

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 19455
ORDER NO. 21757

IN THE MATTER OF A HEARING CALLED ON
A MOTION OF THE COMMISSION TO
CONSIDER THE APPLICATION OF SM
ENERGY CO. FOR AN ORDER PURSUANT TO
NDAC § 43 02-03-88.1 POOLING ALL
INTERESTS IN A SPACING UNIT DESCRIBED
AS SECTIONS 16 AND 21, T.163N., R.99W.,
AMBROSE-BAKKEN POOL, DIVIDE COUNTY,
ND, AS PROVIDED BY NDCC § 38-08-08, AND
SUCH OTHER RELIEF AS IS APPROPRIATE.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

- (1) This cause came on for hearing at 9:00 a.m. on the 16th day of January, 2013.
- (2) Pursuant to North Dakota Administrative Code (NDAC) Section 43-02-03-88.1, the Director is authorized to sign, on behalf of the Commission, orders relating to, inter alia, pooling under North Dakota Century Code (NDCC) Section 38-08-08.
- (3) The applicant is the owner of an interest in an oil and gas leasehold estate in a spacing unit described as all of Sections 16 and 21, Township 163 North, Range 99 West, Ambrose-Bakken Pool, Divide County, North Dakota.
- (4) Said spacing unit is created in accordance with an order of the Commission and there are separately owned tracts and/or separately owned interests in the spacing unit, and some of the owners thereof have not voluntarily pooled their interests for the development and operation of said spacing unit.
- (5) The Commission makes no findings with regard to the specific acreage or percentage attributed to separately owned tracts or interests.
- (6) Counsel for applicant requests an order of the Commission pooling all interests in the spacing unit.
- (7) There were no objections to this application.
- (8) NDCC Section 38-08-08 requires the Commission to enter a pooling order upon application when two or more separately owned tracts are embraced within a spacing unit, or there are separately owned interests in all or a part of a spacing unit, in the absence of voluntary pooling. The section further provides that working interest owners in the spacing unit shall pay their share of the reasonable actual cost of drilling and operating the well plus a reasonable charge for supervision. In addition to such costs and charges, nonparticipating lessees may be

required to pay a risk penalty of 200 percent and unleased mineral interest owners may be required to pay a risk penalty of 50 percent of their share of the reasonable actual cost of drilling and completing the well. This application is not a petition for a risk penalty, therefore the Commission makes no findings with regard to whether any particular owner with an interest in the spacing unit at issue in this application may impose a risk penalty against any other owner. The requirements for imposition of a risk penalty are set forth in NDCC Section 38-08-08 and NDAC Section 43-02-03-16.3.

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

IT IS THEREFORE ORDERED:

(1) All oil and gas interests in a spacing unit described as all of Sections 16 and 21, Township 163 North, Range 99 West, Ambrose-Bakken Pool, Divide County, North Dakota, are hereby pooled for the development and operation of the spacing unit.

(2) This pooling shall not determine or establish the specific acreage to be attributed to separately owned tracts, or specific interests attributed to separately owned interests in such tracts or stratigraphic intervals.

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

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

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

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

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

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

Dated this 13th day of February, 2013.

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

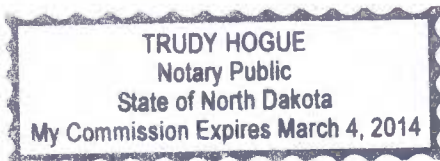
COUNTY OF BURLEIGH

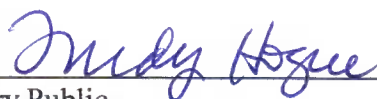
I, Linda Llewellyn, being duly sworn upon oath, depose and say: That on the 27th day of February, 2013 enclosed in separate envelopes true and correct copies of the attached Order No. 21757 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 19455:

JOHN MORRISON
CROWLEY FLECK PLLP
PO BOX 2798
BISMARCK ND 58502-2798


Linda Llewellyn
Oil & Gas Division

On this 27th day of February, 2013 before me personally appeared Linda Llewellyn 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: Lisa Herberholz <lherberholz@crowleyfleck.com>
Sent: Friday, January 11, 2013 10:51 AM
To: Hicks, Bruce E.
Cc: Shawn Heringer; Kadrmass, Bethany R.; John W. Morrison
Subject: Pooling Affidavits
Attachments: SM Filing Ltr - Jan. 2013 Heringer Pooling Affs.pdf; SM - Heringer Pooling Aff 19445.pdf; SM - Heringer Pooling Aff 19446.pdf; SM - Heringer Pooling Aff 19447.pdf; SM - Heringer Pooling Aff 19448.pdf; SM - Heringer Pooling Aff 19449.pdf; SM - Heringer Pooling Aff 19454.pdf; SM - Heringer Pooling Aff 19455.pdf; SM - Heringer Pooling Aff 19456.pdf; SM - Heringer Pooling Aff 19457.pdf

Attached please find the pooling affidavits in Case Nos. 19445-19449 and 19454-19457. Thank you.

Lisa

CROWLEY | FLECK PLLP
ATTORNEYS

Lisa Herberholz

Administrative Assistant
Crowley Fleck PLLP
400 East Broadway Avenue, Suite 600
P.O. Box 2798
Bismarck, ND 58502
Direct 701.224.7538
Fax 701.222.4853
✉ lherberholz@crowleyfleck.com

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John W. Morrison
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P.O. Box 2798
Bismarck, ND 58502-2798
Office: 701.223.6585
Direct: 701.224.7534
jmorrison@crowleyfleck.com

January 11, 2013

Via Electronic Mail

Mr. Bruce Hicks
Oil & Gas Division
ND INDUSTRIAL COMMISSION
600 E. Blvd. Ave., Dept. 405
Bismarck, ND 58505-0840

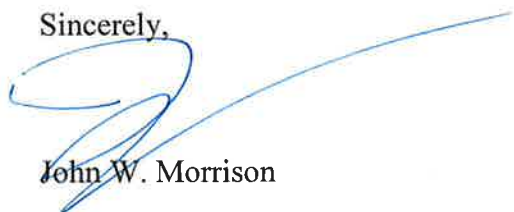
**In re: SM Energy Company
Case Nos. 19445-19449 & 19454-19457**

Dear Mr. Hicks:

Pursuant to Section 43-02-03-88.1 of the North Dakota Administrative Code, please find enclosed Affidavits of Shawn Heringer in the captioned matters.

