Schedule of Costs incurred by Yates Petroleum Corporation, et. al. Prepared in compliance New Mexico Oil Conservation Division Order # R-12108-A

Hearing Date: November 10, 2004 Yates Petroleum Corporation Submitted by:

5 2004 11568 5 8 2004 1420 7	2004 86880	2004 14025	2004 609179	2004 604123	2004 18499	2004 598819	138278	2004 7736721		11304	590378	C.O.W. INS	2W 0329069	33828	10 2003	10 2003 136985	9 2003	9 2003	9 2003	9 2003	9 2003 95-2231	9 2003 86623	11 9 2003 EW 0327398	7 9 2003 ZW 0327389	9 2003 4007	N 9 2003 13119	0 9 2003 13118		O 9 2003 13215	m 9 2003 4313	9 2003 418004458	9 2003 13637	9 2003 12-02359-03	9 2003 12-02355-03	2003 12-02303-03	2003 12-02301-03		2003 1023	2003 3090ZOHO	2003 093385	2003 093385	2003 093385	2003 093592	2003 B-1903	YEAR INVNBR	ACCT ACCT SERVICE				Well Name: Limbaugh AYO State #1 (Price's Name: State A #1)	
5 2004 30 2004	<b></b>									2002			21 2002															3 2003					7 2003				30 2003	6 2003	-	11 2003	8 2003		_	28 2003	DAY	SERVICE S				vaille, state < * 1)	(In-no. Ctata Y #1)
LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYU SIAIE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AND STATE #1	LIMBACOT ATO GTATE #1	LIMBALIGH AVO STATE #1	IMBALICH AYO STATE #1	IMBALIGH AYO STATE #1	IMBALIGH AYO STATE #1	IMBALIGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH ATO GTATE #1	LIMBAUGH AYO STATE #1	LIMBACGE ATO GEATER	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBALIGH AYO STATE #1	LIMBAUGH ATO STATE #1	LIMBAUGH ATO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH ATO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1	LIMBAUGH AYO STATE #1		LIMBAUGH ATO STATE #1	LIMBAUGH ATO STATE #1	STATE	PROPERTY						
., ., .	YPC LOCATION, RIGHT-OF-WAY	•	YPC ADDITIONAL LOC CHARGES COMPL						TOOL & FOP R								VPC WATER FOR COMPLETION					YPC TOOLSEQUIP, RENTAL ETC LOMP!						YPC ADDITIONAL LOC CHARGES-COMPL.		VPC TOOL SECULD RENTAL ETCCOMPL.				YPC TOOL&EQPT RENTAL, INSPCT-COMPL.		VPC TOOL & EOPT RENTAL INSPCT-COMPL.	YPC BASE PLATE KIT, COGNU							VPC MISC VI VS FITTINGS SUPPLIES(A)		ne codintion				Lea County, New Mexico	O Now Mondo
	DUDLEY SALES & SERVICE	PHILIP L. WEILER D/B/A WEILER	MORGAN TOOLS CO LLC	HOLLAND & HART L.L.P.	HOLLAND & HART L.L.P.	BUTCH'S RAT HOLE & ANCHOR SVC.	HOLLAND & HART L.L.P.	GANDY CORPORATION	ARTESIA BUILDING SUPPLY	YATES PETROLEUM CORPORATION	DUDLEY SALES & SERVICE	HOLLAND & HART L.L.P.	J.S. WARD & SON, INC.	WEATHERFORD U.S., L.P.	MCILROY SERVICE COMPANY	HOLLAND & HART L.L.P.	GANDY CORPORATION	JONES, A. D. ESTATE	JONES, A. D. ESTATE	JONES, A. D. ESTATE	YATES PETROLEUM CORPORATION	WILBANKS TRUCKING	PHILIP I WEILER D/B/A WEILER	WITATHEREORD II S - P	WEATHERFORD U.S., C.P.	TWO-STATE EQUIPMENT, INC.	MORGAN TOOLS COILLC	MORGAN TOOLS CO LLC	MORGAN TOOLS COILLC	MORGAN TOOLS CO LLC	L RAMIREZ TRUCKING AND	KEY ENERGY SERVICES, INC.	GANDY CORPORATION	E.L. FARMER & COMPANY	E.L. FARMER & COMPANY	E.L. FARMER & COMPANY	E.L. FARMER & COMPANY	DUDLET SALES & SERVICE	RYDER SERVICES, INC.	ARTESIA FIELD SERVICE	YATES PETROLEUM CORPORATION	YATES PETROLEUM CORPORATION	YATES PETROLEUM CORPORATION	YATES PETROLEUM CORPORATION	GENERAL SURVEYING CO.	VENDOR NAME					
\$72.43 \$0.00 \$7,230.00 \$0.00		\$384.43 \$0.00	\$654.86 \$0.00	\$106.96 \$0.00	\$430.22 \$0.00	\$1,199.85 \$0.00	\$249.65 \$0.00	\$276.09							<b>5</b>		\$1,386.81 \$0.00	<del>\$</del>	\$2,163.00 \$2,163.00	\$2,000.00 \$2,000.00	\$2,113.98 \$0.00		\$7		\$3,910.14	*				ę,		<del>\$</del> 1	\$856.43 \$856.43	\$1,266.33 \$0.73 20 \$073 20		\$1,160.25 \$1,160.25		ęą.	\$845.66 \$845.66	\$168.18 \$0.00 \$63.45 \$63.45		6		\$2,781.31 \$0.00	8	AMOUNT 2003	September 10,	Notice of Hearing,	2003 and Before	Costs incurred	Casto Incurred
0 \$72.43 0 \$0.00	40		0 \$654.86	0 \$0.00	0 \$0.00	<b>\$1</b> ,1		4				_	4				\$1.		69						69	0 \$3 016.14				€9		<b>\$</b>		n \$973.20		<b>\$</b> 1		<u>ب</u>	ı.a	5 \$63.45		•		69		Ŧ	ĭ	-	All Costs		



