

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

CASE NO. 27364
ORDER NO. 29808

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 PURSUANT TO NDAC § 43-02-03-88.1
AUTHORIZING THE FLARING OF GAS
PRODUCED FROM THE AV-H OSBORN-163-93-
0508H-1 WELL (FILE NO. 22147), LOT 2 OF
SECTION 5, T.163N., R.93W., BURKE COUNTY,
ND, PURSUANT TO THE PROVISIONS OF
NDCC 38-08-06.4, OR FOR 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 20th day of March, 2019.
- (2) Petro Harvester Operating Company, LLC (Petro Harvester) provided exhibits and testimony in this matter by sworn affidavits.
- (3) The Commission received an application from Petro Harvester on February 19, 2019 for an order pursuant to North Dakota Administrative Code (NDAC) Section 43-02-03-88.1 authorizing the flaring of gas produced from the AV-H Osborn-163-93- 0508H-1 well (File No. 22147), Lot 2 of Section 5, Township 163 North, Range 93 West, Burke County, North Dakota, pursuant to the provisions of North Dakota Century Code (NDCC) Section 38-08-06.4, or for such other relief as may be appropriate.
- (4) Pursuant to NDAC Section 43-02-03-88.1, the Director is authorized, on behalf of the Commission, to grant or deny applications 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:

FLARING OF GAS RESTRICTED - IMPOSITION OF TAX -
PAYMENT OF ROYALTIES - INDUSTRIAL COMMISSION AUTHORITY.

1. 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.
2. After the time period in subsection 1, flaring of gas from the well must cease and the well must be:
 - a. Capped;
 - b. Connected to a gas gathering line;
 - c. Equipped with an electrical generator that consumes at least seventy-five percent of the gas from the well;
 - d. Equipped with a system that intakes at least seventy-five percent of the gas and natural gas liquids volume from the well for beneficial consumption by means of compression to liquid for use as fuel, transport to a processing facility, production of petrochemicals or fertilizer, conversion to liquid fuels, separating and collecting over fifty percent of the propane and heavier hydrocarbons; or
 - e. Equipped with other value-added processes as approved by the industrial commission which reduce the volume or intensity of the flare by more than sixty percent.
3. An electrical generator and its attachment units to produce electricity from gas and a collection system described in subdivision d of subsection 2 must be considered to be personal property for all purposes.
4. 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.
5. 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.
6. A producer may obtain an exemption from this section from the industrial commission upon application that shows to the satisfaction of the industrial commission 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 or employing a collection system described in subdivision d of subsection 2 is economically infeasible.

(6) Petro Harvester is the owner or operator of the following well in the Short Creek-Bakken Pool, Burke County, North Dakota:

<u>File #</u>	<u>Well Name & Number</u>	<u>Location</u>
22147	AV-H Osborn-163-93- 0508H-1	Lot 2 Section 5-T163N-R93W

(7) 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.

(8) Short Creek-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.

(9) The AV-H Osborn-163-93- 0508H-1 well is not connected to a gas gathering facility.

(10) The applicant has submitted evidence that under current market conditions the surplus casinghead gas presently being produced by the AV-H Osborn-163-93- 0508H-1 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.

(11) Petro Harvester has provided documentation that connection of the AV-H Osborn-163-93- 0508H-1 well to a natural gas gathering line is economically infeasible at the time of the application or in the foreseeable future.

(12) Petro Harvester has investigated the possibility of equipping the AV-H Osborn-163-93- 0508H-1 well with an electrical generator. It is not economic to purchase, install, connect 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) Petro Harvester has provided documentation that it is economically infeasible to equip the AV-H Osborn-163-93- 0508H-1 well with a collection system that intakes at least seventy-five percent of the gas and natural gas liquids volume from the well for beneficial consumption.

(14) If applicant'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 AV-H Osborn-163-93- 0508H-1 well; or the well must be connected to a gas pipeline at an economic loss which would also cause premature abandonment, or flaring must cease and the wells 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 AV-H Osborn-163-93- 0508H-1 well and the State of North Dakota.

(15) In order to prevent waste and protect correlative rights, Petro Harvester's request for an exemption from paying royalties and taxes on the flared gas from the AV-H Osborn-163-93- 0508H-1 well should be granted effective February 19, 2019.

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

IT IS THEREFORE ORDERED:

(1) Petro Harvester Operating Company, LLC, its assigns and successors, is hereby allowed to flare surplus casinghead gas produced with crude oil from the Short Creek-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>
22147	AV-H Osborn-163-93- 0508H-1	Lot 2 Section 5-T163N-R93W

(2) This order is effective as of February 19, 2019 and shall remain in full force and effect until further order of the Commission.

Dated this 2nd day of January, 2020.

