



Texas Land & Mineral Owners Association

Official Newsletter

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4th Quarter 2009

O'CONNOR NAMED TO TLMA BOARD

At the October TLMA board meeting, Ms. Morgan Dunn O'Connor owner and managing partner of the Bissett Ranch Partnership was elected to the eleven member TLMA Board. "Ms. O'Connor has been an active member of TLMA since the beginning. She has served as a regional vice-president and she won the 2006 TLMA membership recruitment award," noted Dr. Kitty-Sue Quinn, executive director of TLMA. "Ms. O'Connor has been dedicated to TLMA and I'm excited about working with her in this new role."

A fifth generation Texan, she was born and raised in Victoria, where she manages her ranching, agricultural, and oil and gas interests. Ms. O'Connor holds a bachelor's of business administration degree from Southern Methodist University and a J.D. from St. Mary's University School of Law.

Ms. O'Connor was appointed to the University of Houston System Board of Regents in 1999 by Governor George W. Bush. She served a term as chairman of the board and was on the executive committee for five years. She serves on the UH-Victoria President's Advisory Council. She currently serves or has served on numerous civic, educational, and corporate boards, including St. Mary's University School of Law dean's advisory board, Texas Heart Institute board of trustees, Art Museum of South Texas board of trustees, St. Joseph High School board of trustees, and many others. She holds membership in the State Bar of Texas, and she is also a member of the Victoria Board of Wells Fargo Bank, Texas N.A.



Morgan Dunn O'Connor

"I have been involved in TLMA from its very first meeting in 1999," commented Ms. O'Connor. "Private property rights are being eroded on every level, and I am passionate about working to stop that erosion and strengthen our existing rights. TLMA is one of the strongest voices for land and mineral owners in Texas, and it is my honor to continue to work for TLMA as a member of the board."

Merry Christmas and Happy



New Year from TLMA!

Got Internet? Be sure to check out
our web site at: www.tlma.org

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BOARD OF DIRECTORS

Vice Chairman

Carolyn Frost Keenan
Keenan Family Interests

Treasurer

Barry Coates Roberts
Coates Energy Trust

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Briscoe Ranch, Inc.

Jack Hunt
King Ranch, Inc.

J. A. Whittenburg, III
Turkey Track Ranch

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EIA Properties, Ltd.

Scott Petty, Jr.
Petty Ranch Company

George E. Tanner
Mesteña Operating, Ltd.

Chaunce O. Thompson, Jr.
C&S Cattle Co.

Morgan Dunn O'Connor
Bissett Ranch Partnership

VICE PRESIDENTS

Mike Gillean
Provident Minerals

Dr. John S. Baen
University of North Texas

Billy K. Lemons
Resource Analyt & Management Group

EXECUTIVE DIRECTOR

Kitty-Sue Quinn, Ph.D.

TLMA's mission is to create a business and legal environment that is accommodating to the continued exploration for and production of oil and natural gas by ensuring that the rights of both the mineral and surface owners are protected, reduce litigation and to protect our precious groundwater resources.

1005 Congress Ave., Suite 360
Austin, Texas 78701
(512) 479-5000 (phone)
(512) 479-5066 (fax)
info@tlma.org (email)
www.tlma.org

ROGER WELDER STEPS DOWN AS CHAIRMAN AND DIRECTOR OF TLMA BOARD

At the June Texas Land & Mineral Owners Board meeting, Roger Welder of J.F. Welder Heirs Ltd. in Victoria resigned his seat on and chairmanship of the TLMA board effective the end of the year.

"It has been a privilege and an honor to serve on this very distinguished board" said Welder. "I wish everyone at TLMA continued success and appreciate everything you do for the industry" he continued.

"We will all miss him." commented Dr. Kitty-Sue Quinn, executive director of TLMA. "He has dedicated his time and talents without asking anything in return. He has taught me a lot professionally and personally and I will always value these years under his leadership" noted Quinn.

"I consider it an honor and privilege to have worked with Roger Welder" stated Billy Phenix, TLMA Legislative Director. "His comprehensive knowledge of oil and gas law and hands on experience in the oil patch combined with his easy going personality all contributed greatly to TLMA's voice being heard in the Texas Legislature," continued Phenix.

J.F.Welder Heirs, Ltd. has been a member of TLMA since 2000. Mr. Gary Jones will become the new head of J.F. Welder Heirs, Ltd. in Welder's absence. Mr. Jones has stated that he and J.F. Welder Heirs, Ltd. will remain members and continue their commitment to TLMA and to work to support the efforts of the Association.

Carolyn Frost Keenan of Keenan Family Interests and Vice-Chairman of TLMA will become interim Chairman of the Board until a permanent replacement is elected.



