

October 15, 2007

State of New Mexico
Energy, Minerals and Natural Resources Department
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Re: Application of McElvain Oil & Gas Properties, Inc. for compulsory pooling, San Juan County, New Mexico

Subject: Drilling in the SW/4 of Section 3, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico

Ladies and Gentlemen:

The above referenced Application was filed regarding the Subject location for drilling. As officials representing the citizens, residents, and property owners of the effected area of Farmington, San Juan County, New Mexico, you are first responsible to protect those whom you represent. As a citizen, resident, and property owner in the close vicinity of the proposed drilling, please allow me to share my concerns and the concerns of many of my neighbors.

As a native and resident of petroleum producing areas of New Mexico for over 61 years, I have never heard of the McElvain organization nor have I heard of the approach they have taken in the above matter. Initially, the property owners were approached with a Certified mailing early this year offering the sum of approximately \$50 to compensate for their mineral rights to reopen an existing well near the intersection of 30th and Butler Avenues, not far from downtown Farmington. This is a relatively high-density residential and light commercial area. Directly north of that site and at the northwest corner of the intersection is a rather large apartment complex housing over 150 people. Many of us property owners were not excited by the proposition, and did not opt for the small compensation.

Subsequent to that, McElvain's attorneys sent another Certified mailing, apparently only to those who had not accepted the mineral rights offering. This would indicate that those who had accepted compensation for mineral rights had surrendered all rights regarding new drilling. That may be a legally binding position; however, those who had accepted the reopening of the old well were confused and not happy that they seemingly had no voice in future drilling in the neighborhood. The second Certified mailing of August 31, 2007, proposed drilling a new well called "Ruby No. 1" in the Subject area and offered recipients the opportunity to be a partner in the drilling of that well. According to the mailing, the well would be drilled to a depth of 1,672' at a projected cost of \$958,900 and participants could buy an estimated .07125% interest in the well for \$683.22. No mention, of course, is a standard provision of partnership law that if additional cost was incurred, all partners would have to participate in their shares of that cost or forfeit their

entire equity in the partnership venture. This could be fairly anticipated, as there are very few, if any, producing wells in the area with so shallow a depth as 1,672'. In all of my years around oilfields in southeastern and northwestern New Mexico, I have never seen or heard of such a proposal. I question the credibility of the McElvain Partnership and their proposal. Maybe I have been exposed too much to highly capitalized and highly credible companies such as Conoco/Phillips, BP, Chevron, and others.

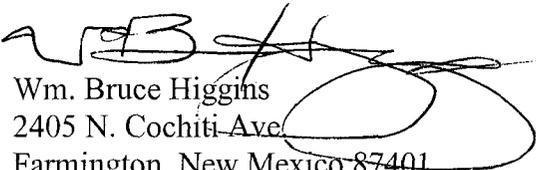
Besides these significant issues, the concern of the neighborhood is that the drilling is in a high-density residential area within the City Limits of Farmington. My home is approximately one-quarter mile from the proposed site. In the event of an explosion during the drilling, development, or production of the well, my life and home could be destroyed in an instant, along with many other lives and many other homes. Most of my neighbors and I believe that this is not the appropriate place for energy development. This neighborhood is full of children and adults of all ages who would find their lives at risk. Their homeowner insurance premiums could be expected to increase because of this risk. In addition, the quiet tranquility of this neighborhood would cease to exist due to the noise caused by the drilling equipment and later by the pumping equipment.

Besides the Ruby No. 1 well, it is rumored that McElvain is planning two more wells in the area, based upon mailings some of the property owners have received. This would further magnify the problems defined above.

Attached are petitions that have been signed by a relatively small percentage of residents in my neighborhood. These petitions were limited by the time available to prepare and circulate them. The residents are busy with jobs, children in school or are old and unable to become actively involved. As I spent approximately 2 hours and walked around only one block, I had over 80% sign the petition I carried. I believe that fairly represents the sentiment of the residents affected. Of the other 20%, most were oilfield employees who were afraid that their employer would learn of their sentiment, and that it would negatively effect their employment.

