

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 5857  
ORDER NO. 6778

IN THE MATTER OF A HEARING CALLED ON A  
MOTION OF THE COMMISSION TO CONSIDER THE  
APPLICATION OF CONOCO INC. FOR AN ORDER  
POOLING ALL INTERESTS IN A SPACING UNIT  
FOR THE DICKINSON-LODGEPOLE POOL,  
DESCRIBED AS THE W/2 OF SECTION 32, T.140N.,  
R.96W., STARK COUNTY, NORTH DAKOTA; AND  
SUCH FURTHER AND ADDITIONAL RELIEF AS THE  
COMMISSION DEEMS APPROPRIATE.

ORDER OF THE COMMISSION

BY THE COMMISSION:

Pursuant to legal notice this cause came on for hearing at 9:00 a.m.  
on the 15th day of December, 1993, in Bismarck, North Dakota, before an  
examiner appointed by the Industrial Commission of North Dakota, hereinafter  
referred to as the "Commission."

NOW, on this 30th day of December, 1993, the Director, on behalf of  
the Commission as authorized by the Commission, having considered the  
testimony adduced and the exhibits received at said hearing, and being fully  
advised in the premises,

FINDS:

(1) That due public notice having been given as required by law, the  
Commission has jurisdiction of this cause and the subject matter thereof.

(2) That the applicant is the owner of an interest in an oil and gas  
leasehold estate in a spacing unit for the Dickinson-Lodgepole Pool  
described as the W/2 of Section 32, Township 140 North, Range 96 West,  
Stark County, North Dakota.

(3) That said spacing unit is created in accordance with an order of  
the Commission and there are separately owned tracts and/or separately  
owned interests in the spacing unit, and some of the owners thereof have  
not voluntarily pooled their interests for the development and operation of  
said spacing unit.

(4) That the Commission makes no findings with regard to the specific  
acreage or percentage attributed to separately owned tracts or interests.

(5) That Section 38-08-08 of the North Dakota Century Code ("NDCC")  
requires the Commission to enter a pooling order upon application when two  
or more separately owned tracts are embraced within a spacing unit, or  
there are separately owned interests in all or a part of a spacing unit, in  
the absence of voluntary pooling. The section further provides that  
working interest owners in the spacing unit shall pay their share of the  
reasonable actual cost of drilling and operating the well plus a reasonable  
charge for supervision. In addition to such costs and charges,

nonparticipating lessees may be required to pay a risk penalty of 100% of their share of the reasonable actual cost of drilling and completing the well.

(6) That there were no objections to this application.

(7) That this application should be granted in order to prevent waste and protect correlative rights.

IT IS THEREFORE ORDERED:

(1) That all oil and gas interests in a spacing unit for the Dickinson-Lodgepole Pool described as the W/2 of Section 32, Township 140 North, Range 96 West, Stark County, North Dakota, are hereby pooled for the development and operation of the spacing unit, and that the well located thereon shall be the well for such spacing unit.

(2) That this pooling shall not determine or establish the specific acreage to be attributed to separately owned tracts, or specific interests attributed to separately owned interests.

(3) That the operator of the well for said spacing unit shall conduct operations in a manner so as to protect correlative rights of all interested parties.

(4) That all owners of interests shall recover or receive, without unnecessary expense, their just and equitable share of production from said spacing unit in the proportion as their interests may appear in the spacing unit.

(5) That the working interest owners shall reimburse the operator for their proportionate share of the reasonable actual cost of drilling and operating said well, plus a reasonable charge for supervision.

(6) That in the event of any dispute as to such costs the Commission shall determine the proper cost.

(7) That in the event the size of the spacing unit pooled herein is modified by the Commission, this order shall terminate as of the date of such order.

(8) That this order shall be effective from the date of first operations, and shall remain in full force and effect until further order of the Commission.

Dated this 30th day of December, 1993.

INDUSTRIAL COMMISSION  
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission.

/s/ Wesley D. Norton, Director

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

AFFIDAVIT OF MAILING

I, Donna Bauer, being duly sworn upon oath, depose and say: That on the 5th day of January, 1994, I enclosed in separate envelopes true and correct copies of the attached Order No. 6778 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons, all of whom appeared at the hearing of the Industrial Commission in Case No. 5857:

Fleck, Mather & Strutz Ltd.  
400 E. Broadway  
Suite 600  
P. O. Box 2798  
Bismarck, ND 58502

Mr. Lawrence Bender  
Pearce & Durick  
P. O. Box 400  
Bismarck, ND 58502

Mr. William Jack  
Conoco Inc.  
800 Werner Court  
Casper, WY 82604-1311

Donna Bauer  
Donna Bauer  
Oil & Gas Division

On this 10th day of January, 1994, before me personally appeared Donna Bauer to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Eve Roberson

Notary Public  
State of North Dakota County of Burleigh  
My Commission expires 11-3-98

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA



CASE NO. 3857

IN THE MATTER OF THE APPLICATION OF  
CONOCO INC. FOR AN ORDER OF THE  
COMMISSION POOLING ALL INTERESTS IN  
A SPACING UNIT FOR THE DICKINSON-  
LODGEPOLE POOL DESCRIBED AS THE  
WEST HALF (W½) OF SECTION 32,  
TOWNSHIP 140 NORTH, RANGE 96 WEST,  
STARK COUNTY, NORTH DAKOTA; AND  
SUCH FURTHER AND ADDITIONAL RELIEF  
AS THE COMMISSION DEEMS  
APPROPRIATE.

