

Casa No.

45

Application, Transcript,
Small Exhibits, Etc.

SOIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

October 13, 1944

Mr. A. E. Thompson
T. W. Seaton & Co.
713-61 El Paso National Bank Building
El Paso, Texas

Re: Woodworth Hawkins - \$5000 - S MEM 33-84-212.
Maryland Casualty Co. - Cancelled 10-13-44.

Dear Mr. Thompson:

The report of plugging of the above captioned well has been approved by Roy O. Yarbrough, State Oil and Gas Inspector; therefore, the bond noted in the caption is today cancelled.

Very truly yours,

John M. Kelly
Director

By

Chief Clerk & Legal Adviser

CHL:MS
cc Roy Yarbrough
Ray Miller

C
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October 6, 1944

2500-2nd
St. Albans,
Windsor, New Mexico
State of New Mexico

Mr. Roy Yarbrough
Oil Conservation Commission
Santa Fe, New Mexico

Dear Mr. Yarbrough:

I am enclosing form G-103 which accompanied your letter of
October 5th properly signed and sealed. What Mr. Livingston
will send us a release shortly.

Yours very truly,

A. K. Thompson, Manager

AKT:lcl

cc: Mr. Carl B. Livingston
Chief Clerk & Legal Advisor
Oil Conservation Commission
Santa Fe, New Mexico

DIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

June 1, 1944

Mr. A. K. Thompson, Manager
Maryland Casualty Company
723-41 El Paso Nat'l Bank Building
El Paso, Texas

Re: Case No. 45 - W. Perkins, Aztec Negra, No. 1, MEM
13-44-312.

Dear Mr. Thompson:

Thank you for your letter of May 31 explaining the intent of Mr. John R. Bager's letter of May 15. The Commission has always had a very high regard for your company and the writer felt that the letter referred to was an indication that the company intended to stand firm under its obligation. It is gratifying to be advised by you as manager that no such intent was intended and that the letter only intended to cover your company's agreement with your insurer, Mrs. Hurst.

Approved C-102, Notice of Intention to Plug, is herewith enclosed.

Very truly yours,

John M. Kelly
Director

By

Chief Clerk & Legal Adviser

CRE:MS

MARYLAND CASUALTY COMPANY
STEWART McDONALD, CHAIRMAN OF THE BOARD AND PRESIDENT

EL PASO CLAIM DIVISION
A. K. THOMPSON, MANAGER
715-21 EL PASO NAT'L BANK BLDG., EL PASO, TEXAS

May 31, 1944

2089 Bond
H. O. No. 34-43-Cont.
State of New Mexico
Woodworth Hawkins

Mr. Carl B. Livingston
Chief Clerk & Legal Advisor
New Mexico Oil Conservation Commission
Santa Fe, New Mexico

Dear Mr. Livingston:

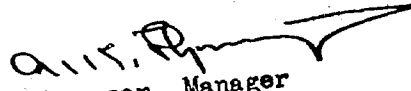
Re: Case No. 45
W. Hawkins, Aqua Negra, No. 1, NPNW 33-6H-31E.
C-102, setting up plugging program

Our letter of May 15th to Mr. Yarbrough went out while the writer was out of town and I have just had occasion to see your letter of May 19th.

Our reference to our liability in the plugging of this well was meant to cover only our agreement with our indemnitor, Mrs. Hurst, and was not meant to indicate that we were not responsible under proper circumstances, to the Oil Conservation Commission.

I am sorry that there was any misunderstanding.

Yours very truly,


A. K. Thompson, Manager

AKT:lcl

cc: Bonding Claims Division

5-22-44

John:

The adjuster does not state in the C-102 any such limitation as he mentions in his letter. Inasmuch as I have already written the adjuster and we are within our legal rights to hold the insurance company and treat Mrs. Hurst as a stranger I see no reason why the C-102 may not be approved with the qualification that the Maryland Casualty Company and not Mrs. Belle Hurst, indemnitor and stranger to the Commission, is looked to by the Commission for proper plugging.

CBL

distributed

6-1-44=

The work in this case is actually being carried out under a contract between our indemnitor, Mrs. Belle Hurst, and Kersey & Company and it is understood that we are not binding ourselves if for any reason our indemnitor should fail to perform.

Yours very truly,

A. K. Thompson, Manager

By

John H. Roper

John H. Roper, Adjuster

JHR:S

cc - Mr. Carl B. Livingston
cc - Bonding Claim Division

MARYLAND CASUALTY COMPANY

STEWART McDONALD, CHAIRMAN OF THE BOARD AND PRESIDENT

EL PASO CLAIM DIVISION

A. K. THOMPSON, MANAGER

715-21 EL PASO NAT'L BANK BLDG., EL PASO, TEXAS

May 15, 1944

Mr. Roy O. Yarbrough
State Oil and Gas Inspector
Hobbs, New Mexico

Re: Case No. 45
W. Hawkins, Aqua Negra, No. 1,
NENW 33-8N-31E.
C-102, setting up plugging program

Dear Mr. Yarbrough

We are enclosing three executed copies of Form C-102 for your approval in accordance with request contained in Mr. Livingston's letter of March 2nd.

The work in this case is actually being carried out under a contract between our indemnitor, Mrs. Belle Hurst, and Kersey & Company and it is understood that we are not binding ourselves if for any reason our indemnitor should fail to perform.

