

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

IN THE MATTER OF THE APPLICATION OF OXY USA, INC. TO REOPEN CASE NO. 8352 TO CONTRACT THE WEST BRAVO DOME CARBON DIOXIDE GAS AREA TO EXCLUDE ACREAGE IN THE BRAVO DOME CARBON DIOXIDE GAS UNIT AND FOR THE ADOPTION OF PERMANENT SPECIAL POOL RULES AND REGULATIONS FOR THE ACREAGE EXCLUDED FROM THE WEST BRAVO DOME CARBON DIOXIDE GAS AREA INCLUDING PROVISIONS FOR 160-ACRE SPACING UNITS, HARDING COUNTY, NEW MEXICO.

CASE NO. 8352 (REOPENED)

SUBPOENA DUCES TECUM

TO: **OXY USA Inc.**
c/o William F. Carr
Holland & Hart, LLP
P.O. Box 2208
Santa Fe, New Mexico 87504-2208

RECEIVED OCD
2010 AUG - 3 P 2: 16

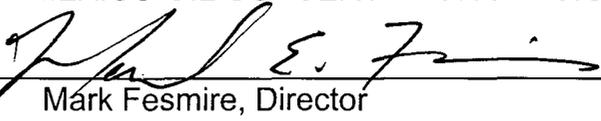
Pursuant to Section 70-2-8, NMSA (1978), and Rule 1211 of the New Mexico Oil Conservation Division's Rules of Procedure, you are hereby ORDERED to appear at 10:00 a.m., August 13, 2010 at the offices of the Oil Conservation Division, 1220 South St. Francis Drive, Santa Fe, New Mexico 876505 and to produce and make available to Russell Heimann, et al., Reliant Exploration and Production LLC and T.E. Mitchell & Son, Inc. and their attorneys, for copying, the documents, things and items specified on Exhibit "A" hereto.

This subpoena is issued on application of the aforesaid Intervenors through their attorneys Gallegos Law Firm, P.C., The Simons Firm, LLP and Modrall Sperling, Roehl, Harris and Sisk, P.A.

Dated this 4 day of August, 2010.

NEW MEXICO OIL CONSERVATION DIVISION

By



Mark Fesmire, Director

EXHIBIT A
To Subpoena Duces Tecum
to Oxy USA, Inc.
in NMOCD Case No. 8352 (Reopened)

1. All data, plats/maps, information, logs, pressure tests and pressure charts, logs from surface to total depth, cross sections, and any literature, historical reports and all other documents reviewed or accumulated with respect to filing the subject Application, including information that does not or may not support the Application.
2. All documents, data, plats, cross sections, maps or any other exhibits, things or evidence that you expect will be or may be offered, relied on or displayed at the Division hearing in support of the Subject Application.
3. With reference to Paragraph 12 of the Subject Application and concerning each carbon dioxide well referenced as located in the Bravo Dome Temporary Spacing Area and the Bravo Dome Unit 640-acre area, provide the referenced performance data and production history and also for each well all open-hole and cased-hole logs to total depth, all daily drilling reports through completion, all pressure charts and flow rates, and all completion reports.
4. With reference to Paragraph 7 of the Subject Application and the lands described at that paragraph and denominated the West Bravo Dome Carbon Dioxide Area, provide each carbon dioxide well the same documents as described in Section 3 above.
5. Provide the complete well files and underlying leases applicable thereto and include all logs to total depth, pressure charts, observed flow rates, the drilling plan and completion reports concerning the Bravo Dome Unit 2031 Well (#021 (API 30-021-20425) and Bravo Dome Unit Well 2031 Well #111 (API 30-021-20426).
6. Provide copies of slides, graphics, handouts, displays, narratives, pamphlets and all other materials, whether in computer, electronic, paper or other form which have been prepared for internal or external forums, seminars or other presentations comparing the benefits and costs of drilling wells on 160 acre spacing units in the Bravo Dome Temporary Spacing Area.
7. Any study or analysis of reservoir pressure in the Bravo Dome Temporary Spacing Area.
8. All documents which relate to any study or analysis of optimal well spacing for ensuring the greatest ultimate recovery of carbon dioxide produced from wells drilled in the Bravo Dome Temporary Spacing Area.

