The Rocky Mountain

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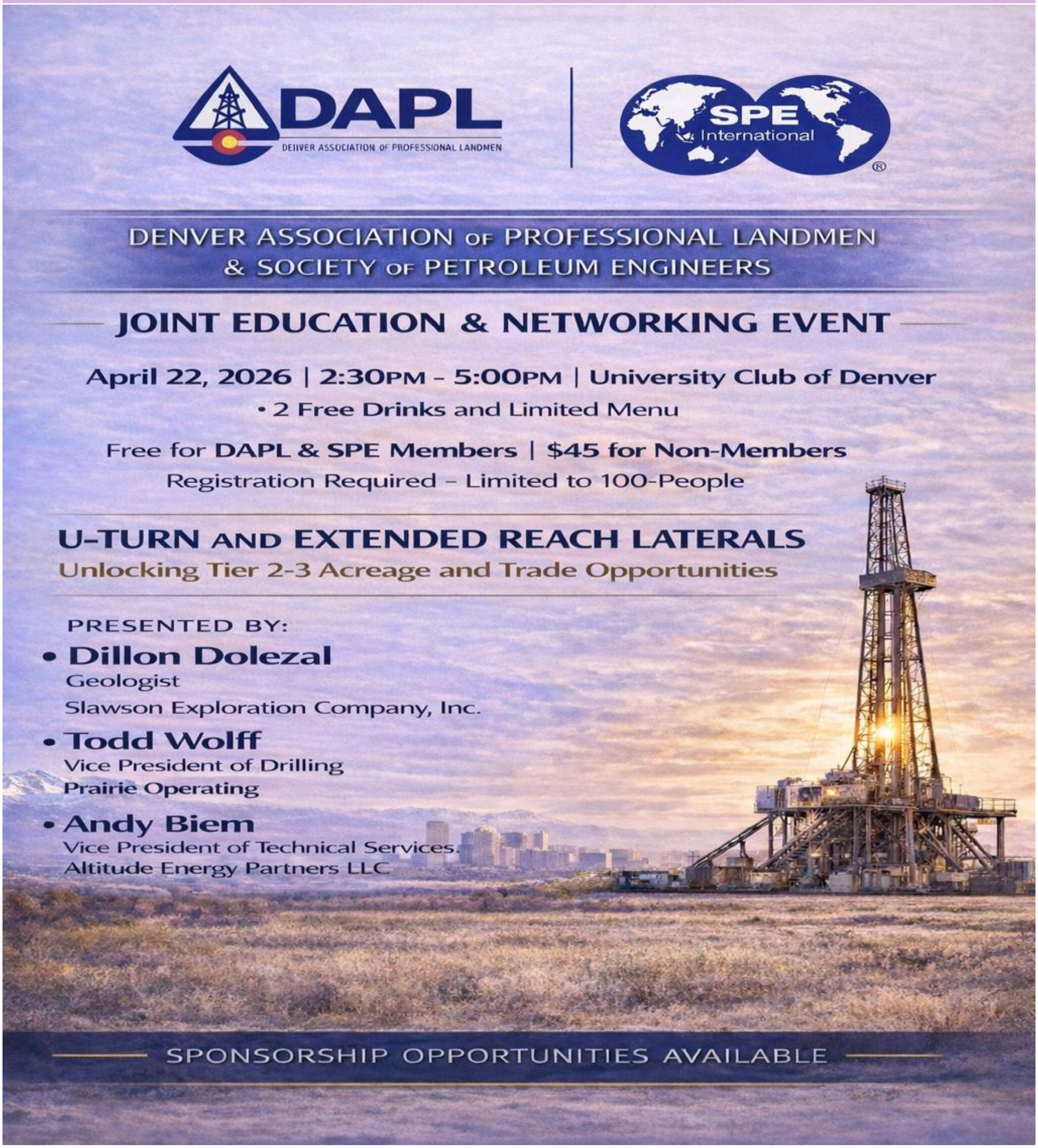
Volume 43 Issue 9 www.dapldenver.org April 2026



The Denver Association of Professional Landmen
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The Denver Association of Professional Landmen is a non-profit organization operated by its membership for mutual benefit to further the knowledge and interests of Professional Landmen, and to better acquaint the public with the scope of the Landman's work.

