

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 11462
ORDER NO. 13584

IN THE MATTER OF A HEARING CALLED ON
A MOTION OF THE COMMISSION TO
CONSIDER THE APPLICATION OF BAYTEX
ENERGY USA LTD. FOR AN ORDER
PURSUANT TO NDAC § 43-02-03-88.1 POOLING
ALL INTERESTS IN A SPACING UNIT FOR THE
BUBLITZ #27-163-99H, SECTION 27, T.163N.,
R.99W, AMBROSE-BAKKEN POOL, DIVIDE
COUNTY, ND; AUTHORIZING THE
RECOVERY FROM EACH
NONPARTICIPATING OWNER A RISK
PENALTY AS PROVIDED BY NDCC § 38-08-08
AND SUCH OTHER AND FURTHER 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 27th day of August, 2009.
- (2) Pursuant to North Dakota Administrative Code 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.
- (3) 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 all of Section 27, Township 163 North, Range 99 West, Divide County, North Dakota.
- (4) 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.
- (5) The Commission makes no findings with regard to the specific acreage or percentage attributed to separately owned tracts or interests.

(6) 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.

(7) 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.

(8) There were no objections to this application.

(9) 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 all of Section 27, 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 23rd day of September, 2009.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director

STATE OF NORTH DAKOTA

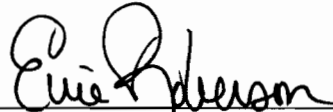
AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

I, Evie Roberson, being duly sworn upon oath, depose and say: That on the 30th day of September, 2009 enclosed in separate envelopes true and correct copies of the attached Order No. 13584 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. 11462 :

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

LEE ZINK
BAYTEX ENERGY USA LTD
600 17TH ST STE 1900 S
DENVER CO 80202

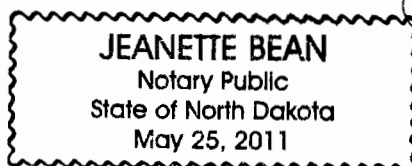


Evie Roberson
Oil & Gas Division

On this 30th day of September, 2009 before me personally appeared Evie Roberson 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



Fredrikson

& BYRON, P.A.

August 27, 2009

Mr. Bruce Hicks
Assistant Director
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard
Bismarck, North Dakota 58505-0310



RE: CASE NO. 11462
Baytex Energy USA Ltd.

Dear Mr. Hicks:

In follow-up to my August 26, 2009 correspondence, please find enclosed herewith for filing the original AFFIDAVIT OF LEE ZINK in regard to the captioned matter.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "LB", written over the word "Sincerely,".

LAWRENCE BENDER

LB/leo

Enclosure

cc: Mr. Lee Zink - (w/o enc.) *Via Email*

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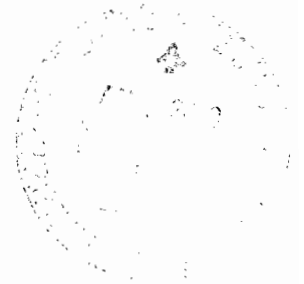
Attorneys & Advisors
main 701.221.4020
fax 701.221.4040
www.fredlaw.com

Fredrikson & Byron, P.A.
200 North Third Street, Suite 150
Bismarck, North Dakota
58501-3879

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

CASE NO. 11462

Application of Baytex Energy USA Ltd. for an order pursuant to Section 43-02-03-88.1 of the N.D. Admin. Code pooling all interests in a spacing unit for the Bublitz 27-163-99H well described as Section 27-T163N-R99W, Ambrose-Bakken Pool, Divide County, North Dakota; authorizing the recovery from each nonparticipating owner a risk penalty as provided by Section 38-08-08 of the N.D.C.C. and such other and further relief as is appropriate.



AFFIDAVIT OF LEE ZINK

STATE OF COLORADO)
) ss
COUNTY OF DENVER)

Lee Zink, being first duly sworn, deposes and states as follows:

1.

That I am a Landman for Baytex Energy USA Ltd., 600 17th Street, Suite 1900 South, Denver, Colorado 80202, the applicant in the above-entitled matter.

2.

That in the course of my work as Landman for Baytex, I have become familiar with the mineral ownership and leasehold ownership in and under all of Section 27, Township 163 North, Range 99 West, Divide County, North Dakota ("Section 27"). I am also familiar with all the oil and gas operations which have been conducted by Baytex on the above-described lands.

3.

That Baytex is an owner of an interest in the oil and gas leasehold estate in Section 27.

4.

That all of Section 27 has been designated as the spacing unit for the Bublitz 27-163-99H well in the Ambrose-Bakken Pool.

5.

That there are separately owned tracts or interests in the mineral estate and/or leasehold estate in the Section 27.

6.

That a voluntary pooling in the Section 27 has not been accomplished.

