

Case No.

12

Application, Transcript,
Small Exhibits, Etc.

WATCH THE GREAT
SAN JUAN BASIN

N. SPATTER
OIL AND GAS LEASES
OIL OPERATOR

Box 1234, Long Beach, Calif.
ALBANY, NEW MEXICO

August 22, 1938.

AUG 24 1938
ALBANY

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

Dear Sir:

I wish to thank you for your kind letter
of the 20th and I assure you that I appre-
ciate your promptness and attention in
this matter.

Thanking you, I wish to remain,

Very truly yours,

N. Spatter
N. SPATTER

S:MD

August 20, 1938

AIRMAIL

Mr. N. Spatter
P. O. Box 1234
Long Beach, Cal.

Re: Case No. 12. Application of A. C. Kittell
Trustee, for the determination as abandoned
Well known as Spatter No. 1, located on
the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32-31N-11W., Aztec Field,
San Juan County, and to pull casing and
plug same said well.

Dear Mr. Spatter:

Under date of August 18, the Commission was requested by Mr.
H. C. Palmer, Attorney for the petitioner in the above matter,
to dismiss the hearing without prejudice, to be re-filed upon
new application at some future time, when the property rights
to the casing in connection with said well are determined by the
District Court. In today's mail, we received from Mr. Palmer
formal motion for dismissal without prejudice, copy of which
is enclosed herewith.

The Commission will act upon said request for dismissal when it
meets and will, of course, dismiss the matter as requested.
This is to notify you of the request for dismissal in order that
you may not make a long and needless trip to Santa Fe.

The foregoing information was contained in a letter which was
yesterday mailed to you at three different addresses. However,
Mr. Palmer has given us your mailing address in Long Beach, and
you are therefore being sent this letter, in the event those
which were mailed you yesterday do not reach you.

Very truly yours,

OIL CONSERVATION COMMISSION

By Carl B. Livingston
Attorney

CBL:m

August 20, 1938

H. C. Palmer, Esq.
Farmington, N. M.

Re: Case No. 12. Spatter No. 1.

Dear Mr. Palmer:

This will acknowledge receipt of your letter of August 19, enclosing formal motion for withdrawal of the above case, in duplicate, for which we thank you.

This motion has been filed in the case and will be acted upon by the Commission at its next meeting.

There are no costs attendant to advising Mr. Spatter of the withdrawal of this application.

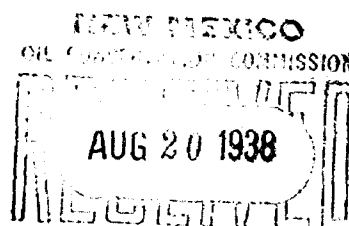
Very truly yours,

OIL CONSERVATION COMMISSION

By Carl B. Livingston
Attorney

CBL:m

H. C. PALMER
ATTORNEY AT LAW
FARMINGTON, NEW MEXICO



Aug. 19, 1938

Oil Conservation Commission
Santa Fe, New Mexico

Re: Case No 12 Spatter No 1

Gentlemen:

Received your letter of the 17th regarding the above matter. Had already written regarding the withdrawal of the application but perhaps I should file regular Motion in that respect and I therefore inclose Motion pertaining thereto.

In regard to service on Spatter, I thought it better for Mr Spatter to be notified by the Commission and if you believe it advisable kindly wire him and send me a ~~statement~~ statement of the costs involved which should be paid by Kittell. After some difficulty I find that Spatter's Address is P.O. Box 1234, Long Beach, California.

Thanking you for your help in this matter, I am

Very truly yours,

August 19, 1938

H. C. Palmer, Esq.,
Attorney at Law
Farmington, N. M.

Re: Case No. 12. The Application of A. C. Kittell, Trustee, for the determination as abandoned, Well known as Spatter No. 1, located on the NE 1/4 Sec. 32-31N-11 W., Aztec Field, San Juan County, and to pull casing and plug same said well.

Dear Mr. Palmer:

In response to your letter of August 18, Mr. N. Spatter has been notified of your request for dismissal of the above matter, a copy of which letter is enclosed for your information.

When the Commission meets, your letter will be acted upon formally and treated as a motion for dismissal, without prejudice.

Please permit me to congratulate you for so readily and correctly perceiving the theory of your case. Attorneys accustomed to governing all matters upon the theory of property rights alone so frequently fail to comprehend the procedure they should take in a matter such as this, but when one analyzes the matter, it is obvious that the Commission could not pass upon the property rights, over which it has no jurisdiction.

Very truly yours,

OIL CONSERVATION COMMISSION

By Carl B. Livingston
Attorney

CSL:m

H. C. PALMER
ATTORNEY AT LAW
FARMINGTON, NEW MEXICO

Aug. 18, 1938

Oil Conservation Com.
Santa Fe, New Mexico

Re: Case No 12. The Application of A. C. Kittell, Trustee, for the determination as abandoned, Well known as Spatter No 1, located on the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 31 North of range 11 West, Aztec Field, San Juan County, and to pull casing and plug said Well.

Gentlemen:

I regret the delay in answering your letter of the 8th but Mr Kittell has been busy and away most of the time and I was unable to decide our course of procedure without going over the matter with him.

I finally got in touch with him this morning and we have decided to withdraw the entire application and we will probably go into District Court somewhat on the lines suggested and then when the rights of the various parties are fully decreed, proper application will be filed with your commission. You may therefore consider the application as withdrawn and notify Mr Spatter accordingly. If there are any costs in this matter which should be taken care of by Mr Kittell kindly notify me and we will take care of the matter.

I wish to thank you for your kindness and co-operation in this matter and hope to see you regarding the same the next time I am in Santa Fe which will probably be about the 12th of September

Very truly yours,

H.C. Palmer

August 19, 1938

Mr. N. Spatter
Aztec, N. M.

Re: Case No. 12. The Application of A. C.
Kittell, Trustee, For the determination
as abandoned, Well known as Spatter No.
1, located on the NE 1/4 Sec. 32-31N-
11 W., Aztec Field, San Juan County, and
to pull casing and plug same said well.