Roger Welder

TLMA ALERTS GO OUT VIA E-MAIL AND FAX.

Due to the rising cost of printing, ALERTS are only sent to those membership without e-mail and fax addresses when it is urgent.

If you have not provided us with a correct e-mail or fax number you may be missing out on educational opportunities, legislative updates, and other information.

SEND US YOUR E-MAIL ADDRESS OR FAX NUMBER TODAY!

Also note, if you have spam filters be sure to add @tlma.org to your safe list.

RAILROAD COMMISSION TO UNDERGO SUNSET REVIEW

The Railroad Commission is once again under sunset review by the Sunset Advisory Commission. It last went through review in 2000 – 2001. Usually state agencies go through the review process once every 12 years however the Legislature decided last session to move up several agencies, including the Railroad Commission. This means the Legislature will take a hard look again at all agency functions and try to determine ways to improve efficiency.

The Sunset Advisory Commission is made up of five State Senators, five State Representatives and two public members. The Commission has a full time staff that conducts in-depth analysis of each agency under review and makes recommendations to the Commission. The Commission in turn conducts a hearing where the public is encouraged to comment on agency operations. After the Commission has time to digest the staff report and hear public comments it will meet again and adopt recommendations. Those recommendations will then be put in the form of legislation to be introduced during the 82nd Legislative Session beginning in January 2011.

TLMA will actively participate in the Sunset Review of the Railroad Commission. The Sunset staff report is scheduled for completion in October 2010. If any TLMA members would like to comment at the public hearing it is scheduled to be held November 16 and 17, 2010. Adoption of recommendations will occur on December 15 and 16, 2010.

Members of the Sunset Advisory Commission are: Senator Glenn Hegar (R-Katy), Chairman; Senator Juan “Chuy” Hinojosa (D-McCallen); Senator Joan Huffman (R-Houston); Senator Robert Nichols (R- Jacksonville); Senator John Whitmire (D- Houston); Public Member Charles McMahan (Schulenburg); Representative Dennis Bonnen (R-Angleton), Vice-Chair; Representative Rafael Anchia (D – Dallas), Representative Byron Cook (R-Corsicana), Representative Linda Harper-Brown (R-Irving); Representative Carl Isett (R-Lubbock); Public Member Lamont Jefferson (San Antonio).

SPEAKER STRAUS RELEASES INTERIM CHARGES

House Speaker Joe Straus recently released the House Interim Charges. The charges set the stage for what policy issues the House of Representatives will be study in depth over the next year prior to the next Legislative Session. It is up to each committee chairman to set the schedule for when and where these charges will be heard at a public hearing. Those schedules have yet to be determined.

It is interesting to note that the House Committee on Land and Resources Management has been charged with studying any unresolved issues on Eminent Domain from last session. As you recall, a new constitutional amendment limiting eminent domain powers was ratified last month on Election Day.

In addition, the House Committee on Energy Resources received the following charges:

1. Survey current local ordinances governing surface use of property in oil and gas development. Recommend changes, if any, to the authority of the Railroad Commission to regulate the operation of oil and gas industries in urban areas of the state, particularly the Barnett Shale.
2. Monitor implementation of recent legislation dealing with carbon capture and storage and make recommendations as to whether further action is required to resolve outstanding issues. Examine proposed legislation from other states and review federal initiatives.
3. Examine the state’s portfolio of electric generation resources, including traditional sources, emerging renewable technologies, and energy efficiency. Determine whether the existing state regulatory programs and incentives are adequate to meet the energy needs of the future. Consider factors relating to reliability, requirements for additional transmission, or auxiliary services. *Joint Interim charge with House Committee on State Affairs.*
4. Consider the establishment of uniform statutes and codes relating to liquid petroleum gas permitting and operations as a means to resolve conflicts of interpretation between state and local jurisdictions.
5. Monitor the agencies and programs under the committee’s jurisdiction.

You can view the entire slate of House Interim Charges by going to:

<http://www.house.state.tx.us/committees/charges/81interim/interim-charges-81st.pdf>

TLMA PASSES GROUNDWATER RESOLUTION

The Board of the Texas Land & Mineral Owners Association passed the following groundwater rights and ownership resolution during their October Quarterly meeting:

Texas Land and Mineral Owners Association (TLMA)

Groundwater Rights and Ownership October 27, 2009

WHEREAS, vested ownership of groundwater fosters efficient utilization, conservation and stewardship of groundwater; and

WHEREAS, a system of groundwater regulation and management currently exists in Texas; and

WHEREAS, courts have continually reaffirmed that the ownership of groundwater in place is owned by the surface owner;

NOW THEREFORE, BE IT RESOLVED THAT TLMA urges the Texas Legislature and the Texas Judiciary to reaffirm the ownership of groundwater in place as a vested real property right. TLMA supports a regulatory system that recognizes this fundamental right.

