

LAW OFFICES

LOSEE, CARSON, HAAS & CARROLL, P. A.

300 YATES PETROLEUM BUILDING
P. O. DRAWER 239
ARTESIA, NEW MEXICO 88211-0239

OIL CONSERVATION DIVISION
RECEIVED
SEP 17 1993
TELEPHONE
(505) 746-3501
TELECOPY
(505) 746-6316

ERNEST L. CARROLL
JOEL M. CARSON
DEAN B. CROSS
JAMES E. HAAS
A. J. LOSEE
MARY LYNN BOGLE

September 14, 1993

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

Page 2839

Dear Mr. LeMay:

Enclosed for filing, please find three copies each of the following Applications, with proposed advertisements attached, of Harvey E. Yates Company:

- 1) Application for unorthodox well location, Section 3, T-18-S, R-32-E, NMPM/Young Deep Unit #21, Lea County, New Mexico;
- 2) Application for Compulsory Pooling, E/2 of Section 28, T-18-S, R-34-E, NMPM/Ekay 28 State #1, Lea County, New Mexico;
- 3) Application for Compulsory Pooling, W/2 of Section 28, T-18-S, R-34-E, NMPM/Ekay 28 State #4, Lea County, New Mexico.

We ask that these cases be set for hearing on October 7, 1993, and that we be furnished with a copy of the docket for said hearings.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.

Ernest L. Carroll
Ernest L. Carroll

ELC:kth
Enclosures

cc w/encl: Shari Darr

OIL CONSERVATION DIVISION
RECEIVED

09 SEP 24 AM 9 03

LAW OFFICES
LOSEE, CARSON, HAAS & CARROLL, P. A.

300 YATES PETROLEUM BUILDING
P. O. DRAWER 239
ARTESIA, NEW MEXICO 88211-0239

TELEPHONE
(505) 746-3505
TELECOPY
(505) 746-6316

ERNEST L. CARROLL
JOEL M. CARSON
DEAN B. CROSS
JAMES E. HAAS
A. J. LOSEE
MARY LYNN BOGLE

September 27, 1993

Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

Re: In the Matter of the Applications of Harvey
E. Yates Company for Compulsory Pooling/Case
Nos. 10839 and 10840

Dear Mr. LeMay:

Enclosed for filing, please find an original plus one copy each
of Certificates of Mailing and Compliance with Rule 1207 for each
of the above-referenced cases. Included is a stamped envelope
for return of endorsed copies to me.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.


Ernest L. Carroll

ELC:kth
Enclosures

BEFORE THE OIL CONSERVATION DIVISION
OF THE STATE OF NEW MEXICO

RECEIVED
OCT 29 1993

IN THE MATTER OF THE APPLICATION OF :
HARVEY E. YATES COMPANY FOR COMPULSORY :
POOLING, LEA COUNTY, NEW MEXICO : CASE NO. 10839
:

CERTIFICATE OF MAILING
AND
COMPLIANCE WITH RULE 1207

In accordance with Division Rule 1207, I hereby certify that on September 15, 1993, copies of the Application filed in and the transmittal letter providing of notice of the hearing of the above-referenced case were mailed, at least twenty days prior to hearings set for October 7, 1993, to the interested parties listed in Exhibit "A".

Also attached hereto are a representative copy of said correspondence and return receipt cards from each interested party as Exhibit "B".

By: *Ernest L. Carroll*
Ernest L. Carroll

LOSEE, CARSON, HAAS & CARROLL, P.A.
P. O. Drawer 239
Artesia, New Mexico 88211-0239

Attorneys for Applicant

STATE OF NEW MEXICO)
: ss.
COUNTY OF EDDY)

SUBSCRIBED AND SWORN TO before me this September 28,
1993.

