Public Utility Commission*, --- A.3d ----, No. 319 CD 2022 (Pa. Cmwlth. March 9, 2023).
- **Eighth Circuit Says Minnesota Climate Change Case Should Stay in State Court.** The Court of Appeals for the Eighth Circuit held **that federal common law on transboundary** pollution did not completely preempt climate change claims brought by the State of Minnesota and removal on basis of federal question jurisdiction therefore was not warranted. *Minnesota by Ellison v. API*, --- F.4th ----, No. 21-1752, 2023 WL 2607545 (8th Cir. Mar. 23, 2023).
- **TRANSCO Regional Energy Access Expansion Project.** The New Jersey Conservation Foundation, New Jersey League of Conservation Voters, Aquashicola-Pohopoco Watershed Conservancy and landowner Catherine Folio **are challenging FERC's January approval** of Transcontinental Gas Pipe Line Co. LLC's Regional Energy Access Expansion project and the agency's March 16 order allowing the company to start cutting down trees as part of the project's construction. The groups and the landowner lodged an emergency motion seeking a stay of both orders.

Headlines & Holdings – Appalachia

- **Pennsylvania Supreme Court Decision on Fee-Shifting to Permittees in EHB Cases.** The Pennsylvania Supreme Court addressed whether permittees **should be subject to attorneys' fees** under the Clean Streams Law and, if so, the proper standard to apply when imposing fees on permittees. Currently, the Environmental Hearing Board does not shift fees to permittees unless they engaged in "bad faith," the same standard that applies when deciding whether to shift fees to individuals/appellants challenging DEP actions. The PA Supreme Court **rejected** the bad-faith test applied by the EHB. The majority concluded, over a dissent by Justice Mundy, that: (1) the EHB erred in requiring a showing of bad faith by an objector in

Bibikos
continued on page 35

order to award fees against a permittee; and (2) by rejecting the per se bad faith approach, permittees are now returned to the same starting line as DEP for purposes of potential fee liability to an objector. **The court did not set a new standard**; instead, it directed the EHB to exercise virtually unbridled discretion under Section 307 of the CSL on a case-by-case basis, as “guided” by the court’s opinion and prior opinions, to decide whether, and against who, to award fees. *Clean Air Council v. Dep’t of Env’t Prot.*, --- A.3d ---, No. 73 MAP 2021, 2023 WL 2145657 (Pa. Feb. 22, 2023).

