Enhanced oil recovery (EOR) has evolved and expanded dramatically in recent years. With the introduction of new technologies and strategies, the use of EOR has spread to new geographic regions, and EOR is now anticipated to be the vehicle for recovery of over 67 billion additional barrels of oil over the next 50 years. This Special Institute will focus on the various EOR processes used by today’s oil producers and the legal framework surrounding EOR operations. It will explore the myriad regulatory and permitting issues associated with the use of EOR, including the considerations involved in acquisition and operation of declining oil fields for EOR purposes. The institute will also address utilization of carbon dioxide in EOR operations, including the challenges involved in transporting and storing CO₂ for effective implementation, and recent developments in government incentives, restrictions, and regulations to promote its capture and permanent storage.

EOR has been used for decades to recover billions of barrels of oil that otherwise would have remained untapped in known reservoirs following conventional oil production, yet it remains a vital component of oilfield operations today. EOR is currently employed in numerous hydrocarbon basins in the United States and Canada, including the Permian Basin of Texas and New Mexico; the Paradox Basin of Utah; the Michigan Basin of Michigan; the Powder River Basin of Montana and Wyoming; the Gulf Coast Basin of Texas, Louisiana, and Mississippi; the Anadarko Basin of Oklahoma; the Piceance Basin of Colorado; the Greater Green River Basin and Wind River Basin of Wyoming; and the Williston Basin of North Dakota, South Dakota, Montana, and Saskatchewan. It will continue to be a major tool in the efficient development of oil resources for decades to come.

This Special Institute will provide an understanding of EOR’s history and projected future, its practical applications, the incentives for its use, and its current—and potential future—statutory and regulatory framework that will be useful to all resource professionals, including in-house, outside, and agency counsel, managers, landmen, and government employees.
# Enhanced Oil Recovery: Legal Framework for Sustainable Management of Mature Oil Fields

**Thursday, May 7, 2015**

<table>
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<tr>
<th>Time</th>
<th>Session Title</th>
<th>Speaker(s)</th>
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<tbody>
<tr>
<td>7:00 am – 8:15 am</td>
<td>Registration</td>
<td>The Westin Riverwalk Hotel</td>
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<tr>
<td>8:15 am – 8:30 am</td>
<td>Introductions and Opening Remarks</td>
<td>STEVIA M. WALTHER, Executive Director, Rocky Mountain Mineral Law Foundation, Westminster, Colorado</td>
</tr>
<tr>
<td>8:30 am – 9:30 am</td>
<td>Introduction to EOR: the Processes and Results</td>
<td>Larry W. Lake, Professor, Department of Petroleum and Geosystems Engineering, University of Texas at Austin, Austin, Texas</td>
</tr>
<tr>
<td>9:30 am – 9:45 am</td>
<td>Coffee Break</td>
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<tr>
<td>9:45 am – 10:45 am</td>
<td>Legal Issues Surrounding EOR Operations</td>
<td>Many legal issues surrounding EOR operations derive from the fundamentals of real property law, including subsurface trespass, nuisance, condemnation, joint ownership, implied covenants, duties to other mineral owners, and surface use issues and conflicts. Although the basic legal concepts applicable to oil and gas operations generally also apply to EOR, this session will discuss the specific extension of those concepts to EOR operations, with particular focus on the applicability of real property law. JEFF WEEMS, Partner, Porter Hedges LLP, Houston, Texas</td>
</tr>
<tr>
<td>10:45 am – Noon</td>
<td>EOR and State Permitting</td>
<td>EOR operations are highly regulated. This session will examine the regulations and processes that oil producers must follow to properly conduct EOR operations under applicable state law. It will also discuss the major players in the state-level EOR regulatory processes, the perspective each brings, and the proper procedures and common obstacles facing attorneys that are new to these regulatory processes. LYNNE J. BOOMGAARDEN, Partner, Crowley Fleck PLLP, Cheyenne, Wyoming</td>
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<tr>
<td>Noon – 1:30 pm</td>
<td>Lunch – On Your Own</td>
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<tr>
<td>1:30 pm – 2:30 pm</td>
<td>Federal Unitization for EOR Operations</td>
<td>CRAIG NEWMAN, The Law Office of Craig Newman, Casper, Wyoming</td>
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<tr>
<td>2:30 pm – 2:45 pm</td>
<td>Coffee Break</td>
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<tr>
<td>2:45 pm – 3:45 pm</td>
<td>Overview of Federal Environmental Regulation of EOR</td>
<td>EOR operations may raise potential land use and environmental concerns. This session will review the various federal environmental statutes and regulatory schemes that affect, or could potentially affect, EOR operations, most notably the Safe Drinking Water Act. The presentation will also discuss EOR operational considerations related to RCRA, CERCLA, and TSCA, covering the proper handling and disposal of hazardous and toxic materials, as well as the applicability of the CWA, CAA, NEPA, Energy Policy Act of 2005, and other federal environmental statutes, rules, and regulations. MARIE B. DURRANT, Of Counsel, Holland &amp; Hart LLP, Salt Lake City, Utah</td>
</tr>
<tr>
<td>3:45 pm – 4:45 pm</td>
<td>EOR Operations On Federal Lands</td>
<td>ZEKE J. WILLIAMS and STEVEN K. IMIG, Partners, Lewis, Bess, Williams &amp; Weese, Denver, Colorado</td>
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<tr>
<td>4:45 – 5:45 pm</td>
<td>Hosted Reception for Registrants, Speakers, and Guests</td>
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University of Wyoming College of Law – Center for Law and Energy Resources in the Rockies
Due to the growing use of carbon dioxide (CO₂) as an effective EOR injectate, this paper will provide an overview of CO₂-based EOR in the context of its role in CO₂ sequestration. The discussion will include the number and scope of current CO₂-based EOR projects, the typical life cycle of a CO₂-based EOR project, the economics of CO₂-based EOR, and issues associated with UIC Class VI versus Class II injection wells. Technical, political, and financial drivers are resulting in increasing numbers of CO₂ capture projects. Recent trends in the industry include production from residual oil zones, capture from natural gas processing plants, and construction of new CO₂ pipelines. This paper will also focus on the risks associated with CO₂ pipelines and biowatts of CO₂ wells, and the risks of environmental damages resulting from leaking wells, including quantitative analysis.

