

CASES AND MATERIALS ON OIL AND GAS LAW

Fifth Edition

John S. Lowe
Owen L. Anderson
Ernest E. Smith
David E. Pierce

American Casebook Series®

THOMSON



WEST

CASES AND MATERIALS ON OIL AND GAS LAW

Fifth Edition

By

John S. Lowe

*George W. Hutchison Professor of Energy Law
Southern Methodist University*

Owen L. Anderson

*Eugene Kuntz Chair in Oil, Gas and Natural Resources
The University of Oklahoma*

Ernest E. Smith

*Rex G. Baker Centennial Chair
in Natural Resources Law, The University of Texas*

David E. Pierce

*Professor of Law
Washburn University*

AMERICAN CASEBOOK SERIES®

THOMSON
—★—™
WEST

Thomson/West have created this publication to provide you with accurate and authoritative information concerning the subject matter covered. However, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. Thomson/West are not engaged in rendering legal or other professional advice, and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

American Casebook Series and West Group are trademarks registered in the U.S. Patent and Trademark Office.

COPYRIGHT © 1986, 1993 WEST PUBLISHING CO.

© West, a Thomson business, 1998, 2002

© 2008 Thomson/West

610 Opperman Drive

St. Paul, MN 55123

1-800-313-9378

Printed in the United States of America

ISBN: 978-0-314-18397-2



TEXT IS PRINTED ON 10% POST
CONSUMER RECYCLED PAPER



West's Law School Advisory Board

JESSE H. CHOPER

Professor of Law,
University of California, Berkeley

YALE KAMISAR

Professor of Law, University of San Diego
Professor of Law, University of Michigan

MARY KAY KANE

Professor of Law, Chancellor and Dean Emeritus,
University of California,
Hastings College of the Law

LARRY D. KRAMER

Dean and Professor of Law, Stanford Law School

WAYNE R. LaFAVE

Professor of Law, University of Illinois

JONATHAN R. MACEY

Professor of Law, Yale Law School

ARTHUR R. MILLER

University Professor, New York University
Professor of Law Emeritus, Harvard University

GRANT S. NELSON

Professor of Law, Pepperdine University
Professor of Law Emeritus, University of California, Los Angeles

JAMES J. WHITE

Professor of Law, University of Michigan

Professors John Lowe, Owen Anderson, Ernest Smith, and David
Pierce dedicate this work to their respective spouses who have
unselfishly supported them in their academic careers:

Jacquelyn Lowe
Kathie Anderson
Paula Smith
Martha Pierce

*

Preface

Law is the long shadow of the people who serve it. There are few absolute rules. For virtually every common law principle, there is a rebuttal or a could-have-been. Ultimately, what becomes *the law* is shaped by the dedication, the skill and the logic of the advocates, jurists and commentators who participate in the legal process.

Eugene Kuntz, who led us in the preparation of the first two editions of this book, and whose influence remains strong in this edition, cast a long shadow on oil and gas law. His work as a teacher, as a commentator and—on occasion—as an advocate, had a profound effect upon the development of oil and gas law in the second half of the Twentieth Century. Many of the concepts that we consider in this book, including the accommodation doctrine applied in surface use disputes, the meaning of “minerals,” and the “marketable product” rule of royalty valuation, come from his work. Indeed, Gene Kuntz may have influenced the development of modern oil and gas law more than any other single individual.

We miss Gene, but we were blessed by his friendship and counsel over the years, and we believe that he would have been pleased with this fifth edition of *Cases and Materials on Oil and Gas Law*. Its pages are filled with theoretical enigmas that intrigue legal theorists, yet oil and gas law is practical enough to satisfy the desire for “real law” shared by most second- and third-year law students. Students enjoy the course in large part because it is about the law governing an industry. An industry pioneered and developed by some of the greatest entrepreneurs of all time. It provides students with an opportunity to observe the many ways an industry is impacted by the law. Students will gain a better understanding of property, contract, and tort law as they analyze how courts struggle to apply common law concepts to a new and evolving industry with its own unique physical and practical limitations. Students will also evaluate the federal, state, and local regulatory regimes that have evolved to address perceived failings of the common law.

In this fifth edition, ownership materials previously contained in Chapter 4 have been consolidated with the basic ownership materials in Chapter 1. Conservation materials previously in Chapter 1 have been moved to Chapter 2 and consolidated with the pooling and unitization materials previously contained in Chapter 6.

This casebook addresses the law of oil and gas first by focusing on ownership of the resource. Chapter 1 examines the common law of oil and gas ownership and Chapter 2 explores the various legislative responses to problems created by common law ownership concepts. Chapter 3 focuses on the foundational business relationship used to develop oil and gas in the United States: the oil and gas “lease.” Once students have

studied ownership concepts and the oil and gas lease, Chapter 4 examines common problems encountered when interpreting oil and gas conveyances. Chapter 5 focuses on the other types of relationships frequently encountered in the industry, such as assignments, farmouts, operating agreements, drilling contracts, and gas sales contracts. Chapter 6 examines in depth the complex body of law that must be considered when oil and gas development is taking place on property owned by a state, federal, or tribal government. Chapter 7 follows the oil and gas development process chronologically, from land acquisition to abandonment, and examines the body of law designed to regulate the environmental impacts associated with oil and gas development. Most professors will structure the basic oil and gas law course around Chapters 1 through 4 and save Chapters 5 through 7 for advanced study.

In preparing a casebook to assist in the study of oil and gas law, we do not labor alone. We continue to be indebted to those who have taught oil and gas law in the past, including especially the late Professors A. W. Walker, Jr., Marion K. Woodard, and William O. Huie, whose casebook preceded ours and from whose analyses we drew in preparing the first edition. We are also indebted to the late Professor Victor H. Kulp, Professor Kuntz's predecessor at the University of Oklahoma and author of West's first oil and gas law casebook in 1924.

We have also drawn on the analyses of many law professors and lawyers. While we hesitate to list these names for fear of overlooking someone, the list certainly includes Professors Robert E. Beck, Laura H. Burney, Gary B. Conine, Harriet S. Daggett, John S. Dzienkowski, William J. Flittie, Richard W. Hemingway, Bruce M. Kramer, Marla E. Mansfield, Patrick H. Martin, Jr., Clyde O. Martz, Wilmer D. Masterson, Jr., Richard C. Maxwell, Maurice Merrill, Charles Meyers, Joshua M. Morse, Phillip E. Norvell, Robert J. Peroni, Joseph Shade, Marc I. Steinberg, Rennard J. Strickland, Robert Sullivan, W. L. Summers, Jacqueline Lang Weaver, and Howard R. Williams, as well as many others who have authored articles and commentaries in a variety of publications cited throughout this book.

The editors thank those who provided research and assistance in the preparation of the manuscript for the Fifth edition. Professor Lowe appreciates the work of his research assistant, Ashley Wells Songer, as well as that of Underwood Law Library's Associate Director, Kurt Adamson and IT Specialist Debbie Seiter. Professor Lowe also thanks John B. Attansio, Dean of the Dedman School of Law at Southern Methodist University, and William L. Hutchison and the Hutchison Endowment, for their moral and financial support of his work on this project.

