BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31050

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55 states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the

commission may, after notice and hearing, require the injection well to be plugged and abandoned.

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) New Way Energy Services, LLC (New Way) is the operator of the following treating plant in North Dakota:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700117-01	NDEN Services Treating Plant #1	Banks	McKenzie	Treating Plant	3/2016

(11) New Way submitted written testimony in this matter on July 29, 2020 requesting the NDEN Services Treating Plant #1 be removed from consideration to confiscate in this matter.

New Way testified the NDEN Services Treating Plant #1 was in considerable disrepair when it acquired it from All Clear Environmental, LLC and New Way has spent considerable resources to clean up the site to be put back into service. During its site remediation, New Way removed all tanks and storage containers, removed the liner, excavated soil, and performed soil testing that indicated some contamination above acceptable levels. New Way estimates the remaining workload will involve two days of trucking and disposal of the contaminated soil; New Way intends to complete this work by August 28, 2020.

New Way desires to repermit the treating plant and return it to active status believing the location makes it economically viable. New Way proposes to submit an Application for Treating Plant-Form 1TP permit application by August 21, 2020 and begin construction by September 23, 2020 pending regulatory approval.

(12) New Way currently has a $185,000 surety treating plant bond on file with the Commission, held as a remediation bond and not for treating plant operations. The bond amount for a new treating plant permit will be established by the Commission based upon the application pursuant to NDAC Section 43-02-03-51.3(1).

(13) The NDEN Services Treating Plant #1 is abandoned pursuant to NDAC Section 43-02-03-55(1).

(14) The NDEN Services Treating Plant #1 is currently abandoned and should be brought into compliance by October 1, 2020.

(15) The Director should be authorized to issue an administrative order confiscating the NDEN Services Treating Plant #1 when in the Director's opinion: (a) the treating plant is currently abandoned, (b) the operator is not prudently attempting to bring the treating plant into compliance with Commission rules, and (c) reclaiming the treating plant will protect the environment in a manner that is protective of correlative rights.

(16) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) If the following treating plant has not been brought into compliance with Commission rules by October 1, 2020, the Director is hereby authorized to issue an administrative order confiscating all treating plant-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following treating plant, for the purpose of compensating the Commission for reclamation costs, when in the Director's opinion: (a) the treating plant is currently abandoned, (b) the operator is not prudently attempting to bring the treating plant into compliance with Commission rules, and (c) reclaiming the treating plant will protect the environment in a manner that is protective of correlative rights:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700117-01	NDEN Services Treating Plant #1	Banks	McKenzie	Treating Plant	3/2016

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, the administrative order will transfer title to the Commission. Any person who removes any equipment or fluids from the facility confiscated without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates an order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31050 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

TRENT CLINE
5045 W 126TH CIR
BROOMFIELD, CO 80020

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31051

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the

commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Order No. 28476 entered in Case No. 26063 on October 24, 2017 confiscated the facility, all injection-related equipment, and salable oil associated with the Klandl #26-31X SWD well (File No. 90013), located in the NW/4 NE/4 of Section 26, Township 148 North, Range 105 West, McKenzie County, North Dakota, for the purpose of compensating the Commission for the costs of plugging the well and reclaiming the well site.

(11) Order No. 30284 entered in Case No. 27832 on October 22, 2019 confiscated all equipment and salable oil associated with the Klandl Reclaim Plant (File No. 50068), located in the NW/4 NE/4 of Section 26, Township 148 North, Range 105 West, McKenzie County, North Dakota, for the purpose of compensating the Commission for the costs of reclaiming the site.

(12) The Klandl #26-31X SWD well and the Klandl Reclaim Plant should be dismissed from this motion.

(13) Alturas Energy, LLC (Alturas) is the operator of the following facility in North Dakota:

File No.	Facility Name and No.	Field	County	Facility Type	Last Use
NA	NA	Mondak	McKenzie	Produced water underground gathering system	Unknown

(14) Alturas did not provide written testimony or otherwise appear in this matter.

(15) Alturas is the operator of a produced water underground gathering system that contains the Bennie Peer Lift Station and approximately 50 miles of associated underground pipeline, pumps, valves, risers, and pig launchers. This gathering system is connected to two saltwater disposal wells formerly operated by Alturas, the Hatter #34-43X SWD (File No. 90012) and the Klandl #26-31X SWD (File No. 90013). The Hatter #34-43X SWD and Klandl #26-31X SWD wells were confiscated by the Commission on June 19, 2020 and October 24, 2017, respectively. Both wells have been recently plugged and abandoned by the Commission.

(16) The Alturas produced water underground gathering system is not bonded in compliance with NDAC Section 43-02-03-15(8).

(17) The Alturas produced water underground gathering system is abandoned pursuant to NDCC Section 38-08-02(1).

(18) The Alturas produced water underground gathering system is currently abandoned and is in violation of NDCC Section 38-08-02(1); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said pipeline facility-related equipment and any salable oil at the facility site. The Commission intends to abandon the pipeline facility and restore said site, therefore, confiscation of the pipeline facility-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said site.

(19) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) The Klandl #26-31X SWD well (File No. 90013) and the Klandl Reclaim Plant (Facility No. 50068) are hereby dismissed from this motion.

(2) All pipeline facility-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following produced water underground gathering system currently operated by Alturas Energy, LLC is hereby confiscated by the Commission for the purpose of compensating the Commission for abandonment and reclamation costs:

File No.	Facility Name and No.	Field	County	Facility Type	Last Use
NA	NA	Mondak	McKenzie	Produced water underground gathering system	Unknown

(3) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from the facility or facility site confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31052

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Apollo Resources LLC (Apollo) is the operator of the following treating plant in North Dakota:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700103-01	Madison Treating Plant #1	Little Tank	McKenzie	Treating Plant	10/2016

(11) Counsel for Apollo submitted written testimony in this matter on July 30, 2020 objecting to the proposed confiscation and requesting a continuance.

Apollo argues it was not properly served with notice of this action; that the Commission failed to provide proper notice of the factual allegations against Apollo in violation of due process and the requirements of NDCC Chapter 38-08; that this is a new proceeding by the Commission that constitutes impermissible claim splitting and that the claims in this action must be adjudicated as part of an on-going administrative action between the Commission and Apollo; and that Apollo has not voluntarily abandoned the property and holds the Commission to its proof.

Counsel for Apollo argues it learned of the proceeding on July 30, 2020 and has not had an opportunity to confer with Apollo or prepare any substantive response to the Commission's notice or scheduled hearing. Apollo requests a continuance to allow it an opportunity to confer with counsel and properly prepare a defense.

(12) NDCC Section 38-08-04.9 states, "[a] confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission." NDCC Section 38-08-11(3) states, "[a]ny notice required by this chapter must be given at the election of the commission either in accordance with chapter 28-32 or by one publication in a newspaper of general circulation in the state capital and in a newspaper of general circulation in the county where the land affected, or some part thereof, is situated." Further, NDCC Section 38-08-11(3) states, "[i]n proceedings that do not involve a complaint and a specifically named respondent, including agency hearings on applications seeking some right or authorization from the commission, the notice of hearing must be given at least fifteen days before the hearing, except in cases of emergency."

In accordance with NDCC Section 38-08-11(3), the Commission elected to publish notice of the July 31, 2020 hearing in the following newspapers:

Bismarck Tribune (state capital) on Thursday July 2, 2020;
Billings County Pioneer on Thursday July 2, 2020;
Bottineau Courant (Bottineau County) on Tuesday July 7, 2020;
Bowman County Pioneer on Friday July 3, 2020;
Burke County Tribune on Wednesday July 1, 2020;
Golden Valley News (Golden Valley County) on Thursday July 2, 2020;
Mouse River Journal (McHenry County) on Wednesday July 1, 2020;

McKenzie County Farmer on Wednesday July 1, 2020;
Mountrail County Promoter on Wednesday July 1, 2020;
Renville County Farmer on Wednesday July 1, 2020;
Minot Daily News (Ward County) on Wednesday, July 1, 2020; and
Williston Herald (Williams County) on Friday July 3, 2020.

Service by publication in the state capital and all counties where the confiscated wells or facilities are situated was complete at least fifteen days before the July 31, 2020 hearing.

Additionally, although not required by NDCC Section 38-08-11(3), the Commission also served a copy of the notice directly to Apollo's registered agent on July 10, 2020. Apollo is not in good standing with the Secretary of State in North Dakota; therefore, the Secretary of State serves as its registered agent under NDCC Section 10-01.1-13. Notice of this proceeding was served via the North Dakota Secretary of State on July 10, 2020.

There is no requirement in NDCC Chapter 28-32 (Administrative Agencies Practice Act) or NDCC Chapter 38-08 (Control of Gas and Oil Resources) that the Commission file or serve a complaint on a specifically named respondent in order to confiscate all production, injection, and/or facility-related equipment and salable oil at abandoned wells or facilities pursuant to NDCC Sections 38-08-04 and 38-08-04.9.

This confiscation proceeding is separate from the administrative action that involves penalties for past violations, and does not need to be joined with the administrative action in order to proceed.

There is no requirement in NDCC Section 38-08-04.9 or NDAC Section 43-02-03-55 that the facility has to be "voluntarily abandoned" in order to proceed with a confiscation.

(13) The Madison Treating Plant #1 is abandoned pursuant to NDAC Section 43-02-03-55(1).

(14) The Madison Treating Plant #1 is currently on a $175,000 cash treating plant bond.

(15) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All treating plant-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following treating plant currently operated by Apollo Resources LLC is hereby confiscated by the Commission for the purpose of compensating the Commission for abandonment and reclamation costs:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700103-01	Madison Treating Plant #1	Little Tank	McKenzie	Treating Plant	10/2016

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from the treating plant confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31052 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

MONTE L. ROGNEBY
PO BOX 2097
BISMARCK ND 58502-2097

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31053

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Bakken Western Services, LLC (Bakken Western) is the operator of the following treating plant in North Dakota:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700099-01	Keene Thermal Desorption Treating Plant #1	Blue Buttes	McKenzie	Treating Plant	10/2015

(11) Bakken Western submitted written testimony in this matter on July 29, 2020 objecting to the confiscation of the Keene Thermal Desorption Treating Plant #1. Bakken Western testified it owns the 10-acre site upon which the Keene Thermal Desorption Treating Plant #1 is located and the treating plant equipment is leased. Bakken Western testified the Keene Thermal Desorption Treating Plant #1 has been deactivated and the soil that was on site has been disposed of, and it is in the process of returning the equipment to the lessor.

(12) Bakken Western testified at the hearing on July 31, 2020 that it disposed of several thousand tons of contaminated soil that was stored in a 300,000 square feet building on site, and it has obtained an appraisal of the building and site to facilitate a sale. Bakken Western testified it anticipates the equipment will be removed in a couple of months.

(13) The Keene Thermal Desorption Treating Plant #1 is abandoned pursuant to NDAC Section 43-02-03-55(1).

(14) The Keene Thermal Desorption Treating Plant #1 is currently on a $225,000 cash treating plant bond.

(15) The Keene Thermal Desorption Treating Plant #1 is currently abandoned and should be brought into compliance by October 1, 2020.

(16) The Director should be authorized to issue an administrative order confiscating the Keene Thermal Desorption Treating Plant #1 when in the Director's opinion: (a) the treating plant is currently abandoned, (b) the operator is not prudently attempting to bring the treating plant into compliance with Commission rules, and (c) reclaiming the treating plant will protect the environment in a manner that is protective of correlative rights.

(17) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) If the following treating plant has not been brought into compliance with Commission rules by October 1, 2020, the Director is hereby authorized to issue an administrative order confiscating all treating plant-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following treating plant, for the

purpose of compensating the Commission for reclamation costs, when in the Director's opinion: (a) the treating plant is currently abandoned, (b) the operator is not prudently attempting to bring the treating plant into compliance with Commission rules, and (c) reclaiming the treating plant will protect the environment in a manner that is protective of correlative rights:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700099-01	Keene Thermal Desorption Treating Plant #1	Blue Buttes	McKenzie	Treating Plant	10/2015

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, the administrative order will transfer title to the Commission. Any person who removes any equipment or fluids from the facility confiscated without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates an order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31053 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

BAKKEN WESTERN SERVICES, LLC
810 DOMINICAN DR
NASHVILLE, TN 37228-1906

ROY G. BREELING
11840 NICHOLAS STREET, SUITE 101
OMAHA, NE 68154

DAVID G. LIGON
LIGON INC.
810 DOMINICAN DRIVE
NASHVILLE, TN 37228

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31054

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Berg Specialty Fluids-Holding, LLC (Berg) is the operator of the following treating plant in North Dakota:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700138-01	Fluidtech No. 1 Treatment Plant	Black Slough	Burke	Treating Plant	9/2017

(11) Berg submitted written testimony in this matter on July 29, 2020 indicating it is working to finalize reclamation on the Fluidtech #1 Treatment Plant site and has two final aspects remaining, which are to remove contaminated soil in eight areas and perform final reclamation of the road and pad for the Berg #1 (File No. 7633) saltwater disposal well.

Berg testified it has retained a contractor to remove the soil beginning the week of August 3-7, 2020 that should take four to five days, and then the final reclamation will occur. Berg estimates the work will be completed by September 1, 2020.

Berg requests the Fluidtech #1 Treatment Plant be removed from the Commission's consideration to confiscate in this matter.

(12) The Fluidtech #1 Treatment Plant is abandoned pursuant to NDAC Section 43-02-03-55(1).

(13) The Fluidtech #1 Treatment Plant is currently on a $132,000 surety treating plant bond.

(14) The Fluidtech #1 Treatment Plant is currently abandoned and should be brought into compliance by October 1, 2020.

(15) The Director should be authorized to issue an administrative order confiscating the Fluidtech #1 Treatment Plant when in the Director's opinion: (a) the treating plant is currently abandoned, (b) the operator is not prudently attempting to bring the treating plant into compliance with Commission rules, and (c) reclaiming the treating plant will protect the environment in a manner that is protective of correlative rights.

(16) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) If the following treating plant has not been brought into compliance with Commission rules by October 1, 2020, the Director is hereby authorized to issue an administrative order confiscating all treating plant-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following treating plant, for the

purpose of compensating the Commission for reclamation costs, when in the Director's opinion: (a) the treating plant is currently abandoned, (b) the operator is not prudently attempting to bring the treating plant into compliance with Commission rules, and (c) reclaiming the treating plant will protect the environment in a manner that is protective of correlative rights:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700138-01	Fluidtech No. 1 Treatment Plant	Black Slough	Burke	Treating Plant	9/2017

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, the administrative order will transfer title to the Commission. Any person who removes any equipment or fluids from the facility confiscated without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates an order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31054 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

JEFF ARUNDEL
ASTER CAFE
125 SE MAIN STREET
MINNEAPOLIS, MN 55414

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31055

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Cobra Oil & Gas Corporation (Cobra) is the operator of the following wells in North Dakota:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod/Inj
4684	Government Taylor B 2	Square Butte	Golden Valley	OG	5/2013
5178	Carroll Aitken 1	Glenburn	Renville	OG	11/2016
5474	UCLI 1	Loraine	Renville	OG	6/2020
5486	Crooks 3	Loraine	Renville	OG	6/2020
5940	Bryan 3	Northeast Foothills	Burke	OG	11/2019
6285	Harold Gravseth 1	Northeast Landa	Bottineau	OG	3/2019
7064	Watland 1	Baumann Drain	Bottineau	OG	4/2020
7718	Leo Preskey 2R	Glenburn	Renville	OG	9/2019
8468	Beicegel Creek 27-42	Flat Top Butte	McKenzie	OG	12/2019
8759	Anderson 3-24	Rival	Burke	OG	5/2019
8883	Bowline Creek 35-24	North Branch	McKenzie	OG	3/2014
8916	Ellithorpe 1	Northeast Foothills	Burke	OG	6/2020
8940	Robert Weise 1	Glenburn	Renville	OG	4/2020
9335	Masters 1	Spiral	Burke	OG	2/2020
9362	Burning Mine Butte 9-21	Burning Mine	McKenzie	OG	6/2015
9781	Biwer 1	Temple	Williams	WI	6/2010
10462	North Westhope-Madison Unit GB-2R	North Westhope	Bottineau	OG	3/2020
10620	Alexander 1	McKinney	Renville	OG	4/2020
10786	Lavonne 16-12	McKinney	Renville	OG	4/2020
10980	Tenneco 3-17	McKinney	Renville	OG	2/2020
11083	Tenneco 4-17 SWD	McKinney	Renville	SWD	3/2020
11196	Alexander 3	McKinney	Renville	OG	1/2020
11359	Pierre Creek 41-7	Pierre Creek	McKenzie	OG	2/2020
11910	Berglof 1-A	Eden Valley	Renville	OG	2/2020
12073	Pierre Creek 14-5	Pierre Creek	McKenzie	OG	10/2019
12538	Federal Rivet 6-4	Pierre Creek	McKenzie	OG	9/2019
13399	Federal Rivet 6-5	Pierre Creek	McKenzie	OG	11/2007
13452	Cinnamon Creek 31-7	Cinnamon Creek	McKenzie	OG	9/2012
13787	Federal Rivet 6-7	Pierre Creek	McKenzie	OG	11/2007
15987	EM Buckshot 36-4 H	Lake View	Burke	OG	6/2020
16607	Holbrook 14-16 H	West Greene	Renville	OG	1/2015
20673	NWMU A-11H	North Westhope	Bottineau	OG	6/2019
20681	NWMU A-10H	North Westhope	Bottineau	OG	9/2019

(11) Cobra requested in Case No. 28495 that the Commission confiscate the above-listed wells since they are not candidates for additional operations.

(12) The Government Taylor B 2 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in July 1969

with production continuing until its cessation in May 2013. The Commission approved the well transfer to Cobra on March 6, 2019.

The Carroll Aitken 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in July 1972 with production continuing until its cessation in November 2016. The Commission approved the well transfer to Cobra on March 6, 2019.

The UCLI 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in November 1974 with production continuing through June 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Crooks 3 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in November 1974 with production continuing through June 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Bryan 3 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in October 1976 with production continuing until its cessation in November 2019. The Commission approved the well transfer to Cobra on March 6, 2019.

The Harold Gravseth 1 well is an oil and gas well completed in the Spearfish/Madison Pool. Commission records indicate first production in the Spearfish/Madison Pool occurred in October 1984 with production continuing intermittently until its cessation in March 2019. The Commission approved the well transfer to Cobra on March 6, 2019.

The Watland 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in September 1979 with production continuing intermittently until its cessation in April 2020. The Commission approved the well transfer to Cobra on February 11, 2019.

The Leo Preskey 2R well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in September 1980 with production continuing intermittently until its cessation in September 2019. The Commission approved the well transfer to Cobra on March 6, 2019.

The Beicegel Creek 27-42 well is an oil and gas well completed in the Duperow and Madison Pools. Commission records indicate first production in the Duperow Pool occurred in February 1982 with production continuing through October 2002, and then intermittently from April 2014 until its cessation in December 2019. Commission records indicate first production in the Madison Pool occurred in November 2002 with production continuing intermittently until its cessation in December 2019. The Commission approved the well transfer to Cobra on March 6, 2019.

The Anderson 3-24 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in July 1981 with production

continuing intermittently until its cessation in May 2019. The Commission approved the well transfer to Cobra on March 6, 2019.

The Bowline Creek 35-24 well is an oil and gas well completed in the Red River Pool. Commission records indicate first production in the Red River Pool occurred in April 1982 with production continuing through July 1989, and then from May 1995 until its cessation in March 2014. The Commission approved the well transfer to Cobra on March 6, 2019.

The Ellithorpe 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in December 1981 with production continuing through June 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Robert Weise 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in March 1982 with production continuing until its cessation in April 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Masters 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in June 1982 with production continuing until its cessation in February 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Burning Mine Butte 9-21 well is an oil and gas well completed in the Red River Pool. Commission records indicate first production in the Red River Pool occurred in May 1982 with production continuing until its cessation in June 2015. The Commission approved the well transfer to Cobra on March 6, 2019.

The Biwer 1 well is an injection well completed in the Winnipegosis Pool. Commission records indicate first injection in the Winnipegosis Pool occurred in April 1998 with injection continuing until its cessation in June 2010. The Commission approved the well transfer to Cobra on February 7, 2019. The Biwer 1 well was granted temporarily abandoned status on June 7, 2011 and remains in that status.

The North Westhope-Madison Unit GB-2R well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in December 1983 with production continuing until its cessation in March 2020. The Commission approved the well transfer to Cobra on February 11, 2019.

The Alexander 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in February 1984 with production continuing intermittently until its cessation in April 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Lavonne 16-12 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in May 1984 with production continuing intermittently until its cessation in April 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Tenneco 3-17 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in August 1984 with production continuing intermittently until its cessation in February 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Tenneco 4-17 SWD well is a saltwater disposal well completed in the Dakota Pool. Commission records indicate first injection in the Dakota Pool occurred in September 1985 with injection continuing until its cessation in March 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Alexander 3 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in November 1984 with production continuing intermittently until its cessation in January 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Pierre Creek 41-7 well is an oil and gas well completed in the Birdbear Pool. Commission records indicate first production in the Birdbear Pool occurred in November 1994 with production continuing intermittently until its cessation in February 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Berglof 1-A well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in February 1986 with production continuing intermittently until its cessation in February 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Pierre Creek 14-5 well is an oil and gas well completed in the Red River Pool. Commission records indicate first production in the Red River Pool occurred in January 1988 with production continuing intermittently until its cessation in October 2019. The Commission approved the well transfer to Cobra on March 6, 2019.

The Federal Rivet 6-4 well is an oil and gas well completed in the Duperow and Birdbear Pools. Commission records indicate first production in the Duperow Pool occurred in March 1989 with production continuing intermittently until its cessation in September 2019. Commission records indicate first production in the Birdbear Pool occurred in February 1995 with production continuing intermittently until its cessation in September 2019. The Commission approved the well transfer to Cobra on March 6, 2019.

The Federal Rivet 6-5 well is an oil and gas well completed in the Red River Pool. Commission records indicate first production in the Red River Pool occurred in July 1993 with production continuing intermittently until its cessation in November 2007. The Commission approved the well transfer to Cobra on March 6, 2019. The Federal Rivet 6-5 well was granted temporarily abandoned status on May 30, 2007 but it expired on August 7, 2020.

The Cinnamon Creek 31-7 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in July 2007 with production continuing intermittently until its cessation in September 2012. The Commission

approved the well transfer to Cobra on March 6, 2019. The Cinnamon Creek 31-7 well was granted temporarily abandoned status on September 22, 2004 but it expired on April 2, 2020.

The Federal Rivet 6-7 well is an oil and gas well completed in the Bakken Pool. Commission records indicate first production in the Bakken Pool occurred in October 2002 with production continuing intermittently until its cessation in November 2007. The Commission approved the well transfer to Cobra on March 6, 2019. The Federal Rivet 6-7 well was granted temporarily abandoned status on May 30, 2007 but it expired on August 7, 2020.

The EM Buckshot 36-4 H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in January 2006 with production continuing intermittently through June 2020. The Commission approved the well transfer to Cobra on March 6, 2019.

The Holbrook 14-16 H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in September 2007 with production continuing until its cessation in January 2015. The Commission approved the well transfer to Cobra on February 7, 2019.

The NWMU A-11H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in August 2011 with production continuing intermittently until its cessation in June 2019. The Commission approved the well transfer to Cobra on February 11, 2019.

The NWMU A-10H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in July 2011 with production continuing intermittently until its cessation in September 2019. The Commission approved the well transfer to Cobra on February 11, 2019.

(13) The Government Taylor B 2, Carroll Aitken 1, Bryan 3, Leo Preskey 2R, Bowline Creek 35-24, Ellithorpe 1, Robert Weise 1, Masters 1, Burning Mine Butte 9-21, Pierre Creek 41-7, Berglof 1-A, Pierre Creek 14-5, Federal Rivet 6-4, Federal Rivet 6-5, Cinnamon Creek 31-7, Federal Rivet 6-7, and EM Buckshot 36-4 H wells are currently on a $700,000 surety blanket bond.

(14) The UCLI 1, Crooks 3, Harold Gravseth 1, Anderson 3-24, North Westhope-Madison Unit GB-2R, Alexander 1, Lavonne 16-12, Tenneco 3-17, Tenneco 4-17 SWD, Alexander 3, NWMU A-11H, and NWMU A-10H wells are currently on a $500,000 surety blanket bond.

(15) The Watland 1 well is currently on a $100,000 surety unit blanket bond.

(16) The Biwer 1 well is currently on a $100,000 surety unit blanket bond.

(17) The Holbrook 14-16 H well is currently on a $100,000 surety unit blanket bond.

(18) The Beicegel Creek 27-42 well is currently on a $280,000 single-well surety bond.

(19) Cobra submitted written testimony in Case No. 28530 on July 28, 2020 indicating its support for the Commission to confiscate the above-mentioned wells since they are uneconomic to return to production/injection due to current depressed oil prices, will not be returned to production/injection in the foreseeable future, it is unable to obtain single-well bonds for each well for the full reclamation cost, and it is unable to bring the wells into compliance with the Commission's rules or abandon them prior to the CARES Act deadline.

Cobra objects to the confiscation of the above-listed wells to the extent the Commission intends or is allowed to forfeit, confiscate, or suspend well bonds or initiate a lawsuit to recover its costs for plugging and reclamation. Cobra argues the suspension, forfeiture, or confiscation of bonds will result in a direct financial impact to operators since they are ultimately liable to reimburse the surety company for any claim on the bond, and will create regulatory uncertainty for insurance companies and may result in increased premiums or refusal to bond wells not confiscated by the Commission. Cobra also argues the threat to be sued for plugging and reclamation costs incurred by the Commission adds to the uncertainty and financial strain burdening the industry.

Cobra objects to the confiscation of wells in a secondary recovery unit to the extent the Commission does not limit its authority to confiscate salable oil that is produced from multiple wells and stored in a central tank battery, believing such oil cannot be distinguished from oil produced from non-confiscated wells connected to the central tank battery. Cobra argues the Commission's authority to confiscate salable oil must be limited to situations where the oil is directly attributable to the well confiscated.

Cobra requests the Commission issue an order confiscating all of the above-listed wells provided the Commission agrees to waive its rights with respect to confiscation, forfeiture, or suspension of well bonds and civil lawsuits against operators and/or working interest owners insofar as such rights may be enforced against Cobra in connection with the confiscation of the wells. Cobra also requests the Commission address how it intends to proceed with the confiscation of salable oil attributable to confiscated wells producing from a secondary recovery unit when such oil cannot be distinguished from salable oil produced from a non-confiscated well producing from the same unit.

(20) The Commission intends to first exhaust any funds available to it under the CARES Act; however, the Commission does not waive, and reserves all rights to pursue confiscation, forfeiture, or suspension of well bonds, civil action, and all other remedies available to the Commission under the North Dakota law.

(21) NDAC Sections 43-02-03-48 and 43-02-03-48.1 require the accurate determination of a well's oil production. NDAC Section 43-02-03-52 requires the operator of each well completed in any pool shall, on or before the first day of the second month succeeding the month in which production occurs or could occur, file with the Director the amount of production made by each such well upon Form 5 or approved computer sheets. There are no exceptions for wells in a secondary recovery unit. Cobra should be able to, and is required to be able to, accurately account for oil produced from each well and how much oil in storage is attributable to each well regardless if it is in a single-well battery, a central tank battery, or a unit central tank battery.

(22) As discussed above, NDCC Section 38-08-04.9 states in part that when the Commission intends to exercise or has exercised its right to plug a well or reclaim a well site or production facility, the Commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site or production facility. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the Commission exercises its authority under this section and there is salable oil at the well site, that oil **must** be confiscated. (emphasis added). There is no exception for wells in a secondary recovery unit. The Commission does not intend to confiscate any salable oil not produced by a confiscated well.

(23) The UCLI 1 well last produced in June 2020; the Crooks 3 well last produced in June 2020; the Bryan 3 well last produced in November 2019; the Watland 1 well last produced in April 2020; the Leo Preskey 2R well last produced in September 2019; the Beicegel Creek 27-42 well last produced in December 2019; the Ellithorpe 1 well last produced in June 2020; the Robert Weise 1 well last produced in April 2020; the Masters 1 well last produced in February 2020; the North Westhope-Madison Unit GB-2R well last produced in March 2020; the Alexander 1 well last produced in April 2020; the Lavonne 16-12 well last produced in April 2020; the Tenneco 3-17 well last produced in February 2020; the Alexander 3 well last produced in January 2020; the Pierre Creek 41-7 well last produced in February 2020; the Berglof 1-A well last produced in February 2020; the Pierre Creek 14-5 well last produced in October 2019; the Federal Rivet 6-4 well last produced in September 2019; the EM Buckshot 36-4 H well last produced in June 2020; and the NWMU A-10H well last produced in September 2019, but as indicated above, Cobra testified they were and are incapable of producing oil or natural gas in paying quantities over the last year; therefore, said wells are currently in abandoned-well status pursuant to NDCC Section 38-08-04(1)(a)(12).

(24) The Biwer 1 well has been inactive for an extended period of time and pursuant to NDAC Section 43-02-03-55(1) should be plugged and abandoned.

(25) The Tenneco 4-17 SWD well is in the McKinney Field. Subsequent to Order No. 30988 entered in Case No. 28495 and Order No. 31050 entered in Case No. 28530, all wells in the McKinney Field, except the Tenneco 4-17 SWD well, have been or will be confiscated by the Commission; therefore, the Tenneco 4-17 SWD well will have no economic purpose and should be plugged and abandoned pursuant to Cobra's request.

(26) The Government Taylor B 2, Carroll Aitken 1, UCLI 1, Crooks 3, Bryan 3, Harold Gravseth 1, Watland 1, Leo Preskey 2R, Beicegel Creek 27-42, Anderson 3-24, Bowline Creek 35-24, Ellithorpe 1, Robert Weise 1, Masters 1, Burning Mine Butte 9-21, North Westhope-Madison Unit GB-2R, Alexander 1, Lavonne 16-12, Tenneco 3-17, Alexander 3, Pierre Creek 41-7, Berglof 1-A, Pierre Creek 14-5, Federal Rivet 6-4, Federal Rivet 6-5, Cinnamon Creek 31-7, Federal Rivet 6-7, EM Buckshot 36-4 H, Holbrook 14-16 H, NWMU A-11H, and NWMU A-10H wells are currently abandoned producers or in abandoned-well status and are in violation of NDCC Section 38-08-04(1)(a)(12); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said production-related equipment and any salable oil at the well sites. The Commission intends to plug the wells and restore said sites, therefore, confiscation of the production-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said sites.

(27) Biwer 1 well is in violation of NDAC Section 43-02-03-55(1) and Cobra requests the Tenneco 4-17 SWD well be plugged and abandoned since it has no economic purpose; therefore, they should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said injection-related equipment and any salable oil at the well sites. The Commission intends to plug the wells and restore said sites, therefore, confiscation of the injection-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said sites.

(28) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All production and injection-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following wells currently operated by Cobra Oil & Gas Corporation is hereby confiscated by the Commission for the purpose of compensating the Commission for plugging and reclamation costs:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod/Inj
4684	Government Taylor B 2	Square Butte	Golden Valley	OG	5/2013
5178	Carroll Aitken 1	Glenburn	Renville	OG	11/2016
5474	UCLI 1	Loraine	Renville	OG	6/2020
5486	Crooks 3	Loraine	Renville	OG	6/2020
5940	Bryan 3	Northeast Foothills	Burke	OG	11/2019
6285	Harold Gravseth 1	Northeast Landa	Bottineau	OG	3/2019
7064	Watland 1	Baumann Drain	Bottineau	OG	4/2020
7718	Leo Preskey 2R	Glenburn	Renville	OG	9/2019
8468	Beicegel Creek 27-42	Flat Top Butte	McKenzie	OG	12/2019
8759	Anderson 3-24	Rival	Burke	OG	5/2019
8883	Bowline Creek 35-24	North Branch	McKenzie	OG	3/2014
8916	Ellithorpe 1	Northeast Foothills	Burke	OG	6/2020
8940	Robert Weise 1	Glenburn	Renville	OG	4/2020
9335	Masters 1	Spiral	Burke	OG	2/2020
9362	Burning Mine Butte 9-21	Burning Mine	McKenzie	OG	6/2015
9781	Biwer 1	Temple	Williams	WI	6/2010
10462	North Westhope-Madison Unit GB-2R	North Westhope	Bottineau	OG	3/2020
10620	Alexander 1	McKinney	Renville	OG	4/2020
10786	Lavonne 16-12	McKinney	Renville	OG	4/2020
10980	Tenneco 3-17	McKinney	Renville	OG	2/2020
11083	Tenneco 4-17 SWD	McKinney	Renville	SWD	3/2020
11196	Alexander 3	McKinney	Renville	OG	1/2020
11359	Pierre Creek 41-7	Pierre Creek	McKenzie	OG	2/2020
11910	Berglof 1-A	Eden Valley	Renville	OG	2/2020
12073	Pierre Creek 14-5	Pierre Creek	McKenzie	OG	10/2019
12538	Federal Rivet 6-4	Pierre Creek	McKenzie	OG	9/2019

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
13399	Federal Rivet 6-5	Pierre Creek	McKenzie	OG	11/2007
13452	Cinnamon Creek 31-7	Cinnamon Creek	McKenzie	OG	9/2012
13787	Federal Rivet 6-7	Pierre Creek	McKenzie	OG	11/2007
15987	EM Buckshot 36-4 H	Lake View	Burke	OG	6/2020
16607	Holbrook 14-16 H	West Greene	Renville	OG	1/2015
20673	NWMU A-11H	North Westhope	Bottineau	OG	6/2019
20681	NWMU A-10H	North Westhope	Bottineau	OG	9/2019

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from a well or well site confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31055 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

JEFF R. DILLARD
COBRA OIL & GAS CORPORATION
PO BOX 8206
WITCHITA FALLS, TX 76307-8206

C T CORPORATION SYSTEM
120 W SWEET AVE
BISMARCK, ND 58504

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31056

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) DES, LLC (DES) is the operator of the following wells in North Dakota:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod/Inj
12529	Miller F 12-13	Greenbush	Ward	SWD	6/2020
13351	Triplett 1-2	Ivanhoe	Renville	OG	3/2020

(11) DES requested in Case No. 28495 that the Commission confiscate the above-listed wells since James Holstein, a partner in DES, has been declared incompetent. Rhonda Holstein appeared in Case No. 28495 as guardian for James Holstein.

(12) The Miller F 12-13 well is a saltwater disposal well completed in the Dakota Pool. Commission records indicate first injection in the Dakota Pool occurred in July 1989 with injection continuing intermittently through June 2020. The Commission approved the well transfer to DES on January 17, 2019.

The Triplett 1-2 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in June 1992 with production continuing intermittently until its cessation in March 2020. The Commission approved the well transfer to DES on October 18, 2017. The last sustained production for the Triplett 1-2 well was between June 2019 and March 2020, inclusive when it averaged 3.89 barrels of oil per day with an approximate 87.6% water cut.

(13) The Miller F 12-13 and Triplett 1-2 wells are currently on a $100,000 surety blanket bond.

(14) The Triplett 1-2 well last produced in March 2020 but as indicated above, it is and has been incapable of producing oil or natural gas in paying quantities over the last year; therefore, said well is currently in abandoned-well status pursuant to NDCC Section 38-08-04(1)(a)(12).

(15) The Miller F 12-13 well is in the Greenbush Field and subsequent to Order No. 30992 entered in Case No. 28495, all DES operated wells in the Greenbush Field, except the Miller F 12-13 well will have been confiscated by the Commission; therefore, the Miller F 12-13 well will have no economic purpose and should be plugged and abandoned pursuant to DES' request.

(16) The Triplett 1-2 well is currently in abandoned-well status and is in violation of NDCC Section 38-08-04(1)(a)(12); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said production-related equipment and any salable oil at the well site. The Commission intends to plug the well and restore said site, therefore, confiscation of the production-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said site.

(17) DES requests the Miller F 12-13 well be plugged and abandoned since it has no economic purpose; therefore, it should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said injection-related equipment and any salable oil at the well site. The Commission intends to plug the well and restore said site, therefore, confiscation of the injection-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said site.

(18) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All production and injection-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following wells currently operated by DES, LLC is hereby confiscated by the Commission for the purpose of compensating the Commission for plugging and reclamation costs:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod/Inj
12529	Miller F 12-13	Greenbush	Ward	SWD	6/2020
13351	Triplett 1-2	Ivanhoe	Renville	OG	3/2020

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from a well or well site confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31056 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

JAMES HOLSTEN
406 1ST AVE NE
PO BOX 519
MOHALL, ND 58761-0519

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31057

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Eagle Operating, Inc. (Eagle) is the operator of the following wells in North Dakota:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod/Inj
3392	E. Goetz 1	Northwest McGregor	Williams	OG	3/2020
4093	Ter Haar 1	North Haas	Bottineau	OG	4/2020
4965	Elberg 1	Lake Darling	Renville	OG	4/2020
4980	Schultz 1	Lake Darling	Renville	OG	3/2020
4985	Swift SWD 1	Lake Darling	Renville	SWD	6/2020
5737	Carlson 23-35	Clay	Renville	OG	4/2020
8660	Marie Weber 1	Glenburn	Renville	OG	2/2020
9058	Brandjord Kjelshus 9-10	Scandia	Bottineau	OG	1/2017
9108	Kjelshus 9-11	Scandia	Bottineau	OG	2/2020
11960	Carlson Paul 4-27	Smith	Renville	OG	4/2020
12077	Lady Hawk 44-15	West Greene	Renville	SWD	6/2020
12553	JR 2-6	Pratt	McHenry	OG	3/2020
13875	E-M Leland 10-15	West Greene	Renville	OG	2/2020
14616	Davis Olson 12-30	Norma	Renville	OG	3/2020
15638	Tigger 25-8	Norma	Ward	OG	4/2020
17317	E-M Emmel 10-3	Newporte	Renville	OG	Never

(11) Eagle requested in Case No. 28495 that the Commission confiscate the above-listed wells since none are currently producing, none are likely to be brought back to production or serve any other beneficial purpose at this time or in the foreseeable future.

(12) The E. Goetz 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in October 1964 with production continuing until its cessation in October 1969, and then from October 1974 intermittently until its cessation in March 2020. The Commission approved the well transfer to Eagle on July 18, 1991.

The Ter Haar 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in July 1966 with production continuing until its cessation in April 2020. The Commission approved the well transfer to Eagle on January 24, 2002.

The Elberg 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in October 1970 with production continuing until its cessation in April 2020. The Commission approved the well transfer to Eagle on July 18, 1991.

The Schultz 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in November 1970 with production

continuing intermittently until its cessation in March 2020. The Commission approved the well transfer to Eagle on July 18, 1991.

The Swift SWD 1 well is a saltwater disposal well completed in the Dakota Pool. Commission records indicate first injection in the Dakota Pool occurred in June 1971 with injection continuing through June 2020. The Commission approved the well transfer to Eagle on May 21, 2001.

The Carlson 23-35 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in March 1976 with production continuing intermittently until its cessation in April 2020. The Commission approved the well transfer to Eagle on July 18, 1991.

The Marie Weber 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in November 1981 with production continuing intermittently until its cessation in February 2020. The Commission approved the well transfer to Eagle on July 18, 1991.

The Brandjord Kjelshus 9-10 well is an oil and gas well completed in the Spearfish/Madison Pool. Commission records indicate first production in the Spearfish/Madison Pool occurred in December 1981 with production continuing intermittently until its cessation in January 2017. The Brandjord Kjelshus 9-10 well was plugged and abandoned on September 29, 2016. The Commission approved the well transfer to Eagle on January 24, 2002.

The Kjelshus 9-11 well is an oil and gas well completed in the Spearfish/Madison Pool. Commission records indicate first production in the Spearfish/Madison Pool occurred in December 1981 with production continuing intermittently until its cessation in February 2020. The Commission approved the well transfer to Eagle on January 24, 2002.

The Carlson Paul 4-27 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in October 1986 with production continuing intermittently until its cessation in April 2020. The Commission approved the well transfer to Eagle on November 17, 1992.

The Lady Hawk 44-15 well is a saltwater disposal well completed in the Dakota Pool. Commission records indicate first injection in the Dakota Pool occurred in November 1991 with injection continuing through June 2020. The Commission approved the well transfer to Eagle on July 23, 1991.

The JR 2-6 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in May 1989 with production continuing intermittently until its cessation in March 2020. The Commission approved the well transfer to Eagle on April 29, 1992.

The E-M Leland 10-15 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in May 1996 with production continuing intermittently until its cessation in February 2020.

The Davis Olson 12-30 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in May 1997 with production continuing intermittently until its cessation in March 2020. The Commission approved the well transfer to Eagle on December 17, 1998.

The Tigger 25-8 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in September 2004 with production continuing intermittently until its cessation in April 2020.

The E-M Emmel 10-3 well is an oil and gas well completed in the Cambro/Ordovician Pool but it has never produced. The E-M Emmel 10-3 well was granted temporarily abandoned status on December 8, 2009 and remains in that status.

(13) The E. Goetz 1, Ter Haar 1, Elberg 1, Schultz 1, Carlson 23-35, Marie Weber 1, Brandjord Kjelshus 9-10, Kjelshus 9-11, Carlson Paul 4-27, Lady Hawk 44-15, JR 2-6, E-M Leland 10-15, and Davis Olson 12-30 wells are currently on a $100,000 surety blanket bond.

(14) The Swift SWD 1 and Tigger 25-8 wells are currently on a $100,000 surety blanket bond.

(15) The E-M Emmel 10-3 well is currently on a $50,000 surety blanket bond.

(16) Eagle submitted written testimony in Case No. 28530 on July 29, 2020 indicating the above-listed wells should be confiscated because none are currently producing, none are likely to be brought back to production or serve any other beneficial purpose at this time or in the foreseeable future, and Eagle will not be able to bring them into compliance with Commission rules prior to the CARES Act deadline.

Eagle requests the above-listed wells be confiscated conditioned upon the Commission proceeding in a manner that does not impose financial liability upon Eagle or other operators and working interest owners. Eagle objects to the Commission's authority to confiscate well bonds and commence legal action against operators to recoup the costs of plugging and reclaiming confiscated wells.

Eagle argues the confiscation, forfeiture, or suspension of well bonds will result in a direct financial impact to operators, as principals under such bonds, since they are ultimately liable under the bond surety agreement for payment in the event the bond is forfeited or confiscated. Eagle argues lawsuits to recover plugging and reclamation costs incurred by the Commission impose additional liability upon operators and are inherently unfair as operators and working interest owners will not have been able to negotiate or otherwise approve or disapprove of the plugging or reclamation operations or the costs incurred in connection therewith, conducted by or at the direction of the Commission.

Eagle supports the confiscation of the above-listed wells by the Commission pursuant to its objections set forth herein, and requests the Commission enter an order stating the Commission waives its right to confiscate, forfeit, or suspend Eagle's well bonds and/or maintain a cause of action against Eagle or any working interest owner in order to recover the Commission's cost for plugging and reclamation of the wells.

(17) The Commission intends to first exhaust any funds available to it under the CARES Act; however, the Commission does not waive, and reserves all rights to pursue confiscation, forfeiture, or suspension of well bonds, civil action, and all other remedies available to the Commission under the North Dakota law.

(18) The E. Goetz 1 well last produced in March 2020; the Ter Haar 1 well last produced in April 2020; the Elberg 1 well last produced in April 2020; the Schultz 1 well last produced in March 2020; the Carlson 23-35 well last produced in April 2020; the Marie Weber 1 well last produced in February 2020; the Kjelshus 9-11 well last produced in February 2020; the Carlson Paul 4-27 well last produced in April 2020; the JR 2-6 well last produced in March 2020; the E-M Leland 10-15 well last produced in February 2020; the Davis Olson 12-30 well last produced in March 2020; and the Tigger 25-8 well last produced in April 2020 but as indicated above, Eagle testified they were and are incapable of producing oil or natural gas in paying quantities over the last year; therefore, said wells are currently in abandoned-well status pursuant to NDCC Section 38-08-04(1)(a)(12).

(19) The E. Goetz 1, Ter Haar 1, Elberg 1, Schultz 1, Carlson 23-35, Marie Weber 1, Brandjord Kjelshus 9-10, Kjelshus 9-11, Carlson Paul 4-27, JR 2-6, E-M Leland 10-15, Davis Olson 12-30, Tigger 25-8, and E-M Emmel 10-3 wells are currently abandoned producers or in abandoned-well status and are in violation of NDCC Section 38-08-04(1)(a)(12); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said production-related equipment and any salable oil at the well sites. The Commission intends to plug the wells and restore said sites, therefore, confiscation of the production-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said sites.

(20) The Swift SWD 1 well is in the Lake Darling Field and subsequent to Order No. 31057 entered in Case No. 28530, all Eagle operated wells in the Lake Darling Field, except the Swift SWD 1 well will have been confiscated by the Commission; therefore, the Swift SWD 1 well will have no economic purpose and should be plugged and abandoned pursuant to Eagle's request.

(21) The Lady Hawk 44-15 well is in the West Greene Field and subsequent to Order No. 31057 entered in Case No. 28530, all Eagle operated wells in the West Greene Field, except the Lady Hawk 44-15 well will have been confiscated by the Commission; therefore, the Lady Hawk 44-15 well will have no economic purpose and should be plugged and abandoned pursuant to Eagle's request.