Yours very truly,

A. K. Thompson, Manager

By

John H. Roper
John H. Roper, Adjuster

JHR:S

cc - Mr. Carl B. Livingston

cc - Bonding Claim Division

Dear Carl - 3
if this is satisfactory and Ready
To Reproved Return it to me or show
it to John and he can approve it
Ray

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CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

May 19, 1944

Mr. John E. Roper, Adjuster
Maryland Casualty Company
713-21 El Paso Nat'l Bank Bldg.
El Paso, Texas

Re: Case No. 45
W. Perkins, Agua Negra, No. 1, NMMW 39-28-31X.
C-102, setting up plugging program

Dear Mr. Roper:

Reference is made to your letter of May 15 directed to Mr. Roy O. Yarbrough, State Oil and Gas Inspector, Hobbs, New Mexico, copy of which was sent to the writer. You state among other things:

"The work in this case is actually being carried out under a contract between our indemnitor, Mrs. Belle Hurst, and Kersey & Company and it is understood that we are not binding ourselves if for any reason our indemnitor should fail to perform."

You evidently have a misconception both as to the order of plugging and your company's obligation under the plugging bond. As to your obligation under the plugging bond the Maryland Casualty Company undertakes to plug the well itself if the principal fails to plug it when the well is dry or abandoned. The exact wording of the bond in that respect is as follows:

"NOW, THEREFORE, if the above bounden principal and surety or either of them or their successors or assigns, or any of them, shall plug said well, in accordance with the program approved by the Oil Conservation Commission, through the State Geologist, when dry or when abandoned, in such way as to confine the oil, gas and water in their respective strata in which they are found and to prevent them from escaping into other strata;"

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CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

May 19, 1944

Mr. John M. Roper, Adjuster
Maryland Casualty Company
713-81 El Paso Bldg. 1 Bank Bldg.
El Paso, Texas

Re: Case No. 45
W. Hawkins, Agua Negra, No. 1, EHW 39-82-31R.
C-102, setting up plugging program

Dear Mr. Roper:

Reference is made to your letter of May 15 directed to Mr. Roy O. Yarbrough, State Oil and Gas Inspector, Hobbs, New Mexico, copy of which was sent to the writer. You state among other things:

"The work in this case is actually being carried out under a contract between our indemnitor, Mrs. Belle Hurst, and Kersey & Company and it is understood that we are not binding ourselves if for any reason our indemnitor should fail to perform."

You evidently have a misconception both as to the order of plugging and your company's obligation under the plugging bond. As to your obligation under the plugging bond the Maryland Casualty Company undertakes to plug the well itself if the principal fails to plug it when the well is dry or abandoned. The exact wording of the bond in that respect is as follows:

"NOW, THEREFORE, if the above bounden principal and surety or either of them or their successors or assigns, or any of them, shall plug said well, in accordance with the program approved by the Oil Conservation Commission, through the State Geologist, when dry or when abandoned, in such way as to confine the oil, gas and water in their respective strata in which they are found and to prevent them from escaping into other strata;"

CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

5-19-44

Super

The Commission upon hearing, in quasi-judicial proceeding, determined that the well in question was dry and abandoned. The matter was heard upon the Maryland Casualty Company's petition. The Commission ordered that the Maryland Casualty Company, in pursuance of its obligation, plug the well in accordance with the laws, rules and regulations of the Commission.

Now, whatever arrangement Maryland Casualty Company has made with Mrs. Della Hurst to do the actual plugging is a matter between the Maryland Casualty Company and Mrs. Hurst. This Commission has no contact or deal whatever with Mrs. Hurst.

Any plugging bond would be utterly worthless were it possible that the bonding company could tell the Commission that an indenter and stranger to the Commission had full responsibility of plugging without responsibility on the part of the insurance company. In other words, under the insurance company's obligation in the bond to plug the well and its order from the Commission to plug the well, the insurance company may employ as its agent whatever means or instrumentality it deems to plug the well; yet primarily the insurance company is responsible to the Commission to see that a proper plugging job is performed.

When the actual plugging is performed and the insurance company makes its report of plugging in triplicate upon Form C-103 to Mr. Roy Yarbrough and when he has approved said report then the Maryland Casualty Company's responsibility under the bond has ended whereupon said bond will be immediately cancelled by the Commission, notice of which will be sent to the Maryland Casualty Company.

If you have included in the C-102, notice of intention to plug well, any such condition as you made in your letter it must be deleted.

Very truly yours,

John M. Kelly
Director

By

Chief Clerk & Legal Adviser

CEL:MS
cc Roy Yarbrough
A. K. Thompson

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MAR. LAND CASUALTY COMPANY
STEWART McDONALD, CHAIRMAN OF THE BOARD AND PRESIDENT

EL PASO CLAIM DIVISION
A. K. THOMPSON, MANAGER
712-21 EL PASO NAT'L BANK BLDG., EL PASO, TEXAS

May 18, 1944

Mr. Ray O. Yarbrough
State Oil and Gas Inspector
Hobbs, New Mexico

Re: Case No. 45
W. Hawkins, Agua Negra, No. 1.
NEW 53-55-515.
C-108, setting up plugging program

Dear Mr. Yarbrough:

We are enclosing three executed copies of Form C-108 for your approval in accordance with request contained in Mr. Livingston's letter of March 2nd.

The work in this case is actually being carried out under a contract between our indemnitor, Mrs. Belle Hurst, and Kersey & Company and it is understood that we are not binding ourselves in any way if for any reason our indemnitor should fail to perform.

