

Denver Association of Petroleum Landmen

Education & Networking Committee Joint Event

April 21, 2021, 4:30 PM - 6:30 PM @ University Club of Denver

Hosted Bar and Limited Menu

Free For Members/\$75 For Non-Members

Registration Limited to 75-People

Hurdles to Net-Zero Carbon Emissions

Analysis of Clean Energy Objectives

By Douglas C. Sandridge

During the past decade, many States and local governments have adopted very ambitious Renewable Portfolio Standards requiring progressively higher amounts of renewable energy to be used in the generation of electricity. Environmental groups and concerned citizens continue to push for the use of even greater amounts of renewable energy in the quest for “Net-Zero” Carbon Emissions. While these ambitious efforts are often made by people, legislatures and organizations with their hearts in the right place, they are almost always made without a sophisticated understanding of the scale and scope of the complex energy industry. Far too little attention has been focused on exactly what it will take to achieve the goal of Net-Zero Carbon Emissions and whether or not it will actually be possible to attain these goals whilst using only renewable energy.

Doug Sandridge’s presentation **Hurdles to “Net-Zero” Carbon Emissions** endeavors to analyze the technological, political and socio-economic issues which will impact our ability to attain Net-Zero Carbon Emissions through the use of renewable energy. The presentation identifies seven formidable hurdles, all of which must be overcome in order to attain Net-Zero Carbon Emissions. For those committed to attainment of Net-Zero Carbon Emissions, this presentation helps to quantify the magnitude of the hurdles and seeks to create a practical roadmap which identifies the priorities and practical path forward towards a lower carbon economy.

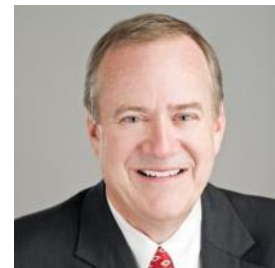
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DAPL



This event will be offered for both in person and a pre-recorded webinar. The in person event is limited to 75 attendees.

Registration options can be found on the [DAPL website](http://www.dapldenver.org).

The monthly education event will return to the normal time (3rd Wednesday, 11:30-1pm) in May



The Denver Association of Petroleum Landmen

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 Denver, CO 80202
 Telephone: (303) 446-2253
 Fax: (303) 595-9701
 E-Mail: dapl@dapldenver.org
 Web Site: www.dapldenver.org

Office Hours

9:00 am - 2:00 pm
 Monday through Thursday

The Denver Association of Petroleum 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 Petroleum Landmen.

Tabatha Reed

DAPL Office Administrator
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Column Coordinators:

AAPL

Education **Bresee Carlson**
Crosby Garrison

Minutes **David Connolly**

Legal **Malinda Morain**

Community
 Service Spotlight **Matt Hoppe**

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.

Officers Forum Immediate Past President

Dear Fellow Members,

This is my last officer's forum. A lot has happened since my term as 1st VP three years ago. In that small timeframe, we've literally experienced boom and bust.

However, a recovery seems to be at hand. COVID-19 cases are down, and vaccines are becoming readily available for most of the population. As such, the world is starting to move again. This return to normalcy has been reflected in recovering oil prices, rig counts, and land work.

Constant change appears to be the only constant in today's energy business environment.

For the DAPL, embracing that change, has been a key part of our success. I am proud of what the board and committees have accomplished to keep our organization strong during times of financial stress, and periods of time when physical gatherings were literally outlawed.

I encourage you, as members, to embrace the change that is happening in our industry as well. One of the ways to stay abreast of change, and even capitalize on it, is to focus on learning new skills and strengthening your relationships within the industry. I think our organization can help on both fronts.

I hope to see you at our "in-person" events this year!

Thank you for giving me the chance to serve the organization.

