ΤO

LAW OFFICES

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

300 YATES PETROLEUM BUILDING P. O. DRAWER 239 ARTESIA, NEW MEXICO 88211-0239 TELEPHONE (505) 748-3505

TELECOPY (508) 748-8318

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

ERNEST L. CARROLL

September 14, 1993

10840

### 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

Dear Mr. LeMay:

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

- 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.

mult Conoll

Ernest L. Carroll

ELC: kth Enclosures

cc w/encl: Shari Darr

#### 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. 10840

#### <u>CERTIFICATE OF MAILING</u> <u>AND</u> <u>COMPLIANCE WITH RULE 1207</u>

29 [23]

C. C. ICENANS IS

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:

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 Xeptember 28, 1993. Pub My commission expires: 11-17-93

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

September 15, 1993

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Elk Oil Co. P. O. Box 310 Roswell, NM 88201

Attn: Joe Kelly

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

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

Gentlemen:

This office represents Harvey E. Yates Co. On September 14, 1993, the above-referenced Application was sent for filing, with the request that said application be heard by the New Mexico OCD on October 7, 1993. A copy of said 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 Application, enclosed you will find a waiver whereby you can make that decision known. Please return the waiver to us as soon as possible.

P 083 927 243

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**Receipt** for

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

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Very truly yours,

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

my L'and

<ul> <li>SENDER:</li> <li>Complete items 1 and/or 2 for additional services.</li> <li>Complete items 3, and 4a &amp; b.</li> <li>Print your name and address on the reverse of this form so return this card to you.</li> <li>Attach this form to the front of the mailpiece, or on the bac does not permit.</li> <li>Write "Return Receipt Requested" on the mailpiece below the right of the permit.</li> </ul>	k if space 1. Addressee's Address
EXHIBIT B	4a. Article Number D 083 927 243 4b. Service Type $\Box$ Registered $\Box$ Insured

SENDER: 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 return this card to you. • Attach this form to the front of the mailpace, or on the back if span does not permit. • Write "Return Receipt will show to whom the article nu • The Return Receipt will show to whom the article was delivered and the delivered. I also wish to receive the 1 also wish to receive the Complete items 1 and/or 2 for additional services Complete items 3, and 4s & b. following services (for an extra following services (for an extra Print your name and address on the reverse of this form so that we can rturn this card to you. fee): fee): 1. 🗋 Addressee's Address Attach this form to the front of the mailpiece, or on the back if space 1. 🛛 Addressee's Address es not permit. Write "Return Receipt Requested" on the mailpiece be 2. 🗋 Restricted Delivery 2. C Restricted Delivery 4a. Article Number 4a. Article Number ↓ D 083 927 242 4b. Service Type ☐ Registered ☐ Insured 次 Confided ☐ COD The Return Receipt Fee will provide you the signature of the person delivered and the date of delivery. Consult postmaster for fee. 4a. Article Number <u>P083</u> 427 243 4b. Service Type 3. Article Addressed to: R.E. Harding, J. Just 5 delivered. 3. Article Addressed to: EIK QII P.O. Bor 310 Insured Registered P.O. Box D Certified Certified Express Mail Return Receipt for Merchandise Wells TK Roswell, NM88201 Express Mail Return Receipt for Merchandise 
 Merchandise

