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

**IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION FOR  
THE PURPOSE OF CONSIDERING:**

**APPLICATION OF FASKEN OIL & RANCH LTD. FOR  
AN ORDER AUTHORIZING AN ADDITIONAL WELL IN  
THE "POTASH AREA" AT AN UNORTHODOX WELL  
LOCATION IN LEA COUNTY, NEW MEXICO.**

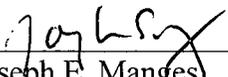
**Case No. 14116**

**MOTION TO SUPPLEMENT THE RECORD**

In its Proposed Findings and Conclusions filed with the Division on September 24, 2008, Intrepid Potash – New Mexico, LLC included the Affidavit of James P. Lewis. Attached to that affidavit was a copy of a letter received by Intrepid dated September 18, 2008, from the Assistant Commissioner for Oil, Gas and Minerals of the New Mexico State Land Office. That letter regarded Intrepid's potassium lease application HP-0025 for Section 16, Township 20 South, Range 32 East in Lea County, New Mexico.

Attached hereto is a follow-up letter to Intrepid from the Director for Oil, Gas and Minerals of the New Mexico State Land Office dated October 7, 2008, which corrects a land description mistake in the September 18, 2008 letter from the State Land Office. Intrepid moves to have the attached October 7, 2008 letter admitted into the record in this case.

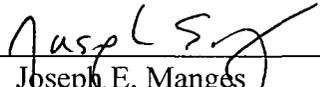
Respectfully submitted,

  
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Joseph E. Manges  
Comeau, Maldegen, Templeman & Indall, LLP  
P.O. Box 669  
Santa Fe, NM 87504-0669  
(505) 982-4611

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was faxed and mailed this 16 day of October, 2008 to:

Michael H. Feldewert  
Holland & Hart, LLP  
P.O. Box 2208  
Santa Fe, New Mexico 87504  
(505) 983-6043 fax

  
\_\_\_\_\_  
Joseph E. Manges

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PATRICK H. LYONS  
COMMISSIONER

*State of New Mexico*  
*Commissioner of Public Lands*

310 OLD SANTA FE TRAIL  
P.O. BOX 1148  
SANTA FE, NEW MEXICO 87504-1148

COMMISSIONER'S OFFICE

Phone (505) 827-5760

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www.nmstatelands.org

October 7, 2008

Ms. Katie Keller  
Landman  
Intrepid Oil & Gas, LLC  
700 17<sup>th</sup> St., Suite 1700  
Denver, CO 80202

Re: Correction for (September 18, 2008) letter regarding Potash Lease Application  
HP-0025 / Sec16, T20S, R32E, Lea County, New Mexico

Dear Ms. Keller:

The New Mexico State Land Office sent you a letter on September 18, 2008 regarding the status of your Potash lease application (HP-0025) for State Trust Land in Lea County, New Mexico (copy attached). In that letter, the state trust land location was mistakenly reported to be Section 16, Township 21 South, Range 31 East in Eddy County. That is incorrect. The correct location, as described in your application and referred to in the subject line of this correspondence is Section 16, Township 20 South, Range 32 East, in Lea County. Please append this letter with above corrections to the September 18<sup>th</sup> letter as needed.

If you have any questions or concerns, please do not hesitate to call Michael Mariano, Minerals Manager at (505) 827-5750.

Sincerely,

A handwritten signature in black ink, appearing to read "Jami Bailey".

Jami Bailey, Director  
Oil, Gas, and Minerals Division

JB/mm

Attachment

-State Land Office Beneficiaries -

Carrie Tingley Hospital • Charitable Penal & Reform • Common Schools • Eastern NM University • Rio Grande Improvement • Miners' Hospital of NM • NM Boys School • NM Highlands University • NM Institute of Mining & Technology • New Mexico Military Institute • NM School for the Deaf • NM School for the Visually Handicapped • NM State Hospital • New Mexico State University • Northern NM Community College • Penitentiary of New Mexico • Public Buildings at Capital • State Park Commission • University of New Mexico • UNM Saline Lands • Water Reservoirs • Western New Mexico University