Before you approve this Application filed by McElvain, I respectfully request that you send a large and competent staff to circulate within the neighborhood affected to determine how the total population at risk really feels about the proposed drilling. Neither my neighbors nor I oppose energy development. The economies of San Juan County and Farmington are prospering and dependent upon energy development. This is simply not the place for it. Please do not act too quickly on the Application without considering and investigating these concerns.

Sincerely,


Wm. Bruce Higgins
2405 N. Cochiti Ave.
Farmington, New Mexico 87401

PETITION IN OPPOSITION

Re: McElvain Oil & Gas Properties, Inc. Drilling Proposal for Ruby #1 Well, Township 29 North, Range 13 West, N.M.P.M., Section 3: SW, City of Farmington, San Juan County, New Mexico.

We, the undersigned Residents of Farmington in the neighborhood adjoining the proposed well, hereby express our opposition to the drilling of this and any other wells in the populated areas of our community. We do not generally oppose the drilling and development of oil and gas resources; however, populated areas are not the appropriate place for such development.

Signature	Printed Name	Address	
Wm B Higgins	Wm Bruce Higgins	2405 N Cochiti Ave	10/5/07
Victoria A Dixon	Victoria A Dixon	2303 N Cochiti Ave	10/7/07
Clay Y...	Clay Y...	2300 N Mesa Verde	10/7/07
Michael Lee	Michael Lee	2308 N Mesa Verde	10/7/07
Crystal R Luna	Crystal R. Luna	2308 N. Mesa Verde	10-7-07
Ernest Felix	Ernest Felix	2402 N Mesa Verde	10-7-07
Jammy Felix	Jammy Felix	2409 MESA VERDE	10-7-07
Rheanne Lab...	Rheanne Lab...	2404 N Mesa Verde Ave	10-7-07
Gaylon C Young	Gaylon C. Young	2406 MESA VERDE	10-7-07
JC Harris	JC Harris	811 E 25th St	10-7-07
Jennie Harris	Jennie Harris	811 E. 25th ST	10-7-07
KEAN SWIRTZ	KEAN SWIRTZ	2500 N. MESA VERDE	10-7-07
Brandi Burningham	Brandi Burningham	2500 N. Mesa Verde	10-7-07
DAN DUCKEY	DAN DUCKEY	903 E. 26th	10-7-07
Fredericka Lackey	Fredericka Lackey	903 E. 26th	10-7-07
Eric Liese	Eric Liese	905 E 26th	10-7-07
Buck Thomas	BUCK THOMAS	2505 COCHITI	10-7-07
Bhanna Thomas	Bhanna Thomas	2505 Cochiti	10-7-07
Dea Thomas	Dea Thomas	2505 Cochiti	10-7-07
Benny...	Benny...	2505 COCHITI	10-7-07
Victoria A Dixon	Victoria A Dixon	2404 N Cochiti	10-7-07
Harelda Anderson	Harelda Anderson	2407 N. Cochiti	10-12-07
Tommy Anderson	Tommy Anderson	2407 N. Cochiti	10-12-07

T. H. MCELVAIN OIL & GAS LIMITED PARTNERSHIP

McELVAIN OIL & GAS PROPERTIES, INC., SOLE GENERAL PARTNER

1050 17TH STREET, SUITE 1800
DENVER, COLORADO 80265-1801

RICK HARRIS
LAND MAN

TELEPHONE 303-893-0933 EXT.372
FAX 303-893-0914
E-MAIL: RICKH@MCELVAIN.COM

Via Certified Mail, Return Receipt Requested

August 31, 2007

W. B. Higgins, Trustee
6205 Rogers NE
Albuquerque, NM 87110

Re: Drilling Proposal
Ruby #1 Well
Township 29 North, Range 13 West, N.M.P.M.
Section 3: SW
City of Farmington, San Juan County, New Mexico

To Whom It May Concern:

McElvain Oil & Gas Properties, Inc. ("McElvain") proposes the drilling of the Ruby #1 well to test the Pictured Cliffs formation under the captioned spacing unit. The surface location for the well is 1,755' FSL and 860' FWL of the section. The total vertical depth of the well will be approximately 1,672'. You are the owner of an estimated .07125% mineral interest under the captioned spacing unit.

