

# Texas Court of Appeals Rules on Permission Needed for Off-Lease Horizontal Drilling

The Fourth Court of Appeals in Texas recently held that surface owners control the matrix of the underlying earth; thus, a surface owner can give permission to drill through the subsurface to an adjacent lease, reports Lauren N. Randle in The Energy Law blog published by Liskow & Lewis.

The case is *Lightning Oil Co. v. Anadarko E&P Onshore*, No. 04-14-00903-CV, 2014 Tex. App. Lexis 8673 (Aug. 19, 2015).

“According to the court of appeals’ decision, there was also no evidence that Anadarko would conduct a seismographic survey which could constitute a trespass under Texas law,” the article says. “Moreover, Lightning offered no evidence that Anadarko has bottomed or opened a well within Lightning’s lease. Absent proof of these actions and without the right to exclude Anadarko from drilling through Lightning’s mineral estate, Lightning’s claim of trespass failed.”

**Read the article.**