

BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA

CASE NO. 15982

ORDER NO. 18245

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
AUTHORIZING THE FLARING OF GAS FROM
THE HAUGENOE #15-162-99H WELL
LOCATED IN THE NWNW OF SECTION 15,
T.162N., R.99W., DIVIDE COUNTY, ND,
AMBROSE-BAKKEN POOL, AS AN
EXCEPTION TO THE PROVISIONS OF NDCC §
38-08-06.4 AND SUCH OTHER RELIEF AS IS
APPROPRIATE.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

- (1) This cause came on for hearing at 9:00 a.m. on the 27th day of October, 2011.
- (2) The hearing examiner left the record open to allow Baytex Energy USA Ltd (Baytex) to provide supplemental information in support of this application. The Commission received such information on June 12, 2012 and the record was closed.
- (3) The Commission received an application from Baytex on September 26, 2011 for an order pursuant to North Dakota Administrative Code (NDAC) Section 43-02-03-88.1 authorizing the flaring of gas from the Haugenoe #15-162-99H well located in the NW/4 NW/4 of Section 15, Township 162 North, Range 99 West, Divide County, North Dakota, Ambrose-Bakken Pool, as an exemption to the provisions of North Dakota Century Code (NDCC) Section 38-08-06.4 and such other relief as is appropriate.
- (4) Pursuant to NDAC Section 43-02-03-88.1, the Director is authorized to sign, on behalf of the Commission, orders relating to, inter alia, flaring exemptions under NDCC Section 38-08-06.4 and under NDAC Section 43-02-03-60.2.
- (5) NDCC Section 38-08-06.4 states:

As permitted under rules of the industrial commission, gas produced with crude oil from an oil well may be flared during a one-year period from the date of first production from the well. Thereafter, flaring of gas from the well must cease and the well must be capped, connected to a gas gathering line, or equipped with an

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

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

<u>File #</u>	<u>Well Name & Number</u>	<u>Location</u>
18978	Haugenoe #15-162-99H	NW/4NW/4 Section 15-T162N-R99W

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

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

(9) The well is not connected to a gas gathering facility and evidence presented to the Commission indicates that the well currently produces approximately 30 MCF per day of surplus gas.

(10) The well is located approximately 11.5 miles to the nearest gas gathering system with sufficient capacity to market the surplus gas. The Commission notes there are gas gathering pipelines located approximately 4 miles to the northwest and 6 miles to the northeast of the well, although they are currently operating at full capacity.

(11) Baytex has submitted evidence that under current market conditions the surplus casinghead gas presently being produced by the well and the estimated recoverable reserves of surplus gas from the well is insufficient to recoup the costs of installing and operating a gas gathering facility.

(12) Baytex has investigated the possibility of equipping the well with an electrical generator. It is not economic to purchase, installation, connection and operate an electric generator fueled by produced casinghead gas. The Commission concludes that equipping the well with an electrical generator to produce electricity from the gas is economically infeasible.

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

(14) Considering the amount of surplus gas being produced by the well, the amount of estimated recoverable reserves from the well, and the cost to connect the well to a gas pipeline, it is not economic at this time to connect the well to a gas gathering facility or an electrical generator.

(15) Baytex has entered into a contract with a gas gatherer that plans to install a new 270-mile gas gathering system in Divide County that should be operational in 2013.

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

IT IS THEREFORE ORDERED:

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

<u>File #</u>	<u>Well Name & Number</u>	<u>Location</u>
18978	Haugenoe #15-162-99H	NW/4NW/4 Section 15-T162N-R99W

(2) This order is effective as of September 26, 2011 and shall remain in full force and effect until further order of the Commission.

Dated this 18th day of July, 2014.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director

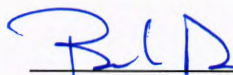
STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

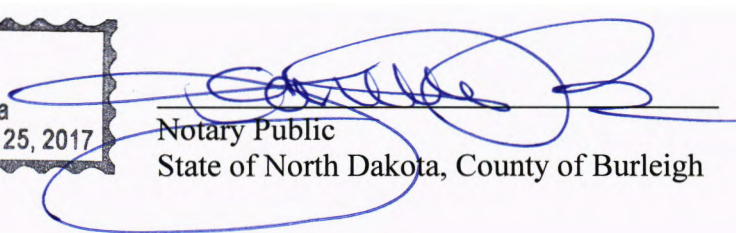
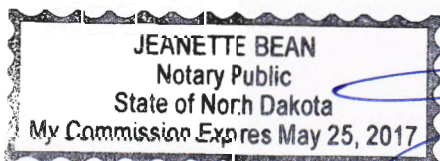
I, Belinda Dickson, being duly sworn upon oath, depose and say: That on the 25th day of July, 2014 enclosed in separate envelopes true and correct copies of the attached Order No. 18245 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 15982:

LAWRENCE BENDER
FREDRIKSON & BYRON
PO BOX 1855
BISMARCK ND 58502



Belinda Dickson
Oil & Gas Division

On this 25th day of July, 2014 before me personally appeared Belinda Dickson 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

Kadrmass, Bethany R.

From: Entzi-Odden, Lyn <lodden@fredlaw.com>
Sent: Tuesday, June 12, 2012 2:07 PM
To: Hicks, Bruce E.
Cc: Randy.Verret@baytexenergyusa.com; Bender, Lawrence; Kadrmass, Bethany R.
Subject: Baytex flaring cases - Oct. 27 2011 docket
Attachments: Baytex flarings_001.pdf

Bruce,

Please see the attached letter.

Lyn Entzi-Odden

Executive Legal Assistant to Lawrence Bender

Fredrikson & Byron, P.A.

200 North Third Street, Suite 150

Bismarck, ND 58502

Ph: 701-221-4020

Fx: 701-221-4040

lodden@fredlaw.com

This is a transmission from the law firm of Fredrikson & Byron, P.A. and may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at our telephone number (612) 492-7000. The name and biographical data provided above are for informational purposes only and are not intended to be a signature or other indication of an intent by the sender to authenticate the contents of this electronic message.



June 12, 2012

VIA EMAIL

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

**RE: BAYTEX ENERGY USA LTD.
Cases 15979, 15980, 15981, 15982,
15983, 15984, 15985, 15986 and 15987
October 27, 2011 Docket**

Dear Bruce:

I am writing on behalf of my client, Baytex Energy USA Ltd., in follow-up to your requests for additional information with regard to the captioned pending gas flaring applications.

Baytex's response with regard to each case is identical and is as follows:

1. Baytex is currently not aware of an electrical generation system that can operate economically on gas volumes less than 35 mcf/day. Research indicates that a 100KW generator would require a minimum volume of 45 mcf/day. If other potential systems are currently available, then Baytex would welcome information regarding same.
2. The economic analysis was only carried out 10 years as the anticipated volume of any excess gas was considered irrelevant to potentially run any type of generator past that point. With the pump jack engine requiring 20-25 mcf/day to operate, no additional gas would be reasonably expected to be available given well

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

performance to date. Please refer to additional comments (below) as to Baytex's ongoing electrification program in Divide County.

3. As Baytex has limited well performance (to date) to provide a basis for economic limits on a per well basis, it is using a projected model of 170MMCF per well at this time. Until more wells are completed and more data is accumulated, this is, in Baytex's view, a reasonable estimate of ultimate recovery.
4. In each case, the correct calculation of total production tax is \$19,550 ($\$0.115 \times 170,000$ mcf) as a mathematical error occurred.
5. Although the total of the gross value of gas will need to be adjusted (upward) due to the tax error cited above, this single component does not provide a significant enough change to any economic case to eliminate an undiscounted loss when gas pipeline hook-up and electrical options are fully considered.
6. The nearest gas pipeline with sufficient capacity to any of Baytex's wells is Amerada Hess over on the east side of Plumer Township (T161N-R98W) which connects its Moraine 211-1H and Nordstog 14-23 wells.
7. Baytex's understanding in the field is the gas lines identified as 4-6 miles from its well locations do not have sufficient capacity to handle additional gas from Baytex. Those systems are full, to the best of Baytex's knowledge.
8. Baytex is working on a comprehensive gas gathering system as outlined below.
9. Baytex is not in position nor does it have the resources to be a gas gatherer. Although these gas flaring applications happen to be in Ambrose Field and (more or less) in close proximity, they do not reflect the more recent development and broader geographic distribution of Baytex's wells as its drilling and development program has evolved. Baytex has dealt with each well individually and the "big picture" will be addressed regarding its recent gathering contract with OneOK as explained below.
10. Baytex and its partner, Samson Resources, have been working in good faith for over a year to negotiate a comprehensive gas gathering system to service its AMI area in Divide County. As a result, Baytex has entered into a contract with OneOK Partners, L.P. from Tulsa, Oklahoma to install a 270 mile system at an investment of \$140- \$160MM to gather gas in Divide County.

