

Case No.

82

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Application, Transcript,  
Small Exhibits, Etc.

OIL CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

June 26, 1946

Eden & Johnson  
Attorneys & Counselors at Law  
713-719 First National Bank Building  
Albuquerque, New Mexico

Re: Order 660, Case 82

Gentlemen:

Enclosed please find an executed original and one  
copy of the above captioned order.

Very truly yours,

Chief Clerk & Legal Adviser

CBL:MSH

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BEFORE 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. 82

ORDER NO. 660

THE APPLICATION OF I. K. WESTBROOK FOR AN  
ORDER OF APPROVAL OF AN IRREGULAR OIL AND  
GAS WELL LOCATION IN SW 1/4, SECTION 22,  
T. 20N, RANGE 11W, N.M.P.M., MCKINLEY COUNTY,  
NEW MEXICO, FOR I. K. WESTBROOK - SANTA FE  
PACIFIC RAILROAD COMPANY WELL NO. 1, WHICH  
LOCATION IS 1594 FEET SOUTH OF THE NORTH LINE  
AND 2411 FEET WEST OF THE EAST LINE OF SAID  
SECTION.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at Santa Fe, New Mexico, at ten o'clock  
A.M., June 7, 1946, before the Oil Conservation Commission of New Mexico,  
hereinafter referred to as the "Commission".

NOW, on this 7th day of June, 1946, the Commission having before it for  
consideration the testimony adduced at the hearing of said case and being fully  
advised in the premises;

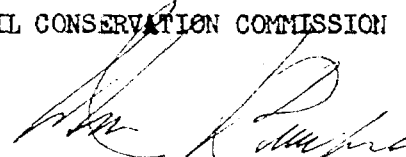
IT IS THEREFORE ORDERED THAT:


SECTION 1. I. K. Westbrook is hereby granted an irregular oil and gas  
well location for his Santa Fe Pacific Railroad Company Well No. 1, in the  
SW 1/4 Section 22-20N-11W, N.M.P.M., McKinley County, New Mexico. Said irregular  
location being 1594 feet South of the North line and 2411 feet West of the  
East line of said section.

SECTION 2. The order herein shall be effective June 7, 1946.

Done at Santa Fe, New Mexico, as of the day and year hereinabove  
designated.

OIL CONSERVATION COMMISSION

  
JOHN J. DEMPSEY, CHAIRMAN

  
JOHN E. MILES, MEMBER

  
R. R. SPURRER, SECRETARY.

SEAL

# The Atchison, Topeka and Santa Fe Railway Company

E. C. IDEN,  
Solicitor for New Mexico

## NEW MEXICO LAW DEPARTMENT

BRYAN G. JOHNSON,  
Attorney for New Mexico

Albuquerque, New Mexico,

May 25, 1946

File 10-45

Case 82

Mr. Carl B. Livingston  
Attorney  
Oil and Gas Conservation Commission  
Santa Fe, New Mexico

Dear Mr. Livingston:

This will acknowledge your notice of May 20, 1946, to the effect that the application of I. K. Westbrook for approval of an irregular oil and gas well spacing was set for hearing at Santa Fe, New Mexico, on June 7, 1946, at 10:00 A. M.

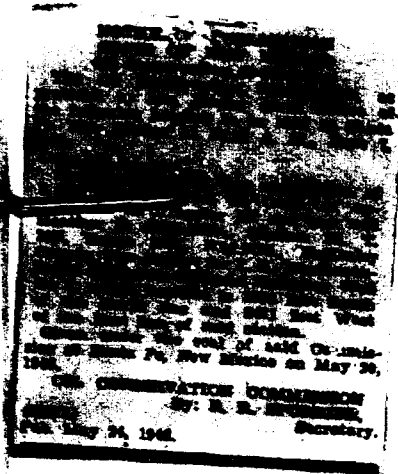
I am today advising Mr. Westbrook of this setting and he, Mr. Hemenway and I are planning on being present.

With kind personal regards.

Very truly yours,

E. C. Iden

NC



## Affidavit of Publication

State of New Mexico, }  
County of Santa Fe } ss.

I, C. B. Floyd, 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 advertisements 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~~ one time ~~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, on the~~ one time ~~publication being on the~~ 24th day of May, 1946, and ~~that payment~~ 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.

### PUBLISHER'S BILL

26 lines, one time at \$ 2.08  
lines, times, \$  
Tax \$  
Total . . . . \$ 2.08

Received payment,

By.....

Manager

Subscribed and sworn to before me this 24th day of May, A.D., 1946.  
Anna H. Divis  
Notary Public

My Commission expires

June 14, 1949

# Affidavit of Publication

STATE OF NEW MEXICO)

)ss.