Dear Mr. Spatter:

Under date of August 18, the Commission was requested by
H. C. Palmer, Esq., Attorney for the petitioner in the
above matter, to dismiss the hearing without prejudice,
to be re-filed upon new application at some future time,
when the property rights to the casing in connection with
said well are determined by the District Court.

The Commission will act upon said request for dismissal
when it meets and will, of course, dismiss the matter as
requested. This is to notify you of the request for dis-
missal in order that you may not make a long and needless
trip to Santa Fe.

The writer is uncertain as to what address you may be
reached, and is therefore sending this letter to three
different addresses, and regrets exceedingly that he does
not have your street address in Long Beach. All of these
letters contain, on the envelope, a request for immediate
forwarding, if necessary.

Very truly yours,
OIL CONSERVATION COMMISSION

By

Carl E. Livingston
Attorney

CCB:R

cc: Addressee
c/o Dyke Noland
Boulder, Colo.
Long Beach, California

Airmailed

August 17, 1938

H. C. Palmer, Esq.,
Attorney at Law
Farmington, N. M.

Re: Case No. 12. The Application of A.C. Kittell, Trustee, for the determination as abandoned, Well known as Spatter No. 1, located on the NE 1/4 SW 1/4 Sec. 32-31N-11W., Aztec Field, San Juan County, and to pull casing and plug same said well.

Dear Mr. Palmer:

Please refer to my letter of August 8 and advise what you wish to do, for the hearing in the above matter is only ten days away. So far, no amended petition, nor motion for withdrawal of the whole matter, nor motion for continuance has been received. Nor have we received any indication as to whether you wish to go ahead as the matter stands.

If you have in mind not to have the matter heard as is now set, you should give Spatter and any other interested parties sufficient notice in order that they may not make the trip to Santa Fe needlessly.

Very truly yours,

OIL CONSERVATION COMMISSION

By Carl B. Livingston
Attorney

CBL:m

P. S. Enclosed is a copy of the Order of Continuance, which re-sets the matter for August 27.

C. B. L.

August 8, 1938

H. C. Palmer, Esq.,
Attorney at Law
Farmington, N. M.

Re: Case No. 12. The Application of A. C. Kittell, Trustee, for the determination as abandoned, Well known as Spatter No. 1, located on the NE 1/4 SW 1/4 of Section 32, Township 31 North, Range 11 West, Aztec Field, San Juan County, and to pull casing and plug same said well.

Dear Mr. Palmer:

In reply to your letter of August 8, I see no reason why you may not file an amended petition and the case may still be heard on August 27. While the statute for service did not so require, we did serve Mr. Spatter notice of hearing by registered mail, regarding the above captioned well, which notice was self-explanatory.

We did not know Mr. Spatter's address and sent a registered letter to Aztec, in care of Mr. Dyke Noland, and a similar letter addressed to Bonadad, Colorado, with a request to the postmaster to forward to the proper address, if necessary. Mr. Spatter did receive the notice in Long Beach, but we do not know his address in that city. He wired the Commission, under date of July 21, for a continuance, and on the 22nd, the Commission continued the case to August 27, at 9:00 A. M.

You still have plenty of time to file your amended petition and to send Mr. Spatter a copy. In that Mr. Spatter has already been served with notice by publication and has indicated that he has received it, no further publication is necessary, in my opinion, if you desire to proceed as matters are.

Your attention, however, is directed to the jurisdiction of the Commission. The Commission's jurisdiction extends to all matters of conservation and waste. It does not, however, as you of course are aware, extend to the determining of ownership or property rights. That is for another tribunal.

In the petition Mr. Smith filed before the Commission, he seemed to stress his client's rights to the pulling of the casing upon ownership, by virtue of some contract of trusteeship. All of this is obviously not within the jurisdiction of the Commission to determine.

I cannot tell you how the Commission would adjudge these matters, for the Commission alone can pass upon them, but in a similar case

2.

which was before the Commission late last month, the Commission held as follows: First, the application for abandonment was denied upon the ground that the evidence showed that operation of the well was merely suspended. Second, the application for pulling the casing involved ownership and was denied in that the Commission is not the tribunal in which to determine property rights or damage therefor in lieu of such property.

While this matter is for you, as attorney, to use your own judgment, it would seem to me, in the light of the case which has just been determined, that the Spatter matter is a bit premature, in that the matter of property rights has not been adjudicated in the forum having jurisdiction thereof. If you are able satisfactorily to show the Commission that the Spatter well is abandoned and it so holds that it is abandoned, and if you have your property rights adjudicated, then it would seem to me that the way would be clear for the Commission to rule favorably upon the application to extract the casing. However, if it should develop that the well is not abandoned, and even though you had established your property rights in the casing, obviously, in accordance with the order handed down in the case above referred to, the Commission would not sustain your order to pull the casing, because that would ruin the well. In other words, it might be likened to Mark Twain's dog--if he owned half a dog, he would just kill his half.

It would seem to me that if you are not sure of making good on the application for abandonment, your resort is to the District court for determining of property rights in the casing, and you should have a determination in point of damages as the equivalent of the casing, in lieu of the casing. However, the foregoing are my own personal views and have nothing to do with what the Commission may or may not decide, for it is a court and decides for itself.

As to the petition which Mr. Claude Smith left here, it was not altogether clear as to whether he intended to file it for a setting, or whether he merely submitted it for examination. However, in that he had been to the office once before in discussion of this very matter, and the last time brought the petition, saying that he would call back, and failed to do so, we assume that he intended to have the petition filed. If you wish to withdraw the whole matter and start de novo, please indicate as soon as possible.

Under separate cover, you are being sent the Commission's circular No. 1, and your attention is directed to Section 5, Chapter 72, Laws of 1935, which of course, you have in your office.

