



New Mexico Energy, Minerals and Natural Resources Department

Bill Richardson

Governor

Joanna Prukop
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Deputy Cabinet Secretary

Mark Fesmire
Division Director
Oil Conservation Division



March 11, 2009

Mr. William F. Carr
Holland & Hart, LLP
P.O. Box 2208
Santa Fe, NM 87504

Administrative Order NSP-1930

**Re: Yates Petroleum Corporation
Elyasevich BMG Com. Well No. 1
API No. 30-015-36659
S/2 of Section 25 and all of
Irregular Section 36-26S-23E
Eddy County, New Mexico**

Dear Mr. Carr:

Reference is made to the following:

(a) your application (**administrative application reference No. pKAA09-04350169**) submitted to the New Mexico Oil Conservation Division (the Division) in Santa Fe, New Mexico on February 12, 2009, on behalf of Yates Petroleum Corporation (Yates); and

(b) the Division's records pertinent to Yates' request.

Yates has requested approval of a non-standard 414.25-acre gas spacing unit, consisting of the S/2 of Section 25 and all of Irregular Section 36, Township 26 South, Range 23 East, NMPM, in Eddy County, New Mexico, in all pools and formations now or hereafter spaced on 320 acres. This unit is not included in any existing deep gas pool. Accordingly spacing in all deep gas formations, including but not necessarily limited to the Strawn, Atoka, Morrow, Barnett Shale, Mississippian Lime and Devonian, is governed by statewide Rule 15.10.B, which provides for 320-acre units for wildcat deep gas wells.

The proposed non-standard gas spacing unit will be dedicated to Yates' Elyasevich BMG Com. Well No. 1 (API No. 30-015-36659) to be located 660 feet from the South line and 660 feet from the East line (Unit P) of Section 25, Township 26 South, Range 23 East, NMPM in Eddy County, New Mexico.

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Your application on behalf of Yates has been duly filed under the provisions of Division Rules 15.11.B(2) and 4.12.A(3).

We understand that you are seeking establishment of this non-standard unit due to irregularities in the official surveys, and specifically due to the small size of Irregular Section 36, which contains only 93.73 acres, and would otherwise not be entitled to a well in pools or formations spaced on 320 acres.

No tract in the S/2 of Section 25 or in Section 36 is excluded from the proposed unit. All working interest owners in the proposed unit have committed their interests to the proposed well. Accordingly no notice of this application is necessary.

Pursuant to the authority granted me under the provisions of Rule 15.11.B(2), the above-described non-standard 414.25-acre gas spacing unit is hereby approved.

Jurisdiction of this case is retained for the entry of such further orders as the Division may deem necessary.

Sincerely,



Mark E. Fesmire, P.E.
Director

MEF/db

cc: New Mexico Oil Conservation Division - Artesia
New Mexico State Land Office - Santa Fe