

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

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION,
THROUGH THE SUPERVISOR OF DISTRICT I, FOR AN ORDER REQUIRING
SABA ENERGY OF TEXAS, INC. TO BRING SIX WELLS INTO COMPLIANCE
WITH 19.15.4.201 NMAC, ASSESSING APPROPRIATE CIVIL PENALTIES,
AND AUTHORIZING THE DIVISION TO PLUG SAID WELLS AND FORFEIT
THE APPLICABLE SECURITY IN DEFAULT OF COMPLIANCE BY THE
OPERATOR; LEA COUNTY, NEW MEXICO.**

CASE NO. 13163

**SECOND
AFFIDAVIT OF SERVICE FOR
MOTION TO RE-OPEN CASE NO. 13163**

I hereby certify that, after initial efforts to serve Forcon International and Saba Energy of Texas, Inc. with notice of the hearing in the above-captioned case were unsuccessful, I took the following actions to notify those entities of the hearing:

1. On May 30, 2006 I mailed notice of the June 15, 2006 hearing in the above-captioned case by certified mail, return receipt requested, to

Gary Mitchell
Forcon International
10 Tower Lane
Avon, CT 06001.

I obtained this address from Mitchell, who had contacted me by telephone. He told me that he had been informed of the hearing by Redland Insurance.

A copy of the return receipt is attached as Exhibit 1 to this affidavit.

2. On May 30, 2006 I mailed notice of the June 15, 2006 hearing in the above-captioned case by certified mail, return receipt requested, to


Saba Energy of Texas, Inc.
1603 S.E. 19th St.
Edmond, OK 73013

I found this address for Saba Energy of Texas, Inc. through an internet search.

*Before the OCC
Case No. 13163
Motion to Re-Open
Exhibit D*

The letter sent to this address was returned, "Forwarding Order Expired." A copy of the envelope is attached as Exhibit 2 to this affidavit.

3. Notice of this hearing was published in the Lovington Daily Leader on May 20, 2006. A copy of the affidavit of publication is attached as Exhibit 3 to this affidavit.


Gail MacQuesten

SUBSCRIBED AND SWORN to before me this 14th day of June 2006.


Notary Public

My Commission Expires:
4/2/07

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gary Mitchell
Forcon International
10 Tower Lane
Avon, CT 06001

May 30, 2006 Ltr.

2. Article Number

(Transfer from service label)

7002 3150 0004 4924 0441

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Mr. Clark

C. Date of Delivery

6/6

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees

Sent To
Gary Mitchell
Street, Apt. No., or PO Box No.
10 Tower Lane
City, State, ZIP+4
Avon, CT 06001

Postmark Here
CORONADO STATION
SAN ANTONIO, TX 78205
JUN 8 2006
USPS SAN ANTONIO

PS Form 3800, June 2002 See Reverse for Instructions

Exhibit 1
to Second Affidavit
of Service
Case 13163

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

[illegible]

Costs: \$

Certified Fee

Return Receipt Fee
(Endorsement Required)Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

Sent To

Saba Energy ~~QNTexas~~ Inc.

Street Ad. No.:

or PO Box No. 1603, Cambridge, MA 02142-1603

City, State, ZIP+4

Edmond, OK 73013

102

See Reverse for Instructions

STATE OF NEW MEXICO
ENERGY MINERALS AND
NATURAL RESOURCES DEPARTMENT
1220 SOUTH SAINT FRANCIS DRIVE
SANTA FE, NEW MEXICO 87505

Exhibit 2
to Second Affidavit
of Service
Case 13163

Saba
1603
Edmon

2000

2002 37.50 0004 4924 0458

00000000
907836
00000000

CERTIFIED MAIL™

Affidavit of Publication

STATE OF NEW MEXICO)
) ss.
COUNTY OF LEA)

Joyce Clemens being first duly sworn on oath deposes and says that she is Advertising Director of **THE LOVINGTON DAILY LEADER**, a daily newspaper of general paid circulation published in the English language at Lovington, Lea County, New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in excess of Twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as hereinafter shown; and that said newspaper is in all things duly qualified to publish legal notices within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico.

