

October 30, 2020 - 3 PM
NDIC Oil and Gas Division Office
1016 E. Calgary, Bismarck ND 58503

Apollo Madison Treating plant
Reclamation Bid Opening

Contractor	Bid Amount	SOS Contractor date
1. Golder + Associates	28,912	
2. CCI	277,533	
3. Teraflex	474,000	
4. JCR Excavating	461,305	
5. DWS	446,135	
6. Wyo Dak	251,935	
7. Selland	283,000	
8. North Core Corp	1,918,527	
9. Nova Energy	251,753	
10. Vertex	793,994	
11. Hunting Bear LLC	216,210	
12. Shanco	200,194	
13. MRR Enterprise	461,275	

14. Drakon Oilfield Construction

85,000

15. Stealth Energy Group

59,250

16.

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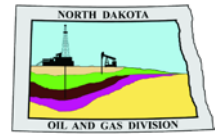
Katrina Sager
DMR

22.

23.

Cory Lee

24.



November 5, 2020

Mr. Mark Maddocks
DWS, LLC
409 3rd Ave E
Williston, ND 58801

Re: Madison Treating Plant #1.

Dear Mr. Maddocks:

Thank you for your bid proposal for reclamation work. All bids were opened and read publicly at 3:00 p.m. October 30th, 2020. You have been awarded the bid of \$446,135.00.

As specified in the bid instructions, you are expected to enter into a written contract within ten days.

1. Please sign the RECLAMTION CONTRACT and return it to us.

Sincerely,

Cody VanderBusch

Cody VanderBusch
Reclamation Specialist

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and Contract and to furnish the services, equipment, and labor necessary for the full completion of the work for \$446,135.00 dollars.

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after the receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by the damages suffered by the Commission as a result of the failure.

Dated this 29TH day of OCTOBER 2020.

Mark Maddocks
Name of Bidder

[Signature]
Signature

409 3rd AVE E WILLISTON, ND 58801
Business Address

701-774-9867
Business Telephone Number

MARK @ DWS OIL. Com
Email Address

RECLAMATION CONTRACT

The parties to this contract are the State of North Dakota, acting through the North Dakota Industrial Commission, Department of Mineral Resources, Oil and Gas Division, (COMMISSION) and DWS, Inc, 409 3rd Ave E, Williston, ND 58801 (CONTRACTOR);

I

SCOPE OF SERVICES

CONTRACTOR, in exchange for the compensation paid by COMMISSION, shall provide all materials and labor necessary for and shall perform the work described in the Reclamation Specifications, attached hereto as Exhibit A and incorporated into this contract, for the following well:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

II

TIME FOR COMPLETION

CONTRACTOR shall complete the work under this contract by December 30, 2020.

III

COMPENSATION

COMMISSION will pay the CONTRACTOR for the services provided under this contract an amount not to exceed \$446,135.00, to be paid within 15 days after COMMISSION has accepted the work. All invoices must be approved by the CONTRACTOR and received by the COMMISSION by the last day of the month following the month when the Commission has accepted the work. If COMMISSION determines, in its sole discretion, that the well cannot be reclaimed according to the Reclamation Specifications attached hereto as Exhibit A, COMMISSION may modify the Reclamation Specifications to ensure the well is properly reclaimed by CONTRACTOR. If such modifications result in increased material and labor costs, CONTRACTOR's compensation will be increased by an amount equal to the usual and customary charges as determined by COMMISSION, for the additional material and labor. In the case where such modifications result in decreased material and labor costs, CONTRACTOR's compensation will be decreased by an amount based on the usual and customary changes relative to the material and labor expenses, as determined by COMMISSION.

IV

CONTRACT DOCUMENTS

The contract documents that accompany this contract are the Invitation to Bid, Instructions to Bidder, Bid Form, and Reclamation Specifications are incorporated as part of the contract. In the event of any inconsistency or conflict among the documents making up this contract, the terms of the contract shall control.

V
LIABILITY AND INDEMNITY

CONTRACTOR agrees to defend, indemnify, and hold harmless the state of North Dakota, its agencies, officers and employees (State), from claims resulting from the performance of CONTRACTOR or its agent, including all costs, expenses and attorneys' fees, which may in any manner result from or arise out of this contract, except claims based upon the State's sole negligence or intentional misconduct. The legal defense provided by CONTRACTOR to the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary. Any attorney appointed to represent the State must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. § 54-12-08. CONTRACTOR also agrees to reimburse the State for all costs, expenses and attorneys' fees incurred in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

The CONTRACTOR shall promptly and faithfully perform all of the provisions of the contract, and all obligations thereunder including the specifications, and any approved alterations provided for, and shall in a manner satisfactory to the State of North Dakota, complete the work contracted for including any approved alterations in a workmanlike manner, and shall hold harmless the State of North Dakota from any expense incurred through the failure of the CONTRACTOR to complete the work in a workmanlike manner as specified.

The CONTRACTOR shall duly and promptly pay all laborers, mechanics, subcontractors and material suppliers who perform work or furnish material under the contract and all persons who shall supply the CONTRACTOR or the subcontractor(s) with materials, services, and insurance for the carrying on of the work.

The CONTRACTOR or subcontractor(s) shall be liable only if it is found that work was not performed in a workmanlike manner.

VI
INSURANCE

CONTRACTOR shall secure and keep in force during the term of this agreement and CONTRACTOR shall require all subcontractors, prior to commencement of an agreement between CONTRACTOR and the subcontractor, to secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools, or government self-retention funds authorized to do business in North Dakota, the following insurance coverage:

- 1) Commercial general liability, including premises or operations, contractual, and products or completed operations coverages (if applicable), with minimum liability limits of \$1,000,000 per occurrence.
- 2) Automobile liability, including Owned (if any), Hired, and Non-Owned automobiles, with minimum liability limits of \$250,000 per person and \$1,000,000 per occurrence.
- 3) Workers compensation coverage meeting all statutory requirements. The policy shall provide coverage for all states of operation that apply to the performance of this contract.
- 4) Employer's liability or "stop gap" insurance of not less than \$1,000,000 as an endorsement on the workers compensation or commercial general liability insurance.

- 5) Contractor's Pollution Liability coverage for Personal Injury, Property Damage and Cleanup Cost arising from pollution conditions caused by the operations of the Contractor for limits of \$1,000,000. Occurrence coverage is preferred but coverage may be provided on a claims-made form that includes a three-year tail coverage endorsement. Coverage shall include contractual liability coverage for claims arising out of liability of subcontractors, loading and unloading, unlimited complete operations, and non- owned disposal site coverage.

The insurance coverages listed above must meet the following additional requirements:

- 1) Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of CONTRACTOR. The amount of any deductible or self-retention is subject to approval by COMMISSION;
- 2) This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and must be placed with insurers rated "A-" or better by A.M. Best Company, Inc., provided any excess policy follows form for coverage. Less than an "A-" rating must be approved by the COMMISSION. The policies shall be in form and terms approved by COMMISSION.
- 3) COMMISSION will be defended, indemnified, and held harmless to the full extent of any coverage actually secured by CONTRACTOR in excess of the minimum requirements set forth above. The duty to indemnify COMMISSION under this agreement shall not be limited by the insurance required by this agreement.
- 4) The State of North Dakota and its agencies, officers, and employees (State) shall be endorsed on the commercial general liability policy, including any excess policies (to the extent applicable), as additional insured. The State shall have all the benefits, rights, and coverage of an additional insured under these policies that shall not be limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of the Contractor.
- 5) The insurance required in this agreement, through a policy or endorsement, shall include:
 - a) A "Waiver of Subrogation" waiving any right to recovery the insurance company may have against the State;
 - b) A provision that CONTRACTOR's insurance coverage shall be primary (i.e. pay first) as respects any insurance, self-insurance, or self-retention maintained by the State and that any insurance, self-insurance, or self-retention maintained by the State shall be in excess of the CONTRACTOR's insurance and shall not contribute with it;
 - c) Cross liability/severability of interest for all policies and endorsements;
 - d) The legal defense provided to the State under the policy and any endorsements must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary; and
 - e) The insolvency or bankruptcy of the insured CONTRACTOR shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured CONTRACTOR from meeting the retention limit under the policy.

- 6) CONTRACTOR shall furnish a certificate of insurance to the undersigned State representative prior to commencement of this agreement. All endorsements shall be provided as soon as practicable.
- 7) Failure to provide insurance as required in this contract is a material breach of contract entitling COMMISSION to terminate this contract immediately.
- 8) CONTRACTOR shall provide at least 30 day notice of any cancellation or material change to the policies or endorsements. Contractor shall provide on an ongoing basis, current certificates of insurance during the term of the contract. A renewal certificate will be provided 10 days prior to coverage expiration.

VII

MERGER AND MODIFICATION

This contract, including the incorporated documents, constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified with in this contract. This contract may not be modified, supplemented, or amended in any manner, except by written agreement signed by both parties.

VIII

ASSIGNMENT AND SUBCONTRACTS

CONTRACTOR may not assign or otherwise transfer or delegate any right or duty under this contract without COMMISSION's written consent, provided, however, that CONTRACTOR may enter into subcontracts provided that any subcontract acknowledges the binding nature of this contract and incorporates this contract, including any attachments. CONTRACTOR is solely responsible for the performance of any subcontractor. CONTRACTOR has no authority to contract for or incur obligations on behalf of STATE.

IX

ATTORNEYS' FEES

In the event a lawsuit is brought by COMMISSION to obtain performance due under this contract, and COMMISSION is the prevailing party, CONTRACTOR shall, except when prohibited by N.D.C.C. § 28-26-04, pay COMMISSION's reasonable attorney fees and costs in connection to the lawsuit.

X

APPLICABLE LAW AND VENUE

This contract is governed by and construed in accordance with the laws of the State of North Dakota. Any action to enforce this contract must be adjudicated in the state District Court of Burleigh County, North Dakota. Each party consents to the exclusive jurisdiction of such court and waives any claim of lack of jurisdiction or *forum non conveniens*.

XI

INDEPENDENT ENTITY

CONTRACTOR is an independent entity under this contract and is not a COMMISSION employee for any purpose, including application of the Social Security Act, the Fair Labor Standards Act, the Federal Insurance Contribution Act, the North Dakota Unemployment Compensation Law, and the North Dakota Workforce Safety and Insurance Act. No part of this contract shall be

construed to represent the creation of an employer/employee relationship. CONTRACTOR retains sole and absolute discretion in the manner and means of carrying out CONTRACTOR's activities and responsibilities under this contract, except to the extent specified in this contract.

XII NONDISCRIMINATION AND COMPLIANCE WITH LAWS

CONTRACTOR agrees to comply with all applicable federal and state laws, rules, and policies, including but not limited to, those relating to nondiscrimination, accessibility, and civil rights (*See* N.D.C.C. Title 34 – Labor and Employment, specifically N.D.C.C. ch. 34-06.1 Equal Pay for Men and Women).

CONTRACTOR agrees to timely file all required reports, make required payroll deductions, and timely pay all taxes and premiums owed, including sales and use taxes, unemployment compensation, and workers' compensation premiums.

CONTRACTOR shall have and keep current at all times during the term of this contract all licenses and permits required by law.

CONTRACTOR's failure to comply with this section may be deemed a material breach by CONTRACTOR entitling the COMMISSION to terminate in accordance with the Termination for Cause section of this Contract.

XIII SEVERABILITY

If any term of this agreement is declared to be illegal or unenforceable by a court having competent jurisdiction, the validity of the remaining terms are unaffected, and if possible, the rights and obligations of the parties are to be construed and enforced as if the contract did not contain that term.

XIV STATE AUDIT

All records, regardless of physical form, and the accounting practices and procedures of CONTRACTOR relevant to this contract are subject to examination by the North Dakota State Auditor, the Auditor's designee, or Federal auditors, if required. CONTRACTOR will maintain all of these records for at least three years (3) following completion of this contract and be able to provide them upon reasonable notice. The COMMISSION, State Auditor, or Auditor's designee shall provide reasonable notice to CONTRACTOR prior to conducting examination.

XV SPOILIATION - PRESERVATION OF EVIDENCE

CONTRACTOR shall promptly notify COMMISSION of all potential claims that arise from or result from this contract. CONTRACTOR shall take all reasonable steps to preserve all physical evidence and information which may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and grants to COMMISSION the opportunity to review and inspect such evidence, including the scene of the accident.

XVI TERMINATION OF CONTRACT

- a. Termination by Mutual Consent. This contract may be terminated by mutual consent of both parties executed in writing.

- b. Early Termination in the Public Interest. COMMISSION is entering into this contract for the purpose of carrying out the public policy of the state of North Dakota, as determined by the Governor, Legislative Assembly, agencies and courts. If this contract ceases to further the public policy of the state of North Dakota, COMMISSION, in its sole discretion, by written notice to CONTRACTOR, may terminate this contract in whole or in part.
- c. Termination for Lack of Funding or Authority. COMMISSION, by written notice to CONTRACTOR, may terminate in whole or any part of this contract, under any of the following conditions:
 - (1) If funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for purchase of the services or supplies in the indicated quantities or term.
 - (2) If federal or state laws or rules are modified or interpreted in a way that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract.
 - (3) If any license, permit, or certificate required by law or rule, or by the terms of this contract, is for any reason denied, revoked, suspended, or not renewed.

Termination of this contract under this subsection is without prejudice to any obligations or liabilities of either party already accrued prior to termination.

- d. Termination for Cause. COMMISSION may terminate this contract effective upon delivery of written notice to CONTRACTOR, or any later date stated in the notice:
 - (1) If CONTRACTOR fails to provide services required by this contract within the time specified or any extension agreed to by COMMISSION; or
 - (2) If CONTRACTOR fails to perform any of the other provisions of this contract, or so fails to pursue the work as to endanger performance of this contract in accordance with its terms.

The rights and remedies of COMMISSION provided in this subsection are not exclusive and are in addition to any other rights and remedies provided by law or under this contract.

XVII NOTICE

All notices or other communications required under this contract shall be given by registered or certified mail and are complete on the date postmarked when addressed to the parties at the following addresses:

DWS, INC <hr style="border: none; border-top: 1px solid black; margin: 2px 0;"/> 409 3 rd Ave E <hr style="border: none; border-top: 1px solid black; margin: 2px 0;"/> Williston, ND 58801 <hr style="border: none; border-top: 1px solid black; margin: 2px 0;"/>	or	<hr style="border: none; border-top: 1px solid black; margin: 2px 0;"/> <hr style="border: none; border-top: 1px solid black; margin: 2px 0;"/> <hr style="border: none; border-top: 1px solid black; margin: 2px 0;"/>
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Notice provided under this provision does not meet the notice requirements for monetary claims against the state found at N.D.C.C. § 32-12.2-04.

XIII
TAXPAYER ID

CONTRACTOR's North Dakota tax ID number is: 39-1835950
CONTRACTOR's federal employer ID number is: 39-1835950

XIV
PAYMENT OF TAXES BY COMMISSION

COMMISSION is not responsible for and will not pay local, state, or federal taxes. State sales tax exemption number is E-2001. COMMISSION will furnish certificates of exemption upon request by the CONTRACTOR.

XX
EFFECTIVENESS OF CONTRACT

This contract is not effective until fully executed by both parties. If the dates of execution are different, then the later date of execution is the effective date.

XXI
FORCE MAJEURE

Neither party shall be held responsible for delay or default caused by pandemic, fire, flood, riot, terrorism, acts of God, or war if the event is beyond the party's reasonable control and the affected party gives notice to the other party promptly upon occurrence of the event causing the delay or default or that is reasonably expected to cause a delay or default.

XXII
RENEWAL

This contract will not automatically renew. If COMMISSION desires to renew, COMMISSION will provide written notice to CONTRACTOR of its intent to renew this contract at least 60 days before the scheduled termination date.

XXIII
ALTERNATIVE DISPUTE RESOLUTION - JURY TRIAL

By entering into this contract, COMMISSION does not agree to binding arbitration, mediation, or other forms of mandatory Alternative Dispute Resolution. The parties may enforce their rights and remedies in judicial proceedings. COMMISSION does not waive any right to a jury trial.

XXIV
CONFIDENTIALITY

CONTRACTOR shall not use or disclose any information it receives from COMMISSION under this contract that COMMISSION has previously identified as confidential or exempt from mandatory public disclosure except as necessary to carry out the purposes of this contract or as authorized in advance by COMMISSION. COMMISSION shall not disclose any information it receives from CONTRACTOR that CONTRACTOR has previously identified as confidential and that COMMISSION determines, in its sole discretion, is protected from mandatory public disclosure under a specific exception to the North Dakota open records law, N.D.C.C. ch. 44-04. The duty of COMMISSION and CONTRACTOR to maintain confidentiality of information under this section continues beyond the term of this contract.

XXV
COMPLIANCE WITH PUBLIC RECORDS LAWS

CONTRACTOR understands that, in accordance with the Contract's Confidentiality clause, COMMISSION must disclose to the public upon request any records it receives from CONTRACTOR. CONTRACTOR further understands that any records that are obtained or generated by CONTRACTOR under this contract may, under certain circumstances, be open to the public upon request under the North Dakota open records law. CONTRACTOR agrees to contact COMMISSION promptly upon receiving a request for information under the open records law and to comply with STATE'S instructions on how to respond to the request.

XXVI
WORK PRODUCT, EQUIPMENT AND MATERIALS

All work product, equipment, or materials created for COMMISSION or purchased by COMMISSION under this contract belong to COMMISSION and must be immediately delivered to COMMISSION at COMMISSION'S request upon termination of this contract. CONTRACTOR agrees that all work(s) under this contract is "work(s) for hire" within the meaning of the United States Copyright Act (Title 17 United States Code) and hereby assigns to COMMISSION all rights and interests CONTRACTOR may have in the work(s) it prepares under this contract, including any right to derivative use of the work(s). CONTRACTOR shall execute all necessary documents to enable COMMISSION to protect its rights under this section.

STATE OF NORTH DAKOTA
Acting through its
N.D. Industrial Commission
Department of Mineral Resource
Oil & Gas Division

By: Lynn D Nelson

Title: Director

DATE: 11/09/2020

CONTRACTOR

By: [Signature]

Title: PRESIDENT

DATE: 11-5-2020

DWS is pleased to submit the following Reclamation Bid for Madison Treating Plant #1 as required by the NDIC, DWS will perform the following steps to reclaim this site.

- 1) Acquire areal imagery before starting work and after the work has been completed.
- 2) Acquire soil samples at each site
- 3) Make the call to Utilities before starting work to ensure safety and status.
- 4) *Prepare reclamation plan for each site in the package (to follow)*
- 5) Identify surface owner and provide a copy of the plan to said owner at least 10 days prior to initiating work and provide proof of notification to NDIC
- 6) Submit the plan to NDIC for approval.
- 7) Have utility service removed from site
- 8) Clean equipment and dispose of impacted materials appropriately
- 9) Remove equipment to an appropriate place. DWS will take ownership of said equipment.
- 10) Flush flow lines with fresh water and cut and cap them 3' below the final contour surface. Dispose of water at an authorized facility.
- 11) *Remove surface material from site to an appropriate facility. DWS takes responsibility of materials.*
- 12) Remove contaminated surface material with an EC reading greater than 2000 uS/cm (CL around 250 ppm) and tph greater than 10,000 ppm down to a maximum of 4 feet. Dispose of contaminated material at an approved facility.
- 13) Recontour the site and road to site
- 14) *Spread top soil. Use stockpiled or hauled top soil so there is a minimum of 6" of top soil on site*
- 15) Seed area only if surrounding area is in grass. Native seed is preferred unless surface owner wants something different allowable up to the same cost and expense as the seeding of grass.
- 16) Provide final documentation to the NDIC of completed work
- 17) DWS will administer and manage all of the reclamation services.

Undetermined Cost Factors:

- 1) DWS will further assess TENORM levels for each site, fluids, and equipment thereon. Each of these items will be addressed separately from the initial bid if needed.
- 2) DWS will also NOT place a charge on any non-TENORM contaminated tank left on site. In lieu of a removal charge DWS will take ownership of each tank left on site. DWS will charge for fluids and tank bottoms left in these tanks and charge based on TENORM levels as mentioned above
- 3) Fencing and Mowing: DWS will engage in the removal of any fences based on surface owners wishes and or mow the area. The charge will be the Cost plus 5%.

Conditions:

- 1) Any delay caused by the utility, weather, or landowner, does not put DWS in a non-performance case due to any timeline restrictions or payment penalties.
- 2) DWS assumes it can use topsoil on site to recontour location.
- 3) Landowner- If landowner has special requirements that are not customary or standard, and above the price submitted, resolution assistance from the NDIC will be necessary.

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01
Specific Bid Details**

1) Drone aerial view before and after submittal	\$2,500.00
2) Soil Samples Including 2 soil samples	\$3,500.00
3) Mobilization/ de-mobilization	\$3,500.00
4) Super Vac \$285/hr 180 hours	\$51,300.00
5) Electrical installation removal including all labor, and equipment	\$6,000.00
6) Dirt Work: including remove gravel, grade, contouring	\$117,000.00
7) Trucking fees: hauling solids out	\$16,875.00
8) Disposal Fees: \$18 x 7500 bbls.	\$135,000.00
9) Building removal	\$67,000.00
10) Trucking fees: All metal, Concrete, Building, Equip, etc.	\$36,960.00
11) Welding	\$5,500.00
12) Seeding	\$1,000.00

Total Bid: **\$446,135.00**



DWS Price sheet

Please contact Mark Maddocks at

801-837-5000 for more details

SOLIDS (TENORM* waste is priced on a sliding scale.)	
SOLID CONTENT	PRICE PER BBL
< 5%	\$10
5-15%	\$15
16-20%	\$20
Norm Double Background to 50 <u>ur/hr</u>	\$30
50 <u>ur/hr</u> to 100	\$40
150 <u>ur/hr</u> to 500	\$80
500 <u>ur/hr</u> 1500	\$160
1500 <u>ur/hr</u> and up	\$300
Contaminated Soil Replacement	
Contaminated Soil Removal	\$20/ ton
Replacement Fill material	\$13/ Ton
Replacement Top soil	#20/ Ton
DIRTY FRESH WATER same as solids rates above.	
Frac Gel	\$42/ <u>bbl</u>
Hydro Vacs	\$42/ <u>bbl</u>
WATER	
Produced Water > 9 <u>lb</u>	\$.50/ <u>bbl</u>
Flowback with no solids	\$1.50/ <u>bbl</u>
Clean Freshwater	\$5/ <u>bbl</u>
WASHOUTS	
\$18/ <u>bbl</u>	
5 <u>bbl</u> free washout for 50 bbls of product on a tanker	
3 <u>bbl</u> free washout for 30 bbls of product on a super sucker	



North Dakota Workforce
Safety & Insurance

Bryan Klipfel
Director

Mark
Dan Wood Service
DWS
409 3rd Ave E
Williston ND 58801

May 19, 2020

Account Information
Employer account number: 1504311
Issue date: 05/18/2020
Expiration date: 07/14/2021

Certificate of Payment

Reason For Notice Workforce Safety & Insurance (WSI) certifies Dan Wood Service has North Dakota workers' compensation coverage for 05/01/2020 to 04/30/2021. Employees of Dan Wood Service are entitled to apply for WSI benefits.

Required Action Employers must post this Certificate of Payment in a conspicuous manner at the workplace. A penalty of \$250 may apply for failure to comply with this requirement. See North Dakota Century Code § 65-04-04.

Additional Information Coverage under this certificate extends to employers for their North Dakota exposure. Limited coverage may be extended for temporary and/or incidental exposure outside of North Dakota.

WSI may revoke the Certificate of Payment for failure to make required premium payments.

For More Information Contact customer service at 800-777-5033 or 701-328-3800 with questions.

Class	Classification Description
6206	Oil Well Servicing

Sincerely,

Barry Schumacher
Chief of Employer Services

PL5



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
RYAN RAUSCHENBERGER, COMMISSIONER

September 24, 2020

Ref: L0315141888

DANS WOOD SERVICE LLC
409 3RD AVE E
WILLISTON ND 58801-5503

I, Shannon Fleischer, Director of Tax Administration for the North Dakota Office of State Tax Commissioner, certify that the records in the North Dakota Office of State Tax Commissioner do not show any indebtedness owed to the State of North Dakota by DANS WOOD SERVICE LLC, with respect to income taxes, sales and use taxes, or any other taxes collected by and payable to the Tax Commissioner's office. This company is, therefore, in good standing with the North Dakota Office of State Tax Commissioner. This certification does not include ad valorem property taxes collected by the respective county treasurers.

Dated this September 24, 2020 at Bismarck, North Dakota.

/s/Shannon Fleischer

Shannon Fleischer
Associate Director, Tax Administration

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 000043664

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **DWS** whose address is in WILLISTON, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

DWS is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: September 21, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of DAN'S WOOD SERVICE LLC

SOS Control ID#: 0000171099

Certificate #: 019022118 - 1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

DAN'S WOOD SERVICE LLC

a Limited Liability Company - Business - Domestic was formed under the laws of NORTH DAKOTA and filed with this office effective August 6, 2018. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: September 24, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/12/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Leavitt Great West Insurance Services, LLC 2345 King Avenue West, Suite A Billings MT 59102		CONTACT NAME: Holly Cremer PHONE (A/C, No, Ext): (877) 229-4553 FAX (A/C, No): (866) 751-8096 E-MAIL ADDRESS: holly-cremer@leavitt.com																						
INSURED DWS 409 3rd Ave E Williston ND 58801		<table><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A:</td><td>National American Insurance Company</td><td>23663</td></tr><tr><td>INSURER B:</td><td>National Indemnity Company</td><td>20087</td></tr><tr><td>INSURER C:</td><td>General Star Indemnity Company</td><td>37362</td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	National American Insurance Company	23663	INSURER B:	National Indemnity Company	20087	INSURER C:	General Star Indemnity Company	37362	INSURER D:			INSURER E:			INSURER F:		
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INSURER F:																								

COVERAGES

CERTIFICATE NUMBER: 20/21

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input checked="" type="checkbox"/> ND Stop Gap	X	Y	OP78020133	3/27/2020	3/27/2021	MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 Employee Benefits \$ 1,000,000
B	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS	X	Y	73TRS107995	3/27/2020	3/27/2021	BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	X		Pollution			PROPERTY DAMAGE (Per accident) \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR						Uninsured motorist combined single \$ 1,000,000
	<input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						EACH OCCURRENCE \$ 5,000,000
	DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			IXG930545A	3/27/2020	3/27/2021	AGGREGATE \$ 5,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	North Dakota Stop Gap Employer's Liability Only OP78020133	3/27/2020	3/27/2021	E.L. EACH ACCIDENT \$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is additional insured, primary & non-contributory with a waiver of subrogation per forms CG2033 (04/13), CG2001 (04/13), and GL2017 (01/17). Pollution coverage per GL1004A-SPC and M5481.

CERTIFICATE HOLDER

CANCELLATION

The State of North Dakota and its agencies officers and employees
600 E Boulevard Ave
Bismarck, ND 58505

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Holly Cremer/HOCREM

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ACORD 25 (2014/01)

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INS025 (201401)

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for \$ 283,000.00 dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 30th day of October 2020.

Selland Construction, Inc
Name of Bidder

Jason Ekblak
Signature

1285 S. Wenatchee Ave. Wenatchee WA, 98801
Business Address

701-570-8778
Business Telephone Number

jasone@sellandconstruction.com
Email Address

INSTRUCTIONS TO BIDDERS

1. Form of Bids. Bids must be submitted on the attached bid form. **Attach a price sheet for any unknown extras such as TENORM disposal, contamination removal, replacement fill material, topsoil purchase, etc.**
2. Submission of Bids. Bids must be enclosed in a sealed envelope, and the outside of the envelope must have the following on it:

Bid of: (Name of Contractor & Business Address) Selland Construction, Inc
N.D. Contractor's License No: (No. and Class of License) No: 46102 CLASS A
Date License was Issued or Renewed: 2/14/2020
ATTN: Mr. Cody VanderBusch

SEALED BID DO NOT OPEN

NDIC Oil & Gas Division

1016 E. Calgary Ave

Bismarck, N.D. 58503-5512

3. Examination of Site. Prospective bidders may make a visual inspection of the well and well site to ascertain the nature and location of the work and the conditions which can affect the work and its cost. The Commission is not bound by any oral statement concerning the condition of the well or well site made by its staff or agents prior to the execution of the Reclamation contract.
4. Bidder Qualifications. No contract will be awarded unless: (a.) the bidder holds a current contractor's license in the class within which the value of the project falls issued at least ten days prior to the date set for receiving bids, and the bid envelope contains a copy of the license or a certificate of its renewal issued by the secretary of state (N.D.C.C. §43-07-12); and (b.) the bidder files along with its bid or after being notified that it is the successful bidder, a certificate from the ND State Tax Commissioner that bidder has paid all delinquent income, sales, and use taxes, if any (N.D.C.C. § 43-07-11.1).

5. Bid Deadline. All bids are due in the office of the Industrial Commission, Oil and Gas Division, by **3:00pm CDT October 30, 2020**. The office is at **1016 E. Calgary Ave., Bismarck, ND**. Bids received after this deadline will not be considered.
6. Review of Bids. The public opening of the bids will be held at **3:00pm CDT October 30, 2020** at the **Industrial Commission, Oil and Gas Division, 1016 E. Calgary Ave., Bismarck, ND**.
7. Withdrawal of Bids. Bids may be withdrawn by bidder's written request received prior to the time set in paragraph 5.
8. Rejection of Bids. The Commission may reject any and all bids and may waive any technical or formal defect in a bid.
9. Notification of Award. The successful bidder, if any, will be notified of the award of the work within thirty days after the bid opening.
10. Contract. The bidder whose bid is accepted must enter into a written contract with the Commission within ten days after the award is made. The contract contains, among other things, provisions requiring the contractor to acquire insurance.
11. Cancellation of Award. The Commission may cancel the award of any contract at any time before execution of the contract by all parties without any liability to the Commission.
12. Title to Material and Objects on Site. The Commission has title to all equipment on the wellsite.
13. Changes in Specifications. The Commission may, during the bidding period, advise bidders by letter of alterations to the Reclamation Specifications. All such changes are included in the work covered by the bid and are a part of the specifications.

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 40102

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **SELLAND CONSTRUCTION, INC.** whose address is in WENATCHEE, WA, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

SELLAND CONSTRUCTION, INC. is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 14, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



P.O. Box 119 • Wenatchee, WA 98807

Phone: (509)663-3464 • Fax: (509)662-4465

Madison Treating Plant #1

Selland Construction, Inc. hereby proposes to perform the following work

<u>Item:</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
<u>1</u>	Reclaim Pad Earthwork	1	LS	\$ 70,000.00	\$ 70,000.00
<u>2</u>	Remove Building	1	LS	\$ 120,000.00	\$ 120,000.00
<u>3</u>	Remove Scrap Iron & Frac Tanks	1	LS	\$ 63,000.00	\$ 63,000.00
<u>4</u>	Arial Surveying	1	LS	\$ 5,000.00	\$ 5,000.00
<u>5</u>	Environmental Plan & Reporting	1	LS	\$ 25,000.00	\$ 25,000.00
Total Cost					\$ 283,000.00

Exclusions

- * Removal & Trucking of contaminates found in onsite fill or aggregates surfacing will be billed at hourly rate
- * Disposal of contaminates will be billed at cost plus 10%
- * Trucking & Disposal of Tenorm impacted : fluids, solids, tanks , steel, onsite fill or aggregate surfacing will be billed at cost plus 10%
- * Removal & Trucking of contaminates found in onsite fill or aggregates surfacing
- * Removal & Disposal of onsite aggregate to be billed at hourly rate
- * Furnish, Haul and Placement of imported topsoil to be billed at cost plus 10% for material at our hourly rate for labor and equipment

Sincerely,
Selland Construction, Inc.

Jason Ekblad
701-570-8778



P.O. Box 119 • Wenatchee, WA 98807

Phone: (509)663-3464 • Fax: (509)662-4465

SELLAND CONSTRUCTION, INC. T&M RATES

Description	Rate	Unit
-------------	------	------

DOZERS, incl. Operator

Cat D8T	\$240.00	HR
Cat D6T	\$175.00	HR
Cat D6N XL	\$175.00	HR

TRACK HOES, incl. Operator

Cat 320 to 330	\$210.00	HR
Cat 312	\$190.00	HR
Cat 304 Mini Trackhoe	\$165.00	HR

RUBBER-TIRED BACKHOES, incl. Operator

Cat 420	\$135.00	HR
Cat 420 w/hoepak	\$150.00	HR

FRONT END LOADERS, incl. Operator

Komatsu 420	\$230.00	HR
Cat 966	\$225.00	HR
Cat 950	\$180.00	HR
Cat IT38	\$170.00	HR
Cat 938	\$170.00	HR

ROLLERS, Incl. Operator

84" Vibratory Smooth Drum	\$135.00	HR
84" Vibratory Pad Foot	\$135.00	HR
Cat 815 Compactor	\$200.00	HR

MOTOR GRADERS, incl. Operator

Cat 140	\$165.00	HR
Cat 143H or 160	\$175.00	HR

ON-HIGHWAY TRUCKS, incl. Driver

Tractor w/Bellydump	\$145.00	HR
Tractor w/20 CY Debris Trailer	\$145.00	HR
SuperVac	\$350.00	HR
Tanker Truck	\$173.00	HR
Tractor w/75 Ton Lowboy	\$180.00	HR

SCRAPERS & OFF ROAD TRUCKS

Cat 627 Push/Pull Scraper	\$250.00	HR
Cat 735 Off-Road Truck	\$230.00	HR
Cat 730 Off-Road Truck	\$225.00	HR



November 5, 2020

Re: Madison Treating Plant Reclamation bid

Dear Bidders:

Thank you for your bid proposal for the reclamation of the Madison Treating Plant. All bids were opened and read publicly at 3:00 p.m. October 30th, 2020. DWS submitted the successful bid.

Sincerely,

Cody VanderBusch

Cody VanderBusch
Reclamation Specialist

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for
_____ \$277,533.00 _____ dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 30th day of October, 2020.

Nick Horvath, CCI Industrial Services, LLC

Name of Bidder



Signature

6397 108th Ave NW, Tioga, ND 58852

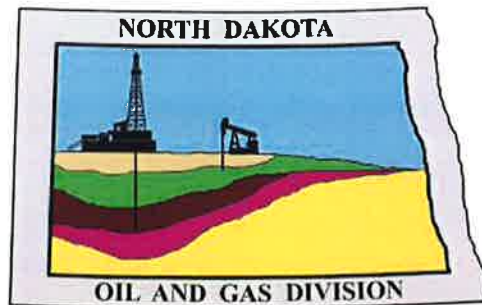
Business Address

701-651-4946

Business Telephone Number

nick.horvath@ccialaska.com

Email Address



Invitation to Bid,
North Dakota Industrial Commission,
Oil and Gas Division
Madison Treatment Plant #1



Presented By
CCI Industrial Services, LLC



CCI Industrial Services, LLC

CCI Industrial Services, LLC

6397 108th Ave. NW

Tioga, ND 58852

October 30, 2020

North Dakota Industrial Commission,

Oil & Gas Division

Cody Vanderbusch

Reclamation Specialist

Via Mail-In/Delivery

Mr. Vanderbusch,

CCI Industrial Services, LLC (CCI) is pleased to respond to North Dakota Industrial Commission, Oil & Gas Division's (State), Invitation to Bid on Madison Treatment Plant #1. Our team is motivated and eager to extend our oil and gas services to the state of North Dakota. We are confident your team will be impressed with our unmatched experience, commitment to safety, quality, delivery and dedication to providing best in class service.

CCI provides specialized services for facility and infrastructure owners. For the past two decades CCI has had a presence in the oil field, providing:

- Operations, maintenance and construction
- Tank and vessel cleaning
- Specialty coatings and sandblasting
- Hazardous waste removal
- Industrial cleaning solutions
- Pipeline insulation removal and repair
- Oil spill response and technical support
- Asbestos and lead surveys and abatement

CCI Industrial's service delivery packages include reliable employees, equipment and systems. Our teams arrive on site with positive attitudes and the knowledge and skills to meet customer requirements. Our experienced personnel have the ability to trouble shoot, innovate and problem-solve onsite.

We appreciate the opportunity to respond with this Invitation to Bid and look forward to demonstrating our commitment to safety, quality, delivery and cost. We also look forward to a successful partnership with the State of North Dakota.

Sincerely,

Nick Horvath

North Dakota - Area Manager

Nick.Horvath@ccialaska.com

(701) 651-4946

CCI Industrial Services, LLC



Contents

Bid Form.....	4
Includes.....	5
Excludes	5
Assumptions	6
Price Sheet (Unknowns)	7
Schedule	8

Includes – Madison Treatment Plant #1

1. Provide areal imagery before starting work and after work has been completed.
2. CCI will place one calls for utilities before starting work and confirm all subcontractors (if used) have placed their own.
3. CCI will prepare a reclamation plan for each site upon award.
4. CCI will identify the surface owner of the site and provide a copy of the reclamation plan to the surface owner at least 10 days prior to starting work and provide proof of notification.
5. CCI will submit the reclamation plan to NDIC.
6. Remove utility services from site. Electric contractor to disconnect power at meter, confirming no other locations are affected.
7. CCI will clean equipment and dispose of impacted materials appropriately. Trucking included in lump sum bid, but fluid disposal and amount unknown at additional cost.
8. CCI will remove equipment to an appropriate place. This equipment (tanks, treaters, pipe, pump jacks, etc.) becomes the property of CCI Industrial Services, LLC.
9. CCI will remove surfacing material and concrete from site to an appropriate place. This material becomes the property of CCI Industrial Services, LLC.
10. Remove any contaminated material with and EC greater than 2000 uS/cm (CL around 250 ppm) and tph greater than 10,000ppm (no Free Fluid) down to 4' if needed. Dispose of contaminated material at an approved facility. Amounts unknown, transport and disposal cost not include in lump sum bid.
11. Recontour the site, not to include lease/access road.
12. Spread topsoil included, material and hauling not included.
13. Seed area only if surrounding area is in grass – Native seed is preferred unless surface owner wants something different (field crops not included).
14. CCI will provide daily reporting and final documentation of completion to the NDIC.
15. Soil, material and equipment testing for contamination (TENORM not included).

Excludes – Madison Treatment Plant #1

1. Removal of surfacing material from site to an appropriate place. Bid amount includes recontouring only.
2. Topsoil and replacement fill purchase and import, see price sheet.
3. TENORM testing, cleaning and disposal, see price sheet.

Note – The disposal well and its battery is not part of this bid.

Assumptions (Unknowns) – Madison Treatment Plant #1

1. Topsoil will be available from site. Should import of topsoil be necessary, we estimate the site to be 3.8 acres.
2. Cost includes seeding of 3.8 acres at \$3,950/acre.
3. Amount of contaminated material unknown, see price sheet for disposal rates.
4. TENORM cleaning and disposal unknown, see price sheet for cleaning and disposal rates.



CCI Industrial Services, LLC
ND Oil & Gas - Unknown Pricing



Price Sheet

Description	Rate	Units
Utilities (electrical)		
- Electrician	\$ 124.20	HR
- Truck	\$ 110.50	DAY
Fluid Disposal (tank cleaning/pipe flushing)		
- Fluid	\$ 1.35	bbl
- Travel (tanker)	\$ 136.85	HR
- Sucker/Vac Truck	\$ 294.75	HR
Contamination Removal (Solids)		
- Material Disposal	\$ 36.85	TON
- Trucking	\$ 136.85	HR
- Excavator	\$ 90.00	HR
- Loader	\$ 120.00	HR
- Equipment Operator	\$ 62.93	HR
- Foreman	\$ 61.53	HR
Import/Spread Topsoil		
- Topsoil	\$ 30.25	TON
- Fill Material	\$ 13.95	TON
- Trucking	\$ 136.85	TON
- Dozer/Grader	\$ 95.00	HR
- Loader	\$ 120.00	HR
- Equipment Operator	\$ 62.93	HR
- Foreman	\$ 61.53	HR
TENORM Cleaning and Disposal		
- Cleaning	\$ 342.10	HR
- Box/Ramp	\$ 105.25	DAY
- Trucking	\$ 152.60	HR
- Disposal (no NORM)	26.30-47.30	TON
- Disposal (up to 50 pCi)	\$ 131.50	TON
- Disposal (above 50-500 pCi)	\$ 290.50	TON
Seeding		
- Native Grass	\$ 3,950.00	ACRE

**Madison Treatment Plant #1
Schedule**

Task	shifts	11/16	11/17	11/18	11/19	11/20	11/21	11/22	11/23	11/24	11/25	11/26	11/27	11/28	11/29	11/30	12/1	12/2	12/3	12/4	12/5	12/6	12/7	12/8	12/9	12/10	12/11	12/12	12/13
Planning and Mobilization	2																												
Tank Cleaning	5																												
Tank Removal	10																												
Building Disassembly and Removal	5																												
Scrap Clean-Up	2																												
Removal of Concrete and Barriers	5																												
Recontour, Spread Topsoil, Seed	7																												
Close Out and Demobilization	2																												

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 000043743

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **CCI Industrial Services, LLC** whose address is in ANCHORAGE, AK, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

CCI Industrial Services, LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: August 31, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for 251,753⁰⁰ dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 30th day of OCTOBER 2020.

NOVA ENERGY, LLC
Name of Bidder

David Alvey
Signature

14195 HWY 2 58801
Business Address

701-577-6682
Business Telephone Number

david.alvey@NOVAENERGYLLC.COM
Email Address



Nova Energy
14195 US Hwy 2
Williston, North Dakota 58801

10/30/2020

North Dakota Industrial Commission
Oil & Gas Division, Dept. 405
600 East Boulevard
Bismarck, N.D. 58505
ATTN: Mr. Cody VanderBusch

Re: Invitation to Bid Reclamation of Madison Treating Plant #1 Package Proposal

To Whom It May Concern,

Nova Energy appreciates the opportunity to submit this proposal to the ND Industrial Commission, Oil & Gas Division project team. As per your Request for Proposal, Nova has given the above referenced project careful attention and put together this bid proposal for your consideration. Below you will find our conditions, clarifications, and assumptions. Our pricing has been calculated from all information given to us in the initial RFP & site visits.

Scope & Pricing includes Pre-construction planning & coordination, Project Management, Procurement, Freight, Safety, Supervision, Labor, Equipment for the reclamation of Madison Treating Plant #1, as outlined in the invitation to bid.

The project team at Nova Energy has substantial experience with Oil & Gas Construction & Reclamation in ND. We will use our extensive experience to provide the State of ND with the best overall product for the best possible price.

Base Scope & Pricing includes:

- ❖ Mobilization
- ❖ Aerial Imaging
- ❖ Initial TENORM Site Assessment with Report of Radiation Levels.
 - Any required disposal of contaminated disposal of contaminated materials is described further in the conditions, clarifications & cost adders section of this proposal.
- ❖ Assessment of Contaminated Material based off EC Measurement as described by bid package.
 - Any required disposal of contaminated disposal of contaminated materials is described further in the conditions, clarifications & cost adders section of this proposal.
- ❖ Labor & Equipment for cleaning all equipment & location piping.

- Base price excludes costs of fluid and solids disposal of which quantities are unknown. Handling method is described in conditions, clarifications & cost adders.
- ❖ Removal of Building, Concrete, Equipment & Tanks/Mechanical/Electrical Demolition & Hauling-Includes the physical removal of Above Ground Structures, above ground Piping, Electrical appurtenances, as well as any cutting & capping of below ground piping. Includes removal, transportation and hauling to salvage centers, all surface equipment associated with the pad as described by RFQ.
 - The base bid assumption does not include costs associated with materials that screen hot for TENORM. If material/equipment cannot be salvaged due to TENORM or other contamination, TENORM cost adder section would apply for materials not accepted by salvage companies.
- ❖ Location reclamation restoring the surface on the pad as described by RFQ and NDIC standards. Assumes that reclamation is restored back to surface owner's satisfaction when it can be reasonably met.
 - Assumes enough fill and topsoil exist to meet requirements and that adequate topsoil exists onsite to fully restore. If inadequate see cost adder section.
- ❖ Surface aggregate assumed to be buried in place. If aggregate removal is required from location, a cost adder will be applied, see cost adder section for unit rate pricing.
- ❖ Seeding as Required, if pad is on cropland, no seeding required.

Scheduled Duration: 45 Days

Overall Project Cost: \$251,753.00

Conditions, clarifications, and cost adders:

- ❖ Our proposal is based upon the parties agreeing that Nova Energy will pursue the work with due diligence, subject to extensions of time for extra work, suspensions, or delays not attributable to Nova, or due to Force Majeure.
- ❖ Our proposal is based on working 6 days a week, 12 hours a day.
- ❖ The scope of work for this location is assumed to include the surface equipment as designated in the RFP, Nova's current rate sheet will apply for out of scope work, any equipment or third party contractors for services not in our rates sheet shall be invoiced at cost plus 10%. A consolidated invoice and supporting documents will be submitted in addition to base bid price.
- ❖ Contaminated Soil/Additional Excavation/Hauling Material to & from Location/Inadequate Topsoil/Fill:
 - If contaminated soils/materials are encountered, a review of the chloride levels with a local NDIC state inspector or designee to determine amount of soils to be removed from location and disposed of at a certified landfill. Any replacement or supplemental materials, such as topsoil or fill dirt, will be hauled in as necessary, and will be priced as follows.
 - \$150 per hour for trucking
 - \$350 per hour for excavation
 - Cost plus 10% for disposal at a certified landfill
 - \$25 per ton for fill dirt
 - \$55 per cubic yard for topsoil
- ❖ The following removal and disposal fees will be billed at cost plus 10%. A consolidated invoice and supporting documents, including labor/equipment reports, trucking and disposal fee tickets and contamination reports will be submitted in addition to base bid price.
 - Fluids/Solids Disposal:

- Produced water, tank bottoms, sludges, solids, or any liquids to be disposed of will be hauled and disposed of by Nova or Nova sub-contractor and will be billed at cost plus 10%.
- TENORM:
 - If TENORM impacted waste is encountered, the incremental costs for TENORM Consultants project management fee beyond 1 day as included in the base bid, transportation and disposal will be billed at cost plus 10%. Levels of radioactivity, the matrix of the waste, and the final volume is contingent on the condition of the location. The levels of radioactivity encountered will determine the location where the waste can be properly disposed of.
- Fencing/Erosion Control:
 - In the event the landowner requires fencing or erosion control measures, direct costs shall be billed at cost plus 10%.
- The following shall be billed at cost plus 10%.
 - Dust Control
 - Removal and disposal of Asbestos Insulation, pipe, materials
 - Removal and disposal of lead paint
 - H2S Support Services
 - Any removal by contractor of Utilities or Midstream Assets if required.
 - Exploratory excavation/locating services to find any abandoned or unlocatable lines.
- Any delay caused by Utility, Midstream, or P&A contractor, does not put Nova Energy in nonperformance due to any timeline restrictions or payment penalties. If such delays impact our cost or schedule, they shall be negotiated as a change order addendum.

