

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:)

CASE NO. 12,690

APPLICATION OF McELVAIN OIL AND GAS)
PROPERTIES, INC., FOR COMPULSORY)
POOLING, RIO ARriba COUNTY NEW MEXICO)

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: DAVID BROOKS, Hearing Examiner

August 9th, 2001

Santa Fe, New Mexico

OIL CONSERVATION DIV.
01 AUG 23 AM 7:53

This matter came on for hearing before the New Mexico Oil Conservation Division, DAVID BROOKS, Hearing Examiner, on Thursday, August 9th, 2001, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South Saint Francis Drive, Room 102, Santa Fe, New Mexico, Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

* * *

I N D E X

August 9th, 2001
 Examiner Hearing
 CASE NO. 12,690

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STATEMENT BY MR. FELDEWERT	3
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* * *

E X H I B I T

Applicant's	Identified	Admitted
Exhibit 8 (Supplemental Notice Affidavit)	3	4

* * *

A P P E A R A N C E S

FOR THE APPLICANT:

HOLLAND & HART, L.L.P., and CAMPBELL & CARR
 110 N. Guadalupe, Suite 1
 P.O. Box 2208
 Santa Fe, New Mexico 87504-2208
 By: MICHAEL H. FELDEWERT

ALSO PRESENT:

DAVID R. CATANACH
 Hearing Examiner
 New Mexico Oil Conservation Division
 1220 South Saint Francis Drive
 Santa Fe, NM 87501

* * *

1 WHEREUPON, the following proceedings were had at
2 9:47 a.m.:

3 MR. BROOKS: Okay, pursuant to the request of
4 counsel to take Case Number 12,690 out of order we will now
5 call Case Number 12,690, Application of McElvain Oil and
6 Gas Properties, Inc., for compulsory pooling, Rio Arriba
7 County, New Mexico.

8 Call for appearances.

9 MR. FELDEWERT: May it please the Examiner,
10 Michael Feldewert with the law firm of Holland and Hart and
11 Campbell and Carr, on behalf of the Applicant, McElvain Oil
12 and Gas Properties, Inc., and I have no witnesses.

13 MR. BROOKS: Very good, are there any other
14 appearances?

15 Okay, do you wish to make a statement, Mr.
16 Feldewert?

17 MR. FELDEWERT: Mr. Examiner, this case was
18 presented to the Commission on July the 12th, 2001. At the
19 time of that hearing we observed that notice had not been
20 provided to an interest owner, Mr. Michael Gold. The case
21 was therefore continued to today's docket. We have between
22 time provided notice to Michael Gold, as indicated in our
23 supplemental notice affidavit, which we've marked as
24 McElvain Exhibit Number 8.

25 So we would move the admission into evidence of

1 this supplemental notice affidavit and ask that the
2 Commission take the matter under advisement.

3 MR. BROOKS: Very good, Exhibit Number 8 will be
4 admitted since there's no one here to object, and Cause
5 Number 12,690 will be taken under advisement.

6 When did you say that this was first heard?

7 MR. FELDEWERT: It was heard July the 12th.

8 MR. BROOKS: Okay, was it heard -- Yeah, I see it
9 was, it was heard before me.

10 MR. FELDEWERT: Correct.

11 MR. BROOKS: Okay, thank you very much.

12 MR. FELDEWERT: Thank you.

13 (Thereupon, these proceedings were concluded at
14 9:48 a.m.)

15 * * *

16
17
18 I do hereby certify that the foregoing is
19 a complete record of the proceedings in
the Examiner hearing of Case No. 12690
heard by me on Aug 9, 2001.

20 David K. Smith, Examiner
21 Off Conservation Division
22
23
24
25

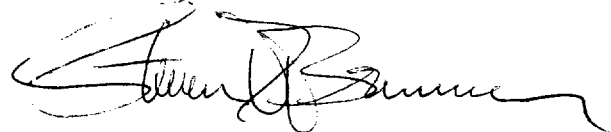
CERTIFICATE OF REPORTER

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

I, Steven T. Brenner, Certified Court Reporter and Notary Public, HEREBY CERTIFY that the foregoing transcript of proceedings before the Oil Conservation Division was reported by me; that I transcribed my notes; and that the foregoing is a true and accurate record of the proceedings.

