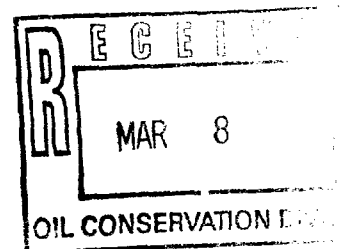


**BEFORE THE  
OIL CONSERVATION DIVISION  
NEW MEXICO DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES**

**IN THE MATTER OF THE APPLICATION  
OF DOYLE HARTMAN AND MARGARET  
HARTMAN D/B/A DOYLE HARTMAN, OIL  
OPERATOR, AND JAMES A. DAVIDSON  
FOR EXTENSION OF THE RHODES GAS  
POOL BOUNDARY, AND CONTRACTION  
OF RHODES OIL POOL BOUNDARY IN  
SECTION 26, T26S, R37E, LEA COUNTY,  
NEW MEXICO, FOR WITHDRAWAL  
OF ADMINISTRATIVE ORDER NSL-3633  
ONLY INsofar AS IT GRANTED AN  
UNORTHODOX WELL LOCATION TO  
MERIDIAN OIL INC., FOR ITS RHODES  
"B" FEDERAL WELL NO. 7, LEA COUNTY,  
NEW MEXICO, AND FOR DENIAL OF  
MERIDIAN'S APPLICATION FOR APPROVAL  
OF AN UNORTHODOX WELL LOCATION.**



NO. 11528

**MOTION FOR DISCOVERY**

Applicants Doyle and Margaret Hartman, d/b/a Doyle Hartman, Oil Operator, ("Hartman") and James A. Davidson ("Davidson"), pursuant to NMSA 1978 § 70-2-8 (1995 Repl.) and Rule 1211 of the OCD Rules and Regulations, hereby request that the Division authorize applicants to serve interrogatories and requests for production on Meridian Oil Inc. in connection with this Application, and to take depositions of Meridian representatives in preparation for the hearing in this matter presently scheduled for May 2, 1996. As grounds for this Motion, Hartman and Davidson state as follows:

1. Meridian initiated this controversy by filing an application for administrative approval for an unorthodox location for its Rhodes "B" Federal No. 7 well

("No. 7 well") in Section 26, T-26-S, R-37-E, Lea County, New Mexico on December 21, 1995. The matter was referred to Michael Stogner, an OCD examiner.

2. Meridian sought administrative approval for the unorthodox location for the No. 7 well based upon alleged "topographic problems due to power lines, pipelines, etc."

3. Notwithstanding the record objections by Hartman, Davidson and Texaco requesting that Meridian's application be set for hearing, the Division granted Meridian's application by Administrative Order NSL-3633 issued February 28, 1996.

4. Numerous procedural irregularities burdened the initial process of the OCD review and subsequent grant of administrative approval to Meridian. These problems were graphically detailed in Hartman's and Davidson's Application to the Oil Conservation Commission for De Novo Hearing on Meridian's application, for Order Authorizing Discovery, withdrawal of Administrative Order NSL-3633, Denial of Meridian application, and Redefinition of Rhodes Gas Pool boundary to include Meridian's Rhodes "B" Federal No. 7 well. Hartman and Davidson incorporate that pleading herein by reference. The procedural irregularities and infirmities in the OCD approval process included:

(a) Meridian's failure to provide proper notice under applicable rules to Hartman, Davidson and Texaco regarding its original application;

(b) Meridian's failure to give proper notice under applicable rules to Hartman, Davidson and Texaco of the change in and amendment to the original application which occurred at some point during the application review process under facts not fully disclosed to applicants;

(c) Meridian's failure to provide any evidentiary support for its request for administrative approval or its allegation that the unorthodox location was based upon "topographic problems";

(d) Meridian's failure to apprise the OCD that it had previously attempted to secure the agreement of Texaco and Oryx authorizing Meridian to drill a well in the SW/4 of Section 23, until Meridian learned that Hartman, Davidson, et. al., not Oryx, owned the operating rights as to the Dublin Federal lease in Section 23;

(e) the Division's determination to consider Meridian's application administratively, without affording Hartman, Davidson and Texaco a hearing on the merits of the application, notwithstanding objections of record by Hartman, Davidson and Texaco to Meridian's proposed application;

(f) the occurrence of ex parte communications between Meridian and the OCD regarding the substantive merits of Meridian's application, which contacts or communications may have occurred after Hartman, Davidson and Texaco filed their objections of record to the Meridian application;

(g) Meridian's failure to apprise and inform the OCD that recently acquired geological information, as well as actual production in the affected area of Section 26, including the NW/4 where Meridian's No. 7 well is located, indicates that that area should be assigned to the Rhodes Gas Pool, not the Rhodes Oil Pool; and

(h) The Division's determination to grant Meridian's application without any finding or evidentiary determination supporting the approval of an unorthodox location for the No. 7 well based upon alleged "topographic problems."