- **Kentucky Appellant Court Sends Back Pooling Issue.** A court of appeals in Kentucky rejected claims for payment of all royalties on all production from a unit **merely because** the property in question contained all the unit wells, **but the court remanded** to determine whether the leased property is subject to voluntary pooling at all based on unusual lease language limiting pooling “only if necessary to conform to applicable governmental statutes and regulations.” *Kelly v. Magnum Drilling of Ohio, Inc.*, --- S.W.3d ---, No. 2021-CA-0512-MR, 2023 WL 2192966 (Ky. Ct. App. Feb. 24, 2023).
- **Ohio Federal Court Denies Claim to Oil and Gas Rights.** A federal court in Ohio **rejected claims by surface owners** that they held oil and gas rights in a 165-acre tract in Ohio, holding that **none of the deed reservations** included oil and gas rights and therefore had no rights to convey to the grantee claiming those interests in this case. *Long Point Energy, LLC v. Gulfport Energy Corp.*, --- F. Supp. 3d ---, No. 2:20-CV-4644, 2023 WL 2652378 (S.D. Ohio Mar. 27, 2023).
- **Ohio Federal Court Denies Class Certification in Deep Zone Trespass Dispute.** A federal court in Ohio **denied class certification** for a group of Ohio property and mineral owners **who claim** oil and gas companies drilled into the Point Pleasant in violation of oil and natural gas leases that restricted operations to the Marcellus and Utica. *J&R Passmore, LLC v. Rice Drilling D LLC*, --- F. Supp. 3d ---, No. 2:18-CV-01587, 2023 WL 2667749 (S.D. Ohio Mar. 28, 2023).
- **West Virginia Federal Court Says Solar Company’s Policy Doesn’t Cover Suit for Interference with Oil and Gas Operations.** A federal court in West Virginia held that a solar company didn’t have coverage **to defend against a suit** by an oil and gas company claiming that solar operations **prevented access** to oil and gas wells on the leased property, holding that the “property damage” or “bodily injury” provisions of the policy **don’t apply**. *Scottsdale Ins. Co. v. Solwind Energy, LLC*, --- F. Supp. 3d ---, No. 2:22-CV-00036, 2023 WL 2520734 (S.D.W. Va. Mar. 14, 2023).
- **West Virginia Federal Court Sends Oil and Gas Royalty to Arbitration.** A federal court in West Virginia **compelled** arbitration of a **royalty dispute** in which landowners alleged their lessee improperly paid royalties on a net price that reflected **deductions** for taxes and other post-production costs instead of paying based on wholesale market value of gas sold. *Allen v. Chevron U.S.A. Inc.*, --- F. Supp. 3d ---, No. 5:22-CV-18, 2023 WL 2603941 (N.D.W. Va. Mar. 22, 2023).
- **Federal Court Denies Reconsideration Bid in Cross-Unit Well Case.** A federal court in Pennsylvania **denied a bid to reconsider its decision** upholding cross-unit wells in Pennsylvania under both a state statute and the leases at issue in the case, **rejecting arguments** that the leases at issue confined all wells to one unit (as opposed to multiple units) and reiterating that the leases at issue gave lessees the right to pool leases into “one or more units” whether or not the cross-unit well originated on a different unit than the one that included the leased property at issue. *Warner Valley Farm, LLC v. SWN Production Company, LLC*, --- F. Supp. 3d ---, No. 4:21-CV-01079, 2023 WL 2309770 (M.D. Pa. Mar. 1, 2023).
- **Sixth Circuit Denies Lease Busting Bid Against SWN.** The Sixth Circuit upheld a district court’s order **rejecting claims** that an oil and gas lease expired, holding that the production company **validly pooled portions** of the leasehold into a drilling unit and conducted operations on the drilling unit such that the lease extended **beyond the expiration** of the primary term, and any activity after that time was authorized under the extended lease. *Scenicview Estates, LLC v. SWN Production (OHIO), LLC*, --- F.4th ---, No. 22-3318, 2023 WL 1991986, (6th Cir. Feb. 14, 2023).

Headlines & Holdings - Beyond Appalachia

- **Federal Claims Court Rejects Bid against Feds. for Breach of Oil and Gas Lease.** The U.S. Court of Federal Claims **rejected a \$5,000,000 complaint** against the U.S. for breach of an oil and gas lease for a two-year period in which the company was prevented from producing and selling oil and gas, **holding** that

the statute of limitations precluded claims and the company failed to prove breach anyway. *Petro Mex, LLC v. United States*, --- Fed. Cl. ----, No. 14-1024C, 2023 WL 2127749 (Fed. Cl. Feb. 20, 2023).

