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Missouri River Royalty Owners Head To ND Supreme Court

A large group of royalty owners, who are contesting ownership of minerals in 200 acres along the Missouri River near Williston, are headed to the ND State Supreme Court, appealing the summary judgement of a district court judge.

It is the latest action in seven different lawsuits pending before the courts, where questions have been raised about the state's determination of the Ordinary High Water Mark (OHWM) on the Missouri River.

In May, District Judge Paul Jacobson dismissed the claims sought by William S. Wilkinson and several royalty owners, and granted summary judgement in favor of the ND Board of University and School Lands, Brigham Oil & Gas, LLP, Statoil Oil & Gas LP, EOG Resources, XTO Energy Inc., and Petrogulf Corp.

Jacobson contended there are no grounds to support the assertions of unconstitutional takings, unjust enrichment, and civil conspiracy. Jacobson also ruled that the royalty owners must seek administrative remedies on the OHWM through the state engineer before seeking a court ruling.

The royalty owners are arguing that the state's title to the minerals is limited to the Missouri River before it was inundated by Lake Sakakawea.

They contend that oil gas leases should only be issued on the west side of the Hwy.85 Bridge. Lake Sakakawea was created from the construction of Garrison Dam.

Through their attorney Robert B. Stock, the royalty owners contend Jacobson made several mistakes the regarding royalty owners' arguments, because there are questions about where the OHWM is actually located.

In the appeal, the royalty owners also questioned why the court copied the 12-page order submitted by attorneys for the state instead of doing its own analysis.