

The Rocky Mountain

L • A • N • D • M • A • N

Volume 41 Issue 7

www.dapldenver.org

February 2024



February 21, 2024 | 11:30 AM - 1 PM

11:30-12:00: Networking and Buffet

12:00-12:50: Presentation

12:50-1:00: Q&A

Regulatory Update

Jill Fulcher



Jill Fulcher focuses her practice on representing companies before the Colorado Oil and Gas Conservation Commission. She has successfully obtained Commission approval for hundreds of requests for relief pertaining to drilling and spacing units, increased well density, reduced setbacks, statutory pooling, and unitization. Jill has also successfully represented clients before the COGCC for contested matters related to horizontal wellbore spacing units, APD approvals, unconventional resource units, and enhanced recovery operations. Additionally, she has represented clients before the COGCC for nearly every major rulemaking in the last decade.

In addition to representing companies before the COGCC, Jill assists clients in navigating local and federal regulations. She assists clients with local permitting and transportation access issues, as well as obtaining surface locations. Jill has helped companies enter Memoranda of Understanding with local governments, and assisted clients in defending cases before the Interior Board of Land Appeals.

When she graduated law school, Jill knew she wanted to focus her legal career on representing oil and gas companies. Through her family, Jill has strong ties to the energy industry, and believes there's no better industry that typifies risk and reward.



\$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

UPCOMING EVENTS

2024
NAPE Summit
February 7th - 9th

GeoLand Ski Day
February 23rd

DAPL March
Luncheon
March 20th

DAPL Family
Homestead
Volunteer Day
April 13th



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 Administrator

Phone: (303) 446-2253

Column Coordinators:

Education **Bresee Carlson
Crosby Garrison**

Minutes **Chad Sullivan**

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—Director

Greetings DAPL Family and Friends,

I trust that the start of 2024 has been prosperous for each of you. As we embark on the new year, it's crucial to acknowledge the significance of intentional networking and fostering meaningful relationships, especially in the dynamic landscape of our industry.

Within the DAPL community, we are fortunate to have a variety of events scheduled throughout the year that serve as ideal platforms to connect with fellow members and forge new relationships within the industry. These gatherings not only offer a chance to share experiences but also create opportunities for collaboration and professional growth.

One noteworthy industry event on the horizon is the NAPE Summit hosted by our esteemed friends at AAPL, IPAA, SEG, and AAPG scheduled for February 7-9th in Houston. NAPE is an exceptional opportunity to step out of your comfort zone, broaden your professional horizons, and establish valuable connections that could potentially lead to new business relationships and opportunities.

In preparation for NAPE/upcoming DAPL events and to underscore the importance of networking, let's explore some of the key benefits of expanding your professional network:

- **Knowledge Exchange:** Networking allows for the exchange of valuable industry insights, trends, and information. By connecting with diverse professionals, you gain access to a wealth of knowledge that can contribute to your professional development.
- **Collaboration Opportunities:** Building a robust network opens the door to collaboration. Engaging with peers and industry experts can lead to partnerships, joint ventures, and collaborative projects that may not have been possible otherwise.
- **Career Advancement:** Networking is a powerful tool for career progression. Building relationships with individuals across various levels of experience and expertise can provide mentorship opportunities, career advice, and potential job leads.
- **Resourceful Problem-Solving:** Networking introduces you to a diverse pool of professionals with varied experiences and expertise. When faced with challenges or complex issues, your network becomes a valuable resource for seeking advice and innovative solutions. By tapping into the collective wisdom of your connections, you enhance your problem-solving capabilities, gaining fresh insights and creative strategies to overcome obstacles in your professional journey.

Now, as we approach February, I look forward to seeing both new and familiar faces at the upcoming DAPL/Industry events:

- February 7th - 9th 2024 NAPE Summit
- February 21st - DAPL February Luncheon
- February 23rd - GeoLand Ski Day

I encourage each of you to take full advantage of these opportunities to expand your network, share experiences, and contribute to the thriving community we have built within DAPL. Here's to a month filled with fruitful connections and professional growth!

See you all at NAPE and don't forget your business cards!

Crosby Garrison

Crosby_Garrison@Oxy.com

Director, DAPL

THANK YOU 2024 CORPORATE SPONSORS

DOUBLE PLATINUM



PLATINUM



Enduring Resources, LLC



GEOLAND SKI DAY 2024

We're bring it back!!

