

**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. TO REOPEN COMPULSORY
POOLING CASE 12633 FOR THE LIMITED PURPOSE OF
INCLUDING ADDITIONAL MINERAL INTERESTS UNDER
ORDER R-11471-A AND TO AMEND SAID ORDER TO
FORM A STANDARD 640-ACRE SPACING UNIT,
RIO ARriba COUNTY, NEW MEXICO.**

CASE NO.12633

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OIL CONSERVATION DIV.

PRE-HEARING STATEMENT

This Prehearing Statement is submitted by Holland & Hart LLP and Campbell & Carr, as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT

McElvain Oil & Gas Properties, Inc.
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ATTORNEY

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STATEMENT OF CASE

APPLICANT

Applicant in the above-styled cause seeks to reopen Case 12633 for the limited purpose of including additional mineral interests under Order R-11471-A and to amend said Order to form a standard 640-acre spacing unit comprised of Section 4, Township 25 North, Range 2 West. Division Order R-11471 was entered on December 10, 1999, and pooled all mineral interests in all formations from the base of the Pictured Cliffs formation to the base of the Dakota formation in the W/2 of said Section 4 to form a standard 320-acre spacing unit. Division Order R-11471-A was entered on July 10, 2001, and dedicated the 320-acre spacing unit formed by Order R-11471 to an additional well, the Cougar Com 4 Well No. 2A. Order R-11471-A addressed, among other matters, the cost of drilling and completing this additional well, actual operating costs and charges for supervision, designation of applicant as operator, and a charge for risk involved in drilling this additional well. Applicant seeks to include additional mineral interests under Order R-11471-A and to amend said order to form a standard 640-acre spacing unit comprised of all of Section 4 within that same vertical extent for the purpose of testing the Mancos formation, Gavalin Mancos Oil Pool. Said area is located approximately 9.5 miles north of Lindrith, New Mexico.

PROPOSED EVIDENCE

APPLICANT

WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
Mona Binion (Land)	10 Minutes	Approximately 3

PROCEDURAL MATTERS

McElvain has none at this time.



Michael H. Feldewert
Attorney for McElvain Oil & Gas Properties, Inc.