Professor Anderson thanks Andrew M. Coats, Dean of The University of Oklahoma College of Law, for his encouragement and the many friends of Eugene Kuntz for the support provided by the Eugene Kuntz Chair in Oil, Gas and Natural Resources. Professor Anderson also thanks research assistants Reagan Bradford, Rachel Kirk, and Ivan London.

Professors Lowe and Anderson express their appreciation to the faculty and staff of the University of Dundee's Centre for Energy, Petroleum & Mineral Law & Policy and to the University of Melbourne's Faculty of Law for the international perspectives that teaching at those institutions have given them.

Professor Smith is indebted to the late Rex G. Baker, his son, Rex G. Baker, Jr., and his grandson, Rex G. Baker III, for the support provided by the Rex G. Baker Centennial Chair in Natural Resources Law. He also thanks Dean Lawrence G. Sager of The University of Texas School of Law, his many and able research assistants, Debbie Steed, his administrative assistant for many years who provided invaluable assistance in the preparation of the manuscripts for the first four editions, and his current administrative assistant, Renee Loyless-May, for her help with the 5th edition.

Professor Pierce thanks Thomas J. Romig, Dean of Washburn University School of Law, for his support of this project, and extends a special thanks to Angela Y. Carlon, research assistant and second-year law student at Washburn, for her assistance in updating citations and proofreading the manuscript.

We have adopted a number of conventions in the preparation of these materials. We have frequently omitted citations from cases and other quotations without inserting ellipses. Because oil and gas law is largely a matter of state law, we have modified the usual form for citation of federal cases that apply state law by including the state from which the case arose. The names of frequently cited treatises are abbreviated in accordance with the "Citation Abbreviations" page that follows this Preface. All footnotes are consecutively numbered within each chapter.

JOHN S. LOWE
OWEN L. ANDERSON
ERNEST E. SMITH
DAVID E. PIERCE

November 2007

Citation Abbreviations

Throughout this casebook the following citation abbreviations have been used:

Brown:	Earl A. Brown, <i>The Law of Oil and Gas Leases</i> (Update Editors: Earl A. Brown, Jr. & Lawrence T. Gillaspia) (Matthew Bender & Co. 2d ed. 2006).
Forms Manual:	John S. Lowe, Owen A. Anderson, Ernest E. Smith, David E. Pierce, <i>Forms Manual to Accompany Cases and Materials on Oil and Gas Law</i> (Thomson/West 4th ed. 2004).
Hemingway:	Owen L. Anderson, John S. Dzienkowski, John S. Lowe, Robert J. Peroni, David E. Pierce, and Ernest E. Smith, <i>Hemingway Oil and Gas Law and Taxation</i> (West 4th ed. 2004).
Kramer & Martin:	Bruce M. Kramer & Patrick H. Martin, <i>The Law of Pooling and Unitization</i> (Matthew Bender & Co. 3d ed. 2006).
Kuntz:	Eugene Kuntz, <i>Oil and Gas Law</i> (Update Editors: Owen L. Anderson, John S. Lowe, Ernest E. Smith, David E. Pierce) (Anderson 1987–2001 and Matthew Bender & Co. 2007).
Lowe:	John S. Lowe, <i>Oil and Gas Law in a Nutshell</i> (West 4th ed. 2003).
Manual of Terms:	Howard R. Williams and Charles J. Meyers, <i>Williams & Meyers Manual of Oil and Gas Terms</i> (Update Editors: Bruce M. Kramer & Patrick H. Martin) (Matthew Bender & Co. 13th ed. 2006).
Merrill:	Maurice H. Merrill, <i>The Law Relating to Covenants Implied in Oil and Gas Leases</i> (Thomas Law Book Co. 2d ed. 1940).
O&GR:	<i>Oil and Gas Reporter</i> (Bruce M. Kramer, Administrative Editor) (Matthew Bender 1952–2007) (specific Discussion Notes author identified by last name).

- Pierce: Kansas Oil and Gas Handbook (Kansas Bar Association 1986).
- Smith: Ernest E. Smith, John S. Dzienkowski, Owen L. Anderson, Garry B. Conine, John S. Lowe, and Bruce M. Kramer, *International Petroleum Transactions* (Rocky Mtn. Min. L. Found. 2 ed. 2000).
- Smith & Weaver: Ernest E. Smith and Jacqueline L. Weaver, *Texas Oil and Gas Law* (Matthew Bender & Co. 2d ed. 2006).
- Sullivan: Robert E. Sullivan, *Handbook of Oil and Gas Law* (Prentice Hall, Inc. 1955).
- Summers: W. L. Summers, *The Law of Oil and Gas* (Update Editor: John S. Lowe) (Vernon 1954 and Thomson 2007).
- Williams & Meyers: Howard R. Williams and Charles J. Meyers, *Williams & Meyers Oil and Gas Law* (Update Editors: Bruce M. Kramer & Patrick H. Martin) (Matthew Bender & Co. 2006).

Table of Cases

The principal cases are in bold type. Cases cited or discussed in the text are roman type. References are to pages. Cases cited in principal cases and within other quoted materials are not included.

