



PLANO

Professional Landmen's Association of New Orleans

OCTOBER, 2003

www.planoweb.org

PLANO BULLETIN #021

PLANO EVENTS

- Oct. 16 PLANO Icebreaker, Hotel Monteleone
- Oct. 20 PLANO Fall Golf Outing, Money Hill, Abita Springs, LA
- Nov. 11 PLANO/API Joint Luncheon, Fairmont Hotel
- Dec. 9 PLANO Luncheon, Galatoire's Restaurant
- Dec. 10 PLANO Christmas Social, Omni Royal Orleans
- Jan. 12 PLANO Luncheon - Muriel's Jackson Square
- Feb. 19 PLANO Seminar (1/2 day) - N.O. Hilton Riverside
- Feb. 19 PLANO Executive Night - N.O. Hilton Riverside
- Feb. 19 PLANO Sponsor Party - Royal Sonesta Hotel

OTHER ACTIVITIES

- Oct. 16 HAPL Annual Executive Night, Hyatt
- Oct. 16-17 AAPL/PLANO Gulf Coast Land Institute, New Orleans, LA
- Oct. 17 Joint AAPL/PLANO Luncheon, Hotel Monteleone
- Dec. 10 MMS OCS Lease Sale 189 Eastern GOM
- Feb. 5 NAPE, Houston, TX
- Feb. 6 NAPE, Houston, TX

PLANO LUNCHEON – FRIDAY, OCTOBER 17, 2003, 11:30 A.M.

**HOTEL MONTELEONE, RIVERVIEW ROOM
NEW ORLEANS, LA**

SPEAKER: MICHAEL K. ("MIKE") GRIMM, RISING STAR ENERGY, L.L.C.

Michael K. ("Mike") Grimm is President and CEO of Rising Star Energy, L.L.C., Dallas, TX, and one of its original founders in 1995. Prior to the formation of Rising Star, Mr. Grimm was Vice President of Worldwide Exploration and Land for Placid Oil Company from 1990-1994. Prior to joining Placid Oil Company, he was employed by Amoco Production Company for thirteen years, where he held numerous positions throughout the exploration department in Houston, New Orleans and Chicago.

Mr. Grimm has been an active member of the Independent Petroleum Association of America and the American Association of Professional Landmen. While working for

these two organizations, Mr. Grimm was on the founding committee for the North American Prospect Expo ("NAPE"), and served as the Chairman of this successful event in 1995 and 1998. He was the Chief Hard Hatter for the Dallas Hard Hatters Association in 1997-1998, Past Chairman of the Dallas Wildcat Committee, Past President of the Dallas Petroleum Club and member of the Fort Worth Wildcatters.

Mr. Grimm earned his BBA Degree from the University of Texas at Austin in 1977.

The topic of his speech is, "The Grimm Outlook on Exploration Trends."

AAPL will grant a 1.0 hour CPL/RLP credit to those who attend this event.

MESSAGE FROM THE PLANO PRESIDENT 2003-2004



Our new 2003-2004 PLANO term is now underway. We began with an enjoyable and informative September luncheon at Muriel's featuring Mr. Arnold Fielkow, Executive Vice President of the New Orleans Saints. Many thanks to Jan van Loon for securing a timely and interesting speaker. Our next luncheon will be a joint luncheon with AAPL October 17 during the second day of the Gulf Coast Land Institute (October 16 & 17) hosted by PLANO at the Hotel Monteleone. Mike Grimm, President of Rising Star Energy, L.L.C., and a former PLANO member, will present his insights on "The Grimm Outlook on Exploration Trends." We encourage you to attend the Institute, an outstanding educational activity featuring many eminent participants. Our Fall Icebreaker, held in conjunction with the AAPL Gulf Coast Institute, will be on the roof of the Hotel Monteleone on Thursday, October 16.



Right on the heels of the Institute is our famous annual Fall Golf Tournament at Money Hill in Abita Springs. Please make plans to participate in this fine event. We anticipate a crisp Fall day with plenty of food, fun and fellowship. I hear the prizes aren't bad either. As usual, Rob Schroeder and Bill Johnson will be monitoring the Hole in One and Closest to the Pin competition.

Tuesday, November 11th (Veterans Day), PLANO will join other local oil and gas societies at the Fairmont for our monthly luncheon. Vince Cottone of ChevronTexaco and Chairman of Gulf Safety Committee, will speak on Maritime Safety issues.

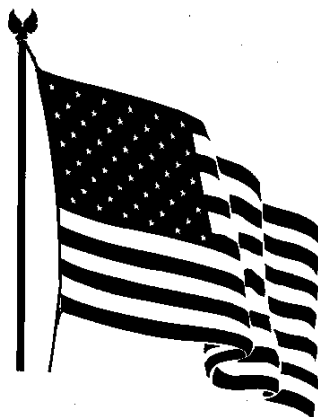
Sponsorship solicitation letters are now out and feature a new premium "Platinum" level which offers a fantastic package of benefits. We encourage you to "trade-up" to a higher level, or to join this elite group at any level of sponsorship. All sponsors enjoy benefits and especially, the Bourbon Street Balcony following Executive Night.

PLANO has again made a contribution to Second Harvesters Food Bank. Please be assured that our funds will be put to good use.

Please keep in mind our Annual Toys for Tots drive in December, a very worthwhile cause. We will collect gifts at our monthly luncheon meeting at Galatoire's on December 9, 2003.

