

J.E. Gallegos

ATTORNEY • 124 E. MARCY ST., SUITE 201 • SANTA FE, NEW MEXICO 87501 • (505) 983-6686

Our No. 87-18

September 14, 1987

Ms. Florene Davidson
Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

RE: Application of Howard Olsen To Reopen Case
Nos. 8668 and 8769, Lea County, N.M. -- Hartman

Dear Ms. Davidson:

Counsel for the parties in the captioned case have agreed to vacate the hearing set for October 7, 1987.

We anticipate that some discovery will be necessary before the matter is reset. My firm will represent Doyle Hartman so either myself or counsel for Howard Olsen will inform the Division when discovery has progressed to the point the cases should be reset.

Thank you for your cooperation in this matter.

Very truly yours,

GALLEGOS LAW FIRM

By


J. E. GALLEGOS

JEG:evm

cc: Jim Bruce, Esq.
Harold Hensley, Esq.
Atwood, Malone, Mann & Turner
Doyle Hartman

J.E. Gallegos

ATTORNEY • 124 E. MARCY ST., SUITE 201 • SANTA FE, NEW MEXICO 87501 • 505-983-6686

Case No. 8668

Our No. 87-18

September 14, 1987

m.s.

m.s.

Ms. Florene Davidson
Oil Conservation Division
P. O. Box 2088
Santa Fe, New Mexico 87501

RE: Application of Howard Olsen To Reopen Case
Nos. 8668 and 8769, Lea County, N.M. -- Hartman

Dear Ms. Davidson:

Counsel for the parties in the captioned case have agreed to vacate the hearing set for October 7, 1987.

We anticipate that some discovery will be necessary before the matter is reset. My firm will represent Doyle Hartman so either myself or counsel for Howard Olsen will inform the Division when discovery has progressed to the point the cases should be reset.

Thank you for your cooperation in this matter.

Very truly yours,

GALLEGOS LAW FIRM

By


J. E. GALLEGOS

JEG:evm

cc: Jim Bruce, Esq.
Harold Hensley, Esq.
Atwood, Malone, Mann & Turner
Doyle Hartman



STATE OF NEW MEXICO

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

GARREY CARRUTHERS
GOVERNOR

April 5, 1989

POST OFFICE BOX 2088
STATE LAND OFFICE BUILDING
SANTA FE, NEW MEXICO 87504
(505) 827-5800

CERTIFIED - RETURN
RECEIPT REQUESTED

Mr. Harold Hensley
Hinkle, Cox, Eaton,
Coffield & Hensley
Attorneys at Law
Post Office Box 10
Roswell, New Mexico 88201

Dear Mr. Hensley:

In reviewing our records we find that you are the attorney of record in two cases which have been continued indefinitely and have not had any action taken on them in over a year. Said cases are listed on the attached sheet.

If we do not receive word from you instructing us otherwise within 15 days from the date of this letter, we will set the cases for the next scheduled hearing at which time they will be dismissed.

Sincerely,

Florene Davidson

Florene Davidson
OC Staff Specialist

enc/

✓ Case 8668 - Examiner Hearing - October 7, 1987

Application of Howard Olsen to Reopen Case
8668 to Reconsider the Provisions of Division
Order No. R-8031, Lea County, New Mexico

Continued Indefinitely

Case 8769 - Examiner Hearing - October 7, 1987

Application of Howard Olsen to Reopen Case
8769 to Reconsider the Provisions of Division
Order No. R-8091, Lea County, New Mexico

Continued Indefinitely

Cases 8668 and 8769 involved applications of Doyle
Hartman for Compulsory Pooling.

GALLEGOS LAW FIRM

A Professional Corporation

300 Paseo de Peralta
Suite 100
Santa Fe, New Mexico 87501
505 • 983 • 6686
Telefax No. 505 • 986 • 0741

J. E. Gallegos
George F. Bingham*
Michael L. Oja †
Felice G. Gonzales
Joanne Reuter

June 16, 1989

VIA HAND DELIVERY

RECEIVED

JUN 16 1989

William J. Lemay, Director
Oil Conservation Division
P.O. Box 2088
Santa Fe, New Mexico 87504

OIL CONSERVATION DIVISION

RE: Application of Howard Olsen to Reopen Case Nos. 8668 and 8769,
Lea County, New Mexico.

