

# SHORT & JOHNSTON

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*Counsel:*  
J. CHRISTOPHER STATION

March 31, 2004

Via Facsimile to: 505-476-3462

Ms. Gail MacQuesten  
Assistant General Counsel  
New Mexico Energy, Minerals and  
Natural Resources Department  
Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

Via Facsimile to: 505-982-2151

Mr. James Bruce  
Attorney for Saba Energy of Texas, Inc.  
and Redland Insurance Company  
P. O. Box 1056  
Santa Fe, New Mexico 87504

**Re: Case No. 13163: Application of the New Mexico Oil Conservation Division for an Order Requiring Saba Energy of Texas, Inc., to Properly Plug Six Wells, Imposing Civil Penalties for Failure to Comply, Authorizing the Division to Plug Said Wells and Ordering a Forfeiture of Applicable Plugging Bond; Lea County, New Mexico**

Dear Ms. MacQuesten and Mr. Bruce:

Our law firm represents Michael and Linda Harton with regard to the Harton State #1 and the Fern Guye #1 wells in Lea County, New Mexico, which are two of the subject wells in the referenced application.

We are unable to attend the hearing for the referenced case on April 1, 2004, because of a hearing scheduled in Lovington, New Mexico, regarding litigation pending which involves the Harton State #1 Well. That matter is No. CV-2001-249-MC, Michael Harton, et al. v. Greka Energy Corporation, et al. in the Fifth Judicial District Court, Lea County, New Mexico.

Our clients have asked that we request that until the pending litigation is completed, the status of the Harton State #1 and the Fern Guye #1 wells be changed to temporarily abandoned instead of plugged and abandoned. Our engineering experts believe both wells are capable of production in paying quantities, and, therefore, it would be committing economic waste to plug them at this time.

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

Sincerely,

SHORT & JOHNSTON

By: 

Michael A. Short

MAS:llc

Before the OCC  
Case 13163  
de novo  
OCD Ex. 4