

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 NEANW 33-81-21E.
Maryland Casualty Company, surety. Filed 3-6-39

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 C. Kelly
Director

By

Chief Clerk & Legal Advisor

CHL:MS
cc T. W. Soales
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/lđp
Enclosure

SOIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

October 13, 1944

Mr. A. Y. Thompson
T. L. Scalos & Co.
713-21 El Paso National Bank Building
El Paso, Texas

Re: Woodworth Hawkins - 5000 - 5000 13-21-211.
Maryland Casualty Co. - Cancelled 10-13-44.

Dear Mr. Thompson:

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

Very truly yours,

John W. Kelly
Director

By

Chief Clerk & Legal Adviser

CHL:MS
cc Roy Yarbrough
Ray Miller

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2589-Bond
34-43-Cont.
Woodworth Hawkins
State of New Mexico

October 6, 1944

Mr. Roy Yarbrough
Oil Conservation Commission
Hobbs, New Mexico

Dear Mr. Yarbrough:

I am enclosing form C-103 which accompanied your letter of October 5th properly signed and feel sure that Mr. Livingston will send us a release shortly.

Yours very truly,

AKT:lcl

A. K. Thompson, Manager

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

OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

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June 1, 1944

Mr. A. K. Thompson, Manager
Maryland Casualty Company
713-21 El Paso Nat'l Bank Building
El Paso, Texas

Re: Case No. 45 - W. Hawkins, Aque Negra, No. 1, NENW
33-3N-31E.

Dear Mr. Thompson:

Thank you for your letter of May 31 explaining the intent of Mr. John R. Roper'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 from 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 indemnitor, 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

CEL:MS

MARYLAND CASUALTY COMPANY

STEWART McDONALD, CHAIRMAN OF THE BOARD AND PRESIDENT

EL PASO CLAIM DIVISION

A. K. THOMPSON, MANAGER

713-21 EL PASO NAT'L BANK BLDG., EL PASO, TEXAS

2589 Bond
W. O. No. 34-43-Cont.
State of New Mexico
Woodworth Hawkins

May 31, 1944

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, NENW 33-8N-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

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MARYLAND CASUALTY COMPANY

STEWART McDONALD, CHAIRMAN OF THE BOARD AND PRESIDENT

EL PASO CLAIM DIVISION

A. K. THOMPSON, MANAGER

713-21 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

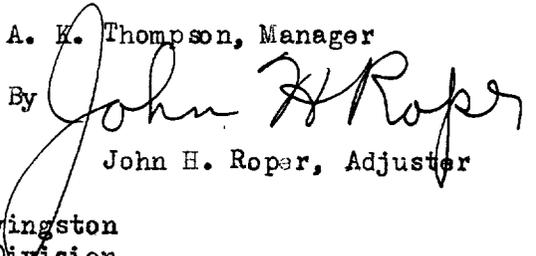
We are enclosing three executed copies of Form C-102 for your approval in accordance with request contained in Mr. Livingston's letter of March 2nd.

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, Adjuster

JHR:S

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

Dear Carl -
if this is satisfactory and Ready
to be approved Returns it to me or show
it to John and he can approve it

Ray

OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

May 19, 1944

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

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

Dear Mr. Roper:

Reference is made to your letter of May 15 directed to Mr. Roy C. 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 Jersey & 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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FEDERAL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

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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. Belle Hurst to do the actual plugging is a matter between the Maryland Casualty Company and Mrs. Hurst. This Commission has no contract 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 indemnitor 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 chooses 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

CEL:MS
cc Roy Yarbrough
A. K. Thompson

By
Chief Clerk & Legal Adviser

MAR. LAND CASUALTY COMPANY

STEWART McDONALD, CHAIRMAN OF THE BOARD AND PRESIDENT

EL PASO CLAIM DIVISION

A. K. THOMPSON, MANAGER

713-21 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, Adjuster

JHR:S

cc - Mr. Carl B. Livingston

cc - Bonding Claim Division

OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

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March 2, 1944

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

Re: Case No. 45
W. Hawkins, Aqua Negra, No. 1, NEMW 33-8N-31E.
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, Hobbs, New Mexico, under date of February 18, 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

CEM:MS
cc Roy Yarbrough

NEW MEXICO
OIL CONSERVATION COMMISSION

GOVERNOR JOHN J. DEMPSEY
CHAIRMAN

LAND COMMISSIONER H. R. RODGERS
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 33-8N-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. Yarbrough*
Oil and Gas Inspector

Enclosure

ROY:NB

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Hobbs, New Mexico
February 18, 1944

Mr. A. K. 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

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August 30, 1943

Mr. C. H. Brooks
801 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 M. Kelly
Director

By

Chief Clerk & Legal Advisor

CHL:MS

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CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

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August 16, 1943

Mr. C. H. Brooks
Agua Negra Ranch
Santa Rosa, 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

JMK:MS

FEDERAL BUREAU OF
WILDLIFE
U. S. DEPARTMENT OF AGRICULTURE
NATIONAL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

August 17, 1943

Mr. Lake J. Frazier
Box 942
Roswell, 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 A. Kelly
Director

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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
NATIONAL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

August 17, 1943

Mr. Glenn Staley
Prozation Office
Hobbs, 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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U. S. CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

July 24, 1943

The Santa Rosa News
Santa Rosa, 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

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OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

July 8, 1943

AIRMAIL

Mr. Roy Yarbrough
Oil Conservation Commission
Hobbs, New Mexico

Re: Hawkins, Woodworth - \$5000 - C of NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33-8N-21E.
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. Yarbrough:

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 H. Kelly
Director

By

Chief Clerk & Legal Advisor.

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OIL 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 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 voucher blanks are enclosed.

Very truly yours,

John M. Kelly
Director

By

Chief Clerk & Legal Advisor

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