INDUSTRIAL COMMISSION
STATE OF NORTH DAKOTA

By the Director, on behalf of the Commission

/s/ Lynn D. Helms, Director

SFN 5729

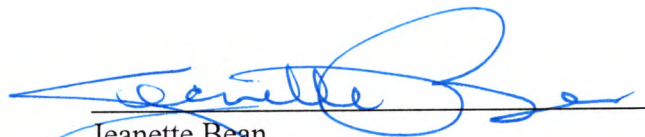
STATE OF NORTH DAKOTA

AFFIDAVIT OF MAILING

COUNTY OF BURLEIGH

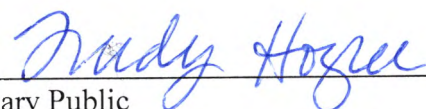
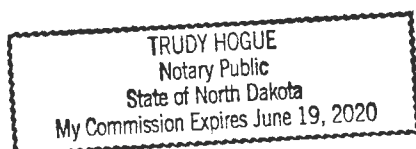
I, Jeanette Bean, being duly sworn upon oath, depose and say: That on the 8th day of January, 2020 enclosed in separate envelopes true and correct copies of the attached Order No. 29808 of the North Dakota Industrial Commission, and deposited the same with the United States Postal Service in Bismarck, North Dakota, with postage thereon fully paid, directed to the following persons by the Industrial Commission in Case No. 27364:

CROWLEY FLECK PLLP
PO BOX 2798
BISMARCK ND 58502



Jeanette Bean
Oil & Gas Division

On this 8th day of January, 2020 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

From: [Lisa Herberholz](#)
To: [Hicks, Bruce E.](#)
Cc: [Peter Radovanovic](#); [Kadrmaz, Bethany R.](#); [Wade Mann](#)
Subject: Petro Harvester Flaring Affidavits & Exhibits
Date: Tuesday, March 19, 2019 3:02:56 PM
Attachments: [Petro Harvester Filing Ltr - Radovanovic Flaring Affidavits & Exhibits 27364-27367.pdf](#)
[Petro Harvester - Radovanovic Flaring Aff 27364.pdf](#)
[Petro Harvester - Case 27364 Flaring Exhibits.pdf](#)
[Petro Harvester - Radovanovic Flaring Aff 27365.pdf](#)
[Petro Harvester - Case 27365 Flaring Exhibits.pdf](#)
[Petro Harvester - Radovanovic Flaring Aff 27366.pdf](#)
[Petro Harvester - Case 27366 Flaring Exhibits.pdf](#)
[Petro Harvester - Radovanovic Flaring Aff 27367.pdf](#)
[Petro Harvester - Case 27367 Flaring Exhibits.pdf](#)

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Attached please find affidavits and exhibits in Case Nos. 27364-27367. Thank you.

Lisa



Lisa Herberholz

Administrative Assistant
Crowley Fleck PLLP
100 West Broadway Avenue, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798
Office 701.223.6585
Direct 701.224.7538
Fax 701.222.4853
✉ lherberholz@crowleyfleck.com

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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

March 19, 2019

Via Electronic Mail

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

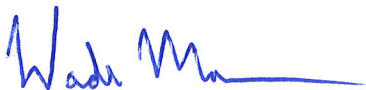
In re: Petro Harvester Operating Co., LLC
Case Nos. 27364-27367

Dear Mr. Hicks:

Pursuant to Section 43-02-03-88.1 of the North Dakota Administrative Code, please find enclosed the affidavits of Peter Radovanovic and exhibits in these cases.

If you need any further information, please let me know. Thank you.

Sincerely,



Wade C. Mann

WCM/lh
enc.

cc (via e-mail): Peter Radovanovic
Bethany Kadrmas

BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

Application of Petro Harvester Operating Co.,)
LLC for an order pursuant to NDAC §43-02-)
03-88.1 authorizing the flaring of gas)
produced from the AV-H Osborn-163-93-)
0508H-1 well (File No. 22147), Lot 2 of)
Section 5, T.163N., R.93W., Burke County,)
ND, pursuant to the provisions of NDCC § 38-)
08-06.4, or for such other relief as may be)
appropriate.)

Case No. 27364

**AFFIDAVIT OF
PETER RADOVANOVIC**

STATE OF TEXAS)
)SS.
COUNTY OF COLLIN)


Peter Radovanovic, being duly sworn, states as follows:

1. I am employed by Petro Harvester Operating Company, LLC as Engineering Manager and my telephone number is (214) 618-7522 and I have personal knowledge of the matters set forth in this affidavit. I have previously testified before the North Dakota Industrial Commission and had my qualifications as an expert witness accepted.

2. I prepared or supervised the preparation of the exhibits in Case No. 27364.

3. To the best of my knowledge, the exhibits in Case No. 27364 are true and correct.

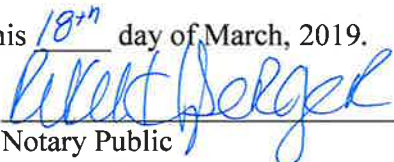
Dated this 18th day of March, 2019.



Peter Radovanovic

STATE OF TEXAS)
)SS.
COUNTY OF COLLIN)

Subscribed to and sworn before me this 18th day of March, 2019.



Notary Public
State of Texas
My Commission Expires: 01-08-2020

(S E A L)





