

CASE 3295: Hearing on motion of
OCC. Permit W.C. POWERS & J. E.
MARSHALL to plug well.

CASE NO.

3295

Application,
TRANSCRIPTS,
SMALL Exhibits
ETC.

dearnley-meier reporting service, inc.

SPECIALIZING IN: DEPOSITIONS, HEARINGS, STATEMENTS, EXPERT TESTIMONY, DAILY COPY, CONVENTIONS

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BEFORE THE
NEW MEXICO OIL CONSERVATION COMMISSION
Santa Fe, New Mexico
September 22, 1965

EXAMINER HEARING

IN THE MATTER OF: In the matter of the hearing
called by the Oil Conservation Commission on)
its own motion to permit W.C. Powers and J.E.)
Marshall, dba Powers Marshall Company, and all)
other interested parties to show cause why the)
Powers-Marshall Company Well No. 1, a/k/a the)
W. Perry Smith Well No. 1 located in the NW/4)
SE/4 of Section 34, Township 21 North, Range)
30 East, Harding County, New Mexico, should)
not be plugged in accordance with a)
Commission-approved plugging program.)

Case No. 3295

BEFORE: D. S. NUTTER- Chief Engineer

TRANSCRIPT OF HEARING

MR. NUTTER: We'll call the next Case, Number 3295 which is the matter of the hearing called by the Oil Conservation Commission on it's own motion to permit W.C. Powers and J.E. Marshall, doing business as Powers Marshall Company, and all other interested parties to show cause why the Powers-Marshall Company Well No. 1, a/k/a the W. Perry Smith Well No. 1 located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, Harding County, New Mexico, should not be plugged in accordance with a Commission-approved plugging program.

MR. DURRETT: If the Examiner, Please, Jim Durrett appearing on behalf of the Commission and it's Staff and I'll have one witness, Mr. Kapteina.

JAMES E. KAPTEINA

called as a witness herein, having been first duly sworn on oath, was examined and testified as follows:

BY MR. DURRETT:

Q Please state your name and position for the record?

A James E. Kapteina, Petroleum Engineer, New Mexico Oil Conservation Commission.

Q Are you the supervisor of District 4 of the Commission, Mr. Kapteina?

A Yes, sir.

Q Are you familiar with the well known as the W.C. Powers and J.E. Marshall, Powers Marshall Company Well Number 1, which

is also known as the W. Perry Smith Well Number 1 and located in the Northwest Quarter, Southeast Quarter of Section 34, Township 21 North, Range 30 East in Harding County?

A Yes, sir, I am.

Q Is that well located as I have described it?

A Southwest Quarter, wasn't it, Northwest Quarter or Northwest Quarter?

Q Northwest Quarter of the Southeast Quarter of Section 34.

A Could I see that Well File, please?

Q Mr. Kapteina, I hand you here, what purports to be a Well File, and ask you if that is the Commission's Official Well File concerning this well?

A Yes, sir, it is.

Q Will you please refer to that file and state to the Examiner the exact location of that well?

A ¹⁹⁸⁰
~~190~~ feet from the South line and 1980 feet from the East line.

Q Would that be in the Northwest Quarter of the Southeast Quarter?

A That's correct, yes, sir.

Q Of Section 34, 21 North, 30 East, is that correct, in Harding County?

A Yes, sir.

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SPECIALIZING IN: DEPOSITIONS, HEARINGS, STATEMENTS, EXPERT TESTIMONY, DAILY COPY, CONVENTIONS

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Q Now, referring to that well file, Mr. Kapteina, will you please state to the Examiner when that well was drilled from the Commission's records?

A The form C-101, Notice of Intention to Drill, is dated April 13, 1954, approved April 19, 1954.

Q According to your file and the official reports filed therein, Mr. Kapteina, who was the operator that drilled that well?

A Powers Marshall Company, and the form is signed by Mr. W.C. Powers, partner, Colorado Springs, Colorado.

Q Now, was that well completed, Mr. Kapteina, according to your information you have in the file?

A Yes, sir, it was completed as a CO₂ well.

Q As a CO₂ well?

A Yes, sir.

Q What was the approximate date of the completion?

A June 7, 1954.

Q Have you had any production reported from that well?

A No, sir, we have no production reported from this well.

Q And you have never had any production reported from that well, is that correct?

A That's correct.

Q When was the last report that you received concerning the well, indicating that there was any activity other than just

completion?

A This is by record. The last report we have on this well is by letter of June 24, 1954 from the Paul Revere Life Insurance Company, Worcester, Massachusetts, and William C. Powers Agency, Supervisor, Colorado Springs, and it states that the well had been completed to a total depth of 1980 feet and the well was not connected at that time due to the fact that the carbon dioxide plant of Timmons was shut down waiting equipment for the plant.

Q And from that date in 1954 you have received no further correspondence or reports, is that correct?

A That's correct.

Q Would you please refer to your file and inform the Examiner the manner in which this well is completed? What's the total depth and the casing, from your records?

A The total depth is 1980 feet, 5 3/4" casing set to depth of 1857 feet. Cemented by Halliburton with 325 sacks. It was then, the well was then, I believe it was shot with the 50 pounds of dynamite on June 2, 1954, from 1870 to 1890 and the well was shut-in and the surface pressure was 625 pounds.

Q And this well was capable of producing CO₂ as far as we know from our reports, is that correct?

A That's correct.

Q Is it your opinion, Mr. Kapteina, that this well had

been abandoned?

A Yes, it is.

Q You're basing that opinion upon your Official Well File and the reports filed therein?

A That's right and also the fact that he, W.C. Powers or Marshall cannot be located.

Q And have you attempted to contact him or has the Oil Conservation Commission attempted to contact Mr. Powers or the Company?

A Yes, sir, I believe on two occasions, and both letters were returned undelivered.

Q Do you have a suggested plugging program, Mr. Kapteina, for this well?

A Yes, sir, I have.

Q Would you please give that to the Examiner?

A The well needs a 50 sack plug from 1980 to 1606 feet; from 1606 to 375 filled with heavy mud; at 375 feet to the surface with 50 sack plug, and a regulation marker erected in the cement at the surface.

Q Is it your opinion, Mr. Kapteina, that the plugging program that you have recommended will confine the oil, gas, ^{and} CO₂ and other hydrocarbons ~~in~~ water to the strata in which they were originally contained?

A Yes, sir.

Q And do you feel that the adoption of this plugging program and an order ordering this well to be plugged will prevent waste and protect correlative rights?

A Yes, sir, I do.

MR. DURRETT: If the Examiner please, that will conclude my examination of Mr. Kapteina.

MR. NUTTER: Thank you.

CROSS-EXAMINATION

BY MR. NUTTER:

Q Mr. Kapteina, this is in the vicinity of the old Timmons Carbon Dioxide Plant, is that correct?

A Yes, sir, that is correct.

Q Is that Plant in operation at the present time?

A No, it isn't.

Q Are any wells in the vicinity producing carbon dioxide?

A Not in the immediate vicinity of Timmons' Plant.

There are in the area. There are the other CO₂, that's the Adams Magahee operation and Carbonic Chemical, I believe, in the area still operating.

Q By area, what distance away would that be.

A Well, some of the Adams Magahee wells are within a mile of the Timmons' plant.

Q And they are producing?

A Yes, sir, they are.

Q What plants do they go into, Carbonic Chemicals?

A No, they have their own plant.

Q They have their own plant?

A Yes.

Q Has this well ever produced at all?

A We have no report of this well having ever been produced.

Q It was supposed to have been produced into the Timmons Plant but Timmons Plant was never reactivated?

A That's right.

Q And as I understand your plugging program, you'd use cement from the surface to 375 and mud from 375 to 1606 and cement from 1606 to the total depth?

A That's correct.

Q And set a marker?

A Right.

MR. NUTTER: Does anyone have any questions of Mr. Kapteina? He may be excused. Does anyone have anything they wish to offer in Case 3295?

MR. DURRETT: We would like to ask the Examiner to take administrative notice of the Commission's Well File and contents therein.

MR. NUTTER: I'll take notice. If there's nothing further in Case 3295 we'll take that Case under advisement and

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STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

I, ADA DEARLNEY, Court Reporter, do hereby certify that the foregoing and attached transcript of proceedings before the New Mexico Oil Conservation Commission at Santa Fe, New Mexico, is a true and correct record to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have affixed my hand and notarial seal this 28th day of September, 1965.

Paul Dearnley
Notary Public-Court Reporter.

My Commission Expires
June 19, 1967

I do hereby certify that the foregoing is a complete record of the proceedings in the Examiner hearing of Case No. 3245 heard by me on 9/22, 1965.

[Signature] Examiner
New Mexico Oil Conservation Commission

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION COMMISSION ON ITS OWN MOTION TO PERMIT W. C. POWERS AND J. E. MARSHALL, DBA POWERS MARSHALL COMPANY, AND ALL OTHER INTERESTED PARTIES TO SHOW CAUSE WHY THE POWERS-MARSHALL COMPANY WELL NO. 1, A/K/A THE W. PERRY SMITH WELL NO. 1 LOCATED IN THE NW/4 SE/4 OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 30 EAST, NMPM, HARDING COUNTY, NEW MEXICO, SHOULD NOT BE PLUGGED IN ACCORDANCE WITH A COMMISSION-APPROVED PLUGGING PROGRAM.

CASE No. 3295
Order No. R-2970

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 o'clock a.m. on September 22, 1965, at Santa Fe, New Mexico, before Examiner Daniel S. Mutter.

NOW, on this 4th day of October, 1965, the Commission, a quorum being present, having considered the testimony, the record, and the recommendations of the Examiner, and being fully advised in the premises,

FINDS:

(1) That due public notice having been given as required by law, the Commission has jurisdiction of this cause and the subject matter thereof.

(2) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, are the owners and operators of the Powers-Marshall Company Well No. 1, also known as the W. Perry Smith Well No. 1, located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, NMPM, Harding County, New Mexico.

(3) That the subject well has been abandoned and should be plugged in order to confine permanently all oil, gas, carbon dioxide, and water in the separate strata originally containing them and to otherwise prevent waste and protect correlative rights.

IT IS THEREFORE ORDERED:

(1) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, are hereby ordered to plug the Powers-Marshall

-2-

CASE No. 3295
Order No. R-2970

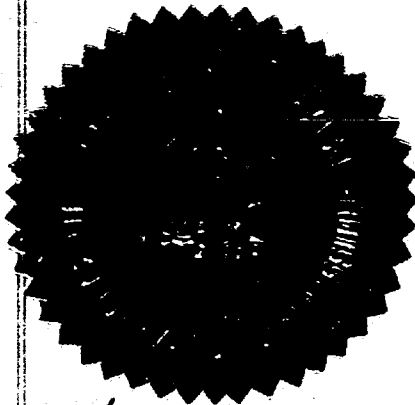
Company Well No. 1, also known as the W. Perry Smith Well No. 1, located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, NMPM, Harding County, New Mexico, in accordance with the following minimum plugging requirements:

1. Set a 50-sack cement plug at total depth.
2. Set a 50-sack cement surface plug.
3. Fill the interval between plugs with mud weighing not less than ten pounds per gallon.
4. Set in the surface plug a regulation steel marker not less than four inches in diameter and extending at least four feet above mean ground level.