William F. Carr wcarr@hollandhart.com

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October 8, 2004

## VIA HAND DELIVERY

Mark E. Fesmire, P. E.
Chairman
Oil Conservation Commission
New Mexico Department of Energy,
Minerals and Natural Resources
1221 South Saint Francis Drive
Santa Fe, New Mexico 87505

Re: Oil Conservation Commission Order No. R-12108-A

Dear Mr. Fesmire:

Pursuant to paragraph 9 of Order No. R-12108-A entered by the Oil Conservation Commission on September 9, 2004, Yates Petroleum Corporation hereby furnishes an itemized schedule of the actual well costs incurred by Yates in conducting re-entry operations on the State "X" Well No. 1 pursuant to the Oil Conservation Division approved APD for this well.

In its Application for Rehearing filed on September 29, 2004, Yates has raised questions concerning the reasonableness of the limitations imposed by the Commission on its ability to recover these costs. See, Application for Rehearing at 13. Yates has been advised that the Commission will not consider its Application for Rehearing until its October hearing and therefore will not rule on the issues presented until after the date set by this Order for the submission of these costs. Yates therefore files the enclosed schedule of actual costs to comply with the provisions of Order No. R-12108-A.

The enclosed schedule of actual well costs identifies, and breaks down by supplier, the \$133,393.88 in costs incurred by Yates. Of these costs, Yates believes it should be authorized to recover \$94,412.86. It also shows that only \$36,716.24 of the costs incurred by Yates pursuant to the Division's APD may be recovered due to the time limitations imposed by Commission Order No. R-12108-A. Accordingly, \$57,696.92 of actual well costs incurred by Yates pursuant to the Division-approved APD for the subject well are disallowed by the arbitrary time frame imposed on the recovery of these costs by paragraph 9 of Order No. R-12108-A.



Mark E. Fesmire, P. E. October 8, 2004 Page 2

As the evidence presented by the parties to the Commission in Case 13153, de novo established, the Oil Conservation Division approved the Application for Permit to Drill filed by Yates Petroleum Corporation for its re-entry of the Limbaugh "AYO" State Well No. 1 (Pride Energy Company State "X" Well No. 1) on August 26, 2003. Finding 5(c). The N/2 of Section 12, Township 12 South, Range 34 East, NMPM, was dedicated to the well and this standard spacing unit is owned 100% by Yates and its related companies. The well is at a standard location. Pursuant to this APD, Yates commenced re-entry operations on this well.

The Division's files in this matter show that on September 10, 2003, Pride Energy Company, filed its application to, among other matters, cancel Yates APD. Pride also sought an Emergency Order from the Division prohibiting Yates re-entry operations. Yates responded on September 11, 2003 and on September 12, 2003, a Division Examiner denied Pride's application for an Emergency Order halting Yates operations on the well. Yates therefore continued with its re-entry operations pursuant to the APD approved by the Division.

