

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. 14582  
ORDER NO. R-13357

APPLICATION OF CIMAREX ENERGY CO.  
FOR APPROVAL OF A NON-STANDARD OIL  
SPACING AND PRORATION UNIT AND  
COMPULSORY POOLING, LEA COUNTY,  
NEW MEXICO.

SUBPOENA DUCES TECUM

TO: Cimarex Energy Company  
c/o Thomas Kellahin  
Kellahin & Kellahin  
706 Gonzales Road  
Santa Fe, New Mexico 87501

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2012 APR -5 A 11:23

Pursuant to N.M.S.A. 1978, § 70-2-8 and 19.15.4.16 NMAC of the New Mexico Oil Conservation Divisions and Commission Rules of Procedure, you are hereby ORDERED to appear by 9:00 a.m., on Tuesday, April 10, 2012, at the offices of the Oil Conservation Division, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87504, to produce and make available to Nearburg Producing Company for copying, the documents and items specified in attached Exhibit A.

This subpoena is issued on application of Nearburg Producing Company through their attorney, Michael H. Feldewert, Holland & Hart LLP, Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this 5<sup>th</sup> day of April, 2012. @ 11:22 a.m.

NEW MEXICO OIL CONSERVATION COMMISSION

BY:

Danille A. Gerbasi

TITLE:

Assistant General Counsel

**EXHIBIT A**  
**TO SUBPOENA DUCES TECUM**  
**TO CIMAREX ENERGY COMPANY**  
**IN NEW MEXICO OIL CONSERVATION COMMISSION**  
**CASE NO. 14582**

**PURPOSE:** This subpoena seeks information on a well in the E/2 E/2 of Section 23 in which Nearburg Producing Company is an interest owner for the purpose of evaluating a subsequent well proposal submitted by Cimarex Energy Company for this same area, and for the purpose of preparing for hearing on Nearburg's motions filed with the New Mexico Oil Conservation Commission in Case No. 14582. Cimarex has voluntarily provided some information on this well to Nearburg at its offices in Midland, Texas, but has refused to provide the mud logs and other pertinent well information in their possession. This information is readily available to Cimarex and can be produced in short order.

**PRODUCE THE FOLLOWING DOCUMENTS** as they relate to Cimarex Energy Company's Lynch 23 Federal No. 2H Well drilled in the E/2 E/2 of Section 23, Township 20 South, Range 34 East, N.M.P.M., in Lea County, New Mexico:

1. All logs generated during or after the drilling of the above-referenced well, including but not limited to mud logs (daily and final), LWD logs, FMIs, all field prints of all logs run in the well, final composite prints of all logs run in the well, and any logs conducted but not provided to the State Land Office and/or the New Mexico Oil Conservation Division;
2. Copies of all survey plats, permit to drill, and other regulatory forms, letters, and correspondence filed with any governmental agencies;
3. Copies of all reports, including but not limited to daily drilling reports, directional drilling, and mud logger reports for the above-referenced well;
4. Copies of daily production reports from the date of first production for the above-referenced well and any offsetting or nearby wells completed in the Bone Spring formation operated by Cimarex;
5. Copies of the drilling and completion procedures used for the above-referenced well;
6. Copies of initial and final drill stem tests, any core and/or sidewall core analyses, sample analyses, BHP tests, formation fluid analysis, or test reports on the above-referenced well;
7. Copies of any frac treating reports and daily reports for all completion work for the above-referenced well;
8. Well samples for the above-referenced well; and
9. Any other data, reports, analysis or samples relating to the drilling and completion of the above-referenced well provided to any regulatory agency not otherwise specified above relating to the above-referenced well.

## 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 persons and entity to whom this Subpoena Duces Tecum is addressed to including all of his or its attorneys, officers, agents, consultants, employees, directors, representatives, officials, departments, divisions, subdivisions, subsidiaries, or predecessors in interest.

The term "document" as used herein means every writing and record of every type and description in the possession, your custody or control, 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.