11. Baytex has been negotiating with Burke-Divide Coop since the first of this year regarding a multi-step process to install three-phase power for both Baytex and Samson to its acreage block in Divide County. In phase 1 for Baytex, we anticipate the power company will have a new transmission line completed in 4th quarter of 2012 to an electrical substation in Troy Township (T162N-R98W). This will provide the ability to connect (initially) 14 Baytex wells in this first step. After significant improvements to a second substation in Burg Township (T161N-R99W), Baytex will be able to then look at connecting additional Baytex and Samson wells on the westernmost boundary of the Burke Divide service area. Given the wide geographic distribution of the wells and cost of \$70,000/mile to connect to three phase power, this will be an ongoing process over the next several years to judiciously plan and implement a "grid" across the Baytex/Samson leasehold in this remote service area.

Based on the facts presented for the specific cases above and Baytex's attempts with regard to both the gas gathering and electrification challenges faced in Divide County, Baytex does not believe any reasonable analysis would indicate that Baytex is not deserving of immediate approval of the captioned gas flaring applications.

Should you have any questions, please advise.

Sincerely,



LAWRENCE BENDER

LB/leo

cc: Mr. Randy Verret -- (w/enc.) *Via Email*

5127766_1.DOC

Kadrmass, Bethany R.

From: Hicks, Bruce E.
Sent: Monday, April 09, 2012 3:49 PM
To: Lawrence Bender
Cc: Gibson, Melissa; Kadrmass, Bethany R.
Subject: Case 15982: 38-08-06.4, Baytex

Mr. Bender,

Case 15982 appeared on the Commission's October 27, 2011 docket. This was an application of Baytex Energy USA LTD for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Haugenoe #15-162-99H well located in the NWNW of Section 15, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

The Commission has the following questions concerning the affidavit Ward Rikala submitted on October 25, 2011 in support of Case 15982:

1. Baytex indicates an electric generator fueled by gas produced by the Haugenoe #15-162-99H well (File #18978) is not applicable as gas available as fuel at 30 mcfpd is insufficient to power an electric generator of any significance.
 - a. It appears from the affidavit that an electric generator is available that could operate on 30 mcfpd. The Commission needs economic information on such connection.
 - b. Why is the economic analysis only considered for a 10-yr period?
2. Baytex estimated the ultimate recoverable gas reserves for the well at 170 MMCF, which was identical for Cases 15981-15986 (other Ambrose flaring cases on the docket).
 - a. Why wasn't the ultimate recovery calculated based upon an economic limit for each individual well?
3. The calculation of total gas production tax is \$96,400.
 - a. It appears this calculation is in error since a tax rate of \$0.115/mcf X ultimate recovery of 170,000 mcf = \$19,550, not \$96,400.
 - b. The total gross value of the gas reserves will be incorrect if the tax is incorrect.
4. Baytex estimated the distance to the nearest connection point to a gas gathering facility with sufficient capacity to market the gas to be 13.5 miles.
 - a. There are wells as close as 4 miles to the NNW that are connected to a gasline. Why can't this well be connected to the same system?
 - b. There are wells as close as 6 miles to the NE that are connected to a gasline. Why can't this well be connected to the same system?
5. Baytex conducted an economic analysis on each well individually assuming the entire cost of bringing a gasline into the Ambrose field had to be paid by the single well.
 - a. Cases 15981-15986 are Baytex applications all in the Ambrose Field in close proximity to one another. Why wasn't the cost to bring the main gasline into the field evaluated using all surplus gas produced in the Ambrose Field?

Sincerely,

Bruce E. Hicks

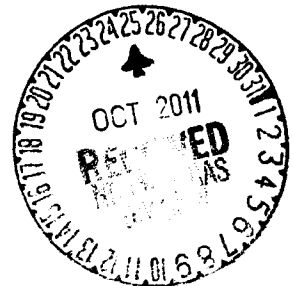
Assistant Director
Oil and Gas Division
Dept of Mineral Resources
North Dakota Industrial Commission

Fredrikson

& BYRON, P.A.

October 24, 2011

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



RE: CASE NO. 15982
Baytex Energy USA Ltd.

Dear Mr. Hicks:

Please find enclosed herewith the original AFFIDAVIT OF WARD RIKALA in regard to the captioned matter for filing.

Thank you for your attention to this matter.

Sincerely,

LAWRENCE BENDER

LB/leo

Enclosure

cc: Mr. Randy Verret - (w/o enc.) *Via Email*

4962273_1.DOC

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. 15982

Application of Baytex Energy USA Ltd. for an order pursuant to N.D.A.C. § 43-02-03-88.1 authorizing the flaring of gas from the Haugenoe 15-162-99H well located in the NW/4NW/4 of Section 15, Township 162 North, Range 99 West, Divide County, North Dakota, Ambrose-Bakken Pool, as an exception to the provisions of N.D.C.C. § 38-08-06.4 or such further and additional relief.



AFFIDAVIT OF WARD RIKALA

STATE OF COLORADO)
) ss
COUNTY OF DENVER)

Ward Rikala, being first duly sworn, deposes and states as follows:

1.

That I am the Production Manager for Baytex Energy USA Ltd., 600 17th Street, Suite 1600S, Denver, CO 80202, the applicant in the above-entitled matter.

2.

That I have prepared or had prepared under my control and supervision the attached exhibit.

3.

That to the best of my knowledge and belief, the information contained on the attached exhibit is true and correct.

4.

That attached as Exhibit No. 1 is a plat showing the area around the Haugenoe 15-162-99H well. Shown on the plat is a line depicting the field limits of the Ambrose-Bakken Pool, as defined by the North Dakota Industrial Commission. Also displayed on the plat is the location of the Haugenoe 15-162-99H well located in Section 15, Township 162 North, Range 99 West, Divide County, North Dakota.

5.

That Baytex is currently the operator of the Haugenoe 15-162-99H well, said well having been completed and producing in the Ambrose-Bakken Pool.

6.

That to the best of my information, knowledge, and belief, the Haugenoe 15-162-99H well was completed as a producer on or about **November 8, 2010**.

7.

That to the best of my knowledge and belief, gas produced from the Haugenoe 15-162-99H well from the Ambrose-Bakken Pool does not contain any H₂S and is considered sweet gas.

8.

That to the best of my knowledge and belief, the current average daily rate of gas being produced from the Haugenoe 15-162-99H well is approximately 50 MCFD.

9.

That the Haugenoe 15-162-99H well is currently not connected to gas gathering facility.

10.

That to the best of my knowledge, belief and information, the costs associated with the purchase, installation, connection and operation of an electric generator fueled by gas produced from the Haugenoe 15-162-99H well is not applicable as gas available as fuel at 30 MCF/day is insufficient to power an electric generator of any significance.

11.

That to the best of my knowledge, belief and information, the projected revenue received from sale of electricity produced from the electric generator fueled by gas produced from the Haugenoe 15-162-99H well over a ten (10) year period is not applicable in this case.

12.

That requiring the installation and operation of an electric generator fueled by the gas produced from the Haugenoe 15-162-99H well is not mechanically or economically justifiable.