Best,

Ed Higuera

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2021 DAPL Calendar of Events

April 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 Ski Day	3
4	5	6	7	8	9 2021/22 Board Ballots Due	10
11	12	13	14 Board Meeting	15 Education Committee Meeting	16	17
18	19	20	21 Education + Happy Hour	22	23 Bill Goodin Scholarship Applications Due	24
25	26	27	28	29	30	

April

2nd-2021 Ski Day - *THANK YOU TO OUR AMAZING SPONSORS AND ATTENDEES!!*

9th-2021-2022 Executive Board Ballots due

14th-Board Meeting

15th-Education Committee Meeting

21st-Education + Happy Hour - *see page 1 for more information*

23rd-Bill Goodin Scholarship Applications due, *see pages 13-17 for more information*

May

12th-Board Meeting

13th-Education Committee Meeting

19th-Luncheon—Webinar

May 2021

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



Field Landman Question of the Month

A DAPL Member has asked: Is a “dresser drawer deed” valid? For example, if a land team finds a decades-old, unrecorded deed among an owner’s files, would that deed be valid if recorded today?

A ‘dresser drawer’ or ‘pocket’ deed *could* be valid as between grantor and grantee, regardless of when (or whether) it is recorded. However, the deed’s validity – and, once recorded, the deed’s effect on marketable title to the property conveyed – will depend on certain facts surrounding the deed’s creation, and how record title may have changed hands since that time.

Generally speaking, a ‘dresser drawer’ deed is one that has been properly executed by the grantor(s), but then held by some party for an extended time rather than being submitted for immediate recording. The failure to record the deed could have been accidental; or, the deed could have been intentionally held in attempts by the grantor to retain full ownership until death while also keeping the property out of grantor’s eventual probate. For example, a parent could execute a deed to their children with the understanding that the deed would not be effective and/or recorded until after the grantor’s death.

When assessing the effectiveness of these types of deeds, we need to consider two main questions: (1) was the deed valid at the time of execution, and if so, (2) could any party other than the deed grantee have a potential, competing claim to the property?

(1) Deed Validity. Traditional property law concepts require certain elements be present for a valid conveyance of real property. Namely, we must find a written instrument that identifies the parties, properties and consideration involved, that contains sufficiently clear language of the grantor’s intent to convey an interest to the grantee, which is evidenced by the grantor’s signature. Further, for a deed to be valid, it must be delivered by the grantor and accepted by the grantee. Depending on the facts available, these entwined elements of delivery and acceptance can get tricky when dealing with “pocket deeds.”

Across states, courts don’t often see challenges to valid deed delivery, and when they do, decisions can vary widely as to what constitutes sufficient delivery and acceptance. In a simple world, every grantor would ‘deliver’ a deed by simply turning the deed over to the grantee, and the grantee would ‘accept’ by taking physical possession of the written instrument. That transfer of possession, however, may not be required if there is other evidence of the parties’ intent to pass title from grantor to grantee by that deed. Accordingly, when you encounter a “pocket deed” among old files still in the grantor’s possession, there may be legitimate concerns as to whether the deed was actually delivered and accepted. If delivery of the deed was not adequately accomplished, the deed would not constitute a valid conveyance (even as between grantor and grantee).

(2) Title History to Property Conveyed. If the “pocket deed” was a valid conveyance from grantor and grantee, you would then need to assess the state of record title to understand the broader

Field Landman Question of the Month cont'd.

impact of recording the deed today. While a valid unrecorded deed may remain valid and enforceable as between grantor and grantee, it is important to remember that doesn't necessarily mean the grantee has a superior claim to the property.

For example, an heir of the "pocket deed" grantor could argue that the property should have passed through the grantor's probate estate. Or perhaps there was a subsequent, bona fide purchaser of the property, without notice of the "pocket deed," who therefore may not be subject to it. Similarly, the "pocket deed" grantee could have its claim frustrated by a state's marketable title act or related statutes. In short, by failing to record the "pocket deed" for such a long time, the grantee may no longer have a successful claim of title to the property, notwithstanding the fact that the "pocket deed" appears otherwise "valid."

