



PLANO

Professional Landmen's Association of New Orleans

June, 2003

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PLANO BULLETIN #017

PLANO EVENTS

- Jun. 16 PLANO Luncheon, Royal Sonesta Hotel
- Sept. 8 PLANO Luncheon, Muriel's Jackson Square
- Oct. 16 PLANO Icebreaker
- Oct. 17 Joint AAPL/PLANO Luncheon,
Hotel Monteleone
- Oct. 20 PLANO Fall Golf Outing, Money Hill,
Abita Springs, LA
- Nov. 10 PLANO Luncheon,
- Dec. 9 PLANO Luncheon, Galatoire's Restaurant
- Dec. 10 PLANO Christmas Social, Omni Royal Orleans

OTHER ACTIVITIES

- June 5-7 AAPL Annual Meeting, Denver, CO
- Jul. 29 Gulf Coast Prospect Expo 2003, Lafayette, LA
- Jul. 30 Gulf Coast Prospect Expo 2003, Lafayette, LA
- Aug. 20 OCS Lease Sale 187 Western GOM
- Sept. 29 HAPL Annual Golf Tournament
Kingwood & Deerwood C.C.
- Oct. 16 HAPL Annual Executive Night, Hyatt
- Oct. 17 AAPL/PLANO Gulf Coast Land Institute,
New Orleans, LA

**JUNE LUNCHEON
MONDAY, JUNE 16, 2003, 11:30 A.M.
ROYAL SONESTA HOTEL
BIENVILLE SUITE
NEW ORLEANS, LA**

Come welcome our new PLANO Directors - Anne D. Bailey, ChevronTexaco, David V. Dufour, Dominion Exploration & Production, Inc., William A. ("Bill") Gordon, Shell Exploration & Production Company, J. Patrick Morris, Liskow & Lewis, and William B. Raley, Cimarex Energy Co. All of these people have been in the industry for many years, and will commence a three (3) year term on the PLANO Board from July 1, 2003, through June 30, 2004.

Those "going off" the PLANO Board on completion of their term in office on June 30, 2003, are:

- Michael A. ("Mitch") Ackal, Jr., Dominion Exploration & Production, Inc.
- Charles E. Arnold, ExxonMobil Production Company
- Catherine F. ("Kate") Boudreaux-Smith, Independent
- Paul J. Goodwine, Schully, Roberts, Slattery, Jaubert & Marino, and
- Keith D. Howell, ChevronTexaco.

Also, at this luncheon awards will be issued, namely: Company of the Year, Landman of the Year, Betty Baronne Award and a Special Award.

If you have not yet had an opportunity to make a reservation to attend, please contact Margo Cameron at (504) 593-7560.

MESSAGE FROM THE PLANO PRESIDENT 2002-2003



I, together with Jo Ann and Harold Anderson, Frank Barber, Jan van Loon and Margo Cameron, had the distinct honor and privilege to represent the Professional Landmen's Association of New Orleans at the ribbon cutting ceremony for the PLANO Demonstration Garden at City Park on April 17, 2003 at which a beautiful bronze plaque was unveiled to the invited guests attending this event. The Demonstration Garden is beautiful - well designed and constructed. Members of PLANO should be very proud of this accomplishment.

To date, PLANO has raised over \$105,000.00 towards the construction of the garden, leaving approximately \$50,000.00 needed to completely fulfill its commitment and obligation to the New Orleans Botanical Garden. I am very happy to report that the Patrick Taylor Foundation has agreed to donate \$10,000.00 and has issued a challenge to other oil and gas firms to match this contribution. With just a few more donations of this size, PLANO will get even closer to meeting its overall financial commitment. If you or your company is interested in accepting Mr. Taylor's challenge, please contact me. The donation will be greatly appreciated and will go towards a very worthwhile project, one that will be a part of City Park for the enjoyment of not only the citizens of New Orleans and the surrounding area for a very long time but visitors from elsewhere in the United States and abroad. I encourage all members to visit the Demonstration Garden. You will be impressed and proud.

