

OIL CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

March 3, 1944

Mr. Roy O. Yarbrough  
Oil Conservation Commission  
Hobbs, New Mexico

Re: Case No. 48, Order No. 561

Re: Southwestern Drilling Company, Inc., Well No. 1  
NWNE 34-27N-21E.

Dear Roy:

Enclosed please find copy of the above captioned order authorizing M. R. Antweil to plug the above captioned well.

It is Mr. Kelly's desire that you proceed to prepare a suitable plugging program for Mr. Antweil in order that such plugging will be as it should be and for you to be on hand at the actual plugging. It is highly important that the plugging in question be carried out properly.

Very truly yours,

John M. Kelly  
Director

By

Chief Clerk & Legal Adviser

Roy:

CHL:MS

Immediately after your long distance call this morning I conferred with Mr. Kelly upon the point whether the type of plugging program for the Woodworth Hawkins well at Santa Rosa (which Mr. Kelly recently okayed) would also be satisfactory for the plugging program of the Southwestern Drilling Company well in San Miguel County. Mr. Kelly stated that that type of program would be satisfactory.

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March 2, 1944

M. E. Noble, Esquire  
Attorney-at-law  
Las Vegas, New Mexico

Re: Case No. 48, Order No. 561

Dear Mr. Noble:

Enclosed please find two copies of the above captioned order; one for your files and one for your client.

Very truly yours,

John M. Kelly  
Director

By *Carl B. Livingston*  
Chief Clerk & Legal Adviser

CEL:MS

WILSON CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

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February 28, 1944

Mr. A. W. Penn, Asst. Supt. of Claims  
American Surety Company  
1818 Republic Bank Building  
Dallas, Texas

Re: Case No. 48 - Southwestern Drilling Co.

Dear Sir:

In reply to your letter of February 25th the Commission heard the above captioned case on February 10, but the order pertaining thereto has not as yet been promulgated by the Commission.

Very truly yours,

John M. Kelly  
Director

By

Chief Clerk & Legal Adviser

CEL:MS



COMPANY'S  
HOME OFFICE BUILDING

# American Surety Company *of New York*

F. W. LAFRENTZ  
CHAIRMAN OF THE BOARD  
A. F. LAFRENTZ  
PRESIDENT

C. E. GRANGER, SUPT. OF CLAIMS  
A. W. PENN. ASST. SUPT. OF CLAIMS  
1818 REPUBLIC BANK BUILDING  
PHONE RIVERSIDE 8437  
DALLAS, TEXAS

February 25, 1944

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

Re: 435887-K Southwestern Drilling, Incorporated

Dear Mr. Livingston:

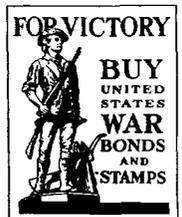
Has the Commission entered any order following the hearing of February 10, 1944, on the petition of M. R. Antweil and Conchas Development Company?

A business reply envelope is enclosed. Any information you can give us will be appreciated.

Very truly yours,

A. W. PENN  
ASST. SUPT. OF CLAIMS

AWP/ejl



# D. C. CROWELL & CO.

355 MYRTLE AVE + PHONE MAIN 8800

EL PASO, TEXAS

February 15, 1944

Mr. Carl B. Livingston,  
Clerk and Legal Advisor  
Oil Conservation Commission  
Capitol Building  
Santa Fe, New Mexico

Re: Central Surety and Insurance Corporation Bond  
#87761 - M. R. Antweil, Principal - One-Well  
Bond to State of New Mexico - Amount \$5,000.00  
Executed 2/10/44

Dear Mr. Livingston:

We are enclosing the above bond which has been properly  
executed and trust this will be found in order and that  
you can approve same.

Yours very truly,

D. C. CROWELL & CO.

By *J. C. Ecklin*

jce/ig  
encl.

cc:- Paul S. Brown  
Hobbs, New Mexico

OIL CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

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February 12, 1944

H. E. Noble, Esquire  
Noble & Spiess  
Las Vegas, New Mexico

Re: Case No. 48

Dear Mr. Noble:

As announced orally by the Commission at its hearing on February 10 of the above captioned case the petitioner, Mr. H. R. Antweil, must supply plugging bond as required by the Commission before he will receive an order authorizing him to withdraw the casing from the well in question. It is understood that Mr. Antweil is to proceed with dispatch in obtaining and submitting the plugging bond required. For this purpose, this is to advise that Mr. Antweil will have 30 days.

The Commission desires to thank you for appearing and presenting the case.

Very truly yours,

John M. Kelly  
Director

27

Chief Clerk & Legal Adviser

CHLINS  
cc H. R. Antweil

CONFIRMATION COPY

February 7, 1944

New Mexico Oil Conservation Commission,  
Santa Fe, New Mexico.

VIA AIRMAIL

Re: 435887-K Southwestern Drilling, Inc.

Gentlemen: Attention Mr. Livingston

This confirms our wire today as follows:

"RE SOUTHWESTERN DRILLING. HAVE LETTER FROM NOBLE AND SPIESS  
AGREEING TO WAIVE REQUEST IN PETITION ANTWEIL FOR ORDER DIRECTING  
AMERICAN SURETY COMPANY TO PULL CASING AND PLUG WELL. THIS COM-  
PANY HAS NO OBJECTION TO ORDER PERMITTING PETITIONERS TO PULL  
CASING AND PLUG WELL. CONFIRMATION FOLLOWS."

We enclose for your records a photostat of Mr. M. E. Noble's letter  
of February 3rd, advising that the petitioners agree to waive the  
alternative request for order directing American Surety Company to  
pull the casing and plug the well and will request permission from  
the Oil Conservation Commission to permit petitioner to pull the casing  
and plug the well.

The American Surety Company of New York has no objection to granting  
of order permitting the petitioners, M. R. Antweil and Conchas Develop-  
ment Company to pull the casing and plug the well.

A copy of this letter is being sent to Mr. M. E. Noble of Noble and  
Spiess, attorneys, Las Vegas, New Mexico. In case the copy has not  
reached him before he comes to Santa Fe for the hearing on the tenth,  
it will be appreciated if you will show him this letter in advance of  
the hearing.

When order is entered please send us certified copy. Prompt remittance  
of your charge for the certified copy will be made.

Yours very truly,

AMERICAN SURETY COMPANY OF NEW YORK

BY *W. B. ...*

AMP/ev

LAW OFFICES

**NOBLE AND SPIESS**  
**LAS VEGAS, NEW MEXICO**

MERRILL E. NOBLE  
WALDO SPIESS

February 3, 1944

American Surety Company  
1318 Public Bank Building  
Dallas, Texas

Attention: Mr. A. J. Penn

Gentlemen:

In re: Petition for plugging well,  
Southwestern Drilling Co.  
NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , Sec 34-17-21

In accordance with our telephone conversation of yesterday on behalf of Mr. Antweil and Conchas Development Company, who have filed petition to plug the above well and pull the casing therefrom, we agree that we will waive the alternative request in the petition to require American Surety Company to plug the well and will request permission from the Oil Conservation Commission to permit petitioner to pull the casing and plug the well.

In accordance with our telephone conversation you will please advise the Oil Conservation Commission, Santa Fe., New Mexico, that you have no objection to their entering an order permitting the petitioner to pull the casing and plug the well.

