The Rocky Mountain

L·A·N·D·M·A·N

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January 21, 2026 | 11:30 AM - 1 PM
Education Luncheon

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

The Royalty Resiliency Act - Navigating the Unknown

Michael Jewell

Michael T. Jewell is a partner at Jewell Jimmerson Natural Resources Law where he focuses his practice on serving independent exploration and production clients in Colorado, New Mexico, and Wyoming.
Michael's key practice centers on all things regulatory, including spacing, pooling, protests, rulemaking, and land use rights. Much of his work involves federal, state, and tribal lands. Michael frequently advises as outside general counsel for several oil & gas companies based in Houston and Denver. He also served as Chair of the Natural Resources and Energy Law Section of the Colorado Bar Association.

In addition to his practice in natural resources law, Michael holds the position of Assistant Clinical Professor at the Colorado School of Public Health - Anschutz Medical Campus, where he teaches courses in public health law and mental health systems and policy. He also presents on topics pertaining to extraction and epidemiology to national and international audiences.

Michael enjoys all things Alfa Romeo, as well as extending his collections of guitars, scotch, and philosophy books.

Christine Wendel

Christine Wendel is an associate attorney at Jewell Jimmerson Natural Resources Law.
Before joining JJNRL, Christine was an Attorney Advisor for the U.S. Department of the Interior, advising the Office of Natural Resources Revenue (ONRR) on Federal and Indian royalties. Prior to this, Christine clerked for the Honorable Justice David Wiggins on the Iowa Supreme Court and provided legal services to clients in health, family, and housing law. Christine graduated with academic honors and pro bono honors from the University of California, Irvine School of Law, where she served as an editor on the UC Irvine Law Review; a lead editor on the UC Irvine Journal of International, Transnational, and Comparative Law; and as a fellow for the UCI Center on Globalization, Law, and Society. Christine earned her Master's degrees at the University of Hamburg and Aarhus University in Journalism, Media, and Globalization. She holds a Bachelor of Journalism degree from the University of Missouri.

More information on page 8

UPCOMING EVENTS

February Coffee Thursday, February 12th	Spring Land Seminar Thursday, March 5th	Ski Day Friday, March 6th

The Denver Association of Professional Landmen
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Web Site: www.dapldenver.org
Mailing Address:
730 17th Street, Suite B1
Denver, CO 80202

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 - Treasurer

Dear Members,

As 2026 approaches, I am pleased to highlight the upcoming events designed to bring our members together. Please note the key activities planned for 2026, including Ski Day, the Annual Golf Tournament, and Trap Shoot. These events are enjoyable and help build teamwork within our organization. Educational luncheons and happy hours will be offered throughout the coming year to further support professional development and networking.

For those committed to advancing their expertise, the Denver Land Institute will provide valuable industry insights and learning sessions. All of these initiatives are made possible through the engagement and participation of our members. Whether you're new or a long-time member, we look forward to connecting with you at our events.
Looking forward to seeing everyone throughout the remainder of 2025 and wishing you a productive 2026.

Tammy Zamarripa
DAPL Treasurer

THANK YOU 2025 CORPORATE SPONSORS

As we are fully engulfed in the Holiday Season and are nearing the end of 2025 I want to send a special thank you to all of our 2025 Corporate Sponsors! Your generous sponsorship and partnership is greatly appreciated.

Because of you the DAPL has been able to keep membership fees and registration fees for Education Events at the same cost. In a time when the cost of everything is increasing this is extremely helpful to our membership. In 2025 we offered a total of 14.75 CE credits for Landmen through 7 different events!

Thank you again and I hope you'll consider partnering again in 2026!

Tabatha Reed
DAPL Office Manager

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On behalf of the Denver Association of Professional Landmen, thank you for your generosity and sponsorship!

From a Legal Perspective

APPLICATION OF THE FEDERAL QUIET TITLE ACT IN A SPLIT ESTATE CLAIM

True Ranches, LLC ("True Ranches") owned the surface of a 160-acre tract of land in Laramie County, Wyoming, with the mineral estate owned by the federal government and managed by the Bureau of Land Management (BLM). True Oil, LLC ("True Oil"), an entity related to True Ranches, owned the mineral estate in an adjacent tract. True Oil sought to drill a horizontal well from True Ranches' surface estate to reach True Oil's minerals in the adjacent tract, which well would traverse the subsurface of the federally owned mineral estate.