Finally, we are working on plans for Executive Night and our spring schedule, including our Spring Garden De'Lights. Stay tuned for details.

Frank D. Barber, III, PLANO President



PLANO 2003-2004 OFFICERS & DIRECTORS

President — Frank D. Barber, III

Taylor Energy Company504-589-0450

Vice President — Jan T. van Loon

Oats & Hudson504-527-0960

Secretary — Jo Ann Anderson

Harold J. Anderson, Inc.504-276-5858

Treasurer — J. Patrick Morris, Jr.

Liskow & Lewis504-556-4191

Director — Andrew M. Adams

Gieger, Laborde & Laperouse, L.L.C.504-561-0400

Director — Anne D. Bailey

ChevronTexaco504-592-6711

Director — Lawrence P. “Larry” Beron

Independent504-833-2115

Director — David V. Dufour

Dominion Exploration & Production, Inc.504-593-7164

Director — William A. (“Bill”) Gordon

Shell Exploration & Production Company504-728-6702

Director — Scott A. O’Connor

Gordon, Arata, McCollam, Duplantis & Eagan, L.L.P. . .504-569-1860

Director — William B. Raley

Cimarex Energy Co.504-586-1818

Director — Carl F. Southern

ExxonMobil Production Company(713) 656-3636

AAPL Director — Wm. David Briggs

Legacy Resources Co., L.P.985-674-4443

Immediate Past Pres. — Wm. David Briggs

Legacy Resources Co., L.P.985-674-4443

PLANO Auxiliary President — Jo Ann Anderson

Harold J. Anderson, Inc.504-276-5858

PLANO Administrator & Newsletter Editor

Margo Cameron

Dominion Exploration & Production, Inc.504-593-7560

THIS YEAR’S PLANO SOCIAL EVENTS *Submitted by: Larry Beron, PLANO’s Social Director*

Your PLANO Board is working to deliver an active calendar of social events for the upcoming year, some that are brand new, along with some old favorites, so I’d like to preview them for you with this article so everyone can know what to expect and plan for.

First up on the schedule will be the annual **Fall Ice-Breaker** event at the Monteleone Hotel on the 16th of October, following the first day of the AAPL Gulf Coast Institute. Please make plans now to attend, even if you can’t attend the Institute.

We are in discussions with the **New Orleans Hornets** to see if we can arrange a group package for PLANO members to attend one of their regular season games. The date of the game, if we can make a deal, will be announced later.

Also in the planning stages is a **wine tasting** event, which is also still being developed. We are trying to select time in the weeks leading up to Thanksgiving to try and assist you with your Thanksgiving dinner selections.

In December we’ll have our annual **Christmas Social** on December 10th, but this year we’ll be at the Omni Royal Orleans Hotel, Royal at St. Louis Streets, New Orleans, LA.

We’re still looking at the date, but we will have another **Zephyrs Night**, sometime in April of next year.

And last but not least, we’re also looking for a date for next year’s **Spring Gardens De’Lights** at City Park. It will be in April or May, 2004.

We hope to see everyone at our social events. They’re a great way to enjoy some non-work time with old friends and meet new ones, too. Make your plans now, mark your calendars, and keep watching the newsletters for more dates and information as plans are confirmed.

Fall Ice-Breaker

October 16th — The Monteleone

Wine Tasting

Tentative — TBA

Hornets Nights

Tentative — TBA

Christmas Party

December 10th — The Omni Royal Orleans

Zephyrs Night

TBA

Spring Gardens Delight

TBA

PLANO 2003-2004 COMMITTEE CHAIRMEN

Awards Committee

Wm. David Briggs, Chairman Legacy Resources Co., L.P.
David V. Dufour Dominion Expl. & Prod., Inc.

Directory/Newsletter/ Publication Committee

Margaret "Margo" Cameron,
Chairman Dominion Expl. & Prod., Inc.

Education Committee

Jan T. van Loon, Chairman Oats & Hudson
Scott A. O'Connor Gordon, Arata Law Firm, L.L.P.

Ethics Committee

Anthony C. Marino,
Chairman Schully, Roberts, Slattery, Jaubert & Marino

Executive Night/ Luncheon Speakers

Jan T. van Loon, Chairman Oats & Hudson

Forms Committee

Carl R. Rewerts, Chairman ChevronTexaco Corporation

Golf Committee

William L. "Bill" Johnson, Jr., Chairman Independent
Robert A. Schroeder Independent

History of PLANO

Janet H. Aschaffenburg,
Chairman Gieger, Laborde, Laperouse, L.L.C.
Edmund L. "Ed" DeWailly C.H. Fenstermaker & Assoc., Inc.

Industry Affairs/Legislative

Andrew M. Adams,
Chairman Gieger, Laborde & Laperouse, L.L.C.

Information Technology

Benjamin J. Waring, Chairman Waring & Associates Corp.

Ladies Auxiliary

JoAnn Anderson, Chairman Harold J. Anderson, Inc.

Membership Committee/ Certification/CPL

William A. Gordon, Chairman Shell Expl. & Prod. Company

Membership Dues

Margaret "Margo" Cameron,
Chairman Dominion Expl. & Prod., Inc.