(2) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, shall complete plugging operations on or before November 1, 1965, and shall notify the District Supervisor, District 4, Oil Conservation Commission, Santa Fe, New Mexico, of the exact date and time plugging operations are to commence.

(3) That jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

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



STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Jack M. Campbell
JACK M. CAMPBELL, Chairman

Guyton B. Hays
GUYTON B. HAYS, Member

A. L. Porter, Jr.
A. L. PORTER, Jr., Member & Secretary

esr/

DRAFT
JMD/esr

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

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

CF Subj. _____

CASE No. 3295

Order No. R-2970

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION COMMISSION ON ITS OWN MOTION TO PERMIT W. C. POWERS AND J. E. MARSHALL, DBA POWERS MARSHALL COMPANY, AND ALL OTHER INTERESTED PARTIES TO SHOW CAUSE WHY THE POWERS-MARSHALL COMPANY WELL NO. 1, A/K/A THE W. PERRY SMITH WELL NO. 1 LOCATED IN THE NW/4 SE/4 OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 30 EAST, NMPM, HARDING COUNTY, NEW MEXICO, SHOULD NOT BE PLUGGED IN ACCORDANCE WITH A COMMISSION-APPROVED PLUGGING PROGRAM.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9 o'clock a.m. on September 22, 1965, at Santa Fe, New Mexico, before Examiner Daniel S. Nutter.

NOW, on this 22 day of September, 1965, the Commission, a quorum being present, having considered the testimony, the record, and the recommendations of the Examiner, and being fully advised in the premises,

FINDS:

(1) That due public notice having been given as required by law, the Commission has jurisdiction of this cause and the subject matter thereof.

(2) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, are the owners and operators of the Powers-Marshall Company
Marshall/Well No. 1, also known as the W. Perry Smith Well No. 1, located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, NMPM, Harding County, New Mexico.

(3) That the subject well ~~is dry and~~ has been abandoned, and should be plugged in order to confine permanently all oil, *Carbon Dioxide* gas, and water in the separate strata originally containing them and to otherwise prevent waste and protect correlative rights.

IT IS THEREFORE ORDERED:

(1) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, are hereby ordered to plug the Powers-Marshall

Company Well No. 1, also known as the W. Perry Smith Well No. 1, located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, NMPM, Harding County, New Mexico, in accordance with the following minimum plugging requirements:

1. Set a 50-sack cement plug at total depth.
- ~~2. Set a _____ sack cement plug at _____ feet.~~
2. Set a 50-sack cement surface plug.
3. Fill the interval between plugs with mud weighing not less than ten pounds per gallon.
4. Set in the surface plug a regulation steel marker not less than four inches in diameter and extending at least four feet above mean ground level.

(2) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, shall complete plugging operations on or before November 1, 1965, and shall notify the District Supervisor, District 4, Oil Conservation Commission, Santa Fe, New Mexico, of the exact date and time plugging operations are to commence.

(3) That jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

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

AUGUST 25, 1965 EXAMINER HEARING

CASE 3299: Application of Sinclair Oil & Gas Company for a waterflood expansion, Eddy County, New Mexico. Applicant, in the above-styled cause, seeks an amendment to Order No. R-2268-A which authorized the expansion of applicant's Keel-West Waterflood Project, Township 17 South, Range 31 East, Grayburg Jackson Pool, Eddy County, New Mexico, in four stages; applicant seeks said amendment to permit the commencement of Stage IV prior to the completion of Stage III.

CASE 3269 (Continued from the June 30th Examiner Hearing):

Application of Shell Oil Company for an amendment to Order R-2182, Eddy County, New Mexico. Applicant, in the above-styled cause, seeks an amendment to the special pool rules for the Henshaw-Wolfcamp Pool, Eddy County, New Mexico, as promulgated by Order R-2182 and Order R-2182-B, to include a provision for a gas-oil ratio limitation of 6,000 to 1.

CASE 3271 (Continued from the June 30th Examiner Hearing):

Application of Shar-Alan Oil Company for the creation of a new pool, Rio Arriba County, New Mexico. Applicant, in the above-styled cause, seeks the creation of a Gallup-Mesaverde Gas Pool for its Rosa Unit Well No. 49 located in Unit M of Section 27, Township 31 North, Range 4 West, Rio Arriba County, New Mexico, which well is perforated in the Gallup formation from 6895 feet to 7025 feet, and the Mesaverde formation from 6115 feet to 6275 feet.

DOCKET: EXAMINER HEARING - WEDNESDAY - AUGUST 25, 1965

9 A. M. - OIL CONSERVATION COMMISSION CONFERENCE ROOM,
STATE LAND OFFICE BUILDING - SANTA FE, NEW MEXICO

The following cases will be heard before Daniel S. Nutter, Examiner, or
Elvis A. Utz, Alternate Examiner:

- CASE 3294: In the matter of the hearing called by the Oil Conservation Commission on its own motion to permit Harold J. Sechler, dba S. & S. Oil Producers, and all other interested parties to show cause why the Bond Well No. 1 located in the SW/4 NE/4 of Section 17, Township 9 North, Range 14 West, Valencia County, New Mexico, should not be plugged and abandoned in accordance with a Commission-approved plugging program.
- CASE 3295: In the matter of the hearing called by the Oil Conservation Commission on its own motion to permit W. C. Powers and J. E. Marshall, dba Powers Marshall Company, and all other interested parties to show cause why the W. Perry Smith Well No. 1 located in the NW/4 SE/4 of Section 34, Township 21 South, Range 30 East, Harding County, New Mexico, should not be plugged and abandoned in accordance with a Commission-approved plugging program.
- CASE 3296: Application of Pan American Petroleum Corporation for salt water disposal, Roosevelt County, New Mexico. Applicant, in the above-styled cause, seeks authority to dispose of produced salt water into the San Andres formation in its Horton Well No. 31 located in Unit M of Section 29, Township 8 South, Range 35 East, Milnesand-San Andres Pool, Roosevelt County, New Mexico.
- CASE 3297: Application of Southland Royalty Company for a dual completion and salt water disposal authority, Lea County, New Mexico. Applicant, in the above-styled cause, seeks approval of the dual completion of its J. D. Guye Well No. 5 located in Unit N of Section 12, Township 11 South, Range 33 East, Lea County, New Mexico, to produce oil from the Inbe-Pennsylvanian Pool through 2 7/8 inch tubing set in 5 1/2 inch casing and to dispose of produced salt water into the San Andres formation through the intermediate casing annulus.
- CASE 3298: Application of Sunray DX Oil Company for the creation of an oil and gas pool and for special pool rules, Roosevelt County, New Mexico. Applicant, in the above-styled cause, seeks the creation of the Todd-San Andres Oil and Gas Pool in Sections 22 through 28 and Sections 34 through 36, Township 7 South, Range 35 East, and Sections 30 and 31, Township 7 South, Range 36 East, Roosevelt County, New Mexico. Applicant further seeks the promulgation of temporary special pool rules, including a provision for 80-acre oil proration units and 320-acre gas proration units; applicant also requests a provision for limiting withdrawals from gas cap wells to the volumetric equivalent of wells in the oil portion of the reservoir. Applicant further requests an administrative procedure to permit the transfer of allowables among wells on the same lease while conducting pressure interference tests.

DOCKET: EXAMINER HEARING - WEDNESDAY - SEPTEMBER 22, 1965

9 A. M. - OIL CONSERVATION COMMISSION CONFERENCE ROOM,
STATE LAND OFFICE BUILDING, SANTA FE, NEW MEXICO

The following cases will be heard before Daniel S. Nutter, Examiner, or
Elvis A. Utz, Alternate Examiner:

CASE 3294: (Continued from the August 25 and September 8, 1965 Examiner Hearings)

In the matter of the hearing called by the Oil Conservation Commission on its own motion to permit Harold J. Sechler, dba S. & S. Oil Producers, and all other interested parties to show cause why the Bond Well No. 1 located in the SW/4 NE/4 of Section 17, Township 9 North, Range 14 West, Valencia County, New Mexico, should not be plugged and abandoned in accordance with a Commission-approved plugging program.

CASE 3295: (Continued and Readvertised from the August 25th Examiner Hearing)

In the matter of the hearing called by the Oil Conservation Commission on its own motion to permit W. C. Powers and J. E. Marshall, dba Powers Marshall Company, and all other interested parties to show cause why the Powers-Marshall Company Well No. 1, a/k/a the W. Perry Smith Well No. 1 located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, Harding County, New Mexico, should not be plugged in accordance with a Commission-approved plugging program.

CASE 3304: Application of Amerada Petroleum Corporation for a unit agreement, Lea County, New Mexico. Applicant, in the above-styled cause, seeks approval of the Warren-McKee Unit Area comprising 1800 acres, more or less, of Fee lands in Township 20 South, Range 38 East, Lea County, New Mexico.

CASE 3305: Application of Amerada Petroleum Corporation for a waterflood project, Lea County, New Mexico. Applicant, in the above-styled cause, seeks authority to institute a waterflood project in its Warren-McKee Unit by the injection of water into the McKee formation through four wells located in Sections 7 and 8, Township 20 South, Range 38 East, Warren-McKee Pool, Lea County, New Mexico.

CASE 3306: Application of Amerada Petroleum Corporation for a dual completion and a non-standard gas proration unit, Lea County, New Mexico. Applicant, in the above-styled cause, seeks approval of the dual completion (conventional) of its Fred Turner, Jr., "A" Well No. 2 located in Unit K of Section 18, Township 20 South, Range 38 East, Lea County, New Mexico, to produce oil from the Skaggs Grayburg-San Andres Oil Pool and gas from the Eumont Gas Pool through 1 1/2 inch tubing and through the casing-tubing annulus respectively. Applicant further seeks the creation of a 320-acre non-standard Eumont gas proration unit comprising the SE/4 NW/4, S/2 NE/4, NE/4 SW/4, N/2 SE/4, and SE/4 SE/4 of Section 18, and the NE/4 NE/4 of Section 19, all in Township 20 South, Range 38 East, Lea County, New Mexico, to be dedicated to said well.

