

**JAMES BRUCE**

ATTORNEY AT LAW

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(505) 982-2043  
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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02 AUG 30 BY 8:20

August 30, 2002

Lori Wrotenbery  
Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Re: Case No. 12757 (*de novo*)

Dear Ms. Wrotenbery:

Enclosed are five copies of a letter Marks and Garner Production,  
Ltd. Co. asked me to deliver to you.

Very truly yours,



James Bruce

Attorney for Marks and Garner Production, Ltd. Co.

cc: David K. Brooks (w/encl.)

**MARKS AND GARNER PRODUCTION, LTD. CO.****OIL & GAS PRODUCTION**

Phone (505) 396-5326

Fax (505) 396-3204

P.O. Box 70 - 1421 S. Love St.  
Lovington, New Mexico 88260

AUG 30 AM 8:23

August 29, 2002

New Mexico Oil Conservation Commission  
Hon. Lori Wrotenbery, Chairman  
1220 South Saint Francis Drive  
Santa Fe, NM 87505

RE: Case No. 12757

Dear Chairman Wrotenbery and Honorable Commissioners,

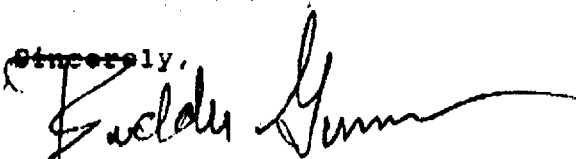
We have received a copy of Mr. David Brooks letter to you, dated August 23, 2002. We disagree with many of Mr. Brooks findings stated in this letter. Although Mr. Devin Garner's daily notes do not cover the entire time period, we feel they do corroborate the facts stated at the July 19th., 2002 hearing.

We stated at July 19th hearing that our monthly reports were not without error, but not done intentionally. We also stated at that hearing the Artesia OCD Supervisor said a hearing would not be necessary if all 17 wells were brought into compliance, and they were before the hearing.

My personal health has deteriorated greatly in the past nine months, hastened by this problem. Therefore, to expedite and resolve this matter, please consider the following:

- 1 Marks and Garner agrees to pay a onetime penalty of \$500.00.
- 2 Marks and Garner will plug and abandon or return to production as approved by the Artesia OCD the following wells;  
CPU #3  
CPU #14  
CPU #16  
CPU #32  
CPU #53

Sincerely,

James H. Buddy Garner  
Partner

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RE: Case No. 12757

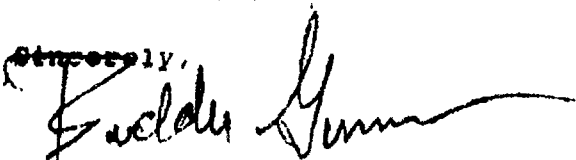
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Sincerely,  


James H. Buddy Garner  
Partner



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**GARY E. JOHNSON**  
Governor  
**Betty Rivera**  
Cabinet Secretary

August 15, 2002

**Lori Wrotenbery**  
Director  
Oil Conservation Division

Hon. Lori Wrotenbery, Chairman  
Oil Conservation Commission  
1220 S. Saint Francis Drive  
Santa Fe, NM 87505

**Re: Case No. 12757**  
**Application of NMOCD re Marks and Garner Limited Co.**

Dear Chairman Wrotenbery:

This is a follow up to our letter of August 7, 2002 regarding Marks and Garner's post-hearing submission of evidence.

Although I have spoken with Marks and Garner's counsel concerning the lack of legibility of the copies of log books furnished, and the fact that the material covers only a portion of the relevant time period, no additional material has been furnished. Mr. Bruce has indicated that he has furnished to the Commission and to Division counsel everything he has.

At this time, we would respectfully point out to the Commission the limited coverage of the logbook submitted and numerous apparent changes in the entries, particularly the numbers. Many of the numerical entries appear to have been written over, and we have no explanation of the time or reason for these changes.