The dispute arose when True Oil planned to drill through the federally owned subsurface mineral estate but did not plan to produce the federal minerals. Initially, True Oil contacted BLM to request that BLM consent to the proposed well by approving an Application for Permit to Drill ("APD") or other acceptable means of allowing True Oil to drill through but not complete the portion of the laterals traversing the federal mineral tract. BLM would not authorize the well due to concerns that it would violate a separate Montana federal court order suspending development on the lease. True Oil then proposed an alternative plan to traverse a different federal lease that was not subject to the Montana litigation. However, BLM stated that an APD was required, citing its authority under the Mineral Leasing Act ("MLA"). True Oil refused to obtain an APD from the BLM, arguing that its surface ownership included the right to drill through the subsurface, and that BLM lacked authority to require a permit for a well that would not produce federal minerals. True Ranches and True Oil (together "Plaintiffs") filed suit under the Administrative Procedure Act ("APA") and the Declaratory Judgment Act ("DJA"), seeking a declaration that BLM had no regulatory authority over the traversing well.

The district court ruled in favor of BLM, holding: (1) Congress retained regulatory authority over the mineral estate under the Stock-Raising Homestead Act (the act under which the lands were patented); (2) BLM had authority under the MLA to regulate subsurface activity; and (3) True Oil qualified as an "operator" under BLM regulations, requiring an APD.

Upon appeal in *True Oil, LLC v. BLM,* 2025 U.S. App. LEXIS 23229, (10th Cir. 2025), the appellate court vacated the district court's ruling and dismissed the case for lack of jurisdiction, holding that the Quiet Title Act (QTA) is the exclusive means to challenge the United States' title or property rights in real property. Because plaintiffs' claim involved a dispute over property rights (specifically, whether surface ownership includes the right to drill through federally owned minerals) the claim fell within the scope of the QTA and could not be brought under the APA or DJA. The appellate court further held that federal courts lack jurisdiction to hear such claims unless brought under the QTA.

As summarized by the court, the QTA provides, in relevant part:

> subparagraph (a) The United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest . . . .
>
> subparagraph (d) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances under which it was acquired, and the right, title, or interest claimed by the United States.

From a Legal Perspective cont'd.

In arriving at its decision, the court applied a two-part test from *Kane County v. United States,* 772 F.3d 1205 (10th Cir. 2014): (1) does the United States claim an interest in the property? and (2) is title or ownership disputed?

The Plaintiffs asserted that their ownership of the surface includes a right to drill through federal minerals, provided that only a small amount of those minerals would be removed. This assertion conflicted with the government's fee simple ownership of the mineral estate. Even though Plaintiffs claimed they would not be producing federal minerals, the court stated that an assertion that the surface estate includes a limited trespass and taking of mineral interests implicates federal property rights.

The court found that Plaintiffs' claim presented a dispute over ownership rights in real property that must be resolved under the QTA. Under *Kane,* the court stated that Plaintiffs' claim conflicts with the government's assertion of unencumbered fee simple ownership of the subsurface mineral estate and presents a property dispute over each party's ownership rights in the subsurface minerals. Therefore, it belongs under the QTA.

True Ranches and True Oil argued that their claim did not fall under the QTA because there was no dispute over title. Both parties agreed that the United States owns all subsurface minerals, while True Ranches owns the non-mineral subsurface. The Plaintiffs further argued that they sought only to enforce their undisputed rights in the non-mineral subsurface, and that BLM was interfering with those rights by requiring its consent to drill their proposed traversing well, which claim did not create a dispute over title or ownership.

The court found that Plaintiffs' claim was a challenge to BLM's unencumbered title to the subsurface minerals, which includes, as one of the sticks in the bundle of rights, the right to exclude others from access. At the same time that Plaintiffs challenged BLM's right to exclude, they asserted their own right of access through the subsurface containing the federal minerals. The court stated that this presented a dispute over each party's property rights, rather than a mere dispute over one party's interference with the other's undisputed rights.

Because Congress intended the QTA to provide the exclusive means by which adverse claimants could challenge the United States' title to real property, if a claim falls within the purview of the QTA, then it cannot be brought under any other statute. Therefore, a district court lacks subject-matter jurisdiction to hear such a claim under the APA and/or the DJA. The appellate court vacated the district court's decision and remanded the case with instructions to dismiss the action for lack of jurisdiction.

It is important to remember that, in split estates, surface rights do not automatically include subsurface access through federal minerals. BLM oversight cannot be bypassed by asserting non-production intentions, and operators must seek federal approval even for traversing wells. Legal challenges involving federal property rights must be brought under the Quiet Title Act, not under general administrative or declaratory statutes. Filing under the wrong statute can result in dismissal without reaching the merits of the claim.