Nominating Committee

Frank D. Barber, III, Chairman Taylor Energy Company
Wm. David Briggs Legacy Resources co., L.P.
Michael A. Ackal, Jr. Dominion Expl. & Prod., Inc.
Lawrence P. "Larry" Beron Independent

OCS/Public Lands

J. Keith Couvillion, Chairman ChevronTexaco Corporation

PLANO Sponsor Program

Harold J. Anderson, Chairman Harold J. Anderson, Inc.
Keith D. Howell ChevronTexaco Corporation
Margaret "Margo" Cameron Dominion Expl. & Prod., Inc.

PLANO Web Page

Andrew M. Adams,
Chairman Gieger, Laborde & Laperouse, L.L.C.
Benjamin J. Waring Waring & Associates Corp.

Public Relations

Anne D. Bailey, Chairman ChevronTexaco Corporation
William B. Raley Cimarex Energy Co.

Scholarship Committee

Michael A. "Mitch" Ackal, Jr.,
Chairman Dominion Expl. & Prod., Inc.
Charles E. Arnold ExxonMobil Production Company
Jan T. van Loon Oats & Hudson
Keith D. Howell ChevronTexaco Corporation

Social Committee

Lawrence P. "Larry" Beron, Chairman Independent
J. Patrick Morris, Jr. Liskow & Lewis
Warren P. Miguez Taylor Energy Company

Spring Garden De'Lights

Jo Ann Anderson, Chairman Harold J. Anderson, Inc.
Margaret "Margo" Cameron Dominion Expl. & Prod., Inc.

Tax Returns

Robert J. "Bob" Martin, Chairman Watson Energy, L.L.C.

Tennis

Edward C. Amrock, Chairman Denbury Resources Inc.

A LOOK BACK IN TIME

October 20, 1973
OPEC oil embargo begins.
October 11, 1990
Oil hits record \$40.42 per barrel.

THOUGHT FOR THE DAY

*Submitted by the
PLANO Newsletter Editor*
*Earn your success based on service to others,
not at the expense of others.*



Acadia Land Services, L.L.C.
 Heymann Oil Center
 3821 Frantz Street, Baton Rouge, LA 70802
 Post Office Box 22318
 Lafayette, LA 70506-2219

Lease Acquisitions • Oil and Gas Permits • Abandonment of Wells • Mapping

Robert Todd Fontenot
 James L. (Jim) Love

Phone: 337.287.0099
 FAX: 337.283.2020
 E-mail: info@acadialand.com



JAMES A. THOMAS, CPL
RUSSELL E. THOMAS, CPL

SUNCOAST LAND SERVICES, Inc.

Member AAPL, HAPL, PLANO, WHAPL, LAPL and IRWA

Lafayette, Louisiana (337) 232-1627
 Kingwood, Texas (281) 548-00990
 jamesa@cox-interact.com • russellt@cox-internet.com



& ASSOCIATES, INC.

LA FAYETTE OFFICE
 1720 KALISTE SALOOM RD
 SUITE D-9
 LA FAYETTE LA 70508
 337.989.7200
 337.989.7279 FAX

GRETNA OFFICE
 317 HUEY P LONG AVE
 GRETNA LA 700XX
 504.366.8753
 504.366.5093 FAX

mkm7200@aol.com



**Dominion
 Exploration &
 Production, Inc.**

Offshore Business Unit

1450 Poydras Street
 New Orleans, LA 70112
 504-593-7000

Kevin P. Guilbeau
 Sr. Vice President
 & General Manager
 Offshore

Michael A. (Mitch) Ackal, Jr.
 General Manager,
 Land/Business
 Development

Charley J. Corona
 General Manager,
 Louisiana Exploration

www.dom.com

Houston / New Orleans
 Oklahoma City / Calgary



Jones Walker's Energy Practice represents U.S. and international clients in energy related matters involving counseling, transactions, regulatory and litigation - large or small, single or complex in a practical and economical manner.

Jones Walker's energy clients include:

- major producers
- independent producers
- pipeline companies
- oil field service companies
- landowners
- financial institutions

Jones Walker is the largest law firm in Louisiana with 220 lawyers comprising over 30 practice areas ready to meet the ever changing needs and evolving challenges of clients in the new global economy.

JONES, WALKER, WAECHTER, POITEVENT, CARRERE & DENEGRE, L.L.P.

BATON ROUGE • HOUSTON • LA FAYETTE • MIAMI • NEW ORLEANS • WASHINGTON, D.C.

500 Dover Blvd., Suite 120, Lafayette, Louisiana 70503-5269
 Telephone: (337) 406-5610 Fax: (337) 406-5620
 Email: tmcguire@oneswalker.com
www.joneswalker.com

OCS UPDATE

50 YEARS ON THE OUTER CONTINENTAL SHELF

*Presented by J. Keith Couvillion
ChevronTexaco*

On August 7, 2003, a milestone for the offshore oil and gas industry was reached. It had been 50 years since Congress passed, and the President signed, the Outer Continental Shelf Lands Act (OCSLA) into law. The result of this action changed the course of the fledgling offshore oil and gas exploration and production industry in the United States forever. In this article we will take a look back over the last 50 years, touch on a little history and highlight some of the events that have molded the offshore program into one of the most successful government programs in recent history.

The right to lease minerals located under the oceans offsetting the various landmasses surrounding the United States comes from the authority granted Congress under the Constitution to manage public lands. Congress has delegated the offshore portion of this authority through specific legislation, directing the Secretary of the Interior to develop and administer the offshore program.

