

GIRAND, COWAN & REESE

LAWYERS

NEW MEXICO BANK AND TRUST COMPANY BUILDING

POST OFFICE BOX 2405

HOBBS, NEW MEXICO

July 4, 1962

W. D. GIRAND  
RAY C. COWAN  
N. RANDOLPH REESE

TELEPHONES  
EXPRESS 3-9116  
EXPRESS 3-9117

Mr. Richard G. Morris  
New Mexico Oil Conservation Commission  
Post Office Box 871  
Santa Fe, New Mexico

Dear Dick:

I am enclosing herewith original and seven copies of Appellees' Brief in Chief. This brief was composed hurriedly and please feel free to make any changes or alterations that you deem beneficial to our cause. Also, I will appreciate it if you will insert the number of the case as my copy does not contain the number. After you have made any changes you want, please file the brief and Certificate of Service and return copies of the brief to Campbell & Russell and to me. Of course, a copy will have to be mailed to Morris & Windham in Carlsbad.

With best regards.

Very truly yours,

  
GIRAND, COWAN & REESE

NRR/br

Encs.

TELEPHONE  
TUXEDO 5-4401

C. N. MORRIS

ATTORNEY AT LAW  
CARLSBAD, NEW MEXICO

P. O. BOX 912  
SUITE 201 COURTHOUSE

13 June 1962

Mr. Lowell Green  
Clerk of the Supreme Court  
Santa Fe, New Mexico

Re: Sims vs. Hon. Edwin L. Mechem,  
Chairman, et al - No. 7207

Dear Mr. Green:

Enclosed herewith please find Appellants' Brief in Chief for filing in the above case. Also enclosed is a Certificate of Service and Request for Oral Argument for filing.

Yours very truly,

C. N. Morris.

CNM:v

cc: Mr. R. S. Morris  
Girard, Cowan & Reese  
Campbell & Russell

W. D. GIRAND  
RAY C. COWAN  
N. RANDOLPH REESE

GIRAND, COWAN & REESE  
LAWYERS  
204 NEW MEXICO BANK AND TRUST COMPANY BUILDING  
HOBBS, NEW MEXICO

TELEPHONE  
EXPRESS 3-9116  
POST OFFICE BOX 2405

May 11, 1962

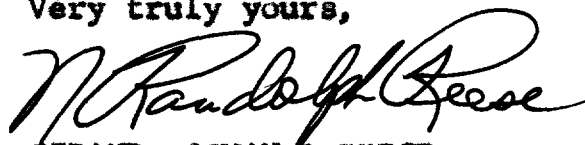
Mr. W. M. Beauchamp  
Clerk of the District Court  
Lovington, New Mexico

Re: Sims v. Oil Conservation  
Commission, et al, No. 18860.

Dear Mr. Beauchamp:

I am enclosing for filing in the above styled cause Waiver  
of Notice of time and place of settlement of Bill of Ex-  
ceptions.

Very truly yours,

  
GIRAND, COWAN & REESE

NRR/fr  
Encls.

CC: Mr. Calvin W. Hawkins  
Court Reporter  
Carlsbad, New Mexico

Campbell & Russell  
Roswell, New Mexico

Mr. Richard S. Morris ✓  
Santa Fe, New Mexico

**CALVIN W. HAWKINS**  
OFFICIAL COURT REPORTER  
FIFTH JUDICIAL DISTRICT  
CARLSBAD, NEW MEXICO

May 11, 1962

Mr. W. M. Beauchamp  
Clerk of the District Court  
Lovington, New Mexico

Re: Sims v. Oil Conservation Commission  
Lea County No. 18860

Dear Mr. Beauchamp:

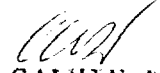
I am forwarding herewith for filing another Order Extending Time in the above referenced case on appeal, and a Certificate of Satisfactory Financial Arrangements.

When these are filed, and when you have received and filed the Waiver of Notice, would you please return them to me for inclusion in the transcript of the record proper.

