

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION**

2009 SEP 15 AM 9:37

**IN THE MATTER OF THE APPLICATION
OF McELVAIN OIL & GAS PROPERTIES, INC.
FOR COMPULSORY POOLING,
RIO ARRIBA COUNTY, NEW MEXICO**

CASE NO. 13340

APPLICANT'S PRE-HEARING STATEMENT

Applicant hereby submits this Pre-Hearing Statement pursuant to the rules of the Oil Conservation Division.

APPEARANCES

APPLICANT

McElvain Oil & Gas Properties, Inc.
Attn: Denise Greer
1050 17th St., Suite 1800
Denver, CO 80265
303/893-0933

ATTORNEY

Michael H. Feldewert, Esq.
Holland & Hart, LLP
P. O. Box 2208
Santa Fe, NM 87504-2208
505/988-4421

OPPONENT

None

OPPONENT'S ATTORNEY

APPLICANT'S STATEMENT OF CASE

Applicant seeks an order pooling all uncommitted mineral interests in all formations from the surface to the base of the Mesaverde formation underlying the W/2 of Section 14, Township 25 North, Range 2 West, N.M.P.M., Rio Arriba County, New Mexico to form a standard 320-acre gas spacing and proration unit for all formations and/or pools developed on 320-acre spacing within that vertical extent, which includes but is not limited to the Blanco-Mesaverde Gas Pool. Said unit is to be dedicated to

applicant's proposed Badger Com 14 Well No. 1 to be drilled at a standard gas well location in Unit D of the NW/4 of said Section 14, at a point 785 feet from the north line and 1290 feet from the west line to a depth sufficient to test any and all formations to the base of the Mesaverde formation. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of applicant as operator of the well and a charge for risk involved in drilling said well. This area is located approximately 5 miles northeast of Lindreth, New Mexico.

APPLICANT'S PROPOSED EVIDENCE

WITNESS (Name and Expertise)	ESTIMATED TIME	EXHIBITS
Denise Greer (landman)	Approx. 10 minutes	Approx. 6

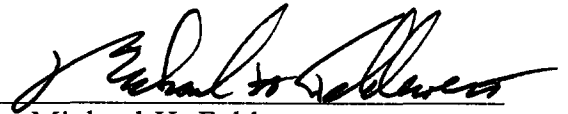
PROCEDURAL MATTERS

McElvain Oil & Gas Properties, Inc., has none at this time

Respectfully submitted,

HOLLAND & HART, LLP

By:



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Attorneys for McElvain Oil &
Gas Properties, Inc.