



Ad Coelum, Rule of Capture, Correlative Rights

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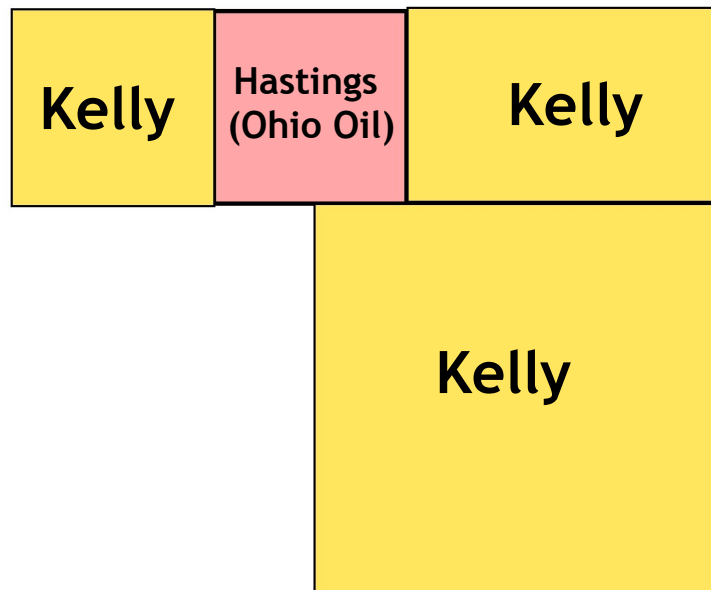
Ad Coelum Doctrine

- The ad coelum doctrine provides that a real property owner owns the surface and the subsurface all the way to the center of the Earth bounded on sides extending from the surface boundaries to the center.
- “The owner of the surface own[s] all beneath.” - *Del Monte Mining & Milling v. Last Chance Mining & Milling*
- If you tunnel under the property line into my subsurface and take my minerals, I can sue to get them back.

