

Brooks, David K., EMNRD

From: Joseph E. Manges [JManges@cmtisantafe.com]
Sent: Tuesday, April 29, 2008 12:56 PM
To: Brooks, David K., EMNRD
Cc: mfeldewert@hollandhart.com
Subject: RE: Case No. 14116; Application of Fasken Oil and Ranch to drill in the Potash Area

David,

Thanks.

I will check on the conflict issue and be back in touch with you.

Joe

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From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Tuesday, April 29, 2008 12:10 PM
To: Joseph E. Manges; mfeldewert@hollandhart.com
Cc: Jones, William V., EMNRD
Subject: Case No. 14116; Application of Fasken Oil and Ranch to drill in the Potash Area

Gentlemen:

Pursuant to the agreement of counsel, this case will be continue from its May 1 setting till some time in June.

I will presumably be the legal examiner, sitting together with a Petroleum Engineer as technical examiner, in this case when it comes to hearing. It will be helpful to the Division for me to participate in this case since I am the only attorney here who, at this point, has extensive experience dealing with Order R-111-P issues. Accordingly, subject to the considerations outlined below, the matter will be re-set at a time when I will be available to participate.

However, I have certain associations with the Fasken organization that could lead to possible arguments that I am disqualified to sit as an examiner in this case, and I am accordingly writing this to disclose those associations to all parties. If the parties are willing to waive any possible disqualification on this basis, I request that they so inform me by response email or letter.

My father, who passed away in 1989, served for many years as a legal and business advisor to David Fasken and

4/30/2008

Barbara Fasken, both now deceased, who were predecessors of the present Fasken organization, of which I believe that Barbara Fasken's son is a principal, though the details of the present organization are unknown to me. As a result of this historical association a family partnership of which I am a partner owns interest in a large number of oil and gas properties of which Fasken is the principal, or a principal, owner. Consequently, I have many business dealings with the Fasken organization in my private and personal capacity. However, I own no interest in the well or land that is the subject of this Application. I have no interest in the Fasken organization and will not receive any benefit, nor do I participate with Fasken in any venture in which they are involved except where I am a joint interest partner by reason of ownership derived from conveyances prior to 1989.

Based on the foregoing, I believe that I am clearly not disqualified in this matter by reason of interest. I also believe that I am not disqualified by reason of any bias or prejudice for or against the present Fasken organization. However, I wish to be assured that both parties are comfortable with my participation in this matter.

If either of you has any questions pertinent to the subject of this communication, please contact me.

Very truly yours,
David K. Brooks

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