5. On March 15, 1996, Hartman and Davidson filed their Application to the Commission seeking a de novo hearing on and denial of Meridian's application, seeking withdrawal of Administrative Order NSL-3633, requesting discovery, and seeking a redefinition of the Rhodes Gas Pool boundary to include the No. 7 well.

6. By Order dated March 19, 1996, the Commission referred the Application of Hartman and Davidson to the Division and directed the Division to set the matter for examiner hearing, staying Administrative Order NSL-3633 pending the outcome of such hearing. The Commission has not withdrawn Administrative Order NSL-3633. The Commission ordered that discovery requests be directed to the Division hearing examiner.

7. Hartman and Davidson seek by this application, inter alia, the withdrawal of Administrative Order NSL-3633. That Order should be withdrawn for several reasons. First, the procedural irregularities and due process violations referenced in paragraph 3 render the Order void. Second, Meridian did not and cannot support its application for administrative approval of an unorthodox location for the No. 7 well based upon "topographic problems." The No. 7 well could have and should have been drilled in an orthodox location. Third, Meridian's actions in connection with its application constitute a blatant effort to circumvent problems with the location of the No. 7 well (i.e. inadequate acreage to dedicate to the well), an attempt to avoid the need for a hearing requesting approval for a non-standard proration unit, an attempt to avoid the obvious need to seek redefinition of pool boundaries, and an improper attempt to avoid penalty provisions and production limitations which should apply to the operation of the well. Finally, Meridian's

conduct represents an attempt to deprive applicants of their real property interest in recoverable gas reserves under their Dublin lease located in the SW/4 of Section 23.

8. Since much of the information which relates to this issue is solely within the knowledge, custody and control of Meridian, Hartman and Davidson require discovery from Meridian in connection with this administrative proceeding. Hartman and Davidson are entitled to know the process by which Meridian's application came to be drafted and submitted to the OCD, then subsequently amended, the identity of the person or persons involved in the change, why the change, which is a highly substantive change relating to the application, was never communicated to Hartman and Davidson throughout the application process, and why Meridian failed to give proper notice of the application. Hartman and Davidson are also entitled to know the nature and extent of communications between Meridian representatives and the OCD regarding the Meridian application and the approval process.

9. Administrative proceedings must conform to the fundamental principles of justice and due process requirements. This requires that the administrative process authorize pre-trial discovery under appropriate circumstances such as exist here. In re Miller, 88 N.M. 492, 542 P.2d 1182 (Ct. App.) cert., denied, 89 N.M. 5, 546 P.2d 70 (1975).

10. Discovery procedures are expressly authorized under NMSA 1978 § 70-2-8 (1995 Repl.), which authorizes the Division to subpoena witnesses and to require the production of books, papers and records in any proceeding before the Commission or the Division. See also Rule 1211 of the OCD's Rules and Regulations.

11. Hartman and Davidson request that the Division authorize Hartman and Davidson to take depositions of Meridian employees Leslyn Swierc and Donna Williams. Ms. Swierc and Ms. Williams have been identified in prior correspondence and documents as Meridian employees who were involved in and had responsibility for the prosecution of Meridian's application for administrative approval of the unorthodox location for the No. 7 well. These depositions will be scheduled at a mutually convenient time in Midland, Texas, substantially prior to the May 2, 1996 hearing.

12. Hartman and Davidson also seek authorization from the Division to serve interrogatories on Meridian. A copy of the proposed First Set of Interrogatories is attached as Exhibit A. The interrogatories seek basic information regarding the No. 7 well and Meridian's application for administrative approval for that well, including the identification of documents and files in Meridian's possession, custody and control which relate to the well and the application process, and the identification of all Meridian personnel involved in the administrative application process related to the No. 7 well.

