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December 12, 2005

HAND-DELIVERED

Mark E. Fesmire, P.E.
Director
Oil Conservation Division
New Mexico Energy, Minerals and
Natural Resources Department
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Case 13634

2005 DEC 12 PM 4 40

**Re: Applications of McElvain Oil & Gas Properties, Inc. for
compulsory pooling,
Wildwood Well No.: 2,
Wildwood Well No.: 3, and
Wildwood Well No.: 4
San Juan County, New Mexico.**

Dear Mr. Fesmire:

Enclosed is the application of McElvain Oil & Gas Properties, Inc. in the above-referenced cases as well as a copy of a legal advertisement. McElvain requests that these matters be placed on the docket for the January 19, 2006 Examiner hearings.

Sincerely,

Michael H. Feldewert

Enclosures

cc: Ms. Denise Greer
McElvain Oil & Gas Properties, Inc.

Holland & Hart LLP

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

**IN THE MATTER OF THE APPLICATION
OF MCELVAIN OIL & GAS PROPERTIES, INC.
FOR COMPULSORY POOLING,
SAN JUAN COUNTY, NEW MEXICO.**

2005 DEC 12 PM 4:41
CASE NO. 13634

APPLICATION

MCELVAIN OIL & GAS PROPERTIES, INC. ("McElvain"), through its undersigned attorneys, hereby makes application pursuant to the provisions of NMSA 1978, Section 70-2-17, for an order pooling all uncommitted mineral interests in all formations from the surface to the base of the Pictured Cliffs formation underlying the SW/4 of Section 5, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico, to form a standard 160-acre spacing and proration unit for all formations and/or pools developed on 160-acre spacing within that vertical extent which includes but is not necessarily limited to the Fulcher Kutz Pictured Cliffs Gas Pool. In support of this application McElvain states:

1. McElvain is a working interest owner in the SW/4 of Section 5 and has a right to drill thereon.
2. McElvain proposes to dedicate the above-referenced spacing or proration unit to its Wildwood Well No. 4, to be drilled at a standard location 895 feet from the South line and 1855 from the West line in the SE/4 SW/4 of Section 5 to test the Pictured Cliffs formation at a depth of approximately 1550 feet.
3. McElvain has sought and been unable to obtain a voluntary agreement for the development of these lands from the interest owners identified on Exhibit A to this application.
4. Said pooling of interests will avoid the drilling of unnecessary wells, will prevent waste and will protect correlative rights.
5. In order to permit McElvain the opportunity to obtain its just and fair share of the oil and gas underlying the subject lands, all mineral interests should be pooled, and McElvain should be designated the operator of the well.

WHEREFORE, McElvain requests that this application be set for hearing before an Examiner of the Oil Conservation Division on January 19, 2006, and, after notice and hearing as required by law, the Division enter its order:

- A. pooling all mineral interests in the subject spacing and proration unit;
- B. designating McElvain operator of the unit and the well to be drilled thereon;
- C. authorizing McElvain to recover its costs of deepening, equipping and re-completing the well;
- D. approving the actual operating charges and costs of supervision while drilling and after completion, together with a provision to adjust the rates pursuant to the COPAS accounting procedures; and
- E. imposing the 200% risk penalty provided by Division Rule 19.15.1.35 against any working interest owner who does not voluntarily participate in the drilling of this well.

Respectfully submitted,

HOLLAND & HART, LLP

By: 

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ATTORNEYS FOR MCELVAIN OIL &
GAS PROPERTIES, INC.

EXHIBIT A

**SW of Sec 5-T29N-R13W
Wildwood #4 well**

Robert L. Bayless, Jr.
621 17th Street,, Suite 1640
Denver, CO 80293-1601

Tommy Roberts, Trustee Under the
Robert L. Bayless and Bernice M. Bayless
Grandchildren's Trust Dated August 1, 1984
P.O. Box 129
Farmington, NM 87499

Cynthia B. Roberts
4104 Old Mission Road
Farmington, NM 87401

Price M. Bayless
P.O. Box 2387
Farmington, NM 87499

Elisabeth B. McCord
671 Cerrillos Drive
Farmington, NM 87401

Lance Oil & Gas Company
Attn: Gerald Sullivan
1099 18th Street, Suite 1200
Denver, CO 80202

Mr. Peter Muhs
Alamo Development Company
c/o Cooper, White & Cooper LLP
201 California Street, 17th Floor
San Francisco, CA 94111-5002

XTO Energy, Inc.
Attn.: Cris Spencer
810 Houston Street
Fort Worth, TX 76102

CASE 13634:

Application of McElvain Oil & Gas Properties, Inc. for compulsory pooling, San Juan County, New Mexico. Applicant in the above-styled cause seeks an order pooling all uncommitted mineral interests in all formations from the surface to the base of the Pictured Cliffs formation underlying the SW/4 of Section 5, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico, to form a standard 160-acre spacing and proration unit for all formations and/or pools developed on 160-acre spacing within this vertical extent including but not limited to the Fulcher Kutz Pictured Cliffs Gas Pool. This unit is to be dedicated to the Wildwood Well No. 4, to be drilled at a standard location 895 feet from the South line and 1855 feet from the West line in the SE/4 SW/4 of said Section 5 to test the Pictured Cliffs formation at a depth of approximately 1550 feet. 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, pursuant to NMRA 19.15.1.35, the imposition of a 200% risk charge against the working interest of any party that elects not to participate in this project. Said area is located approximately a half mile north of the Farmington Airport, New Mexico.