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STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION 2008 OCT 7 PM 1 18

IN THE MATTER OF MESQUITE SWD, INC.'S APPLICATION NO. PKVR0817936301  
TO AMEND PERMIT SWD-180

Case No. 14178

**SUBPOENA DUCES TECUM**

To: Mr. John Simitz  
Bureau of Land Management  
2909 West 2<sup>nd</sup> Street  
Roswell, NM 88201

Pursuant to NMSA 1978 Sections 70-2-8 and 70-2-31(B)(1), and Oil Conservation Division Rules 1211 and 1214(A), you are hereby ordered to produce the documents and items specified in Exhibit A attached hereto on Thursday, October 9, 2008, at 1:30 p.m., to Elizabeth Ryan at the offices of Hinkle, Hensley, Shanor & Martin, LLP (the "Hinkle Law Firm"), 400 Penn Plaza, Suite 700, Roswell, New Mexico, 88201 and to make said documents available to the Hinkle Law Firm for examination and copying.

You are further ordered to appear and testify regarding the above-referenced application at 9:00 a.m. on Wednesday, October 15, 2008, at the offices of the Oil Conservation Division, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, and to produce the documents and items specified in Exhibit A.

This subpoena is issued on the application of Mesquite, SWD, Inc., through its attorneys, Thomas M. Hnasko and Kelcey C. Nichols, Hinkle Law Firm, P.O. 2068, Santa Fe, New Mexico 87504.

Dated this 7th day of October, 2008.

NEW MEXICO OIL CONSERVATION  
DIVISION

By: By David K. Brooks  
Legal Examiner  
Mark E. Fesmire, P.E., Director

## EXHIBIT A

### TO SUBPOENA DUCES TECUM

The purpose of this subpoena is to provide all of the information necessary for Mesquite SWD, Inc. to be able to prepare its evidence and testimony in Oil Conservation Commission Case No. 14,178.

#### **PRODUCE THE FOLLOWING DOCUMENTS:**

For the Mesquite, Exxon State No. 8 produced water disposal well, located at 1268' FSL and 2032' FEL of Section 15, Township 21 South, Range 27 East, Eddy County, New Mexico:

All documents, including all reports, electronic or written correspondence, and/or memoranda concerning your analysis of Mesquite SWD, Inc.'s Application No. PKVR0817936301 to Amend Permit SWD-180, the conclusions contained in Kay Havenor's expert report entitled *Assessment of the Geological Structure and Stratigraphy and Hydrogeological Setting of the Mesquite Exxon State No. 8 Saltwater Disposal Well and Other Wells in and Around Section 15, Township 21 South, Range 27 East, Eddy County, New Mexico*, and the depth and location of, and effect, if any, of the proposed salt water disposal on the waters within the Capitan Reef.

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

**IN THE MATTER OF MESQUITE SWD, INC.'S APPLICATION NO. PKVR0817936301  
TO AMEND PERMIT SWD-180**

**Case No. 14178**

**ACCEPTANCE OF SUBPOENA *DUCES TECUM***

I hereby accept service of the subpoena attached hereto, issued to the Bureau of Land Management by the New Mexico Oil Conservation Division on October 7, 2008.

Dated: \_\_\_\_\_

Bureau of Land Management

\_\_\_\_\_  
John Simitz  
2909 West 2nd Street  
Roswell, NM 88201