

## REGULATION OF THE UPSTREAM PETROLEUM SECTOR

A Comparative Study of Licensing and Concession Systems



Edited by Tina Hunter

NEW HORIZONS IN ENVIRONMENTAL AND ENERGY LAW

# Regulation of the Upstream Petroleum Sector

A Comparative Study of Licensing and Concession Systems

Edited by

Tina Hunter

Reader in Energy Law, University of the Aberdeen UK and Associate of the Aberdeen University Centre for UK and UK

NEW HORIZONS IN ENVIRONMENTAL AND ENERGY LAW



#### © The Editor and Contributors Severally 2015

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical or photocopying, recording, or otherwise without the prior permission of the publisher.

Published by Edward Elgar Publishing Limited The Lypiatts 15 Lansdown Road Cheltenham Glos GL50 2JA UK

Edward Elgar Publishing, Inc. William Pratt House 9 Dewey Court Northampton Massachusetts 01060 USA

A catalogue record for this book is available from the British Library

Library of Congress Control Number: 2014954943

This book is available electronically in the Elgaronline Law subject collection DOI 10.4337/9781783470112



ISBN 978 1 78347 010 5 (cased) ISBN 978 1 78347 011 2 (eBook)

Typeset by Columns Design XML Ltd, Reading Printed and bound in Great Britain by T.J. International Ltd, Padstow

## Regulation of the Upstream Petroleum Sector

#### NEW HORIZONS IN ENVIRONMENTAL AND ENERGY LAW

Series Editors: Kurt Deketelaere, Professor of Law, University of Leuven, Belgium and University of Dundee, Scotland and Zen Makuch, Reader in Law, Barrister, Imperial College, London. UK

Environmental law – including the pressing considerations of energy law and climate change – is an increasingly important area of legal research and practice. Given the growing interdependence of global society and the significant steps being made towards environmental protection and energy efficiency, there are few people untouched by environmental and energy lawmaking processes.

At the same time, environmental and energy law is at a crossroads. The command and control methodology that evolved in the 1960s and 1970s for air, land and water protection may have reached the limit of its environmental protection achievements. New life needs to be injected into our environmental protection regimes – perhaps through the concept of sustainability in its environmental, economic and social forms. The same goes for energy policy and law, where liberalization, environmental protection and security of supply are at the centre of attention. This important series seeks to press forward the boundaries of environmental and energy law through innovative research into environmental and energy law, doctrine and case law. Adopting a wide interpretation of environmental and energy law, it includes contributions from both leading and emerging international scholars.

Titles in the series include:

Energy for the 21st Century Opportunities and Challenges for Liquefied Natural Gas (LNG) Susan L. Sakmar

Emissions Trading Design A Critical Overview Stefan E. Weishaar

EU Environmental Legislation Legal Perspectives on Regulatory Strategies Edited by Marjan Peeters and Rosa Uylenburg

Polar Oceans Governance in an Era of Environmental Change Edited by Tim Stephens and David L. VanderZwaag

The Fragmentation of Global Climate Governance Consequences and Management of Regime Interactions Harro van Asselt

Renewable Energy Law in the EU Legal Perspectives on Bottom-up Approaches Edited by Marjan Peeters and Thomas Schomerus

Environmental Enforcement Networks Concepts, Implementation and Effectiveness Edited by Michael Faure, Peter De Smedt and An Stas

Regulation of the Upstream Petroleum Sector A Comparative Study of Licensing and Concession Systems Edited by Tina Hunter

## Figures

2.1	Method of allocation of petroleum license: Bid/auction method or discretionary method	46
3.1	Petroleum regulatory framework for offshore jurisdictions under the Joint Authority/Designated Authority arrangement 1980–2012	75
3.2	Regulatory framework for petroleum in Commonwealth Waters since 2012	81
3.3	Process for the allocation of an offshore petroleum exploration permit in Australia	86
3.4	The regulatory triangle: Comprising legal and non-legal regulation	93
3.5	Legislation regulating the environmental impacts of offshore petroleum activities in Coastal Waters	100
8.1	Changes to local content requirements in Brazil	261