September 22, 1965 Examiner Hearing

- CASE 3307: Application of Arwood Stowe & Company for the creation of a pool, special pool rules, and a waterflood project, Sandoval County, New Mexico. Applicant, in the above-styled cause, seeks the creation of an oil pool for Mesaverde production in Section 33, Township 18 North, Range 3 West, Sandoval County, New Mexico, and the establishment of special pool rules governing well spacing of less than 40 acres and special well locations; or in the alternative, for the extension of the San Luis-Mesaverde Pool to include portions of said Section 33. Applicant further seeks authority to institute a waterflood project in said Section 33 by the injection of water into the Mesaverde formation through four wells.
- CASE 3308: Application of Continental Oil Company for an administrative procedure, Rio Arriba County, New Mexico. Applicant, in the above-styled cause, seeks the establishment of an administrative procedure whereby low marginal production from dually completed Gallup-Dakota oil wells in Rio Arriba County, New Mexico, may be commingled in the well bore by means of a dual-flow downhole choke assembly.
- CASE 3309: Application of Consolidated Oil & Gas, Inc. for an unorthodox location, Rio Arriba County, New Mexico. Applicant, in the above-styled cause, seeks authority to drill its McIntyre Well No. 1 at an unorthodox location 1730 feet from the North line and 1450 feet from the West line of Section 11, Township 26 North, Range 4 West, Rio Arriba County, New Mexico. Said well is planned as a Mesaverde-Dakota dual completion.
- CASE 3310: Application of Cima Capitan, Inc., Ryder-Scott Management Company, Stallworth Oil and Gas Company, and Newmont Oil Company for a waterflood project, Eddy County, New Mexico. Applicants, in the above-styled cause, seek authority to conduct a cooperative waterflood project by the injection of water into the Grayburg-San Andres formations through 16 injection wells to be drilled at unorthodox locations in Sections 25 and 36, Township 16 South, Range 30 East, and Sections 30, 31 and 32, Township 16 South, Range 31 East, Square Lake Pool, Eddy County, New Mexico.
- CASE 3311: Application of Martin Yates III & S. P. Yates for the creation of an oil pool and for special pool rules, Eddy County, New Mexico. Applicant, in the above-styled cause, seeks the creation of an oil pool for Seven Rivers production in Section 12, Township 20 South, Range 26 East, Eddy County, New Mexico, and the establishment of special pool rules governing well spacing of less than 40 acres and special well locations.
- CASE 3312: Application of Sinclair Oil & Gas Company for a non-standard unit, Lea County, New Mexico. Applicant, in the above-styled cause, seeks approval of a 320-acre non-standard gas proration unit comprising the SE/4 of Section 18 and the NE/4 of Section 19, Township 23 South, Range 37 East, Jalmat Gas Pool, Lea County, New Mexico, to be dedicated to its Duthie-Andrews Well No. 1 located 1980 feet from the South and East lines of said Section 18.

OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

Date 9/23/65

CASE NO. 3295

HEARING DATE 9am 9/22/65
DSN @ SF

My recommendations for an order in the above numbered case(s) are as follows:

Enter an order requiring that
the Powers-Marshall Co. Well No. 1
located 1980' ESE of 1980' FEL of
Sec 34 T 21 N R 30 E Harding Co.
H. Well be plugged in accordance with
the following program:
Clean out well to TD of 1980'
50 sacks of cement from 1980' to
approximately 1606'
mud Heavy mud (at least 10 #/gal)
from approximately 1606' to
approximately 375'
50 sacks of cement from approximately
375' to surface
Regulation marker 4" x 4" at surface
Clean location, clear of junk.


Staff Member

GOVERNOR
JACK M. CAMPBELL
CHAIRMAN

State of New Mexico
Oil Conservation Commission



LAND COMMISSIONER
GUYTON B. HAYS
MEMBER

P. O. BOX 2088
SANTA FE

May 14, 1965

STATE GEOLOGIST
A. L. PORTER, JR.
SECRETARY - DIRECTOR
LEGAL DIVISION
PHONE 827-2741

**CERTIFIED - RETURN
RECEIPT REQUESTED**

Mr. W. C. Powers and Mr. J. E. Marshall
dba Powers-Marshall Co.
326 Independence Building
Colorado Springs, Colorado

Hanover Insurance Company
111 John Street
New York, New York

Mr. W. C. Powers
Powers-Marshall Co.
Bueyeros, New Mexico

Re: W. Perry Smith Well No. 1, NW/4 SE/4 of Section 34,
Township 21 South, Range 30 East, NMPM, Harding County,
New Mexico
Massachusetts Bonding and Insurance Company, One-Well
Plugging Bond No. 75993

Gentlemen:

Mr. J. E. Kapteina, Engineer and Inspector, District 4, Oil Conservation Commission, Santa Fe, has advised this office that the above well has been abandoned for a considerable length of time and should be plugged or placed on production in the near future.

If satisfactory arrangements to plug the well or place it back on production have not been made with Mr. Kapteina by June 14, 1965, the Commission will docket a case to require that the well be plugged in accordance with a Commission-approved plugging program.

Very truly yours,

J. M. DURRETT, JR.

Special Assistant Attorney General

JMD/esr

cc: Mr. J. E. Kapteina
Engineer and Inspector, District 4
Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

GOVERNOR
JACK M. CAMPBELL
CHAIRMAN

State of New Mexico
Oil Conservation Commission



LAND COMMISSIONER
GUYTON B. HAYS
MEMBER

P. O. BOX 2088
SANTA FE

May 14, 1965

STATE GEOLOGIST
A. L. PORTER, JR.
SECRETARY - DIRECTOR

LEGAL DIVISION
PHONE 827-2741

**CERTIFIED - RETURN
RECEIPT REQUESTED**

Mr. W. C. Powers and Mr. J. E. Marshall
dba Powers-Marshall Co.
326 Independence Building
Colorado Springs, Colorado

Manover Insurance Company
111 John Street
New York, New York

Mr. W. C. Powers
Powers-Marshall Co.
Bueyeros, New Mexico

Re: W. Perry Smith Well No. 1, NW/4 SE/4 of Section 34,
Township 21 South, Range 30 East, MMN, Harding County,
New Mexico
Massachusetts Bonding and Insurance Company, One-Well
Plugging Bond No. 75993

Gentlemen:

Mr. J. E. Kapteina, Engineer and Inspector, District 4, Oil Conservation Commission, Santa Fe, has advised this office that the above well has been abandoned for a considerable length of time and should be plugged or placed on production in the near future.

If satisfactory arrangements to plug the well or place it back on production have not been made with Mr. Kapteina by June 14, 1965, the Commission will docket a case to require that the well be plugged in accordance with a Commission-approved plugging program.

Very truly yours,

J. M. Durrett, Jr.
J. M. DURRETT, Jr.

Special Assistant Attorney General

JMD/esr

cc: Mr. J. E. Kapteina
Engineer and Inspector, District 4
Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to addressee (Additional charges required for these services)

☐ Show address where delivered

Received the numbered article described on other side. (To be filled in)

Signature of Name of Addressee (must be filled in)

Signature of Addressee's Agent, if any

DATE DELIVERED 5/17/65

SHOW WHEN DELIVERED (only if requested)

CS-16-7184-3-2-650

POB Form 3011 Sep. 1963

POST OFFICE DEPARTMENT
STREET, LONDON

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF TAXES \$500

Hanover Insurance Company
 111 John Street
 New York, New York

INSTRUCTIONS. Fill a form below and complete instructions on other side, if applicable. Applicant guaranteed to be placed on other side, if applicable. Princeton and hold firmly to back of article. Princeton front of article. Return to Princeton, Princeton.

POSTING NO.

NAME OF PERSON

OTC CONSERVATION COMMISSION

START AND NO. 1000

89780

7. O. BOX 20888

NO. 1

CITY, STATE, ZIP CODE

THE NEW YORK TIMES

1-800-5-1A-65

CR-2016-71640-0-1

No. 859778

RECEIPT FOR CERTIFIED MAIL—206

SENT TO **MR. W. C. POWERS and**

Mr. J. E. Marshall

STREET AND **PO Box Powers-Marshall Co.**
326 Independence Building

CITY AND STATE

Colorado Springs, Colorado

5-14-65

POSTMARK
OR DATE

If you want a return receipt, check which
☐ 10¢ above to whom ☐ 50¢ above to whom,
and when where delivered

If you want to
return receipt, check here
☐ 50¢ fee

FEES ADDITIONAL TO 206 FEE

POD Form 3800
Apr 1960 Letter 5-14-65

REF. QTH. R. SIDE

No. 859779

RECEIPT FOR CERTIFIED MAIL-206

SENT TO Mr. W. C. Powers		POSTAGE OR PAID
STREET AND NO. dba Powers-Marshall Co.		
CITY AND STATE Bueyeros, New Mexico		5-14-65
<input type="checkbox"/> If you want a return receipt, check with whom and when delivered <input type="checkbox"/> If you want per- mitted delivery, check here 50¢ fee		
FEES ADDITIONAL TO 206 1725		
POD Form 3800 Apr 1960 LETTER 5-14-65 SEE OTHER SIDE		

No. 859780

RECEIPT FOR CERTIFIED MAIL--20¢

SENT TO

Hanover Insurance Company

STREET AND NO.

111 John Street

CITY AND STATE

New York, New York

If you want a return receipt, check which

☐ to whom and when, and address where delivered

☐ If you want receipt dated daily, check here

FEES ADDITIONAL: 10¢ PER 100 lbs

POD Form 3820, Apr 1960 LETTER 5-14-65 OTHER SIDE

POSTMARK OR DATE

5-14-65

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO

LEGAL DIVISION

PHONE 827-2741

May 14, 1965

CERTIFIED - RETURN
RECEIPT REQUESTED

Mr. W. C. Powers and Mr. J. E. Marshall
The Powers-Marshall Co.
326 Independence Building
Colorado Springs, Colorado

Manover Insurance Company
111 John Street
New York, New York

Mr. W. C. Powers
Powers-Marshall Co.
Beeeyeros, New Mexico

Re: W. Perry Smith Well No. 1, NW/4 SE/4 of Section 34,
Township 21 South, Range 30 East, NMPM, Harding County,
New Mexico
Massachusetts Bonding and Insurance Company, One-Well
Plugging Bond No. 75993

Gentlemen:

Mr. J. E. Kapteina, Engineer and Inspector, District 4, Oil Conservation Commission, Santa Fe, has advised this office that the above well has been abandoned for a considerable length of time and should be plugged or placed on production in the near future.

If satisfactory arrangements to plug the well or place it back on production have not been made with Mr. Kapteina by June 14, 1965, the Commission will docket a case to require that the well be plugged in accordance with a Commission-approved plugging program.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant Attorney General

JMD/ear

cc: Mr. J. E. Kapteina
Engineer and Inspector, District 4
Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

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Powers-Marshall Co.
W. Perry Smith Well #1
NW1/4 SE1/4 Sec 34, T21S, R30E, NMPM
Harding County, NM.

TD 1980
34 1857 32534
Shot of 500 ft
321 1780-1806
505K 1780-1806
1606-375
375-505K

To be plugged as follows:

Cement Plug 1800' to TD (1980')
Fill to 200' w/ heavy mud
200' to surface w/ cement
Erect regulation 4" x 4' marker in cement

Call Upon Surety Co to plug well.
Surety Co may locate operator

J&K

Attn:

Demand letter to:

W.C. Powers & J.E. Marshall
dba Powers Marshall Co.
326 Independence Building
Colorado Springs Colo

W.C. Powers → Powers Marshall Co.
Buenos Aires, New Mexico

Massachusetts Bonding and Insurance Co
(Address from Corp Comm)

Conf Mail

File



THE HANOVER INSURANCE GROUP • NEW YORK

THE HANOVER INSURANCE COMPANY
THE FULTON INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY

111 JOHN STREET
NEW YORK, N. Y. 10038
WORTH 4-2510

May 18, 1965

Mr. J. M. Barrett Jr.
Spec. Asst. Attorney General
Oil Conservation Commission
Legal Division
State of New Mexico

Re: Claim 7037 - Bd. MSC 722266
W. Perry Smith Well #1, NW/4 SE/4 of Section 34,
Township 21 South, Range 30 East, NMPM, Harding
County, New Mexico

Dear Mr. Barrett:

Thank you for sending us a copy of your letter of May 14, addressed
to Powers-Marshall Co.

