



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

March 28, 1997

Fasken Oil and Ranch, Ltd.
Kellahin and Kellahin
Attn: W. Thomas Kellahin
P. O. Box 2265
Santa Fe, New Mexico 87504

Telefax No. (505) 982-2047

Penwell Energy, Inc.
Campbell, Carr, Berge & Sheridan, P. A.
Attn: William F. Carr
P. O. Box 2208
Santa Fe, New Mexico 87504-2208

Telefax No. (505) 983-6043

Re: *Case No. 11,755, Application of Fasken Oil and Ranch, Ltd. to dedicate a non-standard 297.88-acre gas spacing and proration unit to comprise Lots 29, 30, 31, and 32 and the SW/4 (S/2 equivalent) of irregular Section 1, Township 21 South, Range 25 East, NMPM, Catclaw Draw-Morrow Gas Pool, Eddy County, New Mexico, to a well to be drilled at an unorthodox gas well location 2080' FSL & 750' FWL (Unit T) of said Section 1 or, in the alternative, to a well to be drilled at an unorthodox gas well location 660' FSL & 2310' FEL (Lot 31/Unit W) of said Section 1.*

Dear Messrs. Carr and Kellahin:

Reference is made to Fasken Oil & Ranch, Ltd.'s Motion to Quash the Subpoena Duces Tecum issued by the Division on March 24, 1997 at the request of Penwell Energy, Inc. (see copy attached). All parties concerned in this matter shall be prepared to address this issue at the April 3, 1997 hearing.

Sincerely,

Michael E. Stogner
Chief Hearing Officer/Engineer

cc: Oil Conservation Division - Artesia
William J. LeMay, Director - OCD, Santa Fe
Rand Carroll, Counsel - OCD, Santa Fe
File: Case 11,723
Case 11,755
James Bruce, Counsel for Mewbourne Oil Company - Santa Fe

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

**APPLICATION OF FASKEN OIL AND
RANCH, LTD., FOR A NON-STANDARD
GAS PRORATION AND SPACING UNIT
AND TWO ALTERNATE UNORTHODOX
GAS WELL LOCATIONS,
EDDY COUNTY, NEW MEXICO.**

No. 11755

SUBPOENA DUCES TECUM

TO: Fasken Oil and Ranch, Ltd.
c/o W. Thomas Kellahin, Esq.
Kellahin & Kellahin
117 North Guadalupe Street
Santa Fe, NM 87501

APR 3 1997
Oil Conservation Division

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 8:15 a.m., April 3, 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 Exhibit A and to make available to Penwell Energy, Inc., and their attorney, William F. Carr, for copying, all of said documents.

This subpoena is issued on application of Penwell Energy, Inc., through their attorneys, Campbell, Carr, Berge & Sheridan, P.A. Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this ____ day of March, 1997.

NEW MEXICO OIL CONSERVATION DIVISION

BY: _____
WILLIAM J. LEMAY, DIRECTOR

EXHIBIT "A"

**TO SUBPOENA DUCES TECUM
TO FASKEN OIL AND RANCH, LTD.
IN NEW MEXICO OIL CONSERVATION DIVISION
CASE 11755**

PURPOSE: The purpose of this subpoena is to provide all of the information necessary for Penwell Energy, Inc., to be able to prepare its opposition to Fasken Oil and Ranch, Ltd., in NMOCD Case 11755.

I. PRODUCE THE FOLLOWING DOCUMENTS:

All seismic records in tape form, a shot point map and coverage plat along with interpretation of the data which was utilized by Fasken Oil and Ranch, Ltd., to select the alternative unorthodox well locations for which it seeks approval in Case 11755.

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 person or entity to whom this Subpoena Duces Tecum is addressed to including all of his or its attorneys, officers, agent, consultants, employees, directors, representatives, officials, departments, divisions, subdivisions, subsidiaries, or predecessors.

The term “document” as used herein means every writing and record of every type and description in the possession, custody or control of Fasken Oil and Ranch, Ltd., 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.