## Tables

3.1	Relevant Acts and Regulations for State and Coastal Waters	70
3.2	Legislation regulating the environmental impacts of offshore	
	petroleum activities in Coastal Waters	99
6.1	Steps for leasing on the Outer Continental Shelf (OCS) of the	
	United States	163
8.1	Operatorship categories and point allocations	247

#### Contributors

#### Simon Warikiyei Amaduobogha

Simon holds a Bachelor of Laws degree from the Rivers State University of Science and Technology, Port Harcourt, Nigeria and a Master of Laws degree in International Environmental Law from the University of Nottingham, United Kingdom. He was called to the Nigerian Bar in 1998 as a barrister and solicitor of the Supreme Court of Nigeria. Simon practised with top commercial law firms in Nigeria, including Punuka Chambers and Aluko & Oyebode, before joining Dougam Law Firm (Legal Practitioners & Arbitrators) as senior partner in 2004. He is also a chartered arbitrator and lecturer in the Faculty of Law, Niger Delta University, Wilberforce Island, Bayelsa State, Nigeria.

Simon is currently a doctoral candidate at the Centre for Energy, Petroleum and Mineral Law and Policy (CEPMLP), University of Dundee, United Kingdom.

#### Owen L. Anderson

Professor Anderson is the Eugene Kuntz Chair in Law in Oil, Gas and Natural Resources, the George Lynn Cross Research Professor, and the Academic Director of the John B. Turner LL.M. Program in Energy, Natural Resources & Indigenous Peoples Law at the University of Oklahoma College of Law. He also regularly teaches at the University of Texas, the University of Dundee, the University of Melbourne and the University of Sydney. He was recently appointed a Visiting Professor in the Centre for Commercial Law Studies at Queen Mary University of London. He has lectured at numerous other universities and venues in Angola, Australia, Brazil, Canada, China, France, Italy, Jordan, Korea, Mexico, Namibia, the Netherlands, Norway, Peru, Portugal, Qatar, Russia, Tanzania, Thailand and the United Kingdom.

Professor Anderson has authored over 100 articles and is a co-author of International Petroleum Transactions; Hemingway's Oil and Gas Law and Taxation; Cases and Materials on Oil & Gas Law; and A Student's Guide to Estates in Land and Future Interests. He co-authors the annual supplements to Kuntz on Oil and Gas Law, a multi-volume treatise, and is co-author of several chapters on the multi-volume treatise, Waters and

Water Rights. He is a contributing author to International Petroleum Exploration and Exploitation Agreements, an editor of the Oil and Gas Reporter and Editor in Chief of the Texas Title Standards.

#### **Kylie Fletcher-Johnson**

Kylie is an assistant professor and PhD candidate at Bond University. She joined Bond in 2008 and teaches principles of contractual liability, law of obligations and mining and natural resources law.

Kylie was employed in the legal profession for almost a decade prior to joining Bond. She commenced her legal career in 1998, and was soon working as a member of a large corporate and commercial law team. In 2001, Kylie accepted a position working at a national top-tier firm where she was later promoted to the position of senior associate. In this role, Kylie advised energy and resource sector clients on corporate, commercial, financial and regulatory issues. In 2005, Kylie took up a position in-house at a Queensland gas and electricity distributor and retailer. Much of her time in that role was spent advising the company on its large-scale downstream gas and electricity activities.

#### Greg Gordon

Greg Gordon practised as a solicitor qualified in Scotland and England and Wales before moving into academia. He is a senior lecturer in the Aberdeen University Centre for Energy Law, which he co-directs, and is also the Co-Director of the university's LLM in Oil and Gas Law and of Aberdeen's involvement in the North Sea Energy Law Programme. He is an editor of and contributing author to Gordon, Paterson and Usenmez's Oil and Gas Law: Current Issues and Emerging Trends. His research interests include petroleum licensing, risk allocation in oil and gas contracts, the protection of health, safety and the environment in offshore oil and gas operations and civil liability for oil spills from offshore installations.