Excluded From our proposal:

- ❖ Engineering
- ❖ Winterization items are excluded, such as snow removal, concrete blankets, heaters, frost laws, road restrictions, extreme condition productivity, etc.
- ❖ Assumption is that we may lose surface aggregate when recontouring the location
- ❖ If landowner has special requirements that are not customary or standard, resolution assistance and/or change order approval to meet requirements will be necessary.
- ❖ Materials disposed of are property of the owner of the location on any manifests.

We hope that you will find this proposal acceptable and look forward to completing this project with the NDIC Oil& Gas Division. However, if you should have any questions or need additional information, please feel free to contact the below individuals by email or phone.

Thanks,

David Alvey

General Manager

Cell: 701-609-4449

Phone: 701-577-NOVA

David.Alvey@NovaEnergyLLC.com

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of NOVA ENERGY LLC

SOS Control ID#: 0003015121

Certificate #: 018862229 - 1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

NOVA ENERGY LLC

a Contractor - Limited Liability Company was formed under the laws of North Dakota and filed with this office effective February 12, 2020. This contractor has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: August 13, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



GENERAL PROVISIONS

Material

All material purchased at the Customer's request will be billed at Contractor's cost (vendor invoice inclusive of sales/use tax) plus 12%.

Subcontracts

For all subcontract work the Customer will be billed at subcontract cost (vendor invoice inclusive of sales/use tax) plus 12%.

Safety/Support

If job size or job requires us to utilize a full-time or part-time project safety coordinator, charges will be based on the rates and provisions contained herein. If we elect to utilize a third party, the Customer will be billed at Contractor's cost plus 12%.

Tax Statement

These rates do not include any sales, gross receipts, privilege, or contractor's tax levied by various states. These taxes, where applicable, will be in addition to the rates or provisions herein.

Tier 1

Labor/Equipment rates will be charged an additional 4% to all rates for work performed on Native American land.

General Labor Provisions

1. A minimum charge for all labor assigned shall be four (4) hours per day, with per diem (if project requires). A minimum charge for all rain out hours after lunch shall be eight (8) hours per day, with per diem (if project requires).
2. Contractor shall be reimbursed in accordance with the quoted hourly rates for travel time paid its employees to travel to/from Williston Office, to/from the job site. Such allowed travel time shall be considered as work time and shall be included in the total hours billed for labor and equipment.
3. Certain employees will be assigned vehicles. These vehicles will be invoiced at the same number of hours as are invoiced for the assigned employees.
4. One foreman will be required on location for every job.
5. Nova Energy LLC prioritizes safety in every aspect of our construction activities. We provide training and educational opportunities periodically for our employees. We maintain compliance with D.O.T. Drug and Alcohol screening requirement. Any safety training, requirements, or materials mandated by the customer and unknown to contractor shall be reimbursable. Training course costs and material shall be invoiced plus 12%. Actual time spent by employees shall be billed at their applicable rate.
6. Upon customer request, work on designated holidays will be charged double time.
7. Hourly calculations reflect a blended rate. All labor hours after 84 hours will be charged 1.5 times current rates for overtime hours.

LABOR RATE SCHEDULE

<u>Classification</u>	<u>Rate per Hour</u>
Roustabout Superintendent	\$65.00
Roustabout Supervisor	\$56.00
Roustabout Pusher	\$52.00
Roustabout Laborer	\$48.00
Field Safety Consultant	\$50.00
Pipeline Superintendent	\$70.00
Pipeline Supervisor	\$65.00
Pipeline Foreman	\$55.00
Pipeline Laborer	\$50.00
Equipment Operator	\$60.00
Truck Driver	\$55.00
QA/QC Inspector	\$75.00
Welder w/Truck (Certified)	\$115.00
Welder Helper	\$54.00
Pumper (Hourly)	\$55.00
Pumper (Day Rate-10 hour)	\$540.00
2 Roustabouts & Tooled Truck (Hourly)	\$120.00

EQUIPMENT PROVISIONS

1. Equipment rates are inclusive of maintenance, repair, fuel, oil, lube, vendor taxes, insurance, depreciation, licenses fees, overhead, and profit. Equipment rates are on a straight time basis and are exclusive of operating labor. Equipment provided will be as described in the rate sheet or equivalent.
 - Fuel is based on current fuel pricing. If fuel prices substantially increase, we reserve the right to either amend the listed rates or add a fuel surcharge to the invoice.
2. All quoted rates are per hour unless stated otherwise.
3. Service time for fueling and greasing of equipment shall be considered work time. One oiler/mechanic will be required when five or more heavy pieces of equipment are being utilized. Should additional service help be required, prior notice will be given to customer.
4. Rates are chargeable for all time including mobilization, demobilization and/or moving. Additional cost for third party hauling and permits shall be charged at cost plus twelve (12) percent.
5. Trucks and equipment shall be charged the same hours as that incurred by the crew. No overtime will be charged on equipment, there is a six-hour minimum on equipment. Equipment will be charged for actual time used after the minimum.
6. Should the contractor find it necessary to employ equipment other than the equipment listed or to employ equipment on a short-term basis (less than 7 days), such equipment may be provided from a third party and shall be charged at cost (rental, delivery, sales/use tax and/or a fuel allowance, if applicable), plus twelve (12) percent.
7. Any excessive wear and/or damage to cutting edges, trencher/hoe teeth, or points will be charged at replacement cost plus labor.
8. Operator pickup charges are not included with equipment.

9. Any equipment not listed that needs to be rented will be charged cost plus (12) percent.

EQUIPMENT & SUPPORT EQUIPMENT RATE SCHEDULE

<u>Description</u>	<u>Rate</u>
Dozer, 80 to 105 hp (Cat D4 or JD 550)	\$150.00/Hr
Dozer, 110 to 130 hp (Cat D5, JD 650)	\$200.00/Hr
Dozer, 140 to 205 hp (Cat D6 or JD 850)	\$275.00/Hr
Rubber Tire Backhoe (4X4)	\$65.00/Hr
Excavator, 20 - 24 Metric Ton (Cat 320 or JD 210)	\$100.00/Hr
Excavator, 25 - 29 Metric Ton (Cat 325 or JD 250)	\$135.00/Hr
Excavator, 30 - 34 Metric Ton (Cat 330 or equiv.)	\$150.00/Hr
Padding Bucket (1.5 Cu. Yd.)	\$130.00/Hr
Pipelayer, 561 Cat or Equiv.	\$125.00/Hr
Pipelayer, 572 Cat or Equiv.	\$175.00/Hr
Skidsteer	\$55.00/Hr
Bush Hog	\$100.00/Day
Trencher Attachment	\$75.00/Hr
Telehandler, 4WD 10,000lb	\$65.00/Hr
Wheel Loader 4 CY. Bucket (Cat 950 or JD 644)	\$155.00/Hr
Motorgrader (Cat 140 or JD 772)	\$175.00/Hr
Jumping Jack Compactor	\$150.00/Day
Remote RTC Wacker Compactor	\$350.00/Day
1/2 or 3/4 Ton (Operator)	\$35.00/Hr
1 to 2 ton Truck Fully Tooled (Roustabout)	\$45.00/Hr
Gooseneck Trailer	\$175.00/Day
Combination Semi/Lowboy 3 axle	\$70.00/Hr
Bumper Pull Trailer	\$150.00/Day
Trash Trailer (Dump Fee and Hauling charges Separate)	\$125.00/Day
Pipe Trailer	\$125.00/Hr
Utility Enclosed Trailer	\$125.00/Day
Manlift (45'-65')	\$75.00/Hr
Light Plant (Fuel Charges Separate)	\$175.00/Day
Trailer Mounted Pressure washer w/ water	\$95.00/Hr
Air Compressor 185 CFM	\$200.00/Day
Air Compressor 300 CFM	\$310.00/Day
Air Compressor 375 CFM	\$400.00/Day
Hydro Static Test Unit w/Chart Recorder - (6 Hr. Min.)	\$150.00/Day
Holiday Detector	\$150.00/Day
Paint Machine and Hoses (less Paint)	\$250.00/Day
Sand Blaster (less Sand)	\$100.00/Day

Pipe Slide (Rollers)	\$30.00/Day/Ea
Pipe Calipers 2-6"	\$30.00/Day
Pipe Calipers 8-12"	\$50.00/Day
Pipe Calipers 16-20"	\$75.00/Day
Pipe Cradle 6-20"	\$190.00/Day
Pipe Cutter 6" to 16"	\$50.00/Day
Electric Pipe Dies	\$50.00/Day
Mats	\$50.00/Day/Ea.

BID

Appendix
A

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for 793,994 dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 30th day of October 2020.

Ryan Odenbach

Name of Bidder

Signature

2101 4th Avenue NW, 210, Watford City, ND 58854

Business Address

(701) 645-3111 ext. 705

Business Telephone Number

rodenbach@vertex.ca

Email Address



US20-020

Madison Treating Plant #1

Prepared for:

North Dakota Oil & Gas

Prepared by:

Vertex Resource Group Ltd.

Closing Date:

October 30th, 2020 at 3:00pm CDT

Overview

Vertex Resource Group Ltd. (Vertex) office is located in Watford City, North Dakota. Vertex has been working in facility decommissioning and reclamation operations since 1982 and has managed regional decommissioning and reclamation programs for large scale facilities and up to 800 wells. Vertex's diverse team of reclamation specialists have extensive experience and knowledge reclaiming many different types of disturbances such as conventional and in-situ wellsites, facilities, coal mines, pipelines, roads, pits and spills. Our reclamation team are experts in developing, implementing and monitoring reclamation programs for all types of industry, for a wide range of different ecosystems including cultivated land and native grasslands. From the planning state to site certification Vertex can manage all technical and project requirements of the reclamation process.

Vertex also employs a diverse range of experienced professionals and technicians that are experienced in facility decommissioning. Vertex has a dedicated pool of competent and experienced supervisors from which to draw for the project. The experience and capacity of Vertex's personnel allow for cost effective management of well decommissioning service.

Pricing

The cost proposal includes fixed daily project management, supervisor, and company man fees combined with a 5 % cost-plus portion for the personnel and equipment to conduct the pad reclamation and abandonment of flowlines and injections lines. An assessment and estimate for the management of TNORM impacted materials as a part of the surface facility and flowline decommissioning was obtained from a qualified third party and has been included in the estimate below. Copies of the assessment and third party estimate are provide in Appendix A and B.

Site	Reclamation Pricing	Surface Facility and Flowline Decommissioning
Madison Treating Plant #1	\$343,214	\$450,780
Total	\$793,994	

Closure

We hope you find that this response to NDIC's request for bid for the Madison Treating Plant #1 is satisfactory and sets us ahead in your consideration for service providers. Should you have any questions or concerns, please do not hesitate to contact Ryan Odenbach at 701.310.5855 or rodenbach@vertex.ca

Sincerely,



Ryan Odenbach
ENVIRONMENTAL SPECIALIST

Appendices

- Appendix A. Bid Form
- Appendix B. TNORM Assessment
- Appendix C. Third Party Estimate for TNORM Management
- Appendix D. Current Contractors License

APPENDIX B

COST ESTIMATE

Apollo Reclamation Site	Qty	Unit	Unit Cost	Qty x Unit
Mobilization	1	Job	\$ 2,500.00	\$ 2,500.00
Equipment	1	Job	\$ 146,000.00	\$ 146,000.00
Fencing/Labor/Service	1	Job	\$ 15,000.00	\$ 15,000.00
Materials				
Fill Materials and Hauling	8,000	cuyd	\$ 9.08	\$ 72,640.00
Topsoil Materials and Hauling	3,920	cuyd	\$ 23.08	\$ 90,473.60
Environmental and Management				
Aerial Photography and Analysis	2	Flights	\$ 1,500.00	\$ 3,000.00
EM Survey	1	Job	\$ 1,500.00	\$ 1,500.00
Soil Sampling and Analysis	1	Job	\$ 4,000.00	\$ 4,000.00
Seeding	1	Job	\$ 2,100.00	\$ 2,100.00
Project Management	60	Hours	\$ 100.00	\$ 6,000.00
Apollo Site Total				\$ 343,213.60
Reclamation Total				\$ 343,213.60

*Bid does not include any removal of contaminated material as quantities of material is unknown at this time.

**Bid includes topsoil for entire area, if there is available topsoil on site, this will reduce the cost.

*** Fill material may vary depending upon availability on site. This may either lower or increase the cost.

Madison Treating Plant #1

Prepared by Vertex Professional Services

Date:

10/27/2020

Contractor Hours				
Item	Rate	Unit	Quantity	Total
Labourer x 2	\$ 60.00	hour	504	\$ 30,240
Truck	\$ 40.00	hour	252	\$ 10,080
Electrical	\$ 95.00	hour	24	\$ 2,280
Other: Welder	\$ 70.00	hour	36	\$ 2,520
Equipment Operator	\$ 70.00	hour	48	\$ 3,360
Operator Truck	\$ 45.00	hour	48	\$ 2,160
Excavator	\$ 150.00	hour	48	\$ 7,200
Survey and Locates	\$ 1,500.00	per site	1	\$ 1,500
Mob (all crews and equipment)	\$ 4.00	miles	50	\$ 200
Subsistence	\$ 130.00	day	63	\$ 8,190
Picker	\$ 200.00	hour	48	\$ 9,600
Vac/Steam/Combo Trucks	\$ 300.00	hour	36	\$ 10,800
Waste Disposal	\$ 2,500.00	each	1	\$ 2,500
Misc. Supplies	\$ 2,500.00	each	1	\$ 2,500
Scrap Metal Hauling and Disposal	\$ 10,000.00	each	1	\$ 10,000
Concrete Hauling and Disposal	\$ 25,000.00	each	1	\$ 25,000
NORM Management	\$ 265,100.00	each	1	\$ 265,100
Impacted Equipment Hauling and Disposal	\$ 25,000.00	each	1	\$ 25,000
Estimated Subtotal				\$ 418,230

Vertex Hours				
Item	Rate	Unit	Quantity	Total
Project Manager	\$ 150.00	hr	42	\$ 6,300
Technical Support	\$ 125.00	hr	42	\$ 5,250
Field Supervisor	\$ 1,000.00	day	21	\$ 21,000
Estimated Subtotal				\$ 32,550

Estimated Total (Per Site)	\$ 450,780
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Assumptions	
Mob Distance (assumed average per site)	50 Miles
Hours per Day	12 hrs
<p>Cost estimated based on review of site photos and should be considered Class 4 (+/- 30%) - to be used for budgeting and initial AFE purposes only. Estimate will be updated and revised based on initial site review including all third party contractors.</p> <p>All costs will be billed as Time and Materials.</p>	
<ul style="list-style-type: none"> - warehouse will be disassembled and sent to scrap - buried electrical and piping will be excavated and removed if shallowed than 4' - assuming 2 days of work only. Additional days will require change order - tanks will have TNORM contamination which will require special handling and disposal - cost included to break up concrete foundation using backhoe. If special equipment is needed it will require a change order - chem tanks will be emptied and disposed of - frac tanks will be cleaned and scraped - no cost associated with hauling and disposal of concrete. This will be at cost +5% - tonnage for scrap is an estimate only. Billing will be at cost +5% - \$10,000 estimate for management of NORMs contaminated materials. Current quantity is unknown. Work will be completed by qualified experts. Billing will be at cost +5%. - well head is out of scope - no inclusion for piping excepting facility piping - no work to be completed in areas other than that indicated in airphoto sent October 2, 2020 - disconnection of area from main facility MCC will be completed by others 	



Cost Estimate*

CLIENT NAME & ADDRESS	PROPOSAL NO.	2020-1748
Ms. Alison Regan Vertex Resource Services	DATE	10/26/2020

TENORM Waste Mgmt, Tank Cleanouts, Demolition of Building & Tanks

SERVICE / ITEM	QTY	UNIT	RATE	EXT
Radiation Technician	10	days	\$680.00	\$6,800.00
Project Manager	10	days	1,080.00	10,800.00
Sr. Equipment Operator (2x)	20	man-days	950.00	19,000.00
Overtime - based 10-hr days	2	est	6,500.00	13,000.00
Work Truck (3x)	30	truck-days	125.00	3,750.00
Equipment Mob and Demob	1	lumpsum	2,500.00	2,500.00
Excavator with thumb	2	weeks	2,500.00	5,000.00
3-Yd Loader	2	weeks	1,500.00	3,000.00
Detection Instruments (x2)	2	weeks	1,350.00	2,700.00
Per diem	2	weeks	1,050.00	2,100.00
Vac trucks (3 hrs/load)	18	loads	414.00	7,452.00
Skidsteer	1	week	1,300.00	1,300.00
Liquid sludge disposal (w/TENORM)	300	bbls	40.00	12,000.00
Scrap steel transport	10	loads	450.00	4,500.00
Analytical	2	samples	399.00	798.00
Hydrovac (2-man crew)	24	hours	327.75	7,866.00
Hydrovac (confined space, 3-man crew)	8	hours	395.00	3,160.00
Liquid sludge disposal (no TENORM)	4500	bbls	24.00	108,000.00
Fuel and Supplies	2	lumpsum	8,950.00	17,900.00
Oil credits		tons		
Scrap steel credit		loads		
Transport of concrete debris		loads		
Concrete disposal		tons		
TENORM-Impacted Tanks & Debris Disposal		yards	126.50	
Transport of Impacted Tanks & Debris		loads	850.00	
Sub-Total*				\$224,826.00
Radioactive Mat'ls License & Insurance @ 7.5%				\$16,861.95
Total*				\$241,687.95

Additional Charges, Conditions, and Disclosures

Client acknowledges that this is a rough estimate largely provided to outline rates. Client is responsible for any incremental costs associated with variations in transportation time or volume of material for disposal, despite our best estimates. Client acknowledges that inclement weather, road closures, levels of radioactivity, and the condition of the waste stream are all beyond RAD PROS' immediate control and these circumstances will impact the cost of management and disposal of any waste, potentially increasing or decreasing the final cost to the client. TENORM disposal rates are based on levels that would be acceptable in Montana. If levels exceed 50 pCi/g or 100 uR/hr then costs for transport and disposal would be higher.

Thank you for the opportunity to provide you with this cost estimate/proposal.

APPENDIX C



October 21, 2020

Site Assessment (including TENORM)

Madison 2-1

Alexander, ND

Radiation Pros, LLC (Rad Pros) was asked to conduct a site assessment for the Madison 2-1 SWD including reviewing levels of technologically enhanced naturally occurring radioactive material (TENORM) on the site. Specifically, we performed radiological surveys on surface areas across the location as well as on any tanks, remaining pipe, and equipment. We also used an electrical conductivity meter (EC probe) to help determine if there was impact to each site from production water spills or discharges.

Summary

It is clear that TENORM-impacted waste streams are present on the site, which would require a work plan be documented by a licensed TENORM contractor and approved by DEQ. Salinity readings on-site also indicate that contamination from production water is present. There is a large volume of oil and fluids at the site, which would require water truck and hydrovac extraction, tank decontamination or demolition, and waste disposal (and potentially oil recovery). It would appear that operations ceased quickly and that no effort was made to properly clean and abandon the site.

Background information and a site overview can be found on pages 2 and 3. Detailed notes and observations are found on page 4 and several pictures of the site can be on pages 5 and following.

Don't hesitate to contact us at Rad Pros for additional information or to assist with any demolition, remediation, waste management and/or reclamation activities. You may call Dylan Lowe at (720) 278-5050 or Kurt Rhea at (303) 945-5381 or our offices at (701) 237-1809.

Notice of Disclaimer: We were not asked to conduct, and we did not perform any sampling and/or laboratory analysis. While our observations, pictures, and surveys will be helpful, this should not be considered a complete site assessment such as might be performed under a formal Phase 1 or Phase 2 environmental assessment.



Background

Production water, or brine water, is known to carry soluble and mobilized isotopes such as Radium-226 and Radium-228, as well as daughter isotopes such as Radon-222 and Lead-210. During oil and gas exploration and production activities, these isotopes will settle into heavier waste streams we refer to as sludge or tank bottoms. These radioactive isotopes may also plate out on pipe and equipment, having co-precipitated with other constituents such as calcium or barium sulfate. We also find elevated TENORM levels in filter socks used in filter pods, gas line filters, drill pipes, mandrels, and sucker rods. Any piece of equipment that comes into contact with production fluids has the potential to become contaminated.

As these solids accumulate, they also concentrate, resulting in elevated levels of radioactivity that render the waste "regulated." Anything higher than 5 pCi/g above background for combined Ra-226 and Ra-228 is considered regulated in the state of North Dakota. To officially make this determination, laboratory analysis of samples is required, and most lab methodologies would dictate a 21-day ingrowth period to achieve secular equilibrium with the radon and radium before the actual analysis is completed in the lab. Waiting 30-days to get lab results is often not practical in site assessments and oil and gas waste stream management; therefore, we use handheld detection instruments to give us an indication of the presence of radioactivity and to get an approximation of the levels of radioactivity. While the use of handheld detection equipment will never fully supplant lab analysis in determining if waste materials are impacted, regulators in North Dakota leverage the same practice of using handheld detection equipment to assist in assessment of sites and waste materials. Regulators consider anything greater than or equal to 1.5 X background in $\mu\text{R/hr}$ as being "TENORM-impacted." If waste streams or other materials are impacted by this criteria, they must be properly managed, transported, and ultimately disposed of out-of-state **by a licensed radioactive materials contractor** such as Rad Pros, as North Dakota currently does not have any licensed facilities that support permanent disposal mandates the use of fully licensed contractors (as opposed to licensed TENORM transporters or other environmental companies).

In using the EC probe, we evaluated results based on criteria established by the NDIC whereby any readings above $2000 \mu\text{S/cm}^2$ were considered impacted. Therefore, any soils where readings exceeding these levels should be targeted for remediation.

Site Survey Methodology

Utilizing properly calibrated radiological detection equipment, Rad Pros surveyed the requested location. The instruments used were a Ludlum 3001, serial # 25019178 with a 44-2 scintillation probe. Equipment and areas at each location were first scanned moving $< 1'$ per second with the instrument to see if any elevated levels were apparent. Elevated readings were recorded directly on survey documentation. If no elevated areas were detected, readings of several points around the site were recorded on survey forms. As radiation levels can vary greatly depending on things like shielding, background radiation, time of day, distance from the probe, etc., the readings recorded on our survey forms represent readings at a single point chosen by



our certified radiation safety officer, and were based on the highest reading taken within several feet surrounding each survey point location.

As mentioned earlier, the EC probe detection equipment used to check for the salinity of the soil to survey the sites/locations. The instrument used was a Field Scout, serial #12420. Background readings were taken just off location, and several readings were taken around the site. In areas where salinity levels were presumed to be high based of visual examination, extra readings were taken.

The map below provides an overview of the site.





Site Name: Madison 2-1 47.671507, -103.642724

General observations: The site appears to be abandoned. No one was on site during the survey and the buildings appear to have been devoid of activity for some time. There are no tire tracks on site, supporting this assertion. Additionally, large numbers of bird droppings and feathers in the main building indicate that the site has not been used for quite some time. Doors are left open. The well head is disconnected from any sort of piping. Random debris and equipment are strewn across the location. There are 10 frac tanks on location, 9 entirely full of what appears to be oil/water. One tank is about 7/8 full of what appears to be dirt/sand. In the main building, there are several open top tanks that are also full of oil. On the floor, the building is coated with several inches of oil/sludge. Five upright tanks sit to the south of the main building. We were unable to judge how full they were. There is also a small open top tank that is full of oil. A tank farm is located to the northwest of the main building. There are 12 tanks there; we were unable to judge how full these were as well.

Radiological survey notes: See the attached surveys. The site background was 15 $\mu\text{R/hr}$. The tank farm was the most radiologically elevated area on location. Each tank ranged from about 50-200+ $\mu\text{R/hr}$. This is considered impacted to the North Dakota Department of Environmental Quality (ND DEQ) Radiation Control regulators. The main building did not appear to have any readings above background. The survey in the building was not exhaustive due to the geometry of tanks as well as the oil on the floor. We would recommend monitoring/surveying this area during and after cleanup. All but one of the upright tanks to the south were near background levels and the southernmost tank was elevated with a reading of 56 $\mu\text{R/hr}$. Most of the frac tanks were near background, with some exceptions. Two 55-gallon drums to the northeast of the frac are in a state of decay and appear to have rust or pipe scale in the bottom. These drums were elevated above background as well. A red plastic bin just south of the buildings on the west side of the location was reading 65 $\mu\text{R/hr}$.

Salinity survey notes: See attached survey. The site background was 890 $\mu\text{S/cm}^2$, and we found no reading higher than 9500 $\mu\text{S/cm}^2$. However, I am confident if a more exhaustive survey was done, readings would be higher. Also, the scoria layer was very difficult to penetrate beyond a few inches. We could not verify contamination levels underneath the scoria layer as we would have had to remove it with some kind of heavy equipment.

Recommended action items and/or Regulator concerns:

The site is clearly impacted by NORM/TENORM contamination based on the above observations. We would recommend:

- The removal of all fluids onsite, and their transport to a licensed disposal.
- All tanks be cleaned and the radiological material within them be identified, collected, consolidated, sampled, and disposed of at a licensed TENORM treatment center such as SECURE Energy or IHD Fluids.
- Some of the scoria should be removed to determine the extent of production water contamination across the location.















APPENDIX D

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of VERTEX RESOURCE SERVICES INC.

SOS Control ID#: 0005214549

Certificate #: 018844736 - 1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

VERTEX RESOURCE SERVICES INC.

a Contractor - Corporation was formed under the laws of North Dakota and filed with this office effective July 21, 2020. This contractor has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: August 11, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for \$1,918,527.00 dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 29th day of October 2020.

North Core Corp
Name of Bidder

Jason Jensen
Signature

318 6th St N New Town, ND
Business Address

701-388-2743
Business Telephone Number

Jack@Northcorebore.com
Email Address

Home

Search

Forms

Lists

Data List Requests

Contractor Search

North Core Corp



Advanced

Results: 2

Form Info	SOS Control ID#	Status	Standing	Filing Date
NORTH CORE CORP. Class A - 31561	0002157327	Inactive - Involuntarily Revoked	Not Good Standing	05/14/2004
NORTH CORE CORP. Class A - 000043658	0005229889	Active	Good Standing	08/12/2020

NORTH CORE CORP.
Class A - 000043658



Request Certificate

Class Type	Class A
License Num	000043658
Status	Active
Renewal Date	3/1/2021
Inactive Date	N/A
Mailing Address	7 28TH AVE NE FARGO, ND 58102-1708
Standing - Other	Good
Standing - WSI	Good
Standing - Job Service	Good
Standing - Business	Good
Business Phone	(701) 388-2743
Registration Date	08/12/2020
Certification of Liability Insurance Expiration Date	04/01/2021



View History

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of NORTH CORE CORP.

SOS Control ID#: 0005229889

Certificate #: 019017118 - 1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

NORTH CORE CORP.

a Contractor - Corporation was formed under the laws of North Dakota and filed with this office effective August 12, 2020. This contractor has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: September 23, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State


ACORD™ INSURANCE BINDERDATE
04/08/20

THIS BINDER IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN ON THE REVERSE SIDE OF THIS FORM.

PRODUCER Dawson Insurance, a Marsh & McLennan Agency LLC co PO Box 1958 Fargo, ND 58107-1958		PHONE (A/C, No, Ext): 701-237-3311 FAX (A/C, No):	COMPANY Cincinnati Insurance Company	BINDER # EPP0186146
CODE: AGENCY CUSTOMER ID: 507158		EFFECTIVE DATE: 04/01/20 TIME: 12:01 AM EXPIRATION DATE: 04/01/21 TIME: 12:01 AM THIS BINDER IS ISSUED TO EXTEND COVERAGE IN THE ABOVE NAMED COMPANY PER EXPIRING POLICY #:		
INSURED North Core Corp Suncore Holding Company NC Roustabout LLC NC Roustabout LLC PO Box 5318 Fargo, ND 58105		DESCRIPTION OF OPERATIONS/VEHICLES/PROPERTY (Including Location)		

COVERAGES		LIMITS	
TYPE OF INSURANCE	COVERAGE/FORMS	DEDUCTIBLE	AMOUNT
PROPERTY CAUSES OF LOSS <input type="checkbox"/> BASIC <input type="checkbox"/> BROAD <input checked="" type="checkbox"/> SPEC	Building Business Personal Property	1000 1,000	90 80 \$104,300 \$15,645
GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> PD Ded: 1000	RETRO DATE FOR CLAIMS MADE:	EACH OCCURRENCE DAMAGE TO RENTED PREMISES MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	\$ 1,000,000 \$ 500,000 \$ 10,000 \$ 1,000,000 \$ 2,000,000 \$ 2,000,000
AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	Underinsured: 1,000,000	COMBINED SINGLE LIMIT BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE MEDICAL PAYMENTS PERSONAL INJURY PROT UNINSURED MOTORIST	\$ 1,000,000 \$ \$ \$ \$ \$ \$ 1,000,000 \$
AUTO PHYSICAL DAMAGE DEDUCTIBLE <input checked="" type="checkbox"/> COLLISION: <input checked="" type="checkbox"/> OTHER THAN COL:	<input type="checkbox"/> ALL VEHICLES <input type="checkbox"/> SCHEDULED VEHICLES	<input checked="" type="checkbox"/> ACTUAL CASH VALUE STATED AMOUNT OTHER	\$ \$
GARAGE LIABILITY <input type="checkbox"/> ANY AUTO		AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EACH ACCIDENT AGGREGATE	\$ \$ \$ \$
EXCESS LIABILITY <input checked="" type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM	RETRO DATE FOR CLAIMS MADE:	EACH OCCURRENCE AGGREGATE SELF-INSURED RETENTION	\$ 5,000,000 \$ 5,000,000 \$
WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY		WC STATUTORY LIMITS E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	\$ \$ \$
SPECIAL CONDITIONS/ OTHER COVERAGES		FEES TAXES ESTIMATED TOTAL PREMIUM	\$ \$ \$

NAME & ADDRESS

	MORTGAGEE	ADDITIONAL INSURED
	LOSS PAYEE	
	LOAN #	
	AUTHORIZED REPRESENTATIVE 	

CONDITIONS

This Company binds the kind(s) of insurance stipulated on the reverse side. The Insurance is subject to the terms, conditions and limitations of the policy(ies) in current use by the Company.

This binder may be cancelled by the Insured by surrender of this binder or by written notice to the Company stating when cancellation will be effective. This binder may be cancelled by the Company by notice to the Insured in accordance with the policy conditions. This binder is cancelled when replaced by a policy. If this binder is not replaced by a policy, the Company is entitled to charge a premium for the binder according to the Rules and Rates in use by the Company.

Applicable in California

When this form is used to provide insurance in the amount of one million dollars (\$1,000,000) or more, the title of the form is changed from "Insurance Binder" to "Cover Note".

Applicable in Delaware

The mortgagee or Obligee of any mortgage or other instrument given for the purpose of creating a lien on real property shall accept as evidence of insurance a written binder issued by an authorized insurer or its agent if the binder includes or is accompanied by: the name and address of the borrower; the name and address of the lender as loss payee; a description of the insured real property; a provision that the binder may not be canceled within the term of the binder unless the lender and the insured borrower receive written notice of the cancellation at least ten (10) days prior to the cancellation; except in the case of a renewal of a policy subsequent to the closing of the loan, a paid receipt of the full amount of the applicable premium, and the amount of insurance coverage.

Chapter 21 Title 25 Paragraph 2119

Applicable in Florida

Except for Auto Insurance coverage, no notice of cancellation or nonrenewal of a binder is required unless the duration of the binder exceeds 60 days. For auto insurance, the insurer must give 5 days prior notice, unless the binder is replaced by a policy or another binder in the same company.

Applicable in Nevada

Any person who refuses to accept a binder which provides coverage of less than \$1,000,000.00 when proof is required: (A) Shall be fined not more than \$500.00, and (B) is liable to the party presenting the binder as proof of insurance for actual damages sustained therefrom.

2020 TENORM price list

Environmental Tech/Laborer	\$60/hour
Environmental Tech w/OSHA 40	\$70/hour
Administration/Compliance	\$75/hour
Radiation Technician – with RSO or PM also on job	\$95/hour
Radiation Technician – closed systems	\$125/hour
Sr. Project Mgr/Cert. Field RSO	\$150/hour
Demolition Project Manager	\$150/hour
Principal	\$225/hour
Certified Health Physicist	\$225/hour
FIELD SUPPLIES (use matrix unless actual costs are higher) Includes dosimetry	
Project < \$5,000	\$295
Project \$5,000-\$9,999	\$495
Project \$10,000-\$25,000	\$795
Project > \$25,000 (% of project sub-total)	3.5%
Instruments (1x)	\$150/day
Instruments (2x)	\$225/day
Air Monitor	\$275/day
Dosimetry badges (Dose review and reporting by Sr. RSO or	
CHP at an additional charge)	\$45 /quarter /badge

ROCKY MOUNTAIN LOW LEVEL WASTE BOARD

Export/Import Fee < \$500	\$650
Export/Import Fee > \$500	Cost + \$250

SERVICES

Trucking & heavy Equipment (multiple loads)	Cost + 15%
Trucking & heavy Equipment (single day or load)	Cost + 20%
Disposal of bulk quantities from ND	Cost + 15%

Disposal of small quantities Cost + 30%

Vehicles (< 150 miles/day) \$125/trip

Miles > 150 miles/day \$.69/mile

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for 474,000.⁰⁰ dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 30 day of October 2020.

Teraflex Group LLC
Name of Bidder

Zachary C. Brown
Signature

PO Box 10482 Williston ND 58803
Business Address

701 774 9816
Business Telephone Number

AB@Teraflexgroup.com
Email Address



North Dakota Office
 310 Airport Road, Suite 400
 Williston, ND 58801
 (701)774-9816
 (701)774-9817 fax
Mailing Address:
 P O Box 10482
 Williston, ND 58803

EQUIPMENT DESCRIPTION		HOURLY RATE
EXCAVATORS		
CAT 305 EXCAVATOR		\$ 60.00
CAT308 EXCAVATOR		\$ 68.00
CAT315 EXCAVATOR		\$ 89.00
CAT320 EXCAVATOR		\$ 94.00
CAT323 EXCAVATOR		\$ 114.00
CAT 324 EXCAVATOR		\$ 118.00
CAT329 EXCAVATOR		\$ 124.00
CAT335 EXCAVATOR		\$ 127.00
CAT336 EXCAVATOR		\$ 132.00
BACKHOE		
CAT430 RUBBER TIRE BACKHOE		\$ 60.00
ATTACHMENTS - BROOM, FORK, BUCKET		
DOZERS		
CATD5G DOZER		\$ 75.00
CAT D5K2-LPG DOZER		\$ 80.00
JD 700 K DOZER		\$ 96.00
CATD6T DOZER		\$ 112.00
CAT D8R w/ RIPPERS		\$ 190.00
MOTORGRADER		
CAT 120M MOTORGRADER		\$ 95.00
CAT140 MOTORGRADER		\$ 102.00
CAT160M MOTORGRADER		\$ 110.00
SKIDSTEER		
CAT279C SKIDSTEER		\$ 62.00
W/ATTACHMENTS - BUSHHOG, BROOM, AUGER		\$ 60.00
OFF-ROAD TRUCK		
VOLVO A25 ARTICULATED TRUCK		\$ 82.00
CAT ARTICULATED DUMP TRUCK		\$ 103.00
COMPACTORS		
CAT563-SOIL COMPACTOR		\$ 73.00
TRENCH ROLLER (NO OPERATOR)		\$ 40.00



North Dakota Office
310 Airport Road, Suite 400
Williston, ND 58801
(701)774-9816
(701)774-9817 fax
Mailing Address:
P O Box 10482
Williston, ND 58803

EQUIPMENT DESCRIPTION		HOURLY RATE
LOADERS		
CAT 938M FRONT END LOADER		\$ 92.00
CAT 930 FRONT END LOADER		\$ 85.00
JD 7230 4 WHEEL DRIVE FARM TRACTOR		\$ 63.00
SCRAPERS		
CAT627 SCRAPER		\$ 300.00
LIGHT PLANTS		
ALLMAND LIGHT-PRO LIGHT TOWER (DAY RATE)		\$ 110.00
MISCELLANEOUS EQUIP		
AIR COMPRESSOR - (DAY RATE)		\$ 275.00
AIR COMPRESSOR (LARGE) - (DAY RATE)		\$ 2,500.00
CEMENT PIG (DAY RATE)		\$ 550.00
COMPACTOR - PLATE TAMP		\$ 13.00
CONTANT C-915D SNOW BLOWER		\$ 380.00
CUT OFF SAW		\$ 40.00
HUSQVARNA WEED EATER		\$ 8.00
HYDRO-EXCAVATOR (5-AXLE)		\$ 275.00
JEEP TESTER (DAY RATE)		\$ 150.00
JOB TRAILER - (DAY RATE)		\$ 325.00
POLY FUSER		\$ 235.00
POSITECTOR TESTER (DAY RATE)		\$ 150.00
PRESSURE WASHER(HOT)-TRAILER MOUNTED		\$ 50.00
SANDBLASTER (DAY RATE)		\$ 135.00
SOIL DISK (12FT)		\$ 200.00
SNOW BOX		\$ 75.00
MANLIFT		\$ 300.00
TELEHANDLER (DAY RATE)		\$ 375.00
THAWING BLANKET (DAY RATE)		\$ 75.00
THREADING MACHINE		\$ 220.00
WACKER - WATER PUMP		\$ 28.00
WIRTGEN 2500		\$ 343.00
GATE PANELS (SAFETY) DAYRATE		\$ 3.00
ON-ROAD TRUCKS		



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 (701)774-9817 fax
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 P O Box 10482
 Williston, ND 58803

EQUIPMENT DESCRIPTION		HOURLY RATE
PICK-UP		\$ 45.00
CREW PICK UP		\$ 23.00
HOT SHOT TRUCK & TRAILER		\$ 58.00
LOWBOY TK WITH TRAILER W/STINGER		\$ 116.00
ON-ROAD WATER TRUCK 1800 GAL		\$ 43.00
ON-ROAD WATER TRUCK 4000 GAL		\$ 58.00
ROUSTABOUT TRUCK		\$ 40.00
SPREADER TRUCK		\$ 133.00
TK WITH 130BBL VAC TRAILER		\$ 76.00
TK WITH SIDE - BELLY DUMP TRAILER		\$ 68.00
TRI-AXLE END DUMP TRUCK		\$ 56.00
TRI-AXLE END DUMP TRUCK/ TRAILER		\$ 76.00
WELDER TRUCK		\$ 40.00
PERSONNEL		
ADMINISTRATION		\$ 45.00
LABORER		\$ 55.00
TRUCK DRIVER		\$ 62.00
OPERATOR		\$ 62.00
SUPERVISOR		\$ 70.00
WELDER		\$ 75.00
PROJECT MANAGER		\$ 90.00
PER DIEM (PER DAY, PER PERSON)		\$ 80.00
PORTA JOHN (DAY RATE)		\$ 25.00

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 54732

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **TERAFLEX GROUP, LLC** whose address is in WILLISTON, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

TERAFLEX GROUP, LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 5, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

AGREEMENT / AUTHORITY TO SIGN



October 30, 2020

Cody Vander Busch

Teraflex Group, LLC makes the following assumptions and qualifications concerning this proposal.

1. Tenorm disposal or testing is excluded from this proposal.
2. Disposal of anodes from any vessel is excluded if TNORMS are present.
3. We included 50 tons of impacted soil disposal for this site in the bid. Amounts greater than that will be charged at the following rates. \$ 14.00 ton and trucking at \$ 130.00 HR
4. Disposal of all liquids and solids from tanks, vessels and flushing is included in this proposal.
5. We included 6 samples in our bid. Additional samples will be \$1,550.00 each.
6. We included all Hydrovac work in our proposal.
7. Teraflex Group, LLC will perform all work ourselves with the exception of the pre and past reclaim design and the digital imagery.
8. Teraflex Group, LLC is a full service civil contractor with 9 years experience in the oil and gas industry. Our services include complete site builds, facility construction, maintenance, roustabout services, complete site demolition both surface and underground. We have done numerous spill cleanups and work closely with a few insurance carriers and operators in our area. We also have excellent relationships disposal facilities in our immediate area. We have a work force of 70 hands and over 100 pieces of equipment in our fleet.

Zachary C. Brown

General Contractors-Excavation-Grading-Heavy Hwy-Public Utilities-Oil & Gas

North Carolina Office

52 Walnut St, Suite 7
Waynesville NC 28786

ND – Corporate Office

1015 58th Street West/PO Box 10482
Williston ND 58803
Ph: 701.774.9816 Fax: 701.774.9817

Utah Office

244 Paxton Ave
Salt Lake City, UT 84101

BID

Bid for all services of reclamation for the following facility:


**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for \$ 251,935.00 dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 26th day of October 2020.

WYODAK ENERGY SERVICES
Name of Bidder


Signature
2045 125TH AVE. NW
WATFORD CITY ND 58854
Business Address

701-260-2794
Business Telephone Number

JMILLER@WYODAKENERGY.COM
Email Address

PH: 307-217-2951

Email: jdilloway@wyodakenergy.com

WYODAK ENERGY SERVICES LLC.
PO BOX 867
Buffalo, WY. 82834
307-684-7376 – PHONE / 888-990-0642 – FAX



October 29, 2020

NDIC Oil & Gas Division
1016 E. Calgary Ave.
Bismark, ND. 58503-5512
Attn: Cody Vanderbusch

Madison Treating Plant #1 Facility Reclamation

Please find Bid Addons for the abandonment of the Madison Treating Plant #1. Please use these rates for unknown quantities.

Price Per Truck Load (15 ton approx.) Contaminated Soil Removal & Disposal.....	\$787.05
Price Per Truck Load (15 ton approx.) Topsoil Delivered.....	\$743.70
Price Per Truck Load (15 ton approx.) Fill Dirt Delivered.....	\$589.80
NORM & Equipment Salvage Per Truck Load(15 CY approx.).....	\$3,334.50
Contaminated Fluids Disposal Per Bbbl.....	\$60.50
Contaminated Fluids Disposal NORM \leq 215 Ur/Hr Per Bbl.....	\$176.00
Contaminated Fluids Disposal NORM \leq 640 Ur/Hr Per Bbl.....	\$341.00
Vac Truck Price Per Hour.....	\$136.50
Hot Oil Truck Price per Hour.....	\$183.75

Josh Dilloway
WyoDak Energy Services, LLC.
Cell: (701)217-2951
Office: (307)684-7376
Email: jdilloway@wyodakenergy.com

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 53499

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **WYODAK ENERGY SERVICES, LLC** whose address is in BUFFALO, WY, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

WYODAK ENERGY SERVICES, LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 27, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

INVITATION TO BID

The State of North Dakota, acting through the North Dakota Industrial Commission, Oil & Gas Division, invites the submission of bids for reclamation of the wells listed at the following website link <https://www.dmr.nd.gov/oilgas/C28495.pdf>

The bid must be on the form provided by the Industrial Commission, which must be fully completed in accordance with the accompanying "INSTRUCTIONS TO BIDDERS," and must be received in the Bismarck office of the Industrial Commission, Oil & Gas Division, no later than **3:00pm CDT October 30, 2020.**

For additional bid information please see the North Dakota Industrial Commission, Oil and Gas Division home page at <https://www.dmr.nd.gov/oilgas/>.

The Commission may reject any and all bids submitted.

Madison treating plant #1

INSTRUCTIONS TO BIDDERS

1. Form of Bids. Bids must be submitted on the attached bid form. **Attach a price sheet for any unknown extras such as TENORM disposal, contamination removal, replacement fill material, topsoil purchase, etc.**
2. Submission of Bids. Bids must be enclosed in a sealed envelope, and the outside of the envelope must have the following on it:

Bid of: (Name of Contractor & Business Address)

N.D. Contractor's License No: (No. and Class of License)

Date License was Issued or Renewed: _____

ATTN: Mr. Cody VanderBusch

SEALED BID DO NOT OPEN

NDIC Oil & Gas Division

1016 E. Calgary Ave

Bismarck, N.D. 58503-5512

3. Examination of Site. Prospective bidders may make a visual inspection of the well and well site to ascertain the nature and location of the work and the conditions which can affect the work and its cost. The Commission is not bound by any oral statement concerning the condition of the well or well site made by its staff or agents prior to the execution of the Reclamation contract.
4. Bidder Qualifications. No contract will be awarded unless: (a.) the bidder holds a current contractor's license in the class within which the value of the project falls issued at least ten days prior to the date set for receiving bids, and the bid envelope contains a copy of the license or a certificate of its renewal issued by the secretary of state (N.D.C.C. §43-07-12); and (b.) the bidder files along with its bid or after being notified that it is the successful bidder, a certificate from the ND State Tax Commissioner that bidder has paid all delinquent income, sales, and use taxes, if any (N.D.C.C. § 43-07-11.1).

5. Bid Deadline. All bids are due in the office of the Industrial Commission, Oil and Gas Division, by **3:00pm CDT October 30, 2020**. The office is at **1016 E. Calgary Ave., Bismarck, ND**. Bids received after this deadline will not be considered.
6. Review of Bids. The public opening of the bids will be held at **3:00pm CDT October 30, 2020** at the **Industrial Commission, Oil and Gas Division, 1016 E. Calgary Ave., Bismarck, ND**.
7. Withdrawal of Bids. Bids may be withdrawn by bidder's written request received prior to the time set in paragraph 5.
8. Rejection of Bids. The Commission may reject any and all bids and may waive any technical or formal defect in a bid.
9. Notification of Award. The successful bidder, if any, will be notified of the award of the work within thirty days after the bid opening.
10. Contract. The bidder whose bid is accepted must enter into a written contract with the Commission within ten days after the award is made. The contract contains, among other things, provisions requiring the contractor to acquire insurance.
11. Cancellation of Award. The Commission may cancel the award of any contract at any time before execution of the contract by all parties without any liability to the Commission.
12. Title to Material and Objects on Site. The Commission has title to all equipment on the well site.
13. Changes in Specifications. The Commission may, during the bidding period, advise bidders by letter of alterations to the Reclamation Specifications. All such changes are included in the work covered by the bid and are a part of the specifications.

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for 461,305.00 dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 30th day of October 2020.

