

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

2006 MAR 24 PM 3 51

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

CASE NO. 13689

**IN THE MATTER OF THE APPLICATION OF
JAY DAN LANDFARM, LLC FOR APPROVAL OF
A RULE 711 COMMERCIAL LANDFARMS
FACILITY, LEA COUNTY,
NEW MEXICO**

PRE-HEARING STATEMENT

This Prehearing Statement is submitted by Ernest L. Padilla, Padilla Law Firm, P.A.
as required by the Oil Conservation Division.

APPEARANCES OF PARTIES

JAY DAN LANDFARM, LLC

ATTORNEY

Ernest L. Padilla
PADILLA LAW FIRM, P.A.
P.O. Box 2523
Santa Fe, New Mexico 87504
(505) 988-7577
(505) 988-7592 fax

OPPOSITION OR OTHER PARTY

ATTORNEY

**DAN FIELD
CITY OF LOVINGTON**

Patrick B. McMahon
Heidel, Samberson, Newell,
Cox & McMahon
P.O. Drawer 1599
Lovington, NM 88260
(505) 396-5303
(505) 396-5305

STATEMENT OF CASE

Applicant seeks approval to construct and operate a Rule 711 commercial landfarm facility located in the NW/4SW/4NW/4 of Section 32, Township 15 South, Range 35 East, NMPM, Lea County, New Mexico. The permit application addresses the construction, operations, spill and leak prevention and monitoring procedures at the proposed site.

OPPOSITION OR OTHER PARTY

The opposing parties initially filed a protest with the Oil Conservation Division as stated in their attorney's letter dated November 28, 2005 to the Division. As a result of that letter and Applicant's agreement to move the location of the landfarm facility to accommodate the protest, the opposing parties evidently continue to protest the application. As a consequence, Applicant is not aware of the reasons for the protest now.

PROPOSED EVIDENCE

APPLICANT: JAY DAN LANDFARM, LLC

Applicant will introduce the following exhibits through the following witnesses:

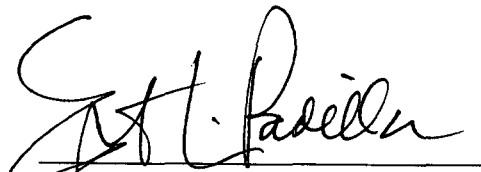
<u>WITNESS</u>	<u>EST. TIME</u>	<u>EXHIBITS</u>
Eddie Seay Oil & Gas Regulatory Specialist	30-45 minutes	(1) C-137

OPPOSITION: DAN FIELD and CITY OF LOVINGTON

<u>WITNESS</u>	<u>EST. TIME</u>	<u>EXHIBITS</u>
Unknown		

PROCEDURAL MATTERS

None


ERNEST L. PADILLA

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of this Prehearing Statement to be served upon Patrick B. McMahon, HEIDEL, SAMBERSON, NEWELL, COX & MCMAHON via facsimile (505) 396-5305 on this 24th day of March, 2006.


ERNEST L. PADILLA