#### Tina Hunter

Dr Hunter is a Reader in Energy Law at the University of Aberdeen. Prior to this appointment, she was the inaugural Director of the Centre for International Minerals and Energy Law. She teaches and researches in the areas of national and international petroleum law, unconventional petroleum regulation, Arctic petroleum law and governance, property law and resources law and policy. She has received academic qualifications in marine sediments, geology, political science, applied science, and law, completing her PhD at the University of Bergen, Norway.

In addition to teaching and researching in Energy Law at the University of Aberdeen, Dr Hunter has previous or ongoing teaching appointments in Norway, Australia and Russia. She was a visiting scholar at the University of Bergen, the University of Aberdeen and the University of Texas at Austin. Tina has presented at over 50 conferences on three continents. Her expertise has been sought by national and international governments, and she has analyzed petroleum laws, drafted petroleum legislation (both conventional and unconventional) and advised governments on policy and governance relating to unconventional petroleum. She has also consulted to governments, industry groups and NGOs in several jurisdictions including Australia, New Zealand, the UK, Russia and Canada.

In June 2014, Dr Hunter participated in the unconventional gas learning symposium at the World Bank, Washington DC. She is presently a member of the South Australian Roundtable for Unconventional Gas Projects and the working group for the Modernising Queensland Resources Acts Program. She is an associate editor of *OGEL*, the Oil, Gas and Energy Law Journal.

#### **Andrey Kompaniets**

Andrey graduated from Moscow State Institute of International Relations of the Ministry of Foreign Affairs in Russia (MGIMO-University) with an LLB in 2007 and an LLM in 2009 with specializations in international and oil and gas law. Andrey is currently working on his PhD in contractual forms of subsoil use regulations. He also maintains the role of Deputy Head of International Projects Support Division JSC Gazprom.

#### Souichirou Kozuka

Souichirou Kozuka (PhD, Tokyo) is Professor of Law at Gakushuin University, Tokyo. He specializes in commercial law, corporate law and maritime law and researches in comparative law studies. His recent English publications include: 'The Law Applicable on the Continental Shelf and in the Exclusive Economic Zone: The Japanese Perspective' (co-authored with Hideyuki Nakamura), *Ocean Yearbook* Vol.25, pp. 357–78 (2011); 'Insurance Law Issues Due to the Great East Japan Earthquake of 2011', *Zeitschrift für Japanisches Recht* No. 33, pp. 3–11 (2012) and No. 34, pp. 87–94 (2013); and 'Policy and Politics in Contract Law Reform in Japan' (co-authored with Luke Nottage), in: *The Method and Culture of Comparative Law* (Maurice Adams and Dirk Heirbaut (eds.)), pp. 235–53 (2014). He is a correspondent of UNI-DROIT (International Institute for the Unification of Private Law) and an Associate Member of the International Academy of Comparative Law (IACL).

#### Christopher Kulander

Professor Kulander has received academic qualifications in geology (BSc), geophysics (MSc and PhD) and law (JD). He teaches at the South Texas College of Law and serves as Director of the college's new Oil & Gas Law Institute. He is also Of Counsel to Haynes and Boone, LLP. He teaches domestic energy law, basic property law, mining law, and beginning and advanced oil and gas law courses. In addition, he teaches international energy law at Vytautas Magnus University, Kaunas, Lithuania, as a permanent visiting professor. He is admitted to practice in Texas and New Mexico. Professor Kulander has published twenty law review articles, as well as many other articles with a more practical focus in the industry literature, on diverse topics including energy lending, finance, oil and gas law, land use control, American Indian law, as well as on geology, and petroleum seismology. He is a prolific speaker and expert witness.

