

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 26021
ORDER NO. 28435

IN THE MATTER OF A HEARING CALLED ON A MOTION OF THE COMMISSION TO CONSIDER THE APPLICATION OF PETRO HARVESTER OPERATING CO., LLC FOR AN ORDER TO (I) EXTEND THE OUTLINE AND AMEND THE APPLICABLE ORDERS FOR THE SHORT CREEK FIELD TO INCLUDE ALL OF SECTIONS 26, 27, 34, AND 35, T.164N., R.93W., BURKE COUNTY, ND; (II) ESTABLISH FOUR STANDUP 400-ACRE SPACING UNITS DESCRIBED AS THE W/2 OF SECTIONS 27 AND 34; THE E/2 OF SECTIONS 27 AND 34; THE W/2 OF SECTIONS 26 AND 35; AND THE E/2 OF SECTIONS 26 AND 35, T.164N., R.93W. IN THE SHORT CREEK-MADISON POOL AND ALLOW UP TO TWO HORIZONTAL WELLS TO BE DRILLED ON EACH UNIT; (III) TO ESTABLISH A MINIMUM SETBACK OF 200 FEET FOR THE 'HEEL AND TOE' OF EACH HORIZONTAL WELL AUTHORIZED IN THE SPACING UNITS DESCRIBED ABOVE; AND (IV) GRANTING SUCH OTHER RELIEF AS MAY BE APPROPRIATE.

ORDER OF THE COMMISSION

THE COMMISSION FINDS:

- (1) This cause came on for hearing at 9:00 a.m. on the 23rd day of August, 2017.
- (2) Petro Harvester Operating Company, LLC (Petro Harvester) made application to the Commission for an order to extend the outline and amend the applicable orders for the Short Creek Field to include Sections 26, 27, 34, and 35, Township 164 North, Range 93 West, Burke County, North Dakota (Sections 26, 27, 34, and 35); establish four standup 400-acre spacing units in the Short Creek-Madison Pool described as the E/2 of Sections 26 and 35; the W/2 of Sections 26 and 35; the E/2 of Sections 27 and 34; and the W/2 of Sections 27 and 34, and allow up to two horizontal wells to be drilled on each unit; to establish a minimum setback of 200 feet for the 'heel and toe' of each horizontal well authorized in the spacing units described above; and granting such other relief as may be appropriate.

(3) Order No. 28128 entered in Case No. 25717, the most recent spacing order for the Short Creek-Madison Pool, established proper spacing for the development of Zone I at one well per 160 acres, Zone II at up to two horizontal wells per 400 acres, and Zone III at one horizontal well per 800 acres.

(4) Order No. 28128 established the E/2 of Sections 26 and 35; the W/2 of Sections 26 and 35; the E/2 of Sections 27 and 34; and the W/2 of Sections 27 and 34 as standup 400-acre spacing units for the exclusive purpose of drilling up to two horizontal wells within each said spacing unit within the Short Creek-Madison Pool.

(5) Petro Harvester requested to dismiss this case without prejudice.

(6) This case should be dismissed without prejudice.

IT IS THEREFORE ORDERED:

(1) This case is hereby dismissed without prejudice.

Dated this 27th day of October, 2017.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director

SFN 5729


STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

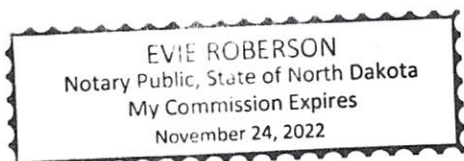
I, Jeanette Bean, being duly sworn upon oath, depose and say: That on the 31st day of October, 2017 enclosed in separate envelopes true and correct copies of the attached Order No. 28435 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 26021:


CROWLEY FLECK PLLP
PO BOX 2798
BISMARCK ND 58502



Jeanette Bean
Oil & Gas Division

On this 31st day of October, 2017 before me personally appeared Jeanette Bean to me known as the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.





Notary Public
State of North Dakota, County of Burleigh

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA



Application of Petro Harvester Operating)
Company, LLC, for an order to (i) extend the)
outline and amend the applicable orders for)
the Short Creek field to include all of Sections)
26, 27, 34 and 35, T.164N., R.93W., Burke)
County, ND; (ii) establish four standup 400-)
acre spacing units described as the W/2 of)
Sections 27 and 34, the E/2 of Sections 27 and)
34, the W/2 of Sections 26 and 35, and the E/2)
of Sections 26 and 35, T.164N., R.93W. in the)
Short Creek-Madison pool and allow up to)
two horizontal wells to be drilled on each)
unit; (iii) to establish a minimum setback of)
200 feet for the "heel and toe" of each)
horizontal well authorized in the spacing units)
described above; and (iv) granting such other)
relief as may be appropriate.)

