

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

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IN THE MATTER OF THE APPLICATION OF
OXY USA WTP-LIMITED PARTNERSHIP FOR DENIAL
OF AN APPLICATION FOR PERMIT TO DRILL,
EDDY COUNTY, NEW MEXICO.

CASE NO. 13950

SUBPOENA DUCES TECUM

TO: Bold Energy, LP
c/o James Bruce, Esq.
Post office Box 1056
Santa Fe, New Mexico 87504-1056

Pursuant to Section 70-2-8, NMSA (1978) and Rule 1211 of the New Mexico Oil Conservation Divisions Rules of Procedure, you are hereby ORDERED to appear at 8:15 a.m., July 19, 2007, at the offices of the Oil Conservation Division, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87504, and to produce the documents and items specified in attached Exhibit A and to make available to OXY USA WTP – Limited Partnership (hereinafter referred to as “OXY”), and its attorneys, Holland & Hart, LLP, for copying, all of said documents.

This subpoena is issued on application of OXY USA WTP – Limited Partnership through their attorneys, Holland & Hart LLP, Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this 9th day of July, 2007

NEW MEXICO OIL CONSERVATION DIVISION

BY: 
Legal Examiner
MARK E. FESMIRE, P.E., DIRECTOR

EXHIBIT A
TO SUBPOENA DUCES TECUM
TO BOLD ENERGY, LP
IN NEW MEXICO OIL CONSERVATION DIVISION
CASE NO. 13950

PURPOSE: The purpose of this subpoena is to provide all of the information necessary for OXY USA WTP – Limited Partnership to be able to prepare its evidence and testimony for New Mexico Oil Conservation Division Case 13950.

PRODUCE THE FOLLOWING DOCUMENTS:

For the Checker State Well No. 2 that Bold Energy, LP (hereinafter referred to as “Bold”) proposes to drill in the SW/4 NW/4 of Section 8, Township 19 South, Range 29 East, NMPM, Eddy County.

- (1) Any and all documents, including all draft documents, concerning Bold’s efforts to develop these lands, including but not limited to all well proposals, drafts and signed agreements, e-mails and letters. This Subpoena specifically includes but is not limited to all documents concerning the termination of the Letter Agreement dated March 27, 1997 covering Sections 8 and 9 of Township 19 South, Range 29 East, NMPM, Eddy County, New Mexico between Threshold Development Company et al. (hereinafter referred to as “Letter Agreement”) and the Stipulation of Interests covering the ownership of oil and gas interests in the area covered by this Stipulation of Interests.
- (2) All Engineering and geological data relied upon by Bold in proposing to drill this well at this location and to the proposed depth.
- (3) Copies of all exhibits that Bold proposes to offer at the Division Examiner hearing in this case.

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.

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ACCEPTANCE OF SERVICE OF SUBPOENA DUCES TECUM

I, James Bruce, Esq., the attorney of record for Bold Energy, LP, hereby accept service of the original Subpoena Duces Tecum dated July __, 2007, issued in this matter to OXY USA WTP – Limited Partnership on this ____ day of July 2007.

James Bruce, Esq.
Post Office Box 1056
Santa Fe, New Mexico 87504-1056
Facsimile No. (505) 982-2151