Yours very truly,

NOBLE & SPIESS

By

*M. E. Noble*

M. E. Noble

MEN:kdm

LAW OFFICES

**NOBLE AND SPIESS  
LAS VEGAS, NEW MEXICO**

MERRILL E. NOBLE  
WALDO SPIESS

January 27, 1944

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

Dear Mr. Livingston:

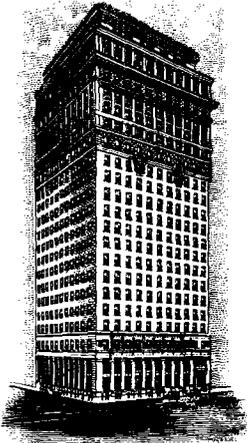
Replying further to your letter of January 19 in which you requested us to advise you as to whether our petitioners will be in a position to furnish bond for plugging the well by the time an order is promulgated at the hearing in the event American Surety Company does not join in our petition for plugging we have taken the matter up with Mr. Angelo, and he advises us that he will be in a position to furnish such bond whenever required by the Commission.

Very truly yours,

NOBLE & SPIESS

By M. E. Noble  
M. E. Noble *for*

MFN:kdm



COMPANY'S  
HOME OFFICE BUILDING

# American Surety Company of New York

F. W. LAFRENTZ  
CHAIRMAN OF THE BOARD  
A. F. LAFRENTZ  
PRESIDENT

Re - Case 48

WALKER A. GARROTT  
SUPERINTENDENT OF CLAIMS  
720 PATTERSON BUILDING  
TEL. KEYSTONE 2275-2276  
DENVER 2, COLO.

January 26, 1944

Re: Southwestern Drilling, Inc. - \$5000 - NW<sup>1</sup>NE<sup>1</sup>  
34-17N-21E. American Surety Company of New York  
surety Filed 8-2-39

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

Dear Mr. Livingston:

We acknowledge with thanks copy of your letter of January 19th addressed to Attorneys Noble & Spiess, and your headnote to the writer.

We, too, are very anxious to see this matter closed. Inasmuch as the bond originated through our Dallas office they have been attempting to have the Southwestern Drilling Company, Inc., agree to join in the petition but so far we do not believe they have been successful. We are again communicating with our Dallas office, and also with Attorneys Noble & Spiess, and trust that something definite may be done within a short while.

Yours very truly,

*Walker A. Garrott*  
WALKER A. GARROTT

WAG/DC



L CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

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January 25, 1944

REGISTERED  
RETURN RECEIPT REQUESTED

Mr. Claude Adams  
Box 308  
Albuquerque, New Mexico

Re: Case No. 43.

Dear Mr. Adams:

Enclosed is copy of the petition and also the  
Notice of Publication in the above captioned case.

Very truly yours,

John H. Kelly  
Director

By

Chief Clerk & Legal Adviser

CEL:MS  
cc Claude Adams  
P. O. Box 303  
San Diego, Calif.

CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

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January 25, 1944

Mr. Roy Yarbrough  
Oil Conservation Commission  
Hobbs, New Mexico

Re: Case 43. Petition for plugging well Southwestern  
Drilling Co., Inc. MW#NE# 34-17-21 - petitioners:  
M. R. Antweil & Conchas Development Company.

Dear Roy:

Please inspect the well in the caption for its evidence of having been abandoned. In this connection be sure to note what equipment, if any, is there, its general appearance of having been abandoned and its need for plugging.

The hearing is set for 10 A.M., February 10. You will be a material witness upon the matters just mentioned.

Kindest personal regards.

Very truly yours,

John M. Kelly  
Director

By

Chief Clerk & Legal Adviser

CHL:MS

U. S. CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

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January 25, 1944

Noble & Spiess  
Attention: N. E. Noble, Esquire  
Las Vegas, New Mexico

Re: Case 43. Petition for plugging well Southwestern  
Drilling Co., Inc. HW#124 34-17-21 - petitioners:  
H. R. Antwall and Conchas Development Company.

Gentlemen:

Enclosed please find Notice of Publication in the  
above captioned matter with hearing date set for 10 A.M.,  
February 10.

This notice is being published once in the Optic.  
Please be good enough to contact the Optic to see that the  
publication is made and please check it for typographical  
errors with this copy. Time is short. If there be an error  
please call us.

Very truly yours,

John M. Kelly  
Director

By

Chief Clerk & Legal Adviser

CHL:MS  
cc John Brand, Hobbs, N. M.  
Walker A. Garrett  
Supt. of Claims  
720 Patterson Building  
Denver

L CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

January 20, 1944

John R. Brand, Esquire  
Box 396  
Hobbs, New Mexico

Re: Petition for plugging well Southwestern Drilling Co.,  
Inc. H-MS 34-17-21 - petitioners: M. R. Antweil  
and Conchas Development Company.

My dear Mr. Brand:

Reference is to your letter of January 17 regarding the setting of the above captioned petition for hearing before the Commission. Ordinarily the Commission hears a number of petitions at the same time as would a District Court. As it so occurred the petition in question has been the only one pending. Under date of January 11 the writer directed a letter to Noble & Spiess stating that the Commission expected to hold a hearing in this matter next month and that a 15 day notice would be given. The assertion that Noble & Spiess had written as on numerous occasions since the filing of their petition in October with regard to the setting of this case is, of course, untrue. Their only letter to the writer since the filing of the petition was that of December 30, 1943, which, after consulting Director John M. Kelly, was answered as indicated above.

The innuendo of the assertion referred to, which I do not appreciate, conveys to me that I am holding up the hearing; on the contrary, I have endeavored to aid the petitioners, with regard to procedure, to get their petition properly presented.

The petition no doubt will be vigorously resisted inasmuch as Claude Adams, for the Southwestern Drilling Company, has stoutly asserted that the well in question is not abandoned. That, of course, is a matter of proof and apparently the main issue.

Your letter will be brought to the personal attention of Mr. Kelly.

Very truly yours,

CEL:MS  
cc Noble & Spiess  
M. R. Antweil

Carl B. Livingston  
Chief Clerk & Legal Advisor

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JOHN R. BRAND

ATTORNEY AT LAW

P. O. BOX 394 TELEPHONE 315

HOBBS, NEW MEXICO

January 17, 1944

Mr. John Kelly  
State Geologist  
c/o Oil Conservation Commission  
Sante Fe, New Mexico

RE: Petition for plugging well  
Southwestern Drilling Company  
NW<sup>1</sup>NE<sup>1</sup> 34-17-21.

Dear John:

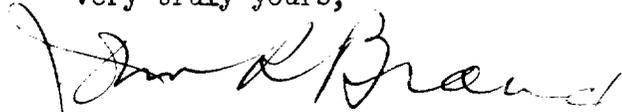
I represent Morris Antweil of Hobbs and have, in collaboration with Noble & Spiess of Las Vegas, been for some months attempting to get permission to abandon the well described in the caption above, in which Mr. Antweil owns the casing.

Early in October, 1943, Noble & Spiess filed a petition with the Oil Conservation Commission requesting that it fix a date for an early hearing in this matter, but although these gentlemen have written Mr. Livingston on numerous occasions since then, nothing further has been done.