When I have received the approval copies of the transcript from Campbell & Russell and Girand, Cowan & Reese, and have made the necessary corrections and so forth, I will forward to you the necessary pages for filing marks and signatures by you, and trust that this can all be accomplished before the expiration of the second extension of time!

Thanking you kindly, I am

Respectfully,

  
CALVIN W. HAWKINS  
Official Court Reporter

Encls.

cc: Mr. C. N. Morris  
Mr. R. S. Morris  
Girand, Cowan & Reese  
Campbell & Russell

OIL CONSERVATION COMMISSION

P. O. BOX 871

SANTA FE, NEW MEXICO

May 7, 1962

Mr. Calvin W. Hawkins  
Official Court Reporter  
Fifth Judicial District  
Carlsbad, New Mexico

Dear Mr. Hawkins:

Enclosed is the transcript in Sims v. Oil Conservation Commission, No. 18860, Lea County, which I find satisfactory.

Also enclosed is a copy of a letter to Girand, Cowan & Reese with which was sent the Waiver of Notice with respect to the Bill of Exceptions in this case.

Very truly yours,

RICHARD S. MORRIS  
Special Assistant  
Attorney General

RSM/esr  
Enclosures

**OIL CONSERVATION COMMISSION**

**P. O. BOX 871**

**SANTA FE, NEW MEXICO**

**May 7, 1962**

**Girard, Cowan & Reese  
Attorneys at Law  
P. O. Box 2405  
Hobbs, New Mexico**

**Gentlemen:**

**Enclosed is a Waiver of Notice with respect  
to the Bill of Exceptions in the matter of Sims  
v. Oil Conservation Commission, et al, Lea County,  
No. 18860, which I signed and am returning to you  
in accordance with Mr. Hawkins' request.**

**Very truly yours,**

**RICHARD S. MORRIS  
Special Assistant  
Attorney General**

**RSN/ear  
Enclosure**

**cc: Mr. Calvin W. Hawkins  
Official Court Reporter  
Fifth Judicial District  
Carlsbad, New Mexico**

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**CALVIN W. HAWKINS**  
OFFICIAL COURT REPORTER  
FIFTH JUDICIAL DISTRICT  
CARLSBAD, NEW MEXICO

May 3, 1962

C. N. Morris, Esq.  
Courthouse  
Carlsbad, New Mexico

Girand, Cowan & Reese  
Attorneys at Law  
P. O. Box 2405  
Hobbs, New Mexico

✓ Richard S. Morris, Esq.  
Assistant Attorney General  
Oil Conservation Commission  
P. O. Box 871  
Santa Fe, New Mexico

Campbell & Russell  
Attorneys at Law  
Security National Bank Bldg.  
Roswell, New Mexico

Re: Sims v. Oil Conservation Commission, et al  
Lea County Cause No. 18860

Gentlemen:

Submitted herewith for your review and approval are copies of the Transcript of Record on Appeal in the above styled cause. The return date for filing in the Supreme Court has been extended to May 16th, and if it is possible to approve and return these copies in time to allow filing by that date, it will be greatly appreciated.

I am also enclosing with Mr. Richard Morris's copy a Waiver of Notice form, which, if the transcript is satisfactory, I request be signed for the Respondent Oil Conservation Commission and forwarded to Girand, Cowan & Reese for signature on behalf of the Respondents Olsen Oils, Inc., and Successors Texas Pacific. In the event this transcript is satisfactory to Campbell & Russell and that fact can be relayed to Girand, Cowan & Reese, one signature would probably be satisfactory for these respondents, and the Waiver could be sent from Hobbs to Lovington for filing and thus save time in that respect.

Enclosed with Mr. C. N. Morris's copy is a statement for the required deposit in this case; and upon receipt of the deposit I will file the Certificate of Satisfactory Financial Arrangements as required by statute and submit the transcript to the Court for settling of the Bill of Exceptions when the Waiver has been filed.

Your cooperation in making possible the filing of this transcript without an additional extension of time will be appreciated.

