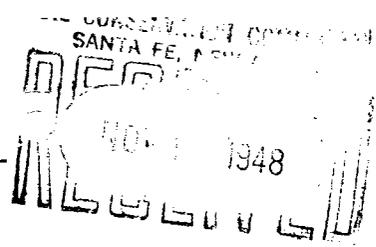


*file &*  
*Give Case no.*

*163*



November 4, 1948

Oil and Gas Conservation Commission  
State of New Mexico  
Santa Fe, New Mexico

Gentlemen:

I am writing to you to request a hearing in relation to the location of an oil and gas well which we are drilling in Dona Ana County, New Mexico, on state leased land.

It was necessary for us to choose an unorthodox location for the drilling which does not coincide with the regulations which you have for such drilling. This well, known as the Clary and Ruther State No. 1, is located in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 36, Township 23 South, Range 2 East, Dona Ana County, New Mexico. The well is in the process of being drilled, at the present time being approximately 150 feet in depth. The drilling is located 43.9 feet east of the west section line and 106.3 feet south of the north section line.

The reasons for drilling in this particular location was that it was the only place that a rig could be moved in and set up without extreme expenses as to the building of roads, dikes and fills. Your petitioner has gone to quite heavy expenses as it is bringing a road to the present location and if it were necessary to move further, the cost would be several thousand dollars more because of the terrain in that section. It would have been necessary to have gotten heavier equipment, probably out of Albuquerque, to be able to locate in other parts of the section and your petitioner is not in position to carry this heavy extra expense at the present time. If the location had been moved further in the section from where it is now, it would have caused the location to be in an arroyo, which would be dangerous from the standpoint of flood water and storm hazards. Also, no one else is drilling wells in this particular area and your petitioner has either leases or applications for leases in the process for land several miles in either direction from the point where we are now drilling.

We would appreciate an early hearing on this matter since we are now continuing to drill and oil or gas might

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be discovered at any time. Of course, if it is discovered we could do nothing about it until you have held this hearing and given approval to our actions.

Very truly yours,

CLARY and RUTHER

By *W B Darden*

W. B. Darden  
Their attorney  
P. O. Box 667  
Las Cruces, N.M.

BEFORE THE OIL CONSERVATION COMMISSION  
OF THE STATE OF NEW MEXICO

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

CASE NO. 168  
ORDER NO. 805

THE APPLICATION OF CLARY AND RUTHER  
FOR AN ORDER GRANTING PERMISSION  
FOR AN UNORTHODOX LOCATION DESIGNATED AS CLARY & RUTHER STATE NO. 1,  
DESCRIBED AS 106.3 FEET FROM THE NORTH  
LINE AND 43.9 FEET FROM THE WEST LINE  
OF SECTION 36, TOWNSHIP 23 SOUTH, RANGE  
2 EAST, N.M.P.M. IN THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$   
THEREOF IN DONA ANA COUNTY, NEW MEXICO.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This matter came on regularly for hearing at 10:00 o'clock a.m. on the 7th day of December, 1948, but was continued to January 6, 1949 for lack of appearance of applicant, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission".

NOW, on this 17th day of January, 1949, the Commission having before it for consideration the testimony adduced at the hearing of said cause and being fully advised in the premises;

FINDS:

1. That due public notice having been given as provided by law, the Commission has jurisdiction of the case;
2. That said location 106.3 feet south of the north line and 43.9 feet east of the west line of Section 36, Township 23 South, Range 2 East, N.M.P.M. was staked for geological reasons and made necessary by reason of the rough and irregular topography.

IT IS THEREFORE ORDERED that the application of Clary and Ruther for an order authorizing an unorthodox well location for its Clary & Ruther State No. 1, 106.3 feet south of the north line and 43.9 feet east of the west line of Section 36, Township 23 South, Range 2 East, N.M.P.M. in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  thereof in Dona Ana County, New Mexico, be, and the same is hereby granted, and approved.

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

STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION

THOMAS J. MABRY, CHAIRMAN

  
GUY SHEPARD, MEMBER

  
R. R. SPURRER, SECRETARY

NOTICE OF PUBLICATION  
STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION

The State of New Mexico by its Oil Conservation Commission hereby gives notice, pursuant to law, of the following public hearing to be held December 7, 1948, beginning at 10:00 o'clock A.M. on that day in the City of Santa Fe, New Mexico, in Senate Chambers of Capitol Building.

STATE OF NEW MEXICO TO:

All named parties in the following cases, and notice to the public:

CASE NO. 168

In the matter of the application of Clary and Ruther for an order granting permission for an unorthodox location designated as Clary and Ruther State No. 1, described as NWNWNW, 106.3 feet from the north and 43.9 from the west lines of Section 36, Township 23 South, Range 2 East, N.M.P.M., Dona Ana County, New Mexico.

Given under the seal of the Oil Conservation Commission of New Mexico at Santa Fe, New Mexico on November 17, 1948.

STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION

By R. R. Spurrice  
R. R. SPURRICE, SECRETARY