

11/15/07 DATE IN	SUSPENSE	Brooks ENGINEER	11/15/07 LOGGED IN	NSL TYPE	PKU0731934633 APP NO.
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ABOVE THIS LINE FOR DIVISION USE ONLY

NEW MEXICO OIL CONSERVATION DIVISION
- Engineering Bureau -
1220 South St. Francis Drive, Santa Fe, NM 87505



MCELVAN OIL AND GAS
Property
DEWEY #15
5747

ADMINISTRATIVE APPLICATION CHECKLIST

THIS CHECKLIST IS MANDATORY FOR ALL ADMINISTRATIVE APPLICATIONS FOR EXCEPTIONS TO DIVISION RULES AND REGULATIONS WHICH REQUIRE PROCESSING AT THE DIVISION LEVEL IN SANTA FE

Application Acronyms:

- [NSL-Non-Standard Location] [NSP-Non-Standard Proration Unit] [SD-Simultaneous Dedication]
- [DHC-Downhole Commingling] [CTB-Lease Commingling] [PLC-Pool/Lease Commingling]
- [PC-Pool Commingling] [OLS - Off-Lease Storage] [OLM-Off-Lease Measurement]
- [WFX-Waterflood Expansion] [PMX-Pressure Maintenance Expansion]
- [SWD-Salt Water Disposal] [IPI-Injection Pressure Increase]
- [EOR-Qualified Enhanced Oil Recovery Certification] [PPR-Positive Production Response]

[1] TYPE OF APPLICATION - Check Those Which Apply for [A]

- [A] Location - Spacing Unit - Simultaneous Dedication
 NSL NSP SD

Check One Only for [B] or [C]

- [B] Commingling - Storage - Measurement
 DHC CTB PLC PC OLS OLM

- [C] Injection - Disposal - Pressure Increase - Enhanced Oil Recovery
 WFX PMX SWD IPI EOR PPR

- [D] Other: Specify _____

[2] NOTIFICATION REQUIRED TO: - Check Those Which Apply, or Does Not Apply

- [A] Working, Royalty or Overriding Royalty Interest Owners
- [B] Offset Operators, Leaseholders or Surface Owner
- [C] Application is One Which Requires Published Legal Notice
- [D] Notification and/or Concurrent Approval by BLM or SLO
U.S. Bureau of Land Management - Commissioner of Public Lands, State Land Office
- [E] For all of the above, Proof of Notification or Publication is Attached, and/or,
- [F] Waivers are Attached

[3] SUBMIT ACCURATE AND COMPLETE INFORMATION REQUIRED TO PROCESS THE TYPE OF APPLICATION INDICATED ABOVE.

[4] CERTIFICATION: I hereby certify that the information submitted with this application for administrative approval is accurate and complete to the best of my knowledge. I also understand that no action will be taken on this application until the required information and notifications are submitted to the Division.

Note: Statement must be completed by an individual with managerial and/or supervisory capacity.

Print or Type Name	Signature	Title	Date
e-mail Address			

McElvain Oil & Gas Properties, Inc.

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

TELEPHONE 303-893-0933 EXT.349
FAX 303-893-0914
e-mail: linneah@mcelvain.com

November 14 2007

Mr. Mark E. Fesmire, P.E.
Division Director
New Mexico Oil Conservation Division
1220 S. St. Francis Drive
Santa Fe, NM 87504

VIA FEDERAL EXPRESS

Re: Application for Administrative Approval of Unorthodox Location
Dewey #1S Well Operated by McElvain Oil & Gas Properties, Inc.
1101' FNL, 473' FWL, Section 19, T30N, R13W
San Juan County, New Mexico – Fruitland Coal Formation

RECEIVED
2007 NOV 15 AM 10 18

Dear Mr. Fesmire:

McElvain Oil & Gas Properties, Inc. ("McElvain") hereby requests administrative approval for an unorthodox location for the above captioned well. Attached for your reference are the following exhibits:

- 1) Well Location Plat (NMOCD Form C-102)
- 2) Topographic Map
- 3) Production Map showing Mesaverde Production in the area
- 4) List of Affected Parties owning interest in Sec. 24, T30N, R14W

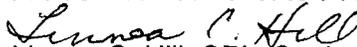
The above referenced well was originally proposed to be located 745' FNL and 1160' FWL, however, it was determined that location was either on or too close to an established bike path. McElvain is now proposing this new location to avoid impeding any traffic on said bike path.

All of the required offset parties have been notified of this application by certified mail and copies of the letters and receipts are attached.