Petro Harvester Operating
Company, LLC

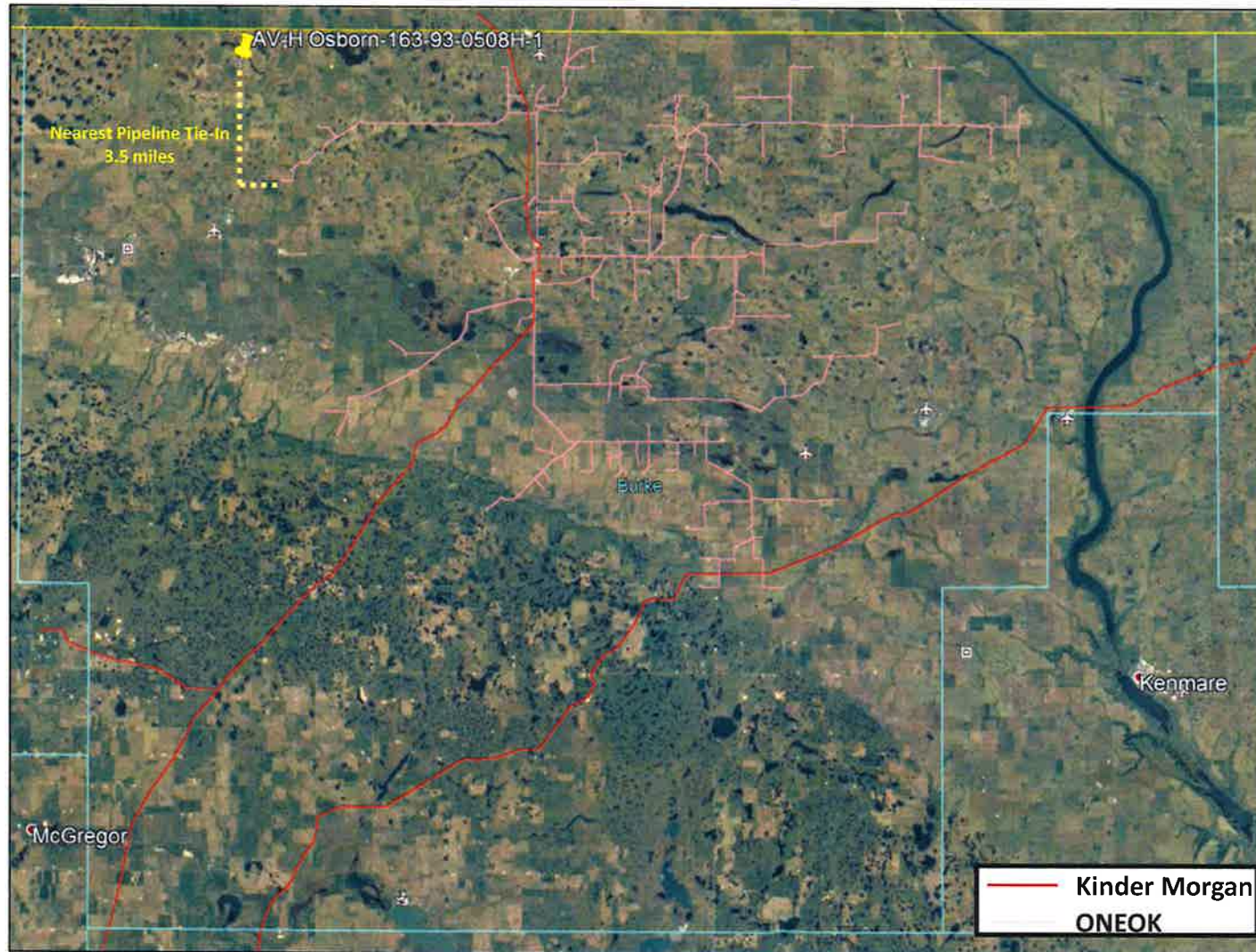
AV-H Osborn-163-93- 0508H-1 (File No. 22147)

38-08-06.4 Exemption

Case #27364

AV-H Osborn-163-93- 0508H-1 - Case#27364

Well Location and Area Gas Pipelines



Tie-In Economics – Case #27364

Well Information

Well Name:	AV-H OSBORN-163-93- 0508H-1
NDIC File No:	22147
Date for First Production:	11/3/2012
Cumulative Gas Production:	40,253 mcf (As of 12/31/2018)

Economic Inputs

¹ Current Gas Flared:	12 mcf/d
² Current Gas Reserves:	75,797 mcf
³ Price of Flare Gas:	\$4.02/mcf
⁴ Distance to nearest tie-in:	3.5 miles
⁵ Cost of Gas Line:	\$400,000/mile

Calculation Formulas

$Tie - In Cost(\$) = Distance\ to\ tie - in\ (mi) \times Cost\ of\ Line\ (\frac{\$}{mi})$
 $Lifetime\ Gas\ Revenue\ (\$) = Price\ of\ Flared\ Gas\ (\frac{\$}{mcf}) \times Current\ Gas\ Reserves\ (mcf)$
 $Gas\ Revenue\ per\ year\ (\frac{\$}{yr}) = Lifetime\ Gas\ Revenue\ (\$) \div Well\ Life\ (yrs)$
 $Simple\ Payout\ (yrs) = Tie - In\ Cost\ (\$) \div Gas\ Revenue\ per\ year\ (\frac{\$}{yr})$
 $Return\ on\ Investment\ (\%) = \frac{Lifetime\ Gas\ Revenue\ (\$) - Tie - In\ Cost\ (\$)}{Tie - In\ Cost\ (\$)} \times 100$

Economic Calculations

Tie - In Cost:	\$1,400,000
Lifetime Gas Revenue:	\$304,550
Gas Revenue per year:	\$7,614
 Simple Payout:	 184 years
Return on Investment:	-78%

Assumptions

1. Average daily rate over last 30 producing days (As of 1/31/2019)
2. Exponential decline of 5%, qi of 12mcf/d, 40 year life
3. Current NYMEX gas price adjusted for BTU content from AV-Flugge gas analysis
4. Used GIS measurement tool. Shortest distance from point-to-point.
5. Estimation from historical projects