Respectfully,

*Calvin W. Hawkins*

CALVIN W. HAWKINS  
Official Court Reporter

Encls.

Ames

Alston v. Southern Prod. Co.

207 Ga. 370

21 So.2d 383 (1935).



# ILLEGIBLE

## IN THE DISTRICT COURT OF LEA COUNTY STATE OF NEW MEXICO

AMANDA L. SIMS and GEORGE  
W. SIMS

Petitioners,

- vs -

HONORABLE EDWIN L. MECHEM,  
CHAIRMAN, et al

Respondents.

No. 18860

### PRECIPUE FOR RECORD

TO: Clerk of the District Court, and  
Official Court Reporter for the  
District Court for Lea County,  
New Mexico.

You will please prepare for use on appeal to the Supreme  
Court of the State of New Mexico, the complete record and all  
of the proceedings herein, excepting the argument of counsel,  
and specifically including the following:

1. All pleadings, exhibits, documentary evidence,  
and stipulations of the parties.
2. Decision of the Court and the Judgment entered  
thereon.
3. Petitioners' Requested Findings of Fact and Con-  
clusions of Law.
4. Motion for Appeal.
5. Order Granting Appeal.
6. Notice of Appeal with Proof of Service.
7. Appeal Bond.
8. This Precipue.
9. Clerk's Certificate.

Dated this 31 day of January, 1962.

/s/ C. N. MORRIS

C. N. Morris, Attorney for  
Petitioners.

MAIN OFFICE OCC  
IN THE DISTRICT COURT FOR LEA COUNTY,  
1962 JAN 17 AM 8:09 STATE OF NEW MEXICO.

AMANDA E. SIMS and GEORGE  
W. SIMS,

Petitioners,

-vs-

No. 18860

HONORABLE EDWIN L. MECHEM,  
CHAIRMAN, E. S. (JOHNNY)  
WALKER, MEMBER, A. L. PORTER,  
JR., MEMBER, SECRETARY OF THE  
OIL CONSERVATION COMMISSION  
OF THE STATE OF NEW MEXICO,  
OLSEN OILS, INC., and TEXAS  
PACIFIC COAL AND OIL COMPANY,  
SUCCESSOR TO OLSEN OILS, INC.,

Respondents.

MOTION FOR AN ORDER FIXING  
AMOUNT OF APPEAL BOND

Come now Petitioners, Amanda E. Sims and George W. Sims,  
by their undersigned attorney of record, and respectfully  
shows the Court:

1. That an appeal to the Supreme Court of the State  
of New Mexico, upon Motion of Petitioners, has been allowed  
by the Court.

2. That pursuant to Rule 9, of the Supreme Court Rules  
it is necessary for the Court to fix the amount of the  
appeal bond herein.

WHEREFORE, Petitioners move the Court to fix the amount  
of the appeal bond herein.

Dated this 15 day of January, 1962.

s/ C. N. Morris  
Attorney for Petitioners,  
c/o Eddy County Courthouse,  
Carlsbad, New Mexico.

-PROOF OF SERVICE-

The undersigned attorney of record for Petitioners hereby  
certifies that he made service of the foregoing Motion by  
mailing a copy thereof on this 15 day of January, 1962, to  
opposing counsel of record.

s/ C. N. Morris  
C. N. Morris

MAIN OFFICE OCC

1962 JAN 17 AM 8 IN THE DISTRICT COURT FOR LEA COUNTY,  
STATE OF NEW MEXICO.

AMANDA E. SIMS and GEORGE  
W. SIMS,

Petitioners,

-vs-

No. 18860

HONORABLE EDWIN L. MECHEM,  
CHAIRMAN, B. S. (JOHNNY)  
WALKER, MEMBER, A. L. PORTER,  
JR., MEMBER, SECRETARY OF THE  
OIL CONSERVATION COMMISSION  
OF THE STATE OF NEW MEXICO,  
OLSEN OILS, INC., and TEXAS  
PACIFIC COAL AND OIL COMPANY,  
SUCCESSOR TO OLSEN, LILS, INC.,

Respondents.

