

STATE OF NEW MEXICO

COUNTY OF UNION

IN THE DISTRICT COURT

| | |
|----------------------------------|---|
| NEW MEXICO OIL CONSERVATION |) |
| DIVISION, |) |
| |) |
| Plaintiff |) |
| |) |
| v. |) |
| |) |
| TRAMPEROS LIVESTOCK CORPORATION, |) |
| INC., |) |
| |) |
| Defendant. |) |

No. CV 78-64

Filed 10-4-78

COMPLAINT

Plaintiff states that:

I.

Plaintiff New Mexico Oil Conservation Division is a duly organized agency of the State of New Mexico (hereinafter, "the Division") charged with the regulation of oil and gas production and with the conservation of oil, gas and fresh waters in said State; Defendant Tramperos Livestock Corporation is a corporation authorized to transact business in the State of New Mexico with its principal office, place of business and residence in Clovis, New Mexico.

II.

In 1955 and 1956, the Irwin Well No. 1 and the Irwin "A" Well No. 1 located in the NW/4 NW/4 of Section 29, Township 21 North, Range 36 East, Union County, New Mexico, were drilled by Oil Exploration, Inc., on property now owned by the Defendant.

III.

These wells have not been plugged in accordance with Division rules, regulations and Division Order No. R-4986, attached hereto as Exhibit A and by this reference incorporated.

IV.

Plaintiff, in furtherance of its official duties to enforce the provisions of the Oil and Gas Act, Sections 65-3-1.1 through 65-3-38, N.M.S.A. 1953 Compilation, desires to enter said property for the purpose of plugging the aforesaid wells.

V.

The Division has the right to enter upon Defendant's property in order to plug the aforesaid wells.

VI.

Defendant has denied the Plaintiff permission to enter any of its lands, as shown by its letter dated September 22, 1978, attached hereto as Exhibit B and by this reference incorporated.

VII.

Unless a permanent injunction is issued, Defendant's denial of entry will cause irreparable harm in that the failure to plug the wells in question could result in the contamination of fresh waters, or the migration of gas or fluids to strata other than those in which they are found, or to the surface, and will interfere with the Division's performance of its statutory duties.

VIII.

Plaintiff has no plain, adequate or speedy remedy at law.

WHEREFORE, Plaintiff asks the Court:

1. to issue a permanent injunction restraining Defendant, its agents, employees and assigns from preventing the entry of the Division, its employees, agents and independent contractors, upon its lands for the purpose of plugging the Irwin Well No. 1 and the Irwin "A" Well No. 1 located in the NW/4 NW/4 of

Section 29, Township 21 North, Range 36 East, Union County,
New Mexico;

2. to enter its Order directing Defendant to give right
of ingress and egress upon its land for the same purpose;

3. for such other relief as the Court deems just and
proper.

NEW MEXICO OIL CONSERVATION DIVISION

Lynn Teschendorf

By

LYNN TESCHENDORF
Assistant Attorney General
P. O. Box 2088
Santa Fe, New Mexico 87501

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW ME. 20

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

CASE NO. 5406
Order No. R-4986

IN THE MATTER OF THE HEARING CALLED BY THE
OIL CONSERVATION COMMISSION ON ITS OWN MOTION
TO PERMIT OIL EXPLORATION, INC., GENERAL CASUALTY
COMPANY OF AMERICA AND ALL OTHER INTERESTED PARTIES
TO APPEAR AND SHOW CAUSE WHY THE IRWIN WELL NO. 1,
LOCATED IN UNIT D OF SECTION 29, TOWNSHIP 21 NORTH,
RANGE 36 EAST, UNION COUNTY, NEW MEXICO, AND THE
IRWIN "A" WELL LOCATED IN UNIT D OF SECTION 29,
TOWNSHIP 21 NORTH, RANGE 36 EAST, UNION COUNTY,
NEW MEXICO, SHOULD NOT BE PLUGGED AND ABANDONED
IN ACCORDANCE WITH A COMMISSION-APPROVED PLUGGING
PROGRAM.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 a.m. on February 5,
1975, at Santa Fe, New Mexico, before Examiner Richard L.
Stamets.