Very truly yours,

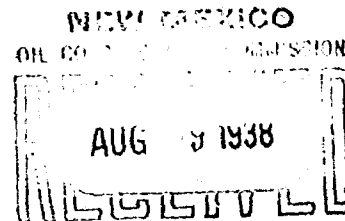
OIL CONSERVATION COMMISSION

By

Carl E. Livingston
Attorney

CBL:m

H. C. PALMER
ATTORNEY AT LAW
FARMINGTON, NEW MEXICO



Aug. 8, 1938

Oil Conservation Commission,
Santa Fe, New Mexico

Re: Application of A. C. Kittell
to have Spatter Well No 1 on NE $\frac{1}{4}$ SW $\frac{1}{4}$
32-31-11, San Juan Co., declared
abandoned, pull casing and plug

Gentlemen:

Mr Claude T. Smith, attorney of Aztec, has taken an appointive position with the O.C.C. and has asked me to handle the above matter. I understand that Mr Smith presented an application to you to see if the same was satisfactory and that the same is not signed. I am not familiar with your rules and wonder if it would be better for me to have the present application withdrawn and file a new one and have a new hearing set.

In the event you believe the hearing can be had, on the present application, by amending the application, I will be perfectly willing to go ahead with the hearing as scheduled for Aug. 27, 1938. Kindly let me know by return mail, your attitude and desire in the matter as I understand no notice has been served on Spatter. I have notice (copy) by the commission setting July 26 as date of hearing and could change the date to correspond with your order. Do you wish the notice published in the newspaper or is it sufficient to get personal service on Spatter at least 10 days before the hearing. If published, I understand personal service is not necessary but that it must be published once in this County and also once in a Santa Fe County, newspaper.

Regarding the jurisdiction of the Commission, I am inclined to agree that the only issue before you should be whether or not the well is abandoned and should be plugged. If, at a hearing, your commission decides the well should be plugged; it would appear to me that Kittell could then pull the casing and plug the well (under your supervision) and then Kittell and Spatter may have to settle their respective rights to the casing in the District Court. I expect to be in Santa Fe on business not later than the 28th and if you wish to hold up action and have a new application filed I can prepare it and present to the commission at that time and have a hearing set as soon thereafter as can be had after service. I will go over the file more fully and be more familiar with the matter by the time I hear from you

Very truly yours,

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	NIGHT LETTER
NIGHT LETTER	SHIP RADIOGRAM

Patrons should check desired service carefully when making message. Full rate will be charged on all full-rate communications.

COPY OF WESTERN UNION TELEGRAM

Santa Fe, N. M.
July 22, 1938

Hon. Glande Smith
Astec, N. M.

Case twelve Spatter well continued to August twenty-
seventh nine AM

OIL CONSERVATION COMMISSION

CHG OIL CONSERVATION COMMISSION

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	NIGHT LETTER
NIGHT LETTER	SHIP RADIOGRAM

Patrons should check class of service desired; otherwise message will be transmitted at full-rate communication.

WESTERN UNION

R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

1217-A

CHECK
ACCT'G INFMN.
TIME FILED

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Santa Fe, N. M.
July 22, 1938

N. Spatter
Long Beach, Calif.

Retel Case twelve Spatter well continued to August twenty-
seventh nine AM

COLLECT

OIL CONSERVATION COMMISSION

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE

THE COMPANY, WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

1201-S

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

SYMBOLS

DL - Day Letter

NM - Night Message

NL - Night Letter

LC - Deferred Cable

NLT - Cable Night Letter

Ship Radiogram

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.
Received at 52 Lincoln Avenue (On the Plaza), Santa Fe, N. Mex.

MC4 55 NL=Long Beach, CALIF 21

CARL B LIVINGSTON, OIL CONSERVATION COMMISSION=
ATTORNEY

RE LETTER JUNE 29 KITTELL SPATTER HEARING SET FOR JULY 26 WILL
APPRECIATE POSTPONEMENT FOR TEN DAYS OR MORE AS CANNOT BE IN
SANTAFE SOONER WIRE COLLECT OR WRITE DECISION BOX 1234 HERE=
N SPATTER.

*advise him will hear the case on
Sat
Aug 27th*

29 26 1234

THERE IS NO DEPENDABLE SUBSTITUTE FOR WESTERN UNION TIME

July 13, 1938

The Farmington Times-Hustler,
Farmington, N. M.

Re: N. Spatter Well No. 1 on NE $\frac{1}{4}$ SW $\frac{1}{4}$
32-31N-11W, San Juan County.
Application of A. C. Kittell,
Trustee, to have well declared
abandoned, to pull casing and
plug well

Gentlemen:

Under date of June 29 you were sent a notice of publication in the above captioned matter. Your affidavit of publication has not yet been received. The object of the publication was for service by publication and your affidavit of such publication is essential to the proof of such service.

Very truly yours,

OIL CONSERVATION COMMISSION

By Carl B. Livingston
Attorney

CBL:b

July 13, 1938

New Mexico Examiner,
Santa Fe, N. M.

Re: N. Spatter Well No. 1 on NE¹SW¹
32-31N-11W, San Juan County.
Application of A. C. Kittell,
Trustee, to have well declared
abandoned, to pull casing and
plug well

Gentlemen:

Under date of June 29 you were sent a notice of publication in the above captioned matter. Your affidavit of publication has not yet been received. The object of the publication was for service by publication and your affidavit of such publication is essential to the proof of such service.

Very truly yours,

OIL CONSERVATION COMMISSION

By Carl B. Livingston
Attorney

CBL:b

**NOTICE FOR PUBLICATION
STATE OF NEW MEXICO
OIL CONSERVATION
COMMISSION**

Pursuant to Chapter 72, Session Laws of 1935, State of New Mexico, by which Act the Oil Conservation Commission of New Mexico was created, vesting said Commission with the jurisdiction and authority over all matters relating to the conservation of oil and gas in this State and of the enforcement of all provisions of said Act, notice is hereby given that a public hearing will be held at the Capitol, Santa Fe, New Mexico, on the 26th day of July, 1938, at 10:00 A.M., for the purpose of considering the following:

CASE NO. 12.

The application of A. C. Kittell, Trustee, for the determination as abandoned, well known as Spatter No. 1, located on the NE SW of Section 32, Township 31 North, Range 11 West, Aztec Field, San Juan County, and to pull casing and plug same said well.