Yours very truly,

A. K. Thompson, Manager

By

John H. Roper, Adjuster

JHR:S
cc - Mr. Carl B. Livingston
cc - Bonding Claim Division

OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

March 2, 1944

Mr. A. E. Thompson, Manager
Maryland Casualty Company
El Paso, Texas

Re: Case No. 45
W. Machine, Aqua Regia, No. 1, MEM 33-22-312.
C-102, setting up plugging program.

Dear Mr. Thompson:

Please refer to the letter written to you by Mr. Roy O. Yarbrough, State Oil and Gas Inspector, Santa Fe, New Mexico, under date of February 12, a carbon copy of which was forwarded to the writer enclosing C-102 in triplicate, setting out a suggested plugging program.

Mr. Kelly has examined such program and finds it, insofar as the Commission is concerned, satisfactory. Therefore, said C-102 in triplicate is herewith being forwarded to you for signature. When you have executed the C-102 in triplicate please send all three copies to Mr. Yarbrough for his approval.

Very truly yours,

John M. Kelly
Director

By

Chief Clerk & Legal Adviser

CHM:MS
cc Roy Yarbrough

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NEW MEXICO
OIL CONSERVATION COMMISSION

GOVERNOR JOHN J. DEMPSEY
CHAIRMAN
LAND COMMISSIONER H. R. ROOSE
MEMBER
STATE GEOLOGIST JOHN M. KELLY
SECRETARY



DIRECTOR
JOHN M. KELLY
ADDRESS ALL COMMUNICATIONS
TO THE DIRECTOR

Santa Fe, New Mexico
Hobbs, New Mexico
February 18, 1944

These are ok.

Mr. Carl B. Livingston
Chief Clerk & Legal Advisor
New Mexico Oil Conservation Commission
Santa Fe, New Mexico

Re: W. Hawkins, Agua Negra, No. 1, NE NW 33-SN-31E

Dear Carl:

I am enclosing our Form C-102 showing the plugging program agreed upon between Kersey and Company and myself on the above captioned well. I believe this is the procedure we might follow on wells that we do not have any records for.

I contacted Mr. Antweil regarding the Southwestern Drilling Company well and will advise that he use this same procedure in plugging this well.

Would like for you to show this to John and if he has any objections please notify me.

Very truly yours,

JOHN M. KELLY, DIRECTOR

By *Roy O. Garbrough*
Oil and Gas Inspector

Enclosure

ROY:NB

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Hobbs, New Mexico
February 18, 1944

Mr. A. E. Thompson, Manager
Maryland Casualty Company
El Paso, Texas

Dear Sir:

In answer to your letter of February 8th please be advised that I have gone over the plugging program with Kersey and Company in regard to the Woodworth Hawkins well and we have planned a plugging program on an Oil Conservation Commission Form C-102.

I am sending this to Mr. Carl B. Livingston who will in turn forward them to you for the proper signature.

Enclosed please find a supply of our Forms C-102 and C-103.

Very truly yours,

JOHN M. KELLY, DIRECTOR

By

Oil and Gas Inspector

Enclosures

CC-Mr. Carl B. Livingston

ROY:NB

OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

August 30, 1943

Mr. C. H. Brooks
501 First National Bank Building
Wichita, Kansas

Dear Mr. Brooks:

As requested by E. R. Wright, enclosed please find
another copy of Order No. 553.

With kindest personal regards.

Very truly yours,
John H. Kelly
Director

By

Chief Clerk & Legal Advisor

CHL:MS

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CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

August 18, 1943

Mr. C. H. Brooks
Agua Negra Ranch
Santa Fe, New Mexico

Re: Case No. 45, Order No. 553

Dear Mr. Brooks:

Enclosed please find copy of Order No. 553 in the
above captioned case.

Very truly yours,

John M. Kelly
Director

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WILDERNESS CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

August 17, 1943

Mr. Lyle J. Frazier
Box 942
Russell, New Mexico

Re: Case No. 45, Order No. 553

Dear Mr. Frazier:

Enclosed please find copy of Order No. 553 in the
above captioned case.

Very truly yours,

John M. Kelly
Director

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L CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

August 17, 1943

Mr. Glenn Staley
Preservation Office
Bosque, New Mexico

Re: Case No. 45, Order No. 553

Dear Glenn:

Enclosed please find copy of Order No. 553 in the
above captioned case.

Very truly yours,

John M. Kelly
Director

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CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

July 24, 1943

The Santa Fe News
Santa Fe, New Mexico

Re: Case No. 45, Notice for Publication

Gentlemen:

Under date of July 8th we sent you Notice for Publication in the above captioned case. To date we have not received the Publisher's Affidavit and would appreciate your sending this affidavit by return mail.

Very truly yours,

John H. Kelly
Director

By

Chief Clerk & Legal Advisor

CBL:MS

CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

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July 8, 1943

AIRMAIL

Mr. Roy Hartough
Oil Conservation Commission
Hobbs, New Mexico

Re: **Shelton, Woodworth - 39000 - C of NE; 13-28-CEL.**
Maryland Casualty Company, surety. Filed 3-6-39

Re: **Case 45 - Maryland Casualty Company's petition to**
determine above captioned well as abandoned.

Dear Mr. Hartough:

Mr. Kelly desires that you proceed within the next ten days to inspect the above captioned well as to its condition and as to its apparent state of abandonment. This well is to be tried on August 3rd upon the petition of the bonding company for an order adjudging the well as abandoned and to be permitted to plug it. Mr. Kelly desires that you obtain the information mentioned by personal inspection in order that you may appear and be the state's witness at the hearing on August 3 at Santa Fe.

