

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 11266
ORDER NO. 13360

IN THE MATTER OF A HEARING CALLED ON
A MOTION OF THE COMMISSION TO
CONSIDER THE APPLICATION OF ST. MARY
LAND & EXPL. CO. FOR AN ORDER
PURSUANT TO NDAC § 43-02-03-88.1 POOLING
ALL INTERESTS IN A SPACING UNIT FOR THE
AMBROSE-BAKKEN POOL, SECTIONS 18 AND
19, T.163N., R.99W., DIVIDE COUNTY, ND,
AUTHORIZING THE RECOVERY FROM EACH
NON-PARTICIPATING OWNER OF A RISK
PENALTY AS PROVIDED IN NDCC § 38-08-08
AND SUCH OTHER RELIEF AS IS
APPROPRIATE.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

- (1) This cause came on for hearing at 9:00 a.m. on the 20th day of July, 2009.
- (2) St. Mary Land & Exploration Company (St. Mary) is the owner of an interest in an oil and gas leasehold estate within Sections 18 and 19, Township 163 North, Range 99 West, Divide County, North Dakota (Sections 18 and 19).
- (3) St. Mary has applied for an order pooling all interests in a spacing unit for the Ambrose-Bakken Pool described as all of Sections 18 and 19.
- (4) Said sections are in the West Ambrose Field although the Bakken Pool is currently unspaced.
- (5) Case No. 11262, also on today's docket, is also an application by St. Mary for an order extending the boundary of the Ambrose Field to include Sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, Township 163 North, Range 99 West, Divide County, North Dakota, and further including Sections 16 and 21; Sections 17 and 20; Sections 18 and 19; Sections 30 and 31; Sections 29 and 32; and Sections 28 and 33 as 1280-acre spacing units within Zone I of the Ambrose-Bakken Pool and such other relief as is appropriate.

(6) The requested spacing units in Case No. 11262 consisting of Sections 16 and 21; Sections 17 and 20; Sections 30 and 31; Sections 29 and 32; and Sections 28 and 33 were granted by Commission Order No. 13356, although Sections 18 and 19 were established as a 1280-acre drilling unit since the lands encompass a portion of the West Ambrose Field and the Bakken Pool is currently unspaced.

(7) North Dakota Century Code Section 38-08-08 requires the Commission to enter a pooling order upon application when two or more separately owned tracts are embraced within a spacing unit, or there are separately owned interests in all or a part of a spacing unit, in the absence of voluntary pooling.

(8) The subject lands do not encompass a spacing unit in the Ambrose-Bakken Pool, therefore, this case should be dismissed without prejudice.

IT IS THEREFORE ORDERED:

(1) This case is dismissed without prejudice.

Dated this 20th day of August, 2009.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director