Kathy J. Waldeman
Notary Public

My commission expires:
11-17-93

Marathon Oil Co.
P. O. Box 552
Midland, TX 79702
Attn: Wayne Ransbotton

Charles M. Moon, Jr.
100 North Creek
Suite 103
3715 Northside Parkway NW
Atlanta, GA 30327

EXHIBIT "A"

LAW OFFICES

LOSEE, CARSON, HAAS & CARROLL, P. A.

ERNEST L. CARROLL
JOEL M. CARSON
DEAN B. CROSS
JAMES E. HAAS
A. J. LOSEE
MARY LYNN BOGLE

300 YATES PETROLEUM BUILDING
P. O. DRAWER 239
ARTESIA, NEW MEXICO 88211-0239

TELEPHONE
(505) 746-3505
TELECOPY
(505) 746-6318

September 15, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles M. Moon, Jr.
100 North Creek, Suite 103
3715 Northside Parkway, NW
Atlanta, GA 30327

Re: Applications of Harvey E. Yates Co. for
Compulsory Pooling:

Ekay 28 State #1, E/2 Sec. 28, T-18-S,
R-34-E, N.M.P.M., Lea County, New Mexico

Ekay 28 State #4, W/2 Sec. 28, T-18-S,
R-34-E, N.M.P.M., Lea County, New Mexico

Dear Mr. Moon:

This office represents Harvey E. Yates Co. On September 14, 1993, the above-referenced Applications were sent for filing, with the request that said applications be heard by the New Mexico OCD on October 7, 1993. A copy of each application is enclosed herewith.

Be advised that any party wishing to appear must file a prehearing statement by the Friday prior to the date of hearing, and any party wishing to receive other parties' prehearing statements or pleadings must file an entry of appearance. If you do not intend to protest said Applications, enclosed you will find a waiver for each application, whereby you can make that decision known. Please return the waivers to us as soon as possible.

P 083 927 249

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.

Ernest I. Carroll
Ernest I. Carroll



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <i>Charles M. Moon, Jr.</i>	
Street and No.	
P.O. State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	

Deleted on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this card to the front of the mailpiece, or on the back if space does not permit.
- Attach to the front of the mailpiece, or on the back if space does not permit.
- Attach to the front of the mailpiece, or on the back if space does not permit.
- Attach to the front of the mailpiece, or on the back if space does not permit.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
 - Restricted Delivery
- Consult postmaster for fee.

Article number and the date

4a. Article Number

P 083 927 249

EXHIBIT B

Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Marathon Oil Co.
 P. O. Box 552
 Midland, TX 79702
 Attn: Wayne Ransbottom

4a. Article Number
 P 083 927 245

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery
 SEP 17 1993

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)
 [Signature]

PS Form 3811, December 1991 *U.S. GPO: 1992-323-402 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Charles M. Moon, Jr.
 700 North Creek
 Suite 103
 3715 Northside Parkway
 NW Atlanta GA 30327

4a. Article Number
 P 083 927 249

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery
 SEP 17 1993

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)
 [Signature]

PS Form 3811, December 1991 *U.S. GPO: 1992-323-402 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

KELLAHIN AND KELLAHIN

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

W. THOMAS KELLAHIN*

*NEW MEXICO BOARD OF LEGAL SPECIALIZATION
RECOGNIZED SPECIALIST IN THE AREA OF
NATURAL RESOURCES-OIL AND GAS LAW

TELEPHONE (505) 982-4285

TELEFAX (505) 982-2047

JASON KELLAHIN (RETIRED 1991)

October 12, 1993

HAND DELIVERED

William J. LeMay
Oil Conservation Division
310 Old Santa Fe Trail
Santa Fe, New Mexico 87504

Re: NMOCD Case 10839
Ekay 28 State Well No 1
Application of Harvey E. Yates Company
for Compulsory Pooling
Lea County, New Mexico

Dear Mr. LeMay:

On behalf of Marathon Oil Company, please find enclosed our Entry of Appearance and Motion for a Continuance of the referenced case.