DATED this 26 day of August, 2009.

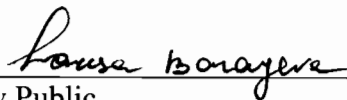


Lee Zink

STATE OF COLORADO)
)ss
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 26 day of August, 2009 by Lee Zink, Landman, of Baytex Energy USA Ltd.





Notary Public
My Commission Expires: 06/27/2013

August 26, 2009

VIA EMAIL

Mr. Bruce Hicks
Assistant Director
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard
Bismarck, North Dakota 58505-0310

RE: CASE NO. 11462
Baytex Energy USA Ltd.

Dear Mr. Hicks:

Please find enclosed herewith for filing a copy of the AFFIDAVIT OF LEE ZINK in regard to the captioned matter. We will forward the original upon receipt of the same.

Thank you for your attention to this matter.

Sincerely,


LAWRENCE BENDER

LB/leo
Enclosure

cc: Mr. Lee Zink - (w/o enc.) *Via Email*
4610690_1.DOC

Attorneys & Advisors
main 701.221.4020
fax 701.221.4040
www.lfcofaw.com

Fredrikson & Byron, P.A.
200 North Third Street, Suite 150
Bismarck, North Dakota
58501-2870

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

CASE NO. 11462

Application of Baytex Energy USA Ltd. for an order pursuant to Section 43-02-03-88.1 of the N.D. Admin. Code pooling all interests in a spacing unit for the Bublitz 27-163-99H well described as Section 27-T163N-R99W, Ambrose-Bakken Pool, Divide County, North Dakota; authorizing the recovery from each nonparticipating owner a risk penalty as provided by Section 38-08-08 of the N.D.C.C. and such other and further relief as is appropriate.

AFFIDAVIT OF LEE ZINK

STATE OF COLORADO)
) ss
COUNTY OF DENVER)

Lee Zink, being first duly sworn, deposes and states as follows:

1.

That I am a Landman for Baytex Energy USA Ltd., 600 17th Street, Suite 1900 South, Denver, Colorado 80202, the applicant in the above-entitled matter.

2.

That in the course of my work as Landman for Baytex, I have become familiar with the mineral ownership and leasehold ownership in and under all of Section 27, Township 163 North, Range 99 West, Divide County, North Dakota ("Section 27"). I am also familiar with all the oil and gas operations which have been conducted by Baytex on the above-described lands.

3.

That Baytex is an owner of an interest in the oil and gas leasehold estate in Section 27.

4.

That all of Section 27 has been designated as the spacing unit for the Bublitz 27-163-99H well in the Ambrose-Bakken Pool.

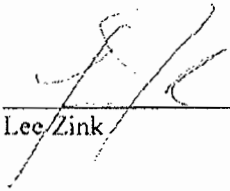
5.

That there are separately owned tracts or interests in the mineral estate and/or leasehold estate in the Section 27.

6.

That a voluntary pooling in the Section 27 has not been accomplished.

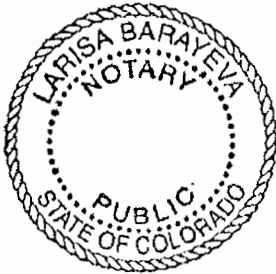
DATED this 26 day of August, 2009.

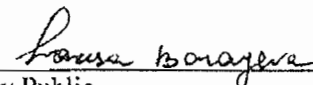


Lee Zink

STATE OF COLORADO)
)ss
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 26 day of August, 2009 by Lee Zink, Landman, of Baytex Energy USA Ltd.





Notary Public
My Commission Expires: 06/27/2013

July 27, 2009

Mr. Bruce Hicks
Assistant Director
North Dakota Industrial Commission
Oil and Gas Division
600 East Boulevard
Bismarck, North Dakota 58505-0310



**RE: APPLICATION OF BAYTEX
ENERGY USA LTD.
Section 27-T163N-R99W, Divide
County, ND**

Dear Mr. Hicks:

Please find enclosed herewith for filing an APPLICATION OF BAYTEX ENERGY USA LTD and NOTICE OF HEARING as described above.

Should you have any questions, please advise.

Sincerely,

A large, bold, handwritten signature in black ink, appearing to read "LB" or "Lawrence Bender".

LAWRENCE BENDER

LB/leo

Enclosure

cc: Ms. Karlene Fine - (w/enc.)
Mr. Lynn Helms - (w/enc.)
Ms. Cynthia Wagner Goulet - (w/enc.) *Via Email*
Mr. Tim Morris - (w/enc.) *Via Email and U.S. Mail*
Mr. Lee Zink - (w/enc.) *Via Email and U.S. Mail*

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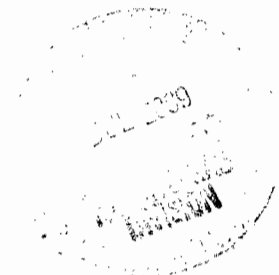
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58501-3879

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

CASE NO. 11462

Application of Baytex Energy USA Ltd. for an order pursuant to Section 43-02-03-88.1 of the N.D. Admin. Code pooling all interests in a spacing unit for the Bublitz 27-163-99H well described as Section 27-T163N-R99W, Ambrose-Bakken Pool, Divide County, North Dakota; authorizing the recovery from each nonparticipating owner a risk penalty as provided by Section 38-08-08 of the N.D.C.C. and such other and further relief as is appropriate.