Attorney for the applicant is Claude T. Smith, Aztec, New Mexico.

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

Given under the seal of said Commission at Santa Fe, New Mexico, on June 28, 1938.

**OIL CONSERVATION
COMMISSION.**

By, CLYDE TINGLEY,
Governor.

By FRANK WORDEN,
Commissioner of Public Lands.

By A. ANDREAS,
State Geologist.

(SEAL of Commission)
Pub. July 1, 1938.

**NOTICE FOR PUBLICATION
STATE OF NEW MEXICO
OIL CONSERVATION COM-
MISSION**

Pursuant to Chapter 72, Session Laws of 1935, State of New Mexico, by which Act the Oil Conservation Commission of New Mexico was created, vesting said Commission with the jurisdiction and authority over all matters relating to the conservation of oil and gas in this State and of the enforcement of all provisions of said Act, notice is hereby given that a public hearing will be held at the Capitol, Santa Fe, New Mexico, on the 26th day of July, 1938, at 10:00 A. M., for the purpose of considering the following:

CASE NO. 12.

The application of A. C. Kittell, Trustee, for the determination as abandoned, well known as Spatter No. 1, located on the NE SW of Section 32, Township 31 North, Range 11 West, Aztec Field, San Juan County, and to pull casing and plug same said well. Attorney for the applicant is Claude T. Smith, Aztec, New Mexico.

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

Given under the seal of said Commission at Santa Fe, New Mexico, on June 28, 1938.

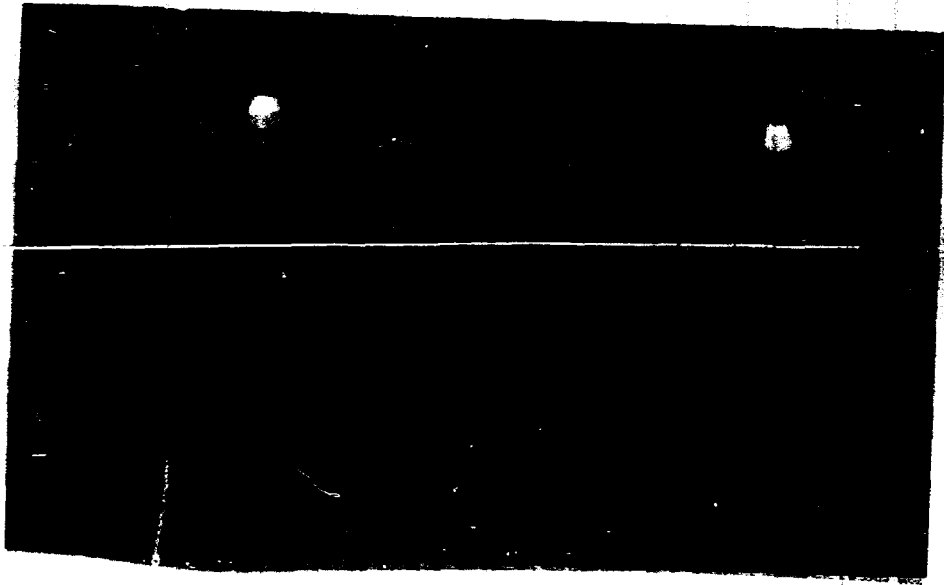
**OIL CONSERVATION
COMMISSION.**

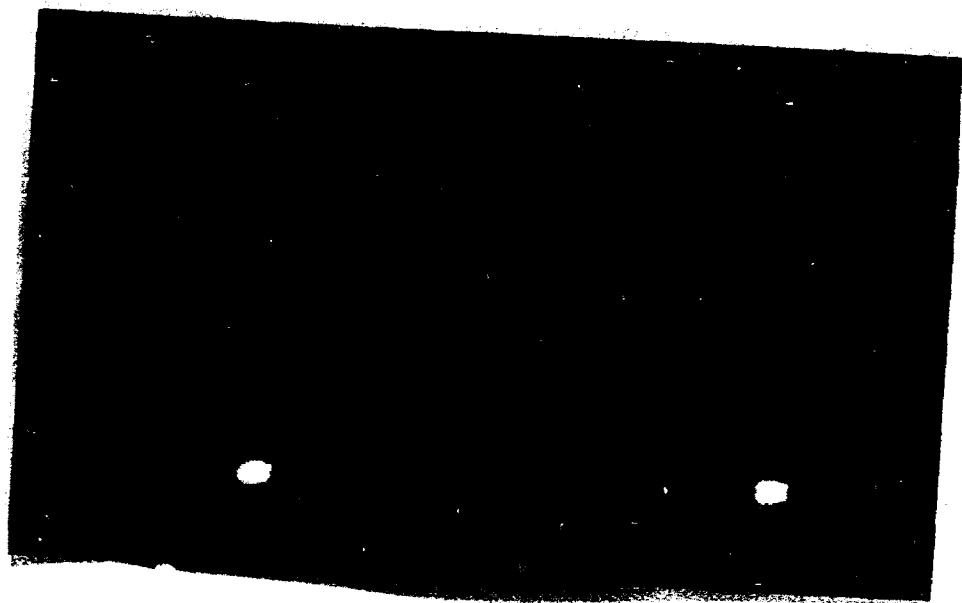
By CLYDE TINGLEY,
Governor.

By FRANK WORDEN,
Commissioner of Public
Lands.

By A. ANDREAS,
State Geologist.

(SEAL of Commission) 7-8-38
Published Friday, July 8, 1938,
in the Farmington Times Hustler,
Farmington, New Mexico.





OFFICERS:

E. E. Johnson, President
H. L. Bigler, Vice President
J. J. Downey, Sec. Treas.

DIRECTORS:

E. E. Johnson
J. J. Downey
H. L. Bigler
L. E. Teague
S. R. Coon

McElmo Oil Company

CORTEZ, COLO.

July 2nd, 1938.