Very truly yours,



W. Thomas Kellahin

cc: Thomas C. Lowry, Esq.
Marathon Oil Company

cc: William F. Carr, Esq.
Attorney for Heyco

*ok to
continue
file has been
to Council*

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

IN THE MATTER OF THE APPLICATION
OF HARVEY E. YATES COMPANY FOR
COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO

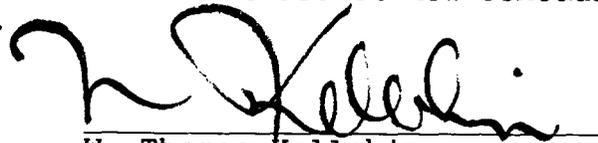
CASE NO. 10839

ENTRY OF APPEARANCE
AND
MOTION FOR CONTINUANCE

Comes now Marathon Oil Company, by its attorneys, Kellahin and Kellahin, and enters its appearance in this case.

At the request of the Applicant this case is currently set on the Examiner's docket now scheduled for November 18, 1993. Counsel for Marathon Oil Company is not available for this hearing date due to prior commitments.

Accordingly, Marathon Oil Company requests that this case be continued to the Examiner's docket now scheduled for December 2, 1993.



W. Thomas Kellahin
Kellahin & Kellahin
P. O. Box 2265
Santa Fe, New Mexico 87504
(505) 982-4285

LAW OFFICES

LOSEE, CARSON, HAAS & CARROLL, P. A.
300 YATES PETROLEUM BUILDING
P. O. DRAWER 239
ARTESIA, NEW MEXICO 88211-0239

Ms. Kandy Haldeman
Losee, Carson, Haas & Carroll, P. A.
P. O. Drawer 239
Artesia, NM 88211-0239

LAW OFFICES

LOSEE, CARSON, HAAS & CARROLL, P. A.

ERNEST L. CARROLL
JOEL M. CARSON
DEAN B. CROSS
JAMES E. HAAS
A. J. LOSEE
MARY LYNN BOGLE

300 YATES PETROLEUM BUILDING
P. O. DRAWER 239
ARTESIA, NEW MEXICO 88211-0239

TELEPHONE
(505) 746-3505
TELECOPY
(505) 746-6316

November 29, 1993

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

Re: In the Matter of the Application of Harvey E.
Yates Company for Compulsory Pooling/Case No.
10839

Dear Mr. LeMay:

Enclosed for filing, please find an original plus one copy of
HEYCO's Amended Application in Case No. 10839. As we indicated
to Florene, the Application in Case No. 10840 is withdrawn.

We would ask that this matter be set for hearing on January 6,
1993, and that we be provided with a copy of the docket. Thank
you.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.



Ernest L. Carroll

ELC:kth
Enclosures

xc w/encl: Shari Darr, HEYCO
Tom Kellahin

LAW OFFICES
LOSEE, CARSON, HAAS & CARROLL, P. A.
300 YATES PETROLEUM BUILDING
P. O. DRAWER 239
ARTESIA, NEW MEXICO 88211-0239

RECEIVED
TELEPHONE
(505) 746-3505
TELECOPY
(505) 746-6316
DEC 29 9 16 AM '93

ERNEST L. CARROLL
JOEL M. CARSON
DEAN B. CROSS
JAMES E. HAAS
A. J. LOSEE
MARY LYNN BOGLE

December 28, 1993

Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

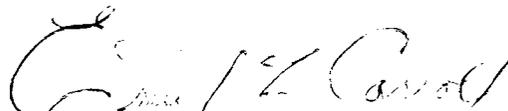
Re: In the Matter of the Application of Harvey E.
Yates Company for Compulsory Pooling/Case No.
10839

Dear Mr. LeMay:

Enclosed for filing, please find an original plus one copy each
of HEYCO's Certificate of Mailing and Compliance with Rule 1207,
Prehearing Statement, and Waivers of Elk Oil Co. and Ziadrill,
Inc.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.