Very truly yours,

John M. Kelly
Director

By

Chief Clerk & Legal Advisor.

CEL:MS

SOIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

July 8, 1943

The Santa Fe New Mexican
Santa Fe, New Mexico

The Santa Rosa News
Santa Rosa, New Mexico

Re: Case No. 45, Notice for Publication

Gentlemen:

Please publish the enclosed notice once, immediately. Please send back the notice carefully and send a copy of the paper carrying such notice.

UPON COMPLETION OF THE PUBLICATION, PLEASE SEND PUBLISHER'S AFFIDAVIT.

For payment please submit statement in duplicate accompanied by voucher enclosed in duplicate. The vouchers must be signed by a notary in the space provided on the back of the voucher. The necessary voucher blanks are enclosed.

Very truly yours,

John M. Kelly
Director

By

Chief Clerk & Legal Advisor

CHL:MS

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CASE NO. 45

BEFORE THE OIL CONSERVATION COMMISSION OF THE
STATE OF NEW MEXICO.

IN THE MATTER OF: THE APPLICATION OF THE MARYLAND
CASUALTY COMPANY FOR AN ORDER DETERMINING WOODWORTH
HAWKINS WELL NO. 1, NENW, 33-8N-21E, GUADALUPE COUNTY,
AS ABANDONED AND AUTHORIZING THE APPLICANT, SURETY
UPON THE PLUGGING BOND COVERING SAID WELL, TO PLUG
SAID WELL IN CONFORMITY WITH THE RULES OF THIS COM-
MISSION.

Pursuant to notice by the Commission, duly made and published,
setting August 3, 1943, at ten o'clock, A. M., for hearing in the
above entitled matter, said hearing was convened on said day, at
said hour, in the Coronado Room, La Fonda, Santa Fe, New Mexico,
the Commission sitting as follows:

HON. JOHN J. DEMPSEY, Governor of New Mexico, Chairman
HON. JOHN M. KELLY, State Geologist, Secretary
HON. H. R. RODGERS, Commissioner of Public Lands, Member
HON. CARL B. LIVINGSTON, Chief Clerk and Legal Adviser.

APPEARANCES:

<u>Name</u>	<u>Company</u>	<u>Address</u>
A. S. Willig	The Texas Company	Ft. Worth, Texas
Harvey E. Yates	Harvey E. Yates	Artesia, N. M.
Roy Yarborough		Hobbs, N. M.
Walter P. Luck	N. M. Asphalt & Ref. Co.	Artesia, N. M.
C. H. Brooke	Agua Negra Ranch	Santa Rosa, N.M.
A. M. McCorkle	Stanolind Oil & Gas Co.	Ft. Worth, Texas
P. H. Lillie	Agua Negra Ranch	Santa Rosa, N. M.
Leo Fry	Stanolind Oil & Gas Co.	Hobbs, N. M.
L. F. Peterson	Stanolind Oil & Gas Co.	Ft. Worth, Texas
Lake J. Frazier	Maryland Casualty Co.	Roswell, N. M.
Geo. P. Livermore	Geo. P. Livermore, Inc.	Lubbock, Texas
U. S. Welch	Flynn, Welch & Yates	Artesia, N. M.
F. W. Brigence	Rowan Drilling Co.	Ft. Worth, Texas
R. U. Fitting	Shell Oil Co.	Midland, Texas
H. J. Kemler	Shell Oil Co.	Midland, Texas
R. B. F. Hummer	Phillips Petroleum Co.	Bartlesville, Okla.
C. A. Daniels	Phillips Petroleum Co.	Amarillo, Texas
E. H. Foster	Phillips Petroleum Co.	Amarillo, Texas
Lloyd L. Gray	Gulf Oil Corp.	Tulsa, Okla.
Neville G. Penrose		Ft. Worth, Texas
Rice Tilley		Ft. Worth, Texas
Harvey Hardison		Houston, Texas
Edgar Kraus	Atlantic Oil & Ref. Co.	Dallas, Texas
R. F. Windjohr	Nash, Windjohr & Brown	Ft. Worth, Texas
James M. Murray	Me-Tex Co's	Hobbs, N. M.
J. C. Echlin	American Employers Ins. Co.	El Paso, Texas
Glenn Staley	Lea County Operators	Hobbs, N. M.
K. M. Fagin	Magnolia Petroleum Co.	Dallas, Texas
S. P. Hahnafin	Magnolia Petroleum Co.	Roswell, N. M.
C. G. Campbell	Tex. Pac. Coal & Oil Co.	Midland, Texas
Leo R. Menning	State Land Office	Santa Fe, N. M.
W. K. Davis	El Paso Nat. Gas Co.	Jal, N. M.
Foster Morrell	U. S. Geological Survey	Roswell, N. M.
Harry Leonard	Leonard Oil Co.	Roswell, N. M.
Hugh L. Sawyers	N.M. Oil & Gas Asso.	Roswell, N.M.
John P. Morgan	Sun Oil Co.	Dallas, Texas

J. O. Seth
W. L. Morrison
R. S. Dewey

Seth & Montgomery
Honolulu Oil Corp.
Humble Oil Co.

