

MINI-EXAM

Instructions

DO NOT GO BEYOND THIS PAGE UNTIL THE EXAM ACTUALLY BEGINS.

While you are waiting for the exam to begin, be sure that you have written the LAST FOUR digits of your SOCIAL SECURITY NUMBER on each bluebook, that you have read these instructions, and that you are otherwise ready to begin.

This exam will last 55 minutes. Plan on spending at least 10 MINUTES reading the question and outlining your answer. REREAD the question to be sure you haven't missed anything.

Please discuss only the kinds of issues that would be raised as a result of what you have learned through Chapter 1. Please **OMIT** from your analysis any discussion of issues that are covered beyond that point, including proximate cause, the assessment of the amount of recoverable damages, contributory fault, or any other affirmative defense.

DOUBLE-SPACE your answer in the blue-book(s).

If you use more than one bluebook, label each bluebook, *e.g.*, "Book 1"; "Book 2"; etc.

You are welcome to use abbreviations, but indicate what they are, *e.g.*, "Andropov (A) would sue Brezhnev (B). B would be liable to A if"

Plan on spending at least 10 minutes at the end **PROOFREADING** your answers. You may not write **ANOTHER WORD** after time is called.

You may **KEEP** your copy of the exam questions if you wish.

REMEMBER THE HONOR CODE: DO NOT IDENTIFY YOURSELF

DOUBLE SPACE! GOOD LUCK!

DOUBLE SPACE!

Question

Earl and Loretta Williams and their son Don own and farm approximately 2,500 acres of land located northwest of Ulysses, Farmstate. They operate five irrigation wells on this acreage. In the spring of 1988, one of the Williams' irrigation wells quit running. Weber Supply, an irrigation supply company, examined the well several times but was unable to pinpoint the problem until Jack Weber lit a cigarette, threw his match down, and natural gas ignited near the wellhead. Nearby natural gas well operators were notified of the problem and in July of 1988 MajorOil discovered it had problems with leaks from two of its wells, each located on property adjacent to the Williams acreage. MajorOil's tests on one of the wells revealed 260 pounds of pressure between the 10³/₄ surface casing and the seven-inch production casing, indicating a leak in the production casing. The gas well was repaired on July 31, 1988. The repair consisted of the installation of a 4¹/₂-inch production liner inside the production casing with a packer set at 2,329 feet. A packer is a device used to seal the space between the production casing and the repair liner. MajorOil also installed a pressure gauge to monitor leaks in the space between the surface casing and production casing and between the production casing and the liner.

In addition to repairing its own gas well, MajorOil attempted to restore production to Williams' irrigation well. By mid-1989, after a series of modifications to the Williams' equipment, steady production was restored at the rate of 1,300 to 1,400 gallons per minute. Prior to the natural gas leak, the Williams report that the well could pump as much as 2,200 gallons per minute. Approximately one year after MajorOil completed modification of the Williams' well, Weber Supply tested the well at 1,420 gallons per minute.

In 1992 a prohibition was placed upon the drilling of additional irrigation wells in southwest Farmstate due to a significant decline in the water table caused by existing wells. As the water table has dropped over the years, a resulting decline in productivity in the area's irrigation wells has also occurred. The Williams' wells are no exception.

The Williamses have come to your office seeking advice as to whether or not they have a cause of action against anyone based upon the declining productivity of the water wells, with consequent reduction in crop yield. What would you tell them?