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MICHAEL J. CONDON

May 8, 1997
(Our File No. 97-1.75)

HAND-DELIVERED

William J. LeMay, Director
Michael E. Stogner, Hearing Officer
Rand Carroll, Counsel
New Mexico Oil Conservation Division
2040 South Pacheco
Santa Fe, NM 87505

Re: Application of Doyle Hartman, Case No. 6987

Gentlemen:

We understand that the Division has set aside June 30 - July 2, 1997 for a special hearing on the above-referenced Application. I understand that the Application may be noticed in the May 29, 1997 Docket, but that it will be continued to the special setting date.

I am also writing to request that Mr. Stogner recuse himself as the hearing examiner for this Application, and that the Division assign this case to another hearing examiner or hold a Commission hearing. We are filing concurrently with this letter an Amended Application which raises an issue with respect to the surface injection pressure authorization contained in Order R-4680-A, Finding No. 22 and Paragraph 6. Mr. Stogner was the hearing examiner on Oxy's 1994 Application which was assigned Case No. 11168 and eventually resulted in the promulgation of Order R-4680-A.

Oxy's 1994 Application did not request an increase in the authorized surface injection pressures for certain proposed injection wells listed on Exhibit "B" to the questioned Order. We have found no indication in the record that any evidence was offered at the hearing substantiating an 1,800 psi surface injection pressure for injection wells within the project area. Oxy's proposed Order did not seek authorization for an 1,800 psi surface injection pressure for injection wells in the project area. To the contrary, Oxy's proposed Order included a provision that the wells would contain a device limiting surface injection pressures to .2 psi/foot.

Under the circumstances it will be necessary to interrogate Mr. Stogner and others concerning this matter. Obviously, it will be inappropriate for Mr. Stogner to serve as the hearing officer in a case in which he will be a witness. Additionally,

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because this Application raises questions about several procedural irregularities which attended the entry of Order R-4680-A, we believe it would be inappropriate for Mr. Stogner to sit on the case.

Thank you for your consideration. If you have any questions or need any additional information, please feel free to contact me.

Very truly yours,

GALLEGOS LAW FIRM, P.C.

By 
MICHAEL J. CONDON

MJC:sa

fxc: Doyle Hartman
Thomas Kellahin
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