13.

That to the best of my knowledge and belief, the total amount of gas from the Haugenoe 15-162-99H well not being used for lease use and available for sale is approximately 30 MCFD.

14.

That gas produced in association with oil produced from the Haugenoe 15-162-99H well and not utilized for lease use is currently being flared.

15.

That Baytex estimates the ultimate recoverable gas reserves from the Haugenoe 15-162-99H well to be 170 MMCF of gas, produced over a 30 year well life.

16.

That based upon the sale of gas from other wells connected to the nearest gathering system with sufficient capacity to service the Haugenoe 15-162-99H well, if said well were connected to a gas gathering facility, it is anticipated that said gas would have a value of \$4.93/MCF.

17.

That based upon the aforementioned price of \$4.93/MCF, the gross value of the recoverable gas reserves from the Haugenoe 15-162-99H well is estimated to be \$838,100.

18.

That based upon a royalty rate for the Haugenoe 15-162-99H well of 20% and a gas production tax of \$0.115/MCF, Baytex estimates the royalty and production tax burden for the total (gross) gas produced from the well would be approximately \$167,000 and \$96,400, respectively.

19.

That the total (undiscounted) gross value of the gas reserves of the Haugenoe 15-162-99H well to the working interest owners, after deducting royalty and production taxes, is approximately \$574,000.

20.

That to the best of my knowledge and belief, the Haugenoe 15-162-99H well is located approximately 11.5 miles from the nearest connection point to a gas gathering facility with sufficient capacity to market the gas.

21.

That based upon the operations of other operators in and near the area of the Haugenoe 15-162-99H well, the cost associated with the purchase and installation of a two inch pipeline from the

well to the nearest connection point to a gas gathering facility is approximately \$100,000 per mile.

In this case, the total cost would be approximately \$1,155,000, inclusive of a gas meter.

22.

That based upon the differential between the value of the gas and the cost to install and operate the pipeline required for delivery of gas to a gas gathering system, requiring to connect the Haugenoe 15-162-99H well to gas gathering system would result in an undiscounted loss of approximately \$581,000.

23.

That based upon my knowledge and belief, the low volumes of gas produced from the Haugenoe 15-162-99H well make it economically infeasible at the present time or in the foreseeable future to connect the Haugenoe 15-162-99H well to a gas gathering facility.

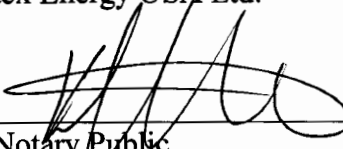
DATED this 19th day of October, 2011.


Ward Rikala

STATE OF COLORADO)
)ss
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 19th day of October, 2011, by October, Production Manager, of Baytex Energy USA Ltd.




Notary Public
My Commission Expires: 12/15/13

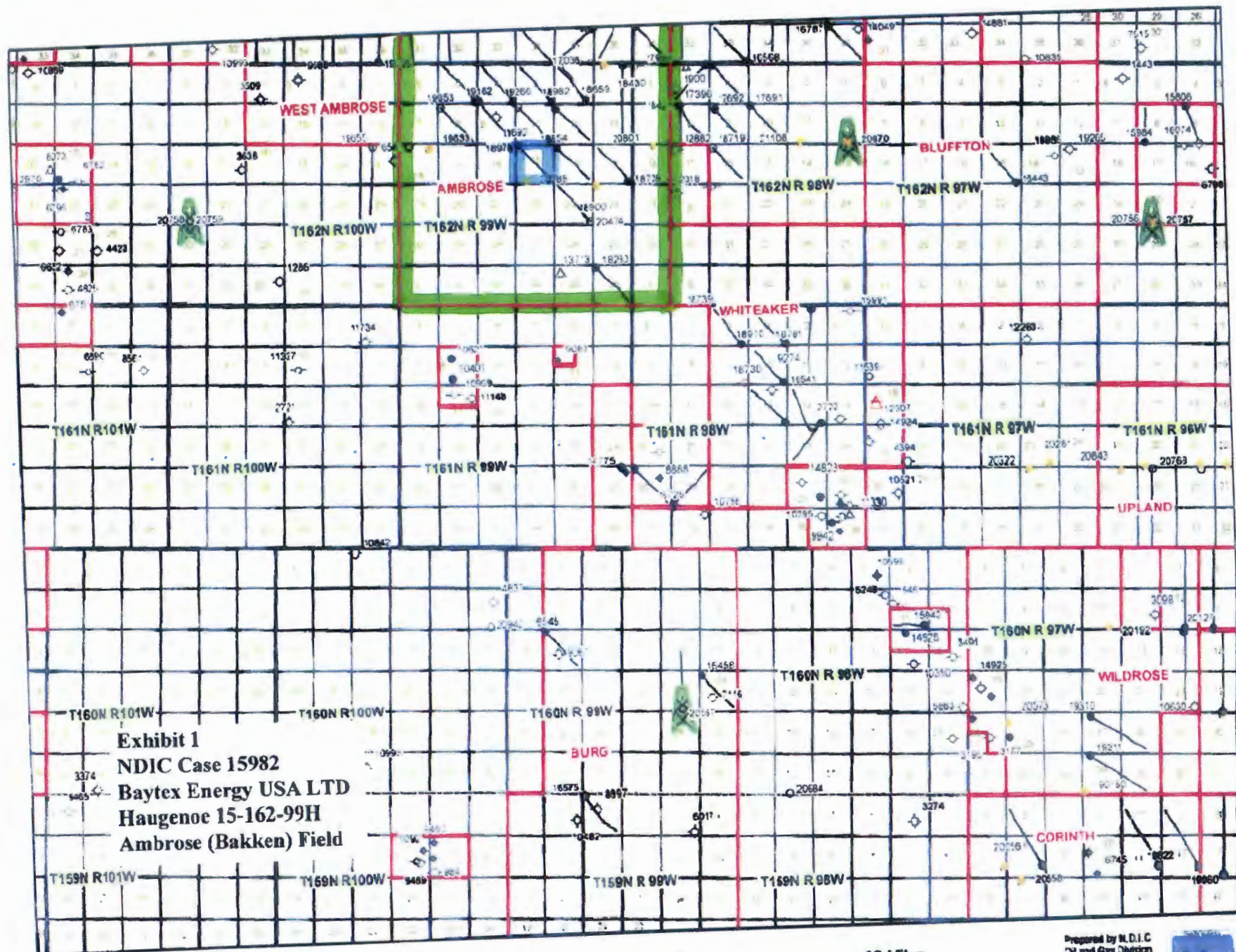
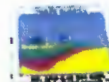


Exhibit 1
NDIC Case 15982
Baytex Energy USA LTD
Haugenoe 15-162-99H
Ambrose (Bakken) Field

Disclaimer: Neither the State of North Dakota nor any agency, officer, or employee of the State of North Dakota warrants the accuracy or reliability of this product and shall not be held responsible for any losses caused by reliance on this product. Portions of the information may be incorrect or out of date. Any person or entity that relies on any information obtained from this product does so at his or her own risk.

0 2.5 5 10 Miles

Prepared by N.D.I.C.
 Oil and Gas Division
 DATE: 7/15/2011
 Time: 9:58:43 AM



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

CASE NO. _____

Application of Baytex Energy USA Ltd. for an order pursuant to N.D.A.C. § 43-02-03-88.1 authorizing the flaring of gas from the Haugenoe 15-162-99H well located in the NW/4NW/4 of Section 15, Township 162 North, Range 99 West, Divide County, North Dakota, Ambrose-Bakken Pool, as an exception to the provisions of N.D.C.C. § 38-08-06.4 or such further and additional relief.



APPLICATION OF BAYTEX ENERGY USA LTD.

Baytex Energy USA Ltd. ("Baytex"), for its application to the North Dakota Industrial Commission ("Commission"), respectfully states as follows:

1.

That Baytex is the owner of an interest in the oil and gas leasehold estate in portions of Section 15, Township 162 North, Range 99 West, Divide County, North Dakota.