Ernest L. Carroll

ELC:kth
Enclosures

xc w/encl: Shari Darr, HEYCO
Tom Kellahin

Elk Oil Co.
P. O. Box 310
Roswell, NM 88201
Attn: Joe Kelly

ZiaDrill, Inc.
Attn: Ken McPeters
P. O. Box 1860
Hobbs, NM 88240

Marathon Oil Co.
P. O. Box 552
Midland, TX 79702
Attn: Wayne Ransbotton

Conoco, Inc.
Suite 100W
10 Desta Drive
Midland, TX 79705-9982
Attn: Land Dept.

R.E. Harding, Jr. Trusts
P. O. Box 98
Mineral Wells, TX 76067
Attn: John P. Ritchie

Ms. Joan Fontaine
229A Lower Walden
Carmel, CA 93923

Charles M. Moon, Jr.
100 North Creek
Suite 103
3715 Northside Parkway NW
Atlanta, GA 30327

LAW OFFICES

LOSEE, CARSON, HAAS & CARROLL, P. A.

ERNEST L. CARROLL
JOEL M. CARSON
DEAN B. CROSS
JAMES E. HAAS
A. J. LOSEE
MARY LYNN BOGLE

300 YATES PETROLEUM BUILDING
P. O. DRAWER 239
ARTESIA, NEW MEXICO 88211-0239

TELEPHONE
(505) 746-3505
TELECOPY
(505) 746-6316

November 30, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles M. Moon, Jr.
100 North Creek, Suite 103
3715 Northside Parkway, NW
Atlanta, GA 30327

Re: Application of Harvey E. Yates Co. for Com-
pulsory Pooling: Ekay 28 State #1, Sec. 28,
T-18-S, R-34-E, N.M.P.M., Lea County, New
Mexico/Case No. 10839

Dear Mr. Moon:

Please be advised that this office has filed the enclosed Amended Application with the OCD, and requested that the hearing date of December 2, 1993, be postponed to January 6, 1993. The application in Case No. 10840 has been withdrawn.

As previously indicated, any party wishing to appear must file a prehearing statement by the Friday prior to the date of hearing, and any party wishing to receive other parties' prehearing statements or pleadings must file an entry of appearance. If you do not intend to protest said Applications, enclosed you will find a waiver for each application, whereby you can make that decision known.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.



Ernest L. Carroll

ELC:kth
Enclosures

PS Form 3811, December 1991 #U.S. GPO: 1993-352-714

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
 Mangham D. J. Co.
 P.O. Box 552
 Midland, TX 79702
 Attn: Wayne Ransbottom

4a. Article Number: P 083 921 927

4b. Service Type:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery: NOV 30 1993

8. Addressee's Address (Only if requested and fee is paid)

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 #U.S. GPO: 1993-352-714

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
 316 D. J. Co.
 P.O. Box 310
 Rowell, NM 88201
 Attn: See Kelly

4a. Article Number: P 083 921 957

4b. Service Type:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery: NOV 30 1993

8. Addressee's Address (Only if requested and fee is paid)

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 #U.S. GPO: 1993-352-714

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
 Zia Drill, Inc.
 P.O. Box 1860
 Hobbs, NM 88240
 Attn: Ken McBeth

4a. Article Number: P 083 921 958

4b. Service Type:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery: 12-1-93

8. Addressee's Address (Only if requested and fee is paid)

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 #U.S. GPO: 1993-352-714

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
 Charles M. Moon, Jr.
 100 North Creek, Ste. 103
 3715 Northside Parkway
 Atlanta, GA 30327 NE

4a. Article Number: P 083 921 928

4b. Service Type:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery: NOV 30 1993

8. Addressee's Address (Only if requested and fee is paid)

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 #U.S. GPO: 1993-352-714

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
 Conoco, Inc.
 Suite 100W
 10 Dista Drive
 Midland, TX 79705 9982