- Abilene, City of v. Burk Royalty Co., 470 S.W.2d 643 (Tex.1971), 131
- Abraxas Petroleum Corp. v. Hornburg, 20 S.W.3d 741 (Tex.App.-El Paso 2000), 791
- Acker v. Guinn, 464 S.W.2d 348 (Tex.1971), 617
- Acklin v. Fuqua, 193 S.W.2d 297 (Tex.Civ. App.-Amarillo 1946), 558
- Acoma Oil Corp. v. Wilson**, 471 N.W.2d 476 (N.D.1991), **655**, 660
- Acquisitions, Inc. v. Frontier Explorations, Inc., 432 So.2d 1095 (La.App. 3 Cir. 1983), 390
- Adena Exploration, Inc. v. Sylvan, 860 F.2d 1242 (5th Cir.1988), 726, 727
- Adkins v. United Fuel Gas Co., 134 W.Va. 719, 61 S.E.2d 633 (W.Va.1950), 319
- Alaska, United States v., 422 U.S. 184, 95 S.Ct. 2240, 45 L.Ed.2d 109 (1975), 1007
- Alaska Placer Co. v. Lee, 553 P.2d 54 (Alaska 1976), 101
- Alford v. Krum, 671 S.W.2d 870 (Tex.1984), 683
- Alphonzo E. Bell Corp. v. Bell View Oil Syndicate, 24 Cal.App.2d 587, 76 P.2d 167 (Cal.App. 3 Dist.1938), 30, 104
- Altman v. Blake, 712 S.W.2d 117 (Tex. 1986), 557, 602
- Amarillo Oil Co. v. Energy-Agri Products, Inc., 794 S.W.2d 20 (Tex.1990), 187, 328, 633
- Amerada Hess Corporation, 24 IBLA 360 (1976), 840
- Amerada Hess Corp. v. Department of Interior, 170 F.3d 1032 (10th Cir.1999), 956, 967
- American Operating Co. v. Railroad Com'n of Texas, 744 S.W.2d 149 (Tex.App.-Hous. (14 Dist.) 1987), 216
- Amoco Oil Co. v. Borden, Inc.**, 889 F.2d 664 (5th Cir.1989), **1064**, 1073, 1119
- Amoco Oil Co. v. State Highway Dept., 262 N.W.2d 726 (N.D.1978), 1019
- Amoco Production Co., 41 IBLA 348 (1979), 995
- Amoco Production Co. v. Action Well Service, Inc.**, 107 N.M. 208, 755 P.2d 52 (N.M.1988), **816**
- Amoco Production Co. v. Alexander**, 622 S.W.2d 563 (Tex.1981), 304, **480**, 488, 491, 492, 494, 508, 991
- Amoco Production Co. v. Baca, 300 F.Supp.2d 1 (D.D.C.2003), 978
- Amoco Production Co. v. Corporation Com'n of State of Oklahoma, 751 P.2d 203 (Okla.App. Div. 1 1986), 234
- Amoco Production Co. v. Douglas Energy Co., Inc., 613 F.Supp. 730 (D.Kan.1985), 506
- Amoco Production Co. v. Fina Oil & Chemical Co., 670 So.2d 502 (La.App. 1 Cir. 1996), 811
- Amoco Production Co. v. First Baptist Church of Pyote**, 579 S.W.2d 280 (Tex. Civ.App.-El Paso 1979), **455**, 462, 463, 465
- Amoco Production Co. v. Heimann, 904 F.2d 1405 (10th Cir.1990), 427, 428, 993
- Amoco Production Co. v. Jacobs, 746 F.2d 1394 (10th Cir.1984), 291, 427, 428, 993
- Amoco Production Co. v. North Dakota Indus. Commission, 307 N.W.2d 839 (N.D. 1981), 147
- Amoco Production Co. v. Southern Ute Indian Tribe, 526 U.S. 865, 119 S.Ct. 1719, 144 L.Ed.2d 22 (1999), 629, 630
- Amoco Production Co. v. Underwood**, 558 S.W.2d 509 (Tex.Civ.App.-Eastland 1977), **418**, 426
- Amoco Production Co. v. Village of Gambell, Alaska, 480 U.S. 531, 107 S.Ct. 1396, 94 L.Ed.2d 542 (1987), 859
- Amoco Production Co. v. Ware, 269 Ark. 313, 602 S.W.2d 620 (Ark.1980), 488
- Amoco Production Co. v. Watson**, 410 F.3d 722, 366 U.S.App.D.C. 215 (D.C.Cir.2005), **957**, 962, 966
- A & M Oil, Inc. v. Miller, 11 Kan.App.2d 152, 715 P.2d 1295 (Kan.App.1986), 365

- Anadarko Petroleum Corp. v. Thompson, 94 S.W.3d 550 (Tex.2002), 385, 454
- Anderson, Application of, 202 Okla. 422, 214 P.2d 896 (Okla.1950), 162
- Anderson v. Beech Aircraft Corp., 237 Kan. 336, 699 P.2d 1023 (Kan.1985), 39
- Anderson v. Corporation Commission**, 327 P.2d 699 (Okla.1957), 233, **239**, 242
- Anderson v. Mayberry**, 661 P.2d 535 (Okla.App. Div. 1 1983), **558**, 560
- Andrau v. Michigan Wisconsin Pipe Line Co., 712 P.2d 372 (Wyo.1986), 798
- Andretta v. West, 415 S.W.2d 638 (Tex. 1967), 544, 598
- Andrus v. Utah, 446 U.S. 500, 100 S.Ct. 1803, 64 L.Ed.2d 458 (1980), 1005
- Angelloz v. Humble Oil & Refining Co., 196 La. 604, 199 So. 656 (La.1940), 100
- Anschutz Corp. v. Sanders, 734 P.2d 1290 (Okla.1987), 83
- Anschutz Corp. v. Wyoming Oil and Gas Conservation Com'n, 923 P.2d 751 (Wyo.1996), 143
- Antelope Production Co. v. Shriners Hosp. for Crippled Children, 236 Neb. 804, 464 N.W.2d 159 (Neb.1991), 560
- Application of (see name of party)**
- Appling v. Morrison, 227 S.W. 708 (Tex.Civ. App.-El Paso 1921), 345
- Archer County v. Webb**, 161 Tex. 210, 338 S.W.2d 435 (Tex.1960), **593**, 598, 599, 600
- Arco Oil and Gas Co., 109 IBLA 34 (1989), 947
- Arco Oil and Gas Co. v. E.P.A., 14 F.3d 1431 (10th Cir.1993), 1098
- Argos Resources, Inc. v. May Petroleum Inc., 693 S.W.2d 663 (Tex.App.-Dallas 1985), 767
- Arkansas Louisiana Gas Co. v. Southwest Natural Production Co., 221 La. 608, 60 So.2d 9 (La.1952), 572
- Arkansas Louisiana Gas Co. v. Wood, 240 Ark. 948, 403 S.W.2d 54 (Ark.1966), 325
- Arkla Exploration Co. v. Norwest Bank of Minneapolis, Nat. Ass'n, 948 F.2d 656 (10th Cir.1991), 525
- Arkla Exploration Co. v. Texas Oil & Gas Corp., 734 F.2d 347 (8th Cir.1984), 837
- Armstrong v. McCracken, 204 Okla. 319, 229 P.2d 590 (Okla.1951), 552
- Arnold v. Ashbel Smith Land Co., 307 S.W.2d 818 (Tex.Civ.App.-Houston 1957), 552
- ASARCO Inc. v. Kadish**, 490 U.S. 605, 109 S.Ct. 2037, 104 L.Ed.2d 696 (1989), **999**
- Ashland Oil, Inc. v. Phillips Petroleum Co., 554 F.2d 381 (10th Cir.1975), 446
- Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Mont. v. Calvert Exploration Co., 223 F.Supp. 909 (D.Mont.1963), 220
- Associated Oil Co., People ex rel. Stevenot v., 211 Cal. 93, 294 P. 717 (Cal.1930), 171
- Ates v. Yellow Pine Land Co., 310 So.2d 772 (Fla.App. 1 Dist.1975), 56
- Athens & Pomeroy Coal & Land Co. v. Tracy, 22 Ohio App. 21, 153 N.E. 240 (Ohio App. 4 Dist.1925), 101
- Atlantic Oil Co. v. Los Angeles County, 69 Cal.2d 585, 72 Cal.Rptr. 886, 446 P.2d 1006 (Cal.1968), 541
- Atlantic Refining Co. v. Railroad Commission of Texas (Normanna Case), 162 Tex. 274, 346 S.W.2d 801 (Tex.1961), 153, 203, 210, 212, 216, 218
- Atlantic Refining Co. v. Shell Oil Co., 217 La. 576, 46 So.2d 907 (La.1950), 349
- Atlantic Richfield Co., 105 IBLA 218 (1988), 991
- Atlantic Richfield Co. v. Farm Credit Bank of Wichita, 226 F.3d 1138 (10th Cir. 2000), 479
- Atlantic Richfield Co. v. Long Trusts**, 860 S.W.2d 439 (Tex.App.-Texarkana 1993), **805**
- Atlantic Richfield Co. v. State of California, 214 Cal.App.3d 533, 262 Cal.Rptr. 683 (Cal.App. 2 Dist.1989), 479
- Atlantic Richfield Co. v. Tomlinson, 859 P.2d 1088 (Okla.1993), 62
- Averyt v. Grande, Inc.**, 717 S.W.2d 891 (Tex.1986), **644**, 647, 648, 649, 661
- Avitts v. Amoco Production Co., 840 F.Supp. 1116 (S.D.Tex.1994), 1111
- Babbitt v. Sweet Home Chapter of Communities for a Great Oregon**, 515 U.S. 687, 115 S.Ct. 2407, 132 L.Ed.2d 597 (1995), **1053**, 1128
- Babin v. First Energy Corp., 693 So.2d 813 (La.App. 1 Cir.1997), 479
- Bachler v. Rosenthal, 798 S.W.2d 646 (Tex. App.-Austin 1990), 402
- Bagby v. Bredthauer, 627 S.W.2d 190 (Tex. App.-Austin 1981), 601
- Bailey D. Gothard, 144 IBLA 17 (1998), 957
- Baker v. Hugoton Production Co., 182 Kan. 210, 320 P.2d 772 (Kan.1958), 719
- Baker v. Potter, 223 La. 274, 65 So.2d 598 (La.1952), 345
- Baker v. Vanderpool, 296 Ky. 663, 178 S.W.2d 189 (Ky.1944), 666
- Baldwin v. Blue Stem Oil Co., 106 Kan. 848, 189 P. 920 (Kan.1920), 365
- Baldwin v. Kubetz**, 148 Cal.App.2d 937, 307 P.2d 1005 (Cal.App. 2 Dist.1957), **508**
- Ball v. Dillard, 602 S.W.2d 521 (Tex.1980), 327, 591
- Bandini Petroleum Co. v. Superior Court of State of Cal. in and for Los Angeles County, 284 U.S. 8, 52 S.Ct. 103, 76 L.Ed. 136 (1931), 171