To understand why Congress drafted and passed into law the OCSLA, one needs to understand a little history about offshore oil exploration. It all began in Summerland, California, as a result of nature oil and gas seeps visible from the shoreline at low tide. Shallow wells were drilled from wooden piers built into the water. With continued success, more wells were drilled and the offshore industry was born. As time passed, and as the industrial revolution proceeded, the need for oil continued to grow and the search for oil moved to different coasts. In 1938 off Louisiana, a well was drilled 1 1/2 half miles from shore in the open waters of the Gulf of Mexico. This was a major technological breakthrough for the offshore industry and began the continuing effort to move farther from shore and to drill in deeper waters.

With success came a focused eye by the Federal government questioning its role in managing these offshore minerals that in the past had been of little importance. The debate came to a head in 1945 when President Truman signed a Presidential Proclamation declaring the Federal government as the

rightful entity to control management of the natural resources of the subsoil and seabed located off the coasts of the United States. The States that had granted

these leases off their coastlines, along with the companies who had acquired the leases, were not pleased with the President's proclamation. As would have been expected the proclamation was challenged in court. After a couple of years of legal maneuvering, a few key cases made their way to the United States Supreme Court. Once in the high court, the court ruled in 1947 and 1950 that the Federal government, not the States, possessed full authority over the lands and natural resources of all submerged land areas off the coasts of the United States.

In response to public concerns about ownership and development of offshore resources, and the fact the Supreme Court had sided with the Federal government on the issue of offshore jurisdiction, in 1953 Congress enacted two laws, the Submerged Lands Act and the OCSLA to resolve the debate. The Submerged Lands Act granted certain jurisdictional rights to offshore lands to coastal States while OCSLA provided a framework for regulating and managing the exploration, development, and production of oil, gas and other minerals of the seabed beyond the area under coastal States' jurisdiction.

The Submerged Lands Act established coastal State jurisdiction over a belt of submerged land located seaward off each State's coastline to a distance of 3 geographical miles. A greater distance from shore (about 10 geographical miles or 3 marine leagues) was granted to Texas and the western coast of Florida because these States had established their jurisdiction over the larger offshore areas before statehood was granted. Oil and gas resource exploration and development is controlled by the offsetting States in these jurisdictional belts.

Congress on the other hand, through the OCSLA, authorized the Secretary of the Interior to offer mineral leases on submerged lands beyond State jurisdiction. OCSLA also established the framework for drafting and implementing

About the Author

J. Keith Couvillion is a Land Consultant with ChevronTexaco's New Orleans Exploration and Production operations in the Gulf of Mexico and onshore south Louisiana. Prior to the merger between Texaco and Chevron, Keith was Texaco's Offshore Land Manager for the Gulf of Mexico. Besides his ChevronTexaco responsibilities, Keith is active in various industry associations including API, AAPL, NOIA and others. He has been involved in the oil and gas industry for 23 years, working the last 17 years offshore.



regulations to govern oil and gas activity in Federal waters. OCSLA gave the Secretary of the Interior the authority to grant leases for other natural resources located in Federal waters including sand, gravel and sulfur. Through OCSLA a multitude of regulations have been created to ensure the safe and efficient extractions of mineral resources offshore.

Since we now know where the State offshore jurisdiction starts and ends, and by default know where the Federal jurisdiction begins, the next question is where does it end. The answer is actually found hidden away in an international treaty signed by Cyrus Vance for the United States but never ratified by the U. S. Senate called the "Law of the Sea Treaty". This particular Treaty contains a provision that allows countries with coastlines to claim sovereign jurisdiction for the exploration, exploitation, conservation, and management of the living and non-living natural resources located on the seabed and subsoil for a distance up to 200 nautical miles (approximately 230 statute miles) from the coastline. This area is known as the Exclusive Economic Zone (EEZ). President Reagan, realizing the United States had signed the treaty under the Carter administration but had not received Senate ratification to enforce the Treaty under United States law, decided to sign a Presidential Proclamation effective March 10, 1983, establishing an EEZ for the United States. The United States claims sovereign authority to develop natural resources from the coastlines of the lower 48 States, Alaska, Hawaii and all United States possessions (e.g. Virgin Islands, Guam, etc...) out to approximately 200 nautical miles. I insert the word "approximately" because there are not 200 nautical miles between the United States and certain other countries such as Cuba. In the case of Cuba, United States jurisdiction extends half way between the two

landmasses (approximately 45 statute miles). In all, the United States EEZ encompasses over 3 billion acres.

The Minerals Management Service (MMS) is the agency under the Department of the Interior directly responsible for managing the mineral resources in the area under Federal jurisdiction; an area commonly referred to as the Outer Continental Shelf or "OCS." For purposes of the OCSLA, only acreage off of the coasts of the lower 48 States and Alaska fall under the current offshore leasing program offered by the MMS. This area includes approximately 1.7 billion acres. Even though most of the OCS is off limits to leasing and development due to various Presidential moratoria and Department of Interior administrative deferrals, the OCS program has been very successful. As reported in the last PLANO Newsletter, from the OCS over the last 50 years the United States Treasury has received approximately \$150 billion in revenue, a portion of which has been distributed to the States. In addition, over the last 50 years over 14 billion barrels of oil and 150 trillion cubic feet of natural gas have been produced from the OCS. The primary contributors to the success of the offshore program in the OCS are areas in the Western and Central portions of the Gulf of Mexico.

Overall, the OCS program, developed out of the framework designed by Congress under the OCSLA, has been very successful. In the future the OCS will not only continue to provide revenue to the Federal government, but also play a critical role in providing a portion of this country's domestic oil and gas resources.

