

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. 14186
Order No. R-13007

APPLICATION OF THE NEW MEXICO OIL
CONSERVATION DIVISION, THROUGH THE
ENFORCEMENT AND COMPLIANCE MANAGER,
FOR AN ORDER AGAINST McELVAIN OIL & GAS
PROPERTIES, INC. (OGRID 22044), FINDING THAT
OPERATOR KNOWINGLY AND WILLFULLY
VIOLATED RULE 50.F(1) [19.15.2.50(F)(1) NMAC]
AS TO TWO WELLS AND ASSESSING MONETARY
PENALTIES FOR THOSE VIOLATIONS PURSUANT
TO NMSA §70-2-14(B), AND FURTHER ORDERING
THAT IN THE EVENT McELVAIN FAILS TO
COMPLY WITH THE DIVISION'S ORDER,
ASSESSING ADDITIONAL PENALTIES, SAN
JUAN COUNTY.

ORDER GRANTING MOTION TO QUASH SUBPOENA

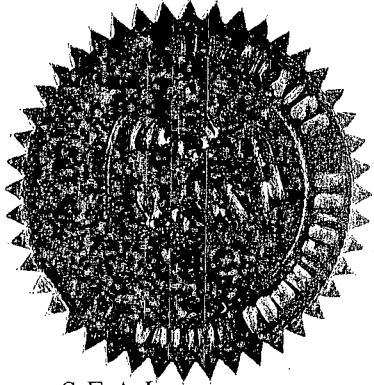
This matter, having come before the Director of the Oil Conservation Division upon a Motion filed by the Oil Conservation Division counsel to Quash Respondent's "Second Document Subpoena", the Director finds that:

The argument of counsel is well taken in that McElvain Oil & Gas Properties, Inc. (McElvain) has not requested a continuance and that the subpoena filed by counsel for McElvain fails to allow reasonable time for compliance in light of that fact.

IT IS THEREFORE ORDERED THAT:

The Motion to Quash Respondent's "Second Document Subpoena" is hereby granted.

DONE at Santa Fe, New Mexico, on this 10th day of October, 2008.



SEAL

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION

A handwritten signature in dark ink, appearing to read 'Mark E. Fesmire'.

MARK E. FESMIRE, P.E.
Director