Enclosed is an Authority for Expenditure estimating the total drilling and completion cost of the proposed well. Your estimated proportionate share of the total cost of the well is \$683.22. Please mark the appropriate space and sign below to indicate whether or not you elect to join in the drilling of the well. Please return one copy of this letter to the undersigned using the enclosed postage paid return envelope. Upon receipt of a signed election to participate in the well we will send you an Operating Agreement for your review and execution.

If you do not want to participate in the drilling of the well, we will consider the acquisition of an oil and gas lease from you on mutually agreeable terms. We respectfully request that you provide us with your election on or before September 30, 2007. After that date, McElvain will proceed with an application to the New Mexico Oil Conservation Commission seeking an order pooling all mineral interests in the spacing unit for the well.

Ruby #1 Drilling Proposal
August 31, 2007
Page Two

If you have any questions or wish to discuss an oil and gas lease, please contact me at 303-893-0933,
Ext.372.

Sincerely,

T. H. McELVAIN OIL & GAS LIMITED PARTNERSHIP
By: McELVAIN OIL & GAS PROPERTIES, INC., Sole General Partner



Rick Harris
Landman

Enclosures

_____ Will participate in the drilling of the Ruby #1 well and have executed the enclosed Authority
for Expenditure.

_____ Will not participate in the drilling of the Ruby #1 well.

W. B. HIGGINS, Trustee of the Higgins Revocable Trust
Dated April 14, 1993

Date: _____

Phone: _____

HOLLAND & HART LLP



Michael H. Feldewert
Recognized Specialist in the Area of Nat
Resources - oil and gas law - New Mexic
Board of Legal Specialization

mfeldewert@hollandhart.com
McElvain/Ruby No. 1

September 18, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TO ALL AFFECTED PARTIES:

**Re: Application of McElvain Oil & Gas Properties, Inc. for compulsory pooling,
San Juan County, New Mexico.**

Ladies and Gentlemen:

This letter is to advise you that McElvain Oil & Gas, Inc. has filed the enclosed application with the New Mexico Oil Conservation Division seeking approval of a 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 3, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico to form a standard 160-acre gas spacing and proration unit for all formations and/or pools developed on 160-acre spacing within that vertical extent, which includes but is not limited to the Fulcher Kutz - Pictured Cliffs Gas Pool.

This application has been set for hearing before a Division Examiner at 8:15 a.m. on October 18, 2007. The hearing will be held in Porter Hall in the Oil Conservation Division's Santa Fe Offices located at 1220 South Saint Francis Drive, Santa Fe, New Mexico, 87505. You are not required to attend this hearing, but as an owner of an interest that may be affected by this application you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B to file a Pre-Hearing Statement with the Oil Conservation Division's Santa Fe office, four days in advance of a scheduled haring, but at least on the Thursday preceding the hearing. This statement must include: the names of the parties and their attorneys; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to hearing.

Sincerely,

Michael H. Feldewert

MHF
Enclosure

Holland & Hart LLP

Phone [505] 988-4421 Fax [505] 983-6043 www.hollandhart.com

110 North Guadalupe Suite 1 Santa Fe, NM 87501 Mailing Address P.O. Box 2208 Santa Fe, NM 87504-2208

**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.**

CASE NO. _____

APPLICATION

McELVAIN OIL & GAS PROPERTIES, INC. ("McElvain"), through its undersigned attorneys, hereby makes application pursuant to the provisions of N.M.Stat. Ann. 70-2-17 (2007), 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 3, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico to form a standard 160-acre gas spacing and proration unit for all formations and/or pools developed on 160-acre spacing within that vertical extent, which includes but is not 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 said Section 3 and has a right to drill thereon.
2. McElvain proposes to dedicate the above-referenced spacing or proration unit to its Ruby Well No. 1 to be drilled as vertical well at standard gas well location 1755 feet from the South line and 860 feet from the West line to a depth sufficient to test any and all formations to the base of the Pictured Cliffs formation.
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 Oil & Gas Properties, Inc. should be designated the operator of the well to be drilled.