- Bank One, Texas, Nat. Ass'n v. Alexander, 910 S.W.2d 530 (Tex.App.-Austin 1995), 557
- Banks v. Mecom, 410 S.W.2d 300 (Tex.Civ. App.-Eastland 1966), 421
- Barbee v. Buckner, 265 S.W.2d 869 (Tex. Civ.App.-Austin 1954), 350
- Bargsley v. Pryor Petroleum Corp., 196 S.W.3d 823 (Tex.App.-Eastland 2006), 403
- Barker v. Levy**, 507 S.W.2d 613 (Tex.Civ. App.-Hous. (14 Dist.) 1974), 545, 550
- Barrett v. Ferrell, 550 S.W.2d 138 (Tex.Civ. App.-Tyler 1977), 766
- Bartlett v. Davis Corp., 219 Kan. 148, 547 P.2d 800 (Kan.1976), 821
- Barton v. Cleary Petroleum Corp., 566 P.2d 462 (Okla.App. Div. 1 1977), 234, 248
- Bass, In re, 113 S.W.3d 735 (Tex.2003), 608
- Baumgartner v. Gulf Oil Corp.**, 184 Neb. 384, 168 N.W.2d 510 (Neb.1969), 292, 301, 303, 304
- Bay Petroleum Corp. v. May, 286 P.2d 269 (Okla.1955), 308
- Beck v. Northern Natural Gas Co., 170 F.3d 1018 (10th Cir.1999), 39
- Becker v. Rolle, 211 Kan. 769, 508 P.2d 509 (Kan.1973), 77
- BedRoc Ltd., LLC v. United States, 541 U.S. 176, 124 S.Ct. 1587, 158 L.Ed.2d 338 (2004), 624
- Bell v. Cardinal Drilling Co., 85 N.W.2d 246 (N.D.1957), 324
- Orvin Froholm, 111 IBLA 301 (1995), 993
- Bellport v. Harrison, 123 Kan. 310, 255 P. 52 (Kan.1927), 593
- Benge v. Scharbauer, 152 Tex. 447, 259 S.W.2d 166 (Tex.1953), 653
- Bennett v. Spear, 520 U.S. 154, 117 S.Ct. 1154, 137 L.Ed.2d 281 (1997), 1063
- Bennion v. ANR Production Co.**, 819 P.2d 343 (Utah 1991), 222, 233
- Bennion v. Graham Resources, Inc., 849 P.2d 569 (Utah 1993), 235
- Bennion v. Gulf Oil Corp., 716 P.2d 267 (Utah 1985), 236
- Bennion v. Utah State Bd. of Oil, Gas & Min., 675 P.2d 1135 (Utah 1983), 235
- Bennion v. Utex Oil Co., 905 F.2d 324 (10th Cir.1990), 235
- Benz-Stoddard v. Aluminum Co. of America, 368 S.W.2d 94 (Tex.1963), 202
- Berchermann v. Western Co., 363 S.W.2d 875 (Tex.Civ.App.-El Paso 1962), 805
- Bergeron v. Amoco Production Co., 789 F.2d 344 (5th Cir.1986), 641, 642
- Beveridge v. Harper & Turner Oil Trust, 168 Okla. 609, 35 P.2d 435 (Okla.1934), 130
- Bibler Bros. Timber Corp. v. Tojac Minerals, Inc., 281 Ark. 431, 664 S.W.2d 472 (Ark.1984), 430
- Bicknell Minerals, Inc. v. Tilly, 570 N.E.2d 1307 (Ind.App. 4 Dist.1991), 544
- Big Horn County Elec. Co-op., Inc. v. Adams, 219 F.3d 944 (9th Cir.2000), 921
- Big Piney Oil & Gas Co. v. Wyoming Oil and Gas Conservation Com'n, 715 P.2d 557 (Wyo.1986), 172, 289
- Biodiversity Conservation Alliance, 171 IBLA 313 (2007), 857
- Bisso v. Inland Waterways Corp., 349 U.S. 85, 75 S.Ct. 629, 99 L.Ed. 911 (1955), 904
- Bixler v. Lamar Exploration Co., 733 P.2d 410 (Okla.1987), 392
- Black v. Shell Oil Co., 397 S.W.2d 877 (Tex. Civ.App.-Texarkana 1965), 648
- Blair v. Northwestern Ohio Natural Gas Co., 1896 WL 1453 (Ohio Cir.1896), 395
- Blanton v. Bruce, 688 S.W.2d 908 (Tex. App.-Eastland 1985), 652
- Blausey v. Stein, 61 Ohio St.2d 264, 400 N.E.2d 408 (Ohio 1980), 374
- B.L. McFarland Drilling Contractor v. Connell, 344 S.W.2d 493 (Tex.Civ.App.-El Paso 1961), 319
- Blocker Exploration Co. v. Frontier Exploration, Inc.**, 740 P.2d 983 (Colo. 1987), 800
- Blue Star, Inc., 41 IBLA 333 (1979), 866
- Board of County Com'rs, La Plata County v. Bowen/Edwards Associates, Inc., 830 P.2d 1045 (Colo.1992), 129
- Board of County Com'rs, LaPlata County v. Colorado Oil and Gas Conservation Com'n, 81 P.3d 1119 (Colo.App.2003), 129
- Boca Ciega Hotel, Inc. v. Bouchard Transp. Co., Inc., 51 F.3d 235 (11th Cir.1995), 1122
- Bodcaw Lumber Co. v. Goode**, 160 Ark. 48, 254 S.W. 345 (Ark.1923), 531
- Boger & Boger v. Continental Fire & Cas. Ins. Corp., 234 S.W.2d 133 (Tex.Civ. App.-Dallas 1950), 814
- Bolack v. Chevron, U.S.A., Inc., 963 P.2d 237 (Wyo.1998), 820
- Boone v. Kerr-McGee Oil Industries, 217 F.2d 63 (10th Cir.1954), 423, 426
- Borth v. Gulf Oil Exploration and Production Co., 313 N.W.2d 706 (N.D.1981), 345
- Boswell Energy Corp. v. Arrowhead Homes, Inc., 976 P.2d 1113 (Okla.Civ.App. Div. 3 1999), 685
- Bouldin v. Gulf Production Co., 5 S.W.2d 1019 (Tex.Civ.App.-Fort Worth 1928), 385
- Boyce v. Dundee Healdton Sand Unit, 560 P.2d 234 (Okla.App. Div. 1 1975), 301
- BP America Production Co. v. Burton, — U.S. —, 127 S.Ct. 638, 166 L.Ed.2d 494 (2006), 978
- Branch Oil & Gas Co., 144 IBLA 304 (1998), 951, 957
- Brannan v. Sohio Petroleum Co., 260 F.2d 621 (10th Cir.1958), 740