COUNTY OF MCKINLEY)

I, Charles H. Kemper being duly sworn upon his oath, deposes and says:

That he is Bookkeeper of the Gallup Independent, a newspaper published in and having a general circulation in McKinley County, New Mexico, and in the Town of Gallup, therein: that this affiant makes this affidavit based upon his own personal knowledge of the facts herein sworn to. That the publication, a copy of which is hereto attached was published in said newspaper, in the regular and entire issue of each number of said newspaper during the period and time of publication and said notice was published in the newspaper

proper, and not in a supplement thereof, for One weeks

consecutively, the first publication being on the 25th day of

May, 19 46, the second publication being

on the None day of \_\_\_\_\_, 19\_\_\_\_

the third publication being on the None day of \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_

and the last publication being on the None day of \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_

That such newspaper, in which such notice or advertisement was published, is now and has been at all times material hereto, duly qualified for such purpose, and to publish legal notices and advertisements within the meaning of Chapter 167 of the 1937 laws of the State of New Mexico.

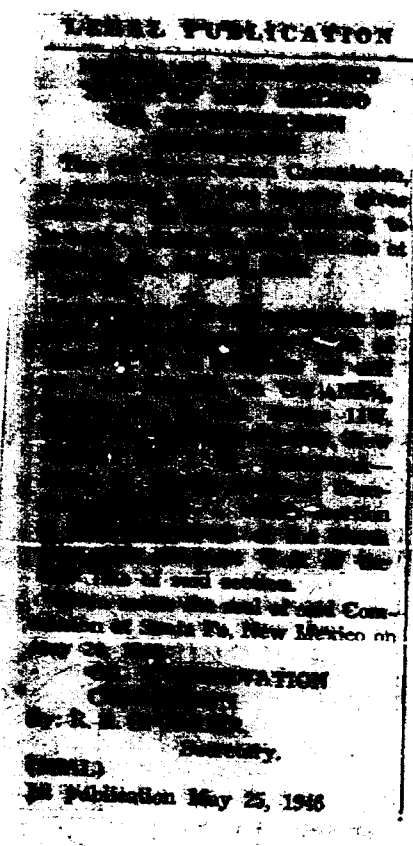
Charles H. Kemper  
Affiant

Sworn and subscribed to before me this 27th day of

May, A.D., 19 46  
Alvin E. Davis  
Notary Public.

My commission expires

My Commission Expires April 10, 1950



NOTICE OF PUBLICATION  
STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION

The Oil Conservation Commission, as provided by law, hereby gives notice of the following hearing to be held at Santa Fe, New Mexico at 10:00 A. M., June 7, 1946:

Case 82.

In the matter of the application of I. K. Westbrook for an Order of approval of an irregular oil and gas well location in ~~SW 1/4~~ Section 22, T.28N, Range 11W, N.M.P.M., McKinlay County, New Mexico for I. K. Westbrook - Santa Fe Pacific Railroad Company Well No. 1, which location is 1594 feet South of the North line and 2411 feet West of the East line of said section.

Given under the seal of said Commission at Santa Fe, New Mexico on May 20, 1946.

OIL CONSERVATION COMMISSION

By:

*R. R. Spurrier*  
R. R. Spurrier, Secretary

SEAL

STATE BUREAU OF MINES & MINERAL RESOURCES

Box 871

*Santa Fe, New Mexico*

JOHN M. KELLY  
DIRECTOR

May 20, 1946

The Santa Fe, New Mexican  
Santa Fe, New Mexico

Gentlemen:

Re: Notice of Publication - Case No. 82

Please publish the enclosed notice once, immediately. Please proof-read 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 executed in duplicate. The vouchers must be signed by a notary in the space provided on the back of the voucher. The necessary blanks are enclosed.

Very truly yours,

Chief Clerk and Legal Adviser

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STATE BUREAU OF MINES & MINERAL RESOURCES

Box 871

*Santa Fe, New Mexico*

JOHN M. KELLY  
DIRECTOR

May 28, 1946

AIR MAIL - SPECIAL DELIVERY

The Gallup Independent  
Gallup, New Mexico

Gentlemen:

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

UPON COMPLETION OF THE PUBLICATION, PLEASE SEND PUB-  
LISHER'S AFFIDAVIT.

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

Very truly yours,

Chief Clerk and Legal Adviser

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STATE BUREAU OF MINES & MINERAL RESOURCES

Box 871

*Santa Fe, New Mexico*

JOHN M. KELLY  
DIRECTOR

May 28, 1946

Honorable Bryan G. Johnson  
Iden and Johnson  
715-26-17-18-19 First National Bank Building  
Albuquerque, New Mexico

Dear Bryan:

Re: Case No. 82, Application of I. K. Westbrook  
for approval of an irregular oil and gas well.

The above-captioned case has been set for hearing at Santa  
Fe, New Mexico on June 7, 1946, at 10:00 A. M.