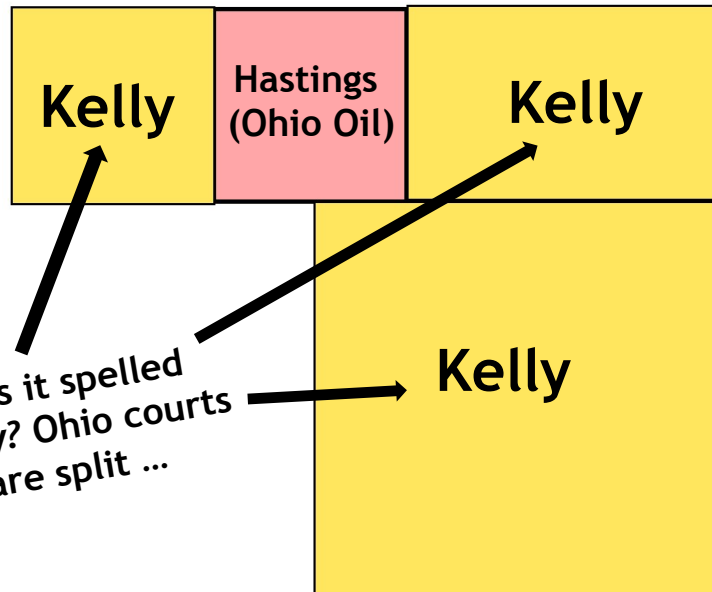
Rule of Capture

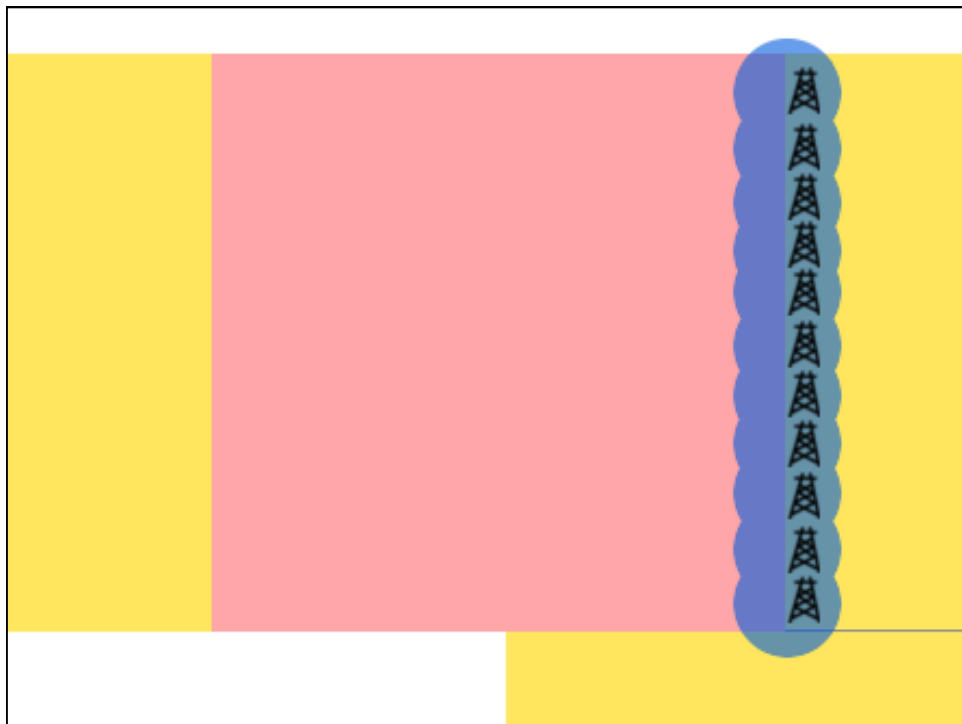
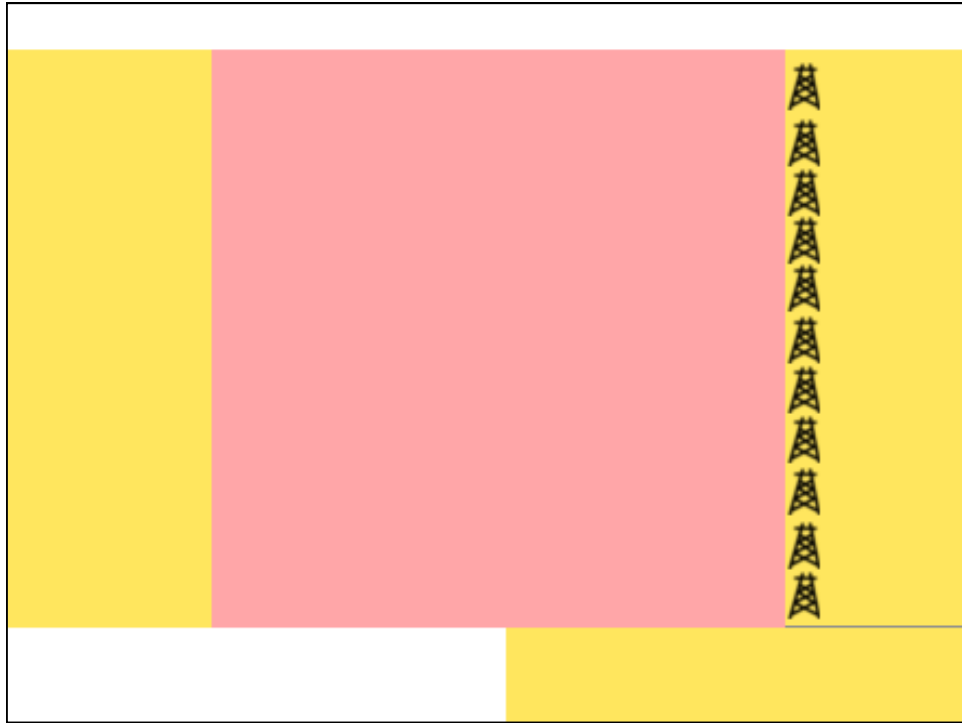
- The rule of capture modifies the ad coelum doctrine by providing that the landowner acquires ownership to the oil and gas extracted from the landowner's subsurface even if the oil and gas came from a neighboring property.
- “Whatever gets into the well belongs to the owner of the well, no matter where it came from.” - Kelly v. Ohio Oil

Kelly v. Ohio Oil



Kelly v. Ohio Oil





Doctrine of Correlative Rights

- The doctrine of correlative rights modifies the rule of capture by providing that a capturer is liable for waste or negligence that damages the common source of oil and gas.
- “due to the harsh consequences to neighboring land owners, Ohio law has evolved on this issue and the ‘rule of capture’ has been limited by the doctrine of correlative rights’ - Barnes v. Res. Energy Expl. (Ohio App. 2016)

Doctrine of Correlative Rights

“The principle set forth in *Kelley v. Ohio Oil Co.*, namely that drilling an oil well near one's property line does not interfere with the legal rights of the adjoining landowner so long as the operations are confined to the land on which the well is drilled, is clearly outmoded and has been superseded by the regulations limiting drilling based on R.C. Chapter 1509. The fact that Ohio Adm. Code 1501:9-1-04 requires a twenty-acre tract and a three hundred foot set back for wells of this depth indicates that an adjoining landowner can be damaged by the diminution of his mineral reserves by an adjacent well. Indeed, where the developer of the resource cannot comply with the division's area- and set-back requirements, the chief may limit the developer's production. See R.C. 1509.29.” - Schrimsher Oil & Gas Expl. v. Stoll (Ohio App. 1984)

Question:

I understand the difference between the ad coelum doctrine and the rule of capture, but ...

What is the difference between ad coelum doctrine and the rule of capture as modified by the doctrine of correlative rights?