APPLICATION

COMES NOW the applicant, Petro Harvester Operating Company, LLC, 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 26, 27, 34 and 35, Township 164 North, Range 93 West, Burke County, North Dakota.

2. Said lands are not currently spaced for Madison production but are adjacent to the outline of the Short Creek field. In applicant's opinion, the Madison pool underlying said lands is part of the same common source of supply currently spaced in the Short Creek-Madison pool.

3. Applicant intends to develop the Madison formation underlying said lands through horizontal drilling and requests that the Commission extend the Short Creek field to include such lands and designate four standup 400-acre spacing units as described above with up to two horizontal wells authorized for each unit. Applicant further requests that 200 foot setbacks be authorized for the "heel and toe" of each horizontal well.

4. In applicant's opinion, granting such relief will protect correlative rights, prevent waste and prevent the drilling of unnecessary wells.

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 August, 2017 and that thereafter the Commission enter its order granting the relief requested.

Dated this 21st day of July, 2017.

PETRO HARVESTER OPERATING COMPANY, LLC

CROWLEY FLECK PLLP
Attorneys for the Applicant
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502

By: Wade C. Mann
WADE C. MANN

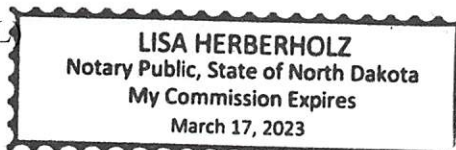
STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

Wade C. Mann, 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.

Wade C. Mann
WADE C. MANN

Subscribed and sworn to before me this 21st day of July, 2017.

(SEAL)



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

Wade C. Mann
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798
Office: 701.223.6585
Direct: 701.224.7530
wmann@crowleyfleck.com

July 21, 2017

Via U.S. Mail

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



In re: Petro Harvester Operating Company, LLC Applications

Dear Mr. Hicks:

Please find enclosed for filing two applications for the August, 2017 regular docket.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wade Mann", with a horizontal line extending to the right.

Wade C. Mann

lh
enc.

cc (via e-mail w/enc.): Sam Willis

THE BURKE COUNTY TRIBUNE
AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
COUNTY OF BURKE)

Kristi M. Bohl of said County and State, being first duly sworn, on her oath, says that she is the owner of The Burke County Tribune, a weekly newspaper of general circulation, printed at Bowbells, in said County and State, and that she has been during the time hereinafter mentioned, and that the Notice of Publication of

Notice of Hearing

26021

a printed copy of which is hereto annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the Notice was published in the newspaper proper and not in supplement, once each week for 1 successive weeks, to wit:

8-2 2017 _____ 20____ 20____
_____ 20____ 20____ 20____

Kristi M. Bohl
Kristi M. Bohl, Publisher

Subscribed and sworn to before me this 2nd day of

August, 2017.

Lyann Olson

Notary Public in and for
Burke County, North Dakota

1st time 68 lines at .74 per line 50.32

2nd time _____ lines at _____ per line _____

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AUG 04 2017

ND Oil & Gas Div.

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, August 23, 2017, 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, August 10, 2017.

STATE OF NORTH DAKOTA TO:

Case No. 26021: Application of Petro Harvester Operating Co., LLC, for an order to (i) extend the outline and amend the applicable orders for the Short Creek Field to include all of Sections 26, 27, 34 and 35, T.164N., R.93W., Burke County, ND; (ii) establish four standup 400-acre spacing units described as the W/2 of Sections 27 and 34; the E/2 of Sections 27 and 34; the W/2 of Sections 26 and 35; and the E/2 of Sections 26 and 35, T.164N., R.93W. in the Short Creek-Madison Pool and allow up to two horizontal wells to be drilled on each unit; (iii) to establish a minimum setback of 200 feet for the "heel and toe" of each horizontal well authorized in the spacing units described above; and (iv) granting such other relief as may be appropriate.

LYANN OLSON
Notary Public
State of North Dakota
My Commission Expires Aug. 6, 2020

Case No. 26022: Application of Petro Harvester Operating Co., LLC for an order amending the applicable orders for the Woburn-Madison Pool, Burke County, ND to (i) establish a 1280-acre spacing unit described as all of Sections 4 and 9, T.162N., R.90W. and allow one horizontal well to be drilled on the unit; (ii) extend the outline and amend the applicable orders for the Woburn Field to include all of Sections 28 and 33, T.163N., R.90W., Burke County, ND and establish a 1280-acre spacing unit in the Woburn-Madison Pool consisting of said Sections 28 and 33, with one horizontal well to be drilled on the unit; (iii) establish a minimum setback of 200 feet for the "heel and toe" of each horizontal well authorized in the spacing units described above; and (iv) granting such other relief as may be appropriate.

