

# Farmers deal with pipeline damages

**BY DON STALLINGS, CPA, CMA, CFTA**  
*DBJ Contributing Writer*

Anyone around farming will testify to the great risk taken by farmers every year. The latest threat appears to be the impact to the soybean market due to the spread of swine flu. How many farmers could have seen that one coming?

Another threat most farmers never think about or have to deal with is the placement of a pipeline over their fields. Yet that is exactly what happened to a number of farmers here in the Delta as one of the largest pipeline companies in the United States put down a pipeline this past summer across the Delta from just south of Greenville across to Kosciusko.

Just three years ago a major pipeline company wanted to place a CO2 and oil pipeline over some development property my family and six investors own in Madison County, so when some of my farm clients came to me to assist with their damage claims I knew what to

expect. In our case in Madison County, it took a little over a year of fighting an eminent domain case in court before we were able to negotiate some changes such as moving the placement of the pipeline to our property line, dropping the oil line, requiring a greater depth, allowing construction of roads and parking lots over the pipeline, etc. as well as a substantial cash settlement. Stopping a pipeline from coming across your property is virtually impossible. The most you can hope for are concessions such as those I have mentioned as well as cash compensation for damages.

The pipeline companies are notorious for wanting to pay you for just the few acres they actually place their pipeline on while wanting to ignore damages caused to the entire property and surrounding properties. Despite this, case law is clear the companies are responsible not only for the few acres they utilize, but also to the entire property affected

And there is some case law supporting damages to adjacent property even though the pipeline is not actually on that property. Most people realize they are not going to be able to stop the placement of the pipeline on their property

and routinely sign right of way agreements that virtually strip them of any rights to damages caused by construction of the pipeline. While the pipelines use the signed right of way agreements to their advantage, they routinely pay for some damages caused to adjacent property. Although pipeline representatives will verbally promise you they will take care of any damages caused by the placement of the pipeline, you should seek the advice of an attorney before signing any right of way or other agreements with the pipeline company. The companies routinely allow for additional verbiage to clarify and protect the landowner and his tenant. There is almost always a disclaimer over what a company representative verbally promised. Putting

everything in writing before placement of the pipeline can avoid this.

If you suffer damages from a pipeline placement over your property, the first order of business is to consult with your attorney and then to find a valuation expert to assist in putting together a damage model. Hopefully you will never have to experience a pipeline going through your property, but if it happens, just remember you have some rights even though it is pretty much a David and Goliath struggle.

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*(Don Stallings is a shareholder in the Intimoda, Ms. accounting firm, Baird & Stallings, CPAs, P.A. He is a certified public accountant, a certified valuation analyst, and a certified forensic financial analyst.)*