The Rocky Mountain Landman is a publication of the Denver Association of Professional Landmen.

Tabatha Reed
DAPL Office Manager
Phone: (303) 446-2253

Column Coordinators:

Education	**Zoe Pangallo**
Minutes	**Jason Rayburn**
Legal	**Estee Sanchez**

Contributions from our readers are welcome. All suggestions and manuscripts should be emailed to the editor at the DAPL office. We reserve the right to edit all material according to standard practices.

Bylined and credited articles represent the view of the authors; publication neither implies approval of the opinions expressed nor accuracy of the facts stated.

Officer's Forum - AAPL Director

Spring is here!

Though we did not have much of a winter, spring is here and the days to start enjoying patios are upon us. In my opinion, there is no better place to network than a patio during lunch or happy hour and, fortunately, patio days plentiful here in Colorado.

This year the DAPL has numerous opportunities for you to get out and network with colleagues, whether at our monthly education events, the Golf Tournament, or the Clay Shoot. In addition to our local events, the AAPL's 72nd Annual Meeting will be held in Salt Lake City, Utah from June 24-26. Registration for the Golf Tournament and the AAPL Annual Meeting are now live!

If you have never attended the AAPL Annual Meeting, I highly recommend considering doing so. The event is packed with educational sessions from a variety of speakers, as well as great networking opportunities throughout the week. The meetings are typically held in desirable locations such as Salt Lake City, Utah, this year and Washington D. C. next year. Those who register between now until April 15th will receive a reduced registration rate. If you are not an AAPL member, it may be a good time to join as registration for active AAPL members is deeply discounted in comparison to non-members.

As the AAPL Director, I have the role of representing our association at the AAPL Board Meetings, which are quarterly and in conjunction with the Annual Meeting. I encourage all DAPL members to reach out to me if you have any ideas or concerns that you would like to present or have voiced to the AAPL Board of Directors.

I look forward to seeing you on a patio soon,

Hunter Buchert
AAPL Director
Drake Land Services, LLC
HBuchert@drakelandllc.com

BILL GOODIN SCHOLARSHIP

APPLICATIONS NOW BEING ACCEPTED

MORE INFORMATION AT LINK TO APPLICATION BELOW

Bill Goodin Scholarship Application
click here

APPLICATIONS MUST BE RECEIVED BY FRIDAY, APRIL 17th


Pickleball Social
Meet & Greet!
DAPL 1st Annual Pickleball Social
Thursday, May 7th
3pm – 6pm
3RD Shot Pickleball – Wheatridge
3545 Wadsworth Blvd
Wheat Ridge, CO 80033
$45 for Members
$60 for Non-Members
DAPL


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RENEWAL NOTICE
Renewal your membership today to continue receiving your membership benefits
• Discounted member pricing to most DAPL events
• Access to the DAPL Membership Directory
• Access to online job posts
• Monthly Newsletter & Advocacy Newsletter
• Email blasts of upcoming events and important industry and DAPL updates
• Networking events throughout the year
• Volunteer opportunities
DAPL
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DAPL
DENVER ASSOCIATION OF PROFESSIONAL LANDMEN
2026 Annual Golf Tournament
Friday, July 17th
Keystone, CO - River & Ranch Courses
REGISTRATION OPEN!
This event sells out every year so get registered right away!
The River Course Sold Out in Less Than 24 Hours!
• 18 Holes - 4 Person Scramble
• Pro-Shop Gift Cards for Top Teams
• On Course Competitions
• Breakfast, Lunch and Drink Tickets Included
• Mulligans Available for Purchase at Check-In
$350 for DAPL Members
$375 for Non-Members
(per golfer)
Don't Miss Out!
Grab your colleagues and friends, form a team and enjoy a day on the course!
Sponsorship Opportunities Available

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DENVER ASSOCIATION OF PROFESSIONAL LANDMEN

DENVER ASSOCIATION OF PROFESSIONAL LANDMEN
730 17th St., Suite B1
Denver, Colorado 80202
(303) 446-2253 dapl@dapldenver.org

We hope you are all doing well! It is finally that time of year again for the Annual DAPL Golf Tournament! This year's tournament will once again be held at the Keystone River and Ranch Golf Courses located in beautiful Keystone, Colorado on Friday, July 17th, 2026.