Will you please acknowledge receipt of this notice?

With kindest personal regards.

Very truly yours,

Chief Clerk and Legal Adviser

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E. C. IDEN  
BRYAN G. JOHNSON  
JAMES T. PAULANTIS

**IDEN & JOHNSON**  
ATTORNEYS AND COUNSELORS AT LAW  
715-15-17-18-19 FIRST NATIONAL BANK BUILDING  
ALBUQUERQUE, NEW MEXICO

May 7, 1946

Mr. Carl Livingston, Attorney  
New Mexico Oil Conservation Commission  
Santa Fe, New Mexico

Dear Mr. Livingston:

Pursuant to our telephone conversation of yesterday, we enclose herewith Application of I. K. Westbrook for Authorization to Drill Well on a Portion of Section 22, Township 20 West, Range 11 West, McKinley County, New Mexico, which is self-explanatory. There is attached to said application and made a part thereof Notice of Intention to Drill, executed in triplicate, together with One-Well Bond Form 39-B1.

We presume we will hear from you in due course.

With kind personal regards.

Very truly yours,

IDEN AND JOHNSON

BY *B. G. Johnson*

HC  
Encl.

BEFORE THE NEW MEXICO OIL CONSERVATION COMMISSION

PETITION OF I. K. WESTBROOK FOR  
AUTHORIZATION TO DRILL WELL ON  
A PORTION OF SECTION 22, TOWNSHIP  
20 WEST, RANGE 11 WEST, MCKINLEY  
COUNTY, NEW MEXICO

m —————  
Comes now I. K. WESTBROOK by his Attorneys,  
Iden and Johnson, and respectfully petitions the New Mexico  
Oil Conservation Commission for authorization to drill a  
well at the location hereinafter specifically described,  
and in support of said Petition states:

I

That for many years Petitioner has held a  
grazing lease from Santa Fe Pacific Railroad Company on  
the lands on which the hereinafter described well is  
located; that shortly after the first of January, 1946,  
Petitioner entered into a contract to purchase the surface  
rights of said real estate from said Santa Fe Pacific  
Railroad Company and thereafter started the drilling of  
a water well; that when said well had reached the  
approximate depth of 1092 feet a showing of oil was en-  
countered and drilling operations were immediately  
stopped.

II

That Petitioner thereupon entered into an  
oil and gas lease with Santa Fe Pacific Railroad Company  
on the following described 160-acre tract, upon which  
said well is located:

NEW MEXICO MERIDIAN, NEW MEXICO

Township twenty North, Range Eleven West

W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 22,  
containing one hundred sixty and no  
hundredths acres (160.00).

III

That it is the desire of Petitioner to  
continue drilling operations in order to determine whether  
oil in commercial quantities is present.

IV

That said well is exactly located as follows:

1594' south of the North line and  
2411' west of the East line of  
Section 22, Township 20 North,  
Range 11 West, N. M. P. M.

That the location of said well is unorthodox  
and not according to the spacing rule for the location  
of oil and gas wells, as provided by this Commission;  
that said unorthodox location arises by reason of the  
facts and circumstances herein set forth, and Petitioner  
at the time of starting said well had no intention of  
drilling an oil and gas well, but merely a water well,  
and accordingly the drilling of said well in its present  
location was not for the purpose of evading or violating  
any rules of this Commission; that it is the opinion  
of your Petitioner that no one will be prejudiced by  
the continuation of this well in its present location  
for the purpose of exploration of oil and gas.

V

That for purposes of identification,  
Petitioner has identified said well as "Santa Fe Pacific  
Railroad Company Well No. 1", and this Petition is

accompanied by One-Well Bond Form 39-B1 and Notice of Intention to Drill, executed in triplicate.

WHEREFORE, Petitioner prays for authorization from this Commission to drill Santa Fe Pacific Railroad Company Well No. 1 in the Northeast Quarter of Section 22, Township 20 North, Range 11 West, N. M. P. M., at the location hereinabove specifically described.

IDEN AND JOHNSON

BY

*B. G. Johnson*

ATTORNEYS FOR PETITIONER  
715 First Nat'l Bank Building  
Albuquerque, New Mexico

I. K. WESTBROOK  
Crownpoint, New Mexico

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO.....SS

BRYAN G. JOHNSON, being first duly sworn, upon oath states: That he is one of the attorneys for Petitioner; that he makes this verification for the reason that Petitioner resides outside the County of Bernalillo, to-wit, McKinley County; that he has read the foregoing Petition, knows the contents thereof and that the same is true as he is informed and verily believes.

*Bryan G. Johnson*

SUBSCRIBED AND SWORN to before me this 6th day of May, 1946.

*Nora Carrara*

NOTARY PUBLIC

MY COMMISSION EXPIRES:

December 5, 1946