APPLICATION OF CONOCO INC.

COMES NOW the applicant, Conoco Inc., and respectfully shows the North Dakota  
Industrial Commission ("Commission") as follows:

1.

That Conoco Inc. is the owner of an interest in the oil and gas leasehold estate in  
portions of Section 32, Township 140 North, Range 96 West, Stark County, North Dakota  
("Section 32").

2.

That such lands are currently within an area defined by the North Dakota Industrial  
Commission ("Commission") as the field boundaries for the Dickinson-Lodgepole Pool.

3.

That the West Half (W½) of Section 32 constitutes a spacing unit for the Dickinson  
State #74 well in the Dickinson-Lodgepole Pool.

4.

That there are separately owned tracts or interests in mineral estate and leasehold estate in the West Half (W $\frac{1}{2}$ ) of Section 32.

5.

That a voluntary pooling of the West Half (W $\frac{1}{2}$ ) of Section 32 has not been accomplished.

6.

That N.D.C.C. §38-08-08(1) provides, in part, that "when two or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of a spacing unit, . . . and in the absence of a voluntary pooling, the commission upon the application of any interested person shall enter an order pooling all interests in the spacing unit for the development and operations thereof."

7.

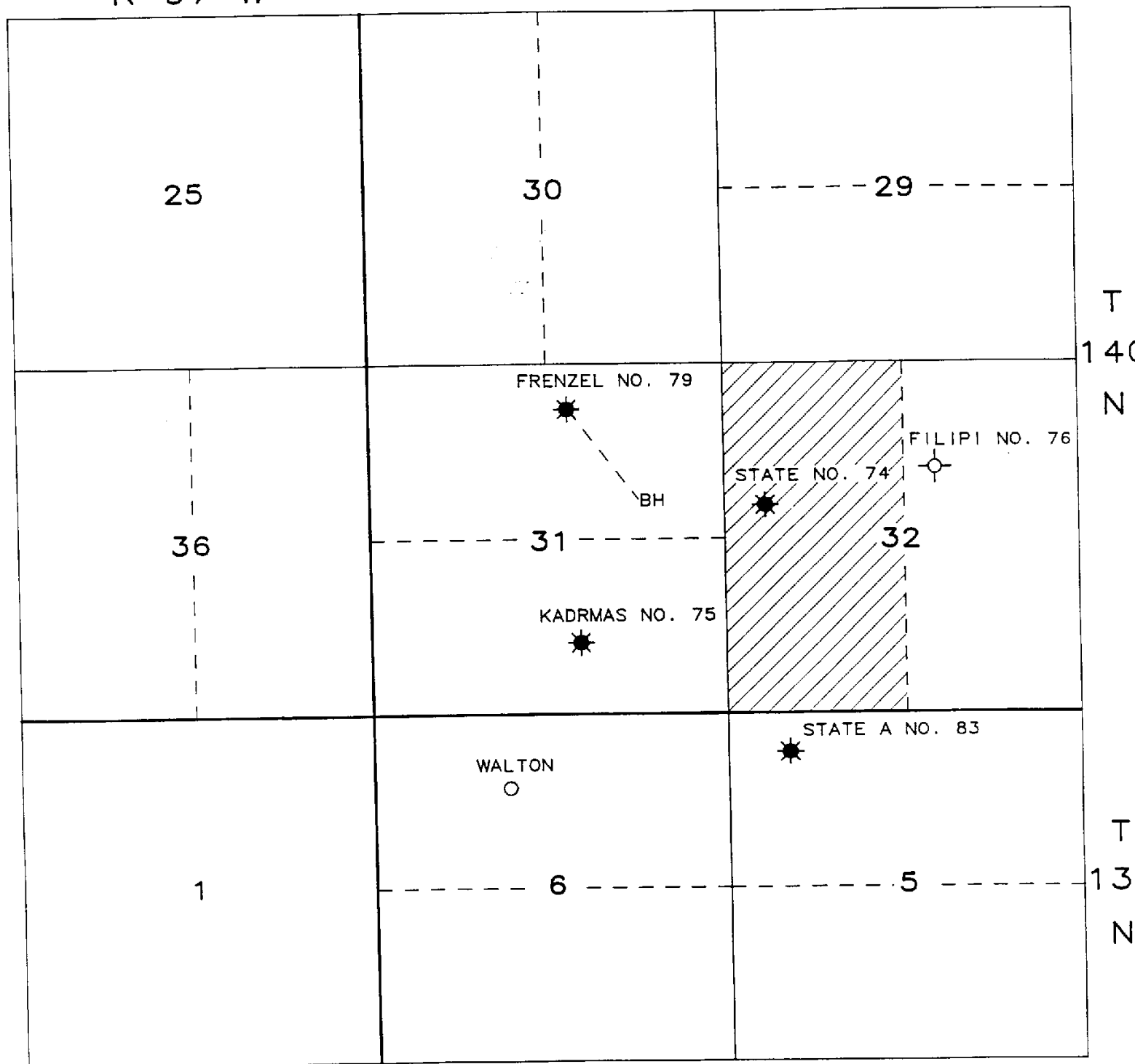
That Conoco Inc. therefore requests that the Commission enter its order pooling all interests in a spacing unit for the Dickinson-Lodgepole Pool described as the West Half (W $\frac{1}{2}$ ) of Section 32, Township 140 North, Range 96 West, Stark County, North Dakota.