FRIDAY, FEBRUARY 23, 2024

COPPER MOUNTAIN



Registration is now open

Lift Ticket & Après Party

\$220 members / \$260 non-members

Après Party ONLY

\$100 members / \$140 non-members

Bus Ride (to Copper and back to Denver)

\$30 per rider



THANK YOU GEOLAND SKI DAY SPONSORS!!





GEOLAND SKI DAY 2024

SPONSORSHIP OPPORTUNITIES



Friday, February 23, 2024

Copper Mountain

DOUBLE BLACK

\$2500

LOGO ON WEBSITE, ADVERTISING AND SIGNAGE

INCLUDES TWO LIFT TICKETS, TWO APRÈS TICKETS AND TWO BUS RIDERS

BLACK

\$1500

LOGO ON WEBSITE, ADVERTISING AND SIGNAGE

INCLUDES ONE LIFT TICKET, ONE APRÈS TICKET AND ONE BUS RIDER

BLUE

\$1000

LOGO ON WEBSITE, ADVERTISING AND
SIGNAGE

GREEN

\$500

LOGO ON WEBSITE, ADVERTISING AND
SIGNAGE

SPONSOR REGISTRATION

GeoLand Ski Day 2024

Friday, February 23rd

SPONSOR NAME: _____

ADDRESS: _____

PRIMARY CONTACT NAME: _____

EMAIL: _____

PHONE NUMBER: _____

SPONSORSHIP LEVEL:

_____ **Double Black - \$2,500** (includes 2 lift tickets and 2 Après tickets)

_____ **Black - \$1,500** (includes 1 lift tickets and 1 Après ticket)

_____ **Blue - \$1,000**

_____ **Green - \$500**

Please email your logo to [Tabatha Reed](#) at the DAPL Office no later than Wednesday, February 14th

*On behalf of the Denver Association of Professional Landmen, thank you for your time,
generosity, participation and sponsorship in the GeoLand Ski Day*

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Nominating Committee for the 2024-2025 DAPL Executive Board

Laurie Wizeman - Occidental

Gil Guethlein - KXP Resources

Crosby Garrison - Occidental

Jake Bakker - Chevron

From a Legal Perspective

The Intersection of Force Majeure Clauses and Drilling Deadlines

In *Point Energy Partners Permian, LLC v. MRC Permian Company*, No. 21-0461, 2023 WL 3028100 (Tex. Apr. 21, 2023), the Texas Supreme Court considered the interpretation of a force majeure clause in an oil and gas lease invoked by the lessee to avoid lease cancellation. MRC Permian Company owned a lease covering 4,000 acres in Loving County, expiring February 28, 2017. The lease provided that at the end of the primary term, the lease would terminate as to all lands and depths not then included in a production unit. However, MRC could temporarily suspend automatic termination of the lease at the end of the primary term by conducting a continuous drilling program. In that case, the lease would remain in force as long as MRC spudded a new well every 180 days, measured from the spud date of the last well.

MRC spudded the Totum well on November 22, 2016, which meant that under the terms of the lease, MRC had until May 21, 2017, to spud a new well and continue temporarily suspending the lease's termination. In early 2017, MRC scheduled a May 11 spudding of the Toot 211 well using Patterson Drilling Rig 295, the same rig it had used to spud the Totum well. According to MRC, Rig 295 was considered to be specially equipped to handle the high pressures found in Loving County.

Subsequently, MRC's operations team created a new drilling schedule, and by April 18, Rig 295 was scheduled to spud the Toot 211 well on June 2. Its schedule mistakenly listed June 19, instead of May 21, as the expiration date for the lease; MRC had calculated June 19 based on the rig-release date from the Totum well, not its spud date as required by the lease.