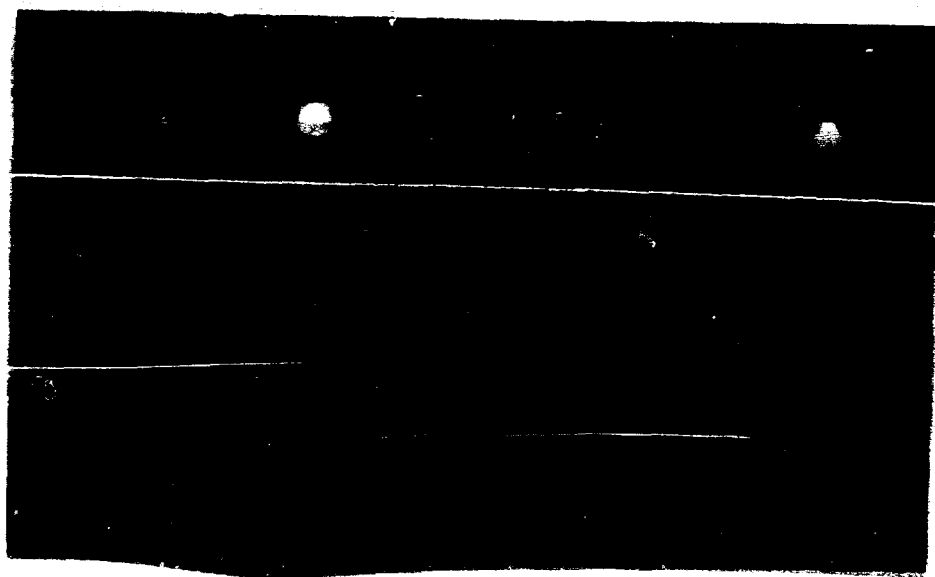
Mr Carl B. Livingston, Att'y.,
Oil Conservation Commission,
Santa Fe, New Mexico,

Dear Sir:

Replying to yours of the 29th ult, N. Spatter is
drilling a well at Bondad, Colorado, when not there he is in Long
Beach, California. Do not have his Long Beach Street address
but a letter addressed to him at Bondad, Colorado, care of
Dyke Noland would be forwarded, if need be.

Very truly yours,

S. R. Coon





G. L. BUTLER, Business Manager
ORVAL RICKETTS, Editor
WM. BUTLER, News Editor

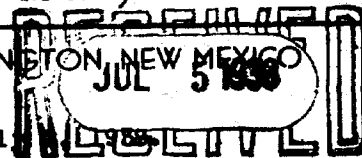


FARMINGTON TIMES HUSTLER

... the Voice of San Juan County

FARMINGTON, NEW MEXICO

Jul 1 1936



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

Attention Carl B. Livingston, Atty.

Dear Mr. Livingston:

This will acknowledge with thanks receipt of your
order of June 29th for publication re N. Spatter Well No. 1.

This publication will appear in the issue of
Friday, July 8th, of the Times Hustler. Your instructions as to
affidavit of publication, statement, etc., will be followed.

Yours very truly,

TIMES HUSTLER

per

G. L. Butler

...the only
...of the San
...Company re-
...Reservation, and commercial
...the terminal point of the Denver &
...at the junction of three ter-
...territory is exceptionally large, rang-
...on north and east, to a hundred
...Hustler guarantees a larger sworn circulation than
...in the entire San Juan Basin, an inland
...New Mexico, Utah, Colorado and Ar-
...advertising rate, per hundred cir-
...paper. Sworn statements of
...are available.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

P. O. Box 188
Farmington, New Mexico
July 1, 1938

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

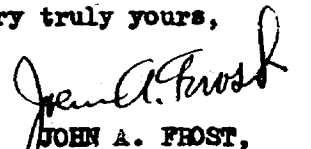
Subject: N. Spatter Well No. 1,
NE SW, Sec. 32-31N-11W.
San Juan County, N. M.

Dear Mr. Livingston:

In reply to your letter of June 29 asking
for the address of N. Spatter:

Mr. Spatter's mailing address is Aztec, New
Mexico. However, it is suggested that the postmaster
be requested to forward letters, and it might be well
to send copies to Dyke Noland, Aztec, as Mr. Noland
is the driller in charge of Spatter's operations near
Bondad, Colorado.

Very truly yours,


JOHN A. FROST,
District Engineer.

June 29, 1938

Mr. N. Spatter,
Aztec, N. M.

Re: N. Spatter Well No. 1 on NE1SW1
32-31N-11W, San Juan County.
Application of A. C. Kittell,
Trustee, to have well declared
abandoned, to pull casing
and plug well

My dear Mr. Spatter:

Enclosed is a copy of Notice of Hearing
regarding the above captioned well, which notice is
self explanatory.

Very truly yours,

OIL CONSERVATION COMMISSION

By Carl B. Livingston
Attorney

CEL:b
Enc.

REGISTER-RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

June 29, 1938

Mr. S. R. Coon,
Aztec, N. M.

Mr. L. E. Teague,
Aztec, N. M.

Re: N. Spatter Well No. 1 on
NE1/4 SW1/4 32-31N-11W, San Juan
County. Application of A. C.
Kittell, Trustee, to have well
declared abandoned, to pull
casing and plug well

Gentlemen:

You are sureties upon the drilling bond of
N. Spatter in connection with the above designated
well. Application is filed before the Commission
by A. C. Kittell, Trustee, for the purpose of
determining the status of this well as abandoned and
for the further purpose to pull casing and plug said
well.

Please advise by return mail the present
address of N. Spatter in order that he may be
notified of the hearing in said matter set for
July 28.

Very truly yours,

OIL CONSERVATION COMMISSION

By

Carl B. Livingston
Attorney

CBL:b

June 29, 1938

Mr. John Frost,
U. S. G. S.,
Farmington, N. M.

Re: N. Spatter Well No. 1 on ~~NE 1/4~~
32-31N-11W, San Juan County.
Application of A. C. Kittell,
Trustee, to have well declared
abandoned, to pull casing and
plug well

My dear Mr. Frost:

The above designated well is to be tried by
the Commission to determine its status as abandoned
on July 28. I wish you would be good enough to
supply this office with the address of N. Spatter,
if you should know where he may be reached.