(22) Eagle requests the Swift SWD 1 and Lady Hawk 44-15 wells be plugged and abandoned since they have no economic purpose; therefore, they should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said injection-related equipment and any salable oil at the well sites. The Commission intends to plug the wells and restore said sites, therefore, confiscation of the injection-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said sites.

(23) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All production and injection-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following wells currently operated by Eagle Operating, Inc. are hereby confiscated by the Commission for the purpose of compensating the Commission for plugging and reclamation costs:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod/Inj
3392	E. Goetz 1	Northwest McGregor	Williams	OG	3/2020
4093	Ter Haar 1	North Haas	Bottineau	OG	4/2020
4965	Elberg 1	Lake Darling	Renville	OG	4/2020
4980	Schultz 1	Lake Darling	Renville	OG	3/2020
4985	Swift SWD 1	Lake Darling	Renville	SWD	6/2020
5737	Carlson 23-35	Clay	Renville	OG	4/2020
8660	Marie Weber 1	Glenburn	Renville	OG	2/2020
9058	Brandjord Kjelshus 9-10	Scandia	Bottineau	OG	1/2017
9108	Kjelshus 9-11	Scandia	Bottineau	OG	2/2020
11960	Carlson Paul 4-27	Smith	Renville	OG	4/2020
12077	Lady Hawk 44-15	West Greene	Renville	SWD	6/2020
12553	JR 2-6	Pratt	McHenry	OG	3/2020
13875	E-M Leland 10-15	West Greene	Renville	OG	2/2020
14616	Davis Olson 12-30	Norma	Renville	OG	3/2020
15638	Tigger 25-8	Norma	Ward	OG	4/2020
17317	E-M Emmel 10-3	Newporte	Renville	OG	Never

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from a well or well site confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31057 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

ROBERT MAU
2501 6TH ST SE STE B
MINOT, ND 58701-3157

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31058

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) MBI Oil & Gas, LLC (MBI) is the operator of the following wells in North Dakota:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
15648	Lynn 2	Indian Hill	McKenzie	OG	6/2020
15781	Lynn 3H	Indian Hill	McKenzie	OG	6/2020
16135	LM 2	Banks	McKenzie	OG	7/2018

(11) MBI requested in Case No. 28495 that the Commission confiscate the Lynn 2, Lynn 3H, and LM 2 wells since they are not suited for any type of rework operation and are not economical to return to active status.

(12) The Lynn 2 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in June 2006 with production continuing through June 2020. The Commission approved the well transfer to MBI on February 24, 2011.

The Lynn 3H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in November 2006 with production continuing through June 2020. The Commission approved the well transfer to MBI on February 24, 2011.

The LM 2 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in April 2006 with production continuing intermittently until its cessation in July 2018. The Commission approved the well transfer to MBI on February 24, 2011. On November 30, 2018, the Commission revoked its approval of MBI's intent to plug and abandon the LM 2 well that was granted on February 8, 2016. The Commission determined there was a possible wellbore communication event due to completion operations in the area and further evaluation of the plugging procedure is necessary. Additional development plans in the area also may warrant monitoring of the LM 2 well during completion operations.

(13) The Lynn 2, Lynn 3H, and LM 2 wells are currently on a $100,000 cash blanket bond.

(14) MBI submitted written testimony in Case No. 28530 on July 23, 2020 indicating the above mentioned wells should be confiscated because they are not economic to return to production in the foreseeable future and are not candidates for rework operations, and it will not be able to bring the subject wells into compliance with Commission rules prior to the CARES Act deadline.

MBI testified it supports the confiscation of the subject wells but objects to the Commission's authority to confiscate, forfeit, and suspend well bonds as a means to recover its cost for plugging and reclamation of the wells, and to initiate lawsuits against operators and working

interest owners to recover its costs. MBI argues the Commission's well plugging program should be administered with, and limited to, the federal funds allocated to it through the CARES Act and at no additional cost or liability to operators and working interest owners.

(15) The Commission intends to first exhaust any funds available to it under the CARES Act; however, the Commission does not waive, and reserves all rights to pursue confiscation, forfeiture, or suspension of well bonds, civil action, and all other remedies available to the Commission under North Dakota law.

(16) The Lynn 2 and Lynn 3H wells last produced in June 2020 but as indicated above, MBI testified they were and are incapable of producing oil or natural gas in paying quantities over the last year; therefore, the Lynn 2 and Lynn 3H wells are currently in abandoned-well status pursuant to NDCC Section 38-08-04(1)(a)(12).

(17) The Lynn 2, Lynn 3H, and LM 2 wells are currently abandoned producers or in abandoned-well status and are in violation of NDCC Section 38-08-04(1)(a)(12); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said production-related equipment and any salable oil at the well sites. The Commission intends to plug the wells and restore said sites, therefore, confiscation of the production-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said sites.

(18) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All production equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following wells currently operated by MBI Oil & Gas, LLC is hereby confiscated by the Commission for the purpose of compensating the Commission for plugging and reclamation costs:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
15648	Lynn 2	Indian Hill	McKenzie	OG	6/2020
15781	Lynn 3H	Indian Hill	McKenzie	OG	6/2020
16135	LM 2	Banks	McKenzie	OG	7/2018

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from a well or well site confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31058 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

MIKE REICHERT
MBI OIL & GAS, LLC
103 5TH ST SE
DICKINSON, ND 58601

JAMES R ARTHAUD
103 5TH ST SE
DICKINSON, ND 58601-

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31059

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55 states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned.

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Newalta Environmental Services, Inc. (Newalta) is the operator of the following treating plants in North Dakota:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700088-08	New Town Fluid Treating Plant #1	Van Hook	Mountrail	Treating Plant	8/2018
700115-01	Alexander Treating Plant #1	Pronghorn	McKenzie	Treating Plant	7/2016

(11) Tervita Environmental Services Inc. (Tervita) acquired Newalta and the Commission approved the principle name change from Newalta to Tervita on August 6, 2020.

(12) Tervita submitted written testimony in this matter on July 24, 2020 acknowledging operations at the New Town Fluid Treating Plant #1 have been suspended for over one year. Tervita testified it decided on or about January 30, 2020 it was exiting the United States market and focused on divestiture of its United States assets, and has received a Letter of Intent from a buyer for the New Town Fluid Treating Plant #1. The purchase is scheduled to close on August 14, 2020. Tervita testified it and the potential purchaser have invested substantial resources and capital in the last three weeks to facilitate the purchase and operation of the New Town Fluid Treating Plant #1. Tervita believes the New Town Fluid Treating Plant #1 can be economically returned to operation at a $30 West Texas Intermediate oil price. Tervita requests the New Town Fluid Treating Plant #1 not be confiscated and it be given a deadline of October 1, 2020 to return to operation.

Tervita submitted written testimony in this matter on July 24, 2020 acknowledging operations at the Alexander Treating Plant #1 have been suspended for over one year. Tervita testified it acquired the Alexander Treating Plant #1 in the summer of 2018 and the associated Helling Alexander SWD #1 (File No. 90241) saltwater disposal well in the fall of 2018 and invested substantial resources to ensure its operational status. Tervita testified it decided on or about January 30, 2020 it was exiting the United States market and focused on divestiture of its United States assets, and has received a Letter of Intent from a buyer for the Alexander Treating Plant #1 and the Helling Alexander SWD #1 well. The purchase is scheduled to close on August 14, 2020. Tervita believes the Alexander Treating Plant #1 can be economically returned to operation at a $30 West Texas Intermediate oil price. Tervita requests the Alexander Treating Plant #1 not be confiscated and it be given a deadline of October 1, 2020 to return to operation. Tervita noted Order No. 30980 entered in Case No. 28495 on June 19, 2020 granted Tervita until September 1, 2020 to furnish a commercial saltwater disposal well bond in the amount of $100,000 for the Helling Alexander SWD #1 well and until October 1, 2020 to put it back on injection and bring it into compliance with Commission rules.

(13) Tervita currently has a $221,340 surety treating plant bond on file with the Commission for the New Town Fluid Treating Plant #1 and a $235,000 surety treating plant bond on file with the Commission for the Alexander Treating Plant #1.

(14) The New Town Fluid Treating Plant #1 and the Alexander Treating Plant #1 are abandoned pursuant to NDAC Section 43-02-03-55(1).

(15) The New Town Fluid Treating Plant #1 and the Alexander Treating Plant #1 are currently abandoned and should be brought into compliance by October 1, 2020.

(16) The Director should be authorized to issue an administrative order confiscating the New Town Fluid Treating Plant #1 or the Alexander Treating Plant #1 when in the Director's opinion: (a) the treating plant is currently abandoned, (b) the operator is not prudently attempting to bring the treating plant into compliance with Commission rules, and (c) reclaiming the treating plant will protect the environment in a manner that is protective of correlative rights.

(17) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) If the following treating plants have not been brought into compliance with Commission rules by October 1, 2020, the Director is hereby authorized to issue an administrative order confiscating all treating plant-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following treating plants, for the purpose of compensating the Commission for reclamation costs, when in the Director's opinion: (a) the treating plant is currently abandoned, (b) the operator is not prudently attempting to bring the treating plant into compliance with Commission rules, and (c) reclaiming the treating plant will protect the environment in a manner that is protective of correlative rights:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700088-08	New Town Fluid Treating Plant #1	Van Hook	Mountrail	Treating Plant	8/2018
700115-01	Alexander Treating Plant #1	Pronghorn	McKenzie	Treating Plant	7/2016

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, the administrative order will transfer title to the Commission. Any person who removes any equipment or fluids from a facility confiscated without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates an order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31059 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

CHAD BROWN
TERVITA
1600, 140 10TH AVENUE S.E.
CALGARY, AB CANADA T2G 0R1

C T CORPORATION SYSTEM
120 W SWEET AVE
BISMARCK, ND 58504

NELSON LIU
TERVITA
1600, 140 10TH AVENUE S.E.
CALGARY, AB CANADA T2G 0R1

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31060

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Paul Rankin Inc. (Rankin) is the operator of the following wells in North Dakota:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
10080	Grace Oyloe 1-4	Eightmile	Williams	OG	11/2018
10159	L. Papineau U.S.A. 1	Elk	McKenzie	OG	6/2019

(11) Rankin requested in Case No. 28495 that the Commission confiscate the Grace Oyloe 1-4 and L. Papineau U.S.A. 1 wells. Rankin testified in Case No. 28495 the Grace Oyloe 1-4 well is currently in abandoned status; last produced oil in November 2018; has produced very sporadically since 2015 totaling less than 3,000 barrels of oil never producing more than 10 barrels per day; and is currently uneconomic to produce at the current oil prices and cannot be returned to production economically in the foreseeable future.

Rankin testified in Case No. 28495 the L. Papineau U.S.A. 1 well is currently in inactive status and will be in abandoned status before December 31, 2020; last produced oil in June 2019; has produced very sporadically since 2015 totaling less than 3,000 barrels of oil never producing more than 9 barrels per day; and is currently uneconomic to produce at the current oil prices and cannot be returned to production economically in the foreseeable future.

(12) The Grace Oyloe 1-4 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in May 1984 with production continuing until its cessation in November 2018. The Commission approved the well transfer to Rankin on December 31, 1990.

The L. Papineau U.S.A. 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in August 1983 with production continuing until its cessation in June 2019. The Commission approved the well transfer to Rankin on December 31, 1990.

(13) The Grace Oyloe 1-4 and L. Papineau U.S.A. 1 wells are currently on a $100,000 surety blanket bond.

(14) Rankin submitted written testimony in Case No. 28530 on July 21, 2020 but did not provide verbal testimony since it testified at the June 10, 2020 well confiscation hearing.

Rankin testified in Case No. 28530 it does not object to the Commission plugging the wells under the CARES Act as long as it does not negatively impact Rankin's bonds or the other wells it operates in North Dakota.

(15) The Commission intends to first exhaust any funds available to it under the CARES Act; however, the Commission does not waive, and reserves all rights to pursue confiscation,

forfeiture, or suspension of well bonds, civil action, and all other remedies available to the Commission under North Dakota law.

(16) The Grace Oyloe 1-4 and L. Papineau U.S.A. 1 wells are currently abandoned producers and in violation of NDCC Section 38-08-04(1)(a)(12); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said production-related equipment and any salable oil at the well sites. The Commission intends to plug the wells and restore the sites; therefore, confiscation of the production-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of the wells and sites.

(17) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All production-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following wells currently operated by Paul Rankin Inc. is hereby confiscated by the Commission for the purpose of compensating the Commission for plugging and reclamation costs:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
10080	Grace Oyloe 1-4	Eightmile	Williams	OG	11/2018
10159	L. Papineau U.S.A. 1	Elk	McKenzie	OG	6/2019

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from the wells and sites confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31060 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

PAUL RANKIN
PAUL RANKIN INC.
533 WASHINGTON AVE
BRIDGEVILLE, PA 15017

LAWCO OF NORTH DAKOTA, INC.
1547 CREEKSIDE DR W
WILLISTON, ND 58801-3731

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31061

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Pride Energy, An Oklahoma General Partnership (Pride) is the operator of the following wells in North Dakota:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
6776	USA 32-23-21	MonDak	McKenzie	OG	5/2019
7155	USA 23-33-41	MonDak	McKenzie	OG	4/2019
7172	USA 43-30-45	MonDak	McKenzie	OG	4/2019
12814	Elkhorn Short Com. 3	Elkhorn Ranch	Billings	OG	4/2020
12908	Blacktail Federal 5-13	Elkhorn Ranch	Billings	OG	4/2020
14635	Squaw Gap Federal 14-30H	Squaw Gap	McKenzie	OG	5/2019

(11) Pride requested in Case No. 28495 that the Commission confiscate the USA 32-23-21, USA 23-33-41, USA 43-30-45, Elkhorn Short Com. 3, Blacktail Federal 5-13, and Squaw Gap Federal 14-30H wells since they have no beneficial use.

(12) The USA 32-23-21 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in July 1980 with production continuing intermittently until its cessation in May 2019. The Commission approved the well transfer to Pride on April 12, 2000.

The USA 23-33-41 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in August 1980 with production continuing intermittently until its cessation in April 2019. The Commission approved the well transfer to Pride on April 12, 2000.

The USA 43-30-45 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in November 1980 with production continuing intermittently until its cessation in April 2019. The Commission approved the well transfer to Pride on April 12, 2000.

The Elkhorn Short Com. 3 well is an oil and gas well completed in the Bakken Pool. Commission records indicate first production in the Bakken Pool occurred in March 1990 with production continuing intermittently until its cessation in April 2020. The Commission approved the well transfer to Pride on October 25, 1999. The Commission sent a letter to Pride dated June 19, 2019 informing it the Elkhorn Short Com. 3 well has not produced oil or gas in paying quantities in over one year and is an abandoned well pursuant to NDCC Section 38-08-04(1)(a)(12). The Commission allowed Pride until December 19, 2019 to return the well to production in paying quantities; to be approved by the Commission for temporarily abandonment status; or to be plugged and reclaimed or the Commission would require the well to be placed immediately on a single-well bond in an amount equal to the cost of plugging the well and reclaiming the well site. Pride failed to respond.

The Blacktail Federal 5-13 well is an oil and gas well completed in the Bakken Pool. Commission records indicate first production in the Bakken Pool occurred in July 1990 with production continuing intermittently until its cessation in April 2020. The Commission approved the well transfer to Pride on October 25, 1999.

The Squaw Gap Federal 14-30H well is an oil and gas well completed in the Bakken Pool. Commission records indicate first production in the Bakken Pool occurred in September 1997, continuing through November 1997, and then from October 2014 intermittently until its cessation in May 2019. The Commission approved the well transfer to Pride on March 5, 2001.

(13) The USA 32-23-21, USA 23-33-41, USA 43-30-45, Elkhorn Short Com. 3, Blacktail Federal 5-13, and Squaw Gap Federal 14-30H wells are currently on a $100,000 surety blanket bond.

(14) Pride submitted written testimony in this matter on July 29, 2020 indicating the above mentioned wells should be confiscated because they are not economic to return to production in the foreseeable future and are not candidates for rework operations or other beneficial uses, and it will not be able to bring the subject wells into compliance with Commission rules prior to the CARES Act deadline.

Pride requests the Commission confiscate the subject wells, provided the Commission's order for confiscation contains an express waiver by the Commission of its rights with respect to bond confiscation, forfeiture and suspension and with respect to the Commission's authority to maintain lawsuits against operators and working interest owners in order to recover its costs for plugging and reclamation. Pride suggests the waiver of the Commission's rights with respect to the foregoing is limited insofar as such rights may be enforced against Pride or working interest owners in connection with the confiscation of the subject wells.

(15) The Commission intends to first exhaust any funds available to it under the CARES Act; however, the Commission does not waive, and reserves all rights to pursue confiscation, forfeiture, or suspension of well bonds, civil action, and all other remedies available to the Commission under North Dakota law.

(16) The Elkhorn Short Com. 3 and Blacktail Federal 5-13 wells last produced in April 2020 but as indicated above, Pride testified they were and are incapable of producing oil or natural gas in paying quantities over the last year; therefore, the Elkhorn Short Com. 3 and Blacktail Federal 5-13 wells are currently in abandoned-well status pursuant to NDCC Section 38-08-04(1)(a)(12).

(17) The USA 32-23-21, USA 23-33-41, USA 43-30-45, Elkhorn Short Com. 3, Blacktail Federal 5-13, and Squaw Gap Federal 14-30H wells are currently abandoned producers or in abandoned-well status and are in violation of NDCC Section 38-08-04(1)(a)(12); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said production-related equipment and any salable oil at the well sites. The Commission intends to plug the wells and restore said sites, therefore, confiscation of the production-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said sites.

(18) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All production-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following wells currently operated by Pride Energy, An Oklahoma General Partnership are hereby confiscated by the Commission for the purpose of compensating the Commission for plugging and reclamation costs:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
6776	USA 32-23-21	MonDak	McKenzie	OG	5/2019
7155	USA 23-33-41	MonDak	McKenzie	OG	4/2019
7172	USA 43-30-45	MonDak	McKenzie	OG	4/2019
12814	Elkhorn Short Com. 3	Elkhorn Ranch	Billings	OG	4/2020
12908	Blacktail Federal 5-13	Elkhorn Ranch	Billings	OG	4/2020
14635	Squaw Gap Federal 14-30H	Squaw Gap	McKenzie	OG	5/2019

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from a well or well site confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31061 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

MATTHEW L. PRIDE
PRIDE ENERGY COMPANY
PO BOX 701950
TULSA OK 74170-1950

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31062

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the

commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) R360 Williston Basin, LLC (R360) is the operator of the following treating plant in North Dakota:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700087-01	Marx Waste Treating Plant #1	St. Demetrius	Billings	Treating Plant	2/2016

(11) R360 submitted written testimony in this matter on July 26, 2020 requesting the Marx Waste Treating Plant #1 be removed from the Commission's consideration to confiscate in this matter.

R360 testified it commenced cleanup of the Marx Waste Treating Plant #1 site in May 2020 and has made significant progress to remove the equipment and associated materials from the site, and progress will continue until reclamation has been completed in September 2020. The building, horizontal tanks, shaker, pill tank, rig mats, and other equipment will be removed during the weeks of July 27 and August 3, 2020, with the remaining equipment thereafter.

R360 testified soil borings have been performed and discussions with the landowner have been routine regarding final reclamation.

(12) The Marx Waste Treating Plant #1 was granted temporarily abandoned status on May 30, 2017, with extensions granted on March 21, 2018 and May 22, 2019.

R360 submitted a request received June 11, 2020 to extend the temporarily abandoned status of the Marx Waste Treating Plant #1. The Commission decided not to approve the request until after the hearing on July 31, 2020; therefore, the facility is currently in an abandoned status.

(13) The Marx Waste Treating Plant #1 is abandoned pursuant to NDAC Section 43-02-03-55(1).

(14) The Marx Waste Treating Plant #1 is currently on a $300,000 surety treating plant bond.

(15) The Marx Waste Treating Plant #1 is currently abandoned and should be brought into compliance by October 1, 2020.

(16) The Director should be authorized to issue an administrative order confiscating the Marx Waste Treating Plant #1 when in the Director's opinion: (a) the treating plant is currently abandoned, (b) the operator is not prudently attempting to bring the treating plant into compliance with Commission rules, and (c) reclaiming the treating plant will protect the environment in a manner that is protective of correlative rights.

(17) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) If the following treating plant has not been brought into compliance with Commission rules by October 1, 2020, the Director is hereby authorized to issue an administrative order confiscating all treating plant-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following treating plant, for the purpose of compensating the Commission for reclamation costs, when in the Director's opinion: (a) the treating plant is currently abandoned, (b) the operator is not prudently attempting to bring the treating plant into compliance with Commission rules, and (c) reclaiming the treating plant will protect the environment in a manner that is protective of correlative rights:

File No.	Facility Name and No.	Field	County	Facility Type	Last Reported Use
700087-01	Marx Waste Treating Plant #1	St. Demetrius	Billings	Treating Plant	2/2016

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, the administrative order will transfer title to the Commission. Any person who removes any equipment or fluids from the facility confiscated without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates an order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31062 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

CORPORATION SERVICE COMPANY
P1709 N 19TH ST STE 3
BISMARCK, ND 58501-2121

ADRIAN TRIM
R360 ENVIRONMENTAL SOLUTIONS, LLC
304 INVERNESS WAY SOUTH, SUITE 450
ENGLEWOOD, CO 80112

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31063

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections

43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and

facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Ranch Oil Company (Ranch) is the operator of the following wells in North Dakota:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
3419	Radenz 1	Perella	Burke	OG	4/2020
8935	Rolfsrud 11-17	Westberg	McKenzie	OG	6/2017

(11) Ranch requested in Case No. 28495 that the Commission confiscate the Radenz 1 and Rolfsrud 11-17 wells. Ranch testified in Case No. 28495 the Rolfsrud 11-17 well is currently abandoned and has not produced oil or gas in sufficient quantities since 2013 and cannot be returned to production by December 30, 2020 as a result of the depressed oil prices and the COVID-19 outbreak. Ranch also indicated it will not be able to secure a single-well bond as a result of the COVID-19 outbreak. Ranch testified in Case No. 28495 the Radenz 1 well is currently shut-in and should be confiscated for the same reasons as the Rolfsrud 11-17 well, namely it is uneconomic to return to production as a result of the depressed oil prices and the COVID-19 outbreak.

(12) The Radenz 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in September 1963 with production continuing until its cessation in April 2020. The Commission approved the well transfer to Ranch on April 26, 2005.

The Rolfsrud 11-17 well is an oil and gas well completed in the Bakken Pool. Commission records indicate first production in the Bakken Pool occurred in December 1982 with production continuing until its cessation in June 2017. The Commission approved the well transfer to Ranch on December 20, 1995.

(13) The Radenz 1 and Rolfsrud 11-17 wells are currently on a $100,000 surety blanket bond.

(14) Ranch submitted written testimony in Case No. 28530 on July 28, 2020 indicating the Rolfsrud 11-17 well is currently abandoned and has not produced oil or gas in sufficient quantities since 2013 and cannot be returned to production by December 30, 2020 as a result of the depressed oil prices and the COVID-19 outbreak. Ranch also indicated it will not be able to secure a single-well bond as a result of the COVID-19 outbreak.

Ranch submitted written testimony in Case No. 28530 on July 28, 2020 indicating the Radenz 1 well is currently shut-in and should be confiscated for the same reasons as the Rolfsrud 11-17 well, namely it is uneconomic to return to production as a result of the depressed oil prices and the COVID-19 outbreak.

Ranch qualified its request to confiscate the Radenz 1 and Rolfsrud 11-17 wells is subject to the following objections: Ranch objects to the Commission's rights with respect to bond forfeiture and potential civil claims against operators and working interest owners for plugging and reclamation costs; such actions, if taken by the Commission, will only create more financial hardship and uncertainty for operators and working interest owners who have been forced to take drastic measures to remain operational during these difficult economic times. Specifically, Ranch indicates it will ultimately be held liable for any claim made against its well bonds by virtue of its agreement with the surety company, which requires Ranch to reimburse the surety company for any and all amounts forfeited or confiscated by the Commission.

(15) The Commission intends to first exhaust any funds available to it under the CARES Act; however, the Commission does not waive, and reserves all rights to pursue confiscation, forfeiture, or suspension of well bonds, civil action, and all other remedies available to the Commission under North Dakota law.

(16) The Radenz 1 well last produced in April 2020 but as indicated above, Ranch testified it was and is incapable of producing oil or natural gas in paying quantities over the last year; therefore, the Radenz 1 well is currently in abandoned-well status pursuant to NDCC Section 38-08-04(1)(a)(12).

(17) The Radenz 1 and Rolfsrud 11-17 wells are currently abandoned producers or in abandoned-well status and are in violation of NDCC Section 38-08-04(1)(a)(12); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said production-related equipment and any salable oil at the well sites. The Commission intends to plug the wells and restore said sites, therefore, confiscation of the production-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said sites.

(18) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All production-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following wells currently operated by Ranch Oil Company is hereby confiscated by the Commission for the purpose of compensating the Commission for plugging and reclamation costs:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
3419	Radenz 1	Perella	Burke	OG	4/2020
8935	Rolfsrud 11-17	Westberg	McKenzie	OG	6/2017

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from a well or well site confiscated herein without permission from the Director is subject to a civil penalty,

up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31063 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

CARL DEAN
RANCH OIL COMPANY
5299 DTC BOULEVARD SUITE 750
GREENWOOD VILLAGE, CO 80111

DALE FILKOWSKI
126 LAKEVIEW DR
WATFORD CITY, ND 58854-7806

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31064

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for one year may be placed in abandoned-well status pursuant to

subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Samson Oil and Gas USA, Inc. (Samson) is the operator of the following wells in North Dakota:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
12030	Foster 1-32	Todd	Williams	OG	2/2014
13707	Danielson 3-32	Harding	McKenzie	OG	2/2020
14659	Sandberg 1-21H	East Fork	Williams	OG	3/2019
15541	Aaron 1-22	Foreman Butte	McKenzie	OG	12/2019
15622	Schmidt 1-25H	Foreman Butte	McKenzie	OG	5/2020
15695	Lassey 1-15H	Glass Bluff	McKenzie	OG	11/2019
15767	Gonzalez 1-8H	Foreman Butte	McKenzie	OG	11/2019
15844	Link 13-2HA	Nameless	McKenzie	OG	7/2007
15879	Schmitz 44-30H	Camp	McKenzie	OG	11/2019
16196	Pederson 1-10H	Banks	McKenzie	OG	7/2017

(11) The Foster 1-32 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in July 1989 with production continuing until its cessation in February 2014. The Commission approved the well transfer to Samson on June 3, 2016.

The Danielson 3-32 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in December 1994 with production continuing intermittently until its cessation in February 2020. The Commission approved the well transfer to Samson on June 3, 2016.

The Sandberg 1-21H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in August 1997 with production continuing intermittently until its cessation in March 2019. The Commission approved the well transfer to Samson on June 3, 2016.

The Aaron 1-22 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in July 2004 with production continuing intermittently until its cessation in December 2019. The Commission approved the well transfer to Samson on June 3, 2016. The last sustained production for the Aaron 1-22 well was between May 2019 and December 2019, inclusive, when it averaged 11.38 barrels of oil per day with an approximate 86.1% water cut.

The Schmidt 1-25H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in April 2005 with production continuing intermittently until its cessation in May 2020. The Commission approved the well transfer to Samson on June 3, 2016. The last sustained production for the Schmidt 1-25H well was between September 2018 and December 2019, inclusive, when it averaged 15.58 barrels of oil per day with an approximate 84.7% water cut.

The Lassey 1-15H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in November 2005 with production

continuing intermittently until its cessation in November 2019. The Commission approved the well transfer to Samson on June 3, 2016. The last sustained production for the Lassey 1-15H well was between November 2018 and November 2019, inclusive, when it averaged 15.89 barrels of oil per day with an approximate 77.9% water cut.

The Gonzalez 1-8H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in September 2005 with production continuing intermittently until its cessation in November 2019. The Commission approved the well transfer to Samson on June 3, 2016. The last sustained production for the Gonzalez 1-8H well was between October 2018 and January 2019, inclusive, and July and August 2019 when it averaged 13.47 barrels of oil per day with an approximate 89.6% water cut.

The Link 13-2HA well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in March 2006 with production continuing intermittently until its cessation in July 2007. The Commission approved the well transfer to Samson on June 3, 2016. The Link 13-2HA well was granted temporarily abandoned status on March 9, 2009 and continued in that status until May 14, 2019.

The Schmitz 44-30H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in January 2006 with production continuing intermittently until its cessation in November 2019. The Commission approved the well transfer to Samson on June 3, 2016. The last sustained production for the Schmitz 44-30H well was between November 2018 and November 2019, inclusive, when it averaged 21.89 barrels of oil per day with an approximate 81.4% water cut.

The Pederson 1-10H well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in November 2006 with production continuing intermittently until its cessation in July 2017. The Commission approved the well transfer to Samson on June 3, 2016. The last sustained production for the Pederson 1-10H well was between January 2013 and January 2014, inclusive, when it averaged 3.83 barrels of oil per day with an approximate 80.3% water cut.

(12) The Foster 1-32, Danielson 3-32, Sandberg 1-21H, Aaron 1-22, Schmidt 1-25H, Lassey 1-15H, Gonzalez 1-8H, Link 13-2HA, Schmitz 44-30H, and Pederson 1-10H wells are currently on a $200,000 surety blanket bond.

(13) Samson submitted written testimony in Case No. 28530 on July 29, 2020 indicating the Foster 1-32, Danielson 3-32, Sandberg 1-21H, and Link 13-2HA wells should be confiscated because it is uneconomic to return said wells to production in the foreseeable future and they are not well suited for rework or recompletion operations, and Samson will not be able to bring said wells into compliance with Commission rules by the CARES Act deadline.

Samson testified in Case No. 28530 the Aaron 1-22, Schmidt 1-25H, Lassey 1-15H, Gonzalez 1-8H, Schmitz 44-30H, and Pederson 1-10H wells should be excluded from the well plugging program because it has future plans for these wells and believes each well has potential for economic return to production within the foreseeable future.

Samson opposes confiscation of any of the wells to the extent the Commission intends to confiscate, forfeit, or suspend well bonds as a means for the Commission to recover costs incurred by plugging and reclamation operations. Samson testified the confiscation of well bonds will result in undue financial hardship for Samson since it will be liable to the surety company for any claims made against the well bonds. Samson argues the possibility of civil litigation to recover such costs not only creates an environment of uncertainty but is inherently unfair when operators and working interest owners will have no control over or say in the decisions made with respect to plugging and abandonment operations or the costs associated therewith.

Samson argues the Commission should implement its well plugging program using only funds allocated to it through the CARES Act and at no cost or liability to operators and/or working interest owners, and the Commission's order for confiscation should include a waiver or agreement by the Commission that it will not confiscate, suspend, or forfeit Samson's well bonds or pursue civil actions against Samson and/or working interest owners in connection with the confiscation of Samson's wells.

(14) The Commission intends to first exhaust any funds available to it under the CARES Act; however, the Commission does not waive, and reserves all rights to pursue confiscation, forfeiture, or suspension of well bonds, civil action, and all other remedies available to the Commission under the North Dakota law.

(15) Samson testified in Case No. 28495 that the Commission should confiscate the Foster 1-32, Danielson 3-32, Sandberg 1-21H, Aaron 1-22, Schmidt 1-25H, Lassey 1-15H, Gonzalez 1-8H, Link 13-2HA, Schmitz 44-30H, and Pederson 1-10H wells because they are uneconomical to return to production/injection at any time in the foreseeable future and said wells are not well suited for additional reworking or recompletion operations.

(16) Samson did not offer any evidence in Case No. 28530 to contradict its testimony in Case No. 28495, or any evidence to support its statement in Case No. 28530 that it has future plans for these wells and each well has potential for economic return to production within the foreseeable future.

(17) The Foster 1-32, Sandberg 1-21H, Link 13-2HA, and Pederson 1-10H wells should be confiscated since they are abandoned pursuant to NDAC Section 43-02-03-55(1) and are abandoned producers pursuant to NDCC Section 38-08-04(1)(a)(12).

(18) The Danielson 3-32 well last produced in February 2020; the Aaron 1-22 well last produced in December 2019; the Schmidt 1-25H well last produced in May 2020; the Lassey 1-15H well last produced in November 2019; the Gonzalez 1-8H well last produced in November 2019; and the Schmitz 44-30H well last produced in November 2019 but as indicated above are uneconomic to return to production in paying quantities at any time in the foreseeable future; therefore, the Danielson 3-32, Aaron 1-22, Schmidt 1-25H, Lassey 1-15H, Gonzalez 1-8H, and Schmitz 44-30H wells are currently in abandoned-well status pursuant to NDCC Section 38-08-04(1)(a)(12).

(19) The Foster 1-32, Danielson 3-32, Sandberg 1-21H, Aaron 1-22, Schmidt 1-25H, Lassey 1-15H, Gonzalez 1-8H, Link 13-2HA, Schmitz 44-30H, and Pederson 1-10H wells are currently abandoned producers or in abandoned-well status and are in violation of NDCC

Section 38-08-04(1)(a)(12); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said production-related equipment and any salable oil at the well sites. The Commission intends to plug the wells and restore said sites, therefore, confiscation of the production-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said sites.

(20) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All production related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following wells currently operated by Samson Oil and Gas USA, Inc. is hereby confiscated by the Commission for the purpose of compensating the Commission for plugging and reclamation costs:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
12030	Foster 1-32	Todd	Williams	OG	2/2014
13707	Danielson 3-32	Harding	McKenzie	OG	2/2020
14659	Sandberg 1-21H	East Fork	Williams	OG	3/2019
15541	Aaron 1-22	Foreman Butte	McKenzie	OG	12/2019
15622	Schmidt 1-25H	Foreman Butte	McKenzie	OG	5/2020
15695	Lassey 1-15H	Glass Bluff	McKenzie	OG	11/2019
15767	Gonzalez 1-8H	Foreman Butte	McKenzie	OG	11/2019
15844	Link 13-2HA	Nameless	McKenzie	OG	7/2007
15879	Schmitz 44-30H	Camp	McKenzie	OG	11/2019
16196	Pederson 1-10H	Banks	McKenzie	OG	7/2017

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from a well or well site confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31064 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

TRISTAN FAREL
SAMSON OIL & GAS USA, INC
1331 17TH ST SUITE 710
DENVER, CO 80202

C T CORPORATION SYSTEM
120 W SWEET AVE
BISMARCK, ND 58504

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31065

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) Solutions Energy LLC (Solutions) is the operator of the following well in North Dakota:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
29241	Nangchen 155-86-11-HS1	Lone Tree	Ward	OG	Never

(11) Solutions requested in Case No. 28495 that the Commission confiscate the Nangchen 155-86-11-HS1 well since it is uneconomic to produce at current oil prices or put on production in the foreseeable future.

(12) Solutions submitted written testimony in Case No. 28530 on July 27, 2020, testifying the Nangchen 155-86-11-HS1 well is uneconomic to produce at current oil prices or put on production in the foreseeable future.

(13) Solutions testified at the hearing on July 31, 2020 that it encountered complications while drilling the Nangchen 155-86-11-HS1 well and swab results were all water. Solutions believes it is possible to attempt to mitigate the water production since it anticipated the well would produce oil based upon data obtained while drilling, but it has not secured the necessary funding to allow such an attempt.

(14) The Nangchen 155-86-11-HS1 well has not produced oil.

(15) The Nangchen 155-86-11-HS1 well is currently on a $100,000 cash blanket bond, along with the Solutions 1 Lewis Mann well (File No. 4803), an abandoned oil and gas well confiscated by the Commission on June 19, 2020 pursuant to Order No. 31029.

(16) The Nangchen 155-86-11-HS1 well is currently an abandoned producer and is in violation of NDCC Section 38-08-04(1)(a)(12); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said production-related equipment and any salable oil at the well site. The Commission intends to plug the well and restore said site, therefore, confiscation of the production-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said site.

(17) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All production-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following well currently operated by Solutions Energy LLC is hereby confiscated by the Commission for the purpose of compensating the Commission for plugging and reclamation costs:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod
29241	Nangchen 155-86-11-HS1	Lone Tree	Ward	OG	Never

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from the well, well sites or facility confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31065 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

DARIEN O'BRIEN
SOLUTIONS ENERGY LLC
1632 SOUTH LAMAR STREET
LAKEWOOD, CO 80232-7038

GIMBEL BUSINESS SERVICE LLC
147 MAIN ST
PO BOX 265
HAZELTON, ND 58544-0265

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31066

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) The 85 Disposal, Inc. (85 Disposal) is the operator of the following produced water underground gathering system in North Dakota:

File No.	Facility Name and No.	Field	County	Facility Type	Last Use
NA	NA	Indian Hill	McKenzie	Produced water underground gathering system	7/2017

(11) 85 Disposal submitted written testimony in this matter on June 29, 2020 requesting the above-mentioned produced water underground gathering system be removed from the Commission's consideration to confiscate in this matter.

85 Disposal testified it purchased the Herman Schmitz #27-1 (File No. 7651) and Judy Disposal #1-27 (File No. 90162) saltwater disposal wells from J & M Disposal, Inc. on August 1, 2018 and subsequently discovered the previous operator had not bonded the produced water underground gathering system as required. 85 Disposal indicated the produced water underground gathering system has not been utilized since June or July of 2016 subsequent to a spill on the Continental Resources, Inc. #1-19 Tenneco State well (File No. 11845) site from a fitting on the produced water underground gathering system. Commission records indicate this spill occurred on the Tenneco State #1-19 well site on July 18, 2017.

Subsequent to a request from the Commission on January 22, 2019 to bond the produced water underground gathering system and bring it into compliance, 85 Disposal decided since it had not been utilized for approximately two and one-half years it would start purging and capping the pipeline to state specifications. Due to weather delays this has not been completed. 85 Disposal testified it spent $150,000 digging, purging lines with freshwater, and capping during the summer and fall of 2019 when it stopped due to winter weather.

85 Disposal testified a contractor will be removing the tanks and scrap metal from the booster station, reclaiming the site and planting grass seed within the next two weeks to comply with the Commission staff’s previously imposed July 31, 2020 deadline.

85 Disposal testified it was informed on June 9, 2020 by the United States Army Corps of Engineers (Corps) it will have to pull approximately 5000 feet of pipe from Corps land, and that a contractor is currently working on that.

85 Disposal testified it will remove a riser located on the plant site within the next two weeks.

85 Disposal testified it sent emails, at the Commission's request, to four oil companies linked with the produced water underground gathering system requesting confirmation it is not responsible for the company's equipment, and has verbal confirmation from each oil company.

85 Disposal testified it has spent considerable funds to finish the abandonment of the produced water underground gathering system and be in good standing with the Commission.

(12) 85 Disposal testified at the hearing on July 31, 2020 that it is in the process of properly abandoning the above-mentioned produced water underground gathering system and has two pipeline risers to remove, a reclaimed booster station to spread topsoil on and seed, an electric meter to be removed by McKenzie Electric, and completion of the removal/reclamation of the poly pipeline on Corps land that requires coordination with Continental Resources, Inc. 85 Disposal testified it believes it can complete the remainder of the abandonment and reclamation work by October 1, 2020.

(13) The 85 Disposal produced water underground gathering system is not bonded in compliance with NDAC Section 43-02-03-15(8).

(14) The 85 Disposal produced water underground gathering system is abandoned pursuant to NDCC Section 38-08-02(1).

(15) The 85 Disposal produced water underground gathering system is currently abandoned and should be brought into compliance by October 1, 2020.

(16) The Director should be authorized to issue an administrative order confiscating the 85 Disposal produced water underground gathering system when in the Director's opinion: (a) the produced water underground gathering system is currently in abandoned status, (b) the operator is not prudently attempting to bring the produced water underground gathering system into compliance with Commission rules, and (c) abandoning and reclaiming the produced water underground gathering system will protect the environment in a manner that is protective of correlative rights.

(17) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) If the following produced water underground gathering system has not been brought into compliance with Commission rules by October 1, 2020, the Director is hereby authorized to issue an administrative order confiscating all injection-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following produced water underground gathering system, for the purpose of compensating the Commission for abandonment and reclamation costs, when in the Director's opinion: (a) the produced water underground gathering system is currently in abandoned status, (b) the operator is not prudently attempting to bring the produced water underground gathering system into compliance with Commission rules, and (c) abandoning and reclaiming the produced water underground gathering system will protect the environment in a manner that is protective of correlative rights:

The 85 Disposal, Inc.

File No.	Facility Name and No.	Field	County	Facility Type	Last Use
NA	NA	Indian Hill	McKenzie	Produced water underground gathering system	7/2017

(2) Pursuant to NDCC Section 38-08-04.9, the administrative order will transfer title to the Commission. Any person who removes any equipment or fluids from the facility or facility site confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31066 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

GALE ROBINSON
423 1ST AVE W
WILLISTON ND 58801

CHRIS ROBINSON
THE "85" DISPOSAL
423 1ST AVE W
WILLISTON, ND 58801

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 28530
ORDER NO. 31067

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

(1) This cause came on for hearing at 9:00 a.m. on the 31st day of July, 2020.

(2) This special hearing was called on a motion of the Commission to consider the confiscation, under North Dakota Century Code (NDCC) Sections 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, North Dakota.

(3) North Dakota Administrative Code (NDAC) Section 43-02-03-55(1) states: "The removal of production equipment or the failure to produce oil or gas, or the removal of production equipment or the failure to produce water from a source well, for one year constitutes abandonment of the well. The removal of injection equipment or the failure to use an injection well for one year constitutes abandonment of the well. The failure to plug a stratigraphic test hole within one year of reaching total depth constitutes abandonment of the well. The removal of treating plant equipment or the failure to use a treating plant for one year constitutes abandonment of the treating plant. The removal of saltwater handling facility equipment or the failure to use a saltwater handling facility for one year constitutes abandonment of the saltwater handling facility. An abandoned well must be plugged and its site must be reclaimed, an abandoned treating plant must be removed and its site must be reclaimed, and an abandoned saltwater handling facility must be removed and its site must be reclaimed, pursuant to sections 43-02-03-34 and 43-02-03-34.1. A well not producing oil or natural gas in paying quantities for

one year may be placed in abandoned-well status pursuant to subsection 1 of North Dakota Century Code section 38-08-04. If an injection well is inactive for extended periods of time, the commission may, after notice and hearing, require the injection well to be plugged and abandoned."

(4) NDCC Section 38-08-04.9 states: "When the commission intends to exercise or has exercised its right to plug a well or reclaim a well site, pipeline facility, production facility, saltwater handling facility, or treating plant, the commission, as compensation for its costs, may confiscate any equipment and salable oil at the well site, pipeline facility, production facility, saltwater handling facility, or treating plant. The equipment subject to confiscation is limited to that owned by the operator, former operator, or working interest owner. If the commission exercises its authority under this section and there is salable oil at the well site, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated at the well site. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners. A confiscation must be by an order of the commission after notice and hearing. A confiscation order transfers title to the commission."

(5) Pursuant to NDCC Section 38-08-04.9, the Commission is desirous of plugging certain wells, reclaiming the well sites, and reclaiming certain produced water underground gathering system facilities and treating plants, therefore, confiscation of the equipment and any salable oil on location is necessary to compensate the Commission for plugging and reclamation costs.

(6) The Commission gave personal notice to each operator, identifying all abandoned wells, and certain abandoned produced water underground gathering system facilities and treating plants that were being considered for confiscation. Public notice was also given in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the well or facility is located.

(7) The United States Congress, through passage of the CARES Act, provided payments to state governments navigating the impact of the COVID-19 outbreak. The North Dakota Emergency Commission on May 12, 2020 approved a request for $33,175,000 in CARES Act funding for plugging abandoned wells in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on May 15, 2020. The North Dakota Emergency Commission on June 18, 2020 approved an additional request for $33,175,000 in CARES Act funding for reclaiming abandoned well sites, access roads, and associated facilities, abandoning and reclaiming produced water underground gathering systems, and abandoning and reclaiming treating plants, access roads, and associated facilities in North Dakota. This appropriation was subsequently approved by the Budget Section of the Legislature on June 25, 2020.

(8) This case was scheduled for hearing to consider the confiscation of certain wells, certain produced water underground gathering system facilities and certain treating plants in various fields and counties in North Dakota and involves multiple operators. All the wells and facilities were combined for notice purposes; however, in order to ease confusion and for administrative purposes, separate individual orders should be issued for each operator.

(9) A complete listing of the wells and facilities being considered for confiscation is attached as an Appendix to this order.

(10) White Rock Oil & Gas, LLC (White Rock) is the operator of the following wells in North Dakota:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod/Inj
2279	Morton Beckedahl B 1	Sherwood	Renville	OG	9/2019
9121	Federal 6-1	Elkhorn Ranch	Billings	OG	12/2018
10228	Rolph 1-24	Horse Creek	Bowman	SWD	6/2009
10414	Winter Lesnick 1	Missouri Ridge	Williams	OG	4/2012
13333	Kabanuck 1	Elms	Bottineau	OG	1/2019

(11) White Rock requested in Case No. 28495 that the Commission confiscate the above-listed wells since they are uneconomical to return to production at any time in the foreseeable future, it may not be able to obtain single-well bonds for the wells due to the current economic environment, and it will be unable to bring the wells into compliance before the CARES Act deadline.