The Examiner's September 12th order was appealed by Yates to the Oil Conservation Commission because it also denied Yates' motion for dismissal of the Pride application. The Director of the Commission remanded the matter to the Division on September 22nd. On that date, Pride filed its motion for reconsideration of its application for an order directing Yates to cease operations on the well. Yates responded on September 26th, and Pride replied on October 3, 2003. Another hearing was held before the Examiner on October 7th, at which time Yates advised the Examiner that it had removed its rig and had voluntarily suspended its operations on this well pending a decision by the Division on this matter.

Every action taken to re-enter this well was taken by Yates in good faith and in reliance upon a Division-approved APD.

In its Order, the Commission recognized that "Pride should reimburse Yates for reasonable costs incurred by Yates in connection with such operations." Findings 5(1) and 45. However, the Order disallows costs incurred after the date Pride served its application on Yates. By denying Yates the right to recover the costs incurred after the date Pride served its application seeking an order halting Yates operations on the well—a application that was ultimately denied by the Division—the Commission denies Yates the right to recover reasonable costs it incurred in connection with Division—approved re-entry operations on the State "X" Well No. 1. This action is arbitrary, unreasonable and capricious, and should be addressed by the Commission in a rehearing.

By copy of this letter, and pursuant to paragraph No. 9 of Order No. R-12108-A, the enclosed schedule of actual well costs has been furnished to Pride Energy Company.



Mark E. Fesmire, P. E. October 8, 2004 Page 3

attn: John W. Pride (by Facsimile and U. S. Mail) and to James Bruce, Esq., attorney for Pride Energy Company (by Facsimile and U. S. Mail).

Very truly yours,

William F. Carr

Enclosure

cc: Mr. Charles Moran

Yates Petroleum Corporation

David K. Brooks, Esq. (Via Hand Delivery)
Oil Conservation Commission

James G. Bruce, Esq. (Via Facsimile and U. S. Mail) Pride Energy Company

John W. Pride (Via Facsimile and U. S. Mail) Pride Energy Company

## 10/8/2004

## Schedule of Costs incurred by Yates Petroleum Corporation, et. al. Prepared in compliance New Mexico Oil Conservation Division Order # R-12108-A

T12S-R34E, N.M.P.M.
Sec. 12
Lea County, New Mexico

State X #1)