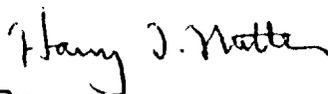
Dear Mr. Lemay:

Enclosed herewith please find a Response and Motion to Dismiss the referenced Application filed today on behalf of Doyle Hartman. By this letter we request that the enclosed Motion be set for hearing on the Division's docket for July 12, 1989.

If the Motion can not be set for hearing as requested, please advise us as soon as possible. Your prompt attention to this matter will be greatly appreciated.

Sincerely,

GALLEGOS LAW FIRM



By

HARRY T. NUTTER

HTN:ap

STATE OF NEW MEXICO
ENERGY AND MINERALS DEPARTMENT
OIL CONSERVATION DIVISION

**IN THE MATTER OF THE
APPLICATION OF HOWARD OLSEN
TO REOPEN CASE NOS. 8668
AND 8769, LEA COUNTY, NEW MEXICO**

RECEIVED

JUN 16 1989

**RESPONSE TO APPLICATION
AND MOTION TO DISMISS**

OIL CONSERVATION DIVISION

DOYLE HARTMAN ("Hartman") hereby submits this Response to the captioned Application filed by Howard Olsen ("Olsen"). While Olsen asks the Oil Conservation Division ("Division") to reopen the earlier proceedings, in reality Olsen seeks to avoid the nonconsent penalties imposed upon him by Order Nos. 8668 and 8769. Hartman hereby moves the Division to dismiss the Application for the following reasons:

1. After proper notice and hearing, Order Nos. 8668 and 8769 were duly entered by the Division on September 27 and December 6, 1985, respectively. Olsen did not timely request a rehearing, but instead instituted this Cause approximately two years later seeking to overturn the action of the Division. Olsen may not now collaterally attack those Orders.

2. Olsen initiated this Cause in September of 1987. On April 15, 1989, the OCD notified Olsen's counsel that this Application would be scheduled for hearing and dismissed. Olsen's attorney requested a further continuance. Olsen has utterly failed to prosecute this Cause with due diligence and is prolonging the administrative process in an attempt to subvert a judicial resolution of other legal disputes with Hartman.

3. At the same time Hartman sought the compulsory pooling Orders attacked herein, he was negotiating with Olsen and arrived at an agreement for the purchase of

Olsen's interest. Hartman relied upon Olsen's agreement to sell his interest, but Olsen later reneged on that agreement. Olsen is equitably estopped from asserting any technical noncompliance with the provisions of Order Nos. 8668 and 8769.

4. Hartman drilled the wells authorized by the Orders at issue, undertaking all the financial risks and managerial responsibility for the benefit of the interest owners within the pooled lands. Hartman conscientiously complied with the terms and conditions imposed by Order Nos. 8668 and 8769. The policy underlying the conservation laws mandates that Olsen also abide by the terms of those Orders, including the payment of his share of drilling costs subject to the nonconsent penalty.

WHEREFORE, Hartman requests this Motion be set for hearing on the Division's docket for July 12, 1989, and the Division dismiss the Application for the foregoing reasons.

Respectfully submitted,

By Harry T. Nutter
J.E. GALLEGOS
HARRY T. NUTTER
300 Paseo De Peralta
Suite 100
Santa Fe, New Mexico 87501
(505) 983-6686

Attorneys for Respondent
Doyle Hartman

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response was served on this 16th day of June, 1989, to all counsel of record.

Harry T. Nutter
HARRY T. NUTTER

CAMPBELL & BLACK, P.A.

LAWYERS

JACK M. CAMPBELL
BRUCE D. BLACK
MICHAEL B. CAMPBELL
WILLIAM F. CARR
BRADFORD C. BERGE
MARK F. SHERIDAN
J. SCOTT HALL
JOHN H. BEMIS
WILLIAM P. SLATTERY
MARTE D. LIGHTSTONE
PATRICIA A. MATTHEWS

RECEIVED

JUL 24 1989

OIL CONSERVATION DIVISION

JEFFERSON PLACE
SUITE 1 - 110 NORTH GUADALUPE
POST OFFICE BOX 2208
SANTA FE, NEW MEXICO 87504-2208
TELEPHONE: (505) 988-4421
TELECOPIER: (505) 983-6043

July 24, 1989

Hand Delivered

William J. LeMay
Director, Oil Conservation Div.
NM Dept. Energy, Minerals
& Natural Resources
State Land Office Building
Santa Fe, New Mexico 87503

M.S. Dec

Re: Case 8668 In the Matter of Case No. 8668 being reopened upon Application of Howard Olsen to Reconsider the Provisions of Division Order No. R-8031.