The DAPL Golf Tournament is a wonderful opportunity to network, see old friends, and make new acquaintances in beautiful Summit County. The first 54 teams (216 golfers) that **register and pay for a complete team** will be guaranteed a spot in this year's tournament. Course designation and placement will be on a first-come, first-serve basis. There will be pro-shop gift cards for the top finishers along with great food, door prizes, on-course competitions, and giveaways for all participants. We will attempt to flight this year's tournament based on your Team's handicap, so please use your honest judgement when registering!

The DAPL Golf Tournament is a major fundraiser for the DAPL Scholarship Fund, Inc., which funds scholarships to college students enrolled in accredited Petroleum and Energy Management Programs. Sponsorship funds will also be used to help defray the costs of the tournament. Excess funds from those expenses will supplement DAPL's general operating fund.

In that regard, we are asking for your support of the 2026 DAPL Golf Tournament. The sponsorship levels detailed below will be acknowledged through signage at the tournament, in handouts included in each player's goodie bag, in the DAPL newsletter, and on individual tee boxes (tee box sponsors - 36 holes total). Please fill in your desired level of sponsorship and return it with your check to the DAPL office as soon as possible. After you have received this letter, you may receive a follow-up call or e-mail within 30 days (if we have not heard back from you).

Should you have any questions about sponsorship, please do not hesitate to contact us at one of the numbers or emails listed below. As always, your support and generosity will be greatly appreciated by all members of the DAPL. Thank you!

Sincerely,

2026 DAPL Golf Tournament Committee Chair
Teale Stone – Fundare Resources
Phone: (918) 694-3231
Email: tstone@fundareresources.com

2026 DAPL Golf Tournament Committee Co-Chair
Andrew Stone – Silver Smoke Royalties
Phone: (918) 694-1393
Email: amstone1992@gmail.com

DAPL Office Manager
Tabatha Reed
Phone: (303) 446-2253
Email: dapl@dapldenver.org

Count on us for the following sponsorship level: ____

Company or Individual Name: ____

Contact Person: ____

Email: ____ Phone#: ______________________________

Sponsorship Opportunities Available

- **Albatross**
  - **Includes a foursome of golf** **$2500**
  - Includes one-month free advertising on the DAPL website
  - Allows you to have a tent on a tee box to promote your business
    - (please call Teale Stone for details)
- **Eagle** **$1900**
  - ***Includes a foursome of golf***
  - Includes one-month free advertising on the DAPL website
- **Birdie** **$1100**
  - Allows you to have a tent on a tee box to promote your business
    - (please call Teale Stone for details)
  - Includes one-month free advertising on the DAPL website
- **Golf Ball Company Logo Sponsor** (54 dozen-Titleist Balls) **$1850**
  - ***Up to three Golf Ball Sponsors***
- **Driving Range Sponsor** (signs on driving range) **$1100**
  - ***Up to two Sponsors per course. Please specify course preference.***
- **Putting Green Sponsor** (signs on putting greens) **$1100**
  - ***Up to two Sponsors per course. Please specify course preference.***
- **Par** **$500**
  - Includes one-month free advertising on the DAPL website
- **Tee Box Sponsor** (sign on one individual tee box) **$250**
- **Tee Box Sponsor** (sign on two individual tee boxes) **$350**
- **Tee Box Sponsor** (sign on three individual tee boxes) **$500**
- **Golf Tees Company Logo Sponsor** **$600**
- **Ball Markers Company Logo Sponsor** **$800**
- **Beverage Cart Sponsor** **$600/each**

Sponsors, please email your logo and a brief description of your company to dapl@dapldenver.org.