I mentioned this matter to Mr. Rodgers when he was in Hobbs last week and he suggested that I write you. I will appreciate it very much if you will look into the matter and communicate with Noble & Spiess as to the same.

With best wishes, I am,

Very truly yours,



John R. Brand

JRB:ah

Copy to: Noble & Spiess

Mr. M. R. Antweil

L CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

January 19, 1944

Noble & Spiess  
Attention: H. E. Noble, Esquire  
Las Vegas, New Mexico

Re: Petition for plugging well Southwestern Drilling Co., Inc.  
No. 34-17-21 - petitioners: M. R. Antwell and Conchas  
Development Company.

Gentlemen:

In connection with your pending petition in the above captioned matter your attention is called to the writer's letter of November 4, 1942, to you. In that letter is the following paragraph:

"If interested parties contemplate filing their petition before the Commission in the matter in question, such parties should associate themselves with the corporate surety for otherwise such interested parties would be obliged to submit a \$5000 plugging bond to assure plugging in conformity with Commission requirements. The corporate surety of the bond in the caption assures such plugging and in order to obtain cancellation of such bond will be obliged to have the principal, the Southwestern Drilling Company, to plug the well or else the insurance company itself will have to file a petition for an order to plug the well."

It is noted that you have not associated yourself with the corporate surety. If you contemplate such it is suggested that you take the matter up with Mr. Walker A. Garrott, whose address is given below. If your petitioners are not to associate themselves with the bonding company then your petitioners should supply the plugging bond as indicated in the paragraph quoted or be in a position to advise the Commission that such bond will be forthcoming by the time an order is promulgated after hearing. It will be appreciated to know your intentions. Please advise as to your petitioners intentions.

CHE:MS  
cc Walker A. Garrott  
Supt. of Claims  
720 Patterson Bldg.  
Denver

Very truly yours,  
John M. Kolly  
Director  
By

Chief Clerk & Legal Adviser

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IL CONSERVATION COMMISSIC  
SANTA FE, NEW MEXICO

January 11, 1944

Noble & Spiess  
Attention: M. E. Noble, Esquire  
Las Vegas, New Mexico

Re: Petition for plugging well Southwestern Drilling  
Co., N.W. 34-17-21. --

Conclusion:

In response to your inquiry of December 30, the  
Commission expects to hold a hearing upon the above captioned  
matter some time in the early part of next month; however,  
you will be notified at least 15 days in advance.

Very truly yours,

John H. Kelly,  
Director

By

Chief Clerk & Legal Adviser

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LAW OFFICES

**NOBLE AND SPIESS  
LAS VEGAS, NEW MEXICO**

MERRILL E. NOBLE  
WALDO SPIESS

December 30, 1943

New Mexico Oil Conservation Commission  
Santa Fe, New Mexico

Att'n: Carl B. Livingston

Re: Petition for plugging well  
Southwestern Drilling Co.--  
EW2BB2 34-17-21.

Gentlemen:

On October 16th you advised us that you had received our petition for hearing for the determination of the above matter and for an order for plugging the well; that the same would be called to the attention of the Director of the Commission for the purpose of setting a time.

A considerable length of time has elapsed. We have not yet received notice of the time for hearing. We should appreciate your getting a date for the hearing fixed at the earliest date possible, in order that this matter may be closed up.

Very truly yours,

NOBLE & SPIESS

By *M. E. Noble*

MMN:MMN

IL CONSERVATION COMMISSIC  
SANTA FE, NEW MEXICO

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October 16, 1943

M. E. Noble, Esquire  
Noble and Spiess  
Las Vegas, New Mexico

Re: Southwestern Drilling, Inc. - \$5000 - NWME  
34-17K-21E. Amer. Surety Co. of N. Y., surety.  
Filed 8-2-39.

Dear Mr. Noble:

The petition of M. R. Antwell and Conchas Development Company for a hearing for the determination of the status of the above captioned well as abandoned and for an order for plugging said well submitted in your letter of October 8 will be called to the attention of the Director of this Commission, John M. Kelly, for the purpose of setting a hearing at some time suitable to the Commission.

It is noted that you have requested the corporate surety to join your petitioners in these proceedings. Should the corporate surety join, and I see no reason why it should not, a supplemental petition by the corporate surety referring to the petitioners' petition stating that the corporate surety joins in said petition will be sufficient.

Very truly yours,

John M. Kelly  
Director

By

Chief Clerk & Legal Advisor

CHL:MS

cc Walker A. Garrott

Supt. of Claims - American Surety Company of N. Y.  
720 Patterson Building - Denver

LAW OFFICES

**NOBLE AND SPIESS**  
**LAS VEGAS, NEW MEXICO**

MERRILL E. NOBLE  
WALDO SPIESS

October 8, 1943

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

Dear Sir:

We enclose herewith petition of M. R. Antweil and Conchas Development Company for an order of the Commission fixing a date for hearing on their petition to plug the hole and pull the casing in the well of the Southwestern Drilling Company, Inc., located on the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 34, Twp. 17 N, Rge. 21 E., San Miguel County. This petition is prepared in accordance with your letter to us of November 4, 1942, suggesting such procedure.

In your letter you suggest that if we contemplate filing a petition before the commission, we should associate ourselves with the corporate surety, otherwise our clients would be obliged to submit a \$5000 plugging bond to assure plugging, in conformity with Commission requirements. We have requested American Surety Company to join in the petition for plugging but have thus far been unable to secure their consent to join. It may be that it will be necessary for our clients to furnish new bond to assure the plugging of the well, in conformity with the regulations of the Commission.

All equipment was removed from the well in November or December, 1942, and no drilling operations have been prosecuted in this well since prior to that time.

We take it from your letter of November 4, 1942, that the Commission will fix a date for hearing and will notify the interested parties of such hearing, at which time we will be required to furnish proof that the well has been abandoned and that on such hearing, if the Commission determines that the well has been abandoned, it will either require Southwestern Drilling Company to plug the hole in accordance with the laws and rules and regulations of the Commission, or will permit our clients to do so under proper order issued by the Commission.

We shall appreciate your having the Commission enter an order fixing a date for such hearing and giving such notice as may be required.

Carl B. Livingston

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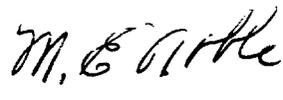
October 8, 1943

Our client, M. B. Antweil, has another drilling contract in this vicinity and wants to be in a position to pull the casing at as early a date as possible. We shall, therefore, appreciate your fixing the order and hearing at such early date as may be convenient to the Commission.

Yours very truly,

NORLE & SPIESS

BY



MFN/et  
encl.

IL CONSERVATION COMMISSIC  
SANTA FE, NEW MEXICO

*Hubbard*

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January 31, 1944

Mr. R. A. Hubbard  
American Surety Company  
1818 Republic Bank Building  
1309 Main Street  
Dallas, Texas

Re: 435387-K - Southwestern Drilling, Inc. - \$5000. NE[NE] 34-  
17N-21E. American Surety Company of New York, surety.  
Filed 3-2-39.

Dear Mr. Hubbard:

Please refer to your letter of June 29, 1943, addressed to Claude Adams, a carbon copy of which you sent the writer. In that letter you stated: "The annual premium of \$50.00 due on August 2, 1942 is still unpaid. Unless the bond can be terminated, a further premium of \$50.00 will become due August 2, 1943."