Case 8769: In the Matter of Case No. 8769 being reopened upon Application of Howard Olsen to Reconsider the Provisions of Division Order No. R-8091.

Dear Mr. LeMay:

Doyle Hartman requests that the above-referenced cases currently scheduled for hearing before a division examiner on July 26, 1989 be continued to the examiner hearing scheduled for August 9, 1989. Mr. Harold L. Hensley, Jr., attorney for Howard Olsen, concurs in this request for continuance.

Your attention to this matter is appreciated.

Very truly yours,

William F. Carr
William F. Carr

WFC:ep

cc: J.E. Gallegos, Esq.
Don Maddox, Esq.
Harold L. Hensley, Jr., Esq.
Doyle Hartman
W. Thomas Kellahin, Esq.

GALLEGOS LAW FIRM

A Professional Corporation

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Telefax No. 505 • 986 • 0741

J. E. Gallegos
George F. Bingham*
Michael L. Oja †
Felice G. Gonzales
Joanne Reuter

June 16, 1989

VIA HAND DELIVERY

RECEIVED

JUN 16 1989

OIL CONSERVATION DIVISION

William J. Lemay, Director
Oil Conservation Division
P.O. Box 2088
Santa Fe, New Mexico 87504

RE: Application of Howard Olsen to Reopen Case Nos. 8668 and 8769,
Lea County, New Mexico.

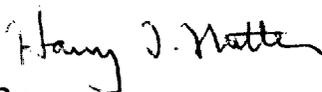
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If the Motion can not be set for hearing as requested, please advise us as soon as possible. Your prompt attention to this matter will be greatly appreciated.

Sincerely,

GALLEGOS LAW FIRM



By

HARRY T. NUTTER

HTN:ap

* Also admitted in the District of Columbia

† Also admitted in California

STATE OF NEW MEXICO
ENERGY AND MINERALS DEPARTMENT
OIL CONSERVATION DIVISION

**IN THE MATTER OF THE
APPLICATION OF HOWARD OLSEN
TO REOPEN CASE NOS. 8668
AND 8769, LEA COUNTY, NEW MEXICO**

RECEIVED

JUN 16 1989

**RESPONSE TO APPLICATION
AND MOTION TO DISMISS**

OIL CONSERVATION DIVISION

DOYLE HARTMAN ("Hartman") hereby submits this Response to the captioned Application filed by Howard Olsen ("Olsen"). While Olsen asks the Oil Conservation Division ("Division") to reopen the earlier proceedings, in reality Olsen seeks to avoid the nonconsent penalties imposed upon him by Order Nos. 8668 and 8769. Hartman hereby moves the Division to dismiss the Application for the following reasons:

1. After proper notice and hearing, Order Nos. 8668 and 8769 were duly entered by the Division on September 27 and December 6, 1985, respectively. Olsen did not timely request a rehearing, but instead instituted this Cause approximately two years later seeking to overturn the action of the Division. Olsen may not now collaterally attack those Orders.

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WHEREFORE, Hartman requests this Motion be set for hearing on the Division's docket for July 12, 1989, and the Division dismiss the Application for the foregoing reasons.

Respectfully submitted,

By *Harry T. Nutter*

J.E. GALLEGOS
HARRY T. NUTTER

300 Paseo De Peralta
Suite 100
Santa Fe, New Mexico 87501
(505) 983-6686

Attorneys for Respondent
Doyle Hartman

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response was served on this 16th day of June, 1989, to all counsel of record.

Harry T. Nutter
HARRY T. NUTTER

HINKLE, COX, EATON, COFFIELD & HENSLEY

ATTORNEYS AT LAW

218 MONTEZUMA

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JOE W. WOOD
RICHARD S. MORRIS

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W. E. BONDURANT, JR. (1913-1973)
ROY C. SNOODGRASS, JR. (1914-1987)

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ERIC D. LANPHERE
C. D. MARTIN
PAUL J. KELLY, JR.
MARSHALL G. MARTIN
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RICHARD R. WILFONG*
THOMAS J. MCBRIDE
STEVEN D. ARNOLD
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DAVID T. MARKETTE*
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KAREN M. RICHARDSON*
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JAMES M. HUDSON