I would like to thank again Scott O'Connor and Jan van Loon for organizing and planning a great seminar that was held in conjunction with our annual Zephyrs' Night. Special thanks to the speakers, namely, J. Keith Couvillion, P.J. Goodwine, Phillip Asproditis, Linton Morgan and Matt Randazzo for taking time out of their busy schedules to share with the attendees very useful and educational information on a wide range of topics. The seminar accomplished our goal to provide the membership an educational opportunity in a fun environment.

Also, I would like to remind PLANO members of the upcoming AAPL Convention to be held on June 4-7, 2003 at Denver Marriott City Center, Denver, Colorado. At this event, our own Harold Anderson and Keith Couvillion will assume positions with AAPL for the year 2003-2004. Harold will be installed as First Vice President and Keith Second Vice President. If you have not registered to attend, please do so. It would be nice to have a large PLANO contingent at the convention to support Harold and Keith.

If you have not heard by now, ExxonMobil recently announced the closing of its New Orleans office. Unfortunately, our fellow ExxonMobil landmen will have to move to Houston, TX. Let's wish them Godspeed in this unsettling time.

The final membership meeting of the year will be held on Monday, June 16, 2003 at the Royal Sonesta Hotel, Bienville Suite. At this traditional meeting, we install the new officers and directors for the upcoming year and announce the recipients of the PLANO awards, i.e. Landman of the Year, Company of the Year, the Special Award, and the Betty Baronne Award. This meeting will be fun and exciting. Please mark your calendars and plan to attend.

David Briggs, PLANO President



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PLANO Administrator & Newsletter Editor Margo Cameron

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

THOUGHT FOR THE DAY

*Submitted by the
PLANO Newsletter Editor*

If you want to make an easy job seem
mighty hard, just keep putting off doing it.

LIOGA'S GULF COAST PROSPECT EXPO, LAFAYETTE, LA (GCPE 2003) JULY 29-30, 2003

This year's Gulf Coast Prospect Expo will take place on July 29-30, 2003, at the Cajundome Convention Center, Lafayette, Louisiana. 2003 GCPE Chairman Bryan J. Hanks has vowed to continue the successful focus and direction of this expo to put potential Gulf Coast prospects together with interested purchasers and investors. For a schedule of events or more information on GCPE 2003, please call 1-800-443-1433, or visit LIOGA's website at www.lioga.com

NEW MEMBERS

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1-281-364-4343 (Main)

FAX: 1-281-364-9846

E-mail: mattm@tetrattec.com

VOLUNTEERS NEEDED

Photographer for photo taking at PLANO events on an as-needed basis. Call Margo Cameron, PLANO Administrator, at (504) 593-7560, or e-mail to margo_cameron@dom.com.

ADVERTISERS NEEDED

PLANO is seeking advertisers for its monthly newsletter. Anyone interested in displaying an advertisement in the newsletter is asked to contact Margo Cameron at 504-593-7560 for further information.

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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

Court of Appeal Upholds Commissioner of Conservation's Replacement of Unit Operator by Company with Majority Interest in Unit

An oil and gas company was appointed operator by the Louisiana Commissioner of Conservation (*the "Commissioner"*) of certain wells designated as the unit wells for certain conservation units (*the "Units"*). The unit wells initially produced but then at some point went off production for an extended period of time. Another company (*"Will-Drill"*) took new leases covering the overwhelming majority of the unit acreage and filed an application to be appointed the new operator of the Units. The existing operator (*"EnerQuest"*) objected at the hearing but the Commissioner appointed the new company as operator, in part, because it was currently the majority working interest owner and it had specific plans to rework the unit wells. EnerQuest filed suit in district court to contest the Commissioner's order; however, the trial court dismissed the suit and upheld the action of the Commissioner. EnerQuest then appealed to the First Circuit Court of Appeal. This appeal was denied in *EnerQuest Oil and Gas, L.L.C. v. Asprodites*, 2003 La. App. Lexis 811 (Decided 04/02/03).

