

May 17, 2004

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MAY 17 2004

Oil Conservation Division  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

**VIA HAND DELIVERY**

Ms. Joanna Prukop, Acting Secretary  
Oil Conservation Division  
New Mexico Department of Energy,  
Minerals and Natural Resources  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

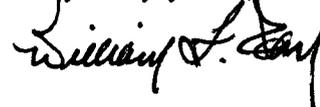
**Re: Case 13271: Application of Tom Brown, Inc. for compulsory pooling, Eddy County, New Mexico.**

Dear Ms. Prukop:

Enclosed is a Subpoena Dues Tecum in the above-referenced case that OXY USA WTP Limited Partnership requests be issued by you or your designee and returned to us for service on Tom Brown, Inc.

Your attention to this request is appreciated.

Very truly yours,



William F. Carr

Enclosure

cc: Mr. Rick Foppiano  
OXY USA WTP Limited Partnership

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

APPLICATION OF TOM BROWN, INC.  
FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO.

SUBPOENA DUCES TECUM

TO: Tom Brown, Inc.  
c/o James Bruce, Esq.  
945 Calle Arco  
Santa Fe, New Mexico 87501

CASE NO. 13271  
**RECEIVED**

MAY 17 2004

Oil Conservation Division  
1220 S. St. Francis Drive  
Santa Fe, NM 87504

Pursuant to Section 70-2-8, NMSA (1978) and Rule 1211 of the New Mexico

Conservation Division's Rules of Procedure, you are hereby ORDERED to appear at 9:00 a.m., May 25, 2004, at the offices of the Oil Conservation Division, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87504, and to produce the documents and items specified in attached Exhibit A and to make available to OXY USA WTP, Limited Partnership, and their attorney, William F. Carr of Holland & Hart, LLP, for copying, all of said documents.

This subpoena is issued on application of OXY USA WTP, Limited Partnership, through their attorneys, Holland & Hart LLP, Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this 17 day of May, 2004

NEW MEXICO OIL CONSERVATION DIVISION

BY:

David K. Brooks

TITLE:

Assistant General Counsel

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM**  
**TO TOM BROWN, INC.**  
**IN NEW MEXICO OIL CONSERVATION DIVISION**  
**CASE 13271**

**PURPOSE:** The purpose of this subpoena is to provide all of the information necessary for OXY USA WTP Limited Partnership, to be able to prepare its case for New Mexico Oil Conservation Division Case 13271.

**PRODUCE THE FOLLOWING DOCUMENTS:**

for each and all of the following wells in Section 15, Township 22 South, Range 27 East, NMPM, Eddy County, New Mexico:

Tom Brown Inc.'s Forni Well No. 1 located in Unit I

Tom Brown Inc.'s proposed Forni Well No. 2 in Unit M

Tom Brown Inc.'s Forni Well No. 3 in Unit E

Any well Tom Brown Inc. proposes to drilled at any location in Section 15

Any information in the possession of Tom Brown Inc. concerning wells that offset Section 15 including but not limited to wells operated by Marbob Energy Corporation, Devon Energy Corporation (Nevada), Devon SFS Operating, Inc. and Penroc Oil Corporation.

**Documents:**

1. Electric log data
2. Drilling time data
3. Drill cutting of log cores
4. Mud logs
5. Completion data
6. Gas analysis
7. Water analysis
8. Fluid data

9. Reservoir performance
10. Geologic data
11. Well performance data
12. Permeability data
13. Porosity data
14. Reservoir thickness data
15. Pressure data
16. Gas content data
17. Pressure v. time plots
18. Production decline curves
19. Initial water/gas saturation data.
20. Openhole logs, including but not limited to density/neutron porosity, resistivity and sonic logs;
21. PVT data;
22. Reservoir pressure data by individual zone (perforation) including, but not limited to, bottom-hole surveys or pressures, surface pressure readings, daily tubing pressure and casing pressures, drill stem tests, build-up tests and interference tests, with relevant information as to shut-in time and production rates prior to shut-in;
23. All production data including, but not limited to, all well check records, including gauges/charts for each well on a daily basis from initial testing/ completion to date showing actual production of oil, gas and water for said well per day and per month;
24. Chronological reports to include details of:
  - a. Perforating and perforation locations;
  - b. Stimulation fluids, volumes, rates, and pressures for each treated interval;
  - c. Swabbing, flowing and/or pumping results for each interval that was perforated and tested include Pre and Post stimulation results as applicable; and
  - d. Daily drilling and completion reports;

25. If you have conducted any reservoir simulation which includes any of the subject wells, then provide: model software description, model parameters and assumptions, model variables, model history matching data, model predictions, subsequent modification;
26. Any petroleum engineering data used or to be used by you to justify your position in NMOCD Case No. 13271 including all pressure data including, but not limited to, bottom hole pressure surveys, daily tubing pressure and casing pressure surveys, with relevant information as to shut-in time and production rate prior to shut-in;
27. Any and all reserve calculations including, but not limited to, estimates of ultimate recovery, production decline curves, pressure decline curves, material balance calculations (including reservoir parameters), volumetric calculation (including reservoir parameters);
28. Any and all reservoir studies including, but not limited to, drainage calculations, well interference studies, pressure studies or well communication studies;
29. Any geologic data including geologic maps, structure maps, isopach maps, cross-sections, and/or logs being used by you to justify your position.