-ORDER FIXING AMOUNT OF APPEAL BOND-

Came the Motion of Petitioners herein for an Order  
of this Court fixing the amount of the appeal bond for  
Petitioners' appeal to the Supreme Court, and the Court  
after hearing and considering said Motion finds:

1. That said Motion should be in all things allowed  
and the amount of the appeal bond herein should be fixed  
in the sum of \$ 500<sup>00</sup>.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE  
Court that Petitioners' appeal bond herein be, and the same  
is fixed in the sum of \$ 500<sup>00</sup>, to be conditioned as  
provided by the Rules of the Supreme Court, approved by the  
Clerk of this Court and filed herein.

Dated this 15 day of January, 1962.

/s/ Caswell S. Neal  
District Judge

-PROOF OF SERVICE-

The undersigned attorney of record for Petitioners hereby  
certifies that he made service of the foregoing Order by  
mailing a copy thereof on this 15 day of January, 1962, to  
opposing counsel of record.

/s/ C. N. Morris  
C. N. Morris

XX  
Telephone Tu. 5-4401 P. O. Box 912 Carlsbad, New Mexico

15 January 1962

Mr. W. M. Beauchamp  
Clerk of the District Court  
Lovington, New Mexico

Re: Sims vs Oil Conservation Commission,  
et al, No. 18860 - Lea County

Dear Mr. Beauchamp:

I enclose herewith the original Motion for Appeal  
to the Supreme Court, Order Granting Appeal, and Notice  
of Appeal to be filed in the above cause.

Very truly yours,

C. N. Morris

CNM:v  
Encls.

cc: Hon. Jack Campbell  
Campbell & Russell  
Roswell, New Mexico

Hon. Richard S. Morris  
Oil Conservation Commission  
Santa Fe, New Mexico

Girard, Cowan & Reese  
Hobbs, New Mexico

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IN THE DISTRICT COURT FOR LEA COUNTY,  
STATE OF NEW MEXICO.

AMANDA E. SIMS and GEORGE  
W. SIMS,

Petitioners,

-vs-

No. 18860

HONORABLE EDWIN L. MECHEM,  
CHAIRMAN, E. S. (JOHNNY)  
WALKER, MEMBER, A. L. PORTER,  
JR., MEMBER, SECRETARY OF THE  
OIL CONSERVATION COMMISSION  
OF THE STATE OF NEW MEXICO,  
OLSEN OILS, INC., and TEXAS  
PACIFIC COAL AND OIL COMPANY,  
SUCCESSOR TO OLSEN OILS, INC.,

Respondents. )

MOTION FOR APPEAL TO THE SUPREME COURT

Come the Petitioners, Amanda E. Sims and George W. Sims,  
by their undersigned attorney and move the Court that an  
appeal be granted to the Supreme Court of the State of New  
Mexico from the Judgment rendered and filed herein, dismissing  
Petitioners' "Petition for Review," and as grounds for said  
Motion state:

1. That Petitioners feel aggrieved by said Judgment.

WHEREFORE, Petitioners pray that an Order be entered  
herein granting them an appeal to the Supreme Court of the  
State of New Mexico from the Judgment of the Court herein.

S/C.N. Yarns  
Attorney for Petitioners,  
o/e Eddy County Courthouse,  
Carlsbad, New Mexico.

- PROOF OF SERVICE -

The undersigned attorney for Petitioners hereby certifies  
that he made service of the foregoing Motion for Appeal by  
mailing a copy thereof to opposing counsel of record on the  
15<sup>th</sup> day of January, 1962.

S/C.N. Yarns

IN THE DISTRICT COURT FOR LEA COUNTY,  
STATE OF NEW MEXICO.

