

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

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IN THE MATTER OF THE McELVIAN OIL  
& GAS PROPERTIES, INC. FOR COMPULSORY  
POOLING AND AN UNORTHODOX WELL  
LOCATION, RIO ARriba COUNTY, NEW MEXICO.

Case No. 12284

**PRE-HEARING STATEMENT**

This pre-hearing statement is submitted by Energen Resources Corporation, through its counsel of record, Miller, Stratvert & Torgerson, P.A. (J. Scott Hall, Esq.) as required by the Oil Conservation Division.

**APPEARANCES**

**APPLICANT'S ATTORNEY**

William F. Carr, Esq.  
Campbell, Carr, Berge & Sheridan, P.A.  
P.O. Box 2208  
Santa Fe, NM 87504  
(505) 982-2043

**APPLICANT**

McElvain Oil & Gas Properties  
409 St. Michael's Drive  
Santa Fe, NM 87501  
(505) 982-1935

**OPPONENT'S ATTORNEY**

J. Scott Hall, Esq.  
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**OPPONENT**

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6 East 5<sup>th</sup> Street, Suite 200  
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OIL CONSERVATION DIV.

## STATEMENT OF THE CASE

Applicant seeks the issuance of an order pooling the interests of Energen Resources Corporation and others for its Cougar Com. "33" Well No. 1, designation of Applicant as operator, the imposition of a 200% risk factor penalty and other relief pursuant to Section 70-2-17(C), N.M. Stat. Ann. (1978 Comp.).

Energen Resources Corporation opposes Burlington's applications for the following reasons, among others: Applicant has failed to exercise good faith in obtaining the voluntary joinder of uncommitted interests to the well in violation of Section 70-2-17 and 70-2-18, N.M. Stat. Ann. (1978 Comp.).

## PROPOSED EVIDENCE

Energen Resources Corporation will present evidence relating to any or all of the issues set forth in the Statement of the Case submitted by the various parties.

### APPLICANT

WITNESSES  
(Name and expertise)

EST. TIME

EXHIBITS

### OPPOSITION

WITNESSES  
(Name and expertise)

EST. TIME

EXHIBITS

Richard Corcoran, Landman

30 minutes

9

**PROCEDURAL MATTERS**

(Please identify any procedural matters which  
need to be resolved prior to the hearing)

Energen may request a continuance.

*T. Scott Hall*

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Signature

**Certificate of Mailing**

I hereby certify that a true and correct copy of the foregoing was mailed to counsel of  
record on the 11 day of November, 1999, as follows:

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*T. Scott Hall*

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