

COMEAU, MALDEGEN, TEMPLEMAN & INDALL, LLP

Joseph E. Manges
jmanges@cmtisantafe.com

Attorneys at Law
Coronado Building, 141 E. Palace Avenue
Post Office Box 669
Santa Fe, New Mexico 87504-0669
Telephone (505) 982-4611
Facsimile (505) 988-2987
cmti@cmtisantafe.com

G. Stanley Crout
1937-1987
Charles D. Olmsted
1925-1991

August 12, 2008

Hand Delivered

David K. Brooks, Legal Bureau
New Mexico Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, NM 87505

Re: Case No. 14116, Fasken Oil

Dear Mr. Brooks:

Enclosed for your information is a copy of the Description List of Intrepid Confidential Exhibits.

Very truly yours,

Joseph E. Manges

JEM/cat

Enclosure

cc: Michael H. Feldewert, Esq.

K:\MNTREPID_1577-00\Letters\Brooks8-12-08.doc

RECEIVED
2008 AUG 12 PM 4 09

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

2008 MAR 12 PM 4 06
RECEIVED

**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

DESCRIPTION LIST OF INTREPID CONFIDENTIAL EXHIBITS

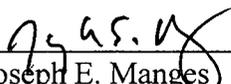
Intrepid Potash - New Mexico, LLC identifies and describes the following confidential and proprietary exhibits pursuant to NMSA 1978, § 71-2-8; Rule R-111-P G; NM Rule of Evidence 11-508; the New Mexico Trade Secret Act, NMSA 1978, § 57-3A-2(D)(1); and *Pincheira v. Allstate*, 142 N.M. 283, 164 P.3d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

Intrepid 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 unleased 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.
6.	Intrepid's life of mine reserves map – North Mine area. (1135) (Confidential)	Map showing the acreage in the vicinity of the North Mine identified by Intrepid as its logical mining area for the life of its North and East Mines; a strategic planning document identifying current business decisions by Intrepid. Public disclosure would cause Intrepid competitive injury.
7.	Application for Lease – Section 16. (Confidential) (1162-70)	Intrepid's potassium lease application for the unleased 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.
13.	Oil and Gas Well Data Map. (Confidential) (1315)	Confidential compilation of public data reflecting considerable internal work product and analysis related to the subject area.
14. and 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.
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 Childress 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.
20.	Intrepid Potash – Major Risk Assessment, March 2007, Prof. Jim Joy. (1185-1215) (Confidential)	Contains specific information about Intrepid mines and mine readiness; contains estimates of capital costs related to mine safety. 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.	Red panel map, North Mine	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.
50.	31 Core hole logs, contained in separate exhibit volume. (Confidential)	Proprietary and confidential core hole log data belonging to Intrepid the 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 33	(Is identified as confidential but Intrepid needs to review the original exhibit which is in the hearing examiner's possession	

Respectfully submitted,

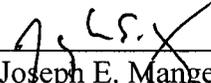


 Joseph E. Manges
 Comeau, Maldegen, Templeman & Indall, LLP
 P.O. Box 669
 Santa Fe, NM 87504-0669
 (505) 982-4611
 (505) 988-2987
 Attorneys for Intrepid Potash - New Mexico, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was hand
delivered this 12th day of August, 2008 to:

Michael H. Feldewert, Esq.
Holland & Hart, LLP
110 N. Guadalupe
Santa Fe, New Mexico 87501



Joseph E. Manges

71-2-8. Confidentiality; penalty.

The provisions of any confidential contract or any other confidential information required or possessed by the energy, minerals and natural resources department shall be held confidential by the department upon written request of the party supplying it, and any employee of the department, whether temporary or permanent, who willfully violates the provisions of this section shall be guilty of a misdemeanor. Nothing in this section shall be construed to prevent statistical information from being derived from the information in the hands of the department or its use in public hearings before the department or in appeals from decisions of the department for which such information is essential. Notwithstanding the provisions of Sections 10-15-1 through 10-15-4 NMSA 1978 or any other act requiring meetings of public bodies to be open, the department may close that part of any meeting where confidential information covered by this section is discussed by the department.

History: 1953 Comp., § 65-13-13, enacted by Laws 1975, ch. 289, § 18; 1977, ch. 255, § 105; 1987, ch. 234, § 68.

The 1987 amendment, effective July 1, 1987, in the first sentence inserted "energy, minerals and natural resources" preceding "department" near the

beginning, in the third sentence substituted "Sections 10-15-1 through 10-15-4 NMSA 1978" for "Sections 5-6-23 through 5-6-26 NMSA 1953" and made a minor language change at the end of the first sentence.

71-2-9. Notification of contract or production.

Every producer shall notify the energy, minerals and natural resources department of:

A. the completion of a well capable of producing oil, natural gas or liquid hydrocarbon individually, or any combination thereof, or geothermal energy in commercial quantities within five days after completion of the well and not less than five days before the producer enters into a binding agreement for or otherwise provides for the disposition of the products or geothermal energy of the well under an agreement or disposition which covers any period longer than six months; or

B. his intent to enter into a binding agreement covering the disposition of the products or geothermal energy of a potential well or series of wells at least five days before he enters into the agreement.

History: 1953 Comp., § 65-13-14, enacted by Laws 1975, ch. 289, § 19; 1977, ch. 255, § 106; 1987, ch. 234, § 69.

The 1987 amendment, effective July 1, 1987, in the opening clause substituted "energy, minerals and natural resources" for "energy and minerals"; in Subsection A deleted "with sufficient detail to allow the

department to suggest a manner in which the products could be used in furtherance of a statewide plan" following "or geothermal energy in commercial quantities."

71-2-10. Repealed.

Repeals. — Laws 1987, ch. 234, § 84 repeals 71-2-10 NMSA 1978, as amended by Laws 1977, ch. 255, § 108, relating to construction of the Energy and Minerals Department Act, effective July 1, 1987. For

provisions of the former section, see 1981 Replacement Pamphlet. For present comparable provisions, see 9-5A-1 to 9-5A-7 NMSA 1978.

ARTICLE 3

Federal Lands Action Group

(Repealed by Laws 1981, ch. 61, § 1.)

71-3-1 to 71-3-3. Repealed.

Repeals. — Laws 1981, ch. 61, § 1, repeals 71-3-1 through 71-3-3 NMSA 1978, relating to the federal lands action group.