OKLAHOMA
SURFACE
DAMAGE ACT

Oil & Gas Practice
OU Law School
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Union Oil Company of California v. Heinsohn, 43 F.3d 400 (C.A. 10 (Okl.), 1994)
Dealing With Surface Owners
• Effective July 1, 1982, the Oklahoma Legislature enacted into law the Oklahoma Surface Damages Act.

• 52. O.S. 318.2-318.9
Dorothy Dann Collins v. John C. Oxley, d/b/a Oxley Petroleum, 897 F.2d 456 (C.A. 10 (Okl.), 1990
5 Points
Point #1

• What this paper contains and how it is organized.
Point #2

• If you think you know the Act, you better read it again before you deal with it in the courthouse.
Point #3

• The Attorney Fees Section of the Act, and how the courts have construed it.
  – *Tower Oil & Gas Company v. Paulk*, 1989 OK 105, 776 P.2d 1279, 60 OBJ 1728
  – *Tower Oil & Gas Company v. Harmon*, 1989 OK 127, 782 P.2d 1355, 60 OBJ 2371
Point #3 cont.

• If you have a client who absolutely insists on going through with one of these, you had better let them know that there is a very good chance that they will be paying double attorney fees. Their own, plus the surface owner’s.
Point #4

• To get away from the attorney fees fiasco, there are some funny cases in here.
  – 1991 case coming out of Haskell County
  
  – 2001 case arising out of Garvin County
    *Sanford v. Anadarko Petroleum Corp.*, 2001 OK CIV APP 90, 32 P.3d 218, 72 OBJ 2211
I want to call your attention to a significant decision that came out of the Court of Appeals in May 2001.

– arising out of Garvin County

_Vastar Resources v Betty J. Howard_, 2002 OK CIV APP 13, 38 P.3d 236, 73 OBJ 425
Ward Petroleum Corp. v. Stewart,
2003 OK 11
64 P.3d 1113
YDF, Inc. v. Schlumar, Inc.,
2006 OK 32
136 P.3d 656
Chesapeake Operating, Inc. v. Loomis,
2007 OK CIV APP 55
164 P.3d 254
Bays Exploration, Inc. v. Jones,
2007 OK CIV APP 111
172 P.3d 217
Ranken Energy Corporation v. DKMT Company,
2008 OK CIV APP 61
McCrabb v. Chesapeake Energy Co.,
2009 OK CIV APP 66
216 P.3d 312
O’Brien Oil, L.L.C. v. Norman,
2010 OK CIV APP 23
233 P.3d 413
Bays Exploration, Inc. v. Jones,
2010 OK CIV APP 28
230 P.3d 907
Sample Forms
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