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**Recognized Specialist in the Area of  
Natural Resources - oil and gas law  
New Mexico Board of Legal Specialization**  
46676-0002

September 30, 2003

**VIA HAND DELIVERY**

Lori Wrotenbery  
Director - OCD  
NM Energy, Minerals & Natural Resources Dept.  
1220 South St. Francis Drive  
Santa Fe, NM 87505

**RECEIVED**

SEP 30 2003

Oil Conservation Division

Re: Application of Mewbourne Oil Company to Reopen Case No. 12940

Dear Ms. Wrotenbery:

Enclosed in triplicate is a subpoena duces tecum directed to Mewbourne Oil Company from Gruy Petroleum in the above-referenced matter. Please have this subpoena issued, then contact my office and we will send our runner to pick it up.

Thank you for your assistance, and please do not hesitate to contact me if you have any questions in this regard.

Sincerely,



Michael H. Feldewert

MHF:jlj

Enclosures

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

**IN THE MATTER OF THE APPLICATION  
OF MEWBOURNE OIL COMPANY TO REOPEN  
CASE NO. 12940 TO AMEND AND MAKE PERMANENT  
THE SPECIAL RULE AND REGULATIONS FOR THE  
SHUGART-STRAWN POOL, AND FOR A DISCOVERY  
ALLOWABLE, EDDY COUNTY, NEW MEXICO**

**RECEIVED**

SEP 30 2003

Oil Conservation Division

**CASE NO: 12940**

**SUBPOENA DUCES TECUM**

TO: Mewbourne Oil Company  
c/o James Bruce, Esq.  
P.O. Box 1056  
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 produce the documents set forth on Exhibit A at the law offices of Holland & Hart, 110 North Guadalupe, Santa Fe, New Mexico on or before October 7, 2003 and to make them available for inspection and copying by employees or representatives of Gruy Petroleum Management Company, Harvey E. Yates Company and Pecos Production Company. This subpoena is issued at the request of these parties through their attorneys, Holland & Hart, P. O. Box 2208, Santa Fe, New Mexico 87504.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2003.

**NEW MEXICO OIL CONSERVATION DIVISION**

BY: David K. Brooks, Assistant General Counsel  
for **LORI WROTENBERY, DIRECTOR**

**EXHIBIT "A"**

**TO SUBPOENA DUCES TECUM  
TO MEWBOURNE OIL COMPANY  
IN NEW MEXICO OIL CONSERVATION DIVISION  
CASE 12940**

**DOCUMENTS TO BE PRODUCED:** All documents, records and data on the matters described below in your possession or under your control pertaining to the Shugart-Strawn Pool which is the subject of the application filed by Mewbourne Oil Company in Case No. 12940:

1. Drilling and completion reports for all Mewbourne operated wells completed or being completed in the pool;
2. Well logs with LAS data files, including, but not limited to, porosity, resistivity, FMI and RFT logs with any interpretations for all Mewbourne operated wells completed or being completed in the pool;
3. Monthly and daily production data for oil, gas and water, including flowing tubing pressures and casing pressures, for all Mewbourne operated wells in the pool;
4. All gas analysis and all pressure, volume and temperature (PVT) analysis and data, including any associated analysis;
5. All core analysis, including the final core report;
6. All reservoir pressure data, including, but not limited to, bottom-hole pressure surveys, pressure buildup tests, surface pressure readings, drill stem tests, with relevant information as to shut-in-times and production rates before shut-in;
7. All petroleum engineering data and studies covering the Strawn Reef, including, but not limited to, volumetric estimates of the original oil in place and estimated ultimate recoveries by well and proration unit;
8. All geologic and geophysical maps, which include but are not limited to structure maps, isopach maps, time, isochron and velocity maps, as well as cross sections of the Strawn Reef;
9. 3-D Seismic data and associated interpreted maps of the Strawn Reef;
10. Any documents, studies, exhibits or reports that Mewbourne intends to use in support of its application in this case.