Prior to teaching, Professor Kulander practised for four years in the Houston office of Haynes and Boone, LLP within the Energy Practice Group, focusing on energy lending, finance and bankruptcy. Prior to that, he practised for two years with Cotton & Bledsoe in Midland, Texas, focusing on oil and gas title and leasing. Before law school, Professor Kulander worked for the U.S. Geological Survey as a geophysicist for the various energy teams supporting the National Oil and Gas Assessment group.

#### **Ernst Nordtveit**

Ernst Nordtveit is a professor at the Faculty of Law, University of Bergen, Norway. He took his law degree at the University of Bergen in 1980 and his doctoral degree at the same university in 1990. He became a professor in 1993. He was Vice Dean for research from 1996–98 and Dean from 1999–2009. He wrote his doctoral thesis on joint ventures in the petroleum industry and has worked with natural resource law, especially petroleum law, environmental law and energy law in general. He has been one of the organizers of an annual symposium on petroleum law in Bergen since 1995. He has been teaching property law, company law, petroleum law and energy law in Bergen and has also taught courses in energy law in Australia (Bond University), New Zealand (University of Auckland), Russia (Northern (Arctic) Federal University, Arkhangelsk) and Belgium (University of Ghent).

Professor Nordtveit has been a member of numerous Norwegian national committees to prepare legislation and also a member of the committee appointed to evaluate Norwegian higher education. He was a member of the 'Norwegian Petroleum Price Board' from 1996–2006 and

is currently the head of the Norwegian 'Conflict Resolution Body for the Upstream Gas Pipeline Network', from 2012, in both cases appointed by the King in Counsel. Professor Nordtveit has been engaged as an arbitrator in several Norwegian petroleum cases.

#### John Paterson

John Paterson is Professor of Law at the University of Aberdeen, Scotland, UK and Co-Director of the Centre for Energy Law. He is a co-founder of the LLM in Oil and Gas Law and also helps to run the North Sea Energy Law Programme, which brings together the universities of Aberdeen, Copenhagen, Groningen and Oslo to offer specialist education to energy lawyers in practice. He co-edits Gordon, Paterson and Usenmez's Oil and Gas Law: Current Practice and Emerging Trends, now in its second edition, and has researched and written on regulation in the energy industries for the past two decades. He has been involved in a number of international projects both in research and teaching. He has provided specialist training in oil and gas law and corporate governance for the corporate sector, expert advice in international arbitration, and consultancy to international organizations.

#### Eduardo G. Pereira

Dr Pereira has been active in the oil and gas industry for several years and is an international expert on joint operating agreements. His experience in this area – both academic and practical – is extensive. Dr Pereira is a managing director of STR Holdings. He played a key role in assisting Petra Energia to become Brazil's leading onshore oil and gas company, and he is now assisting the STR group to become a leading onshore player in Africa. He has practical experience in over 40 jurisdictions covering America, Europe, Africa and Asia. He concluded his doctoral thesis on oil and gas joint ventures at the University of Aberdeen.

Dr Pereira is the author and editor of several leading oil and gas textbooks: Brazilian Upstream Oil and Gas: A Practical Guide to the Law and Regulation (Globe Law & Business (GLB), 2012), Joint Operating Agreements: Controlling Risks to the Non-Operator (GLB, 2013), Upstream Law and Regulation: A Global Guide (GLB, 2013) and Joint Operating Agreements: Mitigating Operational and Contractual Risks in Exclusive Operation (GLB, 2013). He also has several books due for publication, including Encyclopaedia of Oil and Gas Law: Volume 1 (GLB, due March 2014), Brazilian Midstream and Downstream Oil and Gas: A Practical Guide to the Law and Regulation (GLB, due August 2014), Encyclopaedia of Oil and Gas Law: Volume 2 (GLB, due December 2014), African Oil and Gas Law and Regulation: A Practical

Guide (GLB, due April 2015) and Joint Operating Agreements: Challenges and Dynamics between NOC and IOC (GLB, due August 2015).

