

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

IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:

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

Case No. 13,251

ENTRY OF APPEARANCE
AND
PRE-HEARING STATEMENT

This pre-hearing statement is submitted by XTO Energy Inc., as
required by the Oil Conservation Division.

APPEARANCES

APPLICANT
McElvain Oil & Gas
Properties, Inc.

APPLICANT'S ATTORNEY
William F. Carr

OPPONENT
XTO Energy Inc.
Suite 2000
810 Houston Street
Fort Worth, Texas 76102

OPPONENT'S ATTORNEY
James Bruce
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

Attention: Tim Welch
(817) 885-2661

*WVJ
4/26/04*

STATEMENT OF THE CASE

APPLICANT
This case involves a well to be drilled in the NW¼ §32-30N-13W.
The well will be drilled at an orthodox location to test the
Pictured Cliffs formation.

OPPONENT
XTO Energy Inc. agrees that the well should be drilled, but
requests that it be named operator because it owns 75% of the
working interest in the well.

PROPOSED EVIDENCE

APPLICANT

WITNESSES

EST. TIME

EXHIBITS

OPPONENT

WITNESSES

EST. TIME

EXHIBITS

(landman)

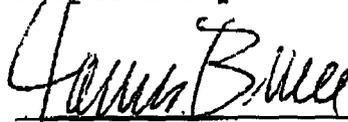
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Approx. 4

PROCEDURAL MATTERS

-None-

Respectfully submitted,



James Bruce
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

Attorney for XTO Energy Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record via facsimile transmission this 25th day of April, 2004:

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