Generator/Recovery Economics – Case #27364

Electrical Generator

- A 125 kW natural gas generator is estimated to be needed to power well and operating facilities
- ¹An estimation for natural gas fuel consumption of a 125 kW generator 75% loaded is 23 mcf/d
- The AV-H Osborn-163-93- 0508H-1 over the past 30 producing days has averaged 12 mcf/d
- Insufficient gas supply to run electrical generator off produced gas

Gas Capture/NGL Recovery

- Well averages 12 mcf/d
- Contacted two (2) vendors of wellhead gas capture/gas conditioning, minimum gas rate was estimated to be 250 mcf/d
- Insufficient gas production for NGL recovery system

Assumptions

1. Estimation was corrected for BTU content of AV-Flugge gas

Representative Gas Analysis – Case #27364

Gas Analysis

9/12/2014 14:16

**Hess Corporation
Tioga Gas Plant
Settlement**

Inject Date/Time	9/12/2014 10:28	Analysis Date	9/12/2014 10:38
Sample Name	AV FLUGGE 1918 H-1	Date Sample Taken	9/9/2014 0:00
Well Number	AV FLUGGE 1918 H-1	Effective Date	9/1/2014 7:00
Producer	HESS CORP	Sample Temperature	51
Secured By	DH	Meq/l	07532
Sample Pressure	35	H2S	0.05
Sample Cylinder Number	411		

Component Name	Mole %	GPM
Carbon dioxide	1.2212	0
Ethane	20.2115	5.3914
Hexanes plus	0.4774	0.1358
Hydrogen sulfide	0.0049	0
Isobutane	1.0732	0.3503
Isopentane	0.0414	0.0151
Methane	58.7613	0
n-Butane	3.4642	1.0893
Nitrogen	3.0595	0
n-Pentane	0.8424	0.3046
Oxygen	0	0
Propane	10.8432	2.9797
Totals	100	10.3262

GPM For Pentanes+ 1.06217
 GPM For Butanes+ 2.50513
 GPM For Propane+ 5.49168
 Calculated BTUs (Dry Basis): 1433.38
 Calculated BTUs (Wet Basis): 1408.43
 Specific Gravity (Calculated w/H2S - Ideal): 0.87588
 Specific Gravity (Calculated w/H2S - Real): 0.87622
 Pressure Base: 14.73

Case 27364



BEFORE THE INDUSTRIAL COMMISSION
OF THE STATE OF NORTH DAKOTA

Application of Petro Harvester Operating)
Company, LLC for an order pursuant to)
NDAC 43-02-03-88.1 authorizing the flaring)
of gas produced from the AV-H Osborn-)
163-93- 0508H-1 well (File No. 22147), Lot)
2 of Section 5, T.163N., R.93W., Burke)
County, ND, pursuant to the provisions of)
NDCC 38-08-06.4, or for 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 and the operator of the AV-H Osborn-163-93-0508H-1 well (File No. 22147), which is a horizontal Bakken well with a surface location in Lot 2 of Section 5, Township 163 North, Range 93 West, Burke County, North Dakota.
2. The well is not currently connected to a gas gathering system and gas produced in association with oil from the well is not being sold and is currently flared.
3. In applicant's opinion, connection of the well to a natural gas gathering system is economically infeasible now and in the foreseeable future.
4. Applicant respectfully requests that it be granted an exemption in accordance with Section 38-08-06.4 and that it be allowed to produce the well at an unrestricted rate and flare gas produced in association with oil from the well.
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 March, 2019 and that thereafter the Commission enter its order granting the relief requested.

Dated this 15th day of February, 2019.

PETRO HARVESTER OPERATING COMPANY, LLC

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

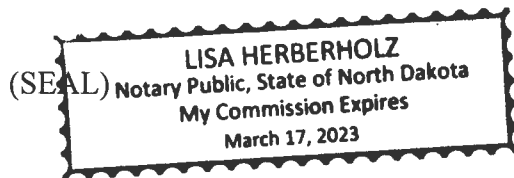
By: Wade C. Mann
WADE C. MANN

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 15th day of February, 2019.



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

CROWLEY | FLECK PLLP
ATTORNEYS



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

February 15, 2019

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 four applications for the March 2019 default docket.

Thank you.

Sincerely,

Wade C. Mann

WCM/lh
enc.

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

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 The Notice of Publication of

Notice of Hearing

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:

2-27 2019 20 20
 20 20 20

Kristi M. Bohl

Kristi M. Bohl, Publisher

Subscribed and sworn to before me this 27th day of
February, 2019.

Lyann Olson

Notary Public in and for
Burke County, North Dakota

1st time 72 lines at .75 per line 54.00

2nd time lines at per line

3rd time lines at per line

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2nd time column inches at per line

TOTAL

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, March 20, 2019, 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, March 7, 2019.

STATE OF NORTH DAKOTA TO:

Case No. 27258: (Continued) On a motion of the Commission to review the authorization and permit under Order No. 26960 for Berg Specialty Fluids-Holding, LLC to operate a treating plant located in the NWNW of Section 12, T.161N., R.93W., Black Slough Field, Burke County, ND, known as the FluidTech No. 1 Treating Plant (Facility No. 700138-01) and such other relief as is appropriate.

Case No. 27364: Application of Petro Harvester Operating Co., LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the AV-H Osborn-163-93-0508H-1 well (File No. 22147), Lot 2 of Section 5, T.163N., R.93W., Burke County, ND, pursuant to the provisions of NDCC 38-08-06.4, or for such other relief as may be appropriate.

