

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

**APPLICATION OF GETTY OIL COMPANY  
FOR STATUTORY UNITIZATION, LEA  
COUNTY, NEW MEXICO.**

**CASE NO. 6987**

**APPLICATION OF DOYLE HARTMAN,  
TO GIVE FULL FORCE AND EFFECT TO  
COMMISSION ORDER R-6447, TO REVOKE  
OR MODIFY ORDER R-4680-A, TO  
ALTERNATIVELY TERMINATE THE MYERS  
LANGLIE-MATTIX UNIT.**

**MOTION FOR DISCOVERY**

Applicant Doyle Hartman, Oil Operator, ("Hartman") pursuant to NMSA 1978 § 70-2-8 (1995 Repl.) and Rule 1211 of the OCD Rules and Regulations, hereby requests that the Division authorize Hartman to serve interrogatories and requests for production on Oxy USA Inc. ("Oxy") in connection with the Application and Amended Application (collectively "Application") in this case, and to take depositions of Oxy representatives in preparation for the hearing in this matter presently scheduled for June 30 - July 2, 1997. As grounds for this Motion, Hartman states as follows:

1. This Application raises numerous issues related to the Myers Langlie-Mattix Unit ("MLMU") in Lea County, New Mexico. The MLMU was first approved as a waterflood unit by New Mexico Oil Conservation Commission ("NMOCC") Order R-4680. The MLMU was subsequently approved under the New Mexico Statutory Unitization Act by NMOCC Order R-6477.

2. In November, 1994, Oxy filed an application with the New Mexico Oil Conservation Division (“NMOCD”) requesting (a) expansion of the MLMU, and (b) qualification of a 760-acre section of the MLMU as an Enhanced Oil Recovery Project for the Recovered Oil Tax Rate (“1994 Application”). The 1994 Application was assigned Case No. 11168.

3. Numerous procedural irregularities burdened the process of the 1994 Application and the NMOCD proceedings which eventually resulted in the entry of Order R-4680-A. These problems are detailed in Hartman’s Application filed in this case, and are incorporated herein by reference. The procedural irregularities and infirmities in the NMOCD approval process included:

(a) Oxy’s failure to reference Order R-6447 or the fact that the MLMU was approved under the New Mexico Statutory Unitization Act in its 1994 Application;

(b) Oxy’s failure to propose a modification of the MLMU Unit Agreement tract participation factor as required for a proposal such as that contemplated by the 1994 Application which contemplated additional primary recovery;

(c) Oxy’s failure to introduce evidence at the hearing to substantiate findings supporting amendment of the MLMU plan of operations as authorized under Order R-6447, and as set forth and required in and required by NMSA 1978, § 70-7-6(A)(1) - (6);

(d) Oxy’s failure to comply with applicable portions of Articles 3 and 4 of the Unit Operating Agreement concerning the obtaining of working interest owner approval for the redevelopment plan and for presenting the case to the regulatory agency;

(e) Oxy’s failure to establish that the amendment to the unit plan was ratified by working interest owners in the manner required by NMSA 1978, § 70-7-8;

(f) Oxy’s failure to give notice of any request for authorization for surface injection pressures for the injection wells in the project area of 1,800 pounds per square inch (“psi”);

(g) Oxy's failure to introduce evidence in connection with the 1994 Application supporting authorization for surface injection pressures for injection wells in the project area of 1,800 psi; and

(h) NMOCD's entry of Finding No. 22 in Order R-4680-A in the absence of proper notice of any request for an increase in authorization for surface injection pressure for injection wells in the project area and in the absence of any evidence supporting the 1,800 psi surface injection pressure ultimately approved by Order R-4680-A.

4. Since the entry of Order R-4680-A, Hartman attempted to re-enter the Myers "B" Federal No. 30 well ("Myers well") in the NW/4 Section 5, Township 24 South, Range 37 East in Lea County, New Mexico, a location within the MLMU and within the 760-acre project area approved by Order R-4680-A. During the work in the Myers well, Hartman encountered such large quantities of water in the Yates Formation that the well has been shut-in and cannot be produced. Water is not naturally occurring in the Yates Formation in this area. The evidence indicates that water from the MLMU is escaping from the authorized injection zone.