WHEREFORE, McElvain requests that this application be set for hearing before an Examiner of the Oil Conservation Division on October 18, 2007, 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 the recovery of McElvain's costs to drill, equip and completing this well,
- D. approving the actual operating charges and costs of supervision while drilling and after completion, together with a provision adjusting 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: 

Michael H. Feldewert
P.O. Box 2208
Santa Fe, NM 87504
Telephone: (505) 988-4421

**ATTORNEYS FOR
MCELVAIN OIL & GAS PROPERTIES, INC.**

EXHIBIT A
APPLICATION OF McELVAIN OIL & GAS PROPERTIES, INC.
FOR COMPULSORY POOLING, SAN JUAN COUNTY, NEW MEXICO.
Ruby Well No. 1
SW/4 of Section 3, Township 29 North, Range 13 West

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Rudy Diaz
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Andrea D. Tucker
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Shirley A. Ulibarri
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David R. Jones
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Billy J. Keck
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Billy J. White
c/o Laura Lynn Sharp
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Bobby Horvath
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Bonnie Frazer
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Pamela Volkerding
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Shawna J. Thomas
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David J. Kenndard
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2508 Mossman Drive
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Claribel L. Jackson
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Dortha M. Acres
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Carole M. Williams
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Kristin N. Whitson
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Eva Jean Martinez Rodriquez
2610 Mossman Drive
Farmington, New Mexico 87401

F. Gary Paisley
1040 Crestview Circle
Farmington, New Mexico 87401

Virginia Whitmire Trust
U.S. Bank, N.A., Trustee
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Lorraine W. Stimac
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Harold Kendrick
Earline Kendrick
ADDRESS UNKNOWN

Helen L. Powell
ADDRESS UNKNOWN

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La Plata Valley Trust Company
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Willajeane Penka
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Joyce Y. Rue
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Nona R. Satenga
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ADDRESS UNKNOWN

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c/o Nell Brodie, Trustee
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Angel Duran
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Robert O. Padilla
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Farmington, New Mexico 87401

Robert S. Islas &
Dolores Dell Islas
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Jimmy E. McDaniel
Chandra Kenworthy
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Roy C. Grimes
Dessie Mae Grimes
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Sam R. Todd
Jennifer Todd
2420 N. Santiago
Farmington, New Mexico 87401

San Juan Nurseries
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Farmington, New Mexico 87401

Sandstone Rentals, LLC
Attn.: David & Janet Albin
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Scott R. Brown
Eleanor P. Brown
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Shirley M. Eggleston
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Farmington, New Mexico 87401

Smith Food & Drug Centers, Inc.
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Salt Lake City, UT 84104

Southwest Financial Services of
Farmington, Inc.
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Terri Sheckley
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Terry W. Velahunty
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Thomas R. Shilz
Linda K. Shilz
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Kirtland, New Mexico 87417

Thirftway Marketing Company
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Tierra 20th and Butler FRM, LLC
ADDRESS UNKNOWN

United Food Store No. 1. Inc.
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Vivien M. Sheets, Trustee
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the Higgins Revocable Trust
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W.E. Ashley
Aletta Ashley
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Roman Catholic Bishop of
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Wedgewood Methodist Church
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San Diego, CA 92188

William J. Thompson
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Daytona Beach, Florida 32963

Fred A. Mossman
ADDRESS UNKNOWN

CASE _____:

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 in the SW/4 of Section 3, Township 29 North, Range 13 West, N.M.P.M. to form a standard 160-acre gas spacing and proration unit for all formations and/or pools developed on 160-acres within that vertical, which includes but is not necessarily limited to the Fulcher Kutz – Pictured Cliffs Gas Pool. Said unit is to be dedicated to applicant's proposed Ruby Well No. 1 to be drilled as a vertical well at a standard gas well location in the SW/4 of said Section 3, at a point 1755 feet from the South line and 860 feet from the West line to a depth sufficient to test any and all formations to the base of the Pictured Cliffs 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 200% risk penalty. Said area is located Southwest of the Worley baseball complex (3350 East 30th Street) in Farmington, New Mexico.