

**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 GANDY MARLEY, INC. TO MODIFY THEIR EXISTING
NMOCD RULE 711 PERMIT NO. NM-01-019 SO THEY MAY ACCEPT SALT-
CONTAMINATED OILFIELD WASTES, LEA COUNTY, NEW MEXICO.**

**CASE NO. 13480
ORDER NO. R-12306-G**

ORDER OF THE OIL CONSERVATION COMMISSION

BY THE COMMISSION:

THIS MATTER came before the Oil Conservation Commission (the Commission) on February 9, 2006, and the Commission, having carefully considered the same, now, on this 9th day of February, 2006,

FINDS,

1. Notice has been given of the application and the hearing of this matter, and the Commission has jurisdiction of the parties and the subject matter herein.
2. This matter is before the Commission on the application of Gandy-Marley, Inc. (Gandy Marley) for *de novo* review of Order No. R-12306-B.
3. In its original application, Gandy-Marley sought modification of its surface waste management facility permit.
4. In Order No. R-12306-B the Division found that Gandy-Marley's application and the public notice given with respect thereto were defective, and ordered Gandy Marley to submit a new application and re-publish notice.
5. Order No. R-12306-B further directed that if and when Gandy Marley submitted a new application and gave the required notice that application would be considered by the Commission without the necessity of a hearing before a division examiner.

6. On January 12, 2006, the Division issued Order No. R-12306-F finding, *inter alia*, that Gandy Marley had submitted a new application as ordered by Order No. R-12306-B, and given the required notices, that the protest filed to this application by Controlled Recovery, Inc. had been withdrawn, and that no person had protested or objected to the granting of Gandy Marley's new application. The Division Director accordingly rescinded that portion of Order No. R-12306-B directing that the new application be heard by the Commission, and directed the Division to proceed with administrative review of the new application.

7. On January 10, 2006, Gandy Marley moved for dismissal of its application for *de novo* review of Order No. R-12306-B.

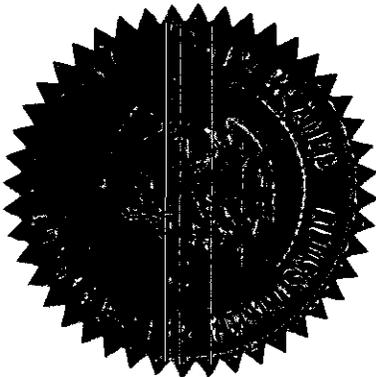
8. The above-recited facts render this case moot, and it should accordingly be dismissed.

IT IS THEREFORE ORDERED THAT :

1. This case and the application for *de novo* review herein are hereby dismissed.

2. Jurisdiction of this case is retained for the entry of such further orders as the Commission may deem necessary.

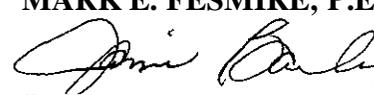
DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.



SEAL

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**


MARK E. FESMIRE, P.E., CHAIRMAN


JAMI BAILEY, C.P.G., MEMBER


WILLIAM OLSON, MEMBER