Checks should be made payable to:
Denver Association of Professional Landmen
730 17th Street, Suite B1
Denver, CO 80202

2026 DAPL Calendar of Events

April 2026

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8 Board Meeting	9	10	11
12	13	14 Education Committee Meeting	15	16	17	18
19	20	21	22 Joint Education + Networking Event	23	24	25
26	27	28	29	30		

May 2026

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7 1st Annual Pickleball Social	8	9
10	11	12 Education Committee Meeting	13 Board Meeting	14	15	16 Colfax Marathon
17 Colfax Marathon	18	19	20 Luncheon	21	22	23
24	25	26	27	28	29	30

April 2026

8th - Board Meeting
14th - Education Committee Meeting
22nd - DAP + SPE Joint Education + Networking - *see page 1 for more information*

May 2026

7th - 1st Annual Pickleball Social - *see page 3 for more information*
12th - Education Committee Meeting
13th - Board Meeting
16th-17th - 2026 DAPL Relays @ The Colfax Marathon
20th - May Luncheon - *see page 10 for more information*
31st - Annual Membership Renewals Due - *see page 3 for more information*

June 2026

1st - 2026/2027 Executive Board takes office
9th - Education Committee Meeting
10th - Board Meeting
25th - DAPL + DEN Joint Happy Hour

July 2026

7th - Education Committee Meeting
8th - Board Meeting
17th - Annual Golf Tournament in Keystone - *see pages 6-8 for more information*

Get information on all of our upcoming events on our website event page.

CLICK HERE

DAPL

11:30 - 12:00: Networking and Buffet
12:00 - 12:50: Presentation
12:50 - 1:00: Q&A

May 20, 2026 | 11:30 am - 1 pm

Navigating the Legislative and Legal Landscape of Energy Dominance

Bret Sumner, Shareholder, Beatty & Wozniak

Bret Sumner focuses his practice on federal energy and environmental matters, and represents companies in litigation, permitting, government affairs advocacy, investigations, and enforcement matters. Bret specializes in advising clients on project development on federal lands, including permitting, rights-of-way, and compliance with all applicable federal statutes. Bret also works with state and federal regulators and legislators to create, revise, and interpret new laws, regulations and policies related to the energy industry and development of federal lands, natural resources, and critical minerals. Bret regularly defends permits, leases, and projects from legal challenges, and represents clients in federal courts, and before federal administrative adjudicatory entities. Bret's project representation includes interstate and intrastate oil and natural gas pipelines, upstream oil and gas projects, electric transmission, helium projects, and critical mineral development. He has extensive experience in permitting complex projects involving multiple jurisdictions (federal, state, and local) and a wide range of industry, agricultural, private landowner, local government, and other stakeholder interests.

Melissa Simpson, President, Western Energy Alliance

Melissa Simpson advocates for permitting certainty on behalf of Western Energy Alliance. She has an extensive career in natural resources, conservation, and energy policy that spans across private government, and non-- sector, governmental organizations.

Prior to joining the Alliance, she was the director of global government affairs at Sempra, heavily focused on liquified natural gas (LNG) exports and emissions verification and reporting. Before her time at Sempra, she served as deputy assistant secretary for the Bureau of Energy Resources at the Department of State in the first Trump Administration, leading efforts on cross border permitting for hydrocarbons. During the George W. Bush Administration, she served as deputy under secretary of Natural Resources and Environment at the U.S. Department of Agriculture where she supervised energy and wildlife policy directives and regulations for the U.S. Forest Service. She also served as counselor to the assistant secretary for Land and Minerals Management at the Department of the Interior, where she developed strategies to expedite oil and natural gas permitting on public lands through collaboration with multiple use conservation groups.

Between her years of service in government, Melissa was the director of government affairs and science based conservation at Safari Club International and a consultant for independent oil and natural gas companies.

She is a native Coloradan, holding a JD from Creighton University School of Law and a BS in political science from Colorado State University.