13. Hartman and Davidson finally request that the Division authorize service of requests for production on Meridian and require that Meridian produce books, papers and records relevant to this proceeding. A copy of the proposed request for production is attached hereto as Exhibit B. Hartman and Davidson seek production of all Meridian's documents related to correspondence and communications with the OCD on its application for administrative approval, background documents related to the alleged "topographic problems" which formed the alleged basis of Meridian's initial administrative application, all Meridian files and documents related to the No. 7 well, as well as Meridian's

1995 attempt to develop the SW/4 of Section 23 in which Hartman and Davidson own an interest.

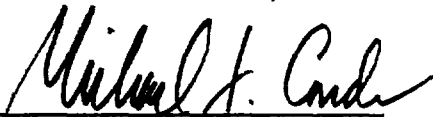
14. Hartman and Davidson request that Meridian be ordered to respond to the discovery requests within twenty (20) days in light of the May 2, 1996 hearing date.

15. The requested discovery is limited in nature to that information necessary to allow Hartman and Davidson to support their Application presently scheduled for hearing May 2, 1996. Hartman and Davidson reserve their right, based upon discovery from Meridian, to request additional discovery from individuals or entities who may be identified during the discovery process.

WHEREFORE, based upon the foregoing points and authorities, Hartman and Davidson respectfully request that the Division authorize applicants to secure discovery from Meridian, take depositions of Leslyn Swierc and Donna Williams, and require Meridian to serve responses to the attached interrogatories and requests for production on or before April 22, 1996.

Respectfully submitted,

GALLEGOS LAW FIRM, P.C.

By 

J. E. GALLEGOS

MICHAEL J. CONDON

460 St. Michael's Drive - Bldg. 300

Santa Fe, New Mexico 87505

(505) 983-6686

Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing to be hand-delivered on this 28th day of March, 1996, to the following counsel of record:

William F. Carr, Esq.  
Campbell, Carr & Berge, P.A.  
110 N. Guadalupe, Suite 1  
Santa Fe, New Mexico 87501

Thomas W. Kellahin, Esq.  
Kellahin & Kellahin  
117 N. Guadalupe  
Santa Fe, New Mexico 87501

and mailed to:

Donna Williams  
Meridian Oil, Inc.  
Post Office Box 51810  
Midland, Texas 79710-1810

  
\_\_\_\_\_  
MICHAEL J. CONDON



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

**IN THE MATTER OF THE APPLICATION  
OF DOYLE HARTMAN AND MARGARET  
HARTMAN D/B/A DOYLE HARTMAN, OIL  
OPERATOR, AND JAMES A. DAVIDSON  
FOR EXTENSION OF THE RHODES GAS  
POOL BOUNDARY, AND CONTRACTION  
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UNORTHODOX WELL LOCATION TO  
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"B" FEDERAL WELL NO. 7, LEA COUNTY,  
NEW MEXICO, AND FOR DENIAL OF  
MERIDIAN'S APPLICATION FOR APPROVAL  
OF AN UNORTHODOX LOCATION.**

No. \_\_\_\_\_

**HARTMAN'S AND DAVIDSON'S  
FIRST SET OF REQUEST FOR PRODUCTION  
OF DOCUMENTS TO MERIDIAN OIL INC.**

Doyle and Margaret Hartman d/b/a Doyle Hartman, Oil Operator and James A. Davidson (hereinafter collectively "Hartman"), pursuant to NMSA 1978 § 70-2-8 (1995 Repl.), Rule 1211 of the OCD Rules and Regulations, and SCRA 1986, 1-026 and 1-034, hereby request that Meridian Oil Inc. (hereinafter "Meridian") answer, in writing and under oath, each of the following interrogatories within twenty (20) days after service of this First Request for Production.

Exhibit A

## DEFINITIONS

Definitions for the following terms used in this First Set of Request for Production of Documents are as stated:

A. "Meridian" means Meridian Oil Inc. and includes any and all predecessors, successors, and their present or former officers, directors, agents, employees and all other persons or entities acting or purporting to act on behalf of any of them. Further, "Meridian" also includes parent corporations, subsidiaries and affiliates and their present or former officers, directors, agents, employees, and all other persons or entities acting or purporting to act on behalf of any of them

B. "Document(s)" has the same meaning as in SCRA 1986, 1-034 including, inter alia, (1) all written, printed, typed, recorded or graphic matter, (2) all film, videographic and photographic matter, (3) all tapes or other reproductions of sound or auditory material, (4) computer files, disks, databases, tapes, inputs or outputs, however stored, generated, produced or reproduced, (5) any other matter or medium from which or on which information or images may be or is transcribed, stored, and/or retrieved; and (6) all non-identical copies of a "document". "Document(s)" also includes, inter alia, any code, software, index, key or other information or material necessary or helpful to retrieve, interpret, and/or understand such documents or the information, images, and/or representations contained therein. "Document(s)" further includes, inter alia, all such materials whether or not such materials were intended or planned for distribution or dissemination to persons outside of the organization generating, creating or storing the materials. "Non-identical copies" means, inter alia, all reproductions or other versions of a

"document", however made, of the original "document", and which have notations, markings, interlineations, comments, images, or other material not appearing on the original.

