

# Oil and Gas, Natural Resources, and Energy Journal

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April 2016

## Editor's Introduction

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# ONE J

*Oil and Gas, Natural  
Resources, and Energy Journal*

Volume 1, Number 6

## Editor's Introduction

Welcome to the Sixth Issue of the University of Oklahoma's Oil and Gas, Natural Resources, and Energy Journal (ONE J). This is the last issue of Volume 1 and will be the final issue of this inaugural year. In this issue we are pleased to publish papers written by candidates Hilary Soileau, Micah Adkison, and David Wilken. This issue also includes summaries of recent cases from around the country that are relevant to the energy industry.

Hilary Soileau's paper discusses the *Coyote Lake Ranch, LLC v. The City of Lubbock* decision. In her article, she posits that the Texas Supreme Court should apply the oil and gas accommodation doctrine to the groundwater estate. The ramifications of that adoption include recognition of the groundwater estate as the dominant estate due to the burden it imposes on the surface estate as well as court-sanctioned alternatives in lieu of a rigid surface-damages act. She argues that by applying the accommodation doctrine to groundwater, Texas courts can (1) illicit legislative action to prioritize groundwater conservation, (2) promote the economic value of other industries, (3) encourage surface damage negotiations before major conveyances, and (4) fairly balance the private property interests of the both the surface and subsurface owners.

Micah Adkison's article addresses the EPA's Clean Water Rule, promulgated last summer, which expands EPA jurisdiction by broadly interpreting the phrase "waters of the United States." His article describes the current state of the Supreme Court's Clean Water Act jurisprudence and advocates for a bright-line rule upon adjudicating the merits of the case recently stayed by the 6th Circuit Court of Appeals.

David Wilken's note analyzes a recent case out of the Supreme Court of North Dakota in which the court used a 20-factor common law test to discern whether a landman was deemed an "independent contractor" or an "employee." The court applied each of the 20 factors to determine whether there was enough control over the landmen to qualify them as employees. The note concludes with an estimate of how an Oklahoma court would stand were a similar case to be presented.

The editorial board and candidates for membership have worked diligently to create this publication. We trust that you will find the contents of this issue to be both useful and informative. Please help us promote ONE J by sharing the ONE J website link with others. We welcome your submissions for peer review and your comments.

The Editorial Board would like to thank Professor Owen Anderson, Professor Monika Ehrman, Dean Darin Fox, Michael Waters, Dean Brain

McCall, and Dean Joseph Harroz for their continuous support. Their contributions and guidance helped the Editorial Board bring this journal to life. Lastly, we would like to thank our candidates for their diligent work. We are excited to pass the torch to such a capable group of students and look forward to the First Issue of Volume 2 in May.

# ONE J

*Oil and Gas, Natural Resources, and Energy Journal*

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