(Note: A special thanks to the Minerals Management Service for publishing the various documents from which this Article was based.)

AAPL CORNER

The following is a brief extract of a few of the topics discussed at the AAPL Board Meeting held in Orlando, Florida, on September 21, 2003.

NAPE booth sales are well under way, bookings for 2004 being heavier than last year. Because of the Super Bowl being played in Houston the weekend before NAPE, the traditional Wednesday/Thursday dates have to be moved to Thursday/Friday, February 5th and 6th.

The **INTERNATIONAL ENERGY EXPO (IEX)** will be held from May 18 through May 20, 2004, at the Olympia Center, London, England. Partners in the IEX and AAPL, the Association of International Petroleum Negotiators and the Society of Exploration Geophysicists. One major sponsor has already been acquired.

The AAPL Board has accepted the RESIGNATION OF AAPL AFFILIATION from four (4) local associations. These associations had become non-functional. They are the Miss/Lou Association of Petroleum Landmen (Natchez, MS), the Alabama Association of Professional Landmen (Mobile, AL), the Northern California Association of Professional Landmen, and the Channel Islands Association of Petroleum Landmen. With these resignations, AAPL has 43 active local associations.

Submitted by:
Nm. David Briggs
AAPL Director

and
PLANO Immediate Past President

LOUISIANA LEGAL UPDATE
OIL & GAS LAW DEVELOPMENTS
CASES OF INTEREST

Presented by Gordon T. Whitman
The Onebane Law Firm, Lafayette, Louisiana
1-337-237-2660

Federal Court Holds State Mineral Board Immune From Suit in Federal Court To Cancel State Lease By Unsuccessful Bidder.

A company (*the "Plaintiff"*) submitted a bid for an oil and gas lease (*the "Lease"*) covering on a state owned tract. There were a number of bidders and after much discussion by the Louisiana State Mineral Board (*the "Board"*), the Lease was awarded to a competitor. Plaintiff complained that the Board had not considered its "additional consideration," and that if it were to do so, it would conclude that it had submitted the better bid. The Board stayed its proceedings and conducted a hearing of all interested parties, after which time the Board again awarded the Lease to its competitor. Plaintiff immediately filed suit in federal district court seeking to have the Lease declared null and void. The Trial Court dismissed this action upon the grounds that the Board is immune to such suits in federal court. *Dunhill Resources I, L.L.C. v. State of Louisiana, Ex Rel. The Louisiana State Mineral Board*, 2003 U.S. Dist. LEXIS 11167 (U.S. D. Ct. Middle D. of La. June 30, 2003 decided).

The Eleventh Amendment to the United States Constitution generally bars suits against the individual States, subject to certain exceptions which were not applicable here. Plaintiff argued that the Board was not the State for purposes of the Eleventh Amendment and that its suit should be allowed to proceed. The Court considered the various arguments of the Plaintiff on this point. Ultimately, it found that the Board was the State for such purposes and pointed earlier decisions which had held similarly as to the Louisiana

Department of Wildlife and Fisheries.

This decision, if upheld on appeal, points out that suits to challenge the awarding of a State Lease cannot be filed in federal court.

Mineral Reservation in Sale By Port Commission Does Not Create Imprescriptible Mineral Servitude.

In 1987, the Caddo-Bossier Parishes Port Commission (*the "Port Commission"*) conveyed certain acreage to the Red River Waterway District (*the "District"*) while reserving the minerals. Over ten years later, the District conveyed this acreage to a group of private landowners (*the "Cowleys"*) without such a reservation. Following the latter sale, an oil company took oil and gas leases from both the Cowleys and the Port Commission, and drilled a successful well. The oil company filed a concursus proceeding asking the court to determine which of these two parties owned the minerals and were entitled to the royalties. The Trial Court held for the

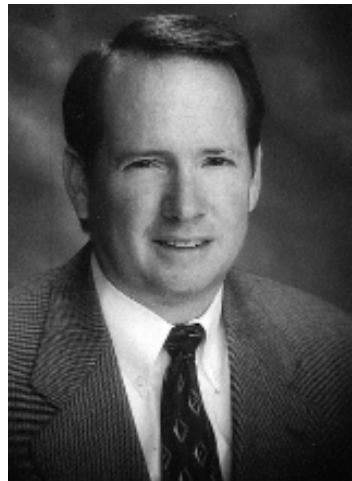
Cowleys. The Louisiana Second Circuit Court of Appeal reversed and held for the Port Commission. *Cohort Energy Company v. Caddo-Bossier Parishes Port Commission, et al*, 2003 La. App. LEXIS 2304 (La. App. 2nd Cir. August 20, 2003 decided).

The Port Commission first argued that it was the State for purposes of the Louisiana Constitutional prohibit against alienation of minerals by the State. However, the Court rejected this claim and held that it was clearly not an arm of the executive branch of the State and thus did not fall under this prohibition. Next, the Port Commission urged that prescription on the mineral servitude created by the reservation in the sale to the District did not com-

About the Author

Gordon T. Whitman: Born New Orleans, Louisiana, January 25, 1955; admitted to Bar, 1981, Louisiana. *Education:* University of Southwestern Louisiana (S., 1977); Louisiana State University (J.D., 1981). Phi Kappa Phi; Phi Delta Phi; Order of the Coif. Member, Louisiana Law Review, 1980-1981. Speaker, 46th Annual Meeting and 2000 International Conference of American Association of Professional Landman; Speaker, 45th Annual Meeting and 1999 International Conference of American Association of Professional Landmen; Speaker, 43rd Annual Meeting and 1997 International Conference of American Association of Professional Landmen. *Member:* Louisiana State Assistant Examiner for Committee on Bar Admissions (1993-2002), and American Bar Association; Lafayette Association of Petroleum Landmen; Professional Landmen's Association of New Orleans; American Association of Professional Landmen; Louisiana Independent Oil and Gas Association; Louisiana Association of Bank Counsel; Advisory Council to Louisiana Mineral Law Institute.