If you have any questions, please let me know. Thank you.

Sincerely,



John W. Morrison

lh
enc.

cc (via e-mail w/enc.): Shawn Heringer
 Bethany Kadrmas

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

Application of SM Energy Co. for an order)
pursuant to NDAC § 43-02-03-88.1 pooling)
all interests in a spacing unit described as)
Sections 16 and 21, 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. 19455

AFFIDAVIT OF SHAWN HERINGER

STATE OF MONTANA)
)SS.
COUNTY OF YELLOWSTONE)

Shawn Heringer, being duly sworn, states as follows:

1. I am a landman employed by SM Energy Company with responsibilities in the State of North Dakota and I have personal knowledge of the matters set forth in this affidavit.

2. Sections 16 and 21, T.163N., R.99W., Divide County, North Dakota constitute a spacing unit for the Ambrose-Bakken Pool. There are separately owned tracts and separately owned interests within tracts in the spacing unit.

3. There is no voluntary pooling agreement or declaration of pooling which covers all interests within the spacing unit for the above-described well.

Dated this 10th day of January, 2013.

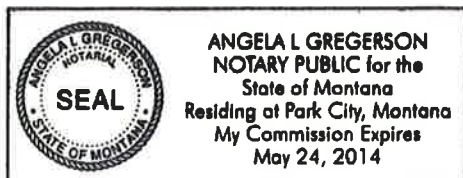
Shawn C. Heringer
Shawn Heringer

STATE OF MONTANA)
)SS.
COUNTY OF YELLOWSTONE)

Subscribed to and sworn before me this 10th day of January, 2013.

Angela R. Gregeron
Notary Public
State of Montana
My Commission Expires: May 24, 2014

(S E A L)



BEFORE THE INDUSTRIAL COMMISSION

OF THE STATE OF NORTH DAKOTA



Application of SM Energy Company for an)
 order pursuant to NDAC § 43-02-03-88.1)
 pooling all interests in a spacing unit)
 described as Sections 16 and 21, T.163N.,)
 R.99W., Ambrose-Bakken Pool, Divide)
 County, ND, as provided by NDCC § 38-08-)
 08, and such other relief as is appropriate.)

APPLICATION

COMES NOW the applicant, SM Energy Company, and respectfully alleges as follows:

1. It is the owner of an interest in the oil and gas leasehold estate underlying all or portions of Sections 16 and 21, Township 163 North, Range 99 West, Divide County, North Dakota.
2. Said lands constitute a spacing unit for the Ambrose-Bakken pool
3. There are separately owned tracts and separately owned interests within tracts within the spacing unit.
4. There is no voluntary pooling agreement covering all interests within the spacing unit.
5. Applicant requests that it be allowed to present testimony by telephone pursuant to Section 43-02-03-88.2 of the North Dakota Administrative Code.

WHEREFORE, applicant respectfully requests that this matter be set for hearing at the regularly scheduled hearings in January, 2013 and that thereafter the Commission enter its order granting the relief requested.

Dated this 14th day of December, 2012

SM ENERGY COMPANY

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

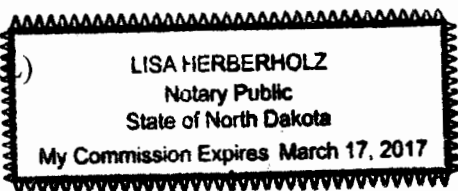
By: 
JOHN W. MORRISON


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

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


JOHN W. MORRISON

Subscribed and sworn to before me this 14th day of December, 2012.

(SEAL) 
LISA HERBERHOLZ
Notary Public
State of North Dakota
My Commission Expires March 17, 2017


Notary Public
Burleigh County, North Dakota
My Commission Expires: _____

CROWLEY | FLECK PLLP
ATTORNEYS

John W. Morrison
400 East Broadway, Suite 600
P.O. Box 2798
Bismarck, ND 58502-2798
Office: 701.223.6585
Direct: 701.224.7534
jwmorrison@crowleyfleck.com

December 14, 2012

Mr. Bruce Hicks
Oil & Gas Division
ND INDUSTRIAL COMMISSION
600 E. Blvd. Ave., Dept. 405
Bismarck, ND 58505-0840



In re: SM Energy Company Applications

Dear Mr. Hicks:

Please find enclosed for filing fifteen applications for the January, 2013 default docket.

Thank you.

Very truly yours,

A handwritten signature in dark ink, appearing to be "JW Morrison", written over the typed name.

John W. Morrison

lh
enc.

cc (via e-mail w/enc.): Shawn Heringer

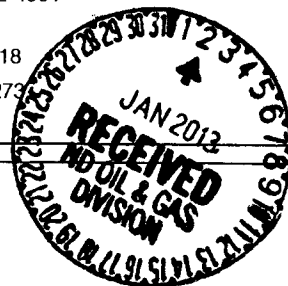
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Customer: 60010203
Phone: (701) 328-8020
Date: 12/25/2012

Date	Order #	Type	Order Amt
12/25/12	20632072	INV	676.26

Amount Paid: _____ CK #: _____

CREDIT CARD PAYMENT (circle one)



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Signature: _____
Credit card users: Fax to 701-223-6584

Cash Amt _____

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Date	Date	Times Run	Description	Lines	Class Code	Order Amt	Net Amt Due
12/25/12	12/25/12	1	608867/Case No. 19399 Bismarck Tribune PO: Notice of Hearing	867.00	Legals	676.26	676.26

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, deposes
and says that he (she) is the Clerk of Bismarck Tribune Co.,
and that the publication(s) were made through the
Bismarck Tribune on the following dates:
12/25 Signed Calvin Kuntz
sworn and subscribed to before me this 31st
day of December 20 12
Notary Public in and for the State of North Dakota

GREGORY P. ZIEGLER
Notary Public
State of North Dakota
My Commission Expires July 22, 2015

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

The North Dakota Industrial Commission will hold a public hearing at 9:00 a.m. Wednesday, January 16, 2013, at the N.D. Oil & Gas Division, 1000 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 Thursday, January 03, 2013.

STATE OF NORTH DAKOTA TO:

Case No. 19399: Proper spacing for the development of the Twin Buttes-Bakken Pool, Dunn County, ND, redefine the field limits, and enact such special field rules as may be necessary. Kodiak Oil & Gas (USA) Inc.

Case No. 19225: (Continued) Proper spacing for the development of the Dimond-Bakken Pool, Burke County, ND, redefine the field limits, and enact such special field rules as may be necessary. OXY USA Inc.