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

Contact : DAPL Office (303) 446-2253

DAPL February Board Meeting Minutes

February 10, 2021

In attendance: Tyler Aylor, Tabatha Reed, David Connolly, Jason Rayburn, Alex Campbell, Ed Higuera (XXX-XXX-7261), Crosby Garrison, Gil Guethlein, Jeff Silver (XXX-XXX-1232), Shelly Albrecht, Courtney Ahuja, Ed Doka

Pres. Tyler Aylor called the meeting to order at 11:36 AM MT

Approval of Minutes. Gil motioned to approve. Jason seconded. APPROVED.

Membership. Reported by Jeff. David motioned to approve. Jason seconded. APPROVED.

MEMBER NAME	COMPANY	ACTIVE	ASSOCIATE	STUDENT	AAPL	SPONSOR	OFFICE PHONE	E-MAIL
Daniel Olson	Transcontinent Oil Company	X			No	Pam Cortese	303-298-8108	dolson@tcolandservices.com
Alexander Lindeke	Lindeke Land Services, LLC	X			No	Jeff Silver	303-587--250	ajlindeke@gmail.com
Brian Kuhn	Antero Resoures Corporation	X			Yes	Jeff Silver	303-357-7316	bkuhn@anteroresources.com

Total Number of Members:	1304
Current for 2020/21(+) Year:	569
2020/21 3-Year Renewals:	45

Tyler. Need to brainstorm a game plan for generating new members and renewals.

President's Report. Reported by Tyler.

DAPL Name Change. From "Petroleum" to "Professional". Rollout to active members via email over 3-month timeline:

- Month 1: Comment period – *This period is now complete; vast majority of comments were in favor*
- Month 2: Comments posted for review with option to remain anonymous
- Month 3: Actual Vote

Alex. This proposal was not well received 25 years ago.

Expanding the Definition of Land Work. Should the bylaws be modified to broaden the definition of "Landman" to be more inclusive of wind, solar, and energy work in general? AAPL has already broadened their definition. An email will be sent out to the Board to kick off this discussion. Majority of Board in favor of including this with the name change vote.

Corporate Sponsor Event. Reported by Gil. Jan 14. Virtual wine tasting. *Event was well received and inspired one company to sign up/renew as a Corporate Sponsor.*

[Cont'd Next Page]

Treasurers Report. Reported by Tyler.

Account Name	1 Month Difference		Last Year Balances		1 Year Difference	
	Feb 2021 Balance	Jan 2021 Balance	Feb 2020 Balance		Feb 2021 vs Feb 2020	
Compass Checking	\$ 229,592.94	\$ 211,613.75	\$ 197,740.95	\$		31,851.99
Savings/Money Market	\$ 83,413.31	\$ 83,408.03	\$ 83,348.27	\$		65.04
TOTAL Checking/Savings	\$ 313,006.25	\$ 295,021.78	\$ 281,089.22	\$		31,917.03
Compass Bill Goodin	\$8,716.99	\$8,716.92	\$7,446.73			\$1,270.26
Compass Cappy Ricks	\$12,479.85	\$12,479.75	\$12,475.36	\$		4.49
Compass DAPL Scholarship	\$8,206.99	\$8,206.99	\$13,006.99	\$		(4,800.00)
Compass Raffle Acct	\$2,215.00	\$2,215.00	\$3,685.00	\$		(1,470.00)
TOTAL SAVINGS	\$ 31,618.83	\$ 31,618.66	\$ 36,614.08	\$		(4,995.25)
*We have received \$40,000 of the \$45,000 pledged for 2021 sponsors.						
DAPL Pending Checks						
#2752 - \$100.00 – State of CO Supreme Court, January 2020 CLE Application						
		\$	100.00			
	Total:	\$	100.00			
Scholarship Fund Pending Checks (Regular Checking)						
		\$	-			
		\$	-			
		\$	-			
		\$	-			
Scholarship Fund Pending Checks (Raffle Checking)						
		\$	-			
		\$	-			
		\$	-			
		\$	-			
		\$	-			

Tyler – Would like to model the DAPL's investment strategy after the AAPL. Would like to have enough funds to stay afloat for ≈5 years.

Education Committee. Reported by Crosby.