OCD respectfully requests a further extension of time till August to respond as directed by the Commission. If we have not had an opportunity to examine any additional material by that time, we will then file our final comments on the materials as received.

Should you have any questions, please call me at (505)-476-3450.

Very truly yours,

David K. Brooks  
Assistant General Counsel

cc: ~~Steve~~ Steve Ross  
James Bruce

ec Tim Gum

## Ross, Stephen

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**From:** Brooks, David K  
**Sent:** Monday, August 12, 2002 2:02 PM  
**To:** Ross, Stephen; Gum, Tim  
**Subject:** Case No. 12757; Marks and Garner

Steve and Tim

Attached is a copy of letter sent this day to Jim Bruce, counsel for Marks and Garner.



Bruce 081202  
ltr.doc

David Brooks

August 27, 2002

Mr. James G. Bruce  
P.O.Box 1056  
Santa Fe, NM 87504

**Re: Case No. 12757; Application to Require Marks and Garner Ltd Co. to Plug  
Certain Wells, etc.**

Dear Jim:

This will confirm our telephone conversation wherein we raised two concerns about the logs that you furnished to the Commission on behalf of Marks and Garner.

First, we noted that the copies furnished are extremely difficult to read. Second, the copies cover only the period September through December 2000, and do not cover any of the relevant time in 2001.

You indicated to me that you were not furnished the originals, and that what you provided was all that Marks and Garner supplied.

We respectfully request that, in view of the unsatisfactory nature of the copies, the original book be made available for our inspection, and that any records covering the period from January through July 2001 also be furnished.

Should you have any questions, please call me at (505)-476-3450.

Very truly yours,

David K. Brooks  
Assistant General Counsel

cc: Steve Ross  
Tim Gum



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**GARY E. JOHNSON**

Governor

**Betty Rivera**

Cabinet Secretary

**Lori Wrotenbery**

Director

**Oil Conservation Division**

August 8, 2002

Mr. David K. Brooks  
Assistant General Counsel, EMNRD  
1220 S. Saint Francis Drive  
Santa Fe, New Mexico 87505

Re: Case No. 12757, de novo  
Application of the NMOCD re: Marks & Garner Ltd. C.

Dear Mr. Brooks,

On August 7, 2002, you forwarded to the attention of the Chair of the Oil Conservation Commission a request for an extension of time to respond to the additional evidence submitted by Marks & Garner. Mr. Bruce has not responded to the request, but I believe he is out of town until the 11th and will not be able to respond until after the current deadline expires.

I spoke to the Chairman concerning this matter, and she agreed to the proposed extension of time for the Division's response until August 15.

If you have any questions, please do not hesitate to give me a call.

Sincerely,

Stephen C. Ross  
Assistant General Counsel, EMNRD

Cc: James Bruce (by facsimile)



TRANSACTION REPORT

P. 01

AUG-08-2002 THU 06:18 PM

FOR:

| DATE   | START    | RECEIVER | TX TIME | PAGES | TYPE | NOTE | M#  | DP |
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TOTAL : OS PAGES: 0



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**GARY E. JOHNSON**  
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Cabinet Secretary

**Lori Wrotenberg**  
Director  
Oil Conservation Division

August 8, 2002

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I spoke to the Chairman concerning this matter, and she agreed to the proposed extension

**JAMES BRUCE**  
ATTORNEY AT LAW

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SANTA FE, NEW MEXICO 87501

(505) 982-2043  
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June 19, 2002

Via Fax

Lori Wrotenbery  
Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Re: Case No. 12757 (de novo); Application of the Division

Dear Ms. Wrotenbery:

Marks and Garner Production, Ltd. Co. requests that the above case be continued to the July Commission hearing. The reason for this request is that I must leave town for family reasons, and will be gone for the next five days. Thank you.

Very truly yours,



James Bruce

Attorney for Marks and Garner Production, Ltd. Co.

cc: Stephen C. Ross (via fax)  
David K. Brooks (via fax)