We are at this time attempting to contact Powers-Marshall Co. and
you can rest assured that we will give this matter our prompt and
immediate attention.

Very truly yours,

J. A. Harvey
J. A. Harvey, Atty.
Surety Claim Dept.

JAH:tmb

DOCKET MAILED

Date 8-12-65

INCORPORATED 1852

Memo

To Corrected location
and well name

From

J. E. KAPTEINA
ENGINEER

Rivers-Marshall Company
Rivers-Marshall Co. Well #1
NW 1/4 SE 1/4 Sec. 34, T 21 N, R 30 E,
Harding Co., W.M.
NMPM

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO

August 12, 1965

VIA AIR MAIL

The Hanover Insurance Group
111 John Street
New York, New York 10038

Attention: Mr. J. A. Harvey, Attorney,
Surety Claim Department

Re: Claim 7037 - Bd. MSC 722266
W. Perry Smith Well No. 1, NW/4 SE/4
of Section 34, Township 21 South, Range
30 East, NMPM, Harding County, New Mexico

Gentlemen:

I am enclosing a copy of the docket of the Examiner
Hearing that will be held on Wednesday, August 25, 1965,
at 9 a.m., in the Oil Conservation Commission Conference
Room, State Land Office Building, Santa Fe, New Mexico.
Case No. 3295 concerns the Massachusetts Bonding and
Insurance Company One-Well Plugging Bond No. 75993.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

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OIL CONSERVATION COMMISSION

P. O. BOX 924 2088
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

September 1, 1965

The Hanover Insurance Group
111 John Street
New York, New York 10038

Attention: Mr. J. A. Harvey, Attorney
Surety Claim Department

Re: Claim 7037 - Bd. MSC 722256
W. Perry Smith Well No. 1, NW/4 SE/4
of Section 34, Township 21 South, Range
30 East, NMPM, Harding County, New Mexico

Gentlemen:

At the Examiner Hearing on Wednesday, August 25, 1965, Case No. 3295 concerning the Massachusetts Bonding and Insurance Company One-Well Plugging Bond No. 75993 was continued due to an error in advertising the case for hearing. The case will be readvertised and heard at an Examiner Hearing on Wednesday, September 22, 1965.

We will forward a copy of the September 22, 1965, docket to you prior to the hearing.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr

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OIL CONSERVATION COMMISSION

**P. O. BOX 2088
SANTA FE, NEW MEXICO**

**LEGAL DIVISION
PHONE 827-2741**

September 10, 1965

**The Hanover Insurance Group
111 John Street
New York, New York 10038**

**Attention: Mr. J. A. Harvey, Attorney
Surety Claim Department**

**Re: Claim 7037 - Bd. MSC 722266
W. Perry Smith Well No. 1, NW/4 SE/4
of Section 34, Township 21 South, Range
30 East, NEM, Harding County, New Mexico**

Gentlemen:

**Reference is made to our letter of September 1, 1965,
regarding the subject matter and Case No. 3235.**

**I am enclosing a copy of the docket of the September
22, 1965, Examiner Hearing.**

Very truly yours,

**J. M. DURRETT, Jr.
Special Assistant
Attorney General**

**JMD/esr
Enclosure**

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[illegible]

1 - INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver only to addressee

☐ Show address where delivered

(Additional charges required for these services)

AMERICAN RED CROSS

Received, the sum of \$100.00 (and others be filed in)

DONATION OF CASH OR EQUIPMENT (and others be filed in)

SIGNATURE OF DONOR'S AGENT, if any

M. D. Brown

DATE DELIVERED

0017-1

001-10-1122-1 00

No. 859788

RECEIPT FOR CERTIFIED MAIL—106

POSTMARK
OR DATE

10-5-65

SENT TO

MR. W. C. POWERS

STREET AND NO.

P. O. Box 10

CITY AND STATE

Colorado Springs, Colorado

Colorado Springs, about which

if you want a return receipt, check which

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FEES ADDITIONAL TO 20¢ FEE

POSTAGE

ORDER R-2970

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OIL CONSERVATION COMMISSION

P. O. BOX 2088
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

October 5, 1965

VIA AIR MAIL
CERTIFIED - RETURN
RECEIPT REQUESTED

Mr. W. C. Powers
P. O. Box 10
Colorado Springs, Colorado

Re: Case No. 3295
Order No. R-2970

Dear Mr. Powers:

As we discussed during our telephone conversation on September 30, 1965, I am enclosing a certified copy of the above order concerning plugging of the Powers-Marshall Company Well No. 1.

Please note that plugging operations must be completed on or before November 1, 1965, and that the District Supervisor, District 4, Oil Conservation Commission, Santa Fe, New Mexico, must be notified of the exact date and time plugging operations are to commence.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

cc: Mr. J. E. Kapteina
Supervisor, District 4
Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

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[illegible]

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to address ☐ New address where delivered (add old address in parentheses)

Received the published article described on other side
Signature of recipient (and name if filled in)

Signature of addressee's agent

DATE DELIVERED (only if requested in item)

10/7/65

10/7/65
10/7/65

No. 859789

RECEIPT FOR CERTIFIED MAIL—20¢		POSTAGE PAID HERE
SENT TO The Hanover Insurance Group		
111 John Street		
STREET AND New York, New York 10038		
Attn: Mr. J. A. Harvey Attorney		
CITY AND STATE New York New York		
Surety Claim Dept.		
<input type="checkbox"/> If you want a return receipt, check which of whom and where these delivered		<input type="checkbox"/> If you want no return receipt, check here
FEES ADDITIONAL TO 2¢ PER		10-5-65

POD Form 3800
Apr 1962 Letter 10-5-65 and Order R-2970

OIL CONSERVATION COMMISSION

P. O. ~~Box 2068~~ BOX 2068
SANTA FE, NEW MEXICO

**LEGAL DIVISION
PHONE 827-2741**

October 5, 1965

**VIA AIR MAIL
CERTIFIED - RETURN
RECEIPT REQUESTED**

**The Hanover Insurance Group
111 John Street
New York, New York 10038**

**Attention: Mr. J. A. Harvey, Attorney
Surety Claim Department**

**Re: Claim 7037 - Bd. MSC 722266
Powers-Marshall Company Well No. 1, also known
as the W. Perry Smith Well No. 1, NW/4 SE/4 of
Section 34, Township 21 North, Range 30 East,
NMPM, Harding County, New Mexico**

Gentlemen:

**I am enclosing a certified copy of Order No. R-2970
which requires the above well to be plugged on or before
November 1, 1965.**

**Mr. Powers called me from Colorado Springs on Septem-
ber 30, 1965, concerning this case. I have today forwarded
a certified copy of Order No. R-2970 to Mr. Powers. He
advised me that his address is P. O. Box 10, Colorado Springs,
Colorado.**

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OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO

-2-

October 5, 1965

The Hanover Insurance Group
111 John Street
New York, New York 10038

Attention: Mr. J. A. Harvey, Attorney
Surety Claim Department

I am, by copy of this letter, requesting the District
Supervisor, District 4, Oil Conservation Commission, Santa
Fe, New Mexico, to forward a list of plugging contractors
to you and to Mr. Powers.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

cc: Mr. J. E. Raptaina
Supervisor, District 4
Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

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OIL CONSERVATION COMMISSION

P. O. BOX 2088
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

September 20, 1965

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The Hanover Insurance Group
111 John Street
New York, New York 10038

Attention: Mr. J. A. Harvey, Attorney
Surety Claim Department

Re: Claim 7037 - Bd. MSC 722266
Powers-Marshall Company Well No. 1, also known
as the W. Perry Smith Well No. 1, NW/4 SE/4 of
Section 34, Township 21 North, Range 30 East,
NMPM, Harding County, New Mexico

Gentlemen:

We have your letter of September 14, 1965. Please accept our apology for neglecting to enclose a copy of the September 22, 1965, Examiner Hearing docket. I am enclosing a copy of the docket herewith. As I advised Mr. Harvey by telephone, Case No. 3295 will be heard on September 22, 1965, and a copy of the order will be forwarded to you following the hearing. If the Commission orders the well plugged, we will also forward a list of plugging contractors for your convenience.

In May, 1965, we forwarded letters by certified mail to Mr. W. C. Powers and Mr. J. E. Marshall, dba Powers Marshall Company, 326 Independence Building, Colorado Springs, Colorado, and to Mr. W. C. Powers, Powers Marshall Company, Bueyeros, New Mexico. These letters were returned unclaimed. We have no other address concerning your principal.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

Memo

From

JAMES M. DURRETT JR
GENERAL COUNSEL

To file

9-20-65

T T Harvey. Advised
him case would be heard
wed. - we would forward
copy of order & list of
plugging contractors if
ordered to plug.



THE HANOVER INSURANCE GROUP, NEW YORK

THE HANOVER INSURANCE COMPANY
THE FULTON INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY

September 14, 1965

MAIN OFFICE
SEP 20 AM 8 00

111 JOHN STREET
NEW YORK 38, N. Y.
WORTH 4-2510

Mr. J. M. Durrett, Jr.
Special Assistant, Attorney General
Legal Division
State of New Mexico
Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

Re: W. Perry Smith Well No. 1, NW/4 Se/4
Section 34, Township 21 South, Range 30 East,
NMPM, Harding County, New Mexico
Claim 7037

Dear Mr. Durrett:

We have your letter of September 10, 1965 in which you stated you were enclosing a copy of the Docket of September 22, 1965, Examiner Hearing. However, there was no enclosure in your letter and we would appreciate your sending us a copy of the Docket at this time.

It is our understanding that our Principal is Powers Marshall Company and we are wondering if you have made any effort to make collection from them? Do you by any chance have the address of Powers Marshall Company?

Very truly yours,

J. A. Harvey
J. A. Harvey, Atty.
Surety Claim Dept.

JAH:tmb

INCORPORATED 1852

OIL CONSERVATION COMMISSION

P. O. BOX 2002

SANTA FE, NEW MEXICO

LEGAL DIVISION

PHONE 827-2741

October 14, 1965

C
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The Hanover Insurance Group
111 John Street
New York 38, New York

Attention: Mr. John A. Harvey, Attorney
Surety Claim Department

Re: Powers-Marshall Company Well No. 1, NW/4 SE/4,
Section 34, Township 21 North, Range 30 East,
NMPM, Harding County, New Mexico

Gentlemen:

We have your letter of October 7, 1965, concerning the above well and Commission Order No. R-2970. When Mr. Powers called us concerning Case No. 3295, he mentioned most of the matters contained in your letter of October 7th; however, he did not state that the well had been plugged, and it is our understanding that the well is not plugged.