**Seismic Data:**

1. Any and all information concerning the acquisition, processing and interpretation of the 3-D seismic data;
2. Copies of the geophysical interpreter's report, including all maps and input data;
3. Predesign of the 3-D survey including the resolution, bin size, number of bins, number of pre and poststack tracs;
4. Identify and describe the seismic calculation (computer) program used;
5. Any and all seismic profiles and time sections;
6. List of all ties and mis-ties to well data;
7. Any velocity maps, including isochron or velocity converted depth maps;
8. Details on digitization of maps, including a detailed description of the software package for reduction of the digitized data;
9. Copies of any and all maps including initial and final isopach contour maps of structure and any "isometric displays" or presentations.

**Correspondence/Communications/Accounting/Land Files:**

10. Any and all contracts, communitization agreements, joint operating agreements,

leases, assignments, correspondence, and farmout agreements that apply to any of the subject wells or the acreage dedicated thereto;

11. A detailed accounting of all production, expenses, revenues and payments for any of the subject wells;
12. All land files;
13. All documents between you and Office of Commissioner of Public Lands for New Mexico;
14. All documents between you and Oil Conservation Division located in Santa Fe, New Mexico;
15. All documents between you and Oil Conservation Division located in Artesia, New Mexico;

**Hearing Exhibits:**

16. Copies of all land exhibits and ownership data and exhibits to be used by you;
17. Copies of any geologic data and exhibits including geologic maps, structure maps, isopach maps, cross-sections, and/or logs to be used by you;
18. Copies of any and all geophysical data/studies and exhibits to be used by you; and
19. Copies of any and all petroleum engineering data/studies and exhibits to be used by you.
20. If not already included above, all data and documents utilized by you for support of all exhibits you will present at hearing.

**IF NOT ALREADY INCLUDED ABOVE, THE FOLLOWING ADDITIONAL DATA:**

1. All documents between Tom Brown Inc. and John West Surveying Company concerning or related to the surveying and staking of the Tom Brown Inc. Forni Well No. 2 and/or the proposed Forni Well No. 3 including the preparation of all survey plats, Oil Conservation Division Forms C-102 and other plats filed with the H2S plans.
2. All geological and reservoir engineering analyses pertaining to the Tom Brown Inc.'s Forni Wells No. 2 and/or proposed Forni Well No. 3.
3. All geological and reservoir engineering analyses, Authorizations for Expenditure and any other communications pertaining to the Tom Brown Inc. Forni Well No. 2 and proposed Forni Well No. 3.
4. Any and all communications between Tom Brown Inc. and the New Mexico Oil

Conservation regarding the filing, processing and approval of the drilling permit for the Forni Well No. 2 and/or proposed Forni Well No. 3.

## INSTRUCTIONS

This Subpoena Duces Tecum seeks all information available to you or in your possession, custody or control from any source, wherever situated, including but not limited to information from any files, records, computers documents, employees, former employees, consultants, counsel and former counsel. It is directed to each person to whom such information is a matter of personal knowledge.

When used herein, "you" or "your" refers to the persons and entity to whom this Subpoena Duces Tecum is addressed to including all of his or its attorneys, officers, agents, consultants, employees, directors, representatives, officials, departments, divisions, subdivisions, subsidiaries, or predecessors in interest.

The term "document" as used herein means every writing and record of every type and description in the possession, your custody or control, whether prepared by you or otherwise, which is in your possession or control or known by you to exist, including but not limited to all drafts, papers, books, writings, records, letters, photographs, computer disks, tangible things, correspondence, communications, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations or of interviews, conferences, or meetings. It also includes diary entries, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, jottings, agenda, bulletins, notices, announcements, plans, specifications, sketches, instructions charts, manuals, brochures, publications, schedules, price lists, client lists, journals, statistical records, desk calendars, appointment books, lists, tabulations sound recordings, computer printouts, books of accounts, checks, accounting records, vouchers, and invoices reflecting business operations, financial statements, and any notice or drafts relating to the foregoing, without regard to whether marked confidential or proprietary. It also includes duplicate copies if the original is unavailable or if the duplicate is different in any way, including marginal notations, from the original.

References to the Oil Conservation Division and to the New Mexico State Land Office means any employee or officer of the agency whether located in Santa Fe, Artesai or other location in New Mexico. References to the Oil Conservation Division also includes the Oil Conservation Commission and its members, and employees.

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

**APPLICATION OF TOM BROWN INC.  
FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO.**

**CASE NO. 13271**

**ACCEPTANCE OF SERVICE OF SUBPOENA DUCES TECUM**

I, James Bruce, Esq., the attorney of record for Tom Brown, Inc. hereby accept service of the original Subpoena Duces Tecum dated May 17, 2004, issued in this matter to OXY USA WTP, Limited Partnership on this 17th day of May, 2004.

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Santa Fe, New Mexico 87501