

BEFORE THE OIL CONSERVATION COMMISSION
OF THE STATE OF NEW MEXICO

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

CASE NO. 53

ORDER NO. 587

THE APPLICATION OF J. L. HEAD AND
W. A. MILLER FOR AN ORDER DETERMINING AS
ABANDONED THE CARBON DIOXIDE WELL SOMETIMES
KNOWN AS THE J. L. HEAD & W. A. MILLER
CARBON DIOXIDE WELL, NENE, (SOMETIMES
DESCRIBED AS NENW) 31-20N-31E, HARTING
COUNTY, NEW MEXICO, AND TO GRANT LEAVE TO
PLUG SAID WELL IN ACCORDANCE WITH THE LAWS,
RULES AND REGULATIONS OF THE COMMISSION.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at ten o'clock A.M., August 4, 1944,
at Santa Fe, New Mexico, before the Oil Conservation Commission of New
Mexico, hereinafter referred to as the "Commission".

NOW, on this 29th day of January, 1945, the Commission
having before it for consideration the testimony adduced at the hearing of
said case and being fully advised in the premises, the Commission finds:

FINDINGS

1. The petitioners are parties principal upon the plugging bond on
file with the Commission since March 31, 1937, covering the carbon dioxide
well described as J. L. Head and W. A. Miller carbon dioxide well NENE
(sometimes described as NENW) 31-20N-31E, undertaking as follows:

"NOW, THEREFORE, if the above bounden principal and surety or either
of them or their successors or assigns, or any of them, shall plug said well,
in accordance with the program approved by the Oil Conservation Commission,
through the State Geologist, when dry or when abandoned, in such way as to
confine the oil, gas and water in their respective strata in which they are
found and to prevent them from escaping into other strata;***

2. That said well is not dry and is capable of producing carbon dioxide
gas in commercial quantities, but is abandoned insofar as the petitioners
and parties principal upon said bond are concerned, and said well is apparently
abandoned by those purporting to have the subsequent operating rights of said
well in that they have so far either failed or refused to supply bond to
replace the bond of the petitioners herein in conformity with Order 552 of the
Commission requiring a subsequent operator or owner to supply plugging bond so
as to permit cancellation of the bond of the former operator, in this case
the petitioners.

3. That the title of the land upon which said well is located is in
litigation and ownership of the well or its operating rights are inconclusive
until final determination.

ILLEGIBLE

4. That the petitioners herein are entitled to and desire to be released from said bond and are willing to keep their obligations under said bond by plugging said well in accordance with the laws, rules and regulations of the Commission, unless if before the performance of such plugging, interests purporting to have the ownership or operating rights of said well replace the bond of the petitioners herein with an acceptable bond.

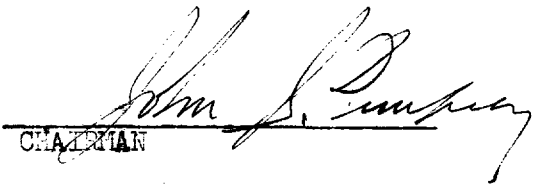
IT IS THEREFORE ORDERED:

A. That J. L. Head and W. A. Miller shall be permitted to plug said well in accordance with the provisions of said bond and the laws, rules and regulations of the Commission, unless before such plugging is performed any of those claiming the ownership or operating rights of said well supply the Commission with acceptable bond to cover said well pending the outcome of said litigation determining title to the land upon which said well is located and the consequent operating rights thereof. If, however, after six months from the effective date of this order, the petitioners herein have not already plugged said well or if any of those claiming the operating rights or ownership of said well have not supplied an acceptable bond to the Commission, then the petitioners herein must proceed to plug said well in accordance with the laws, rules and regulations of the Commission and its administrative requirements.

B. The order herein shall be effective 15 days after its execution.

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

OIL CONSERVATION COMMISSION


CHAIRMAN


MEMBER

SECRETARY

SEAL

ILLEGIBLE

OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

C
O
P
Y

September 19, 1944

J. Wesley Head, M. D.
110 East Fifth Street
Borger, Texas

Re: Case No. 53

Dear Doctor Head:

In reply to your letter of September 14, the order of the Commission in the above captioned case has not been promulgated. It was understood that the matter was in litigation and that a decree in a quiet title case was to be issued soon. My understanding is that a decision has been reached but the formal decree has not been entered.

Very truly yours,

John M. Kelly
Director

By

Chief Clerk & Legal Adviser

GBL:MS

J. WESLEY HEAD, M. D.
110 EAST FIFTH STREET
BORGER, TEXAS

September 14, 1944.

New Mexico Oil Conservation Commission
Santa Fe, New Mexico

Gentlemen:

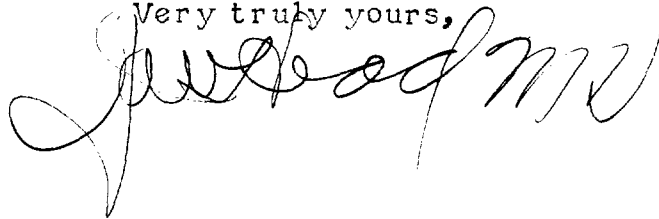
Re; Heal, J. L. & Miller W.A.
\$2,000/ bond NE $\frac{1}{4}$ NW $\frac{1}{4}$ 31-20N31E
Maryland Casualty Co. Surety
filed 3-31-37.