It is our position that Powers-Marshall Company, as the operator of this well, is responsible to the State of New Mexico to properly plug the well in accordance with the Commission's Rules and Regulations regardless of whether or not the well has been sold to another individual unless the purchaser has assumed operation of the well, so notified the Commission, and has a plugging bond on file with the Commission. Our records reflect that Powers-Marshall Company is

OIL CONSERVATION COMMISSION

P. O. BOX 2038

SANTA FE, NEW MEXICO

-2-

October 14, 1965

The Hanover Insurance Group
111 John Street
New York 38, New York

Attention: Mr. John A. Harvey, Attorney
Surety Claim Department

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the operator of this well. We have not received a notice of
change of operator and therefore must proceed against Powers-
Marshall Company and your company under the plugging bond.

Mr. Kapteina will forward a list of plugging contractors
to you in the immediate future.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/ear

cc: Mr. J. E. Kapteina
Supervisor, District 4
Oil Conservation Commission
P. O. Box 2038
Santa Fe, New Mexico



THE HANOVER INSURANCE GROUP • NEW YORK

THE HANOVER INSURANCE COMPANY
THE FULTON INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY

111 JOHN STREET
NEW YORK 38, N. Y.
WORTH 4-2510

October 7, 1965

J.M. Durrett, Jr., Esq.
Special Assistant Attorney General
Legal Division
State of New Mexico
Oil Conservation Commission
P.O. Box 2088
Santa Fe, New Mexico

Dear Mr. Durrett:

Re: W. Perry Smith Well No. 1
N.W/4, S.E/4, Section 34,
Township 21 South,
Range 30 East, N.M.P.M.,
Harding County, New Mexico
Claim #7037

This is to acknowledge receipt of your Certified letter of 10/5/65 enclosing a copy of The Order of The Commission ordering the above well to be capped.

We also recently heard from Mr. Powers in which he advised:

1. This well has already been plugged. It has an 8" valve in accordance with New Mexico specifications for wells of this type. Actually, it is a producing well, having been rated by the Colorado Interstate Gas Co. of some 3,000,000 cu. feet.
2. This well is located on a piece of property which was sold at public auction and Powers never received notice. Powers says further he never received a tax notice and he feels the land and the well legally belong to the individual who bought the property at public auction. He is of the opinion that any attempt to cap this well would result in a law suit by the now legal owner.

In your letter of 10/5/65 you state Powers was in touch with you. Did he bring up the points which I have mentioned in this letter? Is there any merit in these contentions? Naturally, we, Powers-Marshall and I am sure the State of New Mexico, would not desire being parties to a suit by the present owner of the property.

Would you please let us know your reactions? We will await further word from you. I note that you are in the process of obtaining for us a list of plugging contractors.

Very truly yours,

John A. Harvey
John A. Harvey, Attorney
Surety Claim Department

JAH/lr

INCORPORATED 1852

CROSTHWAIT, SPECIAL MASTER

SPECIAL MASTER'S DEED

TO
BILLY FRANK HARLAN

3 July 3 1958

9:20 A

11 Misc 295—
SEAL TENNIE MAE PATTERSON

VIOLA ANDRADA Deputy

*
*
* This indenture made and entered into at Bueyeros, Harding
*
* County, New Mexico, by and between Lynn Crosthwait,
*
* Special Master, and Billy Frank Harlan; WITNESSETH:
*
* WHEREAS, Gavenda Brothers did file suit on a promissory
*
* note in which Gavenda Brothers was Plaintiff and Timmons
*
* Carbonic Company, et al, were defendants, and
*
* WHEREAS, in said suit it was determined that Reeves and
*
* Chilcote had a mortgage against Timmons Carbonic Company's
*
***** minerals hereinafter described, and

WHEREAS, said mortgage was determined to be a first lien against said minerals and judgment entered against said Timmons Carbonic Company, which judgment foreclosed the mortgage lien of Reeves and Chilcote upon Timmons Carbonic Company and the minerals hereinafter described, and ordered the undersigned Special Master to sell all the right, title and interest of said Timmons Carbonic Company in and to said minerals at public auction in order to satisfy said judgment and others, and

WHEREAS, pursuant to proper notice and in accordance with the judgment herein, a public auction was held June 7, 1958 at 3:00 o'clock p.m., at the plant site of Timmons Carbonic Company on Section Thirty-four (34), Township Twenty-one (21) North, Range Thirty (30) East, NMPM, Harding County, New Mexico, and said minerals struck-off and sold to Billy Frank Harlan, he having been the highest and best bidder therefor, and

WHEREAS, the time and place of said sale was duly advertised according to law, and

WHEREAS, said sale under the direction of the undersigned was duly reported to the court and by the court confirmed, ratified, and approved, and the execution and delivery of a Special Master's Deed of conveyance to the purchaser authorized and directed,

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That, I, Lynn Crosthwait, the duly appointed Special Master herein, in consideration of the premises and the money so bid by Billy Frank Harlan, have granted, bargained, sold, and conveyed and by this do grant, bargain, sell, and convey to Billy Frank Harlan all of the right, title, and interest of Timmons Carbonic Company in and to the following described real property, to-wit:

All of the oil, gas, and other minerals in, under, and upon the Southeast Quarter (SE $\frac{1}{4}$) North Half of the Southeast Quarter of the Northeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), East Half of the West Half (E $\frac{1}{2}$ W $\frac{1}{2}$), and Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-six, (26), all of the Section Thirty-five (35), Southeast Quarter of the Southeast Quarter of the the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), of Section Twenty-seven (27), East Half

of the East Half (e₂ e₂), West Half of the Southeast Quarter (W₂SE₄), Southwest Quarter of the Northeast Quarter (SW₄NE₄), and West Half (W₂) of Section Thirty-four (34), East Half of the West Half (E₂W₂) of Section Twenty-eight (28), Township 21 North, Range Thirty (30) East, NMPM, Harding County, New Mexico;

Seven Eighths (7/8) of the oil, gas, and other minerals in, under, and upon the East Half (E₂), and the East Half of the West Half (E₂W₂) of Section Thirty-three (33), West Half of the East Half (W₂E₂) of Section Twenty-eight, Township Twenty-one (21) North, Range Thirty (30) East, NMPM, Harding County, New Mexico.

TO HAVE AND TO HOLD the same unto Billy Frank Harlan his heirs and assigns forever, subject, however, to be redeemed agreeably to the law in such case made and provided.

WITNESS my hand this 24th day of June, 1958.

/s/ Lynn Crosthwait
Special Master

STATE OF NEW MEXICO)
)SS
COUNTY OF HARDING))

The foregoing instrument was acknowledged before me this 24th day of June, 1958, by Lynn Crosthwait, as Special Master herein.

/s/ Jimmie Ray Hazen
Notary Public

SEAL
My commission expires: August 1, 1961.

(Documentary Stamps attached hereto in the amount of \$5.85 and cancelled L.C. - 6-24-58

=====

MAIN OFFICE

'65 OCT 13 PM 2 53

TROTT, KUNSTLE AND O'LEARY

ATTORNEYS AT LAW

321 FIRST NATIONAL BANK BUILDING

COLORADO SPRINGS, COLORADO 80902

October 8, 1965

BERNARD L. TROTT
HOWARD J. KUNSTLE
B.J. O'LEARY

MAIN OFFICE

'65 OCT 13 PM 2 5

Mr. J. M. Durrett, Jr.
Special Assistant Attorney General
P. O. Box 2088
Santa Fe, New Mexico

Re: Case No. 3295 Order No. R-2970

Dear Mr. Durrett:

Please be advised that this office has been retained by Mr. Powers to represent him in the above styled matter.

We are enclosing herewith a copy of a special master's deed which was executed and delivered to the Grantee named therein in June of 1958. We feel that because of this deed and the terms of the original lease that the Powers-Marshall Co. had with The Timmons Carbonic Co. any interests that the Powers-Marshall Co. may have had was terminated under and by virtue of this document in June of 1958.

There are other ramifications of this matter which we feel would preclude Mr. Powers from volunteering to plug the well in question.

I am this date by letter notifying the Hanover Insurance Group, the bonding company involved, of Mr. Powers' decision in this regard.

If I may be of any further assistance in any manner, please feel free to contact me at your earliest convenience.

Very truly yours,


B. J. O'Leary

BJO/ad
Enc.



THE HANOVER INSURANCE GROUP • NEW YORK

THE HANOVER INSURANCE COMPANY
THE FULTON INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY

111 JOHN STREET
NEW YORK, N. Y. 10038
WORTH 4-2510

October 19, 1965

Mr. J. E. Kapteina
Supervisor, District No. 4
Oil Conservation Commission
State of New Mexico
P. O. Box 2088
Santa Fe, New Mexico

Re: Powers-Marshall Company #1,
NW/4 SE/4 Section 34, Town-
ship 21 North, Range 30
East, NMPM, Harding County,
New Mexico.

Dear Mr. Kapteina:

Thank you kindly for your letter of October 15, 1965.

We very much appreciate your cooperation.

Very truly yours,

John A. Harvey
John A. Harvey, Attorney
Surety Claim Department

JAH:cls

Jim Durrett

GOVERNOR
JACK M. CAMPBELL
CHAIRMAN

State of New Mexico
Oil Conservation Commission



LAND COMMISSIONER
GUYTON B. HAYS
MEMBER

P. O. BOX 2088
SANTA FE

STATE GEOLOGIST
A. L. PORTER, JR.
SECRETARY - DIRECTOR

October 15, 1965

The Hanover Insurance Group
111 John Street
New York 38, New York

Attention: Mr. John A. Harvey

Re: Powers-Marshall Company #1,
NW/4 SE/4 Section 34, Town-
ship 21 North, Range 30
East, NMPM, Harding County,
New Mexico.

Gentlemen:

A request has been made of this office to supply you with a list of drilling contractors that might be interested in a contract for plugging the subject well. There is one operator in the immediate vicinity of the well who may still have a rig and would possibly be interested in the operation; Mr. R. W. Adams, 1407 West 6th Avenue, Amarillo, Texas.

Below, is listed licensed water well drilling contractors who may be contacted concerning the work. They are the closest drilling contractors that this office is aware of.

E. R. Carter
1201 N. Abilene
Portales, New Mexico

H. D. Carter
DBA Carter Drilling Co.
205 N. M. Drive
Portales, New Mexico

The Hanover Insurance Group
October 15, 1965

-2-

Louis Carter
West Star Route
Portales, New Mexico

James Davis
508 North Avenue A
Portales, New Mexico

D. C. Dial
West Star Route
Portales, New Mexico

Irrigation Supply
301 East First Street
Portales, New Mexico

Doyle R. Usrey
600 North Avenue J
Portales, New Mexico

Walter Watson
730 West 17th Lane
Portales, New Mexico

Very truly yours,

J. E. KAPTEINA
Supervisor, District #4

JEK/og
cc: Mr. J. M. Durrett, Jr.
Special Assistant
Attorney General
Santa Fe, New Mexico

OIL CONSERVATION COMMISSION

P. O. BOX 2093

SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

October 14, 1965

Trott, Kunstle and O'Leary
Attorneys at Law
321 First National Bank Building
Colorado Springs, Colorado 80902

Attention: Mr. B. J. O'Leary

Re: Case No. 3295
Order No. R-2970

Gentlemen:

We have your letter of October 8, 1965.