Case No. 19067: (Continued) Proper spacing for the development of the Moccasin Creek-Bakken Pool, Dunn County, ND, redefine the field limits, and enact such special field rules as may be necessary. Enerplus Resources USA Corp.; Kodiak Oil & Gas (USA) Inc.; Marathon Oil Co.; WPX Energy Williston, LLC

Case No. 19400: Proper spacing for the development of the Marmon-Bakken Pool, Williams County, ND, redefine the field limits, and enact such special field rules as may be necessary. Hess Corp.; Petro-Hunt, LLC; Zenergy, Inc.

Case No. 18390: (Continued) Proper spacing for the development of the Lone Butte-Bakken Pool, McKenzie and Dunn Counties, ND, redefine the field limits, and enact such special field rules as may be necessary. Burlington Resources Oil & Gas Co. LP; Hess Corp.; Marathon Oil Co.; Resolute Natural Resources Co., LLC

Case No. 19401: Temporary spacing to develop an oil and/or gas pool discovered by the Hess Corp. #0508H-1 AV-H Osborn-163-93, Lot 2, Section 5, T.163N., R.93W., Burke County, ND, define the field limits, and enact such special field rules as may be necessary.

Case No. 19402: Application of Hess Corp. for an order revoking the permit issued to Sinclair Oil and Gas Co. to drill the Uran #2-27H well, with a surface location in the NWNW of Section 27, T.154N., R.93W., Mountrail County, ND, or alternatively designating applicant as operator of said well, and such other relief as is appropriate.

Case No. 19403: Application of Hess Corp. for an order amending the applicable orders for the Manitou-Bakken Pool to establish two overlapping 2560-acre spacing units consisting of Sections 17, 18, 19 and 20, T.156N., R.94W.; and Sections 30 and 31, T.156N., R.94W. and Sections 6 and 7, T.155N., R.94W., Mountrail County, ND, for the purpose of drilling one or more horizontal wells between the existing 1280-acre spacing units; and such other relief as is appropriate.

Case No. 19404: Application of Hess Corp. for an order amending the applicable orders for the Sorkness-Bakken Pool, Mountrail County, ND, to allow all wells to produce oil at an unrestricted rate and flare gas produced in association therewith until December 31, 2013, or such other time as may be established by the Commission, and such other relief as is appropriate.

Case No. 19405: Application of Hess Corp. for an order amending the applicable orders for the Robinson Lake-Bakken Pool, Mountrail County, ND, to allow all wells to produce oil at an unrestricted rate and flare gas produced in association therewith until December 31, 2013, or such other time as may be established by the Commission, and such other relief as is appropriate.

Case No. 19406: Application of Hess Corp. for an order amending the applicable orders for the Blue Buttes-Bakken Pool, McKenzie County, ND, to allow all wells to produce oil at an unrestricted rate and flare gas produced in association therewith until December 31, 2013, or such other time as may be established by the Commission, and such other relief as is appropriate.

Case No. 19407: Application of Hess Corp. for an order amending the applicable orders for the Blue Buttes-Bakken Pool, McKenzie County, ND, to allow all wells to produce oil at an unrestricted rate and flare gas produced in association therewith until December 31, 2013, or such other time as may be established by the Commission, and such other relief as is appropriate.

Case No. 19408: Application of Petro-Hunt, LLC for an order amending the applicable orders for the Phelps Bay-Bakken Pool, the Charlson-Bakken Pool and the Keene-Bakken/Three Forks Pool to establish three overlapping 2560-acre spacing units consisting of Sections 13, 14, 23 and 24; Sections 14, 15, 22 and 23, T.153N., R.95W.; and Sections 18 and 19, T.153N., R.95W. and 13 and 24, T.153N., R.96W., McKenzie County, ND, and authorize one additional horizontal well to be drilled on each such overlapping 2560-acre spacing unit and such other relief as is appropriate.

Case No. 19409: Application of Bakken Hunter, LLC for an order extending the boundary of and amending the applicable orders for the Paulson-Bakken Pool to establish two 1440-acre spacing units consisting of Sections 25 and 36, T.164N., R.97W., and 1, T.163N., R.97W.; and Sections 26 and 35, T.164N., R.97W. and 2, T.163N., R.97W., Divide County, ND; to allow up to two horizontal wells to be drilled on each of the 1440-acre spacing units described above; and such other relief as is appropriate.

Case No. 19410: Application of Bakken Hunter, LLC for an order extending the boundary of and amending the applicable orders for the Bounty School-Bakken Pool to establish five 1440-acre spacing units consisting of Sections 25 and 36, T.164N., R.96W. and 1, T.163N., R.96W.; Sections 27 and 34, T.164N., R.96W. and 3, T.163N., R.96W.; Sections 28 and 33, T.164N., R.96W. and 4, T.163N., R.96W.; Sections 29 and 32, T.164N., R.96W. and 5, T.163N., R.96W.; and Sections 30 and 31, T.164N., R.96W. and 6, T.163N., R.96W.; ten 1280-acre spacing units consisting of Sections 12 and 13; Sections 10 and 15; Sections 9 and 16; Sections 8 and 17; Sections 7 and 18; Sections 24 and 25; Sections 22 and 27; Sections 21 and 28; Sections 20 and 29; and Sections 19 and 30, T.163N., R.96W.; and seven 640-acre spacing units described as Sections 26, 31, 32, 33, 34, 35 and 36, T.163N., R.96W., Divide County, ND; to allow up to two horizontal wells to be drilled on each of the 1440 and 1280-acre spacing units described above; and such other relief as is appropriate.

Case No. 19411: Application of Burlington Resources Oil & Gas Co. LP for an order amending the applicable orders for the Sand Creek and/or Keene-Bakken Pools to establish an overlapping 2560-acre spacing unit consisting of Sections 26, 27, 34 and 35, T.153N., R.96W., McKenzie County, ND, for the purpose of drilling one or more horizontal wells between the existing 1280-acre spacing units; and such other relief as is appropriate.

Case No. 19412: Application of Burlington Resources Oil & Gas Co. LP for an order amending the applicable orders for the Charlson or Phelps Bay-Bakken Pools to designate Sections 24 and 25, T.153N., R.95W., McKenzie County as a 1280-acre spacing unit and authorize up to seven horizontal wells to be drilled thereon, with relief from any tool error requirements; and such other relief as is appropriate.

