

Disclaimer

• This information contained within these slides and the live presentation are provided for informational purposes only. These slides were intended to be read only in conjunction with the live presentation, and these slides do not contain all of the information that was presented in conjunction with these slides at the live presentation. Neither these slides nor the live presentation shall constitute legal advice, nor do they create an attorney-client relationship. The author, presenter, and McGinnis Lochridge, do not warrant this information for any purpose. The law referenced in these slides may have changed or could be affected by case law developments. These slides and the live presentation are not intended to be comprehensive, but merely an overview for a 1-hour presentation. Various exceptions and limitations that are not included may apply in certain cases. **Do not rely on this** presentation or your interpretation of same for any purpose. If you have a legal question, or if you are in need of legal advice or representation, you should consult with a properly licensed lawyer of your choosing.



2

Overview

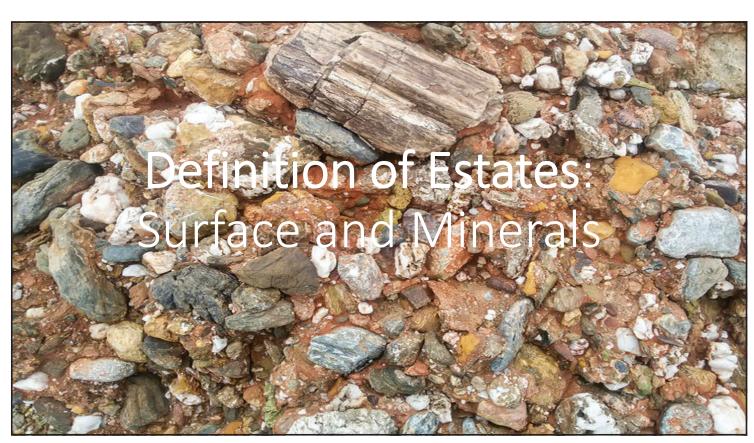
- Definition of Estates
- Implied Easement
- Conflicts with Renewables
 - Solar
 - Wind
 - CCUS



3



2



Severed Estates

- Early theory
- Modern theory



5



Defining Scope of the Estates

Issue: "oil, gas, and other minerals"

Surface Destruction Test (Early Texas)

- Test: intent-based, balancing test:
 - proximity to surface
 - Whether any reasonable extraction = "substantial" destruction
- Severances prior to June 8, 1983



6





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

Title search: Inherent Surface Conflicts Between Oil and Gas and Renewable Energy Operations/Development

First appeared as part of the conference materials for the 49th Annual Ernest E. Smith Oil, Gas and Mineral Law Institute session "Inherent Surface Conflicts Between Oil and Gas and Renewable Energy Operations/Development"