

3. That a copy of said Notice of intention to drill and plat were mailed by registered mail to Southwest Potash Corporation, the potash lessee holding a lease on land within one mile of said proposed well location. That on November 22, 1961, Southwest Potash Corporation did protest the drilling of the well at the proposed location since it is over the open mine workings and within the surface plant area, a copy of said protest being attached as Exhibit "C" and by reference made a part hereof.

4. That Applicant waives the arbitration conference provided for in Commission Order No. R-111-A and requests that this matter be set for hearing. That Southwest Potash Corporation has orally advised the Applicant that it likewise waives the arbitration conference.

WHEREFORE, Applicant prays the order of the Commission, as follows:

a) That this matter be set for hearing before the Commission and due notice be given thereof as required by law.

b) That the Commission approve the NE/4 SE/4 Section 9, Township 19 South, Range 30 East, N.M.P.M., Eddy County, New Mexico, as a drilling location for Applicant within the Potash-Oil Area as defined by Commission Order No. R-111-A.

c) And for such other relief as may be just in the premises.

HARVEY E. YATES

By


A. J. Losee of
LOSEE AND STEWART
P. O. Drawer 239
Artesia, New Mexico