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Split estate law will help Wyo

The passage of Senate File 60, the split estate bill, is a huge step forward for the state's minerals developers and surface landowners.

In Wyoming, nearly half of all private land falls in the split estate category. The surface rights are owned by one party, while another party owns the mineral rights.

As a result, split estate conflicts have been common in the state for much of its modern history. And because mineral rights holders have primacy over surface rights holders, oil and gas companies and mining companies have held the upper hand in such disputes.

Those companies have routinely entered into voluntary agreements with surface owners to compensate for damages to the surface and to coordinate drilling activities.

In most cases, industry and landowners cooperated, working together toward a mutual benefit. But in some cases, landowners were left with depleted water resources, rutted roads, scarred landscapes and little or no payment to show for it.

Until now, cooperative agreements weren't required, and no standards existed for notification, negotiation, damages or mediation.

Under the new law, a mineral producer must give the surface owner 30 days notice before operations can begin. Both the mineral owners and surface owners must negotiate in good faith to reach a fair agreement. Fair damages must be paid to the surface owner, and if negotiations fall through, the parties have to participate in arbitration.

The fact that Senate File 60 passed with so little controversy this year is a testament to the years of hard work that preceded its introduction.

It's a recognition of the importance of minerals development in the state, and the importance of property rights, too. Unlike efforts to pass similar legislation in other states, Wyoming's minerals industry entered into the process of developing this bill as a partner, not as an adversary.

Where there once were assurances of cooperation, now there's a promise.

They, as well as the landowners groups and bipartisan lawmakers who helped craft this measure, have done a good thing for the state.

This law won't eliminate all split estate conflicts, and it may not even apply to split estates involving federal minerals.

It is proof, however, that people who cooperate and compromise can find between the surface and the minerals below something called common ground.