McElvain hereby respectfully requests your administrative approval for the unorthodox location based on the above information. Should you need any additional information, please contact me at (303) 893-0933, Extension 349.

Yours truly,

MCELVAIN OIL & GAS PROPERTIES, INC.


Linnea C. Hill, CPL, Senior Landman

LCH/Encs.

DISTRICT I
1625 N. French Dr., Hobbs, N.M. 88240

State of New Mexico
Energy, Minerals & Natural Resources Department

Form C-102
Revised October 12, 2005

DISTRICT II
1301 W. Grand Avenue, Artesia, N.M. 88210

Submit to Appropriate District Office
State Lease - 4 Copies
Fee Lease - 3 Copies

DISTRICT III
1000 Rio Brazos Rd., Aztec, N.M. 87410

OIL CONSERVATION DIVISION
1220 South St. Francis Dr.
Santa Fe, NM 87505

AMENDED REPORT

DISTRICT IV
1220 S. St. Francis Dr., Santa Fe, NM 87605

WELL LOCATION AND ACREAGE DEDICATION PLAT

API Number		Pool Code	Pool Name FRUITLAND COAL
Property Code	Property Name DEWEY		Well Number 1 S
GRID No. 22044	Operator Name McELVAIN OIL AND GAS PROPERTIES, INC.		Elevation 5746'

10. Surface Location

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County
C	19	30N	13W		1101'	NORTH	473'	WEST	SAN JUAN

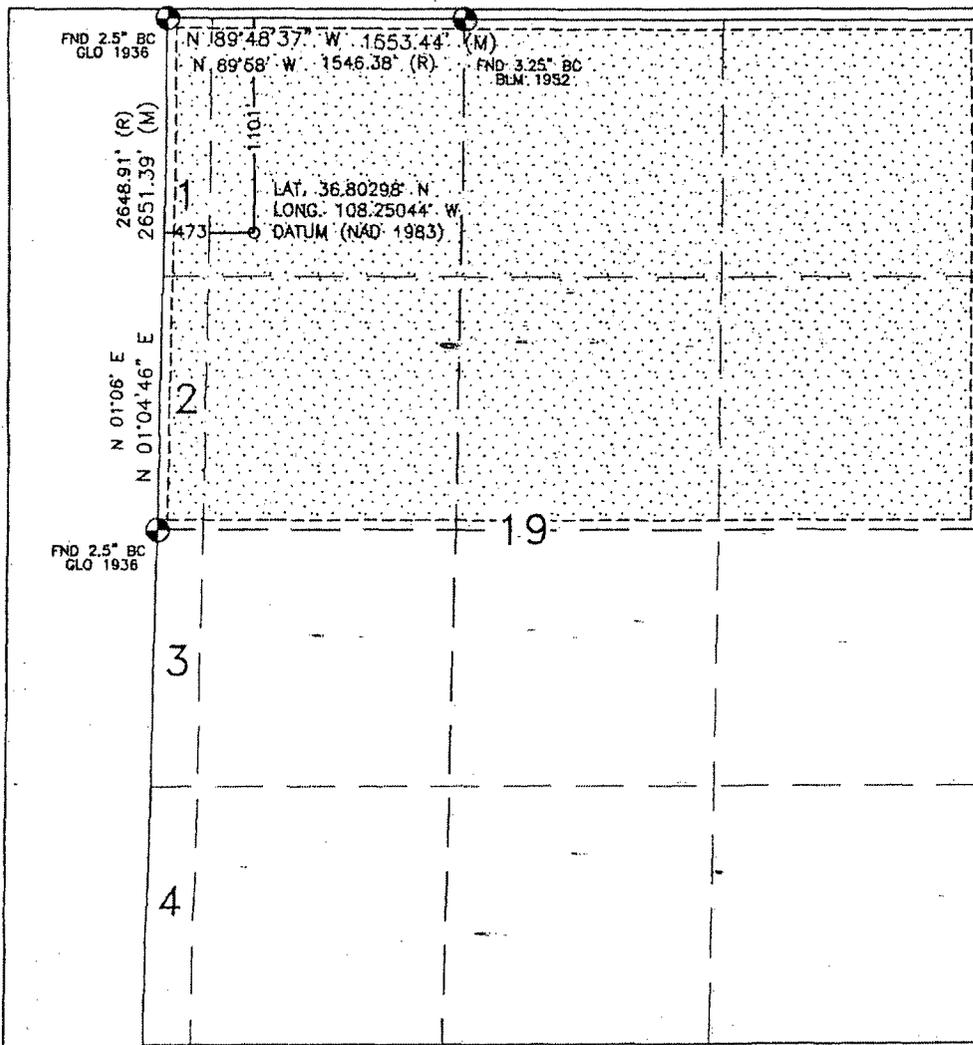
11 Bottom Hole Location If Different From Surface