APPLICATION OF BAYTEX ENERGY USA LTD.

Baytex Energy USA Ltd. ("Baytex"), respectfully shows the North Dakota Industrial Commission ("Commission") as follows:

1.

That Baytex is an owner of an interest in the oil and gas leasehold estate in Section 27, Township 163 North, Range 99 West, Divide County, North Dakota ("Section 27").

2.

That there are separately owned tracts or interests in the mineral estate and/or leasehold estate in Section 27.

3.

That a voluntary pooling of Section 27 has not been accomplished.

4.

That Baytex is the operator of the Bublitz 27-163-99H well drilled or to be drilled in the Northwest Quarter of the Northwest Quarter (NW/4NW/4) of Section 27.

5.

That Section 27 constitutes the spacing unit for the Bublitz 27-163-99H well in the Ambrose-Bakken Pool.

6.

That Section 38-08-08(1) of the North Dakota Century Code provides 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 certain owners of interests in and under Section 27 may have elected not to participate in the drilling and completion operations of the Bublitz 27-163-99H well.

8.

That Section 38-08-08(3) of the North Dakota Century Code provides that if an owner of an interest in a spacing unit elects not to participate in the risk and cost of drilling a well, the owner paying for the nonparticipating owner's share of the drilling and operation of a well may recover from the nonparticipating owner a risk penalty involved in drilling the well.

9.

That Baytex therefore requests that the Commission enter its order pooling all interests in a spacing unit for the Bublitz 27-163-99H well described as Section 27, Township 163 North, Range 99 West, Ambrose-Bakken Pool, Divide County, North Dakota; authorizing the recovery from each nonparticipating owner a risk penalty as provided by Section 38-08-08 of the N.D.C.C. and such other and further relief as is appropriate.

(a) That this matter be set for the regularly scheduled August 2009 hearings of the Commission;

(b) That pursuant to Section 43-02-03-88.2 of the North Dakota Administrative Code, Baytex's witnesses in this matter be allowed to participate by telephonic means; and

(c) That thereafter the Commission issue an order granting the relief requested and such other and further relief as the Commission may deem appropriate.

FREMINGTON & YRON P.A.

By

LAWRENCE BENDER, ND Bar #03908

Attorneys for Applicant

Baytex Energy USA Ltd.

200 North 3rd Street, Suite 150

Post Office Box 18144

Bismarck, North Dakota 58502-18144

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

LAWRENCE BENDER, being first duly sworn on oath, deposes and says that he is the attorney for the applicant named herein, that he has read the foregoing application, knows the contents thereof, and that the same is true to the best of his efforts knowledge and belief.

LAWRENCE FENDER

Subscribed and sworn to before me this 17 day of July, 2009.

Notary Public

My Commission Expires:



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

CASE NO. _____

Application of Baytex Energy USA Ltd. for an order pursuant to Section 43-02-03-88.1 of the N.D. Admin. Code pooling all interests in a spacing unit for the Bublitz 27-163-99H well described as Section 27-T163N-R99W, Ambrose-Bakken Pool, Divide County, North Dakota; authorizing the recovery from each nonparticipating owner a risk penalty as provided by Section 38-08-08 of the N.D.C.C. and such other and further relief as is appropriate.



NOTICE OF HEARING

PLEASE TAKE NOTICE that Baytex Energy USA Ltd. filed the above-referenced application with the North Dakota Industrial Commission.

A hearing will be held at the August 27, 2009 hearings of the Commission, at the Department of Mineral Resources Conference Room, Oil and Gas Division, 1016 East Calgary Avenue, Bismarck, North Dakota, to consider the request of Baytex Energy USA Ltd.

As noted in the attached application, the applicant is requesting the authority to impose a risk penalty against any nonparticipating owner electing not to participate in the drilling of the contemplated well. Any nonparticipating owner may object to the risk penalty by responding in opposition to the application.

DATED this 27 day of July, 2009.

FREDERICKSON & BYRON, P.A.

By  _____
LAWRENCE BENDER, ND Bar #03908

Attorneys for Applicant

Baytex Energy USA Ltd.

200 North 3rd Street, Suite 150

Post Office Box 1855

Bismarck, North Dakota 58502-1855

Ph: (701) 221-4020

**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. Thursday, August 27, 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 Friday, August 14, 2009.

