

THE DISTRICT COURT, 2ND JUDICIAL DISTRICT
BECKHAM COUNTY, OKLAHOMA
COURTHOUSE, SAYRE, OKLAHOMA

BECKHAM COUNTY
FILED
SEP 21 2023
BY DONNA HOWELL, COURT CLERK
DEPUTY

THE CITY OF ELK CITY, OKLAHOMA,)
a municipal corporation,)
Plaintiff,)
vs.) CV-2023-86
SALVADOR BOTELLO MONGE, JR.,)
and JOEL BOTELLO SEGUNDO,)
Defendants.)

PERMANENT INJUNCTION

This matter is before the Court on the Motion of Plaintiff, The City of Elk City, for a Permanent Injunction to restrain Defendants, Salvador Botello Monge, Jr. and Joel Botello Segundo, Defendant's agents, employees, attorneys, and all others who are under the control of Defendants from the drilling or production of groundwater, without a permit.

The Plaintiff appears by its attorney, Ryan A. Meacham, and the Defendants appear not.

Based on the pleadings, motion, testimony of Plaintiff's public works supervisor on August 16, 2023, and oral argument of counsel, this Court finds that:

1. Unless Defendants are restrained from the drilling or production of groundwater, without a permit, from the following described property:

SURFACE RIGHTS ONLY IN AND TO:

Lots 1, 2, 3 and 4 in Block 2 of the Hill and Vale Subdivision, being a part of the Northwest Quarter of Section 28, Township 9 North, Range 23 West of the Indian Meridian, Beckham County, Oklahoma;

AND

Lot 7 in Block 3 of the Hill and Vale Subdivision, being a part of the Northwest Quarter of Section 28, Township 9 North, Range 23 West of the Indian Meridian, Beckham County, Oklahoma;

AND

A tract of land lying in the Northwest Quarter of Section 28, Township 9 North, Range 23 West of the Indian Meridian, Beckham County, Oklahoma, more particularly being described by metes and bounds as follows:

Beginning at a point on the East Right-of-Way line of U.S. Highway 283, 1275 feet South and 50 feet east of the Northwest corner of the Northwest Quarter of Section 28;

Thence South along highway Right-of-Way a distance of 465 feet;

Thence East a distance of 320 feet;

Thence North 07°40' East for a distance of 470 feet;

Thence West for a distance of 380 feet to the Point of Beginning;

AND

Block 1 of the Hill and Vale Subdivision, being a part of the Northwest Quarter of Section 28, Township 9 North, Range 23 West of the Indian Meridian, Beckham County, Oklahoma.

Plaintiff will suffer irreparable injury before the trial since Plaintiff has no other remedy at law and the unregulated production of water from unpermitted wells will seriously affect the municipal water supply to the citizens of Elk City.

2. Plaintiff has established the likelihood that Plaintiff will prevail on the merits of Plaintiff's claim.

3. The harm to Plaintiff if this permanent injunction is not granted outweighs the harm to the Defendant if it is granted.

4. Plaintiff has no adequate remedy at law.

5. The interests of the public will not be disserved by granting the permanent injunction.

IT IS THEREFORE ORDERED that Defendants, Defendants' agents, employees, attorneys, and all others who are under the control of Defendants are permanently enjoined until the trial of this action from:

1. The drilling or production of groundwater, without a permit, from the following described property:

SURFACE RIGHTS ONLY IN AND TO:

Lots 1, 2, 3 and 4 in Block 2 of the Hill and Vale Subdivision, being a part of the Northwest Quarter of Section 28, Township 9 North, Range 23 West of the Indian Meridian, Beckham County, Oklahoma;

AND

Lot 7 in Block 3 of the Hill and Vale Subdivision, being a part of the Northwest Quarter of Section 28, Township 9 North, Range 23 West of the Indian Meridian, Beckham County, Oklahoma;

AND

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Thence East a distance of 320 feet;

Thence North 07°40' East for a distance of 470 feet;

Thence West for a distance of 380 feet to the Point of Beginning;

AND

Block 1 of the Hill and Vale Subdivision, being a part of the Northwest Quarter of Section 28, Township 9 North, Range 23 West of the Indian Meridian, Beckham County, Oklahoma.

Dated: August 16, 2023



THE HONORABLE JILL WEEDON
JUDGE OF THE DISTRICT COURT

APPROVED:



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Attorney for the Plaintiff

Grow House within 700 feet of City Well field



Currently no permit to use water



2 complaints filed with OWRB



No action taken from OWRB