The bond, of course, has not been terminated by reason of the fact that the well has not been plugged. There is now pending before the Commission the petition of M. R. Antwell and Conchas Development Company, whose attorneys are Noble and Spiess, Las Vegas, New Mexico. The petition is for an order of the Commission determining the well as abandoned and the permitting of withdrawal of the casing, which the petitioners allege to own. Mr. Adams heretofore has stoutly maintained that the well is not abandoned. This will be the principal issue before the Commission. If the premiums are still unpaid it would seem that this is some indication of abandonment. Please be good enough to advise if the premiums are still unpaid.

The hearing in question is at Santa Fe at 10 A.M., February 10. It has been suggested to Noble & Spiess, attorneys for the plaintiffs, that the surety join the petitioners. That, of course, is a matter for you to decide; however, you have an interest in the matter of the hearing in that you are the surety.

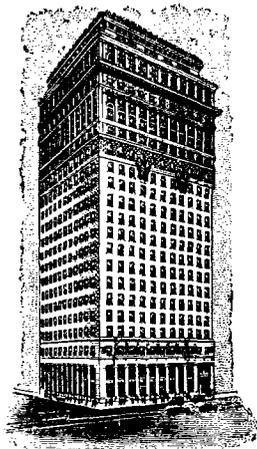
Inasmuch as time is short your early reply as to status of premium payments will be appreciated.

Very truly yours,  
John H. Kelly  
Director

CSL:MS

By  
Chief Clerk & Legal Adviser

cc - Oil Conservation Commission  
Santa Fe, New Mexico



COMPANY'S  
HOME OFFICE BUILDING

# American Surety Company of New York

F. W. LAFRENTZ  
CHAIRMAN OF THE BOARD  
A. F. LAFRENTZ  
PRESIDENT

R. A. HUBBARD  
ACTING MANAGER

SPECIAL AGENTS  
JAMES T. GORMICAN      T. M. GREGORY

BRANCH OFFICE FOR THE STATE OF TEXAS

1818 REPUBLIC BANK BUILDING  
1309 MAIN STREET

PHONE RIVERSIDE 8437

DALLAS, TEXAS

June 29, 1943

Mr. Claude D. Adams, Vice President  
Southwestern Drilling Company, Inc.  
Box 303  
San Diego, California

Dear Mr. Adams:

435887-K - Southwestern Drilling, Inc. - \$5000.  
NEWBY 24-17N-211. American Surety Company of  
New York, surety. Filed 8-2-39.

We must bring to your attention the fact that this matter is in an unsatisfactory condition. The annual premium of \$50.00 due on August 2, 1942 is still unpaid. Unless the bond can be terminated, a further premium of \$50.00 will become due August 2, 1943.

The Oil Conservation Commission of the State of New Mexico informs us that this well should be completed or else plugged in accordance with the laws, rules and regulations of the Commission.

Will you please therefore let us have your immediate remittance for the premium due on this bond and your assurances that action will be taken to comply with the requirements of the Oil Conservation Commission?

Yours very truly

R. A. HUBBARD  
ACTING MANAGER

RAH:JT

# CLAUDE ADAMS ORGANIZATION

**OIL LANDS • RELIABLE • LICENSED • OIL & GAS LEASES**

4861 EL CAJON BOULEVARD  
PHONE RANDOLPH 2705

SAN DIEGO, CALIFORNIA  
POST OFFICE BOX 303

June 23, 1943

New Mexico Oil Conservation Commission  
Santa Fe, New Mexico

Attention: Mr. Carl B. Livingston

Gentlemen:

Re: Southwestern Drilling, Inc. - \$5000 -  
NW $\frac{1}{4}$ NE $\frac{1}{4}$  34-17N-21E. Amer. Surety Co.  
of N.Y., Surety Filed 8-2-39.

Answering your letter of June 17, 1943, please be advised this well has been drilled to a total depth of 3900 feet and while there has been no activity since last fall, due to war conditions, restrictions, priorities, labor shortage and a few other things over which we have no control, please be advised this well has not been abandoned and it is our purpose and intention to continue drilling on this well and would like to reach at least 5,000 feet before we abandon it as a dry hole.

This \$5000 bond is still in force and we expect to comply with your rules and laws and regulations regarding the plugging of this well if and when it is abandoned, in the meantime, we do not wish to have this well disturbed as myself, my clients, the land owners and the people of Las Vegas are very anxious to have this test completed, and which we expect to accomplish, just as soon as it is physically possible.

Yours very truly,



CLAUDE D. ADAMS

CDA:SL

IL CONSERVATION COMMISSIC.  
SANTA FE, NEW MEXICO

June 17, 1943

Mr. Claude D. Adams, Vice-President  
Southwestern Drilling Co., Inc.  
Box 303  
San Diego, California

Re: Southwestern Drilling, Inc. - \$5000 - BOND  
34-17N-21E. Amer. Surety Co. of N. Y., surety  
Filed 3-2-39.

Dear Mr. Adams:

The well file for the well covered by the bond noted in the caption reflects no activity for some time. The condition of said bond is to plug said well when dry or abandoned. It is therefore desired to know whether you intend to plug said well in accordance with the laws, rules and regulations of the Commission and the provisions of said bond.

The well was begun some year ago and it does seem that said well would now be completed.

Very truly yours,

John H. Kelly  
Director

By

Chief Clerk & Legal Advisor

CEL:MS  
cc American Surety Company of N. Y.  
100 Broadway  
New York

# CLAUDE ADAMS ORGANIZATION

**OIL LANDS • RELIABLE • LICENSED • OIL & GAS LEASES**

4861 EL CAJON BOULEVARD  
PHONE RANDOLPH 2705

SAN DIEGO, CALIFORNIA  
POST OFFICE BOX 303

Copies to:  
Oil Conservation Co., Santa Fe, N. M.  
Attn: Mr. Carl Livingstone  
P. A. L. Morderman  
Las Vegas Savings Bank  
Las Vegas, N. M.

May 8, 1943

*"Carl" - We are not through  
with this test and we don't  
want this hole. Plug it.  
Claude Adams*

American Surety Company  
Dallas, Texas

Attention: Mr. A. L. Pean,  
Ass't Supt. of Claims

Re: 435-27-8, to the western Drilling Co. to  
south of Los Alamos

Gentlemen:

Yours of April 27 enclosing a copy of a letter from the  
Oil Conservation Corporation at Santa Fe, New Mexico,  
signed by Mr. Carl Livingstone, also copy of letter  
from John H. Grand, attorney, Lordsburg, New Mexico, is  
received.

Relative to the plugging and pulling of pipe on the  
Cherryvale well on Section 34, Township 17 South, Range 21  
East, San Miguel County, New Mexico, for your information  
this well has not been abandoned. The present priorities,  
Government restrictions, shortage of labor, help, rationing  
of food, supplies, gasoline, skills, tires and what-not  
has made it impossible to operate at the present time. We  
expect and want to finish this well, at least another  
two sand feet deep before it is abandoned and plugged. The  
reason for this is obvious. First, we owe it to our invest-  
ors, to the land-owners on whose land we hold a lease for  
another five years, also to the City of Las Vegas who has  
done a great deal by cooperating and helping in the making  
of this test, and last but not least, to the State of New  
Mexico.