JCR Excavating LLC
Name of Bidder

[Signature]
Signature

5818 Jefferson Lane Williston, ND 58801
Business Address

320-761-2266
Business Telephone Number

john@jcrexavating.com
Email Address

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 45499

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **JCR EXCAVATING LLC** whose address is in FOLEY, MN, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

JCR EXCAVATING LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 28, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

JCR EXCAVATING, LLC

ESTIMATE

PO BOX 1405, WATFORD CITY, ND 58854 INFO@JCREXCAVATING.COM 701-580-4179

Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01

BID \$461,305

Any unknown extras such as TENORM disposal, contamination removal,
replacement fill material, topsoil, etc will be billed out at cost + 10%

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for \$28,912 dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 30 day of October 2020.

Golder Associates Inc.
Name of Bidder


Signature

2000 Schafer Street, Suite H, Bismarck, ND 58501
Business Address

701-258-5905
Business Telephone Number

JYeglin@Golder.com / JGrosz@Golder.com
Email Address



October 30, 2020

Proposal No. CX20413094

Mr. Cody VanderBusch
NDIC Oil & Gas Division
1016 E. Calgary Ave.
Bismarck, ND 58503

RECLAMATION BID FOR THE MADISON TREATING PLANT #1 IN MCKENZIE COUNTY, NORTH DAKOTA

Mr. Cody VanderBusch,

Golder Associates Inc. (Golder) is pleased to provide the North Dakota Industrial Commission (NDIC), Oil & Gas Division with this bid for the reclamation of the Madison Treating Plant #1 (Site) which is located in McKenzie County, North Dakota.

SCOPE OF WORK

Task 1 – Aerial Imagery

Golder will conduct drone aerial flyovers in accordance with the requirements listed in the reclamation bid package issued by the NDIC and modified due to time of year constraints. Aerial images will be provided at the beginning and end stages of the reclamation contract to document pre- and post-reclamation conditions for the Site. Aerial images will be processed to the maximum extent feasible given weather conditions and time of year. Pre- and post-reclamation maps will be provided in the final deliverable to the NDIC, as well as raw data from the aerial flyovers for future use by the NDIC.

Task 2 – Reclamation Planning

For this task, Golder will prepare a reclamation plan for the Site. The reclamation plan will be simplistic in nature and will identify specific reclamation tasks to restore the Site to pre-development conditions. Landowner requests will generally be incorporated into the reclamation plan. Upon landowner approval of the reclamation plan, Golder will prepare a Sundry Notice Form 4 and submit the Sundry Notice and the reclamation plan to the NDIC for final approval. If feasible given the accelerated schedule of the project, aerial imagery and data from the initial pre-reclamation flyovers will be analyzed and incorporated into the reclamation plans.

Task 3 – Reclamation

Golder will subcontract Martin Construction, Inc. (Martin) to perform Site reclamation activities under Golder's direction and in accordance with the approved reclamation plan. Golder will oversee Martin to ensure successful implementation of reclamation activities. Sufficient field screening and soil sampling will be performed by Golder to adequately characterize the Site and to inform reclamation planning. Martin's scope, rates, and assumptions are included with this bid for reference. If unexpected contamination is encountered, Golder will coordinate with NDIC to develop a plan for addressing such contamination.

Golder Associates Inc.
2000 Schafer Street, Suite H, Bismarck, North Dakota 58501, USA

T: +1 701 258 5905 F: +1 701 258 1049

Task 4 – Reporting

Golder will compile relevant information throughout the reclamation process and will incorporate that into a final report deliverable to the NDIC. Maps, field reports, sampling data, and waste quantities will be tracked and included in the final report deliverable.

COST ESTIMATE

See attached bid form and detailed breakdown contained herein.

CLOSING

We appreciate being considered in pursuit of the reclamation of the Madison Treating Plant #1. We have the expertise and background to successfully execute this project and are excited to be part of your team.

Sincerely,

Golder Associates Inc.



Joseph Grosz
Senior Project Scientist



Jeremy Yeglin, P.E.
Associate & Senior Consultant

Attachments: Attachment A Cost Estimate
Attachment B Martin's Scope, Rates, and Assumptions
Attachment C Contractor License

ATTACHMENT A

Cost Estimate

NDIC		Madison Treating Plant #1 Environmental Consulting Services						
Proposal No.:	CX20413094	Total \$	\$28,912	\$5,314	\$2,036	\$20,082	\$1,480	
Date:	10/30/2020	Expenses \$	\$23,392	\$4,914	\$656	\$17,822	\$0	
Prepared for:	Madison Treating Plant #1	Labor \$	\$5,520	\$400	\$1,380	\$2,260	\$1,480	
Prepared by:	Joseph Grosz	Hours	58	4	15	25	14	
TOTAL APPROXIMATE COST			\$28,912					
BILLING LEVEL	PERSONNEL	RATE	HOURS	COST	Aerial Imagery	Reclamation Planning	Reclamation	Reporting
C6-C7	Sr. Office Staff (C6-C7)	\$180	4.0	\$720	2.0 2.0 2.0	1.0	1.0	2.0
C3-C5	Md. Office Staff (C3-C5)	\$120	12.0	\$1,440		2.0	4.0	4.0
C1-C2	Jr. Office Staff (C1-C2)	\$80	42.0	\$3,360		12.0	20.0	8.0
T1+	Field Staff	\$65	0.0	\$0				
DIRECT EXPENSES								
SUBCONTRACTOR/EXPENSE MARKUP FEE		5%		\$1,077	\$234	\$31	\$812	\$0
OFFICE/COMMUNICATION SERVICE FEE		0%		\$0	\$0	\$0	\$0	\$0
VEHICLE AND FUEL		\$	150 /day	\$300		\$150	\$150	
PER DIEM (LODGING AND MEALS)		\$	175 /day	\$350		\$175	\$175	
FIELD EQUIPMENT (PID, EC, GPS, Tablet)		\$	150 /day	\$450		\$150	\$300	
LABORATORY TESTING (2 samples)		\$	150 /sample	\$300		\$150	\$150	
RECLAMATION SUBCONTRACTOR				\$16,235			\$16,235	
DRONE SUBCONTRACTOR				\$4,680	\$4,680			

ATTACHMENT B

**Martin's Scope, Rate, and
Assumptions**



3685 116th Ave SW • Dickinson, ND 58601

Ph: (701) 483-3478 • Fax: (701) 483-3479

October 30, 2020

Joseph Grosz
Golder Associates Inc.
2000 Schafer Street, Suite H
Bismarck, ND 58601

Re: NDIC Reclaim for Madison Treating Plant #1

Dear Joe,

We are please to provide Golder Associates Inc. with a proposal for the Madison Treating Plant #1 reclaim for the NDIC.

• Mobilization.....	\$5,000.00
• Reclaim for 5,000 yards of dirt to recontour site.....	\$7,000.00
• <u>Building removal.....</u>	<u>\$4,235.00</u>
• Total.....	\$16,235.00

Contingencies:

If tanks need to be cleaned or emptied price will be T&M

Any frost or rocks or concrete will be T&M.

Any costs associated with electrical services and piping being disconnected to be billed at T&M rates.

Transport and disposal of contaminated soils \$35.00 a ton E&P and NON TENORM.

Excavation of contaminated soils \$2.25 a ton.

Clay Delivery and placement if needed \$28.80 a yard.

Topsoil delivery and placement if needed \$40.00 a yard.

Transport and disposal of any TENORM to Oaks disposal if in their allowance \$155.00 a yard for surface contaminated equipment.

All equipment on site will become property of Martin Construction Inc. after being cleaned.

Please feel free to contact me with any questions.

Sincerely,

Bradley Mayer

701-290-6711

bmayer@martinnd.com

Martin Construction, Inc.



WE ARE AN EQUAL OPPORTUNITY EMPLOYER

ATTACHMENT C

Contractor License

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 45555

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **GOLDER ASSOCIATES INC.** whose address is in ATLANTA, GA, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

GOLDER ASSOCIATES INC. is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: March 5, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for 461,275⁰⁰ & Proposal dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 28th day of October 2020.

M.R.R. Enterprises, LLC
Michael Reimers
Name of Bidder


Signature

P.O. Box 10772, Williston, ND 58803
Business Address

712.330.5341
Business Telephone Number

Michael@mrr-enterprises.com
Email Address

Madison Treatment Plant #1

Attachment A – Supporting Information



Dear Mr. Cody VanderBusch

Please find the attached bid proposal regarding the “Madison Treatment Plant #1”. Attached is the bid tabulations, scope work in reference to the project, additions/limitations of the project and itemization schedule in reference to the location of the bid package.

Attachments to this bid are as follows:

- Attachment A – Supporting Information
- Attachment B – Bid Tabulation / Itemizations of Cost
- Attachment C – M.R.R. Enterprises, LLC Equipment Rate Sheet
- Attachment D – Aerial Imagery – Impacted payout / Reclaim Plan - Proposed

M.R.R. Enterprises, LLC would begin work immediately if awarded the project. Start date would be no later than November 15th. Work would initially begin on cleanup of frac tanks, upright tanks and separator tanks on the location, approximately one week. There is an estimated 8,500-10,000 BBL of liquid waste on location that will be needed for disposal. Building and foundation demolition will commence after tanks are cleaned and able to be removed and hauled off site. Excavation of contaminated surface materials will be done in accordance of NDIC specifications along with the guidance of a Third Party Consultant. Planned reclamation of the southern portion of the location will begin no later than December 1st and project completion around the 20th of December.

Base Bid and Scope work:

In addition to the Reclamation Requirements as described in the bid package this base bid includes:

- 1) Mobilization to and from location(s) for all equipment and material and permits
- 2) Aerial Imaging as described in the bid package
- 3) Project is assumed to be completed during winter conditions. All cost associated with winter conditions are incidental to project. No additional cost of project relating to winter conditions will be billed/charged to owner, NDIC.
- 4) Initial TENORM site assessment and reporting
 - Any impacted or contaminated materials/soils that may be present and needed for disposal is described in the COST ADDERS section of this attachment
- 5) Assessment of contaminated materials/soils relating to EC Measurements as described by the bid package

Madison Treatment Plant #1

Attachment A – Supporting Information



- Any impacted or contaminated materials/soils that may be present and needed for disposal is described in the COST ADDERS section of this attachment
- 6) Labor and equipment for cleaning all equipment and associated location of piping
- Base bid price excludes costs of fluids and solids disposals for which quantities are of unknown. Quantities are estimated to be approximately 7,500 to 10,000 BBL. Disposal of such fluids/solids are described in the COST ADDERS section.
- 7) Existing fence removal as required if needed
- 8) Mechanical and/or Electrical demolition and removal – This includes removal and disposal of above ground piping, electrical utilities, cutting and capping sub-surface utilities as required 4-feet below finish grade of reclaim elevation, and any other surface equipment/materials that may be encountered on location.
- The base bid does not include costing as related to TENORM. If circumstances dictate that the materials salvaged cannot be salvaged due to TENORM levels, the TENORM disposal is addressed in the COST ADDERS section and shall be applied to said material(s).
- 9) Reclamation of pad as described by the bid package and to the satisfaction of the current landowner and NDIC is incidental to “Bid item #4”.
- 10) Pad Surfacing/aggregate within reclamation limits that are deemed not contaminated shall be distributed throughout the location and existing lease road.
- 11) There is no topsoil located on location with the exception of the pad slopes. All topsoil will need to be hauled into the location. Estimated quantities to finish project are itemized within “Item 4”. Actual quantities may vary and billed accordingly.
- Impacted area that will require topsoil is described in “Attachment D”, approximately 2.4 acres.
 - Topsoil will be quantified by Cubic Yard (CY). Topsoil piles will be GPS surveyed before and after for final quantities and provided to the NDIC for reference.
 - Itemized topsoil within bid package is for 6-inch cover for the estimated disturbance
- 12) Demolition and removal of steel building, concrete foundation is incidental to “Bid Item #2”. Concrete foundation will be pulverized removed from location. Concrete foundation and steel structure are assumed to not be contaminated or needed for disposal at a special use landfill. Existing building and waste construction materials will be hauled off location to salvage. Transportation of such is incidental to “Bid Item #2”

Madison Treatment Plant #1

Attachment A – Supporting Information



- 13) Environmental Consultant: 3rd Party Environmental Consultant will be on site during excavations and demolitions to provide reporting on material that is beyond unsuitable limits, for materials that may or may not need to be taken for disposal.
- 14) Well abandonment is not included into this bid, existing injection well and truck unload facilities are assumed to stay on location and not be removed. Existing tank battery, office building, injection pump building is also assumed to be left on location. Area of interest that work will be done is within the approximate limits as defined by the NDIC Big Package outlined by the red perimeter line on the aerial imagery photograph provided by the NDIC and as "Attachment D".

COST ADDERS

The scope of work on the Madison Treatment Plant #1 includes work relating to the removal of existing structures, buildings, tanks, foundations, non-contaminated materials and earthwork to reclaim the southern portion of the location as described by the NDIC in the initial bid package. Existing tank battery, office building, injection well and other facilities outside of the designated outlined area of the bid package are not included and assumed to remain in place on location. The base bid costs do not include disposal fees for any type of contaminated materials within the project scope. If such work is deemed necessary/required by the owner that is outside of the scope of work such as TENORM, cleaning of frac tanks, contaminated soils/materials will proceed in accordance with "M.R.R. Enterprises, LLC Rate Sheet" as submitted and any acquired disposal fees and/or materials will be billed at cost plus 10%.

If any work is to be completed outside of the described scope of work, work will be billed on a T&M Basis (time and materials) in accordance with "M.R.R. Enterprises, LLC Rate Sheet" and base cost plus 10% for subcontractors and disposal fee(s). **Prior written approval from the owner, or owner representative, will be required before any work outside of the pre-described scope of work is to begin.**

1) Fluids/Solids Disposal

- Produced water, tank bottoms, sludge, solids, and any other liquids that require disposal during the site reclamation will be hauled off by M.R.R. Enterprises, LLC and properly disposed. The transportation, cleanup and removal from facilities, such as tanks will be billed in accordance with "M.R.R. Enterprises, LLC Rate Sheet" and disposal fees will be billed at cost plus 10%. **There is an estimated 8,500-10,000 BBL of estimated of fluids that are needed to be disposed of on location. Frac tanks, 10 total, separator tanks and upright tanks are all full of such materials.** Actual quantities may be less or greater, quantities billed will be based on actual quantity from facility tickets.



2) TENORM

- If TENORM – impacted waste/material(s)/equipment is encountered, 3rd Party Environmental Consultants fees of 10-days are included in the base bid. Any work that is associated with TENORM will be billed in accordance with “M.R.R. Enterprises, LLC Rate Sheet”. Excavation, transportation, etc. with TENORM will be billed at rate and disposal will be at cost plus 10%. Radioactivity levels encountered will dictate the method and location of disposal.

3) Contaminated Soils

- If contaminated soils are encountered within the location, chloride levels will be assessed with a 3rd Party Environmental Consultant and/or with a local NDIC representative to determine efforts for remediation, Environmental Consultants fees of 10-days are included in the base bid. In agreement with NDIC, contractor and environmental consultant soils will be removed and disposed of properly. If required and deemed necessary excess fill material may be hauled into location, with approval. Excavation of contaminated soils, transportation will be billed in accordance with “M.R.R. Enterprises, LLC Rate Sheet” and disposal fees will be billed at cost plus 10%.

4) Inadequate topsoil/fill

- If it is decided that there is not enough topsoil, in accordance with the landowner/NDIC/State of North Dakota to fulfill requirements excess material may be needed to be hauled in. All rates, unless otherwise specified, will be in accordance with “M.R.R. Enterprises, LLC Rate Sheet”. Itemized topsoil withing bid package is for 6-inch cover for the estimated 2.4 acres of disturbance.

5) Erosion Control

- If erosion control is deemed necessary by the owner, labor and machine rates required for installation will be billed in accordance with “M.R.R. Enterprises, LLC Rate Sheet” and material(s) at cost plus 10%.

6) Hazardous Construction Material(s)

- If the removal of asbestos insulation/pipe, lead paint or other hazardous construction materials is necessary, these items will be billed at cost plus 10%



7) Midstream/Private Utilities

- Any removal by M.R.R. Enterprises, LLC of utilities, Midstream assets, if required, will be billed in accordance with “M.R.R. Enterprises, LLC Rate Sheet” and/or cost plus 10%.
- It is assumed that all midstream utilities have been abandoned or removed from service to the well location. Confirmation of abandonment or disconnection cannot be confirmed until work is awarded and meetings with private utilities/facilities owners.

8) Exploratory Excavation

- Any exploratory excavations are not included within the scope of the project aside from plugging/capping or removal of existing exposed utilities. If exploratory excavations are required in any portion of the project cost will be billed in accordance with “M.R.R. Enterprises, LLC Rate Sheet”.

9) Cuttings Pits, Drilling Pits or Waste Pit – Drilling Operations

- This bid is to assume that the location does not have a cutting pit or any pit of such matter that may have contaminated and/or impacted waste materials from previous operators. If such matters/issues arise the NDIC will be notified and corrective actions may be taken if desired by the owner. If such issues arise, pricing can be quoted or billed in accordance with “M.R.R. Enterprises, LLC Rate Sheet” and disposal fees at cost plus 10%.

10) Scheduling Conflicts

- M.R.R. Enterprises, LLC and subcontractors shall not and will not be held accountable for deadlines set forth in the contract if delays are caused due to circumstances outside of “our” control. Such circumstances shall include but not limited independent contractors not hired by M.R.R. Enterprises, LLC. Disputes with landowners and owners of wells/locations, excessive weather which impedes reclamation operations. Midstream Operators and/or utility owners not removing their respective interests in a timely manner which would impede the reclamation process. Disputes between State and Local authorities/agencies regarding the project(s).

M.R.R. Enterprises, LLC

P.O. 10772
Williston, ND 58803

**Bid Attachment B****TO:**

NDIC Oil and Gas Division
Attn: Mr. Cody VanderBusch

Project/Well Name:

Madison Treatment Plant #1
Cleanup and Reclamation

Item	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL
1	Mobilization	LS	1	\$22,500	\$ 22,500.00
2	Demolition				
	Building Demo - Remove and Dispose	LS	1	\$27,500	\$27,500.00
	Foundation Removal and Dispose	LS	1	\$37,500	\$37,500.00
3	Enviromental Remediation / Cleanup				
	Enviromental Consultant	DAY	10	\$1,600	\$16,000.00
	EM Survey	LS	1	\$2,500	\$2,500.00
	Enviromental Cleanup Support Crew and Equipment, Supervisors	LS	1	\$34,400	\$34,400.00
	<i>- Tenorm, Contaminated soils and/or materials, transportation and removal not included in base bid, See "Attachment A"</i>				
4	Pad Reclamation				
	D8 Dozer w/ operator - Frost Ripping	HR	160	\$275	\$44,000.00
	D6N Dozer w/ operator	HR	150	\$225	\$33,750.00
	627 Scraper(s) / operator	HR	320	\$300	\$96,000.00
	160M Blade w/ operator	HR	120	\$170	\$20,400.00
	289D Skidloader w/ operator	HR	160	\$135	\$21,600.00
	Light Plant / Generator	Day	30	\$300	\$9,000.00
	Labor	HR	350	\$70	\$24,500.00
	Seeding - Native Grass Seed	LS	1	\$2,500	\$2,500.00
	Topsoil - Purchase	CY	1600	\$20.00	\$32,000.00
	Topsoil - Trucking	HR	225	\$145	\$32,625.00
	<i>- Approximately 2.4 Acres Disturbed/Reclaimed at 6-inch depth, No topsoil pile on site</i>				
5	Aerial Survey - Per NDIC Requirements	LS	1	\$4,500	\$4,500.00

LABOR AND EQUIPMENT TOTAL: \$ 461,275.00

M.R.R. Enterprises, LLC

P.O. 10772
Williston, ND 58803



Rate Sheet

Equipment Description	Rate
Scraper, 627 or Equivalent (24yd)	\$300 hourly
Scraper, 615 or Equivalent (17yd)	\$225 hourly
D8N Dozer or Equivalent	\$275 hourly
D6N Dozer or Equivalent	\$225 hourly
Motor Grader / Blade	\$170 hourly
Front end loader	\$165 hourly
Excavator, Small/Mini (<15,000 lbs)	\$135 hourly
Excavator, Medium (>15,000 lbs <50,000 lbs)	\$185 hourly
Excavator, Large (>50,000 lbs)	\$225 hourly
Backhoe	\$155 hourly
Roller, Smooth/Padfoot	\$155 hourly
Skidloader	\$135 hourly
Power attachments: Harley Rake, Mower, etc. Additional \$15/hr	
Machine GPS Control, addition to hourly rate	\$20 hourly
Trucking - All Materials (Belly, Side dump, Tanker)	\$145 hourly
Trucking - Lowboy	\$175 hourly
Laborer / Roustabout	\$70 hourly
Project Manager / Supervisor	\$120 hourly
Disposal Fees - Environmental, Waste, TENORM, Production Water, Piping, ETC.	Cost + 10%
Environmental Consultant, Labs Services not included, (Day Rate)	\$1,600 daily
Welders	Cost + 10%
Hot Oil Truck	Cost + 10%
Topsoil - Purchase	\$20 cyd
Clay Borrow - Purchase	\$15 cyd
Crane Services	Cost + 10%
HydroVac Truck	\$275 hourly
SuperVac	\$295 hourly
Manlift	\$330 daily
General Trailers, Pickups	\$75 daily
Roustabout Truck	\$46 hourly
Light Plant	\$300 daily



Ruler

Line

Path

Polygon

Circle

3D path

3D polygon

Measure the distance or area of a geometric shape on the ground

Perimeter:

0.26

Miles

Area:

2.43

Acres

☒ Mouse Navigation

Save

Clear

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of M.R.R. ENTERPRISES, LLC

SOS Control ID#: 0000152162

Certificate #: 019012016

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

M.R.R. ENTERPRISES, LLC

a Limited Liability Company - Business - Domestic was formed under the laws of NORTH DAKOTA and filed with this office effective February 23, 2016. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: September 22, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 000043697

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **M.R.R. ENTERPRISES, LLC** whose address is in WILLISTON, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

M.R.R. ENTERPRISES, LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: August 21, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



North Dakota Workforce
Safety & Insurance

Bryan Klipfel
Director

Michael Reimers
MRR Enterprises LLC
718 42nd St E, Apt 106
PO Box 10772
Williston ND 58801

October 29, 2020

Account Information	Employer account number:	1349406
	Issue date:	10/28/2020
	Expiration date:	02/14/2021

Certificate of Payment

Reason For Notice	Workforce Safety & Insurance (WSI) certifies MRR Enterprises LLC has North Dakota workers' compensation coverage for 06/01/2020 to 05/31/2021. Employees of MRR Enterprises LLC are entitled to apply for WSI benefits.
--------------------------	---

Required Action	Employers must post this Certificate of Payment in a conspicuous manner at the workplace. A penalty of \$250 may apply for failure to comply with this requirement. See North Dakota Century Code § 65-04-04.
------------------------	---

Additional Information	Coverage under this certificate extends to employers for their North Dakota exposure. Limited coverage may be extended for temporary and/or incidental exposure outside of North Dakota.
-------------------------------	--

WSI may revoke the Certificate of Payment for failure to make required premium payments.

For More Information	Contact customer service at 800-777-5033 or 701-328-3800 with questions.
-----------------------------	--

Class	Classification Description
6042	Street & Hwy Const-Maintenance

Sincerely,

Barry Schumacher
Chief of Employer Services

PL5



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
RYAN RAUSCHENBERGER, COMMISSIONER

September 24, 2020

Ref: L0085864192

Acct: 5509668-CCT-003

M.R.R. ENTERPRISES LLC
PO BOX 10772
WILLISTON ND 58803-0023

(083) 

North Dakota Contractor's Tax Clearance — Expires December 31, 2020.

As of the date of this letter, the North Dakota Office of State Tax Commissioner's records show that the above-named taxpayer does not owe any North Dakota income, sales, use, or gross receipts taxes. This tax clearance does not release the taxpayer from paying any additional income, sales, use, or gross receipts tax that may become due as the result of an audit.

A copy of this Contractor's Tax Clearance may be required to be filed with the North Dakota Secretary of State for contractor licensing purposes. If you enter into a contract with a state or local governmental agency or board, a copy of this Tax Clearance must be provided to that entity.

This is the only copy of the North Dakota Tax Clearance that will be issued and should be retained in your files. It is recommended that you make multiple copies of this document.

Shannon Fleischer
Associate Director, Tax Administration

Please Note: If You Are No Longer Doing Business In North Dakota, indicate in the space below the date you ceased operations in this state, sign and date, ***make a copy for your records***, and return this document to our office.

Date Operations Ceased
In North Dakota

Signature

Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/24/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER FEDERATED MUTUAL INSURANCE COMPANY HOME OFFICE: P.O. BOX 328 OWATONNA, MN 55060		CONTACT NAME: CLIENT CONTACT CENTER PHONE (A/C, No, Ext): 888-333-4949 FAX (A/C, No): 507-446-4664 E-MAIL ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM	
INSURED M.R.R. ENTERPRISES, LLC PO BOX 10772 WILLISTON, ND 58803-0023		INSURER(S) AFFORDING COVERAGE INSURER A: FEDERATED MUTUAL INSURANCE COMPANY NAIC # 13935 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 16


REVISION NUMBER: 0

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y	Y	6104026	08/27/2020	08/27/2021	EACH OCCURRENCE \$1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000						
	MED EXP (Any one person) EXCLUDED						
	PERSONAL & ADV INJURY \$1,000,000						
	GENERAL AGGREGATE \$2,000,000						
GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:						PRODUCTS - COM/OP AGG \$2,000,000	
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	N	N	6104026	08/27/2020	08/27/2021	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000
	BODILY INJURY (Per person)						
	BODILY INJURY (Per accident)						
	PROPERTY DAMAGE (Per accident)						
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION	N	N	6104027	08/27/2020	08/27/2021	EACH OCCURRENCE \$5,000,000
	AGGREGATE \$5,000,000						
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N / A	N	6104026	08/27/2020	08/27/2021	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	E.L. EACH ACCIDENT \$1,000,000						
	E.L. DISEASE - EA EMPLOYEE \$1,000,000						
	E.L. DISEASE - POLICY LIMIT \$1,000,000						
A	POLLUTION LIABILITY	N	N	6104030	08/27/2020	08/27/2021	EA POLL INCIDENT \$1,000,000
	AGGREGATE \$2,000,000						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
SEE ATTACHED PAGE

CERTIFICATE HOLDER**CANCELLATION**

180-790-8 NDIC OIL & GAS DIVISION 1016 E CALGARY AVE BISMARCK, ND 58503-5512	16 0 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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AGENCY CUSTOMER ID: 180-790-8

LOC #:

ADDITIONAL REMARKS SCHEDULEPage 1 of 1

AGENCY FEDERATED MUTUAL INSURANCE COMPANY		NAMED INSURED M.R.R. ENTERPRISES, LLC PO BOX 10772 WILLISTON, ND 58803-0023	
POLICY NUMBER SEE CERTIFICATE # 16.0		EFFECTIVE DATE: SEE CERTIFICATE # 16.0	
CARRIER SEE CERTIFICATE # 16.0	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

STOP-GAP (EMPLOYER'S LIABILITY) COVERED STATE(S) ND

THE CERTIFICATE HOLDER IS AN ADDITIONAL INSURED SUBJECT TO THE CONDITIONS OF THE ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - AUTOMATIC STATUS WHEN REQUIRED IN CONSTRUCTION AGREEMENT WITH YOU ENDORSEMENT FOR GENERAL LIABILITY.

INSURANCE PROVIDED BY THE GENERAL LIABILITY COVERAGE IS PRIMARY AND NONCONTRIBUTORY OVER OTHER INSURANCE.

GENERAL LIABILITY CONTAINS A WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US (WAIVER OF SUBROGATION) - AUTOMATIC ENDORSEMENT

FOR REASONS OTHER THAN NON-PAYMENT OF PREMIUM, 30 DAYS NOTICE WILL BE PROVIDED TO THE CERTIFICATE HOLDER IN THE EVENT THAT THE ISSUING COMPANY CANCELS THE POLICY BEFORE THE EXPIRATION DATE OF THE POLICY.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**PRIMARY AND NONCONTRIBUTORY -
OTHER INSURANCE CONDITION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the **Other Insurance** Condition and supersedes any provision to the contrary:

Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (1) The additional insured is a Named Insured under such other insurance; and

- (2) You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - OWNERS, LESSEES OR
CONTRACTORS - AUTOMATIC STATUS WHEN
REQUIRED IN A WRITTEN CONSTRUCTION
AGREEMENT WITH YOU**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. Section II - Who Is An Insured is amended to include as an additional insured any person or organization for whom you are performing operations when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy. Such person or organization is an additional insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured.

However, the insurance afforded to such additional insured:

1. Only applies to the extent permitted by law; and
2. Will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

1. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - a. The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - b. Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or the failure to render any professional architectural, engineering or surveying services.

2. "Bodily injury" or "property damage" occurring after:

- a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
- b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

The most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement you have entered into with the additional insured; or
2. Available under the applicable limits of insurance;

whichever is less.

This endorsement shall not increase the applicable limits of insurance.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**WAIVER OF TRANSFER OF RIGHTS OF RECOVERY
AGAINST OTHERS TO US (WAIVER OF SUBROGATION) -
AUTOMATIC**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
ELECTRONIC DATA LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART DESIGNATED SITES
POLLUTION LIABILITY LIMITED COVERAGE PART DESIGNATED SITES
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART
RAILROAD PROTECTIVE LIABILITY COVERAGE PART
UNDERGROUND STORAGE TANK POLICY DESIGNATED TANKS

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV - **Conditions:**

We waive any right of recovery against any person or organization, because of any payment we make under this Coverage Part, to whom the insured has waived its right of recovery in a written contract or agreement. Such waiver by us applies only to the extent that the insured has waived its right of recovery against such person or organization prior to loss.

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for
\$200,194.00 dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 28 day of October 2020.

Shanco LLC
Name of Bidder
Steve Pierce
Signature
PO Box 3159 Minot, ND 58702
Business Address
406.630.2255
Business Telephone Number
spierce@shancollc.com
Email Address

NDIC Unit Pricing

10-28-2020

Trucking:

1. Tanker truck 120 bbl = \$3.10 per bbl
2. Hydrovac = \$14.25 per bbl. two-man crew
3. Hot Oil truck = \$5.25 per bbl
4. Additional technicians (2) and PPE required for confined space entry \$1,800 per day
5. Topsoil per load = \$1,208
6. Fill Dirt per load = \$1,000
7. TENORM Disposal per load (plus disposal cost) = \$1,300
8. Contaminated Material per load (plus disposal cost) = \$1,200
9. Concrete per load (plus disposal cost) = \$1,200

Disposal:

1. 1 – 5 % Solids = \$5.75/bbl
2. 16 – 50 % Solids = \$40.00/bbl
3. > 50 % Solids = \$50.00/bbl
4. TENORM 16 – 100 μ R/hr = \$68.00/bbl

Additional Charges:

1. Additional Hydro-Vac per day \$4,212
2. Contamination Site Inspection per day \$1,610

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 48105

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **SHANCO, LLC** whose address is in MINOT, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

SHANCO, LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 24, 2020

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

The North Dakota Secretary of State verifies that:

SHANCO, LLC

is the holder of a North Dakota Class A Contractor License
which is in force until March 1, 2021 unless sooner
suspended or revoked as provided by NDCC 43-07.

License # 48105

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for \$216,210.00 dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 27 day of October 2020.

Hunting Bear LLC

Name of Bidder

Mark Lyman

Signature

216 S Broadway, Suite #201 Minot, ND 58701

Business Address

701-630-1443

Business Telephone Number

huntingbearllc@gmail.com

Email Address



NDIC Unit Pricing

10/29/2020

- Tanker truck 120 bbl = \$4.40 per bbl
- Hydrovac = \$16.25 per bbl. two-man crew
- Hot Oil truck = \$7.25 per bbl
- Additional technicians (2) and PPE required for confined space entry \$1,600 per day
- 1 – 5 % Solids = \$7.75/bbl
- 16 – 50 % Solids = \$45.00/bbl
- > 50 % Solids = \$55.00/bbl
- TENORM 16 – 100 μ R/hr = \$71.00/bbl
- Additional Hydrovac per day \$4,800
- Contamination site inspection \$1,900 per day
- Contaminated Material per load \$1,500 plus disposal cost
- TENORM Disposal per load \$1,650 plus disposal cost
- Fill Dirt per load \$1,425
- Topsoil per load \$1,475
- Concrete per load \$1,425 plus disposal cost

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 58549

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **HUNTING BEAR LLC** whose address is in MINOT, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

HUNTING BEAR LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: March 26, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

The North Dakota Secretary of State verifies that:

HUNTING BEAR LLC

is the holder of a North Dakota Class A Contractor License
which is in force until March 1, 2021 unless sooner
suspended or revoked as provided by NDCC 43-07.

License # 58549

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for \$59,250.00 dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 29th day of October 2020.

Stealth Energy Group
Name of Bidder

[Signature]
Signature

218 37th Ave SE Williston ND 58801
Business Address

701 580 4314
Business Telephone Number

tod@stealthnd.com
Email Address

INVITATION TO BID

The State of North Dakota, acting through the North Dakota Industrial Commission, Oil & Gas Division, invites the submission of bids for reclamation of the wells listed at the following website link <https://www.dmr.nd.gov/oilgas/C28495.pdf>

The bid must be on the form provided by the Industrial Commission, which must be fully completed in accordance with the accompanying "INSTRUCTIONS TO BIDDERS," and must be received in the Bismarck office of the Industrial Commission, Oil & Gas Division, no later than **3:00pm CDT October 30, 2020.**

For additional bid information please see the North Dakota Industrial Commission, Oil and Gas Division home page at <https://www.dmr.nd.gov/oilgas/>.

The Commission may reject any and all bids submitted.

INSTRUCTIONS TO BIDDERS

1. Form of Bids. Bids must be submitted on the attached bid form. **Attach a price sheet for any unknown extras such as TENORM disposal, contamination removal, replacement fill material, topsoil purchase, etc.**
2. Submission of Bids. Bids must be enclosed in a sealed envelope, and the outside of the envelope must have the following on it:

Bid of: (Name of Contractor & Business Address)

N.D. Contractor's License No: (No. and Class of License)

Date License was Issued or Renewed: 2/20/2020

ATTN: Mr. Cody VanderBusch

SEALED BID DO NOT OPEN

NDIC Oil & Gas Division

1016 E. Calgary Ave

Bismarck, N.D. 58503-5512

3. Examination of Site. Prospective bidders may make a visual inspection of the well and well site to ascertain the nature and location of the work and the conditions which can affect the work and its cost. The Commission is not bound by any oral statement concerning the condition of the well or well site made by its staff or agents prior to the execution of the Reclamation contract.
4. Bidder Qualifications. No contract will be awarded unless: (a.) the bidder holds a current contractor's license in the class within which the value of the project falls issued at least ten days prior to the date set for receiving bids, and the bid envelope contains a copy of the license or a certificate of its renewal issued by the secretary of state (N.D.C.C. §43-07-12); and (b.) the bidder files along with its bid or after being notified that it is the successful bidder, a certificate from the ND State Tax Commissioner that bidder has paid all delinquent income, sales, and use taxes, if any (N.D.C.C. § 43-07-11.1).

5. Bid Deadline. All bids are due in the office of the Industrial Commission, Oil and Gas Division, by **3:00pm CDT October 30, 2020**. The office is at **1016 E. Calgary Ave., Bismarck, ND**. Bids received after this deadline will not be considered.
6. Review of Bids. The public opening of the bids will be held at **3:00pm CDT October 30, 2020** at the **Industrial Commission, Oil and Gas Division, 1016 E. Calgary Ave., Bismarck, ND**.
7. Withdrawal of Bids. Bids may be withdrawn by bidder's written request received prior to the time set in paragraph 5.
8. Rejection of Bids. The Commission may reject any and all bids and may waive any technical or formal defect in a bid.
9. Notification of Award. The successful bidder, if any, will be notified of the award of the work within thirty days after the bid opening.
10. Contract. The bidder whose bid is accepted must enter into a written contract with the Commission within ten days after the award is made. The contract contains, among other things, provisions requiring the contractor to acquire insurance.
11. Cancellation of Award. The Commission may cancel the award of any contract at any time before execution of the contract by all parties without any liability to the Commission.
12. Title to Material and Objects on Site. The Commission has title to all equipment on the wellsite.
13. Changes in Specifications. The Commission may, during the bidding period, advise bidders by letter of alterations to the Reclamation Specifications. All such changes are included in the work covered by the bid and are a part of the specifications.

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 57401

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **STEALTH ENERGY GROUP, LLC** whose address is in WILLISTON, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

STEALTH ENERGY GROUP, LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 20, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of STEALTH ENERGY GROUP, LLC

SOS Control ID#: 0002182206

Certificate #: 018351326 - 1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

STEALTH ENERGY GROUP, LLC

a Contractor - Limited Liability Company was formed under the laws of North Dakota and filed with this office effective April 29, 2016. This contractor has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: April 27, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
RYAN RAUSCHENBERGER, COMMISSIONER

June 17, 2020

Ref: L1386182400

Acct: 5529229-CCT-005

STEALTH ENERGY SERVICES LLC
218 37TH AVE SE
WILLISTON ND 58801-5353

(083) 

North Dakota Contractor's Tax Clearance – Expires December 31, 2020.

As of the date of this letter, the North Dakota Office of State Tax Commissioner's records show that the above-named taxpayer does not owe any North Dakota income, sales, use, or gross receipts taxes. This tax clearance does not release the taxpayer from paying any additional income, sales, use, or gross receipts tax that may become due as the result of an audit.

A copy of this Contractor's Tax Clearance may be required to be filed with the North Dakota Secretary of State for contractor licensing purposes. If you enter into a contract with a state or local governmental agency or board, a copy of this Tax Clearance must be provided to that entity.

This is the only copy of the North Dakota Tax Clearance that will be issued and should be retained in your files. It is recommended that you make multiple copies of this document.

Shannon Fleischer
Associate Director, Tax Administration

Please Note: If You Are No Longer Doing Business In North Dakota, indicate in the space below the date you ceased operations in this state, sign and date, ***make a copy for your records***, and return this document to our office.

Date Operations Ceased
In North Dakota

Signature

Date



Attachment A: Bid Package Supporting Information
Madison Treatment Unit 1

Exclusions:

Shall the following occur in the work plan, they will be billed per standard T&M rates.

- Import topsoil and subsoil fill is not included and will be billed per standard time and material (T&M) rates for import and placement.
- Excludes all costs associated with the excavation and disposal of contaminated solids.
- Excludes all costs associated with the recovery and disposal of any fluids.
- Excludes all costs associated with the hauling and disposal of production equipment that has TENORM readings above background levels.
- Excludes erosion control of any kind.
- Excludes removal and disposal of any other harmful materials. (i.e. asbestos, lead, chemicals, unlabeled drums, etc.)
- Excludes any H2S support services that may be deemed necessary during tank/line cleanout/handling.
- All third-party utility or pipeline abandonment and disconnects are to be billed on a T&M basis.
- Exploratory excavation and locating services of third-party utilities and pipelines are not included in bid price.
- EC Survey not included.

Clarifications:

- Price reflects removing concrete based on 4" thickness. If concrete is greater than 4" in thickness, additional waste will be billed on standard T&M basis.
- Recontouring, gravel removal, or seeding is not included in the bid price, but will be charged T&M.
- The area of concern only includes the red outlined area provided in the bid package attachment.
- Scope of work does not include landowner negotiations or implementation of landowner special requests not covered by the State of ND.
- Preliminary plan will be submitted to the NDIC. Any special requests or provisions that require a re-submittal are not included.
- All waste material is the property of the owner (NDIC), not Stealth Energy Group.
- Any delay caused by utility or midstream contractors does not result in a non-performance issue by Stealth Energy Group's or payment penalties.
- Any and all out of scope work is to be billed for per our standard (and subcontractor standard) T&M rates.
- All changes and out of scope work to be completed only after written notification.

BID

Bid for all services of reclamation for the following facility:

**Madison Treating Plant #1
SENW Section 2-T148-R102W
McKenzie County
Facility No. 7000103-01**

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, RECLAMATION REQUIREMENTS, RECLAMATION CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for 85,000⁰⁰ dollars (\$).

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Well Reclamation Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 27 day of OCTOBER 2020.

BRANDON TERRY
Name of Bidder

BAT
Signature

PO BOX 1166, WATERFORD CITY, ND 58854
Business Address

(479) 461-8510
Business Telephone Number

brandonterry@gmail.com
Email Address

Drakin Oilfield Construction, Inc.
Brannndon Terry
branndonterry@gmail.com
(479) 461-8510
PO Box 1166
Watford City, ND 58854



North Dakota Well Reclamation Project-Madison Treating Plant #1

Scope of Work Included in Bid:

1. Aerial imaging, per requirements, before and after reclamation
2. Initiate ND OneCall for site
3. Preliminary and post completion soil/equipment testing for contamination levels
4. Prepare a reclamation plan for the site
5. Contact surface owner and provide copy of reclamation plan and proof of receipt
6. Submit reclamation plan to NDIC for approval
7. Have utility services removed from site
8. Clean and remove all equipment, buildings, and materials and dispose of accordingly
9. Remove surfacing material (scoria/gravel) and dispose of accordingly
10. Contour the site and road back to the original, natural state as closely as possible
11. Spread any topsoil that is stockpiled onsite to achieve a depth of 6"
12. Seed area to seeding specifications using seed drill
13. Provide completed aerial images and documents to NDIC

Total Cost: \$85,000.00

Additional Costs Not Included:

Due to the unknown levels of soil contamination and TENORM levels of the sites, Drakin Oilfield Construction, Inc. did NOT include the following costs in this bid and these costs would be additional to the bid total, paid by the NDIC/State of North Dakota. The preliminary soil testing and TENORM survey will provide a better idea of how much work will be needed to safely and effectively reclaim these locations.

1. Any equipment with TENORM levels that do not allow salvage would be properly disposed of at these rates:
 - a. Trucking of equipment/materials \$2 per mile, round trip to closest approved site
 - b. Disposal fees plus 10%
2. Any liquids that need to be taken to a disposal will be hauled to the closest approved disposal that will accept the liquids at these rates:
 - a. Trucking of liquids-\$125 per hour
 - b. Disposal fee plus 10%

3. Any contaminated gravel/scoria/soil needing to be disposed of due to unacceptable EC or TPH levels will be excavated to a depth not to exceed 4' and then hauled to an approved disposal facility at these rates:
 - a. Trucking (side dump)-\$125 per hour
 - b. Excavation/loading of material-\$205 per hour
 - c. Disposal fees plus 10%
4. In the event that fill dirt or topsoil is needed due to removal of contaminated materials or lack of materials onsite to properly contour or achieve 6" topsoil depth, these materials will be hauled in from the most reasonable supplier at the following rates:
 - a. Trucking (side dump)-\$125 per hour
 - b. Topsoil-cost plus 10%
 - c. Fill Dirt-cost plus 10%
5. Soil testing beyond the two included (before and after work is completed) will be done at a rate of \$1,650.00 per day.
6. Any work that is necessary outside of the Reclamation Requirements listed in the Invitation to Bid, will be billed out according to Drakin Oilfield Construction, Inc.'s current rate sheet for 2020. This may include items such as, but not limited to:
 - a. Erosion control
 - b. Fence re-installation
 - c. Removal and disposal of liquids other than flow line flushing
 - d. Removal and disposal of any contaminated materials or equipment
 - e. Removal and disposal of asbestos materials

Drakin Oilfield Construction, Inc. is a locally owned and operated company that is based in McKenzie County. We employ North Dakotans and have a fleet of equipment and trucks ready to complete these reclamations from start to finish in a timely, safe, and professional manner. Thank you for the opportunity to bid on this project, we hope to be a part of keeping the North Dakota landscape Legendary.

Brannndon Terry



Drakin Oilfield Construction, Inc.

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 50630

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **DRAKIN OIL FIELD CONSTRUCTION, INC.** whose address is in WATFORD CITY, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

DRAKIN OIL FIELD CONSTRUCTION, INC. is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: April 20, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



North Dakota Workforce
Safety & Insurance

Bryan Klipfel
Director

Jarett Graham
Drakin Oilfield Construction Inc
PO Box 1166
Watford City ND 58854

September 16, 2020

Account Information	Employer account number:	1297059
	Issue date:	09/15/2020
	Expiration date:	08/14/2021

Certificate of Payment

Reason For Notice Workforce Safety & Insurance (WSI) certifies Drakin Oilfield Construction Inc has North Dakota workers' compensation coverage for 06/01/2020 to 05/31/2021. Employees of Drakin Oilfield Construction Inc are entitled to apply for WSI benefits.

Required Action Employers must post this Certificate of Payment in a conspicuous manner at the workplace. A penalty of \$250 may apply for failure to comply with this requirement. See North Dakota Century Code § 65-04-04.

Additional Information Coverage under this certificate extends to employers for their North Dakota exposure. Limited coverage may be extended for temporary and/or incidental exposure outside of North Dakota.

WSI may revoke the Certificate of Payment for failure to make required premium payments.

For More Information Contact customer service at 800-777-5033 or 701-328-3800 with questions.

Class	Classification Description
3630	Auto Repair-Body Shops-Mech
6206	Oil Well Servicing
6301	Sewer-Water-Gas-Oil-Pipeline Const
8747	Professional/Business Reps

Sincerely,

Barry Schumacher
Chief of Employer Services

PL5

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of DRAKIN OIL FIELD CONSTRUCTION, INC.