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

RECEIVED

MAR - 1 2019

ND OIL & GAS DIVISION

Case No. 27365: Application of Petro Harvester Operating Co., LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the AV-Flugge-162-94-1918H-1 well (File No. 22032), SWSE of Section 19, T.162N., R.94W., Burke County, ND, pursuant to the provisions of NDCC 38-08-06.4, or for such other relief as may be appropriate.

Case No. 27366: Application of Petro Harvester Operating Co., LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the AV-A and S Trust 162-94-17H-1 well (File No. 22258), SESW of Section 17, T.162N., R.94W., Burke County, ND, pursuant to the provisions of NDCC 38-08-06.4, or for such other relief as may be appropriate.

Case No. 27367: Application of Petro Harvester Operating Co., LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the Earl Chrest Jr. 1H well (File No. 18235), NWNE of Section 26, T.161N., R.91W., Burke County, ND, pursuant to the provisions of NDCC 38-08-06.4, or for such other relief as may be appropriate.

Signed by,
Doug Burgum, Governor
Chairman, NDIC
February 27, 2019



Classified Advertising Invoice

Bismarck Tribune

PO BOX 540
Waterloo, IA 50704-0540

888-418-6474

OIL & GAS DIVISION

600 E BLVD AVE #405
BISMARCK ND 58505

Customer: 60010203
Phone: (701) 328-8020
Date: 02/26/2019

Date	Order #	Type	Order Amt
02/26/19	20963576	INV	501.12
Amount Paid		CK #:	

CREDIT CARD PAYMENT (circle one)



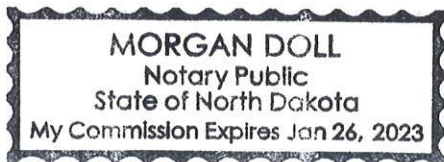
Card #: _____
Exp Date: _____
Signature: _____
Credit card users: Fax to 319-291-4014

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Lee Enterprises no longer accepts credit card payments sent via e-mail. Emails containing credit card numbers will be blocked. Please use the coupon above to send a credit card payment to remittance address located in the upper right corner. You may also send the coupon to a secure fax at 319-291-4014.

Date	Date	Times Run	Description	Lines	Class Code	Order Amt	Net Amt Due
			March 20, 2019 - Case No. 2736	576.00	Legals	501.12	501.12
02/26/19	02/26/19	1	Bismarck Tribune PO:Hearing Notice				

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:
2/26 Signed Jill Lindberg
sworn and subscribed to before me this 26th
day of February 2019
Notary Public in and for the State of North Dakota



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, March 20, 2019, 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, March 7, 2019.
STATE OF NORTH DAKOTA TO:
Case No. 27360: On a motion of the Commission to consider the appropriate spacing for wells completed in the Reunion Bay-Bakken Pool in in the 2560-acre spacing unit described as Sections 28, 29, 32, and 33, T.152N., R.93W., McKenzie and Mountrail Counties, ND, and such other relief as is appropriate. Marathon Oil Co.
Case No. 27361: Application of Hess Bakken Investments II, LLC, for an order amending the applicable orders for the Tioga-Bakken Pool, Mountrail County, ND, to (i) establish four stand-up 1280-acre spacing units consisting of Sections 5 and 8; Sections 6 and 7; Sections 17 and 20; and Sections 18 and 19, T.158N., R.94W., and authorize up to twelve horizontal wells to be drilled on each such unit; (ii) terminate four laydown 1280-acre spacing units consisting of Sections 5 and 6; Sections 7 and 8; Sections 17 and 18; and Sections 19 and 20, T.158N., R.94W.; and (iii) granting such other and further relief as may be appropriate.
Case No. 27362: Application of Hess Bakken Investments II, LLC for an order amending the applicable orders for the Beaver Lodge-Bakken Pool to establish an overlapping 2560-acre spacing unit described as Sections 14, 15, 22 and 23, T.156N., R.95W., Williams County, ND, and authorize one horizontal well to be drilled on such unit, and for such other relief as may be appropriate.



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Case No. 27363: Application of Hess Bakken Investments II, LLC for an order amending the applicable orders for the Beaver Lodge-Bakken Pool to establish an overlapping 2560-acre spacing unit described as Sections 27, 28, 33 and 34, T.156N., R.95W., Williams County, ND, and authorize one horizontal well to be drilled on such unit, and for such other relief as may be appropriate.

Case No. 27127: (Continued) Application of Bruin E&P Operating, LLC for an order amending the applicable orders for the Antelope-Sanish Pool to establish an overlapping 2560-acre spacing unit consisting of Sections 15, 16, 21 and 22, T.152N., R.94W., McKenzie County, ND, and authorize up to two horizontal wells to be drilled on the unit, and for such other relief as may be appropriate.

Case No. 26601: (Continued) Proper spacing for the development of the Lourdes-Tyler Pool, Stark County, ND, re-define the field limits, and enact such special field rules as may be necessary. Williston Exploration, LLC/Medora Minerals, LLC Case No. 27258: (Continued) On a motion of the Commission to review the authorization and permit under Order No. 26960 for Berg Specialty Fluids-Holding, LLC to operate a treating plant located in the NWNW of Section 12, T.161N., R.93W., Black Slough Field, Burke County, ND, known as the FluidTech No. 1 Treating Plant (Facility No. 700138-01) and such other relief as is appropriate.

