

ENERGY & NATURAL RESOURCES



## OVERVIEW

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Foulston Siefkin attorneys understand the complex legal issues involved with the energy industry, including traditional fossil fuels and renewable energy like wind, solar, and bioenergy. Our energy practice group's industry insight, coupled with our law firm's 100-year history of representing energy clients and other manufacturing clients, major employers, and entrepreneurs, uniquely situates Foulston to provide exceptional legal services and value. Our offices in Wichita, Topeka, and Kansas City are strategically located to serve our broad regional client base.

For more detailed information on our Oil, Gas & Minerals Practice, visit: Oil, Gas & Minerals Practice page.

For more detailed information on our Renewable Energy, Electric Storage & Transmission, visit our Renewable Energy, Electric Storage & Transmission page.

**Foulston's energy and natural resources capabilities include:**

- Energy Antitrust
- Resource Development
- Oil, Gas & Minerals
  - Oil and gas leases
  - Title examination
  - Purchase and sale agreements
  - Deeds and other transfer instruments
  - Operating agreements
  - Unit agreements
  - Farmout agreements

- Transfer and division orders
- Gas purchase contracts
- Oil and gas transportation agreements
- Mortgages, deeds of trust and security agreements
- Rights-of-way
- Licenses
- Easements and seismic permits
- Mining leases
- Saltwater disposal agreements, surface use agreements
- Regulatory permitting and compliance
- Representation before the Kansas Corporation Commission
- Litigation, arbitration & dispute resolution regarding disputes involving ownership, market value royalty claims, contract and title claims, lease cancellation claims, implied covenant issues, and contracts
- Renewable Energy, Electric Storage & Transmission
  - Project Site Control, Development, Diligence, Permitting, Zoning, and Regulatory Approvals
  - Project Leases, Easements, and Rights-of-Way
  - State and Federal Tax, Incentives, and Credits
  - County Agreements and Permitting
  - Project Finance/Equity Investments
  - Third Party Cooperation, Consent, and Accommodation Agreements
  - Interplay with Oil and Gas Leases, Easements, Lienholders, Farming Leases, Hunting Leases, Government Program Contracts, and other Co-Existing Real Property Interests
  - Environmental and Cultural Impacts
  - Title and Survey Issues
  - Construction Contracts
  - Power Purchase Agreements
  - Power Transmission and Interconnection
  - Wind Turbines and Other Project Components: Sales, Operation, Maintenance, Manufacturing
  - Labor Issues

## EXPERIENCE

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### **Renewable Energy, Storage & Transmission**

- Represented project developers, project managers, county regulators, or land owners, regarding 60 solar, wind, BESS, and electric transmission.
- Real estate local counsel for party acquiring interests in and developing wind energy projects of approximately 419 megawatts spread over 66,000 acres, and an additional approximately 240 megawatts over additional acreage.
- Local counsel for national renewable project developer regarding approximately 200 megawatt wind energy project.
- Local counsel for an international renewable project development and management company regarding wind energy projects and potential development, including three projects totaling approximately 650 megawatts and approximately 180,000 acres.

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- Representation of project development and management company regarding approximately 74-megawatt wind energy project.
- Local counsel in \$150,000,000 financing of electric transmission assets across 14 counties.
- Advising of alternatives, and negotiating and drafting documents, to facilitate transfer of renewable project income stream separate from project lease.
- Represented national leader in sales and installation of distributed wind energy projects, including Vestas, Gamesa, Northern Power, and Endurance turbines.

## **Oil, Gas and Minerals**

- Representation of subsidiary of major oil company in the largest financing transaction secured solely by oil and gas properties in Kansas.
- Representation of major oil company in serial, multi-state financing transactions securing debt in excess of one billion dollars.
- Representation of independent oil and gas company in the acquisition and financing of Kansas properties valued in excess of \$150 million dollars.
- Defense counsel in state court class actions in several states, involving claims of crude oil mismeasurement.
- Defense counsel in multi-state class action involving claims of natural gas mismeasurement.
- Representation of major interstate regulated refined products pipeline company in connection with the issuance of securities and pipeline title and location matters in five mid-continent states.
- Representation of multiple producers in federal court litigation concerning helium ownership in a series of cases spanning 25 years and multiple decisions in the 10th Circuit of Appeals and United States Supreme Court.