(12) The Morton Beckedahl B 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in May 1959 with production continuing intermittently until its cessation in September 2019. The Commission approved the well transfer to White Rock on October 15, 2015.

The Federal 6-1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in November 1991 with production continuing until its cessation in December 2018. The Commission approved the well transfer to White Rock on January 25, 2017.

The Rolph 1-24 well is a saltwater disposal well completed in the Swift Pool. Commission records indicate first injection in the Swift Pool occurred in November 1983 with injection continuing until its cessation in June 2009. The Commission approved the well transfer to White Rock on July 18, 2018. The Rolph 1-24 well was granted temporarily abandoned status on November 23, 2009 which expired on October 15, 2019.

The Winter Lesnick 1 well is an oil and gas well completed in the Stonewall Pool. Commission records indicate first production in the Stonewall Pool occurred in June 1984 with production continuing until its cessation in April 2012. The Commission approved the well transfer to White Rock on July 18, 2018. The Winter Lesnick 1 well was granted temporarily abandoned status on January 25, 2017 which expired on May 2, 2020.

The Kabanuck 1 well is an oil and gas well completed in the Madison Pool. Commission records indicate first production in the Madison Pool occurred in June 1992 with production continuing intermittently until its cessation in January 2019. The Commission approved the well transfer to White Rock on July 18, 2018.

(13) The Morton Beckedahl B 1, Federal 6-1, Rolph 1-24, Winter Lesnick 1, and Kabanuck 1 wells are currently on a $300,000 surety blanket bond.

(14) White Rock submitted written testimony in Case No. 28530 on July 29, 2020 indicating its support for the Commission to confiscate the above-listed wells provided it is done in a manner that does not unduly burden White Rock or other operators and working interest owners participating in the program. White Rock indicated the above-listed wells are uneconomic to return to production/injection in the foreseeable future, it may not be able to obtain single-well bonds for the wells due to the current economic environment, and it will be unable to bring the wells into compliance before the CARES Act deadline.

White Rock objects to the confiscation, forfeiture, or suspension of well bonds as a means for the Commission to recover cost incurred by plugging and reclamation operations. White Rock argues the confiscation of well bonds will result in extreme financial hardship for White Rock as it will have to repay the surety company for any claims made against its well bonds.

White Rock objects to the Commission initiating lawsuits against operators and working interest owners in order to recover costs incurred in connection with the well plugging program, and that the threat of civil litigation to recover such costs creates an environment of uncertainty and is inherently unfair when operators and working interest owners will have no control over or say in the decisions made with respect to plugging and abandonment operations or the costs associated therewith.

White Rock requests the Commission waive its rights with respect to well bonds and civil lawsuits as detailed herein with respect to enforcement against White Rock if it elects to confiscate the White Rock wells.

(15) White Rock indicated the Morton Beckedahl B1 well shares a facility with the Morton Beckedahl B2 well (File No. 12571), a temporarily abandoned well, and argues the facility should remain in place to support the Morton Beckedahl B2 well and only the Morton Beckedahl B1 well bore should be confiscated and abandoned with the site remaining as currently constructed.

White Rock indicated the Winter Lesnick 1 well shares a facility with the Winter Lesnick 2 well (File No. 10647), an active producer, and argues since the Winter Lesnick 2 well is an active producer, all tanks and equipment associated with the facility should remain in place and only the Winter Lesnick 1 well bore should be confiscated and abandoned with the site remaining as currently constructed.

(16) The Commission intends to first exhaust any funds available to it under the CARES Act; however, the Commission does not waive, and reserves all rights to pursue confiscation, forfeiture, or suspension of well bonds, civil action, and all other remedies available to the Commission under North Dakota law.

(17) The Morton Beckedahl B 1 well last produced in September 2019, but as indicated above, White Rock testified it was and is incapable of producing oil or natural gas in paying quantities over the last year; therefore, said well is currently in abandoned-well status pursuant to NDCC Section 38-08-04(1)(a)(12).

(18) The Rolph 1-24 well has been inactive for an extended period of time and pursuant to NDAC Section 43-02-03-55(1) should be plugged and abandoned.

(19) The Morton Beckedahl B 1, Federal 6-1, Winter Lesnick 1, and Kabanuck 1 wells are currently abandoned producers or in abandoned-well status and are in violation of NDCC Section 38-08-04(1)(a)(12); therefore, should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said production-related equipment and any salable oil at the well sites. The Commission intends to plug the wells and restore said sites, therefore, confiscation of the production-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said sites.

(20) The Rolph 1-24 well is in violation of NDAC Section 43-02-03-55(1); therefore, it should be confiscated by the Commission pursuant to NDCC Section 38-08-04.9. The Commission is desirous of confiscating said injection-related equipment and any salable oil at the well site. The Commission intends to plug the well and restore said site, therefore, confiscation of the injection-related equipment and any salable oil on location is necessary to compensate the Commission for the plugging and reclamation of said site.

(21) All interested persons were given an opportunity to be heard and the Commission reviewed and considered all testimony and evidence presented in this matter.

IT IS THEREFORE ORDERED:

(1) All production and injection-related equipment owned by the operator, former operator, or working interest owner and salable oil associated with the following wells currently operated by White Rock Oil & Gas, LLC is hereby confiscated by the Commission for the purpose of compensating the Commission for plugging and reclamation costs:

File No.	Well Name and No.	Field	County	Well Type	Last Reported Prod/Inj
2279	Morton Beckedahl B 1	Sherwood	Renville	OG	9/2019
9121	Federal 6-1	Elkhorn Ranch	Billings	OG	12/2018
10228	Rolph 1-24	Horse Creek	Bowman	SWD	6/2009
10414	Winter Lesnick 1	Missouri Ridge	Williams	OG	4/2012
13333	Kabanuck 1	Elms	Bottineau	OG	1/2019

(2) Pursuant to North Dakota Century Code Section 38-08-04.9, this confiscation order transfers title to the Commission. Any person who removes any equipment or fluids from a well or well site confiscated herein without permission from the Director is subject to a civil penalty, up to $12,500 per day, to be imposed by the Commission. Any person who willfully violates this order could be guilty of a Class C Felony.

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

Dated this 20th day of August, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31067 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

ERIC LINTHICUM
WHITE ROCK OIL & GAS LLC
5810 TENNYSON PKWY, SUITE 500
PLANO, TX 75024

CAPITOL CORPORATE SERVICES, INC.
51 BROADWAY N STE 600
FARGO, ND 58102-4970

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700117-01	New Way Energy Services, LLC		NDEN Services Treating Plant #1		AB	McKenzie
50068	ALTURAS ENERGY, LLC	MONDAK	KLANDL RECLAIM PLANT	SKIM	AB	MCKENZIE
90013	ALTURAS ENERGY, LLC	MONDAK	KLANDL 26-31X SWD	SWD		MCKENZIE
	ALTURAS ENERGY, LLC	MONDAK	Produced Water Underground Gathering System			MCKENZIE
700103-01	Apollo Resources LLC		Madison Treating Plant #1		AB	McKenzie
700099-01	Bakken Western Services, LLC		Keene Thermal Desorption Treating Plant #1		AB	McKenzie
700138-01	Berg Specialty Fluids-Holding, LLC		Fluidtech No.1 Treatment Plant		AB	Burke
4684	COBRA OIL & GAS CORPORATION	SQUARE BUTTE	GOVERNMENT TAYLOR B 2	OG	AB	GOLDEN VALLEY
5178	COBRA OIL & GAS CORPORATION	GLENBURN	CARROLL AITKEN 1	OG	AB	RENVILLE
5474	COBRA OIL & GAS CORPORATION	LORAINE	UCLI 1	OG	A	RENVILLE
5486	COBRA OIL & GAS CORPORATION	LORAINE	CROOKS 3	OG	A	RENVILLE
5940	COBRA OIL & GAS CORPORATION	NORTHEAST FOOTHILLS	BRYAN 3	OG	IA	BURKE
6285	COBRA OIL & GAS CORPORATION	NORTHEAST LANDA	HAROLD GRAVSETH 1	OG	AB	BOTTINEAU
7064	COBRA OIL & GAS CORPORATION	BAUMANN DRAIN	WATLAND 1	OG	A	BOTTINEAU
7718	COBRA OIL & GAS CORPORATION	GLENBURN	LEO PRESKEY 2R	OG	IA	RENVILLE
8468	COBRA OIL & GAS CORPORATION	FLAT TOP BUTTE	BEICEGEL CREEK 27-42	OG	IA	MCKENZIE
8759	COBRA OIL & GAS CORPORATION	RIVAL	ANDERSON 3-24	OG	IA	BURKE
8883	COBRA OIL & GAS CORPORATION	NORTH BRANCH	BOWLINE CREEK 35-24	OG	AB	MCKENZIE
8916	COBRA OIL & GAS CORPORATION	NORTHEAST FOOTHILLS	ELLITHORPE 1	OG	A	BURKE
8940	COBRA OIL & GAS CORPORATION	GLENBURN	ROBERT WEISE 1	OG	A	RENVILLE
9335	COBRA OIL & GAS CORPORATION	SPIRAL	MASTERS 1	OG	IA	BURKE
9362	COBRA OIL & GAS CORPORATION	BURNING MINE	BURNING MINE BUTTE 9-21	OG	AB	MCKENZIE
9781	COBRA OIL & GAS CORPORATION	TEMPLE	BIWER 1	WI	TA	WILLIAMS
10462	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NORTH WESTHOPE-MADISON UNIT GB-2R	OG	IA	BOTTINEAU
10620	COBRA OIL & GAS CORPORATION	MCKINNEY	ALEXANDER 1	OG	A	RENVILLE
10786	COBRA OIL & GAS CORPORATION	MCKINNEY	LAVONNE 16-12	OG	A	RENVILLE
10980	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 3-17	OG	IA	RENVILLE
11083	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 4-17 SWD	SWD	IA	RENVILLE
11196	COBRA OIL & GAS CORPORATION	MCKINNEY	ALEXANDER 3	OG	IA	RENVILLE
11359	COBRA OIL & GAS CORPORATION	PIERRE CREEK	PIERRE CREEK 41-7	OG	IA	MCKENZIE
11910	COBRA OIL & GAS CORPORATION	EDEN VALLEY	BERGLOF 1-A	OG	IA	RENVILLE
12073	COBRA OIL & GAS CORPORATION	PIERRE CREEK	PIERRE CREEK 14-5	OG	IA	MCKENZIE
12538	COBRA OIL & GAS CORPORATION	PIERRE CREEK	FEDERAL RIVET 6-4	OG	IA	MCKENZIE
13399	COBRA OIL & GAS CORPORATION	PIERRE CREEK	FEDERAL RIVET 6-5	OG	TA	MCKENZIE
13452	COBRA OIL & GAS CORPORATION	CINNAMON CREEK	CINNAMON CREEK 31-7	OG	TA	MCKENZIE
13787	COBRA OIL & GAS CORPORATION	PIERRE CREEK	FEDERAL RIVET 6-7	OG	TA	MCKENZIE
15987	COBRA OIL & GAS CORPORATION	LAKE VIEW	EM BUCKSHOT 36-4 H	OG	IA	BURKE
16607	COBRA OIL & GAS CORPORATION	WEST GREENE	HOLBROOK 14-16 H	OG	AB	RENVILLE
20673	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NWMU A-11H	OG	IA	BOTTINEAU
20681	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NWMU A-10H	OG	IA	BOTTINEAU
12529	DES, LLC	GREENBUSH	MILLER F 12-13	SWD	A	WARD
13351	DES, LLC	IVANHOE	TRIPLETT 1-2	OG	IA	RENVILLE
3392	EAGLE OPERATING, INC.	NORTHWEST MCGREGOR	E. GOETZ 1	OG	IA	WILLIAMS
4093	EAGLE OPERATING, INC.	NORTH HAAS	TER HAAR 1	OG	A	BOTTINEAU
4965	EAGLE OPERATING, INC.	LAKE DARLING	ELBERG 1	OG	A	RENVILLE
4980	EAGLE OPERATING, INC.	LAKE DARLING	SCHULTZ 1	OG	IA	RENVILLE
4985	EAGLE OPERATING, INC.	LAKE DARLING	SWIFT SWD 1	SWD	A	RENVILLE
5737	EAGLE OPERATING, INC.	CLAY	CARLSON 23-35	OG	A	RENVILLE
8660	EAGLE OPERATING, INC.	GLENBURN	MARIE WEBER 1	OG	IA	RENVILLE
9058	EAGLE OPERATING, INC.	SCANDIA	BRANDJORD KJELSHUS 9-10	OG	PA	BOTTINEAU
9108	EAGLE OPERATING, INC.	SCANDIA	KJELSHUS 9-11	OG	IA	BOTTINEAU
11960	EAGLE OPERATING, INC.	SMITH	CARLSON PAUL 4-27	OG	A	RENVILLE
12077	EAGLE OPERATING, INC.	WEST GREENE	LADY HAWK 44-15	SWD	A	RENVILLE
12553	EAGLE OPERATING, INC.	PRATT	JR 2-6	OG	IA	MCHENRY
13875	EAGLE OPERATING, INC.	WEST GREENE	E-M LELAND 10-15	OG	IA	RENVILLE
14616	EAGLE OPERATING, INC.	NORMA	DAVIS OLSON 12-30	OG	IA	RENVILLE

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
15638	EAGLE OPERATING, INC.	NORMA	TIGGER 25-8	OG	A	WARD
17317	EAGLE OPERATING, INC.	NEWPORTE	E-M EMMEL 10-3	OG	TA	RENVILLE
15648	MBI OIL & GAS, LLC	INDIAN HILL	LYNN 2	OG	A	MCKENZIE
15781	MBI OIL & GAS, LLC	INDIAN HILL	LYNN 3H	OG	A	MCKENZIE
16135	MBI OIL & GAS, LLC	BANKS	LM 2	OG	AB	MCKENZIE
700088-08	Newalta Environmental Services, Inc./Tervita Environmental Services Inc.		New Town Fluid Treating Plant #1		AB	Mountrail
700115-01	Newalta Environmental Services, Inc./Tervita Environmental Services Inc.		Alexander Treating Plant #1		AB	McKenzie
10080	PAUL RANKIN INC.	EIGHTMILE	GRACE OYLOE 1-4	OG	AB	WILLIAMS
10159	PAUL RANKIN INC.	ELK	L. PAPINEAU U.S.A. 1	OG	IA	MCKENZIE
6776	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	MONDAK	USA 32-23-21	OG	IA	MCKENZIE
7155	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	MONDAK	USA 23-33-41	OG	IA	MCKENZIE
7172	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	MONDAK	USA 43-30-45	OG	IA	MCKENZIE
12814	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	ELKHORN RANCH	ELKHORN SHORT COM. 3	OG	A	BILLINGS
12908	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	ELKHORN RANCH	BLACKTAIL FEDERAL 5-13	OG	A	BILLINGS
14635	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	SQUAW GAP	SQUAW GAP FEDERAL 14-30H	OG	IA	MCKENZIE
700087-01	R360 Williston Basin, LLC		Marx Waste Treating Plant #1		AB	Billings
3419	RANCH OIL COMPANY	PERELLA	RADENZ 1	OG	A	BURKE
8935	RANCH OIL COMPANY	WESTBERG	ROLFSRUD 11-17	OG	A	MCKENZIE
12030	SAMSON OIL AND GAS USA, INC	TODD	FOSTER 1-32	OG	AB	WILLIAMS
13707	SAMSON OIL AND GAS USA, INC	HARDING	DANIELSON 3-32	OG	IA	MCKENZIE
14659	SAMSON OIL AND GAS USA, INC	EAST FORK	SANDBERG 1-21H	OG	AB	WILLIAMS
15541	SAMSON OIL AND GAS USA, INC	FOREMAN BUTTE	AARON 1-22	OG	IA	MCKENZIE
15622	SAMSON OIL AND GAS USA, INC	FOREMAN BUTTE	SCHMIDT 1-25H	OG	IA	MCKENZIE
15695	SAMSON OIL AND GAS USA, INC	GLASS BLUFF	LASSEY 1-15H	OG	IA	MCKENZIE
15767	SAMSON OIL AND GAS USA, INC	FOREMAN BUTTE	GONZALEZ 1-8H	OG	IA	MCKENZIE
15844	SAMSON OIL AND GAS USA, INC	NAMELESS	LINK 13-2HA	OG	TA	MCKENZIE
15879	SAMSON OIL AND GAS USA, INC	CAMP	SCHMITZ 44-30H	OG	IA	MCKENZIE
16196	SAMSON OIL AND GAS USA, INC	BANKS	PEDERSON 1-10H	OG	AB	MCKENZIE
29241	SOLUTIONS ENERGY LLC	LONE TREE	NANGCHEN 155-86-11-HS1	OG	IA	WARD
	The 85 Disposal, Inc.	INDIAN HILL	Produced Water Underground Gathering System			MCKENZIE
2279	WHITE ROCK OIL & GAS, LLC	SHERWOOD	MORTON BECKEDAHL B 1	OG	IA	RENVILLE
9121	WHITE ROCK OIL & GAS, LLC	ELKHORN RANCH	FEDERAL 6-1	OG	AB	BILLINGS
10228	WHITE ROCK OIL & GAS, LLC	HORSE CREEK	ROLPH 1-24	SWD	AB	BOWMAN
10414	WHITE ROCK OIL & GAS, LLC	MISSOURI RIDGE	WINTER LESNICK 1	OG	TA	WILLIAMS
13333	WHITE ROCK OIL & GAS, LLC	ELMS	KABANUCK 1	OG	AB	BOTTINEAU

SFN 5729

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order Nos. 31050-31067 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:

LAWRENCE BENDER
FREDRIKSON & BYRON
PO BOX 1855
BISMARCK, ND 58502-1855

PAVAN LUK KHATRI
RJENS LLC
PO BOX 0188
OZONA, TX 76943

TROY COONS
NORTHWEST LANDOWNERS ASSOC.
6050 OLD HWY 2
BERTHOLD, ND 58718

Bethany Kadrmas
Oil & Gas Division

On this 20th day of August, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Notary Public
State of North Dakota, County of Burleigh

JEANETTE BEAN
Notary Public, State of North Dakota
My Commission Expires
May 25, 2023

Kadrmas, Bethany R.

From: Chelsey J. Ternes <cternes@vogellaw.com>
Sent: Thursday, July 30, 2020 2:47 PM
To: Kadrmas, Bethany R.
Subject: FW: Apollo Resources, LLC Case No: 28530
Attachments: VOGEL-#4121693-v1-Phillips_letter_to_fwd__Objection.PDF; VOGEL-#4121692-v1-Objection_and_Request_for_Continuance.PDF; VOGEL-#4121690-v1-AOS.PDF

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Ms. Kadrmas,

Please see the attached. I had a typo in your email address.

Thank you,

Chelsey Ternes
Senior Legal Administrative Assistant
P: 701.258.7899 | F: 701.258.9705
cternes@vogellaw.com

From: Chelsey J. Ternes
Sent: Thursday, July 30, 2020 2:43 PM
To: 'drphillips@nd.gov' <drphillips@nd.gov>
Cc: Monte Rogneby <mrogneby@VogelLaw.com>; 'lhelms@nd.gov' <lhelms@nd.gov>; 'bkadrmas@nd.gov' <bkadrmas@nd.gov>
Subject: Apollo Resources, LLC Case No: 28530

Mr. Phillips,

Please see the attached Objection and Request for Continuance.

Thank you,

Chelsey Ternes | Senior Legal Administrative Assistant

VOGEL Law Firm

200 North 3rd Street, Suite 201
P.O. Box 2097 | Bismarck, ND 58502-2097
Tel: 701.258.7899 | Fax: 701.258.9705

e-mail | vogellaw.com

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Monte L. Rogneby
mrogneby@vogellaw.com

July 30, 2020

VIA EMAIL ONLY

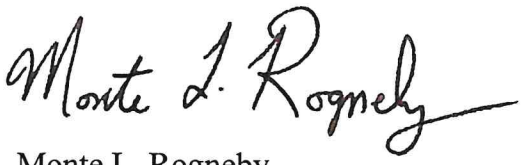
David Phillips
Office of the Attorney General
600 E. Boulevard Ave., Dept. 125
Bismarck, ND 58505-0400
drphillips@nd.gov

Re: Apollo Resources, LLC
Case No: 28530

Dear Mr. Phillips:

Enclosed is Apollo Resources, LLC's Objection and Request for Continuance in the above mentioned matter.

Sincerely,



Monte L. Rogneby

MLR:cjt
Enclosure

cc: Bethany Kadrmas *via email only*
Lynn Helms *via email only*

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND.	Case No. 28530 **OBJECTION AND REQUEST FOR CONTINUANCE**

Apollo Resources, LLC, by and through its counsel, Monte L. Rogneby, Vogel Law Firm, hereby files the following objection and request for continuance in the above references matter.

1. Apollo objects to the Commission's proposed confiscation on the grounds that Apollo was not properly served with notice of this action. Service was attempted on Apollo LLC of Tampa, Florida. This is the wrong Apollo Resources.

2. Apollo objects on the grounds that the Commission has failed to provide proper notice of the factual allegations against Apollo in violation of due process and the requirements of N.D.C.C. Ch. 38-08.

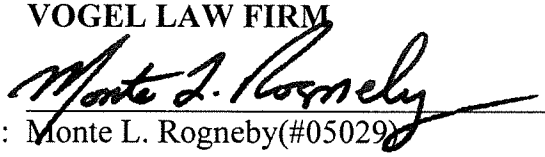
3. Apollo objects on the grounds that this new proceeding by the Commission constitutes impermissible claim splitting by the Commission. The claims in this action must be adjudicated as part of the on-going administrative action between the Commission and Apollo.

4. Apollo objects on the grounds that it has not voluntarily abandoned the subject property and it holds the Commission to its proof.

5. Apollo's counsel only learned of the above-referenced proceeding late in the afternoon of July 30, 2020, has had no opportunity to confer with his client or to prepare any substantive response to the Commission's notice, or prepare for the scheduled hearing. Accordingly, Apollo requests a continuance to allow Apollo an opportunity to confer with counsel and to properly prepare a defense.

Dated this 30th day of July, 2020.

VOGEL LAW FIRM



BY: Monte L. Rogneby(#05029)
US Bank Building
200 North 3rd Street, Suite 201
PO Box 2097
Bismarck, ND 58502-2097
Telephone: 701.258.7899
Email: mrogneby@vogellaw.com
ATTORNEYS FOR APOLLO RESOURCES, LLC

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE CONFISCATION, UNDER NDCC §§ 38-08-04 AND 38-08-04.9, OF ALL PRODUCTION AND/OR INJECTION RELATED EQUIPMENT, SALABLE OIL AT CERTAIN ABANDONED WELLS, CERTAIN PRODUCED WATER UNDERGROUND GATHERING SYSTEMS, AND CERTAIN TREATING PLANTS, ALL LOCATED IN BILLINGS, BOTTINEAU, BOWMAN, BURKE, GOLDEN VALLEY, MCHENRY, MCKENZIE, MOUNTRAIL, RENVILLE, WARD, AND WILLIAMS COUNTIES, ND.	Case No. 24365 **AFFIDAVIT OF SERVICE**

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

I hereby certify that on July 30, 2020, the following document:

1. Objection and Request for Continuance

was served electronically to the following:

David Phillips
drphillips@nd.gov

Lynn Helms
lhelms@nd.gov

Bethany Kadrmas
bkadrmas@nd.gov

Chelsey Ternes

Subscribed and sworn to before me this 30th day of July, 2020.

Notary Public

(SEAL)

LINDA ROEDER
Notary Public
State of North Dakota
My Commission Expires Mar 5, 2023

Kadrmas, Bethany R.

From: Bohrer, Mark F.
Sent: Thursday, July 30, 2020 1:50 PM
To: Kadrmas, Bethany R.
Subject: FW: Berg Site

From: Jeff Arundel <jeff@luckyclubmail.com>
Sent: July 29, 2020 6:04 PM
To: Bohrer, Mark F. <mbohrer@nd.gov>
Subject: Berg Site

Good Morning Mark:
As you know, we have been working to finalize the reclaimation of the Berg site. We are down to two final aspects of the project:

1) Remove contaminated soil in 8 areas per the coordinates provided
2) Make final reclaimation of the road and pad relating to the well (the well was capped in June 2020)

We have retained Chase Conway/Basin for these final phases. The removal of the soil will occur starting sometime next week and should take 4-5 days, and then the final work on the well site will occur. We are just waiting to hear back from the landowner on some aspects of the site that he may want to preserve. We expect to have both remaining phases of the project done by 9/1, at which point we will request the return of our bonds.

We are requesting that we be dismissed from the motion and hearing this Friday 7/31, based on the above information.

Kindly advise, thanks.

Jeff Arundel

Kadrmas, Bethany R.

From: Trent Cline <trentcline@live.com>
Sent: Wednesday, July 29, 2020 4:25 PM
To: Kadrmas, Bethany R.
Cc: Thune, Jared W.
Subject: Intent to Protest Confiscation- New Way Energy Services, LLC
Attachments: New Way Hearing Letter.pdf

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Hello,

This is our formal intent to testify at the hearing coming up Friday, July 31st, against the confiscation of NDEn Services Treating Plant #1, operated by New Way Energy Services, LLC in McKenzie County.

Please contact (303) 548-9953 for a tele-conference during our portion of the hearing.

Thanks,

Trent Cline
(303) 548-9953

June 26th, 2020

North Dakota Industrial Commission
N.D. Oil and Gas Division
1016 E. Calgary Ave
Bismarck, ND 58503-5512

RE: Case No. 28530- Confiscation Hearing

Dear Members of the North Dakota Industrial Commission,

New Way Energy Services, LLC is the operator of NDEn Services Treating Plant #1. This letter is written to request the NDIC remove this Treatment Plant from consideration for confiscation.

When New Way took over the plant from All Clear Environmental, LLC, it was in considerable disrepair. Since taking over the Treatment Plant, New Way has spent considerable resources on getting the site cleaned up to be put back into service.

During the site remediation last year, New Way removed all tanks and storage containers, pulled the liner, and began excavating soil. All of this work was performed at New Way's expense, without financial help from the State or NDIC, with the intent of bringing the facility back online. Once work was completed, soil testing was performed. While many samples came back as acceptable, there was some additional contamination that came back above acceptable levels. The soil report has been shared with the NDIC, and the estimated workload would involve approximately two days of trucking and disposal of soils. New Way intends to complete this work as soon as possible.

New Way has a significant reclamation bond in place and in good standing, one which would be able to cover the small amount of clean-up work that is left many times over. Once the facility is cleaned up, the end goal is to return the plant to active status. Before the facility is active, the reclamation bond amount will be increased. New Way has demonstrated its conservative strategy of not overextending itself, and plans to continue that into the future.

In the current environment of low oil prices, a Treatment Plant located at this high volume intersection is still economically viable. In addition, there are a number of current Treatment Plant operators that have been unable to continue operating for a myriad of reasons. New Way is looking forward to filling the hole that has been left in the market, while providing economically friendly services with a focus on regulatory compliance, safety, and the environment. New Way's design, as discussed with the NDIC, will not have a significant reliance on the recovery of oil as a revenue stream.

The landowner from whom New Way leases the land has continued to be cooperative, and is intent on getting this facility back to operating.

Below is a proposed timeline, with recommendations welcome from NDIC and State representatives.

Proposed Timeline:

- August 21st- Form 1TP submitted to NDIC for approval

- August 28th- Remainder of Site Clean Up Finished

- September 23rd- Facility construction begins, pending applicable approvals from the NDIC and all pertinent regulatory agencies.

With this timeline, the history of the facility, and an adequate Surety Bond already in place, we request that the NDIC remove NDEn Services Treating Plant #1 from consideration for confiscation. New Way and their representatives have continued to be cooperative throughout this process and are looking forward to working with the NDIC and to receive their input moving forward.

Respectfully,

Trent Cline
(303)548-9953
trentcline@live.com
5045 W 126th Cir,
Broomfield, CO 80020

Kadrmas, Bethany R.

From: Eric Linthicum <elinthicum@whiterockog.com>
Sent: Wednesday, July 29, 2020 4:22 PM
To: Kadrmas, Bethany R.
Cc: Shawna Bonini; Bender, Lawrence; Entzi-Odden, Lyn
Subject: White Rock Case 28530 testimony
Attachments: White Rock Oil Gas - Testimony for NDIC Confiscation Hearing - Case No. 28530.pdf

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Good Afternoon,

Please see the attached testimony for the case referenced above.

Thanks,

Eric Linthicum
Regulatory Manager
5810 Tennyson Parkway, Suite 500
Plano, TX 75024
O: 214-666-4826
C: 214-907-7260

WHITE ROCK OIL & GAS

WHITE ROCK OIL & GAS

July 29, 2020

North Dakota Industrial Commission
Oil and Gas Division
Attn: Mr. Lynn Helms
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505-0840

RE: Testimony of White Rock Oil & Gas, LLC in Case No. 28530

Dear Mr. Helms:

The North Dakota Industrial Commission ("Commission") has issued a notice hearing in Case No. 28530 regarding the confiscation of all production and/or injection related equipment, and salable oil at certain wells. White Rock Oil & Gas, LLC ("White Rock") is the operator of the following oil, gas and saltwater disposal wells subject to confiscation pursuant to the Commission's motion in this case (the "Wells"):

File No.	Well Name	Well Type	Well Status	Time in Status (Days)
2279	Morton Beckedahl B 1*	OG	IA	226
9121	Federal 6-1	OG	AB	135
10228	Rolph 1-24	SWD	AB	652
10414	Winter Lesnick 1*	OG	TA	453
13333	Kabanuck 1	OG	AB	104

*See information about the Central Tank Batteries (CTB) associated with these wells.

White Rock supports the confiscation of the Wells; subject, however, to the Commission proceeding with confiscation in a manner that does not unduly burden White Rock or the other operators and working interest owners participating in the program. In particular, White Rock strongly objects to the confiscation, forfeiture, or suspension of well bonds as means for the Commission to recover costs incurred by plugging and reclamation operations. The confiscation of well bonds will result in extreme financial hardship for White Rock as White Rock will have to repay the surety company for any claims made against its well bonds.

White Rock also objects to the Commission initiating lawsuits against operators and working interest owners in order to recover costs incurred in connection with the well plugging program. The threat of civil litigation to recover such costs not only creates an environment of uncertainty, but is also inherently unfair when operators and working interest owners will have no control over or say in the decisions made with respect to plugging and abandonment operations or the

5810 Tennyson Pkwy, Suite 500; Plano, Texas 75024 Main 214.981.1400 Fax 214.981.1401

WHITE ROCK OIL & GAS

costs associated therewith. In the current economic environment, the cost of civil litigation will compound the financial woes of operators and working interest owners.

*Information about facilities associated with recommended confiscated wells.

Morton Beckedahl B1 (#2279) shares a facility with the Temporarily Abandoned Morton Beckedahl B2 (#12571). The facility is identified as CTB No: 202279 and should remain in place place to support the Beckedahl B2. Only the wellbore for Morton Beckedahl B1 (#2279) should be abandoned with the site remaining as currently constructed.

Winter Lesnick 1 (#10414) shares a facility with an active producer, Winter Lesnick 2 (#10647). The CTB is identified as CTB No: 110414 and 110647. Since the Winter Lesnick 2 is an active producer, all tanks and equipment associated with the CTB should remain in place. Only the wellbore for Winter Lesnick 1 should be abandoned with the site remaining as currently constructed.

In support of White Rock's request to confiscate the Wells, White Rock states that (i) it will be uneconomical to return said wells to production/injection at any time in the foreseeable future, (ii) White Rock may not be able to obtain single-well bonds for each of said wells due to the current economic environment and impacts of the pandemic, and (iii) White Rock will be unable to bring the wells into compliance before the CARES Act deadline of December 30, 2020.

In conclusion, in the event the Commission elects to confiscate White Rock's Wells, White Rock requests that the order for confiscation include a waiver from the Commission of the Commission's rights with respect to well bonds and civil lawsuits as detailed herein. The waiver should be limited to the extent such rights can be enforced against White Rock in connection with the Wells.

Should the Commission have any questions for White Rock, please contact Eric Linthicum at 214-666-4826 or elinthicum@whiterockog.com.

Sincerely,

White Rock Oil & Gas, LLC
5810 Tennyson Pkwy
Suite 500
Plano, TX 75024

cc: Mr. Lawrence Bender *Via Email*

Kadrmas, Bethany R.

From: Gilbert Thompson <Gilbert.Thompson@SamsonOilandGas.com>
Sent: Wednesday, July 29, 2020 4:22 PM
To: Kadrmas, Bethany R.
Subject: Samson Oil and Gas USA Inc - Testimony for NDIC Confiscation Hearing
Attachments: Samson Oil and Gas USA - Testimony for NDIC Confiscation Hearing - Case No. 28530_70515161(2)(002).pdf

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Hello Bethany,

Please find the attached Samson Oil and Gas Testimony for the NDIC Confiscation Hearing for submission. Please let me know if you need anything else.

Thank you,

Gilbert Thompson
Landman
1331 17th St, Suite 710
Denver, CO 80202
Office – 303-524-3363

SAMSON
OIL & GAS LIMITED

July 29, 2020

North Dakota Industrial Commission
Oil and Gas Division
Attn: Mr. Lynn Helms
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505-0840

RE: Case No. 28530

Dear Mr. Helms:

In response to the notice of hearing in Case No. 28530 before the North Dakota Industrial Commission ("Commission"), Samson Oil and Gas USA, Inc. ("Samson") submits the following testimony for the Commission's consideration.

Samson operates the following oil and gas wells which are subject to confiscation as part of the Commission's motion in this case (the "Notice Wells"):

File No.	**Well Name**	**Well Type**	**Well Status**	**Status Date**
12030	Foster 1-32	OG	AB	03/01/2015
13707	Danielson 3-32	OG	IA	05/15/2020
14659	Sandberg 1-21H	OG	AB	06/15/2019
15541	Aaron 1-22	OG	IA	03/15/2020
15622	Schmidt 1-25H	OG	IA	03/15/2020
15695	Lassey 1-15H	OG	IA	02/15/2020
15767	Gonzalez 1-8H	OG	IA	02/15/2020
15844	Link 13-2HA	OG	TA	05/14/2018
15879	Schmitz 44-30H	OG	IA	02/15/2020
16196	Pederson 1-10H	OG	AB	08/01/2018

Samson requests that the following Notice Wells be excluded from the well plugging program (the "Exclusion Wells"):

File No.	Well Name	Well Type	Well Status	Status Date
15541	Aaron 1-22	OG	IA	03/15/2020
15622	Schmidt 1-25H	OG	IA	03/15/2020
15695	Lassey 1-15H	OG	IA	02/15/2020
15767	Gonzalez 1-8H	OG	IA	02/15/2020
15879	Schmitz 44-30H	OG	IA	02/15/2020
16196	Pederson 1-10H	OG	AB	08/01/2018

The Notice Wells (less and except the Exclusion Wells) should be confiscated because it will be uneconomical to return said wells to production/injection at any time in the foreseeable future and said wells are not well suited for additional reworking or recompletion operations. Furthermore, Samson will be unable to bring said into compliance with Commission rules prior to the December 30, 2020 CARES Act deadline.

The Exclusion Wells should not be confiscated because Samson has future plans for these wells and each well has the potential for economic return to production within the foreseeable future.

Samson opposes confiscation of the Notice Wells to the extent the Commission intends to confiscate, forfeit, or suspend well bonds as means for the Commission to recover costs incurred by plugging and reclamation operations. The confiscation of well bonds will result in undue financial hardship for Samson as Samson will be liable to the surety company for any claims made against its well bonds. Furthermore, the threat of civil litigation to recover such costs not only creates an environment of uncertainty but is also inherently unfair when operators and working interest owners will have no control over or say in the decisions made with respect to plugging and abandonment operations or the costs associated therewith. In the current economic environment, the cost of civil litigation will compound the financial woes of operators and working interest owners.

In conclusion, the Commission should implement its well plugging program using only the funds allocated to it through the CARES Act and at no cost or liability to operators and/or working interest owners. Accordingly, the Commission's order for confiscation should include a waiver or agreement by the Commission that it will not confiscate, suspend or forfeit Samson's well bonds or pursue civil actions against Samson and/or working interest owners in connection with the confiscation of Samson's wells.

Should the Commission have any questions for Samson, please contact Tristan Farel at 303-579-1129 or tfarel@samsonoilandgas.com.

Sincerely,

Samson Oil and Gas USA, Inc.
1331 17th Street, Suite 710
Denver, CO 80202

cc: Mr. Lawrence Bender *Via Email*

70515161.2

Kadrmas, Bethany R.

From: Entzi-Odden, Lyn <lodden@fredlaw.com>
Sent: Wednesday, July 29, 2020 3:58 PM
To: Kadrmas, Bethany R.
Cc: sgladden@scoutep.com; tbrown@scoutep.com; lmoore@scoutep.com; wsaint@scoutep.com; sheronda.greenwood@scoutep.com; cmitchell@scoutep.com; mmercer@scoutep.com; Bender, Lawrence; Forsberg, Sara
Subject: Scout Energy Management, LLC written testimony - CASE 28530
Attachments: Scout Energy - Testimony for NDIC Confiscation Hearing - Case No. 28530.pdf

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Bethany,

Please see the attached for filing, submitted on behalf of Scout Energy Management, LLC, as written testimony for Case 28530 which is scheduled for hearing Friday, July 31, 2020.

Thank you.

Lyn Entzi-Odden
Fredrikson & Byron, P.A.
Executive Legal Assistant
Energy

(701) 221-8700 Work
lodden@fredlaw.com
1133 College Drive
Suite 1000
Bismarck, ND 58501

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SCOUT

4901 LBJ FWY, STE 300 · Dallas, TX 75244
972-865-7591 · www.scoutep.com

July 29, 2020

Mr. Lynn Helms
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505-0840

Case No. 28530

Dear Mr. Helms,

Scout Energy Management, LLC ("Scout Energy") submits the following testimony and request for consideration by the North Dakota Industrial Commission ("Commission") in Case No. 28530 regarding the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants.

The notice of hearing ("Notice") sets forth a list of wells proposed to be confiscated by the Commission in this case. Scout Energy does not own or operate any of the wells set forth in the Notice; however, Scout Energy submits the following wells for inclusion in the Commission's plugging program (the "Scout Energy Wells"):

File No.	Well Name	Well Type	Well Status	Field
5294	Wilms A 2R	OG	IA (Inactive) as of 5/15/20	WILEY
11934	9215 JV-P Snow 1	OG	IAW (Inactive Waiver) as of 10/15/19	LITTLE KNIFE
9887	Bratcher State 10-44	OG	IA (Inactive) as of 11/15/19	RAGGED BUTTE

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15133	Erickson 1RH	OG	AB (Abandoned) as of 5/15/20	WILEY
8992	USA 11-4-76	OG	A (Active) as of 6/15/19	ESTES
12693	SFTU 10-25 WSW	OG	A (Active) as of 3/6/1995	FRYBURG
2851	Thompson "M"1	OG	IA (Inactive) as of 2/15/20	SOUTH WESTHOPE
1929	Jenson C A1	OG	IA (Inactive) as of 1/15/20	SOUTH WESTHOPE
545	Hoehn SWD 1	OG	A (Active) as of 3/15/20	ELK
8402	Wollan 10-15	OG	TA (Temporary Abandon) as of 7/23/18	BERG
10645	Greengard 1 (not including facilities serving other wells)	OG	AB (Abandoned) as of 6/15/20)	INDIAN HILL
2778	Kirby B 1-23	OG	IA (Inactive as of 7/15/20)	WILEY
6389	AO Erickson 8-14	WI	A (Active as of 4/14/16)	WILEY
6720	Newhouse A 9H	OG	IA (Inactive as of 7/15/20)	WILEY

SCOUT

4901 LBJ FWY, STE 300 · Dallas, TX 75244
972-865-7591 · www.scoutep.com

Please note that, as referenced above, the site for the Greengard 1 Well (File No. 10645) has a tank battery and other equipment that also serves other wells not subject to confiscation in this order or any other order related to the Commission's current well confiscation program. Accordingly, Scout requests that, if the Greengard 1 Well (File No. 10645) is confiscated, the order for such confiscation exclude said tank battery and any other production or injection related equipment located at the well site of the Greengard 1 Well (File No. 10645) which is necessary for the continued operation of any well or wells not confiscated by the Commission in its current program.

The Scout Energy Wells should be confiscated because none of these wells (i) are currently producing or being utilized for injection purposes, (ii) are likely to be brought back to production or injection, or (iii) serve any other beneficial purpose at this time or in the foreseeable future.

Scout Energy's request to add the Scout Energy Wells is conditioned upon the Commission proceeding with confiscation in a manner that does not impose financial liability upon Scout Energy or other operators and working interest owners. Specifically, the Notice outlines the Commission's authority to confiscate well bonds and commence legal action against operators to recoup the costs of plugging and reclaiming the confiscated wells.

The confiscation, forfeiture or suspension of well bonds will result in a direct financial impact to operators, as principals under such bonds, since they are ultimately liable under the bond surety agreement for payment in the event the bond is forfeited or confiscated. Furthermore, the potential to be sued for plugging and reclamation costs only works to create more uncertainty for operators and working interest owners with respect to the Commission's proposed well confiscation program. Lawsuits to recover plugging and reclamation costs incurred by the Commission not only impose additional liability upon operators, but are also inherently unfair as operators and working interest owners will not have been in a position to negotiate, or otherwise approve or disapprove of the plugging or reclamation operations (or the costs incurred in connection therewith) conducted by or at the direction of the Commission.

Such actions, if taken by the Commission, will place severe financial strain on operators at a time when operators are already financially strapped for cash due to low oil prices and the impacts of Covid-19. For these reasons, Scout Energy opposes the Commission's well confiscation program to the extent the Commission is allowed to confiscate well bonds or maintain a cause of action against operators and/or working interest owners in connection therewith.

SCOUT

4901 LBJ FWY, STE 300 · Dallas, TX 75244
972-865-7591 · www.scoutep.com

In conclusion, the special plugging program should be executed with the funds allocated to it by the CARES Act and at no additional cost or liability to the operators and working interest owners. The Commission should set forth clear guidance as to how it intends to proceed with the plugging program, addressing Scout Energy's specific concerns regarding bond confiscation and civil litigation outlined herein. Once the Commission has provided said guidance, Scout Energy and other operators should have the opportunity to affirmatively opt into or out of the Commission's plugging program.

Should the Commission have any questions for Scout Energy, please contact Lucas Moore at (972) 865-7591 or lmoore@scoutep.com.

Sincerely,

Scout Energy Management, LLC

By: _____

Kadrmas, Bethany R.

From: Matt Pride <mattp@pride-energy.com>
Sent: Wednesday, July 29, 2020 1:29 PM
To: Kadrmas, Bethany R.
Subject: NDIC Confiscation Hearing on July 31, 2020 Case No. 28530
Attachments: NDIC 7-29-20.pdf

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July 29, 2020 **(701)328-0840**

North Dakota Industrial Commission
Oil & Gas Division
600 East Boulevard Ave., Dept. 405
Bismarck, ND 58505-0840

Please find attached, the written testimony of Pride Energy Company for consideration in Case No. 28530.
Please confirm that you did receive this.

Thank you and if there are any questions, please feel free to contact me at (918)524-9200.

Matthew L. Pride
Pride Energy Company
P.O. Box 701950
Tulsa, OK 74170
(918) 524-9200
(918) 524-9292 Fax

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PRIDE ENERGY COMPANY

(918) 524-9200 ♦ Fax (918) 524-9292 ♦ www.pride-energy.com

Physical Address: 4641 E 91st St.
Tulsa OK, 74137

Mailing Address: P.O. Box 701950
Tulsa, OK 74170-1950

Email Address: mattp@pride-energy.com

July 29, 2020

North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505-0840

RE: NDIC Case No. 28530

Dear Sir:

Please accept this letter as the testimony of Pride Energy Company, an Oklahoma General Partnership ("Pride") for consideration in Case No. 28530.

Pride is the operator of the following oil and gas wells subject to confiscation pursuant to the Commission's motion in Case No. 28530 ("Subject Wells"):

	Well Name:	Well Type	Status	Time in Status	File No.
1.	USA 32-23-21 & CTB	OG	IA	Since May, 2019	6776
2.	USA 23-33-41 & CTB	OG	IA	Since April, 2019	7155
3.	USA 43-30-45 & CTB	OG	IA	Since April, 2019	7172
4.	Squaw Gap Federal 14-30H	OG	IA	Since May, 2019	14635
5.	Elkhorn Short Com. 3	OG	IA	Since April, 2020	12814
6.	Blacktail Federal 5-13	OG	IA	Since April, 2020	12908

The status and time in status for each of the Subject Wells is provided in the table above. The Subject Wells should be confiscated because it is not economic to return said wells to production in the foreseeable future and the Subject Wells are not candidates for re-working operations or other beneficial uses. In addition, Pride will not be able to bring the Subject Wells into compliance with Commission rules prior to the CARES Act deadline.

Accordingly, Pride requests that the Commission confiscate the Subject Wells; *provided, however*, that the Commission's order for confiscation contains an express waiver by the Commission of its rights with respect to bond confiscation, forfeiture and suspension and with respect to the Commission's authority to maintain lawsuits against operators and working interest owners in order to recover its costs for plugging and reclamation. The waiver of the Commission's rights with respect to the foregoing is limited insofar as such rights may be enforced against Pride or working interest owners in connection with the confiscation of the Subject Wells.