2.

That such lands are currently within an area defined by the Commission as the field boundaries for the Ambrose-Bakken Pool.

3.

That Baytex is currently the operator of the Haugenoe 15-162-99H well located in the Northwest Quarter of the Northwest Quarter (NW/4NW/4) of Section 15, completed as a producing well in the Ambrose-Bakken Pool.

4.

That the Haugenoe 15-162-99H well is currently not connected to a gas gathering facility.

5.

That because of the location of the well and low volumes of gas produced from the Haugenoe 15-162-99H well, it is economically infeasible to connect said well to a gas gathering facility at the present time, or in the foreseeable future.

6.

That gas produced in association with oil produced from the Haugenoe 15-162-99H well is currently being flared.

7.

That Section 38-08-06.4 of the North Dakota Century Code prohibits the flaring of gas produced in association with crude oil under certain circumstances but authorizes the Commission, upon application, to grant an exception to the flaring prohibition upon a showing that connection of the well to a gas gathering facility is economically infeasible at the time of the application or in the foreseeable future or that a market for the gas is not available.

8.

That in the opinion of the applicant, it is economically infeasible at the present time or in the foreseeable future to connect the Haugenoe 15-162-99H well to a gas gathering facility and/or there is no market for the gas. As such, applicant should be allowed to continue to flare such gas as an exception to Section 38-08-06.4 of the North Dakota Century Code should be granted for said well.

WHEREFORE, Baytex requests the following:


(a) That this matter be set for the regularly scheduled October 2011 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 its order granting the relief requested and such other and further relief as the Commission may deem appropriate.

DATED this 26th day of September, 2011.

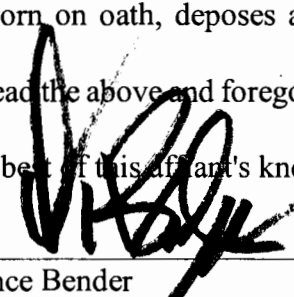
FREDRIKSON & BYRON, P.A.



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
701-221-4020

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 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, and belief.



Lawrence Bender

Subscribed and sworn to before me this 26th day of September, 2011.





Notary Public
My Commission Expires: _____
4992489_1.DOC

Fredrikson

& BYRON, P.A.

September 26, 2011



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. FOR
OCTOBER 2011 HEARINGS

Dear Mr. Hicks:

Please find enclosed herewith for filing an APPLICATION OF BAYTEX ENERGY USA LTD.

As you will note, pursuant to N.D. Admin. Code § 43-02-03-88.2, Baytex requests that its witnesses be allowed to participate at the hearing by telephonic means.

Should you have any questions, please advise.

Sincerely,


LAWRENCE BENDER

LB/leo

Enclosure

cc: Ms. Karlene Fine - (w/enc.)
Mr. Lynn Helms - (w/enc.)
Mr. Charles Carvell - (w/enc.)
Mr. Randy Verret - (w/enc.)

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

The Bismarck Tribune

www.bismarcktribune.com

The Finder

OIL & GAS DIVISION
600 E BLVD AVE #405
BISMARCK ND 58505

Date	Order #	Type	Order
10/04/11	20543242	INV	

Amount Paid: CK #:

Date	Date	Times Run	Description
10/04/11	10/04/11	1	Bismarck PO:Noti

Affidavit of Publication

State of North Dakota) SS County of Burleigh
Before me, a Notary Public for the State of North Dakota, personally appeared CK who being duly sworn and says that he (she) is the Clerk of Bismarck and that the publication(s) were made through the Bismarck Tribune on the following 10/4 day of OCTOBER 20 11.
Signed G. P. Ziegler
Notary Public in and for the State of North Dakota

GREGORY P. ZIEGLER
Notary Public
State of North Dakota
My Commission Expires July 2

Please return invoice or put order number on check

Remarks

Bismarck Tribune

www.bismarcktribune.com

PO BOX 4001

LaCrosse, WI 54602-4001

Terms: PAYMENT IS DUE UPON RECEIPT OF

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, October 27, 2011, 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, October 14, 2011.

STATE OF NORTH DAKOTA TO:

Case No. 15948: Proper spacing for the development of the Hanson-Bakken Pool, Williams County, ND, redefine the field limits, and enact such special field rules as may be necessary. Continental Resources, Inc.

Case No. 15949: Application of Continental Resources, Inc. for an order extending the field boundaries and amending the field rules for the Jung, Upland and/or Wildrose-Bakken Pools to create and establish seven 1280-acre spacing units comprised of Sections 25 and 36; Sections 26 and 35; Sections 27 and 34; T.161N., R.97W.; Sections 3 and 10; Sections 4 and 9; Sections 5 and 8; and Sections 6 and 7, T.161N., R.96W., Divide County, ND, authorizing the drilling of one horizontal well on each spacing unit and such other relief as is appropriate.

Case No. 14062: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Continental Resources, Inc. #1-5H Norway, NENW Section 21, T.150N., R.96W., McKenzie County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 14356: (Continued) Application of Continental Resources, Inc. for an order amending the field rules for the Elm Tree-Bakken Pool to create a 2560-acre spacing unit comprised of all of Sections 5, 8, 17 and 20; T.153N., R.94W., McKenzie County, ND, authorizing the drilling of up to four horizontal wells from said well pad within said 2560-acre spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 14543: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Continental Resources, Inc. #1X-21H Haag, SESE Section 21, T.144N., R.99W., Billings County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 15224: (Continued) Application of Continental Resources, Inc. for an order suspending and, after hearing, revoking the permit issued to Hess Corp. to drill the 2WX #7-1H well (File No. 20123), with a surface location in the SESE of Section 7, T.152N., R.99W., McKenzie County, ND, and such other relief as is appropriate.

Case No. 15491: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Continental Resources, Inc. #1-14H Montpelier, NENE Section 14, T.153N., R.101W., McKenzie County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 15492: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Continental Resources, Inc. #1-6H Hayes, SWSE Section 6, T.153N., R.99W., Williams County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 15733: (Continued) Temporary spacing to develop an oil and/or gas pool discovered by the Continental Resources, Inc. #1-23H Truman, NENW Section 23, T.153N., R.99W., Williams County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 15950: Application of Samson Resources Co. for an order extending the field boundaries and amending the field rules for the Bakol Noonan-Bakken Pool to create and establish two 1920-acre spacing units comprised of Sections 25 and 36; T.163N., R.98W. and Section 1, T.162N., R.96W., and Sections 30 and 31, T.163N., R.95W., and Section 6, T.162N., R.95W., Divide County, ND, authorizing the drilling of a total of not more than two wells on each 1920-acre spacing unit, eliminating any tool error requirements and such other

Bismarck Tribune

PO BOX 4001

LaCrosse, WI 54602-4001

In State 701-250-8218

Toll free 800-472-2273

ified
tising
ice

Customer: 60010203

Phone: (701) 328-8020

Date: 10/04/2011

CREDIT CARD PAYMENT (circle one)



ard #:

Exp Date:

Signature:

edit card users: Fax to 701-223-6584

IN WITH YOUR PAYMENT

Lines	Class Code	Order Amt	Net Amt Due
200.00	Legals	1,394.60	1,394.60



Total Due: 1,394.60

191

Case No. 15951: Application of Samson sources Co. for an order creating an 800-acre drilling unit comprised of Sections 27 and 34, T.164N., R.96W., Divide County, ND, authorizing the drilling of a horizontal well in this said drilling unit and such other relief as is appropriate.

Case No. 15952: Application of Brigham Oil & Gas, L.P. for an order extending the field boundaries and amending the field rules for the East Chance-Bakken Pool, or in the alternative establish Bakken spacing in the Willow Creek Field, to create and establish a 1280-acre spacing unit comprised of sections 2 and 11, T.153N., R.100W., Williams County, ND, authorizing the drilling of a total of not more than eight wells on said 1280-acre spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15953: Application of Slawson Exploration Co., Inc. for an order extending the field boundaries and amending the field rules for the Ellsworth-Bakken Pool, or in the alternative establish Bakken spacing in the Buffalo Wallow Field, to create and establish a 1280-acre spacing unit comprised of Sections 3 and 10, T.149N., R.100W., McKenzie County, ND, authorizing the drilling of one horizontal well on said spacing unit and such other relief as is appropriate.