It is settled that the Commissioner has broad authority to decide issues that come within his jurisdiction. The Commissioner's order may be reversed only if his decision prejudices substantial rights because it violates constitutional or statutory law, exceeds his statutory authority, involves arbitrary or capricious abuse of discretion or the like. Not surpris-

ingly, the courts involved all found the Commissioner did not violate any of the above.

The Court pointed out that the Commissioner has the authority to establish compulsory units and designate unit operators therefore and cited the Louisiana Supreme Court decision in *Hunt Oil Co. v. Batchelor*, 644 So. 2d 191 (La. 1994).

In addition to pointing out the Commissioner's discretion, the Court appeared to approve of the decision that was actually reached. The Court pointed out that EnerQuest had not indicated any intention to drill or rework the Unit wells, and that Will-Drill had represented that it would undertake operations to restore unit production from the Unit wells. The evidence was that Will-Drill was now the owner of 63.53% in one unit, and 87.87% in the other unit; it made sense to the Court that a party owning such an interest would be more willing to undertake drilling or reworking operations than a company (EnerQuest) that had minimal mineral ownership interests in

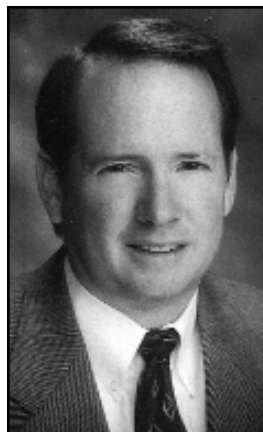
these Units (since a good portion of the original leases had terminated). Indeed, the evidence seemed to indicate that if EnerQuest remained the Unit Operator, the wells would be plugged and abandoned. In the words of the Court, they were "an operator who was not operating, which in turn is wasteful to the other interested owners who are not recovering anything from a well that has a potential to produce recoverable reserves if reworked."

It is unclear from the recitation of facts in the decision why EnerQuest resisted being replaced as unit operator. They

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 Land Institute.

Areas of Practice: Oil and Gas, Business



may have had other plans for these wells (*i.e. to utilize them for other purposes or to pull the casing*); however, the record does not articulate what those plans would have been. They apparently maintained that once a party has been appointed operator, he may not be removed, at least not if the new potential operator merely wishes to re-enter the unit well (*as opposed to drilling new wells*). Additionally, they appeared to object to any evidence being taken as to the relative ownership interests in the units involved. Finally, they appear to have argued that allowing Will-Drill to utilize the existing unit wells was an unconstitutional taking of their property (*the well bores, casing, etc.*). As to this latter argument, the Court held that the ownership was beyond the scope of their decision; they were opining only as to the propriety of the Commissioner's actions in allowing Will-Drill to use them as Unit Operator.

As noted above, we have not confirmed that the case is final. If the decision is subsequently reversed, we will advise you in a future newsletter.

Court of Appeal Follows Corbello Decision in Awarding \$2 Million to Landowner for Property worth \$304,000

Landowner filed suit against oil company for failure to restore the surface of the property, and alleged this breached the oil and gas lease covering the property (*the "Lands"*). The jury determined the Lands to be worth \$304,000, but awarded \$2 Million

in damages as the cost to restore the surface. The Third Circuit Court of Appeal affirmed this decision. *Hazelwood Farm, Inc. v. Liberty Oil and Gas Corporation*, 2003 La. App. Lexis 797 (La. App. 3 Circ. 04/02/03).

The Court of Appeal specifically cited the recent Louisiana Supreme Court case of *Corbello v. Iowa Production*, 02-0826 (La. 02/25/03), and discussed its holding. The Court noted that there was evidence that the landowner would not use the damage award to restore the Lands but that was irrelevant. The Court pointed out that the damages to property in a breach of contract suit is governed by the contract, and it is not limited by the value of the property.

We have not confirmed that the case is final. If the decision is subsequently reversed, we will advise you in a future newsletter.

