

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

**APPLICATIONS OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING, LEA COUNTY,
NEW MEXICO.**

Case Nos. 23149-56

SUPPLEMENT TO MOTION FOR RECONSIDERATION

Doyle and Margaret Hartman (“Hartman”) submit this supplement to their request that the Division reconsider the Hearing Examiner’s oral ruling at the December 15, 2022 hearing, codified in the Amended Pre-Hearing Order, granting Colgate’s Motion to Quash a subpoena served by Hartman.

Hartman’s subpoena sought, *inter alia*, communications between Colgate and the BLM concerning the federal leases and acreage at issue in Colgate’s force pooling applications. Colgate moved to quash the subpoena arguing that the requested documents were irrelevant.

Colgate’s Pre-Hearing Statement and attached exhibits filed January 12, 2023 prove that Colgate’s relevance argument was wrong. In attempting to establish that the BLM requires that record title owners execute a communitization agreement or be force pooled, Colgate submitted an affidavit of Travis Macha which references communications between Colgate and the BLM on the subject. Colgate Exhibit A filed January 12, 2023, ¶ 14. The communications are attached to his affidavit as Exhibit A-15.

While the affidavit does not establish that the BLM actually requires commitment of record title owners, Colgate’s recent filing confirms that communications between Colgate and the BLM are relevant and could lead to the discovery of relevant evidence in

these cases. Colgate cannot pick and choose which documents from a group of identified documents it deems worthy of production because they help Colgate's case and simultaneously deny Hartman the right to see all documents in Colgate's possession on the issue.

Hartman respectfully requests that the Division reconsider its ruling granting the motion to quash and order Colgate to produce the 1949 operating agreement and communications with the BLM concerning its plan for development for Sections 17-20, Township 20 South, Range 34 East, Lea County, New Mexico.

Respectfully submitted,

GALLEGOS LAW FIRM, P.C.

By /s/ J.E. Gallegos

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on counsel of record by electronic mail this 17th day of January, 2023.

/s/ J.E. Gallegos

J.E. Gallegos