

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA

CASE NO. 11263  
ORDER NO. 13357

IN THE MATTER OF A HEARING CALLED ON  
A MOTION OF THE COMMISSION TO  
CONSIDER THE APPLICATION OF ST. MARY  
LAND & EXPL. CO. FOR AN ORDER  
PURSUANT TO NDAC § 43-02-03-88.1 POOLING  
ALL INTERESTS IN A SPACING UNIT FOR THE  
AMBROSE-BAKKEN POOL, SECTIONS 30 AND  
31, T.163N., R.99W., DIVIDE COUNTY, ND,  
AUTHORIZING THE RECOVERY FROM EACH  
NON-PARTICIPATING OWNER OF A RISK  
PENALTY AS PROVIDED IN NDCC § 38-08-08  
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 20th day of July, 2009.
- (2) St. Mary Land & Exploration Company provided telephonic testimony in this matter, pursuant to North Dakota Administrative Code (NDAC) Section 43-02-03-88.2. The Telephonic Communication Affidavit was received on July 29, 2009, therefore, such testimony may be considered evidence.
- (3) Pursuant to NDAC Section 43-02-03-88.1, the Director is authorized to sign, on behalf of the Commission, orders relating to, inter alia, pooling under North Dakota Century Code (NDCC) Section 38-08-08.
- (4) The applicant is the owner of an interest in an oil and gas leasehold estate in a spacing unit for the Ambrose-Bakken Pool described as Sections 30 and 31, Township 163 North, Range 99 West, Divide County, North Dakota.
- (5) 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.

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

(7) NDCC Section 38-08-08 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 200 percent and unleased mineral interest owners may be required to pay a risk penalty of 50 percent of their share of the reasonable actual cost of drilling and completing the well.

(8) Applicant requests an order of the Commission pooling all interests in the spacing unit, and allowing the recovery of a risk penalty from nonparticipating owners.

(9) There were no objections to this application.

(10) This application should be granted in order to prevent waste and protect correlative rights.

IT IS THEREFORE ORDERED:

(1) All oil and gas interests in a spacing unit for the Ambrose-Bakken Pool described as Sections 30 and 31, Township 163 North, Range 99 West, Divide County, North Dakota, are hereby pooled for the development and operation of the spacing unit.

(2) 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) 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) 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) 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) In the event of any dispute as to such costs the Commission shall determine the proper cost.

(7) If a lessee owning an interest in the spacing unit elects not to participate in the risk and cost of drilling a well thereon, the owner paying for the nonparticipating lessee's share of the drilling and operation of a well may recover from the nonparticipating lessee a risk penalty for the risk involved in drilling the well. The risk penalty is 200 percent of the nonparticipating

lessee's share of the reasonable actual costs of drilling and completing the well and may be recovered out of, and only out of, production from the pooled spacing unit, as provided by NDCC Section 38-08-10, exclusive of any royalty or overriding royalty.

(8) If an unleased mineral interest owner in the spacing unit refuses a good-faith attempt to execute a lease and elects not to participate in the risk and cost of drilling a well thereon, the owner paying for the nonparticipating mineral interest owner's share of the drilling and operation of a well may recover from the nonparticipating mineral interest owner a risk penalty for the risk involved in drilling the well. The risk penalty is 50 percent of the nonparticipating mineral interest owner's share of the reasonable actual costs of drilling and completing the well and may be recovered out of, and only out of, production from the pooled spacing unit, as provided by NDCC Section 38-08-10, exclusive of any royalty.

(9) 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.

(10) 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 20th day of August, 2009.

INDUSTRIAL COMMISSION  
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director

STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Jeanette Bean, being duly sworn upon oath, depose and say: That on the 31<sup>st</sup> day of August, 2009 enclosed in separate envelopes true and correct copies of the attached Order No. 13357 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 by the Industrial Commission in Case No. 11263 :

LAWRENCE BENDER  
FREDRICKSON & BYRON  
PO BOX 1855  
BISMARCK ND 58502-1855

KIPP CARROLL  
ST MARY LAND & EXPLORATION CO  
PO BOX 7168  
BILLINGS MT 59103-7168

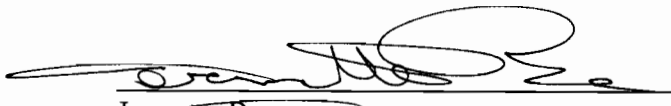
JOHN MORRISON  
FLECK MATHER & STRUTZ LTD  
PO BOX 2798  
BISMARCK ND 58502-2798

