

Opinion No. 46-4872

March 7, 1946

BY: C. C. McCULLOH, Attorney General

TO: Hon. John E. Miles Commissioner of Public Lands Santa Fe, New Mexico

{*200} We have your letter of March 5, 1946 wherein you state that an operator desires to remove a small rig and replace it with a larger rig since he has reached the small rig's limit of about 4,000 feet in his attempt to strike oil. Mr. Graham has stated that it will take approximately 30 days to change the two rigs. In view of this situation, you request an official opinion of this office concerning whether or not the changing of such rigs, which is required by proper drilling procedure according to your letter, constitutes bona fide drilling or re-working operations thereon, so long as such operations are diligently prosecuted.

From the information submitted to us, it is apparent that to carry forward the drilling operations, it is necessary to replace the small rig with a new rig and it is, therefore, my opinion that the carrying forward of this operation, when diligently prosecuted constitutes bona fide drilling or re-working operations thereon.

By HARRY L. BIGBEE,

Asst. Atty. General