

*Dated
1-28-03*

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

IN THE MATTER OF THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION DIVISION
FOR THE PURPOSE OF CONSIDERING:

APPLICATION OF THE NEW MEXICO OIL CONSERVATION
DIVISION FOR AN ORDER DETERMINING THE RESPONSIBLE
PARTY OR PARTIES AND ORDERING THE RESPONSIBLE
PARTY OR PARTIES TO CONDUCT DIVISION-APPROVED
CORRECTIVE ACTION WITH REQUEST TO A HYDROCARBON
RELEASE; LEA COUNTY, NEW MEXICO

CASE NO. 13004

SUBPOENA DUCES TECUM

TO: The New Mexico Oil Conservation Division and its Environmental Bureau Chief
c/o David Brooks
Assistant General Counsel
New Mexico Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Pursuant to Section 70-2-8, NMSA (1978), 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., February 10, 2003, at the offices of the Oil Conservation Division, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505 and to produce and make available to Shell Exploration and Production Company ("Shell") and its attorney, J. Scott Hall, for copying, the documents and items specified below.

This subpoena is issued on application of Shell Exploration and Production Company through their attorneys Miller Stratvert P.A., Post Office Box 1986, Santa Fe, New Mexico 87504.

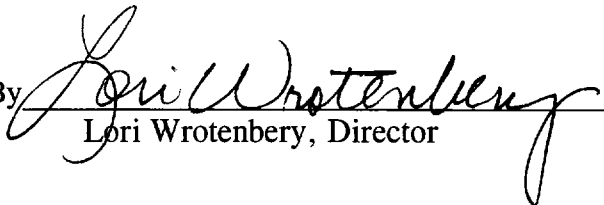
All documents and other materials relating to the following:

1. The occurrence of the “highly weathered asphaltic type oil” referred to in Paragraph 2 of the Application For Compliance Order, (“Application”).
2. The Division’s determination, if any, that the “asphaltic type oil” referred to in Paragraph 2 of the Application For Compliance Order, (“Application”) occurred as a result of any of the activities referenced in 19.15.3.116A.1 NMAC.
3. The areal extent and location, both vertically and horizontally, of the “asphaltic type oil”.
4. The laboratory analyses and underlying data referred to in Paragraph 2 of the Application.
5. The location of the tank battery and pits referred to in Paragraph 2 of the Application.
6. The ownership and operation of the Moon State “A” lease and the tank battery referred to in Paragraph 3 of the Application.
7. The allegation in Paragraph 4 of the Application that Shell operated the tank battery on Mr. Johnson’s property for approximately one year prior to causing the tank battery to be dismantled.
8. The determination of responsible persons by the Division and/or the Division’s Environmental Bureau referred to in Paragraph 9 of the Application, and any other similar determination related to the property that is the subject of the Application.
9. The potential danger to public health and the environment referred to in Paragraph 6 of the Application.

10. The determinations or assertions in the advertisement in Docket No. 03-03 for Case No. 13004 of a “release” of hydrocarbons and of “a danger to public safety and the environment”.
11. The rulemaking proceedings for 19.15.3.116 and 19.15.1.7.R(5) NMAC of the Division’s Rules and Regulations.

Dated this 28th day of January, 2003.

NEW MEXICO OIL CONSERVATION DIVISION

By 
Lori Wrotenbery, Director