If the provisions of Order No. R-2970 have not been fully complied with by November 1, 1965, the Commission will file suit against Powers-Marshall Company and The Hanover Insurance Group.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr

cc: The Hanover Insurance Group
111 John Street
New York 38, New York
Attention: Mr. John A. Harvey, Attorney
Surety Claim Department

C
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MR. NUTTER: We will call next Case 3295.

MR. DURRETT: In the matter of the hearing called by the Oil Conservation Commission on its own motion to permit W. C. Powers and J. E. Marshall, dba Powers Marshall Company, and all other interested parties to show cause why the W. Perry Smith Well No. 1 located in the NW/4 SE/4 of Section 34, Township 21 South, Range 30 East, Harding County, New Mexico, should not be plugged and abandoned in accordance with a Commission-approved plugging program.

MR. NUTTER: Do you have a witness in this case, Mr. Durrett?

MR. DURRETT: Yes, sir. The Commission will call Mr. James E. Kapteina.

(Witness sworn.)

JAMES E. KAPTEINA

called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. DURRETT:

Q Will you please state your name and position for the record?

A James E. Kapteina, Petroleum Engineer for the New Mexico Oil Conservation Commission.

Q Mr. Kapteina, are you also a District Supervisor

for the Oil Conservation Commission?

A Yes, sir, I am, District IV.

Q Does that district include Harding County, New Mexico?

A It does.

Q Are you familiar with the well known as the W. Perry Smith Well No. 1?

A I am.

Q Is that well located in the Northwest Quarter of the Southeast Quarter of Section 34, Township 21 South, Range 30 East?

A 21 North, 30 East.

MR. DURRETT: Mr. Examiner, I would like to request at this time, in view of the witness's testimony, that the Examiner examine the Commission file in this matter to determine whether this advertisement advertised the well as being located in Township 21 South or 21 North. There may be an error there.

MR. NUTTER: We will call a three-minute recess.

(Whereupon, a recess was taken.)

MR. NUTTER: Mr. Durrett, it appears that the legal notice for Case No. 3295 is in error. I don't feel we have jurisdiction at this time in this case, so I believe that we will retain the same case number but will readvertise

dearnley-meier reporting service, inc.

SPECIALIZING IN: DEPOSITIONS, HEARINGS, STATEMENTS, EXPERT TESTIMONY, DAILY COPY, CONVENTIONS

1120 SIAMUS BLDG. • P.O. BOX 1092 • PHONE 243-6691 • ALBUQUERQUE, NEW MEXICO
1213 FIRST NATIONAL BANK EAST • PHONE 236-1294 • ALBUQUERQUE, NEW MEXICO

PAGE 4

the case and call it for hearing at a later date.

MR. DURRETT: We concur with the Examiner's ruling in this matter and agree that the case should be dismissed.

MR. NUTTER: And your witness is excused. Thank you.

(Witness excused.)

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss

I, ADA DEARNLEY, Notary Public in and for the County of Bernalillo, State of New Mexico, do hereby certify that the foregoing and attached Transcript of Hearing before the New Mexico Oil Conservation Commission was reported by me; and that the same is a true and correct record of the said proceedings, to the best of my knowledge, skill and ability.

Witness my Hand and Seal this 2nd day of September, 1965.

Ada Dearnley
NOTARY PUBLIC

My Commission Expires:

June 19, 1967.

I do hereby certify that the foregoing is a complete record of the proceedings in the Examiner hearing of Case No. 3295, heard by me on 8/26, 1965.

[Signature], Examiner
New Mexico Oil Conservation Commission

OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO

March 22, 1966

MEMORANDUM

TO: WELL FILE

FROM: J. M. DURRETT, Jr., ATTORNEY

SUBJECT: POWERS-MARSHALL COMPANY WELL NO. 1, UNIT J,
SECTION 34, TOWNSHIP 21 NORTH, RANGE 30 EAST

The attorney for Powers-Marshall Company has advised that this well was plugged on January 12, 1966, in accordance with Order No. R-2970-A. See OCC case file, Case 3295.

J. M. DURRETT, Jr.

C
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P
Y

DRAFT
JMD/esr
Nov. 18, 1965

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

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

CASE No. 3295

Order No. R-2970-A

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION COMMISSION ON ITS OWN MOTION TO PERMIT W. C. POWERS AND J. E. MARSHALL, DBA POWERS MARSHALL COMPANY, AND ALL OTHER INTERESTED PARTIES TO SHOW CAUSE WHY THE POWERS-MARSHALL COMPANY WELL NO. 1, A/K/A THE W. PERRY SMITH WELL NO. 1 LOCATED IN THE NW/4 SE/4 OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 30 EAST, NMPM, HARDING COUNTY, NEW MEXICO, SHOULD NOT BE PLUGGED IN ACCORDANCE WITH A COMMISSION-APPROVED PLUGGING PROGRAM.

ORDER OF THE COMMISSION

BY THE COMMISSION:

de novo

This cause came on for hearing/at 9 o'clock a.m. on November 17, 1965, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission."

NOW, on this _____ day of November, 1965, the Commission, a quorum being present, having considered the testimony presented and the exhibits received at said hearing, and being fully advised in the premises,

FINDS:

(1) That due public notice having been given as required by law, the Commission has jurisdiction of this cause and the subject matter thereof.

(2) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, are the operators of the Powers-Marshall Company Well No. 1, also known as the W. Perry Smith Well No. 1, located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, NMPM, Harding County, New Mexico.

(3) That the subject well has been abandoned and is causing or will cause waste.

(4) That the subject well should be plugged in order to confine permanently all oil, gas, carbon dioxide, and water in the separate strata originally containing them and to otherwise prevent waste and protect correlative rights.

-2-
CASE No. 3295
Order No. R-2970-A

IT IS THEREFORE ORDERED:

(1) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, are hereby ordered to plug the Powers-Marshall Company Well No. 1, also known as the W. Perry Smith Well No. 1, located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, NMPM, Harding County, New Mexico, in accordance with the following minimum plugging requirements:

1. Set a 50-sack cement plug at total depth.
2. Set a 50-sack cement surface plug.
3. Fill the interval between plugs with mud weighing not less than ten pounds per gallon.
4. Set in the surface plug a regulation steel marker not less than four inches in diameter and extending at least four feet above mean ground level.

(2) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, shall complete plugging operations on or before December 15, 1965, and shall notify the District Supervisor, District 4, Oil Conservation Commission, Santa Fe, New Mexico, of the exact date and time plugging operations are to commence.

(3) That Order No. R-2970 is hereby superseded.

(4) That jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

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

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION COMMISSION ON ITS OWN MOTION TO PERMIT W. C. POWERS AND J. E. MARSHALL, DBA POWERS MARSHALL COMPANY, AND ALL OTHER INTERESTED PARTIES TO SHOW CAUSE WHY THE POWERS-MARSHALL COMPANY WELL NO. 1, A/K/A THE W. PERRY SMITH WELL NO. 1 LOCATED IN THE NW/4 SE/4 OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 30 EAST, NMPM, HARDING COUNTY, NEW MEXICO, SHOULD NOT BE PLUGGED IN ACCORDANCE WITH A COMMISSION-APPROVED PLUGGING PROGRAM.

CASE No. 3295
Order No. R-2970-A

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing de novo at 9 o'clock a.m. on November 17, 1965, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission."

NOW, on this 23rd day of November, 1965, the Commission, a quorum being present, having considered the testimony presented and the exhibits received at said hearing, and being fully advised in the premises,

FINDS:

(1) That due public notice having been given as required by law, the Commission has jurisdiction of this cause and the subject matter thereof.

(2) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, are the operators of the Powers-Marshall Company Well No. 1, also known as the W. Perry Smith Well No. 1, located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, NMPM, Harding County, New Mexico.

(3) That the subject well has been abandoned and is causing or will cause waste.

(4) That the subject well should be plugged in order to confine permanently all oil, gas, carbon dioxide, and water in the separate strata originally containing them and to otherwise prevent waste and protect correlative rights.

-2-

CASE No. 3295

Order No. R-2970-A

IT IS THEREFORE ORDERED:

(1) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, are hereby ordered to plug the Powers-Marshall Company Well No. 1, also known as the W. Perry Smith Well No. 1, located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, NMPM, Harding County, New Mexico, in accordance with the following minimum plugging requirements:

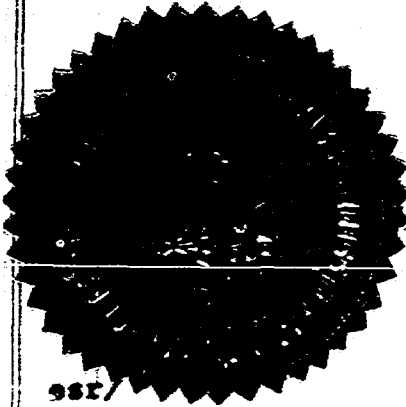
1. Set a 50-sack cement plug at total depth.
2. Set a 50-sack cement surface plug.
3. Fill the interval between plugs with mud weighing not less than ten pounds per gallon.
4. Set in the surface plug a regulation steel marker not less than four inches in diameter and extending at least four feet above mean ground level.

(2) That W. C. Powers and J. E. Marshall, dba Powers Marshall Company, shall complete plugging operations on or before December 15, 1965, and shall notify the District Supervisor, District 4, Oil Conservation Commission, Santa Fe, New Mexico, of the exact date and time plugging operations are to commence.

(3) That Order No. R-2970 is hereby superseded.

(4) That jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

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



STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Jack M. Campbell
JACK M. CAMPBELL, Chairman

Clifton B. Hays
CLIFTON B. HAYS, Member

A. L. Porter, Jr.
A. L. PORTER, Jr., Member & Secretary

[illegible]

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to address (Addressee's responsibility for their services)

☐ Show address, where delivered

Received this numbered article, described on other side.

SIGNATURE OF NAME OF ADDRESSEE (must always be filled in)

SIGNATURE OF ADDRESSEE'S NAME (if any)

DATE DELIVERED

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No. 859796

RECEIPT FOR CERTIFIED MAIL-206

POSTMARK
OR DATE

SENT TO

Mt. W. C. Powers

STREET AND NO.