## 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.

The term "document" as used herein means every writing and record of every type and description in the possession, custody or control of the entity to whom this subpoena is addressed, whether prepared by you or otherwise. 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.

*- This was received on Tuesday afternoon and submitted to Richard Egan, Acting Director for today to handle. M.S. 10-21-2003*

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

RECEIVED

APPLICATION OF MEWBOURNE OIL COMPANY  
TO REOPEN CASE NO. 12940 TO AMEND  
AND MAKE PERMANENT THE SPECIAL RULES  
AND REGULATIONS FOR THE SHUGART-STRAWN  
POOL, AND FOR A DISCOVERY ALLOWABLE,  
EDDY COUNTY, NEW MEXICO.

OCT 21 2003

Oil Conservation Division

Case No. 12940 (Reopened)

MOTION TO PARTIALLY QUASH SUBPOENA

Mewbourne Oil Company submits this response to the Subpoena Duces Tecum (the "subpoena") obtained from the Division by Gruy Petroleum Co., Harvey E. Yates Company, and Pecos Production Company on October 3, 2003.

I. RESPONSE AND OBJECTIONS.

Mewbourne Oil Company objects to the subpoena on the following general grounds:

A. Mewbourne Oil Company's attorney received the subpoena on October 3, 2003. Thus, there was insufficient time to respond to the subpoena by October 7, 2003.

B. The subpoena is overly broad and unduly burdensome.

C. The subpoena improperly requests the turnover of confidential, trade secret, and proprietary data.

Without waiving the above general objections, and those set forth specifically below, Mewbourne Oil Company responds as follows to the items set forth in Exhibit "A" to the subpoena:

(1) Items 1, 2, 3, 4, and 6: Objection: Certain of the data is public information available to anyone. Without waiving the objection, Mewbourne Oil Company has turned over, or will turn over, the data (except for mud logs) to Gruy Petroleum

Co., Harvey E. Yates Company, and Pecos Production Company at a mutually convenient time and place.

(2) Item 5: There is no core data.

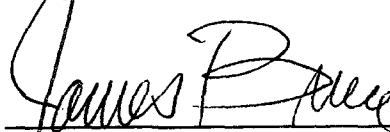
(3) Items 7, 8, and 10: Objections: Except to the extent the data is turned over under paragraph (1) above, (i) geologic and engineering studies and exhibits, and mud logs, are the confidential and proprietary data of Mewbourne Oil Company, (ii) presenting all studies ever prepared is unduly burdensome, and there is insufficient time to compile such data, and (iii) the Division does not require parties to produce exhibits to opposing parties in advance of a hearing. Mewbourne Oil Company has agreed to turn over its raw data, which the other parties may use to prepare their own exhibits.

(4) Item 9: Objections: (i) Seismic data is the confidential, trade secret, and proprietary data of Mewbourne Oil Company, (ii) presenting all mapping ever prepared is unduly burdensome, and there is insufficient time to compile such data, (iii) Gruy Petroleum Co., Harvey E. Yates Company, and Pecos Production Company are free to obtain seismic data at their own expense, and can prepare their own maps, (iv) the data is irrelevant, and (v) the Division does not require parties to produce seismic data to opposing parties.

## II. MOTION TO QUASH.

Mewbourne Oil Company requests that the Subpoena *Duces Tecum* be quashed as to (a) any request to turn over mud logs, and (b) the items discussed in paragraphs (3) and (4) above.

Respectfully submitted,



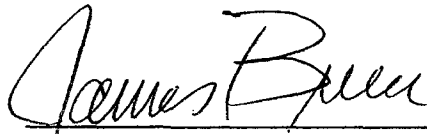
James Bruce  
Post Office Box 1056  
Santa Fe, New Mexico 87504  
(505) 982-2043

Attorney for Mewbourne Oil Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record via facsimile transmission this 21<sup>st</sup> day of October, 2003:

Michael Feldewert  
Holland & Hart LLP  
Post Office Box 2208  
Santa Fe, New Mexico 87504  
Fax No. (505) 983-6043



James Bruce