MARK YOUR CALENDAR

December 2009 – Harvest in Harmony Workshop, Jacksboro, Tuesday, December 8, 2009, 6 pm, Concerned Citizens Building, 400 East Pine, Jacksboro, TX, for more information call (940) 872-5329 ext. 4

April 2010 - The 36th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute will be held April 9, 2010 at the Hyatt Regency in Houston, TX. In addition to the annual one-day institute, a one-day "Fundamentals of Oil, Gas and Mineral Law" on April 8, 2010 will also be available. For more information contact the University of Texas at Austin School of Law at 512-475-6700 or visit their website at www.utcle.org.

TRANS-TEXAS CORRIDOR UPDATE

The **Texas Department of Transportation** is once and for all pulling the plug on the **Trans Texas Corridor**, the controversial plan to build toll roads and utility lines across the state, an official said.

"The reason that's being given for the no-build option is that people don't want it," Texas Transportation Commission member Bill Meadows of Fort Worth said Tuesday in a phone interview. "They said 'Hell no.'"

The Trans Texas Corridor was originally pitched as an innovative way to pay for congestion improvements, and reduce truck and train gridlock in metro areas. But opponents seized upon several hotly contested components of the plan, including the impact of tolls on Texans' pocketbooks, the infusion of foreign influence in toll investment and the taking of such a massive amount of private property necessary to build the roads.

Earlier this year, state officials announced the Trans Texas Corridor was essentially dead, in large part because of public outrage and a backlash from state legislators who felt the transportation department had overstepped its bounds. But despite that announcement, the planning process for the Trans Texas Corridor continued behind the scenes. A consortium led by Cintra of Madrid, Spain and Zachry Construction of San Antonio had prepared a master plan, and a detailed environmental study of the TTC-35 corridor between Dallas-Fort Worth and San Antonio was underway.

In October, Texas Department of Transportation officials held a news conference to announce that they've selected the "no build" option for the TTC-35 Corridor, which formally brings an end to the project, Meadows said. "What we basically are doing is we are terminating the process. It's the no-build option," he said. "Formally, absolutely, TTC-35 is dead. We are canceling the contract with Zachry."

TEXAS MONTHLY TAKES IN DEPTH LOOK AT EXXON WELL-PLUGGING ALLEGATIONS IN NOVEMBER 2009 ISSUE

Texas Monthly has an article on the *Exxon v. Meisch* case in their November 2009 issue. The article *Below the Surface* was written by Mimi Swartz, an excerpt from the story is below:

Since 1996, a legal battle has raged between ExxonMobil and a powerful South Texas ranching clan that believes the oil company sabotaged wells on the family property. Even after a ruling by the state Supreme Court earlier this year, the bitter feud shows no signs of letting up. Maybe that's because it's about something far more important than money.

As he walked through the front door of 2J's, the modest little cafe down the road from his family ranch outside Refugio, Thomas Michael O'Connor had a feeling that something was wrong. It was a bright winter day in January 1995, and T. Michael, as he is known to all, had come in for a lunch meeting with Glenn Lynch, the operator of a legendary oil and gas lease on the O'Connor Ranch named for T. Michael's great-aunt, Mary Ellen O'Connor. The ranch is one of the state's largest, covering parts of Goliad, Victoria, and Refugio counties, and T. Michael ran its operations. At forty, he was a multimillionaire, heir to a family fortune in cattle, oil, and land that stretched over five generations, but he often ate lunch at 2J's. The dusky interior was a relief from the bleached South Texas light, and he liked that he knew...

To read more check out the Nov. 2009 Texas Monthly Magazine.

*** BREAKING NEWS! ***

SUPREME COURT GRANTS PARTIES' MOTIONS FOR REHEARING IN *EXXON V. MEISCH*

In the ongoing *Exxon v. Meisch* case the Supreme Court granted the parties' motions for rehearing.

The court ordered the parties to file responses to their respective motions for rehearing by December 11, limited to 15 pages. "Replies will not be allowed." Justices O'Neill and Guzman not sitting.



TLMA SPEAKS AT TEXAS RURAL CHIEF APPRAISERS CONVENTION

Dr. Kitty-Sue Quinn was given the opportunity to speak at the Texas Rural Chief Appraisers Convention in Austin in November. "The general consensus was that the attendees had not really considered the difficulties that surface owners may face when dealing with a drilling company on their property," commented Quinn. "Speaking to groups such as the TRCA provides a great opportunity to educate and recruit new members," said Quinn.

If you would like more information on how TLMA can provide a speaker for an event in your area please contact the TLMA office at 512-479-5000 or membership@tlma.org.

Happy Holidays!