Pride appreciates the opportunity to provide this testimony for the Commission's consideration. Should the Commission have any questions for Pride, please contact Matthew L. Pride at (918) 524-9200 or by email at mattp@pride-energy.com.

Sincerely,

Pride Energy Company

Matthew L. Pride

Matthew L. Pride

cc: Mr. Lawrence Bender *Via Email*

70514347.1

Kadrmas, Bethany R.

From: Roy Breeling <rgbreeling@aol.com>
Sent: Wednesday, July 29, 2020 2:18 PM
To: Kadrmas, Bethany R.
Cc: dligon@ligoninc.com
Subject: Case No. 28530 - File No. 700099-01
Attachments: 2014-08-21_BWSLeaseOption-ColdVersionPlant_EXCO(all)v3.pdf; 2019 Keene Appraisal & Property Pictures.docx; 2020-07-29_Keene Thermal Desorption Treating Plant #1_Response.docx; Bakken Western Soil Disposition Invoices.pdf

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STATE OF NORTH DAKOTA

NORTH DAKOTA INDUSTRIAL COMMISSION

CASE NO. 28530

File No. 700099-01

Documents (see attached) in Support of the Testimony by David G. Ligon, President of Bakken Western Services, LLC, in resistance to Motion of the Commission to consider confiscation of the Keene Thermal Desorption Treating Plant #1 – telephone number 615-473-8173.

Roy G. Breeling
Omaha Address:
11840 Nicholas Street, Suite 101
Omaha NE 68154
Panama City Beach Address:
1016 Thomas Drive, Unit 249
Panama City Beach FL 32408
Phone: 402-598-8066
Facsimile: 402-391-6616
email: rgbreeling@aol.com

AGREEMENT TO LEASE EQUIPMENT
AND OPTION TO PURCHASE

THIS AGREEMENT TO LEASE EQUIPMENT AND OPTION TO PURCHASE (this "***Agreement***") is made effective as of the 21st day of July 2014 by FIVE STAR TECHNOLOGY GROUP, LLC, a Florida limited liability company ("***Lessor***") and BAKKEN WESTERN SERVICES, LLC, a North Dakota limited liability company ("***Lessee***"). Lessor and Lessee are sometimes referred to herein individually as a "***Party***" and collectively as the "***Parties***".

WHEREAS, Lessee desires to lease from Lessor and Lessor desires to lease to Lessee certain tangible personal property; and

WHEREAS, Lessee desires to have the option to purchase the personal property from Lessor and Lessor desires to grant Lessee the option to purchase.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, the Parties hereto agree as follows:

1. Lease.

Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, that certain equipment, together with attachments and ancillary items, described on Exhibit A attached hereto and by this reference made a part hereof (the "***Equipment***"). In the event that Lessee elects to acquire and install additional equipment to be used in the soil remediation business (the "***Additional Equipment***"), such Additional Equipment will be acquired at Lessee's expense unless Lessee requests and Lessor agrees to acquire the same and to add it to the Equipment hereunder. If Lessor does so, then the Rent hereunder and the Option Price will be increased accordingly and the Additional Equipment will thereafter be part of the "***Equipment***" hereunder.

2. Term.

The term of this Agreement (the "***Term***") shall commence on the later of (a) 30 days from the date hereof and (b) the date upon which the Equipment is delivered to the first of Lessee's soil remediation sites (each, a "***Mobile Work Site***") and commercial operations begin, and shall expire on the earlier of (i) last day of the 24th full calendar month thereafter and (ii) the day that Lessee pays the Option Price to Lessor in full and timely compliance with the provisions of Section 3, below, after a valid exercise of the Option thereunder. In the event that Lessee fails to return the Equipment to Lessor's Location on or before the last day of the 24th full calendar month, the Term shall automatically extend on the same terms and conditions on a month to month basis until (x) 30 days after Lessor notifies Lessee that Lessor will terminate this Agreement, (y) Lessee returns the Equipment to Lessor's Location or (z) Lessee exercises the option pursuant to Section 3 hereof.

3. Option to Purchase Equipment.

(a) Subject to the provisions of Section 15 below, Lessee shall have the option to purchase the Equipment at any time during the Term (the "***Option***") for $700,000 cash ("***Option Price***"); provided that, if Lessor provides the Additional Equipment as provided in Section 1 above, the Option Price will increase as agreed by the Parties at the time of acquisition of the Additional Equipment but in any event not less than the delivered and installed costs of such Additional Equipment. An amount equal to 80% of all monthly Rent payments made to Lessor by Lessee pursuant to this Agreement shall be credited to the Option Price at closing.

(b) In order to exercise the Option, Lessee must notify Lessor in writing prior to the last day of the Term that it intends to exercise this Option (the "***Exercise Notice***") or the Option will automatically expire. Such Exercise Notice shall specify the date, not more than 10 days after delivery of the Exercise Notice, that the Option Price will be remitted to Lessor. If Lessee timely elects to exercise the Option, Lessee shall remit the Option Price in cash to Lessor on or before the date specified in the Exercise Notice in the manner and to the account set forth in Exhibit B attached hereto and by this reference made a part hereof or the Option will automatically expire.

(c) Upon valid exercise of this Option along with timely delivery of the Option Price, the Equipment will become the sole and exclusive property of Lessee, and Lessor shall have no further right, title, or interest therein or thereto. Upon timely receipt of the Option Price in full, Lessor shall promptly execute and deliver to Lessee a Bill of Sale for the Equipment substantially in the form attached as Exhibit C conveying title to the Equipment to Lessee. Lessee shall pay any sales or use tax incident to the purchase hereunder.

4. Shipping.

Lessor has caused, or will cause, the Equipment to be delivered to Lessee's business site located at 10692 35th St NW, Keene North Dakota 58847 ("***Lessee's Site***"). Lessee shall be responsible for all costs incurred by Lessor in transporting the Equipment to Lessee's Site from its previous location, for all costs in moving the Equipment from and to Lessee's Site and any Mobile Work Site, and for all costs of returning the Equipment, unless purchased by Lessee, at the expiration or termination of the Term to such location as Lessor shall direct in writing ("***Lessor's Location***").

5. Rent.

The monthly rent for the Equipment shall be $15,000 per month (the "***Rent***") for the Term; provided that, if Lessor provides the Additional Equipment as provided in Section 1 above, the Rent will increase effective as of the first day of the next calendar month after the month of delivery. The amount of the monthly increase in the Rent shall be as agreed by the Parties at the time of acquisition of the Additional Equipment but in any event not less than the delivered and installed costs of such Additional Equipment times a

fraction, the numerator of which is 15 and the denominator of which is 700. Rent shall be prorated for any partial calendar month at the beginning or end of the Term. The monthly Rent shall commence on the first day of the Term and shall thereafter be due and payable on the 1st day of each calendar month thereafter during the Term until this Agreement expires or is otherwise terminated as otherwise herein provided. The Rent and the Option Price, if applicable, shall be paid by Lessee to the order of Lessor by wire transfer as set forth on Exhibit B. Any Rent or other payment due from Lessee to Lessor hereunder not made when due shall be considered overdue and, in addition to Lessor's other remedies, Lessor may levy a late payment charge equal to 1.5% per month on any overdue amount.

6. Use.

Until and unless (a) Lessee shall purchase the Equipment as provided herein, and (b) Lessee pays to Lessor all other Promissory Notes or indebtedness owed by Lessee to Lessor (the "***Payment Date***"), Lessee shall not engage or discharge a manager with oversight and operational authority over operations at Lessee's Site or any Mobile Work Site except with Lessor's prior written approval (the "***Project Manager***"). In the event that Lessor notifies Lessee that it no longer approves of the performance of the Project Manager, Lessee shall reassign the disapproved Project Manager to other duties (not directly involved with the Project) or discharge the disapproved Project Manager from Lessee's employment. At any time prior to the Payment Date when Lessee does not have an approved Project Manager overseeing the operations Lessor may appoint the Project Manager at a pay rate equal to the highest rate paid to any previous Project Manager. At all times the Project Manager will be an employee of, and shall be paid by Lessee. Lessor hereby reserves, and Lessee hereby grants unto Lessor, the right to inspect the Equipment and to confer with the Project Manager at any time and from time to time until the Payment Date. For such purposes, Lessee grants Lessor a license to enter upon any real estate where such Equipment may be located. Lessee shall pay all Operating Costs for the Equipment; provided that Lessor may, but is not required to, advance or pay directly any Operating Costs incurred by the project from time to time. Any Operating Costs advanced or paid directly by Lessor will be reimbursed to Lessor within 10 days from invoice. Reimbursement of such Operating Costs shall be paid by Lessee to the order of Lessor by wire transfer as set forth on Exhibit B. Any invoiced Operating Costs due from Lessee to Lessor hereunder not reimbursed when due shall be considered overdue and, in addition to Lessor's other remedies, Lessor may levy a late payment charge equal to 1.5% per month on any overdue amount.

7. Disclaimer of Warranty.

LESSOR DISCLAIMS AND LESSEE WAIVES ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, EXCEPT THAT LESSOR WARRANTS THAT LESSOR HAS THE RIGHT TO LEASE AND DELIVER POSSESSION OF THE EQUIPMENT, AS PROVIDED IN THIS AGREEMENT. POSSESSION OF THE

EQUIPMENT IS TAKEN HEREUNDER BY LESSEE IN AN "AS IS, WHERE IS" CONDITION. Lessor further disclaims and Lessee waives any liability for loss, damage, or injury to Lessee or any third parties as a result of any defects, latent or otherwise, in the Equipment whether asserted based upon Lessor's negligence or application of the laws of strict liability.

8. Repairs.

During the entire Term Lessee shall maintain and repair the Equipment in good mechanical working order and repair at Lessee's cost and expense. Lessee agrees to responsible for the cost of any and all parts, mechanisms and devices required to keep the Equipment in good mechanical working order during the Term. Any necessary repairs or replacements directed by Lessor from time to time shall promptly be undertaken and completed by Lessee.

9. Loss and Damage.

(a) Lessee hereby assumes and shall bear the entire risk of loss and damage to the Equipment during the Term from any and every cause whatsoever. No loss or damage to the Equipment or any part thereof shall impair any obligation of Lessee under this Agreement which shall continue in full force and effect through the Term of this Agreement.

(b) In the event of loss or damage of any kind whatever to the Equipment, Lessee shall, at Lessee's option:

(i) Place the same in good repair, condition, and working order (and for such purpose, Lessor shall make available any net insurance proceeds received by Lessor by reason of the loss or damage to the Equipment); or

(ii) Replace the same with like equipment in good repair, condition, and working order (with the Lessor contributing to the costs of said like equipment any net insurance proceeds received by Lessor by reason of destruction or damage to such Equipment); or

(iii) Pay to Lessor the replacement cost of the Equipment (with due credit for any net insurance proceeds received by Lessor by reason of the destruction of such Equipment).

10. Surrender.

Unless Lessee duly and timely exercises its Option to purchase the Equipment pursuant to Section 3 above, upon the expiration or earlier termination of this Agreement, Lessee shall return the Equipment to Lessor at Lessor's Location in as good repair, condition, and working order as received, ordinary wear and tear resulting from proper use thereof alone excepted, by delivering the Equipment at Lessee's cost and expense to Lessor's Location or such other place as Lessor shall specify.

11. Insurance.

Lessee shall procure and continuously maintain and pay for:

(a) All risk insurance against loss of and damage to the Equipment for not less than the full replacement value of the Equipment (agreed for purposes of this Agreement to be equal to the Option Price, naming Lessor as loss payee; and

(b) Combined public liability and property damage insurance with limits as approved by Lessor at the beginning of this Agreement, naming Lessor as additional insured.

(c) The insurance shall be in such form and with such company or companies as shall be reasonably acceptable to Lessor, shall provide at least 30 days advance written notice to Lessor of any cancellation, change, or modification, and shall provide primary coverage for the protection of Lessee and Lessor without regard to any other coverage carried by Lessor protecting against similar risks. Lessee shall provide Lessor with an original policy or certificate evidencing such insurance at the beginning of the Term and from time to time thereafter at Lessor's request.

12. Licensing, Registration and Taxes.

Lessee agrees to obtain and maintain, at its sole cost and expense, such permitting, licensing, and registration of the Equipment as is required by law. All such licensing and registration shall show that Lessor is the owner of the Equipment and shall immediately be delivered to Lessor. Lessee shall keep the Equipment free and clear of all liens, claims, and encumbrances arising from Lessee's possession or use of the Equipment or asserted by any third party claiming by or through Lessee, including without limitation obtaining acknowledgements from any owner of the real estate where such Equipment is located that such Equipment is owned by Lessor and that regardless of how attached or affixed to the premises, such Equipment is personal property and will not become a fixture to the real estate. Lessor shall report, pay and discharge when due all license and registration fees, assessments, sales, use, property taxes, and gross receipts taxes arising out of receipts from ownership, use, or operation of the Equipment, and other taxes, fees and governmental charges similar or dissimilar to the foregoing, together with any penalties or interest thereon, imposed by any federal, state, or local government, or any agency, or department thereof, upon the Equipment or the ownership, use, operation or leasing of the Equipment and whether or not the same shall be assessed against or in the name of Lessor or Lessee.

13. Lessor's Payment.

In case of failure of Lessee to procure or maintain said insurance or to maintain the Equipment free and clear of the liens, claims, or encumbrances all as specified in this Agreement, Lessor shall have the right, but shall not be obligated, to effect such insurance, or pay said liens, claims, or encumbrances, as the case may be. In that event, the cost thereof shall be repayable to Lessor with the next installment of Rent, and failure

to repay the same upon demand from Lessor shall carry with it the same consequences, including interest at sixteen percent (16%) per annum, as failure to pay any installment of Rent.

14. Indemnity.

Lessee shall indemnify Lessor against, and hold Lessor harmless from, any and all claims, actions, suits, proceedings, costs, expenses, damages, and liabilities, including reasonable attorney's fees and costs (collectively, "***Losses***"), arising out of, connected with, or resulting from Lessee's use of the Equipment, including without limitation the manufacture, selection, delivery, possession, use, operation, or return of the Equipment, and any Losses arising in any way, directly or indirectly, from Lessee's failure or refusal to timely and fully perform each and all of its covenants and agreements herein contained.

15. Default.

(a) If Lessee fails to pay any Rent or other amount herein when the same is due and payable, for a period of 15 days after written notice to Lessee of the failure, or if Lessee fails to observe, keep, or perform any other provision of this Agreement required to be observed, kept or performed by Lessee for a period of 30 days after written notice of such failure (provided that if the default is one that can be cured, but cannot be cured within 30 days, and the Lessee proceeds to begin the cure within said 30 days and thereafter reasonably continues to cure said default the period to cure shall be extended as reasonably necessary to allow the condition to be cured), the Option provided in Section 3 above shall terminate without notice or action by Lessor and, in addition, Lessor shall have the right to each and all of the following remedies:

(i) To declare the entire amount of Rent hereunder for what would have been the remainder of the Term immediately due and payable without notice or demand to Lessee; and/or

(ii) To cease providing the labor and supplies for the operation of the Equipment on Lessee's behalf, provided that any further operations thereof will remain under the supervision and control of a supervisor named by Lessor; and/or

(iii)To sue for and recover all Rents, and other payments, then accrued or thereafter accruing; and/or

(iii) To take possession of the Equipment, without demand or notice, wherever same may be located, without any court order or other process of law. Lessee hereby waives any and all damages occasioned by such taking of possession; and/or

(iv) To terminate this Agreement; and/or

(v) To pursue any other remedy at law or in equity.

(b) Notwithstanding any repossession or any other action which Lessor may take, Lessee shall be and remain liable for the full performance of all obligations on the part of the

Lessee to be performed under this Agreement. All of Lessor's remedies are cumulative, and may be exercised concurrently or separately without election.

16. Bankruptcy.

Neither this Agreement nor any interest therein is assignable or transferable by operation of law. If any proceeding under the Bankruptcy Act, as amended, is commenced by or against the Lessee, or if the Lessee is adjudged insolvent, or if Lessee makes any assignment for the benefit of his creditors, or if a writ of attachment or execution is levied on the Equipment and is not released or satisfied within 10 days thereafter, or if a receiver is appointed in any proceeding or action to which the Lessee is a party with authority to take possession or control of the Equipment, Lessor shall have and may exercise any one or more of the remedies set forth in Section 15 hereof; and this Agreement shall, at the election of the Lessor, without notice, immediately terminate and shall not be treated as an asset of Lessee after the exercise of said election by Lessor. In addition, the Option provided in Section 3 above shall terminate without notice or action by Lessor

17. Ownership.

The Equipment is, and shall at all times during the Term of this Agreement be and remain, the sole and exclusive property of Lessor; and the Lessee shall have no right, title, or interest therein or thereto except as expressly set forth in this Agreement.

18. Additional Documents.

If Lessor shall so request, Lessee shall execute and deliver to Lessor such documents as Lessor shall deem necessary or desirable for purposes of recording or filing to protect the interest of Lessor in the Equipment.

19. Entire Agreement.

This instrument constitutes the entire agreement between the Parties on the subject matter hereof and it shall not be amended, altered, or changed except by a further writing signed by the Parties hereto.

20. Notices.

Service of all notices under this Agreement shall be sufficient if given personally or mailed certified, return receipt requested, postage prepaid, at the address hereinafter set forth, or to such address as such Party may provide in writing from time to time.

If to Lessee:

Bakken Western Services, LLC
923 East Interstate Avenue

Bismarck, North Dakota 58503
Phone: 701-258-8208
Fax: 701-258-7259
Attention: John Simmons

If to Lessor:

Five Star Technology Group, LLC
1307 Division Street
Nashville, Tennessee 37203
Phone: 615-292-5788
Fax: 615-292-5789
Attention: David Ligon

21. Assignment.

Without the prior written consent of Lessor, Lessee shall not sublet, lend, pledge, or assign this Agreement, the Equipment, or any interest in either. Lessee will not relinquish nor abandon possession of the Equipment to any party other than to the Lessor. Lessor may at any time assign to any bank, or other financial institution, or any person, firm, or corporation, all or part of its right, title and interest in and to this Agreement and in and to each item of Equipment and monies to become due to the Lessor hereunder, and Lessor may grant security interests in the Equipment, subject to the Lessee's right therein as set forth in this Agreement, and in such events, all the provisions of this Agreement for the benefit of Lessor shall inure to the benefit of and be exercised by or on behalf of such assignee, but the assignee shall not be liable for or be required to perform any of Lessor's obligations to Lessee except to perform Lessor's obligations under the Purchase Option if the same is exercised after the assignee has succeeded to ownership of the Equipment. Upon notice of such assignment to Lessee and exercise by such assignee of its right to do so, all Rent or other payments due and to become due under this Agreement and assigned by Lessor shall be paid directly to such assignee, and the right of the assignee to the payment of assigned rentals and performance of all Lessee's obligations and to exercise any other of Lessor's rights hereunder shall not be subject to any defense, counterclaim, or set off which the Lessee may have or assert against the Lessor and the Lessee hereby agrees that it will not assert any such defenses, setoffs, counterclaims, and claims against any such assignee. A copy of this Agreement may be used as chattel paper. If Lessee receives written notice that Lessor has assigned this Agreement to a third party, the terms and conditions of this Agreement may not change thereafter without the prior written consent of such assignee.

22. Survival.

It is the express intention and agreement of the Parties that all covenants, agreements, statements, representations, warranties and indemnities made in this Agreement shall, including without limitation those contained in Section 6 and Section 10 hereof, survive

the execution, delivery, and performance of this Agreement and any conveyances and transfers contemplated hereby.

23. Headings.

Headings used in this Agreement are provided for convenience only and shall not be used to construe meaning or intent.

24. Governing Law.

This Agreement shall be construed and enforced according to laws of the State of Kentucky without regard to its principles of law that would apply the laws of any different jurisdiction.

25. Counterparts.

This Agreement may be executed in any number of counterparts, each of which when so executed and delivered will be deemed an original, and all of which together shall constitute one and the same agreement.

26. Electronic Delivery.

The exchange of final copies of this Agreement and of executed signature pages (whether separately or in the same transmission), or counterparts thereof, by facsimile or other electronic transmission shall constitute effective delivery of this Agreement and copies thereof may be used in lieu of the original or counterparts of the Agreement for all purposes. Signatures of the Parties to this Agreement transmitted by facsimile or other electronic transmission shall be deemed to be the original signatures of the Parties for all purposes.

* * * Signatures appear on next page * * *

WITNESS the signatures of the Parties to this Agreement to Lease Equipment and Option to Purchase effective as of the day and year first above set forth:

LESSOR:
FIVE STAR TECHNOLOGY GROUP, LLC

By: _____
Name: David Ligon
Title: President

LESSEE:
BAKKEN WESTERN SERVICES, LLC

By: _____
Name: John Simmons
Title: Vice-President

LESSEE:
BAKKEN WESTERN SERVICES, LLC

By: _____
Name: David Ligon
Title: President

EXHIBIT A
DESCRIPTION OF THE EQUIPMENT

Lessee hereby leases the following Equipment from Lessor:

GENCOR 25 Tph, Model 855 Portable Treatment Plant consisting of: Theromtech Mod. 825 Feed Hopper and Conveyor, Diester Mod. EFT-124 Vibratory Screen, Thermotech Mod. 825 Dryer/Roaster, Genco Mod. 232 Hot Baghouse, SRU Mod. 625-RB0921 Baghouse Exhaust Fan, Thermotech Thermal Oxidizer Mod. 825, Thermotech Mod. 825 Mixer Cooler, Parts Van and Control Room.

EXHIBIT B
PAYMENT DIRECTIONS FOR RENT

Wire Transfer Instructions:

Account Holder:	Five Star Technology Group, LLC
Account Number:	[redacted]
Bank Name & Address:	US Bank 289 Franklin Road Brentwood, Tennessee 37027
Bank Routing Number:	[redacted]

EXHIBIT C
FORM OF BILL OF SALE

[See Attached]

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that Five Star Technology Group, LLC (the "***Grantor***"), for the consideration and upon the conditions set forth in that certain Agreement to Lease Equipment and Option to Purchase dated effective as of July 21, 2014 (the "***Agreement***") with Bakken Western Services, LLC (the "***Grantee***"), has bargained, sold, conveyed and delivered, and by these presents does bargain, sell, convey and deliver unto the Grantee, its successors and assigns, all right in and title and interest to the Equipment described on Attachment A hereto (the "***Property***").

TO HAVE AND TO HOLD, the Property unto the Grantee, its successors and assigns, to their own proper use and behoove, forever.

GRANTOR WARRANTS THAT IT HAS GOOD AND MARKETABLE TITLE TO THE PROPERTY, FREE AND CLEAR OF LIENS, CLAIMS, AND ENCUMBRANCES BY PERSONS CLAIMING THROUGH OR UNDER GRANTOR, BUT SUBJECT TO ANY ARISING FROM THE ACTS OR OMISSIONS OF GRANTEE; THAT IT SHALL DELIVER IMMEDIATE AND SOLE POSSESSION OF THE PROPERTY TO GRANTEE; AND THAT GRANTOR WILL WARRANT AND DEFEND THE TITLE TO AND POSSESSION OF THE SAME AGAINST THE LAWFUL CLAIMS OF ALL PERSONS WHOMSOEVER.

Dated this ___ day of _____, 201__.

Five Star Technology Group, LLC

By: _____
David Ligon, President

KEENE PROPERTY
10692 35TH ST. W
KEENE, ND

November 27, 2019

Mr. William Carr
6850 Shaplands Ave #H 2041
Reno, NV 89523

IN RE: Keene North Dakota Property

Dear Mr. William Carr:

In response to your request to prepare an appraisal on 10692 35th St. NW, Keene, North Dakota, I have personally made an inspection of that property. This inspection was made for the purpose of estimating the market value, as defined in this report, of the fee simple interest in that property as of November 15, 2019, the date of inspection.

The accompanying report, which includes exhibits and addenda, describes the three approaches to value and the conclusions derived by application of the approaches. Please note the assumptions and limiting conditions included in this report. This appraisal is made subject to these assumptions and limiting conditions.

Based upon my investigation and analysis of the data gathered with respect to this assignment, I have formed the opinion that the market value of the fee simple interest in the subject property was, as of November 15, 2019, the date of inspection, measured in the amount of:

$750,000.00

Respectfully Submitted,

Craig M. McIvor,
Certified General Appraiser
North Dakota #CG-102
Montana #160

TITLE PAGE

AN APPRAISAL OF

KEENE PROPERTY
10692 35TH ST. NW
KEENE, ND

AT THE REQUEST OF

MR. WILLIAM CARR
6850 SHAPLANDS AVE # H 2041
RENO, NV 89532

AS OF

NOVEMBER 15, 2019

PREPARED BY

MR. CRAIG M. MCIVOR
CERTIFIED GENERAL APPRAISER
PO BOX 786
719 2ND STREET WEST
WILLISTON, NORTH DAKOTA 58802-0786

PREPARED ON

DECEMBER 4, 2019

CERTIFICATION

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation completing this assignment is not contingent upon the development or reporting of a predetermined value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal.
- My analysis, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal practice.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- I have concluded that the market value of a fee simple interest in the subject property, as November 15, 2019, the date of inspection, is:

$750,000.00

Signed_____ Date_____

Craig M. McIvor

APPRAISAL REPORT

This is an Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. The report presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated below. The appraiser is not responsible for unauthorized use of this report. This Appraisal Report was formally called a Summary Appraisal Report.

CLIENT: Mr. William Carr
6850 Shaplands Ave # H 2041, Reno, NV 89523

APPRAISER: Mr. Craig M. McIvor, Dakota Realty & Leasing,
PO Box 786, Williston, ND 58802

SUBJECT: See Property Data Page for Legal Description

PURPOSE OF THE APPRAISAL: The purpose of this appraisal is to provide the appraiser's best estimate of the market value of the subject real property as of the effective date. Market Value is defined within the body of this report.

INTENDED USE OF REPORT: The appraisal is intended to assist the client in determining the fair market value for the subject property. There are no other intended users for this report.

INTEREST VALUE: Fee Simple

EFFECTIVE DATE OF VALUE: November 15, 2019

DATE OF REPORT: December 4, 2019

APPRAISAL DEVELOPMENT AND REPORTING PROCESS: In preparing this appraisal, the appraiser

...inspected the subject site and the exterior of the improvements as well as the interior of the improvements.

APPRAISAL REPORT (Continued)

...gathered information on comparable land and improved sales, rents, operating expenses, construction costs, accrued depreciation, and capitalization rates;

...confirmed and analyzed the data and applied the sales comparison, cost, and income approaches. In the income approach, the appraiser used a direct capitalization rate.

To develop the opinion of value, the appraiser performed a complete appraisal process, as defined by the Uniform Standards of Professional Appraisal Practice. This means that no departures from Standard 1 were invoked.

This Appraisal Report is a brief recapitulation of the appraiser's data, analyses, and conclusions. This appraisal report is similar to what was formally called Summary Appraisal Report. Supporting documentation is retained in the appraiser's file.

SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

Property Type:	Steel Building and Land
Location:	10692 35th St NW Keene, ND 55847
Date of Value Estimate:	November 15, 2019
Property Rights Appraised:	Fee Simple (Surface Only)
Site:	10 Acre site in SWSW Sec 5 T151R95
Improvements:	Commercial Building
Zoning:	Agricultural
Highest & Best Use:	Commercial
Cost Approach:	$765,000.00
Sales Comparison Approach:	$750,000.00
Income Capitalization Approach:	$780,000.00
Final Value Conclusion:	$750,000.00

PROPERTY DATA

APPARENT OWNER

Bakken Western Services

ADDRESS

10692 35th St NW
Keene, ND 55847

LEGAL DESCRIPTION

IT 2594 part of SWSW Sec 5 T151R95

2019 TAXES
$6,817.83

SPECIALS
None of Record

ZONING
Agricultural Zoning
Conditional use permit

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the fair market value of the fee simple estate subject to the reservation of all easements of record for the appraisal property within the body of this report. The report is being utilized to determine current fair market value for the client.

MARKET VALUE DEFINED

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeable, and assuming the price is not effected by undue stimulus. Implicit in the definition is the consummation of a sale as of specified date and the passing of titles from seller to buyer under conditions whereby -

1. Buyer and seller are typically motivated.
2. Both parties are well informed or well advised, acting in what they consider their own best interest.
3. A reasonable time is allowed for exposure to open market.
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable there to.
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sales.

Three approaches to value are commonly used in the fair market value estimate. These are as follows:

1. **COST APPROACH** - The estimated replacement cost of the improvements new, less depreciation from all causes including physical, functional, and economic plus land value.

2. **INCOME APPROACH** - The conversion of the income stream produced by the real estate into a value indication by capitalization process.

3. **MARKET DATA APPROACH** - Estimate comparison with other properties that have sold or are being offered for sale at the present time.

CORRELATIONS AND CONCLUSIONS

The subject property is legally described as, to wit:

IT 2594 part of SWSW Sec 5 T151R95
Containing 10+/- Acres
Keene, North Dakota

The property in question is rectangular in shape and contains 10 acres. This property is zoned as agricultural with conditional use permit. The property is serviced by electricity and gravel streets. The property identified as the subject is located south of Keene, ND.

Generally, three methods of indicating value for the subject property are shown in this report. These methods include the Cost, Income, and Market Data Approaches to value.

The Cost Approach to value provides an indication of the cost to reproduce the building improvements and on site improvements new today, plus the estimated value of the land less all types of depreciation. This approach to value was utilized in determining the fair market value for the subject.

The Income Approach to value is generally considered a good indicator of value for income producing properties. Based upon the income figures found in the analysis outlined on the following pages with actual and estimated fair economic rents considered with vacancy factors and capitalization rates based on current conditions.

The Market Approach to value is used to compare similar properties that have sold or are currently for sale in the market place. The Market Approach was utilized based on various sales in the area.

DESCRIPTION OF BUILDING IMPROVEMENTS

The subject property is improved with a steel building that was completed in 2013. The building is a steel building which is 100’x 300’ which is 30,000 square feet. The sidewalls are 18’ with 20’ peak.

There are six (6) overhead doors, two (2) 20’x 16’ and four (4) 16’x 16’.

The building is no insulated or heated and has been utilized for cold storage. There is power to the building. Serviced by Mckenzie County Electric. The power on site is more than adequate, currently no meter to the building. There is a concrete floor in the building. In order to finish the building will require insulation package, all electrical to include lights and all heating for the building. I have estimated a cost of $600,000-$700,000 to finish the building. The subject is a very large building at 30,000sf and may be difficult to find a single Tenant. Should you decide to divide the building there would be additional costs in order to have multi Tenant. May need additional doors as well as walls to separate the spaces.

In all, the complex is efficient in design. Location is good with access to township roads. Streets which affect the property are gravel township roads.

COST APPROACH TO VALUE – SUMMARY

The Cost approach to value is based on the principle of substitution which affirms that an informed purchaser looking to buy a property would not pay more than the cost of producing a substitute property with a utility similar to the parcel being appraised. Generally, the steps considered in a typical cost approach would be as follows:

1. Estimate the reproduction cost new of the building improvements and on-site improvements.

2. Estimate the accrued depreciation inherent in the subject property.

3. Subtract the accrued depreciation from the reproduction cost new to arrive at an estimated depreciation value of the improvements.

4. Add the estimated land value for the subject site to the estimated depreciated value of the building and on-site improvements to arrive at a total indicated value of the subject property, by the Cost Approach to value.

The Cost Approach to value provides an indication of the cost to reproduce the building improvements and on site improvements new today, plus the estimated value of the land less all types of depreciation. This approach to value was utilized as support to determining the fair market value specific to the commercial building improvements of the subject property. The value of the land reflective under the Cost Approach heading is derived from analysis within the Market Approach section of the report.

COST APPROACH TO VALUE – ON COMMERCIAL BUILDING

I. Steel Building: 100’ X 300’ X 18’

	30,000sf X	$30.00 =	$900,000.00
Total:			$900,000.00

Less Accrued Depreciation:

Physical:	10%	$90,000.00
Functional:	0%	
Economic:	20%	$162,000.00
Less total Depreciation:		-$252,000.00
Depreciated Value:		$648,000.00

II. Site Improvements:

Site work/Bldg permits

$ 15,000.00

III. Land Value:

10 Acres at $10,000.00/acre	$100,000.00
Value by Use of Cost Approach	$763,000.00
	SAY
	$765,000.00

Land Sales

Land sales in the area can vary by location, zoning and size. Sales show a range from $10,000.00-$65,000.00 per acre. The lower limit was utilized as if zoned agricultural with a conditional use permit.

INCOME APPROACH TO VALUE

The Income Approach to value is based on the principle of anticipation that states that the value may be defined as the present worth of anticipated future benefits. The future benefits include income expectancy as well as resale or reversion expectancy is converted into a present value estimate after consideration of an established capitalization rate based on current cost of money and risk factors.

The first step needed in developing the Income Approach to value as support to the subject property is to analyze the income potential of the property in question, taking special note of the Gross Income, Total Expenses and elements of importance needed to insure continued use of the property for income production results. For the purpose of this appraisal, I have actual rents currently generated on the property. I have estimated vacancy factors and expenses. Estimated net Income results from this analysis, along with the final result are derived strictly from estimated income and expenses. The use of the Capitalization Rate which is reflective of 10% was estimated based on the cost of money.

In establishing an estimate of "Fair Economic Rent" a search of the market was made in an effort to abstract rents for buildings that are presently tenant occupied. For the purpose of this appraisal I have used estimated rents.

Please review the Income Approach which follows along with the other approaches to value used within the body of this report. The final value for the subject property is reflected on the Recap Page found at the end of this report.

INCOME APPROACH TO VALUE (Continued)

A Direct Capitalization rate is sometimes different but they typically show a range from 10% to 12%. Two accepted methods of deriving an overall rate in Direct Capitalization was considered in this report as (1) derivation from comparable sales and (2) Band of Investment utilizing mortgage and equity components. Deriving overall rates from comparable sales data is obtained by locating "similar" property sales and dividing their respective net operating incomes by the total purchase price. Please refer to that section of this report which outlines appropriate sales data. Currently investors are looking at a 10% - 12% cap return on their money.

The second method of deriving an overall rate is known as the "Band of Investment-Mortgage & Equity Components". In utilizing this method, a capitalization rate or overall rate (OAR) is built up by components. This method is based on the premise that investments are financed with the equity investor seeking to obtain the best available loan or mortgage terms in order to maximize the potential benefits of leverage. The analysis of an overall rate by the "Band of Investment" method develops a weighted average between the return of investment that is required to cover the mortgage portion and the return on the investment that is required to cover the equity portion.

The first component of the Band of Investment would be estimating the mortgage constant reflecting current financing. Financing would be available for the subject property with terms of, say, 6% amortized over 15 years. It is unlikely that more favorable terms could be realized due to the nature of the subject property. A loan-to-value ratio not exceeding 75% is also anticipated. Based on these items the mortgage constant of .0084 x 12 = .1013 (via use of financial calculator.)

INCOME APPROACH TO VALUE (Continued)

Equity dividend rates must now be estimated. At present, "safe rates" return about 3.5% to 5.5% with more speculative rates yielding returns on real estate investments at about 10% with 12% being reasonable, especially for more speculative properties. The subject should reflect an equity dividend rate approximating 8% to 12% range. For the purpose of this analysis, an equity dividend rate of 10% will be utilized. With low interest rates some investors are willing to accept less return on investments.

The last component of the mortgage equity analysis would be anticipated value change of the subject property over reasonable ownership. It stands to reason that if a property is appreciating, the overall return to an investor is partially recaptured in the property appreciation. If a property is depreciating in value, added return is necessary in order to keep a desired investment goal. Considering present economic conditions, it is assumed that property values will remain stable over reasonable ownership.

The following computations apply these assumptions to the Band of Investment analysis resulting in an indicated overall rate:

Component	Capital Portion	X	Equity Rate	=	Weighted Rate
Mortgage Loan	.75		.1013		7.60%
Equity Funds	.25		.10		2.50%
Indicated Blended Rate					10.10%
				Say	10.00%

The Band of Investment indicated a built-up overall rate of 10.00%. The Investors are looking at a slightly higher Cap rate in the market. With oil prices being volatile a higher Cap rate is what investors are looking for in the market place.

For the purpose of this appraisal I have used a Cap rate of 11% cap rate based on the income approach.

ESTIMATED MARKET RENTS

Main Building

Rent: 30,000sf X $5.00/yr = $150,000.00

Less Vacancy: 25% -$ 37,500.00

$112,500.00

Less Estimated Expenses:

Tenant Paid Taxes:	$ 6,817.00
Estimated Insurance:	$ 3,000.00
Management 5%:	$ 5,600.00
Maintenance Fees 5%:	$ 5,600.00
Reserves for Major Maintenance 5%:	$ 5,600.00
Total Expenses:	-$26,617.00

Net Income Potential to Owner: $85,883.00

Capitalization Rate: Divided By: 12%

Value by Use of Income Approach to Value: $715,692.00
Say $715,000.00

Capitalization Rate: Divided By: 11%

Value by use of Income Approach to Value: $780,775.00
Say $780,000.00

Capitalization Rate: Divided By: 10%

Value by Use of Income Approach to Value: $858,830.00
Say $860,000.00

For the purpose of this appraisal I have estimated the value at $780,000.00, which is an 11% Cap Rate, based on the Income Approach. The comparables show a higher sf rental but they are finished buildings where the subject is basically a cold storage facility.

MARKET APPROACH TO VALUE

The Market Data Approach typically involves obtaining sales of properties similar to the subject and relating or comparing the attributes of these sales to the attributes of the subject property. Differences for a variety of items can be considered if proper market data is available.

This appraiser has searched the market for sales of similar constructed building improvements, and similar use facilities that would support the use of this Approach for final determination of fair market value. The subject property is not unique to the local market, being a basic warehouse design that was built with similar type intended use. Subject property is located South of Keene on County Road 12.

For purposes of this appraisal, I have used the market approach to establish an indication of value for the subject property. Sales of comparable buildings provide the basis for estimating value for the building improvements, and can be applied on a square foot basis to the subject. Please refer to the grid sheet which follows in this report.

Sales show a range from $40.00 to $155.00 per square foot. A majority of the sales show $95.00 to $120.00 per square foot depending on size, quality and location. With the subject being in South of Keene the land values are inferior as is the location with the exception of sale 11. The subject property is a very large building at 30,000sf and is basically cold storage. In order to finish the building would require insulation package, all electrical, heating and lights. It may be difficult to find a single Tenant that needs that large of space. If you need multi Tenants, one would need to put walls up and possibly some additional overhead doors. It may cost from $600,000.00-$700,000.00 to finish the building.

In order for the property to sell, the buyer would need to feel they bought the property at a bargain price.

MARKET APPROACH TO VALUE(Continued)

Sale #11 is located in Watford City, the remainder of the sales are in and around Williston. The Williston sales requires a locations, cost and estimate to finish and a size adjustment.

Williston Sales	Watford City Sale
$90.00sf	$40.00sf
25% location adjustment	10% size adjustment
25% size adjustment	$36.00
$50.62sf	-$10.00sf diff in cost to finish
$21.67sf less cost to finish	$26.00
$28.95	

The adjustable sales show $26.00-$29.00sf with the new buyer having to complete the building with at least electrical. For the purpose of this appraisal I have used $25.00sf for the building as is:

30,000sf at $25.00 = $750.00

RECAP

The objective of this appraisal was to estimate the "fee simple market value" of the subject property assuming cash or equivalent financing terms. The three approaches to value resulted in the following indication of market value for the subject property:

Cost Approach:	$765,000.00
Income Capitalization Approach:	$780,000.00
Sales Comparison Approach:	$750,000.00

Theoretically, these three approaches to value should give an identical answer. As a practical matter, the results are virtually never identical since the marketplace is not a perfect tool. Reconciliation of the value indication is therefore, necessary in order to formulate the final opinion of market value.

The value as indicated by the Cost Approach was given some consideration even with estimated depreciation. Accurate estimates of depreciation are estimated based on the effective age. The Cost Approach usually becomes a support tool for the Sales Comparison Approach. The Sales Comparison Approach typically provides the best indication of value since it is a reflection of direct market evidence when "recent and similar" property sales are available. Through proper analysis the value range was narrowed on a square foot basis. The value based on the Cost Approach is $765,000.00

A property has to be competitively priced in order to have good marketability, even when the primary appeal is for investment. A value based on the Market Approach was indicated at $750,000.00.

RECAP

The value by the Income Capitalization Approach is normally given considerable weight for properties having primary appeal as investments. As concluded in this report, the subject would have appeal to both an owner/occupant and also from an investment stand point. The Income Approach was implemented for this facility with actual rents used to support value. The value of the subject property by use of the Income Approach shows a value of $780,000.00

In summary, the three applicable approaches to value have indicated a value range of $750,000.00 to $780,000.00 for the subject property. This conclusion as to its Highest and Best Use provided the basis for the valuation analysis. The prices will be determined by the price of oil and drilling activity in the Bakken. Most companies are being very cautious.

Estimating an exact final market value becomes difficult as the subject is inferior in terms of location, size and site value from the comparables. It is recognized that, in order to achieve optimum value, a marketing period of over six months to one year may be necessary. The property has the physical characteristics necessary to have good market appeal for those who need this size of complex. The property could be for owner occupancy or as an investment. It is entirely conceivable that the subject could market within the value range noted.

COMPARABLE SALES

COMPARABLE SALE #1

GRANTOR: Onebar, LLC

GRANTEE: Barth Family, LLC

ADDRESS: 14092 49th Street NW Williston, ND

LEGAL DESCRIPTION: Lot 5R, rearrangement of Lot 4R of rearrangement Of Lot 1R, Block 1, Stallion Addition to the City Of Williston, Williams County, North Dakota.

DATE OF SALE: April 15, 2019

SELLING PRICE: $1,457,000.00

ZONING: Industrial

GROSS BUILDING AREA:	14,000 Square feet
OFFICE AREA:	2,000 Square feet
MEZZANINE AREA:	648 Square feet
SITE AREA:	4.6 Acres
YEAR BUILT:	2016
WALL HEIGHT:	20’
OVERHEAD DOORS:	11
PRICE/SF GBA:	$104.07/sq.ft.

COMPARABLE SALE #2

GRANTOR: Madison Holding, LLC

GRANTEE: G-Style Holding, LLC

ADDRESS: 5036 Jackson Street Williston, ND

LEGAL DESCRIPTION: Lot 2, Block 1, Bennett Industrial Park Addition To the City of Williston, Williams County, North Dakota.

DATE OF SALE: April 27, 2017

SELLING PRICE: $1,300,000.00

ZONING: Industrial

GROSS BUILDING AREA:	10,000 Square feet
OFFICE AREA:	950 Square feet
MEZZANINE AREA:	1,100 Square feet
SITE AREA:	209,959 Square feet/4.82 acres
YEAR BUILT:	2012
WALL HEIGHT:	20’
OVERHEAD DOORS:	4
PRICE/SF GBA:	$130.00/sq.ft.

COMPARABLE SALE #3

GRANTOR: SBLA Investments, LLC

GRANTEE: Monomoy Properties, REIT

ADDRESS: 4952 Highway 85 Williston, ND

LEGAL DESCRIPTION: Lot 4, Block 3, Madison Ridge Addition to the City of Williston, Williams County, North Dakota.

DATE OF SALE: February 15, 2019

SELLING PRICE: $1,295,000.00

ZONING: M-1, Light Industrial

GROSS BUILDING AREA:	11,250 Square feet
OFFICE AREA:	2,500 Square feet
MEZZANINE AREA:	2,500 Square feet
SITE AREA:	98,446 Square feet/2.26 acres
YEAR BUILT:	2011
WALL HEIGHT:	20’
OVERHEAD DOORS:	1
PRICE/SF GBA:	$115.11/sq.ft.

COMPARABLE SALE #4

GRANTOR: ARLP, LLC

GRANTEE: Fort Worth Pipe Services, LP

ADDRESS: 5031 141st Avenue NW Williston, ND

LEGAL DESCRIPTION: Lot 2, Block 3 Don Sorenson Petroleum Park Subdivision to the City of Williston, Williams County, North Dakota.

DATE OF SALE: January 8, 2019

SELLING PRICE: $1,150,000.00

ZONING: Industrial

GROSS BUILDING AREA:	7,440 Square feet
OFFICE AREA:	1,560 Square feet
MEZZANINE AREA:	1,560 Square feet
SITE AREA:	216,929 Square feet/4.98 acres
YEAR BUILT:	2006
WALL HEIGHT:	18’
OVERHEAD DOORS:	2
PRICE/SF GBA:	$154.57/sq.ft.

COMPARABLE SALE #5

GRANTOR: OCS Enterprises, Inc

GRANTEE: Barth Family Trust

ADDRESS: 14060 51st Street NW Williston, ND

LEGAL DESCRIPTION: Lot 4, Block 1, Bennett Industrial 3rd Subdivision To the City of Williston, Williams County, North Dakota.

DATE OF SALE: January 16, 2019

SELLING PRICE: $1,200,000.00

ZONING: M-2, Heavy Industrial

GROSS BUILDING AREA:	10,000 Square feet
OFFICE AREA:	672 Square feet
MEZZANINE AREA:	672 Square feet
SITE AREA:	111,604 Square feet/2.56 acres
YEAR BUILT:	2014
WALL HEIGHT:	20’
OVERHEAD DOORS:	4
PRICE/SF GBA	$120.00/sq.ft.