That the notice which is hereto attached, entitled

Legal Notice

was published in a regular and entire issue of **THE LOVINGTON DAILY LEADER** and not in any supplement thereof, for one (1) day, beginning with the issue of May 20, 2006 and ending with the issue of May 20, 2006.

And that the cost of publishing said notice is the sum of \$ 98.00 which sum has been (Paid) as Court Costs.

Joyce Clemens
Subscribed and sworn to before me this 5th day of June 2006

Debbie Schilling
Notary Public, Lea County, New Mexico
My Commission Expires June 22, 2006

LEGAL NOTICE
STATE OF
NEW MEXICO
ENERGY, MINERALS
AND NATURAL
RESOURCES DEPARTMENT
OIL CONSERVATION
DIVISION
SANTA FE,
NEW MEXICO

The State of New Mexico through its Oil Conservation Commission hereby gives notice pursuant to law and Commission rules of the following meeting and public hearing to be held at 9:00 A.M. on June 15, 2006, in Porter Hall at 1220 South St. Francis Drive, Santa Fe, New Mexico, before the Oil Conservation Commission. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing please contact Division Administrator Florene Davidson at (505) 476-3458 or through the New Mexico Relay Network (1-800-659-1779) by June 5, 2006. Public documents can be provided in various accessible forms. Please contact Ms. Davidson if a summary or other type of accessible form is needed. A preliminary agenda will be available to the public no later than two weeks prior to the meeting. A final agenda will be available no later than 24 hours preceding the meeting. Members of the public may obtain copies of the agenda by contacting Ms. Davidson at the phone number indicated above. Also, the agenda will be posted on the Oil Conservation Division website at www.emnrd.state.nm.us.

STATE OF NEW MEXICO
TO:
All named parties and persons having any right, title, interest or claim in the following cases and notice to the public.

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

CASE NO. 12792: ✓
Application of the New

Mexico Oil Conservation Division for an order requiring Kelly H. Baxter to plug seven wells in Lea County, New Mexico. The Applicant moves the Oil Conservation Commission to reopen Case No. 12792 to issue an order assessing civil penalties and finding Kelly H. Baxter to be in violation of Order R-11840-A, issued in Case No. 12792, requiring corrective action as to the following wells: State FP #001, 30-025-21925, 0-23-016S-33E; State Wes #001, 30-025-28227, A-20-14S-33E; State 26 #001, 30-025-27961, B-26-12S-32E; Wallen Fee #001, 30-025-25238, D-28-20S-34E; Wallen Fee #002, 30-015-25283, C-28-20S-34E. The Wallen Fee #001 and #002 are located approximately 20 miles southwest of Hobbs, New Mexico. The remaining wells are located approximately 20 to 25 miles west and northwest of Lovington, New Mexico.

CASE NO. 13163: ✓
Application of the New Mexico Oil Conservation Division for an order requiring Saba Energy of Texas, Inc. to bring six wells into compliance with 19.15.4.201 NMAC. The Applicant moves the Oil Conservation Commission to re-open Case No. 13163 and issue an order pursuant to OCD Rule 19.15.1.40 NMAC finding Saba Energy of Texas, Inc. to be in violation of Order R-12132-A, issued in Case No. 13163, requiring corrective action as to the following wells: San Simon 5 State #1, API #30-025-27564, UL E, Sec. 5, T22S, R35E; San Simon 5 State #2, API #30-025-28480, UL G, Sec. 5, T22S, R35E; Morris #1, API #30-025-29247, Unit Letter D, Section 8, T13S, R36E; Saba State #1, API #30-025-33726, UL I, Sec. 7, T13S, R36E; Harton State #1, API #30-025-28540, UL H, Sec. 7, T13S, R36E; Ferni Guye #1, API #30-025-34488, UL M, Sec. 5, T13S, R36E. The San Simon 5 State #1 and #2 are located approximately 5-15 miles west of Eunice and the remaining wells are located approximately 5 miles southeast of Tatum, in Lea County, New Mexico.

Given under the Seal of

the State of New Mexico
Oil Conservation
Commission at Santa
New Mexico on this
day of May, 2006.

STATE OF NEW MEXICO
OIL CONSERVATION
DIVISION

Mark E. Fesmire, P. E.
Division Director
S E A L
Published in
Lovington Leader May
2006.

Exhibit 3
to Second
Affidavit of
Service
Case 13163