**WHEREFORE**, applicant requests that this matter be set for hearing at the regular December 15, 1993 meeting of the Commission and that thereafter the Commission issue its order granting the relief requested and such further and additional relief as the Commission may deem appropriate.

**DICKINSON LODGEPOLE FIELD**  
Stark County, North Dakota

R 97 W

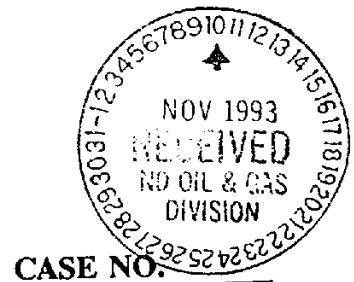
R 96 W



24

CONOCO INC.  
Case No. 5857  
Exhibit No. 1

**BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA**



**IN THE MATTER OF THE APPLICATION OF  
CONOCO INC. FOR AN ORDER OF THE  
COMMISSION POOLING ALL INTERESTS IN  
A SPACING UNIT FOR THE DICKINSON-  
LODGEPOLE POOL DESCRIBED AS THE  
WEST HALF (W½) OF SECTION 32,  
TOWNSHIP 140 NORTH, RANGE 96 WEST,  
STARK COUNTY, NORTH DAKOTA; AND  
SUCH FURTHER AND ADDITIONAL RELIEF  
AS THE COMMISSION DEEMS  
APPROPRIATE.**

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NORTH DAKOTA     )  
  ) ss.  
COUNTY OF BURLEIGH     )

Lyn Entzi, being first duly sworn, deposes and says that on the 9th day of November, 1993, she served the attached:

**APPLICATION OF CONOCO INC.**

by placing a true and correct copy thereof in an envelope addressed as follows:

**Ms. Zula Mae Pugh  
9604 Hilltop Rd.  
Bellevue, WA 98004-4006**

**Ms. Leslie J. May  
675 Calmar Ave.  
Oakland, CA 94617**

**Pacific West Leasing Company  
706 Jones Building  
1331 3rd Avenue  
Seattle, WA 98101**

IN DISTRICT COURT  
NORTHWEST JUDICIAL DISTRICT

[illegible]

# CERTIFICATE OF RECORD

ON APPEAL TO DISTRICT COURT

CIVIL NO. 5857

CASE NO. 3414  
ORDER NO. 3931

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF MONSANTO OIL COMPANY FOR AN ORDER AMENDING ORDER NO. 3229 IN CASE NO. 2506, ENTITLED ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF THE BURKE COUNTY UNITIZED MINERAL OWNERS ASSOCIATION OF LIGNITE, NORTH DAKOTA, IN BEHALF OF ITS INDIVIDUAL MEMBERS AND OTHER INTERESTED PARTIES IN THE SAME OR SIMILAR CLASS, ARTHUR KOSTAD, ROY FALCK, WANDA GRANDALL, DOUGLAS WINZENBURG, AND DICK D. BEARD, FOR AN ORDER TERMINATING THE NORTH BLACK SLOUGH UNIT, BURKE COUNTY, NORTH DAKOTA, SO AS TO EXTEND THE EFFECTIVE DATE THEREOF.

TO THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF  
BURKE IN THE NORTHWEST JUDICIAL DISTRICT OF THE STATE OF  
NORTH DAKOTA:

I, Karlene Fine, Secretary to the Industrial Commission of North Dakota, do hereby certify that the following papers and documents constitute



a full and complete record, insofar as available, filed in connection with the above-entitled matter before the Industrial Commission of North Dakota.

I.

Copy of Industrial Commission Order No. 3931 issued in Case No. 3414 dated March 19, 1985.

II.

Copy of Industrial Commission Order No. 3882 issued in Case No. 3414 dated March 11, 1985.

III.

Transcript of Testimony taken in Case Nos. 3411, 3412, 3413 and 3414 at the Industrial Commission hearing held January 29, 1985. *see Lignite file*

IV.