SOS Control ID#: 0000105972

Certificate #: 019022926 - 1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

DRAKIN OIL FIELD CONSTRUCTION, INC.

a Corporation - Business - Domestic was formed under the laws of NORTH DAKOTA and filed with this office effective March 25, 2011. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: September 24, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/24/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Leavitt Great West Insurance Services, LLC PO Box 2518 Billings MT 59103		CONTACT NAME: Lisa Greenwood PHONE (A/C, No, Ext): (877) 229-4553 FAX (A/C, No): (866) 751-8096 E-MAIL ADDRESS: lisa-greenwood@leavitt.com																						
INSURED Drakin Oilfield Construction, Inc. PO Box 1166 Watford City ND 58854		<table><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A:</td><td>National American Insurance Company</td><td>23663</td></tr><tr><td>INSURER B:</td><td>James River Insurance Company</td><td>12203</td></tr><tr><td>INSURER C:</td><td>Montana State Fund</td><td>15819</td></tr><tr><td>INSURER D:</td><td>Zurich American Insurance Company</td><td>16535</td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	National American Insurance Company	23663	INSURER B:	James River Insurance Company	12203	INSURER C:	Montana State Fund	15819	INSURER D:	Zurich American Insurance Company	16535	INSURER E:			INSURER F:		
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INSURER D:	Zurich American Insurance Company	16535																						
INSURER E:																								
INSURER F:																								

COVERAGES**CERTIFICATE NUMBER:** CL2072323992**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			OP65780333	5/5/2020	5/5/2021	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input checked="" type="checkbox"/> POLLUTION/UGRE						MED EXP (Any one person) \$ 5,000
	<input checked="" type="checkbox"/> ND STOP GAP						PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					PRODUCTS - COMP/OP AGG \$ 2,000,000	
	OTHER:						\$
A	AUTOMOBILE LIABILITY			OP65780333	5/5/2020	5/5/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
B	UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE		000831811	5/5/2020	5/5/2021	EACH OCCURRENCE \$ 10,000,000
	DED <input type="checkbox"/> RETENTION \$						AGGREGATE \$ 10,000,000
							\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			034356691	8/6/2020	8/6/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N <input type="checkbox"/> N/A					E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	CONTRACTORS EQUIPMENT			CPF791613901	5/5/2020	5/5/2021	200,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

State of North Dakota and its agencies,
officers and employees
600 East Boulevard
Bismarck, ND 58505

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Cathy South/CASOUT

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ACORD 25 (2014/01)

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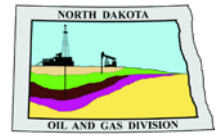
INS025 (201401)

October 19, 2020 – 3 PM
NDIC Oil and Gas Division Office
1016 E. Calgary, Bismarck ND 58503

Package number Alturas pipeline

Reclamation Bid Opening

Contractor	Bid Amount	SOS Contractor date
1. Neset Consulting	\$ 688,454.92	
2. CCI	\$ 317,500	
3. Badlands Contracting	\$ 467,887	
4. Wyodak Energy Services	\$ 206,419.55	
5. Shanco LLC	\$ 1,205,478	
6. Hunting Bear LLC	\$ 1,306,595.88	
7.		
8.		
9.		
10.		
11.		
12.		
13.		



October 22, 2020

Re: Alturas (Mondak) produced was gathering pipeline system bids

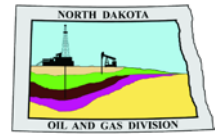
Dear Bidders:

Thank you for your bid proposals for the reclamation of the seven reclamation packages. All bids were opened and read publicly at 3:00 p.m. October 19, 2020. Neset Consulting Services was awarded the bid.

Sincerely,

Cody VanderBusch

Cody VanderBusch
Reclamation Specialist



October 22, 2020

Mr. Randy Neset
Neset Consulting Services
6844 Highway 40
Tioga, ND 58852

Re:
Alturas (Mondak) produced was gathering pipeline system.

Dear Mr. Neset:

Thank you for your bid proposal for the abandonment and reclamation work. All bids were opened and read publicly at 3:00 p.m. October 19, 2020. You have been awarded the bid of \$688,454.92.

As specified in the bid instructions, you are expected to enter into a written contract within ten days. Before the contract is signed, the following must be submitted to our office.

1. A Certificate of Premium Payment showing current workers compensation coverage.
2. A Statement of Income, Sales/Use Tax Clearance from the ND Tax Commissioner.
3. A Certificate of Insurance and copy of the endorsement meeting the insurance provisions of the PIPELINE ABANDONMENT CONTRACT.

Sincerely,

Cody VanderBusch

Cody VanderBusch
Reclamation Specialist

BID

Bid for all services pertaining to the abandonment of pipeline system noted in the attachment:

See attachment A

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, ABANDONMENT & RECLAMATION REQUIREMENTS, PIPELINE ABANDONMENT CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for \$688,454.92 with terms - see "Attachment B" dollars (\$)

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Pipeline Abandonment Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 15th day of October 2020.

Neset Consulting Service

Name of Bidder

Randy Neset

Signature

6844 Highway 40, Tioga ND 58852

Business Address

701-604-1492

Business Telephone Number

randyneset@nesetconsulting.com

Email Address

PIPELINE ABANDONMENT CONTRACT

The parties to this contract are the State of North Dakota, acting through the North Dakota Industrial Commission, Department of Mineral Resources, Oil and Gas Division, (COMMISSION) and Neset Consulting Services, 6844 Highway 40, Tioga, ND 58852 (CONTRACTOR);

I SCOPE OF SERVICES

CONTRACTOR, in exchange for the compensation paid by COMMISSION, shall provide all materials and labor necessary for and shall perform the work described in the Abandonment & Reclamation Specifications, attached hereto as Exhibit A and incorporated into this contract, for the following pipeline:

ALTURAS (MONDAK) PRODUCED WATER GATHERING PIPELINE SYSTEM

II TIME FOR COMPLETION

CONTRACTOR shall complete the work under this contract by December 30, 2020.

III COMPENSATION

COMMISSION will pay the CONTRACTOR for the services provided under this contract an amount not to exceed \$688,454.92, to be paid within 15 days after COMMISSION has accepted the work. All invoices must be approved by the CONTRACTOR and received by the COMMISSION by the last day of the month following the month when the Commission has accepted the work. If COMMISSION determines, in its sole discretion, that the pipeline cannot be abandoned and reclaimed according to the Abandonment & Reclamation Specifications attached hereto as Exhibit A, COMMISSION may modify the Abandonment & Reclamation Specifications to ensure the pipeline is properly reclaimed by CONTRACTOR. If such modifications result in increased material and labor costs, CONTRACTOR's compensation will be increased by an amount equal to the usual and customary charges as determined by COMMISSION, for the additional material and labor. In the case where such modifications result in decreased material and labor costs, CONTRACTOR's compensation will be decreased by an amount based on the usual and customary changes relative to the material and labor expenses, as determined by COMMISSION.

IV CONTRACT DOCUMENTS

The contract documents that accompany this contract are the Invitation to Bid, Instructions to Bidder, Bid Form, and Abandonment & Reclamation Specifications are incorporated as part of the contract. In the event of any inconsistency or conflict among the documents making up this contract, the terms of the contract shall control.

V
LIABILITY AND INDEMNITY

CONTRACTOR agrees to defend, indemnify, and hold harmless the state of North Dakota, its agencies, officers and employees (State), from claims resulting from the performance of CONTRACTOR or its agent, including all costs, expenses and attorneys' fees, which may in any manner result from or arise out of this contract, except claims based upon the State's sole negligence or intentional misconduct. The legal defense provided by CONTRACTOR to the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary. Any attorney appointed to represent the State must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. § 54-12-08. CONTRACTOR also agrees to reimburse the State for all costs, expenses and attorneys' fees incurred in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

The CONTRACTOR shall promptly and faithfully perform all of the provisions of the contract, and all obligations thereunder including the specifications, and any approved alterations provided for, and shall in a manner satisfactory to the State of North Dakota, complete the work contracted for including any approved alterations in a workmanlike manner, and shall hold harmless the State of North Dakota from any expense incurred through the failure of the CONTRACTOR to complete the work in a workmanlike manner as specified.

The CONTRACTOR shall duly and promptly pay all laborers, mechanics, subcontractors and material suppliers who perform work or furnish material under the contract and all persons who shall supply the CONTRACTOR or the subcontractor(s) with materials, services, and insurance for the carrying on of the work.

The CONTRACTOR or subcontractor(s) shall be liable only if it is found that work was not performed in a workmanlike manner.

VI
INSURANCE

CONTRACTOR shall secure and keep in force during the term of this agreement and CONTRACTOR shall require all subcontractors, prior to commencement of an agreement between CONTRACTOR and the subcontractor, to secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools, or government self-retention funds authorized to do business in North Dakota, the following insurance coverage:

- 1) Commercial general liability, including premises or operations, contractual, and products or completed operations coverages (if applicable), with minimum liability limits of \$1,000,000 per occurrence.
- 2) Automobile liability, including Owned (if any), Hired, and Non-Owned automobiles, with minimum liability limits of \$250,000 per person and \$1,000,000 per occurrence.
- 3) Workers compensation coverage meeting all statutory requirements. The policy shall provide coverage for all states of operation that apply to the performance of this contract.
- 4) Employer's liability or "stop gap" insurance of not less than \$1,000,000 as an endorsement on the workers compensation or commercial general liability insurance.

- 5) Contractor's Pollution Liability coverage for Personal Injury, Property Damage and Cleanup Cost arising from pollution conditions caused by the operations of the Contractor for limits of \$1,000,000. Occurrence coverage is preferred but coverage may be provided on a claims-made form that includes a three-year tail coverage endorsement. Coverage shall include contractual liability coverage for claims arising out of liability of subcontractors, loading and unloading, unlimited complete operations, and non- owned disposal site coverage.

The insurance coverages listed above must meet the following additional requirements:

- 1) Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of CONTRACTOR. The amount of any deductible or self-retention is subject to approval by COMMISSION;
- 2) This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and must be placed with insurers rated "A-" or better by A.M. Best Company, Inc., provided any excess policy follows form for coverage. Less than an "A-" rating must be approved by the COMMISSION. The policies shall be in form and terms approved by COMMISSION.
- 3) COMMISSION will be defended, indemnified, and held harmless to the full extent of any coverage actually secured by CONTRACTOR in excess of the minimum requirements set forth above. The duty to indemnify COMMISSION under this agreement shall not be limited by the insurance required by this agreement.
- 4) The State of North Dakota and its agencies, officers, and employees (State) shall be endorsed on the commercial general liability policy, including any excess policies (to the extent applicable), as additional insured. The State shall have all the benefits, rights, and coverage of an additional insured under these policies that shall not be limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of the Contractor.
- 5) The insurance required in this agreement, through a policy or endorsement, shall include:
 - a) A "Waiver of Subrogation" waiving any right to recovery the insurance company may have against the State;
 - b) A provision that CONTRACTOR's insurance coverage shall be primary (i.e. pay first) as respects any insurance, self-insurance, or self-retention maintained by the State and that any insurance, self-insurance, or self-retention maintained by the State shall be in excess of the CONTRACTOR's insurance and shall not contribute with it;
 - c) Cross liability/severability of interest for all policies and endorsements;
 - d) The legal defense provided to the State under the policy and any endorsements must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary; and
 - e) The insolvency or bankruptcy of the insured CONTRACTOR shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured CONTRACTOR from meeting the retention limit under the policy.

- 6) CONTRACTOR shall furnish a certificate of insurance to the undersigned State representative prior to commencement of this agreement. All endorsements shall be provided as soon as practicable.
- 7) Failure to provide insurance as required in this contract is a material breach of contract entitling COMMISSION to terminate this contract immediately.
- 8) CONTRACTOR shall provide at least 30 day notice of any cancellation or material change to the policies or endorsements. Contractor shall provide on an ongoing basis, current certificates of insurance during the term of the contract. A renewal certificate will be provided 10 days prior to coverage expiration.

VII

MERGER AND MODIFICATION

This contract, including the incorporated documents, constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified within this contract. This contract may not be modified, supplemented, or amended in any manner, except by written agreement signed by both parties.

VIII

ASSIGNMENT AND SUBCONTRACTS

CONTRACTOR may not assign or otherwise transfer or delegate any right or duty under this contract without COMMISSION's written consent, provided, however, that CONTRACTOR may enter into subcontracts provided that any subcontract acknowledges the binding nature of this contract and incorporates this contract, including any attachments. CONTRACTOR is solely responsible for the performance of any subcontractor. CONTRACTOR has no authority to contract for or incur obligations on behalf of STATE.

IX

ATTORNEYS' FEES

In the event a lawsuit is brought by COMMISSION to obtain performance due under this contract, and COMMISSION is the prevailing party, CONTRACTOR shall, except when prohibited by N.D.C.C. § 28-26-04, pay COMMISSION's reasonable attorney fees and costs in connection to the lawsuit.

X

APPLICABLE LAW AND VENUE

This contract is governed by and construed in accordance with the laws of the State of North Dakota. Any action to enforce this contract must be adjudicated in the state District Court of Burleigh County, North Dakota. Each party consents to the exclusive jurisdiction of such court and waives any claim of lack of jurisdiction or *forum non conveniens*.

XI

INDEPENDENT ENTITY

CONTRACTOR is an independent entity under this contract and is not a COMMISSION employee for any purpose, including application of the Social Security Act, the Fair Labor Standards Act, the Federal Insurance Contribution Act, the North Dakota Unemployment Compensation Law, and the North Dakota Workforce Safety and Insurance Act. No part of this contract shall be

construed to represent the creation of an employer/employee relationship. CONTRACTOR retains sole and absolute discretion in the manner and means of carrying out CONTRACTOR's activities and responsibilities under this contract, except to the extent specified in this contract.

XII NONDISCRIMINATION AND COMPLIANCE WITH LAWS

CONTRACTOR agrees to comply with all applicable federal and state laws, rules, and policies, including but not limited to, those relating to nondiscrimination, accessibility, and civil rights (*See* N.D.C.C. Title 34 – Labor and Employment, specifically N.D.C.C. ch. 34-06.1 Equal Pay for Men and Women).

CONTRACTOR agrees to timely file all required reports, make required payroll deductions, and timely pay all taxes and premiums owed, including sales and use taxes, unemployment compensation, and workers' compensation premiums.

CONTRACTOR shall have and keep current at all times during the term of this contract all licenses and permits required by law.

CONTRACTOR's failure to comply with this section may be deemed a material breach by CONTRACTOR entitling the COMMISSION to terminate in accordance with the Termination for Cause section of this Contract.

XIII SEVERABILITY

If any term of this agreement is declared to be illegal or unenforceable by a court having competent jurisdiction, the validity of the remaining terms are unaffected, and if possible, the rights and obligations of the parties are to be construed and enforced as if the contract did not contain that term.

XIV STATE AUDIT

All records, regardless of physical form, and the accounting practices and procedures of CONTRACTOR relevant to this contract are subject to examination by the North Dakota State Auditor, the Auditor's designee, or Federal auditors, if required. CONTRACTOR will maintain all of these records for at least three years (3) following completion of this contract and be able to provide them upon reasonable notice. The COMMISSION, State Auditor, or Auditor's designee shall provide reasonable notice to CONTRACTOR prior to conducting examination.

XV SPOILIATION - PRESERVATION OF EVIDENCE

CONTRACTOR shall promptly notify COMMISSION of all potential claims that arise from or result from this contract. CONTRACTOR shall take all reasonable steps to preserve all physical evidence and information which may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and grants to COMMISSION the opportunity to review and inspect such evidence, including the scene of the accident.

XVI TERMINATION OF CONTRACT

- a. Termination by Mutual Consent. This contract may be terminated by mutual consent of both parties executed in writing.

- b. Early Termination in the Public Interest. COMMISSION is entering into this contract for the purpose of carrying out the public policy of the state of North Dakota, as determined by the Governor, Legislative Assembly, agencies and courts. If this contract ceases to further the public policy of the state of North Dakota, COMMISSION, in its sole discretion, by written notice to CONTRACTOR, may terminate this contract in whole or in part.
- c. Termination for Lack of Funding or Authority. COMMISSION, by written notice to CONTRACTOR, may terminate in whole or any part of this contract, under any of the following conditions:
- (1) If funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for purchase of the services or supplies in the indicated quantities or term.
 - (2) If federal or state laws or rules are modified or interpreted in a way that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract.
 - (3) If any license, permit, or certificate required by law or rule, or by the terms of this contract, is for any reason denied, revoked, suspended, or not renewed.

Termination of this contract under this subsection is without prejudice to any obligations or liabilities of either party already accrued prior to termination.

- d. Termination for Cause. COMMISSION may terminate this contract effective upon delivery of written notice to CONTRACTOR, or any later date stated in the notice:
- (1) If CONTRACTOR fails to provide services required by this contract within the time specified or any extension agreed to by COMMISSION; or
 - (2) If CONTRACTOR fails to perform any of the other provisions of this contract, or so fails to pursue the work as to endanger performance of this contract in accordance with its terms.

The rights and remedies of COMMISSION provided in this subsection are not exclusive and are in addition to any other rights and remedies provided by law or under this contract.

XVII NOTICE

All notices or other communications required under this contract shall be given by registered or certified mail and are complete on the date postmarked when addressed to the parties at the following addresses:

Neset Consulting Services
6844 Highway 40
Tioga, ND 58852

or

Notice provided under this provision does not meet the notice requirements for monetary claims against the state found at N.D.C.C. § 32-12.2-04.

XIII
TAXPAYER ID

CONTRACTOR's North Dakota tax ID number is: 450390524-01
CONTRACTOR's federal employer ID number is: 45-0390524

XIV
PAYMENT OF TAXES BY COMMISSION

COMMISSION is not responsible for and will not pay local, state, or federal taxes. State sales tax exemption number is E-2001. COMMISSION will furnish certificates of exemption upon request by the CONTRACTOR.

XX
EFFECTIVENESS OF CONTRACT

This contract is not effective until fully executed by both parties. If the dates of execution are different, then the later date of execution is the effective date.

XXI
FORCE MAJEURE

Neither party shall be held responsible for delay or default caused by pandemic, fire, flood, riot, terrorism, acts of God, or war if the event is beyond the party's reasonable control and the affected party gives notice to the other party promptly upon occurrence of the event causing the delay or default or that is reasonably expected to cause a delay or default.

XXII
RENEWAL

This contract will not automatically renew. If COMMISSION desires to renew, COMMISSION will provide written notice to CONTRACTOR of its intent to renew this contract at least 60 days before the scheduled termination date.

XXIII
ALTERNATIVE DISPUTE RESOLUTION - JURY TRIAL

By entering into this contract, COMMISSION does not agree to binding arbitration, mediation, or other forms of mandatory Alternative Dispute Resolution. The parties may enforce their rights and remedies in judicial proceedings. COMMISSION does not waive any right to a jury trial.

XXIV
CONFIDENTIALITY

CONTRACTOR shall not use or disclose any information it receives from COMMISSION under this contract that COMMISSION has previously identified as confidential or exempt from mandatory public disclosure except as necessary to carry out the purposes of this contract or as authorized in advance by COMMISSION. COMMISSION shall not disclose any information it receives from CONTRACTOR that CONTRACTOR has previously identified as confidential and that COMMISSION determines, in its sole discretion, is protected from mandatory public disclosure under a specific exception to the North Dakota open records law, N.D.C.C. ch. 44-04. The duty of COMMISSION and CONTRACTOR to maintain confidentiality of information under this section continues beyond the term of this contract.

XXV
COMPLIANCE WITH PUBLIC RECORDS LAWS

CONTRACTOR understands that, in accordance with the Contract's Confidentiality clause, COMMISSION must disclose to the public upon request any records it receives from CONTRACTOR. CONTRACTOR further understands that any records that are obtained or generated by CONTRACTOR under this contract may, under certain circumstances, be open to the public upon request under the North Dakota open records law. CONTRACTOR agrees to contact COMMISSION promptly upon receiving a request for information under the open records law and to comply with STATE'S instructions on how to respond to the request.

XXVI
WORK PRODUCT, EQUIPMENT AND MATERIALS

All work product, equipment, or materials created for COMMISSION or purchased by COMMISSION under this contract belong to COMMISSION and must be immediately delivered to COMMISSION at COMMISSION'S request upon termination of this contract. CONTRACTOR agrees that all work(s) under this contract is "work(s) for hire" within the meaning of the United States Copyright Act (Title 17 United States Code) and hereby assigns to COMMISSION all rights and interests CONTRACTOR may have in the work(s) it prepares under this contract, including any right to derivative use of the work(s). CONTRACTOR shall execute all necessary documents to enable COMMISSION to protect its rights under this section.

STATE OF NORTH DAKOTA
Acting through its
N.D. Industrial Commission
Department of Mineral Resource
Oil & Gas Division

By: Lynn D. Gilm
Title: Director
DATE: 10/25/2020

CONTRACTOR

By: Randy H. Set
Title: VP Engineering
DATE: 10-22-20

Attachment B

*US Forest Service - McKenzie Ranger District has provided preliminary plots of unknown pipeline and P&A'd wells.

*Discovery of further unknown pipelines/locations/etc. will be invoiced per costs contained in Attachment B.

Extras for 1000 bbl tank tear down and scrap

Dirt hauler (contaminate)	\$	150.00	hr	8	\$	1,200.00
Landfill disposal	\$	22.00	ton	20	\$	440.00
Total					\$	1,640.00

Unknown Extras Contaminated soil estimation for BPLS

Thickness	2 feet
Length	50 feet
Width	50 feet
Volume	5000 cuft
Volume	185 cy
Weight	278 tons
Dirt Hauler load	20 tons
Hrs per load	4 hrs
# loads	14
Total hrs	56 hrs

Topsoil estimation for BPLS

Thickness	0.5 feet
Length	275 feet
Width	125 feet
Volume	17188 cuft
Volume	637 cy
Weight	955 tons
Dirt Hauler load	20 tons
Hrs per load	4 hrs
# loads	48
Total hrs	191 hrs

Extras for BPLS

Dirt hauler (contaminate)	\$	150.00	hr	56	\$	8,333.33
Landfill disposal	\$	22.00	ton	278	\$	6,111.11
Dirt hauler (fill)	\$	150.00	hr	56	\$	8,333.33
Fill Dirt	\$	5.00	ton	278	\$	1,388.89
Dirt hauler (topsoil)	\$	150.00	hr	191	\$	28,645.83
Topsoil	\$	20.00	ton	955	\$	19,097.22
TENORM Transportation	unknown cost	ton				
TENORM Disposal	unknown cost	ton				
Total					\$	71,909.72

Attachment B

Unknown Extras Contaminated soil estimation for 250 bbl spill

Thickness	4 feet
Length	100 feet
Width	100 feet
Volume	40000 cuft
Volume	1481 cy
Weight	2222 tons
Dirt Hauler load	20 tons
Hrs per load	4 hrs
# loads	111
Total hrs	444 hrs

Topsoil estimation for 250 bbl spill

Thickness	0.5 feet
Length	100 feet
Width	100 feet
Volume	5000 cuft
Volume	185 cy
Weight	278 tons
Dirt Hauler load	20 tons
Hrs per load	4 hrs
# loads	14
Total hrs	56 hrs

Unknown Extras for 250 bbl spill

Supervision	\$ 1,000.00 day	5	\$ 5,000.00
Backhoe	\$ 145.00 hr	32	\$ 4,640.00
Dozer	\$ 200.00 hr	50	\$ 10,000.00
Scraper	\$ 250.00 hr	50	\$ 12,500.00
Blade	\$ 160.00 hr	50	\$ 8,000.00
Payloader	\$ 160.00 hr	50	\$ 8,000.00
Dirt hauler (contaminate)	\$ 150.00 hr	444	\$ 66,666.67
Landfill disposal	\$ 22.00 ton	2222	\$ 48,888.89
Dirt hauler (fill)	\$ 150.00 hr	444	\$ 66,666.67
Fill Dirt	\$ 5.00 ton	2222	\$ 11,111.11
Dirt hauler (topsoil)	\$ 150.00 hr	56	\$ 8,333.33
Topsoil	\$ 20.00 ton	278	\$ 5,555.56
TENORM Transportation	unknown cost ton		
TENORM Disposal	unknown cost ton		
Total			\$ 207,222.22

Attachment B

Unknown Extras Contaminated soil estimation for 3 way block valve spill

Thickness	4 feet
Length	100 feet
Width	100 feet
Volume	40000 cuft
Volume	1481 cy
Weight	2222 tons
Dirt Hauler load	20 tons
Hrs per load	4 hrs
# loads	111
Total hrs	444 hrs

Topsoil estimation for 3 way block valve spill

Thickness	0.5 feet
Length	100 feet
Width	100 feet
Volume	5000 cuft
Volume	185 cy
Weight	278 tons
Dirt Hauler load	20 tons
Hrs per load	4 hrs
# loads	14
Total hrs	56 hrs

Unknown Extras for 3 way block valve spill

Supervision	\$ 1,000.00 day	5	\$ 5,000.00
Backhoe	\$ 145.00 hr	32	\$ 4,640.00
Dozer	\$ 200.00 hr	50	\$ 10,000.00
Scraper	\$ 250.00 hr	50	\$ 12,500.00
Blade	\$ 160.00 hr	50	\$ 8,000.00
Payloader	\$ 160.00 hr	50	\$ 8,000.00
Dirt hauler (contaminate)	\$ 150.00 hr	444	\$ 66,666.67
Landfill disposal	\$ 22.00 ton	2222	\$ 48,888.89
Dirt hauler (fill)	\$ 150.00 hr	444	\$ 66,666.67
Fill Dirt	\$ 5.00 ton	2222	\$ 11,111.11
Dirt hauler (topsoil)	\$ 150.00 hr	56	\$ 8,333.33
Topsoil	\$ 20.00 ton	278	\$ 5,555.56
TENORM Transportation	unknown cost ton		
TENORM Disposal	unknown cost ton		
Total			\$ 207,222.22

Attachment B

Other Unknown Extras for all sites

Seeding grass per USFS regs	\$ 145.00 hr
Grass Seed	At cost
Fencing	\$ 145.00 hr
Fencing materials	At cost
Electrical Service Removal	At cost
Looking for abandoned pipelines that were not marked on the original map given with the bid	
Supervisor	\$ 1,000.00 per day
Hydrovac	\$ 250.00 hr
Backhoe (unmanned)	\$ 82.00 hr
Roustabout Crew	\$ 145.00 hr
HOT Truck	\$ 150.00 hr
Scrap/salvage	Cost to dispose of all equipment

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 52789

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **NESET CONSULTING SERVICE, INC.** whose address is in TIOGA, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

NESET CONSULTING SERVICE, INC. is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: January 22, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

The North Dakota Secretary of State verifies that:

NESET CONSULTING SERVICE, INC.

is the holder of a North Dakota Class A Contractor License
which is in force until March 1, 2021 unless sooner
suspended or revoked as provided by NDCC 43-07.

License # 52789

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of NESET CONSULTING SERVICE, INC.

SOS Control ID#: 0002161996

Certificate #: 018728125 - 1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

NESET CONSULTING SERVICE, INC.

a Contractor - Corporation was formed under the laws of North Dakota and filed with this office effective November 3, 2014. This contractor has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: July 15, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
RYAN RAUSCHENBERGER, COMMISSIONER

July 15, 2020

Ref: L0809815808

Acct: 0576142-CCT-006

NESET CONSULTING SERVICE INC
6844 HIGHWAY 40
TIOGA ND 58852-9403

(083) 

North Dakota Contractor's Tax Clearance – Expires December 31, 2020.

As of the date of this letter, the North Dakota Office of State Tax Commissioner's records show that the above-named taxpayer does not owe any North Dakota income, sales, use, or gross receipts taxes. This tax clearance does not release the taxpayer from paying any additional income, sales, use, or gross receipts tax that may become due as the result of an audit.

A copy of this Contractor's Tax Clearance may be required to be filed with the North Dakota Secretary of State for contractor licensing purposes. If you enter into a contract with a state or local governmental agency or board, a copy of this Tax Clearance must be provided to that entity.

This is the only copy of the North Dakota Tax Clearance that will be issued and should be retained in your files. It is recommended that you make multiple copies of this document.

Shannon Fleischer
Associate Director, Tax Administration

Please Note: If You Are No Longer Doing Business In North Dakota, indicate in the space below the date you ceased operations in this state, sign and date, ***make a copy for your records***, and return this document to our office.

Date Operations Ceased
In North Dakota

Signature

Date

BID

Bid for all services pertaining to the abandonment of pipeline system noted in the attachment:

See attachment A

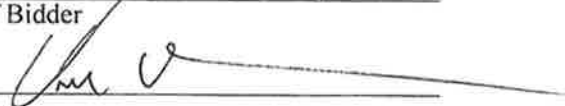
Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, ABANDONMENT & RECLAMATION REQUIREMENTS, PIPELINE ABANDONMENT CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for \$467,887 dollars (\$)

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Pipeline Abandonment Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 19th day of October 2020.

Keith Norbeck, Badlands Contracting, LLC

Name of Bidder

Signature 

PO Box 2384, Watford City, ND 58854

Business Address

701-570-0407

Business Telephone Number

knorbeck@badlandscontracting.com

Email Address

Attachment A – Bid Package Supporting Information

Badlands

CONTRACTING, LLC**Base Bid Form:**

Crew Summary	Cost	Duration (Days)
Pre-Scoping Crew	\$ 9,700	5
System Prepping Crew	\$ 45,895	5
Clean-Up/Pigging Crew	\$ 152,352	14
Abandonment & Plugging Crew	\$ 259,940	20
Total Base Bid	\$ 467,887	44

Cost Adders:

- System Prepping Crew (If Allotted Days Exceeded Due to Uncertainty): \$9,179/Day
 - Crew designated for ensuring the system is functional and able to be flushed clean.
- Clean-Up/Pigging Crew (If Allotted Days Exceeded Due to Uncertainty): \$13,597/Day
 - Crew designated for pigging and flushing operations per procedure supplied in Attachment B.
- Spring Seeding: \$2,500/Day
- Heater: \$500/Day (Per Heater)
- The following fees will be billed at a cost plus 15% structure. A consolidated invoice and supporting documents, including labor/equipment reports, trucking and disposal fee tickets and contamination reports will be submitted in addition to the base bid price.
 - Truck Logistics Fees for Hauling Freshwater or Produced Water
 - Freshwater
 - Disposal Fee
 - Reclamation of Known Areas of Contamination (As Noted in Bid Document)
- The base bid does not include the removal, transportation, and disposal at salvage centers for surface equipment described by bid package. A cost plus 15% structure will apply.
- The base bid assumption does not include costs associated with the transportation and disposal of materials that screen “hot” for TENORM. In the event the materials cannot be salvaged due to TENORM Levels, a cost plus 15% structure will apply.

Forecasted Estimates	Cost/Unit	Unit	Total Units	Estimated Gross Cost
Freshwater Purchase & Hauling	\$5	Per BBL	15,392	\$ 70,803
Disposal Hauling & Tipping Fees	\$7	Per BBL	20,257	\$ 139,770
Frac Tanks Logistics	\$175	Per HR	214	\$ 37,450
Seeding	\$2,500	Per Day	2	\$ 5,000
Reclamation of Known Areas of Contamination	TBD	TBD	TBD	TBD
Demolition & Hauling	TBD	TBD	TBD	TBD
Total Forecasted Cost Adders				\$ 253,023

**Disclaimer: The forecasted estimates are for budgeting purposes only. The billing will follow a cost plus 15% structure, or as otherwise disclosed in the cost adder section below.*

Job Summary	Cost
Base Bid	\$467,887
Forecasted Cost Adders	\$253,023
Total Estimated Cost	\$720,910

Assumptions:

- NDIC to provide the maximum allowable pressure and temperature to pig and flush the system. Pressure to be determined at lowest elevation in the system.
- Contractor to follow quantities and procedure described in flushing and abandonment procedure in Attachment B.
 - If procedure is altered and NDIC requires more or less flushing runs, the designated day rate will be increased or reduced accordingly.
- Seeding to be completed in the spring.
- Pipeline system intact and functional for pigging and flushing.
- Landowner – If landowner has special requirements that are not customary or standard, resolution assistance and/or change order approval to meet requirements will be necessary.
- Materials disposed are property of the owner of the locations on any manifests.
- Badlands Contracting's current rate sheet will apply to out of scope work/additional work. A consolidated invoice and supporting documents will be submitted in addition to the base bid price.

Exclusions:

- Reclamation of unknown areas of contamination. If contamination encountered in areas other than known areas listed in bid document, cost adders will apply.
- Exploratory excavation/locating services to find any abandoned or unlocatable lines.
- All winterization items are excluded, such as snow removal, concrete blankets, frost laws, road restrictions, heaters, extreme condition productivity, etc. If required, cost adders will apply.
- TENORM Assessments
- Removal and Disposal of Asbestos Insulation or Pipe
- Fencing/Erosion Control
- H2S Support Services

**NDIC Oil & Gas Division
Alturas PWGS**

Prepared By: Matt Stahl, Badlands Contracting, LLC

Date: 10/19/2020

Notes:

1. All pipeline footages were pulled from the KMZ file provided by the NDIC.
2. Pipeline runs will be blown dry w/or without pigs at the end of every shift to avoid freeze up.
3. Cleanup assumed for existing system that has not been previously capped and abandoned.

Isolated Segment 1A: Well Connect Flush on Trunkline from #46 (6" Block Valve MT) to #64 (6" Pig Launchers)

Total Footage of All Well Connects that Tie Into Trunkline: 19,486'
Gallons of H2O/FT: 1.281 gal/ft
Total BBLS to Flush Well Connects: 1,188 bbls

1. 9 Loads of fresh H2O @ 140 bbls = 2 complete line capacity flushes (Well Connects Only) utilizing no pigs
2. Estimated duration = 1 Day

Isolated Segment 1B: Trunkline Flush from #4 (6" Block Valve MT) to #64 (6" Pig Launchers)

Total Footage of Trunkline: 17,818'
Gallons of Fresh H2O/Ft: 1.281 gal/ft
Total bbls to flush trunk line: 2,174 bbls

1. 16 Loads of fresh H2O @ 140 bbls/load = 4 complete line capacity flushes (Trunkline Only) Utilizing pigs
2. Estimated duration = 2 Days

Isolated Segment 2: Well Connect and Trunkline Flush from #62 (6" 3 Way Leaking Valve) to #64 (6" Pig Launchers)

Total Well Connect Footage: 3,670'
Gallons of Fresh H2O/Ft: 1.281 gal/ft
Total BBLS to Flush Well Connects: 225 bbls

Total Trunkline Footage: 24,443'
Gallons of Fresh H2O/Ft: 1.281 gal/ft
Total BBLS to Flush Trunkline: 2,982 bbls

1. 24 Loads of fresh H2O @ 140 bbls/load = 4 complete line capacity flushes (Trunkline Only) Utilizing pigs & 2 complete line capacity flushes (Well Connect only) Utilizing no pigs
2. Estimated duration = 2 Days

Isolated Segment 3: Well Connect Flush from #38 (1"-3" Poly Line to Surface) to #62 (6" 3 Way Leaking Valve)

Total Well Connect Footage: 33,023'
Gallons of Fresh H2O/Ft: 1.281 gal/ft
Total BBLS to Flush Well Connects: 2,014 bbls

1. 15 Loads of fresh H2O @ 140 bbls/load = 2 complete line capacity flushes (Well Connects Only) Utilizing no pigs
2. Estimated Duration = 2 Days

Notes:

1. All piping runs shown running East of (Case File 7166) on NDIC Provided KMZ Excluded due to previously reclaimed well sites.
2. All piping runs shown running South & West of (6" 3 Way Leaking Valve) on NDIC Provided KMZ Excluded due to previously reclaimed well sites.

Isolated Segment 4: Trunkline Flush from #62 (6" 3 Way Leaking Valve) to #1 (Bennie Peer Lift Station)

Total Trunkline Footage: 11,835'
Gallons of Fresh H2O/Ft: 1.281 gal/ft
Total BBLS to Flush Trunkline: 1,445 bbls

1. 11 Loads of fresh H2O @ 140 bbls/load = 4 complete line capacity flushes (Trunkline Only) Utilizing pigs
2. Estimated Duration = 1 Day

Isolated Segment 5: Well Connect Flush from #34 (Case File 6904) to #1 (Bennie Peer Lift Station)

Total Well Connect Footage: 7,206'
Gallons of Fresh H2O/Ft: 1.281 gal/ft
Total BBLS to Flush Well Connects: 440 bbls

1. 4 Loads of fresh H2O @ 140 bbls/load = 2 complete line capacity flushes (Well Connects Only) Utilizing no pigs
2. Estimated Duration: 1 Day

Notes:

1. All piping runs shown running North of (2" Riser) on NDIC Provided KMZ Excluded due to previously reclaimed well sites.

Isolated Segment 6: Trunkline Flush from #1 (Bennie Peer Lift Station) to #31 (8" Pig Receiver)

Total Trunkline Footage: 4,390'
Gallons of Fresh H2O/Ft: 1.281 gal/ft
Total BBLS to Flush Trunkline: 536 bbls

1. 4 Loads of fresh H2O @ 140 bbls/load = 4 complete line capacity flushes (Trunkline Only) Utilizing pigs
2. Estimated Duration = 1 Day

Notes:

1. All piping runs shown running East & South of (8" Pig Receiver) on NDIC Provided KMZ Excluded due to previously reclaimed well sites.

Isolated Segment 7A: Trunkline Flush from #44 (1" Riser) to #59 (SWD Hatter Pig Launchers)

Total Trunkline Footage: 3,321'
Gallons of Fresh H2O/Ft: 1.281 gal/ft
Total BBLS to Flush Trunkline: 202 bbls

1. 2 Loads of fresh H2O @ 140 bbls/load = 2 complete line capacity flushes (Trunkline Only) Utilizing no pigs
2. Estimated Duration: 1 Day

Notes:

1. Block Valves will be closed @ #43 (Block Valves in Culverts) & Pump Truck will be connected @ #43 (1" Riser). Western most valve on #46 (Pig Receiver) will be closed. Water will then be flushed to Hatter SWD.
2. Piping Run shown running north of #43 (Block Valves in Culverts) on NDIC Provided KMZ Excluded due to previously reclaimed well sites.
3. Piping Run shown running North & West of #46 (Pig Receiver) on NDIC Provided KMZ Excluded due to previously reclaimed well sites.

Isolated Segment 7B: Trunkline Flush from #46 (Pig Receiver) to #59 (SWD Hatter Pig Launchers)

Total Trunkline Footage: 23,166'
Gallons of Fresh H2O/Ft: 1.281 gal/ft
Total BBLS to Flush Trunkline: 2,826 bbls

1. 21 Loads of fresh H2O @ 140 bbls/load = 4 complete line capacity flushes (Trunkline Only) Utilizing pigs
2. Estimated Duration = 2 Days

Isolated Segment 8: Trunkline Flush from #31 (8" Pig Receiver) to #59 (SWD Hatter Pig Launchers)

Total Trunkline Footage: 11,145'
Gallons of Fresh H2O/Ft: 1.281 gal/ft
Total BBLS to Flush Trunkline: 1,360 bbls

1. 10 Loads of fresh H2O @ 140 bbls/load = 4 complete line capacity flushes (Trunkline Only) Utilizing pigs
2. Estimated Duration: 1 Day

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 58132

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **BADLANDS CONTRACTING, LLC** whose address is in WATFORD CITY, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

BADLANDS CONTRACTING, LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 26, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

The North Dakota Secretary of State verifies that:

BADLANDS CONTRACTING, LLC

is the holder of a North Dakota Class A Contractor License
which is in force until March 1, 2021 unless sooner
suspended or revoked as provided by NDCC 43-07.

License # 58132

BID

Bid for all services pertaining to the abandonment of pipeline system noted in the attachment:

See attachment A

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, ABANDONMENT & RECLAMATION REQUIREMENTS, PIPELINE ABANDONMENT CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for 1,205,478 dollars (\$)

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Pipeline Abandonment Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 18 day of OCTOBER 2020.

Shanco LLC
Name of Bidder

[Signature]
Signature

P.O. Box 3159 Minot, ND 58702
Business Address

406.630.2255
Business Telephone Number

SPIERCE@ShancoLLC.com
Email Address



ATTENTION: Cody Vanderbusch



10/18/2020

SUBJECT: Alturas Pipeline Abandonment Project

Shanco Energy Services is pleased to submit this bid to provide the requested pricing, labor, tools and equipment for NDIC. Our bid is based on the scope of work provided and attached price sheets.

Scope of Work : The cost to abandon (purge and cap) approximately 50 miles of poly pipeline (including the removal of all associated above ground equipment such as pipe markers, pumps, valves, and risers, and the cost to reclaim the surface disturbed during removal), the cost to reclaim the Bennie Peer Lift Station, the cost to clean up three known contamination areas from historical spills on this pipeline system (including EC survey and soil samples), and the costs associated with locating the pipeline endpoints to complete the purging and capping necessary to properly abandon the pipeline system..

Clarifications: Shanco's bid includes the following-

- 8,972 BBLs fresh water to load and flush the line. Additional water will be charged at \$6.00 per BBL.
- 17,945 BBLs contaminated water for removal. Additional contaminated water will be disposed of at \$8.00 per BBL.
- 34 days of hydrovac (2 Trucks for 17 days). Additional hydrovac will be billed at \$4,212 per day per truck. If fewer days of Hydrovac are used price will reflect actual time. Price includes disposal of uncontaminated material. If the material can be disposed of on location \$500 per day will be deducted from hydrovac cost.
- 25 days of testing for contaminated materials. Additional days will be billed at \$1,610 per day.
- 22.5 days to fill and flush the line. Additional days for labor will be billed at \$5,301 per day plus equipment used.
- Since the integrity of the line is unknown, Shanco will not be liable for any line ruptures or spills that occur while flushing the line.
- All materials hauled off location or to location will be billed at a per unit cost in addition to bid price submitted.
- 22.5 days allocated for 8 rig heaters. If additional rig heaters are required, it will be at \$750 per day. If less time is required billing will reflect actual equipment usage.
- Total distance in bid is, 41.99 miles, based on map and kmz file using Google Earth.

We appreciate having been extended the opportunity to submit this bid and look forward to working with NDIC in the future. Please do not hesitate to contact us should you have any questions.

Regards,
Steve Pierce
Regional Manager
406.630.2255
SPierce@shancollc.com

Billy Graham
Construction Manager
918.977.0134
BGraham@shancollc.com

NDIC Alturas Proposed Abandonment Plan

10-18-2020

Shanco's plan includes the following processes and benchmarks.

Shanco will adhere to the timelines and requirements as requested by the NDIC to include prior notification with landowners and the NDIC Inspector(s).

Shanco will utilize fresh water to load the line in 9 phases (see attached mapping/chart). Once a section has been evacuated of all contaminated water per NDIC requirements of "shows chlorides (CL) of less than 250ppm with the use of chloride strips." ends and appurtenances will be excavated capped. Surface materials will also be removed at this time and surface will be restored and recontoured to surrounding topography. Due to weather heaters will be utilized at line load and discharge locations.

Hydrovac will be utilized to locate all adjacent lines prior to excavation to ensure utilities in the vicinity of excavation are protected and coordination with company representatives will be initiated and foreign line safety measures adhered to.

Testing of the soil will occur prior and during the excavation for capping and removal of all materials to ensure that all of the surrounding ground meets the standards set by NDIC as follows, "Remove any contaminated material with an EC greater than 2000 uS/cm (CL around 250 ppm) and TPH greater than 10,000ppm (no Free fluid) down to 4' if needed."

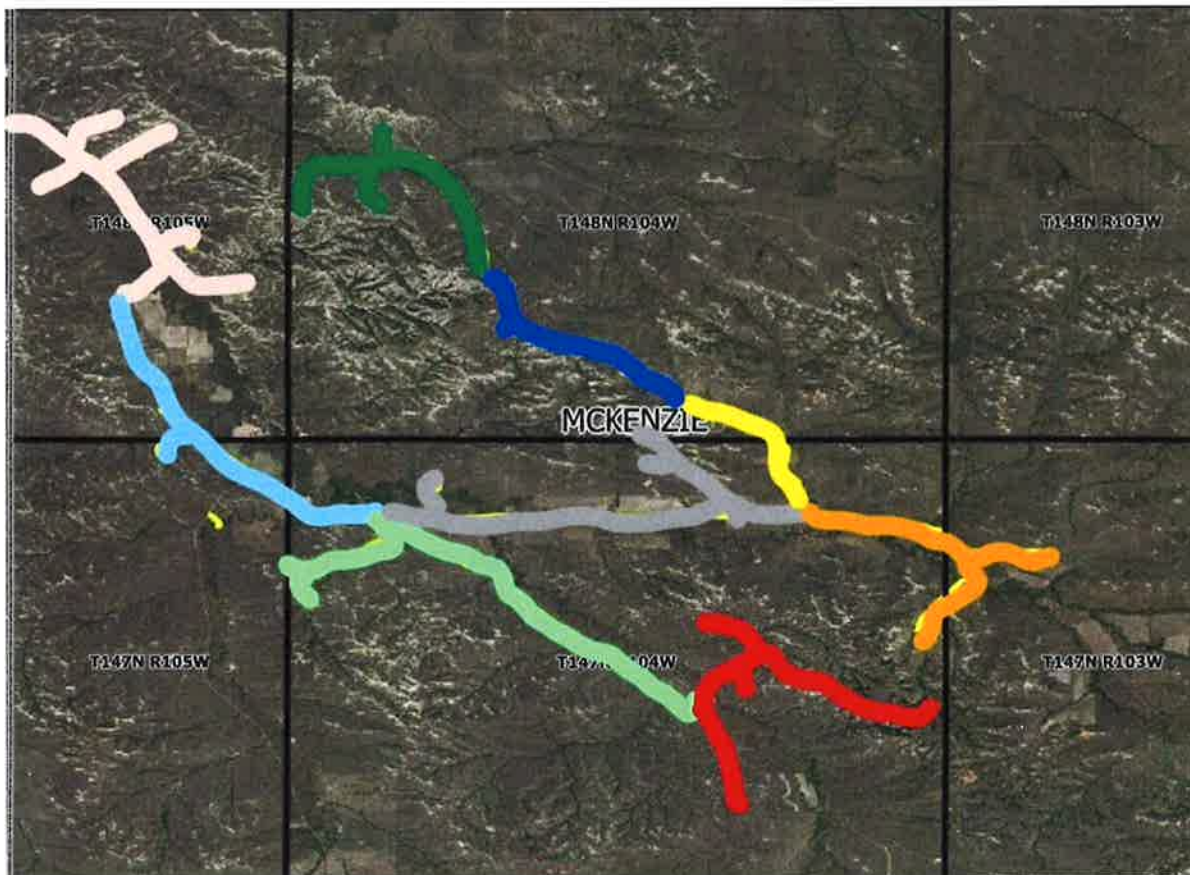
Shanco will work closely with the NDIC Inspector to ensure that the work is completed to the NDIC standards as well as all documentation is captured and submitted to the NDIC in a timely fashion. "before and after photographs where equipment was removed and surface was reclaimed, GPS coordinates for capped locations, volume totals used for purging, and final soil samples."

All work will adhere to the following guidelines as provided by the NDIC.

NDAC 43-02-03-29.1 (15) (a)(b) Pipeline abandonment.

NDAC 43-02-03-34.1. RECLAMATION OF SURFACE.