- Brannon v. Gulf States Energy Corp., 562 S.W.2d 219 (Tex.1977), 347
- Breaux v. Apache Oil Corp.**, 240 So.2d 589 (La.App. 3 Cir.1970), 361, 363, 364, 365
- Breaux v. Pan Am. Petroleum Corp., 163 So.2d 406 (La.App. 3 Cir.1964), 488, 489
- Brewster v. Lanyon Zinc Co., 140 F. 801 (8th Cir.1905), 462, 501
- Briggs v. Sarkeys, Inc., 418 P.2d 620 (Okla. 1966), 1018
- Bright & Co. v. Hamman, 938 S.W.2d 718 (Tex.1997), 700
- Briscoe v. Harper Oil Co., 702 P.2d 33 (Okla.1985), 513
- Bristol v. Colorado Oil & Gas Corp., 225 F.2d 894 (10th Cir.1955), 453
- Brooks v. LPCX Corp., 587 P.2d 1358 (Okla.1978), 143
- Brooks v. Mull, 147 Kan. 740, 78 P.2d 879 (Kan.1938), 552
- Broughton v. Humble Oil & Refining Co., 105 S.W.2d 480 (Tex.Civ.App.-El Paso 1937), 56
- Brown v. Getty Reserve Oil, Inc., 626 S.W.2d 810 (Tex.App.-Amarillo 1981), 710
- Brown v. Lundell, 162 Tex. 84, 344 S.W.2d 863 (Tex.1961), 319
- Brown v. SEECO, Inc., 316 Ark. 336, 871 S.W.2d 580 (Ark.1994), 327
- Browning v. Grigsby, 657 S.W.2d 821 (Tex. App.-Texarkana 1983), 593
- Browning Oil Co., Inc. v. Luecke, 38 S.W.3d 625 (Tex.App.-Austin 2000), 30, 416
- Bruce, State ex rel. Com'rs of Land Office v., 25 P.3d 953 (Okla.Civ.App. Div. 1 2001), 840
- Bruen v. Columbia Gas Transmission Corp., 188 W.Va. 730, 426 S.E.2d 522 (W.Va. 1992), 528
- Bryan v. Big Two Mile Gas Co., 213 W.Va. 110, 577 S.E.2d 258 (W.Va.2001), 103
- Buchanan v. Sinclair Oil & Gas Co., 218 F.2d 436 (5th Cir.1955), 345
- Buffalo Min. Co. v. Martin, 165 W.Va. 10, 267 S.E.2d 721 (W.Va.1980), 325
- Burchett v. Cargill, Inc., 48 F.3d 173 (5th Cir.1995), 895
- Burger v. Wood, 575 P.2d 977 (Okla.App. Div. 2 1978), 328
- Burnham v. Hardy Oil Co., 147 S.W. 330 (Tex.Civ.App.-San Antonio 1912), 570
- Butler v. Nepple, 54 Cal.2d 589, 6 Cal.Rptr. 767, 354 P.2d 239 (Cal.1960), 365
- Butler, State ex rel. Com'rs of Land Office v.**, 753 P.2d 1334 (Okla.1987), 618, 624
- Buttes Resources Co. v. Railroad Com'n of Texas, 732 S.W.2d 675 (Tex.App.-Hous. (14 Dist.) 1987), 217
- Buttram Energies, Inc. v. Corporation Commission of State of Oklahoma, 629 P.2d 1252 (Okla.1981), 233
- Byrom v. Pendley, 717 S.W.2d 602 (Tex. 1986), 100, 102
- Caballo Coal Co. v. Fidelity Exploration & Production Co., 84 P.3d 311 (Wyo.2004), 632
- Cabot Oil & Gas Corp. v. Followill, 93 P.3d 238 (Wyo.2004), 479
- Cain v. Neumann, 316 S.W.2d 915 (Tex.Civ. App.-San Antonio 1958), 749
- Caldwell v. Alton Oil Co., 161 La. 139, 108 So. 314 (La.1926), 377
- California Co. v. Britt, 247 Miss. 718, 154 So.2d 144 (Miss.1963), 289, 300
- California Co. v. Udall, 296 F.2d 384, 111 U.S.App.D.C. 262 (D.C.Cir.1961), 939, 951
- California Coastal Com'n v. Granite Rock Co., 480 U.S. 572, 107 S.Ct. 1419, 94 L.Ed.2d 577 (1987), 860
- California, State of, United States v., 381 U.S. 139, 85 S.Ct. 1401, 14 L.Ed.2d 296 (1965), 1007
- California, State of, United States v., 332 U.S. 19, 67 S.Ct. 1658, 91 L.Ed. 1889 (1947), 1007
- Calvert Drilling Co. v. Corporation Commission, 589 P.2d 1064 (Okla.1979), 144
- Campbell v. Dreier, 382 S.W.2d 179 (Tex. Civ.App.-San Antonio 1964), 598
- Campbell v. Sonat Offshore Drilling, Inc., 27 F.3d 185 (5th Cir.1994), 901
- Cannon v. Cassidy**, 542 P.2d 514 (Okla. 1975), 520
- Canter v. Lindsey, 575 S.W.2d 331 (Tex.Civ. App.-El Paso 1978), 654
- Carbon County v. Union Reserve Coal Co., Inc., 271 Mont. 459, 898 P.2d 680 (Mont. 1995), 631, 633
- Cariddi v. Consolidated Aluminum Corp., 478 F.Supp.2d 150 (D.Mass.2007), 1110
- Carroll v. Roger Lacy, Inc., 402 S.W.2d 307 (Tex.Civ.App.-Tyler 1966), 325
- Carson v. Railroad Com'n of Texas**, 669 S.W.2d 315 (Tex.1984), 213, 218
- Carter Oil Co. v. McCasland, 207 F.2d 728 (10th Cir.1953), 103
- Caruthers v. Leonard, 254 S.W. 779 (Tex. Com.App.1923), 672
- Caskey v. Kelly Oil Co., 737 So.2d 1257 (La.1999), 325
- Cassell v. Crothers, 193 Pa. 359, 44 A. 446 (Pa.1899), 385
- Castle v. Harkins & Co., 464 So.2d 513 (Miss.1985), 552
- Cates v. Greene, 114 S.W.2d 592 (Tex.Civ. App.-Austin 1938), 346
- Cavanaugh v. O'Connell, 732 So.2d 912 (Miss.1999), 600
- Century Offshore Management Corp., United States v., 111 F.3d 443 (6th Cir. 1997), 950, 951
- C.F. Braun & Co. v. Corporation Com'n, 739 P.2d 510 (Okla.1987), 237

