

Stogner, Michael

From: Stogner, Michael
Sent: Tuesday, March 11, 2003 2:33 PM
To: 'Tom Kellahin (E-mail)'; 'Paul R. Owen (E-mail)'; 'Scott Hall (E-mail)'; Brooks, David K
Subject: RE: Case No. 13004

At 2:33 p.m. today an employee of Mr. Paul Owen delivered a motion for continuance from March 13, 2003 to May 8, 2003. Since this request did not meet the below stipulations I denied the motion. Should all parties wish to verify such a request I will be open to accept a continuance in this matter to April 24, 2003.

Please confer with each other and contact me. Thank you.

-----Original Message-----

From: Stogner, Michael
Sent: Tuesday, March 11, 2003 2:16 PM
To: 'Tom Kellahin (E-mail)'; 'Paul R. Owen (E-mail)'; 'Scott Hall (E-mail)'; Brooks, David K
Subject: RE: Case No. 13004

Today and yesterday I have been informed by several individuals that this case was going to be continued. No such written motion has been received. I have also been informed that certain parties were against such a continuance in this matter and witnesses were on the way to Santa Fe at this time. Any party or parties seeking to continue this matter from this point forward will need to verify with all parties involved for unanimous consent, otherwise this case will be heard on Thursday. Should all parties agree to a continuance, the only acceptable date will be April 24, 2003.

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2:33 PM

Mr. Owen, this request is a little
late and is therefore denied.

A handwritten signature in black ink, appearing to read "M. Stogner", with a long horizontal flourish extending to the right.

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

**APPLICATION OF THE NEW MEXICO
OIL CONSERVATION DIVISION,
THROUGH THE ENVIRONMENTAL
BUREAU CHIEF, FOR AN ORDER
DETERMINING THE RESPONSIBLE
PARTY OR PARTIES AND ORDERING
THE RESPONSIBLE PARTY OR PARTIES
TO CONDUCT DIVISION-APPROVED
CORRECTIVE ACTION WITH RESPECT
TO A HYDROCARBON RELEASE; LEA
COUNTY, NEW MEXICO.**

RECEIVED
MAR 11 2003
Oil Conservation Division

CASE NO. 13004

MOTION FOR CONTINUANCE

Samedan Oil Corporation ("Samedan"), by and through counsel, MONTGOMERY & ANDREWS, P.A., Paul R. Owen, Esq., moves for a continuance of the hearing in this matter, currently scheduled for Thursday, March 13, 2003, until May 8, 2003. In support of this Motion, Samedan states:

1. This matter was originally scheduled to be heard by the Division on February 6, 2003. At the request of counsel for Shell E&P and Samedan, the case was continued to the March 13, 2003 docket. The basis for Samedan's request for a continuance was to determine whether the parties would be willing to resolve this matter short of additional action from the Division.

2. Samedan has committed to the Division to conduct a site evaluation, including sampling of the alleged hydrocarbon release, and submission of a report to the Division after results of that sampling are available.

3. The Division, through David Brooks, Esq., and William Olson, have requested that Samedan submit a workplan, consisting of a site evaluation plan, within fourteen days of this

Motion. The Division has also requested that Samedan conduct the sampling and work contemplated by the workplan within thirty days of the Division's approval of the workplan submitted by Samedan.

4. Samedan has agreed to the timetable proposed by the Division, and will undertake the proposed evaluation and report to the Division.

5. The actions to be taken by Samedan under the agreement with the Division, evidenced herein, is expressly undertaken with no assumption by Samedan of responsibility for remediation of the alleged hydrocarbon release, or any determination by the Division that Samedan or any other party is a "responsible party" within the meaning of the Division rules.

6. Subsequent to telephone conversations between counsel for Samedan and counsel for the Division, in which those parties agreed to the proposed course of action set forth herein, counsel for Samedan discussed this matter with counsel for Shell and counsel for Occidental Permian Ltd ("Oxy"). Counsel for Shell did not indicate any opposition to the proposed continuance. Counsel for Oxy initially requested that, to accommodate his schedule, the matter be continued to the May 22, 2003 docket. However, on the afternoon of March 10, 2003, subsequent to that telephone conversation, counsel for Oxy sent counsel for Samedan an electronic mail, copied to the Division and counsel for Shell, in which counsel for Oxy voiced Oxy's unqualified opposition to the proposed continuance.

7. Counsel for the Division has asked that this matter be continued to the May 8, 2003 docket.

8. The data to be developed through Samedan's site investigation will enable all

parties, specifically including the Division, to assess the cost of remediation, the possible and probable sources of the alleged hydrocarbon release, and develop their factual cases in the event that this matter proceeds to a hearing.

Therefore, Samedan requests that this matter be continued to the May 8, 2003 Examiner docket.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: 
PAUL R. OWEN
Post Office Box 2307
Santa Fe, New Mexico 87504-2307
Telephone: (505) 982-3873

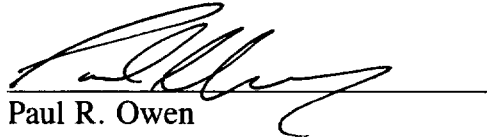
ATTORNEYS FOR SAMEDAN OIL
CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 2003, I have caused a copy of Samedan's Motion for Continuance in the above-captioned case to be served via hand delivery upon the following:

W. Thomas Kellahin, Esq.
Kellahin & Kellahin
Post Office Box 2265
Santa Fe, New Mexico 87504-2265

J. Scott Hall, Esq.
Miller, Stratvert & Torgerson PA
Post Office Box 1986
Santa Fe, New Mexico 87504-1986


Paul R. Owen