

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 30125
ORDER NO. 32809

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER ESTABLISHING THE FIELD AND POOL LIMITS FOR LANDS LOCATED IN SECTIONS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 29, 30, 31, AND 32, TOWNSHIP 141 NORTH, RANGE 84 WEST, SECTIONS 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, AND 36, TOWNSHIP 141 NORTH, RANGE 85 WEST, SECTIONS 19, 20, 21, 28, 29, 30, 31, 32, 33, AND 34, TOWNSHIP 142 NORTH, RANGE 84 WEST, AND SECTIONS 24, 25, 33, 34, 35, AND 36, TOWNSHIP 142 NORTH, RANGE 85 WEST, OLIVER COUNTY, NORTH DAKOTA, SUBJECT TO THE APPLICATION OF DCC WEST PROJECT LLC FOR THE GEOLOGIC STORAGE OF CARBON DIOXIDE IN THE BROOM CREEK FORMATION, AND ENACT SUCH SPECIAL FIELD RULES AS MAY BE NECESSARY.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 30th day of June, 2023. The initial public notice of this application was not properly published in the Center Republican, the official Oliver County newspaper. Evidence and testimony were taken on June 30, 2023, but the record in this case was left open until August 7, 2023 to allow the required notice to be published and afford any interested parties the opportunity to appear. No further appearances were made on August 7, 2023.

(2) Case No. 30125, is a motion of the Commission to consider establishing the field and pool limits for lands located in Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 29, 30, 31, and 32, Township 141 North, Range 84 West; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, and 36, Township 141 North, Range 85 West; Sections 19, 20, 21, 28, 29, 30, 31, 32, 33, and 34, Township 142 North, Range 84 West; and Sections 24, 25, 33, 34, 35, and 36, Township 142 North, Range 85 West, Oliver County, North Dakota, subject to the

application of DCC West Project LLC (DCC West) for the geologic storage of carbon dioxide in the Broom Creek Formation, and enact such special field rules as may be necessary.

(3) Case Nos. 30125, 30122, 30123, and 30124 were combined for the purposes of hearing.

(4) Case No. 30122, also on the June 30, 2023 docket, is an application by DCC West for an order requesting consideration for the geologic storage of carbon dioxide in the Broom Creek Formation from the Milton R. Young Station (MRYS) and other sources in the storage facility located in Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 29, 30, 31, and 32, Township 141 North, Range 84 West; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, and 36, Township 141 North, Range 85 West; Sections 19, 20, 21, 28, 29, 30, 31, 32, 33, and 34, Township 142 North, Range 84 West; and Sections 24, 25, 33, 34, 35, and 36, Township 142 North, Range 85 West, Oliver County, North Dakota, pursuant to North Dakota Administrative Code (NDAC) Chapter 43-05-01.

(5) Case No. 30123, also on the June 30, 2023 docket, is a motion of the Commission to consider the amalgamation of storage reservoir pore space, pursuant to a Storage Agreement by DCC West for use of pore space falling within portions of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 29, 30, 31, and 32, Township 141 North, Range 84 West; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, and 36, Township 141 North, Range 85 West; Sections 19, 20, 21, 28, 29, 30, 31, 32, 33, and 34, Township 142 North, Range 84 West; and Sections 24, 25, 33, 34, 35, and 36, Township 142 North, Range 85 West, Oliver County, North Dakota, in the Broom Creek Formation, and to determine it has been signed, ratified, or approved by owners of interest owning at least sixty percent of the pore space interest within said lands, pursuant to North Dakota Century Code (NDCC) Section 38-22-10.

(6) Case No. 30124, also on the June 30, 2023 docket, is a motion of the Commission to determine the amount of financial responsibility required of DCC West for the geologic storage of carbon dioxide from the MRYS and other sources in the storage facility located in Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 29, 30, 31, and 32, Township 141 North, Range 84 West; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, and 36, Township 141 North, Range 85 West; Sections 19, 20, 21, 28, 29, 30, 31, 32, 33, and 34, Township 142 North, Range 84 West; and Sections 24, 25, 33, 34, 35, and 36, Township 142 North, Range 85 West, Oliver County, North Dakota, in the Broom Creek Formation, pursuant to NDAC Section 43-05-01-09.1.

(7) The record in these matters was left open to receive additional information from DCC West. Such information was received on August 18, 2023, and the record was closed.

(8) Order No. 32806 entered in Case No. 30122 authorized and created the DCC West Center Broom Creek Storage Facility #1; and Order No. 32807 entered in Case No. 30123 determined said storage facility will become effective November 1, 2023.

(9) The Commission desires to establish field boundaries and pool limits for mapping purposes, to enable electronic reporting of the geologic storage of carbon dioxide in said facility, and to establish special field rules.