C. "Communication" means any contact or transfer of information between two or more persons or organizations and shall include, inter alia, (1) written contact by such means as letter, memorandum, telegram, telecopier, or by any other document, (2) oral contact by such means as face-to-face meetings, voice mail, or telephone conversations, (3) electronic contact by such means as electronic mail, E-mail, modem or computer, or (4) any form of actual or attempted transmittal or transfer of information or images.

D. "Concerning" includes, inter alia, referring to, alluding to, responding to, relating to, connected with, commenting on, in reference of, about, regarding, discussing, noting, showing, describing, mentioning, reflecting, analyzing, constituting, evidencing, or pertaining to.

E. "Identify", when used with respect to a person, means to provide the person's (1) full name, (2) business address and employer, (3) job title, (4) business department and (5) telephone number.

F. "Identify", when used with respect to a document, means to provide (1) the title of the document, (2) a description of the subject and contents of the document, (3) the date of the document, and further means to (4) identify the author, and (5) identify all recipients of the document.

G. "No. 7 Well" means the Rhodes "B" Federal No. 7 well located in Section 26, T-26-S, R-37-E, Lea County, New Mexico.

**REQUEST FOR PRODUCTION**

**REQUEST NO. 1:** Please produce all documents concerning or related in any way to the alleged "topographic problems" referenced in your application for administrative approval of an unorthodox location for the Rhodes "B" Federal No. 7 well dated December 21, 1995.

**RESPONSE:**

**REQUEST NO. 2:** Please produce all files and documents concerning the application for administrative approval for the No. 7 well.

**RESPONSE:**

**REQUEST NO. 3:** Please produce all documents, including well files, analyses, drainage estimates and evaluations, AFEs, requests for and justifications for management or other internal authorizations or approvals for, and reserve calculations concerning the drilling and location of No. 7 well.

**RESPONSE:**

**REQUEST NO. 4:** Please produce all files and documents concerning your attempt to drill a gas well in the SW/4 of Section 23 during 1995, including but not limited to any and all documents concerning communications with Texaco Exploration and Production, Inc. ("Texaco") and/or Oryx Energy Company ("Oryx").

**RESPONSE:**

**REQUEST NO. 5:** Please produce all personal files of Leslyn Swierc and Donna Williams concerning the No. 7 well.

**RESPONSE:**

**REQUEST NO. 6:** Please produce all expense report sheets for Leslyn Swierc and Donna Williams for the period October, 1995 through February, 1996 pertaining in any way whatsoever to either Meridian's application for administrative

approval for unorthodox location filed December 21, 1995, or concerning the No. 7 well itself.

**RESPONSE:**

**REQUEST NO. 7:** Please produce all documents concerning or related to any communication between Meridian and the Oil Conservation Division ("OCD"), and/or any OCD agent, employee, representative, attorney or hearing examiner pertaining to the application for administrative approval for an unorthodox location for the No. 7 well.

**RESPONSE:**

**REQUEST NO. 8:** Please produce all documents, including well files and administrative files pertaining to the Lineberry "B" Federal No. 1 well which you drilled in the N/2 of Section 26, T-26-S, R-37-E.

**RESPONSE:**

**REQUEST NO. 9:** Please produce all documents or files concerning the location of the oil/gas contact in Section 26, T-26-S, R-37-E, Lea County, New Mexico.

**RESPONSE:**

**REQUEST NO. 10:** Please produce all documents and files concerning the boundary between the Rhodes Oil Pool and the Rhodes Gas Pool in T-26-S, R-37-E.

**RESPONSE:**

**REQUEST NO. 11:** Please produce all survey plats concerning the No. 7 well.

**RESPONSE:**

**REQUEST NO. 12:** Please produce all documents concerning or depicting any and all locations which you staked for the No. 7 well.

**RESPONSE:**

Respectfully submitted,

GALLEGOS LAW FIRM, P.C.