- Chambers v. Skaggs Companies, Inc., 11 Kan.App.2d 684, 732 P.2d 801 (Kan.App. 1987), 324
- Champlin Exploration, Inc. v. Western Bridge and Steel Co., Inc.**, 597 P.2d 1215 (Okla.1979), **30**
- Champlin Petroleum Co., 68 IBLA 142 (1982), 839
- Champlin Refining Co. v. Aladdin Petroleum Corp., 205 Okla. 524, 238 P.2d 827 (Okla.1951), 103
- Champlin Refining Co. v. Corporation Com'n of State of Okl., 286 U.S. 210, 52 S.Ct. 559, 76 L.Ed. 1062 (1932), 186
- Chance v. BP Chemicals, Inc., 77 Ohio St.3d 17, 670 N.E.2d 985 (Ohio 1996), 38
- Cherokee Water Co. v. Forderhause, 641 S.W.2d 522 (Tex.1982), 535
- Chesapeake Operating, Inc. v. Nabors Drilling USA, Inc., 94 S.W.3d 163 (Tex.App.-Hous. (14 Dist.) 2002), 822
- Chevron Oil Co. v. Howell, 407 S.W.2d 525 (Tex.Civ.App.-Dallas 1966), 327
- Chevron Oil Co. v. Oil and Gas Conservation Commission, 150 Mont. 351, 435 P.2d 781 (Mont.1967), 158, 160
- Chevron Pipe Line Co., United States v., 437 F.Supp.2d 605 (N.D.Tex.2006), 1111, 1120
- Chevron U.S.A., Inc., 111 IBLA 96 (1989), 993
- Chevron U.S.A., Inc. v. Belco Petroleum Corp., 755 F.2d 1151 (5th Cir.1985), 811
- Chevron, U.S.A., Inc. v. Yost, 919 F.2d 27 (5th Cir.1990), 1120
- Cheyenne-Arapaho Tribes of Oklahoma v. United States, 966 F.2d 583 (10th Cir. 1992), 996, 997
- Chicago Mill & Lumber Co. v. Ayer Timber Co., 131 So.2d 635 (La.App. 2 Cir.1961), 68
- Chicago & N.W. Transp. Co. v. Pedersen, 80 Wis.2d 566, 259 N.W.2d 316 (Wis.1977), 75
- Chihuahuan Grasslands Alliance v. Norton, 2007 WL 2398458 (D.N.M.2007), 858
- Christensen v. Chromalloy American Corp., 99 Nev. 34, 656 P.2d 844 (Nev.1983), 622
- Christmas v. Raley, 260 Ark. 150, 539 S.W.2d 405 (Ark.1976), 305
- Cities Service Gas Co. v. Peerless Oil & Gas Co., 340 U.S. 179, 71 S.Ct. 215, 95 L.Ed. 190 (1950), 186
- Citizens for Better Forestry v. United States Dept. of Agriculture, 481 F.Supp.2d 1059 (N.D.Cal.2007), 859
- City of (see name of city)**
- Clark Oil Producing Co. v. Hodel, 667 F.Supp. 281 (E.D.La.1987), 992
- Classen v. Federal Land Bank of Wichita, 228 Kan. 426, 617 P.2d 1255 (Kan.1980), 720
- Clear Creek Oil & Gas Co. v. Bushmaier, 161 Ark. 26, 255 S.W. 37 (Ark.1923), 492
- Clifton v. Koontz**, 160 Tex. 82, 325 S.W.2d 684 (Tex.1959), **367**, 373, 374, 375, 376, 377, 385, 757
- Clouser v. City of Norman, 393 P.2d 827 (Okla.1964), 130
- Clovis v. Carson Oil & Gas Co., 11 F.Supp. 797 (E.D.Mich.1935), 350
- Coastal Petroleum Co. v. American Cyanamid Co., 492 So.2d 339 (Fla.1986), 1020
- Colgan v. Forest Oil Co., 194 Pa. 234, 45 A. 119 (Pa.1899), 462
- Colonial Royalties Co. v. Keener, 266 P.2d 467 (Okla.1953), 552
- Colorado Interstate Gas Co. v. HUFO Oils, 626 F.Supp. 38 (W.D.Tex.1985), 187
- Comanche Land and Cattle Co., Inc. v. Adams, 688 S.W.2d 914 (Tex.App.-Eastland 1985), 601
- Commissioner v. ——— (see opposing party)**
- Commissioners of Land Office, State ex rel. v. Bruce, 25 P.3d 953 (Okla.Civ.App. Div. 1 2001), 840
- Commissioners of Land Office, State ex rel. v. Butler**, 753 P.2d 1334 (Okla. 1987), **618**, 624
- Concord Oil Co. v. Pennzoil Exploration and Production Co.**, 966 S.W.2d 451 (Tex.1998), **672**, 684
- Condemnation by County of Allegheny of Certain Coal, Oil, Gas, Limestone, Mineral Properties, In re, 719 A.2d 1 (Pa. Cmwlth.1998), 617, 654
- Cone v. Fagadau Energy Corp., 68 S.W.3d 147 (Tex.App.-Eastland 2001), 791
- Connecticut Coastal Fishermen's Ass'n v. Remington Arms Co., Inc., 989 F.2d 1305 (2nd Cir.1993), 1084
- Conner v. Burford, 848 F.2d 1441 (9th Cir. 1988), 857
- Continental Group, Inc. v. Allison, 404 So.2d 428 (La.1981), 69
- Continental Oil Co. v. United States, 184 F.2d 802 (9th Cir.1950), 939
- Continental Resources, Inc. v. Farrar Oil Co., 559 N.W.2d 841 (N.D.1997), 106
- Continental Resources of Illinois, Inc. v. Illinois Methane, LLC**, 364 Ill. App.3d 691, 301 Ill.Dec. 887, 847 N.E.2d 897 (Ill.App. 5 Dist.2006), **625**, 630
- Contos v. Herbst, 278 N.W.2d 732 (Minn. 1979), 75
- Conway Land, Inc. v. Terry, 542 So.2d 362 (Fla.1989), 540
- Coogan v. Arkla Exploration Co., 589 P.2d 1061 (Okla.1979), 234
- Cook v. El Paso Natural Gas Co.**, 560 F.2d 978 (10th Cir.1977), 490, **741**, 746
- Cook v. Exxon Corp., 145 S.W.3d 776 (Tex. App.-Texarkana 2004), 1064
- Coral Production Corp. v. Central Resources, Inc., 273 Neb. 379, 730 N.W.2d 357 (Neb.2007), 811
- Corbello v. Iowa Production, 850 So.2d 686 (La.2003), 326, 327