UL or lot no.	Section	Township	Range	Lot Idn	Feet from the	North/South line	Feet from the	East/West line	County

Dedicated Acres 259.19 Acres - (N/2)	Joint or Infill	Consolidation Code	Order No.
---	-----------------	--------------------	-----------

NO ALLOWABLE WILL BE ASSIGNED TO THIS COMPLETION UNTIL ALL INTERESTS HAVE BEEN CONSOLIDATED OR A NON-STANDARD UNIT HAS BEEN APPROVED BY THE DIVISION

16



17 OPERATOR CERTIFICATION

I hereby certify that the information contained herein is true and complete to the best of my knowledge and belief, and that this organization either owns a working interest or unleased mineral interest in the land including the proposed bottom hole location or has a right to drill this well at this location pursuant to a contract with an owner or a compulsory pooling order heretofore entered by the division.

Signature _____ Date _____
Printed Name _____

18 SURVEYOR CERTIFICATION

I hereby certify that the well location shown on this plat was plotted from field notes of actual surveys made by me or under my supervision, and that the same is true and correct to the best of my belief.

OCTOBER 18, 2007

Date of Survey _____
Signature and Seal of Professional Surveyor: _____

David Russell



DAVID RUSSELL
Certificate Number 10201

McELVAIN OIL AND GAS PROPERTIES, INC.