**STATE OF NORTH DAKOTA
TO:**

Case No. 11172: (Continued) Application of North Plains Energy, LLC for an order creating two 1280-acre drilling units for the Bakken Formation consisting of Sections 26 and 27; and Sections 34 and 35, T.160N., R.97W., Divide County, ND, and allowing three horizontal wells 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. 11431: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Bratlien #1-35H, Sections 26 and 35, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 11288: (Continued) Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Myhre #1-18H, Sections 18 and 19, T.160N., R.95W., Stoneview-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 11460: Application of Baytex Energy USA Ltd. for an order extending the field boundaries and amending the field rules for the Ambrose-Bakken Pool so as to create and establish a 640-acre spacing unit comprised of Section 36, T.162N., R.99W, Divide County, ND, authorizing the drilling of one horizontal well on said spacing unit and/or such other and further relief as appropriate.

Case No. 11461: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Fuhrman #36-162-99H, Section 36, T.162N., R.99W, Ambrose-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 11462: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Bublitz #27-163-99H, Section 27, T.163N., R.99W, Ambrose-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other and further relief as is appropriate.

Case No. 11463: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit for the Moe #9-162-98H, Section 9, T.162N., R.98W, Blooming Prairie-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC § 38-08-08 and such other relief as is appropriate.

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

(8-5)

Affidavit of Publication

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 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

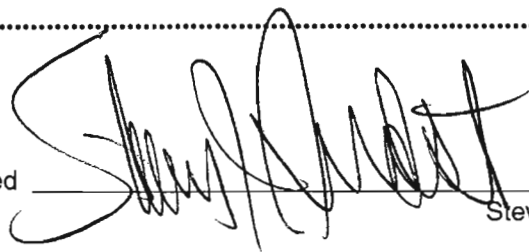
NOTICE OF HEARING

by which is here attached, was published in The Journal on the following dates:

09..... 107 lines @ .59 = 63.13

CHARGE..... \$63.139

Signed



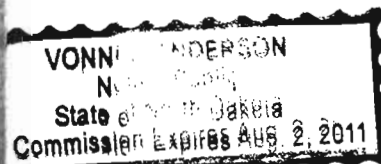
Steven J. Andrist, Publisher

Subscribed and sworn to before me August 5, 2009



Vonni L. Anderson

Notary Public, State of North Dakota
My Commission Expires August 2, 2011



Case No. 11450: Application of XTO Energy Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Marmion #1X-12, Sections 12 and 13, T.154N., R.95W., Bakken Creek-Bakken Pool, Williams County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11451: Application of XTO Energy Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Schetter Federal #1X-28, Sections 21 and 28, T.149N., R.96W., Lost Bridge-Bakken Pool, Dunn County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11452: Application of Sinclair Oil & Gas Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Uran #1-27H, Sections 27 and 34, T.154N., R.93W., Robinson Lake-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 9465: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Sinclair Oil & Gas Co., #6-25 Sartz Federal, Section 36, T.147N., R.98W., McKenzie County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 11453: Application of Sagebrush Resources, LLC for an order authorizing the conversion of the Wright #1, NWNW Section 12, T.163N., R.81W., Kuroki-Midale Unit, Bottineau County, ND, for the injection of fluids in the unitized formation pursuant to NDAC Ch. 43 02 05 and such other relief as is appropriate.

Case No. 11454: Application of Sagebrush Resources, LLC for an order authorizing the conversion of the Wright #3, SWNW of Section 12, T.163N., R.81W., Kuroki-Midale Unit, Bottineau County, ND, for the injection of fluids in the unitized formation pursuant to NDAC Ch. 43 02 05 and such other relief as is appropriate.

Case No. 11455: Application of Sagebrush Resources, LLC for an order authorizing the conversion of the Lodoen #1, SENE of Section 11, T.163N., R.81W., Kuroki-Midale Unit, Bottineau County, ND, for the injection of fluids in the unitized formation pursuant to NDAC Ch. 43 02 05 and such other relief as is appropriate.

Case No. 11456: Application of Sagebrush Resources, LLC for an order authorizing the conversion of the Glessing #1, NESW Section 8, T.161N., R.82W., Renville Field, Bottineau County, ND, for the injection of fluids in the Madison Formation pursuant to NDAC Ch. 43 02 05 and such other relief as is appropriate.

Case No. 11457: Application of Sagebrush Resources, LLC for an order authorizing the conversion of the Rice #3, SWNE Section 8, T.161N., R.82W., Renville Field, Bottineau County, ND, for the injection of fluids in the Madison Formation pursuant to NDAC Ch. 43 02 05 and such other relief as is appropriate.