Section 1	Mainline	B	C	D	E	F	Total
	3.41	1.37	.48	.5	.89	.41	7.06 miles
Section 2	Mainline						Total
	4	.52					4.52 miles
Section 3	Mainline	B					Total
	4.17	1.57	.22				4.4 miles
Section 4	Mainline	B	C	D			Total
	2.61	.75	.11	1.47			6.5 miles
Section 5	Mainline	B	C	B			Total
	4.1	1.49	.50	.44			6.53 miles
Section 6	Mainline	B					Total
	2.82	1.42					4.24 miles
Section 7	Mainline						Total
	1.9						1.9 miles
Section 8	Mainline	B					Total
	3.2	.19					3.39 miles
Section 9	Mainline	B	C				Total
	3.1	.13	.22				3.45 miles



NDIC Alturas Unit Pricing

10-18-2020

Bennie Peer Lift Station	\$33,336.00 plus cost for removal of contaminated materials, dirt and clean fill
6" 3-way Riser leaking	\$29,632.00 plus cost for removal of contaminated materials, dirt and clean fill
File 7166 Contaminated Site	\$25,928.00 plus cost for removal of contaminated materials, dirt and clean fill
Total Price	\$1,205,478.00

Unit	Pricing Per Unit
Line Abandonment Per Foot	\$5.71
Fresh Water Per BBL	\$6.00
Contaminated Water Removal Per BBL	\$8.00
Additional Hydrovac Per Day	\$4,212
Contamination Site Inspections per Day	\$1,610
Water Flush Crew Per Day	\$5,301
TENORM Disposal per Load (plus disposal cost)	\$1,300
Contaminated Material per Load (plus disposal cost)	\$1,200
Topsoil per load	\$1,208
Fill dirt per load	\$625
Rig Heaters per rig per day	\$750

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of SHANCO, LLC

SOS Control ID#: 0002170406

Certificate #: 017131622

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

SHANCO, LLC

a Contractor - Limited Liability Company was formed under the laws of North Dakota and filed with this office effective May 20, 2013. This contractor has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: August 27, 2019

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 48105

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **SHANCO, LLC** whose address is in MINOT, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

SHANCO, LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 24, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

The North Dakota Secretary of State verifies that:

SHANCO, LLC

is the holder of a North Dakota Class A Contractor License
which is in force until March 1, 2021 unless sooner
suspended or revoked as provided by NDCC 43-07.

License # 48105

BID

Bid for all services pertaining to the abandonment of pipeline system noted in the attachment:

See attachment A

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, ABANDONMENT & RECLAMATION REQUIREMENTS, PIPELINE ABANDONMENT CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for 1,306,595.⁸⁸ dollars (\$)

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Pipeline Abandonment Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 16 day of October 2020.

Hunting Bear LLC
Name of Bidder

[Signature]
Signature

216 S Broadway, Suite #201 Minot, ND 58701
Business Address

701 / 630 / 1443
Business Telephone Number

huntingbearllc@gmail.com
Email Address

HUNTING BEAR

OILFIELD ♦ SERVICES

ATTENTION: Cody Vanderbusch

10/16/2020

SUBJECT: Alturas Pipeline Abandonment Project

Hunting Bear Oilfield Services is pleased to submit this bid to provide the requested pricing, labor, tools and equipment for NDIC. Our bid is based on the scope of work provided and attached price sheets.

Scope of Work : The cost to abandon (purge and cap) approximately 50 miles of poly pipeline (including the removal of all associated above ground equipment such as pipe markers, pumps, valves, and risers, and the cost to reclaim the surface disturbed during removal), the cost to reclaim the Bennie Peer Lift Station, the cost to clean up three known contamination areas from historical spills on this pipeline system (including EC survey and soil samples), and the costs associated with locating the pipeline endpoints to complete the purging and capping necessary to properly abandon the pipeline system..

Clarifications:

- 8,972 BBLs fresh water to load and flush the line. Additional water will be charged at \$6.48 per BBL.
- 17,945 BBLs contaminated water for removal. Additional contaminated water will be disposed of at \$8.64 per BBL.
- Since the integrity of the line is unknown, Hunting Bear will not be liable for any line ruptures or spills that occur while flushing the line.
- All materials hauled off location or to location will be billed at a per unit cost in addition to bid price submitted.

We appreciate having been extended the opportunity to submit this bid and look forward to working with NDIC in the future. Please do not hesitate to contact us should you have any questions.

Regards,

Mark Lyman
Project Manager
701.630.1443
huntingbearllc@gmail.com



NDIC Alturas Unit Pricing

10-16-2020

Bennie Peer Lift Station	\$36,003 plus cost for removal of contaminated materials, dirt and clean fill
6" 3-way Riser leaking	\$32,003 plus cost for removal of contaminated materials, dirt and clean fill
File 7166 Contaminated Site	\$28,002 plus cost for removal of contaminated materials, dirt and clean fill
Total Price	\$1,306,595.88

Unit	Pricing Per Unit
Line Abandonment Per Foot	\$6.19
Fresh Water Per BBL	\$6.48
Contaminated Water Removal Per BBL	\$8.64
Additional Hydrovac Per Day	\$4,549
TENORM Disposal per Load (plus disposal cost)	\$1,404
Contaminated Material per Load (plus disposal cost)	\$1,296
Topsoil per load	\$1,305
Fill dirt per load	\$675
Rig Heaters	\$6,480

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 58549

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **HUNTING BEAR LLC** whose address is in MINOT, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

HUNTING BEAR LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: March 26, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

BID

Bid for all services pertaining to the abandonment of pipeline system noted in the attachment:

See attachment A

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, ABANDONMENT & RECLAMATION REQUIREMENTS, PIPELINE ABANDONMENT CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for 206,419.⁵⁵ dollars (\$)

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Pipeline Abandonment Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 15th day of October 2020.

WYODAK ENERGY SERVICES
Name of Bidder

[Signature]
Signature

2045 125TH AVE NWNW
WATFORD CITY 58854
Business Address

701-260-2794
Business Telephone Number

j.miller@wyodakenergy.com
Email Address

INVITATION TO BID

The State of North Dakota, acting through the North Dakota Industrial Commission, Oil & Gas Division, invites the submission of bids for the abandonment of Alturas (Mondak) produced water gathering pipeline system in McKenzie County.

The bid must be on the form provided by the Industrial Commission, which must be fully completed in accordance with the accompanying "INSTRUCTIONS TO BIDDERS," and must be received in the Bismarck office of the Industrial Commission, Oil & Gas Division, no later than **3:00pm CDT October 19, 2020.**

For additional bid information please see the North Dakota Industrial Commission, Oil and Gas Division home page at <https://www.dmr.nd.gov/oilgas/>.

The Commission may reject any and all bids submitted.

INSTRUCTIONS TO BIDDERS

1. Form of Bids. Bids must be submitted on the attached bid form. **Include on the bid sheet the cost to abandon (purge and cap) approximately 50 miles of poly pipeline (including the removal of all associated above ground equipment such as pipe markers, pumps, valves, and risers, and the cost to reclaim the surface disturbed during removal), the cost to reclaim the Bennie Peer Lift Station, the cost to clean up three known contamination areas from historical spills on this pipeline system (including EC survey and soil samples), and the costs associated with locating the pipeline endpoints to complete the purging and capping necessary to properly abandon the pipeline system. Attach a price sheet for any unknown extras such as abandonment cost per footage of pipeline length, TENORM disposal, contamination removal, replacement fill material, topsoil purchase, equipment salvage, etc.**

2. Submission of Bids. Bids must be enclosed in a sealed envelope, and the outside of the envelope must have the following on it:

Bid of: (Name of Contractor & Business Address)

N.D. Contractor's License No: (No. and Class of License)

Date License was Issued or Renewed: _____

ATTN: Mr. Cody VanderBusch

SEALED BID DO NOT OPEN

NDIC Oil & Gas Division

1016 E. Calgary Ave

Bismarck, N.D. 58503-5512

3. Examination of Site. Prospective bidders may make a visual inspection of the pipeline system to ascertain the nature and location of the work and the conditions which can affect the work and its cost. The Commission is not bound by any oral statement concerning the condition of pipeline system made by its staff or agents prior to the execution of the Pipeline Abandonment Contract.

4. Bidder Qualifications. No contract will be awarded unless: (a.) the bidder holds a current contractor's license in the class within which the value of the project falls issued at least ten days prior to the date set for receiving bids, and the bid envelope contains a copy of the license or a certificate of its renewal issued by the secretary of state (N.D.C.C. §43-07-12); and (b.) the bidder files along with its bid or after being notified that it is the successful bidder, a certificate from the ND State Tax Commissioner that bidder has paid all delinquent income, sales, and use taxes, if any (N.D.C.C. § 43-07-11.1).

5. Bid Deadline. All bids are due in the office of the Industrial Commission, Oil and Gas Division, by **3:00pm CDT October 19, 2020**. The office is at **1016 E. Calgary Ave., Bismarck, ND**. Bids received after this deadline will not be considered.
6. Review of Bids. The public opening of the bids will be held at **3:00pm CDT October 19, 2020** at the **Industrial Commission, Oil and Gas Division, 1016 E. Calgary Ave., Bismarck, ND**.
7. Withdrawal of Bids. Bids may be withdrawn by bidder's written request received prior to the time set in paragraph 5.
8. Rejection of Bids. The Commission may reject any and all bids and may waive any technical or formal defect in a bid.
9. Notification of Award. The successful bidder, if any, will be notified of the award of the work within thirty days after the bid opening.
10. Contract. The bidder whose bid is accepted must enter into a written contract with the Commission within ten days after the award is made. The contract contains, among other things, provisions requiring the contractor to acquire insurance.
11. Cancellation of Award. The Commission may cancel the award of any contract at any time before execution of the contract by all parties without any liability to the Commission.
12. Title to Material and Objects on Site. The Commission has title to all equipment owned by the operator, former operator, or working interest owners on the sites.
13. Changes in Specifications. The Commission may, during the bidding period, advise bidders by letter of alterations to the Reclamation Specifications. All such changes are included in the work covered by the bid and are a part of the specifications.

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 53499

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **WYODAK ENERGY SERVICES, LLC** whose address is in BUFFALO, WY, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

WYODAK ENERGY SERVICES, LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 27, 2020

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

WYODAK ENERGY SERVICES LLC.
PO BOX 867
Buffalo, WY. 82834
307-684-7376 – PHONE / 888-990-0642 - FAX



October 19, 2020

NDIC Oil & Gas Division
1016 E. Calgary Ave.
Bismark, ND> 58503-5512
Attn: Cody Vanderbusch

Abandonment of Alturas (Mondak) Produced Water Gathering Pipeline System

Please find attached Bid Addons for the abandonment of the Alturas (mondak) pipeline system.
Please us these rates for the unknown quantities.

Price per bbl. pipeline system flush.....	\$131.13
Contaminated Soil Removal Per Ton.....	\$176.95
Per bbl. Pipeline Fluids Removal & Disposal.....	\$98.34
Price Per Ton Topsoil Placement.....	\$75.17
Price Per Ton Fill Placement.....	\$53.36
NORM & Equipment Salvage Per CY.....	\$356.81
Locating Unknown Pipeline Per Day.....	\$2,200.00

Josh Dilloway
WyoDak Energy Services, LLC.
Cell: (701)217-2951
Office: (307)684-7376
Email: jdilloway@wyodakenergy.com

BID

Bid for all services pertaining to the abandonment of pipeline system noted in the attachment:

See attachment A

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, ABANDONMENT & RECLAMATION REQUIREMENTS, PIPELINE ABANDONMENT CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for \$317,500.00 dollars (\$)

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Pipeline Abandonment Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 19 day of October 2020.

Name of Bidder

Signature



CCI Industrial Services, LLC
6397 108th Ave NW
Tioga, ND 58852

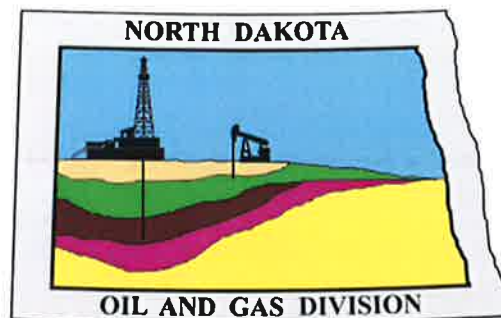
Business Address

Business Telephone Number

Email Address

1-907-317-7527

rbayrd@ccialaska



Invitation to Bid,
North Dakota Industrial Commission,
Oil and Gas Division
Abandonment of Alturas



Presented By
CCI Industrial Services, LLC



CCI Industrial Services, LLC

CCI Industrial Services, LLC

6397 108th Ave. NW

Tioga, ND 58852

October 19, 2020

North Dakota Industrial Commission,

Oil & Gas Division

Cody Vanderbusch

Reclamation Specialist

Via Mail-In/Delivery

Mr. Vanderbusch,

CCI Industrial Services, LLC (CCI) is pleased to respond to North Dakota Industrial Commission, Oil & Gas Division's (State), Invitation to Bid on Abandonment of Alturas. Our team is motivated and eager to extend our oil and gas services to the state of North Dakota. We are confident your team will be impressed with our unmatched experience, commitment to safety, quality, delivery, and dedication to providing best in class service.

The number of abandoned or orphaned wells in North Dakota is becoming a problem due to lower oil prices and well production decline. This has resulted in the State taking a proactive approach in requesting these abandoned wells be brought back into compliance, or face confiscation for plugging and reclamation. The reclamation process requires partners with aligned core values. CCI is this partner. Our approach to this contract will:

- Double-down on our commitment to safety, quality, and service excellence.
- Transparently work with the State, Landowner's, and Operators to agree upon and execute a reclamation plan all parties approve.
- Provide an experienced, multi-skilled workforce that is committed to meeting the State's expectations.
- Take ownership, standby our work and communicate with the State to be an industry service leader.

We appreciate the opportunity to respond with this Invitation to Bid and look forward to demonstrating our commitment to safety, quality, delivery, and cost. We also look forward to a successful partnership with the State of North Dakota.

Sincerely,

Nick Horvath

North Dakota - Area Manager

Nick.Horvath@ccialaska.com

(701) 651-4946

CCI Industrial Services, LLC



Contents

Bid Form	Error! Bookmark not defined.
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BID

Being fully familiar with the local conditions affecting the performance of the contract and having carefully examined the INVITATION TO BID, INSTRUCTIONS TO BIDDERS, ABANDONMENT & RECLAMATION REQUIREMENTS, PIPELINE ABANDONMENT CONTRACT bidder proposes and agrees to perform all work called for in the specifications and contract and to furnish the services, equipment, and labor necessary for the full completion of the work for dollars **\$317,500.00**

If the bidder's bid is accepted, the Industrial Commission will inform the bidder in writing within thirty days after the bid opening. Within seven days after receipt of such a notice, bidder will appear in the office of the North Dakota Industrial Commission, Oil and Gas Division, and execute the Pipeline Abandonment Contract. Bidder agrees that if bidder fails to enter into a contract, bidder is liable to the Commission for all expenses incurred by and damages suffered by the Commission as a result of the failure.

Dated this 19th day of October 2020.



CCI Industrial Services, LLC
6397 108th Ave NW
Tioga, ND 58852

Rodney Byrd
Name of Bidder
[Signature]
Signature
6397 108th Ave NW
Business Address
1-907-317-7527
Business Telephone Number
rbayrd@ccir/aska
Email Address

Attachment A

Description of Pipeline System Approximately 50 miles of poly pipeline (without tracer wire). Map included at bottom is intended to give an overview of the location of the pipeline system. This map has been digitized from USFS records and may not be complete. There is a south lateral running along a lease road in Sections 22, 26, and 27 in T147N R104W which is not included on the map that must be properly abandoned (area in red box on map). This section should be reviewed first. The pipeline system has a lateral that runs into Montana.

Approximately 1,200' from the Stateline there is a block valve, which is where the 6" poly line going into North Dakota should be capped below grade.

There are 39 known above ground risers that we suspect are associated to this pipeline system which vary from 1" to 3" in size. These risers were used for blowing salt plugs out of the line.

There are 18 known above ground facilities, which include the Bennie Peer Lift Station (SESE 3-147NR104W), block valves locations, and oil and gas well sites. Please note many wells that tied into this pipeline system have previously been plugged and the sites reclaimed.

There are 3 known areas of contamination which have resulted from this pipeline system leaking, which are located at:

- Bennie Peer Lift Station (SESE 3-147N-R104W). Slow leak of 2-3 gallons per day at cracked pump.
- Three-way block valve (NENE 10-147N-R104W). Slow leak of ½ gallon per day at bolted flange.
- Release from 8/15/2013 reported as 250bbl saltwater requires further cleanup and exposed pipeline to be removed. (NESE 22-T147N-R104W).

Locations of Associated Above Ground Infrastructure Items highlighted in yellow in the table below will not line up with the map centerline but must still be investigated to determine if they are part of the system and addressed if they are.

GPS LOCATION	DESCRIPTION
47.59892, -103.91363	2" RISE
47.65761, -104.03503	SIGNAGE
47.57633, -103.90484	BENNIE PEER LIFT STATION
47.58559, -103.89264	1" RISER
47.58516, -103.89333	2" RISER
47.59443, -103.90911	SWD HATTER PIG LAUNCHER
47.59945, -103.91469	2" RISER
47.60909, -103.93356	1" RISER
47.61019, -103.94065	1" RISER
47.61162, -103.94479	SIGN
47.61037, -103.94791	3" RISER: POLY TO STEEL
47.61695, -103.94598	SIGN

CCI Industrial Services, LLC

47.62241, -103.94924	1,000 BBL BOLTED TANK
47.62171, -103.94934	SIGN
47.62183, -103.95028	2" RISER
47.63284, -103.95503	1" RISER
47.63491, -103.95659	SIGN
47.63712, -103.95688	1" RISER
47.63730, -103.95691	PIG RECEIVER
47.63896, -103.95841	1" RISER
47.64501, -103.96157	1" RISER
47.64501, -103.96173	BLOCK VALVES IN CULVERTS
47.64497, -103.96233	SIGN
47.52796, -103.90601	2" RISER VALVE
47.52473, -103.90701	2" RISER VALVE
47.52082, -103.90551	2" RISER
47.51941, -103.90291	1-3" POLY LINE TO SURFACE
47.53839, -103.90731	FILE 7166
47.57536, -103.88831	8" PIG RECEIVER
47.57965, -103.90452	SIGN
47.58489, -103.91114	2" RISER
47.58434, -103.91956	FILE 6904
47.59192, -103.92061	GUARD ONLY, NO RISER
47.57518, -103.94743	6" BLOCK VALVE, BELOW GRADE
47.65099, -104.04646	6" BLOCK VALVE MT
47.64974, -104.04652	2" RISER
47.61893, -104.02193	2" RISER
47.61892, -104.02047	6" PIG LAUNCHERS
47.64059, -104.03701	3" RISER BLOCK VALVE
47.64013, -104.03686	2" CHECK VALVE, FILE 6135
47.57529, -103.97585	6" 3-WAY, LEAKING
47.64467, -104.02885	2-WAY BLOCK VALVE
47.64406, -104.02622	2" RISER
47.64486, -104.02357	2" RISER
47.64746, -104.01909	2" RISER, DEAD GROUND
47.64879, -104.01921	2" RISER
47.65037, -104.01641	2" RISER
47.65092, -104.01402	2" POLY TRANSFER LINE, OIL IN TANK DIKING
47.64631, -104.01866	2" DISCONNECTED POLY LINE, FILE 6598
47.64672, -104.01901	2" RISER
47.64116, -104.02477	2" RISER, NO GUARD, 6' TALL
47.57518, -103.93575	COULEE CROSSING
47.63715, -104.02184	2" RISER, NO GUARD

CCI Industrial Services, LLC

47.63237, -104.01785	2" RISER IN CULVERT
47.63021, -104.01627	2" RISER
47.62872, -104.01496	BLOCK VALVE IN CULVERT
47.62158, -104.00539	3" RISER
47.62043, -103.99487	3" RISER
47.62074, -103.98883	3" TRANSFER LINE
47.64284, -104.02537	2" RISER IN CULVERT
47.64477, -104.03006	2" RISER IN CULVERT
47.64921, -104.03027	2" RISER POLYLINE
47.65185, -104.02632	2" RISER POLYLINE
47.65364, -104.02371	3" TRANSFER LINE DISCONNECTED
47.57504, -103.88548	CULVERT WITH LID

Includes – Abandonment of Alturas

1. Provide imagery before starting work and after work has been completed.
2. CCI will place one calls for utilities before starting work and confirm all subcontractors (if used) have placed their own.
3. CCI will prepare a reclamation plan for each site upon award.
4. CCI will identify the surface owner of the site and provide a copy of the reclamation plan to the surface owner at least 10 days prior to starting work and provide proof of notification.
5. CCI will submit the reclamation plan to NDIC.
6. CCI will clean equipment and dispose of impacted materials appropriately.
7. CCI will remove equipment to an appropriate place.
8. CCI will flush flowlines with fresh water and cut and cap 3' below final contour – dispose of water at an authorized facility, not to exceed 250 bbl., see price sheet for additional flushing and disposal of fluids rates.
9. Soil testing to check for EC greater than EC greater than 2000 uS/cm (CL around 250 ppm)
10. Recontour the site, not to include lease/access road.
11. CCI will provide daily reporting and final documentation of completion to the NDIC.

Note – this work is for site reclamation and if the CONTRACTOR determines with approval from the NDIC that off-site contamination or contamination levels will require extended reclamation time, contractor must provide documentation in the form of samples. Approval can be granted to suspend reclamation and move to the next site.

Excludes – Abandonment of Alturas

CCI Industrial Services, LLC

1. Remove any contaminated material with an EC greater than 2000 uS/cm (CL around 250 ppm) and tph greater than 10,000 ppm (no Free Fluid) down 4' if needed. Dispose of contaminated material at an approved facility. See price sheet for disposal rates.
2. Lease road removal and recontouring.
3. Topsoil import and spreading, see price sheet.
4. Seed area only if surrounding area is grass – Native seed is preferred unless owner wants something different (excluding crops), see price sheet.
5. TENORM cleaning and disposal, see price sheet.
6. Remove utility services from site. Electric contractor to disconnect power at meter, confirming no other locations are affected. price sheet for overages.
7. Any branch pipelines not specifically mentioned in Attachment A of the Bid Package.

CCI Industrial Services, LLC
ND Oil & Gas - Unknown Pricing

Price Sheet

Description	Rate	Units
Abandonment cost (footage + dig locations)		
Per footage of pipeline length (1000ft min)	\$1.25	ft
Per dig location	\$6000	each
Utilities (electrical)		
- Electrician	\$ 118.00	HR
- Truck	\$ 105.00	DAY
Fluid Disposal (tank cleaning/pipe flushing)		
- Fluid	\$ 1.35	bbl
- Travel (tanker)	\$ 130.00	HR
- Sucker/Vac Truck	\$ 280.00	HR
Contamination Removal (Solids)		
- Material Disposal	\$ 35.00	TON
- Trucking	\$ 135.00	HR
- Excavator	\$ 90.00	HR
- Loader	\$ 120.00	HR
- Equipment Operator	\$ 62.93	HR
- Foreman	\$ 61.53	HR
Import/Spread Topsoil and Fill Material		
- Topsoil	\$ 28.75	TON
- Fill Material	\$ 13.25	TON
- Trucking	\$ 135.00	TON
- Dozer/Grader	\$ 95.00	HR
- Loader	\$ 120.00	HR
- Equipment Operator	\$ 62.93	HR
- Foreman	\$ 61.53	HR
TENORM Cleaning and Disposal		
- Cleaning	\$ 325.00	HR
- Box/Ramp	\$ 100.00	DAY
- Disposal	TBD	
Seeding		
- Native Grass	\$ 9,421.05	ACRE

State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 000043743

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **CCI Industrial Services, LLC** whose address is in ANCHORAGE, AK, has filed in this office proper documents for a Contractor License valid until March 1, 2021, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

CCI Industrial Services, LLC is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: August 31, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

The North Dakota Secretary of State verifies that:

CCI Industrial Services, LLC

is the holder of a North Dakota Class A Contractor License
which is in force until March 1, 2021 unless sooner
suspended or revoked as provided by NDCC 43-07.

License # 000043743

Kadrmass, Bethany R.

From: Entzi-Odden, Lyn <lodden@fredlaw.com>
Sent: Thursday, September 17, 2020 1:27 PM
To: Kadrmass, Bethany R.
Subject: Cobra Case 28530 letter
Attachments: Cobra 28530 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 see the attached letter.

Thank you.



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.

September 17, 2020

VIA EMAIL

Mr. Lynn Helms
Director
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard
Bismarck, North Dakota 58505-0310

RE: ORDER NO. 31055, 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.

Dear Mr. Helms:

On August 20, 2020, the North Dakota Industrial Commission ("Commission") entered Order No. 31055 in Case No. 28530 with respect to certain wells owned and/or operated by Cobra Oil & Gas Corporation ("Cobra").

Cobra has requested me to advise that it will not appeal Order No. 31055.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/leo

cc: Cobra Energy Management, LLC
70965707.1

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

Kadrmass, Bethany R.

From: Forsberg, Sara <SForsberg@fredlaw.com>
Sent: Thursday, September 17, 2020 10:40 AM
To: Kadrmass, Bethany R.
Cc: Bender, Lawrence; Phillips, David R.
Subject: Liberty Resources - Ltr to L. Helms
Attachments: Liberty Resources - Ltr to L. Helms re Admin Order 533-c.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 letter from Lawrence to Mr. Helms.

Thank you.

Respectfully,

Sara Forsberg
Legal Administrative Assistant
Fredrikson & Byron, P.A.
1133 College Drive, Suite 1000
Bismarck, ND 58501-1215
Main Phone: 701.221.8700
Email: sforsberg@fredlaw.com

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September 17, 2020

VIA EMAIL

Mr. Lynn Helms
Director
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard
Bismarck, North Dakota 58505-0310

**RE: Order No. 31070 and Administrative Order of the
Director, Order No. 533, Case No. 28495
Liberty Resources Management Company, LLC**

Dear Mr. Helms:

On August 27, 2020, the North Dakota Industrial Commission ("Commission") confiscated the Erickson D #1 well (File No. 11143) owned and/or operated by Liberty Resources Management Company, LLC ("Liberty") pursuant to an Administrative Order of the Director, Order No. 533.

Please be advised that Liberty does not intend to appeal Order No. 533 entered against Liberty with respect to the Erickson D #1 well; however, Liberty respectfully requests that the Commission utilize its best efforts to plug and reclaim the Erickson D #1 well within the next sixty (60) days. Liberty shall fully cooperate in the Commission's effort to plug said well by providing books, files, records and/or other information reasonably requested by the Commission in connection therewith.

Should you have any questions, please advise.

Sincerely,


LAWRENCE BENDER

LB/tjg

cc: David Phillips – via email
Liberty Resources Management, LLC
70979385.1

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

Kadrmass, Bethany R.

From: Forsberg, Sara <SForsberg@fredlaw.com>
Sent: Friday, September 4, 2020 4:37 PM
To: Kadrmass, Bethany R.
Cc: Bender, Lawrence; Entzi-Odden, Lyn
Subject: Samson Oil & Gas - Case 28530 / Order 31064
Attachments: Samson Oil - Ltr to L. Helms re Order No. 31064, Case No. 28530-c.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 letter addressed to Mr. Helms from Lawrence Bender.

Thank you.

Respectfully,

Sara Forsberg
Legal Administrative Assistant
Fredrikson & Byron, P.A.
1133 College Drive, Suite 1000
Bismarck, ND 58501-1215
Main Phone: 701.221.8700
Email: sforsberg@fredlaw.com

*****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.*****

September 4, 2020

VIA EMAIL

Mr. Lynn Helms
Director
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard
Bismarck, North Dakota 58505-0310

RE: Order No. 31064, Case No. 28530

Dear Mr. Helms:

On August 20, 2020, the North Dakota Industrial Commission ("Commission") entered Order No. 31064 in Case No. 28530 confiscating certain wells ("Subject Wells") owned and/or operated by Samson Oil and Gas USA, Inc. ("Samson"). The Commission has indicated its intent to exhaust any funds available to it under the CARES Act for the purpose of plugging and reclaiming the Subject Wells before the Commission will resort to bond confiscation and/or civil suits to recover its costs. *See* Order No. 31064, ¶ 14. As such, please be advised that Samson does not intend to appeal Order No. 31064.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/slf

cc: Samson Oil & Gas

70878521.1

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

Kadrmass, Bethany R.

From: Adrian Trim <AdrianT@R360es.com>
Sent: Sunday, August 30, 2020 12:49 PM
To: Kadrmass, Bethany R.
Cc: Colton Ellingford; Mike Little
Subject: Update on Activities of Marx File No. 700087-01
Attachments: Letter Post Hearing 082720 Final.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 attached document.
Thanks,

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

Kadrmass, Bethany R.

From: Gale Robinson <gale.85disposal@gmail.com>
Sent: Friday, August 28, 2020 12:08 PM
To: Kadrmass, Bethany R.
Subject: Underground water gathering system

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

Good afternoon, Bethany,

I am sending you this email to update you on the work that has been completed on our pipeline project. This past Friday I got a signature from the man that owns the land our booster station sits on. I sent it right over to McKenzie electric as they have to pull the line and meter for that parcel of land. I sent an email and called Brittany at McKenzie Electric yesterday to ask her what day they will be out but I haven't heard back.

We still have two risers - one on the booster station parcel of land and the other near the Citation Johnson 1-30 well pad. We cannot remove these two risers as we are using them to trace pipeline on Army Corps land. The Army Corps has told us that the pipeline on their land must be removed. We did get a good trace on them today but are still working with the Army Corps. We cannot put a deadline on this part of the pipeline project as it rests with the Army Corps and their timetable.

However, the reclamation at booster station will be seeded the day after McKenzie Electric removes their line and meter. As soon as I get a date from McKenzie Electric I will follow up with you.

If you have any questions please call or email me. This is not an easy project to give a timeline on as we are at the mercy of the Army Corps and McKenzie Electric.

Respectfully,

Gale Robinson
Administrative Manager
The "85" Disposal
423 1st Ave W
Williston, ND 58801
Tel: 701-610-6083

Kadrmass, Bethany R.

From: Gale Robinson <gale.85disposal@gmail.com>
Sent: Friday, August 28, 2020 12:32 PM
To: Kadrmass, Bethany R.
Subject: Update

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

Hello Bethany,

I just heard back from McKenzie Electric. They will have line pulled and meter pulled at the booster station today. As soon as we have completed the trace for the pipeline located on army corps land we will have the riser pulled at the booster, as well. This area will be seeded within the next week or so and reclamation will be complete at the booster station - well before the October 1 deadline.

The same goes for the second riser near Citations Johnson 1-30 well pad. It should only take a few hours to pull the riser in this area. However, due to the fact that the pipeline is located under a road in this area I am unable to give a timeline for pipeline removal on this portion of army corps land.

KInd regards,

Gale Robinson
Administrative Manager
The "85" Disposal
423 1st Ave W
Williston, ND 58801
Tel: 701-610-6083

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



**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

Invoice

Printed on September 1, 2020

Billed To STATE OF NORTH DAKOTA, OFFICE OF THE ATTORNEY GENERAL
600 EAST BOULEVARD AVENUE, DEPT. 125
BISMARCK, ND 58505-0040

Net 30 days

Reference Civil Papers C20-00884; Serve On: HUTCHISON, JEROME JOB
Return # 9803
Invoice # IN20-01004
Invoice Date 8/28/20
Due Date 9/27/20

Item	Disburse To	Hold From Disb.	Amount Owed	Amount Paid
Calculated Mileage Fee	MCKENZIE COUNTY TREASURER	No	\$32.00	\$0.00
Postage	MCKENZIE COUNTY TREASURER	No	\$0.65	\$0.00
Service Fee	MCKENZIE COUNTY TREASURER	No	\$20.00	\$0.00
			Total Owed	\$52.65
			Total Paid	\$0.00
			Uncollectible	\$0.00
			Remaining	\$52.65

Comments

MCKENZIE COUNTY SHERIFF'S OFFICE
1201 12TH ST SE, SUITE B
WATFORD CITY, ND 58854
Phone: (701) 842-6010
Fax: (701) 842-6455



**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 # 9803
Process # C20-00884
Docket #
Reference #
Civil Case # CVL2000665

STATE OF NORTH DAKOTA
COUNTY OF MCKENZIE

}

}

}

}

BEFORE THE INDUSTRIAL COMMISSION OF
THE STATE OF NORTH DAKOTA

}

Plaintiff,

}

- VS -

}

JEROME JOB HUTCHISON

}

Defendant

}

SHERIFF'S RETURN OF PERSONAL SERVICE

Date Recieved: **28th day of August, 2020**

Action: **an ORDER OF THE COMMISSION**

Type Of Service: **Personal Service**

Person Served: **JEROME JOB HUTCHISON**

Date Served: **1st day of September, 2020** Time Served: **2:30 PM**

Location where served: **1201 12TH ST SE, SUITE B, WATFORD CITY, ND 58854**

Comments

Date Returned 9/1/20

Signed

Heath Chaffin

Date 09/01/20

Deputy Heath Chaffin
MCKENZIE COUNTY SHERIFF'S OFFICE
1201 12TH ST SE, SUITE B
WATFORD CITY, ND 58854
Phone: (701) 842-6010
Fax: (701) 842-6455

MCKENZIE COUNTY
SHERIFF'S OFFICE

Return of Person
Form 100-1000
Revised 1/1/10

SHERIFF'S RETURN OF PERSONAL SERVICE

THE NEW YORK STATE JUDICIAL COMMISSION OF

STATE OF NORTH DAKOTA
COUNTY OF MCKENZIE

DISTRICT

Date Received: 28th day of August, 2020

Action and Order of the Commission

Type of Service: Personal Service

Person Served: JEROME J. HUTCHINSON

Date Served: 28th day of August, 2020 Time Served: 2:30 PM

Location where served: 1011 1/2th St SE, Suite B, WATFORD CITY, ND 58201

Comments:

Date Received: 8/28/20

Date: 8/28/20

Signed:

Deputy Sheriff

WATFORD CITY, ND 58201
Phone: (701) 842-6010
Fax: (701) 842-6456

Office of Attorney General
RECEIVED

SEP 04 2020

BISMARCK, NORTH DAKOTA



Wayne Stenehjem
ATTORNEY GENERAL

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

**CIVIL LITIGATION
NATURAL RESOURCES
AND INDIAN AFFAIRS**
500 NORTH 9TH STREET
BISMARCK, ND 58501-4509
(701) 328-3640 FAX (701) 328-4300

August 26, 2020

Sheriff Matthew Johansen
McKenzie County Sheriff's Office
Attn: Civil Division
1201 12th St. SE Suite B
Watford City, ND 58854

Re: 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 Sheriff Johansen:

Enclosed are two true and correct copies of an ORDER OF THE COMMISSSION 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

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

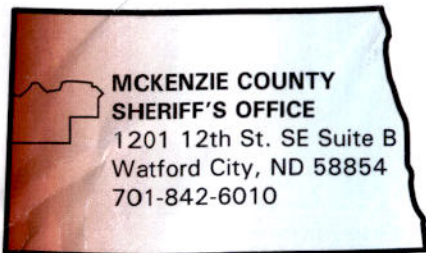
/s/ Doug Burgum, Governor

/s/ Wayne Stenehjem, Attorney General

/s/ Doug Goehring, Agriculture Commissioner

File No	Operator	Field	Facility Name	Well Type	Status	County Name
700117-01	N w w y Energy Services LLC		NDEN Services Treating Plant #1		AB	McKenzie
60069	ALTURAS ENERGY LLC	MONDAK	KLANDL RECLAIM PLANT	SKM	AB	MCKENZIE
90013	ALTURAS ENERGY LLC	MONDAK	KLANDL 28-31X SWD	SWD		MCKENZIE
	ALTURAS ENERGY, LLC	MONDAK	Produced Water Underground Gathering System			MCKENZIE
700103-01	Apollo Resources LLC		M d i on Tr as g Plant #1		AB	McK ze
700099-01	B k k n Western Services LLC		K en Th rm l Desorption Tr atng Pl nt #1		AB	McK zie
700138-01	Berg Specialty Fluids H l d g, LLC		Fluidtech No 1 Treatment Plant		AB	Burke
4684	COBRA OIL & GAS CORPORATION	SQUARE BUTTE	GOVERNMENT TAYLOR B 2	OG	AB	GOLDEN VALLEY
5179	COBRA OIL & GAS CORPORATION	GLENBURN	CARROLL AITKEN 1	OG	AB	RENVILLE
5474	COBRA OIL & GAS CORPORATION	LORAIN	UCLI 1	OG	A	RENVILLE
5486	COBRA OIL & GAS CORPORATION	LORAIN	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	BWYER 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
10785	COBRA OIL & GAS CORPORATION	MCKINNEY	LAVONNE 16-12	OG	A	RENVILLE
10880	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	IA	MCKENZIE
13452	COBRA OIL & GAS CORPORATION	CINNAMON CREEK	CINNAMON CREEK 31 7	OG	IA	MCKENZIE
13787	COBRA OIL & GAS CORPORATION	PIERRE CREEK	FEDERAL RIVET 6-7	OG	IA	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
4985	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	SWFT 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	F Id	Facility Name	Well Typ	Status	County Name
15838	EAGLE OPERATING, INC	NORMA	TIGGER 25-8	OG	A	WARD
17317	EAGLE OPERATING INC	NEWPORTE	E M EMMEL 10-3	OG	TA	RENNVILLE
15848	MBI OIL & GAS LLC	INDIAN HILL	LYNN 2	OG	A	MCKENZIE
15781	MBI OIL & GAS, LLC	INDIAN HILL	LYNN 3H	OG	A	MCKENZIE
18135	MBI OIL & GAS LLC	BANKS	LM 2	OG	AB	MCKENZIE
700058-08	Newalta Environmental Services Inc/Tervita Environmental Services Inc		New Town Fluid Treating Plant #1		AB	Mountain
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
12614	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 Wellton Basin LLC		Mex West 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
15822	SAMSON OIL AND GAS USA, INC	FOREMAN BUTTE	SCHMIDT 1-25H	OG	IA	MCKENZIE
15695	SAMSON OIL AND GAS USA, INC	GLASS BLUFF	LASSEY 1-16H	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 155-88-11-HS1	OG	IA	WARD
	The 85 Disposal Inc	INDIAN HILL	Prod. and Water Underground Gathering System			MCKENZIE
2279	WHITE ROCK OIL & GAS LLC	SHERWOOD	MORTON BECKEDAH B 1	OG	IA	RENNVILLE
9121	WHITE ROCK OIL & GAS LLC	ELKHORN RANCH	FEDERAL 6-1	OG	AB	BILLINGS
10228	WHITE ROCK OIL & GAS LLC	HORSE CREEK	ROUPH 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



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BISMARCK, NORTH DAKOTA

**DAVID R. PHILLIPS
ASSISTANT ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
500 NORTH 9TH ST
BISMARCK, ND 58501-4509**

585014509 C008



Check Date: 09/11/2020

Supplier Number: 0000003251

Check No: 54278517

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discount Taken	Paid Amount
IN-20-01004	08/28/2020	00024464	52.65	0.00	52.65

Check Number	Date	Total Gross Amount	Total Discounts	Total Paid Amount
54278517	09/11/2020	\$52.65	\$0.00	\$52.65

THIS DOCUMENT HAS A GREEN BACKGROUND ON THE FACE AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW

Industrial Commission
Industrial Commission
600 E Boulevard Ave, Dept 405
Bismarck ND 58505

BANK OF NORTH DAKOTA
1200 Memorial Hwy
Bismarck ND 58504

54278517
77-28/913

Date 9/11/2020 Pay Amount \$52.65***

Pay ****FIFTY-TWO AND 65/100 DOLLAR ****

This check will void after two years.

To The Order Of
MCKENZIE COUNTY
SHERIFF OFFICE
PO BOX 591
WATFORD CITY ND 58854-0591



John C. Helton

State Auditor

Kelly Schmitt

State Treasurer

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

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

November 25, 2020

DONNA J CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: ALTURAS ENERGY, LLC

Dear Ms. Connor,

We are writing to you regarding the Service of Process documents in the matter of ALTURAS ENERGY, LLC.

The Admission of Service Certificate and Order of the Commission were returned to our office by the Postal Service "Return to Sender, Not Deliverable as Addressed, Unable to Forward." We will forward directly to 675 Sun Valley Rd Ste H, Ketchum ID 83340

Should you have any questions, please call Allison at 701-328-1696.

Sincerely,

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

Certified Mail No. 7019 2280 0001 7941 4689



STATE OF NORTH DAKOTA

Donny Hickey

Office of Attorney General
RECEIVED

NOV 30 2020

BISMARCK, NORTH DAKOTA

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:

ALTURAS ENERGY, LLC
675 SUN VALLEY RD STE H
PO BOX 3512
KETCHUM ID 8334


9590 9402 1315 5285 0127 80

2. Article Number (Transfer from service label)
7019. 8280.0001. 7941. 4412

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☒ No
If delivery address below:

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

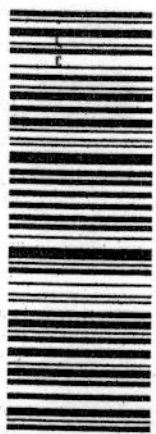
RECEIVED

NOV 23 2020

SEC. OF STATE

SECRETARY OF STATE
ALVIN A. JAEGER
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500
OFFICIAL MAIL
STATE OF NORTH DAKOTA

CERTIFIED MAIL


7019 2280 0001 7941 4412
XIN

ALTURAS ENERGY, LLC
675 SUN VALLEY RD STE H
PO BOX 3512
KETCHUM ID 8334

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

5850505009 0091N275172-03133

342 82.1 0110/01/20

U.S. POSTAGE

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0000351169 SE

SECRETARY OF STATE

ALVIN A. JAEGER
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500
OFFICIAL MAIL
STATE OF NORTH DAKOTA

PRESORTED
FIRST CLASS



U.S. POSTAGE » PITNEY BOWES



ZIP 58505 \$ 000.43⁹
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Office of Attorney General
RECEIVED

NOV 30 2020

BISMARCK, NORTH DAKOTA



JLZ-EMB 58501



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

October 5, 2020

DONNA J CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE ALTURAS ENERGY, LLC

Dear Ms Connor,

We are writing to you regarding the Service of Process documents in the matter of ALTURAS ENERGY, LLC

The Admission of Service Certificate and Order of the Commission were returned to our office by the Postal Service "Return to Sender, Not Deliverable as Addressed, Unable to Forward" We have no other address on file

Should you have any questions, please call Allison at 701-328-1696

Sincerely,

A handwritten signature in cursive script that reads "Darcy Hurley".

Darcy Hurley
Business Information Unit Lead

DH/as
Enc

SECRETARY OF STATE
ALVIN A. JAEGER
STATE OF NORTH DAKOTA
100 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

OFFICIAL MAIL
STATE OF NORTH DAKOTA

ADDRESS SERVICE REQUESTED

B. Received by (Printed Name)

■ Attach this card to the back of the mailpiece,
or on the front if space permits.

1. Article Addressed to:

ALTURAS ENERGY, LLC
675 SUN VALLEY RD, STE H
PO BOX 3512
KETCHUM ID 83340



9590 9402 5222 9122 3393 67

2. Article Number (Transfer from service label)

7019 2280 0001 7941 4306

PS Form 3811, July 2015 PSN 7530-02-000-9053

- Article Addressed to:
or delivery address below:
- ☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail (over \$500)
☐ Insured Mail Restricted Delivery
- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



7019 2280 0001 7941 4306
XIN

RECEIVED
SEP 22 2020
SEC. OF STATE

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WTF

ALTURAS ENERGY, LLC
675 SUN VALLEY RD, STE H
PO BOX 3512
KETCHUM ID 83340

IE 842 E2 1 0109/17/20
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UNABLE TO FORWARD
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Office of Attorney General
RECEIVED

OCT - 9 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

August 28, 2020

DONNA J. CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: ALTURAS ENERGY, LLC

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) Order of the Commission

If this office can further assist you, please feel free to contact us.

Sincerely,

A handwritten signature in black ink that reads "Darcy Hurley". The signature is written in a cursive, flowing style.

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.



David Hurley

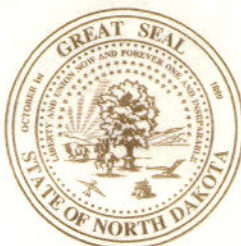
Office of Attorney General
RECEIVED

SEP 02 2020

BISMARCK, NORTH DAKOTA

State of North Dakota

SECRETARY OF STATE



ADMISSION OF SERVICE

Date: August 28, 2020

Service of the within Admission of Service and Order of the Commission and on behalf of

ALTURAS ENERGY, LLC

is hereby admitted by separate copy received for the above-mentioned defendant, this 28th day of August 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 Attorney General
500 N 9th St
Bismarck ND 58501-4509

A handwritten signature in dark ink, appearing to read "Alvin A. Jaeger", is written over a horizontal line.

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

August 28, 2020

ALTURAS ENERGY, LLC
675 SUN VALLEY RD, STE H
PO BOX 3512
KETCHUM ID 83340

RE ALTURAS ENERGY, LLC

Dear Sir,

Enclosed are an Admission of Service Certificate and Order of the Commission

If this office can further assist you, please feel free to contact us

Sincerely,

A handwritten signature in black ink that reads "Darcy Hurley".

