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December 12, 2005

VIA OVERNIGHT MAIL

Florene Davidson
Hearing Clerk
EMNRD
Oil Conservation District
1220 So. St. Francis Drive
Santa Fe, NM 87505

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Oil Conservation Division
1220 S. St. Francis Drive
Santa Fe, NM 87505

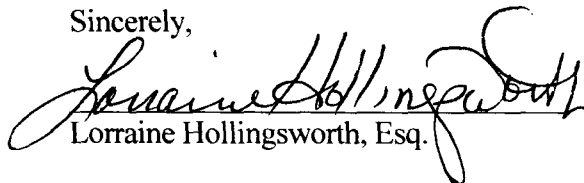
Re: Case No. 13480 *de novo*: GMI's Request for Presentment Hearing

Dear Ms. Davidson:

Enclosed please find the original and requisite copies of GMI's *Request for Presentment Hearing* for filing with the Commission in the above captioned matter. Please return an endorsed copy in the enclosed envelope.

Thank you for your courtesies in this matter.

Sincerely,


Lorraine Hollingsworth, Esq.

Encls.

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

**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**

APPEAL OF ORDER NO. R-12306-B

CASE NO. 13480 *de novo*

REQUEST FOR PRESENTMENT HEARING

COMES NOW Gandy Marley, Inc. (GMI), by and through undersigned counsel of record, and requests that this matter be scheduled for hearing at the Oil Conservation Commission meeting on January 12, 2006. At the meeting, GMI will request the Commission to approve a proposed order granting GMI's permit modification application and dismissing the *de novo* appeal. A motion for presentment and proposed order will be filed as a separate pleading.

This matter is before the Commission on GMI's request for *de novo* review of the Oil Conservation Division Order No. R-12306-B, denying GMI's application for a permit modification. As part of Order No. R-12306-B, the Division ordered GMI to submit a revised application for permit modification in conformity with OCD Rule 711 (19.15.9.711 NMAC) and to readvertise the request for permit modification in compliance with the public notice requirements of Rule 711. The Order also stated that, "after proper notice thereof is provided, the Director hereby refers this matter directly to the Commission for further proceedings thereon." Order R-12306-B, p. 20, ¶¶ 3-5.

GMI submitted its revised Application for Permit Modification on October 4, 2005. On December 1, 2005, the Oil Conservation Division (OCD) determined that the application is administratively complete. Rule 711 requires the applicant to "issue public notice in a form

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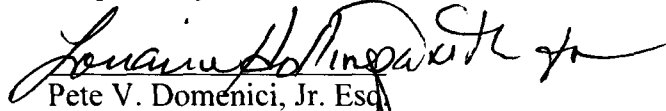
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Oil Conservation Division
1220 S. St. Francis Drive
Santa Fe, NM 87505

approved by the division in a newspaper of general circulation in the county in which the facility is to be located." 19.15.9.711.B(2)(b). The Roswell Daily Record is the newspaper of general circulation that meets the requirements of Rule 711 and notice was published in the Roswell Daily Record on December 5, 2005.

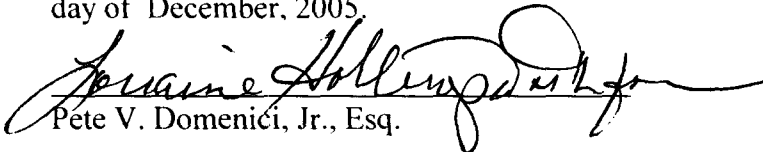
GMI hereby requests that the Commission set GMI's Motion for Presentment of Order, which will be filed as a separate pleading, for hearing at the Commission's regularly scheduled January 12, 2006 meeting.

Respectfully Submitted,



Pete V. Domenici, Jr. Esq.
Attorney for Gandy Marley Inc.
320 Gold SW Suite 1000
Albuquerque, NM 87102
(505) 883-6250

I hereby certify that a true and correct copy of the foregoing was served on all parties of record on the 12th day of December, 2005.



Pete V. Domenici, Jr., Esq.