Case No. 11458: Application of Sagebrush Resources, LLC for an order authorizing the conversion of the Brandt/Nermoe #2-9, NENW Section 9, T.160N., R.78W., Southwest Starbuck-Madison Unit, Bottineau County, ND, for the injection of fluids in the unitized formation pursuant to NDAC Ch. 43 02 05 and such other relief as is appropriate.

Case No. 11459: Application of Sagebrush Resources, LLC for an order authorizing the conversion of the Lervik #1, SWSW of Section 5, T.160N., R.78W., Southwest Starbuck-Madison Unit, Bottineau County, ND, for the injection of fluids in the unitized formation pursuant to NDAC Ch. 43 02 05 and such other relief as is appropriate.

Case No. 11460: Application of Baytex Energy USA Ltd. for an order extending the field boundaries and amending the field rules for the Ambrose-Bakken Pool so as to create and establish a 640-acre spacing unit comprised of Section 36, T.162N., R.99W., Divide County, ND, authorizing the drilling of one horizontal well on said spacing unit and/or such other and further relief as is appropriate.

Case No. 11461: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Fuhrman #36-162-99H, Section 36, T.162N., R.99W., Ambrose-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11462: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Bublitz #27-163-99H, Section 27, T.163N., R.99W., Ambrose-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other and further relief as is appropriate.

Case No. 11463: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Moe #9-162-98H, Section 9, T.162N., R.98W., Blooming Prairie-Bakken Pool, Divide County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11464: Application of Encore Operating, LP for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Wild Turkey Federal #1-22H, Section 22, T.148N., R.96W., Bear Creek-Bakken Pool, Dunn County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11465: Application of Encore Operating, LP for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Tysver Federal #44-10H, Section 10, T.147N., R.96W., Bear Creek-Bakken Pool, Dunn County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11466: Application of Encore Operating, LP for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Rogne #11-35H, Section 35, T.145N., R.95W., Murphy Creek-Bakken Pool, Dunn County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11467: Application of Encore Operating, LP for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Rogne #44-34H, Section 34, T.145N., R.95W., Murphy Creek-Bakken Pool, Dunn County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11468: Application of G3 Operating, LLC for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Ogre #1-24, Section 24, T.139N., R.93W., Taylor-Winnipeg Pool, Stark County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11469: Application of Spotted Hawk Development, LLC for an order creating a 1280-acre drilling unit comprised of Sections 25 and 26, T.150N., R.91W., Dunn and McLean Counties, ND, authorizing the drilling of a horizontal well within said drilling unit at a location not less than 500

feet from the boundary of said drilling unit and such other and further relief.

Case No. 11470: Application of Hunt Oil Co. for an order extending the field boundaries and amending the field rules for the Ross-Bakken Pool to create and establish a 1280-acre spacing unit comprised of Sections 11 and 14, T.156N., R.90W., Mountrail County, ND; authorizing the drilling of one horizontal well on said spacing unit and such other relief as is appropriate.

Case No. 11471: Application of Hunt Oil Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Trulson #1-14-11H, Sections 11 and 14, T.156N., R.90W., Ross-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11472: Application of Hunt Oil Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Nichols #10-15H, Sections 10 and 15, T.156N., R.90W., Ross-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11473: Application of Hunt Oil Co. for an order amending the field rules for the Parshall-Bakken Pool to create a 1280-acre spacing unit comprised of Sections 4 and 9, T.153N., R.89W., Mountrail County, ND; authorizing the drilling of a horizontal well within said spacing unit not less than 500 feet to the boundary of said spacing unit and such other relief as is appropriate.

Case No. 11474: Application of Hunt Oil Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Hance #1-9-4H, Sections 4 and 9, T.153N., R.89W., Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11475: Application of Hunt Oil Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Meyer #31-30H, Sections 30 and 31, T.155N., R.89W., Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11476: Application of Hunt Oil Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Lee #5 8H, Sections 5 and 8, T.154N., R.89W., Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11477: Application of Hunt Oil Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Patten #33-34H, Sections 33 and 34, T.153N., R.89W., Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11478: Application of Hunt Oil Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Bartelson #1-33H, Section 33, T.154N., R.89W., Parshall-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11479: Application of Hunt Oil Co. for an order creating a 1280-acre drilling or spacing unit comprised of Sections 13 and 24, T.146N., R.93W., Dunn County, ND; authorizing the drilling of a horizontal well within said drilling or spacing unit at a location not less than 500 feet from the boundary of said drilling or spacing unit and such other relief as is appropriate.

Case No. 11480: Application of Hunt Oil Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Cook #24-13H, Sections 13 and 24, T.146N., R.93W., in an unnamed Bakken Pool, Dunn County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11305: (Continued) Proper spacing for the development of the Spiral-Bakken Pool, Burke County, ND; redefine the field limits, and enact such special field rules as may be necessary. Eagle Operating, Inc.

