



April 22, 2004

IMC Potash Carlsbad Inc.
P. O. Box 71
1361 Potash Mines Road
Carlsbad, New Mexico 88221-0071
505.887.2871

RECEIVED

APR 26 2004

OIL CONSERVATION
DIVISION

Joanna Prukop
Acting Director
New Mexico Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, NM 87505

Dear Ms. Prukop:

I have received a subpoena over your name signed by David Brooks ordering my appearance before the hearing examiner on April 29. I have every intention of being there. However, the subpoena also requires an onerous quantity of documents be produced. I intend to bring such documents as I felt pertinent to the case but the Yates' lawyer's request includes a very burdensome amount of additional information.

Bill Carr included "any and all maps and/or other documents" having anything to do with the Section 2 in question. I'm hoping this is in error because IMC has mountains of maps that include this section, most of which are not relevant to this matter. He asked for any and all "reservoir parameters utilized." He asked for "All IMC land files" with no restriction. The scope of the request is far and beyond any information relevant to the issue to be decided.

I am requesting this subpoena be quashed as to documents required until their need is shown to the satisfaction of the Hearing Examiner. I will bring a single map showing many of the items Mr. Carr has listed but simply cannot, in the time allowed, produce every document or map ever made that has anything to do with this area.

Please let me know if there is anything further I need do with respect to this subpoena.

Sincerely,

Dan Morehouse
Superintendent
Mine Engineering

cc: David K. Brooks, Assistant General Counsel
Bill Carr, Counsel for Yates
Charlie High, Counsel for IMC
Richard Ezeanyim, Chief Engineer (Supervisor of Hearing Examiners)