Estee A. Sanchez
Beatty & Wozniak, P.C.

January 21st Luncheon

The Royalty Resiliency Act - Navigating the Unknown

The Royalty Resiliency Act clarified how lessees must report and pay royalties pending approval of communization and unit agreements by the Department of the Interior. While this has indeed provided clarity in some aspects, it has left some key questions for lessees unanswered. The presentation will walk through the historical context and overview of the Act itself, discuss some of the key implementation factors, and discuss some of the cliff-hangers the Act has left industry to navigate.

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The University Club
1673 Sherman St. Denver, CO 80203

SAVE THE DATES!

January Luncheon - Wednesday, January 21st

February Afternoon Coffee + Education - Thursday, February 12th

Spring Land Seminar - Thursday, March 5th

Ski Day - Friday, March 6th


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December 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9 Education Committee Meeting	10 Board Meeting	11 Annual Awards + Holiday Social	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2026

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13 Education Committee Meeting	14 Board Meeting	15	16	17
18	19	20	21 Luncheon	22	23	24
25	26	27	28	29	30	31

December 2025

9th - Education Committee Meeting
10th - Board Meeting
11th - DAPL & DALTA Annual Awards and Holiday Social

January 2026

13th - Education Committee Meeting
14th - Board Meeting
21st - January Luncheon - see pages 1 + 8 for more information

February 2026

10th - Education Committee Meeting
11th - Board Meeting
12th - Afternoon Coffee + Education - more information to come!

March 2026

5th - Spring Land Seminar - more information to come
6th - Ski Day - see page 13 for more information
10th - Education Committee Meeting
11th - Board Meeting

52nd Annual DLI Recap

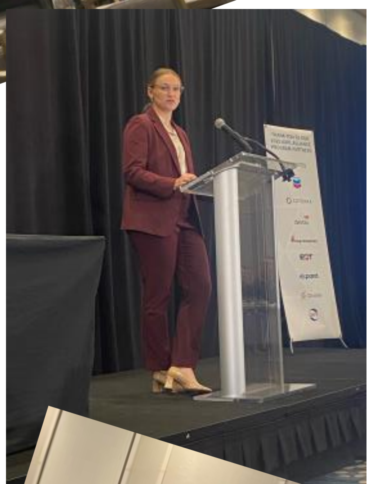
DAPL once again partnered with the AAPL to host over 200 energy professionals at the 52nd Annual Denver Land Institute. The day was packed with relevant professional development and tailored networking.

The 2025 DLI reached complete capacity! Fortunately, land professionals and students who weren't able to make it in person were able to join in on the fun virtually.

Education sessions covered hot topics to the region, including energy leadership in the Rockies, AI, pooling, retained acreage provisions, the DJ Basin, renewables, litigation updates, ethics and more.

After the world-class professional development, attendees were able to unwind and network at the Rockies Bash at Wynkoop Brewery.

We'd like to thank AAPL, speakers, sponsors, committee volunteers and the sold-out crowd for making this such a meaningful event!



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Field Landman Question

The After-Acquired Title Doctrine in Colorado and North Dakota

A DAPL member has asked: How does the After-Acquired Title Doctrine operate in Colorado and North Dakota?

Under the After-Acquired Title Doctrine, if a party owns a lesser interest in real property than it purports to convey in a deed, and that party later acquires an additional interest in that same real property, title to that additional interest vests in the grantee of the original deed. This article discusses statutes and jurisprudence pertaining to the After-Acquired Title Doctrine as adopted in Colorado and North Dakota.

I. The After-Acquired Title Doctrine in Colorado

The Colorado after-acquired title statute at C.R.S. § 38-30-104 provides as follows:

> If any person sells and conveys to another by deed or conveyance, purporting to convey an estate in fee simple absolute, any tract of land or real estate lying and being in this state, not being possessed of the legal estate or interest therein at the time of the sale and conveyance and, after such sale and conveyance, the vendor becomes possessed of and confirmed in the legal estate of the land or real estate so sold and conveyed, it shall be taken and held to be in trust and for the use of the grantee or vendee, and said conveyance shall be held and taken, and shall be as valid as if the grantor or vendor had the legal estate or interest at the time of said sale or conveyance.

C.R.S. § 38-30-113 (1) (c)-(d) provides that: (a) a deed for the conveyance of real property in a form similar to that set forth in the statute, which states that the grantor "sells and conveys" the property, without warranty language, has the same effect as a bargain and sale deed, and passes the grantor's after-acquired title; and (b) a deed for the conveyance of real property in a form similar to that set forth in the statute, which does not contain warranty language and states that the grantor "sells and quitclaims" the property, shall operate as a quitclaim deed and does not pass the grantor's after-acquired title.