P. O. Box 10

CITY AND STATE

Colorado Springs, Colorado

11-5-65

If you want a return receipt, check which of the following you want, and address where delivered.
☐ If you want no return receipt, check here.
\$0.05 fee

FEES ADDITIONAL TO 206 FEE

POD Form 380
Letter 11-5-65 - SEE OTHER SIDE 3295 (DE NOVO)

OIL CONSERVATION COMMISSION

P. O. BOX 871

SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

November 5, 1965

CERTIFIED - RETURN
RECEIPT REQUESTED

Mr. W. C. Powers
P. O. Box 10
Colorado Springs, Colorado

Dear Mr. Powers:

I am enclosing a copy of the docket of the Regular Hearing of the Commission which will be held on Wednesday, November 17, 1965, in Morgan Hall, State Land Office Building, Santa Fe, New Mexico. Case 3295 (DE NOVO) concerns your Application for Hearing De Novo in Case No. 3295, Order No. R-2970.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

C
O
P
Y

Memo

From

**JAMES M. DURRETT JR
GENERAL COUNSEL**

To *TT O'Leary 11-17-65*

*Advised him Comm. ruled
today that order would be entered
requiring well to be plugged
as set out in Order R-2970
by Dec 15, 1965.*

Memo

From

JAMES M. DURRETT JR
GENERAL COUNSEL

To

Bill of sale to casing
They will plug w/in 7 days
11-17-65 T F Jack O'Leary
Colorado Springs

Memo

From

JAMES M. DURRETT JR
GENERAL COUNSEL

To Billy Harlan
Charles Alsop, Atty Clayton
Harlan is landowner, Alsop
his Atty. may want to take
well over.

11-16-65 TF Jack O'Leary

Docket No. 32-65

DOCKET: REGULAR HEARING - WEDNESDAY - NOVEMBER 17, 1965

OIL CONSERVATION COMMISSION - 9 A.M. - MORGAN HALL, STATE LAND OFFICE
BUILDING, SANTA FE, NEW MEXICO

- ALLOWABLE:
- (1) Consideration of the oil allowable for December, 1965;
 - (2) Consideration of the allowable production of gas for December, 1965, from thirteen prorated pools in Lea, Eddy, and Roosevelt Counties, New Mexico, and also presentation of purchasers nominations for said pools for the six-month period beginning January 1, 1966; consideration of the allowable production of gas from nine prorated pools in San Juan, Rio Arriba and Sandoval Counties, New Mexico, for December, 1965.

CASE 3295 (DE NOVO):

In the matter of the hearing called by the Oil Conservation Commission on its own motion to permit W. C. Powers and J. E. Marshall, dba Powers-Marshall Company, and all other interested parties to show cause why the Powers-Marshall Company Well No. 1, A/K/A the W. Perry Smith Well No. 1 located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, NMPM, Harding County, New Mexico, should not be plugged in accordance with a Commission-approved plugging program. Upon application by W. C. Powers, this case will be heard de novo under the provisions of Rule 1220.

CASE 3332: Southeastern New Mexico nomenclature case calling for an order for the creation of a pool and extension of certain pools in Lea County, New Mexico:

- a) CREATE A new oil pool for Devonian production designated as the West Bronco-Devonian Pool. The discovery well is Ashmun & Hilliard, Maxwell No. 1, located in Unit F of Section 6, Township 13 South, Range 38 East, NMPM. Said pool described as:

TOWNSHIP 13 SOUTH, RANGE 38 EAST, NMPM
SECTION 6: NW/4

- b) EXTEND the North Bagley-Lower Pennsylvanian Pool to include therein:

TOWNSHIP 11 SOUTH, RANGE 33 EAST, NMPM
SECTION 8: NE/4
SECTION 9: NW/4

- c) EXTEND the North Bagley-Upper Pennsylvanian Pool to include therein:

TOWNSHIP 11 SOUTH, RANGE 33 EAST, NMPM
SECTION 15: SW/4
SECTION 16: S/2
SECTION 22: SW/4

November 17, 1965 Regular Hearing

- d) EXTEND the Justis Gas Pool to include therein:
TOWNSHIP 24 SOUTH, RANGE 37 EAST, NMPM
SECTION 35: E/2
TOWNSHIP 25 SOUTH, RANGE 37 EAST, NMPM
SECTION 2: NE/4
- e) EXTEND the Justis-Bliebry Pool to include therein:
TOWNSHIP 24 SOUTH, RANGE 37 EAST, NMPM
SECTION 26: SE/4
- f) EXTEND the Justis-Tubb Drinkard Pool to include therein:
TOWNSHIP 24 SOUTH, RANGE 37 EAST, NMPM
SECTION 26: SE/4
- g) EXTEND the Lane-Wolfcamp Pool to include therein:
TOWNSHIP 10 SOUTH, RANGE 33 EAST, NMPM
SECTION 11: S/2
- h) EXTEND the Lusk-Seven Rivers Pool to include therein:
TOWNSHIP 19 SOUTH, RANGE 32 EAST, NMPM
SECTION 3: NE/4

OIL CONSERVATION COMMISSION

P. O. BOX 2098
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

November 24, 1965

VIA AIR MAIL

Mr. B. J. O'Leary
Attorney at Law
321 First National Bank Building
Colorado Springs, Colorado 80902

Re: Case No. 3295
Order No. R-2970-A

Dear Mr. O'Leary:

I am enclosing a copy of the above order which requires plugging of the Powers-Marshall Company Well No. 1 on or before December 15, 1965.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

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[illegible]

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to addressee

☐ Show address where delivered (Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.
SIGNATURE OF ADDRESSEE OR ADDRESSEE'S AGENT, if any.

SIGNATURE OF DELIVERING EMPLOYEE

DATE DELIVERED
11/29/65

GM-14-71222-7-65

Post Office Department
Official Business

Mr. R. C. Brown
P. O. Box 10
Colorado Springs, Colorado

80902

POSTAGE WILL BE PAID BY ADDRESSEE

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

INSTRUCTIONS: Fill in terms below and complete
sections on right side, if applicable. Mailed in
back of card. Return Receipt Requested.

ORDER NO.	NAME OF ORDER	RETURN TO
80902	DR. C. BROWN, FLOWN	TO
ORDER NO.	NAME OF ORDER	RETURN TO
80902	DR. C. BROWN, FLOWN	TO

Letter 11-23-55, Order R-2575JUN-1-7

INSTRUCTIONS TO DELIVERING EMPLOYEE



Deliver ONLY to address



Show address here delivered

(Additional charges required for these services)

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RECEIPT

Received the numbered article described on other side.

SIGNATURE OF ADDRESSEE (must always be filled in)

M. D. Davies

SIGNATURE OF ADDRESSEE'S AGENT, if any

DATE DELIVERED

SHOW WHERE DELIVERED (only if request)

15-16-7144-3-7-000

No. 859800

RECEIPT FOR CERTIFIED MAIL—206

SENT TO
MR. W. C. POWERS

POSTMASTER: NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

STREET AND NO.

P. O. Box 10

CITY AND STATE

80902

Colorado Springs, Colorado

11-24-65

If you want a return receipt, check which
☐ 10g shows it, when,
☐ and whom
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☐ where, and a dress
☐ delivered

If you want, re-started daily -
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FEES ADDITIONAL TO 206 FEE

POD Form 3800
SEE OTHER SIDE
Apr ~~Letter~~ 11-24-55, Order R-2970-A

SEE OTHER SIDE
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RECEIPT FOR CERTIFIED MAIL--20¢	
THE HANOVER Insurance Group	
111 John Street NEW YORK, New York, 10038	
Attn: Mr. John A. Harvey ATTORNEY, Surety Claim Dept.	
<input type="checkbox"/> If you want a return receipt, check which of whom to whom and when delivered	<input type="checkbox"/> If you want per- mitted delivery about 30 days after date
FEES ADDITIONAL TO 20¢ FEE	
11-24-65	

RECEIPT FOR CERTIFIED MAIL—206

The Hanover Insurance Group

111 John Street

NEW YORK, NEW YORK, JUNE 10 1968

Attn: Mr. John A. Harvey

**CITY AND STATE
Attorney, Surety Claim Dept.**

11-24-65

If you want a return receipt, check when
☐ 10g above ☐ 35g above to whom,
 and when. who delivered
☐ 50¢ fee

50¢ fee

FEES ADDITIONAL TO 206 FEES

POD 500 11-24-65, SEDON RDR-2970-A
LAW OFFICE

OIL CONSERVATION COMMISSION

P. O. ~~Box 2088~~ BOX 2088
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

November 24, 1965

VIA AIR MAIL
CERTIFIED - RETURN
RECEIPT REQUESTED

Mr. W. C. Powers
P. O. Box 10
Colorado Springs, Colorado 80902

Re: Case No. 3295
Order No. R-2970-A

Dear Mr. Powers:

I am enclosing a certified copy of the above order. Please note that this order requires that plugging operations be completed on or before December 15, 1965, and that the District Supervisor, District 4, Oil Conservation Commission, Santa Fe, New Mexico, be notified of the exact date and time plugging operations are to commence.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

cc: The Hanover Insurance Group
111 John Street
New York, New York 10038
Attn: Mr. John A. Harvey, Attorney
Surety Claim Department

Mr. J. E. Kapteina
Supervisor, District 4
Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

C
O
P
Y

Memo

From

JAMES M. DURRETT JR
GENERAL COUNSEL

1-11-66

To

T F O'Leary
Plugging Contractor standing
by in rig. Told him to commence
plugging 12 noon 1-12-66 &
have Contractor forward app. Iavit
that well plugged in accordance
with R-2970-A. I would
confirm by letter.

Memo

From

JAMES M. DURRETT JR
GENERAL COUNSEL

To

12-21-65

TF Charlie Alsop, Atty,
Clayton. Harlan has contacted
plugging contractor. will be
plugged within 2 weeks.

OIL CONSERVATION COMMISSION
P. O. BOX 2088
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

January 12, 1966

C
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Mr. B. J. O'Leary
Attorney at Law
321 First National Bank Building
Colorado Springs, Colorado 80902

Re: Case No. 3295
Order No. R-2970-A

Dear Mr. O'Leary:

This will confirm our telephone conversation of January 11, 1966, wherein you advised us that a plugging contractor had a rig on the Powers-Marshall Company Well No. 1 location, and I authorized the commencement of plugging operations at 12 noon, January 12, 1966.

Please have the plugging contractor forward an affidavit that he plugged the well in accordance with the above order in order that we may release our plugging demand and close our case file.

Thank you for your cooperation in this matter.

Very truly yours,

J. M. Durrett, Jr.
Special Assistant
Attorney General

JMD/esr

cc: Hanover Insurance Group
111 John Street
New York, New York 10038
Attn: Mr. John A. Harvey, Attorney
Surety Claim Department

Mr. J. E. Kaptaina
Supervisor, District 4
Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

Case file

TROTT, KUNSTLE, O'LEARY AND RATNER

ATTORNEYS AT LAW

321 FIRST NATIONAL BANK BUILDING

COLORADO SPRINGS, COLORADO 80902

BERNARD L. TROTT
HOWARD J. KUNSTLE
B. J. O'LEARY
HERMAN A. RATNER

WENDELL R. GOODBEE, ASSOCIATE

Feb. 15, 1966

MAIN OFFICE OCC

FEB 18 AM 9:07

State of New Mexico Oil
Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

Attn: Mr. J. M. Durett, Jr., Special Asst.

Gentlemen:

Re: Case No. 3295
Order No. R-2970-A

I have attempted to secure the affidavit that you mentioned in your letter of February 7th from the Daco Well Drilling Co. in Borger, Texas, the outfit that did the work on the well.

To date, I have not received the same and am writing to them again in an effort to have them either mail it directly to you or through this office to you. Just as soon as I receive it, you may rest assured, I will forward it to your office.

