

BEFORE THE
OIL CONSERVATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF HEARING
Case No. 328

November 20, 1951

BEFORE THE
OIL CONSERVATION COMMISSION
STATE OF NEW MEXICO

In Re:

In the Matter of a case concerned)
with the Al Parker State No. 1 well,)
NW SE 15-23S-5E, Dona Ana County, to)
determine why it should not be ordered)
abandoned and plugged.)

Case No. 328

TRANSCRIPT OF HEARING

November 20, 1951

CHAIRMAN SPURRIER: This is Case 328. Mr. Kellahin, will you read the notice of publication? (Mr. Kellahin reads the notice of publication.)

MR. KELLAHIN: I will call Mr. Justin Newman.

Justin Newman, having been first duly sworn, testified as follows.

DIRECT EXAMINATION

By Mr. Kellahin.

Q State your name for the record, please.

A Justin Newman, Oil and Gas Inspector for District Two, including Dona Ana County.

Q In your capacity as Oil and Gas Inspector, have you made an inspection of the well involved in Case 328?

A Yes, I visited the well on October 8th.

Q Did you find that well at that time to have been plugged?

A That well was not plugged.

Q Would you state the conditions that you found at the time of your visit?

A The well was capped with a cement cap and the pits were not filled, and there was junk scattered over two acres, including cables to the storage tanks. There was a water well there which was drilled to obtain water for the drilling operation and that well was not plugged either.

Q You say that well was not plugged either.

A It was not plugged either.

Q Were there fences around the pits?

A No, there were not.

Q There is water supply there that is in need of protection?

A There is a water supply there that is definitely in need of protection. There is a fairly prolific water supply.

Q What is your recommendation as to what should be done?

A I would recommend that the well be plugged immediately.

Q Have you in connection with this case, you found that this well is located inside the White Sands Proving Grounds area?

A That is right. It is inside the White Sands Proving Ground area.

Q Did you contact the officials of the White Sands Proving Ground?

A Yes, I contacted General Eddy there, and he authorized, he said that any time the well was authorized plugged that they could let the necessary men and equipment in to this particular well site to plug it.

(Marked Exhibit Number One, Case 328.)

Q I hand you a letter marked Commission's Exhibit Number One.

A This is a letter from the Intelligence and Security Division of White Sands Proving Ground written by Major R. M. Clark, in which he says permission has been granted

by the Commanding General for a drilling crew to operate on White Sands Reservation for a period of time necessary to complete the plugging of the oil well. Mr. Kellahin, I would like to enter that letter in the record.

CHAIRMAN SPURRIER: It will be admitted.

Q Is there anything you care to add, Mr. Newman.

A I should like to add that I visited Mr. Parker in El Paso on October 9th and several extenuating circumstances caused him not to plug the well any sooner. I would think that the Commission wouldn't have any prejudice against Mr. Parker for not plugging the well any sooner.

Q Because of the difficulty of it being within the Proving Grounds area?

A Yes.

Q That is all. Are there any questions of Mr. Newman?

Mr. Guthman: I would like to make a statement for the record.

CHAIRMAN SPURRIER: Mr. Guthman.

MR. GUTHMAN: On April 3, 1945 the United States Government filed a petition in condemnation 834, United States District Court for District of New Mexico, seeking to condemn the land involved in the hearing for the term. On October 16, 1946 the government filed a petition in condemnation in the United States District Court for the District of New Mexico, the same being Cause Number 1149, whereby they sought to condemn the land involved in this

hearing in fee. That case was finally determined and the United States now has fee simple title to the land. A bill was introduced in the 81st Congress, seeking to confer jurisdiction upon the United States District Court for the District of New Mexico whereby Al Parker could sue the United States Government under the Federal ~~Court~~ Claims Act for damages sustained by him for the wrongful action of military personnel. That bill did not pass the 81st Congress and a new bill was introduced in the 82nd Congress. The bill in the 82nd Congress passed and was approved by the President on May 18, 1951, conferring jurisdiction upon the United States District Court for the District of New Mexico whereby Mr. Al Parker could bring a suit under the Federal Court Claims and for damages sustained by him for wrongful action of the military personnel. With regard to the water well located in this area, the same is sold to Mr. J. W. Cox of Las Cruces, New Mexico, by Al Parker and in view of the statement herein made we are of the opinion that the United States Army should be responsible for plugging it or both of these wells.

