

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

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APPLICANT

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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 |
|-----------------------------------|-----------|----------|
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OPPOSITION

| WITNESSES (Name and expertise) | EST. TIME | EXHIBITS |
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| Richard Corcoran, Landman | 30 minutes | 9 |
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PROCEDURAL MATTERS

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

Energen may request a continuance.

T. Scott Hall

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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