In early June, MRC discovered its scheduling mistake. At that time, it had already missed the May 21 deadline to spud a new well and thereby suspend lease termination. MRC then determined that an April 21 force majeure event provided 90 days from resolution of that event to spud the Toot 211 well. The force majeure clause in the lease provides:

13. Force Majeure. When Lessee's operations are delayed by an event of force majeure, being a non-economic event beyond Lessee's control, if Lessee shall furnish Lessor a reasonable written description of the problem encountered within 60 days after its commencement, and Lessee shall thereafter use its best efforts to overcome the problem, this lease shall remain in force during the continuance of such delay, and Lessee shall have 90 days after the reasonable removal of such majeure within which to resume operations; provided, however, this paragraph shall not extend this lease or relieve Lessee for liability for any breach thereof for a period in excess of 180 days, and Lessee's obligation to pay sums due hereunder shall not be affected by an event of force majeure.

MRC sent force majeure notices to the lessors on June 13. It claimed that in April, while drilling the Dorothy White well on an unrelated lease, MRC had experienced operational issues with Rig 295 and wellbore stability issues, resulting in a 30-hour delay and setting back the schedule for all of the subsequent wells on the rig's schedule, including the Toot 211 well. But, after completing the Dorothy White well, MRC moved Rig 295 to drill two wells on another unrelated lease, and was drilling those wells on the May 21 lease deadline. MRC conceded that it would have had enough time to move the rig to the Toot 211 well and commence drilling by early May, but it chose to drill the two unrelated wells first.

Point Energy took leases from the mineral owners on June 7 (prior to MRC's June 13 notice of force majeure), having reviewed the publicly available drilling data and concluding that MRC did not maintain the continuous drilling program. MRC sued Point Energy and the lessors, requesting a declaration that the force majeure event did not have to cause MRC to miss a deadline. Point Energy argued that MRC's scheduling error, not the force majeure event, caused the delay, and that the delay was foreseeable. The trial court agreed with Point Energy, declaring that the force majeure clause did not extend the lease. The court of appeals reversed, holding in relevant part that the phrase "Lessee's operations are delayed" meant that the lease deadline and untimely scheduled drilling date were irrelevant for invoking the force majeure clause.

The Supreme Court noted that a force majeure clause is a "contractual provision allocating the risk of loss if performance becomes impossible or impracticable, especially as a result of an event or effect that the parties could not have anticipated or controlled." The Court looked at the language of the MRC lease's force majeure clause, concluding that it required the event to be "a non-economic event beyond Lessee's control," and that "Lessee's operations are delayed by an event of force majeure" [emphasis added]. The Court concluded that this language contained a "causal-nexus"

From a Legal Perspective cont.'d

requirement requiring the delay in operations to have been caused by the force majeure event. “Lessee’s operation” allegedly delayed by the force majeure event was the scheduled June 2 spudding of the Toot 211 well. The Court held that the 30-hour slowdown on a different well did not cause the June 2 spudding to be untimely; it was already going to be untimely due to MRC’s scheduling error. Even if there had been no delay, the scheduled June 2 operation would not have satisfied the May 21 continuous drilling deadline under the lease.

MRC argued that nothing in the force majeure clause tied force majeure operational delays to compliance with lease deadlines. Essentially, MRC claimed that the delay in its operations on the Dorothy White well, regardless of the delay’s short length and regardless of whether the lease deadline would have otherwise been missed by the scheduling error, maintained the lease for a period that ended long after the May 21 deadline; because MRC had a force majeure extension, it was not relevant that MRC had mistakenly scheduled the operations to begin June 2. The Court disagreed, holding the language of the lease repeatedly connected Lessee’s operations with lease deadlines.

Ultimately, the Court’s ruling is an important reminder to pay attention to and adhere to lease drilling deadlines. MRC could have rescheduled the rig to move directly to the Toot 211 well, or used a different rig, to satisfy its continuous drilling requirement. A force majeure clause has limitations and is not a safety net in all circumstances; it generally requires that the event must be beyond the lessee’s control and be the cause of the delay.

Catherine Bazile
Summit Energy Law LLC



Volunteer Opportunity

On Saturday, April 13, 2024 the DAPL Community Service Committee in coordination with [Family Homestead](#), will have a volunteer work day.

The specific location and start time of the event will be announced closer to the date of the event but will take place in Denver.