Case No. 19413: Application of Burlington Resources Oil & Gas Co. LP for an order extending the outline and amending the applicable orders for the Johnson Corner-Bakken Pool to establish an overlapping 2560-acre spacing unit consisting of Sections 4, 5, 8 and 9, T.150N., R.96W., McKenzie County, ND, for the purpose of drilling one or more horizontal wells between the existing 1280-acre spacing units; and such other relief as is appropriate.

Case No. 19414: Application of Burlington Resources Oil & Gas Co. LP for an order amending the applicable orders for the Johnson Corner and/or the Blue Buttes-Bakken Pools to establish an overlapping 2560-acre spacing unit consisting of Sections 14, 15, 22 and 23, T.150N., R.96W., McKenzie County, ND, for the purpose of drilling one or more horizontal wells between the existing 1280-acre spacing units; and such other relief as is appropriate.

Case No. 19415: Application of Burlington Resources Oil & Gas Co. LP for an order amending the applicable orders for the Johnson Corner and/or the Blue Buttes-Bakken Pools to establish an overlapping 2560-acre spacing unit consisting of Sections 14, 15, 22 and 23, T.150N., R.96W., McKenzie County, ND, for the purpose of drilling one or more horizontal wells between the existing 1280-acre spacing units; and such other relief as is appropriate.

Case No. 19416: Application of Burlington Resources Oil & Gas Co. LP for an order amending the applicable orders for the Johnson Corner and/or the Blue Buttes-Bakken Pools to establish an overlapping 2560-acre spacing unit consisting of Sections 14, 15, 22 and 23, T.150N., R.96W., McKenzie County, ND, for the purpose of drilling one or more horizontal wells between the existing 1280-acre spacing units; and such other relief as is appropriate.

Case No. 18999: (Continued) Application of Burlington Resources Oil & Gas Co. LP for an order amending the applicable orders for the Flat Top Butte-Bakken Pool to establish a 1280-acre spacing unit consisting of Sections 6 and 7, T.146N., R.101W., McKenzie County, ND, and to authorize up to four horizontal wells to be drilled on such spacing unit with relief from any tool error requirements; and such other relief as is appropriate.

Case No. 19415: Application of Whiting Oil and Gas Corp. for an order extending the outline and amending the applicable orders for the Zenith or the Green River-Bakken Pools to designate Sections 25 and 36, T.140N., R.99W., Stark County, ND, as a 1280-acre spacing unit and authorize the drilling of up to four horizontal wells on such spacing unit, and such other relief as is appropriate.

Case No. 19416: Application of Whiting Oil and Gas Corp. for an order extending the outline and amending the applicable orders for the South Heart and/or Dickinson-Bakken Pools to designate Sections 28 and 33, T.140N., R.97W., as a 1280-acre spacing unit for either the South Heart or the Dickinson-Bakken Pools, and to authorize the drilling of up to four horizontal wells on each existing and proposed new 1280-acre spacing unit, consisting of Sections 28 and 33; Sections 29 and 32, and Sections 30 and 31, T.140N., R.97W., Stark County, ND, and such other relief as is appropriate.

Case No. 19417: Application of Murex Petroleum Corp. for an order amending the applicable orders for the Elmore-Madison Pool, Renville County, ND, to allow production wells to be drilled and completed as close as 100 feet to all or some portions of the boundary of the Elmore-Madison Unit, and such other relief as is appropriate.

Case No. 19418: Application of Sequel Energy, LLC for an order amending the applicable orders for the Pierre Creek-Bakken Pool to establish a 2560-acre spacing unit consisting of Sections 30 and 31, T.147N., R.102W., and Sections 6 and 7, T.146N., R.102W., McKenzie County, ND, and allow up to six horizontal wells to be drilled on such spacing unit, and such other relief as is appropriate.

Case No. 19419: Application of OXY USA, Inc. for an order establishing a 160-acre drilling unit consisting of the S/2 SW/4 of Section 10 and the N/2 NW/4 of Section 15, T.141N., R.94W., Dunn County, ND, and allowing a well to be completed in the Madison Formation at a location approximately 350 feet from the north line and 1980 feet from the west line of said Section 15, and such other relief as is appropriate.

Case No. 19420: Application of OXY USA, Inc. for an order amending the applicable orders to allow wells completed in the Dimond-Bakken Pool, Burke County, ND, to produce at a maximum efficient rate and flare gas produced in association with oil until December 31, 2013, and such other relief as is appropriate.

Case No. 19421: Application of OXY USA, Inc. for an order amending the applicable orders to allow wells completed in the Russian Creek-Bakken Pool, Dunn County, ND, to produce at a maximum efficient rate and flare gas produced in association with oil until December 31, 2013, and such other relief as is appropriate.

Case No. 19422: Application of OXY USA, Inc. for an order amending the applicable orders to allow wells completed in the Murphy Creek-Bakken Pool, Dunn County, ND, to produce at a maximum efficient rate and flare gas produced in association with oil until December 31, 2013, and such other relief as is appropriate.

Case No. 19423: Application of OXY USA, Inc. for an order amending the applicable orders to allow wells completed in the Manning-Bakken Pool, Dunn County, ND, to produce at a maximum efficient rate and flare gas produced in association with oil until December 31, 2013, and such other relief as is appropriate.

Case No. 19424: Application of OXY USA, Inc. for an order amending the applicable orders to allow wells completed in the Hungry Man Butte-Bakken Pool, Billings County, ND, to produce at a maximum efficient rate and flare gas produced in association with oil until December 31, 2013, and such other relief as is appropriate.

Case No. 19425: Application of OXY USA, Inc. for an order amending the applicable orders to allow wells completed in the Fayette-Bakken Pool, Dunn County, ND, to produce at a maximum efficient rate and flare gas produced in association with oil until December 31, 2013, and such other relief as is appropriate.

Case No. 19426: Application of OXY USA, Inc. for an order amending the applicable orders to allow wells completed in the Cabernet-Bakken Pool, Dunn County, ND, to produce at a maximum efficient rate and flare gas produced in association with oil until December 31, 2013, and such other relief as is appropriate.

Case No. 19427: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Todd-Bakken Pool, McKenzie and Williams Counties, ND, to allow all wells to produce oil at an unrestricted rate and flare gas produced in association therewith until June 30, 2013, or such other time as may be established by the Commission, and such other relief as is appropriate.

