

**BEFORE THE
OIL CONSERVATION DIVISION**

NEW MEXICO DEPARTMENT OF ENERGY AND MINERALS

IN THE MATTER OF THE APPLICATION OF
BURLINGTON RESOURCES OIL & GAS COMPANY
FOR COMPULSORY POOLING AND A NON-STANDARD
GAS PRORATION AND SPACING UNIT, SAN JUAN
COUNTY, NEW MEXICO

CASE NO. 11808
CASE No. 11809
DE NOVO

SUBPOENA DUCES TECUM

TO: Burlington Resources Oil and Gas Company
c/o W. Thomas Kellahin, Esq.
P.O. Box 2265
Santa Fe, NM 87504

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 3:00 a.m., November 12, 1997, at the offices of the Oil Conservation Division, 2040 South Pacheco, Santa Fe, New Mexico 87505 and to produce the documents and items specified in attached Exhibits A and B to make available to Total-Minatome Corporation and their attorney, J. Scott Hall, Esq., for copying, all of said documents.

This subpoena is issued on application of Total-Minatome Corporation through their attorneys Miller, Stratvert & Torgerson, P.A., Post Office Box 1986, Santa Fe, New Mexico 87504.

Dated this ____ day of October, 1997.

NEW MEXICO OIL CONSERVATION DIVISION

By _____
William J. Lemay, Director

EXHIBIT 'A'

TO SUBPOENA DUCES TECUM TO BURLINGTON RESOURCES OIL AND GAS COMPANY IN NEW MEXICO OIL CONSERVATION DIVISION CASE NOS. 11808 and 11809

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply to this Subpoena Duces Tecum:

- A. "Burlington" means Burlington Resources Oil and Gas Company.
- B. "Marcotte No. 2" means that well being drilled by Burlington at a location 935 feet from the east line and 1540 feet from the south line (Unit I) in Section 8, T31N, R10W, NMPM, San Juan County.
- C. "Scott No. 24" means that well proposed by Burlington at a location 1535 feet from the north line and 2500 feet from the west line (Unit F) Section 9, T31N, R10W, NMPM, San Juan County, New Mexico.
- D. "Arch Rock Prospect" and "Arch Rock Prospect Area" means those lands within the San Juan Basin, New Mexico which Burlington Resources proposes to explore and/or develop below the base of the Basin Dakota formation, including, but not limited to Sections 3, 4, 5, 8, 9, 10, 15, 16 and 17 in Township 31 North, Range 10 West, NMPM, San Juan County, New Mexico.
- E. "GLA 46", "GLA 46 Agreement" and "GLA 46 Operating Agreement" means that November 27, 1951 Farmout Agreement and Operating Agreement between Brookhaven Oil Company and San Juan Production Company and the amendments and supplements thereto.

F. "You" or "yours" refers to the named defendant, Burlington Resources Oil and Gas Company, and any of its agents, employees or representatives.

G. Hereinafter "the person" or "persons" shall mean each and every individual, corporation, partnership, joint venture, trust, estate, or associations.

H. Corporate affiliate - is any corporation with common officers, directors, employees, shareholders or accounts.

I. "Document" refers to any original, written, recorded or graphic matter whatsoever and all non-identical copies thereof whether or not privileged, classified or marked or treated as confidential including but not limited to, papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, telex messages, memoranda, notations, workpapers, jottings, agendas, statistical records, desk calendars, appointment books, expenses account vouchers, blueprints, plans, diaries, lists, tabulations, transcripts, minutes, reports, affidavits, statements, summaries, opinions, studies, analyses, evaluations, contract, agreements, bulletins, notices, announcements, advertisements, instructions, charts, manuals, brochures, publications, schedules, price lists, client lists, journals, books of account, records, invoices, statements of account, credit memoranda, records reflecting business operations, sound recordings, recordings by any means of telephone or other conversations, or of interviews or of conferences, or of other meetings, computer printouts, data processing program library, data processing input and output, microfilm, all records kept by electronic, photographic or mechanical means, pleadings, motions, responses to discovery, any notes or drafts relating to any of the foregoing, all things similar to any of the foregoing, however denominated by the parties and any other documents within the scope of Rule 34 of the Federal Rules of Civil Procedure. In all cases

where original or non-identical copies are available, "document" also means identical copies of an original document and non-identical copies thereof. In all cases where documents are in a language other than English, "document" shall also include all translations and materials related to particular translations.