Case No. 11381: Application of Samson Resources Co. for an order authorizing the flaring of gas from the Gas #31-161-92H well, Lot 1, Section 31, T.161N., R.92W., Burke County, ND, Foothills-Bakken Pool, pursuant to the provisions of NDCC / 38-08-06.4 and such other relief as is appropriate.

Case No. 11482: Temporary spacing to develop an oil and/or gas pool discovered by the EOG Resources, Inc. #3-04H Ross, Lot 3, Section 4, T.156N., R.92W., Mountrail County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 11483: Application of EOG Resources, Inc. for an order suspending and, after hearing, revoking the permit issued to Lario Oil and Gas Co. to drill the Olson Trust #1-8H well (File No. 17542), with a surface location in the SESE of Section 8, T.155N., R.90W., Mountrail County, ND, and such other relief as is appropriate.

Case No. 11484: Application of EOG Resources, Inc. for an order pursuant to NDAC / 43-02-03-88.1 authorizing the conversion to saltwater disposal into the Dakota Group of the Sidonia #100-06 well, SWNE Section 6, T.158N., R.90W., Mountrail County, ND; pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 11389: (Continued) Application of EOG Resources, Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Cottonwood #1-22H, Section 22, T.157N., R.92W., Cottonwood-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11485: Application of EOG Resources, Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit described as Section 36, T.159N., R.90W., Thompson Lake-Bakken Pool, Burke County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11486: Application of EOG Resources, Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit described as Section 35, T.159N., R.90W., Thompson Lake-Bakken Pool, Burke County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11487: Application of EOG Resources, Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit described as Section 34, T.159N., R.90W., Thompson Lake-Bakken Pool, Burke County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

NDAC / 43-02-03-88.1 pooling all interests in a spacing unit described as Section 24, T159N, R90W, Thompson Lake Bakken Pool, Burke County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Resources, Inc. for an order pursuant to NDCC / 43-02-03-88-1 pooling all interests in a spacing unit described as Section T.157N, R.92W., Cottonwood, Alger, Ross-Bakken Pool, Mountrail County, N.D., authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Resources, Inc. for an order pursuant to NDCC / 43-02-03-88:1 pooling all interests in a spacing unit, described as Section T.157N, R.89W, Clear Water-Bakken Pool, Mountrail County, ND; authorizing recovery from each nonparticipating owner a risk penalty as provided by NDCC / 48-08 and such other relief as is appropriate.

Resources, Inc. for an order pursuant to NDAC / 43-02-03-88, I pooling all interests in a spacing unit described as Section 16, T.156N., R.92W., Cottonwood, Alger, or Ross-Bakken Pool, Mountrail County, ND; authorizing the recovery from each nonparticipating owner a risk penalty as provided

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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. Thursday, August 27, 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 Friday, August 14, 2009.

STATE OF NORTH DAKOTA TO:

Case No. 11424: Application of TRZ Energy, LLC and Tracker Resource Development II, LLC for an order suspending and, after hearing, revoking the permit issued to XTO Energy, Inc. to drill the Bice Federal #14X-6 well (File No. 18197), with a surface location in Lot 7, Section 6, T.147N., R.96W., Dunn County, ND and such other relief as is appropriate.

Case No. 11425: Application of North Plains Energy, LLC for an order amending Order No. 13333 to create three 1280-acre drilling units for the Bakken Formation consisting of Sections 5 and 6; Sections 7 and 8; Sections 9 and 10, T.153N., R.96W., McKenzie County, ND, and allowing one 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. 11172: (Continued) Application of North Plains Energy, LLC for an order creating two 1280-acre drilling units for the Bakken Formation consisting of Sections 26 and 27; and Sections 34 and 35, T.160N., R.97W., Divide County, ND, and allowing three horizontal wells 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. 11173: (Continued) Application of North Plains Energy, LLC for an order creating eight 1280-acre drilling units for the Bakken Formation consisting of Sections 6 and 7; Sections 17 and 20; Sections 18 and 19, T.154N., R.97W., and Sections 13 and 24; Sections 15 and 22; Sections 21 and 28; Sections 26 and 35; Sections 27 and 34, T.154N., R.98W., Williams County, ND, and allowing three horizontal wells 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. 11426: In the matter of a hearing called on a motion of the Commission to consider the establishment or altering of drilling or spacing units in the Bakken Pool in and around Sections 19 and 30, T.157N., R.91W., Mountrail County, ND and such other relief as is appropriate.

Case No. 11427: Application of Anschutz Exploration Corp. for an order suspending and, after hearing, revoking the permit issued to Burlington Resources Oil & Gas Co., LP to drill the Conway #34-13H well (File No. 18093), with a surface location in the SWSE of Section 13, T.143N., R.96W., Dunn County, ND and for such other relief as is appropriate.