Case No. 27364: Application of Petro Harvester Operating Co., LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the AV-H Osborn-163-93-0508H-1 well (File No. 22147), Lot 2 of Section 5, T.163N., R.93W., Burke County, ND, pursuant to the provisions of NDCC 38-08-06.4, or for such other relief as may be appropriate.

Case No. 27365: Application of Petro Harvester Operating Co., LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the AV-Flugge-162-94-1918H-1 well (File No. 22032), SWSE of Section 19, T.162N., R.94W., Burke County, ND, pursuant to the provisions of NDCC 38-08-06.4, or for such other relief as may be appropriate.

Case No. 27366: Application of Petro Harvester Operating Co., LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the AV-A and S Trust 162-94-17H-1 well (File No. 22258), SESW of Section 17, T.162N., R.94W., Burke County, ND, pursuant to the provisions of NDCC 38-08-06.4, or for such other relief as may be appropriate.

Case No. 27367: Application of Petro Harvester Operating Co., LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing the flaring of gas produced from the Earl Christ Jr. 1H well (File No. 18235), NWNW of Section 26, T.161N., R.91W., Burke County, ND, pursuant to the provisions of NDCC 38-08-06.4, or for such other relief as may be appropriate.

Case No. 27368: Application of Hess Bakken Investments II, LLC, for an order amending the applicable orders for the Tioga-Bakken Pool to authorize up to twelve horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 14 and 23, T.158N., R.95W., Williams County, ND, and granting such other relief as may be appropriate.

Case No. 27369: Application of Hess Bakken Investments II, LLC, for an order amending the applicable orders for the Beaver Lodge-Bakken Pool to authorize up to eleven horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 14 and 15, T.156N., R.95W., Williams County, ND, and granting such other relief as may be appropriate.

Case No. 27370: Application of Hess Bakken Investments II, LLC, for an order amending the applicable orders for the Beaver Lodge-Bakken Pool to authorize up to seven horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 12 and 13, T.155N., R.96W., Williams County, ND, and granting such other relief as may be appropriate.

Case No. 27371: Application of Hess Bakken Investments II, LLC, for an order amending the applicable orders for the Capa-Bakken Pool to authorize up to ten horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 24 and 25, T.155N., R.96W., Williams County, ND, and granting such other relief as may be appropriate.

Case No. 27372: Application of Hess Bakken Investments II, LLC, for an order amending the applicable orders for the Alkali Creek-Bakken Pool to authorize up to eleven horizontal wells to be drilled on an overlapping 2560-acre spacing unit described as Sections 5, 6, 7 and 8, T.154N., R.94W., Mountrail County, ND, and granting such other relief as may be appropriate.

Case No. 27373: Application of Hess Bakken Investments II, LLC, for an order amending the applicable orders for the Alkali Creek-Bakken Pool to authorize up to six horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 5 and 8, T.154N., R.94W., Mountrail County, ND, and granting such other relief as may be appropriate.

Case No. 27374: Application of Hess Bakken Investments II, LLC, for an order amending the applicable orders for the Alkali Creek-Bakken Pool to authorize up to six horizontal wells to be drilled on a 1280-acre spacing unit described as Sections 6 and 7, T.154N., R.94W., Mountrail County, ND, and granting such other relief as may be appropriate.

