

**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**

**HARTMAN'S SECOND SUPPLEMENTAL PRE-HEARING STATEMENT**

Doyle and Margaret Hartman ("Hartman") provide this Second Supplemental Pre-Hearing Statement as required by Rule 19.15.4.13B NMAC and the Pre-Hearing Order entered on December 15, 2022. The issues in each of the above-referenced cases are identical with respect to the relief sought in the application and the basis for Hartman's opposition.

Colgate asks the Division to pool Hartman's record title interest pursuant to the terms of Division Orders entered September 26, 2022. Hartman was not given notice of the applications in OCD cases 22788-95 which resulted in entry of the September 26 force pooling orders. Hartman had no opportunity to contest the merits of those applications. This is Hartman's first opportunity to do so.

Hartman adopts and incorporates by reference his Supplemental Pre-Hearing Statement filed December 8, 2022, including the Statement of the Case, Statement of Material Facts Not in Dispute, the Issues for the Hearing, and the proposed testimony and exhibits. Hartman is aware of the Division's statement in the Pre-Hearing Order that the January 19 hearing will be limited to Colgate's request to pool additional record title owners including Doyle Hartman. To the extent Hartman's proposed evidence is determined to be relevant to that request, the testimony and evidence will be the same

as that reflected in Hartman's Supplemental Pre-Hearing Statement filed December 8, 2022. To the extent the Division rules that Hartman's testimony and exhibit evidence in the Supplemental Pre-Hearing Statement are inadmissible, Hartman reserves his objection to that position and reiterates his request that the Division consider all of his proposed testimony and exhibit evidence in ruling on Colgate's applications.

### **PROCEDURAL ISSUES**

Hartman has filed a Motion for Reconsideration of the Hearing Examiner's oral ruling granting Colgate's Motion to Quash Hartman's Subpoena Duces Tecum.

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 12th day of January 2023.

/s/ J.E. Gallegos

J.E. Gallegos