STANLEY K. KOTOVSKY JR.
BETTY H. LITTLE*
JEFFREY S. BAIRD*
RUTH S. MUSGRAVE
HOWARD R. THOMAS
PATRICIA A. WATTS
MACDONNELL GORDON
REBECCA NICHOLS JOHNSON
WILLIAM P. JOHNSON
ELLEN S. CASEY
S. BARRY PAISNER
MARGARET CARTER LUDEWIG
MARTIN MEYERS
GREGORY S. WHEELER
ANDREW J. CLOUTIER
JAMES A. GILLESPIE
GARY W. LARSON
STEPHANIE LANDRY
JOHN R. KULSETH, JR.
LISA K. SMITH*

*NOT LICENSED IN NEW MEXICO

February 6, 1991

Oil Conservation Division
State Land Office Building
P. O. Box 2088
Santa Fe, New Mexico 87504

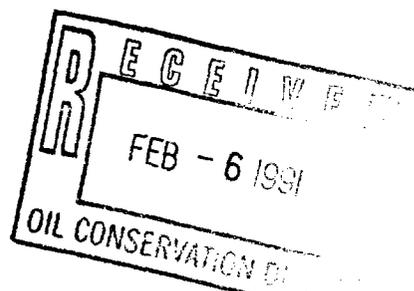
ATTENTION: Mr. Robert Stovall
General Counsel

Re: Case No. 8688 (Reopened)
Case No. 8769 (Reopened)

Dear Mr. Stovall:

Please find enclosed the request of Howard R. Olsen for stays of Order Nos. R-8031-A and R-8091-A pending the outcome of Mr. Hartman's Application for Hearing De Novo in each case.

Mr. Howard R. Olsen has elected to participate in the Carlson Federal No. 4 and Carlson Federal No. 5 wells, pursuant to the terms of the above referenced Orders, and by copy of this letter to Mr. Gene Gallegos, Doyle Hartman's attorney, we are confirming that election to participate. However, in light of Mr. Hartman's Applications for Rehearing before the full Commission, currently set for hearing on February 28, 1991, we are requesting stays of the Orders so that the 30 day time period within which we must evidence our election to participate by the payment to Mr. Hartman of our pro rata well costs, plus interest, will not expire. While we feel that the full Commission will not reverse the Hearing Examiner's Decision, Mr. Olsen would suffer extremely negative consequences if forced to pay Mr. Hartman in



Oil Conservation Division
February 6, 1991
Page Two

excess of \$300,000 before the matter is even heard by the full
Commission.

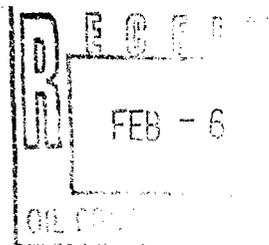
Yours very truly,

HINKLE, COX, EATON, COFFIELD & HENSLEY

T. Calder Ezzell, Jr. *By [Signature]*
T. Calder Ezzell, Jr.

TCE/tw
Enclosures

cc: Mr. J. E. Gallegos
Mr. Howard Olsen



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

IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION TO
CONSIDER THE APPLICATION OF:

Case No. 8668 (Reopened)
Order No. R-8031-A

DOYLE HARTMAN FOR COMPULSORY POOLING,
LEA COUNTY, BEING REOPENED UPON THE
APPLICATION OF HOWARD OLSEN TO RECONSIDER
THE PROVISIONS OF DIVISION ORDER NO. R-8031

REQUEST FOR STAY

Howard R. Olsen, a party of record affected by the decision of the Oil Conservation Division herein in the above referenced Order No. R-8031-A, hereby requests that the 30 day time period from the date of the Order within which Howard Olsen may elect to participate in the Carlson Federal No. 4 well and to pay his pro rata share of drilling, completion and operating costs of said well be stayed until the resolution of the Application filed by Doyle Hartman, Oil Operator, for a Hearing De Novo before the full Oil Conservation Commission.

Respectfully submitted,

HINKLE, COX, EATON, COFFIELD & HENSLEY

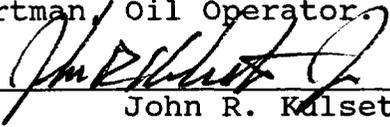
By: _____

John R. Kulseth, Jr.
T. Calder Ezzell, Jr.
P. O. Box 2068
Santa Fe, New Mexico 87504
(505) 982-4554

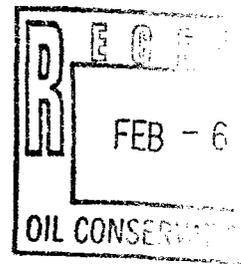
ATTORNEYS FOR HOWARD R. OLSEN

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Request for Stay was hand delivered this 6th day of February, 1991, to the Gallegos Law Firm, Attention: J. E. Gallegos and Joanne Reuter, attorneys for Doyle Hartman, Oil Operator.



