

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

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

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 8:45 a.m., May 19, 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 Fasken Oil & Ranch Ltd and its attorneys, Holland & Hart, LLP, for copying, all of said documents.

This subpoena is issued on application of Fasken Oil & Ranch Ltd, through their attorneys, Holland & Hart LLP, Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this 6th day of May, 2008

NEW MEXICO OIL CONSERVATION DIVISION

By: \_\_\_\_\_

*By David K. Fesmire*  
*Legal Counsel*

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. 14116**

**PURPOSE:** The purpose of this subpoena is to provide information necessary for Fasken Oil & Ranch to respond to the objections filed by Intrepid Potash to Fasken's proposed well and to prepare its evidence and testimony for New Mexico Oil Conservation Division Case No. 14116.

**PRODUCE THE FOLLOWING DOCUMENTS** and identify the paragraphs to which each document is responsive:

1. All Life of Mine Reserve (LMR) maps for the entire nine section area comprising Exhibit A to Intrepid's Amended Pre-Hearing Statement. *object to all but most recent*
2. Current maps of mine workings and mining surface installations in the entire nine section area comprising Exhibit A to Intrepid's Amended Pre-Hearing Statement.
3. Current maps of potash enclaves in the entire nine section area comprising Exhibit A to Intrepid's Amended Pre-Hearing Statement prepared by any company pursuant to the "Secretarial Order" referenced in paragraph 3 of Intrepid's Amended Pre-Hearing Statement.
4. All documents identifying the "future" mining plans at the idle North Mine referenced in paragraphs 2 and 3 of Intrepid's Amended Pre-Hearing Statement. *object to anything to any of the area*
5. All documents identifying any mining plans for Sections 9, 8, 17, 20 or 21 of Exhibit A to Intrepid's Amended Pre-Hearing Statement.
6. All documents identifying any mining plans for Section 16 of Exhibit A to Intrepid's Amended Pre-Hearing Statement. *ok*
7. All documents identifying how Intrepid intends to mine around the extensive well bores that currently exist in and around Section 16 of Exhibit A to Intrepid's Amended Pre-Hearing Statement. *If have will produce*
- X* 8. All correspondence between the State of New Mexico and Mississippi Potash, Intrepid or any company concerning any proposal to obtain a potash lease covering Section 16 of Exhibit A to Intrepid's Amended Pre-Hearing Statement. *object to anything before 2004*
- X* 9. All correspondence between Intrepid and Mosaic Potash relating to or arising out of the "discussions with Mosaic regarding the use of Intrepid's infrastructure already in place at the North Mine to exploit Mosaic's potash leases" referenced in paragraph 4 of Intrepid's Amended Pre-Hearing Statement. *will produce up to back to 2004*

10. All correspondence between Intrepid and Mosaic Potash relating to or arising out of Fasken's application to drill a deep gas well in the NW/4 of Section 16. *oh*
11. All documents relating or arising out of the statement in paragraph 4 of Intrepid's Amended Pre-Hearing Statement that "Mosaic has informed Intrepid that it also objects to the location of the proposed Well." *oh*
12. Intrepid's "non-competitive federal potash lease application" to add Section 21 described in paragraph 8 of Intrepid's Amended Pre-Hearing Statement. *oh*
13. The most recent BLM map of "Distribution of Potash Resources" described in paragraph 8 of Intrepid's Amended Pre-Hearing Statement. *Confidential*
14. All documents to support the statement in paragraph 9 of Intrepid's Amended Pre-Hearing Statement that the "economic value of the potash that would be wasted by the proposed Well far exceeds the economic value of the oil and gas that may be recovered from the Well." *Confidential*  
*1*
- X 16. All monthly lease tonnage reports submitted in the last ten years for mines located within the entire nine section area comprising Exhibit A to Intrepid's Amended Pre-Hearing Statement. *Confidential*  
*Overbroad*
17. Individual Ore Zone maps for all ore zones within the entire nine section area comprising Exhibit A to Intrepid's Amended Pre-Hearing Statement. *Conf*  
*Secret*
18. Economic evaluations of various potash deposits within the entire nine section area comprising Exhibit A to Intrepid's Amended Pre-Hearing Statement. *Conf*
19. All mine production and inventory reports submitted by Intrepid, Mississippi Potash, or any other company to the BLM or the State of New Mexico in the last five years. *Overbroad*
20. All three year mine plans submitted by Intrepid, Mississippi Potash or any company to the State of New Mexico or the BLM pursuant to the Secretarial Order referenced in paragraph 3 of the Intrepid's Amended Pre-Hearing Statement. *2*
21. All quarterly mine inspection reports in the possession of Intrepid Potash or Mississippi Potash as a result of mine inspections conducted by BLM or the State of New Mexico. *2*
22. All quarterly mining advance maps prepared by or in the possession of Intrepid. *2*
23. All documents describing mining and processing methods for sylvite, langbeinite, and/or mixed ore utilized by Intrepid or Mississippi Potash in the Potash Area, including descriptions of the methods currently utilized. *2*

24. All correspondence and applications for royalty reductions submitted by Intrepid or Mississippi Potash to BLM, Minerals Management Service (MMS) and/or the State of New Mexico from 1996 through the present.
25. 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 or Mississippi Potash mining operations from 1996 to present within 2 miles of Fasken's proposed location.
26. Copies of all exhibits you intend to use at the 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.