

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 26021
ORDER NO. 28435

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF PETRO HARVESTER OPERATING CO., LLC FOR AN ORDER TO (I) EXTEND THE OUTLINE AND AMEND THE APPLICABLE ORDERS FOR THE SHORT CREEK FIELD TO INCLUDE ALL OF SECTIONS 26, 27, 34, AND 35, T.164N., R.93W., BURKE COUNTY, ND; (II) ESTABLISH FOUR STANDUP 400-ACRE SPACING UNITS DESCRIBED AS THE W/2 OF SECTIONS 27 AND 34; THE E/2 OF SECTIONS 27 AND 34; THE W/2 OF SECTIONS 26 AND 35; AND THE E/2 OF SECTIONS 26 AND 35, T.164N., R.93W. IN THE SHORT CREEK-MADISON POOL AND ALLOW UP TO TWO HORIZONTAL WELLS TO BE DRILLED ON EACH UNIT; (III) TO ESTABLISH A MINIMUM SETBACK OF 200 FEET FOR THE 'HEEL AND TOE' OF EACH HORIZONTAL WELL AUTHORIZED IN THE SPACING UNITS DESCRIBED ABOVE; AND (IV) GRANTING SUCH OTHER RELIEF AS MAY BE APPROPRIATE.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

- (1) This cause came on for hearing at 9:00 a.m. on the 23rd day of August, 2017.
- (2) Petro Harvester Operating Company, LLC (Petro Harvester) made application to the Commission for an order to extend the outline and amend the applicable orders for the Short Creek Field to include Sections 26, 27, 34, and 35, Township 164 North, Range 93 West, Burke County, North Dakota (Sections 26, 27, 34, and 35); establish four standup 400-acre spacing units in the Short Creek-Madison Pool described as the E/2 of Sections 26 and 35; the W/2 of Sections 26 and 35; the E/2 of Sections 27 and 34; and the W/2 of Sections 27 and 34, and allow up to two horizontal wells to be drilled on each unit; to establish a minimum setback of 200 feet for the 'heel and toe' of each horizontal well authorized in the spacing units described above; and granting such other relief as may be appropriate.

(3) Order No. 28128 entered in Case No. 25717, the most recent spacing order for the Short Creek-Madison Pool, established proper spacing for the development of Zone I at one well per 160 acres, Zone II at up to two horizontal wells per 400 acres, and Zone III at one horizontal well per 800 acres.

(4) Order No. 28128 established the E/2 of Sections 26 and 35; the W/2 of Sections 26 and 35; the E/2 of Sections 27 and 34; and the W/2 of Sections 27 and 34 as standup 400-acre spacing units for the exclusive purpose of drilling up to two horizontal wells within each said spacing unit within the Short Creek-Madison Pool.

(5) Petro Harvester requested to dismiss this case without prejudice.

(6) This case should be dismissed without prejudice.

IT IS THEREFORE ORDERED:

(1) This case is hereby dismissed without prejudice.

Dated this 27th day of October, 2017.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director