



October 18, 2005

**HAND-DELIVERED**

Mark E. Fesmire, P.E.  
Director  
Oil Conservation Division  
New Mexico Energy, Minerals and  
Natural Resources Department  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

*Case 13593*

Re: Application of Yates Petroleum Corporation for compulsory pooling and an unorthodox oil well location, Eddy County, New Mexico.

Dear Mr. Fesmire:

Enclosed is the application of Yates Petroleum Corporation in the above-referenced case as well as a copy of a legal advertisement. Yates Petroleum Corporation requests that this matter be placed on the docket for the November 17, 2005 Examiner hearings.

Very truly yours,

William F. Carr

Enclosures

cc: Ms. Janet Richardson  
Yates Petroleum Corporation  
105 South Fourth Street  
Artesia, New Mexico 88210-2118

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STATE OF NEW MEXICO  
DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES  
OIL CONSERVATION DIVISION

**IN THE MATTER OF THE APPLICATION  
OF YATES PETROLEUM CORPORATION  
FOR COMPULSORY POOLING AND AN  
UNORTHODOX OIL WELL LOCATION,  
EDDY COUNTY, NEW MEXICO.**

CASE NO. 13593

APPLICATION

YATES PETROLEUM CORPORATION, ("Yates") through its undersigned attorneys, hereby makes application to the Oil Conservation Division pursuant to the provisions of NMSA 1978, § 70-2-17(C), for an order pooling all mineral interests from the surface to the base of the Morrow formation in the following described acreage in Section 2, Township 21 South, Range 22 East, NMPM: the E/2 to form a standard 320-acre spacing and proration unit for all formations developed on a 320-acre spacing within that vertical extent which includes but is not necessarily limited to the Undesignated West Indian Basin-Morrow Gas Pool; the NE/4 to form a standard spacing and proration unit for all formations developed on 160-acre spacing within that vertical extent; and the NE/4 NE/4 to form a standard spacing and proration unit for all formations developed on 40-acre spacing within that vertical extent, and in support thereof states:

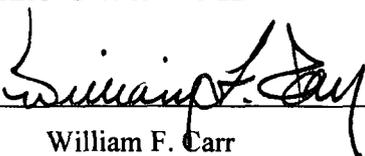
1. Yates is a working interest owner in the E/2 of said Section 2 and has the right to drill thereon.
2. Yates proposes to dedicate the above-referenced spacing and proration units to its Tuco "BHE" State Com Well No. 1 to be drilled at a standard location 1100 feet from the North line and 660 feet from the East line to an approximate depth of 9200 feet which will be sufficient to test all formations from the surface to the base of the Morrow formation. If the well is completed as an oil well the location will be unorthodox.
3. Yates has sought and been unable to obtain a voluntary agreement for the development of these lands from the working interest owners identified on Exhibit A to this application.
4. Said pooling of interests will avoid the drilling of unnecessary wells, will prevent waste and will protect correlative rights.
5. In order to permit Yates the opportunity to obtain its just and fair share of the oil and gas underlying the subject lands, all mineral interests should be pooled, and Yates Petroleum Corporation should be designated the operator of the well to be drilled.

WHEREFORE, Yates Petroleum Corporation requests that this application be set for hearing before an Examiner of the Oil Conservation Division on November 17, 2005 and, after notice and hearing as required by law, the Division enter its order:

- A. pooling all mineral interests in the subject spacing units,
- B. designating Yates Petroleum Corporation operator of this spacing unit and the well to be drilled thereon,
- C. authorizing Yates Petroleum Corporation to recover its costs of drilling, equipping and completing the well,
- D. approving the actual operating charges and costs of supervision while drilling and after completion, together with a provision adjusting the rates pursuant to the COPAS accounting procedures, and
- E. imposing a 200% penalty for the risk assumed by Yates Petroleum Corporation in drilling and completing the well against any working interest owner who does not voluntarily participate in the drilling of the well.