$45 for DAPL Members
$60 for Non-members
Virtual & In Person Option

Click Here to Register

The University Club
1673 Sherman St. Denver, CO 80203

From a Legal Perspective

Balancing Energy Interests: Co-Development of Oil, Gas, and Renewable Projects in Colorado

Colorado's energy landscape increasingly reflects overlapping surface uses, including solar arrays, wind facilities, transmission corridors, and storage projects layered over long-standing oil and gas rights. For land professionals, the central challenge is reconciling competing estates and leases so that capital-intensive projects can proceed without eliminating viable mineral development or creating title, financing, and operational risk.

Under Colorado law, the mineral estate is generally dominant, allowing the mineral owner or lessee to use as much of the surface as reasonably necessary to develop the minerals, subject to the judicially recognized accommodation doctrine and applicable regulatory constraints. *See* § 34-60-127. Historically, the dominant estate rule produced predictable outcomes when surface uses were agricultural or temporary. Utility-scale renewables change that balance. Wind projects can often accommodate shared use, but large solar facilities typically require long-term, near-exclusive control of contiguous acreage. Even the possibility of future well locations, access roads, or flowlines can affect renewable project siting and financing. As a result, mineral dominance functions less as a decisive rule and more as a background principle that must be managed through negotiated instruments to balance development. For example, a 100-acre solar project may need to coordinate planned turbine locations with existing oil wells to avoid conflicts while preserving flexibility for future oil and gas pads and infrastructure.

Colorado law imposes statutory notice requirements that affect project timing and diligence. The Surface Development Notification Act requires developers to provide notice to mineral owners and lessees when a surface development application is filed with a local government, at least 30 days before the initial public hearing on the project. *See* C.R.S. § 24-65.5-101 et seq. The statute creates process rather than outcomes. It requires renewable developers to identify mineral stakeholders early and gives oil and gas interests an opportunity to raise conflicts before local approvals are finalized. In practice, this notice process is most effective when completed early in project development, while flexibility remains to address potential mineral conflicts.

Regulatory requirements reinforce the need for early coordination. Rules of Colorado's Energy and Carbon Management Commission, including sections governing Form 2A location assessments (Rule 304) and other procedural requirements for oil and gas development plans, govern how mineral operators plan surface-disturbing activities. *See* 2 CCR 404-1:304 and related procedural provisions. These rules directly apply to mineral operations and require operator notice and consultation with surface owners under certain circumstances, and they indirectly affect renewable developers, who must account for these processes when planning site layouts and negotiating surface access. While these rules directly apply to mineral operations, they indirectly affect renewable developers, who must account for operator consultation and notice requirements when planning site layouts and negotiating surface access. In practice, these rules make early engagement with mineral operators critical to aligning private agreements with regulatory expectations and avoiding conflicts that could delay approvals. In practice, this often requires renewable developers to engage mineral operators well before finalizing site plans to avoid conflicts that could delay approvals.

In most co-development scenarios, surface waivers determine whether a project is financeable. Utility-scale solar depends on undisturbed surface use, making clearly defined non-disturbance protections central to title and diligence. Surface waivers establish explicit restrictions on surface entry, facility location, and surface disturbance for the project term, providing certainty for lenders and title insurers. Without a comprehensive waiver, title exceptions or lender

From a Legal Perspective cont'd.

requirements can delay or prevent a project from moving forward. Even a fully planned project can remain unfinanceable or experience significant delay if a single drill location within the footprint has unresolved surface or title issues.