\$94,412.86	\$36,716.24	\$113,393.88						
\$0.00	\$0.00	\$7,230.00	FOLLAND & HART E.L.P.					
\$72.43	\$0.00	\$72.43	HENTAGE INN, ELC	STAKING PERMIT & LEGAL FEES	ğ	LIMBAUGH AYO STATE #1	2004	12
\$766.90	\$0.00	\$766.90	DODEL OFFICE & SERVICE	SUPERVISION & OVERHEAD	Ϋ́C	LIMBAUGH AYO STATE #1	2004	<b>:</b>
\$384,43	\$0.00	\$304.43	DIDIES ON EO & CODYING	LOCATION, RIGHT-OF-WAY	Ϋ́РС	LIMBAUGH AYO STATE #1	2004	3 (
\$654.86	\$0.00	\$654.86	ĺ	TOOL& EQP RNTL, TRUCKING & WLDG	YPC	LIMBAUGH AYO STATE #1	2004	n
\$0.00	\$0.00	\$100.90	MORGAN TODI & COLLO	ADDITIONAL LOC CHARGES-COMPL	YPC	LIMBAUGH AYO STATE #1	2004	<b>.</b>
\$0.00	\$0.00	\$106.06	HOLLAND & HART L.L.P.	STAKING, PERMIT & LEGAL FEES	Ą	LIMBAUGH AYO STATE #1	2004	<b>1</b> =
\$1,199.85	\$0.00	CO. CO. 1. P.	HOLLAND & HART I P	STAKING, PERMIT & LEGAL FEES	¥PC	LIMBAUGH AYO STATE #1	2024	17 0
\$0.00	\$0.00	\$1 100 85	BUTCH'S RAT HOLE & ANCHOR SVC	DRILLING, DAYWORK	Ϋ́PC	LIMBAUGH AYO STATE #1	2002	<del>.</del>
\$276.09	\$0.00	\$270.09	HOLLAND & HART I I B	STAKING, PERMIT & LEGAL FEES	YPC	LIMBAUGH AYO STATE #1	2004	÷ 7
\$226.05	\$0.00	\$276.05	GANDY CORPORATION	DRILLING WATER, FASLINE RENTAL	YPC	LIMBAUGH AYO STATE #1	2002	ື່ ດ້
\$1,860.00	\$0.00	\$1,860.00	ARTESIA BI III DING SHOPI Y	TOOL& EQP RNTL, TRUCKING & WLDG	Ą	LIMBAUGH AYO STATE #1	2003	<b>5</b> 6
\$4,580.67	\$0.00	\$4,580.67	YATES PETROLEUM CORROBATION	12/2003 ENGR. SERVICE	Ϋ́РС	STATE	2003	<u>.</u>
\$0.00	\$0.00	\$3,877.40	DUDLEY SALES & SERVICE	LOCATION, RIGHT-OF-WAY	Ϋ́PC	LIMBAUGH AYO STATE #1	2003	
\$4,858.50	\$0.00	\$4,000.00	HOLLAND & HART I I P	STAKING, PERMIT & LEGAL FEES	¥PC	LIMBAUGH AYO STATE #1	2000	3 -
\$1,776.43	\$0.00	\$4.050.50	J.S. WARD & SON INC	C.O.W.INS.	Ą	LIMBAUGH AYO STATE #1	2002	1 (
\$596.38	\$596.38	\$1 776 42	WEATHERFORD U.S. I. P	TOOL&EQPT RENTAL, INSPCT-COMPL.	PC	LIMBAUGH AYO STATE #1	2003	3 I
\$0.00	\$0.00	#7,000.78	MCILROY SERVICE COMPANY	TOOL&EQPT RENTAL, INSPCT-COMPL.	YPC	LIMBAUGH AYO STATE #1	2003	36
\$1,386.81	\$0.00	\$7,300.01	HOLLAND & HART LL P	STAKING, PERMIT & LEGAL FEES	¥PC	LIMBAUGH AYO STATE #1	2002	
\$500.00	\$500.00	\$1.386.04	GANDY CORPORATION	WATER FOR COMPLETION	Ϋ́PC	LIMBAUGH AYU STATE #1	2002	) [
\$2,163.00	\$2,163.00	\$5,103.00	JONES A D ESTATE	LOCATION, RIGHT-OF-WAY	YPC	LIMBAUGH AYO STATE #1	2003	<b>5</b> ^
\$2,000.00	\$2,000.00	\$2,000,00	JONES, A. D. ESTATE	LOCATION, RIGHT-OF-WAY	Ϋ́PC	LIMBAUGH AYO STATE #1	2003	· •
\$2,113.98	\$0.00	\$2,000,00	JONES A D ESTATE	LOCATION, RIGHT-OF-WAY	Ϋ́PC	LIMBAUGH AYO STATE #1	2003	<b>,</b> ,
\$475.88	\$0.00	\$4,700		09/2003 ENGR. SERVICE	Ą	LIMBAUGH AYO STATE #1	2003	აგ
\$776.86	\$//6.86	\$475.00	WILBANKS TRUCKING	TOOL&EQUIP.RENTAL,ETCCOMPL	Ř	LIMBAUGH AYO STATE #1	2003	3 -
\$6,944.77	\$0.00	\$0, <del>344</del> .//	PHILIP L. WEILER DIRIA WEILER	TOOL&EQUIP.RENTAL,ETCCOMPL.	YPC	LIMBAUGH AYO STATE #1	2003	<b>.</b>
\$11,382.91	\$0.00	#1 -, JUZ. 31	WEATHERFORD U.S. I.P.	TOOL&EQPT RENTAL, INSPCT-COMPL.	Ϋ́PC	LIMBAUGH AYO STATE #1	2003	<b>.</b>