Respectfully submitted,

HOLLAND & HART LLP

By: 

William F. Carr  
Post Office Box 2208  
Santa Fe, New Mexico 87504  
Telephone: (505) 988-4421

ATTORNEYS FOR YATES PETROLEUM  
CORPORATION

**Exhibit A**

**Application of Yates Petroleum Corporation  
for compulsory pooling  
Lea County, New Mexico.  
(Tuco "BHE" State Com Well No. 1)  
Section 2, Unit Letter A  
Township 21 South, Range 22 East, NMPM  
Eddy County, New Mexico.**

Pure Resources  
c/o Chevron North America Exploration  
and Production Company  
11111 South Wilcrest  
Houston, Texas 77099

Attn: Paul Owen, Counsel

CASE 13593:

**Application of Yates Petroleum Corporation for compulsory pooling and an unorthodox oil well location, Eddy County, New Mexico.** Applicant in the above-styled cause seeks an order pooling all mineral interests from surface through the Base of the Morrow formation in the following described acreage in Section 2, Township 21 South, Range 22 East, NMPM: the E/2 to form a standard 320-acre spacing and proration unit for all formations developed on a 320-acre spacing within that vertical extent which includes but is not limited to the Undesignated West Indian Basin-Morrow Gas Pool; the NE/4 to form a standard spacing and proration unit for all formations developed on 160-acre spacing within that vertical extent; and the NE/4 NE/4 to form a standard spacing and proration unit for all formations developed on 40-acre spacing within that vertical extent. Said units are to be dedicated to its Tuco "BHE" State Com Well No. 1 to be drilled 1100 feet from the North line and 660 feet from the East line (Unit A) of said Section 2 to an approximate depth of 9,200 feet. If the well is completed as an oil well it will be ant an unorthodox location. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of Yates Drilling Company as operator of the well and a 200% charge for risk involved in drilling said well. Said area is located approximately 3 miles west of Hopkins Eddy County, New Mexico.



October 18, 2005

**CERTIFIED MAIL- RETURN RECEIPT REQUESTED**

Pure Resources  
c/o Chevron North America Exploration  
and Production Company  
11111 South Wilcrest  
Houston, Texas 77099

Attn: Paul Owen, Counsel

Re: Application of Yates Petroleum for compulsory pooling and an unorthodox oil well location, Eddy County, New Mexico.

Ladies and Gentlemen:

This letter is to advise you that Yates Petroleum Corporation has filed the enclosed application with the New Mexico Oil Conservation Division seeking an order pooling all mineral interests from the surface to the base of the Morrow formation in the following described acreage in Section 2, Township 21 South, Range 22 East, NMPM: the E/2 to form a standard 320-acre spacing and proration unit for all formations developed on a 320-acre spacing within that vertical extent which includes but is not necessarily limited to the Undesignated West Indian Basin-Morrow Gas Pool; the NE/4 to form a standard spacing and proration unit for all formations developed on 160-acre spacing within that vertical extent; and the NE/4 NE/4 to form a standard spacing and proration unit for all formations developed on 40-acre spacing within that vertical extent. Said units are to be dedicated to Yates Tuco "BHE" State Com Well No. 1 to be drilled 1100 feet from the North line and 660 feet from the East line of said Section 2 to a depth sufficient to test all formations from the surface through the base of the Morrow formation.

This application has been set for hearing before a Division Examiner on November 17, 2005. The hearing will be held in Porter Hall in the Oil Conservation Division's Santa Fe Offices located at 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B to file a Pre-hearing Statement at least four business days in advance of a scheduled hearing, but in no event later than 5:00 pm mountain time, on the Thursday preceding the scheduled hearing date. This statement must be filed at the Division's Santa Fe office at the above specified address and should



include: the names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "William F. Carr".

William F. Carr  
ATTORNEY FOR YATES PETROLEUM CORPORATION

cc: Ms. Janet Richardson