

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

APPLICATION OF FASKEN OIL &  
RANCH LTD., FOR AN ORDER AUTHORIZING  
AN ADDITIONAL WELL IN THE "POTASH AREA"  
AT AN UNORTHODOX WELL LOCATION,  
LEA COUNTY, NEW MEXICO

CASE NO. 14116

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FASKEN'S RESPONSE TO INTREPID'S SUBPOENA DUCES TECUM

Fasken Oil & Ranch Ltd., ("Fasken") provides the following response to the Subpoena Duces Tecum issued on May ---, 2008, at the request of Intrepid Potash – New Mexico, LLC.

REQUEST FOR DOCUMENTS TO BE PRODUCED

**Request No 1:** Please produce all documents, oil and gas leases, potash leases or other related documents that relate to your leasehold interest in Section 16, T 20 S, R 32 E.

**Response:** Fasken will produce its oil and gas leases in Section 16. Fasken is unaware of any potash leases in Section 16.

**Request No. 2:** Please produce all documents that relate to the surface or mineral ownership in Section 16, T 20 S, R 32 E, Lea County, New Mexico.

**Response:** Fasken is unclear what is meant by "all documents," but will produce documents in its possession that identify the surface and mineral ownership in Section 16.

**Request No. 3:** Produce the complete record of gamma logs, or core hole logs or summaries' or interpretations of any core hole drilled through the potash zones within 1 mile of your proposed drill location, including but not limited to, the written results or interpretations of the logs, all assays performed thereon an economic analysis derived therefrom.

**Response:** The only responsive documents Fasken has in its possession are contained within the well file for the Laguna 16 State Well No. 1, which Fasken will produce.

**Request No. 4:** Produce all geologic studies relating to the presence of potash or oil or gas within one (1) mile of your proposed drill location in Eddy and Lea Counties, New Mexico.

**Response:** The only responsive documents Fasken has in its possession are contained within the well file for the Laguna 16 State Well No. 1, which Fasken will produce. To the extent that Fasken develops responsive documents in preparation for the hearing, they will be produced at a mutually agreed upon time for an exchange of hearing exhibits.

**Request No. 5:** Produce all correspondence or other documents which discuss or describe Fasken's ownership of or interest in potash resources in New Mexico.

**Response:** Fasken does not have any responsive documents

**Request No. 6:** Produce all documents, including reports, plans, charts, studies, evaluations, drill logs, etc. that have been prepared by Fasken, or at its direction, for the proposed oil and gas well at issue in this application, and for all producing or dry wells previously drilled by Fasken (or by any other person or company) within 10 miles of the proposed well, including any analysis regarding oil and gas production, the economic value thereof, or evaluation of the chances of success.

**Response:** Fasken will produce any responsive documents in its possession for the gas well at issue in its application and, pursuant to Request No. 3, will produce the well file for the Laguna 16 State Well No. 1.

Fasken objects to the request for information "within 10 miles of the proposed well" for the reasons set forth in Intrepid's objections to Fasken's subpoena.

To the extent that Fasken develops responsive documents in preparation for the hearing, they will be produced at a mutually agreed upon time for an exchange of hearing exhibits.

**Request No. 7:** Please produce all exhibits prepared by Fasken, or that will be prepared by Fasken, in the presentation of its application in this case.

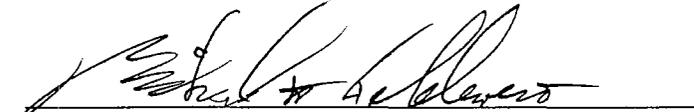
**Response:** Fasken will produce responsive documents at a mutually agreed upon time for an exchange of exhibits.

**Request No. 8:** Please produce all reports prepared by or at the direction of your expert witness with respect to potash resources or the subject of your application.

**Response:** Fasken will produce any expert reports at a mutually agreed upon time for exchange of hearing exhibits.

Respectfully submitted,

**HOLLAND & HART, L.L.P.**



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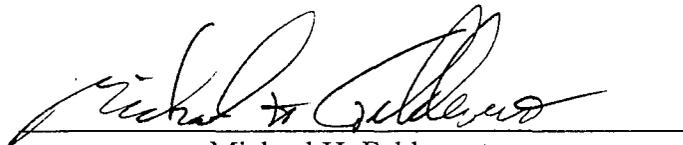
(505) 983-6043 Facsimile

**ATTORNEYS FOR FASKEN OIL AND RANCH, LTD.**

**CERTIFICATE OF SERVICE**

I certify that on June 6, 2008, I served a copy of the foregoing document to the following  
by U.S. Mail, postage prepaid to:

Joseph E. Manges, Esq.  
Comeau, Maldegen, Templeman  
& Indall, LLP  
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Santa Fe, New Mexico 87501



Michael H. Feldewert