

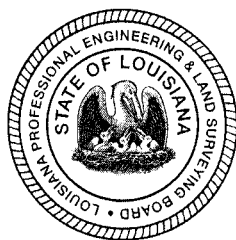
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LOUISIANA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD

November 17, 2015

Mr. J. Walter Ballard, P.L.S.
Survey Manager
Hunt, Guillot & Associates, L.L.C.
106 W. Mississippi Avenue
Ruston, LA 71270

Re: Policies & Procedures
Mineral Unit Surveys
Department of Natural Resources

Dear Mr. Ballard:

On December 12, 2012, you sent me a letter regarding issues you were encountering while preparing mineral unit surveys for the Louisiana Department of Natural Resources (Office of Conservation). The letter was addressed to me as a member of the Louisiana Professional Engineering and Land Surveying Board (LPELS).

In your 2012 letter, you pointed to several items that LPELS governs, along with the obligations of our licensees. In order to properly determine the location of section lines, La. R.S. 50:125 states in part, "In making re-surveys under the provisions of this Part, the surveyor shall, as nearly as possible, re-establish the original lines of any prior survey made under United States or state authority." You go on to point out the obligation that professional land surveyors have per Title 46, Part LXI, Section 2503(A) of the Louisiana Administrative Code (LAC), to "hold paramount the safety, health, property and welfare of the public in the performance of their professional duties."

Based on our discussions, the Louisiana Office of Conservation (LOC) was reviewing all mineral unit surveys submitted and requiring professional land surveyors to match previous mineral unit surveys that had been submitted and approved in the past. Per LOC Order No. 1490-C, the respective unit lines must coincide with section lines and each owner within these units will share in production based on surface acreage.

You requested that LPELS review your letter and clarify whether the requirements of the LOC conflicted with your obligations as a professional land surveyor under the laws and rules of LPELS. LPELS referred the matter to the Land Surveying Committee, and we began the process of gathering information and discussions with representatives of the LOC.

On May 20, 2014, the Land Surveying Committee met with the LOC to discuss the issue.¹ During this meeting, we discussed the concerns you had with the policies and procedures of the LOC when reviewing mineral unit survey plats. We also discussed how the LOC required that when section lines are unit boundaries, these boundaries must be consistent across multiple units, which created situations that could violate the laws and rules of LPELS. As you are aware, our rules require that professional land surveyors show section lines in the location calculated by them based on evidence found in the field. If the LOC requires such a line to match an older mineral unit survey plat (to ensure consistent boundaries), this could potentially force newer survey lines to be inconsistent with the evidence found in the field, given that an older survey plat may have been inaccurate, used older technology, etc.

¹ In attendance were: Andrew Wascom - DNR/LOC, Daniel Henry, Jr. - DNR/LOC, James Magee - DNR/LOC, Brent Campbell - DNR/LOC, Mike Peikert - DNR/LOC, Walter Ballard - Hunt, Guillot & Associates, Ernie Gammon - LPELS, Chris Knotts - LPELS, Kevin Crosby - LPELS.

The LOC agreed to discuss the issue internally within their organization to see what solution could work for their group. The LOC's primary dilemma is where equity has already been established in a mineral unit or essentially when mineral owners have been paid royalties for years pursuant to existing mineral unit surveys. The LOC employs no professional land surveyors and is also not in the position to declare one plat correct and another incorrect.² To this point, LAPELS also is not in the position to declare where the current section lines should be located, but LAPELS does have rules as to how the information is to be shown by the professional land surveyor and the extent of the information to be shown.

Over the course of the next few months, I communicated with LOC counsel, Daniel Henry, Jr., several times to discuss the progress and different options that may work for both groups. On February 10, 2015, the Land Surveying Committee had a follow up meeting with the LOC.³ Based on our discussions at that meeting, the LOC will allow professional land surveyors to show section lines (as measured) based on the evidence found in the field and their professional judgment, provided the previous mineral unit survey lines as originally established serve as the unit boundary.⁴ This will allow for professional land surveyors to record boundaries as measured, but also not create gaps or overlaps in mineral units.

The above procedure will be forwarded to the Louisiana Society of Professional Surveyors (LSPS) to distribute to their membership. Per our recent discussions, this letter will serve as the resolution to this matter and you have withdrawn your Petition for Declaratory Order and Ruling to LAPELS. We appreciate your efforts in helping resolve this matter and your patience while it was going through the process. Should you have any questions please give me a call.

Sincerely,



Kevin E. Crosby, P.E., P.L.S.
Land Surveying Committee, Chairman

² As the LOC explained to the Committee, the LOC's primary charge in this area is to prevent waste and to ensure that mineral owners may obtain their just and equitable share of the production from a given unit.

³ Same individuals as above, except for Andrew Wascom.

⁴ The professional land surveyor's notes can be added to the plat to explain the differences and to clarify the decisions made.