Case No. 15954: Application of Slawson Exploration Co., Inc. for an order extending the field boundaries and amending the field rules for the MonDak-Bakken Pool, or in the alternative establish Bakken spacing in the Moline Field, to create and establish a 80-acre spacing unit comprised of sections 25 and 36, and any intervening lands, T.149N., R.103W., McKenzie County, ND, authorizing the drilling of one horizontal well on said spacing unit and such other relief as is appropriate.

Case No. 15955: Application of XTO Energy for an order amending the field rules for the Indian Hill-Bakken Pool to create and establish two 1280-acre spacing units comprised of Sections 28 and 33, and sections 29 and 32, T.153N., R.101W., McKenzie County, ND, authorizing the drilling of one horizontal well on each 80-acre spacing unit and such other relief as is appropriate.

Case No. 15956: Application of Zenergy, Inc. for an order suspending and, after hearing, revoking the permit issued to Petro-Hunt, C.C. to drill the Smith #157-100-3D-C-1-JL (File No. 21568), with a surface location in the NESE of Section 3, T.157N., R.100W., Williams County, ND and such other relief as is appropriate.

Case No. 15957: Application of Triangle USA Petroleum Corp. for an order extending the field boundaries and amending the field rules for the Bull Butte-Bakken Pool to create and establish a 640-acre spacing unit comprised of Section 36, T.156N., R.104W., Williams County, ND, authorizing the drilling of a horizontal well on said spacing unit, authorizing the horizontal well to be drilled not less than 500 feet to the spacing unit boundary except for the "heel and toe" which may be drilled not less than 200 feet in the spacing unit boundary and such other relief as is appropriate.

Case No. 15958: Application of Dakota-3 E&P Co., LLC for an order extending the field boundaries and amending the field rules for the South Fork, Moccasin Creek, and/or Heart Butte-Bakken Pools to create and establish two 1280-acre spacing units

comprised of Sections 25 and 36, T.148N., R.93W., and Sections 1 and 12, T.147N., R.93W., Dunn County, ND, authorizing the drilling of a total of not more than seven wells on said 1280-acre spacing units, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15959: Application of Dakota-3 E&P Co., LLC for an order amending the field rules for the South Fork-Bakken Pool to create and establish a 1280-acre spacing unit comprised of Sections 1 and 2, T.148N., R.93W., Dunn County, ND, authorizing the drilling of a total of not more than seven wells on said 1280-acre spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15960: Application of Dakota-3 E&P Co., LLC for an order extending the field boundaries and amending the field rules for the Heart Butte-Bakken Pool to create and establish a 2560-acre spacing unit comprised of Sections 20, 21, 28 and 29, T.148N., R.91W., Dunn County, ND, authorizing the drilling of a total of not more than thirteen wells on said 2560-acre spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15961: Application of EOG Resources, Inc. for an order amending the field rules for the Clarks Creek-Bakken Pool, McKenzie County, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 15962: Application of EOG Resources, Inc. for an order amending the field rules for the Spotted Horn-Bakken Pool, McKenzie and Mountrail Counties, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 15963: Application of EOG Resources, Inc. for an order amending the field rules for the Squaw Creek-Bakken Pool, McKenzie County, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 15964: Application of EOG Resources, Inc. for an order amending the field rules for the Antelope-Sanish Pool, McKenzie and Mountrail Counties, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 15965: Application of EOG Resources, Inc. for an order amending the field rules for the Mandaree-Bakken Pool, McKenzie and Dunn Counties, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 15966: Application of GMX Resources, Inc. for an order extending the field boundaries and amending the field rules for the Ranch Creek-Bakken Pool, or in the alternative establish Bakken spacing in the West Butte, Bennett Creek and/or Butte Fields, to create and establish nine 1280-acre spacing units comprised of Sections 25 and 36; Sections 26 and 35; Sections 27 and 34; Sections 28 and 33; Sections 29 and 32; Sections 30 and 31, T.147N., R.99W.; Sections 4 and 9; Sections 5 and 8; and Sections 6 and 7, T.146N., R.99W., McKenzie County, ND, authorizing the drilling of one horizontal well on each spacing unit and such other relief as is appropriate.

Case No. 15967: Application of Legacy Oil & Gas, ND, Inc. for an order extending the field boundaries and amending the field rules for the North Souris-Spearfish Pool to create and establish a 160-acre spacing unit comprised of Section 30, T.164N., R.76W., Bottineau County, ND, authorizing the drilling of one horizontal well on said spacing unit and such other relief as is appropriate.

Case No. 15193: (Continued) Application of CCS Midstream LLC in accordance with NDAC § 43-02-03-31 for an order authorizing the construction of a treating plant in the E/2 of Section 7, T.156N., R.91W., Ross Field, Mountrail County, ND for the purpose of treatment, recovery and disposal of oilfield waste related to the production of oil and such other relief as is appropriate.

Case No. 15749: (Continued) Application of Silver Oak Energy, LLC for an order amending the field rules for the North Westhope-Madison Pool to create and establish a 640-acre spacing unit comprised of the E/2 of Section 1, T.163N., R.80W., and the W/2 of Section 6, T.163N., R.79W., Bottineau County, ND, authorizing the drilling of a total of not more than three wells on said 640-acre spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15509: (Continued) Application of Silver Oak Energy, LLC for an order extending the field boundaries and amending the field rules for the Cedar Hills, Red River "B" Pool to create and establish four 640-acre spacing units comprised of Sections 21, 22, 27 and 35, T.133N., R.106W., Slope County, ND, authorizing the drilling of a total of not more than three wells on each spacing unit, amending the 660 setback requirement to 500 feet for each well drilled, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15754: (Continued) Application of Newfield Production Co. for an order extending the field boundaries and amending the field rules for the Cartwright-Bakken Pool, or in the alternative to establish Bakken spacing in the Hay Creek, Estes, and/or Yellowstone Fields, to create and establish ten 1280-acre spacing units comprised of Sections 14 and 23; Sections 15 and 22; Sections 16 and 21; Sections 17 and 20; Sections 18 and 19; Sections 26 and 35; Sections 27 and 34; Sections 28 and 33; Sections 29 and 32; and Sections 30 and 31, T.150N., R.104W., McKenzie County, ND, authorizing the drilling of one horizontal well on each spacing unit and such other relief as is appropriate.

Case No. 15755: (Continued) Application of Newfield Production Co. for an order extending the field boundaries and amending the field rules for the Todd or Williston-Bakken Pools, or in the alternative to establish Bakken spacing in the Springbrook Field, to create and establish a 1280-acre spacing unit comprised of Sections 30 and 31, T.155N., R.100W., Williams County, ND, authorizing the drilling of a total of not more than seven wells on said 1280-acre spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15499: (Continued) Application of OXY USA, Inc. for an order extending the field boundaries and amending the field rules for the St. Anthony-Bakken Pool to create and establish a 1280-acre spacing unit comprised of Sections 18 and 19, T.141N., R.97W., Dunn County, ND, authorizing the drilling of a total of not more than six wells on said spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15968: Application of Brigham Oil & Gas, L.P. for an order suspending and after hearing, revoking the permit issued to Zenergy, Inc. to drill the Mrachek #27-34H well (File No. 21471), with a surface location in the NENW of Section 27, T.151N., R.102W., McKenzie County, ND, for the drilling unit consisting of Sections 27 and 34, T.151N., R.102W., McKenzie County, ND and such other relief as is appropriate.

