

KELLAHIN AND KELLAHIN

ATTORNEYS AT LAW

EL PATIO BUILDING

117 NORTH GUADALUPE

POST OFFICE BOX 2265

SANTA FE, NEW MEXICO 87504-2265

W. THOMAS KELLAHIN*

*NEW MEXICO BOARD OF LEGAL SPECIALIZATION
RECOGNIZED SPECIALIST IN THE AREA OF
NATURAL RESOURCES-OIL AND GAS LAW

JASON KELLAHIN (RETIRED 1991)

TELEPHONE (505) 982-4285
TELEFAX (505) 982-2047

July 8, 1997

**VIA FACSIMILE
(505) 827-1877**

Mr. David R. Catanach, Hearing Examiner
Rand Carroll, Esq., Division Attorney
Oil Conservation Division
2040 South Pacheco
Santa Fe, New Mexico 87504

Re: NMOCD Case 11808 and NMOCD Case 11809
Applications of Burlington Resources Oil & Gas Company
San Juan County, New Mexico

Gentlemen:

At approximately 10:40 AM today I received by facsimile a copy of a Division Subpoena in which Moore-Bard seek to have David Schoderbek, Burlington's geophysicist, appear and be available to testify at the hearing set for Thursday, July 10, 1997.

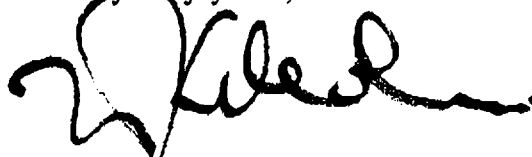
Please be advised that I am not authorized to accept this subpoena on behalf of either Mr. Schoderbek or Burlington. Accordingly, without accepting service and without waiving the rights of either Mr. Schoderbek or Burlington, please be advised that if and when this subpoena is properly served, I wish to inform you that Burlington will move to quash the subpoena because:

- (1) Moore-Bard is simply seeking to obtain from Mr. Schoderbek Burlington's confidential and proprietary seismic data and other proprietary information which Mr. Schoderbek has developed or had access to concerning theories for potential exploration of the "deep gas" in the San Juan Basin which was obtain by Burlington at considerable expenses and over a significant portion of the San Juan Basin; and

Mr. David R. Catanach
Rand Carroll, Esq.
July 8, 1997
Page 2.

- (2) None of Mr. Schoderbek's testimony is relevant to the risk
facto penalty issue or any other issue before the Division in
a compulsory pooling case.

Very truly yours,



W. Thomas Kellahin

cfx: Jason Doughty, Esq.
attorney for Moore and for Bard
Scott Hall, Esq.
attorney for Minatome