

TO: WILLIAM J. LEMAY, Director  
New Mexico Oil Conservation Division  
State Land Office Building  
Post Office Box 2088  
Santa Fe, New Mexico 87504-2088

RE: Sunco Trucking Water Disposal  
Permit Application for  
Administrative Approval for  
Commercial Evaporation Ponds

OIL CONSERVATION DIVISION  
RECEIVED

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M.S.

**REQUEST FOR DE NOVO HEARING BEFORE THE COMMISSION**

COMES NOW Harold W. Horner and Doris J. Horner (hereinafter Protestors) by and through their attorney, Gary L. Horner, pursuant to OCD Rule 1220 and hereby request that a de novo hearing be held before the Commission with respect to the Sunco Trucking Water Disposal (hereinafter STWD) Application for Administrative Approval of Commercial Evaporation Ponds.

As and for good cause for said request Protestors state:

1. On April 2, 1991, the Director of the Oil Conservation Division, William J. Lemay, issued an Order of the Division in the present matter, following a hearing on the subject matter on June 13, 1990 before Examiner Michael E. Stogner.

2. OCD Rule 1220 provides that

"[w]hen any order has been entered by the Division pursuant to any hearing held by an Examiner, any party of record adversely affected by such order shall have a right to have such matter or proceeding heard de novo before the Commission...."

3. Protestors here are parties of record in the present matter and participated in the above-mentioned hearing before Mr. Stogner.

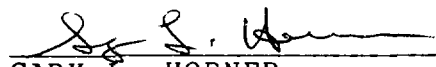
WHEREFORE, Protestors respectfully request that:

1. A de novo hearing be held with respect to the subject STWD application;

2. The subject Application be denied; and

3. For such other and further relief as may be just and proper in the premises.

Respectfully submitted by:

  
GARY L. HORNER  
P.O. Box 2497  
Farmington, New Mexico 87499  
(505) 326-2378

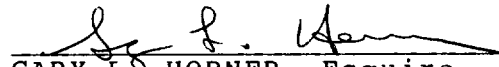
April 26, 1991  
Date

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing REQUEST FOR DE NOVO HEARING was mailed by first-class postage, or delivered, to the following individuals this 26<sup>th</sup> day of April 1991:

WILLIAM J. LEMAY, Director  
Oil Conservation Division  
Post Office Box 2088  
Santa Fe, New Mexico 87504-2088

JOHN A. DEAN, JR., Esquire  
Attorney for Applicant, SUNCO TRUCKING AND WASTE DISPOSAL  
506 West Arrington Street  
Farmington, New Mexico 87401

  
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GARY L. HORNER, Esquire  
Attorney for Protestors