Case No. 19428: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Alger-Bakken Pool, Mountrail County, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 19429: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Bull Butte-Bakken Pool, Williams County, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 19430: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Camp-Bakken Pool, McKenzie and Williams Counties, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 19431: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Cottonwood-Bakken Pool, Burke and Mountrail Counties, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 19432: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Crazy Man Creek-Bakken Pool, McKenzie and Williams Counties, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 19433: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Gros Ventre-Bakken Pool, Burke and Mountrail Counties, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 19434: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Robinson Lake-Bakken Pool, Mountrail County, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 19435: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Tyrone-Bakken Pool, Williams County, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 19436: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Willow Creek-Bakken Pool, McKenzie and Williams Counties, ND, to alter the definition of the stratigraphic limits of the pool and such other relief as is appropriate.

Case No. 19437: Application of Zargon Oil (ND) Inc. for an order amending the applicable orders for the Mackabee Coulee-Madison Pool to establish a 320-acre spacing unit consisting of the N/2 of Section 16, T.158N., R.85W., Renville County, ND, and authorize the drilling of a horizontal well with one or more laterals on such spacing unit, and such other relief as is appropriate.

Case No. 19438: Application of Zargon Oil (ND) Inc. for an order amending the applicable orders for the Mackabee Coulee-Madison Pool to establish a 320-acre spacing unit consisting of the N/2 of Section 16, T.158N., R.85W., Renville County, ND, and authorize the drilling of a horizontal well with one or more laterals on such spacing unit, and such other relief as is appropriate.

Case No. 18647: (Continued) In the matter of the Application of Teresa Norbeck, Blaine Yessel, and Stephanie Pape objecting to ConocoPhillips' imposition of the risk penalty upon proceeds from the Midnight Run #21-ITFH, Midnight Run #41-ITFH, Midnight Run #21-IMBH, Midnight Run #11-IMBH, and Midnight Run #31-ITFH wells, each of said wells located in Section 1 and 12, T.152N., R.96W., McKenzie County, ND, and such other relief as is appropriate.

Case No. 19438: Application of Marathon Oil Co. for an order pursuant to NDAC § 43-02-03-88.1 authorizing saltwater disposal into the Dakota Group in the Reckard SWD #1 well, SENE Section 27, T.146N., R.94W., Bailey Field, Dunn County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 19439: Application of Kodiak Oil & Gas (USA) Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing saltwater disposal into the Dakota Group in the P Wood 3-27 SWD well, NENW Section 27, T.154N., R.98W., Trux Field, Williams County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 19440: Application of Kodiak Oil & Gas (USA) Inc. for an order amending the applicable orders for the Trux-Bakken Pool to authorize up to eight horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 6 and 7, T.153N., R.98W.; and to authorize up to five horizontal wells to be drilled on twelve 1280-acre spacing units described as Sections 1 and 12; Sections 2 and 11; Sections 13 and 24; Sections 14 and 23; Sections 15 and 22; and Sections 16 and 21, T.154N., R.98W.; Sections 4 and 9; Sections 5 and 8; Sections 6 and 7; and Sections 18 and 19, T.154N., R.97W.; and Sections 4 and 5; and Sections 8 and 9, T.153N., R.98W., McKenzie and Williams Counties, ND, without regard to tool error; and such other relief as is appropriate.

Case No. 19441: Application of Kodiak Oil & Gas (USA) Inc. for an order amending the applicable orders for the Grinnell-Bakken Pool to authorize up to five horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 27 and 34, T.154N., R.97W., Williams and McKenzie Counties, ND, without regard to tool error; and such other relief as is appropriate.

Case No. 19442: Application of Kodiak Oil & Gas (USA) Inc. for an order amending the applicable orders for the Banks-Bakken Pool to authorize up to five horizontal wells to be drilled on three 1280-acre spacing units described as Sections 4 and 9; Sections 5 and 8; and Sections 6 and 7, T.153N., R.97W., McKenzie County, ND, without regard to tool error; and such other relief as is appropriate.

Case No. 19262: (Continued) Application of Kodiak Oil & Gas (USA) Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the Charging Eagle #15-14-11-4H well, SWSE of Section 14, T.147N., R.92W., Dunn County, ND, pursuant to the provisions of NDCC 38-08-06.4, and such other relief as may be appropriate.

Case No. 19263: (Continued) Application of Kodiak Oil & Gas (USA) Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the Charging Eagle 15-14-24-16H well, SWSE of Section 14, T.147N., R.92W., Dunn County, ND, pursuant to the provisions of NDCC 38-08-06.4, and such other relief as is appropriate.

Case No. 19264: (Continued) Application of Kodiak Oil & Gas (USA) Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the Charging Eagle #1-22-10H well, NENE of Section 22, T.147N., R.92W., Dunn County, ND, pursuant to the provisions of NDCC 38-08-06.4, and such other relief as is appropriate.

Case No. 19265: (Continued) Application of Kodiak Oil & Gas (USA) Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the Charging Eagle #1-22-23H well, NENE of Section 22, T.147N., R.92W., Dunn County, ND, pursuant to the provisions of NDCC 38-08-06.4, and such other relief as is appropriate.

Case No. 19266: (Continued) Application of Kodiak Oil & Gas (USA) Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the Charging Eagle #15-22-15-3H3 well, SWSE of Section 22, T.147N., R.92W., Dunn County, ND, pursuant to the provisions of NDCC 38-08-06.4, and such other relief as is appropriate.

Case No. 19267: (Continued) Application of Kodiak Oil & Gas (USA) Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the Charging Eagle #15-22-15-4H well, SWSE of Section 22, T.147N., R.92W., Dunn County, ND, pursuant to the provisions of NDCC 38-08-06.4, and such other relief as is appropriate.

Case No. 19268: (Continued) Application

of Kodiak Oil & Gas (USA) Inc. for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the Tall Bear #16-15-16H well, SESE, Section 15, T.147N., R.91W., Dunn County, ND, pursuant to the provisions of NDCC 38-08-06.4, and such other relief as is appropriate.

Case No. 19443: Application of Murex Petroleum Corp. for an order allowing up to eight horizontal wells to be drilled and completed on a spacing unit for the Tioga-Bakken Pool described as the S/2 of Section 22, all of Section 27 and the N/2 of Section 34, T.158N., R.95W., Williams County, ND, without regard to the Commission's tool error policy, and such other relief as is appropriate.

