

**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

SUBPOENA DUCES TECUM

TO: Mosaic Potash Carlsbad, Inc.
c/o Charles C. High, Jr.
Kemp Smith LLP
Post Office Box 2800
El Paso, Texas 79999-2800

Pursuant to N.M.S.A. § 70-2-8 (2008) and Rule 1214 of the New Mexico Oil Conservation Divisions Rules of Procedure, you are hereby ORDERED to appear at 8:15 a.m., on September 12, 2008, 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 Fasken Oil & Ranch Ltd and its attorneys, Holland & Hart, LLP, for copying, all of said documents.

This subpoena is issued on application of Fasken Oil & Ranch Ltd, through their attorneys, Holland & Hart LLP, Post Office Box 2208, Santa Fe, New Mexico 87504.

Dated this 25th day of August, 2008

NEW MEXICO OIL CONSERVATION DIVISION

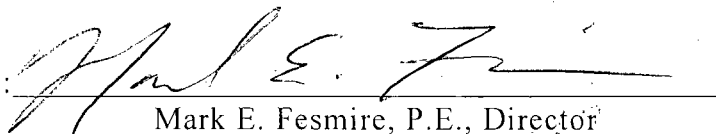
By: 
Mark E. Fesmire, P.E., Director

EXHIBIT A

**TO SUBPOENA DUCES TECUM
TO MOSAIC POTASH CARLSBAD, INC.
IN NEW MEXICO OIL CONSERVATION DIVISION
CASE NO. 14116**

Produce the following documents and identify the paragraphs to which each document is responsive:

1. All correspondence and files related to (a) Fasken's Laguna "16" State Well No. 1 located in the SE/4 of Section 16, T-20-S, R-32-E, and (b) NMOCD Case No. 13107, decided by Order No. R-12031 in September of 2003.
2. All Life of Mine Reserve maps dating back to January 2003 for the nine section area depicted on Exhibit B hereto.
3. All data, studies and analysis of the following core holes in Sections 9, 10, 15, and 16 in T-20-S, R-32-E:
 - A. FS-00S4 and FS-032 in Section 9;
 - B. FS-022, FS-030A and FS-031 in Section 10;
 - C. IMC-151, HB-008, and HB-003 in Section 15; and
 - D. IMC-170, HB-001, HB-009, and HB-011 in Section 16.
4. All current and historical ore zone maps depicting the projected grade and height of the Forth, Eighth and Tenth ore zones in the nine section area depicted on Exhibit B.
5. All current and historical ore zone maps depicting the projected grade and height of any other ore zones in the nine section area depicted on Exhibit B.
6. All three year mining plans submitted to federal and state agencies dating back to January of 2003.
7. All documents identifying any mining plans for the nine section area depicted on Exhibit B hereto.
8. All documents identifying any mining plans for Sections 15 and 16 depicted on Exhibit B hereto.
9. All economic evaluations of the potash deposits within Section 16 in T-20-S, R-32-E, including any analysis of the tonnage in place and the projected value, prepared or compiled since January of 2003.

10. All economic evaluations of the potash deposits within Section 15 in T-20-S, R-32-E, including any analysis of the tonnage in place and the projected value, prepared or compiled since January of 2003.
11. All current and historical economic evaluations of the Sylvite deposits within Section 16 in T-20-S, R-32-E, including any analysis of the tonnage in place and the projected value, prepared or compiled since January of 2003.
12. All current and historical economic evaluations of the Sylvite deposits within Section 15 in T-20-S, R-32-E, including any analysis of the tonnage in place and the projected value, prepared or compiled since January of 2003.
13. Any study or analysis of the Carnallite present in Sections 15 and 16 in T-20-W, R-32-E.
14. All documents describing the affect of Carnallite on the mining of potash ores and the methods currently utilized by Mosaic to handle Carnallite.
15. Any analysis, study or projection of potash prices prepared or compiled since January of 2003.
16. All studies, files, correspondence and documents relating to or concerning any application for a potash lease in Sections 16 and 21 in Township 20 South, Range 32 East.
17. A complete and legible copy (color if available) of IMC's January 29, 1982, report by W.E. Thayer, the first page of which is attached hereto at Exhibit C.
18. A copy of the entire file in which IMC's January 29, 1982 report by W.E. Thayer is maintained.
19. All correspondence with the State of New Mexico concerning any application for a potash lease covering Section 16, T-20-S, R-32-E, since January of 2002.
20. All documents arising out of the "discussions with Mosaic regarding the use of Intrepid's infrastructure already in place at the North Mine to exploit Mosaic's potash leases" referenced in paragraph 4 of Intrepid's Amended Pre-Hearing Statement.
21. All correspondence between Intrepid and Mosaic Potash relating to or arising out of Fasken's application to drill a deep gas well in the NW/4 of Section 16.
22. All correspondence or notes relating to or arising out of the statement in paragraph 4 of Intrepid's Amended Pre-Hearing Statement that "Mosaic has informed Intrepid that it also objects to the location of the proposed Well."
23. Any public Prospectus or Form S-1 that describes or addresses Mosaic's business plans, assets, strategy and activities.