- **Colorado Supremes Say Non-Operator Fractional Interest Owners Have No Standing to Challenge Tax Increase.** In this oil and gas **leasehold taxation case**, the Supreme Court of Colorado held that a non-operating fractional interest owner **in a unitized oil and gas operation** do not have standing **to independently challenge** a county's retroactive property tax increase. *Colorado Prop. Tax Adm'r v. CO2 Comm., Inc.*, --- P.3d ----2023, No. 21SC393, 2023 WL 2130715 (Colo. Feb. 21, 2023).
- **Colorado Supremes Hold that Conservation Commission Can't Interpret Oil and Gas Leases.** The Supreme Court of Colorado held that the state's Oil and Gas Conservation Commission **lacks jurisdiction** to resolve bona fide disputes of parties **over contract interpretation** in the **context** of determining the **dates due** for payment of proceeds and whether circumstances justified any delays in payment, reasoning that the commission could not resolve good-faith disputes over (a) whether and when gas is marketable; (b) whether the operator's in-kind payment without paying royalties; or (c) whether the operator could charge fees against royalties because they all involve contract interpretation. *Antero Resources Corp. v. Airport Land Partners, Ltd.*, --- P.3d ----, No. 2023 CO 13, 21SC553, 2023 WL 2640471 (Colo. March 27, 2023).
- **Oklahoma Supreme Court Addresses Cessation of Production for Lease Termination Bid.** The Oklahoma Supreme Court held that a **trial court erred** by capping a cessation of production at three months based on a lease provision in order to support a claim that the lease expired **following a dip** in production, holding instead that the cessation of production should be analyzed under all the facts and circumstances in the case. *Tres C, LLC v. Raker Resources, LLC*, --- P.3d ----, No. 118650, 2023 OK 13, 2023 WL 1990113 (Okla. February 14, 2023).
- **Oklahoma Federal Court Says Unit Operator Not Liable for Royalties without Oil and Gas Lease.** A federal court in Oklahoma rejected a claim from royalty owners in a unit that the unit operator had an obligation to pay royalties simply **by reason of its status as operator**, holding that the **operator is not liable for** breach of contract based on a failure to comply with payment obligations imposed by lease agreements. *Charles W. v. Newfield Expl. Mid-Continent, Inc.*, --- F. Supp. 3d ----, No. CIV-19-600-G, 2023 WL 2671392 (W.D. Okla. Mar. 28, 2023).
- **North Dakota Supremes Address Ambiguity of "Party of the First Part" Language in Mineral Deed.** The Supreme Court of North Dakota held that a deed **from a husband and wife** conveying property in **which only the husband** (not the wife) **owned the minerals**, and which included a reservation of minerals to the "**parties** of the first part," made the reservation at issue ambiguous about whether the husband and wife expressed an intent to effect a conveyance to a stranger to the title. The court held that, as a result, the trial court correctly looked outside the four corners of the deed for extrinsic evidence to determine the parties' intent and upheld the conclusion that the husband's successors owned the mineral interest and the successor to the wife's interest (her son-in-law) did not acquire the mineral interest. *Nevin v. Kennedy*, --- N.W.2d ----, No.220220136, 2023 ND 33, 2023 WL 2336302 (N.D. March 3, 2023).
- **North Dakota Federal Court Orders Biden Administration to Resume Oil and Gas Leasing.** A North Dakota federal court ordered the Biden administration **to resume selling oil and gas leases** in the state, **reprimanding** the government for using myriad excuses — like a purported need for updated environmental reviews — to halt sales for most of the past two years. *State of North Dakota v. United States Department of Interior*, --- F. Supp. 3d ----, No. 1:21-cv-00148 (D.N.D. March 27, 2023)
- **Texas Supremes Address Double Fraction Problem in Oil and Gas Deed.** The Texas Supreme Court held that a **1924 deed reserving** "one-half of one-eighth" of all mineral rights reserved a 50% mineral interest, **reasoning first** that the use of "one-eighth" in a mineral deed presumptively means a "mineral estate" such that the grantor reserved one half of the mineral estate, and even if the court did math and reached a conclusion that the grantor reserved only a one-sixteenth mineral interest, the grantor acquired the other 7/16 interest **under the presumed grant doctrine**. *Dyke v. Navigator Grp.*, --- S.W.3d ----, No. 21-0146, 2023 WL 2053175 (Tex. Feb. 17, 2023).
- **Texas Appellate Court Rejects Drill-or-Pay Claim for Obligation Well.** A court of appeals in Texas rejected a claim for \$500,000 **under a drill-or-pay clause** in connection with the failure to drill an initial obligation well, holding that the lease gave the production company the right to release any lands covered

by the lease and did so **before any drill-or-pay** obligation arose. *Parsley Minerals, LLC v. Flat Kreek Resources*, --- S.W.3d ----, No. 03-21-00337-CV, 2023 WL 2052315 (Tex. App. Feb. 17, 2023).

- **Texas Appellate Court Says Nearby Well Operator Lacks Standing to Challenge Injection Well Permit Applications.** A court of appeals in Texas held that the **Railroad Commission** was right to **deny standing to a gas company** operating wells near the site of proposed **injection wells targeting unproductive** formations, holding that although the gas company had leasehold interests and operations several miles away, the company is not an “affected person” for purposes of standing. *Railroad Commission v. Apache Corp.*, --- S.W.3d ----, No. 07-22-00014-CV, 2023 WL 2138962 (Tex. App. Feb. 21, 2023).
- **Texas Supremes Address Add-Back Clause in Oil and Gas Royalty Dispute.** The Supreme Court of Texas **interpreted** a royalty clause **with “add back”** language and concluded that a landowner’s royalty **is payable not only on gross proceeds** but also on an unaffiliated buyer’s post-sale postproduction costs if the producers’ sales contracts state that the sales price has been derived by deducting such costs from published index prices downstream from the point of sale. The court reasoned: **“This broad lease language** unambiguously contemplates a royalty base that may exceed gross proceeds and plainly requires the producers to pay royalties on the gross proceeds of the sale plus sums identified in the producers’ sales contracts as accounting for actual or anticipated postproduction costs, **even if such** expenses are incurred only by the buyer after or downstream from the point of sale.” *Devon Energy Prod. Co., L.P. v. Sheppard*, - -- S.W.3d ----, No. 20-0904, 2023 WL 2438927 (Tex. Mar. 10, 2023).
- **Texas Appellate Court Addresses Fixed v. Floating NPRI.** An appellate court in Texas held that a 1945 deed reserving an “undivided 1/4th of the land owner’s usual 1/8th royalty interest (being a full 1/32nd royalty interest)” coupled with references to payments from “future leases” **created a floating NPRI** as opposed to a fixed royalty interest. *Royalty Asset Holdings II, LP v. Bayswater Fund III-A LLC*, --- S.W.3d ----, No. 08-22-00108-CV, 2023 WL 2533169 Tex. App. Mar. 15, 2023).



