



RQ-6440-2c

TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

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FILE # ML-42173-01

I.D. # 42173

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OPINION COMMITTEE

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OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATOR

2596

August 21, 2001

The Honorable John Cornyn
Attorney General of Texas
P. O. Box 12548
Austin, Texas 78711-2548

RE: Request for opinion regarding drilling permits

Dear General Cornyn:

The Board of Professional Land Surveying requested an opinion in 1985 and asked the question, "whether a "plat" which accompanies an application form filed with the Texas Railroad Commission must be prepared by a public surveyor registered under article 5282c".

The Board received Opinion No. JM-418. The summary of the opinion states, "The sketches or "plats" of proposed well locations required to accompany applications to the Railroad Commission for certain drilling permits need not be prepared by a public surveyor".

The opinion letter states that the Railroad Commission can make permit and spacing decisions based on measurements that do not reach the high degree of accuracy achieved by surveying. This Board is charged with enforcing the Professional Land Surveying Practices Act, Art. 5282c. Section 3 of the Act states, "In order to safeguard the life, health, or property of the public, the practice of professional land or state land surveying in Texas is hereby declared to be subject to regulation in the public interest."

It is the belief of this Board that the property of the public is not safeguarded when unregistered individuals place, and prepare plats of, proposed well locations relative to Lease and/or Survey Boundaries which have not been properly located. Often, plats prepared by the unregistered individual are inaccurate and cause wells to be mislocated on property owned by another or located too close to a property boundary or to an existing well. Such mislocations can cost the public thousands of dollars and take years to resolve. We would appreciate your opinion regarding the following question:

Can the Texas Board of Professional Land Surveying require that all proposed well locations must be surveyed by a Registered Professional Land Surveyor?

If this could be a requirement, perhaps the Railroad Commission would find it would help their agenda to make a rule requiring latitude and longitude for all proposed well locations consistent with the upcoming requirement for latitude and longitude for pipelines.

The Board has been working with our AG Representative, Kay Johnsonius, regarding this question. If you have questions you may contact her at 475 4203 or me at 452 9427.

Yours truly,

Sandy Smith
Sandy Smith
Executive Director