Monsanto Oil Company's Application for Amended Order dated January 8, 1985.

V.

Federal Land Bank of St. Paul's Statement of Opposition to Applications for Amended Order (Case Nos. 2506, 2507, 2508, 2509) dated January 24, 1985. *see Lignite file*

VI.

Statement of Opposition by Burke County Unitized Mineral Owners Association to Applications for Amended Order (Case Nos. 2506, 2507, 2508, 2509) dated January 29, 1985. *see Lignite file*

VII.

Monsanto Oil Company's Exhibit 3414-1 from the January 29, 1985, hearing, map of the North Black Slough Unit.

VIII.

Brief of Monsanto Oil Company and MCOR Oil and Gas Corporation in Case Nos. 3411, 3412, 3413 and 3414 dated February 8, 1985.

IX.

Joint Closing Statement in Opposition to Applications for Amended Orders (Case Nos. 3411, 3412, 3413 and 3414) filed by the Federal Land Bank of St. Paul and the Burke County Unitized Mineral Owners Association.

X.

Decision of the North Dakota Supreme Court dated December 19, 1984.  
*see Lignite file*

XI.

Order for Dismissal by South Central Judicial District Judge William F. Hodney dated January 23, 1984. *see Lignite file*

XII.

Judgment by South Central Judicial District Court dated January 24, 1984. *see Lignite file*

XIII.

Copy of Industrial Commission Order No. 3614 issued in Case No. 2975 dated June 14, 1984.

XIV.

Copy of Industrial Commission Order No. 3364 issued in Case No. 2975 dated November 28, 1983.

XV.

Copy of Industrial Commission Order No. 3229 issued in Case No. 2506 dated August 3, 1983.

XVI.

Transcripts (2) of Testimony taken in Case No. 2506 at the Industrial Commission hearing held May 17, 1983. *see Lignite file for joint oral arguments transcript*



XVII.

Transcript of Testimony taken in Case No. 2506 at the Industrial Commission hearing held September 9 and 10, 1982.

XVIII.

Burke County Unitized Mineral Owners Association's application for hearing dated May 26, 1982.

XIX.

Burke County Mineral Owner's Exhibit No. 1 from the September 10, 1982 hearing, a map of the oil fields in the Burke County area.

XX.

Burke County Mineral Owners' Exhibit No. 2 from the September 10, 1982 hearing, an isopach map on the Ratcliffe Interval and Extent of Mississippian "F" Salt.

XXI.

Burke County Mineral Owners' Exhibit No. 3 from the September 10, 1982 hearing, a cross section of the Ratcliffe Interval.

XXII.

Burke County Mineral Owners' Exhibit No. 4 from the September 10, 1982 hearing, a schematic cross section of the producing intervals in Rival, Lignite and Woburn Fields.

XXIII.

Burke County Mineral Owners' Exhibit No. 5 from the September 10, 1982 hearing, a map showing the structure contours on top of the Rival subinterval.

XXIV.

Burke County Mineral Owners' Exhibit No. 6 from the September 10, 1982 hearing, reduced porosity in the Rival subinterval due to anhydrite content.

XXV.

Burke County Mineral Owners' Exhibit No. 7 from the September 10, 1982 hearing, statistics of the North Black Slough Unit.

XXVI.

Burke County Mineral Owners' Exhibit No. 8 from the September 10, 1982 hearing, production history of the North Black Slough-Madison Unit.

XXVII.

Burke County Mineral Owners' Exhibit No. 10 from the September 10, 1982 hearing, a plat map depicting mineral ownership in the North Black Slough Unit.

XXVIII.

Burke County Mineral Owners' Exhibit No. 11 from the September 10, 1982 hearing, a list of the North Black Slough Unit Petitioners and their estimated mineral acres.

XXIX.

Burke County Mineral Owners' Exhibit No. 12 from the September 10, 1982 hearing, production history of the North Black Slough-Madison Unit with additional markings depicting the price of oil.

XXX.

Monsanto Oil Company's Exhibit No. 1 from the September 10, 1982 hearing, a plat map of the Black Slough, North Unit depicting current and cumulative production.



XXXI.

Monsanto Oil Company's Exhibit No. 2 from the September 10, 1982 hearing, a log of the Anderson No. 1 well.

XXXII.

Monsanto Oil Company's Exhibit No. 3 from the September 10, 1982 hearing, the production curve of the North Black Slough Unit.

XXXIII.

Copies of letter and petitions received by the Commission regarding this case.

XXXIV.

Applicant's Brief for Cases 2506, 2507, 2508 and 2509 dated February 15, 1983. *see Lignite file*

XXXV.

Consolidated Legal Brief in Support of Applicant's Position submitted by the Federal Land Bank of St. Paul in Case Nos. 2506, 2507, 2508, 2509 and 2412 dated February 14, 1983. *see Lignite file*

XXXVI.

Consolidated Legal Brief of Prosper Energy Corporation, Monsanto Oil Company and Bison Operating Company in Case Nos. 2412, 2506, 2507, 2508 and 2509 dated February 14, 1983. *see Lignite file*

XXXVII.