4a. Article Number: P 083 921 959

4b. Service Type:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery: 12-3-93

8. Addressee's Address (Only if requested and fee is paid)

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 #U.S. GPO: 1993-352-714

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
 R.E. Harding, Jr. Jewels
 P.O. Box 98
 Mineral Wells, TX 76067
 Attn: John Ritchie

4a. Article Number: P 083 921 960

4b. Service Type:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery: 12-3-93

8. Addressee's Address (Only if requested and fee is paid)

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 #U.S. GPO: 1993-352-714

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
 Ms. Jan Fontaine
 229 A Lower Walden
 Carmel, CA 93923

4a. Article Number: P 083 921 961

4b. Service Type:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery: 12-1-93

8. Addressee's Address (Only if requested and fee is paid)

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

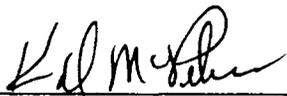
Thank you for using Return Receipt Service.

BEFORE THE OIL CONSERVATION DIVISION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE APPLICATION OF :
HARVEY E. YATES COMPANY FOR COMPULSORY :
POOLING, LEA COUNTY, NEW MEXICO : CASE NO. 10839
_____ :

ZIADRILL, INC. has no objections to Harvey E. Yates Company's drilling its proposed Ekay 28 State #1 Well at a location 1,980' from the South line and 1,980' from the East line of Section 28, Lea County, New Mexico, and the pooling of all mineral interests in the Morrow formation underlying said Section 28.

ZIADRILL, INC.

By: 

Date 12-2-93

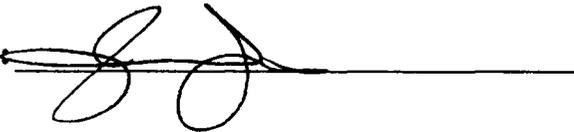
BEFORE THE OIL CONSERVATION DIVISION
OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE APPLICATION OF :
HARVEY E. YATES COMPANY FOR COMPULSORY :
POOLING, LEA COUNTY, NEW MEXICO : CASE NO. 10839
_____ :

ELK OIL CO. has no objections to Harvey E. Yates Company's drilling its proposed Ekay 28 State #1 Well at a location 1,980' from the South line and 1,980' from the East line of Section 28, Lea County, New Mexico, and the pooling of all mineral interests in the Morrow formation underlying said Section 28.

ELK OIL CO.

By



Date

December 2, 1993

**BEFORE THE OIL CONSERVATION DIVISION
OF THE STATE OF NEW MEXICO**

**IN THE MATTER OF THE APPLICATION OF :
HARVEY E. YATES COMPANY FOR COMPULSORY :
POOLING, LEA COUNTY, NEW MEXICO : CASE NO. 10839
:**

PREHEARING STATEMENT

This prehearing statement is submitted by Harvey E. Yates Co., as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT	ATTORNEY
Harvey E. Yates Company P. O. Box 1933 Roswell, New Mexico 88201 (505)623-6601	Ernest L. Carroll Losee, Carson, Haas & Carroll, P.A. P. O. Drawer 239 Artesia, New Mexico 88211-0239 (505)746-3505

OPPOSITION OR OTHER PARTY	ATTORNEY
See attached Exhibit "A"	No attorneys are known

STATEMENT OF CASE

APPLICANT

Applicant has the right to drill its Ekay 28 State #1, which is to be located in Section 28, Township 18 South, Range 34 East, N.M.P.M., Unit J, Lea County, New Mexico. Said well shall be located 1,980' from the South line and 1,980' from the East line of said Section 28. Applicant seeks to form a 640-acre spacing unit for the well, which will be drilled to a depth of 13,640' to adequately test the Morrow formation. Applicant has dedicated Section 28 to this well, and there are interest owners who have not agreed to pool their interest. Applicant should be designated operator of the well and proration unit.

