

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

APPLICATION OF CHESAPEAKE  
OPERATING, INC. FOR AN ORDER  
AUTHORIZING THE DRILLING OF  
A WELL IN THE POTASH AREA,  
LEA COUNTY, NEW MEXICO.

CASE NO. 14100  
& 14101

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CERTIFICATE OF SERVICE

Applicant Chesapeake Operating, Inc, certifies that on April 3, 2008, a copy of  
*Subpoena Duces Tecum* for Case Nos. 14100 and 14101 was served on the following  
by Hand-Delivery:

Intrepid Potash – New Mexico, LLC  
c/o Joseph E. Manges  
Comeau, Maldegen, Templeman & Indall  
141 E. Palace Ave.  
PO Box 669  
Santa Fe, NM 87504-0669

Respectfully submitted,

HOLLAND & HART, LLP

By: Ocean Munds-Dry  
Ocean Munds-Dry  
Post Office Box 2208  
Santa Fe, New Mexico 87504-2208  
505.988.4421

ATTORNEYS FOR CHESAPEAKE  
OPERATING INC.

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

APPLICATION OF CHESAPEAKE  
OPERATING, INC. FOR AN ORDER  
AUTHORIZING THE DRILLING OF  
A WELL IN THE POTASH AREA,  
LEA COUNTY, NEW MEXICO.

CASE NO. 14101

SUBPOENA DUCES TECUM

TO: Intrepid Potash – New Mexico, LLC  
c/o Joseph E. Manges  
Comeau, Maldegen, Templeman & Indall  
P.O. Box 669  
Santa Fe, NM 87504-0669

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Pursuant to N.M.S.A. § 70-2-8 (2008) and Rule 1214 of the New Mexico Oil Conservation Divisions Rules of Procedure, you are hereby ORDERED to appear at 8:15 a.m., April 9, 2008, at the offices of the Oil Conservation Division, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87504, and to produce the documents and items specified in attached Exhibit A and to make available to Chesapeake Operating Inc., and its attorneys, Holland & Hart, LLP, for copying, all of said documents.

This subpoena is issued on application of Chesapeake Operating, Inc., through their attorneys, Holland & Hart LLP, Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this 1st day of April, 2008

NEW MEXICO OIL CONSERVATION DIVISION

BY:

  
MARK E. FESMIRE, P.E., DIRECTOR

**EXHIBIT A**

**TO SUBPOENA DUCES TECUM  
TO INTREPID POTASH –NEW MEXICO, LLC  
IN NEW MEXICO OIL CONSERVATION DIVISION  
CASE NO. 14100**

**PURPOSE:** The purpose of this subpoena is to provide all of the information necessary for Chesapeake Operating, Inc. to be able to prepare its evidence and testimony for New Mexico Oil Conservation Division Case No. 14101.

**PRODUCE THE FOLLOWING DOCUMENTS:**

1. Current maps of mine workings within 10 miles of Chesapeake's proposed well site showing both first and second mined areas;
2. Current maps of potash enclaves within 10 miles of Chesapeake's proposed well site prepared by any mining company pursuant to the Order of the Secretary of Interior dated October 28, 1986, 51 Fed. Reg. 39425 [ **1986 Order**];
3. Maps of all mining surface installations within 10 miles of Chesapeake's proposed well site;
4. All raw data including, but not limited to: core hole data, and/or face samples, analyses and interpretations for face samples, and/or core holes acquired or drilled in the last ten years located within 5 miles of Chesapeake's proposed well site;
5. All monthly lease tonnage reports submitted in the last ten years for mines located within 10 miles of Chesapeake's proposed well site;
6. All Life of Mine Reserve (LMR) maps for LMRs within 10 miles of Chesapeake's proposed location;
7. Individual Ore Zone maps for all ore zones within 10 miles of Chesapeake's proposed location;
8. Economic evaluations of various potash deposits within 10 miles of Chesapeake's proposed location;
9. All mine production and inventory reports submitted by Intrepid Potash – New Mexico, LLC (Intrepid) to the Bureau of Land Management (BLM) and/or the State of New Mexico in the last five years;
10. All three year mine plans submitted by Intrepid to the State of New Mexico or to BLM pursuant to the **1986 Order**;

11. All quarterly mine inspection reports in the possession of Intrepid Potash as a result of mine inspections conducted by BLM or the State of New Mexico;
12. All quarterly mining advance maps prepared by or in the possession of Intrepid;
13. All documents describing mining and processing methods for sylvite, langbeinite, and/or mixed ore utilized by Intrepid in the Secretary's Potash Area, including descriptions of those methods currently utilized;
14. All correspondence and applications for royalty reductions submitted by Intrepid to BLM, Minerals Management Service (MMS) and/or the State of New Mexico from 1996 through the present;
15. All reports and submittals to the State of New Mexico and MMS reflecting sylvite, langbeinite or mixed ore production, as well as the sales volumes and royalty payments therefrom associated with Intrepid mining operations from 1996 to present within 2 miles of Chesapeake's proposed location.

**HEARING EXHIBITS:**

1. Copies of all land exhibits and ownership data and exhibits to be used by you;
2. If not already included above, all data and documents utilized by you for support of all exhibits you will present at hearing.

## INSTRUCTIONS

This Subpoena Duces Tecum seeks all information available to you or in your possession, custody or control from any source, wherever situated, including but not limited to information from any files, records, computers documents, employees, former employees, consultants, counsel and former counsel. It is directed to each person to whom such information is a matter of personal knowledge.

When used herein, "you" or "your" refers to the persons and entity to whom this Subpoena Duces Tecum is addressed to including all of his or its attorneys, officers, agents, consultants, employees, directors, representatives, officials, departments, divisions, subdivisions, subsidiaries, or predecessors in interest.

The term "document" as used herein means every writing and record of every type and description in the possession, your custody or control, whether prepared by you or otherwise, which is in your possession or control or known by you to exist, including but not limited to all drafts, papers, books, writings, records, letters, photographs, computer disks, tangible things, correspondence, communications, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations or of interviews, conferences, or meetings. It also includes diary entries, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, jottings, agenda, bulletins, notices, announcements, plans, specifications, sketches, instructions charts, manuals, brochures, publications, schedules, price lists, client lists, journals, statistical records, desk calendars, appointment books, lists, tabulations sound recordings, computer printouts, books of accounts, checks, accounting records, vouchers, and invoices reflecting business operations, financial statements, and any notice or drafts relating to the foregoing, without regard to whether marked confidential or proprietary. It also includes duplicate copies if the original is unavailable or if the duplicate is different in any way, including marginal notations, from the original.