COMPARABLE SALE #6

GRANTOR: Propnghorn, LLC

GRANTEE: EAT-1706, LLC

ADDRESS: 5051-5068 Owan Industrial Park Dr Williston, ND

LEGAL DESCRIPTION: Lot 6, Block 1 & Lots 1R & 2R of a rearrangement Of Lot 7, Block 1, Mike Owen Industrial Park Subdivision to the City of Williston, Williams County, North Dakota.

DATE OF SALE: August 15, 2019

SELLING PRICE: $5,185,000.00

ZONING: C2, General Business

GROSS BUILDING AREA:	52,920 Square feet
OFFICE AREA:	5,865 Square feet
MEZZANINE AREA:	
SITE AREA:	241,966 Square feet/5.55 acres
YEAR BUILT:	2012
WALL HEIGHT:	18’
OVERHEAD DOORS:	27
PRICE/SF GBA:	$97.98/sq.ft.

COMPARABLE SALE #7

GRANTOR: Warner Holdings

GRANTEE: Barth Family Trust and Williams County

ADDRESS: 8027 Jackson Street Williston, ND

LEGAL DESCRIPTION: Lot 5, Block 2, Bennett Industrial Park 1st Addition to the City of Williston, Williams County, North Dakota.

DATE OF SALE: April 9, 2018

SELLING PRICE: $947,850.00

ZONING: M-1 Light Industrial

GROSS BUILDING AREA:	10,000 Square feet
OFFICE AREA:	1,064 Square feet
MEZZANINI AREA:	1,064 Square feet
SITE AREA:	174,240 Square feet/4.00 acres
YEAR BUILT:	2011
WALL HEIGHT:	20’
OVERHEAD DOORS:	4
PRICE/SF GBA:	$94.79/sq.ft.

COMPARABLE SALE #8

GRANTOR: Flint Energy Services

GRANTEE: Wal-Fam, LLLP

ADDRESS: 5043 Bennett Drive Williston, ND

LEGAL DESCRIPTION: Lot 1, Block 1, Bennett Industrial Park in the City of Williston, Williams County, North Dakota.

DATE OF SALE: June 11, 2018

SELLING PRICE: $2,380,000.00

ZONING: M-1 Industrial

GROSS BUILDING AREA:	25,144 Square feet
OFFICE AREA:	5,000 Square feet
MEZZANINE AREA:	5,000 Square feet
SITE AREA:	741,391 Square feet/17.02 acres
YEAR BUILT:	2012
WALL HEIGHT:	26’
OVERHEAD DOORS:	5
PRICE/SF GBA:	$94.65/sq.ft.

COMPARABLE SALE #9

GRANTOR: Dave Darley

GRANTEE: Basset Properties LLC

ADDRESS: 13559 Bassett Lane NW Williston, ND

LEGAL DESCRIPTION: Lot 7, Blk 2 Rearrangement Lot 1, Blk 6, Missouri Ridge Commercial Park to the City of Williston, Williams County, North Dakota.

DATE OF SALE: July 20, 2018

SELLING PRICE: $1,190,000.00

ZONING: Commercial

GROSS BUILDING AREA:	10,625 Square feet
OFFICE AREA:	1,000 Square feet
MEZZANINE AREA:	
SITE AREA:	155,945 Square feet/3.58 acres
YEAR BUILT:	2013
WALL HEIGHT:	30’
OVERHEAD DOORS:	5
PRICE/SF GBA:	$160.25/sq.ft.

COMPARABLE SALE #10

GRANTOR: Larvick Family

GRANTEE: Westlie Truck Center

ADDRESS: 2721 2nd Street W Williston, ND

LEGAL DESCRIPTION: Lots 1-7, Block 1, Owan Subdivision to the City Of Williston, Williams County, North Dakota

DATE OF SALE: Pending sale, estimated close December 31, 2019

SELLING PRICE: $4,500,000.00

ZONING: M-1, Light Industrial

GROSS BUILDING AREA:	23,840	Square feet
OFFICE AREA:	5,820	Square feet
STORAGE AREA:	2,040	Square feet
	31,700	Square feet total
SITE AREA:	459,904	Square feet/10.56 acres
YEAR BUILT:	1980's for two bldgs & 2011 for other bldg	
WALL HEIGHT:	16'-28'	
OVERHEAD DOORS:	Insulated – Various sizes	
PRICE/SF GBA:		

COMPARABLE SALE #11

GRANTOR: American State Bank

GRANTEE: P. Young

ADDRESS: 201 Main Street S Watford City, ND

LEGAL DESCRIPTION: IT 1543 except 77sf ROW, Sax Addition to the City of Watford City, McKenzie County, North Dakota

DATE OF SALE: July 10, 2019

SELLING PRICE: $460,000.00

ZONING: Commercial

GROSS BUILDING AREA: 11,333 Square feet

SITE AREA: 47,045 Square feet/1.08 acres
YEAR BUILT: 1970's – 2005 additional and remodel
Insulated and heated
3 Offices and bath
PRICE/SF GBA: 40.60sf

McKenzie County

ERMCO
MFG
ER
SERIAL NO.
B1309761090
480Y/277
LOW VOLTAGE
0300
KVA
125 KVBIL
BIL
12470GY/7200X24940GY/14400
HIGH VOLTAGE
WATFORD CITY, ND
MWO# : 3571325.003

300
12470GY/7200 X
24940GY/14400
480Y/277

STATE OF NORTH DAKOTA

NORTH DAKOTA INDUSTRIAL COMMISSION

CASE NO. 28530

File No. 700099-01

Documents in Support of the Testimony by David G. Ligon, President of Bakken Western Services, LLC, in resistance to Motion of the Commission to consider confiscation of the Keene Thermal Desorption Treating Plant #1 – telephone number 615-473-8173.

Written Response to the Motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of the Keene Thermal Desorption Treating Plant #1 operated by Bakken Western Services, LLC.

The Keene Thermal Desorption Treating Plant #1 (the "Plant") is currently located at a 10-acre site at 10692 35th St. NW, Keene, North Dakota 55847 (the "Plant Site"). The Plant Site is owned by Bakken Western Services, LLC ("BWS"). See the Appraisal Report attached.

The Plant is leased by BWS and has been deactivated due to lack of demand for its services and the economics of contaminated soil treatment in North Dakota. See the landfill receipts for disposition of the soil that was remaining on the Plant Site toward the end of the year.

Considering current market conditions and the absence of business opportunity, the Plant is being prepared for a return to the Lessor. See the Lease attached.

North Dakota Trucking - 6404
Republic EES, LLC
10613 West Sam Houston Pkwy,
Suite 300
Houston, TX 77064-4657

REPUBLIC SERVICES
DBA Republic Energy and Environmental Solutions

INVOICE

Invoice Date	11/27/2019
Invoice No	64040000002200
Customer & Site No	333413 - 1
PO No	
Contract No	
Page No	Page 1 of 6
Due Date	12/27/2019

Bakken Western Services
810 Dominican Drive
Nashville, TN 37228

Current Charges
$220,465.08

Date	Code	Description	Work Order	Ticket Number	Rate	Quantity	Amount
		LOCATION					
	(0001)	**Bakken Western Services (Barn)**					
05 - Nov		Trucking/per hour		01-153	$160.000/EA	320.75EA	$51,320.00
		Serv #001 Side Dump 0 - 0TN					
08 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62190	$26.000/TN	26.62TN	$692.12
08 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62199	$26.000/TN	27.00TN	$702.00
08 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62207	$26.000/TN	22.37TN	$581.62
08 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62164	$26.000/TN	26.03TN	$676.78
08 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62169	$26.000/TN	24.11TN	$626.86
08 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62177	$26.000/TN	25.65TN	$666.90
08 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62183	$26.000/TN	27.10TN	$704.60
08 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62193	$26.000/TN	26.91TN	$699.66
08 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62200	$26.000/TN	25.20TN	$655.20
08 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62208	$26.000/TN	22.50TN	$585.00
09 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62272	$26.000/TN	27.11TN	$704.86
09 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62233	$26.000/TN	25.89TN	$673.14
09 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62248	$26.000/TN	28.69TN	$745.94
09 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62257	$26.000/TN	24.60TN	$639.60
09 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62239	$26.000/TN	27.12TN	$705.12
09 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62262	$26.000/TN	26.73TN	$694.98
16 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62605	$26.000/TN	27.10TN	$704.60
16 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62608	$26.000/TN	28.04TN	$729.04
16 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62615	$26.000/TN	29.34TN	$762.84
16 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62599	$26.000/TN	27.95TN	$726.70
16 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62590	$26.000/TN	24.26TN	$630.76
16 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62594	$26.000/TN	28.23TN	$733.98
16 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62601	$26.000/TN	26.09TN	$678.34
16 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62606	$26.000/TN	26.55TN	$690.30
16 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62611	$26.000/TN	25.80TN	$670.80
16 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62618	$26.000/TN	24.39TN	$634.14
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62700	$26.000/TN	26.94TN	$700.44
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62670	$26.000/TN	27.84TN	$723.84
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62675	$26.000/TN	30.16TN	$784.16
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62679	$26.000/TN	30.09TN	$782.34
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62684	$26.000/TN	29.28TN	$761.28
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62677	$26.000/TN	26.68TN	$693.68
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62690	$26.000/TN	29.11TN	$756.86
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62705	$26.000/TN	25.12TN	$653.12
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62686	$26.000/TN	26.68TN	$693.68
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62693	$26.000/TN	28.96TN	$752.96
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62699	$26.000/TN	26.92TN	$699.92
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62694	$26.000/TN	30.70TN	$798.20
18 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62706	$26.000/TN	27.08TN	$704.08
19 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62724	$26.000/TN	31.50TN	$819.00
19 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62729	$26.000/TN	31.86TN	$828.36
19 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62734	$26.000/TN	29.11TN	$756.86
19 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62739	$26.000/TN	29.40TN	$764.40

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Bakken Western Services
810 Dominican Drive
Nashville, TN 37228

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Date	Code	Description	Work Order	Ticket Number	Rate	Quantity	Amount
19 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62743	$26.000/TN	30.02TN	$780.52
19 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62751	$26.000/TN	30.73TN	$798.98
21 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62822	$26.000/TN	29.68TN	$771.68
21 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62826	$26.000/TN	27.74TN	$721.24
21 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62841	$26.000/TN	28.73TN	$746.98
21 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62847	$26.000/TN	28.91TN	$751.66
21 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62849	$26.000/TN	27.00TN	$702.00
21 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62836	$26.000/TN	27.89TN	$725.14
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62874	$26.000/TN	28.82TN	$749.32
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62905	$26.000/TN	28.56TN	$742.56
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62899	$26.000/TN	28.81TN	$749.06
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62877	$26.000/TN	28.80TN	$748.80
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62881	$26.000/TN	26.98TN	$701.48
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62883	$26.000/TN	28.85TN	$750.10
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62888	$26.000/TN	27.42TN	$712.92
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62894	$26.000/TN	28.53TN	$741.78
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62885	$26.000/TN	24.99TN	$649.74
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62891	$26.000/TN	28.92TN	$751.92
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62897	$26.000/TN	27.21TN	$707.46
22 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62903	$26.000/TN	26.85TN	$698.10
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62914	$26.000/TN	28.30TN	$735.80
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62915	$26.000/TN	29.98TN	$779.48
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62918	$26.000/TN	28.50TN	$741.00
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62928	$26.000/TN	27.52TN	$715.52
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62933	$26.000/TN	29.73TN	$772.98
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62941	$26.000/TN	29.25TN	$760.50
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62947	$26.000/TN	29.32TN	$762.32
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62960	$26.000/TN	27.43TN	$713.18
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62945	$26.000/TN	26.64TN	$692.64
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62953	$26.000/TN	26.57TN	$690.82
23 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62966	$26.000/TN	26.03TN	$676.78
24 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62979	$26.000/TN	28.22TN	$733.72
24 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62986	$26.000/TN	28.07TN	$729.82
24 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62991	$26.000/TN	28.27TN	$735.02
24 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63002	$26.000/TN	28.42TN	$738.92
24 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63010	$26.000/TN	28.60TN	$743.60
24 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63017	$26.000/TN	27.64TN	$718.64
24 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63024	$26.000/TN	27.27TN	$709.02
24 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62988	$26.000/TN	24.98TN	$649.48
24 - Oct		Pass Contominated Soil or Solid Waste Pa		01-62996	$26.000/TN	26.41TN	$686.66
24 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63004	$26.000/TN	26.99TN	$701.74
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63044	$26.000/TN	26.65TN	$692.90
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63050	$26.000/TN	24.16TN	$628.16
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63053	$26.000/TN	27.05TN	$703.30
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63061	$26.000/TN	26.70TN	$694.20
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63071	$26.000/TN	27.05TN	$703.30
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63037	$26.000/TN	29.52TN	$767.52
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63040	$26.000/TN	28.25TN	$734.50
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63045	$26.000/TN	28.58TN	$743.08

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25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63051	$26.000/TN	29.09TN	$756.34
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63055	$26.000/TN	27.39TN	$712.14
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63064	$26.000/TN	28.94TN	$752.44
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63074	$26.000/TN	27.93TN	$726.18
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63077	$26.000/TN	27.19TN	$706.94
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63042	$26.000/TN	26.64TN	$692.64
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63046	$26.000/TN	27.50TN	$715.00
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63052	$26.000/TN	26.19TN	$680.94
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63058	$26.000/TN	25.47TN	$662.22
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63065	$26.000/TN	26.56TN	$690.56
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63075	$26.000/TN	25.75TN	$669.50
25 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63076	$26.000/TN	26.99TN	$701.74
26 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63106	$26.000/TN	25.71TN	$668.46
26 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63083	$26.000/TN	28.50TN	$741.00
26 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63085	$26.000/TN	29.97TN	$779.22
26 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63092	$26.000/TN	30.20TN	$785.20
26 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63090	$26.000/TN	28.68TN	$745.68
26 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63097	$26.000/TN	27.91TN	$725.66
26 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63101	$26.000/TN	28.86TN	$750.36
26 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63105	$26.000/TN	28.30TN	$735.80
26 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63111	$26.000/TN	28.13TN	$731.38
27 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63138	$26.000/TN	26.57TN	$690.82
27 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63141	$26.000/TN	26.22TN	$681.72
27 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63143	$26.000/TN	27.29TN	$709.54
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63158	$26.000/TN	25.94TN	$674.44
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-152	$26.000/TN	27.23TN	$707.98
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63166	$26.000/TN	25.84TN	$671.84
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63173	$26.000/TN	26.86TN	$698.36
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63178	$26.000/TN	26.19TN	$680.94
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63176	$26.000/TN	27.21TN	$707.46
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63179	$26.000/TN	28.69TN	$745.94
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63150	$26.000/TN	28.21TN	$733.46
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63151	$26.000/TN	28.34TN	$736.84
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63155	$26.000/TN	28.08TN	$730.08
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63159	$26.000/TN	29.32TN	$762.32
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63163	$26.000/TN	29.45TN	$765.70
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63168	$26.000/TN	29.69TN	$771.94
28 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63175	$26.000/TN	28.04TN	$729.04
29 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63203	$26.000/TN	27.10TN	$704.60
29 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63207	$26.000/TN	29.33TN	$762.58
29 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63214	$26.000/TN	28.37TN	$737.62
29 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63217	$26.000/TN	28.22TN	$733.72
29 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63222	$26.000/TN	28.65TN	$744.90
29 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63198	$26.000/TN	26.89TN	$699.14
29 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63205	$26.000/TN	25.78TN	$670.28
29 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63189	$26.000/TN	27.92TN	$725.92
29 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63192	$26.000/TN	28.18TN	$732.68
29 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63196	$26.000/TN	29.27TN	$761.02
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63244	$26.000/TN	27.25TN	$708.50

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30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63254	$26.000/TN	29.47TN	$766.22
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63260	$26.000/TN	27.69TN	$719.94
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63265	$26.000/TN	28.92TN	$751.92
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63271	$26.000/TN	28.90TN	$751.40
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63278	$26.000/TN	29.92TN	$777.92
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63284	$26.000/TN	27.28TN	$709.28
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63290	$26.000/TN	29.51TN	$767.26
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63241	$26.000/TN	29.19TN	$758.94
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63246	$26.000/TN	29.93TN	$778.18
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63255	$26.000/TN	26.41TN	$686.66
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63261	$26.000/TN	27.57TN	$716.82
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63267	$26.000/TN	28.34TN	$736.84
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63274	$26.000/TN	29.71TN	$772.46
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63280	$26.000/TN	29.39TN	$764.14
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63288	$26.000/TN	30.74TN	$799.24
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63273	$26.000/TN	26.47TN	$688.22
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63287	$26.000/TN	26.69TN	$693.94
30 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63279	$26.000/TN	27.83TN	$723.58
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63303	$26.000/TN	26.17TN	$680.42
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63309	$26.000/TN	29.27TN	$761.02
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63314	$26.000/TN	28.72TN	$746.72
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63321	$26.000/TN	28.14TN	$731.64
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63327	$26.000/TN	29.20TN	$759.20
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63338	$26.000/TN	28.69TN	$745.94
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63344	$26.000/TN	28.05TN	$729.30
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63302	$26.000/TN	28.64TN	$744.64
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63307	$26.000/TN	28.41TN	$738.66
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63312	$26.000/TN	30.03TN	$780.78
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63318	$26.000/TN	29.16TN	$758.16
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63324	$26.000/TN	28.13TN	$731.38
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63331	$26.000/TN	30.20TN	$785.20
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63340	$26.000/TN	27.50TN	$715.00
31 - Oct		Pass Contominated Soil or Solid Waste Pa		01-63346	$26.000/TN	27.46TN	$713.96
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63392	$26.000/TN	23.84TN	$619.84
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63399	$26.000/TN	26.06TN	$677.56
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63364	$26.000/TN	28.09TN	$730.34
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63370	$26.000/TN	27.88TN	$724.88
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63372	$26.000/TN	27.95TN	$726.70
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63380	$26.000/TN	28.68TN	$745.68
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63384	$26.000/TN	28.31TN	$736.06
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63389	$26.000/TN	25.85TN	$672.10
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63397	$26.000/TN	28.58TN	$743.08
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63360	$26.000/TN	28.59TN	$743.34
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63367	$26.000/TN	28.21TN	$733.46
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63371	$26.000/TN	28.31TN	$736.06
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63378	$26.000/TN	25.66TN	$667.16
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63383	$26.000/TN	30.27TN	$787.02
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63388	$26.000/TN	28.31TN	$736.06
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63395	$26.000/TN	27.46TN	$713.96

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$220,465.08

Date	Code	Description	Work Order	Ticket Number	Rate	Quantity	Amount
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63391	$26.000/TN	25.12TN	$653.12
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63398	$26.000/TN	27.07TN	$703.82
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63401	$26.000/TN	27.25TN	$708.50
01 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63400	$26.000/TN	23.78TN	$618.28
02 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63414	$26.000/TN	29.38TN	$763.88
02 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63419	$26.000/TN	28.60TN	$743.60
02 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63422	$26.000/TN	28.44TN	$739.44
02 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63427	$26.000/TN	29.08TN	$756.08
02 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63434	$26.000/TN	26.85TN	$698.10
02 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63438	$26.000/TN	28.67TN	$745.42
02 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63441	$26.000/TN	28.57TN	$742.82
02 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63444	$26.000/TN	28.31TN	$736.06
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63520	$26.000/TN	26.64TN	$692.64
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63552	$26.000/TN	24.96TN	$648.96
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63532	$26.000/TN	26.48TN	$688.48
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63557	$26.000/TN	26.27TN	$683.02
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63492	$26.000/TN	29.47TN	$766.22
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63497	$26.000/TN	28.91TN	$751.66
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63506	$26.000/TN	27.07TN	$703.82
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63516	$26.000/TN	28.11TN	$730.86
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63525	$26.000/TN	26.38TN	$685.88
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63535	$26.000/TN	26.02TN	$676.52
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63546	$26.000/TN	28.32TN	$736.32
04 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63541	$26.000/TN	25.78TN	$670.28
09 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63971	$26.000/TN	30.24TN	$786.24
09 - Nov		Pass Contominated Soil or Solid Waste Pa		01-63974	$26.000/TN	31.54TN	$820.04
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64560	$26.000/TN	28.28TN	$735.28
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64567	$26.000/TN	26.67TN	$693.42
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64576	$26.000/TN	27.99TN	$727.74
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64580	$26.000/TN	32.30TN	$839.80
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64586	$26.000/TN	24.37TN	$633.62
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64578	$26.000/TN	27.47TN	$714.22
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64548	$26.000/TN	24.40TN	$634.40
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64571	$26.000/TN	26.01TN	$676.26
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64585	$26.000/TN	28.56TN	$742.56
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64557	$26.000/TN	25.71TN	$668.46
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64564	$26.000/TN	24.97TN	$649.22
19 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64553	$26.000/TN	26.25TN	$682.50
20 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64597	$26.000/TN	24.59TN	$639.34
20 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64600	$26.000/TN	26.88TN	$698.88
20 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64605	$26.000/TN	26.85TN	$698.10
20 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64610	$26.000/TN	27.73TN	$720.98
20 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64615	$26.000/TN	25.47TN	$662.22
23 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64750	$26.000/TN	28.02TN	$728.52
23 - Nov		Pass Contominated Soil or Solid Waste Pa		01-64760	$26.000/TN	27.59TN	$717.34

North Dakota Trucking - 6404
Republic EES, LLC
10613 West Sam Houston Pkwy,
Suite 300
Houston, TX 77064-4657

REPUBLIC SERVICES
DBA Republic Energy and Environmental Solutions

INVOICE

Invoice Date	11/27/2019
Invoice No	64040000002200
Customer & Site No	333413 - 1
PO No	
Contract No	
Page No	Page 6 of 6
Due Date	12/27/2019

Bakken Western Services
810 Dominican Drive
Nashville, TN 37228

Current Charges
$220,465.08

Date	Code	Description	Work Order	Ticket Number	Rate	Quantity	Amount
		Material Summary					
		Pass Contominated Soil or Solid Waste Pa				6,505.58 TN	$169,145.08
		Trucking/per hour				320.75 EA	$51,320.00

For any inquiries please contact:
Brittani Brew (701) 842-4466 bbrew@republicservices.com

Invoice Date	11/27/2019
Invoice No	64040000002200
Customer & Site No	333413 - 1
Current Charges	$220,465.08
Amount Paid	_____

☐ Please check if address has changed and indicate change(s) on reverse side or call phone number above.

Please write your account number on your check and make payable to :

Please Pay Total Amount Due

Bakken Western Services (Barn)
Bakken Western Services
810 Dominican Drive
Nashville, TN 37228

Please Return Payment To:
Republic Services
PO Box 840730
Dallas, TX 75284-0730

Kadrmas, Bethany R.

From: pkhatri@rjens.com
Sent: Wednesday, July 29, 2020 11:51 AM
To: Kadrmas, Bethany R.
Subject: RE: Request for attendance via phone, confiscation hearing

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Ms. Bethany

Thank you for the response.
I am not testifying on behalf of an operator or producer.
However, on behalf of the public, I do have a statement to make.

It is probably too late to include in the agenda. But here is my statement.

"Plugging [of the well] must precede abandonment.
There are known instances whereby an abandoned well, with it's unattended surface equipment, have caused releases [of hydrocarbons] and, or fires and explosions].
While we distinguish that residual hydrocarbons and fiberglass tanks are probable cause of these fire and explosions, plugging ensures that there is no source of hydrocarbons being accumulated.

Abandonment [of the well] by the operator [company], may leave residual attendance and safety check obligations, by which even if the well is not producing hydrocarbons, a routine check of the safety devices must be obligated.

Reference is submitted with a news link of Bismarck Tribune
https://bismarcktribune.com/bakken/oil-tanks-explode-near-killdeer/article_8acfe378-b9d1-5d2a-8652-770fe54c545d.html"

And a withdrawn video
https://www.kfyrtv.com/video/?vid=560731102
And
https://www.kfyrtv.com/content/news/Oil-tank-battery-on-fire-in-Dunn-County-560688171.html

A similar incident "Fire at oil well site in Dunn County"
https://www.kxnet.com/news/fire-at-oil-well-site-in-dunn-county/

An NDIC code subsection must be developed in cases where abandonment is not certified and preceded by plugging [of the well]."

Regards
S/d via email. Pavan Luk KHATRI

Director
RJENS LLC.
3773 Howard Hughes Pkwy.,
Suite 500

Las Vegas, Nevada
89169-6014
Mail Drop:
PO Box 0188
Ozona TX 76943

From: Kadrmas, Bethany R. <brkadrmas@nd.gov>
Sent: Thursday, July 23, 2020 8:08 AM
To: pkhatri@rjens.com
Subject: RE: Request for attendance via phone, confiscation hearing

Good morning,

Do you wish to present testimony? If so, please provide the number where you'd like Commission staff to reach you and specify which operator you are testifying on behalf of, if any.

If you simply wish to listen to the hearing, the live stream can be accessed by clicking on "Listen to the live hearing!" at https://www.dmr.nd.gov/oilgas/docketindex.asp

Please let me know if you have questions.

Bethany Kadrmas
Legal Assistant, Oil and Gas Division

701.328.8020 • brkadrmas@nd.gov • www.dmr.nd.gov

North Dakota | Mineral Resources
Be Legendary.

600 E Boulevard Ave, Dept. 405 • Bismarck, ND 58505

From: pkhatri@rjens.com <pkhatri@rjens.com>
Sent: Wednesday, July 22, 2020 5:06 PM
To: Kadrmas, Bethany R. <brkadrmas@nd.gov>
Subject: Request for attendance via phone, confiscation hearing

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Dear NDIC Officer, Rep,

Please include me as one of the call in attendees to the hearing.
If there are identification of business requirements, please let me know and I will provide those.

Regards
S/d via email. Pavan Luk KHATRI

Director
RJENS LLC.
3773 Howard Hughes Pkwy.,
Suite 500
Las Vegas, Nevada
89169-6014
Mail Drop:
PO Box 0188
Ozona TX 76943

Kadrmas, Bethany R.

From: stetrault@restel.com
Sent: Wednesday, July 29, 2020 11:41 AM
To: brkadrmas@nd.gov.
Cc: Bob Mau; mike1956eagle@gmail.com
Subject: Eagle Operating
Attachments: Eagle 28530 final letter.pdf

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Bethany,

Please find the attached letter for Eagle Operating. Should you need anything else, please let me know.

Thank you!

Shelly Tetrault
Eagle Operating, Inc.
1222 N Central Ave
PO Box 853
Kenmare, ND 58746
701-385-4244 - Phone
701-385-3016 – Fax

…

Eagle Operating Inc.

Office: 701-837-4780
Fax: 701-837-4820

July 23, 2020

Mr. Lynn Helms
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505-0840

Case No. 28530

Dear Mr. Helms,

Eagle Operating, Inc. ("Eagle") submits the following testimony and request for consideration by the North Dakota Industrial Commission ("Commission") in Case No. 28530 regarding the confiscation of all production and/or injection related equipment, and salable oil at certain wells.

Eagle is the operator of the following wells which are subject to confiscation pursuant to the Commission's motion in Case No. 28530 ("Subject Wells"):

File No.	Well Name	Well Type	Well Status	Time in Status
3392	E. GOETZ 1	OG	IA	**03/2020**
4093	TER HAAR 1	OG	IA	04/2020
4965	ELBERG 1	OG	IA	04/2020
4980	SCHULTZ 1	OG	IA	03/2020
4985	SWIFT SWD 1	SWD	IA	07/2020
5737	CARLSON 23-35	OG	IA	04/2020
8660	MARIE WEBER 1	OG	Inactive(Shut-in>=3 and <+ 12 months)	02/2020
9058	BRANDJORD KJELSHUS 9-10	OG	IA	01/2017
9108	KJELSHUS 9-11	OG	Inactive(Shut-in>=3 and <+ 12 months)	02/2020
11960	CARLSON PAUL 4-27	OG	IA	04/2020
12077	LADYHAWK 44-15	SWD	IA	07/2020
12553	JR 2-6	OG	IA	03/2020

File No.	Well Name	Well Type	Well Status	Time in Status
13875	E-M LELAND 10-15	OG	Inactive(Shut-in>=3 and <+ 12 months)	02/2020
14616	DAVIS OLSON 12-30	OG	IA	03/2020
15638	TIGGER 25-8	OG	IA	074/202
17317	E-M EMMEL 10-3	OG	TA	TA status since 2008

The Subject Wells should be confiscated because none of these wells are currently producing, are likely to be brought back to production, nor serve any other beneficial purpose at this time or in the foreseeable future. Furthermore, Eagle will not be able to bring the Subject Wells into compliance with Commission rules prior to the CARES Act deadline of December 30, 2020.

Eagle's request to confiscate the Subject Wells is conditioned upon the Commission proceeding with confiscation in a manner that does not impose financial liability upon Eagle or other operators and working interest owners. Specifically, Eagle objects to the Commission's authority to confiscate well bonds and commence legal action against operators to recoup the costs of plugging and reclaiming the confiscated wells.

The confiscation, forfeiture or suspension of well bonds will result in a direct financial impact to operators, as principals under such bonds, since they are ultimately liable under the bond surety agreement for payment in the event the bond is forfeited or confiscated. Furthermore, the potential to be sued for plugging and reclamation costs only works to create more uncertainty for operators and working interest owners with respect to the Commission's proposed well confiscation program. Lawsuits to recover plugging and reclamation costs incurred by the Commission not only impose additional liability upon operators, but are also inherently unfair as operators and working interest owners will not have been in a position to negotiate, or otherwise approve or disapprove of the plugging or reclamation operations (or the costs incurred in connection therewith) conducted by or at the direction of the Commission. Such actions, if taken by the Commission, will place severe financial strain on operators at a time when operators are already financially strapped for cash due to low oil prices and the impacts of Covid-19.

In conclusion, Eagle supports the confiscation of the Subject Wells by the Commission; *subject, however,* to Eagle's objections set forth herein. In the event the Commission enters an order confiscating the Subject Wells, said order should state that the Commission waives its right to confiscate, forfeit or suspend Scout's well bonds and/or maintain a cause of action against Scout or any working interest owner in order to recover the Commission's costs for plugging and reclamation of the Subject Wells.

Should the Commission have any questions for Eagle, please contact Robert Mau at (701) 837-4780 or eagleop@yahoo.com.

Sincerely,

Eagle Operating, Inc.

Robert Mau

cc: Mr. Lawrence Bender *Via Email*

70511059.1

Kadrmas, Bethany R.

From: Patrick Ihme <Patrick@ranchoil.com>
Sent: Tuesday, July 28, 2020 4:07 PM
To: Kadrmas, Bethany R.
Subject: July 31, 2020 NDIC Confiscation Hearing - Case No. 28530_70514503
Attachments: NDIC- Ranch Oil Company- Testimony 7-28-20.pdf

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Bethany,

Please find attached our written testimony for the confiscation hearing scheduled for this Friday July 31, 2020.

Thank you,

Patrick Ihme
Petroleum Engineer
Ranch Oil Company
303-771-2343 Ext 114
5299 DTC Blvd Suite 1300
Greenwood Village, CO 80111

RANCH OIL COMPANY

July 28, 2020

North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505-0840

RE: CASE NO. 28530

Dear Members of the Commission:

Ranch Oil Company submits the following testimony for consideration by the Commission in the above-referenced case.

Ranch Oil Company is the operator of the Radenz 1 (File No. 3419) and the Rolfsrud 11-17 (File No. 8935) oil and gas wells which are subject to confiscation by the Commission in this case. The Rolfsrud 11-17 well is currently in abandoned status and has not produced oil or gas in sufficient quantities since 2013 and cannot be returned to production prior to December 30, 2020, as a result of the depressed oil prices and COVID-19 pandemic. Furthermore, Ranch Oil Company will not be able to secure a single-well bond for the Rolfsrud 11-17 well as a result of the pandemic. The Radenz 1 (File No. 3419) well is currently shut-in and should be confiscated for the same reasons as the Rolfsrud 11-17 well, namely, it is uneconomical to return the well to active status as a result of the depressed oil prices and COVID-19 pandemic.

Ranch Oil Company's request to confiscate the Radenz 1 and Rolfsrud 11-17 wells is subject to the following objections. Ranch Oil Company objects to the Commission's rights with respect to bond forfeiture and potential civil claims against operators and working interest owners for plugging and reclamation costs. Such actions, if taken by the Commission, will only create more financial hardship and uncertainty for operators and working interest owners who have been forced to take drastic measures to remain operational during these difficult economic times. Specifically, Ranch Oil Company will ultimately be held liable for any claim made against its well bonds by virtue of its agreement with the surety company, which requires Ranch Oil Company (and other operators holding such bonds) to reimburse the surety company for any and all amounts forfeited or confiscated by the Commission.

Accordingly, any order which confiscates wells operated by Ranch Oil Company should be subject to the Commission's agreement that it would not confiscate, forfeit or otherwise make a claim against Ranch Oil Company's single or blanket well bonds and it would not maintain a cause of action (through the Attorney General or otherwise) against Ranch Oil Company with respect to reimbursement for reasonable plugging and reclamation costs incurred by the Commission in connection with the program outlined in this case.

Should the Commission have any questions, please contact Carl Dean at (303) 771-2343 or carl@ranchoil.com.

Respectfully submitted,

Carl Dean
Vice President
Ranch Oil Company
5299 DTC Boulevard, Suite 750
Greenwood Village, CO 80111

cc: Mr. Lawrence Bender *Via Email*

70514503.1

Kadrmas, Bethany R.

From: Bryan Swenson <bswenson@cobraogc.com>
Sent: Tuesday, July 28, 2020 1:51 PM
To: Kadrmas, Bethany R.
Subject: FW: Cobra Oil & Gas Corporation - Submitted Testimony for Case No. 28530 - July 31, 2020 Hearing
Attachments: COG Testimony - Case No. 28530.pdf

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Ms. Kadrmas,

Please excuse my mistake below. The true and correct copy of this testimony will be sent to the following:

North Dakota Industrial Commission
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505-0840

Thank you,

Bryan Swenson
Land Manager
P.O. Box 8206
Wichita Falls, TX 76307
(940) 716-5100
bswenson@cobraogc.com

From: Bryan Swenson
Sent: Tuesday, July 28, 2020 1:38 PM
To: brkadrmas@nd.gov
Cc: Jeff Dillard <jeff@cobraogc.com>; Bob Osborne <bob@cobraogc.com>; Zac Lunn <zlunn@cobraogc.com>; Dra Parr <dparr@cobraogc.com>; Ty Lunn <tlunn@cobraogc.com>; Seth Hatley <shatley@cobraogc.com>; Kyle Gardner <kgardner@cobraogc.com>; Charlie Gibson <charlie@cobraogc.com>; Justin McKie <jmckie@cobraogc.com>; Craig Reynolds <craig@cobraogc.com>; Rick Haskin <rick@cobraogc.com>; Lee Berend <lberend@cobraogc.com>; Bender, Lawrence <LBender@fredlaw.com>; Entzi-Odden, Lyn <lodden@fredlaw.com>; Forsberg, Sara <SForsberg@fredlaw.com>
Subject: Cobra Oil & Gas Corporation - Submitted Testimony for Case No. 28530 - July 31, 2020 Hearing

Ms. Kadrmas,

Cobra Oil & Gas Corporation hereby submits the attached testimony for consideration by the North Dakota Industrial Commission for the Friday, July 31, 2020 hearing regarding Case No. 28530. The true and correct copy of this testimony will be mailed to the following address via overnight delivery service:

C T CORPORATION SYSTEM
ATTN: MS. BETHANY KADRMAS
120 W SWEET AVE
BISMARCK, ND 58504

Best regards,

Bryan Swenson
Land Manager
P.O. Box 8206
Wichita Falls, TX 76307
(940) 716-5100
bswenson@cobraogc.com

COBRA
OIL & GAS CORPORATION

P.O. BOX 8206
WICHITA FALLS,
TEXAS 76307-8206
TELEPHONE (940) 716-5100
PRODUCTION FAX (940) 716-5110
WELL LOG FAX (940) 716-5180
LAND FAX (940) 716-5210
ACCOUNTING FAX (940) 716-5150
EXPLORATION FAX (940) 716-5170

July 28, 2020

Mr. Lynn Helms
North Dakota Industrial Commission
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505-0840

RE: Case No. 28530: Confiscation of abandoned wells, located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND

Dear Mr. Helms:

Cobra Oil & Gas Corporation ("Cobra") submits the following testimony for consideration by the North Dakota Industrial Commission ("Commission") in the above-referenced case.

I. Introduction

Cobra is the operator of thirty-three (33) oil, gas, injection and saltwater disposal wells set forth in the Commission's notice of hearing in Case No. 28530 and subject to confiscation pursuant to the Commission's motion (the "Notice Wells"). Cobra supports the confiscation of the Notice Wells by the Commission subject to Cobra's objections set forth herein.

II. Bond Forfeitures and Civil Liability

Cobra objects to the confiscation of the Notice Wells to the extent the Commission intends, or is allowed to forfeit, confiscate or suspend well bonds or initiate a lawsuit against operators and/or working interest owners to recover its costs for plugging and reclamation. The suspension, forfeiture or confiscation of well bonds will result in a direct financial impact to operators, as principals under such bonds, since they are ultimately liable under the bond surety agreement to reimburse the surety company for any claim on the bond. Furthermore, the suspension, forfeiture or confiscation of well bonds will create regulatory uncertainty for the insurance companies

currently offering well bonds and may result in increased premiums for, or even refusal of, bonds on wells which are not confiscated by the Commission. Finally, the threat to be sued for plugging and reclamation costs incurred by the Commission only adds to the uncertainty and financial strain burdening the industry. These actions, if taken by the Commission, will place undue financial strains on operators already navigating the impacts of depressed oil prices and the COVID-19 pandemic.

III. Confiscation of Salable Oil from Secondary Recovery Units

Cobra objects to the confiscation of the Notice Wells to the extent the Commission does not limit its authority to confiscate salable oil located on or attributable to wells producing from a secondary recovery unit. As the Commission is aware, secondary recovery units typically consist of multiple wells which produce oil that is stored at a central tank battery or shared facility. If the Commission confiscates a well which is connected to a central tank battery, the oil produced from said well cannot be distinguished from the oil produced at other wells also connected to the same facility and which are not subject to confiscation. Therefore, the Commission's authority to confiscate salable oil must be limited to situations where such oil is directly attributable to the production of the well or wells to be confiscated.

IV. Request to Confiscate Notice Wells

Subject to Cobra's objections stated herein, Cobra requests that the Commission confiscate all of the following Notice Wells. In support of this request, Cobra submits the following information:

File No.	Well Name	Well Type	Status	Time in Status
4684	Government Taylor B 2	OG	AB	**5/1/2014**
5178	Carroll Aitken 1	OG	AB	**2/15/2018**
5474	UCLI 1	OG	A	**1/15/2019**
5486	Crooks 3	OG	A	**1/15/2019**
5940	Bryan 3	OG	IA	**2/15/2020**
6285	Harold Gravseth 1	OG	AB	**6/15/2020**
7064	Watland 1	OG	A	**7/15/2020**
7718	Leo Preskey 2R	OG	IA	**12/15/2019**
8468	Beicegel Creek 27-42	OG	IA	**3/15/2020**

8759	Anderson 3-24	OG	IA	**8/15/2019**
8883	Bowline Creek 35-24	OG	AB	**3/1/2015**
8916	Ellithorpe 1	OG	A	**7/15/2017**
8940	Robert Weise 1	OG	A	**7/15/2020**
9335	Masters 1	OG	IA	**5/15/2020**
9362	Burning Mine Butte 9-21	OG	AB	**9/15/2017**
9781	Biwer 1	WI	TA	**11/15/2019**
10462	North Westhope-Madison Unit GB-2R	OG	IA	**6/15/2020**
10620	Alexander 1	OG	A	**7/15/2020**
10786	Lavonne 16-12	OG	A	**7/15/2020**
10980	Tenneco 3-17	OG	IA	**5/15/2020**
11083	Tenneco 4-17 SWD	SWD	IA	**6/15/2020**
11196	Alexander 3	OG	IA	**4/15/2020**
11359	Pierre Creek 41-7	OG	IA	**5/5/2020**
11910	Berglof 1-A	OG	IA	**5/15/2020**
12073	Pierre Creek 14-5	OG	IA	**1/15/2020**
12538	Federal Rivet 6-4	OG	IA	**12/15/2019**
13399	Federal Rivet 6-5	OG	TA	**8/7/2019**
13452	Cinnamon Creek 31-7	OG	TA	**4/2/2019**
13787	Federal Rivet 6-7	OG	TA	**8/7/2019**
15987	EM Buckshot 36-4 H	OG	IA	**6/15/2020**
16607	Holbrook 14-16 H	OG	AB	**1/1/2016**
20673	NWMU A-11H	OG	IA	**9/15/2019**
20681	NWMU A-10H	OG	IA	**12/15/2019**

The current status and time in status for each of the Notice Wells is set forth in the table above. With respect to each of the Notice Wells, Cobra notes that (i) it is uneconomic to return said well to production/injection due to the current depressed oil prices, (ii) the well will not be returned to production/injection within the foreseeable future, (iii) Cobra is currently unable to obtain a single well bond for the full reclamation cost of the well, and (iv) Cobra is unable to bring the well into compliance with the Commission's rules or abandon said well prior to the CARES Act deadline of December 30, 2020.

V. Conclusion

Cobra requests that the Commission issue an order confiscating all of the Notice Wells; *provided that* the Commission agrees to waive its rights with respect to confiscation, forfeiture or suspension of well bonds and civil lawsuits against operators and/or working interest owners *insofar and only insofar* as such rights may be enforced against Cobra in connection with the confiscation of the Notice Wells. The Commission's waiver should be conspicuously set forth in the order for confiscation. Furthermore, the order for confiscation should address how the Commission intends to proceed with the confiscation of salable oil attributable to confiscated wells producing from a secondary recovery unit when said oil cannot be distinguished from salable oil produced from non-confiscated wells producing from the same unit.

Should the Commission have any questions, please contact Zachary Lunn at 817-886-8006 or ZLunn@Cobraogc.com.

Respectfully submitted,

Jeff R. Dillard, President
Cobra Oil & Gas Corporation
P.O. Box 8206
Wichita Falls, TX 76307-8206

cc: Mr. Lawrence Bender *Via Email*

70506061.1

COBRA
OIL & GAS CORPORATION

RECEIVED
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ND OIL & GAS DIVISION

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TEXAS 76307-8206
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WELL LOG FAX (940) 716-5180
LAND FAX (940) 716-5210
ACCOUNTING FAX (940) 716-5150
EXPLORATION FAX (940) 716-5170

July 28, 2020

Mr. Lynn Helms
North Dakota Industrial Commission
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505-0840

RE: Case No. 28530: Confiscation of abandoned wells, located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND

Dear Mr. Helms:

Cobra Oil & Gas Corporation ("Cobra") submits the following testimony for consideration by the North Dakota Industrial Commission ("Commission") in the above-referenced case.

I. Introduction

Cobra is the operator of thirty-three (33) oil, gas, injection and saltwater disposal wells set forth in the Commission's notice of hearing in Case No. 28530 and subject to confiscation pursuant to the Commission's motion (the "Notice Wells"). Cobra supports the confiscation of the Notice Wells by the Commission subject to Cobra's objections set forth herein.

II. Bond Forfeitures and Civil Liability

Cobra objects to the confiscation of the Notice Wells to the extent the Commission intends, or is allowed to forfeit, confiscate or suspend well bonds or initiate a lawsuit against operators and/or working interest owners to recover its costs for plugging and reclamation. The suspension, forfeiture or confiscation of well bonds will result in a direct financial impact to operators, as principals under such bonds, since they are ultimately liable under the bond surety agreement to reimburse the surety company for any claim on the bond. Furthermore, the suspension, forfeiture or confiscation of well bonds will create regulatory uncertainty for the insurance companies

currently offering well bonds and may result in increased premiums for, or even refusal of, bonds on wells which are not confiscated by the Commission. Finally, the threat to be sued for plugging and reclamation costs incurred by the Commission only adds to the uncertainty and financial strain burdening the industry. These actions, if taken by the Commission, will place undue financial strains on operators already navigating the impacts of depressed oil prices and the COVID-19 pandemic.

III. Confiscation of Salable Oil from Secondary Recovery Units

Cobra objects to the confiscation of the Notice Wells to the extent the Commission does not limit its authority to confiscate salable oil located on or attributable to wells producing from a secondary recovery unit. As the Commission is aware, secondary recovery units typically consist of multiple wells which produce oil that is stored at a central tank battery or shared facility. If the Commission confiscates a well which is connected to a central tank battery, the oil produced from said well cannot be distinguished from the oil produced at other wells also connected to the same facility and which are not subject to confiscation. Therefore, the Commission's authority to confiscate salable oil must be limited to situations where such oil is directly attributable to the production of the well or wells to be confiscated.