INSTRUCTIONS AND DEFINITIONS

1. The effect of this subpoena is continuing and the recipient has the duty to supplement production as new documents, data and things become available.
2. "Document" shall mean any writing or recording (whether printed, typed, photocopied, handwritten, computerized, recorded, stored, or produced or reproduced by any process or means, mechanical, manual, or otherwise) or any other compilation of information in Your possession, custody, or control or in the possession, custody or control of anyone affiliated with You as You are defined herein above, and includes without limitation any and all of the following:
 - (a) all statements of account, accountant's and other worksheets, advertisements, advertising circulars, advisors, affidavits, agendas, agreements, appointment books, articles, balance sheets, blueprints, books, brochures, bulletins, calendars, charts, checks, circulars, communications (whether intra-office, inter-office, external, or otherwise), computer printouts, contracts, correspondence, data sheets, desk-pads, diagrams, diaries, drafts, drawings, forms, flyers, forecasts, graphs, guidelines, handwritten matter, illustrations, indexes, instructions, invoices, ledgers, letters, lists, logs, magazine clippings, manuals, materials, memoranda, minutes, newspaper clippings, notebooks, notes, note entries, pamphlets, papers, periodicals, photographs, pictures, posters, post-it notes, projections, prospectuses, receipts, records, reports, rules, signs, sketches, statements, studies, summaries, surveys, telecopies, telegrams, telephone messages, telexes, transcripts, translations, vouchers, and workpapers.
 - (b) all graphic, video or audio records or representations of any kind, including without limitation any photographs, charts, drawings, graphs, microfiche, microfilm, videotapes, magnetic tapes, electronic recordings, films, and motion pictures;
 - (c) all forms of manifestations of data and information of any kind stored and/or retrievable by mechanical, electronic, magnetic, digital, laser optic, or similar means, including without limitation any and all files (including without limitation electronic mail – or "e-mail" – and any other files still existing in the storage media but identified as "erased but recoverable") from any personal computer, notebook or laptop computer, computerized planner or other palm-held storage device, file server, mini computer, mainframe computer, or other storage device, including but not limited to hard disk drives, zip disks, and back-up or archival tapes (whether stored on or offsite), as well as any other electric, electronic, magnetic, mechanical, and optical records or representations of any kind, including without limitation data processing cards, tapes, cassettes, disks, and other recordings; and

- (d) all drafts and final versions and all originals as well as carbons, photographic, or other copies, telecopies, reproductions or facsimiles that differ from originals in any respect (including, but without limitation, differences due to handwritten notes, editing, interlineation, blind copies, omissions, or any other alterations).
3. With respect to any Documents, or portion thereof, that You withhold on the basis that the document is privileged or confidential, you must provide a written statement specifically setting forth:
- (a) the dates on which the Document was prepared, transmitted, and received;
 - (b) (the name and job title of each author, addressee, and recipient of the Document;
 - (c) the name and job title of each person who was furnished with a copy or other manifestation of the Document, who had possession of the Document or any copy or other manifestation thereof, and/or who had access to the Document;
 - (d) the number of pages in the Document (or equivalent measure of length, as appropriate);
 - (e) the nature and subject matter of all information or data contained in the Document;
 - (f) the specific basis for asserting that the document is privileged or confidential;
 - (g) the precise legal and factual basis upon which the privilege or other asserted ground for non-production is claimed; and
 - (h) the number of the request or requests to which the Document is or may be responsive.
4. If any Document that would have been responsive to the requests below has been destroyed or is no longer in Your possession, custody, or control, you must provide a written statement setting forth:
- (a) the dates on which the Document was prepared, transmitted, and received;
 - (b) the name and the job title of each author, addressee, and recipient of the Document;

- (c) the name and the job title of each person who was furnished with a copy or other manifestation of the Document, had possession of the Document, and/or had been given access to the Document;
 - (d) the person or persons in whose custody You believe said Documents or any copy or other manifestation thereof can presently be found;
 - (e) the number of pages in the Document (or equivalent measure of length, as appropriate);
 - (f) the nature and subject matter of the Document;
 - (g) the date on which the Document was destroyed, lost transferred, or otherwise left Your possession, custody, or control;
 - (h) the name and job title of the person responsible for, requesting, or performing the destruction, loss, transfer, or other occurrence by which the Document left Your possession, custody, or control;
 - (i) the conditions of and reasons for such loss, transfer, destruction, or other occurrence by which the Document left Your possession, custody, or control; and
 - (j) the number of request or requests to which the Document would have been responsive.
5. With regard to and Document which is in existence and in Your control, but not physically within the possession or custody of You or Your attorneys, You are to execute all necessary authorizations and take all other steps necessary and appropriate to secure possession of the Document and/or allow defendants or their agents or representatives to obtain and examine the Document.
 6. Documents responsive to a request for production shall be produced in the condition and order or arrangement in which they existed when this document request was served.
 7. Any Document maintained by You in a computer coded or encrypted form shall be produced together with all necessary programming and other necessary software and hardware needed to recover the information contained therein and present it in a readily cognizable form.
 8. Where a Document exists in any medium other than on paper, You are instructed to present for inspection the actual device or storage medium for that Document, together with any printouts or other tangible rendering of that Document capable of being produced by the storage medium.

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CASE NO. 8352 (REOPENED)

RETURN FOR COMPLETION BY PERSON MAKING SERVICE

I, being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the 5th day of August, 2010 in Santa Fe County, I served this subpoena on Diana Hamamoto on behalf William F. Carr of Holland & Hart, LLP, attorney for Oxy USA, Inc. by delivering to the person named a copy of the subpoena.

Nadine Trujillo
Person making service

SUBSCRIBED AND SWORN to before me this 5th day of August, 2010.

Sandra Gallego
Judge, notary or other officer authorized to administer oaths

My Commission expires: 11-7-10

