

**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
Order No. R-12955-A**

**ORDER ADDRESSING OBJECTIONS TO MAY 6TH SUBPOENA AND
SETTING THIS MATTER FOR HEARING**

THIS MATTER having come before the Division on the Objection To Subpoena Duces Tecum filed by Intrepid Potash – New Mexico, LLC ("Intrepid") and upon Applicant's request for a prehearing conference; the Division having held a prehearing conference before David K. Brooks on May 27, 2008; and the Division having considered the objections raised by Intrepid to the May 6th subpoena;

HEREBY ORDERS THAT:

1. The parties shall submit to the Division for signature the form of Confidentiality Order discussed at the prehearing conference and the documents designated as confidential shall be subject to the provisions of that Order.
2. Intrepid shall produce documents responsive to paragraphs 1-7 and 10-18 of the subpoena on or before June 5, 2008.
3. With respect to paragraphs 8-9 of the subpoena, Intrepid shall produce on or before June 5, 2008, responsive documents dating back to January 2004. To the extent Intrepid determines that responding to these requests for periods prior to January 2004 imposes an undue burden, it shall provide evidence of that burden to the Division for purposes of obtaining a ruling.
4. With respect to paragraphs 19-25, the parties have agreed to limit the inquiry to the idle "North Mine." Intrepid will provide responsive documents on or before June 5, 2008, or provide on June 5th an affidavit demonstrating the burden associated with the request and a timetable for compliance.
5. With respect to paragraph 26, the parties agreed at the prehearing conference to a mutual exchange of exhibits prior to the scheduled hearing.

6. The hearing on this matter is scheduled for Friday, June 27, 2008, to commence at 9:00 A.M.

Dated this 3rd day of June, 2008.

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By: 
Mark E. Fesmire, P.E., Director