Areas of Practice:
 Oil and Gas, Business



mence until the District sold the acreage to the Cowleys. The Court sustained this latter claim and found that the minerals were owned by the Port Commission.

La. R.S. 31: 149 provides, in part, as follows, to-wit:

When land is acquired from any person by the . . . State [as defined therein] . . . by conventional deed, donation or other contract . . . [and the minerals are reserved], the prescription of nonuse shall not run against the right so long as title to the land remains in the government [as defined therein] . . .

The District is the State for purposes of the above statute; however, the Cowleys argued that the Port Commission does not fit the statute's definition of "person." Only a person enjoys the benefit of this tolling of prescription, and if the Port Commission was not such a person, then the mineral servitude prescribed and the Cowleys owned the minerals.

The Court had much more difficulty with this latter argument. It noted that there was no definition

of "person" in the Louisiana Mineral Code. It did note that the Louisiana Civil Code defined persons as either "natural" or "juridical," and as to the latter, it is defined as "an entity to which the law attributes personality, such as a corporation or a partnership." **Article 24 of the Louisiana Civil Code.** The Court ultimately found that the Port Commission was acting not unlike a corporation, and found that it was a person for purposes of the statute.

The above cases do not appear to be final as of yet. In the event the holding of either of these cases are changed upon further appeal, we will advise in a future article.

Copies of the above cases can be obtained upon request to the writer at (337) 266-1232 (fax) or whit-mang@onebane.com (internet e-mail).

Louisiana Legal Update is furnished at no charge as an oil and gas industry service to land professionals by The Onebane Law Firm, Lafayette, Louisiana, and may be reproduced and distributed freely so long as no fee is charged and the text is not modified. This update is intended for informational purposes only and is not a substitute for advice and guidance in particular situations by an experienced Louisianan legal or land professional.

PLANO NEW MEMBERS

J. LUIS BAÑOS, JR.

Chief Executive Officer
ORX Resources, Inc.
400 Poydras Street, Suite 1100
New Orleans, LA 70130
Tele: 1-504-581-1806
FAX: 1-504-680-4438
E-mail: luis@orx.com

TERESA A. COOK

Independent - Landman
328 Twin River Drive
Covington, LA 70433
Tele: 1-985-892-3222
Cell: 1-985-630-2284

L.V. COOLEY, IV

Special Assistant Parish Attorney
Plaquemines Parish Govt. Mineral Office
106 Avenue G
Belle Chasse, LA 70037
Tele: 1-504-522-6438
FAX: 1-832-201-0919
E-mail: lcooleyiv@msn.com

KATHLEEN L. DOODY

Associate Attorney
Schully, Roberts, Slattery, Jaubert & Marino
Energy Centre, 1100 Poydras Street, Ste. 1800
New Orleans, LA 70163
Tele: 1-504-585-7837
FAX: 1-504-585-7890
E-mail: kdoody@schullyroberts.com

JERRY D. NIEKAMP

Consulting Landman
Millennium Offshore Group, Inc.
5300 Memorial Drive, Suite 1070
Houston, TX
Tele: 1-504-581-1806
FAX: 1-504-680-4438
E-mail: jniekamp@millenniumogi.com

JONATHAN ANDREW REEVES

Landman
The Meridian Resource Corporation
1401 Enclave Parkway, Suite 300
Houston, TX 77077-2054
Tele: 1-281-597-7124
FAX: 1-281-558-5744

PLANO MONTHLY LUNCHEON

The first lunch of the "new" PLANO year was held at Muriel's Jackson Square on Monday, September 8th, and over 80 members and guests turned out to hear what Arnold D. Fielkow, Executive Vice-President of the New Orleans Saints, had to say about his team. The New Orleans Saints football team has not displayed a good showing in the pre-season games this year, nor was the game held on Sunday, September 7th, against Seattle any better.



L. to R. - Cheryl Thorne, Pam Anderson, Dominion Exploration & Production, Inc., Robert Bories, Gulf South Operators, Jim Morton, Taggart, Morton Law Firm, Jack Newton, Independent, Arnold Fielkow, Speaker, New Orleans, Saints



L. to R. - Rank D. Barber, III, PLANO President, Arnold D. Fielkow, N.O. Saints, Larry Beron, PLANO Social Chairman

Being the consummate professional that he is, Arnold Fielkow stepped to the podium, promptly acknowledged his disappointment, too, of the team's accomplishments this year, but promised things would probably get better. He gave a glowing account of "what is going on at the Saints office," and then entertained questions about the team, N.O. Saints community involvement, etc.

The lunch was superb. A warm round of applause is due John Abbott of Muriel's Jackson Square and all of his staff for making our first membership meeting of the 2003-2004 PLANO Year a most memorable one.



VINTAGE PETROLEUM, INC.

