

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 1191
ORDER NO. 1284

IN THE MATTER OF A HEARING CALLED ON A
MOTION OF THE COMMISSION DIRECTING EARL
SCHWARTZ DBA GOFOR OIL, INC., AND EARL
SCHWARTZ COMPANY, TO SHOW CAUSE WHY
CERTAIN OF HIS WELLS IN THE MOHALL FIELD,
BOTTINEAU COUNTY, NORTH DAKOTA, SHOULD
NOT BE SHUT IN FOR FAILURE TO COMPLY WITH
THE GENERAL RULES AND REGULATIONS.

ORDER OF THE COMMISSION

BY THE COMMISSION:

Pursuant to legal notice this cause came on for hearing on the 16th day of May, 1974, at Bismarck, North Dakota, before the Industrial Commission of North Dakota, hereinafter referred to as the "Commission."

NOW, on this 31st day of May, 1974, the Commission, a quorum being present, having considered the testimony adduced, and the exhibits received at said hearing, and being fully advised in the premises,

FINDS:

(1) That due public notice having been given, as required by law, that personal notice having been given Earl Schwartz by certified mail, return receipt requested, and despite the fact Earl Schwartz failed to appear at said hearing, the Commission has jurisdiction of this cause and the subject matter thereof.

(2) That Earl Schwartz dba Gofor Oil, Inc., and Earl Schwartz Company, is the operator of the following wells in Mohall Field, Bottineau County, North Dakota:

Ivan Gehringer Tr-1 #1, SW NE Sec. 31, T. 162 N., R. 83 W.
Ivan Gehringer Tr-2 #1, SW NW Sec. 31, T. 162 N., R. 83 W.
Mohall Park #1, NE SW Sec. 31, T. 162 N., R. 83 W.
Carl O. Gilseth #1, SW NW Sec. 5, T. 161 N., R. 83 W.
Carl Gilseth #1, SW SW Sec. 5, T. 161 N., R. 83 W.
Rhoda Racke #1, SW NE Sec. 6, T. 161 N., R. 83 W.
Anna V. Rouse et al #1, SW SE Sec. 31, T. 162 N., R. 83 W.
Sam Simpson et al #2, NE NE Sec. 6, T. 161 N., R. 83 W.
George Shurson et al #1, SW SE Sec. 6, T. 161 N., R. 83 W.
George Wittteman #1-A, NE NE Sec. 7, T. 161 N., R. 83 W.

(3) That Rule 314 of the Commission provides that after October 1, 1970, all surface pits or containers for the disposal of saltwater liquids or brines produced with oil and natural gas which have not been inspected and approved by the office of the State Geologist and assigned a permit number, were to be emptied and leveled or removed. The rule further provides that at no time shall salt water liquids or brines be allowed to flow over the surface of the land or into streams.

(4) That Rule 5 of the Commission requires all operators to conduct their operations in a manner that will prevent waste of oil and gas and shall not allow either oil or gas to leak or escape from a natural reservoir, or from wells, tanks, containers, pipe or other storage conduit or operating equipment.

(5) That Rule 310 of the Commission provides that oil shall not be stored or retained in earthen reservoirs, or in open receptacles.

(6) That the following wells are in violation of Rule 5:

Ivan Gehringer Tr-1 #1, SW NE Sec. 31, T. 162 N., R. 83 W.
Ivan Gehringer Tr-2 #1, SW NW Sec. 31, T. 162 N., R. 83 W.
Rhoda Racke #1, SW NE Sec. 6, T. 161 N., R. 83 W.

(7) That the following well is in violation of Rule 5 and Rule 310:

Anna V. Rouse et al #1, SW SE Sec. 31, T. 162 N., R. 83 W.

(8) That the following well is in violation of Rule 5 and Rule 314:

Carl O. Gilseth #1, SW NW Sec. 5, T. 161 N., R. 83 W.

(9) That the following wells are in violation of Rule 5, Rule 310 and Rule 314:

Mohall Park #1, NE SW Sec. 31, T. 162 N., R. 83 W.
Carl Gilseth #1, SW SW Sec. 5, T. 161 N., R. 83 W.
Sam Simpson et al #2, NE NE Sec. 6, T. 161 N., R. 83 W.
George Shurson et al #1, SW SE Sec. 6, T. 161 N., R. 83 W.
George Wittteman #1-A, NE NE Sec. 7, T. 161 N., R. 83 W.

(10) That Earl Schwartz has been notified several times, both orally and in writing, by the office of the State Geologist and its personnel, that such violations did exist.

(11) That despite such notices Earl Schwartz continued to produce said wells.

(12) That based upon such facts the Commission finds Earl Schwartz to be in violation of Rule 5, Rule 310, and Rule 314 of the Commission in the operation of the above-named wells.

IT IS THEREFORE ORDERED:

(1) That Earl Schwartz, dba Gofor Oil, Inc., and Earl Schwartz Company, be and is hereby directed, to immediately shut-in and cease production from the following wells for failure to comply with the provisions of Commission Rules 5, 310, and 314, to wit:

Ivan Gehringer Tr-1 #1, SW NE Sec. 31, T. 162 N., R. 83 W.
Ivan Gehringer Tr-2 #1, SW NW Sec. 31, T. 162 N., R. 83 W.
Mohall Park #1, NE SW Sec. 31, T. 162 N., R. 83 W.
Carl O. Gilseth #1, SW NW Sec. 5, T. 161 N., R. 83 W.
Carl Gilseth #1, SW SW Sec. 5, T. 161 N., R. 83 W.
Rhoda Racke #1, SW NE Sec. 6, T. 161 N., R. 83 W.
Anna V. Rouse et al #1, SW SE Sec. 31, T. 162 N., R. 83 W.
Sam Simpson et al #2, NE NE Sec. 6, T. 161 N., R. 83 W.
George Shurson et al #1, SW SE Sec. 6, T. 161 N., R. 83 W.
George Wittteman #1-A, NE NE Sec. 7, T. 161 N., R. 83 W.

(2) That this order is to remain in effect unless and until said wells meet the requirements of Commission Rule 314 and Rule 310 and correlative measures taken to prevent violations of Rule 5.

(3) That when all wells listed above are in compliance with the rules, Earl Schwartz may make application to the Commission for an order permitting him to resume production from said wells.

(4) That failure to comply with the provisions of this Order will be considered sufficient grounds for the Commission to institute proceedings in district court, as provided in Section 38-08-16 and 38-08-17 of the North

Dakota Century Code, including, but not limited to, the penalty of not more than one thousand (1000) dollars for each day of violation and such prohibitory or mandatory injunction as the facts may warrant.

DONE, in Bismarck, North Dakota, this 31st day of May, 1974.

THE NORTH DAKOTA
INDUSTRIAL COMMISSION

/s/ Arthur A. Link
Arthur A. Link, Governor

/s/ Allen I. Olson
Allen I. Olson, Attorney General

/s/ Myron Just
Myron Just, Commissioner of Agriculture