Santa Fe, N. M.
Lubbock, Texas
Midland, Texas

The meeting was called to order by the Chairman, and upon request of the Secretary, the Chief Clerk read the call of the meeting, as follows:

"NOTICE FOR PUBLICATION
STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

The Oil Conservation Commission, by law invested with jurisdiction as the oil and gas regulatory body of the State of New Mexico, hereby gives notice of the following hearing to be held at Santa Fe, New Mexico:

Case No. 45

In the matter of the application of the Maryland Casualty Company for an order determining Woodworth Hawkins Well No. 1, NENW, 33-8N-21E, Guadalupe County, as abandoned and authorizing the applicant, surety upon the plugging bond covering said well, to plug said well in conformity with the rules of this Commission. This case is set for 10 A. M., August 3, 1943.

Any person having any interest in the subject of said hearing is entitled to be heard.

The foregoing Notice of Publication was made pursuant to the direction of the Commission at its executive meeting June 22, 1943.

Given under the seal of said Commission at Santa Fe, New Mexico, on July 8, 1943.

OIL CONSERVATION COMMISSION
BY (SGD) JOHN M. KELLY
SECRETARY"

(SEAL)

C. H. BROOKE

being first duly sworn, testified as follows:

BY MR. FRAZIER: Go ahead and tell the Commission what you know about this well.

BY MR. BROOKE: This well, the contract was entered into with Mr. Hawkins---

BY MR. FRAZIER: Woodworth Hawkins?

BY MR. BROOKE: I am not sure about the initials. He entered into a lease with Agua Negra Ranch and Live Stock Company, which

I own. I gave him a lease, or put the lease in escrow, for about 15,000 acres in six subdivisions, and he proceeded to drill on one of the leases, and reached a depth of between 1000 and 1100 feet, in 1941. He left, apparently abandoned the proposition, in the fall of 1941. The last I heard from him was on the 12th of November of that year. I made several attempts to get in touch with him, and failed to do so. That is about all I know about the well.

BY MR. FRAZIER: What was the date of that lease arrangement with him?

BY MR. BROOKE: The lease arrangement was made June, I think, the date of the lease--I have a copy--was June 29, 1938, I think.

BY MR. FRAZIER: Was that to be a 5 year lease?

BY MR. BROOKE: Five year lease, by the terms of the lease. It expired on the 29th day of June, 1943.

BY MR. FRAZIER: Did he ever actually pick up those leases that were in escrow?

BY MR. BROOKE: No, the leases were first made and provided that when they reached the depth of 500 feet the leases should be delivered, but he had so much trouble, and had to have so many extensions, that we made a supplemental agreement, whereby the depth, before he was entitled to receive the leases, was to be 2000 feet. The leases were deposited with the First National Bank in Albuquerque, New Mexico. And sometime after, this year, nothing having been done since 1941, and being already unable to contact him, I took the matter up with the First National Bank of Albuquerque, and took down the leases. There were six leases all told, placed in escrow, and he has never appeared since, and the leases expired by their terms, the five year period expired on the 29th day of June. That is the situation with regard to the leases.

I might make this statement in regard to those leases. There is no hope whatever, of course, his having failed to comply with his leases, he has no leases now, they have all

been taken down, and I recognize the probable right of the State to have the well plugged. At the same time, there was developed an unusual quantity of water. After drilling down from about 20 feet from the surface, he contacted a strata of coarse gravel and sand that was completely saturated with water. He was unable to lower the water at all in the hole, and although his bailer held something around 85 or 90 gallons, he wasn't able to hold it at all, working as hard as he could. And after he got through that strata, 75 feet, he struck a small thin strata of about 15 inches of limestone, which completely separated it from the strata below. After drilling through that strata, about the same size as the first one, about 75 feet, and which was also saturated with water, and going through that water and all, coming down probably from what is known as the Pintado, anyhow that is what we all think.

It was my purpose, if the well was a failure, to try and make some arrangements to properly use the water for irrigation purposes. There is water enough there, I am satisfied, to irrigate from 75 acres up, and while I recognize the right of the State to have the well plugged up, some arrangement might be made whereby we could get the benefit of the well for irrigation purposes. I have some 40,000 acres, and this particular well is surrounded by some fine land that would be the kind of land to irrigate. That is about all I have to say on the subject.

BY MR. FRAZIER: Have you been pumping water from the well?

BY MR. BROOKE: I haven't, no.

BY MR. FRAZIER: Has anyone used it at all for water?

BY MR. BROOKE: No one has used it. Until the 29th day of June, 1943, I hadn't disturbed the relations at all with respect to the well. While I didn't expect Mr. Hawkins around, his leases didn't expire, according to their terms, until June 29, 1943, and it has been my intention, when I thought I could do safely beyond all question, to test the wells completely, and perhaps

drill some other wells near by, to determine just in what direction the flow came, with the idea of developing quite an irrigation project, and I would like to go ahead with it. At the same time I recognize the right of the State to plug the well.

BY GOVERNOR DEMPSEY: Have you ever discussed with the State Engineer whether you have a right to do that? I would like to see you do that.

BY MR. BROOKE: I would like to see you do that.

BY MR. RODGERS: Where is his well located?

BY MR. BROOKE: My ranch embraces practically all of the Antonio Sandoval Grant. It lies close to Santa Rosa, a short distance southwest of Santa Rosa, borders on the Pecos River, in fact, the Pecos River runs through a corner of the ranch. I had made up my mind I wouldn't do anything at all, until Mr. Hawkins' leases had completely expired, and I am satisfied, and it is my intention, as soon as I can get at it, to try and develop an irrigation project, because there is a lot of very fine land that surrounds this well.