DEWEY #1S

1101' FNL & 473' FWL

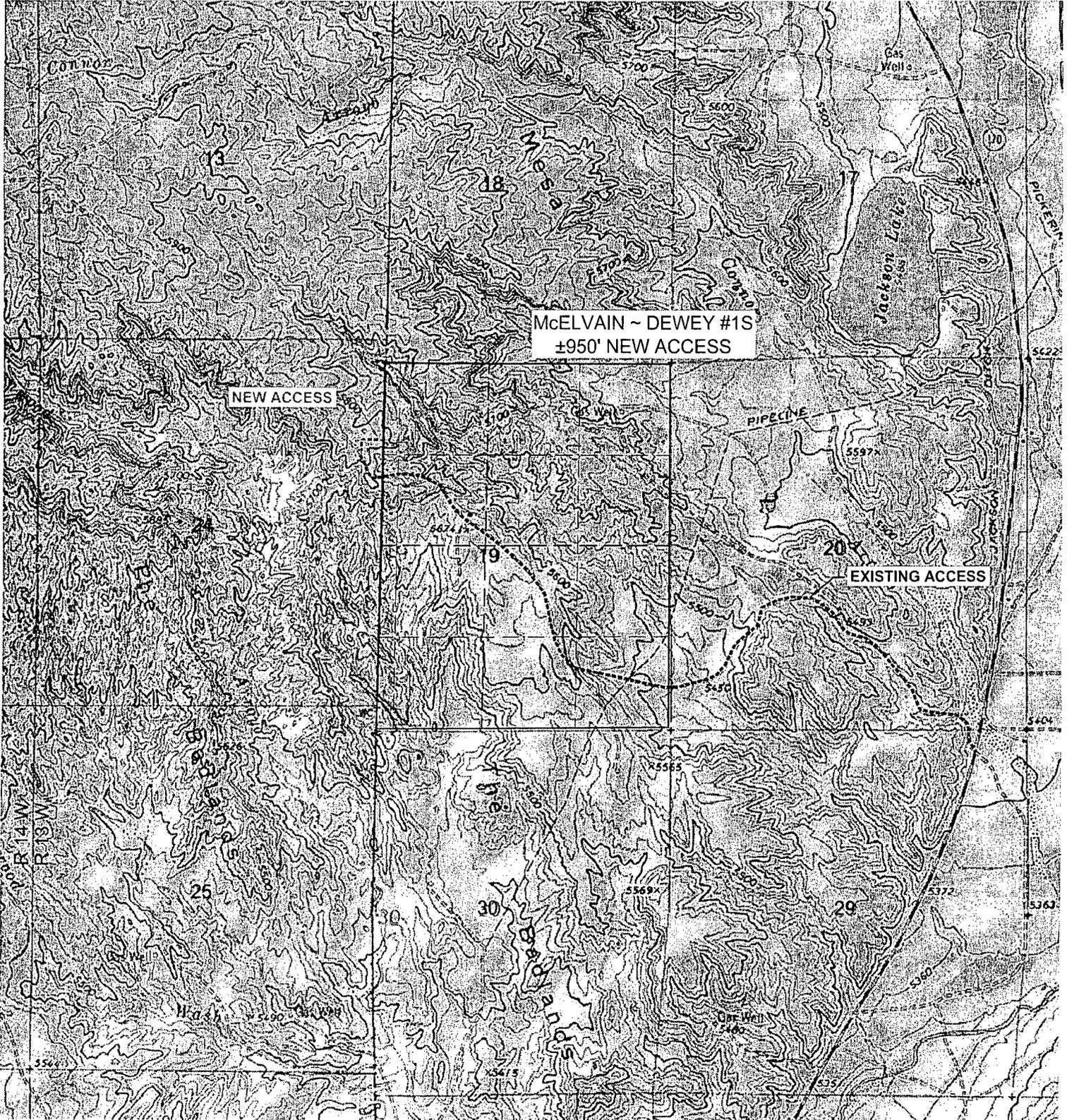
LOCATED IN THE NE/4 NW/4 OF SECTION 19,

T30N, R13W, N.M.P.M.,

SAN JUAN COUNTY, NEW MEXICO

GROUND ELEVATION: 5746', NAVD 88

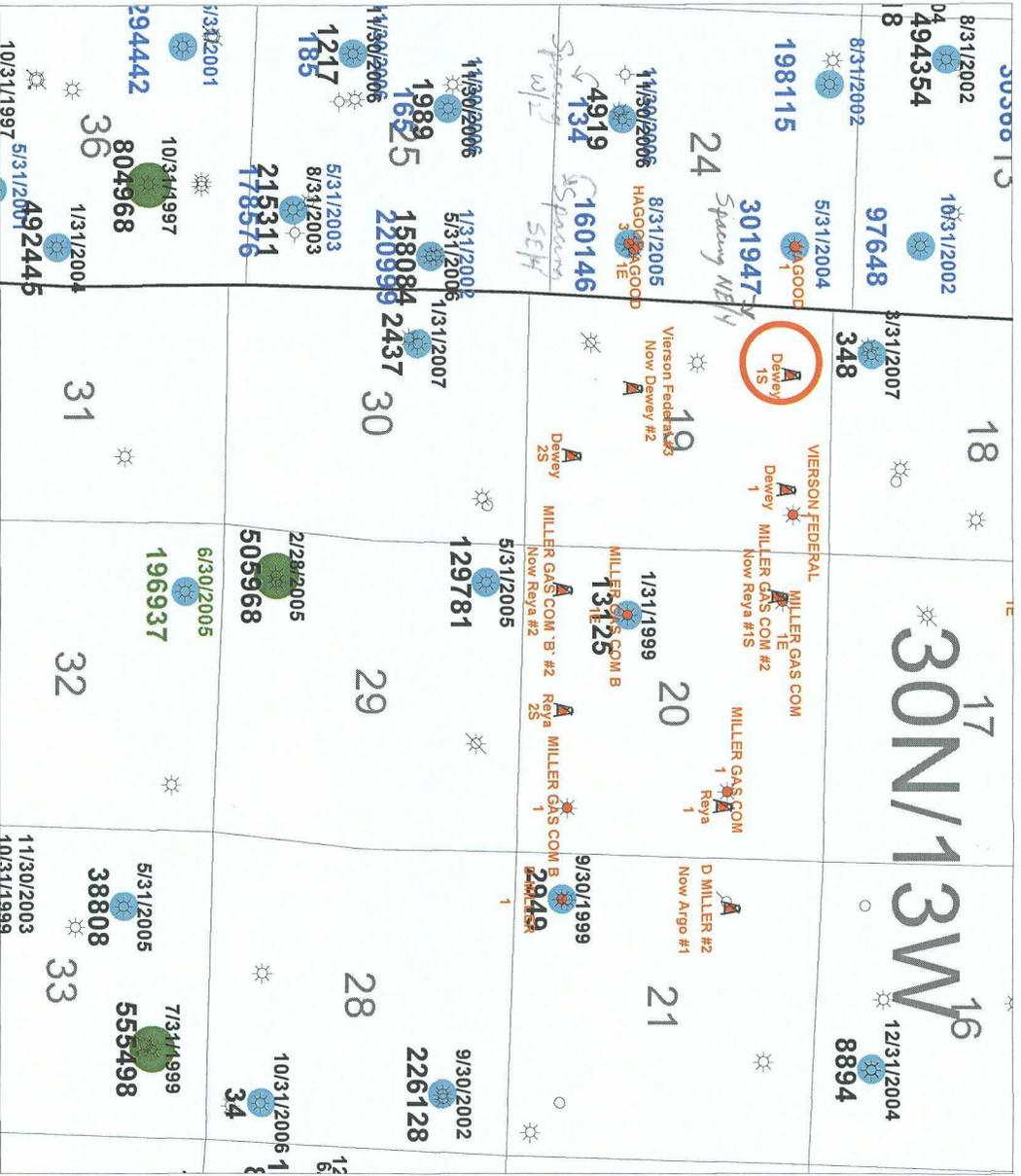
950' OF NEW ACCESS ACROSS BLM LANDS



U.S.G.S. QUAD: FARMINGTON, NORTH
SCALE: 1" = 2000' (1:24,000)
JOB No.: MCLV005; REV1
DATE: 10/23/07



Russell Surveying
1409 W. Aztec Blvd. #2
Aztec, New Mexico 87410
(505) 334-8637





San Juan Basin Project
Dewey #1S Non-Standard Location
Notification Map

Geologist: HND Date: 14 November, 2007

Fruitland Coal production
in black text

Pictured Cliffs production
in green text

Fruitland Sand/Pictured Cliffs pooled production
in blue text

LEGEND

- Cum Gas < 0.5 BCF
- Cum Gas 0.5 - 1 BCF
- Cum Gas 1 - 2 BCF
- Cum Gas 2 - 3 BCF
- Cum Gas 3 - 4 BCF
- Cum Gas > 4 BCF

LIST OF AFFECTED PARTIES

**T30N, R14W, SECTION 24: W/2
SAN JUAN COUNTY, NEW MEXICO**

As to the E/2
Surface to 6,489' (includes Harper Hill Fm. and Fruitland Coal Fm.)

T. H. McElvain Oil & Gas Limited Partnership	58.8%
Elliott-Hall Company Limited Partnership	20.0%
Elliott Industries Limited Partnership	20.0%
Elledge Oil & Gas LLC/Joe Elledge	1.2%

**T30N, R13W, SECTION 19: ALL
SAN JUAN COUNTY, NEW MEXICO**

As to all of Sec. 19 by virtue of Pooling Agreement
Surface to base of Pictured Cliffs Formation

T. H. McElvain Oil & Gas Limited Partnership 1050 17 th Street, Suite 1800 Denver, Colorado 80265	29.299363%
--	------------

McElvain Oil Company c/o David McElvain Oil & Gas Properties, Inc. P. O. Box 801888 Dallas, TX 75380	2.547771%