In past years we have painted apartments being used for transitional housing for homeless families with children



2024 DAPL Calendar of Events

February 2024

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 GeoLand Ski Day	24
25	26	27	28	29		

March 2024

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

February 2024

13th-Education Committee Meeting
 14th-Board Meeting
 21st-Luncheon - *see page 1 for more information*
 23rd-GeoLand Ski Day - *see pages 4 & 5 for more information*

March 2024

12th-Education Committee Meeting
 13th-Board Meeting
 20th-Luncheon

April 2024

9th-Education Committee Meeting
 10th-Board Meeting
 13th - Family Homestead Volunteer Day - *see page 8 for more information*
 17th-Luncheon
 23rd - 8th Annual Energy Industry Happy Hour - *see page 14 for more information*



Field Landman Question

Oklahoma Limits Foreign Property Ownership, Requires Affidavit of Compliance for Deeds

A DAPL member has asked: What is the new requirement in Oklahoma for deeds to include affidavits of compliance for recording? Is there anything else important to know?

On November 1, 2023, a statutory amendment went into effect in Oklahoma which requires an affidavit be completed and attached as an exhibit to all deeds filed for record in any county in the State certifying compliance with the law that limits the ability of alien persons or entities to acquire title to Oklahoma property or supply funding to others acquiring property in the State. The statute applies to all deeds presented for recording on or after November 1, 2023.

Oklahoma's statutes and Constitution have long prohibited the ownership of land and minerals by alien persons or entities, subject to certain exceptions (such as alien persons or entities who are deemed "bona fide residents" of the State). Senate Bill 212 – which was passed during the 2023 legislative session and went into effect on November 1 – proposed certain amendments to the existing law codified at 60 O.S. § 121. Two important changes should be noted.

First, new statutory language in subsection A prohibits both direct and indirect acquisition of title to Oklahoma property by aliens or non-citizens through a business entity or trust, except as otherwise permitted therein. Previously, indirect ownership through domestic or domesticated entities was not explicitly prohibited. Now, non-exempt businesses and trusts must certify that all their direct or indirect owners, trustees, and direct and contingent beneficiaries, as applicable, are either U.S. citizens or bona fide residents of Oklahoma. A new exemption from the application of subsection A is established for business entities that are "engaged in regulated interstate commerce in accordance with federal law."

Second, a new subsection B was added which now requires that each and every deed recorded in any county of the State include as an exhibit thereto an affidavit, executed by the grantee(s), attesting that they are obtaining title in compliance with this new law and that no funding source is being used to violate this or any other state or federal law. The Oklahoma Attorney General has published form affidavits to comply with this statute, which are available on its website.

Additional guidance about this new law may be forthcoming as the Oklahoma Attorney General and others work to effectuate the amended legislation. In the meantime, individuals, companies, and other entities selling or acquiring title to property in Oklahoma (and those who represent them) should be aware of the additional prohibition of indirect alien ownership via businesses and trusts and the requirement that all deeds must now include this statutory affidavit.

Diana S. Prulhiere
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.

DAPL 2024 ANNUAL GOLF TOURNAMENT

FRIDAY, JULY 19, 2024
KEYSTONE

SAVE THE DATE!!



SAVE THE DATES FOR THESE SUMMER EVENTS!



DAPL
DENVER ASSOCIATION OF PROFESSIONAL LANDMEN

DAPL 2024 40th ANNUAL CLAY SHOOT

FRIDAY, AUGUST 23, 2024
COLORADO CLAYS



SAVE THE DATE!!



DAPL December 2023 Board Meeting Minutes

12/13/2023

In Attendance:

In-person: Armando Trevino, Tyler Aylor, Laurie Wizeman, Jake Bakker, James Culbertson, Crosby Garrison, Gil Guethlein, Chad Sullivan, Janet Rost, Scott McDaniel, Teale Stone

Pres. Gil Guethlein called the meeting to order at 11:39 AM MST 12.13.2023

Approval of Minutes:

Armando motioned to approve the November minutes. Crosby seconded. APPROVED

Membership - Reported by Janet Rost:

Laurie motions to approve – Crosby second. APPROVED

December 2023 Board Meeting								
MEMBER NAME	COMPANY	ACTIVE	ASSOCIATE	STUDENT	AAPL	SPONSOR	OFFICE PHONE	E-MAIL
Cris Justiz	Koloma	X			Yes	Jason Rayburn	281-743-2408	cris.justiz@gmail.com
Cade Campbell	SM Energy Company	X			Yes	Jordan Blackburn	713-501-7230	ccampbell@sm-energy.com
Dec-23	Nov-23							
Total Number of Current Members - 582	Total Number of Current Members - 579							
Total Number of Non-Members - 948	Total Number of Non-Members - 947							
Expiring 5/31/24 - 363	Expiring 5/31/24 - 361							
Expiring 5/31/25 - 62	Expiring 5/31/25 - 62							
Expiring 5/31/26 - 55	Expiring 5/31/26 - 54							
Honorary/Retired (never expire) - 102	Honorary/Retired (never expire) - 102							
Dec-22								
Total Number of Current Members - 625								
Total Number of Non-Members (Expired) - 773								
Expiring 5/31/23 - 384								
Expiring 5/31/24 - 83								
Expiring 5/31/25 - 58								
Expiring 5/31/26 - 1								
Honorary/Retired (never expire) - 99								

Continued on next page

Treasurers Report - Reported by James Culbertson:

Banking Accounts	December 2023	November 2023	1-Month Diff.	December 2022	1-Year Diff.
PNC Checking	\$118,817.22	\$126,555.97	-\$7,738.75	\$253,175.15	-\$134,357.93
Savings/Money Market	\$10,005.43	\$10,005.34	\$0.09	\$10,004.34	\$1.09
RBC Long-Term (Current 12.12.2023)	\$131,010.34	\$126,427.10	\$4,583.24	\$95,926.15	\$35,084.19
RBC CDs (Current 12.12.2023)	\$86,965.28	\$86,427.19	\$538.09	\$0.00	\$0.00
Total Checking/Savings/Investments	\$346,798.27	\$349,415.60	-\$2,617.33	\$359,105.64	-\$12,307.37
RBC Investment Account	Beginning Balance	Gain/Loss	Current Balance		
Long-Term Account (Current 12.12.2023)	\$126,427.10	\$4,583.24	\$131,010.34		
	Total Investment	Current Balance	Updated vs Current		
Investment Balance	\$128,000.00	\$131,010.34	\$3,010.34		
Scholarship Accounts	December 2023	November 2023	1-Month Diff.	December 2022	1-Year Diff.
PNC Bill Goodin	\$17,322.45	\$17,322.31	\$0.14	\$10,179.18	\$7,143.27
PNC Cappy Ricks	\$2,500.70	\$2,500.68	\$0.02	\$15,482.38	-\$12,981.68
PNC DAPL Scholarship	\$8,306.99	\$8,306.99	\$0.00	\$8,306.99	\$0.00
PNC Raffle Acct	\$4,395.00	\$4,395.00	\$0.00	\$3,785.00	\$610.00
Total Savings	\$32,525.14	\$32,524.98	\$0.16	\$37,753.55	-\$5,228.41
DAPL Pending Checks	Amount				
#1087 - PetroNerds, LLC, DLI Speaker Fee (Re-Issued)	\$1,500.00				
#1088 - Tabatha R., Jan-May Phone/Internet	\$1,000.00				
Total Pending DAPL Checks	\$2,500.00				

Education Committee - Reported by Crosby Garrison:

Luncheon next month which speakers are lined up for.

February luncheon speakers are in the works.

Contract has been signed with the University Club for Jan-May 2024.

President's Report - Reported by Gil Guethlein:

Energy Industry Happy hour is looking for a fiscal agent. Board reviewing this opportunity. Any revenue generated the DAPL can claim.

It is corporate sponsor season. Lathrop has already committed for a double platinum sponsorship. Please reach out to any contacts at this time and let the connections know we will be seeking additional sponsorship soon.

James Hubert has volunteered to help with Ski Day and will be reaching out to Ed to touch base on planning.

John L Hunt Mentoring Program – Reported by Janet Rost

Janet, Hannah, and Scott are meeting next month to begin planning and bring together new ideas to increase involvement.

AAPL Chair – Tyler Aylor

First meeting for the AAPL philanthropy task force has begun to reach out to local organizations to see their feedback on this idea.

AAPL would like to be more involved and charitable to local organizations as opposed to the overall NAPE approach.

AAPL lifetime membership is nearing expiration. If you would like to apply for a lifetime AAPL membership, please do so before December 31st. DAPL will send out a structured email to send out to local members so that they are aware of this timeline.

Policy was updated and voted on by directors. Bylaws are complete and will be going through membership approvals.