BY MR. FRAZIER: Are you willing to assume the responsibility for the well and leave it plugged?

BY MR. BROOKE: You mean the possibility of injury to any person?

BY MR. FRAZIER: Yes?

BY MR. BROOKE: I would leave that to my engineer. It seems to me we could protect it just the same as any irrigation well, his pipe is in there now. I think he has either 12 $\frac{1}{2}$ or 15 inch pipe there. I don't know how deep it is.

BY MR. KELLY: Would you probably plug the well in accordance with our oil and gas inspector's ruling, if we allowed you to turn it into a water well, that is, the lower formation?

BY MR. BROOKE: If it was turned into an irrigation well, there would be no plugging.

BY MR. KELLY: The lower formation would have to be plugged back up to the water, from the bottom.

BY MR. BROOKE: I wouldn't have objection to plugging that far. I

think the total depth that would be affected would be not to exceed 200 feet.

BY MR. KELLY: You would be willing to plug back up to 200 feet, then, if we allowed you to turn it into a water well?

BY MR. FRAZIER: In order to keep the well as a water well, would you be willing to plug it back to 200 feet?

BY MR. BROOKE: That is a matter I haven't considered. I would have to know the cost. What would it cost to do that?

BY MR. KELLY: I don't know. Mr. Frazier, you represent the Bonding Company, too?

BY MR. FRAZIER: Yes.

BY MR. KELLY: If Mr. Brooke doesn't want the well turned into a water well, then the Bonding Company would have to plug it.

BY MR. FRAZIER: We want to have the bond released by plugging the well.

BY MR. BROOKE: You don't care anything about plugging, so long as the bond is released.

BY GOVERNOR DEMPSEY: Then you would assume the responsibility of plugging the well?

BY MR. BROOKE: If we plugged it down to 200 feet where the big water is, it would become a water well, wouldn't it?

BY GOVERNOR DEMPSEY: Yes.

BY MR. BROOKE: And there would be no more liability than in any other water well. I think if I made the hole 200 feet deep I would be willing to take the responsibility for anything that happened.

BY GOVERNOR DEMPSEY: The question is, you see, you release the bond, and someone has to plug the well. If you want to plug it back up to that water strata, there is no objection, but someone is going to have to do it.

BY MR. BROOKE: Suppose you go ahead and have it plugged, at whose expense would that be?

BY GOVERNOR DEMPSEY: The Bonding Company. Then you would have no water well.

BY MR. BROOKE: What would it cost? It wouldn't be very much, only 200 feet.

BY GOVERNOR DEMPSEY: You have to plug 900 feet.

(Witness excused)

MRS. BELL HURST

being first duly sworn, testified as follows:

BY MR. FRAZIER: What is your name and address?

BY MRS. HURST: Mrs. Bell Hurst, Roswell, New Mexico.

BY MR. FRAZIER: Are you the indemnitor on this bond?

BY MRS. HURST: Yes sir.

BY MR. FRAZIER: Have you had any discussion with Mr. Hawkins as to abandoning this well?

BY MRS. HURST: Well about the latter part of 1941. I haven't seen him since that time.

BY MR. FRAZIER: What did he say about it at that time?

BY MRS. HURST: He said he thought he was going to abandon it and plug it.

BY MR. FRAZIER: Are you anxious to bring this matter to a conclusion?

BY MRS. HURST: Yes sir.

(Witness excused)

ROY YARBOROUGH

being first duly sworn, testified as follows:

BY MR. LIVINGSTON: Mr. Yarborough, have you visited the well in question lately?

BY MR. YARBOROUGH: I have.

BY MR. LIVINGSTON: Please tell this Commission the state in which you found the well, with reference to whether or not it is apparently abandoned, and as to whether it should be plugged?

BY MR. YARBOROUGH: Well I visited the well, and from the best I could tell, there hasn't been anything done around there for a year or more, any work of operation, and the well would naturally have to be plugged and abandoned before the bond could be cancelled.

BY MR. KELLY: Is there any equipment on the ground?

BY MR. YARBOROUGH: Yes, there is an old National engine, with a string of 12 $\frac{1}{2}$ inch tools setting on the bailer over the hole.

BY MR. KELLY: Is there any evidence around there of any oil ever having been produced?

BY MR. YARBOROUGH: No, there's no evidence there.

BY MR. LIVINGSTON: About what time did you inspect this well,
how long ago, recently, or when?

BY MR. YARBOROUGH: The 9th of July, I believe is about the time.

(Witness excused)

BY MR. FRAZIER: We might work out some agreement between Mr. Brooke
and the Bonding Company about this.

BY GOVERNOR DEMPSEY: The Commission is anxious to have that water
saved, if we can do it.

BY GOVERNOR DEMPSEY: The Commission will take the matter under
advisement.

CERTIFICATE

I hereby certify that the above and foregoing seven and a
fraction pages of typewritten matter constitute a full, true,
correct and complete transcript of all the proceedings had
and testimony taken in Case No. 45, on the 3rd day of August,
1943, as the same were by me taken down in shorthand and
transcribed.

Witness my hand this 15th day of August, 1943.

Alice Stewart

Alice Stewart.