Share TLMA Membership makes a great Christmas Gift!

Contact Robbie Querner, TLMA Executive Assistant,
for brochures and information on how you can
help recruit new members to TLMA.
512-479-5000

You know why TLMA is so important! Help us get the word out!

REMEMBER TLMA ACCEPTS CREDIT CARDS

Call the TLMA office or go on-line at www.tlma.org/join.

If you choose to pay membership dues on-line, you will be asked to click on a button that will redirect you to the PayPal website and given payment instructions from there. You will not need to join PayPal.

We hope this will aide in membership recruitment of younger possibly more internet savvy members and provide an extra maybe more convenient option for existing members to renew.



TLMA NEWSLETTER AVAILABLE VIA E-MAIL

In an effort to save resources and money, the TLMA newsletter is now available via e-mail. Instead of receiving the Quarterly TLMA Newsletter in the mail, you can opt to receive a link to the web site when the newsletter is available. The most recent TLMA Newsletter as well as those dating back about one year are always available on the TLMA website at: www.tlma.org/news but now you can have the option of receiving notice when the most recent version has just been posted.

If you would like to receive the TLMA Newsletter via a link on an e-mail rather than receiving the print copy please e-mail the TLMA office at info@tlma.org.

ANNUAL AWARDS

In 2004, the **TLMA Outstanding Service Award** was established to promote and underscore the Association's continuing dedication to oilfield cleanup, protection of surface and groundwater, accurate royalty payments and to encourage new drilling of the state's oil and gas resources. For the fourth year, the Board of Directors will award the TLMA Outstanding Service Award to one member who provides outstanding service to TLMA.

The ideal candidate for the 2009 TLMA Outstanding Service Award would:

- 1) Be a member of the Texas Land and Mineral Owners Association
- 2) Have made an outstanding contribution to TLMA through active service in the areas of leadership, recruitment, and legislative activities
- 3) Be dedicated to reinstating a sense of fairness in the relationship between those that use the land and those who live on it

To nominate a TLMA member for this award, please complete the nomination form below and submit it to the membership coordinator on or before January 15, 2010.

To honor those who have exemplified excellence in the areas of recruitment and production, TLMA will award the **TLMA Outstanding Membership Recruitment Award** and the **TLMA Outstanding Operator Award**.

The ideal candidate for the membership recruitment award would be any TLMA member who has taken an active role in recruiting new members to the Association.

The ideal candidate for the TLMA Outstanding Operator Award would be an environmental steward who works closely with royalty and land owners and is open to dialogue. Operator nominees can be small or large organizations.

To make a nomination for any of these awards, please complete the nomination form below and submit it to the membership coordinator on or before January 15, 2010.

Previous award winners are:

Outstanding Service Award

2004 Doug Beveridge, Houston
2005 J. Evetts Haley, Midland
2006 George E. Tanner, Corpus Christi
2007 Renato Ramirez, Zapata
2008 Carolyn Frost Keenan, Houston

Membership Recruitment Award

2005 Rod Litke, Granbury
2006 Morgan Dunn O'Connor, Victoria
2006 Dr. John S. Baen, Denton
2007 Carolyn Frost Keenan, Houston
2008 Billy K. Lemons, Nacogdoches

TLMA Awards Nomination Form



2009 TLMA Outstanding Service Award Nominee(s): _____

(Please provide full name and city where landowner/royalty owner resides.)

2009 TLMA Outstanding Member in Membership Recruitment Award Nominee(s): _____

(Please provide full name and city where landowner/royalty owner resides.)

2009 TLMA Outstanding Operator Award Nominee(s): _____

(Please provide contact name, organization name and city where operator resides.)

Please attached a separate sheet of paper for each nominee explaining why the individual(s) or entity is being nominated.
Fax completed forms to (512) 479-5066 or mail to TLMA, Membership Coordinator, 1005 Congress Ave., Suite 360, Austin, TX 78701 by January 15, 2010.

Nomination submitted by (please print): _____

Signature: _____

Email address/ phone#: _____

**Increased membership is very important to the mission of TLMA
Please help us recruit new members!**

TLMA Membership Request Form

I would like to join TLMA, please
send me membership information

I'm a member, please update
my contact information

Name _____

Organization/Ranch Name _____

Address _____

City _____ State _____ Zip _____

Telephone Number _____ Fax Number _____

Email Address _____

Have you moved recently?

If so, be sure to update your contact information with TLMA. Otherwise you may experience delays in receiving your newsletters, renewal notices, and other membership correspondence.

To change your address, contact Robbie Querner at (512) 479-5000, mail the attached form, or send an email to

membership@tlma.org.

Please return to: TLMA, 1005 Congress Ave., Suite 360, Austin, TX 78701



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