

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

**IN THE MATTER OF THE APPLICATION
OF LYNX PETROLEUM CONSULTANTS, INC.
FOR PERMIT TO DRILL IN POTASH AREA,
EDDY 'BD' STATE NO. 2 WELL,
EDDY COUNTY, NEW MEXICO**

Case No. 13762

SUBPOENA DUCES TECUM FOR PRODUCTION OF DOCUMENTS

**TO: Intrepid Potash – New Mexico, LLC
C/O Larry P. Ausherman
Modrall Sperling Law Firm
PO Box 2168
Albuquerque, NM 87103**

YOU ARE HEREBY COMMANDED TO APPEAR as follows:

**PLACE: New Mexico Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505**

DATE: Thursday September 7, 2006

TIME: 10:00 a.m.

To permit inspection of the following described documents or objects:

2006 AUG 23 PM 3 26

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.

Please produce the following documents:

1. Current map of mine workings within 10 miles of the proposed well site showing both first and second mined areas.
2. Current maps of potash enclaves within 10 miles of Lynx's proposed well site prepared by any mining company pursuant to the Order of the Secretary of Interior dated October 28, 1986, 52 Fed. Reg. 29425 [*1986 Order*].
3. Maps of all mining surface installations within 10 miles of Lynx'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 Lynx's proposed well site.
5. All monthly lease tonnage reports submitted in the last ten years for mines located within 10 miles of Lynx's proposed well site.
6. All Life of Mine Reserve (LMR) maps for LMRs within 10 miles of Lynx's proposed location, submitted by any mining company for the past 10 years.
7. Individual Ore Zone maps for all ore zones within 10 miles of Lynx's proposed location
8. Any and all economic evaluations and/or reserve studies of all potash deposits within 10 miles of Lynx's proposed location prepared by Intrepid, its consultants, its predecessors in interest and/or their consultants;
9. Copies of any and all reports in the possession of Intrepid and/or its predecessors in interest as a result of mine inspections conducted by BLM and/or the State of New Mexico of

any and all mining operations conducted by Intrepid and its predecessors in interest for the past 10 years.

10. All mine production reports submitted by Intrepid and its predecessors, to BLM and/or the State of New Mexico, for the past 10 years, showing, by year, the acreage mined, the ore zones mined, the tonnages mined for sylvite and for langbeinite, and the thicknesses and grades mined by zone.

11. All three year mine plans submitted by Intrepid and/or its predecessors in interest to the State of New Mexico or to BLM pursuant to the 1986 Order.

12. All quarterly mining advance maps prepared by or in the possession of Intrepid and or its predecessors in interest for the past 10 years

15. All documents describing mining and processing methods for sylvite, langbeinite, and/or mixed ore utilized Intrepid and/or its predecessors in interest in the Potash Area, including descriptions of those methods currently utilized;

16. All applications for royalty reductions submitted by Intrepid and/or its predecessors in interest to BLM and/or the State of New Mexico from 1996 through the present.

17. All mine production and inventory reports submitted to BLM and/or the State of New Mexico by Intrepid and/or its predecessors in interest from 1996 through the present.

18. All data referred to in Intrepid's Pre-Hearing Statement filed in this case that Intrepid is evaluating in order to "delineate accurately the multiple ore zones that occur within the KPLA," including all potash coreholes and oil and gas well logs.

19. All available geologic and well data in the vicinity of the proposed Lynx well that Intrepid has utilized to "assess adequately the occurrence, grade and thickness of the potash resource" as indicated in Intrepid's Pre-Hearing Statement filed in this case.

20. All "current results" of Intrepid's evaluation of the potash resource in the vicinity of Lynx's proposed well that indicate "that there are commercial deposits of mineable potash in the immediate area of the proposed Lynx Well that will be destroyed if the Lynx Well is approved for drilling," as stated in Intrepid's Pre-Hearing Statement filed in this case, including all data relied upon that forms the basis of the "current results."

21. All data relied upon by Intrepid that forms the basis of Intrepid's statement in its Pre-Hearing Statement filed in this case that "the economic value of the potash in Intrepid's leases far exceeds the economic value of the oil and gas in the same area."

Please also provide the following:

1. Copies of all land exhibits and ownership data and exhibits to be used by you at hearing in this matter.

2. If not already included above, all data and documents utilized by you for support of all exhibits you will present at hearing.

THIS SUBPOENA issued by or at request of:

Charles N. Lakins, Esq.
Attorney for Applicant Lynx Petroleum Consultants, Inc.

320 Gold Ave SW, Suite 1000, Albuquerque, N.M. 87102
Address

(505) 883-6250
Telephone

CERTIFICATE OF SERVICE BY ATTORNEY

I certify that I caused a copy of this subpoena to be served on the following persons entities by (hand - delivery) (mail) on this 23rd day of August 2006:

Intrepid Potash – New Mexico, LLC
C/O Larry P. Ausherman
Modrall Sperling Law Firm
PO Box 2168
500 Fourth Street NW, Suite 1000
Albuquerque, NM 87103

David K. Brooks
Attorney for Oil Conservation Division

Signature

8/23/06
Date