Darcy Hurley
Business Information Unit Lead

DH/as
Enc

Certified Mail No 7019 2280 0001 7941 4306

cc Donna J Connor
Office of Attorney General
500 N 9th St
Bismarck ND 58501-4509

RECEIVED

AUG 28 2020

SEC OF STATE

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

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 Service LLC		Kee Thermal Desorption Treating Plant #1		AB	McKenzie
700138-01	Berg Specialty Fluids Holding LLC		Fluidtech No 1 Treatment Plant		AB	Burke
4584	COBRA OIL & GAS CORPORATION	SQUARE BUTTE	GOVERNMENT TAYLOR B 2	OG	AB	GOLDEN VALLEY
5176	COBRA OIL & GAS CORPORATION	GLENBURN	CARROLL AITKEN 1	OG	AB	RENNVILLE
5474	COBRA OIL & GAS CORPORATION	LORAIN	UCU 1	OG	A	RENNVILLE
5486	COBRA OIL & GAS CORPORATION	LORAIN	CROOKS 3	OG	A	RENNVILLE
5940	COBRA OIL & GAS CORPORATION	NORTHEAST FOOTHILLS	BRYAN 3	OG	IA	BURKE
6285	COBRA OIL & GAS CORPORATION	NORTHEAST LANDA	HAROLD GRAVETH 1	OG	AB	BOTTINEAU
7064	COBRA OIL & GAS CORPORATION	BAUMANN DRAIN	WATLAND 1	OG	A	BOTTINEAU
7719	COBRA OIL & GAS CORPORATION	GLENBURN	LEO PRESKEY 2R	OG	IA	RENNVILLE
8458	COBRA OIL & GAS CORPORATION	FLAT TOP BUTTE	BEICGEL 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	RENNVILLE
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	BAWER 1	WI	TA	WILLIAMS
10482	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NORTH WESTHOPE-MADISON UNIT QB 2R	OG	IA	BOTTINEAU
10620	COBRA OIL & GAS CORPORATION	MCKINNEY	ALEXANDER 1	OG	A	RENNVILLE
10785	COBRA OIL & GAS CORPORATION	MCKINNEY	LAVONNE 16 12	OG	A	RENNVILLE
10980	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 3-17	OG	IA	RENNVILLE
11083	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 4 17 SWD	SWD	IA	RENNVILLE
11198	COBRA OIL & GAS CORPORATION	MCKINNEY	ALEXANDER 3	OG	IA	RENNVILLE
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	RENNVILLE
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
15287	COBRA OIL & GAS CORPORATION	LAKE VIEW	EMBUCKSHOT 36-4 H	OG	IA	BURKE
16607	COBRA OIL & GAS CORPORATION	WEST GREENE	HOLBROOK 14-16 H	OG	AB	RENNVILLE
20673	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NWNU A-11H	OG	IA	BOTTINEAU
20681	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NWNU A-10H	OG	IA	BOTTINEAU
12529	OES, LLC	GREENBUSH	MILLER F 12 13	SWD	A	WARD
13351	OES, LLC	IVANHOE	TRIPLETT 1 2	OG	IA	RENNVILLE
3392	EAGLE OPERATING, INC.	NORTHWEST MCGREGOR	E GOSTZ 1	OG	IA	WILLIAMS
4093	EAGLE OPERATING, INC.	NORTH HAYS	TER HAAR 1	OG	A	BOTTINEAU
4965	EAGLE OPERATING, INC.	LAKE DARLING	ELBERG 1	OG	IA	RENNVILLE
4980	EAGLE OPERATING, INC.	LAKE DARLING	SCHULTZ 1	OG	IA	RENNVILLE
4985	EAGLE OPERATING, INC.	LAKE DARLING	SWIFT SWD 1	SWD	A	RENNVILLE
5737	EAGLE OPERATING, INC.	CLAY	CARLSON 23-35	OG	A	RENNVILLE
8660	EAGLE OPERATING, INC.	GLENBURN	MARIE WEBER 1	OG	IA	RENNVILLE
9038	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	RENNVILLE
12077	EAGLE OPERATING, INC.	WEST GREENE	LADY HAWK 44 15	SWD	A	RENNVILLE
12553	EAGLE OPERATING, INC.	PRATT	JR 2-6	OG	IA	MCKENRY
13875	EAGLE OPERATING, INC.	WEST GREENE	EMLELAND 10-15	OG	IA	RENNVILLE
14616	EAGLE OPERATING, INC.	NORMA	DAVIS OLSON 12-35	OG	IA	RENNVILLE

RECEIVED

APPENDIX
Case 20530 Consider Confiscation

AUG 28 2020

Case No. 20530
Order Nos. 31050 32057

SEC OF STATE

File No	Operator	Field	Facility Name	Well Type	Status	County Name
15630	EAGLE OPERATING, INC	NORMA	TIGGER 25-8	OG	A	WARD
17317	EAGLE OPERATING, INC	NEWPORTE	E-M EMMEL 10-3	OG	TA	RENNVILLE
15648	MBI OIL & GAS, LLC	INDIAN HILL	LYNN 2	OG	A	MCKENZIE
15789	MBI OIL & GAS, LLC	INDIAN HILL	LYNN 3H	OG	A	MCKENZIE
18135	MBI OIL & GAS, LLC	BANKS	LM 2	OG	AB	MCKENZIE
700089-08	Newalta Environmental Services, Inc./Tervita Environmental Services Inc		New Town Fluid Treating Plant #1		AB	Mountain
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
12614	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
14535	PRIDE ENERGY, AN OKLAHOMA GENERAL PARTNERSHIP	SQUAW GAP	SQUAW GAP FEDERAL 14-30H	OG	IA	MCKENZIE
700087-01	R360 Williston Basin, LLC		Max Waste Treating Plant #1		AB	Billings
3419	RANCH OIL COMPANY	PERELLA	RADENZ 1	OG	A	BURKE
6935	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
15787	SAMSON OIL AND GAS USA, INC	FOREMAN BUTTE	GONZALEZ 1 8H	OG	IA	MCKENZIE
15844	SAMSON OIL AND GAS USA, INC	NAMELESS	UNK 13-2HA	OG	TA	MCKENZIE
15879	SAMSON OIL AND GAS USA, INC	CAMP	SCHMITZ 44-30H	OG	IA	MCKENZIE
16186	SAMSON OIL AND GAS USA, INC	BANKS	PEDERSON 1 10H	OG	AB	MCKENZIE
29241	SOLUTIONS ENERGY LLC	LONETREE	NANGCHEN 155-88-11-HS1	OG	IA	WARD
	The 83 Disposal, Inc	INDIAN HILL	Produced Water Underground Gathering System			MCKENZIE
2278	WHITE ROCK OIL & GAS LLC	SHERWOOD	MORTON BECKEDAHL B 1	OG	IA	RENNVILLE
8121	WHITE ROCK OIL & GAS LLC	ELKHORN RANCH	FEDERAL 8 1	OG	AB	BILLINGS
10228	WHITE ROCK OIL & GAS LLC	HORSE CREEK	ROLPH 1 24	OG	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

SECRETARY OF STATE
ALVIN A. JAEGER
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

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STATE OF NORTH DAKOTA

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BISMARCK, NORTH DAKOTA

DONNA J. CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

585 585 58501 BI-42

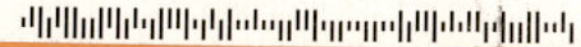


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BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

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

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
50069	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	RENNVILLE
5474	COBRA OIL & GAS CORPORATION	LORAIN	UCL 1	OG	A	RENNVILLE
5486	COBRA OIL & GAS CORPORATION	LORAIN	CROOKS 3	OG	A	RENNVILLE
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	RENNVILLE
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	RENNVILLE
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	RENNVILLE
10786	COBRA OIL & GAS CORPORATION	MCKINNEY	LAVONNE 16-12	OG	A	RENNVILLE
10980	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 3-17	OG	IA	RENNVILLE
11083	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 4-17 SWD	SWD	IA	RENNVILLE
11196	COBRA OIL & GAS CORPORATION	MCKINNEY	ALEXANDER 3	OG	IA	RENNVILLE
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	RENNVILLE
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	RENNVILLE
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	OES, LLC	GREENBUSH	MILLER F 12-13	SWD	A	WARD
13351	OES, LLC	IVANHOE	TRIPLETT 1-2	OG	IA	RENNVILLE
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	RENNVILLE
4980	EAGLE OPERATING, INC.	LAKE DARLING	SCHULTZ 1	OG	IA	RENNVILLE
4985	EAGLE OPERATING, INC.	LAKE DARLING	SWIFT SWD 1	SWD	A	RENNVILLE
5737	EAGLE OPERATING, INC.	CLAY	CARLSON 23-35	OG	A	RENNVILLE
8860	EAGLE OPERATING, INC.	GLENBURN	MARIE WEBER 1	OG	IA	RENNVILLE
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	RENNVILLE
12077	EAGLE OPERATING, INC.	WEST GREENE	LADY HAWK 44-15	SWD	A	RENNVILLE
12553	EAGLE OPERATING, INC.	PRATT	JR 2-6	OG	IA	MCHENRY
13875	EAGLE OPERATING, INC.	WEST GREENE	E-M LELAND 10-15	OG	IA	RENNVILLE
14616	EAGLE OPERATING, INC.	NORMA	DAVIS OLSON 12-30	OG	IA	RENNVILLE

APPENDIX
Case 28530: Consider Confiscation

Case No. 28530
Order Nos. 31050 - 31067

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	RENNVILLE
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
700068-08	Newalta Environmental Services, Inc./Tervita Environmental Services Inc.		New Town Fluid Treating Plant #1		AB	Mountain
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 BECKEDAH 8 1	OG	IA	RENNVILLE
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

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, 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.

**AFFIDAVIT OF SERVICE BY MAIL
AND RETENTION OF DOCUMENTS**

Case No. 28530

Order No. 31051

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

[¶1] Donna J. Connor 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 27th day of August, 2020, I served the attached **ORDER OF THE COMMISSION** by, upon signing this affidavit, immediately thereafter placing true and correct copies of the document in an envelope addressed as follows:

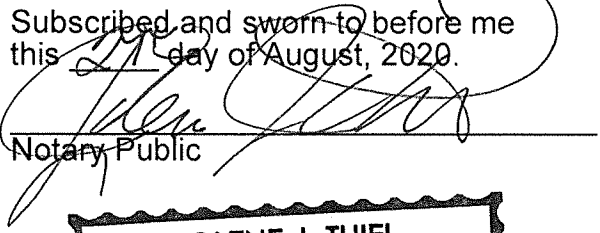
Alturas Energy, LLC
North Dakota Secretary of State
Registered Agent
600 East Boulevard Ave, Dept. 108
Bismarck, ND 58501

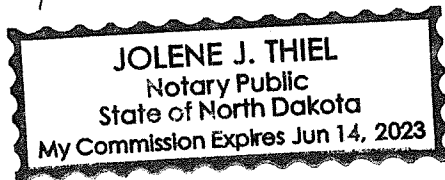
and depositing the same, with postage prepaid, certified mail, return receipt requested, in the United States mail at Bismarck, North Dakota. That the original of these documents

shall be retained at the Office of Attorney General, 500 North 9th Street, Bismarck, North Dakota 58501-4509.


Donna J. Connor

Subscribed and sworn to before me
this 27 day of August, 2020.


Notary Public



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:

**Alturas Energy LLC
ND Secretary of State
Registered Agent
600 E Blvd Ave Dept 106
Bismarck ND 58501**



9590 9402 5853 0038 3049 00

2. Article Number (Transfer from service label)

7018 2290 0000 6608 4054

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Cynthia Ortega

C. Date of Delivery

8-28-20

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

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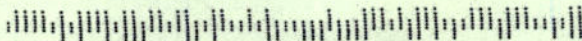
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Office of Attorney General
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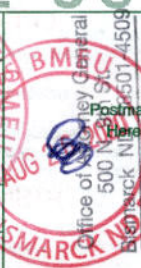
Postage

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Total Postage and Fees

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Alturas Energy LLC ND Sec of State
Registered Agent 600 E Blvd Ave
Dept 108 Bismarck ND 58501
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Bismarck ND 58501-4509

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State of North Dakota

28530 W/H

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for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
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- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

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

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

August 28, 2020

DONNA J. CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: DRILL SOLIDS DISPOSAL

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) Order of the Commission

If this office can further assist you, please feel free to contact us.

Sincerely,

A handwritten signature in black ink that reads "Darcy Hurley". The signature is fluid and cursive.

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.



STATE OF NORTH DAKOTA

DEPARTMENT OF REVENUE

Handwritten signature

Office of Attorney General
RECEIVED

SEP 02 2020

BISMARCK, NORTH DAKOTA

State of North Dakota

SECRETARY OF STATE



ADMISSION OF SERVICE

Date: August 28, 2020

Service of the within Admission of Service and Order of the Commission and on behalf of

DRILL SOLIDS DISPOSAL

is hereby admitted by separate copy received for the above-mentioned defendant, this 28th day of August 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 Attorney General
500 N 9th St
Bismarck ND 58501-4509

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger", is written over a horizontal line.

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

August 28, 2020

DRILL SOLIDS DISPOSAL
417 E BROUSSARD RD, LAFAYETTE
PO BOX 370
MAURICE LA 70555-0370

RE DRILL SOLIDS DISPOSAL

Dear Sir,

Enclosed are an Admission of Service Certificate and Order of the Commission

If this office can further assist you, please feel free to contact us

Sincerely,

A handwritten signature in black ink that reads "Darcy Hurley".

Darcy Hurley
Business Information Unit Lead

DH/as
Enc

Certified Mail No 7019 2280 0001 7941 4290

cc Donna J Connor
Office of Attorney General
500 N 9th St
Bismarck ND 58501-4509

RECEIVED

AUG 28 2020

SEC OF STATE

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

File No	Operator	Field	Facility Name	Well Type	Status	County Name
700117-01	New Way Energy Services LLC		NOEN Srv T ali g 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 Wellbore Services LLC		Keene Thermal Desorption Treating Plant #1		AB	McKenzie
700138-01	Berg Specialty Fluids-Holding LLC		Fiddletch No 1 Treatment Plant		AB	Burke
4634	COBRA OIL & GAS CORPORATION	SQUARE BUTTE	GOVERNMENT TAYLOR 0 2	OG	AB	GOLDEN VALLEY
5178	COBRA OIL & GAS CORPORATION	GLENBURN	CARROLL AITKEN 1	OG	AB	RENVILLE
5474	COBRA OIL & GAS CORPORATION	LORAIN	UCL 1	OG	A	RENVILLE
5486	COBRA OIL & GAS CORPORATION	LORAIN	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	BOWLING 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
10785	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
11186	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 8-4	OG	IA	MCKENZIE
13359	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 38-4 H	OG	IA	BURKE
16607	COBRA OIL & GAS CORPORATION	WEST GREENE	HOLBROOK 14-18 H	OG	AB	RENVILLE
20673	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NWNU A-11H	OG	IA	BOTTINEAU
20681	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NWNU 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	SWFT SWD 1	SWD	A	RENVILLE
5737	EAGLE OPERATING INC	CLAY	CARLSON 23-35	OG	A	RENVILLE
8860	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
13873	EAGLE OPERATING INC	WEST GREENE	E M LELAND 10-15	OG	IA	RENVILLE
14816	EAGLE OPERATING INC	NORMA	DAVIS OLSON 12-30	OG	IA	RENVILLE

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AUG 28 2020

APPENDIX
Case 28530 Consider CertificationCase No. 28530
Order Nos. 31050 31067

SEC. OF STATE

File No	Operator	Field	Facility Name	Well Type	Status	County Name
15636	EAGLE OPERATING, INC.	NORMA	TIGGER 25-8	OG	A	WARD
17317	EAGLE OPERATING, INC.	NEWPORTE	E-M EMMEL 10-3	OG	TA	RENNVILLE
15648	MBI OIL & GAS LLC	INDIAN HILL	LYNN 2	OG	A	MCKENZIE
15781	MBI OIL & GAS LLC	INDIAN HILL	LYNN 3H	OG	A	MCKENZIE
18135	MBI OIL & GAS LLC	BANKS	LM 2	OG	AB	MCKENZIE
700088-08	Newalta Environmental Services, Inc./J ryta Environmental Services Inc.		New Town Fluid Treating Plant #1		AB	Mountain
700115-01	Newalta Environmental Services, Inc./J ryta Environmental Services Inc.		Alexander Treating Plant #1		AB	McKen
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 W site 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
15822	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
25241	SOLUTIONS ENERGY LLC	LONE TREE	NANGCHEN 155-59-11 HG1	OG	IA	WARD
	The 85 Disposal Inc	INDIAN HILL	Produced Water Underground Gathering System			MCKENZIE
2279	WHITE ROCK OIL & GAS LLC	SHERWOOD	MORTON BECKEDAH B 1	OG	IA	RENNVILLE
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

SECRETARY OF STATE
ALVIN A. JAEGER
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

OFFICIAL MAIL
STATE OF NORTH DAKOTA

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Office of Attorney General
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BISMARCK, NORTH DAKOTA



DONNA J. CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

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

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	RENNVILLE
5474	COBRA OIL & GAS CORPORATION	LORAIN	UCLI 1	OG	A	RENNVILLE
5486	COBRA OIL & GAS CORPORATION	LORAIN	CROOKS 3	OG	A	RENNVILLE
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	RENNVILLE
8468	COBRA OIL & GAS CORPORATION	FLAT TOP BUTTE	BEICGEGEL 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	RENNVILLE
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	RENNVILLE
10786	COBRA OIL & GAS CORPORATION	MCKINNEY	LAVONNE 16-12	OG	A	RENNVILLE
10980	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 3-17	OG	IA	RENNVILLE
11083	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 4-17 SWD	SWD	IA	RENNVILLE
11196	COBRA OIL & GAS CORPORATION	MCKINNEY	ALEXANDER 3	OG	IA	RENNVILLE
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	RENNVILLE
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	RENNVILLE
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	RENNVILLE
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	RENNVILLE
4980	EAGLE OPERATING, INC.	LAKE DARLING	SCHULTZ 1	OG	IA	RENNVILLE
4985	EAGLE OPERATING, INC.	LAKE DARLING	SWIFT SWD 1	SWD	A	RENNVILLE
5737	EAGLE OPERATING, INC.	CLAY	CARLSON 23-35	OG	A	RENNVILLE
8660	EAGLE OPERATING, INC.	GLENBURN	MARIE WEBER 1	OG	IA	RENNVILLE
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	RENNVILLE
12077	EAGLE OPERATING, INC.	WEST GREENE	LADY HAWK 44-15	SWD	A	RENNVILLE
12553	EAGLE OPERATING, INC.	PRATT	JR 2-6	OG	IA	MCHENRY
13875	EAGLE OPERATING, INC.	WEST GREENE	E-M LELAND 10-15	OG	IA	RENNVILLE
14616	EAGLE OPERATING, INC.	NORMA	DAVIS OLSON 12-30	OG	IA	RENNVILLE

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	AB	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

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, 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.

**AFFIDAVIT OF SERVICE BY MAIL
AND RETENTION OF DOCUMENTS**

Case No. 28530

Order No. 31052

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

[¶1] Donna J. Connor 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 27th day of August, 2020, I served the attached **ORDER OF THE COMMISSION** by, upon signing this affidavit, immediately thereafter placing true and correct copies of the document in an envelope addressed as follows:

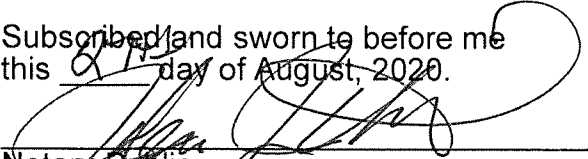
Apollo Resources LLC
dba Drill Solids Disposal
North Dakota Secretary of State
Registered Agent
600 East Boulevard Ave, Dept. 108
Bismarck, ND 58501

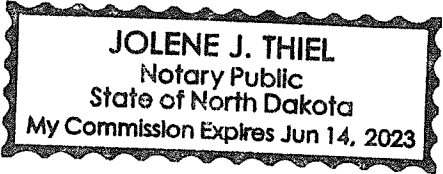
and depositing the same, with postage prepaid, certified mail, return receipt requested, in the United States mail at Bismarck, North Dakota. That the original of these documents

shall be retained at the Office of Attorney General, 500 North 9th Street, Bismarck, North Dakota 58501-4509.


Donna J. Connor

Subscribed and sworn to before me
this 8th day of August, 2020.


Notary Public



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:

Apollo Resources LLC
DBA Drill Solids Disposal
ND Secretary of State
Registered Agent
600 E Blvd Ave Dept 108
Bismarck ND 58501



9590 9402 5853 0038 3048 94

2. Article Number (Transfer from service label)

7018 2290 0000 6608 4047

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

8-28-20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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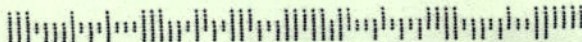
BISMARCK, NORTH DAKOTA

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500 N. 9th St.
Bismarck ND 58501-4509

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State of North Dakota

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| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ |
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Apollo Resources LLC

(Print and not No., or PO box No.)

DBA Drill Solids Disposal

ND Sec of State Registered Agent

600 E Blvd Ave Bismarck 58501

PS Form 3800, April 2015 PSN 7530-01-000-9047

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Bismarck ND 58501-4509
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State of North Dakota

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for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

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- 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).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

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 foot 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

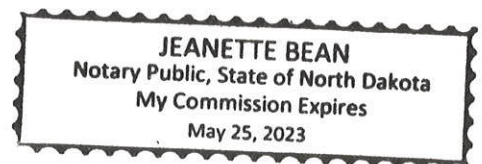


Bethany Kadrmas
Oil & Gas Division

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



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

August 28, 2020

DONNA J. CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: BERG SPECIALTY FLUIDS HOLDING, LLC

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) Order of the Commission

If this office can further assist you, please feel free to contact us.

Sincerely,

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

Handwritten signature: *Theresa H. Hensley*

Office of Attorney General
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SEP 02 2020

BISMARCK, NORTH DAKOTA

State of North Dakota

SECRETARY OF STATE



ADMISSION OF SERVICE

Date: August 28, 2020

Service of the within Admission of Service and Order of the Commission and on behalf of

BERG SPECIALTY FLUIDS HOLDING, LLC

is hereby admitted by separate copy received for the above-mentioned defendant, this 28th day of August 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 Attorney General
500 N 9th St
Bismarck ND 58501-4509

A handwritten signature in dark ink, appearing to read "Alvin A. Jaeger", is written over a horizontal line.

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

August 28, 2020

BERG SPECIALTY FLUIDS HOLDING, LLC
9088 95TH ST NW
COLUMBUS ND 58727

RE ALTURAS ENERGY, LLC

Dear Sir,

Enclosed are an Admission of Service Certificate and Order of the Commission

If this office can further assist you, please feel free to contact us

Sincerely,

A handwritten signature in cursive script that reads "Darcy Hurley".

Darcy Hurley
Business Information Unit Lead

DH/as
Enc

Certified Mail No 7019 2280 0001 7941 4313

cc Donna J Connor
Office of Attorney General
500 N 9th St
Bismarck ND 58501-4509

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AUG 28 2020

SEC OF STATE

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

File No	Operator	Field	Facility Name	Well Type	Status	County Name
700117-01	NewWay Energy Services LLC		NDEN Services Tre. sing Plant #1		AB	McK. ze
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	Pr. duced Wat. r Underground Gathering System			MCKENZIE
700103-01	Apoll Resources LLC		Madison Treating Plant #1		AB	M Kenze
700099-01	Bakke Western Services LLC		Keene Thermal O. orpion Tre. g Plant #1		AB	M Kenze
700138-01	Berg Spec. lly Field -Holding LLC		Fuldtch No. 1 Treatment Pl. nt		AB	Burke
4684	COBRA OIL & GAS CORPORATION	SQUARE BUTTE	GOVERNMENT TAYLOR 6-2	OG	AB	GOLDEN VALLEY
5178	COBRA OIL & GAS CORPORATION	GLENBURN	CARROLL AITKEN 1	OG	AB	RENNVILLE
5474	COBRA OIL & GAS CORPORATION	LORAIN	UCL 1	OG	A	RENNVILLE
5486	COBRA OIL & GAS CORPORATION	LORAIN	CROOKS 3	OG	A	RENNVILLE
5340	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	RENNVILLE
8468	COBRA OIL & GAS CORPORATION	FLAT TOP BUTTE	BEIGEEL 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	RENNVILLE
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	BOWER 1	WI	TA	WILLIAMS
10482	COBRA OIL & GAS CORPORATION	NORTH WESTHOPE	NORTH WESTHOPE-MADISON UNIT G8-2R	OG	IA	BOTTINEAU
10620	COBRA OIL & GAS CORPORATION	MCKINNEY	ALEXANDER 1	OG	A	RENNVILLE
10786	COBRA OIL & GAS CORPORATION	MCKINNEY	LAVONNE 16-12	OG	A	RENNVILLE
10980	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 3-17	OG	IA	RENNVILLE
11083	COBRA OIL & GAS CORPORATION	MCKINNEY	TENNECO 4-17 SWD	SWD	IA	RENNVILLE
11196	COBRA OIL & GAS CORPORATION	MCKINNEY	ALEXANDER 3	OG	IA	RENNVILLE
11359	COBRA OIL & GAS CORPORATION	PIERRE CREEK	PIERRE CREEK 41-7	OG	IA	MCKENZIE
11810	COBRA OIL & GAS CORPORATION	EDEN VALLEY	BERGLOF 1 A	OG	IA	RENNVILLE
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 8-5	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 38-4 H	OG	IA	BURKE
16807	COBRA OIL & GAS CORPORATION	WEST GREENE	HOLBROOK 14-16 H	OG	AB	RENNVILLE
20573	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	IVANMOE	TRIPLETT 1-2	OG	IA	RENNVILLE
3392	EAGLE OPERATING, INC.	NORTHWEST MCGREGOR	E GOETZ 1	OG	IA	WILLIAMS
4093	EAGLE OPERATING, INC.	NORTH HAAS	TER HAAR 1	OG	A	BOTTINEAU
4985	EAGLE OPERATING, INC.	LAKE DARLING	ELBERG 1	OG	A	R. NVILLE
4980	EAGLE OPERATING, INC.	LAKE DARLING	SCHULTZ 1	OG	IA	R. NVILLE
4985	EAGLE OPERATING, INC.	LAKE DARLING	SWIFT SWD 1	SWD	A	RENNVILLE
5737	EAGLE OPERATING, INC.	CLAY	CARLSON 23-35	OG	A	RENNVILLE
8860	EAGLE OPERATING, INC.	GLENBURN	MARIE WEBER 1	OG	IA	RENNVILLE
9058	EAGLE OPERATING, INC.	SCANDIA	BRANDJORD KJELSHUS 9-10	OG	PA	BOTTINEAU
9108	EAGLE OPERATING, INC.	SCANDIA	KJELSHUS 8-11	OG	IA	BOTTINEAU
11960	EAGLE OPERATING, INC.	SMITH	CARLSON PAUL 4-27	OG	A	RENNVILLE
12077	EAGLE OPERATING, INC.	WEST GREENE	LADY HAWK 44-15	SWD	A	RENNVILLE
12553	EAGLE OPERATING, INC.	PRATT	JR 2-6	OG	IA	MCHENRY
13875	EAGLE OPERATING, INC.	WEST GREENE	E-M LELAND 10-15	OG	IA	RENNVILLE
14618	EAGLE OPERATING, INC.	NORMA	DAVIS OLSON 12-30	OG	IA	RENNVILLE

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AUG 28 2020

APPENDIX
Case 28530 Cons of ConfiscationCase No. 28530
Order No. 31050 31067

SEC. OF STATE

File No	Operator	Field	Facility Name	Well Type	Status	County Name
15635	EAGLE OPERATING INC	NORMA	TIGGER 25-8	OG	A	WARD
17317	EAGLE OPERATING INC	NEWPORTE	E-M EMMEL 10-3	OG	TA	RENNVILLE
15848	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	UM 2	OG	AB	MCKENZIE
700088-08	Newalta Environmental Services Inc/Tervita Environmental Services Inc		New Town Fluid Treating Plant #1		AB	Montreal
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
8776	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		Manx Waste Treating Plant #1		AB	Billings
3419	RANCH OIL COMPANY	PERILLA	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
14858	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
15787	SAMSON OIL AND GAS USA, INC	FOREMAN BUTTE	GONZALEZ 1 8H	OG	IA	MCKENZIE
15844	SAMSON OIL AND GAS USA, INC	NAMELESS	UNK 13-2HA	OG	TA	MCKENZIE
15879	SAMSON OIL AND GAS USA, INC	CAMP	SCHMITZ 44-30H	OG	IA	MCKENZIE
16188	SAMSON OIL AND GAS USA, INC	BANKS	FEDERSON 1 10H	OG	AB	MCKENZIE
29241	SOLUTIONS ENERGY LLC	LONE TREE	NANGCHEN 155-85-11 HS1	OG	IA	WARD
	Th 85 Disposal Inc	INDIAN HILL	Produced Water Underground Gathering System			MCKENZIE
2270	WHITE ROCK OIL & GAS LLC	SHERWOOD	MORTON BECKEDAH B 1	OG	IA	RENNVILLE
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

SECRETARY OF STATE

ALVIN A. JAEGER
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

OFFICIAL MAIL
STATE OF NORTH DAKOTA

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BISMARCK, NORTH DAKOTA

DONNA J. CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

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

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	LORAIN	UCL 1	OG	A	RENVILLE
5486	COBRA OIL & GAS CORPORATION	LORAIN	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
8918	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

APPENDIX
Case 28530: Consider Confiscation

Case No. 28530
Order Nos. 31050 - 31067

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	Mountain
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

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, 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.

**AFFIDAVIT OF SERVICE BY MAIL
AND RETENTION OF DOCUMENTS**

Case No. 28530

Order No. 31054

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

[¶1] Donna J. Connor states under oath as follows:

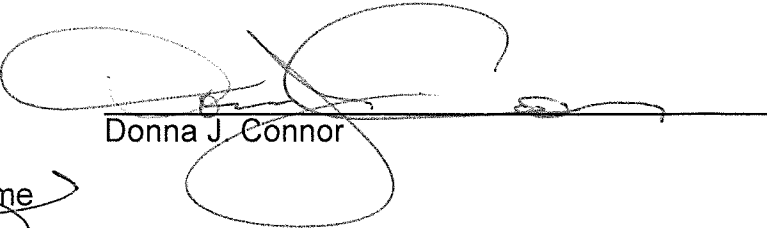
[¶2] I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

[¶3] I am of legal age and on the 27th day of August, 2020, I served the attached **ORDER OF THE COMMISSION** by, upon signing this affidavit, immediately thereafter placing true and correct copies of the document in an envelope addressed as follows:

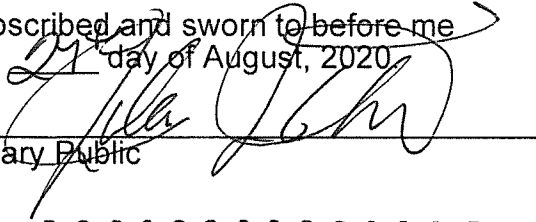
Berg Specialty Fluids Holding L.L.C
dba Berg Specialty Fluids Holding, LLC
North Dakota Secretary of State
Registered Agent
600 East Boulevard Ave, Dept. 108
Bismarck, ND 58501

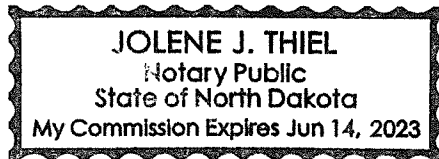
and depositing the same, with postage prepaid, certified mail, return receipt requested, in the United States mail at Bismarck, North Dakota. That the original of these documents

shall be retained at the Office of Attorney General, 500 North 9th Street, Bismarck, North Dakota 58501-4509.


Donna J. Connor

Subscribed and sworn to before me
this 21 day of August, 2020


Notary Public



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1. Article Addressed to:

Berg Specialty Fluids Holding L.L.C.
DBA Berg Specialty Fluids Holding LLC
ND Secretary of State
Registered Agent
600 E Blvd Ave Dept 108
Bismarck ND 58501



9590 9402 5853 0038 3048 87

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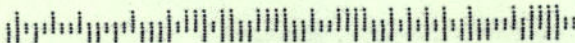
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500 N. 9th St.
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DBA Berg Specialty Fluids Holding

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for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- 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).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

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 Winniepegosis Pool. Commission records indicate first injection in the Winniepegosis 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

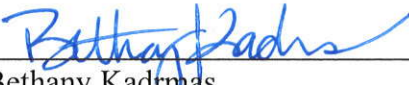
AFFIDAVIT OF MAILING

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

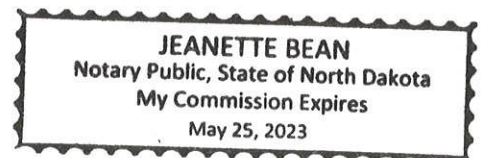


Bethany Kadrmas
Oil & Gas Division

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



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

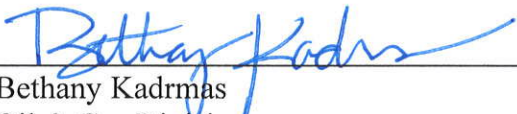
STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

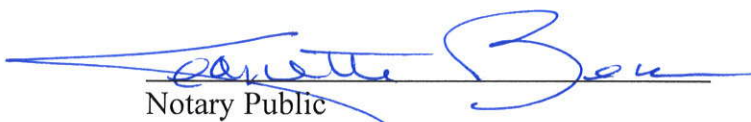
COUNTY OF BURLEIGH

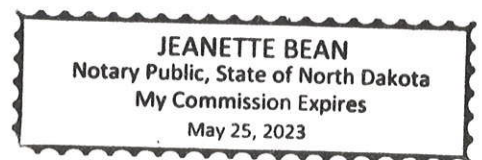
I, Bethany Kadrmas, being duly sworn upon oath, depose and say: That on the 20th day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31056 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck,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



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

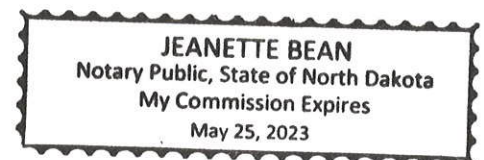


Bethany Kadrmas
Oil & Gas Division

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



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-

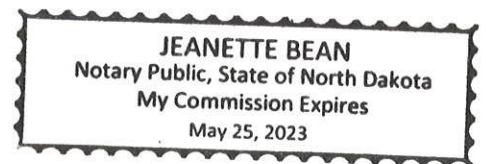


Bethany Kadrmas
Oil & Gas Division

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



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

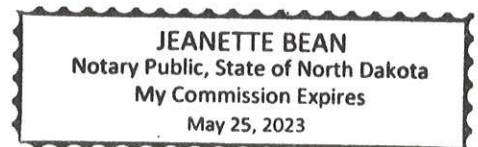
C T CORPORATION SYSTEM
120 W SWEET AVE
BISMARCK, ND 58504

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



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

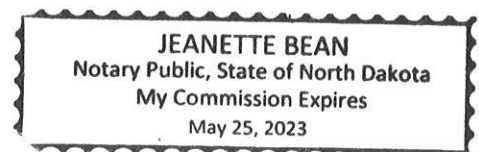


Bethany Kadrmas
Oil & Gas Division

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



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 26th 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:


Pride Oil & Gas Co., Inc.
DBA Pride Energy An Oklahoma General Partnership
United Corporate Services, Inc.
Registered Agent
51 N Broadway Ste 600
PO Box 1287
Fargo, ND 5810-1287



Bethany Kadrmas
Oil & Gas Division

On this 26th 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.

DAVID TABOR
Notary Public, State of North Dakota
My Commission Expires
January 29, 2022



Notary Public
State of North Dakota, County of Burleigh

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

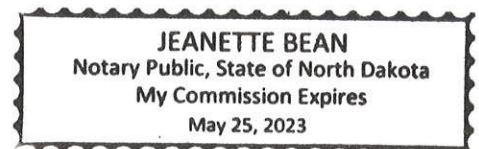


Bethany Kadrmas
Oil & Gas Division

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



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

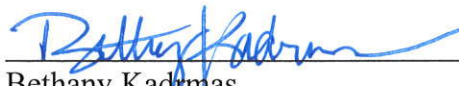
AFFIDAVIT OF MAILING

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



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

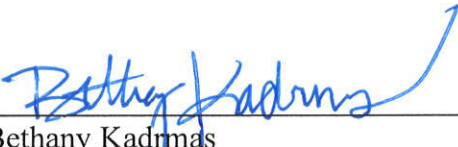
AFFIDAVIT OF MAILING

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

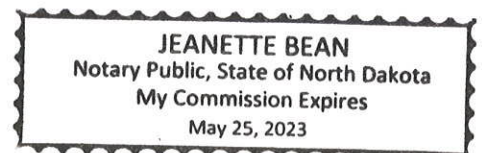


Bethany Kadrmas
Oil & Gas Division

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



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

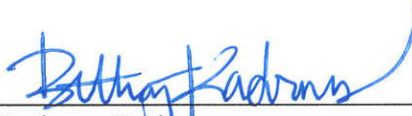
AFFIDAVIT OF MAILING

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:

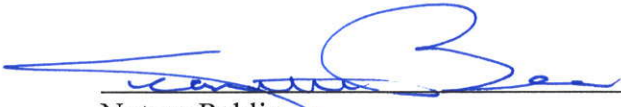
DARIEN O'BRIEN
SOLUTIONS ENERGY LLC
1632 SOUTH LAMAR STREET
LAKEWOOD, CO 80232-7038

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

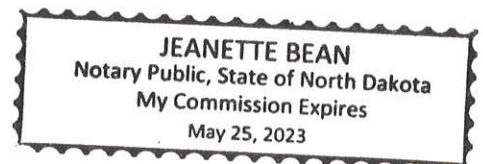


Bethany Kadrmas
Oil & Gas Division

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



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

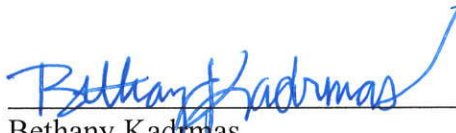
AFFIDAVIT OF MAILING

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

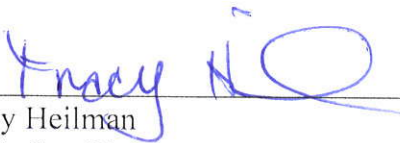
STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

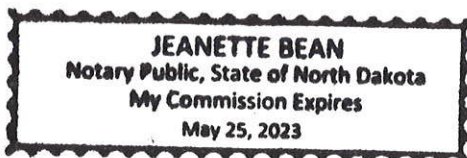
I, Tracy Heilman, being duly sworn upon oath, depose and say: That on the 31st day of August, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 31067 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 28530:


WHITE ROCK OIL & GAS, LLC
REGISTERED AGENT
CAPITOL CORPORATE SERVICES, INC.
51 BROADWAY N STE 600
FARGO, ND 58102-4970



Tracy Heilman
Oil & Gas Division

On this 31st day of August, 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.





Notary Public
State of North Dakota, County of Burleigh

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:

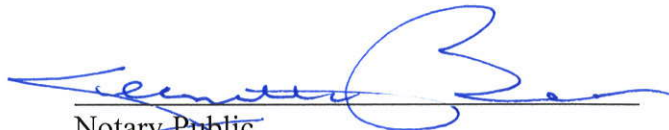
ERIC LINTHICUM
WHITE ROCK OIL & GAS LLC
5810 TENNYSON PKWY, SUITE 500
PLANO, TX 75024

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

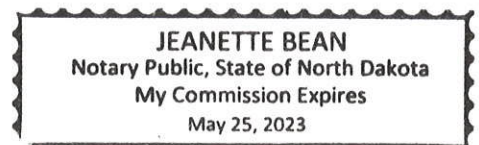


Bethany Kadrmas
Oil & Gas Division

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



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

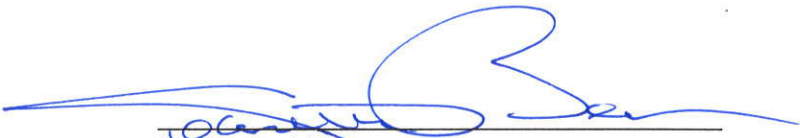
PAVAN LUK KHATRI
RJENS LLC
PO BOX 0188
OZONA, TX 76943

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



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

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



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](mailto:cternes@vogellaw.com)

This is a transmission from the Vogel Law Firm, Ltd. 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, 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 immediately notify the sender by return email.

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*

VOGEL
Law Firm

US Bank Building | 200 North 3rd Street, Suite 201 | PO Box 2097 | Bismarck, ND 58502-2097
Phone: 701.258.7899 | Fax: 701.258.9705 | Toll Free: 877.629.0705

Fargo • Bismarck • Moorhead • Minneapolis • Grand Forks

www.vogellaw.com

**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

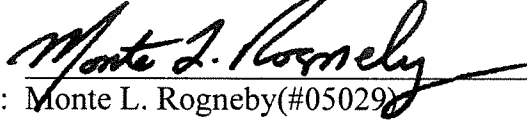
**OBJECTION AND REQUEST FOR
CONTINUANCE**

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

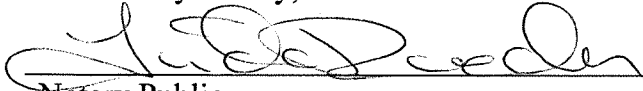
ATTORNEYS FOR APOLLO RESOURCES, LLC

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.

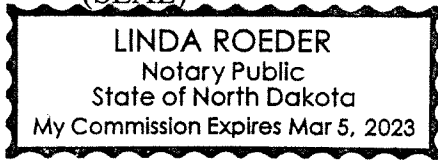
AFFIDAVIT OF SERVICE


Chelsey Ternes

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


Notary Public

(SEAL)



Kadrmass, Bethany R.

From: Bohrer, Mark F.
Sent: Thursday, July 30, 2020 1:50 PM
To: Kadrmass, 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 reclamation 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 reclamation 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

Kadrmass, Bethany R.

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

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

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

Kadrmass, Bethany R.

From: Eric Linthicum <elinthicum@whiterockog.com>
Sent: Wednesday, July 29, 2020 4:22 PM
To: Kadrmass, 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





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



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 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,

A handwritten signature in blue ink, appearing to read "Eric Linthicum", is written over a light blue horizontal line.

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

cc: Mr. Lawrence Bender *Via Email*

Kadrmass, Bethany R.

From: Gilbert Thompson <Gilbert.Thompson@SamsonOilandGas.com>
Sent: Wednesday, July 29, 2020 4:22 PM
To: Kadrmass, 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.

Mr. Lynn Helms
July 29, 2020
Page 3

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

Kadrmass, Bethany R.

From: Entzi-Odden, Lyn <lodden@fredlaw.com>
Sent: Wednesday, July 29, 2020 3:58 PM
To: Kadrmass, Bethany R.
Cc: sgladden@scoutep.com; tbrown@scoutep.com; lmoore@scoutep.com; wsaint@scoutep.com; sheronda.greenwood@scoutep.com; cmitchell@scoutep.com; mmercerc@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.



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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

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



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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.



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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: 

Kadrmass, Bethany R.

From: Matt Pride <mattp@pride-energy.com>
Sent: Wednesday, July 29, 2020 1:29 PM
To: Kadrmass, 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"):

	<u>Well Name:</u>	<u>Well Type</u>	<u>Status</u>	<u>Time in Status</u>	<u>File No.</u>
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.

North Dakota Industrial Commission
Oil and Gas Division
July 29, 2020
Page 2

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

cc: Mr. Lawrence Bender *Via Email*

70514347.1

Kadrmass, Bethany R.

From: Roy Breeling <rgbreeling@aol.com>
Sent: Wednesday, July 29, 2020 2:18 PM
To: Kadrmass, Bethany R.
Cc: dlignon@lignoninc.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 be 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.

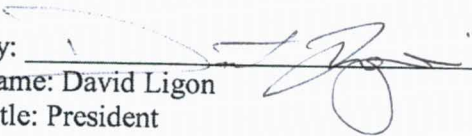
26. Electronic Delivery.

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.

