

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 18206
ORDER NO. 20475

IN THE MATTER OF A HEARING CALLED ON
A MOTION OF THE COMMISSION TO
CONSIDER THE APPLICATION OF SAMSON
RESOURCES CO. FOR AN ORDER PURSUANT
TO NDAC § 43 02-03-88.1 AUTHORIZING THE
FLARING OF GAS FROM THE MUSTANG #7-6-
163-98H WELL LOCATED IN THE NWN OF
SECTION 18, T.163N., R.98W., DIVIDE
COUNTY, ND, AMBROSE-BAKKEN POOL,
PURSUANT TO THE PROVISIONS OF NDCC §
38 08-06.4 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 28th day of June, 2012.
- (2) Samson Resources Company (Samson) provided exhibits and testimony in this matter by sworn affidavit.
- (3) The Commission received an application from Samson on May 25, 2012 for an order pursuant to North Dakota Administrative Code (NDAC) Section 43-02-03-88.1 authorizing the flaring of gas from the Mustang #7-6-163-98H located in the NW/4 NE/4 of Section 18, Township 163 North, Range 98 West, Divide County, Ambrose-Bakken Pool, North Dakota, pursuant to the provisions of North Dakota Century Code (NDCC) Section 38-08-06.4 and such other relief as is appropriate.
- (4) Pursuant to NDAC Section 43-02-03-88.1, the Director is authorized, on behalf of the Commission, to grant or deny applications relating to, inter alia, flaring exemptions under NDCC Section 38-08-06.4 and under NDAC Section 43-02-03-60.2.
- (5) At the time of this hearing, NDCC Section 38-08-06.4 stated:

As permitted under rules of the industrial commission, gas produced with crude oil from an oil well may be flared during a one-year period from the date of first production from the well. Thereafter, flaring

of gas from the well must cease and the well must be capped, connected to a gas gathering line, or equipped with an electrical generator that consumes at least seventy-five percent of the gas from the well. An electrical generator and its attachment units to produce electricity from gas must be considered to be personal property for all purposes. For a well operated in violation of this section, the producer shall pay royalties to royalty owners upon the value of the flared gas and shall also pay gross production tax on the flared gas at the rate imposed under section 57-51-02.2. The industrial commission may enforce this section and, for each well operator found to be in violation of this section, may determine the value of flared gas for purposes of payment of royalties under this section and its determination is final. A producer may obtain an exemption from this section from the industrial commission upon application and a showing that connection of the well to a natural gas gathering line is economically infeasible at the time of the application or in the foreseeable future or that a market for the gas is not available and that equipping the well with an electrical generator to produce electricity from gas is economically infeasible.

(6) Samson is the owner or operator of the following well in the Ambrose-Bakken Pool, Divide County, North Dakota:

<u>File #</u>	<u>Well Name & Number</u>	<u>Location</u>
20232	Mustang #7-6-163-98H	NWNE Section 18-T163N-R98W

(7) The Mustang #7-6-163-98H well was completed in the Ambrose-Bakken Pool on or around October 7, 2011. Pursuant to NDCC Section 38-08-06.4, gas produced with crude oil from an oil well may be flared during a one-year period from the date of first production from the well.

(8) The Ambrose-Bakken Pool is an oil reservoir, but gas is produced in association with the oil at the wellhead as a by-product of oil production.

(9) By previous order of the Commission, said well is currently authorized to flare so that all owners of interests in the well herein described may receive the maximum benefits of the oil production in such a manner that will prevent waste and protect correlative rights.

(10) At the time of the application gas pipeline infrastructure did not exist in and around the Ambrose Field, although Samson anticipated the well could be connected to a gas gathering facility in the future. The Commission notes the well was connected to a gas gathering system in July 2014.

(11) Samson indicated that, at the time of their application, there was no market for the surplus casinghead gas being produced by the well.

(12) Samson indicated that it is economically infeasible to equip the well with an electric generator fueled by produced casinghead gas. The Commission concludes that equipping the well with an electrical generator to produce electricity from the gas is economically infeasible.

(13) If Samson's request is not granted, taxes and royalties must be paid on flared gas which will increase operating costs, raise the economic limit and cause premature abandonment of the well; or the well must be connected to a gas pipeline or an electrical generator at an economic loss which would also cause premature abandonment, or flaring must cease and the well must be "capped," resulting in the loss of oil production and the loss of the benefits of that production by all owners of interest in the well and the State of North Dakota.

(14) In order to prevent waste, and protect correlative rights this application should be granted, although limited in duration.

IT IS THEREFORE ORDERED:

(1) Samson Resources Company, its assigns and successors, is hereby allowed to flare surplus casinghead gas produced with crude oil from the Ambrose-Bakken Pool through the well listed below under the exemption provided for under NDCC Section 38-08-06.4:

<u>File #</u>	<u>Well Name & Number</u>	<u>Location</u>
20232	Mustang #7-6-163-98H	NWNE Section 18-T163N-R98W

(2) This order is effective as of May 25, 2012 and shall remain in full force and effect until further order of the Commission.

Dated this 12th day of May, 2016.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director