(10) Order No. 32806 established the DCC West Center Broom Creek Storage Facility #1 to include the following lands in Oliver County, North Dakota:

TOWNSHIP 142 NORTH, RANGE 85 WEST

ALL OF SECTIONS 25, 34, 35, AND 36, THE S/2 OF SECTION 24, AND THE E/2 OF SECTION 33,

TOWNSHIP 142 NORTH, RANGE 84 WEST

ALL OF SECTIONS 29, 30, 31, AND 32, THE S/2 OF SECTION 19, THE S/2 OF SECTION 20, THE W/2 SW/4 OF SECTION 21, THE W/2, W/2 SE/4 AND SW/4 NE/4 OF SECTION 28, THE S/2, NW/4, W/2 NE/4, AND SE/4 NE/4, OF SECTION 33, AND THE S/2 AND S/2 N/2 OF SECTION 34,

TOWNSHIP 141 NORTH, RANGE 85 WEST

ALL OF SECTIONS 1, 2, 3, 4, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, AND 27, THE NE/4 NE/4 OF SECTION 9, THE N/2, SE/4, AND E/2 SW/4 OF SECTION 10, THE NE/4 SE/4 OF SECTION 16, AND THE N/2 OF SECTION 36,

TOWNSHIP 141 NORTH, RANGE 84 WEST

ALL OF SECTIONS 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 29, AND 30, THE W/2 W/2 AND W/2 E/2 NW/4 OF SECTION 2, THE W/2 OF SECTION 11, THE NW/4 OF SECTION 14, THE N/2 OF SECTION 15, THE N/2, SW/4, NE/2 SE/4, AND SW/4 SE/4 OF SECTION 20, THE N/2 NW/4 AND SW/4 NW/4 OF SECTION 21, THE N/2 AND N/2 SE/4 OF SECTION 31, AND THE NW/4 OF SECTION 32.

(11) Order No. 32807 entered in Case No. 30123 approved the amalgamation of pore space in the DCC West Center Broom Creek Storage Facility #1 and defined the stratigraphic interval of the storage reservoir containing the amalgamated pore space as the stratigraphic interval from below the top of the Picard Member of the Piper Formation, found at a depth of 4,784 feet below the Kelly Bushing, to above the base of the Amsden Formation, found at a depth of 5,477 feet below the Kelly Bushing, as identified by the Laterolog run performed in the J-LOC #1 well (File No. 37380), located in SW/4 NE/4 of Section 27, Township 142 North, Range 82 West, Oliver County, North Dakota.

(12) Commission staff testified the establishment of field rules would include a requirement that all wells not proposed as part of the DCC West Broom Creek Storage Facility #1 would be permitted only after notice and hearing.

IT IS THEREFORE ORDERED:

(1) The West Center Carbon Dioxide Field is hereby created for the exclusive purpose of identifying an area that has been approved by the Commission allowing the injection of carbon dioxide into a subsurface stratum.

(2) The West Center Carbon Dioxide Field is hereby defined as the following described tracts of land in Oliver County, North Dakota:

TOWNSHIP 142 NORTH, RANGE 85 WEST

ALL OF SECTIONS 25, 34, 35, AND 36, THE S/2 OF SECTION 24, AND THE E/2 OF SECTION 33,

TOWNSHIP 142 NORTH, RANGE 84 WEST

ALL OF SECTIONS 29, 30, 31, AND 32, THE S/2 OF SECTION 19, THE S/2 OF SECTION 20, THE W/2 SW/4 OF SECTION 21, THE W/2, W/2 SE/4 AND SW/4 NE/4 OF SECTION 28, THE S/2, NW/4, W/2 NE/4, AND SE/4 NE/4, OF SECTION 33, AND THE S/2 AND S/2 N/2 OF SECTION 34,

TOWNSHIP 141 NORTH, RANGE 85 WEST

ALL OF SECTIONS 1, 2, 3, 4, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, AND 27, THE NE/4 NE/4 OF SECTION 9, THE N/2, SE/4, AND E/2 SW/4 OF SECTION 10, THE NE/4 SE/4 OF SECTION 16, AND THE N/2 OF SECTION 36,

TOWNSHIP 141 NORTH, RANGE 84 WEST

ALL OF SECTIONS 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 29, AND 30, THE W/2 W/2 AND W/2 E/2 NW/4 OF SECTION 2, THE W/2 OF SECTION 11, THE NW/4 OF SECTION 14, THE N/2 OF SECTION 15, THE N/2, SW/4, NE/2 SE/4, AND SW/4 SE/4 OF SECTION 20, THE N/2 NW/4 AND SW/4 NW/4 OF SECTION 21, THE N/2 AND N/2 SE/4 OF SECTION 31, AND THE NW/4 OF SECTION 32.

(3) The West Center-Broom Creek Carbon Dioxide Pool is hereby defined as the stratigraphic interval from below the top of the Picard Member of the Piper Formation, found at a depth of 4,784 feet below the Kelly Bushing, to above the base of the Amsden Formation, found at a depth of 5,477 feet below the Kelly Bushing, as identified by the Laterolog run performed in the J-LOC #1 well (File No. 37380), located in SW/4 NE/4 of Section 27, Township 142 North, Range 82 West, Oliver County, North Dakota.

(4) All wells within the boundaries of the West Center Carbon Dioxide Field not proposed as part of the DCC West Center Broom Creek Storage Facility #1 shall be permitted only after notice and hearing.

- (5) This order shall remain in full force and effect until further order of the Commission.

Dated this 4th day of October, 2023.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director