OPPOSITION OR OTHER PARTY

See attached Exhibit "A", which sets out the interest owners; to date, Waivers have been received from Elk Oil Co. and Ziadrill, Inc.

PROPOSED EVIDENCE

APPLICANT

WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
Shari Darr, Landman	10	3
Larry Brooks, Geologist	20	4

OPPOSITION

Unknown

LOSEE, CARSON, HAAS & CARROLL, P.A.

By: 
Ernest L. Carroll
P. O. Drawer 239
Artesia, New Mexico 88211-0239
(505) 746-3505

Attorneys for Applicant, Harvey E. Yates Co.

Elk Oil Co.
P. O. Box 310
Roswell, NM 88201
Attn: Joe Kelly

ZiaDrill, Inc.
Attn: Ken McPeters
P. O. Box 1860
Hobbs, NM 88240

Marathon Oil Co.
P. O. Box 552
Midland, TX 79702
Attn: Wayne Ransbotton

Conoco, Inc.
Suite 100W
10 Desta Drive
Midland, TX 79705-9982
Attn: Land Dept.

R.E. Harding, Jr. Trusts
P. O. Box 98
Mineral Wells, TX 76067
Attn: John P. Ritchie

Ms. Joan Fontaine
229A Lower Walden
Carmel, CA 93923

Charles M. Moon, Jr.
100 North Creek
Suite 103
3715 Northside Parkway NW
Atlanta, GA 30327

NEW MEXICO OIL CONSERVATION DIVISION
RECEIVED

LAW OFFICES

LOSEE, CARSON, HAAS & CARROLL, P. A.

ERNEST L. CARROLL
JOEL M. CARSON
DEAN B. CROSS
JAMES E. HAAS
A. J. LOSEE

300 YATES PETROLEUM BUILDING
P. O. DRAWER 239
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MARY LYNN BOGLE

December 30, 1993

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

Re: In the Matter of the Application of Harvey E.
Yates Company for Compulsory Pooling/Case No.
10839

Dear Mr. LeMay:

HEYCO has asked that we request a continuance of the January 6, 1994, hearing date to the January 20, 1994, docket. We have advised Sally of that request this date, and this letter serves to confirm that request.

Thank you very much.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.

Ernest L. Carroll *KTH*

ELC:kth
Enclosures

xc w/encl: Shari Darr, HEYCO
Tom Kellahin

AL CONSERVATION DIVISION LAW OFFICES
LOSEE, CARSON, HAAS & CARROLL, P. A.
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ARTESIA, NEW MEXICO 88211-0239
DRAWER 239
'94 JAN 20 AM 8 55

ERNEST L. CARROLL
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A. J. LOSEE
MARY LYNN BOGLE

TELEPHONE
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January 19, 1994

Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

Attn: Florene

Re: In the Matter of the Application of Harvey E.
Yates Company for Compulsory Pooling/Case No.
10839

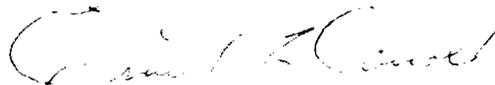
Dear Mr. LeMay:

HEYCO has asked that we request a continuance of the above-referenced case to the hearing date of February 17, 1994. This letter serves to confirm my secretary's conversation to that effect with Florene today.

Thank you very much.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.


Ernest L. Carroll

ELC:kth
~~Enclosures~~

xc w/enci: Shari Darr, HEYCO
Tom Kellahin

LAW OFFICES

LOSEE, CARSON, HAAS & CARROLL, P. A.

ERNEST L. CARROLL
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February 8, 1994

M.S.

1994 FEB 11 PM 8 35

Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

Attn: Florene

Re: In the Matter of the Application of Harvey E.
Yates Company for Compulsory Pooling/Case No.
10839

Dear Mr. LeMay:

HEYCO has asked that we once again request a continuance of the above-referenced case, this time to the hearing date of March 31, 1994. If that is not a valid hearing day, please advise.

Thank you very much.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.