- Luncheons
 - Feb 17 Luncheon – Topic: *Asset Valuation*. Speaker: David Ramsden-Wood
 - March Luncheon – Topic: *COGCC Changes*. Speaker: Jill Fulcher from Beatty & Wozniak
 - April Luncheon is also confirmed
- David – let's brainstorm another happy hour/education event like we had with Doug Sandridge for the March/April timeframe

Ski Day. Reported by Courtney. April 2 @ Beaver Creek. No buses. There will be an outdoor event afterwards @ Benderz from 2:30 – 5:00 PM. Hopeful to get a similar number of sponsorship funds. People need to make their own individual reservations. Tyler – expenses will be lower this year. When should Tabatha reach out to Corporate Sponsors for lift ticket needs? ASAP. Ed Doka – request is already in to purchase 35 day passes.

Pres. Tyler Aylor adjourned the meeting at 12:06 PM MT

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From a Legal Perspective

Federal lease suspensions

The Mineral Leasing Act “(MLA”) and its implementing regulations provide a mechanism for relieving a lessee from operating and producing requirements when circumstances are beyond the lessee’s control – a suspension. The two different types of suspensions for federal leases: (1) a suspension of operations **and** production, and (2) a suspension of only operations **or** only production. The criteria for the types of suspensions are different, as are the rental and royalty obligations.

A suspension of operations and production is usually granted in the interest of conservation and is also known as a Section 39 suspension because it is codified in Section 39 of the MLA. Section 39 suspensions are intended “to provide extraordinary relief when lessees are denied beneficial use of their leases.” (Solicitor’s Opinion M-36953, “Oil & Gas Lease Suspension,” 92 Interior Dec. 293, 298–99 (May 31, 1985)). Beneficial activity on the lease is not allowed during a Section 39 suspension. Therefore, activities such as road construction, site preparation, well repair, drilling, or similar activities will result in the termination of the suspension. However, casual uses, such as surveying and staking, routine maintenance to prevent damage to wells, or seismic exploration, are still allowed. Rentals and minimum royalty obligations are suspended when the lease is suspended under Section 39. Additionally, a suspension tolls the running of the federal lease term, and the term will be extended by the length of the suspension.

The second type of suspension, a suspension of operations only or a suspension of production only, is granted when a lessee is prevented from operating on or producing from the lease despite the exercise of due care and diligence. Usually, the circumstances are beyond the lessee’s control, such as force majeure. 43 C.F.R. § 3103.4-4(a). Force majeure under this provision includes strikes, acts of God, extraordinary weather conditions that are not reasonably expected or are more severe for the location and time of year, and unforeseeable administrative delay that would not qualify the lease for a Section 39 suspension in the interest of conservation. This type of suspension is also known as a Section 17 suspension (Section 17 of the MLA). Unlike Section 39 suspensions, the BLM may only grant a Section 17 suspension when operations on the lease have commenced, and production has been obtained. *Savoy Energy, L.P.*, 178 IBLA 313, 325 (2010); *Paco Prod. Co.*, 145 IBLA 327 (1998). The MLA provides that no lease shall be deemed to expire during a suspension of either operations or production. Although there was uncertainty as to whether a Section 17 suspension tolls the running of the lease term, such tolling was affirmed as the congressional intent in a Solicitor’s opinion. Solicitor’s Opinion, “Oil & Gas Lease Suspensions,” 92 Interior Dec. 293, 298-99 (May 31, 1985). Unlike Section 39 suspensions, Section 17 suspensions do not provide any suspension of payments of rentals.

Examples of circumstances that do not normally warrant suspensions include incomplete or untimely submitted applications for permit to drill; corporate merger of the lessee; bankruptcy of the lessee; the lessee fails to obtain a drilling rig when rigs are available in the open market; spacing exceptions applied for untimely; and severe weather conditions that are reasonably expected for the location and time of year.

As to both Section 39 and Section 17 suspensions, the suspension applies to the entire leasehold, not just a portion. The application for a suspension must be executed by all record title owners or the unit operator of an approved federal lease. Applications must be filed in triplicate prior to the lease expiration date, and the applicant must submit documentation supporting the suspension request.

