

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

**APPLICATION OF GANDY MARLEY, INC.
TO MODIFY THEIR EXISTING NMOCD
RULE 711 PERMIT NO. NM-01-00-19 SO
THEY MAY ACCEPT SALT-CONTAMINATED
OILFIELD WASTES**

CASE NO. 13480

**ORDER ON GANDY MARLEY, INC.
REQUEST FOR CLARIFICATION**

THIS MATTER comes before the Hearing Examiner on a Request for Clarification (the Request) submitted by Gandy Marley, Inc. (GMI) seeking clarification from the Division whether certain portions of Order No. R-12306-B, issued August 5, 2005, (the Order) are binding on GMI, other parties to this proceeding, or the Oil Conservation Commission.

Having considered the Request submitted by GMI and being otherwise fully advised in the premises, the Division FINDS:

1. By previous motion, GMI requested an extension of time to file the Request, which was not opposed by any parties to this proceeding. The extension of time should be granted.

2. The Order did not deny GMI's application, but determined GMI's application failed to comply with applicable public notice requirements and should be revised and readvertised, with notice given in conformity with Oil Conservation Division Rules.

3. The Order in this case was issued in two parts: Part I – Decision and Part II – Order.

4. The portions of the Order GMI requests clarification of are contained in the Decision part of the Order. The Decision part of the Order discusses the evidence offered

by the parties, as well as any motions that were made. Support for findings and conclusions contained in the Order may be found in the Decision part of the Order.

5. The portions of the Order for which GMI seeks clarification are not set forth in the findings and conclusions of the Order.

6. The portions of the Order for which GMI seeks clarification are not contained in the final five paragraphs of the Order, constituting the Division's action in this matter.

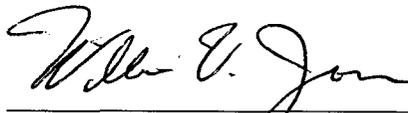
7. GMI, other parties to this case and the Oil Conservation Commission may give such weight to the Decision part of the Order, including those portions of the Order for which GMI seeks clarification, as they may deem appropriate.

8. GMI has not established any grounds for the Division to revise or clarify the Order.

The Hearing Examiner therefore CONCLUDES AND ORDERS as follows:

1. GMI's request for an extension to file its Request for Clarification is granted.
2. The Order shall not be revised or clarified.
3. GMI's Request for Clarification is hereby denied.

BY ORDER OF THE DIVISION



William V. Jones, Hearing Examiner

Date: August 23, 2005