IV. Request to Confiscate Notice Wells

Subject to Cobra's objections stated herein, Cobra requests that the Commission confiscate all of the following Notice Wells. In support of this request, Cobra submits the following information:

File No.	Well Name	Well Type	Status	Time in Status
4684	Government Taylor B 2	OG	AB	**5/1/2014**
5178	Carroll Aitken 1	OG	AB	**2/15/2018**
5474	UCLI 1	OG	A	**1/15/2019**
5486	Crooks 3	OG	A	**1/15/2019**
5940	Bryan 3	OG	IA	**2/15/2020**
6285	Harold Gravseth 1	OG	AB	**6/15/2020**
7064	Watland 1	OG	A	**7/15/2020**
7718	Leo Preskey 2R	OG	IA	**12/15/2019**
8468	Beicegel Creek 27-42	OG	IA	**3/15/2020**

8759	Anderson 3-24	OG	IA	**8/15/2019**
8883	Bowline Creek 35-24	OG	AB	**3/1/2015**
8916	Ellithorpe 1	OG	A	**7/15/2017**
8940	Robert Weise 1	OG	A	**7/15/2020**
9335	Masters 1	OG	IA	**5/15/2020**
9362	Burning Mine Butte 9-21	OG	AB	**9/15/2017**
9781	Biwer 1	WI	TA	**11/15/2019**
10462	North Westhope-Madison Unit GB-2R	OG	IA	**6/15/2020**
10620	Alexander 1	OG	A	**7/15/2020**
10786	Lavonne 16-12	OG	A	**7/15/2020**
10980	Tenneco 3-17	OG	IA	**5/15/2020**
11083	Tenneco 4-17 SWD	SWD	IA	**6/15/2020**
11196	Alexander 3	OG	IA	**4/15/2020**
11359	Pierre Creek 41-7	OG	IA	**5/5/2020**
11910	Berglof 1-A	OG	IA	**5/15/2020**
12073	Pierre Creek 14-5	OG	IA	**1/15/2020**
12538	Federal Rivet 6-4	OG	IA	**12/15/2019**
13399	Federal Rivet 6-5	OG	TA	**8/7/2019**
13452	Cinnamon Creek 31-7	OG	TA	**4/2/2019**
13787	Federal Rivet 6-7	OG	TA	**8/7/2019**
15987	EM Buckshot 36-4 H	OG	IA	**6/15/2020**
16607	Holbrook 14-16 H	OG	AB	**1/1/2016**
20673	NWMU A-11H	OG	IA	**9/15/2019**
20681	NWMU A-10H	OG	IA	**12/15/2019**

The current status and time in status for each of the Notice Wells is set forth in the table above. With respect to each of the Notice Wells, Cobra notes that (i) it is uneconomic to return said well to production/injection due to the current depressed oil prices, (ii) the well will not be returned to production/injection within the foreseeable future, (iii) Cobra is currently unable to obtain a single well bond for the full reclamation cost of the well, and (iv) Cobra is unable to bring the well into compliance with the Commission's rules or abandon said well prior to the CARES Act deadline of December 30, 2020.

V. Conclusion

Cobra requests that the Commission issue an order confiscating all of the Notice Wells; *provided that* the Commission agrees to waive its rights with respect to confiscation, forfeiture or suspension of well bonds and civil lawsuits against operators and/or working interest owners *insofar and only insofar* as such rights may be enforced against Cobra in connection with the confiscation of the Notice Wells. The Commission's waiver should be conspicuously set forth in the order for confiscation. Furthermore, the order for confiscation should address how the Commission intends to proceed with the confiscation of salable oil attributable to confiscated wells producing from a secondary recovery unit when said oil cannot be distinguished from salable oil produced from non-confiscated wells producing from the same unit.

Should the Commission have any questions, please contact Zachary Lunn at 817-886-8006 or ZLunn@Cobraogc.com.

Respectfully submitted,

Jeff R. Dillard, President
Cobra Oil & Gas Corporation
P.O. Box 8206
Wichita Falls, TX 76307-8206

cc: Mr. Lawrence Bender *Via Email*

70506061.1

Kadrmas, Bethany R.

From: Darien O'Brien <dgobrien@alumni.mines.edu>
Sent: Monday, July 27, 2020 12:43 PM
To: Kadrmas, Bethany R.
Subject: Solutions Energy LLC NDIC Confiscation Hearing Case 28530 July 31, 2020 - Testimony Document
Attachments: NDIC Hearing Case 28530, NANGCHEN 155-86-11-HS1, NDIC 29241, 07_31_20.pdf

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Bethany,

Hope all is well.

Attached please find the following testimony document as a .pdf file for the July 31, 2020 NDIC Hearing for Case 28530:

NDIC Hearing Case 28530, NANGCHEN 155-86-11-HS1, NDIC 29241, 07_31_20.pdf

Please e-mail me to let me know when I am close to being called at (303) 934-5979.

Please let me know if you need any additional information.

Thank you!

Darien G. O'Brien, P.E., MBA
Director of Engineering
Solutions Energy LLC
(303) 934-5979
e-mail: dgobrien@alumni.mines.edu

Solutions Energy LLC

CASE NO. 28530

Confiscation of
NANGCHEN 155-86-11-HS1
NDIC #29241, API = 33101004900000

Lone Tree Madison Pool
Ward County, North Dakota

BEFORE THE DEPARTMENT OF MINERAL RESOURCES
NORTH DAKOTA INDUSTRIAL COMMISSION

July 31, 2020

Solutions Energy LLC

CASE NO. 28530

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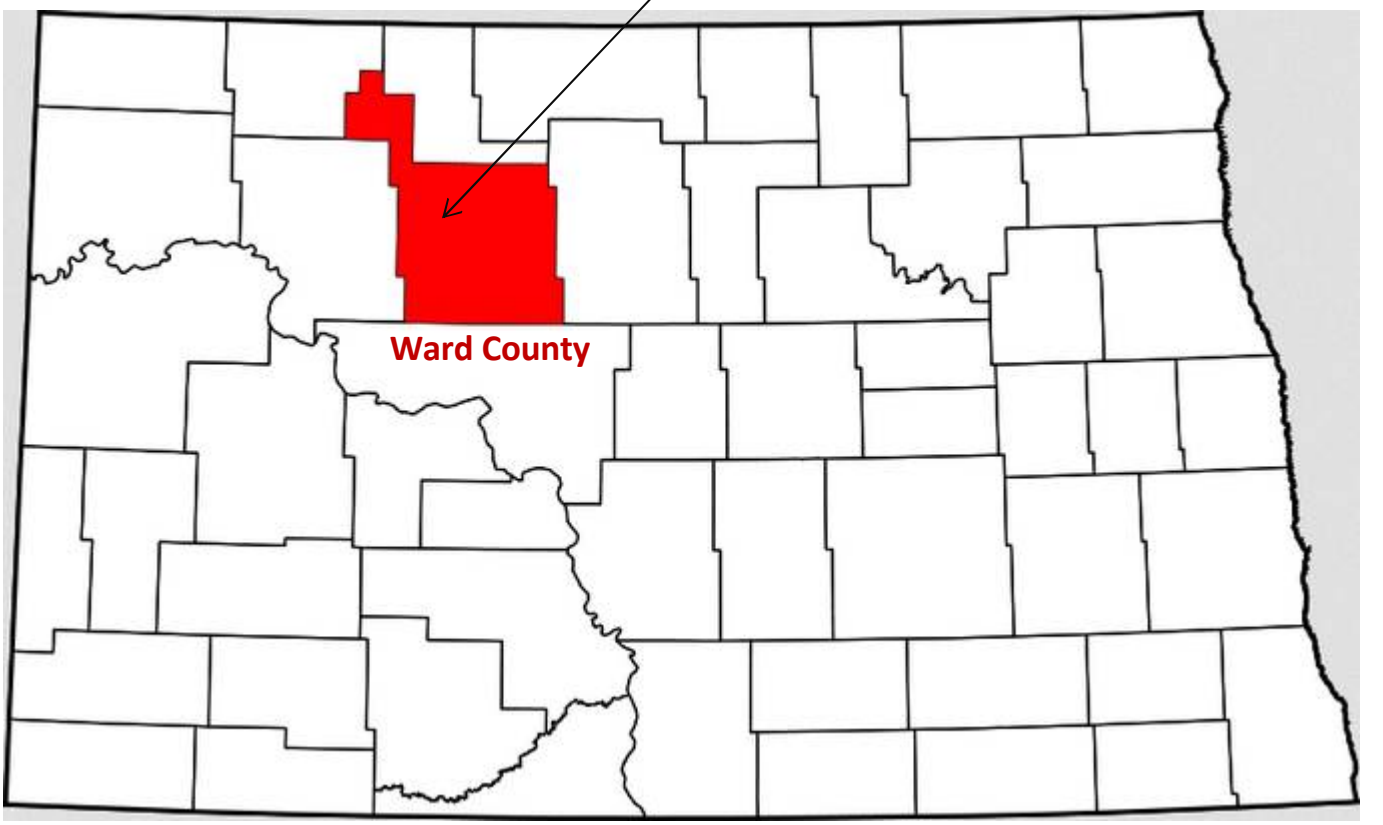
Regional Location Map

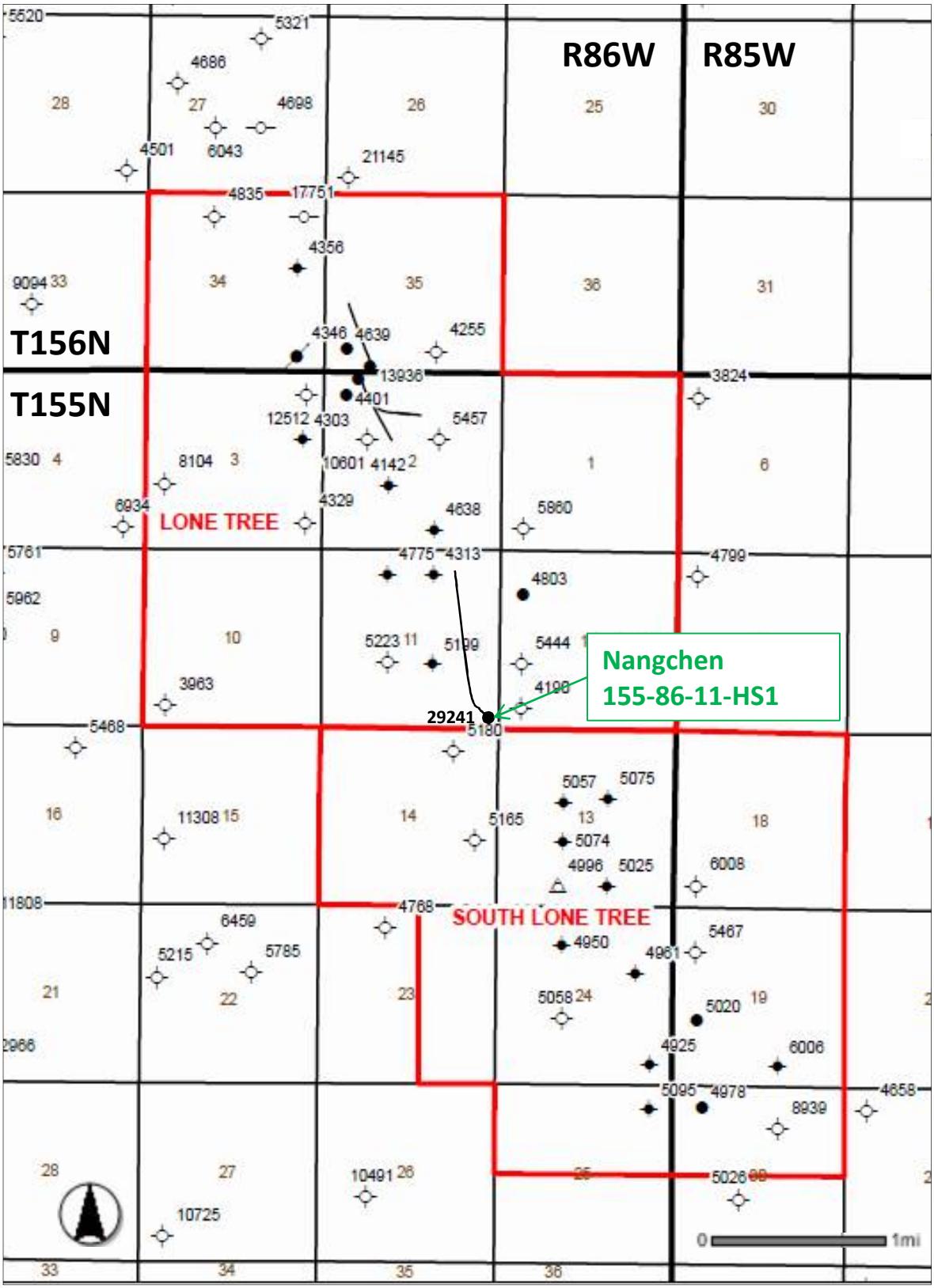
Location of the Lone Tree Madison Pool



Solutions Energy LLC

Case No. 28530
Exhibit 1
July 31, 2020

Lone Tree Field Locator Map



Solutions Energy LLC

Case No. 28530
Exhibit 2
July 31, 2020

Mineral Owners of Record

Warner E. Brand
3997 Sentry Crossing
Marietta, GA 30068

Laurie Brand Cataldo
1005 Riceland Court
Rosewell, GA 30075

Andrew V. A. Forcina and Sarah M. Forcina
as Joint Tenants
4721 W. Yale Ave.
Denver, CO 80219

Edward G. Johnson
21076 County Hwy 20
Pelican Rapids, MN 56572

Bryce K. Kilene, aka Bryce D. Kilene, as
Trustee of the Elmer Kilene Family Trust U/W
5682 126th Street West
Apple Valley, MN 55124

Loseal Kilene
c/o-Bryce Kilene
5682 126th Street West
Apple Valley, MN 55124

Nancy Lee Maloney
5008 Skyline Dr.
Edina, MN 55436

Catherine Nelson
20 Evergreen Lane
North Oaks, MN 55127

Darien G. O'Brien and Felicia O'Brien
as Joint Tenants
1632 South Lamar Street
Lakewood, CO 80232-7038

Daniel M. Stoelzel
5700 Cranston Place
Midland, TX 79707-5022

Rebecca Wood
#5 Briar Brook Trail
Des Peres, MO 63131

HKB Royalty Trust dated 10/10/1990
789 Sherman Street, Suite 130
Denver, CO 80203

NANGCHEN 155-86-11-HS1
(NDIC #29241) History

Drilled:	August 30 – September 15, 2014
Formation:	Mission Canyon-Sherwood
TVD TD:	6,422 ft
MD TD:	11,000 ft
Completion:	June 7-17, 2015 28 Perf Clusters – each 10 ft long 60 degree phasing, 3.125" Gun Size
Swab Results:	Water
Status:	Abandoned per CARES Act 12/30/20 deadline

The well is uneconomic to produce due to the current COVID-19 depressed oil prices.

The well cannot be put on production in the foreseeable future.

Solutions Energy LLC

Case No. 28530
Exhibit 4
July 31, 2020

Proof of Delivery of Operator's Testimony to Mineral Owners

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Sent To: Warren E. Brand
Street and Apt. No., or PO Box No.: 3997 Sentry Crossing
City, State, ZIP+4®: Marietta, GA 30068

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Street and Apt. No., or PO Box No.: 1005 Riceland Court
City, State, ZIP+4®: Roswell, GA 30075

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City, State, ZIP+4®: Denver, CO 80219

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Solutions Energy LLC

Case No. 28530
Exhibit 5
July 31, 2020

Proof of Delivery of Operator's Testimony to Mineral Owners (cont.)

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Bryce K. Kilene
Street and Apt. No., or PO Box No.
5682 126th Street West
City, State, ZIP+4
Apple Valley, MN 55124
PS Form 3800, April 2015
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7019 2970 0000 1893 9508

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City, State, ZIP+4
Edina, MN 55436
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North Oaks, MN 55127
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Solutions Energy LLC

Case No. 28530
Exhibit 6
July 31, 2020

Proof of Delivery of Operator's Testimony to Mineral Owners (cont.)

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Lakewood, CO 80232-7038

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5700 Cranston Place
City, State, ZIP+4®
Midland, TX 79707-5022

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City, State, ZIP+4®
Denver, CO 80203

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Solutions Energy LLC

Case No. 28530
Exhibit 7
July 31, 2020

Kadrmas, Bethany R.

From: Adrian Trim <AdrianT@R360es.com>
Sent: Sunday, July 26, 2020 11:48 AM
To: Kadrmas, Bethany R.
Cc: Colton Ellingford; Mike Little
Subject: Case No 28530
Attachments: Submittal Hearing 073120 NDIC Marx.pdf

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To Whom it May Concern;

Here is R360 Williston Basin LLC's submittal for the Hearing scheduled on Friday July 31, 2020.

Regards,

Adrian A. Trim
Assistant District Manager WY, ND

R360 Environmental Solutions LLC
304 Inverness Way South, Suite 450
Englewood, Colorado 80112
C: 719-357-1972

6855 S. Havana Street, Suite 350
Centennial, Colorado 80112
www.r360environmentalsolutions.com

July 26, 2020

Mark Bohrer
North Dakota Industrial Commission
600 East Boulevard Avenue Dept 405
Bismarck, ND 58505

Dear Mr. Bohrer:

In concern and regards to Case No. 28530 on the Docket for July 31, 2020 at 9:00 AM. R360 Williston Basin LLC (R360) has prepared this letter to inform the North Dakota Industrial Commission (NDIC) that in May, 2020 R360 Williston Basin LLC, commenced cleanup of File No 700087-01, Marx Waste Treating Plant #1 (Site).

It is R360's request to the NDIC remove the aforementioned facility from the confiscation list, as significant progress has been made to remove the equipment and associated materials from the Site.

Progress will continue until reclamation has been completed, preferably by September, 2020. The building, horizontal tanks, shaker, pill tank, rig mats and other equipment will be removed during the weeks of July 27 and August 3, 2020, as well with the remaining equipment thereafter.

Soil borings have already been performed and discussions with the landowner have been routine regarding requests for final reclamation of Site.

Please feel free to contact me at 719-357-1972 or adriant@r360es.com to discuss any additional questions regarding this subject.

Sincerely,

Adrian Trim, ADM ND and WY
R360 Environmental Solutions. LLC

MARX WASTE TREATING PLANT #1

Looking East (March)

Looking West (March)

MARX WASTE TREATING PLANT #1

Looking Southwest (March)

Looking Southeast (March)

MARX WASTE TREATING PLANT #1

Looking Northwest (March)

Looking Northwest (March)

MARX WASTE TREATING PLANT #1

Looking North (July)

Looking Northeast (July)

MARX WASTE TREATING PLANT #1

Looking Northeast (July)

Looking South (July)

MARX WASTE TREATING PLANT #1

Looking East (July)

Kadrmas, Bethany R.

From: Liu, Nelson <nliu@tervita.com>
Sent: Friday, July 24, 2020 2:21 PM
To: Kadrmas, Bethany R.
Cc: Brown, Chad
Subject: NDIC Case No. 28530 - July 31, 2020 - Tervita Testimony Packages (File No. 700088-08 & 700115-01)
Attachments: 20200724 Docket for Confiscation Hearing New Town 700088-08.pdf; 20200724 Docket for Confiscation Hearing Alexander 700115-01.pdf

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Hi,

In reference to Case No. 28530, Tervita has attached two documents to be used during the testimony on July 31, 2020 (File No. 700088-08 and 700115-01). Chad Brown of Tervita will be speaking to these and why they should be removed from the confiscation list. Chad can be reached at the following phone number:

Chad Brown
U.S. General Manager; U.S. Drilling & Production Services
C: (303) 328-1690

If you have any questions, please do not hesitate to contact me.

Thanks,
Nelson

Nelson Liu
Specialist, HSE Regulatory and Management
E-mail: nliu@tervita.com

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Tervita-03-14-2012

July 24, 2020

North Dakota Industrial Commission
Oil and Gas Division
1000 East Calgary Avenue
Bismarck, North Dakota 58503-5512

Re: Docket for Confiscation Hearing – July 31, 2020 (File Number: 700088-08)

In response to the Docket for Confiscation Hearing scheduled for July 31, 2020, Tervita Environmental Services Inc. (Tervita) is submitting a request to the North Dakota Industrial Commission (NDIC) to not confiscate the following Facility:

File No.: 700088-08
Operator: Tervita Environmental Services Inc. (Formerly Newalta Environmental Services Inc.)
Facility Name: New Town Fluid Treating Plant #1
Status: AB
County: Mountrail

Tervita has reviewed the Commission's consideration for testimony and submits the following information:

What is the status of the Facility and how long has it been in that status?

The status of the facility is currently suspended and has been suspended for over 1 year.

On January 30, 2020, the decision was communicated internally to the U.S. team that Tervita will be exiting the U.S. market. At that time, plans were refocused on the divestiture of the business lines and assets located across the U.S. The U.S. team promptly communicated with members of the community and others across the state to identify a qualified buyer. Tervita has since received a Letter of Intent to purchase the US assets (scheduled to close August 14, 2020), which includes the New Town Fluid Treating Plant #1.

Within the past 3 weeks, Tervita and the potential purchaser have invested substantial amounts of resources, time, and capital to follow through with the purchase and operation of New Town. This includes confirmation of liability through an Environmental Phase I, completion of site grading, and delivery/installation of infrastructure to ensure the site is in operational status for when it is recommissioned.

Is the facility economical to return to processing at the current depressed oil prices?

Yes, given the temporary suspension of operations at a nearby competitor facility, agreements with the land and minerals owner, and discussions with adjacent producers Tervita believes the facility will be economical. In the attached analysis (Attachment 1) it is seen that the producers closest to the Facility are within the top 4 for Bakken completions and waste stream generation.

1600, 140 – 10 Avenue SE
Calgary, AB, Canada T2G 0R1

Tel: 1(403) 233- 7565
Fax: 1 (403) 261-5612

At what oil price within the foreseeable future can the facility become economical to return to operation?

While there has been some recent volatility in the industry, Tervita believes the facility is economical at a WTI price of $30 or greater. Tervita has not operated the facility due to current efforts to divest our US assets and concentrate on the Canadian markets at the direction of our Board of Directors.

The New Town Facility is a valuable asset and has been part of our divestment strategy as demonstrated through a Letter of Intent.

Tervita requests that the Facility not be confiscated and deadline to action the Facility be October 1st, 2020.

Although the decision was made to exit the U.S. every step possible has been taken to continue employment. In the upcoming transaction, all six members of Tervita's remaining team will be transferred to the new operating company and continue employment and their role in maintaining the compliance of the New Town Facility.

Tervita would also like to note that a Form 2 and Surety Bond Rider (Attachment 2) was submitted to the Commission on March 5, 2019 and April 4, 2019, respectively to notify the NDIC of the change in name from Newalta Environmental Services Inc. to Tervita Environmental Services Inc.; however, the Facility remains under the operating name of Newalta Environmental Services Inc. under the NDIC.

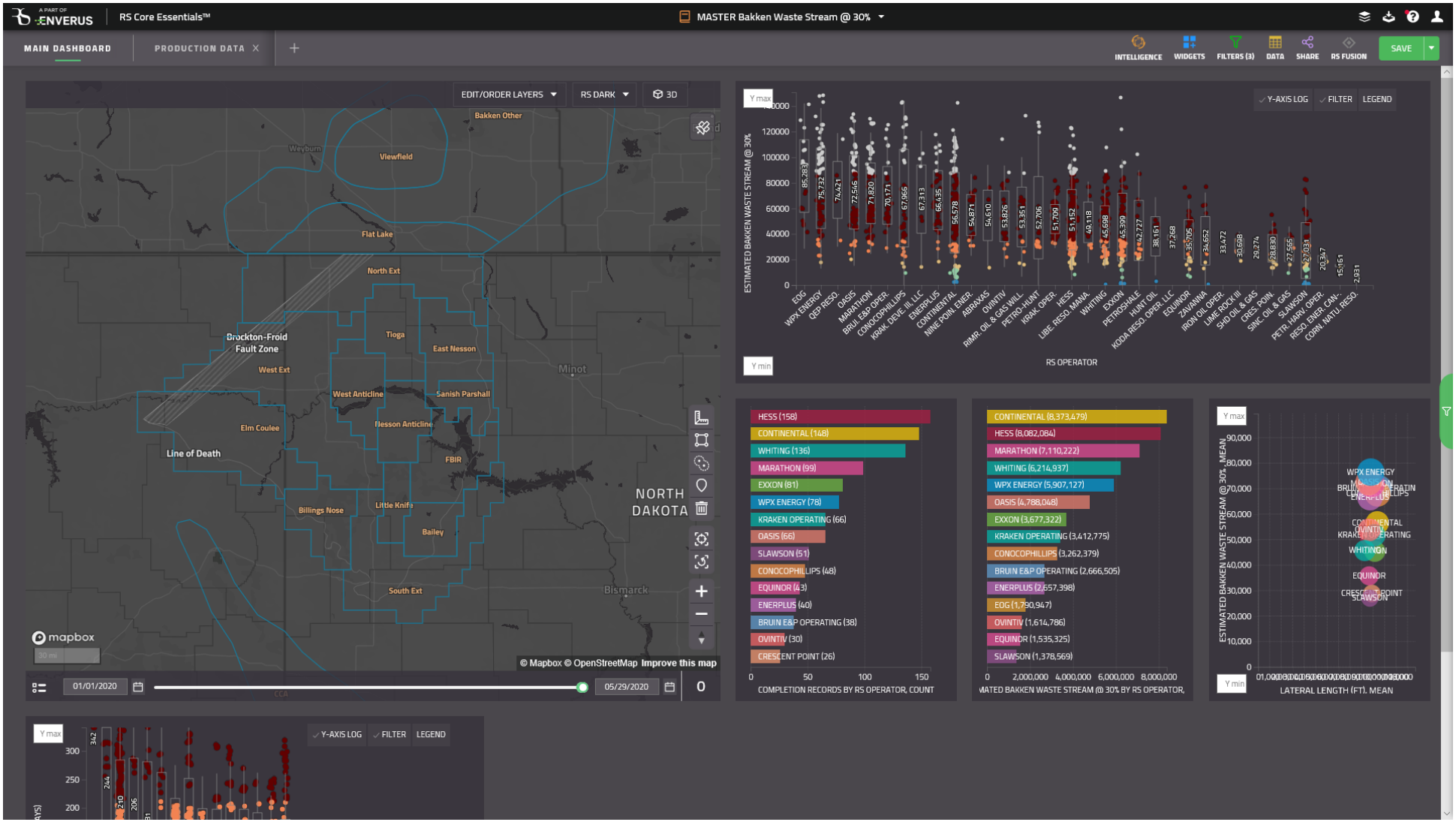
Any questions pertaining the information within this letter can be directed to the undersigned.

Regards,
Nelson Liu

Nelson Liu

Nelson Liu
Specialist, HSE Regulatory and Management
Direct: (403) 231-6517
Mobile: (403) 826-4396
E-mail: nliu@tervita.com

Attachment 1 – Market Analysis


A PART OF ENVERUS
RS Core Essentials™
MASTER Bakken Waste Stream @ 30%
MAIN DASHBOARD
PRODUCTION DATA
INTELLIGENCE
WIDGETS
FILTERS (3)
DATA
SHARE
RS FUSION
SAVE
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RS DARK
3D
Bakken Other
Weyburn
Viewfield
Flat Lake
North Ext
Brockton-Froid Fault Zone
Tioga
East Nesson
West Ext
Minot
West Anticline
Sanish Parshall
Elm Coulee
Nesson Anticline
Line of Death
FBIR
NORTH DAKOTA
Billings Nose
Little Knife
Bailey
South Ext
Bismarck
mapbox
© Mapbox © OpenStreetMap Improve this map
01/01/2020
05/29/2020
Y max
Y min
Y-AXIS LOG
FILTER
LEGEND
ESTIMATED BAKKEN WASTE STREAM @ 30%
RS OPERATOR
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ESTIMATED BAKKEN WASTE STREAM @ 30%, MEAN
LATERAL LENGTH (FT), MEAN

Attachment 2 – Form 2 and Surety Bond Rider

ORGANIZATION REPORT - FORM 2

INDUSTRIAL COMMISSION OF NORTH DAKOTA
OIL AND GAS DIVISION
600 EAST BOULEVARD DEPT 405
BISMARCK, ND 58505-0840
SFN 5748 (03-2000)

PLEASE READ INSTRUCTIONS BEFORE FILLING OUT FORM.
PLEASE SUBMIT THE ORIGINAL.

Full Name of Company, Organization, or Individual			Telephone Number
Tervita Environmental Services Inc. (formerly known as Newalta Environmental Services Inc.)			**(303) 328-1690**
Address **1401 Lawrence Street**	City **Denver**	State **CO**	Zip Code **80202**
Form of the Organization (i.e., Corporation, Joint Stock Association, Partnership, etc.) **Corporation**			
State the Purpose of the Organization (i.e. Producer, Pipeline, Refiner, etc.) **Environmental Services and Waste Management**			

COMPLETE IF APPLICABLE

State Where Incorporated	Date of Permit to do Business in North Dakota		
Delaware	**January 27, 2012**		
Name of North Dakota Agent **CT Corporation System**			Telephone Number **(701) 751-6344**
Address **120 West Sweet Avenue**	City **Bismarck**	State **ND**	Zip Code **58504**

OFFICERS	NAME	POST OFFICE ADDRESS
TRUSTEE		
TRUSTEE		
PRESIDENT	**John Cooper**	**140-10th Ave. S.E., Suite 1600 Calgary, Alberta T2G 0R1 CA**
VICE-PRESIDENT		
SECRETARY		
TREASURER		
CFO	**Robert Dawson**	**140-10th Ave. S.E., Suite 1600 Calgary, Alberta T2G 0R1 CA**

DIRECTOR'S NAMES	POST OFFICE ADDRESS
John Cooper	**140-10th Ave. S.E., Suite 1600 Calgary, Alberta T2G 0R1 CA**
Robert Dawson	**140-10th Ave. S.E., Suite 1600 Calgary, Alberta T2G 0R1 CA**
Brad Dlouhy	**140-10th Ave. S.E., Suite 1600 Calgary, Alberta T2G 0R1 CA**
Nadine Welisch-Moore	**140-10th Ave. S.E., Suite 1600 Calgary, Alberta T2G 0R1 CA**

Is this a reorganization?
☑ No ☐ Yes - What was the previous organization?

I hereby swear or affirm that the information provided is true, complete and correct as determined from all available records.		Date March 5/19
Signature	Printed Name Shad Watts	Title VP solids Control

Province ~~STATE~~ OF Alberta)
) ss
City ~~COUNTY~~ OF Calgary)

Notary Seal

On March 5/2019, Shad Watts known to me to be the person described in and who executed the foregoing instrument, personally appeared before me and acknowledged that (s)he executed the same as a free act and deed.

Notary Public Andrea C. Miller
Barrister & Solicitor
A Notary Public In and For Alberta

My Commission Expires N/A

Westchester Fire Insurance Company
436 Walnut Street
Philadelphia, PA
19106 USA

SURETY BOND RIDER NO. 1

Rider to be attached to and form a part of Bond Number: **K09096620** on behalf of **Newalta Environmental Services, Inc.**, and in favour of **Industrial Commission of North Dakota** executed by **Westchester Fire Insurance Company**, as Surety effective, October 10, 2014.

The Principal and **Westchester Fire Insurance Company** hereby consent to changing the said bond on the **14th**, day of **February, 2019** as follows:

The principal is to be amended as follows:

FROM: **Newalta Environmental Services, Inc.**

TO: **Tervita Environmental Services Inc.**

Nothing herein contained shall vary, alter or extend any provision or condition of the bond other than as above stated.

Signed, Sealed and dated this 26th day of February, 2019.

Tervita Environmental Services Inc.

By: _____
Principal

Westchester Fire Insurance Company

By: Gayle Laporte
Gayle Laporte, Attorney-in-Fact

July 24, 2020

North Dakota Industrial Commission
Oil and Gas Division
1000 East Calgary Avenue
Bismarck, North Dakota 58503-5512

Re: Docket for Confiscation Hearing – July 31, 2020 (File Number: 700115-01)

In response to the Docket for Confiscation Hearing scheduled for July 31, 2020, Tervita Environmental Services Inc. (Tervita) is submitting a request to the North Dakota Industrial Commission (NDIC) to not confiscate the following Facility:

File No.: 700115-01
Operator: Tervita Environmental Services Inc. (Formerly Newalta Environmental Services Inc.)
Facility Name: Alexander Treating Plant #1
Status: AB
County: McKenzie

Tervita has reviewed the Commission's consideration for testimony and submits the following information:

What is the status of the Facility and how long has it been in that status?

The status of the facility is currently suspended and has been suspended for over 1 year.

Tervita acquired the Alexander processing facility in the summer of 2018 which has an associated disposal well (File 90241). The disposal well was acquired in the fall of 2018 due to its proximity to the facility as both assets complement one another.

Tervita has invested substantial amounts of resources, time and capital into the facility to ensure its' operational status. The facility equipment and processes were reworked to maintain the guidelines of the permit and thoroughly tested in Q4 of 2019.

On January 30, 2020, the decision was communicated internally to the U.S. team that Tervita will be exiting the U.S. market. At that time, plans were refocused on the divestiture of the business lines and assets located across the U.S. The U.S. team promptly communicated with members of the community and others across the state to identify a qualified buyer. Tervita has since received a Letter of Intent to purchase the US assets (scheduled to close August 14, 2020), which includes the Alexander Facility Treating Plant #1 and disposal well. The well was on the NDIC's confiscation list but has since been removed and provided a deadline of October 1, 2020 to action.

Is the facility economical to return to processing at the current depressed oil prices?

Yes, given the temporary suspension of operations at a nearby competitor facility, agreements with the land and minerals owner, and discussions with adjacent producers Tervita believes the facility will be economical. In the attached analysis (Attachment 1) it is seen that the producers closest to the Facility are within the top 4 for Bakken completions and waste stream generation.

1600, 140 – 10 Avenue SE
Calgary, AB, Canada T2G 0R1

Tel: 1(403) 233- 7565
Fax: 1 (403) 261-5612

At what oil price within the foreseeable future can the facility become economical to return to operation?

While there has been some recent volatility in the industry, Tervita believes the facility is economical at a WTI price of $30 or greater. Tervita has not operated the facility due to current efforts to divest our US assets and concentrate on the Canadian markets at the direction of our Board of Directors.

The Alexander Facility is a valuable asset and has been part of our divestment strategy as demonstrated through a Letter of Intent.

Tervita requests that the Facility not be confiscated and deadline to action the Facility be October 1st, 2020 to coincide with the deadline of the well.

Although the decision was made to exit the U.S. every step possible has been taken to continue employment. In the upcoming transaction, all six members of Tervita's remaining team will be transferred to the new operating company and continue employment and their role in maintaining the compliance of the Alexander Facility.

Tervita would also like to note that a Form 2 and Surety Bond Rider (Attachment 2) was submitted to the Commission on March 5, 2019 and April 4, 2019, respectively to notify the NDIC of the change in name from Newalta Environmental Services Inc. to Tervita Environmental Services Inc.; however, the Facility remains under the operating name of Newalta Environmental Services Inc. under the NDIC.

Any questions pertaining the information within this letter can be directed to the undersigned.

Regards,
Nelson Liu

Nelson Liu

Nelson Liu
Specialist, HSE Regulatory and Management
Direct: (403) 231-6517
Mobile: (403) 826-4396
E-mail: nliu@tervita.com

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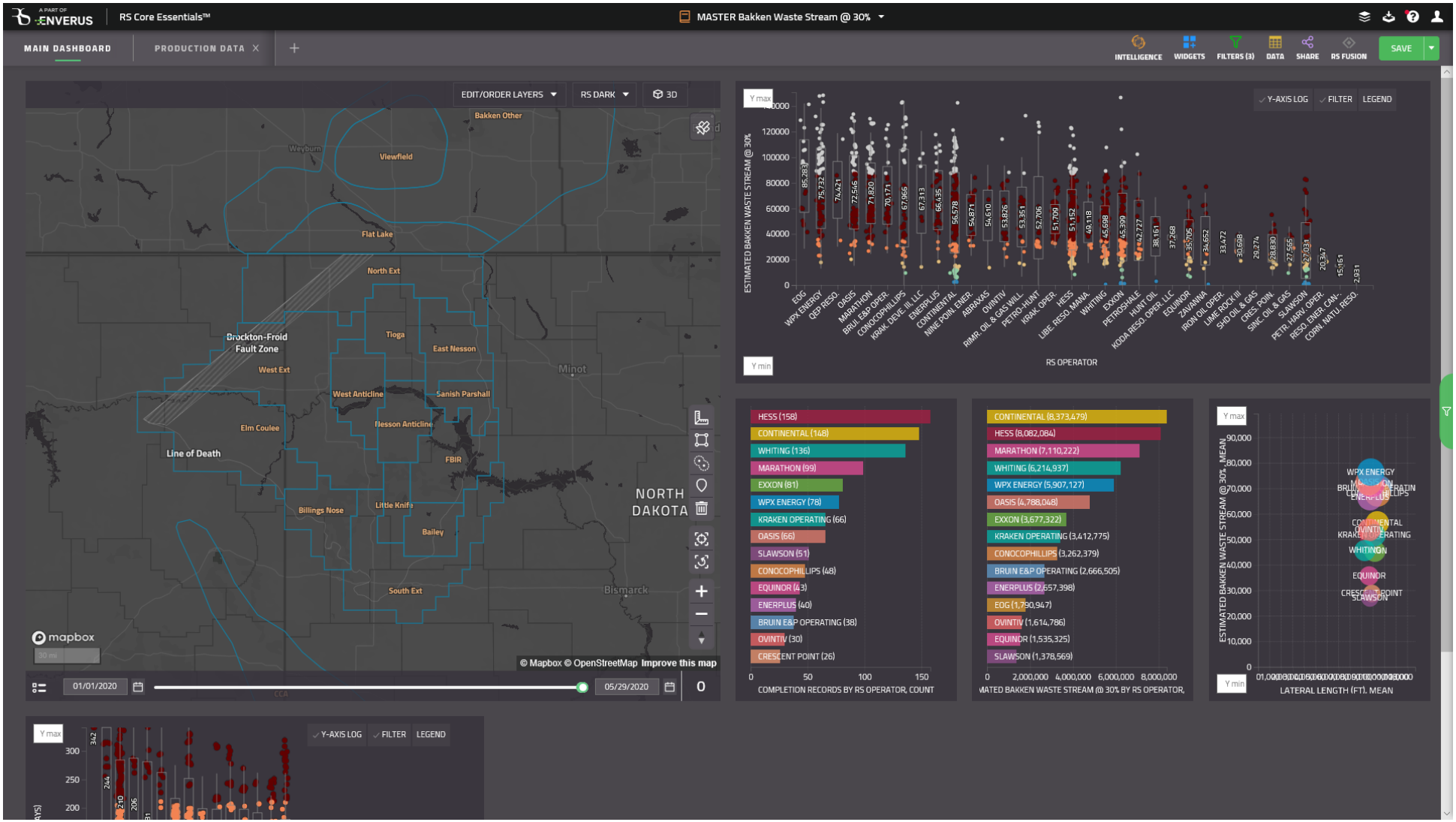
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North Ext
Brockton-Froid Fault Zone
Tioga
East Nesson
West Ext
Minot
West Anticline
Sanish Parshall
Elm Coulee
Nesson Anticline
Line of Death
FBIR
NORTH DAKOTA
Billings Nose
Little Knife
Bailey
South Ext
Bismarck
mapbox
© Mapbox © OpenStreetMap Improve this map
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ORGANIZATION REPORT - FORM 2

INDUSTRIAL COMMISSION OF NORTH DAKOTA
OIL AND GAS DIVISION
600 EAST BOULEVARD DEPT 405
BISMARCK, ND 58505-0840
SFN 5748 (03-2000)

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COMPLETE IF APPLICABLE

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Name of North Dakota Agent **CT Corporation System**			Telephone Number **(701) 751-6344**
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VICE-PRESIDENT		
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Is this a reorganization?
☑ No ☐ Yes - What was the previous organization?

I hereby swear or affirm that the information provided is true, complete and correct as determined from all available records.		Date March 5/19
Signature	Printed Name Shad Watts	Title VP solids Control

Province ~~STATE~~ OF Alberta)
) ss
City ~~COUNTY~~ OF Calgary)

Notary Seal

On March 5/2019, Shad Watts known to me to be the person described in and who executed the foregoing instrument, personally appeared before me and acknowledged that (s)he executed the same as a free act and deed.

Notary Public Andrea C. Miller
Barrister & Solicitor
A Notary Public In and For Alberta

My Commission Expires N/A

Westchester Fire Insurance Company
436 Walnut Street
Philadelphia, PA
19106 USA

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TO: **Tervita Environmental Services Inc.**

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Signed, Sealed and dated this 26th day of February, 2019.

Tervita Environmental Services Inc.

By: _____
Principal

Westchester Fire Insurance Company

By: Gayle Laporte
Gayle Laporte, Attorney-in-Fact

Kadrmas, Bethany R.

From: Mike Reichert <mreichert@waveoperating.com>
Sent: Thursday, July 23, 2020 3:45 PM
To: Kadrmas, Bethany R.
Subject: MBI Oil and Gas - Testimony for July 31,2020 hearing case28530
Attachments: 20200723_144324.pdf

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Thank you,

Mike Reichert
MBI Oil and Gas, LLC
701-238-9930

MBI OIL & GAS, LLC

103 5th Street SE
Dickinson, ND 58601
701-456-5071

July 23, 2020

North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard Ave, Dept. 405
Bismarck, ND 58505-0840

RE: Case No. 28530 – Motion of the Commission to consider the confiscation of all production and/or injection related equipment, and salable oil at certain abandoned wells

Dear Mr. Helms:

MBI Oil and Gas, LLC ("MBI") submits the following testimony in response to the notice of hearing in Case No. 28530 before the North Dakota Industrial Commission.

MBI is the operator of the following oil and gas wells which are subject to confiscation pursuant to the Commission's notice and motion (the "Wells"):

File No.	Well Name	Well Type	Status	Time in Status
15648	Lynn 2	OG	IA	06/24/2006
15781	Lynn 3H	OG	IA	07/15/2020
16135	LM 2	OG	AB	10/15/2019

MBI supports the confiscation of the Wells subject to the following objections. MBI objects to the Commission's authority to confiscate, forfeit and suspend well bonds as means to recover its cost for plugging and reclamation of the Wells. In order to obtain a well bond, operators must enter into surety agreements with the insurance companies. MBI, like many other operators, are required to indemnify the insurance company against any claims made against its bonds. Accordingly, well bond confiscation will have a direct financial impact on MBI and other operators. Furthermore, MBI objects to the Commission's authority to initiate lawsuits against operators and working interest owners to recover its costs. Defending against lawsuits is not an expense operators and working interest owners are able to afford at this time. The Commission's well plugging program should be administered with, and limited to, the federal funds allocated to it through the CARES act and at no additional cost or liability to operators and working interest owners.

The Wells should be confiscated because it is not economical to return said wells to production in the foreseeable future and the Wells are not suited for any type of reworking operations. Furthermore, MBI will be unable to bring the Wells into compliance with the Commission's rules prior to the December 30, 2020 CARES Act deadline.

MBI requests that the Commission's order for confiscation include a waiver of the Commission's rights with respect to bond confiscation, forfeiture and suspension, as well as a waiver of its right to maintain a lawsuit against operators and working interest owners in order to recover the Commission's costs for plugging and reclamation, *insofar and only insofar* as such rights may be enforced against Cobra and said working interest owners in connection with the confiscation of the Wells.

Please contact Mike Reichert at 701-456-5071 or mreichert@waveoperating.com with any questions you may have.

Sincerely,

MBI Oil and Gas, LLC
103 5th Street SE
Dickinson, ND 58601

cc: Mr. Lawrence Bender *Via Email*

70511601.1

Kadrmas, Bethany R.

From: Paul Rankin <jhrspecial@gmail.com>
Sent: Tuesday, July 21, 2020 11:08 AM
To: Kadrmas, Bethany R.
Subject: July 31st
Attachments: July 31 confiscation hearing.pdf

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Bethany I have attached a letter stating my position on the wells listed for the confiscation hearing on July 31st. Since I testified during the last hearing I didn't think it was necessary this time. Let me know if there is anything else you need from me.

All the best,
Paul Rankin

Paul Rankin Inc.
533 Washington Ave.
Bridgeville, PA 15017
jhrspecial@gmail.com

North Dakota Industrial Commission Oil and Gas Division
600 East Boulevard Ave Dept 405
Bismarck, ND 58505-0840

Tuesday, July 21, 2020

RE: **Summary for Testimony Confiscation Hearing July 31st, 2020**

To Whom it may concern,

I have received notification from the NDIC that the following two wells are in consideration of confiscation.

Grace Oyoe 1-4 (10080)- I do not object to the NDIC plugging this well using the federal Cares Act funding available and designated for this purpose, to the extent that this can be accomplished without negatively impacting bonding and operations on my properties that are not abandoned.

L. Papineau U.S.A (10159) - I do not object to the NDIC plugging this well using the federal Cares Act funding available and designated for this purpose, to the extent that this can be accomplished without negatively impacting bonding and operations on my properties that are not abandoned.

Please contact me if you have you need any additional information prior to the July 31st hearing. I will not be calling in to testify for this hearing since I already testified on June 10th.

All the best,

Paul Rankin

Paul Rankin, Inc.

Kadrmas, Bethany R.