Very truly yours,

OIL CONSERVATION COMMISSION

By Carl B. Livingston
Attorney

CBL:b

June 29, 1938

Claude T. Smith, Esq.,
Aztec, N. M.

Re: N. Spatter Well No. 1 on NE $\frac{1}{4}$ SW $\frac{1}{4}$
32-31N-11W, San Juan County.
Application of A. C. Kittell,
Trustee, to have well declared
abandoned, to pull casing
and plug well

Dear Mr. Smith:

The Commission has acted upon your application in the above captioned matter and has ordered hearing on July 26 at 10 A. M. Enclosed is copy of the Commission's order. Please serve this copy upon Mr. N. Spatter. Section 5, Chapter 72, provides for service. Service must be completed ten days prior to the hearing. We have not the present address of said party.

You will note that the notice of hearing specifies the location as indicated in the caption of this letter. The records of the Commission do not show the well as indicated in the caption of your petition. You indicate Section 2 of the same Township and Range, which is taken as perhaps a typographical error. The drilling bond covering this well is as indicated in the caption. Inasmuch as there is only one Spatter No. 1 in Township 31N, Range 11W, Spatter could not be misled as to what well you have in mind.

The matter in your application which the Commission has jurisdiction to determine is that one pertaining to abandonment. All of the other matter which pertains to trusteeship is not within the jurisdiction of the Commission to determine; that is for your District Court. Either before or soon after the hearing you should go into the District Court and have those matters determined, then present a certified copy of the Court's decree. If the Commission holds that the well is abandoned, your applicant could be recognized as the proper party to pull the casing in question. He would,

Page 2

of course, be required to do a plugging job under the supervision of a field representative of the Commission. The idea is this: The Commission is a court of limited jurisdiction. Its jurisdiction, when proper service is made, is to determine issues such as abandonment and matters of waste, but it does not have jurisdiction to determine property rights and the existence of trusteeships; that is for your District Court.

Very truly yours,

OIL CONSERVATION COMMISSION

By

Carl B. Livingston
Attorney

CBL:b
Enc.

June 29, 1938

REGISTER - RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

The Farmington Times-Hustler,
Farmington, N. M.

Re: N. Spatter Well No. 1 on ~~NE 1/4~~
32-31N-11W, San Juan County.
Application of A. C. Kittell,
Trustee, to have well declared
abandoned, to pull casing
and plug well

Gentlemen:

Enclosed herewith please find Notice for
Publication which you are kindly requested to publish
once in your next issue, not later in any case than
Friday, July 15. Please furnish the Commission
with a copy of your newspaper containing this
publication.

Immediately upon completion of your publi-
cation, be sure to transmit to the Oil Conservation
Commission your affidavit of publication.

Upon submitting your affidavit to the
Commission, please send your statement, in duplicate,
together with the enclosed purchase voucher, also in
duplicate.

Very truly yours,

OIL CONSERVATION COMMISSION

By

Carl B. Livingston
Attorney

CBL:b
Enc.

June 29, 1938

New Mexico Examiner
Santa Fe, N. M.

Re: N. Spatter Well No. 1 on
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 32-31N-11W, San Juan
County. Application of A. C.
Kittell, Trustee, to have well
declared abandoned, to pull
casing and plug well

Gentlemen:

Enclosed herewith please find Notice for
Publication which you are kindly requested to publish
once in your next issue, not later than July 15.
Please furnish the Commission with a copy of your
newspaper containing this publication.

Immediately upon completion of your
publication, be sure to transmit to the Oil Conservation
Commission your affidavit of publication.

Upon submitting your affidavit to the Commission,
please send your statement, in duplicate, together with
the enclosed purchase voucher, also in duplicate.

Very truly yours,

OIL CONSERVATION COMMISSION

By

Carl B. Livingston
Attorney

CBL:b
Enc.

NEW MEXICO OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

COPY

July 30, 1937.

Mr. W. Spatter,
Asteo, New Mexico.

Re: Well on NE 1/4 SW 1/4, Sec. 32,
T. 31 N., R. 11 W.

Dear Mr. Spatter:

The Commission's scout reports that your well, upon the above location, is full of water and apparently abandoned. Please advise immediately what you intend to do about plugging and proper approved abandonment.

A copy of this letter is being sent to your two sureties upon your bond.

Very truly yours,

OIL CONSERVATION COMMISSION

By Carl B. Livingston
Attorney

CHL:CC

cc-Mr. L. E. Teague, Asteo, N.M.
cc-Mr. S. R. Coon, " "
cc-Mr. Frank Horn, " "

AUG 20 1938

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:

The Application of A. C. Kittell, Trustee,
for the determination as abandoned, Well
known as Spatter No 1, located on the NE $\frac{1}{4}$
SW $\frac{1}{4}$ of Section 32 Township 31 North, Range
11 West, Aztec Field, San Juan County, and
to pull casing and plug same said Well

Case No 12

M O T I O N

Comes now A. C. Kittell, Trustee by H.C. Palmer, his
Attorney and respectfully prays that he be allowed to withdraw
the Application herein pertaining to pulling of casing and plugging
said Spatter Well No 1 and that an Order be entered herein dis-
missing said Application, without prejudice and for such other
action or Order as may be necessary in the premises.

Dated at Farmington, New Mexico this 19th day of August, 1938

H.C. Palmer

Attorney at Law
Farmington, N.M.

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:

THE APPLICATION OF A. C. KITTELL, TRUSTEE,
FOR THE DETERMINATION AS ABANDONED, WELL
KNOWN AS SPATTER NO. 1, LOCATED ON THE
NE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 31 NORTH,
RANGE 11 WEST, AZTEC FIELD, SAN JUAN COUNTY,
AND TO PULL CASING AND PLUG SAME SAID WELL.

CASE NO. 12

ORDER NO. 132-A.

ORDER TO CONTINUE HEARING.

