

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - WYOMING

EME Wyoming, LLC v. BRW East, LLC

Supreme Court of Wyoming - May 10, 2021 - P.3d - 2021 WL 1850890 - 2021 WY 64

Oil and gas company brought action under Eminent Domain Act seeking access to landowners' property for stated purpose of gathering data to evaluate its suitability for condemnation.

The District Court entered orders allowing company access to survey and gather data but barring company from using the collected information to file application for permit to drill. Company appealed and landowners cross-appealed.

The Supreme Court held that:

- Company did not show a landlocked mineral ownership needed under Act to enter property to gather data about its suitability for condemnation, and
- Data that company gathered in violation of Act could not be used for any purpose including in support of a condemnation action.

Eminent Domain Act provision allowing entry onto real property to gather data to determine property's suitability for condemnation is not intended to be a device by which an entity may obtain access to determine if it wants to acquire mineral ownership in the area; a party seeking access under Act must show that it owns development rights to landlocked minerals and that the data it seeks to collect relates to that interest and will be used for its development.

Oil and gas company failed to show that it owned right to develop landlocked minerals that it could not access without condemning property, and therefore company did not qualify as a "condemnor" under Eminent Domain Act provision allowing entry onto real property to gather data to determine property's suitability for condemnation, despite claim that company had 22,000 acres of holdings which were a combination of leases and options to lease, where record did not identify the percentage of either or their precise locations.

Data gathered from landowners' properties by oil and gas company that had non-condemnor status, in violation of Eminent Domain Act provision allowing entry onto real property to gather data to determine property's suitability for condemnation, could not be used for any purpose including in support of a condemnation action; data was not lawfully in company's possession.