

KEMP SMITH LLP
ATTORNEYS AT LAW**Fax Cover Page**

221 NORTH KANSAS, SUITE 1700, EL PASO, TEXAS 79901-1441 | P.O. BOX 2800, 79999-2800

915.533.4424 | FAX 915.546.5360 | www.kempsmith.com

Date: 6/30/2008 2:10:54 PM

No. of Pages:4 (including this coversheet)

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the law firm of KEMP SMITH LLP, which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number set forth above. We will be happy to arrange for the return of this message via the U.S. Postal Service to us at no cost to you.

PLEASE DELIVER TO:

Name	Florence Davidson	Fax	8,15054763462
Company	NM Oil Conservation Division		

FROM:

Sender's Name	Evelyn Rey for Charles C. High	File Number	12414.00100
---------------	--------------------------------	-------------	-------------

COMMENTS: In the Matter of the 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

RE: Motion for Entry of Appearance and Motion for Continuance

Dear Ms. Davidson:

Please file the attached Motion for Entry in Case No. 14116.

**IN CASE OF A PROBLEM WITH THIS FAX TRANSMISSION,
CALL THE SENDER AT 915.533.4424**

BEFORE THE OIL CONSERVATION DIVISION

NEW MEXICO DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES

IN THE MATTER OF THE APPLICATION OF)	
FASKEN OIL & RANCH LTD. FOR AN ORDER)	
AUTHORIZING AN ADDITIONAL WELL IN THE)	Case No. 14116
"POTASH AREA" AT AN UNORTHODOX WELL)	
LOCATION IN LEA COUNTY, NEW MEXICO)	

MOTION FOR ENTRY OF APPEARANCE AND MOTION FOR CONTINUANCE

MOSAIC POTASH CARLSBAD, INC., by and through counsel, moves for an order granting it the right to enter an appearance in this matter and moves for a continuance of the hearing that began on June 27, 2008 and is continuing. In support of these motions, MOSAIC shows the following:

1. MOSAIC is the owner of the potassium lease covering Section 15 in Township 20 South, Range 32 East, NMPM, in Lea County, New Mexico. Section 15 adjoins Section 16, the location of the proposed well at issue in this matter.
2. The proposed well in this case is within one mile of MOSAIC's lease and Life-of-Mine reserves covering Section 15.
3. MOSAIC was not provided with the Notice of the proposed well as required by Order R-111-P, Section G(2). That Section requires in clear language that the well operator send by registered mail, a copy of the Notice of Intent to Drill along with a plat and map showing the location of the proposed well, to each potassium lease holder within one mile of the proposed well. Such Notice was not provided in this case.
4. The proposed well, if allowed, will waste valuable potassium deposits and create a safety

hazard to the future mining of potassium deposits in Section 16 and the surrounding sections.

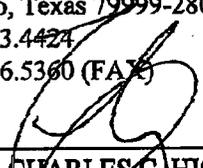
5. MOSAIC opposes the granting of the application to drill the proposed well at its currently proposed location in the manner proposed.
6. Unless this motion is granted and the hearing continued, MOSAIC will be deprived of its opportunity to present evidence in opposition to the proposed well, all because of FASKEN's clear violation of Order R-111-P.

WHEREFORE, MOSAIC respectfully requests that this motion be granted, its appearance be entered in this case, and that the hearing be postponed until the well operator provides the Notice required by Order R-111-P.

Respectfully submitted,

KEMP SMITH LLP
P.O. Box 2800
El Paso, Texas 79999-2800
915.533.4424
915.546.5360 (FAX)

By: _____


CHARLES C. HIGH, JR.
chig@kempsmith.com
CLARA B. BURNS
cburn@kempsmith.com

Attorneys for Mosaic Potash Carlsbad, Inc

CERTIFICATE OF SERVICE

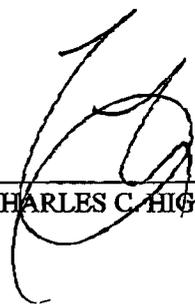
I hereby certify that a copy of the foregoing was served on the following counsel of record by facsimile and certified mail, return receipt requested, this 30th day of June, 2008:

Michael H. Feldewert
Holland & Hart, LLP
P.O. Box 2208
Santa Fe, NM 87504
Attorneys for Fasken Oil & Ranch Ltd.
505-983-6043 Fax

Joseph E. Manges
Comeau, Maldegen, Templeman & Indall, LLP
P.O. Box 669
Santa Fe, New Mexico 87504-0669
505-988-2987 Fax

James F. Cress
Holmes Roberts & Owen LLP
1700 Lincoln Street, Suite 4100
Denver, CO 80203
303-866-0200 Fax

Dan Morehouse
Mosaic Potash Carlsbad Inc.
P.O. Box 71
1361 Potash Mines Road
Carlsbad, NM 88221-0071



CHARLES C. HIGH, JR.