From: Gale Robinson <gale.85disposal@gmail.com>
Sent: Monday, June 29, 2020 2:49 PM
To: Kadrmas, Bethany R.
Subject: Confiscation Hearing #28495
Attachments: NDIC - Timeline from Tamara Madche.pdf; NDIC Sundry.pdf

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Dear Mr. Helms,

This is in regards to The "85" Disposal, Inc. (File No. 7651 and File No. 90162) underwater gathering system. Pursuant to the North Dakota Industrial Commission's ("Commission") notice of hearing, I submit the following testimony and formal request to remove The "85" Disposal underground gathering system from the Commission's consideration in this case.

Chris and I purchased this salt water disposal from Myron Sylte August 1, 2018. The saltwater disposal was called J & M Disposal, Inc. and had been under Myron's ownership since the 1990's. We came to find that Myron had never bonded the pipeline and when we purchased the salt water disposal there was no mention of bonding. However, in 2016, approximately 400 bbls of brine leaked from a fitting on the Tennaco pad (Continental Resources, Inc.) that connected to our salt water disposal. Since June or July of 2016 the pipeline has been shut down.

On January 22, 2019, I received an email from Tamara Madche requesting a shape file of the above ground equipment and pipeline centerline from points of origin to termination points be sent to her along with a bonding form. Since the pipeline had not been in use for over 2 1/2 years we decided to start purging and capping the pipeline to state specifications. Due to the wet spring and summer 2019 we had several delays but we stayed in constant contact with Tamara letting her know where we were at in the process. We, as brand new business owners, spent $150,000 digging, purging lines with freshwater and capping per NDIC requirements in the summer and fall of 2019...only to stop the project due to winter weather.

In October 2019 a Sundry report was filled out and sent to Tamara Madche. Again, over the winter we stayed in touch with Tamara letting her know of our plan to take down the riser located at the salt water disposal and remove all tanks and finish reclamation on the booster site. In April or May we were contacted by Richard Ryan, Inspector, letting us know that our Sundy report had been misplaced. That was resent to Tamara Madche, which has the original email along with the date last fall that it was sent to her. All three projects in this paragraph are in motion...

Current projects to complete pipeline project:

1.) DSW, LLC will be removing the tanks within the next two weeks and all other scrap metal will be properly disposed of at that time. One week ago Tamara gave us a deadline of **JULY 31, 2020** to have this completed. At that time, Tamara specified that grass needs to be planted. We are on target to have this completed by her deadline. ***Please see "Timeline" attachment.

2.) **June 9, 2020,** the Army Corps of Engineers informed us that we need to pull approximately 5000' of pipe from their land. Midwest Productions is **currently** working on pulling that line.

3.) Riser located at the plant will be down within the next two weeks.

Lastly...

4:) Tamara Madche asked that we contact all four oil companies that had been linked with the pipeline requesting that they send us confirmation that The "85" Disposal, Inc. is not responsible for each specific oil company's equipment. We sent emails to all four, and then sent a follow up email requesting this confirmation. We have verbal confirmations from all companies stating that we are not responsible for any of their equipment.

As you can see, our project started mid-summer 2019, stopped when the ground froze, and started again this summer. In the meantime, we are struggling financially...we have not yet owned the salt water disposal for 2 years and have spent a lot of money trying to finish this project in order to be in good standing with NDIC. Richard Ryan, Pipeline Inspector, has been helpful and can attest to the fact that Chris and I are on top of the project to complete all that has been asked of us by the state this summer, despite add-ons to project from Army Corps of Engineers, weather, and Covid-19 and Russia/Opec situation.

Please contact Chris Robinson at 701-226-0075 to testify on this matter on July 31, 2020.

Very kind regards,

Gale Robinson
Administrative Manager
The "85" Disposal
423 1st Ave W
Williston, ND 58801
Tel: 701-610-6083

Virus-free. www.avg.com

Gmail

Gale Robinson <gale.85disposal@gmail.com>

Fwd: Pipeline Abandonment & Booster Station Reclamation

2 messages

Chris Robinson <chris.85disposal@gmail.com> Mon, Jun 29, 2020 at 10:11 AM
To: Gale Robinson <gale.85disposal@gmail.com>

Chris Robinson
Owner/Operator
The "85" Disposal
423 1st Ave W
Williston, ND 58801
Tel: 701-226-0075

(*) see page 3 for date of Completion from Tamara Madche

---------- Forwarded message ---------
From: **Chris Robinson** <chris.85disposal@gmail.com>
Date: Thu, May 28, 2020 at 4:36 PM
Subject: Re: Pipeline Abandonment & Booster Station Reclamation
To: Madche, Tamara J. <tjmadche@nd.gov>

Thank you !!

Chris Robinson
Owner/Operator
The "85" Disposal
423 1st Ave W
Williston, ND 58801
Tel: 701-226-0075

On Thu, May 28, 2020 at 4:22 PM Madche, Tamara J. <tjmadche@nd.gov> wrote:

Hello Chris,

Thank you for following up. I have attached a copy of the report in question that shows the pipeline leaving the booster station to the southwest has been properly purged and cleaned as of 9/5/2019. Should the USACE have any questions they are welcomed to reach out.

Tammy Madche

Pipeline Program Supervisor, Oil and Gas Division

tjmadche@nd.gov • pipelines@nd.gov

NORTH Dakota | Mineral Resources
Be Legendary.™

701.328-8020 (Front Office) • oilandgasinfo@nd.gov • www.dmr.nd.gov • 600 E Boulevard Ave, Dept. 405 • Bismarck, ND 58505

From: Chris Robinson <chris.85disposal@gmail.com>
Sent: Thursday, May 28, 2020 4:04 PM
To: Madche, Tamara J. <tjmadche@nd.gov>
Subject: Re: Pipeline Abandonment & Booster Station Reclamation

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Tamara,

We Are currently working with the Army Corp to finish up reclamation on the river bottoms. Continental is finishing the Tennaco pad. I think they start in next few weeks. I have 2 risers that were left. We left these risers at the time, because Corp might want all poly on federal land removed. Opposed to just cutting and capping at grade. Could I have a copy of Richard Ryan's report. Report Id# 20190905_RDR3 ? I want to send the Corp along with test results showing them that line is not a hazard. Hoping that they will consider leaving this buried. I will also send them test results. Right now we are getting ready to move these risers. Get them clear of Continentals work. I proposed to the Corp that we cut and cap a section running to the south, Off of federal land. This shouldn't be a problem. The other section runs about 3000' on federal land! I am hoping we can dig back from riser about 20-30' to be out of Continentals way and cut cap and bury. I pray for common sense. When we do this work down by Tennaco, I will have my contractor cut and cap riser at my plant. I am hoping I could get these things done before we turn attention to Booster. The booster will be next. Still wanting to complete this summer. If we have to pull that entire line off of federal land, the cost of that could determine if we can move forward or not. As you are aware we have very little revenue at this point. Due to Covid. Please call with any question. Look forward to getting that file of Richards ASAP.

Thank you,

Chris Robinson

Owner/Operator

The "85" Disposal

423 1st Ave W

Williston, ND 58801

Tel: 701-226-0075

On Tue, May 26, 2020 at 9:53 AM Madche, Tamara J. <tjmadche@nd.gov> wrote:

> Good Morning Chris,

I am following up on the tentative schedule planned for completing the remaining abandonment (including the demolition and reclamation of the booster facility) work on the Highway 85 produced water gathering system. We will be looking for this work to be completed by the end of July so that the booster facility location can be seeded and grass can start growing in. I believe you were also going to be preparing some documentation to show that the infrastructure at the oil and gas operators would be handled by the oil and gas operator and that you would only be taking care of the riser at the SWD.

↑ Time frame given by Tamara

Thank you,

Tammy Madche

Pipeline Program Supervisor, Oil and Gas Division

tjmadche@nd.gov • pipelines@nd.gov

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701.328-8020 (Front Office) • oilandgasinfo@nd.gov • www.dmr.nd.gov • 600 E Boulevard Ave, Dept. 405 • Bismarck, ND 58505

Chris Robinson <chris.85disposal@gmail.com> Mon, Jun 29, 2020 at 10:14 AM
To: Gale Robinson <gale.85disposal@gmail.com>

[Quoted text hidden]

85 Disposal Pipeline System Initial Abandonment

Date	West section of pipeline system
7/24/2019	Locate pipeline at Continental Tenneco State Location with hydrovac.
7/25/2019	Excavated pipeline at Tenneco location, Tie vac truck to pipeline and put line on a vacuum removed the section of pipe going onto the Tenneco location from underground, split the pipeline and install valves on each end. This is the current lowest known point in this section of line. Secure lines back to surface and fill in excavated area. Drain all fluids from pipeline into vac truck, used a 185 cfm compressor to purge fluids from line.
8/1/2019	Tied onto line with compressor at the Schmitz location and vac truck at the Johnson location, attempt to purge any remaining fluids out of line, no fluids were recovered.
8/5/2019	Filled pipeline with FW from the Schmitz location to the Tenneco access point and from the Booster station to the Tenneco location and allow FW to soak.
8/9/2019	Tied onto the pipeline at the Schmitz location with pump truck and tied vac truck onto the pipeline at the Tenneco , pumped 70 bbls FW, moved to the State 1-36, and pumped an additional 280 bbls FW into the line while continuously sampling returns at the Tenneco. Pumped water until returns at the Tenneco were clean. Moved Vac truck to the Johnson location and pumped 60 bbls from the State 1-36, through the branch line into the vac truck, returns were clear. Moved vac truck to the Wang location and pumped 30 bbls from the State 1-36 through the branch line, returns were clear. Move pump truck to the booster and pump 70 bbls from Booster to the Tenneco location, returns were clear. Released the pump truck and tied our air compressor to the line and purged all remaining fluids out of the line into the vac truck tied on at the Tenneco location. Total volume FW pumped into line and drained out was 510 bbls.Pulled samples off of each line end at the Tenneco location as well as a sample from the Johnson location (longest branch line) prior to purging and delivered to Stealth Energy Group, the Schmitz line was 111 ppm, Booster line was 35 ppm and the Johnson line was 68 ppm. Verbally reported results in to Richard Ryan.
	Booster to Plant pipeline system
8/1/2019	Hook compressor to pipeline at the booster and vac truck at Rehab (lowest accessible point) purge SW out of line to truck. Move compressor to Behan and purge fluids out of line to truck at Rehab. Move compressor to Norcorp location and purge fluids out of line to truck at Rehab. Move vac truck to the SWD plant and purge fluids out. Move Vac truck to the Devitt location and purge fluids out, (this section of line had very dirty returns)
8/12/2019	Tie onto Pipeline at the Booster with pump truck, proceed flushing line with FW while monitoring each pipeline tie in point, at 12 bbls over estimated pipeline capacity did not have any returns, Shut down pumping operations, meet with Richard Ryan and begin scouting for a possible line failure.
8/13/2019	Receive permission from land owner to scout wheat field for a leak, locate the leak approximately 200' out in a the land owners field. File a spill report with the NDIC and DEQ, meet with 85 Disposal owner and land owner. Take sample of water found in hole, less than 60 ppm chlorides. Land owner requested to wait until after harvest to gain access to affected area, all parties agreed.
9/20/2019	Receive permission from land owner to excavate spill area and locate line. Hydrovac and 20 x 20 x 6 perimeter and locate line. Lay down a liner and excavate line and dispose of all materials excavated per land owner agreement. Removed damaged section of line and install a valve on each end.
9/21/2019	Install a jumper at the field access point (line break area), tie compressor to line at the booster and vac truck to the line at the SWD facility. Purge any remaining fluid to vac truck. Attempt to move vac truck to Devitt location but roads were to wet.
9/23/2019	Hook up compressor at booster and vac truck at Devitt 2-32. Try and push air from booster to Devitt with no success. Move compressor to Devitt and vac truck to field access point and push 50 bbls from line onto truck. Hook up HO truck and load line with 80 bbls FW and move transport to Devitt. Hook up blower at field access point and push air to Devitt and got 40 bbls on truck and started getting air.

9/24/2019	Hook pump truck to line at access point, hook up vac truck at the SWD facility, flush line with 70 bbls FW until clear, drained line of all liquids and used compressed air to blow out. Hook up to other line and load line to Devitt with 45 bbls. Move vac truck to Devitt pumped 55 bbls. Hook up compressor at access point and push until air at Devitt, take sample. Move vac truck to Rehad and purge fluids from access point to rehab and got 30 bbls on truck, take sample. Meet with Sam Croat with Stealth Energy, take a composite soil sample across the identified spill area (7 samples).
9/25/2019	Flushed the Devitt line from access point with 420 bbls, intermittent slugs of debris coming out of line.
9/26/2019	Set two 500 bbl tanks and flushed line with 360 bbls, still getting debris, rain is slowing progress, take sample
9/27/2019	Flushed the Devitt line from access point with 360 bbls,
10/5/2019	Travel to location, meet with trucks, hook up hose at Devitt location to Frac master tanks. Pump 420 bbls FW through the pipeline from the booster to the Deviit. Tank samples every 100 bbls(4). Unhook truck and frac master, return to Williston and drop off samples (Total volume FW flushed through line from Booster to Devitt location 1750 bbls), (3rd sample 100 ppm chlorides, 4th / final sample <29 ppm, .45 mS conductivity)
10/14/2019	Tie compressor to Pipeline at Booster and vac truck at Rehab, purge line of fluids, move to Behan and Norcorp, repeat purge until line the line was on a vacuum. Move compressor to field access point and purge line from there to the Rehab. Move Vac truck to the Devitt and purge fluids. Remove valves from pipeline ends at the field access point and install a blind on each end. Reported in to Richard Ryan

Heilman, Tracy A.

From:	Heilman, Tracy A.
Sent:	Friday, June 26, 2020 3:08 PM
To:	Faller, Krista; Lamb, Marcia D.; Herbel, Lisa M.; Tivis, Sandra K.; Jensen, Jeanie S.; Jastrzebski, Gayle M.; Dolezal, Tracey K.; Sperry, Tamra L.; Schmidt, Jeri G.; Carpenter, Darlene K.; Johnsrud, Erica; Knutson, Beth A.; Brost, Shana L.; Pappa, Stephanie; Kory, Heidi; Pollman, LeAnn M.; Buzalsky, Lorrie; Haag, Kay A.; devra.smestad@wardnd.com; Innis, Beth M.; CityofKilldeer@killdeer.com; vawnitabest@gmail.com
Cc:	Kadrmas, Bethany R.
Subject:	NDIC Notice - 7/31/20 Docket
Attachments:	CountyNoticeLtr073120.pdf; docket073120.pdf

Please see the attached letters. If you are not the appropriate recipient, or if you would like this electronic notice sent to an additional email address, please let me know.

Tracy Heilman
Administrative Assistant, Oil and Gas Division

701.328.8038 • theilman@nd.gov • www.dmr.nd.gov

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701.328.8020 • 600 E Boulevard Ave Dept. 405 • Bismarck, ND 58505

NORTH DAKOTA
OIL AND GAS DIVISION

Oil and Gas Division

Lynn D. Helms - Director Bruce E. Hicks - Assistant Director
Department of Mineral Resources
Lynn D. Helms - Director
North Dakota Industrial Commission
www.dmr.nd.gov/oilgas/

June 26, 2020

Via Electronic Mail

North Dakota County Auditors of Adams, Billings, Bottineau, Bowman, Burke, Divide, Dunn, Golden Valley, Hettinger, McHenry, McKenzie, McLean, Mercer, Mountrail, Renville, Slope, Stark, Ward, Williams

RE: Case No(s). 28530

Dear Auditors:

The above captioned cases are docketed for hearing on July 31, 2020. Written notice is being provided for cases pertaining to disposal of saltwater and oilfield wastes. Attached is a copy of the July 31, 2020 docket.

If you have any questions, do not hesitate to contact me.

Sincerely,

Tracy Heilman
Administrative Assistant

600 E Boulevard Ave - Dept 405, Bismarck, North Dakota 58505-0840 Phone (701)328-8020 Fax (701)328-8022

Heilman, Tracy A.

From: Heilman, Tracy A.
Sent: Friday, June 26, 2020 4:22 PM
To: Kbear@mhanation.com; slhall@mhanation.com; texx@restel.com; klyson@mhanation.com; chairmanfox@mhanation.com; Cynthia.monteau@Tax-MHANation.com; Kadrmas, Bethany R.
Subject: NDIC Oil and Gas Division Cases - Tribal Lands
Attachments: docket073120.pdf; 20200626165307.pdf

Please see the attached notice.

If you are not the appropriate recipient, please let me know.

Tracy Heilman
Administrative Assistant, Oil and Gas Division

701.328.8038 • theilman@nd.gov • www.dmr.nd.gov

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NORTH DAKOTA
OIL AND GAS DIVISION

June 26, 2020

VIA EMAIL ONLY

Chairman
Three Affiliated Tribes
404 Frontage Road
New Town, ND 58763

RE: Case No(s). 28530

Dear Chairman:

The above captioned case is docketed for hearing on July 31, 2020. Pursuant to agreement between the Three Affiliated Tribes and the North Dakota Industrial Commission, written notice is being provided. Enclosed is a copy of the July 31, 2020 docket.

If you have any questions, do not hesitate to contact us.

Sincerely,

Tracy Heilman
Bethany Kadrmas
NDIC Oil and Gas Division

cc: Director, Tax Department
Director, Natural Resources
Director, Energy Department

NORTH Dakota | Mineral Resources

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July 17, 2020

JEROME HUTCHISON
12262 38TH ST NW
WATFORD CITY, ND 58854

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for New Way Services, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the NDEN Services Treating Plant #1 treating plant operated by New Way Energy Serivces, LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing New Way Energy Serivces, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms

Lynn D. Helms

Certified Mail: 7019 0700 0000 6173 7730

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Tracy Heilman states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 17th day of July, 2020, I served the following **Notice of Hearing with attached Exhibit A-New Way Energy Services, LLC** upon **New Way Energy Services, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

JEROME HUTCHISON

12262 38TH ST NW

WATFORD CITY, ND 58854

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Tracy Heilman

On this 17th day of July, 2020 before me personally appeared Tracy Heilman to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

DAVID TABOR
Notary Public, State of North Dakota
My Commission Expires
January 29, 2022

Notary Public
State of North Dakota, County of Burleigh

Exhibit A - All Clear Environmental, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700117-01	New Way Energy Services, LLC		NDEN Services Treating Plant #1		AB	McKenzie

MCKENZIE COUNTY
SHERIFF'S OFFICE

1201 12th St SE Ste B • Watford City, ND 58854

Matthew Johansen, *Sheriff*
Phone: (701) 842-6010
Fax: (701) 842-6455

DISTRICT

Return # 9713
Process # C20-00789
Docket # 28530
Reference #
Civil Case # CVL2000590

STATE OF NORTH DAKOTA	}	
COUNTY OF MCKENZIE	}	
	}	
	}	
STATE OF NORTH DAKOTA, OFFICE OF THE ATTORNEY GENERAL	}	
Plaintiff,	}	SHERIFF'S RETURN OF PERSONAL SERVICE
- vs -	}	
NEW WAY ENERGY SERVICES LLC	}	
Defendant	}	

Date Recieved: **24th day of July, 2020**

Action: **a NOTICE OF HEARING**

Type Of Service: **Personal Service**

Person Served: **JEROME JOB HUTCHISON**

Date Served: **27th day of July, 2020** Time Served: **11:50 AM**

Location where served: **12262 38TH ST NW, WATFORD CITY, ND 58854**

Comments

Date Returned 7/27/20

Signed **Date** 07/27/20

Sergeant Lloyd Clock
MCKENZIE COUNTY SHERIFF'S OFFICE
1201 12TH ST SE, SUITE B
WATFORD CITY, ND 58854
Phone: (701) 842-6010
Fax: (701) 842-6455

Renee Thorgramson

From	Hamilton, Melissa J <mejhamilton@nd gov>
Sent	Friday, July 24, 2020 3 34 PM
To	Civil Process
Cc	Phillips, David R
Subject	Service on Case No 28530
Attachments	072420 New Way Energy McKenzie Cty Sheriff Svc Letter pdf
Follow Up Flag	Follow up
Flag Status	Flagged

Dear Civil Division – please serve the attached documents as soon as possible on Jerome Hutchison, Registered Agent for New Way Energy Services, LLC at 12262 38th St NW, Watford City, ND 58854

Thank you,

Melissa

Melissa J Hamilton, ACP
Paralegal
North Dakota Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Telephone (701) 328-3640
Fax (701) 328-4300

Confidentiality Notice

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STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
STATE CAPITOL
600 E BOULEVARD AVE DEPT 125
BISMARCK, ND 58505-0040
(701) 328-2210
www.attorneygeneral.nd.gov

Wayne Stenehjem
ATTORNEY GENERAL

CIVIL LITIGATION
NATURAL RESOURCES
AND INDIAN AFFAIRS
500 NORTH 9TH STREET
BISMARCK, ND 58501-4509
(701) 328-3640 FAX (701) 328-4300

July 24, 2020

Sheriff Matthew Johansen
McKenzie County Sheriff's Office
Attn: Civil Division
1201 12th St. SE Suite B
Watford City, ND 58854
Via fax @ civilprocess@co.mckenzie.nd.us

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Sheriff Johansen:

Enclosed are two true and correct copies of a NOTICE OF HEARING for service upon Jerome Hutchison, Registered Agent for New Way Energy Services, LLC at 12262 38th St. NW, Watford City, ND 58854. The second copy is for your Proof of Service. Please make service as soon as possible and return your Sheriff's Return and a statement for fees and expense of service addressed to:

David R. Phillips
Assistant Attorney General
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509

If you have any questions, please contact me at **(701) 328-3640**. Thank you.

Sincerely,

David R. Phillips
Assistant Attorney General

DRP/mjh
Enclosures

MCKENZIE COUNTY
SHERIFF'S OFFICE
1201 12th St. SE Suite B
Watford City, ND 58854
701-842-6010

NEOPOST FIRST-CLASS MAIL
07/28/2020
US POSTAGE $000.50⁰

ZIP 58854
041M11282313

Office of Attorney General
RECEIVED
JUL 29 2020
BISMARCK, NORTH DAKOTA

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
500 NORTH 9TH STREET
BISMARCK, ND 58501-3640
ATTN: MELISSA J. HAMILTON, ACP

58501$4509 C008

MCKENZIE COUNTY
SHERIFF'S OFFICE
1201 12th St SE Ste B • Watford City, ND 58854
Matthew Johansen, *Sheriff*
Phone: (701) 842-6010
Fax: (701) 842-6455

DISTRICT

Return # 9713
Process # C20-00789
Docket # 28530
Reference #
Civil Case # CVL2000590

STATE OF NORTH DAKOTA }
COUNTY OF MCKENZIE }
}
}
STATE OF NORTH DAKOTA, OFFICE OF THE ATTORNEY GENERAL }
Plaintiff, } SHERIFF'S RETURN OF PERSONAL SERVICE
- vs - }
NEW WAY ENERGY SERVICES LLC }
Defendant }

Date Recieved: **24th day of July, 2020**

Action: **a NOTICE OF HEARING**

Type Of Service: **Personal Service**

Person Served: **JEROME JOB HUTCHISON**

Date Served: **27th day of July, 2020** Time Served: **11:50 AM**

Location where served: **12262 38TH ST NW, WATFORD CITY, ND 58854**

Comments

Date Returned 7/27/20

Signed **Date** 07/27/20

Sergeant Lloyd Clock
MCKENZIE COUNTY SHERIFF'S OFFICE
1201 12TH ST SE, SUITE B
WATFORD CITY, ND 58854
Phone: (701) 842-6010
Fax: (701) 842-6455

Kadrmas, Bethany R.

From: Entzi-Odden, Lyn <lodden@fredlaw.com>
Sent: Friday, July 17, 2020 11:59 AM
To: Kadrmas, Bethany R.
Cc: trentcline@live.com; 'cgordon@prdg.com'; Bender, Lawrence
Subject: Case 28530 - All Clear Environmental
Attachments: B Hicks ltr 28530 All Clear.pdf

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Bethany,

Please see the attached for filing with regard to the captioned matter.

Thank you.

Lyn Entzi-Odden
Fredrikson & Byron, P.A.
Executive Legal Assistant
Energy

(701) 221-8700 Work
lodden@fredlaw.com
1133 College Drive
Suite 1000
Bismarck, ND 58501

This is a transmission from the law firm of Fredrikson & Byron, P.A. and may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at our telephone number (701) 221-8700. The name and biographical data provided above are for informational purposes only and are not intended to be a signature or other indication of an intent by the sender to authenticate the contents of this electronic message.

Fredrikson & BYRON, P.A.

July 17, 2020

VIA EMAIL

Mr. Bruce Hicks
Assistant Director
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard
Bismarck, North Dakota 58505-0310

RE: CASE NO. 28530
ALL CLEAR ENVIRONMENTAL, LLC
NDEN SERVICES TREATING PLANT #1
In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND.

Dear Mr. Hicks:

Please find attached herewith a Notice of Transfer of Treating Plant Facility – Form 15P transferring the NDEn Services Treating Plant #1 from Tartan Holdings, LLC, et al, on behalf of All Clear Environmental, LLC, to New Way Energy Services, LLC. Said Form 15P was approved on May 23, 2019.

Neither All Clear Environmental, LLC nor Tartan Holdings, LLC, et al plan to appear at the captioned matter scheduled for July 31, 2020. Presumably, New Way Energy Services, LLC will appear and/or provide testimony.

Should you have any questions, please advise.

Sincerely,

LAWRENCE BENDER

LB/leo
Enclosure
cc: Mr. Charles W. Gordon, IV – (w/enc.) *Via Email*
Mr. Trent Cline, New Way Energy Services, LLC - (w/enc.) *Via Email*
70509991.1

Attorneys & Advisors
main 701.221.8700
fax 701.221.8750
fredlaw.com

Fredrikson & Byron, P.A.
1133 College Drive, Suite 1000
Bismarck, North Dakota
58501-1215

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MAR 2019
RECEIVED
ND OIL & GAS DIVISION

NOTICE OF TRANSFER OF TREATING PLANT FACILITY - FORM 15P

INDUSTRIAL COMMISSION OF NORTH DAKOTA
OIL AND GAS DIVISION
600 EAST BOULEVARD DEPT 405
BISMARCK, ND 58505-0840
SFN 5762 (01-2016)

FOR STATE USE ONLY
NDIC Bond Number N1011

Received MAY 13 2019 ND Oil & Gas Division

PLEASE READ INSTRUCTIONS BEFORE FILLING OUT FORM. PLEASE SUBMIT THE ORIGINAL AND SIX COPIES.
THIS NOTICE SHALL BE FILED AT LEAST THIRTY DAYS BEFORE THE CLOSING DATE OF TRANSFER.

TRANSFERRING OPERATOR

Name of Operator Representative Charles W. Gordon, IV			
Operator Transferring Treating Plant Facility Tartan Holdings, LLC (See Ex "A" for addt'l signatures and Ex "B" for explanation letter.)			Telephone Number (361) 880-5838
Address 800 N. Shoreline, Suite 800 S.	City Corpus Christi	State TX	Zip Code 78401
I, the above named representative, acknowledge the transfer of the treating plant facility named below for the purpose of ownership and/or operation to the company named below.			
Signature	Title (Must be an officer or power of attorney must be attached) Manager		Date 3/20/19

Facility File No	Requested Official Facility Name	Location (Qtr-Qtr, S-T-R)	Assignment Date
70011701	NDEn Services Treating Plant #1	NESW-22-152N-98W	3/20/19

RECEIVING OPERATOR

Name of Operator Representative Susan B. Long			
Operator Receiving Treating Plant Facility New Way Energy Services, LLC			Telephone Number (303) 410-9898
Address 4124 Brandon Ave.	City Broomfield	State CO	Zip Code 80020
I, the above named representative, have read the foregoing statement and accept such transfer, also the responsibility of ownership and/or operation of said facility, under the said company bond, said bond being tendered to or on file with the Industrial Commission of North Dakota.			
Signature	Title (Must be an officer or power of attorney must be attached) CPA, CMA, Chief Financial Officer		Date 5/7/2019

SURETY COMPANY

Surety Lexon Insurance Company			Telephone Number (502) 636-9191	Amount of Bond $ 185,000.00
Address 12890 Lebanan Rd.	City Mt. Juliet	State TN	Zip Code 37122	Bond Number LICX1166783
The above named SURETY agrees that such bond shall extend to compliance with Chapter 38-08 of North Dakota Century Code and amendments and the rules and regulations of the Industrial Commission of North Dakota prescribed to govern the production of oil and gas on government and private lands within the State of North Dakota, in relation to the above stated transfer; it being further agreed and understood that the bond sum or amount is not to be considered increased because of such extension.				
Signature	Title (Must be an officer or power of attorney must be attached) Attorney In Fact of Lexon Insurance Company			Date 5/10/19
Printed Name Michelle Lacrosse				

FOR STATE USE ONLY

Date Approved	May 23, 2019
By	Bruce E. Hicks
Title	Assistant Director

POWER OF ATTORNEY

LX- 11079

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its statutory home office in Austin, Texas, does hereby constitute and appoint: Michele Lacrosse, Summer Betting its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed $5,000,000.00 Five Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 22nd day of June, 2018.

LEXON INSURANCE COMPANY

LEXON INSURANCE COMPANY CORPORATE SEAL MARCH 18, 1949 STATE OF TEXAS

BY _____
Brian Beggs
President

ACKNOWLEDGEMENT

On this 22nd day of June, 2018, before me, personally came Brian Beggs to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

AMY TAYLOR STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

AMY TAYLOR
Notary Public- State of Tennessee
Davidson County
My Commission Expires 07-08-19

BY _____
Amy Taylor
Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 8TH Day of APRIL, 2019.

LEXON INSURANCE COMPANY CORPORATE SEAL MARCH 18, 1949 STATE OF TEXAS

BY _____
Andrew Smith
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

Exhibit "A"

To

Notice of Transfer of Treating Plant Facility – Form 15P

Remediation Bond #1114524-1-1

Additional Signatures to Notice of Transfer of Treating Plant Facility – Form 15P filed by Tartan Holdings, LLC, Adamson Endeavors, LP and Oilfield Services Investments, LLC:

Adamson Endeavors, LP
By: Adamson Endeavors Management, LLC its General Partner

By: _____
Austin Adamson, Manager
4101 S. Alameda St.
Corpus Christi, TX 78411
361-887-8916
austin@adamsoncpafirm.com

Date: 3/20/19

Oilfield Services Investments, LLC

By: _____
Joe Christina, Jr., Manager
800 N. Shoreline, Suite 800 S
Corpus Christi, TX 78401
361-880-5833
jchristina@prdg.com

Date: 3/20/2019

Exhibit "B"

To

Notice of Transfer of Treating Plant Facility – Form 15P

Remediation Bond #1114524-1-1

Letter from Lawrence Bender to Mark Bohrer of the North Dakota Industrial Commission

Fredrikson & BYRON, P.A.

March 28, 2019

Mr. Mark Bohrer
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard
Bismarck, North Dakota 58505-0310

RE: Form 15P
NDEn Services Treating Plant #1
NESW of Sec. 22-T152N-R98W
McKenzie County, ND

Dear Mark:

As we have previously discussed, my clients, Tartan Holdings, LLC, Adamson Endeavors, LP, and Oilfield Services Investments, LLC (collectively "Tartan, et al"), have requested authority to sign and file with the North Dakota Industrial Commission, Department of Minerals Management, Oil and Gas Division (the "Commission"), Notice of Transfer of Treating Plant Facility – Form 15P so that New-Way Energy Services, LLC will be able to substitute their $185,000.000 Reclamation Bond in place of the prior Remediation Bond Number 1114524 dated February 20, 2015 pertaining to the former All Clear Environmental, LLC plant site (Permit and Facility No 700117-01, Case No. 22596, Order No. 24930). Although Tartan, et al, are not owners of All Clear Environmental, LLC ("All Clear") or the land, they would request approval to file the Form 15P as interested parties in that they may have potential indemnitee liability to the Bonding Company under the Treating Plant Bond (# 1114524) from the Commission.

For your information, LWMW Holdings LLC (who I understand is affiliated with Dakota Blu, LLC) acquired all of the ownership interest in All Clear and the All Clear plant site on June 29, 2016 and as consideration for the purchase of all of the ownership of All Clear, LWMW and All Clear agreed to clean up the All Clear plant site and to obtain the release of the NDHD Treating Plant Bond and the NDIC Reclamation Bond. However, All Clear and LWMW Holdings LLC have wholly refused to honor their agreement with Tartan, et al, to clean up the All Clear plant site and to get the bonds released. It is my understanding that the landowner, JHKH LLC and the new proposed operator, New-Way Energy Services, LLC have joined forces to take over the responsibilities of completing the clean-up, reclamation, remediation and

decommissioning of the former All Clear plant site. It is also my understanding that the landowner, JHKH LLC is willing to sign the Commission Form 15P as the current owner of the former All Clear plant site since the landowner has foreclosed on the All Clear plant site lease and is thus the owner of the Plant Site and all materials, personal property and equipment on the plant site. However, it is my clients' understanding that you would prefer my clients to sign the Form 15P in the same manner as they signed the Form 4 since Mr. Gordon's signature appears on the original Commission filings as the former manager of All Clear in connection with other Commission filings concerning the All Clear plant site.

Since All Clear and LWMW Holdings LLC have refused to refused to clean up the plant site, Tartan, et al, have requested, in an effort to avoid potential contamination on the plant site, to avoid potential liability under the indemnity agreement, to sign and file the Commission Form 15P, as interested parties in and under the Reclamation Bond so that the Commission can substitute New-Way Energy Services, LLC's Reclamation Bond in place of the current Treating Plant Bond (# 1114524).

Assuming the Commission will have no objection to this request, we have enclosed an executed Form 15P.

Should you have any questions, please advise.

Sincerely,

LAWRENCE BENDER

LB
Enclosure

cc: Ms. Margaret Olson - (w/enc.) *Via Email*

66326177.1

NORTH Dakota | Mineral Resources

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July 7, 2020

ALL CLEAR ENVIRONMENTAL, LLC
800 N SHORELINE BLVD STE 800S
CORPUS CHRISTI, TX 78401-3765

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear All Clear Environmental, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the NDEN Services Treating Plant #1 treating plant operated by All Clear Environmental, LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing All Clear Environmental, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 0700 0000 6173 7723

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - All Clear Environmental, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700117-01	All Clear Environmental, LLC		NDEN Services Treating Plant #1		AB	McKenzie

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 7th day of July, 2020, I served the following **Notice of Hearing with attached Exhibit A-All Clear Environmental, LLC** upon **All Clear Environmental, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

ALL CLEAR ENVIRONMENTAL, LLC

800 N SHORELINE BLVD STE 800S

CORPUS CHRISTI, TX 78401-3765

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 7th day of July, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

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June 26, 2020

ALL CLEAR ENVIRONMENTAL, LLC
12270 38TH ST NW
WATFORD CITY, ND 58854

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear All Clear Environmental, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the NDEN Services Treating Plant #1 treating plant operated by All Clear Environmental, LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing All Clear Environmental, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0704

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - All Clear Environmental, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700117-01	All Clear Environmental, LLC		NDEN Services Treating Plant #1		AB	McKenzie

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-All Clear Environmental, LLC** upon **All Clear Environmental, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

ALL CLEAR ENVIRONMENTAL, LLC

12270 38TH ST NW

WATFORD CITY, ND 58854

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

EMAIL sos@nd.gov
WEBSITE www.nd.gov/sos

GENERAL INFORMATION (701) 328-2900
TOLL FREE 1-800-352-0867

SECRETARY OF STATE

July 7, 2020

DONNA J CONNOR
OFFICE OF THE ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: ALTURAS ENERGY, LLC
WO: none

Dear Ms. Connor,

Service of Process has been accepted on the above referenced pursuant of the provisions of North Dakota Century Code Section 10-01.1-13.

Enclosed is an Admission of Service Certificate along with the following:

a) Notice of Hearing

If this office can further assist you, please feel free to contact us.

Sincerely,

Darcy Hurley

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

State of North Dakota

SECRETARY OF STATE

ADMISSION OF SERVICE

Date: July 7, 2020

Service of the within Admission of Service and Notice of Hearing for and on behalf of

ALTURAS ENERGY, LLC

is hereby admitted by separate copy received for the above-mentioned defendant, this 7th day of July 2020, at my office in the Main Capitol Building, 600 E Boulevard Ave, Bismarck, North Dakota.

Admission of Service is completed at request of:

Donna J Connor
Office of the Attorney General
500 N 9th St
Bismarck ND 58501-4509

Secretary of State
Alvin A. Jaeger

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

EMAIL sos@nd.gov
WEBSITE www.nd.gov/sos

GENERAL INFORMATION (701) 328-2900
TOLL FREE 1-800-352-0867

SECRETARY OF STATE

July 7, 2020

ALTURAS ENERGY, LLC
675 SUN VALLEY RD STE H
PO BOX 3512
KETCHUM ID 83340-3512

RE: ALTURAS ENERGY, LLC

Dear Sir,

Enclosed are an Admission of Service Certificate and Notice of Hearing.

If this office can further assist you, please feel free to contact us.

Sincerely,

Darcy Hurley

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

Certified Mail No. 7019 1120 0002 3204 1847

cc: Donna J Connor
Office of the Attorney General
500 N 9th St
Bismarck ND 58501-4509

7018 2290 0000 6608 3972

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North Dakota Secretary of State
Registered Agent
600 E Boulevard Ave Dept 108
Bismarck ND 58501

Street and Apt. No., or PO Box No.

City, State, ZIP+4

David Phillips
Office of Attorney General
500 N. 9th St.
Bismarck ND 58501-4509

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  - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
  - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
  - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
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IMPORTANT: Save this receipt for your records.

SENDER: *COMPLETE THIS SECTION*

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Alturas Energy, LLC
North Dakota Secretary of State
Registered Agent
600 E Boulevard Ave Dept 108
Bismarck ND 58501

9590 9402 5853 0038 3049 55

2. Article Number *(Transfer from service label)*

7018 2290 0000 6608 3972

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Cynthia Ortega

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

Cynthia Ortega

C. Date of Delivery

8-5-20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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☐ Adult Signature Restricted Delivery
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☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
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☐ Signature Confirmation Restricted Delivery

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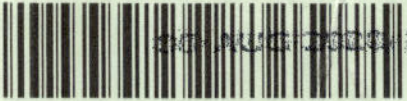

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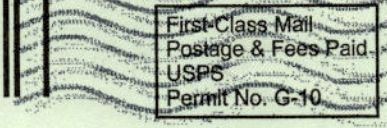

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David Phillips
Office of Attorney General
500 N. 9th St.
Bismarck ND 58501-4509

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State of North Dakota

Office of Attorney General
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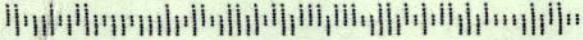
BISMARCK, NORTH DAKOTA



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NORTH DAKOTA DMR Department of Mineral Resources

RECEIVED
JUL 07 2020
SEC. OF STATE

June 26, 2020

Alturas Energy, LLC
North Dakota Secretary of State
Registered Agent
600 E Boulevard Ave, Dept 108
Bismarck, ND 58501

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for ALTURAS ENERGY, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells, a produced water underground gathering system, and a treating plant operated by ALTURAS ENERGY, LLC, as well as certain abandoned wells, produced water underground gathering systems, and treating plants operated by other operators. Enclosed herewith is a copy of Exhibit "A" listing ALTURAS ENERGY, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms

Lynn D. Helms
Director

Enclosure

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - ALTURAS ENERGY, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
50068	ALTURAS ENERGY, LLC	MONDAK	KLANDL RECLAIM PLANT	SKIM	AB	MCKENZIE
90013	ALTURAS ENERGY, LLC	MONDAK	KLANDL 26-31X SWD	SWD		MCKENZIE
	ALTURAS ENERGY, LLC	MONDAK	Produced Water Underground Gathering System			MCKENZIE

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June 26, 2020

Alturas Energy, LLC
North Dakota Secretary of State
Registered Agent
600 E Boulevard Ave, Dept 108
Bismarck, ND 58501

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for ALTURAS ENERGY, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells, a produced water underground gathering system, and a treating plant operated by ALTURAS ENERGY, LLC, as well as certain abandoned wells, produced water underground gathering systems, and treating plants operated by other operators. Enclosed herewith is a copy of Exhibit "A" listing ALTURAS ENERGY, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - ALTURAS ENERGY, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
50068	ALTURAS ENERGY, LLC	MONDAK	KLANDL RECLAIM PLANT	SKIM	AB	MCKENZIE
90013	ALTURAS ENERGY, LLC	MONDAK	KLANDL 26-31X SWD	SWD		MCKENZIE
	ALTURAS ENERGY, LLC	MONDAK	Produced Water Underground Gathering System			MCKENZIE

ALVIN A JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

EMAIL sos@nd gov
WEBSITE www nd gov/sos

GENERAL INFORMATION (701) 328-2900
TOLL FREE 1-800-352-0867

SECRETARY OF STATE

July 10, 2020

APOLLO RESOURCES LLC
13809 LAKE MAGDALENE BLVD
TAMPA FL 33618-2315

RE APOLLO RESOURCES LLC

Dear Sir,

Enclosed are an Admission of Service Certificate and Notice of Hearing

If this office can further assist you, please feel free to contact us

Sincerely,

Darcy Hurley

Darcy Hurley
Business Information Unit Lead

DH/as
Enc

Certified Mail No 7019 1120 0002 3204 1878

cc Jolene Thiel
Office of Attorney General
500 N 9th St
Bismarck ND 58501-4509

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

EMAIL sos@nd.gov
WEBSITE www.nd.gov/sos

GENERAL INFORMATION (701) 328-2900
TOLL FREE 1-800-352-0867

SECRETARY OF STATE

July 10, 2020

JOLENE THIEL
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: APOLLO RESOURCES LLC
WO: none

Dear Ms. Thiel,

Service of Process has been accepted on the above referenced pursuant of the provisions of North Dakota Century Code Section 10-01.1-13.

Enclosed is an Admission of Service Certificate along with the following:

a) Notice of Hearing

If this office can further assist you, please feel free to contact us.

Sincerely,

Darcy Hurley

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

State of North Dakota

SECRETARY OF STATE

ADMISSION OF SERVICE

Date: July 10, 2020

Service of the within Admission of Service and Notice of Hearing for and on behalf of

APOLLO RESOURCES LLC

is hereby admitted by separate copy received for the above-mentioned defendant, this 10th day of July 2020, at my office in the Main Capitol Building, 600 E Boulevard Ave, Bismarck, North Dakota.

Admission of Service is completed at request of:

Jolene Thiel
Office of Attorney General
500 N 9th St
Bismarck ND 58501-4509

Secretary of State
Alvin A. Jaeger

NORTH Dakota | Mineral Resources

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June 26, 2020

RECEIVED
JUL 10 2020
SEC. OF STATE

APOLLO RESOURCES LLC
13809 LAKE MAGDALENE BLVD
TAMPA, FL 33618-2315

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Apollo Resources LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the Madison Treating Plant #1 treating plant operated by Apollo Resources LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing Apollo Resources LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0728

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - Apollo Resources LLC

File No	Operator	Field	Facility Name	Well Type	Status	County Name
700103-01	Apollo Resources LLC		Madison Treating Plant #1		AB	McKenzie

NORTH Dakota | Mineral Resources

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June 26, 2020

APOLLO RESOURCES LLC
13809 LAKE MAGDALENE BLVD
TAMPA, FL 33618-2315

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Apollo Resources LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the Madison Treating Plant #1 treating plant operated by Apollo Resources LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing Apollo Resources LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

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Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0728

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - Apollo Resources LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700103-01	Apollo Resources LLC		Madison Treating Plant #1		AB	McKenzie

STATE OF NORTH DAKOTA NORTH DAKOTA INDUSTRIAL COMMISSION

COUNTY OF BURLEIGH

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, and salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	**AFFIDAVIT OF SERVICE BY MAIL AND RETENTION OF DOCUMENTS** **Case No. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

[¶1] Jolene Thiel states under oath as follows:

[¶2] I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

[¶3] I am of legal age and on the 8th day of July, 2020, I served the attached **NOTICE OF HEARING**, upon signing this affidavit, immediately thereafter placing true and correct copies of the document in an envelope addressed as follows:

Apollo Resources, L.L.C. d/b/a Drill Solids Disposal
North Dakota Secretary of State
Registered Agent
600 East Boulevard Avenue, Dept. 108
Bismarck, ND 58501

and depositing the same, with postage prepaid, certified mail, return receipt requested, in the United States mail at Bismarck, North Dakota. That the original of these documents

shall be retained at the Office of Attorney General, 500 North 9th Street, Bismarck, North Dakota 58501-4509.

Jolene Thiel

Subscribed and sworn to before me
this 8th day of July, 2020.

