

**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. 12690**

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

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2010 JUL 10 PM 4:08

**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.  
1050 17<sup>th</sup> Street, Suite 1800  
Denver, Colorado 80265  
(303) 893-0933

**ATTORNEY**

Michael H. Feldewert, Esq.  
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## STATEMENT OF CASE

### APPLICANT

Applicant in the above-styled cause seeks an order pooling 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 Section 11, Township 25 North, Range 2 West, N.M.P.M. for all formations and or pools developed on 320-acre spacing. Said units are to be dedicated to its Badger Com 11 Well No. 1 to be drilled to a depth sufficient to test all formations to the base of the Dakota formation, Basin-Dakota Gas Pool, at a standard location in the SW/4 of said Section 11. Also to be considered will be the cost of drilling and completing said well and the allocation of the cost thereof as well as actual operating costs and charges for supervision, designation of applicant as operator of the well and a charge for risk involved in drilling said well. Said area is located approximately 9.2 miles northeast of Lindrith, New Mexico.

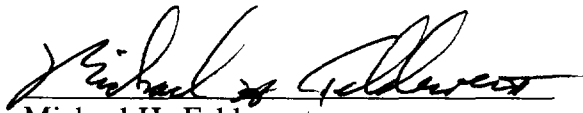
## PROPOSED EVIDENCE

### APPLICANT

WITNESSES (Name and expertise)	EST. TIME	EXHIBITS
Mona Binion (Land)	10 Minutes	Approximately 5
John Steuble (Engineer)	10 Minutes	Approximately 3

## PROCEDURAL MATTERS

McElvain has none at this time.

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