---	-----------

Viersen Oil & Gas Company P. O. Box 702708 Tulsa, Oklahoma 74170	31.847134%
--	------------

XTO Energy, Inc. 810 Houston Street Fort Worth, TX 76102-6298	36.305732%
---	------------

Leases Involved:

Lease No. 1

Lessor: United State of America Federal Lease NM-0207001

Present Lessee: T. H. McElvain Oil & Gas Limited Partnership-58.8%
Oper. Rights Elliott Industries Limited Partnership-20%
Elliott-Hall Company Limited Partnership-20%
Elledge Oil & Gas LLC/Joe Elledge-1.2%

Lease Date: October 1, 1949

Recording Data: None Available

Description: INsofar AND ONLY INsofar AS THE FOLLOWING
DESCRIBED LANDS:
Township 30 North, Range 14 West, N.M.P.M.
Section 24: Lots, 1, 2, 3, 4, W/2E/2

Lease No. 2

Lessor: United States of America Federal Lease NMSF-078977

Present Lessee: T. H. MCELVAIN OIL & GAS LIMITED PARTNERSHIP-92%
Oper. Rights AND MCELVAIN OIL COMPANY-8%

Lease Date: February 1, 1948

Recording Data: Book 345, Page 56, San Juan County, New Mexico

Description: INsofar AS AND ONLY INsofar AS THE FOLLOWING
DESCRIBED LANDS:
Township 30 North, Range 13 West, N.M.P.M.
Section 19: NE/4
Containing 160.00 acres more or less

Lease No. 3

Lessor: United States of America Federal Lease NMSF-078977

Present Lessee: Viersen Oil & Gas Company – 100%
Oper. Rights

Lease Date: February 1, 1948

Recording Data: Book 345, Page 56, San Juan County, New Mexico

Description: INsofar AS AND ONLY INsofar AS THE FOLLOWING
DESCRIBED LANDS:
Township 30 North, Range 13 West, N.M.P.M.
Section 19: SE/4
Containing 160.00 acres more or less