John R. Kilsyth, Jr.



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

IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION TO
CONSIDER THE APPLICATION OF:

Case No. 8668 (Reopened)
Order No. R-8031-A

DOYLE HARTMAN FOR COMPULSORY POOLING,
LEA COUNTY, BEING REOPENED UPON THE
APPLICATION OF HOWARD OLSEN TO RECONSIDER
THE PROVISIONS OF DIVISION ORDER NO. R-8031

ORDER GRANTING STAY

BY THE DIVISION:

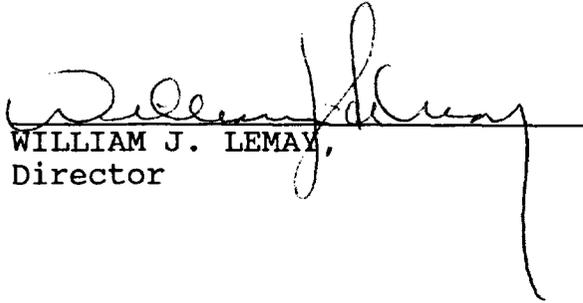
THIS MATTER came before the Division upon the Application of Howard R. Olsen to stay the time periods imposed by the Division in Order No. R-8031-A pending the outcome of a hearing De Novo before the full Commission of Case No. 8668 (Reopened) as requested by Doyle Hartman, Oil Operator.

IT IS THEREFORE ORDERED that the 30 day time period from the date of Order No. R-8031-A within which Howard Olsen may elect to participate in the Carlson Federal No. 4 well by the payment of his pro rata share of drilling, completion and operating costs, plus interest, and the 30 day period from the date of such payment within which Doyle Hartman Oil Operator must account for and pay to Olsen proceeds from production attributable to Olsen's interest, with interest thereon, be and hereby are stayed pending the outcome of the hearing De Novo

before the full Commission as requested by Doyle Hartman Oil
Operator.

DONE at Santa Fe, New Mexico on this 6th day of
February, 1991.

STATE OF NEW MEXICO
OIL CONSERVATION DIVISION


WILLIAM J. LEMAY,
Director

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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION FOR THE PURPOSE OF
CONSIDERING:

CASE NO. 8668 (REOPENED)
ORDER NO. R-8031-A

APPLICATION OF DOYLE HARTMAN FOR
COMPULSORY POOLING, LEA COUNTY,
BEING REOPENED UPON THE APPLICATION
OF HOWARD OLSEN TO RECONSIDER
THE PROVISIONS OF DIVISION ORDER NO. R-8031

RECEIVED

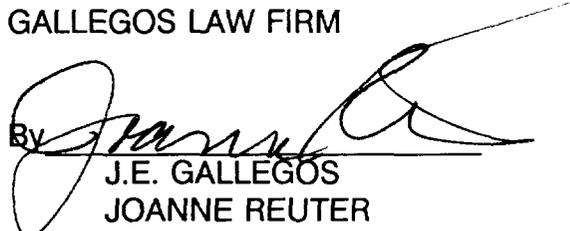
FEB 25 1991

OIL CONSERVATION DIV.
SANTA FE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Pre-Hearing Statement was served via U.S. Mail, postage pre-paid to T. Calder Ezzell, Jr., Esq., Counsel for Howard Olsen, this 22nd day of February, 1991.

GALLEGOS LAW FIRM

BY 

J.E. GALLEGOS
JOANNE REUTER

141 East Palace Avenue
Santa Fe, New Mexico 87501
(505) 983-6686

ATTORNEYS FOR
DOYLE HARTMAN, OIL OPERATOR

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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
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ORDER NO. R-8031-A

APPLICATION OF DOYLE HARTMAN FOR
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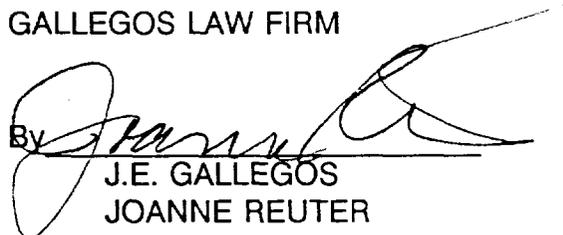
FEB 25 1991

CERTIFICATE OF SERVICE

OIL CONSERVATION DIV.
SANTA FE

I hereby certify that a true and correct copy of the foregoing Pre-Hearing Statement was served via U.S. Mail, postage pre-paid to T. Calder Ezzell, Jr., Esq., Counsel for Howard Olsen, this 22nd day of February, 1991.