Dr Pereira is also an adjunct professor of energy law at the University of Eastern Finland Law School and an associate editor of *OGEL*.

#### Kristoffer Svendsen

Kris graduated from Bond University, Australia, with an LLB in 2006 and an LLM in 2007. He also holds a two-year LLM in Russian oil and gas law from Moscow State Institute of International Relations (MGIMO-University). He previously worked for a Russian investment bank in Moscow and a non-governmental organization in Brussels on the European Union's foreign policy towards Russia. Kris has been a visiting researcher at the Scandinavian Institute of Maritime Law, Tulane Maritime Law Center (2012–13) and Duke University School of Law. He regularly guest lectures in Russia and the US and publishes academic articles globally.

Kris is currently a PhD candidate at the K.G. Jebsen Centre for the Law of the Sea, Faculty of Law, University of Tromsø. His PhD topic addresses liability from oil platform spills in the Barents Sea. He also maintains an Of Counsel position at a Moscow law firm.

Kris is admitted as a lawyer in New South Wales, Australia, an attorney-at-law in New York State and a legal practitioner in Russia. He is also a member of the NORDEM (Norwegian Resource Bank for Democracy and Human Rights) roster.

#### Alex Wawryk

Alex Wawryk received First Class degrees in Economics and Law and a PhD in Law from the University of Adelaide, Australia. She is currently a senior lecturer at the University of Adelaide Law School in contract law, mining and energy law and international energy law, and undertakes guest lecturing in international energy law at the Adelaide Campus of the University College of London. Alex also taught environmental law for a number of years at Adelaide University.

As well as conducting research into petroleum law, Alex's areas of research have focused on renewable energy law, including measures to encourage renewable energy generation, and wind energy, and mining and environmental law. In 2014 she was awarded a Barbara Kidman Research Fellowship to pursue her research into petroleum law and regulation. Alex has published articles in a range of journals, including the Oxford Journal of Environmental Law, the Journal of Energy & Natural Resources Law, the Australian and New Zealand Maritime Law Journal, the University of New South Wales Law Journal, the Melbourne University Law Review, the Australasian Journal of Natural Resources

Law and Policy and the Environmental and Planning Law Journal. She is an associate editor for renewable energy for OGEL, a specialist on-line database for oil, gas and energy law.

Alex is a barrister and solicitor of the Supreme Court of South Australia, and she has been a member of the South Australian Law Society's Planning, Environment and Local Government Committee and a committee member of the Environmental Defenders Office (SA). She is currently a member of the World Conservation Union's Specialist Group on Energy Law and a member of the Resources and Energy Law Association (AMPLA). She is a member of, and the Law School representative to, the cross-disciplinary Institute for Mining, Energy and Resources at the University of Adelaide and a fellow of the university's Indo-Pacific Governance Research Centre.

## Table of cases

Australia
Bonser v La Macchia (1969) 122 CLR 177
Canada
BC Reference – Reference re Off-Shore Mineral Rights of British Columbia [1967] SCR 792
Japan
Appeals Court of Fukuoka, 9 August 1982, Hanrei Jihô no.1068, p. 77
District Court of Miyazaki, Nobeoka Branch, 28 March 1984, Hanrei Jihô no.1111, p. 3
no.1363, p. 26
Supreme Court, 12 April 1962, Minshû vol.16, no.4, p. 781