Next AAPL Annual meeting will be in Boston in June and the following year will be in Kansas City in 2025. Salt Lake City is up for discussion for 2026.

Continued on next page

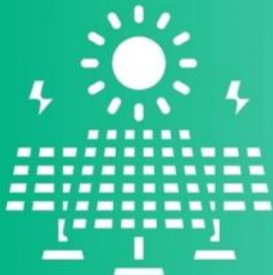
Golf Tournament – Reported by Teale Stone

July 19th has been confirmed for the DAPL golf tournament,

Trap Shoot – Reported by Clint Goos

August 23rd has been confirmed

Pres. Gil Guethlein adjourned the meeting at 11:54 PM MST 12.13.23



*Energy Outreach Colorado presents
the 8th Annual*

ENERGY INDUSTRY HAPPY HOUR

Network, enjoy drinks and snacks, participate
in games and activities, and more!

Tuesday, April 23rd

4:30-7:00 PM

Forte Denver

1660 Lincoln St Suite 150

Tickets at bit.ly/energyhh

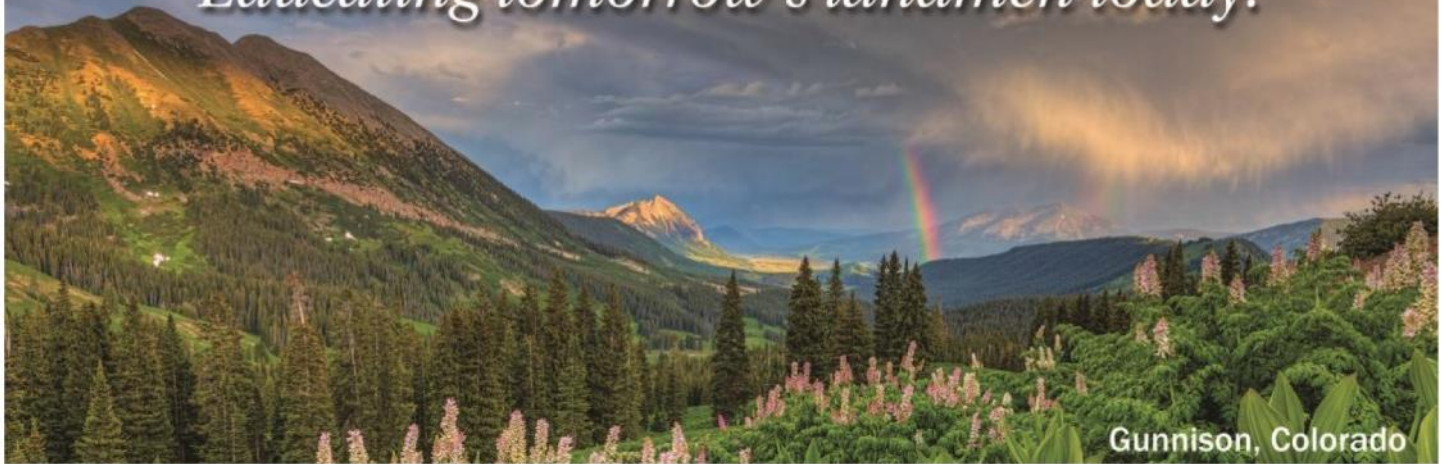
*Your ticket includes a drink ticket, appetizers,
and an opportunity to win prizes!*



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<u>Size</u>	<u>Dimension (W x H)</u>	<u>1 Time Ea.</u>	<u>10 Times Ea.</u>
Business Cards	2 1/2 x 1	\$ 25.00	\$ 20.00
1/4 Column	2 3/8 x 2 1/4	\$ 40.00	\$ 36.00
1/2 Column	2 3/8 x 4 1/2	\$ 65.00	\$ 58.50
1/3 Page	2 3/8 x 9 or 4 3/4 x 4 1/2	\$140.00	\$126.00
1/2 Page	7 1/2 x 4 1/2	\$195.00	\$175.50
Double Column	4 3/4 x 9 1/2	\$235.00	\$211.50
Full Page	7 1/2 x 9 1/2	\$390.00	\$351.00

Contact : DAPL Office (303) 446-2253

2022-2023 DAPL OFFICERS, DIRECTORS AND STANDING COMMITTEE CHAIRS

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Vice President -
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