I FURTHER CERTIFY that I am not a relative or employee of any of the parties or attorneys involved in this matter and that I have no personal interest in the final disposition of this matter.

WITNESS MY HAND AND SEAL August 11th, 2001.



STEVEN T. BRENNER
CCR No. 7

My commission expires: October 14, 2002

**BEFORE THE
OIL CONSERVATION DIVISION
NEW MEXICO ENERGY, MINERALS AND
NATURAL RESOURCES DEPARTMENT**

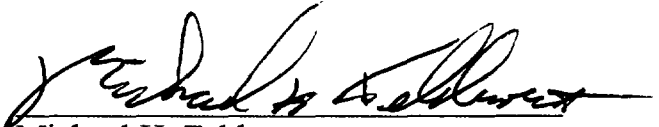
**APPLICATION OF McELVAIN OIL & GAS
PROPERTIES, INC. FOR COMPULSORY POOLING,
RIO ARriba COUNTY, NEW MEXICO**

CASE NO. 12690

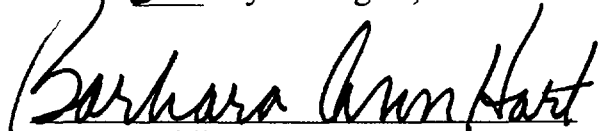
SUPPLEMENTAL NOTICE AFFIDAVIT

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

Michael H. Feldewert, attorney in fact and authorized representative of McElvain Oil & Gas Properties, Inc., the Applicant herein, being first duly sworn, upon oath, states that notice of the above-referenced Application was mailed to the address shown on Exhibit "A" attached hereto and that a true and correct copy of the notice letter and proof of receipt are attached hereto.


Michael H. Feldewert

SUBSCRIBED AND SWORN to before me this 8th day of August, 2001.


Notary Public

My Commission Expires:

March 28, 2004

EXHIBIT A

NOTICE LIST

Michael Gold
HCR 74, Box 45
Lindrith, NM 87029

HOLLAND & HART^{LLP}
and
CAMPBELL & CARR
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE • CASPER
CHEYENNE • JACKSON HOLE
SALT LAKE CITY • SANTA FE
WASHINGTON, D.C.

P.O. BOX 2208
SANTA FE, NEW MEXICO 87504-2208
110 NORTH GUADALUPE, SUITE 1
SANTA FE, NEW MEXICO 87501-6525

TELEPHONE (505) 988-4421
FACSIMILE (505) 983-6043

Michael H. Feldewert

mfeldewert@hollandhart.com

July 19, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Gold
HCR 74, Box 45
Lindrieth, NM 87029

**Re: Application of McElvain Oil & Gas Properties, Inc. for
Compulsory Pooling, Rio Arriba County, New Mexico.
Badger Com #11-1**

Dear Mr. Gold:

This letter is to advise you that McElvain Oil & Gas Properties, Inc. has filed the enclosed application with the New Mexico Oil Conservation Division. This application has been set for hearing before a Division Examiner on August 9, 2001. You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from challenging the matter at a later date.

Parties appearing in cases are required by Division Rule 1208.B to file a Prehearing Statement three days in advance of a scheduled hearing. This statement must include: the name of the party and its attorney; a concise statement of the case; the names of all witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that are to be resolved prior to the hearing.

Very truly yours,



Michael H. Feldewert

MHF/ras
Enclosure.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0024 3128 8470

MHF 44725-0015	
Postage	\$.57
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.17

Postmark Here
 SANTA FE, NEW MEXICO
 JUL 19 2001

Recipient's Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. Michael Gold

City, State HCR 74, Box 45

Lindrith, NM 87029

PS Form 3811, July 1999

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael Gold
 HCR 74, Box 45
 Lindrith, NM 87029

PLACE STICKER AT TOP OF ENVELOPE
 TO THE RIGHT OF RETURN ADDRESS
 FOLD AT DOTTED LINE

A. Received by (Please Print Clearly) Charles Bergsiek	B. Date of Delivery 7-23-01
C. Signature x Charles Bergsiek	
<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

2. Article Number (Copy from service label)
 7000 0600 0024 3128 8470