ALEX SACHEN  
ST MARY LAND & EXPLORATION CO  
PO BOX 7168  
BILLINGS MT 59103-7168

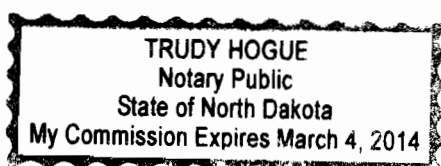
ROGER NELSON  
ST MARY LAND & EXPLORATION CO  
PO BOX 7168  
BILLINGS MT 59103-7168


GORDON OLSON  
ST MARY LAND & EXPLORATION CO  
PO BOX 7168  
BILLINGS MT 59103-7168

MIKE BRYANT  
ST MARY LAND & EXPLORATION CO  
PO BOX 7168  
BILLINGS MT 59103-7168

  
Jeanette Bean  
Oil & Gas Division

On this 31<sup>st</sup> day of August, 2009 before me personally appeared Jeanette Bean 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.



  
Notary Public  
State of North Dakota, County of Burleigh

**BEFORE THE NORTH DAKOTA  
INDUSTRIAL COMMISSION**

**CASE NO. 11263-68**

**APPLICATION FOR POOLING ALL INTEREST  
AMBROSE-BAKKEN POOL  
Divide County, ND**

**July 20, 2009**

**ST. MARY LAND & EXPLORATION CO.**



**CASE NO. 11263-11268  
AMBROSE-BAKKEN POOL**

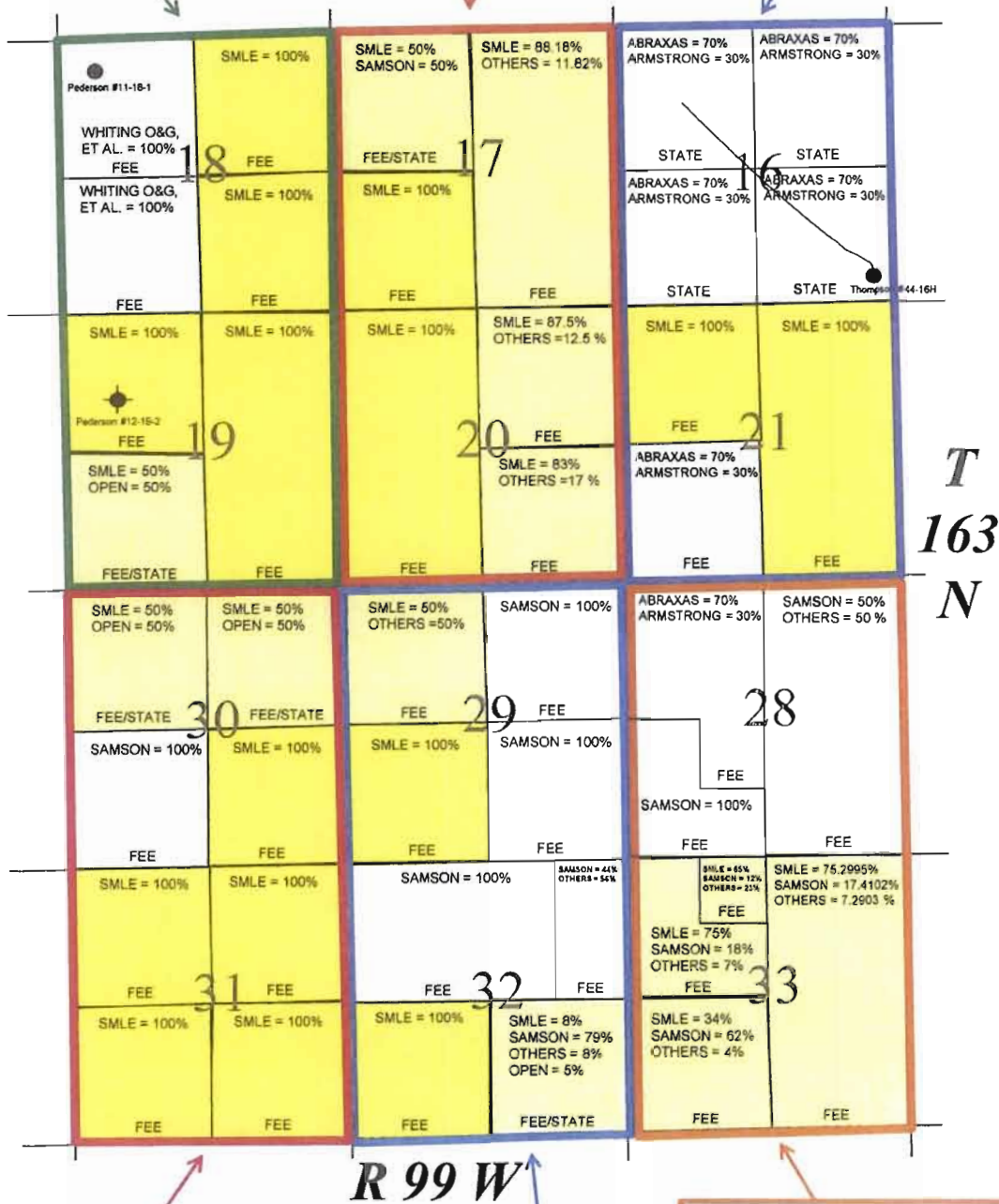
**INDEX**

<b>Exhibit A</b>	<b>Spacing Unit / Tract Ownership Map</b>
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Summary Ownership:  
1266.32 Acre Unit – Sec. 18 & 19  
SMLE = 62.8032%  
WHITING = 30.99379%  
OPEN = 6.20301%

Summary Ownership:  
1280 Acre Unit – Sec. 17 & 20  
SMLE = 86.91061%  
SAMSON = 6.011719%  
OTHERS = 7.077671%

Summary Ownership:  
1280 Acre Unit – Sec. 16 & 21  
SMLE = 37.3961%  
ABRAXAS = 43.82273%  
ARMSTRONG = 18.78117%



Summary Ownership:  
1270.64 Acre Unit – Sec. 30 & 31  
SMLE = 75.09287%  
SAMSON = 12.453565%  
OPEN = 12.453565%

Summary Ownership:  
1279.99 Acre Unit – Sec. 29 & 32  
SMLE = 39.879%  
SAMSON = 57.375%  
OTHERS = 2.121%  
OPEN = 0.625%

Summary Ownership:  
1280 Acre Unit – Sec. 28 & 33  
SMLE = 32.1695%  
SAMSON = 35%  
ABRAXAS = 10.9375%  
ARMSTRONG = 4.6875%  
