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July 16, 2002

Via Fax and U.S. Mail

Florene Davidson
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Dear Florene:

Enclosed for filing is a pre-hearing statement in Case No. 12757 *de novo*.

Very truly yours,



James Bruce

Attorney for Marks and Garner Production, Ltd. Co.

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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:

APPLICATION OF THE NEW MEXICO OIL
CONSERVATION DIVISION FOR AN ORDER
REQUIRING MARKS AND GARNER PRODUCTION,
LTD. CO. TO PROPERLY PLUG SEVENTEEN (17)
WELLS, ETC., EDDY COUNTY, NEW MEXICO.

Case No. 12757 (*de novo*)
Order No. R-11753

PRE-HEARING STATEMENT

This pre-hearing statement is submitted by Marks and Garner
Production, Ltd. Co. as required by the Oil Conservation Division.

APPEARANCES

APPLICANT

Oil Conservation Division

APPLICANT'S ATTORNEY

David K. Brooks

OPPONENT

Marks and Garner Production, Ltd. Co.
P.O. Box 70
Lovington, New Mexico 88260
(505) 396-5326

OPPONENT'S ATTORNEY

James Bruce
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

STATEMENT OF THE CASE

APPLICANT

Applicant seeks an order authorizing the Division to plug certain
wells, and assessing a penalty for false production reporting.

OPPONENT

Marks and Garner Production, Ltd. Co. asserts that (1) all wells
have been brought into compliance but five, and it will plug those
wells if the Division so desires, and (2) most of the subject wells
were produced by swabbing, and therefore a penalty is not
warranted.

PROPOSED EVIDENCE

APPLICANT

WITNESSES

EST. TIME

EXHIBITS

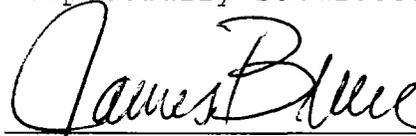
OPPONENT

<u>WITNESSES</u>	<u>EST. TIME</u>	<u>EXHIBITS</u>
Link Marks	25 min.	Four
Buddy Garner	10 min.	Two

PROCEDURAL MATTERS

-None-

Respectfully submitted,



James Bruce
Post Office Box 1056
Santa Fe, New Mexico 87504
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Attorney for Marks and Garner
Production, Ltd. Co.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record via facsimile transmission this 16th day of July, 2002:

David K. Brooks
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1220 South St. Francis Drive
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1220 South St. Francis Drive
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James Bruce