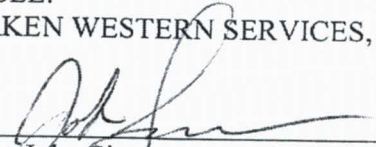
* * * Signatures appear on next page * * *

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

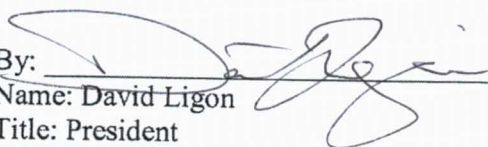
By: 
Name: David Ligon
Title: President

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_____

Craig M. McIvor

Date_____

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 35 th 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 $.0084 \times 12 = .1013$ (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:

<u>Component</u>	<u>Capital Portion</u>	X	<u>Equity Rate</u>	=	<u>Weighted Rate</u>
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%	<u>-\$ 37,500.00</u>
	\$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%:	<u>\$ 5,600.00</u>
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	<u>10% size adjustment</u>
<u>25% size adjustment</u>	\$36.00
\$50.62sf	<u>-\$10.00sf</u> diff in cost to finish
<u>\$21.67sf</u> 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:

$$30,000sf \text{ at } \$25.00 = \$750.00$$

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























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
 Due Date 12/27/2019

Current Charges

\$220,465.08

Bakken Western Services

810 Dominican Drive
 Nashville, TN 37228

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 Contaminated Soil or Solid Waste Pa		01-62190	\$26.000/TN	26.62TN	\$692.12
08 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62199	\$26.000/TN	27.00TN	\$702.00
08 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62207	\$26.000/TN	22.37TN	\$581.62
08 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62164	\$26.000/TN	26.03TN	\$676.78
08 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62169	\$26.000/TN	24.11TN	\$626.86
08 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62177	\$26.000/TN	25.65TN	\$666.90
08 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62183	\$26.000/TN	27.10TN	\$704.60
08 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62193	\$26.000/TN	26.91TN	\$699.66
08 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62200	\$26.000/TN	25.20TN	\$655.20
08 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62208	\$26.000/TN	22.50TN	\$585.00
09 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62272	\$26.000/TN	27.11TN	\$704.86
09 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62233	\$26.000/TN	25.89TN	\$673.14
09 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62248	\$26.000/TN	28.69TN	\$745.94
09 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62257	\$26.000/TN	24.60TN	\$639.60
09 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62239	\$26.000/TN	27.12TN	\$705.12
09 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62262	\$26.000/TN	26.73TN	\$694.98
16 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62605	\$26.000/TN	27.10TN	\$704.60
16 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62608	\$26.000/TN	28.04TN	\$729.04
16 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62615	\$26.000/TN	29.34TN	\$762.84
16 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62599	\$26.000/TN	27.95TN	\$726.70
16 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62590	\$26.000/TN	24.26TN	\$630.76
16 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62594	\$26.000/TN	28.23TN	\$733.98
16 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62601	\$26.000/TN	26.09TN	\$678.34
16 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62606	\$26.000/TN	26.55TN	\$690.30
16 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62611	\$26.000/TN	25.80TN	\$670.80
16 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62618	\$26.000/TN	24.39TN	\$634.14
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62700	\$26.000/TN	26.94TN	\$700.44
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62670	\$26.000/TN	27.84TN	\$723.84
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62675	\$26.000/TN	30.16TN	\$784.16
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62679	\$26.000/TN	30.09TN	\$782.34
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62684	\$26.000/TN	29.28TN	\$761.28
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62677	\$26.000/TN	26.68TN	\$693.68
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62690	\$26.000/TN	29.11TN	\$756.86
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62705	\$26.000/TN	25.12TN	\$653.12
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62686	\$26.000/TN	26.68TN	\$693.68
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62693	\$26.000/TN	28.96TN	\$752.96
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62699	\$26.000/TN	26.92TN	\$699.92
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62694	\$26.000/TN	30.70TN	\$798.20
18 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62706	\$26.000/TN	27.08TN	\$704.08
19 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62724	\$26.000/TN	31.50TN	\$819.00
19 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62729	\$26.000/TN	31.86TN	\$828.36
19 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62734	\$26.000/TN	29.11TN	\$756.86
19 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62739	\$26.000/TN	29.40TN	\$764.40

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REPUBLIC
SERVICES

DBA Republic Energy and Environmental Solutions

INVOICE

Invoice Date 11/27/2019
 Invoice No 6404000002200
 Customer & Site No 333413 - 1
 PO No
 Contract No
 Page No Page 2 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
19 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62743	\$26.000/TN	30.02TN	\$780.52
19 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62751	\$26.000/TN	30.73TN	\$798.98
21 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62822	\$26.000/TN	29.68TN	\$771.68
21 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62826	\$26.000/TN	27.74TN	\$721.24
21 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62841	\$26.000/TN	28.73TN	\$746.98
21 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62847	\$26.000/TN	28.91TN	\$751.66
21 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62849	\$26.000/TN	27.00TN	\$702.00
21 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62836	\$26.000/TN	27.89TN	\$725.14
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62874	\$26.000/TN	28.82TN	\$749.32
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62905	\$26.000/TN	28.56TN	\$742.56
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62899	\$26.000/TN	28.81TN	\$749.06
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62877	\$26.000/TN	28.80TN	\$748.80
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62881	\$26.000/TN	26.98TN	\$701.48
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62883	\$26.000/TN	28.85TN	\$750.10
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62888	\$26.000/TN	27.42TN	\$712.92
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62894	\$26.000/TN	28.53TN	\$741.78
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62885	\$26.000/TN	24.99TN	\$649.74
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62891	\$26.000/TN	28.92TN	\$751.92
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62897	\$26.000/TN	27.21TN	\$707.46
22 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62903	\$26.000/TN	26.85TN	\$698.10
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62914	\$26.000/TN	28.30TN	\$735.80
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62915	\$26.000/TN	29.98TN	\$779.48
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62918	\$26.000/TN	28.50TN	\$741.00
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62928	\$26.000/TN	27.52TN	\$715.52
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62933	\$26.000/TN	29.73TN	\$772.98
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62941	\$26.000/TN	29.25TN	\$760.50
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62947	\$26.000/TN	29.32TN	\$762.32
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62960	\$26.000/TN	27.43TN	\$713.18
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62945	\$26.000/TN	26.64TN	\$692.64
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62953	\$26.000/TN	26.57TN	\$690.82
23 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62966	\$26.000/TN	26.03TN	\$676.78
24 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62979	\$26.000/TN	28.22TN	\$733.72
24 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62986	\$26.000/TN	28.07TN	\$729.82
24 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62991	\$26.000/TN	28.27TN	\$735.02
24 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63002	\$26.000/TN	28.42TN	\$738.92
24 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63010	\$26.000/TN	28.60TN	\$743.60
24 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63017	\$26.000/TN	27.64TN	\$718.64
24 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63024	\$26.000/TN	27.27TN	\$709.02
24 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62988	\$26.000/TN	24.98TN	\$649.48
24 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-62996	\$26.000/TN	26.41TN	\$686.66
24 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63004	\$26.000/TN	26.99TN	\$701.74
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63044	\$26.000/TN	26.65TN	\$692.90
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63050	\$26.000/TN	24.16TN	\$628.16
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63053	\$26.000/TN	27.05TN	\$703.30
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63061	\$26.000/TN	26.70TN	\$694.20
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63071	\$26.000/TN	27.05TN	\$703.30
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63037	\$26.000/TN	29.52TN	\$767.52
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63040	\$26.000/TN	28.25TN	\$734.50
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63045	\$26.000/TN	28.58TN	\$743.08

North Dakota Trucking - 6404

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REPUBLIC
SERVICES

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INVOICE

Invoice Date 11/27/2019
 Invoice No 64040000002200
 Customer & Site No 333413 - 1
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 Page No Page 3 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
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63051	\$26.000/TN	29.09TN	\$756.34
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63055	\$26.000/TN	27.39TN	\$712.14
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63064	\$26.000/TN	28.94TN	\$752.44
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63074	\$26.000/TN	27.93TN	\$726.18
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63077	\$26.000/TN	27.19TN	\$706.94
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63042	\$26.000/TN	26.64TN	\$692.64
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63046	\$26.000/TN	27.50TN	\$715.00
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63052	\$26.000/TN	26.19TN	\$680.94
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63058	\$26.000/TN	25.47TN	\$662.22
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63065	\$26.000/TN	26.56TN	\$690.56
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63075	\$26.000/TN	25.75TN	\$669.50
25 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63076	\$26.000/TN	26.99TN	\$701.74
26 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63106	\$26.000/TN	25.71TN	\$668.46
26 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63083	\$26.000/TN	28.50TN	\$741.00
26 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63085	\$26.000/TN	29.97TN	\$779.22
26 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63092	\$26.000/TN	30.20TN	\$785.20
26 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63090	\$26.000/TN	28.68TN	\$745.68
26 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63097	\$26.000/TN	27.91TN	\$725.66
26 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63101	\$26.000/TN	28.86TN	\$750.36
26 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63105	\$26.000/TN	28.30TN	\$735.80
26 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63111	\$26.000/TN	28.13TN	\$731.38
27 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63138	\$26.000/TN	26.57TN	\$690.82
27 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63141	\$26.000/TN	26.22TN	\$681.72
27 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63143	\$26.000/TN	27.29TN	\$709.54
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63158	\$26.000/TN	25.94TN	\$674.44
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-152	\$26.000/TN	27.23TN	\$707.98
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63166	\$26.000/TN	25.84TN	\$671.84
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63173	\$26.000/TN	26.86TN	\$698.36
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63178	\$26.000/TN	26.19TN	\$680.94
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63176	\$26.000/TN	27.21TN	\$707.46
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63179	\$26.000/TN	28.69TN	\$745.94
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63150	\$26.000/TN	28.21TN	\$733.46
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63151	\$26.000/TN	28.34TN	\$736.84
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63155	\$26.000/TN	28.08TN	\$730.08
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63159	\$26.000/TN	29.32TN	\$762.32
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63163	\$26.000/TN	29.45TN	\$765.70
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63168	\$26.000/TN	29.69TN	\$771.94
28 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63175	\$26.000/TN	28.04TN	\$729.04
29 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63203	\$26.000/TN	27.10TN	\$704.60
29 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63207	\$26.000/TN	29.33TN	\$762.58
29 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63214	\$26.000/TN	28.37TN	\$737.62
29 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63217	\$26.000/TN	28.22TN	\$733.72
29 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63222	\$26.000/TN	28.65TN	\$744.90
29 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63198	\$26.000/TN	26.89TN	\$699.14
29 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63205	\$26.000/TN	25.78TN	\$670.28
29 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63189	\$26.000/TN	27.92TN	\$725.92
29 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63192	\$26.000/TN	28.18TN	\$732.68
29 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63196	\$26.000/TN	29.27TN	\$761.02
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63244	\$26.000/TN	27.25TN	\$708.50

North Dakota Trucking - 6404

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REPUBLIC
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INVOICE

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 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
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63254	\$26.000/TN	29.47TN	\$766.22
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63260	\$26.000/TN	27.69TN	\$719.94
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63265	\$26.000/TN	28.92TN	\$751.92
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63271	\$26.000/TN	28.90TN	\$751.40
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63278	\$26.000/TN	29.92TN	\$777.92
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63284	\$26.000/TN	27.28TN	\$709.28
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63290	\$26.000/TN	29.51TN	\$767.26
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63241	\$26.000/TN	29.19TN	\$758.94
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63246	\$26.000/TN	29.93TN	\$778.18
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63255	\$26.000/TN	26.41TN	\$686.66
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63261	\$26.000/TN	27.57TN	\$716.82
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63267	\$26.000/TN	28.34TN	\$736.84
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63274	\$26.000/TN	29.71TN	\$772.46
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63280	\$26.000/TN	29.39TN	\$764.14
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63288	\$26.000/TN	30.74TN	\$799.24
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63273	\$26.000/TN	26.47TN	\$688.22
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63287	\$26.000/TN	26.69TN	\$693.94
30 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63279	\$26.000/TN	27.83TN	\$723.58
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63303	\$26.000/TN	26.17TN	\$680.42
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63309	\$26.000/TN	29.27TN	\$761.02
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63314	\$26.000/TN	28.72TN	\$746.72
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63321	\$26.000/TN	28.14TN	\$731.64
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63327	\$26.000/TN	29.20TN	\$759.20
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63338	\$26.000/TN	28.69TN	\$745.94
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63344	\$26.000/TN	28.05TN	\$729.30
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63302	\$26.000/TN	28.64TN	\$744.64
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63307	\$26.000/TN	28.41TN	\$738.66
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63312	\$26.000/TN	30.03TN	\$780.78
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63318	\$26.000/TN	29.16TN	\$758.16
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63324	\$26.000/TN	28.13TN	\$731.38
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63331	\$26.000/TN	30.20TN	\$785.20
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63340	\$26.000/TN	27.50TN	\$715.00
31 - Oct		Pass Contaminated Soil or Solid Waste Pa		01-63346	\$26.000/TN	27.46TN	\$713.96
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63392	\$26.000/TN	23.84TN	\$619.84
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63399	\$26.000/TN	26.06TN	\$677.56
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63364	\$26.000/TN	28.09TN	\$730.34
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63370	\$26.000/TN	27.88TN	\$724.88
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63372	\$26.000/TN	27.95TN	\$726.70
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63380	\$26.000/TN	28.68TN	\$745.68
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63384	\$26.000/TN	28.31TN	\$736.06
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63389	\$26.000/TN	25.85TN	\$672.10
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63397	\$26.000/TN	28.58TN	\$743.08
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63360	\$26.000/TN	28.59TN	\$743.34
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63367	\$26.000/TN	28.21TN	\$733.46
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63371	\$26.000/TN	28.31TN	\$736.06
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63378	\$26.000/TN	25.66TN	\$667.16
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63383	\$26.000/TN	30.27TN	\$787.02
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63388	\$26.000/TN	28.31TN	\$736.06
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63395	\$26.000/TN	27.46TN	\$713.96

North Dakota Trucking - 6404

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REPUBLIC
SERVICES

DBA Republic Energy and Environmental Solutions

INVOICE

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 Page No Page 5 of 6
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Bakken Western Services
810 Dominican Drive
Nashville, TN 37228

Current Charges

\$220,465.08

Date	Code	Description	Work Order	Ticket Number	Rate	Quantity	Amount
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63391	\$26.000/TN	25.12TN	\$653.12
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63398	\$26.000/TN	27.07TN	\$703.82
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63401	\$26.000/TN	27.25TN	\$708.50
01 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63400	\$26.000/TN	23.78TN	\$618.28
02 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63414	\$26.000/TN	29.38TN	\$763.88
02 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63419	\$26.000/TN	28.60TN	\$743.60
02 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63422	\$26.000/TN	28.44TN	\$739.44
02 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63427	\$26.000/TN	29.08TN	\$756.08
02 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63434	\$26.000/TN	26.85TN	\$698.10
02 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63438	\$26.000/TN	28.67TN	\$745.42
02 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63441	\$26.000/TN	28.57TN	\$742.82
02 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63444	\$26.000/TN	28.31TN	\$736.06
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63520	\$26.000/TN	26.64TN	\$692.64
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63552	\$26.000/TN	24.96TN	\$648.96
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63532	\$26.000/TN	26.48TN	\$688.48
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63557	\$26.000/TN	26.27TN	\$683.02
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63492	\$26.000/TN	29.47TN	\$766.22
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63497	\$26.000/TN	28.91TN	\$751.66
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63506	\$26.000/TN	27.07TN	\$703.82
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63516	\$26.000/TN	28.11TN	\$730.86
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63525	\$26.000/TN	26.38TN	\$685.88
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63535	\$26.000/TN	26.02TN	\$676.52
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63546	\$26.000/TN	28.32TN	\$736.32
04 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63541	\$26.000/TN	25.78TN	\$670.28
09 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63971	\$26.000/TN	30.24TN	\$786.24
09 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-63974	\$26.000/TN	31.54TN	\$820.04
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64560	\$26.000/TN	28.28TN	\$735.28
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64567	\$26.000/TN	26.67TN	\$693.42
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64576	\$26.000/TN	27.99TN	\$727.74
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64580	\$26.000/TN	32.30TN	\$839.80
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64586	\$26.000/TN	24.37TN	\$633.62
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64578	\$26.000/TN	27.47TN	\$714.22
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64548	\$26.000/TN	24.40TN	\$634.40
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64571	\$26.000/TN	26.01TN	\$676.26
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64585	\$26.000/TN	28.56TN	\$742.56
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64557	\$26.000/TN	25.71TN	\$668.46
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64564	\$26.000/TN	24.97TN	\$649.22
19 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64553	\$26.000/TN	26.25TN	\$682.50
20 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64597	\$26.000/TN	24.59TN	\$639.34
20 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64600	\$26.000/TN	26.88TN	\$698.88
20 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64605	\$26.000/TN	26.85TN	\$698.10
20 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64610	\$26.000/TN	27.73TN	\$720.98
20 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64615	\$26.000/TN	25.47TN	\$662.22
23 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64750	\$26.000/TN	28.02TN	\$728.52
23 - Nov		Pass Contaminated Soil or Solid Waste Pa		01-64760	\$26.000/TN	27.59TN	\$717.34

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Bakken Western Services
810 Dominican Drive
Nashville, TN 37228

Current Charges**\$220,465.08**

Date	Code	Description	Work Order	Ticket Number	Rate	Quantity	Amount
<u>Material Summary</u>							
		Pass Contaminated 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 Pay Total Amount Due

Please write your account number on your
check and make payable to :

Please Return
Payment To:

Republic Services
PO Box 840730
Dallas, TX 75284-0730

Bakken Western Services (Barn)
Bakken Western Services
810 Dominican Drive
Nashville, TN 37228

Kadrmass, Bethany R.

From: pkhatri@rjens.com
Sent: Wednesday, July 29, 2020 11:51 AM
To: Kadrmass, 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 its 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



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

Kadrmass, Bethany R.

From: stetrault@restel.com
Sent: Wednesday, July 29, 2020 11:41 AM
To: brkadrmass@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

...



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 \geq 3 and $<+$ 12 months)	02/2020
9058	BRANDJORD KJELSHUS 9-10	OG	IA	01/2017
9108	KJELSHUS 9-11	OG	Inactive(Shut-in \geq 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.

Mr. Lynn Helms
July 23, 2020
Page 3

Should the Commission have any questions for Eagle, please contact Robert Mau at (701) 837-4780 or eagleop@yahoo.com.

Sincerely,

Eagle Operating, Inc.

A handwritten signature in blue ink, appearing to read "R. Mau".

Robert Mau

cc: Mr. Lawrence Bender *Via Email*

70511059.1

Kadrmass, Bethany R.

From: Patrick Ihme <Patrick@ranchoil.com>
Sent: Tuesday, July 28, 2020 4:07 PM
To: Kadrmass, 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

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.

Mr. Lynn Helms
July 28, 2020
Page 4


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



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
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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.

Mr. Lynn Helms
July 28, 2020
Page 4

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

Kadrmass, Bethany R.

From: Darien O'Brien <dgobrien@alumni.mines.edu>
Sent: Monday, July 27, 2020 12:43 PM
To: Kadrmass, 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

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

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

TABLE OF CONTENTS

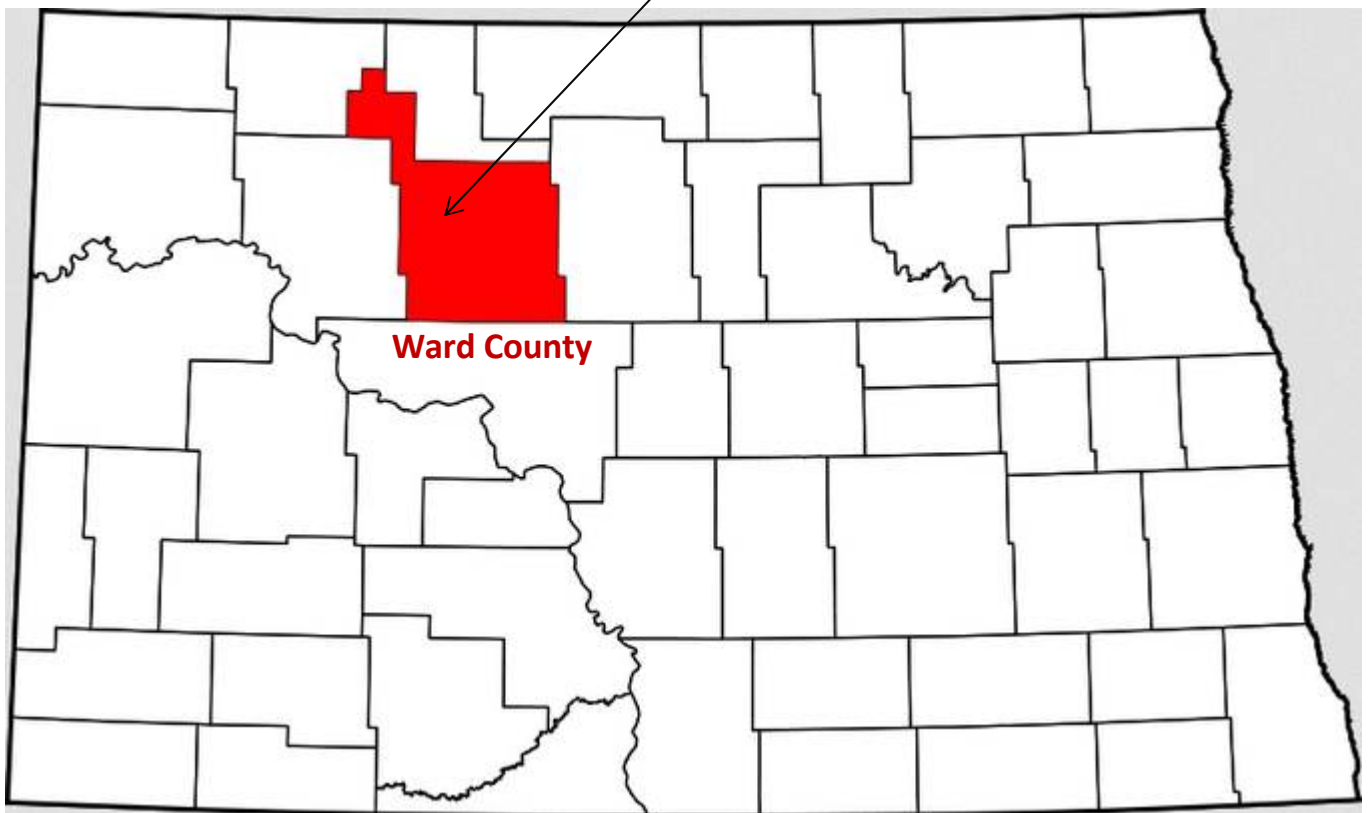
<u>DESCRIPTION</u>	<u>EXHIBIT NO.</u>
Regional Location Map	1
Lone Tree Field Locator Map	2
Mineral Owners of Record	3
NANGCHEN 155-86-11-HS1 (NDIC #29241) History	4
Proof of Delivery of Operator's Testimony to Mineral Owners	5
Proof of Delivery of Operator's Testimony to Mineral Owners (cont.)	6
Proof of Delivery of Operator's Testimony to Mineral Owners (cont.)	7



Solutions Energy LLC

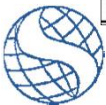
Regional Location Map

Location of the Lone Tree Madison Pool



Solutions Energy LLC

Case No. 28530
Exhibit 1
July 31, 2020



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



Solutions Energy LLC

Case No. 28530
Exhibit 3
July 31, 2020

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

The image displays four USPS Certified Mail Receipts, each for a domestic mail item. Each receipt includes a tracking number on the left, a green header with the USPS logo, and a table of services and fees. A red circular postmark from the Bear Valley Station in Denver, CO, dated JUN 2020, is stamped over each receipt. The recipients' names and addresses are handwritten in the designated fields.

Tracking Number	Recipient Name	Address	City, State, ZIP+4
7019 2970 0000 1893 9461	Warren E. Brand	3997 Sentry Crossing	Marietta, GA 30068
7019 2970 0000 1893 9478	Laurie Brand Cataldo	1005 Riceland Court	Rosewell, GA 30075
7019 2970 0000 1893 9485	Andrew V.A. and Susan Forcina	4721 W. Yale Ave.	Denver, CO 80219
7019 2970 0000 1893 9482	Edward G. Johnson	21076 County Hwy 20	Pelican Rapids, MN 56572



Solutions Energy LLC

Case No. 28530
Exhibit 5
July 31, 2020

Proof of Delivery of Operator's Testimony to Mineral Owners (cont.)

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

SAINT PAUL, MN 55124

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.40

Total Postage and Fees \$4.95

Sent To
Bryce K. Kilane
5682 126th Street West
Apple Valley, MN 55124

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

SAINT PAUL, MN 55124

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.40

Total Postage and Fees \$4.95

Sent To
Loseal Kilane c/o - Bryce Kilane
5682 126th Street West
Apple Valley, MN 55124

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

MINNEAPOLIS, MN 55436

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.40

Total Postage and Fees \$4.95

Sent To
Nancy Lee Malone
5008 Stylin Dr.
Edina, MN 55436

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

SAINT PAUL, MN 55127

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.40

Total Postage and Fees \$4.95

Sent To
Catherine Nelson
20 Evergreen Lane
North Oaks, MN 55127

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



Solutions Energy LLC

Case No. 28530
Exhibit 6
July 31, 2020

Proof of Delivery of Operator's Testimony to Mineral Owners (cont.)

<p>U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only</p> <p>For delivery information, visit our website at www.usps.com®.</p> <p>DENVER, CO 80232</p> <p>OFFICIAL USE</p> <p>Certified Mail Fee \$3.55</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$0.00</p> <p><input type="checkbox"/> Return Receipt (electronic) \$0.00</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$0.00</p> <p><input type="checkbox"/> Adult Signature Required \$0.00</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$0.00</p> <p>Postage \$1.40</p> <p>Total Postage and Fees \$4.95</p> <p>Sent To Darien G. and Rebecca Wood Street and Apt. No., or PO Box No. 1632 South Lamar Street City, State, ZIP+4® Lakewood, CO 80232-7038</p> <p>PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions</p>	<p>U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only</p> <p>For delivery information, visit our website at www.usps.com®.</p> <p>MIDLAND, TX 79707</p> <p>OFFICIAL USE</p> <p>Certified Mail Fee \$3.55</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$0.00</p> <p><input type="checkbox"/> Return Receipt (electronic) \$0.00</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$0.00</p> <p><input type="checkbox"/> Adult Signature Required \$0.00</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$0.00</p> <p>Postage \$1.40</p> <p>Total Postage and Fees \$4.95</p> <p>Sent To Daniel M. Stoelzel Street and Apt. No., or PO Box No. 5700 Cranston Place City, State, ZIP+4® Midland, TX 79707-5022</p> <p>PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions</p>
<p>U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only</p> <p>For delivery information, visit our website at www.usps.com®.</p> <p>SAN LEUIS, MO 63131</p> <p>OFFICIAL USE</p> <p>Certified Mail Fee \$3.55</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$0.00</p> <p><input type="checkbox"/> Return Receipt (electronic) \$0.00</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$0.00</p> <p><input type="checkbox"/> Adult Signature Required \$0.00</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$0.00</p> <p>Postage \$1.40</p> <p>Total Postage and Fees \$4.95</p> <p>Sent To Rebecca Wood Street and Apt. No., or PO Box No. #5 Briar Brook Trail City, State, ZIP+4® Des Peres, MO 63131</p> <p>PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions</p>	<p>U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only</p> <p>For delivery information, visit our website at www.usps.com®.</p> <p>DENVER, CO 80203</p> <p>OFFICIAL USE</p> <p>Certified Mail Fee \$3.55</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$0.00</p> <p><input type="checkbox"/> Return Receipt (electronic) \$0.00</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$0.00</p> <p><input type="checkbox"/> Adult Signature Required \$0.00</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$0.00</p> <p>Postage \$1.40</p> <p>Total Postage and Fees \$4.95</p> <p>Sent To HKB Royalty Trust dated 10/10/1990 Street and Apt. No., or PO Box No. 789 Sherman Street, Suite 130 City, State, ZIP+4® Denver, CO 80203</p> <p>PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions</p>



Solutions Energy LLC

Case No. 28530
Exhibit 7
July 31, 2020

Kadrmass, Bethany R.

From: Adrian Trim <AdrianT@R360es.com>
Sent: Sunday, July 26, 2020 11:48 AM
To: Kadrmass, Bethany R.
Cc: Colton Ellingford; Mike Little
Subject: Case No 28530
Attachments: Submittal Hearing 073120 NDIC Marx.pdf

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

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,

A handwritten signature in black ink that reads "Adrian A. Trim". The signature is written in a cursive style with a long horizontal line extending from the end.

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)



Kadrmass, Bethany R.

From: Liu, Nelson <nliu@tervita.com>
Sent: Friday, July 24, 2020 2:21 PM
To: Kadrmass, 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

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

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

This email message and any attachments are for the sole use of the intended recipient(s) and contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message and any attachments.

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

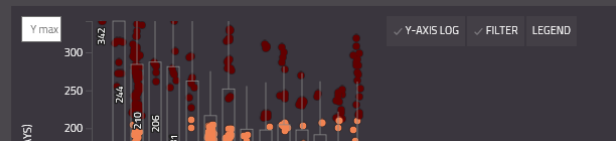
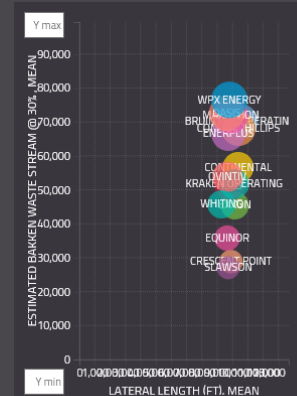
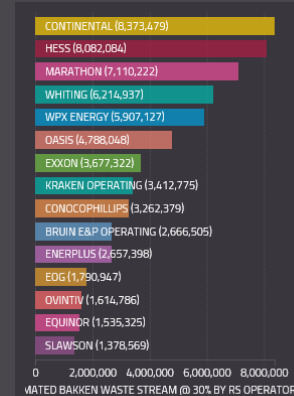
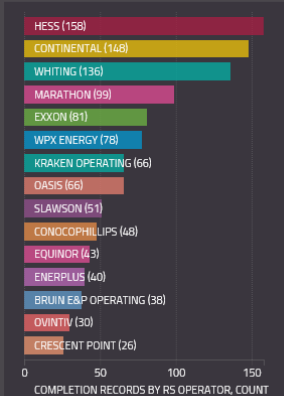
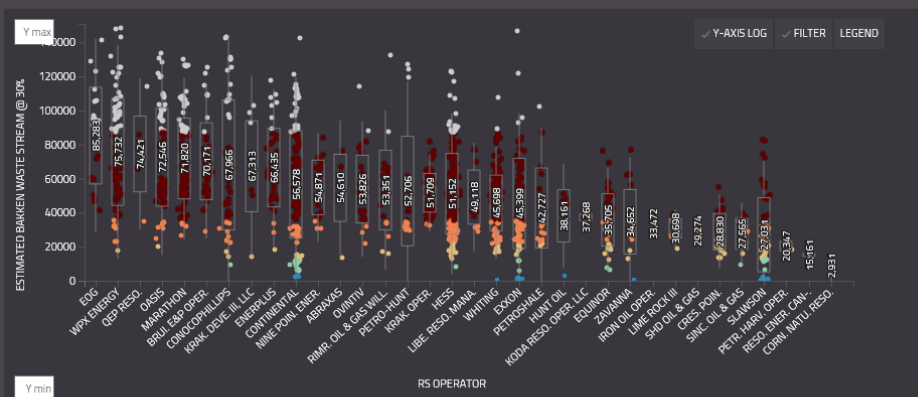
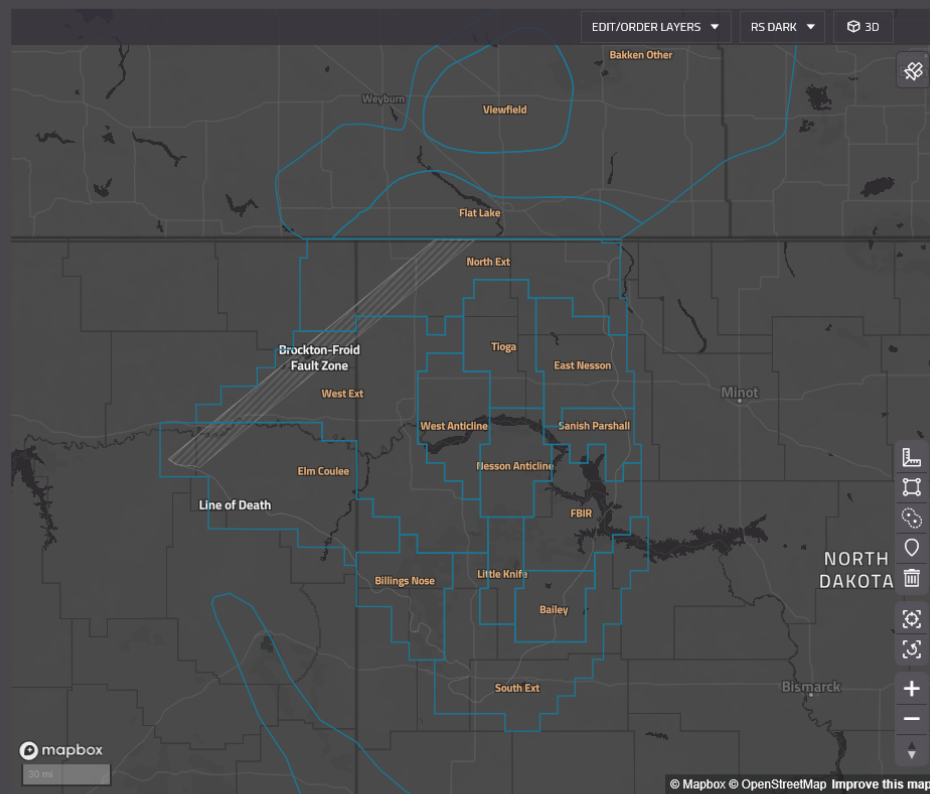
Nelson Liu
Specialist, HSE Regulatory and Management
Direct: (403) 231-6517
Mobile: (403) 826-4396
E-mail: nliu@tervita.com

1600, 140 – 10 Avenue SE
Calgary, AB, Canada T2G 0R1

Tel: 1(403) 233- 7565
Fax: 1 (403) 261-5612



Attachment 1 – Market Analysis





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 Tervita Environmental Services Inc. (formerly known as Newalta Environmental Services Inc.)			Telephone Number (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 Delaware	Date of Permit to do Business in North Dakota 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 Diouhy	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 sales Control	

Province
STATE OF Alberta)
City
COUNTY OF Calgary) ss

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

My Commission Expires N/A

A Notary Public In and For Alberta

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, 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

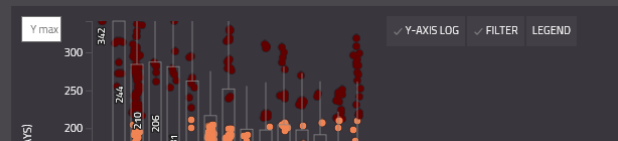
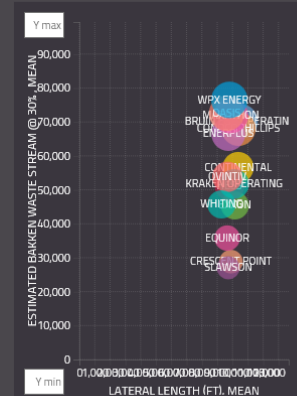
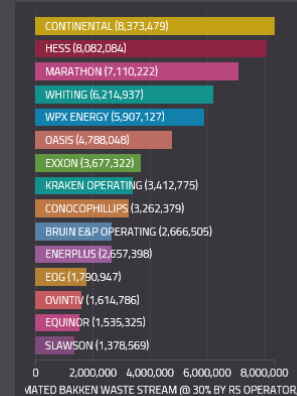
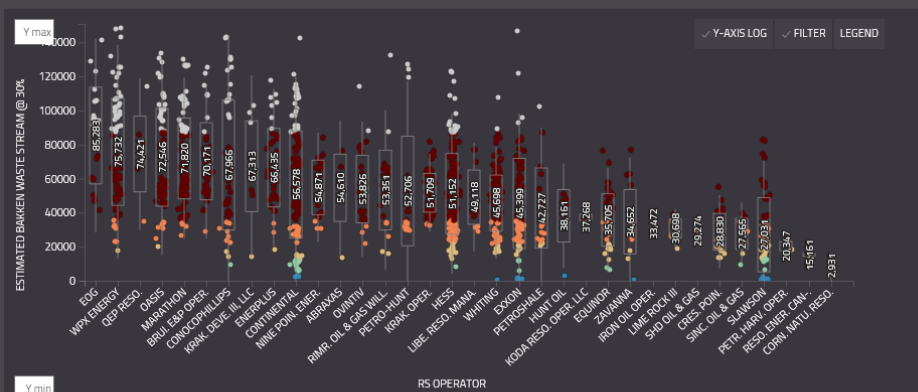
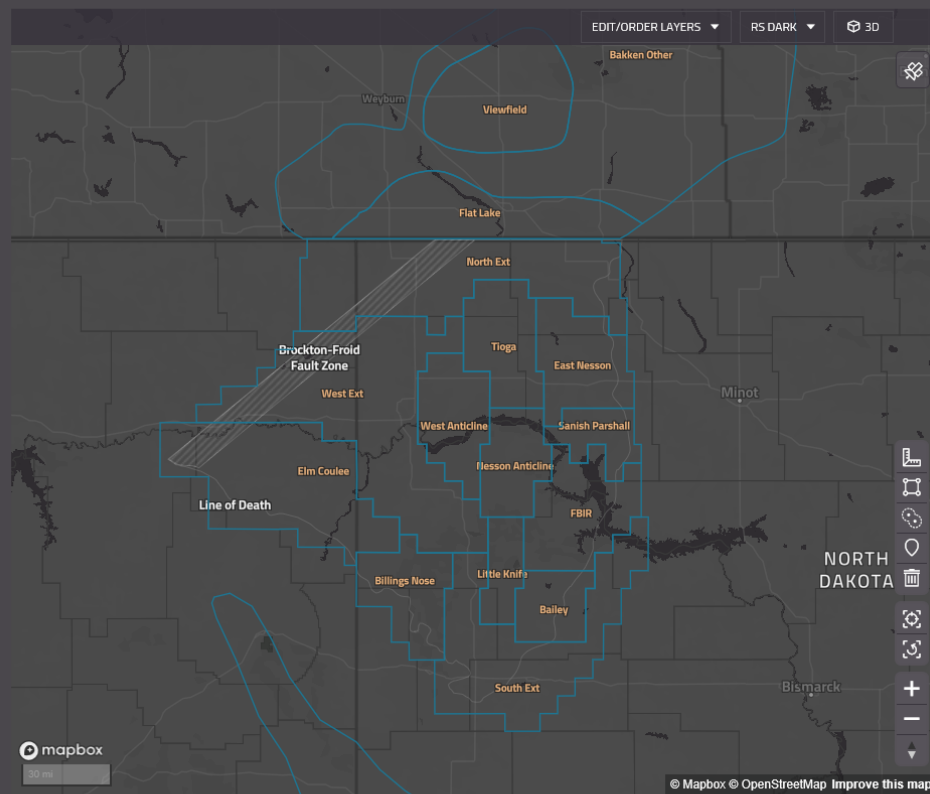
Nelson Liu
Specialist, HSE Regulatory and Management
Direct: (403) 231-6517
Mobile: (403) 826-4396
E-mail: nliu@tervita.com

1600, 140 – 10 Avenue SE
Calgary, AB, Canada T2G 0R1

Tel: 1(403) 233- 7565
Fax: 1 (403) 261-5612



Attachment 1 – Market Analysis





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 Tervita Environmental Services Inc. (formerly known as Newalta Environmental Services Inc.)			Telephone Number (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 Delaware	Date of Permit to do Business in North Dakota 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 Diouhy	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 sales Control	

Province
STATE OF Alberta)
City
COUNTY OF Calgary) ss

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

My Commission Expires N/A

A Notary Public In and For Alberta

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, Attorney-in-Fact

Kadrmass, Bethany R.

From: Mike Reichert <mreichert@waveoperating.com>
Sent: Thursday, July 23, 2020 3:45 PM
To: Kadrmass, 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



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,

A handwritten signature in black ink, appearing to read 'M. Reichert', is positioned below the word 'Sincerely,'.

MBI Oil and Gas, LLC
103 5th Street SE
Dickinson, ND 58601

cc: Mr. Lawrence Bender *Via Email*

70511601.1

Kadrmass, Bethany R.

From: Paul Rankin <jhrrspecial@gmail.com>
Sent: Tuesday, July 21, 2020 11:08 AM
To: Kadrmass, 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
jhrrspecial@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,

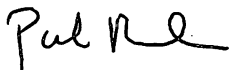
I have received notification from the NDIC that the following two wells are in consideration of confiscation.

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.

Kadrmass, Bethany R.

From: Gale Robinson <gale.85disposal@gmail.com>
Sent: Monday, June 29, 2020 2:49 PM
To: Kadrmass, 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 Sundry 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



Gale Robinson <gale.85disposal@gmail.com>

Fwd: Pipeline Abandonment & Booster Station Reclamation

2 messages

Chris Robinson <chris.85disposal@gmail.com>
To: Gale Robinson <gale.85disposal@gmail.com>

Mon, Jun 29, 2020 at 10:11 AM

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.

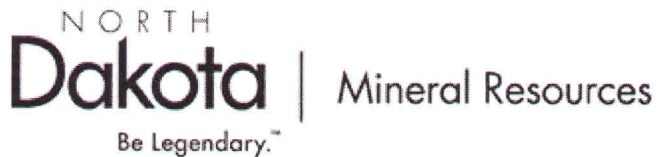
↑ Time frame given by Tamara

Thank you,

Tammy Madche

Pipeline Program Supervisor, Oil and Gas Division

tjmadche@nd.gov • pipelines@nd.gov



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>
To: Gale Robinson <gale.85disposal@gmail.com>

Mon, Jun 29, 2020 at 10:14 AM

[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	<p>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.</p> <p>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.</p>
	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.

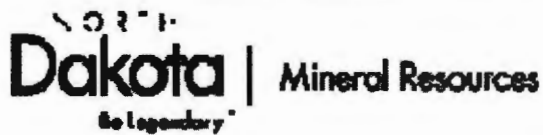
9/24/2019	Hook pump truck to line at access point, hook up vac truck at the SWD facility, flush line with 70 bbls FW until clear, drained line of all liquids and used compressed air to blow out. Hook up to other line and load line to Devitt with 45 bbls. Move vac truck to Devitt pumped 55 bbls. Hook up compressor at access point and push until air at Devitt, take sample. Move vac truck to Rehab 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 Devitt. 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



701.328.8020 • 600 E Boulevard Ave Dept. 405 • Bismarck, ND 58505



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

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.

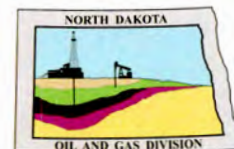
Tracy Heilman

Administrative Assistant, Oil and Gas Division

701.328.8038 • theilman@nd.gov • www.dmr.nd.gov



701.328.8020 • 600 E Boulevard Ave Dept. 405 • Bismarck, ND 58505



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



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 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 New Way Energy 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 brkadmas@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

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

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

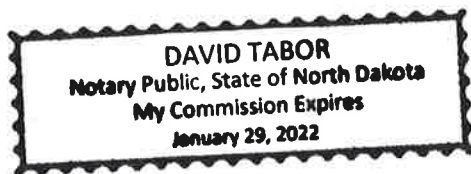
12262 38TH ST NW

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.




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 Suite 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

}
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}

STATE OF NORTH DAKOTA, OFFICE OF THE
ATTORNEY GENERAL

Plaintiff,
- VS -

NEW WAY ENERGY SERVICES LLC
Defendant

SHERIFF'S RETURN OF PERSONAL SERVICE

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

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

Date 07/27/20

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

This electronic mail transmission is intended for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.



Wayne Stenehjem
ATTORNEY GENERAL

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

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:

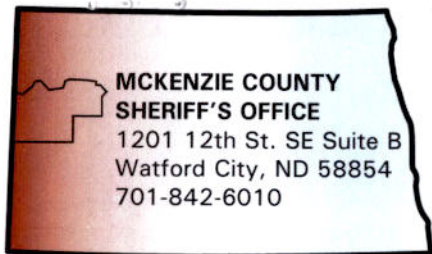
David R. Phillips
Assistant Attorney General
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509

If you have any questions, please contact me at (701) 328-3640. Thank you.

Sincerely,

David R. Phillips
Assistant Attorney General

DRP/mjh
Enclosures



*Office of Attorney General
RECEIVED
JUL 29 2020
BISMARCK, NORTH DAKOTA*

NEOPOST

FIRST-CLASS MAIL

07/28/2020

US POSTAGE

\$000.50⁰



ZIP 58854
041M11282313

**NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
500 NORTH 9TH STREET
BISMARCK, ND 58501-3640
ATTN: MELISSA J. HAMILTON, ACP**

5850136409 C008





**MCKENZIE COUNTY
SHERIFF'S OFFICE**

1201 12th St SE Suite 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

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STATE OF NORTH DAKOTA, OFFICE OF THE
ATTORNEY GENERAL

Plaintiff,

- VS -

NEW WAY ENERGY SERVICES LLC

Defendant

SHERIFF'S RETURN OF PERSONAL SERVICE

Date Received: **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

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

Date 07/27/20

Kadrmass, Bethany R.

From: Entzi-Odden, Lyn <lodden@fredlaw.com>
Sent: Friday, July 17, 2020 11:59 AM
To: Kadrmass, 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.



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.

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

**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 (01-2018)



FOR STATE USE ONLY
NDIC Bond Number

Received N1011
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 add'l signatures and Ex "B" for explanation latter.)			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 Lebanon 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 12, 2019
By Bruce E. Zula
Title Assistant Director

POWER OF ATTORNEY

Lexon Insurance Company

LX- 11079

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

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
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.



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



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

Attorneys & Advisors
main 701.221.8700
fax 701.221.8750
frediaw.com

Fredrikson & Byron, P.A.
1133 College Drive, Suite 1000
Bismarck, North Dakota
58501-1215

MEMBER OF THE WORLD SERVICES GROUP
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Minneapolis / Bismarck / Des Moines / Fargo / St. Paul / Saltillo, Mexico / Shanghai, China

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 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



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

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

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, 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.

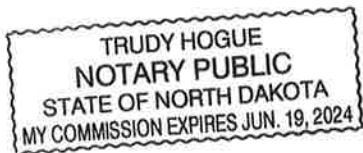
I am of legal age and on the 7th day of July, 2020, I served the following **Notice of Hearing with attached Exhibit A-All Clear Environmental, LLC** upon **All Clear Environmental, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:


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.




Notary Public
State of North Dakota, County of Burleigh

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

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

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, 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

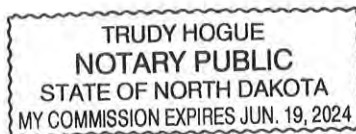
12270 38TH ST NW


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 Kadmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadmas 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

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

October 16, 2020

DONNA J. CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: ALTURAS ENERGY, LLC

Dear Ms. Connor,

We are writing to you regarding the Service of Process documents in the matter of ALTURAS ENERGY, LLC.

The Admission of Service Certificate, and Notice of Hearing were returned to our office by the Postal Service "Return to Sender, Not Deliverable as Addressed, Unable to Forward." We have no other address on record.

Should you have any questions, please call Allison at 701-328-1696.

Sincerely,

A handwritten signature in black ink that reads "Darcy Hurley".

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

Office of Attorney General
RECEIVED

OCT 19 2020

BISMARCK, NORTH DAKOTA

David H. Johnson

2020/10/19

STATE OF NORTH DAKOTA



SECRETARY OF STATE
ALVIN A. JAEGER
STATE OF NORTH DAKOTA
100 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

OFFICIAL MAIL
STATE OF NORTH DAKOTA

ADDRESS SERVICE REQUESTED

B. Received by (Printed Name)		C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No		delivery address below:	
RECEIVED OCT 06 2020			
SECRETARY OF STATE			
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)			
<input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery			
Domestic Return Receipt			

1. Article Addressed to:
ALTURAS ENERGY, LLC
675 SUN VALLEY RD STE H
KETCHUM ID 83340-3512

2. Article Number (Transfer from service label)
9590 9402 1315 5285 0127 11
2019.2280.0001.7941.4504

PS Form 3811, July 2015 PSN 7530-02-000-9053

CERTIFIED MAIL



7019 2280 0001 7941 4504



U.S. POSTAGE >>> PITNEY BOWES
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0000351169 SEP 15 20

RECEIVED
OCT 06 2020
SEC. OF STATE

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ALTURAS ENERGY, LLC
675 SUN VALLEY RD STE H
KETCHUM ID 83340-3512

NIXIE 808 D2 1 0010/01/20

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 58505050099 0159N276002-00046

SECRETARY OF STATE

ALVIN A. JAEGER
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500
OFFICIAL MAIL
STATE OF NORTH DAKOTA

PRESORTED
FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES

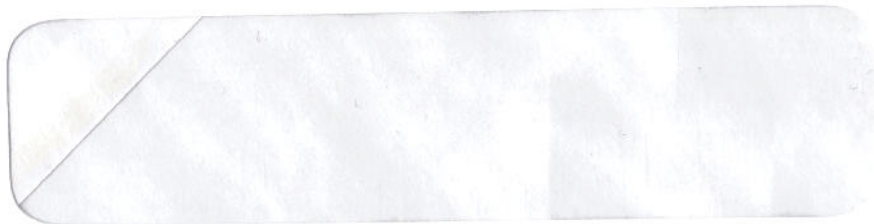


ZIP 58505 \$ 000.43⁹
02 4W
0000351169 OCT 16 2020

Office of Attorney General
RECEIVED

OCT 19 2020

BISMARCK, NORTH DAKOTA



ILZ-SMB 58501



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

September 11, 2020

DONNA J. CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: ALTURAS ENERGY, LLC

Dear Ms. Connor,

We are writing to you regarding the Service of Process documents in the matter of ALTURAS ENERGY, LLC.

The Admission of Service Certificate and Notice of Hearing were returned to our office by the Postal Service "Return to Sender, Not Deliverable as Address, Unable to Forward." However, we will forward directly to the principal address 675 Sun Valley Rd, Ste H, Ketchum ID 83340.

Should you have any questions, please call Allison at 701-328-1696.

Sincerely,

A handwritten signature in black ink that reads "Darcy Hurley".

