

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

2008 SEP 11 10:41 AM
11-0312110
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**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

AMENDED DESCRIPTION LIST OF INTREPID CONFIDENTIAL EXHIBITS

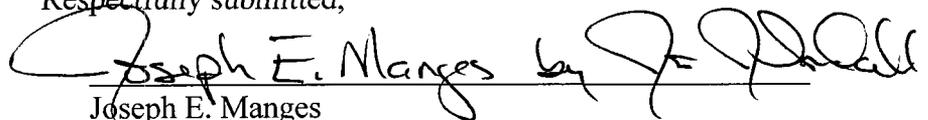
Intrepid Potash - New Mexico, LLC identifies and describes the following confidential and proprietary exhibits pursuant to NMSA 1978, § 71-2-8; Rule R-111-P G; NM Rule of Evidence 11-508; the New Mexico Trade Secret Act, NMSA 1978, § 57-3A-2(D)(1); and *Pincheira v. Allstate*, 142 N.M. 283, 164 P.3d 982 (2007):

Ex. #	Exhibit Description	Confidentiality Description
3. and Fasken 31.	Economic analysis of potash and oil and gas in the Carlsbad Potash Area, including the North Mine, Ken Taylor. (Confidential)	Various proprietary economic analyses and interpretations internally prepared by Intrepid using and showing confidential Intrepid cost, pricing and capital expenditure data, as well as ore reserve values in the lands subject to this appeal. Contains data from proprietary industry sources. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
3A	Revised Taylor slides (last 3) (Confidential)	Same as above.
7.	Application for Lease – Section 16. (Confidential) (1162-70)	Intrepid's potassium lease application for the lands subject to this appeal; shows Intrepid's interest in the lands; identifies the basis for that interest, including strategic importance of the lands in Intrepid's mining plans. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
8. and Fasken 27.	April 2, 2008 letter from K. Keller to BLM regarding revision to Fringe Lease Application. (0087-89) (Confidential)	Confidential nature of this application for fringe lease acreage is similar to its lease application for Section 16. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.

9. and Fasken 30.	Intrepid's Isopleth Maps – Tenth Ore Zone. (Confidential) (1316)	Intrepid's internally generated ore reserve analysis of the subject lands based on proprietary and confidential core and log data of Intrepid. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
10.	Intrepid's Isopleth Maps – Tenth Ore Zone Mine Plan for Section 16. (Confidential) (1414)	Intrepid's internally generated mine plan for the subject lands, showing mining design, access routes, and Intrepid's evaluation of existing wells, their buffer zones and mine engineering decisions. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
11.	Waste of Potash Analysis, prepared by Jim Lewis. (Confidential) (1461-63)	Intrepid's internally generated ore reserve analysis of the subject lands based on proprietary and confidential core and log data of Intrepid. Identifies data interpretation and tonnage calculations. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
15. and Fasken 25.	2008 North Mine feasibility study documents, June 2, 2008 e-mail from D. Pastor to P. Avery. (Confidential) (02-03)	Email between Intrepid chief operations officer and engineering consultant regarding a feasibility study for reopening the North Mine, and study scope, condition of the mine, timing, etc. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
16.	1/29/1982 memo from Thayer to Childess regarding National Potash reserves. (Confidential) (1141-53)	Prior reserve analyses of the North Mine, containing reserve estimates, mapping, calculations, analyses and data. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
31.	Merrill Lynch report (Confidential)	An report on Intrepid as a business prepared by Merrill Lynch for investors and potential investors containing proprietary analyses and projections and opinions by Merrill Lynch; the report must be purchased in closed distribution and is not publicly distributed. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
40. and Fasken 9.	Map of Recent Mine Plan for the 10 th Ore Zone at the North Min in the Area of Section 16.	This map depicts a recent mine plan for the 10 th ore zone at the North Mine in the area of Section 16. Existing and proposed mine workings are detailed, as well as the location of nearby core data points. The map conveys Intrepid's determination of where commercial potash deposits are located in relation to the North Mine and surrounding areas.
41.	Executed TetraTech agreement (May 29, 2008)	This document is the executed contract that memorializes the agreement between Intrepid and the consultant referenced in

		Intrepid Exhibit 15. The document contains the same sensitive information as Intrepid Exhibit 15, in more detail in some instances, and also sets out the confidential contract terms negotiated by the parties.
43.	Fasken Oil's Waste of Potash from Drilling of the Laguna 16 State #2 (containing e-log back out calculations and Section 9 and 17 calculations)	Intrepid's internally generated ore reserve analysis of the subject lands based on proprietary and confidential core and log data of Intrepid. Identifies data interpretation and tonnage calculations. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
50.	31 Core hole logs, contained in separate exhibit volume. (Confidential)	Proprietary and confidential core hole log data belonging to Intrepid that is valuable in mapping and estimating the ore reserves in the area subject to this appeal. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
Fasken 10.	Three year mine plans, North Mine, 2006, 2007 and 2008. (Confidential) (927-29)	Intrepid's internally generated projected mine plans showing when and where it plans to mine in areas of its North, East and West Mines. The document has independent economic value from not being generally known to and not being readily ascertainable by others who can obtain economic value from its disclosure or use. Public disclosure would cause Intrepid competitive injury.
Fasken 33.	Map of Entire Potash Area. (Confidential)	This map is Intrepid's internally generated map of the entire potash area. It depicts in some detail the existing mine workings of all of Intrepid's mines. It also depicts various potash ore bodies that are the result of Intrepid's compilation and analysis of large amount of geophysical log data, which constitutes a unique application of such log data that only Intrepid has done. The map also reflects a proprietary compilation of oil and gas well log data compiled and analyzed by Intrepid in the potash area and reflects demonstrates how Intrepid combines core and log data to determine quantities of commercial potash and economic value, a proprietary methodology pioneered by Intrepid in the Carlsbad potash area. The contours and dimensions of the ore bodies are shown in relation to existing Intrepid operations and the operations and leaseholds of its competitors in the Potash Area.

Respectfully submitted,



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Attorneys for Intrepid Potash - New Mexico, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was hand delivered this 3 day of September, 2008 to:

Michael H. Feldewert, Esq.
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Joseph E. Manges