Notary Public

DONNA J CONNOR
Notary Public
State of North Dakota
My Commission Expires Aug. 6, 2021

NORTH Dakota | Mineral Resources

Be Legendary.™

June 26, 2020

APOLLO RESOURCES LLC
13809 LAKE MAGDALENE BLVD
TAMPA, FL 33618-2315

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Apollo Resources LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the Madison Treating Plant #1 treating plant operated by Apollo Resources LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing Apollo Resources LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0728

Exhibit A - Apollo Resources LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700103-01	Apollo Resources LLC		Madison Treating Plant #1		AB	McKenzie

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-Apollo Resources LLC** upon **Apollo Resources LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

APOLLO RESOURCES LLC

13809 LAKE MAGDALENE BLVD

TAMPA, FL 33618-2315

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0728

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- ☐ Return Receipt (electronic) $ _____
- ☐ Certified Mail Restricted Delivery $ _____
- ☐ Adult Signature Required $ _____
- ☐ Adult Signature Restricted Delivery $ _____

Postage
$

Apollo

Postmark Here

To APOLLO RESOURCES LLC

Street 13809 LAKE MAGDALENE BLVD

City, State, ZIP+4 TAMPA, FL 33618-2315

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

NORTH Dakota | Mineral Resources

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July 2, 2020

BAKKEN WESTERN SERVICES, LLC
923 E INTERSTATE AVE
BISMARCK, ND 58503-0549

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Bakken Western Services, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the Keene Thermal DesorptionTreating Plant #1 treating plant operated by Bakken Western Services, LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing Bakken Western Services, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0889

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

Exhibit A - Bakken Western Services, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700099-01	Bakken Western Services, LLC		Keene Thermal Desorption Treating Plant #1		AB	McKenzie

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Tracy Heilman states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 2nd day of July, 2020, I served the following **Notice of Hearing with attached Exhibit A-Bakken Western Services, LLC** upon **Bakken Western Services, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

BAKKEN WESTERN SERVICES, LLC

810 DOMINICAN DR

NASHVILLE TN 37228-1906

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Tracy Heilman

On this 2nd day of July, 2020 before me personally appeared Tracy Heilman to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

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- ☐ Adult Signature Required $ _____
- ☐ Adult Signature Restricted Delivery $ _____

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BAKKEN WESTERN SERVICES, LLC
810 DOMINICAN DR
NASHVILLE TN 37228-1906

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*
- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X 8C C-19 ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* 2825 C. Date of Delivery 7/8/20

address different from item 1? ☐ Yes
er delivery address below: ☐ No

RECEIVED
JUL 13 2020
ND OIL & GAS DIVISION

BAKKEN WESTERN SERVICES, LLC
810 DOMINICAN DR
NASHVILLE TN 37228-1906

9590 9402 5377 9189 4992 70

2. Article Number *(Transfer from service label)*
7019 2280 0001 7941 0889

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- ☐ Adult Signature Restricted Delivery
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- ☐ Signature Confirmation Restricted Delivery

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0)

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

NORTH Dakota | Mineral Resources
Be Legendary.™

June 26, 2020

BAKKEN WESTERN SERVICES, LLC
923 E INTERSTATE AVE
BISMARCK, ND 58503-0549

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Bakken Western Services, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the Keene Thermal DesorptionTreating Plant #1 treating plant operated by Bakken Western Services, LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing Bakken Western Services, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

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Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0735

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - Bakken Western Services, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700099-01	Bakken Western Services, LLC		Keene Thermal Desorption Treating Plant #1		AB	McKenzie

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-Bakken Western Services, LLC** upon **Bakken Western Services, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

BAKKEN WESTERN SERVICES, LLC

923 E INTERSTATE AVE

BISMARCK, ND 58503-0549

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0735

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Bakken Western

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ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

EMAIL sos@nd.gov
WEBSITE www.nd.gov/sos

GENERAL INFORMATION (701) 328-2900
TOLL FREE 1-800-352-0867

SECRETARY OF STATE

July 7, 2020

DONNA J CONNOR
OFFICE OF THE ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: BERG SPECIALTY FLUIDS HOLDING, LLC
WO: none

Dear Ms. Connor,

Service of Process has been accepted on the above referenced pursuant of the provisions of North Dakota Century Code Section 10-01.1-13.

Enclosed is an Admission of Service Certificate along with the following:

a) Notice of Hearing

If this office can further assist you, please feel free to contact us.

Sincerely,

Darcy Hurley

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

State of North Dakota

SECRETARY OF STATE

ADMISSION OF SERVICE

Date: July 7, 2020

Service of the within Admission of Service and Notice of Hearing for and on behalf of

BERG SPECIALTY FLUIDS HOLDING, LLC

is hereby admitted by separate copy received for the above-mentioned defendant, this 7th day of July 2020, at my office in the Main Capitol Building, 600 E Boulevard Ave, Bismarck, North Dakota.

Admission of Service is completed at request of:

Donna J Connor
Office of the Attorney General
500 N 9th St
Bismarck ND 58501-4509

Secretary of State
Alvin A. Jaeger

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

EMAIL sos@nd.gov
WEBSITE www.nd.gov/sos

GENERAL INFORMATION (701) 328-2900
TOLL FREE 1-800-352-0867

SECRETARY OF STATE

July 7, 2020

BERG SPECIALTY FLUIDS HOLDING, LLC
9088 95TH ST NW
COLUMBUS ND 58727

RE: BERG SPECIALTY FLUIDS HOLDING, LLC

Dear Sir,

Enclosed are an Admission of Service Certificate and Notice of Hearing.

If this office can further assist you, please feel free to contact us.

Sincerely,

Darcy Hurley

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

Certified Mail No. 7019 1120 0002 3204 1830

cc: Donna J Connor
Office of the Attorney General
500 N 9th St
Bismarck ND 58501-4509

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RECEIVED
JUL 07 2020
SEC. OF STATE

June 26, 2020

Berg Specialty Fluids Holding, L.L.C.,
d/b/a Berg Specially Fluids Holding, LLC
North Dakota Secretary of State
Registered Agent
600 E Boulevard Ave, Dept 108
Bismarck, ND 58501

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for Berg Specialty Fluids-Holding, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the Fluidtech No.1 Treatment Plant treating plant operated by Berg Specialty Fluids-Holding, LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing Berg Specialty Fluids-Holding, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms

Lynn D. Helms
Director

Enclosure

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

Exhibit A - Berg Specialty Fluids-Holding, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700138-01	Berg Specialty Fluids-Holding, LLC		Fluidtech No.1 Treatment Plant		AB	Burke

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June 26, 2020

Berg Specialty Fluids Holding, L.L.C.,
d/b/a Berg Specially Fluids Holding, LLC
North Dakota Secretary of State
Registered Agent
600 E Boulevard Ave, Dept 108
Bismarck, ND 58501

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for Berg Specialty Fluids-Holding, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the Fluidtech No.1 Treatment Plant treating plant operated by Berg Specialty Fluids-Holding, LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing Berg Specialty Fluids-Holding, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - Berg Specialty Fluids-Holding, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700138-01	Berg Specialty Fluids-Holding, LLC		Fluidtech No.1 Treatment Plant		AB	Burke

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June 26, 2020

C T CORPORATION SYSTEM
120 W SWEET AVE
BISMARCK, ND 58504

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for COBRA OIL & GAS CORPORATION:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by COBRA OIL & GAS CORPORATION, as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing COBRA OIL & GAS CORPORATION's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0759

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - COBRA OIL & GAS CORPORATION

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
4684	COBRA OIL & GAS CORPORATION	SQUARE BUTTE	GOVERNMENT TAYLOR B 2	OG	AB	GOLDEN VALLEY
5178	COBRA OIL & GAS CORPORATION	GLENBURN	CARROLL AITKEN 1	OG	AB	RENVILLE
5474	COBRA OIL & GAS CORPORATION	LORAINE	UCLI 1	OG	A	RENVILLE
5486	COBRA OIL & GAS CORPORATION	LORAINE	CROOKS 3	OG	A	RENVILLE
5940	COBRA OIL & GAS CORPORATION	NORTHEAST FOOTHILLS	BRYAN 3	OG	IA	BURKE
6285	COBRA OIL & GAS CORPORATION	NORTHEAST LANDA	HAROLD GRAVSETH 1	OG	AB	BOTTINEAU
7064	COBRA OIL & GAS CORPORATION	BAUMANN DRAIN	WATLAND 1	OG	A	BOTTINEAU
7718	COBRA OIL & GAS CORPORATION	GLENBURN	LEO PRESKEY 2R	OG	IA	RENVILLE
8468	COBRA OIL & GAS CORPORATION	FLAT TOP BUTTE	BEICEGEL CREEK 27-42	OG	IA	MCKENZIE
8759	COBRA OIL & GAS CORPORATION	RIVAL	ANDERSON 3-24	OG	IA	BURKE
8883	COBRA OIL & GAS CORPORATION	NORTH BRANCH	BOWLINE CREEK 35-24	OG	AB	MCKENZIE
8916	COBRA OIL & GAS CORPORATION	NORTHEAST FOOTHILLS	ELLITHORPE 1	OG	A	BURKE
8940	COBRA OIL & GAS CORPORATION	GLENBURN	ROBERT WEISE 1	OG	A	RENVILLE
9335	COBRA OIL & GAS CORPORATION	SPIRAL	MASTERS 1	OG	IA	BURKE
9362	COBRA OIL & GAS CORPORATION	BURNING MINE	BURNING MINE BUTTE 9-21	OG	AB	MCKENZIE
9781	COBRA OIL & GAS CORPORATION	TEMPLE	BIWER 1	WI	TA	WILLIAMS
10462	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NORTH WESTHOPE-MADISON UNIT GB-2R	OG	IA	BOTTINEAU
10620	COBRA OIL & GAS CORPORATION	MCKINNEY	ALEXANDER 1	OG	A	RENVILLE
10786	COBRA OIL & GAS CORPORATION	MCKINNEY	LAVONNE 16-12	OG	A	RENVILLE
10980	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 3-17	OG	IA	RENVILLE
11083	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 4-17 SWD	SWD	IA	RENVILLE
11196	COBRA OIL & GAS CORPORATION	MCKINNEY	ALEXANDER 3	OG	IA	RENVILLE
11359	COBRA OIL & GAS CORPORATION	PIERRE CREEK	PIERRE CREEK 41-7	OG	IA	MCKENZIE
11910	COBRA OIL & GAS CORPORATION	EDEN VALLEY	BERGLOF 1-A	OG	IA	RENVILLE

12073	COBRA OIL & GAS CORPORATION	PIERRE CREEK	PIERRE CREEK 14-5	OG	IA	MCKENZIE
12538	COBRA OIL & GAS CORPORATION	PIERRE CREEK	FEDERAL RIVET 6-4	OG	IA	MCKENZIE
13399	COBRA OIL & GAS CORPORATION	PIERRE CREEK	FEDERAL RIVET 6-5	OG	TA	MCKENZIE
13452	COBRA OIL & GAS CORPORATION	CINNAMON CREEK	CINNAMON CREEK 31-7	OG	TA	MCKENZIE
13787	COBRA OIL & GAS CORPORATION	PIERRE CREEK	FEDERAL RIVET 6-7	OG	TA	MCKENZIE
15987	COBRA OIL & GAS CORPORATION	LAKE VIEW	EM BUCKSHOT 36-4 H	OG	IA	BURKE
16607	COBRA OIL & GAS CORPORATION	WEST GREENE	HOLBROOK 14-16 H	OG	AB	RENVILLE
20673	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NWMU A-11H	OG	IA	BOTTINEAU
20681	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NWMU A-10H	OG	IA	BOTTINEAU

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-COBRA OIL & GAS CORPORATION** upon **COBRA OIL & GAS CORPORATION** by placing a true and correct copy thereof in an envelope addressed as follows:

C T CORPORATION SYSTEM

120 W SWEET AVE

BISMARCK, ND 58504

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

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C T CORPORATION SYSTEM
120 W SWEET AVE
BISMARCK, ND 58504

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June 26, 2020

JAMES HOLSTEN
406 1ST AVE NE
PO BOX 519
MOHALL, ND 58761-0519

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for DES, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by DES, LLC, as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing DES, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0766

Exhibit A - DES, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
12529	DES, LLC	GREENBUSH	MILLER F 12-13	SWD	A	WARD
13351	DES, LLC	IVANHOE	TRIPLETT 1-2	OG	IA	RENVILLE

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-DES, LLC** upon **DES, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

JAMES HOLSTEN

406 1ST AVE NE

PO BOX 519

MOHALL, ND 58761-0519

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

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JAMES HOLSTEN
406 1ST AVE NE
PO BOX 519
MOHALL, ND 58761-0519

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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JAMES HOLSTEN
406 1ST AVE NE
PO BOX 519
MOHALL, ND 58761-0519

9590 9402 5222 9122 3505 53

2. Article Number *(Transfer from service label)*

7019 2280 0001 7941 0766

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Rhonda Holsten
☐ Agent
☐ Addressee

B. Received by *(Printed Name)* Rhonda Holsten
C. Date of Delivery 6/30/20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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JUL 02 2020
ND Oil & Gas Division

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- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

NORTH Dakota | Mineral Resources
Be Legendary.™

June 26, 2020

ROBERT MAU
2501 6TH ST SE STE B
MINOT, ND 58701-3157

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for EAGLE OPERATING, INC.:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by EAGLE OPERATING, INC., as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing EAGLE OPERATING, INC.'s abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0773

Exhibit A - EAGLE OPERATING, INC.

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
3392	EAGLE OPERATING, INC.	NORTHWEST MCGREGOR	E. GOETZ 1	OG	IA	WILLIAMS
4093	EAGLE OPERATING, INC.	NORTH HAAS	TER HAAR 1	OG	A	BOTTINEAU
4965	EAGLE OPERATING, INC.	LAKE DARLING	ELBERG 1	OG	A	RENVILLE
4980	EAGLE OPERATING, INC.	LAKE DARLING	SCHULTZ 1	OG	IA	RENVILLE
4985	EAGLE OPERATING, INC.	LAKE DARLING	SWIFT SWD 1	SWD	A	RENVILLE
5737	EAGLE OPERATING, INC.	CLAY	CARLSON 23-35	OG	A	RENVILLE
8660	EAGLE OPERATING, INC.	GLENBURN	MARIE WEBER 1	OG	IA	RENVILLE
9058	EAGLE OPERATING, INC.	SCANDIA	BRANDJORD KJELSHUS 9-10	OG	PA	BOTTINEAU
9108	EAGLE OPERATING, INC.	SCANDIA	KJELSHUS 9-11	OG	IA	BOTTINEAU
11960	EAGLE OPERATING, INC.	SMITH	CARLSON PAUL 4-27	OG	A	RENVILLE
12077	EAGLE OPERATING, INC.	WEST GREENE	LADY HAWK 44-15	SWD	A	RENVILLE
12553	EAGLE OPERATING, INC.	PRATT	JR 2-6	OG	IA	MCHENRY
13875	EAGLE OPERATING, INC.	WEST GREENE	E-M LELAND 10-15	OG	IA	RENVILLE
14616	EAGLE OPERATING, INC.	NORMA	DAVIS OLSON 12-30	OG	IA	RENVILLE
15638	EAGLE OPERATING, INC.	NORMA	TIGGER 25-8	OG	A	WARD
17317	EAGLE OPERATING, INC.	NEWPORTE	E-M EMMEL 10-3	OG	TA	RENVILLE

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-EAGLE OPERATING, INC.** upon **EAGLE OPERATING, INC.** by placing a true and correct copy thereof in an envelope addressed as follows:

ROBERT MAU

2501 6TH ST SE STE B

MINOT, ND 58701-3157

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0773

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- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
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Tota
$

Sen

Stre

City

Eagle

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ROBERT MAU
2501 6TH ST SE STE B
MINOT, ND 58701-3157

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROBERT MAU
2501 6TH ST SE STE B
MINOT, ND 58701-3157

9590 9402 5222 9122 3505 60

2. Article Number *(Transfer from service label)*

7019 2280 0001 7941 0773

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Jody Jensen ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* Jody Jensen
C. Date of Delivery 6-30-20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Received
JUL 02 2020
ND Oil & Gas Division

3. Service Type
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- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail
- ☐ Mail Restricted Delivery
- 500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

NORTH Dakota | Mineral Resources
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June 26, 2020

JAMES R ARTHAUD
103 5TH ST SE
DICKINSON, ND 58601

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for MBI OIL & GAS, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by MBI OIL & GAS, LLC, as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing MBI OIL & GAS, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0780

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - MBI OIL & GAS, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
15648	MBI OIL & GAS, LLC	INDIAN HILL	LYNN 2	OG	A	MCKENZIE
15781	MBI OIL & GAS, LLC	INDIAN HILL	LYNN 3H	OG	A	MCKENZIE
16135	MBI OIL & GAS, LLC	BANKS	LM 2	OG	AB	MCKENZIE

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-MBI OIL & GAS, LLC** upon **MBI OIL & GAS, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

JAMES R ARTHAUD

103 5TH ST SE

DICKINSON, ND 58601

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

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- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total
$

Sent

Street

City,

MBI

Postmark Here

JAMES R ARTHAUD
103 5TH ST SE
DICKINSON, ND 58601

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JAMES R ARTHAUD
103 5TH ST SE
DICKINSON, ND 58601

9590 9402 5222 9122 3505 77

2. Article Number *(Transfer from service label)*

7019 2280 0001 7941 0780

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X JB
☐ Agent
☐ Addressee

B. Received by *(Printed Name)* R S C 19

C. Date of Delivery 6/29

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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JUL - 1 2020
OIL & GAS DIVISION

3. Service Type
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- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
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- ☐ Collect on Delivery Restricted Delivery
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- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

EMAIL sos@nd.gov
WEBSITE www.nd.gov/sos

GENERAL INFORMATION (701) 328-2900
TOLL FREE 1-800-352-0867

SECRETARY OF STATE

July 20, 2020

TAMMY BACKHAUS
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: NEWALTA ENVIRONMENTAL SERVICES, INC.
WO: None

Dear Sir,

Service of Process has been accepted on the above referenced pursuant of the provisions of North Dakota Century Code Section 10-01.1-13.

Enclosed is an Admission of Service Certificate along with the following:

a) Notice of Hearing

If this office can further assist you, please feel free to contact us.

Sincerely,

Darcy Hurley

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

State of North Dakota

SECRETARY OF STATE

ADMISSION OF SERVICE

Date: July 20, 2020

Service of the within Admission of Service and Notice of Hearing for and on behalf of

NEWALTA ENVIRONMENTAL SERVICES, INC.

is hereby admitted by separate copy received for the above-mentioned defendant, this 20th day of July 2020, at my office in the Main Capitol Building, 600 E Boulevard Ave, Bismarck, North Dakota.

Admission of Service is completed at request of:

Tammy Backhaus
Office of Attorney General
500 N 9th St
Bismarck ND 58501-4509

Secretary of State
Alvin A. Jaeger

Office of Attorney General
RECEIVED

JUL 22 2020

BISMARCK, NORTH DAKOTA

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505 0500

EMAIL sos@nd gov
WEBSITE www nd gov/sos

GENERAL INFORMATION (701) 328-2900
TOLL FREE 1 800-352-0867

SECRETARY OF STATE

July 20, 2020

NEWALTA ENVIRONMENTAL SERVICES, INC
950N HWY 174
PO BOX 770
RIO VISTA TX 76093-0770

RE NEWALTA ENVIRONMENTAL SERVICES, INC

Dear Sir,

Enclosed are an Admission of Service Certificate and Notice of Hearing

If this office can further assist you, please feel free to contact us

Sincerely,

Darcy Hurley

Darcy Hurley
Business Information Unit Lead

DH/as
Enc

Certified Mail No 7019 2280 0001 7941 3910

cc Tammy Backhaus
Office of Attorney General
500 N 9th St
Bismarck ND 58501-4509

NORTH Dakota | Mineral Resources

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June 26, 2020

RECEIVED
JUL 20 2020
SEC. OF STATE

NEWALTA ENVIRONMENTAL SERVICES, INC.
950N HWY 174
PO BOX 770
RIO VISTA, TX 76093-0770

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Newalta Environmental Services, Inc.:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of certain treating plants operated by Newalta Environmental Services, Inc., as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing Newalta Environmental Services, Inc.'s abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms

Lynn D. Helms
Director

Enclosure
Certified Mail:

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

Exhibit A - Newalta Environmental Services, Inc

File No	Operator	Field	Facility Name	Well Type	Status	County Name
700088 08	Newalta Environmental Services Inc		New Town Fluid Treating Plant #1		AB	Mountrail
700115-01	Newalta Environmental Services, Inc		Alexander Treating Plant #1		AB	McKenzie

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June 26, 2020

NEWALTA ENVIRONMENTAL SERVICES, INC.
950N HWY 174
PO BOX 770
RIO VISTA, TX 76093-0770

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Newalta Environmental Services, Inc.:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of certain treating plants operated by Newalta Environmental Services, Inc., as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing Newalta Environmental Services, Inc.'s abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0797

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - Newalta Environmental Services, Inc.

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700088-08	Newalta Environmental Services, Inc.		New Town Fluid Treating Plant #1		AB	Mountrail
700115-01	Newalta Environmental Services, Inc.		Alexander Treating Plant #1		AB	McKenzie

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-Newalta Environmental Services, Inc.** upon **Newalta Environmental Services, Inc.** by placing a true and correct copy thereof in an envelope addressed as follows:

NEWALTA ENVIRONMENTAL SERVICES, INC.

950N HWY 174

PO BOX 770

RIO VISTA, TX 76093-0770

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

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- ☐ Return Receipt (electronic) $ ____
- ☐ Certified Mail Restricted Delivery $ ____
- ☐ Adult Signature Required $ ____
- ☐ Adult Signature Restricted Delivery $ ____

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City

Newalta

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NEWALTA ENVIRONMENTAL SERVICES, INC.
950N HWY 174
PO BOX 770
RIO VISTA, TX 76093-0770

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

NORTH Dakota | Mineral Resources
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July 16, 2020

C T CORPORATION SYSTEM
20 W SWEET AVE
BISMARCK, ND 58504

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for Tervita Environmental Services Inc.:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of certain treating plants operated by Newalta Environmental Services, Inc., as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing Newalta Environmental Services, Inc.'s abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7013 2630 0001 2309 9518

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - Newalta Environmental Services, Inc.

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700088-08	Newalta Environmental Services, Inc.		New Town Fluid Treating Plant #1		AB	Mountrail
700115-01	Newalta Environmental Services, Inc.		Alexander Treating Plant #1		AB	McKenzie

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 16th day of July, 2020, I served the following **Notice of Hearing with attached Exhibit A-Newalta Environmental Services, Inc.** upon **Tervita Environmental Services, Inc.** by placing a true and correct copy thereof in an envelope addressed as follows:

C T CORPORATION SYSTEM
20 W SWEET AVE
BISMARCK, ND 58504

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 16th day of July, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

DAVID TABOR
Notary Public, State of North Dakota
My Commission Expires
January 29, 2022

Notary Public
State of North Dakota, County of Burleigh

7013 2630 0001 2309 9518

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

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Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

C T CORPORATION SYSTEM
20 W SWEET AVE
BISMARCK, ND 58504

PS Form 3800, August 2006 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

C T CORPORATION SYSTEM
20 W SWEET AVE
BISMARCK, ND 58504

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by *(Printed Name)* Allison Weber
C. Date of Delivery 7/20/2020

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JUL 22 2020
ND OIL & GAS DIVISION

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7013 2630 0001 2309 9518

PS Form 3811, July 2013 Domestic Return Receipt

NORTH Dakota | Mineral Resources
Be Legendary.™

June 26, 2020

LAWCO OF NORTH DAKOTA, INC
1547 CREEKSIDE DR W
WILLISTON, ND 58801-3731

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for PAUL RANKIN INC.:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by PAUL RANKIN INC., as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing PAUL RANKIN INC.'s abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0803

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - PAUL RANKIN INC.

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
10080	PAUL RANKIN INC.	EIGHTMILE	GRACE OYLOE 1-4	OG	AB	WILLIAMS
10159	PAUL RANKIN INC.	ELK	L. PAPINEAU U.S.A. 1	OG	IA	MCKENZIE

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-PAUL RANKIN INC.** upon **PAUL RANKIN INC.** by placing a true and correct copy thereof in an envelope addressed as follows:

LAWCO OF NORTH DAKOTA, INC

1547 CREEKSIDE DR W

WILLISTON, ND 58801-3731

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0803

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Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total
$

Sent

Stree

City,

Rankin

Postmark Here

LAWCO OF NORTH DAKOTA, INC
1547 CREEKSIDE DR W
WILLISTON, ND 58801-3731

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LAWCO OF NORTH DAKOTA, INC
1547 CREEKSIDE DR W
WILLISTON, ND 58801-3731

9590 9402 5222 9122 3505 91

2. Article Number *(Transfer from service label)*

7019 2280 0001 7941 0803

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by *(Printed Name)* SHANDI HUMPER
C. Date of Delivery 6/29/20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

RECEIVED
JUL - 1 2020
ND OIL & GAS DIVISION

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail Restricted Delivery
00)

Domestic Return Receipt

Civil Return

SHERIFF VICTOR REGALADO

TULSA COUNTY SHERIFF OFFICE

303 W 1 S ST
TULSA, OKLAHOMA 74103

Phone: **(000) 000-0000**
Fax:

Plaintiff: **STATE OF NORTH DAKOTA**

Entry Date: **07/02/2020**

Case Number: **28530 ND**

Defendant: **PRIDE, MATTHEW L**

Person to Serve: **PRIDE, MATTHEW L**

Date of Return: **Monday, July 20, 2020**

Type of Civil Paper: **NOTICE**

Date Served: **07/20/2020 1133**

Number of Attempts: **0**

Eviction Date/Time: **000**

Who Served: **PRIDE, MATTHEW L**

Address: **4641 E 91 ST TULSA, OK**

Service Requested:

Actual Service Type: **PERSONAL SERVICE**

CHARLES RUSSELL CROW (769)
TULSA COUNTY SHERIFF OFFICE

Printed: July 20, 2020 2:08:12PM

MISCELLANEOUS PAYMENT RECPT# 552577
TULSA COUNTY
500 SOUTH DENVER
TULSA OK 74103

DATE 07/10/20 TIME 09 58
CLERK 6373aden DEPT SHERIFF
CUSTOMER# 0

COMMENT 28530

CHG CIVOUT OUT OF STATE CI 50 00

AMOUNT PAID 50 00

PAID BY INDUSTRIAL COMMISSIO
PAYMENT METH CHECK
54244995
REFERENCE

AMT TENDERED 50 00
AMT APPLIED 50 00
CHANGE 00

Office of Attorney General
RECEIVED

JUL 24 2020

BISMARCK, NORTH DAKOTA

NORTH Dakota | Mineral Resources
Be Legendary.

JUL 10 AM 9:00

C2

June 26, 2020

Matthew L. Pride
Pride Energy
An Oklahoma General Partnership
4641 E. 91st St
PO Box 701602
Tulsa, OK 74170-1950

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP, as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP

File No	Operator	Field	Facility Name	Well Type	Status	County Name
6776	PRIDE ENERGY AN OKLAHOMA GENERAL PARTNERSHIP	MONDAK	USA 32-23 21	OG	IA	MCKENZIE
7155	PRIDE ENERGY AN OKLAHOMA GENERAL PARTNERSHIP	MONDAK	USA 23 33 41	OG	IA	MCKENZIE
7172	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	MONDAK	USA 43 30-45	OG	IA	MCKENZIE
12814	PRIDE ENERGY AN OKLAHOMA GENERAL PARTNERSHIP	ELKHORN RANCH	ELKHORN SHORT COM 3	OG	A	BILLINGS
12908	PRIDE ENERGY AN OKLAHOMA GENERAL PARTNERSHIP	ELKHORN RANCH	BLACKTAIL FEDERAL 5 13	OG	A	BILLINGS
14635	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	SQUAW GAP	SQUAW GAP FEDERAL 14 30H	OG	IA	MCKENZIE

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
STATE CAPITOL
600 E BOULEVARD AVE DEPT 125
BISMARCK, ND 58505-0040
(701) 328-2210
www.attorneygeneral.nd.gov

Wayne Stenehjem
ATTORNEY GENERAL

CIVIL LITIGATION
NATURAL RESOURCES
AND INDIAN AFFAIRS
500 NORTH 9TH STREET
BISMARCK, ND 58501-4509
(701) 328-3640 FAX (701) 328-4300

July 2, 2020

Sheriff Vic Regalado
Tulsa County Sheriff's Office
ATTN: Civil Desk
500 S. Denver
Tulsa, OK 74103

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Sheriff Regalado:

Enclosed is are two true and correct copies of a Notice of Hearing for service on Matthew L. Pride, Pride Energy, An Oklahoma General Partnership. Please serve one copy of the Notice of Hearing on Mr. Pride. It is my understanding Mr. Pride may be found at 4641 E. 91st Street, Tulsa.

I have enclosed a $50.00 check as prepayment of the service fees.

After service has been accomplished, please return a copy to me at 500 North 9th Street, Bismarck, ND 58501-4509, with the Sheriff's Affidavit of Service.

Thank you for your assistance.

Sincerely,

David R. Phillips
Assistant Attorney General

mjh
Enclosures

Check Date 06/29/2020 | Supplier Number 0000249157 | Check No 54244995

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discount Taken	Paid Amount
Case 28530	06/29/2020	00024124	50 00	0 00	50 00

Check Number	Date	Total Gross Amount	Total Discounts	Total Paid Amount
54244995	06/29/2020	$50 00	$0 00	$50 00

TULSA COUNTY SHERIFF'S OFFICE
303 West First Street
Tulsa, Ok 74103

neopost
07/21/2020
US POSTAGE $000.65⁰

FIRST-CLASS MAIL

ZIP 74127
041M12251097

Office of Attorney General
RECEIVED
JUL 24 2020
BISMARCK, NORTH DAKOTA

Attorney General
Wayne Stenehjem
500 N 9TH STREET
BISMARCK, ND 58501-4509

58501$4509 C008

Form 4505 (11-16)

NORTH Dakota | Mineral Resources
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June 26, 2020

Matthew L. Pride
Pride Energy
An Oklahoma General Partnership
4641 E. 91st St
PO Box 701602
Tulsa, OK 74170-1950

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP, as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
6776	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	MONDAK	USA 32-23-21	OG	IA	MCKENZIE
7155	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	MONDAK	USA 23-33-41	OG	IA	MCKENZIE
7172	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	MONDAK	USA 43-30-45	OG	IA	MCKENZIE
12814	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	ELKHORN RANCH	ELKHORN SHORT COM. 3	OG	A	BILLINGS
12908	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	ELKHORN RANCH	BLACKTAIL FEDERAL 5-13	OG	A	BILLINGS
14635	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	SQUAW GAP	SQUAW GAP FEDERAL 14-30H	OG	IA	MCKENZIE

NORTH Dakota | Mineral Resources
Be Legendary.™

June 26, 2020

CORPORATION SERVICE COMPANY
1709 N 19TH ST STE 3
BISMARCK, ND 58501-2121

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for R360 Williston Basin, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the Marx Waste Treating Plant #1 treating plant operated by R360 Williston Basin, LLC, as well as certain treating plants operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain produced water underground gathering systems. Enclosed herewith is a copy of Exhibit "A" listing R360 Williston Basin, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0827

Exhibit A - R360 Williston Basin, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
700087-01	R360 Williston Basin, LLC		Marx Waste Treating Plant #1		AB	Billings

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-R360 Williston Basin, LLC** upon **R360 Williston Basin, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

CORPORATION SERVICE COMPANY

1709 N 19TH ST STE 3

BISMARCK, ND 58501-2121

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0827

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OFFICIAL USE

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Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total
$

Ser

Stre

City

R360

Postmark Here

CORPORATION SERVICE COMPANY
1709 N 19TH ST STE 3
BISMARCK, ND 58501-2121

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CORPORATION SERVICE COMPANY
1709 N 19TH ST STE 3
BISMARCK, ND 58501-2121

9590 9402 5222 9122 3506 14

2. Article Number *(Transfer from service label)*

7019 2280 0001 7941 0827

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X CJ Cordis ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery
CJ Cordis 7-6-19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JUL - 1 2019
ND OIL & GAS DIVISION

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- d Mail
- d Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

NORTH Dakota | Mineral Resources
Be Legendary.™

June 26, 2020

DALE FILKOWSKI
126 LAKEVIEW DR
WATFORD CITY, ND 58854-7806

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for RANCH OIL COMPANY:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by RANCH OIL COMPANY, as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing RANCH OIL COMPANY's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

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Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0834

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - RANCH OIL COMPANY

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
3419	RANCH OIL COMPANY	PERELLA	RADENZ 1	OG	A	BURKE
8935	RANCH OIL COMPANY	WESTBERG	ROLFSRUD 11-17	OG	A	MCKENZIE

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-RANCH OIL COMPANY** upon **RANCH OIL COMPANY** by placing a true and correct copy thereof in an envelope addressed as follows:

DALE FILKOWSKI

126 LAKEVIEW DR

WATFORD CITY, ND 58854-7806

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

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- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

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City,

Postmark Here

DALE FILKOWSKI
126 LAKEVIEW DR
WATFORD CITY, ND 58854-7806

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DALE FILKOWSKI
126 LAKEVIEW DR
WATFORD CITY, ND 58854-7806

9590 9402 5222 9122 3505 22

2. Article Number *(Transfer from service label)*
7019 2280 0001 7941 0834

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x Dale Filkowski ☐ Agent ☒ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery
6/30

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Received
JUL 02 2020
ND Oil & Gas Division

3. Service Type
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PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

NORTH Dakota | Mineral Resources
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June 26, 2020

C T CORPORATION SYSTEM
120 W SWEET AVE
BISMARCK, ND 58504

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for SAMSON OIL AND GAS USA, INC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by SAMSON OIL AND GAS USA, INC, as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing SAMSON OIL AND GAS USA, INC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0841

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - SAMSON OIL AND GAS USA, INC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
12030	SAMSON OIL AND GAS USA, INC	TODD	FOSTER 1-32	OG	AB	WILLIAMS
13707	SAMSON OIL AND GAS USA, INC	HARDING	DANIELSON 3-32	OG	IA	MCKENZIE
14659	SAMSON OIL AND GAS USA, INC	EAST FORK	SANDBERG 1-21H	OG	AB	WILLIAMS
15541	SAMSON OIL AND GAS USA, INC	FOREMAN BUTTE	AARON 1-22	OG	IA	MCKENZIE
15622	SAMSON OIL AND GAS USA, INC	FOREMAN BUTTE	SCHMIDT 1-25H	OG	IA	MCKENZIE
15695	SAMSON OIL AND GAS USA, INC	GLASS BLUFF	LASSEY 1-15H	OG	IA	MCKENZIE
15767	SAMSON OIL AND GAS USA, INC	FOREMAN BUTTE	GONZALEZ 1-8H	OG	IA	MCKENZIE
15844	SAMSON OIL AND GAS USA, INC	NAMELESS	LINK 13-2HA	OG	TA	MCKENZIE
15879	SAMSON OIL AND GAS USA, INC	CAMP	SCHMITZ 44-30H	OG	IA	MCKENZIE
16196	SAMSON OIL AND GAS USA, INC	BANKS	PEDERSON 1-10H	OG	AB	MCKENZIE

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-SAMSON OIL AND GAS USA, INC** upon **SAMSON OIL AND GAS USA, INC** by placing a true and correct copy thereof in an envelope addressed as follows:

C T CORPORATION SYSTEM

120 W SWEET AVE

BISMARCK, ND 58504

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

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C T CORPORATION SYSTEM
120 W SWEET AVE
BISMARCK, ND 58504

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Tracking History

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June 26, 2020

GIMBEL BUSINESS SERVICE LLC
147 MAIN ST
PO BOX 265
HAZELTON, ND 58544-0265

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for SOLUTIONS ENERGY LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by SOLUTIONS ENERGY LLC, as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing SOLUTIONS ENERGY LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0858

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - SOLUTIONS ENERGY LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
29241	SOLUTIONS ENERGY LLC	LONE TREE	NANGCHEN 155-86-11-HS1	OG	IA	WARD

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-SOLUTIONS ENERGY LLC** upon **SOLUTIONS ENERGY LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

GIMBEL BUSINESS SERVICE LLC

147 MAIN ST

PO BOX 265

HAZELTON, ND 58544-0265

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

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- ☐ Adult Signature Required $
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Stre GIMBEL BUSINESS SERVICE LLC

City 147 MAIN ST

PO BOX 265

HAZELTON, ND 58544-0265

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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SENDER: *COMPLETE THIS SECTION*

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

GIMBEL BUSINESS SERVICE LLC

147 MAIN ST

PO BOX 265

HAZELTON, ND 58544-0265

9590 9402 5222 9122 3504 78

2. Article Number *(Transfer from service label)*

7019 2280 0001 7941 0858

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A. Signature
X Sue Gimbel ☐ Agent ☒ Addressee

B. Received by *(Printed Name)* Sue Gimbel
C. Date of Delivery 6-29-2020

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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3. Service Type
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- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail
- Mail Restricted Delivery
- 500)
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NORTH Dakota | Mineral Resources
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June 26, 2020

GALE ROBINSON
423 1ST AVE W
WILLISTON, ND 58801-5203

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for The 85 Disposal, Inc.:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of the Produced Water Underground Gathering System operated by The 85 Disposal, Inc., as well as certain produced water underground gathering systems operated by other operators, all production and/or injection related equipment, salable oil at certain abandoned wells, and certain treating plants operated by other operators. Enclosed herewith is a copy of Exhibit "A" listing The 85 Disposal, Inc.'s abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0865

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - The 85 Disposal, Inc.

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
	The 85 Disposal, Inc.	INDIAN HILL	Produced Water Underground Gathering System			MCKENZIE

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-The 85 Disposal, Inc.** upon **The 85 Disposal, Inc.** by placing a true and correct copy thereof in an envelope addressed as follows:

GALE ROBINSON

423 1ST AVE W

WILLISTON, ND 58801-5203

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

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- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

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Sent To

Street a

City, St

GALE ROBINSON
423 1ST AVE W
WILLISTON, ND 58801-5203

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GALE ROBINSON
423 1ST AVE W
WILLISTON, ND 58801-5203

9590 9402 5222 9122 3504 85

2. Article Number *(Transfer from service label)*

7019 2280 0001 7941 0865

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by *(Printed Name)* gale Robinson

C. Date of Delivery 6/29/20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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ND OIL & GAS DIV

3. Service Type
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PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

NORTH Dakota | Mineral Resources
Be Legendary.™

June 26, 2020

CAPITOL CORPORATE SERVICES, INC.
51 BROADWAY N STE 600
FARGO, ND 58102-4970

Re: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Dear Registered Agent for WHITE ROCK OIL & GAS, LLC:

NOTICE OF HEARING

You are hereby notified of a hearing pursuant to North Dakota Century Code Sections 38-08-04 and 38-08-04.9 to consider the confiscation of all production and/or injection related equipment, salable oil at certain abandoned wells operated by WHITE ROCK OIL & GAS, LLC, as well as certain abandoned wells operated by other operators, certain produced water underground gathering systems, and certain treating plants. Enclosed herewith is a copy of Exhibit "A" listing WHITE ROCK OIL & GAS, LLC's abandoned wells, produced water underground gathering systems, or treating plants under confiscation consideration. A complete list of the abandoned wells, produced water underground gathering systems, and treating plants in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/ **The hearing will be held July 31, 2020 at 9:00 a.m.**, 1000 East Calgary Avenue, Bismarck, North Dakota.

To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadrmas@nd.gov before 5 p.m. CDT, Wednesday, July 29, 2020. Commission staff will call the number you provide in an order to be determined by the Hearing Examiner.

Please contact our office if you have any questions.

Sincerely,

Lynn D. Helms
Director

Enclosure
Certified Mail: 7019 2280 0001 7941 0872

Bruce E. Hicks
ASSISTANT DIRECTOR
OIL AND GAS DIVISION

Lynn D. Helms
DIRECTOR
DEPT. OF MINERAL RESOURCES

Edward C. Murphy
STATE GEOLOGIST
GEOLOGICAL SURVEY

600 E Boulevard Ave – Dept 405 | Bismarck, ND 58505-0840 | PHONE: 701-328-8020 | FAX: 701-328-8022 | dmr.nd.gov

Exhibit A - WHITE ROCK OIL & GAS, LLC

File No.	Operator	Field	Facility Name	Well Type	Status	County Name
2279	WHITE ROCK OIL & GAS, LLC	SHERWOOD	MORTON BECKEDAHL B 1	OG	IA	RENVILLE
9121	WHITE ROCK OIL & GAS, LLC	ELKHORN RANCH	FEDERAL 6-1	OG	AB	BILLINGS
10228	WHITE ROCK OIL & GAS, LLC	HORSE CREEK	ROLPH 1-24	SWD	AB	BOWMAN
10414	WHITE ROCK OIL & GAS, LLC	MISSOURI RIDGE	WINTER LESNICK 1	OG	TA	WILLIAMS
13333	WHITE ROCK OIL & GAS, LLC	ELMS	KABANUCK 1	OG	AB	BOTTINEAU

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

NORTH DAKOTA INDUSTRIAL COMMISSION

In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/	)	**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL AND RETENTION OF DOCUMENTS** **INDUSTRIAL COMMISSION** **CASE NO. 28530**

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Bethany Kadrmas states under oath as follows:

I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-WHITE ROCK OIL & GAS, LLC** upon **WHITE ROCK OIL & GAS, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

CAPITOL CORPORATE SERVICES, INC.

51 BROADWAY N STE 600

FARGO, ND 58102-4970

and depositing the same, with postage prepaid, certified mail, in the United States mail at Bismarck, North Dakota. The original of this document shall be retained at the Department of Mineral Resources, 1016 East Calgary Avenue, Bismarck, ND 58503-5512.

Bethany Kadrmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

TRUDY HOGUE
NOTARY PUBLIC
STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUN. 19, 2024

Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0872

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee
$

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Postmark Here

White Rock

CAPITOL CORPORATE SERVICES, INC.
51 BROADWAY N STE 600
FARGO, ND 58102-4970

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CAPITOL CORPORATE SERVICES, INC.
51 BROADWAY N STE 600
FARGO, ND 58102-4970

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☑ Agent ☐ Addressee

B. Received by *(Printed Name)* JEFF SOLBERG
C. Date of Delivery 7/2/20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

RECEIVED FARGO JUL 2 2020 USPS

JUL - 9 2020
OIL & GAS DIVISION

9590 9402 5222 9122 3505 08

2. Article Number *(Transfer from service label)*
7019 2280 0001 7941 0872

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- Mail Restricted Delivery
- 500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

Billings

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the pu
Section 31-04-06, NDCC, for the newspapers listed on the attach
exhibits.

2. The newspapers listed on the exhibits published the advertisen
Oil and Gas Division – beginning with Case No. 28530; 1 time
required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State c
Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022

NOTICE OF HEARING
N.D. INDUSTRIAL COMMISSION
OIL AND GAS DIVISION

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Signed by,
Doug Burgum, Governor
Chairman, NDIC
(July 2)

Bottineau

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

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Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022

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Signed by,
Doug Burgum, Governor
Chairman, NDIC
7-7

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Bowman

Affidavit of Publication

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Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022

Published in
Bowman County Pioneer
Jul 10, 2020

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Signed by,
Doug Burgum, Governor
Chairman, NDIC

Burke

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

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Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022

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Signed by,
Doug Burgum, Governor
Chairman, NDIC

Golden Valley

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

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Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022

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Signed by,
Doug Burgum, Governor
Chairman, NDIC
(July 2)

McHenry

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

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Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022

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Signed by,
Doug Burgum, Governor
Chairman, NDIC
(July 1, 2020)

McKenzie

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

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Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022

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Signed by,
Doug Burgum, Governor
Chairman, NDIC

(July 1, 2020)
–mcf–

Mountrail

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

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Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022

NOTICE OF HEARING
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Signed by,
Doug Burgum, Governor
Chairman, NDIC
July 1, 2020

Renville

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

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Signed: Colleen Park

ND INDUSTRIAL COMMISSION
OIL AND GAS DIVISION

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Signed by,
Doug Burgum, Governor
Chairman, NDIC
38c

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022

Ward

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

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Signed: Colleen Park

State of North Dakota

County of Burleigh

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Kelli Richey

KELLI RICHEY
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State of North Dakota
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Signed by,
Doug Burgum, Governor
Chairman, NDIC
(July 1, 2020)

Williams

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

Public Notice
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OIL AND GAS DIVISION

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Signed by,
Doug Burgum, Governor
Chairman, NDIC

Legal #305350 – Published July 3, 2020

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Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022

Bismarck Tribune

NDNA
NORTH DAKOTA NEWSPAPER ASSOCIATION

Affidavit of Publication

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Signed: Colleen Park

NOTICE OF HEARING
N.D. INDUSTRIAL COMMISSION
OIL AND GAS DIVISION

The North Dakota Industrial Commission will hold a public hearing at 9:00 a.m. Friday, July 31, 2020, at the N.D. Oil & Gas Division, 1000 East Calgary Ave., Bismarck, N. D. At the hearing the Commission will receive testimony and exhibits. Persons with any interest in the cases listed below, take notice.

PERSONS WITH DISABILITIES: If at the hearing you need special facilities or assistance, contact the Oil and Gas Division at 701-328-8038 by Saturday, July 18, 2020.

STATE OF NORTH DAKOTA TO: Case No. 28530: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production and/or injection related equipment, salable oil at certain abandoned wells, certain produced water underground gathering systems, and certain treating plants, all located in Billings, Bottineau, Bowman, Burke, Golden Valley, McHenry, McKenzie, Mountrail, Renville, Ward, and Williams Counties, ND. A complete list of the above wells/facilities included in this motion can be viewed on the Commission's website located at https://www.dmr.nd.gov/oilgas/

Signed by,
Doug Burgum, Governor
Chairman, NDIC

7/2 - 10266

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 20 20.

Kelli Richey

KELLI RICHEY
Notary Public
State of North Dakota
My Commission Expires Oct 13, 2022