Supreme Court, 22 June 1962, Minshû vol.16, no.7, p. 1389	352
Supreme Court, 22 February 1994, Minshû vol.48, no.2, p. 441	355
Supreme Court 22 March 1994, Rôdô Hanrei no.652, p. 6	355
Supreme Court, 23 February 1999, Minshû vol.53, no.2, p. 193	352
Supreme Court 27 April 2004, Minshû vol.58, no.4, p. 1032	356
Supreme Court 27 April 2004, Ministra voi. 30, no. 1, p. 1032	
United States of America	
Amerada Hess Corp. v Department of the Interior 170 F.3d 1032 (10th Cir.	
1999)	3, 184
Amoco Production Co., 41 IBLA 348 (1979)	192
Amoco Production Co. v Watson, 410 F.3d 722 (D.C. Cir. 2005), cert. denied in	n
relevant part sub nom., BP America Production Co. v Burton, 547	
U.S. 1068 (2006)	183
Anadarko Petroleum Corporation, IBLA 2010-228 (January 20, 2012)	182
Arco Oil and Gas Co., 109 IBLA 34 (1989)	179
Atlantic Richfield Co., 105 IBLA 218 (1988)	190
Bailey D. Gothard, 144 IBLA 17 (1998), affirmed, Bailey D. Gothard v United	170
States, No. CV 98–103 (D. Mont. 1999)	
Bisso v Inland Waterways Corporation, 349 U.S. 85 (1955)	200
Branch Oil & Gas Co., 144 IBLA 304 (1998)	183
Burchett v Cargill, Inc., 48 F.3d 173 (5th Cir.1995)	195
California Co. v Udall, 296 F.2d 384 (D.C.Cir.1961)	
Chevron U.S.A., Inc., 111 IBLA 96 (1989)	
Clark Oil Producing Co. v Hodel, 667 F.Supp. 281 (E.D.La.1987)	191
Continental Oil Co. v United States, 184 F.2d 802 (9th Cir. 1950)	7 179
Crown Zellerbach Corp. v Ingram Indus., Inc., 783 F.2d 1296 (5th Cir.1986)	
Davis & Sons, Inc. v Gulf Oil Corp., 919 F.2d 313 (5th Cir. La. 1990)	
Devon Energy Corp. v Kempthorne 551 F.3d 1030 (D.C. Circuit 2008)	183
Diamond Shamrock Exploration Co. v Hodel, Civil No. 86–537 and consolida	ted
cases (E.D. La. 1987), 853 F.2d 1159 (5th Cir. 1988)	
Domingue v Ocean Drilling & Exploration Co., 923 F.2d 393 (5th Cir. 1991)	
Enron Oil & Gas Co. v Lujan, 978 F.2d 212 (5th Cir. 1992)	178
Exxon Corp., 118 IBLA 221 (1991)	
Fields v Pool Offshore, Inc., 182 F.3d 353 (5th Cir. 1999)	105
Gordon H. Barrows, 36 IBLA 160 (1978)	
Grand Isle Shipyard, Inc. v Seacor Marine, LLC, 589 F.3d 778 (5th Cir. 2009)	192
(en banc)(en banc)	201
Gulf Oil Corporation v Commissioner, 87 T.C. 324 (1986)	105
Harbor Tug and Barge Co. v Papai, 520 U.S. 548 (1997)	
Hardor Tug and Barge Co. v Papai, 320 0.3. 348 (1997)	106
Hodgen v Forest Oil Corp., 87 F.3d 1512 (5th Cir. 1996)	
Hougen V Forest Oil Corp., 87 F.3d 1312 (3th Cir. 1996)	201
Hollier v Union Texas Petroleum Corp., 765 F.Supp. 330 (W.D.La.1991),	201
reversed 972 F.2d 662 (5th Cir.1992)	201
Hoover & Bracken Energies, Inc. v U.S. Dep't of the Interior, 723 F.2d 1488	170
(10th Cir.1983)	1/8
Independent Petroleum Association of America v Babbitt, 92 F.3d 1248	1 100
(D.C. Cir. 1996)	1, 182