Case No. 19444: Application of Murex Petroleum Corp. for an order allowing up to eight horizontal wells to be drilled and completed on four spacing units for the Beaver Lodge-Bakken Pool described as Sections 5 and 8, T.156N., R.95W.; and Sections 13 and 24; Sections 14 and 23; and Sections 15 and 22, T.156N., R.96W., Williams County, ND, without regard to the Commission's tool error policy, and such other relief as is appropriate.

Case No. 19445: Application of SM Energy Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 7 and 8, T.163N., R.101W., Colgan-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19446: Application of SM Energy 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.101W., Colgan-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19447: Application of SM Energy 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.163N., R.101W., Colgan-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19448: Application of SM Energy 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.163N., R.101W., Colgan-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19449: Application of SM Energy 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.100W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19450: Application of SM Energy 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.163N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19451: Application of SM Energy 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.163N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19452: Application of SM Energy Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 26 and 35, T.163N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19453: Application of SM Energy Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 27 and 34, T.163N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19454: Application of SM Energy 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.99W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19455: Application of SM Energy Co. for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 16 and 21, 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. 19456: Application of SM Energy 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.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. 19457: Application of SM Energy Co. 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.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. 19458: Application of SM Energy 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.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. 19459: Application of SM Energy 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.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. 19460: Application of Petro Harvester Operating Co., LLC, pursuant to NDAC § 43-02-03-88.1 for an order allowing gas produced from the Johnson #14-1, located in the SWSW of Section 14, T.163N., R.93W., Burke County, ND, to be commingled at the Watterud Central Production Facility located in Section 23, T.163N., R.93W., Burke County, ND, as an exception to the provisions of NDAC § 43-02-03-48, pursuant to NDAC 43-02-03-48.1 and such other relief as is appropriate.

Case No. 19461: Application of Burlington Resources Oil & Gas Co. LP, for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 31, 32, 33 and 34, T.153N., R.96W., Sand Creek-Bakken Pool, McKenzie County,

ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19462: Application of Burlington Resources Oil & Gas Co. LP, for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 1, 2, 11 and 12, T.152N., R.96W., Union Center-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19463: Application of Burlington Resources Oil & Gas Co. LP, for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 2, 3, 10 and 11, T.152N., R.96W., Union Center-Bakken and Keene-Bakken Pools, McKenzie County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19464: Application of Burlington Resources Oil & Gas Co. LP for an order amending the applicable orders for the Johnson Corner-Bakken Pool to authorize up to ten horizontal wells to be drilled on a 2560-acre spacing unit consisting of Sections 15, 22, 27 and 34, T.150N., R.96W., McKenzie County, ND, and such other relief as is appropriate.

Case No. 19465: Application of Hess Corp. for an order amending the applicable orders for the Cottonwood-Bakken Pool to authorize up to four horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 25 and 36, T.157N., R.92W., Mountrail County, ND, and such other relief as is appropriate.

Case No. 19466: Application of Hess Corp. for an order amending the applicable orders for the Kittleson Slough-Bakken Pool to authorize up to four horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 2 and 11, T.157N., R.91W., Mountrail County, ND, and such other relief as is appropriate.

Case No. 19467: Application of Hess Corp. for an order amending the applicable orders for the Clear Water-Bakken Pool to authorize up to four horizontal wells to be drilled on five 1280-acre spacing units described as Sections 8 and 17; Sections 9 and 16; Sections 20 and 29; Sections 21 and 28; and Sections 22 and 27, T.157N., R.90W., Mountrail County, ND, and such other relief as is appropriate.

Case No. 19468: Application of Hess Corp. for an order amending the applicable orders for the Alger-Bakken Pool to authorize up to eight horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 29 and 32, T.156N., R.92W., Mountrail County, ND, and such other relief as is appropriate.

Case No. 19469: Application of Hess Corp. for an order amending the applicable orders for the Ross-Bakken Pool to authorize up to four horizontal wells to be drilled on three 1280-acre spacing units described as Sections 20 and 21; Sections 9 and 16, T.156N., R.90W.; and Sections 28 and 29, T.157N., R.91W.; to authorize up to six horizontal wells to be drilled on two 1280-acre spacing units described as Sections 26 and 27, and Sections 28 and 29, T.156N., R.90W.; to authorize up to eight horizontal wells to be drilled on three 1280-acre spacing units described as Sections 27 and 34; Sections 25 and 36, T.156N., R.91W.; and Sections 26 and 35, T.156N., R.92W., Mountrail County, ND, and such other relief as is appropriate.

Case No. 19470: Application of Hess Corp. for an order amending the applicable orders for the Stanley-Bakken Pool to authorize up to eight horizontal wells to be drilled on a 1280-acre spacing unit described as Section 4, T.155N., R.91W., and Section 33, T.156N., R.91W., Mountrail County, ND, and such other relief as is appropriate.

Case No. 19471: Application of Hess Corp. for an order amending the applicable orders for the Robinson Lake-Bakken Pool to authorize up to ten wells to be drilled on a 1280-acre spacing unit described as Section 27 and 34, T.154N., R.93W., Mountrail County, ND, and such other relief as is appropriate.

Case No. 19472: Application of Hess Corp. for an order amending the applicable orders for the Elm Tree-Bakken Pool to authorize up to nine horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 15 and 22, T.153N., R.94W., McKenzie County, ND, and such other relief as is appropriate.

Case No. 19473: Application of Hess Corp. for an order amending the applicable orders for the Antelope-Sanish pool to authorize up to nine horizontal wells to be drilled on two 1280-acre spacing units described as Sections 27 and 34; and Sections 28 and 33, T.153N., R.94W., McKenzie County, ND, and such other relief as is appropriate.

Case No. 19474: Application of True Oil LLC for an order amending the applicable orders for the Bowline-Bakken Pool, McKenzie County, ND, to authorize up to seven horizontal wells to be drilled on each such 1280-acre spacing unit, eliminating any tool error requirements, and such other relief as is appropriate.