We appreciate your patience in this regard.

Very truly yours,

B. J. O'Leary
B. J. O'Leary

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OIL CONSERVATION COMMISSION

P. O. BOX 2088

SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

February 7, 1966

Mr. B. J. O'Leary
Attorney at Law
321 First National Bank Building
Colorado Springs, Colorado 80902

Re: Case No. 3295
Order No. R-2970-A

Dear Mr. O'Leary:

Mr. J. E. Kapteina, Supervisor, District 4, Oil Conservation Commission, advises me that the Commission has not yet received the affidavit from the plugging contractor concerning the Powers-Marshall Company Well No. 1.

Will you please contact the plugging contractor and have him forward the affidavit to the Commission in the immediate future in order that we may close our case file.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr

cc: Mr. J. E. Kapteina
Supervisor, District 4
Oil Conservation Commission
P. O. Box 2088
Santa Fe, New Mexico

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OIL CONSERVATION COMMISSION
P. O. BOX 871
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

November 5, 1965

C
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Y

The Hanover Insurance Group
111 John Street
New York, New York 10038

Attention: Mr. John A. Harvey, Attorney
Surety Claim Department

Re: Powers-Marshall Company Well No. 1
Harding County, New Mexico
Your Claim 7037

Gentlemen:

We have your letter of November 1, 1965, concerning
the Application for Hearing De Novo in Case No. 3295, Order
No. R-2970.

The hearing de novo has been docketed for November 17,
1965, in Morgan Hall, State Land Office Building, Santa Fe,
New Mexico. Enclosed is a copy of the hearing docket.

In view of the hearing de novo, the Commission will
not file suit to enforce Order No. R-2970 while the hearing
de novo is pending.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure



THE HANOVER INSURANCE GROUP • NEW YORK

THE HANOVER INSURANCE COMPANY
THE FULTON INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY

111 JOHN STREET
NEW YORK, N. Y. 10038
WORTH 4-2510

November 1, 1965

J. M. Durrett, Jr.; Esq.
Special Assistant
Attorney General
Santa Fe, New Mexico

Re: Powers-Marshall Well Plugging Operation
Harding County, New Mexico
Our Claim 7037

Dear Mr. Durrett:

We did not previously reply to your letter to us of October 14, due to the fact that we have been waiting to hear from Powers-Marshall and their attorneys as to their intentions.

We have just received a letter from B. J. O'Leary, Esq. who represents Powers-Marshall. In this letter Mr. O'Leary advises that he spoke to you recently and told you that he was making an Application For Hearing De Novo and you informed him that the hearing would take place on November 17, 1965. Attorney O'Leary in a letter goes on to state "Mr. Durrett has assured me that this will result in an automatic stay of any action by his office on a suit either on the bond or against Mr. Powers directly."

Apparently then there is nothing further we can do at this time until after the hearing which is set for November 17, 1965. We have asked Mr. O'Leary to keep us informed and we shall follow this situation closely.

Rest assured of our cooperation herein.

Very truly yours,

John A. Harvey
John A. Harvey, Attorney
Surety Claim Department

JAH:cls

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OIL CONSERVATION COMMISSION
P. O. BOX 871
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

November 5, 1965

Mr. B. J. O'Leary
Attorney at Law
321 First National Bank Building
Colorado Springs, Colorado 80902

Re: Case No. 3295
Order No. R-2970

Dear Mr. O'Leary:

In accordance with my letter of November 2, 1965,
concerning the Application for Hearing De Novo in the
above case, I am enclosing herewith a copy of the
docket the Regular Hearing of the Commission.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr
Enclosure

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OIL CONSERVATION COMMISSION
P. O. BOX 871
SANTA FE, NEW MEXICO

LEGAL DIVISION
PHONE 827-2741

November 2, 1965

Mr. B. J. O'Leary
Attorney at Law
321 First National Bank Building
Colorado Springs, Colorado 80902

Re: Case No. 3295
Order No. R-2970

Dear Mr. O'Leary:

Pursuant to your application for Hearing De Novo, the above case has been docketed for hearing on November 17, 1965, in Morgan Hall, State Land Office Building, Santa Fe, New Mexico. We will forward a copy of the docket to you in the near future.

If you plan to appear on behalf of Mr. Powers it will be necessary for you to associate with a resident attorney if you are not licensed to practice law in New Mexico.

Very truly yours,

J. M. DURRETT, Jr.
Special Assistant
Attorney General

JMD/esr

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MAIN

95 OCT 29 AM
BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION COMMISSION ON ITS OWN MOTION TO PERMIT W. C. POWERS AND J. E. MARSHALL, DBA POWERS-MARSHALL COMPANY, AND ALL OTHER INTERESTED PARTIES TO SHOW CAUSE WHY THE POWERS-MARSHALL COMPANY WELL NO. 1, A/K/A THE W. PERRY SMITH WELL NO. 1 LOCATED IN THE NW/4 SE/4 OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 30 EAST, NMPM, HARDING COUNTY, NEW MEXICO, SHOULD NOT BE PLUGGED IN ACCORDANCE WITH A COMMISSION-APPROVED PLUGGING PROGRAM.

CASE No. 3295

ORDER No. B-2970

APPLICATION FOR HEARING DE NOVO

COMES NOW W. C. Powers, individually and on behalf of all other interested parties and respectfully requests the Commission to grant his and their application for a hearing de novo of the matters above described and previously heard by this Commission on September 22, 1965 at Santa Fe, New Mexico, before Examiner Daniel S. Nutter.

The applicant further states that by order of this Commission dated October 4, 1965 the applicant and other interested parties were ordered to plug the well above described.

It is respectfully submitted that the applicant and others interested have not had sufficient time or opportunity to assess their legal position in the matter and respectfully request a hearing before the Commission to determine the rights of the parties involved.

Respectfully submitted,

William C. Powers, Individually
and on behalf of others similarly
interested by and through his
attorney

TROTT, KUNTLE AND O'LEARY

By 

B. J. O'Leary

321 First National Bank Building
Colorado Springs, Colorado

William C. Powers
P. O. Box No. 10
Colorado Springs, Colo.

BEFORE THE
NEW MEXICO OIL CONSERVATION COMMISSION
Santa Fe, New Mexico
November 17, 1965

REGULAR HEARING

IN THE MATTER OF: the hearing called by the
Oil Conservation Commission on its own motion
to permit W. C. Powers and J. E. Marshall, dba
Powers-Marshall Company, and all other
interested parties to show cause by the
Powers-Marshall Company Well No. 1, A/K/A the
W. Perry Smith Well No. 1 located in the NW/4
SE/4 of Section 34, Township 21 North, Range
30 East, NMPM, Harding County, New Mexico,
should not be plugged in accordance with a
Commission-approved plugging program.

Case No. 3295

(De Novo)

BEFORE: MR. A. L. PORTER, Examiner

TRANSCRIPT OF HEARING

DEARNLEY-MEIER REPORTING SERVICE, Inc.

FARMINGTON, N. M.
PHONE 325-1182

SANTA FE, N. M.
PHONE 963-3971

ALBUQUERQUE, N. M.
PHONE 243-6591

MR. PORTER: We will take up Case 3295.

MR. DURRETT: In the matter of the hearing called by the Oil Conservation Commission on its own motion to permit W. C. Powers and J. E. Marshall, dba Powers-Marshall Company, and all other interested parties to show cause why the Powers-Marshall Company Well No. 1, A/K/A the W. Perry Smith Well No. 1 located in the NW/4 SE/4 of Section 34, Township 21 North, Range 30 East, NMPM, Harding County, New Mexico should not be plugged in accordance with a Commission approved plugging program.

If the Commission please, Jim Durrett appearing on behalf of the Commission and its staff, and I would have a statement to make in this case at this time.

MR. PORTER: You may proceed, Mr. Durrett.

MR. DURRETT: The application for Hearing De Novo in this case was filed by Mr. B. J. O'Leary, Attorney at Law in Colorado Springs, Colorado, representing Mr. W. C. Powers. Mr. O'Leary contacted me on several occasions prior to filing the application for Hearing De Novo; stating, as he has pointed out in this Hearing De Novo, that they needed more time to consider their legal position in this matter, and to analyze the steps that they should take concerning the Commissions order.

Mr. O'Leary has advised me, through telephone conversations, that he has been negotiating with a Mr. Billy

Harlan and his attorney, Charles Alsup, who is an attorney in Clayton, concerning this well. Mr. Harlan is supposed to be the landowner of the land involved where the well is located. There was some discussion, according to Mr. O'Leary the attorney, that Mr. Harlan might assume operation of the well and plug the well.

Now Mr. O'Leary advises me this morning that he was contacted yesterday evening, I believe, by the attorney for Mr. Harlan who stated that if Powers-Marshall Company would give Harlan a bill of sale to the casing that's in this well that the well would be plugged by Billy Harlan within seven days; so Mr. O'Leary and his client have no objection to the Commission going ahead with the order to plug the well, but they would like a period of time in which to get it done. I suggested to him this morning a possible 30-day period, which he felt would be completely adequate.

So on the basis of those matters I would at this time move the Commission to incorporate the record of the hearing in this case on September 22, 1965; that's Mr. Kaptana's testimony as a Commission witness concerning the necessity for the plugging of this well, and the manner in which it should be plugged.

I also move the Commission at this time to take administrative notice of the official well file and the

dearnley-meier reporting service, inc.

SPECIALIZING IN: DEPOSITIONS, HEARINGS, STATEMENTS, EXPERT TESTIMONY, DAILY COPY, CONVENTIONS

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PAGE 4

Commission's official records concerning this well and request that the Commission issue an order requiring the well to be plugged in accordance with the plugging program that's set out in Order R-2970, and to require in the order from this hearing that this plugging be completed by December 15, 1965. That will give them right at 30 days to complete the plugging, which should be sufficient time.

MR. PORTER: Is there any objection to the counsel's motion? If not the Commission will incorporate the record of the September 22nd hearing in this record in this hearing today, and will also take administrative notice of the records mentioned by Mr. Durrett, and will enter an order requiring that the well be plugged on December 15, 1965.

(Whereupon, an off the record discussion was held.)

MR. PORTER: Back on the record. Mr. Durrett, will you notify the attorney in this case of the Commission's action taken today --

MR. DURRETT: I certainly will.

MR. PORTER: -- prior to our entering the formal order so that they may proceed?

MR. DURRETT: Yes, sir, I will call him today.

MR. PORTER: If there's nothing else to come before the Commission the hearing is adjourned.

SPECIALIZING IN: DEPOSITIONS, HEARINGS, STATEMENTS, EXPERT TESTIMONY, DAILY COPY, CONVENTIONS

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I, ADA DEARNLEY, Court Reporter, do hereby certify that the foregoing and attached transcript of proceedings before the New Mexico Oil Conservation Commission at Santa Fe, New Mexico is a true and correct record to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF I have affixed my hand and notarial seal this 26th day of November, 1965.

Vaa Dearnley
Notary Public - Court Reporter

My Commission Expires:

June 19, 1967.