By \_\_\_\_\_

J.E. GALLEGOS

MICHAEL J. CONDON

460 St. Michael's Drive, Bldg. 300

Santa Fe, New Mexico 87505

(505) 983-6686

Attorneys for Applicants

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing to be hand-delivered on this \_\_\_\_\_ day of March, 1996, to the following counsel of record:

William F. Carr, Esq.  
Campbell, Carr & Berge, P.A.  
110 N. Guadalupe, Suite 1  
Santa Fe, New Mexico 87501

Thomas W. Kellahin, Esq.  
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\_\_\_\_\_  
MICHAEL J. CONDON



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**NO. \_\_\_\_\_**

**HARTMAN'S AND DAVIDSON'S  
FIRST SET OF INTERROGATORIES  
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Doyle and Margaret Hartman d/b/a Doyle Hartman, Oil Operator and James A. Davidson (hereinafter collectively "Hartman"), pursuant to NMSA 1978 § 70-2-8 (1995 Repl.), Rule 1211 of the OCD Rules and Regulations, and SCRA 1986, 1-026 and 1-033, hereby request that Meridian Oil Inc. (hereinafter "Meridian") answer, in writing and under oath, each of the following interrogatories within twenty (20) days after service of this First Set of Interrogatories.

**DEFINITIONS**

Definitions for the following terms used in this First Set of Interrogatories

are as stated:

A. "Meridian" means Meridian Oil Inc. and includes any and all predecessors, successors, and their present or former officers, directors, agents, employees and all other persons or entities acting or purporting to act on behalf of any of them. Further, "Meridian" also includes parent corporations, subsidiaries and affiliates and their present or former officers, directors, agents, employees, and all other persons or entities acting or purporting to act on behalf of any of them.

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G. "No. 7 Well" means the Rhodes "B" Federal No. 7 well located in Section 26, T-26-S, R-37-E, Lea County, New Mexico.

**INTERROGATORIES**

**INTERROGATORY NO. 1:** Please identify the person or persons responding to these interrogatories.

**ANSWER:**

**INTERROGATORY NO. 2:** Please identify all Meridian agents, representatives or employees involved in the drafting, preparation, and submittal of the request for administrative approval for the unorthodox location for the No. 7 well from the time the No. 7 well was first contemplated through February 28, 1996.

**ANSWER:**

**INTERROGATORY NO. 3:** Please identify all Meridian agents, representatives and employees involved in the decision to drill the No. 7 well at the present drill site and location.

**ANSWER:**

**INTERROGATORY NO. 4:** Please identify all Meridian agents, representatives and employees with knowledge of the alleged "topographic problems" which form the basis of your request for an unorthodox location for the No. 7 well.

**ANSWER**

**INTERROGATORY NO. 5:** Please identify all Meridian agents, representatives and employees who had contact with any representative of the New Mexico Oil Conservation Division in connection with the application for administrative approval for the unorthodox location for the No. 7 well from October, 1995 through the present.

**ANSWER:**

**INTERROGATORY NO. 6:** Please identify every agent, employee or representative of the OCD with whom you had contact concerning your application for administrative approval for an unorthodox location for the No. 7 well.

**ANSWER:**

**INTERROGATORY NO. 7:** Please identify every location you considered or staked for the No. 7 well. For each such location, state the reasons why you finally decided upon or rejected such location.

**ANSWER:**

**INTERROGATORY NO. 8:** Please identify all Meridian agents, employees, and representatives involved in communications with Texaco and Oryx during 1995 regarding the possible development of, and drilling by Meridian of a gas well in, the SW/4 of Section 23, T-26-S, R-37-E, Lea County, New Mexico.

**ANSWER:**

**INTERROGATORY NO. 9:** Please describe in detail how the C-102 form which you originally submitted in connection with your December 21, 1995 application for administrative approval for an unorthodox location for the No. 7 well came to be amended to reflect an application for a gas well in the Rhodes Oil Pool on 40-acre spacing. In responding to this Interrogatory, please identify:

(a) All Meridian agents, employees and representatives involved in the amendment;

(b) The person or persons with the OCD involved in amending the C-102 form; and

(c) The date when the amendment actually occurred.

**ANSWER:**



Respectfully submitted,

GALLEGOS LAW FIRM, P.C.

By \_\_\_\_\_

J.E. GALLEGOS

MICHAEL J. CONDON

460 St. Michael's Drive, Bldg. 300

Santa Fe, New Mexico 87505

(505) 983-6686

Attorneys for Applicants

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\_\_\_\_\_  
MICHAEL J. CONDON