Case No. 19475: Application of OXY USA Inc. for an order pursuant to NDAC § 43 02-03-88.1 pooling all interests in a spacing unit described as Sections 27 and 34, T.142N., R.98W., Snow-Bakken Pool, Billings County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19476: Application of OXY USA Inc. for an order pursuant to NDAC § 43 02-03-88.1 pooling all interests in a spacing unit described as Sections 23, 26 and 35, T.142N., R.96W., Russian Creek - Bakken Pool, Dunn County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19477: Application of Petro-Hunt, LLC, for an order pursuant to NDAC § 43 02-03-88.1 pooling all interests in a spacing unit described as Sections 4 and 9, T.153N., R.95W., Charlson-Bakken Pool, McKenzie County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19478: Application of Petro-Hunt, LLC, 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.158N., R.94W., East Tioga-Bakken Pool, Mountrail County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19479: Application of Petro-Hunt, LLC, 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.158N., R.93W., East Tioga-Bakken Pool, Mountrail County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Signed by,
Jack Dalrymple, Governor
Chairman, ND Industrial Commission
12/25 - 608867

Affidavit of Publication

State of North Dakota, County of Divide, ss:

I, Cecile L. Krimm, 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

N.D. INDUSTRIAL COMMISSION OIL AND GAS DIVISION

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

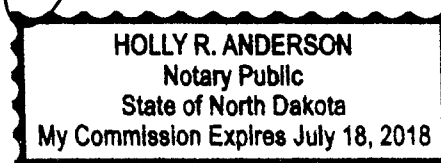
December 26, 2012.....201 lines @ .63 = \$126.63

TOTAL CHARGE.....\$126.63

Signed Cecile L. Krimm
Cecile L. Krimm, Publisher

Subscribed and sworn to before me December 26, 2012

Holly R. Anderson
Notary Public, State of North Dakota



County Commission Minutes

December 4, 2012
The Board of Divide County Commissioners met in regular session on Tuesday December 4, 2012, with all members present. Chairman Grange presiding.

Minutes from the November 20, 2012, were approved as presented. Dale Cich met with the board to discuss clarification of the air base bid.

Bryan Haugen, Road Foreman, joined the meeting. Greg Oien and Guy Haugland met with the board to discuss the gravel crushing company that they had formed and the possibility of crushing for the county. Board did not make a decision until Mr. Haugen can provide gravel amounts in the current pits. Board also discussed the possibility of advertising for bids earlier in the year.

Aaron Jacobson, Doreen Schille, and Melissa Huff, DC Fair Board Members, met with the board to discuss the fairgrounds property. Board concluded that the fair will operate the 2013 season and maybe through 2015 season, but what they would like a long range plan or cost analysis of new grounds and buildings.

Bryan Haugen, Road Foreman, met with the board to gravel pits amounts. Board mentioned that more testing should be done before a decision is made to hire additional crushers. Board mentioned to eliminate the employees overtime hours since the daylight hours are shorter. Next item discussed was county credit card. Board instructed Mr. Haugen to acquire paperwork from a local bank. The card should be put in Divide County name c/o Divide County Auditor with a \$5,000.00 limit. The following six departments heads have authority to use the card: Bryan Haugen-Road Foreman, Guy Gunlock-Disaster Emergency/911/Zoning, Keith Brown-County Agent, Penny Haugen-Recorder, Shawn McFarland, Social Service Director, and Lauren Thorsen-Sheriff.

Keith Brown, Wold Engineering, met with the board to discuss the 2013 road projects. Chairman signed paperwork for 2 Ferra Trailers in the amount of \$16,000.00.

Gayle Jastrzebski, Auditor requested travel to Minot December 17, 2012, to attend Elmer Jernie meeting. Motion was made by Commissioner Brady, seconded by Commissioner Sells, to approve the petition for a closure of a section line located between Section 22 & 15 Township 162 Range 95. All present voted in favor.

Motion was made by Commissioner Brady, seconded by Commissioner Sells, to approve the petition for a closure of a section line located between Section 22 & 15 Township 162 Range 95. All present voted in favor.

Motion was made by Commissioner Brady, seconded by Commissioner Sells, to approve the petition for a closure of a section line located between Section 22 & 15 Township 162 Range 95. All present voted in favor.

Correspondence was reviewed and placed on file. Gayle Jastrzebski, Auditor, submitted the November financial statements.

Fees collected for the month of October & November, 2012, deposited into the General Fund, and reports placed on file are as follows: Penny Haugen-Recorder \$40,739.50 and Lauren Thorsen-Sheriff \$383.00.

Check was received from NDRIN in the amount of \$809.75. 2011 final audit was provided by Brady & Martz.

Payroll in the amount of \$201,399.60 on motion made and carried placed in line for payment. Social services in the amount of \$10,097.03 and the following bills on motion made and carried were placed in line for:

Amazon	580.20
Aqua Pure Inc.	354.63
Brady Martz CPA	4,827.99
Keith L. Brown	31.43
Bullberry Systems Inc.	1,912.50
Crosby City	736.42
Ebel Datacom	154.00
Brent Gunderson	840.00
Jody Gunlock	93.39
Journal Publishing Inc.	424.52
Koehler Financial	250.00
Lawson Products	85.30
Love of Quilting	32.97
Robert Meltby	840.00
Darin Melgaard	40.00
Michael Todd Company Inc.	

Micromarketing	495.70
Midstate Telephone Co.	237.60
N D Newspaper Association	185.22
NDSU Agriculture Communication	226.00
Nemont Telephone Cooperative	276.00
Northwest Communications Coop.	36.78
Northwest Septic Service	150.00
Elizabeth Pendley	2,069.94
People	38.23
Quill	59.80
Scholastic	2,995.27
Sidwell	30,000.00
Team Electronics	515.00
Lauren Thorsen	960.00
Dewing Township	5,000.00
Lincoln Valley Township	10,563.00
United States Postmaster	65.00
Vernon Library Supplies	44.85
Westline Crossroads	1,723.86
Total	67,826.69

There being no further business, the meeting adjourned at noon to reconvene on December 5, 2012.

December 5, 2012
The Board of Divide County Commissioners met in special session on Wednesday December 5, 2012, with all members present. Chairman Grange presiding. Also in attendance were Everett Eno, TCE-DA, and Dale Cich, Utility Systems of America.

The hour of 9:00 a.m. arriving auditor was instructed to open the bid that was received from Utility Systems of America. Following two bids were included (entire project \$784,525.00 and alternative \$296,940.00 demolition or \$89,820.00 road asphalt removal) with clause does not include asbestos, lead, or fuel tank related work. After discussion and a call to state health department motion was made by Commissioner Brady to table action until further information on asbestos, lead paint, and fuel tank related cleanup is clarified. Commissioner Sells seconded the motion. All present voted in favor.

There being no further business the meeting adjourned at 10:45 a.m. to reconvene on December 18, 2012.

