

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 13634

ORDER NO. 15911

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 DRILLING, COMPLETING AND PRODUCING OF THE LARSON 3-162-99H WELL WITH A BOTTOM HOLE LOCATION APPROXIMATELY 347 FEET FROM THE SOUTH LINE AND 489 FEET FROM THE EAST LINE OF SECTION 3, T.162N., R.99W., DIVIDE COUNTY, ND, AS AN EXCEPTION TO THE PROVISIONS OF NDAC § 43-02-03-18, 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 19th day of November, 2010.
- (2) Baytex Energy USA Ltd. (Baytex) made application to the Commission for an order authorizing the drilling, competing, and producing of the Larson 3-162-99H well, with a bottom hole location approximately 347 feet from the south line and 489 feet from the east line of Section 3, Township 162 North, Range 99 West (Section 3), Divide County, North Dakota, as an exception to any field rules and/or the provisions of North Dakota Administrative Code Section 43-02-3-18, and such other relief as is appropriate.
- (3) The location approximately 347 feet from the south line and 489 feet from the east line of Section 3 is the position of the heel of the Larson 3-162-99H well, not the bottom hole location, therefore, this case should be dismissed due to an error in the application. The Commission notes Baytex has filed a corrected application and has been docketed as Case No. 13833 on December 16, 2010.

IT IS THEREFORE ORDERED:

- (1) This case is dismissed without prejudice.

Dated this 11th day of January, 2011.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director