

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

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

CASE NO. 14418

RECEIVED OCD  
2010 AUG 23 P 1:37

SUBPOENA DUCES TECUM

TO: Cimarex Energy Company  
c/o Gary Larson  
Hinkle, Hensley Shanor & Martin, LLP  
P.O. Box 2068  
Santa Fe, NM 87504-2068

Pursuant to N.M.S.A. 1978, § 70-2-8 and 19.15.4.16 NMAC of the New Mexico Oil Conservation Divisions and Commission Rules of Procedure, you are hereby ORDERED to appear at 8:15 a.m., August 30, 2010, 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 Lynx Petroleum Consultants, Inc., and its attorneys, Holland & Hart, LLP, for copying, all of said documents.

This subpoena is issued on application of Lynx Petroleum Consultants, Inc., through their attorneys, Holland & Hart LLP, Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this 23 day of August 23, 2010.

NEW MEXICO OIL CONSERVATION COMMISSION

BY:

*By David K. Brooks, Assistant General Counsel*  
MARK E. FESMIRE, P.E., DIRECTOR

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM**  
**TO CIMAREX ENERGY COMPANY**  
**IN NEW MEXICO OIL CONSERVATION COMMISSION**  
**CASE NO. 14418**

**PURPOSE:** The purpose of this subpoena is to provide all of the information necessary for Lynx Petroleum Consultants, Inc.. to be able to prepare its evidence and testimony for New Mexico Oil Conservation Commission Case No. 14418.

**PRODUCE THE FOLLOWING DOCUMENTS:**

1. All logs of the Penny Pincher 21 Fed. Well No. 1 located in the W/2 W/2 of Section 21, Township 19 South, Range 31 East, NMPM including but not limited to electric logs, mud logs and LWD logs.
2. All completion information for the Penny Pincher 21 Fed. Well No. 1.
3. All production history for the Penny Pincher 21 Fed. Well No. 1.
4. All daily drilling reports for the Penny Pincher 21 Fed. Well No. 1.
5. All reports and submittals to the New Mexico Oil Conservation Division regarding the Penny Pincher 21 Fed. Well No. 1.
6. Cimarex's entire well file for the Penny Pincher 21 Fed. Well No. 1.
7. All communications, including but not limited to, e-mails, letters, faxes, memorandums regarding the Penny Pincher 21 Fed Well No. 1 with all interest owners in the W/2 W/2 of Section 21, Township 19 South, Range 31 East, NMPM, Eddy County, New Mexico.
8. All agreements, including but not limited to, operating agreements, farmouts, assignments, conveyances or contracts with all interest owners in the W/2 W/2 of Section 21.

## 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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**ACCEPTANCE OF SERVICE OF SUBPOENA DUCES TECUM**

I, Gary Larson, Esq., the attorney of record for Cimarex Energy Company, hereby accept service of the original Subpoena Duces Tecum dated August \_\_\_\_, 2010.

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Gary Larson, Esq.  
Post Office Box 2068  
Santa Fe, New Mexico 87504