AMANDA E. SIMS and GEORGE  
W. SIMS,

Petitioners,

-VS-

No. 18860

HONORABLE EDWIN L. MECHEN,  
CHAIRMAN, E. S. (JOHNNY)  
WALKER, MEMBER, A. L. PORTER,  
JR., MEMBER, SECRETARY OF THE  
OIL CONSERVATION COMMISSION  
OF THE STATE OF NEW MEXICO,  
OLSEN OILS, INC., and TEXAS  
PACIFIC COAL AND OIL COMPANY,  
SUCCESSOR TO OLSEN OILS, INC.,

Respondents.

-ORDER GRANTING APPEAL-

Came for hearing, the Motion of Amanda E. Sims and  
George W. Sims, Petitioners herein to grant them an appeal  
to the Supreme Court of the State of New Mexico, from a  
Judgment heretofore entered herein against them, dismissing  
their "Petition for Review," and

It appearing to the Court that such an appeal should  
be allowed,

IT IS NOW ORDERED, ADJUDGED AND DECREED BY THE COURT  
that Petitioners, Amanda E. Sims and George W. Sims be, and  
they are hereby granted and allowed an appeal to the Supreme  
Court of the State of New Mexico, from the Judgment hereto-  
fore entered herein against them.

DATED this 15 day of January, 1962.

s/ Corneil S. Neal  
District Judge

-PROOF OF SERVICE-

The undersigned attorney for Petitioners hereby certifies  
that he made service of the foregoing Order Granting Appeal  
by mailing a copy thereof to opposing counsel of record on  
the 15 day of January, 1962.

s/ C. N. Morris

IN THE DISTRICT COURT FOR LEA COUNTY,  
STATE OF NEW MEXICO.

AMANDA E. SIMS and GEORGE  
W. SIMS,

Petitioners,

-vs-

No. 18860

HONORABLE EDWIN L. MECHEM,  
CHAIRMAN, E. S. (JOHNNY)  
WALKER, MEMBER, A. L. PORTER,  
JR., MEMBER, SECRETARY OF THE  
OIL CONSERVATION COMMISSION  
OF THE STATE OF NEW MEXICO,  
OLSEN OILS, INC., and TEXAS  
PACIFIC COAL AND OIL COMPANY,  
SUCCESSOR TO OLSEN OILS, INC.,

Respondents.)

-NOTICE OF APPEAL-

TO: HONORABLE EDWIN L. MECHEM, CHAIRMAN, E. S. (JOHNNY)  
WALKER, MEMBER, A. L. PORTER, JR., MEMBER, SECRETARY OF  
THE OIL CONSERVATION COMMISSION OF THE STATE OF NEW MEXICO,  
OLSEN OILS, INC., and TEXAS PACIFIC COAL AND OIL COMPANY,  
SUCCESSOR TO OLSEN OILS, INC.:

NOTICE is hereby given to you and each of you that  
AMANDA E. SIMS and GEORGE W. SIMS, Petitioners, have been  
allowed an appeal herein to the Supreme Court, and that they  
intend to appeal to the Supreme Court of the State of New  
Mexico from the Judgment against them, heretofore entered  
herein, dismissing Petitioners' "Petition for Review."

DATED this 15<sup>th</sup> day of January, 1962.

S/ C. W. Morris  
Attorney for Petitioners,  
c/o Eddy County Courthouse,  
Carlsbad, New Mexico.

-PROOF OF SERVICE-

The undersigned attorney for Petitioners, hereby certifies  
that he made service of the foregoing NOTICE OF APPEAL, upon

the above named Respondents by mailing a copy thereof from Carlsbad, New Mexico, on the 15 day of January, 1962, to the attorneys of record for each of said Respondents, as follows:

To: Richard S. Morris, Special Assistant Attorney General and Attorney for the Oil Conservation Commission of the State of New Mexico, P. O. Box 871, Santa Fe, New Mexico; Jack Campbell of Campbell & Russell, Attorneys for Olsen Oils, Inc., J. P. White Building, Roswell, New Mexico, and Girard, Cowan & Reese, Attorneys for Texas Pacific Coal and Oil Company, P. O. Box 2405, Hobbs, New Mexico.

S/C-N. Morris  
C. N. Morris