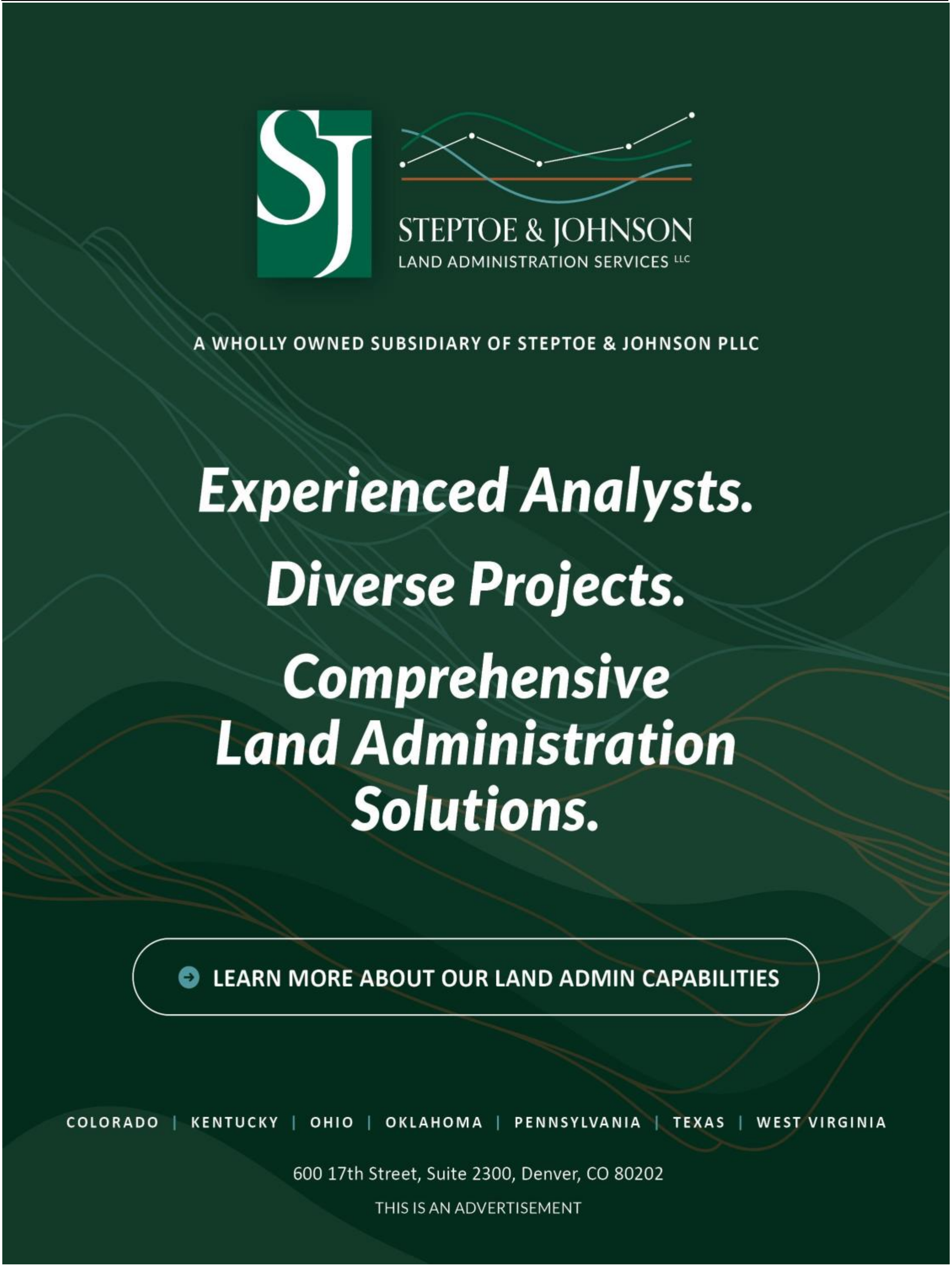
Absolute prohibitions on mineral development are uncommon. More often, waivers combine a no-surface-entry covenant within the project area with preserved subsurface development through directional or horizontal drilling from off-site locations, consistent with modern drilling practices. These retained mineral rights are typically exercised subject to agreed-upon surface restrictions, such as setback areas, and may include phased access provisions where future development is anticipated.

From a drafting standpoint, waivers should be tied to precise legal descriptions and structured to run with the applicable property interests to the extent permitted by law. They should bind lessees, assigns, and working interest owners, including future mineral lessees, and address ancillary facilities, subsurface trespass, data sharing, indemnities, and coordination with land use approvals and regulatory filings. Clear drafting and comprehensive scope help prevent conflicts and ensure that surface protections are enforceable alongside regulatory processes.