Copies of the above case can be obtained upon request to the writer at (337) 266-1232 (FAX), or whitman@onebane.com (internet e-mail).

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GOLF TALK

PLANO's Annual Spring Golf Tournament was held on Monday, May 12, 2003, at the Beau Chene Country Club. It was a great success, with 90 golfers participating. PLANO thanks the following sponsors for their support in making the tournament another first class event.

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TENNIS TOURNAMENT

Ed Amrock organized the Tennis Tournament on Monday, May 12, 2003, also held at the Beau Chene Country Club. Ten players tested the new rubico courts there.

The top three (3) players were: Ron Chassaniol, Murphy Exploration & Production Company; Ron Ness, Tammany Oil & Gas; and Don Walker, ExxonMobil Production Company. Honorable mention is also made of Harry Holladay - another great player.

Thanks Ed, for a great tournament.

GOLF TOURNAMENT WINNERS

1st PLACE

Warren Miguez
Guy Wall
Brandt Prat

2nd PLACE

Tom DeGenova
Jim Bunch
Jim Williams
Linton Morgan

3rd PLACE

David Briggs
Don Adams
Erik Romero
Jeff McDonald

CLOSEST TO HOLE

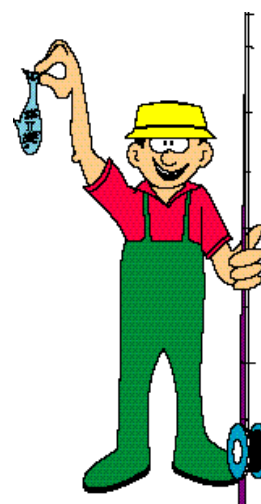
2 Warren Miguez
5 Guy Wall
#13 Jimmy Thomas
#16 Brian Harvey

As is customary at events such as this, Rob Schroeder and Bill Johnson did a superb job in organizing the tournament. A round of applause is due them for an excellent event.

Remember . . .

The lazy, hazy days of summer are here. During the months of July and August no PLANO luncheons are scheduled.

Gone fishin'



PLANO DEMONSTRATION GARDEN

PLANO's Demonstration Garden was inaugurated on Thursday, April 17, 2003, a most auspicious date as it coincided with the community-wide celebration of the Louisiana Bicentennial.

A great deal of thought and planning went into the design of PLANO's demonstration garden, followed by careful selection of the horticulture. Thanks are due to the many highly qualified people who were involved in the design of both the Botanical and Demonstration Gardens. To name but a few - Jon Emerson, FASLA, Landscape Architect, prepared the Botanical Garden Master Plan, Lake Douglas, PhD, Exhibition curator, Landscape Architect and Garden Historian, Exhibition Planting by the Botanical Garden Committee, and Paul M. Soniat, Director, New Orleans Botanical Garden.

Paul Soniat and Mrs. Morrell F. (Genevieve) Trimble, President of the New Orleans Botanical Garden Foundation, welcomed guests to the inauguration, with the following statement...

"It is with pleasure that we welcome you to this horticultural exhibition featuring plants of the Louisiana Purchase as part of the community-wide celebration of its Bicentennial. The exhibit also marks the inauguration of the PLANO Garden, the newest garden space in the New Orleans Botanical Garden.

We hope you will enjoy your visit and, while here, will take time to stroll at leisure through the other parts of the Botanical Garden to admire and become acquainted with this charming landmark garden in City Park.

Over 10 years ago, we began an ambitious undertaking to restore this Garden, which was originally created during the WPA era of the 1930s. Our redevelopment plan is still in progress as we seek to complete the final phase of our beautiful, newly-dedicated Conservatory of the Two Sisters.

We invite you to come back often as a visitor, a volunteer or a supporter to make the New Orleans Botanical Garden your own."

A magnificent teak bench, 8-1/2 feet in length, designed by Sir Edward Lutyens, a gift from the New Orleans Garden Society, was also dedicated at this event, and is located in the Pavers section, very near the entrance to the Garden.