\$3,916.14	\$0.00	\$11.383.01	WEATHERFORD U.S. I.P.	TOOL&EQPT RENTAL, INSPCT-COMPL.	Ą	LIMBAUGH AYO STATE #1	2003	
\$814.85	\$814.85	\$2014.00	WEATHERFORD U.S. I. P.	TOOL&EQPT RENTAL, INSPCT-COMPL.	ΥPC	LIMBAUGH AYO STATE #1	2003	3 6
\$2,242.64	\$2,242.64	98 1 489	TWO-STATE EQUIPMENT INC	TOOL&EQUIP.RENTAL,ETCCOMPL.	ř	LIMBAUGH AYO STATE #1	2003	າ ແ
\$1,298.01	\$1,298.01	\$1,290.01	MORGAN TOOLS COLLC	ADDITIONAL LOC CHARGES-COMPL.	ΎРС	LIMBAUGH AYO STATE #1	2003	<b>.</b>
\$696.95	\$696.95	3090.95	MORGAN TOOLS COLLC	ADDITIONAL LOC CHARGES-COMPL	YPC	LIMBAUGH AYO STATE #1	2003	, c
\$1,186.57	\$1,186.57	\$606.57	MORGAN TOOLS COLLC	TOOL&EQUIP.RENTAL,ETCCOMPL	Ϋ́РС	LIMBAUGH AYO STATE #1	2003	ú
\$10,504.25	\$0.00	\$10,504.25	MORGAN TOOLS COLLD	TOOL&EQUIP.RENTAL.ETCCOMPL	Ϋ́РС	LIMBAUGH AYO STATE #1	2003	ω
\$15,192.14	\$15,192.14	\$15,192.14	TO DAMIDES TO LOCKING AND	LOCATION, RIGHT-OF-WAY	Ϋ́PC	LIMBAUGH AYO STATE #1	2003	23
\$856,43	\$856.43	\$856.43	KICK BUILDOX SERVICES INC.	COMPLETION UNIT - SWARBING	ř	LIMBAUGH AYO STATE #1	2003	ω
\$973.20	\$973.20	\$973.20	LOBBS ANGLOD INC	BITS TOOLS & SUPP - COMPLETION	Ϋ́P C	LIMBAUGH AYO STATE #1	2003	ω
\$1,266.33	\$0.00	\$1,266.33	E.C. TARMER & COMPANY	WATER FOR COMPLETION	¥ ;	LIMBAUGH AYO STATE #1	2003	7
\$99.85	\$0.00	\$99.85	E.F. TAXMER & COMPANY	TODI & FORT RENTAL INSECT COMPL.	<u>خ</u>	LIMBAUGH AYO STATE #1	2003	12
\$1,160.25	\$1,160.25	\$1,160.25	E.L. FARMER & COMPANY	TOOL SEORT BENTAL INSECT COMPL.	۲ : د	LIMBAUGH AYO STATE #1	2003	=
\$803.65	\$803.65	\$803.65	E.L. FARMER & COMPANY	TOOL RECORD DENITAL INSECT COMPL.	¥ :	LIMBAUGH AYO STATE #1	2003	5 (
\$3,350.04	\$3,350.04	\$3,350.04	WOOD GROUP PRESSURE CONTROL	TOOL RECORT DESCRIPTION OF SOME	<u> </u>	STATE	2003	<i>y</i> -
\$845.66	\$845.66	\$845.66	DUDLEY SALES & SERVICE	BASE DI ATE VIT OSCILIO	<b>S</b> 7	LIMBALIGH AYO STATE #1	2003	3
\$63.45	\$63.45	\$63.45	RYDER SERVICES, INC.	OUNTACE RETAIN & MAIN!	§ :	STATE	2003	თ
\$168.18	\$0.00	\$168.18	ARTESIA FIELD SERVICE	CINCO DEDAID & MALLET	<u> </u>	LIMBAUGH AYO STATE #1	2003	2
\$81.00	\$81.00	\$81.00	YATES PETROLEUM CORPORATION	CHRISTMAS TREE S WELLIS (A)	<u> </u>	LIMBAUGH AYO STATE #1	2003	1
\$593.34	\$593.34	\$593.34	YATES PETROLEUM CORPORATION	STROTEN TRO COC & BODS (A)	≨ : ? ?	LIMBAUGH AYO STATE #1	2003	œ
\$204.24	\$204.24	\$204.24	YATES PETROLEUM CORPORATION	2" 5K (D ABI CATE VALVE (B)	<u>ج</u> ج	LIMBAUGH AYO STATE #1	2003	œ
\$2,781.31	\$0.00	\$2,781.31	YATES PETROLEUM CORPORATION	MISO VI VS EXTINGS, SUPPLIES(A)	<u></u>	LIMBAUGH AYO STATE #1	2003	œ
\$317.58	\$317.58	\$317.58	GENERAL SURVEYING CO.	MISO VILLO SETTINGS OF SETTINGS	5 5	IMBALIGH AVO STATE #1	2003	1 !
Hart L.L.P.	2003	AMOUNT	VENDOR NAME	STAVING DEBUT STEEDS	Š	AYO STATE	2003	28
Holland &	September 10,					PROPERTY	YEAR	DAY
Less	Notice of Hearing,						SERVICE	SERVICE
All Costs	2003 and Before							
	After August 25							
	Costs Incurred			Lea Coulty, New Mexico				
				I on County Nieus Marian			•	

Costs Excluded by Order

\$57,696.62