Case No. 15969: Application of Ward Williston Co. for an order authorizing the conversion of the North Westhope-Madison Unit #GB-2R, located in the SWNE of Section 35, T.164N., R.80W., North Westhope-Madison Unit, Bottineau County, ND, for the injection of fluids in the unitized formation pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 15866: (Continued) Application of Ward Williston Co. in accordance

with NDAC § 43-02-03-88.1 for an order authorizing the conversion of the Balla #1 well, SENW of Section 18, T.161N., R.91W., Burke County, ND, to a saltwater disposal well in the Dakota Formation pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 15970: Application of Ross Enkismoen, Inc. pursuant to NDAC § 43-02-03-88.1 for an order authorizing the drilling of a saltwater disposal well to be located in the SWSW of Section 10, T.156N., R.93W., Baskin Field, Mountrail County, ND, in the Dakota Formation pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 15971: Application of Dakota-3 E&P Co., LLC for an order authorizing the drilling, completing and producing of a total of not more than three wells on a 640-acre spacing unit described as Section 4, T.150N., R.92W., Van Hook-Bakken Pool, Mountrail County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15972: Application of Dakota-3 E&P Co., LLC for an order authorizing the drilling, completing and producing of a total of not more than two wells on a 320-acre spacing unit described as the E/2 of Section 14, T.148N., R.94W., and authorizing the drilling, completing and producing of a total of not more than four wells on a 640-acre spacing unit described as Section 15, T.148N., R.94W., McGregory Buttes-Bakken Pool, Dunn County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15973: Application of Dakota-3 E&P Co., LLC for an order authorizing the drilling, completing and producing of a total of not more than two wells on each 640-acre spacing unit described as Sections 15 and 17, T.149N., R.93W., and authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 27 and 34, T.149N., R.93W., Mandaree-Bakken Pool, Dunn County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15974: Application of Dakota-3 E&P Co., LLC for an order authorizing the drilling, completing and producing of a total of not more than four wells on a 640-acre spacing unit described as Section 8, T.149N., R.94W., and authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 27 and 34, T.149N., R.94W., Squaw Creek-Bakken Pool, McKenzie County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15975: Application of Dakota-3 E&P Co., LLC for an order authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 1 and 2, T.150N., R.94W., and authorizing the drilling, completing and producing of a total of not more than five wells on a 1280-acre spacing unit described as Sections 27 and 34, T.150N., R.94W., Spotted Horn-Bakken Pool, McKenzie and Mountrail Counties, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15976: Application of Dakota-3 E&P Co., LLC for an order authorizing the drilling, completing and producing of a total of not more than four wells on a 640-acre spacing unit described as Section 9, T.148N., R.93W., South Fork-Bakken Pool, Dunn County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15603: (Continued) Application of Dakota-3 E&P Co., LLC for an order authorizing the drilling, completing and producing of a total of not more than eight wells on a 1280-acre spacing unit described as Sections 6 and 7, T.148N., R.94W., Eagle Nest-Bakken Pool, Dunn County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15977: Application of Slawson Exploration Co., Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 25 and 36, T.149N., R.103W., MonDak or Moline-Bakken Pools, McKenzie County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 15978: Application of Slawson Exploration Co., Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 3 and 10, T.148N., R.100W., Ellsworth or Buffalo Wallow-Bakken Pools, McKenzie County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 15979: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Hansen #13-162-99H well located in the SESE of Section 13, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15980: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Hall #3-161-98H well located in the SESE of Section 3, T.161N., R.98W., Divide County, ND, Whiteaker-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15981: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Grundstad #5-162-9H well located in the SESE of Section 5, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15982: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Haugenstad #15-162-9H well located in the NWNW of Section 5, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15983: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Sorenson #14-162-9H well located in the NWNW of Section 4, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15984: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Larson #3-162-9H well located in the SESE of Section 3, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15985: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Haugland #4-162-9H well located in the SESE of Section 4, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15986: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Haugland #9-162-9H well located in the SWSW of Section 4, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15987: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Lindsey #4-161-98H well located in the SESE of Section 4, T.161N., R.98W., Divide County, ND, Whiteaker-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15988: In the matter of the petition for a risk penalty of Denbury Onshore, LLC requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08, in the drilling and completing of the Lindvig #4-10NEH well located in a spacing unit described as all of Sections 3 and 10, T.152N., R.101W., Camp-Bakken Pool, McKenzie County, ND, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

Case No. 15989: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 80-acre spacing unit and each 640-acre spacing unit within the Elidah-Bakken Pool, McKenzie County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15990: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Garden-Bakken Pool, McKenzie County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15991: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Hofflund-Bakken Pool, Williams and McKenzie Counties, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15992: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Indian Hill-Bakken Pool, Williams and McKenzie Counties, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15993: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Killdeer-Bakken Pool, Dunn County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15994: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Lost Bridge-Bakken Pool, Dunn County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15995: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the North Fork-Bakken Pool, McKenzie County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15996: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Sand Creek-Bakken Pool, McKenzie County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15997: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Squaw Creek-Bakken Pool, McKenzie County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15998: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the St. Demetrius-Bakken Pool, Billings County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15999: Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Cedar Creek-Bakken Pool, Dunn County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15845: (Continued) Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Bear Creek-Bakken Pool, Dunn County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15846: (Continued) Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Charlsion-Bakken Pool, Williams and McKenzie Counties, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15847: (Continued) Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Murphy Creek-Bakken Pool, Dunn County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15848: (Continued) Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the North Tobacco Garden-Bakken Pool, McKenzie County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15849: (Continued) Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Sverston-Bakken Pool, McKenzie County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15850: (Continued) Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Tobacco Garden-Bakken Pool, McKenzie County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15851: (Continued) Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Antelope-Sanish Pool, McKenzie and Mountrail Counties, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15852: (Continued) Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Camp-Bakken Pool, McKenzie and Williams Counties, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15853: (Continued) Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Cedar Creek-Bakken Pool, Dunn County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15854: (Continued) Application of Denbury Onshore, LLC for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit and each 640-acre spacing unit within the Corral Creek-Bakken Pool, Dunn County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15999: Application of Enerplus Resources (USA) Corp. for an order pursuant to NDAC § 43-02-03-88.1 authorizing saltwater disposal into the Dakota Group in the Bear Den #1 SWD well, SWNW Section 34, T.149N., R.95W., Grail Field, McKenzie County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 16000: Application of Missouri Basin Well Service, Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing saltwater disposal into the Dakota Group in the Brenna SWD #1 well, SWSE Section 12, T.152N., R.96W., Union Center Field, McKenzie County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 16001: Application of Missouri Basin Well Service, Inc. in accordance with NDAC § 43-02-03-88.1 for an order authorizing the conversion of the Hystad #1 SWD well, T.14N., Hystad #15-2 well, located in the SWSE of Section 2, T.151N., R.100W., McKenzie County, ND, to a saltwater disposal well in the Dakota Formation pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 16002: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Sections 9, 10 and 15, T.156N., R.92W., Alger-Bakken Pool, Mountrail County, ND, as provided by NDCC § 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16003: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Section 1, T.152N., R.91W., and Sections 6 and 7, T.152N., R.90W., Parshall-Bakken Pool, Mountrail County, ND, as provided by NDCC § 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16004: Application of EOG Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Section 24, T.151N., R.91W., and Sections 19 and 30, T.151N., R.90W., Parshall-Bakken Pool, Mountrail County, ND, as provided by NDCC § 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16005: Application for an order amending the field rules for the Vanville-Bakken Pool, Burke County, ND, to allow the flaring of gas and unrestricted production of oil from wells not connected to a gas gathering facility until the same can be connected and such other relief as is appropriate. EOG Resources, Inc.

Case No. 16006: Application of GMX Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 28 and 33, T.147N., R.99W., Ranch Creek, Bennett Creek, West Butte, or Butte-Bakken Pools, McKenzie County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16007: Application of GMX Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 30 and 31, T.147N., R.99W., Ranch Creek, Bennett Creek, West Butte, or Butte-Bakken Pools, McKenzie County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

error requirements and such other relief as is appropriate.

a No. 15781: (Continued) Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the conversion to saltwater disposal of the Dakota Group of the Holecreek 17 well, NENE Section 17, T.129N., R.94W., Medicine Pole Hills Field, Bowman County, ND, pursuant to NDAC § 43-02-03-88.1 and such other relief as is appropriate.

