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

IN THE MATTER OF THE APPLICATION OF YATES ENERGY CORPORATION FOR COMPULSORY POOLING EDDY COUNTY, NEW MEXICO

CASE NO. 10281

AFFIDAVIT

STATE OF NEW MEXICO)
) ss
COUNTY OF SANTA FE)

ERNEST L. PADILLA, attorney in fact and authorized representative of Yates Energy Corporation, the Applicant herein, being first duly sworn, upon oath, states that the notice provisions of Rule 1207 of the New Mexico Oil Conservation Division have been complied with, that Applicant has caused to be conducted in good faith diligent effort to find the correct addresses of all interested persons entitled to receive notice as shown by Exhibit "A" attached hereto, and that pursuant to Rule 1207, notice has been given at the correct addresses provided by such rule.

Ernest L. Padilla

SUBSCRIBED AND SWORN to before me this 30th day of April, 1991.

Notary Public

My commission expires:

Exh #7 Case 281

PARTIES FOR NOTICE PURPOSES:

Heyco Employees, Ltd. P. O. Box 1933 Roswell, New Mexico 88202

Explorers Petroleum Corporation P. O. Box 1933 Roswell, New Mexico 88202

Spiral, Inc. P. O. Box 1933 Roswell, New Mexico 88202

Chevron U.S.A., Inc. P. O. Box 1150 Midland, Texas 79702

W. T. Wynn 1603 West Dengar Midland, Texas 79705

Harvey E. Yates Company Post Office Box 1933 Roswell, New Mexico 83202

James H. Yates, Inc. 906 South St. Francis Drive, Suite C Santa Fe, New Mexico 87501

Colkelan Corporation 906 South St. Francis Drive, Suite C Santa Fe, New Mexico 87501

347.11/9

PADILLA & SNYDER

ATTORNEYS AT LAW

200 W. MARCY, SUITE 216

P.O. BOX 2523

SANTA FE. NEW MEXICO 87504-2523

ERNEST L PADILLA

FAX 988-7592 AREA CODE 505

(505) 988-7577

March 19, 1991

CERTIFIED MAIL RETURN RECEIPT REQUESTED

TO:

ALL WORKING INTEREST OWNERS AND NON-CONSENTING WORKING INTEREST OWNERS (See attached list)

RE:

Notice of Yates Energy Corporation's Application for Compulsory Pooling,

East Prickly Pear Federal #1 Well, Eddy County,

New Mexico

Pursuant to the Rules and Regulations of the General Rules of the Oil Conservation Division of New Mexico, notice is hereby given of the above-referenced application. You may protest the enclosed application by appearing at the hearing of this application which will be heard on April 18, 1991, beginning at the hour of 8:15 a.m., at the offices of the Oil Conservation Division, State Land Office Building, 310 Old Santa Fe Trail, Santa Fe, New Mexico.

Very truly yours,

Ernest L. Padilla

ELP:pmc

Enclosure: Copy of Application

List of Owners

347.11

PARTIES FOR NOTICE PURPOSES:

P. O. Box 1933
Roswell, New Mexico 88202

Explorers Petroleum Corporation \checkmark P. O. Box 1933
Roswell, New Mexico 88202

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Colkelan Corporation 906 South St. Francis Drive, Suite C Santa Fe, New Mexico 87501

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BEFORE THE OIL CONSERVATION DIVISION

OF THE STATE OF NEW MEXICO

IN THE MATTER OF THE APPLICATION OF YATES ENERGY CORPORATION FOR) CASE NO.	
COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO)	

APPLICATION

COMES NOW, YATES ENERGY CORPORATION, by and through its attorneys, Padilla & Snyder, Attorneys At Law, and in support hereof, respectfully states:

- 1. Applicant has the right to drill its East Prickly Pear Federal #1 Well to test the Delaware Formation at an approximate total depth of 6,100 feet below the surface of the earth, underlying the SE/4NE/4 Section 12, Township 18 South, Range 31 East, N.M.P.M., Eddy County, New Mexico to form a standard 40-acre oil spacing and proration unit dedicated to a well to be drilled at a standard oil well location.
- 2. The applicant has dedicated the SE/4NE/4 of said section to this well, and there are interest owners in the proration unit who have not agreed to pool their interests.

- 3. Applicant should be designated the operator of the well and the proration unit.
- 4. To avoid the drilling of unnecessary wells, to protect correlative rights and to afford to the owner of each interest in said unit, the opportunity to recover or receive without unnecessary expense, his just and fair share of the oil in said unit, all mineral interests, whatever they may be, from the surface to the base of the Delaware Formation underlying the SE/4NE/4 of said Section 12 should be pooled.
- 5. That any non-consenting working interest owner that does not pay his share of estimated well costs should have withheld from production his share of the reasonable well costs, plus an additional 200% thereof as a reasonable charge for the risk involved in the drilling of the well.
- 6. Applicant should be authorized to withhold from production the proportionate share of a reasonable supervision charge for drilling and producing wells attributable to each non-consenting working interest owner.

WHEREFORE, applicant prays that:

A. This application be set for hearing before an examiner and that notice of said hearing be given as required by law.

- B. Upon hearing, the Division enter its order pooling all mineral interest, whatever they may be, from the surface to the base of the Delaware Formation underlying the SE/4 NE/4 of said Section 12 Township 18 South, Range 31 East, N.M.P.M., Eddy County, New Mexico, to form a 40 acre spacing unit dedicated to applicant's well.
- C. And for such other relief as may be just in the premises.

YATES ENERGY CORPORATION

By:

Ernest L. Padilla

PADILLA & SNYDER P. O. Box 2523

Santa Fe, New Mexico 87504-2523

Attorneys for Applicant

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