

COMEAU, MALDEGEN, TEMPLEMAN & INDALL, LLP

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G. Stanley Crout
1937-1987
Charles D. Olmsted
1925-1991

May 27, 2008

Hand Delivered

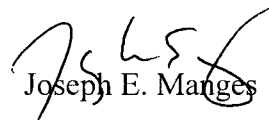
David K. Brooks, Legal Bureau
New Mexico Oil Conservation Div.
1220 S. St. Francis Drive
Santa Fe, New Mexico 87505

Re: Case No. 14116, Fasken Oil Subpoena

Dear Mr. Brooks:

Enclosed please find a subpoena for execution by the Division. Please execute it and let us know so we may serve the same. Thank you.

Very truly yours,


Joseph E. Manges

JEM/sad
Enclosure

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

**IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:**

**APPLICATION OF FASKEN OIL & RANCH LTD. FOR
AN ORDER AUTHORIZING AN ADDITIONAL WELL IN
THE "POTASH AREA" AT AN UNORTHODOX WELL
LOCATION IN LEA COUNTY, NEW MEXICO.**

Case No. 14116

SUBPOENA DUCES TECUM

TO: Fasken Oil & Ranch, Ltd.
c/o Michael H. Feldewert, Esq.
Holland & Hart, LLP
P.O. Box 2208
Santa Fe, New Mexico 87504

Pursuant to Section 70-2-8, N.M.S.A. (1978) and Rule 1214 of the New Mexico Oil Conservation Division's Rules of Procedure, YOU ARE HEREBY COMMANDED to appear on June 6, 2008 at 9:30 a.m. at Comeau, Maldegen, Templeman & Indall, 141 E. Palace Ave., Suite 200, Santa Fe, New Mexico 87504, (505) 982-4611 and produce for inspection and copying the documents described on the attached Exhibit "A".

This subpoena is issued on the Application for Permit to Drill of Fasken Oil & Ranch, Ltd., and the Request of Intrepid Potash – New Mexico, LLC for a hearing on Intrepid's Protest to said application.

DATED this 27th day of May 2008.

New Mexico Oil Conservation Division

By


Mark E. Fesmire, PE

Director

EXHIBIT "A"

INSTRUCTIONS

"Documents" or "records" mean every writing and record of every type and description in the possession, custody or control of Fasken Oil & Ranch Ltd. 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, correspondence, memoranda, handwritten notes, notes, minutes, entries in books of accounting, computer printouts, tapes and records of all types, minutes of meeting, studies contracts, agreements, books, pamphlets, schedules, pictures and voice recordings, videotapes and every other device or medium on which, or for which information of any type is transmitted, recorded or preserved and whether or not such documents or records are marked or treated as confidential or propriety. The term "document" also means a copy where the original is not in possession, custody or control of the company or corporation to whom it this request is addressed, and every copy of the document where such copy is not an identical duplicate of the original, all things similar to any of the foregoing, however denominated by the parties.

DOCUMENTS TO BE PRODUCED

1. Please produce all documents, oil and gas leases, potash leases or other related documents that relate to your leasehold interest in Section 16, T 20 S, R 32 E
2. Please produce all documents that relate to the surface or mineral ownership in Section 16, T 20 S, R 32 E, Lea County, New Mexico.
3. Produce the complete record of gamma logs, or core hole logs or summaries' or interpretations of any core hole drilled through the potash zones within 1 mile of your proposed

drill location, including but not limited to, the written results or interpretations of the logs, all assays performed thereon and economic analysis derived therefrom.

4. Produce all geologic studies relating to the presence of potash or oil or gas within one (1) mile of your proposed drill location in Eddy and Lea Counties, New Mexico.

5. Produce all correspondence or other documents which discuss or describe Fasken's ownership of or interest in potash resources in New Mexico.

6. Produce all documents, including reports, plans, charts, studies, evaluations, drill logs, etc. that have been prepared by Fasken, or at its direction, for the proposed oil and gas well at issue in this application, and for all producing or dry wells previously drilled by Fasken (or by any other person or company) within 10 miles of the proposed well, including any analysis regarding oil and gas production, the economic value thereof, or evaluations of the chances of success.

7. Please produce all exhibits prepared by Fasken, or that will be prepared by Fasken, in the presentation of its application in this case.

8. Please produce all reports prepared by or at the direction of your expert witness with respect to potash resources or the subject of your application.