Brief of Mobil Oil Company for Case Nos. 2506, 2508, 2509 and 2412 dated February 11, 1983.

XXXVIII.

Findings of Fact Proposed by the Federal Land Bank of St. Paul in Case No. 2506 dated February 14, 1983.

XXIX.

Factual Brief for Case No. 2506 filed by Monsanto Oil Company dated February 15, 1983.

XL.

Applicant's Reply Brief for Case Nos. 2506, 2507, 2508 and 2509.

*see Lignite file*

XLI.

Reply brief submitted by the Federal Land Bank of St. Paul in Case Nos. 2506, 2507, 2508, 2509 and 2412 dated March 14, 1983. *see Lignite file*

XLII.

Reply Consolidated Legal Brief of Prosper Energy Corporation, Monsanto Oil Company and Bison Operating Company dated March 15, 1983. *see Lignite file*

XLIII.

Reply Brief in Case No. 2506 filed by Monsanto Oil Company dated March 15, 1983.

XLIV.

Copy of Industrial Commission Order No. 951 issued in Case Nos. 877 and 878 dated December 15, 1967.

XLV.

Transcript of Testimony taken in Case Nos. 877 and 878 at the Industrial Commission hearing held November 16, 1967.

XLVI.

Monsanto Oil Company's applications for hearing for the establishment and operation of the North Black Slough Unit dated September 22, 1967.

XLVII.

Monsanto Oil Company's Exhibit No. 1 from the November 16, 1967 hearing, the plan of unitization for the North Black Slough Unit.



XLVIII.

Monsanto Oil Company's Exhibit No. 2 from the November 16, 1967 hearing, a map depicting the area field boundaries of the proposed North Black Slough Unit.

XLIX.

Monsanto Oil Company's Exhibit No. 3 from the November 16, 1967 hearing, a map depicting the unitized formation of the proposed North Black Slough Unit.

L.

Monsanto Oil Company's Exhibit No. 4 from the November 16, 1967 hearing, a geologic map depicting the structure and lithology of Rival Sub-interval.

LI.

Monsanto Oil Company's Exhibit No. 5 from the November 16, 1967 hearing, a cross section A-A'.

LII.

Monsanto Oil Company's Exhibit No. 6 from the November 16, 1967 hearing, an Isovol map.

LIII.

Monsanto Oil Company's Exhibit No. 7 from the November 16, 1967 hearing, pressure performance of the proposed North Black Slough Unit.

LIV.

Monsanto Oil Company's Exhibit No. 8 from the November 16, 1967 hearing, production performance of the proposed North Black Slough Unit.

LV.

Monsanto Oil Company's Exhibit No. 9 from the November 16, 1967 hearing, an economic summary for the proposed North Black Slough Unit.

LVI.

Monsanto Oil Company's Exhibit No. 10 from the November 16, 1967 hearing, participation formula for the proposed North Black Slough Unit.

LVII.

Monsanto Oil Company's Exhibit No. 11 from the November 16, 1967 hearing, the plan of unitization including agreements to become a party to the plan of unitization for the North Black Slough Unit.

LVIII.

Application for Rehearing by Monsanto Oil Company and Mobil Oil Corporation dated August 31, 1983.

LVIX.

Copy of Industrial Commission Order No. 3296 dated September 13, 1983.

LX.

Notice of Appeal on behalf of Monsanto Oil Company and Mobil Oil Corporation dated October 5, 1983.

LXI.

Application for Rehearing by Monsanto Oil Company dated April 18, 1985.

LXII.

Copy of Brief in Support of Application for rehearing dated April 18, 1985.

LXIII.

Copy of letter signed by F.E. Wilborn dated April 29, 1985.

LXIV.

Notice of Appeal on behalf of Monsanto Oil Corporation dated May 22, 1985.



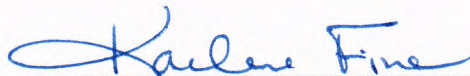
LXV.

Corrected Notice of Appeal on behalf of Monsanto Oil Company dated May 24, 1985.

LXVI.

Copy of Certificate of Cost of Transcript sent to John Morrison, Attorney for the Appellant.

I further certify that the copies of the North Dakota Industrial Commission Order Nos. 951, 3229, 3296, 3364, 3614, 3882 and 3931 referred to herein are true and correct copies of these Orders as presently filed in the Oil Order Book of the North Dakota Industrial Commission in the Office of the Governor, State Capitol, Bismarck, North Dakota.



Karlene Fine, Secretary  
Industrial Commission of North Dakota

Dated: July 16, 1985



**NOTICE OF PUBLICATION  
NORTH DAKOTA INDUSTRIAL  
COMMISSION  
BISMARCK, NORTH DAKOTA**

The State of North Dakota by its Industrial Commission hereby gives notice pursuant to law and the rules and regulations of said Commission promulgated thereunder of the following public hearing to be held at 9:00 a.m. on December 15, 1993, Pioneer Room, State Capitol, Bismarck, North Dakota. For the purpose of this hearing, the Commission, any member thereof acting as Examiner, or an Examiner appointed by the Commission will receive testimony and exhibits.