OTHERS = 17.2055%



EXHIBIT A  
Ambrose-Bakken Pool  
Divide County, ND  
NDIC CASE NO. 11263-11268  
July 20, 2009

INDUSTRIAL COMMISSION  
STATE OF NORTH DAKOTA  
DATE 7/20/09 CASE NO. 11263-8  
Introduced By St. Mary Land & Ex  
Exhibit A  
Identified By Nelson

BEFORE THE INDUSTRIAL COMMISSION  
OF THE STATE OF NORTH DAKOTA

In the matter of the application of St. Mary	)	
Land & Exploration Company for an order	)	
pursuant to Section 43-02-03-88.1 of the North	)	
Dakota Administrative Code pooling all	)	<b>APPLICATION</b>
interests in a spacing unit for the Ambrose-	)	
Bakken pool described as all of Sections 30 and	)	
31, T.163N., R.99W., Divide County, North	)	
Dakota, authorizing the recovery from each	)	
non-participating owner of a risk penalty as	)	
provided in Section 38-08-08 of the North	)	
Dakota Century Code, and for such other and	)	
further relief as may be appropriate.	)	

COMES NOW the applicant, St. Mary Land & Exploration Company, and respectfully alleges as follows:

1. It is the owner of an interest in the oil and gas leasehold estate underlying all or portions of Sections 30 and 31, Township 163 North, Range 99 West, Divide County, North Dakota.
2. By separate application, applicant has requested that said lands be designated as a 1280-acre spacing unit in the Ambrose-Bakken pool.
3. There are separately owned tracts and separately owned interests within tracts within the spacing unit.
4. There is no voluntary pooling agreement covering all interests within the spacing unit.
5. In the event that any owners elect not to lease or otherwise participate in the risk and cost of drilling a well on said spacing unit, applicant intends to collect the penalty afforded by Section 38-08-08 of the North Dakota Century Code.

