

From: J. Scott Hall [SHall@montand.com]
Sent: Thursday, September 29, 2011 11:33 AM
To: 'Tom Kellahin'; Davidson, Florene, EMNRD; Ezeanyim, Richard, EMNRD; Brooks, David K., EMNRD
Subject: RE: OCD Case 14741--Cimarex Motion to Quash
Attachments: Letter to Tom Kellahin 092611 with subpoena (00312701).PDF

I will be unable to attend a hearing on Mr. Kellahin's motion tomorrow, but will prepare a response. Attached is my transmittal letter to Mr. Kellahin offering additional time to comply with the subpoena. Thank you.

J. Scott Hall
Montgomery & Andrews, P.A.
P. O. Box 2307
Santa Fe, NM 87504-2307
shall@montand.com
(505) 986-2646

THIS MESSAGE CONTAINS INFORMATION WHICH MAY BE CONFIDENTIAL AND PRIVILEGED. UNLESS YOU ARE THE ADDRESSEE (OR AUTHORIZED TO RECEIVE FOR THE ADDRESSEE), YOU MAY NOT USE, COPY OR DISCLOSE TO ANYONE THE MESSAGE OR ANY INFORMATION CONTAINED IN THE MESSAGE. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE ADVISE THE SENDER BY REPLY E-MAIL TO shall@montand.com AND DELETE THE MESSAGE. THANK YOU.

From: Tom Kellahin [<mailto:tkellahin@comcast.net>]
Sent: Wednesday, September 28, 2011 4:29 PM
To: Davidson, Florene, EMNRD; Ezeanyim, Richard, EMNRD; Brooks, David K., EMNRD
Cc: J. Scott Hall; Compton.Mark
Subject: OCD Case 14741--Cimarex Motion to Quash

Dear Florene and Gentlemen,

Please find attached for filing, on behalf of Cimarex, my Motion to Quash the Nearburg Subpoena issued on Sept 21 and served upon me on September 26th for the production of documents on Friday, September 30th at 9:00am

I request that instead of producing these documents on Friday, that the time be used for argue this motion. Mr. Hall is the attorney for Nearburg who filed the Subpoena.

Regards,

Tom Kellahin
Kellahin & Kellahin
Attorneys at Law
706 Gonzales Road
Santa Fe, NM 87501
ph 505-982-4285
Fx 505.216.2780
Email tkellahin@comcast.net



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September 23, 2011

W. Thomas Kellahin, Esq.
Kellahin & Kellahin
706 Gonzales Road
Santa Fe, NM 87501

Via E-Mail and Hand Delivery

**Re: NMOCD Case No. 14741: Application of Cimarex Energy Co. of Colorado
for a Non-Standard Spacing and Proration Unit and Compulsory Pooling,
Eddy County, NM**

Dear Tom:

Enclosed is a subpoena duces tecum for well information obtained on behalf of Nearburg Producing Company in the above-referenced matter. If needed, I will agree to a reasonable extension of time beyond October 30, 2011 for the production of the information and materials sought. Please let me know if you are unable to accept service of the subpoena on behalf of Cimarex.

Additionally, as requested by my September 22, 2011 e-mail to you, we ask that Cimarex agree to continue the October 13, 2011 hearing on this Application for the reason that Nearburg's witness is unavailable to attend on that date.

Very truly yours,

J. Scott Hall

JSH:kw
Enclosure

312580

REPLY TO:

325 Paseo de Peralta
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STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION

IN THE MATTER OF THE APPLICATION
OF CIMAREX ENERGY CO. OF COLORADO
FOR A NON-STANDARD SPACING AND
PRORATION UNIT AND COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO

CASE NO. 14741

SUBPOENA DUCES TECUM

TO: Cimarex Energy Co. of Colorado
c/o ~~James Bruce, Esq.~~ W. THOMAS KELLAM, ESQ.
369 Montezuma, No. 213 706 GONZALES ROAD
P. O. Box 1056 SANTA FE, NM 87501
~~Santa Fe, NM 87504-1056~~

Pursuant to Section 70-2-8, NMSA (1978), and Rule 19.15.4.16 of the New Mexico Oil Conservation Division's Rules of Procedure, you are hereby ORDERED to appear at 9:00 a.m., September 30, 2011, at the offices of the Oil Conservation Division, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505 and to produce and make available to Nearburg Producing Company and their attorney, J. Scott Hall, Esq., for copying, the documents and items specified below.

This subpoena is issued on application of Nearburg Producing Company through its attorneys Montgomery and Andrews, P.A., P.O. Box 2307 Santa Fe, New Mexico 87504.

Dated this 21st day of September, 2011.

NEW MEXICO OIL CONSERVATION DIVISION

By: J.B.

Jami Bailey, Director

By David K. Brooks
Assistant General Counsel

EXHIBIT 'A'

**TO SUBPOENA DUCES TECUM
TO CIMAREX ENERGY CO. OF COLORADO
IN NEW MEXICO OIL CONSERVATION DIVISION
CASE NO. 14741**

For the West Shugart 32 State Com Well No. 1 (API 30-015-38294); W/2 W/2 Section 32, T-18-S, R-31-E, NMPM, Eddy County, New Mexico:

1. All open-hole and cased-hole logs from surface to total depth.
2. All mud logs from the surface to total depth.
3. All DST reports, including pressure charts, fluid recovery data and observed flow rates, together with service company analysis thereof with respect to reservoir parameters.
4. All daily drilling reports from commencement through completion of the well.
5. All data, analysis and reports for cores and side-wall cores.
6. All surface access, easements and use agreements, along with all surface damages agreements.
7. A copy of the drilling plan for the subject well.
8. All documents or a summary reflecting actual expenditures from commencement of operations on the well to drilling to total depth.
9. All completion reports.
10. All reservoir pressure information from the well including all bottomhole pressure tests and build-up test results, current well rates, flowing tubing pressures and choke sizes.

These subpoena items are ongoing and you have the obligation to supplement the production of documents and materials responsive hereto as new documents and materials become available.