

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 COG OPERATING, LLC, FOR A NON STANDARD SPACING AND  
PRORATION UNIT AND COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO.

CASE NOS. 14792, 14793, 14794, 14795

APPLICATION OF CIMAREX ENERGY COMPANY OF COLORADO FOR COMPULSORY  
POOLING, EDDY COUNTY, NEW MEXICO.

CASE NOS. 14767, 14768, 14769, 14770,  
14771, 14772, 14781

SUBPOENA DUCES TECUM

TO: Cimarex Energy Co.  
c/o James Bruce, Esq.  
Post Office Box 1056  
324 McKenzie Street  
Santa Fe, New Mexico 87504-1056

19.15.4.14

Pursuant to Section 70-2-8, NMSA (1978) and Rule ~~1211~~ of the New Mexico Oil Conservation  
Division's Rules of Procedure, you are hereby ORDERED to appear at 9:00 a.m., January 13, 2012, 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 COG  
OPERATING, LLC, and their attorney, Michael H. Feldewert of Holland & Hart, LLP, for copying, all of  
said documents.

This subpoena is issued on application of COG Operating, LLC, through their attorney, Michael  
H. Feldewert, Holland & Hart LLP, Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this 10<sup>th</sup> day of January, 2012.

NEW MEXICO OIL CONSERVATION DIVISION

BY: Gabriel A. Herbold

TITLE: Assistant General Counsel

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**EXHIBIT A**

**TO SUBPOENA DUCES TECUM  
TO CIMAREX ENERGY CO.**

**PURPOSE:** The purpose of this subpoena is to provide all of the information necessary for COG OPERATING LLC to be able to prepare its case.

**PRODUCE THE FOLLOWING DOCUMENTS:**

1. The daily oil, gas and water production volumes in digital Excel format for the Texas 32 Fee #1 Well from the date the well was put on production through the present date.
  2. The daily oil, gas and water production volumes in digital Excel format for Oklahoma 32 Fee #3 Well from the date the well was put on production through the present date.
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ACCEPTANCE OF SERVICE OF SUBPOENA DUCES TECUM

I, JAMES BRUCE, ESQ., the attorney of record for CIMAREX hereby accept service of  
the original Subpoena Duces Tecum issued to CIMAREX in this case on January 9, 2012, on this  
\_\_\_ day of January, 2012.

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JAMES BRUCE  
Attorney for Cimarex  
324 McKenzie Street  
Post Office Box 1056  
Santa Fe, New Mexico 87504-1056  
(505) 982-2043

## 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.

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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, Artesia or other location in New Mexico. References to the Oil Conservation Division also includes the Oil Conservation Commission and its members, and employees.