110 West Seventh Street, Tulsa, OK 74119
(918) 592-0101 FAX (918) 878-5305

Ryburn McCullough
MANAGER - LAND
ryburn@vintagetul.com

(918) 878-5140
Cell: (918) 640-8977

HAMILTON LAND SERVICES, INC.

Complete Professional Land Services

RICHARD J. HAMILTON, II, CPL

Post Office Box 9190
Metairie, Louisiana 70055-9190

(504) 833-LAND (office) (504) 833-FAX1 (fax)
E-Mail: hamiltonland@aol.com

PERRET DOISE

A PROFESSIONAL LAW CORPORATION

Members of the Oil & Gas Section:

R. Thomas Jorden, Jr. John W. Kolwe
Ted M. Anthony Margaret D. Swords

FNB TOWERS, SUITE 1200
600 JEFFERSON STREET
LAFAYETTE, LOUISIANA 70501

PHONE: (337) 262-9000 FAX (337) 262-9001



HAROLD J. ANDERSON, INC.
Certified Professional Landmen

Lease Acquisition • Title Curative
Record Research • Rights-of-Way
Due Diligence • Environmental Assessments

2200 Palmetto Drive
Chalmette, LA 70043

810 Union St., Suite 402
New Orleans, LA 70112

Phone (504) 276-5858
Fax (504) 276-8566
hja@hja.com

**SOUTHERN
TITLE & ABSTRACT
CO., INC.**
Certified Abstracts of Title



504-524-4400

FAX
504-524-8144

Harold J. Anderson CPL 810 Union Street - Suite 402
PRESIDENT New Orleans, Louisiana 70112

PETROLEUM LAND RESOURCES, INC.
P.O. BOX 9011
HOUMA, LOUISIANA 70361

COMPLETE PETROLEUM LAND SERVICES

SERVING SOUTH LOUISIANA
SPECIALIZING IN TERREBONNE & LAFOURCHE PARISHES

DAVID ELMORE, CPL Phone: (985) 876-0689
Fax: (985) 872-2528
elmore@petroleumland-houma.com
www.petroleumland-houma.com

Arthur C. LeBlanc, Jr., CPL & Associates, Inc.
Professional Land & Abstract Services

Oil & Gas Leases • 3-D Seismic Permitting
Rights of Way • Abstracts of Title
Title Curative • Mapping

ARTHUR C. LEBLANC, JR., CPL
200 Heymann Boulevard
P. O. Box 53877
Lafayette, LA 70505-3877
(337) 233-9099 (office) (337) 237-4912 (fax)
E-mail: artleblanc@aclalnd.com

MURIEL'S
JACKSON SQUARE

Bistro Hours

LUNCH DAILY
11:30 AM - 3:00 PM

DINNER NIGHTLY
5:00 PM - 10:00 PM
SUNDAY - THURSDAY

5:00 PM - 11:00 PM
FRIDAY - SATURDAY

801 CHARLES ST.
AT ST. ANN

RESERVATIONS

504-582-5828



**ONEBANE
LAW FIRM**
A Professional Corporation

Randal C. Songy
Gordon T. Whelan
Thomas G. Smart
Brent G. Sonnier
William E. Kallner
Mark E. Olier

102 Versailles Boulevard, Suite 800
Post Office Box 8607
Lafayette, Louisiana 70502-3607

(337) 237-2590
FAX (337) 238-1232
E-MAIL: info@onebane.com

www.onebane.com



**Cornay-Lowry
Land & Abstract, Inc.**

James D. Cornay, CPL Dennis B. Lowry, CPL

complete professional land services

1003 Hugh Wallis Rd., Bldg. F
Lafayette, Louisiana 70508
P. O. Box 52426
Lafayette, Louisiana 70505

Telephone: (337) 235-9962
Fax: (337) 235-9335
Email: cl@cornay-lowry.com

2003 PLANO SPONSORS

The Professional Landmen's Association of New Orleans would like to thank the following parties for their participation in PLANO's sponsorship program.

The dedication and support given by these sponsors of PLANO is greatly appreciated.

GOLD SPONSORS

Harold J. Anderson, Inc.
Burlington Resources
ChevronTexaco
Dominion Exploration & Production, Inc.
ExxonMobil Production Company
Legacy Resources Co., L.F.
McMoRan Oil & Gas LLC
Pioneer Natural Resources USA, Inc.
Robert A. Schroeder
Taylor Energy Company

SILVER SPONSORS

Denbury Resources Inc.
EnCana Gulf of Mexico LLC
Energy Partners, Ltd.
Fowler, Rodriguez & Chalos
Merlin Oil & Gas, Inc.
Murphy Exploration & Production Company
Noble Energy, Inc. (formerly Samedan Oil Corporation)
Ocean Energy, Inc.
Onebane Law Firm
Schully, Roberts, Slattery, Jaubert & Marino
SunCoast Land Services, Inc.
W & T Offshore, Inc.

