

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

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OIL CONSERVATION
DIVISION

APPLICATION OF THE NEW MEXICO OIL
CONSERVATION DIVISION, THROUGH THE
SUPERVISOR OF DISTRICT I, FOR AN
ORDER REQUIRING SABA ENERGY OF TEXAS,
INC. TO PROPERLY PLUG SIX WELLS,
ASSESSING AN APPROPRIATE CIVIL PENALTY
IN THE EVENT OF OPERATOR'S FAILURE TO
COMPLY, AUTHORIZING THE DIVISION TO
PLUG SAID WELLS, AND ORDERING A
FORFEITURE OF THE APPLICABLE PLUGGING
BOND, LEA COUNTY, NEW MEXICO.

Case No. 13163

ENTRY OF APPEARANCE
AND REQUEST FOR A CONTINUANCE

I. ENTRY OF APPEARANCE.

James Bruce enters his appearance in the above case on behalf of Saba Energy Company of Texas, Inc. ("Saba").

II. REQUEST FOR A CONTINUANCE.

Saba requests that this matter be continued to the first Examiner hearing in February 2004, and in support thereof, states;

There are two groups of wells involved in this case: (a) the "Harton" group, numbering four wells in Township 13 South, Range 36 East, N.M.P.M.; and (b) the "San Simon" group, numbering two wells in Township 22 South, Range 35 East, N.M.P.M.

The request for continuance is based on the following reasons:

1. All six wells are capable of production, or can be used for salt water disposal. Based on the issues discussed below, plugging is premature or improper during the next several months.
2. The Harton wells are the subject of a lawsuit entitled Harton v. Saba Energy Company of Texas, Inc., et al.,

Before the OCC
Case 13163
de novo
OCD Ex. 3

Case No. D-0506-CV-2001-00417 pending in the District Court of Lea County. In that action, Harton, the lessor, seeks a determination that Saba's leases have terminated. The Harton wells have not been produced due the pendency of the lawsuit and the dispute over ownership. Trial in that matter is set for December 8, 2003. Until this matter is resolved at trial, Saba cannot plug the wells or it may face increased exposure to plaintiffs for plugging wells capable of producing. Conversely, if Saba is successful in the lawsuit, it can place the wells back on production or injection.

3. The San Simon wells are located on a State of New Mexico lease which expired several years ago. Upon information and belief, the lands on which the San Simon wells are located were subsequently leased by the state to another operator. The undersigned was just contacted in this matter, and has had insufficient time to review the Land Office's files to determine if Saba still has the right to re-enter the lands for plugging purposes, or to determine whether the new lessee desires to use the wellbores. Until that is done, plugging may be improper.
4. The Division's letters to Saba on these wells state that non-compliance is not significant. In addition, the amount of the plugging bond (\$50,000) substantially exceeds plugging costs for the six wells (even assuming no salvage value on the wells). Thus, there is no need

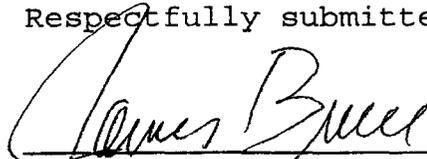
to immediately plug the wells.

5. Saba is checking into placing some or all of the wells in temporarily abandoned status pending resolution of the Harton lawsuit, which would again obviate the need for an immediate hearing.

III. CONCLUSION.

Saba requests that this matter be continued for three months, so that the Harton trial may be held, and the undersigned can determine issues regarding plugging wells on an expired state lease.

Respectfully submitted,



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Attorney for Saba Energy Company of
Texas, Inc.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was served upon the following counsel of record this 31st day of October, 2003 by facsimile transmission and United States Mail:

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James Bruce