PLANO'S SPRING GARDEN De'LIGHTS

The 6th Annual Spring Garden De'Lights Reception was held at The Pavilion of the Two Sisters, New Orleans Botanical Garden, on the evening of Friday, May 16th. The weather that night was ideal for a garden party. Guests strolled throughout the Garden full of compliments for PLANO's demonstration garden located within the Botanical Garden at the western edge of the property line, many commenting on the sweet scent of roses hanging heavily in the night air. Trees, buildings and statues were outlined with white lights, giving the Garden a festive appearance.

David Briggs welcomed members and guests to the event, following which the reception got into full swing. Flip Side, one of the best dance bands in the city, played in The Pavilion, while The Tim Laughlin Jazz Band played outside by the fountain.



L. to R. David Briggs, Adeline and Ed DeWailly



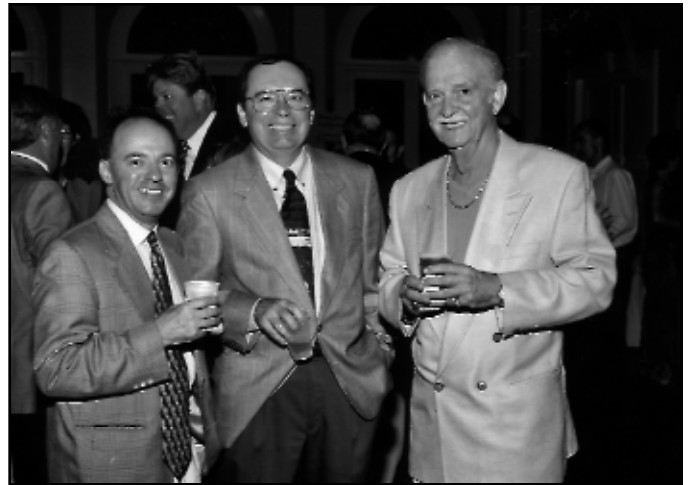
L. to R. Rose and P.J. Goodwine, Schully Roberts Law Firm, and Frank Barber, Taylor Energy Company.

PLANO'S SPRING GARDEN De'LIGHTS

Guests danced the night away in between running to check the Silent Auction entries and make whatever amendments were necessary to the bids placed by them.



Silent Auction - Roger and Sandra Pecoraro - just got to get that item!!!



L. to R. Tony Marino, Schully Roberts Law Firm, Randy Sutton, Dyn McDermott Pet. Op. Co., and Col. Joe LeMaire, Retired - Texaco



L. to R. Jeannie & Bob Martin, Martha and Randy Sutton, Keith and Jan Vincent



Taylor Energy Company Group - L. to R. Lydia McCombs, Debbi Cocran, and guests, Lorrie and Byron Toups



Let's Dance - Jo Ann and Harold Anderson



Other guests at Reception

PLANO'S SPRING GARDEN De'LIGHTS

Other guests at the reception . . .



Barbara Briggs (wife of David Briggs, PLANO President) and beautiful daughter, Kelly

And, the door prize goes to . . .



L. to R. Carl Southern presenting the door prize to Denise Manalle



L. to R. Carl and Jan Southern, and Don and Bonnie Walker



Let's Dance - Guests at the Reception

PLANO LUNCHEON

We were honored to have Scott L. Stone, CPL, AAPL President 2002-2003, as the luncheon speaker at our May 19th luncheon held in the Riverview Room of the Hotel Monteleone. Over fifty members turned out to welcome Scott, and enjoy time with him.

Scott is no stranger to the art of public speaking. He delivered an interesting speech on ethics. He urged everyone to remember that, with the volatile situation in the oil and gas industry these days and the constant threat of take-overs, it was incumbent on each and everyone to remember that when entering into business transactions that although they may work for one company one day, it is not beyond the realm of possibility that they may be working with another company the next day. In other words, do the right thing - you will never live to regret it. Always keep business contacts on a high level. The person one deals with on a daily basis as one's opposite number in another company, may be your immediate superior the next.



L. to R. Scott Stone and David Briggs, PLANO President



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