6. That applicant requests the Commission enter its order pooling all interests within said spacing unit and authorize the recovery of a risk penalty in accordance with Section 38-08-08 of the North Dakota Century Code.

7. Applicant requests that it be allowed to present testimony by telephone pursuant to Section 43-02-03-88.2 of the North Dakota Administrative Code.

WHEREFORE, applicant respectfully requests that this matter be set for hearing at the regularly scheduled hearings in July, 2009 and that thereafter the Commission enter its order granting the relief requested.

Dated this 17<sup>th</sup> day of June, 2009.

ST. MARY LAND & EXPLORATION COMPANY

CROWLEY FLECK PLLP  
Attorneys for the Applicant  
Suite 600, 400 East Broadway  
P.O. Box 2798  
Bismarck, ND 58502

By: [Signature]  
JOHN W. MORRISON

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

John W. Morrison, being first duly sworn on oath, deposes and says that he is the attorney for the applicant herein named, that he has read the above and foregoing application, knows the contents thereof, and that the same is true to the best of this affiant's knowledge, information and belief.

[Signature]  
JOHN W. MORRISON

Subscribed and sworn to before me this 19<sup>th</sup> day of June, 2009.

(SEAL) MICHELLE WENGER  
Notary Public  
State of North Dakota  
My Commission Expires Oct. 30, 2009

[Signature]  
Michelle Wenger, Notary Public  
Burleigh County, North Dakota  
My Commission Expires: 10/30/09

**NOTICE OF HEARING  
N.D. INDUSTRIAL COMMISSION  
OIL AND GAS DIVISION**

The North Dakota Industrial Commission will hold a public hearing at 9:00 a.m. Monday, July 20, 2009, at the N.D. Oil & Gas Division, 1016 East Calgary Ave., Bismarck, N. D. At the hearing the Commission will receive testimony and exhibits. Persons with any interest in the cases listed below, take notice.

**PERSONS WITH DISABILITIES:**

If at the hearing you need special facilities or assistance, contact the Oil and Gas Division at 701-328-8038 by Tuesday, July 07, 2009.

**STATE OF NORTH DAKOTA TO:**

Case No. 11262: Application of St. Mary Land & Expl. Co. for an order extending the boundary of the Ambrose Field to include all of Sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T.163N., R.99W., Divide County, ND, and further including Sections 16 and 21; Sections 17 and 20;

Sections 18 and 19; Sections 30 and 31; Sections 29 and 32; and Sections 28 and 33 as 1280-acre spacing units within Zone I of the Ambrose-Bakken Pool and such other relief as is appropriate.

Case No. 11263: Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-

03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 30 and 31, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

38-08-08 and such other relief as is appropriate.

Case No. 11266: Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 18 and 19, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 11267: Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 17 and 20, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 11268: Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 16 and 21, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

Signed by,  
John Hoeven, Governor  
Chairman,  
ND Industrial Commission

(7-1)

# Affidavit of Publication

State of North Dakota, County of Divide, ss:

I, Steven J. Andrist, being first duly sworn, on my oath, say that I am the publisher of The Journal, a weekly newspaper of general circulation and official newspaper of Divide County, State of North Dakota, published in the city of Crosby, ND, and that the advertisement headed

**NOTICE OF HEARING**

a printed copy of which is here attached, was published in The Journal on the following dates:

July 1, 2009 .....114 line @ .59 = 67.26

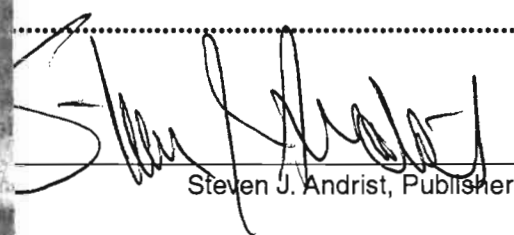
Case No. 11264: Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 29 and 32,

T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner

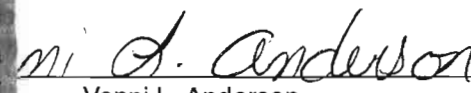
of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

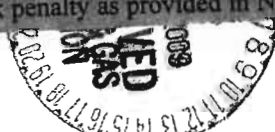
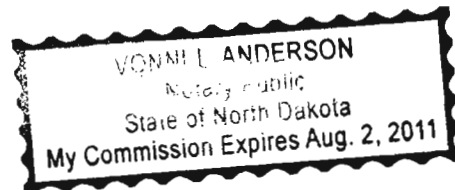
Case No. 11265: Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-