5. Hartman filed this Application on April 28, 1997, seeking an Order giving full force and effect to NMOCC Order R-6447, revoking or modifying Order R-4680-A, due to the described procedural problems and alternatively seeking termination of the MLMU on the basis, inter alia, of evidence that the MLMU has been uneconomical since the inception of Oxy's 1994 redevelopment program which was approved by Order R-4680-A. Hartman filed an Amended Application on April 8, 1997, raising the surface injection pressure issue and

seeking a determination as to whether operation of the MLMU is causing water to escape the authorized injection zone.

6. This matter has been set for hearing June 30 through July 2, 1997 on a special setting.

7. Oxy is and has been since 1994 the operator of the MLMU. Much, if not most of the information which relates to the issues raised by the Application is information which is solely within the knowledge, custody and control of Oxy. Hartman requires discovery from Oxy in connection with this administrative proceeding on the following issues:

(a) Oxy's knowledge of Order R-6447 at the time of the filing of its 1994 Application and steps it has taken as operator to comply with that order;

(b) The operation of the MLMU concerning or related in any way to injection pressures on MLMU injection wells, whether water has escaped the authorized injection zone within the MLMU, all steps, including steps-rate injection tests and others, Oxy or predecessor operators have taken to determine whether water is staying within the authorized injection zone within the MLMU, or whether water has escaped the authorized injection zone within the MLMU, and communications with NMOCD regarding MLMU injection practices;

(c) The circumstances surrounding the adoption in Order R-4680-A of an authorized surface injection pressure of 1,800 psi, including any communications between Oxy and NMOCD regarding injection pressures for injection wells within the project area approved by Order R-4680-A; and

(d) Oxy's economic evaluations of the MLMU, particularly the program authorized by Order R-4680-A.

8. 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, where the administrative proceedings will be adjudicatory in nature. In re Miller, 88 N.M. 492, 542 P.2d 182 (Ct. App.) cert., denied, 89 N.M. 5, 546 P.2d 70 (1975).

9. 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 NMOCD's Rules and Regulations.

10. Hartman requests that the Division authorize Hartman to take depositions of Oxy employees Scott Gengler, Scott Pollard, and others to be determined after production of documents. Mr. Gengler was the Oxy representative in connection with the 1994 Application, and gave testimony in support of the 1994 Application. Mr. Pollard was the designated Oxy representative on Oxy's Authority for Expenditure ("AFE") in 1994 which outlined the project eventually approved by Order R-4680-A. Hartman will also need to depose Oxy representatives familiar with MLMU injection practices, and documents and tests tending to show that water is either staying within the authorized injection zone or has migrated out of the authorized injection zone as a result of MLMU injection practices.

11. Hartman also seeks authorization from the Division to serve interrogatories on Oxy. A copy of the proposed First Set of Interrogatories is attached as Exhibit A. The interrogatories seek basic information regarding Oxy's 1994 Application, including the identification of documents and files in

Oxy's possession, custody and control which relate to the 1994 Application, the identification of all documents and files in Oxy's possession, custody and control related to MLMU injection practices and whether injected water has or has not escaped the authorized injection zone, and the identification of Oxy personnel with knowledge of these matters.

12. Hartman finally requests that the Division authorize service of requests for production on Oxy and require that Oxy produce books, papers and records relevant to this proceeding. A copy of the proposed request for production is attached hereto as Exhibit B. Hartman seeks production of all Oxy's documents related to correspondence and communications with the OCD on its 1994 Application, documents related to MLMU injection practices and whether injected water has or has not escaped the authorized injection zone and Meridian files, and documents related to Order R-6447 and which demonstrate all actions Oxy has taken to comply with Order R-6447, and documents which reflect any economic analysis of the 1994 redevelopment program approved by Order R-4680-A.

