

13

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

**APPLICATION OF CHESAPEAKE OPERATING, INC.
FOR AN ORDER AUTHORIZING THE DRILLING OF
WELLS IN LEA COUNTY, NEW MEXICO.**

Cases Nos. 14101

RECEIVED
2008 APR 8 PM 4 16

OBJECTIONS TO SUBPOENA DUCES TECUM

Comes now Intrepid Potash - New Mexico, LLC ("Intrepid") by and through its counsel of record, Comeau, Maldegen, Templeman & Indall, LLP and respectfully objects to the subpoena duces tecum issued by the New Mexico Oil Conservation Division and served on April 3, 2008 on grounds as follows:

1. The subpoena was not even received by counsel for Intrepid until April 4, only three days prior to the date set for compliance. There is an unreasonable and inadequate amount of time for compliance. Full compliance would take at least one month.

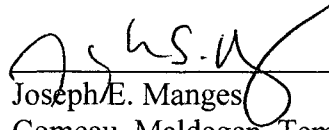
2. The subpoena seeks sensitive, proprietary and confidential documents and information, including all of Intrepid's core hole logs, assays, economic analysis of its potash resources, etc., The information sought is protected from disclosure by Order R-111-P, Section G, which states:

Information used by the potash lessee in identifying its LMR shall be filed with the BLM and SLO but will be considered privileged and confidential "trade secrets and commercial . . . information" within the meaning of 43 C.F.R. §2.13(c) (4) (1986), Section 19-1-2, 1 NMSA 1978, and not subject to public disclosure.

3. Some of the documents and sought by the subpoena are irrelevant to the issues raised by the applications for permit to drill at issue in these cases, except for information concerning the existence of valuable potash reserves adjacent to the proposed well location.

WHEREFORE, Intrepid requests that the subpoena be quashed and that Intrepid be provided a reasonable amount of time to comply, such as 30 days.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. E. Manges", is written over a horizontal line.

Joseph E. Manges
Comeau, Maldegen, Templeman & Indall, LLP
P. O. Box 669
Santa Fe, NM 87504-0669
505-982-4611 phone
505-988-2987 fax

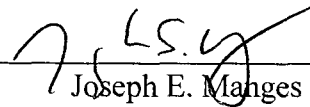
jmanges@cmtisantafe.com

CERTIFICATE OF SERVICE

I hereby certify that I did on April 8, 2008 cause a true and correct copy of the foregoing
Objections to Subpoena Duces Tecum to be served by facsimile on:

William Carr
Ocean Munds-Dry
Holland & Hart, LLP
P. O. Box 2208
Santa Fe, NM 87504-2208
505-983-6043

Mark Fesmire, Director
Energy Mineral & Natural Resources Department
Oil Conservation Division
1220 S. St. Francis Drive
Santa Fe, NM 87505
505-476-3462



Joseph E. Manges