Lease No. 4

Lessor: United States of America Federal Lease NMSF-078977

Present Lessee: XTO Energy, Inc. – 100%
Oper. Rights

Lease Date: February 1, 1948

Recording Data: Book 345, Page 56, San Juan County, New Mexico

Description: INsofar AS AND ONLY INsofar AS THE FOLLOWING
DESCRIBED LANDS:
Township 30 North, Range 13 West, N.M.P.M.
Section 19: Lot 1 (5.90 acres), Lot 2 (5.70 acres), Lot 3 (5.50
acres, Lot 4 (5.30 acres), E/2W/2
Containing 182.40 acres more or less

McElvain Oil & Gas Properties, Inc.

1050 – 17TH STREET, SUITE 1800
DENVER, COLORADO 80265

TELEPHONE 303-893-0933 EXT.349
FAX 303-893-0914
e-mail: linneah@mcelvain.com

November 14 2007

To Parties on Attached List
Dewey #1S Well
San Juan County, New Mexico

**SENT CERTIFIED, RETURN
RECEIPT REQUESTED**

Re: Application for Administrative Approval of Unorthodox Location
Dewey #1S Well Operated by McElvain Oil & Gas Properties, Inc.
1101' FNL, 473' FWL, Section 19, T30N, R13W
San Juan County, New Mexico – Fruitland Coal Formation

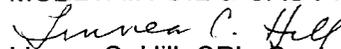
Ladies and Gentlemen:

Enclosed is a copy of the above captioned application that has been sent to the New Mexico Oil Conservation Commission for administrative approval. Should you not agree with the request, please so notify the NMOCD within 20 days of the date of this application. If you have no objection to the application, please so indicate by signing and returning one copy of this letter to my attention at the letterhead address.

Should you need any additional information, please contact me at (303) 893-0933, Extension 349. Thank you for your attention to this matter.

Yours truly,

MCELVAIN OIL & GAS PROPERTIES, INC.


Linnea C. Hill, CPL, Senior Landman

LCH/Encs.

Cc: Mr. Mark E. Fesmire, P.E., NMOCD

_____ hereby waives notice of hearing and objection to the application by McElvain Oil & Gas Properties, Inc., for the non-standard location for the Dewey #1S Well, as depicted on the enclosed plat.

Company Name or Individual Name _____
By: _____
Printed Name: _____
Title (if applicable) _____
Date: _____

Attached to Letter to Interest Owners
Application for Unorthodox Location
Dewey #1S Well, NE/4NW/4 of Sec. 19, T30N, R13W
San Juan County, New Mexico

McElvain Oil Company
14828 Bellbrook Drive
Addison, TX 75254

Viersen Oil & Gas Company
Attn: Chris Thompson
P. O. Box 702708
Tulsa, Oklahoma 74170

XTO Energy, Inc.
Attn: Christopher Spencer, Landman
810 Houston Street
Fort Worth, TX 76102-6298

Mr. Joe Elledge
Elledge Oil & Gas, LLC
P. O. Box 111
Farmington, NM 87499

Elliott Industries Limited Partnership
P. O. Box 3300
Roswell, New Mexico 88202

Elliott-Hall Company Limited Partnership
P. O. Box 1231
Ogden, Utah 84402



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Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)	0.00	
Total Postage & Fees	\$5.60	

Sent To **Mr. David P. McElvain**
McElvain Oil Company
 Street, Apt. No.,
 or PO Box No. **14828 Bellbrook Drive**
 City, State, Zip+4 **Addison, TX 75254**

PS Form 3800, August 2006 See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS FOLD AT DOTTED LINE

71054522644901086886

Mr. David P. McElvain
McElvain Oil Company
14828 Bellbrook Drive
Addison, TX 75254

Article #: 71054522644901086886
Date/Time: 11/14/2007 5:15:34PM

Internal File #:
Internal Code #:

2. Article Number

71054522644901086886

1. Article Addressed to:

Mr. David P. McElvain
McElvain Oil Company
14828 Bellbrook Drive
Addison, TX 75254

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

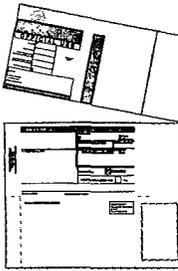
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES enter delivery address below: No