BY THE COMMISSION:

Motion to continue hearing in the above cause made by
N. Spatter came on for hearing in the office of the Oil Conserva-
tion Commission at Santa Fe, New Mexico at 10:00 o'clock, A. M.
on the 22nd day of July, 1938, and the Commission having con-
sidered the same,

IT IS THEREFORE ORDERED that the hearing in the
above matter be and the same is hereby continued to August 27,
at 9:00 o'clock, A. M., and at that date to be heard in the
office of the Oil Conservation Commission at the Capitol,
Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico, this 22nd day of July,
1938.

OIL CONSERVATION COMMISSION

By Frank Worden
Frank Worden, Commissioner of
Public Lands

By A. Andreas
A. Andreas, State Geologist.

**NOTICE FOR PUBLICATION
STATE OF NEW MEXICO
OIL CONSERVATION COM-
MISSION**

Pursuant to Chapter 72, Ses-
sion Laws of 1935, State of New
Mexico, by which Act the Oil
Conservation Commission of New
Mexico was created, vesting said
Commission with the jurisdiction
and authority over all matters
relating to the conservation of
oil and gas in this State and of
the enforcement of all provisions
of said Act, notice is hereby giv-
en that a public hearing will be
held at the Capitol, Santa Fe,
New Mexico, on the 26th day of
July, 1938, at 10:00 A. M., for
the purpose of considering the
following:

CASE NO. 12.

The application of A. C.
Kittell, Trustee, for the deter-
mination as abandoned, well
known as Spur No. 1, lo-
cated on the NE SW of Sec-
tion 32, Township 31 North,
Range 11 West, Astec Field,
San Juan County, and to pull
casing and plug same said well.

Attorney for the applicant is
Claude T. Smith, Astec, New Mex-
ico.

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

Given under the seal of said
Commission at Santa Fe, New
Mexico, on June 28, 1938.

**OIL CONSERVATION
COMMISSION.**

By CLYDE TINGLEY,

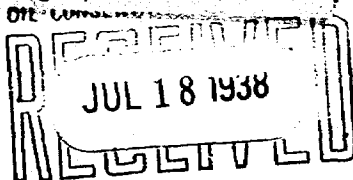
Governor.

By FRANK WORDEN,
Commissioner of Public
Lands.

By A. ANDREAS,
State Geologist.

(SEAL of Commission)

Published Friday, July 8, 1938,
in the Farmington Times Hustler,
Farmington, New Mexico.



PROOF OF PUBLICATION

State of New Mexico,
County of San Juan—ss.

---G. L. Butler---
being first duly sworn upon his oath
deposes and says:— That during the
time of the publication of the notice
hereinafter mentioned, he was the

Business Manager
of the FARMINGTON TIMES HUS-
TLER, a weekly newspaper published
at Farmington in said County of San
Juan and State of New Mexico; that
the notice of

Hearing (Oil Conservation
Commission)--Case No. 12--
of which a printed copy taken from
said newspaper is hereto annexed, was
published in the regular issues of said
newspaper once in each week for

one successive
weeks; that the date of the first pub-
lication thereof was the 8th

day of July, 1938,
and the date of the last publication
thereof was the day of

1938; that
said newspaper is published and of
general circulation in said county, and
is a legal newspaper qualified to pub-
lish any notice required by law to be
published.

Receipt is hereby acknowledged by
the publishers of payment in full for
publication of the above mentioned
legal notice.

G. L. Butler

Subscribed and sworn to before me
this 16 day of

July, 1938.
C. B. [Signature]

Notary Public.

My commission expires March 1, 1939.

NEW MEXICO
OIL CONSERVATION COMMISSION

RECEIVED
JUL 8 1938

Affidavit of Publication

July 1 1938

STATE OF NEW MEXICO
COUNTY OF SANTA FE
CITY OF SANTA FE

ss.

Larry Bynon

, hereby swear

Publisher

I affirm that I am the
New Mexico Examiner, a newspaper of general circulation
City of Santa Fe, the County of Santa Fe, and the State of
Mexico, printed daily in the city of Santa Fe; that the at-

Publication

is a true copy of

appeared in the New Mexico Examiner, issues of

July 1, 1938

, in a full and complete

on of the paper.

Signed:

Larry Bynon

STATE OF NEW MEXICO
COUNTY OF SANTA FE
CITY OF SANTA FE

ss.

Larry Bynon appeared before me this

6 day of July, 1938, known to me

the person above making affidavit, and after being duly
n, deposes and says that the statements above made are true
accurate to the best of his knowledge.

Edna Draper

Notary Public in and for Santa Fe
County, State of New Mexico.

My Commission expires:

Apr 24, 1939

NOTARY PUBLIC
STATE OF NEW MEXICO
COUNTY OF SANTA FE
CITY OF SANTA FE
I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Commission.
CLERK OF THE COMMISSION
JULY 1, 1938

Pursuant to Chapter 100, Laws of 1937, the Commission has the honor to advise you that a public hearing will be held at the Capital Building, Santa Fe, New Mexico, on the 1st day of July, 1938, at 10:00 A.M. for the purpose of considering the application of Larry Bynon for a license to publish a newspaper in the County of Santa Fe, New Mexico.
CLERK OF THE COMMISSION
JULY 1, 1938

Any person having any interest in the subject of the said hearing is invited to be heard.
The seal of said County of Santa Fe, New Mexico, is hereunto attested.
JULY 1, 1938

CLYDE TINKLEY,
Governor.
WILLIAM WOODMAN,
Commissioner of Public Lands.
ARTHUR S. BARNES,
State Geologist.
(Notary Commission)
JULY 1, 1938.

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO.

In the application of A. C. Kittell, :
Trustee, to pull the casing and plug :
the well known as Spatter No. 1, lo- :
cated on NE¹/₄SW¹/₄ of Sec. 2, T. 31 R. 11, :
WNMPM, in Aztec Field, San Juan County. :

A P P L I C A T I O N .