GALLEGOS LAW FIRM

By 

J.E. GALLEGOS
JOANNE REUTER
141 East Palace Avenue
Santa Fe, New Mexico 87501
(505) 983-6686

ATTORNEYS FOR
DOYLE HARTMAN, OIL OPERATOR

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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
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APPLICATION OF DOYLE HARTMAN FOR
COMPULSORY POOLING, LEA COUNTY,
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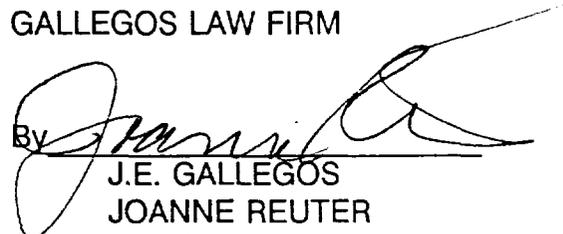
FEB 25 1991

OIL CONSERVATION DIV.
SANTA FE

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GALLEGOS LAW FIRM

By 

J.E. GALLEGOS
JOANNE REUTER

141 East Palace Avenue
Santa Fe, New Mexico 87501
(505) 983-6686

ATTORNEYS FOR
DOYLE HARTMAN, OIL OPERATOR

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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
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CASE NO. 8668 (REOPENED)
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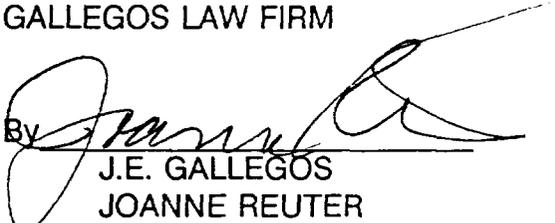
FEB 25 1991

OIL CONSERVATION DIV.
SANTA FE

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GALLEGOS LAW FIRM

By 

J.E. GALLEGOS
JOANNE REUTER
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ATTORNEYS FOR
DOYLE HARTMAN, OIL OPERATOR

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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION FOR THE PURPOSE OF
CONSIDERING:

CASE NO. 8668 (REOPENED)
ORDER NO. R-8031-A

APPLICATION OF DOYLE HARTMAN FOR
COMPULSORY POOLING, LEA COUNTY,
BEING REOPENED UPON THE APPLICATION
OF HOWARD OLSEN TO RECONSIDER
THE PROVISIONS OF DIVISION ORDER NO. R-8031

RECEIVED

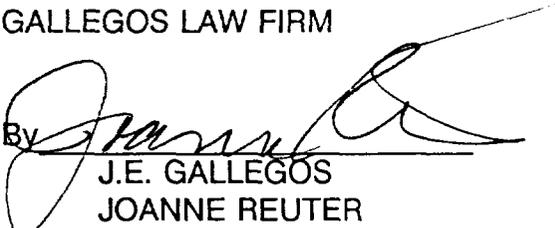
FEB 25 1991

OIL CONSERVATION DIV.
SANTA FE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Pre-Hearing Statement was served via U.S. Mail, postage pre-paid to T. Calder Ezzell, Jr., Esq., Counsel for Howard Olsen, this 22nd day of February, 1991.

GALLEGOS LAW FIRM

By 

J.E. GALLEGOS
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ATTORNEYS FOR
DOYLE HARTMAN, OIL OPERATOR

STATE OF NEW MEXICO
ENERGY AND MINERALS DEPARTMENT
OIL CONSERVATION DIVISION

—
APPLICATION OF HOWARD OLSEN
TO REOPEN CASE NOS. 8668 and
8769, LEA COUNTY, NEW MEXICO

ACCEPTANCE OF SERVICE

COMES NOW, ATWOOD, MALONE, MANN & TURNER (Robert H. Strand)
and hereby accepts service of the Application on behalf of
Defendant, Doyle Hartman.

ATWOOD, MALONE, MANN & TURNER

By:

Robert H. Strand
P.O. Box 700
Roswell, NM 88201
(505) 622-6221