Case No. 26026: Application of Petro Harvester Operating Co., LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing saltwater disposal into the Dakota Group in the STC1 SWD #1 well, NWNE Section 2, T.163N., R.93W., Short Creek Field, Burke County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Signed by,
Doug Burgum, Governor
Chairman, NDIC
August 2, 2017



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Bismarck Tribune

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OIL & GAS DIVISION

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Date	Order #	Type	Order Amt
08/05/17	20904046	INV	201.69

Amount Paid	CK #:
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CREDIT CARD PAYMENT (circle one)



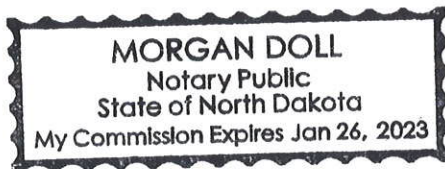
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Date	Date	Times Run	Description	Lines	Class Code	Order Amt	Net Amt Due
			August 23, 2017 - Case No. 260	243.00	Legals	201.69	201.69
08/05/17	08/05/17	1	Bismarck Tribune				

Affidavit of Publication
State of North Dakota) SS County of Burleigh
Before me, a Notary Public for the State of North Dakota
personally appeared JKL 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:
8/5 Signed [Signature]
sworn and subscribed to before me this 5th
day of August 2017
Notary Public in and for the State of North Dakota



[Handwritten initials]

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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, August 23, 2017, 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, August 10, 2017.

STATE OF NORTH DAKOTA TO:

Case No. 26014: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production-related equipment, and salable oil at the Savelkoul #7-21 well (File No. 24147), NENW Section 7, T.159N., R.84W., Renville County, ND, operated by Strike Oil, Inc., or any working interest owner.

Case No. 26015: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production-related equipment, and salable oil at the Artz #22-42 well (File No. 17606), SENE Section 22, T.163N., R.82W., Bottineau County, ND, operated by Strike Oil, Inc., or any working interest owner.

Case No. 26016: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production-related equipment, and salable oil at the Artz #15-13 well (File No. 17632), NWSW Section 15, T.163N., R.82W., Bottineau County, ND, operated by Strike Oil, Inc., or any working interest owner.

Case No. 26017: In the matter of a hearing called on a motion of the Commission to consider the confiscation, under NDCC §§ 38-08-04 and 38-08-04.9, of all production-related equipment, and salable oil at the North Dakota State #36-12 well (File No. 21242), SWNW Section 36, T.164N., R.84W., Renville County, ND, operated by Strike Oil, Inc., or any working interest owner.

Case No. 25660: (Continued) Application of QEP Energy Co. for an order suspending, and after hearing revoking, a permit issued to EOG Resources, Inc. for the drilling of the Bear Den 29-3130H (File No. 33303), Bear Den 30-3130H (File No. 33301), Bear Den 31-3130H (File No. 33300), Bear Den 32-3130H (File No. 33306), Bear Den 34-3130H (File No. 33310), Bear Den 109-3130H (File No. 33309), Bear Den 110-3130H (File No. 33308), Bear Den 111-3130H (File No. 33302), Bear Den 113-3130H (File No. 33307), Bear Den 115-3130H (File No. 33299), Bear Den 116-3130H (File No. 33298), Bear Den 117-3130H (File No. 33304), and Bear Den 118-3130H (File No. 33305) wells on a spacing unit for the Spotted Horn-Bakken Pool consisting of Sections 30 and 31, T.150N., R.94W., McKenzie County, ND, and for such

other and further relief as may be appropriate.

Case No. 26018: Application of Remuda Energy Development, LLC, for an order amending the applicable orders to authorize the implementation of an enhanced hydrocarbon recovery project in the Little Missouri-Pierre Unit, Bowman County, ND, through the injection of water or other fluids into one or more wellbores within the unit, or for such other and further relief as may be appropriate.

Case No. 26019: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Banks-Bakken Pool, McKenzie County, ND to reduce the setback on either side of the common boundary between two 1280-acre spacing units described as Sections 13 and 24, T.152N., R.98W., and Sections 18 and 19, T.152N., R.97W., to 200 feet, or granting such other relief as may be appropriate.

Case No. 26020: Application of Oasis Petroleum North America LLC for an order amending the applicable orders for the Banks and/or Elidah-Bakken Pools, McKenzie County, ND to establish an overlapping 5120-acre spacing units consisting of Sections 13, 14, 23, 24, 25, 26, 35, and 36, T.152N., R.98W., and authorize up to four horizontal wells to be drilled on the unit, and for such other relief as may be appropriate.