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Industrial Commission at 701-224-3722 by December 1, 1993.

**STATE OF NORTH DAKOTA TO:**

All named parties and persons having any right, title, interest, or claim in the following cases and notices to the public.

**CASE NO. 5857:** ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON-LOGDEPOLE POOL, DESCRIBED AS THE W/2 OF SECTION 32, T. 140N., R. 96W., STARK COUNTY, NORTH DAKOTA; AND SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. **CASE NO. 5858:** ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING EMERGENCY AND/OR INTERMITTENT GAS FLARING FROM THE FOLLOWING WELLS AND/OR AT A CENTRAL FACILITY FOR SAID WELLS IN THE DICKINSON-LOGDEPOLE POOL, STARK COUNTY, NORTH DAKOTA:

CONOCO - **DICKINSON STATE NO. 74 WELL**, SW/4 NW/4 OF SECTION 32, T. 140N., R. 96W.,

CONOCO - **KADMAS NO. 75 WELL**, NW/4 SE/4 OF SECTION 31, T. 140N., R. 96W.,

CONOCO - **FRENZEL NO. 79 WELL**, NW/4 NE/4 OF SECTION 31, T. 140N., R. 96W.,

CONOCO - **DICKINSON STATE "A" NO. 83 WELL**, NW/4 NW/4 OF SECTION 5, T. 139N., R. 96W.,

AS AN EXCEPTION TO THE PROVISIONS OF SECTION 38-08-08.4 OF THE NORTH

**CERTIFICATE OF PUBLICATION  
THE DICKINSON PRESS  
Dickinson, North Dakota**

STATE OF NORTH DAKOTA, }  
County of Stark.

Belle L. Krank, of said state and county, being first duly sworn, on oath says: That s he is the bookkeeper of the Dickinson Press, Inc., publisher of **THE DICKINSON PRESS**, a daily newspaper of general circulation, printed and published at Dickinson, in said county and state, and has been such during the time hereinafter mentioned; and that advertisement headed \_\_\_\_\_

Legal--Case No. 5857  
\$48.23

a printed copy of which is hereunto annexed, was printed and published in **The Dickinson Press**, and in the regular and entire issue of each and every number 1 consecutive weeks, commencing on the 17 day of November A.D. 19 93, and ending on the 17 day of November A.D., 19 93, both inclusive.

Sworn to and subscribed to before me this 17th day of November A.D. 19 93.

Belle L. Krank  
Marilyn Wanner

MARILYN WANNER  
Notary Public, STARK COUNTY, N.DAK.  
My Commission Expires APRIL 28, 1994

# THE BISMARCK TRIBUNE

P.O. BOX 1498 BISMARCK, NORTH DAKOTA 58502-1498  
(701) 223-2500 IN STATE (800) 472-2273

IND COM-011 A 9 AS DIV

\*\*\*CR-4-

300 E BOULEVARD AV  
BISMARCK ND 58505

## NOTICE OF PUBLICATION NORTH DAKOTA INDUSTRIAL COMMISSION BISMARCK, NORTH DAKOTA

The State of North Dakota by its Industrial Commission hereby gives notice pursuant to law and the rules and regulations of said Commission promulgated thereunder of the following public hearing to be held at 9:00 a.m. on December 15, 1993, Pioneer Room State Capitol, Bismarck, North Dakota. For the purpose of this hearing, the Commission any member thereof acting as Examiner, or an Examiner appointed by the Commission will receive testimony and exhibits.

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Industrial Commission at 701-224-3722 by December 11, 1993.

**STATE OF NORTH DAKOTA TO**  
All named parties and persons having any right, title, interest, or claim in the following cases and notices to the public: **CASE NO. 5854: ON A MOTION OF THE COMMISSION TO CONSIDER THE PROPER SPACING FOR THE DEVELOPMENT OF THE**

