

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

APPLICATION OF BASS ENTERPRISES
PRODUCTION CO. FOR AN ORDER
AUTHORIZING THE DRILLING OF
A WELL IN THE POTASH AREA,
EDDY COUNTY, NEW MEXICO.

CASE NO. 13367

SUBPOENA DUCES TECUM

TO: Mosaic Potash Carlsbad, Inc.
c/o Charlie High, Esq.
Post Office Box 1056
Santa Fe, New Mexico 87504-1056

Pursuant to N.M.S.A. § 70-2-8 (2006) and Rule 1214 of the New Mexico Oil Conservation Divisions Rules of Procedure, you are hereby ORDERED to appear at 8:15 a.m., April 3, 2006, 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 Bass Enterprises Production Company, and its attorneys, Holland & Hart, LLP, for copying, all of said documents.

This subpoena is issued on application of Bass Enterprises Production Company, through their attorneys, Holland & Hart LLP, Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this 27 day of March, 2006

NEW MEXICO OIL CONSERVATION DIVISION

By David K. Brooks
Assistant General Counsel

BY:

MARK E. FESMIRE, P.E., DIRECTOR

EXHIBIT A

**TO SUBPOENA DUCES TECUM
TO MOSAIC POTASH CARLSBAD, INC.
IN NEW MEXICO OIL CONSERVATION COMMISSION
CASE NO. 13367**

PURPOSE: The purpose of this subpoena is to provide all of the information necessary for Bass Enterprises Production Company to be able to prepare its evidence and testimony for New Mexico Oil Conservation Commission Case No. 13367.

PRODUCE THE FOLLOWING DOCUMENTS:

1. Current maps of mine workings within 10 miles of Bass proposed well site showing both first and second mined areas;
2. Current maps of potash enclaves within 10 miles of Bass's proposed well site prepared by any mining company pursuant to the Order of the Secretary of Interior dated October 28, 1986, 51 Fed. Reg. 39425 [**1986 Order**];
3. Maps of all mining surface installations within 10 miles of Bass's proposed well site;
4. All raw data including, but not limited to: core hole data, and/or face samples, analyses and interpretations for face samples, and/or core holes acquired or drilled in the last ten years located within 5 miles of Bass's proposed well site;
5. All monthly lease tonnage reports submitted in the last ten years for mines located within 10 miles of Bass's proposed well site;
6. All Life of Mine Reserve (LMR) maps for LMRs within 10 miles of Bass' proposed location
7. Individual Ore Zone maps for all ore zones within 10 miles of Bass' proposed location
8. Economic evaluations of various potash deposits within 10 miles of Bass proposed location;
9. Lawsuits and/or administrative proceedings in last 10 years regarding drilling of oil and gas well within potash area;
10. All mine production and inventory reports submitted by IMC Kalium/Mosaic to the Bureau of Land Management (BLM) and or the State of New Mexico
11. All three year mine plans submitted by IMC Kalium/Mosaic to the State of New Mexico or to BLM pursuant to the **1986 Order**.

12. All quarterly mine inspection reports in the possession of IMC Kalium/Mosaic as a result of mine inspections conducted by BLM or the State of New Mexico;
13. All quarterly mining advance maps prepared by or in the possession of IMC Kalium/Mosaic ;
14. All documents describing mining and processing methods for sylvite, langbeinite, and/or mixed ore utilized by IMC Kalium/Mosaic in the Secretary's Potash Area, including descriptions of those methods currently utilized;
15. All correspondence and applications for royalty reductions submitted by IMC Kalium/Mosaic to BLM, Minerals Management Service (MMS) and/or the State of New Mexico from 1996 through the present.
16. All mine production and inventory reports submitted to BLM by IMC Kalium/Mosaic, from 1996 through the present.
17. 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 IMC Kalium/Mosaic mining operations from 1996 to present within 2 miles of Bass' proposed location.

HEARING EXHIBITS:

1. Copies of all land exhibits and ownership data and exhibits to be used by you;
2. If not already included above, all data and documents utilized by you for support of all exhibits you will present at 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.

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ACCEPTANCE OF SERVICE OF SUBPOENA DUCES TECUM

I, Charles High, Esq., the attorney of record for Mosaic Potash Carlsbad, Inc., hereby accept service of the original Subpoena Duces Tecum dated __ __, 2006, issued in this matter to Bass Enterprises Production Company on this __th day of __, 2006.

Charles C. High, Jr., Esq.
Kemp Smith, L.L.C.
P.O. Box 2800
El Paso, TX 79999-2800