Ernest L. Carroll
Ernest L. Carroll

ELC:kth
~~Enclosures~~

xc w/encl: Shari Darr, HEYCO
Tom Kellahin

LAW OFFICES

LOSEE, CARSON, HAAS & CARROLL, P. A.

ERNEST L. CARROLL
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MARY LYNN BOGLE

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March 16, 1994

WJL

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Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

Attn: Florene

Re: In the Matter of the Application of Harvey E.
Yates Company for Compulsory Pooling/Case No.
10839

Dear Mr. LeMay:

HEYCO has asked that we once again request a continuance of the above-referenced case, this time to the hearing date of April 14, 1994. If that is not a valid hearing day, please advise.

Thank you very much.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.

Ernest L. Carroll

Ernest L. Carroll

ELC:kth
~~Enclosures~~

xc w/enc: Shari Darr, HEYCO
Tom Kellahin

OIL CONSERVATION DIVISION
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LAW OFFICES '94 APR 7 AM 8 49
LOSEE, CARSON, HAAS & CARROLL, P.A.

ERNEST L. CARROLL
JOEL M. CARSON
DEAN B. CROSS
JAMES E. HAAS
A. J. LOSEE
MARY LYNN BOGLE

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April 4, 1994

Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

Attn: Florene

Re: In the Matter of the Application of Harvey E.
Yates Company for Compulsory Pooling/Case No.
10839

Dear Mr. LeMay:

HEYCO has asked that we once again request a continuance of the above-referenced case, this time to the hearing date of May 26, 1994. If that is not a valid hearing day, please advise.

Thank you very much.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.

Ernest L. Carroll

ELC:kth

xc w/encl: Shari Darr, HEYCO
Tom Kellahin

LAW OFFICES

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OIL CONSERVATION DIVISION
MAY 23 1994 8 50
LOSEE, CARSON, HAAS & CARROLL, P. A.
300 YATES PETROLEUM BUILDING
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May 20, 1994

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

Re: In the Matter of the Application of Harvey E.
Yates Company for Compulsory Pooling, No.
10839

Dear Mr. LeMay:

On behalf of HEYCO, I would ask that the above-referenced cause of action be continued to the June 9, 1994, hearing date. The other HEYCO case, 10976, should stay on the docket.

Thank you for your assistance.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.


Ernest L. Carroll

ELC:kth

LAW OFFICES
LOSEE, CARSON, HAAS & CARROLL, P. A.
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June 3, 1994

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. William J. LeMay, Director
New Mexico Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

Re: In the Matter of the Application of Harvey E.
Yates Company for Compulsory Pooling, No.
10839

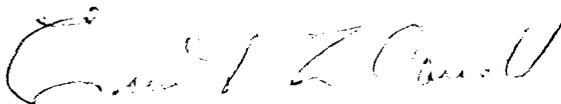
Dear Mr. LeMay:

On behalf of HEYCO, I would ask that the above-referenced cause of
action be dismissed.

Thank you for your assistance.

Very truly yours,

LOSEE, CARSON, HAAS & CARROLL, P.A.


Ernest L. Carroll

ELC:kth

xc: Shari Darr
Tom Kellahin, Esq.



STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION



BRUCE KING
GOVERNOR

ANITA LOCKWOOD
CABINET SECRETARY

POST OFFICE BOX 2088
STATE LAND OFFICE BUILDING
SANTA FE, NEW MEXICO 87504
(505) 827-5800

June 15, 1994

LOSEE, CARSON, HAAS & CARROLL
Attorneys at Law
P. O. Drawer 239
Artesia, New Mexico 88211-0239

RE: CASE NO. 10839
ORDER NO. R-10130

Dear Sir:

Enclosed herewith are two copies of the above-referenced Division order recently entered in the subject case.

Sincerely,


Sally E. Martinez
Administrative Secretary

Enclosure

cc: BLM - Carlsbad
Tom Kellahin