**"Beyond Service ...
Solutions"**

Title Research and Examination • Oil & Gas Curative and Mineral Leasing
Right-of-Way & Real Property Acquisition • Permitting (Federal, State & Local Assignments)

Corporate Headquarters
725 W. Town & Country Road Suite 410 Orange, CA 92868
Tel: (714) 568-1800 • Fax: (714) 568-1805 • Email: info@spectrumland.com

[Visit us on the web: www.spectrumland.com](http://www.spectrumland.com)



**Randall Taylor, RPL
Petroleum Landman**

Taylor Land Service, Inc.
18 Halcyon Lane
Aliso Viejo, CA 92656-6211
949-215-0601
randall@taylorlandservice.com

Vespera Resort 
ON PISMO BEACH

AUTOGRAPH COLLECTION
HOTELS

Save the Date
Wednesday to Friday
September 27 – 29, 2023





The Bakersfield Association
of Professional Landmen (BAPL)
and
The Los Angeles Association
of Professional Landmen (LAAPL)
proudly presents the

Annual West Coast Landmen's Institute

to be held at

Wednesday – Friday
September 27–29, 2023 *Vespera Resort on Pismo Beach!*

Included with Registration

- Attendance to the Institute
- Breakfast each morning
- Wednesday's Beachside Reception at the Vespera
- Thursday's Lunch at this beautiful property
- Landmen's Dinner hosted at *Giuseppe's Cucina Italiana*, just a casual walk to dinner.

Registration Fees:

Members of the BAPL or LAAPL: \$275

Non-members: \$325

Member Independents: \$100

Non-member Independents: \$150

* \$50 more if received after September 9th

(*please inquire about definition of Independent Landman, if needed)

We anticipate AAPL will award nine (9) RLP Continuing Education Credits or CPL Recertification Credits and One (1) Ethics Credit, for participation in this Institute. AAPL Attendance Affidavits will be available at this event.

Registrants can make overnight accommodations directly with *Vespera Resort on Pismo Beach*, by calling 888.236.2427 or online at:

[Book your group rate for West Coast Landmen's Institute Meeting](#)

Our limited rooms are offered at \$239 per night at *Vespera Resort on Pismo Beach!*

You must book your reservation by Wednesday, August 28th

Take advantage of this reduced rate. Room availability is not guaranteed after this date. *Independents: Share a room with another and save!*



Individuals will be responsible for their own reservations. Cancellations are accepted up to 72 hours prior to your arrival date. *All "no shows" and cancellations within this period will be charged to the individual.* We have guaranteed a minimum number of rooms each night, so please consider using our block of rooms at *Vespera Resort on Pismo Beach* if you plan to rent your lodging in the area for this event. Room rates are locked in for the three (3) days prior, however, the rate will be \$309 for Friday and/or Saturday nights based on availability (normally \$500-\$600+).

GOLF!

We have reserved a limited number of tee times for golf at Noon on Wednesday at the Avila Beach Golf Course prior to the WCLI for our participants (\$100 per player, including a box lunch & drinks). Please remember to complete the attached Sponsor Registration form if you wish to play golf and or attend the WCLI.

*WCLI Registration
continued on page 40*

2023 WCLI Sponsorship Levels

Thank you for your interest in sponsoring the Annual West Coast Landmen's Institute. Below is an overview of our sponsorship opportunities – we hope you will find one that best suits the needs of your organization.