If granted, suspensions are generally effective the first day of the month in which the application is filed. The term of a suspension is typically indefinite, with the authorized officer monitoring the suspension

From a Legal Perspective cont'd.

on a regular basis to determine if conditions are still in existence. A suspension will terminate automatically if operations or production is resumed, on the first day of the month in which the lessee is notified in writing of a decision not to approve the APD, or on the first date of the month in which actual operations are commenced after the APD is approved.

When seeking a suspension from the BLM, it is critical that the correct type of suspension is requested because of the implications on the rentals and minimum royalty obligations. The BLM Manual states that the major distinction between the two suspensions should be based on a judicious determination as to whether the hardship is generated by the BLM's action or need for the conservation of natural resources rather than circumstances simply beyond the control of the lessee.

Estee A. Sanchez, Esq.
Beatty & Wozniak, P.C.
esanchez@bwenergylaw.com



**DAPL Scholarship Fund, Inc.
2021 Application
Bill Goodin Scholarship**

Applicant's Name:

(Last) (First) (MI)

Applicant's Address:

Applicant's Telephone:

_____ (Personal)

_____ (Work)

Applicant's E-mail:

Schools Attended

(List in chronological order all of the schools you have attended. Attach a separate page if necessary.)

Name/Location of Institution	Dates Attended	Hours Completed/GPA	Date of Graduation

Current Classification:

Cumulative curriculum credit hours attained:

Anticipated Graduation Date:

Curriculum credit hours taken last semester:

Cumulative GPA:

Last Semester GPA:

Have you ever received disciplinary action or suspension?

Yes

No

Have you ever been placed on academic probation or suspension?

Yes

No

General Evaluation Questions

1. How did you become interested in pursuing a career related to the petroleum or energy industry?

2. List all active memberships you hold in any local, state, or national professional or student organizations; also note any office held while a member of such organization.

Name of Organization	Position or Office Held

3. What professional goals do you plan to attain in the next five years?

4. What plans do you have to advance in your major field after graduation? (i.e., Do you plan to continue your education in another or a related field, or will you enter the land/energy management profession?)

5. Have you been employed in the land/energy management profession or in a field related to oil, gas, minerals or energy? If so, please describe your role and responsibilities.

6. Are you employed at this time? If so, please provide the name of your employer, the number of hours you work per week, and describe briefly your role and responsibilities.

Name of Employer: _____ Hours Worked per Week: _____

7. How have you financed your education to this point? How do you plan to finance the remainder of your education? Please list all scholarships you have been awarded, including the amounts and term of each award.

8. Please state the reasons for your interest in pursuing a college internship or post-graduate employment in the land/energy management profession (or related field) in the Rocky Mountain region. If your interest is focused in a geographic region other than the Rocky Mountains, please explain your interest in that region.

9. What makes you the ideal candidate for the Bill Goodin Scholarship?

Should you be awarded the Bill Goodin Scholarship, the DAPL Scholarship Fund, Inc. will require an official transcript from each college or university listed herein.

I, the undersigned, understand that the information provided herein shall be held confidential by the Denver Association of Petroleum Landmen and the DAPL Scholarship Fund, Inc., and certify that all information contained herein is true and correct.

Signature of Applicant

Printed Name of Applicant

TO BE CONSIDERED FOR A FUTURE LAND/ENERGY MANAGEMENT INTERNSHIP IN THE ROCKY MOUNTAIN REGION, PLEASE ATTACH A CURRENT RESUME TO THIS APPLICATION.

The completed application must be postmarked or received by email by April 23, 2021.

Mail to:

Denver Association of Petroleum Landmen
910 16th Street, Suite 223
Denver, Colorado 80202
O: (303) 446-2253
F: (303) 595-9701
E: dapl@dapldenver.org

You may contact the following individual for further assistance and information:

Sarai Martinez, DAPL Scholarship Co-Chairman
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Michelle Meyer, DAPL Scholarship Co-Chairman
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Being filled by Executive Board Members until filled in June 2021

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AAPL Certification -

Being filled by Executive Board Members until filled in June 2021

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