The present war conditions have brought about this situation  
where it is impossible to accomplish the finishing of this  
test at the present time. We do feel that we will be able  
to accomplish it in the near future when these conditions  
brought on by the war have been eliminated. Consequently  
we do not wish to abandon and plug this well at the present  
time. Trusting this is the information desired, we hope  
to remain

Yours very truly,

*Claude Adams*

For the Western Drilling Company

ILLEGIBLE

CHA: P

OIL CONSERVATION COMMISSIC  
SANTA FE, NEW MEXICO

April 21, 1943

Mr. Walker A. Garrott  
Supt. of Claims  
American Surety Company of N. Y.  
720 Patterson Building  
Denver, Colorado

Re: Southwestern Drilling Inc. - \$5000 Bond -  
NW 1/4 34-17-21E. American Surety Co. of  
N. Y., Surety. Filed 6-2-39.

Dear Mr. Garrott:

In reply to your letter of April 19th the Southwestern Drilling Inc. bond to which you refer has as surety the American Surety Company of New York as indicated in the caption. In behalf of that company said bond was executed by Mr. Howell Earnest, Resident Vice-President, Santa Fe, and Francis C. Wilson, Resident Assistant Secretary, Santa Fe.

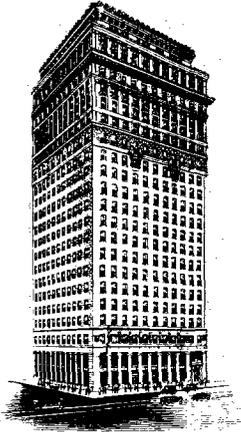
Very truly yours,

John M. Kelly  
Director

BY

Chief Clerk & Legal Advisor

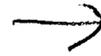
CEB:MS



COMPANY'S HOME OFFICE BUILDING

# American Surety Company of New York

F. W. LAFRENTZ  
CHAIRMAN OF THE BOARD  
A. F. LAFRENTZ  
PRESIDENT



WALKER A. GARROTT  
SUPERINTENDENT OF CLAIMS  
720 PATTERSON BUILDING  
TEL. KEYSTONE 2275-2276  
DENVER, COLO.

April 19, 1943

Re: Southwestern Drilling Inc. \$5000. Bond - NW $\frac{1}{2}$ NE $\frac{1}{4}$  34-17N-21E.  
American Surety Co. of N. Y., Surety, Filed 8-2-39

MAKE  
ALL  
CHECKS  
DRAFTS  
OR  
MONEY  
ORDERS  
PAYABLE  
TO THE  
ORDER OF  
AMERICAN  
SURETY  
COMPANY  
OF  
NEW YORK

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

Dear Mr. Livingston:

After calling on you in Santa Fe Saturday morning, I went to Las Vegas and called on Mr. George A. Fleming of the Investment & Agency Corporation, our representative there.

Mr. Fleming handed me certain correspondence which had reached him in some manner through Attorney John R. Brand of Hobbs, New Mexico. Included in the correspondence was copy of a letter dated November 4, 1942 written to Attorneys Noble & Spiess by yourself. Mr. Noble was out of town and I was not able to discuss the matter with him. I am using the caption given in your letter on my own letter, however.

We have been unable to locate in our office here today any record of a bond for the Southwestern Drilling Inc. This bond apparently was filed on August 2, 1939 and we should have some record of it here if our office actually handled it.

I shall appreciate it very much if you will kindly check your file and let me know definitely that the bond was written by the American Surety Company of New York. If it was in fact by our Company, will you kindly let me have the names of the individuals signing it on behalf of our Company in order that I may contact the proper

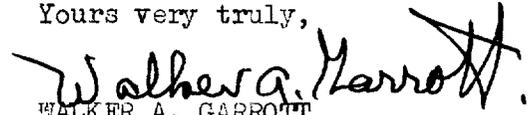


#2 Mr. Carl P. Livingston - April 19, 1943

Branch Office.

Your cooperation in this matter is greatly appreciated.

Yours very truly,

  
WALKER A. GARROTT  
SUPT. OF CLAIMS

WAG:VW

CONSERVATION COMMISSION

SANTA FE, NEW MEXICO

P. O. Box 371

November 4, 1942

Noble and Spiess  
Las Vegas, New Mexico

Attention: N. E. Noble

Re: Southwestern Drilling Inc. \$5000 Bond - W[?] 34-17 -215.  
American Surety Co. of N. Y., Surety. Filed 8-2-38.

Gentlemen:

Reference is made to your letter of October 26 with regard to procedure in plugging the well noted in the caption. Under no circumstance must anyone plug the well in question without being properly authorized. Otherwise such unauthorized parties will be required to drill the well out again in order to determine whether it was properly plugged. There are stringent penalties provided for the violation of the laws, rules and regulations of this Commission to be found in Section 22, Chapter 72, Laws of 1935. The second paragraph of said section provides for \$1000 a day fine and makes that section applicable to any person aiding or abetting any persons in the violation of any oil conservation statute or regulation. These matters are being called to your attention in order to preclude difficulties that naturally suggest themselves.

You are being sent Circular No. 1 of the Commission with attention specifically directed to Rules 28, 29 and 32. Rule 28 provides for the Notice of Intention to Plug Well, which is the application to plug. When said notice is approved it is the permit to plug. Rule 32 consists of the well record upon Form C-105. That form must be filed as provided by the rule. Rule 29, Report of Result of Plugging Well, Form C-103, when submitted and approved closes the matter and makes the plugging bond covering said well eligible for immediate cancellation.

Now as to the proper parties to apply and receive permission to plug the well. The Southwestern Drilling Company Inc., the principal of the bond assuring approved plugging upon abandonment of the well in question, should be the signer of the respective notices. Insofar as Mr. J. L. Noel is concerned, he is a stranger to the Commission. He is neither party principal nor party surety of the bond. Possibly he may be an indemnitor in connection with said bond, which matter is of course a matter of private contract between the indemnitor and the corporate surety. Mr. W. H. Antwell of the Hobbs Pipe and Supply Company is likewise a stranger to the Commission even though his firm owns the pipe in the hole.

CONSERVATION COMMISSION

SANTA FE, NEW MEXICO

Noble and Spiess

-2-

11-4-42

The mere fact that said firm does own the pipe in question does not in itself entitle the firm to draw the pipe and plug the hole without being properly authorized.

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If, however, as you state, the well is in fact abandoned and if the Southwestern Drilling Company is unwilling to proceed with plugging procedure as provided by the law, rules and regulations of the Commission, then the parties in interest have their recourse before the Commission sitting in its quasi-judicial capacity to hear and determine the petition of the interested parties for an order to determine the well as abandoned and for an order to plug the well in accordance with the administrative requirements of the Commission. Such quasi-judicial matters are advertised and set for hearing on a specific date as provided by law. At such hearing any interested party, adverse or otherwise, is entitled to be heard. Sworn testimony is adduced upon which the Commission founds its order.