REPORT THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING CALLED BY
THE OIL CONSERVATION COMMISSION OF THE
STATE OF NEW MEXICO FOR THE PURPOSE OF
CONSIDERING:

CASE NO. 45

ORDER NO. 553

IN THE MATTER OF THE APPLICATION OF THE
MARYLAND CASUALTY COMPANY FOR AN ORDER
DETERMINING WOODWORTH HAWKINS WELL NO. 1,
HEWM, 33-SK-21E, GUADALUPE COUNTY, AS
ABANDONED AND AUTHORIZING THE APPLICANT,
SURETY UPON THE PLUGGING BOND COVERING
SAID WELL, TO PLUG SAID WELL IN CONFORMITY
WITH THE RULES OF THIS COMMISSION.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at ten o'clock A.M., August 3, 1943,
at Santa Fe, New Mexico, before the Oil Conservation Commission of New
Mexico, hereinafter referred to as the "Commission".

NOW, on this 17th day of August, 1943, the Commission
having before it for consideration the testimony adduced at the hearing
of said case and being fully advised in the premises, the Commission finds:

FINDINGS

1. That Woodworth Hawkins Well No. 1, HEWM, 33-SK-21E, Guadalupe
County, is dry and abandoned and should be plugged in accordance with the
laws, rules and regulations of the Commission.
2. That the applicant, the Maryland Casualty Company is the surety,
with the principal Woodworth Hawkins upon the bond assuring plugging of said
well when dry or abandoned.

IT IS THEREFORE ORDERED:

That the Maryland Casualty Company shall plug said well and may
plug such well so as to convert said well into an irrigation well if
desired by the applicant and the land owner. Whether such well is plugged
from the bottom to the top or in such way as to convert it into a water
well, the applicant shall comply with the laws, rules and regulations of
the Commission and its administrative requirements in connection with such
plugging.

2. The order herein shall be effective on the date of its execution.

DONE at Santa Fe, New Mexico, on the day and year hereinabove
designated.

OIL CONSERVATION COMMISSION

John J. Murphy
JOHN J. MURPHY, CHAIRMAN

John H. Kelly
JOHN H. KELLY, SECRETARY

Affidavit of Publication

STATE OF NEW MEXICO)
COUNTY OF GUADALUPE)SS

J. T. Hoy

of Santa Rosa, New Mexico, being first duly sworn
on oath deposes and says:

That he is the Publisher of the
Santa Rosa News, a weekly newspaper of general
paid circulation, published in the English and
Spanish languages, which is entered under the
Second Class Postal Privileges in the County of
Guadalupe and State of New Mexico; that the
notice hereto attached was published in the English

language in the
regular and entire issue of said newspaper and not
in any supplement thereof, on the same day of the
week, for a period of one consecutive
week, to-wit:

First Publication July 9 1943

Second Publication _____, 19____

Third Publication _____, 19____

Fourth Publication _____, 19____

Affiant further says that said newspaper has
been published weekly in said County of Guada-
lupe, State of New Mexico, continuously and un-
interruptedly for more than twenty-six weeks next
prior to the first issue thereof containing said
notice and is duly qualified for the purpose of
publishing all legal notices or advertisements re-
quired by law or the order of any court of record
in the State of New Mexico to be published in
newspapers, within the meaning of Chapter 167,
Laws of New Mexico of 1937; and that payment
for the publication of the said notice has not
been made ~~was made~~ on the 13th day of

July 1943

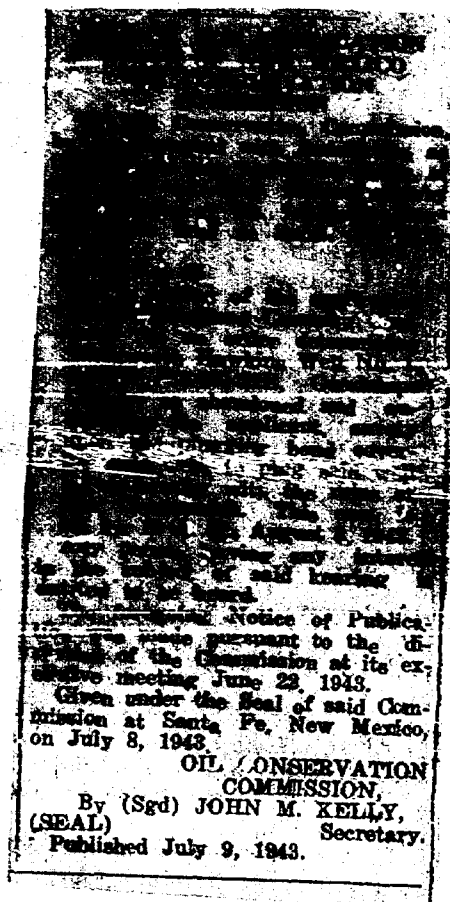
J. T. Hoy
Publisher

Subscribed and sworn to before me on this

13th day of July 1943

Lela M. Sims
Notary Public

My Commission Expires March 13, 1946



I, A. N. Morgan, being first duly sworn,
 declare and say that I am the ~~Business Manager~~ (Editor) of the Santa Fe
New Mexican, a daily newspaper, published in the English
 Language, and having a general circulation in the City and County of Santa Fe, State of
 New Mexico, and being a newspaper duly qualified to publish legal notices and adver-
 tisements under the provisions of Chapter 167 of the Session Laws of 1937; that the
 publication, a copy which is hereto attached, was published in said paper ~~on the~~
 for one time ~~as an advertisement in the regular issue of the paper~~
 in the regular issue of the paper during the time of publication, and that the notice was
 published in the newspaper proper, and not in any supplement, ~~insert or extra~~
one time ~~with no other publication~~ publication being on the
10th day of July, 1943 ~~and no other~~
~~same~~ ~~and~~, 19...; that payment
 for said advertisement has been (duly made), or (assessed as court costs); that the
 undersigned has personal knowledge of the matters and things set forth in this affidavit.