Case No. 27375: 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 14, 15, 22 and 23, T.156N., R.95W., Beaver Lodge-Bakken Pool, Williams County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 27376: 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 27, 28, 33 and 34, T.156N., R.95W., Beaver Lodge-Bakken Pool, Williams County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 27377: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the RS-Aadnes-157-91-2829H-2 (File No. 35396), RS-Aadnes-157-91-2829H-3 (File No. 35397), and RS-Aadnes-157-91-2829H-4 (File No. 35398), Sections 28 and 29, T.157N., R.91W., Mountrail County, ND, wells to be commingled in a central production facility located in the NENE of Section 28, T.157N., R.91W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27378: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the GO-Bergstrom 156-98-2833H-2 (File No. 34672), GO-Bergstrom 156-98-2833H-3 (File No. 34671), GO-Bergstrom 156-98-2833H-4 (File No. 34670), and GO-Bergstrom 156-98-2833H-5 (File No. 34669), Sections 16, 21, 28 and 33, T.156N., R.98W., Williams County, ND, wells to be commingled in a central production facility located in the NENE of Section 28, T.156N., R.98W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27379: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the GO-Elvin Garfield 156-97-1918H-6 (File No. 35438), GO-Elvin Garfield 156-97-1918H-7 (File No. 35439), GO-Elvin Garfield 156-97-1918H-8 (File No. 35440), GO-Elvin Garfield 156-97-1918H-9 (File No. 35441), Sections 18 and 19, T.156N., R.97W., and GO-Elvin Garfield 156-97-1918H-1 (File No. 35437), Sections 17, 18, 19 and 20, T.156N., R.97W., Williams County, ND, wells to be commingled in a central production facility located in the NENE of Section 30, T.156N., R.97W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27380: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the EN-Person-156-94-1102H-4 (File No. 35517), EN-Person-156-94-1102H-5 (File No. 35518), Sections 2 and 11, T.156N., R.94W., EN-Davenport-156-94-1003H-2 (File No. 35521), EN-Davenport-156-94-1003H-3 (File No. 35522), EN-Davenport-156-94-1003H-4 (File No. 35523), Sections 3 and 10, T.156N., R.94W., EN-Davenport-156-94-1003H-1 (File No. 35520), and EN-Davenport-156-94-1002H-2 (File No. 35519), Sections 2, 3, 10 and 11, T.156N., R.94W., Mountrail County, ND, wells to be commingled in a central production facility located in the NENE of Section 15, T.156N., R.94W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27381: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the EN-Chamley-156-93-0508H-1 (File No. 20148), EN-Chamley 156-93-0508H-2 (File No. 26112), EN-Chamley 156-93-0508H-3 (File No. 26113), EN-Chamley 156-93-0508H-4 (File No. 26114), EN-Chamley 156-93-0508H-5 (File No. 26115), EN-Chamley 156-93-0508H-6 (File No. 29376), EN-Chamley 156-93-0508H-7 (File No. 29377), EN-Chamley 156-93-0508H-8 (File No. 29378), EN-Chamley 156-93-0508H-9 (File No. 29379), Sections 5 and 8, T.156N., R.93W., and EN-Chamley-LW 156-93-0508H-1, Sections 5, 6, 7 and 8, T.156N., R.93W., Mountrail County, ND, wells to be commingled in a central production facility located in the NENE of Section 5, T.156N., R.93W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27382: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the RS-Flickertail-156-91-1720H-2 (File No. 35609), RS-Flickertail-156-91-1720H-3 (File No. 35610), and RS-Flickertail-156-91-1720H-4 (File No. 35611), Sections 17 and 20, T.156N., R.91W., Mountrail County, ND, wells to be commingled in a central production facility located in the SESE of Section 8, T.156N., R.91W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27383: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the CA-Anderson Smith-155-96-2635H-2 (File No. 32149), CA-Anderson Smith-155-96-2635H-3 (File No. 32150), CA-Anderson Smith-155-96-2635H-4 (File No. 32164), CA-Anderson Smith-155-96-2635H-5 (File No. 32163), CA-Anderson Smith-155-96-2635H-6 (File No. 32173), Sections 26 and 35, T.155N., R.96W., and CA-Anderson Smith-155-96-2635H-1 (File No. 32148), E/2 of Sections 26 and 35 and W/2 of Sections 25 and 36, T.155N., R.96W., Williams County, ND, wells to be commingled in a central production facility located in the NENE of Section 26, T.155N., R.96W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27384: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the CA-Stangeland-155-95-2128H-4 (File No. 32022), CA-Stangeland-155-95-2128H-5 (File No. 32021), CA-Stangeland-155-95-2128H-6 (File No. 32020), and CA-Stangeland-155-95-2128H-7 (File No. 32019), Sections 21 and 28, T.155N., R.95W., Williams County, ND, wells to be commingled in a central production facility located in the NENE of Section 21, T.155N., R.95W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27385: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the RS-State D-155-92-0203H-2 (File No. 35352), RS-State D-155-92-0203H-3 (File No. 35351), RS-State D-155-92-0203H-4 (File No. 35350), RS-State D-155-92-0203H-5 (File No. 35349), Sections 2 and 3, T.155N., R.92W., and RS-State D-155-92-0203H-1 (File No. 35353), Sections 34 and 35, T.156N., R.92W., and Sections 2 and 3, T.155N., R.92W., Mountrail County, ND, wells to be commingled in a central production facility located in Lot 1 of Section 2, T.155N., R.92W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27386: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the SC-Barney-154-98-1819H-6 (File No. 35551), SC-Barney-154-98-1819H-7 (File No. 35552), Sections 18 and 19, T.154N., R.98W., SC-Gene-154-98-0805H-2 (File No. 29166), Sections 5 and 8, T.154N., R.98W., SC-Norma-154-98-0706H-6 (File No. 29164), SC-Norma-154-98-0706H-7 (File No. 29816), SC-Norma-154-98-0706H-8 (File No. 29817), Sections 6 and 7, T.154N., R.98W., SC-Norma-154-98-0706H-1 (File No. 29818), and SC-Norma-154-98-0705H-2 (File No. 29165), Sections 5, 6, 7 and 8, T.154N., R.98W., Williams County, ND, wells to be commingled in a central production facility located in the NENE of Section 28, T.154N., R.98W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27387: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the SC-Hoving-154-98-1003H-5 (File No. 35708), SC-Hoving-154-98-1003H-6 (File No. 35707), SC-Hoving-154-98-1003H-7 (File No. 35706), SC-Hoving-154-98-1003H-8 (File No. 35705), and SC-Hoving-154-98-1003H-9 (File No. 35704), Sections 3 and 10, T.154N., R.98W., Williams County, ND, wells to be commingled in a central production facility located in the NENE of Section 15, T.154N., R.98W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27388: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the SC-TR Slette-153-98-1819H-4 (File No. 34147), SC-TR Slette-153-98-1819H-5 (File No. 34148), SC-TR Slette-153-98-1819H-6 (File No. 34149), SC-TR Slette-153-98-1819H-7 (File No. 34150), SC-TR Slette-153-98-1819H-8 (File No. 34151), Sections 18 and 19, T.153N., R.98W., and SC-TR Slette-153-98-1819H-1 (File No. 34152), Sections 17, 18, 19 and 20, T.153N., R.98W., Williams County, ND, wells to be commingled in a central production facility located in the NENE of Section 18, T.153N., R.98W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27389: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the SC-5WX-152-99-0310H-1 (File No. 26174), SC-5WX-152-99-0310H-2 (File No. 33891), SC-5WX-152-99-0310H-3 (File No. 33892), and SC-5WX-152-99-0310H-4 (File No. 33893), Sections 3 and 10, T.152N., R.99W., McKenzie County, ND, wells to be commingled in a central production facility located in Lot 2 of Section 3, T.152N., R.99W., pursuant to NDAC § 43-02-03-48.1 or granting such other and further relief as may be appropriate.