While the well in question may really be abandoned yet that fact has not been determined by the quasi-judicial body having jurisdiction of such. On a former occasion in a matter somewhat similar to this most everyone at the hearing was surprised to learn upon convincing sworn testimony that the particular well was really not abandoned. Now, if the parties seeking the withdrawing of the casing as to that well had proceeded too hastily, the involvements may have been disastrous for it costs a lot of money to drill a well a few thousand feet deep. The safe course is to proceed carefully.

If interested parties contemplate filing their petition before the Commission in the matter in question, such parties should associate themselves with the corporate surety for otherwise such interested parties would be obliged to submit a \$5000 plugging bond to assure plugging in conformity with Commission requirements. The corporate surety of the bond in the caption assures such plugging and in order to obtain cancellation of such bond will be obliged to have the principal, the Southwestern Drilling Company, to plug the well or else the insurance company itself will have to file a petition for an order to plug the well.

In conclusion, oil conservation statutes of this nature are sustained under police power of the State. All the principal oil producing states do have such statutes.

Whatever forms you need are distributed from this Commission's Office at Hobbs, to which please apply.

Very truly yours,

CUNNS  
cc Cecil Noel, Las Vegas  
M. H. Artwell  
Cobb Pipe Supply  
Hobbs, N. M.

Carl J. Livingston  
Chief Clerk & Legal Advisor

OIL CONSERVATION COMMISSION

SANTA FE, NEW MEXICO

P. O. Box 871

November 4, 1942

Noble and Spiess  
Las Vegas, New Mexico

Attention: M. E. Noble

Re: Southwestern Drilling Inc. \$5000 Bond - 180,181, 34-17-215.  
American Surety Co. of N. Y., Surety. Filed 8-2-31.

Gentlemen:

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Reference is made to your letter of October 26 with regard to procedure in plugging the well noted in the caption. Under no circumstance must anyone plug the well in question without being properly authorized. Otherwise such unauthorized parties will be required to drill the well out again in order to determine whether it was properly plugged. There are stringent penalties provided for the violation of the laws, rules and regulations of this Commission to be found in Section 22, Chapter 72, Laws of 1935. The second paragraph of said section provides for \$1000 a day fine and makes that section applicable to any person aiding or abetting any persons in the violation of any oil conservation statute or regulation. These matters are being called to your attention in order to preclude difficulties that naturally suggest themselves.

You are being sent Circular No. 1 of the Commission with attention specifically directed to Rules 28, 29 and 32. Rule 28 provides for the Notice of Intention to Plug Well, which is the application to plug. When said notice is approved it is the permit to plug. Rule 32 consists of the well record upon Form C-105. That form must be filed as provided by the rule. Rule 29, Report of Result of Plugging Well, Form C-103, when submitted and approved closes the matter and makes the plugging bond covering said well eligible for immediate cancellation.

Now as to the proper parties to apply and receive permission to plug the well. The Southwestern Drilling Company Inc., the principal of the bond assuring approved plugging upon abandonment of the well in question, should be the signer of the respective notices. Insofar as Mr. J. L. Noel is concerned, he is a stranger to the Commission. He is neither party principal nor party surety of the bond. Possibly he may be an indemnitor in connection with said bond, which matter is of course a matter of private contract between the indemnitor and the corporate surety. Mr. F. R. Antwell of the Noble Pipe and Supply Company is likewise a stranger to the Commission even though his firm owns the pipe in the hole.

OIL CONSERVATION COMMISSION

SANTA FE, NEW MEXICO

Noble and Spiess

-2-

11-4-42

The mere fact that said firm does own the pipe in question does not in itself entitle the firm to draw the pipe and plug the hole without being properly authorized.

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If, however, as you state, the well is in fact abandoned and if the Southwestern Drilling Company is unwilling to proceed with plugging procedure as provided by the law, rules and regulations of the Commission, then the parties in interest have their recourse before the Commission sitting in its quasi-judicial capacity to hear and determine the petition of the interested parties for an order to determine the well as abandoned and for an order to plug the well in accordance with the administrative requirements of the Commission. Such quasi-judicial matters are advertised and set for hearing on a specific date as provided by law. At such hearing any interested party, adverse or otherwise, is entitled to be heard. Sworn testimony is adduced upon which the Commission founds its order.

While the well in question may really be abandoned yet that fact has not been determined by the quasi-judicial body having jurisdiction of such. On a former occasion in a matter somewhat similar to this most everyone at the hearing was surprised to learn upon convincing sworn testimony that the particular well was really not abandoned. Now, if the parties seeking the withdrawing of the casing as to that well had proceeded too hastily, the involvements may have been disastrous for it costs a lot of money to drill a well a few thousand feet deep. The safe course is to proceed carefully.

If interested parties contemplate filing their petition before the Commission in the matter in question, such parties should associate themselves with the corporate surety for otherwise such interested parties would be obliged to submit a \$5000 plugging bond to assure plugging in conformity with Commission requirements. The corporate surety of the bond in the caption assures such plugging and in order to obtain cancellation of such bond will be obliged to have the principal, the Southwestern Drilling Company, to plug the well or else the insurance company itself will have to file a petition for an order to plug the well.

In conclusion, oil conservation statutes of this nature are sustained under police power of the State. All the principal oil producing states do have such statutes.

Whatever forms you need are distributed from this Commission's Office at Hobbs, to which please apply.

Very truly yours,

CHAS  
cc Cecil Noel, Las Vegas  
E. R. Antwell  
Cobb's Pipe Supply  
Cobb's, . . .

Carl B. Livingston  
Chief Clerk & Legal Advisor

NOBLE AND SPIESS  
LAS VEGAS, NEW MEXICO

MERRILL E. NOBLE  
WALDO SPIESS

October 26, 1942

*Southwestern Drilling Co  
5000 Bond New NE 34-177  
21 & dated 8-2-39*

Oil Conservation Commission  
Santa Fe, New Mexico

Gentlemen:

The oil well being drilled at Cherryvale and known as the Southwestern Drilling Company No. 1 well has been abandoned. The casing now in the hole has been sold to M. R. Antweil of the Hobbs Pipe and Supply Company, who want to pull the casing. In this connection, of course, it will be necessary to plug the hole. Mr. J. L. Noel is on the bond and would like to make application to plug the hole.

If you will please send whatever forms or blanks are necessary to Mr. Cecil Noel, Box 613, Las Vegas, he will fill out the necessary forms for obtaining permission to pull the casing and plug the hole.

Very truly yours,

NOBLE & SPIESS

By *M. E. Noble*

MEM:ME

*C-101 - Archer State Oil Co for NE off. conditionally (upon filing & acceptance of drilling bond) 2-3-38 - bond conditional permit never filed. Well described: Archer State Oil Co - Archer No. 1 - NE 34-177 - 21 &*

*Southwestern Drilling Co, supplied bond in caption and started operations with no C-101 in <sup>for</sup> as well file shows that operations, however, was recognized as the operator*

Claude Adams, 4935 College Avenue and  
203 P.O. Box, San Diego, acted  
as manager of operations for Southwestern Pulling  
Co.

P. O. Box 871

February 12, 1942

Mr. F. T. Anderson  
American Surety Company of N. Y.  
1713-14-15 Santa Fe Building  
Dallas, Texas

Re: Southwestern Drilling Inc. \$5000 Bond -  
NW $\frac{1}{4}$ NE $\frac{1}{4}$  34-17N-21E. American Surety Co.  
of N. Y., Surety. Filed 8-2-39.