Case No. 11428: Proper spacing for the development of the Charlie Bob-Bakken Pool, McKenzie County, ND, redefine the field limits, and enact such special field rules as may be necessary. Continental Resources, Inc.

Case No. 11429: Application of Continental Resources, Inc. for an order suspending and, after hearing, revoking the permit issued to Marathon Oil Co. to drill the Jacqueline Olson #14-16H well (File No. 17999), with a surface location in the SWSW of Section 16, T.145N., R.96W., Dunn County, ND and such other relief as is appropriate.

Case No. 11430: Application of Continental Resources, Inc. for an order suspending and, after hearing, revoking the permit issued to Hess Corporation to drill the HA-Link-152-95 #3526H-1 well (File No. 18145), with a surface location in the SWSE of Section 35, T.152N., R.95W., McKenzie County, ND and such other relief as is appropriate.

Case No. 11431: Application of Continental Resources, Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Bratlen #1-35H, Sections 26 and 35, T.161N., R.95W., Sadler-Bakken Pool, Divide County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11432: Application of Continental Resources, Inc. for an order allowing the production from the following wells: Jorgensen #21-4 NH, NENW, Section 4; Jorgensen #21-4 SH, NENW, Section 4; Beulah #21-5NH, NENW, Section 5; Beulah #21-5 SH, NENW, Section 5; Holecek #12-17NH, SWNW, Section 17, all in T.129N., R.104W.; Marsha #34-34NH, SWSE, Section 34; Marsha #34-34SH, SWSE, Section 34; Graham #43-95SH, NESE, Section 35, all in T.130N., R.104W., Bowman County, ND, Medicine Pole Hills West-Red River Unit and/or Medicine Pole Hills South-Red River "B" Unit to be produced into the Beulah Central Tank Battery or Production Facility located in Section 4, T.129N., R.104W., Bowman County, ND, as an exception to the provisions of NDAC // 43-02-03-48 and 43-02-03-48.1 and such other relief as is appropriate.

Case No. 11286: (Continued) Application of Continental Resources, Inc. for an order to establish temporary spacing for the McCoy #1-18H, NWNE of Section 18, T.159N., R.95W., Williams County, ND and such other relief as is appropriate.

Case No. 11287: (Continued) Application of Continental Resources, Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the McCoy #1-18H, Sections 18 and 19, T.159N., R.95W., Northwest McGregor-Bakken Pool, Williams County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11288: (Continued) Application of Continental Resources, Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Myhre #1-18H, Sections 18 and 19, T.160N., R.95W., Stoneview-Bakken Pool, Divide County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11289: (Continued) Application of Continental Resources, Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Bohmbach #1-35H, Sections 26 and 35, T.153N., R.94W., Elm Tree-Bakken Pool, McKenzie County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11183: (Continued) Application of Continental Resources, Inc. for an order extending the field boundaries and amending the field rules for the Temple-Bakken Pool or the Northwest McGregor-Bakken Pool so as to create and establish a 1280-acre spacing unit comprised of Sections 1 and 12, T.159N., R.96W., Williams County, ND, authorizing the drilling of one horizontal well on said spacing unit and such other relief as is appropriate.

Case No. 11184: (Continued) Application of Continental Resources, Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Leonard #1-1H, Sections 1 and 12, T.159N., R.96W., Temple or the Northwest McGregor-Bakken Pool, Williams County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11433: Temporary spacing to develop an oil and/or gas pool discovered by the Newfield

Production Co. #1-4H Wisnes, SESE Section 4, T.152N., R.96W., McKenzie County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 11434: Application of Newfield Production Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Wisnes #1-4H, Section 4, T.152N., R.96W., Westberg-Bakken Pool, McKenzie County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11435: Application of Newfield Production Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Rolfsrud #1-32H, Section 32, T.152N., R.96W., Westberg-Bakken Pool, McKenzie County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11436: Application of Newfield Production Co. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Jorgenson #1-4H, Section 4, T.148N., R.96W., Lost Bridge-Bakken Pool, Dunn County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.

Case No. 11437: Temporary spacing to develop an oil and/or gas pool discovered by the Zenergy Op. Co., LLC #2-1H Dakota-3 TAT (714A), Lot 2, Section 1, T.148N., R.95W., Dunn County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 11438: Application of Zenergy, Inc. for an order creating a 1280-acre drilling unit comprised of Sections 7 and 8, T.150N., R.91W., McLean County, ND, authorizing the drilling of a horizontal well within said drilling unit at a location not less than 500 feet from the boundary of said drilling unit and such other and further relief.

