

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

IN THE MATTER OF THE APPLICATION
OF McELVAIN OIL & GAS PROPERTIES, INC.
FOR COMPULSORY POOLING,
RIO ARRIBA COUNTY, NEW MEXICO

CASE NO. 12,747

PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted by Miller, Stratvert & Torgerson, P.A.,
attorneys for D. J. Simmons, Inc., as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT'S ATTORNEY

J. Scott Hall, Esq.
Miller, Stratvert & Torgerson, P.A.
Post Office Box 1986
Santa Fe, New Mexico 87504
(505) 989-9614

APPLICANT

D. J. Simmons, Inc.
Post Office Box 1469
Farmington, New Mexico 87401
(505) 326-3753

OPPONENT'S ATTORNEY

Michael Feldewert, Esq.
Holland & Hart, LLP and Campbell & Carr
P.O. Box 2208
Santa Fe, New Mexico 87504
(505) 988-4421

OPPONENT

McElvain Oil & Gas Properties, Inc.
Denver, Colorado

OTHER PARTY'S ATTORNEY

None to date/unknown

OTHER PARTY

STATEMENT OF THE CASE

APPLICANT

OPPOSITION OR OTHER PARTY

D.J. Simmons, Inc. owns or controls the majority of the working interest in the E/2 of Section 25, T-25-N, R-3-W which will be dedicated to its proposed Bishop 25-1 well to be drilled to the Blanco-Mesaverde and Gallup-Dakota pools. D.J. Simmons accordingly opposes Applicant's efforts to force-pool a N/2 unit in Section 25.

PROPOSED EVIDENCE

APPLICANT

WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
-----------------------------------	-----------	----------

OPPOSITION

WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
Ed Dunn - Landman	20	4
Lisa Gusek – Geologist	20	4
Tom Mullins – Petroleum Engineer	20	4

PROCEDURAL MATTERS

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

By Order No. R-11663-C (Case Nos. 12635 and 12705), the Commission directed the Applicant to dedicate the W/2 of Section 25 to its Naomi No. 1 well, thus precluding the creation of a N/2 unit. D.J. Simmons, Inc. will accordingly request the dismissal of this case.

Respectfully submitted,

MILLER, STRATVERT & TORGERSON, P.A.



By _____

J. Scott Hall
Attorneys for D. J. Simmons, Inc.
Post Office Box 1986
Santa Fe, New Mexico 87504-1986
(505) 989-9614

Certificate of Mailing

I hereby certify that a true and correct copy of the foregoing was mailed to counsel of record on the 14 day of December, 2001, as follows:

Michael Feldewert, Esq.
P.O. Box 2208
Santa Fe, New Mexico 87504



J. Scott Hall