

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

**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.**

**De Novo
CASE NO. 14116
Order No. R-12955-L**

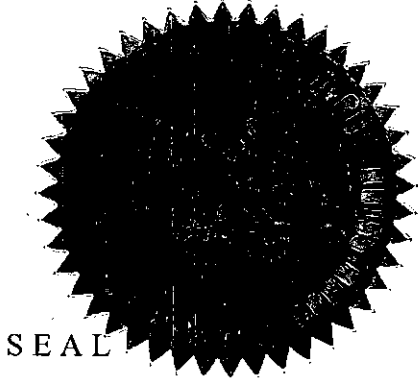
**ORDER DIRECTING INTREPID TO PRODUCE DOCUMENTS REQUESTED
BY REQUESTS 5 THROUGH 7 OF FASKEN'S SECOND SUBPOENA**

The Oil Conservation Commission (Commission) Chair, having reviewed Intrepid Potash – New Mexico, LLC's (Intrepid) Filing of Affidavits Related to Discovery Issues, Fasken Oil & Ranch Ltd.'s (Fasken) Response to Intrepid's Filing of Affidavits Related to Discovery Issues, and Intrepid's Reply to Fasken's Response to Intrepid's Filing of Affidavits Related to Discovery Issues finds and orders as follows:

1. On October 21, 2009, the Commission held a hearing on discovery issues in this matter.
2. Intrepid objects that Requests 5 through 7 of Fasken's second subpoena were overbroad, burdensome, and vague.
3. The Commission ordered Intrepid to file affidavits supporting its objections to Requests 5 through 7 of Fasken's second subpoena by November 3, 2009.
4. Intrepid filed affidavits on November 3, 2009.
5. Fasken responded to Intrepid's affidavits on November 10, 2009.
6. Intrepid filed a reply to Fasken's response on November 20, 2009.
7. Intrepid has failed to demonstrate that the production of company files, reports, e-mails, correspondence, or other documents obtained or generated since June 1, 2008 that relate to Intrepid's analysis of the North Mine or its mining plans for the North Mine area is unduly burdensome, vague, or overly broad.
8. Intrepid is ordered to produce the documents requested in Requests 5 through 7 of Fasken's second subpoena by February 5th 2010. If Intrepid fails to produce

such documents by February 5th 2010 it will not be allowed to introduce those documents as evidence at the de novo hearing to be held before the Commission.

DONE at Santa Fe, New Mexico on the 26th day of January, 2010.



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A handwritten signature in cursive script, reading "Mark E. Fesmire".

MARK E. FESMIRE, P.E., Chair