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 minera 7. Date of Delivery 9-2-0-93 76067 Addressee's Address (Only if requested 5. Signature (Addressee) ALC: NO. 5. Signature (Addressee and fee is paid) 6. Signature (Agent) WWWWW P8 Form 3811, December 1991 #U.S. GPO: 1992-323-402 DOMESTIC RETURN RECEIP1 PS Form 3811, November 1990 + U.S. GPO: 1001-207-006 DOMESTIC RETURN RECEIPT SENDER: I also wish to receive th ENDEX: Complete items 1 and/or 2 for additional services. Complete items 3, and 4s & b. Print your name and address on the reverse of this form so that we can sturn this card to you. A trach this form to the front of the manipiece, or on the back if space following services (for an extra SENDER: GETEL/EM: Complete items 1 and/or 2 for additional services. Print your name and address on the reverse of this form so shum this card to you. Attach this form to the front of the mailpiece, or on the ba-loss not permit. fee); I also wish to receive the Prim year to you.
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 Attach this form to the front of the melipiece, or one of the second second performance of the second secon 1. 🗌 Addressee's Address following services (for an extra fee): 2. C Restricted Delivery £ 1. 🗌 Addressee's Address Consult postmaster for fee. 5 ite "Return Receipt Re 2. C Restricted Delivery Article Addressed to: Article Addressed to: Joan Fon Faine 22G A hower-Wilden Acticle Number D033.927 248 4b. Service Type Registereof Express Male Return Receipt for Merchandise 2. Out of Deliver 4a\_Article Number The Return Receipt Fee will provide you the signature of the pe and the date of delivery. Consult postmaster for fee. 4. Article Number <u>PO83927244</u> 4b. Service Type Registered Insured 3. Article Addressed to: Hoan Infaire Zia Drill, Inc. **NDDRESS** P. D. Box 1860 7. Date of Delivery 9-10-93 Certified 🗆 COD Carmel, CA 93923 Express Mail Return Receipt for Merchandise Hobbs, NM 8824 Addressee's Address (Only if request and fee is paid) 7. Date of Delivery 8. Add 7. Date of Delivery 8. Addresse's Address (Only if requested IN LA COLESSE aut Phature (Addressee) TAY Henry Anger fee is paid) / PS Form 3811, December 1991 #U.S. GPO: 1992-323-402 DOMESTIC RETURN RECEIL PS Form 3811, November 1990 +U.S. GPO: 1991-287-086 DOMESTIC RETURN RECEIPT SENDER: I also wish to receive t SENDER: • Complete stems 1 and/or 2 for additional services. • Complete stems 3, and 4a & b. • Print your name and address on the reverse of this form so that for a return this card to you. • Attach this form to the front of the malpiece, or on the back if space does not permit. following services (for an ex SENDER: fee): I-also wish to receive the 1. 🗌 Addressee's Addres Complete items 1 and/or 2 for additional services Complete items 3, and 4a & b. following services (for an extra Attach this form to the front of the manpiece, or or ne centre does not permit.
 Write "Return Receipt Requested" on the malpiece below the ar- The Return Receipt will show to whom the article was delivered Prink your name and address on the turn this card to you. 2. C Restricted Delivery fee): 1. Addressee's Address Attach this form to the front of the ma loss not permit. Consult postmaster for fee. 5 Write "Return Receipt R 3. Article Addressed to Article Number 4a. Article Number P 0 8 3 927 4b. Service Type Registered Certified Control Cont 2. C Restricted Delivery 249 The Return Receipt will ow to whom the article was delive Charles M. Moon, Jr. 400 North Creek Consult postmaster for fee. Article Number 3. Article Addressed to: 083 927 245 losured Marathon Dil Co. P. d. Box 552 COD 4b. Service Type Registered Express Mail 7. Bate of Delivery 8. Additional Sector Additional Additional Sector Additional Sector Additional Sector Additional Sector Additional Sector Additional Ad ž Auturn Receipt Insured 3715 Abrithside tarkun AU At (anta CA 303) 5. Signature (Addressee) SOS Arres (Only if requi Certified 🗆 COD ADDRESS Midland, TK 19702 Express Mail
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 Merchandise 7. Date of Delivery Attn: Wayne Kans botton 8. Addressee S Agg ss (Only if requested and fee is paid) 臣 6. Signature (Agent) Borm 3811, Dece aunam DOMESTIC RETURN REC 1992-323-402 PS Forry 3811, December er 1991 eU.S. GPO: 1992-323-402 DOMESTIC RETURN RECEIPT side? SENDER: I also wish to receive the Complete items 1 and/or 2 for additional services
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 Print your name and address on the reverse of this form so that we can following services (for an extra fee): return this card to you 1. 🗌 Addressee's Address 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. 2 Restricted Delivery ŝ. Consult postmaster for fee. 5 delivered. 3. Article Addressed to: 4a. Article Number POR392724U 4b. Sérvice Type Regatified □ Insured PCentried □ COD Express May □ Return Receipt for Merchandise 4a. Article Number 246 completed Conoco, Inc. Suite 100W ADDRESS 10 Desta Drive 7. Date of Delivery 6-93 79705-Midland, Th Signature (Addressee) 9982 B. Addressee's Address (Only if requested and fee is paid) 6. Signature Agent) (ANHC) LOTALL PS Form 3811, December 1999 +U.S. GPO: 184 +U.S. GPO: 1992-323-402 DOMESTIC RETURN RECEIPT

### KELLAHIN AND KELLAHIN

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

ATTORNEYS AT LAW EL PATIO BUILDING 117 NORTH GUADALUPE

W. THOMAS KELLAHIN\*

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

JASON KELLAHIN (RETIRED 1991)

October 12, 1993

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TELEPHONE (505) 982-4285 TELEFAX (505) 982-2047

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HAND DELIVERED

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

Re: NMOCD Case 10840 Ekay 28 State Well No 4 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.

Ven truly yours

W. Thomas Kellahin

- cc: Thomas C. Lowry, Esq. Marathon Oil Company
- cc: William F. Carr, Esq. Attorney for Heyco

## 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. 10840

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

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

December 3, 1993

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

# RE: CASE NO. 10840 ORDER NO. R-10029

Dear Sir:

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

Sincerely,

arting

Sally E. Martinez Administrative Secretary

Enclosure

cc: BLM - Carlsbad Tom Kellahin