MR. WHITE: Is it your position then that Mr. Parker will not plug either well?

MR. GUTHMAN: No, it is not our position he will not plug it. It is our position that he should not be responsible, but if he is ordered by the Commission he will comply

with the order.

MR. KELLAHIN: I would like to inquire if the bonding company is represented.

MR. GUTHMAN: So far as I know they are not.

MR. KELLAHIN: That is all, thank you.

CHAIRMAN SPURRIER: No further questions or comment?
The case will be taken under advisement. We will proceed to Case 323.

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

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

CASE NO. 328
ORDER NO. R-126

THE APPLICATION OF THE OIL CONSERVATION
COMMISSION OF NEW MEXICO, UPON ITS OWN
MOTION, FOR AN ORDER DIRECTED TO AL PARKER
AND THE MARYLAND CASUALTY COMPANY, DECLAR-
ING THE AL PARKER STATE NO. 1 WELL, NW/4 SE/4
SECTION 15, TOWNSHIP 23S., RANGE 5E., NMPM,
DONA ANA COUNTY, NEW MEXICO, ABANDONED,
AND ORDERING IT PLUGGED.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 10 a. m. November 20, 1951, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission," all members being present.

NOW, on this 8th day of January, 1952, the Commission, a quorum being present, having considered the testimony adduced and the exhibits received at said hearing, and being fully advised in the premises,

FINDS: (1) That due notice having been given by publication and by registered mail, and Al Parker having appeared personally and by counsel, the Commission has jurisdiction of this cause, and the persons and subject matter thereof.

(2) That inspection of the location of the Al Parker State No. 1 well, NW/4 SE/4 Section 15, Township 23 South, Range 5 East, NMPM, Dona Ana County, New Mexico, by a representative of the Commission discloses that the well bore, as of October 1, 1951, has not been plugged, nor had said well been plugged at the date of this hearing; that the premises and pits show long abandonment; and for the prevention of underground waste, pollution of potable water, and location cleanup, the well bore should be plugged as required by the Rules and Regulations of the Commission.

(3) That while said well bore is located within the boundaries of a government reservation, into which entrance is restricted, permission of government authorities will be granted to any interested person to enter said reservation and remain for such time as is necessary to plug said well in accordance with the Rules and Regulations of the Commission.

IT IS THEREFORE ORDERED:

(1) That Al Parker, Maryland Casualty Company, c/o Charles F. O'Hara, Anthony, New Mexico, resident agent, and all persons claiming any right, title or interest in or to that certain well bore located upon NW/4 SE/4 Section 15, Township 23 South, Range 5 East, NMPM, Dona Ana County, New Mexico, are hereby declared to be in default in complying with the Rules

Case No. 328
Order No. R-126

and Regulations of this Commission governing abandonment and plugging of abandoned wells.

(2) That said well bore upon NW/4 SE/4 Section 15, Township 23 South, Range 5 East, NMPM, Dona Ana County, New Mexico, is hereby declared abandoned and ordered plugged in accordance with the Rules and Regulations of the Commission, provided, however, that Al Parker, or any person claiming any right, title or interest in or to said well bore may have thirty (30) days from the date of this order within which to retrieve recoverable material from said well bore, if any there be, casing excepted and to properly plug said well bore in accordance with the Rules and Regulations of this Commission, and to clean up the premises; failure hereunder within the time specified herein shall require the calling upon the surety company, Maryland Casualty Company of Maryland, c/o Charles F. O'Hara, Anthony, New Mexico, resident agent, to, at its own expense, immediately plug said well bore in compliance with the Rules and Regulations of this Commission.

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

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Edwin L. Mechem

EDWIN L. MECHEM, Chairman

Guy Shepard

GUY SHEPARD, Member

R. R. Spurrer

R. R. SPURRIER, Secretary

SEAL

Law