Gayle Jastrzebski, County Auditor
Douglas Gruepe, Chairman
Board of Divide County Commissioners (12-26)

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. Wednesday, January 16, 2013, at the N.D. Oil & Gas Division, 1000 East Calgary Ave., Bismarck, ND. 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 901-328-8038 by Thursday, January 03, 2013.

STATE OF NORTH DAKOTA TO:

Case No. 19440: Application of Bakken Hunter, LLC for an order extending the boundary of and amending the applicable orders for the Phillips-Bakken Pool to establish two 1440-acre spacing units consisting of Sections 25 and 36, T.163N., R.97W., and 1, T.163N., R.97W.; and Sections 26 and 35, T.164N., R.97W., and 2, T.163N., R.97W., Divide County, ND, to allow up to two horizontal wells to be drilled on each of the 1440-acre spacing units described above, and such other relief as is appropriate.

Case No. 19410: Application of Bakken Hunter, LLC for an order extending the boundary of and amending the applicable orders for the Bowney School-Bakken Pool to establish five 1440-acre spacing units consisting of Sections 25 and 36, T.164N., R.96W. and 1, T.163N., R.96W.; Sections 27 and 34, T.164N., R.96W. and 3, T.163N., R.96W.; Sections 28 and 33, T.164N., R.96W. and 4, T.163N., R.96W.; Sections 29 and 32, T.164N., R.96W. and 5, T.163N., R.96W.; and Sections 30 and 31, T.164N., R.96W. and 6, T.163N., R.96W.; ten 1280-acre spacing units consisting of Sections 12 and 13, Sections 10 and 15, Sections 9 and 16, Sections 8 and 17, Sections 7 and 18, Sections 24 and 25, Sections 22 and 27, Sections 21 and 28, Sections 20 and 29, and Sections 19 and 30, T.163N., R.96W.; and seven 640-acre spacing units described as Sections 26, 31, 32, 33, 34, 35 and 36, T.163N., R.96W., Divide County, ND, to allow up to two horizontal wells to be drilled on each of the 1440 and 1280-acre spacing units described above, and such other relief as is appropriate.

Case No. 19445: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 13 and 24, T.163N., R.101W., Colgan-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19453: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 13 and 24, T.163N., R.101W., Colgan-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19446: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 13 and 24, T.163N., R.101W., Colgan-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19447: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 14 and 23, T.163N., R.101W., Colgan-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19448: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 15 and 22, T.163N., R.101W., Colgan-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19449: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 13 and 24, T.163N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19450: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 14 and 23, T.163N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19451: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 15 and 22, T.163N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19452: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 26 and 35, T.163N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19453: Application of

SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 27 and 34, T.163N., R.100W., West Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19454: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 18 and 19, 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. 19455: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 16 and 21, 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. 19456: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 17 and 20, T.163N., R.99W., Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

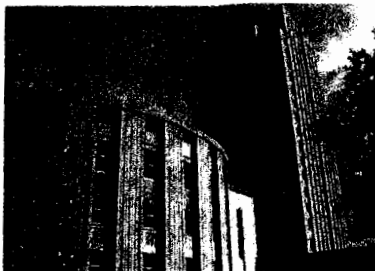
Case No. 19457: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 28 and 33, T.163N., R.99W., Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 19458: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 29 and 32, 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. 19459: Application of SM Energy Co. for an order pursuant to NDACC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 30 and 31, T.163N., R.99W., Ambrose-Bakken Pool, Divide County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Signed by,
Jack Dalrymple, Governor
Chairman, ND Industrial Commission (12-26)

An open letter to the members of the 63rd North Dakota Legislative Assembly.



**Thank you for serving
the people of North Dakota.**

**The people encourage you to remember:
The government's business is the people's business.**

**Let the people know the facts
and the country will be safe.**

— Abraham Lincoln, U.S. President

Best wishes for a productive and beneficial Legislative session
from the newspapers of North Dakota -- relevant still.

**Did you read this ad?
WE REST OUR CASE.**



NOTICE OF HEARING PETITION FOR FORMAL PROBATE OF WILL AND APPOINTMENT OF PERSONAL REPRESENTATIVE

Probate No. 12-2012-PR-178
STATE OF NORTH DAKOTA
IN DISTRICT COURT
COUNTY OF DIVIDE
NORTHWEST JUDICIAL
DISTRICT

In the Matter of the Estate of Joe B. Crisler, Deceased.

NOTICE IS HEREBY GIVEN that Gayle Escareno has filed herein a petition for formal probate of will and appointment of a Personal Representative.

Hearing has been set upon said petition on the 23rd day of January, 2013, at 11:00 o'clock a.m., at the Courtroom of the above-named Court in the City of Crosby, County of Divide, State of North Dakota.

NOTICE IS FURTHER GIVEN that any person appearing for the purpose of objecting to any matter or item contained within the above mentioned petition for formal probate of will shall file with the Court and serve upon the undersigned counsel for the Petitioner their written objections to the same prior to the above scheduled hearing.

Dated this 11th day of December, 2012.
MACKOFF KELLOGG LAW FIRM
38 Second Ave E
Dickinson ND 58601
Telephone Number: (701) 456-3210
/s/ Jason J. Henderson
Attorney for Petitioner

**PAYLOADER
AND/OR BOBCAT**

**RINDEL TRUCKING,
JUSTIN RINDEL**

701-570-2500

**ABBREVIATED
NOTICE OF INTENT TO
ADOPT AND AMEND
ADMINISTRATIVE RULES**

relating to
ND Subsurface Minerals

**North Dakota
Department of
Mineral Resources**

will hold a public hearing to address proposed changes in the Administrative Code relating to Subsurface Mineral Exploration and Development, Surface Mining (Non Coal) and Solution Mining.

**Dept. of Mineral Resources
1000 E. Calgary Ave.
Bismarck, ND
Tues., January 22, 2013
9:00 a.m.**

Write to comment or receive a copy of rules from the DMR at 600 E. Blvd., Bismarck, ND 58505 or call (701) 328-8000. View changes at www.dmr.nd.gov. Comment in writing by Jan. 15. If special assistance is needed due to a disability, please contact the Commission at (701) 328-8038 by Jan. 15.

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will be closed
Dec. 19 through Jan. 4.
We will reopen on
Monday, January 7 at our
new location: 206 N. Main St.
(north of the post office
in the Simonson building)

**OFFICE
FURNITURE
FOR SALE:
3 desks and
a credenza**

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