BRONZE SPONSORS

Acadian Land Services LLC	Liskow & Lewis
Agip Petroleum Co., Inc.	LLOG Exploration Company, L.L.C.
Apache Corporation	Magnum Hunter Resources, Inc.
BHP Billiton Petroleum (Americas) Inc.	MARITECH Resources, Inc.
BP America Production Company	MCX Exploration (USA) Ltd.
Breazeale, Sachse & Wilson, L.L.P.	Meridian Resource & Exploration, LLC (The)
Carver, Darden, Koretzky, Tessier, Finn, Blossman & Areaux, LLC	Miami Corporation
Century Exploration Company	Milling Benson Woodward, L.L.P.
Challenger Minerals Inc. (CMI)	NCX Company, L.L.C.
Cimarex Energy Co.	Newfield Exploration Company
Clovelly Oil Co., Inc.	Nexen Petroleum U.S.A. Inc.
ConocoPhillips Company	The Oil & Gas Asset CLEARINGHOUSE, L.P.
Continental Land & Fur Co., Inc.	Petroleum Land Resources, Inc.
Cypress Energy Corporation	PetroQuest Energy, L.L.C.
Devon Energy Production Company, L.P.	Repsol YPF (Maxus U.S. Exploration Company)
C.H. Fenstermaker & Associates, Inc.	Shell Exploration & Production Company
Frawley, Wogan, Miller & Co., Inc.	Spinnaker Exploration Co., L.L.C.
Gieger, Laborde & Laperouse, L.L.C.	Stone Energy Corporation
Gordon, Arata, McCollam, Duplantis & Eagan, LLP	Strain, Dennis, Mayhall & Bates, L.L.P.
Hamilton Land Services, Inc.	Swift Energy Company
The William G. Helis Company, LLC	The Houston Exploration Company
Hunt Petroleum Corporation	UNOCAL Corporation
Japex (U.S.) Corp.	Vintage Petroleum, Inc.
Jones, Walker, Waechter, Poitevent, Carrere & Denegre, L.L.P.	Virgin Oil Company, Inc.
Juneau Exploration, L.P.	Westport Resources Corporation
Land Management Services, LLC	Lynell D. Zelenka

The PLANO 2003 Sponsor Program is ongoing. For those who wish to become a sponsor, please call Harold J. Anderson @ 504-276-5858, or Margo Cameron @ 504-593-7560.

*The 17 Oil and Gas Associations operating in the
Greater New Orleans area invite you to the*

4th Annual Greater New Orleans Joint Energy Industry Association luncheon

Fairmont Hotel
Tuesday, November 11, 2003, 11:30 a.m.
Refreshments/Networking begins at 11:00 a.m.

Vince F. Cottone
ChevronTexaco
Chairman, Gulf Safety Committee

MARITIME SAFETY ISSUES

In November 2002, President Bush signed into law the Maritime Transportation Security Act of 2002 (MTSA 2002). It requires development of regulations for security assessments, security plans, and specific security measures for ports, vessels, and facilities in waters subject to the jurisdiction of the United States.

Mr. Cottone will discuss these impending requirements to prepare and submit plans. Current schedule has the Coast Guard issuing its Final Rule on Maritime Security in late November, 2003.

Persons wishing to attend this event are asked to e-mail
Richard L. Tucker at

tuckquin@bellsouth.net

Cost per person - \$25.00

**PLANO MEMBERS WISHING TO ATTEND THIS LUNCHEON
ARE ASKED TO MAKE RESERVATIONS BY CALLING**

DEBBI COCRAN AT 504-589-0450

**PROFESSIONAL LANDMEN'S ASSOCIATION
OF NEW ORLEANS**

P.O. Box 51123
New Orleans, Louisiana 70151-1123

PRESORTED STANDARD
U.S. POSTAGE
PAID
NEW ORLEANS, LA.
PERMIT No. 292

**GORDON
ARATA
McCOLLAM
DUPLANDS
&
EAGAN LLP**
ATTORNEYS AT LAW

301 St. Charles Avenue, 40th Floor
New Orleans, LA 70173-0003
(504) 582-1111
Fax: (504) 582-1121

625 East Kenner School Road
Lafayette, LA 70508
(337) 237-0133
Fax: (337) 237-3451

1400 One American Place
Baton Rouge, LA 70825
(225) 381-9643
Fax: (225) 336-9763

LISKOW & LEWIS
A PROFESSIONAL LAW CORPORATION
NEW ORLEANS ~ LAFAYETTE

JOHN M. WILSON
CRAIG WYMAN
JONATHAN A. HUNTER
THOMAS BERON
J. PATRICK MORRIS, JR.

701 POYDRAS STREET
SUITE 5000
NEW ORLEANS, LA 70139-5099
(504) 581-7979

LAWRENCE P. SIMON
JAMES N. MANSFIELD III
RICHARD W. REVELS, JR.
SHAWN C. RHYMES
JAMES H. DUPUIS, JR.

822 HARDING STREET
P.O. BOX 52008
LAFAYETTE, LA 70505-2008
(337) 232-7424



Solid Values • Sturdy Connections • Safe Harbors

We're Your Credit Union.

Did you know PLANO members could join
Shell New Orleans Federal Credit Union?

- ① Pay fewer and lower fees and get personalized service!
- ② Lower interest loans for autos & mortgages - apply online!
- ③ Competitive dividends on a variety of savings plans!
- ④ 24-hour online account access and bill payer!
- ⑤ **Mention this ad and join for FREE!**

If your company is not affiliated with the credit union, it's
easy and free to offer this great benefit to your employees.

Visit us online at www.shellnola.com to learn more.



To become a member of Shell New Orleans Federal Credit Union, visit us online at www.shellnola.com. You may also stop by our lobby at 701 Poydras St. or contact a Member Services Representative at (504) 786-4800.

THE NATIONAL CREDIT UNION ASSOCIATION

NCUA

Member Since 1966