NOW, on this 25th day of March, 1975, the Commission,
a quorum being present, having considered the testimony, the
record, and the recommendations of the Examiner, and being
fully advised in the premises,

FINDS:

(1) That due public notice having been given as required
by law, the Commission has jurisdiction of this cause and the
subject matter thereof.

(2) That Oil Exploration, Inc., is the owner and operator
of the Irwin Well No. 1 and Irwin "A" Well, both located in
Unit D of Section 29, Township 21 North, Range 36 East, NMPM,
Union County, New Mexico.

(3) That both of said wells were drilled and abandoned
prior to 1960.

(4) That the Commission records of said wells do not
demonstrate that they were plugged and abandoned in such a
manner as to confine any oil, gas, or water in said wells
in the strata in which they were originally found.

Ex. A

(5) That the owner of the lands upon which the subject wells were drilled contends that said wells were properly plugged and abandoned, and that no further plugging operations are necessary.

(6) That the surface around said wells has been restored and that there is now no surface indication of the location or condition of said wells.

(7) That in order to prevent waste and protect fresh waters said Irwin Well No. 1 and Irwin "A" Well should be plugged and abandoned in accordance with a program approved by the Santa Fe District Office of the New Mexico Oil Conservation Commission on or before June 15, 1975, or any interested party should furnish proof that said wells have been properly plugged and abandoned.

IT IS THEREFORE ORDERED:

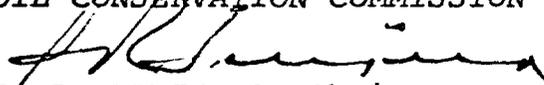
(1) That Oil Exploration, Inc. and General Casualty Company of America are hereby ordered to plug and abandon the Irwin Well No. 1 and Irwin "A" Well, both located in Unit D of Section 29, Township 21 North, Range 36 East, NMPM, Union County, New Mexico, on or before June 15, 1975, provided however, that the Secretary-Director of the Commission may rescind this order upon a satisfactory showing of proof that said wells have been adequately plugged.

(2) That Oil Exploration, Inc. and General Casualty Company of America, prior to plugging and abandoning the above-described wells, shall obtain from the Santa Fe Office of the Commission, a Commission-approved program for said plugging and abandoning, and shall notify said Santa Fe Office of the date and hour said work is to be commenced whereupon the Commission may, at its option, witness such work.

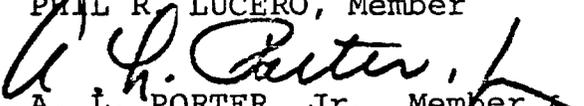
(3) That jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

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

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION


I. R. TRUJILLO, Chairman


PHIL R. LUCERO, Member


A. L. PORTER, Jr., Member & Secretary

S E A L

dr/

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SEP 25 1978

Farm and Ranch Properties

Financial Consultants

Ranch Management

LARIAT

REALTY, Inc.

Santa Fe

Ray Ballard, Qualifying Broker

Office: 505 769-1957
Branch: 505 762-3701

Jim Irwin
BROKER

September 22, 1978

Lynn Teschendorf, General Counsel
State of New Mexico Energy and Minerals Department
Oil Conservation Division
P.O. Box 2088
State Land Office Building
Santa Fe, New Mexico
87501

Dear Ms. Teschendorf,

Of any virtues you might possess persistence and perseverance has to be number #1 as reflected by the latest communication from you to Tramperos Livestock, Inc., addressed to Lora Lee Irwin, President, Grenville, New Mexico. Ms. Teschendorf, in my last letter to you I thought I exhibited a sufficient amount of courtesy to at least have gained a response from you. Instead you took the liberty of "going around me" instead of responding directly to me.

In my confused state of understanding of your exact purposes I am inclined to withdraw my offer of co-operation with your office. As much as you have offered no compensation to me whatever, I herewith respectfully deny my permission for you to enter any lands owned by Tramperos Livestock Corporation.

Very truly yours,

Jim Irwin
Jim Irwin

cc
pr/JI

Ex. B



1601 N. PRINCE

CLOVIS, NEW MEXICO 88101