13. Hartman requests that Oxy be ordered to respond to the discovery requests within thirty (30) days of service, or by June 9, 1997, in light of the June 30, 1997 hearing date.

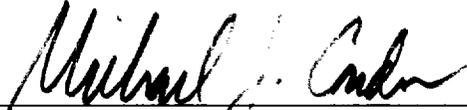
14. The requested discovery is limited in nature to that information necessary to allow Hartman to support this Application presently scheduled for hearing June 30 - July 2, 1997. Hartman reserves the right, based

upon discovery from Oxy, 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 respectfully requests that the Division authorize Hartman to secure discovery from Oxy, take depositions of Scott Gengler, Charles Pollard and other Oxy representatives to be determined after documents are produced and require Oxy to serve responses to the attached interrogatories and requests for production on or before June 9, 1997.

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

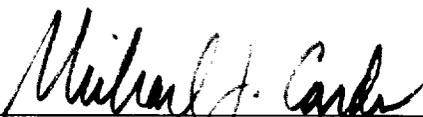
### **CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing Hartman's First Set of Request for Production of Documents to Oxy USA Inc. to be hand-delivered on this 9th day of May, 1997 to the following counsel of record:

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

and mailed to:

Greg Curry  
Thompson & Knight  
1700 Pacific Avenue, Suite 3300  
Dallas, Texas 75201-4693

  
\_\_\_\_\_  
Michael J. Condon

**STATE OF NEW MEXICO  
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**HARTMAN'S FIRST SET OF  
INTERROGATORIES TO OXY USA INC.**

To: Oxy, USA Inc.  
c/o Thomas W. Kellahin  
Kellahin & Kellahin  
117 N. Guadalupe  
Santa Fe, New Mexico 87501

Doyle Hartman d/b/a Doyle Hartman, Oil Operator ("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 requests that Oxy USA Inc. (hereinafter "Oxy") answer, in writing and under oath, each of the following interrogatories within thirty (30) 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. "Oxy" means Oxy USA 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.

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 firm, 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 representatives 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 generated, 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. "MLMU" means the Myers Langlie Mattix Unit, a secondary recovery waterflood project in Lea County, New Mexico.

H. "NMOCD" means the New Mexico Oil Conservation Division.

I. "1994 Application" means the Application you filed with the NMOCD on or about November 22, 1994, assigned Case No. 11168 and resulting in the entry of NMOCD Order R-4680-A, and all subsequent proceedings related thereto.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1:**

Please identify the person or persons responding to these interrogatories.

**ANSWER:**

### **INTERROGATORY NO. 2:**

Please identify all Oxy agents, representatives or employees involved in the drafting, preparation, and submittal of the 1994 Application.

**ANSWER:**

### **INTERROGATORY NO. 3:**

Please identify all Oxy agents, representatives and employees with responsibility for monitoring whether injected water at the MLMU is staying within the authorized injection zone. For each individual identified, please state that individual's name, position, duties and responsibilities and business address.

**ANSWER:**

**INTERROGATORY NO. 4:**

Please identify all Oxy agents, representatives and employees with knowledge of how the maximum surface injection pressure for the seventeen injection wells referenced in your 1994 Application came to be established in Order R-4680-A at 1,800 psi.

**ANSWER:**

**INTERROGATORY NO. 5:**

Please identify all Oxy agents, representatives and employees who had contact with any representative of the NMOCD in connection with the 1994 Application.

**ANSWER:**

**INTERROGATORY NO. 6:**

Please identify every agent, employee or representative of the NMOCD with whom you had contact concerning your 1994 Application.

**ANSWER:**

**INTERROGATORY NO. 7:**

Please identify the Oxy employee(s), agent(s), or representative(s) with responsibility for ensuring that Oxy complies with the requirements of New Mexico Oil Conservation Commission Order R-6447 and the New Mexico Statutory Unitization Act in the operation of the MLMU. For each person identified, please state the person's name, position, duties and responsibilities, and their business address.

