

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

IN THE MATTER OF THE APPLICATION  
OF RAPTOR RESOURCES, INC.  
FOR AN UNORTHODOX WELL LOCATION,  
AND SIMULTANEOUS DEDICATION,  
LEA COUNTY, NEW MEXICO

CASE NOS. 12303, 12304

OIL CONSERVATION DIVISION  
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SUBPOENA DUCES TECUM

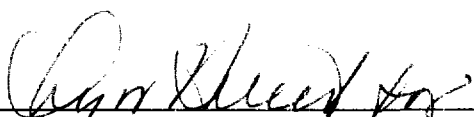
TO: Raptor Resources, Inc.  
c/o Campbell, Carr, Berge & Sheridan, P.A.  
110 N. Guadalupe, Suite 1  
Santa Fe, New Mexico 87501

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 9:00 a.m., on Monday, November 29, 1999, 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 Doyle Hartman, Oil Operator and his attorneys, J.E. Gallegos and Michael J. Condon, for copying, all of said documents.

This subpoena is issued on behalf of Doyle Hartman, Oil Operator through its attorneys the Gallegos Law Firm, P.C., 460 St. Michael's Drive, Bldg. 300, Santa Fe, New Mexico 87505.

Dated this 22<sup>nd</sup> day of November, 1999.

NEW MEXICO OIL CONSERVATION DIVISION

By   
Lori Wrotenbery, Director

## **DEFINITIONS AND INSTRUCTIONS**

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

- A. "Hartman" means Doyle Hartman, Oil Operator.
- B. "You" or "yours" refers to Raptor Resources, Inc. ("Raptor"), Dervish Energy, LLC., Orr Holding Ltd., a Texas limited partnership, and any of their agents, employees or representatives.
- C. Hereinafter "the person" or "persons" shall mean each and every individual, corporation, partnership, joint venture, trust, estate, or associations.
- D. Corporate affiliate – is any corporation with common officers, directors, employees, shareholders or accounts.
- E. "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, memoranda, 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 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.

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

G. 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. 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.

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 files and documents in the possession of your consultants or contract employees.

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.

## EXHIBIT A

TO SUBPOENA DUCES TECUM  
TO RAPTOR RESOURCES INC.  
IN NEW MEXICO OIL CONSERVATION DIVISION  
CASE NO. 12015

### DEFINITIONS AND INSTRUCTIONS

1. For purposes of this Exhibit "A", the "Subject Wells" are identified as follows:

All existing and proposed wells operated by Raptor Resources, Inc. situate in Section 8 and Section 9, Township 22 South, Range 36 East, NMPM, Lea County, New Mexico.
2. For each of the Subject Wells, all of the following materials, documents or data:
  - A. The complete well file, including but not limited to all C-102 and C-104 forms naming you, and well logs.
  - B. All documents provided to the New Mexico Oil Conservation Division ("NMOCD") or the United States Bureau of Land Management;
  - C. Documents describing the drilling program for the subject wells, including approvals, schedules, timetables, contracts for drilling, and correspondence
  - D. Documents constituting or referring to engineering or geological evaluation concerning existing wells or the developing of additional wells.
  - E. Authorities for Expenditures and final compilations or statements of costs to complete all Subject Wells developed by you as operator.
3. Documents reflecting the negotiations and transactions leading to and resulting in ownership by Dervish Energy LLC and Orr Holding Ltd., of interests in the leases underlying the Subject Wells.

4. All documents relating to or supporting infill drilling programs recompletions or reworks you have adopted, recommended or implemented for gas wells in the Jalmat Gas Pool.
5. All documents, including but not limited to, reserve projections, corresponding pressure data, geological studies, engineering evaluations, and production data, whether generated by you or by consultants working on your behalf, or other persons which you have referenced or relied upon with respect to your request for unorthodox locations, simultaneous dedication or other development related to the Subject Wells.
6. All documents which reflect the ownership interest or operating rights of any kind in the proration units on which the Subject Wells are sited, or in the Subject Wells themselves if different from interests in the oil and gas leases, including all documents which establish Raptor Resources, Inc. status as operator of the Subject Wells and agreements between Raptor Resources Inc. and the owners of such interests.
7. All documents, including but not limited to (a) land files, (b) assignments and bills of sale, transfers of interest, assignments of interest in the Subject Wells, or of acreage on which the subject wells are located, between you and any other party, (c) lists of interest owners for the period 1998-1999 in the acreage comprising proration units for the subject wells, and (d) all communications to or from Raptor Resources Inc. with regard to the administrative applications to the NMOCD for the Subject Wells.

8. All documents referencing any communication between you and the NMOCD, its Director, hearing examiners, agents, and employees, including but not limited to meeting notes, expense statements, telephone message slips, telephone bills, memoranda and correspondence, regarding your infill drilling activities for the Jalmat Gas Pool in Lea County, New Mexico.
9. Concerning offset operators to the Subject Wells provide:
  - (a) Copies of reports of any Lea County real estate title searches in 1999;
  - (b) Copies of offset operator plats along with receipts, cancelled checks or other documents which establish the date each plat was acquired.
  - (c) Each and every version of the October 20, 1999 letter, from Bill R. Keathly to Michael Stogner regarding Application to re-complete State "A" A/C Well No. 54 in Section 8, T-22-S, R-36-E, including all attachments to those letters.
  - (d) Documents evidencing the substitution at the NMOCD of the edition of the letter referenced in (c) above for the letter omitting Doyle Hartman as an offset operator with the letter including him as an offset operator both dated October 20, 1999.
10. Daily field reports, service company stimulation reports and any other documents showing the dates and nature of work done by you on the State "A" A/C-2 Well No. 54 at any time.