Case No. 16057: Application of Surge Energy USA Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Lots 3 & 4 of Section 26 and Lots 1 & 2 of Section 27, T.154N., R.78W., Souris-Spearfish/Madison Pool, Bottineau County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16058: Application of Surge Energy USA Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Lots 3 & 4 of Section 27 and Lots 1 & 2 of Section 29, T.154N., R.78W., Souris and/or North Dakota-Spearfish/Madison Pool, Bottineau County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16059: Application of Surge Energy USA Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Lots 3 & 4 of Section 28 and Lots 1 & 2 of Section 29, T.154N., R.78W., Souris and/or North Dakota-Spearfish/Madison Pool, Bottineau County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16060: Application of Hunt Oil Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Sections 6 and 7, T.154N., R.99W., Marshall-Bakken Pool, Mountrail County, ND as provided by NDCC § 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16061: Application of Hunt Oil Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Sections 18 and 19, T.154N., R.99W., Marshall-Bakken Pool, Mountrail County, ND as provided by NDCC § 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16062: Application of Hunt Oil Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Sections 28 and 33, T.154N., R.99W., Marshall-Bakken Pool, Mountrail County, ND as provided by NDCC § 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16063: Application of Hunt Oil Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Sections 29 and 32, T.154N., R.99W., Marshall-Bakken Pool, Mountrail County, ND as provided by NDCC § 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16064: Application of Hunt Oil Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Sections 30 and 31, T.154N., R.89W., Marshall-Bakken Pool, Mountrail County, ND as provided by NDCC § 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16065: Application of Hunt Oil Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Sections 6 and 7, T.153N., R.89W., Marshall-Bakken Pool, Mountrail County, ND as provided by NDCC § 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16066: Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on each 640-acre spacing unit described as Sections 16 and 29, T.153N., R.96W., and authorizing the drilling, completing and producing of a

overlapping 1280-acre spacing unit described as Sections 21 and 28, T.153N., R.96W., Sand Creek-Bakken Pool, McKenzie County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16067: Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on each 640-acre spacing unit described as Sections 25 and 36, T.152N., R.97W., and authorizing the drilling, completing and producing of a total of not more than seven wells on an overlapping 1280-acre spacing unit described as Sections 25 and 36, T.152N., R.97W., Westberg-Bakken Pool, McKenzie County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16068: Application of Newfield Production Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 13 and 24, T.152N., R.97W., Westberg-Bakken Pool, McKenzie County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16069: Application of Newfield Production Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 15 and 22, T.150N., R.99W., South Tobacco Garden-Bakken Pool, McKenzie County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16070: Application of Newfield Production Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Sections 16 and 21, T.150N., R.99W., South Tobacco Garden-Bakken Pool, McKenzie County, ND as provided by NDCC § 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16071: Application of Newfield Production Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 17 and 20, T.150N., R.99W., South Tobacco Garden-Bakken Pool, McKenzie County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16072: Application of Newfield Production Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 25 and 36, T.150N., R.99W., Silverston-Bakken Pool, McKenzie County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 15855: (Continued) Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit within the East Fork-Bakken Pool, Williams County, ND, not to exceed a total of seven horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15856: (Continued) Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 29 and 32, T.154N., R.100W., Catwalk-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15857: (Continued) Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on each 1280-acre spacing unit described as Sections 21 and 26 and Sections 24 and 25, T.154N., R.100W., Ayoca-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15858: (Continued) Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 27 and 34, T.154N., R.100W., Last Chance-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15859: (Continued) Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 6 and 7, T.154N., R.100W., Williston-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15860: (Continued) Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on a 1280-acre spacing unit described as Sections 1 and 12, T.155N., R.100W., Stony Creek-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15861: (Continued) Application of Newfield Production Co. for an order authorizing the drilling, completing and producing of a total of not more than seven wells on each 1280-acre spacing unit described as Sections 5 and 8; Sections 6 and 7; Sections 14 and 23; Sections 17, and

20; and Sections 18 and 19, T.155N., R.99W., Epping-Bakken Pool, Williams County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16073: Application of Zenergy, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 11 and 12, T.151N., R.104W., Assiniboine-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16074: Application of Zenergy, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 23 and 24, T.151N., R.104W., Assiniboine-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16075: Application of Zenergy, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 26 and 25, T.151N., R.104W., Assiniboine-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16076: Application of Spotted Hawk Development, LLC for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 16, 17, 18, 19 and 20, T.150N., R.91W., Van Hook-Bakken Pool, McLean and Dunn Counties, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16077: In the matter of the petition for a risk penalty of Fidelity Exploration & Production Co. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the TTT Ranch #34-27XH well located in a spacing unit described as Sections 27 and 34, T.155N., R.91W., Stanley-Bakken Pool, Mountrail County, ND, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

Case No. 16078: Application of Fidelity Exploration & Production Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Section 7, T.139N., R.97W., Heart River-Bakken Pool, Stark County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16079: Application of Fidelity Exploration & Production Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 5 and 8, T.139N., R.97W., Heart River-Bakken Pool, Stark County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16080: Application of Fidelity Exploration & Production Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 15 and 22, T.140N., R.98W., New Hradec-Bakken Pool, Stark County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16081: Application of Fidelity Exploration & Production Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 14 and 23, T.140N., R.98W., New Hradec-Bakken Pool, Stark County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16082: Application of Fidelity Exploration & Production Co. for an order amending the field rules for the Heart River-Bakken Pool, Stark County, ND, to allow the flaring of gas and unrestricted production of oil from wells not connected to a gas gathering facility until the same can be connected and such other relief as is appropriate.

Case No. 16083: Application of XTO Energy Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 28 and 33, T.153N., R.101W., Indian Hill-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16084: Application of XTO Energy Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 29 and 32, T.153N., R.101W., Indian Hill-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16085: In the matter of the petition for a risk penalty of XTO Energy Inc. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the MonDak Federal #14X-11 well located in a spacing unit described as Sections 2 and 11, T.148N., R.105W., MonDak-Bakken Pool, McKenzie County, ND, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

Case No. 16086: In the matter of the petition for a risk penalty of XTO Energy Inc. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the Roedeske Federal 12X-21 well located in a spacing unit described as Sections 21 and 22, T.148N., R.104W., MonDak-Bakken Pool, McKenzie County, ND, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

Case No. 16087: In the matter of the petition for a risk penalty of XTO Energy Inc. requesting an order authorizing the recovery of a risk penalty from certain non-participating owners, as provided by NDCC § 38-08-08 in the drilling and completing of the Dwyer Federal #44X-1 well located in a spacing unit described as Sections 1 and 2, T.147N., R.104W., MonDak-Bakken Pool, McKenzie County, ND, pursuant to NDAC § 43-02-03-88.1, and such other relief as is appropriate.

Case No. 16088: Application of Sinclair Oil & Gas Co. for an order authorizing the drilling, completing and producing of a total of not more than three wells on each 640-acre spacing unit described as Sections 4, 5 and 6, T.154N., R.92W., Sanish-Bakken Pool,

Mountrail County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 14081: (Continued) Application of Sinclair Oil & Gas Co. for an order to establish temporary spacing for the development of an oil and/or gas pool discovered by the Bighorn #1-6H well, located in the SESW of Section 31, T.147N., R.97W., Dunn County, ND, define the field limits, enact such special field rules as may be necessary and such other relief as is appropriate.

