

# Oil and Gas, Natural Resources, and Energy Journal

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May 2018

## Editor's Introduction

Collin McCarthy

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# ONE J

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

VOLUME 4, NUMBER 1

MAY, 2018

## Editor's Introduction

Welcome to the inaugural issue of Volume 4 of the University of Oklahoma College of Law's *Oil and Gas, Natural Resources, and Energy Journal* (ONE J). In this first issue, ONE J proudly presents six pieces which cover a wide range of the Oil and Gas, Natural Resources, Energy, and related fields. The first piece presented is a book review authored by practitioner and Adjunct Professor, Norman Nadorff. Following this book review are five student-authored notes and comments written by Dillon Hollingsworth, Stephan Owings, Morgen Potts, Kaleb Smith, and Jordan Wybrant.

Dillon Hollingsworth is a second-year student at the University of Oklahoma College of Law. In his comment, he addresses the intersection of regulations regarding the siting of wind energy installations and concerns set forth by the Department of Defense regarding wind turbines and their potential effect on defense readiness. He asserts that the federal interest in promoting alternative energy sources and maintaining proper defense readiness creates a space for the Federal Government to step in and assuage state legislatures which may otherwise take an all-or-nothing approach in order to avoid the potential loss of defense spending within their state.

Stephan Owings is an Enid, Oklahoma native. He graduated from Chisholm High School and attended undergraduate studies at Oklahoma State University where he studied Russian Language and Literature. After graduation, he attended the University of Oklahoma College of Law with ambition to start a career in oil and gas litigation. In his comment, he surveys law across the nation on the topic of ownership of produced brine from oil and gas recovery operations. The law in this area is somewhat sparse in most jurisdictions, so ownership of other minerals related to oil and gas operations and conveyance interpretation is also included. This comment also includes information on common characteristics of produced brine and makes a recommendation for how the law on its ownership in various states should be developed to support public policy needs while respecting established legal principles.

Morgen Potts is a recent graduate, and now owner of The Potts Law Firm in Norman, Oklahoma. Her note, *United States v. Osage Wind, LLC: Energy Being Blown Away by New Rules?*, discusses the Tenth Circuit's recent decision on the issue of whether certain excavations associated with wind farm development constituted "mining" and the implications of the Tenth Circuit's decision.

Kaleb Smith is an upcoming third-year law student at the University of Oklahoma College of Law. Prior to attending law school, he worked in the

financial industry after obtaining his Bachelor of Business Administration in finance from Texas Christian University. His note, *Subject To Uncertainty: A Case of Ignored Intent – Wenske v. Ealy*, examines a recent Supreme Court of Texas decision in which the majority seemed to disrupt established rules regarding the interpretation of mineral deeds. The case dealt with how an existing non-participating royalty interest should be allocated among mineral interest owners after grantor reserved a portion of the mineral interest for himself and granted the remainder of the mineral interest to the grantee subject to the existing non-participating royalty interest.

Jordan Wybrant is currently a second-year law student at the University of Oklahoma. He is interested in practicing tax law upon graduation in May of 2019. Prior to law school, the author attended the University of Missouri where he received both a Bachelors and a Masters in Accountancy. His comment discusses the new tax changes that accompanied the new tax reform and the effects that it has in the solar energy and the oil and gas industry. It also discusses the differing impact on the industries and how the current structure, in a way, subsidized the oil and gas industry on a federal tax level. Further, this comment discusses a case by the Tax Court that could have a big impact on state refundable tax credits, which inadvertently effects mostly the solar energy industry. Finally, it discusses possible changes that should be made in order to reduce the impact of the subsidies and how to increase competition between the industries.

Thank you to all of the authors for allowing the journal to publish their work. Also, special thanks to Professor Monika Ehrman, Mr. Michael Waters, the faculty and staff at the University of Oklahoma College of Law, and the ONE J Editorial Board for making this inaugural issue possible. In addition to submissions, ONE J welcomes all questions, comments, and suggestions about our content. Finally, ONE J has plenty in store for Volume 4, so please make sure to follow us on Twitter @ONEJ\_OULaw for updates and announcements.

Thank you,  
Collin McCarthy  
Editor-in-Chief

# ONE J

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

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