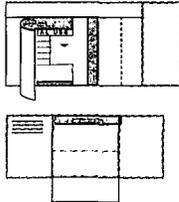
3. Service Type Certified

4. Restricted Delivery? (Extra Fee) Yes

1 SEPARATE AT PERFORATION



2 REMOVE LABEL AND RECEIPT FROM BACKING. PLACE LABEL AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS



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McElvain Oil & Gas Properties, Inc.
1050 17th Street, Suite 1800
Denver, CO 80265

Nancy Rife
McElvain Oil & Gas Properties, Inc.
1050 17th Street, Suite 1800
Denver, CO 80265

3



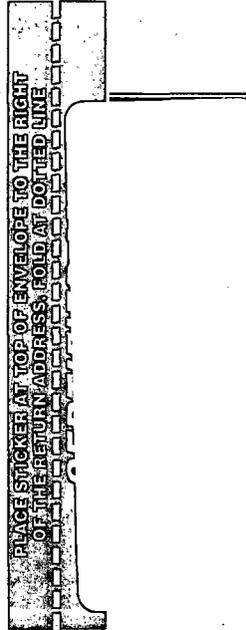
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Restricted Delivery Fee (Endorsement Required)	0.00	
Total Postage & Fees	\$ 5.60	

Sent To **Mr. Chris Thompson**
Viersen Oil & Gas Company
 Street, Apt. No.; **PO Box 702708**
 or PO Box No. **Tulsa, OK 74170**
 City, State, Zip+4

PS Form 3800, August 2006 See Reverse for Instructions



Mr. Chris Thompson
Viersen Oil & Gas Company
PO Box 702708
Tulsa, OK 74170

Article #: 71054522644901086893
Date/Time: 11/14/2007 5:16:55PM

Internal File #:
Internal Code #:

2. Article Number

71054522644901086893

1. Article Addressed to:

Mr. Chris Thompson
Viersen Oil & Gas Company
PO Box 702708
Tulsa, OK 74170

COMPLETE THIS SECTION ON DELIVERY

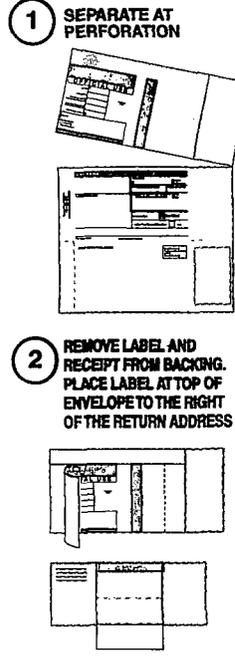
A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES enter delivery address below: No

3. Service Type Certified

4. Restricted Delivery? (Extra Fee) Yes



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Denver, CO 80265

Nancy Rife
McElvain Oil & Gas Properties, Inc.
1050 17th Street, Suite 1800
Denver, CO 80265



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Restricted Delivery Fee (Endorsement Required)	0.00	
Total Postage & Fees	\$ 5.60	

Sent To **Mr. Christopher Spencer**
XTO Energy, Inc.
 Street, Apt. No.; **810 Houston Street**
 or PO Box No.
 City, State, Zip+4 **Fort Worth, TX 76102-6298**

PS Form 3800, August 2006 See Reverse for Instructions



71054522644901086909

Mr. Christopher Spencer
XTO Energy, Inc.
810 Houston Street
Fort Worth, TX 76102-6298

Article #: 71054522644901086909
Date/Time: 11/14/2007 5:18:08PM

Internal File #:
Internal Code #:

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Mr. Christopher Spencer
XTO Energy, Inc.
810 Houston Street
Fort Worth, TX 76102-6298

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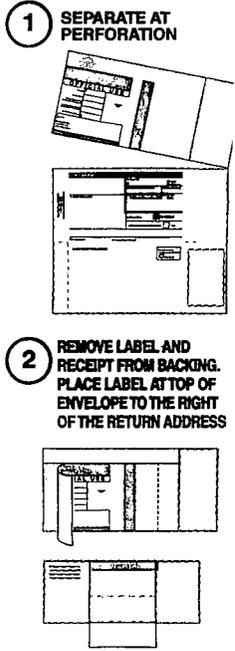
A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES enter delivery address below: No

3. Service Type **Certified**

4. Restricted Delivery? (Extra Fee) Yes



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Denver, CO 80265

Nancy Rife
McElvain Oil & Gas Properties, Inc.
1050 17th Street, Suite 1800
Denver, CO 80265



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Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)	0.00	
Total Postage & Fees	\$ 5.60	

Sent To **Mr. Joe Elledge**
Elledge Oil & Gas, LLC
PO Box 111
Farmington, NM 87499

Street, Apt. No.,
or PO Box No.
City, State, Zip+4

PS Form 3800, August 2006. See Reverse for Instructions.