From a title perspective, waivers should be recorded against the surface estate and clearly bind all parties with relevant surface or contractual rights. Relying on an operator alone can leave gaps if other parties retain independent rights affecting the surface under existing leases, assignments, or joint operating agreements. Compensation is typically based on the value of foregone surface use and may be structured through fixed payments, acreage-based consideration, or milestone adjustments tied to development assumptions.

Most co-development conflicts are sequencing failures rather than legal ones. Identifying legacy oil and gas rights early and reviewing mineral and surface title in parallel is critical. Renewable developers should engage mineral operators before local project planning advances, and statutory notice under the Surface Development Notification Act should be completed while project flexibility still exists. Surface waivers are most effective when they clearly define permitted and restricted surface uses, bind all relevant parties, and provide the certainty lenders and title insurers need to proceed without unexpected conflicts. A carefully drafted and, where appropriate, recorded waiver preserves long-term oil and gas optionality while enabling renewable development on the same acreage.

Roni Vogt
Associate Attorney
Davis Graham & Stubbs, LLP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Field Landman Question

Recent Changes in Bonding at the Federal and State Levels

A DAPL member has asked: what are some recent changes to bonding under federal law and recent Wyoming and Colorado bonding changes that relate to federal bonding?

Federal

On April 23, 2024, the Bureau of Land Management (BLM) revised its oil and gas regulations to impose burdensome bonding requirements for leasing, development, and production. The new rules also implemented provisions of the Inflation Reduction Act (IRA) enacted under the Biden administration pertaining to royalty rates, rentals, and minimum bids; however, President Donald Trump's "One Big Beautiful Bill" (OBBB) repealed those IRA requirements. The BLM has since issued a direct final rule (DFR) delaying compliance with the new federal bonding requirements for oil and gas operators.

Although the federal Administrative Procedure Act (APA) requires agencies to engage in notice and comment rulemaking, Section 553 of the APA provides an exception when the agency "for good cause finds" that notice and comment are "impracticable, unnecessary, or contrary to the public interest." DFRs are therefore not "final" in the conventional rulemaking sense. A DFR is instead subject to notice and comment after the DFR has already become effective. The BLM has promulgated multiple DFRs after determining that notice and comment are unnecessary because the DFRs implement nondiscretionary requirements and are unlikely to receive any significant adverse comments. The BLM does not intend to consider comments on DFRs unless the comments explain how the DFR would be ineffective without the addition. Comments that meet that threshold can lead to the DFR being withdrawn or the creation of a new final rule.

The DFR that delayed increased bonding obligations was promulgated to extend the phase-in date for compliance with the minimum bond amount for statewide oil and gas bonds. The current regulation requires operators to increase or replace existing statewide bonds to meet the $500,000 minimum bond amount by June 22, 2026. The DFR extends that deadline to June 22, 2027, aligning it with the phase-in date for individual lease bonds. The BLM seeks to delay this requirement because it intends to pursue a separate but related rulemaking, which in the BLM's words "could significantly change the timeline for this requirement. This delay will provide operators with relief while the BLM pursues this change."

The increased federal bonding requirements have understandably caused much consternation among operators. For example, in Wyoming, it is estimated to result in a 1,400% bond increase, according to the Petroleum Association of Wyoming.

Wyoming

The state of Wyoming recognized that the bonding rules would cripple small, independent producers and jeopardize their ability to meet their obligations and continue to produce oil and gas. The impact would be even more profound as the traditional surety markets, once available to small oil and gas operators, have vanished, leaving them no choice but to self-fund bonds with cash.

In 2025, the Wyoming Legislature passed Senate File 20, which required the Wyoming Oil and Gas Conservation Commission (WOGCC) to promulgate rules to establish a bond pool for oil and gas operators. The bond pool is intended to ensure that Wyoming's small producers can meet their bonding requirements at federal locations, keeping wells operating and revenues flowing while being environmentally responsible.