Independent Petroleum Association of America v DeWitt, 279 F.3d 1036	
(D.C. Cir. 2002)	176, 184
Jordan v Shell Offshore, Inc., 2007 WL 128313 (S.D.Tex January 10,	
2007)	195
Kerr-McGee Corp. v Morton, 527 F.2d 838 (D.C.Cir.1975)	165, 184
Kirkpatrick Oil & Gas Co. v United States, 675 F.2d 1122 (10th	
Cir.Okla.1982)	191
Laredo Offshore Constructors, Inc. v Hunt Oil Co., 754 F.2d 1223, 1230–31	404
(5th Cir.1985)	194
Louisiana ex rel. Guste v United States, 832 F.2d 935 (5th Cir.La.1987)	168
McKay v Offshore Specialty Fabricators, Inc., 1997 WL 289365	105
(E.D.La.1997)	195
Marathon Oil Co. v United States, 604 F.Supp. 1375 (D.Alaska 1985),	150 150
affirmed, 807 F.2d 759 (9th Cir.1986)	178, 179
Matte v Zapata Offshore Co., 784 F.2d 628 (5th Cir.1986)	19/
Mesa Petroleum Co. v U.S. Dep't. of the Interior, 647 F.Supp. 1350	100
(W.D. La. 1986) NGC Energy Co. v Mono Power Co 114 IBLA 141 (1990)	100
NGC Energy Co. v Mono Power Co 114 IBLA 141 (1990) Nola Grace Ptasynski, 63 IBLA 240 (1982)	
Offshore Co. v Robison, 266 F.2d 769 (5th Cir. 1959)	104 109
Offshore Co. v Robison, 200 r.2d 709 (3th Cli. 1939)	
Orvin Froholm, 111 IBLA 301 (1995)	102
Overstreet v Transocean Offshore, Inc., 1998 WL 709809 (E.D.La.1998)	105
Pacific Operators Offshore, LLP v Valladolid, 132 S.Ct. 680 (2012)	
Price v Zim Israel Navigation Co., Ltd., 616 F.2d 422 (9th Cir. 1980)	
Reeves v B & S Welding, Inc., 897 F.2d 178 (5th Cir. 1990)	
Robins Dry Dock & Repair Co. v Flint 275 U.S. 303 (1927)	
Santa Fe Energy Products Co. v McCutcheon 190 F.3d 409 (10th Cir. 1996)	187
Shell Offshore, Inc., 142 IBLA 71 (1997)	185
Shell Oil Co., 52 IBLA 15 (1981)	
Shell Oil Co., 70 I.D. 393, 396 (1963)	
Shell Oil Co. v Babbitt 125 F.3d 172 (3d Cir. 1997)	
Shoshone Indian Tribe v Hodel, 903 F.2d 784 (10th Cir.1990)	
Smith v Penrod Drilling Corp., 960 F.2d 456 (5th Cir.1992)	201
Snyder Oil Corp. v Samedan Oil Corp., 208 F.3d 521 (5th Cir.2000)	196
Stewart v Dutra Const. Co., 543 U.S. 481, 487 (2005)	194
Stoot v Fluor Drilling Services, Inc., 851 F.2d 1514 (5th Cir.1988)	197
Texaco Exploration and Production, Inc. v AmClyde Engineered Products	
Co., Inc., 448 F.3d 760 (5th Cir. 2006)	195-196
Texas v Secretary of Interior, 580 F.Supp. 1197, 1198 (E.D.Tex.1984)	164
Texas E. Transmission Corp. v McMoRan Offshore Exploration, 877	
F.2d 1214 (5th Cir.1989)	199
Theriot v Bay Drilling Corp., 783 F.2d 527, 538–9 (5th Cir.1986)	
Thurmond v Delta Well Surveyors, 836 F.2d 952 (5th Cir.1988)	195
United States v Century Offshore Management Corp 111 F.3d 443 (6th Cir.	
1997)	182
United States v General Petroleum Corp., 73 F.Supp. 225 (S.D.Cal.1946)	179
United States v Ohio Oil Co., 163 F.2d 633 (10th Cir. 1947)	177