C.R.S. § 38-30-113 suggests that the presence of quitclaim language in a deed may prevent the operation of after-acquired title, and indeed, there is some support in applicable jurisprudence for that proposition. Specifically, in *Premier Bank v. Bd. of Cty. Comm'rs of Bent*, 214 P.3d 574 (Colo. App. 2009), the Colorado Court of Appeals stated that because quitclaim deeds do not convey an interest in the land but instead convey only what the grantor may presently own, the After-Acquired Title Doctrine does not apply to such deeds. The more important issue to the court, however, was whether the deed at issue qualified as a conveyance of "fee simple absolute" under C.R.S. § 38-30-104. The court explained that a deed that conveys "the following real property," or some other description of the land, is more likely to be construed as a conveyance of fee simple absolute, than a conveyance of whatever interest the grantor may presently own.

A Colorado District Court also analyzed whether a fee simple absolute interest was conveyed for purposes of after-acquired title in *Todd Creek Farms, L.L.C. v. Alfis*, 2015 Colo. Dist. LEXIS 1634. Although that case is not an appellate decision with any precedential authority, it does shed light on how Colorado courts analyze after-acquired title issues. The deeds at issue in *Todd Creek* contained warranty language, but the court still held that the deeds did not pass an after-acquired mineral interest, since the deeds did not convey "fee simple absolute." The court's decision was based on the following factors: (a) the deeds conveyed the interests "of the grantor"; and (b) the habendum clauses of the deeds recited that the property conveyed may be encumbered by "easements, restrictions, [and] covenants and reservations of record, if any," and the recitation regarding the existence of such encumbrances meant that a fee simple absolute estate was not conveyed. The court's holding thus emphasizes the importance of analyzing the deed as a whole when determining if the same conveys after-acquired title.

Field Landman Question cont'd.

Accordingly, whether a deed conveys after-acquired title in Colorado is not determined solely by whether a deed is titled a "quitclaim deed" or a "warranty deed." Rather, the most important factor in Colorado is whether the deed conveys an estate in "fee simple absolute," as contemplated by C.R.S. § 38-30-104.

II. The After-Acquired Title Doctrine in North Dakota

North Dakota's after-acquired title statute – N.D. Cent. Code § 47-10-15 – provides, in relevant part, as follows:

> When a person purports by proper instrument to convey real property in fee simple and subsequently acquires any title or claim of title to the real property, the real property passes by operation of law to the person to whom the property was conveyed or that person's successor. A quitclaim deed that includes the word "grant" in the words of conveyance, regardless of the words used to describe the interest in the real property being conveyed by the grantor, passes after-acquired title.

This statute emphasizes whether the deed conveys a "fee simple" interest, and whether the deed is a quitclaim deed that contains language of "grant."

In *Hall v. Malloy*, 862 N.W.2d 514 (N.D. 2015), the North Dakota Supreme Court analyzed whether a divorce judgment was effective to convey after-acquired title, when one of the parties to the judgment subsequently acquired an additional mineral interest. The court first determined that the judgment qualified as a "proper instrument" under N.D. Cent. Code § 47-10-15. The court stated that the conveying instrument, whether it is a divorce judgment or a quitclaim deed, must be construed as a whole to determine the parties' intent. The divorce judgment referred to a party's statement that he owned a specific number of net mineral acres in a tract, and the judgment provided that another party was to receive one-half of those mineral acres. The court reasoned that the language of the judgment was similar to language used in quitclaim deeds, inasmuch as the judgment conveyed what the grantor presently owned, rather than the land itself. The judgment did not grant or warrant the party's title to the mineral acres in fee simple. Therefore, the court held that the After-Acquired Title Doctrine did not apply to vest one of the parties to the judgment with a subsequently-acquired mineral interest.

Just as in Colorado, the question of whether a deed conveys after-acquired title in North Dakota is not determined solely by whether a deed is titled a "quitclaim deed" or a "warranty deed." Instead, N.D. Cent. Code, § 47-10-15 emphasizes the importance of the word "grant," and goes so far as to provide that the use of that word in a quitclaim deed will pass after-acquired title. However, a reviewing court would probably place more emphasis on whether the deed in question conveys a "fee simple" interest in the property, analyzing the document as a whole.

Paul Upsons
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, 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 author or Steptoe & Johnson PLLC. The content of and views expressed in the foregoing article are those of the author, and are not the views of the DAPL.

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