J. Documents produced shall be identified according to each specific request to which they are responsive.

K. If you do not respond to any request or subpart thereof, on the basis of any privilege, or claim of privilege, state the privilege asserted, and the facts upon which you rely to support the claim of privilege.

L. If, in response to any request for production of documents, it is claimed that the documents requested are protected by the attorney/client privilege or attorney work-product doctrine, you are requested to identify such documents according to the criteria set forth in Rule 26(b)(5) of the Federal Rules of Civil Procedure. Specifically, you are requested to list and describe each document showing (a) the nature of the documents, communications, or things not produced or disclosed, (b) the identity and corporate position of the person or persons interviewed or supplying the information, (c) the place, approximate date, and manner of recording or otherwise preparing the documents, (d) the names of the person or persons (other than stenographical or clerical assistants) participating in the interview and preparation of the document, and (e) the name and corporate position, if any, of each person to whom the contents of the documents have heretofore been communicated by copy, exhibition, reading or substantial summarization. In addition, you should set forth the precise and certain reason for preserving the confidentiality of the documents.

This Subpoena Duces Tecum seek 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, documents, employees, former employees, counsel and former counsel.

If any part of the information provided in these documents is within the personal knowledge of the person responding to this subpoena, identify each person to whom such information is a matter of personal knowledge and each person who communicated to the person answering these interrogatories any part of that information.

Reference to the singular shall include the plural and references to the plural shall include singular. References to the masculine gender include the feminine and neuter genders.

The use of a verb in any tense shall be construed as the use of the verb in the past or present tense, whenever necessary to bring within the scope of the subpoena all responses which might otherwise be construed to be outside its scope.

When used herein in reference to an individual person, "identify" shall mean to state the full name, present or last known address, telephone number, present or last known employment, job title, position or business affiliation of said individual. When used herein in reference to a firm, partnership, corporation, business entity or other organization, "identify" shall mean to state its full name, present or last known address and telephone number.

When used herein in reference to a document "identify" shall mean:

- a. to state the date, author, addressee, file number, type of document (i.e. letter, memorandum, book, telegram, chart, etc.), or some other means of identifying it sufficient to support a request for production; and

b. to state its present location and custodian.

When used herein in reference to a communication, "identify" shall mean to state the date of communication, the type of communication (telephone conversation, meeting, discussion, etc.), the place where the communication took place, the identity of the person who made the communication, the identity of the person who received the communication, the identity of each person present when it was made, and the subject matter discussed.

When used herein in reference to a meeting, "identify" shall mean to state the date of the meeting, the place where the meeting took place, the identity of each person invited to attend, the identity of each person who attended, and the subject matter discussed.

When used herein "person" means an individual, firm, partnership, corporation, club, company, association, joint venture, syndicate, business entity or other organization.

When used herein, "you" or "your" refers to the person or entity to whom these interrogatories are addressed and includes all of his or its attorneys, officers, agents, employees, directions, representatives, officials, departments, divisions, subdivision, subsidiaries or predecessors.

When used herein "and" as well as "or" shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of the subpoena all responses which might otherwise be construed to be outside its scope. "Each" shall be construed to include the word "every" and "every" shall be construed to include the word "each". "Any" shall be construed to include the word "all" and "all" shall be construed to include the word "any".

1. All monthly management reports from the Burlington land department and the exploration and production department regarding the Arch Rock Prospect from 1990 to the present.

2. Any documents relating to the GLA 46 Agreement.

3. The personal files of Alan Alexander, David Poague, Kurt Schipley, Chip Land, Rick Dawson, David Schoderbek, and James R.J. Strickler and any other employee of Burlington Resources in Farmington relating to the following:

- (a) The Arch Rock Prospect
- (b) The Marcotte No. 2
- (c) The Scott No. 24
- (d) The GLA 46

4. Any documents relating to efforts or programs to obtain amendments, stipulations, modifications, assignments or agreements in any way affecting the GLA 46 Agreement. including the release, relinquishment, suspension, buy-out, "cure", elimination or abolition of the GLA 46 Agreement.

5. All title take-offs, title reports, acquisition opinions, drill-site opinions, title opinions, security opinions and division order opinions for the Marcotte No. 2, the Scott No. 24 and any other lands subject to or affected by the GLA 46 Agreement.

6. All documents relating to the interests of Total-Minatome Corporation or its predecessors in interest in the Arch Rock Prospect area and/or under the GLA 46 Agreement.