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

Certified Mail No. 7019 2280 0001 7941 4504

Office of Attorney General
RECEIVED

SEP 17 2020

BISMARCK, NORTH DAKOTA

David M. Johnson



SECRETARY OF STATE
ALVIN A. JAEGER
STATE OF NORTH DAKOTA
BOULEVARD AVE DEPT 108
SMARCK ND 58505-0500
OFFICIAL MAIL
STATE OF NORTH DAKOTA
PRESS SERVICE REQUESTED



RECEIVED
SEP 08 2020
SEC. OF STATE

*Unclaimed
Marked for
UTF*

ALTURAS ENERGY, LLC
675 SUN VALLEY RD STE H
PO BOX 3512
KETCHUM ID 83340-3512

1st NOTICE 8-21
2nd NOTICE 9-5
RETURNED

1. Article Addressed to:
ALTURAS ENERGY, LLC
675 SUN VALLEY RD STE H
PO BOX 3512
KETCHUM ID 83340-3512

2. Article Number (Transfer from service label)
9590 9402 5377 9189 4892 95
7019 2280 0001 7941 4139

3. B. Received by (Printed Name)
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

Domestic Return Receipt

4. PS Form 3811, July 2015 PSN 7530-02-000-9053

NIXIE 842 E2 1 0109/01/20
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED

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

August 21, 2020

DONNA J CONNOR
OFFICE OF THE ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: ALTURAS ENERGY, LLC

Dear Ms. Connor,

We are writing to you regarding the Service of Process documents in the matter of ALTURAS ENERGY, LLC.

The Admission of Service Certificate, Notice of Hearing were returned to our office by the Postal Service "Return to Sender, Insufficient Address, Unable to Forward." We will forward directly to 675 Sun Valley Rd, Ste H, Ketchum ID 83340.

Should you have any questions, please call Allison at 701-328-1696.

Sincerely,

A handwritten signature in black ink that reads "Darcy Hurley".

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

Certified Mail No. 7019 2280 0001 7941 4184

CLERK OF STATE

MINA JAEGER

OF NORTH DAKOTA

LEAVARD AVE DEPT 108

REK ND 58505-0500

OFFICIAL MAIL

OF NORTH DAKOTA

NEED SERVICE REQUESTED

Attention: This card is to be placed on the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ALTURAS ENERGY, LLC
675 SUN VALLEY RD STE H
PO BOX 3512
KETCHUM ID 83340-3512

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No



9590 9402 5377 9189 4989 14

2. Article Number (Transfer from service label)

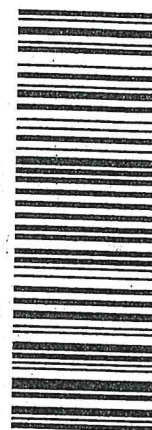
7019.1120.0002.3204.1847

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

7019 1120 0002 3204 1847



CELLULOID MAIL

NIXIE

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RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 58505050099

0091N221175-00118



UNABLE TO FOR

BC: 833403501



ALTURAS ENERGY, LLC
675 SUN VALLEY RD STE H
PO BOX 3512
KETCHUM ID 83340-3512

RECEIVED
AUG 17 2020
SEC. OF STATE

1st NOTICE
2nd NOTICE
RETURNED

7-15
7-31



U.S. POSTAGE® PIONEERBOWES
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0000351152 JUL 08 2020

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,

A handwritten signature in black ink that reads "Darcy Hurley". The signature is fluid and cursive.

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

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger", is written over a horizontal line.

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,

A handwritten signature in black ink that reads "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

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

\$

Total Postage and Fees

\$

Alturas Energy, LLC
North Dakota Secretary of State
Registered Agent
600 E Boulevard Ave Dept 108
Bismarck ND 58501

PS Form 3800, April 2015 PSN 7510-02-000-9047

See Reverse for Instructions

David Phillips

Office of Attorney General

500 North St.

Bismarck ND 58501-4509

Official Mail
State of North Dakota

7018 2290 0000 6608 3972

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- 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).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

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:

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☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

8-5-20

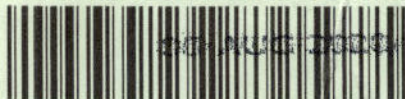
D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ X Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured MailInsured Mail Restricted Delivery
(over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted
Delivery☒ X Return Receipt for
Merchandise☐ Signature Confirmation™☐ Signature Confirmation
Restricted Delivery

USPS TRACKING#

BISMARCK ND 585



20 AUG 2020 PM 1 1

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 5853 0038 3049 55

United States
Postal Service

Office of Attorney General
RECEIVED

AUG - 7 2020

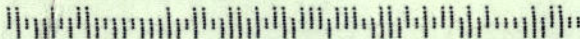
BISMARCK, NORTH DAKOTA

• Sender: Please print your name, address, and ZIP+4® in this box•

David Phillips

Office of Attorney General
500 N. 9th St.
Bismarck ND 58501-4509

Official Mail
State of North Dakota





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
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 - 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



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:

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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

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

September 16, 2020

JOLENE THIEL
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: APOLLO RESOURCES LLC

Dear Ms. Thiel,

We are writing to you regarding the Service of Process documents in the matter of APOLLO RESOURCES LLC.

The Admission of Service Certificate and Notice of Hearing were returned to our office by the Postal Service "Return to Sender, No Mail Receptacle, Unable to Forward." We have no other address on record.

Should you have any questions, please call Allison at 701-328-1696.

Sincerely,

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.



STATE OF NORTH DAKOTA

Handwritten signature

Office of Attorney General

RECEIVED

SEP 18 2020

BISMARCK, NORTH DAKOTA

■ Attach this card to the back of the mailpiece,
or on the front if space permits.

1. Article Addressed to:

APOLLO RESOURCES LLC
133 HWY 89
LAFAYETTE LA 70508



9590 9402 5377 9189 4987 16

2. Article Number (Transfer from service label)

7019 2280 0001 7941 4023

PS Form 3811, July 2015 PSN 7530-02-000-9053

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
delivery address below: ☐ Yes ☐ No

- | | |
|--|--|
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail (over \$500) | <input type="checkbox"/> Signature Confirmation™ |
| | <input type="checkbox"/> Restricted Delivery |

Domestic Return Receipt

RECEIVED

SEP 08 2020

SEC. OF STATE

UTP
806
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APOLLO RESOURCES LLC
133 HWY 89
LAFAYETTE LA 70508

NIXIE

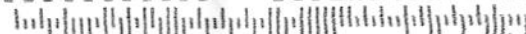
773 SE 1

7209/03/20

RETURN TO SENDER
NO MAIL RECEPTACLE
UNABLE TO FORWARD

BC: 58505050099

2091N247155-02298



RETAI

ALVIN A. JAEGER
TE OF NORTH DAKOTA
BOULEVARD AVE DEPT 108
MARCK ND 58505-0500

OFFICIAL MAIL
TE OF NORTH DAKOTA

ESS SERVICE REQUESTED

FWD

CERTIFIED MAIL



7019 2280 0001 7941 4023

U.S. POSTAGE & PAYMENT



ZIP 58505 \$ 007.60
02 4W
0000351169 AUG 05 202

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500



EMAIL scs@nd.gov
WEBSITE www.nd.gov/scs

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,

A handwritten signature in cursive script that reads "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,

A handwritten signature in black ink that reads "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

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger", is written over a horizontal line.

Secretary of State
Alvin A. Jaeger



June 26, 2020

APOLLO RESOURCES LLC
13809 LAKE MAGDALENE BLVD
TAMPA, FL 33618-2315

RECEIVED
JUL 10 2020
SEC. OF STATE

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

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



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/>

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Please contact our office if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Lynn D. Helms'.

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

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

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:

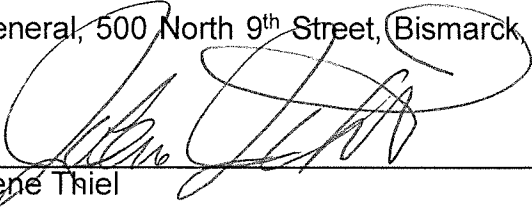
[¶2] I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

[¶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.

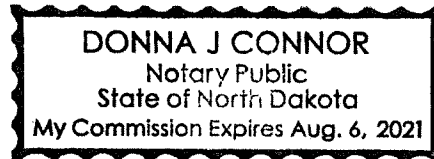


Jolene Thiel

Subscribed and sworn to before me
this 8th day of July, 2020.



Notary Public



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

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To testify at the hearing via telephone, provide your telephone number and any documents to be used during your testimony to brkadmas@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

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)
COUNTY OF BURLEIGH) ss.


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.

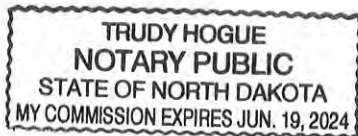
I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-Apollo Resources LLC** upon **Apollo Resources LLC** by placing a true and correct copy thereof in an envelope addressed as follows:


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.




Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0728

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
<i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
To	APOLLO RESOURCES LLC
St	13809 LAKE MAGDALENE BLVD
City	TAMPA, FL 33618-2315
PS Form 3800, April 2013 PSN 7530-02-000-9047	See Reverse for Instructions

APR 10
Postmark
Here



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 Desorption Treating 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

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.

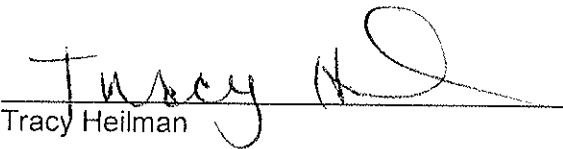
I am of legal age and on the 2nd day of July, 2020, I served the following **Notice of Hearing with attached Exhibit A-Bakken Western Services, LLC** upon **Bakken Western Services, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:

BAKKEN WESTERN SERVICES, LLC

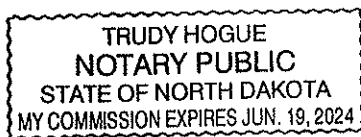
810 DOMINICAN DR

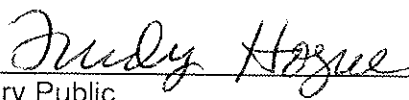
NASHVILLE TN 37228-1906

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.




Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0889

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)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark
Here

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.

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature X <i>[Signature]</i>		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) <i>2825</i>	C. Date of Delivery <i>7/8/20</i>	

address different from item 1? ☐ Yes
 or delivery address below ☐ No

RECEIVED
 JUL 13 2020
 NASHVILLE, TN

3. Service Type	4. Signature Confirmation
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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 Desorption Treating 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

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

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, 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

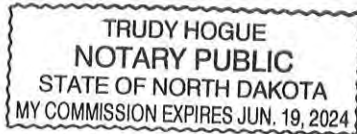
923 E INTERSTATE AVE

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.




Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0735

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

\$

Total

\$
Sent

Street

City,

BAKKEN WESTERN SERVICES, LLC

923 E INTERSTATE AVE

BISMARCK, ND 58503-0549

Bakken
Western
Postmark
Here

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

September 16, 2020

DONNA J. CONNOR
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: BERG SPECIALTY FLUIDS HOLDING, LLC

Dear Ms. Connor,

We are writing to you regarding the Service of Process documents in the matter of BERG SPECIALTY FLUIDS HOLDING, LLC.

The Admission of Service Certificate and Order of the Commission were returned to our office by the Postal Service "Return to Sender, No Mail Receptacle, Unable to Forward." We have no other address on record.

Should you have any questions, please call Allison at 701-328-1696.

Sincerely,

A handwritten signature in black ink that reads "Darcy Hurley".

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.



SECRETARY OF STATE

Dorothy Hurling

Office of Attorney General
RECEIVED

SEP 18 2020

BISMARCK, NORTH DAKOTA

SECRETARY OF STATE

ALVINA JAEGER

STATE OF NORTH DAKOTA
00 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

OFFICIAL MAIL

STATE OF NORTH DAKOTA

ADDRESS SERVICE REQUESTED

C. Date of Delivery

B. Received by (Printed Name)

■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BERG SPECIALTY FLUIDS HOLDING, LLC
9088 95TH ST NW
COLUMBUS ND 58727

D. Is delivery address different from item 1? ☐ Yes
or delivery address below: ☐ No



9590 9402 5222 9122 3393 50

2. Article Number (Transfer from service label)

7019.2280.0001.7941.4313

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

7019 2280 0001 7941 4313



CERTIFIED MAIL

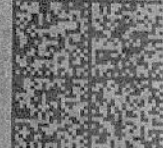
R&S

BERG SPECIALTY FLUIDS HOLDING, LLC
9088 95TH ST NW
COLUMBUS ND 58727

587272007-1N 09/09/20P

RETURN TO SENDER
NO MAIL RECEIPTABLE
UNABLE TO FORWARD
RETURN TO SENDER

RECEIVED
SEP 14 2020
SEC. OF STATE



US POSTAGE PITNEY BOWES
ZIP 58505 \$ 007.8
02 4M
0000351169 SEP 01 20

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,

A handwritten signature in black ink that reads "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

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger", is written over a horizontal line.

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
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



June 26, 2020

RECEIVED

JUL 07 2020

SEC. OF STATE

Berg Specialty Fluids Holding, L.L.C.,
d/b/a Berg Specialty 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

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

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 J. THIEL
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: BERG SPECIALTY FLUIDS HOLDING, LLC

Dear Ms. Thiel,

We are writing to you regarding the Service of Process documents in the matter of BERG SPECIALTY FLUIDS HOLDING, LLC.

The Admission of Service Certificate, Order of the Commission, and Affidavit of Service by Mail and Retention of Documents were returned to our office by the Postal Service "Return to Sender, Unable to Forward." We have no other address on record.

Should you have any questions, please call Allison at 701-328-1696.

Sincerely,

A handwritten signature in black ink that reads "Darcy Hurley".

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

- 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:

BERG SPECIALTY FLUIDS HOLDING, LLC
9088 95TH ST NW
COLUMBUS ND 58727

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

☐ Agent
☐ Addressee

RECEIVED
JUL 06 2020
SEC. OF STATE



9590 9402 5377 9189 4979 62

2. Article Number (Transfer from service label)

7019.1120.0002.3204.1793

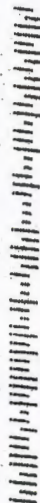
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

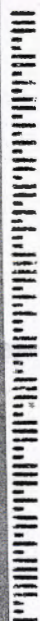
PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

CRETA
ALVINA
STATE OF ND
BOULEVARD AVE DEPT 108
ISMARCK ND 58505-0500
OFFICIAL MAIL
STATE OF NORTH DAKOTA



7019 1120 0002 3204 1793



RETURN TO SENDER
UNABLE TO FORWARD
RETURN TO SENDER

-R-T-S-

587272009-1N

07/01/20

BERG SPECIALTY FLUIDS HOLDING, LLC
9088 95TH ST NW
COLUMBUS ND 58727



ZIP 58505 \$ 007.8
02 AM 0000351169 JUN 28 2

U.S. POSTAGE & PAYMENTS

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

August 11, 2020

DONNA J CONNOR
OFFICE OF THE ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: BERG SPECIALTY FLUIDS HOLDING, LLC

Dear Ms. Connor,

We are writing to you regarding the Service of Process documents in the matter BERG SPECIALTY FLUIDS HOLDING, LLC.

The Admission of Service Certificate and Notice of Hearing were returned to our office by the Postal Service "Return to Sender, No Such Number, Unable to Forward." We have no other address on record.

Should you have any questions, please call Allison at 701-328-1696.

Sincerely,

A handwritten signature in cursive script that reads "Darcy Hurley".

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

15/11/1912

SECRETARY OF STATE
ALVIN A. JAEGER
STATE OF NORTH DAKOTA
BOULEVARD AVE DEPT 108
SMARCK ND 58505-0500

OFFICIAL MAIL
STATE OF NORTH DAKOTA

PRESS SERVICE REQUESTED

CERTIFIED MAIL



7019 1120 0002 3204 1830



U.S. POSTAGE >> PITNEY BOW
ZIP 58505 \$007.60
02 4W
0000351152 JUL 08 20

B. Received by (Printed Name)		C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:		
RECEIVED AUG 03 2020 SEC. OF STATE		
<input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery		
<input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail (over \$500) <input type="checkbox"/> Insured Mail Restricted Delivery		
Domestic Return Receipt		
1. Article Addressed to: BERG SPECIALTY FLUIDS HOLDING, LLC 9088 95TH ST NW COLUMBUS ND 58727		
2. Article Number (Transfer from service label) 9590 9402 5377 9189 4989 21 2019.1120.0002.3204.1830 PS Form 3811, July 2015. PSN 7530-02-000-9053		

BERG SPECIALTY FLUIDS HOLDING, LLC
9088 95TH ST NW
COLUMBUS ND 58727

NIXIE

553 DE 1

0007/26/20

RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD

Office of Attorney General
RECEIVED

AUG 14 2020

BISMARCK, NORTH DAKOTA

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURKE

NORTHCENTRAL JUDICIAL DISTRICT

RECEIVED

JUL 28 2020

SEC. OF STATE

State of North Dakota

Plaintiff(s)

VS

SHERIFF'S RETURN

Berg Specialty Fluids Holding LLC

Defendant(s)

STATE OF NORTH DAKOTA
COUNTY OF BURKE

Date Received: 7/20/2020

Action: Location no longer exists it is now farm land. The location was taken down over a year ago.

Type of Service: Notice of Hearing

On Whom Served: Not Served

Date & Time Served: Not Served

Location: 9088 95th Street NW Columbus, ND 58727

Today's Date: 7/21/2020

Service Fee: \$0.00

Mileage Fee: \$0.00


Copy Fee: \$0.00

Total Fee: \$0.00

Shawn G. Brien, Sheriff of Burke County

Daysheet # 11266

Served By:



Bill To:

Remit Payment To:

Burke County Sheriff's Office

P.O. Box 250

Bowbells, North Dakota 58721



Wayne Stenehjem
ATTORNEY GENERAL

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

**CIVIL LITIGATION
NATURAL RESOURCES
AND INDIAN AFFAIRS**
500 NORTH 9TH STREET
BISMARCK, ND 58501-4509
(701) 328-3640 FAX (701) 328-4300

July 16, 2020

Sheriff Shawn Brien
Burke County Sheriff's Office
P.O. Box 250
Bowbells, ND 58721-0250

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 Brien:

Enclosed are two true and correct copies of a NOTICE OF HEARING for service upon Berg Specialty Fluids Holding, LLC at the 9088 95th Street NW, Columbus, ND 58727. 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

June 26, 2020

Berg Specialty Fluids Holding, L.L.C.,
d/b/a Berg Specialty 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

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

June 26, 2020

Berg Specialty Fluids Holding, L.L.C.,
d/b/a Berg Specialty Fluids Holding, LLC
North Dakota Secretary of State
Registered Agent
600 E Boulevard Ave, Dept 108
Bismarck, ND 58501

RECEIVED
JUL 28 2020
SEC. OF STATE

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/>

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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

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



RECEIVED

JUL 07 2020

SEC. OF STATE

June 26, 2020

Berg Specialty Fluids Holding, L.L.C.,
d/b/a Berg Specialty 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:

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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

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

June 26, 2020

Berg Specialty Fluids Holding, L.L.C.,
d/b/a Berg Specialty 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 brkadmas@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,

A handwritten signature in cursive script that reads '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

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, 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)
COUNTY OF BURLEIGH) ss.

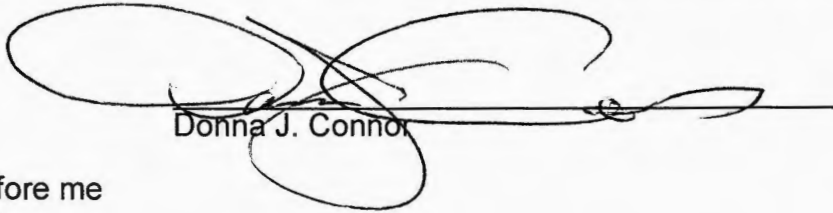
[¶1] Donna J. Connor states under oath as follows:

[¶2] I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

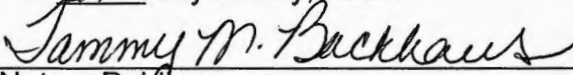
[¶3] I am of legal age and on the 6th day of July, 2020, I served the attached **NOTICE OF HEARING** by, upon signing this affidavit, immediately thereafter placing true and correct copies of the document in an envelope addressed as follows:

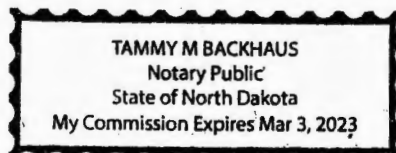
Berg Specialty Fluids Holding, L.L.C. d/b/a Berg Specialty Fluids Holding, LLC
North Dakota Secretary of State
Registered Agent
600 East Boulevard Avenue, Dept. 108
Bismarck, ND 58501

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.


Donna J. Connor

Subscribed and sworn to before me
this 14th day of July, 2020.


Notary Public



701B 2290 0000 6608 4245

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☐ Adult Signature Restricted Delivery \$

Postage

\$
Total Postage and Fees

\$4.75
Berg Specialty Fluids Holding LLC
d/b/a Berg Specialty Fluids Holdi
Registered Agent - 600 E Blvd Ave
Dept 108 - Bismarck ND 58501

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



Office of Attorney General
500 N. 3rd St., 4509
Bismarck, ND 58501
Official Mail
State of North Dakota

DP

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:

**Berg Specialty Fluids Holding S.L.C.
d/b/a Berg Specialty Fluids LLC
Registered Agent
600 E Blvd Ave Dept 108
Bismarck ND 58501**



9590 9402 4709 8323 0708 61

2. Article Number (Transfer from service label)

7018 2290 0000 6608 4245

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Recky Haas*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7-7-20

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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
☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

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, 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)
COUNTY OF BURLEIGH) ss.

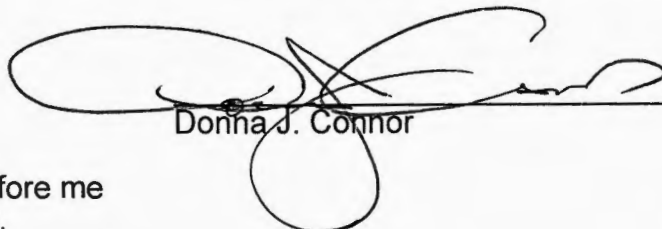
[¶1] Donna J. Connor states under oath as follows:

[¶2] I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

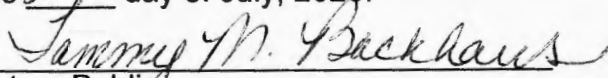
[¶3] I am of legal age and on the 2nd day of July, 2020, I served the attached **NOTICE OF HEARING** by, upon signing this affidavit, immediately thereafter placing true and correct copies of the document in an envelope addressed as follows:

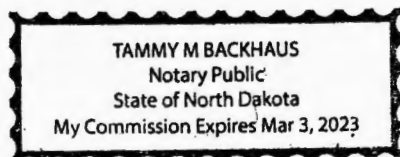
Berg Specialty Fluids Holding, L.L.C. d/b/a Berg Specialty Fluids Holding, LLC
North Dakota Secretary of State
Registered Agent
600 East Boulevard Avenue, Dept. 108
Bismarck, ND 58501

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.


Donna J. Connor

Subscribed and sworn to before me
this 2nd day of July, 2020.


Notary Public





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 brkadmas@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,

A handwritten signature in cursive script that reads 'Lynn D. Helms'.

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

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	LORAIN	UCLI 1	OG	A	RENVILLE
5486	COBRA OIL & GAS CORPORATION	LORAIN	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)
COUNTY OF BURLEIGH) ss.

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.

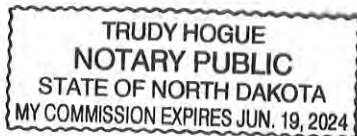
I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-COBRA OIL & GAS CORPORATION** upon **COBRA OIL & GAS CORPORATION** by placing a true and correct copy thereof in an envelope addressed as follows:

**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 Kadrmaz

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmaz 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

7019 2280 0001 7941 0759

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City:	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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29, 2020 in BISMARCK, ND 58504.

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Tracking History	▼
Product Information	▼

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 brkadmas@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

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 - 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)
COUNTY OF BURLEIGH) ss.

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

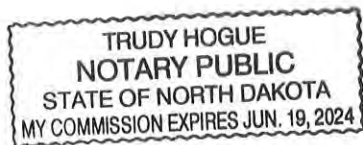
PO BOX 519


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 Kadmas

On this 26th day of June, 2020 before me personally appeared Bethany Kadmas 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

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

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Tot

JAMES HOLSTEN

\$

Ser

406 1ST AVE NE

Str

PO BOX 519

City

MOHALL, ND 58761-0519

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 2280 0001 7941 0766

[Signature]

Postmark
Here

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 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

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☒ Agent

☒ Addressee

B. Received by (Printed Name)

[Signature]

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

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Registered Mail
☐ Registered Mail Restricted Delivery

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☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

(over \$500)

Domestic Return Receipt

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 brkadmas@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

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 - 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)
COUNTY OF BURLEIGH) ss.

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

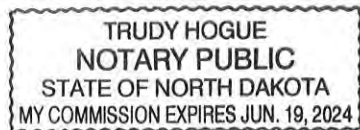
2501 6TH ST SE STE B


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.




Notary Public
State of North Dakota, County of Burleigh

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

\$

Total

ROBERT MAU

\$

Sen

2501 6TH ST SE STE B

Stre

MINOT, ND 58701-3157

City

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Eagle
 Postmark
 Here

7019 2280 0001 7941 0773

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:

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

John Jensen

☐ Agent

☐ Addressee

B. Received by (Printed Name)

John Jensen

C. Date of Delivery

Jul 02 2020

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

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

1 Mail
 1 Mail Restricted Delivery
 500)

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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

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

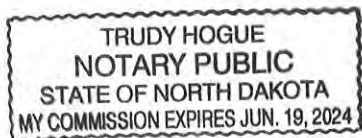
103 5TH ST SE

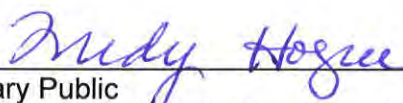
DICKINSON, ND 58601

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 Kadmas



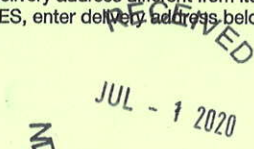
On this 26th day of June, 2020 before me personally appeared Bethany Kadmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.




Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0780

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____	<div style="text-align: center;">  Postmark Here </div>
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
Postage \$ _____	
Total \$ _____	JAMES R ARTHAUD
Sent \$ _____	103 5TH ST SE
Street _____	DICKINSON, ND 58601
City, _____	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 		A. Signature <input checked="" type="checkbox"/>  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: JAMES R ARTHAUD 103 5TH ST SE DICKINSON, ND 58601		B. Received by (Printed Name) R5 CIA	C. Date of Delivery 6/29
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
 9590 9402 5222 9122 3505 77		<div style="text-align: center;">  ND 58601 & GAS DIVISION </div>	
2. Article Number (Transfer from service label) 7019 2280 0001 7941 0780		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Mail Restricted Delivery (00)	
		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> 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

September 3, 2020

TAMMY BACKHAUS
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: NEWALTA ENVIRONMENTAL SERVICES, INC.

Dear Ms. Backhaus,

We are writing to you regarding the Service of Process documents in the matter of
NEWALTA ENVIRONMENTAL SERVICES, INC.

The Admission of Service Certificate and Notice of Hearing were returned to our office by the
Postal Service "Return to Sender, Not Deliverable as Addressed, Unable to Forward." We will
send directly to 950N HWY 170, RIO VISTA TX 96093.

Should you have any questions, please call Allison at 701-328-1696.

Sincerely,

Darcy Hurley
Business Information Unit Lead

DH/as

Enc.

Certified Mail No. 7019 2280 0001 7941 4351

SECRETARY OF STATE

ALVIN A. JAEGER

STATE OF NORTH DAKOTA

BOULEVARD AVE DEPT 108

ISMARCK ND 58505-0500

OFFICIAL MAIL

STATE OF NORTH DAKOTA

ADDRESS SERVICE REQUESTED

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:

NEWALTA ENVIRONMENTAL SERVICES, INC.
 950N HWY 174
 PO BOX 770
 RIO VISTA TX 76093-0770

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No



9590 9402 5377 9189 4988 22

2. Article Number (Transfer from service label)

7019 2280 0001 7941 3910

PS Form 3811, July 2015 PSN 7530-02-000-9053

- ☐ Adult Signature Restricted Delivery
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- ☒ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return P

NOT DELIVERABLE
 AS ADDRESSEE
 UNABLE TO FORWARD



7019 2280 0001 7941 3910

NEWALTA ENVIRONMENTAL SERVICES, INC.
 950N HWY 174
 PO BOX 770
 RIO VISTA TX 76093-0770

RECEIVED

AUG 24 2020

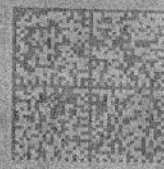
SEC. OF STATE

NIXIE

731 EE 1

RETURN TO SENDER

0108/18/20



U.S. POSTAGE & FINES
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 02 4M
 000035-1169 JUL 21 21

Office of Attorney General
RECEIVED

SEP 08 2020

BISMARCK, NORTH DAKOTA

SECRETARY OF STATE

ALVIN A. JAEGER
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500
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STATE OF NORTH DAKOTA

Office of Attorney General
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SEP 08 2020

BISMARCK, NORTH DAKOTA

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FIRST CLASS



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ZIP 58505 \$ 000.43⁹
02 4W
0000351169 SEP 04 2020



HLZ-SMB 58501



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,

A handwritten signature in black ink that reads "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

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger", is written over a horizontal line.

Secretary of State
Alvin A. Jaeger



STATE OF NORTH DAKOTA

Dorothy H. Hensley

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,

A handwritten signature in black ink that reads "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



June 26, 2020

NEWALTA ENVIRONMENTAL SERVICES, INC.
950N HWY 174
PO BOX 770
RIO VISTA, TX 76093-0770

RECEIVED

JUL 20 2020

SEC. OF STATE

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:

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

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/>

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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 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

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

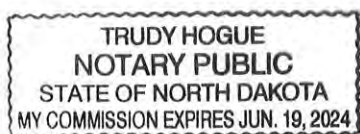
PO BOX 770


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.




Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0797

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)

<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	

Newalta

Postmark
Here

Postage

\$

Tot

\$

Ser

Str

City

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

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

October 12, 2020

TAMMY BACKHAUS
OFFICE OF ATTORNEY GENERAL
500 N 9TH ST
BISMARCK ND 58501-4509

RE: NEWALTA ENVIRONMENTAL SERVICES, INC.

Dear Ms. Backhaus,

We are writing to you regarding the Service of Process documents in the matter of
NEWALTA ENVIRONMENTAL SERVICES, INC.

The Admission of Service Certificate and Notice of Hearing were returned to our office by the
Postal Service "Return to Sender, Not Deliverable as Addressed, Unable to Forward." We
have no other address on record.

Should you have any questions, please call Allison at 701-328-1696.

Sincerely,

Darcy Hurley
Business Information Unit Lead

DH/as
Enc.

Office of Attorney General
RECEIVED

OCT 18 2020

BISMARCK, NORTH DAKOTA

Robert H. H. H.



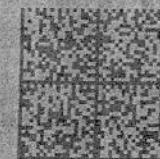
SECRETARY OF STATE

ALVIN A. JAEGER
STATE OF NORTH DAKOTA
100 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

OFFICIAL MAIL
STATE OF NORTH DAKOTA

ADDRESS SERVICE REQUESTED

<input type="checkbox"/> Addressee <input type="checkbox"/> Date of Delivery	
B. Received by (Printed Name)	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, delivery address below:	
1. Article Addressed to: NEWALTA ENVIRONMENTAL SERVICES, INC. 950N HWY 174 RIO VISTA TX 76093	
2. Article Number (Transfer from service label) 9590 9402 5222 9122 3393 29	
3. Article Number (Transfer from service label) 7019 2280 0001 7941 4351	
PS Form 3811, July 2015 PSN 7530-02-000-9053	



U.S. POSTAGE >> FITNEY BOWE
ZIP 58505 \$007.60
02 4W
0000351169 SEP 04 202

UTF - RTS.
- Moved
Fwd. Expired

9-8-20
9-15-20
9-25-20

RECEIVED
OCT 02 2020
SEC. OF STATE

NEWALTA ENVIRONMENTAL SERVICES, INC.
950N HWY 174
RIO VISTA TX 76093

NIXIE 731 C0 1 0109/27/20
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 58505050099 2067N271195-01135

SECRETARY OF STATE

ALVIN A. JAEGER
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500
OFFICIAL MAIL
STATE OF NORTH DAKOTA

Office of Attorney General
RECEIVED
OCT 16 2020
BISMARCK, NORTH DAKOTA

PRESORTED
FIRST CLASS

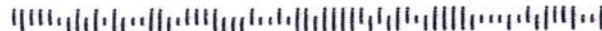


U.S. POSTAGE >> PITNEY BOWES



ZIP 58505 \$ 000.43⁹
02 4W
0000351169 OCT 14 2020

ILZ-SMB 58501



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

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.

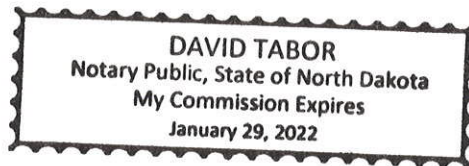
I am of legal age and on the 16th day of July, 2020, I served the following **Notice of Hearing with attached Exhibit A-Newalta Environmental Services, Inc. upon Tervita Environmental Services, Inc.** by placing a true and correct copy thereof in an envelope addressed as follows:

**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.




Notary Public
State of North Dakota, County of Burleigh

7013 2630 0001 2309 9518

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To	C T CORPORATION SYSTEM
Street, Apt. No., or PO Box No.	20 W SWEET AVE
City, State, ZIP+	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

2. Article Number
(Transfer from service label)

7013 2630 0001 2309 9518

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☐ Addressee

B. Received by (Printed Name) Alison C. Date of Delivery 7/6/20/2020

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JUL 7 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

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 Calgavy 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

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

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, 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

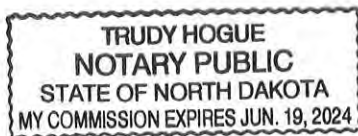
1547 CREEKSIDE DR W


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

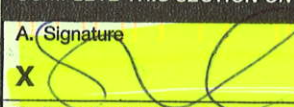

On this 26th day of June, 2020 before me personally appeared Bethany Kadrmas to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.




Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0803

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____	 Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Required \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total \$ _____	LAWCO OF NORTH DAKOTA, INC
\$ _____ <i>Sent</i>	1547 CREEKSIDE DR W
\$ _____ <i>Street</i>	WILLISTON, ND 58801-3731
\$ _____ <i>City</i>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 		A. Signature <input checked="" type="checkbox"/> 	
		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: LAWCO OF NORTH DAKOTA, INC 1547 CREEKSIDE DR W WILLISTON, ND 58801-3731		B. Received by (Printed Name) SHANDI HENDERSON	
		C. Date of Delivery 6/29/20	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
 9590 9402 5222 9122 3505 91		JUL - 1 2020 ND OIL & GAS DIVISION	
2. Article Number (Transfer from service label) 7019 2280 0001 7941 0803		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Mail Restricted Delivery	
		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
PS Form 3811, July 2015 PSN 7530-02-000-9053		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**

A handwritten signature in black ink, appearing to read "Charles Russell Crow".

CHARLES RUSSELL CROW (769)
TULSA COUNTY SHERIFF OFFICE

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

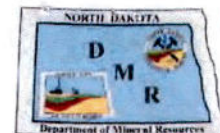
AMT TENDERED 50 00
AMT APPLIED 50 00
CHANGE 00

Office of Attorney General
RECEIVED

JUL 24 2020

BISMARCK, NORTH DAKOTA

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

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



Wayne Stenehjem
ATTORNEY GENERAL

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

**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

[illegible]



TULSA COUNTY SHERIFF'S OFFICE

303 West First Street
Tulsa, Ok 74103

neopost[®]

FIRST-CLASS MAIL

07/21/2020

US POSTAGE

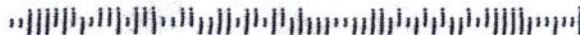
\$000.65⁰



ZIP 74127
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Office of Attorney General
RECEIVED
JUL 24 2020
BISMARCK, NORTH DAKOTA

Attorney General
Wayne Stenehjem
500 N 9TH STREET
BISMARCK, ND 58501-4509





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

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

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

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 - 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

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, 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

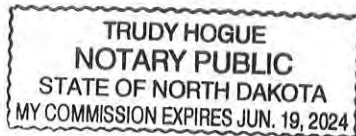
1709 N 19TH ST STE 3


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.




Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0827

U.S. Postal Service™
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Extra Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$

Total

\$

Service

Street

City

CORPORATION SERVICE COMPANY

1709 N 19TH ST STE 3

BISMARCK, ND 58501-2121

Postmark
Here

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

C377 Co-119

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C377 Co-119

C. Date of Delivery

6-29

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

JUL - 1 2011

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

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

1. Mail
 2. Mail Restricted Delivery
 (over \$500)

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



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.**

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,

A handwritten signature in cursive script that reads "Lynn D. Helms".

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

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)
COUNTY OF BURLEIGH) ss.

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

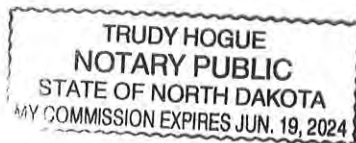
WATFORD CITY, ND 58854-7806

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.



Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0834

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

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 Postmark
 Here

Postage	
\$	
Total	DALE FILKOWSKI
\$	
Sen	126 LAKEVIEW DR
\$	
State	WATFORD CITY, ND 58854-7806
City	

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:

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

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

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
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- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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

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

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, 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.

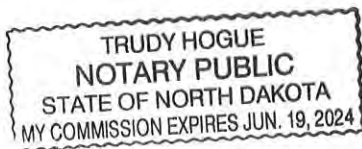
I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-SAMSON OIL AND GAS USA, INC** upon **SAMSON OIL AND GAS USA, INC** by placing a true and correct copy thereof in an envelope addressed as follows:

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.




Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0841

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<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	
\$ Totl	C T CORPORATION SYSTEM
\$ Ser	120 W SWEET AVE
\$ Str	BISMARCK, ND 58504
\$ City	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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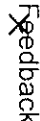
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Tracking Number: 70192280000179410841

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Your item was delivered to an individual at the address at 2:18 pm on June 29, 2020 in BISMARCK, ND 58504.

 **Delivered**

June 29, 2020 at 2:18 pm
Delivered, Left with Individual
BISMARCK, ND 58504

Get Updates 

Text & Email Updates



Tracking History



June 29, 2020, 2:18 pm
Delivered, Left with Individual

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
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

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

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, 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)
COUNTY OF BURLEIGH) ss.

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

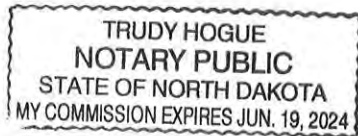
PO BOX 265

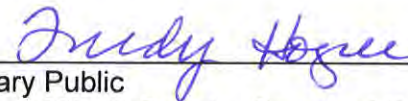
HAZELTON, ND 58544-0265

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.




Notary Public
State of North Dakota, County of Burleigh

7019 2280 0001 7941 0858

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 \$	Solutions Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	
\$ Tot	GIMBEL BUSINESS SERVICE LLC
\$ Ser	147 MAIN ST
\$ Sire	PO BOX 265
\$ City	HAZELTON, ND 58544-0265
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 		<p>A. Signature <input checked="" type="checkbox"/> Sue Gimbel <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: GIMBEL BUSINESS SERVICE LLC 147 MAIN ST PO BOX 265 HAZELTON, ND 58544-0265</p>		<p>B. Received by (Printed Name) Sue Gimbel</p>	
		<p>C. Date of Delivery 6-29-2020</p>	
<p>2. Article Number (Transfer from service label) 7019 2280 0001 7941 0858</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail <input type="checkbox"/> Mail Restricted Delivery (500)</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	



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

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

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, 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

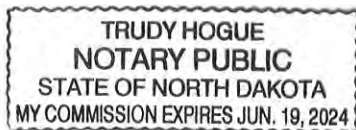
423 1ST AVE W

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.




Notary Public
State of North Dakota, County of Burleigh

5980 2280 0001 7941 0865

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 \$	<div>85 Dsp</div> <div>Postmark Here</div>
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	
\$	GALE ROBINSON
Total P	423 1ST AVE W
\$ Sent To	
Street &	WILLISTON, ND 58801-5203
City, St	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) gale Robinson</p> <p>C. Date of Delivery 6/29/20</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>GALE ROBINSON</p> <p>423 1ST AVE W</p> <p>WILLISTON, ND 58801-5203</p>	<p>RESERVED</p> <p>JUL - 9 2020</p>
<p>2. Article Number (Transfer from service label)</p> <p>7019 2280 0001 7941 0865</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery (\$500)</p> <p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>Barcode: 9590 9402 5222 9122 3504 85</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

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,

A handwritten signature in cursive script that reads 'Lynn D. Helms'.

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

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:

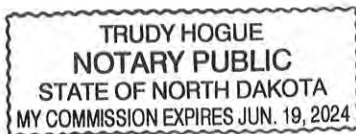
I swear and affirm upon penalty of perjury that the statements made in this affidavit are true and correct.

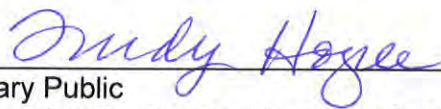
I am of legal age and on the 26th day of June, 2020, I served the following **Notice of Hearing with attached Exhibit A-WHITE ROCK OIL & GAS, LLC** upon **WHITE ROCK OIL & GAS, LLC** by placing a true and correct copy thereof in an envelope addressed as follows:
CAPITOL CORPORATE SERVICES, INC.
51 BROADWAY 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.




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

\$

To

CAPITOL CORPORATE SERVICES, INC.

\$

Se

51 BROADWAY N STE 600

St

FARGO, ND 58102-4970

City

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

White Rock

Postmark
Here

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 SORELL RECEIVED 2/20

C. Date of Delivery

☐ Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☒ No

FARGO ND 58102-4970
 JUL - 9 2020
 USPS
 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 (00)

☐ 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

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
(July 2)

Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purpose of Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement **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 of North 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.

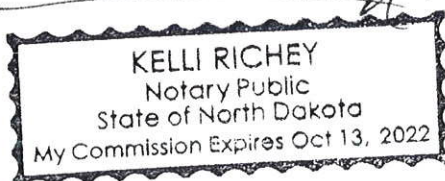
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 2020.

Kelli Richey



JK

Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purpose of Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement for the **Oil and Gas Division – beginning with Case No. 28530; 1 time(s)** required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are authorized 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

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/>

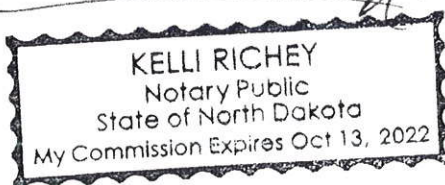
Signed by,
Doug Burgum, Governor
Chairman, NDIC
7-7

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 2020.

Kelli Richey



XN

Affidavit of Publication

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, saleable 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/>

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purpose of Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement **Oil and Gas Division – beginning with Case No. 28530; 1 time(s)** required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North 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

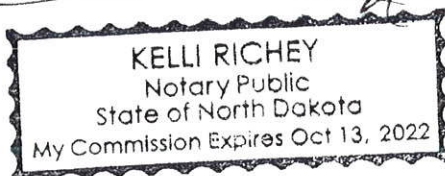
Signed by,
Doug Burgum, Governor
Chairman, NDIC

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 2020.

Kelli Richey



Handwritten initials



Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purpose of Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement **Oil and Gas Division – beginning with Case No. 28530; 1 time(s)** required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are required to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

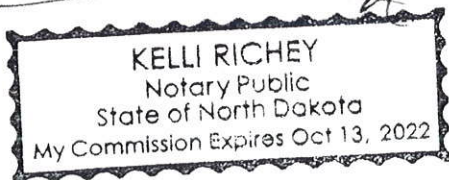
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 2020.

Kelli Richey



Handwritten initials

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

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Signed by,
Doug Burgum, Governor
Chairman, NDIC
(July 2)

Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purpose of Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement **Oil and Gas Division – beginning with Case No. 28530; 1 time(s)** required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North 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.

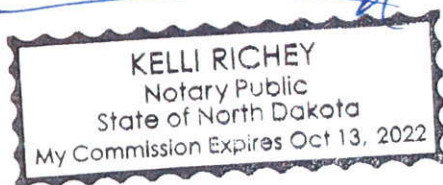
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 24th day of July, 2020.

Kelli Richey



Affidavit of Publication

**NOTICE OF HEARING
N.D. INDUSTRIAL
COMMISSION
OIL AND GAS DIVISION**

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Chairman, NDIC
(July 1, 2020)

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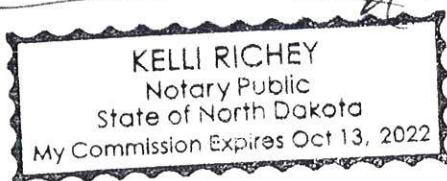
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State of North Dakota

County of Burleigh

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Affidavit of Publication

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Chairman, NDIC

(July 1, 2020)
-mcf-

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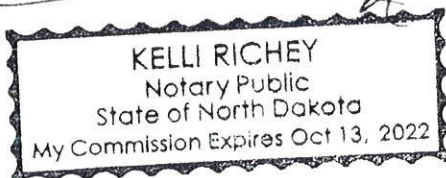
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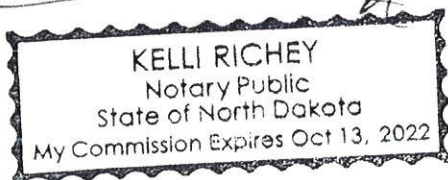
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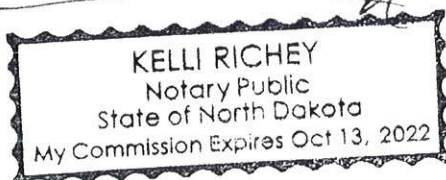
Signed by:
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Chairman, NDIC
38c

State of North Dakota

County of Burleigh

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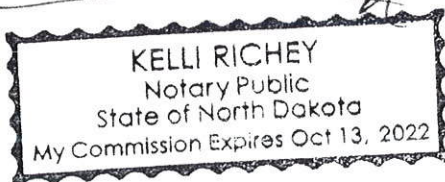
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(July 1, 2020)

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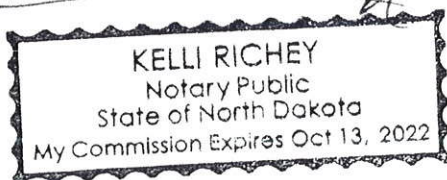
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Legal #305350 – Published July 3, 2020



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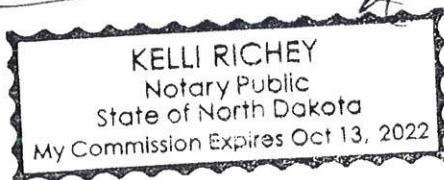
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