IAN J. DUNCAN, Program Director, Bureau of Economic Geology, University of Texas at Austin, Austin, Texas

9:45 am – 10:00 am

Coffee Break

10:00 am – 11:00 am

Practical Application of EOR: CO₂ Use and Maximizing Recovery

Real-world applications of EOR techniques are highly relevant to the analysis of future implementation and employment of successful EOR methodologies. This paper will investigate some practical applications of techniques utilizing CO₂, including the various uses of EOR in the Permian Basin of Texas and New Mexico to enhance oil production since the mid-1980s.

DARRELL D. RICKETSON, Oil & Gas Counsel, Denbury Resources, Inc., Plano, Texas

11:00 am – Noon

Legal Issues and Physical Challenges Surrounding Carbon Capture and Sequestration

CO₂ use in EOR operations, and the subsequent permanent subsurface storage of the CO₂, present unique legal and related geological issues. The presentation will discuss the legal complications introduced with the advent of subsurface pore-space ownership concepts, long-term liability issues, and conflicts with existing subsurface gas storage operations. It will also address the geologic challenges associated with such projects, specifically the immense size of underground saline reservoirs necessary to accommodate the significant amounts of CO₂ required for successful EOR operations. Additionally, the recent statutory approaches of western states to these issues, most notably North Dakota, Montana, and Wyoming, as well as the more traditional common law approach of states such as Mississippi, will be addressed.

OWEN L. ANDERSON, Academic Director, John B. Turner LL.M. Program in Energy, Natural Resources, & Indigenous Peoples, Eugene Kuntz Chair of Oil, Gas & Natural Resources, George Lynn Cross Research Professor, University of Oklahoma College of Law, Norman, Oklahoma; Senior Lecturer, Kay Bailey Hutchison Center for Energy, Law, and Business, University of Texas at Austin, Austin, Texas

1:30 pm – 2:15 pm

Carbon Dioxide Infrastructure: Pipeline Transport Issues

The availability and transport of CO₂ are major practical concerns in the implementation of a successful EOR operation. This paper will focus on current and potential legal and practical issues and policies surrounding the interstate, intrastate, and international pipeline transport of CO₂ for EOR operations. It will examine the current pipeline infrastructure supporting EOR operations, and whether the same principles can be applied to a national network of pipelines connecting large industrial facilities with EOR operations and adequate subsurface reservoirs for subsequent storage. This session will also address the regulatory framework surrounding CO₂ pipelines and discuss whether there is a need for a comprehensive regulatory framework at the state and federal levels, and examine the diverse legal issues encountered in obtaining pipeline easements and rights-of-way across multiple jurisdictions.

GREG SCHNACKE, Executive Director - Government Relations, Denbury Onshore LLC, Plano, Texas

AUSTIN HENLEY, Oil & Gas Counsel, Denbury Resources, Inc., Plano, Texas

SARAH STEWARD Oil & Gas Counsel, Denbury Resources, Inc., Plano, Texas

2:15 pm – 2:30 pm

Coffee Break

2:30 pm – 3:30 pm

Risks of Acquiring Aging Oilfields

The continued expansion of EOR operations is driven in large part by the advancement of EOR technologies that render older oilfields, once thought to be practically depleted through the use of conventional oil production techniques, viable sources of commercial oil production once more. This session will examine the practical and legal pitfalls associated with acquisition of aging oilfields, including the potential liabilities the acquiring company may knowingly or unknowingly assume. The speaker will identify the risks companies and their legal counsel should consider in undertaking such acquisitions, in light of strategies to implement EOR operations and reap the benefits of renewed oil production. He will also provide helpful guidance, both in terms of necessary due diligence and transaction document preparation, to address risks in acquiring aging oilfields for EOR operations.

T. CALDER EZZELL, JR., Partner, Hinkle Shanor LLP, Roswell, New Mexico

3:30 pm – 4:30 pm

Legal Ethics: Attorney-Client Privilege Issues in Collaborative Projects

Large-scale EOR projects often involve the interaction of a wide range of professionals, each with their own respective project and transaction goals. This session will explore the various attorney-client privilege issues that may arise for lawyers and their clients in multi-discipline EOR project implementation, including the best practices for undertaking communications and information sharing between various legal, environmental, accounting, regulatory, financial, and other service providers and consultants.

MAX MAIN, Partner, Bennett, Main & Gubbrud, P.C., Belle Fourche, South Dakota

4:30 pm

Course Adjournment
Can’t attend? You can still order the course materials.

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Register online at www.rmmlf.org

Mail, fax, or email registration form and payment to:

Rocky Mountain Mineral Law Foundation
9191 Sheridan Blvd., Ste. 203
Westminster, CO 80031 USA

Tel: (303) 321-8100
Fax: (303) 321-7657

Questions/Registrations: info@rmmlf.org

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GENERAL INFORMATION

Room Reservations: The Westin Riverwalk, 420 West Market St., San Antonio, TX 78205, has blocked discounted rooms for this Institute until April 21 at the following rates:

- Traditional City Side: $199/night
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Ask for special rates for Rocky Mountain Mineral Law registrants.

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