

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 14427
ORDER NO. 16705

IN THE MATTER OF A HEARING CALLED ON
A MOTION OF THE COMMISSION TO
CONSIDER THE IN THE MATTER OF THE
PETITION FOR A RISK PENALTY OF BAYTEX
ENERGY USA LTD. REQUESTING AN ORDER
AUTHORIZING THE RECOVERY OF A RISK
PENALTY FROM CERTAIN NON-
PARTICIPATING OWNERS, AS PROVIDED BY
NDCC § 38-08-08 IN THE DRILLING AND
COMPLETING OF THE LARSEN #8-162-99H
WELL LOCATED IN A SPACING UNIT
DESCRIBED AS SECTION 8, T.162N., R.99W.,
AMBROSE-BAKKEN POOL, DIVIDE COUNTY,
ND, PURSUANT TO NDAC § 43-02-03-88.1, 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 24th day of March, 2011.
- (2) Baytex Energy USA LTD. (Baytex) has filed a petition for a risk penalty before the North Dakota Industrial Commission (Commission) requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by North Dakota Century Code (NDCC) Section 38-08-08 in the drilling and completing of the Larsen #8-162-99H well located in a spacing unit described as Section 8, Township 162 North, Range 99 West, Ambrose-Bakken Pool, Divide County, North Dakota, pursuant to North Dakota Administrative Code (NDAC) Section 43-02-03-88.1, and such other relief as is appropriate.
- (3) Relief sought in this case was granted by Order 16302 in Case 14027 on August 26, 2011.
- (4) This case should be dismissed without prejudice.

IT IS THEREFORE ORDERED:

- (1) This case is dismissed without prejudice.

Dated this 18th day of November, 2011.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director