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FAX COVER SHEET

DELIVER TO: Florene Davidson

COMPANY: Oil Conservation Division

CITY: Santa Fe, New Mexico

FAX NUMBER: (505) 476-3462

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DATE SENT: 8/15/04

MEMO: Florene: Please file, and give copies to the appropriate persons. Thanks.

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:

APPLICATION OF OXY USA WTP LIMITED  
PARTNERSHIP FOR RESCISSION OF THE  
APPROVAL OF AN APPLICATION FOR PERMIT  
TO DRILL, AND FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO.

Case No. 13,226 (de novo)

NOTICE OF SUBSTITUTION OF PARTY

Notice is hereby given that the interests of Tom Brown, Inc. in the lands which are the subject of this action were acquired by Magnum Hunter Production, Inc. in July 2004. Therefore, Magnum Hunter Production, Inc. is substituted for Tom Brown, Inc.

Respectfully submitted,



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

Attorney for Magnum Hunter  
Production, Inc.

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 15th day of August, 2004:

William F. Carr  
Holland & Hart LLP  
Post Office Box 2208  
Santa Fe, New Mexico 87504  
(505) 982-2151



James Bruce

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

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MOTION TO QUASH SUBPOENA DUCES TECUM

Magnum Hunter Production, Inc. ("Magnum Hunter") submits this response in opposition to the Subpoena Duces Tecum (the "subpoena") obtained from the Division by OXY USA WTP Limited Partnership ("OXY") on August 9, 2004.

I. WRONG PARTY NAMED.

By Notice of Substitution of Party filed contemporaneously herewith, Magnum Hunter has been substituted for Tom Brown, Inc. The subpoena obtained by OXY was against Tom Brown, Inc., which is the incorrect party. Therefore, the subpoena should be quashed in whole, and OXY must obtain a new subpoena.

II. SUBPOENA ISSUES.

If Magnum Hunter is required to respond to the subpoena, it moves the Commission to wholly or partially quash the subpoena for the following reasons:

A. General Statement.

The Commission has previously held, in Case No. 10211, that under a subpoena it will order the turnover only of certain raw data. In addition, the subpoena improperly requests the turnover of confidential and proprietary data. Therefore, Magnum Hunter

objects to turning over the following items listed in Exhibit A to the subpoena:

(1) Documents: Items 3, 4, 8, 9, 10, 12, 13, 17, 18, 20 (as to log interpretations), 21, 23 (as to electronic data), 25, and 26, and any other data not required by the Commission's Order in Case No. 10211.

(2) Correspondence: All. OXY has not shown the relevance or the need for such data.

(3) Hearing Exhibits: All. Magnum Hunter will turn exhibits over to OXY before the hearing as required by the Commission.

Magnum Hunter does not waive any other objections it may have.

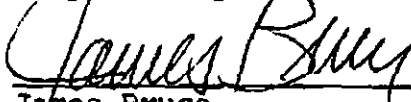
B. Insufficient Time.

Magnum Hunter's attorney received the subpoena on August 11, 2004. That, combined with the change in ownership, and the undersigned's absence from Santa Fe on August 16th and 17th, makes it impossible to turn any data over on August 16, 2004.

III. CONCLUSION.

Magnum Hunter requests that the subpoena be quashed as requested above.

Respectfully Submitted,



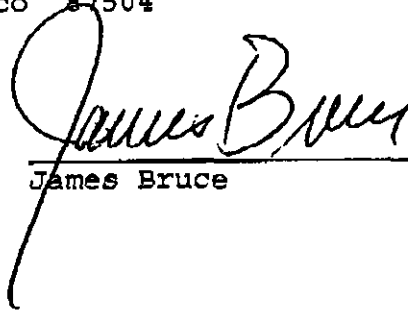
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