

Brooks, David K., EMNRD

From: Joseph E. Manges [JManges@cmtisantafe.com]
Sent: Tuesday, May 13, 2008 12:28 PM
To: Ocean Munds-Dry; Brooks, David K., EMNRD
Cc: Ezeanyim, Richard, EMNRD; Warnell, Terry G, EMNRD
Subject: RE: Cases Nos. 14100 and 14101; Applications of Chesapeake to drill in the potash area

Mr. Brooks and Ms. Munds-Dry,

I just returned to the office from Abq.

This will confirm that Intrepid has withdrawn its protests to the above applications. Intrepid simply wanted to withdraw the protest while preserving its objections to any future wells. Intrepid will not be appearing at any hearing on the applications. I hope this clarifies our client's position. Thank you

Joe
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From: Ocean Munds-Dry [mailto:Omundsdry@hollandhart.com]
Sent: Tuesday, May 13, 2008 1:19 PM
To: Brooks, David K., EMNRD; Joseph E. Manges
Cc: Ezeanyim, Richard, EMNRD; Warnell, Terry G, EMNRD
Subject: RE: Cases Nos. 14100 and 14101; Applications of Chesapeake to drill in the potash area
Importance: High

Mr. Brooks:

I have not seen a response from Mr. Manges yet but we would appreciate knowing your decision on this matter today if at all possible. My witnesses are supposed to get on a plane first thing tomorrow morning. I understand your inquiry so hopefully Mr. Manges has already responded to you or will do so shortly.

Thanks to all for your attention to this matter.

Sincerely,
Ocean

5/14/2008

From: Brooks, David K., EMNRD [mailto:david.brooks@state.nm.us]
Sent: Monday, May 12, 2008 3:33 PM
To: jmanges@cmtisantafe.com; Ocean Munds-Dry
Cc: Ezeanyim, Richard, EMNRD; Warnell, Terry G, EMNRD
Subject: Cases Nos. 14100 and 14101; Applications of Chesapeake to drill in the potash area

Dear Mr. Manges

My attention has been called to Intrepid Potash's Amended Withdrawal of Objections filed in these cases. I have been asked if these cases must still be heard.

It seems to me that Intrepid's amended withdrawal is self-contradictory. It states that "Intrepid withdraws this protest without prejudice or waiver of its rights to object to any future wells proposed to be drilled in the R-111-P Potash Area as defined in the regulations." That is understandable, and says, to my mind, that Intrepid preserves the right to object to any future well proposals other than those specifically proposed in these cases.

But the Amended Withdrawal goes on to say "and without waiver of its objections stated in these proceedings." That statement sounds like Intrepid is attempting somehow to preserve its objections to that it is withdrawing.

Please clarify your clients' position so that the applicant and the hearing examiners can know what course to take with these cases.

Very sincerely

David K. Brooks
Legal Examiner
505-476-3450

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