

**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. 1069  
Order No. R-844**

**THE APPLICATION OF THE OIL  
CONSERVATION COMMISSION UPON  
ITS OWN MOTION FOR AN ORDER  
DIRECTING GEORGE A. SWEETMAN  
AND JOHN A. ADAY, OPERATORS,  
AND AMERICAN EMPLOYERS INSURANCE  
COMPANY, SURETY, TO SHOW CAUSE  
WHY OPERATORS' D'SPAIN NO. 1 WELL  
LOCATED IN THE NE/4 NW/4 OF  
SECTION 12, TOWNSHIP 6 NORTH,  
RANGE 6 EAST, NMPM, TORRANCE  
COUNTY, NEW MEXICO, SHOULD NOT  
BE DECLARED ABANDONED AND ORDERED  
PLUGGED IN ACCORDANCE WITH NEW  
MEXICO OIL CONSERVATION COM-  
MISSION'S STATEWIDE RULES AND  
REGULATIONS.**

**ORDER OF THE COMMISSION**

**BY THE COMMISSION:**

This cause came on for hearing at 9 o'clock a.m. on May 16, 1956, and at 9 o'clock a.m. on June 14, 1956, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission".

NOW, on this 12<sup>th</sup> day of July, 1956, the Commission, a quorum being present, having considered the application and the evidence adduced at said hearing, and being fully advised in the premises,

**FINDS:**

(1) That due notice of the time and place of hearing and the purpose thereof having been given as required by law, the Commission has jurisdiction of this case and the subject matter thereof.

(2) That operators' D'Spain Well No. 1, located in the NE/4 NW/4 of Section 12, Township 6 North, Range 6 East, NMPM, Torrance County, New Mexico, was commenced on or about April 30, 1952.

(3) That said well was drilled to present depth of 1343 feet on or about February 10, 1954.

(4) That no work has been performed on said well since on or about November 10, 1954.

(5) That for all practical purposes the well has been abandoned by the operators, George A. Sweetman and John A. Aday.

(6) That an appearance was entered at the hearing by Cecil D'Spain, land owner, at which time evidence was adduced to show that the original lease agreement between the parties provided that if a well were drilled and no production had, but a supply of water in useable quantities reached, that such well would be preserved for the use of the lessor as a water-well, and further that the original lease was entered as an exhibit therein.

(7) That the Sweetman and Aday D'Spain No. 1 Well encountered a water sand at approximately 322 feet.

(8) That said D'Spain No. 1 Well is located within the declared Estancia Underground Water Basin, and that the land owner, Cecil D'Spain, has obtained a permit from the State Engineer to complete and produce a domestic water well within the said Estancia Underground Water Basin.

(9) That evidence adduced at the hearing failed to show cause why said well should not be declared abandoned and ordered plugged.

(10) That said well should be plugged back to a depth of approximately 350 feet.

(11) That a one-well bond in the amount of \$5,000.00 was executed on Commission Form 39-B1 for the said D'Spain No. 1 Well with George A. Sweetman and John A. Aday as principal and American Employers' Insurance Company as surety on the 15th day of March, 1952. The said bond is now on file with the New Mexico Oil Conservation Commission.

IT IS THEREFORE ORDERED:

1. That George A. Sweetman and John A. Aday, operators of the D'Spain No. 1 Well, located in the NE/4 NW/4 of Section 12, Township 6 North, Range 6 East, NMPM, Terrance County, New Mexico, and the American Employers' Insurance Company, surety on the plugging bond for said well, be and the same are hereby ordered to plug said D'Spain Well No. 1 by filling same with mud to approximately 400 feet, and by setting a cement plug from 400 feet to 375 feet, and to backfill the pits, level the location and clear it of all junk.

2. That the aforesaid work shall be commenced not later than 30 days immediately following the date of this order and further that said work shall be completed not later than 60 days from the date of this order.

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IT IS FURTHER ORDERED:

That should George A. Sweetman, John A. Aday and American Employers' Insurance Company, or either of them fail for any reason to comply with all the provisions of Paragraph 1 and 2 of this order, then the Commission be and the same is hereby authorized to take whatever action necessary to plug said D'Spain No. 1 Well; and in such event, to proceed against the American Employers' Insurance Company, surety, under the terms of the one-well bond for said well, for any liability or expense incurred by the Commission in plugging said well.

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

STATE OF NEW MEXICO  
OIL CONSERVATION COMMISSION

*John F. Simms*

JOHN F. SIMMS, Chairman

*E. S. Walker*

E. S. WALKER, Member

*A. L. Porter, Jr.*

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

