

# Oklahoma Surface owners have rights regarding oil and gas development

In this article, Attorney [Zachary K. Bradt](#) discusses protections Oklahoma landowners have in regards to surface rights in oil and gas exploration.



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**Q: Why should surface owners be concerned about the development of oil and gas?**

**A:** In Oklahoma, courts have ruled that the mineral estate is superior to the surface estate for purposes of oil and gas

development. Oil and gas operators have the right to enter upon your property and make reasonable use of the surface to explore for oil and gas.

**Q: As a surface owner in Oklahoma, what laws are in place to protect my interests?**

**A:** In an effort to better protect the rights of surface owners throughout the state, the Oklahoma Legislature passed the [Surface Damage Act](#) that went into effect on July 1, 1982. Prior to July 1, 1982, operators had the right to enter upon an Oklahoma surface owner's property and make reasonable use of it to conduct their operations without paying any damages. With the passage of the Surface Damage Act, surface owners were afforded more protections and operators were required to follow procedural steps as defined under the act before entering upon the property.

**Q: What procedural requirements does an operator have to meet?**

**A:** Operators are first required to send a letter by certified mail providing notice of their intent to drill and informing the Oklahoma surface owner of the proposed location of the well and the approximate date drilling will commence. Within five days of delivery, the operator must engage in [good-faith negotiations](#) with the surface owner. If the parties agree upon damages, a written contract is executed, damages are paid, and drilling operations can commence.

**Q: What if the surface owner and operator don't reach an agreement?**

**A:** If the good-faith negotiations don't result in an executed damages contract, the operator must petition the court for the appointment of appraisers. Then, an operator may enter the property and commence its operations. Although drilling may be commenced, the determination of surface damages will remain before the court. The three appraisers (one from each party, who then choose a third) will inspect the property and submit

a report to the court estimating the surface damages. Once the report is submitted, you can accept the suggested amount or challenge in court. Before you demand court consideration, you should make yourself aware of the related costs.

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