Case No. 27390: Application of Hess Bakken Investments II, LLC pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the BB-Chapin- 151-95-0506H-5 (File No. 34201), BB-Chapin- 151-95-0506H-6 (File No. 34202), BB-Chapin- 151-95-0506H-7 (File No. 34203), BB-Chapin- 151-95-0506H-8 (File No. 34204), BB-Chapin- 151-95-0506H-9 (File No. 34205), and BB-Chapin- 151-95-0506H-10 (File No. 34206), Sections 5 and 6, T.151N., R.95W., McKenzie County, ND, wells to be commingled in a central production facility located in Lot 1 of Section 5, T.151N., R.95W., pursuant to NDAC § 43-02-03-88.1 or granting such other and further relief as may be appropriate.

Case No. 27391: Application of Bruin E&P Operating, LLC for an order pursuant to NDAC § 43-02-03-88.1 pooling all interests in a spacing unit described as Sections 20, 21, 28, 29, 32, and 33, T.157N., R.100W., Marmon-Bakken Pool, Williams County, ND, as provided by NDCC § 38-08-08, and such other relief as is appropriate.

Case No. 27392: Application of Hydra Services, LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing saltwater disposal into the Dakota Group in the Black Sail JR 2-2 SWD well, Lot 2, Section 2, T.156N., R.99W., East Fork Field, Williams County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Case No. 27393: Application of Whiting Oil and Gas Corp. for an order amending the applicable orders for the Sanish-Bakken Pool to authorize up to eleven wells to be drilled on a 1280-acre spacing unit described as Sections 2 and 3, T.152N., R.93W., Mountrail County, ND, and granting such other relief as may be appropriate.

Case No. 27394: Application of Whiting Oil and Gas Corp. pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the Bentsen 13-35H (File No. 25152), Kamps 11-35TFH (File No. 20297), Monson 11-35H (File No. 23529), Niemitalo 11-35H (File No. 17575), Niemitalo 12-35H (File No. 18491), Niemitalo 11-35-2H (File No. 32624), Sections 35 and 36, T.153N., R.91W., Fladeland 14-26HU, Sections 25, 26, 35 and 36, T.153N., R.91W., and Fladeland 14-26-2HU, Sections 34 and 35, T.153N., R.91W., Mountrail County, ND, wells to be commingled in a central production facility located in the NWNW of Section 35, T.153N., R.91W., pursuant to NDAC § 43-02-03-88.1 or granting such other and further relief as may be appropriate.

Case No. 27395: Application of Whiting Oil and Gas Corp. pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the Oppeboen 12-5H (File No. 18477), Oppeboen 14-5WH (File No. 19972), Oppeboen 21-5H (File No. 21759), Oppeboen 21-5TFH (File No. 21758), Stenseth Trust 11-5H (File No. 17072), Strand 11-5TFH (File No. 20280), Oppeboen 12-5-4H, Oppeboen 12-5-2H, Stenseth Trust 11-5-2H, Sections 4 and 5, T.152N., R.91W., Stenseth Trust 11-5HU, Sections 5 and 6, T.152N., R.91W., and Oppeboen 14-5HU, Sections 4, 5, 8 and 9, T.152N., R.91W., Mountrail County, ND, wells to be commingled in a central production facility located in Lot 4 (NWNW) of Section 5, T.152N., R.91W., pursuant to NDAC § 43-02-03-88.1 or granting such other and further relief as may be appropriate.

Case No. 27396: Application of Whiting Oil and Gas Corp. pursuant to NDAC § 43-02-03-88.1 for an order allowing oil and gas produced from the Hauge 41-3H (File No. 25164), Murray 13-3H (File No. 25176), Sorenson 11-3H (File No. 17912), Tollefson 44-10H (File No. 18109), Viola Pennington 11-3H (File No. 25331), Sections 3 and 10, T.152N., R.91W., Hauge 41-3HU, Sections 2, 3, 10 and 11, T.152N., R.91W., Sorenson 11-3HU, Sections 3, 4, 9 and 10, T.152N., R.91W., Hauge 44-36HU, Sections 35 and 36, T.153N., R.91W., and the W/2 of Section 3, All of Section 4, and the E/2 of Section 5, T.152N., R.91W., and Hauge 44-36-2HU, Sections 24, 25 and 36, T.153N., R.91W., and Sections 19, 30 and 31, T.153N., R.90W., Mountrail County, ND, wells to be commingled in a central production facility located in Lot 4 (NWNW) of Section 3, T.152N., R.91W., pursuant to NDAC § 43-02-03-88.1 or granting such other and further relief as may be appropriate.

Case No. 27397: Application of Oasis Petroleum North America LLC for an order pursuant to NDAC § 43-02-03-88.1 authorizing saltwater disposal into the Dakota Group in the BTH SWD 5198 44-32 well, SESE Section 32, T.151N., R.96W., Siverston Field, McKenzie County, ND, pursuant to NDAC Chapter 43-02-05 and such other relief as is appropriate.

Signed by,
Doug Burgum,
Governor Chairman, NDIC
2/26 - 20963576