Case No. 26021: Application of Petro Harvester Operating Co., LLC, for an order to (i) extend the outline and amend the applicable orders for the Short Creek Field to include all of Sections 26, 27, 34 and 35, T.164N., R.93W., Burke County, ND; (ii) establish four standup 400-acre spacing units described as the W/2 of Sections 27 and 34; the E/2 of Sections 27 and 34; the W/2 of Sections 26 and 35; and the E/2 of Sections 26 and 35, T.164N., R.93W., in the Short Creek-Madison Pool and allow up to two horizontal wells to be drilled on each unit; (iii) to establish a minimum setback of 200 feet for the "heel and toe" of each horizontal well authorized in the spacing units described above; and (iv) granting such other relief as may be appropriate.

Case No. 26022: Application of Petro Harvester Operating Co., LLC, for an order amending the applicable orders for the Woburn-Madison Pool, Burke County, ND to (i) establish a 1280-acre spacing unit described as all of Sections 4 and 9, T.162N., R.90W., and allow one horizontal well to be drilled on the unit; (ii) extend the outline and amend the applicable orders for the Woburn Field to include all of Sections 28 and 33, T.163N., R.90W., Burke County, ND and establish a 1280-acre spacing unit in the Woburn-Madison Pool consisting of said Sections 28 and 33, with one horizontal well to be drilled on the unit; (iii) establish a minimum setback of 200 feet for the "heel and toe" of each horizontal well authorized in the spacing units described above; and (iv) granting such other relief as may be appropriate.

Case No. 26023: Application of Marathon Oil Co. for an order amending the applicable orders for the Eagle Nest-Bakken Pool to establish a 1920-acre spacing unit described as Sections 4, 9, and 16, T.148N., R.95W., Dunn County, ND, and allow up to eleven horizontal wells to be drilled on the spacing unit, and granting such other relief as may be appropriate.

Case No. 25720: (Continued) Application of Petro-Hunt, L.L.C. for an order authorizing the flaring of gas from the USA 153-96-24C-13-2H (File No. 28461), USA 153-96-24C-13-3H (File No. 28462), USA 153-96-24C-13-4H (File No. 28463), USA 153-96-24C-13-5H (File No. 28464), and USA 153-96-24D-13-6H (File No. 28465) wells completed in the Keene-Bakken Pool, McKenzie County, ND, for a temporary period of time as an exception to the provisions of Commission Order No. 24665 and such other relief as may be appropriate.

Case No. 25931: (Continued) Application of Hess Bakken Investments II, LLC, for an order amending the applicable orders for the Capa-Bakken Pool to establish an overlapping 2560-acre spacing unit consisting of Sections 25, 26, 35 and 36, T.155N., R.96W., Williams County, ND, and authorize one horizontal well to be drilled on the unit, and granting such other relief as may be appropriate.

Case No. 25014: (Continued) Proper spacing for the development of the Big Stone-Bakken Pool, Williams County, ND, redefine the field limits, and enact such special field rules as may be necessary. Hess Bakken Investments II, LLC; Whiting Oil and Gas Corp.

Case No. 26024: Application of Kraken Oil & Gas, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the Feller 22-15 #2H (File No. 33215), Feller 22-15 #3H (File No. 33216), Feller 22-15 #4H (File No. 33217), Feller 22-15 #5H (File No. 33218), Feller 22-15 #6H (File No. 33219), and Feller-Redfield LE 22-15 #1H (File No. 33713) wells, Sections 14, 15, 22 and 23, T.157N., R.99W., Williams County, ND, to be commingled in a central production facility located in the NWNE of Section 27, T.157N., R.99W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 26025: Application of Marathon Oil Co. pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the Stohler 41-3H (File No. 16860), Hillesland 31-3TFH (File No. 30266), Rita 41-3TFH (File No. 33598), Sections 3 and 10, T.146N., R.94W., and Stanton 41-3H (File No. 33597), Sections 2, 3, 10 and 11, T.146N., R.94W., Dunn County, ND, wells to be commingled in a central production facility located in Lot 1 of Section 3, T.146N., R.94W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 26026: Application of Petro Harvester Operating Co., LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing saltwater disposal into the Dakota Group in the STCI SWD #1 well, NWNE Section 2, T.163N., R.93W., Short Creek Field, Burke County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 25946: (Continued) Application of Hess Bakken Investments II, LLC, for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 16, 21, 28 and 33, T.156N., R.98W., Wheelock-Bakken Pool, Williams County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 25947: (Continued) Application of Hess Bakken Investments II, LLC, for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 25, 26, 35 and 36, T.155N., R.96W., Capa-Bakken Pool, Williams County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate. Signed by: Doug Burgum, Governor Chairman, NDIC

8/5 - 2090406