**ANSWER:**

**INTERROGATORY NO. 8:**

Please identify all Oxy agents, employees, and representatives who had knowledge of the existence of Order R-6447 prior to November 22, 1994.

**ANSWER:**

**INTERROGATORY NO. 9:**

Please describe whether you have ever discovered or seen evidence indicating that injection water may be escaping from the authorized zone of injection in connection with the operation of the MLMU. If your answer is in the affirmative, for each such incident, instance or circumstances, please state:

- (a) The event, incident or circumstance indicating water out of zone;
- (b) The date of such event, incident or circumstance;
- (c) Whether the event, incident or circumstance was reported to NMOCD; and
- (d) What corrective action, if any, was taken in response thereto.

**ANSWER:**

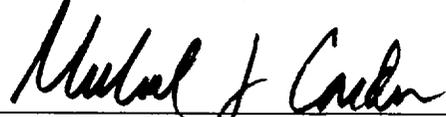
**INTERROGATORY NO. 10:**

Please identify the Oxy employee(s), agent(s), or representative(s) with responsibility for or involvement in monitoring, studying, evaluating or otherwise documenting the economic performance of the MLMU, including those with responsibility for the economic performance of the MLMU since November, 1994 in connection with the 1994 Application and the project approved by Order R-4680-A. For each person identified, please state the person's name, position, duties and responsibilities, and their business address.

**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

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing Hartman's First Set of Interrogatories to Oxy USA Inc. to be hand-delivered on this 9<sup>th</sup> day of May, 1997 to the following counsel of record:

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

and mailed to:

Greg Curry  
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1700 Pacific Avenue, Suite 3300  
Dallas, Texas 75201-4693

  
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**HARTMAN'S FIRST SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO  
OXY USA, INC.**

To: Oxy, USA Inc.  
c/o Thomas W. Kellahin  
Kellahin & Kellahin  
117 N. Guadalupe  
Santa Fe, New Mexico 87501

Doyle Hartman d/b/a Doyle Hartman, Oil Operator ("Hartman"), pursuant to NMSA 1978 § 70-2-8 (1995 Repl.), Rule 1211 of the NMOCD Rules and Regulations, and SCRA 1986, 1-026 and 1-034, hereby requests that Oxy USA, Inc. (hereinafter "Oxy") answer, in writing and under oath, each of the following interrogatories within thirty (30) days after service of this First Request for Production.

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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.

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H. "NMOCD" means the New Mexico Oil Conservation Division.

I. "1994 Application" means the Application you filed with the NMOCD on or about November 22, 1994, assigned Case No. 11168 and resulting in the entry of NMOCD Order R-4680-A, and all subsequent proceedings related thereto.

## **REQUEST FOR PRODUCTION**

### **REQUEST NO. 1:**

Please produce all documents concerning or related in any way to the application you filed on or about November 22, 1994 with the NMOCD assigned Case No. 11168 ('1994 Application').

### **RESPONSE:**

### **REQUEST NO. 2:**

Please produce all files and documents concerning or related in any way to communications with the NMOCD and/or any NMOCD agent, employee or representative, related in any way to the 1994 Application, including but not limited to expense reports, or expense report sheets for Scott Gengler, Richard Fopiano, and any other Oxy employee who has incurred expenses in connection with the 1994 Application.

### **RESPONSE:**

### **REQUEST NO. 3:**

Please produce all documents which were used to support or which could have been used to support a maximum surface injection pressure of 1,800 psi for the seventeen injection wells referenced in your 1994 Application.

**RESPONSE:**

**REQUEST NO. 4:**

Please produce all files and documents concerning or relating in any way to reserve calculations, or economic evaluations, studies, engineering analyses, budgets, schedules of future production, revenues, anticipated cash flows, and projected pricing for unitized substances from or related to the MLMU.

**RESPONSE:**

**REQUEST NO. 5:**

Please produce all personal files of Scott Gengler, Scott Pollard, Robert Hunt, and Richard Fopiano concerning the 1994 Application.