Case No. 11439: Temporary spacing to develop an oil and/or gas pool discovered by the Slawson Expl. Co., Inc. #1-4H Wolf, SESE Section 4, T.151N., R.92W., Mountrail County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 11440: Temporary spacing to develop an oil and/or gas pool discovered by the Slawson Expl. Co., Inc. #1-20H Mamba, SWSE Section 20, T.152N., R.91W., Mountrail County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 11441: Application of Slawson Exploration Co., Inc. for an order extending the field boundaries and/or amending the field rules for the Parshall-Bakken Pool and/or Sanish-Bakken Pool to create and establish two 1280-acre spacing units comprised of Sections 2 and 3, T.151N., R.91W., and Section 4, T.151N., R.91W., and Section 33, T.152N., R.91W., Mountrail County, ND, authorizing the drilling of one horizontal well on each spacing unit and such other relief as is appropriate.

Case No. 11442: Application of Slawson Exploration Co., Inc. for an order creating a 1280-acre drilling unit comprised of Sections 23 and 26, T.152N., R.92W., Mountrail County, ND, authorizing the drilling of a horizontal well within said drilling unit at a location not less than 500 feet from the boundary of said drilling unit and such other relief as is appropriate.

Case No. 11443: Application of Slawson Exploration Co., Inc. for an order amending the field rules for the Parshall-Bakken Pool to create a 1280-acre spacing unit comprised of Sections 27 and 34,

T.152N., R.91W., Mountrail County, ND, authorizing the drilling of a horizontal well within said spacing unit not less than 500 feet to the boundary of said spacing unit and providing such further and additional relief as the Commission deems appropriate.

Case No. 11444: Application of Slawson Exploration Co., Inc. for an order extending the field boundaries and amending the field rules for the Van Hook-Bakken Pool to create and establish a 1280-acre spacing unit comprised of Sections 22 and 27, T.152N., R.92W., Mountrail County, ND, authorizing the drilling of one horizontal well on said spacing unit and such other relief as is appropriate.

Case No. 11292: (Continued) Application of Slawson Exploration Co., Inc. for an order amending any previous orders for the Big Bend-Bakken Pool to create two 640-acre spacing units comprised of Section 1 and Section 12, T.151N., R.93W., Mountrail County, ND, authorizing the drilling of one horizontal well within said spacing unit not less than 500 feet to the boundary of the spacing unit and providing such further and additional relief.

Case No. 10792: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Tracker Resource Development II, LLC, #13-1H Dressler, NENW Section 13, T.142N., R.92W., Dunn County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 11445: Application of XTO Energy, Inc. for an order authorizing the drilling, completing and producing of an increase density well on each 1280-acre spacing unit described as Sections 15 and 16; Sections 23 and 26, T.155N., R.95W., and Section 1, T.154N., R.96W., and Section 36, T.155N., R.96W., Capa-Bakken Pool, Williams County, ND and such other relief as is appropriate.

Case No. 11446: Application of XTO Energy, Inc. for an order authorizing the drilling, completing and producing of an increase density well on a 640-acre spacing unit described as Section 35, T.155N., R.95W., Alkali Creek-Bakken Pool, Williams County, ND and such other relief as is appropriate.

Case No. 11447: Application of XTO Energy, Inc. for an order extending the field boundaries and amending the field rules for the Heart Butte-Bakken Pool to create and establish eighteen 1280-acre spacing units comprised of Sections 1 and 2; Sections 9 and 16; Sections 10 and 15; Sections 11 and 14, T.148N., R.92W.; Sections 5 and 8; Sections 7 and 18; Sections 16 and 21; Sections 17 and 20; Sections 19 and 30; Sections 28 and 33; Sections 29 and 32, T.149N., R.91W.; Sections 10 and 15; Sections 11 and 14; Sections 12 and 13; Sections 22 and 27; Sections 23 and 26; Sections 24 and 25, T.149N., R.92W.; and Section 3, T.148N., R.92W., and W/2 of Section 31, T.149N., R.91W., and E/2 of Section 36, T.149N., R.92W.; one 640-acre spacing unit comprised of the E/2 of Section 4, T.148N., R.92W., and the W/2 of Section 36, T.149N., R.92W.; and one 320-acre spacing unit comprised of the E/2 of Section 31, T.149N., R.91W., Dunn County, ND, authorizing the drilling of one horizontal well on each spacing unit and such other relief as is appropriate.

Case No. 11448: Application of XTO Energy, Inc. for an order extending the field boundaries and amending the field rules for the Haystack Butte-Bakken Pool to create and establish a 1280-acre spacing unit comprised of Sections 19 and 30, T.148N., R.97W., Dunn County, ND, authorizing the drilling of one horizontal well on said spacing unit and/or such other and further relief as is appropriate.

Case No. 11449: Application of XTO Energy, Inc. for an order pursuant to NDAC / 43-02-03-88.1 pooling all interests in a spacing unit for the Smouse #31X-23, Sections 28 and 33, T.155N., R.96W., West Capa-Bakken Pool, Williams County, ND, authorizing the recovery from each nonparticipating owner a risk penalty as provided by NDCC / 38-08-08 and such other relief as is appropriate.