7. All documents relating to any plans or proposals to create a new unit and/or the expansion of any existing unit in the Arch Rock Prospect area affecting formations below the base

of the Basin Dakota formation including communications with or proposals to the Bureau of Land Management and/or the New Mexico State Land Office.


8. All documents relating to the efforts to obtain the voluntary participation and/or compulsory pooling of interests for all interest owners in acreage dedicated to the Marcotte No. 2 and the Scott No. 24 wells including any geological or geophysical data and interpretations disclosed to any interest owner, partner or joint venturer.

9. The drilling contracts for the Marcotte No. 2 and the Scott No. 24 and all documents relating to the scheduling of drilling rigs for the Marcotte No. 2 and the Scott No. 24.

10. All documents and materials relating to the Marcotte No. 2 described on the Total-Minatome Corporation Well Information Requirements form, Exhibit "B", attached.

11. All drilling, completion and casing plans for the Marcotte No. 2.

MILLER, STRATVERT & TORGERSON, P.A.

By 

J. Scott Hall
Attorneys for Total-Minatome Corporation
Post Office Box 1986
Santa Fe, New Mexico 87504-1986
(505) 989-9614

TOTAL MINATOME CORPORATION

WELL INFORMATION REQUIREMENTS

TO: Burlington Resources	WELL: Marcotte #2
	PROSPECT/FIELD: Wildcat
	COUNTY/PARISH: San Juan
	STATE: New Mexico
	DATE: 10/15/97

We ask the operator of this drilling venture to provide the following data:

A. DRILLING DATA:

1. Daily morning reports - prior to 10:00 a.m. daily:
 TELECOPY: X PHONE: _____ MAIL: _____
 ADDRESS: TOTAL MINATOME CORPORATION
 P. O. Box 4326
 Houston, Texas 77210-4326
 Phone No.: (713) 739-3000
 Telecopy No.: (713) 739-3255
 Attention: Susan Lynn

B. REGULATORY, COMPLETION, PRODUCTION DATA:

- | | | |
|--------|---|---------------|
| 1. (a) | State Permit to Drill | <u>1</u> Copy |
| (b) | Amended Location Plat | <u>1</u> Copy |
| (c) | Completion Report | <u>1</u> Copy |
| (d) | Well History | <u>1</u> Copy |
| (e) | Well Test Data | <u>1</u> Copy |
| (f) | Hazard Survey | <u>1</u> Copy |
| (g) | Directional Survey Paper Copy, 3 1/2" Floppy Disk | <u>1</u> Copy |
| (h) | Other | <u>1</u> Copy |
- MAIL TO: TOTAL MINATOME CORPORATION
 P. O. Box 4326
 Houston, Texas 77210-4326
 Attention: Liz Dunn

C. GEOLOGICAL/ENGINEERING DATA:

1. (a) Electric Logs:
- | | |
|---|-----------------|
| Field Prints or Lognet Transmission | <u>1</u> Copy |
| to (713) 739-3363 | |
| Final Composites | <u>3</u> Copies |
| Film of All Logs | <u>1</u> Copy |
| LAS Format 3 1/2" Floppy Disk (PC Floppy Job) | <u>1</u> Copy |
- (b) Core Reports 3 Copies
 (c) Drilling Prognosis 3 Copies
 (d) Completion Procedure 1 Copy
 (e) Mud Logs: Telecopy 1" and 5" - prior to 10:00 a.m. daily
 to (713) 739-3363
- | | |
|-------------------------------|-----------------|
| Field Prints 5" and 1" mailed | <u>1</u> Copy |
| Final Prints | <u>3</u> Copies |
| Sepia of Final Mud Log | <u>1</u> Copy |
- TELECOPY: (713) 739-3363 (Continuous copier)
 MAIL TO: TOTAL MINATOME CORPORATION
 2 Houston Center
 909 Fannin, Suite 2200
 Houston, Texas 77010
 Attention: Brad Watts
2. Drill Cutting Requirements: Access only, unless otherwise notified.
3. We reserve the option to have a representative on location for logging, coring and testing. We also reserve the right for open access to the rig.
4. We will require a minimum of 24 hours notice prior to logging, testing, coring, or abandoning operations.

GEOLOGIST(S):

Brad Watts Office: (713) 739-3336 Residence: (281) 360-5014

ENGINEER:

Paul Platt Office: (713) 739-3233 Residence: (281) 358-4615

EXHIBIT 3