03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 28 and 33, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC §

.....\$67.26  
  
Steven J. Andrist, Publisher

and sworn to before me July 1, 2009

  
Vonn L. Anderson  
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My Commission Expires August 2, 2011



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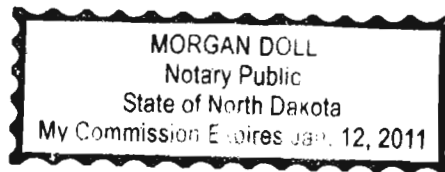


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Affidavit of Publication  
State of North Dakota ) SS. County of Burleigh  
Before me, a Notary Public for the State of North Dakota  
personally appeared K. K. who being duly sworn, deposes  
and says that he (she) is the Clerk of Bismarck Tribune Co.,  
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Bismarck Tribune on the following dates:  
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Notary Public in and for the State of North Dakota



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**NOTICE OF HEARING N.D.  
INDUSTRIAL COMMISSION  
OIL AND GAS DIVISION**

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**PERSONS WITH DISABILITIES:** If at the hearing you need special facilities or assistance, contact the Oil and Gas Division at 701-328-8038 by Tuesday, July 07, 2009.

**STATE OF NORTH DAKOTA TO:**

**Case No. 11246:** Temporary spacing to develop an oil and/or gas pool discovered by the Marathon Oil Co. #14-35H Darwin, SWSW Section 35, T.145N., R.96W., Dunn County, ND, define the field limits, and enact such special field rules as may be necessary.

**Case No. 11247:** Application of Marathon Oil Co. for an order creating a 1280-acre drilling unit consisting of Sections 17 and 20, T.146N., R.92W., Dunn County, ND, and allowing a horizontal well to be drilled in the Bakken Formation in each such drilling unit at any location not closer than 500 feet to the boundary thereof, or granting such other relief as is appropriate.

**Case No. 11248:** Application of Petro-Hunt, LLC for an order amending the applicable field orders for the Carlson-Bakken and Keene-Bakken Pools to establish a 1280-acre spacing unit in either the Carlson-Bakken or Keene-Bakken Pool consisting of Sections 13 and 24, T.153N., R.96W., McKenzie County, ND, and allow a horizontal well to be drilled at any location thereon not closer than 500 feet to the boundary of the spacing unit and such other relief as is appropriate.

**Case No. 11078:** (Continued) Application of Petro-Hunt, LLC, for an order creating five 1280-acre drilling units for the Bakken Formation consisting of Sections 14 and 15; Sections 13 and 24; Sections 22 and 27; Sections 23 and 26; and Sections 25 and 36, T.148N., R.95W., Dunn County, ND, and allowing a horizontal well to be drilled at any location not closer than 500 feet to the boundary of each drilling unit and such other relief as is appropriate.

**Case No. 11249:** Application of Luff Expl. Co. for an order amending the orders for the Cold Turkey Creek-Red River Pool to include the E/2 and NW/4 of Section 20, T.130N., R.102W., Bowman County, ND, in Zone VII of the Cold Turkey Creek-Red River Pool and such other relief as is appropriate.

**Case No. 11250:** Application of Hess Corp. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Enget Lake-Bakken Pool, Sections 15 and 22, T.158N., R.93W., Mountrail County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11251:** Application of Hess Corp. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Enget Lake-Bakken Pool, Sections 9 and 10, T.158N., R.93W., Mountrail County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11252:** Application of Hess Corp. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Big Butte-Bakken Pool, Sections 15 and 22, T.157N., R.94W., Mountrail County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11253:** Application of Hess Corp. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Big Butte-Bakken Pool, Sections 6 and 7, T.156N., R.94W., Mountrail County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11254:** Application of Hess Corp. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit in an unnamed Bakken Pool described as Sections 26 and 27, T.157N., R.93W., Mountrail County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11255:** Application of Hess Corp. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit in an unnamed Bakken Pool described as Sections 15 and 22, T.157N., R.93W., Mountrail County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11204:** (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Hess Corp. #3625H-1 RS-State F-157-92, SESE Section 36, T.157N., R.92W., Mountrail County, ND, define the field limits, and enact such special field rules as may be necessary.

