

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA

CASE NO. 12494  
ORDER NO. 14751

IN THE MATTER OF A HEARING CALLED ON  
A MOTION OF THE COMMISSION TO  
CONSIDER THE APPLICATION OF BAYTEX  
ENERGY USA LTD. FOR AN ORDER  
AUTHORIZING THE FLARING OF GAS FROM  
THE LARSON #11-162-99H WELL LOCATED IN  
THE NWNW OF SECTION 11, T.162N., R.99W.,  
DIVIDE COUNTY, ND, AMBROSE-BAKKEN  
POOL, PURSUANT TO THE PROVISIONS OF  
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 29th day of April, 2010.
- (2) The initial public notice of this application was not properly published in the Divide County Journal, the official Divide County newspaper. Evidence and testimony was taken on April 29, 2010 but the record in this case was left open until May 6, 2010 to allow the required notice to be published and afford any interested parties the opportunity to appear. No further appearances were made on May 6, 2010 and the record was closed.
- (3) Baytex Energy USA Ltd. (Baytex) made application to the Commission for an order authorizing the flaring of gas from the Larson #11-162-99H well, located in the NW/4 NW/4 of Section 11, Township 162 North, Range 99 West, Divide County, North Dakota, Ambrose-Bakken Pool pursuant to the provisions of North Dakota Century Code (NDCC) Section 38-08-08, and such other relief as is appropriate.
- (4) The relief Baytex is requesting is pursuant to NDCC Section 38-08-06.4, not 38-08-08, therefore, this case should be dismissed due to inadequate notice.

IT IS THEREFORE ORDERED:

- (1) This case is dismissed without prejudice.

Dated this 1st day of July, 2010.

INDUSTRIAL COMMISSION  
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director