**OSLOE MADISON POOL, MOUNTRAIL COUNTY, NORTH DAKOTA; REDEFINE THE LIMITS OF THE FIELD, AND ENACT SUCH SPECIAL FIELD RULES AS MAY BE NECESSARY. LUFF EXPLORATION COMPANY. CASE NO. 5855: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF APACHE CORPORATION FOR AN ORDER ALLOWING IT TO PRODUCE OIL AND GAS FROM A WELL WITH A BOTTOM LOCATION 715 FEET FROM THE EAST LINE AND 2319 FEET FROM THE NORTH LINE OF SECTION 24, T.147N., R.98W., MCKENZIE COUNTY, NORTH DAKOTA, AS AN EXCEPTION TO THE FIELD RULES FOR THE LONE BUTTE MADISON POOL. CASE NO. 5853: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF APACHE CORPORATION FOR AN ORDER PERMITTING THE FLARING OF GAS PRODUCED IN THE NE1/4 OF SECTION 4, T.146N., R.100W., MCKENZIE COUNTY, NORTH DAKOTA, TO PRODUCE OIL AT AN UNRESTRICTED RATE AND FLARE GAS PRODUCED IN ASSOCIATION WITH SUCH OIL, AS AN EXCEPTION TO THE APPLICABLE FIELD RULES. CASE NO. 5856: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF APACHE CORPORATION FOR AN ORDER PERMITTING THE FLARING OF GAS PRODUCED IN ASSOCIATION WITH OIL FROM THE FEDERAL "C" #1 WELL, LOCATED IN THE NE1/4 OF SECTION 4, T.146N., R.100W., MCKENZIE COUNTY, NORTH DAKOTA, AS AN EXCEPTION TO THE REQUIREMENTS OF SECTION 38-08-06.4 OF THE NORTH DAKOTA CENTURY CODE. CASE NO. 5835: (CONTINUED) ON A MOTION OF THE COMMISSION TO CONSIDER AMENDING THE SIZE OF THE SPACING UNITS FOR THE LITTLE KNIFE DUPEROW POOL IN SECTIONS 13 AND 24, T.145N., R.98W., AND SECTIONS 18 AND 19, T.145N., R.97W., MCFENZIE & DUNN COUNTIES, NORTH DAKOTA, OR ANY PORTION THEREOF. CASE NO. 5857: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON LODGEPOLE POOL, DESCRIBED AS THE W2 OF SECTION 32, T.140N., R.96W., STARK COUNTY, NORTH DAKOTA; AND SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 5858: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING EMERGENCY AND/OR INTERMITTENT GAS FLARING FROM THE FOLLOWING WELLS AND/OR AT A CENTRAL FACILITY FOR SAID WELLS IN THE DICKINSON LODGEPOLE POOL, STARK COUNTY, NORTH DAKOTA:**

CONOCO DICKINSON STATE NO. 74 WELL, SW1/4 NW1/4 OF SECTION 32, T.140N., R.96W.,  
CONOCO KADRAMAS NO. 75 WELL, NW1/4 SE1/4 OF SECTION 31, T.140N., R.96W.,  
CONOCO FRENZEL NO. 79 WELL, NW1/4 NE1/4 OF SECTION 31, T.140N., R.96W.,  
CONOCO DICKINSON STATE "A" NO. 83 WELL, NW1/4 NW1/4 OF SECTION 5, T.139N., R.96W.,

AS AN EXCEPTION TO THE PROVISIONS OF SECTION 38-08-06.4 OF THE NORTH DAKOTA CENTURY CODE OR SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE. **CASE NO. 5859: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER ALLOWING THE COMMINGLING OF PRODUCTION FROM THE FOLLOWING WELLS IN THE DICKINSON-LODGEPOLE POOL, STARK COUNTY, NORTH DAKOTA:**

CONOCO DICKINSON STATE NO. 74 WELL, SW1/4 NW1/4 OF SECTION 32, T.140N., R.96W.,  
CONOCO KADRAMAS NO. 75 WELL, NW1/4 SE1/4 OF SECTION 31, T.140N., R.96W.,  
CONOCO FRENZEL NO. 79 WELL, NW1/4 NE1/4 OF SECTION 31, T.140N., R.96W.,  
CONOCO DICKINSON STATE "A" NO. 83 WELL, NW1/4 NW1/4 OF SECTION 5, T.139N., R.96W.,

AND SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. **CASE NO. 5860: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING THE FLARING OF GAS FROM THE FOLLOWING WELLS IN THE BUFFALO WALLOW-RED RIVER POOL, MCKENZIE COUNTY, NORTH DAKOTA:**

CONOCO JOHNSON NO. 1 WELL, NE1/4 SE1/4 OF SECTION 7, T.148N., R.100W.,  
CONOCO NELSON STATE 7 NO. 2 WELL, NE1/4 NE1/4 OF SECTION 7, T.148N., R.100W.,  
CONOCO SCHULZ 8 NO. 3 WELL, SW1/4 NW1/4 OF SECTION 8, T.148N., R.100W.,  
CONOCO STATE NELSON 6 NO. 1 WELL, SW1/4 SE1/4 OF SECTION 6, T.148N., R.100W.,