Dear Mr. Anderson:

The well file of the well in question does not reflect that the bond noted in the caption is eligible for cancellation.

When the well takes the status of approved plugging, the bond will be eligible for cancellation.

Very truly yours,

Carl B. Livingston  
Chief Clerk & Legal Advisor

CEL:MS



November 12, 1941

Mr. Roy Yarbrough  
Oil Conservation Commission  
Hobbs, New Mexico

Re: Southwestern Drilling Inc. \$5000.  
NW½NE¼ 34-17N-21E. American Surety  
Company N. Y. Filed 8-2-39.

Dear Mr. Yarbrough:

The bond noted in the caption was inadvertently  
left off the last bond list prepared.

Very truly yours,

Carl E. Livingston  
Chief Clerk & Legal Advisor

CEL:MS  
cc Raymond P. Miller

December 28, 1939

C  
O  
P  
Y  
Mr. J. K. Adams  
Special Agent  
American Surety Company  
1713-14-15 Santa Fe Bldg.  
Commerce at Murphy Street  
Dallas, Texas

Re: \$5,000.00 drilling bond with South-  
western Drilling, Inc., Principal,  
and American Surety Co., Surety, for  
one well upon NW 1/4 NE 1/4, Sec. 34-17N-21E.  
(Cherryvale Well).

Dear Mr. Adams:

In reply to your inquiry of December 22,  
the above captioned bond is not eligible for  
cancellation in that the well in question has  
not approved abandonment.

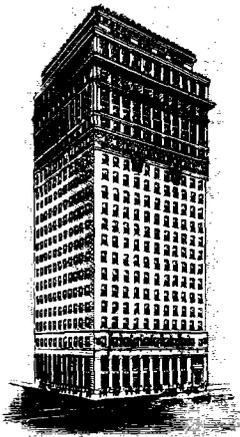
Very truly yours,

OIL CONSERVATION COMMISSION

By \_\_\_\_\_  
Carl B. Livingston  
Attorney

CBL:ik

cc - Mr. A. Andreas  
cc - Mr. Frank Horn



COMPANY'S  
HOME OFFICE BUILDING

# American Surety Company *of New York*

F. W. LAFRENTZ  
CHAIRMAN OF THE BOARD

A. F. LAFRENTZ  
PRESIDENT

E. A. TEAGUE, MANAGER

MELVIN D. GEORGE  
SUPERINTENDENT OF CASUALTY INSURANCE

SPECIAL AGENTS

CHAS. P. SHELDON  
F. H. JUERGENS

FRED T. ANDERSON  
JESSE R. ADAMS

BRANCH OFFICE FOR THE STATE OF TEXAS

1713-14-15 SANTA FE BUILDING  
COMMERCE AT MURPHY STREET

PHONE 7-8437

DALLAS, TEXAS

December 22, 1939

435887-K- Southwestern Drilling, Inc. -to- State of New Mexico  
Oil Well Plugging Bond \$5,000. 8/2/39

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

Dear Mr. Livingston:

It is our desire to cancel this bond and we therefore wish  
you would kindly let us know what steps we should take in  
order to effect cancellation.

An early reply will be very much appreciated, and we enclose  
a return envelope for your convenience.

Yours very truly,

J. R. ADAMS,  
Special Agent.

JRA: HS

OIL CONSERVATION COMMISSION  
SANTA FE, NEW MEXICO

C  
O  
P  
Y

January 25, 1944.

The Santa Fe New Mexican  
Santa Fe, New Mexico

The Las Vegas Optic  
Las Vegas, New Mexico

Re: Case No. 48, 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 Adviser

CHE:MS

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. 48

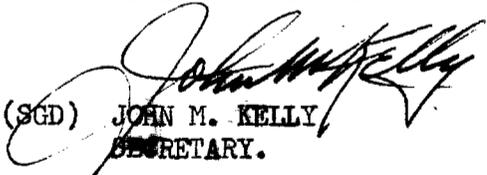
In the matter of the application of M. R. Antweil and Conchas Development Company for an order determining as abandoned the Southwestern Drilling Company, Inc., Well No. 1, on or in the proximity of the NWNE Section 34, Township 17N, Range 21E, N.M.P.M., San Miguel County, New Mexico; and further "that Southwestern Drilling Company, Inc. and American Surety Company of New York be required to properly pull said casing now located in said hole, and to plug said hole in accordance with the laws of the State of New Mexico, and the rules and regulations of the New Mexico Oil Conservation Commission, or that petitioners herein be granted permission to pull said casing and plug said hole." The attorneys for the applicants herein are Noble & Spiess, Esquires, whose address is Las Vegas, New Mexico. This case is set for 10 o'clock A.M., February 10, 1944, at Santa Fe, New Mexico.

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

The foregoing Notice of Publication was made pursuant to the direction of the Commission at its Executive Meeting January 24, 1944.

Given under the seal of said Commission at Santa Fe, New Mexico, on January 25, 1944.

OIL CONSERVATION COMMISSION

BY (SGD)  JOHN M. KELLY  
SECRETARY.

SEAL

BEFORE THE NEW MEXICO OIL CONSERVATION  
COMMISSION

In Re: Plugging Well  
NW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 34-17-21

PETITION TO PLUG WELL

Comes now M. R. Antweil, and Conchas Development Company, and respectfully show and represent to the Commission.

1. That Southwestern Drilling Company, Inc. heretofore commenced the drilling of a well for the discovery of oil and gas, said well being located on the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 34, Township 17 North, Range 21 East, N.M.P.M. in San Miguel County, New Mexico.

2. That your petitioners are informed and believe and therefore allege on information and belief, that drilling operations on said well and on said land and real estate ceased prior to the 20th day of November, A.D. 1942.

3. That during November or December 1942, all drilling equipment was removed from the site of said well and that no other equipment for use in the drilling of said well has been placed on said location.

4. That no drilling operations have been pursued at said well or at said location since prior to the 20th day of November, 1942.

5. That your petitioners herein are informed and believe that Southwestern Drilling Company, Inc. has refused and still refuses to plug said well.

6. That Southwestern Drilling Company, Inc. furnished surety bond in the sum of \$5000.00, conditioned upon the proper plugging of said well, with American Surety Company of New York as surety thereon.

7. That demand has heretofore been made upon American Surety Company of New York to properly plug said well or to cause the same to be plugged in accordance with the laws of the State of New Mexico, and the rules and regulations of New Mexico Oil Conservation Commission, but that said American Surety Company of New York and Southwestern Drilling Co. Inc. have wholly failed, neglected and refused to plug said well.

8. That the mineral rights in and under said land and real estate are owned by Conchas Development Company; that Conchas Development Company executed an oil and gas lease to Southwestern Drilling Company, Inc; that said oil and gas lease has heretofore been terminated by failure of the lessee to comply with the terms thereof.

9. That the petitioners herein, M. R. Antweil and Conchas Development Company are the owners of certain pipe now in said hole and desire to remove said pipe from said hole.

