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NATURAL RESOURCES-OIL AND GAS LAW

JASON KELLAHIN (RETIRED 1991)

July 8, 1997

VIA FACSIMILE

(505) 827-1877

Mr. David R. Catanach, Hearing Examiner
Rand Carroll, Esq., Division Attorney
Oil Conservation Division
2040 South Pacheco
Santa Fe, New Mexico 87504

*Re: NMOCD Case 11808 and NMOCD Case 11809
Applications of Burlington Resources Oil & Gas Company
San Juan County, New Mexico*

Gentlemen:

At approximately 10:40 AM today I received by facsimile a copy of a Division Subpoena in which Moore-Bard seek to have David Schoderbeck, Burlington's geophysicist, appear and be available to testify at the hearing set for Thursday, July 10, 1997.

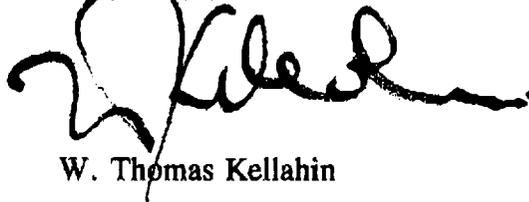
Please be advised that I am not authorized to accept this subpoena on behalf of either Mr. Schoderbek or Burlington. Accordingly, without accepting service and without waiving the rights of either Mr. Schoderbek or Burlington, please be advised that if and when this subpoena is properly served, I wish to inform you that Burlington will move to quash the subpoena because:

- (1) Moore-Bard is simply seeking to obtain from Mr. Schoderbek Burlington's confidential and proprietary seismic data and other proprietary information which Mr. Schoderbek has developed or had access to concerning theories for potential exploration of the "deep gas" in the San Juan Basin which was obtain by Burlington at considerable expenses and over a significant portion of the San Juan Basin; and

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- (2) None of Mr. Schoderbek's testimony is relevant to the risk facto penalty issue or any other issue before the Division in a compulsory pooling case.

Very truly yours,



W. Thomas Kellahin

cfx: Jason Doughty, Esq.
attorney for Moore and for Bard
Scott Hall, Esq.
attorney for Minatome