Re; Carbon Dioxide well NE $\frac{1}{4}$ NE $\frac{1}{4}$ 31-20N-31E Harding
County, New Mexico (Sometimes described as NE $\frac{1}{4}$ NW)

What action, if any has been taken upon my application to pull and plug the well in the above reference. We had not heard, and I thought possibly the letter might have been lost. Also, what was the result of the law suit filed, if you are advised.

Thanking you, for this, and your many past courtesies, I remain,

Very truly yours,



KHD

Affidavit of Publication

STATE OF NEW MEXICO,

COUNTY OF HARDING

The undersigned, being first duly sworn according to law, on his oath deposes and says that he is the Business Manager of the newspaper named THE ROY RECORD; and that he has personal knowledge of the facts stated herein; that the said THE ROY RECORD is a weekly newspaper published in the County of Harding and State of New Mexico; and entered under the second class privilege at the U. S. post-office at Roy, Harding County, New Mexico and having been uninterruptedly and continuously so printed and published during the period of more than six months next to date of the printing of the first publication concerning which this affidavit is made and a copy of which is hereto attached; that the publication, a printed copy of which is hereto attached and made a part of this affidavit, was published in said

newspaper once each week for one successive weeks, and that payment for said publication has been made or assessed as part of the court costs in the case to which it relates; said publications being made on the following dates, to-wit:

First publication: The 14th day of July, 1944

Second publication: The _____ day of _____, 194

Third publication: The _____ day of _____, 194

Fourth publication: The _____ day of _____, 194

Rail Guthmann
Business Manager

Subscribed and sworn to before me this 21st

day of July, 1944

Docuor B. Reeder
Notary Public

My commission expires: 7-6-45

PUBLISHER'S BILL

48 lines, 8-pt. type, one times, \$ 3.84

Sales Tax @ 2% _____

TOTAL \$ _____

Received payment:

By: *Rail Guthmann*
Business Manager

NOTICE FOR PUBLICATION

STATE OF NEW MEXICO OIL CONSERVATION COM. MISSION

The Oil Conservation Commission, by law invested with jurisdiction as the oil and gas regulatory body of the State of New Mexico, hereby gives notice of the following hearing to be held at Santa Fe, New Mexico:

Case No. 53

In the matter of the application of J. L. Head and W. A. Miller for an order determining as abandoned the carbon dioxide well sometimes known as the J. L. Head & W. A. Miller carbon dioxide well, NENE, (sometimes described as NENW) 31-20N-31E, Harding County New Mexico, and to grant leave to plug said well in accordance with the laws, rules and regulations of the Commission. This case is set for 10 A. M. August 4, 1944.

The attorney for the applicants is K. H. Dally, esquire, Borger, Texas.

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

The foregoing Notice of Publication was made pursuant to the direction of the Commission at its Executive Meeting July 6, 1944.

Given under the seal of said Commission at Santa Fe, New Mexico, on July 7, 1944.

OIL CONSERVATION COMMISSION

John M. Kellyy, Secretary
(S E A L)

Published July 14, 1944

NOTICE FOR PUBLICATION
STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

The Oil Conservation Commission, by law invested with jurisdiction as the oil and gas regulatory body of the State of New Mexico, hereby gives notice of the following hearing to be held at Santa Fe, New Mexico:

Case No. 53

In the matter of the application of J. L. Head and W. A. Miller for an order determining as abandoned the carbon dioxide well sometimes known as the J. L. Head & W. A. Miller carbon dioxide well, NENE, (sometimes described as KENW) 31-20N-31E, Harding County, New Mexico, and to grant leave to plug said well in accordance with the laws, rules and regulations of the Commission. - This case is set for 10 A.M., August 4, 1944.

The attorney for the applicants is K. H. Dally, esquire, Borger, Texas.

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

The foregoing Notice of Publication was made pursuant to the direction of the Commission at its Executive Meeting July 6, 1944.

Given under the seal of said Commission at Santa Fe, New Mexico, on July 7, 1944.

OIL CONSERVATION COMMISSION

BY (SGD)  JOHN D. KELLY
SECRETARY

OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

C
O
P
Y

April 13, 1944

K. H. Dally, Esquire
County Attorney
Berger, Texas

Re: Head, J. L. & Miller, W. A. - \$2000 - NE $\frac{1}{4}$ NW $\frac{1}{4}$
31-20N-31E. Maryland Casualty Co., surety.
Filed 3-31-37.

Dear Mr. Dally:

The petition of Dr. J. Wesley Head for the determination as abandoned the well covered by the bond noted in the caption and for an order to plug said well will be set by for a hearing at a time possible for the Commission to hear this matter.

The petition in question is the only one pending -- ordinarily two or more petitions are heard at the same sitting. You will be informed when the Commission can hear this matter.

Very truly yours,

John M. Kelly
Director

By

Chief Clerk & Legal Adviser

CHL:MS

K. H. DALLY
County Attorney
HUTCHINSON COUNTY

Borger, Texas
April 3, 1944

Oil Conservation Commission
P. O. Box 871
Santa Fe, New Mexico

Re: Head, J. L. & Miller, W. A.-Carbon
Dioxide Well, NE $\frac{1}{4}$ NE $\frac{1}{4}$ (sometimes
described as NE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 31-20N-
31E, Harding County, New Mexico.

Gentlemen:

I am enclosing herewith a certified copy of the power of attorney by W. A. Miller to J. W. Head. Also sending an affidavit which is dated in 1942, showing the condition of that property, which condition of course still exists. The last record I have of any correspondence upon this matter is in May 1943, but we are now anxious to go ahead and complete this matter under such terms as you may require.

Very truly yours,

K. H. Dally

KHD:wjb
Encl.