Comes now A. C. Kittell, Trustee, a resident of San Juan
County, State of New Mexico, hereinafter referred to as applicant,
and alleges and states, as follows:

That heretofore, the applicant was made Trustee by N. Spatter,
a resident of the State of California, for the benefit of certain
creditors of the said Spatter, which said appointment was placed in
escrow in the Citizens Bank of Aztec, Aztec, New Mexico, subject to
the conditions contained said escrow, on the 6th day of July 1935,
and which escrow agreement was, in words and figures, as follows:
" The enclosed agreement made by N. Spatter, on the date of July
6th is to be held by the Citizens Bank of Aztec for the period of 45
days from this 6th day of July 1935. conditioned that the said N.
Spatter show receipts to A. G. Ramsower each Saturday from this date
for all current expenses made in his drilling operations and that he during
that time continue his drilling operations. In event that the said N.
Spatter does not continue his drilling operations on the lease described
in said agreement and does not in the meantime show and file receipts
with the said A. G. Ramsower for all current expenses each Saturday, then
the said Citizens Bank of Aztec shall deliver the agreement, enclosed
herein, to the said A. C. Kittell and in which event the said A. C. Kittell
shall execute the provisions of said agreement. "

(Signed) N. Spatter"

and that the said enclosed agreement was, in words and figures, as follows:

"WHEREAS, the undersigned, N. Spatter, is now indebted unto various
persons, on account of his drilling operations on and upon a certain oil
and/or gas well, known as Spatter No. 1, located on the oil and/or gas
lease heretofore made by Sherman R. Coon and wife to the said N. Spatter,
on lands lying in San Juan County, New Mexico, described as follows:

SE¹/₄SW¹/₄, NE¹/₄SW¹/₄, and SW¹/₄SE¹/₄ Sec. 32 Township 31 N. Range 11 WNMPM.

AND WHEREAS, the said well is unfinished and the said N. Spatter is
unable to make the payments of the various amounts so owed and is desirous
to enable the said creditors to obtain what is due them.

NOW THEREFORE, the said N. Spatter does by these presents consent and
agree that A. C. Kittell may act as his Trustee and pull the casing in
said well, remove and store the same until an opportunity is had to sell
the said casing at a fair price and with the proceeds pay off all of the
said indebtedness which has arisen from the said drilling operations,

and shall pay hereafter the sum of \$100.00 each month on the 12th day of said month until the full amount of said indebtedness is paid, and in the meantime to continue to pay the weekly current expenses in said drilling operations and present the receipts therefor to the said A. C. Ramsower on Saturday of each week, as is provided in said escrow, and in event that said Spatter makes said payments as agreed herein and shows and deposits the said receipts for the current expenses with the said Ramsower, then the said A. C. Kittell, Trustee agrees to refrain from pulling said casing, making sale thereof and doing the things set out in the original agreement, and it is distinctly agreed by the said Spatter that in case of default in any of the above agreements and conditions on his part to be performed then the said A. C. Kittell shall have the immediate right to perform the powers contained in his authority as Trustee and all additional indebtedness herein contained, more than appears in the appointment as Trustee shall be paid by the said A. C. Kittell, Trustee, if and when he shall exercise the said powers in said authority contained.

WITNESS THE HANDS and seals of the parties hereto, this 11th day of March 1936.

H. Spatter (SEAL)
A. C. Kittell (SEAL)

STATE OF NEW MEXICO: :
: SS:
County of San Juan. :

On this 11th day of March 1936, before me personally appeared H. Spatter and A. C. Kittell, to me personally known to be the persons described in and who executed the foregoing agreement and acknowledged to me that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above set out.

My commission expires May 1 1939

Jane M. Graves
Notary Public

(SEAL)

That thereafter, the said Spatter having defaulted in his payments as agreed to be made in the said above supplemental agreement the said A. C. Kittell, Trustee, made application to your body on Nov. 9th 1936 for approval of intention to pull the casing the said above set out well, known as Spatter No. 1 and which application was approved by your body on November 12 1936; that operations were thereafter begun for the pulling of said casing and the plugging of said well and while so proceeding your body sent to the said Kittell, Trustee, a telegram in words and figures, as follows: Am advised by H. Spatter you have no authority from him to plug said Spatter well number one in section thirty two thirty one stop eleven stop do not begin plugging operations or discontinue them if strated stop andreas state oil and gas inspector will visit you and inspect well in next few days.

OIL CONSERVATION COMMISSION

BY E. H. WELLS STATE GEOLOGIST.

Said telegram dated from Santa Fe, N Mex. January 18, 1937.

That thereafter, said Andreas, Inspector, went to the Spatter location and on February 27, 1937 your body, by E. H. Wells, State Geologist, wrote to said Kittell closing, as follows: "He would prefer to have Mr. Spatter's approval of further plugging work on the well in question. We suggest that you get in touch with him and have him advise us what his wishes are."

That your applicant has been unable to make any settlement with the said Spatter; that the said well has been abandoned since _____ and no effort has been made by the said Spatter to move another rig on the said location to replace the rig moved off by the said Aerex Company, owner of the rig for which the rent had not been paid; that there is no watchman on the premises and no apparent determination or intention to continue further operations on said lease or said well; that the said Spatter has been since the _____ day of _____ 1937 conducting oil operations in a spasmodic attempt to drill an oil well in the State of Colorado, about _____ miles north of the well in question; that this applicant is informed and from such information believes that the rig and machinery in operation on the said last mentioned

oil well are owned by the said Spatter and could at any time during the past six months been used in drilling operations on said Spatter No. 1; that the said Spatter well No. 1 has been standing with an open hole from its stated total depth of 1750 feet to the bottom of the casing at 1250 feet, making 500 feet of open hole, the condition of which is probmetical and likely to cause injury to the the adjoining lands; that the said abandonment of said well 1 is a clear violation of the intent and purposes of the Oil Conservation Act and the actions of the said Spatter in connection with the approval of your body for this Trustee to plug the well have been deceitful and have been for the sole purpose of using your body to avoid the payment of a debt by his Trustee, which Trustee was appointed on an adequate considetation and which appointment is irrevocable and no attempt has at any time been made by the said Spatter to revoke the said Trusteeship.

Your applicant prays your body to permit him to proceed under the authority given him in your approval of November 12th 1936 and cause the said Spatter, if there is any legal questions as to the validity of said Trusteeship, to go into the proper jurisdiction to question the said validity.