Wyoming operators must be in good standing with the WOGCC to participate in the pool. The WOGCC is directed to contract with a third party to establish the bonding pool; however, if that is impossible, impractical, or not feasible, it may directly establish a bonding pool to serve as a secondary form of financial assurance for plugging wells, reclamation, or other requirements associated with an operator's bonds.

Field Landman Question cont'd

The pool is to be funded starting in 2030 from assessments on hydrocarbons produced, sold, or transported by participating operators; and it also authorizes the use of unexpended and unobligated funds available from the conservation tax mill levy account established under Wyo. Stat. Ann. § 30-5-116(b). The WOGCC shall also establish an alternative financial assurance to be available if the operator's bonds and the bonding pool are insufficient to discharge regulatory well and well-site closure requirements. The WOGCC may also enter into agreements with the United States or any federal agency to provide for the plugging of wells or other reclamation requirements for any participating operator whose wells are located on federal land without forfeiture of the operator's federal bond.

Wyoming operators now have more time to eventually meet the increased federal bond amounts, assuming the BLM does not substantially reduce those requirements in its anticipated rulemaking. The WOGCC has not yet sent notice of any rulemaking on these issues.

Colorado

Colorado stands in stark contrast to Wyoming. Colorado's Energy and Carbon Management Commission (ECMC) Rule 702, effective April 30, 2022, states in pertinent part that ECMC bonding rules apply to federal locations:

> unless the Operator demonstrates that it has already provided or will provide Financial Assurance for the same Well, Oil and Gas Location, or Oil and Gas Facility to the federal government at the time…. This exception will continue until no later than 90 days after the effective date of any final rule adopted by the U.S. Bureau of Land Management to update the federal bonding requirements found in 43 C.F.R. § 3104, and in no case later than October 15, 2023. Following the expiration of this exception, all Operators with Wells subject to federal bonding requirements will file a revised Financial Assurance Plan pursuant to Rule 702.b.(2) and, based upon the Financial Assurance Option, the Commission or Director will determine whether the financial assurance required by the federal government is substantially equivalent to the Commission's 700 Series and, if not, what additional Financial Assurance is required so long as the additional Financial Assurance does not duplicate financial assurance imposed by the federal government.

Additional detail regarding the ECMC's stated authority over federal lands and operations and its plans to require bonding for federal operations that are "substantially equivalent" to ECMC bonding requirements can be found in the ECMC's financial assurance rulemaking, Cause No. 1R Docket No. 210600097. The question is not whether ECMC will step in to fill the gap created by BLM's pause on its new bond requirements, but instead when.

Scott M. Campbell, *Member*
Robert A. Willis, *Of Counsel*
Steptoe & Johnson PLLC

Do you have a land issue you would like discussed? Do you need supporting documentation to win a bet with a colleague? Is there a question you are too embarrassed to ask your boss? If so, the DAPL would like to hear from you! Please submit your question to joe.martin@highwestresources.com. Each month, we will publish a question chosen from those submitted, along with a Steptoe & Johnson PLLC attorney's discussion of the issue. The foregoing article discusses general legal principles and laws applied to a generic fact situation and is not intended to constitute legal advice or create any attorney-client relationship, and no representation or warranty of accuracy or applicability regarding the same is made by the authors or Steptoe & Johnson PLLC. The content of and views expressed in the foregoing article are those of the authors and are not the views of the DAPL.


HOMESTEAD
GOLF COURSE
Western Colorado University
School of Business
2026 ENERGY MANAGEMENT
GOLF TOURNAMENT
SAVE THE DATE
August 28, 2026
Homestead Golf Course
Lakewood, Colorado
ENERGY MANAGEMENT
WESTERN COLORADO UNIVERSITY


DAPL
DENVER ASSOCIATION OF PROFESSIONAL LANDMEN
42nd ANNUAL CLAY SHOOT
SAVE THE DATE!!
FRIDAY, AUGUST 21, 2026
COLORADO CLAYS
COLORADO CLAYS SHOOTING PARK
Colorado Clays
13600 Lanewood St.
Brighton, CO 80603

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Andrew Stone
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