- Corbin Farm Service, United States v., 444 F.Supp. 510 (E.D.Cal.1978), 1127, 1128, 1129, 1130
- Corlett v. Cox, 138 Colo. 325, 333 P.2d 619 (Colo.1958), 551
- Corley v. Craft, 501 So.2d 1049 (La.App. 2 Cir.1987), 328
- Corley v. Mississippi State Oil and Gas Bd., 234 Miss. 199, 105 So.2d 633 (Miss. 1958), 289
- Cornelius v. Moody Bible Institute of Chicago, 18 P.3d 1081 (Okla.Civ.App. Div. 1 2000), 62
- Cornwell v. Jespersen, 238 Kan. 110, 708 P.2d 515 (Kan.1985), 84
- Corporation Com'n, State ex rel. v. Texas County Irrigation and Water Resources Ass'n, Inc., 818 P.2d 449 (Okla.1991), 125
- Corzelius v. Harrell, 143 Tex. 509, 186 S.W.2d 961 (Tex.1945), 128
- Cosden Oil Co. v. Scarborough, 55 F.2d 634 (5th Cir.1932), 754, 755
- Cose v. Getty Oil Co.**, 4 F.3d 700 (9th Cir.1993), 1100, 1109, 1110
- Cosgrove v. Young, 230 Kan. 705, 642 P.2d 75 (Kan.1982), 540
- Cotiga Development Co. v. United Fuel Gas Co., 147 W.Va. 484, 128 S.E.2d 626 (W.Va.1962), 502
- Cotner v. Warren, 330 P.2d 217 (Okla. 1958), 395
- Cotton Petroleum Corp. v. New Mexico, 490 U.S. 163, 109 S.Ct. 1698, 104 L.Ed.2d 209 (1989), 997
- Cotton Petroleum Corp. v. United States Dept. of Interior, Bureau of Indian Affairs, 870 F.2d 1515 (10th Cir.1989), 996
- County Management, Inc. v. Butler, 650 S.W.2d 888 (Tex.App.-Austin 1983), 771
- Courseview, Inc. v. Phillips Petroleum Co., 258 S.W.2d 391 (Tex.Civ.App.-Galveston 1953), 783
- Cowling v. Board of Oil, Gas and Min., Dept. of Natural Resources for State of Utah, 830 P.2d 220 (Utah 1991), 248
- Cox v. Davison, 397 S.W.2d 200 (Tex.1965), 570
- Cox v. Lasley, 639 P.2d 1219 (Okla.1981), 576
- Cox v. Stowers, 786 S.W.2d 102 (Tex.App.-Amarillo 1990), 402
- Craig v. Champlin Petroleum Co., 300 F.Supp. 119 (W.D.Okla.1969), 455, 463
- Crain v. Hill Resources, Inc., 972 P.2d 1179 (Okla.Civ.App. Div. 3 1998), 454, 501
- Cravens v. Corporation Commission, 613 P.2d 442 (Okla.1980), 147
- Crosswhite v. McCully, 857 P.2d 90 (Okla. App. Div. 3 1993), 601
- Crown Zellerbach Corp. v. Ingram Industries, Inc., 783 F.2d 1296 (5th Cir.1986), 903
- Cudd Pressure Control, Inc. v. Sonat Exploration Co., 202 S.W.3d 901 (Tex.App.-Texarkana 2006), 822
- Dallapi v. Campbell, 45 Cal.App.2d 541, 114 P.2d 646 (Cal.App. 3 Dist.1941), 611
- Dallas Power and Light Co. v. Cleghorn, 623 S.W.2d 310 (Tex.1981), 492
- Koch Exploration Co., 100 IBLA 352 (1988), 994, 995
- Dauphin Island Property Owners Ass'n v. Callon Institutional Royalty Investors I, 519 So.2d 948 (Ala.1988), 540
- Davies v. National Co-op. Refinery Ass'n (Davies II), 963 F.Supp. 990 (D.Kan. 1997), 1118
- Davies v. National Co-op. Refinery Ass'n (Davies I), 1996 WL 529208 (D.Kan. 1996), 1117, 1118
- Davis v. Atlantic Oil Producing Co., 87 F.2d 75 (5th Cir.1936), 581
- Davis v. Cramer, 837 P.2d 218 (Colo.App. 1992), 454
- Davis v. Cramer, 808 P.2d 358 (Colo.1991), 463
- Davis v. Cramer, 793 P.2d 605 (Colo.App. 1990), 102
- Davis v. Devon Energy Production Co., L.P., 136 S.W.3d 419 (Tex.App.-Amarillo 2004), 321
- Davis v. Griffin, 298 Ark. 633, 770 S.W.2d 137 (Ark.1989), 534
- Davis v. Hardman, 148 W.Va. 82, 133 S.E.2d 77 (W.Va.1963), 550
- Davis v. Skipper, 125 Tex. 364, 83 S.W.2d 318 (Tex.Com.App.1935), 591
- Davis v. Zapata Petroleum Corp., 351 S.W.2d 916 (Tex.Civ.App.-El Paso 1961), 757
- Davis Oil Co. v. Steamboat Petroleum Corp., 583 So.2d 1139 (La.1991), 231, 232
- Davis & Sons, Inc. v. Gulf Oil Corp.**, 919 F.2d 313 (5th Cir.1990), 896, 901, 905
- Day & Co., Inc. v. Texland Petroleum, Inc., 786 S.W.2d 667 (Tex.1990), 610, 611
- Dearing Inc. v. Spiller, 824 S.W.2d 728 (Tex.App.-Fort Worth 1992), 610
- De Benavides v. Warren, 674 S.W.2d 353 (Tex.App.-San Antonio 1984), 600, 710
- Delhi Gas Pipeline Corp. v. Dixon, 737 S.W.2d 96 (Tex.App.-Eastland 1987), 236, 322, 323
- Delhi-Taylor Oil Corporation v. Holmes, 162 Tex. 39, 344 S.W.2d 420 (Tex.1961), 105
- Del Monte Min. & Mill. Co. v. Last Chance Mining & Milling Co.**, 171 U.S. 55, 18 S.Ct. 895, 43 L.Ed. 72 (1898), 20, 30
- Demette v. Falcon Drilling Co., Inc., 280 F.3d 492 (5th Cir.2002), 901