## **PRESENTATIONS**

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### **2019**

- An Introduction to Oil and Gas Tax (Kansas Bar Association Oil, Gas & Mineral Law CLE)
- Mineral Title Examination Course (Washburn University School of Law)

### **2018**

- Kansas' Marketable Record Title Act: To Use or Not to Use, That is the Question (Kansas Bar Association Oil, Gas & Mineral Law CLE; Eastern Kansas Oil & Gas Law Conference; Wichita Association of Petroleum Landmen)

### **2014**

- The Endangered Species Act-Lesser Prairie Chickens and other dangerous critters (Kansas Bar Association)
- Signed, Sealed, Delivered, I'm Yours: Wind Turbines, Cell Towers, & Billboard Agreements - Getting Comfortable with Odd-Shaped Objects (Wichita Bar Association)



- Estate Planning for Oil, Gas and Other Mineral Interests (Foulston Siefkin LLP, Summer Estate Planning Forum)

## 2012

- Wind Project Title Insurance: Breeze through the Issues (Kansas Land Title Association)

## 2011

- Issues Related to Wind Energy Transactions from a Construction and Real Estate Perspective (Kansas Bar Association, Faculty presenter of "Energizing the Law Practice" seminar)

# FOULSTON

ATTORNEYS AT LAW

## ATTORNEYS/OTHER PROFESSIONALS

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### PRIMARY CONTACTS



#### KARL N. HESSE

##### **Partner**

T: 316.291.9554  
khesse@foulston.com



#### TRISH VOTH BLANKENSHIP

##### **Partner**

T: 316.291.9767  
tvoth@foulston.com

### ENERGY & NATURAL RESOURCES TEAM MEMBERS



#### ROBERT J. MCFADDEN

##### **Partner**

# FOULSTON

ATTORNEYS AT LAW

T: 316.291.9533  
rmcfadden@foulston.com



## SARAH C. OTTO

### **Partner**

T: 913.253.2195  
sotto@foulston.com



## C. EDWARD WATSON II

### **Partner**

T: 316.291.9589  
cewatson@foulston.com



## WILLIAM R. WOOD II

### **Partner**

T: 316.291.9772  
bwood@foulston.com



# FOULSTON

ATTORNEYS AT LAW

## MOLLY MORGAN

### Associate

T: 316.291.9701  
mmorgan@foulston.com



## LEE M. SMITHYMAN

### Special Counsel

T: 913.253.2143  
lsmithyman@foulston.com



## JAMES P. ZAKOURA

### Special Counsel

T: 913.253.2142  
jzakoura@foulston.com



## CONNOR A. THOMPSON

### Of Counsel

T: 913.253.2151  
cthompson@foulston.com

# FOULSTON

ATTORNEYS AT LAW

## ADDITIONAL SUPPORTING ATTORNEYS



### **DONALD D. BERNER**

#### **Partner**

T: 316.291.9738  
dberner@foulston.com



### **DANIEL J. BULLER**

#### **Partner**

T: 913.253.2179  
dbuller@foulston.com



### **JEFF P. DEGRAFFENREID**

#### **Partner**

T: 316.291.9788  
jdegraffenreid@foulston.com



# FOULSTON

ATTORNEYS AT LAW

## JOSHUA T. HILL

### Partner

T: 913.253.2139  
jhill@foulston.com



## CHRISTOPHER M. HURST

### Partner

T: 316.291.9507  
churst@foulston.com



## JEFFERY A. JORDAN

### Partner

T: 316.291.9513  
jjordan@foulston.com



## WESLEY J. KIMMEL

### Partner

T: 316.291.9500  
wkimmel@foulston.com

# FOULSTON

ATTORNEYS AT LAW



## COREY L. MOOMAW

### Partner

T: 316.291.9726

cmmoomaw@foulston.com



## ROBERT SMITH

### Partner

T: 316.291.9779

rsmith@foulston.com



## SHANNON D. WEAD

### Partner

T: 316.291.9518

swedad@foulston.com



## MADISON L. MOORE

# FOULSTON

ATTORNEYS AT LAW

## **Associate**

T: 316.291.9517  
mmoore@foulston.com



## **CHARLES P. EFFLANDT**

### **Senior Partner**

T: 316.291.9551  
cefflandt@foulston.com



## **HARVEY R. SORENSEN**

### **Senior Partner**

T: 316.291.9774  
hsorensen@foulston.com



## **DAVID M. TRASTER**

### **Special Counsel**

T: 316.291.9725  
dtraster@foulston.com

# FOULSTON

ATTORNEYS AT LAW



**STEWART T. WEAVER**

**Special Counsel**

T: 316.291.9736  
sweaver@foulston.com