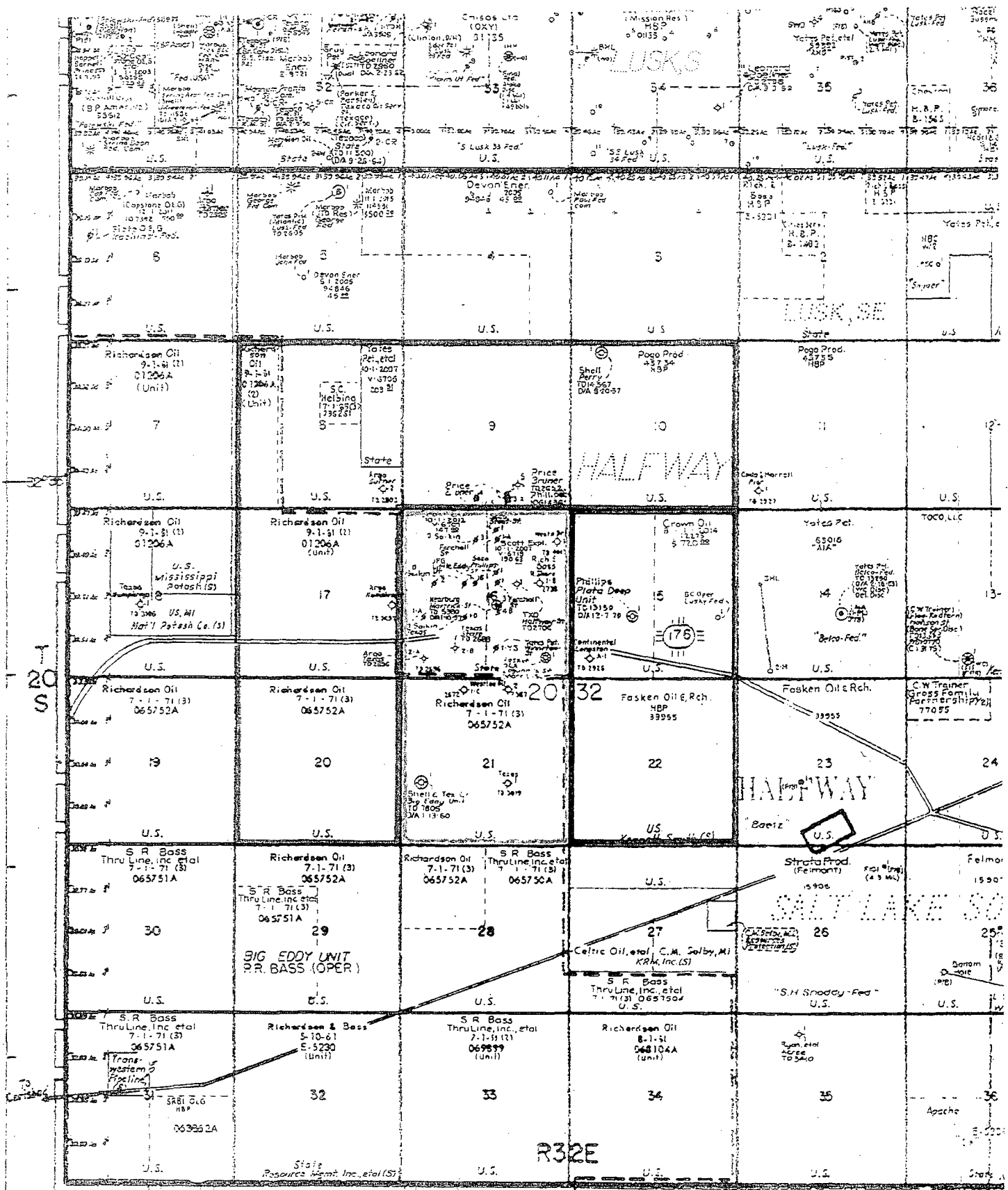
24. Any Morrow isopath or structure map for the nine section area depicted on Exhibit B hereto.
25. Copies of all exhibits you intend to use at the hearing.

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, computer 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 (including IMC Potash).

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.



Mosaic

Intrepid

Unleased

EXHIBIT B

**TO SUBPOENA DUCES TECUM
TO MOSAIC POTASH**

COPIES TO:

**Subject to Confidentiality Order in New Mexico OCD Case No. 14116.**

TO C. E. Childers
FROM W. E. Thayer
DATE January 29, 1982
SUBJECT NATIONAL POTASH

The evaluation of the National Potash Company property (NPC) was delayed because of several undefined areas which involved potential risks. Most of these have now been identified and although some remain relatively vague for lack of information, we have attempted to be sufficiently conservative to compensate for these gray areas. A preliminary report was submitted and this one, containing more detail, supports that report.

NPC officials could not tell us how the current product inventory should be evaluated. Therefore, we recommend that their New York offices be contacted for any negotiation for the purchase of the 125,300 tons of MOP (inventory at the end of December 1981) valued at approximately \$8,000,000.

IMC-Carlsbad has its limit of federal reserves and would probably not be allowed to obtain NPC's reserve acreage unless there was not another viable operator interested in the property who could add NPC's federal reserves to their reserves and not exceed the legal limit. If such an operator does not appear to have a serious intent to obtain and operate the property, IMC would probably be allowed to exceed its federal reserve limit and obtain NPC's reserves.

This study was extraordinarily difficult because NPC has essentially no cost breakdown, making it impossible to identify where actual costs are generated. Their cost reporting consisted of three categories for the mine: 1. salaries and wages; 2. material and expense; and 3. power. The mill was reported in the same

EXHIBIT C

TO SUBPOENA DUCES TECUM
TO MOSAIC POTASH