

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

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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**

**OBJECTION TO SUBPOENA DUCES TECUM**

Intrepid Potash – New Mexico, LLC ("Intrepid"), by and through its counsel of record, Comeau, Maldegen, Templeman & Indall, LLP, respectfully objects to the Subpoena Duces Tecum issued by the New Mexico oil Conservation Division and served on May 7, 2008:

1. Applicant Fasken Oil & Ranch Ltd. ("Fasken") seeks permission to drill its proposed Laguna State "16" Well No. 2 at an unorthodox well location, 1930 FNL and 2030 FWL in the SE/4 NW/4 of Section 16, Township 20 South, Range 32 East, NMPM, in Lea County, New Mexico (the "Well"). The proposed Well is a deep gas well to be drilled to the Morrow Formation, to a depth of 13,400 feet. The district office properly rejected this location for the Well because it is within less than one half mile of Intrepid's Life of Mine Reserve ("LMR") within the "Potash Area" defined under Division Order R-111-P, and because of the safety hazard posed by drilling this high pressure, deep gas well less than one half mile from the nearby mine workings of Intrepid's North Mine.

2. Fasken's Subpoena Duces Tecum is overbroad because it requests voluminous data within a two mile radius of the proposed Fasken Well. It also requests information that is maintained by third parties, such as a current potash enclave map which is maintained in the

office of the Bureau of Land Management and other documents that may be in the possession of the BLM or other government agencies.

3. Virtually all of the documents sought by Fasken are sensitive, proprietary and confidential documents. These include, but are not limited to, Intrepid's mine maps, LMR maps, enclave maps, three year mine plans, current and future mining plans, mining methods, potash lease applications, potash economic evaluations, mine and inventory reports, quarterly inspection reports, and business discussions regarding the re-opening of the North Mine. Intrepid objects to disclosure of any of its confidential and proprietary data, including any such information in the possession of third parties or government agencies and protected by law or agreement. This information is protected by disclosure under Order R-111-P, Section G. Fasken has proposed a form of confidentiality order, but Intrepid is not satisfied that the proposed order sufficiently protects its confidential and proprietary information.

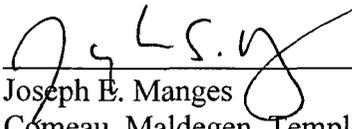
4. Some of the information sought by Fasken is irrelevant to the issues raised by the proposed Well.

5. Intrepid estimates that full compliance with the subpoena would take approximately one month. Due to the press of other business, including deadlines for filings in other APD appeals and the drilling and analysis of certain core holes in the Potash Area, Intrepid will be unable to respond to the subpoena by May 19, 2008.

6. Intrepid has attempted in good faith to settle this matter by contacting Fasken to find an alternative location for the Fasken wells. To date, Intrepid and Fasken have been unable to agree on an alternative location, but discussions continue.

WHEREFORE, Intrepid requests that Fasken's subpoena be quashed or that Intrepid be granted an additional 30 days to respond to the subpoena.

Respectfully submitted,

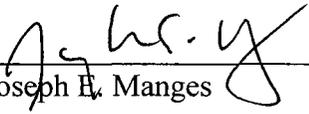
  
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Joseph E. Manges  
Cômeau, Maldegen, Templeman & Indall, LLP  
P.O. Box 669  
Santa Fe, NM 87504-0669  
(505) 982-4611  
(505) 988-2987

I HEREBY CERTIFY that a true and correct copy  
of the foregoing pleading was faxed to:

Michael H. Feldewert  
Holland & Hart, LLP  
110 North Guadalupe Street, Suite 1  
Santa Fe, New Mexico 87501  
(505) 988-4421 phone  
(505) 983-6043 fax

this 16th day of May, 2008

By:

  
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Joseph E. Manges