**RESPONSE:**

**REQUEST NO. 6:**

Please provide any and all documents, data, results, notes, and conclusions related to those certain step-rate tests performed in mid-1992 by Texaco Exploration and Production Inc. ("Texaco") at the request of Sirgo Operating Inc., (or any related entity), to determine if Texaco's injection practices had fractured any MLMU injection wells.

**RESPONSE:**

**REQUEST NO. 7:**

Please furnish a copy of any and all exhibits referenced in, enclosed with, attached to, or made a part of that certain "chronology of events between Texaco and Sirgo" dated June 16, 1992 and provided to MLMU working interest owners, including but not limited to any and all other information referenced or discussed in or related to the subject chronology.

**RESPONSE:**

**REQUEST NO. 8:**

Please provide any documents which relate in any way to improved oil recovery efficiency or reduced production rate decline achieved as a result of the operation of the MLMU, including results from the Oxy Redevelopment Project which was referenced in your 1994 Application, from January 1, 1994 to the present.

**RESPONSE:**

**REQUEST NO. 9:**

Please produce the well files, test results and all other documents concerning MLMU injector wells in the section where the Myers "B" Federal No. 30 well

is located (Section 5) and in every adjoining section (Sections 31, 32, and 33 of T-23-S, R-37-E and Sections 4, 6, 7, 8, and 9, T-24-S, R-37-E).

**RESPONSE:**

**REQUEST NO. 10:**

Please provide documents which relate in any way to any comparison or study of the amounts of water injected and the amount of water and oil/gas recovered as a result of the twenty-two years of secondary or the Enhanced Oil Recovery ("EOR") operations in the MLMU, including, without limitation, any evidence of migration outside the waterflood unit boundaries and/or outside of the authorized MLMU injection interval and studies, analyses, and/or reports that have compared the projected or computed volumes of water necessary to effectively waterflood the MLMU to the volumes that have actually been utilized.

**RESPONSE:**

**REQUEST NO. 11:**

Please provide any and all studies, reports, and/or analyses that have been performed and which in whole or part compute or estimate those volumes of MLMU injection water that are unaccounted for, may have migrated outside of the MLMU unit boundaries and/or outside of the authorized injection interval, including any estimation of unit costs and/or expenses that have resulted due to any water losses.

**RESPONSE:**

**REQUEST NO. 12:**

Please provide all records and reports called for under Rule 706 of the NMOCC and/or NMOCD Rules and Regulations, or any comparable predecessor rule, related to your operation of the MLMU.

**RESPONSE:**

**REQUEST NO. 13:**

Please produce any and all documents and studies which relate to chemical scaling problems, bacterial plugging problems, and/or any other mechanical or plugging problems which affect or have affected the efficient injection or withdrawal of fluids from the approved MLMU injection interval and any and all steps that have been taken by MLMU operators to properly enhance injection rates and fluid withdrawals, including all management decisions and economic evaluations pertaining to such activities.

**RESPONSE:**

**REQUEST NO. 14:**

Please produce all documents which reference or relate in any way to any waterflows, subsurface crossflow to other than the injection interval, or crossflows encountered in wells within a two (2) mile radius of the MLMU, including any waterflows or out-of-zone water invasion of non-unitized strata reported or experienced in wells within the physical limits of the MLMU unit.

**RESPONSE:**

**REQUEST NO. 15:**

Please produce all documents relating to casing leak repairs, water channeling repairs or to water injection operations at pressures above authorized or recognized and measured frac-pressure limits for all injection and producing wells in the MLMU.

**RESPONSE:**

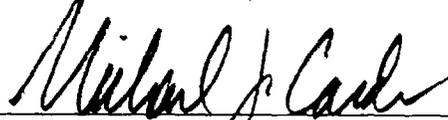
**REQUEST NO. 16:**

Please produce all documents, including well files and administrative files pertaining to the seventeen injector wells referenced in your 1994 Application.

**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

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\_\_\_\_\_  
Michael J. Condon