- Denver Producing & Refining Co. v. State**, 199 Okla. 171, 184 P.2d 961 (Okla.1947), 153, 159, **169**
- Desormeaux v. Inexco Oil Co., 298 So.2d 897 (La.App. 3 Cir.1974), 248
- Devendorf v. Akbar Petroleum Corp., 62 Ohio App.3d 842, 577 N.E.2d 707 (Ohio App. 9 Dist.1989), 324, 535, 592
- Dewell v. Federal Land Bank of Wichita, 191 Kan. 258, 380 P.2d 379 (Kan.1963), 599
- Diamond Shamrock Exploration Co. v. Hodel, Civil No. 86-537 (E.D. la. 1987), 948
- Diamond Shamrock Corp. v. Phillips, 256 Ark. 886, 511 S.W.2d 160 (Ark.1974), 321
- Diamond Shamrock Exploration Co. v. Hodel, 853 F.2d 1159 (5th Cir.1988), 448, 949, 950
- Dickson v. Renfro, 276 Ark. 223, 634 S.W.2d 104 (Ark.1982), 591
- Diederich v. Ware**, 288 S.W.2d 643 (Ky. 1956), **57**, 61
- Diggs v. Cities Service Oil Co., 241 F.2d 425 (10th Cir.1957), 423
- Dillard v. United Fuel Gas Co., 114 W.Va. 684, 173 S.E. 573 (W.Va.1934), 489
- Dime Box Petroleum Corp. v. Louisiana Land and Exploration Co., 938 F.2d 1144 (10th Cir.1991), 792
- Dimock v. Kadane, 100 S.W.3d 602 (Tex. App.-Eastland 2003), 576
- Dimock v. Kadane, 100 S.W.3d 608 (Tex. App.-Eastland 2003), 576
- Dixon v. Mapes, 181 Okla. 376, 73 P.2d 1131 (Okla.1937), 588
- D'Lo Royalties, Inc. v. Shell Oil Co., 389 F.Supp. 538 (S.D.Miss.1975), 364
- Dodds v. Ward, 418 P.2d 629 (Okla.1966), 163
- Domingue v. Ocean Drilling and Exploration Co., 923 F.2d 393 (5th Cir.1991), 901
- Doss Oil Royalty Co. v. Texas Co., 192 Okla. 359, 137 P.2d 934 (Okla.1943), 502, 503
- Downen Enterprises v. Gem Oil & Gas Co., Inc., 131 Ill.App.3d 826, 86 Ill.Dec. 866, 476 N.E.2d 42 (Ill.App. 5 Dist.1985), 668
- Drach v. Ely, 10 Kan.App.2d 149, 694 P.2d 1310 (Kan.App.1985), 540
- Dresser Industries, Inc. v. Page Petroleum, Inc., 853 S.W.2d 505 (Tex.1993), 821
- Duhig v. Peavy-Moore Lumber Co.**, 135 Tex. 503, 144 S.W.2d 878 (Tex.1940), **649**, 652, 653, 654, 660, 667
- Duke v. Sun Oil Co., 320 F.2d 853 (5th Cir.1963), 393
- Dunn v. Patton, 307 Ill.App.3d 375, 240 Ill.Dec. 783, 718 N.E.2d 264 (Ill.App. 5 Dist.1999), 578
- Dunn v. Southwest Ardmore Tulip Creek Sand Unit, 548 P.2d 685 (Okla.App. Div. 1 1976), 322
- Durham, State v., 860 S.W.2d 63 (Tex. 1993), 1026
- Dyegard Land Partnership v. Hoover, 39 S.W.3d 300 (Tex.App.-Fort Worth 2001), 622
- Eagle Gas Co. v. Doran & Associates, Inc., 182 W.Va. 194, 387 S.E.2d 99 (W.Va. 1989), 563
- Earle v. International Paper Co., 429 So.2d 989 (Ala.1983), 601
- Earp v. Mid-Continent Petroleum Corp., 167 Okla. 86, 27 P.2d 855 (Okla.1933), 236, 571
- Earth Sciences, Inc., United States v., 599 F.2d 368 (10th Cir.1979), 1086
- East v. Pan Am. Petroleum Corp., 168 So.2d 426 (La.App. 3 Cir.1964), 325
- Eastern Oil Co. v. Coulehan, 65 W.Va. 531, 64 S.E. 836 (W.Va.1909), 395
- Edmonston v. Home Stake Oil & Gas Corp.**, 243 Kan. 376, 762 P.2d 176 (Kan.1988), **713**, 719, 720
- Edmundson Brothers Partnership v. Montex Drilling Co., 731 So.2d 1049 (La.App. 3 Cir.1999), 377
- Edwards v. Lachman, 534 P.2d 670 (Okla. 1974), 30, 103
- E.H. Lester Leasing Co. v. Griffith, 779 S.W.2d 226 (Ky.App.1989), 667
- Ekotek Site PRP Committee v. Self, 932 F.Supp. 1319 (D.Utah 1996), 1109, 1110
- Eliason v. North Alberta Land Registration District, 1980 WL 258286 (Alta. Q.B. 1980), 1018
- Elick v. Champlin Petroleum Co., 697 S.W.2d 1 (Tex.App.-Hous. (14 Dist.) 1985), 558
- Elliff v. Texon Drilling Co., 146 Tex. 575, 210 S.W.2d 558 (Tex.1948), 49
- Elliott v. Davis, 553 S.W.2d 223 (Tex.Civ. App.-Amarillo 1977), 422, 426
- Elliott v. Pure Oil Co., 10 Ill.2d 146, 139 N.E.2d 295 (Ill.1956), 492, 493
- Ellis v. Arkansas Louisiana Gas Co., 450 F.Supp. 412 (E.D.Okla.1978), 39
- Ellison v. Skelly Oil Co., 206 Okla. 496, 244 P.2d 832 (Okla.1951), 346
- El Paso Natural Gas Co. v. Minco Oil & Gas, Inc., 8 S.W.3d 309 (Tex.1999), 831
- El Paso Production Co. v. Geomet, Inc., 228 S.W.3d 178 (Tex.App.-Dallas 2007), 812
- Elrod v. Foster, 37 S.W.2d 339 (Tex.Civ. App.-Austin 1931), 576
- Ely v. Briley, 959 S.W.2d 723 (Tex.App.-Austin 1998), 644, 1018
- Empire Gas & Fuel Co. v. Saunders, 22 F.2d 733 (5th Cir.1927), 344
- Empire Oil & Refining Co. v. Hoyt, 112 F.2d 356 (6th Cir.1940), 304
- Enduro Oil Co. v. Parish & Ellison, 834 S.W.2d 547 (Tex.App.-Hous. (14 Dist.) 1992), 798
- Energen Resources MAQ, Inc. v. Dalbosco, 23 S.W.3d 551 (Tex.App.-Hous. (1 Dist.) 2000), 772