71054522644901086916

Mr. Joe Elledge
Elledge Oil & Gas, LLC
PO Box 111
Farmington, NM 87499

Article #: 71054522644901086916
Date/Time: 11/14/2007 5:18:52PM

Internal File #:
Internal Code #:

2. Article Number

71054522644901086916

1. Article Addressed to:

Mr. Joe Elledge
Elledge Oil & Gas, LLC
PO Box 111
Farmington, NM 87499

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

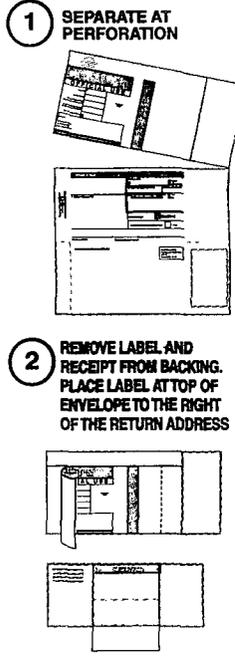
B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES enter delivery address below: No

3. Service Type **Certified**

4. Restricted Delivery? (Extra Fee) Yes



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Nancy Rife
McElvain Oil & Gas Properties, Inc.
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Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)	0.00	
Total Postage & Fees	\$ 5.60	

Sent To **Mr. Steve Elliott**
Elliott Industries Limited
 Partnership
 PO Box 3300
 Roswell, NM 88202

Street, Apt. No.;
 or PO Box No.
 City, State, Zip+4

Form 3800, August 2006 See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

71054522644901086930

Mr. Steve Elliott
Elliott Industries Limited Partnership
 PO Box 3300
 Roswell, NM 88202

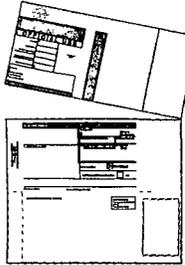
Article #: 71054522644901086930
 Date/Time: 11/14/2007 5:19:35PM

Internal File #:
 Internal Code #:

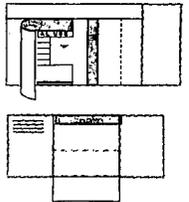
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www.printcertifiedmail.com

2. Article Number	COMPLETE THIS SECTION ON DELIVERY	
 71054522644901086930	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES enter delivery address below: <input type="checkbox"/> No	
Mr. Steve Elliott Elliott Industries Limited Partnership PO Box 3300 Roswell, NM 88202	3. Service Type <input checked="" type="checkbox"/> Certified	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

1 SEPARATE AT PERFORATION



2 REMOVE LABEL AND RECEIPT FROM BACKING. PLACE LABEL AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS



PS Form 3811 Domestic Return Receipt

UNITED STATES POSTAL SERVICE



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 Postage & Fees Paid
 USPS
 Permit No. G-10

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 Denver, CO 80265

3



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71054522644901086947

Postage	\$ 0.80	Postmark Here
Certified Fee	2.65	
Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)	0.00	
Total Postage & Fees	\$ 5.60	

Sent To **Mr. George Hall**
Elliott-Hall Company LP

Street, Apt. No.;
 or PO Box No. **PO Box 1231**
 City, State, Zip+4 **Ogden, UT 84402**

SI Form 3800, August 2006 See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

71054522644901086947

Mr. George Hall
Elliott-Hall Company LP
PO Box 1231
Ogden, UT 84402

Article #: 71054522644901086947
Date/Time: 11/14/2007 5:20:31PM

Internal File #:
Internal Code #:

2. Article Number


 71054522644901086947

1. Article Addressed to:

Mr. George Hall
Elliott-Hall Company LP
PO Box 1231
Ogden, UT 84402

COMPLETE THIS SECTION ON DELIVERY

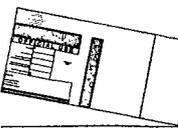
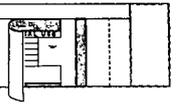
A. Signature Agent
X Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES enter delivery address below: No

3. Service Type **Certified**

4. Restricted Delivery? (Extra Fee) Yes

- 1 SEPARATE AT PERFORATION 
- 2 REMOVE LABEL AND RECEIPT FROM BACKING. PLACE LABEL AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS 
- 3 

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PS Form 3811

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