

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

IN THE MATTER OF THE APPLICATION OF
D. J. SIMMONS, INC. FOR COMPULSORY POOLING,
RIO ARRIBA COUNTY, NEW MEXICO

Case No. 12705

McELVAIN'S RESPONSE IN OPPOSITION TO APPLICANT'S
MOTION FOR TEMPORARY STAY AND TO CONSOLIDATE

McElvain Oil and Gas Properties, Inc. ("McElvain") hereby serves notice that its objects to applicant's Motion for Temporary Stay and To Consolidate this matter with Case No. 12635 for the reasons set forth in McElvain's Motion To Dismiss Pooling Application, which has been filed by McElvain contemporaneously with this pleading.

Respectfully submitted,

HOLLAND & HART LLP
AND
CAMPBELL & CARR

By:



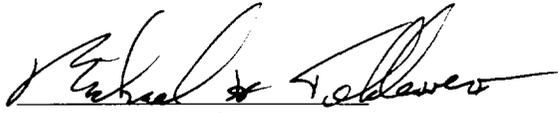
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ATTORNEYS FOR McELVAIN OIL AND
GAS PROPERTIES, INC.

Certificate of Service

The undersigned hereby certifies that on October 1, 2001 a true copy of the foregoing document was mailed to the following:

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A handwritten signature in black ink, appearing to read "Michael H. Feldewert", written over a horizontal line.

Michael H. Feldewert