Case No. 16089: Application of OXY USA Inc. for an order authorizing the drilling, completing and producing of horizontal increase density wells on each 1280-acre spacing unit within the Willmen-Bakken Pool, Billings and Dunn Counties, ND, not to exceed a total of six horizontal wells on each such spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 16090: Application of OXY USA Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 23 and 26, T.143N., R.97W., Crooked Creek-Bakken Pool, Dunn County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16091: Application of OXY USA Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 29 and 32, T.143N., R.94W., Murphy Creek-Bakken Pool, Dunn County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16092: Application of OXY USA Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 17 and 20, T.143N., R.94W., Murphy Creek-Bakken Pool, Dunn County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16093: Application of OXY USA Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 26 and 35, T.142N., R.95W., Murphy Creek-Bakken Pool, Dunn County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16094: Application of OXY USA Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 17 and 20, T.142N., R.94W., Murphy Creek-Bakken Pool, Dunn County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16095: Application of OXY USA Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 29 and 32, T.142N., R.94W., Murphy Creek-Bakken Pool, Dunn County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16096: Application of OXY USA Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests for wells drilled on the overlapping spacing unit described as Sections 3 and 10, T.142N., R.98W., Willmen-Bakken Pool, Billings County, ND as provided by NDCC Section 38-08-08 but not reallocating production for wells producing on other spacing units and such other relief as is appropriate.

Case No. 16097: Application of OXY USA Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 2 and 11, T.141N., R.95W., Simon Butte-Bakken Pool, Dunn County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16098: Application of OXY USA Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 1 and 12, T.141N., R.95W., Simon Butte-Bakken Pool, Dunn County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 16099: Application of OXY USA Inc. for an order pursuant to NDAC Section 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 18 and 19, T.142N., R.97W., Willmen-Bakken Pool, Dunn County, ND as provided by NDCC Section 38-08-08 and such other relief as is appropriate.

Case No. 15512: (Continued) Application of OXY USA, Inc. for an order authorizing the drilling, completing and producing of a total of not more than six wells on each 1280-acre spacing unit described as Sections 5 and 8; Sections 6 and 7; Sections 17 and 20; and Sections 18 and 19, T.143N., R.97W., Crooked Creek-Bakken Pool, Dunn County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15867: (Continued) Application of CCS Midstream Services, L.L.C. pursuant to NDAC § 43-02-03-88.1 for an order authorizing the drilling of a saltwater disposal well to be located in the SYWSW of Section 18, T.152N., R.101W., Elk Field, McKenzie County, ND, in the Dakota Formation pursuant to NDAC Chapter 43-02-05, and such other relief as is appropriate.

Case No. 15631: (Continued) Application of Epworth Operating LLC pursuant to NDAC § 43-02-03-88.1 for an order authorizing the drilling of a saltwater disposal well to be located in the NENE of Section 31, T.152N., R.92W., Big Bend Field, Mountrail County, ND, in the Dakota Formation pursuant to chapter 43-02-05 of the NDAC, and such other relief as is appropriate.

Signed by

Jack Dalrymple, Governor

Chairman, ND Industrial Commission

10/4 - 607269

Renville County Farmer

110 Main St E

P.O. Box 98

Mohall, ND 58761-0098

Invoice



Date	Invoice #
10/5/2011	44016

Bill To

ND Industrial Commission
% Oil and Gas Division
600 E Boulevard Ave. Dept. 405
Bismarck, ND 58505-0840

Description	Amount
31 Line - Notice of Hearing - Case Number 15945 tax	21.70 0.00
Total	
	\$21.70

The North Dakota Industrial Commission will hold a public hearing at 9:00 a.m. Thursday, October 27, 2011, 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, October 14, 2011.

STATE OF NORTH DAKOTA TO:

Case No. 15949: Application of Continental Resources, Inc. for an order extending the field boundaries and amending the field rules for the Juno, Upland, and/or Wildrose-Bakken Pools to create and establish seven 1280-acre spacing units comprised of Sections 25 and 36; Sections 26 and 35; Sections 27 and 34, T.161N., R.97W.; Sections 3 and 10; Sections 4 and 9; Sections 5 and 8; and Sections 6 and 7, T.161N., R.96W., Divide County, ND, authorizing the drilling of one horizontal well on each spacing unit and such other relief as is appropriate.

Case No. 15950: Application of Samson Resources Co. for an order extending the field boundaries and amending the field rules for the Baulkol Noonan-Bakken Pool to create and establish two 1920-acre spacing units comprised of Sections 25 and 36, T.163N., R.96W. and Section 1, T.162N., R.96W.; and Sections 30 and 31, T.163N., R.95W. and Section 6, T.162N., R.95W., Divide County, ND, authorizing the drilling of a total of not more than two wells on each 1920-acre spacing unit, eliminating any tool error requirements and such other relief as is appropriate.

Case No. 15951: Application of Samson Resources Co. for an order creating an 800-acre drilling unit comprised of Sections 27 and 34, T.164N., R.96W., Divide County, ND, authorizing the drilling of a horizontal well within said drilling unit and such other relief as is appropriate.

Case No. 15979: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Hansen #13-162-99H well located in the SESE of Section 13, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15980: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-

03-88.1 authorizing the flaring of gas from the Hall #3-161-98H well located in the SESE of Section 3, T.161N., R.98W., Divide County, ND, Whiteaker-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15981: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Grundstad #5-162-99H well located in the SESE of Section 5, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15982: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Haugenoe #15-162-99H well located in the NWNW of Section 15, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15983: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Sorenson #14-162-99H well located in the NWNW of Section 14, T.162N., R.99W., Divide County,

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 ND INDUSTRIAL COMMISSION

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

October 25, 2011 323 lines @ .63 = 203.49

TOTAL CHARGE \$203.49

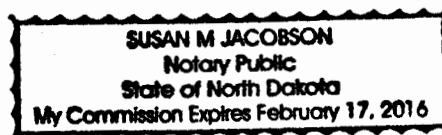
Signed _____

Steven J. Andrist, Publisher

Subscribed and sworn to before me October 20, 2011

Susan M. Jacobson

Notary Public, State of North Dakota



ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15984: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Larson #3-162-99H well located in the SESE of Section 3, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15985: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-

03-88.1 authorizing the flaring of gas from the Haugland #4-162-99H well located in the SESE of Section 4, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15986: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Haugland #9-162-99H well located in the SWSW of Section 4, T.162N., R.99W., Divide County, ND, Ambrose-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 15987: Application of Baytex Energy USA Ltd. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas from the Lindsey #4-161-98H well located in the SESE of Section 4, T.161N., R.98W., Divide County, ND, Whiteaker-Bakken Pool, as an exception to the provisions of NDCC § 38-08-06.4 and such other relief as is appropriate.

Case No. 16013: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 6 and 7, T.163N., R.99W., West Ambrose-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16014: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 13 and 24, T.163N., R.99W., Ambrose-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16015: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 6 and 7, T.162N., R.98W., Ambrose-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16016: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 18 and 19, T.162N., R.98W., Ambrose-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16017: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 1 and 12, T.163N., R.97W., Paulson-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16018: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 6 and 7, T.163N., R.97W., Fillmore-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16019: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 18 and 19,

T.163N., R.97W., Fillmore-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16020: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 1 and 12, T.162N., R.97W., Bluffton-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16021: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 13 and 24, T.162N., R.97W., Bluffton-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16022: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 3 and 10, T.162N., R.96W., Juno-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16023: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 18 and 19, T.162N., R.96W., Juno-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16024: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 29 and 32, T.162N., R.96W., Juno-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16025: Application of Samson Resources Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 30 and 31, T.162N., R.96W., Juno-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16050: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 5 and 8, T.160N., R.97W., Wildrose-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16051: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 14 and 23, T.160N., R.97W., Wildrose-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16052: Application of Continental Resources, Inc. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 15 and 22, T.160N., R.97W., Wildrose-Bakken Pool, Divide County, ND as provided by NDCC § 38-08-08 and such other relief as is appropriate.

Case No. 16056: Application of Continental Resources, Inc. for an order authorizing the drilling, completing and producing of a total of not more than two wells on a 1280-acre spacing unit described as Sections 3 and 10, T.160N., R.95W., Stoneview-Bakken Pool, Divide County, ND, eliminating any tool error requirements and such other relief as is appropriate.

Signed by,
Jack Dalrymple, Governor
Chairman,
ND Industrial
Commission