

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

APPLICATION OF NEARBURG EXPLORATION
COMPANY, L.L.C. FOR COMPULSORY POOLING,
AN UNORTHODOX SURFACE AND SUBSURFACE
DRILLING WINDOW, EDDY COUNTY, NEW MEXICO. **CASE NO. 12073**

SUBPOENA DUCES TECUM

TO: Nearburg Exploration Company, L.L.C.
c/o W. Thomas Kellahin, Esq.
Kellahin and Kellahin
117 North Guadalupe
Santa Fe, New Mexico 87504

Pursuant to NMSA (1978), Section 70-2-8, and Rule 1211 of the New Mexico Oil Conservation Division's Rules of Procedure, you are hereby ORDERED to appear at 9:00 a.m., December 17, 1998, at the offices of the Oil Conservation Division, 2040 South Pacheco, Santa Fe, New Mexico 87505 and to produce the documents and items specified in attached Exhibit A and to make available to Yates Petroleum Corporation, and their attorney, William F. Carr, for copying, all of said documents.

This subpoena is issued on application of Yates Petroleum Corporation, through their attorneys, Campbell, Carr, Berge & Sheridan, P.A. Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this 14th day of December, 1998.

NEW MEXICO OIL CONSERVATION DIVISION

BY: Rand Carroll for
LORI WROTENBERY, DIRECTOR

EXHIBIT "A"

**TO SUBPOENA DUCES TECUM
TO NEARBURG EXPLORATION COMPANY, L.L.C.
IN NEW MEXICO OIL CONSERVATION DIVISION
CASE 12073**

PURPOSE: The purpose of this subpoena is to provide all of the information necessary for Yates Petroleum Corporation, to be able to prepare its opposition to Nearburg Exploration Company, L.L.C. in New Mexico Oil Conservation Division Case 12073.

PRODUCE THE FOLLOWING documents which relate to the Nearburg Eagle Creek "14" Well No. 1 located 1070 feet from the North line and 2061 feet from the West line of Section 14, Township 17 South, Range 25 South, NMPM, Eddy County, New Mexico:

1. Reservoir pressure data, including but not limited to, bottom-hole pressure surveys or pressures, pressure buildup tests, surface pressure readings, daily tubing pressures and casing pressures, drill stem tests, and shut in pressure tests, with relevant information as to shut in times and production rates before shut in.
2. All production data, including but not limited to, all well check records (including gauges and/or charts) on a daily basis from initial testing and completion date, showing actual production of oil, gas and water, and associated wellhead pressures per day and month.

PRODUCE THE FOLLOWING documents which relate to the proposed Nearburg Eagle Creek "11" Well No. 1 to be located in the E/2 of Section 11, Township 17 South, Range 25 East, NMPM, Eddy County, New Mexico:

3. Any and all documents which relate to the selection of a surface location for the proposed Eagle Creek "11" Well No. 1.
4. Any and all documents which relate to the acquisition of surface rights for the drilling of the proposed Eagle Creek "11" Well No. 1 including all costs associated with the acquisition of these rights.
5. Any and all documents concerning the refusal of the F.A.A. to permit a well to be drilled in the SE/4 of Section 11, Township 17 South, Range 25 East, NMPM, Eddy County, New Mexico. This request includes but is not limited to any written application filed by Nearburg, or on its behalf, for an Aeronautical Study Number for a permit for construction of a temporary

structure in the SE/4 of said Section 11 and the written response of the F.A.A. to Nearburg for a permit to construct a temporary structure in the SE/4 of Section 11.

6. All documents which concern or relate to the negotiations of Nearburg with Yates or any other interest owner in the E/2 of Section 11 for the development of Section 11.
7. All exhibits which Nearburg will introduce at the hearing on this application.

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 person or 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.

The term "document" as used herein means every writing and record of every type and description in the possession, custody or control of Public Service Company of New Mexico, 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.