

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

IN THE MATTER OF THE HEARING  
CALLED BY THE OIL CONSERVATION  
DIVISION FOR THE PURPOSE OF  
CONSIDERING:

CASE NO. 14186  
Order No. R-13007

APPLICATION OF THE NEW MEXICO OIL  
CONSERVATION DIVISION, THROUGH THE  
ENFORCEMENT AND COMPLIANCE MANAGER,  
FOR AN ORDER AGAINST McELVAIN OIL & GAS  
PROPERTIES, INC. (OGRID 22044), FINDING THAT  
OPERATOR KNOWINGLY AND WILLFULLY  
VIOLATED RULE 50.F(1) [19.15.2.50(F)(1) NMAC]  
AS TO TWO WELLS AND ASSESSING MONETARY  
PENALTIES FOR THOSE VIOLATIONS PURSUANT  
TO NMSA §70-2-14(B), AND FURTHER ORDERING  
THAT IN THE EVENT McELVAIN FAILS TO  
COMPLY WITH THE DIVISION'S ORDER,  
ASSESSING ADDITIONAL PENALTIES, SAN  
JUAN COUNTY.

ORDER GRANTING MOTION TO QUASH SUBPOENA

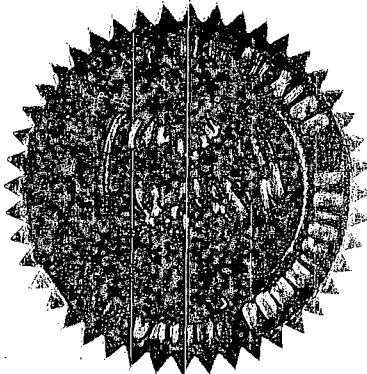
This matter, having come before the Director of the Oil Conservation Division upon a Motion filed by the Oil Conservation Division counsel to Quash Respondent's "Second Document Subpoena", the Director finds that:

The argument of counsel is well taken in that McElvain Oil & Gas Properties, Inc. (McElvain) has not requested a continuance and that the subpoena filed by counsel for McElvain fails to allow reasonable time for compliance in light of that fact.

IT IS THEREFORE ORDERED THAT:

The Motion to Quash Respondent's "Second Document Subpoena" is hereby granted.

DONE at Santa Fe, New Mexico, on this 10<sup>th</sup> day of October, 2008.



SEAL

STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION

A handwritten signature in dark ink, appearing to read "Mark E. Fesmire", written over a horizontal line.

MARK E. FESMIRE, P.E.  
Director