WCLI SPONSOR LEVELS:	ONE STAR	TWO STARS	THREE STARS	FOUR STARS	FIVE STARS
Benefits:	\$500	\$1,000	\$2,000	\$3,500	\$5,000
Complimentary WCLI Registration	One Tuition	One Tuition	Two Tuitions	Three Tuitions	Four Tuitions
Complimentary Guest Registration	-	One Guest	Two Guests	Three Guests	Four Guests
Golf Registration	-	One Golf Registration	Two Golf Registrations	Three Golf Registrations	Four Golf Registrations

Sponsors will also receive:

- 🌀 **Name Badge Recognition Ribbon**
- 🌀 **Company Logo on Event Banners and Registration Table**
- 🌀 **Opportunity to Provide Sponsor Giveaways to Attendees (Two Stars and above)**
- 🌀 **Space on Sponsor Table to Display Company Information/Handouts (Two Stars and above)**

Company: _____
 Contact: _____
 Address: _____
 City: _____
 State: _____ Zip Code: _____
 Phone: _____
 Email: _____

Sponsorship Level (please check one):

One Star - \$500 Four Stars - \$3,500
 Two Stars - \$1,000 Five Stars - \$5,000
 Three Stars - \$2,000

Sponsorships, golf, and registration can only be paid via check or online at: <http://bakersfieldlandmen.org>

For online Sponsorships, golf, and registration, please use **Google Chrome** or **Safari**, there are problems if you use Internet Explorer.

Please list the participants attending under your sponsorship

Note: Sponsors Guests must indicate as such on their Registration Form.

West Coast Land Institute - Registration Form - continued

THE ANNUAL WCLI REGISTRATION FORM

Please Register Early as there Is Limited Space

Complete name and company information requested below. If you plan to play golf on Wednesday, please check the appropriate box and make your payment along with your registration fees. Mail this section with your check payable to: BAPL, Attn. Ashley Claunch, P.O. Box 12816, Bakersfield, CA 93389.

Member Prices:	Non- Member Prices:	Member Independent Prices:	Non- Member Independent
<input type="checkbox"/> \$275 if paid by 9/07	<input type="checkbox"/> \$325 if paid by 9/07	<input type="checkbox"/> \$100 if paid by 9/07	<input type="checkbox"/> \$150 if paid by 9/07
<input type="checkbox"/> \$325 if paid after 9/07	<input type="checkbox"/> \$375 if paid after 9/07	<input type="checkbox"/> \$150 if paid after 9/07	<input type="checkbox"/> \$200 if paid after 9/07

\$150 per Spouse/Significant Other or non-participating guest fee (includes reception, breakfasts, luncheons, and dinner... **A \$400 value!**). *This will be strictly enforced.* One price whether participating one or all three days. Number of additional guests: _____

- Events:** Wednesday Reception *Vespera Resort-Oceanside* 9/27 Number of Attendees _____
- Thursday Breakfast 9/28 Number of Attendees _____
- Thursday Lunch – Poolside 9/28 Number of Attendees _____
- Thursday Dinner – **Giuseppe’s Cucina Italiana** 9/28 Number of Attendees _____
- Friday Breakfast 9/29 Number of Attendees _____
- Check this box if you are a participant attending under a Sponsorship**
- Check this box if you are a Speaker**

Name: _____ Guest: _____
 Company: _____ Address: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ Email: _____ CPL or RPL #: _____

TOTAL ENCLOSED \$ _____ I am a Sponsor

**For questions regarding Registration and Sponsorships,
 please contact Ashley Claunch at 661.654.7401 or [email: AClaunch@chevron.com](mailto:AClaunch@chevron.com)**

Avila Beach Golf Course (includes a box lunch and adult refreshments) Wednesday 9/27 - \$100

No. of Players: _____

Golf Partners: _____

Please note any preference for golfing partners above.

Payment for golf must be received in advance! Please include payment with your registration.

**For questions regarding Golf, please contact Mike Mcphetridge at 661.333.6119 or email
rmm@rmmenergypartnersllc.com**

Please note: The WCLI retains cancellation rights. In the unlikely event of cancellation, the WCLI Committee will make every attempt to notify pre-registrants. Refund requests within two (2) weeks of the Institute will be assessed a \$50 Administrative Fee.