**Case No. 11205:** (Continued) Application of Hess Corp. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Manitou-Bakken Pool, Sections 28 and 33, T.156N., R.94W., Mountrail County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11229:** (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Burlington Resources Oil & Gas Co., LP #11-23H Catalina, NWNW Section 23, T.145N., R.96W., Dunn County, ND, define the field limits, and enact such special field rules as may be necessary.

**Case No. 11256:** Application of Burlington Resources Oil & Gas Co. LP for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit in an unnamed Bakken Pool for the Catalina #11-23H, Sections 23 and 24, T.145N., R.96W., Dunn County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11257:** Application of Burlington Resources Oil & Gas Co. LP for an order pursuant to NDAC § 43-02-03-88.1 designating the Minnelusa Group in the Cedar Hills Field, located in Bowman and Slope Counties, ND, as an exempt aquifer pursuant to NDAC § 43-02-05-03 and such other relief as is appropriate.

**Case No. 11258:** Application of Burlington Resources Oil & Gas Co. LP for an order extending the outline of the Blue Buttes Field to include Sections 2 and 11, T.151N., R.95W., McKenzie County, ND, and further including said lands within Zone II of the Blue Buttes-Bakken Pool, for which spacing has been established on the basis of one horizontal well per 1280-acres and such other relief as is appropriate.

**Case No. 11259:** Application of Burlington Resources Oil & Gas Co. LP for an order amending the orders for the Berg, Union Center and Clear Creek Fields to establish three 1280-acre spacing units in either the Union Center-Bakken or the Clear Creek-Bakken Pool consisting of Sections 13 and 24; Sections 14 and 23; and Sections 15 and 22, T.152N., R.96W., McKenzie County, ND and such other relief as is appropriate.

**Case No. 11260:** Application of Burlington Resources Oil & Gas Co. LP for an order extending the outline of the Haystack Butte Field to include all of T.148N., R.98W., McKenzie County, ND, and further including all of said township within Zone II of the Haystack Butte-Bakken Pool, for which spacing has been established on the basis of one horizontal well per 1280-acres and such other relief as is appropriate.

**Case No. 11228:** (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Burlington Resources Oil & Gas Co., LP #14-9H Jack, SESE Section 9, T.145N., R.95W., Dunn County, ND, define the field limits, and enact such special field rules as may be necessary.

**Case No. 11261:** Application of Vinsdor Energy Group, LLC, for an order pooling all interests in a spacing unit for the Marshall-Bakken Pool, Section 4, T.153N., R.90W., Mountrail County, ND; authorizing the recovery of a risk penalty in accordance with NDCC § 38-08-08 against the interest of any owner that has elected or elects not to participate in the risk and cost of drilling a well on said spacing unit and such other relief as is appropriate.

**Case No. 11262:** Application of St. Mary Land & Expl. Co. for an order extending the boundary of the Ambrose Field to include all of Sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T.163N., R.99W., Divide County, ND, and further including Sections 16 and 21; Sections 17 and 20; Sections 18 and 19; Sections 30 and 31; Sections 29 and 32; and Sections 28 and 33 as 1280-acre spacing units within Zone I of the Ambrose-Bakken Pool and such other relief as is appropriate.

**Case No. 11263:** Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 30 and 31, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11264:** Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 29 and 32, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11265:** Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 28 and 33, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11266:** Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 18 and 19, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11267:** Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 17 and 20, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11268:** Application of St. Mary Land & Expl. Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Ambrose-Bakken Pool, Sections 16 and 21, T.163N., R.99W., Divide County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as is appropriate.

**Case No. 11269:** Application of PDC Corp. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit in an unnamed Bakken Pool for the Jepsen #21-19HB, Sections 19 and 30, T.161N., R.90W., Burke County, ND, authorizing the recovery from each non-participating owner of a risk penalty as provided in NDCC § 38-08-08 and such other relief as may be appropriate.

**Case No. 11118:** (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the PDC Corp. #21-19HB Jepsen, NENW Section 19, T.161N., R.90W., Burke County, ND, define the field limits, and enact such special field rules as may be necessary.

**Case No. 11174:** (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Questar Expl & Prod Co. #1-18H-150-90 MHA, NENW Section 18, T.150N., R.90W., McLean County, ND, define the field limits, and enact such special field rules as may be necessary.

Signed by:  
John Hoeven, Governor  
Chairman, ND Industrial Commission  
7/11/09 604224