AS AN EXCEPTION TO THE APPLICABLE FIELD RULES AND THE PROVISIONS OF SECTION 38-08-06.4 OF THE NORTH DAKOTA CENTURY CODE OR SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE. **CASE NO. 5861: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BALLANTYNE OIL COMPANY FOR AN ORDER PROVIDING FOR THE UNITIZED MANAGEMENT, OPERATION, AND FURTHER DEVELOPMENT OF THE SOUTH LANDA-MADISON UNIT AREA, CONSISTING OF LANDS WITHIN, AND CONTIGUOUS TO, THE SOUTH LANDA FIELD IN BOTTINEAU COUNTY, NORTH DAKOTA; FOR APPROVAL OF THE UNIT AGREEMENT AND UNIT OPERATING AGREEMENT CONSTITUTING THE PLAN OF UNITIZATION FOR THE SOUTH LANDA-MADISON UNIT AREA; FOR APPROVAL OF THE PLAN OF OPERATION; VACATING THE APPLICABLE SPACING ORDERS; AND FOR SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 5862: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BALLANTYNE OIL COMPANY FOR AN ORDER AUTHORIZING THE CONVERSION OF THE NEWHOUSE NO. 2R WELL, LOCATED IN THE NE1/4 OF THE SE1/4 OF SECTION 3, T.162N., R.79W., SOUTH LANDA FIELD, BOTTINEAU COUNTY, NORTH DAKOTA, FOR THE INJECTION OF FLUIDS IN THE PROPOSED SOUTH LANDA-MADISON UNITIZED FORMATION PURSUANT TO CHAPTER 43-02-05 OF THE NORTH DAKOTA ADMINISTRATIVE CODE, AND PROVIDING SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS NECESSARY.**

CASE NO. 5863: ON

A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF BALLANTYNE OIL COMPANY FOR AN ORDER DETERMINING THAT THE PLAN OF UNITIZATION FOR THE SOUTH LANDA-MADISON UNIT AREA, BOTTINEAU COUNTY, NORTH DAKOTA, HAS BEEN SIGNED, RATIFIED OR APPROVED BY OWNERS OF INTEREST OWNING THAT PERCENTAGE OF THE WORKING INTEREST AND ROYALTY INTEREST WITHIN SAID UNIT AS IS REQUIRED BY APPLICABLE STATUTES AND RULES OF THE COMMISSION. **CASE NO. 5864: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF TEXAS CRUDE ENERGY, INC. FOR AN ORDER AUTHORIZING THE DRILLING OF A WELL AT A LOCATION APPROXIMATELY 1980 FEET FROM THE NORTH LINE AND 1050**

**FEET FROM THE EAST LINE OF SECTION 29, T.163N., R.89W., BURKE COUNTY, NORTH DAKOTA, AS AN EXCEPTION TO THE APPLICABLE SPACING REQUIREMENTS FOR THE PERELLA-MADISON POOL AND SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 5865: ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF TEXAS CRUDE ENERGY, INC. FOR AN ORDER AUTHORIZING THE DRILLING OF A WELL AT A LOCATION APPROXIMATELY 500 FEET FROM THE NORTH LINE AND 1200 FEET FROM THE WEST LINE OF SECTION 26, T.161N., R.91W., BURKE COUNTY, NORTH DAKOTA, AS AN EXCEPTION TO THE APPLICABLE SPACING REQUIREMENTS FOR THE LITTLE BUTTE-MADISON POOL AND SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 5842: (CONTINUED) ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING THE FLARING OF GAS FROM THE BICENTENNIAL FED. COM. 1 WELL LOCATED IN THE NW NW OF SECTION 18, T.144N., R.103W., GOLDEN VALLEY COUNTY, NORTH DAKOTA, BICENTENNIAL BAK**

**KEN POOL, AS AN EXCEPTION TO THE PROVISIONS OF SECTION 38-08-06.4 OF THE NORTH DAKOTA CENTURY CODE OF SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE. CASE NO. 5843: (CONTINUED) ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER POOLING ALL INTERESTS IN A SPACING UNIT FOR THE DICKINSON-LODGEPOLE POOL DESCRIBED AS THE N1/2 OF SECTION 31, T.140N., R.96W., STARK COUNTY, NORTH DAKOTA, AUTHORIZING THE RECOVERY FROM EACH NONPARTICIPATING LESSEE A RISK PENALTY AS PROVIDED BY NORTH DAKOTA CENTURY CODE SECTION 38-08-08 AND SUCH OTHER AND FURTHER RELIEF AS THE COMMISSION DEEMS APPROPRIATE. CASE NO. 5761: (CONTINUED) ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF CONOCO INC. FOR AN ORDER AUTHORIZING THE FLARING OF GAS FROM THE STENSRUD #1 WELL LOCATED IN THE NW1/4 NE1/4 OF SECTION 15, T.146N., R.102W., MCKENZIE COUNTY, NORTH DAKOTA, COVERED BRIDGE-BAKKEN POOL, AS AN EXCEPTION TO APPLICABLE FIELD RULES AND TO THE PROVISIONS OF SECTION 38-08-06.4 OF THE NORTH DAKOTA CENTURY CODE, AUTHORIZING SUCH FURTHER AND ADDITIONAL RELIEF AS THE COMMISSION MAY DEEM APPROPRIATE.**

**Signed by:**  
Edward J. Schaefer, Governor  
Chairman, ND Industrial Commission  
701-223-3641

**TO NUMBER:**  
1271-4

**DICE NO.** 1271-4

Distribution  
lines

TOTAL  
UNITS  
RATE

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