38 lines, one time at \$ 3.04
lines, times, \$
Tax \$ 3.04
Total \$

By _____

Subscribed and sworn to before me, this 13th
day of July, A.D., 1943
Anna K. Ormrod
Notary Public.

June 11, 1945

**NOTICE FOR PUBLICATION
STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

The Oil Conservation Commission, by law invested with jurisdiction as the oil and gas regulatory body of the State of New Mexico, hereby gives notice of the following hearing to be held at Santa Fe, New Mexico:

Case No. 45

In the matter of the application of the Maryland Quarry Company for an order determining Macdonald Machine Well No. 1, MNM, 13-62-212, Sandoval County, as abandoned and authorizing the applicant, surety upon the plugging bond covering said well, to plug said well in conformity with the rules of this Commission. This case is set for 10 A.M., August 3, 1943.

Any person having any interest in the subject of said hearing is entitled to be heard.

The foregoing Notice of Publication was made pursuant to the direction of the Commission at its executive meeting June 22, 1943.

Given under the seal of said Commission at Santa Fe, New Mexico, on July 2, 1943.

OIL CONSERVATION COMMISSION

BY (805) JOHN H. KELLY
SECRETARY

(SEAL)

Att'y of Nat. Can. Co. plan
order determining Woodworth
Howkins Well No 1 N E NW
33 - 8 N - 21 E Garfield
Co. as abandoned and
authorizing the applicant, jointly
upon the plugging and covering
said well to plug said well
in conformity with the rules
rules and ~~instructions~~ of
the Commission.

OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

May 17, 1943

Lake J. Frazier, Esquire
Box 942
Roswell, New Mexico

Re: Hawkins, Woodworth - \$5000 - C of NEWM; 33-621E.
Maryland Casualty Company, surety. Filed 3-6-43

Dear Mr. Frazier:

The petition of the Maryland Casualty Company for an order adjudging the above captioned well as abandoned and for further order to be permitted to plug the well will be brought to the attention of the Commission for the setting of a hearing before the Commission sitting in its quasi-judicial capacity. When the hearing has been set you will be advised in order that you may appear for the petitioner and present such testimony in support of your petition as you may deem advisable.

Very truly yours,

John M. Kelly
Director

By

Chief Clerk & Legal Advisor

CBL:MS
cc T. W. Coates
Maryland Casualty Co.
El Paso, Texas

FRAZIER AND QUANTIUS

ATTORNEYS AT LAW

BOX 942

123 WEST FOURTH STREET

ROSWELL, NEW MEXICO

LAKE J. FRAZIER
LELAND M. QUANTIUS
D. A. CALDERON

May 13, 1943

Carl B. Livingston, Esq.,
Chief Clerk & Legal Advisor,
New Mexico Oil Conservation Comm.,
P. O. Box 871,
Santa Fe, New Mexico.

Dear Mr. Livingston:

RE: Hawkins, Woodworth - \$5000
C of NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33-8N-21E.
Maryland Casualty Co., Surety
Filed 3-6-39.

As you know, there has been considerable correspondence regarding the above matter, and in order to bring it to a conclusion we are sending herewith a Petition in behalf of the surety. We ask that this be acted upon as soon as convenient, and in the event you desire some testimony or affidavits we will be glad to submit same.

Naturally, the parties interested would prefer not to go to the expense of coming to Santa Fe to appear before the Commission if it can be avoided, as we feel that you are fully conversant with the entire situation. However, if you desire personal appearance and testimony it can be arranged.

Will you please advise us as to your requirements.

Sincerely yours,

FRAZIER & QUANTIUS

By 

LJF/ldp
Enclosure

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN RE: Hawkins, Woodworth - \$5000

Bond 2589

C of NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33-8N-21E.

226824 F & S 34-43 Cont.

Maryland Casualty Company, Surety.

Filed 3-6-39.

P E T I T I O N

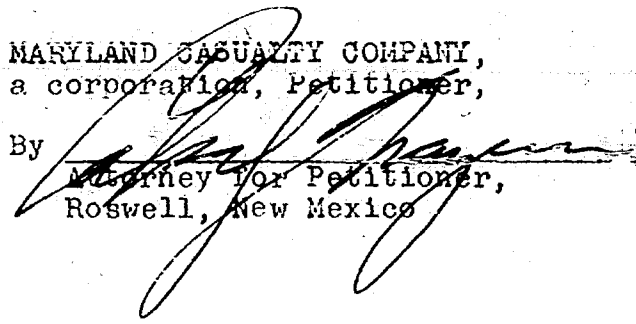
Comes now the Maryland Casualty Company, a corporation,
surety on the bond hereinabove referred to, and states:

1. That the well involved has been abandoned and should
be plugged; that it is the desire of this surety to proceed with
plugging the said well in conformity with the rules of this
Commission.

WHEREFORE, it is prayed that the Commission enter its
order authorizing the surety and petitioner to proceed with the
plugging of the well in conformity with the rules of the Commission;
and that upon completion of the plugging operations the bond filed
herein be released and held for naught.

MARYLAND CASUALTY COMPANY,
a corporation, Petitioner,

By


Attorney for Petitioner,
Roswell, New Mexico