WHEREFORE your petitioners pray that an order be issued by the New Mexico Oil Conservation Commission fixing a date for hearing at which hearing it be determined that said well has been abandoned; that Southwestern Drilling Company, Inc. and American Surety Company of New York be required to properly pull said casing now located in said hole, and to plug said hole in accordance with the laws of the State of New Mexico, and the rules and regulations of the New Mexico Oil Conservation Commission, or that petitioners herein be granted permission to pull said casing and plug said hole.

NOBLE & SPIESS

PER

*M. E. Noble*  
Attorneys for  
Petitioners

BEFORE THE NEW MEXICO OIL CONSERVATION  
COMMISSION

In re: Plugging Well  
NW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 34-17-21

MOTION TO WITHDRAW PORTION OF PETITION  
TO PLUG WELL

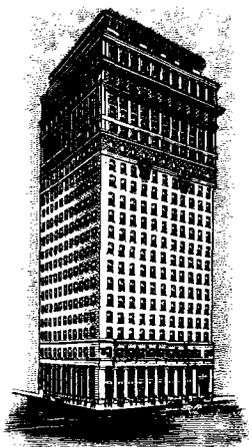
Comes now M. R. Antweil and Conchas Development Company, Petitioners in the above entitled matter, and respectfully represent and show to the Commission:

1. That Petition has heretofore been filed by these petitioners in the alternative requesting either that American Surety Company of New York be required to properly pull the casing now located in the hole in the well heretofore drilled by Southwestern Drilling Company, Inc. on the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 34, Township 17 N., Range 21 E. N. M. P. M. and to plug said hole in accordance with the laws of the State of New Mexico, or that Petitioner herein be granted permission to pull said casing and plug said well.

2. That American Surety Company of New York has agreed to consent that an order be issued by the Commission granting Petitioners the right to pull the casing now located in said hole and to plug the well in accordance with the laws of the State of New Mexico, provided the petitioners herein agree that no order be entered herein requiring that American Surety Company of New York be required to pull said casing or ~~plug~~ <sup>plug</sup> said hole.

Wherefore, petitioner herein requests permission to withdraw that portion of the Petition in the above entitled matter which requests an order of this Commission requiring American Surety Company of New York to pull the casing and ~~block~~ <sup>plug</sup> said hole; said portion of said petition to be withdrawn upon American Surety Company of New York filing in writing an agreement that an order of this Commission be entered permitting the petitioners herein to pull said casing and plug said hole.

W. P. & S. P.  
Attorneys for Petitioners



COMPANY'S HOME OFFICE BUILDING

*American Surety Company*  
*of New York*

F. W. LAFRENTZ  
CHAIRMAN OF THE BOARD  
A. F. LAFRENTZ  
PRESIDENT

C. E. GRANGER, SUPT. OF CLAIMS  
A. W. PENN. ASST. SUPT. OF CLAIMS  
1818 REPUBLIC BANK BUILDING  
PHONE RIVERSIDE 8437  
DALLAS, TEXAS

February 7, 1944

**VIA AIR MAIL**

New Mexico Oil Conservation Commission,  
Santa Fe, New Mexico.

VIA AIRMAIL

RE: 435887-K Southwestern Drilling, Inc.

Gentlemen: Attention Mr. Livingston

This confirms our wire today as follows:

"RE SOUTHWESTERN DRILLING. HAVE LETTER FROM NOBLE AND SPIESS AGREEING TO WAIVE REQUEST IN PETITION ANTWEIL FOR ORDER DIRECTING AMERICAN SURETY COMPANY TO PULL CASING AND PLUG WELL. THIS COMPANY HAS NO OBJECTION TO ORDER PERMITTING PETITIONERS TO PULL CASING AND PLUG WELL. CONFIRMATION FOLLOWS."

We enclose for your records a photostat of Mr. M. E. Noble's letter of February 3rd, advising that the petitioners agree to waive the alternative request for order directing American Surety Company to pull the casing and plug the well and will request permission from the Oil Conservation Commission to permit petitioner to pull the casing and plug the well.

The American Surety Company of New York has no objection to granting of order permitting the petitioners, M. R. Antweil and Conchas Development Company to pull the casing and plug the well.

A copy of this letter is being sent to Mr. M. E. Noble of Noble and Spiess, attorneys, Las Vegas, New Mexico. In case the copy has not reached him before he comes to Santa Fe for the hearing on the tenth, it will be appreciated if you will show him this letter in advance of the hearing.

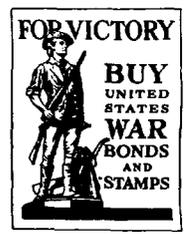
When order is entered please send us certified copy. Prompt remittance of your charge for the certified copy will be made.

Yours very truly,

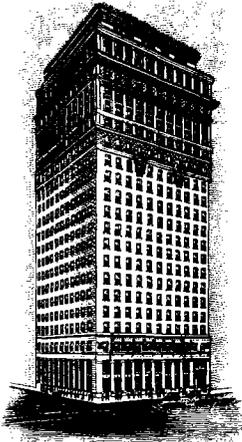
AMERICAN SURETY COMPANY OF NEW YORK

BY A. W. Penn

AWP/ev



Ex. 5 #48



COMPANY'S  
HOME OFFICE BUILDING

# American Surety Company *of New York*

F. W. LAFRENTZ  
CHAIRMAN OF THE BOARD  
A. F. LAFRENTZ  
PRESIDENT

C. E. GRANGER, SUPT. OF CLAIMS  
A. W. PENN. ASST. SUPT. OF CLAIMS  
1818 REPUBLIC BANK BUILDING  
PHONE RIVERSIDE 8437  
DALLAS, TEXAS

February 7, 1944

New Mexico Oil Conservation Commission,  
Santa Fe, New Mexico.

RE: 435887-K Southwestern Drilling, Inc.

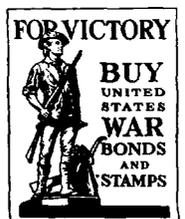
Gentlemen: Attention Mr. Livingston.

In your letter of January 31, you request information as to the premiums on the above bond. Payment of premiums due August 2nd, 1942 and August 2, 1943 has not been received by this office.

AMERICAN SURETY COMPANY OF NEW YORK

BY *A. W. Penn.*  
A. W. PENN.

AWP/ev



LAW OFFICES

**NOBLE AND SPIESS**  
**LAS VEGAS, NEW MEXICO**

MERRILL E. NOBLE  
WALDO SPIESS

February 3, 1944

American Surety Company  
1313 Public Bank Building  
Dallas, Texas

Attention: Mr. A. A. Penn

Gentlemen:

In re: Petition for plugging well,  
Southwestern Drilling Co.  
NW 1, NE 1, Sec 34-17-21

In accordance with our telephone conversation of yesterday on behalf of Mr. Antweil and Conchas Development Company, who have filed petition to plug the above well and pull the casing therefrom, we agree that we will waive the alternative request in the petition to require American Surety Company to plug the well and will request permission from the Oil Conservation Commission to permit petitioner to pull the casing and plug the well.

In accordance with our telephone conversation you will please advise the Oil Conservation Commission, Santa Fe., New Mexico, that you have no objection to their entering an order permitting the petitioner to pull the casing and plug the well.

Yours very truly,

NOBLE & SPIESS

By M. E. Noble  
M. E. Noble

MEN:kdm