



**Michael H. Feldewert**  
Recognized Specialist in the Area of  
Natural Resources -oil and gas law -  
New Mexico Board of Legal  
Specialization

mfeldewert@hollandhart.com  
47186-0011

August 25, 2009

**VIA HAND DELIVERY**

Mark E. Fesmire, Director  
Oil Conservation Division  
New Mexico Energy, Minerals &  
Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87504

**Re: Case No. 14367: Application of Yates Petroleum Corporation for a non-standard proration spacing unit, compulsory pooling and rescission of a permit to drill [Derbi DOB Com Well No. 1-H], Chaves County, New Mexico**

Dear Mr. Fesmire:

This matter, which includes the Application filed by Yates Petroleum and a Motion to Dismiss filed by Marshall & Winston, is currently scheduled for the September 3rd Examiner docket. The parties have been in discussion and believe that they have reached an agreement resolving all issues. However, no formal agreement has been finalized. Accordingly, Yates Petroleum requests that this matter be continued to the September 17th Examiner docket. The attorney for Marshall & Winston, Thomas Kellahin, has been contacted and does not oppose this request.

Thank you for your attention in this matter.

Sincerely,

Michael H. Feldewert

cc: W. Thomas Kellahin, Esq.

**Holland & Hart LLP**

Phone [505] 988-4421 Fax [505] 983-6043 [www.hollandhart.com](http://www.hollandhart.com)

110 North Guadalupe Suite 1 Santa Fe, NM 87501 **Mailing Address** P.O. Box 2208 Santa Fe, NM 87504-2208

Aspen Billings Boise Boulder Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Salt Lake City Santa Fe Washington, D.C.